

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Gerard. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 crisis.

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller

Ron Schuman  
Steve Gerard

Jay Beckerman  
Lowell Moore

### APPROVAL OF MINUTES

With the below changes, the October 6, 2020 Planning Commission Minutes were approved.

Mr. Gerard: On the bottom of page 7 of the packet, my sentence began with “second floor area with outside entrance.”

### APPROVAL OF AGENDA

With no changes, the October 20, 2020 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### WORK SESSIONS:

#### 1. St. Mary's Heated Sidewalks (JL)

Mr. Schuman disclosed he has spoken with the deacon about the project, and that he had previously been the property manager there and was familiar with the proposal and property.

Ms. Leidal disclosed she had a conversation with the deacon before the application was put in, and she talked about the code and reviewed Policy 33 with him.

Mr. Gerard suggested there were no conflicts since this was just a work session, but it would be revisited if the project came to Commission as a hearing. The Commission agreed.

Mr. Lott presented a proposal to add three areas of heated sidewalk at St. Mary's church. The Commission was asked if they support waiving negative points for the project on the basis of safety of the general public in high traffic areas.

#### *Commissioner Questions / Comments:*

Ms. Leidal: If this was a business wanting to do this, would it be allowed? And if we assign negative points, are there other possibilities for positive points? (Mr. Lott: To offset points, there could potentially be some sort of energy upgrades to the building.)

Mr. Giller: Can you clean up the front façade? There's boxes in the clear story window on the front façade, and curtains pulled to the side. It doesn't reflect well on the historic primary elevation. A little TLC could potentially gain them a point or two to offset. (Mr. Lott: We'd have to review the scope of work proposed and that could potentially come back in front of the Commission.)

Mr. Beckerman: I'm unfamiliar with how these negative points work with this, but if the Commission was to say we were not supportive, would it be negative points for all these areas? (Mr. Lott: Negative points assessed are based on the total square footage amount.) Why is it frowned upon in our alpine environment to have heated areas? (Mr. Lott: Heating

the concrete is energy intensive, and that is why negative points are assessed under the energy conservation policy.) Could they offset with solar panels? (Mr. Lott: Maybe if the system is directly connected and the solar was dedicated to the snowmelt system. There are some options for positive points.) Would love to see something really good come out of this to encourage storefronts to be safer that might be energy neutral or less negative. If they could use solar energy then that would be a great outcome.

Mr. Schuman: In 2011 remodel, did they do a HERS? (Mr. Lott: Not sure but just submitting a HERS analysis is no longer valid for one positive point under code revisions.)

Mr. Gerard: At St. John's, we talked about the sidewalk being a pathway to the library.

Mr. Dan Radgowski, Representative for St. Mary's:

A couple points I wanted to bring up. The sidewalk is a much higher traffic area than the front. We are currently heating the first ten feet of that sidewalk with a very dated electric heater, and a new system would be much more efficient than that. We are hopeful we can get that point waived. Tolin Mechanical is ready to get that done. With the weather coming, we should have done this a few months ago. This is a time sensitive project and we'd like to have it done before winter.

Mr. Moore: Has anyone ever gotten hurt out there? (Mr. Radgowski: Yes people have slipped. Just a matter of time until someone gets seriously hurt out there.)

Ms. Leidal: No questions.

Mr. Giller: Is there other work you can pair with this so we're all compliant with the code? (Mr. Radgowski: I can move the boxes out of the window tomorrow.) I want to be careful with the suggestion I made because it's not in the code, but I'd like to think we can pair this with something that can get you a positive point or two. (Mr. Radgowski: With the weather coming, we should have done this a few months ago. Time sensitive project with the concrete and we want to have this done before winter. My understanding of the code was that since these areas are such high traffic we would have the negative points waived. And we just got the funding figured out in late September which is why we did not contact the Town sooner.)

Mr. Gerard: Is that first ten feet of heated sidewalk you mentioned shown on the diagram? (Mr. Radgowski: Yes, and we just leave it on 24/7.)

Mr. Moore: I have mixed feelings about it. Health safety issue and understand energy regulations. It looks really difficult to get a positive point. Concerned about places like this having a slip and fall. Similar to St. John's although no easement. In favor of zero points based on health and safety but not in favor of the pink or public sidewalk, ok with blue and yellow areas.

Ms. Leidal: Agree with Lowell. This is a difficult project to figure out. I have walked on the sidewalk before, so I'm familiar with it. There is no easement and it is not going to a public area beyond deliveries. I agree with staff analysis but am concerned about precedent. What if every business in Town wants this? Once we open this up, it will get out of control in Town. My other thought is if this could be considered institutional use.

- Mr. Giller: I agree with staff. We can't do this within the code as it's written. The timing is unfortunate and we shouldn't be rushing this.
- Mr. Beckerman: I support staff and allowing the heating of the blue area. Yellow would have negative points.
- Mr. Schuman: The two roofs shed in the yellow area. Well aware of safety but concerned about the code and that we could potentially be opening Pandora's Box. If heating concrete as proposed, then they should figure out a way to make up the point. Its not general public purpose.
- Mr. Gerard: This is not public area because only used by members of the church. St. John's was on an easement and went to the public library. This could establish really bad precedent for any property owner. I think it would take negative points. Not sure it fits into a legal exception. (Mr. Truckey: Staff was supporting the blue area without points. Is PC ok with that?) Not sure that was the case.
- Mr. Gerard: Take a vote on the blue section with zero points:  
Moore: No, precedent is important.  
Leidal: I agree with Lowell and don't support.  
Giller: Agree the others, we can't do it.  
Beckerman: I agree with staff that it shouldn't be assessed a point.  
Schuman: Deserves negative one point.  
Gerard: This should take negative one point.

**CONSENT CALENDAR:**

1. Chalfant Addition and Remodel (JL), 85 Rounds Rd., PL-2020-0412

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

**COMBINED HEARINGS:**

1. Parkway Center Parking Lot Variance (JL), 410 N. Park Avenue, PL-2020-0443

Mr. Lott presented a proposal to install a temporary parking lot with up to 165 spaces to help alleviate skier parking demand near the Gondola. The proposal includes requests for a variance from Policies 22A and 27A, as well as Design Standards for Off-Street Parking Facilities.

*Commissioner Questions / Comments:*

- Mr. Moore: Is this going to be paid parking? (Lott: I am assuming it is). (Gareth Lloyd, Operating Partner of Interstate Parking Colorado, DBA Breck Park: Yes, it will be the same customer experience that we use throughout the Town.)
- Mr. Leidal: I appreciate the finding for 7/R that it is irrelevant but would suggest that 18/R be added for parking out of view. How does this operate and what about circulation? (Mr. Lloyd: We operate North Gondola lot across the street very similar. Kiosks, apps, QR codes, staff on site directing customers, control drive aisle. Doing that for 3 years now so replicate same business model.) Signage or is there enough room. Does not look like it for 2 way traffic. (Currently egress and ingress, but likely will have staff on site during peak periods to ensure the flow is continuous so we don't have backups.
- Mr. Giller: It appears the only way for skiers to get out of the lot is to go over to Park Avenue and

down. Could you walk us through what you anticipate the pedestrian route to be and how that will be safe and have signs? (We have structured so the pinch points for pedestrians are easy and accessible. Employees will continually direct people. We will have a spot on the southeast corner and there will also be a sidewalk for people to get to crosswalk.) (Mr. Lott: The sidewalk is part of staff recommendation.) The drawing is not clear and it needs to be cleaned up. It looks like the buck and rail fence is on top of the sidewalk. (Staff will meet on site and field fit everything) I encourage you to clarify drawings.

Mr. Beckerman: It is going to be a temporary parking lot. Gareth has proven to be a great operator. I feel confident in the operations. What happens at the intersection when heading north into that City Market parking lot if you have a backup trying to take left turns while others are trying to get the store? You could have people have walking in ski boots and drivers getting road rage and I see an opportunity for disaster if this is not planned well. This needs to be plotted on paper with directional traffic with arrows. Are there any ways for prohibiting pedestrians from taking ways that could be dangerous versus winging it. There could be a lot of guests crossing French street at 8:30 in the morning a. We need to make safety a #1 priority. Remember that guests are going to take path of least resistance which might not be the one you design for them.

Mr. Schuman: Is the plan to close Main St. next summer? (Mr. Lott: I don't know, that decision has yet to be made by the Town Council.) This is a temporary solution for the ski season but are we giving them a year because there are other things, like the closure of Main Street? We made it though summer but I don't doubt that we need this parking lot. I'm curious of the overlying reason that we are giving them full year. In my mind give them the ski season and be out by May 1<sup>st</sup>. There will be no overnight parking, correct? (Mr. Lloyd: Correct. Just to address your comments with Main Street closed, the North Gondola Lot often filled up on Fridays, Saturdays, and Sundays and it caused people to drive around looking for parking elsewhere and caused traffic on side streets. This will have a lot of value in season and during summer times.) I have to say that this depiction from the parking plan is extremely poor. No real key as to where entrances and exits are. You cannot allow people to enter parking lot on that street. There needs to be another entry somewhere else. There are going to be a lot of frustrated people. A five foot sidewalk is not adequate. We have all seen groups of people walking 2-3 abreast and trying to get around them. This is an extremely poor plan on paper. You should have better ingress and egress. This plan will cause a lot of chaos and frustration. The plan is not a good depiction of what we want to accomplish.

Mr. Gerard: I have concern about the use. What is to prevent overnight parking? I would feel a lot more comfortable about this if there was a condition added prohibiting overnight parking or vehicle storage. When I'm looking at this drawing and without knowing how narrow the alley to the grocery store is, I'm wondering if the entrance would be better off French street to help keep Park Avenue people out of that intersection. Would there be a reason to not cut curb temporarily? (Mr. Lott: I think it is because of CDOT) (Mr. Kulick: The entrance is shown in the area where there was a previous curb cut. There are certain distance requirements from intersections. I'm guessing it has something to do with that. We could run the question by Public Works.)

Mr. Giller: That entrance may be the best location.

Mr. Lloyd: We already prohibit overnight parking in at most locations where we monitor overnight

and issue citations. We manage the City Market parking lot and have eradicated the overnight parking issue there.

Mr. Gerard: Will there be a price differential between this and the other lots around here: (We always post the price at the entrance of the lot. We are running approximately 12 locations. For the congestion question: We feel that we had a very similar entrance at the South Gondola lot, across from the Transit Center entrance there so there was a lot of congestion. The beauty of the system we manage is that these lots are park and play. We get traffic in quickly and have staff flag cars to placate the congestion. As soon as full we will close off the entrance so people can move forward and go straight into Gold Rush Lot across Park Avenue.)

Mr. Beckerman: Is it my understanding that other lots will not be open simultaneously? (Yes, North Gondola Lot is open first. When that is full, it will be this lot, then Gold Rush. Gold Rush requires a shuttle to the Gondola, so we use that one last.

Ms. Leidal: Is there a bus stop nearby? How does the bus flow here? Are there conflicts? Also amenity correct? (Mr. Lott: Yes, the Gray Bus Route stops at the building to the north of this proposed lot but then goes north) Will that create an issue for the bus getting stuck in traffic? Would Public Works be open to widening this? I am concerned with circulation. (Mr. Lott: We sent the plan to Public Works but they did not have any comments on circulation or access) Probably because of temporary nature. (Mr. Kulick: Knowing the owner, they probably would not want to put in any investment in enlarging drive aisle) (Mr. Mr. Lloyd: Where the real pinch point is going to be is Park Avenue at French Street I really see the importance of this lot helping with traffic flow. With the loss of the South Gondola Lot it just means that the pressure point on Gold Rush will change. I see the value for this lot for skier experience.)

Mr. Gerard: There is still an opportunity for more review with Town Council. It doesn't go from us with any more than a recommendation. (Ms. Puester: The Planning Commission votes, if the vote is approved, the project is approved by the Commission. Then Council will see the Commission's vote on their consent items. If they want to call it up for further discussion, they can call up.)

Mr. Moore: I am concerned about ingress/egress and people going through City Market parking lot to get to this property. I do agree that the variance is appropriate under the terms of Code, however I would like to see it more fine-tuned to deal with that. It is going to be a mess for those going to City Market if they are not going to go to this lot. This has a passing score because it is temporary but we prefer to see more planning.

Ms. Leidal: I understand the need but am very concerned with safety and function for pedestrians and vehicles. I do not believe this meets Policies 16 and 17 for Internal and External Circulation.

Mr. Giller: I really think we need to better understand pedestrian circulation. Crosswalk shown does not enhance safety. I do support the need and I understand temporary nature.

Mr. Beckerman: I support the project and the temporary parking lot. I would suggest having some flow and circulation diagrams prepared for when this goes to Council as I am sure they will see the same issue we are I think it meets the variance criteria and I and support it.

Mr. Schuman: This is an extremely poor depiction of a plan. This does not meet Policies 16 and 17. The Commission is not doing our job if we approve this tonight. I would like to make a motion different than the staff recommendation at the end of comments.

Mr. Gerard: I agree that it could work but should have had a work session. There are circulation issues and this is too preliminary in nature. If there are no restrictions put on by the Town, this could be a good money making venture.

Mr. Schuman made a motion to be continued. Ms. Leidal seconded. The motion passed unanimously.

### **OTHER HEARINGS:**

1. Gold Flake Demolition and New SFR (LS), 217 Wellington Rd., PL-2020-0364 (Continued from the October 6 Meeting)

Mr. Kulick presented a proposal to demolish an existing single-family residence and construct a 7,047 sq. ft. single family residence. The project was called up at the October 6<sup>th</sup> meeting and continued to October 20<sup>th</sup> so the applicants could be present. The call up is to address Commissioner concerns about the northwest second level of the home acting as a potential Accessory Dwelling Unit (ADU).

#### *Commissioner Questions / Comments:*

Ms. Leidal: Luke mentioned 1 or 2 walls exceeded the threshold of 25% non-natural materials and needed a condition of approval. Were the plans revised? (Mr. Kulick: No, we can clearly request that as a Condition of Approval and create a new condition #11 to not exceed 25% non-natural materials on any elevation).

Mr. Giller: HERS rating very ambitious and I trust Town will watch for that.

Mr. Mike Bieg, owner of 217 Wellington: We did resubmit those drawings on the exterior to meet the non-natural requirements. (Mr. Kulick: Plans in PC packet were not updated so we will add the COA).

Mr. Moore: I feel like the application should be approved.

Mr. Giller: Previous comment regarding HERS.

Mr. Gerard: I am prepared to accept staff's recommendation. I think this is a short-term rental accessory apartment. I see ways people are getting around our code, but recognize that it is a statement outside of our code so I am prepared to support the application.

Mr. Schuman made a motion to approve the Gold Flake Demolition and New SFR project, with the additional condition of approval #11 that the project comply with Policy 5/R and that any elevation not exceed 25% non-natural materials, seconded by Mr. Giller. The motion was approved 6-0.

### **TOWN PROJECTS:**

Alta Verde Workforce Housing Project (CK), 13250 Colorado State Highway 9, PL-2020-0235

Mr. Kulick presented a proposal to construct three deed restricted workforce housing apartment buildings with 36 one-bedroom, 36 two-bedroom and 8 three-bedroom apartments totaling 64,739 square feet, sited on 4.9 acres. The following specific questions were asked of the Commission:

1. Does the Commission agree that a specific aspect of a project is eligible to receive points in more than one category? If yes, do you support awarding positive points under Policy 20/R: Recreation Facilities for the construction of a Rec Path in addition to receiving positive points under Policy 16/R: Internal Circulation?
2. Does the Commission agree with the final point analysis?
3. Does the Commission have any other comments for the benefit of Town Council in regards to the

project?

Kimball Crangle, Gorman & Co.:

Thanks Chris, I think you covered the project very well with the updates since we last saw the Planning Commission.

*Commissioner Questions / Comments:*

Ms. Leidal: Reviewing this project like I would review any other project. Building 1: I think that the roof overhang from the east perspective could be encroaching into the 15' setback. Building 2: overhangs are encroaching into a relative setback. Should we be putting a Condition of Approval that it should meet the setbacks from a future subdivision's property lines? (Mr. Kulick: Since this is a Town Project the conditions for project of this magnitude are very stripped down. The Town Attorney does not want to subject the Town with the same conditions although the team is making their best effort to comply with the code. Staff will work with the applicants to have the buildings to meet the relative setbacks at subdivision.) How would it meet the Relative setbacks? If we don't assign negative points, do they squish the buildings together. (Mr. Kulick: They could slightly increase the side and rear property boundaries during subdivision and assign -3 points for not meeting the front relative setback where they don't have the flexibility of adjusting the lot line along Stan Miller Drive.) Will it come back to us? (Mr. Kulick: I am not sure of the subdivision classification, it may be a Class C subdivision which is reviewed by staff.) (Mr. Stark: The eaves encroach 3 ft. into the setback on Building 1, and 2 ft. on the rear.) You can adjust the lot line location as needed, right? (Mr. Kulick: yes). Density will be transferred in correct? (Mr. Kulick: Yes. There are only 3.71 SFES onsite but per the Master Plan up to 20 SFES at a 1:1 ratio per Town Code may be transferred in). There is no need to extinguish density per JUMP? (Mr. Kulick: We have different ratios now, so we would extinguish density from other Town-owned parcels.) How does the dumpster to work? (Mr. Stark: We have designed this layout for Waste Management to fork containers out of enclosure). Points under 16/R and 20/R for rec path, is 690 ft. of the rec path on site? (Mr. Kulick: Yes, I only measured it onsite relative to points.) I did not see the same rec path project on both precedent lists for earning points under both Policy 16/R and 20/R, correct? (Mr. Kulick: Correct. Whether the design earns points under one policy, neither policy or both policies is up to the Commission.) Historic projects have an additional layer where they don't meet a side yard setback, they receive negative points for not meeting setback and for not buffering. I think we only assign negative points under 7/R. I don't think we are double dinging people. (Mr. Kulick: If a project proposed real minimal landscaping, negative points could be assessed under both 7/R and 22/R.) We talked about this under our code revamp. We noted under 7/R that buffering could be achieved by distance. (Mr. Kulick: It is not a make or break proposal on this one but it did present a good opportunity to have this discussion concerning earning points for the same aspect of a project under multiple policies.)

Mr. Giller: Is a 2:12 slope enough for snow to slide. When we get a deep snow, that the panels would not melt the snow. I am concerned that the snow might cover the panels. (Mr. Stark: 2:12 is not best angle for shedding snow. There will be times of year that the panels will be covered in snow. We will have access to roof for maintenance.) Snow shoveling is dangerous. Are you prepared for that? Do you still meet net-zero? (Yes. We have provided staff with solar reports) That portion of the rec path gets crowded. What is the width you propose? (Lindsay: The rec path will be 14 ft. wide within 25 ft. easement with shoulders of road base. 14 ft. is wide enough for people to pass.

- Mr. Beckerman: You have done a very good job at taking feedback from the previous worksession and implementing it into the design.
- Mr. Schuman: Shoveling a roof is an extremely poor idea. River access area, is there power over there west of rec path? (Ms. Newman: It is intended to be a naturalized setting) The rec path has been talked about a great deal, the concern is all the landscaping, may be hiding the crossing? Rumble strips before you get to crossing may be a good idea. Not going to see bikers coming. Where did the 20% EV come from? Is that standard model for parking lot? EVs are not cheap, and this is a 60% AMI project. (Mr. Stark: Four of those spaces will be EV ready, 10 will be EV capable) (Mr. Kulick: That is the new standard in the Building Code. Project will be around for some time. More cost effective to install conduit now.) When is says EV ready, wiring and pedestal for 24 spots, correct? (Mr. Stark: Yes). The area due south of dumpster is not called out for anything. What is that? (Mr. Stark: A turnaround for the garbage truck.)
- Mr. Gerard: Parking spots: 122 of them. Appreciate relocation of the trail. In the space across from the dumpster, wondering if that space could be signed and used as overnight visitor parking. Looks like good project to me.
- Mr. Moore: I think it is an excellent project. Having read the previous meeting material, changes the PC suggested have been addressed. I like the bike path. I support the point analysis. I support the project. I think it is going to be a really good project for the community. 1. Yes. Yes. 2. Yes. 3. No.
- Ms. Leidal: We need to assign - 3 points under 9/R for not meeting the front relative setback. In the point analysis under density and mass, write that a density transfer is required, that the lot will be subdivided, etc. Important for record keeping. Do not support points under 16/R and 20/R. Lean towards points for 20/R not 16/R. One or the other.
- Mr. Giller: Great project. Will do a lot of good for the Town. 1. Points should be awarded under 20/R 2. Yes. 3. Great design, groundbreaking, I support.
- Mr. Beckerman: 1. No. In favor of just points under 20/R. 2. Would like to see an adjustment to setbacks. Think project is great right now. Lots of amenities. Don't want this great project to lead to bad projects being approved.
- Mr. Schuman: 1. Supportive of points being awarded under Policy 20/R for the rec path. 3. Appreciate Town Attorney slimming down Findings and Conditions. Appreciate the compliance effort. Still have concerns about crossing of bike bath at Stan Miller Rd. but sure will be addressed. Thank staff and design team. Very responsive to our previous feedback.
- Mr. Gerard: Award winning project and will set the standard for what you can do in a mountain town and a net zero project. 1. I was very critical of idea that rec path created double dipping but the design has a positive circulation plan as well as unique rec feature so I support double dipping, but I don't think that it is. 2. - 3 points should be assessed for not meeting the front relative setback. We will expect compliance with the subdivision standards. 3. Great work team.
- Mr. Giller moved to approve the project with the amendments mentioned showing a score of positive two (+2) points, seconded by Mr. Moore. The motion passed 6-0.



**OTHER MATTERS:**

1. Town Council Update (Memo Only)

Mr. Gerard: There is a lot of creativity being used to circumnavigate rules for short-term rentals. Having a second short term rental in one residence allows the renter to have four additional occupants.

**ADJOURNMENT:**

The meeting was adjourned at 8:52 pm.

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Steve Gerard, Chair