

but we do not issue conditional use permits.) I don't want to deny this application, but want to discuss this more with the staff.

Mr. Khavari: Would this structure obstruct any views? (Mr. Stais, the Applicant, stated that no views should be obstructed.) Suggested the Applicant come back to seek approval for the turbine with proper notification to the public. Concerned about the sound the turbine would make.

Mr. Pringle moved to approve the point analysis for the Stais Residence, PC#2008042, 510 Wellington Road, with the following changes: Change policy 33/R-Renewable Energy to positive three (+3) points down from positive six (+6) points. Mr. McAllister seconded and the motion was approved (4-1). (Mr. Allen voted against).

Mr. Pringle moved to approve the Stais Residence, PC#2008042, 510 Wellington Road, removing any mention of the wind turbine from the application. (The Applicant was okay with the removal.) Mr. Bertaux seconded and the motion was approved unanimously (5-0).

With no other motions, the remainder of the consent calendar was approved unanimously (5-0).

FINAL HEARINGS:

Mr. Bertaux abstained from items 1 and 2 due to a conflict of interest resulting from his employment with the Miller Family.

1. Stan Miller Master Plan (MM) PC#2008006; 13541 Highway 9

Mr. Mosher presented a proposal to Master Plan for the recently annexed Miller property and the adjacent Tract D-2, The Shores at The Highlands Subdivision, (formerly the West Braddock Subdivision), identifying and distributing density and uses for 6 development parcels (A, B, C, D, E and F), two public open space parcels (G and I) and a 60-foot right of way (ROW) for Stan Miller Drive. The proposed Master Plan was for a phased, integrated, residential neighborhood containing 100 deed restricted units and 55 market units. Subdivision of the development parcels would create 73 lots, three development Tracts and four pocket parks and connecting trails. The Master Plan includes Tract D-2 of the Shores at The Highlands Subdivision.

Changes since the last Submittal

1. The Land Use Summary and overall map has been refined to accurately identify each parcel and uses associated with this Master Plan. Specifically, Tract D-2 was now included in the Master Plan.
2. Land Use District 33 – North was approved by the Town Council (effective March 26, 2008).
3. A plat note has been added identifying limited density for any platted lots that are to be less than 5,000 square feet.
4. The illustrative sheet of this Master Plan submittal shall be recorded as part of the Master Plan as guidelines for overall development patterns and subdivision patterns.

This Master Plan did not present any concerns to Staff. There would be further detailed review of the development on this property with each individual application for development. Any proposal would follow the density allocations and design standards established.

Staff welcomed any further comments from the Commission and suggested approval of the Stan Miller Master Plan (PC#2008006) by supporting the Point Analysis and with the attached Findings and Conditions.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Allen: Final Comments: No comments. Supported the application.

Mr. McAllister: Was the reduced setback issue due to the small lot sizes? (Mr. Nilsson, Agent for Braddock Holdings, stated there were some specific designs on the deed restricted lots to reduce costs for the lower AMI units. Despite the reduced setbacks, which is allowed in the Code, several open spaces are being created to be shared for all homes in the subdivision. Also, all roads meet Town standards. Home size limits of 1,800 square feet placed on the smaller lots.) Would the Commission see more detailed landscape plans in the future? (Staff stated yes, with future re-subdivision and individual development permits.)

Mr. Pringle: Pointed out many deed restricted lots exceeded 5,000 square feet. Asked about not allowing a bike path on the west side of the Blue River. Was there potential to relocate the path to the west side in the future? (Staff pointed out it could be possible under a separate review; however, the Trails Master Plan and BOSAC have both strongly objected to any pedestrian interaction along the west edge of the river. Mr. Grosshuesch informed the Commission that cutting swaths through wildlife habitat and interrupting access to the river has been discouraged by the US Forest Service too.)
Final Comments: Thought it was fine.

Mr. Khavari: Final Comments: Agreed with comments made.

Mr. Pringle made a motion to approve the Point Analysis and the application for the Stan Miller Master Plan, PC#2008006, 13541 Highway 9, along with the Findings and Conditions. Mr. McAllister seconded, and the motion was carried unanimously (4-0). Mr. Bertaux abstained.

2. Stan Miller Subdivision (MM) PC#2008007; 13541 Highway 9

Mr. Mosher noted that Condition number 14 that stated “*The final plat shall include a statement specifying that with the exception of driveway and utility installations, no building, decks, grading, or construction disturbance may extend beyond the building envelope limits*” was not applicable to this review and has been struck from the Conditions of Approval. New Conditions of Approval were distributed to the Applicant and the Commission.

Mr. Mosher then presented a proposal to subdivide 40.41 acres known as the Stan Miller property and 2.29 acre Tract D-2, The Shores at the Highlands (Previously known as West Braddock) into seventy three (73) lots, three (3) deed restricted development Parcels and associated Rights of Way (ROW) tracts. There are two Public Open Space Parcels (G, I) and three Private Open Space Parcels. The proposal was to subdivide the property in Phases over time. The first subdivision would create the 6.12 acre Public Open Space and Blue River corridor, the parcel separating out the northerly 12 acres known as the “Sale Parcel”, which the owner intends to sell to “Braddock Holdings” (Breckenridge Lands LLC), a 60’ wide right of way for Stan Miller Drive, a deed restricted development Parcel in the location of the Stan Miller Inc. current office and the remaining property as one large Parcel. The property would then be re-subdivided over time. Changes included:

1. Rather than plat the individual future development lots, as in the previous meeting, the separate overall tracts were shown with the planned use and lot sizes. Each Tract would be re-subdivided in the future as each phase is developed.
2. Plat notes were to be added defining limitations on building sizes per assigned lot sizes.

This subdivision proposal was in general compliance with the Subdivision Standards with the exception of lot size and setbacks (discussed in the Master Plan). The final grading plan and Blue River relocation drawings will be reviewed as part of the subdivision improvement submittals to Engineering. Staff welcomed any Commissioner comment on this application in general.

Staff recommended approval of The Miller Subdivision (PC# 2008007) with the attached Findings and Conditions.

Don Nilsson (Owner/Applicant): Not much to add to Staff’s presentation. Explained the phasing of the project and the operation of the Miller Family parcel as development begins. The Annexation Agreement and the Extended Vesting documents track the relocation of the river and the trail construction. This is a little different than most subdivisions.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Bertaux: Final Comments: Approved.

Mr. Allen: Final Comments: Approved.

Mr. McAllister: Was there a point analysis? (Staff stated subdivisions are not subject to point analyses.)
Final Comments: Approved.

Mr. Pringle: Did this project require that we recommend the 18-year vesting? (Mr. Mosher: The extended vesting was already approved in the Annexation Agreement.)
Final Comments: Approved.

Mr. Khavari: Final Comments: Approved.

Mr. McAllister made a motion to approve the Stan Miller Subdivision, PC#2008007, 13541 Highway 9, with the Findings and Conditions as proposed by the staff report. Mr. Allen seconded, and the motion was carried unanimously (4-0).

COMBINED HEARING:

1. CMC Subdivision (JS) PC#2008034; 107 Denison Placer Road

Ms. Skurski presented a proposal to subdivide 46 acres known as Tract D, Block 11 Subdivision and the 11 acre property known as the Bifani property (metes and bounds description) into five tracts. There were two future development tracts (one for the new Colorado Mountain College campus-Tract D, the other for a future attainable housing site-Tract A); two river parcels not to be developed, a proposed Denison Placer Road Right-of-Way, and one 2.7 acre tract adjacent to the ROW, not to be developed.

This subdivision proposal was in general compliance with the Subdivision Standards with the exception of landscaping which was exempted within the MOU process.

Staff handed out revised conditions which take into consideration that CMC is primarily under the state statute regulations and what was laid out in the MOU. Staff welcomed Commissioner comment on this application in general.

Staff recommended approval of the Runway Subdivision Plan (PC#2008034) as a combined hearing with the revised standard Class A subdivision findings and conditions (as handed out), with the addition of the following specific conditions:

1. Tract D will not be conveyed to Colorado Mountain College Foundation, Inc. until site plan changes made by CMC since the July 24, 2007 Council approved set of plans has been approved by the Town;
2. Tract D will not be conveyed to Colorado Mountain College Foundation, Inc. until the Town Council site plan approval modifications dated July 24, 2007, signed August 15, 2007 by CMC, are met (including a shared parking agreement with the ski area and including permissible parking for recreational users as well as a conceptual plan for a northern parking area and/or improvement expansion);
3. The addition of an additional 20' section on the south end of Tract D which connects the proposed (unpaved) parking lot to the 50' river and pedestrian easement to allow for public access from the parking lot; and
4. The changes suggested by the Town Attorney are incorporated onto the subdivision plat.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Bertaux: Was there an agreement with the college to provide overflow parking with the town? (Ms. Skurski pointed out that a shared parking agreement required by the MOU as well as has been made a condition of approval for conveyance of the land.)

Mr. Allen: Regarding the phased landscaping and understanding that this is outside of the MOU, was there a requirement as to when this would happen? (Ms. Skurski stated that during the site plan process, the Commission and Council voiced support for keeping the quality building materials and phasing in the landscaping. There was not a set schedule given at that time.) (Mr. Guarino, CMC project manager, stated landscaping would be phased in three steps, depending on when the budget permits. CMC is fully committed and intends to landscape as funds become available sooner rather than later. They will be installing capping material on site per the site plan grading plan after rock is removed from the site.) (Mr. Alton Brown, CMC Dean, stated that CMC will be continuously requesting funding for the landscaping because they want their campus to look as attractive as the building will be. Assured the Commission that CMC will request funding for Phase 2 when they are installing Phase 1.) Suggested less expensive landscaping (saplings, willows etc.) now to at least have a start on landscaping. Was there a restriction in place preventing the college from selling the property and/or changing its use in the future? (Ms. Skurski pointed out yes there are restrictions in place per the MOU that a change of use or alteration of the site would require Town approval or could even revert ownership back to the Town if not used for higher education.)

- Mr. McAllister: When would the river relocation take place? (Ms. Skurski stated that this is an Army Corps of Engineers project in conjunction with the Town and depends on when funding becomes available.)
- Mr. Pringle: Would density be transferred to this sight? (Mr. Grosshuesch pointed out that as a state regulated entity, CMC is exempt from density requirements as density is a local regulation).
Final Comments: Glad an agreement exists to ensure that the high quality building materials will not be value engineered out in order to provide landscaping. Landscaping can be provided later but the building cannot. Was Tract E there basically to control access to the parcels to the west? (Ms. Skurski: Yes.)
- Mr. Khavari: Final Comments: Application looked good. Thanked the applicant for going through the Town process and hoped that it made it a better project.

Mr. McAllister made a motion to approve the CMC Subdivision, PC#2008007, 107 Denison Placer Road, with the amended findings and conditions as proposed by the staff. Mr. Pringle seconded, and the motion was carried unanimously (5-0).

WORKSESSIONS:

1. Solar Panels (JS)

Ms. Skurski presented the solar panel policy. The topic of solar panels is on the Planning Commission's Top Five list. With a greater emphasis on renewable energy, Staff foresees that applications for solar panels will increase in the future and should therefore, be addressed.

Staff has taken this as a worksession item to the Commission on February 12 and March 18. Staff has provided changes to the policy in strike and bold based on Commissioner comments. The following bullet points are a summary of direction given from the March 12 worksession:

- Alter the first paragraph to include tighter language that historic character is more important than placing solar panels in an inappropriate location.
- Create language to clarify that if the proposed panels are not appropriately located, the application would not be approved.
- The panels should be a compatible color on new construction and be complimentary on historic roofs.
- Limit the percentage of solar panels coverage on the roof to 50%.
- Include a non-primary elevation definition.

Staff would like to get Commissioner comments on the revised policy.

Commissioner Questions/Comments:

- Mr. Bertaux: Thought a maintenance requirement should be mandatory during winter months. (Staff pointed out reduced results in winter were calculated in the formulas predicting energy production, considering our climate.) (Mr. Grosshuesch suggested a covenant requiring the panels could be used in perpetuity or require panels to be replaced with "like or better" options in the future.)
- Mr. Allen: Sought clarification regarding "non primary" address definition. (Mr. Grosshuesch pointed out this would be the non primary façade opposite the entrance(s).) Pointed out clearing snow from panels would be a heavy burden. Recommended that if an applicant wants positive points, a covenant must be made; but if no positive points are warranted, then no covenant would be required.
- Mr. McAllister: Pointed out that all properties would be different when determining solar panel location.
- Mr. Pringle: Suggested adding requirement to maintain use and maintenance of solar panels during winter months. Pointed out solar panels were not always appropriate in all cases and the primary character should always take precedence.
- Mr. Khavari: Brought to Staff attention a couple of grammatical errors.

2. 2008 Workforce Housing Action Plan/Code Amendments (LB)

Ms. Best introduced two code amendments to the Planning Commission. The code amendments are a recommendation of the 2008 Housing Work Plan that was developed by the Housing/Childcare sub-committee and endorsed by the Council. No work has been done on these code amendments but staff was interested in Commission input before drafting the language.

The amendments were as follows:

- 1) *Modification to Relative Policy 24 to adjust the percent of project density for employee housing to be more proportional to the impact of the project.*

In evaluating the relative policy, the housing committee determined that the current formula created an inequity because there was an imbalance between the amounts of employee housing required for zero points and the employees generated by the specific development. The current formula didn't account for the different employee generation of different uses. For example:

10,000 square feet of office space= 22 FTEs (Full Time Equivalents)

10,000 square feet of restaurant = 60 FTEs

10,000 square feet of multi-family residential= 2 FTEs

10,000 square feet of lodging = 7 FTEs

Despite the wide range in job generation, the current relative policy required all of these uses to provide the same 451 square feet of housing for zero points. The sub-committee felt that it was important to modify the policy to incentivize new commercial development, multi-family development, and lodging development build more workforce housing, and to provide housing that would be more proportional to the number of jobs generated.

For some time there has been discussion about converting the relative policy to an absolute policy. After reviewing the buildout projections the committee determined that modification to the relative policy would be the preferable approach at this time.

- 2) *Include a new relative policy to encourage the construction of accessory dwelling units (ADUs) and/or discourage construction of units (especially large homes) without accessory dwelling units.*

The most recent needs assessment indicated that approximately 900 new affordable rental and for sale units would be required by the time the Town reaches buildout. Without these units, more employees would have to commute into Town in order to fill jobs that support the local economy. The goal of 900 units was an attempt to maintain the current level of in-commuting/traffic by maintaining 47% of the workforce living in Town. The Town has identified opportunities to achieve about 500 units on Town-owned land (Valley Brook, Block 11, Claimjumper) and through annexation agreements (Stan Miller, Maggie Placer, etc.) leaving the community far short of the goal. While the Town is doing its share to address some of the current deficit, the committee felt it was very important that new development also contribute and address more of the 'keep up' need associated with new development. The first amendment discussed above would increase production of local units by commercial, multi-family, and lodging development, and this ADU policy would increase production of local units within single family developments. Provided the impacts of ADUs can be address, the committee felt that ADUs offer many benefits including:

- ADUs are local units w/o new density
- ADUs provide rental units
- ADUs create hot beds within seasonal units that are often unoccupied
- ADUs can provide a source of revenue for locals who incorporate an ADU in their residence.

Unfortunately the 900 unit projection was a very conservative projection because it assumed all of the existing market units currently housing employees would continue to house employees. It was estimated that there are currently approximately 1,000 market units in Breckenridge that house employees. These units are at risk as current owners retire and/or relocate, and sell units for prices that are unaffordable to locals. The impact would be increased shortage of labor and/or increased number of in-commuting employees. The committee felt that both of these amendments were important pieces of the overall strategy to address housing needs.

Staff asked for input from the Planning Commission so any concerns or input can be accommodated.

Commissioner Questions/Comments:

Mr. Bertaux: Questioned whether accessory dwelling units would really help the housing shortage. Concerned about enforcement and compliance. Did not support mandatory ADUs. (Staff pointed out that if positive points were awarded, a covenant would be placed on the property restricting the use of the unit for local employees. The policy would be relative and not absolute.)

- Mr. Allen: Sought clarification regarding the formulas. (Staff pointed out RRC developed the employee generation estimates, but staff would confirm they are still accurate) Supportive of formula concept but concerned about un-intended consequences. Agreed with Mr. Khavari that positive points should be available for accessory dwellings units, but did not favor negative points for no accessory dwelling unit. Regarding size of units, keep some minor flexibility in the policy.
- Mr. McAllister: Agreed with Mr. Allen's un-intended consequences statement. Agreed with Mr. Khavari that positive points should be available for accessory dwellings. Oversight, enforcement, and compliance would be an issue.
- Mr. Pringle: What happens if the accessory unit can not be rented? (Staff pointed out this would be fine but if and when it rented, it would need to be rented to a party working in the community.) Apartment buildings might be the better solution to providing employee housing. Very concerned about increasing the intensity of use in neighborhoods, parking is a real issue. Suggested asking the individuals pushing for required accessory dwelling units if they would like to be mandated to build such units themselves especially if building their dream home. (Staff noted that the requirement is not mandatory, it would be a relative policy)
- Mr. Khavari: Suggested positive points should be available for accessory dwellings. ADUs should not be required. Wanted to ensure Council was aware of the concerns the Planning Commission had regarding negative points for not providing an accessory dwelling unit. OK with revising relative policy for commercial, multi-family, lodging, but be careful about the impacts on restaurants.

3. Top 5 Priorities List (CN)

Mr. Neubecker presented a memo updating the Commission on the Top Five Priority List. On November 14, 2007, the Planning Commission indicated their preferred Top 5 Priorities list for staff. The following list indicates the results, and has been used recently by staff as the new Top 5 list.

Most Recent Top 5 List:

1. Single-Family Home Size Limits (JS): Town Council discussed this topic as a work session on September 11, 2007. They indicated that FAR limits were the preferred method for regulating home size, but also indicated a possible absolute size limit. A work session on this topic was held with the Planning Commission on February 5, 2008.
2. Ground Floor Uses (MT): Town Council adopted a restriction against new residential uses on the ground floor within the Downtown Overlay District on August 14, 2007. Planning Commission held work sessions on October 16 and December 4, 2007 concerning prohibition of new offices on the ground floor within the Downtown Overlay District. The Town Council then discussed the office issue on January 8 and February 26, 2008. We anticipate working with the Town Council on this topic in May/June 2008, with possible work sessions with the Planning Commission at a later date.
3. Privacy Gates and Fences (CN): Town Council adopted the new fence policy on March 25, 2008.
4. Solar Panels on Roofs (JS): This issue has been moving along quickly with good progress. Work sessions on this topic were held with the Planning Commission on February 19 and March 18, 2008. Another work session is scheduled for April 15, 2008. We anticipate going to the Town Council for a work session on April 22, 2008.
5. TDR Receiving Zones (CK): A work session on this topic was held with the Planning Commission on February 5, 2008. It was decided during this meeting that the Town already has the tools to review proposed density transfers, and that additional regulations are probably not needed at this time. Staff will be working in upcoming months on two other TDR issues: sales price and TDRs for affordable housing projects.

Due to the number of items on the current Top 5 list that are almost complete, or which will not involve much Planning Commission input, staff suggested the following list for the next Top 5 list:

1. Landscaping / Weeds/ Wildfire Mitigation
2. Sunsetting Density for Positive Points
3. Accessory Dwelling Units
4. Affordable Housing Policy
5. Lot sizes and footprint lots

Following are the status of several items from previous Top 5 lists:

1. Ridgeline: Adopted October 24, 2006
2. Architectural Statement of Compliance: Adopted February 13, 2007

3. Certified Historic District Contractors: The Town Attorney and staff have some concerns with this topic, and have not found a good way to address this issue. We do not have a good grasp on how much time it would take to develop the certification program or how it would be administered and tested. We are uncertain when this issue will return to the Planning Commission.
4. Single-Family Lot Splits: Adopted October 24, 2006
5. Development Permits Expiring at C.O.: Adopted October 23, 2007
6. Dark Sky Lighting Policy: Adopted June 12, 2007
7. Wildfire Mitigation: This is being incorporated into a new landscaping policy, which is expected to be presented to the Planning Commission in January 2008. This topic will also discuss reforestation, which was identified as a priority by some Commissioners.
8. Green Building/LEED: Staff is working on this topic, but we are anticipating that it will be codified in the Building Code, and will not be a Planning issue. For this reason, staff would recommend taking this topic off the Next 5 list. Some form of this code will likely be adopted in 2008.

Other items for discussion or adding to the Top 5 list in the future:

Historic period of significance
Hardiplank outside historic district
Impact of short term rentals
Moving historic buildings without negative points
Employee Housing for projects that are less than 5,000 square feet
Discouraging conversions from commercial to residential density

Mr. Grosshuesch pointed out Green Code policies are forthcoming from various sources.

Commissioner Questions/Comments:

- Mr. Bertaux: Would like continue to be updated on previous top five topics. Sought clarification regarding moving historic buildings without negative points. (Mr. Neubecker: This relates to historic buildings along alleys, like sheds, that Staff wants to keep near the alley in historic context, but applicants are getting negative points since the historic location does not meet the setbacks, but buildings are still stabilized and improved.)
- Mr. Allen: Suggested looking at alternative/renewable energy. (Commission agreed to make this item #6 on the top 5 List.)
- Mr. McAllister: Too much to combine Landscaping / Weeds/ Wildfire Mitigation into one top five item.
- Mr. Khavari: Thought all top five topics were very important.

TOWN COUNCIL REPORT:

There was not a representative present from the Town Council; therefore, there was no Town Council report.

OTHER MATTERS:

Mr. Allen suggested all plans in the packet should be of better quality or sent via PDF. Some plans have been difficult to read. (Mr. Neubecker indicated that many plans are actual blueprints, which are sometimes difficult to reproduce. Staff will look for ways to improved reproductions in packets.)

Mr. Pringle asked about a Planning Commission annual trip. Mr. Grosshuesch suggested thinking outside of the box and not just focusing on ski resort communities but rather maybe beach front communities. These communities often share our capacity issues, like parking, peak visitor days, etc. Would need to find small communities that swell during the peak season.

ADJOURNMENT:

The meeting was adjourned at 9:55p.m.

Mike Khavari, Chair