

PLANNING COMMISSION MEETING

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

ROLL CALL

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

APPROVAL OF MINUTES

With no changes, the October 4, 2011 Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the October 18, 2011 Planning Commission meeting agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Roca Residence (MGT) PC#2011063, 226 Hamilton Court
2. Motherloaded Tavern Façade (CN) PC#2011067, 103 South Main Street

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

MAIN STREET IMPROVEMENT UPDATE:

Mr. Neubecker presented a memo updating the Planning Commission on the Main Street Improvement project. The bids on the bulb outs were too expensive, so they have been delayed. The work currently being installed along the 100 south block of Main Street includes: 36 new Aspen trees, flagstone pavers in the amenity zone (between the curb and sidewalk), removal of some ground level vegetation, and electrical infrastructure for special events. Landscaping that was removed from the amenity zone will be replaced in the summer months with hanging flower baskets and moveable planter boxes. It is possible that similar work will be completed on the 200 south and 300 south blocks of Main Street in 2013. The Main Street project is being broken into smaller yearly projects partly due to the limited construction season. We originally brought this plan to the Planning Commission back in 2005. Staff wanted to bring the Planning Commission up to speed in case they get questions about the plan. There is the possibility of historic plaques in the area. They were originally discussed being in the sidewalk, but that would be problematic.

Commissioner Questions / Comments:

- Mr. Dudney: What is the schedule? (Mr. Neubecker: As funds become available. Bulb outs next summer.) All of them? (Mr. Neubecker: Adams, Ski Hill and Wellington. The schedule is due to budgets. Plans are to do all of the plan; could be three or four more years.) Sidewalk pavers? (Mr. Neubecker: Areas with existing sidewalk will keep sidewalk, in most places the sidewalk is in good condition and will be retained.)
- Mr. Lamb: When is this year's project going to be done? (Mr. Grosshuesch: They are trying to get done before the snow flies. They are waiting for stone cutters to get done with vertical trim. Started this week on cutting; shipment should come next week. I think they are going to get it done in the next couple of weeks.)
- Mr. Pringle: What about the November 1 deadline? (Mr. Neubecker: Explained that is for street cuts and those are done.) Thanks for the update. It is helpful. It is because of the amount of activity and the visual clutter, it is difficult to see pedestrians at night; I don't know if we need to ramp up the street lighting, but the pedestrians walk out in the middle of the street, I have noticed they come at you pretty quick. I don't know if there is something we can do. (Mr. Neubecker: At night?) Yes. (Mr. Neubecker: Because cars are going slow, pedestrians feel safer, but it also makes the drivers slow down as well. We can pass that message along to the Streets Department.) I am concerned about a pedestrian being hit. (Mr. Rath: Sometimes they walk across the street as if the entire avenue is a crosswalk.)

PUBLIC PROJECT HEARINGS:

1. McCain Parcel Solar Garden (JP) PC#21011065, 12920 CO Highway 9

Ms. Puester presented a proposal to install a 2 megawatt photovoltaic (PV) solar garden on a 10 to 11 acre portion of the town's McCain property, north of Coyne Valley Road and West of Highway 9. The entire property is 102 acres. The proposed solar panels would consist of approximately 8,333 panels in 27-30 rows and produce approximately 3,000,000 kWh of energy per year. The panels would be 13 to 15 feet in height. The proposed solar panels would be managed by a third

party, the Clean Energy Collective. They would then sell panels to residents and businesses within Summit County who would pay the upfront cost of the panels purchased; in turn, Xcel Energy would credit the purchaser's Xcel bill monthly for their share of the value of the energy produced. A local installer would do the installation. A representative from Clean Energy Collective is here this evening to listen to the presentation. The exact location of the solar garden as proposed may change as the Town Council reviews the plan and the Town renegotiates leases currently existing throughout the McCain property. The Town will be submitting a Request for Proposal (RFP) to Xcel Energy with this preliminary information for their selection process. Should the Town's solar garden project be selected, we will move forward on finalizing the exact location of the panels on the site. The exact site may shift after discussion with Town Council as well as other programming for the McCain Site.

Staff recommended positive six (+6) points under Policy 24/R-Council Goals for the use of renewable energy, negative four (-4) points under Policy 7/R-Site and Environmental Design for lack of buffers, and negative two (-2) points under Policy 22/R-Landscaping for lack of new plantings. This would result in a passing score of zero (0) points.

Staff did not recommend any points under the Energy Policy (33/R) at this time but the Commission could decide to assign up to two (+2) positive points under the "other" section which is not tied to a building. The project would pass without those points as recommended by staff.

Staff supports the use of renewable sources of energy as an active step to reduce the Town's carbon footprint.

The Planning Commission is being asked to make a recommendation to the Town Council, and the Town Council will make a final decision. The business decisions will be made by the Town Council. The Commission needs to focus on the site planning and development code issues.

Commissioner Questions / Comments:

Ms. Christopher: Can berms and landscaping be added at a later point? (Ms. Puester: Yes, and the Commission could recommend additional berms or landscaping to the Council.)

Mr. Lamb: Do you know how much energy this converts to? (Mr. Brian Waldes, Financial Services Manager: About 300 houses. The Town uses 4,000,000 kWh per year for municipal buildings and facilities.)

Ms. Dudney: On Policy 5/A it just says "complies" on the point analysis because that is an absolute policy. Regarding the location of the detached solar, does it comply because you feel like the visibility was reduced "to the extent possible"? On item 3E, almost to the end of the section, second to last paragraph of that policy? (Mr. Grosshuesch: Yes.) On the aesthetics, which is the first one under Policy 5/R? It just says "be integrated into". Mr. Waldes, the panels are non-reflective? (Mr. Waldes: Correct, panels absorb the sun, not reflect it.) You don't think the aesthetics are affected? (Mr. Grosshuesch: There is hardly anything you can do to the panels to change their aesthetics. You can't add stone or other materials the way you can with a building.)

Mr. Rath: Will there be a fence around it for security? (Mr. Neubecker: No, not at this point.) They can get stolen. They are expensive, \$600 per panel. (Mr. Waldes: They will be insured.)

Ms. Dudney: The site does not front on Coyne Valley Road; what will be the use of the site adjacent to Coyne Valley Road? (Ms. Puester: That will be decided in the future by the Town Council.) Should we consider the impact on that future development? What if people live there? (Mr. Grosshuesch: This project is already taking negative points for site buffering. Possible uses still being considered are a reservoir, open space, park, service-commercial, and parking, but no residential. No final decisions have been made yet.)

Mr. Butler: It is impossible to determine the use of that site. (Ms. Puester: The site is currently used for mining; we don't know what it will be used for in the future.) (Mr. Neubecker: When we know down the road what the uses will be, we can evaluate and if necessary, buffer them at that time.)

Ms. Dudney: Regarding Policy 7/R, if it is not being buffered, do you just do one negative (-1) point for that? (Mr. Neubecker: We assign negative points for one item not for multiple options. Don't want to "double ding" a project for the same issue.) (Ms. Puester: We did recommend negative points for lack of landscape (-2) and lack of buffering at (-4).)

Mr. Rath: Every solar garden I have seen has a fence around it, many with barbed wire along the top. If it was necessary to put a fence around it, would we go through another approval process? (Mr. Grosshuesch: The Town Council will see all of your comments. I can't guarantee you will see every modification that happens to this project, similar to how you did not see every modification that went into the PPA solar array projects on other Town buildings.) I think if it is going to get potentially uglier, and there is no

landscaping going in around this, we have to be realistic. (Mr. Grosshuesch: There is a mine site there now, which has the potential to go on there for quite some time. It is not in a residential or signature area like the Riverwalk Center or Golf Course. I hear what you are saying; we will take your comments to the Town Council. If you think it needs a fence, we can take that to Council.) (Mr. Waldes: In regard to insurance, we have already insured two ground mounted arrays without fences around them.)

Ms. Dudney: Is there potential for positive points under air quality Policy 30/R? (Mr. Neubecker: I don't know if you can argue that in this case.) But might be a step in the right direction. (Ms. Puester: That is up to the Commission if you would like to add positive points under 30/R to change the point analysis.) I think it could get positive points under air quality. Infrastructure Capital Improvements, Policy 26/R, can it get points there too? (Mr. Grosshuesch: This is not the kind of public infrastructure we envisioned when we wrote that policy. The business plan is going to be written such that we could sell these panels to members of the community; for example, if they are in the historic district and can't get solar access on their property there.) (Mr. Neubecker: If you are spending your money on infrastructure for something that the Town otherwise would have to construct, then that is more relevant to Capital Projects.) (Ms. Puester: The Town is not paying for the installation or maintenance.) What about the open space requirement? (Ms. Puester: Whatever happens on this property, we would retain 30% of the total land area for open space. The river plan, under the Army Corps of Engineers, would make improvements to the river. This would be a continuation of improvements made to the south segments of the river throughout Town when there is money available from the Army Corps.) Is that a positive point issue, providing more than 15% open space? (Ms. Puester: We did not consider that; it could be although it has not had a formalized plan.) On the deal with CEC, my thinking is this is a 50 year lease and we obviously can't anticipate what is going to happen in 50 years, we can't estimate impact to neighbors to south, east and west. A risk I see is it could become obsolete and the Clean Energy Collective could walk away, it might not be maintained. Then the issue of buffering and eyesore to the neighbors could become more severe. Something to consider that there are protections so if it is not maintained and the buffers are not there that the Town could step in. (Mr. Neubecker: It is not a code issue but a business issue for the Council.) It is not, but it relates to code with effects to neighboring properties. Normally we rely on the developer to maintain. Business issues relate to buffering issues, should you require more up front? We have to look 50 years down the road. (Mr. Grosshuesch: We have given it negative points for buffering; we will pass your comments on to Town Council.)

Ms. Christopher: I have faith in the Council that they will include this. Likes the project but we should be careful to do it appropriately. If this is the parcel, recommend to Town Council to buffer it more and look at a percentage of panels for Town residents only.

Mr. Pringle: Are we going to see just the 8,300 panels or will there be metering, transformers and items like that? (Ms. Lauren Martindale, Clean Energy Collective: On this site there will be two inverter pads, which together are less than the size of a tractor trailer. They come in standard colors very compatible with surroundings, green or tan color. They will be in the existing footprint of the plan you see. It is basically a mechanical box on a concrete pad on the ground next to the panels. The inverters turn the electricity into power that can be transferred into the grid. There are no moving parts. No moving parts, no traffic, dust etc., no noise.) Is there any substation infrastructure or will it be undergrounded? How does it get to the grid? (Ms. Martin: We generally do an above ground line. We want that line to be as short as possible, we will pick closest point in the array and run the line to that. We have not engineered it enough, but my guess is it is going to be less than 30 feet.) (Ms. Michelle Zimmerman, Innovative Energy: Most of the lines there are underground.) Will this just be for Town residents, and people adjacent to the parcel, or anyone in the County? (Mr. Waldes: Anyone in the County. The Town of Breckenridge can buy panels and resell to only Town residents if it chooses.) What will be the split? (Mr. Waldes: Its available to anyone in the same service area, so anyone in the County. The Council has yet to work out a business deal with those details.) (Ms. Martindale: We don't know the breakup yet.) Positive six (+6) points for renewable energy, is it a community goal to provide energy to the entire County? Is generating for other residents outside the Town part of the intent? (Mr. Grosshuesch: Council's intent is to create this array but also to buy a number of the panels to use for Town facilities and also to sell back to residents and businesses within the Town.) Policy 22/A Landscaping talks about screening industrial and commercial storage. We are not doing that. How do we comply with the absolute policy? (Mr. Grosshuesch: When that policy was written, we discussed it as industrial storage and commercial storage. This is not storage and therefore that section is not applicable.) I don't read it the same way. I don't think we would let anyone else come in here and

do this. I know the Town can do this, but I think this is in violation of Policy 22/A with regard to screening.

Mr. Butler: I like the garden. Good site but why not add more landscaping and buffering?

Ms. Dudney: Policy 22/A was superseded by other language. This is not industrial storage or commercial storage. (Mr. Pringle: It is industrial use, though.) (Mr. Grosshuesch: We could put landscaping around the site, but not next to the panels because the shadowing would shut down the panels. We don't think landscaping would help to buffer from those neighbors who can see the project, as they are above it, but landscaping could from the highway.)

Mr. Pringle: We make all the other applicants adhere to the landscaping policy; I interpret it differently than staff.

Mr. Butler: This does not fit neatly into the box, but it should comply, same as the pellet plant.

Ms. Dudney opened the hearing to public comment.

Mr. Eric Buck, full time resident in Breckenridge: I am the only person in all of Breckenridge to comment on the solar garden. This is a massive project. It is likely that the planners made all the required public notice; it is obvious that most of the public does not know. I have talked to a number of people in Silver Shekel and they had no clue. 300' is the requirement, but that only covers a small number of residents in Silver Shekel. This is a big subsidy to economic tax breaks. On the aesthetics, the corridor coming down Highway 9 to Breckenridge is the first thing people see. Mr. Grosshuesch said it is not a signature area. This is not the alternative. This could be a signature area, a public park, mountain views, properties in that valley are valued over 1 million per acre and we are talking about giving away acres of this property. Why we would give away this jewel? It is like building a trash can out of gold. You need to have it but you don't need to see it. Calling this a "government use" is a massive stretch; a private company building this project to sell that project to private individuals. There is no requirement to give any of this power to Breckenridge. It does not make sense to use the prime property to give this away to other residents of Summit County. I have never seen a converter that does not make noise. Detached array policy was clearly written to be attached to a building, a home. Not meant to be a farm. 10 acres of glass near the public right of way. I drove Highway 9 today. For at least a mile you can see this valley floor. The bike path is probably within 50 feet of this array with no screening. This should be receiving significant negative points under item 6. No landscaping going on, only negative two (-2) points, what do you have to do to get more than negative two (-2) points? That seems significantly low. Buffering, negative four (-4) points. To summarize, looking at the findings it says "not have significant adverse effects"; how you can say ten acres of glass will not have impacts? I encourage you to go along Highway 9 and see for yourselves. I know Silver Shekel is not part of Breckenridge, but we should not turn our noses up at them, they will see this project. No economical feasible alternatives? There are lots of alternative locations...up French Creek, not the negative impacts there. To put it in prime property makes no sense at all.

Mr. Darryl Baker, President of Silver Shekel Homeowner's Association: We have not studied this, but I want to point out that Silver Shekel looks down on this from our location. I live directly above this. The river ran right through this area for about a month this spring. I know the river will be a problem for this project.

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

Commissioner Questions / Comments:

Mr. Lamb: I agree with Mr. Grosshuesch. Policy 22/A does not apply as its not storage. It is taking the negative hit for the buffering and lack of landscaping and it is making it up with renewable energy. This is very important to the community, to the Town Council, our community, our country. We are going to run out of oil. The river is going to move further west. This is something we should have done a long time ago and I support it wholeheartedly.

Mr. Pringle: I read "all open industrial or commercial storage shall be screened". I think any kind of development of like this requires it to be screened. We would not allow anyone else to come in without doing any screening like we did with the pellet plant. Town Council can do what they want, but I don't think we can ignore the code. It does not comply with Landscaping, Policy 22/A, and should be listed as such in the point analysis. If we are providing a 10 acre solar array, not sure how much is going to be absorbed by the rest of the County. We absorb the negatives; we don't know what the future uses will be that could be affected by this. Do positive six (+6) points warrant that? I am a big proponent of solar. If we want to do solar on any massive scale, this is the way to do it. We have to be sensitive to the application, make it acceptable to all people, show other communities about how we would like them to take care of their applications, landscape and screen those projects.

- Mr. Butler: I really agree with Mr. Pringle, it is a great project, first step toward what that McCain property can look like, strongly in favor of project. But I think there is a right way to do it, would like to see more landscaping and buffering.
- Ms. Christopher: I love that the Town is making this a priority, but we do need to do things carefully. The Town Council needs to do this thoughtfully, make it beautiful; it is the gateway to our community. Maybe make it a percentage of the energy goes to Town of Breckenridge residents.
- Mr. Rath: I totally agree with a lot of what has been said, I am a big proponent of solar and have had to fight with homeowners associations in the past to get solar panels on the roofs of my buildings. The whole area is in need of reclamation, we should not ignore the fact that we want to bring this back to more than just a mining area with no trees. There is an opportunity to make this area positive gateway to Town. I am very familiar with the view looking down from Silver Shekel, having done a remodel there just this past year. We should do everything we can to improve what they look at now. What was said about positive six (+6) points, I am torn. I think all sustainable projects need our support, but are we really benefitting Breckenridge for positive six (+6) points or all of Summit County for positive six (+6) points?
- Ms. Dudney: Negative points are understated. I don't have a problem with the positive six (+6) points, what benefits Breckenridge benefits the County as well, in this case. Want to send a strong message to the Council about needing buffering to the site.

Mr. Lamb made a motion to approve the point analysis for the McCain Parcel Solar Garden, PC#2011065, 12920 CO Highway 9. Mr. Butler seconded. The motion failed for lack of a vote.

Mr. Pringle made a motion to modify the point analysis for the McCain Parcel Solar Garden, PC#2011065, 12920 CO Highway 9, regarding Policy 22/A from “complies” to “does not comply” because there is no landscaping. Ms. Christopher seconded. (Mr. Grosshuesch: When we wrote the policy about storage areas, it was because the Code did not require screening. When Airport Road was developed, we then changed it to require screening. Does that mean the front of the buildings? The intent was to screen the storage areas.) The motion failed with a vote of 4-2.

Ms. Dudney made a motion to modify the point analysis for the McCain Parcel Solar Garden, PC#2011065, 12920 CO Highway 9, regarding Policy 7/R from negative four (-4) to negative eight (-8) points. Mr. Butler seconded. The motion passed with a vote of 5-1. (Ms. Dudney: I recommend that the Town protect itself so it can step in and maintain the property if it becomes an eyesore.)

Mr. Pringle made a motion that the Planning Commission recommend denial of the McCain Parcel Solar Garden, PC#2011065, 12920 CO Highway 9, due to failing score of negative four (-4) points. Ms. Dudney seconded, and the motion was approved with a vote of 5-1.

WORKSESSIONS:

1. Gold Creek Condominiums Exterior Remodel (CN), 326 North Main Street

Mr. Neubecker presented. Gold Creek Condominiums, at the southeast corner of North Main Street and North French Street is considering a major remodel. As part of this remodel, Sonny Neely of Neely Architecture has created some preliminary concepts on how the building might look. The preliminary plans envision the use of timber beams and roof components that would extend above the existing building height. The existing flat roofed building is approximately 34' tall. The recommended building height in this Land Use District is two stories, or twenty-six (26') feet.

The maximum height limit in this Land Use District is two stories above the “recommended height”, which would be a maximum height of 50'. The proposed features would be about 41' above grade.

In addition, screening of mechanical equipment is encouraged by the code. The applicants are proposing to install solar panels on the roof of the building, and the taller parapet walls and tower elements would help to screen the panels. The Applicant would like to know if the parapet and tower features that are shown on the draft plans would be waived from the height requirement. The height definition exempts “elevator shaft extensions, chimneys, and focal elements such as church steeples, spires, clock towers or similar structures that have no density or mass”.

Staff believes that the proposal does qualify as an exemption based on these criteria. We support this application moving forward without the allocation of negative points for building height, since we believe that the additional height is exempt. However, Staff and the Applicant would like Commissioner input on this proposal.

Questions:

1. Did the Commission agree that the additional parapet walls and tower elements are exempt from the building height measurement?
2. Did the Commission have any other general feedback on the proposal?

Ron and Kathy Schuman are here from Patriot Management representing the Owners and the Architect.

Commissioner Questions / Comments:

Mr. Pringle: Would this bring up Paragraph B of Policy 7/R where building roofs are encouraged to be broken up? (Mr. Neubecker: Yes, this would make the building more interesting.) Would that warrant more than one positive point, if it is found to be not exempt? (Mr. Neubecker: The building is already over height. Do you get the negative points for the incremental difference? I don't know if this building ever went through a point analysis.) It did not; it is "pre-Pringle". (Mr. Schuman: Built in 1972.) Solar, broken up ridge lines all apply to this application.

Mr. Schuman, Registered Agent for the Property: The Architect sends his regrets; he is at a Jimmy Buffet concert this evening. We are just developing an improvement plan. We are under a four to five year plan to tie in with Columbia Lode and whatever happens on the Vail lot across the street. We are looking at some historical effects, to reduce the "boxiness"; it is a cement box. Would like to consider using beetle kill wood; want to make it a good looking building at that corner. Packet speaks for itself. We just need your input; we have a zero lot line on the south. The northeast corner is very tight; we have to manipulate an element over that, we are in a very tight position. We need your guidance. This would be negative ten (-10) points without the variance, which would make the project a non starter.

Ms. Dudley opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Rath: I think the design looks good. I would look at the elements as a chimney or something like that. I would do anything at this point to move this project along.

Ms. Christopher: I agree. The elements would break up the roof line; if nothing else they would add points. (Mr. Neubecker: This element here (demonstrated the parapet wall on the plan) goes up a few feet over the height; keep that in mind.) Even so, yes, we are going higher, but we are making something look better.

Mr. Pringle: Would this be considered mass? (Mr. Neubecker: No, since there is no additional floor area.)

Mr. Butler: I totally agree.

Ms. Dudley: Agree with everything said.

Mr. Lamb: I agree; we have done this before on the justice center.

Mr. Pringle: Agree also, but want a special finding to specify this is legal non-conforming so the next guy who comes in to propose this is aware of this. I don't want someone else to come in who does not need this. I would pursue that and look at positive points for breaking up the ridgeline.

COMBINED HEARINGS:

1. Ali's Pals Home Childcare (MGT) PC#2011066, 12 Leap Frog Green

Mr. Thompson presented a proposal to use the single-family residence of 1,173 sq. ft., at 12 Leap Frog Green, for the operation of a home child care business. Mr. Thompson introduced Ms. Ali McAlpine, the owner of the house and the Applicant, as well as Mr. Cory McAlpine, Ms. McAlpine's husband, who will not be working in the childcare in home business. This application is required pursuant to Ordinance 15, Series 2005. Per policy 38.5 (Absolute) Home Childcare Business (38.5/A), the business will always be limited to the care of a maximum of twelve (12) children. The business will meet the State Childcare Licensing requirements. The applicant has stated there will be no more than six children at the home, five days a week. The owner of the home will be the only employee running the home childcare business.

Noting the lack of childcare facilities in the community, the Town Council has identified Day Care as a "Priority Goal". The applicant hopes to continue to help meet this goal by offering a Home Childcare Business. Typical hours of the applicant's operation are from 7:30 am to 5:30 pm, Monday through Friday while closed on weekends and holidays. As a Condition of Approval, the applicant shall confirm in writing to limit the number of children in her care at any one time to a maximum of 12. The applicant understands these conditions and has agreed to abide with them. Outside play areas for the children are indicated on the site plan in the back yard. With approval of this application, the applicant shall be required to obtain a Town of

Breckenridge business license on an annual basis, and applicant shall process a Class D Permit on an annual basis for renewal (fee waived) of this home childcare business license. Conditions of Approval indicating such have been added. Breckenridge Building Department Staff has completed a site visit to the property and found that the house meets current Building Code requirements.

The notice was sent to all property owners within 300 feet of the property, even though the code requires notice only to those within 100 feet. Staff received a letter of support which was included in the packet as well as another statement of support from a neighbor within 300 feet who could not attend the meeting this evening.

If the Commission finds the application to be compatible with the adjacent properties, then it is Staff's recommendation that the Planning Commission approve Ali's Pals Home Childcare Business, PC#2011066, 12 Leap Frog Green, with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Pringle: If staff requires them to have a fenced in area and the Town will not let them fence, is that a problem? (Mr. Thompson: They have already fenced in their yard, which is allowed under the Wellington Neighborhood Master Plan.) The fence is not in conflict with the Master Plan? (Mr. Thompson: No.) (Ms. McAlpine: I decided to pursue this because I love kids and education and my goal is to keep this geared toward families in neighborhood. They can walk to my home. My goal is to grow this and I do provide structured environment with structured program of education in home setting at an affordable rate. Eventually we would like to pursue moving into a commercial location if we grow. For now we are just taking six children.)
- Mr. Butler: What do the parents, your current customers, do for work? (Ms. McAlpine: Many different jobs. Ski area, title companies, real estate, etc.) Closed on holidays could be a problem for those clients as many of them will have to work holidays. (Ms. McAlpine: Sure, understood.)

Ms. Dudney opened the hearing to public comment.

Ms. Kathy Schuman, lives at 11 Willow Green: I am all in favor of this application. My husband and I are empty nesters, so we won't be using it, but it is a great service you would be offering. Support the application.

Mr. Daniel Lewis, lives across the green from the Applicant: I am another homeowner that doesn't have business out of my home. My concern is one, we have this document which states rules and regulations. They put a fence in, if not in fenced area, must be in approved play area approved by the department. You are not in business yet? (Ms. Mc Alpine: I have been doing nanny service for now, but goal is to get licensed.) Will it hurt home values? This is just in front of my property. Will that affect my property if they are using the green for the business? We have kids and there are other kids on that green, but there may be kids that don't live in the neighborhood. The green is for people that live there, not necessarily a business. I see six kids there now; I don't believe anyone has any state licenses yet. We are supposed to have a homeowners meeting on this but that has not happened yet. In a nutshell, I just wanted to present some ideas to think about from another owner on the green. (Ms Dudney: When approval comes up in another year, would there be opportunity for comment?) (Mr. Thompson: Yes, but a Class D permit does not require notice for the neighbors. If there were problems, I would hope the neighbors or HOA would contact the Town to communicate that.)

Karen Kufner: I also live on Leap Frog Green. My comment is about kids that don't live there using the green which is seven houses for the residents, not a business. If there is mud in the enclosed area they have now, then that needs to be addressed. If this is an approval now for six, will there be a change to approval for additional kids or for another employee?

Mr. Cory McAlpine: We closed on our home on August 12th and I just built the fence last weekend. Our plan is to sod and to use the back yard only for the play area, we understand we need to use our area and don't have a problem with that. Our plan is to plant the sod in the spring. The State requires 35 square feet for indoor area and 75 square feet per child for outdoor. Times six equals 450 square feet; our outdoor are is 800 to 1,000 square feet. We will not take on any more children in this house; six would be the maximum we would take on.

Mr. Daniel Lewis: In terms of the six kids there now, is that an operation happening there now? I was concerned about licensure there now. (Ms. Dudney: Your comments have been heard by the Commission; that is not a Commission concern.)

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

Commissioner Questions / Comments:

Ms. Christopher: Is there any conflict with this being a deed restricted property? (Mr. Thompson: No, it is a home occupation. I did run this application by Laurie Best, Planner III for the Town, who handles both affordable housing and child care, and she agreed it is an appropriate use.) (Mr. Neubecker: Not a problem in regard to the deed restriction.)

Mr. Pringle: I used to live behind Little Red Schoolhouse, and of all the uses available, the sound of kids playing in the backyard is one of the least impactful. Having said that, you need to be sensitive to the needs of your neighbors and doing so will go a long way. I would consider an alternative to sod. Backyards are small, I don't know what would be allowable, another option might be possible. (Mr. McAlpine: The State requirement for sand would be 3-4 inches deep which would be problematic with hardening.) I think it is great application, exactly where it is supposed to be.

Mr. Lamb: I have to agree with Mr. Pringle. Wellington Neighborhood was designed for this type of use. I don't know the difference between a six person child care and a large family. As far as them playing on the green, there are always a ton of kids out there. Just a personal recommendation to seed before the winter.

Ms. Christopher: I agree. It's a place with high density of families, creating a benefit. Encourage you to be good to your neighbors.

Mr. Rath: It is a neighborhood with lots of children, definite benefit to the community.

Ms. Dudney: Agree, and I encourage any neighbor to please write a letter to the town with any issues.

Mr. Pringle made a motion to approve the point analysis for Ali's Pals Home Childcare Business, PC#2011066, 12 Leap Frog Green. Mr. Lamb seconded, and the motion was approved unanimously (6-0).

Mr. Pringle made a motion to approve Ali's Pals Home Childcare Business, PC#2011066, 12 Leap Frog Green, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Ms. Christopher: At the Commissioner training we attended, I learned to not say "I like this, I like that". It does not sound very professional. Say "I believe" instead of "I like". The trainer gave a list of words you are not supposed to say. (Mr. Pringle: You have to take the emotional part out and be analytical.)

Ms. Dudney: I was in a session on "FRESH" infill development: footprint, roofline, envelope, setbacks, holes (windows, doors). It was informative.

Mr. Neubecker: We will be sending out information on the Saving Places Historic Preservation conference, which is in early February. It is really a great conference. There is ongoing historic preservation learning. Staff attends as well. We will send the dates to the Commission; I believe it is February 1-3, 2012.

Some Town Council Updates:

- There was an ordinance passed on animals at special events.
- The Upper Blue Nordic Master Plan was endorsed by Town Council. (Mr. Pringle: Did they add the changes we recommended?) (Mr. Truckey: We did.)
- There has been some discussion about burn permits, especially in Warrior's Mark. They got a grant, but there is some disagreement within the HOA about that. Some owners are opposed and want the trees hauled off. The Council requested they try to work it out; they are scheduled to come back to Council next week. The Town and Red, White and Blue Fire District are also doing some burns in Town and up on Baldy, outside of Town limits.
- The South Branch library is looking at expanding or building a new building. The Town Council suggested building new. The project would be off of Rankin Road, just north of the library. Maybe vacating that road. They are doing preliminary plans. Existing library would be added onto and converted for District Attorney's office, which is currently out on Airport Road. Those plans will come to you at some point. (Mr. Lamb: What about the helicopter landing area?) They will need to consider that.
- The Council is working on an agreement with Denver Water involving exchanges of water rights; something of benefit to the Town.

ADJOURNMENT:

The meeting was adjourned at 9:30 p.m.

Gretchen Dudney, Vice Chair