

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Dan Schroder

ROLL CALL

Kate Christopher	Trip Butler	Gretchen Dudney
Jim Lamb	Dan Schroder	David Pringle arrived at 7:20pm

APPROVAL OF AGENDA

With no changes, the August 7, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

APPROVAL OF MINUTES

With no changes, the July 17, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

CONSENT CALENDAR:

1. Hummel Residence (MGT) PC#2012052, 0452 Timber Trail
2. Himmelstein Residence (MGT) PC#2012053, 19 Peak 8 Court
3. Hernandez Residence (MGT) PC#2012054, 0373 Timber Trail

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

PRELIMINARY HEARINGS:

1. Jones Residence Restoration, Rehabilitation and Addition (MM) PC#2012043, 203 South High Street
Mr. Mosher presented a proposal to restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, and demolish a newer non-historic addition to the house. Two small additions are proposed in the rear and side of the original house with two parking spaces along the south side yard.

The existing building is under recommended density, under the recommended 9 UPA for above ground density and under recommended mass. With this proposal, the non-historic portions are to be removed and two newer portions added. Most of the added basement is beneath the historic portion of the building (the portions not underneath the historic building will count as density) and, with local landmarking, is not counted towards the density calculations. The proposed above ground density will result in negative three (-3) points being incurred.

The historic house will be placed in the same historic location after the basement is added. Since no change in location is proposed, the existing 4-foot setback and 4-foot north side yard setback will remain as a legal non-conforming. No variance is required and no negative points will be incurred as a result. The northwest addition to the house meets the relative side and rear yard setbacks. The southwest addition meets the absolute, not relative, setbacks. The rear yard setback is at 10-feet and the south side yard is at 3-feet. The eave of the building, at the 10-foot rear yard setback, overhangs 12-inches into the setback. The applicant is seeking approval of this encroachment. Did the Commission support allowing the eaves of the roof along the 10-foot rear yard setback to encroach 12-inches into the setback?

Staff believes that the landmarking criteria have been met with this application and the house can be recommended for local landmarking. At the final hearing, Staff would suggest the Planning Commission recommend that the Town Council adopt an ordinance to landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Did the Commission concur?

At this preliminary review, Staff are recommending negative nine (-9) points.

- Policy 5/R (-3 points) Above Ground Density of 9.32 UPA
- Policy 9/R (-6 points) for not meeting two suggested building setbacks.

A total of positive nine (+9) points are recommended;

- Policy 24/R (+9 points) for the restoration/rehabilitation efforts.

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

Staff believes that the restoration of this historic house is a good public benefit for the community. We understand some of the hardships the property has incurred from past additions and the non-compliant subdivision of the historic lot. The Applicant and Agent have responded to all concerns and direction provided over the last meeting. At this time we have the following questions:

1. Did the Commission support allowing the eaves of the roof along the 10-foot rear yard setback to encroach 12-inches into the setback? (All: Yes)
2. Did the Commission support awarding positive nine (+9) points for the restoration efforts?

Mr. Pringle: Asked again about penalizing the current applicant with positive nine (+9) instead of positive twelve (+12 points). (Mr. Mosher: Yes, the subdivision compromises the application.) I don't agree. It's not applicant's fault that the subdivision compromises the site; maybe the additions drop the points from +12 to +9 but not the site. Is it even possible to get a +12 point effort with a historically proper addition? (Mr. Neubecker: Yes, it might be possible. But you couldn't get back to historic context on this site, so +15 is impossible here. On this property however, a + 12 is not, because of the history of the property and the subdivision of the lot.) I think that the points from +12 to +9 would be because of the additions only. I could go with +12 and not hold the Applicant responsible for the subdivision. (Mr. Mosher: Explained the most recent and rare +12 rating - Blue Front Bakery - and the history of the site was respected.) Persisted with the argument that we don't really know the history of the Blue Front Bakery building to warrant a +12 point rating for it, and not for this property. (Mr. Neubecker: Pointed out that on a +15 point project additions wouldn't be made, per examples in the Code.)

Ms. Dudney: I don't agree with this. I think that the additions should change the points from +15 to +12, and the site shouldn't be affected by the subdivision and believes the points should be +12.

Ms. Christopher: On the fence from the discussion; could go with +9 or +12; I can see where it is +9 with the subdivision and the additions; I hate to hold that against the applicant.

Mr. Butler: Supportive of +9 points.

3. Did the Commission support the listed criteria for locally landmarking the historic structure?

All: Yes.

Ms. Christopher: Yes, with an addition in column B because of Mr. Schroder's input (social importance). Given the number of 'players' in the economy at that time. (Mr. Neubecker: Are they "notable" persons?)

Mr. Schroder: I was just looking at the entire history.

Staff welcomed any additional comments.

Ms. Janet Sutterley, Architect for the Applicant:

Derek Jones is the Applicant. On the east side, pointed out the prominent side of the property. Links are too

small for a regular gable roof, which is why we opted for a shed roof. Shed roofs are common in historic district. Adhered to Staff's window comments except for north wall in master addition (bath). I want to move the windows to the side; Mr. Mosher wants us to take the middle top window out; but I want to leave it. Borrowing light from the north side.

Historic restoration points: We are bringing 'back' the front of the house, it's a good project; west facing solid wall. We don't know what is inside of this wall. Asking to not hold this as a condition of approval; we had to satisfy the link dilemma; it's important to open the dining room into the house. Doesn't want to be held to a tiny opening in the wall at dining room; smaller opening makes it non functional; I would prefer instead of going through the point assessment, I want flexibility with that wall. Mr. Mosher asked us to at least save an edge, but that it isn't a code issue (interior). Additionally, it's not a point issue. Had the house been restored to its original 1901 structure, it would be a +12 point house. We don't need +12 points, but I feel like with every project, we are raising the bar to hit +12 points and doesn't see the improvements that justify +12 points.

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

Commissioner Questions / Comments:

- Mr. Schroder: Wanted to know about adding historical persons not mentioned to landmarking.
Mr. Lamb: Is exploratory research into walls going to be done before final? (Mr. Mosher: There is a site visit with inspector. They continue to assess as this house gets reconstructed.)
Ms. Dudney: Wanted to know why Staff wanted windows placed differently. (Mr. Mosher: We looked at the code.) I have no problem with it.
Mr. Lamb: I don't like the third window; isn't historic looking.
Mr. Pringle: I don't mind the window as it is outside of public view.
Ms. Christopher: It looks a little modern (the window); wouldn't be opposed to an added window to the bottom so that it is three above and three below.

COMBINED HEARINGS:

- 1) Cucumber Gulch Wetland Restoration PMA Variance (SR) PC#2012051, Tract A, Peak 7 & 8 Perimeter Subdivision

Mr. Scott Reid, Open Space and Trails Manager, presented a proposal to restore wetlands and beaver pond habitat in the Upper Cucumber Gulch area. Although the work described in the Application is a "public improvement project" as defined in Section 9-1-27(A) of the Town's Development Code (and is normally not subject to the requirements of the Development Code), the Town has voluntarily elected to use the normal Development Code process to review and approve this Application.

In general, the proposal includes:

- 1) Repairing the riprap energy dissipater at the 60" culvert outlet for Boreas Creek, as part of the existing BSR 404 Federal wetlands permit.
- 2) Restoring the dam faces for the Spreader Pond, Seahorse Pond, and other breached ponds in Upper Cucumber Gulch.
- 3) Using a portion of the Spreader Pond as a sediment basin that could be accessed periodically to remove depositional material from Boreas Creek.
- 4) Reallocating a portion of the Boreas Creek flows to "re-water" the Spreader Pond and other former wetland areas to the north.
- 5) Dredging sediment in the Reset Pond to gain water depth and fortify the dam face. (Some material would have to be deposited in the adjacent uplands to gain the appropriate pond depth.)
- 6) Creating a site to encourage future beaver colonization in Upper Cucumber Gulch.

Both the Army Corps of Engineers and the U.S. Environmental Protection Agency staff have reviewed this proposal in the field and have indicated general support for the approach. The federal agencies are currently reviewing the proposal internally. No action would occur without the concurrence of these two agencies.

The Breckenridge Open Space Advisory Commission (BOSAC) also reviewed this concept on site at its July 16th, 2012, meeting. BOSAC unanimously recommended proceeding with the proposed wetland restoration as soon as possible, and pursuing a variance in the Cucumber Gulch Preserve PMA through the Planning Commission and Town Council. BOSAC recommended prompt action be taken to address the ongoing water and sediment concerns in Upper Cucumber Gulch.

The Planning Department staff recommends approval of this variance request, so that the necessary wetland restoration work can proceed expeditiously.

Commissioner Questions / Comments:

- Mr. Lamb: What is the timeframe? (Mr. Reid: We expect it to be a 3 week project.) Who would monitor the project? (Mr. Reid: Town Staff and the federal agencies involved.)
- Mr. Schroder: Who else is involved besides Army Corp and EPA?
- Mr. Butler: Reiterated 2 goals that Mr. Reid said—improve water quality, and slow down water; also reducing sediment.
- Mr. Pringle: Did Mr. Robin and Ms. Patty Theobald sign off on this? (Ms. Theobald: We weren't even consulted.) (Mr. Reid: I spoke with Mr. Theobald initially.) I would assume that they would want to be involved.

Mr. Schroder opened the hearing to public comment.

Public Comment:

Jim Nuxoll from White Wolf Subdivision that adjoins Cucumber Gulch: From a long term standpoint, are the beavers going to be back there? Are we setting ourselves up for a continuing maintenance problem? Are we setting a precedent? (Mr. Pringle: If we had epic snow falls, would we not have the same problem occur?) (Mr. Reid: Mr. Nuxoll is correct; there is ongoing maintenance required with this plan. One portion of the spider pond will be retained as a sediment trap. There would be an access to be able to go in and remove that sediment. With the sediment rising and rising, the ponds didn't have the depth to keep the beavers in the pond. The sediment trap would have to be maintained.)

Mark Beardsley from EcoMetrics (Consultant for Town): The project is more than just repairing a beaver dam. It's trying to control the amount of sediment at the highest point possible and trying to get that water spread back out; I can see where that question is coming from, but the answer is no because if we can get that system working naturally it will go back to maintaining itself. (Mr. Reid: We believe that we have the right people in the design, Eco Metrics, the Town, and Mike Claffey are making sure that they agree with the plan.)

Mr. Butler: I spoke with Ms. Theobald on this issue briefly. I had to disclose that before Mr. Theobald spoke. (Mr. Neubecker asked if he felt influenced by their conversation; Mr. Butler said he didn't feel influenced.)

Mr. Robin Theobald: I constructed the reset pond in 1989. It did what it was constructed to do; catch the sediment. It wasn't constructed to last forever without dredging. The plan is headed in the right direction. There is nothing in the plan to deal with where the sediment is getting into the 60" pipe. If you stop what gets the sediment into the pipe, you will be ahead of the 'curve'. I have seen better "Conditions of Approval". Shouldn't we be worrying about returning it to how it was before? Where are the best management conditions? Lastly, I have a lot of faith in Mike Claffey; I'd put in the conditions that he be onsite. We have

had lack of oversight from Staff / Town historically, and given that circumstance I am a little leery of the ‘lots of eyes’ on the project concept.

Ms. Patty Theobald: Live on the bottom mile of Cucumber Gulch. I have been monitoring the ecosystem and the condition of the creek since 1985. There were days in 1985 and 1986 where I took water samples from the base of Peak 8 to Airport Road and had them tested in Denver every day. This is a very sensitive ecosystem easily thrown out of balance. I’m not going to speak to the process of restoring the wetlands. I support it. I object to the way that this request for the variance is being rushed through; when was the first time you heard about this? The Town has been monitoring the creek since 2000. All of a sudden, the town wants to solve everything by throwing out the whole protective management plan. We’ve had years to plan this and I think that it is irresponsible for this Commission to be asked this kind of decision in one shot. To allow this important management plan to be thrown aside in August /September of 2012 is wrong. You owe it to the entire community to consider this fully. I am asking you to not make another mistake by rushing this request. I don’t think you have the background to make this decision from one presentation. I think you as a Commission are being asked by the people who are getting paid to do the project to rush this project. Let’s take some time to do this properly. I take offense that Mr. Reid doesn’t think that we are affected; water runs downhill.

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

Commissioner Questions / Comments:

Mr. Pringle: I understand the need to do this; haven’t heard a lot about how it is going to happen.

Mr. Schroder: 5 of us toured the site today and we understand the process. Much of the process was explained in the site visit. (Mr. Reid: Your packet details the ‘how’ and he reviewed the tactics specifically; went over the dam repair and the machines used to complete the work. The challenge with the reset pond is getting to it; causing damage with trucks etc, so we want to use as much on the dam face as we can. Those areas are full of spruce and fir and some dead lodge pole pines. The overall result would be that there would be new deposits and debris out of the dredging would be used for dam face.

Mr. Pringle: This causes more questions. When you are saying we are building roads, etc, that it seems like Ms. Theobald might be on to something. It seems to be quite a big operation. Am I wrong? (Mr. Reid: There is no doubt that this is a big endeavor; as far as waiting, we believe, as do the consultants, that this is an issue that needs to be taken care of immediately. If we have more storms and a large 2013 runoff, etc, we will have continued degradation cascading down the Gulch. We received the report that this was a real problem in December of 2011. Frankly, from then to now, having a number of cooperative entities and a plan, we have a very ambitious timeline, but we do not want to wait for another season that will cause more challenges. The PMA was designed to limit the number of machines in there; there is a variance process for a reason. This is heading in the right direction. Is it worth reviewing? Yes. The next step is to get in front of Council. A week from now they will be reviewing the ‘hows’. This is not something that we should monitor and see how it goes while additional problems incur.) I just don’t like the urgency.

Mr. Lamb: What is the impact of weather? (Mr. Reid: Water levels in the fall are lower; early October is a good time to operate machinery. This is the best time of year to be doing this type of work.)

Mr. Grosshuesch: Mr. Pringle, in response to your point; this has been scrutinized by the BOSAC; you will have another look at it and have a lot of confidence in who we are consulting with and it has paid off to change to our new consultant. Mike Claffey used to work for the Army Corps and he has a balanced approach; had experience before he left the Corps with issues like this and is very familiar with our area. Has to go through the Corps and the EPA. We

are not the only ones looking at this; it is getting a very vetted review. It is a quick turn around, but unfortunately it is necessary.

Mr. Pringle: The whole point of the PMA was to prohibit machinery; it seems to be directly against what we designed the PMA for. We really need to have someone who has interest in preserving Cucumber Gulch. Yes it needs to be done, but how heavy handed do we need to be? (Mr. Grosshuesch: We are going through a bid process; I don't think that we are solely interested in the lowest bid. I'm not sure that going in there with people with shovels is better than mini excavators. We are looking at all of these issues. We are doing the reclamation to restore any damage by the machines that we have to bring in; this isn't about construction wherein someone is going in and making money out of it. It will be carefully designed and monitored. If there is additional damage, then we will have to restore it and we will be back next year to monitor its performance. This is not a one shot deal.)

Mr. Schroder: How many prohibitions are in the PMA? The variance is seeking variance from a certain section. Are we just asking to get excavators in one area or the entire Cucumber Gulch? What we are seeking to do is to restore wetlands. The head cut seems pretty severe; I asked a lot of the same questions today at Cucumber Gulch site visit; this is a nationally designated protected wetland that seems to be drying out through the head cut. If we continue to allow it, we need to move towards a variance.

Ms. Dudney: One thing that I heard was some lack of confidence in the monitoring; what will be the problem for making Mike Claffey part of the condition? (Mr. Grosshuesch: We have to work that out with the other funding entity.)

Mr. Schroder: Could the sediment be addressed prior to it going through Cucumber Creek? (Mr. Grosshuesch: There are measures currently underway to help with that.)

Mr. Lamb: What makes me more confident; we, as the Town, have screwed some stuff up in there; intentions were good but I am hoping as a result of that happening, that everyone involved will work towards it not happening again. I am just hoping that we have learned from what happened in the past.

Mr. Schroder: We have a high level of expectation because of past mistakes.

Ms. Dudney: I'm not sure that past mistakes are irrelevant at all. Are the findings sufficient to allow for proper monitoring? (Mr. Grosshuesch: As a result of the situation you are discussing, we have evaluated and assessed our processes, put some control issues in place where we will be in control of the contractor (which we weren't in the last one) so we are going to put the specs in the contract that this monitoring occurs. We will put some of the responsibility in the hands of the contractor and we will be watching it as well as the Army Corps. I can't stand here and say nothing will go wrong, but we have learned some lessons.) (Mr. Beardsley: I have a lot of the same concerns. I liken this to open heart surgery. The problems are very big. The concerns that I am agreeing with that you need the right surgeon. My question is that...is Mike Claffey be the right guy for this work?)

Mr. Pringle: You're asking the wrong people. (Mr. Grosshuesch: We are going thru our RFP process; Mike Claffey designed it. Mr. Reid said that Mike Claffey intended to submit a bid.)

Mr. Butler: I do think that we have two issues; I am not concerned about the urgency. I rarely get to see such a complete plan and design and am confident with the steps that they suggested. The second issue is the monitoring. I am in favor though of this piece.

Ms. Christopher: The erosion control and restoration is of high importance; it needs to be done. Without retaining these upper pools, our entire water table and wetlands will dry up and we will lose this very important ecosystem. All we can approve is what is in front of us. Council needs to guide us. I am in support of the variance.

Mr. Schroder: Is there a motion to approve variance?

Mr. Lamb: I think that this needs to be done; I am not qualified as to when. I am seeing people who are qualified, and I think we need to get the best heart surgeon and there will be a lot of eyes on

this and I hope that we don't screw this up. This is very important to the Gulch and to the Theobalds. I would support the variance. Ms. Theobald, it would be nice that the community were notified that this is going in front of Council next week.

Ms. Dudney: I am not qualified to determine when this should be done but I can see the plan and details and experts. I would like to put this forward to the Town Council and strengthen the verbiage regarding monitoring this in the future. I don't think that it is wise to put in one person's name.

Mr. Pringle: The patient is in dire need of heart work and we need the best team; I agree with the need to do the work, and I will support a variance for you to go forward to do it. I am still leery about how it will happen. I don't want to see a big mining project in the Gulch. I want it to look like it looks today. Our concerns should be assuaged by the effort that this whole team puts out; we need the assurances that we get the restoration back as it is presented.

Ms. Christopher: We are not environmental specialists; we rely on the experts to tell us what should be done here however, what happened before has raised the bar and it is in our back yard, so this needs to be done properly. (Mr. Grosshuesch (during motion modification): We need some flexibility; not sure that we need a third party wetlands consultant inspecting. We need to think about how to craft this that there will be a combination of contractor, wetlands consultant and Town Staff that will monitor the erosion control system on a regular basis. To say that we are going to hire someone and have them in there every day might be difficult.) As far as I am concerned that is a Town Council business topic anyway. We just want to make sure that we are saying "let's look at this".

Ms. Dudney: Asked Mr. Neubecker to modify the motion to specify all three (contractor, Town Staff and wetlands consultant.)

Mr. Pringle: Asked if this monitoring would last forever. (Mr. Grosshuesch: Answered that the intention is yes; that during regular maintenance and monitoring it will be under watch. Part of this project will be under a pond if it works; if the beavers don't resume, they will be back to Council to rework it. We don't know how else to do it; leaving it alone is a mistake.) I don't like the three month restriction. (Mr. Grosshuesch: We are making the commitment that we will do the monitoring as necessary. We have passed the Cucumber Plan as the highest priority to the gulch. We have approximately \$60,000/year budgeted for our consultants to monitor the area. We will continue to monitor that for the foreseeable future. This isn't a construction project with a finite ending.)

Ms. Dudney made a motion to approve the Cucumber Gulch Wetland Restoration PMA Variance, PC#2012051, Tract A, Peak 7 & 8 Perimeter Subdivision with an added condition that the Applicant's contractor, Wetlands Consultant and/or Town Staff shall inspect all erosion control features as necessary during the period of onsite work for this project. In addition, after completion of the project all erosion control features shall be inspected after each significant rain event thru the spring of 2013. Ms. Christopher seconded and the motion was carried unanimously (6-0).

2) Lot 5, McAdoo Corner (MGT) PC#2009009, 209 South Ridge Street

Mr. Thompson presented a proposal to renew the existing development permit to construct a 3,365 sq. ft. restaurant.

This restaurant proposal was approved by the Planning Commission on July 7, 2009 and then by the Town Council on July 14, 2009. The Development Permit was set to expire on July 14, 2012; however, the Town received a written request on June 6, 2012 to extend the Development Permit. The Development Code allows the Planning Commission to extend a Development Permit.

The proposal was for a wood-burning pizza oven. At the time wood-burning cooking appliances received

negative two (-2) points under 30/R Air Quality; however, Policy 30/R Air Quality has been revised (Council Bill 18, Series 2012) so that wood-fired ovens do not receive negative points.

Energy Conservation (33/R): The applicant is proposing to add solar panels to the roof of the restaurant. The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. This Policy has been revised since the original approval. The applicant would have to achieve demonstrable and quantifiable energy saving within the building. Positive points are awarded for the percentage of energy saved beyond the minimum standards of the IECC; however, the applicant is now receiving no negative points under Policy 30/R Air Quality. Hence, the applicant does not need to make up positive points under Policy 33/R Energy Conservation. Staff would still encourage the applicant to install the solar panels; however, there will be no positive points under this Policy unless quantifiable energy saving beyond IECC standards could be demonstrated.

After reviewing the plans against Policy 80A of the Historic District Standards, Staff realized a mistake was made measuring the connector element during the original review. Specifically, the connector exceeds two-thirds the façade of the smaller of the two modules that are to be linked. The front façade is 38 feet, hence the connector should not exceed 25', (two-thirds the façade). The width of the connector element should be reduced by two feet to meet this Policy. Staff found this issue late in the review of the plans and the applicant had no time to revise the plans.

Point Analysis (Section: 9-1-17-3): Staff finds no reason to award positive or negative points under any Relative Policies of the Development Code. Staff finds that the proposed project meets all Absolute Policies. Staff recommends the Planning Commission approve Lot 5, McAdoo Corner, and PC #2009009, located at 209 South Ridge Street, with the presented Findings and Conditions.

Janet Sutterley, Architect for Applicant:

This was a long project; we went through a lot of changes. It took me about 5 minutes to even find where they were talking about. It is not two feet, it is 1.4 feet; so I don't feel like it was a mistake on planning part, but when we received approval for this, the structural engineering, everyone, has worked on these plans. The design revision in this is huge. I feel that this isn't a fair request to go back at this point. I would like to request that the Commission consider striking the condition of approval #8.

Mr. Schroder opened the hearing to public comment.

Mr. Richard Riley: My family owns two condos directly across from the planned restaurant. We are concerned about the potential odor of wood oven. We would like to ask that you make every effort to minimize this odor situation.

There was no further comment and the hearing was closed.

Commissioner Questions / Comments:

Ms. Dudney: Clarification on pizza oven points.

Mr. Butler: What would be the impact if we didn't approve it as is? (Mr. Thompson: Reiterated that the Applicant would have to alter the plans. Ms. Sutterley would have to redraw the plans and it is a tough submittal.)

Mr. Schroder: Just to clarify; we don't need to talk about ovens or solar panels. We have a connector conversation.

Mr. Pringle: Could we do a variance to Policy 80A? Knowing that 80A set the priority policy, and that this is going to be a deviation from it, what is the best way to proceed? (Mr. Neubecker: We understand the issue and wish that we had caught it three years ago. Code allows the

Commission to extend the duration of a permit, and we have the application to extend. You can approve it with conditions; considering that all of the information we have available, we understand why there may be approval as it is. It's a foot and a half. I don't think that we need a variance hearing. Existing permit has been approved. The current vesting is as drawn; Applicant is just asking for extension of permit.)

Mr. Lamb: Ready to move forward on this. In the spirit of the design, I would support renewing this application.

Mr. Pringle: I would support an extension.

Ms. Christopher: I believe in the circumstances of this application; I'm in favor of extension.

Mr. Butler: Agree.

Ms. Dudney: Agree.

Mr. Pringle made a motion to approve Lot 5, McAdoo Corner, PC#2009009, 209 South Ridge Street, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

3) Moe's Barbeque (MGT) PC#2012055, 110 South Ridge Street

Mr. Thompson presented a proposal to add a barbeque smoker to the kitchen of this historic structure. Patch, repair and add (where necessary) exterior wood battens and siding, remove derelict wiring from front and side of building, replace front door with ADA compliant door, replace sliding window on south side of building with historically compatible window, paint exterior trim, remove gas vent (from front façade) and repair wall, replace wood shake shingles as necessary, and add a foundation to the southwest wall and northeast wall for stabilization.

Staff believes the proposal warrants positive three (+3) points for the historic preservation. Moe's BBQ has proposed adding a wood smoker to the non-historic kitchen in the rear of the building. The smoker is integral to their barbeque concept and recipes. The smoker will cook the meat at low temperatures, which will infuse the smoky flavor into the meat; however, per the Code this wood smoker incurs negative two (-2) points.

The Planning Department recommends the Planning Commission approve Moe's BBQ Historic Preservation, PC#2012055, located at 110 South Ridge Street, Lot 26-27, Block 11, Abbetts Addition, with the presented Findings and Conditions.

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

Commissioner Questions / Comments:

Ms. Christopher: Is that painted brown? Is it going to stay that way? (Mr. Thompson: Yes.)

John Redecker with Dexter Meadows and Eli Feldman (Applicants): Don't have anything to add; Amenable to questions. As tenants, to have the smoker will make it a better business and a better building. We are also doing improvements to the interior. They have been very patient and spending money during this process. Moe's is three guys from Alabama; there are 20 Moe's and it is a franchise. There are seven in Colorado. There are two in Denver. We have our own little ambiance; trying to fit the whole Devil's Triangle into Ridge Street. We would like to be open on Aug 28th; depends on when we can start working on exterior. If we are approved tonight, we aim for a Labor Day opening.

Ms. Dudney made a motion to approve the point analysis for Moe's Barbeque, PC#2012055, 110 South Ridge Street. Ms. Christopher seconded and the motion was carried unanimously (6-0).

Ms. Dudney made a motion to approve Moe's Barbeque, PC#2012055, 110 South Ridge Street, with the

presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

4) Freeway Trail Improvements and Bypass (CN) PC#2012057, 1599 Ski Hill Road

Mr. Neubecker presented a proposal to create new access trail by removing trees on the upper portion of Trygve's / Dyersville trails, below Four O'clock Trail, to provide easier access to beginner terrain for beginner skiers. The project also proposes to cut trees along edge of Freeway Terrain Park to widen trail, and remove a tree island near lower portion of Freeway Terrain Park. Trees would also be cut along an existing road near water tank to allow for snow grooming. Revegetate all disturbed soils with US Forest Service seed mix.

Site and Environmental Design (7/R): The proposed project will require the removal of trees, as well as some grading on the ski trails. Staff does not believe that the proposed project is to such a degree as to warrant negative points under this policy. Staff recommended zero (0) points under this policy.

Internal Circulation (16/R): Staff believes that the proposed projects meet the intent of this policy and will help to improve circulation around the ski area, particularly for beginning skiers; however, Staff does not find that the project is significant enough to warrant positive or negative points for this project. Staff recommended zero (0) points under this policy.

Water Quality / Drainage: Even though this site work is further uphill which would likely allow sediment more time to settle, a series of erosion control features are proposed. (This water flows through the Four O'clock Subdivision to CR 708, and eventually to Sawmill Creek.) To reduce the possible impact to the water quality in this area, several measures are proposed at the construction site to prevent erosion and improve water quality. These include:

1. Installation of straw wattles to prevent erosion in the project area above and below the tree removal and re-grading areas.
2. Installation of new water bars along Freeway Trail widening to direct water into the existing forest.
3. Installation of wattles or stone check dams every 80' perpendicular to new trail slopes.
4. Revegetation of all disturbed soils with US Forest Service seed mix.

In addition to these measures proposed by the Applicant, Staff recommended the following additional steps be taken to prevent erosion and negative impacts to the watershed below:

1. Installation of new hay or straw bales within existing water bars leading away from this site.
2. Routine inspection of all straw bales and wattles to ensure proper functioning.
3. Re-seeding of disturbed slopes in the spring of 2013 for any areas where growth is not visible.
4. All Best Management Practices listed above should remain in place until the revegetation has been successfully implemented and growth established.

With the additional Best Management Practices suggested by Staff, we find these measures to be sufficient to protect the water quality. Staff has added a condition of approval requiring the installation of these erosion control features, with an inspection by the Town's Engineering Department, prior to any tree removal or site grading.

Staff finds that all Absolute policies are met with this application and finds no reason to assign positive or negative points under any Relative policies of the Development Code. If the Planning Commission believes otherwise, please let us know. This application has been advertised as a Combined Preliminary and Final Hearing; however, we realize that there may be additional concerns raised by the Commission that have not been fully addressed in this report.

The Planning Department recommends approval of the Freeway Trail Improvements and Tree Removal (Class B

Minor, PC#2012057) along with the presented findings and conditions.

Commissioner Questions/Comments:

- Mr. Schroder: Asked Staff to point out top of Snowflake lift on plans. (Mr. Neubecker pointed it out.) The turn off onto Peak 9 gets congested; beginners don't where to go.
- Ms. Christopher: Are you suggesting that the new "S" shaped cut for beginners? (Mr. Neubecker: Yes.) The trees to be removed, is it just the hatched area? Is this to scale? (Mr. Neubecker: Yes.)

Jeff Zimmerman, Director of Mountain Planning, Applicant: I am responsible for long and short range planning; my prevue is both Breckenridge and Keystone. This project has two elements that we combined into one application. Although not related to each other; one is to get beginners off of 4 O'Clock Trail (which can be fairly hazardous at the end of the day). We've looked at several edits and this U-turn alignment is the most efficient because we are using two existing roads, and just requires an upper cut. It's something we need to pursue. The other phase is the north side of Freeway; it's obvious that Breck's Terrain park use is growing stronger. It's the shining star and a very important part of our business. We wish to take full analysis of the environmental impact in conjunction with our business plan. Energy efficiencies are being looked at; we have over the past 15 years incorporated a lot of tower technology. Snow guns are bigger and have more 'throw'. These guns on freeway are quieter, and cover the trail further and are automated. Have their own air compressors on them; it's an ongoing trend for these low energy quiet gun technologies. We get safety, quiet and stay to our plan with this agenda. We are incurring some resource damage on the upper quarter of that cut, so a lot of this lodgepole is getting pushed into the trees. So, we widen the trail and get rid of some unhealthy trail; this is basically all lodgepole. We can manage the forest, offer better product with the half pipe. The jog in the middle of Freeway, has become a choke point. We acquire safety and guest services with this plan. Erosion control is obviously a concern of ours. We've walked the site with Tom Daugherty and Shannon Smith (Town Engineers) and there is a more detailed erosion plan than what we see here. That is a requirement before we cut trees and a very aggressive re-vegetation program needs to be started.

Commissioner Questions/Comments (continued):

- Mr. Butler: There are no retaining walls on the plan? (Mr. Zimmerman: Final design may have three foot boulders on the downhill of that cut to tighten the construction of that cut. It's a cost of construction; anything that we can do to improve that we will.)
- Mr. Schroder: If you were to go under Snowflake Lift, can you take another left to come to the offload of Rip's Ride? (Mr. Zimmerman: That is usually roped off; our desire is to put people down Twister.) It's a smart move. (Mr. Zimmerman: That section is intimidating to beginners; Peak 8 isn't set up for beginners. Peak 9 has Silverthorne, and football fields worth of 5 and 10% slopes. This area is where we focus on our beginner lessons. It's a challenge. We try and look at all of the various factors, and least amount of resource damage.)
- Mr. Pringle: Are you noticing more beetlekill in the area? (Mr. Zimmerman: It has tapered. Forest service may say the same thing. Maybe its elevation; mountain operation guys have seen it. We are doing a lot of pine beetle mitigation on forest land too. Keystone has been ravaged. Lodgepole are surprisingly fast to grow. We've been doing a lot of revegetation in both areas. 5 years ago we did a revegetation, and there are now spruce, fir and lodgepole that are 5 feet tall. The widening is the first part of the project that we would like to do; we report to Council next week. We would like to do the Freeway project ; it is the most important to us right now.) (Mr. Neubecker: This is a Class B and would be valid for 3 years.)
- Ms. Christopher: Is there anything (pine beetle trees) in that area that could be pulled out while you are pulling out trees? (Mr. Zimmerman: There are no significant 'stands' of pine beetle, just individual trees. Breckenridge has weathered the pine beetle fairly well.) I appreciate the 'S' curve to create a separation from slow moving skiers from faster movers. My biggest comment would be to plan for the future as much as possible with respect to water conservation.

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

Mr. Lamb made a motion to approve the point analysis for the Freeway Trail Improvements and Bypass, PC#2012057, 1599 Ski Hill Road. Ms. Christopher seconded the motion to approve and the motion was carried unanimously (6-0).

Mr. Lamb made a motion to approve the Freeway Trail Improvements and Bypass, PC#2012057, 1599 Ski Hill Road. Ms. Christopher seconded and the motion was carried unanimously (6-0).

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 10:23 p.m.

Dan Schroder, Chair