

PLANNING COMMISSION MEETING

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

ROLL CALL

Mike Giller Christie Leidal Dan Schroder
Gretchen Dudney Jim Lamb Dave Pringle (arrived at 7:12 pm)
Ron Schuman (arrived 7:25 pm)

Dan Schroder, Vice Chair, filled in for Ron Schuman, Chair, until 7:25 pm

APPROVAL OF MINUTES

With no changes, the August 16, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the September 6, 2016, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

1) Shock Hill Overlook Duplex Lot 4 (MM) PL-2016-0364, 62 & 58 West Point Lode

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

COMBINED HEARINGS:

1) Peak 8 Resubdivision Tract C (MM) PL-2016-0294, 1627 Ski Hill Road

Mr. Mosher presented a proposal to re-subdivide the remainder of Tract C to create Lot 3, Peak 8 Subdivision in order to accommodate the development and property transfer of the Grand Lodge Peak 8 East Building, authorized by Development Permit PL-2015-0215. The previous resubdivision of Tract C (PC#2013009) created Lot 2 which defined the property for Grand Colorado on Peak 8 (currently under construction). This resubdivision is being created solely to transfer the property (Lot 3) from Vail Resorts to Grand Colorado on Peak 8 to accommodate the recently approved Grand Colorado Lodge on Peak 8 East Building. After the conveyance, the shared property line will be abandoned allowing the Grand Colorado on Peak 8 (east and west buildings) to become essentially one building on one property.

This subdivision proposal is in compliance with the Subdivision Standards. Staff recommended approval of The Third Resubdivision Plat of the Remainder of Tract C Peak 8 Subdivision, Filing No. 1, PL-2016-0294, with the presented Findings and Conditions. Mr. Mosher noted that the correct Findings and Conditions had been placed at each Commissioner's place this evening; these are the Findings and Conditions staff is recommending approval of. The ones in the packet were incorrect.

Commissioner Questions / Comments:

Ms. Leidal: Where will the pedestrian easement be when the lot line is vacated? (Mr. Steve West, Attorney for Vail/Summit Resorts: The current pedestrian easement is not functioning with the current construction activities. It is the future easement and it will be slightly to the south, a bit larger than required. It is possible, however, that the pedestrian easement won't be done until the condo subdivisions are processed, though prior to then it would not be functional anyway because of the construction.)

Mr. Schroder opened the hearing for public comment. No public was present to comment and the hearing was closed.

Commissioner Questions / Comments (continued):

Mr. Lamb: This is necessary for the project, so I support it.

Ms. Dudney: No comment.

Mr. Giller: No comment.
Ms. Leidal: I support the conclusions of staff.
Mr. Schroder: I also support the conclusions of staff and agree with Mr. Lamb.

Ms. Dudney made a motion to approve the Third Resubdivision Plat of the Remainder of Tract C, Peak 8 Subdivision, Filing No. 1, PL-2016-0294, 1627 Ski Hill Road, with the hard copy Findings and Conditions presented this evening. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

DEVELOPMENT CODE STEERING COMMITTEE UPDATE:

Mr. Truckey presented. Mass policy 4R was discussed. There is a bonus provided for condos, hotels, inns, etc. which allows an additional 25% for common areas and amenities. The Steering Group discussed issues that there have been in the past, a number of recent applications have gone through development agreements to request more area for amenities. Input from the architects on the Steering Group was that you could basically reach 25% in just common areas, so it is a bit tight and we may want to provide a bit more flexibility, perhaps up to 30 % for common areas and amenities. As a whole, the Steering Group was concerned that bumping up the allowance much more would create too much mass in a project. Suggestions included moving up to 30% to allow a little more room for amenities, though it may not be enough. Additional recommendation from the committee was that the Town Council refer this aspect of development agreements to Planning Commission to provide a recommendation before approval. The Planning Commission recommendation would be focused on the fit test: whether the additional mass fit on the site properly. There is a separate category for apartments, which currently allows 15% mass bonus, and the architects recommended that this category be bumped up as well.

Mr. Grosshuesch: We have seen condo developments go into assessment mode, desiring more development space in the name of amenities and the issue with giving an increase without oversight is that developers will over-build their sites. I do think it's good to have anything more than a minor increment go through analysis to determine if it fits.

Commissioner Questions / Comments:

Mr. Pringle: Has there been an analysis over time for common area needed with no amenities? (Mr. Truckey: Around 20-25%, based on recent projects.)
Ms. Dudney: The amenities are determined by the market and if they are needed, a development agreement can be proposed.
Mr. Pringle: We want better amenities, and I'm not sure that's what we'll get by just adding percentage.
Ms. Dudney: I don't quite agree with that; the market determines amenities and if the market demands certain amenities, I think they will be fulfilled.
Mr. Pringle: I'm reluctant to give additional mass unless we really know what we will be getting from it and that what we're getting is what we need. (Mr. Mosher: In the projects I have recently worked on, the 25% has been a tight fit.)
Ms. Dudney: When there is an extra 25% allowed, is it required that the extra 25% is used for common area or amenities? (Mr. Truckey: They can only use it for that, not density.)
Ms. Leidal: What needs to be counted as the bare minimum of common area? To increase hallway width, for example?
Mr. Pringle: If we are going to give out bonus mass, I think we have to know what it is going to.
Ms. Leidal: But that is the way it is, already, correct? You have to use the additional mass for common areas and amenities.
Ms. Dudney: It is an incentive so that the developer does not have to take amenities out of the area that can be rented. (Mr. Mosher: The market has changed, and right now, those who need more room for amenities will get a development agreement or wiggle with the area they have.) (Mr. Truckey: The bigger projects are still going to need to get a development agreement; the extra 5% may assist with a few smaller projects.)

- Mr. Pringle: What about projects built before this 25% rule? Can they suddenly add more mass to these buildings and will we like that? Before we give out the additional mass, I would like to see that we are getting amenities out of that. (Mr. Mosher: In those projects we do count their hallways and common areas when we look at them now. But it depends on how the scenarios are handled architecturally.) We've never had the stick to enforce the carrot we offered; we gave the bonus but the amenities are never used, we just made it easier for them to get their density and the buildings just got bigger.
- Ms. Dudney: So do you think the current buildings would just get scraped and replaced with something 25% bigger? (Mr. Grosshuesch: I do not think this would happen, and I don't know where they would even put the additional 25% in many of these situations. We should still have them go through the development agreement process.)
- Mr. Lamb: How many properties do we have out there that could really be scraped?
- Ms. Dudney: This just does not seem likely given that someone would need to buy out all the existing condos and property to redevelop it.
- Mr. Pringle: I think it's possible that places would do that, who knows.
- Ms. Dudney: The 25% is on the books now, so they could currently do what you're suggesting, do you want to take that off the books?
- Mr. Pringle: I'm just saying we shouldn't offer more and we should ensure that projects go through the development agreements.

Mr. Truckey presented on the architectural and coloring policies on buildings. Currently three colors are allowed, with minor exceptions. We talked about other types of surfaces not counting toward color like stone or rusted metal. Additionally, we allow fiber cement siding on a building as long as there are some natural materials on each elevation. The architects on the Steering Group believed that fiber cement siding was turning out to be a durable product. There were a few examples where it did not work well, like on a relatively blank wall, which was not because of the fiber cement, but because of the lack of other interesting aspects. We talked about having some percentage of wood material or natural material. The committee decided not to go that route and to leave it to discretion as it is now.

Commissioner Questions / Comments:

- Ms. Leidal: The committee did not think we should put a percentage there and that we should invoke policy in a different way and be flexible.
- Mr. Lamb: No one can tell the difference on a lot of the materials that are not "natural" but do look like natural materials.
- Ms. Dudney: Pinewood II for example, I do not think the siding there looks great, it is very flat, and this gave us discussion about breaking up these planes of non natural material.
- Mr. Lamb: I think a lot of it is paint.
- Mr. Pringle: I don't think that non-natural materials have been a problem in the historic district, but there is a problem outside the historic district where we have developed a mountain alpine motif and the non natural materials have diminished that character a bit. The non natural materials take on a character that really does not meet the look.
- Mr. Giller: What about steel columns and beams in the more modern architecture? Are those natural under 5R? (Ms. Puester: We have been considering that non-natural, though metal is not officially a part of the written policy.)
- Mr. Pringle: What about making metal an accent instead of a color? (Ms. Puester: We did talk about making rusted metal and the like not count as a color, if it is painted, it would be a color.) I object a bit to the amount of different materials brought on to the projects. (Ms. Puester: We have not really talked about different materials, just different colors.) (Mr. Truckey: The way the code reads now is that non natural materials can be no more than 25% no matter what the material is.) (Ms. Puester: If you had multiple different types of materials, as it stands, you could keep adding materials until you reach the 25%.) I think we should strongly encourage

- that the projects are kept simpler, like one project that had a bunch of different materials going.
- Mr. Schuman: In the particular instance you are referencing, that was not a code issue, but more of the commission's problem.
- Mr. Pringle: In that particular section of the code, the word "siding" is used, can we define siding? Not trim or accents? Because in some projects, siding is being defined more loosely.
- Ms. Dudney: It's still limited to 25% though? Except that fiber cement siding does not get negative points if there are also natural materials.
- Ms. Leidal: It says stucco specifically. (Ms. Puester: Precedent has meant all non natural materials, but we will clarify that.)
- Mr. Pringle: I am concerned that non natural materials are being used as corner boards and such.
- Ms. Dudney: It does not say that anywhere that they cannot be used.
- Mr. Pringle: I would like for it to say that specifically.
- Ms. Leidal: If it is written as 25% non natural regardless of how you apply it, is that okay?
- Mr. Pringle: I don't think that is enough to maintain the mountain rustic motif we want.
- Ms. Dudney: I'm not even sure it's the verbiage that's a problem; I don't think we all agree on this issue. I do not object to what Mr. Pringle objects to.
- Mr. Lamb: I don't object to it either.

Mr. Truckey also presented discussion on an architectural compatibility provision that assesses positive and negative points for excessive dissimilarity and excessive similarity. We have given negative points in the past for buildings that looked too modern compared to neighbors. We have rarely given negative points for similarity. Overall the group agreed that it should be left as is, and that it works as stands.

Commissioner Questions / Comments:

- Mr. Pringle: I don't think that assessing negative points on a project for dissimilarity is enough because they can just make up points elsewhere. (Mr. Truckey: You can get up to negative six, which is a pretty big number to overcome and could kill a project.)
- Mr. Lamb: I think that this policy works as stands.

(Mr. Schroder opened the meeting as chair, but it was passed to Mr. Schuman midway through committee discussion when Mr. Schuman arrived.)

OTHER MATTERS:

1) Planning Commission Field Trip Retreat

Ms. Puester presented. Staff would like to start discussing topic ideas for an annual Planning Commission field trip. This trip usually takes place in October of each year, but depending upon Commission availability, and the focus of the trip, an alternate month could be arranged. At this time, Staff is thinking that some relevant topics could include fiber cement siding durability, site disturbance related to long driveways, and retaining wall heights. These topics are based on topics arising from the Development Code update project and have been raised numerous times by Planning Commission members.

Commissioner Questions / Comments:

- Mr. Lamb: I think that staying here would be a good idea to look at fiber cement siding and non natural materials.
- Mr. Schuman: We could look at cell towers.
- Mr. Pringle: We could look at the Residence Inn, it highlights some of the concerns I have. (Ms. Puester: We should wait until they are done there, it is not painted yet).
- Mr. Schroder: I think it would be a good idea to look at driveways, since we will be getting more lots that will require different driveways .
- Ms. Dudney: Can we look at Maggie Placer, thinking about our discussion of fit? Columbia Lode?

- Mr. Schuman: Maybe phase one of Wellington? And to Lincoln Park to look at the car ports, which I think look a bit out of place and it would be good to look those over. (Ms. Puester: Town Council will be doing a site visit at Lincoln Park at 2 pm on October 11 which we could join.)
- Mr. Lamb: Maybe Denison Placer? (Ms. Puester: I am not sure what there will be to look out there right now.)
- Mr. Pringle: I do have one comment, I'm sorry I was late and unable to make note earlier, but on page four of our last minutes, I believe what I said was: "We are not smart enough to write code that considers every possible project that may come across" and not "We are not smart enough to write code."

Ms. Puester: If any of you do decide to go to the APA conference in Colorado Springs, please let me know. It is October 24th-26th.

ADJOURNMENT:

The meeting was adjourned at 8:12 pm.

Ron Schuman, Chair