

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Gretchen Dudney Jim Lamb
Dan Schroder Ron Schuman Eric Mamula
Dave Pringle was absent
Wendy Wolfe, Town Council Liaison

APPROVAL OF MINUTES

With no changes, the June 16, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the July 7, 2015, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

- 1) Jerky Small Vendor Cart (SG) PI-2015-0213, 100 South Main Street
- 2) House Number 10 (MGT) PL-2015-0207, 858 Fairways Drive

Commissioner Questions / Comments:

Mr. Schroder: We talked about the challenging lots that remain and this one has a long driveway that got negative points. Should we talk about this? (Mr. Mosher: We've had a lot of long driveways before. Staff has identified the retaining wall need and driveway lengths under separate portions of the same policy.) I guess every time we see a house on a tough lot there will be long driveways. (Mr. Mosher: Staff is aware of this; often the applicant can easily put a garage down lower and the house above. Often, the owners do not want stairs.) (Mr. Thompson: Mr. Schroder is right that these retaining walls and long driveways are in the same policy.)

With no requests for call up, the consent calendar was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- We are working on a development agreement with Breckenridge Grand Vacations up on Peak 8. The highlights include transfers up to 18 SFEs and 1 commercial SFE and this is contingent on fit test. They are asking to decrease parking to 1.7 per 2 bedroom unit; they will make a \$30,000 donation to Cucumber Gulch. A sprung structure will need to be relocated to accommodate construction. Upon C.O. would all the Sprung Structures be gone and the answer is "yes"; but they are speaking for the ski area. Vail Resorts needs to have responsibility to talk to Council about the structures too. Second reading will come on Tuesday and then it will come to you as the Planning Commission. I know that these are not the favorite discussions but the Council wants to proceed. (Mr. Mosher: Staff is aware of your concerns with transportation and that will be included when it comes to the Planning Commission.) (Mr. Mamula: Originally with the master plan, there were discussions about water quality and the gulch. Who is on the hook now for commitments that were made by Vail Resorts now that the land is owned by others?) (Mr. Mosher: So far it is the HOAs. The Engineering department and Open Space and Trails are very sensitive and keenly aware of all of this.)
- We passed on second reading the sign ordinance with the previously discussed minor revisions. There will be some better opportunities for directory signs for businesses tucked behind Main Street.
- Wetlands Density Transfer passed where no more than 25% can be wetlands in a transfer density.
- Parking Forum last night that had 40 citizens and one today with 80 people. Good discussions; getting

feedback from community. The community is concerned about aesthetics and we have better renderings now to show the community and these are good opportunities to share ideas. We look for funding discussion in the next few weeks and to see if we can continue. (Mr. Schuman: What is the expectation for decision date?) The decision should be coming by the end of July. We are waiting to hear from the ski area and then if not we would need to go to the ballot and there needs to be 2 readings before that so we might run out of time.

PRELIMINARY HEARINGS:

1) Nauman Residence Remodel and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue
Mr. Mosher presented a proposal to perform an extensive exterior restoration of the historic house and remodel of the non-compliant addition. The reconstruction of the historic house will include a full basement beneath the historic portion of the footprint and a shelf, less than 5-feet tall, below the window well along the west edge of the site. Local landmarking of the property is also requested.

At this preliminary review, Staff found the application passed all Absolute Policies (accepting the legal conforming items) with the exception of Policy 24/A, for which the Applicant is seeking a variance for The Social Community as the application does not meet Priority Policy 80A. Staff suggested positive six (+6) points for the restoration and renovation efforts under Polity 24/R Social Community.

The applicants have presented plans that are very similar to the previously approved plans from 2010. The key restoration items are being matched from the last submittal. The main changes are internal to the structure.

Staff had the following questions for the Planning Commission:

1. Did the Commission support allowing a new window well outside the west property line behind the existing bay window?
2. Did the Commission believe the proposal qualifies for a variance from Priority Policy 80A; Use connectors to link smaller modules and for new additions to historic structures?
3. Did the Commission support awarding positive six (+6) points for the historic restoration?

Staff welcomed any additional comments. With your input and suggestions, Staff believes this application could return for final review.

Commissioner Questions / Comments:

- Ms. Dudney: You are not allowing them the ability to put in a kitchen in the basement? (Mr. Mosher: The basement will not have any 220 volt power or a natural gas line. However, a microwave, hot plate, toaster oven could be used within the Code. Also, Staff cannot issue any permit of an additional vehicle for this property.)
- Mr. Lamb: Staff is ok with letting them rent the basement out? (Mr. Mosher: Yes, the Code allows this. We will be working with building department during construction to make sure that no 220 volt electrical or gas is installed in the basement and that the Town will not grant any additional parking permits.)
- Mr. Schroder: What's the year of the crazy roofing addition? (Mr. Mosher: Sometime in the 1980's. The old part with the shed, encapsulated in the addition was likely when they got indoor plumbing in the early 1900's.)
- Ms. Dudney: They are encroaching into a Town alley? (Mr. Mosher: Yes, but there is no vehicular access as it is only 15-feet wide.) Did you receive any comments from the west neighbor about the window well? (Mr. Mosher: No, even though this meeting was properly advertised.)
- Mr. Mamula: Could you explain the bay window? (Mr. Mosher: It's non-conforming and Staff could not find any date for its addition. But based on the form and windows, we can tell it is newer.)

But why aren't we requiring them to remove this? The addition may have happened sometime, it is most likely not part of the historic time of significance.)

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

Commissioner Questions / Comments (Continued):

(Mr. Mosher displayed the previous approved rendering with the roof versus the proposal now.)

Mr. Lamb: I still believe the downstairs is going to act like two units on the property. The restriction of no gas and 220 volt electrical may be ok, but you could easily add a real kitchen down below without a permit. I'm worried about when the Naumans sell, someone could easily make this a second unit. (Mr. Mosher: We've talked about this and there is nothing in the current Code to prevent it unless staff is made aware during the construction.)

Mr. Mamula: The issue is with parking. If they have no ability to get more parking permits, I would much rather see it come through with gas and electric installed now. (Mr. Mosher: But the Code requires that they have one additional on-site parking space to do that. There is no space on this site. The big trigger will be if they rent it out and the tenant comes to ask for a parking permit.)

Mr. Schroder: What else could they do to give us the connector link to come into full compliance? (Mr. Mosher: With the current way the non-historic addition was created, it would be a substantial hardship to do meet the Policy.)

Mr. Mamula: Except that you are giving them free density that came into compliance. This is not as good as the last rendition that got approved. As a Commission, we don't care about the money involved. (Mr. Mosher: The last application also kept the west facing bay window, but more work was planned to the outside of the non-historic addition to make it compatible with the Historic Standards and Policy 80A, the connector link.) This wouldn't meet the old 80A.

Ms. Dudney: The Town really wants to encourage this historic preservation. So, yes, I like the old plan better but, given that this is the plan now, I'm ok with the 80A variance request because we want to see this restoration happen. I'm ok with the window well too. You can't see it from the right of way. I go with the staff on the historic positive points.

Mr. Lamb: This is not an easy project to do because of its location. I'm a 'yes' on the window well. I say 'yes' on number 2 and I'm ok with three or six positive points on the historic preservation points.

Mr. Mamula: The window well is needed; however, I don't like awarding positive six points for historic preservation as I think the bay window needs to come off to get six points. I don't think the Town is gaining a lot in restoration value in this proposal with the bay window remaining. The previous application is a much stronger historic preservation effort with change in siding much more compliant 80A roof form. I'm fine with window well but I don't think they should be awarded positive six points, but three points instead. I don't think they are doing enough to meet the variance criteria.

Ms. Christopher: I think the six positive points is enough for the current application. Yes on the window well. The variance, it could be done but I don't really feel the design is good.

Mr. Schroder: They are really doing window, roof and porch. I don't have a problem with the window well, I would support a variance for 80A and I would support positive three points for historic preservation.

Mr. Schuman: I think they should take out the bay window; I do not support the window well over the property line. We are giving them more density. The issue with the parking and the snow storage isn't fitting on the site. The window well is not really egress in the middle of December. I do think we can support 80A and I only support positive three points for the historic restoration. (Mr. Mosher: In regard to 80A, it is an absolute policy which, depending on the Commission's direction, will make or break the project.)

Mr. Mamula: I think I'm the only one who is against 80A so this would pass with support from the other members. (Mr. Mosher: Maybe I can get more leverage for design improvements with the applicant after this discussion tonight. There seems after this discussion that there is a positive point analysis with three positive points.)

COMBINED HEARINGS:

1) Barron Fence Variance (MGT) PL-2015-0053, 68 Victory Lane

Mr. Thompson presented a proposal to construct a fence in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail. The applicant is proposing to construct a fence with drystack stone and wood fencing to reflect the architectural character of the residence and neighborhood that will function as an aesthetically pleasing means of discouraging trespassing by users of the public trail easement. The proposed fence does not extend the entire length of the trail, but is proposed in an area where access to private property has repeatedly been made. The intention is provide a clear definition of the boundary between the public trail easement and private property.

Staff supports the variance. There have been numerous instances where the public believes the yard and tree area of Lot 1, Warrior's Preserve, are public property. A fence will eliminate any public confusion. The applicant's loss of privacy as well as the liability and risk of personal injury on private property represent hardship in this situation. The fence is designed to match architectural character and detail of the residence and the neighborhood. The fence will act as a visual barrier to discourage trespassers.

The Planning Department recommended approval of the Barron Fence Variance, PL-2015-0053, with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Schroder: Why two pieces? (Ms. Jennifer Barron and Mr. Curt Sandman, property owners: Because it is the length of two football fields. I'm less concerned with people walking through and more concerned that people will wander in and we are just trying to deter people and designate that this is private property. We also want access to the trail too. People get confused that this is the Burro trail and it isn't.)

Mr. Schuman: I fully support.

Mr. Schroder: I fully support.

Ms. Christopher: I support.

Mr. Lamb: I support it.

Ms. Dudney: I support it.

Mr. Mamula: I support it too and I appreciate that you aren't making a long fence but just delineating the private property.

Mr. Schroder: We've done this before too around Carter Park.

Ms. Christopher made a motion to approve the Barron Fence Variance, PL-2015-0053, with the presented findings and conditions. Mr. Schuman seconded, and the motion was carried unanimously (6-0).

OTHER:

Planning Department Staffing Changes: Mr. Greenburg is leaving the Community Development Department and moving back to Philadelphia. However, Mr. Kulick is coming back over to Community Development Planning from the Open Space Department.

ADJOURNMENT:

The meeting was adjourned at 8:03 pm.

Eric Mamula, Chair