

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 p.m.

ROLL CALL

Jack Wolfe	Trip Butler	Kate Christopher
Gretchen Dudney	Dave Pringle	Rodney Allen
Mark Burke (Town Council)		
Dan Schroder was absent.		

APPROVAL OF MINUTES

With no changes, the January 4, 2010, Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the January 18, 2011 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

1. Powder Ridge Exterior Remodel (JP) PC#2010071, 550 South French Street

With no requests for call up, the Consent Calendar was approved as presented.

WORKSESSIONS:

1. Policy 5 (Relative) Architectural Compatibility (CN)

Mr. Neubecker presented. The Town Council recently directed the staff to research the existing policy on the use of non-natural materials such as fiber cement siding outside the Conservation District.

The use of non-natural materials is currently discouraged in the Breckenridge Development Code through the assignment of negative points for projects outside the Conservation District, when the total of one elevation exceeds 25%. Fiber-cement siding can be designed to look like wood products, and the manufacturers claim that they last much longer, contain some recycled content, and are much more fire resistant. As a result, many architects, developers and property owners prefer to use these products, rather than cedar or other natural wood products.

During the meeting on November 16, 2010 the Commission supported removal or reduction in negative points. Some Commissioners comments included:

- Fiber-cement siding OK if it “looks like wood”.
- OK only if there is other natural material on the structure, such as wood trim, or a natural stone base.
- Assign negative points only when fiber-cement siding (and other non-natural material) exceed 50% per elevation (rather than only 25%). Consider reducing the amount of negative points.

This proposed language would still allow the assignment of negative points for fiber-cement siding that does not have a wood grain texture. It would also allow for negative points if there are no natural materials on the exterior of the structure. Does the Commission support this approach? If not, what changes are needed to gain your support?

At this point, we are looking to gain consensus on the approach so that we can put the new policy into ordinance form. The staff memo proposes one solution on how to accomplish this. Staff suggests adding the language to the existing policy:

“Fiber-cement siding may exceed 25% per elevation without the assignment of negative points if the fiber-cement simulates wood, and if there are other natural materials on the structure (such as

wood trim or accents, or natural stone base, as examples).”

Mr. Wolfe opened the worksession to public comment.

Mr. Steven Wesley, Resident: I am concerned about fire safety and I feel that the use of more fire retardant siding should be considered.

Ms. Elizabeth Wesley, Resident: There are a lot of painted wood sidings and not stained wood and this doesn't fit into the criteria that the siding is supposed to look like wood.

There was no further public comment and the worksession was closed.

Stained product is more transparent than actually a “painted” façade. Per Development Code, Exterior building materials should not contrast with natural background; stone, wood etc. is preferred because it matches our indigenous environment. The character of buildings in historic district is a painted character. Cement siding fits in with that character. (Mr. Neubecker passed around samples of both products.)

Mr. Grosshuesch: The code gives good guidance. (Ms. Dudney and Mr. Burke agreed.) Different colors do add some interest to the neighborhood, and the Baker Residence in Sunbeam Estates is an example of a familiar home that does just this. (Mr. Pringle: Hue and chroma should be regulated and claims that we need to hold the line on the colors.) To avoid the South Florida color palate we would need to add negative points. (Mr. Pringle: If we limit the hue and chroma level, they can pick whatever color they want.) (Mr. Neubecker: How do we apply this in this particular material? Can we write the language to get the character we want and to reduce negative points?) Land use guidelines are referring to materials not colors. (Mr. Wolfe: Do we have a lot of exceptions?) Warriors Mark. (Mr. Neubecker: Wildwood Lodge by Snowflake lift.) (Mr. Wolfe: Warrior's Mark was annexed in.) (Mr. Neubecker: It is related to where the project is located. In the valley floor, there is more flexibility (e.g., Main St. Station, Parkway Center). (Mr. Pringle: For colors, if we are going to allow solid body stains, how do we regulate it? I fear pastel colors will be used and not mountain rustic.) (Ms. Dudney: These colors would not fit into environment so negative points would incur.) (Mr. Pringle: I did some research; Certain Teed comes as these samples look. Hardiboard is painted outside factory and the paint is not guaranteed by Hardiboard.)

Commissioner Questions / Comments:

Ms. Christopher: Texture is most important, safety is also important and durability is a plus as well. I support it. Yes, there should be a limit for the conservation district. We should use the product for financial benefits as well. Regarding negative points, I am not sure exactly what percentage, maybe 25% other siding products, should be required to avoid having a suburban style look. We need to use materials that maintain the longevity of building.

Mr. Wolfe: Alternatives look like wood or stain vs. paint; it is two separate questions. I would like Staff to address “where is it written, what does the code say about rustic mountain look?” (Mr. Neubecker read from the Development Code and Land Use Guidelines.) Should we have a limitation on the amount of cementitious product on one particular building? I view the cementitious products the same as wood and so whatever limitations we have on wood, we should have equally on cementitious products.

Mr. Pringle: We have tried very hard to maintain a rustic look to our buildings in the conservation district. What has happened over time is that the stains have become a slippery slope with pale lemons, blues etc. not looking like natural, rustic architecture. I prefer to maintain the mountain rustic look even with cement board. I am not convinced that we can re-stain and maintain that look we are trying to achieve. Nothing is maintenance free; the sun has a very detrimental effect. This is a misnomer to think that they cementitious board is “maintenance free”. It seems that inside conservation district the Town wanted a certain look, while outside core of town there is a more

natural rustic look. What happened over time is that other things have come in. We should treat it as stucco: 25% on any one elevation, after that negative points. I fear that character of the Town could be changed. Natural materials should be encouraged. Is Valley Brook all non-natural materials? (Ms. Puester: Yes.) I think these unnatural materials will become an eyesore. I don't want to weaken our architectural character. All elements of mountain rustic architecture-solid body stain leave too many colors to be used.

Ms. Dudney: I agree with Mr. Allen, no negative points, unlimited usage, up to 100%. Reason is to provide greater flexibility and choice for residents and for fire safety and freedom of individual to make a decision. This language will allow diversity. Is against outlawing solid body paints, as that is not enforceable. The code is fine the way it is. There needs to be a mix where the cementitious product is. Is the code the basis for determining colors and hues?

Mr. Butler: I support the use of cementitious product, and 75% is acceptable.

Mr. Allen: Wellington Neighborhood and Vista Point are outside the district and it (fiber-cement siding) is acceptable. It should be addressed in land use guidelines. (Mr. Neubecker responded that natural finishing materials should match natural environment.) I support unlimited use of cementitious siding as long as there is use other of natural products to break that up, such as rock, wood trim, stone base, etc. No negative points should be issued. Color discussion is another story. If it's not broke don't fix it. The current code addresses this and it is fine the way it is. I am okay with both solid body and transparent. We don't need to mention a number in the code; there is no need to refer to 25%.

Mr. Burke: Why would we not want to consider even within the historic and conservation district? (Mr. Neubecker: We do allow it. The character of buildings in historic district is a painted character. Cement siding fits in with the character, because when it is painted it looks like painted wood. Allowed only on non-historic buildings. The CertainTeed stained product does not match that character.) I live in Vista Point and find the colors in Vista Point more naturally blending than the Wellington Neighborhood. Solid bodied stain lasts much longer than paint. We need to manage realistically. I support this; it will improve the look of the neighborhoods. Times change and the materials wear very well over time. I agree with Ms. Dudney and Mr. Allen. People should be able to exceed 25% as long as there are some natural materials used. Color is not so important but excessive dissimilarity is the most important. Feels that this product maintains the character. Whatever is in code now is working with the colors. (Mr. Grosshuesch: Excessively dissimilar is not advisable; it will change the character of the neighborhoods. We may need to spend some time with the Town Attorney to make these changes.) (Ms. Christopher: Questioned solid body vs. stains.) Technology has advanced so much that there is virtually no difference between solid body vs. stains.

Mr. Neubecker took a straw poll on solid body stain vs. transparent stain look outside the conservation district:

Ms. Dudney: Either.

Mr. Burke: Either.

Mr. Allen: Keep code as is. OK with both.

Mr. Butler: Agree with Mr. Allen.

Ms. Christopher: Maintain character with efficient materials.

Mr. Wolfe: Agree with Ms. Christopher.

Mr. Neubecker asked about the proposed modified code language.

Ms. Dudney: Like language proposed by Staff.

Mr. Allen: Like Staff proposal.

Ms. Christopher: At least 25% of materials should be stone or wood trim.

Mr. Pringle: Keep code as currently written.

Mr. Burke: Agree with Ms. Dudney and Mr. Allen.

Mr. Wolfe: View cement siding the same as wood. It should have a good grain. If we require wood, it does not address the safety issue.

The Commission generally agreed that the fiber cement siding should have a wood grain, and that some natural materials should be required on each elevation of a building.

2. Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments (CN)

Mr. Neubecker presented. The current Development Code policy on Fences, Privacy Gates and Gateway Entrance Monuments came into the spotlight after review of the Shock Hill Lodge permit renewal, which included fences around the pool and spas, as well as near the gondola for public safety. The Commission and Council expressed some concern with the required fence designs, in particular the requirement for chain link fencing. In turn, staff has proposed some changes to this policy, including the language about fences near pools and other outdoor recreation areas. Staff has also taken this opportunity to propose other revisions Staff believes are warranted. Following is a summary of some of the proposed changes to the fence policy:

- Fences at outdoor recreation areas, including pools and spas, could be constructed of steel, aluminum or wood, in addition to chain link.
- Fencing would be allowed at parking lots to protect pedestrians and designate drive aisles. (For example, the split rail fence at the north end of the South Gondola Lot, near the Skier Drop-off Parking.)
- Where fences are required by law, the Planning Commission may approve a fence that does not meet the Handbook of Design Standards.
- Privacy fences within fifty (50) feet of a right-of-way would be allowed. (They are currently prohibited).

Staff also believes that fences around self-storage facilities should be discussed. Staff suggests that attractive fencing, such as black steel or wrought iron-looking, be used in the highly visible areas of the self-storage, but to allow less expensive fencing in the areas hidden from public view (i.e. at the rear of the lot).

Staff presented a draft of the revisions proposed, welcomed input from the Commission of the direction Staff is headed with this policy, and asked if any changes are needed.

Commissioner Questions / Comments:

Ms. Christopher: Is Gold Camp considered residential? I am concerned that gateway arches would line Four O’Clock Road. Residential gate use is the concern, all else is not an issue. Wording is good for material purposes; my concern is “exclusivity”.

Mr. Wolfe: Is the split rail fence along gondola parking lot architecturally compatible? (Mr. Neubecker: It is not in the conservation district. There are not many buildings nearby to compare to. It’s the same as fences across Watson near the bus drop off.)

Mr. Pringle: Ambivalent about height of fences; make it reasonable. If someone wants to get over it, he’ll find a way regardless of how high it is. We’re trying to avoid the look of a residential gated community. There is an issue with trespassing, cutting trails across properties (especially in the Weisshorn). We don’t want unmitigated trespassing. Police want to fence it off or put up “no trespassing” signs. Since trees have come down, trespassing has become a serious problem. Is there a difference between a gated entry and a gate for your parking lot? (Mr. Neubecker: No, not the way the code is now written.) Outside conservation area, there may be a difference of opinion.

Ms. Dudney: Permitted fences are grandfathered? Are there insurance ramifications for swimming pools? Let’s make sure we are adhering to insurance regulations for swimming pools. Self storage warehouses; is 6 feet enough for security around self storage warehouses?

Mr. Allen: Condo-hotels and hotels would be acceptable to have arches/gateway monuments.

Mr. Burke: Needed clarification: Is steel considered wrought iron? (Mr. Neubecker: Yes, and other steel too.) I think the Town should be held to same standards that we hold builders to. Remove #11 exempting the Town. According to our Mayor, intent of prohibiting archways and privacy gates were for residential uses; he didn’t mean to eliminate their use. In the general statement (of the policy), it doesn’t clarify the intent. Let’s state that intent in the General Statement. Has no issue with the bold print proposed by staff. Suggests that that fence should come down at Gondola parking lot. Number 5, ball fields, tennis courts, etc. are different than swimming pools; doesn’t like chain link fences at swimming pools. (Ms. Christopher: Let’s strike out the words “chain link fence”.) (Mr. Neubecker: Proposed a solution involving new section for swimming pools and ski lifts.) On page 3, question on number 13, for storage units and chain link fences. Should

state that chain link fences are prohibited. Period. Not allowed at the back of a property. (Mr. Pringle: Where it is appropriate it is okay.) (Mr. Neubecker: “Appropriate” is a nebulous term. Just make it prohibited.) Question on height for Corkscrew Subdivision entry monuments; is 8 feet appropriate? Is it too restrictive?

Mr. Wolfe opened the worksession to public comment.

Ms. Carla Orlandi, Resident of the Conservation District: What about a decorative fence? (Mr. Neubecker: There is another set of rules within the conservation district where you are located that addresses this. Tonight we are talking about areas outside the conservation district.)

There was no more public comment and the worksession was closed.

3. Mobile Vendor Carts (CN)

Mr. Neubecker presented. On November 16, 2010 the Planning Commission discussed the use of temporary vendor carts for the selling for food and beverages. These carts are currently allowed in town per Policy 36 (Absolute) when they meet certain criteria. Staff also discussed vendor trucks, which have been recently proposed but are not addressed in the Town’s current codes. At the time, the Commission generally did not support the use of vendor trucks. Staff has also since heard opposition to vendor trucks from the Town Council.

Possible changes are needed to the Town’s current policy on temporary vendor carts. (At this time, no changes are proposed to transient vendor carts, which are part of a special event, and usually in town for only a few days.) Some of the main concerns on the use of temporary vendor carts include the aesthetics, location, size, form, use of density and tap fees (water and sewer), and parking requirements. By definition, these vendor carts are temporary, as they are permitted for a maximum of three years. Since they are temporary, questions arise as to the level of investment that should be required.

Staff welcomed Commission input on the questions in the memo, wanting to come to some type of consensus on these issues, so that we can move forward with ordinance language and eventually to the Town Council.

Commissioner Questions / Comments:

Ms. Christopher: Is Crepes a la Carte hooked up to water? (Mr. Neubecker: Yes, they do have a sink.) (Mr. Burke: They rent space for a commissary kitchen to prep food.) (Mr. Neubecker: They have been there for a long time. Not sure how it was permitted.)

Mr. Wolfe: We have two classifications of carts and we need more classifications; for example: are sanitation standards for a hot dog cart the same as for a bigger operation? (Mr. Burke: You are required to have clean water to clean utensils and hands etc.) Shouldn’t we treat these cart sizes differently? If we become too fixed as a community, it will date us and we won’t be as popular as we are. The issue is the more permanent the carts become, we won’t be able to control the carnival feel about them (e.g. lighting, neon signs, etc.). How to address the equity question? Is it fair for the carts to have to pay for the parking, water etc.? I fear that once we require those fees we will run the carts out of town.

Mr. Pringle: Crepes a la Cart has morphed over time and snuck in some aspects of permanency and not sure if that is what we want to see. What we are going to be seeing is a whole different breed of vendor carts, big trailers like Stella’s Hungry Horse, bigger than the carts that we envisioned originally. I do think that the bigger the carts get, the more they need to compete on the same playing field as the sit down restaurants.

Ms. Dudney: The distinction could be whether or not someone is inside the cart. (Ms. Christopher: And whether it is moveable.) I think it should count for density, if they operate from inside the cart. (Mr. Wolfe: The difference between Jerky Wagon vs. Crepes a la Carte is permanence; the Jerky cart disappears after the day is over. Do we or don’t we want this to add to the ambiance of the town?) Yes, I think we should have them but not on public property. Private property only. It is youthful, vibrant and offers new things and doesn’t compete with sit down restaurants. Are water tap fees paid when original tenants occupy building? Do new tenants have to pay a new tap fee?

(Mr. Neubecker: No, tap fees run with the land not the business. New tenant would not have to pay, if all fees were previously paid.)

Mr. Butler: Smaller carts could provide animation but has concern for bigger carts such as Hungry Horse.

Mr. Allen: The smaller mobile carts do provide animation for the Town, but big permanent ones are competition for restaurants and could become tacky. I am in favor of small push cart vendor carts only, and if big ones come in they should be considered for density etc., like a restaurant.

Mr. Burke: If big carts are using water systems and they seem permanent, they need to provide monetary benefit to our community including water tap fees like a restaurant. Jerky stand is a totally different animal, and they need to be considered. Can we restrict what they sell? (Mr. Neubecker: Yes, it has to be ready for consumption.) I am in support of vendor carts, great animation. They do compete with restaurants; they sell food so they take away business from restaurants. When a restaurant is paying tap fees and rent, three years is not temporary. If restaurants were told they could pay their tap fees over 3-5 years and close within a year, then we lose that money. We are lucky to have a ski resort that brings people here; our restaurants do not bring people to Breck. In general, I support vendor carts. I know Crepes a la Carte did not pay tap fees when they were using the kitchen at Burke and Riley's space (previous tenant) as a commissary. We need to make decisions for the long term. Carts are competition to certain kinds of restaurants (i.e. Subway, Giampietro's, etc., are cheaper eateries targeting the same snack seeking kids.)

Mr. Wolfe opened the worksession to public Comment:

Mr. Jack Galili, Local Retail Owner: It is a cheap alternative for kids to get a snack rather than go to a sit down meal at a restaurant. It is a different market. You can't have trailer and cart without a kitchen (commissary). You still have to go through state health department.

Ms. Carla Orlandi, Resident: I am interested in the cart that Jack Galili has a permit for. My cart is not as transportable, and my kitchen is a kiosk. Now I have a trailer and want to make it more comfortable. I don't want a lot of carts and feel that it does infringe on my (permanent) business.

There was no more public comment and the worksession was closed.

Mr. Neubecker asked the Commission to comment on whether the carts should count as density?

Mr. Allen: The next Crepes a la Carte, yes, Jerky stand, no, because it is mobile and it moves every night.

Ms. Dudney: If someone is standing in the cart it should count as density and the tap fees can be amortized over many years. Landlord is buying value by paying tap fees.

Mr. Butler: If they are staying overnight, they should pay tap fees. If you move every day, it is temporary.

Mr. Pringle: Move in move out carts shouldn't pay density, but bigger carts should; they are a restaurant on wheels.

Mr. Burke: Amazing Grace coffee shop switched usage when they added seating. We should look at usage. We need to have clarification on what kind of vendor cart it is.

Mr. Wolfe: Let's look and see what other mountain communities are doing with carts and density. (Mr. Neubecker: We just completed a little chart that has that info, but none counted them as density or charged them water tap fees.)

Mr. Neubecker asked the Commission about a Beaver Tails or Crepes a la Carte.

Ms. Christopher: It is permanent, someone is inside the cart and they utilize our resources and should contribute to the community.

Mr. Butler: Yes, they should pay tap fees.

Mr. Allen: Agree.

Mr. Wolfe: Agree with Ms. Christopher.

Ms. Dudney: Agree as well.

Mr. Neubecker: Should we make them adhere to historic district standards? The consensus among the commission was no; it would be too difficult.

Mr. Allen: There should be some standards for the long term carts i.e. Crepes a la Carte.

Mr. Neubecker: What about size limits, should there be an increase over the 100 sq. ft.?

Ms. Dudney: Keep it at 100 sq. ft. maximum.

Mr. Allen: As small as possible would be best.

Mr. Pringle: Leave it at 100 sq. ft.

Mr. Neubecker: What about removing the word “booth” from cart terminology? Booths are for art fairs or Ullr fests; wagon cart, trailers.

Ms. Christopher: Times are changing. Food vehicles and trailer applications will be on the increase. We need to clarify the regulations. (Mr. Neubecker: It is hard for the town to police the trailers or food vehicles.) We should include wording that reinforces the classification of a temporary cart.

Ms. Dudney: Construction site food trucks should be allowed because they are a good service to the workers.

The Commission agreed the cart permit duration should be reduced from 3 years to 1 year. (Mr. Neubecker: A Class D license is \$50 for 2011.)

Mr. Neubecker: Should a cart be allowed in front of an historic building?

Ms. Dudney: Cart shouldn't be in front of either façade if the building is on a corner.

Mr. Pringle: The location of the cart should not impact historic structure as viewed from the street.

Mr. Burke: Since it doesn't count as density, couldn't we just have a cart pull up in front of an owner's house and offer to pay them rent, does this affect density?

No consensus for now on the question of locating in front of an historic building.

TOWN COUNCIL REPORT:

Mr. Burke: Some issues discussed by Town Council were: Home growing of marijuana; Properties to be annexed into town (Xcel Substation and former Contino property on Beaver Drive) (both are enclaves); Special permit for fire barrels at snow sculpture was approved. Mayor Warner discussed ordinance banning plastic bags. We need to engage retailers in that discussion. Adopt State Ordinance of no smoking in front of restaurants.

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 10:30pm.

Jack Wolfe, Temporary Chair