

PLANNING COMMISSION MEETING

The meeting was called to order at 6:00 pm by Chair Schroder.

ROLL CALL

Mike Giller	Christie Leidal	Ron Schuman
Gretchen Dudney	Jim Lamb	Steve Gerard
Dan Schroder		

APPROVAL OF MINUTES

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

APPROVAL OF AGENDA

With no changes, the January 3, 2017, Planning Commission Agenda was approved.

WORKSESSIONS:

1) Joint Upper Blue Master Plan and TDR Program Overview (MT)

Mr. Truckey presented. The Planning Commission sometimes reviews projects where additional density is transferred to a development site via Transferable Development Rights (TDRs). Staff also will on occasion reference the policies of the Joint Upper Blue Master Plan (JUBMP). Given we have several recent appointments to the Commission, staff thought it would be helpful to provide an overview of the JUBMP and the TDR program.

Joint Upper Blue Master Plan Overview

In the early 1990s the towns of Breckenridge and Blue River, together with Summit County, started a cooperative planning effort to address land use and related issues, which were considered crucial to maintaining the special sense of community and quality of life in the Upper Blue Basin. After more than three years of discussion and numerous public meetings, the Joint Upper Blue Master Plan (JUBMP) was adopted by the three jurisdictions in 1997.

The JUBMP sets forth a common shared vision for the future, and informs citizens, landowners, and developers of the desired future for the basin as articulated by the adopting jurisdictions. Important land use and other growth-related issues are addressed in the JUBMP.

TDR Program Overview

The JUBMP sets the framework for a TDR program. Through a series of subsequent steps, the Town of Breckenridge and Summit County have implemented an Upper Blue TDR Program:

- The Town of Breckenridge and Summit County entered into an Intergovernmental Agreement concerning TDRs in 2000 (most recently updated in 2011) that outlines the TDR program. The program maps out TDR sending areas (mostly backcountry areas) and TDR receiving areas (mostly in the urbanized valley floor).
- In conjunction with the TDR program, Summit County rezoned several thousand acres of private mining claims to a Backcountry Zoning designation. The Backcountry Zone restricts the size of residences. A typical five acre claim is allowed a 900 square foot cabin. Thus, the potential for large homes in backcountry areas is limited and this makes the TDR program an attractive alternative to backcountry property owners.
- The County administers a TDR Bank on behalf of the County and Town. The TDR Bank makes development rights available to interested developers at a set price. The 2016 TDR price is \$49,110 per unit or SFE. Development rights in the TDR Bank come from density that was stripped off of TDR "sending" parcels in the Upper Blue backcountry that were previously acquired jointly by the County and Town open space programs. Developers also have the option to acquire development rights by purchasing

sending site density from private property owners. Twenty acres of backcountry land equals one development right.

- When a TDR transaction is proposed as part of a development proposal in Town, one development right is required to be transferred for each additional SFE of residential area requested or for each 1,000 square feet of additional commercial space requested.
- Since its inception, 36 separate TDR transactions have occurred in the Upper Blue Basin, involving the transfer of 79 units of density, and resulting in protection of 1,173 acres of backcountry land.
- The primary goal of the TDR program is to protect land in the Upper Blue backcountry. Certain high quality wetlands lots also qualify as TDR “sending” areas. A handful of wetlands lots have been involved in TDR transactions. In 2015, the Town tightened its rules regarding use of wetlands lots in TDR transactions so that only a quarter of any transaction could involve wetlands lots. This change was made to keep the focus of the TDR program on protection of backcountry areas. The Town of Breckenridge also allows, with some limitations, density to be transferred between properties in Town.
- The JUBMP provides a partial exemption from the requirement for TDRs for deed-restricted affordable housing projects. The Town has committed to transfer density from its own pool of Town-owned density to affordable housing projects at a one to four ratio (one unit transferred for every four units built).

Commissioner Questions / Comments:

Mr. Giller: What percent of those TDR units are residential? (Mr. Truckey: 80%.)

Ms. Dudney: Tell us how other Towns like Dillon, Silverthorne, etc fit into this? (Mr. Truckey: They do not. I think the County does have TDR programs with the other towns but I do not think much has been accomplished. Snake River TDR’s have gone into Keystone. You don’t see this in a lot of places countrywide. There is no set policy limitation in a lot of other municipalities.) Could you give us an example that JUBMP strives to reduce the overall build out? (Mr. Truckey: Conservation easements, master plans like the Delaware Flats (Highlands) they voluntarily extinguished some development rights. Main Street Station and so did the ski area with the Peak 8 Master Plan in conjunction with the gondola lots.) So is every piece of property a receiving zone if it fits? (Mr. Truckey: What we have ruled out is the Historic District and Land Use District 1. Anything else is potentially fair game but it comes down to a fit Test and Planning Commission Review.)

Ms. Leidel: Is the build out target going to be revised with the affordable housing units we are building? (Mr. Truckey: Yes; that was a big part of this last JUBMP update effort. Mr. Mamula was pushing this as a Town Council member when this was most recently revised. There is an impact on creating this additional density of workforce housing for free. So what we decided to do for affordable housing is transfer Town owned density from certain lots to the site being developed for housing. Its done at a 1:4 ratio. That ratio was established by the Town Council. They did not want to extinguish at a 1:1 ratio because they thought we would use up our density too quickly but wanted to account for and acknowledge that there are impacts caused by the workforce housing units.)

Mr. Lamb: Where are we without build out? (Mr. Truckey: Between 80 and 90% in the whole valley. I also want to mention that we did also work with the Town of Blue River during this but politically, it was a tough sell for them to take any action on. Same with the other Towns.)

Mr. Schroder opened the worksession to public comment.

Mr. Jeff Francis, representing a potential workforce housing development in the County on Baldy Mountain Road: We have a development that we are working up on Baldy Road. That was crystal clear in terms of how the program works and we are very appreciative. With regards to the outside of the town, our property is designated as a receiving site now. We wanted you guys to know that we are working on our affordable housing project where most of the occupants will likely be employees of the Town. We really appreciate

everything you guys are doing outside of the town limits with regards to the TDR program.

Mr. Truckey: To follow up, there are areas outside the Town where the County could authorize County to County Transfers.

Mr. Grosshuesch: We have a pretty close relationship with the County. They send us projects that are adjacent to the Town to comment on and we do the same with them. The basis for us to make comments on projects in the County is our development code. They typically do a pretty good job as to incorporating our comments and recommendations into their project. We have a good familiarity with their program and they do with ours. The backcountry program and the TDR program were a really big deal back in the day. It took three years to do the JUBMP. It morphed into the growth cap, the TDR program, and backcountry zoning. The elected officials wanted to see a lot of progressive planning in the valley. We accept TDR's coming in from across the Town boundary. We can account for 80% of the backcountry lots being locked up and are not going to be developed in the back country. There is hardly anyone else who is at that level in terms of maturity of a similar program.

TOWN COUNCIL REPORT:

Ms. Puester presented. There was a first reading of the Dipping Station landmarking and first reading for the Signage on Town Property. There were no changes to either of those. There was a discussion on SnackBar and Deli water plant investment fees (PIFS) by Staff in which we are trying to solidify the current administrative practices. Currently, it is just based off of precedent and really needs to be written in the code. The primary issue is the snack/bar deli PIF rate versus a full restaurant. A snack/bar deli has all disposable wear use which is bad practice, environmentally speaking, but is incentivized by a low PIF rate. Restaurant on the other hand can have dishwashing of plates, serving ware etc. however; the PIF rate is substantially higher. What we see is that this encourages disposable ware for many businesses. This said, whether it changes in some form or not, we need to at least get something in the code so the Town is not susceptible to law suits. We will be going back to the Council toward the end of February with some additional research and recommendations based on what we heard from Council in December.

COMBINED HEARINGS:

1) Stella's Hungry Horse Large Vendor Cart Renewal (CK) PL-2016-0605, 327 North Main Street
Mr. LaChance presented on behalf of Mr. Kulick. Ms. Tara Griffith, owner and applicant, was also present. The owner of Stella's Hungry Horse is proposing to renew her existing large vendor cart permit at 327 North Main Street. No changes to the existing large vendor card or site plan are proposed with this application. This proposal is reviewed under Policy 49 (Absolute) Vendor Carts and is a renewal of Class B Development Permit #2013090. The permittee has abided by the conditions set forth by Permit #2013090, and staff is supportive of their renewal. This vendor cart is classified as a large vendor cart per Section 9-1-5 Definitions as it is more than 40 square feet (cart is 84 sq. ft.; by this ordinance it cannot exceed 100 sq. ft.) and will not be removed each day.

The proposal meets the requirements of Policy 49 (Absolute) Vendor Carts. One negative point is being assessed under Policy 33 (Relative) Energy Conservation for the outdoor fire pit, and one positive point is being assessed under Policy 18 (Relative) Parking for the shared driveway. This equates to a zero (0) balance on the Point Analysis. As this is a permit renewal, no change is proposed to the previously approved passing point analysis.

The Planning Department recommends approval of the development permit renewal for the Stella's Hungry Horse large vendor cart (PL-2016-0605) located at 327 North Main Street, with a passing point analysis of zero (0) points and the presented findings and conditions.

Applicant, Ms. Griffith: Nothing really new to add. It's been working out well.

Chair Schroder opened the hearing for public comment. There was no public comment and the hearing was closed.

Chair Schroder noted that there was a discrepancy between the staff report and the point analysis regarding a typographical error. Staff noted the correction.

Commissioner Questions / Comments:

Ms. Liedal: Is the gas fireplace there? (Ms. Griffith: It was approved at the first application 3 years ago; however, I don't use it anymore.)

Mr. Lamb: Looks good.

Ms. Dudney: In full support.

Ms. Leidal: Support.

Mr. Gerard: Support. It's a great small business.

Mr. Schroeder: Glad it working out, fully support.

Mr. Schuman: I like it, its been working well.

Mr. Schuman made a motion to approve the Stella's Hungry Horse Large Vendor Cart Renewal, PL-2016-0605, 327 North Main Street, with the presented point analysis showing a passing score of zero (0) points and the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

DEVELOPMENT CODE STEERING COMMITTEE UPDATE:

Mr. Truckey: The Committee met on Dec. 14th. Ms. Leidal and Ms. Dudney are your representatives on this group. We talked more policies: 13/R Snow Removal and Storage. Basically our current standard is 25% of the paved area has to be set aside for snow storage. If you don't do so, negative points are assessed. We decided to keep that and change it so there are no positive points awarded. We even talked about making the 25% an Absolute policy. The architects on the Steering Committee said there are some sites that are very tight and they would prefer to have a Relative policy. We will also add a clause that if you have a snowmelt system, you don't have to have the 25%.

14/R: Storage: It came down to a discussion about multifamily residential. The code policy encourages the provision of storage but it only assigns negative points if you don't provide 5%. We said positive points should be awarded for providing it. Storage is ski lockers, recreational equipment, and so on, not clothing closets.

15/A: Refuse: We added a requirement for recycling space in the enclosure because we wanted to make sure people are providing this, as it is difficult to add later.

16/A: Internal Circulation: Part of that policy bans drive through windows downtown. If we had those on Main Street, that would create a major disruption of the downtown and disruption of the historical character which we want to keep. We do allow them outside of the downtown core and there are negative points assigned to them. They are kind of a suburban solution and the group was mixed on this. Is it really out of character on Airport Road? We decided not to change anything as far as that goes or make a recommendation for change.

18/R: Parking: We want to take a more comprehensive look at what parking requirements the uses really need. For example, we have a parking requirement of 1 space for 400 square feet of commercial/retail. We don't have a separate category for supermarkets, and 1:400 is not enough for them. If we see a redevelopment of City Market, we need to have a category for supermarkets. On the flipside, we have industrial and warehousing with no specific classification so by default, we use the closest category, which is retail at 1:400 which is way too much. We are going to come back and talk to the Steering Committee more about that once

we have time to research more.

Commissioner Questions / Comments:

- Mr. Lamb: How do you determine if something is other storage, like closets? (Ms. Dudney quoted code section.)
- Ms. Leidal: It says vehicles in the definition but we don't want to count the garage? (Mr. Truckey: The garage should technically be counted for the vehicle, but if there is extra room that could be counted as storage.) Do you want to provide specific percentages? (Ms. Puester: We could be specific or could set precedent for the amount of point awarded.)
- Mr. Schroeder: What did we give for Denison Placer? (Mr. Truckey: Nothing. There are no positive points in the code for that. There are negative points, but no positive.)
- Ms. Dudney: I have a question about making recycling 25%.
- Ms. Leidal: For that, you have to look at Title 5 Chapter 6 referenced. Recycling is already a requirement there. We have to have recycling, but we don't have a percentage for that.
- Mr. Schuman: I am having a heck of a time with all the properties I manage dedicating room for recycling. It is a mess currently. (Mr. Truckey: We recognize this and we are trying to prepare developers going forward.)
- Ms. Dudney: You are sizing the amount of trash you need and then you are seeing a requirement of the percentage of recycling?
- Mr. Lamb: You may not generate as much trash if you are recycling. (Mr. Grosshuesch: We may go to "Save as You Recycle" which may shift the stream to a higher percentage of recycling.)
- Ms. Dudney: We concluded that this may have to be revised in the future, but it doesn't mean that you should not try it. Don't define it, because things change.
- Mr. Lamb: Down the road, the trash versus recycling amounts will look a lot different that it does today.
- Mr. Giller: I don't think the drive throughs are something we want to encourage. If we allow it, we should keep a high number of negative points, like the negative 6.

OTHER MATTERS:

Ms. Puester discussed the upcoming February Saving Places Conference with the Commissioners. They are planning on changing the Ski Town Forum format to a dinner on Thursday rather than the typical Wednesday afternoon. I will send out more information.

ADJOURNMENT:

The meeting was adjourned at 8:04 pm.

Dan Schroder, Chair