



**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, January 8, 2019 8:00 AM**

Minutes

- I. The Meeting was called to order at 8:00am.
- II. Roll call indicated present: Brad Holzwarth, Mike Davlin, Jonathan Larson, Doug Robbins, Roger Kish, Dave Barker, and George Stevens.
- III. Town Hall Meeting – No comments received.
- IV. Commissioner Robbins moved and Commissioner Kish seconded a motion to approve the minutes from December 11, 2018. Motion carried 7-0.
- V. Conflicts of Interest- No comments were received.
- IV. NEW BUSINESS:

- A. Election of Chairman and Vice Chairman (yearly)

Commissioner Davlin moved to nominate Brad Holzwarth as Chairman, and Commissioner Robbins moved to nominate Mike Davlin as Vice-Chairman, both motions were seconded by Commissioner Barker.
Motion carried: 7-0.

- B. Adoption of Winter Park Town Plan (Imagine Winter Park)

Community Development Director Shockey presented the Staff Report as follows:

The Town Plan is guided by state law C.R.S 31-23-206:

“It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. The master plan of a municipality shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan.”

As explained above, it is the duty of the Planning Commission to make and adopt the Town Plan, so the plan is before the commission to complete the final adoption.

The Town Council reviewed the plan at a public hearing on December 18, 2018. The Council approved Resolution 1669, Series 2018, a resolution approving the Town Plan and recommending the Planning Commission formally adopt the Town Plan as the official master plan for the Town of Winter Park.

A public notice was published in the Sky-Hi News on December 20, 2018 providing notice of this hearing. No comments have been received.

Staff recommends the Planning Commission adopt Resolution 1-2019, a resolution approving the Imagine Winter Park Town Plan as the official master plan for the Town of Winter Park in compliance with C.R.S 31-23-206.

The resolution was provided to the Commission as a table-setting ahead of the meeting.

Commissioner Holzwarth opened the public hearing at 8:04am and hearing no comments closed the public hearing at 8:05am.

Commissioner Davlin moved and Commissioner Larson seconded a motion to adopt the Town Plan that passed the Town Council. Motion Carried 7-0.

C. Waldron Minor Subdivision

Planner Owen presented the staff report as follows:

The applicant, Janice L. Waldron, is proposing to divide the 5.79 acre parcel known as 1008 Winter Park Drive into two parcels. The property is currently vacant besides the Adolf's Building which is used as a ski shop at this time.

The applicant is proposing to divide the parcel into two along the centerline of Timberline Drive. The parcels will then be marketed for sale, leaving the eventual development of the parcels to future owners. No development work is anticipated at this time.

Outlot A has been created to accommodate Winter Park Drive, and the applicant is proposing to convey Outlot A to the Town of Winter Park.

Since this plat is only subdividing one lot into two lots, the application can be processed as a Minor Subdivision.

The Town Code (§8-3-10) requires either the dedication, reservation or conveyance of areas suitable for public purposes such as parks, flood channels, scenic areas and greenbelts of up to five percent (5%) of the total area of the subdivision, or a payment in lieu of such dedication.

The applicant has proposed reserving 1.317 acres or 21.97% of the total area for Open Space as defined in the Winter Park Town Code.

In addition, the applicant is proposing the dedication of .324 acres, or 5.41% of the total area for Right of Way (Outlot A) to be conveyed to the Town of Winter Park for Winter Park Drive.

No school impact fees are due at this time, but any future development will be subject to them at time of final condominium and/or townhome plat at the rate of 0.0180 acres per multifamily dwelling unit unless that calculation is updated prior to development occurring on the site.

Review Agency Comments:

Town Engineer

The Town engineer has reviewed the minor subdivision and recommends that the Town modifies the existing access easement along Trademark Drive to resolve stormwater issues in the area which would affect any future development on the site, as well as all existing development. Please see attached letter for more detail.

Mountain Parks Electric

After reviewing the proposed minor subdivision, Mountain Parks Electric has several major concerns with the location of existing utilities in that area, specifically an existing switchgear that may be located in the road easement shown on the plat. Please see the attached letter and diagram for more details.

Winter Park Water and Sanitation

The water district requests that the 10' utility easement that connects to the existing 20' utility easement be brought up to their current standards which state that "Any easements or rights -of-way shall have a minimum width of 20 feet for one utility and 30 feet for two utilities." Please see attached document for documentation of their current standards.

Adjacent Property Owner Comments:

Staff sent notice to adjacent property owners on December 31, 2018, and Trademark Condominiums sent over a letter which is in front of the Commissioners as a table setting and was sent by email as well.

Staff prepared a red-marked print for the proposed Final Plat including several edits:

1. Prior to recordation, the applicant shall revise the Final Plat in conformance with the red-marked print dated December 28, 2018.
2. Prior to recordation applicant shall make the following plat changes:
 - a. Add bearing between Lots 1 and Lot 2 for the 10.49' distance
 - b. Suggest adding the 15.00' distance for the S52°05'43"E bearing
 - c. Add legend for set monuments on Sheet 2, or call out SEE NOTE 10 on just one of the solid circles
 - d. Add as-survey legal description on the cover sheet (since this is a new plat)
 - e. The legal description on the Owner's Cert must match the legal on the title exactly.
 - f. Per Kendra Carberry, Notes 1 and 3 must be removed and Note 9

- requires clarification.
- g. Per Kendra Carberry, please provide a note addressing what Outlot A is supposed to be doing.
 - h. Indicate where all existing roads lie on the plat, not only the easements, and indicate any changes being proposed to either.

Staff recommends the Commission provide a favorable recommendation of approval to the Town Council for the Final Plat of Adolf's on the Fraser with the following conditions to be met and/or provided prior to recording:

1. The applicant shall revise the submitted plans and documents in conformance with the official red-marked print dated December 28, 2018.
2. The applicant shall make the following plat changes:
 - a. Add bearing between Lots 1 and Lot 2 for the 10.49' distance
 - b. Suggest adding the 15.00' distance for the S52°05'43"E bearing
 - c. Add legend for set monuments on Sheet 2, or call out SEE NOTE 10 on just one of the solid circles
 - d. Add as-survey legal description on the cover sheet (since this is a new plat)
 - e. The legal description on the Owner's Cert must match the legal on the title exactly.
 - f. Per Kendra Carberry, Notes 1 and 3 must be removed and Note 9 requires clarification.
 - g. Per Kendra Carberry, please provide a note addressing what Outlot A is supposed to be doing.
 - h. Indicate where all existing roads lie on the plat, not only the easements, and indicate any changes being proposed to either.
3. The applicant shall work with Town Staff and the Town engineer modify the existing access easement within Trademark Drive to allow for the construction and maintenance of underground utilities and stormwater drainage.
4. The applicant shall work with Mountain Parks Electric to resolve concerns regarding utilities within the subdivision and the alignment of Trademark Drive.
5. The applicant shall revise the plat to bring the 10' wide utility easement into conformance with the Winter Park Water and Sanitation District's Standard of a 20' easement.
6. A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property prior to the recording of any Final Plat.
7. A Statement of Authority shall be provided for each party that signs the Final Plat.
8. If there is a lien holder, a ratification and confirmation of the plat shall be provided.
9. A digital file of the approved plat must be submitted. The digital file shall be in a format acceptable to the Town's System. Requirements for digital submittal can be obtained from the Town's Planning Department.
10. An executed Final Plat Mylar and other supporting documents, as well as recording fees, be provided.
11. Dedicate at least 5% of the reserved open space to the Town per Town Code.

Georgia Noriyuki, representative of the applicant (the Janice J. Waldron Trust) presented the history of the land, their reasonings for subdividing, and addressed several of the conditions as follows:

Conditions 1 and 2 are technical edits and can be taken care of or revised for clarity without issue.

Condition 9 is regarding the digital file format and the applicant requested more information on the requirements which will be sent over after the meeting.

Condition 4 is already being worked on in conjunction with Mountain Parks Electric since the title company missed an easement to them for their switchgear.

Condition 3 required further discussion due to the complicated nature of Trademark Drive, but the applicant does not have an issue with overall. They simply may need to clarify how an easement would work in that space.

Commission discussed the complications related to Trademark Drive and drainage easements per Condition 3:

- The existing road is not currently within the legal easement and the Waldrons have attempted to work with Trademark Condominiums to move the easement so it matches the road, but to no avail yet.
- The Bridge over the Fraser River along Trademark Drive is also not in the easement.
- Commissioner Davlin asked who built the bridge. David Lutz indicated that Winter Park 1 Limited most likely built it.
- Discussion on the road not being a public right of way, and the town easement for bike and pedestrian which was given by Trademark Condominiums.
- The Town has maintenance obligations on Trademark Drive for pedestrian and bike access, not vehicular and Trademark Condominiums is concerned about vehicular road maintenance once the Waldron's land is developed.
- Storm drainage along Winter Park Drive, and drainage from slopeside was discussed in terms of its drainage to Waldron property and the effect moving drainage might have on existing drainage.
- A natural perennial stream was discussed in terms of historical drainage onto Waldron property and Army Corps of Engineers wetland designation which
- A newly discovered storm water system under Winter Park Drive unearthed during the improvements to that area was discussed. The system is currently not operable and has been capped.
- Town engineers recommendation to keep the perennial stream and the runoff from Winter Park Drive separate, to not confuse the issue of natural and historic water runoff with man made drainage.

One additional condition was added to address the 5% land dedication which is required to be dedicated to the Town, not simply reserved for Open Space as is shown on the plat.

The public hearing was opened and Robin Wirsing, representing Trademark Condominiums spoke about the location of the road easement, cost sharing for road maintenance, the bike trail easement, and removing their secondary access along Trademark.

Commissioner Larson asked about the costs Trademark Condominiums currently experience for snow plowing, repair, and ongoing maintenance of the road.

Ms. Wirsing indicated that currently they have not had repairs so have not had costs for that, and snow plowing going forward is unclear since it was at one point plowed by several entities based on unwritten agreements. The Town uses Trademark Drive as a trail, not a road, but during the summer when the bike and pedestrian easement owned by the Town is being used, the Town provides striping.

Ms. Wirsing also indicated that Trademark Condominiums does not want to move the easement to match the existing road until the maintenance issue has been decided.

Commissioner Barker indicated that the issue of maintenance and easement alignment is between the two private property owners, and the issue before the Commission is the subdivision of one lot into two lots.

The public hearing was closed, not having any other comments.

Janice Waldron declined to speak to the commission.

Discussion was held.

Commissioner Davlin indicated that the private property owners should get together and come back.

Commissioner Kish asked if this was an issue they could condition and Staff could resolve, did the commission want to see this again?

The Commission discussed the drainage issue with the applicant at length, with different alternatives and opportunities being offered.

The applicant stated that they had performed a wetland study already which is why their plat indicated so much open space, to preserve the high quality wetlands.

Commission asked about the Army Corps. They have been contacted about the drainage on the Waldron property but would need a long term study of the drainage to determine what parts were natural and what parts were man-made, and if any man-made wetland areas could be dried up.

Commissioner Davlin expressed concern that Ms. Waldron has been taken advantage of

over the years with different adjacent property owners using their land illegally for parking, encroaching the road into their land, draining water onto their property, and he does not want to contribute to that by having the Town take more from her.

The Commission agreed to let Condition 3 be worked out further between Staff and the applicant prior to Town Council. Otherwise, all of the other conditions are accepted by both the applicant and the Commissioners.

Commissioner Davlin moved and Commissioner Larson seconded approval of the Plat with the conditions as outlined by Staff. Motion Carried 7-0.

D. Design Review - 39 Alpine Way, Hermes

Building and Planning Technician Evans presented the Staff Report as follows:

This is a single-family home that has a building footprint square footage of 3,783 with a garage.

Homeowner's Association Review: Hideaway Village South does not have an HOA.

Proposed Material & Color: Please see attached materials board and elevations for the material list.

The applicant states the fixtures will comply with Town guidelines and are dark sky compliant.

- Prior to building permit issuance, cut sheets will need to be provided for exterior fixtures that state they comply with Town guidelines and are dark sky compliant.

Building height complies with Town standards. The midpoint building height is 35' which is permitted based on the building height definition.

Adequate parking has been provided in compliance with Town standards. The design includes a garage plus exterior parking. A landscape plan was submitted.

- No site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has been implemented on the site.
- Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family / Duplex Deposit Agreement.

Staff is satisfied with the overall design and the structure is located within required setbacks; which include the 30' water quality setback. Building coverage is 31% building to open space.

A site inspection of the property has not been performed by staff.

- No site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has been implemented on the site.

The driveway has been designed with a 5% grade at the entrance, then goes to 9.6 % and becomes 2% approaching the garage door which is in compliance with Town Standards. Once the driveway is completed it will need to be verified that it is seven (7) feet from the property line.

- A stabilized construction entrance shall be installed prior to ground disturbance.

The erosion and drainage plan complies with Town standards.

- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.

Staff recommends the Planning Commission approve the single-family design for Lot 8, Hideaway Village South Subdivision with the following conditions:

- No site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has been implemented on the site.
- Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family / Duplex Deposit Agreement.
- A stabilized construction entrance shall be installed prior to ground disturbance.
- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.
- Prior to building permit issuance, cut sheets will need to be provided for exterior fixtures that state they comply with Town guidelines and are dark sky compliant.

Commissioner Robbins moved and Commissioner Barker seconded a motion to approve the design review with staff recommendations. Motion carried 7-0.

V. Staff Update

- The Downtown Plan RFP will be published soon looking for a consultant to implement the Town Plan recommendations.
- Rome will be coming back to Planning Commission on January 22 for the second review of their Preliminary Plat.

Upon a previously adopted motion, the meeting was adjourned at 9:49am.