

MINUTES
PLANNING COMMISSION
REGULAR MEETING
September 5, 2018
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:42 p.m. on September 5, 2018 at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT: Chairman Hayden Southway; Chairman Pro-Tem Robert Canon, Commissioners Paul Gilbert, John C. Murray, James Shockey, Elmer Lanzi, and Judy Burke; and Town Planner Nate Shull.

ABSENT: NONE

APPROVAL OF
MINUTES: Commissioner Shockey moved to approve the minutes for July 18th, 2018. Seconded by Commissioner Murray. Chairman Southway voted aye, Commissioner Gilbert voted aye, Commissioners Lanzi and Canon abstained.

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

There were no unscheduled public comments.

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 had any conflicts.

ITEMS OF
DISCUSSION: **AMENDING MUNICIPAL CODE CHAPTER 12, ARTICLE 6 [SUBDIVISION REGULATIONS] AND CHAPTER 12, ARTICLE 9 [LAND DEVELOPMENT REGULATIONS] TO INCLUDE ADMINISTRATIVE PLAT AMENDMENTS** – Chairman Southway asked Town Planner Shull to present this discussion topic to the Commission. Planner Shull explained that he switched the order of the meeting to start with discussion items due to the anticipated length of the business item being presented later. He provided background on the matter, suggesting that the Municipal Code currently does not account for minor

changes to subdivisions, including clerical errors and lot line adjustments, and that such may be warranted. Town staff has been approving numerous “lot line adjustments” over the past six years without any nexus through a regulatory approval process, and therefore, are not fully valid as land use changes. He referred to the ordinance which showed the language to be added or amended in the Code, and asked if the Commissioners had any comments.

Commissioner Canon asked whether adverse possession of property related in any way to these minor subdivision amendments, to which Planner Shull answered he did not believe so. No other comments were given.

ITEMS OF BUSINESS:

PUBLIC HEARING – CONTINUATION FOR CONSIDERATION OF A REQUEST TO AMEND THE PLANNED DEVELOPMENT PLAN (PDP) FOR THE GRAND LAKE LODGE PLANNED DEVELOPMENT LOCATED AT 15500 US HWY 34, TOWN OF GRAND LAKE - Chairman Southway asked Town Planner Shull to present this matter to the Commission. Planner Shull began by layout out the public hearing procedure. He then detailed the item of business, clarifying the specific requests to amend the PDP and provide an associated 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), afterward inviting TJ Dlubac to come address staff analysis.

TJ Dlubac, RG & Associates – Consultant Dlubac introduced himself and detailed the specific Development Areas proposed to be amended. He explained how the site plan was required along with the PDP amendment, but would be reviewed separately as a regular item rather than at a public hearing. He clarified that tonight the Commission would be reviewing the 3rd application submission, and explained how they have reached this point in the review process.

Consultant Dlubac then went into the analysis, explaining the changes to the PDP since the last two submissions, including the number of hotel-cabins per development area, density of uses, site boundaries, and certain definitions. Other PDP relevant content was discussed, including traffic, access, infrastructure/utilities, drainage, trails, wildfire mitigation, historic preservation, environmental design, and exotic species plant schedule.

Consultant Dlubac provided an updated list of public (formal written) comments received since the last public hearing, as well as of the latest agencies to comment. He concluded by recommending the Commission approve the PDP Amendment with the following conditions:

- The discrepancies between the parking standards are corrected

- All easements identified as proposed are recorded with the Grand County Clerk and Recorder prior to the PDP Amendment approval by the Board of Trustees.
- All drainage and associated grading and utility modifications are addressed to the satisfaction of Town Staff
- US HWY 34 intersection improvement comment resolution be agreed upon by the Town, the property owner, and the National Park Service and a mutually agreed upon threshold for completion of improvements be established by the parties
- Add a development standard stating the development will implement dark sky policies
- Any and all additional grammatical, clerical, technical, or clarifying comments resulting from the 3rd review be addressed to the satisfaction of Town Staff

He also concluded by recommending the Commission approve the Site Plan for the Grand Lake Lodge with the following conditions:

- The PDP Amendment is approved by the Town of Grand Lake Board of Trustees
- The discrepancies between the parking standards are corrected
- The Town of Grand Lake Fire Protection District confirms that review comments related to hydrant locations and accessibility have been adequately addressed
- US HWY 34 intersection improvement comment resolution be agreed upon by the Town, the property owner, and the National Park Service and a mutually agreed upon threshold for completion of improvements be established by the parties
- Grand Lake Fire Protection District and the Colorado Land Trust provides written agreement for surface treatment of secondary access road to Perry St. to the south
- The applicant and National Park Service reach a mutually agreeable Conceptual Plant Schedule and update the Conceptual Landscape Plan as appropriate
- Any and all additional grammatical, clerical, technical, or clarifying comments resulting from the 3rd review be addressed to the satisfaction of Town Staff

Commissioner Shockey asked to receive clarification on the latest proposed open space percentages. Consultant Dlubac stated that the open spaces in each Development Area are now proposed to remain the same as the 2001 PDP, with the only change being how open space is defined (which has been added to the PDP document based on the definition in the Grand Lake Municipal Code).

Chairman Southway then asked how Staff came up with a comparison of the density that is being proposed to the density that is allowed. Consultant

Dlubac referred to the PDP diagram, showing that the word “OR” had been added to the Maximum Units category, which in essence reduces the density permitted for each Development Area. He explained that the original PDP had no true measure for regulating density, with the only limitation being from the Municipal Code which states “*in no case shall the density exceed 1.25 times the density of the existing overlay*”. Using this language, densities are based on the entire property, rather than each development area (which would be a better measure for density). The old PDP met that density threshold, but staff wanted to mitigate this further. Chairman Southway requested that instead of an explanation, a table illustrate this comparison.

Commissioner Gilbert asked about how the applicant planned to address the historic runoff from two distinct detention basins in their drainage plan, particularly as the runoff impacts Mountain Avenue’s downstream drain below. Consultant Dlubac deferred the question to Chris Perdue of Bowman Consulting to answer. Commissioner Gilbert also noted that he did not see a professional surveyor’s stamp or monumentation indicated on the Site Plan. Consultant Dlubac stated that as this was not a Plat, it did not require a surveyor’s stamp. Commissioner Gilbert disagreed.

Commissioner Canon questioned where the employees in the Employee Lodge area would be housed as required by the PDP. Consultant Dlubac said this was also a question he had for the applicant, which he suggested they address. Commissioner Lanzi asked if the Three-Phase electric was to be buried, to which Consultant Dlubac answered yes. With no further questions, the applicant approached the podium.

Francis Corso, RTA Grand Lake Lodge, LLC –Mr. Corso introduced himself and presented the latest revised architectural renderings of the cabin units being proposed. With no further material to show, he invited Chris Perdue of Bowman Consulting to speak.

Chris Perdue, Bowman Consulting 601 Park Point Dr, Golden CO – Mr. Perdue explained that he and his team have been working collaboratively with the Town, RG & Associates, and various agencies to address their outstanding concerns and integrate them as best as they can into the design submission. He began by addressing the questions brought up by the Commissioners, including defining open space, paved surfaces, employee housing, utilities, and drainage.

First, open space had been updated to reflect the language in the Municipal Code so there would be no confusion about how it is applied. Second, the road surfaces would be determined for paving based on a future feasibility study, and to avoid the requirement that they must be paved, a line was added to the PDP specifically exempting that requirement. Third, since 2001, the Lodge property, according to Mr. Perdue, had added additional employee beds to total approximately 90. He believes this number currently

meets the needs of the staff and does not anticipate the need to build out more in the near future. In the case the need arises, the issue would be brought back in front of the Planning Commission for reevaluation. Fourth, both the three-phase electric and sanitary sewer improvements were upgrade requirements made by Mountain Parks Electric and Three Lakes Sanitation District, respectively per previous agreements. Fifth, he clarified that the stormwater runoff was not leaving the property at post-development flow rates, but rather was leaving at historic flow rates at two concentrated design points *beyond* the two detention pond/basins.

Commissioner Shockey asked Mr. Perdue about the 30' setback boundary to the National Park. Mr. Perdue explained that this 30' setback was actually a "defensible space zone" based on current fire regulations. He detailed the requirements of defensive spaces, wind patterns carrying fire up the mountain side, and explained why he chose a 30' space as opposed to a 50' space. Chairman Southway argued that 30' would not be a large enough defensible space on the western part of the property (i.e. Lake Development Area) given the dead trees/timber on that side of the Park.

Commissioner Shockey then asked about the existing stock and hiking trails going into the Lodge property and whether these were expected to be made public officially through access easements. Chairman Southway added the Grand Lake Lodge Trail as an example. Chris Perdue answered that it is the development team's intention to allow the public to use these trails to the extent feasible. He suggested signage was going to assist in guiding visitors to the appropriate designated trail entries. Commissioner Shockey suggested language be put into the PDP which explains how trails will be addressed later on during the construction phase.

Commissioner Canon brought up a concern regarding roads and parking, questioning whether the plan includes areas for RV parking and on-street parking. Mr. Purdue stated on-street parking will be prohibited through signage and fire lane areas. He suggested upgrades will also be made to the main parking area which may include RV sized parking, but trailers and RVs have not specifically been accounted for in the site plan.

Mr. Perdue then transitioned into the issue on traffic changes at the US HWY 34, Old Tonahutu Ridge Rd intersection. He described the methodology the development team used to calculate trip generation (based on CDOT access permit requirements) and the conclusion drawn from the data was that turn lanes were warranted. NPS used the same methodology and came to the same conclusion. However, the original 2001 traffic study, rather than using trip generation models, used a level of service, which concluded that both existing conditions and maximum development conditions were above adequate and did not require turn lanes. Mr. Purdue noted that his team went out on Monday July 9th, Tuesday July 10th and Wednesday July 11th to count vehicles and found that the total number (during am and pm peaks) was actually less than the total estimated from

the LOS methodology of the original traffic study.

Chairman Southway suggested that three days was not enough time to gather sufficient data to help determine the need for traffic lanes. Mr. Perdue argued that the industry standard was between 3-5 days of traffic counts. He also pointed out that his team collected sales tax data from the Lodge during those 3 days to use in correlating between the number of cars and the amount of sales. To answer Chairman Southway and Commissioner Burke, he concluded that he believed traffic lanes were not warranted given the numbers they collected on July 9, 10, and 11 and the conclusion from the 2001 traffic study using LOS.

With no further comments, Chairman Southway opened the public comment portion of the meeting. Planner Shull invited any formal agencies to come speak at the podium first.

Darla Sidles, National Park Service 1000 HWY 36, Estes Park, CO – Ms. Sidles thanked the Commissioners for letting her speak. She expressed concerns with several aspects of the proposal, starting with traffic. Ms. Sidles explained that along with the 40% increase in traffic to RMNP over the last 5 years, the proposed visitor center will add to the traffic counts into the Lodge not accounted for by just guest/cabin traffic. She stated that her traffic experts in their regional office contend that the original 2001 traffic study does not reflect the issues of today and would request an updated study be done to determine current LOS. If turn lanes were warranted, the cost of upgrading the intersection would be born by the developer.

Ms. Sidles then addressed the boundary setbacks/defensive space, stating that she firmly requests a larger setback than 30'. This is due to her rationale of falling timbers in the event of a fire, and the described zones of fire wise defensive spaces requiring, at its most strict, 300' distance between structures. She did offer the developers an option to obtain a special use permit to aid in mitigating dead trees around the property if they were willing to pay for such service. She also brought up the request to include fencing and signage in the site plan to prevent guests/visitors from wandering into RMNP at non-designated entrances.

Gary Calder, Grand Lake Area Historic Society – Mr. Calder introduced himself and spoke about his concern with the developer's choice to not abide by the recorded architectural covenants of the property. He explained that renderings of proposed cabins do not constitute objective, recordable evidence to illustrate compliance or violations with the design criteria laid out in the covenants. He argued that these covenants, like all covenants, run with the land and therefore apply to this redevelopment proposal, and even ordinances which amend these covenants would not invalidate their application.

Jim Cervenka, 236 Lakeview Dr, Grand Lake – Mr. Cervenka asked whether the existing employee beds could be used as rentals or are they restricted to be used only for employees. He expressed belief that this “housing” was not actually permanently designated housing for employees and that the developer should provide this if required by the PDP. He also shared the sentiment of Mr. Calder and questioned whether more restrictive language should be added to the design criteria proposed by the development team.

Kent Witmer, Attorney at Law – Mr. Witmer explained he represents Jim and Laura Peyton as their attorney. He described the work he’s done with the Peyton’s to search title of the Lodge property in order to find any conflicts with the proposed development, suggesting he discovered a document entitled the Memorandum of Understanding between the then Lodge third party concessionaire and the National Park Service signed back in 1960 and recorded in 2007 by Larry Gamble with Grand County. He recited language from that document which he claims would restrict the ability of the applicant to do what they are proposing to do. He concluded by recommending the Commission not proceed in approving the proposed amendment.

James Peyton, 125 Mountain Ave, Grand Lake – Mr. Peyton expressed a number of concerns:

- Confusion in how open space was currently being addressed in this latest submission
- Not meeting the Municipal Code criteria which states “Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in community policy”.
- Changes in size of development areas of more than 1 acre are explicitly prohibited under the PDP without written agreement
- No response to whether economic evidence exists to warrant the development of this size
- Setback from wetlands not being addressed in submission
- Not all buildings on site plan shown to be separated by 20’ or more

Laura Peyton, 125 Mountain Ave, Grand Lake – Mrs. Peyton expressed a number of concerns:

- Potential increased vacancies of other lodging in Grand Lake (she used data collected from lodging units to try justifying her claim)
- Poor customer service reviews by the public

Susan Carlson, 229 Mountain Ave – Ms. Carlson expressed her concern with the number of unanswered questions in the application review to this point and advised the applicant not lose the character and integrity of Grand Lake in their proposed redevelopment and not lose.

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

Commissioner Shockey asked Planner Shull to address the concern by Mr. Peyton regarding the claim that the applicant is changing the size of the development areas by greater than 1 acre without written consent. Planner Shull deferred to Mr. Perdue to answer. Mr. Perdue explained that the original PDP stated this, however, the applicant is not currently requesting to amend the size of the development areas. Commissioner Shockey followed this by asking if wetlands had been delineated by the engineer on the drainage plan. Planner Shull answered no, to which Mr. Perdue confirmed.

Commissioner Gilbert asked Planner Shull if Attorney Krob had commented on either of the two covenants brought up in tonight's meeting. Planner Shull confessed that this was the first he had heard of the covenant introduced by Mr. Witmer. Commissioner Burke suggested that until Attorney Krob is able to weigh in on these, the Commission shouldn't approve anything. Further discussion continued regarding property rights and claims of adverse possession.

Planner Shull redirected the conversation to the topic of traffic and boundary setbacks concerns expressed by the National Park Service. Chairman Southway stated he wanted to see a proper traffic study conducted. Consultant Dlubac suggested that a condition could be written to allow for the traffic study concerns to be addressed prior to approval. Commissioner Shockey expressed his belief that without a current traffic study as requested by NPS, as well as a number of other major concerns, none of which include the legal claims brought up, that an approval should be delayed to allow the development team to work things out.

The Commissioners summarized their major concerns as being 1) to establish an agreeable boundary setback from the Park service, 2) to obtain a current traffic impact study, 3) guaranteed employee housing, 4) stormwater drainage out of the two detention basins, 5) need for a table comparing old to new densities, 6) classification of wetlands on the property, 7) requirement to pave all roads, and 8) any conditions listed by the Town that still need addressing.

After no further discussion, Commissioner Shockey moved to continue the review of the Grand Lake Lodge PD Amendment until date certain of December 5th in order to allow the applicant to address the above concerns. Commissioner Gilbert seconded the motion. All other Commissioners voted aye.

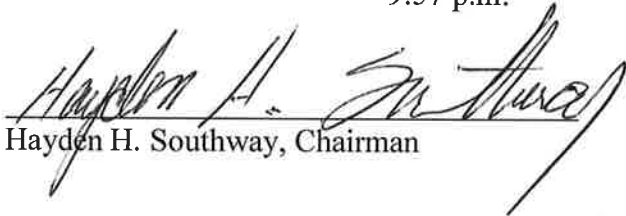
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DISCUSSION:

Brief discussion ensued about the closure of the W Portal Bridge and the timeline of the project. Chairman Southway requested an update from Staff at the next meeting on all current development projects.

ADJOURNMENT:

Commissioner Shockey moved to adjourn, seconded by Commissioner Canon. All Commissioners voted aye, and the meeting was adjourned at 9:57 p.m.



Hayden H. Southway, Chairman

ATTEST:



Alayna Carrell, Town Clerk

