

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Eric Mamula Jim Lamb Gretchen Dudney
Kate Christopher Ron Schuman Dan Schroder
Ben Brewer, Town Council Liaison
Dave Pringle was absent.

APPROVAL OF AGENDA

With no changes, the January 6, 2015, Planning Commission Agenda was approved as presented.

APPROVAL OF MINUTES

With no changes, the December 2, 2014, Planning Commission Minutes were approved as presented.

WORKSESSIONS:

1) Planning Commission Top Ten List (JP)

Ms. Puester presented. Each year the Planning Department creates a list of the Top Ten most important policy issues and code amendments for staff to focus on in the upcoming year. Following are the accomplished items from the past Top Ten list within the last year.

- Planning Classification Class A-D modifications- COMPLETED; Adopted January 28
- Condo Hotels Update- COMPLETED; Adopted October 14
- Historic Connector Elements- COMPLETED; Adopted March 25
- Temporary Structures- COMPLETED; Adopted April 8
- Other-Local Landmarking Status of Red, White and Blue Fire Museum; Valley Brook Cemetery; Iowa Hill Site; Old Masonic Hall; Breckenridge Grand Vacations Community Center; Milne House; and Eberlein House

The following items were included in the 2014 Top Ten List which are either in process or have not been started:

- Wireless Communication Towers/Antennas-IN PROCESS
- Mass Policy: Airlock Entries and other mass consuming energy conservation features
- Employee housing annexation positive point allocations
- Transition Standards Near Carter Park-WITHDRAWN; *School District not interested in pursuing.*
- Wildlife Policy
- Public Art (off-site improvements)
- Parking: Residential parking in garages (positive points)

Staff would like to discuss the following items for inclusion in the 2015 Top Ten list (in no particular order).

1. Wireless Communication Towers/Antennas-*Currently in process*
2. Amenity Bonus Square footage/positive points (Policy 24/R Social Community)
3. Shuttles/positive point reallocation (Policy 25/R Transit)
4. Wood Shake Shingles
5. Local Landmarking- Klack Placer Cabin; County Courthouse; Tin Shop; Mikolitis Barn; Barney Ford House; ; Sawmill Wakefield site; Lomax Placer; Dipping Station
6. Policy 7R regarding retaining wall heights and site disturbance
7. Parking: Residential parking in garages (positive points)
8. Public Art (off-site improvements)
9. Mass Policy: Airlock Entries and other mass consuming energy conservation features

10. Employee housing annexation positive point allocations
11. Sandwich board signs/Outdoor display of merchandise
12. Development Agreement provisions relationship with point generating Development Code policies.

Staff would like direction from the Planning Commission on the recommended Top Ten list. Staff intends to pursue work on the approved top ten list as soon as time and resources allow. The order that they are forwarded to Planning Commission and Town Council will partly depend on the complexity of the projects.

Commissioner Questions / Comments:

Mr. Lamb: I have a question on where the wood shingle issue came from. (Ms. Puester: The concern stemmed from a Town Council meeting around the concern of potential fire danger with wood shake shingle roofs after last year's fire south of town and flying embers. This conversation was under the previous Town Council so staff would plan to take this topic to the new Town Council to see if there is interest in pursuing as well as providing additional information. For instance, there was a Class A building code change that would apply to all roofs including wood shake shingle. We will probably take this to the Council first as staff and then if Council wants to pursue it, they will send it back to you. It would result in changes to the Handbook of Design Standards, Development Code and Building Code.)

Ms. Dudney: Please clarify #3 Shuttles positive points, #10 Employee Housing and the Amenity Bonus to me. All three of these have a double dipping issue where the developer comes in and gets an agreement with the Council and which has an agreement regarding them and then they come to us and then get positive points. Am I thinking that this is the right way to look at these issues?

Mr. Mamula: Really those are all separate point allocation issues within the Development Code as they would apply to any development without a Development Agreement. In a recent case, a Development Agreement did involve multiple policies and our question was related to points. I think #12 regarding Development Agreement as it relates to points becomes number one to discuss in my mind. I may be the only one thinking so but givens in the Agreement might want to have a mention if they are to be point neutral or not to give us direction. The Transit conversation is really if it should this still be 4 positive points always. The mass bonus for amenity space is a separate issue too, but I think the double dipping issue is really encapsulated in #12. I want to make sure we all agree with these and then come up with a couple we want to seriously handle and the Development Agreement is really the first focus in my mind. (Ms. Puester: Something to think about in #12 is not only is it a Council call but once you start adjusting points, such as not counting them, it will change the opportunities to receive positive points.) With the development agreement, you can gain positive points for issues that were discussed in the agreement but you can't get negative points for the items in that were already negotiated. So I would like to ask about making these neutral. (Mr. Mosher: These specific things could be discussed in both negative and positive points that are addressed in a development agreement.) I want to see if the Council is ok with addressing development agreements as a general policy change. Does everyone agree that this should be bumped to the top? (The Commissioners agreed by nodding their heads.)

Mr. Schuman: I think #11 (sandwich board signs) should be toward the top.

Mr. Mamula: I think Council is going to address this next week.

Ms. Dudney: I think #1 can drop off too. (Ms. Puester: There is Federal regulation that is going to change as of February 1 that will change things again so that we will need to redraft the ordinance. Not sure yet if that impacts the general direction we are gong with this or if it is more the legality of the ordinance. If it is the latter than we will go right to Council.)

Mr. Mamula: The public art offsite improvements, from my history the pendulum has swung both ways. I think this is an important discussion if we are going to allow the development community to

get offsite points. (Ms. Puester: It is important to note that just because a topic appears on this list; it certainly doesn't mean that we will defiantly be changing the policies or code. This is a list of what we have heard are issues that the Commission wanted further discussion on.)

Mr. Schroder: Is there any ongoing solar panel discussion in the historic district? (Ms. Puester: We do allow solar panels in the historic district right now even though we try to make them as obscure as possible. We don't have any plan to chance the policy. We should allow them as reasonable as possible. To reduce the number of potential panels in the District, the Council did build a solar garden with preferential treatment given to properties in the historic district.)

Mr. Brewer: It is my understanding that we did reserve that but not very many people took us up on it, so now these solar panels are on the open market. Once these are all sold out then the opportunities for properties in the conservation district will end at some point. We want to make sure the solar gardens are utilized. (Ms. Puester: Solar panels are not a permanent improvement so they can be removed when installed in the historic district.)

TOWN COUNCIL REPORT:

Mr. Brewer:

- Our last meeting was December 9, 5 weeks ago.
- Here is an update on other things, like the gas leak on Main Street. It just turned out to be a very strange occurrence where they didn't know exactly where it was leaking and has been a long process to rectify. No one knows still to this day where the leaking is occurring. Xcel Energy thinks there is a large pocket of gas leaking and they are going to vacuum it out of the ground, but a lot of uncertainty remains on how long it will take. It could be a naturally occurring event. (Mr. Schuman: I got a call that said they found the leak and that they will be closing it up tonight.) I hope that is the case, but I'm not too sure. There are still many businesses that are closed on the North end; I'm not feeling too confident that it is resolved.
- At our meeting on Dec. 9 we voted 6-1 to ratify the public vote that means that the Cannabis Club will have to move by February 2.

PRELIMINARY HEARINGS:

1) Pinewood Village 2 (MGT) PL-2014-0170, 837 Airport Road

Mr. Thompson presented a proposal to construct a new, 45-unit affordable rental apartment building. There will be 9 studio units, and 36 one-bedroom units. There will be 66 surface parking spaces for the project. The trash collection and recycling will be by way of a centralized dumpster enclosure. The exterior materials will include: natural cedar board and batten, cementitious lap siding, cultured stone veneer, heavy timber accents, and asphalt shingle roof. A material and color sample board was presented for Commission review.

Changes From the Previous Submittal

The applicant heard the concerns of the neighbors, Planning Commission, Town Council, and Staff. Hence, the applicant has revised the 2012 proposal significantly.

- The proposal has been reduced from an 81-unit affordable rental apartment project down to a 45-unit proposal.
- Density has been reduced from 61,054 sq. ft. down to 27,134 sq. ft.
- The total sq. ft. of the building(s), including hallways, stairways, and common areas has been reduced from 104,522 sq. ft. down to 33,175 sq. ft.
- The height of the building has been reduced from 54.7' (4 ½ stories) to the mean down to 36.75' (three stories).

- Two and three-bedroom units have been removed; now the proposal is for all studio and one-bedroom units.
- The previous submittal included underground parking, now all of the parking will be surface spots.
- The previous submittal was for two buildings, which has been reduced to one building.
- Previously the buildings had long unbroken rooflines, now the roofline is broken up in two spots and steps down on the edges of the building.

Policy 24R Employee Housing: Positive ten (+10) points.

Community Need: Positive six (+6) points.

Land use district 9.2: The landscape will provide adequate screening even though trees to the east won't be there.

Height / Number of Stories: Negative ten (-10) points.

Roof lines broken up: Positive one (+1) point.

Architectural Compatibility: Showed the proposed trash and recycling and bus shelter which match and the main building. Discussed the exterior treatments. Per the code the fiber cement board does not have to receive negative points if there are natural treatments too.

Cultured Stone: More than 25% per elevation of cultured stone incurs negative four (-4) points.

Location of bus shelter: Moved the bus stop to work. Positive four (+4) points for providing this shelter and pull out.

Policy 7R: Staff believes that the developer has done a good job of blending the building into the neighborhood. There is a large retaining wall in the rear of the property. Staff asked about stepping the tallest section into the hill above, but this pushes disturbance into Land Use District 1. We think it is better to have taller sections than disturb Land Use District 1. Do you believe that negative four (-4) points should be given for this?

There is also a proposal to use artificial material in the front; Versa Lock on the retaining wall. (Ms. Dudney: Is this stamped concrete or is it piece by piece?) It is piece by piece.

Policy 16 and 17: Access tees up directly across from the Rec Center, grading does work. There will be an emergency entrance provided. Pedestrian path will be put in to connect with the central Pinewood Village office. Good pedestrian access with this project. Staff is recommending positive three (+3) points. (Ms. Christopher: The sidewalk goes all the way to the bus stop?) Yes, it does go all the way to Claimjumper. Sidewalks will be all the way from Claimjumper driveway to the bus stop in Pinewood Village 1.

Landscaping: Positive four (+4) points. 103 trees total are proposed-mistake in the staff report; positive two (+2) points.

Parking: Does meet code requirements, no concerns here.

Utilities / Infrastructure: Sidewalks, 26R policy warrants positive four (+4) points.

Storage: We have asked that they look at providing more storage. Code requires 5% which the Applicant is exceeding this currently.

Recreational Opportunities: Single-track trail and outdoor area are provided; positive three (+3) points.

Snow Removal: Meets the snow storage requirement; Staff asked about removing some trees to better push snow into the retention pond.

Drainage: Engineers are reviewing this for final review.

Point Analysis: Total passing analysis of positive sixteen (+16) points.

Commissioner Questions / Comments:

Mr. Schuman: Who is putting in the sidewalk? (Mr. Thompson: Corum will be putting it along Airport Road the entire length of their property.)

Ms. Dudney: How is cultured stone made? (Mr. Thompson: It is concrete that is dyed.)

Mr. Schroder: Is there is precedent for gaining positive four (+4) points for a bus pullout? (Mr. Thompson: Yes, Shock Hill Master Plan Revision, and Sundowner II Condominium Remodel.) Internal circulation, they are earning positive three (+3) points; is this a precedent for positive points? (Mr. Thompson: Yes there are a few like the Breckenridge Design Center.) This seems a little funny that we are giving points for circulation. The retaining wall is our maximum multiplier maxed out on the retaining wall? (Mr. Thompson: Yes.)

Applicant Presentation:

Mr. Tim Casey: I think this is the third iteration and we are significantly down on units and number of buildings but we are pleased with how it works on the site. This is a Town Project that we have been asked to carry the ball on. We believe we have a site that works and is affordable and has the least impact. We appreciate your comments and the comments from the Community.

There were no questions for the Applicant.

Mr. Mamula opened the hearing for Public Comment:

Ms. Carol Rockne, 547 Broken Lance Drive: This project has come a long, long way and I appreciate it a lot. I have some questions. In your point analysis there is an error, there will be about 104 deciduous trees but in another location it says 63, when you have something in the point analysis and the proposal I wanted to know which will prevail. (Mr. Mamula: Once we get through the preliminary then the final we will evaluate again.) The retaining wall will be 16' tall, and then there is a trail above, is there any consideration for putting a fence there? For the construction, I'm hoping that they do things putting up outlets near the eaves that will work for the heat tape down the road. I hope the party walls will have insulation and be staggered. I hope the drainage pipes will be insulated. I really like this. Each unit will have a stacked washer and dryer? (Mr. Thompson: Yes.) That is great. Will there be some metal accents on the roof? (Mr. Thompson: Yes.) (Ms. Dudney: I'm confused on the number of trees.) (Mr. Thompson: The there are 104 trees; this will be corrected in the next staff report.)

Patrick McWilliams, Resident of Claimjumper: The south side Claimjumper residents have concerns on how near the driveway is to the south side of Claimjumper. (Mr. Thompson: Twenty feet at the closest point at the East end.) I appreciate the trees that were added, this is a wonderful new plan; I look forward to the bus stop and the sidewalk. Please put a crosswalk between Kingdom Park and these other units. Is the single track trail the one that will eventually connect to the Pence Miller trail? (Mr. Thompson: With an easement from Claimjumper.)

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

There were two questions for the Planning Commission:

- 1) Did the Planning Commission agree with Staff's preliminary point analysis?
- 2) Did the Planning Commission have other concerns or comments on the proposal?

The Planning Department believes that Pinewood Village 2, PL-2014-0170, located at 837 Airport Road, Government Lot 14, with a passing point analysis, is ready to be scheduled for a Final Hearing.

Commissioner Questions / Comments:

Mr. Schuman: Does the color hue meet the code? (Mr. Thompson: Yes.)

Mr. Mamula: Are the Freeride people ok with the stop? (Mr. Thompson: Yes, this meets the standard and the pullout was requested.) I want to make sure that the Town will service this stop. (Mr. Thompson: From what Transit tells me, the Yellow is the busiest route, so yes, they plan on using it.) Is there a discussion about a crosswalk? (Mr. Thompson: I was told that the

sidewalk would get you down to Pinewood Village 1 where there is a crosswalk.) I think we need to ask the Town to add a crosswalk in front of this development because people will be crossing here. You could actually remove the one in front of the library as it is moving.

Mr. Schroder: Do we want to discuss 6R broken roof lines? To me it is not interesting, I feel that it breaks it falsely; I believe we don't offer the point.

Mr. Mamula: Is it a 50' roof line, have we allowed a 50' roof line with a clear story? (Mr. Grosshuesch: The elevation is unfair depiction because you won't ever see it this way, the dormers and the clear stories do break up the roof if we don't look from this vantage point.)

Mr. Lamb: I think there is precedent. (Mr. Mosher: Yes, the brewery and the distillery have this.) (Mr. Thompson: The distillery was the most recent case of this. The Planning Commission and Staff did ask the Applicant to step down the roof lines. I think they have done a good job. The light story will add light to the third floor hallways. If this isn't positive one (+1) point, then I don't know what is.)

Mr. Schuman: The West elevation has four dormers and the East has three dormers.

Mr. Mamula: We need to be careful of this I don't want to set precedent.

Ms. Dudney: I think it is worth positive one (+1) point because if we don't give it they could get rid of the clear story.

Mr. Schuman: If the color meets the Town chroma then I'm fine.

Mr. Mamula: Thank you for the change.

Mr. Payne (Developer): I would like to thank the staff and the community for helping us.

Mr. Mamula: Mr. Thompson, the staff report was easy to read. I liked the past precedent references; good job. Thank you.

COMBINED HEARINGS:

1) Re-subdivision of Tract B-2, Peak 7 Subdivision creating Public Open Space (MM) PL-2014-0164, Ski Hill Road

Mr. Mosher presented. Pursuant to the terms of the Annexation Agreement dated August 12, 2003 (Reception Number 730690, Section 5. 2.), the Applicant is required to transfer the 8.166 acre property (Tract B-4) to the Town as Public Open Space. This subdivision will codify this requirement.

In conjunction with the Peak 7 and 8 Subdivision Plan (PC#2003014) and the Peaks 7 and 8 Master Plan Annexation Agreement (Rec.# 730690), the applicant is required to transfer the subject property as Public Open Space in conjunction with applications for development permits within 5-years of the recordation of the Annexation Agreement. This transfer of this open space should have occurred in 2008, but the dedication is being processed now. Staff has no concerns.

Staff has advertised this application as a combined Preliminary and Final Hearing as the issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings. This subdivision proposal is in general compliance with the Subdivision Standards. Staff recommends approval of Tract B-2 Resubdivision creating Tract B-4 as Public Open Space, PL-2014-0164, with the presented Findings and Conditions.

Commissioner Questions / Comments:

None.

Mr. Mamula opened the hearing to public comment.

Mr. Lou Cirillo, Owner of Lot 3, Peak 8 Place: The ponds above the trail (abandoned County Road 3) were maintained by Vail as well as the drainage. The ponds have failed and the drainage has failed over the years. I

want to make sure whoever going forward will be responsible to fix it. (Mr. Mosher: I believe this is outside the boundary so they will be maintained by Vail. However, I believe this will be a good opportunity with Open Space and Trails to address these concerns.)

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

Mr. Lamb made a motion to approve the Re-subdivision of Tract B-2, Peak 7 Subdivision creating Public Open Space, PL-2014-0164, Ski Hill Road, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was approved unanimously (6-0).

OTHER MATTERS:

1) Class C Subdivisions Fourth Quarter Report (Memo Only)

2) Class D Majors Fourth Quarter Report (Memo Only)

Ms. Puester presented two memos summarizing Class C Subdivisions and Class D Majors approved since the last updates to the Commission in July of 2014.

Mr. Mamula: Can we have a site visit before the new Lincoln Park Bridge Street review? (Mr. Mosher: Yes, and I will ask the applicants to stake out some parameters of the site.)

Mr. Schuman: I have withdrawn my company's name from management for Lincoln Park so at that meeting maybe we can discuss the conflict of interest again.

Mr. Schroder: I had a neighbor ask me who they should send comments to. (Mr. Mosher: Send it to the Planner on the case which is me.)

Ms. Puester: Saving Places is February 4-6; if you can make it, please register yourself and then we will reimburse you. Also, we are trying to keep the Planning website up to date under Pending Projects. Feel free to send people to that about upcoming meeting for Class As and Bs. (Mr. Grossheusch: We are a Certified Local Government from the State and one of the things they look for is Planning Commissioner training. We stay in good standing if you attend the Saving Places conferences.)

ADJOURNMENT:

The meeting was adjourned at 8:25 pm.

Eric Mamula, Chair