

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Eric Mamula Gretchen Dudney Kate Christopher
Ron Schuman Dan Schroder
Dave Pringle arrived at 7:03pm
Ben Brewer, Town Council Liaison
Jim Lamb was absent.

APPROVAL OF MINUTES

With no changes, the February 3, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the February 17, 2015, Planning Commission Agenda was approved as presented.

WORKSESSIONS:

1) Off Street Parking Chapter (JP)

Ms. Puester presented. The last significant update to the Off Street Parking Chapter of the Development Code was in 1996. Staff has found that some standards within the Chapter need to be updated to be consistent with current Development Code policies and engineering requirements. The changes in the ordinance are intended to be cleanup items only. Staff has worked in conjunction with the Public Works Department/Engineering to determine these proposed modifications.

Primary corrections addressed in the ordinance include:

- Clarification on parking space calculations rounded up to a complete space (Sec. 9-3-8 (B)).
- The inclusion of change of use applications in parking recalculations (Sec. 9-3-8 (C)).
- Reduction of location of driveways separation requirements to have 30 foot separation rather than 35' (Sec. 9-3-9 (D)(1)).
- Modification of the maximum width of a driveway from a public street from 30 feet to 20 feet (Sec. 9-3-9 (D)(2)).
- Addition of standards for Private driveways (Sec. 9-3-9 (D)(2)).
- Clarification that circular driveways for new development are not permitted and nonconforming circular driveways must come into conformance with redevelopment (Sec. 9-3-9 (D)(3)).
- Additional detail to the grading section for driveways (Sec. 9-3-9 (F)).
- Addition of Heated Driveway standards (Sec. 9-3-9 (G)).

Staff would like to hear if there are any concerns from the Planning Commission.

Commissioner Questions / Comments:

Mr. Schroder: Is this for all of Town or just in the service area? (Ms. Puester: This applies to all of town.) It says that all off street parking must be paved but I thought it was permeable surfaces too. (Mr. Mosher: You aren't allowed to park on dirt or gravel, you can have paving strips.)

Mr. Pringle: Do we have a size for a parking spot in a garage? (Mr. Mosher: 9' by 18' is a legal parking spot.) Do we have a third dimension for this? (Ms. Puester: For height?) Yes. Do you remember the Giller that had a lift that wouldn't work because there was not enough clearance for two cars? The discussion was that we couldn't deny or modify it because it didn't go against code. We didn't have a standard for at least the minimum volume. Do we at least want to say that a parking space in a garage must be at least 5' or something like that, for a reasonable car? (Mr. Mosher: It might be an issue that the building department

might have code with a head height.) This might be the one and only chance we get a chance to change this as policy without an actual application in front of us. (Mr. Mosher: I will try to get an answer from the building department this week. Point taken, let's do some more research.)

Mr. Schuman: To that same point, we have an exterior parking pad next to the garage that has a lift so I could foresee that the person might want to enclose it, so this would be a good thing to tackle.

Mr. Pringle: I would like to see that we have some criteria to discuss it.

Mr. Mamula: I don't have a problem with anything in this but we have discussed values for minimum parking in particular when there are houses that are designed as retreats but they only have two parking spots and we know they will be parking on the streets. At some point it would be nice to get to some different figures for the larger homes that will be rented out in the future and only have two spots. We are probably not going to solve anything right now but should think about it for the future. It would be nice if you exceed 5,000 sq. feet then you need to add parking spaces. They don't have to be covered but that there are adequate spaces on the lot. Sunbeam comes to mind with a house that was built with a bunch of different lock offs that didn't have more parking. With teardowns and building I think this is something we need to address.

Mr. Brewer: I have to agree.

Mr. Schuman: Is the parking service area (fees section) still used?

Mr. Mamula: It is generally in the service or commercial use.

Mr. Schroder: Where does the money go that the money people pay for parking spots?

Ms. Puester: It is used a lot when there is a change of use and the use changes from retail or office to more intensive such as restaurant. It does go to the Town lots that were purchased previously for public parking-Tiger Dredge, behind LaCima, Wellington lot, Icehouse, parking structures and so on. The Town put the money up front so people are essentially paying the Town back. It is a separate fund that does pay the Town back and then also for future parking.

Mr. Brewer: I don't remember seeing a parking fund; it is in the general fund. (Mr. Grosshuesch: It doesn't need to be a separate fund, it is not a like a war chest. It is tracked separately but is part of the general fund. It is a fee that helps offset the money already spent.)

Mr. Schuman: I think everything is good in the ordinance. But everything gets back to enforcement. If anything needs to be done with illegal parking, it is police having the enforcement rules.

Ms. Christopher: I think that the document is great with the additional comments.

Mr. Pringle: I think this is fine too.

Ms. Dudney: I have no issue.

Mr. Mamula: I agree, would like to see Mr. Pringle's issue addressed. (Ms. Puester: We will follow up on Mr. Pringle's issue with a memo to the Commission and plan on bringing this to the Town Council as an ordinance if the Commission is comfortable with that.) (Commissioners: Yes.)

TOWN COUNCIL REPORT:

Mr. Brewer:

- We passed on second reading an ordinance making electronic smoking devices subject to the same ordinances and regulations for regular cigarettes.
- We placed on the agenda and passed in second reading an ordinance that clarified public smoking, we had a 10' buffer to public entrances but did not make a ban on smoking on patios. Vote was 5-2 but the two dissenters thought we didn't go far enough. You can't be smoking in the entrance to any business not just restaurants. We almost adopted a curfew until a certain time of night, allowing smoking on patios later at night, but this didn't resonate with enough people. Employees have to work and breathe the smoke if there is smoking on a patio. This is probably an issue that will be seen on the Town Council agenda again, the whole state is addressing this. We are trying to follow what the state

is doing. The enforcement mechanism is tough, sometimes it is subjective. If there is complaint then Community Service can be called and enforce. Now with the definitive 10' rule it is more objective. This will start 30 days after it passed. It is designed to prevent people from smoking at a business entrance. (Ms. Christopher: Maybe consider when the Town brings in public benches and fire pit into the Blue River Plaza, people come in and smoke which results in no one else going near the firepit since it's just a bunch of smoking going on there.) I don't think this is allowed with the new ordinance but will look at it in more detail.

- There is a new ordinance that we are considering that will revamp the enforcement of the sign code. This includes making the first and second offense of a violation be a ticket. After that then a summons to court happens, this is more logical and practical than the former enforcement chain that was a summons to court on the first violation. Pretty heavy handed. We passed the first reading on the revised ordinance. We decided to take no action on the sandwich boards, which means sandwich boards are still illegal and many of the other signage that is happening in Town is illegal. So there will be a big job of enforcement. Business is tough and it is difficult to distinguish yourself from the competition. (Mr. Pringle: it all comes down to enforcement, I think you cut to the chase and say you are violating the code and we'll see you in court.) I think most business owners want to follow the law but don't know the law and will change after the first ticket.

FINAL HEARINGS:

(Mr. Schuman recused himself and left the public hearing due to conflict of interest.)

- 1) AT&T Wireless Temporary Communications Facility at Gold Creek Condos (JP) PL-2015-0009, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a temporary wireless facility consisting of three steel skid mounting brackets with a total of six screened 6-foot tall panel antennas (two per skid or sector) at the north, east, and west rooftop elevations for twelve months at which time the permanent installation would be constructed. The screening will cover the front face of each skid and will match the building color and mimic the building material appearance. The mechanical room for this equipment will be located in the basement. The installation is temporary and would be replaced by a permanent, screened installation which is the subject of another application also on this meeting agenda.

Changes from the Preliminary Hearing:

The applicant has proposed the following changes with this final hearing submittal:

- The number of antennas has been *reduced* from four antennas per skid to two per skid.
- The height of the antennas was *reduced* from eight (8') feet to six (6') feet.
- The clearance between the roof and the bottom of the antennas *increased* from 1'5" to 2'5" in height.
- The finished height of the antennas went from 44'1" (preliminary) to 43'1" (final) for a total of 12" *reduction* in overall height.
- The front view of the skid will be screened with a thick banner like material (RF transparent skin) wrapped around the front view of the skid to be the same color and mimic the appearance of the siding and trim on the building.
- A two (2') foot microwave dish installed behind the east skid.

Staff found no Relative policies under which positive or negative points should be assigned. Staff found that the application meets all applicable Absolute policies.

Staff recommended the Planning Commission approve the final development permit application for the AT&T Wireless Temporary Facility at Gold Creek Condominiums (aka Odd-Lot Condos) PL#2015-0009 with a passing point analysis of zero (0) and the presented finding and conditions.

Commissioner Questions / Comments:

- Ms. Dudney: It is great that it is two antennas instead of 4, is the height greater? (Ms. Puester: It is one foot lower than what you saw at preliminary and staff prefers the screening.)
- Mr. Mamula: It is 43'1" of the ground but it is 9'6" off from the previous 10'6" on the rooftop? (Ms. Puester: Yes.) The photo simulation doesn't seem correct, it seems like the installation will be bigger than what is shown. (Ms. Puester: Let's allow the applicant explain that piece.)

Permanent application was then discussed.

2) AT&T Wireless Permanent Communications Facility at Gold Creek Condos (JP) PL-2015-0005, 326 North Main Street

Ms. Puester presented. AT&T Wireless is proposing a permanent wireless facility incorporated entirely inside three of the dormers associated with the Gold Creek Condo exterior remodel development permit (PC#2013034) at the north, east, and west elevations. The dormers in which the antennas are located would be fiberglass manufactured to appear the same as the approved exterior remodel materials. The mechanical room will be located in the basement. The estimated time of construction will be in June. This permanent screened installation would replace the temporary antennas just discussed. Staff found no Relative policies under which positive or negative points should be assigned. Staff found that the application meets all applicable Absolute policies.

The permanent solution does include the four antennas because the two antennas in the temporary proposal are to maintain existing coverage.

The Planning Department recommended that the Planning Commission approve the AT&T Permanent Wireless Communication Facility (PL-2015-0005) with a passing point analysis of zero (0) and the presented findings and conditions. (Ms. Dudney: Is there any change to this final proposal than we saw two weeks ago?) No.

Applicant Presentation for the Temporary and Permanent applications:

Ryan Sager, Pinnacle Consulting: There is an additional two feet of screening on the sides of the skids. The photo simulation is a visual representation and was completed before we had designed the actual drawings of the custom skids for final. Custom skids have a particular height and wind load needed through the engineering calculations, so this is why there wasn't more in the decrease in height.

Commissioner Questions / Comments:

- Mr. Mamula: Can you explain how the skin material will be mounted and how it will withstand the elements? (Mr. Sager: It will be stretched to cover the skids and secured in place.) What is the longevity of the material? (Mr. Sager: This material is guaranteed for 6 months.) Can we add a condition that this needs to be maintained? (Ms. Puester: If the material fails then they would be in violation of their development permit with the plans as presented. They would have to replace it. If you are concerned with it, I think you can put it in as a condition that the material be inspected. We should check with the applicant if they would accept that.)

Mr. Mamula opened the hearing to public comment for both the temporary and permanent applications. There was no public comment, and the hearing was closed.

Commissioner Questions / Comments:

- Mr. Pringle: With the temporary screening I'm wondering if the antenna would look better without it. I'm just wondering if the screening is just drawing more attention to the skids. Could this ever be a consideration? (Mr. Mosher: The applicant mentioned that it is 8 weeks between the skids

- being up and the screening getting installed so there would be time to tell.)
- Mr. Pringle: I think the antennas will be a lot more transparent and won't be as much maintenance.
- Ms. Dudney: That was why I asked what the staff thought; I'm ambivalent about the screening. With the two antennas, I think that it is less obtrusive. I'm fine with the rest of the project.
- Mr. Schroder: I'm fine as presented
- Ms. Christopher: I'm fine too, but am fine with the screening not happening. (Ms. Puester: I would like to make a case for the screening, because I've seen what they look like in the field and I think it would be a mistake not to include the screening. It takes 8 weeks to manufacture the screening. I want them to order the screening and get it up there and see what it looks like. If we have concerns with the screening when it is up, we can modify the permit with a Class D and take it down but to leave it out completely is not recommended. Hopefully it will blend better.)
- Mr. Schroder: I think it will look like a chimney with the screening and not be obtrusive.
- Ms. Christopher: The photos don't show returns being screened. (Ms. Puester: The back and sides of the skids won't be covered.) (Mr. Sager: The front and two back on the sides will be covered.)
- Mr. Mamula: I don't have any issues with this. Let's see what they look like when they are up.
- Ms. Puester: Let's leave it as it is and we can always modify this as a Class D.

Mr. Pringle made a motion to approve the point analysis for the AT&T Wireless Temporary Communications Facility at Gold Creek Condos, PL-2015-0009, 326 North Main Street. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the AT&T Wireless Temporary Communications Facility at Gold Creek Condos, PL-2015-0005, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the point analysis for the AT&T Wireless Permanent Communications Facility at Gold Creek Condos, PL-2015-0005, 326 North Main Street. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the AT&T Wireless Permanent Communications Facility at Gold Creek Condos, PL-2015-0005, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle: If we find that the temporary screening is not appropriate we can bring this topic up again.

(Mr. Schuman returned to the meeting.)

COMBINED HEARINGS:

- 1) Verizon Wireless Communication Facility – Kingdom Park Ball Field Site (SG) PL-2014-0177, 880 Airport Road

Mr. Greenburg presented. Verizon Wireless is proposing to remove a 55' baseball net support pole and replace it with a new 75' canister pole to house a wireless antenna and build an associated 12' x 26' equipment shelter in the location of the current Recreation Center trash enclosure. A new trash enclosure will be built within the existing Recreation Center parking lot. On May 27, 2014, the Town Council approved a development agreement to allow for a transfer of density for the shed structure for the wireless facility (0.32 SFEs) and waived negative points associated with density and building height. Due to the approved Development Agreement that addresses density and height, Staff believes the application warrants no positive or negative points and passes with a point analysis of zero (0). The application meets all absolute policies.

The Planning Department recommended the Planning Commission approve the Verizon Wireless Facility at

the Breckenridge Recreation Center Ball Field, PC#20140177, located at 880 Airport Road, with a passing point analysis of zero (0), and the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Pringle: You show that the left field corner pole, is it only one pole? (Mr. Greenburg: Yes, it is only one pole. It is the second pole in from the parking lot. It is not on the corner of the field.) How sensitive are these poles to damage from the baseball?
- Mr. Mamula: I don't understand why the trash enclosure is where it is. (Mr. Greenburg: The applicant worked extensively with public works and the rec center to locate it appropriately. It is close to the building and it works with the turning radius with the drive isle for the garbage truck.) I think it isn't right to lose 6 spots of parking because it is easier for the staff. (Mr. Grosshuesch: I think that it is harder for the truck to turn if it is someplace else.) (Ms. Puester: Losing the 6 parking spots is a worst case scenario for the worst roof snow shed conditions; it may not take all the 6 spots. Those spaces would be there in the summer. The actual structure covers only 2 spaces.)

Applicant Presentation:

Colleen Nebel, representing Black and Veatch and Verizon:

The trash enclosure and structure have all been built to the public works specifications and location. In addition the 75' of the pole is being built to accommodate one additional carrier. It is not likely that the canister at the top of the pole will be hit by a ball.

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

Commissioner Comments:

- Mr. Schuman: Other than the location of the dumpster, I think it is a good plan. I don't see anything wrong with it but the physical location of the dumpster.
- Ms. Christopher: I leave the dumpster location up to public works, as for the cell phone tower looks great.
- Mr. Schroder: I think this is brilliant where there are other big poles and this is necessary public infrastructure.
- Mr. Pringle: I agree.
- Ms. Dudney: I'm fine with the design.
- Mr. Mamula: I don't like the location of the dumpster, I would really like public works to look at it. I think it is a mistake, being someone who lives around dumpsters in my parking lot. I think this a bad solution.
- Ms. Dudney: If we were to defer and get a response from the public works department would this be a problem with your construction plan? (Mr. Nebel: I'm afraid if we had to wait it would be detrimental. Any sort of delay in approving this plan would push us back from the County approval and the start of the baseball season.)
- Mr. Mamula: Could you please handle this on a staff level? (Mr. Grosshuesch: We could modify the existing permit and make it class D if the Town changes their mind on the dumpster location.) The trash is totally separate; we are fine with the cellular.

Mr. Pringle made a motion to approve the point analysis for the Verizon Wireless Communications Facility, PC#20140177, located at 880 Airport Road, with a passing point analysis of zero (0). Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Verizon Wireless Communications Facility, PC#20140177, located at 880 Airport Road, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

OTHER MATTERS:

Ms. Puester: I would like to put a recap of the Saving Places Conference on a future agenda.

ADJOURNMENT:

The meeting was adjourned at 8:20 pm.

Eric Mamula, Chair