

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 p.m.

### ROLL CALL

Dan Schroder	Jack Wolfe	Rodney Allen
Trip Butler	Kate Christopher	Gretchen Dudney
Dave Pringle	Mark Burke	

### APPROVAL OF MINUTES

With no changes, the October 19, 2010, Planning Commission meeting minutes were approved unanimously (4-0). Mr. Butler, Ms. Christopher and Ms. Dudney abstained as they were not in attendance at the October 19 meeting.

### APPROVAL OF AGENDA

Mr. Neubecker noted that there were some changes. The sign code item will remain at the beginning. Otherwise, the Town Council report and election of chair are to be moved to the front of the meeting, allowing Mr. Burke to participate before the discussion of the Elk Building. With no additional changes, the Agenda for the November 2, 2010 Planning Commission meeting was approved unanimously (7-0).

### **WORKSESSIONS (1):**

#### 1) Sign Code Amendments (CN)

Mr. Neubecker presented. On October 12, 2010 the Town Council directed the staff to research amending the Breckenridge Sign Code to allow for off-premises signs on pedicabs. In addition, it was suggested that we consider allowing for advertising (off-premises signs) of community events on variable message boards used to provide wayfinding. The current Sign Code includes a list of prohibited signs, including off-premises signs. Staff is working with the Town Attorney on the sign ordinance for pedicabs, which will be presented to the Town Council for first reading next week.

On the issue of advertising for civic events, we will consider amending the Sign Code to allow for such promotions of community events. The current Sign Code provides an exemption for civic event posters in the windows of local businesses, but not on these electronic message boards. We believe that this addition would not be a stretch from the current regulations. The variable message boards would be used primarily for traffic information, wayfinding, closure of parking lots, etc. The Ski Area and the Town would partner on the purchase of the variable message signs. The signs will be mobile initially. After we establish the right location (year one) we would aim for a permanent location at the north end of town.

### *Commissioner Questions / Comments:*

Mr. Pringle: Are there criteria for what kind of detail could be included on the variable signage? (Mr. Neubecker: This is a different issue. In the context of wayfinding the Town wanted methods to control traffic. The Town Council thought these same signs could be used for other town information, such as "Snow Sculpture Next Weekend!") During ski season it may be used at the north end of Town for parking needs and special events. Perhaps a permanent sign is needed too. Curious as to how this is to be managed. Is the pedicab signage for only this business? (Mr. Neubecker: No it is for all pedicabs.)

Mr. Burke: Town Council did not want private advertising to be on these signs. Two signs are proposed. The fixed location will be established at a later date.

Mr. Allen: Is pedicab signage the only item before Town Council next week? (Mr. Neubecker: Yes. We will deal with the variable message board issue at a later date.)

### **TOWN COUNCIL REPORT:**

Mr. Burke: The Town Attorney was present at the Town Council meeting regarding the pedicabs. No new business and no old discussed last week. We discussed Planning Commission appointments and the sign code. Thanks and welcome to all the new Commissioners. Town Council may want to look again at the proposed agenda for the joint meeting and adjust. (Mr. Neubecker: With the new Commissioners, there would be discussion about function of the Planning Commission and a discussion about the field trip and redevelopment.) Should we do something for the members of the

Commission that were not re-elected? Maybe an acknowledgement from the Town at the joint meeting.

***OTHER MATTERS:***

1) Election of Chair and Vice Chair through October 31, 2011:

Mr. Pringle made a motion to elect Mr. Allen as Chair of the Planning Commission for the next 12 months. Mr. Schroeder seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to elect Mr. Schroeder as Vice-Chair of the Planning Commission for the next 12 months. Mr. Allen seconded, and the motion was carried unanimously (7-0).

***WORKSESSIONS (2):***

2) Elk Building Historic Re-Construction (MMO/CN)

Mr. Mosher presented. Staff has been approached by Janet Sutterley, Architect and agent for the Applicant, to develop Lot 80 Bartlett and Shock (105 North Main Street) with a new building of which overall massing would be based on photographs of the original historic structure that occupied the property up until the 1940's or 1950's.

As proposed, the new building would exceed (like the original historic structure) the recommended 9 units per acre (UPA) in the Development Code. This, and the proposed additions, would then bring the total above ground density to 12 UPA. This is larger than the recommended above ground density. Land Use District 19 and Historic Character Area #5 North Main Street Residential/Commercial allows a development to exceed 9 UPA up to 12 UPA and incur negative eighteen (-18) points. The applicant has requested to not receive negative points, since there is photographic evidence that a building of this size existed historically on this site. A passing score of zero (0) or greater is needed for a development to be approved. Staff has looked through the Development Code, and we think it could pass a point analysis. Public art, employee housing, trash enclosure, could all be used to get positive points.

The second issue is the requested building height. In the Main Street Residential/Commercial Character Area, historic building heights were 1 and 2 story. Priority Policy 198 recommends that new buildings be designed with 1-story or 1-1/2 stories. If 2 full stories are proposed, the two story portion should be set back from the primary façade. The requested building is shown at 2-stories in the front.

Priority Policy 81 states to preserve the historic scale of the historic buildings in the area. Based on historic photos, at the Blue Front Bakery project (approved and under construction at Lincoln and Ridge) a larger building was placed on the corner of Ridge Street. Photos were shown during review by the Planning Commission, and Commission was OK with the large mass on the corner based on the photographic evidence. Staff noted that neither the Historic Standards nor the Development Code has any provision to deviate from adopted policies for new construction based on historic photos.

The agent is also seeking Commission input on waiving the negative eighteen (-18) points based on the photographic evidence of the larger historic building and the choice to “replicate” this structure, with some deviations, as a public benefit and to have the proposed building better contribute to the Historic District. In addition to the proposed replication, the proposal would add more windows to the lower level facing Main Street, plus a small one-story addition behind the new building. Staff noted that there is no provision in the Code to allow waiving negative points.

Staff has explored the relative Policies in the Development Code and found possible sources for the positive eighteen (+18) points. Hence, we do not support this proposal considering the negative points could be mitigated with existing policies in the Development Code. Additionally, we question the precedent this approach might take with future applications with photographic evidence of other original historic buildings.

Overall, some sort of Code revision or change to the Design Standards would be necessary to allow modifications from the Code based on historic photographic evidence. Waiving any negative points is contrary to the Town's review process and philosophy that has been in place for many years.

Ms. Sutterley, Architect: We understand this is just a worksession, and the Commission can't make decisions. The transition from the Commercial Core Character Area to the Main Street Residential/Commercial Character Area is at the north property line of the Gold Pan adjacent to this lot. We don't want a one story building next to the taller Gold Pan; that would look contrived. We want to transition down in scale to the historic SCI building to the north.

Replication or reconstruction of the original historic structure is really not where we want to go. That opens the idea of setting poor precedent. If we want to replicate it, then replicate it. If someone has a historic photo of a 4 story building, we would not want to see that. The delineated width of the façade meets the design policy. We do not propose any code violations except the request for the front façade height. The module size is 1,400 square feet as required. We can meet the parking requirement. (Ms. Sutterley then showed what the streetscape would look like with a 1-story building on the site.) The 1-story building would look out of place in the context to the neighboring historic buildings. We are meeting intent of Policy 194 with the exception of the building height along Main Street.

There is conflicting language in the historic design standards regarding the suggested height. The character area standards states that buildings were historically 1 to 2-stories tall (and surviving buildings exist along this block of both sizes), and then they suggested height for new construction asks for 1-story heights fronting Main Street. I would like Commission's input on this issue. The historic structure (now gone) was originally a rooming house, but the proposal is to use it as retail space. The intent is to compliment and loosely represent what was there based on the photograph, but not replicating it. The submitted site plan shows setbacks that meet the recommended setbacks in the Development Code. Representation of the original building is goal, but we are trying to make it work for present day use.

We are finding it difficult to make up negative eighteen (-18) points. At 9 UPA, the floor area is only 1,364 square feet, which would look odd along the block. I understand there is nothing in the Development Code that allows the Town to waive negative points. But the SCI Building to north was over the allowed 12 UPA and had the negative eighteen (-18) points waived. Maybe Staff can address why that happened. We can try to mitigate the negative eighteen (-18) points, but why did they allow it next door? Code wants buildings setback from the street, but also wants buildings to align with historic buildings. We could notch back from the Gold Pan. We don't want people walking between this building and Gold Pan. It becomes a urinal for the Gold Pan bar. It becomes a dead zone. We would set it back about 6 feet along the primary façade to create the required side yard. Coupling the north yard with the SCI Building's south yard creates about 12 feet of space between structures. We could put a walkway through, with nice landscaping. Question #1 is on waiving the negative eighteen (-18) points, #2 is the height question being two stories at the street, #3 is on the side yard setbacks. The main building meets 1,400 square foot module size. Façade width is below what is allowed. Can a portion of a policy be deemed "not applicable"?

Mr. Allen opened the worksession to public comment.

Turk Montapare, Realtor for the property: I have always been perplexed by a character change in the middle of this block. Now we have someone trying to make sense of what was historically there and the code differs. Across the street to the east, we have evidence of a 2½ story façade hotel, which burned down. I could never understand why the commercial character area did not extend to Wellington Road. I think we are on the right track with this idea. We'll never know what the deal was with Cooney's (SCI) building's approval. I always felt that 9 UPA was Draconian. I don't know where the documentation came from that we should switch to a residential character in the middle of the block. Disclaimer: I have both of these lots listed. I think Janet has done a great job.

Peter Grosshuesch, Director of Community Development: Please note that Policy 194 states that new buildings should be in scale with "existing historic buildings". It does not say historic buildings that used to be there. The idea is to support the character of existing buildings. This character area is one of the smallest in scale, since these buildings were part of the settlement phase of the town's development. That is one of the reasons we have such small buildings here.

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

*Commissioner Questions / Comments:*

Mr. Schroder: There is nothing here to reconstruct. It's a new building, so the title should be changed. The area line transitions at the north edge of the Gold Pan.

Final Comments: Shape of the gable helps make the height transition from the Gold Pan smoother. If there were any “twigs” (historic material) remaining, we’d have something to work with as restoration or reconstruction. But this is a new building. It looks like the commercial next door, which looks visually correct to me. We need to fall back on the code. Support you going ahead as presented, but the negative eighteen (-18) points? Look forward to seeing the application and having more vitality in this part of Town.

Mr. Wolfe: Do we know what happened to the original building? (Ms. Sutterley: Sometime before the ski area opened it was destroyed or torn down.) Are we being asked to waive the negative eighteen (-18) points? (Mr. Mosher: Yes, but there is no Code provision or method to waive the points, and the applicant can actually mitigate the points.)

Final Comments: We may be distracted by the photos on the issues before us. The building shown by Ms. Sutterley seems to be a good transition from the Commercial Core to the buildings to the north. If we strictly follow the Historic Guidelines, we may end up with a building that is out of scale along this block. I don’t know how we could waive negative eighteen (-18) points. Maybe a Development Agreement. Like what is presented. (Mr. Mosher: The Code allows granting variances, but only to the priority policies and with hardships.) A variance requires a hardship; we’d need to see what the hardship. We can’t look at the financial hardship. That is the Town Council’s role (example was pedicabs). But what’s shown is a good transition from the Gold Pan to smaller buildings to north.

Final Comments: We like the design, but we are not sure how to make it happen.

Mr. Pringle: At what point would it be historic preservation or restoration, if they replicate a historic building? If the Gold Pan burned down tomorrow, could it be rebuilt as it was? Should we review this as a new building, or replication of a historic building? (Mr. Grosshuesch: We would review it as new building. There is no provision to waive the points.) Gold Pan and Sterling Building are different character area; BIC (SCI) building is a residential character. I don’t know how to meet the Character Area 5 standards where the surrounding buildings do not follow these guidelines. If we meet the criteria of 5/A, Architectural Compatibility, it will be the only building on the block to do so. (Mr. Mosher: We don’t want this development to be fodder for other applications to propose things that don’t meet the Code.)

Final Comments: I agree with Mr. Wolfe and Ms. Dudney. We want to transition, and have continuity on the block. That’s more important than 1 or 2 stories. I like the transition from Gold Pan to BIC. I find it palatable, but Code requires that we look at 9 UPA and 1-story heights.

Ms. Christopher: Is proposed height same as Gold Pan? (Ms. Sutterley: Yes, and the height is to Code.) What is separation of this building and the building to north? (Ms. Sutterley: 12 feet separation; 5 feet to property line.) Is the side addition a flat roof? (Ms. Sutterley: Yes.) I am concerned about leakage.

Final Comments: I like the design. I understand the importance of square footage in the building. I prefer the 2 stories, but don’t support that it’s as tall as Gold Pan; perhaps making it a bit shorter would help it transition better. Concerned about public safety for pedestrians walking through the walkway in winter, when it will be very icy. One story flat roof on south will need to have snow shoveled off in winter. Don’t see how to waive the negative points. If density is important, need to find a way to mitigate points.

Mr. Butler: Final Comments: I’d be supportive of the proposal the way it’s drawn. It is representational. It’s perfect for the character. The waiver of points, not sure how to support that. Would like to find a way meet the code or to make a variance happen.

Ms. Dudney: Are we also asking to consider the height issue? “If 2 stories are proposed, they shall be setback from the front façade...” Is there some way to allow 2 stories without modifying this policy? (Mr. Mosher: The Nauman Residence found a way to not require a connector link since the condition was existing. The Commission found that portion of the Design Standards as “inapplicable”. There has been precedent to state that certain policies did not apply to a project.) Are there any other historic buildings that are 2 stories in this district? (Mr. Mosher: Racer’s Edge and one other.) When you look at vacant lots, do you always have photos showing what was here? (Mr. Mosher: No.) What precedent does this set to allow buildings at the property line? How many floodgates would this open? (Mr. Mosher: The historic Sanborn maps show building locations and rough footprint size, but we don’t have historic photos of all historic

buildings that were here. We don't want to perpetuate any precedent to all properties.) By going from 9 UPA to 12 UPA, you increase the building by 400 square feet. Why do you want to do that? (Ms. Sutterley: 12 UPA is what looks right next to the Gold Pan. Financially, it needs to be viable. It's extremely important to my client.) You think you would have difficulty finding a tenant at 1,300 square feet? (Ms. Sutterley: Yes.)

Final Comments: #4 may be the conflict. I agree with Mr. Wolfe, the transition is important. The Town does not want reproductions. We want people to know which is historic and which is new. I'd like to see a 2 story façade work, since it's representational of what was there, but I don't see a way to waive the negative eighteen (-18) points.

Mr. Allen: Priority Policy 198 states to be similar size to other historic buildings. (Mr. Mosher: Absolute polices can get a variance, but not relative policies. Variances need to be very specific to one unique property. We need to avoid setting a precedent. Sanborn maps show several outbuildings in the rear of this lot. Should they also be used as precedent? That is Staff's chief concern.) Could you explain how the SCI building next door was allowed to be over density? (Mr. Mosher: Planning Commission denied the project, but it went De Novo at the Town Council, and was eventually approved by Town Council. Additionally, the module size was broken up to maintain the average, but was over 12 units per acre. Staff could not find any negative points mentioned in the Findings and Conditions for the SCI building.)

Final Comments: Historic representation is great. You meet Design Standard 194, but not Design Standard 198. Need to find a way around policy 198, or maybe find that it is not applicable. Agree with Ms. Christopher on transition to height; it should step down to the north. Support the pedestrian connection. Heat the sidewalk if it's a safety issue. Agree with others on the negative eighteen (-18) points; maybe Council has ideas on how to waive that, but we can't. This project would be a great development in this part of Town.

**COMBINED HEARINGS:**

1. Village at Breckenridge Sign Variance (MGT) PC#2010057, 535 South Park Avenue

Mr. Thompson presented a proposal to request an amendment to the existing Village Master Sign Plan. This will involve three variances from the Sign Code and a variance to the Fence Policy.

There are four (4) variances proposed to the Sign Code:

- Variance #1: 8-2-12 (B) Maximum Sign Area. The applicant is proposing a sign larger than 20 square feet for the building identification sign.
- Variance #2: 8-2-13 (F) Freestanding Signs. The applicant is proposing more than one freestanding sign, and the signs proposed are taller than ten feet (10').
- Variance #3: 8-2-15 (F) Off-premises signs. The applicant is proposing wayfinding signage to properties off the VAB premises.

One variance is proposed from Policy 47 (Absolute) Fences, Gates and Gateway Entrance Monuments:

- Variance #4: The applicant is proposing an archway over Circle Drive. Gateway Entry Arches are currently prohibited in the Development Code.

Mr. Thompson described in detail each of the variance requests and criteria based on the Development Code.

Staff recognizes that there are unique circumstances at the Village at Breckenridge, including its use as a public portal to Peak 9, its unusual size, and the pedestrian/vehicle conflicts in this area. We believe that some flexibility is warranted in light of these issues. We believe that the proposed Master Sign Plan and the variances proposed are necessary to identify the Village at Breckenridge, provide adequate way finding, improve safety and to properly identify the commercial tenants of the property. The Village at Breckenridge is about to complete a major renovation of their property, and improved signage is the next step to complete this transformation. Staff believes that there are unique circumstances that apply only to this property, and we do not believe that we are creating a precedent.

The Planning Department recommends approval of the Village at Breckenridge Master Sign Plan and Variance requests, (PC#2010057) by supporting the presented Point Analysis and the presented Findings and Conditions.

Chris Guarino, Wember Inc. (Applicant): These variance requests are essential for proper use of the property. He explained that drivers have only around ten seconds from the time they see the Village at Breckenridge sign to locate Circle Drive and turn into the project, and that there is only one entrance into the VAB. He is excited to hear feedback from the Commission.

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

*Commissioner Questions / Comments:*

Mr. Schroder: Four variance requests with clear presentation and review – good job! Don't have much to add in questions. Hardship has been described well. Directional sign type "D" and "F" details? (Mr. Guarino: There are four freestanding directional (way finding) signs and two that are freestanding pedestrian directional/directory signs.) Initially my concerns were this big sign on the building. Had concerns about the large sign on the side of the building. Does it have the word "Breckenridge" in it? (Mr. Guarino: At 140 SF it was clearer but the sign was too large. VAB heard the Planning Commission at the worksession and realized a 140 SF sign was too large. They feel if the drivers can read the word "VILLAGE" then they will be able to identify the Village at Breckenridge, even though "Breckenridge" is in a smaller font size. It all seems to work as the overall scale of the project is large and the signage is the proper scale.)

Final Comments: I support the 98 square foot sign. It's a matter of scale. What's presented is in balance. No problem with the archway.

Mr. Pringle: Four variances in a combined hearing are a bit uncomfortable for me. We all have to weigh in tonight for approval. I am not comfortable with approving a Master Sign Plan this large with four variances in a Combined Hearing. Will all properties on Park Avenue now be requesting larger than 20 SF signs? Does One Breck Place have similar issues since it is on Highway 9? Are we going to see more applications for larger signs as a result of this review? I thought last time we said to use the smallest sign that is effective? Just because it's next to Peak 9, is that a reason for a variance? Not sure if we had enough review at the last hearing. We should all feel comfortable before going ahead.

Mr. Wolfe: The Sign Code was not written for a situation like this, due to its size and layout. This is a good example of Staff reading the "grey area" and trying to find a solution to a problem. I support the request for the four variances. Thanks for providing wayfinding to adjacent properties. One small criticism, if there are more than three or four messages on one sign post they tend to get lost, five is too many. This is a good Master Sign Plan.

Ms. Christopher: I agree with Mr. Wolfe. The Sign Code was not written for a development like this. I have personally been lost in this area. Public safety is important and makes the community "user friendly". Use as many way finding signs as necessary, go for all you can. Check height for clearance of snow and skis. The arch is rather exclusive and not a life safety issue. Tend to say no to the arch as far as life safety. But appreciate the actual design of the archway.

Mr. Butler: Support all four of the requests. Scale and balance works here. Does not look out of place. Like free standing and off-premise signs and can support the arch, too.

Ms. Dudney: Support all four variances. As a past visitor here I appreciate the need for better signage at the Village at Breckenridge.

Mr. Allen: Support all four variances. Comfortable that I have seen enough information on this project to make a decision. The Village has some unique circumstances and design issues that make these requests necessary. Archway is appropriate and announces the entry to the property. Don't think that it sets precedence for One Breck Place. Support the proposal as presented.

Mr. Schroder made a motion to approve the point analysis for the Village at Breckenridge Sign Variance, PC#2010057, 535 South Park Avenue. Mr. Wolfe seconded, and the motion was carried unanimously (7-0).

Mr. Pringle: Questioned whether the Commission needed to approve each of the variance requests separately. I wish to change my vote on the Point Analysis.

Ms. Christopher: Questioned voting on each variance separately too.

Mr. Pringle: Have concerns about the method of approving the separate variances all at once in the Point Analysis. I do not feel the sign over 20 square feet needs to be 98 square feet, I believe that this variance does depart from the provisions of this chapter more than is required. Want to change

Absolute Policy 12 to failing in the Point Analysis. Would like to change his vote on the Point Analysis to “No”.

The Point Analysis was amended to show Mr. Pringle voting “No”. The Point Analysis passed with a vote of 6-1.

Ms. Christopher: I am not sure. The archway is not a public safety issue. May set bad precedent. Exclusivity of an arch is not welcoming to the public. No other Commissioners concurred.

Mr. Schroder made a motion to approve the Village at Breckenridge Sign Variance, PC#2010057, 535 South Park Avenue, with the presented Findings and Conditions. Mr. Wolfe seconded, and the motion was carried unanimously (7-0).

Discussion ensued on the method of discussing variance in conjunction with the Point Analysis. The uniqueness of this property was also discussed.

2. Shock Hill Lodge Permit Extension, Tract C, Shock Hill (CN), 200 Shock Hill Drive (*Withdrawn at the request of the Applicant.*)
3. Shock Hill Lodge Permit Extension, Tract E, Shock Hill (CN), 260 Shock Hill Drive (*Withdrawn at the request of the Applicant.*)

***OTHER:***

Mr. Schroder announced his new mailing address. A new roster will be handed to the Commissioners at the next meeting.

***ADJOURNMENT:***

The meeting was adjourned at 9:50 p.m.

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Rodney Allen, Chair