

PLANNING COMMISSION MEETING

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

ROLL CALL

Rodney Allen	Michael Bertaux	Leigh Girvin
Dan Schroder	Jim Lamb	Dave Pringle

JB Katz was absent.

APPROVAL OF MINUTES

With no changes, the minutes of the October 6, 2009, Planning Commission meeting were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker added a discussion of the upcoming Planning Commission Field Trip at the end of the meeting. Mr. Allen noted that the order of the consent calendar was incorrect. He would like to discuss the agenda order at the end of the meeting.

With these two changes, the October 20, 2009 Planning Commission agenda was approved unanimously (6-0).

WORKSESSIONS:

1. Landscaping Policy

Ms. Cram presented the proposed changes to the Landscaping Policy, specifically regarding Relative recommendations. Some of the highlights of the changes included new language that gives greater emphasis to native plantings and the inclusion of xeriscape plantings. In addition, staff took a first try at developing some examples for the award of positive two (+2) up to positive eight (+8) points.

Commissioner Questions/Comments:

Mr. Schroder: Regarding irrigation, I don't want to award points to anyone that plants landscaping that will not survive without irrigation. I think that irrigation should be required. Do we ever look to see if the snow plow will get damaged by the boulders or wheel retentions when plowing? (Ms. Cram: We are trying to encourage protection of the landscaping.) (Mr. Neubecker: We also need staff to be more cognizant of tree locations in snow stacking and areas that will be plowed.) I think that staff is on the right track with the quantities of landscaping for the different size lots. It makes sense to require more trees for larger lots. I think that positive six (+6) is enough points. Number 13 may negate the need for a matrix; it says sufficient variety of species to assure appeal.

Ms. Girvin: One thing to consider is that we are encouraging temporary irrigation. Areas with utility cuts, for example, need water for the first few years to get established, and the most cost effective solution will be to require irrigation temporarily, even with spray. You cannot drip irrigate a lawn or native grass; you need to be able to spray it. It needs to go with the type of landscape you are putting in, and the length of time you expect to water it. Regarding #7, I would question the netting; I haven't seen it biodegrade over time and it can harm birds. There are other materials that can be used for the same purpose, such as straw, that are biodegradable. I am curious about the recycling of water that is included; it isn't located anywhere in the code. (Ms. Cram: Recycling is use of gray water, such as bathwater; we could include recommendations in the Landscaping Guidelines.) (Mr. Neubecker: We have looked into our legal water rights with the Town attorney, and we are allowed to recycle water in Breckenridge.) I have a question regarding #11: the first sentence says that "the remaining 50% of the tree stock", what is the remaining from? (Ms. Cram: 50% of the total, it gives minimum guidelines under the absolute policy.) The great example of landscape in its natural state is in Sunbeam Estates along Carter Park - there is a beautiful stand of Columbine and other wildflowers. This type of natural area can be preserved by fencing off and preserving these areas of native plantings during construction. (Mr. Neubecker: I would also add the word "undisturbed" to the policy relating to natural areas.) If you have a small property, how could you get 8-10 trees on it? (Mr. Lamb: I have 30-40 trees on my small lot; it is feasible to have that quantity.) I think that positive six (+6) is enough points. In your positive two (+2) points for preservation, if you have an area of outstanding vegetation and wildflowers such as Columbine, perhaps you should get positive

points without it having to be an entire 1/3 of the parcel. (Mr. Neubecker: Maybe we could have one point for natural area preservation, one point for drip irrigation, and so on. Like a menu.) In #3 you talk about preserving specimen trees; is this the definition of “specimen” or do we define it somewhere else? (Mr. Neubecker: It is defined in the development code.) I think that definition in the development code is appropriate. When discussing plants that are appropriate for the high altitude, I would like to encourage the use of legacy plantings (plants used historically in Breckenridge); they are not native, but have proven to do well here, such as oriental poppies, tansies, cotoneaster, balsam poplar, etc. I would like to encourage those types of plants that work. (Mr. Allen: Would #5 cover this?) (Ms. Cram: We should add “historical use” to the landscaping guidelines.) Technically, we aren’t “alpine” we are “sub-alpine”; you could just reference “high altitude”.

Mr. Pringle: Is it possible to break it out? For example if it is a Class C single family home it requires a specific type of irrigation, and a Class A and B commercial or multi-family should be absolute for irrigation. The netting does serve a purpose on steeper slopes. What are we changing the slope requirement to and from? (Ms. Cram: You can’t grow plants on greater than 2:1 slopes; therefore, we are changing the policy to absolute.) I agree that #9 should be encouraged rather than required. I wouldn’t want to penalize someone who wants to put in a turf yard rather than keep their yard in a natural state. (Mr. Neubecker: You are allowed to, but it would be encouraged to preserve the native grasses. This will also be addressed in the energy policy.) (Mr. Schroder: I think you should be able to do a turf yard, but you should get 0 points in that situation.) (Ms. Cram: Someone who preserves native grasses could get positive points; we are not prohibiting a turf yard.) I don’t like putting numbers in the code, because people will go for the cheapest points. More isn’t better, better is better. Do these rules apply to all development in Breckenridge? (Ms. Cram: Yes.) I think that single family should be able to get the maximum positive points. Do we want to give people positive points if they have a disturbance envelope? (Ms. Cram: We wouldn’t give them points for that; only if they protected something within their disturbance envelope.) (Mr. Allen: Or if they routed their driveway specifically to preserve an area of natural vegetation.) (Mr. Truckey: The language right now reading as “1/3 of a lot” needs to be distinguished with disturbance envelopes and the preservation area.) On page 23, is this part of 22R? (Ms. Cram: We want to make this absolute so we are going to move it.) So this will come out of 22R. Is there a difference between “natural” and “I’m never going to touch this again landscaping”? (Ms. Cram: Yes, this is addressed in maintenance.)

Mr. Lamb: If you require an irrigation system, someone could still choose to not turn it on. My issue with irrigation is that you can typically see them on during rainstorms. (Mr. Rossi: We could require a rain sensor.) I think that #9 is okay in the historic district. I envision a large lot with the parking and landscaping, it sounds like it would look unnatural. I think that the landscape for a small lot seems equitable. I think that positive six (+6) is enough points.

Mr. Bertaux: In an arid climate, the plant material needs irrigation. I think that irrigation is deserving of positive points. The netting works, but you can also use straw or other materials. We might want to allow a xeriscape type project rather than a retaining wall. (Ms. Cram: You could do dry stacked walls.) (Ms. Girvin: You could plant pockets along the dry stacked wall.) (Ms. Cram: This would be allowed with the proposed policy language.) Possibly a strip of gravel or other options could be used in the historic district where curbs or boulders could not be provided. If you are encouraging a large quantity of trees, 40-60, aren’t we going to get a large quantity of aspens versus evergreen trees? (Mr. Schroder: I think there needs to be an equivalency table, like 3 aspens are equal to 1 evergreen or a percentage of each plant type.) I think that positive six (+6) is enough points. Should the code also show the difference between a master plan and a single lot? How do you define the amount of landscaping that isn’t on a developable lot, along a right of way? (Ms. Cram: That is in the subdivision process, which determines how many trees you have to plant in the subdivision.)

Mr. Allen: I agree with Ms. Girvin regarding irrigation, it depends on the type of landscape and type of property. You could also evaluate where the property is located, some parts of town may need different types of irrigation due to the soil type and drainage. Are we talking about the same policy #9 for both single family home driveways along with commercial and multifamily project parking lots? (Ms. Cram: Yes.) Have we seen a problem with this? (Ms. Cram: No.) What is staff’s issue with turf? (Ms. Cram: Water use.) (Mr. Pringle: We could include a tall turf type fescue or other lower water use turf besides Kentucky Bluegrass.) Could we have a floor area ratio type formula for landscaping? (Mr. Bertaux: You need to make sure if you apply this approach, you need to take the

net of the lot area so that impervious areas are not included.) I want to make sure we aren't precluding trees from being planted outside the disturbance envelope. (Mr. Neubecker: We have allowed people to plant outside the disturbance envelope.) (Mr. Lamb: Typically people aren't asking for positive points outside the disturbance envelope unless they are creating buffers.) (Ms. Cram: This hasn't been an issue in the past.) (Mr. Neubecker: It is about how the tree is planted, you should use a less disturbing planting mechanism, like a bobcat rather than a dozer.) I agree with Mr. Neubecker, and with pine beetle, planting outside the disturbance envelope will be an issue in the future.

Mr. Rossi: This isn't mentioned in the plan, but is there any reason to encourage nursery grown versus field grown, and where the plants come from? (Ms. Cram: We want to allow people to do both. Engelmann Spruce will be field collected, while Blue Spruce will be nursery grown. We just want to make sure that plants are adapted to our elevation. There are some species that are less likely to survive if they come from Denver. We will put information regarding planting, watering, and tips in the Landscaping Guidelines to help people.) (Mr. Bertaux: I think that nursery stock from Denver can be grown here, as long as it is watered and planted appropriately.) Can you specify the type of sod that is put in, potentially a low water use type sod or seed? Maybe that is one way to have a lawn with less water use.

Mr. Truckey: One comment on the discussion of Classes, a single family home in the historic district is not a C. You need to weigh the amount of positive points that are available, since affordable housing can get up to positive ten (+10) points at this time.

Mr. Neubecker: Are we missing any type of landscaping that should be getting points? Like a plaza? Is there any non-plant landscaping feature we are forgetting? (Ms. Cram: Those areas will not get positive points, only landscaped areas.)

2. Footprint Lots

Mr. Neubecker presented. The Planning Commission discussed footprint lots at the February 3, 2009 and March 17, 2009 Planning Commission meetings. After these two meetings, a few consensus points seemed to arise. These include:

- Prohibit footprint lots in the Conservation District, except possibly in the commercial core.
- Secondary structures should have a different design standard that makes them look secondary (e.g. no ornamentation, smaller scale, etc.)
- Footprint lots should be identified by the applicant during the site plan application and review process.
- Separation of structures/footprint lots needs to be addressed.
- Accessory apartments should still be allowed, but criteria for accessory apartments may need revision.
- Form based codes should be considered.

Staff would like to verify that there was consensus among the Commission on these items.

The following items either needed additional information, or did not have a consensus:

- Should condominiumization of buildings be allowed where footprints are not?
- Should the Downtown Overlay District have different rules, since it is already a more active, commercialized area? (For footprint lots and condominiumizations?)
- Should there be a minimum size for a development to qualify for footprint lots? (This could eliminate a small development, with only one or two historic lots, from using footprints.)

Staff anticipated changes to both the Subdivision Code (which currently addresses footprint lots and minimum lot size) and the Handbook of Design Standards for the Historic and Conservation Districts. Staff did not expect that changes were needed to the Development Code at this time, since the Handbook of Design Standards is the primary governing document for design related issues within the Conservation District.

Commissioner Questions/Comments:

Mr. Schroder: People need to understand what they are allowed to build on the footprint lot, and that secondary buildings are going to look like a barn rather than a residence. I am in agreement regarding the remaining bullet points. I agree that the secondary building should be subordinate to the primary structure.

Ms. Girvin: Regarding Mr. Pringle's example, what could happen on those properties with an existing smaller structure on the lot? I don't think we want the historic structures get relegated to the back of the lot to put a primary structure on the front of the lot. Is that a place where a footprint lot might make sense? (Mr. Neubecker: We could request that they move the cabin to the front and have the development in the back.) At least when you have a condominium, you have an HOA. (Mr. Allen: You could have an HOA with footprint lots also, for snow plowing, trash, landscaping, etc.) One of my concerns is the issue of financial consideration. That shouldn't be an issue we are discussing with footprint lots. (Mr. Neubecker: I think we should discuss it with the policy. We want to consider if there will be incentive for historic preservation and restoration.) (Mr. Pringle: You are right about the financial benefit, but sometimes footprint lots also satisfy other competing interests in the town such as neighborhood character or available density on a lot.) (Mr. Neubecker: Keep in mind we can distinguish between different areas in town.) There is an example of too much density on Harris Street, with multiple units and cars crammed in, and then there is a large home overlooking the old house (Abernathy's old house). This is what we are trying to get away from. If we saw a lot of this, it is definitely a degradation of the neighborhood. (Mr. Neubecker: This is not an example of an accessory dwelling unit, but of the time in the 70s-80s when subdivision of those lots was used in the hopes to get more people living in the area.) I am in agreement regarding the second and third bullet point. I think if we are going to allow footprint lots, it makes sense to have different rules for different areas. Most of the examples we've discussed are in the commercial core. (Mr. Allen: It might even be encouraged in the commercial core.) (Mr. Schroder: Vitality.) I would only want to see these in the business core, not in residential. If we get rid of footprint lots, it should be in the residential area.

Mr. Pringle: There are good examples of footprint lots in the Town of Breckenridge, at Legacy and also Dosse Court, a development pattern was included which fit into the neighborhood. The problem I have with footprint lots is sometimes it allows for more development on a lot than you would normally see. I think you want to keep footprint lots, because once in a while it presents a solution, and the Planning Commission should decide if it is allowed on a property. We have a minimum lot size in town, so you can't just subdivide any lot. There have been projects in the past where subdivision of the property by footprint lots was the only way to go forward with the development. (Mr. Neubecker: I think that there are ways to develop properties without the footprints.) I don't see a distinction between inside the commercial core and outside. I have some concerns with requiring the design standards on footprint lots – I think people should be able to apply for a master plan. (Mr. Neubecker: People can always apply for a master plan and request different standards.) Regarding the third bullet point, setbacks are an issue for commercial and residential properties and need to be addressed. The accessory apartment cannot be sold off like a footprint lot. (Mr. Truckey: Can an accessory unit be located on a footprint lot?) (Mr. Neubecker: Maybe we should add that accessory units shouldn't be allowed on footprint lots.) (Mr. Allen: Why not? If you have the room to provide the parking, etc. why couldn't you do this? You have limits to density.) This is why I prefer master plans. You can see the total amount of development.

Mr. Lamb: What is the advantage of a footprint lot? Is it just that you can sell part of the property? (Mr. Neubecker: Yes, and developers can sell a building and the land.) (Mr. Allen: It is easier to finance than a condominium, because the land can be sold.) A footprint lot seems like an increase in density, and many times people seem to shoe-horn in a lot of additional development. The question is: are we comfortable with a situation where applicants are able to circumvent the minimum lot size? Is the potential adverse impact on the neighborhood included in the policy, such as multiple landowners where there used to be one? (Mr. Pringle: The aesthetic is the same whether it is under one ownership or two.) (Mr. Allen: I agree.) (Mr. Neubecker: The code could require additional parking areas, which does change the aesthetic because originally the lot required fewer parking spaces.) (Mr. Pringle: If you just allowed one single family house and an accessory apartment you are probably going to have more cars than you have spaces.) I am in agreement regarding the second bullet and third point. I agree with Mr. Pringle regarding accessory units. What if you banned footprint lots everywhere, and made everyone who wants to do this type of development do a master plan? (Mr. Neubecker: I don't think you will solve that much, you would end up with the same development proposal.) I have an issue with the form based codes, because what if the house in the front of the lot is small and they have a large amount of density? You want people to be able to build to the little amount of density that they have. (Mr. Neubecker: There will be exceptions for every

rule.) (Mr. Allen: Maybe we should address an example of this in the policy?) I am not sure that secondary structures need to look like a barn, but that they look subordinate to the main structure. I agree with Ms. Girvin regarding footprint lots in commercial versus residential.

Mr. Bertaux: It is not always density; it is often subdivision that drives the issue. There are several lots in the historic district where there are smaller existing buildings on the lot, and people want to be able to develop the lot. Footprint lots allow the development of the lot and preservation of the structure, and can create some revenue generation to restore the historic structures. I am in agreement regarding the remaining bullet points. I agree that the secondary structure should look subordinate to the primary structure. I'd like to see more master planning take place in the commercial area. (Mr. Allen: Especially along the river corridor.)

Mr. Allen: Is there a mechanism that can allow for the sale of a footprint lot that meets historic guidelines? (Mr. Neubecker: Condominiumization is the first way. There are a couple issues with footprint lots, first is that people want to buy a "primary" looking structure. The second issue is that on lot with multiple property owners there can be issues with parking and maintenance, even with an HOA.) I have a concern with prohibiting footprint lots in the historic district. If we are talking about banning footprints, why wouldn't we discuss condominiumization? (Mr. Neubecker: Yes, at some point we will discuss condominiumization.) I don't see a distinction between inside the commercial core and outside of it in Town. I am in agreement regarding the second bullet point. Are you saying that there will be different rules for accessory apartments? Doesn't it also say it must be within the main structure or in the garage? (Mr. Neubecker: It can be a separate unit; the code doesn't address that, but it could be added.) (Mr. Pringle: The only difference between accessory unit and footprint lot is that you don't sell the accessory unit. I don't think that bringing this discussion into this is necessary.) What is the issue with having an additional accessory unit? (Mr. Neubecker: The parking and other site impacts are the issue.) Can you elaborate on what you will include in the form based code? (Mr. Neubecker: More guidelines about the architectural character of properties, mostly in the back yard, making them look more like a secondary building.) I think most of the Commission members agree that the secondary building should look subordinate to the primary structure, but that we don't agree on the materials. If you could provide us with some old maps and photos we could discuss that at another time. I think you either allow both condominiumization and footprint lots or you prohibit both. (Mr. Bertaux: I agree.) I agree with Ms. Girvin regarding having different rules in the commercial core. On the last bullet point, was Dosse Court and Legacy Place more than one lot? (Mr. Pringle: Yes, they are larger lots.) If we are allowing footprint lots, are you saying that lots need to be a certain size? (Mr. Lamb: I think there should be a minimum, but I'm not sure what it is.) I agree with that, possibly staff can bring us some examples. (Mr. Kulick: Do you really want to start advocating a change in the historic lot size in that area? They are part of the context of the Town's settlement pattern.) I think that footprint lots should be allowed, especially if they fit all of these rules that we've discussed.

TOWN COUNCIL REPORT:

Mr. Rossi: Get everyone up to speed on Entrada, ValleyBrook and the positive ten (+10) points issue for affordable housing. Everyone on Council was in agreement that the positive ten (+10) points was being abused. This can be addressed in the transfer of and the granting of density to the property. You have heard about Valley Brook. The drive way came through on Entrada and we made an agreement with the applicant that they can continue with the lawsuit, but if they don't win the lawsuit they will buy two TDRs from the town. At that time Council will allow the purchase of that easement through Summit Ridge. (Mr. Allen: Do you think you should talk to Council about footprint lots?) There seems to more acceptance of the concept with the last two meeting minutes that I read. I know that Council member Mamula had concerns with the issue.

CONSENT CALENDAR:

1. Lot 17, Corkscrew Flats, Filing 3 (CK) PC#2009048, 271 Corkscrew Drive
2. Roberts Change of Use (MGT) PC#2009050, 1900 Airport Road, Units A3-A4

Ms. Girvin: What is in this location now, at 1900 Airport Road? (Mr. Roberts, Applicant: It was a timeshare sales office. The only other thing in the building now is a photo gallery.) What is the land that the Town is getting in the exchange? (Mr. Thompson: To the north of Rock Pile Ranch, the town has been using the land as an access point to Block 11, and the Town would like to make our access point legitimate and give Rock Pile Ranch some area to

expand their parking east of their building. The parking will be on this land that is traded.) So it sounds like a good land trade for the Town? (Mr. Thompson: Yes.) (Mr. Neubecker: This has been planned before the Applicant's request.) Is this walkable to the new college? (Mr. Roberts: Yes.)

Mr. Allen: Is the applicant looking to develop right away? (Mr. Thompson: According to the applicant it will take 6 weeks for interior tenant finish, and it will also be contingent on the land trade.)

Mr. Pringle: We are introducing a more intense use than the support commercial / industrial type of use that is going on in this area. Is this something that will continue to happen in this area? (Mr. Thompson: We thought it would be positive for the community to have a café / deli use in this neighborhood. The Applicant is required to pay additional tap fees and provide additional parking, and that will mitigate the more intense use. I think there will be additional traffic in the area.) This could lead to a more "destination" commercial in this area. (Mr. Bertaux: The neighborhood changed when people started putting in residential uses on the second floor of the commercial spaces.) (Mr. Neubecker: As Block 11 develops this area will continue to change.) (Mr. Lamb: We are happy about it at the college.)

Mr. Allen: Two changes in the conditions to this project:

Condition 5: Moved to "prior to certificate of occupancy".

New Condition 6: Exchange agreement with Rock Pile Ranch shall be completed prior to certificate of occupancy.

Mr. Pringle made a motion to call up Roberts Change of Use, PC#2009050, 1900 Airport Road, Units A3-A4, Mr. Bertaux seconded. Mr. Pringle moved to approve the Roberts Change of Use, PC#2009050, 1900 Airport Road, Units A3-A4, together with the corrected and additional findings and conditions. Mr. Bertaux seconded and the motion was carried unanimously (6-0).

3. Water House on Main Street Temporary Roof and Screening (CN for MM) PC#2009049, 600 Columbine Road
On page 43 it is noted as vested for one year, and applicant wants to extend vesting for fencing to 18 months which is what is allowed per a Class C permit. (Ms. Sharon Cole, Applicant: It is to allow usage of the garage which is being built. This temporary roofing structure will be in place until the next building is under way. At that time the permanent roof structure would replace this temporary one.) (Mr. Neubecker: We would put in the permanent structure at that time.) The Commission agreed that the vesting for 18 months was acceptable.

Ms. Girvin made a motion to call up Water House on Main Street Temporary Roof and Screening, PC#2009049, 600 Columbine Road. Mr. Bertaux seconded. Ms. Girvin made a motion to approve Water House on Main Street Temporary Roof and Screening, PC#2009049, 600 Columbine Road, with the change to the extended vesting to 18 months. Mr. Bertaux seconded, and the motion was carried unanimously (6-0).

With two requests to call up, the remainder of the consent calendar was approved as presented.

OTHER MATTERS:

1. Consent Calendar

Mr. Allen asked Mr. Neubecker why the consent calendar was not at the beginning of the meeting as previously discussed. (Mr. Neubecker noted that the Council had wanted it to be moved. The feeling was that generally the people that are showing up for the consent calendar are the architect or developer and are paid to attend, and can wait until 9pm if needed. Staff presented the Commission's concerns to the Town Council at the last meeting.) Planning Commission doesn't think that this agenda order serves the public very well. The order should be: Consent Calendar, Worksession, and Council Update. If there is a call up off the Consent Calendar it potentially goes to the end of the line after the Worksession. If it is technical, we will extend that courtesy to the applicant, if we think it will be quick. If it is a longer discussion, we will move the Call Up discussion to after the Worksession. The Planning Commission is on agreement on this issue.

2. Planning Commission Field Trip

Mr. Bertaux and Mr. Pringle will not be able to attend. Mr. Schroder is 90% sure he will make it.

Mr. Neubecker: The mission is to look at energy related issues that are not addressed by our green building codes. Everyone takes the typical items into account (solar, VOC, etc.). We are going to look at more site planning type issues, such as building orientation and bio-swales. Many of the units at Prospect New Town have accessory units. It is possible that the order of projects visited during the field trip may change, but Staff wanted to make sure the Planning Commission had the times correct.

ADJOURNMENT

The meeting was adjourned at 10:18 p.m.

Rodney Allen, Chair