

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher	Gretchen Dudney	Jim Lamb
Ron Schuman	Eric Mamula	Dan Schroder
Dave Pringle		
Wendy Wolfe, Town Council Liaison		

APPROVAL OF MINUTES

With no changes, the May 5, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the May 19, 2015, Planning Commission Agenda was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Acknowledges that today the community found out that there was a death of a Summit High School Senior which is particularly painful in light of graduation being this Saturday.
- No Council meeting this time but instead a Retreat.
- During the Retreat Council discussed and is moving forward with a Parking Master Plan with the major elements being a parking structure on F lot, dedicated parking for employees and then transit adjustments to work with these plans. The Council decided not to proceed with paid parking on Main Street at this time.
- Unanimous consideration by Council that it was time to move forward with a plan for a parking garage; but we are not decided on how large the structure will be and what it will look like. It is an interesting opportunity because the grade of lower F lot is 17' below Park Avenue on the south side of the lot. So there are options to put two levels below grade and then have one or no levels above. Another option is to put two levels above grade but this seems the least desirable. A new pedestrian bridge that would go over to the Village is another option. There is no interest in making Park Ave bigger, but there is desire to make it flow, and getting the pedestrians off the road is the best way to do that. We want to make this structure acceptable for Breckenridge aesthetic standards and not make it too massive but also accommodate enough cars so that it changes peoples' behavior and brings them into Town. The hope is that a new structure supports the Town core. This is not a done deal; it needs to have input from the community on how to pay for it as well as all the design considerations. There are discussions that are ongoing with the ski area for their potential participation. All options are on the table at this point.
- The parking management plan is using the work from the task force that has been in place for the last 6 months. Dedicated employee parking is one of their key focuses. The closer you want your employees in town then you pay more money. Dedicated "employee parking only" in various lots around the town seemed appropriate. Some of the lots in town are already the most popular like East Sawmill lot and Ice Rink which is being expanded. Looking for community Feedback on this.
- Transit will be the other part of this; more frequent runs would accommodate people parking further out. The goal is to get the parking plan in place and then address the transit to meet the needs of the parking plan.
- Next steps are structuring Community input Sessions so that we can lay options out and have a discussion with the Community. Metered parking will be a topic that will likely meet resistance. The more you learn about what metered parking can do in a "smart" world it is quite amazing, connection to people's smart phones where you could add more time to your meter if you needed it even though you are in a restaurant. We can vary the rates, turn meters off during certain months, take a variety of credit cards and speak any language. The rationale is to modify behavior. Statistics show that in our Town, most of the parking on

Main Street and Ridge Street are being taken up by skiers. People looking for parking create congestion in our Town. We are serious about addressing this. It was the number one issue when I ran for Council as well as when others ran.

(Mr. Pringle: I like the idea of modifying people's behavior and working on modifying all of our behaviors as members of the Town.) (Ms. Dudney: What is time table?) It will take some time to design the parking structure and we believe that it leads the charge. That being said, the alternative to parking meters is a "no re-park" rule where people get a lot of tickets which causes a lot of negativity. (Mr. Pringle: I think that we have long passed the point of letting parking just go on like it has. It is time to realize that we are no longer a small town when it comes to parking. I would like to see the structure go to two stories so that there is more parking. Most of the rest of the world realizes that it costs money to park cars.) (Mr. Schuman: Would this be just a Town effort or a joint public/private endeavor?) We want to encourage the ski area to engage and we know that F lot serves a lot of skiers. It could be financed through the sale of bonds; a private/public endeavor; if metered parking is an element then those funds could help pay for a structure. We don't want to hold the idea up because of being limited in funding. We want to see where the Community stands. (Mr. Pringle: Of all of the things that the Town has invested in this will be the most appreciated.)

- Top 3 CIP for 2016: #1: Roof over the second sheet of ice is a top priority, #2: A multitude of Rec Center improvements including the elevator plus other items, #3: Riverwalk improvements lobby and restrooms at a \$4.2 million price tag and we are trying to determine timing.
- Discussion about the Marketing Agreements: Two \$0.5 million dollar agreements. One, an agreement about the accommodations tax to add an extra 0.5%. That ended after 5 years and the Council said to continue this. The other \$0.5 million that was earmarked for the international markets has performed well and we are not going to have the BTO ask for this but instead show the results of this effort.

CONSENT CALENDAR:

- 1) Flip Side Burger Change of Use (SG) PL-2015-0129, 320 South Main Street
- 2) Campbell Residence Addition (MGT) PL-2015-0096, 206 Briar Rose Lane

Commissioner Questions / Comments:

Mr. Schroder: On the Campbell residence, is the HERS rating done for the whole house or just the addition? (Mr. Thompson: It was for the whole house and they have decided to go for high efficiency windows throughout.) Would we ever rate half a house? (Mr. Thompson: No, you have to do the whole house.) If it was a duplex? (Ms. Puester: Then we would have two separate HERS ratings.)

With no requests for call up, the consent calendar was approved as presented.

PRELIMINARY HEARINGS:

- 1) Miller-Huntress Restoration (MGT) PL-2015-0075, 309 South Main Street

Mr. Thompson presented a proposal to restore the front façade of the building per the historic photo, including adding an ADA compliant door to the north elevation, adding a ramp with handrails and an on-grade patio / deck addition.

Presentation regarding window sizes, encroachment issues, and landscaping / snow storage issues. The proposed plans have been shared with the Engineering Department. Their preliminary review of plans identified the need for a drywell in the northwest corner of the property, in the area designated as "detention area" on the site plan. Community Development Staff and the Engineering Department will be meeting on-site prior to the meeting to discuss drainage improvements with the architect and general contractor. Staff will continue to work with the applicant on the drainage, and applicant will have full details prior to the final hearing. Is the Planning Commission comfortable with this approach?

Staff requested input on three questions:

1. Does the Planning Commission agree that as designed the east elevation fails *Priority Policy 77*: “..maintain the original window proportions..”, hence failing an absolute policy and should be modified to match the historic openings?
2. Does the Planning Commission agree that the existing deck encroachment 3.1’ over the property line into Town ROW fails the absolute Policy 9 (Absolute) placement of structures for going beyond the private property line?
3. Does the Planning Commission agree that areas labeled as snow storage on the site plan need to be seeded with native grass seed or sod?

Commissioner Questions / Comments:

- Mr. Schroder: The first question you posed of us you mentioned that this has already been remedied and the applicant already agreed since the report has come out? (Mr. Thompson: Yes.)
- Mr. Pringle: Is allowing the applicant extending the deck out to the lot line, but the previous permit required it to stop within one foot of the lot line?
- Mr. Mamula: The deck issue is being brought up by the Crepe lot, not the historic guidelines. (Mr. Thompson: Yes, although the ADA compliant ramp requires that it extend. It is legal now and could stay if the ramp is not installed. Mr. Barry owns Lots 5 and 6 and a portion of Lot 7.)
- Ms. Dudney: Is there a precedent for superseding a town guideline because of how it was done before? We would be approving this? (Mr. Thompson: The new deck location would be approved as part of this application. The lot line is required to be vacated. It needs ADA access which cannot be across the property line. A portion of deck already crosses the property line. The applicant owns both lots.)
- Mr. Pringle: Permit for the deck in 1989 said that it was proposed with 1’ inside of the property. But that could have changed since 1989. (Mr. Thompson: The required setbacks are part of Policy 9 (Absolute) Placement of Structures is a zero lot line, not in the vendor cart ordinance.)

Applicant Presentation: Mr. Marc Hogan, bhh Partners, Architect for the Applicant:

Thanks to all of the Planning Staff and Mr. Thompson. Mr. Barry Noam is here tonight as the owner and Kirk Dice is here, who has been helping put this deal together. I think Barry should get an award for wanting to fix this building up. It doesn’t fit in with current Main Street. We are happy to be restoring this building and I brought historic photographs. We just found that we need to modify the bottom sash. We will be narrowing the windows to 2’6” to match historic guidelines. We have a proposal to restore the front elevation and are working with Mr. Glen Morgan, Chief Building Official, for the accessibility issues, which we are working on from the porch. It is off the handicap parking place from the back and then onto the porch. We have no problem in correcting the mistake on the windows or in paving the parking lot even though originally we didn’t think we had to do that. We have no problem with the grass seed either on the snow storage sites. The problem is that Barry has a tenant for the building and we need to get this work done. We thought this would be a combined hearing. But what we would like to do is start this work on the façade as soon as possible. We have a timing dilemma. We should have started sooner; we started on March 23 and hoped we would have gotten in here in April. We would like to figure out a way to get the front façade done because we have a high-end spa moving in this summer. We request to figure out how to do this. Issue number two is encroachment over the eastern property line. I’m presenting the survey that shows the area of encroachment in better detail. It creates a problem for us to remove it because the Crepe Cart is not part of the application. There is also an encroachment over the northern property line onto Ken Gordan’s property, LOT 2 BLOCK 6 STILES ADDITION SUB, which we have an agreement for to allow it to remain.

Mr. Barry Noam, Owner:

Mr. Kent Willis is the mutual attorney with me and Ben Gordon so when I purchased this property we made an agreement. There is an agreement with Ben Gordon and there was not an issue with the encroachment over

the northern property line. I can provide a copy of the agreement with Mr. Gordon. My intention is to fix this building after it was neglected for so many years. I thought it would be a great building to be restored historically and I was willing to do that with Kirk Dice's help. That is why I'm here. I think it will be a nicer environment for the whole block. We initially met with Mr. Mike Mosher and he was the one that suggested an expanded deck for the food court idea. But I wasn't intending to do that until he suggested it. Getting the Crepe Cart people involved now for the existing deck encroachment into the sidewalk threw me off. The only thing I wanted to do was fix this building. I have a nice tenant who owns businesses in other key areas and chose us over Vail and Aspen and the deal is that I need to get it upgraded right away so that I don't lose them. I'm trying to do something for the Town that is a positive. I never planned to pave the parking lot or the landscaping which I've agreed to do now. I agree that the asphalt parking lot and new landscaping will make the property better. I'm willing to do what it takes to make this happen, but the Crepe Cart encroachment is not part of the deal. The reason we are connecting the deck to the existing deck is to comply with ADA requirements with providing a new ramp. As a historic building, there was no ADA access. I think I should be more rewarded than punished for providing ADA access.

Commissioner Questions:

- Mr. Pringle: Discussed the Vendor Cart Ordinance that the Crepe Cart while not part of this application, but the Crepe Cart does need to come in to be discussed by the Planning Commission. (Mr. Thompson: Yes, the existing crepe cart owner needs to come in to apply for approval of the "Exempt Large Vendor Cart Designation" per Policy 47: Vendor Carts, letter F.)
- Mr. Lamb: Is 3'-1" of deck over the property line going to break the project? (Mr. Noam: The problem is for the Crepe guys not this project.) (Mr. Grosshuesch: We work with the property owners. Mr. Noam is the property owner, the Crepe owners are renters of Mr. Noam, and hence why we are working with him.)
- Ms. Dudney: The crepe cart encroachment is not an issue because you get the agreement, but is it only a issue with the deck into the right of way. (Mr. Hogan: It is a Crepe Cart issue.) (Mr. Thompson: It is actually 3'-1" over the property line, just needs to be brought back to the property line, and not over it.)
- Mr. Mamula: Instead of doing this, why don't you need to do what you need to do with your lot? (Mr. Hogan: It takes a 12' long ramp, they aren't doing that for the Columbia store, they don't have ADA for upstairs.) (Ms. Puester: The ADA access is a building code issue.) (Mr. Hogan: We want to make sure we treat people with dignity and we want to meet code.) It seems strange to vacate a lot line issue because it will always tie this building to the Crepe Cart. I don't understand how you are planning to get around this issue with abandoning a lot line by doing it this way. If he didn't own the property next door what would happen? (Mr. Thompson: The new deck is proposed as attached to the deck under the porch of the existing historic house, between lots 5 and 6. There is already a historic deck that already is crossing their internal property line between Lots 5 and 6. We are connecting these decks that already crossed the property line. You have to have ADA for the front and the back.) (Mr. Hogan: We just want to make an accessible entrance. We won't be doing the additional deck in the back behind the crepe cart.) (Mr. Noam: The only reason we were doing the deck in the back is because Mike Mosher suggested it. All I want to do is clean up the building façade. The first thing I said when I bought it is to improve it. The Crepe Cart is not part of the whole thing.) If you would add the seating there, more deck in the back, don't you think that the Crepe guys would give up the 3'-1"? Since this is not a final hearing this might be a solution. (Mr. Thompson: The Crepe thing is not going away. It has to be brought before the Commission for a hearing and this exact same issue will come up again. Also, public works may require that the deck go away with or without an application. This just brings it to the forefront as a good time to address it. Also this is a Riverwalk property that does have to follow the Riverwalk compatible improvements as described in Policy 37 (Special Areas) which include a rear entry, a porch door, outdoor seating area, patio, etc. So the rear deck

and new sidewalk is the whole concept of two-sided businesses in the Riverwalk compatible area.)

Mr. Lamb: Is there a timeline for the Crepe people to come in? Will they be coming in? (Mr. Thompson: Yes, this is going to happen, don't have the exact time yet.)

Mr. Pringle: Is it possible that we would have any leverage on the Crepe people who have inherited the violation of the Town Property? (Mr. Thompson: Staff discussed an encroachment license agreement, but there has to be a public benefit, we don't see a public benefit.) (Mr. Grosshuesch: It does come back to the property owner; we might be able to address it to make the removal of the deck a condition of getting the CO on the Miller-Huntress. This might give us time to work with the Crepe Cart.)

Mr. Mamula: Could you address the comments about moving this along? (Ms. Puester: You have to go through the formal public hearing process. We are not looking at a final application right now. The applicant will have to work with Staff, and develop final plans to submit.)

Mr. Schuman: Can you require that a failed absolute policy be corrected as a condition of approval? (Mr. Grosshuesch: Yes you can. This application is not far enough along.)

Mr. Mamula: We can tell you what we think and then you can move forward with staff.

Mr. Mamula opened the hearing to public comment.

Ms. Carol Rockne (547 Broken Lance Drive): I've looked at this plan and I think it is a great upgrade. I agree the deck should be pulled back to the property line; do not think that is a big deal. I think this will be a big upgrade to the Riverwalk and I walk this everyday and it is so slippery and icy. Anything we can do to fix this up would be great, because it doesn't look good back there right now.

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

Commissioner Questions / Comments (Continued):

Mr. Lamb: I applaud the effort to restore this building. If you went to the people who were leasing for you and say we are going to take some of your deck here but put more out back, that should not hold up the project, this should not be a big deal. I like the condition of approval before the Certificate of Occupancy.

Mr. Pringle: I applaud you for solving the issues that the staff had. Maybe you didn't plan on paving or landscaping but I think it will help your project. As the new owner, I think you have influence over your tenant.

Ms. Dudney: My compliments to the project, the extent that you can take these minutes and show them to your tenant about how pleased we are, but this is a process.

Ms. Christopher: I agree with the other Commissioner comments.

Mr. Schroder: I do hope you can get this going for your tenant.

Mr. Schuman: Thanks for the historic preservation and the grass seeding. You will need to solve the encroachment issue.

Mr. Mamula: I agree with these things but I think that the encroachment issue can be solved if the Crepe Cart needs to use the 3' during the summer until the new deck extension is complete; I am ok with that concept. Work it out with staff and get this project rolling.

OTHER:

Ms. Puester: For the June 2 meeting, Mr. Mamula will not be here but Ms. Christopher will be here to Chair. Mr. Schuman will also not be here on this date.

ADJOURNMENT:

The meeting was adjourned at 8:20 pm.

Eric Mamula, Chair