

PLANNING COMMISSION MEETING

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

ROLL CALL

Mike Giller Christie Leidal Ron Schuman
Dan Schroder Gretchen Dudney Jim Lamb
Dave Pringle (arrived 7:02 pm)

APPROVAL OF MINUTES

Ms. Leidal: On page 3, Mr. Mosher passed out new findings and conditions and it is important to note that those are the ones that were approved. On page 6, the comment I made was a question, where "if" was inadvertently omitted.

With no other changes, the September 6, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the September 20, 2016, Planning Commission Agenda was approved as presented.

WORKSESSIONS:

1) Wireless Communications Facility Ordinance Review (JP)

Ms. Puester presented. Staff worked with the Town Attorney, our specialist on this topic Attorney Ken Fellman, as well as wireless providers to develop the ordinance in conjunction with the most recent regulations which are intended to provide design standards, address height and density related to such structures and installations. Further, one of the key features of the ordinance is to create an incentive with a faster administrative review process to be in conformance with the Federal Communication Commission (FCC) recent legislation for proposed WCF. In addition, this ordinance provides guidance on preferred standards for location and design while, in turn, provide a lengthier public hearing process for those WCFs not meeting preferences. (Currently, all WCFs require a Class A development review).

The Planning Commission last reviewed and directed staff to proceed to the Town Council on June 7. The Town Council reviewed and approved this ordinance on August 9, 2016. There were some minor changes from the adopted version of the ordinance that the Planning Commission reviewed on June 7. Staff wanted to take this opportunity to familiarize the Commission with the primary issues addressed in the ordinance and answer any questions the Commission may have prior to any applications being submitted under this new policy which is effective September 8.

Primary issues addressed in the ordinance include:

- A simpler Class D major review process as an incentive for locations, types and design of facilities which is encouraged (e.g. Outside of the Conservation District; on an existing building; collocation with other carriers; in public rights of ways or facilities; commercial land use districts; community facilities; and/or DAS). (Section (D)(2) and Section (I))
- A Class A process for WCFs which are not in a preferred location and design. (Section (D)(1))
- Design Standards (Section J) which include a requirement for all WCFs to be camouflaged and concealed (Section (J)(8 & 11)); encourage collocation (Section (J)(3b)); roof or wall mounted preferred over freestanding (Section (J)(6)); and concealed with compatible design in the rights of ways (Section (J)(9)). Height limitation of 35 feet unless processed as an adjustment. (Section (J)(4))
- Special variance procedure referred to in Adjustments to Standards (Section K) to address any unforeseen issues which would allow the Town to process the applications in a timeframe established by the Federal Communications Commission (FCC).

The intent of tonight is to familiarize the Commission with this policy prior to receiving any applications.

Lets discuss it and I can answer any questions that you have.

Commissioner Questions / Comments:

- Mr. Lamb: What was the amount of time that a proposal must be addressed within if bumped up to a Class A? (Ms. Puester: It is 90 days for a D major and 150 days for an A. We have been abiding by that, but that is something important to keep in mind. If it gets bumped up to an A because the staff has concerns, the Town would still have to comply with the 90 days requirement if that is the qualification as determined by the FCC.)
- Mr. Schroder: On a variance, if we deny something, we have to have a written reason.
- Mr. Giller: A clarification: Under the Class As, it is 90 days for a co-location only but and 150 days for a new site.
- Mr. Schroder: Who gave input? (Ms. Puester: AT&T gave a lot of input, has discussions with Verizon earlier on in the process but they never sent any comments back on the drafts.)
- Mr. Pringle: Well they're not done installing sites; we will continue to get more applications. (Ms. Puester: Yes, I believe we will still see applications from all providers. I have had a few pre-applications in the past few weeks even.)
- Mr. Pringle: This might be outside of the realm of this ordinance, but if we went to a town provided antennae system (DAS) like on street lights or utilities where providers pay for use of the antennae, does anything in this preclude that? (Ms. Puester: No, if anything, it encourages that under section I. It is a very realistic possibility in some form in the future.) It seems likely that it will become a utility in the future, especially in some less inhabited areas where people don't have coverage from any providers like north of Silverthorne. So maybe municipalities and counties will eventually rent the space to providers to take care of their own needs, and I hope this policy does not preclude that from happening.
- Mr. Lamb: Something is bound to come up that we didn't think of, but looks good. (Ms. Puester: And the first staff report on something like this will certainly be more detailed and lengthier than some other reports until the Commission is used to the new policy.)

COMBINED HEARINGS:

1) Fourth Extension for Sprung Structures at Peak 8 (MM) PL-2016-0370, 1595 Ski Hill Road
Ms. Puester presented on behalf of Mr. Mosher. The applicants are requesting a fourth 3-year extension of their existing Development Permit and Variance to the Temporary Structures Policy 36/A for the use and placement of a temporary Sprung buildings that house the Peak 8 Ski School and Peak 8 Ski Rental Shop. There have been three previous renewals since the original 2006 approval. The current Development Permit #2013103, which was approved on November 26, 2013, is set to expire on April 12, 2017. The use of both structures (ski rentals and ski school) has not changed since the original permit was executed in 2006 and the facilities are still an important aspect in fulfilling the guest service requirements of the ski resort. Their use within the Sprung Structures is anticipated until Grand Colorado on Peak 8 East Building can house these facilities. With a separate approved Class D minor application (PL-2016-0358), the size of the rental shop sprung building is to be reduced to 5/8 of its current size (4,800 square feet to 3,000 square feet). This modification is in association with the Grand Colorado on Peak 8 - East Building, Development (PL-2015-0215). The sprung structures will be removed once these functions in the East Building are completed.

The applicants will remove the temporary structures within three-years of the approval of this application or when a new replacement building is completed (future Grand Lodge on Peak 8 East Building of which construction is scheduled for Spring 2018).

These temporary structures could be a substantial benefit to the public and not a detriment. The intent of Policy 36A is that, within the Town, there not be temporary structures without building permits for new permanent structures to replace these temporary structures. The intent of Policy 36A can still be followed as the Town has an approved Master Plan for Peak 7 & 8. Furthermore, Vail Resorts has provided a monetary guarantee, ensuring the

complete removal of the structures, site cleanup, and site re-vegetation, once the permit for the temporary structure has expired. In addition, the applicants have entered into an Agreement with the Town, authorizing the Town to take possession of the structures and dispose of them upon failure of the applicants to remove the structure by the agreed to date.

The growth of the skiing and snowboarding sports, as well as the rapid population growth in both Summit County and Colorado has led to an ever-increasing demand for skier services, including rentals and lessons. Furthermore, the opening of the gondola has led to many more guests beginning their day on Peak 8, which has been in need of more skier service square footage for some time. The Peak 7&8 Master Plan anticipated the creation of a permanent structure to house these needs which will be located in Grand Lodge East Building.

The Planning Department recommended the Planning Commission approve the Fourth Extension of Peak 8 Ski School and Peak 8 Ski Rental Shop Temporary Sprung and Variance Renewal request in accordance with Section 9-1-11 Variances, (PL-2016-0370) with the presented Point Analysis and the Findings and Conditions.

Ms. Puester also handed out revisions in regards to date, and to clarify that the Sprung structures will go away when the extension expires or when they move to the Grand Colorado East upon completion. After arriving, the applicant representative from Vail Resorts accepted these revisions.

Commissioner Questions / Comments:

Mr. Schroder: This has been 15 years. Do they really need this? I'm not opposing it; I just don't see this as the definition of temporary. (Ms. Puester: In the past, the ski area has voiced that the ski area needs these services at the base and the guests expect that.)

Mr. Schuman: When we approved it originally, we knew it would be there for a long while, because at that time there were still four or five buildings remaining to be built and there are still one or two. Plus there have been master plan changes as what it being built now is not what is what was originally planned.

Mr. Pringle: I have a question for the staff. I'm hoping that whatever conditions or requirements were made in 2006 on the Master Plan are reviewed to make sure that there is not anything left out over the development of all these properties up here. (Ms. Puester: We do revisit those agreements from time to time, and we will make sure that we continue to do that. The most recent one will be the realignment of Ski Hill Rd.)

Applicant representative, Jeff Zimmerman, Senior Director of Mountain Planning for Vail Resorts, arrived.

Commissioner Questions / Comments:

Mr. Schroder: Do you expect that the temporary structure will go away? (Mr. Zimmerman: Well I was hoping it would be gone after three years, but all I can say is that with the vibrancy of the economy right now and the partnership with BGV, we definitely intend on getting rid of it. It is not the resort's intention to leave it there and never has been.)

Mr. Lamb: Do you think this could be the last renewal? (Mr. Zimmerman: It is certainly not what we want and it is not what the community wants, I cannot say for sure as it is partly economically dependent when the BGV building gets completed, but we do not want to have them and as soon as the BGV lodge is up, these go away.)

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

Commissioner Questions / Comments:

Mr. Schuman: Anyone have any changes to the point analysis?

Mr. Pringle: I have no change the point analysis.

Mr. Giller: No but question, is there a possibility that one of these two structures could be removed earlier than the other? Will they go at the same time? (Mr. Zimmerman: Both of those facilities will go into the new building – 804, we call it – but I do not see any ability to remove one sooner, since they will both be going into the same building.)

Mr. Schuman: I have no comments or issues with the point analysis.

Mr. Pringle made a motion to approve the point analysis for the Fourth Extension for Sprung Structures at Peak 8, PL-2016-0370, 1595 Ski Hill Road with a passing score of zero, and to approve the Fourth Extension for Sprung Structures at Peak 8 development permit and variance to Policy 36A, PL-2016-0370, 1595 Ski Hill Road, with the presented Findings and Conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

DEVELOPMENT CODE STEERING COMMITTEE UPDATE:

Ms. Puester presented. We had a meeting last Thursday with the Committee; we talked a bit more about policy 5, following up on some concerns raised at the last Planning Commission meeting. We discussed policy 6 and got started on policy 7. With regards to policy 5R, the group was in agreement that most of the older condo projects are actually nonconforming in density and mass and thus, they would not qualify for any more density and not much more mass. We tried to think of some that would have the ability to add more mass but could not think of many, and they would still have to meet all the other provisions such as height, open space, snow stack, parking and so on, which would be difficult for them given how they are constructed already.

We discussed changing where the building height is measured to, but overall the consensus was to leave it as it is, to the mean of the roof, to encourage steeper roof pitches.

We talked about the stepping down roof edges. There was a recommendation of increasing the point multiplier for this in multi-family and commercial projects if the step downs were more substantial than we have seen in the past as well as maybe even in the middle or elsewhere in the rooflines to break up the masses. Maybe we could make a threshold, in the code, or establish one by precedent, where by stepping it down by more distance, we could offer more points. Additionally, we could increase the negative points for longer unbroken roof lines in this same subsection as right now it doesn't matter how long or how many buildings in a project have roof ridges over 50 feet in length, it is only one negative point right now.

We just started to get to policy 7. We talked about two subsections (site privacy and site buffering) that discuss pretty much the same thing, so we could combine them. We left off on retaining walls.

Commissioner Questions / Comments:

Ms. Dudney: Dave did you have specific projects as examples. What we found at the Committee was that there really wouldn't be any projects that could gain more mass without coming up against other problems that would prevent them from going through with a project. The most we could think of was someone possibly adding a pool house, but we could not think of anywhere where there would be a major impact since they would have to meet height, parking, snow stack.

Mr. Pringle: I am thinking about all the condos in the Inner Circle.

Ms. Leidal: Mr. Grosshuesch brought up that a lot of those projects had a down-zoning, so they were already over density and mass and therefore didn't have anything left to work with. (Ms. Puester: I believe the down-zoning happened in the land use guidelines.)

Mr. Pringle: True plus, prior to that everything came in as units and I guess at the time it was approved, units were 400 to 600 square feet and then we started getting bigger and that's when we changed from units to SFEs and established an SFE value for residential and commercial square footage. Some people in the Four Seasons may have felt like they had been down-

- zoned, but that was not exactly the case. That's the only down-zoning I can think of that may have been town-wide. (Ms. Puester: By establishing the SFEs, that capped the density, which limited density.)
- Ms. Dudney: We suggest that everyone keep thinking about the issue as you're driving around, so that we can look at it more specifically. This one can be ongoing. We do not need to have a solution chasing a problem.
- Mr. Pringle: But even mass and density are numbers that can be overcome with positive points.
- Ms. Dudney: We talked about that too, but it would be very difficult to overcome. (Ms. Puester: There are still many other things they would have to overcome within the other policies.) This only is going to have to do with projects where we're trying to encourage a little bit of amenities. The big projects that have a lot of impact will still have to get a development agreement with Council.
- Mr. Pringle: We should not underestimate the creativity of the developers in this sense.
- Mr. Lamb: I like the idea of putting the positive and negative points together in the building height step down/ridgeline policy, like the carrot and the stick.
- Mr. Pringle: Yeah, this would help incentivize more, to get the step downs closer to what we want.
- Ms. Leidal: I think we talked about deleting the positive points on this policy for single families because the HOAs will require this anyway.
- Mr. Giller: I could see some mountain modern projects not stepping down, but I support this.
- Ms. Dudney: We began discussing retaining walls and were leaning toward being subjective about it, depending on how visible it is, how high, the materials, how many trees are taken out, etc.
- Mr. Giller: One thing we like to do is to lean retaining walls back a little: they look nicer and it makes them more stable, so maybe that is something to think about. Retaining walls do rotate, so the camber kind of accounts for that in advance.
- Mr. Pringle: What about the definition of a cupola, because that is not accounted for in the height. And in the Distillery and Alpine Sports, they were able to go above our 35 foot height because of a clearstory by calling it a cupola, and I would like to prevent those from exceeding a certain height. Ms. Dudney: Where is that?) (Ms. Puester: Under exemptions in building height. We can look at that.) What was sold at the distillery was a cupola and what it ended up being was a clear story.

OTHER MATTERS:

1) Town Council Update (JP)

Ms. Puester presented. On September 13th, the marijuana license ordinance was adopted. The Council did pass the point analysis voting for planning commission at second reading. The land use district 1 changes passed at second reading. The town did a density transfer with the BOEC as did the BOEC privately for their addition at the Wellington site per the Development Agreement. The residential parking ordinance is being revised and going to town council for first reading next week. This has to do with commercial units, historically under-utilized, given the option to convert to deed-restricted residential for residents employed in Breckenridge with a waived parking allowance. The Klack Placer cabin has been landmarked. The budget retreat will be coming up in a couple of weeks for the Town Council. A lot of capital projects are being discussed, some of which would come before the Commission as town projects if given the go ahead.

Commissioner Questions / Comments:

- Ms. Dudney: There was a moratorium on new marijuana licenses, has that expired? Will we be seeing more licenses? (Ms. Puester: I am not well-versed on that one but I can get you a copy of the ordinance).
- Mr. Pringle: Is there a provision to make sure these units that will be converted to deed-restricted units will not be made into condos? (Ms. Puester: A lot of commercial units in town have already been condominiumized and can be individually sold but they would then have the deed restriction that goes along with it.)

Mr. Pringle: I think a lot of people see a financial benefit in converting the units and then selling them off. (Ms. Puester: The intent is to incentivize more deed-restricted units in the town. Most units, unless rentals, can be sold currently.) I just want to watch out for this.

Mr. Schuman: I think that Mr. Grosshuesch understands what is going on with these and is watching over them in this.

2) For the planning commission field trip, we are trying to get the date set. One thought is that with the planning commission terms (there are 3 seats up), we should maybe wait until the first week of November so that if there is a new commissioner, we can capture them in the process. Planning commission interviews will be October 11th, the date to have a letter in is October 3rd.

Mr. Schuman: From a practical sense this may not be the best because of snow, but it does make logical sense to wait.

Mr. Pringle: It may be, at this point, appropriate for me to step back. The reason I stayed on in the past, was because in the past the commission was not as strong, but this is no longer the case. I'm retiring next year and we might want to travel more but I have not made a decision yet. I just want you all to know that I am considering it at this time. I will only apply if I feel that I can commit.

Mr. Giller: You do have great institutional memory.

Mr. Schuman: It is your decision, but we would love to have you stay.

ADJOURNMENT:

The meeting was adjourned at 8:30 pm.

Ron Schuman, Chair