

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 Dave Pringle arrived at 7:02
Ben Brewer, Town Council Liaison
Dan Schroder was absent.

APPROVAL OF AGENDA

With no changes, the February 3, 2015, Planning Commission Agenda was approved as presented.

APPROVAL OF MINUTES

With no changes, the January 20, 2015, Planning Commission Minutes were approved as presented.

TOWN COUNCIL REPORT:

Mr. Brewer:

- The Council had a second reading of measure concerning parking with persons with disabilities. Trying to address some loopholes.
- Looked at tobacco products, we updated Town Code for “vaping” devices and all of those fall under town code that regulates tobacco. Especially dealt with minors.
- Second reading of smoking ordinance in Town regards to business entrances and patios and almost heard the second reading, but a local restaurant that was originally a cigar bar attended and caused the Council to take a second look at the Town ordinance in regards to the State regulations for grandfathered establishment for cigar bars. Want to make sure there aren't any unintended consequences for this business. The plan is to have a no smoking 10' buffer around restaurant entrances and patios.
- New business: Looked at an ordinance that deals with enforcement of our sign code and we took into consideration from the Planning Commission not to change the code and then looked at how to enforce the code. We want to understand the sign code potential violations before we move forward. We want to take this slowly and deliberately.
- The Town Council abolished the Breckenridge Public Arts Commission and the Public Arts Committees, which are replaced with the Breck Create Board. As a result of the Breck Create efforts, the Fire Art festival was a new cool event that piggy backed nicely on the Snow Sculpture event.

FINAL HEARINGS:

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

Mr. Thompson presented a proposal to construct a 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: cementitious board and batten, cementitious lap siding, natural stone veneer, heavy timber accents, and asphalt shingle roof. A material and color sample board is available for review.

Changes From Meeting on January 6, 2015

At the preliminary hearing both the Planning Commission and neighboring property owner comments were positive. The applicant has made the following changes after hearing the comments at the preliminary hearing.

- The west retaining wall behind the building used to retain the hillside for the parking has been broken up into two stepped walls instead of one sixteen (16') foot wall at the tallest point. There will now be two walls, an eight (8') foot wall, and a nine and half (9.6') foot wall at the tallest

- point.
- A cross walk has been added across Airport Road, just south of the driveway into Pinewood Village 2, which will be striped.
 - The proposed stone on the building has been changed from cultured stone to real stone.
 - Storage lockers have been increased from 3' x 4' to 3' x 5'.
 - Density decreased from 27,134 sq. ft. to 27,077 sq. ft.
 - Mass increased from 33,800 sq. ft. to 34,452 sq. ft.
 - Modified the board and batten siding to cementitious siding.
 - Added gable to protect Xcel equipment.
 - Added a 2' valley pan for drainage in the parking area.
 - Added curb and gutter around the parking area.

Point Analysis (Section: 9-1-17-3): Staff believes the proposal warrants the following points:

- Policy 24/R Employee Housing positive ten (+10) points
- Positive six (+6) for meeting a Council Goal
- Policy 6/R Height positive one (+1) for providing an interesting roof form that steps down at the edges
- Policy 22/R Landscaping positive two (+2) points
- Policy 25/R Transit positive four (+4) points for a bus pull out with shelter for waiting guest
- Policy 26/R Infrastructure positive four (+4) for installation of a sidewalk to the bus stop and installation of street lights
- Policy 16/R Internal Circulation positive three (+3)
- Policy 20/R Recreation Facilities for the single track trail and outdoor gathering place positive three (+3)
- Negative ten points (-10) under Policy 6/R as the building height is more than one half ($\frac{1}{2}$) story over the land use guidelines recommendation, but are no more than one (1) story over the land use guidelines recommendation
- Negative four (-4) points under policy 7/R Site and Environmental Design for a retaining wall over 4' in height that is not faced with natural materials
- For a total passing point analysis of positive nineteen (+19) points.

The Planning Department recommends approval of Pinewood Village 2, PL-2014-0170, located at 837 Airport Road, Government Lot 47, with the presented Findings and Conditions, and with a passing point analysis of positive nineteen points (+19).

Want to ask Planning Commission:

Do you believe that the design of the retaining wall warrants negative points?

Commissioner Questions / Comments:

Ms. Dudney: Regarding the retaining walls, all of the precedences cite excessive paving, how does this relate to this plan? (Mr. Thompson: In all of the other examples, there were retaining walls because of excessive site disturbance, but in this case it is there to provide enough parking spaces. You can see the negative effects of having to do only 4' walls which would push the walls far up the hill and negatively impact the trail above.) The least amount of points is a multiple of 4? (Mr. Thompson: Yes.)

Ms. Christopher: What is the width of the entry driveway; can cars simultaneously go in and out? (Mr. John Payne, Applicant: It is 24' for in and out. Just two lanes without a turning lane.)

Mr. Mamula: What about a guardrail at the top of the retaining wall? (Mr. Thompson: I addressed this with Mr. Scott Reid from Open Space and Trail and we discussed constructing a buck and

rail fence below the trail, which is above the retaining wall.)

Applicant Presentation:

Mr. Tim Casey: We are here just to answer any questions. We have had a lot of positive conversations with staff. We did add real stone to the building and we think this is a big improvement and is the tradeoff for the surface of the retaining wall. (Mr. Schuman: Mr. Glen Morgan (Chief Building Official for the Town of Breckenridge) and I were talking about heating the system, will it be centralized or not?) We are going with a central system for heating and water.

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

Commissioner Questions / Comments:

Ms. Dudney: I am in favor of this project, it looks really good. I think that I am not in favor of the negative four (-4) points for the retaining wall because I don't think this is good precedent. I would change the point analysis to result in no negative points.

Mr. Pringle: You did a great job with this project. Because you don't hear any outcry from the community you have really done a great job. The best way to get a positive score is to not absorb the negative points. As for the retaining wall, I don't want to set precedent so I do support them remaining at negative four (-4) points.

Ms. Christopher: I applaud the Applicant for all the changes and I agree with the point analysis.

Mr. Lamb: I also agree with the point analysis and approve the project. Also, I think it is good we are addressing the 60 AMI, instead of a focus on 100% AMI.

Mr. Schuman: I do agree with this project and I think we do need to keep the point analysis for the retaining wall above 4'. The Code states up to 4' in height, so I believe the negative four (-4) points are warranted.

Mr. Mamula: I also support the project. I would caution that we make sure with the big walls that there will still be families and children here, take precautions with safety. I know where I would climb as a kid.

Mr. Pringle made a motion to approve the point analysis for Pinewood Village 2, PL-2014-0170, 837 Airport Road. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve Pinewood Village 2, PL-2014-0170, 837 Airport Road, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

PRELIMINARY HEARINGS:

1) AT&T Wireless Temporary Communication Facility at Gold Creek Condos (JP) PL-2015-0009, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a temporary wireless facility consisting of three steel skid mounting brackets with a total of twelve 8-foot tall panel antennas (four per skid) at the north, east, and west rooftop elevations for twelve months at which time the permanent installation would be constructed. The skids and antennas are proposed to match the building color. The mechanical room for this equipment will be located in the basement. The installation is temporary and would be replaced by a permanent, screened installation which is the subject of another application also on this meeting agenda.

AT&T Mobility has filed this application in reaction to extensive research and customer feedback on the lack of reliable AT&T wireless coverage and capacity at peak times for visitors, residents and businesses during the ski season and increasingly popular summer and fall seasons. Pinnacle Consulting, Inc. on behalf of AT&T has requested a twelve month period for the temporary installation to allow for adequate wireless coverage in Town while Gold Creek Condo HOA prepares for construction of the permanent exterior remodel

approved in 2013 as a Class C application which will house the antennas in dormers. A new wireless communication facility ordinance was reviewed by the Planning Commission in November. The first reading of the ordinance is scheduled for February 24th at the Town Council. This application was deemed complete January 14th and is being reviewed under the current polices.

The approved exterior remodel (May 21, 2013) included:

- Roof screening/parapet features to add architecture and screen future roof-top equipment;
- Extension of exterior walkways;
- Added heavy timber accents;
- New exterior stairs;
- New railing and balusters;
- New cementitious siding;
- New stone wainscoating; and
- New paint and stain.

Staff found no Relative policies under which positive or negative points should be assigned and found that the application meets all applicable Absolute policies.

Staff had one question for the Planning Commission on this preliminary hearing application for the AT&T Wireless Temporary Facility at Gold Creek Condominiums (aka Odd-Lot Condos) PL#2015-0009: *Did the Commission find that the temporary nature of the antennas do not warrant screening?*

The Planning Department recommended that the Planning Commission move this application forward for a Final Hearing.

Commissioner Questions / Comments:

Ms. Dudney: What does this installation have to do with the aesthetic modifications to the condo complex? (Ms. Puester: That is a better question for the applicant.)

Ms. Christopher: Why does there need to be three sectors rather than one in the middle of the roof? (Ms. Puester: Again this is better answered by the applicant.)

Applicant Presentation:

Ryan Sager, Pinnacle Consulting for AT&T:

We are happy to answer questions. This is a complicated project. The Gold Creek Condo HOA has tried to do renovations in the past but was financially challenged in the past and AT&T has looked for a good location and this offers a way to make the renovations to the condo happen. We have seen a 200% increase in demand for service here in town, so as more people are coming and people are using cell phones more it is dragging down the system. AT&T has three other facilities around the Town of Breckenridge. The struggle has been with those three facilities having dropped the service levels; they haven't kept up with demand. (Ms. Dudney: You are leasing the space and this is allowing the HOA to pursue the renovations?) Yes. (Ms. Dudney: But could you install this and Gold Creek still not do the renovations?) (Mr. Mamula: Let's address this in our discussion.) (Ms. Christopher: Why are there three antennas on the roof edge instead of one in the middle?) The three sectors are pointing in the direction for where the users are now that are dragging down the system. They are needed to increase the level of service for those locations. There is scientific and mathematical calculations that go into this assessment by RF engineers. (Mr. Mamula: During the temporary phase is there any way that they can be pulled in the center of the building?) For every four feet you go in you have to go one foot higher. Our goal is to keep them as low as possible by keeping them at the edge of the building. AT&T has determined that the sectors can be cut down to two antennas instead of four as presented tonight and do 6' tall antennas instead of 8' tall (for the temporary application only). (Ms. Puester: We can put a condition on the permit that it be limited to 12 months.)

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

Commissioner Questions / Comments:

Ms. Dudney: I think it looks horrible. Once something like this goes up, you aren't going to take away phone service in 12 months if the remodel doesn't happen. I don't see what kind of certainty that the Town has that the exterior improvements go in. I do have big concerns regarding screening under policy 5A, particularly at the entrance to town.

Mr. Pringle: I don't think they are pretty but I do think they are necessary. Once they go up how do we get these two groups to make sure a final solution is found and clearly lay out that this is only temporary?

Ms. Dudney: Could we require that the renovation happens first or they happen simultaneously?

Ms. Christopher: I am not comfortable with the temporary antennae without the screening.

Mr. Lamb: Yes, I don't like the way they look but I think it is necessary. It would be nice to have some mechanism that the permanent plans do go through. I'm fine with the temporary plan but I would like to find a solution.

Mr. Mamula: I don't have a big problem with the temporary solution. I think the screening will look way worse than the two 6' antennas. I don't have as big of a problem removing them if they need to be. The outcry will go to AT&T not the Town Council when customers lose service. The pressure is on AT&T to make sure that this gets done the right way. (Mr. Artie Muscola, AT&T Wireless: How we are helping Gold Creek is with a 10 year contract which will help them get the financing. We can do something that will emulate what they were going to do with the dormers in case that they don't do their renovations. One antenna in the middle of the roof doesn't really work. For every 4' we go back in distance we have to raise them 1' in height. If we move them back too far they won't work. We are also willing to screen them on a temporary basis if needed. Still 3 sectors but two feet lower than you see which we just found out we could do from engineering this week. North elevation allows us to façade mount them but it doesn't work great on the other elevations. We are trying to keep identical coverage from the temporary to permanent locations.) Can we have an 8 month window where if in 8 months the HOA isn't doing what they are supposed to do to move to the exterior remodel, the Applicant has to come back in with a solution? (Ms. Puester: We will discuss a possible condition with the Town Attorney.) As the Applicant, will you put the 8 month time frame on your calendar? (Mr. Muscola: We will have this screened by the July 4th weekend even in the temporary locations. If we didn't so desperately need the coverage we would just wait for the remodel to happen.)

Ms. Dudney: I understand the need. I just want to press for what the temporary screening looks like.

Mr. Lamb: Doesn't this come down to if the situation flies with the financial arrangements?

Mr. Mamula: For the next meeting let's get an updated graphic and screening. (The Applicant presented images for the permanent screening and an example of the temporary screening.)

Ms. Dudney: I definitely like it with the screening better.

Mr. Pringle: I am agnostic.

Ms. Christopher: I like the screening.

Mr. Lamb: Some sort of screening as long as it can be affordable. (Mr. Muscola: This would be on AT&T to pay for which is fine. It's not a lot.)

2) AT&T Wireless Permanent Communication Facility at Gold Creek Condos (JP) PL-2015-0005, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a permanent wireless facility incorporated entirely inside three of the dormers associated with the Gold Creek Condo exterior remodel development permit (PC#2013034) at the north, east, and west elevations. The dormers in which the antennas are located would be

fiberglass manufactured to appear the same as the approved exterior remodel materials. The mechanical room will be located in the basement. The estimated time of construction will be in June. This permanent screened installation would replace the temporary antennas presented this evening.

The applicant has simultaneously applied for a temporary wireless facility application (PL-2015009). The removal of the proposed temporary wireless facility would occur once the exterior remodel is completed.

Staff found no Relative policies under which positive or negative points should be assigned and found that the application meets all applicable Absolute policies.

The Planning Department recommends that the Planning Commission move this application forward for a Final Hearing. Should the Commission have any questions or comments on the application or point analysis, staff would like to hear them at this preliminary hearing.

Commissioner Questions / Comments:

Ms. Dudney: Are you indifferent to the design that was approved from 2013 to the new design (dormers)? (Ms. Puester: We are fine with the new design. It is a simpler roof form than in 2013 that will blend well. The north end did change and get taller and more massing. The parapet is the same height. All the materials are the same as in 2013 except for the three dormers with antennas which will be fiberglass material. The northern dormer had to be bumped out 2' to allow for the antennas to be dropped over the roofline to stay within the 10' height exemption. We like the new design on the East and West elevation.) If you could attach the sectors on the façade of the building could you have a permanent solution?

Applicant Presentation:

Mr. Ryan Sager: I think AT&T is looking for the 8' antenna size for the permanent solution and the 6' are only for the temporary solution. We would like to defer to Mr. Sonny Neely, the architect, for the details on the exterior.

Mr. Muscola: We can certainly make the overall height; we prefer the 8' antenna for the capacity long term.

Mr. Sonny Neely, Neely Architecture, architect for Gold Creek HOA: We can't go any lower for the rooftop for the two main towers on the east and west elevations which also accommodate stairs to the roof. We were working with the larger antennas; this is the first I heard about the possibilities of smaller antennas. We think the larger updated dormer roof forms will look better in this new application. We accommodated the best we could to get the antenna inside the dormers. The HOA is doing the best they can to finance this renovation and this is a huge step to getting to the goal. (Ms. Dudney: The idea to put it on the façade; is this a good idea?)

Mr. Muscola: This one sector will always be setting out like an eyesore and we wouldn't put this in a permanent solution. The permanent solution is 3 sectors at 8'.

Commissioner Comments:

Ms. Dudney: I still don't like the design but I concede to the staff if they like the new one. I want the temporary screening.

Mr. Pringle: Make the deal, make it happen, I don't care if we screen the temporary.

Mr. Mamula: This conversation is about the permanent application so let's keep the discussion to that.

Ms. Christopher: I'm fine with this one.

Mr. Lamb: I like the new design. If the 8' antennas have more bandwidth, let's not do this halfway.

Mr. Mamula: I agree, let's do this right the first time. Since this is such a "stunning" building when you come into town, let's do this the right way.

3) Shock Hill Tract E Master Plan Modification (MM) PL-2014-0174, 260 Shock Hill Drive

Mr. Mosher presented an application to modify the existing Shock Hill Master Plan for Tract E only, which

currently identifies this site for multifamily/lodge with 60.7 Single Family Equivalents (SFEs) of residential density, plus 5,300 square feet of commercial density (retail shops, spa/health club, business center, and restaurant/bar). The proposed modification proposes a total of 31.25 residential SFEs for Duplex (at 1,600 square feet per SFE) or Cluster Single-Family use. Duplexes would be configured as 10 buildings. The number of Cluster Single-Family would be subject to the Policies (setbacks, building height, etc.) defined in the Town's Development Code. There is no commercial density proposed.

The following are the key points from the original Development Agreement approved by the Town Council in March 2007, and how these points relate to development of this site. The applicant and owner intend to abandon the Agreement upon approval of this master plan. The items from the Development Agreement not related to the lodge development will be created as Conditions of Approval for the Subdivision and Master Plan. Summarizing these key issues:

- Dedicate Tract E-2 to the Town as public open space.
- Design buildings using best efforts to mitigate the visual impacts of the development from the areas of Cucumber Gulch to the west of the Tracts to the extent practical.
- Implement all appropriate provisions of Section 11 and Section 12, Best Management Practices, of the Town's "Cucumber Gulch Overlay Protection District Ordinance".
- Construct a buck-and-rail fence on the downhill side of the Town's trail located to the west of Tract E to separate the development from the Gulch, if requested by the Town.
- Place signs on the property at key access points to Cucumber Gulch, containing information concerning the importance of the Gulch, its ecological function, the presence of the Boreal Toad, the prohibition of dogs and the importance of staying on established trails. Similar signs shall be placed in the individual units.

With two-thirds of the property being left as pervious, we are not suggesting any negative points under the Special Areas policy. Did the Commission concur?

Staff realizes that the change to duplexes and/or cluster single-family homes is a significant departure from the approved lodge. Though the development is less density and lower in building height, the site impacts may be greater. However, there should be plenty of permeable area for new plantings and review of the specific site impacts will be brought to the Commission with the individual Class C development permits.

1. The Master Plan notes describe larger minimum tree sizes. (Landscaping for each building shall include a minimum of (4) coniferous trees (12' tall min.), (8) deciduous trees (2" caliper min.), and (8) shrubs (5 gallon).) Did the Commission support these sizes?
2. Did the Commission believe any additional plantings are needed along the western edges of the development?
3. Did the Commission believe these quantities and sizes of the landscaping will adequately mitigate the impacts of illustrative development plan?
4. Did the Commission agree that no negative points should be awarded under Policy 37/R for impervious surfaces?

Staff recommended this application return for final review.

Commissioner Questions / Comments:

Mr. Schuman: Is there access to the Nordic trails in this area? (Mr. Mosher: With this development a played temporary access to the Nordic / non-motorized trails will be codified with the resubdivision as a non-motorized public trail.

Mr. Mamula: Please explain the density analysis in the report. (Mr. Mosher: The LUGs, at 2 UPA, represent the lowest density on the property: however, the 1998 master plan allocated over 60 SFE's for lodge use. With this proposal, they are looking to reduce the density and change the use from Lodge to Duplex and Cluster Single-Family.) What happens to the

remaining density? (Mr. Mosher: It sunsets.) Who enforces the spa not draining into the sewer? (Mr. Mosher: The Sanitation District has agreed with certain other properties. This is identified on the Master Plan and is policed with the review of each plan by Planning, the Building Department, and Town Engineering.) (Ms. Puester: The Sanitation District will review and comment with the next review.) The surface water monitoring; is this additional beyond what is typically done with the Town? (Mr. Mosher: Yes, the conditions listed go beyond the standard and closely follow the BMP of the Gulch.) At some point, residents get billed and the developer goes away. (Mr. Mosher: I imagine it is something that is written as a Condition for the HOA to continue monitor the surface water. This is similar to how the approval of the Breckenridge Mountain Lodge was handled.) Will the Planning Commission see every one of these units as they are submitted? (Mr. Mosher: Yes, the Applicant intends to have them reviewed as a Class C.)

Mr. Pringle: When I look at the density the total that is allowed is 78,400 sq. ft without the TDR's. It is 49,999 really there is a typo in the packet? (Mr. Mosher: Yes there is an error. The individual numbers are correct, but the sum at the bottom is incorrect.) (Ms. Puester: I don't think you will see these individually as Class C submittals unless these receive points.) (Mr. Mosher: I believe the Applicants plan on having these reviewed as Class Cs.)

Mr. Mamula: With the comments we are seeing on this, some of this stuff is site specific and I want to see that the neighbors get to make some comments on each submittal in a public hearing. (Mr. Mosher: Staff will have a clarification at the next meeting.)

Mr. Pringle: What guarantee will they have that they do come through our process with Planning Commission review? (Mr. Mosher: We will come back with more information.)

Ms. Dudney: The density is confusing, the existing has 66 SFE if that master plan lapsed, it would fall under the current Land Use Guidelines? (Mr. Mosher: Density and use on a Master Plan is vested and remains. This is true of all of the Shock Hill Master Plan.) If this vesting period went away? (Mr. Mosher: It doesn't go away.) But the use changes, doesn't it? The current master plan is like a new zoning and the difference in density is then sunset? (Mr. Mosher: Yes.) If no changes are approved in two years it just stays the lodge? (Mr. Mosher: Yes.) Was there anything specifically addressed with amenities with the current master plan? (Mr. Mosher: Amenities were identified in the Development Permit for the Lodge, not the Master Plan. This permit has a vesting period of three years and is set to expire next year.)

Mr. Pringle: Even if you have a significant change from what is approved, you would still be able to access that same density. (Mr. Mosher: I suppose this is an option if the Commission feels that this density is not appropriate for the site. Then it could be revisited.) But the density is tied to the concept of a lodge use; the concept of a lodge is going away but the density stays? (Mr. Mosher: You could say that the proposed density doesn't fit and ask for a modification of the density request.) We have the ability to not accept the density? (Mr. Mosher: As with any Master Plan, yes you can. There is never a guarantee that any development can use all of the allocated density.)

Applicant Presentation:

Chris Canfield, Breckenridge, represents the developer:

Thanks to Commission and Staff. We feel that we are bringing forth a proposal with no negative points. Our goal is to have a fine residential neighborhood added to this area.

Suzanne Allen, Allen-Guerra Architecture: The owners of the property are also in the audience. Originally we did come in and present to Mr. Mosher another site plan with two more units. When we originally proposed the lodge, we used some extra site area for the development and the visibility from the gulch increased. I think this proposal works nicely with the site. I disagree that this has more site disturbance than the previously approved lodge plan. We did work with Staff and tried to accommodate all concerns. We did a fit test with massing models and floor plans that were not intended to be included in the packet. They were for massing

study only. The planned architecture will be rustic with strict guidelines. We would be adhering to these guidelines. There are already a lot structures on Shock Hill that use exterior metal.

Mr. Mamula opened the hearing to public comment.

Mr. John Quigley, 67 Wildcat Road: I've been involved with each development on this property since 2000. I would like to thank Mr. Mosher for answering questions and thank you for reading the letters we all sent in. I want to talk about the process and how it impacted our owners. The process created a lot of heartburn when we realized we only had one week to react. The notification process limited to 300-feet from the property and, as a result of this major change, we are asking that you reconsider the Code to include all of the people of Shock Hill who are impacted not just the 300'. In addition, we were surprised at how easy it was to change a master plan. When many people bought here they were basing their decision to purchase on the approved master plan at the time. There is an expectation that there should be a very difficult process to change any master plan not a very easy method to change. We want to make sure that all impacted stakeholders have a chance to comment. Per the submitted letters, thirteen of our owners against and three in support of these changes. It is important to hear the opposing side. The people who were for the change to the Master Plan are those who are immediately next to this property. The Lodge hotel has been a part of the process since around 2000 and our neighbors saw this as an amenity to their property. This master plan with the lodge use has been there since day one; in every case the Shock Hill board in working with the applicants. The first I heard of this was when I saw the yellow public notice up by the gondola. I have sent you a document that was used to sell the original lodge and the amenities that it would include which was spelled out in a public document. All of our owners made a purchase decision based on a master plan that they thought would not be easy to change. The first concern was that the new developer could create their own design review board not affiliated with the Shock Hill design review team. This is crazy. Other tracts A, B and C have been developed by going through our review board. Many of these concerns are not the purview of the Commission but this should be something you bring up in your Top 10 list of the year. The lodge and hot beds were being created in the Town to spurn economic benefit and increased tax revenue; this must not be a concern of the Town any more. This proposal is wrong for the Town it takes away the hot beds. It is wrong for Shock Hill. The contemporary design would never pass our design review board. It is wrong for tract E that was supposed to be five star hotel that is needed in Breckenridge. I am disappointed and frustrated. I don't think this is the best thing for either the town or Shock Hill.

Mr. Dick Sosville, 36 Iron Mask Drive: I'm very involved with marketing the Town involved with Go Breck. This site is unique with the mid-station of the Gondola and its proximity to Cucumber Gulch. I'm viewing it through the eyes of our guests. This proposal has too much program for the lot. It is too dense. Its design isn't consistent with anything else in Shock Hill. No other area has this physical density and it is located at the most premier site. The spacing is different; the garage entrances are different than what we have in every other area of Shock Hill. This looks closer to something from Highlands Greens not Breckenridge. I want to address Policy 5; I think the Planning Commission needs to walk the site. The setbacks are too small to Cucumber Gulch. The separation from Shock Hill Drive is insufficient. Several buildings will literally be under the Gondola. The shared driveways and a mass of potential cars around this circle this isn't what Shock Hill or the Town are about. The setbacks and the separation between the units don't allow the driveways to seen as separate. This plan is about as bad as I can imagine. Not looking at the renderings, but if you look at the architecture review board being the owners of this tract so they will decide. You see they refer to this a mountain contemporary, which is totally inconsistent to the Shock Hill review board. The idea of mountain contemporary is not consistent to Shock Hill. This is inappropriate for this pristine very critical site for our guests.

Mr. Clark Nicholas, 560 Peerless Drive: I'm one of the closest units to this area. I'd like to thank John and Jan for helping the neighborhood. I think what I would like to see is the reduction in density. I'm in favor for one of the proposed plans. I have never gone through the Shock Hill Cottages or the other units that Breck Lands

has on the other side of the Gondola. John Swartz took me through these units and Breck Lands has done a phenomenal job; I would like to see something like this if this is approved. With the money we've spent on homes and how much we like Shock Hill we need to do something with quality.

Mr. Jeremy Fischer, Owner of Lot 56, Lot 23 and Lot 3 in Shock Hill and a builder working in Shock Hill: I looked at possible purchasing this parcel myself and generally speaking the proposal before us is what I was considering. I didn't think the hotel was viable at one time for the site. I believe this program generally works. I like this program better than the hotel due to the reduced footprint. I think that having any commercial space would bring a whole other entity with increased traffic and increased parking from visitors to the hotel that may not be staying there. Looking at what has been going on over the last several years with traffic gridlock in Town, I would hate to see that sort of traffic and activity in Shock Hill and I think the hotel use would bring that. I support this program. I think it is a big weight to come up with something brilliant; the site deserves this and I think Suzanne can bring this. It lends to the prestige of the development. I think she will bring creative ingenuity. I think this direction is the right direction.

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

Mr. Schuman: What is HOA doing for spa connections and the San District?

Mr. Mamula: This is really a PMA issue. This is so close to the PMA that we put specific conditions on it. (Ms. Suzanne Allen depicted on an aerial photo where Tract E is compared to the Gulch.) Could you clear up the question on the design and review board, I'm curious. (Mr. Mosher: Staff will discuss with the Applicant and have more clarity on the next review.)

Commissioner Questions / Comments (Tract E):

Ms. Dudney: I am sympathetic to the fact that you can't make a property owner develop a property that is not financially viable. But I also see the point of rezoning a property without taking everyone's input on who is affected with the master plan modification. I don't feel comfortable with approving this with this kind of disagreement of the neighboring property owners. I have a problems with Policy 5/A and 5/R. It appears that these are the critical aspects that the neighbors have issue with. How the site is viewed from neighbors and the circulation and the drive layout may be of concern.

Mr. Pringle: It just seems wrong. From the beginning of the Shock Hill Master Plan that this was always going to be the hotel site. With the last property owner, there were a lot of discussion points on how the people of the neighborhood could access some of the amenities so I'm sympathetic to the neighboring owners. When I made a purchase, I bought into the Shock Hill with the notion that there was going to be a very good hotel and this was good for the Town and that the Town desperately wanted to have a hotel. I don't want to say that accommodations were made to the whole Shock Hill development but it went into the calculus of it. Now that everything else is built, here comes the one jewel of the Town to be changed. I agree that this is a significant change to the total Shock Hill Master plan and I don't think it should be changed that easily. I don't know what benefit the Town gets on this proposal. I'm not inclined to endorse this modification. It is way over density. I would like you to start with the 13 SFEs per the Land Use Guidelines. Had we known at the time that the 60 SFE that the hotel got would be used for any other use, I doubt we would have approved this large amount of density. I can't see that we should have a great departure from the existing architecture. (Ms. Puester: Could the Commission please refer all of your comments to the Development Code policies? Staff and Applicant need this direction as Code based. As for the 300-foot notification, we have been advised by our attorney not to modify what is in the Code as for public notice. There are liability concerns. To the Applicant, please stay in touch with Mr. Mosher.)

- Ms. Dudney: Can't an Applicant have an impact and change how the Town notices? (Ms. Puester: The Town sends the notifications per Code, but the Applicant can do their own notification if they want.) (Mr. Grosshuesch: This is coming back for another hearing.)
- Mr. Shuman: Question 1: I think sizes are adequate. 2: I think more plantings are better. 3: I think the quantities meet the minimum marks and are adequate. I support no negative points for the open space. We do have a lot of other master plan points that the staff needs to sort out for our next hearing.
- Mr. Lamb: We are here reviewing this application against the Development Code for any comments. The hot bed issue will need to be brought up with the Council. 1. Landscaping is fine. The 45-55 foot trees on the western edge I think this is sufficient. 2: Yes. 3: I agree with no negative points for 37/R. I think we can figure out the architecture and will be addressed in future hearings.
- Ms. Christopher: Questions: No negative points and agree with all other. However, I don't feel that this fits the site, it is too dense, this may be the circle driveway effect. I feel that this is suburban feel. As for policy 5A/5R, this needs some work. I think the mountain contemporary is inappropriate and I think you should work with the Shock Hill design and review board in the neighborhood to make this continue to be our crown jewel.
- Mr. Mamula: The 300-foot limit on notice has always bothered me and I think it is important. I sympathize with the neighbors. So much has gone on since the original master plan, during the original Master Plan review, the reason I asked to push density to this site was so that we wouldn't end up with scattered townhomes. Something has gotten sideways. For the next iteration I would like to see how we got to this point for my memory and knowledge, because there were other lodge sites in Shock Hill that went away. I also agree that we don't see a lot of master plan changes; it seemed like after getting approval you wouldn't change it. The real question is how this fits in the site and how it fits in the neighborhood. I do think it is too dense. I would like to see the densities on the townhome tract, Cucumber Patch. That seems to fit. I can't tell you if the landscaping is going to work because I think that is site specific. I do think additional plantings are needed on the western edge. It is too prevalent from the rendering with the photo presented. It is a frontage that I don't like how it reads from the Gulch. I agree with Staff with no negative points with policy 37/R. I'm glad you said something about how the driveways work. Hopefully we get to the place where the neighborhood embraces this and we can have a nice project. I do like the architecture.
- Ms. Dudney: We have no obligation to change a master plan?
- Mr. Mamula: We do have the obligation to approve anything that doesn't violate the Development Code. You have the original master plan for the entire project, in my reading as long as all the layers have, you have... (Mr. Grosshuesch: Through the Development Code policies you have to address things like site buffers. That is how you address the "too much density" comments, not meeting setbacks.) (Mr. Mosher: Being more definitive would be helpful for us and the developer.)

4) Shock Hill Tract E Resubdivision (MM) PL-2014-0175, 260 Shock Hill Drive

Mr. Mosher presented a proposal to subdivide Tract E of Shock Hill into Tract E-1 (4.361 acres) as the development area and Tract E-2 (2.308 acres) which shall be dedicated as public open space.

The lodge development permit has been extended twice, and to date has not been constructed. A subdivision for this open space dedication (a condition of approval) was approved (PC#2008063) but the vesting for the subdivision has since expired and no plat was recorded and the property was never conveyed to the Town. The current owner and applicant intend to fulfill the Open Space dedication in conjunction with the Master Plan modification of this property as Duplexes and/or Cluster Single-Family homes (separate application). Any subdivision improvements associated with the proposed Duplexes and/or Cluster Single-Family homes will be required when any development commences on Tract E-1. Staff welcomed any Commissioner comments.

Staff finds that the proposed subdivision meets the requirements of the Subdivision Standards. Subsequent to approval and recordation of the subdivision plat, Tract E-2 will be dedicated to the Town. Special care will be taken to protect the Cucumber Gulch Overlay Protection District. Staff has added notes similar to those approved by the Commission for the development of the lodge. Did the Commission have any additional concerns to identify? Staff recommended this application return for final review.

Commissioner Questions / Comments (Subdivision):

Ms. Dudney: No comments.
Mr. Pringle: No comments.
Mr. Schuman: No comments.
Ms. Christopher: No comments.
Mr. Lamb: No comments.
Mr. Mamula: No comments.

OTHER MATTERS: None.

ADJOURNMENT:

The meeting was adjourned at 9:51 pm.

Eric Mamula, Chair