

Resident Program, as well as leave time for improvements to be made to Park Ave this summer. The applicant accepted and formally withdrew the request.

OTHER ITEMS OF DISCUSSION:

Planner Shull introduced the request to have Planning Commission provide suggestions on candidates to be part of the Comprehensive Plan Task Force. Commissioner Burke explained her desire to be updated on all active permits and land use requests that dealt with properties along Grand Ave.

FOR YOUR INFORMATION:


N/A

ADJOURNMENT:


Commissioner Canon moved to adjourn, seconded by Commissioner Murray. All Commissioners voted aye, and the meeting was adjourned at 9:30 p.m.

Hayden H. Southway, Chairman

ATTEST:



Erin O'Rourke, Town Clerk Pro-Tem



MINUTES
PLANNING COMMISSION
REGULAR MEETING
February 6, 2019
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:30 p.m. on February 6, 2019 at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT: Chairman Hayden Southway; Vice Chairman Robert Canon, Commissioners John C. Murray, Judy Burke, and Steve Kudron; and Town Planner Nate Shull.

ABSENT: Commissioner Shockey was noted as absent due to family illness. Commissioner Lanzi did not report being absent. Commissioner Murray moved to excuse both Commissioners. Seconded by Commissioner Burke. All others voted aye.

APPROVAL OF
MINUTES: Chairman Southway presented the meeting minutes for January 16, 2019. Vice Chairman Canon made a motion to approve the minutes. Commissioner Murray seconded. All others voted aye

UNSCHEDULED
CITIZEN
PARTICIPATION: Chairman Southway asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

No members of the public had comments

CONFLICTS OF
INTEREST: Chairman Southway asked if any members of the Commission had a conflict of interest, or the appearance of. John Murray disclosed that he lived within 200' of one of the applicants.

ITEMS OF BUSINESS: **Consideration to grant an appeal in the form of a variance to Municipal Code 12-2-32(B) – Non-conforming Uses and Structures [Expansion and Enlargement] – to allow for the expansion of a non-conforming accessory structure on property located at Lots 32-34, Cairns Addition to Grand Lake, more commonly referred to as 518 Cairns Avenue (pg.8)**– Chairman Southway asked Planner Shull to explain the matter. Planner Shull explained the purpose of the item, provided geographic context to the property in question, and recited sections from the Municipal Code pertaining to the request. He then shared staff commentary on the matter, walking through the applicant's responses to the considerations listed in the Code (pertaining to non-conforming structure expansion), and gave a recommendation to grant the variance. A number of questions arose surrounding the accuracy of the survey, the specific nature of the request, and financial burden, to which Planner Shull suggested he would let the applicant speak to those matters.

He then invited the applicant's representative to speak about their request.

Scott Munn, Munn Architecture – Mr. Munn stated he is representing Jon Borgen, the property owner, on this case. He spoke first to the question about

survey accuracy, stating he used Tim Shenk to conduct the survey. All restoration work to be done would be within the confines of the property (as shot by Tim Shenk during surveying). He expressed that, on a high level, the goal is to maintain the integrity and historic character of the existing ADU while allowing occupancy through expansion in the back.

Chairman Southway and several Commissioners questioned the boundary setback locations as shown on the site plan, saying it was difficult to know exact distances without specific notated measurements. Planner Shull opened another site plan and survey done prior to this for the same property which did notate these measurements. He deduced that the request should, at this point, include variance to side setback given the proposed location of the ADU based on the more accurate survey.

Commissioner Canon asked whether the ADU couldn't simply be restored without expanding it. Mr. Munn stated that restoration alone would not bring the building up to code regarding required ceiling heights, egress/ingress, and other safety matters for habitability. Expanding the back also allowed updated plumbing and electrical rooms to be placed in it.

After Mr. Munn concluded, Chairman Southway then invited other members from the public to speak about the request. With no comments, he closed the public hearing and opened up discussion amongst the Commissioners.

Commissioner Kudron suggested that the historic integrity of the street front along Cairns Ave is something unique and worth preserving, therefore speaking in favor of granting the variance. He did acknowledge that while the owner could technically build vertically, such construction would not permit the full potential use of the building for its inhabitants.

Commissioner Murray stated he is also favorable to granting the variance, concluding that he does see the hardship criteria being met given the applicant's explanation. He was also encouraged that the historic materials/scale would be maintained and that other neighbors supported this request.

Commissioner Burke concurred with Commissioner Murray and Kudron's points.

Commissioner Canon expressed his concern regarding the updated utilities in the ADU. Planner Shull assured him that nothing would be approved unless these were up to code. He then stated that he would be in favor so long as the historic character in material choice and color were maintained.

Chairman Southway stated that, while typically not in favor of allowing non-conforming structures to stay in place or be expanded, he would be for this home and a select number of properties along Cairns Ave that comprise the "historic street front". He suggested that perhaps changing the code to permit these select few properties to allow structures up to the property line could be explored.

With no other discussion, Commissioner Murray moved to grant the variance request to allow the expansion of the non-conforming ADU on the applicant's property with the condition that the historic character be maintained through proper material and color selection, to be approved by Town Staff. Commissioner Burke seconded. All others voted aye except Commission Canon.

ITEMS OF BUSINESS:

Consideration to grant a zoning variance to Municipal Code 12-2-17(A)15 – Regulations for Commercial Transition District CT – to

allow condominiums within in the first 50' on the ground level of a lot zoned Commercial Transitional (CT) and to allow a density of 6 units p/5,000 sq. ft on said lot located at Lots 7-8, Block 13, Town of Grand Lake, more commonly referred to as 800 Park Avenue - Chairman Southway asked Planner Shull to explain the matter. Planner Shull explained the purpose of the item, provided geographic context to the property in question, and recited sections from the Municipal Code pertaining to the request. He continued with staff comments, providing interpretation of the applicant's responses compared to the required criteria for consideration. He concluded by not stating a recommendation but rather leaving the decision up to the Commission.

He then invited the applicant to come speak about their request.

Jim Kreutzer, 112 GCR 4640, Grand Lake - Mr. Kreutzer began by admitting that no one has expressed interest in purchasing the lower commercial units and that such has caused a hardship for him. He explained his request was not merely to fill in these units by converting them to residences, but also to provide much-needed affordable housing in Town. The units would be restricted to below 80% AMI owners and would remain at this selling point indefinitely.

Mr. Kreutzer further supported some of the responses he gave to the criteria, suggesting that the uses surrounding his property are more residential in nature than commercial, and that vacancies along Grand Ave prove there are difficulties in occupying commercial space in Town, further discouraging new tenants to occupy his building.

Mr. Kreutzer pulled language from the recent 2018 Grand County Housing Study to support his request, namely the public/private partnership agreement and criteria that could be established such as rental rates, AMI data, etc. He explained that this would fully be offered up by him, if the Town were to agree with the idea. Previous attempts had failed in the past, so Mr. Kreutzer wanted to devise an agreement using his own property to integrate affordable units into a multi-family housing project.

Commissioner Burke suggested that the Town had previously created a program for deed restricting housing in Grand Lake which had been applied to the Rapids and other properties. Planner Shull acknowledged this program but warned that it needed to be updated with current numbers/data in order for it to be applied properly and effectively today.

Planner Shull asked Mr. Kreutzer if it was possible to deed restrict several of the existing units so as to avoid needing additional ground-floor residential. Mr. Kreutzer suggested that the cost for constructing those units was so high, that it would prove extremely difficult to justify. With all the infrastructure already in place below, he argued that these ground floor units could be priced lower/deed restricted.

Chairman Southway invited anyone from the public to come and speak on the matter.

Cindi Cunningham, REmax Realtor - Ms. Cunningham explained she works locally as a realtor in Grand Lake and summarized her understanding of the affordable housing deficit in Town. She expressed her support for seeing two additional residential units be placed along Park Ave.

Planner Shull then read aloud written comments from a neighboring property to the Commission. Mr. Kreutzer was afforded the opportunity to respond to these.

Commissioner Murray asked the applicant about the proposed AMI for these two units, suggesting it seemed rather high. Mr. Kreutzer stated that he pulled these numbers from the Grand County Housing Study and they support the current AMI for 80% or less of individuals in Grand Lake. Planner Shull provided his salary and monthly rent as comparable, concluding that while he might be able to pay this, others making 30% or 40% of AMI would likely not.

Commissioner Burke made a point regarding the parking variance request (as it relates to the requested residential units), stating that the three additional parking units could NOT be reserved if placed on-street. In others words, those spaces would need to remain open to the public. She argued that with increasing traffic each year, reserving spaces anyhow would be unwise.

Chairman Southway closed the public hearing and opened up discussion amongst the Commissioners.

Commissioner Burke first spoke about the original vision for Park Ave as a street with mixed residential and commercial construction, ultimately complimenting Grand Ave as a "walking" street and transitioning into the residential neighborhoods to the north. Chairman Southway expressed his belief in sticking to this vision and having the existing commercial units being the catalyst for this.

Commissioner Kudron stated that if this variance was to be granted, he'd like to guarantee there be a clear agreement in place with a benefit to the Town. He shared his doubt in seeing a short-midterm conversion of Park into a Commercial corridor, saying that it may be more likely that it becomes a residential neighborhood.

Commissioner Canon expressed a concern with guaranteeing the safeguarding of such contracts with developers since they often fall to the wayside or get lost. He also urged there to be better infrastructure in place before having any type of commercial or housing put in. Planner Shull responded by reminding the Commission that Park Ave would be improved this summer to further encourage safe and viable usage of its adjacent properties.

Commissioner Murray supported Planner Shull's point about completing Park Ave. He also threw out the suggestion for approving the variance for "up to 4 residential units" with the first priority being the sale of the corner unit to a commercial tenant prior to any type of residential conversion.

Chairman Southway held the opinion that Mr. Kreutzer knew what he was buying into and that as such, he is obligated to at least see out the possibility to getting a commercial tenant to occupy these spaces. He supported keeping the corner unit as a commercial business but stated he would be acceptable to other units being converted.

Further conversation continued around these topics including the vision for Park Ave as it relates to policy and regulation, affordable housing, the inclusionary zoning ordinance and residency program in place, and alternative options for the variance.

Upon consensus, the Commissioners decided to table the issue until staff could look further into revising the existing Inclusionary Zoning/Local Employee