

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:04 p.m.

### ROLL CALL

Kate Christopher            Dan Schroder            Dave Pringle  
Trip Butler                 Gretchen Dudney  
Michael Rath and Jim Lamb were absent.

### APPROVAL OF MINUTES

With no changes, the August 16, 2011 Planning Commission meeting minutes were approved unanimously (5-0).

### APPROVAL OF AGENDA

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

### **CONSENT CALENDAR:**

1. Ski & Racquet Club Exterior Remodel (MGT) PC#2011052; 9339-9379 Colorado Highway 9

Mr. Pringle asked Mr. Thompson what the color of the siding is going to be. Mr. Thompson then presented a color board to the commissioners.

After Mr. Pringle's question the Consent Calendar was approved as presented.

### **WORKSESSIONS:**

1. Mechanical Room Mass (CN/JP)

Ms. Puester presented. Staff has been approached with a potential exterior remodel at Ski Side Condos on Grandview Drive. The owner of the property is interested in enclosing the open air walkways (which are internal to the buildings and therefore not visible from off site locations) 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 rendering the project infeasible.

The Commission discussed potential changes to the Relative Policy on Mass on May 18<sup>th</sup>. The topics discussed were:

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 efficiency improvements and renewable sources of energy and 2) maintaining community character including building massing limitations. Staff would like to find a way to encourage renewable energy without compromising character. This could be accomplished by limiting the size of the additional mass allowance for mechanical rooms of renewable energy systems.

The Commission asked staff to research how many multifamily buildings are already over mass. Staff's research shows that almost all older multi-family buildings in Town have been built to or are over the allowed mass. Staff also believes that in most cases, mechanical room additions would be able to be accommodated within the existing building footprints (in hallways of the multifamily buildings).

Staff also noted that another potential option for some of these structures is to buy into the solar garden concept which is still at a very early stage of development. Summit County government is working on locating and applying for such as concept within the next year and if accepted, could open another renewable energy opportunity for all properties in Town. However, this may take years before it is implemented.

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

Additional mass for mechanical rooms of limited size could be allowed for renewable energy systems if hidden from public view and built no larger than necessary to accommodate the intended purpose. For example, 5% of the existing building mass, not to exceed 500 square feet. This would require some type of waiver for the negative points for mass created by

these additional mechanical rooms. Further, Staff foresees a restrictive covenant, limiting the additional mass for the ongoing purpose of mechanical rooms for renewable energy, as a condition of approval. Staff also envisions the mass bonus to be reviewed as a Class D permit (staff level). The application could be heightened to a Class C application to allow for the Commission's review if staff had concerns such as visibility from a right of way. Also, enclosing hallways could be an option if proven energy efficient.

Staff welcomed Commissioner comments and input on the presented questions. We hope to come to some type of consensus on this issue, so that we can move forward with ordinance language, if desired.

*Commissioner Questions / Comments:*

Ms. Dudley: Some of the buildings could accommodate these rooms without the separate mechanical rooms. It sounds like some properties might need this and some might not. (Ms. Puester: Once you enclose part of that open air hallway it is considered mass.) So you are saying that they can use existing footprint to hold the mechanical rooms? (Ms. Puester: Yes, they could do that but would count as mass.) If you could use an existing enclosed space, what would be their incentive for doing that as opposed to building another structure? (Mr. Neubecker: If they are over mass they wouldn't be able to do that. A lot of buildings don't have left over room for them to do this. We are talking about new space that is specifically designed for a new system which wasn't figured into the design before. These buildings were not designed originally with extra room to do this.) How comfortable do you feel that 500 feet is the cap? (Ms. Puester: Feels that this is an adequate amount of space maximum after looking at proposed mechanical room. First we would look to a percentage of the building so that it relates to the size of the building and mechanical system, than have a cap in case we get a very large building in, similar in concept to how we wrote the home size policy.)

Mr. Pringle: Are we talking about a specific application or policy? (Ms. Puester: We are talking about policy.) In this particular case, I feel like they received additional points because it had some employee housing. What would be fair is if we allowed for receiving sites for density out of the back country that could be used for this, which could adjust their mass to an equal amount. (Mr. Neubecker: It comes down to community goals; is this something we want to encourage in the town?) Maybe there is another way we could do it? (Mr. Grosshuesch: These decisions are made based on paybacks. How many years will it take to pay it back if you add it on? For smaller projects it might be past the tipping point. We are exploring ways to incentivize reducing our carbon footprint in critical buildings to meet this new public goal for the town. You have to decide which one is more important and where does it fit side by side with other values.) (Mr. Truckey: Since most of these buildings are already exceeding their mass we could make another amendment to the code; however, with regard to TDRs, you can now exceed your density by only 5% without negative points, and a lot of these are beyond that percentage already so even if they bought a TDR, they would still receive negative points, which due to the 5X multiplier would be difficult to overcome.)

Mr. Schroder: Would we want to wait for the solar garden to evolve or do we need to accommodate projects in the future? (Mr. Grosshuesch: Solar gardens are for solar electric only so it wouldn't apply to water heat.)

Ms. Dudley: My concern is that the size is roughly a 2-car garage (500sq/ft); what is your design that you will require? (Mr. Grosshuesch: We want to cap it somewhere.) It concerns me that it is a one-size fits all. (Mr. Neubecker: Most of these will be interior to the footprint but some could be outside. A lot of these areas will be additions that you can't see from the street.) Would it work to say it is only interior or is that too constrictive? (Mr. Grosshuesch: We could write it so that it is limited; whether it is internal or freestanding. We want to leave ourselves some latitude. We could write in criteria that visibility is a big deal, etc. and bump it to a Class C.) (Mr. Neubecker: We would encourage them to look at the building and use an area that is not highly visible. In some cases it won't be possible to have an interior hallway. You may need to put it on the exterior.) (Ms. Darci Hughes, Architect: Any intelligent designer wouldn't want the mechanical room anywhere but near the center of the building because it costs a ton to run lines and insulate to an outside structure so that would be a last resort anyway. This code could reduce the carbon footprint for some of these buildings. Also, not all building owners are going to want to enclose hallways because there are hurdles (ex: sprinklers and venting) they will have to overcome. But this could dramatically decrease their carbon footprint and potentially could be a huge savings for them if the costs work out.) I just want some protection in here that is just for mechanical. I want to express concern about people abusing this policy and making the space leasable/usable for other uses besides its primary intent.

- (Mr. Grosshuesch: It will probably enclose a common element. If they notice discrepancy to this policy, the inspectors will bust them.) I would like to see the language so the incentive is interior. (Mr. Neubecker: We need feedback about these issues so we can structure the language of the policy. We will be inspecting these things.)
- Ms. Christopher: Is it going to be a percentage and cap? So they can't do 500 sq feet if their percentage is less than that? (Mr. Grosshuesch: We would write it so they would use whichever is less.) Conceptually that is what we were thinking; that the size of the mechanical room would meet the size of the project.
- Mr. Pringle: Buildings were built it to their allowable mass and now they are going to add to it. (Mr. Schroder: We are now in an era where the new "golden item" has to do with this global reduction in carbon emission. I understand your concerns but this would also give applicants the chance to reach this goal. I am in favor of giving mass (cautiously)...for renewable energy. It is where we draw the line that is the question.) Once you get this going, where do you stop this thing? (Mr. Grosshuesch: The question we should be asking is: is there a degree to which we are willing to go with mass as an incentive in this energy conservation effort? The building is constructed; we are not adding footprint to the site. From our field observation you wouldn't necessarily notice the enclosure because it is internal. If this is a precedent thing we can write the restrictions narrowly.) It has been my observation that when we write the policy we have one application in mind and then the next one blows it out of the water. When you talk about it in the light of only energy conservation (it doesn't offend people) but I do have some skepticism that once all these projects come down the road projects will be adding mass and density; and next thing you know it is storage.
- Mr. Butler: What is the theory? If I increase the amount of enclosed space for unconditioned space? (Mr. Pringle: It is an air locked entry into your unit.)
- Ms. Christopher: Without financials it is hard to look into hallways. I like the solar garden but we aren't sure if this is going to occur. (Ms. Puester: It is only for solar electric also.) (Mr. Neubecker: We will always be chasing technology. Keep in mind we are reacting to someone who is actively working on this.) (Ms. Hughes: We are looking into both of these depending on the costs that will come of it and we have also been re-insulating walls, the windows are new, etc. The engineers believe we will cut the energy in half by enclosing the hallways.)
- Mr. Pringle: I am more worried about future projects and how they use this policy. (Mr. Neubecker: Ms. Hughes is working on a plan for this.)
- Ms. Dudley: She is saying she knows the benefits but she doesn't know the costs. You need to tell us the costs. (Ms. Hughes: We do not know the specifics of it because right now it is not worth spending money determining it, since it is not permitted by code.) If we gave you the ok would you do the hallway enclosure research? (Ms. Hughes: I am not at liberty to say because I am not the one spending the money.) (Mr. Grosshuesch: If this were my building I would not be spending money on consulting when I don't even know if you will let us do that.)
- Ms. Christopher: We shouldn't decide this on this one application. I wouldn't spend my money on a consultant if I didn't know if we were allowed do it.
- Ms. Dudley: I am worried about unintended consequences. Seems like the mechanical room is figured out pretty well, but I don't feel comfortable because the hallways are a bigger issues and more visible. Hiring a contractor to look into the savings is easy.
- Mr. Butler: When the building was designed they did not enclose them since energy wasn't as big of a deal. (Mr. Grosshuesch: They all met code when they were approved and they were probably at their allowed density at the time. We have down-zoned a lot of these older buildings since they were built.) (Ms. Puester: There are also many cases in Warriors Mark which were built under County jurisdiction and annexed in as is.)
- Ms. Dudley: What is the issue? Is it mass or aesthetics? For me, it is aesthetics. I need to see the language on the hallways.
- Mr. Schroder asked the Commission for the support to the Staff to write and recommend this to the Council.
- Mr. Pringle: It is a principled argument from my point because 25 years ago they got all the density that they were allowed then. And now they want to add more just because it will be more energy efficient. I think we really have to look at what is going on here. The common denominator in all of this is that they had so much density and they chose to build it that way. (Mr. Neubecker: It goes both ways, look at it with the mechanical room standpoint.) I would prefer if they went and bought density from the density bank, etc.

1. Did the Commission support Staff moving forward with drafting a policy which would allow for additional mass for the purpose of a renewable mechanical room?  
Mr. Schroder: In support of mechanical rooms and the language works, need max cap.  
Ms. Dudley: I do support this with the language that it is for renovations only and not for new construction. The policy should include something that it is preferential that it is interior. Class D permit unless visible.  
Ms. Christopher: I concur with the above statements.  
Mr. Butler: Concur with above statements.  
Mr. Pringle: I believe they should all be Class C consent calendar. I would also be interested in pursuing this with tight restrictions with how this works.
  
2. Did the Commission support a change to additional mass to allow hallways to be enclosed?  
Mr. Schroder: I am not sure if I need to support this right now. What if we see atriums over Gold Camp? Would take both issues to Council. It seems as though this is going towards a case by case basis.  
Mr. Pringle: Unknown, overwhelming, so I am very skeptical about this. Not persuaded. Have a problem with the principle-they got it all (density/mass) and now want more. Once we write the policy it is available for anyone to use. (Mr. Grosshuesch: We will write conditions that they have to meet. Would you let us write the language so we could get it close?)  
Ms. Christopher: I have faith in you guys and reviewing the wording would be helpful. Not sure tonight. Would like to see the hardship and reasoning from applicants.  
Mr. Butler: My point is that the criteria are important when we write this policy. The applicant should come before the Commission with a solid plan.  
Ms. Dudley: Ok with mechanical mass but skeptical of hallways which could be used as storage or enclosed as part of units.

## 2. Transition Standards Update (MM) (Memo Only)

Mr. Mosher presented a memo summarizing the open house on August 22, 2011 seeking public input regarding the adoption of the “Handbook of Design Standards for the Transition Character Areas of the Conservation District”. The Open House was advertised in the Summit Daily for 3-days and on the Town of Breckenridge website. The Transition boundary map that was placed in the newspaper showed a boundary error along the East Side Residential Transition Character Area. (This was pointed out to staff at the public open house and a correction was placed in the paper for two following days and on the Town’s website.) The public turnout consisted of a total of six people. All attendees interacted with planning staff and a presentation was made describing the concept and process of the Transition Standards. Staff discussed the public attendance and has decided to present the overview of the standards to the Planning Commission as a public hearing on September 20<sup>th</sup>. For this meeting, Staff will mail a notice to all property owners within the Transition Areas. Public comment will also be taken by the Town Council during the publically advertised ordinance adoption process.

### *Commissioner Questions / Comments:*

- Mr. Mosher: There was a map error. It was just placed wrong in the ad. We will be notifying the property owners since the showing was so low the first time.
- Mr. Neubecker: This will be an official public hearing with minutes. We will allow them to go to Council afterwards as well. We will be upgrading photos in the document as well.
- Mr. Pringle: Is Council even aware of what this is all about? Have they voiced support for this? (Mr. Mosher: They are aware of all of the work sessions for this held so far. After the next meeting, it will go to Council.)

### ***OTHER MATTERS:***

Mr. Neubecker:

- Defensible Space Site Visit Summary:

Ms. Dudley: The visit was good, it seems like it was a little hit and miss since it was just the sites that the town owns. (Mr. Grosshuesch: The Highlands and Shock Hill have a couple. There are a few more out there, it is not just town owned space.) (Mr. Neubecker: The two places we went to were good examples. They did a great job cleaning up all of the fuels on the forest floor.)

Mr. Schroder: How do we as Commissioners take back what we learned into these seats? (Mr. Grosshuesch: So that when you see these single family homes come in with defensible space come in you know what it looks like and you can relate it to the plan; there are shades of gray with this (condition of forest, etc.). 30 feet is more justifiable.)

- Vendor carts: Staff will be writing a policy that will eliminate them. The ones with permits will run until they expire (most of those are a three-year permit). The Town will also be banning food trucks downtown.
- F-Lot Hotel is a “no-go”.
- Television in the front entry of Town Hall will be showing energy generated by TOB Solar Project. (Current solar projects: Recreation Center, Ice Arena, Public Works.) (Future solar projects: Riverwalk, Breckenridge Golf Course Maintenance, Police Station/Tennis Courts at the Recreation Center.)

***ADJOURNMENT:***

The meeting was adjourned at 8:48 p.m.

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Dan Schroder, Chair