

PLANNING COMMISSION MEETING

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

ROLL CALL

Leigh Girvin                      Michael Bertaux                      Rodney Allen  
Jim Lamb                              JB Katz                                      Dave Pringle arrived at 7:07pm  
Dan Schroder was absent.

APPROVAL OF MINUTES

With no changes, the minutes of the January 19, 2010, Planning Commission meeting were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker requested a short discussion on future joint meetings with the Town Council. With no other changes, the Agenda for the February 2, 2010 Planning Commission meeting was approved unanimously (6-0).

**CONSENT CALENDAR:**

1. Goble Residence (CK) PC#2010003; 296 Gold Run Road  
Mr. Lamb noted that a grammatical correction was needed in the Staff memo concerning the required parking spaces. Mr. Kulick was present and said that he would fix the grammatical error.
2. Michaud Residence (CK) PC#2010005; 952 Gold Run Road

With no requests for call up, the Consent Calendar was approved as presented.

WORKSESSIONS:

1. Transition Area Standards

Mr. Mosher presented a memo only worksession. Planning Staff has begun a detailed review of the Handbook of Design Standards for the Transition Areas of the Conservation District which were created in 1994 and are yet to be adopted.

There are 7 Transitions areas:

- #8 - River Park Corridor Transition Area
- #9 - North Main Transition Area
- #10 - Briar Rose Transition Area
- #11 - North End Residential Transition Area
- #12 - East Side Residential Transition Area
- #13 - South End Residential Transition Area
- #14 - South Main Transition Area

During the review of the standards, Staff uncovered discrepancies in the map as it related to some area's descriptions, changes in the Town character/Land Use Districts/direction since the standards were drafted, and several minor typing corrections. As a result, Staff anticipated some of the reviews with the Commission to be simpler than others and anticipated presenting the review of the standards over several meetings.

Commissioner Questions/Comments:

Ms. Girvin: These were created in 1994 and not yet adopted? (Mr. Mosher: Yes, we are continuing to coordinate with various issues such as conflicting maps of the boundaries and details regarding the Conservation and Transition area overlaps.)

Mr. Pringle: Transition Districts are outside the Historic District. There has been reluctance to adopt it over the years because no one wanted to deal with the issue of more strict standards outside the Historic District. (Mr. Mosher: This would potentially lessen the strict requirements outside the Historic District.) (Mr. Neubecker: There needs to be clarification of the Transition District boundaries.) The Historic District boundaries were tightened up, that is why the conservation district was created. The Transition District was outside of that. It was a good exercise to go through. (Mr. Neubecker:

We are currently applying the Historic District standards to the Conservation District; this transition area district would create a clarification between Transition District and Historic District.)

## 2. Landscape Policy

Ms. Cram presented. Staff combined the Commission's recommended changes to the Absolute and relative policies for Policy 22-Landscaping, and presented the Policy in its entirety.

Staff had a few general questions for the Commission to consider.

- Under the Absolute Policy, Section A2, did the Commission believe that a deposit should be secured to guarantee weed free topsoil? This may be cumbersome for Staff to administer.
- Under the Absolute Policy, Section B4, did the Commission believe that the screening requirements should apply between commercial projects as well as residential?
- Under the Absolute Policy, Section B5, the existing language references required irrigation. Did the Commission believe that irrigation should be mandatory? Former discussions with the Commission were uncertain.

At the last worksession, there was discussion on whether or not negative points should be awarded with the minimum standards proposed in the Absolute Ordinance. Staff understood that the Commission did not think that it was necessary; however, in an attempt to keep the Development Code flexible, Staff would like to discuss the possibility again. In particular, Staff wanted to make sure that the point analyses for single family residences would be meaningful. Some possible proposals that would warrant negative points may include little or no new landscaping efforts, use of exotic species, unscreened views, use of surface irrigation where drip is more appropriate, etc.

### Commissioner Questions/Comments:

Ms. Girvin: Is there a way to ensure that landscaping is maintained until it can establish itself? (Ms. Cram: Yes. See number 6, it is an Absolute Policy.) Are "type 2" shrubs defined? (Ms. Cram: It is a common size and type used that will be defined in the landscape guidelines.) If I wanted some landscaping against my house, such as cotoneaster and lilac, does it have to be irrigated? (Ms. Cram: Yes, it should be irrigated.) What about my shrubs, like lavender? Does it need to be cut to 6"? (Ms. Cram: This applies to grasses. I think we should define what "flammable" and "non-flammable" vegetation is.) I think there are some good arguments for negative points for landscaping, especially the use of exotic species.

Mr. Bertaux: On number 7 we need to rewrite the sentence and add the word "establishments" with drive-ins and drive-thrus. I think it is odd that weed-barrier would be required under decks, since they don't get much sun. (Ms. Cram: Some are more elevated and do get sun.)

Mr. Lamb: I think the policy regarding replacement of dead mountain pine beetle trees on a case-by-case basis sounds fair. Regarding irrigation, it sounds like that the town already has it covered with the maintenance policy. You can have drip irrigation and not use it, or you could be watering with a hose. Maybe it should say irrigated planting beds.

Ms. Katz: There isn't always a lot of room between commercial lots for additional landscape screening. I think that the concern is more commercial to residential screening. Is one tree snag per acre enough to provide habitat? (Ms. Cram: I will look into it.) (Ms. Girvin: This is for bird habitat.) (Mr. Lamb: Can they be on the ground?) (Ms. Cram: No.)

Mr. Pringle: I think that A2 should be struck because it is redundant, properties are already required to be kept weed free. It just becomes another element of policing for the Town. (Mr. Lamb: I agree.) (Ms. Girvin: It is a nice goal, but not realistic.) In the general statement, it says "mitigating the adverse affects of climate..."; what does that mean? (Ms. Cram: It means to keep landscape areas open to take advantage of solar gains on the south and west sides of homes, protect the structure from northwest winds, things like that. This is from the original code.) Could we say that? If we are cleaning up the ordinance we need to look at all aspects. (Mr. Lamb: I understood the concept. If someone doesn't understand, they can always ask the Planning Department.) (Ms. Girvin: I think if it was in the original code, we should leave it be. I think it keeps it open for good discussion.) (Ms. Cram: We can put it in the landscape guidelines, with images and text.) Should we remove Mountain Pine Beetle references, and rather just say dead, diseased and infested trees? (Mr. Bertaux: I agree.) (Mr. Allen: What about saying "terminally diseased", versus trees that can be

saved, like those infested with mistletoe?) (Ms. Cram: We can include in the guidelines the different diseases that affect landscape in our area.) I think irrigation should be flexible, and points awarded if it is provided. Is there a minimum run of 2:1 that requires a retaining wall to be built? (Ms. Cram: Landscaping does not take well on slopes greater than 2:1; retaining walls should be used if steeper than 2:1 to create benches for landscaping. This is for new construction, not existing natural areas.) What are “drive-in establishments” that are referenced in number 7? (Ms. Cram: This is existing language. We are referring to drive-through uses such as banks or restaurants and requiring landscaping for these types of uses.) Should it say drive-way? (Ms. Cram: No, but we could change it to drive-through.) (Mr. Bertaux: I think it is fine how it is.) Are we suggesting in Zone 2 that a lot needs to be raked? What if I have a 5 acre lot? (Mr. Neubecker: You might have a fire hazard. It is allowed to be 3” deep before it needs to be raked. Over that it becomes a fire hazard. This is based on fire-wise industry standards.) I think in Zone 1 this is a good idea, but in Zone 3 it is a bit much. (Mr. Lamb: I agree that the Zone 3 requirement can be removed, I think that this reflects the County’s policy.)

Mr. Allen: How often do you get covenants? (Ms. Cram: We get covenants whenever someone gets positive points or when someone has to maintain a snow melt system for perpetuity, etc.) Under the snow storage policy, can plants that can survive under snow storage be allowed? In the first sentence it says they are allowed, but the second sentence says you shouldn’t plant in the area. (Mr. Neubecker: Trees would be tougher, groundcovers will survive.) Maybe reference trees? (Ms. Girvin: It also depends on how it gets plowed.) For a residential unit, could the design be boulders or rocks incorporated into the garden to protect their landscaping from snow plows? (Ms. Cram: Yes, that is why we added the language regarding flexibility in the design.) I am concerned about this policy for residential units. (Ms. Cram: We want to protect the landscaping for which people get positive points.) (Ms. Katz: Maybe we should be specific about protection of trees, rather than all landscaping.) (Mr. Neubecker: Is it specifically the wheel retention devices that you are concerned with? Should we make the language more flexible?) (Ms. Cram: We can say that site plans shall be designed to avoid conflicts with parking areas, driveways and landscaping.) In number 9, is it clear that we aren’t talking about trees that were replaced like we discussed before? Compare with number 6. (Ms. Cram: We will look at it.) Do we need to be clearer on dead and diseased tree removal in each of the zones? Make it consistent? (Ms. Cram: We will look at it.) Are you talking about all existing trees for water features? (Ms. Cram: It relates to trees that provide buffers.) Can they replace the trees? (Ms. Cram: We can require mitigation for the non-specimen trees to provide missing buffers.) I don’t think that you should get negative points if you meet the Absolute minimum requirements. (Ms. Cram: I have a note in the Absolute that properties should apply minimum screening, etc. that would prevent that.)

Mr. Allen opened the hearing to public comment.

Mr. Eric Buck: From an enforcement standpoint, how will the town address landscape maintenance requirements if not all homes in the town are required to follow that ordinance? (Mr. Bertaux: We already have that issue now.) (Ms. Katz: Yes, we do already have those issues now. You are under whatever code or obligation was required at time of site plan.) (Mr. Neubecker: There are already maintenance requirements in the current code that apply to everyone.) (Ms. Cram: Are you saying that all homeowners should be required to follow this landscape maintenance policy?) Maybe. (Mr. Neubecker: This is to say that when new construction occurs, the landscape will be maintained.) (Mr. Pringle: Landscaping has greatly improved the aesthetics of our town. The goal is to continue that.) (Mr. Allen: I think that it could be a good ordinance for landscape maintenance to be required.) In the introduction to the fire wise section, we were in favor of having these requirements for new construction. I am a little concerned about the 10% of existing space standard, lead in paragraph to Section C. I would like you to consider that section and make it more relative to actual exterior disturbances. (Mr. Pringle: What is the square footage of construction amount you can add to your house before you have to bring everything up to building code?) (Mr. Neubecker: That only applies to the area you add to your house, the addition or connections to the house.) (Mr. Bertaux: What is the reference to the “major remodel”? I prefer the quantifiable 10 %.) (Ms. Cram: When we are looking at projects doing more than 10% additional square footage or a major remodel, we are saying that defensible space should be required. There is flexibility to keep existing

landscaping.) (Mr. Allen: Why not just require it for new construction?) (Mr. Neubecker: To make the community safer. Since the person is doing a major project, why not make them follow these requirements?) The issue is that there is no provision for people to keep landscaping that they were required to put in. I agree if it is scrapped, then yes it should be required to apply defensible space. (Mr. Grossheusch: 10% is an existing threshold in the code. Adding a new percentage will cause confusion.) (Mr. Allen: So it should be 10% or we should take it out.) (Mr. Bertaux: 10% language is fine with me.) (Mr. Lamb: I think that we should stick with 10% as the threshold. If it is a basement remodel and you aren't disturbing the site, I think it should apply to 10% "of the footprint" or remodels that don't disturb the site.) What about additions straight up? (Ms. Katz: We could exempt excluding interior square footage remodels.) (Mr. Neubecker: How about additional above ground additions of 10%?) (Mr. Rossi: Would it really add this much confusion to add "above ground" or some other exemption?) (Mr. Grossheusch: We can do it, but it is preferred to not create more nuances in the code.) (Ms. Girvin: 10% seems onerous and it should be something more than that to trigger this.) (Ms. Katz: I am fine with leaving it at 10%.) What would be the incentive for Staff to approve an exemption? (Ms. Katz: It is never an incentive; it is just following policy and making good judgment.) (Mr. Allen: Would it be onerous to have criteria for exemption pertaining to site disturbance? For example, if it is a 10% remodel with no site disturbance, it could be criteria for Staff to consider.) (Ms. Cram: We will look at that.) (Ms. Katz: Is the basement example really that common? And how could you not disturb the site at all putting in a basement? I trust that the Commission could make that decision on a case-by-case basis, as it says now in the proposed policy.) (Ms. Cram: Case-by-case is how we review it.) Maybe Staff and the fire-wise committee can look into this. (Mr. Rossi: My issue is that it doesn't relate to site disturbance. Site disturbance should trigger this requirement.) (Mr. Allen: Is this something that Council can look into?)

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

#### TOWN COUNCIL REPORT:

Mr. Rossi: There is nothing to report.

#### OTHER MATTERS:

Town Council and Planning Commission Joint Session

Mr. Neubecker: We need to make sure the scheduling works for the next joint session. We want to make sure that we have time to discuss issues together. Our meeting schedules are demanding, and do we need to meet just to meet? We should meet when there are specific issues to discuss, and we want to have time to have serious discussions of those issues. Staff picked April 27<sup>th</sup> for the next joint meeting, and Staff thought we would discuss the policy issues (energy code, sustainability, housing, etc.) that we have been working on. Staff will email the Planning Commission with a date for a joint meeting in November.

#### PRELIMINARY HEARING:

1. Bradley Residence Historic Renovation and Landmarking (MM) PC#2010002; 213 East Washington Avenue  
Mr. Mosher presented a proposal to perform a complete exterior restoration of the historic house and include a new full basement beneath the footprint. A new small, historically compliant shed is proposed at the southwest corner of the property. The existing non-historic deck that crosses the west property line would be removed. A small driveway is proposed to allow the required parking on-site rather than in the Town right of way. Locally landmarking the property is also requested.

#### **Changes From the Previous Submittal**

- After consulting with the Town Historian, Rebecca Waugh, it has been determined that the current Historic Cultural Inventory Form was in error. The house is actually listed on the National Registry of Historic Places Inventory as "contributing". This has been corrected by Carl McWilliams, of Cultural Resource Historians.
  - With the Owner's permission, the interior finishes of the house were removed exposing the existing structure and fabric.

- Rebecca Waugh visited the property with Staff on January 21<sup>st</sup> and confirmed that all the existing exterior wall planking and framing in the house and in the shed addition are historic and that the original historic window/door openings are intact and in excellent condition.
- The previous submitted elevations for the worksession have been modified to reflect the existing and rehabilitated original openings of the house as all being preserved.
- Staff noted that all of the historic wall planking/framing, openings and roof structure would be preserved.
- Staff has met with the Town Attorney regarding the landmarking process and Code based criteria.

Per the property file:

- Staff has confirmed that the original house was constructed in 1928 in Old Dillon and based on the Colorado Cultural Resource Survey, Architectural Inventory Form.
- The updated assessment and County Records indicate that an addition was built in 1942. Staff believed that the addition in 1942 was the shed portion of the house.
- The house was moved to Breckenridge with the shed addition in 1961, due to the creation of Dillon Dam.
- The house was briefly placed on Main Street Breckenridge in 1961. The Town historian stated that this was common practice to stage buildings there until provisions we made to move the house to another “permanent” property.
- Shortly thereafter, in the early 60’s (July 6th - no year on application) Town records show that the house was moved to its current location. (Staff noted the application for this move defined the footprint of the house as 24’ x 28’, meaning the shed addition was already in place at the time of that move.) From the application: “Moved from Main St. to Washington St. & French St.”
- The 1984 modification was adding “new” windows and interior work.

The presented plans indicated a proposed restoration that would bring the architecture of the house back to how it might have looked when originally constructed and into compliance with the Town’s Historic Guidelines and in this Character Area. The changes would include:

1. The footprint/perimeter walls would remain the same; no additional density would be added above ground.
2. Maintain the historic exterior walls and historic openings.
3. Raise the plate height of the walls by 6 to 12 inches to allow for window and door headers and to meet building code.
4. Repair the low sloping roof(s) and “sister” new framing on the roof with a steeper 10:12 slope. (Priority Policy 161.)
5. Create a front porch. (Design Standard 162 and 169.)
6. Remove the non-compliant, non-historic windows and replace with vertically orientated double-hung compliant wood windows.
7. Create a full basement/foundation (based on approval of landmarking) for additional living space.
8. Build a new detached shed (outbuilding) for storage. (Design Standard 159 and 167.)
9. Reside the structure with historic compliant horizontal lap siding 4”-4 ½” exposure. (Priority Policy 165.)
10. Re-sheath the roof with historic compliant cut wood shingles.
11. Shift the house slightly on the lot, squaring it up to allow for parking on-site.
12. Substantial permanent electrical, plumbing, and/or mechanical system upgrades to the house.

The report represented a substantial change from the report for the previous worksession. The official historic status/rating of the building has been corrected to “contributing with qualifications” with the possibility of obtaining a higher rating after the restoration; the National Registry of Historic Places Inventory has rated this building as “contributing”; the condition and quantity of existing historic fabric has been physically verified; and the Town Historian supported locally landmarking the building.

The architect/agent for the applicants has worked closely with Staff to accurately restore the historic structure with minimal modifications to the original character.

Staff had 3 questions for the Planning Commission:

1. Did the Commission believe the change in roof angle from less than 3:12 to a 10:12 deters from the original character enough to require a variance from Priority Policy 69?
2. Did the Commission support awarding positive nine (+9) points for the restoration efforts under Policy 24/R?
3. Did the Commission support locally landmarking this property based on the Code based criteria outline in the presented memo from the Town Attorney?

Ms. Sutterley, architect/agent, presented. There were four main points of concern: landmarking, policy 69, architecture and parking. Based on the new evidence found, we have a historic building and we need to save it. Landmarking is very important for this structure, and it is confirmed to be historic. We will get a completely renovated, attractive, historic structure, a livable structure, and it is wonderful that people want to live in smaller houses in the Town core. You don't see any additional density; it will have the same look, just more attractive. Priority Policy 69 (roof pitch) is another big issue. "What if historic isn't right?" was a point made by Commissioner Pringle years ago in a previous meeting about historic structures. I think we are not following this policy completely, but are making the home look right with other historic homes in the neighborhood. It isn't possible to keep the same roof pitch that exists now. Anyway, physically the roof will need to be removed and then replaced to keep the historic window openings intact with new headers. Per code we have to have window headers of a minimum height. In addition, no other historic buildings have a roof pitch this low. Architecturally, I am showing a different approach with a very simple solution first. The site is another point of discussion, especially the potential for a new future sidewalk next to the property line (per Public Works) which isn't currently feasible due to existing retaining wall locations over the property line. The parking encroachment would extend only to the edge of the existing retaining wall. The property was permitted specific mass, allowing a shed, and it doesn't fit without this parking exception. Another problem is that a parking spot has to be 9'x18' and we are going from no parking on-site to two parking spots on the site.

Staff also welcomed any additional Commissioner comments.

Mr. Allen opened the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Questions/Comments:

Ms. Girvin: Will this new information keep the Town Council from calling up this issue, as noted in the Town Council report from a previous meeting? (Mr. Mosher: This comment was said prior to any application being filed and reviewed by the Commission. The information that we have now was not available at the time of the worksession, and we think the information regarding the historic status is now more solid.) (Ms. Katz: Could that be a legal problem, for Council to say they will call up the project before it is even submitted for application?) I like the proposed roof. You are keeping two of the trees on site? (Ms Sutterley: Yes.) There is quite a distance between the concrete pan and the actual property line, and quite a bit of real estate designated as permit parking? (Ms. Sutterley: Yes. I was wondering if that spot could be for the site.)

Final Comments: I am thrilled that the house is meeting the required characteristics for landmarking. There needs to be more historic buildings than non-historic buildings in our Town. Additional landmarking items I checked on Mr. Berry's memo are column B6 and B10, social heritage and interconnectedness of the towns in our community. It is important to maintain this building in our community. I like the proposed roof angle. I am between positive six (+6) and positive nine (+9) on points for the restoration, because this doesn't seem to be quite the level of other historic buildings that have received positive nine (+9) points in the past. I like the simplicity of the proposed architecture. If parking could start on the property line to the west, someone will come along and block you in. Someone who has permit parking will not see the parked car and could block you in.

Mr. Bertaux: Will the historic openings be preserved? (Mr. Mosher: Yes, all of them.) Doesn't the property have a crown on the grade/slope? Will the height or elevation of the structure change? (Mr. Mosher: Yes, the property grade falls down. But there will be no elevation change except raising the plate of the roof a few inches to meet Code.) (Ms. Sutterley: The floor elevation stays the same.)

Final Comments: I don't know that you need to process a variance for the change in roof slope. I think you could find that it meets priority policy 69. I think it is more like positive six (+6) points for the restoration. I will support local landmarking. In addition to the three points in the memo from Mr. Barry, there are historic materials being preserved.

- Mr. Lamb: I like the proposed roof slope. The character of the rest of the neighborhood has steeper roofs. We are doing this for a specific purpose, to match the historic character of the historic neighborhood. (Ms. Katz: I agree. The historic character of the neighborhood calls for the roof element to be altered slightly.)  
Final Comments: I think positive nine (+9) points is in the ballpark for the restoration efforts. I support landmarking and it will be a great project for the neighborhood. Support items mentioned by Staff and B6, C1 from Mr. Berry's memo regarding landmarking. Need to figure out the parking issue with Staff.
- Ms. Katz: I like the proposed roof. Concerned about the comments about a potential future call-up from Town Council before any review by Planning Commission.  
Final Comments: Yes on the roof. Yes on positive nine (+9) points. Yes on landmarking. I think for landmarking we also have the existing materials and historical heritage, and also B5, style except for the existing roof pre-Mr. Berry's memo. Do we know how many buildings are in the Town that were moved from Dillon into Breckenridge? This can be an even more historic structure because there are so few of them in our Town. Also, on Mr. Berry's memo about landmarking, support item number 4, restoring based on what it used to look like; maybe the existing roof was damaged in the move to the town.
- Mr. Pringle: I don't think we necessarily have to go to a variance request for the roof slope. I think there is wiggle room in the priority policy.  
Final Comments: Even if the roof angle came in as existing, I think we would recommend that it comply with existing Breckenridge historic architecture. I think the roof change will be a benefit. I would support positive nine (+9) points. I think what you are doing to the house is good architecturally. I would support the landmarking as it contributes to the historic character. In addition, social importance, number 9 could also be added.
- Mr. Allen: How will you address the parking on this plan? (Ms. Sutterley: We will address prior to the next hearing.) What is the height of the shed and can it be higher? (Mr. Mosher: They are mostly concerned with the footprint. Staff will come back at the next hearing with some more details.) Could an encroachment license improve the shed situation? (Mr. Mosher: If Engineering and Public Works supported it.)  
Final Comments: I am in favor of the roof angle. I think it deserves positive nine (+9) points. I support landmarking. I had column B5, style associated with the Breckenridge area.

#### ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

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Rodney Allen, Chair