

PLANNING COMMISSION MEETING

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

ROLL CALL

| | | |
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| Mike Giller | Mark Leas | George Swintz- Virtual, joined at 5:47 |
| Tanya Delahoz | Ethan Guerra | Steve Gerard |
| Allen Frechter | | |

APPROVAL OF MINUTES

With no changes, the June 7, 2022 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the June 21, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

COMBINED HEARINGS:

1. Kuhn Subdivision (CL), 203 Briar Rose Lane; PL-2022-0150

Mr. LaChance presented a proposal to subdivide the existing Lot 2 into two (2) equally sized lots, Lot 2A and 2B. The proposed subdivision is subject to a Development Agreement approved by the Town Council in 2020.

Commissioner Questions / Comments:

Mr. Guerra: None

Mr. Leas: None

Mr. Gerard: I want to note that Mr. Leas was insistent that we get started on this project, so and no further comments.

Mr. Giller: None

Mr. Frechter: None

Ms. Delahoz: None

Mr. Giller made a motion to approve the Kuhn Subdivision, seconded by Mr. Gerard. The motion passed 7 to 0.

PRELIMINARY HEARINGS:

1. Breckenridge Grand Vacations Gondola Lots Site Specific Development Permit (CK), 350, 355 & 415 N. Park Avenue; PL-2022-0208

Mr. Kulick presented a proposal for a site specific development permit application for 149 condominiums, 20,405 sq. ft. of commercial space, 9 employee housing apartment units, and 12 townhome units over 16 buildings. The proposal also includes roadway and pedestrian improvements, including a roundabout at the intersection of Park Avenue and French Street, a new gondola, a new park and pedestrian plaza, and a 1,039 space parking structure. The following specific questions were asked of the Commission:

1. Building Height:

- a. Should the open stair towers of the North Gold Rush parking structure and the spires on Mixed Use Buildings 1 and 2 be granted an exemption from being counted as Building Height?

items are black and white, regarding varying heights we want the PC input on this in regards to the appropriate amount of variation). Townhome vs. condo: building code defines it by foundation to roofline and firewalls, which is different from a condo. Massing along the river would change if they were townhomes (Mr. Kulick: We want lower to higher transition from the bank back of the river to the center of the site.) Snowmelt – exposed on the sloped parking garage. (Mr. Kulick: Sometimes steeper angles are permissible if it's snowmelted on driveways per engineering).

Ms. Delahoz: Anything on 1.5 story buildings? (Mr. Kulick: Aquatics building is more like 1.5 stories). Snowmelted exemptions for public safety, was that subjective? (Mr. Kulick: Looking where it is, staff determined as a response to their submittal. People will funnel into this smaller area at the parking garage. Exemption in these areas seems reasonable).

Bill Campie, DTJ Design, Applicant:

The focus of this process and the Master Plan process before this addressed the traffic, circulation, and density. We aren't expecting to dive into that again, but rather these new pieces. What is this thing going to be? We want to have a conversation, part of the process for us is to converse about it. I want to thank staff for being part of the cooperative process and to incorporate your feedback. This will be mostly conversational, we are expecting to take this input and do a redesign between hearing 2 and 3. We can list and discuss, get comments again. I want to note some of the concepts and to refresh all of our minds. 15 years ago was this infill piece, last missing piece to connect to Main Street. We want to get people from these parking lots into town, those mantras live forward. Extending town, the walking street, all pedestrian based. Cars out of the way as soon as possible. Key commercial pieces to create places around the gondola and river. There is a lot of public benefit, wetland dedication, public parks. We feel like it comes together in an inclusive way. We integrated and are encouraging people to come through. Keeping within the goals, note that there is a 1 story building in the center of the circle. 1-3 story elements. Idea on the pedestrian streets is to move cars away quickly. A semi would pull in and back down – minimal disturbance. This has been modeled. Absolute policies we will do all of those things. As we developed the site project and got final calcs, based on this process, we will target them. The mass calcs can be remedied easily, we will make it happen. Snowmelt conversation – it's an interesting look. BGV searches for energy conservation. We would be fine with none (snowmelt), but real world experience isn't the right choice to not have any, especially around the gondola. Majority is on the slope of the parking structure. That's just best practice. Open to conversation here. Sloped, high traffic, it's a best practice thing. We can figure out how to navigate this. We want to meet halfway. Building height – we are using elements in the code, focal elements, clock towers. We will comply with the 10 ft. piece, our floor to floor heights are larger than code but I feel confident we can get height solved. Might be a different roof, no spires, etc. I have confidence. I would note – you don't have to cover the garages by roofs, but again this is a best practice to cover those entrances. The impact is almost hard to see. Snowmelt we've already discussed, again note that it is pool decks, by restaurants. Connected to a snowmelt area. There is real concerns on ice damming. Something to be aware of. On the blue, it makes the number larger than it would be normally. I appreciate your patience and I am happy to answer any questions.

Mr. Giller: The rooftop grade is 2.4-4% slope which isn't steep. If there were a roof over that portion, would you need snowmelt? (Mr. Campie: No but it is best practice to have snowmelt with the intensity of the use. We can work it out. Roof is possible solution)

Mr. Giller: Townhome versus condo? (Mr. Campie we will come back with a townhome design)

Mr. Swintz: Was parking on the to-do list too? (Mr. Campie: Yes. There will be a redesign with new parking calcs. We will meet the code when we get the final unit count).

Mr. Swintz: Offsite employee housing – was Chris referencing Entrada? Can we see the timing that that project will be for the offsite housing (Mr. Campie: I can address next round) (Mr. Kulick: The projects have to provide a certain square footage onsite of employee housing, we usually don't have it determined to a certain building for offsite).

Public Comment:

Kim Stevenson, 252 Kimball Place:

I am wondering, why this Planning Commission and the Town Council is considering building more short term rental properties when last November there was a town ordinance capping these. A lot of the properties built in town and resort core the buyers cannot obtain short term rental licenses. So why would you want to build more, this doesn't make any sense. I would ask the council to institute a building moratorium in the core and resort until we can catch up with affordable housing. People can sell to a buyer who can't get a STR license. Building more isn't fair to the people already here.

Commissioner Comments:

- Mr. Guerra: 1.a. Applicant has stated that he will address our concerns. Open aired stair towers are a fair exemption. 1.b. Still confused here on the question. As I look at it I don't see that it does, but it seems the applicant has stated that they will re-address Specific to building 1 and 2, which don't have a lot of steps. (Mr. Kulick: pertains to north gondola lot specifically. Broader than 1 and 2 but not the gold rush lot sites). 2. The snowmelt adjacent to the gondola is a fair exemption from assessment of negative points. 3. No other comments.
- Mr. Leas: We need to make a distinction for the snow melt – public safety versus convenience and draw a line. If we have hazardous sidewalks, ramps, we need to treat it differently than a hot tub or pool. I think that will tie into the comment on heights. The heights on the North Gondola lot is something we need to address the applicant said they will address this. For the parking garage against the ugly hill of Shock Hill they say this is irrelevant. Needs to be looked at differently. Would have pleased me to see a three story garage with the top floors all workforce housing. Thermal hot water panels should be worked into the parking garage. This might help with points. I addressed building 1 and 2 this needs to be addressed and the applicant said they will do so.
- Mr. Gerard: We have been working step by step on this. Addressing the public comments. STRs are an apple versus orange. For N and S Gondola lot, hotels and housing has been part of that plan. It's a valid point, but not something the PC has anything to do with unfortunately. My comment is that this is a big project, people are interested in it. It has big buildings but the master plan should cap this and be followed. Master plan was when we fought that out, we need to live by it. Sounds like the applicant will address. This also refers to the plat note on 1, 2 and 3 story mix. For open stair towers, that's nominal. I would allow the height exemption for the lid on the stairs. For the spires, that's decorative. It's not a big historical feature here but I think they should be fit into the criteria. Snowmelt, if it serves hundreds it can be exempted. We don't have a lot of precedent for the total amount, so we should look at the past. Mr. Giller had a nice idea of a roof over the parking garage entrance. 3. We are on the right track. Looks like what we thought. Lets keep moving.
- Mr. Frechter: Thanks to the applicant and to Chris. 1. Building height – I am amendable on exemption for stair cases, spires I would need to see the future projects. Heights on the relative heights, I think aesthetically if you put a one story building it might look off compared to the scale. I would defer until we see further plans. The water park structure, I wonder if there is a larger building? Aesthetically how it would look, could be awkward. 2. Snowmelt – safety/public area – I would approve an exemption. 3. I would be careful with other exemptions. MSS would probably want it too. You could argue that all of Main Street needs it. I support the loading points, but a trailer coming out will have to go to Main Street to leave.
- Mr. Giller: Thanks everyone. Important project for all. 1.a. as accent a tower could be ten feet taller per the code. We shouldn't allow more. This has challenges with height as it is. The rest should

comply regarding height. 1.b. Needs to be meaningful amount of 1 story buildings, but more than just the one on the S Gold Rush. Loose some square feet, 6.7% over. 2. Snowmelt adjacent to gondola has public benefit. I support it. A roof on the parking garage is something staff needs to think about but if it protects the ramp or if there's another way here it would be more sustainable. 3. Prelude to the next meeting, still concerned on architecture. The project includes heavy rustic, mountain modern, brick and mansard, transitional, and other designs. Vernacular in Breck works well, but looks for more consistent materials or design. Too much going on. Great project and we look forward to next submission.

Mr. Swintz: 1. No problem with stair towers being higher, deviation in height is good. Spires we might lose, I am not a fan but we can look next time, heights you said you would take care – we need balance of shorter structure too. 2. Snowmelt for safety is fine by me. 3. Bigger questions here is the phasing of this, is a big question. We need to study this in detail. To have comfort. The three year limit, what happens if it's not met. I don't understand the easements, is it airspace? Can buildings be put under the gondola? There's some on the South Gold Rush Lot underneath it. I like the workforce housing tagged onto this. I haven't read the traffic study, I am assuming exiting out of the structure I assume it took into account what's happening at the structure and I hope these are linked. This is the first hearing, I think, Bill says they will make progress on the third hearing, so there are two more? (Mr. Kulick: yes, biggest issues here and not covering everything now. Next in July will focus on architecture and other elements. Likely meetings 3 and 4 will be split into two meetings before merging again if we get enough consensus items).

Ms. Delahoz: 1.a. Comfortable with the stair towers, spires in main Gondola Lot may be reduced. 1.b. I would like to see more varying heights. The Master Plan doesn't specify how many, but I think the intent was a little more variation. You don't want a huge skyscraper next to a 1 story. Having a step down would be appreciated 2. I agree with the exemption for public safety. 3. I appreciate how this is being presented in phases for us to break it up and allows us to give this huge project the time and attention.

WORK SESSIONS:

1. 301 N. Main Street Change of Use and Employee Housing Generation/Impact Mitigation Deviation Request (CL), 301 N. Main Street, PL-2022-0184

Mr. LaChance presented a proposal to change the use of portions of the applicant's property located at 301 N. Main St. The change of use includes an expansion of an existing restaurant (Pho Real) into the remainder of the Watson House, and conversion of the McMenemy House from retail (current tenant: Taspin's Organics) to a beer taproom. The applicant specifically requests feedback from the Commission regarding deviation from the employee housing impact mitigation rates specified by Policy 24 (Absolute) Social Community and has submitted the attached narrative and deviation request, stating that no additional employees will be generated from the proposed changes in use. This is the first application that the Town has received regarding a proposed increase in intensity of use, which would require implementation of the recently adopted employee housing impact mitigation. The following specific questions were asked of the Commission:

1. Staff recommends hiring a third party consultant at the applicant's expense as allowed under Policy 24/A to verify the proposal's employee generation. Does the Commission concur?
 - a. If not, how does the Commission recommend staff evaluate the proposal's employee generation?
2. Does the Commission have any other feedback for staff or the applicant regarding the proposed changes in use?

Commissioner Discussion/Questions:

- Mr. Swintz: Third party consultant resource? (Mr. LaChance: Economics and planning consultant, third party consultant we have previously used, EPS). When code was written, did we use the consultant? (Ms. Best: We based it off of Vail's numbers when we wrote the code. We had wanted to conduct a Breck specific study, wasn't the right time because of the pandemic and employee numbers would be skewed). I agree with Chapin, business use model could morph. (Mr. Truckey: Employee mitigation rates could change but the mitigation rate is based on 35% of that number. We aren't mitigating 100% of the impact, so this is a conservative estimate. Gives us flexibility).
- Mr. Leas: If we come to a conclusion as the # of employees and require the town to audit the payroll, that is more common sense than what we are trying to do here. Should be audited and then the town can adjust it, it's common sense.
- Mr. Giller: The recommendation of 1600 sf = 11 employees is based on standard math and code, and other business comply? (Mr. LaChance: This is the first new commercial that would be subject to this, no standard before this for employee housing mitigation.) (Mr. Truckey: Negative points were assigned before for not providing employee housing, but now it's mandatory.) (Mr. Kulick: Before was based negative points on square footage--no mitigation required for a change of use within an already developed structure). What assurance do we have that the consultant is objective? (Mr. LaChance: Hired by Town, paid by applicant. Yes, we would expect them be objective).
- Mr. Frechter: Change of use, from bar to restaurant? How do we monitor? (Mr. Puester: That is the issue, with business plan monitoring, it changes the use and changes staff counts. There are problems chasing down the business plan changes and concerns with ability and staff time to monitor.)
- Mr. Swintz: If they add a kitchen they would need a permit and we would know. (Ms. Puester: We can flag in our system, but it could get missed.)
- Mr. Leas: Rewrite the code that they have to submit employee lists and how many. Seems so simple to do. (Mr. Truckey: Could also be a condition of approval.) You want to count the employees.
- Mr. Gerard: When did Vail do the study? (Ms. Best: Pre-Covid, 2018 or 2019. They calculated the generation by an intensive survey, determine how many, and come up with a standard for different uses. A lot of communities use this approach. Uses come along that weren't contemplated so there's the provision for a third party analysis in our code).
- Mr. Guerra: Cost and timeline of the third party? (Mr. LaChance: Not there yet.) The applicant has hired an attorney, who made a detailed presentation. They started this process before the implementation of this ordinance. We implemented this in 2020. There is conflict there in the time line. (Mr. LaChance: Applicant contacted staff regarding various change of use concepts within the 3 buildings over the years and staff provided them multiple updates to the fee estimates based on modified proposals and annual fee updates. Two of those fee estimate updates did not include the estimate for housing impact mitigation after the Ordinance became effective.) They should be subject to it when they were applying if that's the case. (Mr. LaChance: No permit has been issued nor applied for since the Ordinance, but there are overlaps between the effective date of the Ordinance and the fee estimates provided to the applicant).
- Ms. Delahoz: Monitoring a possibility? PIFs are tied to a property address, can we do owed but not due fee in lieu, tied to a business license? (Mr. LaChance: A Restrictive Covenant recorded against the property would be the only method of enforcement to ensure housing impact mitigation for any future morphing of the business. No permit required for change in business ownership).
- Mr. Frechter: No fee in lieu here? (Mr. LaChance: If less than 1 employee, there is a fee-in-lieu.)

Bob Gregory, Attorney Representing the Applicant:

Before I start, I wanted to circle back to a question, the exhibit A to the memo did reference that the Watson house is all under the restaurant use. The applicant had already paid the parking fee for a restaurant use for the entire Watson House. This conversation has pre-existed the implementation of the policy. No formal application or permit yet, but the applicant has submitted income and funds for the Watson House portion change of use. I wanted to introduce other members of the audience, Chad Washenfelder, owner of Pho Real restaurant and David Axelrod, who is proposing the tap room. Most importantly the applicant appreciates the purpose of the policy, the purpose is stated in sect. C., (quoted Code). Sect. D2 gives the Commission ability to hear competent evidence from an applicant stating that the numbers in the table do not accurately reflect what we are proposing. When we look at the policies together the applicant shouldn't have to pay for employees that don't exist. For a new development, it's easier to look at, you can apply the numbers. This would generate employees from vacant land. These 2 buildings are previously existing. The Watson house the primary thing that we want to say is that this is existing restaurant, fast casual, not full service, each table is not served. The existing use for the rest of the building. The proposal is that the existing use of the vast majority of the rest of the building, 1595 sf, is absorbing 272 sf rest of the building, creates a more efficient use for entire building as all restaurant use. Pho Real has 8 employees shared amongst other restaurants. 5.33 is more accurate. The absorption of the extra square footage won't require additional staff. We are providing as much info as we think we can to show that 10.2 employees per 1000 sf for an existing restaurant doesn't accurately reflect the change in intensity of use of the space. This has housed the real estate group, 4 of them are on the lease. That space has been occupied by 4 employees. We are taking this from 4 to zero. Net decrease. McMenemy house: the proposed use shows there is weakness in using broad category for all uses in restaurant types which is a disadvantage. In Policy 24/A there is not classification of taproom. It references that if there isn't a category that there needs to be a nexus study, but that study doesn't exist or doesn't account for a tap room either. In this instance we gave info from David Axelrod who has provided statements from other taprooms throughout the regions that gives evidence that this is more efficient than a full service restaurants.

He will only need 3 full time employees to fully staff this space. For the Commission comments on enforcement, we believe that the PC could include as a condition that the applicant submit info on an annual basis showing the payroll and staffing as compliance. A recorded Restrictive Covenant wouldn't be appropriate and would be overly burdensome. The applicant has come to the Town with the change of use, and a future change of use would need to be permitted. They would pull a Building Permit for the kitchen as well. All that needs to be installed with the tap room is the beer cooler.

Last thing, the McMenemy house – there was another letter by the applicant that didn't make it to packet materials. This is a letter of another brewing taproom representing their employee numbers. This reflects confident evidence that the table in Policy 24/A don't apply to a taproom under these circumstances. I also prepared a chart of the numbers on how we are preparing them (Handed out copies of chart to Commission). This chart will help conceptualize. Policy 24/A isn't very clear, the other fees that have been paid on this property are applied to the property as a whole – it is very unique with 3 separate buildings. We aren't necessarily concerned with establishing precedent. I have included information relating to the North Cottage, which is 595 square feet, and a restaurant use, Mimi and Pin. We have provided the numbers here that reflect the existing allowed use compared to the property itself. This is how the town looks at PIFs, parking, etc. this would be consistent (Explained chart). We don't think a consultant is needed as it doesn't generate new employees. We don't believe it's the appropriate interpretation and calculation, we wanted to show that this proposed use change doesn't increase the intensity of employees.

Commissioner Discussion/Questions:

Mr. Swintz: Staff is applying the square footage of the existing to the new calculations? (Mr. Gregory: It's relevant they have already paid parking fees-in-lieu for a change in use. It's nuanced.

The \$200k in fees to release the existing tenants have turned into a significant investment. The magnitude of the strict application of the policy is astronomical). The drawing of the tap house isn't precise, the room is 18 feet wide. Is there really only two tables there? What is the staff? (Chad Washenfelder, Pho Real: Pho Real isn't a full service restaurant. Order at counter. Number is lower. Estimate, but it's really the only space we can add tables. It could seat a max. of 12 more people).

Mr. Giller: How much employee housing do you provide now? (Ed Bello, property owner: None.) (David Axelrod, Highside Brewing: We provide some but it's not required or deed-restricted, first time we are seeing the requirement. For example, my general manager lives with me.) (Chad Washenfelder, Pho Real: I own Breck Taphouse and we have 2 employees living upstairs there and 4 at Gold Camp. They aren't deed restricted but we use them. I have shared employees across all 3 restaurant I own).

Mr. Frechter: Are there tables now? Those would be new? Volume won't increase? (Chad Washenfelder, Pho Real: Yes, heavy on takeout already).

Commissioner Comments:

Mr. Swintz: There are three different buildings on the property, so we have to analyze it as one. My experience is that with a taphouse I don't think there's a staffing amount increase here. For hiring a third party, if we are really only talking about the tap house I don't see a need.

Mr. Giller: Codes based on the metric of square footage. Clearly adding 272 sf in Pho Real and the Tap house at 1465 sf is more commerce, which means more labor, more workforce, more employees. The town has worked hard on employee housing and the requirements. Policy 24 was publically vetted. This property isn't unique, it's small mixed use with three units. Applicant is hiding behind confusion here. You can do the study, but I think the applicant is required to provide housing in compliance with 24R.

Mr. Frechter: We need more definitions and we will be getting these requests every time there is a change of use. The applicant requests that we narrow the use, they should then accept a recorded restrictive covenant that the building is only used as a taproom. If you add space the employee volume changes, more space means more room for guests and more costumers. Change of use from CBD shop to a bar means more employees. With the current CBD shop there's always one employee at any given time. For the third party consultant, I need to know more about the consultant and what data they are basing this on.

Mr. Gerard: Two different things, the Pho Real situation is different than the taproom. The McMenamy house and tap house is truly a new business. I don't find a persuasive argument that they should be lumped with Pho Real. All businesses are different. Even every McDonalds is different. Plugging every business into a model coming from Vail is problematic. I support having an independent analysis. I think you can start big and you have to drill down to what it really is and how many employees it's really generating. For Pho Real, what Chad is running, I agree, I don't think he will get more business with 2 more tables. He gets more people coming in the front and a wasted space now. Calculating these 272 sf added to his existing business of 6 years, a consultant would look at. If it changes it or not. This is a big problem because every business can morph into something else, can be done under the radar. It's complicated and will be hard to track the compliance.

Mr. Leas: The intention of this requirement to get reimbursement is well intended and good. I have an issue with the shakiness of this being based on numbers from Vail. When we put these in place, the Town is inviting litigation because it isn't clear or specific. If they submit payroll we should be able to do an adjustment. I don't think the third party consultant will necessarily be clear or honest.

Mr. Guerra: Based on my experience I can buy into the employee calculations. I am concerned with the morphing and what happens there. I question the validity of an outside consultant. And cost and time. This is a complicated issue, it's not a new building and has had use for many

- years not sure how to move forward. I can buy into the staffing numbers the applicant has proposed. Hiring an outside party isn't the answer.
- Mr. Frechter: Amending comment – the answer is between these estimates. We have too broad of a category for restaurants. A taproom is less than a Blue River Bistro – consultant can maybe do that and maybe we can dig into Vail's numbers. To protect from morphing we need a recorded restrictive covenant.
- Mr. Leas: Any other places that have had these types of studies done? (Ms. Best: Most do a community specific study. Vail Resorts used a consultant.)
- Mr. Swintz: Savings Places is a resource we can use for this.

Ed Bello, Landowner, 215 N Ridge:

For the comments, I understand Mr. Giller and Mr. Swintz. What we are doing here is not asking you to interpret the code differently or any favors. The way I read the code it says that the property if you count the formula and use it for employee count, the threshold if you go above you need to mediate. That is 26.71 per the code. We are saying that three of us came in today to offer information that we think is valid, if we come in and offer valid info, we are exempt from this. If you add the number of employees that David and Chad are saying they will add, they run these restaurants, the numbers are from them. The numbers that we are proposing are lower than the threshold. I don't want anyone to give me anything I don't deserve. If you want us to prove these numbers we will. Anything reasonable we can do about monitoring. We can do monitoring. But it's simple, we give you numbers. I think we meet the threshold. According to the numbers I have to go over 26.71 employees to meet the mitigation. The consultants job would be to verify the numbers.

David Axelrod, Highside Brewing:

One more clarification – tap room license is through the state, the liquor license is a wholesale. This is different than any other license out there. Could be a particular way that would allow you to move forward distinguishing it in the code is by regulating it based on the liquor license type.

- Ms. Delahoz: If we did a community specific staffing analysis I would want to see the data. Vail's numbers are pre pandemic which is really different. We owe it to the community. If we are going to have this code in place, we need factual data to the business owners. If we are asking them to do this, we need to do our due diligence to make sure it works for our community. This is unique. For Pho Real I don't think the space would generate more. I don't know enough of the tap house to know. I know it's a lot less than a regular bar or something with food service. I don't know if it's staff's responsibility to monitor this moving forward. But I don't know if the third party is the right way either. It's a hard challenge. Let's take a poll.
- Mr. Truckey: We should look at how many agree with the applicant analysis and their numbers, and are willing to deviate from the code? How many are comfortable with the deviation based on what the applicant has proposed? Who accepts their numbers? (**Commissioners voted yes, 5 to 2.**)
- Mr. Truckey: Five of you agree with the applicant's conclusions. Given that, I don't see that a third party review is needed.
- Mr. Leas: As a condition we should see payroll. Real simple.
- Mr. LaChance: We do not have an active application yet for the change of use. We are holding this Work Session with the Commission to get the Commission's feedback because the Development Permit for the change of use will be processed at staff level, which is why we need direction from the Commission now related to any Condition of Approval for ongoing monitoring.
- Mr. Gregory: The code says that the applicant can submitted evidence and the Commission can find that this warrants a deviation, the Commission shall allow the deviation as appropriate.

Confusing language. The Commission has found this so the deviation shall be allowed.
Mr. Frechter: Can we vote on voting on staff doing the conditions?
Ms. Puester: At this point, staff can work on coordinating conditions and the monitoring for the actual application.

All commissioners agreed to staff working to drafting conditions that include monitoring to ensure employee numbers do not change. The application will be processed at staff level.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 9:59 pm.

Tanya Delahoz, Chair