

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Trip Butler Gretchen Dudney
Jim Lamb Dave Pringle
Mr. Schroder, Mr. Mamula and Ms. McAtamney, Town Council Liaison, were absent.

APPROVAL OF AGENDA

Mr. Neubecker announced there would be no Town Council Report. With no other changes, the April 16, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

APPROVAL OF MINUTES

With no changes, the April 2, 2013 Planning Commission meeting minutes were approved unanimously (5-0).

CONSENT CALENDAR:

1. Elk Point Residence (MGT) PC#2013025; 120 Glenwood Circle
2. Rocados (MGT) PC#2013026; 452 Hamilton Court
3. Columbia Lode Building 3 SFR (MM) PC#2013028; 37 Luisa Drive

Ms. Christopher: On Page 46 of the packet, I thought that the buildings were going to be built in order, starting at the north end of the site, near building 10 & 9; on this they have proposed building number 3. (Mr. Marc Hogan, Architect: I don't think that there was ever a requirement for them to be built in order.)

4. Highlands Filing 10, Lot 27 SFR (MM) PC#2013027; 56 Golden Age Drive

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

PUBLIC IMPROVEMENT PROJECT HEARINGS:

1. Breckenridge Arts District (JC); 127 South Ridge Street

Ms. Cram presented a proposal to build out the Breckenridge Arts District campus including the restoration of five historic structures, construction of two new structures and the associated walkways, plazas and landscaping that create a pedestrian friendly campus dedicated to hands on arts experiences and cultural events. Ms. Cram explained the site plan and reviewed the uses of each building.

At this Town Project review Staff is recommending a net score of nine positive (+9) points:

- Policy 5/R B. (-5 points) for relocating a secondary historic structure on site.
- Policy 5/R B. (-5 points) for the proposed monitor on the Ceramic Studio.
- Policy 22R (+2 points) for the proposed landscape plan.
- Policy 24/R C. (+8 points) for fulfilling social goals by providing art facilities that promote the arts in Town.
- Policy 24/R E. (+9 points) for an on-site historic preservation/restoration effort of above average public benefit.

The proposal passes with a net score of positive nine (+9) points.

Staff believes that the build out of the Breckenridge Arts District is an excellent public benefit for the community and will be a destination for the arts. Staff requested the Planning Commission endorse the proposed point analysis and presented Findings and Conditions. As a Town Project, Staff also asked that the Planning Commission make a formal recommendation to the Town Council for the record that they support the proposed build out with the associated site plan and architecture.

Ms. Liz Hallas, Anderson Hallas Architects, Architect for the Project, and Mr. Andy Amke, Project Manager for the Project, were present.

Ms. Hallas reviewed the new construction first: The Metalsmithing studio is between the Robert Whyte House and the Breckenridge Theatre. It is a 640 square foot building inspired by the character of the Tin Shop with a simple gable roof and painted lap siding on the front and rough sawn vertical siding on the sides and rear. The Ceramics studio elevations were also reviewed. This is more of a secondary type structure with corrugated metal and vertical board and batten siding and asphalt roof. There is a monitor on the roof. The windows in the monitor will probably be operable, or at least every other one might be. The east elevation where the flues are located will be where the kilns are located.

The Robert Whyte Building was reviewed and a historical photo of the site was provided. Existing conditions and proposed rehabilitation were elaborated upon, including repair of historic siding, restoration of windows, replacement of thinner corrugated roofing panels, spray insulation, replacement of front and rear doors, and a new foundation around the historic stone basement.

We are moving forward with replacing the false front on the Mikolitis Barn based on expert testimony. Evidence supports a false front on it, as there is no overhang on this fascia which is contrary to the north facing facade. We are still looking for photographic evidence to accurately recreate the false front. We have some ideas as to how we are going to do this based on Fuqua next door. It needs a new foundation and we will be dismantling and reconstructing it; we will be introducing new load bearing trusses as well. We are going to salvage as much siding as we can. The front door is about 6'1" so we are looking at putting those doors in a fixed position on the side and building a new store front door similar to Fuqua.

The Burro Barn has been a challenge for us; it is located right in the middle of the site. The historical photo told us that the roof plane was slightly lower over the storage and mechanical room than the rest of the building. We will be putting a weather proof membrane and then increasing to current energy code with a lot of restoration on the remaining parts of the building.

The Little Red Shed is next to the Community Sculpture Garden; the intent is to relocate it there, leave it very much in its rustic state and it will get a new roof, window restoration and treatments to address the doors.

Ms. Dudney opened the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Questions / Comments:

Mr. Butler: Any concern on use of native grass? Will it look the same as the grass along the median on highway? (Ms. Cram: No, this area will look much different. Using appropriate seed with some wild flowers in areas that are intended to be more natural. Also, as part of this community, we already have people who come and plant flowers; I anticipate that this is an area that will continue to be loved.)

Ms. Dudney: Is there a commercial kitchen in the Metalsmithing Studio? (Ms. Hallas: There is no commercial kitchen in this project; there is a kitchen in the Abby Hall Building.) Do you feel like the sod will stay sod? (Ms. Cram: We will have dog stations; I met with the Parks Division to see tactically what we would need and what it would take to maintain this area.)

Mr. Pringle: The first element in the materials plan, will the bistro lighting be strung around the campus? (Ms. Cram: No, just in one location over the plaza between the Ceramic Studio and the Metalsmithing Studio.) There isn't a chance that it will start to grow? (Ms. Cram: No; it is cost prohibitive and as far as the character we are trying to create it is specific to that plaza.) The source of the light, the bare bulb that hangs out there; we used to be so careful, and now

- it seems like they are springing up everywhere around town.
- Ms. Dudney: You mean because of night sky?
- Mr. Pringle: The intensity of the lighting downtown. I understand the bistro lighting and things like that but...
- Ms. Christopher: I feel that the location that you've put it in reads like a back yard to me. You might see it from certain places but not everywhere. To me, it isn't all over the entire block. (Ms. Cram: That is what we were trying to create; we are hoping to rent that space and generate some revenue. It will not be on all night, all the time.)
- Mr. Pringle: So it won't be every night? (Ms. Cram: Probably not.)
- Mr. Lamb: It is safe to say that the intensity of the light won't be that great.
- Mr. Butler: The lights are going to be on the east elevation? Is 9 feet about normal? I was visualizing those lights being a little bit higher in general. I'm not suggesting to change the building, it's just different. I like the lights.
- Ms. Christopher: How much distance between the buildings? (Ms. Hallas: 30'. Attached to the east eave of Ceramic Studio and west eave of Metalsmithing.)
- Mr. Pringle: With regard to the monitor, we have a policy that you can raise the height 10 feet above code. Did you measure to top of monitor? (Ms. Cram: No we did not measure it, as it is stepped back and does not provide additional density. If we had measured from the monitor down, we would still be below the height requirement. We are within the recommended height for this structure. The negative points were assigned to discourage other monitors in town.) I like the idea that you're not busting through the maximum height of the ridge. The other question is you're leasing space in this to CMC? (Ms. Cram: The Town has a requirement to provide CMC some space until 2019; in order to fulfill that commitment, we are sharing the Ceramic Studio with them.)
- Ms. Christopher: Mikolitis Barn: It looks like the doors will take up the entire façade? (Ms. Cram: Historic barn doors fixed with new storefront doors inside.) On the Burro Barn: Would these restrooms be open to the public? (Ms. Cram: Yes.)
- Ms. Cram: We are proposing the net score as positive nine (+9) points. Are there any questions?
- Ms. Dudney: I guess this doesn't have to comply with the latest ordinance on moving historic structures? (Ms. Cram: Correct.) If it had been, would each building receive negative points? (Ms. Cram: I'm not sure, but we are only moving one secondary building and received negative five points (-5) under the existing code.) But don't we give positive points for each structure that gets renovated? (Mr. Neubecker: Under the new system they would get positive six points (+6) for the primary and positive three points (+3) for the secondary structures.) Since we have a number of historic structures, there would probably be more positive points? (Ms. Cram: If we were coming to you for approval individually, we would probably get positive points for all four structures, but because we are looking at this as one project, we could only get a maximum of positive nine points (+9).) (Mr. Neubecker: My intent in writing the new policy relates to more residential type situations not a campus. Normal situation with one house and a shed, you would assign points to each under the new policy.) (Ms. Cram: We followed the same point analysis that we followed for a similar project that had several historic structures.) (Mr. Neubecker: This definitely falls under the old ordinance.)
- Mr. Lamb: But it would pass either way.
- Mr. Pringle: I don't think that the new ordinance really contemplated a block of buildings. (Mr. Neubecker: There is some flexibility built into the new policy so that the Planning Commission has discretion to determine the points.)

Final Comments:

- Mr. Lamb: I think everything looks good; there could be some minor little tweaks when you get into the historic structures, but I like it.
- Ms. Dudney: I think it's terrific.

Mr. Butler: I agree; it's a great project.

Ms. Christopher: Good job everyone, very thorough.

Mr. Pringle: I am excited and a bit overwhelmed that we are going to be able to do it all at once.

Ms. Christopher made a motion to approve the point analysis for the Breckenridge Arts District Project at 127 South Ridge Street. Mr. Butler seconded, and the motion was carried unanimously (5-0).

Ms. Christopher made a motion to approve the Findings and Conditions for the Breckenridge Arts District Project at 127 South Ridge Street. Mr. Butler seconded, and the motion was carried unanimously (5-0).

Ms. Christopher made a motion to recommend that the Town Council approve the Breckenridge Arts District Town Project at 127 South Ridge Street with the site plan and architecture as proposed. Mr. Butler seconded, and the motion was carried unanimously (5-0).

FINAL HEARINGS:

1. Barry Residence (MGT) PC#2013016; 226 South Ridge Street

Mr. Neubecker presented a proposal on behalf of Mr. Thomson to construct a 3,098 sq. ft. single family residence with an attached 656 square foot garage. The residence is proposed to have: 4 bedrooms, 3 ½ bathrooms, one second story deck off of the master bedroom, and a covered porch. A material and color sample board was presented.

The Planning Commission considered this proposal at the March 19, 2013 meeting as a preliminary hearing. The applicant has now returned for a final hearing. There was some concern expressed regarding the window pattern on the garage. Staff has completed research on outbuildings and barns in the historic district, which showed that small square windows were often found on these types of structures. The Applicant has decided to make no changes from the previous hearing. The Planning Department recommends the Planning Commission approve the Barry Residence, PC#2013016, located at 226 South Ridge Street, Lots 17-18, Block 10, Abbetts Addition with the presented findings and conditions.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Pringle: I thought that the lack of the glass on the barn, and when you take the front elevation of the big house it seems to me that the solid to void ratio is heavily tilted towards a lot of glass. When you take a look at the three panes of glass on the west elevation; typically you would see only one double hung window. We didn't really get into the architecture much and we glossed over it at the last meeting. (Mr. Neubecker: I would ask, "Is it enough glass that it doesn't meet our policy, and would it get negative points?") I think that the code says we are supposed to maintain historic patterns.

Mr. Lamb: I think that it is right on the edge; but the way that I understand the code is that it is made of vertically oriented windows and it is encouraged by the code. I personally don't find it objectionable.

Mr. Pringle: It's triple double-hung windows everywhere you go; on the north module at the front elevation it has a single double hung at the second level and that is a lot more appropriate and historically accurate. (Mr. Neubecker: You're right; on a historic structure you would have less glass.)

Ms. Christopher: For me, that's where the difference lies. It reads like a little bit of a newer building. I know that the solid to void ratio isn't historic but it does read a little bit like 2012. (Mr. Neubecker: The historic standards are slightly different for new construction than for renovation.)

- Mr. Lamb: I don't think that there is anywhere in the code that prohibits three windows versus two.
- Ms. Dudney: Historic Standards dictate size and shape; and says that new construction doesn't have to be an exact replica of historic.
- Mr. Pringle: I understand that a square window is allowed, but it cries out for a different window pattern, in my opinion. We have seen the Arts District, and they would use windows that are more historically accurate.
- Ms. Christopher: On Page 15 of Design Standards, it gives us pictures, if that helps? (Mr. Neubecker: Policy 95 for new construction: "The proportion should be similar to historic buildings in the area; large expanses of windows are inappropriate." Policy 96: "Solid to void ratio should be similar to historic buildings." I would like to see if there is support for negative points or what the concern will be.)
- Ms. Dudney: What would you specifically like to see?
- Mr. Pringle: I'm just making a comment for the record; there is too much glass, the sizes are a little big, and they need to have less. The three on the second floor on the west elevation should be more accurate.
- Mr. Lamb: This is a fairly wide lot and it doesn't look like your standard historic home. Perhaps with only two windows it wouldn't look as good.
- Mr. Butler: I think there might be something to that; I think that is exactly what I would say.
- Ms. Christopher: I would stick with the three windows and step the two windows down so that it makes the whole thing look like less glass. (Mr. Neubecker: The height of adjacent windows being the same is fairly traditional.)
- Ms. Dudney: Design Standards, Page 51: "New construction should be compatible, including the basic scale and materials." This means they 'need not be copied' while expressing current concepts.
- Mr. Pringle: I don't think I'm going to get a lot of support but it needs to be stated. It's a disproportionate amount of glass.
- Ms. Dudney: If it were my house, those three windows would be something that I wouldn't like; my conclusion is that I don't think that I have a leg to stand on in the code. I would like it better if it wasn't like that but I'm not the designer.
- Ms. Christopher: The house is bigger than normal; it might look inappropriate with smaller windows.
- Mr. Butler: I agree with that.
- Mr. Pringle: Would anyone care to rethink the three windows on the one façade?
- Ms. Dudney: I don't have a problem with that.
- Mr. Pringle: We're trying to sell this off as a Harris or High Street barn, and we'll never make it
- Ms. Christopher: There is always a foot or two of space between those windows. (Mr. Neubecker: There is some landscaping along the side of the garage, so that this part of the garage won't be as highly visible.)
- Mr. Pringle: We could assign some negative points and it would still pass. (Mr. Neubecker: You could float a motion out there and see if it would pass; but if it received negative five (-5) points, then it wouldn't pass.)

Mr. Pringle made a motion to change the point analysis to change the points on Policy 5 Architecture to a negative five points (-5), changing the total to a score of negative one points (-1). Mr. Butler seconded. The motion failed (1-4).

Mr. Lamb made a motion to approve the Point Analysis for the Barry Residence, PC# 2013016, 226 S. Ridge Street. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Lamb made a motion to approve the Barry Residence, PC#2013016, 226 S. Ridge Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

COMBINED HEARINGS:

1. Resubdivision of Lot 3, Abbetts Addition (MM) PC#2013019; 114 North Ridge Street

Mr. Neubecker (most awesome Planner ever) presented a proposal on behalf of Mr. Mosher to subdivide the existing Lot 3 of Abbetts Addition into two lots, 3A and 3B. This lot was last reviewed for resubdivision in 2006. During that review and after Planning Commission approval, the Town Council called this item off the Consent Calendar for a de novo hearing. During this review, the Council discussed the section of the Subdivision Standards that requires a dedication of open space or a cash fee in lieu of land dedication, for any subdivision. The application was approved by Town Council, conditioned on the payment of a fee (based on the appraised value of the land) in lieu of a land dedication. That application has since expired.

With Staff, Town Attorney and Steve West's (of West Brown Huntley and Hunter) direction Staff has reviewed the specific language in this policy, reviewed past precedent, and most recently, the Town Council's acceptance of a Development Agreement regarding the dedication of open space in the Conservation District. The applicant's property was subdivided in 1882. With the Development Code, the overall density is fixed at 1 SFE = 1,600 square feet in this case, with a multiplier based on a ratio related to the lot size. Staff has found that there are no additional density impacts that create any need for more open space as a result of dividing this land. The density and the impacts remain the same regardless of any divisions of the lot. (The total density of the existing lot is 9,824 square feet, with 4,421 square feet of above ground density. If the lot is subdivided into two lots, the density would be the same, but split two.) The Town Attorney believes the open space requirement has been already satisfied since the process of all historic subdivisions (Abbett, Bartlett and Shock, Yingling and Mickles, etc.), throughout the Town core provided the adjacent rights-of-way and alleys as part of the initial subdivision process. Therefore any re-subdivisions of properties within the Conservation District should not be required to provide any open space. Lastly, on April 9, 2013, the Town Council approved the Council Bill No. 10 (Brown Hotel Development Agreement) that waived any open space dedications for a resubdivision for similar reasons.

A special finding has been added to the Findings and Conditions:

No open space dedication is required for this application under Section 9-2-4-13 of the Town of Breckenridge Subdivision Standards because: (i) there is no additional density to be created by virtue of the subdivision proposed this application; (ii) applying the required "nexus" and "rough proportionality" legal standards for land use exactions to the application, the Town has not determined that there is a quantifiable impact of the development proposed by the application on the Town's open space and trail system so as to authorize the Town to require an open space dedication for this application; (iii) some public dedications for the property were made when the original subdivision was created in 1882; and (iv) the Town's position with respect to the application of Section 9-2-4-1 to the application is consistent with the vast majority of the Town's historic interpretation of such section within the Conservation District, and to the extent the Town's position in this decision is inconsistent with the Town's historic interpretation of such section within the Conservation District, the Planning Commission finds that such inconsistency is not controlling and should not be followed.

As an added precaution, Staff has added a Condition of Approval that prior to recording the plat, the final plat shall show access restrictions along Ridge Street, Wellington Road and 35-feet in from the paving edge of Wellington Road along French Street. This will ensure that access will be taken from French Street.

There is a Town bus stop along French Street in front of this lot. Staff has reviewed this application with the Engineering Department and has found that, based on the applicant's draft development plans and the proposed access restrictions, the properties can each meet all of the Engineering criteria for intersection separations and still allow on-street parking and/or the bus stop to remain.

Overall, Staff believes the Applicant has done a good job of splitting this lot into two smaller lots that meet the Town's Subdivision Standards. Staff also believes that there is a benefit to subdividing this large lot, in order to ensure that development on these lots is more compatible with the scale of buildings in the Historic District.

Staff recommends approval of the Resubdivision of Lot 3, Abbetts Addition (PC#2013019) with the presented Findings and Conditions. Staff has advertised this application as a Combined Preliminary and Final Hearing.

Janet Sutterley, Architect: That foundation on the survey was never for a building; it happened in the 1980's but we did find a Sanborn map, and there was a little out building on the northeast corner. The driveway as far from the corner would be good; easy to keep 30 feet from the other driveway. Neighbor to south doesn't have a driveway; they just have a parking lot. The main thing is that no one has a giant single family house in this area and it doesn't belong on this corner.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Lamb: Is there any differentiation between open space here and the Highlands or Wellington in the code? (Mr. Neubecker: The code does not; we don't want people to piecemeal through to avoid dedicating the open space. The amount of density has not increased here; so even though we are creating another building site, we aren't increasing density.) But if this was out of the Conservation District, the answer would be a flat no. (Mr. Neubecker: It's very similar to the Brown Hotel, and there is some benefit to obtaining the smaller more narrow lots which appear more in conformance with the Historic District.)

Mr. Pringle: This is by far the right solution.

Mr. Lamb: The last home on this site didn't look historic at all. (Mr. Neubecker: Prior Applicants said that they were okay with the cash contribution initially, but once it jumped up it was too much.)

Mr. Pringle: It went from \$30,000 to \$150,000; it is the only lot in the Conservation District where it had that standard applied to it. (Mr. Neubecker: There are several footprints lots that didn't pay either.)

Mr. Lamb: It is the right thing to do.

Mr. Pringle made a motion to approve the Re-subdivision of Lot 3, Abbetts Addition, PC#2013019, 114 North Ridge Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

OTHER MATTERS:

The Planning Commissioners wished Mr. Neubecker well on his move to Englewood.

ADJOURNMENT:

The meeting was adjourned at 8:55 pm.

Gretchen Dudney, Chair