

PLANNING COMMISSION MEETING

The meeting was called to order at 7:06 p.m.

ROLL CALL

Kate Christopher Gretchen Dudney Dan Schroder
Jack Wolfe Dave Pringle
Trip Butler

There was no Town Council member present.

APPROVAL OF MINUTES

Mr. Wolfe: Regarding the local economy and Vail Resorts, second line of page 5 of the packet, please change “largest user” to “largest budget”.

With no other changes, the May 3, 2011 Planning Commission meeting minutes were approved unanimously (6-0).

Mr. Pringle mentioned that he had some contact with Town Council regarding future members of the Planning Commission.

APPROVAL OF AGENDA

Mr. Neubecker suggested moving the election of the Chair and Vice Chair to the end of the Agenda. With no other changes, the May 17, 2011 Planning Commission meeting agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Fritzler Residence, Lot 12 Sunbeam Estates (MGT) PC#2011022; 94 Sunbeam Drive
2. Brown Residence, Lot 4 Glenwild Subdivision (MM) PC#2011024; 1354 Ski Hill Road
3. Columbia Lode Duplex 9-10 (MM) PC#2011025; 400 North Main Street
4. Columbia Lode Duplex 12-13 (MM) PC#2011026; 400 North Main Street

Ms. Christopher: On page 42, the third line up from the bottom is cut off, wanted to make sure copy was correct. (Mr. Mosher will work with Ms. Brewster to make sure it is fixed next time.)

With no requests for call up, the consent calendar was approved as presented.

WORKSESSIONS:

1. Solar Energy Mechanical Rooms (Mass / Density)

Ms. Puester presented. Staff has been approached with a potential exterior remodel at Ski Side Condos on Grandview Drive. The owner of the property would like to add energy upgrades including enclosing the open air walkways (which are internal to the buildings) to make the building more energy efficient, as well as enclose a 250 square foot area for a mechanical room for the new solar thermal panels. The property was built prior to the Land Use Guidelines adoption and is already over density and mass (a legal non-conforming use). Per the Development Code, enclosing the interior hallways and adding a new mechanical room would result in a large number of negative points (-100), rendering the project infeasible.

Staff sees two separate issues that should be discussed in relation to the Relative Policy on Mass:

1. Mass allowance for mechanical rooms for the purpose of renewable energy systems; and
2. Mass allowance for enclosing hallways and entrances for energy efficiency savings (i.e. airlocks).

This issue challenges two different goals of the Town 1) encouraging energy improvements and renewable sources of energy, and 2) maintaining community character including building massing limitations.

Staff sees a few possible code changes that could accommodate such energy efficiency upgrades:

1. Mechanical rooms of limited size could be allowed for renewable energy systems if hidden from public view. This would require some type of waiver for the mass created by these additional mechanical rooms. (In the present example, the mechanical room would be within the existing building footprint and under an existing roof. In some other situations, the design would be different.)
2. Existing common vestibules and exterior hallways under an existing roof could be enclosed without assigning additional negative points under Policy 4 (Relative) Mass. Staff believes this waiver could include buildings within the historic district, but should not apply to historic buildings.

This is a balance of two different town goals. Staff welcomed Commissioner input on whether the Commission is interested in pursuing this potential change to the code. Staff hopes to come to some type of consensus on this issue, so that they can move forward with research on the overall effect of a code change and ordinance language, if desired and return to the Planning Commission for further review. Ms. Michelle Tonti, owner of Ski Side condos which has brought this issue forward, was present.

Commissioner Questions / Comments:

- Ms. Dudley: Question relating to the code; relative policy if exceeding mass; if you didn't already have a project over mass that would be a negative point situation? Could you off-set with positive points? (Ms. Puester: In this case, the point multiplier is 5, and project would get negative one hundred (-100) points under current policy. Mass policy was set up as a strong goal of the code. You cannot realistically make up 100 points on an existing building.) I'm 100% behind the mechanical rooms. Enclosing a new mechanical room for new mechanical system is pretty straight forward. Worried about enclosing hallways. It's difficult if applicant was stating that electric bill will decrease by x amount; doesn't want it to say that it will save energy when after it passes, it won't. What if all the Applicant has to say is "it is for energy reasons" and they change the use to usable space down the road? (Ms. Puester: We can craft the language so that that is not permitted.) (Mr. Wolfe: Would they get positive points for implementing energy improvements?) (Ms. Puester: Code allows up to positive nine (+9) points under Energy, but that high point number would be achieved with a net zero building, not typically possible with retrofits.) (Ms. Christopher: Is the negative one hundred (-100) points from the hallway or the mechanical room?) (Mr. Neubecker: Both; once additional mass is proposed for whatever reason, the code kicks in. Discussed mass rule, and exception to the rule. Majority of the buildings within town are at their density.)
- Mr. Pringle: In the decision to lower our carbon footprint, will we allow individuals to use any argument? I am not sure if I understand the benefit of carbon footprint reduction and wary about limiting density obligations for specific project; I feel all interests should be balanced and not just in the interest of one. (Mr. Grosshuesch: It comes down to question of community values. We just underwent a big community input process with Sustainable Breck. Older multi-family buildings are big energy users which we need to get a handle on. Suggests maybe enclosing general common elements under an existing roof, no new roof spaces are created so footprint isn't changed tremendously.) Is it possible to reorganize density of some of these projects? Don't want to blow off policy for today, what about 5 years from now? Can we take density out of existing areas (ex: reinstallation of walls)? Need to be careful with the way we proceed on this. People will always find solutions to their own problems; the market will come up with solutions so we don't have to throw more mass at them to make it easier.
- Mr. Schroder: The primary question is "Do we leave this policy as is or does it need some work"? Would be careful but would support mechanical room that couldn't be converted to something else later. Supports specific nonconforming uses in the name of meeting our town goal of reducing carbon footprint.
- Mr. Wolfe: Are we implementing for bigger/broader policy? (Mr. Grosshuesch: Carbon-footprint reduction strategy for the whole community. Town and community have implemented strategies, so to answer Mr. Wolfe's question, yes, it is for the long-run regarding energy conservation.) Distinction is between implementing a different policy vs. buying more density. This is a quick way around mass vs. density guidelines. Burden of policing on HOA, not on Town; will we really check yearly to see if the mechanical rooms are used correctly? We should understand consequences more; should go with it but maybe there should be specific requirements.
- Mr. Butler: Is the solar thermal to get rid of the electric baseboard? (Ms Tonti: Yes, providing 60-70% of the heat this way will be significant impact; aesthetically will be an improvement and will have an increase on the performance of the system; lack of mechanical space will harm project.) Do you already have solar electric? (Ms. Tonti: Yes, solar PV currently on roof.) Supports staff looking into more research. Want to look at loopholes or unintended consequences.
- Ms. Christopher: I do think that people in older buildings will make changes to be more energy efficient in the future. Redevelopment with Town's attempt of green changes will positively impact Town. Important to look at other sources of electricity but agree that we need to be careful. Support research on it.
- Mr. Schroder opened the hearing to Public Comment:
- Ms. Tonti: Regulations developed over past years work great for new construction, but we are going to see lots more redevelopment, it is a new perspective; building is ironically long-term local housing, and this will help

keep rents low. The key is shifting a look towards redevelopment on these old buildings that are not energy efficient. More redevelopment and upgrades are coming down the road with aging buildings in town and the code needs to be able to address them.

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

TOWN COUNCIL REPORT:

Mr. Neubecker: Explained to the Commission why no council report exists for the evening. Council is still trying to decide future of the Council liaison. Ordinance change on this item has not yet been approved.

Mr. Wolfe: Lacking communication between Council members and Commission. (Mr. Neubecker: Advantage between two with increased communication.) Suggests Commissioners attend Council meeting or read their minutes online to look for comments you can give back to them.

Ms. Dudney: What tends to happen is that there is a miscommunication from the minutes. (Mr. Neubecker: We are not getting feedback in both directions via their minutes; having the Council liaison at the meeting the entire time will increase their knowledge in the topics we discuss, and improve communication back and forth. It's also important that decisions and comments be code based.)

COMBINED HEARINGS:

1. Beaver Run Elevator and Stair Addition (MGT) PC#2011023; 640 Village Road

Mr. Thompson presented a proposal for a new, 820 square foot exterior addition to enclose a new elevator and stairs on the south side of the existing Beaver Run Buildings #2 and #3. There is already one elevator in this part of Beaver Run; however, it is under sized and too slow for the number of guest at Beaver Run. When guests walk from the Coppertop across the pedestrian bridge over Village Road, they are presented with three flights of stairs when they reach Buildings #2 and #3. Climbing the three sets of stairs wearing ski boots and carrying ski equipment can be difficult for the guests. This project will allow them to enter into a larger and faster elevator than the existing elevator. It will also allow guests to walk up one set up stairs if they do not want to wait for the elevator. In general this will help with ease of pedestrian flow within Beaver Run. There is not enough density remaining in the approved Master Plan for this proposal; hence, the project will require a Major Master Plan Amendment and density transfer.

The elevator and stairs addition constitutes 820 square feet of mass. As of the 4th PUD Amendment at Beaver Run only 260 square feet of density is remaining. Hence, the applicant will have to transfer 560 square feet of density/mass to this property to allow this to happen. Beaver Run is a receiving site; hence the density/mass can be transferred to this property. There will be a Condition of Approval that the density transfer happens prior to receiving a Building Permit.

This proposal will improve the circulation between the Coppertop and buildings #2 and #3. The proposal will eliminate a flight of stairs and add a new larger elevator. The proposal will significantly improve the guest experience at Beaver Run. Three positive (+3) points have been assigned for improved pedestrian circulation.

Staff recommended approval of the Beaver Run Elevator, Stair Addition, and Master Plan Amendment (PC#2011023) with the presented Findings and Conditions. Mr. Kevin Schottleitner, Chief Engineer for Beaver Run Resort, was also present at the hearing.

Commissioner Questions / Comments:

Mr. Pringle: Asked about the floors the elevator will reach. (Mr. Thompson: Will help with circulation of guests not climbing all stairs. The elevator will take guests up one floor.)

Mr. Schroder: Code points are for internal circulation of guests; 560 square feet, that is an acceptable amount of addition? (Mr. Thompson: The 820 square foot addition appears sufficient for the addition of the elevator and stairs. However, applicant will have to purchase portion of TDR to allow this project to proceed.)

Mr. Butler: Elevator shaft will be located next to current elevator? (Mr. Thompson: Yes.)

Ms. Christopher: Plans to distinguish between two elevators with signage? (Mr. Schottleitner: No.)

Mr. Wolfe: Brought up the point of transferring density. Is building over density now? (Mr. Neubecker: Yes, otherwise density transferred not needed. The Master Plan has 260 square feet remaining today; hence this project will require 560 square feet of density to be transferred prior to Building Permit being pulled.) (Mr. Schottleitner: Architects missed the need for an elevator in building #2 so ripping out existing elevator would not help issue, new elevator hopes to cure the problem.)

Mr. Schroder opened the hearing to public comment. There was no public comment and the hearing was closed.

Mr. Pringle made a motion to approve the point analysis for the Beaver Run Elevator and Stair Addition, PC#2011023, 640 Village Road. Mr. Wolfe seconded, and the motion was approved unanimously (6-0).

Mr. Pringle made a motion to approve the Beaver Run Elevator and Stair Addition, PC#2011023, 640 Village Road, including the presented findings and conditions. Mr. Wolfe seconded, and the motion was approved unanimously (6-0).

OTHER MATTERS:

1. Overview of Planning Documents (CN)

Mr. Neubecker presented. Breckenridge's development review system is comprised of several documents. Some documents are used more frequently by the Commission, such as the Development Code and Handbook of Design Standards. Others are referenced less frequently, yet contain important policies and guidelines for the built environment. The memo explained the variety of adopted planning documents and their place in the development review system. The documents presented included Vision Plan, Joint Upper Blue Master Plan, Comprehensive Plan, Land Use Guidelines (LUGs), Subdivision Code, Development Code, Overlay Districts, Master Plans or Planned Unit Developments (PUDs). Documents are presented with the most general, overarching documents first and most specific last.

Commissioner Questions / Comments:

Mr. Wolfe: How does sustainability plan fit into current plan? (Mr. Truckey: Wouldn't be a subset of a plan; it would be complimentary and there for advisory guidance.) Aren't you obligated to rewrite it every 10 years? (Mr. Truckey: No, There were so many general policies in the Comprehensive Plan ("comp plan") that they didn't make provisions particular. County has criteria that development must be in conformity with Upper Blue Basin Plan; the use of the comp plan is a tool for guidance to amend codes which ultimately results in the same things.) (Mr. Grosshuesch: It is an important distinction to make that Breckenridge is different with regards to their jurisdictions. Policies in comp plan and master plan go directly into development code, which get updated on a regular basis.)

Ms. Christopher: Do other jurisdictions have policies such as the ones we are discussing? (Mr. Neubecker: Sustainability plan suggests updates and policy changes related to other aspects of the community (transportation network, fleet, etc.); it reaches much further than the development code.) (Mr. Grosshuesch: It is more about the future over the development code.)

Mr. Wolfe: Elements between are inspirational. JUBMP between density reductions? (Mr. Grosshuesch: We will need to come up with ordinance.) A suggestion for when you put together staff reports, it will be helpful if you identify different relevant documents, not necessarily using only development code. (Mr. Schroder: Making the link to the policy book in report would make it easier, would be helpful.) (Mr. Neubecker: Have thought about creating one map with multiple layers to signify zoning and overlay districts. It might help applicants understand what districts they are located in and it might help the Commission too.) (Mr. Pringle: Website access to something like this that might be interactive?) (Mr. Neubecker: More likely a PDF.) (Mr. Schroder: Have community members been asking about something like this?) (Mr. Neubecker: No, related it to how "Apple" would create it. It would be nice to be easy to use, and intuitive.) (Mr. Pringle: I believe it would be a very beneficial tool for the Commission to use as well.) (Mr. Truckey: It would come down to the finances of creating something like this.) (Mr. Schroder: A tool like this would allow people to visually see it all.) (Mr. Neubecker: Interactive, internet-based, very intuitive is where the future of this could go.)

Mr. Pringle: Brought up the thought of all comments being code related; still wants Commission to understand they can use their judgments as long as code still exists. Personal comments should exist early in the process but as things get narrower it is important to have personal opinion backed by the code. (Mr. Neubecker: This concept relates to writing policies.) (Mr. Grosshuesch: It all relates to how you interpret policy.)

Mr. Schroder: We all need to be more aware of responses relating to feeling and code. (Mr. Neubecker: Breckenridge is a small town and we need to be careful with how we interact with applicants; continue to be formal and professional and that we are making decisions based on code, not who you know.) (Mr. Pringle: Casual but professional.) (Mr. Grosshuesch: What other types of training would you like to see from us? What are the areas you feel like you need more help with (with regards to understanding codes, etc.)?) (Ms. Dudney: Have a format where we have specific questions (in private or after meetings); go through the minutes to see what people have said.) (Mr. Neubecker: Call staff if you need to discuss an issue and go in greater depth.) (Mr. Grosshuesch: On historic projects, we should not deviate from what was seen historically; if there isn't a policy then we shouldn't be talking about it because it isn't code based.) (Mr.

- Wolfe: Sometimes staff writes “We would like Planning Commission to weigh in on...”; brought up design standards for historic district.) (Mr. Neubecker: If confused, ask during meeting about specific code elements.)
- Mr. Pringle: What happens if four commissioners believe option A is better? (Mr. Grosshuesch: We should be thinking in terms of legal basis; our decisions are rooted in things that are backed by code otherwise they will not hold up. I don’t want us to get into circumstances when we don’t use code based decisions; want them to say it relates to which policy.) (Mr. Neubecker: Two suggestions after listening to this: 1. Staff needs to identify which policy is trying to be met and 2. Commission needs to make comments based on policies.)
- Mr. Schroder: Staff puts it to us; we are clear with what we say. (Mr. Grosshuesch: We want you all to be trained to a proficient level so you understand and feel comfortable; doing this from all perspectives. It is a team effort to keep these conversations on track and relevant.) Empower each other to reach out to Staff for questions.
- Mr. Pringle: Looking forward to group retreat walking around Breckenridge so we can relate to the way other people see things around town. It will allow commissioners to see unintended consequences.
- Ms. Dudney: Is it appropriate to ask staff or Applicant, “What is the relevance of a particular concern to code?” (Mr. Neubecker: Yes.) We would be asking that of Staff. What is the importance of that; would that be embarrassing? (Mr. Neubecker: It’s important to ask because others might be wondering the same thing.) (Mr. Grosshuesch: You could ask for a work session if it is a big enough topic.)
- Mr. Butler: Relating back to Mr. Grosshuesch’s question about training: I would like to see all-code related scenarios.
- Mr. Pringle: As a group we need to be aware of the big-picture. Applicants do a good job about distracting us about small details (ex: number of trees) but we should be focusing on density or something else more important. Don’t want to regret approving something because we were overwhelmed with other information. (Mr. Grosshuesch: I want the most important policies to be discussed first in the staff reports, instead of order of policies in code, so we know the biggest issues of the project.) Can the Staff list the problems they want to discuss at the front of the report, instead of it just saying that the Staff is available to answer questions?
- Mr. Neubecker: Regarding the Town walk-through, does anyone have vacation plans? (Mr. Schroder: The entire week of July 17.) (Mr. Wolfe: I will not be attending next meeting, June 7.) (Ms. Dudney: August 10-22.) (Ms. Christopher: I have Monday and Tuesdays off; but can rearrange schedule if need be.)

ELECTION OF CHAIR AND VICE CHAIR: moved to end of agenda

- Mr. Schroder: Is this an interim and then re-elected in November? (Mr. Neubecker: Yes.)
- Mr. Pringle: In the past they used to adopt the chair for a year, which means everyone rotated through the chair and was ultimately a facilitator of the meeting; it worked well when we had veteran commission, might be something to think about if we want to start rotating people through. (Mr. Neubecker: There is value to the process of having someone who knows how to run a meeting; there are no term limits; some people may be more comfortable with it or have time issues; depends on how everyone feels.) (Ms. Dudney: Re-think Mr. Pringle’s idea in November, but finish this out until November, does the Chair have responsibility to keeping it code oriented, it is a leadership role?) (Mr. Neubecker: Wants to touch base with Chair prior to meetings about agenda; what code issues might come up and making sure they are comfortable with issues coming up.)
- Ms. Dudney: Opened discussion about time commitment changes relating to Town Council; I view the chair as important liaison. (Mr. Pringle: Need a chair with strong ability to lead meetings.) (Mr. Schroder: Wants Chair to make the extra effort to speak to Council; definitely a growth leadership position.)
- Ms. Christopher: Helpful when the Chair summarizes what decision Commission made (for our sake and public in attendance).

Nominations for Mr. Schroder and Mr. Wolfe stand. The Commission decided to make the vote formal.

Mr. Butler made a motion to elect Mr. Wolfe as Chair of the Planning Commission through October 31, 2011. Mr. Pringle seconded, and the motion was carried unanimously (6-0). Mr. Butler made a motion to elect Mr. Schroder as Vice-Chair of the Planning Commission through October 31, 2011. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

ADJOURNMENT:

The meeting was adjourned at 9:08 pm.

Dan Schroder, Vice Chair