

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:01 P.M.

ROLL CALL

Michael Bertaux	John Warner	Rodney Allen
Peter Joyce	Mike Khavari	Dave Pringle
Sean McAllister - Arrived at 7:53pm		

APPROVAL OF MINUTES

With no changes, the minutes of the January 3, 2008 Planning Commission meeting were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker suggested that we review 100 South Harris Street before reviewing 102 S. Harris Street (preliminary hearings). Commission agreed. With that change, the agenda for the January 15, 2008 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

1. Shores at the Highlands Duplex, Lots 4A&B (MM) PC#2008001; 312 & 344 Shores Lane
2. Lot 2, Sunbeam Estates (MGT) PC#2007156; 100 Klack Road

Dr. Warner requested to see the plat to determine if the Sunbeam Trail would be affected. Dr. Warner wanted to make sure the trail would remain in current location. Staff pointed out that all trails must always conform to the all trail standards, and if work affects the trail, it must be rebuilt to the standards. Mr. Pringle suggested that if the fence was located incorrectly that the Sunbeam Estates HOA should relocate it.

This item was called up after the above discussion.

3. Myers Residence (CK) PC#2008004; 858 Fairways Drive

With one motion (see below), the consent calendar was approved unanimously (6-0).

Dr. Warner move to call up Lot 2, Sunbeam Estates (MGT) PC#2007156; 100 Klack Road. Mr. Bertaux seconded. The motion was carried unanimously (6-0).

Mr. Pringle suggested having the Town Attorney look into an easement for the fence. The fence may be owned by either the HOA or the property owner. Mr. Neubecker was able to determine from the Summit County website that the fence was located on public open space.

Mr. Pringle made a motion to approve of Lot 2, Sunbeam Estates (MGT) PC#2007156; 100 Klack Road, with a new Condition #31, requiring the applicant to enter into an agreement in a form acceptable to the Town Attorney regarding the fence encroachment onto the Applicant's property. The Town Attorney will determine the type of document or process. Mr. Bertaux seconded. The motion was carried unanimously (6-0).

FINAL HEARINGS:

(Note: Tract C and E, Shock Hill were presented together, and were discussed together. The comments below reflect both Tracts C and E.)

1. Shock Hill Tract E (CN) PC#2007108; 260 Shock Hill Drive

Mr. Neubecker presented a proposal to construct a 110,711 square foot lodge with 58 units, 2,772 square feet of commercial space and underground parking on 4.37 acres. This development includes the transfer of 6 SFEs of density to the site per a previously approved Development Agreement, and an amendment to the density of the Shock Hill Master Plan.

Since the last review of this project on November 6, 2007, a few minor changes to the plan have been made. These include:

- A comprehensive water quality-monitoring plan was proposed.
- A full lighting plan has been provided, including a photometric plan and fully shielded fixtures.
- Additional details have been provided on walkway and driveway materials.
- Additional details have been provided on the retaining walls, spa and water features.
- Minor revisions to the landscaping plan were proposed, including additional landscaping next to the gondola building. Details have been provided on irrigation systems.
- Details have been provided on fencing near the gondola, and along the access to the trail. A new fence was proposed in the rear of the building, to prevent unauthorized use of the spas and pool.
- Tandem parking spaces have been eliminated.
- Minor changes to the density and mass, but still within the allowed density and mass.
- Minor changes to windows.

Staff has prepared a point analysis, which shows a recommended passing score of positive ten (+10) points. Staff pointed out an error in the report, which failed to show negative three (-3) points for Energy Conservation. It is now correctly reflected in the point analysis.

Steven Spears with Design Workshop (Landscape Architect): Lodgepole pines removed from landscaping plan and replaced with Fir and Blue Spruce. Lighting revamped with lighting tucked into walls, Dark Sky compliant. Open space (Tract E-2) looked at in length as well as trails. Fire District meeting took place to obtain preliminary approval. Site grading was refined to save more trees. Paving material will be natural and earth tone, with natural stone. Plantings will ensure year round vegetation and variety of color. ADA (handicapped) access throughout the entire project will be provided. A power point presentation with the above comments was presented to the Commission.

Tract C (Mr. Spears): Similar materials and landscape plan on Tract C. Flag stone paving will be used with the idea of using earth like materials. Mr. Joyce asked the Applicant if vegetation was possible on retaining walls at our altitude. Mr. Spears did point out that vegetation was determined for this project that would grow at 9,600 feet. There are very few species that will grow on a wall at this elevation. We may be able to get plants to hang down over walls, but not creep up walls.

Mr. Khavari opened the hearing for public comment.

John Quigley (Shock Hill Resident): Suggested formalizing agreements on shuttle prior to C.O. He wrote a letter of support with his comments to the Commission. As an automotive engineer I can tell you that in two years there will be much better technology and better solutions for transit. Developer has presented a terrific plan and has been responsive. Supported the project.

Ed Means (Shock Hill Resident): A negative traffic situation will be created by the project. Increase in density and impact on environment is a concern. Service vehicles will be constant and there will not be sufficient parking for tenants and guests. All traffic will be using a two lane road which is concerning. Town needs to plan for a traffic light at intersection with Ski Hill Road. Town needs to consider running the gondola more hours during the ski season after this development is built out.

John Goebel (Shock Hill Resident): Congratulations for looking out for our best interest. But it's a project built on a site that shouldn't exist. Concerned about a project of this scope entering into a residential neighborhood. Consider building Tract E and see track record, then build Tract C.

John Quigley, (speaking as Shock Hill HOA Representative): Find the best management practice to mitigate pine beetle. The HOA sprayed 5,000 trees last year in Shock Hill. Signage around the gulch should be kept at a minimum by the town working with the developer. The tree canopy is a concern and he encouraged the Commission to continue to mitigate this issue, but gondola itself breaks through tree canopy. Once Peak 7 and 8 are built out, it may be reasonable to run gondola more often.

John Niemi (Applicant): Pointed out some incorrect information. Project has been reduced by 44 bedrooms.

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

Commissioner Questions/Comments:

Mr. McAllister: Felt hillside and ridgeline policies did apply to this development.

Final Comments: OK will ERO agreements with developer. This project will create an opportunity to prove to the public that developers can protect the environment and is proud of the work done here. Up to now, main concerns were with water quality monitoring and transit. Colorado Wild has given us (ski area) an “F” for development sites near sensitive areas. Supported this project and the point analysis.

Mr. Joyce: When monitoring water quality, would the applicant report to someone? (Peggy Bailey with Tetra Tech pointed out that the Town has been monitoring the ground water. Mr. Neubecker clarified that Tetra Tech will take samples and send them to a lab. The results from the lab will be provided to town and consultants for review.) Will the large tree plantings sufficiently create a buffer to satisfy the ridgeline policy? (Staff read the policy addressing this issue and it was determined the planting will mitigate the buffer as required.)

Final Comments: Appreciated applicant’s work to mitigate Commission’s concerns. We don’t usually see a project with this many positive points. Thought the architecture, site plan and landscaping will add to the view from the gondola. Construction side will be important; keep to the standards you have set. Supported the point analysis and approved of the project.

Mr. Bertaux: Applicant should monitor water quality for at least a year after C.O. Why wouldn’t the Town want all people in the development using the mass transit? (Mr. Grosshuesch pointed out the Town didn’t want to act as the agency controlling the shuttle for Shock Hill. Mr. Niemi pointed out that all residents in Shock Hill will be able to use the shuttle. Mr. Neubecker clarified that if the applicant wanted to make an agreement with rest of the residents in subdivision, it should be a private agreement. Staff did not want a single-family resident calling the town if shuttle is not operating for single-family residents.) Asked if this development will be a member of the HOA? (Mr. Niemi: they would have their own HOA for the lodges and also be part of the existing overall HOA.)

Final Comments: This is an attractive and exclusive property. It was anticipated in the Master Plan to have a lodge on this site. This will add to the lodging stock in a positive way. Staff has done an above average job on the point analysis. Supported the point analysis. Encouraged continued monitoring of water quality for one year after C.O. Wanted to see a minimum of six employee-housing units. Supported the project.

Mr. Allen: Suggested a condition for mutual cooperation between the Town and Applicant for future tree replacement.

Final Comments: Never supported a project of this size on this site. Visibility and traffic will be an issue, but Applicant has done as good a job as possible for this site. Development team has done a commendable job mitigating concerns. Applicant should work with Town on future access to Tract E-2 for tree planting. On water quality, I will leave it up to the experts. Would like to see multiple employee housing units. Pointed out that Applicant is on the record to seek multiple employee-housing units. Supported project and point analysis.

Dr. Warner: What was the basic chemical used to reduce pine beetle? (Mr. Neubecker pointed out that the overlay protection district prohibits all pesticides, but does allow some for forest management. Mr. Kulick indicated that permethrin and carbaryl are the chemicals used to prevent pine beetle.) He sought clarification regarding fencing. Disturbance site should be marked off, with only three access points to gulch. On the SW Corner of Tract E building, what is the height/tree canopy? (Suzanne Allen Guerra, Designer: guessed about 45 feet.) How many employee-housing units will there be? How will you mitigate job generation? (John Niemi, Applicant: Intent was to build employee housing on Tiger Road. Discussed ramifications of various options. Applicant stated he would like to build new employee housing. The Applicant stated he will not go out and buy a 3,800 sq. ft. house and deed restrict it. He would rather take the 3,800 square foot and build several new units.) How will the downhill hillside be mitigated away from the building? Why not plant trees on slope? (Mr. Spears: this area would fall under the Town’s jurisdiction, since land

will be donated to the Town. Mr. Neubecker indicated concern with pitch of the slope, and problems accessing it to plant trees. Also, very poor soil here; new soil and trees would be difficult to protect and keep from sliding toward gulch.) Didn't want the view from the Gulch to be buildings and the view corridor should be protected. Does this fail an absolute policy regarding ridgeline development? (Mr. Neubecker indicated that staff believed that all requirements of this policy have been met.)

Final Comments: Agreed with Mr. Bertaux, would like to see a minimum of six employee-housing units. Monitor the water quality for one year after C.O. Tie in monitoring to Town's monitoring in gulch. Practice best management practices. Will support point analysis but policy 8/R is still a concern. Nicely designed project and nicely sighted. Liked the step down design on building E. Protect the view corridors with cooperation with the Town in the future. Would like a collaborative process regarding trees on downhill side slope on Tract E-2. Sign pollution should be watched closely. He suggested three signage and entry portals to gulch. This should be a magical portal to a magical place.

Mr. Pringle: Proposed schedule for water quality will be fine. Sought clarification regarding the hay bales that will be used. Suggested weed free hay bales. Suggested that the Town staff approve the Applicant's choice of employee housing. (Staff pointed out this was an existing condition.) Pine beetle issue is a bigger problem than for just this site. It's a Town-wide issue.

Final Comments: Asked if everyone agrees with the point analysis? (Yes.) Design team did a fantastic job. We don't usually see this many positive points from a code designed to not give too many points. This is going to be a quality project. Monitor the concerns surrounding the gulch. Architecture is absolutely stunning, and this will be a beautiful project and an important property for the Town. The traffic was taken into consideration in the Master Plan, and we anticipated the gondola will run even more often in the future. Approved of the point analysis for Tracts C and E, as well as Findings and Conditions, and supported approval for both projects.

Mr. Khavari: Suggested ERO look into pine beetle spaying. (Mr. Neubecker pointed out that Ken Kolm, hydrogeologist, confirmed that this site's ground water moves relatively quickly. It would not take long to realize if there is a problem.) (Don Smith, Professional Engineer for Applicant: With proper maintenance of water quality vaults and other features to treat water, potential for damage to gulch is almost zero.) Would the existing lodgepole pines be sprayed? (The Applicant pointed out the trees were sprayed last summer. The association will continue spraying the trees from here on out.) Wanted the trees in this development sprayed. (Mr. Grosshuesch pointed out the Town does not require every tree on open space property be sprayed. We suggest spraying specimen trees.)
Final Comments: Supported the project and the point analysis. Landscaping and design look great. Traffic study was done and he was satisfied with results. Sought clarification on phasing of construction. (Applicant pointed out phasing would occur six weeks apart, with Tract E starting first.)

There were no motions to change the point analysis as presented by staff.

Mr. Pringle made a motion to approve the point analysis and the application for Shock Hill Tract E, PC#2007108, 260 Shock Hill Drive, highlighting Finding 7, and amending Condition 36 (to require water quality testing for one year after issuance of a certificate of occupancy), and amending Condition 38 (encouraging applicant to satisfy employee housing requirement with as many units as possible). Mr. Bertaux seconded, and the motion was approved unanimously (7-0).

2. Shock Hill Tract C (CN) PC#2007109; 200 Shock Hill Drive

Mr. Neubecker presented a proposal to construct an 84,380 square foot lodge with 52 units and underground parking on 2.89 acres. This development includes the transfer of 33 SFEs of density to the site per a previously approved Development Agreement, and an amendment to the density of the Shock Hill Master Plan.

Since the second preliminary meeting, some minor changes have been made to the proposed plan. These include:

- A comprehensive water quality-monitoring plan is proposed.
- A full lighting plan has been provided, including a photometric plan and fully shielded fixtures.
- Additional details have been provided on walkway and driveway materials.
- Additional details have been provided on the retaining walls, spa and water features.

- Minor revisions to the landscaping plan are proposed, including additional landscaping next to the gondola building. Details have been provided on irrigation systems.
- Details have been provided on fencing near the gondola, and near along the access to the trail. A new fence was proposed in the rear of the building, to prevent unauthorized use of the spas.
- Elimination of tandem parking spaces.
- Minor changes to the density and mass, but still within the allowed density and mass.

Staff has prepared a point analysis, which shows a recommended passing score of positive eight (+8) points.

SEE COMMENTS ABOVE UNDER TRACT E

Mr. Pringle made a motion to approve the point analysis and the application for Shock Hill Tract C, PC#2007109, 260 Shock Hill Drive, highlighting Finding 7, amending Condition 37 (to require water quality testing for one year after issuance of a certificate of occupancy), and amending Condition 39 (encouraging applicant to satisfy employee housing requirement with as many units as possible). Mr. McAllister seconded, and the motion was approved unanimously (7-0).

PRELIMINARY HEARINGS:

1. Hastings Residence (MGT) PC#2008002; 102 South Harris Street

Mr. Neubecker (on behalf of Mr. Thompson) presented a proposal to build a new 3,269 sq. ft. single-family residence and perform historic preservation on two existing barns at the rear of the property along the alley.

Janet Sutterley, Architect: New construction meets all four relative setbacks. The existing sheds are currently a few inches over the property line. Plan to change the north side of new building to not get negative points for setback. The chimney for a gas log fireplace may be currently in a setback and if so some relief may need to be granted. (Mr. Neubecker read the code aloud concerning encroachments into setbacks. Staff does not feel this applies to chimneys.) Too much program on the lot? This project is over mass by 59 sq. ft. due to the sheds. Total density includes basement. Photos of sheds were passed out detailing the conditions of both sheds. Intention was to not to replace the metal siding on shed 2. Would like to remove metal walls and not count shed 2 as mass. Shed 1 is in beautiful shape. Shed 2 is in very poor shape and want to do an adaptive reuse. Framing is in good shape but siding is not. Plan to do a great landscaping job, but is four points the only increment? (Mr. Neubecker: Yes, but we are working on a revision to the landscaping plan, which may allow fewer points in future.) Hoped to get positive six (+6) points for renovating both sheds. Would like positive two (+2) points for putting driveway and garage at rear. Questions: Chimney, locations of sheds, and reuse of shed 2 and siding on shed 2, is architecture OK, does the Commission agree on preliminary point analysis?

Mr. Khavari opened the hearing for public comment.

Mr. Brush, Neighbor: How high will the new house façade be? (Ms. Sutterley: 22.5 feet to the peak.) Can a view corridor be preserved? (Mr. Khavari pointed out that the application met height limitation prescribed by Code.) The alley is very narrow and Mr. Brush is concerned about traffic flow and lighting for the garage. Main concern is losing the existing view.

With no additional comments, Mr. Khavari closed the hearing.

Commissioner Questions/Comments:

Mr. McAllister: Is shed restoration required? (Staff pointed out that shed restoration is not required, but encouraged and a source of positive points.)

Final Comments: OK with moving both houses forward. Chimney is in setback. Sheds need to meet the side yard setbacks. Traffic problem could arise with shed so close to the alley. Have shed 2 evaluated by town's historian. OK with architecture.

Mr. Joyce: Don't we want to keep the historic alignment? If a variance is granted, are the negative points adjusted? (Staff answered no, negative points still warranted.)

Final Comments: Liked the architecture. OK with chimney encroachment. Move house to the west to help out. OK with alley setback 1' but not side yard setback. Would like to see smart

- landscaping plan (not quantity). Not sure about shed 2 and is having a hard time with hot tub in shed 2. More in favor of working with what is there, but not an “interpretive shed.”
- Mr. Bertaux: Final Comments: I don’t know why people want to keep the concrete wall. OK with negative three (-3) points for 9.4 UPA. Set backs OK except for sheds. Agreed with having a nice lawn with great garden. Liked the chimney but get it out of the setback. Lose the 59 sq ft of mass. Architecture is fine. Preserve orientation of front yard, but does not need to be exact.
- Mr. Allen: Regarding shed number 2, what is the Applicant’s vision? (Ms. Sutterley: would like to keep tin on the south side, with the other three sides open with no walls.) Can an applicant get partial positive points for restoration? (Mr. Neubecker: points are assigned in increments of three; fewer points could be assigned if only one shed is restored.) Agreed with Mr. Pringle; hard to give points for shed 2.
Final Comments: Moving the home to the west to ease up space at rear would be supported. The two sheds should meet the side yard setback on the south. Big shed is fine; hot tub shed would only warrant partial points. Need more information on Priority Policy 20. Prove fabric is not historic on shed 2. Chimney looks goods but not supportive of it encroaching past the setback. On landscaping would allow positive points, but don’t want to see a forest. Architecture is fine; liked that ridge was broken up.
- Dr. Warner: Liked the chimney. Worried about location of shed 2 in relation to proposed garage, and drainage and snow shedding problems.
Final Comments: Agreed with Mr. Allen on the architecture. Liked the step down and the architecture. OK with the chimney projection into setback; it adds a nice effect. Struggled with the location of the sheds relative to the side lot. Need an historic interpretation of shed 2 to determine fabric is historic. Could buy into hot tub enclosure idea. Liked the architecture and was confident staff would find a landscaping plan acceptable to the Town. Should be a smart landscaping plan, but not based on quantity. Agreed with point analysis with negative points for above ground density. Would be OK moving house further west, but not enough to stick out.
- Mr. Pringle: A wall vent is possible on a gas fireplace, why a chimney? (Ms. Sutterley liked the architecture of the chimney breaking up the north elevation.) Felt the chimney was a structure. Concerned about the shed relocation affecting the adjacent lot. (Applicant pointed out that 25 feet is the average front setback on the block.) Move the house forward a little bit allowing to allow for a bang up job on the sheds in the back. OK with shed one foot off the alley but three feet needed from the adjacent lot. (Ms. Sutterly: it would not be a good idea to keep the sheds where they are, so close to alley.) Positive points for shed restoration are difficult when a policy violation is evident (Priority Policy 20).
Final Comments: You are going to have to deal with the sheds. Some problems are self-inflicted. Center element (of house) seems to be out of place. Double windows in front pane dormer on west elevation may be against policy; too much glass? Chimney issue is a self-inflicted wound. Move both buildings a little forward on the lot. Shed 1 needs to be 3 feet off the south property.
- Mr. Khavari: Final Comments: Agreed with everything Dr. Warner said in his final comments. Try to preserve the view from adjacent neighbors.

2. Lot 1, Block 7, Yingling & Mickles (MGT) PC#2008003; 100 South Harris Street

Mr. Neubecker (on behalf of Mr. Thompson) presented a proposal to restore the historic residence and barn, construct a small addition onto the rear of the historic home, and convert a portion of the barn to an accessory apartment. The historic home would be stabilized and temporarily moved to Lot 2 to facilitate basement construction. A full basement concrete foundation would be poured on Lot 1. The barn would be restored to be used as a garage and accessory apartment.

Janet Sutterley, Architect: Same doors and windows will be reused. All windows on project are historic and would be restored. Three new windows are proposed. Proposing a full restoration with the roof over the mudroom being the only part being modified or added. This is needed to fix headroom and drainage problems, and simplify rooflines. This is a log home (covered with siding) but the condition of the logs is unknown. Therefore the logs could be reused or siding would be used. Access onto the property will come off of Lincoln Avenue. Vertical siding on the shed reconstruction will be used. Questions: On site plan, is it OK to move house 2 feet to west? This would also free up roofs, and create more separation between house and barn. Can the shed in the rear be used as an accessory unit? Plan to detach shed,

build a foundation, and place it right back where it is. Is this a positive twelve (+12) point restoration project? 12x12 addition is proposed and everything else restored. Similar to Randall Residence on points.

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

Commissioner Questions/Comments:

Mr. McAllister: (Left the meeting at 11:30 P.M. before Commissioners made comments.)

Mr. Bertaux: Excavating in the alley could be a problem. Everything regarding Applicants questions OK. Siding material needs to be determined.

Mr. Allen: Yes to all of Janet Sutterly's questions. Can live with the barn sticking out one foot.

Dr. Warner: Liked idea of accessory unit. Can live with the barn sticking out one foot.

Mr. Pringle: Biggest interest was getting all buildings onto the property.

Mr. Khavari: Fine with the windows.

The Planning Commission was OK with moving this development west by 2 feet, with the proposed accessory unit, with the windows. Everyone agreed the code would determine the points.

TOWN COUNCIL REPORT:

Dr. Warner discussed the consent calendar and the "hump line" discussion for Greenberg Residence. Fence ordinance was discussed in a work session. Dr. Warner discussed the proposed ordinance limiting offices on Main Street that Council discussed last week. He pointed out that separation for Main Street offices was supported by a 5-2 vote.

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned 11:50p.m.

Mike Khavari, Chair