

**PLANNING COMMISSION MEETING**

The meeting was called to order at 7:00 pm

**ROLL CALL**

Kate Christopher            Gretchen Dudney            Jim Lamb  
Ron Schuman                Dave Pringle arrived at 7:03pm.  
Eric Mamula, Dan Schroder and Ben Brewer, Town Council Liaison, were absent.

**APPROVAL OF MINUTES**

With no changes, the March 17, 2015, Planning Commission Minutes were approved as presented.

**APPROVAL OF AGENDA**

Ms. Puester announced that the Lincoln Park at the Wellington Neighborhood Phase I Subdivision, PC#2014039, 710 Stables Road, was not ready for Final Hearing and would thus be heard as a Preliminary Hearing this evening, with a Final Hearing to occur at a later date. The Lincoln Park at the Wellington Neighborhood Master Plan, PC#2014038, will still be presented as a Final Hearing.

Mr. Brewer is absent; therefore, Ms. Puester announced there will be no Town Council update.

With no other changes, the April 7, 2015, Planning Commission Agenda was approved as presented.

**CONSENT CALENDAR:**

1) McLerran-Feldesman Residence (MGT) PL-2015-0015, 73 Penn Lode Drive

*Commissioner Questions / Comments:*

Mr. Schuman: There is no north elevation in the packet; both are called south. This is on Pages 16-17 of the packet. Page 16 is north Page 17 is south. No issue on the plans; just wanted to make note of the issue.

The Consent Calendar was approved as presented.

**TOWN COUNCIL REPORT: None.**

**FINAL HEARINGS:**

1) Lincoln Park at the Wellington Neighborhood 7<sup>th</sup> Master Plan Modification (MM) PC#2014038, 710 Stables Road

Request from the public for a continuance. Having received two letters/emails from citizens requesting the meeting be continued to 21st, Ms. Christopher announced that per Rule 29 of the Planning Commissioner rules that the hearing may be continued for a good cause. Ms. Christopher welcomed the public to come forward.

Mr. Sean Berg, 63 Rodeo Drive: Neighbors just now getting wind of changes. Don't feel any of the pedestrian bridges are warranted. Finish old neighborhood first before moving on to the next one.

Mr. Chris Tennal, 35 Rodeo Drive: I second the comment about finish the park and Wellington Neighborhood before moving on to next development phase. We've lived there for ten years. (Ms. Puester: We will still take public comment later during public comment. This public comment period is for addressing the need for a continuance of this item on the agenda.) (Mr. Tim Berry, Town Attorney: Ms. Christopher, when you get through, read the letters.) (Mr. Mosher: I received two single written requests that specifically requested continuance.)

Ms. Christopher: Does anyone else from the public wish to speak to the continuance? (Ms. Puester: The letters are on page 39 and 40 of the packet) The Florio's letter on page 40 of the packet requested a continuance due to spring break and unable to attend the meeting. On page 39, Ms. Gretchen Hamilton requested a continuance for the same reason. Can we now hear from the applicant?

Mr. David O'Neil: There are a couple reasons why this should be heard this evening. We've been at this submittal since October of 2013 and we are down to two issues: whether the bridge should be built and where the bus should go. Continuing it makes no sense as these two issues are not in the Planning Commission's purview but Public Works.

*Commissioner Questions / Comments:*

Ms. Christopher: Should we now take a vote on whether we should continue?

Mr. Lamb: I am willing to continue just because this is a very important issue.

Mr. Schuman: When is next meeting availability? (Ms. Puester: We do have several items already scheduled for the 21st of April Meeting.)

Ms. Christopher: Additionally, Mr. Mosher is gone that meeting.

Ms. Dudney: I don't think we have to have Mr. Mosher present. We have received two letters implying this is unfair to be held during spring break. Nobody has spoken about that in the audience? Just a comment, I have very mixed feelings about this important issue; not only that the process needs to be fair and we observe legal protocol, which we have done. But, we want to be fair. The implication from the letters is that we are holding the hearing during spring break and it's not fair. This could be misconstrued by the public that it is unfair. However, I weigh the disadvantage to the applicant having to wait two more weeks and the expense incurred vs. this perception of impropriety by the public.

Ms. Christopher: Mr. Berry, any comments? (Mr. Berry: The Planning Commission Rules, particularly rule 29, state the Planning Commission may postpone any hearing for good cause shown. Focus on one, has there been good cause shown or two, you want to continue it because you are missing some votes.) I feel the two letters written have been submitted to us in writing and are included in the packet.

Mr. Pringle: The meeting has been legally noticed and they also have the opportunity to speak to the Town Council in a week on the same matter if they choose. We have a legal quorum for the Commission this evening; it is not necessary for every Commission member to be here. (From the audience: Ellen Brown, 22 Meadow Lark Green: I submitted a letter that has not been included in the packet. I submitted it to Mr. Mosher at 7:30am on April 1<sup>st</sup>. I heard you were going to vote and I am nervous my comments have not been heard.) (Mr. Mosher noted that he did not receive this email, but would accept the letter this evening.)

Mr. Pringle made a motion to hear the item as noted on the agenda with no continuance. Mr. Schuman seconded. The motion was approved (4-1).

Ms. Christopher explained the process to the audience. Ms. Puester distributed the email/letter from Ms. Brown to the Commission.

Mr. Mosher presented a proposal to amend the approved Wellington Neighborhood Phase II Master Plan (PC#2005042) with the proposed development of 78 SFEs of single-family, duplex and triplex residential uses. This portion of the neighborhood is to be called "Lincoln Park at the Wellington Neighborhood". There is no change in the previously approved density or uses.

Changes from the January 20, 2015, preliminary hearing:

1. The vehicular bridge across French Creek at Midnight Sun has been replaced with a pedestrian bridge.
2. The final Phasing Plan is included.

3. A pedestrian bridge across French Creek to Central Park has been added.
4. The Vern Johnson Memorial Park area (north of French Creek) has been identified.
5. The potential “day-care/open space/ or other mutually acceptable use” property has been relocated to the west end of the development near Wellington Road.
6. The Traffic Impact Analysis has been updated to include this phase of the development.
7. The Master Plan Notes and Development Standards Matrix have been updated.
8. A subdivision for the first phase has been submitted (separate application).

The decision to eliminate vehicular bridge was discussed at length with Engineering and Public Works and it is now as the applicant initially wanted. Staff did get official word from Xcel and the parking and alley located inside their easement has been squared away. The existing Wellington Neighborhood has 9 right-of-ways while Lincoln Park has 1, Bridge Street. Working with Public Works, slight modifications to the profile to Bridge Street were made to accommodate circulation for the Free Ride Bus, Town snow plows, and emergency service vehicles. Impacts to Bridge Street were negligible. The Guest Parking in front of each green has been pulled further away from the paving edge. Staff has also asked for landscaping to be removed out of the right of way. Both applicant and staff agreed this would be enough improvements to not hinder life safety. We have no concerns.

Traffic study: At build-out of the Lincoln Park Subdivision, 45% of Lincoln Park traffic will use Wellington Road, 45% will use Reiling Road, and 10% will utilize Bridge Street. The report summarizes that there are minimal impacts to existing Wellington Neighborhood. Trail connections shown on the Trails Plan at the previous remain the same.

As the wellington Neighborhood was started this in 1999 there is a list of requirements and commitments to be included by the end of the development. One of these is an easement dedicated to the Town for the entire length of French Creek for the Town to monitor and maintain water quality. The Vern Johnson Memorial Park was already dedicated as part of 1<sup>st</sup> phase of Wellington Neighborhood; now joining it with Lincoln Park and it will have shed, picnic tables etc. The Bridge Street bus stop: the bus will stop near green space to allow more of neighbors to access the bus stop.

There will be four phases to coincide with and will include these improvements. From the applicant:

1. **Phase 1** will include the portion of the Bridge Street right-of-way and the other improvements shown within block 1, plus the proposed Rodeo Pedestrian bridge connecting Reliance Green to Rodeo Drive. In addition, Phase 1 will include the improvement of Stables Road, (excluding paving) up to Alley 3a, which is located within Town of Breckenridge property to the west of Lincoln Park, up to and including the intersection with Bridge Street. It is anticipated that a public right-of-way (ROW) will be created by the Town for Stables Road, at least up to and including the intersection with Bridge Street and that easements will be granted by the Town for the Connections from Stables Road to Alleys 2a, 3a & 4a.
2. **Phase 2** will include the right-of-way and other improvements shown within Block 2, except for the Midnight Sun pedestrian bridge connecting from Lincoln Park to Queen of the West Road. This will be completed as part of Phase 3. Phase 2 will include the paving of Stables Road and Alley 2, 3a, & 4a connections. In addition, prior to receiving the last certificate of Occupancy for the residences included within Phase 2, the bridge from Bridge Street, northeast of French Creek to Lincoln Park, southwest of French Creek shall be installed and a temporary turnaround sufficient in size to accommodate the Town's 29-foot long Free Ride buses will be graded and finished with road base. A new bus stop at the west side of the Logan Road and Bridge Street intersection will be constructed with a sign, bench, and accessible landing pad consistent with the Town's requirements.
3. **Phase 3** will include the ROW and other improvements shown within Block 3. The Vern Johnson Memorial Park and the Midnight Sun pedestrian bridge connection from Lincoln Park to Queen of the

West Road will be completed as part of Phase 3 prior to receiving the last Certificate of Occupancy for the residences included within Phase 3.

4. **Phase 4** will include the right-of-way and other improvements shown within Block 4, including specifically completion of Bridge Street to the previously installed Bridge Street bridge over French Creek. The Central Park pedestrian bridge connecting Lincoln Park to central park will be completed as part of Phase 4 prior to receiving the last Certificate of Occupancy for the residences included within Phase 4. Trails will also be completed during Phase 4.

This phasing has been reviewed with Planning, Transit, Emergency Services and Engineering Staff with no concerns.

Transit: Staff has heard a lot of public commentary about the transit design and phasing. Part of the second phase of this master plan is the bus stop. The existing bus stop is over 1,500 feet from the east side of existing neighborhood; Transit is ready to add a new bus stop, in accordance with the 2006 Master Plan, to the middle of the neighborhood at Bridge Street to serve more of the existing residents. Concerns have been expressed by neighbors about the needed bus turnaround at the end of Bridge Street. There may be more discussion in the future prior to this phase being finished; we are aware of the concerns of the neighbors.

The applicant is planning to crush the on-site rock again as in past phases. Staff will process a Class D permit with special care taken for the time of year and noise.

The master plan notes reflect the discussions from previous meetings regarding the garage locations/setbacks and how snow is shed off the roofs. Requiring one extra parking space for bonus rooms with water and sewer hook-up is now part of the Master Plan. The combined side yard setbacks increased from 10-feet to 12-feet for more breathing room.

Point Analysis (Section 9-1-17-3): Staff has reviewed this application against applicable policies of the Development Code. Staff notes the following were exempt from point assessments as they are identified in the Annexation Agreement.

- Lot sizes less than 5,000 square feet are allowed. (9-2-4-5: Subdivision Ordinance, Lot Dimensions, Improvements and Configuration)
- Reduced building setbacks are allowed. (Development Code, 9-1-19-9A and 9R, Placement of Structures)
- Allowance for more than four homes off a private drive (Engineering Standards, Section IV, Private Roadways and Driveways, B., 5)
- Right of Way paving sections are less than 24-feet wide (Engineering Standards, I., Structural Design Criteria, Table 3.13 Design Elements Summary)
- Private alleys are narrower than the suggested paving sections (Engineering Standards, I., Structural Design Criteria, Table 3.13 Design Elements Summary)

Staff found the proposed modifications to the 2006 Master Plan complied with all Absolute Policies listed. The Wellington Neighborhood Phase II Master Plan (PC#2005042) received positive points under Policies 20/R Recreational Facilities and 24/R Social Community, Employee Housing. This modification will reflect the same. The total passing score is positive thirteen (+13) points.

The applicants have worked diligently with Planning and Engineering Staff to accommodate the developer's needs and the needs of the public. Staff reminded the Commission and the public that master plans may be modified in the future.

The Planning Department recommended approval of the presented Point Analysis for Lincoln Park at the

Wellington Neighborhood Phase II, Master Plan Modification (7th Master Plan Amendment of Wellington Neighborhood Master Plan) PC#2014038, showing a passing score of positive thirteen (+13) points.

The Planning Department recommended approval of the Lincoln Park at the Wellington Neighborhood Phase II, Master Plan Modification (7th Master Plan Amendment of Wellington Neighborhood Master Plan) PC#2014038, with the presented Finding and Conditions.

*Commissioner Questions / Comments:*

Ms. Dudney: At the last meeting, did I understand there was a choice between the Midnight Sun bridge and an increase of paving width on Bridge Street to 24'? (Mr. Mosher: Actually the paving section stays same 20-feet as all of neighborhood with 3-foot wide valley pans. Moving the guest parking and moving the landscape out of the right of way have freed up space.) Does staff believe we no longer have to widen road? (Mr. Mosher: Correct.) Ok.

Mr. Schuman: The daycare site has to be agreed between whom, acceptable to whom? (Mr. Mosher: The Town and the applicant.) If the applicant goes away? (Mr. Mosher: The Town and the HOA.)

*Applicant Presentation:*

Mr. David O Neil: Thank you for hearing this tonight. Mr. Pringle, thank you for your motion. I am here, Tom Lyon is here, and Steve West is here. 15 years ago we were all here. We have come a very, very, very long way. Speaking of neighbors, obviously people really care about the neighborhood so we have succeeded in what we have created. We think that is great they have been hugely successful in process. The main points of contention seem to be the traffic, the bridge and the buses. We have to deal with constraints public works is working with. When you hear the objections tonight, the first relates to crossing at Bridge Street. Public Works relented so there is no vehicular crossing at Midnight Sun. Should there be one at Bridge? Second, what will interim bus routes be during construction? Public Works issue, not Planning Commission issue. We have 13 positive points; we should be good to go. 800 people live in neighborhood now; there are a lot who aren't here. There are 130 already on the waiting list for Lincoln Park. The very first phase, we got through in one vote; we packed council chambers with people. The folks on wait list for Lincoln Park are not here. Mr. Mosher's report is so well detailed he has been deep in the trees I want to step back and look at the forest. The vision has not changed throughout all of this. "Traditional Neighborhood" feel; I am very confident we will accomplish this with this phase. Sense of community, true sense of place; we fought Public Works extensively about smaller streets and connectivity for vehicles and pedestrians. If you stripped all the people out of Wellington what would you have? Giving back life to land that has been destroyed by mining. Encourage sustainable development. Pedestrian friendly with bus service; I spent a year lobbying to get the bus out there. We have done exactly what we have said we are going to do. Patterns really important; we have been very sensitive to those. Safe plentiful connections. Variety of residences. 15 homes, triplexes dedicated to 80% AMI. Buildings with welcoming faces. Tom is really genius behind that. Well defined public realms. Greens are enormously popular. Lincoln Park helps promote sustainability. Solar and sustainable things added to homes themselves. Respected historical context. Learned a lot about building at 9,600 feet. Last year with huge snow year guess what? The alleys worked.

Mr. Tom Lyon: After Mr. Mosher and Mr. O'Neil's presentations, not a whole lot more I can say. What we have done in Lincoln Park is a continuation of patterns that were successful in previous phases. We have learned a lot. Site is narrower and tapering and more like the upstream version of Wellington Neighborhood where it gets narrow. Single spine of Bridge Street with greens lined up on either side. Use of bridges to make pedestrian connections. Have streets, bridges, connections; also have system of alleys providing access for service functions which allows greens to be wonderful places, safe places for kids. We will link to existing trail system. Circles shown on the site plan are an 800' radius (showed on map) for placement of bus stops. New bus stop in Lincoln Park with pullout. Adding seat and minor shelter at second stop at Logan and Bridge Streets stop. Update to setbacks to allow for better snow storage. We still want to get a variety of homes. We have got 18 different plans or slightly less than that; 12 or 13 different floor plans; there will be triplexes and

duplexes and 8 different single family residences. We've updated all plans we use, added storage, added some high tech features for lighting (turning on lights with cell phones) etc. Also, we changed look of architecture, the color schemes are a little more "earthy". Lincoln Park is based on mining history with new trellises for each of the greens to differentiate them.

Mr. O'Neil: Everyone agrees first phase has been success only issues tonight relate to Public Works. With respect to the Planning Commission, we have 13 positive points. If we get your support, the next discussion will be discussion on the subdivision for the first homes. (Mr. Schuman: The triplexes are in first phase?) Correct. (Mr. Schuman: The bus stop at Impatient Green; there will be a pullout there with a shelter?) (Mr. Mosher: Bench, handicap ramp accessible.) A lot of plowing issues with landscape now. (Mr. Mosher: The bus is not going to pull off the road.)

Ms. Christopher opened the hearing to public comment.

Ms. Ellen Brown, 22 Meadow Lark Green: You will see a lot of information I am not going to go into in my letter. First, I want to validate the traffic impact study. I read it, but planning is not my career. Want to make sure traffic study was updated post no bridge at Midnight Sun. (Mr. Mosher: The traffic study was done with only the Bridge Street bridge.) Second request is that the impact study be amended for the interim bus plan. I don't think it took into account 4 runs per hour on Bridge Street; this is more of a request. As neighbor, I want to request it. My ten-year old and my six-year old were angry they could not come tonight. We earlier owned a home on Cedar Green and then bought a market value home on Meadow Lark. We have looked at property around Breckenridge; the sole reason we stayed in Wellington was for our children. There is not an impact study done for play. Very sad to me that that's not acknowledged. A lot of subtle changes not having a playground a lot of greens sidewalks are narrow and stepped so the kids don't play because they want to ride bikes. Next issue is just if only 10% of people are going to use bridge for access I don't understand why we need it at all. If just for the bus then I question what we heard; is there not an opportunity to consider having a bus stop up here in neighborhood (showed on map)? I understand we need a bridge and emergency vehicle access, I'm having a hard time with the bus. Last two points: there is a real misunderstanding in our neighborhood as to how we are to participate and if there is any way to educate us. Last thing we live in a town called Celebration Florida. We moved there because we thought it would be a great family location. There are villages. Our children cannot go out and play unattended because vehicles fly in and out. Before we put a vehicular bridge we need to consider safe outdoor play. (Mr. Pringle: Ms. Brown, it looks like you've got the participation thing down perfect.)

Ms. Kelly Sanders, 83 Bridge Street: I agree with everything Ms. Brown just said especially the play factor. Bridge Street does not have a green, just a flagstone circle that will apparently have a bus stop. Central Park is snow storage if you go up now full of snow and in the summer full of dog poop. Not a park for the kids to play in so, they take to the street. Not sure where the snow storage is going to go. Another issue is traffic impact. The traffic study was December 2013 prior to Wellington Neighborhood even being completed. You did not have everyone living here so the numbers must obviously be skewed. You say 10% are going to travel Lincoln Park to Bridge; was it considered what traffic is going to come down Logan? Right now I watch a million cars a day go down there and slam on their brakes when they get to the concrete barrier. Having bus running 4 times per hour I am not in support. The Bus survey did not include Bridge Street. 70% of residents along Logan were supportive of temporary bus route. What are traffic calming measures on new Bridge Street in Lincoln Park? (Mr. Mosher: They have not been addressed on this submittal. We did have past discussion about crossing signage and crosswalks. Additional signs were turned down by applicant.) (Mr. O'Neil: There is quite a bit of traffic so there will be crosswalks and signage.) Painted crosswalks will not be seen 9 months out of year. 130 people on wait list not here they would be extremely concerned about not a single stop sign on Bridge Street. My kids are old enough but kids in Lincoln Park will be young families young kids, teenage drivers from Wellington Neighborhood will be flying down the street. I don't have a problem with the bridge but Public Works wants it so I suggest it be made more emergency vehicles only and regular traffic not be

allowed to travel that way.

Ms. Gretchen Hamilton, 11 Bridge Street: Safety of our kids. I live in the house across from the proposed bridge. Cars are already flying down that short stretch of road. Concerned about length of road with no turnoffs, no traffic signs, no slow down. With a 6% grade the kids get going really, really quickly. I videoed five kids from ages of 4 to 10. I told them to slow down and watch for cars, not one did. I understand kids are not to play in the street but, in our neighborhood that is what they do. Hate to see someone get hurt. At the other meeting, Midnight Sun it was decided to eliminate that bridge. But, more of my comments have to do with Town Council versus Planning Commission, but would like to see a solution for that bridge

Ms. Kelly Owens, 82 Midnight Sun: I would like to thank you for removing the Midnight Sun bridge from plan, definitely a smart move for overall safety. Echo what others have said with Bridge Street connection. Concern that there is some code that needs to be followed for emergency vehicles. Does anyone know what that code is? I emailed Tom at the Town and did not get a response. (Ms. Shannon Smith, Town Engineer: The Code is the subdivision standards. Also, the Wellington Neighborhood has always been one project; we have always treated it as one project.) I do understand that in the past there have been reasons that it was appropriate to connect neighborhoods, I wish we had the ability to not connect these two neighborhoods vehicularly. If we do things just because that is what we have always done, that's really, well, I'll leave it at that. I would love it if the applicant could come up with something to make it so miserable to drive that road that no one would want to drive it, neighbors wouldn't drive it, bus would go two miles an hour, which would be great.

Ms. Marna Walker, 87 Bridge Street: My young one under age of 2 who uses Bridge Street; I too echo what everyone else has said. If there is an ability to work out an alternative plan to not have the bus go across the bridge twice an hour, I don't think it would be appropriate to have a cul-de-sac for a neighborhood that won't exist for 6 years, that would be great. Thanks.

Mr. Sean Berg, 63 Rodeo Drive: I feel my neighbors concerns about the bridge. But, why can't developer finish the Vern Johnson park before he builds any more houses? Beautiful spaces in front of Rodeo at the park location; but one is used as snow storage dump, the other is Mr. O'Neil's construction vehicle parking. I have to call the police to move the construction vehicles as it is not legal parking there.

Ms. Mary Gervais, 67 Rodeo Drive: I live right next to Mr. Berg, I totally echo let's finish the first Wellington Neighborhood before we start building other things. The HOA has had volunteers to build park, scatter seed, etc. If developer would just buy it for us. I empathize with Bridge Street; I am teacher and coach for 25 years and I care about kids. But, I don't think the best place for kids to play is in streets. I am really careful when I ride my bicycle because there are kids everywhere. Part of what we have to teach kids is the safest place to play is yards, greens and parks. There are kids in streets all over the neighborhoods they like to ride their bikes. More stop signs wherever we can put them. Also, kids need to be taught to stop at stop signs on their bikes. Slow down traffic and lets teach our children and "yes" for pedestrian crossings.

Mr. Doug Franks, : Ms. Gervais said everything I want to; I don't have kids but I see kids riding bikes the way I did but I learned to watch for cars. Kids need to respect the streets and need to understand there are people driving around. Kids need to use the streets safely.

Mr. Ryan Sanders, 82 Bridge Street: Yes, cars have right of way and it is super important about the connections but we are not connecting anything for 5-6 years why are we not connecting right away? (Mr. O'Neil: Expense. There would be a \$2 million load if we had to put the Bridge Street through first.) We are putting street through? (Mr. O'Neil: I don't want the bridge either.) The neighborhood has kids riding bikes and we shut down this town and the neighborhood for bike races all the time, it seems like we should make it equitable for everybody.

Ms. Jen Bosick, 9022 Airport Road: I am interested in buying in Lincoln Park and I wanted to voice that it's a really hard time to find housing. Interest rates are low. I like all the points that have been raised. On the bridge; what if we had gate that went down like top of gondola just for emergency vehicles? Interest rates are low I would like to see this go through so we can buy and become homeowners.

Mr. Ian Hamilton, 11 Bridge Street: I agree with a majority of the comments. I would like to speak about the phasing plan which seems remarkably contrived. I would like to see if the developer does not have to build vehicular bridge early, then he could build foot bridges and park first and vehicular bridge at the end, find an alternative for the bus. Ask developer to post a bond for promise of bridge at the end. Monetary promise to build bridge at last phase. Then phasing would be done more sensibly. Adding traffic to situation that does not need any more traffic.

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

*Commissioner Questions / Comments:*

- Mr. Schuman: Bus, temporary bus route, Mr. Tom Daugherty, Town Engineer, said not doable? (Mr. Mosher: Since the 2006 Master Plan the bus and bridge has been shown on Bridge Street.) Test they did last winter was fairly successful all the way up Logan and down Logan. (Mr. Mosher: Transit took under consideration.) (Ms Smith: We feel it would put burden on Logan Road when bus service was never proposed on Logan and people bought homes knowing this. Put the stop and route the bus on Bridge because it was always proposed on Bridge.) Four buses on Bridge Street per hour versus two buses even if short term fix. (Mr. Mosher: We are sticking to the master plan this evening. Phase two is when bridge comes into play next year. There is time to discuss.)
- Ms. Christopher: Why are we not starting on the other end of the neighborhood and moving toward Bridge? Is that Public Works? (Mr. O'Neil: We have always started at that end because of access and utilities.) (Mr. Mosher: Starting east to west drives traffic opposite way placing all the burden on Bridge Street.) Remember a lot of people on Logan also complained.
- Mr. Schuman: Test run done by Town was pretty successful. (Ms. Smith: A lot of ridership so transit wanted to keep that route going.) The opposition was from a few vocal opponents.
- Ms. Christopher: So is this negotiable? (Mr. Mosher: The Master Plan could always be modified again.) Just want to reflect the comments that were made this evening on transit. Why is the memorial park area being pushed into phase two? (Applause from audience.) (Mr. O'Neil: Trying to allocate some of the cost pressure to get pedestrian crossings and utilities done. First phase is heavy load because of the 80% AMI units.) There are 200 people out there without a park. (Applause from the audience.)
- Ms. Dudney: Is it not true that the phase affects the cost? There is a correlation between affordable housing and cost of project.
- Mr. Schuman: What is timing of phasing? (Mr. O'Neil: average of 20 homes per year, so four years if economy stays the way it is.)
- Mr. Pringle: I want to thank everybody for showing up tonight. I appreciate your participation. Mr. O'Neil was right when he described all the passion you have for your neighborhood. All of this is what has been envisioned. The bridge across Bridge Street is pretty much why the street was called that. Ms. Smith was right; all of this development was envisioned as one project. Public Works has oversight we have to take what they show us. We were able to eliminate one connection. One of your concerns, homeowners meetings would be good place to try to voice concerns. We can use our process to try to get notice on when items will come forward, when the park will be developed etc. Other than that, the Town Council can be approached. I appreciate your moving the daycare facility from the back of the parcel out adjacent to the park there. Park and day care center better solution. I appreciate the



pedestrian connections back and forth; that's a real good solution. This is really coming together as has been envisioned the last 15 years. Applaud Mr. O'Neil for getting to the finish line and applaud you for holding his feet to the fire. Kids in the streets since day one; I share your concerns; there are solutions out there for most everyone of your concerns. All we have to do is work through those I don't think there is anything brought up tonight that we can't solve. I'm in favor of the project.

Mr. Lamb: I agree with everything Mr. Pringle said and Ms. Smith. This was master planned as one neighborhood and it has been that way for 15 years. It has 13 positive points and no negative points. I can't deny something with 13 positive points and no negative. I played in the street as a child and look, here I am. You can come to Council next week as they can override us. I can support this as presented as well.

Mr. Schuman: I think the key for everyone who opposes the bus route, you need to speak to Tom Daugherty (Public Works Director) and he is in charge of that. It is following the master plan and I support it.

Ms. Christopher: I do support the reduction of the vehicular crossings and added pedestrian crossings are great. Daycare move is very smart. I do feel the applicant needs to look at snow storage, traffic calming, and stop signs; try to find best fit between the neighborhoods. I encourage you to start on the park in phase one; get a little area for kids to play while increase in traffic and bus then finish off with next phase.

Mr. Pringle made a motion to approve the point analysis for the Lincoln Park at the Wellington Neighborhood 7<sup>th</sup> Master Plan Modification, PC#2014038, 710 Stables Road showing positive score of 13 points. Mr. Schuman seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Lincoln Park at the Wellington Neighborhood 7<sup>th</sup> Master Plan Modification, PC#2014038, 710 Stables Road, with the presented findings and conditions. Mr. Schuman seconded, and the motion was carried unanimously (5-0).

(The Commission took a short break)

#### **PRELIMINARY HEARINGS:**

1) Lincoln Park at the Wellington Neighborhood Phase I Subdivision (MM) PC#2014039, 710 Stables Road  
Mr. Mosher stated there were no letters asking for a continuance. Mr. Mosher presented a proposal to subdivide a portion of Phase 1 of the Lincoln Park at the Wellington Neighborhood into 15 saleable lots and private open space in accordance with the Lincoln Park at the Wellington Neighborhood 7<sup>th</sup> Master Plan Modification. Mr. Mosher denoted the location of the project on the map.

The reason we are hearing this as a preliminary is because of several documents that need to be submitted and approved by Engineering and those are in process at this time. One of these has to do with the wetlands in the area. Road names are easy; we already had Bridge Street named, and this is the continuation of Bridge Street.

The proposed lot layout, green design and landscaping follows the patterns of the Lincoln Park at the Wellington Neighborhood Master Plan. Staff welcomed any comments from the Commission regarding the information presented. With the inclusion of the requested material, Staff recommends this application return for a final review.

Applicant Presentation: Mr. O'Neil: I think Mr. Mosher has been incredibly thorough on this.

Ms. Christopher opened the hearing to public comment. There was no public comment, and the hearing was closed.

*Commissioner Questions / Comments:*

Mr. Pringle: I don't see any glaring issues just hope we get the times, dates and triggers handled so there aren't any surprises.

Mr. Schuman: I appreciate you putting the under 80% AMI in this first phase.

**FINAL HEARINGS:**

2) Shock Hill Overlook Master Plan Modification (MM) PL-2014-0174, 260 Shock Hill Drive  
Ms. Christopher explained the process to the public, including the request for continuance.

Mr. Berry: Both the applicant and one of the interested parties have retained counsel. Mr. Carlson and his client request that this matter be continued. Mr. Willis should be able to respond then you can make your decision. It is the same cause standard we talked about previously.

Mr. Ron Carlson: I have an office in Frisco and am here representing the Quigley's and some other residents. The report only came out on Thursday evening, woefully short on time to make a thorough analysis. We believe there is a fundamental flaw that existing zoning is not feasible. In short time we have been interested in this they are interested in this as it is already shown. If you are starting from false premise this can't be built on as master planned. It relates to Policy 39. From Thursday to Tuesday is not a time frame to make an analysis other than to make an attempt at a review.

Applicant: Mr. Chris Canfield: I am the applicant. We did get a little bit of forewarning; just a few hours with respect to a continuance. We were candidly surprised with the preliminary hearing having issues after showing we would reduce density. You can't please all the people all the time. We are curious to see what Mr. Willis has to say because we also had little time to prepare for the topic of a continuance.

Mr. Kent Willis: My office is here in Breckenridge. I represent the applicant tonight. Not sure where I want to start. First of all, the Town has complied with all of its normal notice requirements and procedures there is nothing out of the ordinary. Mr. Carlson contacted my office last Thursday when I was at an all day meeting. I replied Friday and he was out all day and he was out all day Monday and returning today. If he was not able to review this material I would submit it was his scheduling problem it should not be our problem. I have been involved in this process since the beginning. Informed the process was straightforward and did not need to attend but applicant asked me to attend. I skipped one meeting and cancelled the other to be here tonight. We were to be in Boston the week of April 20 which is week of your next meeting. If matter is continued I have a schedule problem. Mr. Mosher and several of other planning staff will be gone that next meeting too. This project is detailed enough that Mr. Mosher needs be here to present his staff report. I find it really disturbing that Mr. Carlson would suggest that there are other parties interested in this property. Not what the Town should care about or be interested in. We have a contract on this property. Nothing to do with this applicant or this process. This application stands on its own. We think Mr. Carlson and his clients have not shown good cause. Mr. Carlson has larger office and more staff than mine does. In my opinion we are ready to go. We are prepared to have this application heard tonight.

Mr. Carlson: First of all as far as my communication I obtained these documents online and my wife has end stage renal failure in Arizona. I am the only full time legal in my office. Question is what is a master plan? Policy 39 and state laws describe it. Master plans are not just a suggestion or full zoning but they do have meaning. Don't just get to change on a whim. Master plan is notice of what is to happen to a property. You are getting a false representation from the applicant that this is what it should look like. Up in Shock Hill there is a lot of input from community. The applicant can't come in here and say I just don't want to do that; that is not what the application is for.

Scott Neal, Fargo, North Dakota: I am one of owners of property. With respect to our buyer, I elected not to speak at the last meeting. In last 30 days we have engaged the community; we have gotten a lot more buy-in

from the community. With all smoke and mirrors the attorneys are presenting, let's just hear the applicant.

Mr. John Quigley, 67 Wild Cat Road: I was one of first owners in Shock Hill. One of things that has bothered us is one of the key premises was that the lot was no longer viable and the only option was duplexes. If that is the basic premise, and the only option is duplexes, then why – unsolicited, I want that stated for the record – unsolicited, have I received two inquiries from people interested in buying and developing a lodge? I asked is it viable? One of the things that have come out of this thing is an analysis and the seller signed this thing; he signed that it is viable. We have in our possession three interests in the property. One is seller, one is a major hotel chain, the third one is SB Capital. You can look them up. I have a letter from them, they have developed a project in Steamboat, resorts in Mexico, resorts in the Caribbean. Why would they approach us and say it is viable if it is not? This is the last piece of property in town capable of a five-star development. This was very short notification. This was Easter weekend, in case you forgot. We did this review in two days. My question is why can't we have time to review and make our concerns known? We have issues here that need to be resolved and need to be understood. I ask for your understanding to make this happen.

Ms. Patricia Walker, 56 Wild Cat Road: I was the 2nd purchaser in Shock Hill. I lived here in 2006 to 2008 when process was going on with John Niemi. I am also on the design review board. One concern is Tract E has its own design review board. I would like to see the continuance.

Mr. Ryan Bennett, 576 Peerless Drive: I have a residence at 576 Peerless Drive which abuts the property. Regarding the continuance; frankly, I don't think having lawyers present is a valid basis for a continuance. I think we have the people here and we need to move forward for a decision.

*Commissioner Questions / Comments:*

Mr. Pringle: Can I ask Mr. Berry a legal question? We have an application in front of us; everything in front of us is legal. I understand both sides of this argument but I believe we have an obligation to follow the process. I don't know that there is any legal and factual reason not to change the master plan. (Mr. Berry: The only issue in front of you now is to decide to continue or not.)

Ms. Dudney: What would be accomplished with a continuance? (Mr. Carlson: We would hope to be able to add to the feasibility of the project under the current master plan, to do a thorough economic analysis.)

Mr. Pringle: There has been due process from the Town. (Mr. Carlson: This does not have the points to merit approval. We would hope to add that analysis plus some further analysis regarding architectural guidelines. Claim same change as Tract C change. This application language is not the same as what you did on Tract C. We want to be able to present those legal issues in a reasoned way instead of a rushed way.)

Ms. Christopher: Economic feasibility is not us, the Planning Commission. We just look at what comes before us, does it meet the Code? Anything "money" is not us.

Ms. Dudney: We could proceed to hear this and there may be issues that come up to create continuance. I don't think viability is an issue. Sorry for your personal issues; likewise I struggled to review in the short time period, but I am not in favor of a continuance. I think we should hear the issue and see.

Mr. Schuman: I agree with Ms. Dudney; we have been presented with a valid packet in a timely manner and I think we should proceed.

Mr. Pringle: I agree.

Mr. Lamb: I agree.

Mr. Pringle made a motion to go proceed with the application. Mr. Schuman seconded and the motion was approved unanimously (5-0).

Mr. Mosher presented a proposal by the applicant to amend the 2007 Shock Hill Master Plan and, in accordance with Policy 39 of the Development Code, master plan Tract E for the development of up to 20 units in the form of duplexes and/or cluster single family homes. The proposed modification proposes to utilize no more than 31.25 residential SFEs at 1,600 square feet per SFE of the existing 60.7 SFEs. As a result, 29.45 SFEs of residential development rights will be sunsetted. Additionally, none of the 5.3 SFEs of commercial density will be used and will also be sunsetted.

Land Use District 10 allows townhomes subject to the master plan. Current master plan may include up to 5,300 square feet of commercial. The master plan takes precedence over the Land Use Guidelines. The site is currently undeveloped except for gondola mid station and sales office. The sales center will be taken away when they get three units on the property as that density will be part of the density used for the development.

The original Shock Hill Master Plan from 1997 has been modified three times. The first change was in another area from multi-family to single family. The second amendment abandoned the Nordic center and lodge and changed to cluster single family. The third from multi-family to lodge. This one for Tract E would go to cluster single family or townhome. This proposal is only to modify Tract E from lodge to duplex/cluster single family and reduce SFEs.

Changes since the February 3, 2015, Preliminary Hearing:

1. The illustrative plan has been modified showing:
  - a. A mix of duplex and cluster single-family units with increased separation.
  - b. Redesigned private access drive with larger front yard buffer.
  - c. Existing trees, master plan trees and proposed development trees for the entire tract.
2. The Master Plan Notes have been revised to provide more detail based on Commissioner comments and to abide with the Shock Hill Design Guidelines with some additions.
3. The buried consolidated waste rock piles have been added to the plans and information provided on their impact to development on the property.

No extended vesting is requested, and there are no recent code changes that would affect this application.

The Land Use Guidelines support this use. Recommend contemporary architecture and all new development is to be compatible with the existing adjacent site. Abutting properties have been developed with master plan changes to become duplex use. This comes out of the Land Use Guidelines. This proposal is significantly reducing the existing density from the existing master plan on the site. Supportive of the Joint Upper Blue Master Plan. Staff had no concerns. Architectural compatibility. Staff went back and forth with applicant. Master plan notes will state specifically the terms and conditions of an approved master plan.

On Tract E, each building shall be individually reviewed by the Shock Hill Design review board and shall adhere to the Shock Hill Design Guidelines. There will be extra landscape buffering compared to other recently approved Shock Hill neighboring properties. (Mr. Pringle: Will we see these applications?) (Mr. Mosher: They will come in as Class D Majors, which are staff level approvals, unless there are any points assigned, then the Commission would review.) We have received verbal approval from Andy Carlberg, Upper Blue Sanitation District, that the spas can be drained into the sewer system for this property.

Hazardous Materials: This addresses three previously buried hazardous piles which you saw in PC#2012041. There was waste rock from mining. The previous owner completed Phase 1 and Phase 2 of waste remediation. The piles were capped with clean fill dirt and topsoil and the owner has submitted Reception 998561 which places restriction on excavation and modification of the piles, which is not allowed. This restriction runs with the land and was co-created with the Colorado Department of Health and Environment. The Town, in a nutshell, will be noticed if there is any change to these covenants. Most likely there will be double fencing around these areas during any construction near them. Public Works was fine with findings that Tetra Tech

had come up with that there are no setbacks. It is up to the applicant and developer to not disturb these rock piles.

Point Analysis (Section: 9-1-17-3): Staff has included a point analysis and found the application meets all absolute policies and we found no reason to assign positive or negative points for this Master Plan.

The applicants and agent heard the concerns expressed by the Commission at the last hearing. Staff guided the applicants and agents with the proposed changes based on the related Development Code policies. The site impacts related to density (buffering, privacy, and landscaping) have been identified under Site and Environmental Design (Policy 7/R). The concerns about the architecture have been addressed with the Master Plan Notes specifically identifying that all of the proposed buildings will conform to the guidelines established by the governing Shock Hill Design Review Board. The architecture guidelines and related master notes address the concerns that were expressed with regard to Architectural Compatibility (Policies 5/A & 5/R). This application is seeking to change the use from lodge to duplex and cluster single-family residential in conformance with the underlying Land Use Guidelines recommended uses.

The density of the existing master plan will be reduced with the unused density being sunsetted. With the reduction of overall density and the modifications to the illustrative master plan, the added site buffering between units and to the abutting properties has improved from preliminary. Staff believes these changes have addressed concerns expressed by the Commission at the last hearing regarding Policy 7, Site and Environmental Design. The revised Master Plan notes address the concerns related to Policy 5, Architectural Compatibility.

Staff recommended the Planning Commission approve the presented Point Analysis for the Shock Hill Overlook Master Plan, (an amendment of Tract E of the 2007 Second Amended Shock Hill Master Plan for the Shock Hill Subdivision Property), PL-2104-0174.

Staff recommended approval of the Shock Hill Overlook Master Plan, (an amendment of Tract E of the 2007 Second Amended Shock Hill Master Plan for the Shock Hill Subdivision Property), PL-2104-0174, with the presented Findings and Conditions.

*Commissioner Questions / Comments:*

- Mr. Schuman: I understand the master plan notes, but want to verify the master plan notes will guide this tract and the Shock Hill Design Review Board will review.
- Mr. Pringle: There is no evidence there will be a separate board? (Mr. Mosher: This is the first I heard of it this evening.)
- Ms. Dudney: Underlying Land Use District is 2 units per acre and up to 8-plex is allowed and townhouses are allowed and there are 6.6 acres. (Mr. Mosher: If there was no master plan, yes.) So master plan was presented and approved for the lodge and 60.7 SFEs, no townhouses, so now we are looking at change in use to be compatible with Land Use District, but there is no change to density that came with the master plan? This plan is 4.6 units per acre. (Mr. Mosher: Discussion came up how did the 60.7 SFEs end up on this tract? The original master plan came in at 2 UPA overall and density was moved around, less in certain areas of the subdivision, more here.) Based on that discussion, 4.6 units per acre is acceptable because it's less than the 60 SFEs? (Mr. Mosher: Correct.)

*Applicant Presentation:*

Mr. Chris Canfield: I am a 15-year resident of this Town. Special thanks to the Town. Mr. Mosher did a very thorough job. We worked with staff to address Commission comments from preliminary hearing we also did what we could to work with the neighbors. I was a little surprised believed this would be universally accepted. Most predominantly the old drive was a simple symmetrical oval coming off the right-of-way. It accomplished a fit test but we heard from Commission, neighbors and ourselves that by moving access away

we were then able to move structures away from gondola and then able to move away from parallel drives. We sprinkled in 3 single family homes with the benefit of greater curb appeal. Added buffering. Note #3 under landscaping: 70 additional trees is up from 60 before (prelim). Each individual site has a predetermined number of trees and landscaping. Mr. Mamula asked we do a comparative analysis and we were able to be virtually identical to cottages across the street and Shock Hill Landing is less dense. We heard questions with 5/A and 5/R, Architectural Compatibility. We tried to put that to rest and put note in master plan that we would abide by Shock Hill Design Guidelines. On prevailing Shock Hill Design Guidelines on page 70, the variances are only with good cause. Each of the submissions we have put forth with staff, and staff is going to monitor. We are not here to build spaceships; the market guides us we understand and respect the makeup of Shock Hill. It's not our goal to become radically different and it is our goal to adhere to master plan notes. We worked hard to address Commission comments and did what we could to address the neighborhood concerns. One of primary concerns we heard with preliminary is that notification process was inadequate. I agree it may be, but we are not able to modify that; we have to stick to the rules. But we did the best we could to address the neighbors we gave the notice to every resident through the HOA. We attended the meeting and we chatted for 45 minutes and answered good questions. We gave an overview and I indicated to them if they would provide a liaison and they appointed Alpine Edge and I made a commitment to let them know. Friday morning at 9am I did that, I emailed Alpine Edge and said here's the packet here's the link, please let the owners know they can reach out to Mike Mosher and us and we did hear from some of those folks who are in the audience tonight. The letters in packet are mostly from neighbors immediately adjacent. I appreciate their support. Their process worked for us. Commission comments were heard and we believe we have addressed them all. We are sunseting a significant number of SFEs. Moving commercial away from outlying areas and back into Town, extinguishing 5,000 square feet of commercial. As Vice Chair Christopher noted, we evaluate compatible with the neighborhood I know it is compatible. This is a very, very high end project we believe we have no concerns across the board and pass the fit test. I hope we can approve this tonight.

(The Commission took a short break.)

Applicant Presentation (continued): Suzanne Allen, Architect for the Applicant: If you included the area of Tract E2 which is part of this property you would be about 3-units per acre, way lower than any other development around and we are giving that to the Town as open space.

*Ms. Christopher opened the hearing to public comment.*

Mr. John Quigley, 67 Wild Cat Road: I am fighting a horrible cold I appreciate you hearing our request to continue. Two key items: 1) this should revert back to LUG 10 if a change from lodge to duplex. 2) Shock Hill Design Review Guidelines. In the February 3rd packet, each building shall be reviewed by the new Tract E Shock Hill Design Review Board. (Ms. Dudney: What are you quoting?) The February 3 packet. Governing Board is still the applicant. Tract C immediately adjacent in plan documents, what it states is "each building will also be reviewed by the Shock Hill Homeowners Design Review Guidelines". The second item refers to the master plan notes shall comply with current guidelines with the following amendments. In our opinion the applicant does not have the ability to amend the guidelines. First being directed to change our documents, yes we can give variances. Second real distinction that applicant can control the design review board that is not the same design review board. First want to make changes to design review board second want to be overseeing authority. Three single family homes were added; still think density is too much. They are going to put 20 units on roughly the same sized land area that two single family homes take up (with my house and my neighbors). Three single family homes; want to make sure those homes go through the same review process make sure they do not change through the Class C process. Compliment the applicant going through our homeowners to communicate with all owners. Expressed concerns about changing a master plan use and 300-foot notice requirement. One of the concerns we have if it is that easy to change the master plan thank you for at least considering our request for an extension. You have the whole staff working for you I don't have a whole staff working for me. I don't have that knowledge base so we brought in Mr. Carlson who does

has that knowledge so again thank you for that consideration. I want to make a comment about the viability whether it's your concern or not. Originally a lodge always has been since I have owned in Shock Hill and many of the 17 original owners expected this. This is something the sellers told us when they asked for an extension for their project. We will take into consideration the results tonight and proceed with the Town as we need to. This is too big a project for a 300' rule. I have spoken to some of the Town Council about this and they agree with me. Thank you for your time and for listening. (Ms. Christopher: On page 53 of the packet regarding the proposed master plan notes, what's on the table? Each building shall be reviewed by the review board, is that the same thing?) (Mr. Willis: I am not willing to comment on that right now. Item H, Architectural Design shall comply with Shock Hill design review plan with four exceptions?) That's this two day thing is really a bother to us especially over a holiday weekend.

Ms. Patricia Walker, 56 Wild Cat Road: I may be able to assist as current member of Shock Hill Design Review Board we have had conversations with Tom Begley. Tract E has always had its' own design review board; they did not want owners to have a say on the lodge. Concern as a member of the design review board Lot 2 on Penn Lode was approved before anyone had chance to approve. It is very modern, sets a precedent. We have had several applications since then stating we should be able to build a contemporary home because of Lot 2. I oppose this. I bought because of the amenities on the lot; this is the premier lot in Shock Hill. I was the liaison during the time with John Niemi with 18 letters opposed to this and 3 for. You have three or four for this and a majority are against it. Perhaps in this process you would reach out to every single homeowner and get their opinion. During the process with John Niemi, there was no middle ground. I thought I was being nice being the liaison and I got beat up. The majority I have talked to they are not in favor of this. Unless they are willing to give up the specific and separate design review board, then there is no guarantee that the guidelines are going to be followed. (Mr. Quigley handed his comment letter to Commission.)

Mr. Ryan Bennett, 576 Peerless Drive: An observation, there have been a number of modifications to the master plan, so precedent is set. Confusing around design review board looking at amended and restated declarations state review area B is for lots C, E, F and G, which shall be review board B review board B for reviewing area B. Like to ask Planning Commission a question, how does a hotel, given the current development, work with Shock Hill? Transportation issues, not owners, don't see how it works. Traffic burden not designed to handle traffic. Decrease in density is well in line with community views that are clearly voiced in the Joint Upper Blue Master Plan. I would like to thank the applicant. I am most impacted by this development. Mr. Canfield is the first guy to reach out to me; no other developer has nor the HOA. I am very supportive of what these guys are presenting.

Mr. Ron Carlson: I know as a former planning commissioner it's hard to ignore what everyone feels about this. There have been mistakes in analyzing this; start with Policy 39. The type and intensity of uses proposed; this proposal changes the intensity and the type. Two: to estimate the general character of the development on the Board when it was approved for the present configuration of Tract E, what kind of amenities were going to be available to the neighborhood? All were going to participate in a club. Putting in a bunch of duplexes does not meet the character. This is what was approved; if you look at surrounding tracts, those have not changed, this is a substantial change. A change in ownership is not a basis for a change in the master plan. In addition to what's in the code there is state statute; if we go back and look at the density the whole thing about moving the density around this still is not the underlying density. It should be 2 units per acre; there should be 13 units here not 20. There should be negative points for the density. When you went back on Tract C, it went back to the 2 units per acre; why does this not go back? 5/A and 5/R; I think the question is why does this say each bldg shall be reviewed by the design review board if the intent is for the applicant to have their own design review board for this lot? That is reason enough to turn this down. In the present form, there is still the basis for denial. Policy 37/R, permeable surface, is another assumption. I talked to a civil engineer and he indicated that you can't make an assumption of that until you make a study of historical runoff points. He said there should be negative points. Minimum there should be hydrology study to check runoff rates. Policy 8/A, ridgeline: one item totally ignored is fire wise requirements. If they are put in effect, buildings are going to be

exposed to the ridgeline. I think in an effort to keep it brief as well as the limited amount of time there should be negative points on impermeable, negative points on ridgeline. Density is miscalculated and should have negative points. Architecture need to be cleared up.

Mr. Kent Willis: I don't want to belabor the point but want to address the design review board and design guidelines. Mr. Quigley is correct; neither the Town nor the applicant can modify the design review guidelines. The way I read Town's conditions is we have to comply with the design review guidelines AND these four criteria. I don't know if there is incompatibility between design review guidelines and these four points, then that is what we have to do. Attempting to create some supplement to these guidelines. Mr. Bennett started the analysis and thank you very much I drafted these covenants but once I understood the criteria was, cover two design areas A and B, B being tracts B, C, D, E and G. B was more dense, some commercial one A and one B as I understand it they have the two boards but only one set of guidelines the guidelines we have to comply with are the same as every other member has to abide by. What I think is incorrect is Mr. Quigley and Ms. Walker said this applicant controls design review board B. Owners in Tracts C, E, F, and G elect that design review board. I don't think there has been an election to create that board in years. If there is an election than owner has right to elect to that board same as tracts C, E, F, and G. Tract E does not have a majority of those votes. I don't believe this applicant can control the board. I don't think there needs to be any change to this. I don't think the Town can control this. Those are the things I wanted to try to provide some clarification on. Not sure I can respond to what Mr. Carlson said. Policy 39; yes, we are changing the type and intensity and the character, the question is - is that an acceptable change to this Committee or not? We all know a master plan can be changed; this one has been amended several times. I don't think that's really why we are here we are here as Mr. Bennett said does this proposal reflect the true character of the neighborhood? I don't think it makes sense that it does not.

Ms. Suzanne Allen: The architectural guidelines as they currently stand reflect single family for example they state garage doors can't face street. In certain cases you see garage door we want to make it nicer go above and beyond. Garage doors may not face public right of way, or Shock Hill Drive. Let's not have them face the main street. They will face our private drive.

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

Mr. Berry: I need to meet with the Planning Commission in Executive Session. (Mr. Quigley: Why, why can't we be here?) They (the Planning Commission) are my client. I have matters to discuss with them as private attorney client privilege. If you have questions etc., please voice those now, if not, would like to present in form of motion. (Mr. Pringle: With respect to design review board?) We will talk to that in exec session. (Ms. Dudney: I respectfully am requesting information about the condition to not change single family home back to duplex.) (Mr. Willis: Fair request.) (Ms. Dudney: The underlying guidelines allow for contemporary architecture, this is an important thing.) (Ms. Allen: We took that out of the master plan notes. Allowed under land use guidelines.) (Mr. Willis: We will talk and come back to you.)

Mr. Lamb made a motion that the Planning Commission go into executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions. Mr. Schuman seconded. Ms. Christopher reiterated that a motion has been made for the Planning Commission to go into executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions. The subject matter of the executive session includes confidential discussions with the Town Attorney concerning the Shock Hill Tract E Master Plan application. The motion was carried unanimously (5-0) and the Commission went into executive session at 11:00pm.

Mr. Lamb made a motion to come out of executive session at 11:26pm. Mr. Pringle seconded.



Ms. Christopher: Mr. Willis, have you conferred with the applicant regarding the Cluster single family and duplexes? (Mr. Willis: with regard to making the Master Plan a "site specific plan" - Mr. Mosher informed me we can't do a site plan per section A under Policy 39/A.) (Mr. Mosher: We can't have this represent a site specific master plan; we have to come back with separate Class A application.) After meeting with the Town Attorney, we would like to continue this meeting to the 21<sup>st</sup> of April. No public comment will be heard at that meeting. (Mr. Willis: This meeting is closed. So when you reconvene on the 21<sup>st</sup>, no public comment from me or Mr. Carlson or anybody else?) Correct. The Commission will review the record and the two additional Commissioners will have to sit through the entire tape of tonight in order to participate should they choose. (Mr. Willis: We would rather get it done sooner rather than later, but my presence is not required then. We are not excited about your decision, but the 21<sup>st</sup> is better than some other date into the future.) (Mr. Canfield: What about the bundle of letters we are receiving?) Public Comment is done. We have to get our legal items in a row and we will then render our decision. (Mr. Willis: I wanted a decision tonight but ok.)

Mr. Pringle made a motion to continue the Shock Hill Overlook Master Plan Modification, PL-2014-0174, 260 Shock Hill Drive, with the presented findings and conditions, to the April 21<sup>st</sup>, 2015, Planning Commission meeting. Mr. Schuman seconded, and the motion was carried unanimously (5-0).

3) Shock Hill Overlook Subdivision (MM) PL-2014-0175, 260 Shock Hill Drive

Ms. Christopher explained again the need for a discussion on whether to continue this application.

Mr. Kent Willis: These are two separate agenda items. If you bring it back, then there would be public comment about the subdivision map. (Mr. Berry: You could take testimony tonight and then continue and do the decision at the next meeting to give everyone who came to comment this evening a chance to comment. This is then the same process as the master plan modification.) (Ms. Christopher: Ok.)

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. (Future resubdivisions of footprint lots of each development site will be processed as separate Class C Subdivision permits.)

Changes since the February 3, 2015, Preliminary Hearing:

- 1) A 10-foot snow stacking easement has been added along the right of way fronting this subdivision.
- 2) The existing buried consolidated rock piles are shown on the plat.
- 3) Plat notes addressing the consolidated rock piles have been added.

Open space portion will contain trail portions. No additional landscaping proposed on Tract E-2. No concerns from engineering firm on grading and drainage. The Town Engineering staff is to review and approve prior to recordation. Landscaping associated with master plan. Prior to recordation of plat, report on drainage must be updated. Covenant for maintenance of detention ponds by applicant. No additional street lighting. Far exceeds 10% dedicated open space.

Staff found that the proposed subdivision meets the requirements of the Subdivision Standards. Subsequent to 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 recommended approval of the Shock Hill Tract E Resubdivision, PL-2014-0175, with the presented Findings and Conditions.

Applicant Presentation:

Mr. Kent Willis: We did not spend much time on this one. I think it is straightforward; many of same

conditions that are in the master plan proposal unless you have questions for us, we are fine with it as presented.

*Ms. Christopher opened the hearing to public comment.*

Mr. Ron Carlson: The only things I think are applicable are requiring an updated runoff report. Will that be what Mr. Mosher mentioned will be updated? I think the notes should be the same as on the master plan. (Mr. Mosher: There was a drainage report done for the whole subdivision.) That to me is just a technical thing. What about putting up signs about the boreal toad habitat? (Mr. Willis: It is in the master plan and we plan on putting up signs.) You should be required to put in three toads. (Mr. Truckey: We found two toads in Cucumber Gulch this past summer. That's the first time that has happened in many years.)

Mr. John Quigley, 67 Wild Cat Road: On the road, is this any different than what they stated with the lodge? (Mr. Mosher: These are the same parcels.)

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

Mr. Lamb made a motion to continue the Shock Hill Overlook Subdivision, PL-2014-0175, 260 Shock Hill Drive, with the presented findings and conditions, to the April 21, 2015, Planning Commission meeting. Mr. Schuman seconded, the motion was carried unanimously (5-0).

**OTHER STAFF ISSUES:**

- 1) Off Street Parking Chapter Update (JP) (Memo Only) Ms. Puester: We wanted to update the Planning Commission. Let us know if you have concerns, if so, we will move it to next meeting. If not, we will put into the Town Council packet tomorrow for next week's Town Council meeting. (Mr. Pringle: It's great. It's just what we were talking about.) Good, then I will put into the packet tomorrow for next week's Town Council meeting.

**ADJOURNMENT:**

The meeting was adjourned at 11:43 pm.

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Kate Christopher, Vice Chair