

**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	Michael Bertaux
Dave Pringle		

**APPROVAL OF MINUTES**

On page 9 of the packet, Mr. Lamb's comment about "pipe size" should be changed to reflect the amount of energy use not the diameter of a pipe.

With one change, the minutes of the November 3, 2009, Planning Commission meeting were approved unanimously (7-0).

**APPROVAL OF AGENDA**

With no changes, the Agenda for the November 17, 2009 Planning Commission meeting was approved unanimously (7-0).

**WORKSESSIONS:**

1. Miller Master Plan Modification (MM)

Mr. Mosher presented an application to modify the existing Miller Master Plan with a change in product type, and increase in density for Parcel F. Before these proposed changes are formally submitted (Class A Development) to the Planning Commission for review, the applicants will meet with the Town Council to modify the existing Annexation Agreement.

Since this is a Master Plan, it is subject to a point analysis. However, this application seeks only to modify the density and use for a portion of the plan (Tract F). Staff has included some extra detail for those Commissioners not familiar with the original approved plan. Staff is seeking Commission input on the fit (site plan) of the extra density on Parcel F.

The next step for the applicants is to approach the Town Council to request a change to the annexation agreement. Staff suggests the Commission make a general motion to the Town Council approving or disapproving the proposed increase in density and change of use based on the applicable policies of the Development Code.

Mr. Bertaux disclosed that he had worked for Stan Miller in the summer, but was no longer employed at Stan Miller. The applicant noted that the property in discussion is not under the ownership of Stan Miller. Stan Miller owns the adjacent property. The Planning Commission decided that Mr. Bertaux did not have a conflict of interest.

Mr. Don Nilsson, agent for the applicant, presented. The original plan (Parcel F) was almost 100% single family homes, with several market rate home sites along the Blue River and throughout the planning area, and some townhomes / deed restricted homes. The market has changed in the county for affordable homes, and we don't think that the single-family home is the right housing product for this area. We are now looking at a duplex product both for the deed restricted and market-rate homes. This design allowed us to slightly increase the number of units on the plan as a result of smaller footprints. The market has changed in terms of the price point for deed restricted homes, and the AMI targets need to be lower. The proposed plan also has a program that we think is going to work, through a partnership with Habitat for Humanity. The first five homes would be under Habitat for Humanity and we would give them that land for free. We would allow them to continue to build the future units. We think we can bring the same quality product with the mix of lower AMI with this partnership. We think that some solar may be possible on the site due to the solar aspect ratio, and will continue to look into this. We will need to purchase 2 TDRs for the two new market rate homes.

**Commissioner Questions/Comments:**

Ms. Girvin: Where are the public trails located on the site plan? All of the trails are labeled private. (Mr. Mosher: Public Open Space is dedicated all along the Blue River as a separate tract; also there are public trail easements placed on the private open space on this tract.) The river frontage lots are still

staying single family? (Mr. Nilsson: No, they are all going to be duplexes.) Are you sure you want to do that? It seems that river frontage would be marketable for single family and should remain flexible. (Mr. Nilsson: I think it is possible that someone may want to have a single family home in those locations. If that happens we will come back. Maybe we won't need one of our 2 TDRs if that happens.) I think that these changes are fine overall.

Ms. Katz: Fine with proposal.

Mr. Bertaux: What is the schedule on construction of Stan Miller Drive? (Mr. Nilsson: It is a requirement of Stan Miller Inc, and I can't speak for them. Our part of the drive is completed.) I appreciate the employee housing, yet there is not a commercial site out in this area or a day care which has been missed in this and other master plans and is needed for locals at this end of Town. We need to find a place at the north end of town for some small convenience commercial uses. Other than that, this is a plan I can support.

Mr. Lamb: I really like the Habitat for Humanity interaction. I think that this is really important to hit the AMI ratios that we need in our community. I'd encourage Mr. Nilsson to pre-wire the homes for solar. I agree with Ms. Girvin regarding still allowing potential for changing to single family homes again along the river.

Mr. Schroder: I had the same question as Ms. Girvin: where are the public trails and how do the private trails connect to the trail system? (Mr. Nilsson: Noted the locations of the green belts and trails on the illustrative plan. The public can use the trail and the HOA must maintain the green belts. The label on the site plan should say "private open space" and "public trails", not "private trail".) Is there public parking? (Mr. Nilsson: Yes, there is public parking near the fire station which provides additional trail access. We will make sure that this label is corrected on the plans.) I am in support of the plan and the support it brings to the community. I think that the access needs to be clarified.

Mr. Pringle: How does the access to Lot 18 work, it seems that there are three lots sharing the access? (Mr. Mosher: Staff had the same question, and we will look at it further at development review.) (Mr. Neubecker: Could you not go through lots 24 and 26?) (Mr. Nilsson: The original plan had a loop road / private drive that serviced those lots. We are looking at how to adjust this.) I'd be interested to see the final solution for access to lots 18, 20, 26. I agree with Ms. Girvin regarding the lots along the river and agree with the point analysis. (Mr. Nilsson: The master plan doesn't say that certain home types need to go on certain lots. We could work on making it more flexible.)

Mr. Allen: Did you use all of the density that was transferred from the Highlands? (Mr. Nilsson: Yes.) I think that the Habitat for Humanity partnership is fantastic. I also think that there could be more flexibility in this master plan on the lots - a lot doesn't necessarily have to be labeled a single family home or a duplex. (Mr. Mosher: Staff and Commission did support this concept with the Highland Greens Master Plan. The goal would be to keep the approved ratio of affordable to market units, and the product mix can be flexible.) I encourage Town Council to continue to discuss allowing free density for affordable housing projects and also awarding positive points under Policy 24/R.

## 2. PDG at Reiling Road (MM)

Mr. Mosher presented. The Town has been approached by Royce Tolley, Preservation Development Group, LLC, and 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 is for 6 two-story duplexes (12 units) to be accessed off Reiling Road, across from the Little Red Schoolhouse. This proposal has been before both the Planning Commission and the Town Council for worksessions. As a result of recommendations made at these worksessions, the following modifications to the plan have been made:

- Removal of all three-story elements to reduce scale, mass and height
- Inclusion of one-story elements (Units 1 and 2)
- Rotation of Units 11 and 12, with Unit 12 changed to a down slope design
- Changes to bring "edge scale" closer to street level
- Reduction of drive pavement to 74' (equal to that needed for three market rate homes)
- Removal of retaining wall along the street at NW end of site
- Overall reduction of western, street side retaining wall by 880 sq. ft. (40%)
- Changes to rear retaining wall from 18' to 10' and to terrace same

- Shift of entire site plan 15' to the south into the wetlands setback (approved by Town Engineering and Planning) to avoid northern aspen grove and decrease amount of project in previously undisturbed areas.
- Repositioning of units to meet 10' front setback requirement
- A complete and inclusive landscape plan was prepared
- Reduction in number of units from 14 to 12

The Council has asked the Commission to review and comment on the revised plans against the Development Code.

During the last review, the Commission expressed concern about the benefit of the Town providing free density to the developer (for the affordable units only) and the application also having the benefit of being awarded positive points under Policy 24, Employee Housing, for the affordable units.

As a planning exercise (since there is no current Code change disallowing the positive points under Policy 24), staff has prepared a point assessment to determine whether the development might pass a point analysis without the benefit of the positive ten (+10) points under Policy 24, Employee Housing. Staff notes that the Town Council has the option of revising or excluding these points, at their discretion, with the review of the proposed Development Agreement.

Mr. Royce Tolley, applicant, presented. Affordable Housing is a complicated issue and it is a difficult process to get approvals. We have worked with the Town Council, housing committee, and town staff to make improvements to the plan to meet the goals of the different groups in town. Financially there is a fine line with these types of projects, and we feel that we have found a balance and a site that meets all the requirements for affordable housing for the Town. It is across from a day care center, close to town, on the transportation routes, and will be wired for solar. We have brought the scale down on the project to help create good building massing and appease neighborhood concerns. BHH Partners has done a great job to work through the plan and redact to all public comment, and come up with a fantastic project. The project doesn't look like affordable housing, and it is a joint project and we have improved the project over the past few months of design efforts.

Mr. Marc Hogan, architect, BHH Partners, presented a 3D model of the site. There is great southern exposure for the units, a great energy benefit. Solar thermal / hot water conduit will be provided for each unit. The units have oversized garages allowing for extra storage, and are connected to the units for 6 of the 12 units. The buildings have been shifted and flared to create better parking areas.

Mr. Sam Kellerman, agent with BHH Partners, spoke regarding the positive impacts associated with the reduction of building mass, undulating retaining walls, and added landscaping. There are tailings up the hillside area that will be re-vegetated, and the site will fit in better with this neighborhood than it is now. The retaining walls will be stepped with landscape beds, shrubs and trees. (Mr. Neubecker: Why is the garage door recessed so much?) (Mr. Hogan: It allows a partially covered tandem space in front of the garage.) (Mr. Kellerman: It also adds relief to the elevation by reducing the apparent mass.)

Mr. Rossi: What is the height off the ground at the garage elevation to the ridgeline of the central units behind the other ridgeline? (Mr. Kellerman: Roughly 30'.) From the roadway where the base of the garage is, how high is that? (Mr. Kellerman: Showed the contours in the 3D model.) Can you please just note which changes are new for this iteration? (Mr. Hogan: Adjusted the setback, undulated/angled the edges, shifted project 15' east, added trash corrals, reduced retaining walls to 3' max and terraced, clarified parking, designated 8 visitor spaces, figured out re-vegetation and landscape plan, looked at site disturbance, created a detailed landscape plan, worked out the solar panel locations.) The 8 visitor parking spaces; there are 2 for each unit and one is a guest? Are there general visitor spaces? (Mr. Hogan: Yes. They would be signed for visitors.) I think the parking is the biggest issue with this plan. Since the parking in front of the garage is being utilized as a space for the project, this will not be available for visitors. I think people will be parking in the adjacent Little Red lot and public trailhead parking area by residents of this neighborhood. I still have mixed feelings about this much density on this site – are there market units on this site? (Mr. Mosher: There are 3 existing SFEs of market units.) I do not like the positive points along with the use of market units in the future. Moving the site 15' to the east is great. I keep hearing a lot about cost

savings and delivery, and what I want to do is make sure that we are building the best absolute project.

*Commissioner Questions/Comments:*

- Mr. Schroder: What does “visitable” mean? (Mr. Kellerman: Handicap accessible from the ground level and powder bathroom. Fully accessible is the entire unit including bedroom, bathroom, kitchen, etc.) I think that the negative four (-4) points for site buffering is high, and appreciate the additional landscape buffering to mitigate the impacts. I appreciate the terraced retaining walls. I like the idea of gardens between the buildings. I think that staff’s assessment of the point analysis is good. I think ultimately, this is “double upping” with the free density and the positive ten (+10) points for affordable housing. I think you should get density or points, but not both. I think that additional square footage is great. I think some units having interior vs. exterior access is fine.
- Ms. Girvin: Does the space in front of the home count for visitor parking? (Mr. Mosher: Yes. However, staff believes that it could become an issue.) (Ms Katz: So someone could park in front of someone else’s unit?) (Mr. Mosher: Yes. But only where it is signed.) (Mr. Neubecker: It looks like a private space; it doesn’t look inviting to a guest.) I appreciate the changes you have made. There is so much solar gain on this site, and designing in more passive solar along with active would be great. We could take advantage of passive solar (slab floors, walls that hold heat, etc.) here would be great. I appreciate reducing the retaining walls, moving out of the aspen grove and protecting the trail. I think that carports could be full of junk. I agree with Mr. Schroder regarding “double upping”.
- Ms. Katz: So half of the units are accessible from the garage? (Mr. Hogan: We could possibly go from 6 to 8 units with access.) I agree with Mr. Schroder regarding the negative four (-4) points for site buffering being excessive. I like the retaining walls design adjustment. This project will pass without the positive ten points for affordable housing, and I think that Council needs to make a clear direction and precedent as we go forward. I think that there are choices with the access to the units from the garages. I think we need to care about the bottom line and the costs for development, because we won’t get affordable housing if we don’t acknowledge the costs. The Town should not be the only developer of affordable housing in this town, we need private developers. I think that the guest parking will be an issue and potential for conflict. Overall, I think this is a good project. I like the positive changes to the plan.
- Mr. Lamb: Are there any air quality issues with attaching a garage to a housing unit? (Mr. Hogan: Yes there are some requirements.) I like this project, and understand that costs are an issue but we want this project as part of our community. I like the elevations design and the break up of the massing. I think the changes have really helped massage the plan and it is much improved from what we saw a few weeks ago. I like the exercise that shows the plan could pass without the positive ten (+10) points for affordable housing. I’d like to see this built.
- Mr. Pringle: Where are the units that have access from the garage? There are some units that do not have access, how do they get upstairs to their doorway? Why can’t we incorporate an interior stairway? (Mr. Tolley: It is because of the modular construction and the added expense of adding width for design, shipping and assembly.) If you are able to do it on 6 units, why can’t you do it on others? (Mr. Mosher: All homes (except two) in Wellington do not have attached garages. I don’t know if it is a key planning issue.) (Mr. Hogan: Walked through some floor plans for different units. We can look at this further if it is an issue for Unit 1 and 12.) Is there any flexibility on the square footage? (Mr. Hogan: We can look at it.) Where does the social trail that is being dedicated come from and go to? (Mr. Mosher: It connects to Gold Rush Gulch and continues on to the west.) Are there three positive points for this trail? (Mr. Mosher: Yes, it will be dedicated and improved as a Council Goal with full support from Open Space and trails Staff.) I think the changes are good. Parking, especially for guests, needs to be addressed. I think we need to answer to question regarding positive points and free density. I think the garages work, but I think we should explore the connection and access to the units. I appreciate that the garages are oversized. I would like to make sure that your module size incorporates future changes that may come up. I think we need to be sensitive about costs, but we are primarily to be concerned with planning issues. This seems to be really similar to the Maggie Placer project. I hope that we can incorporate more imagination into our affordable housing projects.
- Mr. Bertaux: Is the square footage of the units the same as it was before? (Mr. Kellerman: Yes.) (Mr. Hogan: The units range from 1,250 to 1,450 square feet, the accessible units are largest.) I appreciate that it

is a two story element now rather than three. I think that stacked units are needed to fit on this site. Employee housing changes the cost discussion with developers, in that they should reflect the AMI level being served and affordability. We need a wide variety of AMIs in our community, and serve the needs in our town. I think that you should look at adding more of the inside access to the units from the garage. I think that shifting the project closer to the road was good, as well as the landscape plan for the hillside. I appreciate the design of the end units. I think the retaining wall changes are also good. Accessible units are rare and really great. I hope that the solar can be incorporated and make an employee housing project more sustainable for a future homeowner.

Mr. Allen: Can you walk us through the plan changes? (Mr. Kellerman: The central units had 3-story elements removed. We reduced the building height. Unit 12 has less side exposure than before. Along the roadway the maximum heights are terraced to look like one story. We improved the retaining walls.) Are there basements? (Mr. Kellerman: No.) Are you doing the solar thermal or prepping for it? (Mr. Tolley: Prepping for it.) Is this going to be separated from Vista Point? (Mr. Tolley: Yes.) I think this is a fabulous site for affordable housing, and I appreciate that you are trying to make the site constraints work. I like the efforts to achieve the passing points without the affordable housing points. I need more information regarding the negative four (-4) points for buffers. I think the guest parking needs some work, and perhaps some parallel spots on the south side could work. Perhaps there could be covenants regarding the potential outdoor junk storage in the carports. I think that cost factors should be considered on affordable housing projects done by private developers, and there just needs to be good planning. I think that removing the 3rd story was great and the scale is appropriate. I think this is a great project. Can it be worked out with the Town, that if the solar is applied to the project at a certain cost, can you sell it for the specified AMI plus a fee?

#### ***TOWN COUNCIL REPORT:***

Mr. Rossi: The services at the Miller Master Plan do need to be addressed, which Mr. Bertaux brought up. It makes sense for the Planning Commission to discuss this and come up with recommendations to Town Council. Commercial sites could be located to service residential areas in the northern part of town.

#### **Commission Discussion:**

- There are concerns with people spending their tax dollars outside of the Town of Breckenridge.
- It is a green issue with people having to get in their cars to get a loaf of bread.
- People are going to Safeway in Frisco because the City Market is so crowded.
- It is a congestion issue with forcing people into town in their cars.
- Limited neighborhood commercial to support residents, convenience, and visibility.
- The 2030 Plan says that Airport Road will have service commercial, and that we would lose those uses to retail/restaurants in the future in this area. Need to keep the core service commercial uses in town as well.
- There are many potential sites in the north area of town – potentially Fairview Blvd.

Mr. Rossi: Another item that town discussed was town owned density and what we should do with it, how much should be used for affordable housing. We had decided on 1 to 2 on the 600 units we hold on vacant land, parking lots, etc.

Mr. Truckey: We could use this density for affordable housing units, rather than just granting free affordable housing units.

Mr. Rossi: There are 3 dispensaries looking to open in town and 2 additional in the works.

#### ***OTHER ITEMS:***

Mr. Neubecker presented a follow up on Preservation Training.

#### ***Commissioner Questions/Comments:***

Mr. Bertaux: Every historic site has two things – integrity and significance. What is significant is different in every town. Our town has tried to preserve significance through our codes and design standards. In the afternoon we discussed an historic house that wanted to convert from residential to a restaurant and how we would handle it as a Planning Commission, and the groups found both reasons to

approve and deny the exercise. There was discussion of how to determine historic colors, and our code is a great example.

Mr. Lamb: One thing that was discussed was that if you can restore something, restore it, and if not you can use it as a template; a good example is a window. (Mr. Neubecker: A good example of this in town is the Newbery house which has restored items.) There was also a session on effective reuse of structures, and that it doesn't have to serve the same purpose it did then.

Mr. Schroder: There is a focus on redoing the foundation on the Como Depot, which isn't part of the historic fabric of that building. They are saying the foundation isn't acceptable. It is interesting to see the different layers of requirements to meet historic guidelines.

Mr. Allen: It sounds like the topics were similar to the last training so we should be sure that members of the commission attend every year.

Mr. Truckey noted that as the Planning Commission is the Historic Preservation Board it is important to continue education on the subject. (Mr. Bertaux: There are grants that cover airfare, lodging and per diem for the national historic preservation conference in Michigan.) (Ms. Katz: I support Mr. Bertaux going to represent the Town.) (Mr. Allen: I support Mr. Bertaux also.)

Mr. Truckey presented information on the forest service plan to do fuels mitigation and fire breaks around Breckenridge and Summit County.

*Commissioner Questions/Comments:*

Ms. Katz: We need to look at the logging roads on an individual basis, and how they will or will not be decommissioned. Residents of the community need to know that they can apply for a firewood permit, and this needs to be publicized.

Mr. Bertaux: Is salvage mechanical? (Mr. Truckey: It is both.) Do some people think that mechanical tree removal is the same as clear cut? It doesn't have to be. For example, mechanical removal can take out just one tree. Is there a revegetation program for the logging back country roads? Why is the ski area not included on the plan? It is forest service land? Peaks 3, 4, and 5 areas are not included in the Breckenridge Plan, even though it is above Stan Miller property which is a part of the town.

Mr. Lamb: Once you build a temporary road it will not get decommissioned. I don't know how we decommission a trail.

Mr. Schroder: Can we request that they put the trees down in the "hand-leave areas" so they act as erosion barriers?

Ms. Girvin: We do not want these logging roads to become motorized routes were they were not. What will stop people in these areas?

Mr. Pringle: Can the forest service come back in 10-15 years to make sure that the forest is growing in healthy and that we aren't in this situation again? The forest could be thinned over time by the forest service. This would be a good project for BOSAC to look at the future trails planning to create an amenity with these roads. Can they write into the contract that groups that cut trees will maintain trails?

Mr. Allen: All young lodgepoles that are 5" or less will be saved with clear cutting. The hand limited areas are more sensitive, and they can't get the trees out. They burn the slash, but the tree trunk itself will remain in place. Clear cutting is better in some instances. We need to keep our eye on the locations for the logging trucks and their access. Logging roads will be built in the back country zone, and the back country condition may be lost. On the green areas on the map, where they leave the tree over a trail that isn't identified on the forest service plan, the law says you cannot go out and cut the tree. You could apply for a permit to gather firewood and then could cut it. Can the Town and the County Open Space go in and keep the trails open?

**ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

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Rodney Allen, Chair