



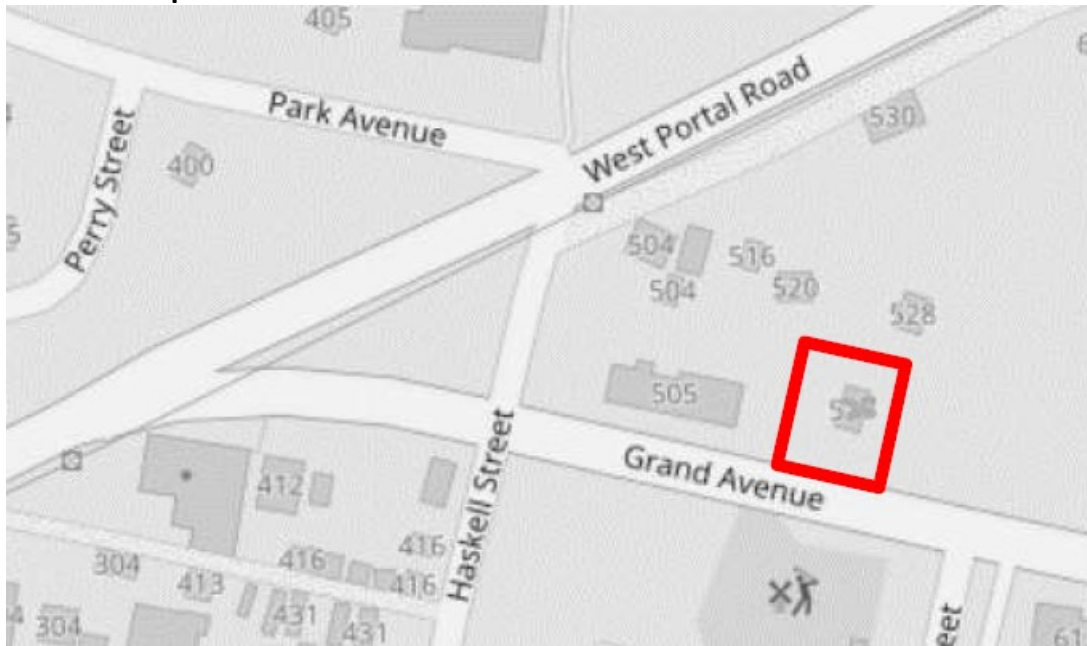
Date: October 28<sup>th</sup>, 2024

To: Mayor Kudron and Board of Trustees

From: Kimberly White, Community Development Director

RE: Quasi-Judicial- Resolution 68-2024 Consideration to Approve a Resolution Approving a Variance to Parking Standards at Lot 15, Block 26, Town of Grand Lake, More Commonly Referred to as 525 Grand Avenue with Conditions.

### Location Map



### Purpose

The Town has received a zoning variance request application from Verts regarding loading zone, ADA parking location, and linear foot calculation for on street parking requirement.

On October 16, 2024, the Planning Commission reviewed the Applicants' variance request at a properly noticed Public Hearing considering the following factors set forth in the Grand Lake Municipal Code Section 12-2-27 (2)(B)(3):

1. The compatibility of the proposed action with the surrounding area; and
2. Whether the proposed action is in harmony with the character of the neighborhood; and
3. The need for the proposed action; and
4. The effect of the proposed action upon future development in the area; and
5. The size, shape, topography, slope, soils, vegetation, and other physical characteristics; and
6. Whether alternative designs are possible; and
7. With due consideration for the Town's Comprehensive Plan.



The Planning Commission unanimously passed a Planning Commission Resolution 13-2024 recommending approval of the variance based on the Application, the representations of the Applicants to the Planning Commission and the comments of the public.

This request requires Planning Commission review and Board Approval.

## Background

The property is located at 525 Grand Ave and was most recently used in conjunction with the commercial lot located to the east which made it's frontage 100'. The frontage is now only 50' and does not qualify for parking credits, but can fit 5 cars. The code for on street parking credit only allows for frontage of over 80' to be used to calculate onstreet parking allowance.

The glacial moraine located on the north side of the lot in the alley, prevents the rear loading zone from being developed. The deliveries for this business are not in large trucks or semis and would easily fit in the on-street parking space.

The Town requires that businesses have a boardwalk and greenway constructed, but does not allow access to the property across the boardwalk for safety reasons, thus the ADA parking cannot be located on the property.

The property is zoned commercial and has a 50 linear foot frontage. The applicant would like to be allowed to calculate the on-street parking using the 50 linear feet ( $0.85 * 50\text{ft} = 4.25$ ), thus crediting the business 4 on street parking spaces. The applicant would also ask that the loading zone be allowed on-street and not be required in the alley, and finally, that the ADA parking be allowed on the street adjacent to the future ADA ramp to the store, instead of on the front yard.

## Municipal Code:

### 12-2-28 Parking Regulations and Design Standards.

- (B) *Parking Regulations.* No building shall be ... changed in Use as defined in this Article...unless there is either an approved parking plan in place or a parking fee in lieu is paid to the Town if allowed, or there is provided on the lot, space for parking and space for the loading and unloading of automobiles or trucks in accordance with the following standards and requirements...
2. *Parking Spaces Required.* The method used to calculate the required number of parking spaces shall be as follows:
    - (a) The total number of required parking spaces shall be calculated based on the table from Part 1...
      2. After allowing for the on-street parking credit, if eligible, Group IV, Group V, and Group VI structures shall be required to satisfy seventy-five (75%) percent of the resulting number of required-parking spaces off-street, unless a variance is obtained by the Town.
  3. *On-Street Parking Credits.* In determining the number of off-street parking spaces required, credit will be given for the available on-street parking adjacent and contiguous to any property subject to the provisions of this Section which adjoins a public right-of-way of eighty (80') feet or more in...Commercial...Districts.
  6. *Accessible Parking.* One (1) designated accessible (handicapped) parking space shall be required as a part of the overall off-street parking requirements mandated under this Section for each twenty-five (25) off-street parking or fraction thereof. In all cases the accessible space shall be located in a manner close and convenient to the principal building main pedestrian ingress/egress.



7. *Loading/Unloading Areas.*

- (a) Loading/Unloading Areas may be a shared loading zone, located in the alleyway, for multiple-unit complexes provided it will adequately handle the commodities anticipated.
- 2. Changes in Use shall necessitate alley-access loading/unloading areas.
- (b) Loading areas are to be designed to adequately accommodate both goods and people unloading at all residential and commercial buildings; the minimum loading area is fourteen feet (14') wide by twenty feet (20') long by sixteen feet (16') high.

**11-2-6 Private Drives, Emergency Access Requirements, and Criteria.**

(A) *Criteria for Access Onto Town of Grand Lake Roadways.*

1. *General.*

(E) *Acceptance of Parking Areas.*

- 1. Before a Certificate of Occupancy (C.O.) is issued on any structure(s), all parking areas are, as a minimum, to be graveled. A temporary waiver may be granted for a set period of time, should weather conditions necessitate. All improvements bonds, escrow funds, etc., are to be held by the Town until paving is complete. See Chapter 9: Building Regulations, Section 9-1-7 Appeals.

**12-2-28 Parking Regulations and Design Standards.**

(c) Review by the Board of Trustees. The Board shall review the recommendation made by the Planning Commission at a regularly scheduled meeting. The Board may require review at a Public Hearing. The Board shall determine whether to grant or deny the variance request based on the criteria in Section 12-2-28(D)1.

(D) *Variances to Parking Regulations and Design Standards.* Variances to parking regulations and design standards may be granted by the Board of Trustees with recommendation from the Planning Commission.

- 1. *Criteria to Grant a Variance.* In order to grant approval of a variance, the Board shall find the following findings:
  - (a) That the proposed parking plan requesting the variance has a mitigation plan in place for the requested variance; and
  - (b) That the proposed parking plan requesting the variance has mitigated by providing enhanced pedestrian linkages between uses and structures with developed parking areas; and
  - (c) That the proposed parking plan requesting the variance has demonstrated that the enhanced pedestrian linkages and developed parking areas will be for the public good to link community uses, promote and increase pedestrian traffic as well as not to pose a detriment to existing parking conditions in the Town; and
  - (d) That the cost of the of the pedestrian linkages and developed parking areas are thirty percent (30%) or greater of the total parking fee; and
  - (e) That the parking spaces that are being proposed to be provided will be a minimum of sixty-five percent (65%) of the total parking space requirement.

**Staff Comments**

Staff sent out public notice of this meeting to Middle Park Times, as well as letters to all 12 property owners surrounding the subject property within 200'. Staff has not received any responses for or against the requests.

The applicants letter for the explanation of their variance request is attached.  
Staff agrees that the applicant meets the items 12-2-28(D)1.



### **Board Discussion**

The Board should determine if they can make a motion based on the planning commission recommendation, or if they would like to request an additional public hearing. If they move forward with the evidence before them, they should discuss the request amongst themselves, with consideration of staff, public comments, and the findings of fact from the code, in order to make a decision/recommendation. Board must review and find that each item exists in order to approve said variance.

### **Suggested Board Motion**

Resolution 68-2024 Consideration to Approve a Resolution Approving a Variance to Parking Standards at Lot 15, Block 26, Town of Grand Lake, More Commonly Referred to as 525 Grand Avenue with Conditions.

OR

Motion to Deny the Request for Variance.

OR

Motion to have a public hearing