

**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**

Mr. Lamb noted that “deconditioned” should be “decommissioned” on page 9 of the packet. With no other changes, the minutes of the November 17, 2009, Planning Commission meeting were approved unanimously (7-0).

**APPROVAL OF AGENDA**

The Applicants for the PDG at Revett’s Drive project requested removal of their worksession item from the agenda. With no other changes, the Agenda for the December 1, 2009 Planning Commission meeting was approved unanimously (7-0).

**WORKSESSIONS:**

1. Upper Blue Basin Master Plan (MT)

Mr. Truckey presented. Summit County is currently undertaking an amendment to their Upper Blue Basin Master Plan (UBBMP). The UBBMP (not to be mistaken with the Joint Upper Blue Master Plan) provides land use guidance for development in all unincorporated areas of the Upper Blue Basin. The focus of the UBBMP is a set of land use maps. The amendment is primarily being undertaken because of a recent District Court ruling. Staff is bringing this to the Planning Commission as an update.

In 2010, the County and Town intend to initiate an amendment to the Joint Upper Blue Master Plan. This amendment will be focused on a couple primary topics: revisiting the density reduction target and density reduction strategies of the Plan, and adding additional wording in the Plan to address issues raised by the District Court ruling. The District Court ruling essentially invalidated the portions of the County’s master plan that conflicted with the County’s zoning.

Town staff intends to continue to monitor the progress on the UBBMP and to eventually bring the draft plan to Town Council for their input. We assume that our comments will support the County adopting new land use designations that are most closely aligned with the density reduction goals of the Joint Upper Blue Master Plan.

Mr. John Roberts, Summit County Planning Department, noted that all six of the County’s master plans are being updated due to the District Court result. The County is using the opportunity to streamline all of the master plans. The process is moving along well.

**Commissioner Questions/Comments:**

Ms. Girvin: In situations where a lot line has been un-vacated, does the property owner have to go back and pay into Local Improvement Districts (LIDs)? (Mr. Roberts: There are legal reasons why we can’t do that.) What is the Town’s review procedure for this? (Mr. Truckey: Town Council will likely hear this in late January. If you have any questions or comments please let me know.) I support the County and Town trying to find the lowest possible density in the Upper Blue Basin. I am not comfortable with the potential for subdivision of another 50-70 lots in the platted subdivisions.

Mr. Bertaux: Why didn’t the County appeal the court’s decision? (Mr. Roberts: Instead of going that route, we are updating our master plans to ensure that in the future it is clear.)

Mr. Lamb: Do you have a number on how many of the 10,500 units built in the basin are affordable housing? (Mr. Truckey: About 650 units.)

Mr. Pringle: The Court determined the master plan could not usurp the zoning. Could people that established additional lot lines in the past come back with this same subdivision request? (Mr. Roberts: Yes. The applications would be carefully examined, and the approval is a technical legal subject now.) Is it understood that if the underlying zoning is R-2, then R-2 is absolutely what you can achieve on the

site or what you can achieve if conditions are met? (Mr. Roberts: The updates to the master plan help to address that R-2 is the “ceiling” and you should expect to move down in density from that.) What about the fact that a property has already gone through the subdivision process for the entire subdivision with the underlying density and shouldn’t be allowed to resubdivide? (Mr. Allen: That was the whole idea behind the County’s platted residential master plan designation, but it was not upheld by Court.) Where have densities exceeded where we thought we could hold the line and why haven’t density reduction strategies worked? (Mr. Truckey: This needs more detailed discussion. One of the density reduction strategies was to purchase backcountry density, and instead of extinguishing the density we moved it from one place to another through our TDR program. Overall the density reduction strategies have not been as successful as we hoped they would.) Maybe our targets in the JUBMP were unrealistic.

Mr. Allen: You mentioned that an additional 179 potential properties could be subdivided. Have you taken a look at the constraints for the lots and if that number is realistic? (Mr. Roberts: There are 31 platted residential subdivisions in the area, and there is subdivision potential per the zoning for 400 units. Realistically in consideration of environmental constraints, access, etc. we determined the 179 lots could potentially be subdivided. We will likely set restrictions in place through the master plan amendment so that only 50-70 of the platted lots could be further subdivided.)

2. PDG at Revett’s Drive (MGT) (*Removed at the request of the Applicant*).

**TOWN COUNCIL REPORT:**

Mr. Rossi: At our last meeting the Council agreed that we wanted to direct Preservation Development Group (PDG) to solve their issues with the HOA (Vista Point HOA) before coming back to Planning Commission.

Ms. Girvin: I think that the PDG project at Reiling Road would make a perfect place for a round-about.

Mr. Allen: Will Council have determined the process for density for affordable housing projects before we discuss the UBBMP again next year? (Mr. Rossi: Council has determined 2:1 SFE for units that the Town owns.)

**CONTINUED HEARINGS:**

1. Gondola Lots Master Plan (CN) PC#2009010, 320 North Park Avenue  
*Mr. Bertaux abstained from the discussion as an employee of Vail Resorts.*

Mr. Grosshuesch presented the continued 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. This 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.

**Item History:**

May 19, 2009: Introduction to Planning Commission

June 16, 2009: Site Plan, Architecture, Height, Density, Mass

July 7, 2009: Blue River Corridor, Landscaping, Gondola Plaza, Infrastructure, Sustainability

August 18, 2009: Transportation, Traffic, Transit, Parking, and Circulation

November 3, 2009: Final Hearing, continued until December 1, 2009 to allow for minor revisions

At the last meeting, the Planning Commission expressed concern that the application was not ready to be approved. There were concerns raised about the number of conditions placed on the approval and the Commission suggested that some of these conditions be addressed before proceeding to a final hearing. The Commission also suggested that the Applicant and staff continue to work with 1<sup>st</sup> Bank concerning the access into the south parking structure.

Since the last Planning Commission meeting on this application, staff and the applicants have had a few meetings to discuss transportation and circulation issues, including a meeting with Jeff Campeau from 1<sup>st</sup> Bank.

Summary of changes:

Density Source: No changes.

Site Plan and Land Use: No changes.

Building Heights: One minor change to indicate that 3 story townhomes would be allowed along North Depot Road, with 2 story elements facing the Blue River.

Architectural Character: Some minor changes are proposed to the language on architecture, to allow the use of false front buildings, prohibit “hipped” roofs on the mixed use building, and clarify some of the design treatments on these buildings. Staff also revised the discussion on the use of brick based on Commissioner comments from the last meeting.

Gondola Roof Structure: No changes.

Amenities: No changes.

Private Vehicle Access and Circulation: The most significant change to the access and circulation plan from the version shown to the Commission at the last hearing includes a few new turn lanes, curbs and an access plan through 1<sup>st</sup> Bank and Town Hall.

Transit Access: No changes.

Parking: No changes.

Blue River Corridor: No changes.

Infrastructure: No changes.

Sustainability: No changes.

Employee Housing: The Commission supported the provision of employee housing in an amount sufficient to earn positive eight (+8) points for the development. This results in 22,073 square feet of deed-restricted employee housing. Staff has added a condition of approval to this effect.

Phasing: Staff recommends the following items be added to the phasing plan:

Phase 1: Construct round-about at intersection of North French Street and North Park Avenue; Install and stripe turn lanes on North Park Avenue.

Phase 2: Install and stripe turn lanes on French Street; Install pedestrian bridge across Blue River.

Phase 3: Construct expansion of Wellington Road through locomotive train park.

Recommended Point Analysis:

Policy 6 (Building Height) -20 points for buildings up to 5 stories

Policy 16 (Internal Circulation) +3 points for good vehicle and pedestrian circulation

Policy 18 (Parking-View) +4 points for providing parking underground or in a structure

Policy 18 (Parking-Joint Facilities) +1 point for making parking available to the public

Policy 18 (Parking-Shared Access) +1 point for shared driveway access

Policy 24 (Social Community) +8 points for providing 8.51% of density as employee housing

Policy 24 (Social Community) +3 points for Council Goals, including transportation enhancements, economic sustainability and environmental sustainability

This would result in a passing score of zero (0) points.

This is a final hearing continued from the November 3, 2009 meeting. Both that meeting and tonight’s meeting were advertised to property owners within 300’, with public notice on the property (3) and advertised in the newspaper as required by the Development Code. If the Planning Commission is comfortable that all necessary issues have been addressed, and if Planning Commission supports a passing point analysis, then this application can be approved.

There are still several issues that have not been finalized in this application, which have been included as Conditions of Approval. Also, some of the Conditions of Approval that were discussed at the meeting on November 3<sup>rd</sup>, which could be incorporated into the master plan document, have been completed. 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.

The meeting to discuss business issues with the Town Council (i.e. property lines, ownership and construction of public amenities, loss of parking, and construction of the river improvements, etc.) has not yet taken place. The Town Council requested that this happen after approval of the master plan.

Mr. Bill Campie, DTJ Design, presented and asked the Commission if they would like the full PowerPoint presentation. The Commission declined and Mr. Allen asked the public, who also declined. We are in agreement with

a majority of the points that Mr. Grosshuesch made. We have worked hard on the traffic circulation and were able to increase parking at 1st Bank and come to some agreements. I still believe that we are improving the transit and should be awarded the positive four (+4) points. The reasons that the transit points should be awarded are:

- 11 buses cannot be accommodated in the current configuration and be visible from the transit center, and the new plan provides this and accommodates a 12<sup>th</sup> bus
- Accommodate their large buses
- Improve pedestrian circulation
- Improve circulation with a bus-only exit
- Watson ingress and egress improved

We feel that we should be awarded these points now at the master plan level.

Mr. Allen opened the hearing to public comment.

Mr. Blake Davis, Executive VP of 1st Bank: We are in favor of the project. We are still concerned about 500 cars coming into/out of this access, but have been meeting with Vail Resorts the past few weeks and have worked out some agreements. Based on verbal agreements there is conditional approval for this access.

Mr. Dave Garrett, property and business owner 213 North Main Street (Ski Country Resorts): Most of my concern was the use of the East Sawmill parking lot. I spoke with many of our neighbors on North Main Street and gathered about 20 signatures from business owners regarding this parking lot's future use. The difference between South and North Main is that South Main has six parking lots for their employees and visitors to park in and on the north we have three lots, granted the applicant is proposing to build 1,200 spaces in the structures. Six of the businesses in North Main area are property management and we need delivery trucks, housekeepers and CME going in and out of our businesses. I could have as many as 35 employees at the height of the season and need to find parking for them. Benefits of the East Sawmill lot: provides money to the town, great venue for special events. Mr. Garret made several suggestions to the plan regarding reuse of pedestrian bridges and the location of the bike path (west side to east side.) We are losing 21 spaces in the Wellington lot as well as the 28 spaces in the Sawmill lot. When I count the spaces lost I come up with about 34 spaces being lost in Sawmill. There is hope that the train park will help to increase traffic in the North Main area. Also people are parking on Main Street that are skiing for three hours and we are trying to get the town to lower the parking to two hour duration. I don't have any other issues; I would just like this to be considered and the importance of this for the health of our businesses. I am asking Town Council and Planning Commission to reconsider the proposal to remove spaces at the Sawmill lot.

*Commissioner Questions/Comments:*

Ms. Girvin: One of the potential uses of the old CMC building is to move Town Hall to that location. The Town needs to be protected for the future sale of the existing Town Hall property and its access. How will it be maintained? (Mr. Grosshuesch: We would set up an easement with 1st Bank for this access.) (Mr. Steve West, Attorney for the Applicant: There is a condition about 1st Bank's consent being required.) Should the town also require consent? On the phasing the staff report recommends adding items to each of the 3 phases. Are you okay with adding these things to the phasing? (Mr. Campie: The condition says that we cannot move forward with the development permit unless we have the phasing agreed upon.) (Mr. West: We don't want to lock these in, and phasing isn't really a master plan issue. We could include those items on the list of things that will be addressed, just not in a particular phase at this time.) It does refer to sheet 10, phasing plan, which is part of the master plan. (Mr. Grosshuesch: It is noted as an illustrative and is non-binding.)

Final Comments: I realize that master plans are intended to paint a broader brush and I think the challenges with this project will be in the future with site plans and try to apply these policies. I think we have done a good job so far. Most of my comments are more related to the Council and the business plan. The timing of the Blue River restoration and the cost issues are a concern, but I have faith that the council and developer will come up with some mutually agreeable business decisions. I agree with Mr. Pringle regarding bringing animation to the north half of the project. South parking structure, I am still concerned but know we will work it out in the future. I am still concerned with the loss of employee parking at East Sawmill. Not sure that I want to commit to positive points for transit at this time. Sustainability language agreement to meet the then-current Town sustainability

code is okay, but not okay with vagueness of “exploring” other options. Where are we going to have our fireworks and our parade?

Ms. Katz: How far is the transit building moving? (Mr. Campie: It is moving 50-100’ west.)

Final Comments: I prefer not to make the north parking garage taller and I think we should avoid free density. I understand Mr. Pringle’s point about more activity in this area, but don’t want to lose any more parking; but agree we don’t want the north area to become a ghost town. I appreciate that the employee spaces from East Sawmill will be moved to the parking structure. I agree with Mr. Campie that points should be awarded for transit and I do think it is a significant improvement with the removal of conflict on Watson. I agree with the roundabout and turning lanes on westbound French Street. I would encourage a better functioning ski back. Something along the lines of a magic carpet would be better than stairs, but there could be some better technology in the future. I agree with points on building heights. I agree with Mr. Pringle’s comments regarding “timeless architecture”. I want the town to be proud of the project.

Mr. Lamb: How would circulation work at 1st Bank with the removed planters? (Mr. Grosshuesch: Parking would be relocated about 150’ north and we would remove the planters to allow more ingress and egress options to bank customers. This is how we operate in the winter currently.) Transit points are not being awarded because it is not being improved with this application. (Mr. Grosshuesch: Yes.)

Final Comments: I think that so few public comments shows how far this project has come. I like the access to the south parking structure now that 1st Bank is happy. I like the roundabout. I think we have enough density and I am not comfortable adding density to the north structure. I agree with staff’s comments on the use of brick at the site level review. I am still disappointed that there isn’t more of a commitment to the Blue River restoration, and I trust that staff and council will get this worked out. Loss of parking at East Sawmill sounds like it is in staff and Council’s hands, but we would like this to be addressed. Mr. Campie made some great points about the transit, but I am not sure about awarding the positive points. I think you have something now that will work.

Mr. Schroder: Is there anything more than the curb cut in the Highway 9 application? (Mr. Grosshuesch: Not at the south parking garage location. There will be additional curb cut requests for the property and the roundabout.)

Final Comments: I appreciate giving us the time to review the project. I appreciate the staff report clarity and I am feeling much more comfortable with this project now. I am okay with the north structure. I am in support of awarding positive four (+4) points for transit for the bus complex improvements. My recommendation will be to pass this master plan. I know that in the next stage of the process the details will be worked out.

Mr. Pringle: Is the access arrangement at the bank going to incur a loss of parking in that area? (Mr. Grosshuesch: We open up that access in the winter and we don’t lose parking.) Is the access into the parking structure 4-way? (Mr. Grosshuesch: That is going to be negotiated with CDOT, and we do not know if they will allow this full turning movement.) (Mr. Ream, FHU Traffic: We will apply for a full turning movement and negotiate.) They can apply for brick but would get negative points at time of site plan? (Mr. Grosshuesch: Yes.) (Mr. Alex Iskenderian, Vail Resorts Development Company: We are fine with this approach.)

Final Comments: Thank you to Vail Resorts for working to address our comments. South parking lot access/egress will be a continuing discussion and will be worked out over time. I don’t think we have the final solution now. North parking lot wrap, I still firmly believe that the best way to invigorate that area is to have destination commercial uses, a real reason for people to be there. I understand the concerns about height of the parking structure, cost of putting additional square footage in, but I would like to firmly suggest to the Town Council that they consider the long term ramifications of building only parking and seasonal use townhomes on the north end of the project. Council could potentially find some way to provide density to this structure for this wrapping

commercial uses at this location. Make it easier for people to get to the Gold Rush lot from the ski back. I do not understand why a sidewalk could not be provided on Park Ave. Questioning why there are no points for transit, but positive points three (+3) for 24R? I am questioning why on-street parking counts towards parking requirements for the project. On architecture, we are conceding a number of things with this application in terms of height and materials. I want to instill that we get “timeless elegance” with these buildings that will stand the test of time. What has happened at Peak 7 and Peak 8 and this project will continue to bring together the town and the ski resort.

Mr. Allen: It was explained to me that if commercial was added to the north parking garage then that commercial needs its own parking, takes away parking space from the garage, etc. (Mr. Grosshuesch: Yes that is correct, and the program here is already very extensive.) Could you please elaborate on the replacement of the 28 spaces in the Sawmill parking area for employees? (Mr. Grosshuesch: Currently employees pay the Town \$25 for an annual permit to park in that lot. Relocation will be into the parking structure. Parking plan for the Town gets reviewed annually and we cannot lock this in until we know the business plan for the parking structure.) The spaces will be made available to the Town? (Mr. Iskenderian: Yes the 28 spaces will be replaced in the structure. The Town will determine the price.) On the intersection of French and North Park Ave, how does pedestrian crossing work? Is the master plan the time to decide exactly where these pedestrian crossing locations are? (Mr. Grosshuesch: Pedestrian safety at this location is a priority to the ski resort, and there are pros and cons to roundabouts and pedestrian safety. There are fewer conflict points for roundabouts, and traffic is running slower.) (Mr. Jeff Ream, Traffic Engineer from Felsberg, Holt and Ullevig: The pedestrian crossings are a CDOT issue that will be determined in the future, not at the master plan level.) Can you please explain what happens if we pass with positive four (+4) points now, how it will affect the future? (Mr. Grosshuesch: You can't pass forward points from the master plan to the site plan. The only way it will affect them they would have to do something now.) (Mr. West: We would reduce the square footage of employee housing to get those four points back. We can't get the transit points back, but we can get the housing back to make up points in future site plans. If you approve the additional four points we would like to reduce the points for housing now.) (Mr. Pringle: What if we take away the three points for 24R, Council Goals?) (Mr. Campie: We are meeting the town goals, which gets positive three (+3) points.) If a motion passes to grant them positive four (+4) points under 25R-Transit, do we need to get that adjusted employee housing formula into the motion? (Mr. West: Yes, we can provide the formula and how much employee housing would be needed.) (Mr. Grosshuesch: There is a transit building that is getting torn down, that does have quite a few more useful years in it.) (Ms. Katz: We have to make room to make the transit improvements.) (Mr. Pringle: Is there a way to relocate the building and locate it on Airport Road?)

Final Comments: I want to ensure that every parking spot that is taken away gets replaced. I want to thank Vail Resorts for working with us. For 25R-Transit I think that positive four (+4) points should be awarded since the public benefit improvements are tremendous. Please consider some type of sidewalk or ski back to the Gold Rush lot. I'd love to see the ski back tunnel a lot more user friendly. On brick, I think it is appropriate what staff suggests regarding points, and I think brick is an appropriate material. Please work with CDOT on the pedestrian conflicts. I agree that the idea of activity on the north side is great, but I am not convinced that the structure should be taller. If you consider this in the future I will be open to it. In my mind this is ready for approval.

Mr. Pringle made a motion to change the final hearing point analysis for the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, for 25R-Transit from zero (0) points to positive four (+4) points. Ms. Katz seconded, and the motion was carried (5-1).

Mr. Pringle made a motion to change the final hearing point analysis for the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, for 24R-Employee Housing from positive eight (+8) points to positive four (+4) points and reduce the amount of employee housing from 8.51% to 6.51% of the density of the project. Ms. Katz seconded, and the motion was carried (5-1).

Mr. Pringle made a motion to approve the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, together with the revised final hearing point analysis and a change in Condition #15: *“Prior to recordation of the master plan, Applicant shall apply for approval from the Colorado Department of Transportation (CDOT) for such site access permit(s) to and from State Highway 9 (North Park Avenue) as may be required. After such application to CDOT has been submitted, Applicant will diligently pursue approval, and such approval must be obtained from CDOT prior to issuance of any Class A, B or C development permit by the Town for development within the master planning area. If the access plan is not approved by CDOT, revisions to the master plan may be required, which may require re-review of the master plan by the Town of Breckenridge Planning Commission and/or Town Council.”* Mr. Schroder seconded, and the motion was carried unanimously (6-0).

***OTHER ITEMS:***

None.

***ADJOURNMENT***

The meeting was adjourned at 9:15 p.m.

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Rodney Allen, Chair