

## 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 arrived at 7:08 p.m.

Dan Schroder arrived at 7:13 p.m.

### APPROVAL OF MINUTES

With no changes, the October 18, 2011 Planning Commission meeting minutes were approved unanimously (5-0).

### APPROVAL OF AGENDA

With no changes, the November 1, 2011 Planning Commission meeting agenda was approved unanimously (5-0).

### **CONSENT CALENDAR:**

1. Wellington Neighborhood Lot 9A, Block 9 Single Family Home (MGT) PC#2011070
2. Wellington Neighborhood Lot 9B, Block 9 Single Family Home (MGT) PC#2011071
3. Wellington Neighborhood Lot 10, Block 9 Single Family Home (MGT) PC#2011072

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

### **CONTINUED HEARINGS:**

1. Breckenridge Stables Horse and Carriage (CN) PC#2011061

Mr. Neubecker presented a proposal to operate a horse drawn carriage for rides and tours around Breckenridge as well as provide taxi service for special events, weddings, dinner rides, etc. The proposed new location is at the southeast corner of Main Street and Lincoln Avenue. On October 4, 2011, the Planning Commission reviewed this application. Based on public comment from neighboring business and property owners, the Planning Commission continued the hearing to allow Staff and the Applicant to consider other locations. Planning Staff has met with Staff from the Public Works and Police departments to consider other possible locations and has also talked with the Applicant about possible waiting locations. Based on visibility and location, as well as turning movements, the Applicant has indicated that the location at Main Street and Lincoln Avenue is their preferable new location. Staff recommend that the Planning Commission approve the Breckenridge Stables Horse and Carriage use (PC#2011061), along with the attached Findings and Conditions.

### *Commissioner Questions / Comments:*

- Mr. Butler: Is there going to be a curb bulb out? (Mr. Neubecker: There is already a bulb out in that location.)
- Mr. Pringle: Everybody loves the carriage ride but everyone hates to have it in front of their house. You and your employees need to come up with a rock solid plan to address odors and to collect urine; then I think all the issues will go away, but if it can't then everybody will object to it. I'm glad that we found a place that works because the last thing I want to see is this operation becoming a problem. (Mr. Brad Bays, Applicant: We will work on keeping it clean and keeping the smells down.)
- Mr. Butler: Is this an annual permit? (Mr. Neubecker: It is a yearly permit. It could be renewed as a Class D, or it could possibly end up being a Class C and a Town Council call up if need be.) If the Applicant had proved that he had overcome those objections, couldn't it be incentive for him to run a tight ship?
- Mr. Pringle: The waiting area and restroom area in the Lincoln Mall is much greater than Creatures Great and Small. I would be reluctant to hint that if you do a real good job you could move it back where it was, because it might be a better location for everybody. (Mr. Neubecker: The permit is for this location. A change of location would require a new permit.)
- Mr. Lamb: This is a better location for visibility.
- Mr. Schroder: Seems like a great spot, with public restrooms; are there any community members that have objections to the new location? (Mr. Neubecker: Yes, some have. We've heard from property manager and a business owner in Lincoln West Mall. They are mostly concerned about the odor and cleanup process.) I am in support of the carriage as a whole. I believe our community will benefit from it.

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

Ms. Christopher made a motion to approve the Breckenridge Stables Horse and Carriage, PC#2011061, with the presented findings and conditions. Mr. Pringle seconded, and the motion was carried unanimously (7-0).

**WORKSESSIONS:**

1. Town Council Report (Mayor John Warner)

Mayor Warner presented updates to recent Town Council agendas and discussions.

Dr. Warner: The idea of a solar garden; how do you do that without affecting the public right-of-away (i.e.: visibility in the historic district)? We came up with a list of relative priorities. I think Stillson Placer is a good location of for a solar garden. I just want to remind you that the SustainableBreck plan is in favor of something like this. I appreciate all of your comments; you (Planning Commission) raised the idea of a garden some place (when we were discussing the solar panel ordinance); but we as a group want to hear what you guys have to say. It is important for us to contemplate the possibility of solar gardens. Suggest looking at Park City and how they have few controls and have sprawled their historic district. There are only a handful of historic ski towns in the United States, so looking at Park City would be worthwhile as a field trip for the Planning Commission.

*Major issues discussed: Block 11, McCain Property, Joint Meetings*

We will be talking about the possibility of a bridge or culverts near Coyne Valley Road when the Blue River is moved to the west.

We don't have a plan for the McCain Property. We have an 80 acre rock pile. We have thought about a reservoir, reflection pools, and water pump-back. I do know that the Council and the Army Corps are very keen on reclaiming the western portion of the Blue River on the McCain Property. The Town has budgeted \$2 million, it is a \$5 million project. (Ms. Dudney: Did you feel the process worked properly with what we considered on the solar gardens?) Dr. Warner: It seemed from what I read in the minutes that there was some pre-judgment about the project. I feel you should go into a presentation with an open mind. You are supposed to listen and then make a decision. Some seemed skeptical of the positive point nature of the renewable energy. I was just surprised at the level of skepticism at Council's motives for being enthusiastic about this. It seemed to answer so many questions and issues with regards to the historic district and its restrictions; maybe I am misreading the minutes and I kind of struggled with it. (Mr. Pringle: I felt that this was an application given to us. This was a project that the Planning Commission was asked to make a decision on even though it was being proposed at Town's level. I thought there were a number of questions; I was kind of taken back that we would propose an application somewhere on the property. We can't take into consideration the past and present and how we have interpreted other policies. This was the application.) (Ms. Dudney: My understanding was that it was an application review process.)

There is no master plan in place for the McCain property. We signed a letter of intent with this solar company. We are in an RFP process; we haven't paid any money yet. It was kind of a "look-see", tell us what you don't like about it. You will see it again if we go forward. (Mr. Neubecker: We have the direction from the Planning Commission; we will be working on a more specific site plan.) I read the minutes in the context that it was a done deal. (Mr. Pringle: Now you understand why there should be a Town Council representative at our meetings.) (Dr. Warner explained why Mr. Berry, the Town Attorney, doesn't want a Council member here because of voting problems.) You are right; there is a breakdown of communication. I will be happy to try and see if one of us (from Town Council) can be here once a month so we can make sure there aren't any communication breakdowns. I think it is important that we both can function on a high level. I'm here to bridge that gap and you will see more of me. I would like to have two joint meetings per year. I wouldn't mind bumping that up to three or four times a year. It is hard to get Council members to do more stuff, especially when they are already on multiple committees. I'm asking for your patience and keep the faith, as I'm renewing a process for us to have better communication.

Mr. Eric Buck, Town Resident: There may have been a shortfall between the minutes and what was said because I was here during that meeting. Advanced consideration of what they will be reviewing, a lot of the issue came up with the fact that it seemed like it just got thrown in their lap. They should have the ability to go out and seen the site before reviewing the application.

**BLOCK 11 PROPERTY:**

Dr. Warner: Let's rethink the density on Block 11; let's make sure we understand our parking requirements, relative to the ski area. There have to be 500 spaces between the new CMC and Block 11 for skier parking. There is clearly a disconnect between how much parking is needed, the idea of carpooling, etc. Before we start building on Block 11, we really need to understand parking and housing requirements. Also, CMC has been thinking about the possibility of having residential (dormitory) uses near

their parking lot. This would push our parking requirements to the south. (Mr. Schroder: Who owns the land to the south of skier parking?) The School District owns 5 acres past the fence; it has been roped off. We have been talking to them about affordable housing, etc. They are holding onto that land.

The parking master plan is in a state of flux. 500 cars? 1,000 cars? We are struggling with the density level, 350 (11 units /acre); how quickly is this going to happen? (Mr. Pringle: Would it include seasonal rental/year-round apartments?) The new master plan for Block 11 includes: Multi-family, single family and town houses, a really unique mix. (Mr. Pringle: I think there is a need for seasonal rentals; Pinewood Village is a great example.) The rental stock needs to be bumped up.

*Commissioner Questions / Comments:*

Mr. Pringle: I think the meetings between us are so important. I have never felt so isolated from the Council. It has been a detriment to the town with this lack of communication between the two.

Ms. Dudney: I understand we have to use the code. Sometimes I do more thinking that what is needed (with regards to the business side of the deal). How would you suggest that I present that? Could I write a letter? Go to the meetings? (Dr. Warner: As far as the business side, I think we are always happy to hear what you are thinking. Minutes should reflect point analysis, etc., not the business side of the deal.) I struggled with not knowing anything of the 50 year lease for the solar garden. I believe there is a substantial risk with this. How to get the point to the Council that this seemed to be something that they should pay extra attention to?

Ms. Christopher: It (solar garden) could have been presented as a worksession.

Mr. Pringle: Is it being presented as a Town project or regular application by a private party? (Mr. Neubecker: Staff was uncertain about which way it was supposed to go; that is why tonight's presentation is a work session.)

2. Stillson Patch Placer Solar Garden (JP), 710 Wellington Road

Ms. Puester presented a proposal to install a 500 kilowatt photovoltaic (PV) solar garden on a 4 acre portion of the 38 acre Stillson Patch Placer property. The proposed solar panels would consist of approximately 2,130 panels in 9 rows and produce approximately 780,000 kWh of energy per year. The proposed solar panels would be managed by Clean Energy Collective (CEC). They would then sell panels to residents and businesses within the entire Summit County area who would pay the upfront cost of the panels. Xcel Energy would credit the purchaser's Xcel bill monthly for their share of the value of the energy produced.

Since this is a worksession, the Planning Commission meeting minutes will be forwarded to the Town Council for further discussion of solar garden sites.

Any additional comments or concerns that the Commission has with a solar garden of this size at the Stillson Patch Placer site would be appreciated.

*Commissioner Questions / Comments:*

Mr. Pringle: When we talk about solar devices outside of the conservation district, I don't think that when we wrote this policy or when we were contemplating this policy, solar gardens were a part of the thought process. I think we need to expand this to talk about solar arrays on a macro scale. I am in favor of modifying the policy to apply to solar gardens. (Ms. Puester: We were thinking we would see some detached systems when we wrote this policy. This is what we have in place. The way the code works would be to look at the other policies regarding buffering and landscaping and so on.) It would be nice if we could have a dual track-where they fit, how they are going to be addressed, what are the other needs that are going to have to be mitigated because of the size of the gardens and what is going to be incorporated there. I am a firm believer solar gardens are a way to offset carbon footprints. (Ms. Puester: I don't think we would want to write a policy so tight that it would eliminate the need for our point system to work to buffer this site.) Does this sort of policy really apply to a 10 acre area? (Mr. Neubecker: It is the policy we have in place and I think the policies we have cover most of the concerns people have. What we can do tonight is get your feedback on other issues even if we don't nail down Policy 33; maybe down the road we might need to add to Policy 33/R.)

Mr. Schroder: The policy almost implies it would be near a home, I would like to address the land use. Does Public Works have a place to go with their materials? (Ms. Puester: Yes.) Need to think about where to offset that material. Given the Xcel sub-station being there, it is a pretty heavy-duty area. I think it is a good location. I understand the community feel there and of looking at this berm and you can't see over that berm easily, it is pretty huge.

Mr. Pringle: If I was going to be a potential owner of the solar panel, do I get the tax credit from the government? Who owns the solar panel? (Ms. Lauren Martindale, Clean Energy Collective: We provided a discount system in the amount of the tax credit; you do get the savings as a onetime upfront rebate. The Federal Government offers a onetime 30% tax credit for solar. If businesses buy in, they can use accelerated depreciation schedule and take it out on their own tax returns.) Apparently there is a 25 year life of a panel and then you will come in and replace the panels? Do I have to buy another one and all the panels will be resold again or will they be replaced to the original owners at no cost? (Ms. Martindale: We haven't had enough time to flush out all details with Council. But panels will last more than 25 years, we don't intend to replace them all unless they have issues. The industry thinks they should last 40 years, maybe 50 if they are maintained correctly. Our plan is to not replace them all, but the initial sale price includes everything for 50 years. There are no additional fees assessed to the customers except a 5% management fee that the customer doesn't pay; it is taken off the Xcel utility bill and includes funds for a local solar installer to replace panels, and pay for the maintenance activities.)

Mr. Rath: So this is a program with Xcel, since they are giving you a break. Is that as long as you live within that specific home or within an Xcel district? Are you getting to take the panel if you move? (Ms. Martindale: You can sell the panel to a new customer or back to CEC, for whatever panels are selling for at market price. Xcel will not let us move it to a new county. If you always rent within the County or move within the County, you can keep using it, transferred. You don't lose the value, it maintains the value.)

Ms. Dudney opened the hearing to public comment.

Mr. Eric Buck, full time resident in Breckenridge: When it comes to Town and Planning Commission matters, I see absolutely nothing wrong with this location. I think it is a great location. My only comment might be that I think that the current requirements of the public notice of 300 feet around a development/notice of public hearings may not be enough. I think we need to make sure everyone in the neighborhood has enough time to comment on their own behalf. (Mr. Neubecker: This would really be a Class D permit per the code, at staff level we have elevated it to a worksession and we will bump it up to a Class C application should Council move it forward. We have noticed this worksession and will also for the Class C process which is not required at all by code. We are already going above and beyond the code for notice.)

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

*Commissioner Questions / Comments:*

Mr. Pringle: Believe that that is why we need a new code section for this type of application. (Mr. Grosshuesch: This is a very through public process; we have even held an open house on this in addition to all the public notice.) Judging solar gardens is like Main Street Station being reviewed as a single family home. Policy 5 and this application are two different things. Not credible. (Mr. Lamb: This is how the code works. Look at the other policies and points to achieve what you are looking for. We would require more landscaping at Main Street Station than for a single family to get the same points.) I would suggest we look into enhancing the landscaping on the berm so there is no impact to the people driving by. There are already uses there that are not pretty; people are looking down on this location too.

Mr. Lamb: I think it is a great location; the buffering off Wellington Rd. is quite good; I really like this project. I never see the junk behind the berm. Get in the program before it goes away. (Mr. Grosshuesch: If Xcel even continues the program than we can consider re-writing the policy. Submitted under this code. Not going to be able to write a new policy before this comes through.)

Ms. Dudney: Like the project here.

Mr. Rath: Seems like our first baby step and wait for the larger gateway one. This is the perfect location for a Town project now.

Staff had the following specific questions for the Planning Commission:

- 1) Did the Commission find that the existing berm along Wellington Road provides effective site buffering?
  - a. Mr. Schroder: Compatible.
  - b. Mr. Lamb: Yes, plenty large.
  - c. Ms. Dudney: Always like to see more trees but not required for this location, I think berm is high enough.
  - d. Mr. Butler: Berm provides effective side buffering.
  - e. Ms. Christopher: Great location, great project; yes.

- f. Mr. Rath: Yes, perfect location for something like this.
- g. Mr. Pringle: Could use more trees on the berm to blend more.
- 2. Did the Commission feel that the project met the intent of the Community Needs section of Policy 24/R?
  - a. Mr. Schroder: Striving to really start meeting mid/long-term goals; significant introduction into this arena; I am pleased to see that we are actively looking into this. Agree with positive six (+6) points here as well. (All Commissioners agreed with +6 points.)
  - b. Mr. Lamb: Yes.
  - c. Mr. Butler: Meets intent of community needs.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Ms. Dudney: Yes, along with everyone else.
- 3. Did the Commission believe that the project conserves significant amounts of energy and Policy 33/R should apply?
  - a. Mr. Schroder: Yes.
  - b. Mr. Lamb: Yes.
  - c. Mr. Butler: Yes.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Ms. Dudney: Yes, along with everyone else.
- 4. Did the Commission have concerns with the policies addressed by staff in this report?
  - a. Mr. Lamb: No concerns with report.
  - b. Ms. Dudney: No.
  - c. Mr. Butler: No concerns; looking forward to seeing project.
  - d. Ms. Christopher: No.
  - e. Mr. Rath: No.
- 5. Are there any applicable policies that the Commission finds missing from the report?
  - a. Mr. Lamb: No, nothing noticed missing from the analysis.
  - b. Ms. Dudney: No.
  - c. Mr. Butler: No.
  - d. Ms. Christopher: No.
  - e. Mr. Rath: No.

***OTHER MATTERS:***

Mr. Neubecker: Save the dates of February 1-3, 2012, for the “Saving Places” historic preservation conference in Denver. They are not taking registration yet, but in two weeks you can register online. Everyone is encouraged to attend. If you register early, you save \$30-\$40. Please register through Ms. Brewster in the Community Development office. This year the event will be at the convention center.

Mr. Pringle: Selection of Chair/Vice-Chair

Ms. Dudney nominated Mr. Schroder for Chair, Mr. Pringle seconded. The motion was approved unanimously (7-0).

Mr. Pringle nominated Ms. Dudney for Vice-Chair, Mr. Schroder seconded. The motion was approved unanimously (7-0).

Mr. Neubecker: More than one meeting with Town Council a year? We will keep it in the spring for now.

***ADJOURNMENT:***

The meeting was adjourned at 9:24 p.m.

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Gretchen Dudney, Vice-Chair