

MINUTES
PLANNING COMMISSION
REGULAR MEETING
January 16, 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 January 16, 2019 at the Town Hall, 1026 Park Avenue.

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

ABSENT: Commissioner Lanzi was noted as absent due to previous travel arrangement. Commissioner Shockey moved to excuse Commissioner Lanzi. Seconded by Commissioner Murray. All others voted aye.

APPROVAL OF
MINUTES: Chairman Southway presented the meeting minutes for November 7 and December 5, 2018. Vice Chairman Canon made a motion to approve the minutes. Commissioner Murray seconded. All others voted aye, except Commissioner Kudron who abstained.

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

Jim Peyton, 125 Mountain Ave – Mr. Peyton requested the PC meeting minutes and packets be posted online for public viewing. Planner Shull responded by saying this has not been the Town's policy but could easily be provided. In the meantime, all minutes and previous packets are available by contacting the Town Planner and requesting them.

CONFLICTS OF
INTEREST: Chairman Southway asked if any members of the Commission had a conflict of interest, or the appearance of. None of the Commissioners expressed a conflict.

OTHER ITEMS OF
DISCUSSION: **COMPREHENSIVE PLAN UPDATE** - Chairman Southway asked Planner Shull to explain the matter. Planner Shull briefed the Commission on the reason for reintroducing the Town's Comprehensive Plan update and walked through a presentation explaining the background on this update, including some detail on the existing Comp Plan policy analysis and suggested approaches moving forward. Upon concluding, Planner Shull questioned the Commission as to their preference on the suggested approach.

Commissioner Burke stated that she liked the hybrid option of task force and Planning Commission updating the Comp Plan. Commissioner Shockey agreed. He noted that Winter Park hired on a consultant to assist in updating their Comp Plan, which ended up costing around \$100,000.

Planner Shull also mentioned that he was considering partnering with the Town of Granby to potentially do a joint-Comp Plan update, specifying the various cross-dependent issues and topics that a joint-Comp Plan could address. He noted Granby's Comprehensive Plan had not been updated since 1985 and that worked in favor toward doing a joint update.

Commissioner Shockey suggested such a partnership would likely save both Town's money but questioned how the layout of the Plan would maintain the specific needs of Grand Lake. Planner Shull suggested a layout that included sub-sections, one for Granby and one for Grand Lake, and a third that dealt with cross-dependent topics.

Commissioner Murray stated that he would prefer to keep the Comp Plans separate (i.e. stand-alone documents). Commissioner Kudron suggested having a "hybrid section" in a stand-alone Grand Lake Comp Plan that would serve the purpose of addressing cross-dependent topics. Vice Chairman Canon agreed and pointed to his belief that housing needs to remain a Grand Lake service as opposed to only relying on outlying communities.

Commissioner Murray encouraged a potential task force to engage the Planning Commission regularly during the update process. Commissioner Shockey further encouraged the Town to consider bringing on a consultant early in the process simply to grow their familiarity with the specific issues.

ITEMS OF BUSINESS:

CONSIDERATION TO APPROVE RESOLUTION 01-2019, A RESOLUTION RECOMMENDING AMENDMENT TO CHAPTER 12, ARTICLE 6 [LAND SUBDIVISION] AND REPEAL OF CHAPTER 12, ARTICLE 9, SECTION 8 [REDEVELOPMENT PROCEDURE] OF THE TOWN OF GRAND LAKE MUNICIPAL CODE, TO ESTABLISH REGULATION FOR LOT CONSOLIDATIONS AND LOT LINE ADJUSTMENTS – Chairman Southway asked Planner Shull to explain the matter. Planner Shull read the memo explaining the reason for presenting this item and asked the Commission to provide any feedback on the draft resolution.

Commissioner Burke asked what was the intention to narrow the focus of defining property types (i.e. recorded subdivision, planned development, etc.) that are eligible to consider Lot Consolidations. Planner Shull answered that these distinctions were made in several case study codes so he thought it would make sense to keep in line with these other Towns.

Commissioner Shockey proposed modifying the language to include in the Lot Line Adjustment definition the allowance of two separate or distinct owners to adjust a lot line in common. He supported this by stating that any action that results in down-zoning property (i.e. lessening permissible density) should be contained under this Lot Line Adjustment or Consolidation activity. Attorney Krob confirmed that this could be done.

Commissioner Shockey moved to approve Resolution 01-2019 as presented. Seconded by Commissioner Kudron. All others voted aye.

ITEMS OF BUSINESS:

CONTINUATION OF PUBLIC HEARING ON PLANNED DEVELOPMENT PLAN AMENDMENT FOR THE GRAND LAKE LODGE PLANNED DEVELOPMENT ON PROPERTY LOCATED AT 15500 US HWY 34, TOWN OF GRAND LAKE. - Chairman Southway asked Planner Shull to explain the matter. Planner Shull began by detailing the item of

business, clarifying the specific requests to amend the PDP and present an accompanying Site Plan. He reminded the Commission that the PDP amendment and the Site Plan, despite being discussed together, needed to be motioned on separately. Planner Shull then provided a geographic context to the proposal (nearby roads, lands, and total acreage), and laid out the public hearing procedure. He then invited TJ Dlubac to come address staff analysis.

TJ Dlubac, RG & Associates – Consultant Dlubac introduced himself as the Town’s third-party consultant and summarized what he would be explaining to the Commission. He then delved into the staff presentation, which detailed the following topics:

- Geographic Boundaries and Development Areas
- (PD Amendment) process overview
- General Public Comments
- Municipal Code Requirements and Commission Authority
- Referral Notifications
- Existing and Proposed Uses
- Existing and Proposed Dimensional Standards
- Existing and Proposed Densities
- Access and Traffic
- Drainage, Parking, and Utilities
- Landscape and Open Space
- Environmental Conditions and Fire Protection
- Historic Preservation and Design Guidelines
- Trails

During Mr. Dlubac’s presentation, several questions and concerns arose regarding the consequences of use type designations on roadway access and material application, boundaries/setbacks, open space areas, design guidelines, and trails, to which Mr. Dlubac provided each a response. At the conclusion, Mr. Dlubac read the staff’s recommendations to the Commission for both the PD Amendment and the Site Plan, and turned it back over to Planner Shull.

Planner Shull read aloud the summary for the December 5th Public Hearing regarding the two legal claims introduced previously (MOA and Covenants) for the record and reiterated Attorney Krob’s position on the matter. A 10-minute break was then requested.

Upon returning, Planner Shull proceeded to invite the applicant to speak to the Commission about their proposed PD amendment and Site Plan.

Christopher Perdue, Bowman Consulting (601 Park Point Dr, Golden CO) – Mr. Perdue set out to clarify the questions and concerns brought up by the Commissioners during the Staff Report, which included permitted use designations in each development area, traffic entering and exiting the Grand Lake Lodge, setbacks to property boundaries and fire mitigation, water, sewer and electrical utilities, mitigation of designated wetlands, conditions of the secondary access road off Perry St, and inclusion/upgrade of trails.

Mark Painter, Holland and Hart (1800 Broadway, Suite 300, Boulder CO 80302) – Mr. Painter suggested he is prepared to answer any questions the public may have on the MOA and Covenants claims. He also noted that the Colorado Headwaters Land Trusts’ Deed of Conservation Easement states in section 14 that *Nothing herein contained shall be construed as affording the public access to any portion of the Property, although the Grantor may permit public access to the Property on such terms and conditions as it deems appropriate, provided that such access is consistent with the terms of this Easement.* He then clarified

the previous question regarding the established public access easement along Old Tonahutu Rd, stating that the general public technically do not have access, but only government agencies.

Francis Corso, RTA Grand Lake Lodge, LLC (2018 Mynican Dr, Irvine CA) – Mr. Corso thanked the Staff and Commission for all the time they've put into reviewing their proposal. He shared a poster board with the Commission showing the modified design concepts for the cabins and recreation buildings, stating that he acknowledged the mistake in the originally proposed design and was now attempting to create structures that conform to the vernacular architecture and are more congruous with surroundings.

Planner Shull then requested Chairman Southway open up public comment period. He first invited formal agencies to speak, then members of the general public.

Jim Cervenka, GLAHS (236 Lakeview Dr, Grand Lake) – Mr. Cervenka addressed the points made in the Grand Lake Area Historic Society's comment letter regarding the proposed design guidelines. He emphasized his desire to see more active language mandating conformance such as "will" or "shall" vs. "should". He shared some specific sections in which he wanted to see modifications, mainly in wall sizes and porches.

Gus Reall, 500 Old Tonahutu Ridge Rd – Mr. Reall reiterated the concerns he addressed in his written letter to Town Staff, which included maintaining the architectural character of Grand Lake, and mitigating problems caused by increased traffic.

Paul Carlson, 229 Mountain Ave – Mr. Carlson asked whether the proposed 3-phase powerline would be constructed in front of his property to which Mr. Perdue answered most likely. He also asked if there would be fire mitigation permitted in the conservation easement.

James Peyton, 125 Mountain Ave - Mr. Peyton asked a number of questions, including:

- Are the submitted drawings (PD and Site Plan) intended to be accurate in depicting geographic boundaries and locations?
- Have the Lake and Knoll Development Areas been changed by more than one acre?
- What are the differences between original and current open space request? Are there truly any changes at this point?
- Will the developer work with NPS' request to avoid construction during high tourist and elk rut season?
- How can an amendment be approved if it requires a variance to wetland setbacks that hasn't even been requested?

With no other public comments, Chairman Southway closed the public comment portion of the meeting and opened the discussion up amongst the Commissioners.

Commissioner Shocky had the following comments:

- Agrees with Mr. Cervenka to include more active language in the design guidelines, as well as provisions for dark sky lighting and vertical walls
- Satisfied with the 30' buffer but would like a note on the PD suggesting a 50' minimum buffer would be created in the case that the Site Plan is modified to include single family or multifamily development

- Critical to maintain public trail access for currently identified trails, but also established, not-identified trails

Commissioner Kudron had the following comments:

- Wants to see a condition that 50' buffer would be negotiated as part of the Special Use Permit applied for by the applicant (i.e. minimum of 20' on NPS property and the 30' requested by the applicant on the Lodge property)
- Agrees with Mr. Cervenka to include more active language in the design guidelines
- Want assurance that utilities and access improvements will be done

Commissioner Burke had the following comments:

- Thankful for cooperation and willingness to listen to biggest concerns/work with Town
- In favor of meeting NPS' desire to have a 50' buffer in place

Commissioner Murray had the following comments:

- Agreed with other Commissioner's concerns and previous comments

Chairman Southway had the following comments:

- Satisfied with the 30' buffer but also wants to make a condition to obtain the Special Use Permit from NPS to mitigate dead trees to create larger buffer.
- Agrees with Mr. Cervenka to include more active language in the design guidelines
- Critical to maintain public trail access for currently identified trails, but also established, not-identified trails

Planner Shull proceeded by repeating Staff's recommendation for the Commission. Additional conversation was held as to what the specific conditions should be, including comments from the Mr. Perdue and Mr. Painter.

Commissioner Murray recited a list of conditions to be added to the resolution, which, including the originally suggested conditions of Town Staff, are stated below:

1. An improvement agreement and financial assurances per Municipal Code section 12-9-11(C)3(b) shall be submitted, reviewed, and executed by the Town prior to the Town approving construction documents
2. All easements identified as "proposed" are recorded with the Grand County Clerk and Recorder prior to the Amendment being recorded with the Grand County Clerk and Recorder
3. Amend Section 3.0 Purpose and Objective of the Design Guidelines to read as follows:
These Design Guidelines are intended to supplement the Design Review Standards under the Building Permit Review Process pursuant to the Town of Grand Lake Code and will be used to insure, as applicable that all improvements, construction, landscaping and alterations of the land conform to these guidelines and harmonize with the natural surroundings and existing structure
4. The applicant shall amend the Design Guidelines to include more active language, where appropriate, with a provision that Town staff may, at its discretion, deem certain guidelines to be less restrictive based on their interpretation to granting flexibility or for the need to comply with modern building, fire, energy, and other related codes

5. The applicant shall amend the Design Guidelines under section 18 to require the first 8' of wall surface to be vertical and under section 25 to require dark-sky lighting as understood by industry standards.
6. The applicant shall obtain a National Park Service Special Use Permit for the installation of required intersection improvements at US Hwy 34 and Old Tonahutu Ridge Rd prior to any certificates of occupancy being issued for structures built in Phase I
7. The applicant shall work diligently with the National Park Service to provide additional fire mitigation efforts and a widened buffer zone within the Rocky Mountain National Park Boundary to the extent possible.
8. The applicant shall work diligently with the National Park Service to identify proper trails on the applicant's property within the 30' setback and will record the necessary public access easements for said trail

Attorney Krob read aloud the revised resolution drafted by Town Staff. Commissioner Murray moved to approve Resolution 02 – 2019 with the above stated conditions. Commissioner Shockey seconded. All other Commissioners voted aye except Vice Chairman Canon who voted nay.

ITEMS OF BUSINESS:

CONTINUATION TO REVIEW SITE PLAN PROPOSAL FOR THE GRAND LAKE LODGE PLANNED DEVELOPMENT ON PROPERTY LOCATED AT 15500 US HWY 34, TOWN OF GRAND LAKE - Chairman Southway asked Planner Shull to explain the matter. Planner Shull stated that all information has been discussed regarding the Site Plan, and that Staff's recommendation was given in their report earlier.

Commissioner Murray moved to approve Resolution 03 – 2019. Commissioner Burke seconded. All other Commissioners voted aye except Vice Chairman Canon who voted nay.

FOR YOUR INFORMATION:

ADJOURNMENT:

Commissioner Shockey moved to adjourn, seconded by Commissioner Burke. All Commissioners voted aye, and the meeting was adjourned at 10:40 p.m.


Hayden H. Southway, Chairman



ATTEST:


Alayna Carrell, Town Clerk