

PLANNING COMMISSION MEETING

The meeting was called to order at 7:04 p.m.

ROLL CALL

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| Kate Christopher | Jim Lamb | Trip Butler |
| Gretchen Dudney | Michael Rath | Dan Schroder |
| Dave Pringle | | |
| Jennifer McAtamney, Town Council | | |

APPROVAL OF MINUTES

With no changes, the February 7, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the February 21, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

- 1) Blass Residence (MGT) PC#2012006, 215 South Gold Flake Terrace
Mr. Pringle: Are those unlimited density lots? (Mr. Neubecker: Yes, since they are outside of the conservation district.) The conservation district boundary was moved back in 1991. (Mr. Neubecker: Since it is outside of this district it is unlimited density, and since it does have a building envelope it is subject to unlimited mass. Allowed is as much as you can fit meeting our policies.) I was just questioning when we came up with unlimited above ground density. I just want to make sure that I am correct in my presumption. (Mr. Neubecker: I was not here at that time, but we can do more research.)
- 2) Winn Residence (MGT) PC#2012007, 67 Rounds Road
- 3) Kesselring Remodel (MGT) PC#2012008, 402 Wellington Road
- 4) Park and Main Change of Use (CN) PC#2012009, 500 South Main Street

With no requests for call up, the Consent Calendar was approved as presented.

WORKSESSIONS:

- 1) Air Quality Policy (CN)
Mr. Neubecker presented. The Town's current Air Quality Policy is designed to encourage alternative methods of heating and cooking, rather than wood burning appliances. The current policy assigns negative two (-2) points for the installation of a wood burning cooking appliance in a restaurant or bar.

Recently, staff received inquiries into the use of fruit hardwoods as a fuel for a wood burning pizza oven. Wood burning pizza ovens, which generally burn hardwoods, tend to burn at very high temperatures and typical wood burning pizza oven temperatures reach between 650 – 800 degrees Fahrenheit. As a result, there is much less smoke than wood burning stoves or fireplaces.

Staff would like the Commission to consider if the negative points for wood burning cooking appliances in a restaurant or bar should be eliminated. These cooking appliances appear to be significantly cleaner burning than traditional wood burning fireplaces or wood stoves. Staff does not anticipate any noticeable impact on local air quality, due to a potential small number of applications for this type of oven. There could also be a change in the variety of local restaurant offerings.

If the Commission supported this proposed code change, Staff would next bring this issue to the Town Council before writing the amended policy.

Mr. Daniel Lewis, Flatbread Pizza Company, also presented his findings on the stoves. Mentioned a company called Woodstone which offers ovens driven with gas but that can also burn wood. Wood ovens exhale strictly hot air; emissions readings do not exist at this time.

Commissioner Questions / Comments:

- Mr. Schroder: Stated that he knows Mr. Lewis personally. Have the negative two (-2) points been on the books forever? (Mr. Neubecker: Policy has been in place since 1978, but we aren't sure that it was so specific for these purposes. Just for fireplaces.)
- Mr. Lamb: I think in 1978 the town was responding to what seemed to be a problem, here we are many years later, still with this policy. Fireplaces weren't EPA regulated back then. The fact that the EPA hasn't weighed in on this, it seems like it isn't an issue to me. It indicates to me that this isn't a big issue. (Ms. Christopher: I agree.) (Mr. Pringle: Just because the EPA hasn't weighed in on this doesn't mean that they don't regulate them. It would open up different restaurant options.) (Mr. Neubecker: I called the EPA in Denver. We can't pinpoint a study that shows us numbers that it is cleaner, hence why I have been hesitant to present this to you all. We have had requests from the public. These are not regulated by the EPA. I think if we insist on commissioning a study that won't happen.)
- Ms. McAtamney: What happens in Denver when they have a "red" day (regarding air quality)?
- Mr. Rath: A wood burning pizza oven produces 11x more pollution than gas; so then what about BBQ's? That produces even more pollution and is even worse overall air quality.
- Ms. Christopher: I'm almost positive that if the EPA is driven by public concerns and if there is no data available, then there shouldn't be a problem.
- Mr. Rath: All restaurants produce pollution. If we really wanted to investigate this situation we, would have to look into cooking, burning, etc. Apparently there is something out there that you can put on the exhaust (catalytic converter?) to improve the air quality.
- Ms. Dudney: The current code allows a wood burning appliance in a home and gets 0 points. (Mr. Neubecker: Yes, but it has to be EPA Phase II.) (Mr. Schroder: It seems like the EPA has yet to have ratings for this.) Are you saying that even an EPA Phase II in a home might have more particulates than a pizza oven? (Mr. Lewis: There is data on this that people in homes have more emissions because what wood they are burning; i.e. pine, etc.)
- Mr. Schroder: The trouble is that they come in with negative two (-2) points. Do we want to put the brakes on potential new services on our town? I don't think we do. I don't think it is a good policy for our Town to not be doing new innovative things. (Mr. Neubecker: He has the pizza trailer because he is catering etcetera; so it is hard to attach that to a particular property.)
- Mr. Butler: How do our BBQ restaurants cook? Like Saltcreek? (Mr. Neubecker: They have been in town before I worked for the town, so I am not sure what they use. I don't think that they use smoke for the whole process. I do not know what points were assigned to that use.)
- Mr. Schroder: What kind of feedback can we offer you? (Mr. Neubecker: Ideas of any other things we can look into, etc.)

Commission Support vs. Reservation & Why?

- Ms. Dudney: Benefits of the greater diversification offerings offset the detriments that may not even exist. There aren't that many restaurants that would use this and it is not regulated by the EPA. I am in favor of changing the code.
- Mr. Rath: We can't ignore the facts that there are harmful things coming out of all the restaurants. I agree with Ms. Dudney that we need diversification in our restaurants and it is almost unfair to pick on wood burning pizza ovens because there is so much more out there.
- Mr. Butler: It would be an absolute policy instead of a relative policy. I am in favor.
- Ms. Christopher: If it were an issue, the EPA would address it. With the facts presented, I feel like there is not a problem.
- Mr. Lamb: In agreement with everything that has been said here. The fact that the EPA doesn't have an opinion makes me think it's not an issue. How many restaurants are really going to go to this expense? It will be good to have diversification. I would be in favor of eliminating the negative two (-2) points. Maybe it is time to look at this a little closer since it is still on the books. Maybe Staff could do a little more research with the catalytic converters and wood burners. Seems like a non-issue. I think it could go away without harming the Town.
- Mr. Pringle: Reluctant to ban it from the code. It just gets negative points, just like everyone else has to. Maybe this code is acting as it was intended to. Reluctant to change code without evidence of what is actually happening; we need to be clearer about which stoves will be allowed. What happens to the next applicant that comes in and says his stove burns cleaner but we have no proof or evidence? (Mr. Lewis: I can't make up those negative two (-2) points when I am leasing the building.) We need to

look into the question: is there a reasonable way for them to make up the negative two (-2) points? There is no evidence to prove the claims that have been made.

Mr. Schroder: In support of relieving any applicant, any restaurant that wants to use wood, in order to fulfill opportunities in Town for guests and ourselves. We are giving them the opportunity to go down that specialty avenue. I like the idea of fresh and new ideas. In support of passing issue to Town Council.

2) Vendor Carts (CN)

Mr. Neubecker presented. The Town's current policy on Temporary Structures (Policy 36/Absolute) allows temporary vendor carts for the sale of food and beverages in a form suited for immediate consumption. Vendor Carts are currently under a moratorium while Staff works on a new policy.

Staff has met a few times with the Town Council over the past year to discuss concerns with the current policy and options for a new policy. Most recently, we met on February 14, 2012 and the Town Council provided the following direction to the staff:

- Continue to allow vendor carts in the historic district, but with stricter design standards
- Vendor carts do not need to follow historic district design standards; create new vendor cart standards
- Place a limit on the total number of vendor carts allowed in the town and/or historic district
- Do not require existing vendors to go out of business, but to come into compliance with new standards upon permit renewal
- Do not allow entire side of vendor cart to be "a sign"
- Require Planning Commission review with public notice

The Town Council indicated that they liked the design of Crêpes á la Cart, but had concerns with newer vendor carts such as Stella's Hungry Horse and Wyatt's Western Walking Pies. Based on Town Council direction, Staff will be presenting recommendations on how to revise the current policy. Some of the ideas Staff has for these changes include:

- Developing different standards for small push carts (hot dog carts) that are removed each night versus those that remain in place over night
- Developing different standards for vendor carts inside and outside the historic district
- Require 360 degree design on carts (do not allow blank trailers)
- Encourage use of landscaping, decks and awnings to help large carts look less temporary
- Create a more specific policy on vendor cart signs
- Consider limiting color chroma and value differently from permanent buildings
- Require trailer hitches and wheels to be hidden from public view

The Town Council did not indicate that parking was a problem or that parking service area fees should be required for these temporary uses. Also, water Plant Investment Fees would likely not be required, since most vendor carts are not connected to the Town's water system. Staff will bring the draft policy back to the Planning Commission after the policy has been further developed and received general consensus from the Town Council. Staff appreciated any feedback that the Commission had.

Commissioner Questions / Comments:

Mr. Pringle: When we talk about temporary vendor carts, maybe we should think of it in the context of popcorn wagons and hotdog wagons. It is my opinion that the more permanent looking you make it, it reduces the temporariness of the vendor cart. We started using the Crepe cart as a model for when this was written. Those are different than the "trailer kitchens". (Ms. McAtamney: I think that is what we are trying to wrap our heads around. They are different from restaurants; they have food for immediate consumption.) (Mr. Neubecker: Restaurants are a different animal from this; you can still get some of the things the food carts offer in restaurants. There is a slight bit of competition.)

Ms. Dudney: Did the Council not have a problem with the competitiveness between these places and restaurants? (Ms. McAtamney: The food carts offer a different option. It is a less expensive option for some families. It does create a challenge on the competitive landscape, but in a limited quantity. It is a trend around the nation right now. It does create a vibe and ambiance on the street.)

- Mr. Pringle: A restaurant opening in La Cima has \$75,000 in town fees to pay before getting a permit. They would be worried about this little cart. They have water plant investment fees, parking, etc. I think we have to be careful when we start bringing in temporary food carts that are offering lunches and not just snack options. What is fair to the guy that we just approved to start his restaurant? These vendors don't pay anything. (Mr. Neubecker: A few Council members are concerned about that; we are looking into similar fees that restaurants pay. May base it on square footage (e.g.: 100 sq. ft. restaurant, approximately \$4,300 in parking fees.) The Town identified it as an issue and we are looking into it. They also asked us to change it from a Staff review to a Planning Commission review with public notice.)
- Ms. McAtamney: We want the businesses that are already there to come to compliance with new standards.
- Mr. Pringle: Can we add a grandfather a clause, that once they pull up stakes they are done? I don't like the trailer. I like the hotdog vendor and the jerky wagon because they go away at night. I think we like the Crepe wagon because it has been here as long as a lot of us and it fits with the Town. I don't think that we want to see all these places popping up without paying fees. They are in direct competition with our lunch options. (Mr. Neubecker: One thing that seems to be missing, people don't like the colors. I was thinking we limit the color "value" (we now limit the chroma); it would limit how close it could be to white. No mobile food trucks. We are thinking we will allow carts to go outside conservation district to construction sites but we are really focusing on the push carts and the vendor carts.)
- Mr. Pringle: In the code it says "booth"; somehow that portion of the code morphed into Stella's and Beaver Tails. (Mr. Neubecker: We realized that this was a problem and that we need to nail this down for applicants and for Staff. The code talks generically about aesthetics; that is why we are working on this. We will be working on the policy. We have a meeting with the Town Council next Tuesday to talk about it.)
- Mr. Rath: I keep coming back to the historical context. My concern is that we spend all these years making the buildings be homogenous and then we have trailers sitting out in front of them. We ought to be able to do something. We don't want to put them out of business, but we don't want them to be sitting out there for much longer.
- Ms. Christopher: The design standards need to be developed; needs to include old fashion items, items that fit in the historical relevance of the Town. We aren't trying to make it a house. It should relate to Breckenridge.
- Mr. Lamb: We almost need to figure out what makes them bad, good, etc. and what we find acceptable. It is hard to pin down because you are legislating taste. What would make these things look appealing?
- Mr. Pringle: Sense of connection with people selling; now they just stand inside the cart. This is where we crossed the line. Now it isn't a vendor cart but it is something other than a vendor selling something. (Mr. Lamb: We need to figure out where that line is that we crossed.) What we find objectionable, there should be a restaurant standard, some fees that put them on an even playing field. The more we try to dress these things up with landscaping, etc, the more permanent looking they become and less temporary they look. There is nothing wrong with the jerky wagon and a popcorn wagon because they are gone at night. (Ms. Brooke Comai, Jerky Cart Owner: We appreciate being able to be in the Town of Breckenridge and I feel like we fit in. We are trying to make our opportunity good for everyone in Town.)
- Mr. Schroder: Maybe a tiered approach to what people are selling; i.e., jerky vs. hamburger.

OTHER MATTERS:

1. Town Council Update

Ms. McAtamney, Town Council Member, presented.

- We approved an open container law for events that do not have a liquor license associated with them. It must be events put on by the Town or by marketing. (i.e.: Ullr Parade). This helps the police so they don't have to feel like they need to ticket people.
- Extended vesting agreement for Cucumber Creek Estates: We extended the vesting for them. It is a subdivision near where the existing Nordic Center is now. Public benefit in return for vesting. Supported unanimously.
- Adopted Management Plan for Cucumber Gulch/Gondola with Ski Area: Guiding principles for managing the land.
- The "Wedge" land, on NW Corner of Cucumber Gulch: We have been pursuing that land for a long time, actively been working on this exchange since I have been on Town Council.
- Claimjumper parcel: Affordable rental housing, looking to close on deal at the end of March.

- Fund Balance Analysis: Council wants to be able to continue to fund water projects, etc. We are going through fund balances and trying to attach more firm policies toward them so people understand why the money is where it is.
- Catastrophic Wildfire: 3 months support; researching other communities that have experienced potential hardships. Looking to extend that to support to 6 months; will continue to look into this. Looking to set policy about this so people can understand why.
- Arts District: Possibility to accelerate portions of art district.
- Public Engagement: Is there a way we can do more to engage the public? Videotaping? Advertisements?
- Breckenridge Fuels Project: What we are doing for fuel mitigation this summer.

Other Matters:

Mr. Pringle: Rolling advertisements? Billboards on trucks? (Mr. Neubecker: We might be able to enforce our current ordinance.) What about the 5-hour Energy that sets up a booth and has a table outside near the Blue River Plaza?

2. Planning Commission Norms

Mr. Neubecker presented. A memo was placed in the Planning Commissioner's notebooks with a reminder as to the Planning Commission Norms.

Commissioner Questions / Comments:

Mr. Pringle: Good etiquette.

ADJOURNMENT:

The meeting was adjourned at 8:51p.m.

Dan Schroder, Chair