

for which he has already obtained a building permit for.

Chairman Southway asked if any other members of the audience would like to provide public comment. None of the other members of the audience chose to provide public comment. Chairman Southway closed the Public Hearing.

The Commission had a brief discussion on the permit including the contractor doing the work and the requirements for a completed building permit application.

Commissioner Shockey moved to recommend approval of the building permit; seconded by Commissioner Gilbert. All Commissioners voted aye.

ITEMS OF BUSINESS:

**PUBLIC HEARING – CONTINUATION OF CONSIDERATION TO RECOMMEND GRANTING VARIANCE TO THE MUNICIPAL CODE 11-2 STREET DEVELOPMENT POLICIES, STANDARDS, AND SPECIFICATIONS LOCATED IN THE LAKE AVENUE RIGHT OF WAY ADJACENT TO BLOCK 36 AND BLOCK 43, TOWN OF GRAND LAKE** - Chairman Southway opened the Public Hearing and asked Town Planner Biller to present this matter to the Commission.

Planner Biller stated the Town has received a Variance Request Application from Tom Jenkins which requires Planning Commission review. The Commission reviewed the initial application at their June 1st regularly scheduled meeting and reviewed a revised request at their August 17th regularly scheduled meeting. Subsequently, the Applicant has submitted a revised exhibit to the Town for Commission review.

The Applicant's original variance request included the following:

- Grades of 15% which exceed the 10% maximum allowed for a driveway
- Private driveway for eight (8) lots which exceeds the maximum allowed of two (2) single family residences
- Intersection grades exceeding 4% within the first 25'
- Reduction in the minimum 25' offset for driveways

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 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.

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.

Municipal Code 11-2-11 [Street Development Policies, Standards, and Specifications Variance Request] Hardships for Consideration states:

*(B) Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.*

*(C) The Board of Trustees shall grant no variance without first receiving a recommendation from the Planning Commission...*

*(D) Variance requests will only be granted if the applicant can demonstrate all of the following:*

- 1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;*
- 2. That literal interpretation of the provisions of these Regulations*

*would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.*

*3. That the special conditions and circumstances do not result from the actions of the applicant;*

*4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;*

*5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.*

Staff does believe all five (5) hardships can be met for some of the variances being shown on the exhibit dated 9/23/16 and being requested by the applicant.

Staff still has the following concerns regarding the “concept” submitted:

- If the frontage road is continued to the west, four (4) properties currently zoned Resort (Block 43) would be using an access of a width of only 16ft wide.
- The drawings submitted are missing several details before a right of way permit would be issued.
- A drainage easement will need to be provided and shown across Lots 9-11.
- Individual driveway access to each lot is not shown on the construction plan.
- A low point for the frontage road is not provided at the intersection of Lake Avenue.
- Grading across private property
- The future construction of Lake Avenue being the Town’s responsibility.
- If the frontage road is needed to reduce or eliminate driveway access to Lake Avenue, the frontage road should tie into the existing driveway location adjacent to Lot 13.

Additionally, the Applicant was specifically requested by the Commission to provide the following:

- A list of variances which has not been provided.
- Approval from the owners of Lot 11 and 12 which has not been provided.

Staff has spoken with the Applicant and the Applicant’s engineer on many occasions regarding this project. In Staff’s opinion, the Applicant has submitted sketches to the Planning Commission for their review and do not want to submit detailed drawings until the Commission approves the “concept”. Staff believes the Commission decided against this concept in 2005 and at their June 1st meeting.

Staff suggests the Commission forward a recommendation of denial onto the Board of Trustees and recommend the Board review the application at a Public Hearing.

The Commission should conduct the Public Hearing as follows:

1. Open the Public Hearing
2. Allow Staff to present the matter
3. Allow the Applicant to address the Commission
4. Take all public comment
5. Close the Public Hearing
6. Allow for Commission discussion
7. Take action as appropriate

The Commission has many options including:

1. Recommend granting the variances being requested by the Applicant; or,
2. Recommend granting the variances with conditions; or,
3. Recommend denial of the variances being requested; or,
4. Continue review until the applicant can revise their application.

Tim Gagnon- Applicant's representative Bowman Consulting

Mr. Gagnon explained the request of the applicant using the smartboard and the exhibit provided in the packet. He stated the variance being requested are the use of a 15% grade for the frontage road, a driveway servicing more than two (2) lots, and entrance grades exceeding 4% within the first 25 ft. He is requesting direction on these three (3) variances before proceeding with the design. He clarified the frontage road would be servicing four (4) lots and not eight (8) lots and that Lake Avenue could be developed in the future as shown in the exhibits provided to the Town. Driveway accesses are not shown on purpose considering each individual lot would build their own driveway. The applicants request is to build the frontage road only. Tying the proposed frontage road into the existing driveway access of Lots 13 & 14 was not safe and the existing driveway does not comply with the Municipal Code. He stated the grade difference between the proposed frontage road and the future construction of Lake Avenue based on his design was approximately 14 ft. He anticipates no impacts to Lot 12 as shown on the exhibit. He reiterated his concerns of the use of steep driveways, large cuts and site distance concerns using the 2005 plan. The details of this plan have been specifically left off until the Commission provides approval of the concept.

Suzi Maki – 1590 W. Portal Rd Grand Lake, CO – Representative of Lot 12

Ms. Maki stated she is in favor of the proposal and expressed the concern over the use of steep driveways to access the lots as shown using the 2005 construction plan. She explained the owners of Lot 12 would utilize access from the frontage road if it was constructed.

Tom Jenkins – 207 Bella Vista Court Grand Lake, CO

Mr. Jenkins stated he was making access to Lot 12 better by cutting the driveway grade in half. He believed no easements would be needed across Lot 11 and the plan he has presented allows existing elevations at Walden

Street to be maintained. He was concerned over the excess cut that was conducted adjacent to his Lot 10 during construction of Lake Avenue in 2005. He made reference to Staff's memo in 2004 to the Mayor regarding the Preliminary Traffic Analysis. He compared his proposal with the existing driveway access along Wood Pecker Hill [Park Avenue]. He is not opposed to providing detailed drawings after a Planning Commission decision is made in order for him to make his request in front of the Board of Trustees.

Lisa Jenkins -

Ms. Jenkins stated their application is for approval of the idea and not the details associated a right of way permit. They are not moving forward with a detailed design until the Commission provides approval. She believes the details drawings should be approved by the Public Works Director and are inappropriate at this stage of review.

The Commission had a lengthy discussion regarding the variance request. Included in the discussion were the following:

- The 2005 variance and construction plan
- Number of lots being accessed via the proposed frontage road
- The proposed utilities and possible conflicts
- Potential retaining walls for construction of Lake Avenue
- Driveway variances being required for each individual lot
- Maintenance responsibilities of proposed frontage road
- Town costs of development

Commissioner Shockey moved 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;

seconded by Commissioner Canon.

Following a brief discussion, Commissioner Shockey amended the motion to include:

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.

Commissioner Canon seconded the amended motion. All Commissioners voted aye.

ITEMS OF BUSINESS:

**PUBLIC HEARING - CONSIDERATION TO RECOMMEND GRANTING A BOATHOUSE LOCATED AT LOT 41-42, CAIRNS ADDITION TO GRAND LAKE; MORE COMMONLY REFERRED**