

**PLANNING COMMISSION MEETING**

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

**ROLL CALL**

Rodney Allen                      Leigh Girvin                      JB Katz  
Dan Schroder                      Jim Lamb                      Dave Pringle  
Michael Bertaux was absent.

**APPROVAL OF MINUTES**

With no changes, the minutes of the October 20, 2009, Planning Commission meeting were approved unanimously (6-0).

**APPROVAL OF AGENDA**

Mr. Neubecker added an item under Other Items to recap the Planning Commission Field Trip to Boulder and Longmont on Friday, October 30. With no other changes, the November 3, 2009 Planning Commission agenda was approved unanimously (6-0).

**TOWN COUNCIL REPORT:**

Mr. Rossi was not in attendance.

**CONSENT CALENDAR:**

1. Timberline Homebuilders Residence (MGT) PC#2009051, 787 Fairways Drive

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

**FINAL HEARINGS:**

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

The historic Whitehead building will be raised 18 inches (to correct existing drainage issues) and receive a foundation (none exists now). The historic shed will be carefully dismantled (preserving the historic fabric) and re-assembled over a new full basement with sistered new framing inside. The original lower level Main Street façade will be restored based on historic photographs (the upper level has remained unchanged over the years). All historic windows will remain.

The applicant and agent have been working closely with staff to ensure that the proposal abides with the absolute and relative policies of the Development Code and the Handbook of Design Standards for the Historic and Conservation Districts plus the Design Standards for the Historic District, Character Area #6, Core Commercial.

Mr. Mosher noted that due to building code issues, the side windows on the new addition (not the historic structures) may need to be removed from the plans. Staff will process the changes as a Class D modification to the development permit and provide a memo to the Commission. These changes will not affect the point analysis, rating of the building, or any visible elevation of the building. Staff has also been working with the applicant on a construction staging plan to make sure the sidewalk stays open. Sturdy fencing will be installed, and only about two feet of the sidewalk would be blocked. Several neighbors have expressed concern about closing the sidewalk.

**Commissioner Questions/Comments:**

- Mr. Schroder: Final Comments: How wide is sidewalk in front of door? (Mr. Mosher: 7 feet.)  
Ms. Girvin: Final Comments: In the Findings and Conditions please note our meeting is November 3<sup>rd</sup>, not 6<sup>th</sup>. Please correct that in the Staff memo prior to the application going to Town Council.  
Mr. Pringle: Final Comments: I think it is a wonderful restoration.  
Mr. Allen: Final Comments: The Planning Commission is in agreement regarding Mr. Mosher's suggestions.

Mr. Pringle made a motion to approve the point analysis for the Whitehead House (Prospector) Renovation and Landmarking, PC#2009042, 130 South Main Street. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Whitehead House (Prospector) Renovation and Landmarking, PC#2009042, 130 South Main Street, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to recommend the restoration of the building and shed of the Whitehead House (Prospector) Renovation and Landmarking, PC#2009042, 130 South Main Street, for local landmarking. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

## 2. Gondola Lots Master Plan, (CN) PC#2009010

Mr. Neubecker presented a proposal to Master Plan the north and south parking lots surrounding the town gondola terminal with a condo-hotel, townhomes, commercial uses, mixed use building, new skier service facilities, new transit facilities, and two parking structures. The proposal also includes development on portions Wellington parking lot and the East Sawmill parking lot, plus modifications to the Blue River, all of which are owned by the Town of Breckenridge. The proposal includes the transfer of 93 SFEs of density from the Gold Rush parking lot to the north and south gondola parking lots. A reduced parking requirement of 1 space per 1 condo-hotel unit is proposed, per a preliminary approval from Town Council. The final development agreement for this reduced parking ratio will be reviewed by the Town Council, and has been made a condition of approval.

Staff advertised this application for a final hearing. If the Planning Commission was comfortable that all necessary issues have been addressed, and if the Planning Commission supported a passing point analysis, then this application could be approved.

There were still several issues that have not been finalized in the application, which have been included as Conditions of Approval. These include the phasing plan, notes on the Blue River restoration, and approval of a development agreement with the Town Council for the reduced parking for the condo-hotel. In addition, there were several business issues that must be agreed upon by the Town Council, and that approval has not yet happened. These include deletion of property lines, ownership and construction of public amenities, and construction of the river improvements. Other issues that may be discussed with the Town Council include funding and operation of the parking structures, improvements to Park Avenue, and elimination of parking spaces.

Mr. Neubecker handed out a revised point analysis and revised conditions of approval. Staff has worked with the applicant on some changes to the Conditions of Approval, which Mr. Neubecker handed out to the Planning Commission at the beginning of the hearing. The suggested changes to the Conditions of Approval are as follows:

- A revision to the amount of employee housing in condition # 12. VRDC will deed restrict approximately 23,000 square feet of employee housing, to achieve the positive eight (+8) points for affordable housing. The amount of employee housing is based on the anticipated level of development, plus ten percent. The condition also states that if the development plan changes, the amount can be reduced (or increased) to meet the minimum amount needed to earn positive eight (+8) points in the point analysis.
- Phasing is proposed to be removed from the plan, to be dealt with on a Staff level. The phasing plan will include timing of the river improvements and round-about.
- New condition of approval indicating that positive or negative points allocated in the master plan would not be allocated again during the site plan review for each building or site.
- New condition of approval allowing mixed use building to use condo-hotel multiplier of 1,200 sq. ft. per SFE (rather than 900) if the building is operated by condo-hotel with access to all of the amenities of the condo-hotel.

Staff has attempted to address these concerns with the attached Conditions of Approval. However, staff welcomed Commissioner input on the Conditions of Approval (or any other element of the plan), and any suggestions the Planning Commission may have had for improvement.

Mr. Campie, with DTJ Design, presented for the applicant to discuss some of the Planning Commission's concerns. Mr. Campie presented graphics and 3D images of the proposed master plan, along with vision and character sketches.

Mr. Campie discussed the visioning process, conceptual architectural character, Blue River character, Gondola Plaza and landscape and public spaces, sustainability, transportation and transit goals. There have been many detailed changes that have occurred throughout the process due to comments from Staff, the Commission, CDOT, and others. The major changes were: the roundabout at French Street, the transit center configuration, the drop-off and temporary parking, access to the Parkway Center and grocery store on French Street, structure access to the south parking structure, and many other additional text changes to the master plan document regarding business issues, drainage and utilities, Blue River, phasing, Gold Rush lot, Gondola roof structure, and more. There are several issues we'd like to ask the Planning Commission to address that were staff comments: 1) sustainability language, 2) brick as a material for condo-hotel, 3) transit facility design improvement, although no points were received for this improvement. Want to get feedback on removing the gondola roof structure requirement. Roof would be out of scale and character with this development.

Mr. Allen opened the hearing to public comment.

Mr. Jeff Campeau: I am president of 1st Bank Summit County. We are in support of the project. We haven't had a lot of time to review the access issues, but we are opposed to both of these access configurations. It might be that we just don't understand this enough right now, but it is already a challenging ingress/egress. There are some major issues with the turning configurations now. We cannot lose a left access at that access point for our customers, and there are potential congestion issues. Restricting a left out of our lot could impact half the town. (Ms. Katz: The barricades that go up between the town and the 1<sup>st</sup> Bank, could they go down?) (Mr. Neubecker: We'll talk with Town Manager about that. They have gone down in the winter.) (Ms. Katz: Could we move them so 1<sup>st</sup> Bank customers could have another exit route?) (Mr. Neubecker: The Town Manager is willing to discuss that.) I do think that this could be a solution we could look at. The applicant has tried to explain this to us, but there are several unknowns that we are uncomfortable with. We have concerns with the queue length and vehicle stacking.

Mr. Dave Garrett, business owner and property owner in the neighborhood, 213 N. Main Street: I have participated in many of the meetings. I agree with Ms. Girvin and am totally devastated to lose the Wellington and East Sawmill lots, about 40 employee parking spaces that are used by so many people on Main Street. Discussed the parking district fees paid to the town that for parking and has concerns about how they will be replaced in these future structures. The parking structure being as long as all three of the buildings fronting on Ski Hill Road and four stories high doesn't seem rational for our town and our character. (Mr. Neubecker: It is four levels, only 2.5 stories tall. There is a level underground.) I also have an issue with the height of the condo-hotel and what the final grade will be due to the concerns heard before with the ski-back. I also have an issue with the ski back and the crossing issue on Highway 9. (Mr. Campie: The intent is to reduce the sense of the height of that building, as well as to improve the ski back grades and approach.) I agree with Mr. Pringle's thought that another ski way back to the Gold Rush lot would be a great thing to add to the plan. It doesn't seem quite right to me that this is up for final approval yet. (Mr. Allen: I encourage you to go discuss the parking issues with Town Council.) (Mr. Neubecker: Regarding the ski back and crossing onto Park Avenue, fencing has been added to try and keep people from crossing in that location.)

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

*Commissioner Questions/Comments:*

Mr. Schroder: Question about the strikeout of condition # 11, on the Blue River? Has this requirement been removed completely? Please clarify. (Mr. Neubecker: This still has to get done, but the question is when does it get done, and this ties back to the Phasing Plan. Condition #14 was meant to clarify this.) (Ms. Katz: What is the mechanism for getting this done if it isn't a condition?) (Mr. Neubecker: In a Town Council agreement. Most of this area is actually town property.) (Ms. Katz: All the more reason to be concerned about it.) What is the absolution of property line? (Mr. Neubecker: It is a negotiation with Town Council that needs to happen after the approval of the master plan.)

Final Comments: I have liked this project all along and have been very pleased with what we have seen thus far. My initial concern was with the Blue River, but I am not comfortable with the approval right now primarily because of the 1st Bank access. I would not be in favor of the positive points for the transit system, and in fact I think it is a benefit to VRDC the way it would change. If it was improved substantially I would agree, and I am glad to see that it is considered a zero net gain. I

don't want to recommend going forward tonight because of what all of the commissioners have said and also that we have only had four days to review this. I am comfortable with stepping the height of the townhomes. Gondola Roof structure removal is fine with me. I am in favor of brick, but not as a primary material. I don't have enough background on the other architecture issues.

Ms. Girvin: Regarding architectural character, we talk about using brick for the condo-hotel and I agree with staff that it is appropriate. It talks about negative points being assigned during the development process, why negative points if we are supporting the material in the master plan? (Mr. Neubecker: This master plan becomes the controlling document, although the code recommends against using too much brick. Therefore an entirely brick building would be too much brick per code, and negative points would be assigned at the time of development. Negative points would be assigned in the future, depending on the final materials chosen.) Discuss the loss of employee parking with the moving of the river to the east to accommodate the mixed use building. The loss of free employee parking needs to be replaced somewhere in the plan. Why has it not been replaced? (Mr. Neubecker: This is a business issue that the Town Council will decide upon. The structures provide more parking than is currently provided by the lots.) (Mr. Grosshuesch: The management of the parking structure will be discussed through the business and master plan.) (Ms. Katz: I agree that this is an issue, and why isn't it our issue?) I ask that Council please consider this when making this agreement with the applicant. On employee housing, when, where and how will this be accomplished? (Mr. Neubecker: They will be located in Upper Blue Valley, probably at Breckenridge Terrace; covenant for workers that only work 30 hours in the county and the code does allow this. Deed restrictions will be required when master plan is recorded.) Parades and fireworks, where will those occur? (Mr. Neubecker: This is in negotiations and we don't know how it will be handled in the future. Kim DiLallo is working on this issue.)

Final Comments: I was surprised to see in our agenda packet that we were expected to approve this tonight. I like what Ms. Katz and Mr. Pringle have suggested regarding a recap of the changes and all of the outstanding issues resolved before we vote on this. The Planning Commission recently did a field trip to Longmont and a project we visited felt like Disney World. I don't know how you legislate that, but the project has to contribute to the vitality of the area and the character of the town. Mr. Pringle and I have both touched on these ideas in the past. I am very concerned about the parking loss on the east side of the river, and whatever agreements that Council can provide us with prior to our approval would be helpful. I think the 1st Bank access has been an issue since the first day. This project is multiplying the traffic more than ten times. Either of these potential solutions are not solutions in my opinion, and the design favors the parking garage traffic, and the people coming out of Town Hall and 1st Bank will have to make a left turn before they can even get to the exit route. I think it is a worse solution. This needs to be completely relooked at. I think that what you are doing with the employee housing is cheating and there isn't much being given up to get those ten points. I do not think those river improvements should be thrown back on the town. I don't think this is ready for a final master plan. I am not a fan of hipped roofs, but other design elements are consistent with the historic district and for the mixed use building it seems to be appropriate. I think the Gondola roof does not need to be built.

Mr. Pringle: Final Comments: I agree with Ms. Katz and Mr. Lamb. During the process we were able to go through each of the aspects, and we are getting the recap now and we need some more time to address the outstanding issues. The 1st Bank access was pointed out by several Commissioners at the first meeting, and we need to answer these hard questions. There is no joy in delaying this; we just need to be comfortable with this master plan. There has been no mention of the north parking structure having some other commercial uses to add activity to the area. Sustainability section you have in the master plan is fine, and I think we can leave it vague and make a commitment to use the state of the art sustainability at the time when the development comes to fruition. I think we need to follow what the code says on brick and materials; we need to see what the actual material is when we have the building designed. I think that the internal access and egress is working very well, but it falls apart where there are already problems in the Town circulation system. I am not sure that they are your problems to solve, but you will add to them and we need to work together to address these issues. Don't hold all of these issues to the end when agreements are being made. I am fine with design elements except for hipped roofs. Roof can go away, although I believe that this was a controversial issue at the time of approval.

- Mr. Lamb: Is it safe to say there is no obligation for the applicant to do anything to the Blue River? (Mr. Neubecker: Yes, it talks about how it should be restored, but doesn't say who will do the work. The Town is a partner in this. Who pays for the river is still up for discussion with the Town Council.)  
Final Comments: Something that is perhaps a little frustrating is that we don't seem to have a lot of teeth as a Planning Commission. On one hand you think send it to Council and let them deal with it, but potentially one more look by the Planning Commission and some of these issues with access could be worked out. I agree with Ms. Katz that the internal circulation is looking better, but I am more concerned with the impact outside of the site. I am concerned with the 1 to 1 parking ratio. We need to get this part of the plan right. I am okay with two stories on the river for the townhomes as long as it is still the same building. I think it is crucial that the 1st Bank issue gets addressed. I would like to see some agreement regarding the Blue River, which is a very positive thing for this project. It is disappointing to see it go away. I think we can do a better job looking at the design before sending it on to Council. We owe it to the community to get this right. I am fine with design elements except for hipped roofs. Gondola roof can go away.
- Ms. Katz: My recollection is that we could deal with these issues at Council, but there are issues we have to leave alone at Planning Commission. (Mr. Grosshuesch: Part of the plan is contingent upon the location of the river and the town property, and the town has that leverage in the business plan. The business plan is a non-starter if we don't like the design concept; that is why we are talking about the design concept now.) I just want to make sure we are doing enough to protect the Town if there are other owners in the future. (Mr. Iskenderian, VRDC: We went in front of Town Council last week and we talked about some of the business issues, and the message that we got back was to finish the Planning Commission process, and then we can start talking in earnest about these business issues.) Why can't Council have a discussion of just parking alone and not some of these other issues? Why couldn't that issue be something that Council could discuss prior to us signing off on this plan? Why couldn't there be an agreement that if one space is taken, then it will be replaced in this manner and in this way. (Mr. Grosshuesch: It comes back to the parking management plan. We can't make a long term commitment to how the spaces in the garage will be managed in the future.) (Mr. Campie: There is a statement in the master plan that says that 50 spaces will be replaced. Also, just to clarify, it is only 28 parking spaces being removed.)  
Final Comments: I could live with changing some of these points, and I don't feel like we have seen this long enough to approve it tonight. I thought we were going to have more definite discussions of each issue. I am not very comfortable with the point analysis right now. I think we are setting ourselves up for gridlock on Park Avenue and need more time on circulation and how it will relate to the Town borders. I think internal circulation is improved, but what happens outside the project borders is a concern. I am concerned with the 1st Bank access and working that out. I am happy with the Blue River townhome height approach. I am fine with removing the specific reference to LEED Certification. I am fine with changing the points about the brick if you are open to changing other points and having that discussion. I would be open to other people's motions to change points, but rather than starting to change points I would feel better about having another meeting to get our mind around it. The building heights and their interaction and impact with the town on the outside are a concern. I am fine with design elements except for hipped roofs. Gondola roof can go away.
- Mr. Allen: Please talk us through the vesting. (Mr. Neubecker: Vesting means that the applicant is protected from code changes. As the code is currently written, developments of this size can have 3 years of vesting. This will be discussed with Town Council.) Please discuss Condition #21. (Mr. Neubecker: The mixed use building will have the residences upstairs in this building be operated by the hotel operator, it is almost an annex of the condo-hotel. They will have access to the services of the condo-hotel. The question is: should their density be calculated at 1200 square feet per unit rather than 900 square feet per unit?) Mr. Campie, could you please expand on the transit facility points? (Mr. Campie: I was surprised that we didn't get positive points for that, and have worked with the agencies and Town staff through the process. We aren't sure what we haven't done to get those points.) (Ms. Katz: If there are points in it now, couldn't you get points later?) (Mr. Campie: We could offset those points now, and I'm not sure we can get those transit points later.) (Mr. Iskenderian: We have heard that people have received points for a bus shelter, and we are greatly enhancing the transit system and not getting any points.) (Mr. Neubecker: The question is, is the scale of the improvements to the degree that it deserves positive points for the scale of the development? What we are saying is that we already have all of these building and things now.

They are just replacing that and the transit system itself is the same. There is no extra service, and they also need to change the design and location to accommodate their development. It is not a significant change or improvement to the service levels. Don't think it is worth positive four (+4) points.) (Mr. Lamb: Aren't they getting positive points in a way from Town Council for the 1 to 1 ratio for parking?) Could you specifically read us the section of the code which they are requesting these points? (Mr. Neubecker: Read the code section on transit.) (Mr. Grosshuesch: We have discussed with VRDC in the context of the business plan that it may be advantageous financially to have the applicant access public financing to build these facilities with a joint operating agreement. If that does happen, it clouds the issue that the transit center is built on their nickel. We haven't determined that yet, and at this point we don't know.) (Ms Katz: Wouldn't it be unfair to take that into account now?) (Mr. Grosshuesch: If in the future we aren't sure if they will be entity to cause the improvements to happen, then they should not get the points for doing the work.) Mr. Campie, can you please clarify what you are asking us to decide? (Mr. Campie: I think that master plan issue points should be addressed now.) (Ms. Katz: But you could get them later.) What is the situation on the points if brick is a primary material? (Mr. Neubecker: We would need to assign negative three (-3) points.)

Final Comments: I think that 90% of this is fantastic, and thanks for that. I am in agreement with Ms. Girvin regarding the parking issues with East Sawmill and the Wellington lot. I know the spaces are going into the parking structure, but this needs to be addressed. My next concern is the south parking structure access at 1<sup>st</sup> Bank, and it reminds me of the Hotel California – “you can check out anytime you like but you can never leave.” This needs to be fixed. We need to figure out this design issue. I agree with Ms. Katz regarding the southern exit. As far as the brick and transit improvements issues, I am open to both of them but need more information to decide on this matter. I am fine with the applicant's suggestion on the sustainability language. I support stepping down the townhomes to the river. I do support what Mr. Pringle said about brick and the code, but I am open to looking at where else you can get more positive points. I do think you are improving the transit, but not creating it. I am okay with 1 to 1 ratio per unit. I support Mr. Pringle's ideas about wrapping the north structure with some type of use and its vitality. Again, this is a Council density issue but it would be great to figure out if a non-profit or affordable housing could be in this area that doesn't add to density. I support this project and can see myself approving it in the future. (Mr. Neubecker: I do not think there is a code issue for denying it for the purpose of wanting a wrap on the north structure.) For me it is not a requirement, it is a suggestion. Gondola roof structure removal is fine with me.

Mr. Pringle made a motion to continue the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, to the December 1<sup>st</sup>, 2009, meeting so that the applicant can present the Commission with more information. Ms. Katz seconded, and the motion was carried unanimously (6-0).

***OTHER ITEMS:***

Mr. Neubecker presented a summary of the Friday, October 30 Planning Commission field trip to Boulder and Longmont. Mr. Allen, Mr. Lamb and Ms. Girvin from the Planning Commission attended along with Mr. Neubecker, Mr. Truckey, Mr. Morgan, Mr. Kulick and Ms. Best from Town Staff. Visits included Solar Village at Prospect New Town, Blue Vista in Longmont, and meeting sustainability consultants in Boulder.

Mr. Grosshuesch noted that many of the sustainability elements in most projects are already in the building code, and how that relates to the items that can be addressed in the development code. Mr. Neubecker noted that there are some issues that can be addressed in the development code, like energy, landscaping, water use, site design, etc.

***Commissioner Questions/Comments:***

Mr. Lamb: The code that Boulder has was interesting. The consultant was talking about the energy level of the pipes that were allowed to service homes, and that to do a larger home you'd have to use specialized sustainable boilers, etc. because you would only get a pipe for enough energy for a smaller home. They used HERS (home energy rating systems) ratings, which seemed easy to understand. It was a cool approach.

Mr. Allen: In the consultant meeting, they said that one square foot of exterior heating is equal to one square foot of living space, in terms of energy use.

Mr. Allen stated that, in regard to the agendas, the consent calendar will be first, then worksessions, then applications. Call-ups will go after worksessions.

***ADJOURNMENT***

The meeting was adjourned at 9:56 p.m.

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Rodney Allen, Chair