

PLANNING COMMISSION MEETING

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

ROLL CALL

Mike Giller Jim Lamb Christie Mathews-Leidal
Ron Schuman Dan Schroder Dave Pringle
Gretchen Dudney was absent

APPROVAL OF MINUTES

On page 7 of the packet, the last comment is attributed to Ron Schuman, but was actually Dave Pringle. With no other changes, the July 19, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the August 2, 2016, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

- 1) Rocky Mountain Underground Change of Use (JP for CK) PL-2016-0314, 114 South Main Street

With no comments, the consent calendar was approved as presented.

OTHER MATTERS:

- 1) Comprehensive Development Code Steering Group Update

Mr. Truckey presented. The first meeting of the Steering Group was held on Thursday, July 21 with Mr. Truckey, Mr. Grosshuesch, Ms. Leidal, Ms. Dudney, Mr. Sonny Neely, Architect and Mr. Mark Provino, Architect, present for the meeting. Mr. Matt Stais, Architect, is also on the committee but was out of town.

We discussed policies in the Development Code beginning with Policy 1 (no concerns). In Policy 2R, Land Use Guidelines (LUGs), the current policy provides both positive and negative points for consistency with land use guidelines. Staff brought to the group the question of whether we should really be giving positive points just for being consistent with the LUGs. The only time positive points have been awarded was for the Valley Brook Child Care facility and those points probably more appropriately could have been awarded under Council Goals (24R). The Steering Group recommended eliminating the positive points from that portion of 2R.

Policy 2R also contains a conversion table for SFEs in the Conservation District which gives limits on square feet. The Steering Group suggested that the table would be more understandable if the entire mathematical formula was included (e.g., Single-family residence = 1,600 sq. ft. x 9 UPA x .14 acres = 2,016 sq. ft. density).

There are a number of different provisions related to affordable housing in Policy 2R that could use an entire re-writing. The words “employee housing” and “attainable workforce housing” are used interchangeably. There is a 10 percent density bonus for employee housing and than a 115 percent bonus if the entire project is employee housing. There are also the newer TDR provisions, consistent with the Joint Upper Blue Master Plan, that require transferring density to affordable housing at a 1:4 ratio. The Steering Group agreed the entire section needed to be reworked.

We also talked about an opportunity to make a stronger connection between historic design guidelines and the code itself. There are a number of things we could probably do to improve that. The issue of accessory apartments came up briefly; we are fairly liberal in how we allow accessory apartments right now, so incentives are in place to provide affordable housing through accessory apartments. Finally, the issue of parking for short term rentals was brought up, although we have not gotten into a full discussion with this.

Thoughts from the Planning Commission on important code issues? Other comments?

Ms. Leidal: We went through the code line by line, we asked questions, staff brought questions to our attention. We weren't sure what to do with the 115% qualification in deed restricted projects. (Mr. Truckey: If the Steering Group or Planning Commission thinks there needs to be a whole different percentage, they will need to discuss that and ultimately bring it to the Council for their input.)

Commissioner Questions / Comments:

Mr. Pringle: Policy 2R changes are a good example of when we make changes to code without looking at how it affects all the other aspects of code (e.g., some of the older sections). Maybe we need to rethink how points are assigned for employee housing.

Ms. Leidal: Someone brought up if affordable projects are allowed to go up to 115% density, do they incur negative points for exceeding recommended densities?

Mr. Pringle: This seems kind of murky where so many points are assigned for workforce housing.

Mr. Schuman: I can't think of an example where something like this has happened, but this is difficult because what if a project has 10 positive points but a lot of other problems that we just don't know how to address? (Mr. Grosshuesch: With the incremental density bonus Code changes, we have a habit of allowing them and then not addressing the negative points. I think the answer should be that they get the increments in density without incurring negative points, but if they go above the density bonus, then they get negative points. With regard to double dipping on positive points, we try to stay away from allowing projects doing that, but we do need to look into the policies for affordable housing in that regard.) (Mr. Truckey: Maybe positive points are still awarded, but not as many, or more incremental in nature.)

Mr. Pringle: I just think it is really hard to keep track of all this stuff. Ten points for employee housing plus density incentives. What about the 80/20 rule? (Mr. Grosshuesch: That was put into place because the Town didn't think we needed any more annexations without public benefits, but if the project was willing to be 80% affordable housing, we would look at it.)

Mr. Lamb: I don't know if you read the article in the news about how no one lives in Vail full time, and how a lot of municipalities are looking into legislation to deal with VRBO things, so we should keep it on our radar. (Mr. Truckey: We are concerned that if you try to limit it too much people will just go around it. We saw a webinar about short term rentals in Durango and the way they implemented it looked like something we just could not do. They only allow one short term rental per block. As of right now, we do require a business license and we have the ability to enforce nuisance violations, but we have not gone to the point of regulating short term rentals in different zone districts.)

Mr. Schuman: A lot of HOAs are taking this issue up; the Wellington neighborhood is addressing this. (Mr. Truckey: The Town does not allow short term rentals in deed restricted housing units that the town has subsidized, and we actively follow up on any violations we are aware of.) (Mr. Grosshuesch: We are getting a report presented to the Summit County Combined Housing Authority on VRBOs soon, so there will be more discussion on this issue. But yes, these regulations are really hard to enforce and have started huge controversies in other areas. We have a very long standing tradition of short-term rentals in Breckenridge, so we do not have the same issues as some communities. The report will be talking about the long term renters that are being pushed out by short term rentals.)

Mr. Lamb: I would just like to see what other communities are coming up with and thinking about that.

2) Other Comments:

Ms. Puester: I have a few things to update the Planning Commission on. Lincoln Park Phase II will be coming in for development permits pretty soon. At Town Council next week, we have the first reading of the ordinance regarding Planning Commission point analysis vote change. This will allow for one vote rather than

two as previously discussed. Also, the second reading of the wireless communication facility ordinance will be on the agenda as well.

Mr. Grosshuesch: In Land Use District 1, the code does not allow for density transfers, but in the Land Use Guidelines, they are allowed, so we will be updating the Guidelines which will also go before the Council next week as a first reading. Second, parking requirements for downtown deed restricted units in existing spaces will be going to town council next week. The owners of those units, if deed restricted would not have to provide parking on site as required for residential in the code. Tenants would have the ability to get a parking permit. We are not proposing to extend that privilege for new construction, just existing. (Mr. Truckey: this would be for second floor units because there are currently restrictions on residential on the ground floor.) (Ms. Puester: This will apply to new change of uses likely commercial to deed restricted residential. If a residential unit is already in existence than they would have had to provide parking on site.) (Mr. Pringle: I am concerned about this and I think we should be careful what we get into with waiving required parking. This could have unintended consequences for the historic district and future residents.) The recommendation from the parking study recommended putting more employee housing downtown and Council is receptive to that idea. This would be an incentive. They are also feeling confident about their ability to improve transit in the town core, so this is very consistent with that line of thought from the parking and transit study. The frequency of bus service will go up considerably. The orange route trolley will begin in the next week or so. Purple route will go bi-directional. (Mr. Giller: Is there any sense of how many units exist but can't be utilized because of parking?) (Ms. Puester: I can think of some spaces. I don't expect to see a flood of these.) We will see it on the Council agenda.

Ms. Leidal: I have a question about the single motion points change? (Mr. Grosshuesch: In most ways, things will function the same way as now, if no one makes a motion to change the point analysis, then everyone can move straight to vote and must approve or deny based on the point analysis.)

ADJOURNMENT:

The meeting was adjourned at 7:38 pm.

Ron Schuman, Chair