

PLANNING COMMISSION MEETING

TOWN COUNCIL REPORT:

None.

WORKSESSIONS:

1. Grand Lodge at Peak 8 (MM); 1627 Ski Hill Road (CR 3)

Mr. Mosher presented a proposal to construct an interval ownership resort (Condo-hotel, of similar size and scale to the south building of the Grand Lodge at Peak 7) at the Base of Peak 8 west of One Ski Hill Place and the proposed Building 804.

The view corridors established during the review of the Amendment to the Breckenridge Ski Resort Peaks 7 and 8 Master Plan were an important part of the approval process. The general concept was to maintain visible links from key areas between buildings to the mountains behind as development proceeded. With the introduction of the proposed Grand Lodge at Peak 8, the two smaller buildings illustrated on the Master Plan exhibit will be replaced. The primary impact of the view corridors associated with the proposed building footprint is the impact between the building and the existing Skiwatch Condominiums west of the building. This corridor is narrower and more restrictive with this proposal. Also, it is not directly visible from the Ski Hill Road right of Way. Staff believes that the view corridors have been maintained. Staff welcomed any Commissioner comments in the impacts of the new proposal to the view corridors shown on the master plan.

The existing One Ski Hill Place is five stories tall with a focal point cupola that tops the overall height at 100-feet. The proposed Grand Lodge at Peak 8 will also be five stories tall and sits above on the slope of the hill to the west. The overall structure is longer and narrower than the adjacent buildings. The building has been broken up (by Staff recommendation) into two main masses. The roof forms step down at the edges. This differs from the single structures of One Ski Hill Place and the future Building 804. Also, much of the structure will be hidden behind the future Building 804 when viewed from Ski Hill Road. Did the Commission believe the massing and roof forms meet the intent of the Master Plan Notes?

The plazas at the Grand Lodge at Peak 8 step with the hillside and offer different degrees of public access.

- Plaza Level (on grade with Building 804 and Gondola Plaza) includes public access to lower lobby, public bathrooms, ski valet, and Breckenridge Ski Resort functions (first aid and employee lockers).
- Terrace Level (one level above, accessible from the skiway or via stairs from plaza) contains a café and terrace open to the public, and private entrance to resort amenities.
- Main Floor (one level above terrace) includes a large private courtyard with outdoor pools and other resort amenities, similar to the Grand Lodge at Peak 7.

Did the Commission believe the proposal meets the intent of the plaza as it is associated with the existing Master Plan?

1. View Corridors
2. Overall Massing
3. Plaza Interaction

Commissioner Questions / Comments:

Mr. Schroder: Would the view corridors being presented tonight be compromised with 804? (Mr. Mosher: There could be some slight changes; if anything, 804 will respect more of what is happening at the plaza level. There have been some changes with how this mountain has been accessed.)

Mr. Matt Stais, Architect: Excited to get input tonight. Trying to find a way to share the space for this new resort. The 2005 master plan was actually an amendment from the 2003 master plan; it

actually shows quite different configurations. Please don't take the 2005 master plan as set in stone. We are hoping to accomplish another 5-star ski-in-ski-out property; something the Town has been looking for over the years. Extensive guest amenities are important; we are really hoping to animate that plaza, hoping to expand that into a bigger area. The project is planned between for 40-60 units (2 bedrooms/4 bedrooms, etc.), which would enable different ways to sell units depending on season. Important to have ski patrol and first aid in this location. Building is proposed to bench into hillside. The lobby will be in the middle linking the different phases. The larger mass will hopefully work with 804 in the future so it cradles the mountain front with a plaza. Designing building to work with what is going to be developed in the future. Working hard so this doesn't compete with One Ski Hill Place since we know that is important with the master plan.

Mr. Schroder: How will it feel? One Ski Hill Place; will it continue to feel like the anchor once this is developed? (Mr. Stais: Yes, I think it will, but eventually it might be 804 since that will be the central place. Ski School and other things might wind up in 804. Ours will be a little of a backdrop but we are hoping to have as much engagement with the plaza as we can.)

Mr. Matt Stais: Would like to point out that 2005 master plan was our starting point. We feel the view corridors that we have might be the same or somewhat of an improvement. Would be happy to have a site visit with Commission if necessary; future building 804 will be hiding the bulk of our building. Ground level from Peak 8 Place is 50 feet above our ground level.

Mr. Lamb: So the entryway is all glass? (Mr. Stais: We haven't looked into that completely; we would like to have it read like a more open link between the two buildings.) If you came from that back would you take an escalator down? (Mr. Stais: Right now I think they would just check in on that same level instead of having to walk up all those stairs; and if they park in the garage they can take the elevator up.)

(Mr. Schroder opened the worksession to public comment. There was no public comment made, and the worksession was closed.)

Commissioner Questions / Comments (Continued):

Ms. Dudney: Fine with the proposed plan on all three points.

Mr. Lamb: Ok with it as well, view corridors are fine. Massing is nicely broken up. The plaza is a good idea.

Mr. Schroder: One more view corridor than previously; fine with adjustments. Overall massing is broken down at edges. We are talking about a grand scale for a ski resort that is very well known. I do appreciate how the plaza will trickle around the entire Peak 8 area. In support of what you all are presenting.

Mr. Butler: In support of all three points. Looks just what Breckenridge is all about.

Ms. Christopher: Agree with all three points. Meets intent and then some; well thought out designs. It looks good.

Mr. Rath: I think the proposal conforms; I do want to note that it is a little overwhelming when you see these buildings that are so tall. I would say that I know we have to have development out there but the view of the mountain is kind of gone; that is the master plan.

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

ROLL CALL

Kate Christopher

Trip Butler

Gretchen Dudney

Michael Rath

Jim Lamb

Dan Schroder

Gary Gallagher, Town Council Liaison was absent and Dave Pringle arrived at 7:21pm.

APPROVAL OF MINUTES

With no changes, the June 5, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the June 19, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

FINAL HEARINGS:

1) Harris Residence Rehabilitation, Restoration and Addition (MM) PC#2012020; 206 South French Street
Mr. Mosher presented a proposal to restore and rehabilitate the historic house, remove a non-historic closet attached to the rear of the house, build a full basement beneath the historic house and build an attached 1,080 square foot new addition at the rear of the lot. The historic shed and outhouse will be restored and moved on the lot. Vehicular access to the garage will be taken off of the French Street right of way. The historic house is to be locally landmarked.

A summary of what is proposed at this final hearing:

- Relocate the historic house to the north and relocate the historic out-building and outhouse at the back of the lot.
- Restore the historic house with new roof, replace damaged or non-historic siding, repair or replace windows, remove the non-historic bay window and attached shed.
- Add a new dormer to the east facing roof of the historic house.
- Create a new full basement beneath the historic portion of the house and a portion the connector link.
- Build a 1-1/2 story addition at the rear of the property.
- Create a paver-strip driveway along the south edge of the property with a paver courtyard in front of the two-car garage.
- Locally Landmark the building, creating ‘free’ basement density beneath the historic portion of the house.

Changes since the May 19, 2012 Planning Commission Meeting

1. The overall density has been slightly reduced.
2. The above ground density has been reduced and is now at 9 UPA resulting in no negative points.
3. A preliminary HERS report has been submitted by a certified HERS Engineer showing a rating of less than 60 for positive three (+3) points.
4. French/sliding doors are proposed in the interior of the link facing the courtyard.
5. The shed is now proposed 10-feet off of the rear property line.
6. The west facing windows on the new addition better represent the proper solid-to-void ratio seen elsewhere in the Historic District.
7. The east facing windows on the addition have been reconfigured to vertically oriented double hung style. One window has a “false barn-door” cover.
8. The upper level deck has been increased in size slightly, but is screened better from public view.
9. The snow storage has been changed to be more efficient.
10. The only tree on the property is being removed and being replaced with two 8-foot spruce trees.
11. One of the trees in the Town’s ROW is proposed to be removed.

The applicants and agent have been working with Staff to resolve outstanding issues and seek a passing score of zero points on the Point Analysis. At this time the applicants and Staff are comfortable with the proposal meeting the intent of the Development Code. Staff has resolved issues regarding the point assignment with the applicants and agent. Staff welcomed any Commissioner Comments.

Commissioner Questions / Comments:

- Ms. Dudney: When do you know if you achieve that HERS rating or not? (Mr. Mosher: They go through three different tests to confirm that they meet these; Planning Review, Building Review and at Certificate of Occupancy. They don't move forward if they don't have a passing analysis.)
- Mr. Pringle: What happens in the future if we find out that they don't qualify for the three points by swapping out the energy efficient products for a lesser quality item; it is like what if the landscaping that they plant dies after we assign positive points? Do you force them to replant things? I am all for energy conservation and all of this but there is no way to measure if they are following this in the future. It is a self-fulfilling prophecy. Don't like the way this policy is written for positive points.
- Ms. Janet Sutterley, Architect for the Applicant: No comments.
- Tony Harris, Applicant: Comfortable with the way things are going with this project. Not sure what I have agreed to with the HERS rating system of points in the Code, but we will certainly do everything we can for this project. We have agreed to lots of extra insulation and other things for the HERS rating, but we will work through that as we go. Regarding the trees in the Town ROW; they are a worry. They are basically doomed. I am not sure that I like where those trees are going when we are pretending like we are saving them. It is a real issue for me. The other issue I was wondering about was the shed setback: why can't we put that shed back at a five-foot setback off of the Klack. We just got blindsided when we got back and tried to do this project. What am I going to do with that three-foot gap between the shed and the new addition that just collects snow? I would like you to consider giving us the five-foot setback when we move the shed and give us a little bit more space for the new addition. Also not happy with receiving negative points for moving the historic structures on the property and not receiving positive 12 points for the restoration.
- Annie Harris, Applicant: When the original owner planted the trees in the ROW (30 years ago) they were really cute, they are just ugly now. (She presented photos and the discussion to the Commissioners which Staff hadn't seen prior to the meeting.) (Mr. Mosher: If the Applicant chooses, Staff can recommend this application be postponed to a future date. Unfortunately, this date would likely be in August as future meetings are full.)
- Mr. Pringle: These trees aren't on their property. (Mr. Mosher: They are Town owned trees.) If you can talk to the applicant about ways to take care of the trees and not postpone this application than we should do that.
- Mr. Mosher: As mentioned at the last meeting, asking for a variance to move the shed would not meet the Variance criteria as the hardship in this case has been created by the applicant. The only reason why the shed is being pushed back is because of the size of the proposed addition. (Ms. Dudney: Also, the Klack is not an alley; if it were an alley then you could only have 5-feet. We can't make it an alley. It is just Town property; and from Town property you have to have 10-feet.) (Mr. Schroder: Our empathy may come out in the notes but we do have to follow Town codes.) (Mr. Harris: I feel a little stuck that I'm getting dinged on points when I am doing this huge restoration.)
- Ms. Dudney: It sounds like you should be able to make the HERS work. (Mr. Harris: My whole reason for doing the HERS, we are already basically doing it anyway. The issue is going to be the old windows; we will be making every effort we can. I mean we are going to be living there.) (Mr. Rath: With our codes it is not hard to build an above average house.) (Mr. Lamb: If they said you would get a 57 HERS than my money is on the fact that you will get a 57 HERS.) (Mr. Rath: If it weren't for this HERS rating, your house wouldn't have passed. There is some good in that.)
- Ms. Dudney: (To Mr. Schroder) You weren't at the last meeting. (To Mr. and Mrs. Harris) We all wanted to say how pleased we are with how you are going to do this renovation.
- Mr. Lamb: This is a good project as well and it seems that staff is going to work out some things. I would like to applaud you about your 57 HERS rating.

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

Commissioner Questions / Comments (Continued):

Mr. Pringle: We never used to charge five negative points for moving a shed within a site, especially when we are preserving it and restoring it. Five negative points is a lot. Now we have established this precedent and I think it is wrong. In the past we haven't charged these points and we can argue that we are establishing this in each application. (Mr. Schroder: This is code question, and we aren't changing code tonight.) The code says if you are relocating the building off-site you don't get the negative points. We still come back with the same recommendation. (Ms. Sutterley: We also moved the main house and we are moving the shed and outhouse. It wasn't just the shed; we moved the house three feet to the north.) (Mr. Mosher: This is how it should be interpreted as stated in the report with bold underline. It doesn't talk about on-site and off-site specifically. It says: "Removing a building from its historic setting diminishes our ability to interpret the history of the district to the fullest extent possible and therefore should be avoided.")

Mr. Rath: This discussion is similar and it is going to be ongoing. I think we should have instruction from above. (Mr. Neubecker: We could discuss this policy without talking about applications.)

Ms. Christopher: I was on the boat with being empathetic about the Klack; it feels like an alley but it isn't and we have to follow the rules. I don't have quite as much history about moving small structures. (Mr. Lamb: It sounds like it is coming completely from code.) (Mr. Pringle: Seems like we are applying a lot of different points to a good project.) (Ms. Dudney: Better to have these absolute standards so they aren't vague when people come in with different applications.)

Mr. Pringle made a motion to change the final point analysis 5R from negative five (-5) points to zero (0) points. Mr. Butler seconded and the motion failed (6-1 against).

Mr. Lamb made a motion to approve the point analysis for the Harris Residence Rehabilitation, Restoration and Addition PC#2012020, 206 South French Street. Mr. Rath seconded, and the motion was carried unanimously (7-0).

Mr. Lamb made a motion to approve the Harris Residence Rehabilitation, Restoration and Addition PC#2012020, 206 South French Street, with the presented findings and conditions. Mr. Rath seconded, and the motion was carried unanimously (7-0).

Mr. Lamb made a motion to recommend the Town Council adopt an ordinance to Landmark the historic structure for the Harris Residence Restoration, Rehabilitation, Addition, Landmarking and Setback Variance request PC# 2012020, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

COMBINED HEARINGS:

1) Resubdivision of Shores at the Highlands (MGT) PC#2012033; 44-130 Shores Lane and 138 Red Quill Lane
Mr. Thompson presented a proposal to resubdivide of The Shores at The Highlands, Filing No. 3, A Resubdivision of Tract A-1 and Tract B, to create Lot 6, Lot 17, Lot 18, and Lot 19 the Shores at the Highlands Subdivision, Filing 3. Tract B boundary will be vacated by this Plat.

This Subdivision modification does not present any concerns to Staff. There will be further detailed review of the development on this property with each individual duplex application. Staff welcomed any further comments from the Commission. Since Staff had no concerns with this proposal, Staff has advertised this review as a combined Preliminary and Final hearing. If, for any reason, the Commission has any concerns, Staff asked that this application be continued rather than denied.

Commissioner Questions / Comments:

Ms. Dudney: Why only four lots?

Ms. Christopher: Is the rest of the space future lots? (Mr. Thompson: Yes, I believe so.)

Mr. John Niemi, Applicant: We are asking for four lots since it is regarding financing. Next week people will be cleaning up what was left there before. I have to put up for lots for securities as needed per the lenders. It is kind of a hassle and we appreciate the Town working with us.

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

Ms. Dudney made a motion to approve the Resubdivision of the Shores at the Highlands, PC#2012033, 44-130 Shores Lane and 138 Red Quill Lane, with the presented findings and conditions. Mr. Pringle seconded, and the motion was carried unanimously (7-0).

2) Shock Hill Waste Rock Remediation Variance (CN) PC#2012041; 260 Shock Hill Drive

Mr. Neubecker presented a proposal to remove mining waste rock from various locations throughout Tract E, consolidate and cap waste rock in one on-site location, and revegetate disturbed soils with native seed mix.

The Planning Department recommended approval of the Shock Hill Mining Waste Rock Remediation & Variance (PC#2012041) with the presented Findings and Conditions. The Breckenridge Open Space Advisory Committee (BOSAC), the committee responsible for overseeing stewardship of Cucumber Gulch, reviewed the rock remediation proposal at their meeting on June 18. BOSAC made the following recommendations:

Commissioner Questions / Comments:

Mark Truckey: Off property and right by cabin there is another pile on Town Property, so another question was to see what we should do about that. (Mr. Niemi: We think helping you clean that up while we are doing this would be a good thing, we are checking how it that would work. Would the Town be looking for that final letter saying that it would be clean or saying that since we would have equipment down there that we could clean it up?)

Mr. Butler: Tetra-tech is going to do the work? (Mr. Niemi: Yes, they do all the planning and are responsible for the work. We are paying for it all. We need to know what the Town is looking for if they want that pile removed.)

Mr. Schroder: The proposal tonight is Shock Hill's property. The further piece has been there for a hundred or so years. Does Town feel that this is necessary because they are there anyway; is it actually that bad? (Mr. Grosshuesch: If we can go through the drill and resolve it and it works for both parties than it probably makes sense.)

Mr. Butler: Why are we worrying about this stuff? (Mr. Niemi: The property has to be clean in order for us to change the title.)

Mr. Schroder: What about the owners that are being affected by this? (Mr. Niemi: I have been in contact with them.)

Mr. Rath: This happens. This waste is going onto Town property. (Mr. Neubecker: Could this be a conservation easement or private open space? We have been discussing these possibilities.) If the Town does end up owning that land in the future with water pollution, it wouldn't be coming from us. I am really interested in how you guys are going to do this. If they can get it done in five days I will be more than astonished. I would rather you be there for ten days

and make sure that you aren't hurrying. My worry is that excavators get sloppy; someone needs to supervise who is impartial; someone who isn't involved. (Mr. Truckey: Someone will be up there monitoring what they do and it will be tested by the State once they are done.) If they really want to establish something on that hill, they are going to need some water.

Ms. Christopher: Is there an erosion plan? (Mr. Niemi: I can't say for certain but I do know that when we met with planning and folks from BOSAC we readjusted our plans with their input.) (Mr. Neubecker: The plan did identify some, yes.)

Mr. Rath: How long will the fence stay there? Until the grass is established? I don't want the town to end up with a headache.

Mr. Lamb: He did mention that the vegetation is a focal point of the restoration. (Mr. Rath: Where are you getting that dirt from? Are you trucking that in? Where are they getting it from? Are they going to excavate it from the same site?) In the big scheme they are moving a lot of dirt out. They never mentioned dump trucks in-or-out. How are you going to get the dirt into the truck or the loader? Are you going to dump that into the loader? If they run into the problem do they fix it a way that is acceptable to us or what?

Mr. Schroder: Ultimately do we approve the variance, would this be a good idea? (Mr. Grosshuesch: These are all points well taken, we will talk internally about how we will deal with this issue. The State will look at the final state of the property and go from there with approving it.)

Mr. Rath: I had to deal with hazardous waste on my farm so I am very concerned about this. I want the Town to know what is going on up there all the time. How are they going to stage this? How is it going to get to where it needs to be? I don't see a plan in place showing us how exactly they are going to do it. (Mr. Pringle: Is someone in the Town going to oversee this project? An owner's representative?) (Mr. Neubecker: We as Staff members can go up there.) (Mr. Grosshuesch: Please review Condition #12.)

Mr. Schroder: Personally happy to see this remediation taking place. (Mr. Niemi: This property is going to change title, in order for it to change title it has to be done right and the State has to come out and provide a letter proving that it passes. We have always planned on dedicating it to the Town. Because of this the Town might want us to keep it and dedicate it to Open Space property.) (Mr. Grosshuesch: This has happened before, i.e. in the Highlands. We are totally thinking about what we are taking in the form of public dedications now. This just happens to be for another reason.)

Mr. Rath: The questions I asked weren't in the letter. That is my point.

Mr. Schroder opened the hearing to public comment.

Mr. Michael Gallagher (On behalf of Lot 38, Shock Hill): Wondering if the red dots are what we are cleaning up? (Ms. Christopher: Yes.)

No more public comment was made and the hearing was closed.

Mr. Butler made a motion to approve the Shock Hill Waste Rock Remediation Variance, PC#2012041, 260 Shock Hill Drive, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

Mr. Grosshuesch: Regarding Field Trips; would we get a tour of a ski area base in time before all this happens? The Mayor mentioned Park City.

Mr. Neubecker: Possibly historic district trips? Potentially Crested Butte?

Ms. Dudney: Talk to other districts about seeing all of these historic homes coming in for all these renovations. There has been a high number in the past year. Maybe ask them what other issues they are having? (Mr. Neubecker: We would like to identify issues and then develop a field trip about that.)

ADJOURNMENT:

The meeting was adjourned at 8:50 p.m.

Dan Schroder, Chair