

A G E N D A

ASPEN PLANNING AND ZONING COMMISSION & PITKIN COUNTY PLANNING AND ZONING COMMISSION

SPECIAL MEETING

THURSDAY, September 8, 2011

4:30 p.m. Council Chambers

CITY HALL

- I. ROLL CALL**
- II. COMMENTS**
 - A. Commissioners**
 - B. Planning Staff**
 - C. Public**
- III. MINUTES**
- IV. DECLARATION OF CONFLICT OF INTEREST**
- V. PUBLIC HEARINGS –**
 - A. Aspen Area Community Plan**
- VI. OTHER BUSINESS**
- VII. BOARD REPORTS**
- VIII. ADJOURN**

Next Resolution Number: ____

Jessica Garrow

From: Jessica Garrow
Sent: Thursday, September 01, 2011 9:46 AM
To: Bert Myrin; Cliff Weiss; Jim deFrancia; Jasmine Tygre; Mike Wampler; Stan Gibbs; LJ Erspamer; Ben Genshaft; Jay Murphy; Joe Krabacher; 'John Howard'; MARCELLA LARSEN; 'Michelle Bonfils Thibeault'; 'mirte mallory'; 'Monty Thompson'
Cc: Ben Gagnon; Ellen Sassano; Cindy Houben; Chris Bendon
Subject: AACP meeting: Sept 8
Attachments: Marcella Whats Changed Edits 8.18.2011.pdf; Marcella Comments 8.18.2011.pdf

Good morning commissioners,

Our next meeting on the AACP is next Thursday, September 8th, 4:30 – 7pm in Council Chambers. Please let me know if you are able to make it. As of now, I just have Cliff down as attending.

The focus of the meeting is to complete the overall review of the document. Please come to the meeting with your major philosophical comments/proposed changes to the meeting. It would be even better if you could email written comments to me in advance (I'll then forward them to the group) so we have a head start to the meeting.

Marcella passed out some comments at the last meeting, which are attached. One document outlines her major comments for that chapter. The other document is a proposed revision to the "What's Changed since 2000" section of the growth chapter – the group did not review this at the meeting. Changes to the growth chapter that were agreed upon by the group at the last meeting include:

- Changing the Vision Statement to: "We are committed to achieving sustainable land use practices that support a healthy year-round community, thriving economy, and vibrant resort."
- Delete the first sentence on page 19 of the new draft and replace it with the following edited statement from the September 2010 draft: " But in many other ways we have fallen short of achieving important community goals. From the mid 20th Century, Aspen primary economy was visitor-based. In the last 20 years, our economy has been eclipsed and surpassed by development driven industries."
- Edit the last paragraph on page 19 to eliminate the reference to "regulate allowable house size" to state: "By continuing to limit the mass and scale, we will: ..." This change was also reflected in the policy statement.
- Change all references to "tourist-based economy" to "visitor-based economy."
- Include a section in the philosophy about the UGB
- Edit language about the 2000 Population cap to indicate that though the 2000 plan did mention a population number we didn't really have a set cap, and that a specific number is not established in this plan.
- Other minor wording and formatting changes.

Our overall review schedule is:

Thursday, Sept 8: philosophical review of the document

Tuesday, Sept 13: finish philosophical review of the document, review of action items

Thursday, Sept 22: review for any conflicts/contradictions and tone

Tuesday, Sept 27: if needed

Thursday, Sept 29: if needed

Please let us know if you can make these meetings. Staff proposes a break in the beginning of October to conduct the additional public outreach P&Z has requested, and then reconvening in mid-late October for County P&Z adoption and City P&Z recommendation.

As a always, please let us know if you have any questions.

Cheers,
Jessica

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entered 8/18 by Marcella

8/18/2011 P&Z AACP Meeting

Major Philosophical Issues With Draft and/or Inconsistencies With Staff's Draft and P&Z Direction

Our decision to keep the future land use map in place, particularly considering the outstanding planning area work in the West of Castle area is not reflected anywhere in the document.

p. 18 The vision statement should read as it did before that "We are committed to returning to sustainable land use practices ..." The edits by staff changed the meaning of the vision and do not reflect the important philosophy that we need to make changes in what we are doing now.

The introductory material in the Philosophy section does not contain much of the substance from the September draft, nor is what is written truly philosophical. P&Z voted two times to use the September draft.

In the introductory section, these statements should be carried forward from the 2000 AACP (p. 17 of the 2000 plan):

add "Growth within a community needs to be like that of an individual with the need to keep various functions balanced."

add "We feel that ceiling is fast approaching where we will be at the maximum in economy, physical space, and quality of life."

X ~~add~~ "We should endeavor to bring the middle class back into our community."

Additionally, these philosophies were supposed to be added but were not:

add We continue to support an urban growth boundary that concentrates density to the commercial core and tapers in density out to the boundary and rural area of the County.

egb

add Additional density within the commercial core should result in preservation of rural lands AND must not erode the small town ~~community~~ character.

add Quality of life is dependent on careful management of the size of our population. (defined as it is in the 2000 plan)

If existing language is kept in August 11 draft, the third paragraph needs to be modified to reflect that the “economic” impact needs to not only consider the impact of regulations on private property owners, but rather a full FISCAL impact analysis and modeling of all land use decisions. This means that you consider both sides of the equation: what does it mean for the developer and to what extent does a given development pattern require public subsidies.

p. 19 In “Managing Construction Activity” the last paragraph needs to be corrected to reflect the fact that the growth management quota system is itself a pacing system.

In “Residential Sector” the list of reasons why house size is regulated should include excessive employment generation as it did before.

p. 20 In “Public, Institutional ...” the language that we discussed regarding publicly owned projects setting an example needs to be included.

p. 21 In “Mitigating Impacts” the draft states that it “recognizes that certain types of land uses are beneficial to the community as a whole ...” We discussed having a list so there could be no confusion (i.e., affordable housing, affordable commercial, affordable lodging, etc.)

As written, the draft does not address the fact that there are current uses that are not fully mitigating their impacts, including, for example, high end fractional projects. A statement should be inserted that says: “We call for an end to public subsidies to high-end developments that do not fully mitigate their impacts or pay their own way.”

p. 22 “What’s Changed” does not accurately reflect the facts and continues to contain numerous philosophies held by staff that have been rejected by P&Z. I suggest the following language:

[separate redlined insert]

p. 23 “What’s New” inaccurately states that the 2000 plan established a “cap” and that the changes to growth management to reflect the “recommendation” of a maximum population were somehow illegal. I would suggest elimination of the entire fourth paragraph with the following substitution:

As with the 2000 AACP, we recognize that there is a limit to the number of people we can comfortably accommodate and still maintain our quality of life. We continue to believe that population should be an important consideration in all decision-making, and several action items are suggested in order to preserve our quality of life.

- p. 24 Add that we are calling for a comprehensive reconsideration of the upzonings that were enacted as “infill” in mid-2000. Did the upzonings actually result in the preservation of rural lands as conceived in the 2000 AACP? Does the current zoning result in appropriate land uses in Aspen? Is the scale and mass allowed under the city code appropriate for an old mining town whose economic viability as a resort depends on maintaining its community character and small town charm?
- p. 25 I.2. Revise to read economic analysis AND fiscal impact.
- I.5. Revise to reflect the draft language that was approved at the last P&Z meeting:
- Through good land use planning and sound decision making, ensure that the ultimate population of the Aspen area does not degrade the quality of life for residents and enjoyment of visitors.
- p. 26 II.2 instead of “size” it should be mass and scale.
- II.3 should say “prevent shifts”. It doesn’t matter whether they were sudden or not; P&Z agreed on this change last meeting.
- p. 27 Ongoing concern that language in code will continue to promote high-end fractional projects that are not true lodges.
- IV.1 should be moved to the first section. We have recommended max heights for all projects, including lodging.
- IV.3. does not make sense.
- IV.4 needs bulleted list like other sections explaining why ... like mountain views, small town community character, consumption, imit burden on public infrastructure and operating costs, job generation, etc.
- p. 28 VI.1 is too narrow. Delete qualification of “on community infrastructure.”
- VI.3 needs a list: affordable or diverse commercial, lodging, etc.
- VIII.3. Delete the word “significantly.” The zoning is already excessive.

entered 8/18/2011
by Marcella

In 2000 the AACP called for an Urban Growth Boundary (UGB) "to conserve resources." In connection with the UGB, the 2000 plan stated that: "The City agrees to accept greater density within the boundary in exchange for the preservation of important open spaces in the outlying County and key parcels in the City, maintaining the separation between communities, and the prevention of sprawl." The concept was that the City would accept County TDRs for increases in density within the urban area.

MARCELLA LARSEN 8/18/11 1:55 PM

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[INSERT diagram from 2000 plan]

In mid-2000, the City upzoned much of the central core, in some instances tripling the allowed floor area and heights. No TDRs were required in connection with the upzonings and mitigation requirements were relaxed. A flurry of land use applications resulted, primarily luxury fractional interest projects and high-end commercial with luxury penthouses on the top. These developments met the underlying city code but many were not supported by the public.

In this plan, we call for an analysis along with computer modeling of the city's zoning in the urban core. While the adopted design standards may be helpful on some level, the initial premise for the upzonings (i.e., the preservation of rural lands) should be reexamined.

After the upzonings were adopted, several major land use applications for the downtown were submitted. The public expressed serious concerns that the downtown would lose its character, and turn into a series of tall monolithic buildings. At the same time, some longtime local-serving businesses such as Aspen Drug were converting to other uses. Concerned about potential negative changes to the built environment and the erosion of local-serving uses, the City Council responded by adopting a moratorium in April 2006.

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Deleted: , in an effort to prevent further urban sprawl. The concept was to encourage higher density development that met community goals in urbanized areas, with much lower density development outside of the UGB.

As a result, some changes were made to the city code, including some reductions in allowed floor area and heights, along with the adoption of "design standards." However, due to the density and intensity allowed by the current regulations and flexible processes like PUDs and COWOPs, there continues to be considerable opposition of most new development under the code. This results in substantial uncertainty for both the public and land owners.

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Deleted: s new code changes were adopted to encourage infill and lodging, the national economy dramatically improved and

Between 2000 and 2010, most construction activity occurred in the form of more than 270 homes being demolished and replaced with new and larger homes. In terms of size, the average demolition and replacement project nearly doubles the square footage built on the lot. Single-family homes that were demolished between 2000 and 2007 averaged about 3,000 square feet, while the home that replaced it averaged about 5,500 square feet.

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Deleted: In 2007, the Council adopted extensive changes to the Commercial and Lodging Design Standards, including new restrictive regulations and a mandate to substantially vary heights, to ensure that new building fit in with their context. The overall focus shifted from infill to neighborhood compatibility as the top priority. To date, no major development in the downtown has come forward to put the 2007 design standards into practice.

Since adoption of the 2000 AACP, Pitkin County modified the Land Use Code to limit house size to 5,750 square feet, allowing larger homes up to 15,000 square feet within the UGB only upon purchase of transferable development rights (TDRs) from remote or agricultural properties in the County or through an enhanced review process.

Since 2000, there has been a focus on public projects, including the Aspen Recreation Center, Colorado Mountain College (CMC), the Pitkin County Animal Shelter, extensive redevelopment at the Aspen School District campus, a new downtown fire district

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headquarters and a new fire district substation at the Aspen Airport Business Center. More recently, City Council approved an expansion of Aspen Valley Hospital and a new Aspen Art Museum. Today, preliminary planning continues for a renovated Galena Plaza an expansion of the Pitkin County Library, as well as implementation of the Airport Master Plan.

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Regarding affordable housing, the continued conversion of locally-owned homes to 2nd homes and higher real estate prices downvalley has limited options for Aspen area workers. While the retirement of workers in affordable housing is a minor phenomena at this time, demographic projections clearly show it will become a critical issue over the next 10 to 20 years,

In March 2010, the City Council adopted an Affordable Housing Certificate Program to encourage private sector involvement in the creation of Community Workforce Housing, and as a method to provide mitigation in a more timely manner.

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