

PLANNING COMMISSION MEETING

The meeting was called to order at 7:02 p.m.

ROLL CALL

Dan Schroder	Michael Bertaux	Jim Lamb
Rodney Allen	Jack Wolfe	Leigh Girvin
Mark Burke		

Dave Pringle was absent

APPROVAL OF MINUTES

With no changes, the minutes of the September 7, 2010 Planning Commission meetings were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker would like to add three items to other matters: Planning Commission Field Trip on Oct. 14th, expiring Planning Commissioners' terms, and a brief discussion of the Joint Meeting with Town Council on Nov. 9th. With these changes, the Agenda for the September 21, 2010 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

- 1) McLaren Residence (MGT) PC#2010051; 474 Gold Run Road
- 2) Hosley Remodel (CK) PC#2010049; 215 Wellington Road
- 3) Breckenridge Pedicabs (CK) PC#2010052

Ms. Girvin moved to call up PC#2010052, Breckenridge Pedicabs. Mr. Schroder seconded it. The motion up was approved unanimously (6-0).

With no other requests for call up, the remainder of the consent calendar was approved as presented. Mr. Burke was excused for the call up discussion.

Commissioner Questions/Comments (Breckenridge Pedicabs):

Mr. Schroder: I would like some clarification regarding the rider distances on page thirty (30), for the Breckenridge Pedicabs. The prohibited zones were discussed with Mr. Neubecker, Mr. Kulick and Mr. Kevin Holmquest (the Applicant). Can I have clarification of the sign code on the cabs for advertising? (Mr. Kulick: They would not allow off-premise signs as advertising.) Mr. Neubecker, can you clarify the difference of this and advertising on sides of the ski area buses? Also, what about the ads inside the bus? (Staff explained that outside of the bus is used for promoting the ski resort, not other businesses. Ads inside the bus are not signs, since they are not seen from outside.)

Final Comments: I see this Pedicab project as a cool venture and great for the Town, but although conditions are unique, I do not want to see mobile advertising in Town, as it does not follow the sign code. I suggest that Council looks at this in a hard way, and see if it will make sense.

Mr. Lamb: I do not see the hardship; however, I think that this would increase the character and 'bike-friendly' aspect of the Town.

Final Comments: I like the idea of this form of transportation in Town.

Mr. Bertaux: What is the hardship (for the variance)? I do not agree that it has been proven. Would we grant this same variance if there were a second pedicab company to come into the picture?

Final Comments: I support the pedicabs, but without advertising variance.

Ms. Girvin: Asked the applicant to discuss his view of 'advertising' on the cabs. (Mr. Holmquest: Presented types of businesses and locations of advertising on the cabs. Explained that in order to run a business such as this, they *need* advertising. They would not reach out to certain advertising, such as Budweiser or medical marijuana, but more relevant advertising to help support local businesses, such as restaurants, retail, or, for example, the Town of Breckenridge. The applicant added that this would qualify as a hardship, not to keep out cost down, but to keep the cost more effective for their customers.) I think that the Grand Timber shuttle is an eyesore. I don't see why this section of the code is worse. (Mr. Neubecker: Read the section of the code describing signage on vehicles

describing the name and type of business.) I believe that a happy-medium would be that the Pedicab would advertise town events instead of other businesses.

Final Comments: Agree that this is a unique project in light of the Sustainability Plan. Is in favor of granting a future variance to approve this opportunity.

Mr. Wolfe: (Ms. Girvin compared this advertisement to local buses already in use in town, for example, Grand Timber Lodge.) Mentioned that there is a fine line between posting, aka ‘advertising’, that your vehicle is a courtesy vehicle for Grand Timber Lodge, vs. advertising timeshares for sale at Grand Timber Lodge.

Final Comments: Encourages this company as a sustainable form of transportation; however, does not see the hardship aspect. Would like staff to take a hard look at this application.

Mr. Allen: Final Comments: I love this business idea and I am in support of the application, but could not support an advertising variance, as it is not allowed in the sign code.

Mr. Bertaux made a motion to approve Breckenridge Pedicabs (CK) PC#2010052 with the presented findings and conditions. Mr. Lamb seconded the motion, and it was approved unanimously (6-0).

WORKSESSIONS:

1) Energy Policy (JP)

Ms. Puester presented. This is the fifth worksession on revising the existing Policy 33R *Energy Conservation*. The policy currently addresses energy conservation and renewable energy with the intent of encouraging renewable and conservation methods beyond those required in the Sustainable Building Code and State Energy Code. While this relative policy has been in place for many years, the actual amount of energy conservation or production of energy have not typically been measurable, making it difficult to determine how much energy is being saved or produced and therefore how many points are warranted. This has resulted in concerns on how points were being assigned and if the points have been equitable. Staff proposes using a HERS (Home Energy Rating System) score. The purpose of using a HERS rating for residential and a similar method for commercial is that they are internationally recognized and universal calculations by certified raters (as established by the Residential Energy Services Network-RESNET). The results are calculated and measurable.

Staff proposed a draft policy with changes based on the Planning Commissioners concerns at the July 9th meeting. Changes to the policy were been shown in strike and bold.

One question that was brought up for clarification was how much energy an outdoor water feature utilizes. There is a broad range of water features and the typical feature circulates 20-30 gallon of water per hour. The amount of energy is dependent on the type of energy source. For instance, there are some solar powered features (although these tend to be small bird bath size features) and some more energy efficient motors. However, these design features appear to be used in warmer climates and are turned off in cooler months. To take these energy conservation methods into consideration, staff has included a statement to reduce the negative point assessment based on the information the applicant provides on the water feature.

Staff would like to get Commissioner comments on the proposed changes to Policy 33R. If the Commission is comfortable with the policy as drafted, staff would like direction to proceed to the Town Council.

Commissioner Questions/Comments:

Mr. Schroder: Agreed that the HERS system is a tangible system to use to measure energy.

Final Comments: Is in favor of this presentation.

Mr. Lamb: Can we control the size of the water feature (hence, the emissions) by limiting the type of motor used? (Ms. Puester: It is possible to define but it limits the future ability to be flexible as the motors advance over time, such as the solar powered motors that are coming out now.)

Mr. Bertaux: What would allow a water feature to run twelve months out of the year, other than glycol, which is not allowed? (Mr. Allen: The motor would have to be running constantly and give off enough heat to keep the water from freezing.) Maybe more negative points should be added to water features.

Final Comments: Believes that HERS should be required for new construction. Just to reiterate his opinion, does not want to give one positive point (+1) just for doing the HERS rating.

Ms. Girvin: Asked about the water feature emissions. Asked if there was a sliding scale for teardowns of existing buildings. (Ms. Puester: Yes, as written it would be zero (0) through negative six (-6)).

Final Comments: Supports the negative points, and feels better knowing that all of the negative points proposed for big energy users are on a sliding scale for the negative points. Believes that some examples of teardowns would help the Commission.

Mr. Wolfe: Suggested that a negative six (-6) points given for teardowns is discouraging to owners of a commercial property that needs to be redeveloped. Suggests that historic commercial buildings should be addressed differently than other commercial property. (Mr. Grosshuesch: The negative points for teardowns are on a sliding scale ranging from negative six (-6) to zero (0). They can be assigned in one point increments like the other policies in the Development Code.) (Mr. Neubecker: Tearing down an entire building and replacing with new materials, wood, siding, concrete and all the energy it takes to make those materials and truck them to Town is the ‘embodied energy’ that you destroy with a teardown.) Likes that there is a zero (0) option given to these negative points, as some people may reach this by attempting to recycle and reuse materials. (Staff agreed.) Has staff looked into other areas using this system of rating and how did it apply or mesh with LEED certification? (Ms. Puester: There have been several field trips and projects that we have looked at. The LEED certifications apply to overall ‘green design’ not specifically to energy conservation, so for our purpose, the HERS rating system is more applicable for our energy conservation policy. The LEED system has a lot of holes when it comes to looking at energy. You can get points for bus stops or low VOC paint rather than energy measures.) Would Gold certified LEED buildings fall into this HERS rating? (Ms. Puester: A builder could get gold or platinum certified LEED building with very little energy efficiency or very much efficiency. It is not exactly the same rating system. In the Sustainable Building Code, however, you can use different rating such as LEED or Green Globes to get points under the building code. This focuses entirely on energy.)

Mr. Allen: How many builders re-use material? What would the average gallon rate be for water features? (Ms. Puester: It may be twenty (20) to thirty (30) gallons, but it greatly depends on the pump valve, the motor, the form of energy used (solar or electric), etc. and could range up to several hundred gallons per minute for a large commercial scale feature.) What about negative points given after a home has been built and they want to add heated driveways and a water feature etc.? (Ms. Puester: This would assess negative points that would have to be made up either through the energy policy or another policy in the code for positive points, landscaping for example.) Receiving a negative five (-5) points on a single family home would be very hard to overcome. Would like to see an example of negative points applied for heated driveways, heated culverts, or heated roofs, etc. (Mr. Neubecker: On some projects we have given negative points for snowmelt, but then positive points for community benefit and safety.) (Mr. Grosshuesch: If it was for safety reasons, the Commission could choose to assign zero points. It would be based on the precedent that would be developed. The first few cases are always more difficult to get through and then it gets easier.)
Final Comments: I am concerned with negative points given to heated driveway aprons, complete tear-downs, and water features. Depends on the energy use (they might not need negative points; we need to address that per feature). Would like to see some examples for numbers on the sliding scale. Would like to see specifics such as amps of the motor for one amount of negative points vs. another amp number for a larger amount of points. (Ms. Puester: This could limit the flexibility of the code and Commission; other policies are done using precedent.)

Mr. Burke: I am concerned with ‘perpetuity’ with the HERS ratings that we are giving. (Staff discussed that they can catch things when permits are applied for and they find things that need to be upgraded to keep the HERS ratings.) (Ms. Puester: This is an optional policy. Plus, if someone’s refrigerator dies 10 years later, it is unlikely that a new fridge would require more energy than the old one did.) I am concerned with non-conforming buildings. How do we address these? Agreed with Mr. Wolfe’s comment that assigning zero (0) points is good if the situation required it. What if the homeowner has asbestos in their materials and can’t recycle them, even if they want to?
Final Comments: I would like the Planning Commission to look at some examples on the specific examples of a sliding scale.

Mr. Allen opened the worksession to public comment.

Ms. Stacy Lindholm, Allen-Guerra & Burns Design-Build: Tony Miller, a local contractor, would be a good reference, as he just tore down a home in the Weisshorn and recycled the materials.

Ms. Suzanne Allen-Guerra, Allen-Guerra & Burns Design-Build: The Canepa-Olson residence had a grey water system approved. Maybe that would be something to look at here, too.

Mr. Allen closed the Energy Policy worksession to public comment and directed staff to bring back examples of the sliding scale.

2) Transition Standards (MM)

Mr. Mosher presented. The Planning Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” on June 11, 2010. As originally drafted, the South Main Transition Area focused on architectural character that was more relevant to commercial properties along Main Street and identified design standards more in line with the Core Commercial Character Area. Staff reviewed the existing character of this Transition Area along with the neighboring South Main Street Residential Character Area to the north.

Based on the surviving historic buildings in the South Main Street Residential Character Area, immediately to the north, Staff believes that development in this Transition Area should reflect a residential character rather than mimic what was seen in the Core Commercial Character Area, similar to the recently built Shops at Historic South Main Street. The Land Use Districts (18-2 and 19) both allow commercial uses, but the character would be residential.

Staff believes that these suggested changes are more in character with the pattern of recent redevelopment in the South Main Street Residential Character Area that abuts this Transition Area than the Core Commercial Character Area. Staff has the following questions:

1. Does the Commission support changing from Core Commercial character to the more traditional residential character?
2. Does the Commission support allowing reduced yards along Main Street?

Staff welcomed any additional Commissioner comments.

Commissioner Questions/Comments:

Mr. Lamb: Is a side yard is applicable as well? (Mr. Mosher: Yes, in reduced sizes along Main Street.)
Final Comments: Support the proposed changes.

Mr. Bertaux: Do the current yards reflect residential character? (Mr. Mosher: Yes.) (Staff explained the front and side yard character standards that were written for 200 block of South Main were based on development after the historic fire at the turn of the century. They are classified commercial, but they look residential. It is suggested to the Commission to emulate that character written for the south 200 block.) Noted the use of the word ‘urban’ in the second sentence under landscaping. Suggest changing this to “complement the architecture” instead.
Final Comments: Support the proposed changes.

Ms. Girvin: The 300 block (of South Main) works well, because there are variations in setbacks between the buildings as you walk down the street. It does not feel clustered or cramped.
Final Comments: Supportive of the proposed modifications.

Mr. Wolfe: Could we achieve this desired yard character with the large amount of density in La Cima Mall, for example? La Cima Mall and Main Street Station are very dense. How do we apply this historical yard character in these areas that are very urban? (Mr. Neubecker: These buildings are legal non-conforming and can maintain the density if destroyed by accident. If the property were scraped to redevelop, then the new density and associated design criteria would come into play.)

Mr. Allen: Look at the Breckenridge Mountain Lodge. They have a higher density. The Lodge might not come into this; but, for example, if they scraped the lot and rebuilt, would we change their density if they decided to redevelop in this character area? Why are the scales of doors and windows not as critical in this area? (Staff: Massing and scale need to be flexible in this transition area. Their general forms and scale are important as described in the overall design standards for the Transition Areas, but details are less important in transition areas.)
Final Comments: Conceptually supports this application, but wants to make sure that we are not taking away anyone’s rights.

TOWN COUNCIL REPORT:

Mr. Burke: Dick Taft from the Village at Breckenridge came, without even being asked to come, to address the brightness of the clock. We were pleased to see him and impressed with his presentation. (Staff quickly explained the lighting issues that were addressed, such as brightness and color of the light. They are looking for ways to reduce brightness.) The Entrada was de-annexed, and was bought at a great foreclosure price; however those owners were developers of storage units. We may see some of that in the short term, especially in the back of the lot, which is already an approved development proposal from the County. The lighting code amendment was approved, essentially as approved by Planning Commission. (Staff mentioned holiday lighting proposal approved to be used in winter only, until end of ski season.) Town Council approved a resolution opposing Amendments 60 and 61 and Proposition 101; Town Council is also looking into a resolution to support the school district ballot proposal. Hidden Gems was not supported as currently existing. Heide Andersen was asked to come to the next meeting to explain it more. (Mr. Bertaux suggested that we tell Congressman Polis to create a specific proposal on Hidden Gems; not one that constantly changes.) I agree that that is how the Council felt as well. Council was not yet ready to support the Hidden Gems until they have more information. Footprint lots ordinance was approved at first reading. (Staff: We were asked to consider specific setbacks outside the Conservation District; will have a second reading soon.)

FINAL HEARINGS:

1) Lot B, Parkway Center (CK) PC#2010037; 503 Airport Road

Mr. Kulick presented a proposal to construct an 8,583 sq. ft. mixed use building. The first level will consist of 4,727 sq. ft. of retail space, 335 sq. ft. of café space and 449 sq. ft. of common space. The second level is designed for 2,629 sq. ft. of office space and 443 sq. ft. of employee housing. The primary exterior materials proposed include vertical wood siding, horizontal wood siding, brick, vertical metal siding, glass, and timber beams with steel plants and fasteners.

Circulation and drainage proposed were approved by CDOT. The applicants willingly agreed for the proposal of a sidewalk and bus station added north of Park Avenue. The transit system, Summit Stage and Town Public Works did not agree. They were concerned that the sidewalk will end and force people to cross at an inappropriate location. They were also concerned with plowing and maintenance, snowplowing, etc. Staff would like to know if the Commission approves this plan without these suggested circulation issues. If not approved, what are your concerns? The applicants are receiving one positive (+1) point for the proposed amount of employing housing.

Mr. Tom Begley, Applicant, thanked the Commission for their previous comments and the Staff report given. As a developer of this site, we like the sidewalk north of Park Avenue because it will allow better pedestrian traffic and front-door access to the bus system. If the Commission has any ideas on helping us achieve this, please do suggest.

Ms. Suzanne Allen-Guerra, Agent, discussed the sidewalk and curb setting. They also, as per Mr. Pringle's suggestion on material choices, selected a 'tumbled and antiqued' brick to make it look more worn and historical. Also, she suggested that the initial measurement of height was off by 12" and noted the corrected height. Tower element is 36', not 35'.

Changes Since the Last Submittal

1. The overall square footage has been reduced from 9,721 sq. ft. to 8,583 square feet.
2. The café's density has been reduced from 908 square feet to 335 square feet.
3. Office density has been reduced from 3,472 square feet to 2,629 square feet.
4. Retail space has been decreased from 4,861 square feet to 4,727 square feet.
5. The roof lines have changed to incorporate gable elements instead of previously proposed wooden truss elements.
6. Minor alterations to the floor plans and exterior elevations.
7. Due to the overall reduction in density, the total number of required parking spaces has been reduced from 31 to 24.
8. The left turn movement off of Park Avenue presented in the previous circulation plan has been removed.

Staff recommends the Planning Commission approve Lot B, Parkway Center, PC#2010037, by supporting the Point Analysis along with the proposed Findings and Conditions.

Commissioner Questions/Comments:

Mr. Schroder: This proposition does not include a future sidewalk. I can see that this argument is valid for this application. We can't ask the applicants to build a sidewalk here if it leads to nowhere.

Final Comments: I am in support of the easement, materials, and future development of sidewalk along the entire lot. As for now, a sidewalk in the new proposed area and landscaping are good.

Mr. Lamb: Final Comments: Supports the project, materials, sidewalk proposed for now and eventually running it the entire length of Park Avenue.

Mr. Bertaux: Asked about wording in the application referring to the CDOT access movement, saying that the applicant 'may...' (Applicant discussed the wording.) Suggested that if we want to have pedestrians stay on the east/south side of Park Avenue, then the zoning is wrong! What happens if they build a sidewalk at least down to the intersection? Does the applicant escrow that money for future use in building the sidewalk? (Staff: This is a safety element. We do not feel that this sidewalk proposal is safe, unless there is an intersection that it leads to.) (Mr. Begley: Can we as the developer legally build the sidewalk, whether it was approved or not?) (Staff replied that it could not be built if it was not in the approved plan.)

Final Comments: Agrees with Mr. Lamb.

Ms. Girvin: Is pretty adamant about seeing a sidewalk on the Park Avenue side. Can Town Council intervene here and demand that Public Works allow this? (Staff: If it gets called up, yes we could do that. This maintenance issue would also involve the Police Department. Other examples of pedestrian flows were discussed.) What would it take to run a sidewalk from this proposed lot clear to the Gold Rush parking lot? (Staff: It is not in the budget.) The sidewalk on this side will need to link the Café to the bike shop. Does it end there? (Mr. Neubecker: Signage could show that the "Sidewalk will end in one hundred (100') feet. Cross here.") Under density and intensity, it looks like this development uses only twenty-five percent (25%) of the SFEs allowed, so will seventy-five percent (75%) of the density fit on the other two (2) lots? (Mr. Begley: These densities are not guaranteed, but for example, other buildings will be larger.)

Final Comments: This is an important gateway to our community, and it looks good. I am okay with ending the sidewalk at the suggested perpendicular access area for now, but would like to keep the future dedications in place to continue the sidewalk in the future.

Mr. Wolfe: Agrees that the Town should build and maintain sidewalks all along the Park Avenue for pedestrians. This is an urbanized area. People will walk here, whether we provide them with a sidewalk or not. Asked staff what their opinion is. (Staff: Building sidewalks here is a safety issue. We want to reduce pedestrian risk.)

Final Comments: Likes the project overall. Supports bringing the sidewalk down to the perpendicular intersection of the interior sidewalk, to support the path of least resistance for pedestrians. Would like to see the bus easement, if that is wanted by the transit system. Long term, I believe that there will eventually be a sidewalk along the entire length of Park Avenue and I support that.

Mr. Allen: Summarized what the applicant suggested, that they take the sidewalk to the intersection of the internal sidewalk next to the parking lot. In reality, people will mostly walk out of the building in this area.

Final Comments: Agrees with Mr. Lamb and Mr. Bertaux.

Mr. Allen opened the hearing to public comment.

Mr. Dave Hartman, Woodwinds Property Management: I was present at the meeting when Commission had this same discussion for the sidewalk and rock wall along Ski Hill Condos near Mountain Thunder Lodge. Pedestrians were not crossing where they were supposed to, and the Town had to come back in and add sidewalk to allow better skier access to parking. Pedestrians will want to take the quickest route to their car. We cannot force them to cross exactly where we want them to, if it is out of their way to get to their car. This is just a brief history and I feel that this is exactly the same situation.

There was no further comment and the hearing was closed.

Mr. Bertaux made a motion to approve the point analysis of positive one (+1) point for Lot B, Parkway Center, PC#2010037, 503 Airport Road. Mr. Schroder seconded, and the motion was carried unanimously (6-0).

Mr. Bertaux made a motion to approve Lot B, Parkway Center, PC#2010037, 503 Airport Road, with the presented findings and conditions (and to end the sidewalk at the end of the internal sidewalk on the east side of the parking lot). Mr. Wolfe seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Planning Commission field trip: Oct 14th to Vail. We will be meeting with other developers, tentatively leaving town hall around 8:00 A.M. We will have lunch somewhere. (Mr. Bertaux suggested Sweet Basil.)

Staff is looking for Hardi-board samples ten (10) years old or older (specifically cementitious siding). We want to further observe how it weathers in regards to making decisions to reconsider Policy 5/Architectural Compatibility. Please keep your eyes peeled.

Mr. Bertaux, Ms. Girvin, Mr. Lamb and Mr. Allen will need to submit a letter for reconsideration of their positions as Commissioners. Their terms end October 31st. (Letters are due Oct. 18th by 5:00 P.M.) Oct 26th will be our interviews with Town Council.

Are there any issues that we need to discuss with the Town Council at the future joint meeting? (The Commission supported meeting with Town Council, if for nothing else than for Town Council bonding. We could discuss our Vail tour. The Commission was sure that other issues would come up.)

ADJOURNMENT:

The meeting was adjourned at 9:52 p.m.

Rodney Allen, Chair