

Regular Meeting Aspen Planning and Zoning Commission November 03, 2009

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LJ Erspamer opened the regular Planning and Zoning Commission meeting in Sister Cities Meeting Room at 4:30 pm. Commissioners Cliff Weiss, Bert Myrin, Stan Gibbs, Michael Wampler, Brian Speck and LJ Erspamer were present. Jim DeFrancia was excused. Staff in attendance were Jim True, Special Counsel; Jennifer Phelan, Community Development; and Jackie Lothian, Deputy City Clerk.

COMMENTS

Cliff Weiss said the last 2 meetings regarding the Aspen Club application were very heavy in content; he thanked Jackie for doing a great job on the minutes and appreciated it.

Bert Myrin said that the conversation for the duration of benefits in exchange for granting approvals isn't clear in the code and frustrating to him in the last application. There's not a clear direction to us if it is to be for 5 years, 10 years or even if they are just past benefits if that counts and he wants that conversation at some point and figure out how to put more direction in the code so we know what we are supposed to judge this by.

LJ Erspamer said that P&Z has said things to City Council and there is no reply. Erspamer asked Jim True if P&Z can make resolutions. Erspamer said that they can put up some specific ideas together; accountability with our resolution. Jim True said that you can add a condition and set forth criteria. Erspamer said to initiate amendments to the test of this title. Jim True asked if this was a specific application or code amendments. Weiss replied in general. True asked if they were trying to set up a review for themselves. Erspamer responded on that issue yes, maybe we should say put it on our agenda, three years and six months from this date to review the requirements that we recommended to City Council. True said that you could always do that but whether it has any teeth or not because you can't necessarily void the approval because they are not complying with traffic plan. Stan Gibbs said that was Council's job to provide and they manage the City and if they have eventually approved such an application with those criteria and conditions in place presumably they're going to do their job, which means they find a way to make sure that happens. Weiss said they are going to deal with Council/Commission interaction when we do this call up review so why don't we have this conversation as a part of the call up review discussion that's coming. Erspamer said that they could initiate amendments to the text. True said that is right you can initiate changes to the code.

Stan Gibbs said that they should talk about as a commission at some point there were 2 ways to look at a resolution; they can approve something with conditions or they can deny something. Gibbs said he would rather see them try to approve things and help move an application forward but with conditions that we think are really important; so rather than just say I'm going to vote no; no, we are going to vote yes on something but

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it's going to be something the consensus of the commission can really support. Gibbs said then they are taking a positive role; the approvals will have conditions they need to carry with them.

David Schoenberger, public, said that he watched P&Z struggle with this Aspen Club in 3 different meetings and as a person in the public observing he has watched City Council go into executive session over personnel, financial but they also have work sessions where they work together to build greater consensus between council and mayor. Schoenberger said that he didn't know how you all process the amount of information that you need to process within your meetings and work with each other in such small periods of time. Jim True said that the commission has to be very careful about those communications outside of an open meeting you can only go in for those specific things; work sessions are done by various rules and HPC does them quite regularly. True said that once an application is in front of you; you have to continue it in a quasi-judicial venue. True said what happens in HPC prior to the actual formal application or early in the process he makes sure that the potential applicant realizes that there are no specific determinations and the applicant has to agree they are not bound by any comments before you do that and once the application starts you can't do that.

MINUTES

MOTION: Cliff Weiss moved to approve the minutes of October 06, 2009; seconded by Stan Gibbs. All in favor, APPROVED.

MOTION: Cliff Weiss moved to approve the minutes of October 20, 2009; seconded by Mike Wampler. All in favor, APPROVED.

DECLARATIONS OF CONFLICT OF INTEREST

None stated.

PUBLIC HEARING:

711 E COOPER (CITY MARKET) COMMERCIAL DESIGN REVIEW

LJ Erspamer opened the public hearing on 711 East Cooper, City Market, for Commercial Design Review. Notice was provided and accepted by Jim True.

The applicants for City Market were Mike Smalley and Jeff Pelaez, architects; John Hailey, local store manager and Dan Hubble, construction manager.

Jennifer Phelan, deputy city planning director, stated the application is an application for Commercial Design Review for City Market located at 711 East Cooper. The applicant is essentially requesting to re-skin the building with new materials as required to receive commercial design review approval. Phelan noted City Market was located in a

commercial character area bounded by 3 streets; Cooper, Original and Spring; one of the main design parameters that is defined by lodge development to the south of the area that has varying heights throughout. Phelan said the use of urban materials is used such as brick within this area. There is actually diminished pedestrian experience because of the lack of store fronts in the area. The current building, City Market, is a structure that has gone through at least one remodel in the past; there is a historic photo in the memo of the building probably from the 1950s. The current building is a mix of stone veneer, metal and concrete and the applicant is proposing to re-skin the building with a metal roof, concrete veneer and add new windows to some of the façade along Cooper and along Spring and to provide a cantilevered roof element along the Spring Street façade. Phelan said with regard to the proposal staff feels that the materials are consistent with those in the neighborhood and meets the material requirements of the commercial character area and the windows create more of a store front and retail character to the building and this is a plus for the building. Phelan said that they would like the applicant to strengthen the retail component of this project and have some of the mullions removed from the windows so they could act as a storefront window and even if they had to be shadowboxes or something that could provide some display showing that this is a grocery store. Staff asked that the metal parapet that wraps around the southwest corner of the building be re-studied and the front of the building where outdoor retailing is occurring with an assortment of things and have a management plan for the perimeter of the building for what could be removed, how things could be displayed better and ensure any displays are only 5 feet from the façade of the building to maintain fire access. Phelan said the recommendation was approval with conditions; the applicant work with staff on the parapet corner that wraps around the building, roof detail and find a solution that is a little more elegant; prior to submission of building permit they come up with a management that staff is okay with for the displays and items around the perimeter of the building. Phelan said staff would like to see the larger display windows can actually display something, whether it's a poster board that displays or an actual display of seasonal items, something that creates retail interest. The resolution will be projected with a request of the engineering department, very general in nature, saying that the applicant would meet all engineering standards and specifically the abandoned grease trap in the alley will be removed, any unused pedestals shall be removed and the roof drains will not be allowed to drain into the sanitary sewer line.

Cliff Weiss said on page 5 of the memo the next to the last paragraph "The applicant should continue to work on functionality of the perimeter of the building, perhaps incorporating sheltered seating"; he asked what you have in mind here. Phelan replied they are showing that roof projection over the entrance and on either side next to the door and windows; perhaps a bench to allow someone to sit down and something a little more comfortable than the railroad ties along Cooper. Weiss asked about the steel parapet look. Phelan responded that it was a little more modern interpretation of materials; the

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metal and brick are in the area. Weiss said the metal parapet was modern and not typical Aspen. Phelan said the roof right now is metal and slopes, it's flush. Erspamer asked if there was a 3 dimensional digital design that they can look at. Phelan answered no.

Mike Wampler asked how the roof would ever look elegant. Phelan said that right now it was off balance on the front façade where the roof drops down and wraps around the building; the alley roof is lower than the façade roof and so they need to meet.

Brian Speck asked the dimensional land use application break down; existing 17 feet and allowable is 28 to 32. Speck asked if the proposed was 32 to 0. Phelan replied there was no increase in height and they were showing 20 feet from grade to top. Speck asked if the 32 feet was just a clerical. Phelan responded that they had proposed a porch element that would have been higher than the 26 feet allowed.

Bert Myrin said there was a mention of the public amenity space being waived. Phelan replied there was no public amenity space; it was waived in the previous approval. Myrin said the code 26.412.070B suggests that windows reveal inside activities in the store; he asked if a window display was activity. Phelan responded that basically this was a re-skinning of the building but every square inch of the interior of that building is precious and so staff was trying to give them creative ideas on how to possibly have a more interesting pedestrian streetscape experience versus losing valuable wall space. Myrin said that would apply to every retailer so the code suggests a window to activity and to him it doesn't just seem to be a shadowbox; was it up to us to decide that. Phelan said again staff's suggestion would be some flexibility on this; it is suggested but therefore not mandatory. Stan Gibbs said that wouldn't apply to a storefront rather than an alley side of the store. Phelan replied correct, you could be focusing on street frontage. Myrin asked if the street level included the bicycle parking area. Phelan reiterated that it was the façade of the building, the re-skinning of the building. Myrin said there were 2 big spotlights that light the parking lot and asked why hasn't it been to code for all of these years. Phelan responded that she did not know the history of the lighting. Phelan said they will have to remove the lights and replace lights to code. Erspamer asked if this was a review done by the engineering department. Phelan replied that community development reviews outdoor lighting plans.

Myrin said that the bike racks are separated by cars or vehicles. Phelan answered the entire pedestrian experience is... so Myrin said if you brought them to the building and just made the entrance whatever. Phelan said that wouldn't work because there are no parking, fire zone and she met with Ed Van and Brian who said that they could live with the façade 5 feet having merchandizing but anything else can't be in that zone. Myrin said he wanted to know if P&Z had purview over this area and the bike racks. Myrin

asked if the signage proposed complied with the current sign code. Phelan said that would be submitted at building permit.

Gibbs asked if this was in the Commercial Core Zone. Phelan replied that it was in the Neighborhood Commercial Character Zone.

Jeff Pelaez, City Market, stated that this project entails a complete renovation of the interior as well as the exterior of this building, which it is in dire need of; every department will be remodeled, every case, every shelf will be replaced; everything will be new. Pelaez said the basement is also going to be remodeled where all the prep areas are located, new fully ADA accessible restrooms will be in the basement and the break room. Palaez stated the exterior was a big issue and the proposal was to completely re-skin it; it is a bit of a complicated structure given it's got some precast elements and have some issues with meeting current code structurally so there is a comprehensive construction project ahead for them. Palaez said they have proposed some nice material; a split face concrete block, some brick and metal panels, which will appear as siding. Palaez said that they have made some revisions to the elevations based on the comments; the reason that they cannot bring more natural light into the building is just the function of the interior of the building and what we've got are the windows along Cooper above the refrigerated cases from 7 feet to the ceiling they will be clear story windows that you will be able to see in. Palaez said the mass of the wall of that building is broken up with the window boxes including posters from City Market or possibly local school children's art work. Palaez said the canopies in the front will be extended out another foot with windows above the doors at 7 feet and the side ones come out 6 feet; they have to stay out of the lane of traffic because at some of the other facilities trucks have been known to take canopies off the building. Palaez said it has been a very challenging project to date on this item; it has been a long process and we hope that with approval tonight construction can begin the end of April, 2010.

Cliff Weiss said that you just mentioned the 6 foot and 7 foot overhang; he said that he assumed the 6 foot was the north elevation. Palaez responded currently that little canopy extends about 5 feet in the front.

Michael Wampler commented the lighting on the north side wouldn't bring in much light and asked if they considered through the ceilings. Palaez replied they actually had and the problem was that it was a precast double T roof with a lot of reinforcing in it and a structural engineer x-rayed the entire roof and there is so much reinforcing with post tension and structural cables that withstand the loading and tube skylights would have been so minimal at 12 to 18 inches around that it did not make sense with amount of snow that is received here, that it wasn't feasible; you will see what natural light comes in. Wampler asked if City Market was a mountain name. Palaez said the parent

company was Kroger, nationwide; City Market was a recognized name on the western slope in Colorado and King Soopers is the sister name in eastern Colorado.

Weiss asked if the little windows on the Cooper Street side brought in light. Palaez answered that those windows were above the refrigerated cases, that was a big request of Kroger Management in Cincinnati. Weiss asked where the eave was on the Southwest side of the building. Palaez replied they were all vertical parapets, extensions up to the roof; the only sloped portion was the main canopy that appears in here for water drainage onto the main roof. Palaez said there were varying heights of the existing concrete beams that they were trying to use as the bottom line and they want to cover those up and they do step all the way around the building; it was their feeling that it does have some articulation in material going up and down instead of just this ribbon all the way to the top. Palaez said they were strictly following the line of the existing precast concrete beam and that was their control point; in the alley it was lower so in the front they wanted to step it back where it meets along the same height as Cooper. Palaez said that the thickness of the brick that they brought on the board was the thickness they were going to re-skin on this building; it was a more expensive material removing the face to fit the re-skin.

Brian Speck asked if they considered on the south side in the alley putting windows all the way across. Palaez said the length of the wall and the cases go above 7 feet and they could reconsider but every pipe and every wire was being replaced in the building; every duct and there was a duct against that wall.

Myrin asked how far out will the concrete bollards go. Palaez replied they would be right at the edge of the sidewalk at approximately 8 feet. Phelan said they would need to work on that because of fire access at 5 feet. Palaez said they would have to work with Jennifer and staff on the bollards. Myrin said there was no pedestrian refuge. Myrin said the code speaks to activity in the windows and the most activity occurred in front of the store; could windows be added to the front. Palaez said that a small window could be added into the cart storage area proposed for the interior.

Dan Hubble said that they would have to get creative on the outdoors area and the store was very narrow. John Hailey said it was easy to put wood around the propane and coke machines.

Stan Gibbs asked if the front doors were the same size as the current ones. Palaez replied that the doors were about 4 feet wider aggregate. Gibbs asked if the remodeled store would have more capacity. Palaez responded there was no opportunity to gain any square footage; it was more customer friendly with the new design. Gibbs asked how tall the eaves or awnings over the front were. Phelan replied the shorter ones were about 14

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feet and the larger middle one was 18 feet or so. Palaez stated the one was cantilevered so it varies as it slopes.

Erspamer asked about the outdoor spaces plans. Phelan suggested that they write a management plan for the perimeter that staff could work with and approve. Erspamer asked the percentage of retail clothes in that store was. Hailey replied they sold gloves and hats.

Wampler asked how long this project was going to take. Hubble replied at least 6 months. Erspamer asked where the construction materials would be stored. Hubble replied they would have to be stored off site; there was no place to store anything on site. Gibbs asked if the business would stay open during the construction. Hubble replied they will stay open.

Myrin asked if there could be windows behind the deli that could show activity. Hubble replied that was the dock area, prep area and duct work is down each side. Myrin said that you are going to remove the current lights for the parking lot, what will replace that. Palaez replied that they were looking at adding 2 poles into the parking lot. Phelan stated there were lighting standards. Palaez said that they don't currently meet anybody's code of dark skies; they have full cut off fixtures and maximum pole heights; this was fairly simple to bring into compliance. Myrin asked if the pedestrian space could be made larger. Palaez replied they would consider and work with staff.

Break.

Commissioner Comments:

Erspamer said that P&Z has to deal with the guidelines and criteria.

Speck said he would like to see more windows on that front side; we are looking at how this affects the global community. Speck said that maybe there was a way to expand out from the entryway and close off the traffic coming in that one side and leave the alley side but move that more towards the brick and parapets or bollards as to not confine the smaller space for merchandizing. Speck said that this was a real community space.

Weiss said that this was definitely a silk purse out of a sow's ear; he is perfectly willing to defer to staff on lot of the issues. Weiss said the only issue that he had was the flat metal even was an improvement but it did not really fit with the character of the town; City Market was one of the first intersections that people see in the summer when they come over the pass.

Wampler said that this store really needs remodeling and this was a small town with a funky little store.

Gibbs said the project has a lot of merit and agrees with Brian's comments about making those 2 windows lower in the front and by adding a window on the left; that would make the front façade of the building look more like a retail establishment.

Myrin said that he would like to see the windows on the front come down as well so there would be activity behind those windows. Myrin said that he would support the window to the left in the front to the cart area. Myrin agreed with Cliff on the metal part of the roof; it looks industrial and not like a neighborhood.

Erspamer asked if this building was designed like City Market in Montrose; he said the building was not an Aspen style; he would like something more western or more mountain like. Erspamer said that he wouldn't even put in the shadow boxes. Phelan responded that window boxes also break up the entire wall. Palaez said that he heard everything that everybody's saying; the design has changed through recommendations of staff, there were different materials at one time and they are just trying to meet the guidelines that they were given and adding a window to the front and lowering the other ones. Palaez said that he can't see any hurdles that they can't clear but he can't speak to any merchandising will be done on the exterior. Palaez said that if they sloped the metal parapet they would have issues with snow falling onto people on the sidewalk.

Weiss said that they could defer to staff how much rustic P&Z wants and it is a concern. Erspamer said they were wondering if something was missed. Phelan supplied the prior drawings and the commission reviewed the drawings.

MOTION: Bert Myrin moved to approve Resolution #16, 2005 with the conditions for commercial design review for 711 East Cooper; seconded by Cliff Weiss. Roll call vote: Wampler, yes; Gibbs, yes; Weiss, yes; Speck, yes; Myrin, yes; Erspamer, yes.
APPROVED 6-0.

Discussion of motion: Bert Myrin said that he wanted to make amendments to the motion. The commission discussed conditions of moving the bike racks, the sidewalk in front of the store, the north parking lot entrance, the light posts in the parking lot, adding windows on the front facade and engineering requirements. Jennifer Phelan noted the changes to the resolution: sentences added to page 2, A. "The applicant will work on additional materials and colors for the roof as an alternative as to what was proposed." B. "A better solution for bicycle parking will be considered which we recommend would consist of moving the bike parking area to the east adjacent to the building and moving the curb cut to the west along Cooper to improve pedestrian safety. The applicant will

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study the placement of bollards, both style and type (such as removable), along the front facade of the building to provide a pedestrian refuge and maintain fire access.” C. “The applicant shall work to add a second window on the front façade and maximize the vertical height of the windows on the front facade.” “E. The applicant will meet all adopted City of Aspen engineering standards, including, but not limited to, requirements for a construction management plan, stormwater development fees, and encroachment licenses and right-of way permits. Specific to this project, the abandoned grease trap in the alley will need to be removed and any unused pedestals shall be removed. Additionally, with the reroofing of the building, the roof drains will not be allowed to drain into the sanitary sewer line.” Section 2. “Staff will work the applicant to find solution for the location of the light posts.”

CONTINUED PUBLIC HEARING:

DESIGN CALL UP CODE AMENDMENT

LJ Erspamer opened the public hearing.

MOTION: Cliff Weiss moved to continue the Design Call Up Code Amendment to December 15, 2009; seconded by Brian Speck. All in favor, APPROVED.

Adjourned at 7:00 pm



Jackie Lothian, Deputy City Clerk