

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schuman.

ROLL CALL

Gretchen Dudney Mike Giller Jim Lamb
Christie Mathews-Leidal Ron Schuman Dan Schroder arrived at 7:03 pm.
Dave Pringle was absent.

APPROVAL OF MINUTES

Mr. Giller: Please add Mr. Grosshuesch's statement about the Section 106 requirement to the wireless ordinance comments on page three of the minutes.

With no other changes, the June 7, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Ms. Puester: Mayor Mamula will be here later in the meeting. (Mr. Schuman: Mr. Mamula will have some guidance regarding the update to the development code.)

With no other changes, the June 21, 2016, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR ITEMS:

- 1) Jerky Cart Renewal (CK) PL-2016-0217, 100 South Main Street
- 2) Higgles Ice Cream Small Vendor Cart (CL) PL-2016-0177, 116 North Main Street

For the record, these two Consent Calendar items were processed as Small Vendor Cart Applications, which means they are Class C applications with Class B noticing requirements. The properties were posted and notices were mailed to all property owners within 300 feet of each location 11 days prior to this evening's meeting.

Ms. Puester noted there was a change to the Findings and Conditions for the Higgles Ice Cream Small Vendor Cart, PL-2016-0177, 116 North Main Street. The correct expiration date for the permit is 12 months after approval or June 28, 2017 on #3.

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

WORKSESSIONS:

- 1) 2016 Planning Work List (JP)

Ms. Puester presented. The Planning Commission joint worksession with Town Council is scheduled for July 12 however with this pending, perhaps we should postpone until we get further into the code and have specific policy direction questions for Council. Typically, staff discusses the year's "top ten" list with the Planning Commission prior to the joint meeting to hone in on two or three main topics to discuss with Town Council for policy direction.

At the May 31st Town Council Retreat, planning staff was directed to undergo a comprehensive review of the Development Code policies. The direction in general is to update any out of date policies, address issues and inconsistencies as well as consider any new policies as needed. Since this code review is so comprehensive, staff is not proposing any top ten list this year but rather, the singular comprehensive Development Code update.

Staff will review the Development Code in its entirety and make recommendations to a Steering Committee. Staff foresees the Committee to be made up of three staff members (Mr. Grosshuesch, Mr. Truckey and Ms. Puester), two Planning Commissioners, three private sector architects/developers, and one community at large member. This relatively small Committee should provide focused direction on recommended policy changes

and updates to the Planning Commission. Staff intends for the Steering Committee to meet at least once a month, at which time they review one or several Code policies at a time. Once the Steering Committee develops recommendations on specific Code policies, work sessions will be scheduled with the Planning Commission. Staff will schedule periodic updates with the Planning Commission and Town Council regarding policy direction as needed. We also plan on hosting an open comment period for the public as well as a public open house during the process.

Staff estimates that this process will take 18-24 months, depending on staff workload. Staff would like comments and thoughts from the Planning Commission on the suggested approach for the code update.

Commissioner Questions / Comments:

- Mr. Schuman: We will take time to determine who on the Planning Commission will be on the steering committee and that person / those people will update the Planning Commission on how the work is going.
- Mr. Schroder: Will the committee just be looking at Title 9 or more of the Town Code? (Ms. Puester: Just Title 9, the Development Code. The rest of the Town Code is not proposed to change which applies to other Departments.)
- Ms. Dudney: Is parking included in Title 9 (Mr. Kulick: It's incorporated through it.)
- Mr. Giller: I am concerned about the period of significance and losing early buildings and the Town's character such as the Bergenhof building, ones from the 60s.
- Mr. Schroder: I would like to move the meeting with Town Council back from July 12th.
- Ms. Dudney: I would also support postponing that meeting.
- Mr. Schroder: I would like to know if we have asked Town Council for their input on what should be updated in the code. (Ms. Puester: No specific direction on what policies should be closely scrutinized has been given thus far.)
- Mr. Schuman: Maybe Mayor Mamula will have some for us tonight later in the meeting when he comes. (Mr. Grosshuesch: The natural materials policy has risen to the level of Council.)

COMBINED HEARINGS:

- 1) Stables Lot Parking Deck and PMA Variance (MM) PL-2016-0138, 1700 Ski Hill Road
Mr. Mosher presented. In association with the Grand Colorado at Peak 8 East Building (PL-2015-0215) development permit, the Stables Parking lot will be improved to include an elevated parking deck over the existing parking lot. The work will include:
1. Two entry points, one at the current location and the second located off the upper deck just south of the Ski Hill Road bridge
 2. Two new crosswalks and lighting for pedestrian access safety
 3. Drainage improvements and infrastructure to maintain water quality within the Cucumber Gulch Preventative Management Area (PMA).

The development area is within the Cucumber Gulch Preventative Management Area (PMA) established by the Cucumber Gulch Preserve Overlay Protection District Ordinance. (No. 9 Series 2000 which is also enforced under the Development Code Policy 2, Absolute, Land Use Guidelines). During construction, all activity will be monitored as directed by the Ordinance.

Work is expected to begin in the summer of 2016 and finish in November 2016. The contractor will prepare and submit a CDOT Method of Handling Traffic (MHT) for Town approval. This has been added as a Condition of Approval.

The project construction method and sequence is anticipated as follows:

1. All work will be performed from above along Ski Hill Road or on site. There will be no activity permitted off-site from below in the PMA.
 - a. This is to protect the wetlands directly below the development area. Water quality control will also be placed below the construction area on the applicant's property.
2. Place Jersey Barriers along Ski Hill Road for vehicular and pedestrian control as needed.
 - a. Depending on traffic patterns and pedestrian access points, these barriers will be located to separate pedestrians from any construction activities and safely direct traffic around the construction site.
3. Placement of silt fences, site construction fencing and site stabilization structures.
4. A roadside 0.36 (4 1/2") deep ditch consistent with the approved subdivision plans shall be graded on the east side of the roadway.
 - a. Currently there is no drainage facility controlling run-off into the Gulch along this edge.
5. Remove existing gatehouse, bollards, curbs and utilities.
6. Remove infrastructure in existing parking area.
7. Relocate existing North Water Quality Vault.
 - a. The existing water quality vault is located at the north end of the existing parking lot. With the planned improvements, the vault will be relocated approximately 15-feet to the east, still at the end of the lower level parking lot.
8. Construct new 3-foot concrete pan along Ski Hill Road near west property edge.
 - a. Currently there is no drainage facility controlling run-off into the Gulch along this edge.
9. Construct Lower and Upper Parking structures and associated retaining walls and infrastructure.
10. Remove Jersey barriers and associated traffic/pedestrian control measures.
11. Remove silt fences, site construction fencing and site stabilization structures.
12. Restore all disturbed areas in a manner that provides similar biological functions, based on percent cover and type of species.

Point Analysis (Section: 9-1-17-3): Staff finds no reason to assign positive or negative points under any Relative policies of the Development Code. We find that the project meets all Absolute polices, with the exception of Policy 2/A-Land Use as it relates to the Cucumber Gulch Overlay Protection District, for which this variance is requested.

Staff finds that the proposal meets the requirements for a variance from the Preventive Management Area of the Cucumber Gulch Overlay Protection District, and recommends that the Planning Commission approve the Stables Lot Elevated Deck and Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance, PL-2016-0138, along with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Ms. Leidal: The Staff report mentions, on page 35, that the CDOT MHT was added as a condition of approval. (Mr. Mosher: Engineering is seeking this on the final construction documents and was fine having it mentioned in the report and presentation.)
- Mr. Giller: Is the concrete of the retaining wall colored or stained? (Mr. Mosher: Yes, it will be a taupe color to match the existing walls up there now.) (Noted where the wall will be finished as illustrated in the staff report.)
- Mr. Giller: I feel that the circulation for the lot is strange and I would like to know if there will be more clear direction for people looking for parking; like when the lot is full, where will people turn around? Circulation is confusing for different users (public and lodge guests). (Mr. Mosher: There will be signs differentiating where people should park and that they will be looking into traffic control. There will be an attendant in a booth there.)
- Ms. Dudney: I think that plans for such signs should be required to be submitted, telling people when it is full since there is no room to turn around. (Mr. Mosher: Your concern will be relayed to the applicant.)

- Mr. Schroder: I would like to know if there will be maintenance for the water filters so that contamination does not make it down into the Gulch. (Mr. Mosher: There will be a maintenance schedule between the applicant / owners and the Town to ensure that contamination will be cleared out; it's a condition of approval.)
- Mr. Schuman: Would like to know if we have reports telling us how successful such filtration and clearing out has been in the past and if we have seen degradation or improvement. (Mr. Mosher: Generally, we have been able to see improvements as a result of similar projects and we do get reports every 6-12 months and have yet to hear anything problematic.) (Mr. Grosshuesch: The reports have been relatively clean and when they have not, the issues have been addressed (a one-time issue with a retention pond at the bottom of Ski Hill Rd). Open Space has succeeded in getting things fairly stabilized with putting in beaver ponds.)
- Mr. Schuman: I appreciate the procedure but I have concerns over human error.
- Ms. Leidal: I would like to know if the two rooms on the southeast corner of the plans are mechanical rooms? (Mr. Mosher: Besides these two rooms, there is an electrical vault that may be moved across the ROW to stay out of the PMA.) (Mr. Mike Hayes, Construction Engineer for BGV: They are an electrical vault and a mechanical room for the snow melt.) I would also like to know where there is the gate house and attendant. (Mr. Mosher and Mr. Hayes pointed these places out on the lower level. An attendant will be present on busy days. Otherwise, an automated keyed entry is at each entry and always at the second level which is controlled by BGV.)

Applicant Presentation: The applicant arrived and stated he had no presentation.

Commissioner Questions / Comments:

- Mr. Giller: My concerns about the parking circulation were shared with Mr. Hayes when he arrived.
- Mr. Schroder: I would like to know what will be done from Mr. Hayes. (Mr. Hayes: There will be a reservation system and someone to manage parking during busy times. The lower level is for Vail Resorts employees and the upper level will have a gate and be there for the Grand Lodge guests who make reservations in advance so we can reserve their spot. Morning skiers skinning up will be able to access the gated area early in the morning which will likely be open at that time and then close for lodge guests.) (Mr. Grosshuesch: Can you clarify on the availability of the lot to the paying public or is it for private use? I thought it was to be for paying public?) (Mr. Hayes: I thought it was for guests but not sure now the answer to the question beyond availability to morning skiers.)
- Ms. Dudney: This discussion is up to and wasn't it had by Town Council and Vail Resorts? (Ms. Puester: Can someone from Vail Resorts here clarify?) (Mr. Jeff Zimmerman: Not sure where that conversation ended up. Will have to look into that.) (Mr. Gary Shimanowitz, VP Operations of Breckenridge Mountain: As of now, the Vail Resorts employee section is not to be manned. When reconstructed, will be automated for employees or guests to enter with a card, but there will always be room at the end of the parking lot for vehicles to turn around if there are no spaces. Have to look back onto the details on use when it was discussed with Council.)
- Mr. Schuman: True, the public parking issue is a Council decision. The reason we are asked the question is because there have been concerns voiced tonight regarding the traffic flow and circulation in the structure.

Mr. Schuman opened the hearing for public comment.

Mr. Richard Himmelstein, 19 Peak Eight Court: My house has a direct line of sight to the lot and I have concern about how loud the snow melt boiler will be and if it will echo up and down the hill. I would also like to see the lighting plan to see how that will affect me as well. My biggest concern is that where my house is located, there is a ski-way easement between the top of Ski Watch Drive and the parking lot that people

skinning could possibly walk down Ski Watch Drive. That is very dangerous for cars in the wintertime and does not have a sidewalk. I am concerned that people will be walking up the road to use this parking and therefore would like there to be a sidewalk added to Ski Watch Drive as a Condition of Approval with this application (on the left side as you walk up) because there will be more foot traffic with the addition of the parking lot.

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

Commissioner Questions / Comments:

Mr. Lamb: I support the point analysis for the Cucumber Gulch; I think the sidewalk is also a good idea to add and Council should look at it. Overall supports the proposal but believes we should proceed very carefully to protect the PMA.

Ms. Dudney: I support the analysis.

Mr. Giller: I support the analysis.

Ms. Leidal: I support the analysis and appreciate Mr. Himmelstein's concerns for safety but I am not sure how we could make that request a requirement of this applicant since it is not a part of the property and it is Town right of way; but it's noted here in the minutes as a concern for Council to see.

Mr. Schroder: I agree with the point analysis and also note the possible need for a sidewalk.

Mr. Schuman: I agree with the analysis.

Mr. Schroder made a motion to approve the point analysis for the Stables Lot Parking Deck and PMA Variance, PL-2016-0138, 1700 Ski Hill Road, showing a passing point analysis of zero (0) points. Ms. Dudney seconded and the motion was carried unanimously (6-0).

Mr. Schroder made a motion to approve the Stables Lot Parking Deck and PMA Variance, PL-2016-0138, 1700 Ski Hill Road, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (6-0).

TOWN PROJECT HEARINGS:

1) Runway Subdivision / Block 11 Rock Crushing (CK) PL-2016-0220, 107 Denison Placer Road

Mr. Kulick presented a proposal to have a limited term Rock Crushing Operation (Maximum of 12 weeks) to crush rock that is associated with the Denison Placer Housing Project. All work will take place on Lot A-1. The crushed material will be used for pipe bedding, road base and other infrastructure needs for the Denison Placer Housing Phase 1 and 2 projects. In addition, the crushed material will be used for pipe bedding for the Town's future second water plant located to the north on the McCain property.

Point Analysis (Section: 9-1-17-3): Staff finds this application to meet all Absolute policies and not incur any positive or negative points under any Relative policies.

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission was asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Planning Staff recommended that the Planning Commission recommend approval of the Runway Subdivision / Block 11 Rock Crushing, PL-2016-0220, 107 Denison Placer Road, with a passing point analysis of zero (0) points and the presented Findings.

Mr. Schuman opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schroder: I would like to consider adding Independence Day and Labor Day as non-crush days. (Mr. Kulick: I will make that request.)

Ms. Leidal: I would like to know the aesthetics of the machinery. (Mr. Kulick: I don't know yet.) (Mr. Mosher: The equipment is fairly tall and long, made of metal; the top is covered by a tarp and covered a water to keep the dust down.) (Mr. Kulick: Some such equipment in the past has been painted dark and some is yellow, but once it is approved, the equipment will be rented and someone will be hired who specializes in such projects that will provide the machinery.)

Mr. Schuman: There will also be conveyers. (Mr. Mosher: The sound is one of constant rumbling.) (Mr. Kulick: It is sections of the Highlands that will hear this sound the most, and there will be sound from the safety equipment as well, but the applicant will be conscientious of the sound.)

Mr. Schuman noted that there is no additional audience to comment.

Ms. Dudney made a motion to approve the point analysis for the Runway Subdivision / Block 11 Rock Crushing, PL-2016-0220, 107 Denison Placer Road, showing zero (0) points. Ms. Leidal seconded and the motion was carried unanimously (6-0).

Ms. Dudney made a motion to recommend the Town Council approve the Runway Subdivision, PL-2016-0220, 107 Denison Placer Road, with a passing point analysis of zero (0) points and the presented findings. Ms. Leidal seconded and the motion was carried unanimously (6-0).

OTHER MATTERS:

Mayor Eric Mamula: I wanted to say hello. There is currently no Council person because it seemed to be a waste of everyone's time to just explain what has been going on at Council when Council minutes can be read online. Until there is a movement to have a Council person attend, there will not be a Council person present at Planning Commission meetings. I would like everyone to know that if there are any concerns at all that the Planning Commission is welcome bring issues to Ms. Puester or Mr. Grosshuesch to relay to Council. I feel that it is time to start going through the code. There is no real timeline, but issues like fences and voting on passing point analyses should be looked at. I would like to add that everyone should be making sure that the Planning Commission is relying fully on the current code and that the reason planning here has gone so well is because the Planning Commission has made good decisions based on the code and the standards are very strong. (Mr. Schuman: There is not really a top ten for the upcoming meeting and with the code review, the Commission does not have anything in particular to talk with Council about on July 12th, but would like to know what the Council thinks about the code review.) I would like for the Planning Commission to take the lead because you know the code and the issues surrounding it best. Maybe we should look into things like heated sidewalks as a public benefit, but the Commission knows well enough what really needs to be done. The review will not be to start over, but to look at what we have and look to the staff for their input since they work with people in the thick of things every day to make things easier on everybody. (Mr. Schuman: We would like to postpone the joint meeting until we are further in the code revision process.) I think that is a good idea. Town Council has decided to restructure the way it has its meetings with Boards and Commissions (without having the meeting focused on dinner). (Ms. Dudney: It was nice not to have to read Council minutes or go to the meetings and to get extra information from the Council liaison of things that went on outside of the formal council meetings. I would like there to be a way for such information to be passed along now that there will not be a council liaison.) I will look into ways to do this. I feel that the Planning Commission is very important to the community and I want the Commission to feel comfortable getting ahold of me. It's easy to go through Mr. Grosshuesch or Ms. Puester too.

Ms. Puester: The July 12th joint meeting will be postponed. (The Planning Commission members all agree this is a good idea.) Everyone should begin thinking about a retreat in late September or October. Cell towers are

still going forward and Council will see a first reading in July. We also need to take out content based code in our sign code based on the recent court hearing. We are running to issues with our current code so we will do this prior to or during the process of the comprehensive code update.

ADJOURNMENT:

The meeting was adjourned at 8:26 pm.

Ron Schuman, Chair