

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 Jim Lamb
Dave Pringle
Ben Brewer, Town Council Liaison

APPROVAL OF MINUTES

With no changes, the February 17, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the March 3, 2015, Planning Commission Agenda was approved as presented.

WORKSESSIONS:

1) Transit / Shuttle Points (MGT)

Mr. Thompson presented. The Planning Commission has expressed some concern with how positive points have been awarded for non-auto transit systems (i.e., private shuttle service) proposed with new development. In the past, Staff and the Planning Commission have awarded positive points for the inclusion of non-auto transit systems under this policy.

The Planning Commission has recently expressed concerns that most of the larger lodges and condo-hotels include shuttle service as part of their business model and that there may be no need to incentivize this through awarding positive points. Staff suggests that positive points should still be considered for providing shuttle service, as it still could provide an incentive on certain projects. If the Planning Commission feels that four is too many positive points, one option could be to lower the multiplier to two (2) positive points.

Precedent:

1. Breckenridge Mountain Lodge Redevelopment: positive four (+4) points for shuttle system with covenant.
2. Welk Riverfront Resort, Breckenridge Condo-Hotel: positive four (+4) points for shuttle service with covenant.
3. Breckenridge Grand Vacations Lodge at Peak 8: positive four (+4) points for guest shuttle service.
4. Grand Timber Lodge at Peak 7: positive four (+4) points for guest shuttle service.
5. Mountain Thunder Lodge: positive four (+4) points for guest shuttle service.
6. Highland Greens Lodge: positive four (+4) points for guest shuttle service.

Staff requested Planning Commission input on the amount of positive points that should be awarded for provision of non-auto transit systems.

Commissioner Questions / Comments:

- Mr. Schroder: The current four points, does that inhibit us from changing it for future applicants? (Mr. Thompson: Other points have changed over time, so I don't think this is a problem.)
- Mr. Mamula: Have we had any problems with lodging commitments being fulfilled? (Mr. Mosher: No, in fact, a couple of cases they've bought extra vans.) (Mr. Thompson: Another point is that transit encourages economic benefits, providing jobs for residents. Beaver Run and Highlands Green run all the time and provide full time jobs. Also, in assignment of multipliers (9-1-17-4) a two multiplier is moderate importance, a three is average, four is relative significant community importance.)
- Mr. Schuman: As VR gets bigger is there a thought on their part if they will cut down on service? We have

- good coverage between the Stage and the Town; if one of those pieces fall out that could be an issue? (Mr. Thompson: That is always a possibility if the Town falls on hard times.) Do you have any idea that 5 years from today there will be decrease in transit?
- Mr. Brewer: I don't think that we as the Town could ever achieve perfection in transit. It can always be better. The Breck Transit system is something that we committed to and may be even enhanced over time.
- Mr. Mamula: There currently isn't any duplication of service now.
- Mr. Brewer: That is true, but there are a lot of complaints of the Vail run service because they are older buses and they run routes that serve the ski area. We have to build a system for "Easter Sunday" but it can't run efficiently year round. So the ski area scales up with lots of people in town and scales back down easily. The Town's system has more routes, more fulltime employees so it is hard to scale back easily. Lots of smart people are working on this but we have a long way to go.
- Ms. Dudney: Which ones are the Vail buses?
- Mr. Mamula: Vail runs to the free lots and to Peak 8 and Peak 9. The old school buses are the ski area buses. There has been talk for a long time about consolidating all the bus systems.
- Mr. Pringle: I have a problem when four positive points was awarded at the Breckenridge Mountain Lodge because they were using the shuttle to mitigate their parking problem which was reduced requirement because of the Development Agreement. They shouldn't get points for something that they have to do because they don't have enough parking. (Ms. Puester: I think that type of concern is something that needs to be addressed in the Development Agreement phase and have a discussion with the Council at that time.) If you meet your absolute parking requirement and provide a shuttle then you should get the four positive points. If you don't meet the parking requirement, then you should get less than the four points. (Mr. Mosher: Parking is an absolute in the code; this is only waived or addressed in the development agreement.) I'm ok with the four positive points but I'm not in favor of the double dipping when they get to reduce their parking.
- Mr. Mamula: That is strictly in the Council realm, so we can't address it ourselves. It needs to be a broader discussion with the Council for when they write a development agreement.
- Mr. Brewer: That has been a very well discussed item at the Council. The current Council believes that the development agreement is the development agreement. This is used as an end around to address situations like this. They are used to encourage specific things that the Council wants. Speaking for myself I do agree with you. I would approach it from the other end like putting requirements on service levels for the shuttle and put it in the covenants for the HOA. I would want to see them commit to some service level that is appropriate for some service level of their guest occupancy.
- Mr. Pringle: We can't make provisions for the future. (Ms. Puester: That can only be addressed by the Development Agreement. You did put Development Agreements and double dipping of points as a future discussion to have on our Top Ten list. Tonight's discussion is just on Policy 25.) We are really talking about four positive points that providing a shuttle is not mitigation to a prior agreement.
- Mr. Mamula: But that ties the hands of Council for making a Development Agreement. Council has to have a broader view of things than the Planning Commission; they are the elected legislative officials we are not.
- Mr. Pringle: I think we should have a loyalty to the fidelity of the code.
- Mr. Mamula: This is strictly about is this worth two or four points.
- Mr. Brewer: I think Mr. Pringle that you made this point that the Council will read this and take it into consideration. With this Council we have had to address or make a Development Agreement. We have not had time to discuss Breckenridge Mountain Lodge issues.
- Ms. Dudney: I'm fine with the four points; my issue is with the double dipping in the Development Agreement, as was the case with Breckenridge Mountain Lodge. The next time that an

- Agreement comes up it can be addressed as Staff can raise it as a consideration.
- Mr. Brewer: The Council reads the minutes on a Work Session discussion from the Planning Commission.
- Ms. Dudney: When you do give four points for a shuttle, do we actually ask them about specifics of when and how it will run? (Mr. Mosher: It varies by development and as for Breckenridge Mountain Lodge; it is in their covenant.) It could be that the shuttle is set up correctly, at the right frequency.
- Mr. Mamula: I don't think that this has been a problem; it is part of their service level. So maybe the question is if this is a service level, should they be getting four points for something they would have done anyway.
- Ms. Dudney: It doesn't sound like people haven't been doing it.
- Mr. Pringle: It would be nice to see that we are getting value in return for getting these four positive points. We need to identify the level of service or the value we are getting from that shuttle. Also, we should take bus stops, not at the next condo project that comes along, but put them where the transit department thinks it should go. I don't think we are looking for a lot of stops now but for strategic stops. (Mr. Thompson: We are doing that already, running bus stops through transit department when a project comes along. They have standards for distance between stops and density; hence we get them in the right locations.) This is an argument at Wellington Neighborhood. (Mr. Mosher: One thing that we would like to encourage is a bus shelter at a bus stop.) Could we standardize shelters? (Mr. Mosher: They are expensive to build so we currently don't do this.)
- Mr. Lamb: I am not concerned with service, I don't think anyone is abusing this; it is part of their business model. I can live with dropping this down to two points, but also fine with four positive points.
- Ms. Christopher: I could go with two or four points, but I think double dipping is not good.
- Mr. Schroder: Mr. Thompson's definition of the multipliers that he read from the Development Code of why you give four points convinced me it should be left at four points. We put significance on reducing cars, so I believe that it does place significant importance, so I'm going with four points.
- Mr. Schuman: I think it is time to move to two positive points.
- Mr. Mamula: I think we keep it like it is; this is a much bigger commitment to a developer in maintenance, gas, and employees salaries. I think based on this discussion the majority of the Planning Commission is in favor of keeping this at four positive points, and the policy stands as is.

TOWN COUNCIL REPORT:

Mr. Brewer:

- We passed an ordinance amending enforcement of the Town sign ordinance. We gave very clear direction that Town staff should approach this step by step. The outcome is that we didn't change the sign code but we are changing enforcement, which means the first and second offense will mean tickets and the third will be a summons to court. There are a lot of violations out there and we are going to ease them back to compliance. The first ticket is \$100, second is \$250, when they go to court it is up to a \$500 fine. The vast majority of business owners want to comply. The Town Council will be going on a Town field trip to look at signs and understand the code better. (Mr. Lamb: By the way, the Harris St. Building has two sandwich boards that say no parking.) (Mr. Mosher: They are temporary signs about parking; they've had problems with skiers using these lots and working on a better solution.) I got feedback that the sandwich boards about parking were very effective in reducing skier parking. So they are working on preparing permanent signs.
- New Business: We passed on first reading the unlawful extraction of marijuana concentrate that use flammable materials that cause horrific injuries and fires. There are still some methods that don't involve flammable materials and those caveats are in place to protect parents who are concentrating it for their kids who have seizures.

- We conveyed the Pinewood 2 Village parcel to the LLLP that will be handling the construction of that project.
- We had two resolutions for making supplemental appropriations to the 2014 budget and then a second supplemental appropriations resolution for the 2015 budget. Moving money around for all good reasons.
- We had a lengthy discussion concerning the deadline for comments for the USFS comment period for summer activities at the ski area. We had a letter prepared but the Town Council decided not to send a letter as a group but as private individuals. The BOCC drafted a letter that was forwarded to Council for review. The director of the White River National Forest did come and speak to us and listened to our questions. There was no consensus by the Council what the content the letter should have and by some people that there was not enough time to discuss and submit a letter. I personally wanted us to submit a letter, but we didn't. The proposal does include a fixed zip-line in Ore Bucket which would involve a lot of towers and Jeep tours above timber line and a very high zip-line crossing Sawmill Gulch. I think it is a very important community issue that I wish we had taken more time to comment on. I think that the comments that we made to the Forest Supervisor were heard.

TOWN PROJECT HEARINGS:

1) Breckenridge Theater (MM) PL-2015-0025, 121 South Ridge Street

Mr. Mosher presented a proposal to remodel and add to the existing 4,102 square foot building. The proposed work includes a combined 2,231 square foot addition to the existing building and remodel of the performance stage and seating area. The additions will include a new lobby, dressing rooms, storage, and increased wing space for the performance stage. Related site work and landscaping will be included in the project.

The Town's 1972 property files show a building constructed in 1968 on Lots 5 and 6 changing from a plumbing shop to a restaurant (The Electric Pizza Company/Dan's Dairy Depot). Shamus O'Toole's occupied the building from 1976 until the Town purchased it in 2002. It was converted to a theater (with the principle tenant over the years being the Backstage Theater) and cultural arts exhibit space. A small addition was located off the west end in 2003. The needs of the theater and its adjacency to the Art's District warrant the proposed addition.

The recommended above ground density in this Character Area on this lot is 3,301 square feet or 9 Units per Acre (UPA). The existing building at 4,012 square feet is at 10.94 UPA and is non-conforming. The above ground density for the building with the addition is 6,333 square feet or 17.27 UPA and will increase the nonconformity. Staff believes that the Theater addition is compatible with the historic and current commercial uses along this portion of the block.

The proposed density increases the nonconforming density and fails the absolute limit of 10 UPA under Policy 24/A but, is a public use building along a block that was, and still is, primarily commercial use. With the exception of failing absolute Policy 24/A, the nonconforming above ground density, the proposal abides with all other absolute policies. Staff has not identified any negative points for the project.

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues. In addition, the Commission is asked to make a recommendation to the Town Council. The Planning Department recommended acceptance of the Point Analysis for the Breckenridge Theater Expansion (Town Project; PL-2015-0025). The Planning Department also recommended approval of the Breckenridge Theater Expansion (Town Project; PL-2015-0025).

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

Commissioner Questions / Comments:

- Ms. Dudney: There appears to be a conflict in the report. South End character area or is it North End? Isn't the UPA 12 instead of 19 for the South End? (Mr. Mosher: It is South End, but the result is exactly the same for the above ground density overage.)
- Mr. Pringle: Is it possible for Planning Commission to take a non-conforming building and increase the non-conformity? (Mr. Mosher: As a public building and for the public need this is allowed under the Town Projects ordinance. There is definitely a public need for this building but the Council can make these decisions, not the Planning Commission.)
- Ms. Dudney: Can't we ask for rezoning ordinance to address the above ground density overage? For the Town to grant an exception for itself is a conflicting message just like the heated sidewalks that should be getting negative points. These points should then be offset with landscaping or energy savings. (Mr. Mosher: Policy 33/R specifically allows heated surfaces for the health, safety and welfare of the general public. This is a recent change to this policy.)
- Mr. Pringle: I think if the Town wants to do this and turn its back on the code then it has the prerogative, but it doesn't sit well that we can sit here and overlook the deficiencies in these projects and not award negative points. I think we need to have fidelity to the Code and analyze them the same way we would any other project and send it to Council. (Mr. Grosshuesch: The role Staff and the Commission have in this setting is to point out where the policies don't comply with Code.) I think we should indicate which of the policies fail.
- Mr. Lamb: I too believe it fails; and anyone in the private sector would fail. I know that it is a Town project and a good project, but we need to hold ourselves accountable. It fails an absolute policy for above ground density.
- Mr. Schroder: When I read this, I shrugged because Town is going to do whatever it is going to do. I do think that it fails.
- Mr. Schuman: It fails Absolute policy 24/A and I believe there should be negative three (-3) points on policy 33/R. It is contradictory for what is in the code. (Mr. Mosher: Again, remember that negative points under Policy 33/R cannot be assigned as it is a public need.)
- Ms. Dudney: It could get positive points for social community and could get positive points for an energy audit. I also think the rezoning could work.
- Mr. Mamula: Outside of the failed Absolute policy it is a really nice project. However, there is no way as a Planning Commissioner that I can approve this. (Mr. Grosshuesch: The Council took a long and hard look at moving the Theater to another location in Town and it just didn't resonate to move this out of the Arts District. The consensus recommendation was to leave it in its current location. They are aware of the density issue and they are willing to move forward despite the increased nonconformity. The court house, the high school, and the fire station all are examples and precedents for increased density for public buildings in the Historic District. This is a public building. Nobody in the private sector is gaining an unfair advantage over their competition as a result of this approval.) I understand that there is a reason for this but we need to maintain the integrity of the Planning Commission.

Mr. Mamula made a motion to approve the point analysis for the Breckenridge Theater, PL-2015-0025, 121 South Ridge Street, showing a passing point analysis of 0 points. Nobody seconded. Mr. Mamula rescinded the motion because it failed to receive a second.

Mr. Mamula recommended denial of the Breckenridge Theater, PL-2015-0025, 121 South Ridge Street due to a failing point analysis because it fails Policy 24/A Density. Mr. Schuman seconded, the motion carried unanimously (7-0).

ADJOURNMENT:

The meeting was adjourned at 8:01 pm.

Eric Mamula, Chair