

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Jim Lamb Eric Mamula
Trip Butler Dave Pringle
Jennifer McAtamney, Town Council Liaison
Gretchen Dudney and Dan Schroder were absent

APPROVAL OF AGENDA

Ms. Puester noted an addition under Other Matters: Energy Policy Clarification
With one change, the October 1, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

APPROVAL OF MINUTES

With no changes, the September 17, 2013, Planning Commission Minutes were approved as presented.

CONSENT CALENDAR:

1. Smoldt Residence (MGT) PC#2013083, 4 Barney Ford
2. Leidal Residence (SG) PC#2013086, 63 Buffalo Terrace

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

TOWN COUNCIL REPORT:

Ms. McAtamney:

Big meeting last week, passed all of the ordinances including subdivisions, but really big topic was the omnibus ordinance (marijuana). It was taking the smoking ordinance and applying it to marijuana, we did decide that people could smoke on private property. We all realized that we are at a different point in time than we've been before and voters approved marijuana use like alcohol use. Also addressed ordinance around growing marijuana residentially. Passed resolution in support of 1-A and 2-B. Resolution on the appropriation of funds for F lot, Harris and Arts. Worked on better loan terms with Corum on housing projects which will come before you soon. We received an update from Vail which was going over master plan and what buildings were in Breckenridge. Vail representative said that it is not unusual to have a sprung structure in the ski industry. It was supposed to just be for one season but with the downturn, these sprung structures have had to stay throughout the industry. I recommend that the Commission listen to tape of this discussion. Vail reported that still have 30 units to sell at One Ski Hill Place. Another topic was a great presentation from kids and adults who are users of the Skate Park who'd like to see the Town demolish current park and build a new park for \$600,000. The current skate park was built in 1999; it has issues yet is heavily used. They showed a great presentation and showed that Leadville is putting in a park for \$1 million. Art Fair Presentation that has data and they contend that every time we have an art fair it takes away sales from the local businesses. Equity argument that the art fairs come and set up for a short time, like food carts and need to discuss these fairs happening on private property versus public property. Please check out the Heritage Alliance Park, looks great, it is almost completed and it is down by the Engine. The Town Council will be discussing the Wakefield project in November. (Mr. Pringle: Will there be GOCO funds for Skate Park?) There will be an opportunity to put in request for funds for this; we are doing this for the Rugby field. The citizens said that they would be supportive of doing other fundraising to show their support for this project.

COMINED HEARINGS:

1. Lot 7, Abbett Addition / Brown Hotel Resubdivision (MM/JP) PC#2013078, 208 North Ridge Street

Ms. Puester presented on behalf of Mr. Mosher. Per an approved Development Agreement (dated April 19, 2013), the applicant is proposing to subdivide Lot 7, Abbett Addition into two lots. An easement for access from French Street and four parking spaces adjacent to Lot 7 (for the Historic Brown Hotel) will also be created by this plat.

This review is to create a plat that identifies the proposed lots and easements. There is an Access Easement on Lot 7A benefiting Lot 7B and Lot 6 and an Easement for parking benefiting Lot 6. Access to these properties is now solely off of French Street. Per the Development Agreement, due to community benefits such as restoration of the historic Brown Hotel, the future subdivision of the lot was allowed without meeting minimum lot size requirements and without an open space dedication.

The resubdivision of Lot 7 follows the direction from the Development Agreement and site plan. The application has been advertised as a combined hearing. Staff had no concerns with this application, and welcomed any Commissioner comments or questions. Staff recommended approval of Lot 7, Abbett Addition Resubdivision, PC#2013078, with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Pringle: Because we are creating two below standard sized lots, is this clear enough for future applicant to understand how much density is available on this lot? (Ms. Puester: Can talk to Town Attorney to make sure that was covered in Agreement.) Not sure if this is enough to show a future applicant what the density should be. It seems loosely written in the agreement and doesn't give specific direction. Do we know what the development plan is going to be that can clarify density? (Mr. Grosshuesch: We don't assign densities to subdivision; it's not part of the process. We understand what your concerns are, we will look into it. Mosh is the project planner and obviously he is not here, he may have the answer off hand. However, they have to meet a lot of the standards of the historic district regardless. But that is not a part of the subdivision review.)

Mr. Mamula: We reference a development plan in the agreement but the plans can change with subsequent owners. It is subject to UPA.

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

Commissioner Question / Comments (Continued):

Mr. Mamula: I agree; I'm fine with it.

Ms. Christopher: I'm fine with it.

Mr. Butler: I'm fine with it.

Mr. Pringle: I'm curious about the language regarding density for development, but I'm fine with it.

Mr. Lamb: I'm fine too.

Mr. Mamula made a motion to approve the Lot 7, Abbett Addition / Brown Hotel Resubdivision, PC#2013078, 208 North Ridge Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

OTHER MATTERS:

Ms. Puester presented. Recently an applicant questioned the Energy Policy 33R with regard to heated driveways. An application came in for a heating parking pad; however, the driveway would be heated by means of a solar thermal system with direct connection to the pad and no boiler. Wanted to see how the Commission would weigh in on the direct on site renewable system feeding directly into the heating; no net energy consumption. The policy as written allows for the Planning Commission to give positive points under subsection D other design features which conserve energy. Those positive points could be used to offset

negative points for heated area. An alternative option would be to under subsection F on heated spaces which mentions zero (0) points for well designed plans which take advantage of southern exposure or specific site features. If the Commission is open to consideration for direction exchanges handles onsite, the approach would matter when looking at larger applications. For example, if you had a large heated area which received the maximum negative three (-3) points, the offset in the policy is a maximum of positive two (+2). The application would still be negative one (-1) under Policy 33R.

Staff is looking for direction from the Planning Commission.

Commissioner Questions / Comments:

Mr. Lamb: If it is an energy conservation issue and doesn't use any energy then I don't think it is a problem.

Mr. Mamula: How does it work on dark, cloudy days? (Mr. Grosshuesch: The system surprised the Keystone Science School which has a similar system. They were surprised that it didn't take much sun to keep it heating, only need 34 degrees. Need to talk about the policy; need direction from the Planning Commission; we could make an argument that if they aren't tapping into the grid, does it meet goals?)

Mr. Pringle: What about snow storage if the system goes down or doesn't have enough sun power for a few days? (Ms. Puester: We could continue to look at all the code policies and make sure applications could otherwise meet them, one being snow storage on site; the 25% is still required.)

Mr. Mamula: Where the panels are located is important. Do they need to be on a pole? I am fine with the concept but I don't want it to become like the roadway signs that have solar on top. I want to know how the execution goes. (Ms. Puester: Applications would have to meet Policy 5A which contains the regulations for solar installations.)

Mr. Pringle: I would like to direct people to solar garden. I'm concerned that the people will need to do something with the snow on days that can't heat. (Ms. Puester: This is the solar thermal not solar electric which is not in the garden. We can make sure that the 25% snow storage is required.) It wouldn't be lieu of snow storage? Because I'm concerned that people will use this as an excuse to get away with not having the snow storage. It's different if they have a heated drive with a boiler, more reliable.

Mr. Lamb: I thought we heard from Ms. Puester that they would be required to have the 25% snow storage. (Ms. Puester: I understand what you are saying. You are right that in other applications that have a heated driveway, they get negative points and they don't have to meet the 25%; that being said, this would have a direct tie in. The sun is there, with a solar thermal system or a boiler system, either could break down at any time.)

Mr. Pringle: My guess is that is the boiler went down you would have that fixed immediately; this may not be the case with the solar. Could be down for a few days until it gets sunny. We have to be careful when we get into a system that is not as predictably reliable not having the snow storage.

Mr. Lamb: If it's going to a zero balance and meets other applicable policies with the Town Code.

Mr. Pringle: I'm fine with zeroing out for energy, but need to meet other policies. (Ms. Puester: We would review other policies for compliance. Solar policy design under 5A to review how the panels would appear and they would go under any other applicable policies like driveway requirements and snow storage.)

Mr. Lamb: One thing to keep in mind that driveway snow storage is 25% is not that much, around 40 square feet per parking space. (Ms. Puester: Clarification needed for future applications, if there is a larger area similar application and it meets 5R, would we be looking at zero (0) points or a negative point and a positive point? This does make a difference moving forward.)

- Mr. Mamula: I like the ability to give negative points. A large project could still come out with negative points. Also needs to be reviewed under Policy 5. The look of the solar must be acceptable. I like the opportunity to look at big projects.
- Mr. Lamb: There is a difference between a small single spot and a large driveway.
- Mr. Mamula: Our code is based on positives and negatives, like to keep it that way.
- Ms. Christopher: I would rather go with points rather than zero (0).
- Mr. Pringle: I'm fine with that. I would like to talk about the array in large parking lots versus single spots. The code may need to be written differently to look at this from those different perspectives. When we get in trouble is when we have a one size fits all.
- Mr. Lamb: I think the Commissioners agreed and support with a negative / positive point situation.
- Ms. Puester: Thank you. Also, next meeting is the Chair and Vice Chair election, so think about that. Finally, the Planning Commission retreat day is Friday, October 25, which worked for the majority. 9:00am to 1:00pm.
- Mr. Lamb: It will work for me.
- Mr. Pringle: I will try to make it work, but don't reschedule the meeting for me.
- Ms. Puester: Large portion of that day would be condo hotels in town and touring them. The reason for that date is the Joint Town Council / Planning Commission meeting on November 12, and we have the meeting prior to that to discuss the top three.
- Mr. Pringle: Do we have any planning seats up?
- Ms. Puester: No, not until next year.
- Mr. Mamula: Suggest going by my building to see the airlock on the retreat.
- Mr. Pringle: Cementitious fabric has been in place for a few years now. Can we go look at those and see how they are weathering? (Ms. Puester: Should be able to fit that in.)

ADJOURNMENT:

The meeting was adjourned at 7:43 pm.

Jim Lamb, Vice Chair