Those members of the public wishing to attend the meeting digitally or provide comment during the Town Hall Meeting portion or during either of the Public Hearings on Tuesday’s agenda are asked to please contact the Town Clerk Department at (970) 726-8081 ext. 208 for a conference call-in number and passcode.

WINTER PARK TOWN COUNCIL MEETING
Winter Park Town Hall – 50 Vasquez Road
Tuesday, April 21, 2020 – 5:30 p.m.

AGENDA

1. Meeting Call To Order
   a. Pledge of Allegiance
   b. Oath of Office for Newly Elected Councilmembers
   c. Roll Call of Council Members
   d. Election of Mayor
   e. Election of Mayor Pro Tem

2. Town Hall Meeting (Public Comment)

3. Consent Agenda
   a. Approval of March 24, 2020 Special Meeting Minutes
   b. Approval of March 30, 2020 Special Meeting Minutes
   c. Approval of April 7, 2020 Regular Meeting Minutes

4. Action Items
   a. Resolution 1768, A Resolution Re-Appointing Ronald W. Carlson as Presiding Municipal Judge
   b. Tabled Ordinance 530, An Ordinance Amending Title 6, Chapter 6, Section 4B of The Winter Park Town Code by Adopting Updated Emergency Services Impact Fees for Development Activities that Generate an Increased Need for Additional Emergency Services, Second Reading and Public Hearing.
   d. Ordinance 535, An Ordinance Amending Section 6-5-1 of the Winter Park Town Code, Regarding the Timing of Payment of Affordable Housing Fees, First Reading
   e. Resolution 1769, A Resolution Approving with Conditions the Preliminary Plat for Winter Park Rendezvous Center
f. Resolution 1770, A Resolution Approving with Conditions the Preliminary Plat for Lake Trail Townhomes

g. Resolution 1771, A Resolution Approving the Lot Area and Building Requirements for the Lodge at Sunspot at Winter Park Resort

5. Town Manager’s Report

6. Mayor’s Report

7. Town Council Items for Discussion
The following four members of Council were up for election on April 7, 2020:

- Jim Myers
- Chuck Banks
- Jimmy Lahrman
- Mike Periolat

Three (3) four-year terms of office and one (1) two-year term of office were available.

Per the attached Statement and Certificate of Determination of a Regular Municipal Election held in Winter Park, Colorado on Tuesday the seventh day of April 2020, the results for Council seats and terms are as follows:

- Jennifer Hughes had 151 votes elected four-year term.
- Jeremy Henn had 130 votes elected four-year term.
- Michael Periolat had 83 votes elected four-year term.
- Mike Davlin had 77 votes elected two-year term.
ELECTION CERTIFICATE

STATEMENT AND CERTIFICATE OF DETERMINATION of a Municipal Election held in Winter Park, Colorado on Tuesday, the seventh day of April 2020.

FOR TOWN COUNCIL: Scott Sutcliffe had 39 votes
Jimmy Lahrman had 62 votes
Jeremy Henn had 130 votes
Michael Periolat had 83 votes
Al Furlone had 70 votes
Mike Davlin had 77 votes
Jennifer Hughes had 151 votes

We, the undersigned, Canvassers of the Election Returns of the Municipal Election held in said Winter Park, in the State of Colorado, on Tuesday, the seventh day of April, 2020 for the election of three Council Members to a four year term and one Council Member to a two year term, do hereby certify that the above and foregoing is true and correct abstract of the votes cast at said election, as shown by the abstract for the Precinct of the Incorporated limits of the Town of Winter Park. Witness our hands and seal this 17th day of April 2020.

/s/Danielle Jardee, Town Clerk

/s/Nick Kutrumbos, Mayor Pro Tem
OATH OF OFFICE

STATE OF COLORADO
GRAND COUNTY
TOWN OF WINTER PARK

I, _________________________, do solemnly, sincerely, and truly declare and affirm that I will support the Constitution of the United States and of the State of Colorado, this Charter and the ordinances of this Town and I will faithfully perform the duties of the office of Councilmember upon which I am about to enter.

____________________________________
Signature

Subscribed and affirmed to before me this 21st day of April 2020

____________________________________
Notary Public
Mayor Jimmy Lahrman called the meeting to order at 4:30 p.m.

Mayor Lahrman led those present in reciting the Pledge of Allegiance.

Mayor Lahrman read script on how remote meeting will proceed.

Councilor Art Ferrari moved and Councilor Mike Periolat seconded the motion to go into Executive Session in accordance with C.R.S. Title 24, Section 4, Subsection 402(4)(b).

2. **Executive Session**
   a. Executive Session for the purposes of a conference with the Town Attorney to receive legal advice on specific legal questions pursuant to C.R.S. § 24-4-402(4)(b), regarding Cornerstone Litigation.

Upon conclusion of the discussion, the motion was made by Councilor Art Ferrari and seconded by Councilor Mike Periolat and unanimously carried to return to Regular Session. Those in attendance at that time were: Mayor Jimmy Lahrman, Mayor Pro Tem Nick Kutrubmos via phone, Councilors Jim Myers via phone, Chuck Banks via phone, Chris Seemann via phone, Art Ferrari and Mike Periolat, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Town Clerk Dani Jardee, Finance Director Lizbeth Lemley, and Town Attorney Patrick Wilson via phone.

Mayor Lahrman stated Council will resume with regular Town Council Meeting at 5:30 p.m.

3. **Resume Regular Meeting at 5:30 p.m.**

4. **Action Items**
   a. Ordinance 533, An Ordinance Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted and Appropriated for the Fiscal Year 2020 for the Town of Winter Park, Colorado Second Reading and Public Hearing
Town Manager Keith Riesberg stated this ordinance is to appropriate funds for a settlement agreement with the Cornerstone litigation. Mr. Riesberg stated the ordinance Appropriates $3.275 million dollars from the Town’s reserves for the resolution of the litigation. Mr. Riesberg stated under the settlement agreement which is still in draft form, will obligate Cornerstone to complete construction of Grand Park Drive, the extension road connecting to King’s Crossing Road West of railroad, as well as construction of Old Victory Road connecting to King’s Crossing Road. Mr. Riesberg stated the documents will be privy to the public once they are finalized, he anticipates this will happen before April 1, and will require another special meeting. Mayor Lahrman opened public hearing. Town Clerk Danielle Jardine read into record Linda and Gary Behlen’s comments; they don’t understand the legal fees, and what they are for since there was no Staff memo, and why can’t this item wait for a regular meeting. Mr. Riesberg stated the legal fees the ordinance refers to are a line item noted in the budget for legal matters associated with the Town. Mr. Riesberg stated this item couldn’t be held at a regular meeting because it is tied to dates outlined in settlement agreement. Winter Park Resident Gary Behlen asked if King’s Crossing Road will be closed or kept open. Mayor Lahrman stated once everything is completed the Town of Winter Park will not oppose the Union Pacific Railroad application to the PUC (Public Utilities Commission) for closure at the King’s Crossing at-grade crossing, only the Union Pacific Railroad can petition the PUC for closure. Mr. Behlen asked when this all will be completed. Mayor Lahrman stated they are saying it will be completed by December 15, 2020. Mr. Behlen asked if Council is comfortable with the budget reserves after the two budget appropriations. Mayor Lahrman stated after receiving an update from Town Manager and Finance Director Lizbeth Lemley, yes, Council is comfortable with the budget. Mr. Riesberg stated as the settlement agreement moves forward to Council, we will have a formal staff advisory on the financial implications of the settlement agreement. Winter Park Resident Madelyne Stevens stated she would like to understand the materiality of some of Town’s finances, and asked what the general fund amount is, and is this settlement agreement basically one quarter of the fund. Mr. Riesberg stated yes, this amount would be pulled from general fund reserve. Mrs. Stevens asked if the settlement pays for capital improvements or is there a factor of interest charged on this matter or is it for Town’s legal fees. Mr. Riesberg stated recognizing we have pending litigation this appropriation is intended to resolve that specific legal matter. Mr. Riesberg stated the agreement is in draft form and will be released publicly when finalized, and once it is released, Mrs. Stevens should find the information you are looking for. Mrs. Stevens asked if it is common practice in the government accounting world to modify budget during the budget year. Mr. Riesberg stated yes, it is a common practice. Mrs. Stevens asked what the Town’s 2020 budget is. Finance Director Lizbeth Lemley stated Town wide we have revenues budget of $21,714,815 dollars which includes about $4.6 million dollars’ worth of transfers between funds, so when you exclude that, it is about $17 million dollars. Ms. Lemley stated expenditures budgeted at about $34 million dollars, and capital outlay $16.1 million dollars. Mayor Lahrman asked if there were any more public comments, hearing no further comments. Mayor Lahrman closed the public hearing.

Councilor Art Ferrari moved and Councilor Mike Periolat seconded the motion approving, Ordinance 533, An Ordinance Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted and Appropriated for the Fiscal Year 2020 for the Town of Winter Park. Motion carried by following roll call vote:

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<tbody>
<tr>
<td>Jimmy Lahrman</td>
<td>&quot;Aye&quot;</td>
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<td>Mike Periolat</td>
<td>&quot;Aye&quot;</td>
<td>Chris Seemann</td>
<td>&quot;Aye&quot;</td>
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</tbody>
</table>
b. **Consideration of a Remote Meeting Policy**

Town Manager Keith Riesberg stated this policy is being submitted for Council’s consideration and adoption. Mr. Riesberg stated the policy establishes parameters that will allow the Town to hold public meetings electronically or digitally as we move forward. Councilor Seemann asked what happens if technical problems occur during an electronic meeting. Mr. Riesberg stated if we come across problems Staff could adjust the language of policy so that Council could recess and resume at a later date.

Councilor Chris Seemann moved with the condition to correct policy language and Councilor Art Ferrari seconded the motion approving a Remote Meeting Policy. Motion Carried: 7-0.

c. **Update on Business Assistance Programs**

Mayor Pro Tem Nick Kutrumbos stated Council and Staff have been meeting and working with Grand Foundation’s Megan Ledin and the Grand County Board of Commissioners to draft a small business assistance program to provide gap funding for businesses affected by COVOID-19. Mr. Kutrumbos stated this fund would help provide financial assistance until businesses get other subsidies. Mayor Lahrman stated he has been in contact with the Governor’s office, Senator’s office, and Congressman Neguse’s office to position ourselves so that our community is accounted for in relief funding from the State and Federal levels. Mr. Kutrumbos stated that following the County Commissioners meeting, Mrs. Ledin has been approved unanimously to get this program going. Mayor Lahrman stated the County is willing to put in $100,000 dollars and have the other municipalities come to the table. After discussing Council agreed to also put $100,000 dollars in the fund and to encourage the other Towns to put in as well. Mayor Lahrman stated if we can come together as a community, we will get through this as a community.

d. **Council Affirmation of Need for Social Distancing and Advocating for Additional Actions to Contain the Spread of COVOID-19**

Mayor Lahrman stated we have been watching COVOID-19 unfold across the globe, and the Mayor of Denver is advocating for a shelter in place order, like many other places across the globe. Mayor Lahrman stated now we need to focus on not spreading the virus. Mayor Lahrman stated as a County we have 15,000 people with very limited resources, and people are coming up from other areas of Colorado using those limited resources. Mayor Lahrman stated we need to put pressure on the County to put the stay at home messaging out there. Mayor Lahrman stated they have a meeting tomorrow with the rest of the mayor, managers, and commissioners in the County, and he wants Council to stand behind getting that messaging out. Chamber of Commerce Director Catherine Ross stated the Chamber would like to be a part of getting that messaging out.

e. **Consideration of Declaration of Emergency**

Mayor Lahrman stated he needs ratification for the Declaration of Emergency he signed earlier today. Town Manager Keith Riesberg stated under State law the declaration is valid for seven days, it requires the Council to ratify it to extend the declaration for 30 days. Mr. Riesberg stated the positives of ratifying this declaration are it will allow for reimbursement of expenses if funding comes forward, allows Council to take action at a local level, and designates the Town Manager as the emergency manager and authorizes him to make
policy changes. Mr. Reisberg stated it gives flexibility at a Staff level while keeping Council apprised.

Councilor Art Ferrari moved and Councilor Mike Periolat seconded the motion approving the Declaration of Emergency. Motion Carried: 7-0.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 6:41 p.m.

The next scheduled meeting of the Town Council will be Monday, March 30, 2020 at 5:30 p.m.

Danielle Jardee, Town Clerk
DATE: Monday, March 30, 2020

MEETING: Winter Park Town Council

PLACE: Town Council Chambers and Zoom Meeting Call

PRESENT: Mayor Jimmy Lahrman via phone, Mayor Pro Tem Nick Kutrumbos via phone, Councilors Jim Myers via phone, Chuck Banks via phone, Chris Seemann via phone, Art Ferrari and Mike Periolat, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Finance Director Lizbeth Lemley

Mayor Jimmy Lahrman called the meeting to order at 5:30 p.m.

Mayor Lahrman led those present in reciting the Pledge of Allegiance.

Mayor Lahrman read script on how remote meeting will proceed.

2. Action Items

a. Reconsideration of Resolution 1763 approving the Second Amendment to Annexation Agreement with Cornerstone Winter Park Holdings, LLC and the associated Intergovernmental Agreement with the Town of Fraser

Councilor Art Ferrari moved and Mike Periolat seconded the motion approving Reconsideration of Resolution 1763 approving the Second Amendment to Annexation Agreement with Cornerstone Winter Park Holdings, LLC and the associated Intergovernmental Agreement with the Town of Fraser. Motion carried by following roll call vote:

   Jimmy Lahrman  “Aye”  Nick Kutrumbos  “Aye”
   Jim Myers  “Aye”  Chuck Banks  “Aye”
   Mike Periolat  “Aye”  Chris Seemann  “Aye”
   Art Ferrari  “Aye”

Mayor Lahrman asked Assistant Town Manager Alisha Janes to read public comment into record.

Assistant Town Manager Alisha Janes stated Winter Park Residents Marcia Beake and Judith Hardardt submitted comments that were already passed along to Town Council via email. Mrs. Janes read into record Winter Park Resident Gary Behlen’s comment that was submitted today. Mr. Behlen stated concerns about the sidewalk connections, he is concerned there will not be a safe way for pedestrians and cyclists to walk or bike from west side of the railroad to downtown Winter Park. Ms. Janes stated that is the only comment she received. Mayor Lahrman asked for any other public comment. Mr. Behlen
stated his concern about how important it is to have a sidewalk connection for pedestrian access. Mr. Behlen stated he appreciated the analysis Town Manager Keith Riesberg did on the reduction in sales tax revenue and property tax, however he didn’t understand how he reduced the cost of the project. Mayor Lahrman stated there are no other comments. Town Manager Keith Riesberg stated in terms of overall structure of the settlement agreement under the revised pay structure that has been amended Town will pay Cornerstone a total of $3.275 million dollars. Mr. Riesberg stated specifically $1.825 million dollars will be paid on April 1, 2020 for the construction of the underpass, $100,000 dollars will be paid upon completion of extension road for proper connection to King’s Crossing Road, and $725,000 dollars will be paid upon the completion of Old Victory Road and its connection to King’s Crossing Road. Mr. Riesberg stated $675,000 dollars will be paid by December 1, 2020 for the balance of roadway improvements. Mr. Riesberg stated initially the payment structure had Town paying Cornerstone or putting into escrow $3.275 million dollars on April 1, 2020. Mr. Riesberg stated under the revised payment structure it gives Town more control on timing of the payments and stretches it out. Mr. Reisberg explained the construction that Cornerstone will be doing, and stated Town will be entering into an Intergovernmental Agreement with the Town of Fraser for maintenance of the roadways. Mayor Lahrman called for a motion of Council to accept the amended settlement documents with new pay schedule and agreements in place.

Councilor Art Ferrari moved and Councilor Mike Periolat seconded the motion accepting the amended settlement documents with new pay schedule and agreements in place. Motion carried by following roll call vote:

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<td>Art Ferrari</td>
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Town manager Keith Riesberg stated now that Council has accepted the amended settlement documents, he recommends Mayor Lahrman take a motion to reaffirm Resolution 1763.

Councilor Art Ferrari moved and Councilor Mike Periolat seconds the motion reaffirming Resolution 1763, Reconsideration of Resolution 1763 approving the Second Amendment to Annexation Agreement with Cornerstone Winter Park Holdings, LLC and the associated Intergovernmental Agreement with the Town of Fraser. Motion carried by following roll call vote:

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There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 5:50 p.m.

The next scheduled meeting of the Town Council will be Tuesday, April 7, 2020 at 5:30 p.m.
DATE: Tuesday, April 7, 2020

MEETING: Winter Park Town Council

PLACE: Zoom Meeting Call

PRESENT: Mayor Jimmy Lahrman via phone, Mayor Pro Tem Nick Kutrumbos via phone and Councilors, Art Ferrari via phone, Mike Periolat via phone, Jim Myers via phone, Chris Seemann via phone and Chuck Banks via phone, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes and Town Clerk Danielle Jardee

OTHERS PRESENT: Finance Director Lizbeth Lemley via phone

1. Meeting Call To Order

Mayor Jimmy Lahrman called the meeting to order at 5:30 p.m.

Mayor Jimmy Lahrman led those present in reciting the Pledge of Allegiance.

2. Town Hall Meeting
2.a. Recognition of Council Members Jim Myers and Chuck Banks

Mayor Lahrman acknowledged Councilor Jim Myers for his 34 years of service and Councilor Chuck Banks for his six years of service to our community. Councilor Banks stated he is proud of what Council has done in that timeframe and gives thanks for being involved. Councilor Myers stated a lot has changed since he moved here, sometimes things were rewarding and other times they were difficult, but it is a journey he wouldn’t take back. Council, Staff, and Chamber stated their thanks and well wishes to the gentlemen. Town Manager Keith Riesberg stated thanks to both Councilors for their leadership and contributions to the community and stated they both should take pride in knowing they helped shape Winter Park.

3. Consent Agenda
3.a. Approval of March 19, 2020 Regular Meeting Minutes

Councilor Jim Myers moved and Councilor Art Ferrari seconded the motion approving the Consent Agenda. Motion carried by the following roll call vote:

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<td>“Aye”</td>
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<td>Art Ferrari</td>
<td>“Aye”</td>
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4. Action Items
4.a. Resolution 1759, A Resolution Approving the First Amendment of Development Agreement with Rendezvous Colorado, LLC

Town Manager Keith Riesberg stated the development agreement for the Winter Park Rendezvous Chamber center did not address the housing impact fees. Mr. Riesberg stated this amendment will

Winter Park Town Council, April 7, 2020 Minutes
allow for an additional .5% RETA (Real Estate Transfer Tax Assessment) to be implemented after the initial building sales. Mr. Riesberg stated the .5% RETA will go to the attainable housing fund. Mr. Riesberg stated the developer agrees and Staff recommends approval.

Councilor Jim Myers moved and Councilor Art Ferrari seconded the motion approving Resolution 1759, A Resolution Approving the First Amendment of Development Agreement with Rendezvous Colorado, LLC. Motion Carried by the following roll call vote:

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<tr>
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<th>“Aye”</th>
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4.b. Resolution 1766, A Resolution Amending the Contract with the Winter Park & Fraser Chamber of Commerce

Town Manager Keith Riesberg stated the contract with the Chamber of Commerce was approved in January and had anticipated over a million dollars being spent on marketing. Mr. Riesberg stated Chamber and Town will amend contract to reduce that budget by $100,000 dollars. Mr. Riesberg stated this will allow the Town to then put that $100,000 dollars into the Grand County Business Emergency Fund. Town Manager Keith Riesberg and Mayor Lahrman stated thanks to Chamber Director Catherine Ross and Grand Foundation Director Megan Ledin for their efforts in getting this fund together. Mrs. Ross stated thanks to the County for getting the resources together.

Councilor Chris Seemann moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Resolution 1766, A Resolution Amending the Contract with the Winter Park & Fraser Chamber of Commerce. Motion carried by the following roll call vote:

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4.c. Resolution 1767, A Resolution Approving a Memorandum of Understanding with the Grand Foundation

Town Manager Keith Riesberg stated due to efforts of trying to stop the spread of COVOID-19, municipalities have chipped into a county wide fund for small businesses to provide immediate funds to those businesses that have been affected. Mr. Riesberg stated this fund is being ran through the Grand Foundation, and will help local businesses with rent, mortgage, or utilities. Grand Foundation Director Megan Ledin stated the application is a simple one-page application that must be filled out along with a bill or bills the business needs assistance with. Mrs. Ledin stated after paying out all the applications they have received already, there is still a healthy balance in the fund, however if the current situation continues more money will be needed. Mrs. Ledin stated the Grand Foundation’s goal is to go out and get more funding. Council stated thanks to Mrs. Ledin for her hard work. Mayor Pro Tem Nick Kutrumbos stated this model of funding is unique and there are people in the Governor’s office who are impressed by what has been done in this County.

Councilor Art Ferrari moved and Councilor Chris Seemann seconded the motion approving Resolution 1767, A Resolution Approving a Memorandum of Understanding with the Grand Foundation. Motion carried by the following roll call vote:

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<th>“Aye”</th>
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4.d. **Staff Recommendation for March 2020 Sales Tax Remittance**
Finance Director Lizbeth Lemley stated Town will be offering a 30-day extension for March 2020 sales tax remittance which is due end of April. Ms. Lemley stated the extension request form must be returned prior to April 20, 2020. Ms. Lemley stated the filing date will remain the same but payment can be extended. Ms. Lemley stated to take advantage of this extension you must file online through the Munirevs, if the return is filed and the extension application is approved, payment will be due May 20, 2020. Town Manager Keith Riesberg stated Staff will continue to monitor the sales tax situation, Staff understands sales tax remittance is dependent on business. Council stated they thought this was a good plan and are in full support.

5. **Town Manager’s Report**
Town Manager Keith Riesberg stated following today’s election, he will reach out to the newly elected officials to schedule an orientation. Mr. Riesberg stated after several weeks of responding to the COVID-19 situation, it will continue to remain an ongoing focus, however in the next coming months Staff can start moving forward with other projects, etc.

6. **Mayor’s Report**
Mayor Lahrman stated the funding breakdown of the CARES Act. Mayor Lahrman stated not many communities are supporting small businesses like Grand County is, kudos to everyone helping in those efforts. Mayor Lahrman stated he continues to beat the drum for funding for Grand County on discussions with elected officials and on phone calls and conference calls. Mayor Lahrman stated there are two fights going on right now, one, being how to flatten the curve and the other how do we keep the economy stable.

7. **Town Council Items for Discussion**
Councilor Jim Myers stated his thanks to Mayor Lahrman on all his efforts during this trying time. Mayor Pro Tem Nick Kutrumbos stated Congressman Neguse is our guy and wants to hear from our County. Mayor Pro Tem Nick Kutrumbos stated our community has done a great job so far.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 6:49 p.m.

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The next scheduled meeting of the Town Council will be Tuesday, April 21, 2020 at 5:30 p.m.

______________________________
Danielle Jardee, Town Clerk
Effective January 1st, 2019 Ronald W. Carlson was appointed Municipal Judge for the Fraser/Winter Park Combined Municipal Court. After Georgia Noriyuki’s resignation Mr. Carlson took over during a two-year term, to serve the remainder of that term.

Every two years the Town Council must appoint or reappoint a municipal judge. Staff recommends re-appointing Ronald W. Carlson for another two-year term, and he would like to designate Thad Renaud as his alternate. Thad Renaud was Georgia Noriyuki’s alternate and is currently Mr. Carlson’s alternate in another municipality.

Mr. Carlson has over 20 years of combined experience being a municipal court judge in three mountain communities and understands the needs of a mountain community.

Staff recommends re-appointing Ronald W. Carlson to the municipal judge position for another two-year term.
TOWN OF WINTER PARK  
RESOLUTION NO. 1768  
SERIES OF 2020

A RESOLUTION RE-APPOINTING RONALD W. CARLSON AS PRESIDING MUNICIPAL JUDGE

WHEREAS, pursuant to Section 7.2(a) of the Town of Winter Park Home Rule Charter, the Municipal Court shall be presided over and its functions exercised by an appointed judge who shall hold a term of two (2) years;

WHEREAS, pursuant to Section 1-7-2(a) of the Winter Park Municipal Code, the Presiding Municipal Judge may be re-appointed for terms of two (2) years;

WHEREAS, Ronald W. Carlson has served as Presiding Municipal Judge since January 2019;

WHEREAS, the Town Council now desires to re-appoint Ronald W. Carlson as Presiding Municipal Judge for a term of two (2) years;

WHEREAS, Ronald W. Carlson designates Thad Renaud as his alternate Municipal Judge for a term of two (2) years.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINTER PARK, COLORADO, AS FOLLOWS:

1. Ronald W. Carlson is hereby appointed as Presiding Municipal Judge for a two (2) year term commencing today, April 21, 2020, and ending on April 19, 2022.

2. Thad Renaud is hereby designated as Ronald W. Carlson’s Alternate for a two (2) year term commencing today, April 21, 2020 and ending on April 19, 2022.

3. The Presiding Municipal Judge shall be compensated at a rate of seven hundred dollars $700.00 per month.

PASSED, ADOPTED AND APPROVED this 21st day of April 2020, by a vote of _____ to ______.

TOWN OF WINTER PARK

________________________________
, Mayor

ATTEST:

________________________________
Danielle Jardee, Town Clerk
The Town Council adopted a policy and procedure to collect Emergency Service Impact Fees for the East Grand Fire Protection District (EGFPD) in 2001 and the fees were enacted pursuant to Ordinance 316, Series 2001. These fees were subsequently updated and adopted in 2005 by Ordinance 353, Series 2005 and in 2014 by Ordinance 488, Series 2014.

The rationale for the policy was based on analysis of growth related costs incurred by the EGFPD as part of the expanded population through residential and commercial development in Grand County. EGFPD commissioned its first impact fee study in 2000; the towns of Winter Park and Fraser and the Grand County Board of County Commissioners subsequently approved its first fire impact fee program in 2001 ($254 per residential unit or its commercial equivalent). The study was updated in 2004 and 2014, and approvals from the towns and the County modified the impact fee to $483 per housing unit and $268 per 1,000 square feet of non-residential development. Impact fee studies should be updated about every five years, and this 2019 update re-establishes the nexus between current capital costs and service demands and calculates an updated impact fee.

**Fire Impact Fee Analysis**

The fee calculation method used in this study is the buy-in method or recoupment method. The report provides additional detail and explanation of the methodology and specific calculations and analysis. This method was chosen because it is most suitable to situations in which there is capacity to serve a large amount of additional growth with the existing facilities and equipment owned by EGFPD. New development benefits from this existing investment paid for by previous property owners and residents. To be equitable, new development will therefore “buy into” this system, with its share of the cost being the portion of the existing investment allocated to the estimated future buildout of the District. Since the district can serve a large amount of new development with its current facilities and equipment, most of its future capital needs will be for fleet replacement and major capital maintenance or expansions on its facilities limited to items with a useful life of five years or more. This buy-in method makes the appropriate nexus between capital replacement needs and the responsibilities of future development.
Impact Fee Calculation

<table>
<thead>
<tr>
<th>Description</th>
<th>Factor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Asset Inventory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engines and Vehicles</td>
<td></td>
<td>$5,388,300</td>
</tr>
<tr>
<td>Existing HQ and Red Dirt Hill Stations</td>
<td></td>
<td>$6,043,704</td>
</tr>
<tr>
<td>South Station Construction</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td><strong>$14,432,004</strong></td>
</tr>
<tr>
<td>Buildout Development</td>
<td></td>
<td>13,446</td>
</tr>
<tr>
<td>Residential (DU)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential (Sq. Ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cost Allocated by Land Use Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>91%</td>
<td>$13,113,611</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>9%</td>
<td>$1,318,393</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td><strong>$14,432,004</strong></td>
</tr>
<tr>
<td><strong>Cost Allocated to New Development</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>65%</td>
<td>$8,500,141</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>29%</td>
<td>$387,228</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td><strong>$8,887,369</strong></td>
</tr>
<tr>
<td>Updated Impact Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee per Residential DU</td>
<td>13,446</td>
<td>$632</td>
</tr>
<tr>
<td>Fee per 1,000 Sq. Ft. Non-Residential</td>
<td>1,372</td>
<td>$282</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td><strong>$0.28/Sq. Ft.</strong></td>
</tr>
</tbody>
</table>

Staff Recommendation

Staff recommends approval of the increased Fire Impact Fee within the East Grand Fire Protection District No. 4 from $483 to $632 for residential dwelling units and an increase of $0.268 per square foot to $0.28 per square foot for the non-residential fee by adopting the following motion:

I move to adopt Ordinance 530, an ordinance amending Title 6, Chapter 6, Section 4B of the Winter Park Town Code by adopting updated emergency services impact fees for development activities that generate an increased need for additional emergency services.
AN ORDINANCE AMENDING TITLE 6, CHAPTER 6, SECTION 4B OF THE WINTER PARK TOWN CODE BY ADOPTING UPDATED EMERGENCY SERVICES IMPACT FEES FOR DEVELOPMENT ACTIVITIES THAT GENERATE AN INCREASED NEED FOR ADDITIONAL EMERGENCY SERVICES

WHEREAS, pursuant to Ordinance No. 316, Series of 2001 and as amended by Ordinance 353, Series 2005, the Town Council adopted Emergency Services Impact Fees and entered into an Intergovernmental Agreement between the Town Council and the Emergency Services Provider for the collection of said Impact Fees;

WHEREAS, the amount of any Impact Fee to be charged shall be set and revised from time to time by ordinance of the Town Council, based on a Fiscal Impact Fee Study to be conducted by the applicable Emergency Services Provider, or through an individual study pursuant to Title 6 of the Town Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winter Park, Colorado as follows:

1. **Findings.** The Town Council hereby finds and determines that the amendments to the Winter Park Town Code as contained herein, are necessary and designed for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Winter Park and are consistent with the Town’s goals, policies and plans.

2. **Decision.** Title 6, Chapter 6, Section 4B is hereby amended and shall read as follows:

B. Pursuant to the East Grand Fire Protection District No. 4 Fire Impact Fee Analysis, prepared December 20, 2019 by Economic & Planning Systems, Inc., the impact fees and formulas are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Factor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Asset Inventory</td>
<td></td>
<td>$5,388,300</td>
</tr>
<tr>
<td>Engines and Vehicles</td>
<td></td>
<td>$6,043,704</td>
</tr>
<tr>
<td>Existing HQ and Red Dirt Hill Stations</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td>South Station Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Value</td>
<td></td>
<td>$14,432,004</td>
</tr>
</tbody>
</table>

| Buildout Development                  |        | 13,446     |
| Residential (DU)                      |        |            |
| Non-Residential (Sq. Ft.)             |        | 1,372,047  |

<table>
<thead>
<tr>
<th>Cost Allocated by Land Use Type</th>
<th>Future Calls</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>91%</td>
<td>$13,113,611</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>9%</td>
<td>$1,318,393</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$14,432,004</td>
</tr>
</tbody>
</table>
Cost Allocated to New Development

<table>
<thead>
<tr>
<th>Land Use</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>65%</td>
<td>$8,500,141</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>29%</td>
<td>$397,228</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$8,897,369</td>
</tr>
</tbody>
</table>

Updated Impact Fees

| Fee per Residential DU |   | $632 |
| Fee per 1,000 Sq. Ft. Non-Residential | 1,372 | $282 |
|                             |   | $0.28/Sq. Ft. |

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF WINTER PARK, COLORADO THAT the fee will become effective May 1, 2020 and if the amended fee contained within this Ordinance is not approved and adopted by the Town of Fraser and by Grand County by July 1, 2020, this Ordinance shall become null and void, and the impact fees will revert back to that contained within Ordinance 480, Series of 2014.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this 3rd day of March, 2020. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the 17th day of March, 2020 at 5:30 p.m., or as soon thereafter as possible, at the Winter Park Town Hall.

TOWN OF WINTER PARK

_____________________________
Jimmy Lahrman, Mayor

ATTEST:

_____________________________
Danielle Jardee, Town Clerk

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _______ to _______ on the 17th day of March, 2020.

TOWN OF WINTER PARK

_____________________________
Jimmy Lahrman, Mayor

ATTEST:

_____________________________
Danielle Jardee, Town Clerk
Final Report

East Grand Fire Protection District #4 Impact Fee Nexus Study

Prepared for:
East Grand Fire Protection District #4

Prepared by:
Economic & Planning Systems, Inc.

EPS #193049

December 20, 2019
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1. Executive Summary

Introduction

This Impact Fee Nexus Study provides the data and analysis that quantifies “the reasonable impacts of proposed development on existing capital facilities...” as required by CRS 29-20-104.5. Impact fees are charges on new development use to fund capital costs, in whole or in part, directly related to providing services to new development.

This study has been commissioned by East Grand Fire Protection District #4 (EGFPD). EGFPD commissioned its first impact fee study in 2000; the towns of Winter Park and Fraser and the Grand County Board of County Commissioners subsequently approved its first fire impact fee program in 2001 ($254 per residential unit or its commercial equivalent). The study was updated in 2004 and 2014, and approvals from the towns and the County modified the impact fee to $483 per housing unit and $268 per 1,000 square feet of non-residential development. Impact fee studies should be updated about every five years, and this 2019 update re-establishes the nexus between current capital costs and service demands and calculates an updated impact fee. No changes to the way the District administers its impact fees are recommended.

Updated Impact Fee

This study has calculated that the maximum justifiable impact fee for 2019 forward is $632 per dwelling unit and $0.28 per square foot of non-residential development as shown in Table 1.

Table 1. 2019 Updated Impact Fee

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Updated 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per Unit</td>
<td>$632</td>
</tr>
<tr>
<td>Non-Residential per sq. ft.</td>
<td>$0.28</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems
Z:\Shared\Projects\DEN\193049-East Grand Fire Impact Fees\Models\[193049 Impact Fee Calculation Buildout.xlsx]T-Impact Fees
Methodology and Nexus

The fee calculation method used in this study is the buy-in method or recoupment method. The subsequent chapters in this report provide additional detail and explanation of the methodology and specific calculations and analysis. This method was chosen because it is most suitable to situations in which there is capacity to serve a large amount of additional growth with the existing facilities and equipment owned by EGFPD. New development benefits from this existing investment paid for by previous property owners and residents. To be equitable, new development will therefore “buy into” this system, with its share of the cost being the portion of the existing investment allocated to the estimated future buildout of the District. Since the district can serve a large amount of new development with its current facilities and equipment, most of its future capital needs will be for fleet replacement and major capital maintenance or expansions on its facilities limited to items with a useful life of five years or more. This buy-in method makes the appropriate nexus between capital replacement needs and the responsibilities of future development.

Colorado Impact Fee Law

Impact fees are charged by local governments on new development to help pay (in whole or in part) for capital facilities and capital equipment needed to serve growth. The State of Colorado has adopted a standard with the adoption of Senate Bill 15, codified as Section 29-20-104 and 104.5 of the Colorado Revised Statutes following a Colorado Supreme Court Decision. In 1999, the Colorado Supreme Court ruled in Krupp v. Breckenridge Sanitation District that the District could assess an impact fee based on a set of development characteristics that reflect the general performance of a proposed use, rather than the specific conditions of an individual proposal. While traditional exactions are determined on an individual basis and applied on a case-by-case basis, an “impact fee is calculated based on the impact of all new development and the same fee is shared to all new development in a particular class.” The finding of the Court distinguishes impact fees, as a legislatively adopted program applicable to a broad class of property owners, from traditional exactions, which are discretionary actions applicable to a single project or property owner.

In 2001, the State Legislature provided specific authority in adopting Senate Bill 15 that “provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to serve new development.” The bill amended Title 29 of the Colorado statutes that govern both municipalities and counties and defines

---

“local government” to include a county, home rule, or statutory city, town, territorial charter city, city, or county. In 2016, the Colorado Legislature passed House Bill 1088, the Public Service Fairness Act, which specifically authorized Title 32 Fire Protection Districts to levy impact fees.2

Senate Bill 15 states that local governments must “quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development.” The standard that must be met within the State of Colorado requires mitigation to be "directly related" to impacts. This test has been used consistently to establish impact fee programs and has not been legally challenged to date. This report is intended to satisfy these requirements by documenting the impact fee calculations used to determine the maximum impact fee that the EGFPD may charge.

### Impact Fees Under SB-15

- **Capital Facilities** – Fees may not be used for operations or maintenance. Fees must be spent on capital facilities, which have been further defined as directly related to a government service, with an estimated useful life of at least five years and which are required based on the charter or a general policy.

- **Existing Deficiencies** – Fees are formally collected to mitigate impacts from growth and cannot be used to address existing deficiencies. In the analysis used to establish an impact fee program, the evaluation must distinguish between the impacts of growth and the needs of existing development.

- **Credits** – In the event a developer must construct off-site infrastructure in conjunction with his or her project, the local government must provide credits against impact fees for the same infrastructure, provided that the necessary infrastructure serves the larger community. Credits may not apply if a developer is required to construct such a project as a condition of approval due to the direct impact on the capital facility created by the project.

- **Timing** – The District must hold revenues in accounts dedicated for the specific use. Funds must be expended within a reasonable period or returned to the developer. The State enabling legislation does not specify the maximum length of time to be used as a “reasonable period.” Because different types of improvements can vary in their size and cost, a “reasonable period” represents different lengths of time that correspond to the complexity of the improvement.

- **Accounting Practices** – The District must adopt accounting practices to track the collection and spending of impact fees.

---

2 C.R.S. 29-1-203.5
Special Districts – Senate Bill 15 does not specifically authorize metropolitan or special districts to establish impact fee programs. However, local governments may impose impact fees for “any service that a local government is authorized to provide.” To the extent that such services are provided by other entities, such as a special district, it is appropriate for a city, town, or county to collect the impact fee to offset the costs of capital improvements directly related to providing that service. In some communities, special districts provide services such as water, police or fire protection services. To the extent that the local government(s) wishes in the future to collect fees on behalf of another entity to share in the cost of service provision, the local government may collect these fees, but must also establish procedures to ensure accurate transfer of funds and compliance with applicable legal requirements.

Pending or Previously Approved Development – Colorado statutes exempt from impact fees developers who have submitted “complete applications” to a local jurisdiction prior to adoption of a fee program. This could apply not only to applications in the development review process, but also to the numerous vacant platted lots within existing subdivisions, depending on when the impact fee is collected. Senate Bill 15 states that impact fees may be assessed as a condition of issuance of a “development permit.” While a building permit is not expressly listed in the definition of a “development permit,” it seems clear that a building permit is an application for new construction within the meaning of the statute. Thus, if the program is established to trigger payment with a completed building permit application, “an impact fee... could probably be assessed against projects for which complete subdivision applications were filed before the fee was adopted, but which have not filed complete building permit applications.”

Impact Fees versus Exactions – Once a town or county establishes an impact fee program, it remains able to include exactions (such as those defined in its Land Use Codes) in future development approvals as long as the impacts addressed through the exaction are distinct from the impacts addressed by the fees. Many municipalities employ both tools in their development approval process. The key is to ensure that the mitigation addressed by an exaction does not duplicate the improvements used as a basis for an impact fee. One of the benefits of an impact fee program is a potential reduction in the need to negotiate site-specific exactions, with particular benefit regarding regional needs and the process used to determine the appropriate share to be borne by individual development proposals. While the development community should benefit from a simplified development review process, an impact fee program itself does not preclude a town or county from requiring exactions.

---

Impact Fee Calculation

The subsequent chapters in this report document the analysis completed to calculate the 2019 impact fee. The overall approach is outlined below:

- **Future Land Use** – Estimates the future buildout of the District from the remaining development in approved projects.

- **Asset Values and Apportionment of Costs** – Provides an inventory of fleet and apparatus and station facilities along with insured value, which is a close approximation for replacement cost. Then, apportions capital costs between residential and non-residential development, and existing and new development within those land uses.

- **Maximum Fee Calculation** – Calculates the maximum fee supportable based on the costs allocated to new development.

\[
Maximum\ Impact\ Fee = \frac{(Total\ Asset\ Value \times \%\ Allocated\ to\ Growth)}{Units\ of\ Growth}
\]
2. Land Use

**Service Area**

EGFPD is one of five fire districts within Grand County, Colorado. The District’s service area centers on the towns of Winter Park and Fraser and covers approximately 200 square miles as shown in **Figure 1**. The District provides fire protection and prevention services and emergency response assistance in Winter Park, Fraser, and unincorporated Grand County. Winter Park, Fraser, and Winter Park Ski Resort are located approximately 70 miles west of Denver and approximately 40 miles south of the Grand Lake entrance to Rocky Mountain National Park. The District’s service area is therefore a popular winter and summer tourism and recreation destination, which affects the types of calls and seasonal fluctuations in calls that EGFPD must manage.

**Figure 1. EGFPD Service Area Map**
The District is situated in an area with many recreation and tourism draws, making it popular with overnight tourist visitors and second homeowners in both summer and winter seasons. Growth, particularly in second homes (most of the “vacant housing units” shown below), was especially robust during the early and mid-2000s but slowed down substantially from 2010 to 2018, as shown in Table 2. There is currently a resurgence in growth, with several large residential and commercial projects progressing and under construction again.

Development in Grand County has been highly cyclical, historically, making it difficult to forecast growth. Fee calculations can be highly sensitive to the growth forecast. This cyclical market is one reason that influenced the choice to use the buy-in method, which does not require a growth forecast.

Table 2. EGFP Population and Housing Growth

<table>
<thead>
<tr>
<th>Description</th>
<th>2000</th>
<th>2010</th>
<th>2018</th>
<th>2000-2010</th>
<th>2010-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Ann. #</td>
<td>Ann. %</td>
<td>Total</td>
<td>Ann. #</td>
</tr>
<tr>
<td>EGFPD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>3,476</td>
<td>4,622</td>
<td>4,762</td>
<td>1,146</td>
<td>140</td>
</tr>
<tr>
<td>Housing Units</td>
<td>4,012</td>
<td>6,439</td>
<td>6,472</td>
<td>2,427</td>
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<tr>
<td>Occupied Housing Units</td>
<td>1,509</td>
<td>2,078</td>
<td>2,145</td>
<td>569</td>
<td>67</td>
</tr>
<tr>
<td>Vacant Housing Units</td>
<td>2,503</td>
<td>4,361</td>
<td>4,327</td>
<td>1,858</td>
<td>-34</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems

Existing Land Use

Existing land use information is needed to analyze EGFPD call/incident response data used in allocating costs to residential and non-residential development. Currently, there are 7,298 dwelling units and 3.3 million square feet of non-residential space in the District as shown in Table 3 and Table 4.

Table 3. Existing Residential Land Use

<table>
<thead>
<tr>
<th>Residential Inventory</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Units</td>
</tr>
<tr>
<td>Residential Use</td>
<td></td>
</tr>
<tr>
<td>Residential - Single Family</td>
<td>3,355</td>
</tr>
<tr>
<td>Residential - Duplex-Triplex</td>
<td>182</td>
</tr>
<tr>
<td>Residential - Condominiums</td>
<td>3,393</td>
</tr>
<tr>
<td>Residential - Multiple Units 4-8 Units</td>
<td>44</td>
</tr>
<tr>
<td>Residential - Multiple Units 9 or more Units</td>
<td>155</td>
</tr>
<tr>
<td>Residential - Manufactured Homes</td>
<td>92</td>
</tr>
<tr>
<td>Residential - Farm or Ranch Residence</td>
<td>77</td>
</tr>
<tr>
<td>Total</td>
<td>7,298</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems
Future Land Use

The buy-in method uses an estimate of future buildout as the denominator in the impact fee calculation. It is fully understood that the ultimate buildout is in the distant future; the buy-in method is not dependent on the timing of development.

In order to estimate buildout, EPS contacted and interviewed the planning and community development staff in Winter Park, Fraser, and Grand County. Data was collected and compiled on all existing entitlements and development remaining in each project. For zoned land outside of major projects, estimates for development capacity were made using density allowed in each zoning district, with input from staff in each jurisdiction. As summarized in Table 5, there is development capacity for over 13,000 new dwelling units and 1.4 million square feet of non-residential development. Appendix Table 2 shows the more detailed estimates by area and by project.

Table 5. Summary of Buildout Estimate

<table>
<thead>
<tr>
<th>Area</th>
<th>New Residential Units</th>
<th>New Non-Residential Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraser</td>
<td>3,993</td>
<td>655,237</td>
</tr>
<tr>
<td>Winter Park</td>
<td>6,182</td>
<td>122,411</td>
</tr>
<tr>
<td>Unincorporated Grand County</td>
<td>3,271</td>
<td>594,399</td>
</tr>
<tr>
<td>Total</td>
<td>13,446</td>
<td>1,372,047</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems
• **Fraser** – Grand Park is the largest project underway and has the potential for approximately 3,500 additional dwelling units. In Rendezvous, the residential component has approximately 117 dwelling units remaining, and the potential for approximately 500,000 square feet of non-residential space.

• **Winter Park** – In Winter Park, Rendezvous has capacity for approximately 1,800 additional residential units. Roam is another development with potential for 1,100 units. Around the resort base area, there are various properties with “Destination Center” zoning that could allow approximately 1,500 more residential units.

As shown in Table 6, residential buildout is estimated at 20,700 units, an increase of 13,500. Commercial buildout is estimated at 4.7 million square feet with an increase of 1.4 million square feet. These figures will likely vary over time with zoning changes and modifications to existing entitlements. The 13,500 units of new residential development comprise 65% of the buildout, which is the percentage of the capital asset values allocated to new development after they are allocated by land use to residential development. Similarly, 29 percent of the commercial buildout is the new development between today and buildout.

**Table 6. EGFPD Buildout Forecast**

<table>
<thead>
<tr>
<th>Description</th>
<th>2018</th>
<th>Buildout</th>
<th>New Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Units</td>
</tr>
<tr>
<td>Residential (DU)</td>
<td>7,298</td>
<td>20,744</td>
<td>13,446</td>
</tr>
<tr>
<td>Non-Residential (Sq. Ft.)</td>
<td>3,299,352</td>
<td>4,671,399</td>
<td>1,372,047</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems
3. Fee Calculation

In this chapter, the existing and future land use, asset inventories, and call volume data are combined into the impact fee calculation. The following steps are described in this chapter:

- **Call Forecast** – Forecast calls at buildout for residential and non-residential land uses.
- **Cost Allocation** – Allocate the value of the District’s assets based on the estimated distribution of calls in residential and non-residential land uses at buildout.
- **Fee Calculation** – The value of the District’s assets attributed to each land use category are divided by the new units of growth estimated between now and buildout.

**Call Forecast**

The call forecast begins with an analysis of call data over the four years from 2015 through 2018, shown in Table 7. Where the property type is identified under “Structure Fires,” these responses can be easily assigned to residential or non-residential land uses. The District also responds to other incidents that have more to do with the overall level of visitors or “business” during peak tourism times. Many of these are auto-related incidents and false alarms, and the District does not have an accurate way of tracking the property type or location of these incidents at this time. These other responses are assigned to different land uses using the concept of “service population.”

As described in the next section, service population is a set of figures that assigns population, visitors, and employees to different land uses. As shown below, 69 percent of the service population is assigned to residential property and the remaining 31 percent is assigned to non-residential property.
### Table 7. EGFPD Responses, 2015-2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure Fires</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Dwellings</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Apartments</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>All Other Residential</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Public Assembly</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Stores and Offices</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>8</td>
<td>10</td>
<td>12</td>
<td>14</td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Fires and Incidents [1]</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Vehicles</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Other Vehicles</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Non-Structure/Non-Vehicle</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Brush/Grass/Wildland</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Rubbish/Dumpsters</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>All Other Fires</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>10</td>
<td>14</td>
<td>14</td>
<td>18</td>
<td>14</td>
<td></td>
<td></td>
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<td><strong>Other Incidents [1]</strong></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Rescue/Emergency Medical</td>
<td>82</td>
<td>73</td>
<td>69</td>
<td>80</td>
<td>76</td>
<td>69.1%</td>
<td>30.9%</td>
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<td>False Alarms</td>
<td>137</td>
<td>127</td>
<td>121</td>
<td>130</td>
<td>129</td>
<td>69.1%</td>
<td>30.9%</td>
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<tr>
<td>Hazmat Responses</td>
<td>19</td>
<td>30</td>
<td>39</td>
<td>26</td>
<td>26</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>Other Hazardous Responses</td>
<td>9</td>
<td>8</td>
<td>10</td>
<td>11</td>
<td>10</td>
<td>69.1%</td>
<td>30.9%</td>
</tr>
<tr>
<td>All Other Responses</td>
<td>47</td>
<td>42</td>
<td>60</td>
<td>58</td>
<td>52</td>
<td>69.1%</td>
<td>30.9%</td>
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<tr>
<td>Subtotal</td>
<td>294</td>
<td>280</td>
<td>299</td>
<td>305</td>
<td>295</td>
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<td></td>
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<tr>
<td><strong>Total</strong></td>
<td>312</td>
<td>304</td>
<td>325</td>
<td>337</td>
<td>320</td>
<td>100.0%</td>
<td>69.0%</td>
</tr>
<tr>
<td><strong>Percent</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>69.0%</td>
<td>30.7%</td>
</tr>
</tbody>
</table>

**Mutual Aid - Not Incl.**

<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>8</td>
<td>12</td>
<td>20</td>
</tr>
</tbody>
</table>

[1] Allocated on a service population basis

Source: Economic & Planning Systems
Service Population

Service population is the total of residents, overnight visitors, second homeowners, day skiers, and employees who commute into the District for work. In-commuting workers are weighted at 50 percent since they do not spend a full day in the District. The total service population in the EGFPD is estimated at 20,600 as shown in Table 8. After assigning land use categories to each component of the service population, the residential portion is estimated at 69.1 percent and the non-residential portion at 30.9 percent.

Table 8. EGFPD Service Population

<table>
<thead>
<tr>
<th>Description</th>
<th>Factors</th>
<th>2018</th>
<th>Percent</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>A</td>
<td>4,762</td>
<td>23.1%</td>
<td>Residential</td>
</tr>
<tr>
<td>Commuters</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jobs</td>
<td></td>
<td>3,679</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees (adjusted for multiple job holders)</td>
<td>1.20</td>
<td>3,066</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-Commuting Employees [1]</td>
<td>85%</td>
<td>2,594</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-Commuting Employee Impact</td>
<td>50%</td>
<td>B</td>
<td>1,297</td>
<td>6.3%</td>
</tr>
<tr>
<td>Second Homes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Housing Units</td>
<td></td>
<td>4,327</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant for Seasonal Use</td>
<td>87%</td>
<td>3,775</td>
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<td></td>
</tr>
<tr>
<td>Short Term Rentals</td>
<td></td>
<td>1,945</td>
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<td></td>
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<tr>
<td>Guests per Unit</td>
<td>2.8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Occupancy</td>
<td>85%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Short Term Rental Population</td>
<td>C</td>
<td>4,629</td>
<td>22.4%</td>
<td>Residential</td>
</tr>
<tr>
<td>Non-Rental Second Homes</td>
<td></td>
<td>2,382</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guests per Unit</td>
<td>2.4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Occupancy</td>
<td>85%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Second Home Population</td>
<td>D</td>
<td>4,859</td>
<td>23.5%</td>
<td>Residential</td>
</tr>
<tr>
<td>Hotels</td>
<td></td>
<td>195</td>
<td>1.9%</td>
<td>Commercial</td>
</tr>
<tr>
<td>Rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guests per Unit</td>
<td>2.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Occupancy</td>
<td>80%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak Hotel Guest Population</td>
<td>E</td>
<td>390</td>
<td>1.9%</td>
<td>Commercial</td>
</tr>
<tr>
<td>Daily Skier Visits</td>
<td>F</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peak weekend day</td>
<td></td>
<td>9,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Skiers</td>
<td>50%</td>
<td>4,700</td>
<td>22.8%</td>
<td>Commercial</td>
</tr>
<tr>
<td>Service Population</td>
<td>=A+B+C+D+E+F</td>
<td>20,637</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

Residential Share  
Commercial Share  
Total

Source: Economic & Planning Systems
Buildout Call Forecast

There was an average of 319 incident responses over the past five years. This equates to 0.0302 calls per residential unit and 0.0298 calls per 1,000 square feet of non-residential development as shown in Table 9. At buildout, an increase of 447 calls per year is estimated of which 91 percent are assigned to residential development and 9 percent are assigned to non-residential property.

Table 9. Call Forecast at Buildout

<table>
<thead>
<tr>
<th>Description</th>
<th>2014-2018 Avg.</th>
<th>Buildout</th>
<th>Increase (New Development)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Inventory</td>
<td>Calls</td>
<td>Per Unit</td>
</tr>
<tr>
<td>Residential (DU)</td>
<td>7,298</td>
<td>221</td>
<td>0.0302</td>
</tr>
<tr>
<td>Non-Residential (1,000 Sq. Ft.)</td>
<td>3,299</td>
<td>98</td>
<td>0.0298</td>
</tr>
<tr>
<td>Total Calls</td>
<td>319</td>
<td>766</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Economic & Planning Systems*
**Fee Calculation**

The impact fee calculation is shown below in Table 10.

- **Asset Value** – The District has $14.4 million in capital assets comprised of fleet, apparatus, and station and training facilities.

- **Cost Allocation** – At buildout, 91 percent of calls are forecasted to be to residential development and 9 percent to non-residential development.

- **Allocation to Growth** – At buildout, new residential development above what is existing development is estimated to comprise 65 percent of the total. New commercial development comprises 29 percent of the total. Therefore, 65 percent of the capital asset inventory value is allocated to new residential development or $8.5 million as shown. New non-residential development's share of the asset values is $387,000.

- **Fee Calculation** – The impact fee is the share of the asset inventory value by land use divided by the amount of new development. The maximum residential impact fee is $632 per unit. The maximum non-residential development impact fee is $282 per 1,000 square feet or $0.28 per square foot.
<table>
<thead>
<tr>
<th>Description</th>
<th>Factor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Asset Inventory</strong></td>
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<td></td>
</tr>
<tr>
<td>Engines and Vehicles</td>
<td></td>
<td>$5,388,300</td>
</tr>
<tr>
<td>Existing HQ and Red Dirt Hill Stations</td>
<td></td>
<td>$6,043,704</td>
</tr>
<tr>
<td>South Station Construction</td>
<td></td>
<td>$3,000,000</td>
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<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td>$14,432,004</td>
</tr>
<tr>
<td><strong>Buildout Development</strong></td>
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<td></td>
</tr>
<tr>
<td>Residential (DU)</td>
<td>13,446</td>
<td></td>
</tr>
<tr>
<td>Non-Residential (Sq. Ft.)</td>
<td>1,372,047</td>
<td></td>
</tr>
<tr>
<td><strong>Cost Allocated by Land Use Type</strong></td>
<td>Future Calls</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>91%</td>
<td>$13,113,611</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>9%</td>
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</tr>
<tr>
<td><strong>Total Value</strong></td>
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<td>$14,432,004</td>
</tr>
<tr>
<td><strong>Cost Allocated to New Development</strong></td>
<td>Land Use</td>
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</tr>
<tr>
<td>Residential</td>
<td>65%</td>
<td>$8,500,141</td>
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<tr>
<td>Non-Residential</td>
<td>29%</td>
<td>$387,228</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td>$8,887,369</td>
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<td><strong>Updated Impact Fees</strong></td>
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<td></td>
</tr>
<tr>
<td>Fee per Residential DU</td>
<td>13,446</td>
<td>$632</td>
</tr>
<tr>
<td>Fee per 1,000 Sq. Ft. Non-Residential</td>
<td>1,372</td>
<td>$282</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
<td>$0.28/Sq. Ft.</td>
</tr>
</tbody>
</table>

Source: Economic & Planning Systems
Appendix
# Appendix Table 2: Detailed Buildout Estimates by Area

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Vacant Acres</th>
<th>Percent by Use</th>
<th>Acres by Use</th>
<th>Estimated FAR</th>
<th>Estimated DU/Acre</th>
<th>Land Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraser</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraser</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Development District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rendezvous Commercial</td>
<td>22.0</td>
<td>4</td>
<td>0%</td>
<td>100%</td>
<td>0.25</td>
<td>0</td>
</tr>
<tr>
<td>Rendezvous Residential</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grand Park Commercial</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grand Park Residential</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grand Park Lodging</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fraser Total</td>
<td>3,993</td>
<td>655,237</td>
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<td></td>
<td></td>
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<tr>
<td>Winter Park</td>
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</tr>
<tr>
<td>Winter Park</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Planned Development District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rendezvous Winter Park</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Roam</td>
<td>-</td>
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<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>Idlewild</td>
<td>-</td>
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<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>Lakota</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mary Jane Road SF Lots</td>
<td>-</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other Planned Development</td>
<td>18.7</td>
<td>100%</td>
<td>0%</td>
<td>18.7</td>
<td>12.0</td>
<td>512</td>
</tr>
<tr>
<td>Winter Park Total</td>
<td>6,182</td>
<td>122,411</td>
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<tr>
<td>Unincorporated Grand County</td>
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<td></td>
<td></td>
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<tr>
<td>Unincorporated Grand County</td>
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<tr>
<td>Byers Peak Ranch</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Red Hawk Ranch</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grand County Total</td>
<td>3,271</td>
<td>594,399</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*East Grand Fire District Total: 13,446 1,372,047*
The Fraser Winter Park Police Department is seeking Council’s approval for the adoption of the 2020 Model Traffic Code as published by the State of Colorado, and amended by the Town of Winter Park.

BACKGROUND

In Colorado, there are two different traffic codes that provide for the enforcement of traffic regulations. The first, which is the “State Traffic Code” is encompassed in Title 42 of the Colorado Revised Statutes. All violations of the “State Traffic Code” must be addressed through the Colorado State Court System. All revenue obtained through enforcement of this code goes to the State of Colorado.

The second code, which is published by the Colorado Department of Transportation, is referred to as the “Model Traffic Code” (MTC) and only addresses the regulation of vehicles and traffic. It does not address Driver’s Licenses, Registration, Driving Under the Influence or other matters of “Statewide Concern”. Under CRS 42-4-111, “Powers of Local Authorities”, local governments may adopt and amend the Model Traffic Code to fit their own needs. Violations of the Model Traffic Code fall under the jurisdiction of the Municipal Court, and all revenues (with only a few exceptions) go to the Town where the violation occurred.

Because violations of the Model Traffic Code directly correlate to Part 4 of the State Traffic Code, the State will publish a new MTC every few years to address changes to the State Code, which are adopted as law by the Colorado Legislature. Municipalities then have the option of (1) leaving their code the same; (2) amending their currently adopted version of the MTC; or (3) adopting the new MTC. Further, the Town is given the authority to amend the MTC to deal with specific local issues such as speed regulations, parking, or even the use of OHVs and other vehicles within the Town.

The Town of Winter Park has always adopted various versions of the MTC for its use in enforcing traffic violations that occur within the Town. The last version of the MTC that was adopted by the Town was the 2009 version, which was adopted via Ordinance #432. While there have been several subsequent versions published by the State since that time, the changes have been relatively minor.

“COMMITTED TO EXCELLENCE”
PROPOSED ADOPTION OF 2020 VERSION OF THE MODEL TRAFFIC CODE

As one can guess, there have been numerous revisions to the State Traffic Code since 2009. In order to avoid confusion by our officers, and possibly issuing citations for violations of the adopted MTC that don’t exist, we are requesting that the Town adopt the 2020 Version of the Model Traffic Code, which more closely mirrors Title 42 of the Colorado Revised Statutes.

Further, because the Town has made several changes to various amendments to the 2009 Model Traffic Code, we are requesting the adoption of the new MTC in order to remain consistent with various development agreements.

It should be noted that this change does not affect our current fine schedule, which is adopted separately. Our current fine schedule mirrors the fine schedule as set by the State in CRS 42-4-1701. While the Town has the authority to adopt its own fine schedule, we prefer to use the State Fine Schedule, as the State publishes a document that is easy to use for our officers.

While the Town has included several amendments to the MTC that are contained in the Ordinance, the actual Model Traffic Code is over 200 pages. As such, it is not attached to the Ordinance or to this memorandum. A copy of the proposed MTC can be viewed at the following address:

2020 Model Traffic Code

If you have any questions, please do not hesitate to contact me.
TOWN OF WINTER PARK
ORDINANCE NO. 534
SERIES OF 2020

AN ORDINANCE REPEALING AND REENACTING CHAPTER 3 OF TITLE 4 OF THE WINTER PARK TOWN CODE, REGULATING MOTOR VEHICLES AND TRAFFIC AND ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES

WHEREAS, the Town previously adopted the 2009 edition of the Model Traffic Code, with amendments; and

WHEREAS, the Town Council now wishes to adopt the 2020 edition of the Model Traffic Code, with amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WINTER PARK, COLORADO, THAT:

Section 1. Chapter 3 of Title 4 of the Winter Park Town Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 3 – MOTOR VEHICLES AND TRAFFIC

4-3-1: MODEL TRAFFIC CODE ADOPTED:

The Town hereby adopts by reference the 2020 edition of the "Model Traffic Code for Colorado Municipalities", promulgated and published as such by the Colorado Department of Public Safety, Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, CO 80222 (the "MTC"). A copy of the MTC is available for inspection at the office of the Town Clerk during regular business hours.

4-3-2: APPLICABILITY:

This Chapter shall apply to every street, alley, sidewalk, driveway, park, and every other public way within the Town, the use of which the Town has the authority to regulate, provided that Sections 1401, 1402, 1413, and Part 16 of the MTC, concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports, shall apply not only to public ways but also to private property in the Town.

4-3-3: SPEED LIMITS:

The maximum speed limit on any state or federal highway within Town shall be thirty-five (35) miles per hour, unless otherwise posted. The maximum speed limit on all Town streets shall be twenty (20) miles per hour, unless
otherwise posted. Any speed in excess of such limits shall be *prima facia* evidence that the speed is not reasonable or prudent and that it is unlawful.

**4-3-4: PARKING:**

Section 1204 of the MTC is amended by the addition of new Subsections (6), (7), (8), and (9), to read as follows:

(6) The Town Manager is hereby delegated the authority to determine the appropriate restrictions on vehicular standing or parking to be applied to various streets and other public places in the Town and to cause to be posted official signs to give notice of such restrictions.

(7) Enforcement of any parking restriction may be initiated in any of the following ways:

(a) A parking ticket may be served by leaving it under the windshield wiper or otherwise attached to the vehicle, or handing it to the driver or owner if the driver or owner is present, or mailing by first-class or certified mail to the address of the vehicle as shown in the motor vehicle ownership records of the state of registration; or

(b) A summons and complaint may be served on the owner or driver of the vehicle as provided in the Colorado Municipal Court Rules of Civil Procedure.

(8) It is unlawful for any person, or any person in charge of any vehicle to cause or knowingly permit any other person, to drive, stop, or park on any street or highway within Town, or any Town property, any vehicle that has been assigned a license plate or plates unless the current registration year is properly attached to and displayed on the vehicle, in accordance with state law.

**4-3-5: IDLING OF MOTOR VEHICLES:**

It is unlawful for any person to idle or permit the idling of any motor vehicle for a period of fifteen (15) minutes or longer.

**4-3-6: TURNING:**

Section 909(1) of the MTC is amended to read as follows:

(1) The driver of a motor vehicle intending to turn shall do as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; and the turn shall be completed into the right lane or
edge of the roadway on the roadway turned onto; and the vehicle shall remain in said right lane after the turn for at least one hundred (100) feet before changing lanes in order to allow a proper lane change signal to be given.

(b) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered and said vehicle shall remain in said lane after the turn for at least one hundred (100) feet before changing lanes in order to allow proper lane change signal to be given.

(c) Double turns. Two vehicles turning abreast of one another is prohibited unless specifically authorized by signs, signals or markings.

(d) The Town may cause official traffic control devices, including solid white lines, arrows and single or double solid yellow lines, to be placed and thereby require and direct that a different course from that specified in this Section be traveled by turning vehicles and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices.

4-3-7: MOTORCYCLES AND MALFUNCTIONING TRAFFIC SIGNALS:

When a driver of a motorcycle approaches an intersection and faces a traffic control signal that is inoperative, that remains steady red or steady yellow during several time cycles, or that does not recognize the motorcycle, the driver may proceed past the signal only with caution, as if the signal were flashing yellow.

4-3-8: ELECTRIC SCOOTERS:

A. For purposes of this Section, electric scooter means any device that weighs less than one hundred (100) pounds, has handlebars, is powered by an electric motor, and has a maximum speed of twenty (20) miles per hour on a paved level surface when powered solely by the electric motor, but the term does not include an electrical assisted bicycle, electric personal assisted mobility device, motorcycle, or low-powered scooter.

B. It is unlawful for any person to operate an electric scooter on any sidewalk in the Town. Electric scooters shall be operated only on roadways in the bicycle lane, if one is available.
C. A person operating an electric scooter in the Town shall be subject to the same rules as persons operating bicycles and other human powered vehicles as set forth in C.R.S. § 42-4-1412.

4-3-9: SNOWPLOWS IN ECHELON FORMATION:

A. For purposes of this Section, *echelon formation* means a formation in which snowplows are arranged diagonally, with each unit stationed behind each other and to the right, or behind and to the left, of the unit ahead.

B. It is unlawful for any person to pass a snowplow operated by a state, county, or local government in echelon formation.

C. Any person who violates this Section commits a Class A Traffic Infraction.

4-3-10: VIOLATION AND PENALTY:

A. It is a criminal traffic offense for any person to violate any of the following provisions of the MTC:

1. Any offense causing or contributing to an accident resulting in injury or death to any person;
2. Failure to stop in the event of an accident causing death, personal injury or property damage;
3. Disregarding the lawful order/direction of a police officer directing traffic;
4. Reckless driving;
5. Exceeding the speed limit by twenty-five (25) or more miles per hour;
6. Exhibition of speed or speed contest;
7. Operation of an uninsured motor vehicle upon a public roadway;
8. Eluding or attempting to elude a police officer; and
9. Failure to stop for a stopped school bus displaying flashing red lights.

B. Except for those violations classified as criminal offenses pursuant to subsection A, all violations of this Chapter are hereby classified as noncriminal traffic infractions and shall be deemed to be civil matters.
The Colorado Municipal Court Rules of Procedure shall apply to proceedings in which the defendant is charged with such a noncriminal traffic infraction, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction. Instead, the court may enter a judgment of liability by default against the defendant for any such failure to appear, assess any penalty and costs established by law, and report the judgment to the state motor vehicle division which may assess points against the defendant's driving privileges and may deny an application for or renewal of the defendant's driver's license until the judgment and all other lawful costs are satisfied. Further, no writ of mittimus shall issue where the only basis for the fine and costs imposed was the finding of guilty or liability for a noncriminal traffic infraction.

C. A defendant charged with a criminal traffic offense, as defined in subsection A, may demand a trial by jury upon compliance with the provisions of state law and the Colorado Municipal Court Rules of Procedure. No defendant shall have a right to a trial by jury for any noncriminal traffic infraction. If a defendant is charged with more than one traffic violation arising out of the same incident and at least one of the charged violations is listed in subsection (1), the defendant shall have the right to demand a trial by jury as to all offenses, which shall be consolidated for purposes of trial.

D. The following penalties shall apply to violations this Chapter:

1. A person convicted of a criminal traffic offense shall be punished as provided in Section 1-4-1(C).

2. A person admitting liability for, pleading no contest to, found guilty of, or against whom a default judgment has been entered for any noncriminal traffic infraction shall be punished as provided in Section 1-4-1(B). No defendant found to be guilty of any noncriminal traffic infraction shall be punished by imprisonment for such infraction.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this 21st day of April, 2020. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the ___ day of ________, 2020 at 5:30 p.m., or as soon thereafter as possible, at the Winter Park Town Hall.
TOWN OF WINTER PARK

________________________________

, Mayor

ATTEST:

_________________________________

Danielle Jardee, Town Clerk

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ______ to ______ on the ___ day of ____________, 2020.

TOWN OF WINTER PARK

________________________________

, Mayor

ATTEST:

_________________________________

Danielle Jardee, Town Clerk
Background

In 2000, the Town of Winter Park established an affordable housing fee of three dollars for every gross square foot of new construction. In 2003, Council passed an ordinance allowing the affordable housing fee to be collected before the final inspection of new construction, rather than at the time of building permit application. The same resolution also required building permit applicants to have an executed and notarized agreement with the town specifying the amount of affordable housing fees.

Analysis

The current policy has resulted in a large sum of receivables in the affordable housing fund. The management letter for the 2018 audit recommended changing the timing of fee collection in order to reduce the number of receivables, the administrative work utilized to track outstanding fees, and the possibility for uncollectable fees or errors. Changing the timing of fee collection will also increase available affordable housing funds. Presently, the affordable housing fund has $265,000 in receivables. Since the Town cannot anticipate the amount of time between the building permit issuance and the certificate of occupancy, the $265,000 in receivables cannot be included in the available fund balance of the affordable housing fund.

The attached Ordinance requires building permit applicants to pay the Affordable Housing Fee at the time of application. Staff would continue to track the existing receivables in the affordable housing fund but would no longer need to issue additional receivables.
**Recommendation**

Staff recommends Council approve the Ordinance as presented.

- Should the Town Council wish to approve the Ordinance, the following motion should be made:

  I move to approve Ordinance 533, amending section 6-5-1 of the Winter Park Town Code, regarding the timing of payment of affordable housing fees.

- Should the Town Council wish to deny the Ordinance, the following motion should be made:

  I move to deny Ordinance 533, amending section 6-5-1 of the Winter Park Town Code, regarding the timing of payment of affordable housing fees.
TOWN OF WINTER PARK
ORDINANCE NO. 535
SERIES OF 2020

AN ORDINANCE AMENDING SECTION 6-5-1 OF THE WINTER PARK TOWN CODE, REGARDING THE TIMING OF PAYMENT OF AFFORDABLE HOUSING FEES

WHEREAS, in October 2003, the Town amended the Winter Park Town Code to allow the affordable housing fee to be collected before the final inspection of new construction, rather than at the time of building permit application; and

WHEREAS, the current timing of the affordable housing fee collection has resulted in additional receivables in the Affordable Housing Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WINTER PARK, COLORADO, THAT:

Section 1. Section 6-5-1 of the Winter Park Town Code is hereby amended as follows:

6-5-1: AFFORDABLE HOUSING FEES:

The Town shall collect the sum of three dollars ($3.00) for every gross square foot of new construction (including applicable additions to existing structures) that occurs within the Town boundaries, with the following exceptions:

A. Parking garages and unenclosed decks/patios serving residential uses in single-family, duplex, multi-family developments; and

B. Parking garages and unenclosed decks/patios serving commercial uses. These exempt areas are to be used to park vehicles and shall not be used for storage, retail use or any other use.

Prior to issuance of a building permit for new construction, an executed and notarized agreement between the town and the applicant is required in order to specify the amount of the affordable housing fees. The building official shall not perform any final inspection of new construction until such time that the affordable housing fees are paid in full. All funds thus paid to the town shall be maintained in a separate account and shall be utilized for the purpose of providing affordable housing. All housing fees shall be paid in full with the application for a building permit for new construction. All affordable housing fees collected by the Town shall be maintained in a separate account and shall be used for the purpose of providing affordable housing.
INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this 21st day of April, 2020. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the 5th day of May, 2020 at 5:30 p.m., or as soon thereafter as possible, at the Winter Park Town Hall.

TOWN OF WINTER PARK

________________________________________
, Mayor

ATTEST:

__________________________
Danielle Jardee, Town Clerk
MEMO

TO Planning Commission
FROM James Shockey, Community Development Director
THRU Keith Riesberg, Town Manager
DATE April 14, 2020
RE Preliminary Plat – Rendezvous Center

Background:
Rendezvous Colorado, LLC has submitted a preliminary plat for Winter Park-Rendezvous Center, a five unit townhome project and mixed use building located on the corner of Main Street and Rendezvous Way. The buildings are currently under construction and the applicant has filed the preliminary plat to begin the process of subdividing the property for future sales. The intent is to plat the townhomes along Rendezvous Way into five separate lots. The mixed-use building located adjacent to Main Street will be located within a separate lot and an As-Built plat will be prepared in the future as these units, both residential and commercial will be platted as condominiums. The common area including the parking lot, trash enclosure, etc. is located within a separate lot and block.

The design review for this project was approved by the Planning Commission on May 28, 2019. During this process, the civil plans for the project were reviewed and approved by the Town Engineer and referral agencies. All of the site planning / zoning regulations have been reviewed and approved.

Below are the regulations that have not been reviewed by the Planning Commission and Town Council –

5% Land Dedication:
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.

Open space dedication or fee in lieu is waived for this property based on Resolution 1616, Series 2018.

Homeowners Association / Declaration of Covenants:
The applicant is proposing to create two homeowner associations, one for the townhomes and the other for the mixed use building. Draft copies of the declarations have not been provided and shall be required prior to Final Plat submittal.

Development Improvements Agreement:
All improvements (water, sewer, roadway, landscaping, drainage/erosion control, etc.) associated with the project are required to be guaranteed (120%) through a Development Improvements Agreement (DIA). A number of the improvements have already been installed
for the project but the applicant is still required to file an Agreement per Resolution 1616, Series 2018. The applicant will be required to provide cost estimates for said improvements.

**Review Agency Comments:**
Review agencies, including the Town Engineer approved the civil plans during the design review process in 2019.

**Public Comments:**
Staff sent notice to adjacent property owners on April 1, 2020 providing notification and requesting comments. No comments have been received.

**Plat:**
Staff is preparing a red-marked print for the proposed Preliminary Plat that will be presented to the applicant after Town Council review.

- Applicant shall update the Preliminary Plat per the redlined version from Town Staff dated April 21, 2020.

**Miscellaneous:**

- A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property.
- 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.
- A 14"x18" 911 Address Plat shall be provided. Addresses for the parcel have been created and submitted to the applicant.
- This proposed project is subject to school impact fees, in the amount of $38,297.87 per residential unit.
- A Statement of Authority shall be provided for those signing the Final Plat.

**Planning Commission Recommendation:**
The Planning Commission reviewed the Preliminary Plat on April 14, 2020 and recommended approval with the following condition:

1. Applicant shall update the Preliminary Plat per the redlined version from Town Staff dated April 21, 2020.

**Staff Recommendation:** Staff recommends the Town Council approve the Preliminary Plat for the Rendezvous Center by adopting Resolution No. 1769, Series 2020 with the following condition:

1. Applicant shall update the Preliminary Plat per the redlined version from Town Staff dated April 21, 2020.
WHEREAS, Rendezvous Colorado, LLC ("Applicant") is the current owner of certain real property legally described as Lot 1, Winter Park Chamber Subdivision, Town of Winter Park, County of Grand, State of Colorado (Reception No. 2018-003762) (the “Property”);  

WHEREAS, on January 22, 2020, Applicant filed an application for approval of a Preliminary Plat for the Property, known as Winter Park Rendezvous Center (the "Preliminary Plat");  

WHEREAS, after a properly-noticed public hearing on April 14, 2020, the Planning Commission approved the Preliminary Plat with conditions;  

WHEREAS, the Town staff has reviewed the Preliminary Plat and recommends conditional approval to the Town Council;  

WHEREAS, at a properly-noticed public hearing on April 21, 2020, the Town Council considered the Preliminary Plat; and  

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, and any public comment, the Town Council finds and determines as provided below.  

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winter Park, Colorado as follows:  

1. **Findings.** The Town Council hereby finds and determines that the Preliminary Plat meets all of the applicable criteria set forth in Title 8 of the Winter Park Town Code (the "Code").  

2. **Decision.** Based on the foregoing findings, the Town Council hereby approves the Preliminary Plat, Winter Park Rendezvous Center, subject to the following conditions, all of which shall be satisfied prior to submittal of the Final Plat:  

   a. Applicant shall draft the Final Plat per the redlined version of the Preliminary Plat from Town staff dated April 21, 2020.  

PASSED, ADOPTED AND APPROVED this 21st day of April, 2020.  

TOWN OF WINTER PARK  

______________________________  
, Mayor  

ATTEST:  

_________________________________  
Danielle Jardee, Town Clerk  

4/17/2020
January 20, 2020

Mr. James Shockey, Town Planner  
Town of Winter Park  
50 Vasquez Road  
P.O. Box 3327  
Winter Park, Colorado 80482

Re: Winter Park - Rendezvous Center  
Preliminary Plat

Dear James,

I am pleased to submit on behalf of the Rendezvous Colorado LLC, the Winter Park - Rendezvous Center the enclosed preliminary plat. The approved Design Review plan and specifically the site plan served as a basis for preparing the preliminary plat.

As illustrated on the attached, the intent is to plat the townhomes located along Rendezvous Way into five separate lots. The mixed-use building located adjacent to US 40 will be located within a separate lot. An As-built plat will be prepared for this building as required for the subdivision of the residential and non-residential components. The common area including the parking lot, trash enclosure, etc. is located within a separate lot and block. Separate HOAs will be established for the townhomes and the mixed use building.

This preliminary plat will serve as a basis for preparing the final plat and above referenced As-Built plat. The approved engineering drawings submitted with the Design Review application and building permit remain in effect and can be referenced with the review of this preliminary plat.

Enclosed is the application, preliminary plat and checklist. As outlined on the checklist, there are several submittal items that have been reviewed and approved with the DRB and building permit submittal. It is our understanding that the Town has been transmitting the applications electronically to the respective review agencies. Hardcopies can be provided upon request. The review fees have been submitted to the Town.

Upon your review, we will be available to meet and provide additional information as required. We appreciate your assistance and look forward to working with you further on this project.

Sincerely,

Vogel & Associates, LLC

Jeffrey Vogel, AICP

Principal
TOWN OF WINTER PARK
P.O. Box 3327 • 50 Vasquez Road • Winter Park, CO 80482
Phone: 970-726-8081 • Fax: 970-726-8084
Website: www.winterparkgov.com

LAND USE REVIEW APPLICATION FORM

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Date</th>
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<tbody>
<tr>
<td>Rendezvous Center</td>
<td>1/21/20</td>
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</table>

<table>
<thead>
<tr>
<th>Street Address (or general location if not addressed)</th>
<th>Schedule Number(s) or Parcel Number(s)</th>
<th>Site Area (in square feet or acres)</th>
<th>Existing Zoning</th>
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<td>78841 US HWY 40</td>
<td>158733245001</td>
<td>.47 acres</td>
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Existing Land Use: Proposed Mixed Use Building and Townhomes

Legal Description: BEING A REPLAT OF LOT 1, WINTER PARK CHAMBER SUBDIVISION RECORDED AT RECEPTION NUMBER 2018-003762. NORTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

OWNER / APPLICANT

<table>
<thead>
<tr>
<th>Name: Rendezvous Colorado, LLC</th>
<th>Phone: (303) 758-3500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company: Rendezvous Colorado, LLC</td>
<td>Fax:</td>
</tr>
<tr>
<td>Mailing Address: 5291 E. Yale Ave. Denver, CO 80222</td>
<td>Email: <a href="mailto:jvogel@vogelassoc.com">jvogel@vogelassoc.com</a></td>
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CONTACT PERSON

<table>
<thead>
<tr>
<th>Name: Jeff Vogel</th>
<th>Phone: (303) 893-4288</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company: Vogel &amp; Associates</td>
<td>Fax:</td>
</tr>
<tr>
<td>Mailing Address: 475 W. 12th Ave., Suite E Denver, CO 80204</td>
<td>Email: <a href="mailto:jvogel@vogelassoc.com">jvogel@vogelassoc.com</a></td>
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TYPE OF APPLICATION (check all that apply)

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<th>Subdivision</th>
<th>Fee</th>
<th>Other Development</th>
<th>Fee</th>
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<td>✓ Zoning Variance</td>
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<td>As Built Plat</td>
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<tr>
<td></td>
<td></td>
<td>Annexation</td>
<td>$500.00*</td>
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*Number of Lots: x $10.00

TOTAL FEES: $

✓ Minor Subdivision

✓ Final Plat | $400.00* | Preapplication Conference | No Fee |
| Amended Minor Sub. | $250.00 | Preliminary Development Plan | $1,000.00** |
|                   |       | Final Development Plan | $1,000.00** |
|                   |       | Amended Final Plan | $500.00** |

*Number of Lots: x $10.00

TOTAL FEES: $

✓ Planned Development

**Number of Lots: x $2.00

TOTAL FEES: $

* In addition to the base fee, an additional $10.00 per unit or lot

** In addition to the base fee, an additional $2.00 per unit or lot

In addition to the base fees the applicant is required to pay the cost of any legal notices and adjoining property owner certified mailings. The applicant may also be subject to reimbursement fees as outlined within Section 7-10-8 of the Town Code.
Please see enclosed letter

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF THE PROJECT</th>
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<tr>
<th>AFFIDAVIT</th>
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</table>
I, Jeff Vogel ________________, being duly sworn, declare that I am (please check one) X the authorized representative to act for the property owner, _______ the owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. By signing this application, I have read and agree to the reimbursement fees that may be charged for review of this project as outlined in Section 7-10-8 of the Town Code. At a minimum, this project will require consultants for engineering review and legal review and this shall serve as the written notice required by Section 7-10-8 of the Town Code for these two consultants.

Signature of Owner
Date

Signature of Representative
Date 1.21.20

Acceptance of this application and required filing fee does not constitute a complete application. Plans and other material required to constitute a complete application are listed in the application procedure.

<table>
<thead>
<tr>
<th>STAFF USE ONLY (do not write below this line)</th>
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Application Received By:  
Case #  
Total Fees: $  
Date Paid:  
Check #:  
Additional Comments:  

RENDEZVOUS CENTER
BEING A REPLAT OF LOT 1, WINTER PARK CHAMBER SUBDIVISION
RECORDED AT RECEPTION NUMBER 2018-003762.

NORTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT RENDEZVOUS COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY, IS THE OWNER OF THAT REAL PROPERTY SITUATED IN THE TOWN OF WINTER PARK, GRAND COUNTY, COLORADO, FURTHER DESCRIBED AS FOLLOWS:

LOT 1, WINTER PARK CHAMBER SUBDIVISION PLAT, ACCORDING TO THE PLAT THUS FILED MAY 22, 2018, AT RECEPTION NO. 2018-003762.

THAT RENDEZVOUS COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED A REAL PROPERTY TO BE LAYED OUT AND SURVEYED AS DESCRIBED BELOW, AND WHICH SURVEY HAS BEEN EXECUTED, DEDICATED AND SET AGAINST ALL THE OPEN SPACE AND EASEMENTS SHOWN ON THE ACCOMPANYING PLAT TO THE TOWN OF WINTER PARK.

IN WITNESS WHEREOF, HAS CAUSED HIS NAME TO BE HEREOF SUBSCRIBED THE ___ DAY OF _______, 20__.

I, MICHAEL SEAN KERVIN, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS REPLAT OF RENDEZVOUS CENTER, HAS BEEN ENGINEERED, DESIGNED AND PLANNED IN ACCORDANCE WITH ALL APPLICABLE DESIGN STANDARDS AND OTHER REQUIREMENTS OF THE TOWN OF WINTER PARK, AND THAT THIS REPLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR MY REPRESENTATIVE, AND THAT THIS REPLAT IS IN CONFORMITY WITH THE TOWN OF WINTER PARK SUBDIVISION REGULATIONS.

I, MICHAEL SEAN KERVIN, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS REPLAT OF RENDEZVOUS CENTER, HAS BEEN ENGINEERED, DESIGNED AND PLANNED IN ACCORDANCE WITH ALL APPLICABLE DESIGN STANDARDS AND OTHER REQUIREMENTS OF THE TOWN OF WINTER PARK, AND THAT THIS REPLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR MY REPRESENTATIVE, AND THAT THIS REPLAT IS IN CONFORMITY WITH THE TOWN OF WINTER PARK SUBDIVISION REGULATIONS.

PLANNERS CERTIFICATE

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SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT RENDEZVOUS COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY, IS THE OWNER OF THAT REAL PROPERTY SITUATED IN GRAND COUNTY, COLORADO, AND DESCRIBED AS FOLLOWS:

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RENEZVOUS CENTER
BEING A REPIAT OF LOT 1, WINTER PARK CHAMBER SUBDIVISION
RECORDED AT RECEIPT NUMBER 2018-003762.
NORTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO
Background:
This is a new preliminary plat application on the Vasquez Mountain Lodge condominiums parcel, according to the plat recorded August 17, 2006 under Reception No. 2006-008502 in the records of Grand County. The approved Vasquez Mountain Lodge Condominiums were never constructed and the 1.5+/- acre property is currently vacant.

The Planning Commission reviewed the Preliminary Plat on February 11, 2020 and continued it to March 10, 2020 to allow the applicant time to address concerns from the Commission. On March 10, 2020, the Planning Commission continued the meeting to March 24, 2020 at the request of the applicant. The Planning Commission made a motion to continue the Preliminary Plat to April 14, 2020, and approved the Preliminary Plat with staff recommendations at that April 14 hearing.

Project Overview:
The property at 560 Lake Trail is bound by Lake Trail to the north; Bear Trail to the west; and Elk Trail to the east.

The new property owner is planning to develop three buildings of multi-family townhomes totaling sixteen separate units.

The site has steep topography: many slopes on the site are greater than 30% and some are as steep as 50%. According to Cesare Inc., the project’s geotechnical engineer, the site slopes down steeply from west to east with about 40 feet of elevation difference between the western and eastern boundaries of the site. The topography adjacent to the site varies from gently rolling to steep.

Vegetation onsite consists of pine and aspen trees, native bushes, shrubs, and grasses. Much of the site is covered with trees. There is a small pond and wetlands area approximately 600 feet east of the site. There are no bedrock outcrops onsite.

Access:
Access to the development is proposed from Lake Trail and Bear Trail. All units in Building 1 and units 6, 7, and 8 in Building 2 will be served by driveways directly off Bear Trail. All units in Building 3 and units 9, 10, and 11 in Building 2 will be served via a private drive off Lake Trail. All driveway slopes comply with Standards and Specifications for Design and Construction.
Parking:
Per 3.9.3 from Standards and Specifications for Design and Construction, 2 spaces are required per 3-or-more-bedroom unit, of which there are sixteen units. Given these stipulations, a minimum of 32 spaces are required. The applicant is providing 40 parking spaces total; 32 are garage spaces and 8 are parallel parking spaces for Units 1-8.
- The applicant confirmed that driveway parking is allowed for Buildings 1 and 2 within Bear Trail’s 60’ easement. Additionally, Town’s legal counsel indicated that lot owners abutting the vacated portion of Bear Trail are entitled to use that portion that abuts their property to the center of the road for their “use, traverse and enjoyment”. Therefore, on-street parking on Bear Trail is permissible, contingent upon the developer not interfering with the collective right of other lot owners.
- The applicant’s legal counsel, Atlas Law LLC, provided comments on rights within the easement.
- The applicant is proposing parallel parking in the driveways of all units in Building 1, and Units 6, 7, and 8 in Building 2, as there is not adequate depth between the garage and roadway for perpendicular parking. These spaces are in addition to the minimum-required parking spaces.
- A plat note was added to the Preliminary Plat stating that only parallel parking is permitted in the driveway. As part of future design review approvals, the Commission should require signage on the building indicating parallel parking only in the driveway.

Setbacks:
The setbacks are in compliance with Town Code. The front setback is 25’ from street R.O.W. and is located on the north side; the rear is 20’ from principal structures and is located on the south side; the west side setback is 15’ (as it is located on the street side of the corner lot); and the east side setback varies between 5’ and 8’, as three additional feet are required for each additional story above the first floor. The number of off-street parking spaces is still missing. The reception number for Cirque Townhomes is still missing.

Landscaping and Drainage:
The Town’s Landscape Design Regulations and Guidelines require a “B” Landscape Transition Zone (LTZ) for all property lines. This requires a total of 33 evergreen trees, 33 deciduous trees, and 165 shrubs.

<table>
<thead>
<tr>
<th>PROPERTY LINE</th>
<th>EVERGREEN TREES</th>
<th>DECIDIOUS TREES</th>
<th>SHRUBS</th>
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</thead>
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<tr>
<td>West</td>
<td>15</td>
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<tr>
<td>East</td>
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</tr>
<tr>
<td>North</td>
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</tr>
<tr>
<td>South</td>
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<td>7</td>
<td>35</td>
</tr>
<tr>
<td>TOTAL</td>
<td>33</td>
<td>33</td>
<td>165</td>
</tr>
</tbody>
</table>

The Town Engineer previously identified two issues with the original drainage plan; see the letter from JVA for comments. No landscaping conflicts with snow storage areas. Landscaping counts do not comply with Town requirements. 66 trees are required; only 64 are listed. 165 shrubs are required; only 148 are listed.

A revised drainage plan has been submitted; the Town Engineer is currently reviewing the updated plans. Their comments are due on Wednesday, April 22. The applicant also submitted...
a letter from FR Engineering regarding the conceptual design for the proposed mechanically stabilized earth retaining wall; Colorado Geological Survey reviewed that letter and had no concerns given that the letter’s recommendations are strictly adhered to.

Staff prepared a red-marked print for the proposed Landscape Plan that will be presented to the applicant after the Town Council hearing on April 21.

- Two additional trees and seventeen additional shrubs shall be added to the landscape plan in conformance with Town’s Landscape Design Regulations and Guidelines
- Applicant shall update the final Landscape Plan per the redlined version from Town staff dated April 21, 2020

**Lighting:**
A comprehensive lighting plan and photometric plan has been submitted that meets the Design Regulations and Guidelines of the Town, including cut sheets showing dark sky fixtures.

**Snow Storage:**
The Preliminary Plat has identified snow storage locations throughout the development. The Standards (§3.11) require a minimum of 25%. The applicant has provided 5,570 square feet of snow storage. This exceeds the 25% minimum by 1,308 square feet. No significant interference from landscaping exists within snow storage areas. It is unclear why snow storage is also listed on the plat as 5,790 square feet; this calculation seems incorrect. Upon examination by Town’s legal counsel, the Vacation Agreement and Easement Agreement suggests that the developer could provide snow storage along Bear Trail contingent upon not affecting the rights of access of the other lot owners.

The developer has indicated that the snow storage area on the south property line and the two snow storage areas on the north property line (adjacent to Lake Trail) are designed to store snow from Bear Trail. Staff requests that these three snow storage areas be provided as easements and dedicated to the Bear Crossing HOA for their use, as they are the responsible party for snow removal on Bear Trail.

**Density:**
The proposed density for the entire overall development is 10.8 units per acre which is well within the maximum allowable number of dwelling units per code which is twenty (20) per gross acre.

**Open Space/Building Coverage:**
The proposed building coverage (including building footprints, overhangs, patios, decks, walkways, and drives) is 39.4%, which is compliant with Town’s requirement of 40% minimum building coverage. Additionally, the applicant added two trash enclosures: one off Bear Trail between Buildings 1 and 2, and the other off the south end of the private drive.

**5% Land Dedication:**
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.

Current proposed open space comprises 60.6% of the site, which complies with Town Code.
Per discussions between Staff and the Applicant, the Applicant will pay a fee-in-lieu, as there is no land needed by the Town to implement the park and recreation element of the Municipal Master Plan. Therefore, the payment in lieu of land dedication shall not exceed 5% of the fair market value of the property as determined at the date of platting.

**Homeowners Association / Declaration of Covenants:**
The applicant has indicated they will develop the project as an HOA with common open space around the areas outside of the townhome units. The applicant has submitted a draft declaration and draft bylaws.

**Development Improvements Agreement:**
All improvements (water, sewer, roadway, landscaping, drainage/erosion control, etc.) associated with the proposed project are required to be guaranteed (120%) through a Development Improvements Agreement (DIA). Updated engineers’ cost estimates and landscaping cost estimates have been provided. The numbers will still need to be revised after the applicant has finalized the construction plans.

**Sidewalks:**
No new sidewalks are shown on the preliminary plat. However, the Town has a permanent easement and right of access over Bear Trail which then connects Bear Crossing Trail and provides access to the Denver Water Board trails.

**Review Agency Comments:**

- **Colorado Geological Survey**
  Jill Carlson, Engineering Geologist with the Colorado Geological Survey (CGS) responded to the referral in a letter dated January 21, 2020. In that letter CGS recommends that the town require analysis of the proposed “12-ft max height Redi-Rock retaining wall,” specifically the impact on stability of the slope behind proposed units 1-5 above Elk Trail in response to increased loading due to the wall, wall backfill, and the units 1-5 structure.

  - Applicant shall provide an analysis of the 12-ft max height Redi-Rock retaining wall, specifically the impact on stability of the slope behind proposed wall.
  - The applicant submitted a letter from FR Engineering regarding the conceptual design for the proposed mechanically stabilized earth retaining wall. Colorado Geological Survey is reviewing the documentation.
  - Colorado Geological Survey has indicated that FR Engineering Group’s conceptual design report satisfies CGS’s previous concerns from their letter dated January 21, 2020.

- **Comcast**
  Andy Newby, contractor for Comcast, responded to the referral in an email dated April 9, 2020. In that email he stated that Comcast has no plant in that area, and therefore, no concerns or comments at this time.

- **East Grand Fire Protection District No. 4**
  Adam Gosey, Captain at East Grand Fire Protection District #4, responded to the referral in an email dated January 22, 2020. In that letter he expressed the applicant has been willing to address issues of access and water supply and that his concerns have been addressed.
East Grand School District
Frank Reeves, Superintendent for the East Grand School District, responded to the referral in an email dated January 7, 2020. In that email he expressed the District wants to ensure all appropriate money-in-lieu-of-land fees are paid for.

Grand County Water & Sanitation District No. 1
Bruce Hutchins, Manager of Grand County Water and Sanitation District No. 1, responded to the referral in a letter dated January 16, 2020. In that letter he expressed concerns including possible conflicts with water and sewer service lines and drainage infrastructure, inadequate details for sewer details showing slopes, depth, and elevations of new and existing lines, among others. See attached letter for all comments.

- Applicant shall address all comments made by the Grand County Water and Sanitation District in the letter dated January 16, 2020.

Mountain Parks Electric
Jean Johnston, Senior Staking Engineer / R.O.W. Specialist at Mountain Parks Electric, responded to the referral in an email dated January 2, 2020. In that email she recommended the developer meet with MPE to discuss power needs and possible routes to bring power to these townhomes, expressing concern that little space exists for equipment. She also included necessary blanket easement language, as well as metering language, should the townhomes be metered on one wall. See attached letter for all comments.

- The proposed easement language has been added to the redline comments that staff will provide to the applicant.

Jean Johnston indicated in a letter dated March 17, 2020 that the developer has an electrical pedestal near the trash enclosure area shown on the Utility Plan. She needs to discuss building loads as this may require a transformer in order to supply the electrical need. There appears to be adequate space for the transformer at this location while meeting MPE’s 10’ minimum separation from structures.

- The previously requested plat notes have been added to the plat.
- Staff sees the previously requested plat notes from Ms. Johnston’s March 17th letter have been addressed. The applicant has indicated that details relating to the comments will be addressed as part of the Final Plat process.

Town Engineer
Cooper Karsh, Senior Project Engineer of JVA, responded to the referral in a letter dated January 22, 2020. In that letter there are multiple concerns mentioned including inadequate definition of existing and proposed easements, inadequate separation of the trash enclosure and property boundary, the need for a turnaround at the end of the private drive, more grading definition across the site, among others. See attached letter for all comments.

- Applicant shall address all comments made by the Town Engineer in the letter dated January 22, 2020
- Town Engineer is currently reviewing the updated civil drawings.
Xcel Energy
Kathleen Jacoby, Designer for the Mountain Division, responded to the referral in a letter dated February 11, 2020. She expresses no concerns for the project. In her letter, she lists general guidelines required for gas construction. See attached letter for details.

Letters were sent to the following agencies but comments were not received prior to the deadline for the first submittal on January 22, 2020 –

- Century Link
- Colorado Division of Wildlife
- Comcast
- Grand County Assessor
- Grand County Planning Department
- Public Works Department
- Xcel Energy

If the Commission feels comments should be received from any of the above listed agencies, the applicant would be responsible for obtaining those letters prior to Final Plat review.

Public Comments:
Staff sent notice to adjacent property owners on December 20, 2019. Three comments were received for the hearing on February 11th.

Scott Autry, of 435 Bear Trail, expressed concerns about excessive density, inadequate parking, location of the property line, and drainage impacts on his building’s foundation. See attached letter for full details.

Jim Janicek, a board member of the Bear Crossing subdivision, expressed concerns about the development meeting setback restrictions, required improvements, proximity rules, and codes, as well as concerns about high density, the design character, parking impacts, snow and trash storage, among other concerns. See attached letter for full details.

Brian Cleveland, of 110 Elk Court, expressed concerns about the development meeting zoning criteria, design character, existing utility line capabilities, requirements for the next phase, building massing, and the current buildout schedule. See attached letter for full details.

Fifteen new comments were received after the first hearing on February 11th.

Jim Janicek, of 575 Bear Trail and a board member of the Bear Crossing subdivision, submitted three additional comments. In these he expressed concern about out-of-character density, inadequate road maintenance of Bear Trail, and snow removal on Bear Trail.

Brian Cleveland, of 110 Elk Court and on behalf of fellow neighbors, submitted two additional comments. In his first letter, he expressed concern about high density; incompatible roof heights; setback validity; the lack of Bear Trail maintenance agreements, lack of guest parking, fire department access, snow removal, and drainage along Bear Trail; inadequate areas for snow storage and removal; the location for a common trash dumpster; the area for an electrical power transformer; the 12’ retaining wall; drainage; the need for an HOA; and inadequate
references to the Winter Park Master Plan (Jan 2019). In his second letter, he expressed concern about inadequate setbacks from Bear Trail.

Anthony Pigliacampo, of 549 Lake Trail, expressed concern about high building height, increased density, and inadequate snow storage and removal.

Andy Aye, of the Elk Run subdivision, expressed concern about high building height, increased density, lack of guest parking, tight setbacks, inadequate snow storage, and the need for an HOA.

Cheryl Wood, of Cirque Townhomes, expressed concern about high building height, increased density, lack of guest parking, tight setbacks, inadequate snow storage, the need for an HOA, bear-proofed trash cans, the retaining wall, and view corridors.

Emery and Jody Legg, of Bear Crossing, expressed concerns about inadequate snow removal, road maintenance on Bear Trail by the developer, increased density, high building height, lack of guest parking, tight setbacks, and the need for an HOA.

Richard and Sandra Leeds, of 1075 Bear Trail, expressed concerns about building density, the storage location for construction equipment, Bear Crossing subdivision access, the legal use of Bear Trail, the need for an HOA, the submitted engineering plans for retaining walls and drainage, and snow removal.

Jeff and Gina Vaughan, of 130 Elk Court, expressed concern about high building height; inadequate ingress, egress, snow storage, and parking; and the need for a central trash dumpster.

Joe Tartell, of 150 Moose Trail, expressed concern about high building height, increased density, tight setbacks, inadequate snow storage, drainage impact and slope stability, impact on town services and utilities, and the need for an HOA.

Fredrick LeGrand, of 275 Bear Trail, expressed concerns about increased building density, the storage location for construction equipment, Bear Crossing subdivision access, the legal use of Bear Trail, the need for an HOA, the submitted engineering plans for retaining walls and drainage, and snow removal.

Roque Morales, owner of Vasquez Village Lot 6 (directly adjacent to the project site), expressed concern about the validity of property lines, easement requirements, and structure figures. He requested to see final plat documents; curbing details; snow removal details; proof of underground utility locations; compliance with setbacks, on-street parking, and drives; stormwater control; Town’s response to submitted application forms; legal use of Bear Trail; the potential for road damage to Bear Trail; the need for an HOA; and setbacks.

William Berry, of Whitmer Law Firm and on behalf of an anonymous neighboring property owner, submitted a review of documents recorded against the property. See attached letter for details.

Two new comments were received before and during the third continuance hearing on April 14th.
Jim Janicek, on behalf of Roque Morales, expressed Mr. Morales’ concerns that the developer has no right to Bear Trail Road; that the plats recorded with the Town have incorrect boundaries as the monuments in the ground differ from those in the recorded plats; that pipes run through a “public service easement” on the east side of Bear Trail Road under proposed units; and that Bear Trail Road is on his property, not that of Lot 1B.

Walter Magill, surveyor for the project, forwarded an email from Warren Ward, a previous surveyor for the Vasquez Village Lots. In this email, Mr. Ward discussed the monuments and the number of survey discrepancies encountered on the Lake Trail parcel.

**Plat:**
Staff prepared a red-marked print for the proposed Preliminary Plat that was presented to the applicant after the Planning Commission review on April 14th.

- Applicant shall update the Preliminary Plat per the redlined version from Town Staff dated April 14, 2020.

**Miscellaneous:**

- A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property.

- 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.

- A 14"x18" 911 Address Plat shall be provided.

- This proposed project is subject to school impact fees, in the amount of $130,993.15.

- A Statement of Authority shall be provided for those signing the Final Plat for Swamp Donkey, LLC.

- At the February 11, 2020 Planning Commission meeting, the Commission requested a density analysis be completed for the surrounding area. That map was included with the staff report for the March 24 hearing.

**Planning Commission Recommendation:**
The Planning Commission reviewed the Preliminary Plat on April 14, 2020 and recommended approval for 560 Lake Trail with the following conditions:

1. Applicant shall update the Final Plat per the redlined version of the Preliminary Plat from Town staff dated April 14, 2020.

2. Applicant shall address all comments made by the Town Engineer in the letter dated April 22, 2020 to the Town’s Engineer’s satisfaction.
3. Applicant shall address comments made by the Colorado Geological Survey Office as it relates to slope stability for the site.

**Staff Recommendation:**
Staff recommends the Town Council approve the Preliminary Plat for 560 Lake Trail with the following conditions to be met prior to Final Plat submittal –

1. Applicant shall update the Final Plat per the redlined version of the Preliminary Plat from Town staff dated April 14, 2020.

2. Applicant shall address all comments made by the Town Engineer in the letter dated April 22, 2020 to the Town’s Engineer’s satisfaction.

3. Applicant shall address comments made by the Colorado Geological Survey Office as it relates to slope stability for the site.

4. Two additional trees and seventeen additional shrubs shall be added to the landscape plan in conformance with Town’s Landscape Design Regulations and Guidelines.

5. Applicant shall update the final Landscape Plan per the redlined version from Town staff dated April 21, 2020.
TOWN OF WINTER PARK  
RESOLUTION NO. 1770  
SERIES OF 2020  

A RESOLUTION APPROVING WITH CONDITIONS THE PRELIMINARY PLAT FOR LAKE TRAIL TOWNHOMES  

WHEREAS, Swamp Donkey, LLC (“Applicant”) is the current owner of certain real property legally described as Vasquez Mountain Lodge Condominiums Final Plat According The Plat Thereof Recorded August 17, 2006 (Reception No. 2006-008502) (the “Property”);  

WHEREAS, on November 11, 2019, Applicant filed an application for approval of a Preliminary Plat for the Property, known as Lake Trail Townhomes (the "Preliminary Plat");  

WHEREAS, after a properly-noticed public hearing on April 14, 2020, the Planning Commission approved the Preliminary Plat with conditions;  

WHEREAS, the Town staff has reviewed the Preliminary Plat and recommends conditional approval to the Town Council;  

WHEREAS, at a properly-noticed public hearing on April 21, 2020, the Town Council considered the Preliminary Plat; and  

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, and any public comment, the Town Council finds and determines as provided below.  

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winter Park, Colorado as follows:  

1. **Findings.** The Town Council hereby finds and determines that the Preliminary Plat meets all of the applicable criteria set forth in Title 8 of the Winter Park Town Code (the "Code").  

2. **Decision.** Based on the foregoing findings, the Town Council hereby approves the Preliminary Plat, Lake Trail Townhomes, subject to the following conditions, all of which shall be satisfied prior to submittal of the Final Plat:  

   a. Applicant shall update the Final Plat per the redlined version of the Preliminary Plat from Town staff dated April 14, 2020.  

   b. Applicant shall address all comments made by the Town Engineer in the letter dated April 22, 2020 to the Town's Engineer's satisfaction.  

   c. Applicant shall address comments made by the Colorado Geological Survey Office as it relates to slope stability for the site.  

   d. Two additional trees and seventeen additional shrubs shall be added to the landscape plan in conformance with Town’s Landscape Design Regulations and Guidelines.
e. Applicant shall update the final Landscape Plan per the redlined version from Town staff dated April 21, 2020.

PASSED, ADOPTED AND APPROVED this 21st day of April, 2020.

TOWN OF WINTER PARK

____________________________________
, Mayor

ATTEST:

_____________________________
Danielle Jardee, Town Clerk
April 02, 2020

City of Winter Park
Community Development
50 Vasquez Rd.
Winter Park CO, 80482

Lake Trail Townhomes
560 Lake Trail
(Vasquez Village, Lot 1B)
Winter Park CO, 80468

Project Team:

Owner/Applicant:
560 Lake Trail, LLC
2079 W. 44th Ave., Denver, CO 80211
303-305-9400
cemore@gmail.com

Architect / Applicant:
MmD Architecture
4251 Kipling St., Suite 250
Wheatridge, CO 80033
303-916-3676
dave@mmdarch.com

Engineer:
4 Points Surveying and Engineering
P.O. Box 775966
970-819-1161
wnmpepls@gmail.com

Surveyor:
4 Points Surveying and Engineering
P.O. Box 775966
970-819-1161
wnmpepls@gmail.com

Landscape Architect:
Weston Landscape & Design
2190 S Raritan St. Englewood CO 80110
erik@westonlandscape.net

Legal Description
Parcel Number 1587-324-35-001
Subdivision: VASQUEZ MOUNTAIN LODGE CONDOMINIUMS DESC: LOT 1B NO ASBLTS

Variances Granted
None at time of submittal

Zone District
R-2

Setback Distances
Front (North): 25 ft
Back (South): 20 ft
Side (West): 15 ft
Side (East): 5’ + 3’ story 1 above
Units list and Bedrooms per Unit:

16 total townhome units

- (8) 4 Bedrooms units - Unit #: 1, 2, 3, 4, 5, 6, 7, 8
- (8) 3 Bedroom units – Unit #: 9, 10, 11, 12, 13, 14, 15, 16

Parking

Required: (2) Spaces per unit with 2+ bedrooms = 32 spaces
16 units with 2+ bedrooms = 32 spaces required

Provided: 32 spaces
32 garage spaces

Calculated Building Coverage Ratio

Zone lot area: 63,995sf (1.47 acres)
Site coverage allowed: 25,598sf = 40%
Site coverage provided: 25,260sf = 39.4%

Building coverage listed below includes; building, overhangs, patios, decks
• Building #1 = 5,727sf
• Building #2 = 6,585sf
• Building #3 = 5,080sf
Walkways and Drives = 7,895sf.

Open space provided: 38,735sf. = 60.6%

Calculated Building Height

Building #1:
• West | Front: Mid-point roof = 34′ – 5 7/8″ Highest point of roof = 39′ – 0 7/8″
• East | Rear: Mid-point roof = 31′ – 9 5/8″ Highest point of roof = 49′ – 3 3/8″

Building #2:
• West | Front: Mid-point roof = 32′ – 4 ¼” Highest point of roof = 37′ – 3 1/8″
• East | Rear: Mid-point roof = 33′ – 2″ Highest point of roof = 45′ – 4 7/8″

Building #3:
• West | Front: Mid-point roof = 26′ – 9 1/2″ Highest point of roof = 31′ – 3 5/8″
• East | Rear: Mid-point roof = 30′ – 3 5/8″ Highest point of roof = 34′ – 9 3/4″

Description of Exterior Buildings Color and Material

1. Foundation: Corrugated Rusted Metal, painted Concrete wherever visible
2. Siding: Shiplap wood siding with semitransparent stain, prefinished vertical wood siding 1X6 shiplap (5” face), MNFR. Nakamoto forestry Finish: Gendai NM1702
3. Siding | wainscot: Corrugated metal siding; rusted patina
4. Window/Door Trim: To match siding in material and finish
5. Roof: Asphalt Roofing Shingles, Color: Charcoal; Standing seam metal roofing, color: charcoal
6. Glass Type: Double Pane, Andersen 100

Project Schedule

• Excavation site utilities & construction staging
  o June – July 2020
• Site work
  o Excavation site utilities & construction staging - June - July 2020
  o Retaining walls – June – July 2020
  o Flat work (sidewalks, new curb, driveways) - June – August 2021
  o Landscape | detention – July – September 2021

• Building 1
  o Building Excavation | site prep - June 2020
  o Foundation – June – July 2020
  o Framing – August - September 2020
  o Electrical | plumbing rough – October – November 2020
  o Windows – October – November 2020
  o Drywall - December - February 2021
  o Interior finish – March – June 2021
  o Exterior finish – April – June 2021
  o CO building 1 – July 2021

• Building 2
  o Building Excavation | site prep - July 2020
  o Foundation – August - Sept 2020
  o Framing – September - October 2020
  o Electrical | plumbing rough – November – December 2020
  o Windows – November – December 2020
  o Drywall - January - March 2021
  o Interior finish – March – July 2021
  o Exterior finish – April – June 2021
  o CO building 2 – August 2021

• Building 3
  o Building Excavation | site prep - August 2020
  o Foundation -August - Sept. 2020
  o Framing – September - November 2020
  o Electrical | plumbing rough –December – January 2021
  o Windows – December – January 2021
  o Drywall - February - April 2021
  o Interior finish – May – August 2021
  o Exterior finish – May – July 2021
  o CO building 3 – September 2021

Respectfully,

Dave Marquez
Principal | AIA
MmD Architecture
Hugh Bell

From: Scott B Autrey <autreyscott@gmail.com>
Sent: Tuesday, January 21, 2020 12:39 PM
To: Hugh Bell
Cc: Andrea; owners@bvmllc.com
Subject: Public Notice / Written Comment and Concerns / 560 Lake Trail, Winter Park

Hugh,

I received notice yesterday regarding the proposed project at 560 Lake Trail and would like to provide my comments and concerns.

Our unit is 435 Bear Trail or unit A-1, the first unit in the Bear Crossing development. As you can imagine this project is of concern to us for several reasons (see below):

1. The proposed project is too dense and has zero open space between structures.
2. With the proposed project there will not be enough parking.
3. Where is the property line located? How will that impact our building and trees around our property?
4. Just to the North of our building is a proposed snow storage of 878 sq ft. What exactly does this mean? What are the possible impacts on our buildings foundation and or drainage issues?

I sincerely hope that the Town of Winter Park will ask for a decrease in density and consider the impact this project will have on Bear Crossing and our home at 435 Bear Trail.

Would you be kind enough to email me back so I can confirm you received this email.

Regards,

Scott Autrey
AutElls Ski LLC
303-907-0999
Note Concerns:

- Proximity to existing developments unlike any others in the area. It appears the new development is right against property lines (especially Cirque) vs any setback like existing developments have established.

- No provisions for new parking. *Parking is not allowed along Bear Trail except in personal driveways and two private Bear Crossing lots. The new development does not appear to have provisions for visitors/owners additional parking nor areas for trash storage.

- Density is unlike any other in the area.

- Snow removal storage options become very difficult due to lack of thruway to drainage basin. Design appears to require a significant build of foundation on hillside which may impact BC bldg. A.

- They become responsible for snow clearing/storage and repairs of Bear Trail road along their new development.
Known drainage issue. Road Sinking / Water Damage around conduit.

Snow Melt Area Blocked

Foundation impact due to const. movement & snow removal / melt.
January 21, 2020

Town of Winter Park  
Attn: Hugh Bell, Planner  
James Shockey, Community Development Director

RE: Public Notice - Plat Review of 560 Lake Trail, Winter Park, Grand County, CO.

Gentlemen,

Thank you for the opportunity to review the preliminary plat for the proposed 560 Lake Trail development neighboring our community of Bear Crossing. While we welcome the growth of our town and associated improvements that are typically related with such growth, we have concerns we feel need to be addressed before this development is allowed to proceed as plotted.

Our concerns / requests are:

1. The notice from the Town of Winter Park, dated December 19th, 2019 lacks some vital information that would be valuable to our Board of Directors, as we represent the homeowners of Bear Crossing. Please provide all related statements regarding by-right zoning and any variance requests.

2. Does this development plan respect all established setback restrictions, required improvements, proximity rules, and codes?

3. This plan proposes a maximum density development versus all surrounding established townhomes and private residences, which makes this development very out of character and potentially damaging to neighboring property values. While we are aware this is a Preliminary Plat submittal to establish infrastructure, access, and density, we request the right to comment on architecture/landscape at the site plan approval stage. We are very concerned about the design character of this development. This appears to go against the prevailing character of the locale which is dominated by substantial single-family homes and large luxury townhouses. The proposed density is not in alignment with the area. By example, Bear Crossing consists of 16 buildings and a total of 56 residence. This development proposes 3 buildings and 17 new residence packed into an area 1/5 the size of Bear Crossing. We note that the proposed units are in the 1500 sq. foot range. Most neighboring homes are 3000+ sq. foot and neighboring townhomes of Bear Crossing and Cirque are 2200+ sq. feet. This is a distinctly different feel from the existing neighborhood.

4. The proposal shows 12 more driveways off Bear Trail, meaning the arrival sequence/experience of the new homeowners and BC homeowner/guests creates significant impact on traffic and potential parking issues. There appears to be no setback for parking. Resident and visitor parking is not allowed on Lake Trail or Bear Trail, so where will these new vehicles go? Please provide parking plans and how developer plans on maintaining thruway and repairing all impacted roads surrounding. The current roads and neighborhood is not designed to support such density.

5. It looks like the potential impact to our community as a result of this proposed development would create a significant issue with snow storage options and question of where they will manage trash storage. This may have impact on Bear Crossing building A foundations and visual quality because of proximity. Please explain how the developer proposes that be dealt with. Will they be taking over the costs for clearing the areas of their new development on Bear Trail which we currently maintain?

6. Please provide all landscape/architectural submittals related so we may ensure our community is not suffering property value loss due to this new developments potentially uncharacteristic design or quality.

Respectfully,
Jim Janicek, Representing Board Member of neighboring Bear Crossing Sub Division,
Winter Park, CO.
Mr. Bell,

This appears to be a very dense use of the property. Also it appears that these units will be three stories as most units have double car garages on the ground level. Three stories with the ground level off bear trail would be extremely negative visually, especially when other alternatives exist.

A better design to be would be to eliminate building three, and have all access to the units from a private drive off Lake Trail rather than from Bear Trail. This would lower the overall height of the project to acceptable levels, and it would also allow for more parking, utility and natural areas of the property.

Another alternative would be to move building three south, across from building one. This would make a development more in harmony with the Bear Crossing townhomes and other structures.

I urge the developer in the city to consider these alternatives.

Brian Cleveland
110 Elk Court

--
Brian Cleveland
1. Does the development meet all the zoning criteria (IE. Density, building heights, parking, fire access etc.?)
2. Is the proposed development in harmony with the surrounding neighborhood and the typical building types?
3. What is the current buildout schedule?
4. How are the utilities is the area being affected? Can they handle as development of this size?
5. What does it look like architecturally?
6. Before moving from preliminary plat phase, what are the requirements for the next phase and is there a comment period during that time?
7. Has the developer working on alternates taking into consideration scale, different building locations massing, minimizing building heights etc.?

Brian Cleveland
110 Elk Ct

--
Brian Cleveland
Dear James & Winter Park Town Council,

Thank you for allowing us to share our concerns as owners / HOA representatives of Bear Crossing, regarding the planning of 570 Lake Trail. We are pleased that you are approaching this with caution and insisting the extensive list of red line items discussed today are addressed and plans are modified.

During the meeting, multiple concerns were voiced regarding density. The Town Council wanted to research this further to make sure the proposed development was respectful and similar in density to neighboring plats. We did some research in plat archives and want to share those findings for your consideration moving forward:

- Existing Bear Crossing = 6.32 acres / 56 units = 8.8 units per acre
- Proposed Lake Trail = 1.2 acres / 17 units = 14.2 units per acre

Clearly the 560 Lake Trail proposal is far more dense than surrounding existing developments and therefor out of character. For the proposal to respect the norm there should be no more than 10 - 11 units. We hope you’ll suggest a modification to the developer that puts them in alignment and frankly will give them the required room to address the many other red line items such as snow storage, parking, trash, power units, smaller retaining wall, proper drainage, erosion control etc…

Our gratitude for your effort to protect the integrity and quality of WinterPark as its a place we all love and hope that all neighbors building and moving to area maintain the same level of respect for our community.

Sincerely, Jim

Jim Janicek
Pres. & Chief Creative Officer
jim@janicekmedia.com

O- 720-510-3031
M- 720-891-6276
February 14, 2020
Re: 560 Lake Trail Development Proposal

Mr. Shockey,

After attending and reviewing the results of the hearing this past Tuesday, it is clear to all of us that the plans submitted by the developer are poorly thought out and greatly out of character for the City of Winter Park and the local neighborhoods of Lake Trail, Bear Crossing, and Elk Run.

The following serious problems were raised by the City and the public at the meeting and in previous communications:

1) The density of the project significantly exceeds adjacent developments:
   a. Cirque Townhomes, approx. 9 units per acre
   b. Bear Crossing Townhomes, approx. 8.8 units per acre
   c. 560 Lake Trail, approx. 14 units per acre (As proposed)

   The Developer has proposed the highest possible density without considering the lot deficiencies and neighborhood compatibility. This is especially concerning because of the very short setbacks (~12' from the Bear Trail asphalt), the steepness of the lot, and the close proximity to the Bear Crossing Townhomes to the South and the Cirque Townhomes to the East

2) The roof heights of two of the proposed project buildings appear to extend two stories above the adjacent Cirque Townhomes, and one story above the adjacent Bear Crossing Townhomes. This "jutting" of the project above other nearby structures will create an eyesore, and is incompatible with the neighborhood.

3) There are questions about why the reduced setbacks from a previous proposed development over 15 years ago are still in place after the sale of the property last year.

4) The assumption by the Developer that the units will have unfettered access from Bear Trail (an access road to the Bear Crossing Townhomes) but no agreement appears to be in place for use and maintenance of this right of way. In addition there are concerns raised about parking, fire department access, snow removal and drainage along Bear Trail.

5) Inadequate areas for snow removal & snow storage. The project has underestimated the proper size and locations for snow removal areas. Currently there are large (>15' high) piles of snow in and around the subject property created by city and private snowplow operators.

6) No area for a common trash dumpster. Instead the Developer is suggesting individual receptacles for each unit. This is a poor solution as individual trash
receptacles are often vandalized by bears after owners and tenants leave after the weekend. It would also lead to dumping of trash in nearby townhomes (Cirque, Bear Crossing, Timber Lake, etc)

7) There is no area defined for an electrical power transformer or other utility requirements.

8) The Developer has proposed 12’ retaining wall which apparently violates code.

9) There is very little accommodation for drainage on this challenging property.

10) The Developer has no plans for a HOA, instead presented a vague idea that the individual homeowners will somehow figure out snow, trash, water, sewer, common area costs etc.

11) And finally the project has little if any attributes or support found in the latest version of the City of Winter Park Master Plan (Jan 2019).

Because of the above problems and others we collectively oppose the project as submitted and recommend the following actions.

We ask the city planners to require the Developer to submit a modified plan which addresses the issues raised above and implements the attributes below. This will create an acceptable development that addresses the height, density, code and operational issues raised by neighbors and the City.

1) Height - The Developer should reduce the height of the project by providing road and garage access to the units via the private drive off Lake Trail (not via Bear Trail). Have the ground floor area excavated down to the level of the private drive. This will reduce the overall height of the project by 1 - 1.5 stories, and make it more in line with the neighborhood roof lines and massing of structures. If a variance is needed for extending the length of the private drive, this should be extended to the developer in exchange for the advantages of reducing the impact of the project. This would also address the legal, parking, fire access, and snow removal issues of accessing the units from Bear Trail.

2) Density - The Developer should change the density of the project to approximately 8 units per acre or less to be compatible with other developments in the neighborhood, and to respect the challenges of building with the high slope gradients on the property. This would result in approximately 9 to 11 total units. This would solve several problems including providing adequate areas for snow storage, a dumpster location, turnaround areas, adequate parking, and provide a buffer to nearby structures. This would also lessen the need for a 12’ retaining wall.
3) HOA - Require Developer to set up and fund a HOA for the purposes of providing and paying for water, sewer, snow removal, trash removal, common and limited common area maintenance, insurance, reserve fund etc. This is essential, as the units will most likely sold over a period of time, and these ongoing costs will need to be paid by the developer until all units are sold.

Overall this would create a much more compatible project with the neighborhood and support the goals of the Winter Park Master Plan.

Respectfully submitted,

Brian & Jeanne Cleveland 110 Elk Court
Robert & Renee Israel 145 Elk Court
Jeff Vaughan 130 Elk Court
Roque Morales, 579 Lake Trail
Anthony Pigliacampo 549 Lake Trail
Richard & Kim Weintraub 205 Lake Trail
Joe & Lynn Tartell 150 Moose Trail
Molly & Tom Nasky 14 Yukon Lane
Fred LeGrand, Bear Crossing Board Member
Jonathan Simisky Bear Crossing Board Member
Jim & Kristin Janick Bear Crossing Board Member 575 Bear Trail
Richard Leeds Bear Crossing Board member, 1075 Bear Trail
Scott Autrey & Andrea Ellsworth, 435 Bear Trail
Emery and Jody Legg Bear Crossing Board Member 310 Lower Bear Trail
Cheryl Wood 100 Cirque Way
Frank & Carol Cascio 104 Cirque Way
Andrew & Theresa Aye 816 Elk Trail
Ari & Christina Ballonoff 814 Elk Trail
Arnold and Pat Fridland 812 Elk Trail
Anne & Bruce Walker 180 Foxtail Drive
Hi James

My name is Anthony Pigliacampo and I own a home at 549 Lake Trail in Winter Park (the log home at the tippy top of the hill).

At the bottom of my driveway, my understanding is there is a development being proposed at 560 Lake Trail.

After reviewing their plans, I have concerns about the height of the development (it seems unreasonable relative to everything else in the area) and the increase in density without clear planning on what this means for surrounding properties.

Specifically, the snow removal plan seems to not take into account the reality of the road and the area. The city plows pile enormous amounts of snow where this development is occurring and the planning snow storage shown in their plans is nowhere near enough to accommodate months like we just had. I see no way you can build condos as drawn and have snow removal be managed properly without this development devoting significant resources to snow relocation.

All the other developments in the area of Lake Trail are quite thoughtful about all of these variables, hopefully this development can be balanced too. While I am sure the developer would like to maximize their land value, it sets a poor precedent to allow people to build in a manner that makes the neighborhood suffer as a whole.

Thanks for listening.

Anthony Pigliacampo
720,317,5454
James & Hugh,

Thank you very much for keeping me posted on this. We believe an HOA is a must. We understand the new meeting is set for 3/24. A number of folks are planning on being there in hopes this can reach a good compromise. We are hopeful they have also addressed the uncharacteristic planned density, lack of snow storage, open space and proper trash storage. We’d like to believe the developer has respect for neighborhood integrity in mind, but we are seeing some evidence that profit is the main objective and there is little concern for those surrounding.

To highlight this, I want to share a recent conversation one of our neighbors had with the developer Charles Moore:

They talked about changes that our group would like to see, and if there had been any changes on his side. He said they were thinking about lowering the Density, Height, etc, but wanted to continue with the process for now. Our neighbor urged him to find a way to make this all workable for the neighborhood. Charles then stated that "he was not going to be paying for any present or future costs for maintenance of Bear Trail, including snow removal, road maintenance, etc.” This was surprising to hear as many of us believe this contradicts agreements in place with the Bear Crossing homeowners. If he is planning on using that private access road for anything, he should also be sharing costs. Overall he still seems determined to build the project in order to maximize the density and profit without much regard for neighborhood concerns.

We hope you’ll make efforts to protect our neighborhood and investment in the WP community.

Jim

Jim Janicek
Pres. & Chief Creative Officer
jim@janicekmedia.com

On Feb 26, 2020, at 10:31 AM, James Shockey <jshockey@wpgov.com> wrote:

Hi Jim,
I wanted to follow up on your email question below. The developer of Lake Trail has decided to develop the project as a HOA development with common open space around the areas outside of the townhome units.

Please let us know if you have any additional questions.

Thanks,

James Shockey
Director | Community Development

From: Hugh Bell
Sent: Tuesday, February 25, 2020 4:26 PM
To: James Shockey <jshockey@wpgov.com>
Subject: FW: Question from WP Home Owner re: Development @ 560 Lake Trail
Importance: High

Hugh Bell
Planner | Community Development
<image001.jpg>

From: jim@janicekmedia.com <jim@janicekmedia.com>
Sent: Tuesday, February 18, 2020 9:40 AM
To: Hugh Bell <hbell@wpgov.com>
Subject: Question from WP Home Owner re: Development @ 560 Lake Trail

Hi Hugh,

I’m hoping you can help answer a quick question that came up at the town planning meeting on 560 Lake Trail...

The developer proposed that they were going to divide the lot into 17 separate lots and proceed with a party wall style of management on the properties. This raises two important questions we have.

1) When a single lot is divided into 17 separate lots, does this change the required setbacks and codes? It seems to me it would as individual homes are required to have a different set back than what this developers plans indicate. What would be the new code set back for 17 individual lots?
2) Are there any WP codes or laws requiring multiunit developments to have an HOA vs Partywall, given the risk of individual owners not properly maintaining their road section, trash, exteriors, snow removal?

Thank you for any insight you can share. We simply want to understand the rules.

Jim

Jim Janicek  
Pres. & Chief Creative Officer  
jim@janicekmedia.com

O- 720-510-3031  
M- 720-891-6276
Mr Shockey and members of the Winter Park Planning Commission,

In reviewing the original approved plat for Lot 1B in 2006, the plans called for six condominium buildings with driveway access from Lake Trail. Also the setback appears to be 30' from the center of what is now Bear Trail to the west. See the attached drawing. (2006 VASQUEZ MOUNTAIN LODGE CONDO PLAT.pdf)

It appears that the current plans as submitted have a vastly reduced setback from Bear Trail, and no longer are accessing Lot 1B from Lake Trail.

Why are the setbacks vastly reduced for this property now, when current setbacks on nearby roads of Lake Trail, Elk Court and Elk Trail appear to be 30' or more from the center of the road?

Why isn't the developer using access from Lake Trail from which this original Plat was approved?

Respectfully submitted,
Brian Cleveland
110 Elk Ct.
Winter Park, CO
James – I am a property owner in the Elk Run subdivision and wanted to express the below concerns related to the proposed project at 560 Lake Trail:

- Height - Two stories higher than adjacent structures
- Density - Approaches the maximum for the lot, and will be a challenge to build on this sloping lot without tall retaining walls
- Parking - No guest parking proposed
- Set-backs - Very close to Bear Trail, Cirque Townhomes & Bear Crossing Townhomes
- Snow Storage - Not enough considering the snowfall patterns of the neighborhood
- HOA - A Strong HOA is needed to pay for property and local road maintenance and must be adequately funded

Thanks,
Andy Aye
303-619-4555

**********************************************************************
The company reserves the right to amend statements made herein in the event of a mistake. Unless expressly stated herein to the contrary, only agreements in writing signed by an authorized officer of the Company may be enforced against it.
**********************************************************************
Hi

I live in Cirque Way and am very concerned about the project going in off lake trail..

Here are some of the things I’m concerned with

- Height - two stories higher than adjacent structures
- Density - approaches the maximum for the lot, and will be a challenge to build on this sloping lot with out tall retaining walls
- Parking - no guest parking proposed
- Set-backs - Very close to Bear Trail, Cirque Townhomes & Bear Crossing Townhomes
- Snow Storage - not enough considering the snowfall patterns of the neighborhood
- HOA - A Strong HOA is needed to pay for property and local road maintenance and must be adequate funded
- There has to be a place for trash that is bear proof..we have a enclosed area and they still jump on the bin and spread it all over and at the moment it’s not locked and people dump their trash there..
- The retaining wall is a big concern as when the snow melts we already get mud and water from there..
- I don’t think it should destroy other people’s view...
- There is not enough parking and ours also has this issue...and when we are all there it is a big issue for the trash co to get by ...this year with all the snow it was even worse.
- Are they going to shovel their own snow with no HOA? That would be an issue..

Just a few concerns and am personally not against them building just need to take some precautions and consider others....

Thank you

Cheryl Wood
Dear James Shockey,

We are homeowners in Bear Crossing, Winter Park, CO, and are writing this email to express serious concerns about the proposed development at 560 Lake Trail. The developer, Charles Moore, is ignoring our concerns and real issues that would negatively impact our development and safety.

- Snow Removal and Storage - This developer has never built in a mountain community and has not planned for snow removal, certainly not enough considering the snowfall patterns of the neighborhood.
- Bear Trail Road - The developer has no intention to contribute to the maintenance / snow removal of Bear Trail even though he is placing driveways on that road.
- Density - approaches the maximum for the lot, and will be a challenge to build on this sloping lot without tall retaining walls
- Height - two stories higher than adjacent structures
- Parking - no guest parking proposed and Bear Trail is NOT wide enough for street parking
- Set-backs - Very close to Bear Trail, Cirque Townhomes & Bear Crossing Townhomes
- HOA - A Strong HOA is needed to pay for property and local road maintenance and must be adequately funded. To this point the developer has not addressed this sufficiently

Overall Charles Moore seems determined to build the project in order to maximize the density and profit without regard for neighborhood concerns.

Please help our community correct the course of this development. Thank you for your attention to this matter.

Emery & Jody Legg
310 Lower Bear Trail, Winter Park, CO
303-513-1070
We are writing to you to express our concerns with the proposed plans for the 560 Lake Trail townhouse development. Specifically we are concerned with the number of townhouses to be built on the relatively small lot, the impact on the Bear Crossing development during the construction phase, the planned use of Bear Trail by the developer with no agreement in place with Bear Crossing for the use of this private road, the lack of an HOA for 560 Lake Trail, the potential impact to Bear Crossing buildings due to inadequate plans for proper retaining walls and dealing with drainage issues, and general lack of appreciation for parking, trash handling and snow removal within the 560 Lake Trail development. Each of these concerns is addressed in more detail below.

1. **Density of the development:** Since the early 2000’s development in the general area of Lake Trail/Elk Trail/Moose Trail has primarily consisted of higher end single family homes and low-density luxury townhomes. The 560 Lake Trail development proposes to place 17 townhouses on the lot with a density approximately 50% greater than other townhouse developments in the area. While the developer cites past zoning plans which state that the lot is zoned for up to 30 units, this is somewhat misleading in that those zoning plans were in conjunction with an expected condominium development planned in the late 90’s. The character and environment of the area has since changed and approved developments should now reflect the character of the present locale and not what it was in the 90’s. Furthermore even the document from January 2002 titled “Settlement Agreement and General Release” which was filed with the town of Winter Park and documents the zoning limits of the lot in question includes the statement “Although the Town has not warranted and does not warrant or imply that the maximum allowable densities stated above can be attained due to topographic or other conditions on the lots specified ....”. So the 30 unit figure should not be viewed as a final approved number. Also, the height of the new townhomes should not be allowed to exceed present limits.

2. **Impact on Bear Crossing:** The 560 Lake Trail developer has not provided any clear specificity on where construction equipment will be stored during the construction phase and how access to Bear Crossing might be affected. Any damage done to Bear Trail or adjacent properties needs to be quickly repaired. All construction equipment needs to be solely operated and stored on the developer’s property and construction activity needs to be limited to the hours of 9 to 5 on weekdays only.

3. **Use of Bear Trail:** The developer is planning to use Bear Trail as the access to 12 of his 17 units. This action is being proposed unilaterally on the developer’s part with
no agreement in place with the Bear Crossing HOA and Mr. Roque Morales for such use of this private road. The 2005 document titled “Public Right of Way Vacation Agreement” filed with the town of Winter Park and signed by Morales, Rice and Solo (as manager of Bear Crossing, LLC.) , the affected parties in providing the Bear Trail easement road, only includes a use agreement for Bear Crossing and Morales for the use and maintenance of Bear Trail. This document clearly states that Bear Trail is to be considered a “Private Road” and not a public access road. The 560 Lake Trail developer must have an agreement in place with Bear Crossing and Morales to include cost sharing and maintenance responsibilities before proceeding or alternatively should provide access to the new development directly from Lake Trail as was likely the original intent of Rice, the previous 560 Lake Trail owner.

4. **Lack of HOA for 560 Lake Trail Development**: It is inconceivable how a development of three buildings with 17 townhouses can expect to deal with community issues such as snow removal, general trash handling, parking rules, building maintenance, etc, without an HOA. If each individual owner is responsible for such diverse efforts, it is quite likely that some owners will be more diligent than others. What is likely to happen is that owners outside this new development will be impacted by less responsible 560 Lake Trail owners and renters using trash receptacles in a development such as Bear Crossing or parking in areas not designated for 560 Lake Trail. When conflicts arise there must be a central HOA entity to address these conflicts and furthermore the town of Winter Park needs to be ready to aid in enforcing remedies.

5. **Inadequate engineering plans for retaining walls and drainage**: The Bear Crossing development is situated on varied terrain and the HOA is well versed in understanding the challenges presented by such terrain. Retaining walls are integral elements in maintaining the structural integrity of the Bear Crossing buildings and are regularly monitored to ensure their stability. Drainage must also be carefully planned for to minimize erosion. It appears the 560 Lake Trail developer has no appreciation for such complex engineering projects. Of immediate concern to Bear Crossing is the potential impact to Bear Crossing buildings adjacent to the new development property if 560 Lake Trail retaining walls and drainage infrastructure are poorly implemented and jeopardize the integrity of Bear Crossing structures.

6. **Snow removal**: Related to the use of Bear Trail, the 560 Lake Trail development must have a snow removal plan which does not impact Bear Trail or adjacent properties. It is essential that the access to Bear Crossing Town Homes not to be impeded for routine and emergency needs.

We appreciate your consideration of the above concerns and hope that such concerns can be addressed and resolved before any approval is granted by the Town to proceed with the 560 Lake Trail development.

Richard and Sandra Leeds
1075 Bear Trail
703-851-7889
Dear Mr. Shockley:

I am writing to you about the proposed development at 560 Lake Trail. As long time homeowners in this area, we have several concerns about this proposal.

As we understand it, the structure will be two stories higher than adjacent buildings. This does not seem to be consistent with the zoning of the area. In addition, we are concerned that there is not adequate ingress, egress, snow storage and parking for the proposed density.

Furthermore, with the high density of these units that is proposed by the developer, the lack of a central waste facility will cause a myriad of issues. There is a reason the road is named Bear Crossing. We have seen many bears in the area that are attracted by trash that is not properly contained.

Thank you for your consideration.

Jeff and Gina Vaughan
130 Elk Court

--

Best regards,

Jeff Vaughan
James Shockey, AICP
Community Development Director

Sent from my iPhone

Begin forwarded message:

From: Joe Tartell <joe.tartell@inverify.net>
Date: March 11, 2020 at 6:08:44 PM MDT
To: jshockey@wpgov.com
Subject: 560 Lake Trail

James,

Hello, I hope you are doing well. I would like to introduce myself. I am a resident in the Elk Run neighborhood, 150 Moose Trail, in Winter Park. We have been owners in the Winter Park area for approximately 20 years and my wife grew up skiing at Winter Park. I am the founder and President of a high-tech company, InVerify, that was recently purchased by Equifax. I understand the importance of growth and how to integrate a small business into a multi-billion dollar organization. This experience, like yours, has allowed me to understand management and governance challenges associated with an exciting transformation and growth that Grand County and Winter Park are experiencing.

Overall, we are extremely excited about all the growth in the valley and believe it is going to improve seasonal and full-time occupants quality of enjoyment specifically in Winter Park.

I however also know that governance and compliance is also critical when assisting proposed developments to maintain the goal and vision of the master plan in Winter Park.

The information I have reviewed with the development project at 560 Lake Trail violates some of these key indicators. I would like to make sure there is an opportunity to adjust plans to align with the longer term master plan of the development of the Winter Park communities.

The following items are of concern and I would like to see them addressed.

1) Height of the proposed units are two stores higher than the adjacent structures.
2) Density - The density approaches the maximum for the lot, and will be a challenge on this lot that is sloping.
3) Set backs - The proximity to the existing Bear Trail, Cirque Townhomes, and Bear Crossing Townhomes is problematic
4) Snow Storage - Currently that area has challenges with snow storage and the proposed plan is not adequate for the needs
5) Drainage & Erosion Issues - The proposed plan does not address the drainage impact and slope stability of the landscape
6) What will be the impact on city services and utilities for this proposed high density development
7) HOA - The proposal does not address proper management of the property and residences for trash, snow removal, and additional local road maintenance as well as long term building maintenance.

We encourage and are excited about the continued development projects in Winter Park and would like to see these key issues addressed.

Regards,

Joe Tartell
Hi Hugh,

I’m hoping you can help answer a quick question that came up at the town planning meeting on 560 Lake Trail…

The developer proposed that they were going to divide the lot into 17 separate lots and proceed with a party wall style of management on the properties. This raises two important questions we have.

1) When a single lot is divided into 17 separate lots, does this change the required setbacks and codes? It seems to me it would as individual homes are required to have a different setback than what this developer’s plans indicate. What would be the new code setback for 17 individual lots?

2) Are there any WP codes or laws requiring multiunit developments to have an HOA vs Partywall, given the risk of individual owners not properly maintaining their road section, trash, exteriors, snow removal?

Thank you for any insight you can share. We simply want to understand the rules.

Jim

Jim Janicek
Pres. & Chief Creative Officer
jim@janicekmedia.com

JANICEK MEDIA

O- 720-510-3031
M- 720-891-6276
Hi Hugh,
Do you have a time and agenda for this meeting yet?

Can I get any new documents related to the 560 Lake Trail Development?

Thanks!

Regards,
Brian Cleveland
303.818.0558
We are writing to express our concerns over the captioned development proposal that is being reviewed by your office. Our specific concerns are as follows:

1. **Density of the development**: Since the early 2000’s development in the general area of Lake Trail/Elk Trail/Moose Trail has primarily consisted of higher end single family homes and low-density luxury townhomes. The 560 Lake Trail development proposes to place 17 townhouses on the lot with a density approximately 50% greater than other townhouse developments in the area. While the developer cites past zoning plans which state that the lot is zoned for up to 30 units, this is somewhat misleading in that those zoning plans were in conjunction with an expected condominium development planned in the late 90’s. The character and environment of the area has since changed and approved developments should now reflect the character of the present locale and not what it was in the 90’s. Furthermore, even the document from January 2002 titled “Settlement Agreement and General Release” which was filed with the town of Winter Park and documents the zoning limits of the lot in question includes the statement “Although the Town has not warranted and does not warrant or imply that the maximum allowable densities stated above can be attained due to topographic or other conditions on the lots specified ....”. So the 30 unit figure should be not be viewed as a final approved number. Also, the height of the new townhomes should not be allowed to exceed present limits.

2. **Impact on Bear Crossing**: The 560 Lake Trail developer has not provided any clear specificity on where construction equipment will be stored during the construction phase and how access to Bear Crossing might be affected. Any damage done to Bear Trail or adjacent properties needs to be quickly repaired. All construction equipment needs to be solely operated and stored on the developer’s property and construction activity needs to be limited to the hours of 9 to 5 on weekdays only.

3. **Use of Bear Trail**: The developer is planning to use Bear Trail as the access to 12 of his 17 units. This action is being proposed unilaterally on the developer’s part with
no agreement in place with the Bear Crossing HOA and Mr. Roque Morales for such use of this private road. The 2005 document titled “Public Right of Way Vacation Agreement” filed with the town of Winter Park and signed by Morales, Rice and Solo (as manager of Bear Crossing, LLC.), the affected parties in providing the Bear Trail easement road, only includes a use agreement for Bear Crossing and Morales for the use and maintenance of Bear Trail. This document clearly states that Bear Trail is to be considered a “Private Road” and not a public access road. The 560 Lake Trail developer must have an agreement in place with Bear Crossing and Morales to include cost sharing and maintenance responsibilities before proceeding or alternatively should provide access to the new development directly from Lake Trail as was likely the original intent of Rice, the previous 560 Lake Trail owner.

4. Lack of HOA for 560 Lake Trail Development: It is inconceivable how a development of three buildings with 17 townhouses can expect to deal with community issues such as snow removal, general trash handling, parking rules, building maintenance, etc, without an HOA. If each individual owner is responsible for such diverse efforts, it is quite likely that some owners will be more diligent than others. What is likely to happen is that owners outside this new development will be impacted by less responsible 560 Lake Trail owners and renters using trash receptacles in a development such as Bear Crossing or parking in areas not designated for 560 Lake Trail. When conflicts arise there must be a central HOA entity to address these conflicts and furthermore the town of Winter Park needs to be ready to aid in enforcing remedies.

5. Inadequate engineering plans for retaining walls and drainage: The Bear Crossing development is situated on varied terrain and the HOA is well versed in understanding the challenges presented by such terrain. Retaining walls are integral elements in maintaining the structural integrity of the Bear Crossing buildings and are regularly monitored to ensure their stability. Drainage must also be carefully planned for to minimize erosion. It appears the 560 Lake Trail developer has no appreciation for such complex engineering projects. Of immediate concern to Bear Crossing is the potential impact to Bear Crossing buildings adjacent to the new development property if 560 Lake Trail retaining walls and drainage infrastructure are poorly implemented and jeopardize the integrity of Bear Crossing structures.

6. Snow removal: Related to the use of Bear Trail, the 560 Lake Trail development must have a snow removal plan which does not impact Bear Trail or adjacent properties. It is essential that the access to Bear Crossing Town Homes not to be impeded for routine and emergency needs.

Please consider/address these specific concerns prior to any approvals being granted to the developer of 560 Lake Trail. Feel free to contact us at (720)273-0532 with any questions.

Thank You,

Fredrick LeGrand on behalf of
Lower BearTrail Partners, LLC
Fredrick and Cynthia LeGrand
Gregg and Laurie Batchelder-Adams
3/18/20
Mr. Shockey
Town of Winter Park, Colorado

Information presented by the developers of 560 Lake Trail present many legal questions. The plat presented also shows that the developers are trying to force 10 lb. of development into a 5 lb. bag of available property. The developers drawings are presenting untrue property lines/boundaries, omitting such factors as set easement requirements and are not defining exact structure figures. When questioned on some of these items the reply was that they were still working on the final drawings. Files in the city computer site still show questionable drawings.

For any further discussion I would like to see the developers present complete and detailed drawings of required items and legal reasoning behind some of their claims:

1. final plat -- showing overhangs, detail of distance measurements of setbacks etc.
2. detail of curbing
3. the developers are creating a big bottle neck along the full length of Bear Trail. Details of snow removal, snow storage water drainage are needed.
4. proof of underground utilities lines location
5. compliance with required easements
6. compliance with town of Winter Park set back rules including set back/coverage work sheets
7. compliance with Winter Park development standards on street parking, drive ways, setbacks etc
8. storm water control
9. copy of Winter Park response/approval to the application forms

There also questions on property lines, location of easements on the ground and starting points of measurements in accord of federal boundary law, contract law etc. There are several legal documents that identify Bear Trail as "shall be used only for access, ingress and egress" and "not use the easement for any other purpose without the written consent of the grantors, their heirs, successors or assigns." Note there is no date or indication of termination. The developers have chosen to ignore this and have not provided a reason.

Bear Trail Road was paved appx. 2004 - 2005, appx 15 ago and is in good shape. The reason could be that the traffic pattern is forward on a gentle slope. The developers will require a traffic pattern with a sharp cranking turn off Bear Trail into their garage. This with a heavy snow tread with metal studs. The increase in damage could be great and repair should be charged accordingly. If applied, this would call for a HOA to control charges.

Many others have many other complaints. Winter Park is losing the idea of a great mountain/ski town. There is also the value of one's property. One reason for small things like setbacks is to protect one from the neighbor next door.

Sincerely,
Roque Morales
February 28, 2020

Sent via email to:

hbell@wpgov.com
jshockey@wpgov.com
cemore@gmail.com

Town of Winter Park Planning Commission
Attn: Hugh Bell
50 Vasquez Rd.; P.O. Box 3327
Winter Park, Colorado 80482

RE: 560 Lake Trail, Winter Park, Colorado

Dear Mr. Bell,

My law firm represents an interested property owner neighboring the contemplated development at 560 Lake Trail, as described at Vasquez Mountain Lodge Condominiums Final Plat recorded at Reception No. 2006-008502. We’ve been asked to review the documents recorded against the property and provide an opinion on the appropriateness of the development. I would like to pass along two issues for the Town’s consideration.

First, it appears that the Town Code calls for collection of the 5% open space development fee. The Settlement Agreement and General Release recorded June 6, 2005 at Reception No. 2002-005643, at Paragraph 3(G), contemplated a nine-year period during which WEND, as owner of Lot 1B, could develop the property “in accordance with the provisions” of the Settlement Agreement. The nine-year window was to “begin on the date of approval by the Town Council of the Revised Vasquez Village Subdivision Plat.”
That plat was recorded on January 14, 2003 at Reception No. 2003-000630, and includes the Town Council’s approval as certified by the Mayor of Winter Park. The period during which the Town had to honor the development provisions in the Settlement Agreement, then, commenced in 2003 and terminated in 2012. Because the development was not completed during that time, Paragraph 3(H)—the provision waiving collection of open space fees—is no longer operative.

Second, Town Code § 8-3-10(B) seems to mandate creation of common interest community for 560 Lake Trail because the plat shows a reserved roadway to be used for the benefit of future owners. The property is not currently subject to any homeowners’ associations. The Vasquez Village covenants were terminated by the Statement of Termination recorded on December 1, 2006 at Reception No. 2006-012848. The following year, the lot was removed from the Vasquez master association by the Amendment recorded July 19, 2007 at Reception No. 2007007766. The newest development appears to have no plans for formation of a new common interest community.

Town Code § 8-3-10(B), however, says that whenever a road has been reserved for the use of the owners, a homeowners’ association is required: “In the event of a reservation . . . of any . . . streets for the use of owners of lots within the subdivision, the subdivider shall provide for the creation of a homeowners’ association with powers of assessment for maintenance, improvements and upkeep of such . . . streets.” The Public Right-of-Way Vacation Agreement recorded August 11, 2005 at Reception No. 2005008654, vacated Bear Trail where it crosses Lot 1B. The Town Code seems to require an HOA to maintain the road that is used for 560 Lake Trail’s benefit. Not to mention that CCIOA, at C.R.S. § 38-33.3-103(8), requires a common interest community whenever common elements are shared by the owners.

We appreciate your consideration of these two issues in connection with the request for development approval of 560 Lake Trail. Please feel free to contact my office with any questions you may have for us.

Regards,

William D. Berry

Copies:     James Shockey
            Charles Moore
Dear James, Hugh, and Winter Park Town Planners,

(CC) Bear Crossing HOA, fellow neighbors,

Gentlemen,

I hope this finds everyone doing OK. I’ve been made aware of a legal judgement (attached) that may have significant impact on the 560 Lake Trail development regarding the boundaries claimed on newest plat submitted to the town of Winter Park. I’m sharing this at the request of Mr. Roques Morales, owner of lot 6 of Vasquez Village Plat. This document also provides a reason why the “Bear Trail Rd. Easement” thats been referenced in your planning meetings does not mention Mr. Rice (owner of lot 1B) but instead mentions Mr. Morales (owner of lot 6)

Lot 6 is to the west of lot 1B (on the opposite side of Bear Trail Rd) and according to Mr Morales, the attached judgement in favor or Mr. Morales establishes that the monuments in the ground are in fact different that the plat lines on file with the Town Of Winter Park and the monuments are correct. Those monuments, according to Mr Morales, show that Bear Trail Rd. is in fact an easement across Mr Morales’s LOT 6 and not LOT 1B.

1) Mr. Morales maintains the developer has no right to Bear Trail Rd and the monuments actually establish the correct property line by law. He also maintains the setback would therefore be significantly different on the new development.

2) Mr. Morales states that the lines created by the monuments supersede all plats the town of Winter Park (the plats with the town may be incorrect according to the attached document vs actual monuments). Mr Morales also states: In addition, there is a 10 year statute of limitation to challenge the 2004 agreement which means this document sets precedent as the law.

3) There is a “Public Service Easement” on the east side of Bear Trail Rd. Mr. Morales wanted the planners to know that according to the Public Service easement, the pipes go through the proposed development units. He also maintains that this easement cannot be modified since it’s past the 10 year statute.

4) Mr. Morales asks, "On what basis does the developer have to change a contract which originally did not allow lot 1B access to Bear Crossing as their plat plan called for access on Lake Trail only.” Again, Mr. Morales maintains that Bear Trail Rd. is on his property, not 1B.

I hope this information is helpful to the town and they make all efforts to respect and investigate Mr. Morales’s documented claims and concerns.

Respectfully,
Jim Janicek  HOA Member Bear Crossing.
COLORADO COURT OF APPEALS

Court of Appeals No.: 05CA1392
Grand County District Court No. 04CV109
Honorable Paul R. McLimans, Judge

Roque R. Morales,

Plaintiff-Appellee,

v.

CAMB, a Colorado general partnership; Max Garwood; Peterson Family, LLC, a Colorado limited liability company; and G&B, a Nebraska partnership individually and as members of CAMB,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by: JUDGE CRISWELL*
Rothenberg and Terry, JJ., concur

Announced: March 22, 2007

James A. Beckwith, A. R., Arvada, Colorado, for Plaintiff-Appellee

Isaacson Rosenbaum, P.C., Blain D. Myhre, Denver, Colorado, for Defendants-Appellants

In this boundary dispute litigation, defendants, CAMB, Max Garwood, Peterson Family, LLC, and G&B, a Nebraska partnership, appeal from the summary judgment entered in favor of plaintiff, Roque R. Morales (Morales). We affirm.

I.

Because the judgment below was entered in response to a motion for summary judgment, we review that judgment on a de novo basis. Grynberg v. Karlin, 134 P.3d 563 (Colo. App. 2006).

The Vasquez Village subdivision in the Town of Winter Park, Colorado was surveyed, platted, and approved in 1981. It contained eight lots. The subdivision plat as approved contained a "Surveyor's Certificate," which attested that the monuments required by Title 38, Article 51, C.R.S. 1973, had been placed on the ground.

The pertinent statute, now § 38-51-105, C.R.S. 2006, requires that the "external boundaries of platted subdivisions" are to be "monumented on the ground," that the boundaries of all blocks be monumented before any sale is made and that the boundaries of any lot be established by monuments within one year of the sale.
Section 38-51-105(1), C.R.S. 2006. The subdivision here, however, contains only eight lots; it has no lots within a block, as such. Moreover, it is undisputed that monuments were placed at the corners of each of the lots before the subdivision plat was approved.

Through various conveyances, defendant CAMB acquired title to lots 3, 4 and 5, and plaintiff obtained title to lot 6, which abuts lot 5 on its north. All of the pertinent conveyances referred only to the Vasquez Village subdivision plat for their legal descriptions.

In 2002, CAMB began planning to re-plat its three lots for development of a town home project. In re-surveying these lots, it was discovered that the monuments marking the boundary between lots 5 and 6 were inconsistent with at least one distance call shown on the Vasquez Village plat. While this distance was shown as 25 feet on the plat, the monument was placed some 38 feet from the pertinent prior point. Further, while the monument for the southeast corner of lot 6 was consistent with a distance call on the plat for that location, it is some 13 feet south of the location of the boundary line as depicted on the plat. Both monuments, therefore, exist some 13 feet south of the boundary between the two lots as
shown on the plat.

As a consequence, if the monuments are determined to be the true points establishing the southern boundary of plaintiff’s lot 6, that lot will have an additional strip of about 13 feet, containing about 1197 square feet, added to the lot as shown by the line on the recorded plat. But if the boundary line on the plat is determined to represent the proper boundary, this strip would be a part of lot 5.

To have a judicial determination of the proper location on the ground of this boundary line, plaintiff instituted this action. After the parties had filed cross-motions for summary judgment, the trial court granted plaintiff’s motion, ruling that the monuments controlled the location of the boundary line and that they superseded any inconsistent distance call or boundary line referred to or depicted on the subdivision plat. We agree with this determination.

II.

Defendants contend that the district court erred in quieting title in favor of plaintiff because the intent of the grantors was to convey the lots by reference to the subdivision plat and not as
located by the monuments. We are not persuaded.

If there appears to be a mis-description in a deed, a court must ascertain the true intent of the parties. Wallace v. Hirsch, 142 Colo. 264, 268-69, 350 P.2d 560, 562 (1960); see Lazy Dog Ranch v. Telluray ranch Corp., 965 P.2d 1229, 1235 (Colo. 1998)(in construing a deed, it is paramount to ascertain intent of parties).

However, certain rules of construction are used to disclose that intent.

First, "[i]t is a well settled principle that when lands are granted according to an official plat of the survey of such lands, the plat itself, with all its notes, lines, descriptions and landmarks, becomes as much a part of the grant or deed by which they are conveyed, and controls so far as limits are concerned, as if such descriptive features were written out upon the face of the deed or grant itself." Spar Consol. Mining & Dev. Co. v. Miller, 193 Colo. 549, 552, 568 P.2d 1159, 1161-62 (1977), citing Cragin v. Powell, 128 U.S. 691 (1888).

Here, then, the deeds conveying lots 5 and 6 to the parties incorporated all of the items of information on the plat, including
the surveyor's certificate attesting that appropriate monuments had been placed on the ground, as required. See Spar Consol. Mining & Dev. Co. v. Miller, supra.

Further, it is a general rule that the monuments placed by the original surveyor are conclusive on all persons owning or claiming to hold with reference to such survey. Everett v. Lantz, 126 Colo. 504, 514, 252 P.2d 103, 108 (1952). "Monuments control courses and distances, which are considered the least reliable of all calls." Jackson v. Woods, 876 P.2d 116, 118 (Colo. App. 1994). "The courses and distances in a deed always give way to the boundaries found upon the ground, or supplied by the proof of their former existence, where the marks or monuments are gone." Cullacott v. Cash Gold & Silver Mining Co., 8 Colo. 179, 183, 6 P. 211, 214 (1885)(citing Lodge v. Barnett, 46 Pa. St. 477 (Pa. 1864)); 12 Am.Jur.2d Boundaries § 74 ('Where land is disposed of by reference to an official plat, the boundary lines [as] shown on the plat control. In locating land upon the ground from the calls and descriptions in the map, plat, or field notes referred to, the same primary rules apply as exist in the locating of calls and descriptions in a deed
containing no such reference, that is, the various calls are given the same order of preference. In case of conflict, monuments control plats or maps, and an actual survey controls over a plat or a map.

In the trial court, CAMB presented an affidavit from a registered professional land surveyor who averred that, using the field notes for the Vasquez Village subdivision, the descriptions contained in those notes were consistent and allowed the exterior boundary lines of that subdivision to "close." However, CAMB's surveyor averred that, if the locations of the monuments were used as the boundary indicators, the resulting description of the subdivision's exterior boundary would not close. Hence, this expert concluded that the discrepancy between the monuments and at least one distance call on the plat resulted from the misplacement of the monuments, or a "field blunder," and that the distance calls and boundary line as reflected on the plat, rather than the monuments, should control the location of the pertinent boundary.

The trial court rejected this ultimate conclusion, and so do we.

Even if we assume that both monuments were mis-placed, the rule that monuments control over distance and course calls on the
plat is nevertheless applicable and the monuments still control the boundary location. See Everett v. Lantz, supra, citing Ben Realty Co. v. Gothberg, 56 Wyo. 294, 109 P.2d 460 (1941) (monument misplacing 8th standard parallel still controls description of land in grant).

Duane v. Saltaformaggio, 455 So. 2d 753 (Miss. 1984), does not support a contrary conclusion. The exception to the general rule relied upon by the court in that case is limited to those rare instances in which the locations of monuments are themselves inconsistent, thereby creating a conflict between monuments.

Here, the parties do not dispute that the pertinent monuments are located consistently with each other. Hence, we need not decide whether the rule of the precedence of monuments has any exception under Colorado law, because the only conflict here is between the location of the monuments on the ground and the distance call and boundary line depiction on the plat.

We conclude, therefore, that the district court correctly determined the location of the disputed boundary line.

The judgment is affirmed.
JUDGE ROTHENBERG and JUDGE TERRY concur.
Hugh and James;
The below email is from Warren Ward in regard to the monuments and the number of survey discrepancies encountered on the Lake Trail Parcel.
Please call or reply with any questions.
Thank you;
Walter

Warren Ward, PLS
Four Points Surveying and Engineering
P.O. Box 775966
Steamboat Springs, CO 80477
970-819-1161
wward@co.grand.co.us

Hello Walter. Its good to hear from you again, hope all is well in Steamboat.

I have a lot of background in Vasquez Village. I am sure you are on the right track but here is a brief history that you may want to take into account:

In 1980 - Jim Ward - PLS 11415, my father, subdivided this land and set 1.5" aluminum capped, 1/2" rebars. As a young, aspiring 20 year old instrument man, I remember threading through very thick trees with our Kern DKM2 total stations.

Life always gives surveyors unexpected reviews of the past.

In the early 1990's, as a licensed surveyor, I was hired by the Town of Winter Park to produce a replat of all the Vasquez Village Lots, which at that time were still vacant and heavily treed.

I found most, or all, the original Jim Ward monuments and was tickled to see that our work in 1980 was pretty good, with one glaring exception: One line, the southwest line of Lot 6, was obviously miscalculated in the field, and we set those two pins about 13 feet out of position.

The dilemma of pincushions had to be encountered. I set my own aluminum caps, PLS 25971, at the correct platted position and turned in my plat showing the 13'x100' long strip with "unknown title". My rationale was that even though I was setting multiple monuments, the rest of the subdivision was accurately and precisely monumented still with original monuments, and this one line clearly showed an isolated blunder in the field (with me as instrument man),
and most importantly - no improvements had been constructed in reliance to this monument, so that no harm had been done for or against any landowner who bought an exact amount of acreage according to the plat.

However, Morales, owner of Lot 6, protested and sought to claim his EXTRA 13x100' strip. CAMB sued, because they wanted to develop what is now "Bear Dance", and lost. The court ruled that "the original surveyor "Jim Ward" stated on his plat that he had set monuments in 1980, and those monuments define the property lines". (this case ended up in the Colorado Court of Appeals). It confirms that original monuments control in the event of any discrepancy.

I also know that throughout the history of this area, with this one exception, Jim Ward's monuments have "held up" through many surveys. My monuments have all been based on Jim Ward monuments, and have also held up.

I believe the monument you found as "26298" is Carrol and Lange, so I would likely accept those pins as "original" in the sense that they were original monuments of a newly recorded subdivision.

In general, the Jim Ward monuments must be held, as ruled by the court. For matters of precision - just bear in mind that up until the mid 1990's, all measurements were made with total stations, in very thick trees - I doubt that any crew could get more than 100' at the very most traversing through the trees as I remember - and Elk Trail did not exist as an improved road.

After about 2000, all measurements are made with GPS, and, after about 2010, we lost our pines to beetles so any surveyor could get good sky using GPS. Therefore, there is a built in factor between old surveys and new surveys, for the matter of precision.

I have not had the occasion to check either of the Shenk monuments (31942) or Carrol and Lange (26298), but in my experience, have found both surveyors to be quite reliable.

I hope this helps! If you have any questions, please contact me at any time. Have fun out there!

Warren Ward, PLS, CO, OK
Grand County Surveyor

From: Walter Magill <wmpepls@gmail.com>
To: Warren Ward <wward@co.grand.co.us>
Sent: 1/8/2019 5:42 PM
Subject: Vasquez Village - Winter Park - Improvement Survey Plat

Warren;
Good day. I am working with Mr. Jeff Rice on Lot 2, Vasquez Village for a sale. We completed an ILC and now the realtor is requesting an ILC. If you have a minute could you review the attached ILC and offer any insight on the double pins. My intention would be to hold your pins and set any new pins or witness corners based upon the platted distances.
Please call or reply to discuss.
Thank you;
Walter

Walter Magill, PE & PLS
Four Points Surveying and Engineering
P.O. Box 775966
Steamboat Springs, CO 80477
970-819-1161
wnmpepls@gmail.com
LAKE TRAIL TOWNHOMES
PRELIMINARY PLAT
A REPLAT OF OF VASQUEZ MOUNTAIN LODGE CONDOMINIUMS
LOCATED IN THE NE 1/4 OF SE 1/4 OF SECTION 32, TOWNSHIP 1 NORTH,
RANGE 75 WEST OF THE 6TH P.M., WINTER PARK, GRAND COUNTY, COLORADO

440 S. Lincoln Ave, Suite 4A
P.O. Box 775966,
Steamboat Springs, CO 80487
(970)-871-6772
wnmpepls@gmail.com
Note: This project was tabled from its original hearing date of March 17, 2020 due to the removal of all non-essential items from the Town Council agenda amid COVID19.

**Background:**
Winter Park Resort is designing an addition to, and interior remodel of, The Lodge at Sunspot. This includes a new snow melted deck replacement, infrastructure to support said snowmelt system, a new barbeque hut, and a new lower level exterior deck. Although it is not mentioned in the applicant's narrative, the plans indicate a new trash chute and compacter are proposed as well. The footprints of each structure are as follows: 866 sq. ft. on two floors for the new addition; 415 sq. ft. for the new lower level deck; and 4,600 sq. ft. for the replacement snow-melted deck. The building is located on United States Forest Service land and thus the addition and remodel will need to be authorized under a Special Use Permit.

**USFS Special Use Permit / Design Review:**
The Forest Service is currently reviewing the proposed structure and will provide approval in the next few weeks. Any approval from the Town should be contingent on approval by the Forest Service.

**Proposed Material & Color:**
The exterior will consist of concrete foundation, stone veneer, stained horizontal v-groove cedar siding (to match existing), stained trim/fascia (to match existing), composite shingle roofing (to match existing), and ‘punched’ windows with vision and spandrel glazing (to match existing). Refer to the rendering and material/color board for details.

**Exterior Lighting:**
The applicant does not indicate the location of exterior lighting for the addition, nor have they provided a lighting cut sheet. It is unclear to Staff if additional lighting is proposed. The applicant will need to consider Guideline 6 in the Town of Winter Park Residential Architectural Guidelines and Design Regulations, which states the maximum wattage for a continuously lit area is 75 watts.

- Staff requests clarification if new lighting is proposed. If so, Staff requests a lighting cut sheet be submitted to gauge compliance with Guideline 6 in the Residential Architectural Guidelines and Design Regulations.

**Building Height:**
The building elevations indicate that the height of the new addition at its highest point is 137'-0" and 123'-9" at the roof midpoint. The addition maximum height from lowest grade is 52'-4". Per the OSF zone district, the Planning Commission and Town Council shall determine the height of buildings on an
application-by-application basis. If the Commission is satisfied with the proposed height, it shall forward a recommendation to the Town Council for approval.

**Access and Parking:**
An existing service road is used for access in the summer months. In the winter, supplies are delivered via snowcat. There is no public access to the site for vehicles so no parking is required.

**Landscaping/Revegetation:**
The Town’s Landscape Design Regulations and Guidelines state that any landscaping within the OSF zone district shall be determined by the Planning Commission. The Forest Service will require landscaping as part of their approval process. Since they specialize in what will survive at that elevation, Staff recommends the Planning Commission rely on the Forest Service for determining the appropriate landscaping for site.

**Site Plan and Building Elevations:**
On the elevations, locations for where the structure intersects the existing and finished grades for each side profile are missing. Otherwise, Staff is satisfied with the overall design.

- Staff requests locations for where the structure intersects the existing and finished grades for each side profile.

  **Roofs** – The roof for the proposed two-story addition that directly attaches to the main structure matches the gabled design of the existing rooflines. The roof for the barbecue hut is also gabled and matches the main structure. Each roof uses asphalt shingles, which assists in preventing roofs from shedding during the winter. This will help prevent large snow and ice from falling onto unsuspecting users below.

  **Windows** – The elevations show windows on the proposed two-story addition that directly attaches the main structure. These appear to match the existing windows. There are no windows on the proposed barbecue hut. Guideline 4 in the Town of Winter Park Residential Architectural Guidelines and Design Regulations states that “Windows should establish patterns and architectural expression on exterior walls as well as be responsive to interior uses, views, and passive solar energy considerations”.

  **Decks, Balconies, and Patios** – Guideline 5 states that “decks, balconies and patios, along with other architectural elements, should be incorporated to create variety and detail on exterior elevations.” The existing southeastern deck proposed for new snow-melt infrastructure, and the new western deck, both take advantage of the views and provide architectural interest. Both decks meet the intent of the guideline. The proposed deck railing on the existing southeastern deck matches the existing railing design; however, the proposed deck railing on the new west deck does not. The applicant has since indicated that this deck railing will match the building’s existing railing style.

**Setbacks:**
There are no setbacks associated with this building. It is under a Special Use Permit from the Forest Service. Per the OSF zone district, the Planning Commission and Town Council shall determine the
minimum yard requirements on an application-by-application basis. If the Commission is satisfied with
the proposed location, it shall forward a recommendation to the Town Council for approval.

Coverage:
Building coverage does not apply to this building. It is under a Special Use Permit from the Forest
Service. Per the OSF zone district, the Planning Commission and Town Council shall determine the
building coverage on an application-by-application basis. If the Commission is satisfied with the footprint
in relation to the area, it shall forward a recommendation to the Town Council for approval.

Trash Enclosure:
Per the submitted drawings, the applicant is proposing a new trash chute and compactor. This addition
is not mentioned in the narrative. Staff is satisfied with the proposed design.

Fences and Gates:
The proposed fence around the footprint of the existing deck, located on the southeastern side, matches
the existing fence style around the building’s other decks. The proposed fence around the proposed
lower-level deck, located on the west side, does not match the existing fence style. The applicant has
since indicated that this deck railing will match the building’s existing railing style.

Forest Thinning and Fuels Management:
N/A

Erosion Control / Drainage:
A Drainage and Stormwater Management plan has been submitted.

- The Town Engineer shall provide approval of the Drainage and Stormwater Management plan.
- Approved drainage and erosion control shall be in place prior to site preparation, during
  construction, and through successful revegetation.

Inspection:
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.

Planning Commission Recommendation:
The Planning Commission reviewed the design on March 10, 2020 and recommended approval of the
design for The Lodge at Sunspot with the following conditions:

- Planning Commission indicated that adding windows on the barbeque hut is optional as the hut
  may be used for signage.
- Snow holding devices shall be added to the roofs of the new two-story addition and the barbeque
  hut
- The barbeque hut hood shall be screened and a design shall be provided for Staff’s approval
In addition, the Planning Commission recommended to the Town Council approval of the site plan and building elevations as they relate to the lot area, building spacing, yard requirements (setbacks), building coverage and building height.

**Staff Recommendation:**
Staff recommends Town Council approve the design for The Lodge at Sunspot with the following conditions as outlined below:

- Staff requests clarification if new lighting is proposed. If so, Staff requests a lighting cut sheet be submitted to gauge compliance with Guideline 6 in the Residential Architectural Guidelines and Design Regulations.
- Staff requests locations for where the structure intersects the existing and finished grades for each side profile.
- The Town Engineer shall provide approval of the drainage and stormwater management plan.
- Approved drainage and erosion control shall be in place prior to site preparation, during construction, and through successful revegetation.
- No site clearing shall be permitted until Staff has verified the Pre-Disturbance Checklist has been implemented on the site.
- Planning Commission indicated that adding windows on the barbeque hut is optional as the hut may be used for signage.
- Snow holding devices shall be added to the roofs of the new two-story addition and the barbeque hut.
- The barbeque hut hood shall be screened and a design shall be provided for Staff’s approval.
TOWN OF WINTER PARK
RESOLUTION NO. 1771
SERIES OF 2020

A RESOLUTION APPROVING THE LOT AREA AND BUILDING REQUIREMENTS
FOR THE LODGE AT SUNSPOT AT WINTER PARK RESORT

WHEREAS, Winter Park Resort will be constructing a new barbeque hut, lower level exterior deck, trash chute and compacter, new snow-melted deck replacement, new snow-melt system, and remodeling a portion of the existing building for The Lodge at Sunspot; and,

WHEREAS, the property is located in the town’s Open Space, Forestry, Agriculture, and Recreational District (OSF); and,

WHEREAS, the requirements of the district state, “the planning and zoning commission and the town council shall determine density, minimum lot area, minimum lot width, building spacing, minimum yard requirements, maximum building coverage and maximum height of buildings or structures on an application by application basis”; and,

WHEREAS, the Planning Commission reviewed the application on March 10, 2020 and recommended approval of the site plan and building elevations as they relate to the lot area, building spacing, yard requirements (setbacks), building coverage, building height and overall design; and,

WHEREAS, the Town Council reviewed the site plan and building elevations on April 21, 2020.

NOW, THEREFORE, BE IT RESOLVED the Town Council of Winter Park, Colorado hereby approves the site plan and building elevations as they relate to the lot area, building spacing, yard requirements (setbacks), building coverage, building height and overall design with the following conditions –

1. Staff requests clarification if new lighting is proposed. If so, Staff requests a lighting cut sheet be submitted to gauge compliance with Guideline 6 in the Residential Architectural Guidelines and Design Regulations.

2. Staff requests locations for where the structure intersects the existing and finished grades for each side profile.

3. The Town Engineer shall provide approval of the drainage and stormwater management plan.

4. Approved drainage and erosion control shall be in place prior to site preparation, during construction, and through successful revegetation.

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

6. Planning Commission indicated that adding windows on the barbeque hut is optional as the hut may be used for signage.

7. Snow holding devices shall be added to the roofs of the new two-story addition and the barbeque hut.
8. The barbeque hut hood shall be screened and a design shall be provided for Staff's approval.

APPROVED AND PASSED this 21st day of April 2020, by a vote of ____ to ____.

TOWN OF WINTER PARK

________________________________________

, Mayor

ATTEST:

________________________________________

Danielle Jardee, Town Clerk
February 25, 2020

Town of Winter Park – Community Development Department
ATTN: James Shockey
50 Vasquez Road
Winter Park, CO 80482

RE: Commercial Design Review
160 Sunspot Way
Winter Park, CO 80482
Lodge at Sunspot

Dear James,

This letter and the attached drawing sheets serve as our Commercial Design Review submittal for the Winter Park Lodge at Sunspot project, located at 160 Sunspot Way, Winter Park, CO 80482. The legal description for the location of the site is: NW1/4 Section 15, T2S R75W, 6th PM. The items on the commercial design review checklist which have been marked as not applicable (N/A) are not relevant to the subject project, as the project is an existing building, which also resides upon United States Forest Service land.

The scope for the project entails an addition to, and interior remodel of, The Lodge at Sunspot, a new snow melted deck replacement, with infrastructure to support the snowmelt, and a new barbeque hut, and a new lower level exterior deck.

The contact information for the relevant team members is as follows:

Owner
Alterra Mountain Company
1621 18th, #300
Denver, CO 80202
Contact: JP Testwuide
Email: jptestwuide@alterramtnco.com
Phone: 303-749-8264

Winter Park Resort
85 Parsenn Way
Winter Park, CO 80482
Contact: John Keck
Email: jkeck@winterparkresort.com
Phone: 970-726-1435

Architect
DAO Architecture
7230 Meade Street
Westminster, CO 80030
Contact: Dan Orecchio
Email: dan@daoarch.com
Phone: 720-273-0431

The zone district for the project is O-S-F. The planning and zoning commission and the town council shall determine density, minimum lot area, minimum lot width, building spacing, minimum yard requirements, maximum building coverage and maximum height of buildings or structures on an application by application basis.

The new addition footprint is 866 square feet on 2 floors, a new lower level deck with a footprint of 415 square feet, and the footprint of the replacement snow melted deck is 4,600 square feet. The addition maximum height from lowest grade is 52’-4”.

The exterior of the building will consist of concrete foundation, stone veneer, stained horizontal v-groove cedar siding (to match existing), stained trim/fascia (to match existing), composite shingle roofing (to match existing), and ‘punched’ windows with vision and spandrel glazing (to match existing).

The project is anticipated to begin construction in April of 2020 and be completed in November of 2020. Thank you for your consideration. Please let us know if you have any questions or comments.

Sincerely,

[Signature]
Daniel Orecchio,
President, DAO Architecture
Winter Park Resort
Food & Beverage Master Plan
Phase 1 Lodge at Sunspot
160 Sunspot Way
Winter Park, CO 80482

2019-022
FEBRUARY 25th, 2020

C1.0
GRADING AND DRAINAGE PLAN
**South Exterior Elevation**

Scale: 1/8" = 1'-0"

- 6" Stone Veneer - Match Existing
- Asphalt Shingles - Match Existing
- New deck/posts: Cedar with transparent stain/sealer

**East Exterior Elevation**

Scale: 1/8" = 1'-0"

- 1x8 Horizontal Ship Lap, 1/4" V-Groove Cedar Siding
- Asphalt Shingles - Match Existing
- New deck/posts: Cedar with transparent stain/sealer

DAO No.:
7230 Meade St.
Westminster, CO 80030
Phone: 720.273.0431
Email: dan@daoarch.com
Web: www.daoarch.com

Winter Park Resort
The Lodge at Sunspot
Addition and Renovations
160 Sunspot Way
Winter Park, CO 80482

February 25th, 2020

Exterior Elevations

A2.3
1. West Exterior Elevation
   Scale: 1/8" = 1'-0"

2. North Exterior Elevation
   Scale: 1/8" = 1'-0"

- Asphalt Shingles: Match Existing
- New Deck/Posts: Cedar with transparent stain sealer
- TRASH COMPACTOR: Refinished to match building siding color [cedar]
- 1x8 Horizontal Ship Lap, 1/4" V-Groove Cedar Siding

DAO No.: 7230 Meade St.
Westminster, CO 80030
Phone: 720.273.0431
Email: dan@daoarch.com
Web: www.daoarch.com

Winter Park Resort
The Lodge at Sunspot
Addition and Renovations
160 Sunspot Way
Winter Park, CO 80482

February 25th, 2020
SouthEast Exterior Elevation

Scale: 1/8" = 1'-0"
ROOF: ASPHALT SHINGLES-MATCH EXISTING

1X8 HORIZONTAL SHIP LAM, 1/4" V-GROOVE CEDAR SIDING

DECK RAILING/TIMBER: CEDAR WITH TRANSPARENT STAIN TO MATCH EXISTING

STONE VENEER: MATCH EXISTING

TRASH COMPACTOR: REFINISHED TO MATCH BUILDING SIDING COLOR - (CEDAR)

LODGE AT SUNSPOT - PHASE 1: MATERIAL PALETTE
This application lists the content and format of the submittal requirements to initiate the Design Review process. An incomplete application will not be accepted. A meeting with the Design Review Committee and the Planning Commission is part of the design review process.

ABSOLUTELY NO WORK, INCLUDING TREE REMOVAL, IS TO COMMENCE ON A SITE/LOT UNTIL YOU HAVE RECEIVED APPROVAL FROM THE TOWN PLANNER.

Applications must be received by Town staff no later than two weeks prior to the Planning Commission meeting if the project is also going through the subdivision process, or 45 days if not going through subdivision. The Commission meets on the second and fourth Tuesday of the month.

Property Address &/or Legal Description: 160 Sunspot Way, Winter Park, CO 80482

Property Owner: Winter Park Resort - John Keck
Applicant (if other than property owner): DAO Architecture - Dan Orecchio
Phone: 720-273-0431
Fax: Email: dan@daoarch.com

Applicant’s Certification Statement: I, ________________________________, as applicant and duly representative of the owner, hereby certify that the information included upon the attached Development Schedule; Site Plan; Road Plan/Profile; Grading and Drainage Plan; Storm Drainage Study; Erosion Control and Revegetation Plan and Report; Utility Plan; Access Plans, Permit and Required Improvements; Landscaping and Revegetation Plan; and Building Plans are true and accurate; and that the development of the site will occur in accordance with the Plan.

Signature: ___________________________ Date: 2-25-2020

Staff Use Only

Approval Statement: The attached Elevation, Landscape, Site, and Grading Plans have been reviewed by the Town Planner who finds that:

[ ] Design Review Fee formula: Gross Sq Ft of Project ____________ X $.05 = $ ____________.
Check Amt. ____________ Check No. ____________ Date Rec’d ____________ Initials ____________

[ ] Development Improvements Agreement

[ ] The Applicant is permitted to proceed to Design Review and Planning and Zoning.

[ ] Subject to the following conditions, the Applicant is permitted to proceed to Design Review, and Planning and Zoning: ________________________________

[ ] DENIED, based upon the following reasons: ________________________________

Town Staff: ___________________________ Date: ____________

If you have questions, please call the Planning Department at (970)726-8081, ext 2.
The Design Review submittal shall include the following information:

Each applicable submittal requirement must be initialed for a complete application.

<table>
<thead>
<tr>
<th>APPLICANT INITIALS</th>
<th>STAFF INITIALS</th>
<th>SUBMITTAL REQUIREMENTS</th>
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<td>I. RESIDENTIAL ARCHITECTURAL GUIDELINES AND DESIGN REGULATIONS OR DESIGN REGULATIONS AND GUIDELINES (COMMERCIAL &amp; LARGE PROJECTS): It is very important that you review the appropriate document when designing your project and PRIOR to submittal to the Town. Please use the following link to find these documents on our website: <a href="http://www.wpgov.com">http://www.wpgov.com</a>. Or go to <a href="http://www.wpgov.com">www.wpgov.com</a> - Departments, Planning, Reports / Guidelines.</td>
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<td>II. STAFF &amp; COMMITTEE/COMMISSION REVIEW :</td>
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<td>A. Design Review Committee (reviewed with final plat)</td>
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<td>1. Meetings held as needed.</td>
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<td>2. Review submittal to include:</td>
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<td>An electronic packet (.PDF) and one paper packet. The paper packet will include one full-sized (24&quot; x 36&quot;), scalable set of drawings (site plan, grading plan, and elevations). All other documentation can be submitted in 8 ½” x 11” format.</td>
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<td>a. Cover Letter and Descriptive Content</td>
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<td>b. Site Plan</td>
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<td>c. Elevations (front, rear, and sides)</td>
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<td>f. Landscaping and Revegetation Plan</td>
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<td>g. One (1) Color Rendering</td>
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<td>h. Building Material Samples (material board see IV)</td>
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<td>B. Planning Commission</td>
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<td>2. Review submittals to include:</td>
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<td>Any amendments requested by staff or Design Review Committee must be shown on the plans.</td>
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<td>a. Cover Letter and Descriptive Content</td>
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<td>III. COVER LETTER</td>
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<td>A. Name of proposed project, street address, subdivision, and lot number</td>
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<td>B. Name, address, email, and telephone numbers of:</td>
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<td>1. Owner</td>
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<td>2. Applicant</td>
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<td>3. Homeowner’s Association, if applicable</td>
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<td>4. Project Manager</td>
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<td>5. Architect</td>
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III. COVER LETTER (continued):
   C. Legal description of site
   D. Variances granted (attach signed copy)
   E. Zone district (e.g. C-1, R-C, D-C)
   F. Setback distances:
      1. Front
      2. Sides
      3. Rear
   G. List units and number of bedrooms per unit
   H. Parking:
      1. As required by project per zone district
      2. As provided by proposed project
   I. Calculated building coverage ratio:
      1. Site’s total acreage and square feet
      2. Building footprint (including overhangs & decks) square footage (list by structure)
      3. Drives, sidewalks, and parking areas square footage (list by area)
   J. Calculated building height
   K. Describe exterior building color and material:
      1. Foundation
      2. Siding
      3. Window/door trim
      4. Roof
      5. Glass type
      6. Rock/Masonry
      7. Exterior lighting plan; refer to the Residential Architectural Guidelines and Design Regulations, Guideline 6. Please use the following link to find these documents on our website:
      8. If necessary, a manufacturer’s statement regarding the reflective nature of the roof, flashing, and windows
   L. Project schedule
      Project schedule shall consist of projected dates for the beginning and completion of a project and major milestones for the project. If the project is a multi-building project and is proposed to be constructed in stages or phases, each stage shall have its own development schedule.

IV. MATERIAL BOARD: Provide samples on a board or one page of photos.
   1. Foundation
   2. Siding
   3. Window/door trim
   4. Roof
   5. Glass type
   6. Rock/Masonry
   7. Exterior lighting plan
   8. If necessary, a manufacturer’s statement regarding the reflective nature of the roof, flashing, and windows

V. TITLE COMMITMENT: Not more than six (6) months old.
VI. **BUILDING ELEVATIONS:** A scale of one quarter inch equals one foot (1/4’ = 1’). All drawings must be scalable. (1 copy.)

A. The structure’s profiles (Front, Rear, Right, Left)

B. From the site plan record the elevation where the structure intersects the existing and finished grades for each side profile

C. **Indicate the maximum and average building height with a horizontal line across all elevations – as defined in Section 7-4B-4-B of the Town Code.** Refer to the building height descriptions and diagrams at the end of this checklist.

D. Provide one color rendering of the project

VII. **SITE PLAN:** A site plan shall be submitted which contains the following information (drawing scale of not less than 1” = 50’).

A. Proposed name of the project.

B. Exact location and dimensions of all buildings. Building setbacks from all property lines shall be dimensioned. If townhomes, show internal property lines as well. Give consideration to cantilevers if applicable.

C. Location and principal dimensions for all proposed public and/or private streets (including names), driveways, easements, lot lines, and areas to be reserved or dedicated for parks, bike paths, foot paths, or other public use.

D. Location and dimensions of all parking spaces. Each space shall be numbered.

E. Location and dimensions of snow storage areas. Snow storage should be calculated at 25% of street and parking area gross square footage.

F. Locations of areas to receive landscaping.

G. Total acreage of the project and a tabulation of acreage in buildings, parking, driveways, snow storage areas, open areas and all other uses of the land with their respective percentages of the total project area.

H. Date of preparation, scale, and north area (designated as true north).

I. Any additional information required by the Town during project review.

J. Location of drainage detention/retention and structure.

K. Location and size of existing utilities and easements within, adjacent to, and abutting the development.

L. Size and location of all proposed sewer and water lines.

M. Size and location of all existing and proposed fire hydrants within the development or within 300’ of the proposed development.

N. Location of all electrical power vaults, transformers, power lines and gas lines.

O. Location of cable television and telephone lines.

P. If townhomes, provide additional sheet displaying main and service locations as well as internal if applicable.

R. North Arrow

VIII. **ROAD PLAN/PROFILES:**

Plan and Profile drawings shall be provided for all public and private streets, and, where applicable, private drives. See Chapter 4 of the Standards and Specification for Design and Construction. [http://www.wpgov.com](http://www.wpgov.com). Or go to [www.wpgov.com](http://www.wpgov.com) - Departments, Planning, Standards and Specifications for Design and Construction.

IX. **GRADING AND DRAINAGE PLAN:**

A Grading and Drainage Plan shall be submitted which is prepared in accordance with Chapter 6 of the Standards and Specifications for Design and Construction. [http://www.wpgov.com](http://www.wpgov.com). Or go to [www.wpgov.com](http://www.wpgov.com) - Departments, Planning, Standards and Specifications for Design and Construction.
X. **STORM DRAINAGE STUDY:**
A Storm Drainage Study prepared in accordance with Chapter 6 of the Standards and Specifications for Design and Construction.

XI. **EROSION CONTROL AND REVEGETATION PLAN AND REPORT:**

XII. **ACCESS PLANS, PERMITS, AND REQUIRED IMPROVEMENTS:**
A. **State Highway**
Projects along or near U. S. Highway 40 will need to obtain an access permit from the Colorado Department of Transportation (CDOT). CDOT will make all decisions regarding ingress and egress from U. S. Highway 40 when land uses adjacent to or near the Highway are proposed to be changed. The Planning and Zoning Commission will not review a project until an access permit has been obtained from CDOT.

B. **Town Streets**
The Town will notify each applicant of the street improvements required as well as right-of-way needed through and adjacent to each proposed project. These improvements and possible right-of-way dedications shall, in most cases, be the financial responsibility of the property owner/developer. The Town will use the Town’s Master Street Plan, the Zoning Ordinance, and Standards & Specifications for Design & Construction Chapter 3 when reviewing projects . . .

C. **Access**
In accordance with the Downtown Improvements Plan, access points (curb cuts), along U. S. Highway 40 serving Private Property should be minimized as much as possible. When feasible, private properties should be accessed from streets other than U. S. Highway 40. When this is not possible, accesses should be combined or shared with adjoining properties to minimize the number of curb cuts provided along U. S. Highway 40. CDOT and the Town will carefully review all proposed highway and street access locations that serve a development project.

XIII. **LANDSCAPING AND REVEGETATION PLAN (separate drawing):**

A. Indicate appropriate Landscape Transition Zones (LTZs) per zone district.
1. Front LTZ
2. Rear LTZ
3. Side LTZs (each side)
XIV. **STREET ADDRESS PLAN (Separate Sheet):**
Additional site map indicating new street name(s) and street address numbering plan. Final addressing plan to be submitted upon Building Official approval as follows: 14” x 18” black line Mylar(s) with approved addresses for each unit as required. All annexations or subdivisions receiving new addresses shall also be forwarded by Town staff to Grand County for 911 addressing and county maps. Consult Town Planner for further details.

XV. **BEAR PROOF TRASH RECEPTACLES:** The Town request that homeowners utilize bear proof trash to protect bears, humans and their pets.
As I am preparing the monthly report for March, I cannot help but think of all that happened in the last 30 days. With a global pandemic knocking on our door, and several Public Health Orders now in effect, we have gone through a whole range of emotions. One thing is clear though; we are part of this community, and like you, our hearts are broken to see our restaurants and businesses closed.

March 2020 was like no other in my tenure in law enforcement. We responded to a total of 312 calls for service during the month, but that is a drop of 33% from 2019. Whereas we started the month going into Spring Break with “normal” types of calls such as disturbances, traffic crashes, thefts, etc., our last two weeks were significantly different.

Written reports have also plummeted in the last month. We completed a total of 58 written reports during March but did 40 of those during the first two weeks of the month.

Instead of conducting routine traffic enforcement, we are now spending most of our time conducting directed patrols at our open businesses. Our officers are also spending a lot of time in our residential neighborhoods just to be visible.

As part of Grand County’s COVID-19 response, Commander Donnie Ransom has been assigned to the Logistics Section of the County’s Incident Response Team (IMT). He has taken on the responsibility of collecting resources such as personal protective equipment and supplies for first responders and medical personnel within the County.

One item of note is the number of complaints law enforcement and the IMT have received regarding violations of our various Public Health Orders. As other law enforcement agencies in our county have done, we have handled these types of calls from an educational approach rather than a punitive one and will continue to do so. The relationships we have with our citizens is paramount in times of crisis, as in many instances, neither the caller nor the subject of the call have a clear understanding of the contents of these orders.

Thank you for your support during this pandemic; we look forward to partnering with Town Staff and our community to move beyond this to the many great things that lie ahead.

“Making a Difference by Serving Others”