

Due to COVID-19, all public participation will be virtual. Those members of the public wishing to attend the meeting digitally can find the meeting link below in yellow.

WINTER PARK TOWN COUNCIL MEETING

Winter Park Town Hall – 50 Vasquez Road

Tuesday, April 6, 2021 – 5:30 p.m.

Dinner will be provided.



AGENDA

1. Meeting Call To Order
 - a. Pledge of Allegiance
 - b. Roll Call of Council Members
2. Town Hall Meeting (Public Comment)
3. Consent Agenda
 - a. Approval of March 16, 2021 Regular Meeting Minutes
4. Action Items
 - a. Public Hearing (Local Liquor Licensing Authority) – Issuance of New Hotel & Restaurant Liquor License for Devil’s Craft LLC d/b/a Devil’s Craft
 - b. Resolution 1851, A Resolution Approving the Rezoning of Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision from Residential Commercial District to Destination Center District
 - c. Resolution 1852, A Resolution Approving the Rezoning of Lot 5, Resubdivision of Lots 1 and 5, Sitzmark Subdivision from Residential Commercial District to Destination Center District
 - d. Ordinance 555, An Ordinance Ending the Temporary Suspension of the Disposable Bag Fee and Reinstating the Fee Imposed by Chapter 8 of Title 3 of the Winter Park Town Code, First Reading
5. Town Manager’s Report
6. Mayor’s Report
7. Town Council Items for Discussion

You are invited to a Zoom webinar.

When: April 6, 2021 05:30 PM Mountain Time (US and Canada)

Topic: Town of Winter Park Regular Council Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_DWzbonYxRzOczSD94EVv3w



MINUTES

DATE: Tuesday, March 16, 2021

MEETING: Winter Park Town Council

PLACE: Town Hall Council Chambers and Zoom Meeting Call

PRESENT: Mayor Nick Kutrumbos, Mayor Pro Tem Michael Periolat, Councilors, Art Ferrari, Mike Davlin, Jeremy Henn, Rebecca Kaufman and Jennifer Hughes, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Town Clerk Dani Jardee

OTHERS PRESENT: Finance Director Lizbeth Lemley, Community Development Director James Shockey, Police Chief Glen Trainor, Transit Manager Ivy Compton, Public Works Director Gerry Vernon, Police Commander Donnie Ransom, Police Sergeant Paul Finley, Police Officer Tyler Kupser, Police Officer, Jarod Bombardier, Office and Records Manager Carol McHenry, Records Clerk Kalie Boyter and Police Officer Kandace Padilla

Mayor Nick Kutrumbos called the meeting to order at 5:30 p.m.

Mayor Nick Kutrumbos led those present in reciting the Pledge of Allegiance.

2. Town Hall Meeting

Police Chief Glen Trainor introduced the Police Department's two new employees to Council, Police Officer Kandace Padilla and Records Clerk Kalie Boyter.

Winter Park Resident Zach Sawatzky stated his interest in bringing the UTV (Utility Terrain Vehicle) topic back up to Town Council to consider again. Mr. Sawatzky stated he would like UTV's to be allowed in the Town of Winter Park and stated his reasons. Mr. Sawatzky stated the Town of Fraser adopted the ordinance last year allowing UTV's in their Town. Mayor Nick Kutrumbos encouraged Mr. Sawatzky to keep talking to Council and to bring a plan with a map of connections and access points.

No other public comment was given.

3. Consent Agenda

3.a. Approval of March 2, 2021 Regular Meeting Minutes

3.b. Resolution 1847, A Resolution Adopting the Grand County Multi-Hazard Mitigation Plan

3.c. Resolution 1848, A Resolution Approving a Lease Agreement with Denver Water on the 200-Acre Parcel West of the Town Limits

3.d. Resolution 1849, A Resolution Approving a License Agreement with VZF Group, LLC

Councilor Mike Davlin moved and Councilor Jeremy Henn seconded the motion approving the Consent Agenda. Motion carried: 7-0.

4. Action Items

4.a. Ordinance 552, An Ordinance Amending Title 3 of the Winter Park Town Code by the Addition of a New Chapter 10 Concerning Short-Term Rental Units, Second Reading and Public Hearing

Assistant Town Manager Alisha Janes stated there was one small change to the language in the ordinance since the first reading; the ordinance referenced a sales tax license which we call a business license, so that language was updated. Mayor Kutrumbos opened the public hearing, hearing no comments. Mayor Kutrumbos closed the public hearing.

Councilor Jeremy Henn moved and Councilor Mike Davlin seconded the motion approving Ordinance 552, An Ordinance Amending Title 3 of the Winter Park Town Code by the Addition of a New Chapter 10 Concerning Short-Term Rental Units, Second Reading and Public Hearing. Motion carried by the following roll call vote:

Rebecca Kaufman	“Aye”	Jennifer Hughes	“Aye”
Art Ferrari	“Aye”	Michael Periolat	“Aye”
Mike Davlin	“Aye”	Jeremy Henn	“Aye”
Nick Kutrumbos	“Aye”		

4.b. Ordinance 553, An Ordinance Imposing the Proportional Costs for Construction of Vasquez Road on the Benefitted Properties Pursuant to Section 9-2-2(E) of the Winter Park Town Code, Second Reading and Public Hearing

Community Development Director James Shockey stated this is the second reading of ordinance 553 for cost sharing and reimbursement for the Vasquez Road improvements. Mr. Shockey stated there were some small changes to Exhibit B; the legal description, since the first reading of the ordinance. Mayor Kutrumbos opened the public hearing, hearing no comments. Mayor Kutrumbos closed the public hearing.

Councilor Art Ferrari moved and Councilor Mike Davlin seconded the motion approving Ordinance 553, An Ordinance Imposing the Proportional Costs for Construction of Vasquez Road on the Benefitted Properties Pursuant to Section 9-2-2(E) of the Winter Park Town Code, Second Reading and Public Hearing. Motion carried by the following roll call vote:

Jeremy Henn	“Aye”	Mike Davlin	“Aye”
Michael Periolat	“Aye”	Art Ferrari	“Aye”
Jennifer Hughes	“Aye”	Rebecca Kaufman	“Aye”
Nick Kutrumbos	“Aye”		

4.c. Resolution 1850, A Resolution Setting the Annual Registration Fee for Short-Term Rentals

Assistant Town Manager Alisha Janes stated ordinance 552 which was just passed states Council will adopt the annual registration fee by resolution. Ms. Janes stated the Short-Term Rental Advisory Panel agreed on a \$150.00 dollar fee, and Staff anticipates that fee will cover the cost of implementing the registration process for the first year. Councilor Mike Davlin asked if Council can change the fee if needed, Ms. Janes responded yes, the fee can be changed by Council via resolution.

Councilor Jennifer Hughes moved and Councilor Art Ferrari seconded the motion approving Resolution 1850, A Resolution Setting the Annual Registration Fee for Short-Term Rentals. Motion carried: 7-0.

5. **Town Manager's Report**

Town Manager Keith Riesberg stated last week the American Recovery Plan was signed into law, this is federal legislation and under that law Town of Winter Park is anticipated to receive \$220,000 dollars of funding to offset the impacts Town experienced from COVID-19. Mr. Riesberg stated specifics are still coming out on when we will receive those funds, our budget did not anticipate receiving those funds so once we have timing of the funds, we will discuss with Council on how those funds will be used. Mr. Riesberg stated Staff recommends using those funds as a one-time expense, for example a capital project. Mr. Riesberg stated the funds would have to be incorporated into the current fiscal year budget via a budget amendment. Mr. Riesberg stated on the state level they are also proposing an economic stimulus bill that Staff are monitoring through CML(Colorado Municipal League), as legislation moves forward Staff will keep Council apprised.

6. **Mayor's Report**

Mayor Nick Kutrumbos stated his thanks to Chief of Police Glen Trainor and Public Works Director Gerry Vernon and their employees for doing a great job during the snowstorm, and thanked Town Manager Keith Riesberg for keeping Council apprised with weather updates. Mayor Kutrumbos stated he is happy to have spring break back and our restaurants open. Councilor Art Ferrari asked Mr. Vernon about pothole control. Mr. Vernon stated we have not really coordinated with CDOT, however CDOT has made their presence known this year filling potholes when they can. Transit Manager Ivy Compton stated we did lose a couple busses over the weekend in the snowstorm but the situations were handled well and no one was injured.

7. **Town Council Items for Discussion**

Mayor Pro Tem Michael Periolat asked how the Fireside Creek Development public meeting went. Assistant Town Manager Alisha Janes stated we were able to answer some questions but we have some work to do. Town Manager Keith Riesberg stated in follow up to the public meeting we have heard from a couple of residents and reached out in response to their questions. Mr. Riesberg stated Town has submitted applications to Board of Adjustments for a height variance as well as a second application to the Design Review Committee for a subdivision exception. Mr. Riesberg stated some of the concerns surrounding the project were that this project will be seasonal and there would be 12 people crammed into one unit, parking would be an issue, and height obstructing views. Mr. Riesberg stated Winter Park Partners and Ms. Janes did a good job of responding to people's concerns, and I am sure there will be more concerns as the project moves forward. Mayor Kutrumbos stated it would be nice to hear from people who would be living in that development.

Councilor Mike Davlin stated the Chamber of Commerce meets tomorrow to discuss summer plans using the event matrix that was created.

Councilor Jeremy Henn asked about Winter Park Business Assistance Fund and if anyone has applied. Mr. Riesberg stated we have had conversations with two businesses that requested further information.

Mayor Kutrumbos asked about the meeting with the Public Health Department on events and public gatherings, do we expect to have clearer direction before the summer. Mr. Riesberg stated the County and Towns wanted to wait for guidance from the State first, but his expectation is that the Chamber will be moving forward with some events and trying to activate the park.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at

6:22 p.m.

The next scheduled meeting of the Town Council will be Tuesday, April 6, 2021 at 5:30 p.m.

Danielle Jardee, Town Clerk



**TOWN OF WINTER PARK
TOWN COUNCIL
April 6, 2021**

NEW HOTEL & RESTAURANT LICENSE – PUBLIC HEARING

Applicant: Devil’s Craft LLC d.b.a. Devil’s Craft

Initiated By: Joel Newbraugh and Sherry Bruneau

Action Proposed: Conduct a Public Hearing to Consider the Application for new Hotel & Restaurant Liquor License

Presented By: Danielle Jardee, Town Clerk

Introduction: Devil’s Craft LLC d/b/a Devil’s Craft has applied for a new Hotel & Restaurant Liquor License. The Applicant’s business is located at 63 Cooper Creek Way, Suite 133 (the old Smokin’ Moes location). The application has been reviewed and is in order.

Neighborhood Boundaries: The town limits of Winter Park are the neighborhood boundaries.

Financial Details: The respective license fees have been paid.

Background Check: The application was turned over to the Fraser/Winter Park Police Department for investigation; please see attached memo from Fraser/Winter Park Police Department.

Legal Requirements:

Posting: Notice of Hearing was posted at 63 Cooper Creek Way, Suite 133 – March 4, 2021

Publication: Notice of Hearing was published in the Sky Hi News – March 3, 2021
Notice of Hearing was published in the Middle Park Times – March 4, 2021

Conflicts and/or Complications: Are the needs of the neighborhood currently being met by the existing liquor licenses and are there any concerns regarding the moral character of the applicants.

Attachments: Exhibit A – Application, Questionnaire, Individual History Records; Exhibit B – Diagram and Food Service Affidavit; Exhibit C – Petition and Affidavit of Circulator; Exhibit D – Articles of Organization and Certificate of Good Standing; Exhibit E – Fraser/Winter Park Police Department Memo



Staff Recommendation

Staff recommends the Town Council approve the Application with this motion:

I move to approve the Application for New Hotel & Restaurant Liquor License as requested by Devil's Craft LLC d.b.a. Devil's Craft, based upon the following findings of fact:

1. The adult inhabitants of the neighborhood desire that the Application be granted; and
2. The Application does not conflict with the reasonable requirements of the neighborhood.

and I direct the Town Attorney to prepare written findings consistent with the Town Council's discussion, findings and decision.

In the event the Town Council does not see fit to grant the Application, following is an alternative motion:

I move to deny the Application for New Hotel & Restaurant License as requested by Devil's Craft LLC d.b.a. Devil's Craft, based upon the following findings of fact:

1. The adult inhabitants of the neighborhood do not desire that the Application be granted; AND/OR
2. The Application conflicts with the reasonable requirements of the neighborhood.

and I direct the Town Attorney to prepare written findings consistent with the Town Council's discussion, findings and decision.

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority (additional items may be required by the local licensing authority)
- E. All sections of the application need to be completed
- F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application

II. Diagram of the premises

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the applicant (or) (matching question #2)
- C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant
- D. Other agreement if not deed or lease. (matching question #2)

IV. Background information (DR 8404-I) and financial documents

- A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. **Do not complete fingerprint cards prior to submitting your application.**
The Vendors are as follows:
IdentoGO – <https://enroll.identogo.com/>
Phone: 844-539-5539 (toll-free)
IdentoGO FAQs: <https://www.colorado.gov/pacific/cbi/identification-faqs>
Colorado Fingerprinting – <http://www.coloradofingerprinting.com>
Appointment Scheduling Website: <http://www.coloradofingerprinting.com/cabs/>
Phone: 720-292-2722 Toll Free: 833-224-2227
- C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor/husband and wife partnership (if applicable)

- A. Form DR 4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

VI. Corporate applicant information (if applicable)

- A. Certificate of Incorporation
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation (out of state applicants only)

VII. Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited).
- B. Certificate of Good Standing

VIII. Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization
- B. Certificate of Good Standing
- C. Copy of Operating Agreement (if applicable)
- D. Certificate of Authority if foreign LLC (out of state applicants only)

IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application

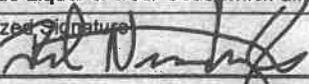
- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

Name Devil's Craft LLC	Type of License Hotel & Restaurant	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
a. Been denied an alcohol beverage license?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
b. Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
or Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/> Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/> N/A		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/> N/A		
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		N/A <input type="checkbox"/> <input type="checkbox"/>		
13 b. Are you a Colorado resident?		N/A <input type="checkbox"/> <input type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____		<input checked="" type="checkbox"/> <input type="checkbox"/>		
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Cooper Creek WP, LLC	Tenant Devil's Craft LLC	Expires 05/31/31		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		<input checked="" type="checkbox"/> <input type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name Cooper Creek WP, LLC	First Name	Date of Birth	FEIN or SSN 35-2536895	Interest/Percentage 6% Rent
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		N/A <input type="checkbox"/> <input type="checkbox"/>		
Number of additional Optional Premise areas requested. (See license fee chart) _____				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				N/A
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? If "yes" a copy of license must be attached.		N/A <input type="checkbox"/> <input type="checkbox"/>		

Name <p style="text-align:center">Devil's Craft LLC</p>	Type of License <p style="text-align:center">Hotel & Restaurant</p>	Account Number		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		N/A Yes <input type="checkbox"/> No <input type="checkbox"/>		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		N/A Yes <input type="checkbox"/> No <input type="checkbox"/>		
22. Campus Liquor Complex applicants answer the following:				
a. Is the applicant an institution of higher education?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.		N/A Yes <input type="checkbox"/> No <input type="checkbox"/>		
23. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager <p style="text-align:center">Newbraugh</p>	First Name of Manager <p style="text-align:center">Joel</p>			
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
25. Related Facility - Campus Liquor Complex applicants answer the following:				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager <p style="text-align:center">N/A</p>	First Name of Manager <p style="text-align:center">N/A</p>			
26. Tax Information.				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name <p style="text-align:center">Joel Newbraugh</p>	Home Address, City & State <p style="text-align:center">37 Cooper Creek Way, Winter Park, CO</p>	DOB	Position <p style="text-align:center">Owner</p>	%Owned <p style="text-align:center">50</p>
Name <p style="text-align:center">Sherry Bruneau</p>	Home Address, City & State <p style="text-align:center">37 Cooper Creek Way, Winter Park, CO</p>	DOB	Position <p style="text-align:center">Owner</p>	%Owned <p style="text-align:center">50</p>
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.
 ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Name Devil's Craft LLC	Type of License Hotel & Restaurant	Account Number
Oath Of Applicant		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code, which affect my license.		
Authorized Signature 	Printed Name and Title Joel Newbraugh, Owner	Date 2/14/21
Report and Approval of Local Licensing Authority (City/County)		
Date application filed with local authority 2/24/2021	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) 4/6/2021	
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:		
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants		
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license		
(Check One)		
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority		
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?		Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?		N/A <input type="checkbox"/> <input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.		
Local Licensing Authority for		Telephone Number
		<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title
Signature	Print	Title
		Date

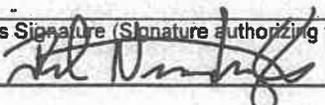
Tax Check Authorization, Waiver, and Request to Release Information

I, Joel Newbraugh am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Devil's Craft LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) Devil's Craft LLC		Social Security Number/Tax Identification Number	
Address 63 Cooper Creek Way, Suite 133			
City Winter Park		State CO	Zip 80482
Home Phone Number		Business/Work Phone Number 202-445-7953	
Printed name of person signing on behalf of the Applicant/Licensee Joel Newbraugh			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed 2/14/21

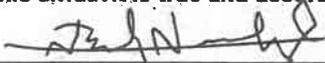
Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Application Questionnaire and Affidavit

1. **What is the nature and target market of the proposed establishment?**
The proposed establishment will be a restaurant, bar, and live music venue. The target market will be tourists drawn to Winter Park Resort as well as the residents of the Town of Winter Park of nearby communities.
2. **What are the proposed hours and days of operation of the establishment?**
The proposed days and hours of operation will be 7 days per week from noon until midnight. (Monday - Sunday, 12:00 p.m. - 12:00 a.m.)
3. **How many individuals will you employ, what will their rolls be (manager, wait staff, etc.), and how many will be full-time vs. part-time?**
We plan to employ 1 full-time manager and approximately 20 part-time employees between front and back-of-house.
4. **What is your past training and experience in the sale/service of alcoholic beverages?**
I have 20+ years bar/restaurant experience (10 years in management) and I have been TIPS and Servsafe certified.
5. **How will you train operating managers in the sale/service of alcoholic beverages?**
The two owners and any hired managers will have current TIPS or Servsafe certifications before opening.
6. **How will you train general staff for safe and legal sale of alcoholic beverages?**
The staff will be trained by owners/management and those who will be selling alcohol will be required to become TIPS or Servsafe certified within 6 months of employment.
7. **What methods will be used to check identification of patrons and how will underage patrons be identified so as not be served alcoholic beverages?**
Proof of age will be required at the point-of-sale for all sales of alcoholic beverages. If crowd size and flow require it, wristbands will be used to designate those guests who are of age to consume alcohol.
8. **What type of entertainment will be provided, if any (pool tables, etc.)?**
There will be several TV's and music will be played, both live and through a service provider.
9. **Do you plan to host live music/performances at the establishment? Please describe.**
Yes, when public health restrictions allow, we will host live musical performances featuring local artists.
10. **What type of security will be provided, if any?**
Security will be provided, as needed, by the management and staff of the establishment. Outside security will be hired as needed.
11. **What types of alternate food, beverages, and snacks will be provided at the proposed establishment?**
The menu will focus on BBQ, burgers, and sharable appetizers. Alternate non-alcoholic beverages such as soft drinks, juices, coffee, and tea will also be available.
12. **What is the estimated ratio of food sales to alcohol sales at the proposed establishment?**
We estimate a ratio of approximately 60% food sales to 40% alcohol sales.

I hereby certify, under penalty of perjury, that the information provided to the Town Winter Park contained in this affidavit is true and accurate to the best of my knowledge.


Applicant's Signature

2/8/21

Date

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)				
1. Name of Business Devil's Craft LLC		Home Phone Number None	Cellular Number	
2. Your Full Name (last, first, middle) Newbraugh, Joel Thomas		3. List any other names you have used N/A		
4. Mailing address (if different from residence) PO Box 1288, Winter Park, CO 80482		Email Address		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		
Current	37 Cooper Creek Way #320A	Winter Park, CO 80482	12/13/20	Present
Previous	5101 S Rio Grande St #7302	Littleton, CO 80120	06/26/17	11/26/20
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
See Attached				
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
N/A				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
N/A				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No
 N/A
11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No
 N/A
12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth: N/A b. Social Security Number: N/A c. Place of Birth: Uniontown, PA d. U.S. Citizen: Yes No

e. If Naturalized, state where: N/A f. When: N/A g. Name of District Court: N/A

h. Naturalization Certificate Number: N/A i. Date of Certification: N/A j. If an Alien, Give Alien's Registration Card Number: N/A k. Permanent Residence Card Number: N/A

l. Height: N/A m. Weight: N/A n. Hair Color: Blond o. Eye Color: Blue p. Gender: Male q. Do you have a current Driver's License/ID? If so, give number and state. Yes No # _____ State: CO

14. Financial Information.
- a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ _____
- b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ _____
- * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Personal Savings	PNC	
Cash	Business Checking	Citywide Banks	

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
N/A				

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature:  Print Signature: Joel Newbraugh Title: Owner Date: 02/14/21

DR-8404-1
Individual History Record
Supplemental information

5. Previous residences in the last five years.

403 E Raymond Ave
Alexandria, VA 22301
From: 03/15/11 To: 06/26/17

Please note that the gap in dates between 11/26/20 and 12/13/20. This is due to a gap in time between the ending of one lease and the beginning of another. I stayed temporarily at:

Homewood Suites Denver Tech Center
199 Inverness Dr W
Englewood, CO 80112
And
AirB&B
78311 US HWY 40
Winter Park, CO 80482

6. Employment in the last five years.

Devil's Craft LLC
63 Cooper Creek Way suite 133
Winter Park, CO 80482
Owner
From: 9/28/20 To: Present

Unemployed
From 4/10/20 To: 9/28/20

Glenmoor Country Club
110 Glenmoor Dr
Englewood, CO 80113
Banquet Server
From: 10/16/19 To: 4/10/20

Unemployed
From: 9/7/18 To: 10/16/19

Cherry Cricket Ballpark
2220 Blake St
Denver, CO 80202

Bartender

From: 4/4/18 To: 9/7/18

Unemployed

From: 11/5/17 To: 4/4/18

Kimpton Hotel and Restaurant Group

222 Kearny St suite 200

San Francisco, CA 94108

Bartender

From: 4/3/13 To: 11/5/17

Joel Newbraugh

2/14/21

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation; all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business Devil's Craft LLC		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) Bruneau, Sherry Elizabeth		3. List any other names you have used None		
4. Mailing address (if different from residence) P.O. Box 1288, Winter Park, CO 80482		Email Address		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		
Current	37 Cooper Creek Way #320A	Winter Park, CO 80482	12/12/20	Present
Previous	5101 S Rio Grande St, #7302	Littleton, CO 80120	06/26/17	11/26/20
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
Devil's Craft, LLC		63 CooperCreekWay#133 WinterParkCO		owner
Arapahoe County Government		5334 S Prince St, Littleton, CO 80120		CallCenterTemp
Unemployed (Covid-related)		N/A		N/A
			11/04/20	Present
			09/21/20	11/03/20
			03/02/20	09/20/20
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

2007 misdemeanor DUI. I paid a fine and completed all requirements.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth _____ b. Social Security Number _____ c. Place of Birth Cleveland, OH d. U.S. Citizen Yes No

e. If Naturalized, state where _____ f. When _____ g. Name of District Court _____

h. Naturalization Certificate Number _____ i. Date of Certification _____ j. If an Alien, Give Alien's Registration Card Number _____ k. Permanent Residence Card Number _____

l. Height _____ m. Weight _____ n. Hair Color brown o. Eye Color blue-green p. Gender female q. Do you have a current Driver's License? Yes No # _____ r. If so, give number and state. # _____ state CO

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ _____

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ _____

* If corporate investment only please skip to and complete section (d)

** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
cash	Personal Savings	PNC	
cash	Business Checking	Citywide	

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

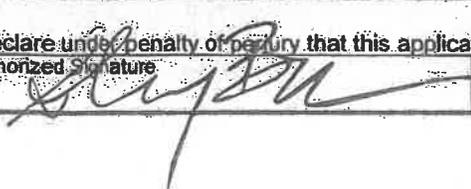
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
N/A				

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Sherry Bruneau Title Owner Date 02/11/21

DR-8404-1

Individual History Record

Supplemental information

5. Previous residences in the last five years.

403 E Raymond Ave

Alexandria, VA 22301

From: 03/15/11 To: 06/26/17

Please note that the gap in dates between 11/26/20 and 12/13/20. This is due to a gap in time between the ending of one lease and the beginning of another. I stayed temporarily at:

Homewood Suites Denver Tech Center

199 Inverness Dr W

Englewood, CO 80112

And

AirB&B

78311 US HWY 40

Winter Park, CO 80482

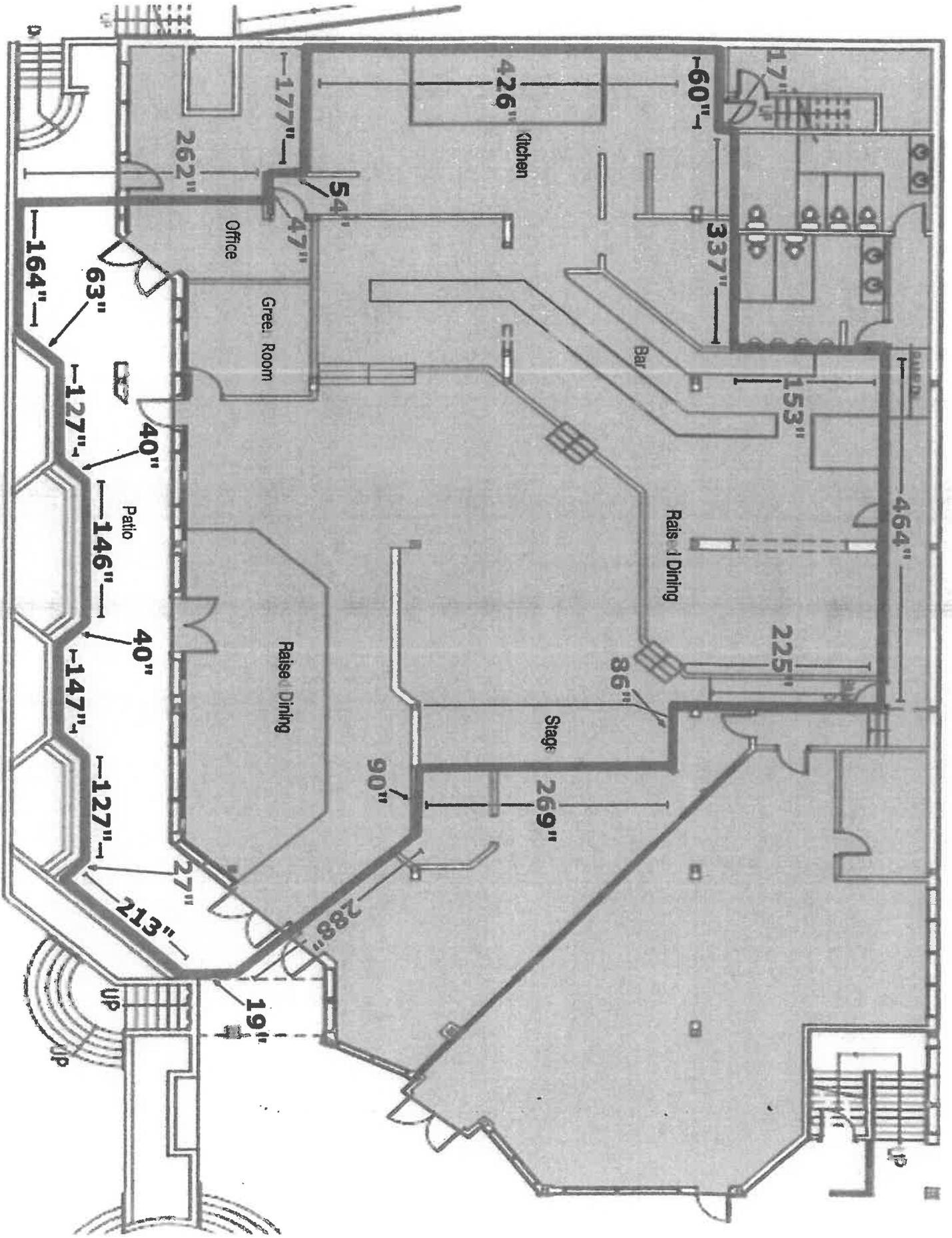
6. Employment in the last five years.

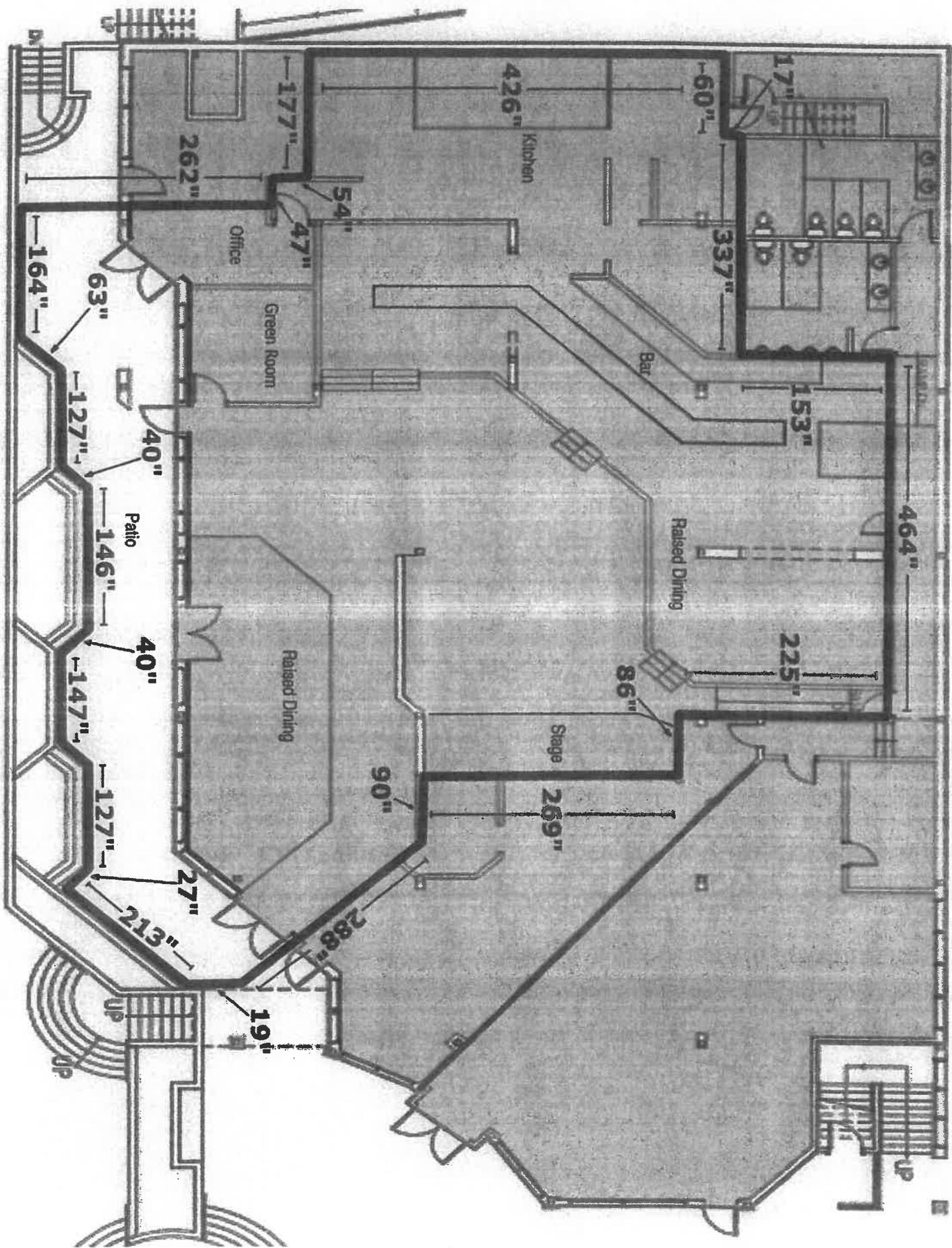
5280 Burger Bar – 500 16th St, Ste. #160, Denver, CO 80202 – Assist. General Manager 8/15/18 – 3/1/20

Viewhouse – S. Clinton Street 80112 / Main St 80120 – Host and Shift Manager – 3/15/18 – 08/14/18

Unemployed (relocated from Virginia to Colorado) 6/21/17 – 3/14/18

Vermilion - 1120 King St, Alexandria, VA 22314 - Shift Manager – 10/15/13 – 6/20/17





FOOD SERVICE AFFIDAVIT

FOR USE IN APPLICATION FOR
HOTEL/RESTAURANT LIQUOR LICENSES
REGARDING SERVICE OF FOOD

I, Joel Newbraugh, depose and say,
(Print name of President, Partner, or Owner)

this 8 day of February, 2021 that 25% of the gross
revenue of Devil's Craft LLC
(Name of establishment)

will be derived from the sale of food.

Signed: 
(President, Partner, or Owner)

Address: PO Box 1288
Winter Park, CO 80482-1288

STATE OF COLORADO

COUNTY OF GRAND

Subscribed and sworn to before me this 8 day of February, 2021.

**CINDY SUE C DEBACA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184029019
MY COMMISSION EXPIRES 07/18/2022**



Notary Public

My Commission Expires: 07/18/2022

NOTE: THIS AFFIDAVIT MUST BE COMPLETED, SIGNED, NOTARIZED AND MUST ACCOMPANY ALL APPLICATIONS FOR HOTEL/RESTAURANT LIQUOR LICENSES.

PETITION TO THE LOCAL LICENSING AUTHORITY OF WINTER PARK, COLORADO

Name of Applicant: Devil's Craft LLC

Doing Business As: Devil's Craft

Location: 63 Cooper Creek Way suite 133, Winter Park, CO 80482

INSTRUCTIONS AND QUALIFICATIONS FOR SIGNING PETITION:

1. To sign this petition, you must be at least 21 years of age or older and a Resident/Business Owner/Business Manager in the Town of Winter Park.
2. You must execute your signature in the presence of the petition circulator.
3. You shall have the opportunity to read, or have read to you the petition in its entirety and understand its meaning.
4. You cannot have signed another petition concerning this license application.
5. You must sign your own given name, i.e. first name or first initial, middle name or middle initial (if applicable), and last name. No individual may sign for another individual.

IF YOU SUPPORT THIS APPLICATION FOR A Hotel and Restaurant LIQUOR LICENSE BECAUSE PRESENT OUTLETS ARE INSUFFICIENT FOR YOUR NEEDS, AND IT IS YOUR DESIRE THIS LICENSE BE ISSUED, CHECK THE "YES" COLUMN.

IF YOU OPPOSE THIS APPLICATION FOR A Hotel and Restaurant LIQUOR LICENSE BECAUSE PRESENT OUTLETS ARE SUFFICIENT FOR YOUR NEEDS, AND IT IS YOUR DESIRE THIS LICENSE NOT BE ISSUED, CHECK THE "NO" COLUMN.

Print Name Signature	STREET ADDRESS	Yes	No	Age	Date
Bill Boecklen <i>[Signature]</i>	318 Fraser Ave #1	✓		53	2/5/21
Jeremy Peterson <i>[Signature]</i>	502 D Willow Ln	✓		21	2/5/21
<i>[Signature]</i>	824 Wapiti	✓		51	2/5/21
Tom Caldwell <i>[Signature]</i>	50 Vasquez Rd Suite F	✓		39	2/5/21
Brian Hayes <i>[Signature]</i>	318 Fraser #6	✓		43	2/5/21
Gina Kafay <i>[Signature]</i>	832 TRAILHEAD	✓		40	2/5/21
JOHN FLIGHT <i>[Signature]</i>	20 YUKON LANE	✓		64	2/5/21
<i>[Signature]</i>	402 Sawyer Circle	✓		23	2/5/21
Neil Velasquez <i>[Signature]</i>	93 Cooper Creek Way Winter Park CO 81620	✓		44	2/5/21

Name of Applicant: _____

Doing Business As: _____

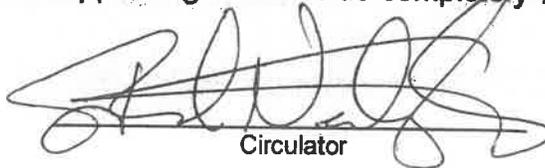
Location: _____

Print Name Signature	STREET ADDRESS	Yes	No	Age	Date
Vickie Fischer	78930 Hwy 40 Copper Creek	X		65	2/5/21
Geoffrey Carlson	47 Cooper Creek way Winter Park, CO 80482	✓		27	2/5/21
Greg M... 	78966 St 482 US Hwy 40 W.P.	✓		44	2/5/21
Jeanne W... 	78966 US HWY 40 WP	✓		61	2/5/21
Michael Schmidt	75760 US Hwy, CO WP	X		29	2/5/21
Zack Boyd	219 Vasquez Road #4 WP/CO	✓		52	2/5/21
Alyssa Hochhalter	422 Iron Horse Way, 104	✓		27	2/5/21
Scott Smith	78941 US HWY 40	X		50	2/5/21
Andy Brumenschenker	78927 US Hwy 40	X		37	2/5
Sara Edwards	78737 US-40 #3000	X		26	2-5
Stefan Bais	78927 US Hwy 40	X		28	2-5
Tanya Duran	78885 US Hwy 40	X		57	2/5/21
Joseph Mulheeny	249 Liongate	✓		47	2/5/21
Keagan Jameson	171 Vasquez	✓		22	2/5/21
Tyler Tomasek	78902 US Highway 40	✓		36	2/5/21
David Deano 	47 Cooper Creek Way	✓		41	2/5/21

2/2/21

AFFIDAVIT OF CIRCULATOR

I, Joel Newbraugh, do hereby certify that I was the circulator of the attached petition and further, that I personally witnessed each signature appearing on the petition. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed; that each person who signed the petition represented themselves to be 21 years of age or older, and that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understands its meaning. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.


Circulator

STATE OF COLORADO

COUNTY OF GRAND

Subscribed and sworn to before me this 8 day of February 2021.

**CINDY SUE C DEBACA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184029019
MY COMMISSION EXPIRES 07/18/2022**


Notary Public

My Commission Expires: 07/18/2022

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Devil's Craft LLC

is a

Limited Liability Company

formed or registered on 09/28/2020 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 21

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/12/2021 that have been posted, and by documents delivered to this office electronically through 02/17/2021 @ 10:27:48 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/17/2021 @ 10:27:48 in accordance with applicable law. This certificate is assigned Confirmation Number



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Colorado Secretary of State
 Date and Time: 09/28/2020 03:47 PM
 ID Number:

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Document number:
 Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Devil's Craft LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "llc", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

63 Cooper Creek Way

(Street number and name)

Suite 133

Winter Park

(City)

CO

(State)

80482

(ZIP/Postal Code)

United States

(Country)

(Province - if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province - if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

or

(if an entity)

Gelman & Norberg, LLC

(Caution: Do not provide both an individual and an entity name.)

Street address

8480 E Orchard Rd

(Street number and name)

Suite 5000

Greenwood Village

(City)

CO

(State)

80111

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Newbraugh Joel Thomas
(Last) (First) (Middle) (Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Mailing address

5101 S Rio Grande St #7302
(Street number and name or Post Office Box information)

Littleton CO 80120
(City) (State) (ZIP/Postal Code)
United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Newbraugh	Joel	Thomas	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
5101 S Rio Grande St #7302			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Littleton	CO	80120	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<hr/>			
United States			
<small>(Province - if applicable)</small>		<small>(Country)</small>	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

Devil's Craft LLC

9/28/2020

Addendum to filing with Colorado Secretary of State

There is an additional individual forming Devil's Craft LLC and causing this filing document to be delivered to the Colorado Secretary of State. Her name and address follow:

Sherry Elizabeth Bruneau

5101 S Rio Grande St #7302

Littleton, CO 80120

Thank You.



Memo

To: Danielle Jardee
From: Carol McHenry
Date: February 25, 2021
Re: Devil's Craft; Joel Newbraugh and Sherry Bruneau

The Fraser/Winter Park Police Department has conducted a review/background check on the individuals mentioned above. The Fraser Winter Park Police Departments records do not indicate any negative contact with either.

Also, a local background check was done on the above individual with the Granby Police Department and the Grand County Sheriff's Department with no record found.

There are no records found with CBI or the FBI from results of sent fingerprints on Joel Newbraugh. No Colorado record on Sherry Bruneau, however FBI record shows that Ms. Bruneau was arrested on 3/29/2007 by US Park Police Washington. She was charged with DWI, DUI and speeding. Court charge-Driving while intoxicated, 1 year supervised probation, and alcohol education program.

If you have any questions, please do not hesitate to contact me.

CM

"COMMITTED TO EXCELLENCE"



MEMO

TO Town Council

FROM James Shockey, Community Development Director

THROUGH Keith Riesberg, Town Manager

DATE April 6, 2021

RE Rezoning Request – Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625)

Applicant: Ed Raegner on behalf of Majestic Mountain Enterprises, Inc.

Background:

An application has been received from Majestic Mountain Enterprises, Inc. to rezone their property located at 78259 U.S. Highway 40 (Main Street) from Residential Commercial District (R-C) to Destination Center District (D-C). The parcel, commonly referred to as “the Strip and Tail property” is located at the north end of downtown on the corner of Telemark Drive and Main Street. The parcel is approximately .515 acres in size.

The legal description is Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision

Analysis:

To review the proposed rezoning, we will review the following criteria: site characteristics, zone purpose, density, proposed uses, site development standards, and public and private infrastructure.

- ***Site Characteristics***
The .515 acre parcel has one structure consisting of a two restaurants/bars and several apartments. The parcel is generally flat and sits below Main Street by approximately six to eight feet. It is bordered to the north by Telemark Drive, to the east by Baker Drive, to the south by Hideaway Station and to the west by Main Street. The property is accessed from Telemark Drive and Baker Drive.
- ***Zone Purpose***
The R-C zoning designation is intended to provide for residential and convenience businesses necessary to promote the welfare of the community. Nonresidential uses solely or substantially oriented to visitors to the town are carefully regulated in this district, in accordance with the master plan for the town.

The objective of the D-C zone is to encourage intensive mixed residential and commercial uses on parcels of land in those areas designated as centers of visitor oriented activity in the master plan for the town. Concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping and other goals set forth in the master plan.

- Density / Coverage Requirement**
 The property is currently zoned R-C, which allows for a density of up to 20 units per acre and a maximum building coverage of 50%.

The proposed D-C district allows for a density of up to 28 dwelling units per acre and a maximum building coverage of 60% for residential uses and no coverage requirements for commercial uses.

- Proposed Uses**
 The existing R-C district allows for residential structures, including single-family and multiple-family, and convenience businesses necessary to promote the welfare of the community.

The proposed D-C district allows for more commercial uses with an emphasis on visitor and tourist-oriented uses. It includes multiple-family residential but excludes single-family residential structures.

- Site Development Standards**
 As would be expected, the site development standards in the R-C zone district are different from those in the proposed D-C district. The standards are as follows:

	R-C District	D-C District
Front Setback	25 feet	0 feet
Rear Setback	20 feet	0 feet
Side Setback	5 feet plus 3 feet for each additional story	0 feet
Street Side Setback	15 feet	0 feet
Building Height	35 feet	55 feet
Building Coverage	50% for residential uses No coverage requirement for commercial-only uses	60% for residential uses No coverage requirement for commercial-only uses
Water Quality Setback	30 feet	30 feet

- Public and Private Infrastructure**
 The parcel is currently served by public water and sanitation services as well as all applicable utilities. The roadway network extends to the parcel via Telemark Drive and Main Street.

Criteria:

The Town Code provides criteria to evaluate rezoning applications that needs to be reviewed as part of this analysis –

- Was the existing zone an error at the time of adoption?**

Staff Comment: The existing zoning was not done in error. At the time of original zoning, the area north of the downtown was an empty field so zoning the property as a transition zone between the downtown core and the vacant field was appropriate.

- ***Has there been a change in the character of the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc?***

Staff Comment: There has been a change in character to the area. To the south is Hideaway Station, a mixed-use development with high density residential development, a grocery store, liquor store, and other commercial businesses. To the north is the Village at Grand Park, a commercial development that currently has a bowling alley, cinema, gas station, convenience store and the Grand Park Recreation Center. This area is proposed to include several other commercial businesses in the future. To the south and west, the majority of the property is already zoned D-C with restaurants, taverns and commercial uses. Restaurants are located to the north, west and south of this parcel currently.

- ***Is there an area or community need for the proposed rezone?***

Staff Comment: The 2020 Downtown Plan identified the need to consistently zone the downtown and the Main Street corridor D-C to avoid spot zoning and proactively manage land use and future development (Section 5.2.1). It also identified the need to create a human-scale streetscape along Main Street by bringing buildings closer to the street. The Plan noted the majority of buildings on north end of Main Street are set far back from the right-of-way behind frontage parking, creating an autocratic environment. The R-C Zone District encourages that type of autocratic development with mandatory 25' front setbacks. The 2019 Imagine Winter Park Town Plan (Town Plan) also identified the need to consistently zone the downtown corridor. CO Strategy 3.2 states the Town must "work with developers to create a continuous, human-scale street frontage along Main Street". Zoning the property D-C will allow the property to redevelop with 0' setbacks from Main Street.

- ***Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?***

Staff Comment: The rezoning request would be compatible with the surrounding area. As described above, the area to the north, south and west all have commercial uses as encouraged in the D-C zone district.

- ***Will there be benefits derived by the community or area by granting the proposed rezone?***

Staff Comment: The benefits derived from the rezoning will include allowing this parcel to have zoning regulations similar to the rest of downtown. Rezoning the parcel to D-C will allow for additional permitted uses not available in the R-C district as well as greater density, building coverage, and building height.

- ***Is the proposal in conformance with the policies, intents and requirements of the town code and other adopted plans and policies?***

Staff Comment: The proposed rezoning is in conformance with the Town Plan and the Downtown Plan as outlined above.

- ***Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?***

Staff Comment: Adequate facilities already exist on the property to serve this property.

Public Notification:

This variance request has had proper public notification pursuant to Section 7-10-1 of the Town Code. A Public Notice was published in the Middle Park Times on February 18, 2021 providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property.

No comments have been received as of March 24, 2021.

Planning Commission Recommendation:

The Planning Commission reviewed the rezoning request on March 23, 2021 and recommended approval. The Commission found the rezoning request for the parcel meets the criteria established by the Town Code including conformance with the Town Plan and Downtown Plan.

Staff Recommendation

Staff recommends approval of Resolution 1851, Series 2021, a resolution approving the rezoning of Lot 1A, Sitzmark Subdivision to the Destination Center (D-C) District.

TOWN OF WINTER PARK

RESOLUTION NO. 1851
SERIES OF 2021

A RESOLUTION APPROVING THE REZONING OF LOT 1A, RESUBDIVISION OF LOTS 1 AND 5, SITZMARK SUBDIVISION FROM RESIDENTIAL COMMERCIAL DISTRICT TO DESTINATION CENTER DISTRICT

WHEREAS, a petitioned zone change application was filed by Majestic Mountain Enterprises, Inc., owner of Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625), (hereinafter referred to as “petitioned property”) to rezone the property from Residential Commercial District (R-C) to Destination Center District (D-C);

WHEREAS, in conformance with Title 7, Chapter 10 of the Winter Park Town Code, the Town of Winter Park Planning and Zoning Commission held a Public Hearing on March 23, 2021 where a favorable recommendation for approval of the rezoning request was approved;

WHEREAS, in conformance with Title 7, Chapter 10 of the Winter Park Town Code, the Town of Winter Park Town Council held a Public Hearing on April 6, 2021;

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, and any public comment, the Town Council shall approve or disapprove the petitioned zone change, either in whole or in part;

WHEREAS, the Town of Winter Park is a home rule municipality which therefore allows for broad authority over matters of local land use; and,

WHEREAS, all procedures related to Notification of Hearing, as set forth in Title 7, Chapter 10 of the Winter Park Town Code, were adhered to.

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 rezoning:
 - a. meets all of the applicable criteria set forth in Title 7 of the Winter Park Town Code;
 - b. is in conformance with the Imagine Winter Park Town Plan and Downtown Plan; and
 - c. is appropriate to the area as the property in the vicinity has similar zoning and development patterns consistent with the D-C district.

2. Decision. Based on the foregoing findings, the Town Council hereby approves the rezoning of Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625) from Residential Commercial District (R-C) to Destination Center District (D-C).

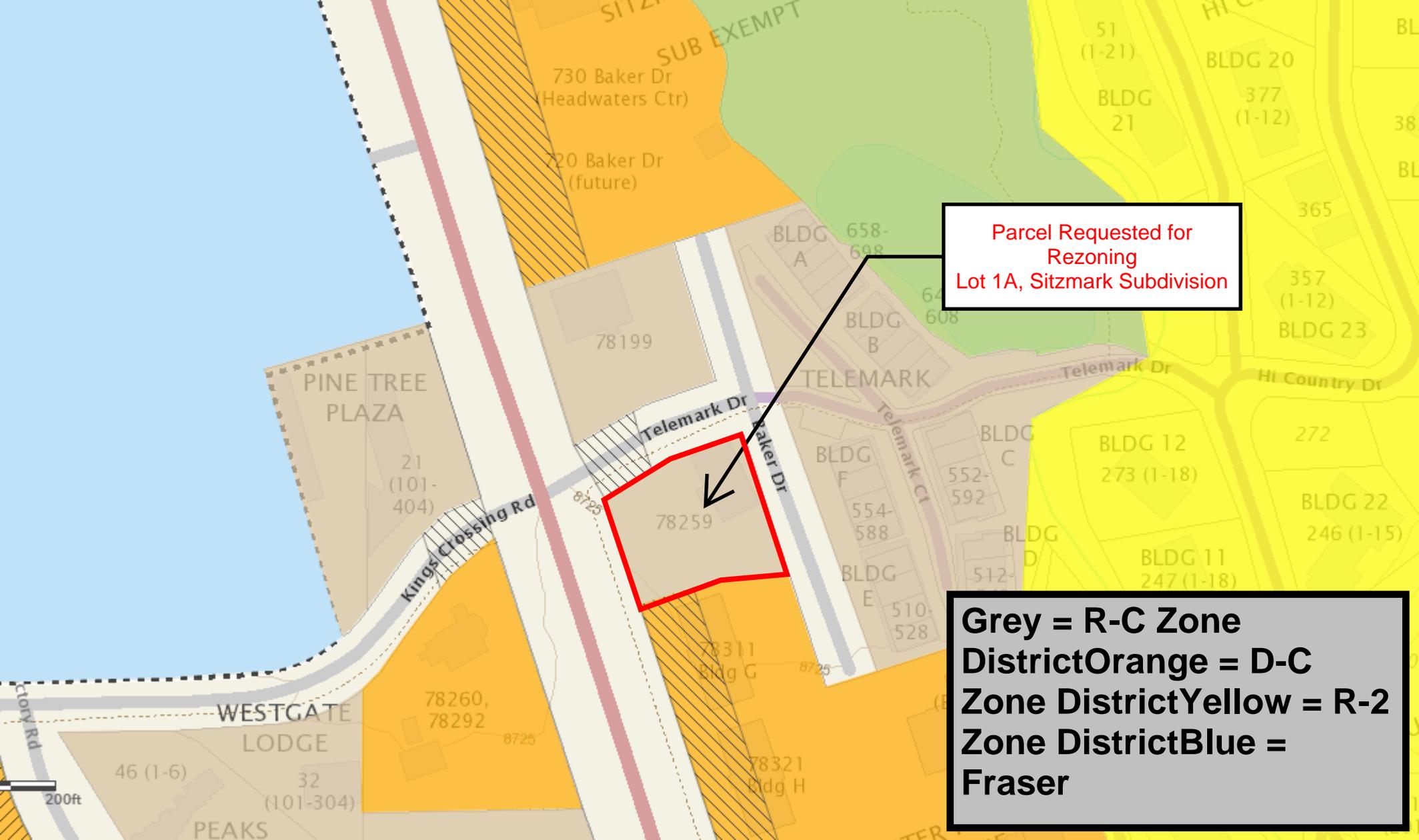
PASSED, ADOPTED AND APPROVED this 6th day of April, 2021.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



Parcel Requested for
Rezoning
Lot 1A, Sitzmark Subdivision

Grey = R-C Zone
Orange = D-C Zone District
Yellow = R-2 Zone District
Blue = Fraser

200ft

1. Date of preparation, 2/10/2021 I put the North symbol on the map attached again. The acreage contained within the proposed rezone. The acreage is .51(+/-) acres 300/1 scale

Zoning and existing land uses on all lands adjacent to the proposed rezone. The current zoning is RC. Requesting to be change to Destination Commercial. The surrounding lands are Destination Commercial to the South, R2 to the east and RC to the North. Sizmark 5 (Hernandos) is currently RC but applying to rezone as DC as well. Griffon Subdivision RC in process of rezone

2. The location and dimensions for all existing streets, alleys, easements, water and sewer lines, and watercourses within and adjacent to the rezone and the names of all streets.
3. To The east is Telemark Dr. Approximately 55 feet wide. To the West is Highway 40 approximately 150ft wide. To the North is Baker Drive approximately 55 feet wide
Along the Western boundary of the lot, between the parking lot and the sidewalk is an easement running North to South that has the electric lines for Mountain Parks Electric, Xcel natural gas and water and sewer for Winter Park Water and Sanitation. I believe this easement is approximately 20 ft deep, but I am not positive. Along the north border of my lot are two easements, one allowing vehicle access from Hideaway Station. Also along the North border is an easement allowing Xcel energy a high pressure gas line a condition allowing Hideaway Station to be built.

4. The names of all adjoining subdivisions with lines of abutting lots, departing property lines of adjoining properties not subdivided and similar facts regarding property which is immediately adjacent.
To The North Is Sitzmark Holding Company Operating as Hernando's Restarurant. To the East is The Telemark Condominiums. To the West is Griffon Subdivision Operating as Winter Park Pub. To the South is Hideaway Station a mixed use Development.

All existing land uses in the proposed rezone. Currently operating as a restaurant with apartments

5. It shall be the responsibility of the applicant to ensure that full and complete information is provided concerning the character of the site and the area.

Legal description of the property, **Lot 1A, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625)**

To The east is Telemark Dr. Approximately 55 feet wide. To the West is Highway 40 approximately 150ft wide. To the North is Baker Drive approximately 55 feet wide
Currently operating as a restaurant with apartments

Statement of impact, which should include:

1. Need for the rezone.

The rezone is suited for a rezone as it is surrounded by properties zoned DC1.

The need for the rezone is to conform to The Imagine Winter Park Plan aka The Downtown Plan in the "our plan", "our town today" and "our path forward" sections. Additionally in The Downtown Plan aka The Downtown Master Plan at the town meetings my property has been presented as DC1. In several of the town presentations my lot has been presented as having a bigger building along the western side of the lot concurrent with a DC1 zoning.

2. Present and future effect on the existing zone district, development and physical character of the surrounding area.

It will change the density of my property to match the neighborhood

3. Access to the area, traffic patterns and impact of the requested zone on these factors.

Access to the area is eased considerably by the addition of the stop light at the intersection on the NW corner of the lot. To the East The walking paths along Baker Drive and the extension of Baker Drive to The Fireside Market make easier access to the lot..

4. Availability of utilities.

Along the West Boundary of my property is a high pressure gas line from Xcel energy, the main power line from Mountain Parks Electric and the main Water and Sewer lines from WP Water and Sanitation. Additionally the building already has 14 water and sewer taps. Any additional need for utilities should be easily met.

5. Present and future effect on public facilities and services such as fire, police, water, sanitation, roadways, parks, schools, etc.

I don't foresee any impact on any public works. The building already has 14 water and sewer taps. The intersection has been reworked and is more than sufficient to handle any additional traffic.

6. Address the relationship between the proposal and adopted plans and/or policies of the town.

The need for the rezone is to conform to The Imagine Winter Park Plan aka The Downtown Plan in the "our plan", "our town today" and "our path forward" sections. Additionally in The Downtown Plan aka The Downtown Master Plan at the town meetings my property has been presented as DC1. In several of the town presentations my lot has been presented as having a bigger building along the western side of the lot concurrent with a DC1 zoning.

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.wpgov.com
LAND USE REVIEW APPLICATION FORM

PROJECT INFORMATION

Project Name: Sitzmark 1A	Date: 1/26/2021
Street Address (or general location if not addressed): 78259 US Highway 40	
Schedule Number(s) or Parcel Number(s): R192364	
Site Area (in square feet or acres): .75 (+-) Acres	Existing Zoning: RC
Existing Land Use: Restaurant	
Legal Description: Sitzmark Subdivision 1A	

OWNER / APPLICANT

Name: Edward Raegner	Phone: 9705751066
Company: Majestic Mountain Enterprises	Email: edraegner@gmail.com
Mailing Address: PO Box 825 Winter Park, CO 80482	

CONTACT PERSON

Name: Edward Raegner	Phone: 9705751066
Company: Majestic Mountain Enterprises	Email: edraegner@gmail.com
Mailing Address: PO Box 825 WP, CO 80482	

TYPE OF APPLICATION (check all that apply)

	Subdivision	Fee		Other Development	Fee
✓			✓		
	Sketch Plan	\$250.00		Zoning Variance	\$250.00
	Preliminary Plat	\$500.00*		Special Use Permit	\$150.00
	Final Plat	\$750.00*	X	Rezoning Request	\$350.00

	Amended Final Plat	\$375.00*		Subdivision Exemption	\$300.00
	As-Built Plat	\$250.00		Amended Exemption	\$150.00
	Amended As-Built Plat	\$250.00*		Annexation	\$500.00*
	*Number of Lots:	x \$10.00		*Number of Lots:	x \$10.00
	TOTAL FEES:	\$		TOTAL FEES:	\$
	Minor Subdivision	Fee		Planned Development	Fee
✓			✓		
	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		**Number of Lots:	x \$2.00
	TOTAL FEES:	\$		TOTAL FEES:	\$350.00
* 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.					

BRIEF DESCRIPTION OF THE PROJECT
In order to keep with the towns current master plan I would request to change the zoning
For Sitzmark lot 1A to be changed from RC to DC. This would put my property in synch with the Town of Winter Park Master Plan and in harmony with the zoning of my neighbors.

ARTICLE A. R-C RESIDENTIAL-COMMERCIAL SERVICE DISTRICTS

SECTION:

7-5A-1: Purpose

7-5A-2: Uses Permitted

7-5A-3: Lot Area Requirements

7-5A-4: Building Requirements

7-5A-5: Landscaping Requirements

7-5A-6: Outdoor Lighting Requirements

7-5A-7: Supplemental Mixed Use Regulations

7-5A-1: PURPOSE:

The R-C zoning designation is intended to provide for residential and convenience businesses necessary to promote the welfare of the community. Nonresidential uses solely or substantially oriented to visitors to the town are carefully regulated in this district, in accordance with the master plan for the town. (Ord. 317, Series of 2002)

7-5A-2: USES PERMITTED:

A. General: The following uses are permitted in the R-C district subject to the provisions of this title:

Accessory dwelling units.

Amenity buildings.

Business uses and services intended primarily for the convenience of permanent residents of the town and surrounding areas, said businesses being characterized by such factors as year round operation, normal daily business hours or similar factors as may be recognized by the planning and zoning commission, and including, but not limited to, the following uses:

Bakeries, grocery stores, liquor stores and delicatessens.

Banks excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Barbershops and beauty parlors.

Businesses solely or substantially devoted to the sale or rental of sporting goods.

Cleaning outlets and laundromats, subject to any applicable requirements of the national board of fire underwriters for a class III rating.

Clothing stores, drugstores, hardware stores and florists.

Daycare facilities.

Funeral parlors.

Hotels, motels, lodges and resort cabins.

Municipal buildings.

Printing and publishing establishments.

Real estate sales offices.

Repair shops for shoes, televisions and domestic appliances.

Restaurants and similar places serving food and beverages, subject to any provisions as may be deemed to be in the public interest by the town excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Home occupations, which by their operation do not alter the character of the neighborhood and which comply with section 7-3-10 of this title.

Outdoor recreational uses and uses incidental thereto; including, but not limited to, alpine and nordic ski facilities.

Professional offices, including medical and dental offices and clinics.

Public, municipal and governmental facilities providing services to accommodate the town and overall public need including water treatment facilities, water treatment plants, water treatment pumping stations and underground water storage tanks.

Schools, churches and hospitals.

Single-family, multi-family dwelling units, including apartments and condominiums, townhomes, bed and breakfast businesses, boarding and rooming houses and rest homes.

Uses necessary and clearly accessory to the principal uses permitted in this district.

B. Uses Subject To Special Use Permit: The following uses are permitted in an R-C district subject to and upon the issuance of a special use permit ¹ :

Auto parts sales and auto showrooms.

Commercial parking lots or structures.

Drive-through business.

Gasoline convenience stores.

Loading docks.

Manufacturing, processing, assembling or storage of resulting products and materials, including laboratories, provided that such uses are not or will not be offensive by reason of the emission of dust, gas, smoke, noise, glare, fumes, odors or vibrations, or otherwise; provided that prior to the issuance of a building permit, the town manager may require evidence that adequate controls, measures or devices have been provided to ensure and protect the health, safety and welfare of the community.

Outdoor storage.

Public utilities (excluding water treatment facilities, underground water storage tanks, water treatment plants or water treatment pumping stations).

Reservoirs, dams, detention ponds and water features engineered to contain one hundred (100) acre-feet of water or less. (Ord. 423, Series of 2009)

Notes

- ¹ 1. See chapter 9 of this title.

7-5A-3: LOT AREA REQUIREMENTS:

A. Density ¹ : The maximum allowable number of dwelling units is twenty (20) per gross acre (i.e., before public land dedication). Affordable housing units shall be excluded when calculating densities.

Note: The maximum number of units allowed per acre may not be achieved in all cases due to terrain, setbacks, building height, building coverage, parking requirements, size of dwelling unit(s), etc.

B. Minimum Lot Area: There shall be no minimum lot area in the R-C district.

C. Minimum Lot Dimensions: The minimum lot width as measured along the front lot line: Fifty feet (50').

D. Minimum Yard Requirements: Except as provided for in section 7-3-7 of this title, minimum yard requirements in an R-C zone shall be:

The minimum yard requirements for residential uses shall be:

1. There shall be a front yard setback of at least twenty five feet (25') from any street right of way for both principal and accessory structures.

2. There shall be a rear yard setback of at least twenty feet (20') for principal structures and of at least ten feet (10') for accessory structures.

3. There shall be a side yard setback of at least five feet (5') and three feet (3') shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than fifteen feet (15'). (Ord. 317, Series of 2002)

Notes

- ¹ 2. See also section 7-2-3, definition of "density", of this title.

7-5A-4: BUILDING REQUIREMENTS:

A. Maximum Building Coverage:

1. Maximum building coverage for residential uses, including parking areas and driveways, shall not exceed fifty percent (50%) of the "lot area" as defined in section 7-2-3 of this title.

2. There is no maximum building coverage requirement for nonresidential uses in the R-C district.

3. Maximum building coverage for mixed use developments shall be based on the requirement which applies to the predominant use on the first floor (i.e., more than 50 percent residential or nonresidential). (Ord. 423, Series of 2009)

B. Maximum Height For Buildings And Structures: The maximum height for all buildings and structures permitted in the R-C district shall be thirty five feet (35') as defined in chapter 2 of this title and further described in chapter 3 of this title. (Ord. 324, Series of 2002)

C. Fences, Hedges And Walls: Fences, hedges and walls shall comply with section 7-3-11 of this title. (Ord. 317, Series of 2002)

7-5A-5: LANDSCAPING REQUIREMENTS:

As required in the landscape design regulations and guidelines as amended from time to time. (Ord. 317, Series of 2002)

7-5A-6: OUTDOOR LIGHTING REQUIREMENTS:

As required in the design regulations and guidelines or the residential architectural guidelines and design regulations as amended from time to time. (Ord. 317, Series of 2002)

7-5A-7: SUPPLEMENTAL MIXED USE REGULATIONS:

Multi-family dwellings may be constructed above commercial uses provided:

- A. Access to dwelling units is not through commercial establishments.
- B. Except on the ground floor, no commercial uses shall occupy the same floor as occupied by dwelling units.
- C. All signs must be in compliance with the town sign code¹.
- D. Uses necessary and ordinarily incidental to multi-family dwellings, such as laundry and vending areas, shall not be located within the structures so as to cause residences therein to come into contact with the normal functions of commercial uses in the structure.
- E. Trash, service and loading areas shall be screened from view from street entrances to dwelling units. (Ord. 317, Series of 2002)

Notes

¹ 1. See title 6, chapter 2 of this code.

ARTICLE B. D-C DESTINATION CENTER DISTRICTS

SECTION:

7-5B-1: Purpose

7-5B-2: Uses Permitted

7-5B-3: Lot Area Requirements

7-5B-4: Building Requirements

7-5B-5: Landscaping Requirements

7-5B-6: Outdoor Lighting Requirements

7-5B-1: PURPOSE:

The objective of the D-C zone is to encourage intensive mixed residential and commercial uses on parcels of land in those areas designated as centers of visitor oriented activity in the master plan for the town. Concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping and other goals set forth in the master plan. (Ord. 317, Series of 2002)

7-5B-2: USES PERMITTED:

A. General: The following uses shall be permitted in the D-C district subject to the provisions of this title:

Accessory dwelling units.

Accessory structures and uses necessary and customarily incidental to permitted uses.

Amenity buildings.

Business and professional offices, including medical and dental offices and clinics.

Business uses intended primarily for and ordinarily associated with the provisions of goods and services to local visitors and tourists, and including, but not limited to, the following uses:

Art galleries, and arts and crafts studios.

Banks and other financial institutions excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Businesses engaged in the sale or rental of sporting goods or equipment.

General businesses providing goods and services, including, but not limited to, groceries, gifts, jewelry, apparel, books, salons, etc.

Private and commercial recreation and entertainment facilities, including, but not limited to, theaters, ice skating rinks, health spas, dance halls and convention and meeting facilities, alpine and nordic ski facilities and facilities incidental thereto.

Restaurants and similar places serving food and beverages intended primarily for consumption on the premises, subject further to any provisions as may be deemed by the town to be in the public interest excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Drugstores.

Hotels, motels and lodges, including incidental businesses within the principal building or buildings.

Multi-family dwelling units, including apartments and condominiums, townhomes, boarding and rooming houses, bed and breakfast businesses, but not including rest homes.

Outdoor recreational uses and uses incidental thereto; including, but not limited to, alpine and nordic ski facilities.

Places conveying information, advice, literature and other publicity substantially free of charge to visitors to the area about recreational attractions and related services therein.

Plazas and related pedestrian open spaces.

Private civic, cultural, religious and institutional facilities.

Public, municipal and governmental facilities providing services to accommodate the town and overall public need.

Real estate offices. (Ord. 423, Series of 2009)

B. Uses Subject To Special Use Permit: The following uses are permitted in the D-C district subject to the provisions of this title and upon the issuance of a special use permit :

Commercial parking lots or structures.

Drive-through business.

Gasoline convenience stores.

Loading docks.

Mall and shopping center.

Outdoor storage.

Outdoor vendor.

Permanent outdoor sales and storage.

Public utilities.

Street vendor. (Ord. 439, Series of 2010)

C. Supplemental Mixed Use Regulations: Multiple-family dwellings may be constructed above commercial uses provided:

1. Primary access to dwelling units is not through commercial establishments.
2. All signs must be in compliance with the town sign code².
3. Uses necessary and ordinarily incidental to multiple-family dwellings, such as laundry and vending areas, shall not be located within the structure so as to cause residents therein to come into conflict with the normal functions of commercial uses in the structure.
4. Trash, service and loading areas shall be screened from view from street entrances to dwelling units.
5. Outdoor lighting associated with commercial uses within the structure, including lighting for parking, service and loading areas, shall be designed and located such that the direct source is not visible from any dwelling unit within, nor is there any glare. (Ord. 317, Series of 2002)

Notes

- ¹ 1. See chapter 9 of this title.
- ² 1. See title 6 of this code.

7-5B-3: LOT AREA REQUIREMENTS:

A. Density ¹: The maximum allowable number of dwelling units is twenty eight (28) per gross acre (i.e., before public land dedication). Affordable housing units shall be excluded when calculating densities.

Note: The maximum number of units allowed per acre may not be achieved in all cases due to terrain, setbacks, building height, building coverage, parking requirements, size of dwelling unit(s), etc.

- B. Minimum Lot Area: There shall be no minimum lot area in the D-C district for commercial uses.
- C. Minimum Lot Dimensions: The minimum lot width as measured along the front lot line shall be fifty feet (50') for commercial uses.
- D. Application: The minimum lot area, lot depth and lot width provisions of the R-2 district shall apply to solely multiple-family residential uses. (Ord. 317, Series of 2002)
- E. Minimum Yard Requirements: Except as provided for in section 7-3-7 of this title, minimum yard requirements in a D-C zone shall be:

1. There shall be no minimum setback requirement from lot lines unless abutting an R-1, R-2, R-2-O, M-E, R-C or C-1 zone district. Structures which abut a plaza, park, mall or greenbelt or other permanent pedestrian open space area may abut and have openings onto such appurtenances.

2. Where a lot line in a D-C district abuts an R-1, R-2, R-2-O or M-E zone district, the following minimum yard requirements apply along that lot line:

- a. No building or structure shall be less than twenty five feet (25') from any street right of way used primarily for vehicular purposes, the first ten feet (10') of which shall be landscaped and kept as an open area within which no paving shall be permitted except for permissible driveways and sidewalks leading to buildings and structures located thereon.

- b. There shall be a side yard setback of at least seven and one-half feet ($7\frac{1}{2}'$) for both principal and accessory structures.

- c. There shall be a rear yard setback of at least twenty five feet (25'), which shall be landscaped and kept as an open area, for both principal and accessory structures.

3. When a lot line in a D-C district abuts an R-C or C-1 zone district, the following minimum yard requirements apply along that lot line:

a. There shall be a side yard setback of at least seven and one-half feet ($7\frac{1}{2}'$) for both principal and accessory structures.

b. There shall be a rear yard setback of at least seven and one-half feet ($7\frac{1}{2}'$), which shall be landscaped and kept as an open area, for both principal and accessory structures. (Ord. 454, Series of 2012)

Notes

1. See also section 7-2-3, definition of "density", of this title.

7-5B-4: BUILDING REQUIREMENTS:

A. Maximum Building Coverage:

1. Maximum building coverage for residential uses shall not exceed sixty percent (60%) of the "lot area" as defined in section 7-2-3 of this title.

2. There is no D-C maximum building coverage requirement for nonresidential uses in the district.

3. Maximum building coverage for mixed use developments shall be based on the requirements which apply to the dominant use on the first floor (i.e., more than 50 percent residential or nonresidential). (Ord. 423, Series of 2009)

B. Maximum Height For Buildings And Structures: The maximum height for all buildings and structures permitted in the D-C district shall be fifty five feet (55') as defined in chapter 2 of this title. (Ord. 324, Series of 2002)

C. Fences, Hedges And Walls: Fences, hedges and walls shall comply with section 7-3-11 of this title. (Ord. 317, Series of 2002)

7-5B-5: LANDSCAPING REQUIREMENTS:

As required in the landscape design regulations and guidelines as amended from time to time. (Ord. 317, Series of 2002)

7-5B-6: OUTDOOR LIGHTING REQUIREMENTS:

As required in the design regulations and guidelines, as amended from time to time. (Ord. 317, Series of 2002)



MEMO

TO Town Council
FROM James Shockey, Community Development Director
THROUGH Keith Riesberg, Town Manager
DATE April 6, 2021
RE Rezoning Request – Lot 5, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625)

Applicant: Jeff Davidson on behalf of Sitzmark Holding Company, LLC.

Background:

An application has been received from Sitzmark Holding Company, LLC to rezone their property located at 78199 U.S. Highway 40 (Main Street) from Residential Commercial District (R-C) to Destination Center District (D-C). The parcel, commonly referred to as “the Hernando’s property” is located at the north end of downtown on the corner of Telemark Drive and Main Street. The parcel is approximately .65 acres in size.

The legal description is Lot 5, Resubdivision of Lots 1 and 5, Sitzmark Subdivision

Analysis:

To review the proposed rezoning, we will review the following criteria: site characteristics, zone purpose, density, proposed uses, site development standards, and public and private infrastructure.

- ***Site Characteristics***
The .65 acre parcel has one structure consisting of a restaurant. The parcel is generally flat and sits below Main Street by approximately six to eight feet. It is bordered to the north by Headwaters Centers, to the east by Baker Drive, to the south by Telemark Drive and to the west by Main Street. The property is accessed from Telemark Drive.
- ***Zone Purpose***
The R-C zoning designation is intended to provide for residential and convenience businesses necessary to promote the welfare of the community. Nonresidential uses solely or substantially oriented to visitors to the town are carefully regulated in this district, in accordance with the master plan for the town.

The objective of the D-C zone is to encourage intensive mixed residential and commercial uses on parcels of land in those areas designated as centers of visitor oriented activity in the master plan for the town. Concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping and other goals set forth in the master plan.

- **Density / Coverage Requirement**
The property is currently zoned R-C, which allows for a density of up to 20 units per acre and a maximum building coverage of 50%.

The proposed D-C district allows for a density of up to 28 dwelling units per acre and a maximum building coverage of 60% for residential uses and no coverage requirements for commercial uses.

- **Proposed Uses**
The existing R-C district allows for residential structures, including single-family and multiple-family, and convenience businesses necessary to promote the welfare of the community.

The proposed D-C district allows for more commercial uses with an emphasis on visitor and tourist-oriented uses. It includes multiple-family residential but excludes single-family residential structures.

- **Site Development Standards**
As would be expected, the site development standards in the R-C zone district are different from those in the proposed D-C district. The standards are as follows:

	R-C District	D-C District
Front Setback	25 feet	0 feet
Rear Setback	20 feet	0 feet
Side Setback	5 feet plus 3 feet for each additional story	0 feet
Street Side Setback	15 feet	0 feet
Building Height	35 feet	55 feet
Building Coverage	50% for residential uses No coverage requirement for commercial-only uses	60% for residential uses No coverage requirement for commercial-only uses
Water Quality Setback	30 feet	30 feet

- **Public and Private Infrastructure**
The parcel is currently served by public water and sanitation services as well as all applicable utilities. The roadway network extends to the parcel via Telemark Drive and Main Street.

Criteria:

The Town Code provides criteria to evaluate rezoning applications that needs to be reviewed as part of this analysis –

- **Was the existing zone an error at the time of adoption?**

Staff Comment: The existing zoning was not done in error. At the time of original zoning, the area north of the downtown was an empty field so zoning the property as a transition zone between the downtown core and the vacant field was appropriate.

- ***Has there been a change in the character of the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc?***

Staff Comment: There has been a change in character to the area. To the south is Hideaway Station, a mixed-use development with high density residential development, a grocery store, liquor store, and other commercial businesses. To the north is the Village at Grand Park, a commercial development that currently has a bowling alley, cinema, gas station, convenience store and the Grand Park Recreation Center. This area is proposed to include several other commercial businesses in the future. To the south and west, the majority of the property is already zoned D-C with restaurants, taverns and commercial uses. Restaurants are located to the west and south of this parcel currently.

- ***Is there an area or community need for the proposed rezone?***

Staff Comment: The 2020 Downtown Plan identified the need to consistently zone the downtown and the Main Street corridor D-C to avoid spot zoning and proactively manage land use and future development (Section 5.2.1). It also identified the need to create a human-scale streetscape along Main Street by bringing buildings closer to the street. The Plan noted the majority of buildings on north end of Main Street are set far back from the right-of-way behind frontage parking, creating an autocentric environment. The R-C Zone District encourages that type of autocentric development with mandatory 25' front setbacks. The 2019 Imagine Winter Park Town Plan (Town Plan) also identified the need to consistently zone the downtown corridor. CO Strategy 3.2 states the Town must "work with developers to create a continuous, human-scale street frontage along Main Street". Zoning the property D-C will allow the property to redevelop with 0' setbacks from Main Street.

- ***Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?***

Staff Comment: The rezoning request would be compatible with the surrounding area. As described above, the area to the north, south and west all have commercial uses as encouraged in the D-C zone district.

- ***Will there be benefits derived by the community or area by granting the proposed rezone?***

Staff Comment: The benefits derived from the rezoning will include allowing this parcel to have zoning regulations similar to the rest of downtown. Rezoning the parcel to D-C will allow for additional permitted uses not available in the R-C district as well as greater density, building coverage, and building height.

- ***Is the proposal in conformance with the policies, intents and requirements of the town code and other adopted plans and policies?***

Staff Comment: The proposed rezoning is in conformance with the Town Plan and the Downtown Plan as outlined above.

- ***Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?***

Staff Comment: Adequate facilities already exist on the property to serve this property.

Public Notification:

This variance request has had proper public notification pursuant to Section 7-10-1 of the Town Code. A Public Notice was published in the Middle Park Times on February 18, 2021 providing notification of the meeting and requesting comments. Mailings were sent to property owners within 300 feet of the property.

No comments have been received as of March 24, 2021.

Planning Commission Recommendation:

The Planning Commission reviewed the rezoning request on March 23, 2021 and recommended approval. The Commission found the rezoning request for the parcel meets the criteria established by the Town Code including conformance with the Town Plan and Downtown Plan.

Staff Recommendation

Staff recommends approval of Resolution 1852, Series 2021, a resolution approving the rezoning of Lot 5, Sitzmark Subdivision to the Destination Center (D-C) District.

TOWN OF WINTER PARK

RESOLUTION NO. 1852
SERIES OF 2021

A RESOLUTION APPROVING THE REZONING OF LOT 5, RESUBDIVISION OF LOTS 1
AND 5, SITZMARK SUBDIVISION FROM RESIDENTIAL COMMERCIAL DISTRICT TO
DESTINATION CENTER DISTRICT

WHEREAS, a petitioned zone change application was filed by Sitzmark Holding Company, LLC, owner of Lot 5, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625), (hereinafter referred to as "petitioned property") to rezone the property from Residential Commercial District (R-C) to Destination Center District (D-C);

WHEREAS, in conformance with Title 7, Chapter 10 of the Winter Park Town Code, the Town of Winter Park Planning and Zoning Commission held a Public Hearing on March 23, 2021 where a favorable recommendation for approval of the rezoning request was approved;

WHEREAS, in conformance with Title 7, Chapter 10 of the Winter Park Town Code, the Town of Winter Park Town Council held a Public Hearing on April 6, 2021;

WHEREAS, after considering the recommendation from the Planning Commission and Town staff, and any public comment, the Town Council shall approve or disapprove the petitioned zone change, either in whole or in part;

WHEREAS, the Town of Winter Park is a home rule municipality which therefore allows for broad authority over matters of local land use; and,

WHEREAS, all procedures related to Notification of Hearing, as set forth in Title 7, Chapter 10 of the Winter Park Town Code, were adhered to.

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 rezoning:
 - a. meets all of the applicable criteria set forth in Title 7 of the Winter Park Town Code;
 - b. is in conformance with the Imagine Winter Park Town Plan and Downtown Plan; and
 - c. is appropriate to the area as the property in the vicinity has similar zoning and development patterns consistent with the D-C district.

2. Decision. Based on the foregoing findings, the Town Council hereby approves the rezoning of Lot 5, Resubdivision of Lots 1 and 5, Sitzmark Subdivision (Reception No. 239625) from Residential Commercial District (R-C) to Destination Center District (D-C).

PASSED, ADOPTED AND APPROVED this 6th day of April, 2021.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

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.wpgov.com

LAND USE REVIEW APPLICATION FORM

PROJECT INFORMATION

Project Name: SITZMARK Holding Co LLC. Date: 2-1-2021
 Street Address (or general location if not addressed): 78199 U.S. HIGHWAY 410
 Schedule Number(s) or Parcel Number(s): PARCEL #1587 2831 5002
 Site Area (in square feet or acres): .71 Acres Existing Zoning: R/C
 Existing Land Use: RESTAURANT
 Legal Description: SITZMARK SUB DIVISION LOT 5

OWNER / APPLICANT

Name: JEFF DAVIDSON Phone: 303 921 5137
 Company: SITZMARK Holding Co LLC. Email: JEFF.DAVIDSON1962@GMAIL.COM
 Mailing Address: PO BOX 867 WINTER PARK, CO. 80482

CONTACT PERSON

Name: SAME AS ABOVE Phone: ''
 Company: '' Email: ''
 Mailing Address: ''

TYPE OF APPLICATION (check all that apply)

Subdivision		Fee	Other Development		Fee
<input checked="" type="checkbox"/>	Sketch Plan	\$250.00	<input checked="" type="checkbox"/>	Zoning Variance	\$250.00
	Preliminary Plat	\$500.00*		Special Use Permit	\$150.00
	Final Plat	\$750.00*	<input checked="" type="checkbox"/>	Rezoning Request	\$350.00
	Amended Final Plat	\$375.00*		Subdivision Exemption	\$300.00
	As-Built Plat	\$250.00		Amended Exemption	\$150.00
	Amended As-Built Plat	\$250.00*		Annexation	\$500.00*
	*Number of Lots:	x \$10.00		*Number of Lots:	1 x \$10.00
	TOTAL FEES:	\$		TOTAL FEES:	\$ <u>3600.00</u>
Minor Subdivision		Fee	Planned Development		Fee
<input checked="" type="checkbox"/>	Final Plat	\$400.00*	<input checked="" type="checkbox"/>	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		**Number of Lots:	x \$2.00
	TOTAL FEES:	\$		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.

BRIEF DESCRIPTION OF THE PROJECT

THIS .71 ACRES IS CURRENTLY ZONED "RESIDENTIAL - COMMERCIAL" SERVICE DISTRICT (RC) IN WINTER PARK.

I WOULD LIKE THE PROPERTY REZONED TO DESTINATION CENTER DISTRICT ("D-C").

AFFIDAVIT

I, JEFF DAVIDSON being duly sworn, declare that I am (please check one) the authorized representative to act for the property owner, [checked] 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.

[Handwritten Signature]

MANAGER STITZMARK Holding Co LLC

2-1-2021

Signature of Owner

Date

Signature of Representative

Date

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.

STAFF USE ONLY (do not write below this line)

Application Received By:

Case #

Date / Time:

Total Fees: \$

Date Paid:

Check #

Additional Comments:

February 15, 2021

Mr. Hugh Bell
Planner/Community Development
Town of Winter Park
50 Vasquez Road
Winter Park, CO. 80482

via email: hbell@wpgov.com

Re: 78199 Highway 40 Rezoning Application from R-C to D.C.

Dear Hugh,

Statement Of Impact

- 1. Need For Rezoning:** Rezoning our property to D-C would align it with the recently approved Winter Park Master Plan and the continuity of the Master Plans intent.
- 2. Present & Future Effects on Existing Zoning & area:** By rezoning Our property only a few nearby properties will need to be rezoned from R-C to D-C to create the desired continuity of the Winter Park Master Plans Purpose.
- 3. Access to Area:** The access to the area should remain as is on the already improved Telemark and Main Street intersection.
- 4. Availability of Utilities:** All utilities are currently in place serving Hernandos Pizza Pub.
- 5. Present & Current Effect on Public Facilities & Services:** I do not foresee any change from the current effect on services as there is no intention of redeveloping the property at this time.
- 6. Relationship of Rezoning to Adopted Plans or policies of Winter Park:** This rezoning proposal achieves and is with in the vision of the Winter Park Master Plan.

If you need additional information please let me know.

Yours Truly,

Jeff Davidson
Sitzmark holding Comp. LLC
Manager
E-mail jeffdavidson1962@gmail.com
Cell 303-921-5137

February 2, 2021

Mr. Hugh Bell
Planner/Community Development
Town of Winter Park
50 Vasquez Road
Winter Park, CO. 80482

via email: hbell@wpgov.com

Dear Hugh,

Please find attached a Land Use Review Application Form regarding Sitzmark Holding Company LLC, property address 78199 U.S. Highway 40. (Hernandos Pizza Pub) Sitzmark Subdivision Lot 5, Parcel #1587 2831 5002

The intent of my request is to rezone from our current status of ("R-C") to ("D-C") which would bring our property in alignment with the Winter Park Master Plan. I am aware of a portion of the remaining properties on the north end of Main Street that are zoned ("R-C") are requesting or have already have changed their zoning designation. I would like to do the same to preserve the continuity of our neighborhood.

I would very much appreciate your consideration of my request. Please let me know what additional materials you would need from me.

Your Truly,

Jeff Davidson
Sitzmark holding Comp. LLC
Manager
E-mail jeffdavidson1962@gmail.com
Cell 303-921-5137

ARTICLE A. R-C RESIDENTIAL-COMMERCIAL SERVICE DISTRICTS

SECTION:

7-5A-1: Purpose

7-5A-2: Uses Permitted

7-5A-3: Lot Area Requirements

7-5A-4: Building Requirements

7-5A-5: Landscaping Requirements

7-5A-6: Outdoor Lighting Requirements

7-5A-7: Supplemental Mixed Use Regulations

7-5A-1: PURPOSE:

The R-C zoning designation is intended to provide for residential and convenience businesses necessary to promote the welfare of the community. Nonresidential uses solely or substantially oriented to visitors to the town are carefully regulated in this district, in accordance with the master plan for the town. (Ord. 317, Series of 2002)

7-5A-2: USES PERMITTED:

A. General: The following uses are permitted in the R-C district subject to the provisions of this title:

Accessory dwelling units.

Amenity buildings.

Business uses and services intended primarily for the convenience of permanent residents of the town and surrounding areas, said businesses being characterized by such factors as year round operation, normal daily business hours or similar factors as may be recognized by the planning and zoning commission, and including, but not limited to, the following uses:

Bakeries, grocery stores, liquor stores and delicatessens.

Banks excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Barbershops and beauty parlors.

Businesses solely or substantially devoted to the sale or rental of sporting goods.

Cleaning outlets and laundromats, subject to any applicable requirements of the national board of fire underwriters for a class III rating.

Clothing stores, drugstores, hardware stores and florists.

Daycare facilities.

Funeral parlors.

Hotels, motels, lodges and resort cabins.

Municipal buildings.

Printing and publishing establishments.

Real estate sales offices.

Repair shops for shoes, televisions and domestic appliances.

Restaurants and similar places serving food and beverages, subject to any provisions as may be deemed to be in the public interest by the town excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Home occupations, which by their operation do not alter the character of the neighborhood and which comply with section 7-3-10 of this title.

Outdoor recreational uses and uses incidental thereto; including, but not limited to, alpine and nordic ski facilities.

Professional offices, including medical and dental offices and clinics.

Public, municipal and governmental facilities providing services to accommodate the town and overall public need including water treatment facilities, water treatment plants, water treatment pumping stations and underground water storage tanks.

Schools, churches and hospitals.

Single-family, multi-family dwelling units, including apartments and condominiums, townhomes, bed and breakfast businesses, boarding and rooming houses and rest homes.

Uses necessary and clearly accessory to the principal uses permitted in this district.

B. Uses Subject To Special Use Permit: The following uses are permitted in an R-C district subject to and upon the issuance of a special use permit ¹ :

Auto parts sales and auto showrooms.

Commercial parking lots or structures.

Drive-through business.

Gasoline convenience stores.

Loading docks.

Manufacturing, processing, assembling or storage of resulting products and materials, including laboratories, provided that such uses are not or will not be offensive by reason of the emission of dust, gas, smoke, noise, glare, fumes, odors or vibrations, or otherwise; provided that prior to the issuance of a building permit, the town manager may require evidence that adequate controls, measures or devices have been provided to ensure and protect the health, safety and welfare of the community.

Outdoor storage.

Public utilities (excluding water treatment facilities, underground water storage tanks, water treatment plants or water treatment pumping stations).

Reservoirs, dams, detention ponds and water features engineered to contain one hundred (100) acre-feet of water or less. (Ord. 423, Series of 2009)

Notes

- ¹ 1. See chapter 9 of this title.

7-5A-3: LOT AREA REQUIREMENTS:

A. Density ¹ : The maximum allowable number of dwelling units is twenty (20) per gross acre (i.e., before public land dedication). Affordable housing units shall be excluded when calculating densities.

Note: The maximum number of units allowed per acre may not be achieved in all cases due to terrain, setbacks, building height, building coverage, parking requirements, size of dwelling unit(s), etc.

B. Minimum Lot Area: There shall be no minimum lot area in the R-C district.

C. Minimum Lot Dimensions: The minimum lot width as measured along the front lot line: Fifty feet (50').

D. Minimum Yard Requirements: Except as provided for in section 7-3-7 of this title, minimum yard requirements in an R-C zone shall be:

The minimum yard requirements for residential uses shall be:

1. There shall be a front yard setback of at least twenty five feet (25') from any street right of way for both principal and accessory structures.

2. There shall be a rear yard setback of at least twenty feet (20') for principal structures and of at least ten feet (10') for accessory structures.

3. There shall be a side yard setback of at least five feet (5') and three feet (3') shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than fifteen feet (15'). (Ord. 317, Series of 2002)

Notes

- ¹ 2. See also section 7-2-3, definition of "density", of this title.

7-5A-4: BUILDING REQUIREMENTS:

A. Maximum Building Coverage:

1. Maximum building coverage for residential uses, including parking areas and driveways, shall not exceed fifty percent (50%) of the "lot area" as defined in section 7-2-3 of this title.

2. There is no maximum building coverage requirement for nonresidential uses in the R-C district.

3. Maximum building coverage for mixed use developments shall be based on the requirement which applies to the predominant use on the first floor (i.e., more than 50 percent residential or nonresidential). (Ord. 423, Series of 2009)

B. Maximum Height For Buildings And Structures: The maximum height for all buildings and structures permitted in the R-C district shall be thirty five feet (35') as defined in chapter 2 of this title and further described in chapter 3 of this title. (Ord. 324, Series of 2002)

C. Fences, Hedges And Walls: Fences, hedges and walls shall comply with section 7-3-11 of this title. (Ord. 317, Series of 2002)

7-5A-5: LANDSCAPING REQUIREMENTS:

As required in the landscape design regulations and guidelines as amended from time to time. (Ord. 317, Series of 2002)

7-5A-6: OUTDOOR LIGHTING REQUIREMENTS:

As required in the design regulations and guidelines or the residential architectural guidelines and design regulations as amended from time to time. (Ord. 317, Series of 2002)

7-5A-7: SUPPLEMENTAL MIXED USE REGULATIONS:

Multi-family dwellings may be constructed above commercial uses provided:

- A. Access to dwelling units is not through commercial establishments.
- B. Except on the ground floor, no commercial uses shall occupy the same floor as occupied by dwelling units.
- C. All signs must be in compliance with the town sign code¹.
- D. Uses necessary and ordinarily incidental to multi-family dwellings, such as laundry and vending areas, shall not be located within the structures so as to cause residences therein to come into contact with the normal functions of commercial uses in the structure.
- E. Trash, service and loading areas shall be screened from view from street entrances to dwelling units. (Ord. 317, Series of 2002)

Notes

¹ 1. See title 6, chapter 2 of this code.

ARTICLE B. D-C DESTINATION CENTER DISTRICTS

SECTION:

7-5B-1: Purpose

7-5B-2: Uses Permitted

7-5B-3: Lot Area Requirements

7-5B-4: Building Requirements

7-5B-5: Landscaping Requirements

7-5B-6: Outdoor Lighting Requirements

7-5B-1: PURPOSE:

The objective of the D-C zone is to encourage intensive mixed residential and commercial uses on parcels of land in those areas designated as centers of visitor oriented activity in the master plan for the town. Concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping and other goals set forth in the master plan. (Ord. 317, Series of 2002)

7-5B-2: USES PERMITTED:

A. General: The following uses shall be permitted in the D-C district subject to the provisions of this title:

Accessory dwelling units.

Accessory structures and uses necessary and customarily incidental to permitted uses.

Amenity buildings.

Business and professional offices, including medical and dental offices and clinics.

Business uses intended primarily for and ordinarily associated with the provisions of goods and services to local visitors and tourists, and including, but not limited to, the following uses:

Art galleries, and arts and crafts studios.

Banks and other financial institutions excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Businesses engaged in the sale or rental of sporting goods or equipment.

General businesses providing goods and services, including, but not limited to, groceries, gifts, jewelry, apparel, books, salons, etc.

Private and commercial recreation and entertainment facilities, including, but not limited to, theaters, ice skating rinks, health spas, dance halls and convention and meeting facilities, alpine and nordic ski facilities and facilities incidental thereto.

Restaurants and similar places serving food and beverages intended primarily for consumption on the premises, subject further to any provisions as may be deemed by the town to be in the public interest excluding "drive-through businesses" as defined in section 7-2-3 of this title.

Drugstores.

Hotels, motels and lodges, including incidental businesses within the principal building or buildings.

Multi-family dwelling units, including apartments and condominiums, townhomes, boarding and rooming houses, bed and breakfast businesses, but not including rest homes.

Outdoor recreational uses and uses incidental thereto; including, but not limited to, alpine and nordic ski facilities.

Places conveying information, advice, literature and other publicity substantially free of charge to visitors to the area about recreational attractions and related services therein.

Plazas and related pedestrian open spaces.

Private civic, cultural, religious and institutional facilities.

Public, municipal and governmental facilities providing services to accommodate the town and overall public need.

Real estate offices. (Ord. 423, Series of 2009)

B. Uses Subject To Special Use Permit: The following uses are permitted in the D-C district subject to the provisions of this title and upon the issuance of a special use permit :

Commercial parking lots or structures.

Drive-through business.

Gasoline convenience stores.

Loading docks.

Mall and shopping center.

Outdoor storage.

Outdoor vendor.

Permanent outdoor sales and storage.

Public utilities.

Street vendor. (Ord. 439, Series of 2010)

C. Supplemental Mixed Use Regulations: Multiple-family dwellings may be constructed above commercial uses provided:

1. Primary access to dwelling units is not through commercial establishments.
2. All signs must be in compliance with the town sign code².
3. Uses necessary and ordinarily incidental to multiple-family dwellings, such as laundry and vending areas, shall not be located within the structure so as to cause residents therein to come into conflict with the normal functions of commercial uses in the structure.
4. Trash, service and loading areas shall be screened from view from street entrances to dwelling units.
5. Outdoor lighting associated with commercial uses within the structure, including lighting for parking, service and loading areas, shall be designed and located such that the direct source is not visible from any dwelling unit within, nor is there any glare. (Ord. 317, Series of 2002)

Notes

- ¹ 1. See chapter 9 of this title.
- ² 1. See title 6 of this code.

7-5B-3: LOT AREA REQUIREMENTS:

A. Density ¹: The maximum allowable number of dwelling units is twenty eight (28) per gross acre (i.e., before public land dedication). Affordable housing units shall be excluded when calculating densities.

Note: The maximum number of units allowed per acre may not be achieved in all cases due to terrain, setbacks, building height, building coverage, parking requirements, size of dwelling unit(s), etc.

- B. Minimum Lot Area: There shall be no minimum lot area in the D-C district for commercial uses.
- C. Minimum Lot Dimensions: The minimum lot width as measured along the front lot line shall be fifty feet (50') for commercial uses.
- D. Application: The minimum lot area, lot depth and lot width provisions of the R-2 district shall apply to solely multiple-family residential uses. (Ord. 317, Series of 2002)
- E. Minimum Yard Requirements: Except as provided for in section 7-3-7 of this title, minimum yard requirements in a D-C zone shall be:

1. There shall be no minimum setback requirement from lot lines unless abutting an R-1, R-2, R-2-O, M-E, R-C or C-1 zone district. Structures which abut a plaza, park, mall or greenbelt or other permanent pedestrian open space area may abut and have openings onto such appurtenances.

2. Where a lot line in a D-C district abuts an R-1, R-2, R-2-O or M-E zone district, the following minimum yard requirements apply along that lot line:

- a. No building or structure shall be less than twenty five feet (25') from any street right of way used primarily for vehicular purposes, the first ten feet (10') of which shall be landscaped and kept as an open area within which no paving shall be permitted except for permissible driveways and sidewalks leading to buildings and structures located thereon.
- b. There shall be a side yard setback of at least seven and one-half feet ($7\frac{1}{2}'$) for both principal and accessory structures.
- c. There shall be a rear yard setback of at least twenty five feet (25'), which shall be landscaped and kept as an open area, for both principal and accessory structures.

3. When a lot line in a D-C district abuts an R-C or C-1 zone district, the following minimum yard requirements apply along that lot line:

a. There shall be a side yard setback of at least seven and one-half feet ($7\frac{1}{2}'$) for both principal and accessory structures.

b. There shall be a rear yard setback of at least seven and one-half feet ($7\frac{1}{2}'$), which shall be landscaped and kept as an open area, for both principal and accessory structures. (Ord. 454, Series of 2012)

Notes

1. See also section 7-2-3, definition of "density", of this title.

7-5B-4: BUILDING REQUIREMENTS:

A. Maximum Building Coverage:

1. Maximum building coverage for residential uses shall not exceed sixty percent (60%) of the "lot area" as defined in section 7-2-3 of this title.

2. There is no D-C maximum building coverage requirement for nonresidential uses in the district.

3. Maximum building coverage for mixed use developments shall be based on the requirements which apply to the dominant use on the first floor (i.e., more than 50 percent residential or nonresidential). (Ord. 423, Series of 2009)

B. Maximum Height For Buildings And Structures: The maximum height for all buildings and structures permitted in the D-C district shall be fifty five feet (55') as defined in chapter 2 of this title. (Ord. 324, Series of 2002)

C. Fences, Hedges And Walls: Fences, hedges and walls shall comply with section 7-3-11 of this title. (Ord. 317, Series of 2002)

7-5B-5: LANDSCAPING REQUIREMENTS:

As required in the landscape design regulations and guidelines as amended from time to time. (Ord. 317, Series of 2002)

7-5B-6: OUTDOOR LIGHTING REQUIREMENTS:

As required in the design regulations and guidelines, as amended from time to time. (Ord. 317, Series of 2002)

MEMO

TO Town Council
FROM Alisha Janes, Assistant Town Manager
CC Town Manager Keith Riesberg
DATE April 2, 2021
RE Reinstating Disposable Bag Fee

Background

Town Council initially adopted the disposable bag fee in February of 2019 in order to reduce the amount of landfilled waste and emphasize long-term sustainability. As part of the Town's initial response to the Covid-19 pandemic, Council temporarily suspended the disposable bag fee in May of 2020 and in October of 2020 extended the suspension to October 31, 2021. The attached ordinance acts to reinstate the disposable bag fee effective May 1, 2021.

Analysis

While there was initial caution advised at the onset of the pandemic, we now understand that Covid-19 is less likely to be spread through surface transmission than air transmission. Additionally, the current lower Covid-19 case numbers and increased availability of vaccinations, allow for a safe May 1st return to policies discouraging the use of single-use disposable plastic products, including disposable plastic bags.

The Town has an existing stock of reusable bags that will be distributed to retailers ahead of the reinstatement of the disposable bag fee. The May 1st reinstatement date also corresponds with the Town of Fraser's reinstatement of a similar disposable bag fee.

Recommendation

Staff recommends approval of Ordinance 555, an ordinance ending the temporary suspension of the disposable bag fee and reinstating the fee imposed by Chapter 8 of Title 3 of the Winter Park Town Code.

Should the Town Council wish to approve the resolution the following motion should be made:



I move to approve Ordinance 555, an ordinance ending the temporary suspension of the disposable bag fee and reinstating the fee imposed by Chapter 8 of Title 3 of the Winter Park Town Code.

Should the Town Council wish to deny the resolution the following motion should be made:

I move to deny Ordinance 555, an ordinance ending the temporary suspension of the disposable bag fee and reinstating the fee imposed by Chapter 8 of Title 3 of the Winter Park Town Code.

TOWN OF WINTER PARK

ORDINANCE NO. 555
SERIES OF 2021

AN ORDINANCE ENDING THE TEMPORARY SUSPENSION OF THE DISPOSABLE BAG FEE AND REINSTATING THE FEE IMPOSED BY CHAPTER 8 OF TITLE 3 OF THE WINTER PARK TOWN CODE.

WHEREAS, Town Council adopted a disposable bag fee at its February 19, 2019 meeting in an effort to reduce waste and environmental impact; and

WHEREAS, Town Council at their May 19th, 2020 Meeting temporarily suspended the bag fee to ensure safe practices during the Covid-19 pandemic; and

WHEREAS, the temporary suspension was extended at the October 20th, 2020 Council Meeting to October 31st, 2021; and

WHEREAS, the Council wishes to reinstate the bag fee effective May 1st, 2021 to achieve the desired objectives of reducing waste and environmental impact.

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

1. The disposable bag fee imposed by Chapter 8 of Title 3 of the Winter Park Town Code is hereby reinstated effective May 1, 2021.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN SUMMARY this 6th day of April, 2021. A public hearing shall be held at the regular meeting of the Winter Park Council on the 20th day of April, 2021, or as soon thereafter as possible, at the Winter Park Town Hall.

TOWN OF WINTER PARK

Nick Kutrumbos, 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 _____, 2021.

TOWN OF WINTER PARK

Nick Kutumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk