



Date: July 20, 2022

To: Chairman Shockey and Commission
From: Kim White, Community Development Director

RE: Old Business: Recommendation and Review of 2016 Variance Request to Allow “Service Road” Access to Lots 9-11, Block 36, Town of Grand Lake.



Purpose:

The Applicant has asked to continue work on the “service” road that was approved with conditions on November 7th, 2016. The conditions were to obtain and record signatures for easements and drainage. Staff has not found evidence of required executed documents.

Staff is requesting Planning Commission to review current status of the project and determine if all conditions were met to move forward with construction per 2016 granted variance guidelines.

Background:

March 17, 2004 – The Planning Commission reviewed the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. In general, the comments made by the Commissioner regarded the round-about being proposed at the intersection of Center Drive and W. Portal Road and did not approve or acknowledge the frontage road shown in Lake Avenue.

June 28, 2004 – The Board discussed with Town Staff the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. This was the first time a “service road” was presented as a construction alternative for Lake Avenue. According to Town records, the owners of the adjacent lots were not in favor of the service road because it required easements across their property.



August 4, 2004 – The Commission reviewed a variance request for access to Lots 11-15, Block 36, Town of Grand Lake. The Commission directed the developer to construct the Lake Avenue roadway and not include the service road.

Sept. 21, 2005 – The Planning Commission adopted Resolution 4-2005 which granted variance to the Municipal Code.

October 5, 2005 – The Planning Commission adopted Resolution 5-2005 which repealed and replaced Resolution 04-2005. This is the variance as shown on the Diamondback drawings dated September 15, 2005 at reception #2005-014427. Agreed to by Vince Verbal, owner of Lots 11-12, Block 36; Stephan Playter, owner of Lots 13-15, Block 36.

March 6, 2006- Morris King submitted and signed a letter stating that all requirements of resolution 5-2005 have been completed except the reseeding of the disturbed areas.

June 1, 2016 – The Commission reviewed the initial variance request to construct the “service road” for access to Lots 9 & 10, Block 36. At the Public Hearing, Vince Verbal, the owner of Lot 12, Block 36, believes his property would be negatively impacted if the “service road” as shown was granted. Doug Anderson, the owner of Lot 11, Block 36 wanted the Lake Avenue roadway to be fixed in order for him to have access to his property. The Commission continued review until the Applicant could revise their submittal based on Staff recommendations.

August 17, 2016 – The Commission reviewed a design build request from the Applicant for the construction of Lake Avenue. The Commission continued review to allow the Applicant to explore the frontage road concept with conditions which included:

- Provide adequate drawings for staff to provide a recommendation
- Provide a list of variances
- Signoff from lot owners of 11 & 12.

October 5, 2016, - Commissioners motioned to approve the frontage road concept with the plans dated 9/23/16 provided by Bowman with the following conditions:

1. A maximum 15% grade for the frontage road.
2. The frontage road servicing a maximum of four (4) residential lots.
3. The frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet.
4. Full plans be developed and approved by Staff before going to the Board of Trustees;
5. Drainage easements and grading easement shall be obtained prior to Board of Trustee review.
6. Any other standards be met in order for a Right of Way Permit to be issued.

November 7, 2016- Trustees voted to grant the variance to construct a frontage road with 15% grade subject to conditions from the Oct. 5th 2016 Planning Commission meeting.

June 23, 2017- Letter of intent to build the Lake avenue “service” road was sent to Town of Grand Lake Planning office stating that the “service” road was approved in 2016 and plans for the construction of the road and future log homes.



Spring 2017- construction began on the road, utilities were installed. It was noted during construction that the grade was too steep from the “service” road to enter the lots 9 & 10 from the south property line.

October 18, 2017 –Planning Commission heard a proposal to alter the previously approved 2016 variance because “the service (or frontage) road, as currently proposed, would not allow access to his lots (9, 10, 11) from below and instead required access from a driveway off of Walden Street”. Commission directed staff to discuss the best way to proceed with Mr. Jenkins

Sept, 13th, 2019 – Planner Shull emailed Mr. Jenkins and stated that Mr. Jenkins chose to put off construction of Lake Ave in lieu of working on the Gateway Inn, and that he had not had discussions with Mr. Jenkins on alternatives to the 2016 plans.

Municipal Code:

11-2-3 - Roadway Design and Technical Criteria.

(H)Temporary Unpaved Street.

1.Under certain circumstances, the Town Staff may allow either a delay of final paving of a new street, or a delay in the final lift, until the following construction season to allow sufficient time for roadway stabilization or until a certain percentage of build out occurs.

(a)In those cases, all street construction up to and including base work shall be completed.

(b)While unpaved, the Town of Grand Lake shall require maintenance such as, but not limited to dust control and continuous grading.

(c)Unpaved streets shall be graded to a three percent (3%) crown and then re-graded and compacted as required by these standards prior to paving.

(d)Unpaved streets may not be accepted by the Town for maintenance purposes.

11-2-4 - Roadway Specifications.

(B) Additional Guidelines for Private Streets

(4) Private streets shall afford abutting properties reasonably adequate access for entry by private and emergency vehicles and should be designed to standards at least equal to public streets.

11-2-4-(D)(2) Horizontal Alignment.

(f) Broken Back Curves. Broken back curves consisting of two (2) curves in the same direction joined by a tangent less than fifty (50) feet shall not be used in the Town of Grand Lake, except on local streets with prior **approval from the Town Staff.** *(Staff is okay with this request)*

11-2-4 (D)(3)Vertical Alignment.

(c) Grade. The minimum and maximum grades as measured at centerline shall be one percent (1.0%) and eight percent (8.0%), respectively. Grades in excess of eight percent (8.0%) will require a variance request. *(This was sought in 2016 and approved with conditions)*



11-2-4-(D) (6) Continuation of Roadways and Trails.

(b) Streets shall be extended to boundaries of the property, where practical, except where such extension is prevented by topography or other physical conditions... *(This is shown in plan)*

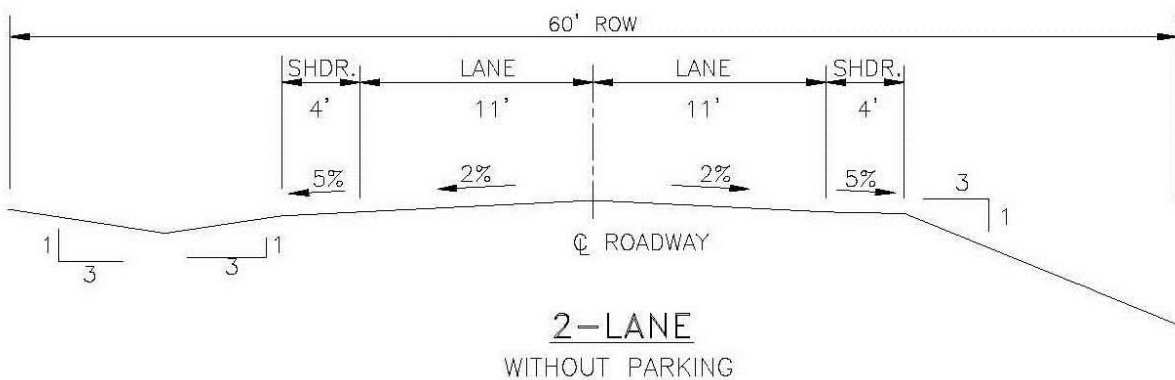
(c) Where future extension of a street is anticipated, a temporary turn-around meeting Town cul-de-sac standards, may be required. *(A cul-de-sac is shown on the plan at Lake Ave. Not necessary on Walden St. due to grade)*

11-2-4-(D) (7) Shoulder Standards.

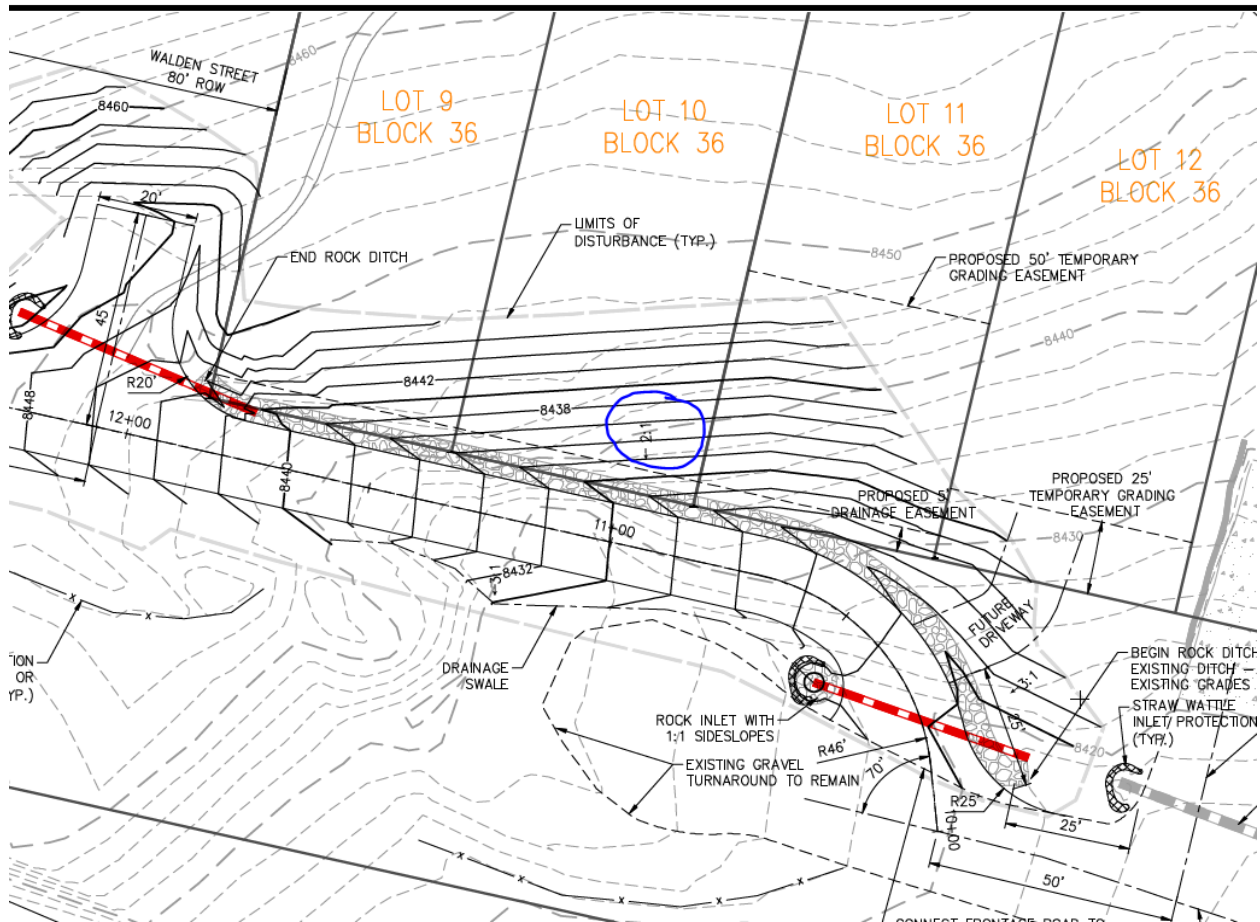
(a) Width. The width of improved shoulder will vary with use and location. The improved shoulder shall consist of six (6) inches of compacted road base at grade with the improved roadway surface. The decision to allow or not allow parking shall be made by the Town. *(The Town does not require parking here)*

(b) Side Ditches. Side ditches shall be used in all cut sections. All roadside swales shall be sized to handle the historical 100-year storm flows tributary to the street, unless alternate routes for the major runoff are provided. *(Staff is unclear if this is sized for a 100-yr storm, or alternative)*

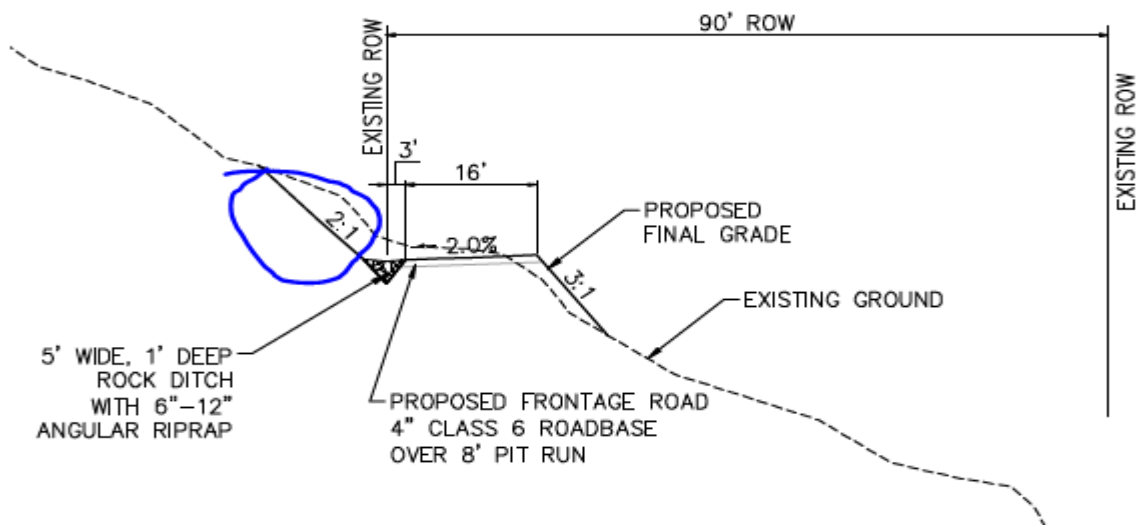
Culvert sizes shall be designed to carry the 100-year historical flows. The slope from the edge of the shoulder to the bottom of the side ditch shall not exceed 3:1. In cases where adequate erosion control measures are designed, a steeper grade may be utilized, not exceeding 2:1. *(Plan shows grade as 2:1 on north side of ditch and 3:1 on south side. Erosion control plan must be submitted)*



ToGL M.C. Figure 3: - Road Templates—Local Street



Applicants Design for Approved 2016 Variance with Conditions.



Proposed section "service" road for 2016 variance application



Staff Comments:

- Staff suggests an update of the plans to reflect existing conditions as well as current license stamps on plans.
- Staff suggests Erosion Control Plan and Grading plan to be reviewed by a 3rd party prior to issuing new permit to dig.
- 2016 Variance document requires easement documents for Drainage and Grading be recorded prior to commencing work.

Commissioner Discussion:

- Is there sufficient evidence that all of the conditions are met to move forward with construction per 2016 granted variance guidelines?
- Should the 2016 “service” road variance be combined with the Driveway variance request in one request?
- After 6 years, does the 2016 variance need to be updated or can it proceed as is with new stamped documents?

Suggested Motion:

- Recommend Staff to proceed with processing construction permit for “service Road” as stated on 2016 Variance; or,
- Recommend Staff to proceed with processing construction permit for “service Road” as stated on 2016 Variance with conditions; or,
- Recommend Applicant to Update Plan and Submit to Planning Commission and Board of Trustees for Review; or,
- Recommend Denial of 2016 Plan as is with Reasons.