

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING
March 9, 2023**

In-Person and Online Meeting

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
M.J. Schillaci, Secretary
Ian Bald, Member
Tobin Brown, Sr. Alternate – online
Galena Gleason, Alternate

Absent: Matthew Bayma, Member

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant, County Attorney’s Office

9:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

Approval of the February 9, 2023 minutes
Approval of the January 12, 2023 minutes

MOTION by MJ Schillaci to approve the February 9, 2023 minutes as corrected and the January 12, 2023 minutes as presented.

SECONDED by Josselin Lifton-Zoline **VOTE PASSED 5-0.**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

PLANNING COMMISSION AND STAFF COMMENTS

- The next CPC meeting will be on April 20, 2023, due to spring break. It will be in Norwood. There is an application and some code amendments and fixes on the agenda.
- There will be a Community Open House for the East End Master Plan on March 21, 2023. Public outreach will be via ads, radio, and social media.

PUBLIC MEETING: LAND USE APPLICATION

Applicant: Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc
Location: Society Turn Parcel, located three miles west of the Town of Telluride on Highway 145 southwest of Society Turn Roundabout
Parcel size: 20 acres
Zone District: Planned Unit Development Reserve (PUDR)
Proposal: Rezoning to Mixed-Use Development Zone District; and Preliminary Plan for Subdivision and Planned Unit Development (PUD)

Continued from January 12 and February 9, 2023 Meetings

Those who addressed the Commission:

Tom Kennedy, Attorney
Chris Touchette

Kaye Simonson, Planning Director gave the history of the Society Turn application and an update on changes and new information. The Planning Commission had asked for more information including additional referral agencies, further discussion on the hotel, water, and wastewater use, and how the project affects system capacity and an option that reduces density.

The updated application includes an updated landscape berm design, transit coordination, and a road and sidewalk update.

Currently, CDOT has issued the access permit and it is being circulated for signatures.

Tom Kennedy and Chris Touchette continued the presentation and a recap of the proposed changes. There will be modifications to the landscaping to provide more screening with a potential for a mix of tree types and a berm. The concerns regarding road and sidewalk width were addressed along with riparian habitat impacts.

There was a discussion with the applicant about market conditions and the possible mass and scale reduction. The amended application proposes a reduction in the mass and scale (floor area) of the hotel use by 10%. The number of permitted rooms would be unchanged at 125, and therefore no reduction in employee housing. There is no space within the towns for a moderate-priced hotel that is family oriented. There has also been some discussion in the community about the need for more affordable lodging options for volunteers and guests related to non-profit events, as well as sports teams and business travelers. The applicant feels that the hotel is an integral part of the plan. The commission discussed the possibility of removing the hotel and increasing the housing use. The number of housing units is capped due to traffic and water issues.

There was further discussion addressing water and sewer. The Town of Telluride, per the agreement, will control the uses and demands. Any usage data will come from the Town of Telluride as the provider. Once the project is included in the service area, any future restrictions, such as in the case of a drought, would be system-wide. There is a well on the property that is

proposed to feed the landscape irrigation aside from the municipal water usage. The HOA, once formed, will take over the irrigation to maintain the landscape.

11:13 a.m. Break

11:23 a.m. Reconvene

11:24 Open to Public Comment

Tim Tingate Jue – Last Dollar Subdivision, Concerned about traffic. Feels the project could get rid of the berm to fix the traffic flow.

Chris Chaffin – Board member, Telluride Hospital District. Their mission is to provide health care for the region. There is no other site available. The med center intends to follow the Dark Sky guidelines for lighting and the roof lighting for the helipad is minimal. Advocate for an affordable hotel.

Douglas Tooley – Disabled individual, part-time resident. Concerned about accessibility, Concerns with CDOT and Last Dollar traffic, and the bike trail from Mountain Village to Lawson. Would like an overpass over 145 to Lawson. Wastewater should consider a Down Valley location. He would also like a recreation center on the site.

Dr. Diana Koelliker – Director of Emergency Services at Telluride Medical Center. The community needs a new medical center. Less than 10 years left in the current TMC lease. Medical care is necessary and vital.

Chris Darnell – CEO Telluride Regional Medical Center. There is a sense of urgency with the lease for TMC ending. Please vote to move the project forward.

11:47 a.m. Closed Public Comment

Tom Kennedy responded to the public comments and looked at the next steps. He discussed the CDOT access permit, which required a detailed traffic study. CDOT determined that they did not need a lane to the west. The applicant is not obliged to provide an additional lane. The Last Dollar Subdivision could approach CDOT with its traffic concerns. Vela Dr. going to the Last Dollar subdivision was already existing before this project. Sharing the chain-up lane with turn lanes is not a safe condition, especially when road conditions are bad.

There was further discussion regarding the hotel between the commission and the applicant. The commission expressed concern that the hotel would drive growth and exacerbate the housing issues. They also expressed that this doesn't feel like the right place for a hotel and would like to consider alternatives.

MOTION by Lee Taylor to recommend the San Miguel County Commissioners approve the Society Turn Preliminary PUD Plan and Subdivision, based on the findings that the Preliminary PUD Plan and Subdivision is consistent with the San Miguel County Comprehensive Development Plan and more specifically, Section III.N of the Telluride Regional Area Master

Plan Future Land Use Element, and meets the Intent for Planned Unit Developments, as set forth in Land Use Code Section 5-1401, the review standards of Land Use Code Section 5-1403, the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, and the relevant Areas and Activities of Local and State Interest”1041” Environmental Review as set forth in Land Use Code Section 5-4. I further move to adopt Planning Commission Resolution No. 2023-02, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Final PUD and Subdivision.
2. All representations made within the Application and its exhibits shall be incorporated into the Final PUD and Subdivision Plan, Development Agreement, Covenants, and Subdivision Improvements Agreement, except as modified herein.
3. Lane widths shall be at least twelve (12) feet, exclusive of shoulders, curb and gutter, or valley pans, for all of Road A, per LUC Figure 5-1D.
4. Lane widths shall be at least eleven (11) feet, exclusive of shoulders, curb and gutter or valley pans, for all of Road B, with a design speed of no more than 20 miles per hour, per LUC Figure 5-1G.
5. Sidewalk widths along Road B shall be a minimum of eight (8) feet wide where adjacent to parking, per LUC Section 5-502 I. Sidewalks along Road A and along Road B where not adjacent to parking, may be a minimum of six (6) feet wide.
6. Official names for Roads A and B shall be provided.
7. Tailings cleanup shall occur prior to transfer of the County lots. Should the property not be included in the EPA cleanup, the Applicant shall complete cleanup as a Voluntary Cleanup (VCUP) project pursuant to Colorado Department of Public Health and Environment review and approval.
8. Unless an agreement is reached with San Miguel Power Association regarding a trail easement, no trails utilizing SMPA property shall be shown on the final plan.
9. Prior to submitting the Final PUD and Subdivision Plan, the applicant shall obtain the approved and executed Town of Telluride Water and Sewer Service Agreement.
10. As part of the Land Use Matrix, include conversion factors for trip generation and parking, to be used in the case of future Insubstantial PUD Amendments reallocating uses and floor area, e.g. hotel to commercial or commercial to residential.
11. The Development Agreement shall include provisions for partnerships, with public or private entities, to facilitate and encourage development of the additional 4th floor housing, should the site developer not be interested in developing that housing as part of their project.

SECONDED By Tobin Brown

FRIENDLY AMENDMENT By MJ Schillaci The development agreement should enumerate the facilities if a hotel is built to keep the hotel moderately priced. **Accepted by Taylor and Brown.**

12. *The development agreement shall enumerate the facilities if a hotel is built to keep the hotel moderately priced.*

FRIENDLY AMENDMENT By Toby Brown to implore that the developer will consider alternatives to this hotel density and development and the commissioners continue to press on this issue to reach a resolution that is satisfactory to the developer including an increase in other site accommodations This may include other modifications to uses and capacities including mass and scale. **Accepted by Taylor.**

13. *The Planning Commission strongly encourages that the applicant provide an alternative to the hotel use and this may include other dimensional modifications to use and capacity including mass and scale.*

AMENDMENT ACCEPTED BY LEE AND TOBY.

VOTE PASSED 3-2

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	Aye	<u>Nay</u>	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	Aye	<u>Nay</u>	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

MOTION BY Tobin Brown to recommend to the Board of County Commissioners to approve rezoning of the Society Turn Parcel to Mixed Use Development – MXD, and adopt Planning Commission Resolution No. 2023-03, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;
2. The proposed project is consistent with the Purpose of Land Use Code Section 5-323, Mixed-Use Development;
3. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety, and welfare, including the provision of water and wastewater treatment; traffic; mitigation of geohazards; and mitigation of impacts on the environment;
4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies;

5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;

6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in particular Future Land Use Element, Section III.N, Society Turn Parcel.

SECONDED By MJ Schillaci

VOTE PASSED 4-1

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	Aye	<u>Nay</u>	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

12:32 p.m. Tobin Brown left the meeting

PUBLIC MEETING: LAND USE APPLICATION

Applicant: Nate Smith, Attorney on behalf of Peter Pitts

Location: Units 2 and 4, Lot SV-150 Morningstar Condominiums, aka 896 Two Rivers Drive, Ilium

Zone District: Affordable Housing PUD (AHPUD)

Proposal: Convert 2,091 square feet of Neighborhood Commercial to Residential, and add six (6) persons of population density and two (2) residential units

Staff outlined the history of the lots and the proposal. The applicant's substantial PUD Amendment seeks to convert the neighborhood's commercial square footage to residential housing and correct the non-conforming use and increase residential density. The proposed units are to be Deed Restricted for any potential new owners. The units have been in use as residential housing for over 20 years. Staff explained that the Ilium Property Owners Association did submit a will-serve letter, following discussion with staff but after referral agency comments were received.

Nate Smith, representing Peter Pitts further added that these units are already part of the existing community character. Since the units have already been in use as residential there will be no change in demand for water usage or any new traffic being generated.

12:58 p.m. Open for Public Comment

12:59 p.m. Closed Public Comment

MOTION by Galena Gleeson to recommend to the San Miguel County Board of Commissioners to approve a Substantial P.U.D. Amendment for Units 2 and 4, Morningstar Condominiums, Lot 150-SV, Ilium, to change the use from Neighborhood Commercial to Residential, which would increase the residential units by two (2) and increase the population density on Lot P by six (6) persons, and eliminate the neighborhood commercial use, based on the finding that the proposed use is consistent with the County Master Plan, and complies with the Land Use Code review

standards in Section 5-1503 Substantial Amendment and 5-1803, Rezoning and subject to the following specific terms and conditions:

1. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
2. Applicant shall obtain a Building Permit and a certificate of occupancy from the Building Department for the two residential units that were converted from a commercial unit. This PUD amendment approval shall not be effective unless and until the certificate of occupancy is issued. Failure to obtain the building permit and certificate of occupancy within one (1) year shall result in this approval becoming void, whereupon the Owner will be required to remove all residential improvements and revert the property to neighborhood commercial use.
3. An amendment to the Lawson Hill PUD Development Plan Matrix to reflect the addition of two (2) residential units and six (6) persons of population density, and the elimination of the neighborhood commercial use, shall be prepared and recorded concurrent with the issuance of the certificate(s) of occupancy.
4. County Deed Restrictions and Covenants shall be prepared and recorded concurrent with issuance of the certificate(s) of occupancy.

SECONDED by Josselin Lifton-Zoline **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

1:02 p.m. Break

1:07 p.m. Reconvene

EAST END MASTER PLAN

Update on the EEMP. The survey was closed on Monday, with 1,355 responses; 200 were not counted due to “ballot box stuffing.” Design Workshop will take that raw data and prepare a summary. The grant deadline is in July when the contract for the consultant runs out. The draft is expected to be done in May.

Discussion on ground rules to give the Advisory Group guidance on the correct communications process. The Advisory Group serves at the Planning Commission’s pleasure to act as a conduit to residents for each member’s region or community of interest. As long as the Planning Commission needs input on the EEMP the Advisory Group will remain active. There was a discussion regarding communications. The Planning Department is the line of communication with Design Workshop. If there is more information needed, that is best directed through staff. The consultant (in this case, Design Workshop) is in the employ of the county and communications with them need to go through the Planning Department Director.

MOTION by Josselin Lifton-Zoline to go into Executive Session under C.R.S. §24-6-402 4(b) for purposes of consulting with an attorney for legal advice.

SECONDED By MJ Schillaci

VOTE PASSED 5-0

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	<u>Absent</u>
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

1:27 p.m. Recessed

2:09 p.m. Reconvene

MOTION by Josselin Lifton-Zoline to come out of Executive Session

SECONDED by MJ Schillaci

VOTE PASSED 5-0

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	<u>Absent</u>
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

MOTION by Josselin Lifton-Zoline to adopt the Ground Rules of the Advisory Group as submitted and request the Advisory Group members to sign.

SECONDED by Galena Gleason.

VOTE PASSED 5-0

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	Aye	Nay	Abstain	<u>Absent</u>
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

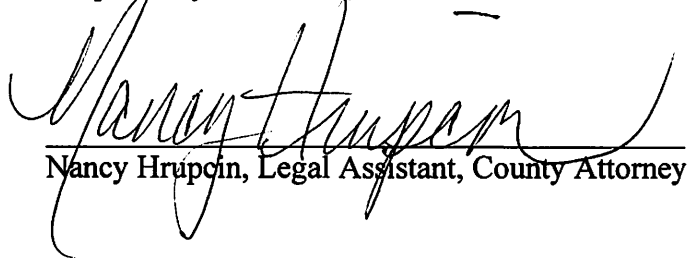
2:21 p.m. Open to Public Comment

Douglas Tooley – Commented regarding constitutionality.

2:22 p.m. Closed Public Comment

2:23 p.m. Adjourned.

Respectfully Submitted,


Nancy Hrupcin, Legal Assistant, County Attorney

Approved on April 20, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION



M.J. Schillaci, Secretary

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