

**PLANNING COMMISSION MEETING**

**THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Rodney Allen                      Michael Bertaux                      Leigh Girvin  
Dan Schroder                      JB Katz                                      Jim Lamb  
Dave Pringle arrived at 7:24pm

**APPROVAL OF MINUTES**

Ms Girvin had a change on page 8. She meant to reference the Snake River Water District, not to imply the Breckenridge Water District, would be limiting the amount of sod. With no other changes, the minutes of the September 15, 2009, Planning Commission meeting were approved unanimously (6-0).

**APPROVAL OF AGENDA**

Mr. Neubecker requested the Town Council Report be moved to the beginning of the agenda immediately after the worksessions. With no other changes, the October 6, 2009 Planning Commission agenda was approved unanimously (6-0).

**COMBINED HEARINGS:**

1. USPS Satellite Building (CK) PC#2009046, TBD Airport Road (between 1700 & 1760)

Mr. Kulick presented a courtesy review of the application to relocate the existing 1,500 square foot “NPU” (Non-Personnel Unit) Post Office building from Lot 1, Block 2, Parkway Center to a portion of the Town owned Lot 4, Block 5, Breckenridge Airport Subdivision. No retail service is planned at this time. Building materials consist of a green metal roof, cedar lap siding, a brown split face block base, bronze clad windows, and round green columns. Colors were originally designed to be consistent with the beige and green scheme of the Parkway Center. Location is just north of Airport Road Auto and just south of the dirt road to overflow ski area parking. The plan calls for 14 parking spots, snorkel lane landscaping plan similar to what is seen now at current location.

A project proposed by a governmental agency is not formally subject to the Town’s review process; however, the U.S. Postal Service has been cooperative to work with the Town to design a facility, within their constraints, that fits Breckenridge, and undergo a courtesy review by the Planning Commission. Because there is no requirement for this project to obtain a development permit, the presented findings and conditions were included for advisory purposes.

The Planning Department was supportive of the proposed site plan and believed the U.S.P.S. had made a commendable effort to incorporate good design elements. Staff expected that the applicants would support the landscape plan suggested by the staff. With the exception of this one outstanding item for this courtesy review, staff recommended the Planning Commission provide a favorable recommendation to the Council based on the evidence of having a passing point analysis.

While this is a courtesy review, the applicant was open to comment and willing to incorporate suggestions. Accordingly, staff suggested the Commission comment specifically on anything they had concerns over.

Mr. Lee Heddick (USPS, Applicant): Not quite sure in the right of way in terms of contribution of paving right of way, needed some guidance as to what is expected of USPS. (Mr. Mosher: Right of way does not exist yet. Would expect paving of half the right of way once it is created.) (Mr. Grosshuesch: We will be working with Town Manager’s office and the Town Engineer. We are not in a position to give a definitive answer on those details yet.) Just looking for some clarification. In landscape plan, it talked about grass being what we have now. Other jurisdictions looking for more xeriscape. (Mr. Mosher: Standard conditions call for native grass seed, not sod or something like that.) Noticed there are five parking spaces further from building, seven closer. That creates negative points. (Mr. Kulick: We did not recommend negative points; that was from draft report.) Exterior lighting, there is permanent lighting on the building, is permanent lighting on the building currently perceived as over lighting at this time? (Mr. Neubecker: Can you clarify “overlighting”?) Too much lighting. (Mr. Neubecker: We do have a dark sky policy, downcast & fully shielded. We would ask the applicant to meet that policy.) We are certainly willing to take care of that.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Schroder: Trash component, trash taken away from site by person who delivers the mail. Does that person know that this is part of his duties? (Mr. Heddick: There is no change for us, that staff member already does that from the current location.)

Final Comments: Thanks for coming from Denver. (Mr. Heddick: staff has been wonderful to work with.)

Ms. Girvin: This is not on the road for the overflow skier parking access? (Mr. Grosshuesch: No.)

Final Comments: Thank you also, thank you for the communities request to work on this as an alternative.

Mr. Lamb: Final Comments: Agreed with what has been said, thank you for coming.

Ms. Katz: Final Comments: Appreciated your comments on what you are willing to do to work within our ordinances.

Mr. Bertaux: Is there water to the site for landscaping? (Mr. Kulick: There are utilities to the site, they need water for the restrooms, utilities are accessible.) Is there going to be potential for expansion? (Mr. Heddick: Right now we are not in a position to financially, but after this experience with town staff, I am going to put Breckenridge on the list for potential future expansion.)

Final Comments: Would like to see paving, see parking paved, don't remove exterior lighting for safety of residents going to location late. Consider land acquisition in the future. Landscaping, supported all of that going in suggested by staff report. (Mr. Truckey: The site provides potential expansion to the east, expansion was thought of, expansion potential is there.) On land they don't own? (Mr. Truckey: correct.)

Mr. Allen: Can you walk us through site plan? (Mr. Kulick: Showed the site plan in more detail to the commission. We are working with the notion that USPS would be leasing the land from the Town. Functions a bit differently where the USPS will not own the lot. Mr. Mosher and Ms. Best worked on the plan to create some flexibility in the future due to it being a lease. Lot line splits with parking and drop box. Similar to in front of Town Hall where drop boxes are right on the sidewalk and are probably actually in the right of way.) (Mr. Mosher: Lot A, future development, was pushed further south to utilize the most efficient way to put the USPS building on the lot.) (Mr. Grosshuesch: No concurrent subdivision. In the future, we may need to establish the subdivision, and then would establish the right of way at that time.) What happens if in the future the boxes are in the right of way and don't work any more? (Mr. Kulick: This is viewed as a temporary solution with potential to extend into the future. We may decide in the future we want a different configuration, hard to conceptualize when we are unsure, this may be the final plan, or we may need to reconfigure in the future.) (Mr. Grosshuesch: We can make it work with the license agreement.)

Final Comments: Liked the location. Concerned about future expansion, as this lot gets developed, may see future concerns. Would like to see future potential bus stop, if needs arrive over the years. Supported the application.

Ms. Girvin made a motion to approve USPS Satellite Building, PC#2009046, TBD Airport Road, and to recommend approval by the Town Council of USPS Satellite Building, PC#2009046, TBD Airport Road. Mr. Schroder seconded, and the motion was carried unanimously (6-0) with Mr. Pringle abstaining.

**WORKSESSIONS:**

1. Preservation Village at Reiling Road

Mr. Mosher presented. The Town has been approached by Mr. Royce Tolley, Preservation Development Group, LLC, and Mr. Marc Hogan, BHH Partners, to development Lots 1, 2 and 3 (3.85 acres) at the Vista Point Subdivision. The current Master Plan and Plat are for three single family lots with a 4,000 SF/home density limitation. The proposal was for 6 two-story duplexes (12 units) to be accessed off Reiling Road, across from the Little Red Schoolhouse. This proposal has been before Town Council for worksession. The Council requested the Commission to review and comment on the proposed plans against the Development Code.

The three existing market-rate single family SFEs would become three duplex SFEs and the remaining nine units (asked to be provided by the Town) would be for equity/deed restricted workforce housing. Site plans, floor plans and computer model renderings were provided to the Planning Commission for review.

Part of this process would include creating a new master plan and subdivision with a Development Agreement approved by Town Council. The property would no longer be part of the Vista Point Homeowner's Association (at the HOA's request).

Staff was initially seeking Planning Commissioner input on how this proposal would fit on the site, specifically how the proposal would conform to Policy 7, Relative, Site and Environmental Design, Policy 8, Absolute, Ridgeline and Hillside Development and Policy 9, Placement of Structures.

Efforts have been made to minimize the visual impacts of the development. All units would be two-story with tuck-under garages accessed from a common driveway along the front of the units.

Staff sought Planning Commissioner comments on the proposal as it related to Policies 7, 8, and 9 of the Development Code.

1. Would the Commission suggest negative points under Policy 7/R?
2. Did the development meet the intent of Policy 8/A?
3. Would the Commission support a variance for Policy 9/A?
4. Were there any other "fit-test" concerns the Commission might have?

Since this is affordable housing project, negative points will likely be offset. Past discussion was always about the negative impact to the site.

Mr. Rossi: Questioned the applicability of Policy 8 from the past submittal. (Mr. Mosher: This location was already platted when Policy 8 was not yet in existence.)

Mr. Marc Hogan, BHH Partners, Architect: Thanks to Mr. Mosher and Ms. Best for working on this through three different revisions. 12 units, 11-3bedroom, 1-2 bedroom, all have garages, two have double car garages, two spaces plus 1/2 space for guests. All other units have three spaces. One of spaces in every case is tuck under garage.

Highest building height would be 25 feet; Building 12 would be 1.5 stories. Drive is basically level. Units have tuck under garages with parking in front of the garages. Explained unit types. Recessed turnout on Reiling Road for fire department turn out or bus. Keeping trail access preserved. Will dedicate easements for those trails so they are formalized and cleaned up. Regarding Policy 7 site disturbance, we would largely confine to already disturbed areas on site. Terracing building on edges, stepping up the hill.

Key element shown was that we were able to eliminate secondary retaining wall. Each unit can gain access to trails at rear. Solar thermal will be roughed in on all the units. Minimized paved areas, turned end units 90 degrees to reduce retaining walls and paved areas. Front retaining walls under four feet in height. Regarding privacy in Policy 7, buffered from Little Red Schoolhouse, Reiling Road, sites are quite large. Green areas are the sides. Will restrict development on that, will be private open space. Felt we have dealt with Policy 7 adequately.

Regarding Policy 8, we are willing to do muted colors, lighting, everything discussed in Policy 8. Regarding Policy 9A setbacks, right now is seven feet can fix and go to 10 feet, can slide buildings back 3 feet if the Planning Commission suggests. This will be a great addition to the Town's affordable housing.

Mr. Sam Kellerman, BHH Partners: Topography is taken from Google Earth, so topography as accurate as satellite can be.

Mr. Royce Tolley, Preservation Development (Applicant): Trying to meet criteria in several local areas of Breckenridge to create affordable housing. This one is near daycare, transit and town. Have to have enough density in order to meet the approximately \$300,000 sales price. We have reduced the scale and size after comments we have already received. Don't want to overwhelm the community. Perfect location, small number of units, similar type of housing that is already there. Number of smaller projects to meet great demand. Not asking for any more than the three existing market share units. Frontage drive to keep people off main road. Preferable to have 12 - 1,200 square foot houses instead of three 6,000 square foot houses. Mr. Hogan has done great job minimizing the damage to the area. All but one are 3 bedroom, one 2 bedroom, proposed to meet 110% to 115% AMI.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Schroder: Regarding the frontage drive, it looks like a dead end driveway and not circulation. One policy is about circulation safety. (Mr. Hogan: We met with Mr. Jay Nelson, Red White & Blue Fire District, that is why we have the pull out. Circulation policy in development code is separate from the fire department requirements, and we didn't want to have issues with the fire department.) (Mr. Mosher: We have a precedent in The Highlands with a private drive and a similar pullout for the fire department.)

Final Comments: The representative stakes placed for the site visit on the site look so far back into hillside; regarding Policy 8/A, is all of it able to stay on the property? 17 feet tall retaining wall behind and part of units, massive slice into hillside, supported envelope site disturbance, but would suggest negative points for cutting into the hillside under Policy 7/R. This many units create an intense space, and also affects Policy 7. Hillside development is relevant to Policy 8; there are points listed that are of importance to community value. You are building around a school, park, proximity to town; community hub, protection, vibrancy, place for kids and families; I don't see detriment to the community. Regarding Policy 8/A, no problem there. Views would be consistent with development around it now, similar to Vista Point. Building itself as retaining wall is good. Social trail may be compromised, but clearly said that would be protected. Regarding Policy 9/A, Placement of Structures, why would we support any variance? Since we can get to 10 foot setback, let's do that. Wanted to reaffirm to Mr. Rossi the automatic 10 positive points for employee housing with these deals, we need to have Town Council look the impact potential. (Mr. Bertaux: Besides, an applicant gets positive ten (+10) as well as keep the three market units.)

Ms. Girvin: Requested clarification on the site plan. (Mr. Mosher clarified.) 110%-115% AMI; are we getting close to that need or exceeding? (Ms. Best: With our goal of 900 units, a big chunk of those are very low AMI, but second largest category is over 175%. There is still a demonstrated need and we definitely need these 12 units in this range.) (Mr. Bertaux: Where is the greatest need?) (Ms. Best: Under 60% AMI rental units.)

Final Comments: Supported negative points being assigned for Policy 7/A; lots of site disturbance, need to look in terms of code, not what was previously approved before. (Mr. Bertaux: Good point on the aspen stand.) Policy 8/A does apply. (Read from the code.) Variance for Policy 9/A; didn't like end structures so close to end of road, pushing into hillside would be better, but still too much going on generally, getting rid of bookend units would help it fit a lot better.

Mr. Pringle: Regarding Policy 7; Staff suggested negative points and Mr. Hogan was saying positive points? (Mr. Mosher: Staff considered the impact of the large cut into the hillside for the development.) Requested clarification on amount of disturbance to the site. (Mr. Mosher: Described disturbance, indicated on site plan.) The whole area from the approve three SFEs will be disturbed in addition to the ends. The west end disturbance is outside the existing platted envelope area (Mr. Hogan: The building envelopes are set disturbance envelopes, net effect is we are disturbing a longer area of the site, reality is as anxious as we are to help staff with point analysis, with the affordable housing we have a ten point ability to mitigate certain things.) (Mr. Mosher: Suggest the Commission interpret the impacts on the Code only, not previous approvals or existing disturbance.)

Final Comments: Disturbance is significant pre Policy 7; wanted another solution to end units being too close to the front setback. Agreed with Mr. Bertaux on Policy 8/A - not applicable. Would like to comment to Town Council about providing free density and having applicant easily making up any negative points with the positive 10 points for the employee housing. Need to consider the impacts of 36 cars potentially, have to look at number of units on property and look at it harder even though it is employee housing. We have been very lenient in past, and that is now creating some issues.

Mr. Lamb: Would it be safe to say any single family structure built on the existing platted envelope would take up entire disturbance envelope? (Mr. Mosher: Not with structure, but between access, decks and house, most likely.) Requested clarification regarding drainage? (Mr. Hogan: We worked with engineering on drainage.) With three SFEs, how is site impacted?

Final Comments: Commendable for affordable housing, but it is a lot of impact on the site. There will be some nice specimen trees that will be taken out. Agreed with negative points on disturbance.

Regarding Policy 9, supported variance to setbacks. Liked affordable housing, amount of overall square footage being similar to that of the 3 single family houses; concerned about disturbance envelopes and amount of disturbance.

Ms. Katz: When we are looking at this and thinking about points, is it appropriate to think about what is already approved instead of looking at starting from scratch? Lots of disturbance there already. How much site disturbance do you want in the end? (Mr. Mosher: The Town wants whatever best meets the Development Code.)

Final Comments: Impossible for me to keep out of mind that there is existing application and assuming negative points would be incurred under Policy 7/R. I could live with negative four (-4) points under Policy 7/R; Regarding Policy 8/A, no problem, not view corridor, yes iconic aspen stand, but compare northwest of property and aspen stand and east and gaping scar of the land, it washes as a net effect. Regarding Policy 9/A, it sounds like Mr. Hogan could move it, could support the variance, don't want anything moving further back, rather have variance than moving back. Fit test, agreed with lots of program, but this is a worksession; what would you get rid of? Can live with what is there now. In the end I still have to say I didn't like application the 1st time, and I like it a whole lot better now. Reflecting on the Valley Brook people camping out over night for a unit to buy, it screams to me we still have work to do. I am in favor of it. Should we revisit making up points via employee housing with the Town Council? I hope this application goes forward.

Mr. Bertaux: What about the small pile of dirt there now? (Mr. Mosher: Referenced photographs of the site.) Requested to see rear of units again. (Mr. Hogan: The roof comes down within about five feet of the rear. Did have three stories, but tried to stay in context with neighborhood and eliminated third floor.) Was there a height issue? (Mr. Hogan: We did not feel 3rd floor was compatible with neighborhood. Comments that Vista Point looked too tall from Wellington. Did not want to overreach on building height.) Is the presented photo from units 5-6? (Mr. Mosher: Yes, indicated on site plan.)

Final Comments: Compared to previous application, I appreciate the direction of affordable housing, three units on top of three already approved, still seems to me that there is a lot of program on this site. Cuts into the hillside. Seems like a long stretch of cut, large cut and fill on hillside that could, with three market units, not cut into the hillside so much. Still significant vegetation on this site. Units 1A and 12B being so close to the road, perhaps flare out on side instead to cure setback violation. If it is supposed to be 10 feet then be at 10 feet. Supported variance for Policy 9 that they would be at 10 feet, but did not support the retaining wall moving back along the whole site. Protect vegetation on the site already. Regarding Policy 8/A, have to say yes it does meet the intent of this policy. But, the Code added some of that policy seems rather broad. May not meet the intent pre these definitions. Policy 7 is significant; yes, negative four (-4) points for site design & grading because of cut and fill. Also negative four (-4) for significant natural features, could slide building away.

Mr. Allen: Questioned slope topography. (Mr. Mosher: This is based on what is there now. Flat area to pull out and park noted on site plan.) Requested Mr. Hogan address topography. Explain and show the car ports? (Mr. Hogan: Car space in front of garage door, two spaces in front of each garage door. Garage is pushed back underneath. Garage is oversized, space in front of car for storage of bicycles and toys. Go into unit through lower entry from garage.) Three market units, do you know which three? (Mr. Tolley: No.) During construction, will hill be cut back and then filled in? (Mr. Hogan: That is correct. We will build the retaining wall and then backfill.) Retaining wall is 17 feet tall all the way along? (Mr. Hogan: Roofs will not dump between buildings. Otherwise, snow hooks over access windows.)

Final Comments: Great site for affordable housing. Thank you for formalizing the trail. Perfect site for solar thermal; great to integrate or design for it. I have a hang up on the car ports, will be full of junk. Would rather see large two-car tandem garage. Regarding Policy 8/A, you have done a pretty good effort of blending into terrain, ok with Policy 8/A, but in regard to landscaping, you will have to do a bunch on south side in buffering bearing in mind fire ordinances. Liked what was done with height compared to previous. Liked Mr. Bertaux's idea of pushing two end buildings and making them flared out to get more distance from the street. Any specimen trees being taken out? How will you replace them in your buffering? Regarding Policy 7/R, you are in trouble there with the 17 foot retaining wall. In the second paragraph of 7/R, "some may be unsuitable for development, buildings may be located elsewhere". Town Council comment that giving away points for affordable housing

is problematic, this is only 12,000 square feet, but the impact of people cars traffic has a lot more impact on the community, wants Town Council to look at giving away the points automatically, is giving 10 points straight away proper? Seems like we are opening up every affordable housing project mitigating every negative point we throw at them.

Mr. Rossi: Rear of units is tailings? (Mr. Hogan: Yes, otherwise the western side is trees.)  
Final Comments: Background reason you are seeing this is joint session where Leigh Girvin was the voice for us to really use you guys early on. Council has mixed feelings, similar to the Commission, regarding the project. Some of the Council were more comfortable with the project than others. We had a general sense of being rushed. Perfect example where something should be tested by Planning Commission before Town Council tries to assess. The three-story to two-story was not so much architect change of heart as Town Council pressing against a looming site. Town Council had issue with it. If this does come back to hearing stage, the green and grey shading on plan presented is deceiving, would like to see actual overlay of what the heights and actual backdrop are. Hope to see more accuracy.

***TOWN COUNCIL REPORT:***

Mr. Rossi: You may already know Valley Brook is delayed a bit due to grant technicalities. Base Building has left the project. Sure it will be topic next Tuesday on how to move forward. (Mr. Allen: It has been pushed to spring?) (Ms. Best: Yes, we are looking at spring start due to CDBG grant issue, can save a bit of money doing it in two stages subject to who owns land, once infrastructure is completed, then transfer to Mercy. We just got word today on vertical development, which will help us get to the final. Not anticipating start until the spring. Mercy was negotiating with Base could not get to contract, beginning negotiations with other contractors.) Tuesday is our fun budget retreat, come by!

***CONSENT CALENDAR:***

1. Lot 1, Block 9, Breckenridge Airport Subdivision Change of Use (CK) PC#2009047, 1925 Airport Road  
Mr. Bertaux: Is this at the Summit Landscaping building? (Mr. Kulick: Yes.)
2. Entrada at Breckenridge Development Permit Modification (MM) PC#2009045, 32, 36, 74 and 110 Huron Road  
Ms. Girvin: I think it is a shame Summit Ridge is not offering access.  
Mr. Bertaux: Any points?  
Mr. Schroder: This is strictly an access issue? (Mr. Mosher: Yes.)
3. Entrada at Breckenridge Subdivision Permit Modification (MM) 32, 36, 74 and 110 Huron Road (***Removed at the request of the Applicant.***)

With no requests for call up, the consent calendar was approved as presented.

***FINAL HEARINGS:***

1. Carter Ridge Residence (MGT) PC#2008076, 112 North Ridge Street  
Mr. Thompson presented a proposal to construct an 8,174 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment.

Changes from the Previous Submittal

Change to all windows on west side of building; previously windows were all together to look like large window, so applicant separated them, which meets historic guidelines more appropriately. Applicant changed the roof pitch of the north module from 12/12 pitch down to a 10/12 pitch, which in turn lowered that roof mean height from 22' – 11 ¾" down to 20' – 11 7/8". This change in the roof pitch and roof height will help the neighbors to the east to still have their view of the Ten Mile Range. The applicant has added sixty square feet of living area; 30 sq. ft. upstairs as a breakfast nook and another 30 sq. ft. underground just below the new proposed breakfast nook. The new kitchen nook also allows for a more interesting roof form on the north module on the French Street side of the building and makes the connector element appear shorter in length. The applicant has changed the roof form above the garage at the request of Staff and the Planning Commission. Staff believed the new shed roof off of one garage bay was a positive change to the design. The applicant also switched the exterior logs to the north module as that is closer to the Carter Museum. At Staff request, the applicant changed the exterior material of the garage to match that of the south module, as opposed to the same exterior material as the connector element.

Mr. Al Stowell, Applicant: We made every change you requested from the last hearing. Mr. Matt Stais and I have met a couple of times to address his issues. Also we put two gables that weren't there before, which allowed us to make the window change. We got the window design from the house to the south of Mr. Steve West's house. Pitch will enhance solar capacity and the concerns from the inn across the street to the East. You will see three dimensional image on the monitor. We moved the post off the south module and cantilevered that more.

Mr. Thompson echoed that Mr. Stowell responded to the Planning Commissions requests and suggestions. Two remaining issues were Policy 145 and exterior materials; currently doesn't meet Policy 145, Staff would like Planning Commission comment on that. Specifically says logs are discouraged, but materials presented are historically accurate. Only 4" lap siding we have is on the connector. Precedent of 100 South Harris Street, where they found logs during construction and Planning Commission approved keeping them. Energy conservation, we have not finished the revamp of Policy 33, but the information that we got from Innovative says that panels offset more than 100% of this project's energy use. Would be interesting to look at some of these down the road to see if Innovative delivers on what they say. Except for snow guard, all south facing roofs will be filled with solar panels, believed that is worth positive six (+6) points.

Mr. Stowell: Regarding the solar, Xcel Energy is trying to charge more for energy if you use their energy and have solar panels. That is in the legislature now, go figure. 15% increase in efficiency annually with technology, using Xcel's rebate for the energy I will put back into the grid, works out to about \$3,000 per year which is good for me as well as the community. Positive six (+6) points would encourage others to use technology available. We worked hard over last five years to come up with a design that benefits the community as well as me. Hopefully when you turn up the hill on Wellington, the nicer view and correlation to museum will be apparent. Asked for Planning Commission support with 60% of property being open space. Less disturbance on site.

Staff recommended the Planning Commission approve the Carter Ridge Residence, PC#2009076, Lot 3, Abbetts Addition, located at 112 North Ridge Street, with the presented Findings and Conditions.

Mr. Allen opened the hearing to public comment.

Mr. Lee Edwards, property owner across French Street: 52 foot setback, what set that? (Mr. Thompson: Mr. Stais's building and the County building.) Two facades, one of two would violate the 52 feet. Walking down Ridge Street, envisioning what it would look like, suggested roof coming around on west facades, two faces being so close to each other and so similar, need to enhance them a bit more so much of the rest is so interesting.

There was no more public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Schroder: In support of point analysis. Policy 145, given the history and other examples, contradiction between 145 and North End Historical, you have made a conscientious step to make it work, it does adhere to 145. In support of it as it is. Didn't mean to say it adheres to 145, 145 does not apply to this application. I am ok with the logs.

Ms. Girvin: I had a really hard time with Policy 145, not meeting it, the structure is very modern looking, very good looking, but Ridge Street shows a very modern building with piece that juts off north section of south structure. Would not see bowed top window on log. Vertical lap on South building more appropriate for accessory, this is primary. Only place we see horizontal lap is on connector. As far as fitting into historic district, my opinion is that it does not fit in. I am talking aesthetically here. Get rid of corrugated, board and batten on connector. Everything else is exemplary, I have a problem with Policy 145 and I know staff does too.

Mr. Pringle: On the materials sample, horizontal lap siding will be four inches? (Mr. Stowell: Yes.) Let the record reflect that. (Mr. Stowell: We actually had to find a special place to mill the siding to that size.) Policy 145 does apply, but hand hewn logs are appropriate. Need Policy 145. Energy conservation is worthy of positive six (+6) points and is appreciated. Long process, you have made a great effort. Architectural compatibility, great work. Supported application.

Mr. Lamb: These are not round logs, but hand hewn? (Mr. Stowell: Correct.) Was a change to west facades discussed? (Mr. Thompson: Yes, but we felt the 52' setback was most important. Patio would not count but overhanging roof would.) Appreciate all the changes you made. Policy 145 does not

apply in this application, it is across from the Carter Museum. In the Historic District we focus on one little section, I hear Ms. Girvin, but the Applicant was creative with historic material which I personally like. Nice to kick it up a little bit. Really appreciated solar information on south facing and your data, liked to see that. Clearly eligible for positive six (+6) points on energy. Would like to see results, does it work at altitude? Round saddle notch you don't see, fact that it is hand hewn works well.

Ms. Katz: Confirmed the measurement of Mr. Stais office, deck not counted in the setback. (Mr. Thompson: Deck was not historic.) I live in Longbranch and have always been worried about this spot. It feels so much better now. The Planning Commission has a long standing tradition to not change points. When I walk past courthouse, I never really feel courthouse next to me, great suggestion to break up the structure a little bit. Site calling to do something there on the west facade, but I don't feel that walking there. Do with that what you want. Supported point analysis. Data to support positive six (+6) points; wanted to know if the Applicant would share with the Town in the future if their expectations are met. Would love to know so we can rely on that data. (Mr. Stowell: Xcel has tried to go to legislature to get these panels eliminated.) (Mr. Stowell: We met with the neighbors to address any concerns.) Thank you for working so hard. On Policy 145, I think this should not have four inch lap siding considering it extends a very small period representation, I think Carter Museum is the only real representation of that period. (Mr. Thompson: Maybe some barns and 100 South Harris Street.) So very for extending that representation; it is more appropriate to extend that period's representation.

Mr. Bertaux: Positive six (+6) points for PV, glad to see there is commitment to that, will follow legislation on that. We can contact State Senator Gibbs on that. Ms. Girvin's suggestion is good, roof overshadows entry. Might improve look of that area. Sidewalk angles to front door, patio is called out and would be appropriate there. Agreed with Ms. Girvin, does not follow Policy 145 due to too much of a mix of materials for it to say it is all wonderful especially with Carter Museum across the street. Not a big fan of corrugated metal, but no reason to change point analysis, agreed with staff there, supported the project.

Mr. Allen: Ms. Katz echoed all my comments. Copy and paste her statements to mine. Policy 145 does apply, but it meets it with the hand hewn logs.

Ms. Girvin made a motion to change the point analysis for the Carter Ridge Residence, PC#2008076, 112 North Ridge Street, to state the Application does not comply with Policy 5A which relates to Historic Priority Policy 145. Mr. Bertaux seconded. The motion was denied (5-2).

Mr. Pringle moved to approve the presented point analysis for the Carter Ridge Residence, PC#2008076, 112 North Ridge Street. Ms. Katz seconded and the motion was carried (6-1).

Mr. Pringle made a motion to approve the Carter Ridge Residence, PC#2008076, 112 North Ridge Street, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

***PRELIMINARY HEARINGS:***

1. Whitehead House (Prospector) Renovation and Landmarking (MM) PC#2009042, 130 South Main Street  
Mr. Mosher presented a proposal for a historically accurate restoration of the west façade of the Whitehead Building, a new foundation beneath the historic building, restoration and full basement for the historic shed, removal of the east non-historic additions and replacement of a historically compliant new addition. The upper level will be for residential use while the main level will remain as restaurant use.

Introduced Mr. Steve Pinewski (Applicant) and Mr. Andy Stabile (Architect).

The applicant and agent have worked closely with staff to work out the details of this proposal prior to this preliminary hearing. There have been pre-application meetings with both Planning and Building staff to answer questions as the drawings were created. Under density, mass, height, over in parking, setbacks not affected. Density in report was over, but has been fixed since the report. Upper floors have been preserved perfectly. A lot of design standard handbook refers to developing empty lot, this is a renovation. On ADA, Applicants have met with Chief Building Official. Building is actually below sidewalk; the building will be raised to meet accessibility. Foundation will be placed under the building. Building raised to meet the sidewalk and drainage issues repaired. Still no issue with height. Between the



buildings, lots of drainage issues. More permeable with correction to site. Drainage from back of building flowing toward the alley, so drainage is being looked after. Primarily commercial building, zero setbacks. Snow removal is ample. Landscape, not a place where you see multiple trees, they have permeable space where gravel is placed for snow. Three spaces for the residential, additional space for manager of restaurant or chef. Only required to have two on site, so they are over parked. Impacts with unit above rented, could be more than two cars there. For projects under 5,000 square feet, no need for employee housing. Policy 9 for positive nine (+9) points for foundation plus additional work. Great amount being done to modernize building while restoring it. Anticipated positive points for historic restoration.

Staff had the following questions for the Commission and welcomed any additional comments regarding this application:

1. Based on the removal of the existing addition and the replacement of the new addition, did the Commission believe that Priority Policy 80A (concerning links) was non-applicable?
2. Would the Commission support rotating the existing roof over the shed 180 degrees to correct drainage issues and find that the intent of Priority Policy 69 was being met?
3. Did the Commission concur with staff regarding the positive nine (+9) points for historic restoration efforts?
4. Did the Commission support having the building and the shed locally landmarked?

Based on the Planning Commission's comments, the Planning Department recommended this application return for second review. All other priority policies are met with this application.

Mr. Steve Pinewski, Applicant: My building company, Pinewski Builders, will also be doing construction. First historic construction project, but not first construction project in Town. We are excited to put it back to historic front. Building is a wreck right now, drainage, foundation, bringing it up to nice strong lasting building is aim and goal.

Mr. Allen opened the hearing to public comment.

Mr. Lee Edwards, Local Builder: Fantastic. Very encouraged. Is it still going to be restaurant use? (Mr. Pinewski: Yes.) Addition won't be visible from Main Street? (Mr. Mosher: No.)

There was no more public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Schroder: Appreciated historic colors, is really helpful. Connector issue pre Policy 80/A, does not seem to apply, the link not visible from alley of Main Street. Shed change OK with Policy 69. Last Friday three Commissioners including myself attended a historic preservation workshop, and in one of the sessions they explained the adaptive reuse criteria for historic structures. So I am in full favor of spinning roof to assist drainage, and in support of the point analysis and local landmarking. To have local landmark, do we need to have list of criteria met? (Mr. Mosher: The more you meet the better, but only have to meet one criteria.) Thank you.

Ms. Girvin: Is the Wildflower historic? (Mr. Mosher: Does not show on the Sandborn Maps, but falls into our period of significance. Sistering framing is when 2X4 balloon framing has new stronger framing like a 2x12 attached to it to help support.) Did you consider a full basement beneath the restaurant? (Mr. Pinewski: We initially did, but from a cost perspective it would be too expensive and a danger to the neighboring buildings. Building to the North only 18" away.) Door next to the reatroom has conflict with kitchen door. (Mr. Mosher: Staff will use double swinging doors next to bar. This doss is little used.) Will building be separated into Condominium unit? (Mr. Pinewski - will be an apartment under same ownership. (Mr. Neubecker: Not a planning code requirement, may be building code.) Really awesome project. Yes, yes, yes, and yes to the questions Staff posed.

Mr. Pringle: Do we address the connection via Policy 80/A? (Mr. Neubecker: Is the addition more than 50%, is addition higher than original structure? Then connector is required. However, a step in building form of a foot or so distinguishes between old and new well.) Agreed with Mr. Lamb. Solid to void ratio comes into play here? (Mr. Mosher: Front lower level was all glass on historic photographs, not a lot of information on the detail of the door. As far as the Core Commercial historic standards,

- this is very classic, except the recess of the entry door.) Did we want to have more solid, not early siding? (Mr. Mosher: The idea was to follow the photograph.) Tally ho, no issues.
- Mr. Lamb: I have done this myself, you have a lot of work ahead. Off to a fantastic start. Priority Policy 80/A non applicable to my reading. Shed makes sense. Supported work and application.
- Ms. Katz: If we do suggested specialized finding, how does that affect the application? (Mr. Mosher: It would go forward with that finding.) (Mr. Neubecker: You could also grant a variance to this policy.)
- Mr. Bertaux: What will happen upstairs? (Mr. Pinewski: It will be a 2 bedroom apartment; we are not sure if we will rent that or not.) Supported project.
- Mr. Allen: Me too! Agreed with all other commissioner comments.

Mr. Pinewski: Can I get a demo permit? (Mr. Mosher: No, you still need to get Planning Commission approval at a final hearing and then Town Council approval prior to applying for a demo and building permit.)

**COMBINED HEARINGS:**

1. 49 White Cloud Variance (MGT) PC#2009043, 49 White Cloud Drive

Mr. Thompson presented two additional letters of opposition to the setback variance that came in after the deadline. There are eight total opposition letters. Presented photographs in case the Planning Commissioners did not have a chance to visit the property.

Mr. Thompson presented a proposal for a variance request from Policy 9, Placement of Structures, to allow reduced side yard building setbacks on Lot 4, Block 1, Warrior's Mark West Filing 3. (No home was proposed at this time. The home would be designed after the setbacks are determined.) Current Town of Breckenridge setbacks are 25' front, 50' combined side, 15' rear. Proposed setbacks are 25' front, 7.5' side, 7.5' side, 15' rear. Applicants are property owners, Antoinette and Kurt Harries. Also present were Mr. Brad Appel and Mr. Mark Meiser, potential purchasers of the lot, Mr. Doyle Richmond, Realtor for the owners of the lot in question, Mr. Garold and Mrs. Mary Nyberg, resident of house to the rear of the lot, and Mr. Bernard E. Wieland and Mrs. Dee Phelps, owners of the 39 White Cloud Drive immediately adjacent to the lot.

No plat note of any setbacks on plat for Warrior's Mark West Filing 3, so this parcel reverts to current Town of Breckenridge setbacks. Mr. Brad Appel and Mr. Mark Meiser are both builders who can't build reasonable size house with those setbacks. Not a large impact from the street, but most of the neighbors feel the impact to their lot, not from the street.

Staff worked closely with the agent to address all concerns about developing this property. Staff believed all applicable code issues have been addressed. Staff welcomed any additional comments from the Commission.

The Planning Department recommended approval of the setback variance, PC# 2009043, by supporting the presented Point analysis, showing a passing score of zero points, with the presented Findings and Conditions.

Mr. Brad Appel, Applicant: I am a Denver homebuilder. I lived here several years ago and fell in love with the area. We want to build family home, not a spec house, that we can enjoy year round. Two of letters originally submitted by people over 300 feet away, not even on adjacent lots. We are presenting the way we designed this lot. Tried to slice every which way possible. 1,500 square foot house with no negative points. Economy of scale come in to play where the lot cost \$299,000 plus building costs, impossible to build on because of the cost. Houses in neighborhood are comparable sized lots, tried to distribute equally. Some variances in the neighborhood already, precedent set don't meet Summit County requirements. Another 4,200 square foot house, 3,800 square feet, trying to maintain with what the rest of the neighborhood has. All came in at 7.5 foot setbacks. Open space over crowding lot, lot size creates hardship. Unfair to have inability for sellers to sell the lot. We plan a very robust landscape plan. Meeting their request of over 30 feet to the rear with 32 feet. On Policy 30-5, desired character and function, 3,500 square feet house meets that consistency, not asking for multifamily or condo or something, just a single family residence.

Mr. Mark Meiser: I am a Denver builder as well. Mr. Thompson and Mr. Appel did a good job. We worked diligently with our architect to create solution. Most importantly we did center the structure in the middle of the lot. Two existing homes in front have 7.5 foot side setbacks, which is what we are asking for. Based on lot itself our orientation on Baldy, we wanted to work on existing structures to design something that fits into that context. To

Mrs. Nybergs' house in the back, we worked with architect to orient house properly. 35 foot height limit a bit of an issue, because from front to back we have a 20 foot drop off; looking at size reduction there as well. The deck will be elevated 13 feet while Mrs. Nybergs' deck is on the ground, 35 feet away. We are excited, most people that don't have this expertise would say no way, we stumbled on it and said let's take a hard look at this for sale piece of property and make it work.

Mr. Allen opened the hearing to public comment.

Ms. Mary Nyberg, Owner of adjacent property at 108 Gold King Way: Not a question about the front or back of our house. We did not get any setbacks for our addition. We lived within our setbacks. We had a driveway that is like an intermediate ski slope. We chose to change our driveway which impacted our house; it is very long and narrow. The point is that our setback was 7.5 feet which is where our kitchen window and deck and living room is. Not like a side of a house like no one is on that side. Very dominant part of our house. 7.5 feet from property line, if they build 15 foot setback, 22.5 feet from parts of our house to their house. Looking at city setbacks, implied setbacks side and rear, if you got city to city setbacks, there is almost 30 feet between structures, 15 feet to 15 feet, always 30 feet apart from another structure. They want 7.5 side and then don't have to ask but happy to have 15 foot city setbacks. At least three houses meet that 30 foot side setbacks. They are building too big of a house, it is a crazy lot. At very least, wish you would say this should be plotted to county setbacks also. Maybe that lot doesn't support a 3,500 square foot house. Yes, surrounding houses are that size, I don't think the criteria on whether variance should pass be based on what other house sizes are. Maybe a 2,200 square foot house would work, fine, not encroaching on the neighbors. I looked at your guidelines, hoping you think about those when deciding. In coming up with variances for setbacks, look at other houses. All our houses are there, built on under county setbacks, assumed always someday there would be a house, but it would be at least 25 feet away. I wish you would take the time to go visit the lot, it is unusual, steeply shaped, there are other lots, corner lot on White Cloud, you could build the size house you are planning. Really a detriment to us personally, our house, also some of the others. Our neighbors on Lot 5 will also be impacted negatively. We are the most impacted because we will have wall of a house because we are so low compared to the new house. I assumed the house would look towards the ski area instead of all the way over our house. I am rambling on. I wish you would take that into consideration that there is a reason why the lot has not been built on yet, the lot does not on its own merit that large a house. There is a smaller house across from us. This is a small lot, because of the long driveway; have to keep in mind I wish somebody had figured out the usable square footage for building. Be mindful of the rest of us who have been there and spent a lot of money on our houses too. If it won't meet the city and county setbacks, they are building a bigger house. Thank you so much. Please go visit the lot, there are setback stakes. 22.5 feet is really going to dramatically impact us and the neighbors. If you can live within your setbacks, we have no issue.

Mr. Bernard Wieland and wife Dee Phelps, Owners of adjacent property at 39 White Cloud Drive: By setting that house back it really affects the privacy of the back of our home. By pushing it back, it very much affects us. If we could ask for a variance, our home is 3,158 square feet, we would like to have a variance to move our house back and put an addition on it. Then we could enjoy more privacy. Once you approve one, you will have others asked. County refused when I requested stairs because it did not meet their setbacks, don't see why that can't happen here.

Mr. Larry Neider, Owner of 25 White Cloud Drive: I was out of the Country until last night and therefore not able to send a letter. My house is just under 3,000 square feet, so they are not 3,500-4,000 square foot homes in the neighborhood. I think what the others have said, this lot is small because of the flag shape, the only thing you can do with a small lot is build a small home. Can't think I can't build a house without abiding by the setbacks.

Mr. Doyle Richmond, Realtor of record for the Harries: I have had the lot in question listed since 2007. This was developed in the 70s with a number of odd shaped lots you would not see today. Precedent was set, 7.5 side, 25 front and back when Harries bought this property. They designed a house of about 3,500 square feet, but never went through the process, though they were told they were along the right lines. People keep wanting to say I want 30 feet between homes. Everyone knew that Lot 49 was buildable property. Knew you had 7.5 foot setbacks. Adds up to 15 feet away from each other. Harries are trying to design a house on this lot. All adjacent properties are 3,700 square feet as an average on surrounding lots. Increases the value of the neighborhood. If they are forced to have the Town of Breckenridge setbacks, you will have an odd shaped house, which would decrease the value in the neighborhood. Unfair to not allow this variance, when in fact this is how the area was designed with 7.5 foot side setbacks. To deprive them of the 7.5 feet would be a shame to incur on the owners. No one is asking to build a

5,000 square foot house, but a reasonable house. Under the Neighborhood Preservation Policy code for this neighborhood, well below that.

Mrs. Dee Phelps, Owner of adjacent property at 39 White Cloud Drive: We have the 3,100 sf home adjacent to this lot. None of us have problem with the house being built. We knew the setbacks for the county, so if you keep the same characteristics of the County that is ok, but to start asking for changes, we did not expect those. We were denied for setback. If it is County setback that is ok.

Mr. Mark Meiser: We did look at pushing the house further up into the flag, we did look at that. Stoop needs to be turned further away from the flag,

Mr. Brad Appel: Speaking to Mr. Wieland, Town of Breckenridge setback is 15 feet. Structure we are asking for (3,500 square feet) all other neighbors knew County setbacks and we are adhering to those. It would be 33 feet deck to deck. To counter Mrs. Nybergs' argument, we are over 33 feet away. We had the plat done by Range west.

Mrs. Mary Nyberg: We had survey too, we put our house right on setback, our overhangs are smaller so we wouldn't go over setback our entire house is not over setback. I do a lot of walking in the neighborhood, 7.5 foot sides and if you look at plats, most of side setbacks are portions of corners, makes a huge difference in space. Mainly opposed to the deck and hot tub and how huge the deck will be.

There was no more public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Schroder: Challenged by the flag shaped lot with the setbacks. Supported county setbacks. I don't have a lot of sympathy for those not paying taxes on a property just because you don't like it. I don't usually speak out like this, but the owners of the lot have the rights to develop that lot.

Ms. Girvin: I support a variance that provides for 7.5 foot side, 25 foot front and 25 foot rear. 25 feet should comply with County planning; not fair to get Breckenridge on one side and County on the other. They shouldn't get negative points. Variance process supports that because there are special circumstances, created by the County. Maintaining county setbacks maintains character. All are bound by those. This property needs to abide by what the County setbacks were.

Mr. Pringle: Is the setback for this the existing setbacks for adjacent properties? (Mr. Thompson: Most in the neighborhood are 25 foot front and back, 7.5 foot sides, which is County setbacks; rear would be consistent with Town of Breckenridge, side would be consistent with County setbacks with variance approval. In other filings, 25 foot front and rear and 7.5 foot sides are platted; this filing not listed.) (Mr. Neubecker: When we annexed, we knew we would find some that did not comply. Only requesting variance to side yard setbacks.) Agreed with exactly what Mr. Bertaux said, don't understand everyone else not meeting setbacks. (Mr. Thompson: Surveyors get foundation; we look at eave overhangs and decks.) Real problem with deck but not dealing with that now.

Mr. Lamb: Asked for clarification on the presented overlay. (Mr. Thompson: Came up with 2,300 square foot house.) Surrounding house sizes? (Mr. Thompson: Approximately 4,000 square feet. Mrs. Nyberg asked about Neighborhood Preservation Policy; 4,500 square foot house plus 900 square foot garage.) If deck went away we completely meet County standards. (Mr. Thompson: Correct.)

Ms. Katz: Agreed with staff report, I was on the Town Council when annexation occurred. Agreed with Mr. Schroder's statement; does not impact the neighbors, there are a lot of crazy lots and this is one of them.

Mr. Bertaux: Agreed with Ms. Girvin. Problem with deck thinks you need to look at that when you apply for the residence.

Mr. Allen: Where is the deck, is it going to wrap around? (Mr. Meiser: Explained using plat.) (Mr. Neubecker: Reminded the Commission the hearing was about the setback variance, not a development plan.) I support the variance because Town of Breckenridge setbacks are for regularly platted lots. Agreed with Ms. Girvin that County setbacks should prevail as all neighbors built to County setbacks. Supported 7.5 foot side, 25 foot front and rear. Agreed with findings statement.

Ms. Girvin made a motion to approve a setback variance for the 49 White Cloud Variance, PC#2009043, 49 White Cloud Drive, of 7.5 feet on the side, 25 feet front and rear, based on variance criteria that there are special

circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question. In addition, no negative points would be assigned under Policy 9 (Relative), Placement of Structures. Ms. Katz seconded. (Mr. Neubecker: Indicated that the application did not include a variance to the rear yard a setback. The existing setback per the code is 15 feet. If the application would agree to a 25 foot setback, the Commission should include this as a condition of approval, rather than as part of the variance.)

Mr. Richmond amended the application by agreeing to setbacks of 25 foot front and back, 7.5 foot sides.

Ms. Girvin amended her motion to allow a 7.5 foot side yard setback, include that there not be negative points assigned and that there be a condition of approval that the rear yard setback be a minimum of 25 feet. Ms. Katz seconded. The motion was approved (6-1).

***OTHER MATTERS:***

Mr. Bertaux: Three of us went to preservation workshop last Friday. There are scholarships available to attend a week long workshop in Grand Rapids, MI. There are dollars available to apply for funds to pay for airfare lodging etc. I am interested in going.

Mr. Allen: Please add to Other Matters on the next agenda for the three Commissioners who attended the preservation workshop last week to give us an update on what they learned. Also please add an agenda item to discuss the order of consent calendar items on the agenda.

Mr. Neubecker: The Planning Commission field trip is scheduled for Friday, October 30, agenda to be determined.

***ADJOURNMENT***

The meeting was adjourned at 11:29 p.m.

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Rodney Allen, Chair