

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Delahoz.

ROLL CALL

Mike Giller	Mark Leas	George Swintz	Ethan Guerra
Tanya Delahoz	Steve Gerard	Allen Frechter	

APPROVAL OF MINUTES

With no changes, the May 17, 2022 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the June 7, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment.

RESOLUTION NO. 1, SERIES 2022:

1. Resolution No. 1, Series 2022 – A Resolution Amending the Town of Breckenridge Planning Commission Rules of Procedure Concerning Attendance at Planning Commission Meetings Using the Town’s Virtual Platform

Mr. Truckey presented an overview of Resolution No. 1, Series 2022; A Resolution Amending the Town of Breckenridge Planning Commission Rules of Procedure Concerning Attendance at Planning Commission Meeting Using Town’s Virtual Platform; Changes so Staff/Commissioners may participate in meeting virtually.

Commissioner Questions / Comments:

- Ms. Delahoz: My understanding of the attendance policy. Should we make it consistent with the attendance policy overall? Both should be either calendar year or rolling 12-month period. If we have too many absences in a 12-month period our positions are in jeopardy. What is in line with other committees’ policies and Council? We should be consistent with them. (Ms. Puester: Our Council is a different chapter, so I cannot speak to what other committee policies are.)
- Mr. Swintz: It should be a rolling 12-month period; for instance I started in November and it wouldn’t make sense to be allowed four absences in the calendar year.
- Ms. Delahoz: Since the ethics portion is now removed and we follow the ethics portion of the overall Town code, if we have a conflict of interest, we still announce and remove ourselves? (Ms. Puester: Yes). Thank you for the clarification.
- Mr. Swintz: When does this go into effect? Once we vote? Or does Town Council need to move it forward? (Mr. Truckey: It would go into effect tonight after your vote).

Mr. Steven Gerard made a motion to approve Resolution No. 1, Series 2022, seconded by Mr. Mike Giller, with the following amendments:

- Rule 24.12, p. 28 of the packet, line 5 is amended to read “within a ~~calendar year~~ any 12 month period of time”.
- Rule 24.12, p. 28 of the packet, line 11 is amended to read “the Presiding Officer”

. The motion passed 7 to 0.

CONSENT CALENDAR:

1. Highlands Filing No. 1-5 Voluntary Wildfire Mitigation (CL), PL-2022-0072
2. Panorama Alpine Exterior Remodel (SVC), 505 S. Ridge Street, PL-2022-0178
3. Adamson Residence (SS), 244 Highlands Drive, PL-2022-0050

Highlands Filing No. 1-5 Voluntary Wildfire Mitigation and Panorama Alpine Exterior Remodel were approved as presented.

Mr. Frechter made a motion to call up the Adamson Residence, seconded by Mr. Giller. The motion passed unanimously and the project was called up.

Commissioner Questions / Comments:

Ms. Delahoz: There was a typo in the number of points for the Adamson Residence.

Mr. Swintz: It seems like some of the distances on the drawing could interpret that the walls are higher than four feet. This is like a slalom course going up the site. I get that the lot slopes, the view is better up high. The driveway does not approach the home until it gets into the building envelope. If the max is negative eight points and the six points were given to this driveway, how could it get worse?

Ms. Szrek gave a presentation on the project, specifically reviewing information about the driveway on the property. Staff recommends assigning negative six (-6) points for the excessive driveway disturbance; staff is not recommending assigning negative points for the retaining wall.

Mr. Kulick: The project is very consistent with former precedence; this project is also calling for a lower number of trees to be removed than other instances. The HOA does impact the design features of the property. This is the highest negative point allocation we have ever assigned for a driveway. A project that is in a more environmentally sensitive area would be a reason to assign even more negative points. (Ms. Szrek: Other projects built prior to the excessive disturbance code change were not included in the packet but many homes on Rounds Road and Highlands Drive were constructed with similar multiple switchback driveways, prior to the code change (examples of other multiple switchback driveways were shown to the Commission.)

Mr. Frechter: 7R – Code... Is that four feet, so you can keep stacking retaining walls if they are under four feet? Is the purpose of the 7R Code for disturbance or for visual impacts. (Ms. Szrek: Yes, you can stack retaining walls and you look at the height of each single wall. The purpose of 7R is to mitigate for disturbance and visual impacts). (Mr. Kulick: One of the main purposes for assigning negative points under Policy 7/R was to prevent developers from using the driveway as an excuse to clear cut the front yard for views. The subject property has a less dense buffer in the front and therefore is removing fewer trees than other projects cited).

Mr. Guerra: It seems like all of the rock walls in the plan are above 4 feet.

Mr. Leas: Can the retaining wall encroach the land outside the setbacks and building envelopes. The HOA sets the setback in the area is what I am hearing from you. Does the retaining wall need to be placed within the building envelope? (Mr. Kulick: There is no building envelope for this property, just setbacks. We have allowed retaining walls within setback areas and would allow them outside a building envelope if associated with the driveway and if allowed per plat). Given the hand drawing on the walls is to step the walls, to get under the 4 ft. requirement? (Mr. Kulick: not sure about the wall design)

Mr. Fretcher: So you can stack a lot of walls and get by the smaller wall system to be under 4 ft?

Ms. Puester: Yes, you can have a four foot wall, then a setback and landscaping in between, then another 4 foot wall and so one without negative points in theory. We do allow walls over 4 feet

without negative points if it results in less overall site disturbance however so we do not typically see four foot stepped walls terracing a site. If a 10 ft. wall is used instead it could decrease site disturbance across the entirety of the site. That is up for your interpretation on points.

Mr. Swintz: I think I am getting satisfied. A lot of the existing driveways in this neighborhood have the same switchbacks. When they were put in, we didn't have the additional points for EV charging stations. The owner of the lot is getting caught by different part of the Code.

Ms. Puester: The switchback driveways have been receiving negative points for a while. Looking up some past precedent on Rounds Road back to 1998, it was -4. (Mr. Kulick explains the switchback driveway code point calculations. Prior to having two point increments, half of the previous projects received zero and the other half would receive negative four. They used to be able to offset negative points with private open space on the property, but now you have to have a dedication to the Town that benefits the community for open space points.)

Ms. Delahoz: Are we comfortable with the point recommendation of -6?

Mr. Frechter: I didn't drive down Rounds Rd, but on Highlands Drive, Highlands is a more open space. You would be able to see the wall from across Highway 9. Is 7R about ground disturbance or visual ground disturbance? (Mr. Kulick: This is still a couple hundred feet below the lower flume, you would likely not be able to see it from anywhere in the Valley due to the steep grades along Highway 9, the depth of the open space and other homes to the west of Highlands Drive.)

Mr. Frechter: I am still leaning towards more negative points. There is another way that the home could be designed to avoid negative points.

Public Comment:

Jim Brook, Owner of 5 Barney Ford Drive: I live below this home. I am also on the Highlands review board and we have spent three to four months reviewing this project. Thank you for your time and diligence with reviewing this project.

Commissioner Questions / Comments:

Mr. Gerard: I think that we need to assign the maximum points for the driveway. Rocha; this is nearly twice the length of the Rocha. This is the worst. A slam-dunk for various off-setting points. I believe that we are setting the bar too low, I believe this is deserving of negative eight points for the driveway.

Mr. Kulick: I would respectfully push-back on the Commission. This is the highest negative point total we have ever assigned for a driveway. The Commission has been incrementally raising the bar and now you are proposing to raise the bar again. You are not looking at the precedents as a whole but going off of the most assigned and then proposing to assign more.

Mr. Gerard: Doesn't the retaining wall disturb the sight? The retaining wall on this project follows the driveway. This is precedent setting. Where do we want the bar set?

Ms. Szrek: I am trying to put this into a different lens to further understand. For comparison the Code allows for up to 5,000 paved feet of snowmelt and only assigns up to negative four (-4) points.

Mr. Giller: 13 feet first, third is eight feet, then six foot, and then a five foot wall. They are consistently over four feet for the retaining walls. They are choosing to put the garage in a convenient location. I agree with Steve. We see this over and over. All the remaining lots in Breckenridge are going to be difficult to develop. I don't like that they can offset bad design with landscaping, EV Chargers, etc.

Mr. Swintz: Did you compare the statistics to Rocha? (Ms. Szrek lists off comparison information. Highest sq. ft. over 5,000 – Gulley Residence- negative two. Negative four, Rocha was the

- most recent and they were at 3,600 sf of paving and they got -4 points. 6,654 is the sq. ft. of paving for Adamson). So it doubled?
- Mr. Kulick: We also just cited the 5,000 sf one that got -2, you could go from that one. The totality of precedent should be considered. You can see the neighborhood and the character of the driveways for the large lots on the east side of Rounds Road and Highlands Drive, in the past 18 months the precedent has been turned up. You still need switchbacks to develop this lot. The driveway around to the garage in back is really the only extra amount of paving. Is that worth going to the maximum points of -8 from the staff recommended -6 with minimal other environmental concerns and very minimal detrimental impact to the community at large? That is why I am pushing back a little tonight.
- Ms. Delahoz: Chris, thank you for your comments. I believe that we need to look at the totality of the projects. Looking at all of them at a whole, looking at the big picture. As we are getting to more challenging lots, steeper grades. They are not the easiest lots to build on and owners should not be punished for having difficult lots. Owners are going to put the garages wherever they want to put them. EV Chargers should get positive points. I am going to stand with staff's recommendation.
- Mr. Gerard: The Gully driveway, comes straight up the hill. Has the shortest distance from the street to the garage. This had negative two. This is the owner's preferences. Not the site plan and the disturbances that these driveways would implement. I can see the two points, four points, but this is an extremely large driveway at Adamson. This does not need to be this way. We are not cherry picking but based on recent precedent and the worse ones.
- Mr. Truckey: Stefi was showing examples of driveways on aerial. There has never been a driveway above negative four points. I don't believe that we need to jump to negative eight points for this driveway considering there is minimal tree removal and environmental constraints.
- Mr. Guerra: The retaining walls at the beginning of the driveway are around four feet, after the first curve the retaining walls do get taller with 6 ft. walls in the rear. You would not see them from the road.
- Mr. Giller: Two four-foot walls in the front add up to eight feet. The landscape is between those areas.
- Mr. Guerra: The landscaping is shown within that area. The driveways on Rounds Rd, which some are very similar to this, are not being considered as comparison? (Mr. Kulick: They were all approved before we had the code change. We reset the precedent timeframe when it comes to code changes).
- Mr. Truckey: With the old code, you had the choice of zero, minus four, or minus eight. Minus eight had never been assigned. The Code change three years ago provided us flexibility to use two point increments (2, 4, 6, 8). We have never assigned minus six or eight, but we believe that negative six is appropriate in this situation.
- Mr. Swintz: I appreciate the rebuttal from the Staff to the Commission. I wish when I was an applicant, I had a planning staff that was so supportive. I don't like the promise of heights being different than shown on the plans. We want to make sure that the retaining walls conform to the code. If they are going to be at four feet, they need to give planning the information. Could we add a condition that the walls can't be taller than six feet?
- Mr. Giller: This is an ongoing problem. The driveways on these steeper slopes are a challenge. I do believe that staffs analysis was good. I believe minus six is appropriate, I agree with the points analysis.
- Mr. Frechter: I would support more negative points and to continue this, we do not know if these are the correct retaining wall calculations.
- Mr. Gerard: I believe the point calculations could work. At this point, we don't know if the retaining walls are below four feet. It does not look like the retaining walls are under four feet.
- Mr. Leas: I am leaning towards the negative six point analysis. I understand the cost that comes with private land ownership. I don't think it's the Commission's job to make it even more costly. I think we need to be careful to not go there. I am comfortable with the negative six. I am

uncomfortable with the differences in the plans submitted and the drawings. Need clarification on what is being built.

Mr. Guerra: To clarify, there is no issue with the plans. The cross section is comparable to what is shown on the plans. The walls will be built to six feet. I believe the four-foot retaining wall promise must have been a verbal agreement from the applicant with staff. With that being said, I am comfortable with the staff's recommendation of six points with the walls as shown taller on the plan. (Staff clarified that the plans show greater than four feet and that we must rely on the plans. It is the Commission's discretion whether they assign negative points for retaining walls greater than four feet in height. The code allows taller retaining walls without negative points if the result is less overall disturbance).

Ms. Delahoz: I am comfortable with the staff's point calculation for the retaining walls.

Mr. Guerra: The main visible retaining wall is two steps of four feet with landscaping between to buffer.

Ms. Delahoz: We are getting to the more challenging lots that are left in the neighborhood. I don't think that they should have a financial setback due to the lack of lots left.

Mr. Gerard made a motion to assign negative six (-6) points for the driveway and an additional negative two (-2) for the retaining walls exceeding four (4) feet in height, the motion was seconded by Mr. Frechter. The motion failed 3 to 4.

Mr. Swintz made a motion to assign the point analysis of negative six (-6) points for the driveway, with a passing point analysis of zero (0) points as presented by staff; the motion was seconded by Mr. Guerra. The motion passed 5 to 2.

OTHER MATTERS:

1. Town Council Summary
2. Planning Commission Field Trip Discussion- Julia discussed the upcoming Planning Commission field trip to the Fading West plant, The Farm, South Main, and The Railyard PUD in Leadville.

ADJOURNMENT:

The meeting was adjourned at 6:57pm.

Tanya Delahoz, Chair