

PLANNING COMMISSION MEETING

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

ROLL CALL

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

APPROVAL OF MINUTES

Ms. Dudney (page 2 of the minutes): Please change “insurance companies may be an concern” to “insurance companies red-lining zip codes and not providing fire insurance based solely on zip code (brought up by Captain Kim Scott) may be a concern”.

Mr. Burke (page 3 of the minutes) under Town Council Report: Please change “There was a moratorium” to “There was a first reading that initiated a moratorium”.

Mr. Burke (page 3 of the minutes) under Town Council Report: I need correction from Mr. Wolfe; it sounds like Mr. Wolfe is against fiber cement siding by allowing non-grain fiber cement. Did he say Council reduced the standards by allowing non-grain? Please change “fiber cement siding” to “fiber cement siding without wood grain”.

Mr. Schroder (page 6 of the minutes): Please change my initial final comments to read “I disagree that the link as presented meets the absolute. The link may not meet the absolute regardless of its abutment to the Gold Pan.” Also separate the comment about ice into its’ own sentence: “I have concern with the problems with ice.”

With the noted changes, the February 15, 2011, Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the March 1, 2011 Planning Commission meeting was approved unanimously (7-0).

CONSENT CALENDAR:

1. Hester Residence (MGT) PC#2011004, 432 Golden Age Drive

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

WORKSESSIONS:

1. Fence Policy (CN)

Mr. Neubecker presented. The Town Council expressed concern with the current Development Code policy on Fences, Privacy Gates and Gateway Entrance Monuments, (based on concerns at the Shock Hill Lodge project) and directed the Staff to modify the policy. The concern included the required fence material for swimming pools and hot tubs, plus the use of archways over driveways. Staff proposes several changes to this policy, including removing the language about chain link fencing near pools and other outdoor recreation areas. Staff has also taken this opportunity to propose other revisions they believe are warranted, and based on input from the Planning Commission on January 18, 2011. Following is a summary of some of the proposed changes to the fence policy:

- Fences at swimming pools and spas could be constructed of steel, aluminum or wood. Chain link fencing would be prohibited in these areas.
- Chain link fencing would still be allowed at ball fields and tennis courts.
- Fencing would be allowed at parking lots to protect pedestrians and designate drive aisles. (For example: The split rail fence in the South Gondola Lot, near the skier drop-off.)
- Where fences are required by law, the Planning Commission may approve a fence that does not meet the Handbook of Design Standards for the Historic and Conservation District.
- Privacy fences around hot tubs within fifty (50) feet of a right-of-way would be allowed. (They are currently prohibited).

- Fencing would be allowed around utility equipment.
- Fences around self-storage warehouses would also be allowed, up to six (6) feet tall.

There was also a question about the height of various subdivision entry monuments in town. The entry monument at the Corkscrew Subdivision is nine (9) feet tall. The Sunbeam Estates entry monument is 6'-6" tall. Staff presented a draft of the revisions proposed. Staff believes that with these changes this policy is ready to go to the Town Council for their review. Staff welcomed input from the Commission on the direction for this policy, and if any changes are needed.

Commissioner Questions / Comments:

- Ms. Dudley: Why does the Town need to distinguish in the code if someone can't tell the difference from plastic or wood? (Mr. Neubecker: Materials and details in the Conservation District are more important. I would rather not see replacement materials where people can walk up to and touch a fence, where it's pedestrian character.) I don't know if these issues are not already addressed. Don't like to see paneled Plexiglas fences as they don't look good for very long.
- Mr. Schroder: Mr. Pringle, are you suggesting a specific type of plastic fencing? We don't want our Town to look plastic. Would the rear deck railing at Bubba Gumps Plexiglas fence be allowed? (Mr. Neubecker: It's not really a fence; it's a deck railing.) On item 9, are you referencing the total length or each side of a hot tub privacy wall? (Mr. Neubecker: The entire length.)
- Ms. Christopher: Perhaps address the fences that unduly contrast with the background? (Mr. Neubecker: This is already in the policy.)
- Mr. Wolfe: Mr. Pringle, are you differentiating between inside the Historic District and outside the District? There is a certain amount of authenticity to the Historic District we should preserve. We don't want to ruin this. Section J (a) is a bit confusing. "One monument is allowed on either side of the road..." (Mr. Neubecker: We could change that to state "one monument is allowed on each side of the road...")
- Mr. Pringle: There may be an issue depending on the use, the fence is specific. This can get a little fuzzy. Either prohibit material in any use or allow in any use. Maybe negative points would allow some flexibility. Are we familiar with all the fencing materials in the market today? Perhaps we could allow some plastic products if we review them carefully. (Mr. Neubecker: The Council wanted this policy to be an absolute. If we use language such as "discouraged" then we would need a Relative policy.) What about the orange plastic fencing at the ski area? (Mr. Neubecker: These are likely outside the Town limits...) If you add "prohibited" we may face problems later. (Mr. Neubecker: Perhaps for safety reasons, this type of fence may be allowed. We can add safety fences on ski runs.) Depending on what use you have, one material may be appropriate and another use may have another material. If we look at the design standards you can only have a 20' x 20' area for your kid or dog. Why so small? (Mr. Grosshuesch: The Council gave these directions to limit dog runs and fenced in areas.)
- Mr. Allen: It may be approached like the cementitious siding – address what it looks like not what it is made of. (Mr. Neubecker: The code allows some exceptions that may allow these suggestions to work. Perhaps we need to move it to another portion of the policy.) Does the Commission support adding a description that the product should look like wood? (The Commission generally concurred.) What about distinguishing from inside or outside the historic district? (Mr. Neubecker: The Conservation District is much more up close and detailed. This will be a concern.) If an application came in a residential area outside the Conservation District with a plastic fence would this work? (Mr. Neubecker: Yes, if indistinguishable from wood.) I have a question about swimming pool fencing – the Marriott has a Plexiglas fence around their pool. Is that allowed?
- Mr. Burke: This came about from the Shock Hill Lodge application? (Mr. Neubecker explained the background.) Technology and products will always be changing. Bottom line, I would rather not see PVC or plastic fences at all. Don't put any exception in the policy. Safety and plastic are two different topics for materials. On page 23 – the first sentence bolded in section "B" – and item "3" seem to say the same thing.
- Mr. Grosshuesch: Wouldn't a Plexiglas fence be more of a wind-screen? (Mr. Neubecker: Perhaps we can apply

this detail to the policy.)

With minor changes proposed (Historic District concerns and safety fencing) by the Commission, the policy was approved as presented.

2. Air Quality Policy (CN)

Mr. Neubecker presented. The Town's current Development Code policy on air quality places limits the number of wood burning appliances based on land use type, as follows:

Single Family Residential:	1 per unit, with zero allowed in accessory apartments
Duplex and Townhouse:	1 per unit provided that internal space (density) is at least 1,500 square feet
Multi-Unit Residential:	1 per floor in common area or lobby; zero allowed in individual units
Restaurant or Bar:	1 per restaurant or bar or restaurant/bar combined

All new wood burning appliances in residential units are required to meet or exceed EPA Phase II emission standards. Also, gas-burning fireplaces and stoves are allowed. Wood burning cooking appliances are prohibited, except one wood burning cooking appliance is allowed in a restaurant or bar (and negative two (-2) points are assigned for wood burning cooking appliances in a restaurant/bar).

Staff proposes to change the policy on the installation of wood burning fireplaces and stoves to allow existing fireplaces and wood burning stoves to be replaced with new EPA Phase II appliances, even if a fireplace or wood stove would not be allowed for new construction. Staff believes that allowing old, inefficient fireplaces and stoves to be replaced with cleaner burning EPA Phase II fireplaces and stoves will encourage owners of older appliances to upgrade. Otherwise, many of these old wood burning appliances will remain. Owners can already change to gas burning inserts, but in many cases gas is not available in the building, and it is unlikely that owners will voluntarily remove their wood burning fireplace.

Staff will also research wood burning cooking appliances (such as pizza ovens) to see if they have improved since this policy was first adopted, and make recommendations if any changes are warranted to the current policy.

Commissioner Questions / Comments:

Ms. Christopher: Responding to Mr. Burke's comment about wood burning and gas environmental impacts, we are micro managing this – it's hard to define. We need further study for the impacts. I can check with some fellow graduate students and maybe get some research. Having a wood pile at a multi-family project would become an issue too.

Mr. Pringle: The smoke and the air are issues to the neighbors too.

Mr. Allen: Has the Council requested this change? (Mr. Neubecker: No comment from the Council. Initial direction came from my research to change out my old wood-burning fireplace in my condominium to a new EPA phase 2. The code does not allow this today.) (Commission supports the concept.) We need more detail on the overall impacts of each option. (Mr. Neubecker: Air quality was the initial issue when the code was originally written.) The Commission supported allowing a retro-fit to EPA Phase 2 for applicants in multi-family buildings. Planning Commission supports going forward with the proposed changes as presented.

Ms. Dudney: It will be hard to get a 'black and white' answer (on the impact of gas vs. wood-burning) for what you are studying. Perhaps new products can save people money. There is a conflict between all the dead lodgepole pines and the Town policy on no wood-burning appliances, this warrants looking at.

Mr. Burke: When I read this I questioned whether a gas fireplace is truly better for the environment. Gas fireplaces may be just as bad. I run my two fireplaces all the time. If it were wood burning, wouldn't go as long. Why are negative points assigned for a wood burning appliance in a restaurant? (Mr. Neubecker: The code was written long ago to address air quality, not as a sustainability issue. Wood pizza ovens in restaurants would run all day, every day.)

Mr. Truckey: We have no plans to research this pizza oven issue immediately.

TOWN COUNCIL REPORT:

Mr. Burke: Columbia Lode Development Agreement has been processed. Moratorium on vendor carts was approved. New rules about Pedi-cabs adopted. We discussed Marijuana Dispensary issues about a business moving but not having to shut down as a result of the Moratorium. Some did not want any dispensary business on Main Street, due to concerns about smell and traffic. BOEC bill to sell property.

FINAL HEARINGS:

1. Columbia Lode Master Plan (MM) PC#2010017, 400 North Main Street (*Continued to a future meeting.*)
Mr. Allen mentioned that this item will not be discussed tonight, but would be heard at a later date. He noted that there was no one from the general public in the audience for this item.

OTHER MATTERS:

1. Public Process Plan for Transition Standards Adoption (MM)
Mr. Mosher presented. Over the past year, Planning Staff presented detailed individual reviews of the un-adopted “Handbook of Design Standards for the Transition Areas of the Conservation District”. The goal is to formally adopt these standards in the coming months.

Similar to the adopted “Handbook of Design Standards for the Historic and Conservation Districts”, there are seven separate Character Areas or “Transitions Areas”. These are:

- #8 - River Park Corridor Transition Area
- #9 - North Main Transition Area
- #10 - Briar Rose Transition Area
- #11 - North End Residential Transition Area
- #12 - East Side Residential Transition Area
- #13 - South End Residential Transition Area
- #14 - South Main Transition Area

- Staff has already completed the detailed reviews of the Introduction / Overview portion and each Character / Transition Area.
- For the next step, Staff proposes to re-assemble the complete handbook with the modifications and corrections. Staff will also generate an overall summary of the most notable changes that occurred during the review process of the last year. This will then be presented to the Commission during a worksession for review.
- Next, Staff will begin the public process. The public will be notified via individual letters to all property owners within all of the Transition Areas, an advertisement in the local newspapers, and a posting on the Town’s website. Staff also recommends an “Open House” for an opportunity for the public to meet with Staff to review the Transition Standards and the possible impacts to the properties within the boundary. Staff will have maps of each Transition Area and the associated design criteria to share with concerned property owners.
- Comments will be taken from the open house, letters, and emails.
- Any substantial changes or concerns will be presented to the Planning Commission.
- Staff will then begin the formal process of adoption of the “Handbook of Design Standards for the Transition Areas of the Conservation District with the Town Council.

Staff welcomed any additional comments.

Commissioner Questions / Comments:

Mr. Schroder: Do you expect that we would review it in one night before going to Council? (Mr. Mosher: Yes. We would review with Planning Commission, then the public, before going to Council.)

2. Ordinance Updates (CN) (Memo Only)

Mr. Neubecker presented a memo outlining several Town Ordinances currently being updated that may be of interest to the Planning Commission, including:

- Medical Marijuana Dispensary Change of Location
- Vendor Carts
- Fiber Cement Siding

- Basement Density under Historic Commercial Buildings

Commissioner Questions / Comments:

Mr. Wolfe: Under the historic building, if the property currently has unused density, would they have to use this first? If so, what would be the incentive? (Mr. Neubecker: Most are built-out, so the incentive is there. But no, they would not need to use up existing unused density.)

3. Annexation Updates (CN)

Mr. Neubecker presented. Staff has been working on a variety of annexations over the past few months. No action is required by the Planning Commission. Annexations in the works or recently approved include 0112 Beaver Drive, Xcel Substation on Wellington Road, Woods Manor and Allaire Timbers, Ski Hill Road / County Road 3, and the MBJ Property near Peak 7 base.

Commissioner Questions / Comments:

Mr. Pringle: Are most of these annexations driven by Town or applicants? (Mr. Neubecker: Most by the Town.) Is there opposition? (Mr. Neubecker and Mr. Grosshuesch: There are a couple of properties not agreeing with the Town. Allaire Timbers is one, but most have no opposition. We follow a public process.)

4. Planning Commission Field Trip (CN)

Mr. Neubecker presented. Staff would like the Commission to start to think about topics for a Planning Commission field trip. Each year, the Planning Commission and Staff take a trip to another community to see how they handle similar issues that Breckenridge faces. In the past, these trips have focused on ski area base development, historic preservation, affordable housing, sustainable development, redevelopment, and streetscapes. Any trip will need to remain within driving distance for budget reasons. This could include site visits to Denver and the Front Range, or other mountain/ski communities. The trip has traditionally taken place in September or October of each year.

Commissioner Questions / Comments:

Ms. Dudney: Maybe re-visit Vail to re-assess the issues. Affordability for loans is going to become an issue if Freddie Mac and Fannie Mae go away.

Ms. Christopher: After visiting Vail, we spoke of going to Aspen. They have had issues losing historic properties. Durango has similar Historic Standards and a new base area development.

Mr. Wolfe: Let's address our current burning issues like non-natural materials, the current market, staff sizes, etc.

Mr. Allen: How about the changing real estate market? Condo-hotels are becoming obsolete in today's market. How are other communities adopting to this? Telluride is possible for ski area development issues.

Mr. Burke: I would like to see Santa Fe included in this review. Let find someone someplace better than we are. (Mr. Grosshuesch: Most do not do as well as we do.) Arts are becoming bigger and bigger draws year round. (Mr. Neubecker: The state planning conference is in Santa Fe this year. It's a "four corners" conference that they do once every 5 years or so. Sometimes the bad things we see in other towns inspires us to address issues before they are a problem here in Breckenridge.)

Mr. Grosshuesch: Sustainable issues, housing; shop around for Towns that have the same issues.

ADJOURNMENT:

The meeting was adjourned at 8:55 pm.

Rodney Allen, Chair