

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Frechter.

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort	

APPROVAL OF MINUTES

With no changes, the August 15, 2023, Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the September 5, 2023, Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

Janet Sutterley, Architect: I've noticed a number of historic sheds in town that we're losing through demolition by neglect. We might lose two more this year with heavy snowfall. Not sure if we can do anything but I wanted to bring it up.

Mr. Frechter: In the historic district? (Ms. Sutterley: Yes.)

Mr. Gerard: I've noticed this as well, specifically the shed behind Starbucks. I recommend we do some research into this and start a project to work on this. (Ms. Sutterley: I agree, and I think sooner than later, as we're going to lose several more due to roofs caving in. At a minimum stabilize the structures, not necessarily a full restoration.)

Mr. Frechter: Are the property owners required to maintain them at all? (Mr. Truckey: No.)

Mr. Gerard: We should work on inventorying and stabilizing them.

FINAL HEARINGS:

1. 114 S. Main Street Redevelopment (SVC), 114 S. Main Street, PL-2023-0077

Ms. Crump presented a proposal to construct a new two-story building of 5,680 sq. ft., containing commercial retail and restaurant uses.

Commissioner Questions / Comments:

Mr. Truckey: We need to add a finding indicating the approval of the development permit does not authorize any signs and a separate sign permit still needs to be applied for.

Mr. Giller: I noticed that as well, somewhere in the code it says that a sign shall not say "Ye Olde Shoppe."

Ms. Gort: I bet they added that to show a non-blank space.

Mr. Guerra: I forgot to add my disclosure, the architect is my ex-wife and business partner, but I have no financial interest in this project. (Commission agrees there is no conflict and Mr. Guerra continues to participate in the hearing.)

Mr. Frechter: Regarding employee mitigation, I assume that the existing square footage includes the beer garden? (Ms. Crump: Yes, it's counted as outdoor dining. It would be grandfathered in for employee mitigation calculations.) (Mr. Kulick: They did go through a development and building permit for that.) (Ms. Crump: But that approval was prior to the employee mitigation requirement.) I've noticed that by doing food and beverage and a small bar they're skirting the employee mitigation, how do we make sure they're not expanding into the retail area with food and beverage? I know in Frisco, Ein Prosit puts a rope up to prevent expansion. (Ms. Crump: That's why we included the finding to require recalculation at the time of Building Permit if there is a proposed change in floor area allocations by use.) (Mr. Kulick: We haven't done

anything like putting up a rope, but we required them to go out a certain amount of space from the bar and also include that area in the employee generation calculations.) Just to be direct I think that second floor's going to become a bar area, the numbers work out but it looks like they're trying to avoid the employee housing requirement. (Ms. Crump: I wanted to add that Staff did our own calculations of the space and included areas the applicant did not. We will continue to police this with the liquor license signoff passing through Planning.)

Ms. Gort: On the upper deck, is there a reason why there's step up stairs next to the ramp? Seems like a tripping hazard.

Yves Mariethoz, Architect: We have those because we're trying to increase headroom below, we are trying to give as much headroom in the retail space but in the rear the restrooms did not need extra headroom. With the height restriction and trying to fit the elevator we ended up with the risers on the rooftop.

Mr. Giller: A 4 ft by 4 ft elevator does not meet ADA requirements, it's too small. In the prior hearing it was stated that would be corrected. (Mr. Mariethoz: I'm going to have to double check that.) That drives your stair dimensions and surrounding details. (Mr. Mariethoz: I'll check, and we can adjust the elevator as needed.) Could we make a finding that says that has to be corrected? (Mr. Kulick: That will be checked and enforced with the building permit, but you're correct that it could affect other parts of the building design.) Could we add a finding for that because that will make it a foot wider in each direction.

Mr. Frechter: We'll add that finding.

Mr. Guerra: They need a 5' circle. (Mr. Giller: Yes.)

Mr. Frechter: No questions. I agree it meets the Handbook standards while not being too similar to other commercial buildings.

The hearing was opened for public comment and there was none. The public hearing was closed.

Mr. Gerard made a motion to approve the 114 S. Main Street Redevelopment with two additional conditions: the approval does not authorize the placement of signs, a separate sign permit must be authorized, and the elevator must comply with all ADA standards for size and placement, seconded by Mr. Frechter. The motion passed 7 to 0.

PRELIMINARY HEARINGS:

1. Romer Residence (CC), 203 Briar Rose Ln., PL-2023-0354

Mr. Cross presented a proposal to construct a 3,229 sq. ft. single-family residence with five (5) bedrooms and a 506 sq. ft., two-car garage. This proposal is subject to a Development Agreement approved by the Town Council in 2020 for subdivision of the existing Lot 2 into equally sized Lot 2A and Lot 2B, and development of each lot. The development proposed with this application is for the northern lot, Lot 2A. The subdivision, which is a requirement prior to completion of the residence, has already been completed. The existing modular single-family residence on the property (Lot 2A) is proposed to be removed with this application. The following specific questions were asked of the Commission:

1. Does the Commission agree the proposed landscaping plan aligns with past precedent and provides public benefit of screening and enhancing the natural aesthetic of the property to award positive two (+2) points under 22R: Landscaping?
2. Does the Commission agree the orientation of the garage incurs negative three (-3) points under Design Standard 318?

3. Does the Commission agree the driveway does not meet the materials standards set forth by Design Standard 268 and should incur negative three (-3) points?
4. Does the Commission believe the proposed rectangular, metal accent siding/wainscot panels are an acceptable material to be used with the Transition Character Areas under Design Standard 272A?
5. Does the Commission agree the character of the windows are inconsistent with Design Standard 319 and warrants negative three (-3) points?
6. Does the Commission agree with the preliminary point analysis?

Mr. Giller recused himself because his current employer will likely be constructing the home. Commissioners had no objection.

Commissioner Questions / Comments:

- Mr. Gerard: I find the orientation of the primary ridge parallel to the street as opposed to Staff's interpretation that it is perpendicular. The building is wider to the edges of the property and would define the orientation to the street.
- Mr. Kulick: If you look at some of the example diagrams in the handbook, the new building shown is wider so it's meeting the intent of the diagrams. It seems consistent with some of the visuals presented, and in two other diagrams.
- Mr. Cross: With the development agreement the lot widths do not meet our standards today, but the project is still meeting the setbacks, they were crunched by their lot size.
- Mr. Leas: Are we setting a precedent for garages in the front yard? Typically, the garage is in the rear or the side yard. Now every builder puts the garage in the front yard, is that the precedent we want to set for Breckenridge, because it isn't a good precedent. I dislike both these projects because we went against subdivision requirements for perceived Town benefits and are now facing this issue, and I think it never should have happened.
- Mr. Kulick: Mr. Leas is talking about design standard 318 in reference to garage location, if you're reading it and it was a priority design standard then you could fail it but it's non-priority so you can only assign negative points.
- Mr. Gerard: I just want to hear the thinking behind it because I see it in a different way, Mr. Leas brought up the garage which is allowed but I don't believe the primary ridge is perpendicular and thus it's in conflict with the design standards.
- Mr. Kulick: Looking back at the diagram I brought up, the tallest house ridgeline runs perpendicular to the street while the house is wider.
- Ms. Gort: Primary being tallest?
- Mr. Kulick: Yes, looking at the diagram it looks to be the tallest, and I'm assuming that's the primary.
- Ms. Gort: The very top one is perpendicular to the street but I'm not sure that's being considered the primary. (Mr. Kulick: Looking at page 12 of the handbook it does call out the main ridge is the one that runs perpendicular to the street.) Well, what is the main ridge?
- Mr. Kulick: I think Ms. Sutterley intended that the perpendicular ridge was the primary.
- Mr. Guerra: No questions, but actually what defines primary or main ridge?
- Mr. Kulick: Ms. Sutterley may have some points to add, we can come back to it after Ms. Sutterley presents.
- Ms. Gort: Is it reasonable parking to have two cars parked in front of the garage but you have to move those cars to get out of the garage?
- Mr. Cross: Yes, it meets our standards, there's nothing specifying the orientation of spaces.
- Ms. Gort: How did you come up with the negative 3 for the garage facing the street? (Mr. Cross: Based on the point calculations specified in the handbook.) Could they just turn the garage so the doors did not face the road? (Mr. Cross: I'll let Ms. Sutterley answer but it may impact other aspects of the project such as setbacks.)

- Ms. Propper: On the metal siding, is 303 S High Street the only example of similar metal siding in the historic district? (Mr. Kulick: It's the only one we're aware of, and Ms. Sutterley supplied it and it's the only one she's aware of.) And was that built before the handbook? (Mr. Kulick: Yes, but it still mostly aligns with our code, having rusted metal is a variation but the handbook does allow variation in the conservation district. The design standard does say you can have greater flexibility of material.)
- Mr. Leas: If we allow corrugated metal, how much different is this? (Mr. Kulick: I think that's a question for the Commission in terms of what you're comfortable with.)
- Ms. Propper: My next question is, the example building at 303 S High has a quite dark exterior, so the contrast of materials is lower, as opposed to the Romer residence where the siding will be white with dark metal, does that have any impact on your thinking? (Mr. Cross: We took it into consideration but there's nothing in the code that addresses that.) (Mr. Kulick: The material metal is not really the concern, it's been used in the past and there's example of abrupt transition throughout Town, the question is more on the pattern of the material rather than the color. Rusted metal wainscoting is found throughout town.)
- Ms. Propper: I see, can you provide some clarification on the problems staff has with the windows? (Mr. Cross: The windows on the east elevation are not something we would see in the historic district.)
- Mr. Guerra: Those are awning windows. (Mr. Cross: Correct.)
- Ms. Gort: So if they were solid taller windows they wouldn't be a problem? It's just the transom that's a problem? (Mr. Kulick: It's more about the style and the placement.) (Mr. Cross: They're a little tall and throw off the human scale of the façade.)
- Ms. Propper: And the others on the west elevation? (Mr. Cross: Once again skewing the perception of human scale tucked way up in the gable and they are in the stairway.)
- Ms. Gort: What could you put there that would give light and be to scale? (Mr. Cross: Staff is comfortable with the other double hung windows here.)
- Mr. Frechter: Is the garage height and angle dictated by historical standards or by code? (Mr. Cross: Not to my knowledge, no.) And the unfinished space in the garage, if that attic space is finished will that be counted? (Mr. Cross: There is carve outs in the code for attic space not calculated into the density. Plus, livable density must have a head height of five feet and I do not believe it meets that.)
- Mr. Guerra: There's definitely room there to achieve livable space if you used different trusses.
- Mr. Frechter: Does the garage height have to be that high, with the windows it looks like it might become a livable space.
- Mr. Kulick: Looking at the steep roof pitch we wouldn't want that to be flattened out.
- Mr. Leas: And the pitch is facilitating the solar.
- Mr. Guerra: And there's no way to get there.

Janet Sutterley, Architect:

I feel like I'm immediately on the defensive and being held hostage by the lot split. I had nothing to do with the split and have been doing the best I can. I know that some of you disagree strongly with the split but there's nothing I can do about that. I have 3 design goals with this project: 1. Integrate comments on the Kuhn residence, especially with the roof orientation. My interpretation of the primary roof is the highest gable facing the street perpendicular. It's about a foot and a half down to the two sided ridge, which I'm considering dormers. Looking at the diagram from the guidelines, it matches what I have with the tallest ridgeline being perpendicular to the street. I felt I had satisfied the requirement of the primary ridge being perpendicular to the street. We need to define what is primary. 2. To avoid similarities to the Kuhn residence, to make this project different. This is tough because we have to have the garages in the front, I don't know where else you could put them without incurring negative points by extending the

driveway to a garage on the side. I looked at the Sheldon residence that has a tandem garage but was not able to make that work for this site. 3. To introduce minor elements to differentiate this from the historic district, which is encouraged by the code. Not a lot of differences but some minor things to make the transition area separated. We knew the garage would be facing the street, we wanted to differentiate from the Kuhns and we didn't want to have garage doors facing north. We decided it was worth the negative points to face the street, facing north would have required more snowmelt. Mitigated the garage facing Briar Rose Lane by having it set back 42' from the street and put landscaping in front of the garage, and we don't have the driveway enter right in front of the garage. Next is the driveway material, I did not realize that we didn't do that on the Kuhn residence, I'll speak with the owners about changing that; we plan to work with Staff to get rid of the negative 3 points for the driveway. For the windows, design standard 319 says it's not as critical to follow the windows and design standard 271 says historic imitations are to be avoided. Double hung windows would be integrating it too much. Looking at the Grad Duplex, a recent project, you can see similar windows. I felt like the code is encouraging minor differentiation in the transition area. I think Susan makes a good point with the metal siding being a large contrast to the white siding. The siding will not be visible from the street and will all be below grade. I didn't want to do corrugated because the Kuhn residence has corrugated, the owners didn't like stone, and I felt it needed a different material than wood.

Commissioner Questions / Comments:

- Mr. Gerard: I understand you're trying to fit a reasonable sized home on a small lot. In my mind the issue is what is the primary ridge? I like that the front door orientation has been fixed from the Kuhn residence. My issue is the turnaround in front of the front door made of permeable pavers, the first thing I'd want to do is park there. My suggestion would be to just consider the turnaround to the south and closer to the garage. (Ms. Sutterley: I thought it was necessary for the spots in front of the garage who would need that space to turn and I changed the material so it's not too much asphalt.)
- Mr. Gerard: Did you consider putting a cottonwood tree along the front streetside, to tie in the historic district cottonwoods. If the landscaping is paying for the sin of the garage and you want positive two points, I'd be more inclined with cottonwoods, otherwise I don't really see the public benefit.
- Mr. Guerra: The question of the ridgeline, I don't have an answer. To your point about the handbook I disagree, in your design I see more ridgeline because it dominates on either side of that ridgeline. Moving on, I'm not in love with the split of this lot, that said I see your conundrum and think you did a good job. Putting the garage there and the screening solved a lot of your problems but for the driveway material I have an issue with the guideline because if you put concrete you have to heat it and you have to have asphalt at the entrance or the snowplows will trash it and it's harder to repair. I don't have a problem with the windows, but they seem busy. The stepping of three doesn't conform with what we've seen before. Seems out of proportion. On the metal siding, is it going to be square or rectangular? (Ms. Sutterley: Square, but we're flexible.) And it is on the western elevation and low grade, so you can't really see it. It has high contrast but because of the aforementioned I find it acceptable.
- Ms. Gort: I have concerns with the main ridgeline. Based on the definition of main being chief in size or proportion, the front one doesn't really seem main. I like that you're open to changing the color of the metal panels.
- Ms. Propper: Are you open to changing the color of the metal panels? (Ms. Sutterley: I'm open to anything. Rusted is what we typically see which is why I was thinking that but we're open to suggestions.)
- Ms. Propper: As far as the windows, the one on the east elevation does not seem that out of character and seem consistent based on the example. The windows on the west elevation, I see

the point and wonder if one would suffice. I'm not bothered by them per se, it's more of the grouping.

Mr. Leas: I regret that you felt on the defensive, as the one that was the most against it, it has nothing to do with you. Your work has been exceptional and this is just the project that was handed to you, so don't take it personally. The east window elevation is going to be something not a lot of people are going to see, standing in the backyard you're going to have a hard time seeing them so they don't bother me. The steel panels will be a nice change from the corrugated we usually see.

Mr. Frechter: I want to double down on what Mr. Leas said, the original owner and buyer were aware of the restrictions and your design is working well within those. Nice to see the garage setback from the Kuhn residence. If the garage is connected, why the side door?

Ms. Sutterly: They wanted a man door into the garage, so it served a dual purpose in also working to break up that façade. That metal is going to facing the south and west and is going to very hot to the touch at the end of the day, you might want landscaping or something there to keep people touching it.

Mr. Frechter: You didn't ask if we think this is ready for a final hearing.

Mr. Kulick: I think that's a good question to add.

Ms. Sutterly: Yes, but I have a question for you on the primary ridgeline and it potentially resulting in negative points.

Mr. Frechter: Let's add ridgeline as a question.

Public Hearing: No public comment.

Commissioner Final Comments:

Mr. Gerard: Ridgeline, does not meet design standard. 1. Feel like we're handing out points for landscaping too easily, hence the suggestion of adding cottonwood trees along the street, so I don't currently agree. 2. Agree. 3. Agree, driveway doesn't meet standard but it's frustrating that we have to answer that question considering Ethan's comments. 4. Agree. 5. I think the windows can be tuned up but not overly out of alignment. 6. No because of ridgeline and landscaping. I wouldn't go to a final because still sitting at negative 6 points and possibly negative 9.

Mr. Guerra: I concur with Steve on the ridgeline, terminology needs to be clarified. 1. There is no trees on the lot so anything adding provides public benefit, agree. 2. Agree. 3. Concur with Mr. Gerard, and agree. 4. Agree. 5. Think you can work on the windows and not get the three points, don't agree with the full 3 points. 6. Disagree because of windows. Don't think we're ready for final.

Ms. Gort: Disagree with ridgeline. 1. Agree 2. Agree. 3. Agree. 4. Unsure. 5. Would like to see some tweaks. 6. Not agree and not agreeing to final hearing.

Ms. Propper: The lot by being long and narrow makes it difficult to have a perpendicular ridgeline without a shotgun-style house, what you've done is what you can. 1. Agree, not opposed to cottonwoods. 2. Agree. 3. Agree. 4. Interested to see what some options might be for color, if darker material is what's available I'm willing to consider it. 5. Less concerned about the east side, if the west side could be reduced to one that would be better. 6. Tentatively okay with points but want to see what happens with windows. Not ready for final.

Mr. Leas: Issue of ridgeline, I support Janet's definition of the ridgeline being the highest ridgeline. 1. Agree. 2. Agree. 3. Mr. Guerra has raised a good point but agree. 4. Agree. 5. Disagree, I have no problem with the windows. 6. Disagree due to windows. Needs to go through a revision before final.

Mr. Frechter: In terms of ridgeline, primary ridgeline is what you see from the street. 1. Agree, cottonwoods would make it even better. 2. Agree. 3. Agree, we might want to change

- that standard. 4. Agree. 5. I think the windows are consistent with the standard. 6. Don't agree because of windows. Would be best to go for another preliminary hearing. Second preliminary hearing might be best if other things come up that need changes.
- Mr. Kulick: To assist Ms. Sutterly as she considers plan modifications, how many points would the commission assign for the ridgeline related to Design Standard 269?
- Mr. Gerard: Negative three, based on precedent. Metal panels are under a deck or overhang making them harder to see and further shaded making them acceptable.
- Mr. Frechter: Agrees with negative three.
- Ms. Gort: I don't have anything to base it on.
- Mr. Leas: Doesn't necessarily concur, but if that's what staff decides.
- Mr. Guerra: I don't know if it complies.
- Mr. Kulick: Based on the majority of the commission it most likely doesn't comply.
- Mr. Guerra: I understand, and I don't know if it complies, there's no precedent, as it stands I don't agree with Ms. Sutterley's assumption that the primary ridge is perpendicular to the street.
- Mr. Truckey: The code allows us to go up to negative fifteen, but I don't think we've ever gone past minus three for a single design standard point assignment.
- Mr. Leas: On any historic issue or just this issue.
- Mr. Truckey: Any issue, but I don't think we've gone higher.
- Mr. Guerra: I agree with the negative three point analysis.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 8:00 pm.

Allen Frechter, Chair