

TOWN OF SNOWMASS VILLAGE

PLANNING COMMISSION MEETING MINUTES

September 6, 2023

Members Present:

Brian Marshack, Chair
Matthew Dube, Vice Chair
Else Denis
David Seglin
Jim Gustafson – recused
Doug Faurer – recused from Deerbrook

Staff Present:

Sara Nester
Jim Wahlstrom
Brian McNellis
Dave Shinneman

Members Absent:

Stan Clauson

Others Present:

Jody Edwards, Owners Attorney
Bill Pollock, Zone 4 Architects
Tim Andrulaitis, Zone 4 Architects
Barclay Miller, Deerbrook HOA President
Randy Henrie, Deerbrook, Z Group
John Howard, Deerbrook Manager
Colby Christoff, Deerbrook
Tracie Kugler, 446 Oak Ridge
Larry Kugler, 446 Oak Ridge
Glenn Valad
Tim Malloy, Deerbrook
Michael Fuller, Michael Fuller Architects
Jill Speed, Michael Fuller Architects
Tom Wenzel, Neighbor
Harriett Wenzel, Neighbor
Greg Smith, Neighbor
Cheryl, Neighbor
David Swersky, Neighbor
Bruce Baker, Neighbor
Jerri, Neighbor
Gordon Whilmer, Neighbor

Call to order: The meeting was called to order at 4:00 p.m. by Chairman Marshack.

Item 1: Approval of 08-02-2023 and 08-16-2023 Meeting Minutes:

The minutes from the 08-02-23 meeting was brought up for approval. Vice Chairman Dube made a motion to approve, second by Commissioner Seglin and approved unanimously.

The Minutes from 08-16-23 were brought up for approval, Commissioner Seglin made a motion to approve, second by Vice chairman Dube and approved unanimously.

Item 2: Deerbrook Townhomes:

Jim Wahlstrom, Senior Planner, introduced the Deerbrook Townhomes agenda item. This is a continued public hearing from the August 2nd initial public hearing with the Planning Commission, followed by the joint meeting presentation on July 17. This public hearing continued to today's meeting. There was also a site visit on August 16. There is a draft resolution in the packet for the Planning Commission's review.

The Planning Commission reviewed the resolution. Chairman Marshack gave the commissioners an opportunity to comment on/discuss the resolution.

Vice Chairman Dube asked staff about the applicant's commitment to the public easement that the Town was seeking.

Commissioner Seglin commented on section 3 item 8 – Construction Management Plan Details and Noise Abatement. He would like to see a provision encouraging the project to obtain materials sourced within 500 miles or otherwise locally, use recycled materials, wherever possible, and ensure that the project uses low-emitting materials such as paint, adhesives, sealants, flooring, furniture, etc. He also brought up the consideration of EV stations in the enclosed garages.

Chairman Marshack commented about the conditions on the parking. He wants to list, as a condition, that the garages will be used for automobile parking, not for additional storage.

Tim Malloy, Applicant, voiced his concern about access to the public easement. He has no problem with emergency access. Mr. Malloy asked for amended language in condition 2 to state that the applicant is open to working on emergency service, but opposed to public trail access.

Mr. Malloy requested that section 3 be modified to read that no private improvements should be allowed in the public right-of-way unless specifically approved through a license agreement.

Chairman Marshack opened public comment. There was no public comment.

Commissioner Seglin made a motion to approve with modifications, as discussed. Matthew Dube seconded and approved unanimously.

Item 3: 446 Oak Ridge Ad Mod:

Dave Shinneman, Community Development Director, opened the topic by stating this is an administrative modification. Due to Mr. Shinneman's concerns with potential impacts on surrounding properties and concerns, he has asked that this comes to the Planning Commission.

Brian McNellis, Senior Planner, stated that the applicant has provided their affidavit of mailing, so this is an official Public Hearing. He mentioned that this is an administrative modification and that section 16a-5 250 b5 states that the Planning Director can opt to have the Planning Commission review any administrative modifications due to the nature of the proposal if necessary.

This project has to do with a stop work order that was issued for the unpermitted construction of a pickleball court. The property has a main residence, and there is a clubhouse that is under construction. The area of concern is associated with the clubhouse. The clubhouse was permitted by a NOD just over a year ago.

When town staff were inspecting the clubhouse, they noticed that there was construction going on in the rear section of the property. This was substantial construction. There were retaining walls that were 12" thick. According to our Building Inspector, they went about 10' into the ground and used very substantial footings about 4' wide. A lot of excavation was required to make the walls. A red tag/stop work notice was issued as there were no permits issued for the pickleball court construction.

The idea was floated to the architectural team to submit for an administrative modification that allows for a building envelope adjustment. We don't typically do an ask for forgiveness type of application; we usually ask for some type of community benefit to modify the envelope. Mr. McNellis suggested to the architectural team that the large swath of mature vegetation that is part of the coral envelope could be taken out of the building envelope to protect the natural amenity of the subject parcel. We would be protecting steep slopes, protecting native vegetation, wildlife habitat, and a vital viewshed that can be seen readily by the Horse Ranch subdivision.

Mr. McNellis provided an article on noise implications of a pickleball court. Another item being proposed is a golfing amenity. Staff have concerns about the pickleball court, and the potential noise associated with it in a residential area. The boxes leading to a pitching green are in a location with houses in

Horse Ranch close by. He has requested that the Planning Commission weigh in on this.

Bill Pollock and Tim Andrulaitis, Zone 4 Architects, mentioned that the owners, Larry and Tracie Krugler, have lived in Snowmass Village for 17 years and have owned this property since 2016. Mr. Pollock provided information on the layout of the property and the planned amenities. He provided decibel information for nearby properties and the plans that they have in place to alleviate noise.

Commissioner Seglin wanted to go through everything that was presented to the commission, so he can better understand exactly what happened. He went through a series of events. He asked several follow up questions to better understand how things played out. He asked if the January set of drawings included the pickleball court, the putting green, and the pitching locations. What filed is different than the approved drawings?

Mr. Pollock stated that the civil drawings were not permitted. They had not submitted those for permit.

Commissioner Seglin asked why not?

Mr. Andrulaitis responded that there were certain modifications being made by the structural engineer, so they decided to submit the rest of the project first. The architect was unaware that the General Contractor had started building the pickleball court.

Vice Chairman Dube presented a question to staff regarding the adjustment to the building envelope. He feels like the adjustment to the building envelope should be related to the clubhouse, not the pickleball court. He didn't see anything in the application/staff comments where the project would be benefited to better conform to the development code through the adjustment of the building envelope.

Mr. Shinneman confirmed that the building envelope adjustment would allow for the pickleball court to be built where it has been built. Right now, it is outside of the building envelope, so there is a requirement to adjust it.

Commissioner Dube offered some further information regarding acoustics. There is a company called S&W Acoustics. They have a website which gets into the technical aspects of acoustic issues from pickleball courts. He brought up further information that the website provides.

Commissioner Denis asked if the town has ever permitted a pickleball or tennis court before.

Mr. McNellis responded that he has permitted tennis courts, but this is the first pickleball court that he's aware of.

Commissioner Denis asked if there had ever been complaints about the tennis court.

Mr. McNellis stated that he would have to refer her to the police.

Chairman Marshack asked if there was a landscaping plan when the barn was submitted.

Mr. McNellis stated that it was an existing structure in replacement of an existing structure.

Chairman Marshack asked the applicant why this happened? They have been in business for a long time and know how things work.

Mr. Pollock responded that landscape improvements that are done under 30" don't need a permit. He was unaware that the amenities in this case would send them to where they are now. The builder was under the impression that the pickleball court was permitted under the clubhouse permit.

Mr. Andrulaitis corrected his colleague on the size of the structure. There is one wall that is from the pickleball court up which is 3'6", and the total height of the wall is 5'6".

Mr. McNellis stated that he stands behind his building inspector, and the wall was quite a bit larger.

Several neighbors provided public comment on their concerns related to the pickleball court and were not in favor.

Chairman Marshack turned the conversation back to his fellow Commissioners.

The commissioners agreed that they struggled with the professionals involved and how this happened in the first place. All Commissioners felt that a pickleball court in a mountain residential community is not appropriate.

Vice Chairman Dube made a motion to the commission to recommend denial and direct staff to craft a resolution to do the same. Commissioner Faurer seconded and approved unanimously. This draft resolution of denial will be presented to the commission on October 4.

Item 4: Community Development Director Updates:

- The next meeting will be on September 20 regarding the Town Park Cell Tower.
- The Draw Site project was submitted last week.

This meeting was adjourned at 6:12 P.M.