

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:33 pm by Chair Leas.

### ROLL CALL

Mike Giller **remote**      Mark Leas      Allen Frechter      Keely Ambrose **remote**  
Ethan Guerra      Elaine Gort      Susan Propper

### APPROVAL OF MINUTES

With no changes, the July 2, 2024 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the July 16, 2024 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- There was no public comment and the comment period was closed.

### CONSENT CALENDAR:

1. Beaver Run Resort Master Sign Plan (CC), 620 Village Rd., PL-2024-0246

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

### WORK SESSIONS:

1. Unit A, 302 S. Main Street Employee Mitigation Relief

Mr. Kulick presented a proposal to provide relief from the employee housing mitigation rates specified by Policy 24 (Absolute) Social Community for a 228 sq. ft. espresso bar at 302 S. Main Street. The following specific questions were asked of the Commission:

1. Based on the draft analysis information provided by the Town, does the Commission support a deviation from the current employee generation table and not require any employee housing mitigation for the proposed espresso bar?
2. Does the Commission have any other feedback for staff or the applicant regarding the proposed changes in use?

### *Commissioner Questions / Comments:*

Mr. Frechter: Will this application come with the condition that they cannot have any seating on the interior? (Mr. Kulick: That is correct. There would not be any seating or any food service. Those would be conditions of approval. On a site visit, staff observed there is not area for table seating on the interior.)

Ms. Gort: This would be going from 10.2 employees per 1000 square foot to 2 employees? (Mr. Kulick: Retail service requirements under the new study go up but a bar without food service goes down to 2.7 employees.) This number is an industry standard of employees? (Mr. Kulick: This number is based on a Breckenridge specific study that surveyed many, over one hundred, businesses in Town and is either an average or median of employees for this type of business found by that study. Other categories went up or down. For example, retail went up.) Would this encourage more grab and go and use of non-reuseable items? (Mr. Kulick: They will still have to pay a higher water PIF rate. This operation is similar to a large vendor cart, where we don't require any employee generation mitigation. The difference being the people waiting are outside versus inside. The goal of employee housing mitigation isn't to encourage or discourage different types of uses but to ensure that different types of businesses are providing the correct housing offset compared to the employees they generate. This is a

less intense type of use than is existing, generating fewer employees, so they do not need to provide any new housing.) Can they take their employee mitigation credit to another location? (Mr. Kulick: No; water PIFs, parking fees, and employee generation run with the land and are not able to be transferred or credited elsewhere.)

Mr. Guerra: Can you remind us what exceptions were given at the Pho Real restaurant and Highside Brewery taproom? (Mr. Kulick: In that case they provided their own information and independent study showing a far fewer number of employees were generated.) The exception that we granted Pho Real and Highside were because they proved to not be generating any additional employees from the existing uses. The taphouse, I believe it ended up that they would have one employee. (Mr. Truckey: I think there was a compromise that they would have 2 employees but it still did not create a need for new employees compared to the previous retail use.)

Ms. Propper: Is it the same owner that owns the current retail use? (Mr. Kulick: No, the space was previously retail and became available for new tenants and that was when the new tenant approached us about the espresso bar business.) Would we require employee mitigation if just the couple that owns the business are the workers? (Mr. Truckey: Yes, we would. We cannot be in the business of monitoring which employees work and when. We take the position that this type of business would generate x number of employees.) (Mr. Kulick: This is an extreme example of a small business, there are so many categories when updating code that it takes time. This is going back to the Council in August for a work session on updating the code. In the meantime, this is a way for them to begin their business based on the new study with an exemption.)

Ms. Ambrose: Where is the proposal for code amendments with the Council? How soon will this be updated? (Mr. Truckey: This will be another work session with the Council in August. There were many questions from Council previously, as several Council had questions about the study's finding, and there will be another work session before they reach the point of adopting a new ordinance. But we do need to move forward with this update to use a nexus study that is relevant and specific to Breckenridge.) (Mr. Kulick: Some of the Council discussion may center around the percentage of employees that should be mitigated rather than the specific category generation rates.)

Mr. Giller: Because we are moving toward adopting new numbers, will these types of requests for exemptions be fewer? (Mr. Truckey: I believe with the amendments there will be some limits placed on any appeal process for relief, but it has not been determined at this time whether that will be available to applicants going forward.) Can you summarize the difference in outdoor versus indoor space size calculations for generation rates? (Mr. Truckey: The study found that if the size of the outdoor space compared to the indoor space is not larger than 25% of indoor floor area, there is little or no change of employee generation. With larger outdoor spaces, the employee generation does increase.)

The work session was opened for public comment. There were no comments and the comment period was closed.

Mr. Frechter: I don't have issues with this proposal, but I could see the introduction of food creep and suddenly they are preparing other food items. That is always the question: how best do you monitor and enforce the provisions?

Ms. Gort: I agree, there is precedent and other cases where we have done this.

Mr. Giller: I concur.

Ms. Ambrose: I agree with allowing the exemption. I like that we are basing this on more accurate numbers even if they are not fully approved at this time. I think that makes more sense

than the current model which does not consider the full range of different business types.

Mr. Guerra: I also agree. I think this is a good example to move forward with a change to the code.

Ms. Propper: I concur.

Mr. Leas: I agree with the proposal. You must consider that this employee at the espresso bar may work at this job in the morning and then go to another establishment and work the afternoon, which also provides employee housing mitigation. I think this a difficult topic and we can't paint with a broad brush. We can't get too concentrated on whether this number is exactly right or wrong, but in the end the employee housing mitigation is accommodated.

**OTHER MATTERS:**

1. Town Council Summary
2. Class D Majors, Q2 2024 (Memo Only)
3. Class C Subdivisions, Q2 2024 (Memo Only)

**ADJOURNMENT:**

The meeting was adjourned at 6:10 pm.

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Mark Leas, Chair