

## 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 one change, the March 6, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

On page 4, under Preliminary Hearings: Mr. Pringle asked for clarification on “one picture for a thousand words”. Please show a photo in the Landscape Guide of how the forest was healthy before the pine beetle infestation, and one of how it is now.

Mr. Schroder asked the Commission to keep a Top 9 in mind, but think about knocking it down to a Top 5 for the Joint Town Council meeting.

### APPROVAL OF AGENDA

With no changes, the March 20, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

### CONSENT CALENDAR:

1) Beaver Run Resort Summer Tent (MGT) PC#2012014, 620 Village Road

Mr. Lamb: Is this permit required every year? (Mr. Thompson: No. Every other summer.)

2) Khavari Residence (MGT) PC#2012015, 210 South Pine Street

Mr. Pringle: At the last meeting, I made a comment on the house across the street; this is similar. Big house on smaller lot. How did we get to this point, with unlimited density? Lots across the street, which were part of the original town grid, were what I was concerned about. Maybe we can discuss that sometime soon.

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

### WORKSESSIONS:

1) Vendor Carts (CN)

Mr. Neubecker presented. The Town of Breckenridge is currently under a moratorium on the submission, acceptance, processing and approval of applications for temporary vendor carts while staff develops a new policy to address these uses. The moratorium expires July 1, 2012.

Staff presented an ordinance to the Town Council for first reading on March 13<sup>th</sup> to create a new Development Code Policy 49 (Absolute) Vendor Carts. The new policy is designed to allow existing vendors to stay in business, but requires that vendors come into compliance with new design standards upon renewal of their permits. The ordinance also sets a cap of 4 small vendor carts in the Conservation District, and prohibits any additional large vendor carts in the Conservation District other than those currently permitted.

Some changes to the ordinance from the last time Staff presented this issue to the Commission include:

- Define “large vendor carts” as larger than 40 square feet, or any cart that stays in its location overnight.
- Define “small vendor carts” as any cart 40 square feet or smaller which is removed each night.
- Limit outdoor seating at large vendor carts to 3 tables with 12 seats.
- Prohibit outdoor seating at small vendor carts.
- Require a Class B Minor application with public notice. The application fee would be higher at \$1,370.
- Vendors provide some type of site improvements, such as patio, decking, awnings, landscaping, etc.
- Require vendor carts to count as density.
- Must connect to sewer system if connected to Town water system.

- Allow generators only as emergency backup power.
- All extension cords must be located out of public view and not create a public safety hazard.
- Require trailer hitches to be covered, but not removed.

The Town Council also wanted to allow a vendor cart that has been in operation in the same location for a period of 25 years or longer that has acquired historic, cultural or other special significance to be exempt from these new regulations. Staff will be adding language to address this issue in the new ordinance.

Staff welcomed feedback from the Commission on the proposed ordinance. This ordinance version shows changes between Council worksession and night meeting, however does not include desired language for an exemption for Crêpes a la Cart, which has been in operation for 30 years. This is the language we will bring to Council next week for any large or small cart. Council also suggested that graphics would be helpful, similar to Landscape Guide graphics.

*Commissioner Questions / Comments:*

- Mr. Lamb: Curious of site improvements when this is temporary.
- Mr. Schroder: We are being asked by Council to make suggestions to make this policy better.
- Mr. Pringle: Policy 36A is where this morphing started. The first sentence in the Temporary Structures policy is that they are strongly discouraged. (Mr. Neubecker: Policy 36 will be removed in the new vendor carts ordinance.) Vision Plan talks about maintaining community character. Does not think that vendor carts do protect community character, and not wise to imply that they are welcome in Town, both inside and outside of the conservation district. (Mr. Neubecker: We propose a limit of 3 large vendor carts. But you are correct, no cap outside of the district. The Town Attorney is also working on ordinance that prohibits mobile vendor carts on public streets. The Town wants to specifically allow those outside the district.) Does not think that we should allow for carts outside of the district. (Mr. Grosshuesch: Plenty of disincentives are built in here, with required site improvements, so they will likely be temporary in nature. Maybe larger sites outside the district, maybe at the BBC. Land is too valuable to have carts on for long time.) (Mr. Lamb: You would want carts in high traffic areas. There is a supply and demand. Cannot have too many.) Carts could go on the Gondola lots; commercial core is expanding outside of the district.
- Mr. Rath: What happens when you put a motor in a vendor cart? (Mr. Neubecker: We are working on a different ordinance to address that. New ordinance would not allow something like that.) Will we have control over what graphics are carts? (Mr. Neubecker: Yes, through the sign code.)
- Mr. Schroder: Page 28, line 4, Paragraph B and C, materials used feels like a wooden finish. Stella's has clean finishes of metal. Does it apply to both? (Mr. Neubecker: Applies to both, just wanted them to be in good shape, look good.) When would we see these applications? (Mr. Neubecker: When they renew their permits.) What about AstroTurf or carpets as site improvements? (Mr. Neubecker: The Commission could say no, that is not appropriate. Council does recognize those who are currently in business; Council does not want to put them out of business.)
- Ms. Dudney: What were vendors concerned about? (Mr. Neubecker: Outside seating limitations, and requiring site improvements. We do not want to force anyone out of business, but they are competing with some restaurants; Council wants them to not look so temporary.) (Mr. Schroeder: Not strong language, page 28, line 24. Can planter boxes with trees be brought in?) (Mr. Neubecker: Yes, we didn't want to write it so tight so it would fit more situations.) (Mr. Lamb: Ok with site improvements but not very extensive. Trees in pots sound appropriate. Pavers are Ok, but not pouring concrete.) Do those that are grandfathered have to renew? (Mr. Neubecker: Yes, permit renewal is required, but could ask for additional conditions of approval at that time.) (Mr. Grosshuesch: Council likes ambiance of Crepes a La Cart. This is a work in progress. We think that we would permit what is there.) You wouldn't want it to be torn down and returned to dirt.
- Mr. Butler: I was at the Town Council meeting. I thought that this is what they are looking for; temporary in nature.
- Mr. Pringle: I am not sure that everything at Crepes has been permitted (deck, soda machine, fireplaces).
- Mr. Rath: If we are limiting number of carts, then their business is more valuable. So there is a balance there with asking them for improvements. They use carts to get around a lot of stuff. Should be an insurance requirement and hold harmless to Town so they don't sue the Town. If they have city water and sewer, how do they tie into the municipal system? They should be code compliant with waste and electrical systems. (Mr. Grosshuesch: Water hook in would be inspected, if they wanted to connect;

- but it's not required. Intent is that if they hook into water, it is per codes-plumbing, electrical, sanitation and water inspections. Some of these carts are self contained. We will look at where they get their water from.)
- Ms. Dudney: If you have site improvements, you should have requirements to remove them. Just in case an owner disappears in the middle of the night. (Mr. Rath: What if there are seasonal closures and they come back?)
- Mr. Pringle: What if a trailer pulls into Parkway Center pad site? What stops them from leaving for 2 months and coming back? (Mr. Grosshuesch: Maybe we need something that says if you shut down for a season, then you need to clean up the site.) (Mr. Rath: They will use extension cords, throwing pans of water out the back unless we prohibit it. It should look like they belong there. Builders have to pay fees and inspections. Why should they not have to pay what other people pay? On the lot next to the bank, I do not want a whole bunch of these together.) (Mr. Neubecker: Limitation of number of carts written into ordinance; the number allowed goes down as they go out of business.)
- Mr. Pringle: Why not just not renew these permits? (Mr. Neubecker: The Council does not want to put these out of business.) How many could be placed on Parkway Center, outside of district? (Mr. Neubecker: Unlimited number right now, but not identified by Council as problem. No interest there right now.)
- Mr. Schroder: I would like a rule with not using a garden hose attached to a building. (Mr. Grosshuesch: I do not think that Environmental Health would allow for that.)
- Mr. Neubecker: I do not see insurance info written into policy now, so will talk to the Town Attorney. Line 36, if not operating for 6 months, then not a concern, but should we address that? (Ms. Dudney: Should take into consideration what improvements look like.) Some things might not look right; for example, the Beavertail countertop. (Mr. Pringle: For 6 months, you could have improvements out there but what if they don't come back and you have those improvements remaining?) (Mr. Grosshuesch: 3 months, 6 weeks? If you have deck and trailer?) Is there a requirement that lot owner has to clean up? (Mr. Grosshuesch: I think we have to write into the ordinance that the cart needs to be there all the time with improvements and if you leave, then all improvements also have to be removed at the same time. We can put into permit as condition of approval, or cite property owner into municipal court. Large cart is big investment.) 3 months may not even get you through mud season. The 6 months would be mud season and was intended if they shut down.
- Mr. Pringle: Don't even want to have this problem in town. What if you have generators? (Mr. Neubecker: Would allow in generators in emergency situations but not every day, due to noise and odor.)
- Mr. Rath: The property owner should be responsible if improvements remain.
- Ms. Kate: They could take a deposit.

Mr. Schroder opened the worksession to public comment.

- Alfredo Kasan: Every town has to have someone to say no to a situation. Shopping (vendor) carts not in one place. Big cities have areas that are not clean, what they sell is food and it is not safe. Area around them are not healthy. If they are establishing a place and do not move, they should follow construction codes. The codes are completely different- in violation of that. Rule should be if you move it, Main Street should look like the value is original. If you keep historic places and improve the rest. Not healthy, no bathrooms, location against traffic on street. If they use parking lots, who owns it? It is possible that Council, Health Department for hand washing, extension cords per OSHA are not allowed, carts should be inside steel, not wood for health. If fiberglass inside for cooking, cannot be chipped. Surrounding areas, waste waters cannot apply. Council could give 6 months to comply, owner of property and cart. Self contained unit are better for health. (Mr. Neubecker: The Health Department inspects washable surfaces, stainless steel.) Cart at City Market inside gets water from bathroom. Landlord should have meter and parking lot does not have anything. (Mr. Neubecker: The Health Department addresses those issues.)

There was no more public comment, and the worksession was closed.

**OTHER MATTERS:**

Mr. Neubecker thanks the Commissioners for going to Mary Hart's house for the site visit today. May 8<sup>th</sup> is joint Town Council and Planning Commission meeting.

**ADJOURNMENT:**

The meeting was adjourned at 8:24 p.m.

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Dan Schroder, Chair