



Date: January 16, 2023

To: Chairman Shockey and the Planning Commission

From Kim White, Community Development Director

RE: Quasi-Judicial Public Hearing: Amended Planned Development Plat and Development Plan

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, to construct a new residence and modifies 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.

The Daven Haven Planned Development (PD) consists of 2.44 acres. The PD includes a lodge building, accessory structures (laundry building, 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.

Project Amendment History

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 (REC 2002-007243)	Subdivide 4+ acres into 3 parcels		Easement for Structural Encroachment into Public ROW Ordinance 13-2001	
2002	Daven Haven Cottages Planned Development (REC 2008-007245)	Subdivide and create PD "overlay" (Resort zoning designation)	Planned Development Plan Ord 4-2002 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 (REC 2008-011705)	first amendment		Removed future cabin sites	
2011	Daven Haven Cottages 2 nd Amendment (REC 2012-002995)	Second amendment	PC Resolution No. 13-2011 Ordinance #	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 (REC 2012-009954)	Correct previous plat errors		Correct building dimensional and site data errors	Amended and restated decs (cap of 12 units) .	Parking for lodge – 20 spaces Parking for cabins – 24 (two /cabin)
2023	3 rd 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 29th, 2022 advertising the date and time of this Hearing. 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 comments have been received.

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). If an application is deemed incomplete, after the deadline for submission, the application should not be heard by the Planning Commission.

STAFF RECOMMENDATION

Per the Code, the Commission is to make a recommendation to the Town Board of Trustees regarding the proposed amendment. The Commission may open the Public Hearing, take public comment and close the Public Hearing prior to turning the matter over to the Commission for Commission discussion and action.

The Commission may

- APPROVE or DENY the request and make a motion and recommendation to the Town Board,



- Move to continue the matter- move to gather more information and continue the Planning Commission's review until the Commission is ready to make a recommendation to the Town Board.

Staff's review of the request finds that the application is incomplete. The Code states that if an application is deemed incomplete, after the deadline for submission, the application should not be presented to the Planning Commission.

In staff's recommendation that missing items from the application (listed below) need to be provided, to assure a complete review of the request. Additionally, there is information lacking on the plat as submitted that needs to be addressed prior to an action that would allow the recordation of the plat.

Staff recommends that the Planning Commission continue to a date certain when the applicant has had time to provide the required information. Staff has not received updated declaration and covenant information, nor sufficient notes on the amended plat for adequate review and determination to make a recommendation to the Commission.

Required Information

- 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 – Parcel 4 received, missing parcel 3**
- 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. - **narrative of project on plat required**
- 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). – **Provide a table with calculated open space for each parcel on plat; % of total etc.**
- 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. – **Add notes referencing the recorded declarations, lodge encroachment, road maintenance agreement, ingress/egress of all parcels for emergency**
- 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. – **required table with detailed data for each unit in the PD.**

- g. Add Note documenting the proposed maximum height of all buildings. *-agreed during original PD negotiations in 2001 (PC resolution 02-2001)*
- 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.
- j. Name of the proposed development shown on a vicinity locator map at a legible scale. -
- 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]. -
grading and vegetation not shown
- 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, and density not shown.*
- 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. *-size on plan is unclear.*
- 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). –
the ingress/egress for parcel 3 & 5 into the alley and of 4 & 5 onto Cairns could be dangerous during an emergency with restrictions on access. Easement/maintenance agreement to be updated.
- o. Notations of proposed ownership - public or private - should be included where appropriate. - **Recommend a table to state the maintenance and ownership GCE and LCE (staff can provide sample document).**
- p. Add Information on land areas adjacent to the proposed Planned Development including (Lot 21 of what plat/filing?) land uses, zoning classifications, unique natural features of the landscape? -
- q. Add the existing and proposed utility systems and easements including sanitary sewers, storm sewers, and water, electric, gas and telephone lines *-Reference -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 (Reference 1996-2001 hearings)
- t. The snow removal and storage plan **requires update**. The snow storage is currently shown below 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. *-determined in 1996-2001 hearings*

- v. The applicant shall provide a closure sheet including (lots with dimensions and ties to monumentation, bearings and distances, - ***updated file required, can be submitted as pdf.***
1. Add a general note that the Daven Haven Planned Development final plan and subdivision plat have been combined with this application.
2. **Provide the updated ingress/egress provisions and maintenance of Daven Haven Lane/Cottage Drive.** Daven Haven Lane, is currently split between parcel 3 and 4 parcels and a maintenance and easement agreement exists. The Parcel 3 portion of Daven Haven Lane is currently noted to be a General Common Element (GCE) with the new plat proposal as a Limited Common Element (LCE) and a name change to Cottage Drive. The map does not show the boundary of the 18' road, (only the centerline is shown). Staff has not received the updated maintenance/easement agreement and thus cannot determine if the Town's code has been met.
3. Mutual Easement Agreement (Rec #2012003170) will need to be updated and noted on the plat. Update the covenants. Document will need to be recorded. Applicant is responsible for all recording fees.
4. ADD Planning Commission Signature Block.
5. ADD HOA signature block, and statement of consent stating the owners and members of the HOA have agreed to allow the single signature block.
6. ADD a Purpose statement on the plat.
7. Show Amendment History of property on the plat.
8. Lodge Trash has been added to parcel 4, encroachment into the public ROW is not permitted.
9. ADD reference to Lodge building encroachment ordinance 13-2011 on the plat.
10. ADD use table consistent with underlying zoning per the code for Resort District.
11. Add conditions of height limit of "28'" (PC resolution 02-2001), side and rear setbacks set by code, except where existing buildings are currently located.

Motion

Planning Commission moves to continue the hearing to (*a date certain* - February 1st, 2023) upon receipt of a complete application having been submitted and reviewed by staff prior to making a recommendation to the Board.

OR

Motion to Approve the Amended Planned Development with the following conditions: _____

Motion to Deny the Amended Planned Development based on the following: _____