

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

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

APPROVAL OF MINUTES

With no changes, the July 7, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Ms. Puester added Town Council Joint Meeting Topics to the "Other" category at the end of the meeting this evening. With no other changes, the July 21, 2015, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

- 1) Watts Residence (MGT) PL-2015-0218, 191 Hamilton Court
- 2) McDivitt Garage Addition (MGT) PL-2015-0247, 138 Windwood Circle

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

WORKSESSIONS:

- 1) Temporary Structures Policy (Tents) (JP)

Ms. Puester presented. The last update to the Temporary Structures ordinance was approved by the Town Council on April 8, 2014. That modification did not address temporary tents which were to be discussed further at a later time.

Issues have arisen since the last update to the policy regarding temporary tents for events. Recently, staff saw a request for a private function with a tent for thirty (30) days in duration which was not approved under the current policy. There is a lack of detail in the Temporary Structures Policy as well as the Town Code Special Events Chapter (Chapter 13, Title 4-attached) for such private events, not allowing such tents. Currently, tents are not allowed either inside or outside of the Conservation District unless a permit has been issued per the Special Events Chapter (which applies only to public events). The proposed policy modification attempts to rectify this and make further clarifications regarding tents.

The Planning Commission held a work session June 16 and discussed the following changes to the policy:

- In the Conservation District: A 5 day limit for tents with a Class D minor permit, 30 days in between permit issuance, not to exceed 3 permits per year.
- Arts District (In the Conservation District): The Commission voiced the desire to remove a proposed exemption for privately held events such as weddings so that the same rules apply across the board. The Commission was supportive of an exemption for public events in the Arts District. Although the Commission limited their recommendation to exempting public events, Staff's proposal includes language for exempting both public and private events on public property based on past Council discussion.
- Property owned by non-profit organizations in the Conservation District (Barney Ford Museum): An exemption was not supported by the Commission. The Commission voiced the desire to have privately held events (e.g. weddings) have the same rules as private property.
- Outside of the Conservation District: The Commission was not as concerned with the area outside the Conservation District. Support was voiced to allow for private events up to 30 days in duration with a Class D minor permit, 30 days in between permit issuance, 1 permit per year.

- Permit reclassification clause: To address concerns that may be property location specific, staff has included subsection (G) which allows the director to reclassify to the application per existing code, and would require it to come before the Planning Commission with public notice required.
- Grandfather clause: The Beaver Run summer seasonal tent has been approved by the Planning Commission and Town Council via a Class C permit for over 15 consecutive years. As there have been no issues with this permitted tent during this time, staff suggested a grandfather clause in this case. Some of the Commissioners voiced concern over the grandfather clause proposed and some were in support of it. An alternative approach would be to allow tents on a seasonal basis which are associated with a conference center. Staff has left the language in for additional discussion at this work session.

Mr. Mamula opened the work session to public comment.

Mr. Chris Pappas, Assistant General Manager, Beaver Run: We estimate that it has been 20-25 years that we've gotten a permit and done the process correctly. 60% of our groups use this tent and it would have very negative impacts if this changes. There are some events with Colorado Municipal League and others that couldn't use our facility without the tent.

Mr. Bruce Horii, Director of Sales and Marketing, Beaver Run: A lot of times we share the tent with Doubletree and it overflows into the Village and the town. These larger groups stretch our limits and benefit the community. All the people we host on the property aren't spending all their money at Beaver Run or Doubletree; a lot of the impact goes way beyond what we offer the groups. We can offer the leisure groups like Breck Epic to stage off of that work better with a tent as the host area. The impact goes way beyond what affects Beaver Run. (Mr. Schuman: What is the square footage?) I believe it is about 4,000 square feet. It goes up in May/June and is taken down in September. (Mr. Pringle: I don't think the effort on behalf of the Town is to take away; it is more to validate it but more to make sure tents do not proliferate around town.)

Mr. Gary Shimanowitz, Vail Resorts: My question is the differentiation between a shelter tent /shade tent where does that fall? (Ms. Puester: If there is no commercial activity or private event then it would remain allowed as a Class D. Currently would also require a Class D permit to make sure the tent isn't built over required parking, landscaping, circulation, etc.) (Mr. Schuman: Will the tent have any swag handed out in it?) No, it is just providing shade with just some tables and chairs for people watching their kids on the alpine slide. (Mr. Pringle: I see this as just a guest amenity not a place for special events or private events.)

There was no further public comment.

Commissioner Questions / Comments:

Mr. Mamula: What do you want from us? Just make comments on where we are at with this policy? (Ms. Puester: Yes if you see issues or have comments on the changes made, and think about if there are any questions for discussion with Council to prepare for joint session next week.)

Mr. Pringle: I am concerned with the establishments that cover tents on decks and places that make impacts to Town that weren't considered during overall planning process. I'm concerned with a lot of temporary structures around town. I don't have a problem with a tent in Arts District, but I don't think that a tent that goes up in May and stays until October and only services 2 or 3 private functions. (Ms. Puester: So making sure the tent comes down in some kind of a timeframe?) Just in case like at Barney Ford becomes the wedding center and the tent is up all summer for weddings.

Mr. Lamb: I don't want to mess with anyone's business model. I don't have the answer yet for Beaver Run, but I just want to make this fair for everyone in Town. I do think it brings people into town, I don't have the answer but I don't want to see a tent on every corner.

Ms. Christopher: I don't want to see certain businesses or non-profits have unfair advantage to have a tent and not others. Maybe restrict days it is up or be some certain square footage. (Ms. Puester: On Section 2C, proposes the end of the ski season until June 1 or Tuesday after Labor Day until

the beginning of the season of Breckenridge Ski Resort for the 30 day tents. Like that? We are looking at honing in on those time frames.) Maybe have a list of parameters that if you meet these criteria you get a seasonal tent.

Ms. Schuman: I like the idea of a size limit for the tent and a minimum property size so that it is a large property if the tent will be p for a long time.

Ms. Wolfe: I think this is an excellent discussion. It would be nice if you didn't have to grandfather Beaver Run but I'm not totally opposed to the grandfathering. It's hard to write a policy that will fit everyone. I think the proliferation comments are excellent; our town is small in scale. We want to be wedding friendly, but we have lost in the wedding business lately. We don't want to totally run it out of town, so balance needs to be struck here. It would be good to get some recommendations for Council.

Mr. Mamula: I would like to carve out an exception for any property over X that is big enough that they can do different things, they have completely different operations, like maybe they have over 150 rooms or something and they can have a large tent. I would rather that everyone of the same size be able to have a tent, like for the ski area. My issue with the Arts District and non-profits that the local businesses have a way to bid on the public space, the historic district and arts district only drives non-profits. I don't think this is fair to the wedding business in the private sector. My concern is fairness of business. (Mr. Grosshuesch: When we brought in a wedding planner to look at the design of the Arts District and Old Masonic Hall, we asked what do you think about the space as being a wedding reception, the reply was we can make it a go. The business model was that wedding planners could book the facility and so could restaurants.) As long as it isn't like the Riverwalk that has only one caterer, I think that is fair. It isn't fair if it only goes to one vendor. If we could craft it that way that would be good. (Mr. Grosshuesch: The issue we have is that the tents insulate space from weather, unlike outdoor seating, the tent can stay up with bad weather. Our issue is that there can be additional occupancy without paying additional PIFS for parking or water. The tents in Arts District / Barney Ford don't cause these problems for the planning staff. By the time you factor out parking, circulation and landscaping requirements there are hardly any areas that a tent can be set up at bars and restaurants.) (Ms. Katie LaStrange, Breckenridge Grand Vacations: Our main concern is the time limit of only 30 days because historically we use the tent longer than that.)

Mr. Pringle: In the situation like Peak 8, Breckenridge Grand Vacations or Beaver Run, I don't have a problem with that and the tents could be up all summer. Once we get in town I have concerns. I'd like to tie it more to the size of the property and I want to validate the use. (Ms. LaStrange: We bring people here during the shoulder seasons. For our business we bring a few hundred visitors that wouldn't be here normally.)

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Passed on Second Reading Building 804 so you will see that come before you.
- We had a nice Workforce Housing project joint project between Town and County, 80% AMI and IGA is in the works. It will be a Town project process that will come through this group. It is a very nice project with parking in the front and a great location. We are very anxious to have this move along.
- We approved a couple of landmark structures Barney Ford, Fire Station House. We officially named the Sawmill Museum which is pretty cool. You can walk through that museum and see what a sawmill was like.
- We continue to work through the parking and congestion plan. The town made a proposal to Vail Resorts that went in last Wednesday and we are hoping to hear back by the deadline of this Friday.
- We are looking forward to the joint meeting with good topics on the agenda.

FINAL HEARINGS:

1) Lincoln Park at the Wellington Neighborhood Phase 1 Subdivision (MM) PC#2014039, 710 Stables Road
Mr. Mosher presented a proposal to subdivide a portion of Phase I of the Lincoln Park at the Wellington Neighborhood into 15 saleable lots and private open space in accordance with the Lincoln Park at the Wellington Neighborhood 7th Master Plan Modification.

At the time of this writing, the applicant has been working with staff to draft a Condition of Approval that would address the interim need to provide bus service to the existing Wellington Neighborhood. This service would be provided until Bridge Street is completed within Lincoln Park. We will have more information at the evening public hearing.

The proposed lot layout, green design and landscaping follows the patterns of the Lincoln Park at the Wellington Neighborhood Master Plan. Staff welcomed any comments from the Commission regarding the information presented. With the added Condition regarding the confirmation of the Army Corp Permit for Wetlands disturbance (or inclusion of this document in the EPA documentation) for this portion of the subdivision, along with a Condition related to bus service, Staff recommended approval of the Lincoln Park at the Wellington Neighborhood Phase 1 Subdivision, PC#2014039, with the attached Findings and Conditions.

Commissioner Questions / Comments:

Mr. Schuman: I'm the board of director President for Wellington Neighborhood, which is not a paid position.

Mr. Pringle: Do you have any negotiations with the developer?

Mr. Schuman: To this date no, it hasn't come up and has been kept out of the board meeting.

Mr. Pringle: I'm fine with it.

Mr. Mamula: Fine with me.

Ms. Christopher: Fine with me.

Mr. Lamb: Fine with me. (Mr. Grosshuesch: This is totally up to you guys, the bar is lower that if you would benefit from it financially. The perception of a benefit is gone from the ordinance.)

Mr. Pringle: We keep talking about a park dedicated to Vern Johnson, when do we talk about this? (Mr. Mosher: This will be discussed in Phase II.)

Mr. Mamula opened the hearing to public comment.

Ms. Mary Gervais, 67 Rodeo Drive: I'm right on the corner next to the creek at Rodeo Drive. The question I have is why is the open space / Vern Johnson Park put into open space now and this new subdivision? I thought it was under the Wellington Neighborhood not part of Lincoln Park. (Mr. Mosher: A portion was already dedicated as open space in the first phase of the Wellington Neighborhood, It is included now to allow the planned improvements and, in phase 2, the improvements for the park. We thought that the open space was completed as part of Wellington not Lincoln Park. (Mr. Mosher: The developer's ability to make this a permanent park, this needed to be platted again.) I'm concerned about illegal parking and a dumping ground, it had been the hope that this would stop with a park. Could it be possible to put up no parking and no dumping signs? (Mr. Mosher: This can be addressed with the developer with the subdivision improvements for this phase.) It is not pleasant to have to deal with it. (Mr. Mosher: Let's take care of it with the improvements.) What will impact area #1 be? (Mr. Mosher: East of the open space?) That is the Vern Johnson memorial park; why does it veer away from Rodeo Road? (Mr. Mosher: I can't answer.) Impact Area One was listed on the wetlands map; I don't know what this means. (Mr. Mosher: I imagine that we will address this in phase II. It is not in the first phase of Lincoln Park.) (Mr. Mamula: It is a 3,000 square foot wetlands area.) (Mr. Mosher showed on the map areas designated in Phase I and Phase II to help explain.)

There was no further public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schuman: What is the expectation of phase I timing? (Mr. David O'Neil, Applicant: We hope to get the final signoff on wetlands so that we can get going by August 1 and get the road down in July or August of next year for the first phase.)

Mr. Schuman: I support the staff's findings.

Ms. Christopher: Me too.

Mr. Pringle: I'm concerned about the findings. Have they been changed? (Mr. Mosher: No changes.)

Mr. Lamb: I support.

Mr. Mamula: I support as well.

Mr. Pringle, with the addition of condition in the handout this evening on the condition of wetlands findings, made a motion to approve the Lincoln Park at the Wellington Neighborhood Phase I Subdivision, PC#2014039, 710 Stables Road. Ms. Christopher seconded and the motion was carried unanimously (5-0).

TOWN PROJECT HEARINGS:

1) Barney Ford Dumpster Enclosure Addition (MM) PL-2015-0226, 216.5 South Main Street

Mr. Mosher presented a proposal to remodel and add to the existing 201 square foot dumpster and recycling enclosure. The proposed work includes a 259 square foot addition to the existing building. The addition will include new cardboard and recycling totes for various recyclable materials. Related site work and landscaping will be included in the project. Mr. Mosher presented a material and color sample board for review.

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 recommendations to the Town Council, as follows: approval of the Point Analysis for the Barney Ford Dumpster Expansion (Town Project; PL-2015-0226) and approval of the Barney Ford Dumpster Expansion (Town Project; PL-2015-0226).

Commissioner Questions / Comments:

Mr. Pringle: I think it is fine and about time we clean it up.

Mr. Lamb: No issues.

Ms. Christopher: It's fine with me.

Mr. Schuman: Security, lock it up.

Mr. Mamula: I agree also. How about you get them to change the code on all the Town dumpsters while you are at it?

Mr. Pringle made a motion to recommend the Town Council approve the point analysis for the Barney Ford Dumpster Enclosure Addition, PL-2015-0226, 216.5 South Main Street, showing a passing point analysis of positive two (+2) points for positive two (+2) points awarded under Policy 15/R, Refuse, for providing a shared dumpster and recycling facility for the businesses abutting the alley. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to recommend the Town Council approve the Barney Ford Dumpster Enclosure Addition, PL-2015-0226, 216.5 South Main Street. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

OTHER:

1) Ms. Puester gave an update to the Joint Town Council – Planning Commission Meeting Agenda. That meeting will be held on Tuesday, July 28th.

The agenda isn't out yet. The meeting will start at 6pm there will be dinner and we will probably finish around 7:15pm. We wanted to have a third back up topic in case the other two go quickly. I printed out the memo from the June meeting and on the back side is the top 10 list that we could add from. Is there anything

that jumps out? I think our next most important issue is retaining walls with the steep lots, but we haven't had a lot of time to talk about that ourselves first as a Planning Commission. We talked about the positive points awarded to amenity bonuses.

Mr. Lamb: How about residential parking in garages?

Mr. Pringle: I would like to clarify that so that if people are getting positive two (+2) points for parking, how do you force someone to comply with that but I would like to see this enforced.

Mr. Lamb: In the historic district, at the holidays you see the house full with 2 in the garage and 4 on the street.

Mr. Pringle: In the Wellington Neighborhood where they put up a garage and then use it as storage. (Ms. Puester: They don't get positive two (+2) points in the Wellington.) (Mr. Grosshuesch: Do you think you can fill an hour with those two topics?)

Mr. Mamula: Depending on how argumentative the Council is with our ideas. The big one is the development agreement. I'm afraid that the Council will just agree with us and just understand our point because nothing is in writing. (Ms. Puester: They haven't seen the temporary tents before.) The retaining walls are an issue as there is a loss of horizontal land. (Mr. Grosshuesch: There is a bigger issue that there are only steep lots left and you need to disturb the land to get the driveway in. Also, with pine beetle and defensible space, it is ok to cut trees now. This was brought up to me recently by Mr. Jon Gunson (Architect). (Ms. Puester: Retaining walls heights and whether to split them and create more site disturbance or have a taller single wall with perhaps more visual impact has also been a reoccurring application topic.)

Mr. Pringle: Eventually the landscaping will take care of it, but the 8' wall will be there forever. (Mr. Grosshuesch: Ms. Gunson said "I can fix the length of the driveway with good landscaping." We have things in the code that allow you to earn positive points in single family homes.)

Mr. Mamula: What is his point? (Mr. Grosshuesch: He said that staff is pretty tough on these issues and with these tough lots there is no other place to put the driveway. We are down to the most difficult lots in town and maybe it is time to look at the development codes that make these lots challenging. Maybe we could look at this and then decide if it is ok or not.) We could at least look at the driveway ordinance and retaining walls; since HERS we haven't denied a property yet. (Mr. Grosshuesch: With this one tonight we wrote a specific policy with zero (0) or negative four (-4) on driveway length.) I'm good with letting Council know that we will be examining this in more detail.

Mr. Pringle: I'm ok with this but I don't want to make it easier to develop these lots just because they are more difficult to build on.

Mr. Mamula: I agree we don't want people to then take advantage of this and redevelop a lot because it is lenient. (Ms. Puester: I think it would be good to look at the issue and go visit sites because architects are complaining constantly with difficult sites remaining out there. I'd also like to look at the broken up retaining walls and see the landscaping and see how it is working currently. Should at least take a look at it even if it results in no change.) Does anyone ever ask if they can move their building envelope? (Mr. Mosher: Some to ask to change it occasionally. The trees are now gone for better access but can be in neighbors views then.) Can we give the staff a little more leeway to move driveway and building envelope without changing the code?

Mr. Lamb: When you buy a steep lot, you are likely going to compromise with design already.

Mr. Schuman: And you are going to need a good architect. (Mr. Grosshuesch: If you look at the whole history, we responded to the mindset that we weren't going to let you cut trees then the pine beetle came through and then when you look at the lot, you know the building envelope location may not make sense anymore.)

Mr. Pringle: That's why I think we take the situation as it exists today.

Mr. Mamula: Building envelopes have limited the size of homes. (Mr. Grosshuesch: And they have

limited the irrigation limits. It is ok to move the envelopes but it is good to maintain the limited size of the envelope for the size of the structure and the amount that you are allowed to irrigate for landscape. Water conservation is a big deal.)

Mr. Pringle: I don't advocate giving more size, I just see moving around the building envelope. (Mr. Mosher: We need to be sensitive to other neighbors about moving the envelope that could block an existing neighbors' view.) I think that can all be taken into consideration when it comes before us. (Mr. Mosher: You can do a single plat.) (Ms. Puester: It would come through as a Class C but requires adjacent property owner notification.). That's good.

Mr. Mamula: We could just say as a third topic that we want to start looking at some codes for the steep lots that are left to be responsive to the current complaints. (Ms. Puester: So we will add the site disturbance/ retaining wall issue as our third issue.)

- 2) One more issue: The Boards and Commissions Reception is Wednesday, July 29. They are looking for RSVP's, so if you haven't responded, please do so.
- 3) Class C Subdivisions Approved for Q2, 2015 (JP) (Memo Only)
- 4) Class D Majors Approved for Q 2, 2015 (JP) (Memo Only). 21 new houses through as Class D majors, very busy.

ADJOURNMENT:

The meeting was adjourned at 8:25 pm.

Eric Mamula, Chair