

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Beckerman.

ROLL CALL

Christie Mathews-Leidal	Mike Giller	Jay Beckerman	Mark Leas
Tanya Delahoz	Steve Gerard –absent	Allen Frechter	

APPROVAL OF MINUTES

With no changes, the August 17, 2021 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the September 7, 2021 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment was heard.

CONSENT CALENDAR:

1. Shelden Residence Solar (SS), 208 N. Ridge Street, PL-2021-0298
2. Gold Creek Condos (Odd Lot) Exterior Remodel (LS), 326 N. Main Street, PL-2021-0287

Mr. Giller made a motion to call up the Gold Creek Condos Exterior Remodel, seconded by Ms. Leidal. The motion was passed 6 to 0 and the project was called up.

Mr. Sponable presented an overview of the proposal which includes new siding and trim; replacement of wood planters with concrete curb in the parking lot; new stairs, decks and railings; addition of a stairway to roof; new parapet walls to screen existing small cell facilities; new siding for the dumpster enclosure to match building; and replacement parking barriers.

Staff question: Does the Commission support the use of metal panels on the east, south and west facades?

Commissioner Questions/Comments:

- Mr. Leas: 1. Yes
- Ms. Leidal: 1. Yes. I am concerned about the height increasing; it is already non-conforming. We just had a discussion about rooftop decks- that plays into it too. My other comment was about an encroachment license and modifying the typo on condition #6.
- Mr. Giller: We do want to see a face lift. I don't see the purpose of the railing, it also raises the height. Since we are in the conservation zone, we want to see a sample of the siding. 1. Yes
- Ms. Delahoz: I am exciting about the exterior renovation. I don't have an issue with the railing. With the small cells there and the screening, it ties in the look aesthetically, and makes it look more complete. 1. I don't have an issue with the metal, the west facing on the south end has a lot of it. Looks like an elevator shaft, but I like the dimension and texture that it brings. Overall I support.
- Mr. Frechter: I echo Mike and Tanya. We need the parapet walls I just wonder if the railing actually draws the eye to it. It doesn't fit in. I like the south elevation because there is visual interest, rather than just the big square on the north. I want something more interesting on the north.
- Mr. Beckerman: My big thing is precedent and what the code says. If this increases the height then I think that is where we need to go and not put in a condition to excuse it, but go by what the book says. Make sure we don't set a bad precedent.

Sonny Neely, Architect:

The use of horizontal railing helps with the aesthetics. The railings are going to disappear on the top, it won't be perceived as taller and larger. That is the full purpose of that. Without the railings it will look like it does now.

Mr. Truckey: Christie makes a good point that this increases the non-conformity (height). We have to be code based.

Mr. Giller: Also with the height, the website sample doesn't match with the siding. Please provide a physical one. Mark's comment is good, the corner of French and Main is important and gets lost. The blue panels do a good job articulate. I encourage making the North more like the South elevation.

Mr. Giller made a motion to continue Gold Creek Condo exterior remodel. Seconded by Ms. Leidal. This motion passed 6 to 0.

3. New West Residence (SS), 119 Boulder Circle, PL-2021-0394

The Shelden Residence Solar and New West Residence were approved as presented.

FINAL HEARINGS:

1. Shoop Residence (LS), 1110 Bright Hope Rd., PL-2021-0096

Mr. Sponable presented an updated proposal to build a new 6,381 sq. ft. single family residence with 5 bedrooms and 5 bathrooms over the Illinois Creek.

Mr. Shoop, Applicant:

My wife contacted Tanya, when we were delayed with AECOM earlier. My wife contacted Tanya for contact info for them. We live here in Summit County. We are active here. We have been wanting to come back to the County.

Commissioner Questions/Comments:

Mr. Leas: None.

Ms. Leidal: No additional comments (besides minor typos/changes).

Mr. Giller: None.

Ms. Delahoz: Happy to see this project come back. It looks great. I know that when Debbie reached out it was because she was looking for contact info, I just have to disclose that.

Mr. Frechter: Great looking project, good job staff.

Mr. Beckerman: Glad this all worked out. I know the process could be arduous.

Ms. Leidal made a motion to approve the Shoop residence with the point analysis in the packet and the Findings and Conditions in the packet along with two modifications; one being a new Finding #7 stating "A variance is hereby granted section 9-3-9-D1 of the off street that requires a 30 ft. driveway separation from the public street, as a 30 ft. separate isn't physically possible due to the platted configuration of the lot and proximity of the adjacent ROW". Also a revision to Condition #13 to refer to the previous 7-28-21 engineering memo as well as the 9-3-21 engineering memo and a revision to the point analysis absolute policy 18 A to show a variance has been granted. Seconded by Ms. Delahoz. This motion passed 6 to 0.

PRELIMINARY HEARINGS:

1. Father Dyer Addition (CK), 310 Wellington Rd., PL-2021-0373

Mr. Kulick presented a proposal to Locally Landmark and expand the Church through a 2,496 sq. ft. addition to the non-historic part of the existing building. The footprint of the proposed expansion area currently has a

non-compliant sunken terrace. The addition will accommodate additional rooms and facilities which will enable the Church to better accommodate its expanding role in providing a number of social services to the community including the food pantry, community dinners, dependency counseling, and youth programs. The following specific questions were asked of the Commission:

1. Building Height: Staff finds the proposed building height complies with Design Standards 81 and 142, does the Commission concur?
2. Roof Design: Staff believes the proposed shed roof element over the south entrance on the existing addition should be changed to better comply with Priority Design Standard 141. Does the Commission concur?
3. Windows: Does the Commission support revising the project's windows and doors to better comply with Design Standards 95, 96 and 148?
4. Cabin: Does the Commission support relocating the cabin without the assignment of negative points?
5. Local Landmarking: Does the Commission support locally Landmarking the Church and Cabin?
6. Final Review: Does the Commission support this application returning for a Final Hearing assuming changes are made to achieve a passing point analysis?
7. Does the Commission have any additional comments on the proposed project design or point analysis?

Bobby Craig, Architect:

Thank you Chris. Can we look at the existing site plan? Now the existing plan is dysfunctional, cars back onto Briar Rose, there is a drive on the North side, the cabin is in the middle of the snow stack. In the winter you can't see it because it is surrounded by snow and ice. The terrace area doesn't get used, it is below grade, bumper level at parking. When the church came to us – the first thing we did was look at site plan solutions. The driveway was wasting space and didn't have any benefits. By getting rid of it let us put in an outdoor space / prayer garden. The cabin scooted closer can be part of the church community. It is also more protected. We want it to be 5 ft. off the setback. We could move it closer, but not 10 ft., the existing is only 8 ft. from the property line. We have two fronts and two sides, there isn't really a rear. We are well within the setbacks for the main structures. Benefits, six additional parking spaces, less impervious area, more landscaping, protection of the cabin, and we can provide a list of benefits. It does have a foundation. Existing architecture: The addition is way out of place. It has a funky arch top window, it doesn't match. For proposed: we looked at mass and form, what if we scaled down the historic church module. That is the left addition. We have taken and copied windows, double hung. Right now there is a mix. We don't have enough ventilation, the new windows need to be operable. For the entry on the south we can redesign that, with a more traditional porch. On the West, that is our view side. We want to use this arch top window in the existing church, copying the arch motif with the circle from a gothic architecture handbook. Windows into the lower level: they aren't double hung nor vertical. They are horizontal to let in air and light, essential to making it useable. You can see these types of windows at the court house, etc. you will see these at grade at historic buildings. This isn't a residential character, it is institutional. We have code standards here that are more for residential and not so much for a church.

1. For height, we are seven feet below the historic ridge. 2. South entrance we can redesign and come back. 3. If we can go more vertical double hung, we can, but we think this is historic precedent we want to follow. 4. We can move the cabin back a little, but where it is, is the best location on the property. It really is the side not rear. 5. Happy to do Landmarking of both. I would like to come back for final and are taking your comments to heart. We want to build next summer. We have other items (fundraising etc.) that is why we are so eager.

Public Comment:

John Renish, 111 N High St:

I really like it, I want you to approve it after taking care of these details, and thank you for your consideration.

Commissioner Questions/Comments:

- Mr. Leas: 1. Height: I concur. 2. Roof Design: I agree 3. Windows: I agree 4. Cabin: I agree 5. Landmarking: Yes. 6. Review: Yes 7. Comments: no additional comments other than I hope the setback requirement is able to leave the cabin where they have proposed.
- Ms. Leidal: Thank you! This is exciting and a benefit. 1. Height: yes. 2. Roof Design: I agree with staff. 3. Windows: yes, need revisiting. I echo Mike on the existing rear to modify them. 4. Cabin: Yes, relocate without the assignment of negative points. 5. Landmarking: Yes. 6. Review: if staff thinks we are there it's ok. I feel like we are in a tough position, changes might not have been made and we feel pressure. If staff is OK I am willing to entertain. I would like more info on the setbacks and lighting. 7. Comments: That is all.
- Mr. Giller: 1. Height: Yes 2. Roof Design: I agree, meets standard 141. 3. Windows: Chris was spot on, there is a lot of simplification of the window design. Window design is needed. There are too many window sizes, proportions. The windows give me great pause on going to final. 4. Cabin: Check setbacks 5. Landmarking: I agree 6. Review: I trust you will listen careful. 7. Comments: I support this project.
- Ms. Delahoz: 1. Height: Yes 2. Roof Design: Yes 3. Windows: North side needs work- I get the view, but we need to have historical accuracy. 4. Cabin: makes sense to move it. 5. Landmarking: Yes 6. Review: we have cleanup and changes, sit with staff and work through it with staff. 7. Comments: Thanks for bringing in the cabin, I appreciate the community aspects. I am glad we are fixing the connector.
- Mr. Frechter: 1. Height: Yes. 2. Roof Design: yes, shed roof on the back parallels, so I think it looks good. 3. Windows: Yes 4. Cabin: Yes 5. Landmarking: Yes. 6. Review: we need to decide if we like the window design, but if you feel comfortable then yes. 7. Comments: on pulling the cabin in, it looks like it is closer to the porch and that would maybe bring it close to ten feet. Maybe the site plan is off. Just a comment. Great project and great design so far.
- Mr. Beckerman: 1. Height: Yes 2. Roof Design: This has been addressed. 3. Windows: I agree with Mike and Tanya. Priority standard 96. 4. Cabin: Yes, we will hear more. 5. Landmarking: This is great. 6. Review: I trust if you work with staff we look forward to having this as a Final.

WORK SESSIONS:

1. Accessory Dwelling Unit Code Modifications (LS)

Mr. Sponable presented proposed updates to the Development Code in regards to Accessory Dwelling Units (ADUs). The following specific questions were asked of the Commission:

1. Does the Commission have any comments or concerns on the proposed code changes?
2. Is Option 1 or Option 2 preferred?

Commissioner Discussion:

- Mr. Beckerman: What is the difference between the ADU and a Lock Off? (Ms. Puester: That comes from our hotel code. People now use it as something else).
- Ms. Leidal: Maybe say a lock off can or cannot be an ADU? We want to tie it back. It could be either. (Ms. Puester: Divisible unit also references lock offs.)
- Ms. Delahoz: I looked at 14 properties today and most of them would be an ADU, but they are not a lock off. It wouldn't make sense. I started questioning everything again. (Mr. Kulick: Multi-unit is 3 or more units that share walls, for a lock off there, that is permitted. There isn't a cap on units. We don't want anything in terms of complicating that. We want to be careful of not tangling that up, if there is the density on a multi-family site, you can do so at market rate.)
- Mr. Leas: On the first one, where is the lock off? (Mr. Sponable: There is a half bath and a rec room with no interior connection, just the single door through the back patio, maybe considered a

- lock-off but missing some features. This is a later addition. With our current code this was an automatic ADU because there wasn't any interior connection).
- Mr. Frechter: Would a shower help define an ADU?
- Ms. Puester: Yes things could happen without permits, but we don't want to always be making assumptions about people doing things behind closed doors. That is where we get uncomfortable because we shouldn't be making assumptions that people will be doing things illegally. If the definition as written doesn't hit, that is what we need to get to. As black and white as we can get it.
- Mr. Kulick: One of the main issues was regarding STRs, is it as pressing of a need to go to this depth of regulation with the potential STR requirements? The landscape is shifting. Is it as important to get everything dialed down with the potential regulations changing soon.
- Mr. Truckey: We want further modifications that address the key points. We have added no install of 220. We have also added the direct access to parking.
- Mr. Leas: Julia, everyone is innocent until guilty. Should we not recommend language that is prohibitive? (Ms. Puester: We can but it is challengeable). Almost every home with a rec room and a wet bar and a sliding door would be an ADU.
- Ms. Delahoz: Thinking through my own perspective my husband wants a golf simulator room, and it would totally count as an ADU.
- Mr. Beckerman: How does the language here effect your ability to promote ADUs? (Ms. Puester: if we can be as clear as possible, that is helpful. The positive points are important. We will be doing more things on the administrative side (waiving fees, no water PIFs etc.) when people are proposing things, it is easier to tell them yes or no, there are people that don't want to do and ADU it's just the design. It is difficult for people to do add ons based on existing design.
- Mr. Truckey: We are trying to eliminate loopholes. If someone meets the definition of ADU great, it shouldn't limit them.
- Mr. Frechter: Is this for safety, and for illegal short term rentals? Can we legally go back and inspect potential ADUs?
- Mr. Leas: You have to be careful, for ski houses, this is for two separate families staying together, which isn't the same as an ADU. It is the purpose of some of them. We need to have code flexible enough to differentiate those.
- Ms. Leidal: But when does it stop functioning as a single family home?
- Mr. Giller: I do think people are building single family homes as small hotels without a front desk, and I respectfully disagree with you Mark L., but we want to make smart good code that supports staff and supports the town.
- Ms. Leidal: Should we limit the amount and the sizes of wet bars? With full size appliances? Should it be scaled to the size of the house itself?
- Mr. Kulick: To some people an important design feature to have a large wet bar. It is a fine line between these things, like limiting people to having the floorplan they want.

Commissioner Questions/Comments:

- Mr. Leas: I like option #2. It is less general. This is a big improvement over last time. I want us to communicate what it is that a build should be so that the homeowners and designers understand what they can / cannot do. To summarize, we need to be careful trying to apply the standard single family definition as we understand it to everything here, particularly to the houses on the ski side.
- Ms. Leidal: Much better. I know we want to do a Class D Major to streamline it, I would add "accessory unit". Someone might want to do a freestanding ADU. (Mr. Sponable: That is how it is proposed under Subsection C under the Class D major classification). Lock off may or may not be an ADU. I would say "which could be used" for separate occupation.

Wet bar I don't support the definition as written. We need to limit the size of the wet bar area, appliances, and the number in the homes. The county talked about air fryers so you don't need an oven or cooktop anymore. Under accessory dwelling units I like option 1 a lot. I would bring up paragraph C. of the second option, on small internal connection, maybe work that into the first option. 3 or more of option 2 is too hard. I think it could meet two. 1-4 criteria, the total floor area, would be everything correct? I see that we are crossing out occupied by a family member?

- Mr. Leas: What's the purpose? (Mr. Sponable: Whether a family member can occupy or not depends on meeting the deed restriction employment criteria, it was redundant to have that in the code.)
- Ms. Leidal: Paragraph F, should say in accordance. Close that somehow and make the points finite. Thank you, I know it's a lot of work.
- Mr. Giller: Tough one. This is part of a suite of regulations, licenses. I think it would be too easy to get around the 3. I have followed this closely. We do have issues here and it matters. Wet bar size should be reined in.
- Ms. Delahoz: I agree with wet bar size. I am partial to option 2. This is part of a bigger issue, the conversation is also changing. Over time it will continue to evolve. It might change in 3 years. We need to be adaptable. For the choices, I don't have an opinion. Rolling with it as proposed.
- Mr. Frechter: I defer to option 2. A is the key qualifier. Maybe A plus two. I think wet bar should be reined in. county might be too restrictive.
- Mr. Beckerman: I agree on the lock off definition, may or may not be an ADU. As far as wet bars, I feel like Chris gave me perspective. None of us here have the perspective of building a 10,000 sf house. Things are proportional. I don't know if I am on board with limiting wet bar size. We aren't trying to keep people from building their mansions. I like option 1. It is so well written and hits my check points. If we go option 2 I think that D needs clarification.

2. McCain Master Plan Third Amendment (CL)

Mr. Truckey presented an overview of proposed amendments to the McCain Master Plan in order to accommodate a new housing development planned for Tract 14, and a non-profit/institutional campus on Tract 6. Other modifications include a reduction in the amount of open space and additional snow storage, and solar uses.

Commissioner Questions/Comments:

- Mr. Leas: I apologize for not seeing this before the meeting, so no.
- Ms. Leidal: I have a couple comments to allow for more flexibility. Tract 6 I see community facilities under density, maybe you want to continue community facility under "tract uses". I think you could give yourself future latitude. Under tract use column. Tract 7- the school district might need housing for teachers. Should tract 7 also allow teacher or employee housing? Under 12A and 12B with the word choice you used under density. Government uses, I would add governmental uses. In case you want a building not just snow storage. On the points, we handle that at site specific but 28A under utilities, maybe you want to say somewhere to memorialize that that will be reviewed under the specific site plan process. Thank you.
- Mr. Giller: Mark thank you. And thank you Mark Leas for the questions. Will that be the last residential parcel at McCain? The adjacency is good and compatible. I like the expansion of the solar field. This is our last opportunity to solve problems, so thank you.
- Ms. Delahoz: Do we have anything notated for future services? Gas station, grocery store? I see this impacts to other existing services. It would be beneficial to address this. (Mr. Truckey: This was talked about previously at McCain, majority council wasn't supportive. There are no other locations identified at this time. Council has given direction for this. You are right,

not sure that that will be supported by Council). We all feel the effects of the limited option. Having something on the North would be beneficial. Other thought is when we talked about the pond. (Mr. Truckey: Tract 15 is the open space/park, that is the location of the existing pond. It was just filled in the last couple months. We were able to fill, it isn't filled to support buildings. Retention pond is a possibility. 15 years ago we discussed a reservoir, amenity. That was abandoned).

Mr. Frechter: Thanks Mark. Looks great. Has the school district given feedback on circulation? I wonder how intense the traffic might be. (Mr. Truckey: Not yet, but good input.)

Mr. Beckerman: Thank you for everyone's input. For tract 5 with the bike path, that won't replace the current one? (Mr. Truckey: Yes, it would replace the current one in a more desirable location, nearer the river. We have had these conversations with Alta Verde and Breck Central Market. We want to get Rec Path users away from the dangerous crossing at the Fairview roundabout.) Tract 10b is open space and can't be touched? Will there be a trailhead to direct people to? Or is it more of a incognito open space? (Mr. Truckey: The west side of river is important wildlife habitat and the Division of Wildlife has recommended keeping trails and people out of that area. They want to maintain for habitat. The east side would have small feeder trails. That is still TBD.) Tract 8 would be something else, that wouldn't be a logical place to have organized recreation? (Mr. Truckey: That discussion still needs to be refined , ideas like beginner mountain bike trails have been discussed. The Council will be discussing Tract 8 at the upcoming Council meeting. There is a fairly expensive restoration required (fill, topsoil, vegetation) to make this area usable for open space.) Thank you all.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 9:27 pm.

Jay Beckerman, Chair