

MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
June 5, 2019  
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:35 p.m. on June 5, 2019 at the Town Hall, 1026 Park Avenue.

ROLL CALL

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

ABSENT: Chairman Southway noted Commissioner Shockey was absent due to a family conflict. Commissioner Murray moved to excuse Commissioner Shockey. Commissioner Burke seconded. All others voted aye.

APPROVAL OF  
MINUTES:

None

UNSCHEDULED  
CITIZEN  
PARTICIPATION:

Chairman Southway asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes. No public comments were made.

CONFLICTS OF  
INTEREST:

Chairman Southway asked if there were any conflicts of interest among the Commissioners. No conflicts of interest existed.

ITEMS OF  
BUSINESS:

**PUBLIC HEARING - Consideration to recommend approving a Special Use Permit (SUP) per Grand Lake Municipal Code section 12-2-31(A)2 to allow a commercial use on Public and Open Space-Zoned lands not owned by the Town of Grand Lake, and to allow the temporary accessory use of a commercial business, not incidental to the primary use, on private property located at Sec 9, T3N R75W, 6th PM, Grand County CO, and Lots 1-2, Block 4, Town of Grand Lake, more commonly known as East Inlet Management Area, and 1144 Grand Ave, respectively** – Chairman Southway invited Planner Shull to speak on the matter. Planner Shull began by explaining the purpose of the request and showing the geographic context of the properties in question. He clarified up front that the applicant was no longer seeking temporary use of the commercial property at 1144 Grand, but instead would be

purchasing another commercial lot for themselves. He then proceeded to reference sections of the Municipal Code which pertained to the applicant's request, including specific factors that the Commission could use in helping them make a decision. Planner Shull then shared staff comment, explaining the nature of the businesses and proposed route, possible impacts to the community, and requirements of the Bureau of Reclamation. He concluded by recommending granting approval of the SUP.

Chairman Southway invited the applicant to come speak at the podium.

Kathy Bevins, Rocky Mountain Amphicar Adventures, LLC 202 E. Nebraska Ave, Berthoud CO – Ms. Bevins reaffirmed her and Mr. Bevins' interest in departure from using 1144 Grand and instead the potential purchase of 900 Grand Ave for their business. She followed by suggesting all federal, state, and local regulations/permits would be obtained/complied with prior to commencing operation.

A number of questions were then asked by the Commissioners, including whether a sales tax license was required, whether insurance will be obtained (and the Town additionally insured), consideration of inclement weather conditions for passengers, the use of safety equipment, and the anticipated fares to be charged, among other things. Ms. Bevins provided positive responses to each question, suggesting that she and Mr. Bevins would run a sound business.

The Commissioners continued by asking about Public Utility Commission (PUC) and US Coastguard captains' license requirements. Ms. Bevins answered by stating that she would obtain proper approvals from PUC for operating their vehicle on public roads, and that a captain's license was not required on Grand Lake. Planner Shull confirmed the latter by showing some research conducted by Traci Rob of the Bureau of Reclamation on this matter.

Further questions were asked surrounding potential conflict with other boaters and major events on the Lake. Ms. Bevins assured the Commission that they would yield to other boaters using the boat ramp ahead of their amphicar, and that if any major events (i.e. regatta, boat races) were happening, they would avoid driving in them.

Chairman Southway then invited any members of the public to come speak if they so wished. Though no public offered to speak, Planner Shull read aloud written public comment he received.

Bob Gates, E. Inlet Resident – Mr. Gates has no issue with the requested business operating from the E. Inlet Boat Launch, with the exception of consequential traffic that may result by frequent activity.

Scott Munn, E. Inlet Resident – Mr. Munn expressed his concern with this business setting a precedent for future similar businesses to seek special use permits for temporary use of the boat launch, ultimately

leading to it becoming overused. Questions included how will CPW inspect the car, and what the environmental impact to the Lake.

Chairman Southway closed the public comment portion of the meeting and opened up discussion amongst the commissioners.

Further discussion continued around restroom facilities for the business, setting a precedence for similar types of businesses to use the boat launch, and safety of the passengers using the amphicar. Planner Shull recapped the various points made by the Commissioners which might be added as conditions to the eventual motion. One in particular, that being the inclusion of a final incident report at the end of special use permit expiration to identify malfunctions during business operations, was suggested to simply be included as a courtesy by the applicant.

Commissioner Canon moved to recommend adoption of PC Resolution 02 – 2019, with the following additional or modified conditions;

- All federal state, and local regulations and permits be applied to all functions of the operation of the business
- Sales tax assessment be determined (if needed or not)
- Any conditions related to use of Lots 1-2, Block 4, Town of Grand Lake, also known as 1144 Grand Ave, be removed
- Verify insurance of the Applicant

Commissioner Murray seconded. All other voted aye

**QUASI – JUDICIAL PUBLIC HEARING – Consideration to recommend granting a variance per Grand Lake Municipal Code section 12-2-29(A)2 to allow placement of an elevated deck within the 30’ water quality setback on property located at Block 10, Lot 2, Grand Lake Estates 1st Filing, more commonly known as 530 Lakeside Dr, Grand Lake, Colorado.** – Chairman Southway invited Planner Shull to speak on the matter. Planner Shull began by explaining the purpose of the request and showing the geographic context of the properties in question. He then proceeded to reference sections of the Municipal Code which pertained to the applicant’s request, noting in particular the variance criteria by which the applicant must meet (at least *one*) in order to be considered for approval. He then shared staff comments on the matter, reading aloud staff’s opinion based upon the applicant’s responses to each criterion, ultimately concluding with a recommendation for approval.

Chairman Southway invited the applicant to speak at the podium.

Danna and Robert Roane, 530 Lakeside Dr – Mr. and Mrs. Roane explained why they believe the variance request is worthy of being granted, noting the condition of the deck, the challenging location, and the uniqueness of the non-conforming homes.

Commissioners Kudron and Burke questioned what kind of railing was being proposed and where the new pier caissons would be located. Mrs. Roane explained they would be using metal/steel railing with wire and that the caissons would be as shown on the site plan, set back towards the house.

Chairman Southway opened up the meeting for public comments. With none given, Chairman Southway closed the public comment portion of the meeting and opened up discussion amongst the Commissioners.

Commissioner Kudron stated that he believes this property, including the two adjacent properties, are distinctly unique and that a request of this nature was reasonable. Chairman Southway suggested that, while the Town intends to phase out existing non-conforming structures, this request appears to meet the intent of the criteria for consideration, and in fact decreased the non-conformity rather than increase it.

Commissioner Murray moved to approve the variance request and direct staff to draft a resolution stating this. Commissioner Kudron seconded. All others voted aye, with the exception of Commissioner Canon who voted nay.

**QUASI – JUDICIAL PUBLIC HEARING – Consideration to recommend granting a variance per Grand Lake Municipal Code section 12-2-29(A)2 to allow placement of an outdoor staircase within the 30’ water quality setback on property located at Lots 21-23, Cairns Addition, more commonly known as 734 Lake Ave, Grand Lake, Colorado.** – Chairman Southway invited Planner Shull to speak on the matter. Planner Shull began by explaining the purpose of the request and showing context of the property. He suggested that, like the previous request, the Commissioners should consider if the applicant has met at least one or more of the variance criteria. He then shared staff comment, reading staff’s opinion based upon the applicant’s responses to each criterion. Planner Shull moved to deny the applicant the request.

Chairman Southway invited the applicant to come speak at the podium

Todd Keleske, 734 Lake Ave, Grand Lake – Mr. Keleske explained that he and his wife were on vacation and arrived back to see the staircase having already been constructed. He learned from the contractor that the original design (which was outside the water setback) was too steep and so an alternative construction was done to meet the proper landing and steepness. He supported his request by suggesting that very little disturbance was done to surrounding vegetation, the staircase doesn’t disturb any neighboring view corridors, and that other staircases of adjacent properties enjoyed a common right.

Planner Shull questioned the Commission as to the specific intention of water quality setback regulations. Chairman Southway stated that the

rules are meant to protect natural water bodies from any disturbance that might cause additional or excess point-source runoff.

Commissioner Murray made reference back to the Municipal Code and argued that, as only one (or more) of the variance criteria need to be met, that the applicant technically has done so. He also brought up the language permitting walkways and staircases within the first 5' of a water setback. Chairman Southway argued that this language was intended specifically for pedestrian access to boathouses so as to not disturb sensitive habitat and land near the water.

Chairman Southway opened the meeting up for public comment. With no public comment, Chairman opened up discussion amongst the Commissioners.

Commissioner Canon stated that he believes the intent of the water quality setback regulations is to prevent harmful disturbance to both the visual corridor and the actual water (quality), and that a staircase may cause such disturbance. He and Chairman Southway expressed their disappointment with the staircase having already been constructed and that it really is upon the contractor to understand the Code or ask questions before taking any action.

With no further discussion, Commissioner Murray moved to approve the variance request. Commissioner Burke seconded. Commissioner Kudron voted aye, while Commissioner Canon and Chairman Southway voted nay. Motion passed 3-2.

PLANNING  
COMMISSION  
DISCUSSION:

None

ADJOURNMENT:

Commissioner Burke moved to adjourn, seconded by Commissioner Kudron. All Commissioners voted aye, and the meeting was adjourned at 8:45 p.m.

  
Hayden H. Southway, Chairman

ATTEST:

  
Jennifer Thompson, Town Clerk