

PLANNING COMMISSION MEETING

The meeting was called to order at 7:02 p.m.

ROLL CALL

Dan Schroder Jack Wolfe Trip Butler
Kate Christopher Gretchen Dudney Dave Pringle arrived at 7:10pm
Rodney Allen and Mark Burke were absent. Dan Schroder ran the meeting as the Vice-Chair.

APPROVAL OF MINUTES

With no changes, the November 16, 2010, Planning Commission meeting minutes were approved unanimously (5-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the December 7, 2010 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

1. Wellington Neighborhood Lot 1A, Block 9 Single Family Home (MM) PC#2010059, 12 Leap Frog Green
2. Wellington Neighborhood Lot 1B, Block 9 Single Family Home (MM) PC#2010066, 14 Leap Frog Green
3. Wellington Neighborhood Lot 2, Block 9 Single Family Home (MM) PC#2010067, 24 Leap Frog Green
4. Bear Claw Court Change of Use (MM) PC#2010065, 217-A South Ridge Street
5. Garcia Muriel Residence (MGT) PC#2010063, 83 Lomax Drive
6. Dye Residence (MGT) PC#2010064, 0625 Reiling Road (SCR 460)
7. Murphy Residence (MGT) PC#2010062, 525 Peerless Drive

Ms. Christopher: Have the Wellington houses been sold? (Mr. Mosher: We don't know.) (Mr. Neubecker: They usually don't build until they are close to sales.)

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

PRELIMINARY HEARINGS:

1. Columbia Lode Master Plan 3rd Preliminary (MMO) PC#2010017, 400 North Main Street.

Ms. Shannon Smith from the Town Engineering Department is here to explain the traffic study and site circulation. Mr. Mosher also introduced Mr. Jon Brownson (Applicant), Mr. Marc Hogan (Architect for the Applicant) and Mr. Stephen West (Attorney for the Applicant).

Mr. Mosher presented a proposal to Master Plan for 24 residential units per an approved Development Agreement made with Town Council. (Prior to the meeting, Mr. Mosher had taken the Commissioners who had not seen the site previously up to the site to bring them up to speed on this application.) The proposal is for 21 market-rate units in duplex and single family form with two workforce units (duplex) on the lower portion of the site. The existing single family unit of density (the 24th) is located on the west facing slope above the multi-family development site. Master Plan Notes are proposed for the entire development. The original Breckenridge Building Center (BBC) buildings and lumber yard will be demolished. The current site grading will be replaced and averaged back to a more natural grade with future development. After final approval of the Master Plan, each building will be submitted for review under individual Class C applications. The concern for this evening is how this application applies to the related policies in the Development Code. Density allocated to the property has not been changed from the base density for the three Land Use Districts where the property is located.

Changes since the August 17, 2010 Worksession

Addressing concerns expressed from the Commission, Staff and neighbors, the applicants have modified the site plan layout.

1. The location of single-family lot (no longer shown at the north end of the site), has been modified slightly.
2. The Master Plan Notes have been refined.

3. New civil drawings have been included. Sheet MP-3 will establish the grade to which building heights shall be measured.
4. “View Corridors” are delineated on the site plan.
5. A memo from the Town Engineering Department regarding the traffic study and site vehicular circulation is included.
6. The public trail alignment has been modified (with Open Space and Trails Department input) according to the new site design. A portion of the south end of the trail crosses Lot 1, Block 2, Weisshorn Subdivision (220 Briar Rose Lane). The north end of the trail exits onto Gold Flake Terrace through an easement on the south edge of Lot 22, Block 2, Weisshorn Subdivision (305 Royal Tiger Road). Necessary easements and agreements will be processed at Subdivision.

As with any Master Plan, you will not see the literal architecture; just the general location of the density and site circulation. LUD 11 defines a specific historic character which we will see when this area is developed. The Master Plan Notes can supersede the Development Code with a passing point analysis. We are trying to present the fit and use for the general layout of how this development is proposed. As requested by the Commission, the view corridors have also been delineated on the site plan. Unlike past Master Plans, this submittal will include a grading plan depicting the grading that averages the slope of the disturbed hillside. In past meetings, we discussed the grading and heard general support for restoring the hillside as it was originally (prior to the placement of any buildings). We are not sure at this point if the grading will all happen at once or in phases. This will be presented at a future meeting. This affects how building height is measured; within the Code there is a definition about measuring overall building height allowing heavily disturbed areas to measure to an averaged slope. The grading is being placed only in areas that have been previously disturbed on site. So there should not be any adverse impacts with the grading. As the project moves forward we should not be seeing any bare dirt; it will be graded, in-filled, and also re-vegetated and landscaped. The rough plan for the utilities and easements shows where drainage for the Klack will occur and shows sewer stub-outs.

After this hearing, Staff is planning to take the Development Agreement back to Town Council to reflect the changes that are suggested by the Planning Commission. Upon the approval of the modifications to the Development Agreement, Staff will return to the Planning Commission to wrap up the final issues with the Master Plan for Columbia Lode.

1. Was Commission supportive of not awarding negative points under Policy 7/R, Site and Environmental Design, as a result of averaging the slope of the hill in the previously disturbed area?
2. Did the Commission have any comments regarding the Master Plan Notes?
3. Did the Commission have any comments on the vehicular circulation and traffic study?

Discussion:

Ms. Dudney: When did you say the grading would occur? (Mr. Mosher: We are going to be discussing that in the future, we are not sure just at this point. The applicant has proposed a method that staff needs to analyze further. We will have more detail at the next presentation.) Is the idea to do it at the beginning of the three years? (Mr. Mosher: With the Development Agreement, they are proposing have ten years of vesting, instead of the typical three. That is why they will be going to the Town Council to approve the agreement. After approval of the Master Plan, the applicant will seek extended vesting from the Town Council as a Condition of Approval). So the idea is the grading happens at the beginning of each development? (Mr. Mosher: Yes.)

Mr. Pringle: What will be the basis for revisiting the site grading modifications? (Mr. Mosher: Depends on if there are areas shown as being too steep or the road is being graded. We may see this plan modified slightly.) They are not going to come back and re-grade? (Mr. Mosher: Between Council’s meeting and the next Planning Commission presentation, we will have the grading plan in place.)

Ms. Christopher: Is there a sidewalk on French and Main Street? (Mr. Mosher: There is one on French, it will continue north along Main Street to the roundabout.) What about the detention ponds? (Mr. Mosher: I will let Ms. Smith explain.) (Ms. Smith: The detention ponds are just conceptual at this point; they may be open ponds or placed in vaults.) I just have some concerns about open ponds with children playing nearby etc.

Ms. Shannon Smith (Civil Engineer for Town of Breckenridge) presented a brief summary of the traffic study. This is a small development; we don't see a huge impact on French Street compared to Main Street. (Mr. Pringle: With the old BBC, was that usage more intensive?) Yes, greatly more intensive. (Mr. Pringle: French Street access is a downhill on a curve offset with the alley in there now.) We don't think that is a safety risk. Since the drive is placed on the outside of the curve, there are good sight lines for on-coming traffic. (Mr. Pringle: I disagree, I see people sliding down that hill all the time. I think it is going to be a safety hazard with this development. The offset from the alley goes against good planning practices.) We feel a left on French Street is less dangerous than on Main Street due to our traffic counts. The large bank of utilities is directly across from the alley. Engineering Staff was not too concerned about the slight offset. The visual sight-lines are good. (Mr. Pringle: I stand in opposition to your conclusion.) (Mr. Wolfe: Mr. Pringle, I don't quite understand your concerns.) (Mr. Pringle: I think the offset with the alley is dangerous and we are creating a big problem. I see what happens down there all the time.) (Ms. Christopher: I have slipped along this portion of French Street, too.) (Ms. Dudney: When you say 3/4 you mean allowing eastbound off Main Street?) Yes. (Ms. Dudney: What about going south on Main Street, can you go east into the development?) Yes, there will be a separated turn lane and the light will help with the timing there. (Ms. Dudney: Do you think this will be a cut-through?) Maybe, but not likely. (Mr. Mosher: The road is very narrow and winding, if you look into the road, you don't see the other end, so you won't really see a short cut.)

Mr. Hogan: We have been working at this proposal for quite a while and appreciate all your input. We have worked with staff very closely to get to this point. You have five sheets that comprise the Master Plan set. We have been through it four or five times, what you are looking at is what we hope will be final improvements. We looked long and hard at the traffic; and it is a private drive, not a public right of way, and will be maintained by the Columbia Lode HOA. We agree with Engineering, the access road off French Street is at a good place because at that point you can see both ways. The geometry was approved by our traffic engineer, who reviewed all traffic counts. We went through and made corrections. Main Street will be restriped for the south bound left turn lane. A level of service (LOS) of C is during large peak times. (Ms. Smith: That would occur on a winter Saturday, for example, which is peak traffic.) We did show this to the Red White and Blue Fire Department, they would likely head north and then right into the project. We also have a sidewalk parallel to the private drive.

Ms. Dudney: Concerning the Master Plan Notes, note H on solar energy at the discretion of the developer, those could be solar panels on the south facing Main Street? Do you have any qualms about the view of those solar panels? Do you consider that aesthetically acceptable? (Mr. Hogan: We do, we think they look good and they will be flush mounted. They will be south mounted, not facing Main Street.) What about the buildings at Main Street orientation? (Mr. Mosher: Some of the grid is perpendicular to Main Street south of French Street.) (Mr. Hogan: Mr. Grosshuesch made some comments in prior hearings and we adjusted the orientation to reflect that.) (Mr. Mosher: The Master Plan is illustrative only as far as the exact buildings go; we want to see the general circulation and grading. The final Master Plan will be in effect for quite a while. A future planner will pull the Mylar plan to review proposals for buildings and use this as guidelines for the development.)

Mr. Wolfe: I appreciate the changes and adjustments the applicant has made. On the 10-year extended vesting, what is the financial impact of this vesting? If, in the future, the homes need to be bigger or smaller as a result of the market, how would those changes be made? (Mr. Hogan: The only thing set in stone is maximum density.) (Mr. Mosher: They could always go smaller, but to go larger they would have to buy density and modify the Master Plan. To modify the Master Plan, they would need to submit a development permit and go through the review process.) (Mr. Hogan: On our proposed plans, we've varied the densities quite a bit in order to keep a bit of flexibility there.) Is the plan for vesting to development sooner rather than later? (Mr. West: We don't have extended vesting yet. Approval by the Planning Commission would get us three years vesting and then we would apply for the extended vesting with the Town Council. We discussed with them at the time building the left turn lane; once the plan is approved, then we would apply for the extended vesting with the Town Council.)

Mr. Schroder: Is the workforce housing just a "just in case" if you need to offset some negative points? (Mr. Hogan: Mr. Brownson believes workforce housing creates some vitality in the neighborhood and believes in having some in the development.) (Mr. Mosher: Originally we had some negative points. We have a density cap; we don't know the density until they get building. Can't throw positive points at it until we know what the density looks like.) Should we not expect to see

employee housing in the Master Plan? (Mr. Mosher: Don't hold your breath just yet.) (Mr. West: If we need it for the points, expect it to be there. If we don't see negative points, you will probably still see it there.)

Mr. Pringle: Will we see potential elevations of all of the buildings facing Main Street? Just looking for an overall massing and how that will look from Main Street. (Mr. Hogan: We have already presented this at past meetings.) (Mr. Mosher: The 3-D detail is not what Mr. Pringle is looking for; I believe he is seeking a flat elevation, not 3D.) I am not sure whether we need a change of use permit on this property. (Mr. Neubecker: The Master Plan will be the change of use.) It's going from a full historic commercial use to a full residential use. Are we aware of this change? (Mr. Neubecker: Yes.) (Mr. Hogan: We are in compliance with the Land Use Guidelines.) I just want everyone to be aware of this; that we are changing from a great sales tax generator to a full residential use.

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

Commissioner Questions / Comments:

Ms. Christopher: On question 1, no negative points, I support getting the grade back to the historical slope. And the grading needs to happen right away at the beginning of the development. On the Master Plan notes, I support all the changes since the August 17th hearing. Underground detention is safer than open ponds. On #3, I still have concerns about the traffic, French Street access looks dangerous.

Mr. Wolfe: Agree with staff support on measuring height to a new averaged grade. #2 minor comment, reservation on contemporary version of windows, less discussion since this is a transition from Main Street. Need more beefing up of the notes to create the transition from Main Street. We are not traffic engineers, rely on staff. Practically speaking, there are issues with French Street, but I am not sure they can be solved. I hope your traffic engineer has good errors and omissions insurance.

Mr. Butler: I support #1 as well. Agree with the Master Plan notes. Circulation is not perfect but I agree with Mr. Wolfe, and defer to the engineers on that.

Mr. Pringle: I am supportive of awarding negative points on policy 7R for the grading. Site design and grading and placement of the buildings should minimize any new grading. Nice to be able place buildings on site if it were undisturbed, but we are adding 10-feet of fill to create a hillside just to get great views; it is not to re-grade to historical grade, it is only for views. This also creates the need to fix the French Street intersection issue. I am looking for negative points on policy 7R. Don't agree with traffic study with conclusion that there are not issues there. On Master Plan notes, need better copy so they can actually be read. These are too small. To the Town Council, we need to plant the seed about the change of use...changing commercial use to residential use; we need to de-incentivize those types of applications. High sales tax generation to the residential should be of concern. In addition, one work force unit out of 24 will not create vitality.

Ms. Dudney: Supportive of averaging the slope, support the locations of the houses; will make better project but I don't see any financial detriment to changing from commercial. I am satisfied as to Master Plan notes. I am also satisfied with traffic engineering, with private drive and way to enter off of Main Street. Traffic will naturally flow to point of least resistance. I like the pocket park, will be terrific to get landscaping into the park to get a focal point at that end of town. Agree with Mr. Pringle on lack of commercial; however, it is a good project and I rely on market forces to determine best use.

Mr. Schroder: Supportive of grading plan and would like to see it take place earlier rather than later. Just ripping down BBC would not help the site. Support no negative points for the grading. The Master Plan notes are well laid out; I support them. The traffic feels very similar to the situation in Town when heading west on Wellington and turning left onto High Street. In 3 years, I have only seen one car off the road. See potential for accident at this site; however, people will get used to the road. Also defer to the Engineer in this case.

COMBINED HEARINGS:

- 1) Shock Hill Lodge Permit Extension, Tract C, Shock Hill (CN) PC#2010069, 200 Shock Hill Drive
- 2) Shock Hill Lodge Permit Extension, Tract E, Shock Hill (CN) PC#2010068, 260 Shock Hill Drive

Mr. Neubecker presented applications for permit renewals for the two Shock Hill Lodge buildings immediately adjacent to the gondola turn station in Shock Hill. These lodges were reviewed in great detail throughout 2007, and were ultimately approved in 2008. Mr. Neubecker introduced the Applicant, Mr. John Niemi. Because the proposal was different from the uses anticipated in the Shock Hill Master Plan, a Development Agreement was approved by Town Council. This Agreement allowed for the properties to be developed as condo-hotels (rather than townhomes and hotel/inn/lodge as otherwise required). The Agreement also allowed for a transfer of up to 39 SFEs (single family equivalents) of density to the site. In exchange, the applicant agreed to some extra design constraints, environmental testing, and other commitments that were not otherwise required. The transfer of density is not normal, but is certainly allowed by the Development Code.

The attached staff reports are generally the same as in January 2008. However, upon renewal of a permit, staff considers code amendments that have taken place since the original permit application date. The relevant code changes since the original application date include:

- Adoption of Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments
- Adoption of Policy 46 (Absolute) Exterior Lighting
- Expiration of the Shock Hill Master Plan vesting, which means that the Cucumber Gulch Overlay Protection District ordinance applies. (This policy addresses development in and near Cucumber Gulch, including design issues, and environmental protect best management practices.)

Because of the adoption of Policy 47, a variance is now required for the fences that were previously approved. The rest of the reports remain essentially the same as they were in 2008. There is no change to the use, density, height, architecture, materials, parking, site plan, fence design, amenities, drainage, or floor plan of the project. The Applicant had previously agreed to the Lighting Policy (Policy 46), so there is no change necessary there. Point analysis for each project still shows a passing score.

Mr. Wolfe: Are there new conditions on the site, like beetle kill? (Mr. Niemi: A key element of our plan was how many trees we can save; now we are required to take them down. Moving forward, we will have to do much more replanting than under the original plan.) Let me rephrase, has anything changed that would change the point analysis? (Mr. Neubecker: Nothing other than what I previously mentioned.)

Mr. Pringle: Is a revegetation plan required? (Mr. Neubecker: They propose significantly larger trees than other sites. 4" caliper size aspen, some 24' tall trees, so this project has much larger new trees. Larger trees create instant gratification.) With the beetle kill, the landscape plan might need to have more numbers compared to when plan was initiated. (Mr. Neubecker: We can discuss when we look at the point analysis.)

Mr. Neubecker: I will start with Tract E because it is bigger lot. Donation of 2.29 acres of land, Tract E2, basically from rock overview of Black Loop down to almost touching the wetlands, the applicant agreed to donate that tract to the Town. So that was a big portion of the dedication. They will dedicate during the Master Plan process. Condo hotel building has spas and pool, and small commercial element. We increased size of amenities above what is required by code. Take some of amenities from Tract C and move to Tract E, similar to what was done at One Ski Hill Place. Lodge style building. Awarded positive points for architecture; architecture not changed so staff still recommends positive points. Negative points for building height, but earned back some points by building density into roof on Tract C and varying the roof to break up the building. Master Plan is to change use on Tract E from hotel/lodge, which requires you to have no kitchens, to condo hotel. Tract C changes from townhomes to condo hotel. Council agreed to additional density from TDR bank to be purchased by Applicant. Property is immediately adjacent to Cucumber Gulch; we looked at that in great detail. The Applicant agreed to additional environmental testing, signage and education in the development agreement. Water samples etc. were done to establish a baseline to compare to testing after construction. Project has significant storm water management plan, much more detail than on other projects. Location of buildings the same as three years ago, and all parking will be underground with a few spaces at grade for deliveries and shuttle van. There will be a hybrid SUV for the shuttle; positive points were awarded for the shuttle. There was discussion on gray water and whether it could be recycled, but it was determined to be a very expensive process, so it is not in this proposal. Employee housing is proposed to mitigate negative points. Negative points for heated sidewalks and walkways.

Policy 47 (Fences) was adopted after this project and prohibits fences; however, where fences are allowed, such as around a pool, fence should be chain link. Not really appropriate for this area. Fence that is proposed for the pool and spa areas is ¾ inch square welded black steel, 72” tall. Need a variance for this fencing material. Fence around the gondola is wood, split rail, and needs a variance as well. More appropriate than chain link. Worked closely with the Town Attorney; he is comfortable with the variance language.

Mr. Wolfe: Where did the numbers come up as restriction shall not exceed, such as number of bedrooms? (Mr. Neimi: The traffic study was based upon those numbers. We don’t want it to be any more than that.)

Mr. Pringle: Could we waive as “inapplicable” the fence criteria? (Mr. Neubecker: Fences are essentially prohibited, except in specific uses. It is a question for the rest of the Commission, should there be a variance, or should the Commission deem it to be inapplicable? Because of the pools and spas and safety around the gondola, waiving the fences is not an option.) Large concern is the fact that the Town Council directed us to not grant variances often, we need to figure out how to amend the findings and conditions for this project in order to not grant any variances. (Mr. Niemi: Three years ago we went through an extremely collaborative process with the Town to get this proposal approved. The economics of late have not allowed us to move forward with this project. The Town’s initials and signature are all over this project.) (Mr. West: We would like to default to the decision the Town Attorney and Staff have come up with, which is the variance to the Fence Policy here. Fences are required here, it is a legal issue, and the only issue is to grant the variance.)

Mr. Wolfe: Mr. Grosshuesch, why would we not keep the fence chain link for now, change the fence policy, and then approve the new fence at that time? (Mr. Grosshuesch: The applicant has the right to ask for the variance as everyone has access to that request. Going the other way is the long way around. Yes, we recognize there is a problem with the code, but at this time, we feel the variance in this case is the way to go, get the applicant approved. It would be a timing hardship if we did not do it this way.) What if they have to build the fence to what the code is when the development occurs? (Mr. West: We would agree to state in the findings and conditions that this will be the fence we will build if it agrees with the code at that time.)

Mr. Schroder opened the hearing to public comment. Mr. John Quigley and Mr. Tom Begley from the Shock Hill HOA Board were in attendance and stated they are in support of the project. (Mr. Neubecker: We did receive an email that I forwarded on to the Commission and copied the Applicant as well.) There was no more public comment and the hearing was closed.

Mr. Neubecker asked if there were any specific questions on Tract C.

Mr. Pringle: Before construction, take a look at landscaping and how to be most effective with the landscaping; take a look at the conditions as to how they exist prior to actual construction. (Mr. Niemi: We totally agree; our land planners have worked very closely with the Town and their requirements. The Council wanted large trees on site, but I agree we will evaluate at the time.) Would you suggest that we make a new condition #38, Prior to Building Permit, “applicant shall build the fence as proposed according to what the code allows”? (Mr. West: We would like to add the new condition to “prior to C.O.” instead, but problem is there are a number of conditions that would need to be changed or removed that list the variances. The condition we could add would be something along the lines of “we will build this fence if it is permitted, otherwise, we will process a Class D to build the fence that is approved by Policy 47.”) (Mr. Neubecker: To be clear, are we saying “Applicant shall construct the fence according to the plans; however, if the Town Code does not allow the fence in the plans, then the Applicant will process a Class D permit to build a fence that works with the Town Code”?)

(The commission took a break for Mr. Neubecker and Mr. West to work on new verbiage for the conditions.)

Mr. Neubecker: The Commission is proposing to remove the variance for Tract C & E; on Tract C, remove Findings #11-26 inclusive (and typographical error #27 with no verbiage) and add new Condition #53: “The Applicant shall construct the fence as proposed on Sheets L7-05 and L7-06 of the approved plans. If the Town

Development Code does not specifically allow such fence design at the time of the fence's construction, Applicant shall submit a Class D permit to modify the plans to a fence design that meets the Town Development Code then in effect." On Tract E, remove variance Findings #11-26, inclusive, and add new Condition #54 as stated above.

Mr. Schroder made a motion to approve the point analysis for the Shock Hill Lodge Permit Extension, Tract C, Shock Hill, PC#2010069, 200 Shock Hill Drive. Ms. Christopher seconded. Mr. Pringle recommended the motion on the table be amended to include the statement Mr. Neubecker made earlier to change the point analysis to reflect the project complies with Policy 47. Mr. Schroder made a motion to approve the point analysis for the Shock Hill Lodge Permit Extension, Tract C, Shock Hill, PC#2010069, 200 Shock Hill Drive with the change to show the project passing Policy 47. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Schroder made a motion to amend the findings and conditions for the Shock Hill Lodge Permit Extension, Tract C, Shock Hill, PC#2010069, 200 Shock Hill Drive, to reflect the statement read into the record by Mr. Neubecker (removing Findings #11-26 and adding new Condition #53). Mr. Butler seconded, and the motion was carried unanimously (6-0).

Mr. Schroder made a motion to approve the Shock Hill Lodge Permit Extension, Tract C, Shock Hill, PC#2010069, 200 Shock Hill Drive, with the amended presented findings and conditions and amended point analysis. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the point analysis for the Shock Hill Lodge Permit Extension, Tract E, Shock Hill, PC#2010068, 260 Shock Hill Drive, with the change to the point analysis that the Application complies with Policy 47. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Shock Hill Lodge Permit Extension, Tract E, Shock Hill, PC#2010068, 260 Shock Hill Drive, with the presented findings and conditions changed to remove Findings 11 to 26 and add Condition #54 read into the record by Mr. Neubecker. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Mr. Neubecker reminded the Commissioners about the Saving Places (historic preservation) conference in Denver on February 2-4, 2011. Ms. Dudney and Ms. Christopher are already in the process of getting registered for the Conference.

ADJOURNMENT:

The meeting was adjourned at 9:37pm.

Dan Schroder, Vice Chair