

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Jim Lamb Eric Mamula Trip Butler
Gretchen Dudney Dave Pringle
Jennifer McAtamney, Town Council Liaison
John Warner, Mayor
Dan Schroder and Kate Christopher were absent.

APPROVAL OF AGENDA

The November 5, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

APPROVAL OF MINUTES

With no changes, the October 15, 2013, Planning Commission Minutes were approved as presented.

CONSENT CALENDAR:

1. Shock Hill Landing Units 1 & 2 (MGT) PC#2013091, 12 & 16 Union Trail
2. Warrior's Mark West #3, Block 2, Tract 2 (MGT) PC#2013092, 620 White Cloud Drive
3. Peak Ten Bluffs Building D Cluster Single Family (MM) PC#2013094, TBD Silver Queen Drive
4. Lot 10 Crescent (SG) PC#2013098, 682 Fairways Drive
5. Lot 74 Highlands Park (SG) PC#2013099, 0396 Lake Edge Drive
6. Lot 3 Sunrise Point Remodel (CK) PC#2013100, 15 Sunrise Point Drive

Commissioner Questions / Comments:

Mr. Pringle: I was interested in taking a look at the Peak Ten Bluffs, because we saw it on the master plan. I want to make sure everyone had a chance to really digest it. (Mr. Mosher: This has all been reviewed and I feel like we have a tight hold on this.)

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

TOWN COUNCIL REPORT:

Ms. McAtamney: Town Council had their budget retreat last week, and the Town had a very good year financially last year. We outperformed every other year. We didn't anticipate things coming back the way they did. Priorities are the same; we agreed that the hotel idea on F Lot is done. Regarding F Lot, 67% who parked there shopped and drank and ate in town according to a survey. We want to master plan the whole area and increase opportunities for pedestrian walkways to downtown and the ski area. This is a good investment for town. We are good at building infrastructure and this would be a good project.

Renovation of Abbey Hall was approved and will be a big project. Heated sidewalks will be installed on the steep slope on the south side of Lincoln Avenue, but we didn't get good bids in time for construction this year. We will bring all streets up to a level 7 rating, which means that no streets will have potholes. We increased that budget to \$800,000. We will be going forward with a new skateboard park based on a community presentation at a recent Council meeting. The community group will raise about \$12,000 to build a shade structure. We will be working more on master plan for McCain property for parking and recreation features. Medians have been controversial; we've heard that people would like to see them improved. We had a good presentation from landscape architect and liked the concepts. We will implement some of the landscaping recommendations up to Valley Brook.

Council approved one-half million dollars to be added to the marketing fund in addition to the one-half million dollars already designated there for the BRC to use. The Backstage Theater will be getting \$1.1 million for new seating and to fix the back of the house / concessionary and put in a shower for the professional actors. They seat a lot of people throughout the year which is comparable to NRO. Interviews for Cultural Arts CEO, including Arts District, Riverwalk, etc., are being conducted this week. We are very excited about the level of candidates for this position.

We looked at the housing subsidy, had better numbers from Corum for the Pence Miller project and decided that the subsidy needed for the project was too high (\$5 million). The structure and underground parking were too costly and the fee to be included in sanitation district would add another \$1 million that would have to be rolled into that project. Council asked them to make it look like Pinewood 1, which would be a much smaller project with no underground parking. It was a big day (the budget retreat), and all of Council was happy with what was accomplished.

Mayor Warner: I want to talk about the Pence Miller project and want to be the “myth buster”. We don’t think that public projects are a waste of time for the Planning Commission. We were reading questions in your minutes about points, mass, and building height. Our feeling was that the body who was overseeing this should be the ones who were looking at it. We pulled the plug because of the business deal, but there were members of Council who were struggling with the code and public input. We do want the Planning Commission to review all projects and we don’t look at it that this is a rubber stamp when we send items like this to you. We do want the objective look to see if public projects fit on their intended sites. We are looking forward to meeting together with Planning Commission next Tuesday for the joint meeting. We got the message from your October 15 meeting. There is always room for disagreement. I want to assure you that we are pleased to have your input and looking at the code and the planning process. I urge you to look responsibly on the agenda and don’t think that because it is a public project that we don’t value your input. (Mr. Pringle: Thank you John, I’ve had an issue that with town projects or development agreements, developers want to divide and conquer between the Council and the Planning Commission. Maybe we need to articulate this better than any agreement needs to pass muster with us first.) I agree that they need to understand that the Council is responsible for the business deal and after that they have to make it work with the Planning Commission and the Code. I still want to see affordable housing for this property. I’m disappointed with the Sanitation District not seeing this as a good thing for the community and their lack of embrace for these types of projects for the common good. I think Corum worked hard to make this work, they didn’t do anything wrong. It was just something we couldn’t afford.

Ms. McAtamney: Also, the Council also directed that water restrictions would go to level 1 permanently, (not just in drought years) with exception of restaurants serving water.

WORKSESSIONS:

1. Top Three Discussion (JP)

Ms. Puester presented. The top three items from the Planning Commission Top Ten List are: Condo-Hotels, Airlock Entries Density Exemption and Attainable Housing Positive Points for Annexed Properties. This discussion is in preparation for the Joint Meeting with the Town Council on November 12.

The 20-year old definition of Condo-Hotel it is out of date. On our Planning Commission field trip we looked at the small condo-hotels and the large ones, very different animals. We looked at Policy 24 as far as what is required for amenities. We started this at the retreat. Should we consider different definitions or a different density multiplier?

Condo-Hotels:

- Should there be a different definition for large versus small condo-hotels? (eg. 24 hour front desk, centralized phone system, food services functional in a small condo-hotel?)
- Should there be a different definition and/or density multiplier for timeshares?
- What is the purpose of the 25% amenity bonus? If the purpose is to provide for “hot beds”, is that being achieved by the small condo-hotels? Is the amenity bonus still relevant for the small condo-hotel?
- Do we want to require the amenities at a 1:35 ratio on smaller condo-hotels?
- Would the Commission be amenable to allowing older vacated amenity space, which clearly cannot be used for its intended purpose, to be converted to certain other uses (e.g., deed-restricted employee housing)?

Mr. Lamb: I think we are all in agreement that it is a different world now. (Ms. Puester: How do we address the smaller condo-hotels? Looking at different definitions, multipliers, amenity requirements.) What is that threshold from small to large condo-hotel? (Ms. Puester: We don't need to solve this tonight and would be coming back with more detail later. But we do want to go to Town Council with an idea of a general direction for a new policy.)

Mr. Mamula: I don't know what to do for timeshare. I stayed up at the Grand Lodge the last two nights and it functions like a hotel. We should allow for the older unit conversion as long as we require them to be a deed restricted. We convert the density benefit that the town gave for a condo hotel to density for an affordable housing unit. Maybe we look at check in functions for properties under 100 units; need staff research. We need to draw a line removing the 25% bonus at whatever the decided bed count is. Above that maybe keep the policies as they are now. Those still need a check in desk and function as a hotel function.

Ms. Dudney: It is my understanding that now, not only are they charged for the check in area but that they have a double advantage for the amenity and the density bonus. The density bonus is saleable area. I thought the code said that if for example a 100,000 sq. ft. building that is a hotel, they could propose a 125,000 sq. ft. building if it is classified as an amenity, so you have 125,000 sq. ft. building even though it may be zoned for a 100,000 building. (Mr. Mosher: Mass bonus is given for non livable space like hallways and maids closets. Are you speaking to the bonus for these spaces?) I'm talking about the multiplier on the property, to provide an incentive to the developer to put those amenities there. Condo hotels have a 25% increase in the SFE multiplier compared to regular condominiums. Because it is an incentive to the developer to put in the amenities, I'm not at all sure they need the incentive. I would like to see what happens if we eliminate the density bonus and see if they really need the density bonus to create that use. I would like to see what the market factors are for them. If we don't allow extra density for it, they likely will do it anyway because it sells.

Mr. Mamula: We don't look at people's numbers or market factors here.

Ms. Dudney: When this density was created it was done to increase amenities, 25% bigger rooms, common areas and amenities. Why would you approve those types of densities if you didn't see an economic value? Unless you just want bigger buildings. It's tied.

Mr. Pringle: The reason it was done is because we wouldn't get anything beyond one owner building one condo, we wanted to incentivize more hotels. They got the density bonus.

Ms. Dudney: I'm talking about what to do going forward, and if we really need the density bonus. You just throw out the question and give developers an opportunity to come back to us to tell what they really need it.

Mr. Lamb: I think the 25% bonus worked at the time, but it may have run its course.

Mr. Butler: I give credit to Grand Lodge, they do the amenities right. Where there has been a suspicion that they were trying to get away with something, they haven't, they are making it easy for older or smaller places to be competitive.

Mr. Lamb: Grand Timber sets the standard, but Tyra is a whole different animal. (Mr. Grosshuesch: The

density multiplier bonus and the amenity bonus may be connected, in developer's minds. When Grand Lodge came in, they told us they looked at the amenity package and size is what is needed to compete in market place and then figured out how many rooms they would need to pay for that.)

Ms. Dudney: This tells me that only very large parcels of ground will work for "hot beds". (Mr. Grosshuesch: When we were approving small condo-hotels, the 1:35 ratio didn't yield much benefit except for very small conference rooms. So maybe we can set a standard for what level of amenities we would reward with a density multiplier bonus.) I bring this up because sometimes the neighbors don't understand the bonus and they think it is a loophole. I like zero based budgeting to say do you need that bonus to create the use.

Mr. Pringle: I think the bonus has achieved a lot of good smaller projects that we want like Valdora and Great Divide. I'd hate to cut off only the mega-resorts because there is a possibility that smaller boutique hotels might come in and need amenities. I'm confident that the town wants to give incentives for more of these beds. But I'm not interested in companies who don't really want to be a condo-hotel, but they accept the density bonus, and then later want to be solely residential condos.

Mr. Mamula: The other thing is do we take away the bonus for a straight hotel? This is what we really want do but do we really want to take this bonus away?

Ms. Dudney: You only want to give the bonus to the ones who give us the hot-beds. We really want to add incentive to the amenities that encourage the hot beds.

Mr. Mamula: I agree with what Mr. Pringle says that we don't want bogus amenities.

Mr. Pringle: I look at Mountain Thunder 1 who took advantage of it and they operate like a hotel. Mountain Thunder 2 is more like a drive up and they got the mass density bonus, they came in as townhomes when it was really a condo-hotel. We are trying to get the use as the end goal. The Snowflake (Blue Sky) is operating like we want it to. But if they are just gaming us for an extra 25%, we shouldn't allow it.

Mr. Lamb: Converting the front desks into liveable space is ok, if they make it a deed restricted unit. I might be ok with converting to deed restricted areas.

Ms. Dudney: I agree with Mr. Mamula. We went on a tour where a front desk space could be easily utilized, but another one was not set up to be redeveloped.

Airlock Entries:

- Should a density allowance be given for energy conserving airlocks added to existing structures outside and/or within the Conservation District?
- In the Conservation District under what circumstance should airlock density bonuses be allowed?
- Some potential issues with the placement or appearance of airlock entries for discussion: historic design character, architectural compatibility, size, and types of structures.

We won't actually be talking to council about this one at the joint meeting. When airlocks are visible, do we want to give allowances for additional density? Do we want to look at this differently outside and inside the conservation district?

Mr. Pringle: Why do we have to look at always outside the building?

Mr. Mamula: I did enclose some floor space that had previously been approved but hadn't been constructed according to the approved plan. There will be others like South Ridge Seafood who has a cloth one attached because they cannot build permanent airlocks due to code reasons.

Mr. Pringle: I would like to say do it first inside the building. (Ms. Puester: Let's push this to another meeting and move on for now.)

Attainable Housing Points for Annexed Properties:

Ms. Best presented: The purpose of the memo is to provide the Planning Commission with an opportunity to discuss the application of policy 24R to affordable housing developments that are annexations. The memo outlines the strategies for incentivizing affordable housing, the history of the program, a summary of units that have been built, and the current forecast for additional demand. As indicated in the memo the majority of the housing built in the last 13 years has been the result of annexations and positive points under 24R have been utilized. The Commission has expressed concern that the positive points under this policy can result in compromises on other important design components. We are looking for your feedback on the questions in the memo, specifically:

Should positive points be available under 24R when there is an annexation?

If positive points are allowed should the maximum of 10 points be allowed only for projects that address 100% AMI with an 80/20 split?

Mr. Pringle: I thought that when we had an annexation and there is an 80/20 split that you don't get any positive points, the benefit/incentive to the developer is the annexation?

Mr. Lamb: I know that Council has allowed this to make the deals and incentivize housing units.

Mr. Mamula: I would say no positive points in an annexation for employee housing. All of the projects Ms. Best listed would have passed with enough points without the additional positive points.

Ms. Dudney: Were negative points awarded because it was an attainable design? Is there something about development of affordable housing that necessitates extra incentives? (Ms. Best: Yes. Building affordable units requires subsidies and incentives because the revenue associated with the project doesn't cover the expenses. Typically the proceeds from the market unit can be used to offset the cost of the affordable units, but the 10 positive points also allows the developer some flexibility. The Town has made a lot of progress in the development of units, but we are still forecasting additional demand and still need to incentivize the private sector to participate.) If it is a goal of the town to have attainable housing, you may have to have these points to make the project work.

Mr. Mamula: I think there are other design considerations that they could use to earn positive points instead of just getting the 10 points. I also think that there are neighbors who shouldn't have to have a large unit right next to them just because they are employee housing.

Mr. Lamb: 10 positive points is a lot and I'm not sure if that is appropriate.

Ms. Dudney: As far as the AMI and the market ratio, are you recommending anything? (Ms. Best: Each housing project is different and market conditions change. Sometimes the 80/20 split works. Other times, if the developer plans to address lower price points they need more market units.)

Mr. Pringle: If Council wants this then there are other ways that would be better than making us accept projects that don't work, that are too tight.

Mr. Lamb: We need affordable housing but not at the sacrifice of the design.

Ms. Dudney: So, are we saying they get the annexation, but no positive points? (Ms. Best: What you are proposing is a significant change to the policy that has been in place for years and has been very effective. This might result in developers asking for even more market units to offset their costs.) (Mr. Grosshuesch: We've looked at the amount of available land and there is not enough land to cover the future needs the recent demand study has identified, especially if we use land for market units instead of deed restricted units. It is a balance to achieve the best design and still get the number of units that we need.)

Mr. Pringle: In mixed projects (deed restricted and market) can you really build \$1 million homes and then deed restricted employee units right next to it? How do you make them look similar? And how do you enforce? (Ms. Best: Mixed projects are desirable from the business perspective and also from the character of the neighborhood. You use deed restrictions to

- enforce.) (Mr. Grosshuesch: It works as in areas of Wellington neighborhood and Maggie Placer.)
- Mr. Mamula: There are a lot of moving parts to this, more than just an appreciation cap and income test, like when interest rates change and units become unaffordable. I think this eliminating the positive points is the right path for the planning body. I think the Town should offer other incentives like water taps / sewer taps.
- Ms. Dudney: Is there a difference in employee housing verses affordable housing? (Ms. Best: Our focus is attainable housing that is affordable and restricted to local employees.)
- Mr. Mamula: Just because affordable housing is a need in the community, you can't overpack a site right next to other sites that have played by the rules. I think any annexation is your bonus and you don't get more
- Mr. Butler: I agree with Mr. Mamula
- Ms. Dudney: The Town Council is going to have to decide how important attainable housing is and how to incentivize it. Perhaps a density bonus is sufficient? Points are like density.
- Mr. Mamula: I prefer a density bonus to points because you can't violate buffers, height, setbacks, snow storage, etc.
- Mr. Lamb: How do you feel about the sliding scale?
- Mr. Pringle: Projects shouldn't be awarded any points.
- Mr. Lamb: I think we are ready for discussion with the Council.
- Ms. Puester: Regarding other matters on the Top 10 list, I took off the snack bar and added public art on the top 10 list, but we aren't ready to discuss this tonight, will vet it later.
- Mr. Mamula: Are we wanting to talk about getting points off site again? (Mr. Grosshuesch: I think perhaps we need to look at swinging the pendulum back and discuss how we probably aren't going to get public art on single family lots but we want public art in other, off site locations.)
- Mr. Pringle: I don't know that I want to mitigate structural or design faults in a project with other areas that don't address the project.

FINAL HEARINGS:

1. Peak Ten Bluffs Master Plan (MM) PC#2013066, Silver Queen Drive
 2. Peak Ten Bluffs Subdivision (MM) PC#2013067, Silver Queen Drive
- Mr. Mosher presented. The two presentations to master plan and re-subdivide the property topic overlap. Presented together, but will seek separate motions after presentation. Previously known as Angel's Lookout for the development of eight cluster single-family homes on eight individual lots. Both of these applications were presented as preliminary hearings on the September 17, 2013, Planning Commission meeting.

The applicant listened to the Commission's concerns and worked closely with Town staff to present a well thought out Master Plan and Subdivision. Since last review, the Applicant worked closely with the Town Engineering Department to work out the details on site drainage, retaining walls and other structural concerns for the subdivision. Staff had no concerns on either application and welcomed any Commissioner comments.

Issues related to both the Master Plan and Subdivision are: ridgeline design and wildfire mitigation. This site has a steep north facing slope. Need to address both policies so the fire mitigation is truncating some of the issues in Policy 8. The landscaping is shown with larger sizes of trees. The actual placement of landscaping will be finalized with on-site visits for proper placement. The landscape plan is showing both the 15-ft and 30-ft planting zones. There are still extensive existing trees to be preserved especially outside the property line and closer to the lower right of way. But the plans must take fire mitigation into account too. Staff is keenly aware of how steep this site is and we are looking at type of trees and irrigation.

The overall site has met the required 25% for snow stacking the paving areas. As staff reviews individual homes we will look at opportunities to refine the snow stacking plan. The goal is to come up with a plat note on the final plat that will allow the snow stacking as a zone along the private drives. This would be more flexible as individual homes get designed. Staff feels confident that this can be worked out.

Utilities and underground infrastructure are coming up from White Cloud and we installed by the previous applicant then abandoned. The individual feeds are located along the 30-foot planting zone where conifers are to be removed for fire mitigation. No other existing trees are to be removed, just for the utilities. The applicant has been working hard with town staff and engineering to get this project to final review.

Staff recommended the Planning Commission approve the final Point Analysis for the Peak Ten Bluffs Master Plan PC#2013066. Staff recommended the Planning Commission approve the Peak Ten Bluffs Master Plan PC#2013066 along with the presented Findings and Conditions. Staff also recommended the approval of the Peak Ten Bluffs Subdivision, PC#2013067, with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Mamula: Please explain the utilities further, worried about the clear cut zone. (Mr. Mosher: Because of the existing development, the clear cut is already there. (Mr. Mosher pointed out on the subdivision plans.) They have gotten permission to re-vegetate even though utility company may dig them up later. The applicant is not concerned.) I think there is going to be a straight line clear cut that the utilities are going to kept clear of landscaping. (Mr. Mosher: There intent is to landscape the actual line with shrubs, trees at the edges and a public path will help break up the visual line.) I guess I want to know why the utilities are coming down the road. Can we abandon those and come down the road? (Mr. Mosher: They are preexisting and approved by the agencies. Abandoning them and then adding new along the two right of ways would incur very high cost.) I don't like the scar there that you can't hide.
- Mr. Pringle: I share Mr. Mamula's concern but I think they will have to make the best of what they've got. (Mr. Mosher: What you see now will be greatly improved. The cut is easily twice the width of what was anticipated.)

Ms. Elena Scott, Landscape Design: Update from last meeting. Added more screening at White Cloud, more evergreens to soften. Added a lot of tree height variety, 10-12-feet on the White Cloud side. Defensible space; moved evergreens out and increased aspens and tried to put these in the 15' zones and soften the existing walls. We also provided a phasing plan to show which homes go in first. The easement varies and we can use this visually meandering pedestrian trail and to visually address the big swath cut out where utilities are, tried to visually break it up with landscaping. We think we will be able to landscape in the easement, we understand the risk that the utility companies will take trees out if line needs to be worked on.

Mr. Lamb opened the Peak Ten Bluffs Master Plan hearing to public comment.

Mr. Steven Wesley, 439 White Cloud: Community of Warriors Mark is looking forward to something being redeveloped here. I'm concerned about the engineering of the retaining walls and the steep slope, I don't want to have houses slide. After looking at this scar for 10-years, we would like to see this area beautified, we would like the commission obtain a bond or to have something in the mechanics with this proposal that if the project does fail to be developed that the property be brought up to an appealing visual state. (Mr. Lamb: The Commission has complete faith with the Town Staff reviewing this entire proposal.)

Ms. Elisabeth Wesley, 439 White Cloud: Concern that the wall was previously approved by Town or County engineers twice and it seems to be falling down. Will the snow on the path be plowed onto White Cloud? (Mr. Glisan, Applicant: It will be cleared by hand. It can't be plowed because of the steepness of the site and the stairs.) Concerned where Silver Queen meets White Cloud which is steep and tight, utility vehicles having to

go up and down to get onto Silver Queen? What are the plans to address this? (Mr. Lamb: Mr. Mosher will show on the Subdivision.) (Mr. Mosher: The entire Silver Queen Drive will be brought up to Town standards, re-graded, with a stop sign and drainage. Basically it is all re-engineered so that it doesn't cause the existing issues. There will be a new culvert.) (Mr. Glisan: The engineered plan will work for the fire department and the turning radius exceeds the requirements for the trucks.) (Mr. Mosher: The HOA will cover the snow removal and maintenance for this Silver Queen, not the Town. Going back to the subdivision, the snow stacking is being worked on by developer his attorney and Town attorney. All disturbed areas will be weed free and re-vegetated this is a condition of approval. The level of review and detail that came in with the engineering staff exceeded the level of what we normally see. No point analysis just approval at this point.)

Mr. Lamb opened the Peak Ten Bluffs Subdivision hearing to public comment.

Mr. Brian Whitcomb, 111 New England Drive: I will assume that there will be asphalt at the end of the property, no cul de sac? (Mr. Glisan: That is correct.) There are a lot of massive boulders. Will these be used or removed? (Mr. Glisan: I fully intend to use the massive boulders.) I appreciate the work you've done to create a good project here.

There was no further public comment and the hearings were closed.

Commissioner Questions / Comments:

Mr. Mamula: My only concern is the utility corridor. I would prefer to abandon what they have, but anything you can do to soften that impact. (Mr. Glisan: We will do that.)

Ms. Dudney: No additional comment.

Mr. Pringle: Master Plan comment: I like the direction of the landscaping, better landscaping is better landscaping not more landscaping is good. I was hoping that we could gain as much space between the buildings as possible to be more visually appealing, anything you can do to maintain views between each building would be appreciated. I think it is about time that the Town doesn't encourage trees being put right next to the buildings, it is nice to see the buildings. Subdivision comment: The concern with the walls is addressed there will be a provision put in that the walls be put in correctly. I would like to see you work with the existing utility cut you have.

Mr. Butler: I concur.

Mr. Lamb: It is going to be a difficult project, I appreciate you working so closely with the Staff and I agree with the neighbors that it is nice to see a good project here.

Mr. Pringle made a motion to approve the point analysis for the Peak Ten Bluffs Master Plan, PC#2013066, Silver Queen Drive. Ms. Dudney seconded, and the motion was approved unanimously (5-0).

Mr. Pringle made a motion to approve the Peak Ten Bluffs Master Plan, PC#2013066, Silver Queen Drive, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Peak Ten Bluffs Subdivision, PC#2013067, Silver Queen Drive, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (5-0).

COMBINED HEARINGS:

1) Shock Hill Lodge Development Permit Renewal (JP) PC#2013095, 260 Shock Hill Drive

Ms. Puester presented an application to extend the duration of the development permit and the vested property rights for the Shock Hill Lodge. The original permit authorized the construction of a 57-unit condo-hotel with

commercial spa, small bar, café, outdoor amenities area, and underground parking. The Shock Hill Master Plan modification is also requested to be extended, pursuant to a previously approved Development Agreement, for the transfer of six residential SFEs of density to this site. No changes proposed to the plan. This would be the second extension of the application.

Since this project was approved in 2008, there have been a few changes to the Development Code that relate to this project for which the applicant must comply with. These include:

Policy 22 (Absolute) and (Relative) Landscaping: These policies outline specific criteria for landscaping points as well as required fire mitigation and defensible space from structures. Will need to meet defensible space.

Policy 33 (Relative) Energy Conservation: An additional -5 points are recommended and point analysis changed to reflect for outdoor heating and outdoor fireplaces.

Policy 46 (Absolute) Exterior Lighting Policy: Modified a pedestrian bollard and now all fixtures meet.

Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments: This policy was adopted to maintain the open and natural character of the town, to prevent hindering of wildlife movement, and to prevent fences and gates that create an unwelcoming community. The policy allows fences in certain circumstances, and sets design criteria where fences are allowed. This policy was modified since the 2010 development permit renewal. The applicant must receive a variance for the fence adjacent to what will be conveyed as public open space (Tract E-2).

Staff finds that the proposed project meets all Absolute policies of the Development Code with the exception of Policy 47/A Fences, for which a variance is requested under the Shock Hill Master Plan.

Staff recommends positive points under Policy 5/R-Architectural Compatibility (+3 points), 6/R-Building Height (+2 points), 7/R-Site and Environmental Design (+2 points), 15/R-Refuse (+1 point), 16/R-Internal Circulation (+3 points), 18/R-Parking (+4 points), 22/R-Landscaping (+4 points), and 25/R-Transit (+4 points). We recommend negative points under policy 6/R-Building Height (-10 points), Policy 33/R-Energy Conservation (-5 points), and Policy 37/R (-2 points). This would result in a passing score of positive six (+6) points.

This project went through a significant analysis by the Staff, Commission and Council throughout 2007 and 2008 and again in 2010. Staff felt that this project is still appropriate for the community, and this design is optimal for this site. The use of natural exterior materials, excellent architecture, and a strong landscaping plan will help to make this a premiere development in Breckenridge. Staff appreciated the applicant's response to staff input and the changes that have been made. Staff appreciated the attention to detail, and the sensitivity to Cucumber Gulch, including the water quality monitoring.

Staff recommended approval of Shock Hill Lodge and Spa, Tract E, the Shock Hill Development Permit and Master Plan Second Extension and a variance to Policy 47/A Fences (Class B, Combined Hearing, PC#2013095), with the presented Point Analysis and Findings and Conditions handed out this evening (added findings for variance #11-14, standard findings for fence variance).

Staff noted that this application was advertised as a combined hearing (preliminary and final hearing together), as Staff believed that the project has been thoroughly scrutinized in past years. However, Staff understands that this is a large project, and if the Commission needs additional information, or if the Commission is not comfortable approving this project after one hearing, Staff suggested that the Commission consider this a preliminary hearing, continue the hearing, and direct Staff to the additional information be needed for approval.

Applicant Presentation:

Mr. Scott Neil, Applicant and Investor, 623 A Street South, Fargo, ND: We were involved in original project but are now the sole owners of the project. The economy and banking world have been challenging for the last few years. We have met with local homeowners' association and have tried to meet their expectations. We have been trying to be good stewards of the property and to keep the project as envisioned. HOA is supportive of project and we have done tree clearing and maintenance of the property. (Mr. Pringle: You still have plans to operate it as a hotel?) Yes, the vision is still to be a high-end hotel. Fairmont was the original plan, but if it isn't them then another. Not looking to change the plan. (Mr. Pringle: From our previous conversation we do want to encourage hot bed use?) Yes that is our intention as well.

Mr. Mr. Lamb opened the hearing to public comment.

Mr. John Quigley, 67 Wild Cat Road, Shock Hill: Here to represent the Shock Hill HOA. We did submit a letter. Our board for Shock Hill unanimously supports this project. The owners have kept up the property to standards in clearing dead wood and working with Red, White and Blue Fire Protection district. We fully and wholly support the intentions of the applicant.

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

No Planning Commission comment.

Ms. Puester passed out the findings for the variance on the Fence Policy 47/A, note new 11-14 which are the standard fence variance findings, removal of number 54 as it related to the previous fence provision in 2010.

Mr. Pringle made a motion to approve the point analysis for the Shock Hill Lodge, PC#2013095, 260 Shock Hill Drive, with a passing score of positive six (+6) points. Mr. Butler seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve a variance to Policy 47/A Fences for the Shock Hill Lodge, PC#2013095, 260 Shock Hill Drive and the findings and conditions that were passed out at the meeting this evening. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Shock Hill Lodge and Spa, Tract E / the Shock Hill Master Plan and Development Permit Second Extension, PC#2013095, 260 Shock Hill Drive. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

2) Four Seasons Resubdivision (MM) PC#2013097, Four Seasons, Filing 2

Mr. Mosher presented an application to subdivide Four Seasons Filing Number 2, a Re-plat of Pond Lease Tract (creating Lot 1) to allow Hotel Breckenridge Condominium Association (Marriott's Mountain Valley Lodge) to purchase the proposed Lot 1 from Columbine Condo Homeowner's Association to better match land-use functions by each owner. This application only creates Lot 1 as a separate parcel. The property owners associated with access to this Lot will then return and record separate plats that will define the associated public access and maintenance easements. Since this subdivision is creating a lot with no buildable area and no density, most of the Town's Subdivision policies do not apply.

The proposed Lot 1 currently has a connection to the existing bridge that crosses Maggie Pond. All of the neighboring multifamily residential buildings utilize this connection to get to the public trail and Ski Area on the west side of the river. Currently there are no platted easements crossing the applicant's or neighboring properties to access the bridge.

The Applicants intend to first record this plat, transfer ownership and then return with applications for the needed three public easements on the neighboring properties. These easements will allow public access from Columbine Road, through associated properties, to Lot 1, across the bridge and onto the existing public trail easement on the west side of the Blue River.

This is a very simple subdivision, which only allows for the conveyance of ownership of a portion of property to the applicants. There is no associated change of use, added density, or other subdivision concerns with this application. Staff recommended the approval of Lot 1, a Re-subdivision of Four Seasons Filing No. 2, Pond Lease Tract, PC#2013097, with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Butler: Why they do this again? (Mr. Mosher: More for maintenance of this property and this is the simplest ways to do this.)
- Mr. Pringle: The easements will still go through to connect to this piece? (Mr. Mosher: Yes.)
- Mr. Butler: Do they have to grant easements? (Mr. Mosher: Yes, the easements have to come separately to avoid a lot of attorneys.)

Applicant: Tom LeBau Hotel Breckenridge Condo Association, 655 Columbine Road. The why dates back to the original land lease that was defaulted on over time, since then we were taking part of it, but the bridge was being taken care of by another property owner, our staircase is on their property now. But this subdivision is cleaner for everyone so we can take care of it, but the easements will be available to everyone

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

Mr. Pringle made a motion to approve the Four Seasons Resubdivision (MM) PC#2013097, Four Seasons, Filing 2. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

OTHER MATTERS:

The Joint Town Council worksession is next week. Please arrive by 5:45pm.

ADJOURNMENT:

The meeting was adjourned at 9:35 p.m.

Jim Lamb, Chair