

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

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

### APPROVAL OF AGENDA

The January 21, 2014 Planning Commission meeting agenda was approved unanimously (6-0).

### APPROVAL OF MINUTES

With no changes, the January 7, 2014, Planning Commission Minutes were approved as presented.

### WORKSESSIONS:

#### 1) Code Amendments: Temporary Structures

Ms. Puester presented. The existing Temporary Structures policy is rarely used in its existing form. For example the Breckenridge Ski Resort sprung structure building and Beaver Run Resort summer event tent are regularly occurring development permits for temporary structures which have been approved year after year and do not meet the policy. Staff rarely sees a temporary structure proposed which meets the current policy of only being permitted as a replacement use when a building permit is active on site hence, requiring variances and/or development agreements. Therefore, staff would like the Planning Commission to consider modifications to the policy that would address what is needed to meet common occurrences in town to avoid having to process variances and development agreements.

#### *Commissioner Questions / Comments:*

- Ms. Dudney: How would we address sprung structures and Beaver Run? (Ms. Puester: Just an example. Code allows 2 years now but the code change would allow 3 years. Beaver Run tent is not permanent but goes up each summer. With the proposed code amendment, the Planning Commission is given discretion to determine if a temporary structure is appropriate. We would not have to grant a variance, hard to meet criteria.)
- Mr. Pringle: Question about tent at La Cima. (Ms. Puester: Permitted through separate special events process.)
- Mr. Mamula: Beaver Run puts up a tent that allows them to exceed density. Concerned other businesses could tent over their deck. It seems there is some precedent being set. A variance makes this more difficult to do. Bubba Gump tried to cover their patio in winter, in essence creating more density. (Mr. Grosshuesch: To clarify, as drafted this code amendment would only allow this outside the Historic District. Our thought is let's fix this and keep them out of the Historic District. The way it's currently written, it's almost impossible to approve and difficult to meet the variance criteria with a straight face.) It would be nice to have some criteria for this new approval process. (Ms. Puester: Uses are proposed to be allowed, such as retail and commercial uses, which previously were not allowed. This is what we see in reality.)
- Mr. Butler: Questions on greenhouse? (Mr. Grosshuesch: Allows parking spaces to be used but only until busy season on July 1. You could put reasonable conditions on approval, such as we could approve for shorter time period, so we are not locked into a three year approval.)
- Mr. Jeff Zimmerman (Vail Resorts): Clarification, this is just a work session. Would like to think about the different permutations and how it might affect Vail Resorts. I'd like to talk with Ms. Puester

some on this after I've considered it some more. As a citizen, I support not allowing in Historic District.

- Mr. Pringle: How does it address 5 Hour Energy guy in plaza, throwing up a tent? (Ms. Puester: Not sure he has been authorized, unless with special event.) (Mr. Mamula: Believes he has a special event permit.) There is still a need to allow some things that a major resort needs like sprung structures or tents.
- Ms. Dudney: I'm fine with it as proposed.
- Mr. Schroder: I'm also good with it.
- Mr. Mamula: I'm ok with it. See how it works. I like that it takes it out of the Conservation District and out of the variance criteria.

The Planning Commission recommended Staff go forward to Town Council with this.

## 2) Code Amendments: Policy 80A Connectors

Ms. Puester presented. The Planning Commission and staff have voiced concerns with priority policy 80A regarding the existing language, "*The height of the connector should be clearly lower than that of the masses to be linked. In general, the ridge line of the connector should be at least two feet less than that of the original, principal mass.*" Two feet has been taken literally, even in the cases where the principal mass reads as two stories, resulting in tall connector elements which closely resemble the principal structure massing. As a product, we see an unnatural appearance of an overall large mass out of character with the Historic District. The modification proposed would limit connector elements to one story in height. The modification would limit the connector element to one story.

### *Commissioner Questions / Comments:*

- Mr. Schroder: For clarification, if one story is the primary structure, then the connector still needs to be two feet lower? (Staff: Yes.) (Mr. Grosshuesch: Ridge height would be lower because connector is not as wide as the primary structure.)
- Mr. Butler: Add "the" in third bullet. (Ms. Puester: Will do, typo.)
- Mr. Mamula: The way it reads to me now, it's only for new additions to historic structures; we need to add new (module) to new module. (Mr. Mosher: Have talked to Mr. Berry in the past about that and he reads it as you are hoping it does.) (Ms. Puester: We can clarify it.)
- Mr. Pringle: With connectors it sometimes looks like a lot more going on than just connecting modules. I'm concerned because sometimes I'm confused at what is the connector. Not sure about one story in all cases; it may be too confining. It needs to clearly operate as connector. (Mr. Grosshuesch: To provide some history on the policy, when it was originally developed, we recognized that if we simply allowed projects to go to 9 UPA we would get larger structures than were historically found. The compromise was to allow modules to be created and allow connectors. Once you go to two stories with the connector it starts to read as one large module. Probably our most important issue to retain character is keeping down the mass in Historic District.)
- Ms. Christopher: Decks, etc. on the connector create confusion.
- Ms. Dudney: What is the effect on existing projects? (Ms. Puester: This would not affect existing or any projects in process. If application lies idle for six months new rules may apply.)
- Ms. Janet Sutterley, Architect: I don't think limiting to one story is the answer. It has to do with proportions. The length of the connector is a bigger concern. If it's a real short connector then just bringing down the height may not address issue. Don't have a specific answer.
- Mr. Mamula: Language says length must be half of primary structure, doesn't that address the issue? The Problem is we are getting large masses connecting buildings. Perhaps we say connector needs to be one-half story lower. Still my vote would be for one story connectors. What we shouldn't do is use two feet as the minimum, it's not enough.

- Ms. Dudney: Connectors, functionally hard to justify only a hallway in connector. May not be most efficient use of building. What about a half story difference? We may not need to have as dramatic a difference as one story. (Ms. Puester: The Code defines one story as 13 feet.) Sketch it out and decide what is the right number.
- Ms. Christopher: Historically there were not two story connectors. I feel a one story connector is appropriate. Not sure one and a half story works.
- Ms. Sutterley: Within 13 feet, could you still have a second floor if you could fit it? Planning Commission pretty much okay with that if height is kept down.
- Mr. Butler: I'm good with one story.
- Mr. Schroder: One story is fine.
- Mr. Mamula: If we go with proportionally instead of one story, we need some mathematical formula to proportion connector to the primary modules and it needs to be off of the smaller module not the larger one.

Ms. Puester indicated they would bring some options on the connector back to the Planning Commission to discuss a one story element versus something proportional with design limitations.

### 3) Code Amendment Worksession: Condo-Hotels

Ms. Puester presented. The condo-hotel topic has been on the Planning Commission Top Ten list for 2013 and 2014. In October 2013, the Planning Commission held a Retreat which included visiting various condo-hotels in Town. On November 12, a joint worksession was held between the Commission and Town Council where they discussed a potential code revision related to 1) existing small condo-hotel conversion of vacant spaces and 2) new small versus large condo-hotel amenity bonus and density multipliers. The purpose of this memo is to discuss policy options.

Staff would like to proceed with a policy allowing units formerly used as 24 hour check in desks and meeting facilities to be converted on a case by case basis for deed restricted units. Staff is proposing a Development Agreement because not all of these vacated spaces may make desirable deed restricted units and we would like there to be the ability to be flexible with the determination and requirements. Would the Commission support staff drafting code language taking this direction for deed restricted units? Are there specifics the Commission would like included?

In addition to allowing conversions for deed restricted housing, staff would also like to explore the concept of allowing the conversion if a portion of the revenue from the sale would result in energy audits and possible energy improvements to the existing structures. Would the Commission support staff drafting code language taking this direction for energy audits? Are there specifics the Commission would like included?

After researching existing condo-hotels and having conversations with those in the condo-hotel industry, the general consensus has been that the existing definition of condo-hotel in the Development Code is still valid. However, staff acknowledges that there are issues as demonstrated in the topic above with small condo-hotels being able to realistically function as a condo-hotel and fit the definition over the long term.

Staff would like to have the Commission input on modifying the definition of condo-hotels to be applicable to those projects with a minimum of 50 units. Staff would also like to explore requiring a covenant to be recorded against the property that if a condo-hotel is converted to a use which would require more density, (i.e. condominium without the hotel function) the property owner would be required to pay the difference of the bonus received under condo-hotel multiplier, plus any new use required square footage via transfer of development rights (TDRs). Does the Commission support modifying the condo-hotel definition to establish a minimum threshold of 50 units in order to qualify as a condo-hotel and therefore be entitled to the density bonus? Would the Commission support the covenant recordation requirement?

Staff would like to get Planning Commission direction to return to the Planning Commission at a worksession with draft revisions to the appropriate policies.

Condo hotels get density bonus compared to condos. Definition of condo hotel requires 24 hour desk, phone service, etc. On existing space conversions, we looked at Tyra at your October retreat. Spaces were not functioning anymore. What to do with existing spaces? Propose on case by case basis to allow them to be converted to deed restricted units. Propose it would be done through a development agreement. Does the Commission agree with this approach?

*Commissioner Questions / Comments:*

Mr. Pringle: How many existing condo-hotels could come in and request a conversion? (Ms. Puester: Maybe a dozen; not sure how many have vacant spaces.) Why can't we force people to keep the condo-hotel amenities as they were required? That's the deal we made with them. (Mr. Grosshuesch: Probably does not make sense to require 24 hour desk and phone service anymore with these smaller projects. You can't have a centralized desk when you have 13 different property management companies on a property. The state CIOWA Statute established that we cannot require units to stay under one management company.)

Ms. Christopher: I see empty space not being used, why not put it to good use?

Mr. Schroder: Town gains by having spaces used as employee housing.

Ms. Dudney: They can't be for-sale units. We need to protect the occupants from HOA assessments. They should be rentals.

Mr. Butler: I agree with a deed restriction.

Mr. Mamula: OK with deed restriction, but need rental criteria like Ms. Dudney says, and no conversion down the road for TDRs, etc. In town, on bus routes, this would be valuable employee housing; don't swap it out for something else. Needs to be rental units so that a deed restricted owner does not get stuck with an assessment.

The Planning Commission overall all agreed with a deed restriction with the exception of Mr. Pringle.

Ms. Puester: Regarding energy audits proposed to be required; does the Commission support?

Mr. Mamula: Energy audits may not result in anything. Would rather have money go to affordable housing. Homeowners may not go for energy improvements. I am very against these units being for sale. (Mr. Grosshuesch: To the extent we can get these leaky buildings fixed, it's a good thing.) (Mr. Truckey: If they perform an audit and the HOA is looking at a remodel, they can use information from audit to do some energy upgrades.)

The Planning Commission was okay with requiring energy audit.

Ms. Puester: We looked at 50 units as the cutoff, not considered a condo-hotel; lack of critical mass to make it work. Would like Planning Commission opinion on that. Also input on a proposed covenant; if a condo-hotel ever proposes converting to space that requires more density, they would have to pay for it out of TDR bank. You would also have to provide more parking per code depending on the use proposed.

Ms. Dudney: Where did 50 units come from? (Ms. Puester: Based on developed projects.)

Mr. Pringle: Breck Inn operates like a hotel and it's less than 50 units. Make sure we can force people to actually operate as hotel. I think that it was processed as a condohotel. (Ms. Puester: Not sure, under one ownership. We will look at it.)

Mr. Mamula: Don't give density for providing meeting space, because it ends up as storage. (Ms. Puester: In talking to larger condo-hotels, they say they need 24 hour desk and phone and food

service. So we think the definition is still valid. There has also been a lot of discussion regarding needing quality amenities and square footage to attract hot beds.)

The Planning Commission was okay with going this route with 50 units as cutoff. Stress amenities a little more in policy.

Mr. Pringle: How do we make them really run as a hotel?

Mr. Mamula: Smaller hotels with homeowners may decide not to rent but larger with 50 homeowners would be hard to limit to no rentals, so I like the 50 unit cutoff. (Mr. Grosshuesch: Major thrust is we don't believe smaller condo hotel properties can really operate as hotel so we don't want to give them the density bonus anymore.)

Ms. Dudney: Think that we should emphasize amenities more. (Ms. Puester: Will alter Policy 24 (a) around to do that.)

Mr. Schroder: Amenities seem to be key to this issue. Ok with the limit.

Ms. Christopher opened the worksession to public comment.

Mr. Larry Raymond, Base 9 Condos on Broken Lance Drive: We have residential space sitting empty that we would like opportunity to convert to deed restricted housing and we are willing to do an energy audit. We have an empty clubhouse that we could convert to an employee unit. Would be happy to say we would never sell it. We are a condo, not condo-hotel. Maybe consider opening this provision up for other condo projects.

Mr. Rich Smith, Base 9 Condos. Don't make it so expensive (e.g., TDR costs on top of other costs). Energy audits do work. Lots of low hanging fruit out there. Make it easy for condos to do this type of conversion (e.g., clubhouse conversion).

There was no further comment and the worksession was closed.

#### **TOWN COUNCIL REPORT:**

Ms. Puester presented in Ms. McAtamney's absence: Council award non-profit grants. The Council reviewed the miscellaneous code amendments to address new Class D major permits throughout. They reviewed a new resolution forming the Cultural Advisory Committee. Robb Wolfe is now on board. Construction updates on Breckenridge Grand Vacations Community Building and the Arts District were provided. New marijuana laws; not a lot of trouble so far regarding violations and enforcement. Finances are great for October. Council appointed three positions to the new GoBreck Board. Appointed 6 members to Childcare Advisory Board. The Council reviewed the SustainableBreck Annual Report. Mark Burke announced he is running for Council again.

#### **COMBINED HEARINGS:**

1) Breck Laundry Cabin Improvements (MM) PC#2013115, 105 South French Street

Mr. Mosher presented. This remodel and rehabilitation only affects the cabin in the rear (west end) of the property. The applicants propose to remove the existing noncompliant roof and lower walls of the upper level and replace them with historically compliant designs. The historic logs on the lower level will be restored. The upper level will receive new windows and exterior materials that are historically compliant. There is a slight reduction in overall density. The interior will have two bedrooms and three bathrooms. The existing west facing deck will remain unchanged. A new entry door will be added to the east elevation on the lower level.

Staff advertised this application as a combined Preliminary and Final hearing. Staff felt that the issues involved in the proposed project were such that no useful purpose would be served by requiring two separate

hearings. If the Planning Commission believes this application warrants further discussion, Staff asked that it be continued to a future public hearing.

Staff had no specific questions for the Commission; however, any comments or questions were welcomed.

The Planning Department recommended approval of the presented Point Analysis for the Breck Laundry Cabin Improvements, PC#2013115, 105 South French Street. Staff also recommended the Commission approve the Breck Laundry Cabin Improvements, PC#2013115, 105 South French Street, with the presented Findings and Conditions.

The project is losing 44 square feet in density with the remodel. Nonconformity is being reduced.

*Commissioner Questions / Comments:*

Ms. Dudney: How is fire protection provided? (Mr. Mosher: The shared driveway must be kept clear for access.)

Mr. Mamula: I like that it helps bring the site more in compliance with our Code and Historic Standards.

Ms. Christopher opened the hearing to public comment. There were no comments and the hearing was closed.

Mr. Schroder made a motion to approve the point analysis for the Breck Cabin Laundry Improvements, PC#2013115, 105 South French Street. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

Mr. Schroder made a motion to approve the Breck Cabin Laundry Improvements, PC#2013115, 105 South French Street, with the presented Findings and Conditions. Mr. Mamula seconded, and the motion was carried unanimously (6-0).

**OTHER MATTERS:**

The Saving Places conference is coming up February 5-7.

**ADJOURNMENT:**

The meeting was adjourned at 9:50 p.m.

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Kate Christopher, Vice Chair