

PLANNING COMMISSION MEETING

WORK SESSION

1. Ex-Parte Contact, Voting and Meeting Process (Tim Berry, Town Attorney)

Tim Berry presented a paper regarding ex-parte contact, Commissioner ethics, conflicts of interest and the meeting voting process.

Mr. McAllister sought clarification on quasi-judicial matters vs. legislative matters. (Mr. Berry indicated that quasi-judicial matters are those where a decision is made with respect to one applicant or one price of property. Legislative issues are those creating laws that apply generally the whole community. Just like a judge cannot have direct contact with a defendant outside of the courtroom, Commissioners should not discuss an application outside of the formal hearing process. If approached by the public, tell them that you can not discuss an application outside of the meeting, and if you do you may not be able to vote on the topic.)

Dr. Warner sought clarification regarding Section 18.2 E of the memo, concerning asking for information from other Commissioners. Mr. Berry pointed out that all information regarding quasi-judicial matters must be in an open meeting, but that Commissioners are welcome to contact staff to get additional information.

Conflicts of Interest: Mr. Berry indicated that the usual procedure to determine if there is a potential conflict is to “follow the money”. If the money leads back to you, or there is some other direct financial benefit to the Commissioner, there is a conflict. It is the responsibility of a Commissioner to raise a potential conflict of interest to the rest of the Commission during the public hearing. The Commission will then discuss the matter, and decide if there is a conflict. If there is a conflict, the Commissioner must refrain from the discussion, and refrain from attempting to influence other members of the Commission. This means they should leave the Council Chambers during the discussion. A Commissioner, however, may represent themselves in front of the Commission if the application is for their own residence.

Mr. Allen asked if members of the Commission could attend and speak at a Council meeting “as an applicant” or on an issue with a conflict of interest. Mr. Berry stated they could attend but he would rather they not discuss pending issues.

Mr. Bertaux asked if a member of the Commission could talk before Town Council after an application was voted on at the Commission level. Mr. Berry stated he would rather see Commissioner remain silent.

Mr. Berry discussed the point analysis. He stated once the point analysis has been decided by the Commission, a concurring decision must be made. Before the formal approval or denial, Commissioners are encouraged to discuss and debate the proposed point analysis, and may motion to change the point analysis. Once the point analysis is finalized, the Commission must approve the application, if the result is a passing point analysis.

Mr. Berry discussed transfers of development rights (TDRs) with the Commission. Points were discussed and staff explained the point process surrounding TDRs. Commission still has an opportunity to determine if the additional density fits, by using existing Development Code policies (setbacks, height, circulation, snow storage, etc.). Negative points cannot be assigned under the density policy, since the density transferred, plus existing density, results in a new density allowed. Town Council will authorize a maximum density transfer (“up to “X” SFEs), but it is still up to the Commission to decide if the density fits, using these other Development Code policies.

THE MEETING WAS CALLED TO ORDER AT 7:25 P.M.

ROLL CALL

Michael Bertaux
Peter Joyce
Sean McAllister

John Warner
Mike Khavari

Rodney Allen
Dave Pringle

APPROVAL OF MINUTES

With one change on page 10 of 200 (Dr. Warner: Town Council report should indicate that “separation for Main Street offices was supported by a 5-2 vote”), the minutes of the January 15, 2008 Planning Commission meeting were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the agenda for the February 5, 2008 Planning Commission meeting was approved unanimously (7-0).

CONSENT CALENDAR:

1. Shock Hill Sales Center (CN) PC#2008010; 260 Shock Hill Drive

Dr. Warner asked why there would be no bathroom in the structure. Staff point out that there is no plumbing proposed in this building, but a portable bathroom would be provided on site.

2. Yancey Residence (MGT) PC#2008011; 86 Preston Way

3. 155 Lake Edge Drive (CK) PC#2008009; 155 Lake Edge Drive

Regarding the disturbance envelope, Dr. Warner would like to always make sure applicants know on the front end that a disturbance envelope exists and the definition of such envelope. Staff indicated that there is a condition of approval specifying allowed activities inside the envelope. The building permit also requires that the contractor initial that they have read and understand the conditions of approval.

With no motions, the consent calendar was approved unanimously (7-0).

PRELIMINARY HEARINGS:

1. Shores Lodge (MM) PC#2007155; SW corner of Tiger Road and Stan Miller Drive

Mr. Mosher presented a proposal to construct an 81,314 square foot lodge with 75 units (19 of which would have owner lock-off rooms), 4,662 square feet of commercial space (including conference space, lounge, fitness area and guest spa) and surface parking on 5.47 acres. Underground parking was not possible due to the geology of the site. Negative points are warranted for building height. Possible positive points for architecture, landscaping, good circulation, renewable energy, extra amenities, shuttle system, dumpster incorporated into building,

Jeff Frahm, Craine Frahm Architects: Excited about designing development on this sight. Circulation pattern will be important. The look is contemporary mountain architecture to complement the adjoining buildings of neighboring developments. Three to four roof pitches will be used with large overhangs, heavy accents and all natural materials. Geothermal-aided heating for the snowmelt system and the building heating and cooling is planned. We are still discussing the photovoltaic panels for the covered parking area. All units would be one story.

Stephen Spears, Design Workshop: Sensitive site with the river nearby. Site design responds to naturalizing the property and protecting the river. Problematic elements were pointed out. All of the amenities are to the south of the building and get plenty of sun and fantastic views. Circulation is simple as the site is so flat. No need for several levels and stairs. The parking lot will be surrounded by 6-7 ft tall vegetation and berms, which will seclude and screen the parking lot. Mining heritage would be highlighted via different architecture techniques. Noted the additional trees planted per Staff’s request. Believed the additional landscaping was good and would help buffer the neighboring properties. Parking lot is set below the right-of-way to help screen from view. This project will be a hub for the neighborhood. A connection to the trail system is sought.

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

Commissioner Questions/Comments:

Mr. Pringle: Sought clarification regarding radon gas. (Staff: monitoring is planned in buildings that are being designed and planned to be vented if discovered.) Have concerns that this class of project may not draw folks prone to use public transportation. They will depend more on the shuttle service being offered. A shuttle is almost mandatory for a project like this in this location. The area around the river is public land. Does the master site plan address public parking and river access? (Staff: this will be part of the Stan Miller Development to be reviewed at a future meeting.) Have we thought

about vehicular movement regarding the Red White and Blue fire district circulation on the neighboring property? (Staff: This will be part of the Stan Miller project for a future meeting.) Sought clarification regarding the chimneys and how they would be designed. Chimneys draw attention away from entry. Architecture could use more accentuation. Appeared flat across structure.

Final Comments: Positive points for architecture are not warranted at this time until some modifications are made. Pedestrian and vehicular circulation will work well the way this development is planned. Would support positive points. Site will operate more like lodging hot beds, but are we comfortable with this type of use on the periphery of town? Liked the way the building articulates and creates interest. Chimneys spread out defused the interest. Building lacks a focal point. Positive feeling. Nail down employee housing density and unit count.

Mr. McAllister: This is a good start. Work within the code and address concerns about architecture. Some architectural compatibility between neighboring buildings would enhance project. Accent the entryway more; does it fit with everything else? Skeptical that shuttles don't actually add to the traffic problem. Circulation is great as well as landscaping. Energy conservation is great. Support use of geo-thermal. Multiple deed-restricted units are encouraged.

Mr. Joyce: Would this be LEED certified? (Architect: We will be striving for green construction, but LEED certification is time consuming and costly. Will be using beetle kill wood, and other green building material and techniques.) Sought clarification regarding detention ponds and water quality. (Staff pointed out that a separate application is expected to route water from the Blue River through this development and the neighboring duplex property.) Do roof areas drop snow onto decks below? (Mr. Frahm pointed out the snow would miss the decks when it falls.)

Final Comments: Contemporary architecture is good, needs some work. Agreed with comments made about architecture. A model would be helpful. Placing some density into the roof forms is needed; also step the building down at the ends. As presented, Policy 33R, Energy Conservation, would warrant positive points. Would like to see additional transit information from established developments. Landscaping warranted positive points. Would hold off on positive points for circulation for now.

Mr. Bertaux: Sought clarification on one shuttle vehicle or the possible immediate need for two shuttle vehicles. Since proposal included the neighboring duplex property, two might be needed immediately. (Staff pointed out initially one service vehicle would be utilized; but at Highland Greens, shuttles were so popular that another was soon added.) The main entry to the building is difficult to locate; needs accentuation. Overall the building is nice looking, but needs additional variation. Spruce up the building more. Overall site plan is great and orientation to the south is great. Building isn't too exciting. More variety is needed regarding architecture. Believe that one service van will not likely satisfy demand. Generally supported the project.

Final Comments: OK with the architecture, but would like some revisions. Define entryway better to invite people to come into the building. Maybe stone should frame the entry. Guest loads would likely warrant two shuttle vehicles. Energy conservation points are supported. Project would do well, but with this location outside core of town, need more focus on amenities. Surprised amenity package didn't focus more on fitness center and pool.

Dr. Warner: Build some density into the roofline to add variety to building. Have concerns as to whether the shuttle service actually reduces traffic in downtown, especially with so much density in this part of town. Questioned the shuttle warranting positive four (+4) points. (Mr. Grosshuesch - With a past traffic study by Charlier, service vans were a positive factor and were encouraged. They appear to be working. We can enforce their use by covenants. Mr. Frahm indicated that guests would expect a certain level of service, including the shuttle.) Would the required square footage of employee housing consist of a single unit or multiple units? Would prefer to have multiple units rather than one large one. (Architect: This is still under discussion, but a manager unit is planned to be on site.)

Final Comments: Work more on the architecture then we will look at positive points. Struggled with flat rooflines. Vary roof more and step down at the ends. Maybe consider going to negative fifteen (-15) points on height so you can better define the entry. Landscaping looks good. Open to idea of positive points for circulation. Supported energy points too. Address the housing units/square footage. Would like some input from staff of usefulness of shuttles throughout town.

- Mr. Allen: Liked the project. Architecture is good. Roofline is bothersome and positive points are not supported at this time. Lower the chimneys as they are too enhanced compared to the rest of the building. Circulation is good as well as energy conservation; supported positive points. Suggested negative points for snowmelt. Liked the different separations of the building. Would like to know at next meeting where Shock Hill affordable housing would be incorporated.
Final Comments: Architecture positive points not supported at this time. Building is too uniform. Break up roofline more. Build more density into the roof. Possible negative points for no density in roof and not stepping building edges. If you must, take a negative fifteen (-15) point hit for height overage and do something dramatic to building. Size of building is broken up well. Nail down affordable housing. Not in favor of a single unit. Would like to see a menu of affordable housing. Shuttles are a great idea but needed to be convinced the system will support the numbers.
- Mr. Khavari: With height being over, will this hinder neighbors? (Staff doesn't anticipate any issues as neighboring properties are far away and toward the north.) Break up architecture.
Final Comments: Give entry more mass. Maybe consider going to negative fifteen (-15) points for height at entry. Energy conservation is great. Multiple employee housing units are encouraged. Might suggest another preliminary hearing. On shuttle points, will wait for more information from staff.

WORK SESSIONS:

1. Comprehensive Plan (MT)

Mr. Truckey presented the recent updates to the Comprehensive Plan. Some of the Commission has seen this before. Jeff Hunt started on this plan, and some major updates are now warranted. We will have time to visit this again at next meeting, and possibly at the March 4th meeting.

Commissioner Questions/Comments:

- Mr. Allen: Public hearings and open houses encourage public input. (Mr. Truckey pointed out a public meeting could be held the end of February or early March.) Has the BEDAC been involved on the economic chapter of the plan? (Mr. Truckey indicated that BEDAC staff had reviewed and updated the chapter, but not the entire BEDAC committee.) Should the three-mile plan be discussed in conjunction with this document? (Mr. Truckey said that the Comprehensive Plan, along with the Land Use Guidelines, would serve as the Three Mile Plan.) What clash does the town's land use have with the county's? (Staff pointed out the plans for both jurisdictions are for the most part consistent with each other.) Mr. Allen indicated that the suggested new land use district for open space properties could be modeled after the County's open space zoning district.
- Dr. Warner: Sustainability doesn't seem to be much of a theme. Economy and character of community are tied together in a positive way. Maintaining the Town's character attracts visitors who help drive the economy. In order to maintain our character and not overwhelm the Town, should we consider caps on skier numbers per day or blackout dates for the Buddy Pass? How will congestion be mitigated? The natural environment should be preserved and maintained. Watershed protection, in the wake of the beetle infestation, should be discussed and a policy added concerning it. Would like to see more energy conservation discussion in the plan. Are we on the cutting edge of energy use and abuse? Snowmelt systems are huge consumption compared to plowing. Housing percentage goals may need adjusted or clarified. Include goal of maintaining 47% workforce housing in Breckenridge.
- Mr. Pringle: Highest days of traffic may require implementation of special traffic plans, policed traffic control, etc. Traffic problems don't seem to be handled too well. Is the Town hitting its population targets or expectations? Gondola development may need to be included in this document. Peak 6 may need to be addressed. Now that we have Peaks 7 & 8 and the gondola, are they working with the plan? Alternative route to highway 9 (Coyne Valley Road to Fairview) might be mandatory. Air quality is negatively affected by natural gas. Wood burning stoves may be looked at in relationship to greenhouse gasses, and perhaps technology is at a point with wood-burning stoves where they are a good substitute for natural gas stoves and fireplaces.
- Mr. McAllister: What is the difference between this and the Vision Plan? (Staff pointed out this is more specific.) Was public input obtained between 2004 and 2006 or did the public provide vision plan input? Beetle kill trees and their consequences should be addressed. Transportation chapter should include I-70 improvements and hours of operation for the gondola. On air quality, PM (particulate matter) 2.5 should also be discussed (not just PM 10).

Peter Chlipala (Public): Gas fireplaces are easy to turn on whereas wood fireplaces take more work. Thus if more wood burning stoves were allowed, people would use them less than gas fireplaces. Some people turn on all five fireplaces at once, but would not bother if all were wood burning.

2. Home Size Policy (JS)

Public Comment:

Craig Campbell, homebuilder: Shares the interest in preserving Town's uniqueness, but placing an arbitrary cap doesn't accomplish this goal. The Green Building Code will do that already. There are Design Review Committees in place to address the architecture per neighborhood. This policy would not work across the board.

Michael Rath, Summit County Home Builders Association: Not in opposition with the idea of preservation. The Green Code will serve as device to control large homes with energy standards. If we work together to pass that we will accomplish the same thing. Some neighborhoods could use remodeling. There is a relationship between the size of the home and lot size. Older neighborhoods do not have building envelopes; maybe you should look at that. Will garage square footage be considered?

Peter Chlipala, homebuilder: Owns/built Snowy Ridge Subdivision. Maximum cap is discouraged and not agreeable because it stifles creativity and building a home. In some cases a basement can have hidden square footage, thus why should the square footage be included in the cap? Maybe the HOA's should draft better limitations and not the town. There are guidelines for other uses to mitigate points and believed that that should be the case for single family as well. If a 5,000 square foot garage could be built underground, then why should that matter?

Commissioner Questions/Comments:

Mr. Allen: How would this relate to subdivisions like Highlands Park that currently have square footage limitations? (Mr. Truckey: this policy would apply to whatever was most restrictive.) Opposed to rushing Phase 1 (cap) through. Not opposed, but need to have an intensive process with every owner in Town getting a letter of notice and participation. Opposed to rushing to pass this before the Council changes. Favors above ground density limits. Notify all in-town owners and get their feedback. Liked Phase 2 options but take it slow and do it all at once. Look at above-ground numbers but not number below ground. FAR makes the most sense. Big homes on big lots aren't issues. Big homes on small lots are the issue. 7,000 square foot home should set the mark with no negative points and be neighborhood specific.

Mr. Bertaux: Option B and C should go together (relative policy and TDRs). Public input is necessary in the areas we think are problems. Floor area ratio (FAR) approach is favored but not applicable to a Highlands type neighborhood. Be neighborhood specific. Points and TDR option seem to be tied together. Going in right direction but don't hurry this through. Will Green Code really restrict home size? Can staff do the research? This can be critical. (Mr. Truckey: Green Code not intended to limit home size.)

Mr. McAllister: Where are we on the Green Code process? (Staff pointed out a hearing with Town Council will be coming in March.) Agreed with most of what has been said. Liked Option 1.2 and Option C in combination with TDRs. Do it once, not in two phases. Did not like cap overall, Green Code will deal with energy issues. Address garage issue in calculations. In favor of above ground mass cap. Let's do this in one phase. Development should pay its way. Address garage issue. Agreed with Mr. Allen.

Mr. Joyce: With Green Code coming, why is a cap being considered? (Staff pointed out Council is concerned with the character of Town as well as the existing neighborhoods. Green Code is not being written to limit size.) So a large home could meet Green Code, be on a small lot and still overpower the neighborhood. Public process is important. Concerned about current owners and if a cap would diminish values. Liked idea of above ground density approach. Floor area ratio solves the problems. Be neighborhood specific.

Dr. Warner: Council's concern was with smaller older homes that would be replaced by larger homes in years to come changing the character of some subdivisions in town. There is an emotional attachment to older neighborhoods. Some of this is a timing issue. Not ready to run this though. In favor of some kind of cap and favored Option 1.2 with above ground density cap to allow for better design. In favor of cap because of resource management, additional employees generated and more

materials required. Accessory dwelling units might be considered as a point offset if used for employee housing. Opposed to large homes philosophically. Should be neighborhood specific, like FAR. Subdivisions like Boulder Ridge with big homes on postage stamp lots looks terrible.

Mr. Kahavari: If it is an old house then it may need to come down. Pointed out new homes have more square footage to accommodate certain amenities. Agrees with Mr. Allen. This should be neighborhood specific. Fine with big homes and no cap size. This is big, don't rush this for Council.

Mr. Pringle: We should be concerned about the extremes. Need to be sensitive to mitigate the impacts of these extremes. The bigger you get, the more difficult it should be to mitigate. Agreed with Mr. Allen. Resources used for larger homes should be taken into consideration. There are social implications here. There are green, resource and infrastructure requirements for these homes. What it takes to provide gas, electric, water, sewer costs to run these homes even when vacant. Slow down and get community buy in.

3. TDR Receiving Areas (CK)

Staff asked for clarification regarding a suggestion from the Planning Commission that TDR Receiving Areas be a Top 5 priority project.

Commissioner Questions/Comments:

Mr. Pringle: The Development Agreement should state the type of unit (e.g., townhome, condo/hotel) that TDRs are being used for and the applicant should not be allowed to change the type later in the process. Shock Hill Lodge and Spa is an excellent example of where the type of unit was pinned down, and the TDRs for condo/hotel were preferable because it reduced square footage per unit as opposed to the earlier townhome plan. Creating a better understanding of the unit type associated with the TDRs would be helpful. When TDRs are granted we want to know what exactly we are getting. Parameters need to be assigned and tied down.

Mr. Kahavari: Define the use and then transfer the density. Can applicants specify in the development agreement what they would like to do?

Mr. Allen: Where is the Town at in receiving TDR's from other basins? Intergovernmental agreement with county was recently amended per staff, and it allows three TDRs to be transferred in from other basins, once four TDRs have been transferred out to another basin. Revisit the maps; consider studying properties as potential receiving sites. (Staff explained that to individually scrutinize individual properties as receiving sites would not be feasible due to the intense amount of labor involved. Furthermore, they explained that the Commission already has the tools via a fit test to determine whether a density transfer is appropriate for individual sites or not.)

Mr. Bertaux: Agreed with Mr. Pringle's comments.

4. Joint PC/TC Meeting Topics and Dates (CN)

Mr. Neubecker suggested that we start to identify possible joint meeting dates and topics. Mr. Bertaux suggested a home size discussion. Mr. Allen suggested a discussion regarding input on development agreements. Dr. Warner indicated that the Town Council really appreciates joint meetings with the Planning Commission, and relies upon this Commission heavily for their input.

There was no consensus that a joint meeting was needed at this time. We will wait until more pressing issues arise.

TOWN COUNCIL REPORT:

Mentioned an upcoming town meeting regarding offices on Main Street.

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned 10:57p.m.

Mike Khavari, Chair