

## PLANNING COMMISSION MEETING

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

### ROLL CALL

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

### APPROVAL OF MINUTES

With the below change, the October 2, 2018 Planning Commission Minutes were approved. On page 8, at the top third of the page, Mr. Gerard's comment should read "and be two feet lower" than the main building.

### APPROVAL OF AGENDA

With no changes, the October 16, 2018 Planning Commission Agenda was approved.

### WORK SESSIONS

#### 1. Code Amendments: Policy 33R & Carrying Points Forward

Mr. Truckey presented proposed code amendments for Policy 33 related to Energy Conservation, Policy 9-1-17-3 regarding assignment of positive points, and Policy 4R related to mass bonuses.

#### Mark Truckey Presented:

The 33R energy code revisions are outlined and attached to the packet. The primary issue is that the HERS rating was set at 100 in 2006. A house built to today's code would likely qualify for a HERS score of 70 and thus positive points for nothing more than meeting code. We recommend tightening that up. The Energy Rating Index (ERI) is used in the 2015 building code. The ERI is synonymous with HERS. It makes sense to move to the ERI code but we will not adopt the 2018 code, which includes the ERI ratings, until 2020. We suggest that we use the HERS score of 70 until the new code is adopted in 2020.

#### *Commissioner Questions / Comments:*

- Mr. Giller: Can you explain the 150 cap for existing? (Mr. Truckey: ERI/HERS modeling is for the existing and new building combined. If you tighten up your existing building and go for top ratings on the new structure it is very easy to obtain a lot of positive points. We would like to consider 150 points the baseline for a remodel.) (Ms. Puester: 150 would be the max baseline.)
- Ms. Dudney: This will be opened to the public next week? (Mr. Truckey: Yes. We will have an open house to get public input on all the potential changes.)
- Ms. Leidal: Is the positive one point for solar wiring correctly stated? Do you pull the wire through the conduit as well? (Mr. Giller: The conduit is installed and ready for the wire, but don't pull the wire until you have the solar installed.)
- Mr. Truckey: There is a new table for excessive energy usage. (Ms. Leidal: Is the fire pit applicable to single family residences?) We have not given negative points for single family use in the past.
- Mr. Gerard: I think short term renters are using them more than a single family home owner might. I think we should consider that use. (Ms. Puester: Most Single family owners install outdoor gas fireplaces so that would mean a negative point for almost everyone. We have only assigned it to commercial because those tend to be on all the time, which is what we consider excessive. We left it out of single family because people would be turning them on and off.)
- Ms. Leidal: Do you limit single family to only one fire pit? (Ms. Puester: We haven't in the past. We

have seen one home with three fire pits. The regulation we do have is only one wood burning fireplace.)

Mr. Schroder: Can we enforce people turning them on or off? It would be tough. It seemed like you are doing a good job of addressing the issues we were having with the code. How do you explain 70 points to a homeowner? (Mr. Giller: You would have to understand the rating code and the modeling.) (Ms. Dudney: Insulation is a simple one to explain.)

Ms. Leidal: Did you include water features like an outdoor ice rink? (Ms. Dudney: They are so rare and part of a development plan so I would think it would be unnecessary. Plus, they get positive points for community benefit.)

Julia Puester Presented:

When a project ends with a positive point analysis, and they decide to make changes after the project has been completed, we have always ended the positive points with that CO. The positive points are no longer available. The code is very vague on this; there is no clear direction. We would like to clarify this. We are proposing that if points are within the vested time period for that application type, for example, Class As and Bs are vested for 3 years, we propose they can bank those points for that vested period, Class Cs and D majors are 18 months. We are hoping this will close the issue about banking points and would like your feedback. Another option is to keep it as is with expiring at CO or increase the time frame longer than the vested time. An example of this would be a Class A project that Cos in a year and two years later, they come in and would like some outdoor heated space to correct some drainage issues. If they had remaining positive points from their development permit, they would be able to utilize those points if still within the 3 year period.

*Commissioner Questions / Comments:*

Mr. Schroder: Points get left on the table and then later they can do something that gets negative points like a heated driveway? Not sure.

Mr. Lamb: I think this will yield better projects and give people a chance to plan for additions or modification and put them in at a later time. When we see applications, people are not always sure what smaller elements they will do or not do.

Mr. Giller: The spec developer and buyer often want different things. This would allow the buyer to make changes without going through the planning commission again.

Ms. Dudney: I am indifferent. If they decide they want a heated driveway they need to offset it with positive points either way. As long as you tell people at the time of project, I think either way is fair. I lean toward the new language staff is proposing.

Mr. Gerard: On the Highlands HOA board, we see the owners change their minds once they live in it and see a need for something. I think this would be useful.

Ms. Leidal: I support staff's recommendation.

Mr. Giller: I too support staff's recommendation.

Mr. Truckey Presented:

Commission supported a mass bonus for LUD 18 (North French and Ridge Streets) but wanted to limit it to primary historic properties. Since then the state weighed in and is concerned about too much mass in our additions. We want to also weigh in on how the mass is calculated. Staff has been interpreting it as mass is based on above ground density (not total density on the site) and the commission has also weighed in on this. On page 20 you will see the change we have made. We are referring to the above ground density and there shouldn't be any confusion about that. The next page references the mass allowance in district 18. We've also included a modification to the negative points assigned for moving historic structures. This is based on the comments from the state when moving structures. We increased the negative points assigned for moving historic structures. Town council didn't think we should prohibit moving secondary structures, but was generally good with increasing the point assignments.

*Commissioner Questions / Comments:*

- Mr. Gerard: I support the mass bonus. We should add something to describe the extent of the restoration like “significant restoration”.
- Mr. Giller: Does the “complete restoration” statement stay? (Mr. Truckey: Yes it stays.) I ask that you make it more clear.
- Ms. Dudney: How could you would make up the 7 points?
- Mr. Giller: I think you should move a structure only if it is necessary to save it but you shouldn’t move them to increase density. Moving should be allowed but it should be rare.
- Ms. Dudney: In the past we focused on incentivized restoration. Times are changing because now it seems we only want them doing the restoration if it is within our strict codes. I think historic structures should not be moved, and that is a different message from ten years ago.
- Mr. Kulick: What about when the structure was historically over the property line. (Ms. Leidal: We have a code provision that allows for that to be moved with no points incurred.)
- Mr. Gerard: I support the increase in negative points. -3 was not enough. We have to make it clear how what positive points a project qualifies for regarding restoration.
- Mr. Giller: We need to be clear about the positive points you can earn for “over and above” restoration.
- Mr. Truckey: I think we need to come back and reword this to make it clearer and address the concerns you have just brought up.
- Mr. Grosshuesch: Moving a historic structure is a red flag for the state--it can get you declassified as a historic structure. We don’t want to see these buildings move if at all possible, thus the additional negative points proposed.
- Mr. Giller: You get -10 for moving and +3 or +6 for restoration? Where else can you earn your points? Landscaping. (Ms. Puester: Yes—and energy points.)

The work session was opened for public comment.

Lee Edwards, 108 N. French Street:

With all code changes we have a confined area that they apply to. The commission should see the information showing how many structures are over a property line. Staff has access to that info. It could be a non issue. Also, how many more buildings have density left? I don’t think we have a real grasp on what kind of impact we are talking about.

Michael Gallagher, Architect:

If a project gets positive points for public benefit the people should have access to those points at least during the vested time frame and maybe permanently.

**CONSENT CALENDAR**

1. Gallagher Residence Addition, Restoration, and Landmarking (CL), 114 S. Harris Street, PL-2018-0411

Mr. Gerard made a motion to call up the Gallagher Residence Addition, Restoration, and Landmarking, seconded by Mr. Giller. The motion passed unanimously and the item was called up.

- Mr. Gerard: I am concerned about replacing the two front windows that frame the door and if it requires removal of historic fabric. This could be a big surprise for the owner if the historic openings are different that what is shown for the proposed windows, and I just want to make sure the owner is aware of the Condition of Approval. (Mr. LaChance: We do have a Condition of Approval included which states that once the walls are open, staff needs to be present to inspect and verify that the historic window openings are being maintained, as this is required by a Priority Policy. We required this on the Gold Pan bar and restaurant restoration, and staff inspected the historic openings once the interior walls were opened up, and custom windows

were ordered to the dimensions of the historic openings, even though that had to be covered up for a while the windows were made and delivered.)

Mr. LaChance Presented:

All of the work originally proposed and approved in 2015 remains the same as is proposed with this application, with exception of additional landscaping in the front yard, and the wider driveway, which were requested by staff with this application. Mr. LaChance walked through the point analysis on the project and discussed the windows in question.

Mr. Gerard: So you are going to go behind the window to see the original sizing. Will they have to be custom if they are different? (Mr. LaChance: Yes.)

Mr. Giller: Do you have an architectural inventory? (Mr. LaChance: Yes, we have a Cultural Resource Survey and an Architectural Inventory form on file, but neither discuss the windows on the west facade.) It was built in the 30's? (Mr. LaChance: We believe 1930 is the date of the original structure. The Cultural Resource Survey mentions that the existing structure was constructed in 1882, but staff has confirmed through historic photographs from the Denver Public Library that the lot was vacant between 1900-1910, so it is likely that the 1882 structure was demolished, moved or destroyed.) What was the style in the 30's? (Mr. LaChance: I would have to look into that more. Mr. LaChance later provided the Commission with a copy of the Cultural Resource Survey for review.)

Michael Gallagher, Homeowner, Presented:

Thank you for your question. I am not completely certain what I am getting into. I understand that I can keep the existing windows in the existing opening if things don't go well. We may need to lower the sill height, which is about 9 inches. We know the shingles below the windows in question is not historic. There is no surface historic fabric. I understand we need to determine if there is fabric being destroyed. Can I replace the windows that are there now?

Mr. Giller: What do you think it looked like in 1930? (Mr. Gallagher: Not sure. Probably a window on each side of the door.

Mr. Grosshuesch: What we usually do is allow it if your windows are reversible.

Ms. Dudney: Is the stone wall historic? (Mr. Gallagher- No. When we took the stone veneer off we saw wood siding and we couldn't tell what the original window opening was. Seems like there are two issues, first the fabric, which is a nine inch space. Second is window opening and I want to enlarge the window if there is no historic opening discovered.)

Mr. Giller: If you want positive points, you should go by the Code.

Mr. Grosshuesch: When you open the wall, you will see what is there. We don't want you to enlarge a historic opening. We would like to see the same size as what was there historically. You don't have to reverse the windows if you don't want.

Mr. Gerard: I raised the issue because it could get ugly once you open it up. They are probably vertical windows and to get the positive points you have to match the historic window.

Ms. Leidal: You are doing more than just the windows correct? (Mr. Gallagher - Yes.)

Mr. Giller: I do have concern for the historic fabric. The structure has changed a lot over the years but I like the proposed design.

Mr. Schroder: I support as presented.

Mr. Gerard: I support the project. I just didn't want there to be any surprises for the property owner.

Mr. Lamb: I too support the project.

Mr. Gerard made a motion to approve, seconded by Mr. Lamb. The motion passed unanimously and the item was approved.

Ms. Dudney motioned to recommend approval to designate the Sisler House (Gallagher Residence) as a Local Landmark, seconded Mr. Lamb. The motion passed unanimously.

**OTHER MATTERS:**

1. Town Council Summary (Memo Only)
2. Class D Majors Q3 2018 (JP) (Memo Only)
3. Class C Subdivisions Q3 2018 (JP) (Memo Only)
4. Gretchen Dudney Recognition

Ms. Puester: January 1<sup>st</sup> is a Tuesday. Let me know if you have issues with a Wednesday meeting. Telluride is short staffed so we are cancelling that retreat and will do an in-house Breck retreat instead on Friday November 9.

**ADJOURNMENT:**

The meeting was adjourned at 7:04 pm.

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Christie Mathews-Leidal, Chair