

MINUTES
PLANNING COMMISSION
REGULAR MEETING
February 20, 2008
7:30 P.M.

- CALL TO ORDER: Vice-Chairman Dan Schneller called the regular meeting of the Grand Lake Planning Commission to order at 7:31 p.m. on February 20, 2008 at the Town Hall, 1026 Park Avenue.
- PRESENT: Vice-Chairman Dan Schneller; Commissioners Judy Burke, Robert Canon, Hoppe Southway, and Tom Weydert; Town Manager Shane Hale, Town Planner Abbi Jo Wittman, Town Code Enforcement Dan Korkowski and Town Clerk Ronda Kolinske.
- ABSENT: Chairman Marvin Fischer and Commissioner Rhone.
- APPROVAL OF MINUTES: Commissioner Burke moved to approve the minutes of the October 3, 2007 regular meeting as written, seconded by Commissioner Weydert. All Commissioners voted aye.
Commissioner Weydert moved to approve the minutes of the October 17, 2007 regular meeting as written, seconded by Commissioner Burke. All Commissioners voted aye.
- ITEMS OF BUSINESS: **CONSIDERATION OF A SKETCH PLAN REVIEW OF GRAND CAMP, A REDIVISION OF TRACT A, BLOCK 4, SHADOW PARK WEST. THE REQUEST IS TO SUBDIVIDE THE COMMERCIALLY ZONED LOT LOCATED AT THE CORNER OF HIGHWAY 34 AND MARY DRIVE INTO 20 COMMERCIAL/OFFICE/RETAIL CONDO UNITS** – Vice-Chairman Schneller asked Town Planner Wittman to present this matter to the Commission. Wittman explained that the Town received a request to approve the subdivision of *Grand Camp*, located on Tract A, Block 4, of Shadow Park West. Plans were presented on February 6, 2008, showing the creation of one (1) building on approximately 1.13 acres of land. This one (1) building would be constructed in two (2) separate phases. Each phase would include the creation of a new 50 x 100 foot addition. When completed, the two separate wings will be situated roughly a forty-five (45) degree angle of each other with a common elevator foyer between the two. The subject property, located off the intersection of Highway 34 and Mary Drive across the street from Conoco, is zoned Commercial. The applicant is requesting to subdivide that lot into 20 commercial/office/retail condo units. The

into the hillside but laid on the surface. Manager Hale noted that laying the rails closer to the grade would be best and was concerned with stream and lake setbacks.

Mr. King will provide a landscaping plan, specific grade of the property and more information on the operating noise level before the public meeting.

Commissioner Burke moved to set a Public Meeting for the tram proposal 1604 Grand Ave., a/k/a Lot 41 Block 3 Sunnyside Addition, for Incline Elevator for March 19, 2008, to be held in conjunction with the Boathouse Public Meeting, seconded by Commissioner Weydert and all Commissioners voted aye.

At 8:42 p.m. Vice-Chairman Schneller called for a recess. At 8:47 p.m. Vice-Chairman Schneller reconvened the meeting.

ITEMS OF BUSINESS:

CONSIDERATION OF A PRELIMINARY GENERAL DEVELOPMENT PLAN AND A SUBDIVISION PRELIMINARY PLAT FOR LOTS 3 – 5 AND LOT 18, BLOCK 1, SUNNYSIDE ADDITION TO THE TOWN OF GRAND LAKE AND LOTS 15 & 16, BLOCK 2, TOWN OF GRAND LAKE - Vice-Chairman Schneller asked Town Planner Wittman to present this matter to the Commission. Wittman explained that in February of 2007, Tom Ludwig of Tomlynson, LLC submitted a request for subdivision of Lots 3, 4 & 5, Block 1, Sunnyside Addition, which was officially withdrawn. In June of last year, the applicant submitted a request of a Planned Development (PD) that included the aforementioned lots, as well as Lot 18, Block 1, Sunnyside Addition, and Lots 15 & 16, Block 2, Town of Grand Lake. On June 20, 2007, the Planning Commission had a pre-application conference advancing the project to the Preliminary Plan approval. In September, 2007, a revised Preliminary General Development Plan was submitted and a pre-application conference, with the Planning Commission, was held on October 17th, 2007.

Since the Planning Commission's approval to move forward with the Preliminary General Development Plan, Staff has had five (5) meetings with the applicant, and/or his representatives. On February 14th, 2008, staff received application for a Preliminary General Development Plan of the Rapids, as well as a Preliminary Subdivision of Area I, The Rapids Suites I.

The revised submission of the Rapids PD includes:

Lots 3-5, Block 1 (Area I – 'Rapids Suites I') – Currently there is one apartment building, constructed in 2003, with eight (8) long-

term, one-bedroom, rental units. The applicant is proposing subdivision of this existing structure and eight (8), one-bedroom condominium units would be the result of this subdivision. One of the units would contain 350 square feet of mechanical access, as well as use for Tomlynson, LLC. Unit #8 is proposed as an Inclusionary attainable housing unit. This is the Preliminary Subdivision request, submitted in conjunction with the Preliminary General Development Plan.

Lots 3-5, Block 1 (Area II – ‘Rapids Suites II’) – Adjacent to the existing apartment building, currently being proposed to be subdivided, there are three (3) rental cabins. The applicant is proposing to demolish the three rental cabins and construct four (4) two-bedroom condo units.

Lots 15 & 16, Block 2 (Area III – ‘Rapids Row’) – Currently there are two one-bedroom cabins on these lots. The applicant is proposing removal of the one (1) one-bedroom cabin, currently located on Lot 15, to construct one (1) building with three (3) commercial stores on the first level and three (3) two-story, two-bedroom condos on the second and third levels. The proposed building would run along Park Avenue, the southern border of both Lots 15 and 16, Block 2.

The applicant is proposing to retain the currently-existing cabin located on the northern boundary of Lot 16 until the time that ‘Rapids Row’ condos would be built; the cabin would stay under commercial use. Once the ‘Rapids Row’ condos are built, the applicant may decide to remove the cabin to build two (2) additional one-bedroom condo units on the north boundary of Lot 16.

Lot 18, Block 1 (Area IV – ‘Rapids River Suites and Restaurant’) – Currently Area IV contains the Rapids Lodge and Restaurant. The main floor of the existing structure contains the restaurant, while the second story currently has individual hotel rooms. The applicant is not proposing any exterior structural changes, but is proposing a major overhaul of the existing facility with the construction of a brand new post and beam structure within the current building. The applicant is proposing the creation of three (3) two-bedroom, second-story condo units to be located above a newly-upgraded restaurant.

Lot 18, Block 1 and Lots 15 & 16, Block 2 are zoned Commercial Transitional (CT); uses ‘Permitted by Right’ in the CT District include Condominiums and Townhouses. Lots 3-5, Block 1, are zoned Multiple Family Residential – High Density (RMH); uses ‘Permitted by Right’ in RMH include both Single and Multiple Family Dwelling Units.

Wittman stated this includes a land subdivision, so the 7% land dedication is required. The applicant is proposing that the 7% publicly-dedicated land be waived since they are complying with the Town's not yet adopted 10% Inclusionary Zoning policy. The applicant is stating that at least 10% of the total PD will be achieved by creating two (2) attainable units. One of these units would be located in the 'Rapids Suites I' building and the other would be located in the 'Rapids Suites II' building.

This is a three-step process - Pre-application Conference, Preliminary General Development Plan, and Final Development Plan - involving the Planning Commission, prior to moving to the Board of Trustees. The second step, where we are at this time, is the Preliminary General Development Plan.

The Rapids PD is in compliance with Section 12-2-24 of the Town Zoning Code.

The Rapids PD complies by meeting the following criteria:

1. *Be determined to be unique and of a character that will benefit the community in an overall manner.*
2. *Ensure that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning overlay will not be applied in a manner which would distort the general objectives of the zoning laws.*
3. *Provide a technique of development which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.*

The proposed Planned Development is in compliance with the Master Plan. A key goal of the Town of Grand Lake Master Plan is to direct development to maintain and improve the character and quality of life in Grand Lake as growth occurs, to understand and anticipate the consequences of growth and development, and to plan for a desirable type of growth. The Master Plan has identified this area to be rezoned to a Multi-Family District and also encourages vertical zoning as a key development element. It explains that,

Vertical zoning is a key element that will be necessary to ensure that new projects adequately contribute to Town revenues... The purpose of the vertical zoning is to maximize the value and use of the first floor in terms of improving the guest experience and in terms of increasing Town revenues.

In addition, the Master Plan recommended that Inclusionary Zoning be added to Multi-Family Districts. As stated, the applicant is willing to comply with Inclusionary Zoning requirements.

Prior to proceeding, staff would like to address the following items for Planning Commission discussion:

1. The maximum allowable building height is 35'; the applicant is proposing 37' 6". *The architect for the project has confirmed that the revised maximum height is 35 feet.*
2. The proposed setbacks are not compliant with the current setback restrictions for the RMH Zone.
3. Portions of the PD are located within the 100 year floodplain. *The federal flood plain map the applicant provided does not adequately show how the area will be affected by a hundred year storm.*
4. Due to the subdivision requirements, the applicant is proposing that the 7% dedicated public land be met through the development of two (2) attainable units. The Planning Commission should discuss its willingness to entertain the idea that the 7% land dedication requirement could be waived if a project has an Inclusionary Zoning component.
5. Staff has been unable to calculate the open space as it is not calculated on the plat.
6. The applicant is asking that the parking easement, running in-between 'Rapids Suites I' and 'Rapids Suites II' be reduced from 50' to 24'. *The applicant is defining a curved covered parking easement.*
7. The 350 square feet reserved for mechanical access in 'Rapids Suite I' would be a part of the unit that would be reserved for the use of Tomlynson, LLC. In a RMH zone, the minimum floor area, per dwelling unit, is 500 square feet.
8. The applicant has submitted a traffic report. The Planning Commission needs to address whether it deems this report sufficient in meeting the requirement of a traffic study.
9. A portion of the property is located within the floodplain. Grand County does not participate in the FEMA mapping program so it has been difficult for the applicant to provide drawn data of the 100-year storm. The applicant has provided the Federal Insurance Rate Map but the map does not adequately represent how much of the subject property may be affected by a 100-year storm.
10. The applicant is proposing that some of the snow storage is placed in areas labeled 'Open Space'. Staff is favorable to the concept since the landscaped areas are being

designed to take drainage, but the Planning Commission should discuss this idea.

11. Prior to Final Plat, the applicant will need a correction deed due to a wrong section number in the sale from Antonette Nigro. *The applicant has promised to do this.*
12. The total amount of lien holders is much larger than town staff has seen in other developments the issue will go to the Town Attorney for advice; staff just wanted to let the Planning Commission know that it may be an issue.

A Public Meeting is the next step in the PD process. Comments from property owners within a 200' radius of the lots will be requested before the meeting. Staff recommends that the Planning Commission set a Public Meeting for March 19th, 2008.

Tom Ludwig, owner and applicant, and Dean Cinocco, architect, were present to respond to questions.

Commissioner Burke asked for explanation of setbacks. Town Planner Wittman responded that in a Planned Development, setback can be determined.

Dean Cinocco explained concerns regarding the parking easement. Parking easements will remain, they are just defining it as a structured parking surface. Now it is a 50 ft. undeveloped parking easement; with the development it can actually be used for parking and emergency access.

Flood plain issues were discussed. Detailed mapping by Grand County is not available at this time but the County Planning and Zoning Department will require an engineer's report. Tom Ludwig noted that the last sandbagging of the area was in 2003 and was done to preserve the house on the next lot south of the Rapids Lodge, water did not come up to the Lodge building. Flood insurance may be available only to those in a flood plain.

The use of Inclusionary Zoning to provide deed restricted attainable housing instead of the 7% land dedication was then discussed. Town Manager Hale stated that the development will meet the 10% Inclusionary zoning requirements. Mr. Cinocco noted that the Planning Commission should keep in mind that it is more expensive for the developer to provide a living unit than the 7% land dedication because they are using the land to build the unit plus providing infrastructure including parking. One or the other requirement should be used, not both.

After discussion, it was determined that the Commission is conceptually in favor of using Inclusionary Zoning requirements instead of the 7% land dedication for this project. Inclusionary Zoning will be discussed later in a joint meeting with the Board of Trustees.

Commissioner Weydert moved to set a Public Meeting for a Preliminary General Development Plan and a Subdivision Preliminary Plat for Lots 3 – 5 and Lot 18, Block 1, Sunnyside Addition to the Town of Grand Lake and Lots 15 & 16, Block 2, Town of Grand Lake for March 19, 2008, seconded by Commissioner Burke and all Commissioners voted aye.

ITEMS OF BUSINESS:

CONSIDERATION TO CONTINUE TOWN INITIATED REZONING – Vice-Chairman Schneller asked Town Planner Wittman to present this matter to the Commission. Wittman explained that in 2006, the Planning Commission and Board of Trustees adopted the Master Plan for the Town of Grand Lake. Town staff, the Board of Trustees, the Planning Commission, consultants, Advisory Committee members, residents and business owners collaborated over a period of 22 months - from March 2004 to February 2006, to develop the Grand Lake Master Plan. The Master Plan was provided to the public for review at each key step of the process.

The Plan called for a major rezoning of the Town in order to better develop the Town as it nears build out. The Town initiated rezoning is in compliance with the 2006 Comprehensive Plan. The Board of Trustees motion made on February 26, 2007 to initiate the rezoning of certain properties in the Town of Grand Lake, based on the rezoning map labeled “2007 Town of Grand Lake Comprehensive Plan Proposed Rezoning Map February 26, 2007”.

The first rezoning was undertaken along Park Avenue, and ended with a compromise between the Town and the residents. Following this process, staff, the Planning Commission, and the Board of Trustees re-evaluated the properties that remained to be rezoned, and created a new map with those priorities.

As per the “2007 Town of Grand Lake Comprehensive Plan Proposed Rezoning Map”, the Town has completed one (1) of the proposed rezoning areas. It is time to start the process for rezoning our next section of the Town.

Staff is seeking direction from the Planning Commission as to whether or not Section #2, as currently identified on the “2007 Town of Grand Lake Comprehensive Plan Proposed Rezoning Map”,