

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Mathews-Leidal.

ROLL CALL

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

APPROVAL OF MINUTES

With the changes below, the March 20, 2018 Planning Commission Minutes were approved.

Ms. Leidal: On page 6 my last comment reads 'I support modifying a finding' but it should read 'I support modifying the point analysis.'

APPROVAL OF AGENDA

With no changes, the April 3, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comment

OTHER MATTERS: REQUEST FOR CONTINUANCE:

Verizon Wireless Facility (CL) PL-2017-0689, 305 S. Ridge Street – The applicant has requested a continuance from the scheduled April 12 Planning Commission Meeting to May 1, 2018.

Commissioner Questions / Comments:

Ms. Dudney: Will the May 1st hearing be re-noticed? (Ms. Puester: Yes, we will notice it.) Are we having the third party analysis completed? (Ms. Puester: Yes. We received that report a few hours ago. It will be in the packet for your review.)

Mr. Giller: Will they extend our shot clock? (Ms. Puester: Yes. Verizon has extended it to July 31st. We have their signed copy of the agreement and would be signing pending this decision tonight.)

Mr. Lamb made a motion to continue the hearing from April 12 to May 1, 2018, seconded by Mr. Schuman. The motion passed unanimously.

CONSENT CALENDAR:

1. Beaver Run Summer 2018 Conference and Events Tent (CK), PL-2018-0067, 620 Village Rd.

A proposal to install a main tent, a food service/kitchen tent, an entryway tent, and a walkway/connector tent from the main tent to the service/kitchen tent for use during the summer only. The tent will provide additional space for on-site conferences and functions. This tent has been used previously with the same design and location.

With no call ups, the Consent Calendar stands approved as presented.

WORK SESSIONS:

1. Development Code Update

- Employee housing policy. The existing mitigation formula in the Code results in very few units being developed and only mitigates a very small percentage of the employees generated by development. We are re-evaluating the formula and are also considering a fee in lieu that a developer could pay instead of building housing units or buying them down and placing a deed restriction on them. The Town Council is currently discussing these issues.
- Policy 34A, including geological hazards and flood hazard, just minor clean up corrections.

- Considering the awarding of positive or negative points for the design of detention ponds. Unfortunately, detention ponds sometimes end up being a hole with rocks at the bottom.
- Temporary Structures. Temporary structures would have to conform to Policy 5 (Architecture) if the temporary structures permit is requested to be extended beyond its initial three year approval timeline. Examples of where this may be desired include sprung structures and lift ticket sales offices (currently cargo containers).
- Policy 37A Special Areas, the recommendation is to redefine the area where riverwalk compatible improvements are encouraged to that area south of Ski Hill Road. The current boundary goes all the way north to French Street. Concerns are that we allow businesses to remove parking from the rear yards adjacent to the riverwalk. The areas to north of Ski Hill Road do not directly abut the river and we shouldn't allow parking to be taken away in those areas. (Mr. Schuman: It seems though that in areas like behind Daylight Donuts we still should encourage pedestrian and aesthetic improvements.) (Ms. Dudney: the Town doesn't necessarily have to incentivize these improvements).
- Policy 43A. The Council recently took action to prohibit murals inside the conservation district. Now the question is how to handle murals outside of the district. Some of our thoughts include limiting murals to one per building. Murals would need to be on the side of building--not directly facing the street. The policy could also apply to tunnels and retaining walls and utility boxes. It would not apply to residential uses. (Ms. Leidal: How about schools?) (Mr. Grosshuesch: Schools are not subject to our policies.) There also could be a maximum percentage of the wall that could be painted, separation distance between murals, and no commercial messaging. Also The Steering Group proposes to have the Public Art Commission review them. (Mr. Schroder: What about major advertisers like an old Coke mural?) Although some of those old advertising murals are being preserved in some towns, we do not have any iconic murals that have existed in Breck. (Ms. Leidal: Would we refer everything to the art commission regardless if it's proposed for positive points?) Yes. The Council has also already weighed in and indicated that they only want to award a maximum of one positive point for public art under 43R.
- Home Child Care Businesses annual renewal to be removed. We don't see a need for this as we have regulations in place that they have to conform to and the license can be revoked if they are not in compliance.
- Policies 40 and 41. Chalet houses and satellite earth station antennas are obsolete and will be deleted.
- Fences and Gates. Allowing for some amount of landscape walls. Also allow private fencing adjacent to open space without having to go through a variance hearing with the planning commission.
- Defensible Space. Clarifying distance from 30 feet to 15 feet from home for Zone 1.
- Policy 49 Vendor Carts. Renewal time for small vendor carts to be a three year renewal rather than one year, consistent with the three year review for large vendor carts.
- Land District 18 mass bonus. Currently LUD 18 does not have a mass bonus but most of the nearby residential neighborhoods do have the mass bonus. The Steering Group has suggested the Planning Commission have a site visit to LUD 18 and make recommendations. (Ms. Dudney: I think it is a good idea to confirm the mass bonus of 20% in the district for equity and incentives for preservation efforts.) (Ms. Leidal: This is about the Land Use Guidelines and that should be considered when we look at the district.) We need to balance mass bonus with concerns about overwhelming a site with programming. (Ms. Puester: We can give you that info (on LUGs and character areas) for the site visit. Also, Janet Sutterley will provide some written comments as she will not be able to attend that meeting and we will speak with Mr. Provino and Ms. Allen-Sabo.) A site visit was scheduled prior to the April 12th planning commission meeting.

COMBINED HEARINGS:

1. Poor House Renovation and Landmarking (CK), PL-2018-0060, 307 S. French Street

Mr. Lott presented in Mr. Kulick's absence, a proposal to renovate and build a full basement beneath the historic

Poor House, along with Local Landmarking of the house.

Commissioner Questions / Comments:

Mr. Lamb: I think they should have gotten 6 positive points. (Mr. Lott: Staff didn't see six points since it was not an extensive improvement, just addition of the foundation.)

Ms. Leidal: Can you explain the previous permit? (Mr. Lott: Most of the work was interior and the exterior work consists of the window wells for egress.) (Ms. Puester: The porch is encroaching in the right of way now. That is why we are getting an encroachment license.) (Mr. Gerard: Do we have pictures and dates of the original porch and porch addition?) (Mr. Giller: Maybe we should address the porch similar to what we did at the Gold Pan. Should we not allow the nonhisotric to remain in perpetuity?) (Ms. Leidal: I believe we added a finding to the Gold Pan for their porch.) (Ms. Puester: All our encroachment licenses are revocable.) (Mr. Giller: So how do we clarify that part of the porch was added on at a later date?) (Ms. Puester: We could add a finding that explains a portion of the porch is non-historic and not part of the landmarking.) (Ms. Leidal: Can you speak to the density in the point analysis as it does not mention it. It otherwise would seem to not comply if you don't know the specifics of the project and should be elaborated upon.) (Ms. Puester: We can add that explanation.)

Rob Theobald, owner of 307 South French Street (The Poor House) Presented:

I am happy to answer any questions. Originally, we had submitted the application for a remodel and then discovered the south half was sitting on 2x6's. Then the density became a question. The original application was for all the interior work. (Mr. Schuman: You are not interested in getting 6 points?) I am ok with the 3 points. I am planning an additional exterior restoration taking it back to the 1906 picture. (Mr. Schroder: Currently you are looking to stabilize the section without a proper foundation? Yes. We will also replace two non-historic windows. Mr. Theobald showed the exterior changes on the plans. (Mr. Giller: Will we be losing any historic windows?) There is one, yes. (Mr. Giller: Widows are a very important feature to a historic structure.) I will take a hard look at it and make it match to the historic. It actually might be best just to add the tempered glass onto the outside of the historic, keeping the historic frame. (Mr. Gerard: What are your long term and short term plans for the exterior first level?) Short term, no plans, maybe some weatherproofing. Long term is to restore it to the 1906 picture. (Mr. Giller: Can you explain the fencing statements included?) (Mr. Giller: I think your west side fence encroaches on the alley and I think the town needs that right of way. That fence should be moved back when you do the work. All the utilities run through there.) The right of way was vacated and we own half of the alley and the improvements are on our properties. (Ms. Puester: We could word it to confirm that Public Works has considered and approved placement of the fence.) I will leave it up to you on how to verify it. I say we just take out condition two. (Ms. Dudney: When you come back to the later renovation can you get the rest of the points?) (Mr. Grosshuesch: That is not clearly addressed in the code.) (Ms. Puester: Rob, are you planning to do anything to get negative points so that in the next application you need additional points?) No, I don't and I am aware of this issue. I have spoken with Chris and Peter about it. (Mr. Schroder: Can we pass this at 0 points? (Ms. Puester: Because of precedence, we need to keep the three points and be consistent with other projects.) (Mr. Lamb: We should address the project as it is and not speculate about the future projects.) (Ms. Puester suggested some changes to the Commission to address Commission comments.)

Ms. Leidal opened the hearing to public comment.

Public Comments:

Maureen Nichols: I am very happy that the Theobalds are working on the house. Rob, I have a picture of the front porch from when it was the hospital if you would like it.

There were no more public comments and the hearing was closed.

Commissioner Comments:

- Mr. Gerard: 1, yes agree with three points due to stabilization. 2, Yes. 3, Yes.
Mr. Schroder: 1 Yes, 2 Yes, 3 Yes.
Mr. Giller: 1 Yes, 2 Yes, 3 Yes.
Mr. Schuman: Yes, Yes, Yes. Thank you Rob for the work on the project.
Mr. Lamb: Yes, Yes, Yes. It was the hospital and definitely has historic relevance. I support the tempered window.
Ms. Dudney: Yes, Yes, Yes. Agree with Mr. Lamb on the tempered window.
Ms. Leidal: Yes, Yes, Yes. I completely support the project with the changes that Julia outlined earlier. Thank you Rob for all your efforts.

Mr. Schuman made a motion to approve with changes per Ms. Puester, seconded by Mr. Schroder. The motion passed unanimously.

(Changes: New Finding #7, The existing porch is partially historic and partially non-historic. The non-historic portion of the porch is not included in the landmark status. Remove "Prior to the Issuance of a CO, Condition #2. Add to Condition #1, All fencing shall "be on the subject property".... Add additional description to 3/A to note "free basement density under historic portion" and 9/R to read "encroaching portion of porch in front setback with encroachment license agreement" to point analysis.)

OTHER MATTERS:

1. Town Council Summary of the March 27, 2018 Meeting (Memo Only)

Commissioner Questions / Comments:

No questions. Ms. Dudney likes the summary now provided to the public and compliments the transparency.

2. State of the Open Space Report (Memo Only)

Commissioner Questions / Comments:

No questions.

ADJOURNMENT:

The meeting was adjourned at 6:58pm.

Christie Mathews-Leidal, Chair