

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:05 P.M.

ROLL CALL

Michael Bertaux Rodney Allen Leigh Girvin
Dave Pringle Sean McAllister – arrived @ 7:07 Mike Khavari – absent

APPROVAL OF MINUTES

With no changes, the minutes of the April 15, 2008 Planning Commission meeting were approved unanimously (4-0). Ms. Girvin abstained.

APPROVAL OF AGENDA

With no changes, the Agenda for the May 6, 2008 Planning Commission meeting was approved unanimously (4-0).

MAYOR WARNER ON TOWN COUNCIL APPOINTMENT TO PLANNING COMMISSION

Mr. Neubecker presented a memo concerning the Town Council Appointee to Planning Commission. At the Town Council meeting on April 22, 2008, the Council discussed the idea of removing the Town Council appointee to the Planning Commission, and adding a seventh citizen Commissioner. The two main reasons for this possible change include the amount of time already consumed by other Council related duties, and the ability to get better Town Council discussions in case of a call-up by the Council.

The Town Council members serve on many other boards and commissions besides Town Council. If a Council member also sits on the Planning Commission (which is one of the more time consuming boards), it creates an additional significant obligation in addition to their already full schedule. Furthermore, in the case of a call-up by the Town Council, the Council representative to the Commission is unable to participate in the discussion. This leaves only six members of the Town Council to make a decision on an already contentious issue. The Council would like to explore the idea of eliminating the Council representative from the Planning Commission and adding another citizen.

Mayor Warner reiterated the comments discussed above and asked for Commissioner comments.

Commissioner Questions/Comments:

- Mr. Allen: Supported not having a council member on planning commission. Lack of communication between the two bodies remains the number one concern. Liked the dinner idea a lot but not sure if a Town Council member should just attend work sessions.
- Mr. McAllister: Town council should have a pulse on the planning commission. Concerned about council's involvement without a seat on the commission.
- Mr. Pringle: Provided feedback to Mayor Warner regarding the historical significance of a Town Council member on the planning commission. There has been a Town Council member serving on the commission since the late 1970's. Up until five or so years ago the Town Council member could participate in both forums. (Staff pointed out that the policy was changed in 2002.) Pointed out the Town Attorney liked the process and thus the reason the policy was changed. All members are in their first term and therefore the history isn't as well known by all members.
- Mr. Bertaux: Not sure why it would be a problem why a Town Council member abstains when an item is called up at the council level. Council members should serve longer than one year.
- Ms. Girvin: Respected Mr. Pringle and Mr. Bertaux's opinions. Suggested changing meeting times and schedules to allow council members to attend work sessions.
- Mr. Khavari: (Via email) was not in favor of losing a council member.

Mayor Warner thanked the Commission, and will take the Commissioner comments to the next Town Council meeting scheduled for May 13.

CONSENT CALENDAR:

- 1. Bunchman Building Façade Improvements (JC) PC#2008053; 215 South Main Street
Mr. Bertaux wanted to verify that the outdoor seating would remain at The Crown restaurant. (Staff pointed out that yes the seating would remain.)

2. Lot 18 Timber Trail Home (MM) PC#2008046; 457 Timber Trail Road
Ms. Girvin asked if only two parking places were required. (Staff pointed out that only two spaces are required for a single family home regardless of the number of bedrooms.)
3. Stais Residence Wind Turbine (MGT) PC#2008051; 510 Wellington Road
4. Lot 2, Highlands Glen (MGT) PC#2008045; 100 Glenwood Circle
5. Barrett Sewer Line Placement (CK) PC#2008048; 226 Campion Trail
Mr. McAllister sought clarification regarding the HOA concerns. (The applicant pointed out that only a couple members of the HOA have raised concerns but not a majority of the membership.)
6. Entrekin Residence Remodel (MGT) PC#2008049; 210 South Gold Flake Terrace
7. Hart Residence Garage (MGT) PC#2008050; 128 North Gold Flake Terrace

Ms. Girvin made a motion to call up the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Bertaux seconded. The motion was approved unanimously (5-0).

Mr. Thompson explained the application, including more details on the wind turbine.

Mr. Stais, Applicant: Offered to answer any questions that were asked earlier at the site visit. Suggested the Town look at the existing ordinance to modify the sound policies.

Commissioner Questions/Comments:

- Mr. Allen: Put something in the code to set parameters sooner rather than later.
- Mr. McAllister: Wanted to ensure only one pole would be visible and not other mechanisms that would stand out. (The applicant stated only one pole would be visible.) If he were the applicant he would wait for the code to be amended. Thinks this would be a good test site for a wind turbine. Believed the Town should be encouraging wind turbines and other types of Renewable Sources of Energy.
- Mr. Pringle: Asked staff if future proposals would pose a problem if precedence was set via this application. (Staff pointed out the additional policies would evolve in the future.) Might be better for the applicant to wait for code amendments before moving forward. OK with this application as it was not in the Historic District and would be in the back yard.
- Mr. Bertaux: Pointed out conflicts exist within the code regarding noise decibels. Thought standing on the site that removing dead trees would increase the productivity of the turbine. OK with this application as it was not in the Historic District and the wind turbine would be sited behind the house.
- Ms. Girvin: Didn't think a 25 foot pole would generate enough wind to make it worth someone's time. Concerned that this was a Class C application and the neighbors weren't notified.

Mr. McAllister made a motion to approve the point analysis and the application for the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Allen seconded and the motion was approved unanimously (5-0).

With no other motions, the remainder of the consent calendar was approved unanimously (5-0).

COMBINED HEARINGS:

1. Taylor Residence and Variance (MM) PC#2008040; 231 South Gold Flake Terrace
Mr. Mosher presented a proposal to construct a new single family residence with four bedrooms, four and one-half baths, study, exercise room, and family room. There would be two interior gas fireplaces, two exterior gas fireplaces and one interior EPA Phase 2 wood burning fireplace. The variance request was from Policy 9, Placement of Structures, to allow reduced side yard building setbacks. Without any variance, the house could be only 10' wide with negative points, or zero feet wide, with no points.

Staff worked closely with the agent to address all concerns about developing this property. We believed to have addressed all applicable code issues, including Policy 8, Ridgeline and Hillside Development, and welcomed any additional comments from the Commission. The Planning Department recommended approval of the Taylor Residence and Variance, PC# 2008040 by supporting the Point Analysis, showing a passing score of positive one (+1) point, along with the attached Findings and Conditions.

Gene Baker, Baker+Hogan+Houx, Architects: Supported Staff's assessment of the project and the passing point score. Agreed to move more trees to the lower portion of the site to better buffer the development from Town views. Site would be undevelopable without the variance.

Mr. Pringle opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

- Mr. Bertaux: Final Comments: Supported the application. Agreed with the staff report and the Attorney's Findings to allow the reduced setbacks.
- Mr. Allen: Final Comments: Fine with application. The adjoining neighbors were not heard from in person or in writing and raised no objections, and there was no conversation with the applicant.
- Mr. McAllister: Final Comments: Supported the application and agreed with Mr. Bertaux that the town Attorney's comments should be taken into account and taken seriously.
- Mr. Pringle: Final Comments: Code has been changed since the lot was platted and it would make sense to continue with the development pattern of the existing homes along the street. Special finding noted in this application should be stated during any motion to approve.
- Ms. Girvin: How many lots front Goldflake in this subdivision? How many more will we see? (Mr. Mosher: Thought there were about eight to ten lots in this block of Yingling and Mickles. Was not prepared to accurately answer this question.) What are the Town's plans for the abandoned Adams Avenue ROW? Not presently a trail. (Mr. Mosher: Leave it much like portions of the Klack Placer as unimproved open space.)
Final Comments: Didn't support the application. Not compatible with the neighborhood of Weisshorn and Goldflake. No trees will remain or grow in such small setbacks. No equipment can maneuver in such a small setback without going onto neighboring property. Need greater setbacks. Do not want to see any more 5-foot setbacks along this area. Was concerned about the visual effect clear cutting the trees would have.

Ms Girvin made a motion to deny the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, under Policy 9/A (Placement of Structures). Mr. Allen seconded. After discussion, the motion was withdrawn.

(Staff pointed out that the variance allowed for the non-compliance with the absolute policy. However, assigning negative points under a relative policy would be allowed.)

Ms. Girvin made a motion to adjust the point analysis for the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, to change the points under Policy 9/R (Placement of Structures) to negative six (-6) points because the suggested side yard setbacks were not met. Mr. McAllister seconded. The motion was denied (4-1).

Mr. McAllister made a motion to approve the Point Analysis for the Taylor Residence & Variance, PC#2008040, 231 South Gold Flake Terrace as presented by Staff. Mr. Allen seconded, and the motion was approved (4-1) with Ms. Girvin voting no.

Mr. Allen made a motion to approve the development request Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, with the findings and conditions, including the special finding. Mr. Bertaux seconded. The motion was carried unanimously (4-0), with Ms. Girvin abstaining.

PRELIMINARY HEARING:

1. Maggie Placer Development (MM) PC#2008024; 9525 State Highway 9

Mr. Mosher presented a proposal to re-review the site impacts from the original application to a modified site plan showing a reduction in density. The original request was: *Per the Maggie Placer Annexation Agreement, to develop the property with 18 deed/equity permanently restricted housing units in the form of condominiums. Pursuant to the Annexation Agreement, there shall be 6 one bedroom Restricted Units, 8 two bedroom Restricted Units, and 4 three bedroom units. All parking for the units is surface spaces placed south of the building.*

Responding to some of the concerns expressed at the last hearing, the applicant was seeking Commissioner input on a possible reduction of density, parking and change in bedroom counts. Even though the overall unit count remains as 18, there would no longer be any three bedroom units. The concept would be to reduce the intensity of the project and lessen

the negative impacts seen in the initial submittal. Staff noted that this discussion would be similar to a question and answer worksession, rather than a formal staff presentation and public hearing. Only a site plan has been submitted showing the proposed changes in rough form. Essentially, here are the changes:

Before:	<u>Market</u>	After:
4 Free Market Cluster Lots		4 Free Market Cluster Lots
	<u>Affordable</u>	
4 – Three bedroom units		6 – Two Bedroom Units
8 – Two bedroom units		12 – One bedroom units
<u>6 – One bedroom units</u>		
18 units total		18 units total
Total Density 20,084 SF		16,116 SF (a 3,968 SF reduction)

The percentage of affordable to market remains the same at 82% of the project. The reduction in mass adds additional open space at the north of the site (preserving more of the existing trees as buffer), adds more snow stacking space, possibly additional parking spaces to the west of the parking lot, and a greater buffer towards the west of the multi-family building. The layout of the drives and lots may change slightly with further work.

The applicant sought the Commissioner’s comments on the site changes. Staff believed there would be some advantages to the reduction of density. Did the Commission believe this was enough change to provide the needed buffering and parking for a passing project? Also, with the elimination of the three bedroom units, it would be less likely that families would choose to live at the project. It would be more likely that single professionals will be purchasing these units and, with the additional one bedroom units, the overall parking needs would be reduced.

Pending the Commissioner’s reaction to the new site plan, the applicant will then return to the Town Council to request a modification of the existing Annexation Agreement to address the bedroom changes, and then return for further review with the Commission.

The access issues were still under discussion. Recently, it had been brought to staff’s attention that a full-movement (bidirectional) easement has been provided to Allair Timbers for access to and from Highway 9. Staff anticipated the applicant will be seeking to approach the two parties that have this easement to also share in this easement.

John Springer, Springer Development (Applicant): Pointed out the square footage would be reduced by approximately 4,000 square feet. As far as addressing the access issues, he believed that he does have access per his attorney’s counsel and the title company’s research.

Mr. Pringle opened the hearing for public comment.

Dan Wolf (Attorney for Ski and Racquet): According to his research, the applicant has no access rights over Ski and Racquet property. Allaire Timbers has access, but no one else (He handed out a letter dated June 12, 2007 that had been copied to the Town and applicant.) Has had no conversation with the applicant. Until this issue is resolved, he suggested tabling or denying the application until access issues are solved. This is not a landlocked property and other access points are available directly to Highway 9.

George Grill, The Corral HOA: A couple of minor concerns: provide a connection from this project directly to the Town sidewalk to the east. Drainage may be an issue. Drainage must be contained in site. Mosquitoes can be a problem too and would prefer to see drainage routed to storm drain system rather than a detention pond.

Dan Ulmer, Agent for Ski & Raquet: This project has a lot of problems. I manage over 1,400 properties and I am familiar with lack of parking on projects like this one. This plan is extremely tight in all areas. Hoped that all issues would be kept in mind and that the developer’s feet are kept to the fire. Want this to be a development that the Town can be proud of.

Jan Bowman, Ski & Racquet: The previous owners of the Allair Timbers said that the new owners shall maintain the trail. Have used this for over 20 years and is used by a lot of others. (Staff noted that the trail is not on the applicant's property.)

Norman Stein, Director at Ski & Raquet: Parking problem still exists even with reduced density. There are not enough parking spaces.

Raul Hayworth, Ski & Raquet: To his knowledge, neither he nor the HOA as been contacted regarding the trail to the crest of the hill, but it is used frequently.

Jay Rust, President of Woods Manor HOA: Woods Manor is not in the town limits but is pursuing the possibility of being annexed. He was concerned about the small setbacks from the highway. Asked if this would be the most appropriate development within a prime view corridor entry to Town. Woods Manor has never approved use of a trail through their property. Has expressed concerns about the development in past meetings, but do not see much in the way of changes.

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

Commissioner Questions/Comments:

Ms. Girvin: Is there a trail on the property to get to town? (The applicant pointed out a trail does not go through to town and he believed Woods Manor didn't want the trail to go through. The trail is not part of this application as it is off the site.) Regarding handicapped parking, are there three handicap spaces required? If not, don't do three. They take up extra space. Asked about the annexation agreement, AMI targets, etc. (Mr. Mosher noted that the agreement and targets were already addressed at the Council level and are not part of what the Planning Commission will review.) Sought clarification regarding set backs. (Staff pointed out criteria.) Is this project proposed for two or three stories? (Applicant pointed out it was a three story project.) Asked staff to clarify procedures for site access issues with Ski and Racquet Club. (Staff explained that this application would not come before the Planning Commission again until the access issues have been resolved.) Asked if Commission always is allowed comments prior to annexation process with the Council. (Staff pointed out that having the Commission review of the annexation before it's processed through is at the discretion of Council. This project was reviewed by the Commission before it went to Council.) Yes plan B is better than plan A, but still a lot of intensity on small piece of property that is highly visible and prominent. Possibly ridge line development should apply. Don't allow to exceed two-stories. It's unfortunate something like this is being proposed on this site. The trail was another issue that needs to be addressed. Thought the trail should be part of the Town's overall trail system.

Mr. Allen: Reduction in intensity is generally good and he was fine with having only 1 and 2 bedroom units. Encouraged the applicant to have more parking even if open space needs to be utilized to allow for it. Allow for access to the trail from this property. Applicant is on the right track and he is ok with the intensity. Wants the architecture to look good and the site should be well buffered.

Mr. McAllister: Regarding storage of goodies, has this been discussed? (Staff pointed out adding storage for residents is not a Code requirement. This project will not likely have families with children.) Sought clarification regarding parking spaces. (Staff pointed out the amount of parking spaces has been reduced along with the bedroom count.) Pointed out these are deed restricted employee housing units tied to AMI. New intensity better than the old, but still a lot of intensity for the site. Was concerned about storage, parking, circulation, drainage, and ridge line development issues. Not sure if parking places number 20, 21 or 22 are in the best place and therefore compromise the site buffering. Not sure about changing Land Use District designation to allow 3 story building heights. Confused about the trail issues as it is not on this property. Do not proceed this application further until the access issue with Ski and Racquet is resolved. No reason to go further until answers are resolved.

Mr. Pringle: The application eliminated the 3 bedroom units. Not a family development. Liked this iteration better than the other one. It makes since to drop the 3 bedroom units. Would support a LUD change to get to three stories.

Mr. Bertaux: Have the changes impacted the access issues? (Staff: no.) Noticed that one of the differences was adding envelopes on the market lots; will garages be present? (Mr. Mosher: The buildings and envelopes on the market lots are for illustration only. The Commission will be able to review the market lots with the subdivision application.) Fine with the reduction of density. Vehicular access will be an issue. Supported trail and sidewalk connections from inside the site. Would not support reducing the number of parking spaces. Believe you need as many that can fit on the site. Drainage still an issue and was encouraged to be kept on site. Advantage of new application is larger buffer area on one side of project but more landscaping would be needed throughout. The revised application shows nothing really great at this point. Still have concerns about the negative impacts of this to such a small site. Right number of units. This application not screaming out for an approval as presented.

WORKSESSIONS:

1. Partridge Family Project

Mr. Kulick presented a worksession to discuss relevant issues involved with resubdividing two single-family lots in Block 11 of the Yingling and Mickles Subdivision from one 75' X 125' lot and one 50' X 125' lot into two 62.5 X 125' lots. Additionally the applicant would like help determining acceptable setbacks for the same lots.

Staff supported the adjustment of the lot line between lots 20 & 21 to convert the lots from one 75' X 125' lot and one 50' X 125' lot into two 62.5 X 125' lots. Staff was also supportive of allowing side setbacks that would be less than required by code based on the dimensions of the lots, past precedent from previous applications on the west side of Gold Flake Terrace and previous direction from a Commission work session conducted on January 2, 2007, regarding a similar property in Block 11, of Yingling & Mickles.

Questions for the Commission:

- Did the Commission support the lot line adjustment?
- Did the Commission believe the applicants should be allowed to exceed the established side setback requirements for homes outside of the historic district?

George Gruber, Agent for the Applicant: Building at 45-46 feet would be impossible if there were a disturbance envelope as well.

Commissioner Questions/Comments:

Mr. Allen: 8 foot setbacks would leave 48 feet and therefore 8 feet would be a good number.

Mr. McAllister: Supported the lot line adjustment and would like 8 foot setbacks.

Mr. Pringle: Yes on lot line adjustment and yes 7-8 feet would be fine and be consistent with neighborhood.

Mr. Bertaux: Could building envelopes be a possibility? Wanted consistency to exist in the neighborhood; it makes sense to follow similar designs in the neighborhood. Would support the application and the variance request.

Ms. Girvin: Main concern about the setback was the trees; a way to keep trees between the houses was encouraged. (The Applicant pointed out that the trees were infested.) 8 foot setbacks would be fine.

TOWN COUNCIL REPORT:

There was not a representative present from the Town Council; therefore, there was no Town Council report.

OTHER MATTERS:

Mr. Neubecker reminded the Commission that, due to the election of Peter Joyce to Town Council on April 1, the Commission needed to elect a new Vice-Chair for the Commission.

Mr. McAllister made a motion to nominate Mr. Allen to replace Mr. Joyce as Vice Chair. Ms. Girvin seconded, and the motion was approved unanimously (5-0).

ADJOURNMENT:

The meeting was adjourned at 10:04 p.m.

David Pringle, Vice Chair Pro Tem