

PLANNING COMMISSION MEETING

The meeting was called to order at 7:01 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

With no changes, the December 6, 2011 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Tim Berry, Town Attorney, proposed to change the order of Worksession items to review the Landscape Architect Ordinance prior to the Quasi-Judicial Hearings discussion as the public present for the Landscape Architect Ordinance would then not have to wait through the Quasi-Judicial Hearings discussion. The Commission all agreed. With no further changes, the January 3, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Tannenbaum by the River II Condominium Remodel (MM) PC#2011076; 815 Columbine Road
2. Robelen Residence (MGT) PC#2011077; 184 Hamilton Court

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

WORKSESSIONS:

- 1) Landscape Architect Ordinance (JC)

Ms. Jennifer Cram and Mr. Tim Berry presented. In 2007, the Colorado legislature enacted the “Landscape Architects Professional Licensing Act”. The Act requires that, with certain exceptions specified in the Act, landscape plans submitted to a municipality must be stamped by a licensed landscape architect. Staff presented a draft ordinance that adopts requirements for submitting landscape plans to the Town according to the Landscape Architects Professional Licensing Act.

In summary, this ordinance requires that landscape plans for all multi-family developments with greater than four units and all commercial projects be stamped by a licensed landscape architect. Residential landscape design consisting of landscape design services for single-family and multi-family residential properties of four or fewer units, not including common areas are exempt, as are the activities of licensed architects and professional engineers.

Staff requested comments from the Commission and any local architects, designers, and contractors in attendance prior to sending the ordinance to Town Council for a first reading.

Ms. Cram spoke to the Commission about how the ordinance could potentially affect staff and the planning department with regard to reviewing development applications and landscape plans. There is an exception that allows a licensed architect or professional engineer to approve landscape plans. This will allow staff to continue to design landscaping plans for Town owned projects, with approval of the Town Engineer.

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 Town Engineer specifically able to sign off on landscape plans for Town projects? (Mr. Berry: A licensed engineer or architect could sign off on those plans.) So the landscape plan has to be signed off by a licensed architect, landscape architect or a licensed engineer? (Ms. Cram: Yes. The ordinance complies with the state act.)

Mr. Schroder: Do we have to hire a third party to take care of that? (Ms. Cram: No.)

Mr. Pringle made a motion that the Town of Breckenridge Town Council adopt this proposed Landscape Architect Ordinance. Ms. Christopher seconded, and the motion was approved unanimously, (7-0).

2) Quasi-Judicial Hearings (Tim Berry)

Town Attorney, Mr. Tim Berry, presented a memo to the Commission regarding quasi-judicial hearings.

Two issues that are important include: 1) that your decisions can be upheld (in court) and 2) liability. I don't want to get sued over a procedural matter. We control the procedure. Also, lawsuits can include legal expenses. All of the decision makers, the applicant and the public need to hear the same thing, so they understand the decision that you made. Everything of importance should be made on the record, so all constituents are aware of the information you possess. If you can't take a fair view of a project, it is ok to step down and let people know. (Mr. Pringle: When projects get bigger and there is more information out to the public, people tend to want to talk about it to us about the issues.) Just let them know that the project is still pending and that you can't discuss the matter outside of the hearing. Urge them to come to these meetings so everyone is getting the same information and so it is on record.

This applies to all communication: (i.e.: telephone, email, text messages, personal contact). (Mr. Pringle: What about Letters to the Editor about pending projects?) In highly controversial subjects, no matter what happens, you need to be fair. (Mr. Lamb: Even if everyone in Town had the ability to read it in the paper?) That doesn't mean that everyone did read it.

(Ms. Dudney asked Mr. Berry how Quasi-Judicial impacts the possibility of Town Council projects coming up in meeting(s) when the Council asks for the Planning Commissioners opinions about specific projects.) Most Town projects are not Quasi-Judicial, since the Commission is not making a decision on the application. You are making a recommendation to the Town Council.

CONFLICT:

Commission as an entity, not as an individual.

Three important things to remember about conflict of interest:

1. Disclosure to the Commission of a possible conflict;
2. Abstain from voting;
3. No attempt to influence voting; I advise people to go out in the hall so their point of view doesn't influence others, or appear to influence others.

Commissioner Questions / Comments:

Mr. Pringle: At what point as a Commissioner do you give up your right as a citizen? (Mr. Berry: As soon as you take oath. The general rule is you should hire your own independent experts to present a project. If you as a Commissioner are presenting a project, you obviously can't vote.)

Mr. Butler: Is that why it was appropriate that Jack Wolfe stepped down? (Mr. Neubecker: Yes, he had multiple projects on the plate, so stepping down was the right move for him. He did not have someone else that could make the presentations for him.)

Ms. Dudney: Can a Commissioner appear before the Town Council while Planning Commission issues are being discussed in front of the Town Council? If they ask for our input, can we answer? (Mr. Berry: I think it is ok to attend if you have already made a decision. Let's say it is a call-up; I have no problem with you going to listen. I would prefer that you not answer questions about what happened in Planning Commission meetings because I don't believe it is on the same legal level. I would usually allow staff to explain what happened instead of you answering those questions.)

Mr. Pringle: I thought it was interesting that you also brought up that we are also potentially financially liable as well. (Mr. Berry: It is not unheard of for individual members of both the Planning Commission and the Town Council to be sued. Everyone has to be careful. Disclose, disclose, disclose.)

PUBLIC PROJECT HEARINGS:

1. Terry L. Perkins Administration Building (MM) PC#2011075; 1095 Airport Road

Mr. Mosher presented an application to construct a new, 5,200 square foot administration building near the existing east entry to the Public Works property. There were no significant concerns expressed at the last worksession, but Staff welcomed any additional comments regarding this application. Staff noted that the architect, Matthew Stais, intends to pursue energy saving designs in the building. He briefly discussed the Green Globes review process as compared to LEED (Leadership in Energy and Environmental Design) certification. More of this detail will be presented to the Town Council with their review.

Mr. Matt Stais, Architect for the project, spoke about the relative sustainable design for the new building. Green Globes is the national standard in Canada and gains more valuable feedback compared to LEED. LEED is a more stringent program, but Green Globes shows what would be required if this were a private building. I feel that we get more feedback through Green Globes, even though it is informally done. At this point in the project, it gives us a handle on where we are going and how we are going to follow through with as much of it as we can. I have helped other projects in the County with this certification (for example, Woodward at Copper Mountain).

Commissioner Questions / Comments:

- Mr. Pringle: Is Green Globes more achievable by design? (Mr. Stais: It is comparable between Green Globes and LEED. There are a lot more hoops to jump through with LEED. Green Globes staff was more helpful; they wanted us to create a better building where LEED told us why we didn't fit certain standards. As a design professional, Green Globes is more enabling and easier to work with.)
- Ms. Dudney: Do the review professionals have to be certified? (Mr. Stais: There are different levels; you don't need to be accredited but you get an extra point if you are accredited. We are the second Green Globes project in the State; the first might have been Silverthorne Elementary school. I want this to be a transparent process so we can both learn from this. Future projects that are a certain size, I think you will be seeing a lot more Green Globes projects. It is like the HERS rating for homes, you will start to understand what the difference of the numbers mean. There are still a lot of moving parts with this project, a 5-10 year master plan for the site, working with the Town and Summit County Government to be more efficient with tax money. It will be a phased approach and I think it will be a great improvement.)
- Mr. Rath: Does Green Globes consider sourcing of materials? (Mr. Stais: Yes. The system is internet based; there is a life-cycle cost analysis that they use. We will show you how this impacts the project.) For example, does Green Globes consider if the stone coming from Montana or India? Where to source green materials means costs can significantly decrease when you know where to source materials. (Mr. Stais: This building, by its nature, is going to be pretty humble, but we hope to use as many local materials as we can and have the sun help us as much as possible too.) (Mr. Neubecker: Have there been significant design changes since the last session?) (Mr. Stais: Nothing to the site plan; we will have a list with any significant changes.) (Mr. Rich Newberger, Town of Breckenridge Facilities Assistant Manager: The intention is to maintain substantial conformance to the original design.)

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

Mr. Pringle made the following motion: "with no formal point analysis, and no negative points or mitigated points, I recommend that the Town Council approve this application (Terry L. Perkins Administration Building) with the presented findings and conditions that were in the Commissioner packets for PC#2011075." Ms. Christopher seconded the motion and the motion was approved unanimously (7-0).

OTHER MATTERS:

Class C Subdivisions July 1 – December 31, 2011 (CN)

Mr. Neubecker presented a memo detailing the Class C Subdivisions that were approved for the period July 1 – December 31, 2011.

Mr. Butler, Ms. Christopher and Ms. Dudney will be attending the Saving Places conference in Denver in early February. If any other Commissioners would like to attend, please let staff know.

Staff provided an update on the December 13, 2011 Town Council meeting. Mr. Neubecker explained that the call-up hearing on the horse and carriage resulted in the Council denying the location in front of Lincoln West Mall. After the hearing, the Council provided direction for staff to issue a Class D permit for locating the horse and carriage operation in front of the Welcome Center. The permit has been issued and will expire in six months. Staff will be monitoring to see if issues arise at the new location.

Mr. Truckey provided an overview of the density for Valley Brook housing discussion that occurred at Council. Staff had provided a list of potential Town properties that density could be stripped off to provide the density (at a 1:4 ratio) for the affordable housing project at Valley Brook. The Council provided direction to extinguish density off the Carter Museum

property, which has an additional 12 units of density assigned to it. A Development Code amendment will be required in order to complete this density transfer to Valley Brook, as current code provisions only allow density transfers through a development agreement. The Planning Commission will see the proposed code amendment in the next month.

ADJOURNMENT:

The meeting was adjourned at 8:19 p.m.

Dan Schroder, Chair