

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:03 P.M.

ROLL CALL

Rodney Allen	Dan Schroder	Leigh Girvin
Jim Lamb	Dave Pringle	JB Katz
Michael Bertaux		

Eric Mamula, Town Council Liaison, arrived at 8:55pm for the worksessions.

APPROVAL OF MINUTES

With no changes, the minutes of the November 4, 2008 Planning Commission meeting were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the November 18, 2008 Planning Commission agenda was approved unanimously (7-0).

Mr. Allen would like to discuss Commission Historic Preservation training under “Other Matters” at the end of the meeting.

CONSENT CALENDAR:

1. Keith Addition (JP) PC#2008115; 209 Highlands Drive
2. Rush Addition (JP) PC#2008118; 93 Rounds Road
3. Chlipala Residence (MM) PC#2008118; 0088 Snowy Ridge Road

Ms. Girvin suggested having future (and at the end of the meeting) general discussions regarding applications that propose large amounts of heated snow melt that are not for public safety or public benefit.

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

FINAL HEARINGS:

1. VRDC Building 804 Lodge (MM) PC#2008032; Tract C, Peak 7 & 8 Perimeter Subdivision

As a current employee of Vail Resorts, Mr. Bertaux stepped down due to a conflict of interest

Mr. Schroder brought up a potential conflict of interest in which he stated he works less than part time indirectly for Vail Resorts serving at banquets in the Keystone Conference Center. The Commission decided that his minimal relationship with Vail Resorts shouldn't preclude him from reviewing this application. The applicant had no concerns with Mr. Schroder participating in the discussion.

Mr. Mosher presented a proposal to construct a 47-room condo/hotel lodge at the base of Peak 8 totaling 54,442 square feet of residential, with 10,360 square feet of commercial space and 20,219 square feet of guest services.

Building 804 would be located immediately adjacent (northwest) to the recently approved (and under construction) Building 801 or One Ski Hill Place, at the base of the ski slopes at Peak 8. Placement of this building will eliminate the existing Ullr Building that currently houses the ski school and ticketing/office functions at Peak 8. Additionally, the lower level supports of the Peak 8 Gondola station will be enclosed in this building. The Cucumber Gulch Preventative Management Area is to the east of the development site.

The Planning Commission approved the Amendment to the Peaks 7 and 8 Master Plan (PC#2005105) on December 6, 2005. The recently approved modification to the Master Plan (for Peaks 7 and 8) now contains a total of 549 SFEs of density with 470.5 Residential SFEs, 19.5 Commercial SFEs and 57 Guest/Skier services SFEs. The portion allocated just to Peak 8 consists of 282.0 Multi-family Residential SFEs, 14.5 Commercial SFEs, and 48.0 Guest Services Facilities SFEs for a total of 344.5 SFEs. The Master Plan also outlines specific design criteria and standards for the general development and the different uses.

This development is utilizing a portion of the allowed density. There are to be additional separate lodges (future development permits) created at the base of Peak 8 with the remaining density from the Master Plan. Per the approval of One Ski Hill Place, the applicants are planning on placing portions of the required meeting spaces and amenities for all the base development area within the main building to centralize these services. In addition, the overall site development is to be completed in phases (along with the development of the future buildings).

Changes Since the April 1, 2008 Hearing

1. Minor revisions to density and mass calculations.
2. Plaza landscaping and hardscape enhancements.
3. More complete civil drawings.
4. Minor architectural “tweaking”.

The amenities at One Ski Hill Place will include:

Garden Level: A media room and game room, a two-lane bowling alley

Level One: Fitness room, spa, hot tubs and pools, 7 Conference rooms w/ prep-kitchen

The Guest Services include:

Garden Level: Administration office, Bakery and prep-kitchen

Level One: Kitchen and food court, Bar and restrooms

Staff has worked closely with the applicant and agent to carefully review this proposal against the 2005 Amendment to the Peaks 7 and 8 Master Plan. Staff found the architecture, density and mass, and site planning to match that of the Master Plan and had no concerns. Staff welcomed any questions or comments from the Commission.

Staff recommended approval of the Building 804 Lodge, PC#2008032, by supporting the presented Point Analysis which showed a passing score of zero (0) points along with the presented Findings and Conditions.

Randy May, Consultant working with Vail Resorts Development Company: Applicants have worked closely with staff to resolve any issues discussed previously. Ski plaza was designed to accommodate both winter and summer seasons. Plaza would be left open to accommodate the sheer volume of people that will be accessing the area. Many issues have been addressed through the 6 1/2 years of Master Planning.

Ken O’Bryan, Architect: Presented a power point presentation and scale model of the building to the Commission showing the features of the proposed development. Architecture would be essentially the same as previously presented with some minor design changes to the exterior.

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

Commissioner Questions/Comments:

Ms. Girvin: Final Comments: Supportive of the architecture, site planning, and plaza area plans. Understood the need for expansive hardscape the plaza area. Had no problem with the staff recommendations or final points.

Mr. Schroder: Final Comments: Liked the fact that more attainable housing is being developed since last review. Supportive of the color and material scheme and believed this development fits the intent of the Master Plan.

Ms. Katz: Final Comments: Great to see things come to fruition. Lots of hard work by applicant and staff. This is a testament to quality of proposal when the Planning Commission has few comments. Massing appropriate and appreciated the density centered at the base of the ski area. Sought clarification regarding the number of children the daycare center would accommodate. (John Buhler, Director of

- Skier Services/Ski & Ride School, pointed out the license would continue to allow 34 children. Mostly young children of mountain employees. Facility is state governed and open to the public too.)
- Mr. Bertaux: (Stepped down due to a potential conflict of interest.)
- Mr. Lamb: Asked if the daycare center would be open to the public? (The applicant pointed out that yes, the daycare center would be open to the public.)
Final Comments: Felt what has been presented is consistent with the Master Plan. Feared that the childcare facility will not benefit the community and therefore struggled with the positive points for community benefit. (Mr. Buhler pointed out that the daycare would be a state licensed daycare center meeting the needs of first employees and then guests.)
- Mr. Pringle: Sought clarification regarding the area underneath the gondola and what functions were located there. (The applicant responded that this area will serve as a maintenance storage which will store snow equipment, tools, etc.). Pointed out the protection of Cucumber Creek is first in foremost as discussed in the Master Plan and that this project looks as if it protects the Gulch.
Final Comments: Very pleased with the way this building is coming together while addressing the Master Plan. This development will take Breckenridge to the next level. Liked the idea of adding more activities to the plaza. These are big buildings which will be iconic but nobody should be surprised by big buildings.
- Mr. Allen: Asked staff to explain the height determination per the Master Plan requirements. (Staff replied that the height relates to the Land Use Guidelines and is a relative policy.) Regarding landscaping in the plaza, why isn't there more landscaping and less hardscape? (Mr. May pointed out that in the winter this area needs to accommodate a large amount of snow and individuals and thus not practical to plant large trees that will not survive. The more things in the way the harder it is to move people safely.) Asked the architect to elaborate on the summer landscape plan for the plaza. (Mr. O'Bryan pointed out that this area would remain open due to winter traffic but many ideas have been planned to accommodate summer activity. He further pointed out this area is only about 65 feet wide, similar to a typical double loaded parking and drive aisle.)
Final Comments: Thanked the applicant for the changes made to date. Questioned the negative points on the snowmelt which benefits the public. Perhaps should not assign negative points as it is a safety issue. (Staff pointed out precedent has been set on other applications and this can be reviewed as possible policy modification.) Felt the precedent shouldn't be set if public benefit was evident. Liked to see the daycare and was ok with the landscaping plans.

Mr. Pringle made a motion to approve the point analysis for VRDC Building 804 Lodge, PC#2008032, Tract C, Peak 7 & 8 Perimeter Subdivision. Mr. Lamb seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the VRDC Building 804 Lodge, PC#2008032, Tract C, Peak 7 & 8 Perimeter Subdivision with the presented findings and conditions. Ms. Katz seconded, and the motion was carried unanimously (6-0).

COMBINED HEARINGS:

1. Shock Hill Cottages Footprint Lots (CN) PC#2008117; 16 & 48 Regent Drive

Mr. Neubecker presented a proposal to create two footprint lots around two existing single family homes. The Planning Commission approved the Shock Hill Cottages on June 5, 2007. This approval included 14 single family homes ("cottages") plus one employee housing building, with HOA storage and an attached dumpster enclosure. Only two buildings have been built so far. Footprint lots were anticipated at the time of the development review. Now that two buildings exist, the precise location has been determined, and the actual footprint lots have now been surveyed.

The Planning Department has approved the proposed resubdivision of two footprint lots around two existing single family homes in the Shock Hill Cottages, at 16 and 48 Regent Drive (PC#2008117) with the attached Findings and Conditions. Staff recommends the Commission uphold this decision.

Don Nilsson, Applicant: Pointed out that condition #7, to place an address sign at the intersection with the private road, is unnecessary. (Staff pointed out they were OK striking this condition. Also strike "and street lights" and "prior to acceptance of the streets by the Town." from condition #11. These conditions do not make sense for this development.)

Commissioner Questions/Comments:

- Ms. Girvin: No concerns.
Mr. Schroder: No concerns.
Ms. Katz: No concerns.
Mr. Bertaux: No concerns.
Mr. Lamb: No concerns.
Mr. Pringle: Sought clarification regarding wording on condition #11 changes and striking condition # 7. (Staff pointed out condition #7 could be struck.) Also, recommended inserting a new finding #7 with a statement clarifying why a combined hearing was held. There is no useful purpose in having two hearings on this application.
Mr. Allen: No concerns.

Mr. Pringle made a motion to approve Shock Hill Cottages Footprint Lots, PC#2008117, Tract C, Peak 7 & 8 Perimeter Subdivision, with the presented findings and conditions amended as follows: Condition #7 struck as it is irrelevant to this application. Revise condition #11 to read “Applicant shall submit and obtain approval from the Town Engineer of all traffic control signage which shall be installed at applicant’s expense.” In addition, add a new finding #7, to indicate that there is no useful purpose in having two hearings on this application. Mr. Bertaux seconded, and the motion was carried unanimously (7-0).

WORK SESSIONS:

1. Maggie Placer (MM) 9525 CO Highway 9

Mr. Mosher presented an update to the Maggie Placer application, with a request for the Commission to review a modified plan for the Maggie Placer Development against the Development Code and to recommend to Town Council a renewal of the existing Annexation Agreement based on the submitted changes.

The original request was: *Per the Maggie Placer Annexation Agreement, to develop the property with 18 permanently deed/equity restricted housing units in the form of condominiums. Pursuant to the Annexation Agreement, there shall be 6 one bedroom Restricted Units, 8 two bedroom Restricted Units, and 4 three bedroom units. There were to be 4 market rate cluster-single-family home sites. All parking for the units is surface spaces placed south of the building.*

The new plan would be to provide 12 permanently deed/equity restricted housing units in the form of condominiums. There would be 6 one-bedroom (847 SF) Restricted Units and 6 two-bedroom (1,217 SF) Restricted Units. There would also be 4 market rate properties for cluster-single-family homes. The maximum size of the market rate cluster-single-family homes would be 3,500 to 4,500 square feet.

Since the May 6th meeting, the applicant and agent have been analyzing the plans based on comments heard from the Commission, Staff and adjoining property owners. As a result, the presented changes included:

1. A reduction of overall density (75% of the permanently deed/equity restricted housing units would be affordable and 25% would be market-rate cluster homes).
2. The permanently deed/equity restricted housing portion would be located at the south of the site (no development is proposed down the steep hillside to the north). The four single family home sites would be to the north and west.
3. The drive aisle would be shared between the permanently deed/equity restricted housing units and the market home sites reducing the paving impacts.
4. CDOT has tentatively approved having the site accessed from Highway 9, since access through Ski & Racquet property has not been approved.
5. Overall solar orientation for the development is greatly improved.
6. The architecture has been enhanced.
7. Applicant would create the cluster-single-family home sites for sale, not the structures.

Over the past several months, Staff has been working with John Springer, of Springer Development, and John M. Perkins, AIA, of JMP Architects to present a proposal to the Planning Commission regarding the development of the recently annexed Lot 6, Tract 7-77, Section 06, Quarter 2, Maggie Placer, MS#1338, (Maggie Placer Development).

This application was last reviewed on May 6, 2008. Concerns were expressed about the amount of development proposed and the resulting site impacts. Specifically, adequate buffers, snow stacking, parking spaces and storage needs. Concerns were also expressed over the ability to access the property off of Highway 9.

Responding to the concerns expressed at the last hearing, the applicant was seeking Commissioner feedback on the reduction of density, increased parking spaces and increased site buffering. The concept was to reduce the intensity of the project and lessen the negative impacts seen in the initial submittal.

The access to the property would now be directly off of Highway 9. CDOT has giving preliminary approval for access to and from the right-hand turning lane that terminates at the Ski & Racquet Club drive. As a result, the access issues were no longer a concern. (Also, there would be no improvements made to the Ski & Racquet Club entrance.)

With this plan, the percentage of affordable to market units has changed from 82% to 75%. Of the 12 units, 2 would be restricted to 90% AMI and the remaining would be up to 110% AMI. There will be six large one-bedroom units and six large two-bedroom units. The Council Housing Sub-Committee has reviewed the plans and was supportive of the changes. The committee did want to see a quality development with large units and attractive architecture.

Addressing site concerns, the housing building is no longer over the north hillside and, as a result, more trees/buffering can be preserved. The placement and architecture of the three separate affordable buildings offer greater solar opportunities, buffering around each building and privacy. The looped drive, shared with the market lots, has reduced the overall paving. The architecture shows improved articulation with a variety of materials and massing. Staff was supportive of the changes and believed that plans could be reviewed against the Development Code with a passing score on a point analysis.

If the Commission was comfortable with the new plans, staff suggested a motion to recommend amending the annexation agreement based on the submitted plans meeting applicable policies of the Development Code.

Mr. Allen opened the hearing for public comment

Merle Hayworth, Ski & Racquet Club: Are buildings A, B, C stick-built or modular? (Applicant pointed out they would be stick-built.) Sought clarification regarding how Development Code addresses height measurements. Had concerns about the CDOT grant of the right-in and right-out only access to the property. We own all the way to the highway edge, at the entry driveway towards the south. Suggested the Commission look at the Ski & Racquet plat because a future problem will arise with non-Ski & Racquet Club cars turning around on their property to head back into Town. Didn't like having non-residents using this area. Also wanted to clarify that access through Ski & Racquet was not refused by Ski & Racquet. (Commission noted that during the last hearing the attorney hired by the Ski & Racquet Club indicated otherwise.)

Jan Bowmen, Ski & Racquet Club: The proposed building height makes sidewalk dark and creates a safety issue. Ski & Racquet plans to re-dig the ditch running along the south property line to deter any people taking a short-cut through their property to get to the bus stop at their driveway. Safety of the intersection is main concern. Asked that the south buildings move further north with added buffer so we won't have to look at them as we access our property. Would like to see more landscaping. Cars will have conflicts at our driveway. Pointed out the proposed entrance (to Maggie Placer) appears to be a natural entrance as far as elevation to the highway.

Norm Stein, Ski & Racquet Club: Very concerned about people turning around on Ski & Racquet's property. He further sought clarification regarding the placement of the buildings. There is not enough buffer to neighboring property. A little concerned about snow storage capacity and where it will drain.

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

Commissioner Questions/Comments:

Ms. Girvin: This project has come a long way. Architecture is better, and fits in better with single family homes proposed. Current access using Highway 9 seems to have reduced internal paving and drive aisles. The CDOT approved right turn only will present real problems. It just won't work. Need to reevaluate. Access is a stumbling block but all else looks good.

- Mr. Schroder: Felt this land should be made available for future development. Designing the 4-plexes in same scale and design as the single family homes is great.
- Ms. Katz: I used to live at Ski & Racquet. This is a strange piece of land. This plan seems to be better than the previous plan. Buffering between B and C is needed.
- Mr. Pringle: Pointed out Highway 9 belongs to the state, not the Town, and that CDOT has complete jurisdiction. Ski & Racquet would be better off working with the applicant in the end. The alternative is a horrible solution. All around better layout and better architecture. Encouraged the applicant and Ski & Racquet Club to get together and discuss options to resolve differences. Ski & Racquet hates what is currently proposed and what was last proposed. If it is to move forward they have the option to now discuss better options.
- Mr. Bertaux: Whole heartedly agreed with all of Mr. Pringles' comments about getting along with neighbors. Sought clarification regarding Mr. Drills drainage issue. (Staff pointed that a dry-well will resolve any concerns.) Think about creating additional storage for toys etc. Better parking layout than before. Pointed out that Town Council will recognize the access issues from these minutes.
- Mr. Lamb: This is a much better plan than presented before. Access is going to be a mess but CDOT ultimately has control here. The applicant and Ski & Racquet need to get together and talk. Human nature will be to turn around at Ski & Racquet. Would like to see future discussion. Liked the deed restricted housing component.
- Mr. Allen: Sought clarification regarding the level of input the Commission could give on access. Felt the current plan has real access problems, despite CDOT's decision. They should re-assess the situation. Really liked the project and the scale, and the way the affordable and market rate units have blended. Tie in the trail access to existing trails. Use decks and patios to make units more livable. Commended applicant on the size of the units. Increase planted buffering between buildings. Thanks for providing extra parking. Get the external circulation worked out with Ski & Racquet. Ski & Racquet is in control to look at the whole plan and work together, but not if the applicant moves forward with CDOT permits.

2. PC Norms (CN)

Mr. Neubecker presented a memo reminding the Planning Commission of the Planning Commission Norms.

TOWN COUNCIL REPORT:

Mr. Mamula: Interested how Council will address the annexation renewal the Commission addressed earlier in the meeting.

OTHER MATTERS:

Mr. Bertaux pointed out he liked the Wellington Lot for the train display.

Preservation Training: Mr. Allen wanted to invite anyone to the training and expressed an interested in going himself.

Heated Driveways: Ms. Girvin was concerned about large snow melt systems which heat the outdoors. Ms. Katz suggested looking at commercial and residential differently. Mr. Neubecker pointed out the codes allows for negative six (-6) points; and the Commission can make a motion to change a point analysis. Ms. Katz suggested a commercial policy that encourages snow melt where there will be public safety concerns and many pedestrians, which could be awarded positive points, whereas negative points should be assigned for residential developments where there is no public benefit. Mr. Allen suggested the difference between minimal and excessive snow storage.

ADJOURNMENT:

The meeting was adjourned at 9:44p.m.

Rodney Allen, Chair