

PLANNING COMMISSION MEETING

The meeting was called to order at 5:32 p.m. by Chair Giller.

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Lowell Moore

Ron Schuman

APPROVAL OF MINUTES

With no changes, the July 16, 2019 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 6, 2019 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

CONSENT CALENDAR:

1. Chalissima Chalet Single Family Residence (CL) 256 Timber Trail Rd, PL-2019-0194

Mr. Giller: Is this a modular?

Mr. LaChance: Yes, it is a Swiss modular.

Mr. Giller: If you think there is anything the commission should learn from that or it is worth touring, let us know.

Mr. Gerard: At last meeting, we were discussing disturbance envelope, and here is a house that fits perfectly on the envelope designed.

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

WORK SESSIONS:

1. Subdivision Standards Review (CK), PL-2019-0293

Mr. Kulick presented a work session regarding the Subdivision Code and proposed changes to the code. The Commission was asked for feedback on the proposed changes.

Commissioner Questions / Comments:

Mr. Giller: Any questions on the building envelope?

Mr. Schuman: On the 6th or 7th paragraph in, I disagree with Steve a little bit on his comment on this first application. I think you are comparing apples and oranges. You made a comment that the house fit perfectly in the building envelope, well it's a half acre lot. In that particular incidence, I think we were talking about a building envelope designed 20 years or more ago. I'm curious why the language is designed so you can't do anything to your envelope. It's a big difference when you're building on a 5 acre lot as opposed to a 1/2 acre lot. Maybe the staff knows off the top of their head how many large lots are left, but my assumption is there are a lot more smaller lots.

Mr. Kulick: There are more small half acre to one acre lots. Beyond 2 acres, the quantity goes down significantly.

Ms. Leidal: I appreciate your comment, but our subdivision standards don't speak to that right now. My concern is the lots are laid out and platted by the developer. The developer had a blank slate, they can propose their envelopes wherever they want. People have bought into that subdivision relying on the envelope. Suddenly a neighbor can change their envelope and

- views are potentially blocked? I don't think that's right.
- Mr. Moore: We just had the same thing happen at the Upper Blue Planning Commission. The applicant came in and wanted to move their building envelope, and no neighbors showed up in opposition. But when you bought that lot, you expected to have the building in the same place.
- Mr. Giller: I agree entirely with what you both said, and that design didn't lay well on the land... there was twenty feet of drop across that house, a lot of reasons that wasn't a good design. Clear the client had one aim, to stretch out the view on that one axis. We shouldn't move building envelopes around for reasons like that.
- Mr. Kulick: What is prohibited outside the envelope doesn't address parking. We've seen people use this gray area to put all their exterior parking outside the envelope, which creates a larger home and more sight disturbance. If you bring the required parking in the envelope, it will reduce home sizes and sight disturbance. We recommend having all required parking within the envelope in the future. You can also park extra vehicles in your driveway but we don't want a huge auto court outside the envelope for additional parking. We don't want to prohibit anyone from parking a car in the driveway outside the envelope either.
- Mr. Gerard: Maximizing the intensity of the structure. Page 35 where the bullets start. We may want to replace intensity with density or mass. Intensity seems like something people can argue about.
- Mr. Kulick: We can re-write that.
- Mr. Lott: Part of the reason for that language is that people have cut off corners of their existing envelopes and then add that square footage somewhere else, sort of gerrymandering the envelope shape.
- Mr. LaChance: To Mr. Gerard's comment, if you were going to have a deck, covered deck or outdoor living space, that would be considered development intensity, but it would not be considered density or mass, so perhaps we should still mention that envelopes should not be modified to make more room for intensity of development.
- Ms. Leidal: Maybe intensity of development is correct.
- Mr. Schroder: The way that disturbance envelopes are drawn they need to remain simple geometric shapes and such.
- Ms. Leidal: Is staff comfortable this new bullet and language would prevent people moving their envelopes around?
- Mr. Kulick: You could technically modify an envelope if you weren't creating weird shapes and there were no environmental constraints.
- Mr. Lott: Yes, but also if you go a few bullet points up, it talks about amended envelopes that should not result in more grading or environmental degradation.
- Ms. Leidal: But that can still impact an existing property owner and their view corridor.
- Mr. Gerard: Maybe view corridor should be listed.
- Mr. Kulick: We've always stayed away from that in the code. It's a slippery slope, very subjective. In larger lots, it is rarely taking away someone else's view.
- Mr. Truckey: We typically require buffering to the adjacent properties and setbacks, which address some of the separation issue. It's more difficult to define a view corridor.
- Mr. Lott: There's also noticing requirements for all subdivision and an eleven day waiting period for public comment. Adjacent owners could provide comments on applications adjacent to them.
- Ms. Leidal: What if an adjacent property owner commented that they were concerned?
- Mr. Kulick: To be valid, it has to be a code based concern. Many of the development objections I've witnessed are from owners who have been in their house for a long period of time and have gotten used to adjacent open space and they are looking for ways impede the adjacent development.
- Mr. Gerard: I can use a personal example. My lot is relatively flat. The way the building envelope was,

- there was a long distance between me and next door. I could have moved my envelope to a better location for me that would have blocked my neighbor's view completely. Maybe you say view corridors of neighboring property.
- Mr. Kulick: Tim Berry has specifically told us before to be careful.
- Ms. Leidal: I don't support modifying envelopes unless it is for environmental constraints.
- Mr. Schroder: I didn't know I was coming to a neighbor conflict meeting tonight!
- Mr. Moore: So Christie, you just want it tightened up more? I can see how legally it is a can of worms. Views are different from one person to another.
- Mr. Lamb: When you buy a lot, you get an envelope. If you want to do something different, you should have bought another lot.
- Mr. Truckey: We are getting more and more requests to modify envelopes. Not all unfounded. Some are legitimate reasons, so I don't know how tight we want to make it.
- Mr. Kulick: We are beginning to see re-developments for existing houses, a lot of the time they want to put a deck or have a more open concept in the house, and to do that it would go outside of the existing envelope. So, in these cases, envelopes have been modified slightly.
- Mr. Schroder: I appreciate that clarification. Where is the land that could accommodate a subdivision within town limits?
- Mr. Kulick: Two most recent larger subdivisions were 2004-2005. There's always possibilities for annexations. New, larger subdivisions is not something we are seeing a lot right now.
- Mr. Lamb: There should be some mechanism to do minor modifications. Putting in a deck, no issue, moving it across the lot, maybe.
- Mr. Lott: I think moving envelopes on undeveloped lots isn't super common.
- Mr. Kulick: And for the first ten years I worked here I didn't process any envelope changes, but in the past two years, I've seen about eight.
- Mr. Moore: When people want to modify their houses, if they have extra envelope land, they can modify?
- Mr. Kulick: A lot of the time people don't even understand that's a possibility. We don't really have clear direction right now of what the process or standards are. The previous application the Commission saw was brought up because the applicant was proposing something that we had not seen before. Another envelope modification was a family who wanted to create a dog run and the envelope wasn't very functional due to the topography of the lot. Staff agreed with the modification because we thought it was reasonable and the envelope was actually downsized overall.
- Mr. Gerard: Didn't we move Dick Bauder's lot because of the wetlands?
- Mr. Truckey: I believe we allowed the size of the envelope to get a little larger in that case because the neighboring properties all had larger envelopes. That wouldn't be allowed with the proposed language we have written.
- Mr. Kulick: It was a weird envelope, so modifying the envelope made it a lot more valuable as a lot.
- Mr. Giller: I had a couple of questions: I would suggest some descriptors to guide people on things like topography, wetlands, geology, and vegetation. Envelope designs should also take those into account. I have a lot of little editing and I'll just email it. Would we consider sustainability and green design?
- Mr. Truckey: I am thinking of solar access, it isn't a criteria right now, but one we can consider.
- Mr. Giller: I know there are greener site design guidelines. I found something on energy efficiency that is online, but as we update, let's look at sustainability.
- Mr. Kulick: We did refer this out to Tim Berry and the Engineering Department. We will sit down with our sustainability coordinator and look for avenues to promote sustainability.
- Mr. Giller: When we went to Aspen we saw these storm water detention beds that were designed with sustainability in mind.
- Mr. LaChance: Additionally, green infrastructure doesn't have an expiration date. For example, concrete drainage facilities and infrastructure have a shelf life for replacement. Soil and vegetation

- don't expire.
- Mr. Gerard: If we want something in the sub language about the 9600 fiber optics and requiring the drops to be put in by the developer, is that in another part of the code?
- Ms. Leidal: It would be in the utility section here.
- Mr. Kulick: We can make sure it not only accommodates current utility needs, but maybe also where we are going in the future.
- Mr. Schroder: That probably wasn't even contemplated when they wrote this. The County's chapter on subdivision says that when a subdivision is developed, defensible space is to be done by the developer.
- Mr. Truckey: Reality of the situations is that we are going to see very few new subdivisions, but definitely will see more envelope modifications.
- Mr. Kulick: This includes a lot of cleanup of language to make sure we have a mechanism for allowing the things we want and not allowing the things we don't want.
- Mr. Gerard: Someone could come in and purchase public land, so we should be ready for potential annexations and subdivisions.
- Ms. Leidal: Look at the three mile plan for annexation.
- Mr. Truckey: Every year we re-adopt our three mile plan which goes beyond town boundaries should we ever annex them. (Mr. Giller: Is that a separate document?) Mr. Truckey: A resolution that refers to our Land Use Guidelines and the Comprehensive Plan.

Commissioner Questions / Comments:

- Mr. Schroder: I think it is good we contemplate this based on the application we recently saw.
- Ms. Leidal: I appreciate the modifications, very much needed. Previous concerns of people relying on platted disturbance envelopes to site their homes and modifications that could block views.
- Mr. Gerard: Necessary update, proposed language limits significant moving of envelopes, so I think we are taking care of getting architects to fit buildings into envelopes and not designing the envelope to fit the house.
- Mr. Schuman: On some points earlier, I was playing devil's advocate, but overall I agree. This is a good process and it's good to have the foresight on this.
- Mr. Lamb: I don't think we will see a lot of this, when you buy a lot, you look at the envelope, and having said that, a lot of these envelopes are quite generous so you can move things around. Good to have some mechanism for environmental concerns or for someone to come and make a good argument to us. We should have the ability to say yes you can do that. I just don't want to see them move the envelope all the way over to the other side of the lot.
- Mr. Moore: Totally agree with Christie and everything else. One project was in the county under the radio station, just outside western sky ranch, I went out there and they were asking to change the envelope as well, but the neighbors were actually happy. I just starting thinking tonight, with people wanting to move around an envelope with an existing structure, I don't know how you codify that but I can see people doing this more and more in the future.
- Mr. Kulick: We didn't have envelopes until about 1995 and now that buildings are changing hands and getting renovated, we are at the first wave of older subdivision filings where people are wanting to change envelopes.
- Mr. Giller: I agree with staff and fellow commissioners, I think we will see more building envelope questions in the future. Be very careful about adjustments to envelopes. I encourage us to look at sustainability in the guidelines as well.

OTHER MATTERS:

1. Town Council Summary (Memo Only)

- Mr. Truckey: National Trust conference in Denver. If anyone needs lodging we can arrange that for you.

ADJOURNMENT:

The meeting was adjourned at 6:21 pm.

Mike Giller, Chair