

City Planning & Zoning Meeting – Minutes – November 16, 2010

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Stan Gibbs called the regular meeting Tuesday, November 16, 2010 to order at 4:30pm in Sister Cities Meeting Room. Commissioners present were Mike Wampler, Jasmine Tygre, Bert Myrin, and Stan Gibbs. Jim DeFrancia arrived at 4:45. Cliff Weiss and LJ Erspamer were excused. Staff in attendance were Jim True, Special Counsel; Jennifer Phelan, Deputy Community Development Director; Sara Adams, Community Development; Jackie Lothian, Deputy City Clerk.

Comments

Bert Myrin inquired about the December 21st meeting. Jennifer Phelan replied there wouldn't be one. Jessica Garrow noted that the AACP second work session would be at noon; there would be joint P&Z/HPC meetings in January and P&Z and Council. Phelan said that P&Z/HPC would also meet on the Given on January 4th and if it needed more time P&Z could attend the HPC meeting on January 12th.

Minutes

MOTION: Jasmine Tygre moved to approve the November 2nd minutes, seconded by Mike Wampler. All in favor, APPROVED.

MOTION: Stan Gibbs moved to approve October 19th minutes, seconded by Mike Wampler. All in favor, APPROVED.

Conflicts of Interest

None stated.

PUBLIC HEARING:

632 E Hopkins Final Commercial Design Review and associated land use reviews

Stan Gibbs opened the continued public hearing for 632 East Hopkins Final Commercial Design Review and Associated Land Use Reviews.

Drew Alexander gave an overview of the case. This was a follow up to the Conceptual Commercial Design Review, that was granted in July of this year. The applicant requested Growth Management, A Special Review for parking, and Final Commercial Design Review. The project is located in the C-1 Zone District and includes the renovation of an existing structure and adding 4,348 square feet of floor area; this addition includes 434 square feet of net leasable floor area and a free market residential unit on a new third floor. The project doesn't need any variances from the underlying zone district.

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Alexander stated that the applicant is requesting 3 Growth Management Reviews, for the expansion of commercial development, affordable housing and the creation of a free-market residential unit within a mixed use project. This was the only application that was submitted prior to the August 15th 2010 deadline, GMQS has 2 deadlines 1 in February and 1 in August, therefore it is not competing with any other projects; the proposal is seeking approval for the addition. There is a cap of 33,000 square feet of net leasable area and 18 free-market residential units, so there are plenty of allotments available. Most of staff's comments revolve around the affordable housing, this project is slightly unique in that it has a residential mitigation requirement and a commercial mitigation requirement; projects creating new net leasable area are providing a mitigation number that reflects a square footage number and the project before you does both. The residential unit is 1,999 square feet of net livable and must provide affordable housing that is equivalent to 30% of the free-market housing which is 600 square feet. The commercial additional square footage is 434 net leasable square feet must mitigate for 60% of the generated employees which is a .76 of an FTE. At this point the project has a square footage requirement and an employee requirement. In the Conceptual proposal there was an employee housing unit on site on the second floor; the applicant now requests a 2 bedroom buy down unit in the Hunter Creek Condominiums. The applicant visited the APCA board and provided a recommendation of approval for the full 2.5 employees, the unit is slightly undersized for the minimum requirements of category 4; the applicant has committed to selling the unit at a lower sales price. Alexander said the unit has recently been refinished with high quality interiors and appliances. The applicant has committed to the remaining .01 of the mitigation through a cash-in-lieu of \$1,340.00 and staff recommends this approach. Staff supports APCA's recommendations.

Alexander said the Commercial Design Review is intended to preserve and foster commercial district scale and character and to insure that Aspen's commercial area and streetscapes are conducive to walking. This review is focused on the public amenity area; utility, trash and recycling area and how the project satisfies the commercial lodging and historic district objectives and guidelines. The applicant has addressed those conditions that were suggested by the P&Z and they are on page 34 of the packet. The public amenity area page 44 of the packet has undergone numerous changes since conceptual review; much of which is in response to neighbors and P&Z input, including staff recommendations as well. The code asks in this zone district that 25% of the lot area be dedicated to public amenity spaces, being a renovation the applicant is working with the existing structure so currently 18% of the space was public amenity; they are requesting

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16% of the space be used for public amenity while providing improvements to the public right-of-way. P&Z has the ability to grant the approval as long as the area doesn't go below 10%. The applicant has agreed to do a parkway along Hopkins, which would then be the entire block and there is a zipper style of seating so you could either sit on a bench directly off the sidewall or enter the plaza space, which sits approximately 16 inches below the sidewalk. The applicant will wrap the southeast corner of the building with an ADA access; on Spring Street 1 of the benches will be replaced with a bike rack. Staff supports implementing the parkway along Spring Street as well.

Alexander said the second area of Commercial Design Review was design objectives and guidelines and this project falls in the commercial character area. The purpose of these guidelines is to ensure that development reflects Aspen's traditional design patterns and creates a strong pedestrian environment conducive to active use.

Alexander said the utility, trash and recycle area were tight with the Special Review for parking. The utility trash area was required for development in this zone district for a building of this use. The applicant was requesting a site variance for the depth, the required depth is 10 feet and the proposed area is approximately 6 feet in depth. There is no utility proposed for this area and it is simply recycling and trash and has a dumpster along the alley for Waste Management pick-up. The applicant didn't anticipate restaurant use, which is one of the highest contributors to waste but the area is adequate for this type of use.

Alexander said that the City of Aspen had standards for the size of parking spaces and the amount of parking a specific building must provide; a standard stall shall be 8 ½ feet wide and 18 feet long with 7 feet of vertical clearance. There is no parking requirement for the residential unit; given the size and the net leasable of this project must provide for the code 4.235 spaces off street parking spaces. The applicant has provided 2 different parking iterations as found in the packet; one is 1 compact stall and 2 smart cars in the second stall; the garage would contain 2 standard sized spaces. Staff's concern was the stalls with the trash and recycle area becomes too constricted for all those uses to interact efficiently. Staff is proposing 3 standard spaces, 2 in the garage and 1 in the carport and this would provide enough space for the trash and recycling area to operate efficiently. This summarizes staff presentation.

Jasmine Tygre asked if a restaurant was conditional use in the C-1 Zone District. Alexander replied that it was a permitted use.

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Bert Myrin said that on page 2 TDRs could be used after this approval to be added to the size or is it this approval and that is it. Phelan said to land a TDR in the C-1 Zone would not increase the overall floor area of the site and cannot be increased. Myrin asked about the screening on the roof does it have a specific design. Phelan said it has height. Alexander said the limit for the mechanical on the roof has a limit of 5 feet. The parking was allocated and included in the Resolution. Myrin asked if the building included mechanical ventilation for a restaurant. Alexander replied that level of detail hasn't been submitted in the final commercial design, the mechanical, exhaust, plan that would be more technical at building permit. There was no dividing of the interior spaces in the application.

Mike Wampler asked about the parking requirement. Alexander explained it was the net leasable floor area that determined how many parking spaces; the requirement was 1 stall for every 1,000 square feet of net leasable. Alexander said the building that was proposed created 4.32 parking spaces. The applicant has proposed 2 standard stalls a compact stall and one version has a stacked version with 2 smart cars and the other version has 2 compact stalls. Staff's recommendation is 1.325 and that is paid via cash-in-lieu, \$30,000.00 for each spot. Wampler asked originally wasn't the employee housing on the second floor. Alexander replied that it was; the removal of that on site employee housing to pull some walls back and take away spaces in areas that primarily helped with some neighborhood concerns now that unit is off site and it was required to satisfy both the residential and a commercial mitigation requirement. Wampler asked about the third story angled wall. Alexander replied that third story reduced some of the third story angular so now it is an actual horizontal element and pulled back.

Tygre asked if there was a limit to one TDR to be applied. Jennifer Phelan responded that there was one TDR but what you can't change the .5 to 1 and you have to stay within your floor area caps. Phelan said if they wanted to change the residential unit into 2 units they would have to come back to P&Z because it is triggered by growth management. Alexander said the way that the floor area is proposed a TDR would push them over the floor area limit.

Stan Gibbs said looking at the map of the Spring Street Parkway it was all in the City right-of-way so the City could put the trees in or the applicant. Alexander said the City could do that for reasons of reducing the public amenity to 16% we feel that's a very strong area of improvement to justify that reduction.

Adam Roy said that he was a land use planner with David Johnston Architects and introduced Brian Beasley, project architect. Roy said the FAR was Exhibit 9 in the

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GMQS application. Roy said they were at 2,248 square feet FAR and the allowable FAR for this site was 2,250 square feet so they can't change their FAR or use a TDR. Roy said the affordable housing was initially proposed on site but now they are using the Hunter Creek Unit for their mitigation and APCA enthusiastically approved it with the buy down. Roy utilized power point to show the location of the building at Spring and Hopkins, the building was right on the fringe of the Commercial Character area adjacent to the mixed use area. There were a couple mature crab apple trees. There currently 4 parking spots out back and the trash and recycle area on the western property boundary. Roy showed a panoramic view of Hopkins showing the scale of the block. Roy said the existing front area on Hopkins which serves as public amenity space and the proposed the courtyard will remain and have greatly enhanced with vegetation which is off site and some stepping stones to soften the area. Roy said that the courtyard on Hopkins has to remain sunken as it is today because of the structure of the building and they have made enhancements to invite the public into that area and there was an on-grade ADA ramp on the corner. Roy said the area along Spring Street with the main driver was the residential character across the street and some of the neighbor concerns. The conceptual had a large plaza area with a barren space, they substantially increased the landscaping, there is some layered vegetation; their goal at this point was to work with Parks to determine if this is the best solution to save the existing crab apple tree and transplant another exiting crab apple tree. There were permanent bike racks proposed instead of one of the benches on the Spring Street side all the benches will be permanent. The roof top is flat and they have minimized the impacts of that third level and decreased the height.

Roy said they broke up the massing of the building into two base elements. There was also a proposed spiral staircase that has been relocated to the back access and sets back. They are within that 36 foot height limit and the building steps back on the third level.

Giles Thornley, landscape architect, said when they first approached this project they had done their very best to integrate from the edge to Spring Street all the way to the edge of the building. Thornley said they have done this in several ways one of which people have been calling "the zipper" weaving benches from the sidewalk on Hopkins and the plaza area benches sunk 16 inches down from the sidewalk. Thornley said they wanted to welcome people into the spaces and add a vegetative year round and an art piece with a high level of transparency; there was a vegetative wall also.

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Roy said that parking presented a challenge because it was a renovation project and had to work within the constraints of the property and had to keep the parking to the rear of the building with the parking structure to the east side and the open two as carports; the dimension of the parking area has remained the same with 4 cars parked in that area. Roy said they formalized the trash and utility area; this programming was through Waste Management on what they require for space, function and flow and if recycling was put on site. Roy said there would be a two step down as well as an ADA ramp in the garage; they proposed bollards to separate the vehicles from the trash and recycling and it could be a full fence with the access point off the back. Roy said they were industry standard compact stalls.

Myrin asked if the distance from the façade to the Spring Street side was any different from the building façade to Hopkins. Roy said what it is the front façade on Hopkins is slightly greater than the Spring separation. Roy said that Parks recommended a mix of old growth and new growth.

Gibbs asked how much the third floor was pulled back. Roy replied 2 ½ inches from the neighbors; it was 3 ½ feet out from where it currently exists. Gibbs said currently there were 4 parking places; is it because of the garage wall you really are losing some space that's causing this narrowing that is causing everyone concern. Roy replied slightly. Gibbs asked why it was a garage; do you really need a garage. Roy replied a garage was nice and functional in our elements here; they are all commercial stalls so it would obviously be an amenity for some of the office or commercial tenants, also the design guidelines strongly encourage screening on the alley for parking. Brian Beasley said the garage makes the architecture complete form the Spring Street side.

Myrin asked if the garage could be a 3 car garage rather than a 2 car garage. Beasley answered not due to the access point into the lobby, unfortunately.

Public Comments:

1. Bob Blaich stated that he was here to speak for Phil Rothblum, the next door neighbor, who is New York with a very ill wife so it is not possible for him to be here tonight. Blaich said that Rothblum has had very good relationship with the architects and just wanted to make a few points and many of his requests have been met in the plan. Blaich said that Rothblum asked what other access would that staircase to the roof have other than utilities; he is questioning whether the building department will allow a parapet wall other than the edge of the building. Blaich provided a letter from Rothblum reading it with questions about the people in the penthouse having roof

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access and the divider on the upper level. Blaich said he had no personal interest in this project.

No other public comments.

Jasmine Tygre asked how far out do the overhangs extend out from the vertical wall on the third floor. Brian Beasley replied approximately 5 feet just in the front portion. Tygre said on the Spring Street side were those 5 feet also. Beasley said just on the front side and in the back they were substantially smaller from 2 ½ feet to 6 inches.

Jim DeFrancia stated it was a terrific improvement from the conceptual.

Myrin asked about the rooftop. Roy responded that Mr. Blumberg has been very attentive to the process; there is a programmed rooftop area that is undetermined; they were purposing a useable roof deck and located all of the condensers in the back with appropriate screening. Roy said it was 15 foot back from the façade line and 9 feet back from the party wall so it's just an island on the rooftop and you are not seeing it from any street and Phil wouldn't be experiencing from his side either. Roy said that the material has not been determined yet but it will be a railing system with a glass, solid whatever and the mechanical will be screened according to code requirements. Myrin said he liked the wall to separate with a wall the recycling; he liked the staff recommendation of a parkway along Spring Street and a little bit better screening for the building, it provides two green areas.

Tygre said that she had two disclosures that she spent time in the dentist's office and this was a tremendous improvement over the conceptual. Tygre said the landscape plan on the Hopkins side was terrific and she disagreed very methodically with the parkway on Spring Street; she said she didn't think it was necessary and the landscape plan as proposed was attractive. Tygre said surrounding the property all the way around with trees, as much as she liked trees, didn't see the necessity on Spring Street. Tygre said that being a non-car owner she still didn't want to see the project under-parked; there has to be a way to refine the parking in this particular project. Tygre said that the idea that the free-market space on top is not going to have a parking space is not realistic.

Gibbs said that this applicant has been admirably responsive to the neighbors and the commissions' concerns. Gibbs said the 4 spaces of parking were important and the 2 compact spaces legal spaces were okay. Gibbs agreed with Jasmine about the Spring Street side with the landscape plan and the applicant has taken into account

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Fern's concerns to the back of the building. Gibbs said he was please with the Hopkins side and "the zipper" concept was much more welcoming for the site.

MOTION: Jim DeFrancia moved to approve Resolution #20, series of 2010 approving with conditions Growth Management Quota System, Final Design Review and Special Review for Parking for the property located at 632 East Hopkins Ave. Adding the alternate plan for parking spaces with 2 regular in the garage and 2 compact in the carport and no parkway on Spring Street. Seconded by Mike Wampler. Roll call vote: Tygre, yes; Wampler, yes; Myrin, yes; DeFrancia, yes; Gibbs, yes. APPROVED 5-0.

Discussion prior to vote on motion:

Tygre said there were two parking options. Phelan said you can approve special review to allow 4 spaces with the compact dimensions for 2 spaces. DeFrancia agreed. Gibbs said it was just 2 compact stalls. Tygre asked if the parkway on Spring was addressed. DeFrancia agreed with Jasmine of not doing the parkway on Spring.

PUBLIC HEARING:

Top of Mill Subdivision – Parcel 8, 8040 Greenline Review

Stan Gibbs opened the public hearing. Sara Adams introduced Jodi Fielding who works with John Galambos Architects. Adams provided proof of notice

Adams said that Parcel 8 Top of Mill Subdivision was here for 8040 Greenline on this vacant lot and it is being used for construction for the house on Parcel 7. The 8040 Greenline was to re-grade the lot and put in some landscaping and a retaining wall. Adams stated the purpose of 8040 Greenline Review Development that is located 150 feet below the 8040 elevation line and the review standards address whether the development is having an impact on natural terrain, natural features, reduce the potential of avalanche. Council approved 9 of the 11 8040 Greenline standards so there's really only 2 review standards before the Planning & Zoning Commission. The remaining 2 requirements were review standards 3 and review standard 7; staff found the proposal before you does meet both review criteria.

Adams said the parcel will be slightly flattened and the proposed retaining wall will match the existing wall; the photo is Exhibit B. Staff recommended approval of Resolution #21.

Jasmine Tygre asked when this lot applies for a building permit for a house will it come back to P&Z. Sara Adams replied yes; it will be a different development but

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it will come back before P&Z. Jim DeFrancia said this is only for this retaining wall. Adams said she attached Exhibit A, the site plan to the resolution.

Julia Fielding utilized large drawings.

Stan Gibbs asked about the change in grade. Julia Fielding replied the hillside comes down through the property so they are coming down and they will pack some dirt down to do that.

MOTION: Jim DeFrancia moved to approve Resolution 21, series of 2010 approving an 8040 Greenline Review for a retaining wall; seconded by Michael Wampler. Roll call vote: Wampler, yes; Tygre, yes; Myrin, yes; DeFrancia, yes; Gibbs, yes. APPROVED 5-0

Adjourned at 6:45 pm.



Jackie Lothian, Deputy City Clerk