

PLANNING COMMISSION MEETING

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

ROLL CALL

Kate Christopher                      Gretchen Dudney                      Dan Schroder  
Dave Pringle                              Trip Butler                              Michael Rath

There was no Town Council member present.

APPROVAL OF MINUTES

With no changes, the June 21, 2011 Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Mosher announced that the Giller Residence worksession had been withdrawn at the request of the Applicant and would be presented at a future meeting.

With no other changes, the July 5, 2011 Planning Commission meeting agenda was approved unanimously (6-0).

**CONSENT CALENDAR:**

1. Derickson Residence (MGT) PC#2011040, 887 Gold Run Road
2. Prestesater Residence (MGT) PC#2011041, 1477 Highlands Drive

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

**WORKSESSIONS:**

1. Giller Residence SFR (MM) 306 South Ridge Street. *Withdrawn at the request of the Applicant; to be presented at a future meeting.*

**TOWN COUNCIL REPORT:**

Mr. Neubecker stated that staff is advertising for a new Planning Commissioner and the Town Council will go through the selection process next week. They are also processing annexations of Woods Manor and Allaire Timbers, plus CR 3 (Ski Hill Road). Also, Staff will be working on how vendor carts will work in town and how the Town can tighten up the reins on the current regulations. The carts that have been approved are allowed to stay, but any additional ones must follow design standards yet to be developed.

Mr. Pringle: We need to have a thorough discussion about the carts that are in town. (Mr. Neubecker: One criteria to consider is if a vendor stands inside the cart, versus outside; the current system has extremely loose criteria.)

Ms. Dudney: Are those design guidelines? Could you also consider who would be able to apply for a permit? Example: Individuals who already have a restaurant? (Mr. Neubecker: We could potentially open it to local businesses first, and we could look into having a limit on the number of vendors the town will allow. Other cities have ranked vendors on a point system, including quality of food, creativity of menu, etc; there are a variety of ways to write regulations.) Does the Planning Commission have any role in an annexation like these? (Mr. Neubecker: Not usually with already developed land. There is also flexibility for the Town Council to set the annexation date after the close of the sale of Allaire Timbers, and forgo the tax revenue of the sale.)

Mr. Grosshuesch: Peak 6 expansion public comment deadline has been extended another 15 days (to August 9); Forest Service will be taking citizen comments about proposal and Council will write a letter back to Forest Service with comments. Ski area won't develop new commercial real estate at the base of Peak 6. At this point, look for an open house, will either be the 19<sup>th</sup> or the 26<sup>th</sup>. We are waiting for Scott Fitzwilliam from Forest Service to get back to us on the date.

Mr. Pringle: Did the Town Council recognize my issue with natural materials, Policy 5/R? (Mr. Neubecker: We assume they read the minutes, but they did not discuss it last week.)

**FINAL HEARINGS:**

1. The Elk Building and Variance Request (MM) PC#2011001, 103.5 North Main Street

Mr. Mosher presented a proposal to construct a 1,902 square foot mixed use building with commercial/retail and workforce housing uses. A 495 square foot garage is located at the rear of the lot. The commercial/retail use occurs on the front portion of the site on three levels (one below grade). The residential, workforce housing, is below grade, beneath the garage, at the back portion of the site. A variance is also sought under Policy 5, Absolute, Architectural Compatibility of the Development Code, for non-compliance with Priority Policy 80A of the Handbook of Design Standards for the Historic and Conservation Districts: “Use connectors to link smaller modules and for new additions to historic structures”.

This proposal was last reviewed on April 19, 2011 as a second preliminary hearing. At that meeting, the Commission represented the following:

1. Full support for the 24-inch tall stone wainscot at the east elevation.
2. Full support for the variance request from Priority Policy 80A.
3. Majority support for the metal railing at the connector portion of the proposed building.

**Changes since the April 19, 2011 Second Preliminary Hearing**

1. The overall building density has been reduced by 79 square feet. As a result, the negative points for the above ground density overage has been reduced from negative twelve (-12) points to negative nine (-9) points.
2. Interior circulation has been modified slightly.
3. The landscaping plans and details are provided.

The applicant and agent have been working with staff and the Commission to create a building that should enhance the Historic District and provide a new structure that complements the historic character of Main Street. Staff had two questions for the Commission:

1. Did the Commission support the request for a variance from Priority Policy 80A, “Use connectors to link smaller modules and for new additions to historic structures”?
2. Did the Commission support the Condition of Approval that the applicant shall submit plans for a re-designed deck railing at the connector link, and obtain staff approval for the new design prior to issuance of a building permit?

Staff welcomed any additional Commission comment.

Staff recommended the Commission support The Elk Mixed Use Building and Variance Request, PC#2011001, by endorsing the Point Analysis which shows a passing score of zero points, along with the presented Findings and Conditions, which include the variance request.

*Commissioner Questions to Staff and Agent:*

- Ms. Dudney: Since the variance has been discussed at previous meetings, have there been any comments from the Town Council on this topic? (Mr. Mosher: Town Council only comments on projects that are presented before them. In this case, we will not hear their comments until this item appears on their Consent Calendar. If approved tonight, this will be heard at their next meeting.)
- Mr. Pringle: Also, the Staff/Commission field trip we mentioned earlier, we will be looking at connector links in the Historic District.
- Ms. Sutterley: For the record, part of the situation with a standard connector link was the public safety concerns. I think it is something we have to look at in context with each project, public safety is as important as the historic feel. Also, clarification on the railing: it is just for the railing, it won't be contemporary looking. I don't want plain vanilla, but I want some detail.

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

*Commissioner Questions / Comments:*

- Mr. Pringle: I'm impressed with the progress of this project. I think we have to look at the buildings that have been completed. I am in support of the variance not only for the reasons stated but also because strict interpretation of the policy won't work in this particular case and it will help address future similar

- situations. Endorse point variance. Maybe in future applications we can find a different type or technique for the solid wainscoting at the primary facades.
- Ms. Dudney: In support of the variance. Has never had a problem with the railing and support the staff's point analysis and Findings and Conditions.
- Mr. Butler: In support of the variance and support the point analysis with the Findings and Conditions
- Ms. Christopher: Appreciates all the changes. Support the connector variance, points and Findings and Conditions.
- Mr. Rath: The variance seems like a common sense way to look at the project. Support all and agree with the other Commissioners.
- Mr. Schroder: Agrees to each of the things stated. Thanks for having the condition on the re-design of the railing and that you will be working on it with Staff. In support of the application as presented to the Commission tonight.

Mr. Pringle made a motion to approve the point analysis for the Elk Building and Variance Request, PC#2011001, 103.5 North Main Street. Ms. Dudney seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Elk Building and Variance Request, PC#2011001, 103.5 North Main Street, with the presented Findings and Conditions. Ms. Dudney seconded, and the motion was carried unanimously (6-0).

***COMBINED HEARINGS:***

1. Master Plan Amendment, Tract C, Shores at the Highlands (MM) PC#2011039, 87 Shores Lane

Mr. Mosher presented a proposal to modify the Second Amended Master Plan of the Delaware Flats Planning Area 3A (West Braddock, PC#2007120) by re-assigning uses and density within Parcels C and D.

The purpose of this modification is to bring the Master Plan of the Delaware Flats Planning Area 3A back into compliance with the boundaries and densities that reflect the underlying ownerships of the parcels. This Master Plan Modification has not presented any concerns to Staff. There will be further detailed review of the development on this property with future applications for development. Staff welcomed any further comments from the Commission.

The Planning Department recommended approval of The Third Amended Master Plan of the Delaware Flats Planning Area 3A, (PC#2011039) by supporting the presented Point Analysis and the associated Findings and Conditions.

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

*Commissioner Questions / Comments:*

Mr. Pringle: Is the density for Parcel C the same? (Mr. Mosher: It remains unchanged.)

Ms. Dudney: Brought up vesting of the projects. (Mr. Neubecker: Vesting protects the applicant from future Code changes.) So the three years is the vesting time for the applicant and they have to submit the master plan? The improvements won't necessarily all be made within the three years? (Mr. Mosher: No, however, the trees are part of the public improvement required with the subdivision application.) (Mr. Grosshuesch: The master plan is vested for three years. Discussed the importance of the subdivision plat; once they have it recorded they don't necessarily have to act on it right away, they can wait on it, and not build immediately.) (Mr. Jack Wolfe, Applicant: The three lenders are back and want the three original properties back. They ultimately want to sell it as multi-family land.)

None of the Commission had concerns.

Mr. Pringle made a motion to approve the point analysis for the Master Plan Amendment, Tract C, Shores at the Highlands, PC#2011039, 87 Shores Lane. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Master Plan Amendment, Tract C, Shores at the Highlands, PC#2011039, 87 Shores Lane, with the presented Findings and Conditions. Ms. Dudney seconded, and the motion was carried unanimously (6-0).

2. Subdivision Amendment, Tract C, Shores at the Highlands (MM) PC#2011038, 87 Shores Lane

Mr. Mosher presented a proposal to re-plat the current Tract C boundaries of the Shores of the Highlands (original PC# 2007131) to reflect the original boundaries established by the previously approved Amended West Braddock Subdivision (original PC# 2006077).

The purpose of this modification is to bring the subdivision boundaries back into compliance with the boundaries that reflect the underlying ownerships of the parcels. This subdivision modification has not presented any concerns to Staff. There will be further detailed review of any development on this property with future applications for development. Staff welcomed any further comments from the Commission.

The Planning Department recommended approval of the re-plat of Tract C, Shores of the Highlands, (PC#2011038) along with the presented Findings and Conditions.

Mr. Schroder opened the hearing to Public Comment. There was no Public Comment and the hearing was closed.

None of the Commission had concerns.

Mr. Pringle made a motion to approve the Subdivision Amendment, Tract C, Shores at the Highlands, PC#2011038, 87 Shores Lane, with the presented Findings and Conditions. Ms. Dudney seconded, and the motion was carried unanimously (6-0).

***OTHER MATTERS:***

Mr. Neubecker: The historic district walk-around date that works for most Commissioners is July 28. Exact time is to be determined. We are aiming for 10:00 am to 2:00 pm, including lunch.

Mr. Schroder also announced he will not be present during the next meeting, July 19.

***ADJOURNMENT:***

The meeting was adjourned at 8:05 p.m.

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Dan Schroder, Chair