



Date: March 15<sup>th</sup>, 2023

To: Mayor Kudron and the Trustees

From Kim White, Community Development Director

RE: **Quasi-Judicial Public Hearing:** Daven Haven Planned Development Amendment #3, Continued from 02-15-2023

### **Purpose**

The Town has received a request for an Amended Final Plat and Development Plan for the Daven Haven Cottages Planned Development. The request proposes to subdivide the property to allow for an additional parcel, parcel 5, in order to construct a new residence and modify parcel lines within the Planned Development. The Barnes Family Trust is the applicant represented by Carey and Gregory Barnes. A copy of the Third Amendment Plat is attached (exhibit A) with updated Mutual Easement Agreement (Exhibit B) and HOA Declarations (Exhibit C).

Per the Code, amendments to previously approved plats and plans are to be made by the Board of Trustees with recommendation by the Planning Commission. Amendments shall be considered as a new development application and shall follow the provisions for standards and specifications set forth in the Code. (§12-9-7).



### **Background**

The Daven Haven Planned Development (PD) consists of 2.44 acres. The PD includes a lodge building, accessory structures (maintenance building, numerous sheds, a gazebo), and 12 residential



cabins with area for open space, parking and snow storage. The underlying zone district for this PD is Resort.

The subject property was included as a part of the Marina Drive Minor Subdivision platted July 10, 2000 . A brief amendment history is provided in the table below.

|      |   |   |  |  |  |
|------|---|---|--|--|--|
| 2001 | Marina Dive Minor Subdivision<br>(REC 2002-007243)                  | Subdivide 4+ acres into 3 parcels                             |  | Easement for Structural Encroachment into Public ROW<br>Ordinance 13-2001                        |  |
| 2002 | Daven Haven Cottages Planned Development<br>(REC 2008-007245)       | Subdivide and create PD "overlay" (Resort zoning designation) | Planned Development Plan<br>Ord 4-2002<br>FDP for PD | Subdivide Parcel 3 (2.4 acres) into two parcels, 18-unit townhouses (Parcel 3) Lodge (Parcel 4). | SIA for public improvements to Cairns Ave, Marina Drive internal road and parking area, water sewer and hydrants. replace pool with gazebo as GCE        |
| 2008 | Daven Haven Cottages Planned Development<br>(REC 2008-011705)       | First amendment   |  | Removed future cabin sites   |  |
| 2011 | Daven Haven Cottages 2 <sup>nd</sup> Amendment<br>(REC 2012-002995) | Second amendment  | PC Resolution No. 13-2011                            | Define parcel boundaries for 3 and 4.  | Subdivide land for Lodge (parcel 4 (.39 acres)) and reduce land for cabins / HOA (parcel 3 - 2.05 acres) removal of garages increased snow storage area. |
| 2012 | Correction Plat Daven Haven Cottages<br>(REC 2012-009954)           | Correct previous plat errors                                  |  | Correct building dimensional and site data errors  | Amended and restated decs (cap of 12 units) .<br><br>Parking for lodge – 20 spaces<br>Parking for cabins – 24 (two /cabin)                               |
| 2023 | 3 <sup>rd</sup> Amended final Plat Daven Haven Cottages             |   |  | Applicant needs to provide info. Include stated purpose for replat.                              | Need clarification Status of Mutual Easement Agreement   |



## **Notice of Hearing**

Legal Notice was published in the Middle Park Times on December 29<sup>th</sup>, 2022 for the original hearing, which was continued to this date. Additionally, 16 certified mailings were sent, return receipt requested, to property owners within 200' of the subject parcel on December 23, 2022. As of the date of this memo 11 adjacent property owners have signed as having received the notice. No formal written comments have been received.

### **Planning Hearing 2/15/2023 Overview**

Planning Commission reviewed the proposed Planned Development Amendment on February 15<sup>th</sup>, 2023 and found that it met all of the requirements of 12-2-25 (Appendix A, below), with a few minor exceptions. The Planning Commission made the following recommendation to the Board of Trustees which is reflected in the attached BOT Resolution 08-2023.

#### Planning Commission motion:

"Planning Commission moves to have Staff work with the attorney to draft a Resolution to recommend the Daven Haven Planned Development 3rd amendment with the following conditions:

1. that proof of lienholder consent is received by staff prior to the Board of Trustees Hearing.
2. The Applicant remove the trash encroachment from the Town Right of Way and screen it from public.
3. Change the southern egress of the parcel to emergency exit only
4. Include a note on the plat stating no future driveways will be allowed on Cairns Ave."

In response to the recommendation by the Planning Commission, the Applicant has:

- 1) Mailed certified letters to all lienholders notifying them of the proposed changes to the PD. The lienholders have 30 days from receipt of letter to protest the amendment, or otherwise agree with the amendment.
- 2) Agreed to remove the portion of the concrete pad that is in the Cairns right of way and build a trash enclosure to screen the dumpster once the ground is thawed. See attached letter from Trash Company stating the location of the dumpster cannot be moved (Exhibit D)
- 3) Replace the signage reading "Guest Exit", with "Emergency Exit only"
- 4) Included a note on the attached plat stating no driveways to be allowed on Cairns (Exhibit A)

### **Staff Recommendation**

Staff recommends that the Board review the outstanding items and discuss any items it deems incomplete or in need of more information. If all items meet the guidelines of the municipal code for completion, staff recommends a favorable motion with the condition that proof of lienholder consent is received prior to Mayoral sign off and recording of the plat.



### **Motion**

After closing the Public Hearing, the Board may make the following motion:

- The Board of Trustees moves to adopt Resolution 08-2023 Approving the Daven Haven Planned Development 3<sup>rd</sup> amendment with the following conditions:
  - 1) that proof of lienholder consent is received prior to the Mayoral signature and recording of the plat.
  - 2) The Applicant remove the portion of concrete that is encroaching on the Cairns ROW and build a privacy fence around the Trash area by \_\_\_\_\_.
  - 3) \_\_\_\_\_

OR

- Move to continue the matter- move to gather more information and continue to a date certain.

OR

- Motion to Deny the Daven Haven Planned Development 3<sup>rd</sup> amendment based on the following: \_\_\_\_\_



## Appendix A: Required Information Reviewed at Planning Commission Public Hearing 2/15/2023

- a. The Barnes Family Trust is not the sole owner of the area that is included in this application request to amend the Daven Haven subdivision and development plan. A statement of ownership is required. Provide **all** the property owners, including any **lien holders and parties having a real interest in the property**. This amendment requires owners authorization and signatures. If owners are represented by a power of attorney having signature authorization provide the supporting documents stating power to sign. (including the HOA)
- b. Provide a Current Title Commitment – *up-to-date Owner and Encumbrances has been received for all properties associated with the Planned Development.*
- c. Provide a narrative description of the character of the proposed development; goals and objectives; explanation of the rationale behind the request, explanation of conformance to the Comprehensive Plan. *-Received*
- d. A description of the existing conditions and proposed changes. Identify any improvements necessary for access, open space Clarify anticipated legal treatment of common ownership and maintenance of said open space areas. *- Received*
- e. A description of proposed covenants, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development. *- Received*
- f. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; gross and net residential, commercial densities; total amount of open space (separates figures for usable or improved open space); total amount of non-residential construction (including a separate figure for commercial,) with the amount of open space associated. *- Received*
- g. Add Note documenting the proposed maximum height of all buildings. -agreed during original PD negotiations in 2001 (PC resolution 02-2001) *-Complete*
- h. Add Note referencing proof of legal, appropriated private water rights and/or source of proposed water service. *-determined in 1996-2001 hearings*
- i. Add Note referencing proof of sewer service availability and service provider. Follow technical drawing requirements per Code. *- Received*
- j. Name of the proposed development shown on a vicinity locator map at a legible scale. *- Received*
- k. Graphic depicting Site conditions [including contours at two foot (2') or less intervals, water courses, flood plains (i.e., 100 year), unique natural features, and vegetation cover]. *- contours not necessary for this project; vegetation shown in plan view image-requirement waived.*
- l. The location and floor size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and non-residential structures, including non-residential facilities. *-location and type of existing buildings shown. Proposed buildings on parcel 5 not designed at time of plat, however restrictions have been listed on the plat for future construction with a max height (28'),*



*minimum setback from Cairns (10') and maximum density (1 Single family structure), underlying zoning of Resort.*

- m. Clearly identify the location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public open spaces or parks, recreational areas, and similar public and quasi-public uses. *General common elements shown*
  - n. Clearly identify the proposed circulation system of streets and ways including pedestrian and bicycle paths, off-street parking areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). – *Easement/maintenance agreement updated to be recorded at time of approval.*
  - o. Notations of proposed ownership - public or private - should be included where appropriate. *- Received*
  - p. Add Information on land areas adjacent to the proposed Planned Development including land uses, zoning classifications, unique natural features of the landscape? – *neighboring properties shown*
  - q. Add the existing and proposed utility systems and easements including sanitary sewers, storm sewers, and water, electric, gas and telephone lines *-shown in 1996-2001 hearings*
  - r. A landscape plan indicating the treatment and materials used for open spaces, and a revegetation plan showing treatment of disturbed areas. *-determined in 1996-2001 hearings*
  - s. Add any proposed treatment of the perimeter of the Planned Development, including materials and techniques used such as screens, fences and walls *-determined in 1996-2001 hearings*
  - t. The snow removal and storage plan. *Meets code standards.*
  - u. The applicant shall provide an address mylar (14" x 18" black line) that includes the following:  
address(es) as assigned by the Town of Grand Lake, north arrow, name of the development, identification of legal description (lot & block, parcel, unit, etc.), road names and adjoining subdivisions, for the Grand County Department of Planning and Zoning. *-Received*
  - v. The applicant shall provide a closure sheet including (lots with dimensions and ties to monumentation, bearings and distances, *- Received*
1. Add a general note that the Daven Haven Planned Development final plan and subdivision plat have been combined with this application. *-Complete*
  2. Provide the updated ingress/egress provisions and maintenance of Daven Haven Lane/Cottage Drive. *-Complete*
  3. Mutual Easement Agreement (Rec #2012003170) has been updated and is noted on the plat. The HOA covenants have been updated and are included. *-Complete* Both documents will need to be recorded. Applicant is responsible for all recording fees.
  4. Planning Commission Signature Block has been added. *-Complete*
  5. HOA signature block has been added. *-Complete*
  6. A statement of consent stating the owners and members of the HOA have agreed to allow the single signature block has been received by Staff. *-Complete*
  7. A Purpose statement has been added to the plat. *-Complete*





8. Amendment History of the property is listed on the plat. **-Complete**
9. Lodge Trash has a concrete pad that is located partially in the Cairns ROW. Previous encroachment license denied in 2010 (See information attached with Resolution 15-2010).  
***2/15/2023 Planning Commission recommended that the portion of the pad that is in the encroachment be removed and the remaining area be fenced with privacy fencing.***
10. Reference to Lodge building encroachment ordinance 13-2011 is on the plat. **-Complete**
11. Underlying zoning of Resort District noted on the plat. **-Complete**
12. Conditions of height limit of "28'" (PC resolution 02-2001), side and rear setbacks set by code, except where existing buildings are currently located, has been added. **-Complete**