

If members of the public wish to attend the meeting digitally the meeting link is below in yellow.

WINTER PARK TOWN COUNCIL MEETING

Winter Park Town Hall – 50 Vasquez Road

Tuesday, June 15, 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)

Public Comment is restricted to three minutes per person, and you must state your name and physical address for the record. Please be mindful of not reiterating other people's comments.

3. Consent Agenda
 - a. Approval of May 25, 2021 Annual Retreat Minutes
 - b. Approval of June 1, 2021 Regular Meeting Minutes

4. Action Items
 - a. Public Hearing, Approval of Special Event Permits
 - Chamber of Commerce Events
 - Cooper Creek Square
 - Alpine Art Affair
 - G3 Bike Race
 - b. Ordinance 558, An Ordinance Amending Title 7 of the Winter Park Municipal Code by the Addition of a New Chapter 12 Entitled "Wireless Communications Facilities", Second Reading and Public Hearing
 - c. Ordinance 559, An Ordinance of the Town of Winter Park Amending Chapter 2 of Title 3 of the Winter Park Town Code to Implement the Voter Approved Regulated Marijuana Sales Tax, Repealing Chapter 6 of Title 3 Prohibiting Medical Marijuana Businesses, Repealing and Reenacting Chapter 7 of Title 3 Regarding Regulated Marijuana Businesses, repealing and Reenacting Sections 7-3-19 and 7-3-21 Regarding Medical and Retail Marijuana Establishments, and Repealing and Reenacting Sections 7-5B-2(B) and 7-5D-2(B) of the Winter Park Town Code to

- Allow for Regulated Marijuana Businesses in Specified Zone Districts by Special Use Permit, Second Reading and Public Hearing
- d. Resolution 1868, A Resolution of the Town Council of the Town of Winter Park to Establish Fees Related to Licensing for Regulated Marijuana Businesses
 - e. Ordinance 560, An Ordinance Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted and Appropriated for the Fiscal Year in 2021 for the Town of Winter Park, Colorado, First Reading
 - f. Resolution 1869, A Resolution Recognizing the Contributions and Efforts of Winter Park Town Staff and Directing the Implementation of Raises for Town Employees
 - g. Resolution 1870, A Resolution Approving the Second Amendment to the Employment Agreement with the Town Manager
 - h. Public Hearing, Resolution 1871, A Resolution Approving with Conditions the Preliminary Plat for Jane Creek, Lot 1B Condominiums
 - i. Public Hearing, Resolution 1872, A Resolution Approving the Rezoning of Kings Crossing Retail Center Condominiums from Residential Commercial District to Destination Center District
 - j. Resolution 1873, A Resolution Adopting the Transit Advisory Committee's Recommendation to Deny Rendezvous Service Request of the Red Line Extension
5. Town Manager's Report
 6. Mayor's Report
 7. Town Council Items for Discussion

You are invited to a Zoom webinar.

When: June 15, 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



RETREAT MINUTES

DATE: Tuesday, May 25, 2021

MEETING: Winter Park Town Council Annual Retreat

PLACE: The Steamboat Grand Hotel, Steamboat Springs, CO

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

Mayor Nick Kutrumbos called the meeting to order at 8:00 a.m.

1. Introductions and Overview of day

Town Council and Staff members gave brief introductions to the guest speakers. Guest Speakers were the City of Steamboat Springs, City Manager Gary Suiter and Council President Jason Lacy.

City of Steamboat Springs Manager Gary Suiter and Council President Jason Lacy discussed their experiences and working relations with Steamboat Resort. Mr. Lacy stated a broad overview of the current gondola project happening at Steamboat Resort. City of Steamboat Springs representatives and our Council discussed their different experiences working as resort towns. Mr. Lacy and Mr. Suiter discussed how the City of Steamboat created an Urban Renewal Authority which is funded through tax increment financing. Town Manager Keith Riesberg stated an Urban Renewal Authority is a good tool to have. Mayor Kutrumbos asked what topics are being discussed in the City of Steamboat Springs now that COVID-19 is not at the forefront. Mr. Lacy stated obviously the big topic is housing, three years ago the voters approved a mill levy for property taxes, this mill generates approximately one million dollars that goes directly to the Yampa Valley Housing Authority for attainable housing projects. Mr. Lacy stated they are collaborating with the County on a climate action plan. Mr. Lacy stated Steamboat is doing a study on childcare needs in the area, and they are also partnering with the Resort, Chamber and County on creating a regional transportation authority. Winter Park Town Council asked about seasonal housing, and Steamboat Resort has seasonal housing of their own because inventory is limited in the city. Steamboat Resort has about 400 plus beds for seasonal workforce, and still have 200-300 people on the wait list. Council discussed other tools for housing, inclusionary zoning, link creation of jobs with providing housing, deed restrictions, and accessory dwelling units.

2. Presentation and Discussion of Gondola Square Project

Winter Park Resort's CEO Sky Foulkes introduced Alterra Representatives for Steamboat Resort, Jim Schneider, Dave Hunter, and Jennifer Shay. Mr. Hunter explained and presented the Full Steam Ahead project. The presentation showcased the gondola project that is currently underway. It is a redevelopment of the Steamboat base area to make it easier for guests to navigate. The expansions that are being done will make Steamboat the second largest resort in America. The project will have the longest and fastest gondola, increased snow making capabilities, and a new world class learning center. Ms. Shay goes through and explains the

design renderings and plans. Mr. Schneider discussed how the URA (Urban Renewal Authority) was established to alleviate blight in the base area. The URA began as a grass roots, citizen led initiative and has been very successful and has completed projects such as the promenade, culvert for Burgess Creek, transit area, roundabout on Mt. Werner, and the beach area at the base of the resort. Mr. Schneider stated it is important to have public/private partnerships when undertaking large projects.

3. Discussion with Yampa Valley Housing Authority

Assistant Town Manager Alisha Janes introduced the Director of the Yampa Valley Housing Authority, Jason Peasley. Mr. Peasley stated the multi-jurisdictional housing authority started in 2003 by the City and County of Steamboat Springs. The housing authority is an independent government and is governed by a 13-member board that are appointed for three-year terms which include one City representative and one County representative. Mr. Peasley stated YVHA(Yampa Valley Housing Authority) has four segments they focus on: seasonal, low income (30-80% AMI (average median income)), entry level (80-120% AMI) and ownership. Mr. Peasley stated the local property tax provides \$950,000 dollars annually and then projects are funded through public/private partnerships, and tax credits. Mr. Peasley discussed the start of the authority, logistics of actual housing projects, tools they use, etc. Mr. Peasley stated the importance of trying to get the city to adjust codes to make allowances for attainable housing projects. Town Council asked Mr. Peasley further questions related to the YVHA logistics and their actual housing projects. Town Council then discussed if a regional housing authority makes sense for Town of Winter Park. Town Manager Keith Riesberg stated Staff will spend time figuring out how to structure a regional housing authority and how to make it work.

4. Review of Town Priorities and Objectives

4.a. Development Expectations

Town Manager Keith Riesberg reviewed and updated Council on some development items coming forward that will be quite technical and will require multiple actions from Council. Mr. Riesberg stated a joint meeting with Planning Commission will be scheduled as a workshop soon. Mr. Riesberg asked Council for their thoughts on URA's, Council was interested and would like to workshop this topic in the future.

4.b. Adopted Objectives

Town Manager Keith Riesberg put up the list of Council priorities and objectives from last year's Council retreat and asked if they are still relevant today. Council went through the list, discussed, and moved a few items around on the list but for the most part the priorities and objectives did not change. Mr. Riesberg stated Staff will rework the list and bring it back to Town Council to adopt via resolution.

4.c. Capital Planning and Town Projects

Town Manager Keith Riesberg stated the historical and archeological study of the transit maintenance facility came back clear and satisfied the State. Mr. Riesberg stated the water situation on that property still needs to be figured out, and the Martin property may be the solution for that. Mr. Riesberg went over the budget for the transit maintenance facility, budget was 21.3 million dollars and 14.6 million dollars of that is grant funding, and then the Town will issue debt on the remaining 7 million dollars. Mr. Riesberg stated the price estimate for the project came in at 27.4 million dollars, Town will have to phase the project or figure out how to make it work. Mr. Riesberg stated that Council needs to start thinking about a police department because the lease we currently have only goes till 2028. Council briefly discussed the Fraser River Trail project through Roam and snow storage solutions.

4.d. External Issues/Concerns

Council discussed the “Zone 2” water agreement. Mayor Kutumbos stated DU (Denver University) is meeting with a developer about land in a Zone 2 water area. DU needs land that will adjoin to US Forest Service and 30,000 plus square footage to develop as well as additional acreage. Mayor Kutumbos stated as of now DU is looking at another County. Council discussed Xcel Energy; Xcel Energy wants to get a 4” gas main project moving forward. Town Manager Keith Riesberg stated to Council that Chief of Police would like to present an informational quote to Council on the possible EMS ballot question.

4.e. Town Operations needs and expectations.

Council agreed and decided to give a three percent raise to Staff. Town Manager Keith Riesberg stated Staff will be adding a few new positions this year. Council discussed some capital expenditures, AV equipment, downtown holiday décor, median removal, and Town vehicles. Mr. Riesberg stated Slate communications will be adding some resources to the Town to ramp up our communications as well.

5. Other Items to be Discussed

Due to time constraints no additional items were addressed.

There being no further business to discuss, the retreat was adjourned at 3:43 p.m.

The next scheduled meeting of the Town Council will be Tuesday, June 1, 2021, at 5:30 p.m.

Danielle Jardee, Town Clerk

MINUTES

DATE: Tuesday, June 1, 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, Jennifer Hughes and Rebecca Kaufman, Town Manager Keith Riesberg, Assistant Town Manager Alisha Janes, and Town Clerk Dani Jardee

OTHERS
PRESENT: Community Development Director James Shockey, Finance Director Lizbeth Lemley, Chief of Police Glen Trainor, Public Works Director Gerry Vernon, Transit Manager Ivy Compton, and Town Planner Hugh Bell

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

No public comment was given.

3. Consent Agenda

3.a. Approval of May 18, 2021, Regular Meeting Minutes

3.b. Resolution 1863, A Resolution Approving a Development Improvements Agreement Standard Form for Rendezvous Colorado, LLC

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

4. Action Items

4.a. Public Hearing, Approval of Special Event Permit for Headwaters Event Center

Town Clerk Danielle Jardee stated Headwaters does events from June through October, such as church services, fundraisers, concerts, classes, and weddings, this is a permit to cover those events. Councilor Rebecca Kaufman asked about their tax-exempt status being used for weddings, etc. Ms. Jardee stated Headwaters does have a non-profit organization that they run so they do have tax exempt status for certain events. Mayor Kutrumbos opened the public hearing, hearing no comments. Mayor Kutrumbos closed the public hearing.

Councilor Mike Davlin moved and Councilor Jeremy Henn seconded the motion approving Special Event Permit for Headwaters Event Center. Motion carried: 7-0.

4.b. Public Hearing, Approval of Special Event Permit for Mountain Moon Yoga

Town Clerk Danielle Jardee stated Mountain Moon Yoga would like to host yoga classes in Wolf Park and Confluence Park throughout the summer. Mayor Pro Tem Michael Periolat (stepped in for Mayor Kutrumbos) opened the public hearing, hearing no comments. Mayor Pro Tem Michael Periolat closed the public hearing.

Councilor Mike Davlin moved and Councilor Jennifer Hughes seconded the motion approving Special Event Permit for Mountain Moon Yoga. Motion carried: 7-0.

4.c. Ordinance 557, An Ordinance Approving the First Amendment to the Winter Park Preserve Final Development Plan, Second Reading and Public Hearing

Community Development Director James Shockey stated this is the second reading for the request to approve the first amendment to the Winter Park Preserve final development plan. Mr. Shockey stated since the first reading the building elevations have been added to the packet, and he highlighted the areas that would be affected. Mr. Shockey stated Staff recommends approval. Mayor Kutrumbos stated the design of the roofs look good for snow removal. Mayor Kutrumbos opened the public hearing, hearing no comments. Mayor Kutrumbos closed the public hearing.

Councilor Art Ferrari moved and Mayor Pro Tem Michael Periolat seconded the motion approving Ordinance 557, An Ordinance Approving the First Amendment to the Winter Park Preserve Final Development Plan, 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.d. Ordinance 558, An Ordinance Amending Title 7 of the Winter Park Municipal Code by the Addition of a New Chapter 12 Entitled “Wireless Communications Facilities”, First Reading

Community Development Director James Shockey stated the Town is required to establish a procedure for permitting new and existing wireless communication towers, such as antennas on buildings and then to larger towers like up at the Resort. Mr. Shockey stated this ordinance is in compliance with State and Federal regulations, and other regulations put a limit on location, number, and design of the wireless facilities. Mr. Shockey stated there is a requirement for colocation so that we do not have multiple towers or wall mounted facilities if we can combine them with multiple carriers. Mr. Shockey stated Planning Commission reviewed this ordinance on May 25 and recommended approval. Mayor Kutrumbos asked if this ordinance is in anticipation of Town getting more towers. Mr. Shockey responded that as of now no, Town is just being proactive with this ordinance. Town Manager Keith Riesberg stated another component is the colocation and consolidation of facilities so a provider does not put up a tower right next to another provider.

Councilor Art Ferrari moved and Mayor Pro Tem Michael Periolat seconded the motion approving Ordinance 558, An Ordinance Amending Title 7 of the Winter Park Municipal Code by the Addition of a New Chapter 12 Entitled “Wireless Communications Facilities”, First Reading. Motion carried by 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.e. Appointment of Bond Counsel

Finance Director Lizbeth Lemley stated as we move forward with the new transit maintenance facility, Town will be issuing COPs (certificates of participation). Ms. Lemley stated as we move forward in this process the Town will need to appoint bond counsel, in the past we have used Butler Snow and they have done a great job. Ms. Lemley stated the initial construction budget is 21 million dollars and Town has received 14 million dollars in grant funding, we anticipate issuing 7 million dollars in COPs. Ms. Lemley stated Butler Snow has said the cost of the services will be \$70,000 dollars which is aligned with what we paid for our last COP issuance. Ms. Lemley stated if issuance does not take place, then there will be no fees, with that Staff recommends approval.

Councilor Art Ferrari moved and Councilor Rebecca Kaufman seconded the motion appointing Butler Snow as bond counsel. Motion carried: 7-0.

4.f. Resolution 1864, A Resolution Approving a General Services Contract with Community Planning Strategies

Community Development Director James Shockey stated Staff is requesting that Council consider in engaging with a private planning firm to assist the Community Development Department in reviewing larger development projects that are anticipated for this summer. Mr. Shockey stated with the current workload, large development projects and single-family homes that go through design review, Staff is tapped out. Mr. Shockey stated Staff has reached out to a few firms and settled on Community Planning Strategies, they came with great recommendations outside and inside the County. Mr. Shockey stated the budget will not be affected because it is considered a reimbursed expense similar to legal counsel and engineers.

Councilor Jeremy Henn moved and Councilor Jennifer Hughes seconded the motion approving Resolution 1864, A Resolution Approving a General Services Contract with Community Planning Strategies. Motion carried: 7-0.

4.g. Resolution 1865, A Resolution of the Town Council of the Town of Winter Park Accepting a Petition for Annexation of a 4.16 Acre Parcel of Land Located in Unincorporated Grand County and Setting the Date of a Public Hearing on the Annexation

Community Development Director James Shockey stated we have received an executed copy of the petition for annexation for the property commonly referred to as the Roger's property. Mr. Shockey stated it is a 4.16-acre parcel on the corner of Main Street and Village Drive as you are going into Beaver Village Condominiums. Mr. Shockey stated this is the first step in the annexation process, once we receive the petition, we verify it is complete per state statute and bring this resolution forward to Council for the option to accept the petition which then kicks off legal notice requirements and impact reports Staff has to do. Mr. Shockey stated it will come back to Town Council for consideration of annexation and zoning, and the timeline is provided in packet.

Councilor Jeremy Henn moved and Councilor Art Ferrari second the motion approving Resolution 1865, A Resolution of the Town Council of the Town of Winter Park Accepting a Petition for Annexation of a 4.16 Acre Parcel of Land Located in Unincorporated Grand County and Setting the Date of a Public Hearing on the Annexation. Motion carried: 7-0.

4.h. Resolution 1866, A Resolution Awarding 2021 Pavement Maintenance Bids

Public Works Director Gerry Vernon stated he is seeking approval for this year's pavement maintenance program bids. Mr. Vernon stated we did things a little differently this year and collaborated with the Town of Fraser to double quantities to get more competitive bids and more bidders. Mr. Vernon stated the program will be concentrating at the Resort on Old Town Drive

and Winter Park Drive and then the upper Leland Creek area with Forest Trail and Elk Trail. Mr. Vernon stated the whole bid award is for \$646,405 dollars however the Town is only responsible for its portion, which is \$286,237.15 dollars. Mr. Vernon stated the whole bid amount must be awarded to Elite Surface Infrastructure to be tied to the contract.

Mayor Pro Tem Michael Periolat moved and Councilor Jennifer Hughes second the motion approving Resolution 1866, A Resolution Awarding 2021 Pavement Maintenance Bids. Motion carried: 7-0.

4.i. Ordinance 559, An Ordinance of the Town of Winter Park Amending Chapter 2 of Title 3 of the Winter Park Town Code to Implement the Voter Approved Regulated Marijuana Sales Tax, Repealing Chapter 6 of Title 3 Prohibiting Medical Marijuana Businesses, Repealing and Reenacting Chapter 7 of Title 3 Regarding Regulated Marijuana Businesses, repealing and Reenacting Sections 7-3-19 and 7-3-21 Regarding Medical and Retail Marijuana Establishments, and Repealing and Reenacting Sections 7-5B-2(B) and 7-5D-2(B) of the Winter Park Town Code to Allow for Regulated Marijuana Businesses in Specified Zone Districts by Special Use Permit, First Reading

Town Manager Keith Riesberg stated this ordinance pertains to marijuana regulations and was developed through several workshops with Town Council as well as input from multiple parties. Mr. Riesberg stated this ordinance will allow for the sale of medical and recreational marijuana as well as the delivery of medical marijuana. Mr. Riesberg stated a five percent tax on sales which was approved in 2020 by voters will be implemented by this ordinance, one half of that tax will be used for mental health initiatives and the remaining funds go into the general fund. Mr. Riesberg stated the ordinance allows for one license in Old Town and two licenses in the downtown area. Mr. Riesberg stated the ordinance has a provision which allows a store that is operating in unincorporated Grand County that is in compliance with state regulations could be annexed to Town and allows the business to continue operating. Mr. Riesberg stated marijuana stores must be 500 feet apart and the ordinance spells out the process for applying. Mr. Riesberg stated if ordinance moves forward the fees for applying and operating will be established by a separate resolution at another meeting.

Councilor Mike Davlin moved and Councilor Rebecca Kaufman seconded the motion approving Ordinance 559, An Ordinance of the Town of Winter Park Amending Chapter 2 of Title 3 of the Winter Park Town Code to Implement the Voter Approved Regulated Marijuana Sales Tax, Repealing Chapter 6 of Title 3 Prohibiting Medical Marijuana Businesses, Repealing and Reenacting Chapter 7 of Title 3 Regarding Regulated Marijuana Businesses, repealing and Reenacting Sections 7-3-19 and 7-3-21 Regarding Medical and Retail Marijuana Establishments, and Repealing and Reenacting Sections 7-5B-2(B) and 7-5D-2(B) of the Winter Park Town Code to Allow for Regulated Marijuana Businesses in Specified Zone Districts by Special Use Permit, First Reading. Motion carried by the following vote:

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

4.j. Resolution 1867, A Resolution Accepting the Proposal and Approving a Contract with Big Valley Construction LLC

Assistant Town Manager Alisha Janes stated this resolution will award the bid for the construction of horizontal infrastructure for the next 20 lots of Hideaway Junction phase II, this project does include a grant award for \$250,000 dollars from DOLA (Department of Local Affairs). Ms. Janes

stated we published the bid in early April and closed the bid in early May and received three bids. Ms. Janes stated the lowest responsive bidder was Big Valley Construction for 1,117,753 dollars and Staff recommends awarding them the bid. Ms. Janes stated we used a unit price bid and they have included an alternate bid price for an asphalt tee patch that was included in the original unit bid price, so that is how we arrive at the final price for their contract.

Councilor Rebecca Kaufman moved and Mayor Pro Tem Michael Periolat seconded the motion approving Resolution 1867, A Resolution Accepting the Proposal and Approving a Contract with Big Valley Construction LLC. Motion carried: 7-0.

5. Town Manager's Report

5.a. CML Voting Designation

Town Manager Keith Riesberg stated CML's (Colorado Municipal League) annual business meeting is coming up and each Town needs a voting delegate, so if Council would like to attend, they can be designated or else he will be the designee. Council agreed Mr. Riesberg should be the voting delegate.

Mr. Riesberg stated the Board of Adjustments did approve the parking variance to allow the Fireside Creek project to move forward. Mr. Riesberg stated his thanks to Staff and the members of the community that came forward to speak.

Mr. Riesberg stated Staff did receive notice from FTA (Federal Transit Authority) that they have approved the cultural and historical survey for the future transit maintenance facility site, and stated his thanks to Town Engineers, JVA.

Mr. Riesberg stated a reminder to Council that Community Clean-up Day is tomorrow.

Councilor Mike Davlin asked about the water on the transit maintenance facility site. Mr. Riesberg stated Staff is working through that.

6. Mayor's Report

Mayor Kutumbos stated the County Commissioners talked about CDOT (Colorado Department of Transportation) at the TPR (Transportation Planning Region) meeting and asked if that is that the best solution for Hwy 40 potholes. Town Manager Keith Riesberg stated he will reach out to our contacts at CDOT and figure out when they plan to mill and overlay Hwy 40. Mr. Riesberg stated the topic of potholes being discussed at a TPR meeting with elected officials will carry more clout than Staff talking to CDOT. Council further discussed potholes and possible solutions.

7. Town Council Items for Discussion

Councilor Mike Davlin stated the Chamber Board got a request for a marijuana sponsor for jazz festival, a majority of the Chamber Board were ok with the request. Council stated they have no opposition to a marijuana sponsor.

Councilor Jennifer Hughes stated twenty volunteers attended the first ambassador program meeting, and Vasquez Road was quiet this past weekend so the signage is working.

Mayor Pro Tem Michael Periolat stated his thanks to Staff for a nice Council Retreat.

Councilor Rebecca Kaufman asked about the flower beds. Town Manager Keith Riesberg stated the Town is not paving any flower beds, and Public Works Staff will give an update on their plans for the flower beds at the June 15 Council Workshop. Mayor Pro Tem Michael Periolat asked if

volunteers could help? Mr. Reisberg stated it has become a safety concern to have workers out on Hwy 40, so no to volunteers. Public Works Director Gerry Vernon stated we have ordered the same number of flowers as last year and we are not wasting perennials, they are being moved and used in other areas. Mr. Vernon stated some areas will be mulched so that we can focus on the intersections. Mr. Vernon stated this will be a multi-year experience to figure out what works. Mayor Nick Kutrumbos asked Mr. Vernon how the new facility is working out. Mr. Vernon stated it is great, Saunders Construction has come back to clean up the remaining construction mess and the rock work will finish next week. Mr. Vernon stated many wetland plants will be planted as well.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 6:29 p.m.

The next scheduled meeting of the Town Council will be Tuesday, June 15, 2021, at 5:30 p.m.

Danielle Jardee, Town Clerk



TOWN OF WINTER PARK
TOWN COUNCIL
June 15, 2021

SPECIAL EVENT PERMITS –PUBLIC HEARING

Applicants: 1. Chamber of Commerce, 2. Cooper Creek Square Merchants Association, 3. Winter Park Alpine ArtAffair Inc., 4. Rattler Racing

Staff Contact: Dani Jardee, Town Clerk

Event Description: 1. Chamber of Commerce events include Fitness in the Park; free fitness class in Hideaway Park every Sunday from 9 a.m. to 10 a.m. July – August. High Note Thursdays; free live music in Hideaway Park on Thursdays from 6 p.m. – 8 p.m. July – August. Rendezvous Run for Independence, 5k run/walk on Fourth of July. Fourth of July Celebration with live music at Rendezvous Event Center on July 4. Annual Jazz Festival at Rendezvous Event Center at Hideaway Park all day on July 17 & 18. Buck Moon Run on July 23 which is a run/walk event on the trail system. Winter Park Uncorked Wine Festival at Park on July 31 from 2 p.m. – 6 p.m. Solshine Music Festival at Rendezvous Event Center at Hideaway Park on September 4 from 5 p.m. – 10 p.m. 2. Cooper Creek Square events include live music and sidewalk sales on Friday and Saturday evenings starting June 25 and go through Labor Day. 3. Annual Alpine Art Affair will take place at Rendezvous Event Center all day on July 10 & 11, it is a fine arts and fine crafts fair. 4. G3 Stage Race is mountain bike event in Hideaway Park on June 19 from noon to 4 p.m.

Staff Comments: The Special Event Permits applications were received, reviewed, and approved by Town staff. Notification of the Public Hearings on the permits was published in the Sky Hi News on May 19 and June 2 and in the Middle Park Times on May 20 and June 3. No comments have been received.

Attachments: Applications, Operations Plans, Diagrams, Certificates of Good Standing

Staff Recommendation

Staff recommends the Town Council grant the Special Events Permits.



Special Event Permit Application

Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.



Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236, Winter Park CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email:

Type of Special Event (i.e. fundraiser, concert): Concert

Address of Special Event: Rendezvous Events Center @ Hideaway Park

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:

July: 1, 8, 15, 22, 29, August: 5, 12, 19, 26, 2021 ; 6-8 pm.

Explain the nature of your organization, its function, and who/what benefits from its operations:

Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event?

N/A, free event

Number of expected attendees: 1,500

Describe the premises where the event will take place:

Free live music at the Rendezvous Events Center at Hideaway Park

What type of security will be provided? Winter Park & Fraser Chamber staff / Fraser Winter Park Police

Number of security personnel: N/A How will they be identified? Police Officers in uniform

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

natural outline of Hideaway Park, no alcohol served

What type of entertainment will be provided at the event?

Live Music on stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

N/A

How will the conduct of attendees be monitored and by whom?

by Chamber staff, Fraser/Winter Park Police

What type of beverages and food or snacks will be available?

N/A

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

online, collateral, posters, newspaper, social, mailing, etc

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

Mary Wilson

April 28, 2021

Applicant's Signature

Date

Applicant's Email Address

P.O. Box 3236, Winter Park CO 80482

Applicant's Mailing Address

78841 US-40, Winter Park, CO 80482

Applicant's Physical Address

970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____

Witness my head and official seal:

Notary Public

My commission expires

Winter Park

Special Event Operations Plan

High-Note Thursdays

July: 1, 8, 15, 22, 29, August: 5,12,19, 26; 6-8 pm.

Event Synopsis

The Winter Park & Fraser Chamber is hosting several Thursday evenings of free live music at the Rendezvous Events Center at Hideaway Park, downtown Winter Park! The events will be from 6-8pm each night and can expect to draw 1500 people.

No alcohol will be sold so open containers are allowed.

It is expected that there will be pedestrians for a brief time in the area as they should be heading back to return to their cars following the conclusion of the event at 8pm. It is not expected that people will congregate long after the event due to darkness and having other plans for the evening. Traffic control is not necessary for this crowd.

Event Coordination

WP Chamber Event Staff will be onsite as well as the CP and Parks Manager. Fraser / Winter Park PD will provide security, and protection of attendees. Winter Park PW will have two staff on duty and will assist as needed.

Chamber schedule is as follows

Task	Date	Details
Chair piles	Prior to event	PW staff to set up piles of chairs for participants to use
Adams Camp TBD	Late Afternoon	PW staff to set aside a "special" location with barricades and separate set up chairs for approx. 50 people when needed
PW staff to monitor and clean up trash / recycles	Throughout event	

Sound check will start at approximately 4pm with announcements starting at 6pm followed by live music until 8pm.

Weather Forecast

Going to be beautiful everyday I'm sure ;) (report to follow 1 week prior to event) Event is rain or shine.

Traffic Control Plan

It is expected to have pedestrian and vehicle traffic in the downtown area the evening of the event for parking prior to the event and after the event. Parking will be spread over a large area with pedestrians

returning to their vehicles following the conclusion of the event. Please expect traffic slowdowns, pedestrians jaywalking, and other traffic issues for a brief interval following the event. Traffic should not be an issue to control.

Traffic Control Devices

Speed limit on Hwy 40 will remain 35 mph for the event
Rendezvous Way will remain open

Post event

The Lift Transit System will utilize existing on duty busses to provide service from Hideaway Park. PW staff to clean event.

Other

Restroom facilities/Trash cans check before, during, and after event – PW staff on duty

Scheduled personnel

Megan Moore - Chamber

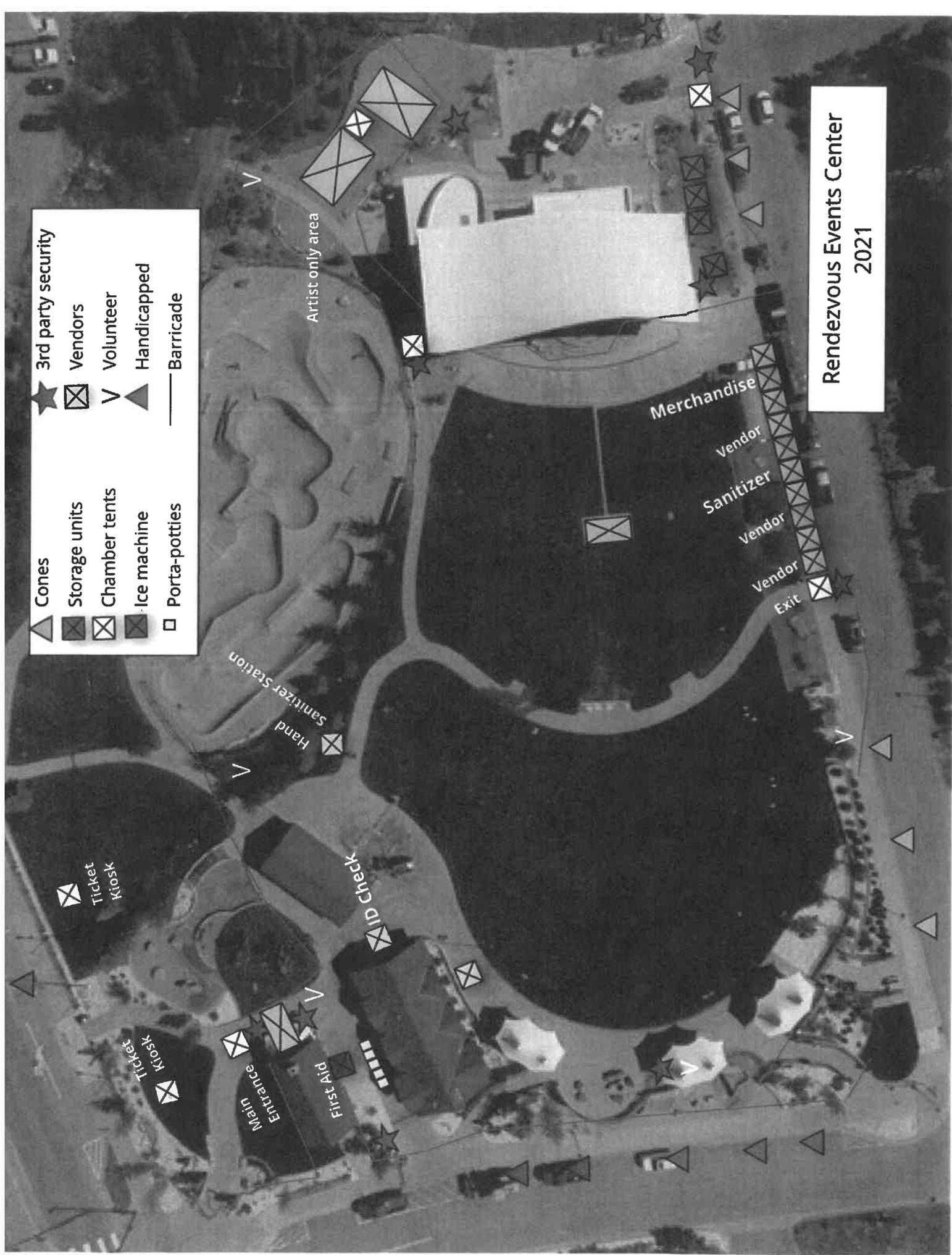
Catherine Ross - Chamber

tbd– PD on duty supervisor

Gerry Vernon – CP/Parks

Brendan McGrath- PW

- ▲ Cones
- Storage units
- ⊠ Chamber tents
- Ice machine
- Porta-potties
- ★ 3rd party security
- ⊠ Vendors
- ∨ Volunteer
- ▲ Handicapped
- Barricade



Rendezvous Events Center
2021

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF TRADE NAME

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, a Statement of Trade Name for:

WINTER PARK & FRASER CHAMBER

(Entity ID # 20131238263)

was filed in this office on 04/18/2013 with an effective date of 04/18/2013 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/02/2021 that have been posted, and by documents delivered to this office electronically through 04/05/2021 @ 11:39:07 .

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 04/05/2021 @ 11:39:07 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."



Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236 Winter Park, CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email:

Type of Special Event (i.e. fundraiser, concert): Activity @ Rendezvous Event Center

Address of Special Event: Rendezvous Event Center @ Hideaway Park / (Possibly 3 taking place at Wolf Park)

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:
(July: 4, 11, 18, 25 August: 1, 8, 15, 22, 29, 2021)
June 27

Explain the nature of your organization, its function, and who/what benefits from its operations:
Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event?
N/A Free community event

Number of expected attendees: 20-50 each day

Describe the premises where the event will take place:
natural outline of Hideaway Park, no alcohol served, no tickets sold

What type of security will be provided? N/A

Number of security personnel: N/A How will they be identified? N/A

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?
natural outline of Hideaway Park, no alcohol served, no tickets sold

What type of entertainment will be provided at the event?
Community Yoga instructor to teach a fitness class on stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

N/A

How will the conduct of attendees be monitored and by whom?

Chamber Staff, fitness instructor

What type of beverages and food or snacks will be available?

N/A

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

Online, social media, e-blast, posters, etc.

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

April 28, 2021

Applicant's Signature

Date

Applicant's Email Address

P.O. Box 3236 Winter Park, CO 80482

Applicant's Mailing Address

78841 US-40, Winter Park, CO 80482

Applicant's Physical Address

970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20__

Witness my head and official seal:

Notary Public

My commission expires

Winter Park

Special Event Operations Plan

(June 27, July: 4, 11, 18, 25 August: 1, 8, 15, 22, 29)

Fitness in the Park

Event Synopsis

The Winter Park & Fraser Chamber is hosting several Fitness in the Park free activities on Sunday mornings at the Rendezvous Events Center at Hideaway Park, downtown Winter Park! The event is expected to draw 20-40 people to the park each Sunday. The events will be from 9-10am each Sunday morning on the stage. Wolf Park to potentially host this event at their location on July 11 and July 18.

It is expected that there will be pedestrians for a brief time in the area as they should be heading out to return to their cars following the conclusion of the event at 10am. It is not expected that people will cause any traffic control issues with the small number of participants. Traffic control is not necessary for this crowd.

Event Coordination

WP Chamber Event Staff will be onsite for the start of the event to gather signed waiver forms and to hand out mats provided by the Chamber and at the end of the event to gather all materials. Winter Park PW will follow up the event to gather any trash necessary but not expected to see much impact.

Schedule is as follows

Task	Date	Details
PW Staff to make sure entire park is cleaned from the event on Sat	Saturday evenings	Park must be presentable for Sunday morning event
Info Staff	Sun am	Staff to bring out yoga mats, waiver forms, small sound system
Fitness members	Sun 9am-10am	Fitness instructors to teach class on the stage using microphone
Info Staff	10am	Pick up mats, sound system

Weather Forecast

Going to be beautiful everyday I'm sure ;) (report to follow 1 week prior to event)

Traffic Control Plan

Traffic Control Devices

Speed limit on Hwy 40 will remain 35 mph for the event
Rendezvous Way will remain open

Post event

PW staff to clean event which should not have a big impact. Chamber staff to pick up mats, and sound system.

Other

Restroom facilities/Trash cans check before and after event – PW staff on duty

Scheduled personnel

Chamber Team Member TBD



Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant:

Mailing Address of Applicant:

Contact Name: Contact Number:

Contact Email:

Type of Special Event (i.e. fundraiser, concert):

Address of Special Event:

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:

Explain the nature of your organization, its function, and who/what benefits from its operations:

Who or what organization will be the recipient of the funds derived from this event?

Number of expected attendees:

Describe the premises where the event will take place:

What type of security will be provided?

Number of security personnel: How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

What type of entertainment will be provided at the event?

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

N/A

How will the conduct of attendees be monitored and by whom?

Chamber Staff

What type of beverages and food or snacks will be available?

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

Online, social media, e-blast, posters, etc.

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



April 28, 2021

Applicant's Signature

Date

Applicant's Email Address
P.O. Box 3236 Winter Park, CO 80482

Applicant's Mailing Address
78841 US-40, Winter Park, CO 80482

Applicant's Physical Address
970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this ____ day of _____ 20__

Witness my head and official seal:

Notary Public

My commission expires

Winter Park

Special Event Operations Plan

Rendezvous Run for Independence

7/4/2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting a 5-mile run / walk that starts at Winter Park Resort and ends at Rendezvous Event Center. The course stays on the trail that runs down the North side of the sidewalk through Winter Park and does not cross over Highway 40. The event is expected to draw 500 to 700 people.

No alcohol will be sold, and it will not be allowed.

“Holiday” vehicle and pedestrian traffic is expected during the entire week. Volunteers with orange vests will be in key locations along Highway 40 to watch for participant traffic during the race.

Chamber staff to work with Rendezvous and Winter Park Resort staff in regard to the Trail. Chamber will not need assistance from Town of Winter Park Staff for this event.

Event Coordination

WP Chamber Event Staff will be onsite. Since participants are not crossing the road, PD is not necessary.

Chamber schedule is as follows

Task	Date	Details
Registration prior to event day	7/2/21& 7/3/21	Packet Pick up in Visitor Center prior to event
Set course with non-permanent markings	Friday or Saturday	Chamber staff will be on WP-Fraser trail with golf cart setting course with signs and marking tape
Day of registration	Sunday, July 4, 2021	7am-8:30am at WPR Vintage Resort
Race start	Sunday, July 4, 2021	Start at Vintage Hotel at WPR (9am)
Course sweep	Sunday, July 4, 2021	A volunteer will sweep up all markings and signs to leave no mess
Race finish	Sunday, July 4, 2021	Race should be finished and packed up by 1:30pm

Weather Forecast

Going to be a beautiful day I'm sure ;) (report to follow 1 week prior to event)



Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236 Winter Park, CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email:

Type of Special Event (i.e. fundraiser, concert): Concert

Address of Special Event: Rendezvous Event Center @ Hideaway Park

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:
July 4, 2021

Explain the nature of your organization, its function, and who/what benefits from its operations:
Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event?
Winter Park & Fraser Chamber

Number of expected attendees: 2500 - COVID regulation permitting

Describe the premises where the event will take place:
Live music at Rendezvous Events Center

What type of security will be provided? staff, local PD, and third party security

Number of security personnel: TBD How will they be identified? Uniforms

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?
Barricades will be placed to help control no dogs rule and crowd at Rendezvous Events Center, liquor permit

What type of entertainment will be provided at the event?
Live music on stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

Wristbands if alcohol is served

How will the conduct of attendees be monitored and by whom?

by Chamber staff, Fraser/Winter Park Police

What type of beverages and food or snacks will be available?

TBD

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

online, collateral, posters, newspaper, social, mailing, etc

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


Applicant's Signature

April 28, 2021
Date

mmoore@playwinterpark.com
Applicant's Email Address

P.O. Box 3236 Winter Park, CO 80482
Applicant's Mailing Address

78841 US-40, Winter Park, CO 80482
Applicant's Physical Address

970-531-9748
Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____
Witness my head and official seal:

Notary Public

My commission expires

Winter Park
Special Event Operations Plan
4th of July Celebration
7/4/2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting an evening of free family fun with, live music by Buckstein to celebrate Independence Day on July 4, 2019 at the Rendezvous Events Center @ Hideaway Park, downtown Winter Park! The event is expected to draw 3000 people into the park with more viewers spread out in the Town of Winter Park for a total of approx. 10,000 people.

No alcohol will be sold so open containers are allowed.

“Holiday” vehicle and pedestrian traffic is expected during the entire week. It is also expected that there will be large numbers of pedestrians for a brief time in the area as they should be heading south and west to return to their cars following the conclusion of the event. It is not expected that people will congregate long after the event due to darkness and having other plans for the evening.

Event Coordination

WP Chamber Event Staff will be onsite as well as the CP and Parks Manager. Winter Park PD will provide security, primary traffic control, and protection of attendees. Winter Park PW and will coordinate turning out the lights prior to display and to assist as needed.

Chamber schedule is as follows

Task	Date	Details
Stage / Sound / Band load in	Sunday, July 4 2021	11am
EMS parking locations set	Sunday, July 4 2021	EMS on site with tent by pavilion, parking locations along Rendezvous Way by Visitor Center (signs / cones to be set in AM
Rendezvous Way to be blocked for traffic accept “local traffic”	Sunday, July 4 2021	PW staff to put up “road block” barricades at both ends of Rendezvous Way in early afternoon
Band starts	Thurs, July 4 2021	Band starts on stage at 6pm and plays until 9:30pmish or dark

Weather Forecast

Going to be a beautiful day I’m sure ;) It always rains for 30 minutes at 6pm then clears up...calling it now! (report to follow 1 week prior to event)

Traffic Control Plan

It is expected to have significant pedestrian and vehicle traffic in the downtown the evening of the event. Parking will be spread over a large area with pedestrians returning to their vehicles following the conclusion of the event. Please expect traffic slowdowns, pedestrians jaywalking, and other traffic issues for a brief interval following the event. Town of Winter Park staff to deliver to and from Highway 40 light plants to assist in traffic control.

Traffic Control Devices

Speed limit on Hwy 40 will be reduced to 25 mph for the event

Two variable sign message boards will be placed announcing event and heavy pedestrian traffic ahead.

Rendezvous Way will close for a brief period during fireworks

Post Event

PD/PW will utilize crosswalk buttons to facilitate safe pedestrian movements across Highway 40. Patrol cars will be strategically located at signalized intersection to assist with movements across Hwy 40. The Lift Transit System will utilize existing on duty buses to provide service from Hideaway Park. Staff to call dispatch for a larger than expected turnout that evening.

Other

Restroom facilities/Trash cans check before and after event – PW staff on duty

Scheduled personnel

Megan Moore - Chamber

Catherine Ross - Chamber

TBD – PD on duty supervisor

Brendan McGrath – CP/Park

Post event

PW staff to clean event which should not have a big impact. Chamber staff to pick up mats, and sound system.

Other

Restroom facilities/Trash cans check before and after event – PW staff on duty

Scheduled personnel

Chamber Team Member TBD



Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236 Winter Park, CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email:

Type of Special Event (i.e. fundraiser, concert): Concert/Festival

Address of Special Event: Rendezvous Event Center

Do you have written permission to use the premises? Yes No

Exact dates and times of the event: July 17-18, 2021

Explain the nature of your organization, its function, and who/what benefits from its operations: Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event? Winter Park & Fraser Chamber

Number of expected attendees: 2,500-3,000 depending on COVID regulations

Describe the premises where the event will take place: Live music at Hideaway Park

What type of security will be provided? staff, local PD, and third party security

Number of security personnel: TBD How will they be identified? Uniforms

If the event is being held outdoors, how will the exterior boundaries of the premises be marked? Barricades will be placed to help control ticket sales and alcohol permit

What type of entertainment will be provided at the event? Live music on stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

ID by TIPS trained volunteers then wristband

How will the conduct of attendees be monitored and by whom?

by Chamber staff, Fraser/Winter Park Police, security

What type of beverages and food or snacks will be available?

Alcohol, water, soda

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

online, rack cards, collateral, posters, newspaper, radio, social, mailing, front range, etc

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



Applicant's Signature

April 28, 2021

Date

Applicant's Email Address
P.O. Box 3236 Winter Park, CO 80482

Applicant's Mailing Address
78841 US-40, Winter Park, CO 80482

Applicant's Physical Address
970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____
Witness my head and official seal:

Notary Public

My commission expires

Winter Park

Special Event Operations Plan

Winter Park Jazz Festival

July 17-18, 2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting a two-day Jazz Festival event at the Rendezvous Events Center @ Hideaway Park, downtown Winter Park! Live music from 11am-6pm each day. VIP and General Admission Tickets available to purchase along with Express Tickets for special side entry during the event. The event is expected to draw 3,000 people (COVID-19 regulation permitting) into Hideaway Park, which will be a sellout crowd. Separate entrances that will be signed for VIP and GA will exist. The entire venue is closed during the weekend.

Rules & Regulations include not allowing “big” chairs with any kind of “awning”, “umbrella” or anything attached at the top. It also includes no dogs and small coolers only with no open containers or glass. Paid security will be at front entrance to check items, Chamber staff, PD, and paid security will enforce items in venue.

Heavy traffic and crowds expected throughout the day, Rendezvous Way will be closed except to local traffic, paid security to monitor access. Shuttle service will be available for participants before, during, and after event.

Paid security staff will monitor the participants before, during, and after the event. Bag checks will be set up at entrance of event.

Will need extra pedestrian traffic control along Rendezvous Way to prevent gathering along the road for safety precautions.

Event Coordination

WP Chamber Event Staff will be onsite as well as the CP and Parks Manager. Winter Park PD will provide security, primary traffic control, and protection of attendees. Paid security will also be onsite monitoring all entrances with a bag check at all three main entrances.

Chamber schedule is as follows

Task	Date	Details
Vendors set-up	Fri July 19 2019	1-6pm outside vendors will be setting up / Chamber staff
Set up venue / PW staff	Fri July 19 2019	PW Staff to set up all tents and other such requirements. Detailed map to be provided at least 2 weeks prior to event. Barricades, trash bins / recycle bins to be set along with barricades. Venue must be set by 4pm.
Vendors set-up	Sat, July 20 2019	6-8am all vendors will be set up by 8am

Doors open	Sat & Sun	9:30am gates open for Express Lane, 10am gates open for VIP & GA
Event starts	Sat & Sun	11am music starts
Event ends	Sat & Sun	6pm, clean up event

Weather Forecast

Going to be a beautiful day I'm sure ;) (report to follow 1 week prior to event)

Traffic Control Plan

It is expected to have significant pedestrian and vehicle traffic in the downtown area throughout the day until 6:30pm. Parking will be spread over a large area with pedestrians returning to their vehicles following the conclusion of the event. Please expect traffic slowdowns, pedestrians jaywalking, and other traffic issues for a brief interval following the event.

Traffic Control Devices

- Rendezvous Way will remain open to local traffic
- Speed limit on Hwy 40 will be reduced to 25 mph for the event

Other

Heavy intensive set up for this event, will set a schedule and assistance to PW staff to set up all tents, tables, and barricades. All chairs will be in VIP section for the weekend.

Scheduled personnel

- Megan Moore - Chamber
- Catherine Ross - Chamber
- TBD – PD on duty supervisor
- Brendan McGrath – CP/Parks

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)**

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input checked="" type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE State Sales Tax Number (Required)
Winter Park & Fraser Chamber

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) P.O. Box 3236, Winter Park CO 80482	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 78821 US Highway 40 / Hideaway Park, Winter Park CO
--	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Catherine Ross	---	78967 US Highway 40	970.283.3546
5. EVENT MANAGER Megan Moore	-	78967 US Highway 40	970.531.9748
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? 1		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
July 17, 2021	July 18, 2021			
Hours From 9 am .m. To 7 pm .m.	Hours From 9 am .m. To 7 pm .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE Marketing & Events Coordinator	DATE 04/28/2021
-----------	--	---------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

GA Section

VIP Section

800 chairs

Artist only area

Exit
Vendor
Vendor
Sanitizer
Vendor

Merchandise

First Aid

Main Entrance

Ticket Kiosk

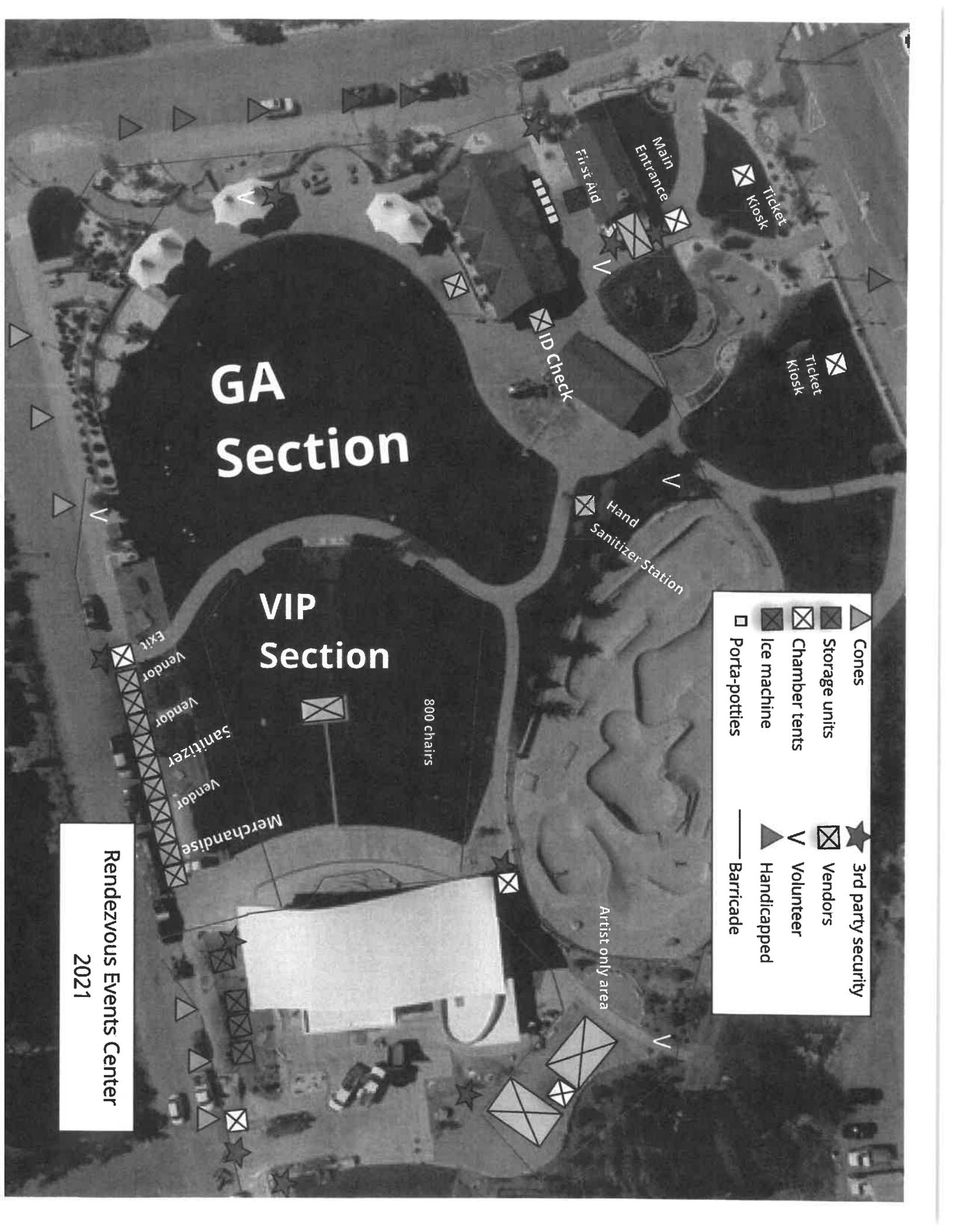
ID Check

Ticket Kiosk

Hand Sanitizer Station

▲	Cones	★	3rd party security
■	Storage units	⊠	Vendors
⊠	Chamber tents	∇	Volunteer
⊠	Ice machine	▲	Handicapped
□	Porta-potties	—	Barricade

Rendezvous Events Center
2021





Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236 Winter Park, CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email: m

Type of Special Event (i.e. fundraiser, concert): Run loop in Idlewild / Rendezvous Trail system ending at Rendezvous Center

Address of Special Event: Rendezvous Event Center

Do you have written permission to use the premises? Yes No

Exact dates and times of the event: July 23, 2021

Explain the nature of your organization, its function, and who/what benefits from its operations: Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event? Winter Park & Fraser Chamber

Number of expected attendees: 300-500

Describe the premises where the event will take place: Run/Walk loop in Idlewild / Rendezvous Trail system ending at Rendezvous Event Center

What type of security will be provided? N/A staff will be on site

Number of security personnel: N/A How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked? Non permanent course markings along event course

What type of entertainment will be provided at the event? Music at Rendezvous Event Center

Winter Park
Special Event Operations Plan
Buck Moon Run
7/23/2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting a 5K run / walk that starts at Rendezvous Event Center and loops through the Idlewild Trail system ends at Rendezvous Event Center. The event is expected to draw 500 to 700 people.

No alcohol will be sold, and it will not be allowed.

Chamber staff to work with Rendezvous and Town of Winter Park staff in regard to the Trail.

Event Coordination

WP Chamber Event Staff will be onsite. Since participants are not crossing the road, PD is not necessary.

Chamber schedule is as follows

Task	Date	Details
Registration prior to event day	7/21/21& 7/22/21	Packet Pick up in Visitor Center prior to event
Set course with non-permanent markings	Wednesday & Thursday 7/21/21& 7/22/21	Chamber staff will be on trail setting course with signs and marking tape
Day of registration	Friday, July 23, 2021	9:00 am-3 pm at Info Center
Race start	Friday, July 23, 2021	Start at Rendezvous Event Center @ 8:30 pm* tentative
Course sweep	Friday, July 23, 2021	A volunteer will sweep up all markings and signs to leave no mess
Race finish	Friday, July 23, 2021	Race should be finished by 10:30 pm* tentative

Weather Forecast

Going to be a beautiful day I'm sure ;) (report to follow 1 week prior to event)

Traffic Control Plan

Traffic Control Devices

Speed limit on Hwy 40 will remain 40 mph for the event
Rendezvous Way and all side roads will remain open

Scheduled personnel

Catherine Ross - Chamber

Megan Moore - Chamber

Brendan McGrath – CP/Parks



Special Event Permit Application

Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.



Name of Applicant:

Mailing Address of Applicant:

Contact Name: Contact Number:

Contact Email:

Type of Special Event (i.e. fundraiser, concert):

Address of Special Event:

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:

Explain the nature of your organization, its function, and who/what benefits from its operations:

Who or what organization will be the recipient of the funds derived from this event?

Number of expected attendees:

Describe the premises where the event will take place:

What type of security will be provided?

Number of security personnel: How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

What type of entertainment will be provided at the event?

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

TIPS Certified volunteers

How will the conduct of attendees be monitored and by whom?

by staff, Fraser/Winter Park Police, security

What type of beverages and food or snacks will be available?

Wine, full bar, sodas, water

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

online, rack cards, collateral, posters, newspaper, radio, social, etc

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



Applicant's Signature

April 28, 2021

Date

Applicant's Email Address

P.O. Box 3236, Winter Park CO 80482

Applicant's Mailing Address

78841 US-40, Winter Park, CO 80482

Applicant's Physical Address

970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____

Witness my head and official seal:

Notary Public

My commission expires

Winter Park
Special Event Operations Plan
Winter Park Uncorked
7/31/2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting an afternoon of Wine tasting at Rendezvous Events Center, downtown Winter Park! Live music, wine tastings, food sample tickets, and a bar will all be available at the event. The event is expected to draw 750 to 1000 people into Rendezvous Events Center. The event is from 2-6pm with a VIP section from 2-5pm only. VIP and General Admission tickets will be available along with entrance tickets for those who do not wish to participate in the wine tasting. Kids 12 and under are free with a paying adult. Live music on stage from 2-6pm.

Early admission for pre-purchased tickets will be available for GA and VIP tickets starting at 1:45pm.

A separate bar will be available for purchase of items. Only wine ticket holders will be able to taste wine and will be identified by wristbands with an ID check located at entrance by TIPS trained staff. Food tickets available for all participants to purchase in the venue or online.

It is expected that there will be pedestrians for a brief time in the area as they should be heading south and west to return to their cars following the conclusion of the event. It is not expected that people will congregate long after the event. Shuttle service will be available for participants before, during, and after event.

Paid security staff will monitor the participants before, during, and after the event. Bag checks will be set up at entrance of event.

Event Coordination

WP Chamber Event Staff will be onsite as well as the CP and Parks Manager. Winter Park PD will provide security, primary traffic control, and protection of attendees. Paid security will also be onsite monitoring all entrances with a bag check at main entrance.

Chamber schedule is as follows

Task	Date	Details
Vendors set-up	Fri July 30 2021	4-6pm outside vendors will be setting up Chamber staff
Set up venue / PW staff	Fri July 30 2021	PW Staff to set up all tents & tables in venue with assistance of Chamber staff, map to be provided at least 2 weeks prior to event. Barricades, trash bins / recycle bins to be set along with barricades
Box Office opens	Sat, July 31 2021	Chamber staff along with volunteers will be selling tickets outside in pavilion, venue must be closed and set by 10am.

Vendors set-up	Sat, July 31 2021	9-10:30am all wine /food/ outside vendors will set up
Volunteers	Sat, July 31 2021	12:30pm volunteers show up / Grand Foundation
Doors open	Sat, July 31, 2021	1:45pm
Event starts	Sat, July 31, 2021	2pm
Live Music on stage	Sat, July 31, 2021	2pm-6pm
Event ends	Sat, July 31, 2021	6pm, clean up event

Weather Forecast

Going to be a beautiful day I'm sure ;) (report to follow 1 week prior to event)

Traffic Control Plan

It is expected to have significant pedestrian and vehicle traffic in the downtown the evening of the event. Parking will be spread over a large area with pedestrians returning to their vehicles following the conclusion of the event. Please expect traffic slowdowns, pedestrians jaywalking, and other traffic issues for a brief interval following the event.

Traffic Control Devices

Rendezvous Way will remain open to local traffic

Other

Heavy intensive set up for this event, will set a schedule and assistance to PW staff to set up all tents, tables, and barricades. Chairs will be set aside in piles for participants to use like High-Note Thursdays with 250 already set up in front.

Scheduled personnel

Megan Moore - Chamber

Catherine Ross - Chamber

TBD – PD on duty supervisor

Gerry Vernon – CP/Parks

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input checked="" type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Winter Park & Fraser Chamber	State Sales Tax Number (Required) ε
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) P.O. Box 3236, Winter Park CO 80482	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 78821 US Highway 40 / Hideaway Park, Winter Park CO
--	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE Catherine Ross		78967 US Highway 40	970.283.3546
5. EVENT MANAGER Megan Moore		78967 US Highway 40	970.531.9748
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____		

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
July 31, 2021				
Hours From 1 pm .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 7 pm .m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE Marketing & Event Coordinator	DATE 4/28/2021
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
			-750 (999) \$



Special Event Permit Application



Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.

Name of Applicant: Megan Moore / Winter Park & Fraser Chamber

Mailing Address of Applicant: P.O. Box 3236 Winter Park, CO 80482

Contact Name: Megan Moore Contact Number: 970.726.4118

Contact Email: r

Type of Special Event (i.e. fundraiser, concert): Concert

Address of Special Event: Rendezvous Event Center @ Hideaway Park

Do you have written permission to use the premises? Yes No

Exact dates and times of the event: September 4, 2021

Explain the nature of your organization, its function, and who/what benefits from its operations: Winter Park & Fraser Chamber

Who or what organization will be the recipient of the funds derived from this event? Winter Park & Fraser Chamber

Number of expected attendees: 2500 - COVID regulation permitting

Describe the premises where the event will take place: Live music at Rendezvous Events Center

What type of security will be provided? staff, local PD, and third party security

Number of security personnel: TBD How will they be identified? Uniforms

If the event is being held outdoors, how will the exterior boundaries of the premises be marked? Barricades will be placed to help control no dogs rule and crowd at Rendezvous Events Center, liquor permit

What type of entertainment will be provided at the event? Live music on stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

Wristbands if alcohol is served

How will the conduct of attendees be monitored and by whom?

by Chamber staff, Fraser/Winter Park Police

What type of beverages and food or snacks will be available?

TBD

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

online, collateral, posters, newspaper, social, mailing, etc

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



Applicant's Signature

April 28, 2021

Date

Applicant's Email Address

P.O. Box 3236 Winter Park, CO 80482

Applicant's Mailing Address

78841 US-40, Winter Park, CO 80482

Applicant's Physical Address

970-531-9748

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____

Witness my head and official seal:

Notary Public

My commission expires

Winter Park
Special Event Operations Plan
SolShine Music Festival
9/4/2021

Event Synopsis

The Winter Park & Fraser Chamber is hosting an evening of live music from 5-10pm on September 4, 2021 at the Rendezvous Events Center, downtown Winter Park! The event is expected to draw 1500 to 2500 people into Hideaway Park. GA tickets available.

No dogs will be allowed in the venue, security to check bags and service dogs at front gate. Barricades to be set up to control liquor sales for this event with third party security to control bag check. The skate park will continue to be open during this show.

It is expected that there will be large numbers of pedestrians for a brief time in the area as they should be heading back to return to their cars following the conclusion of the event. It is not expected that people will congregate long after the event due to having other plans for the evening. After event music will be at restaurants and bars in town that evening.

Event Coordination

WP Chamber Event Staff will be onsite as well as the CP and Parks Manager. Winter Park PD will provide security, primary traffic control, and protection of attendees. Extra third-party security will be hired to patrol the stage area.

Chamber schedule is as follows

Task	Date	Details
Venue set-up	Friday, September 3	Includes barricades, tents, chair piles, garbage, recycle, no dog signs,
Vendors	Friday & Saturday	2-6pm Fri vendors are setting up and Sat from 6-11am
Stage / Sound / Band load in	Saturday, September 4	Stay tuned for exact details the week leading up to the event
EMS parking locations set	Saturday, September 4	EMS on site with tent by pavilion, parking locations along Rendezvous Way by Visitor Center (signs / cones to be set in AM
Rendezvous Way to be blocked for traffic accept "local traffic"	Saturday September 4	PW staff to put up "road block" barricades at both ends of Rendezvous Way in early afternoon
Band starts	Saturday September 4	First Band starts on stage at 5pm and last plays until 10pm

Music will start at 5pm and will conclude at 10pm.

Weather Forecast

Going to be a beautiful day I'm sure ;) (report to follow 1 week prior to event)

Traffic Control Plan

It is expected to have significant pedestrian and vehicle traffic in the downtown the evening of the event. Parking will be spread over a large area with pedestrians returning to their vehicles following the conclusion of the event. Please expect traffic slowdowns, pedestrians jaywalking, and other traffic issues for a brief interval following the event.

Traffic Control Devices

Rendezvous Way will remain closed except local traffic, event personnel, and guests staying on Rendezvous Way

The Lift Transit System will utilize existing on duty busses to provide service from the Rendezvous Event Center. Staff to call dispatch for a larger than expected turnout that evening.

Other

Restroom facilities/Trash cans check before, during, and after event – PW staff on duty

Scheduled personnel

Megan Moore - Chamber

Catherine Ross - Chamber

– PD on duty supervisor

Gerry Vernon – CP/Park

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input checked="" type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Winter Park & Fraser Chamber	State Sales Tax Number (Required) 0000
---	---

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) P.O. Box 3236, Winter Park CO 80482	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 78821 US Highway 40 / Hideaway Park, Winter Park CO
--	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Catherine Ross		78967 US Highway 40	970.283.3546
5. EVENT MANAGER Megan Moore		78967 US Highway 40	970.531.9748
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
September 4 From 3 pm .m. To 11 pm .m.				

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE Marketing & Events Coordinator	DATE 04/28/2021
-----------	--	---------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.



Special Event Permit Application

Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.



Name of Applicant:

Mailing Address of Applicant:

Contact Name: Contact Number:

Contact Email:

Type of Special Event (i.e. fundraiser, concert):

Address of Special Event:

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:

Explain the nature of your organization, its function, and who/what benefits from its operations:

Who or what organization will be the recipient of the funds derived from this event?

Number of expected attendees:

Describe the premises where the event will take place:

What type of security will be provided?

Number of security personnel: How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

What type of entertainment will be provided at the event?

How will attendees be checked for proper age (i.e. at the door, at the bar)?

How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

No alcoholic beverages will be sold.

How will the conduct of attendees be monitored and by whom?

The staff will monitor the conduct of attendees at any given event.

What type of beverages and food or snacks will be available?

N/A

Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

Newspaper advertising, On-site signage, Online calendars, social media, fliers around town, and email blasts.

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

Applicant's Signature

Date

Applicant's Email Address

PO Box 85, Winter Park, CO 80482

Applicant's Mailing Address

47 Cooper Creek Way, Winter Park

Applicant's Physical Address

720-244-2104

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____

Witness my hand and official seal:

Notary Public

My commission expires

COOPER CREEK SQUARE - 2021 SUMMER EVENTS

Fridays, June 25 -Sept. 3 / Music on the Square, 6 pm-8 pm

Enjoy live music by the fountain with national recording artists, local musicians, and some of Colorado's best talent. Grab take out or a beverage at any of the restaurants at Cooper Creek and enjoy while you listen.

June 25	Andy Straus
July 2	Gary Key & Sam Osbourne
July 9	Johnny O Band
July 16	Ali & Beth
July 23	Buffalo Commons
July 30	You Knew Me When
Aug. 6	Strange Byrds
Aug. 13	Cowboy Dave
Aug. 20	Moors & McCumber
Aug. 27	Tight Like That
Sept. 3	Blood Sugar

Saturday Live Music

July 3	7-9pm	Joe R and the Icebox Sound
July 10	7-9pm	TBD
July 17	7-9pm	The Big Time Quartet Jazz Fusion
July 24	2-4pm	Cowboy Brad & Mark Rashid
July 31	7-9pm	Moffat Tunnel Band
Aug. 7	7-9pm	Eileen Jewell
Aug. 14	7-9pm	Blues Band (finalizing with Blues Society)
Aug. 21	2-4pm	Paul & Ieva Cataldo
Aug. 28	7-9pm	Andrew Duhon Trio

Saturday - Sunday, Sept. 4-5 /Labor Day Sidewalk Sales

Sunday, Sept. 5, Live Music 4pm-7pm

Glen T and the Soundsations

Revised May 7, 2021

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,

COOPER CREEK SQUARE MERCHANTS ASSOCIATION

is a

Nonprofit Corporation

formed or registered on 05/22/2003 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 20031166618 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/10/2021 that have been posted, and by documents delivered to this office electronically through 05/11/2021 @ 13:36:50 .

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 05/11/2021 @ 13:36:50 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."

Cooper Creek
Square
Events
Summer

Funkin's
Bar

Transit
Center

Big Trout

stage
LIVE MUSIC

Fountain

courtyard

Cooper Creek Library

Lower
Cooper Creek Square



SPECIAL EVENT PERMIT APPLICATION PACKET

Application Checklist

- Completed Town of Winter Park Special Event Permit Application
- Completed Form DR 8439 (only if planning to serve alcohol)
- Applicable Fees*
 - \$150 Local Special Event Permitting Fee
 - \$100 Local Liquor Permitting Fee

Please note State fees are not applicable as of August 1, 2011

*If this event is on behalf of a non-profit organization and applicant is requesting a waiver of the \$150 local permitting fee, please check the box to the left.

Property Possession Checklist

- Evidence of Permission to Use Premises
- Site Plan/Floor Diagram – 8 ½" x 11", identify all entrances and exits, seating arrangements, bar location, dimensions of area to be licensed (if planning to serve alcohol). If applicable, include plans for security, sanitation, waste removal, parking and accessibility.

Applicant Checklist

- Contact Information
- Current Certificate of Good Standing from the Secretary of State (if incorporated)
- Non-profit Charter or Proof of Non-profit Status (If requesting waiver of fees)
- Reports and Statements filed with the Secretary of State (if a political group)

Town of Winter Park – Town Clerk
50 Vasquez Road/PO Box 3327
Winter Park, CO 80482
970.726.8081
www.wpgov.com



Special Event Permit Application

Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.



Name of Applicant: Winter Park Alpine ArtAffair, Inc.

Mailing Address of Applicant: PO Box 3325, Winter Park, CO 80482

Contact Name: Cheryl Day Contact Number: 970-531-1228

Contact Email: alj

Type of Special Event (i.e. fundraiser, concert): Fine Arts & Fine Crafts Fair

Address of Special Event: Rendezvous Event Center at Hideaway Park

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:
July 9th (artist set up day) 8 am-7pm
July 10th, event from 9am - 5pm
July 11th, event from 9am - 4pm

Explain the nature of your organization, its function, and who/what benefits from its operations:
This event is run by a non-profit organization with volunteer Board members. Proceeds from this event benefit local college scholarship recipients.

Who or what organization will be the recipient of the funds derived from this event?
Art sales benefit the artists who pay booth rental fee to participate. Booth rental fees go toward scholarships

Number of expected attendees: 5000/day

Describe the premises where the event will take place:
Rendezvous Event Center in Hideaway Park

What type of security will be provided? No security except volunteers present during event

Number of security personnel: How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?
Existing boundaries of Hideaway Park

What type of entertainment will be provided at the event?
Art/Crafts/food vendors/music or activities on the stage

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

N/A

How will the conduct of attendees be monitored and by whom?

ArtAffair Board members & volunteers will be on the premises at all times during the event.

What type of beverages and food or snacks will be available?

Lemonade & lunch vendors. Hopefully the Lions Club will hold pancake breakfast both days of the event.

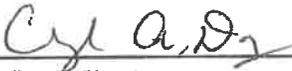
Organization State Sales Tax Number:

Organization Town Sales Tax Number:

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

Posters, median signs, newspaper ads, internet advertising targeting locals, visitors, 2nd homeowners and families.

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



05/24/2021

Applicant's Signature

Date

Applicant's Email Address

PO Box 3325, Winter Park, CO 80482

Applicant's Mailing Address

509 N. Zerex Street, Ste. 103, Fraser, CO 80442

Applicant's Physical Address

970-531-1228

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this _____ day of _____ 20____

Witness my head and official seal:

Notary Public

My commission expires

2021 WINTER PARK ALPINE ARTAFFAIR

Special Event Permit Application

The Winter Park Alpine ArtAffair committee is looking forward to holding our 47th event in the Rendezvous Event Center in Hideaway Park again this year. We are working closely with Catherine & Megan at the Chamber with regards to all the details that need to be worked out prior to and during the event. We would like to make a few requests as follows:

1. Could you please make sure the sprinklers do not turn on Friday through Sunday, July 9th – 11th?
2. We would like to ask that the Winter Park police occasionally walk through or drive by the event grounds during the night on Friday and Saturday, July 9 & 10 since we do not have overnight security.

Thank you for your consideration of these requests.

Cheryl Day
970-531-1228

WE HAVE NOT UPDATED THE SITE PLAN YET FOR 2021. THERE WILL BE ABOUT 1/2 THE USUAL NUMBER OF TENTS WITH 6' OF SPACE BETWEEN EACH TENT.

Alpine ArtAffair

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Skate Park

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Surgeon
Loading Unloading

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6
7
8
Drinking
Pavilion

Playground

ArtAffair
Officials

9
10
11
12

Lions Club Trailer

500 chairs

Seating
Unloading

Unloading

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,

Winter Park Alpine ArtAffair, Inc.

is a

Nonprofit Corporation

formed or registered on 05/23/1991 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 19911038118 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/21/2021 that have been posted, and by documents delivered to this office electronically through 05/24/2021 @ 16:07:43 .

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 05/24/2021 @ 16:07:43 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."



Special Event Permit Application

Please complete each section; additional sheets may be used if necessary. If your group will be serving alcohol, please complete Form DR 8439 also. Alcohol served in bottles or cans are never permitted at events.



Name of Applicant:

Mailing Address of Applicant:

Contact Name: Contact Number:

Contact Email:

Type of Special Event (i.e. fundraiser, concert):

Address of Special Event:

Do you have written permission to use the premises? Yes No

Exact dates and times of the event:

Explain the nature of your organization, its function, and who/what benefits from its operations:

Who or what organization will be the recipient of the funds derived from this event?

Number of expected attendees:

Describe the premises where the event will take place:

What type of security will be provided?

Number of security personnel: How will they be identified?

If the event is being held outdoors, how will the exterior boundaries of the premises be marked?

What type of entertainment will be provided at the event?

How will attendees be checked for proper age (i.e. at the door, at the bar)?
How will underage attendees be identified so they are not served alcohol (i.e. wristbands)?

We can provide wrist bands after ID check.

How will the conduct of attendees be monitored and by whom?

Due to the nature of the event, and past experience, we don't expect this to an event where much alcohol will be consumed.

What type of beverages and food or snacks will be available?

Local food vendor

Organization State Sales Tax Number:

NA

Organization Town Sales Tax Number:

NA

Explain how the event will be marketed; what kinds of advertising material will be distributed and who are the targeted recipients?

We are marketing through social media, email blasts and local sponsorship.

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

Dave Muscianisi

5/26/21

Applicant's Signature

Date

Applicant's Email Address

10236 Woodrose Ln Highlands Ranch CO 80129

Applicant's Mailing Address

10236 Woodrose Ln Highlands Ranch CO 80129

Applicant's Physical Address

303-817-6523

Applicant's Main Phone Number

Applicant's Alternate Phone Number

STATE OF COLORADO
COUNTY OF GRAND
TOWN OF WINTER PARK

Subscribed and sworn to me this ____ day of _____ 20__

Witness my head and official seal:

Notary Public

My commission expires

Date of this notice: 12-20-2018

Employer Identification Number:
{

Form: SS-4

Number of this notice: CP 575 A

JUNIOR CYCLING PROJECT
10236 WOODROSE LN
HGHLNDS RANCH, CO 80129

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you
EIN This EIN will identify you, your business accounts, tax returns, and
documents, even if you have no employees. Please keep this notice in your permanent
records.

When filing tax documents, payments, and related correspondence, it is very important
that you use your EIN and complete name and address exactly as shown above. Any variation
may cause a delay in processing, result in incorrect information in your account, or even
cause you to be assigned more than one EIN. If the information is not correct as shown
above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file
the following form(s) by the date(s) shown.

Form 1120

04/15/2020

If you have questions about the form(s) or the due date(s) shown, you can call us at
the phone number or write to us at the address shown at the top of this notice. If you
need help in determining your annual accounting period (tax year), see Publication 538,
Accounting Periods and Methods.

We assigned you a tax classification based on information obtained from you or your
representative. It is not a legal determination of your tax classification, and is not
binding on the IRS. If you want a legal determination of your tax classification, you may
request a private letter ruling from the IRS under the guidelines in Revenue Procedure
2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note:
Certain tax classification elections can be requested by filing Form 8832, *Entity
Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an
election to file a Form 1120-S must be made within certain timeframes and the
corporation must meet certain tests. All of this information is included in the
instructions for Form 2553, *Election by a Small Business Corporation*.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents (payroll service providers) are available to assist you. Visit the IRS Web site at www.irs.gov for a list of companies that offer IRS e-file for business products and services. The list provides addresses, telephone numbers, and links to their Web sites.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is JUNI. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

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,

Junior Cycling Project

is a

Nonprofit Corporation

formed or registered on 01/01/2019 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 20188009304 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/26/2021 that have been posted, and by documents delivered to this office electronically through 05/27/2021 @ 11:05:41 .

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 05/27/2021 @ 11:05:41 in accordance with applicable law. This certificate is assigned Confirmation Number



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
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MEMO

TO Town Council
FROM James Shockey, Community Development Director
THROUGH Keith Riesberg, Town Manager
DATE June 1, 2021
RE Ordinance – Addition of a new Title 7, Chapter 12 Entitled “Wireless Communication

The Town is required to establish a procedure for review of applications for the installation of wireless communication facilities within the Town in compliance with the Telecommunications Act of 1996, Middle Class Tax Relief and Job Creation Act of 2012, Section 6409, Colorado General Assembly House Bill 17-1193 and FCC regulatory rulings.

The drafted ordinance creates regulations for towers, small wireless communication facilities (i.e., light poles, traffic signals, or utility poles) and wall-mounted/roof-mounted facilities (i.e., located on buildings). The regulations limit the location, number, and design of wireless communication facilities. There is a requirement for collocation to require several providers use the same structure or site to keep the number of facilities to a minimum as a means of reducing the overall visual impacts throughout the community.

Zoning Code Amendments

§7-10-1 of the Town Code permits amendments to the Zoning Code after public notice, study and recommendation by the Planning Commission and a public hearing by the Town Council. Public Notice was published in the Middle Parks Times on May 6, 2021 in accordance with §7-10-A of the Town Code.

No comments have been received as of May 21, 2021.

Planning Commission Recommendation

The Planning Commission reviewed Ordinance 558, Series 2021 at a public hearing on May 25, 2021 and recommended approval as drafted.

Staff Recommendation

Staff recommends approval of Ordinance 558, Series 2021 an ordinance amending Title 7 of the Winter Park Municipal Code by the addition of a new Chapter 12 entitled “Wireless Communication Facilities”.

**TOWN OF WINTER PARK
ORDINANCE NO. 558
SERIES OF 2021**

**AN ORDINANCE AMENDING TITLE 7 OF THE WINTER PARK
MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 12
ENTITLED "WIRELESS COMMUNICATION FACILITIES"**

WHEREAS, pursuant to the Telecommunications Act of 1996 (the "Act"), local governments are authorized to regulate the placement, construction, and modification of personal wireless service facilities, provided that any such regulation does not unreasonably discriminate among providers of functionally equivalent services, or prohibit, or have the effect of prohibiting the provisions of personal wireless services;

WHEREAS, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") requires a local government to approve any eligible request for a modification of an existing wireless tower or base station that does not "substantially change" the physical dimensions of such tower or base station;

WHEREAS, the Colorado General Assembly passed House Bill 17-1193, which also provides certain mandatory procedural requirements and regulations for installation of small cell facilities within public rights-of-way;

WHEREAS, the Federal Communications Commission (the "FCC") has also issued declaratory rulings and orders concerning applications for wireless communications facilities ("WCFs") submitted to local governments, including, but not limited to its *Declaratory Ruling and Third Report and Order* and *State/Local Approval of Wireless Equipment Modifications Under Section 6409(a)*; and

WHEREAS, the Town Council wishes to establish a procedure for review of applications for the installation of wireless communication facilities within the Town in compliance with the Act, Section 6409, House Bill 17-1193 and FCC regulatory rulings.

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

Section 1. Title 7 of the Winter Park Municipal Code is hereby amended by the addition of a new Chapter 12, entitled "Wireless Communication Facilities," as follows:

**CHAPTER 12
WIRELESS COMMUNICATION FACILITIES**

7-12-1 DEFINITIONS

ANTENNA means a device used to transmit or receive radio or electromagnetic waves including without limitation panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, and other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending or receiving of wireless communications signals.

APPLICANT means a person that submits an application to the Town to site, install, construct, collocate, modify or operate a WCF.

BASE STATION means a structure or equipment, other than a tower, at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including equipment associated with wireless communications services. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower. The term includes, but is not limited to:

- (i) equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) any structure other than a tower that, at the time the relevant application is filed with the Town, supports or houses equipment described in subsections (i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the relevant application is filed with the Town, does not support or house equipment described in subsections (i)-(ii) of this section.

ELIGIBLE TELECOMMUNICATIONS FACILITIES REQUEST means a request for approval of the modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and involves the collocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

EQUIPMENT means any antennas and other wireless communications equipment, including without limitation equipment shelters and cabinets, nodes, antennas, fiber optic cable, coaxial cable, wires, frequencies, technology, conduits and pipes, poles, towers and associated and appurtenant equipment necessary to operate the WCF.

EXISTING means a constructed tower or base station if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

MICRO WIRELESS FACILITY means a WCF that is no larger in dimensions than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, that is no more than eleven (11) inches in length.

POLE-MOUNTED FACILITY means a WCF with antennas that are mounted and supported entirely on a legally existing traffic signal, utility pole, streetlight, flagpole, electric or transmission line support tower or other similar structure.

ROOF-MOUNTED FACILITY means a WCF that is mounted and supported entirely on the roof of a legally existing building.

SMALL WIRELESS FACILITY means a WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements that could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. A micro wireless facility is a type of small wireless facility.

STEALTH FACILITIES means a freestanding WCF designed to substantially conceal or camouflage the antennas and associated equipment typified by bell towers, flagpoles, parking lot light poles, clock towers, decorative architectural features, and tree towers.

TOWER means a structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more any FCC-licensed or authorized antennas and their associated facilities, including: structures that are constructed for wireless communications services including without limitation private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; the associated site; and self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

TRANSMISSION EQUIPMENT means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including without limitation radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply, and including equipment associated with wireless communication services including without limitation private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

WALL-MOUNTED FACILITY means any WCF that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys, and similar appurtenances.

WIRELESS COMMUNICATIONS FACILITY or WCF means a facility for the provision of wireless services, including a small cell facility, excluding coaxial or fiber-optic cable that is not immediately adjacent to or directly associated with a particular antenna.

7-12-2 COLLOCATION

A. The intent of collocation is to have several providers of WCFs use the same structure or site to keep the number of WCFs to a minimum as a means of reducing the overall visual impacts throughout the community. If collocation is a practical alternative to the construction of a new tower, then collocation is required. Upon request by the Town, the owner or operator shall provide evidence explaining why collocation is not possible.

B. If it is practical to attach WCFs to water towers, existing transmission towers, or existing buildings, or light or utility poles, then such locations shall be used instead of new towers.

7-12-3 DESIGN REQUIREMENTS FOR WALL-MOUNTED AND ROOF-MOUNTED FACILITIES

- A. Wall-mounted WCFs shall be placed on or within a building or structure, such as on the side of a building or parapet wall, architectural tower or cupola, in an architecturally consistent manner. Wall-mounted WCFs that are not concealed within a building or structure shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building or structure to which they are attached, so as to minimize their visual impacts.
- B. Where possible, wall-mounted, or roof-mounted WCF shall be disguised as an architectural feature or design element of a building, provided that the feature is compatible in terms of architectural style, height, mass, scale, and color; and reasonably screens the facility from ground level view.
- C. Wall-mounted WCFs may not extend above the parapet wall, or, in the case of a pitched roof, above the fascia.
- D. The maximum height of a roof-mounted WCF is the shorter of:
1. Twenty (20) feet taller than the building to which it is attached; or
 2. Ten (10) feet taller than the maximum height allowed in the district for a principal building.
- E. Rooftop antennas shall either be:
1. Mounted to a penthouse;
 2. Set back such that they are not visible from ground level on adjacent rights-of-way or residential uses or districts at a distance of one hundred (100) feet or less; or
 3. Reasonably screened from ground level view and designed in a manner which is compatible with the materials, colors, and architectural details of the existing building or structure.
- F. Roof-mounted WCFs that extend more than 10 feet from the roof location where they are mounted shall be set back from building walls no less than one foot per foot above the tenth foot that the facility extends above the top of the building. This requirement may be waived only if the applicant demonstrates that it materially impedes the function of the facility.
- G. Equipment that does not depend upon an elevated location to operate shall be located within a building, an underground enclosure, or an enclosure at ground level that is screened from view from all abutting properties, streets, and trails.

7-12-4 LOCATION AND DESIGN REQUIREMENTS FOR NEW TOWERS

- A. Towers are not allowed:
1. Within, or closer than two hundred fifty (250) feet to residential district boundaries; or
 2. In the DC district.
- B. The minimum setback of a tower from the property line shall be:
1. The setback applicable to principal structures in the district in which the tower is located, plus one foot per foot that a tower extends above the maximum building height for the district; or
 2. An alternative setback, approved by the Director for stealth Facilities where the facility replaces or proposes an accessory structure to an established principal use, to include, without limitation, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the stealth facility with the alternative setback substantially camouflages or conceals the presence of the tower and antennas and has less visual impact than would be achieved by applying the principal structure setback.
- C. No tower shall be constructed within eight thousand (8,000) feet of any pre-existing tower unless it is demonstrated that no additional telecommunication providers can be accommodated on the existing tower or on any other existing buildings or facilities. Tower separation shall be measured by following a straight line from the base of the proposed tower, which is closest to the base of any pre-existing tower. The Director may reduce the separation requirements only if it is demonstrated that:
1. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage that the tower is intended to provide.
 2. The pre-existing tower that is within 8,000 feet of the proposed tower cannot be modified to accommodate another provider; and
 3. It is technologically impossible to locate the proposed tower on available sites more than eight thousand (8,000) feet from a pre-existing tower and still provide the approximate coverage the tower is intended to provide.
- D. All new towers shall be designed to accommodate the collocation of additional providers and must comply with the following:
1. New towers of a height of eighty (80) feet or more shall be designed to accommodate collocation of a minimum of two (2) additional providers, either outright or through reasonable future modification to the tower.

2. As a condition of issuing a permit to construct or operate a Tower, the owner/operator of the tower shall be required to allow collocation until said Tower has reached full capacity. The number of allowable additional users shall only be limited by site parameters.
3. Towers constructed or approved prior to the adoption of this Ordinance may be modified to accommodate additional providers consistent with provisions for collocation in this Section.
4. If an owner/operator chooses not to collocate and thus, erect a stand-alone tower, the applicant must specifically demonstrate to the satisfaction of the Town the reasons why collocation is not possible.
5. The owner/operator of the potential tower will be required to enter into an agreement with each provider locating on the Tower, which states that all disputes with future providers concerning collocation and the terms and conditions of collocation shall be submitted to arbitration.
6. Towers shall be designed to be architecturally compatible with the surrounding area and to camouflage or conceal the tower and its attached facilities. Illustrative structures include, without limitation: artificial rocks and trees, freestanding clock towers and bell steeples, light poles, flagpoles, and artistic structures. This requirement may be waived only if it is demonstrated that a stealth design would interfere with the provision of adequate service.
7. Color. If not designed as stealth facilities, towers shall be nonreflective, unpainted galvanized steel or painted neutral colors or such shades that are appropriate and compatible with the surrounding environment.
8. No lighting shall be permitted on towers except that required by the Federal Aviation Administration (FAA).
9. No signs, striping, graphics, or other attention-getting devices are permitted on towers or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to a fence or ancillary facility. Not more than two signs are allowed.

7-12-5 NOISE RESTRICTIONS

If the parcel proposed for development for placement of a WCF abuts property used for any residential dwelling units or overnight accommodations or for public service facilities, places of assembly, schools (any type), assisted living, group homes, or hospitals, then noise generating equipment shall be sound-buffered by means of baffling, barriers, other suitable means to reduce the sound level measured at the property line to not more than 45 dBA.

7-12-6 OPERATIONS

A. WCFs shall remain operable. WCFs that become inoperable or otherwise cease to transmit, receive, or relay voice or data signals for a continuous period of six (6) months or more are prohibited and shall be removed.

B. Providers shall:

1. Install and maintain all parts of their systems in a safe condition.
2. Install and maintain systems in accordance with standard prudent engineering practices.
3. Conform, when applicable, with the National Electrical Safety Code and all other applicable federal, state, and local laws or regulations, including without limitation, all applicable FCC regulations.
4. At all reasonable times, permit examination of the system by any duly authorized representative of the Town.

7-12-7 ELIGIBLE TELECOMMUNICATIONS FACILITIES REQUESTS

A. Approval.

1. Notwithstanding any other provision of this Code, the Town shall approve any eligible telecommunications facility request that does not substantially change the physical dimensions of a tower or base station.
2. The Town may condition the approval of any eligible telecommunications facilities request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.
3. The Town may approve an eligible telecommunication facilities request for a modification of an existing tower or base station which substantially changes the physical dimensions of such tower or base station if it complies with this Section.

B. A substantial change in the height of an existing tower or base station occurs where any of the following criteria are found:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - a) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more

than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsection (i) through (iv) of this definition.

C. Expedited Review.

1. The Town shall act upon an eligible telecommunications facility request within sixty (60) days of the date of the Town's receipt of the completed application. This time period may be tolled only by mutual agreement or where an application is incomplete.

2. If the Town fails to act upon an eligible telecommunications facility request within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the Town's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

7-12-8 SMALL WIRELESS FACILITIES

A. A telecommunication provider or broadband provider may locate or co-locate small wireless facilities on light poles, light standards, traffic signals, or utility poles in the right-of-way owned by the Town, subject to execution of a license agreement and subject to the following:

1. A small wireless facility or small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.

2. The construction, installation, operation, and maintenance of a small wireless facility must comply with applicable federal and state law and the provisions of this Section. If upon inspection, the Town concludes that a small wireless facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small wireless facility, the owner shall have thirty (30) days from the date of the

notice to bring such facility into compliance. Upon good cause shown by the owner, the Town may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the Town may remove such facility at owner's expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.

B. Micro wireless facility. Unless otherwise required pursuant to subsection (b) herein, no application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code, subject to the following:

1. The Town may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination by the Town:

- a) Involves working with a travel lane or requires the closure of a travel lane with the public right-of-way;
- b) Disturbs the pavement or a shoulder, roadway, or ditch line;
- c) Includes placement on limited access rights-of-way; or
- d) Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

C. Time Limitations.

1. For a small wireless facility using a new structure, subject to the tolling provisions of subsection (c), within ninety (90) days of the date on which an applicant submits an application under this subsection, the Town shall act on the application. The 90-day review period begins to run when the application is filed and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Director determines that the application is incomplete. To toll the timeframe for incompleteness, the Town must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in this application. The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the Town's notice of incompleteness. Within ten (10) days of a supplemental submission, the Town will notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. In case of a second or subsequent notice of incompleteness, the Town may not specify missing information or documents that were not delineated in the original notice of incompleteness.

2. For a small wireless facility using a preexisting structure, subject to the tolling provisions of subsection (c), within sixty (60) days of the date on which an applicant submits an application under this Subsection, the Town shall act on the application. The 60-day review period begins to run when the application is filed and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Director determines that the application is incomplete. To toll the timeframe for incompleteness, the Town must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in this application. The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the Town's notice of incompleteness. Within ten (10) days of a supplemental submission, the Town will notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. In case of a second or subsequent notice of incompleteness, the Town may not specify missing information or documents that were not delineated in the original notice of incompleteness.

3. If the Town fails to act on an application under this Subsection within the timeframe for review (accounting for any tolling), the application shall be deemed approved, effective on the date when the applicant notifies the Town in writing that the review period has expired and that the application has been deemed approved.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this ___ day of _____, 2021. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the ___ day of _____, 2021 at 5:30 p.m., 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 Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



MEMO

TO Mayor and City Council
FROM Keith Riesberg, Town Manager
CC
DATE May 28, 2021
RE Ordinance amending Town code re: marijuana regulations

Please note that one change has occurred since the first reading, in section 3-7-5(G), the language now reflects a phase II application fee will apply.

Background

In April, 2020 the voters of Winter Park approved the levying of a tax on marijuana sales within the community. The Town has worked over the past year to develop regulations governing the licensing and operation of retail and medical marijuana dispensaries in addition to other associated marijuana regulations. The proposed regulations were discussed with the Town Council during several workshops over the past year with much public comment and input being received. An overview of the ordinance and the proposed regulations is provided below.

1. Adds a section to the Town Code to implement the sales tax of 5% on all sales of

Analysis regulated marijuana and regulated marijuana products. One half of the revenues The ordinance is used drafted for the City initiative consideration. The following half of the funds will be used for general municipal purposes.

2. The ordinance adopts the definitions and provisions into Town Code for the regulation of marijuana and the licensing of businesses.
3. Establishes two types of permitted business licenses – medical marijuana center and retail marijuana store. The ordinance does allow for dual licenses, meaning a store could hold both types of licenses.
4. Outlines the local licensing authority of the Town. The Town Council shall serve as the local licensing authority for regulated marijuana business license applications and changes in ownership or modifications of existing licenses. The Municipal Court will serve as the local licensing authority for all disciplinary actions associated with the marijuana regulations.
5. Establishes the process to apply for a license to operate a regulated marijuana business in Winter Park. Licenses are valid for one year and may be renewed

annually. The ordinance establishes the criteria for an entity to receive and hold a license from the Town. The ordinance authorizes the establishment of fees to be set by resolution.

6. The ordinance creates the potential for a licensed medical marijuana center to deliver medical marijuana to private residences. Deliveries are limited to Grand County. Delivery of retail marijuana and retail marijuana products is prohibited. The ordinance establishes the criteria for delivery and a surcharge to be levied on each delivery.
7. The ordinance spells out the operational requirements for regulated marijuana businesses. These requirements include:
 - a. Limits the storage, display, sales or distribution to areas not visible from the exterior of the licensed premises.
 - b. Limiting hours of operation to 8 am through 10 pm.
 - c. Limiting retail sales to persons 21 years of age or older in quantities permitted by the state law.
 - d. Establishing guidance for signage required to be posted on the premises;
 - e. Establishing security measures to be taken by each business.
 - f. Other regulations as spelled out by state law.
8. Establishes regulations and limitations for signage and advertising by regulated marijuana businesses. The maximum sign area for any regulated business shall be one-half of the sign area permitted under the Town Code.
9. Establishes districts within the Town where marijuana businesses can locate and limits the number of licenses permitted in each district. The Town shall have two districts – the old town district, limited to one regulated business, and the downtown district, limited to two regulated businesses. Both districts are within the D-C and C-1 zoning districts. The ordinance allows a regulated marijuana business operating in good standing to be annexed and not count toward the limit on the licenses. Businesses cannot be located within 500' of another regulated marijuana business and cannot exceed 3,000 sf in area.
10. Establishes that licenses will be awarded by a lottery that is a random drawing from a pool of qualified applicants. Applications for licenses would be accepted starting 30 days after the effective date of the ordinance for a period of 60 days. The drawing to award the licenses would occur after that.
11. The ordinance outlines criteria for the inspection of regulated marijuana records and premises.
12. Establishes acts that would be unlawful, including:
 - a. Employing persons under the age of 21;

- b. Allowing marijuana to be consumed on site;
 - c. Selling marijuana to persons under 21;
 - d. Selling medical marijuana to non-patients;
 - e. Permit the consumption or sale of alcohol on site;
13. Establishes regulations pertaining to changes in ownership or management of the license business.
14. Requires reporting requirements to the Winter Park Police Department for various acts.
15. Amends the Town zoning regulations to establish Regulated marijuana businesses as a special use in the D-C and C-1 zoning districts. In addition to licensing requirements, the special use permit process will apply to prospective businesses. Staff will be prepared to speak in detail regarding the various regulations and procedures outlined in the ordinance.

Because the ordinance does amend the Town’s zoning regulations, the proposed ordinance was submitted to the Planning Commission for their review and consideration. The Planning Commission considered the proposed ordinance only from a land-use regulation point of view. After consideration, the Planning Commission forwarded a favorable recommendation of the ordinance land-use amendments. The Planning Commission did not consider or discuss the other policy decisions within the proposed ordinance.

Recommendation

The adoption of the ordinance amending the Town Code regulation of marijuana in Winter Park is a policy decision to be made by the Town Council. The Planning Commission reviewed the ordinance from a land-use component and supports the recommended land-use regulations outlined within the proposed ordinance.

Should the Town Council wish to approve the ordinance amending the Town Code regarding the regulation of marijuana in Winter Park, the following motion should be made:

I move to approve Ordinance 559 amending the Town Code regarding the regulation of marijuana in Winter Park as presented.

Should the Town Council wish to deny the proposed ordinance, the following motion should be made:

I move to deny Ordinance 559 amending the Town Code regarding the regulation of marijuana in Winter Park as presented.



If the ordinance is not adopted, the regulations pertaining to marijuana as currently outlined in Town Code would continue to apply.

Should you have any questions or need additional information regarding this matter, please contact me.

**TOWN OF WINTER PARK
ORDINANCE NO. 559
SERIES OF 2021**

AN ORDINANCE OF THE TOWN OF WINTER PARK AMENDING CHAPTER 2 OF TITLE 3 OF THE WINTER PARK TOWN CODE TO IMPLEMENT THE VOTER APPROVED REGULATED MARIJUANA SALES TAX, REPEALING CHAPTER 6 OF TITLE 3 PROHIBITING MEDICAL MARIJUANA BUSINESSES, REPEALING AND REENACTING CHAPTER 7 OF TITLE 3 REGARDING REGULATED MARIJUANA BUSINESSES, REPEALING AND REENACTING SECTIONS 7-3-19 AND 7-3-21 REGARDING MEDICAL AND RETAIL MARIJUANA ESTABLISHMENTS, AND REPEALING AND REENACTING SECTIONS 7-5B-2(B) AND 7-5D-2(B) OF THE WINTER PARK TOWN CODE TO ALLOW FOR REGULATED MARIJUANA BUSINESSES IN SPECIFIED ZONE DISTRICTS BY SPECIAL USE PERMIT

WHEREAS on November 6, 2012, the voters of the State of Colorado approved Amendment 64. Amendment 64 added § 16 of Chapter 18 to the Colorado Constitution, and legalized the possession, use, display, purchase, transport, transfer, and consumption of marijuana accessories or one ounce or less of marijuana by persons twenty-one (21) years of age or older within the State of Colorado;

WHEREAS, by Ord. No. 441 in 2010 and by Ord. No. 474 in 2013, the Town Council adopted a prohibition against medical and retail marijuana businesses in Town;

WHEREAS, the Town Council wishes to amend the Winter Park Town Code to allow for and regulate a limited number of regulated marijuana businesses in the Town;

WHEREAS, the Town Council finds and determines that, by requiring that regulated marijuana businesses be operated in a manner that minimizes potential health and safety risks, it mitigates the negative impacts that regulated marijuana businesses might have on surrounding properties and persons;

WHEREAS, the Town Council finds and determines that through this Ordinance, it intends to establish a nondiscriminatory mechanism by which the Town can permit and control, through appropriate regulation, the location and operation of a limited number of regulated marijuana businesses within the Town;

WHEREAS, at the regular municipal election held on November 3, 2020, the Town Council submitted, and the voters approved, a ballot issue regarding the imposition of a five percent (5%) tax on the sale of regulated marijuana and regulated marijuana products;

WHEREAS, after a thoughtful drafting process, the Town desires to implement a licensing process and the tax approved at the election.

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

Section 1. Section 3-2-3 of the Winter Park Town Code is hereby amended by the addition of the following new Subsection E:

E. Marijuana Sales Tax: In addition to the taxes set forth in Subsections B and D hereof, there is hereby imposed on all sales of regulated marijuana and regulated marijuana products a tax equal to five percent (5%) of the gross receipts. One-half of the revenues derived from such tax shall be used exclusively to promote mental health efforts in the Town. The other one-half the revenues derived from such tax shall be used for general municipal purposes.

Section 2. Section 3-2-5 of the Winter Park Town Code is hereby amended by the addition of the following new definitions, to be inserted in alphabetical order:

REGULATED MARIJUANA: Medical marijuana and retail marijuana.

REGULATED MARIJUANA PRODUCTS: Medical marijuana products and retail marijuana products, including without limitation marijuana concentrate.

Section 3. Chapter 6 of Title 3 of the Winter Park Town Code is hereby repealed in its entirety.

Section 4. Chapter 7 of Title 3 of the Winter Park Town Code is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 7 - REGULATED MARIJUANA BUSINESSES

3-7-1: AUTHORITY:

The Town Council hereby finds, determines, and declares that it has the power to adopt this Chapter pursuant to: Chapter XVIII, section 16 of the Colorado Constitution; Colorado Revised Statutes section 44-10-104(3); Chapter XX of the Colorado Constitution; the Town of Winter Park Home Rule Charter; and the Local Government Land Use Control Enabling Act, Chapter 20 of title 29, Colorado Revised Statutes.

3-7-2: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

APPLICANT: A person twenty-one (21) years of age or older who has submitted an application for a license or renewal of a license issued pursuant to this Chapter. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members, managers, officers, and directors of such entity.

COLORADO MARIJUANA CODE: Chapter 10 of Title 44, Colorado Revised Statutes, as may be amended from time to time.

DUAL OPERATION: A regulated marijuana business that operates as both a licensed medical marijuana center and a licensed retail marijuana store in accordance with this Chapter.

GOOD CAUSE: For the purpose of denying, refusing to renew, suspending, or revoking a license, or exercising other discretionary authority granted the local licensing authority, means:

1. The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of this Chapter, the Colorado Marijuana Code, its rules, or any applicable state or local law, rule, or regulation;

2. The local licensing authority has determined that the applicant or licensee's character, record, or reputation is not satisfactory after consideration of factors, which include without limitation the following:

a. The applicant or licensee has knowingly submitted false application(s), made willful misrepresentations, or knowingly committed fraudulent acts;

b. The applicant or licensee has a criminal history of crimes of moral turpitude, which may include without limitation murder, burglary, robbery, arson, kidnapping, sexual assault, and illegal drugs or narcotics convictions;

c. The applicant or licensee has had any previous retail or medical marijuana license denied or revoked as a result of violations of law, rule, or regulation, or a finding of bad moral character by any licensing authority;

d. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes;

e. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license, leading to the finding of bad moral character by any licensing authority; or

f. The licensed premises has been operated in a manner that adversely affects the public health, safety, or welfare. Evidence to support such a finding, may include without limitation a continuing pattern of disorderly conduct or drug related criminal conduct upon or in the immediate vicinity of the premises, continuing pattern of criminal conduct directly related to or arising from the operation of the regulated marijuana business, or an ongoing nuisance condition emanating from or caused by the regulated marijuana business.

3. The applicant or licensee has failed to comply with any special terms or conditions of a license, including without limitation those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license; or

4. The licensed premises has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the licensed business is located. Evidence to support such a finding can include without limitation a continuing pattern of disorderly conduct or continuing pattern of drug-related criminal conduct within the business.

LICENSE: A document issued by the Town officially authorizing an applicant to operate a regulated marijuana business pursuant to this Chapter.

LICENSEE: The person to whom a license has been issued pursuant to this Chapter.

LICENSED PREMISES: The premises specified in an application for a license under this Chapter, which is owned or in possession of the licensee and within which the license is authorized to distribute, store, transport, or sell regulated marijuana or regulated marijuana products in accordance with state and local law.

MARIJUANA: All parts of the plant of the genus *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

MARIJUANA CULTIVATION FACILITY: An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to marijuana businesses, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

MARIJUANA PRODUCT MANUFACTURING FACILITY: An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to marijuana businesses, but not to consumers.

MARIJUANA PRODUCTS: Products that are comprised of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, ointments, and tinctures.

MARIJUANA TESTING FACILITY: An entity licensed by the state to analyze and certify the safety and potency of marijuana.

MEDICAL MARIJUANA: Marijuana that is grown and sold for a purpose authorized by section 14 of article XVIII of the Colorado Constitution.

MEDICAL MARIJUANA CENTER: A person authorized to be licensed to operate a business as described in the Colorado Marijuana Code that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the Colorado constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

MEDICAL MARIJUANA PRODUCT: A product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

PATIENT: Has the meaning provided in section 14(1)(c) of article XVIII of the Colorado Constitution.

PRIMARY CAREGIVER: Has the meaning provided in section 14(1)(f) of article XVIII of the Colorado Constitution.

REGULATED MARIJUANA: Medical marijuana and retail marijuana.

REGULATED MARIJUANA PRODUCTS: Medical marijuana products and retail marijuana products, including without limitation marijuana concentrate.

RETAIL MARIJUANA: Marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana store.

RETAIL MARIJUANA PRODUCT: A product infused with retail marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

RETAIL MARIJUANA STORE: An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

STATE LICENSING AUTHORITY: The authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of regulated marijuana in the State of Colorado pursuant to C.R.S. § 44-10-201.

3-7-3: LICENSE REQUIRED:

A. The Town hereby authorizes the operation of regulated marijuana businesses in the Town as set forth in this Chapter. It is unlawful for any person to operate a regulated marijuana business in the Town without first obtaining a license to operate such business in accordance with the requirements of this Chapter. A separate license is required for each specific business or business entity and for each geographical location. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

B. The local licensing authority may issue the following regulated marijuana business licenses:

1. Medical marijuana center;
2. Retail marijuana store.

C. Notwithstanding the foregoing, marijuana cultivation facilities, marijuana products manufacturers, and marijuana testing facilities remain illegal in the Town. No marijuana cultivation facility, marijuana products manufacturer, or marijuana testing facility shall be licensed under this Chapter.

D. The dual operation of a medical marijuana business with its retail marijuana equivalent at a single location is permitted so long as both licenses are held by the same owners, all applicable state and local licenses have been issued, such licenses remain valid and active for both operations, and both operations are in compliance with all applicable state and local requirements.

E. The license requirement set forth in this Chapter are in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, rules, or regulations, including without limitation the Colorado Marijuana Code, its rules, and any applicable local zoning or building code.

3-7-4: LOCAL LICENSING AUTHORITY:

A. The local licensing authority shall have two (2) divisions as follows: the Town Council shall serve as the local licensing authority for all new regulated marijuana business license applications, regulated marijuana business renewal applications, applications for change of manager, applications for transfer of ownership, applications for modification or change of location of existing licenses, and applications for delivery permits; and the Municipal Court shall serve as the local licensing authority for all disciplinary actions including without limitation imposing fines, suspensions, and revocations. The Town Council may delegate any of its duties under this Section to the Town Clerk, by ordinance.

B. The local licensing authority shall have the power to promulgate rules and regulations as are reasonable and necessary to implement and administer the requirements of this Chapter.

C. The local licensing authority shall have the authority to deny any application that does not meet the requirements of the Colorado Marijuana Code, its rules, this Chapter, and any other applicable state or local law, rule, or regulation. The local licensing authority shall also have the authority to deny any application that contains any false, misleading, or incomplete information. Denial of an application for a license shall not be subject to administrative review, but only to review by a court of competent jurisdiction.

D. The local licensing authority may, after notice and hearing, suspend, revoke, or refuse to renew a license for good cause. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings. No portion of any application or operating fees previously paid shall be refunded in the event of any suspension or revocation of a license.

E. The local licensing authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises has been inactive, without good cause, for at least one year.

F. When making a determination as to character, record, and reputation when determining whether good cause exists for denying, refusing to renew, suspending or revoking a license, or exercising other discretionary authority granted the local licensing authority, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include without limitation evidence of no criminal record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.

G. The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Chapter and applicable law.

3-7-5: APPLICATION; PHASE 1 AND PHASE 2

A. A person seeking a license issued pursuant to this Chapter shall submit a Phase 1 application to the local licensing authority on forms provided by the Town Clerk. The purpose of the Phase 1 application is to determine whether an applicant can be entered into the random selection process in subsection (E) below. At the time of the Phase 1 application, each applicant shall pay a nonrefundable fee to the Town in an amount to be determined by the Town by separate Resolution to defray the costs incurred by the Town including without limitation for inspection, administration, and enforcement. In addition, the applicant shall present one (1) of the following forms of identification:

1. An operator's, chauffer's, or similar type of driver's license issued by any state within the United States or a U.S. Territory;
2. An identification card, issued by any state for purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;
3. A United States military identification card;
4. A valid passport; or
5. An enrollment card issued by the government authority of a federally recognized tribe located in the State of Colorado.

B. The applicant shall also provide the following information on a form approved by, or acceptable to the Town, which information shall be required for the applicant, including the proposed manager of the regulated marijuana business, and all persons having a ten percent (10%) or more financial interest in the regulated marijuana business that is the subject of the application or, if the applicant is an entity, having a ten percent (10%) or more financial interest in the entity:

1. Name, address, date of birth;
2. Suitable evidence of proof of lawful presence, residence, if applicable, and good character and reputation that the Town may request;
3. Proof of the State's finding of suitability to own a regulated marijuana business;
4. If the applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;

C. The intent of the Phase 1 application process is to provide a fair opportunity for qualified and eligible persons and entities be selected for a Phase 2 review and to potentially obtain a license in the Town. As such, the following restrictions apply:

1. Multiple Phase 1 applications by the same person or entity or applications by multiple entities with substantially the same ownership are prohibited and will

be rejected. For purposes of this Ordinance "substantially the same ownership" means that entities share 50% or more ownership in common.

2. No person or entity may apply on behalf of another person or entity. The applicant for a license must be the true applicant and may not be a shell or strawman for a third party. The selected applicant may not transfer an application to a third party at any time during the Phase 1 and Phase 2 review process.

D. Review of Phase 1 Application: The Town Clerk shall review a Phase 1 application for completeness. The Town Clerk shall reject a Phase 1 application if any of the information required as part of the application was not submitted. After a review of a Phase 1 application, the Town Clerk shall notify the applicant in writing of the results of the review.

1. If an application is complete, the Town Clerk shall notify the applicant that they will be entered into the random selection process in Subsection (3) below.
2. If an application is rejected, the applicant may appeal the Town Clerk's decision to the Town Manager by filing an appeal with the Town within ten (10) days of the notification of the rejection by the Town Clerk. The notice of appeal shall specify the grounds for the appeal and the relief sought by the appellant. Upon receipt of an appeal, the Town Manager shall hold a hearing on the appeal within ten (10) days of the receipt of the appeal. The Town shall provide at least five (5) days' notice to the appellant of the hearing. The Town Manager shall make a determination of the appeal within five (5) days of the hearing and shall notify the appellant of the decision in writing.

E. Random Selection. Within thirty (30) days of the effective date of the Ordinance adopting this Chapter, the Town shall post notice on its website indicating that Phase 1 applications for medical and retail marijuana store licenses shall be accepted for a sixty (60) day period, the Town shall review the Phase 1 applications. Once the sixty (60) day period has ended, the Town Clerk has reviewed all Phase 1 applications, the appeal deadline in Subsection (D)(2) above has expired, and all appeals, if any, have been decided, the Town may conduct the random selection of applicants for Phase 2 applications.

F. Once the maximum number of medical and retail marijuana store licenses have been issued, the Town shall not accept any further applications for such use until an existing license is either revoked or expires. When the number of licensed medical and retail marijuana stores is less than the limit provided for in this Chapter for any reason, including the cessation of operation of a medical and retail marijuana store either by license revocation or expiration, notice shall be posted on the Town's website as provided for in Subsection E above, and the Town shall process applications as provided for herein in the two-phase process.

G. Phase 2 Application: If the applicant is randomly selected, the applicant shall pay a nonrefundable Phase 2 application fee to the Town in an amount to be determined by the Town by separate Resolution and shall provide the following information for a Phase 2 application on a form provided by the Town within ninety (90) days from the date of notification of the applicant's selection:

1. The name and complete address of the proposed regulated marijuana business, including the facilities to be used in furtherance of such business, whether or not such facilities are, or are planned to be, within the territorial limits of the Town;
2. A copy of any deed, lease, contract, or other document reflecting the right of the applicant to possess and operate the proposed licensed premises for its proposed purpose along with the conditions of occupancy of the premises. If the applicant is not the owner of the proposed licensed premises, upon initial application, a notarized statement from the owner of such property authorizing the use of the property for a regulated marijuana business;
3. Evidence of a valid business license for the business;
4. Evidence of the reasonable requirements of the neighborhood for a regulated marijuana business and the desires of the adult inhabitants of the neighborhood related to such business by petitions, remonstrances, or otherwise. For purposes of this section, the neighborhood is defined as the residents and business owners or managers within a 1500-foot radius of the proposed business location.
5. A "to scale" diagram of the premises showing without limitation a site plan, building layout, all entry ways and exits to the marijuana store, loading zones and all areas in which regulated marijuana will be stored or dispensed;
6. A comprehensive business operation plan for the regulated marijuana business which shall contain without limitation the following:
 - i. A security plan;
 - ii. A description by category of all products to be sold;
 - iii. A signage plan that is in compliance with all applicable requirements of this Chapter and other applicable provisions of the Winter Park Town Code, as well as the Colorado Marijuana Code and all rules and regulations promulgated thereunder; and
 - iv. A plan for the disposal of marijuana.
7. Any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.
8. The applicant shall verify the truthfulness of the information required by this Section by the applicant's signature on the Phase 2 application.

H. Review of Phase 2 application. Upon receipt, the Town Clerk shall review the application for completeness and conformity with the requirements of this Chapter. If the application is incomplete, the Town Clerk shall notify the applicant in writing of the application's deficiencies within fifteen (15) days of receipt of the application. The applicant

shall have sixty (60) days from the date of notification of any deficiencies by the Town Clerk to remedy the deficiencies.

1. If the applicant fails to remedy the deficiencies within the period provided for in Subsection (E) above, the Town Clerk shall deny the application and notify the applicant of the denial.
2. Determination that the application is incomplete or denial of an application because it is incomplete are appealable to the Town Manager pursuant to Subsection D-2.
3. Once the appeal period has run or the appeal has been determined by the Town Manager, the Town may randomly select another applicant to submit a Phase 2 application.

I. Upon receipt of completed Phase 2 application, the Town Clerk shall circulate the application to all affected departments of the Town to determine whether the application is in full compliance with all applicable laws, rules, and regulations, and the local licensing authority shall schedule a public hearing on the application to be held not less than thirty (30) days after the date of receipt of the completed Phase 2 application. The local licensing authority shall cause a notice of such hearing to be posted as follows:

1. In a conspicuous place upon the proposed licensed premises and published in a newspaper of general circulation within the Town not less than ten (10) days prior to the hearing. Such posted notice given by posting shall include a sign of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters of not less than one (1) inch in height. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, the name and address of the applicant, and other information as may be required to fully apprise the public of the nature of the application; and
2. The applicant shall pay the actual costs of having the Town Clerk's Office mail a notice via United States mail to landowners within a one-half mile radius of the proposed licensed premises. Such payment shall be made at least fifteen (15) days prior to such hearing to cause the Town Clerk's Office to mail such notice postmarked at least seven (7) days, but no earlier than fourteen (14) days, prior to the date of the public hearing on the application. The Town Clerk's Office shall provide the state licensing authority an affidavit of said mailing.

J. Not less than five (5) days prior to the date of the public hearing for a new license, the local licensing authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant. The local licensing authority shall deny any application that does not meet the requirements of this Chapter. The local licensing authority shall also deny any application that contains any false, misleading, or incomplete information. The local licensing authority shall also deny or refuse to issue a license for good

cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction.

K. Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where this Chapter specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type and availability of regulated marijuana businesses located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. In addition, the local licensing authority shall consider whether approval of the application would result in any of the following demonstrable negative impacts on the surrounding neighborhood:

1. An undue concentration of regulated marijuana businesses that would require the use of additional law enforcement resources;
2. An increase in traffic congestion;
3. A shortage of available parking; or
4. Other demonstrable negative impacts caused by the new regulated marijuana business.

L. A local license shall not be issued until a state license has been granted and the building in which the business is to be conducted has passed all applicable inspections and is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with any applicable provisions of the code or any state law, rule, or regulation.

M. The local licensing authority shall issue its decision within ninety (90) days of the hearing on the complete license application. Such decision shall be by Resolution and shall state the reasons for the decision. The Resolution shall be sent via certified mail to the state licensing authority and the applicant at the address shown in the application.

3-7-6: ISSUANCE, DURATION, RENEWAL OF LICENSE:

A. Upon issuance of a license, the Town shall provide the licensee with one (1) original of such license for each regulated marijuana business to be operated by the licensee in the Town. Each such copy shall show the name and address of the licensee, that the license is issued for a regulated marijuana business, and the address of the licensed premises at which it is to be displayed.

B. Each license issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this Chapter. All renewals of a license shall be for no more than one (1) year. An application for the renewal of an existing license shall be made to the local licensing authority not more than ninety (90) days and not less than sixty (60) days prior to the date of expiration of the license. A licensee may submit to the local licensing authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount determined by the Town by separate resolution for a renewal application made less than sixty (60) days prior to the date of the

expiration of the license. All other provisions concerning renewal applications apply to a late renewal application. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a final decision is made on the renewal.

C. Notwithstanding state law to the contrary, a licensee whose license expires and for which a renewal application has not been received by the expiration date shall be deemed to have forfeited its license under this Chapter. The Town shall not accept renewal applications after the expiration date of such license.

D. A licensee whose license expires shall not distribute or sell regulated marijuana or regulated marijuana products until all necessary new licenses have been obtained.

E. In the event that there have been no violations of this Chapter or Colorado Marijuana Code during the preceding year, and if there is no other derogatory information regarding the licensee, its partners, officers, directors, managers, or shareholders, then the Town Clerk may administratively grant the renewal of a regulated marijuana business license, transfer of ownership, change of corporate status, a request for modification of the licensed premises that does not include an expansion of the licensed premises, or manager registration on behalf of the local licensing authority. If, however, the Town Clerk's investigation discloses any proved or alleged violations of the Colorado Marijuana Code or this Chapter or derogatory information as described above, the Clerk shall schedule action on the application before the licensing authority.

3-7-7: PERSONS PROHIBITED AS LICENSEES AND EMPLOYEES:

- A. No license shall be issued to, held by, or renewed by any of the following:
 - 1. Any person until all applicable fees have been paid;
 - 2. Any person who is not of good moral character satisfactory to the local licensing authority;
 - 3. Any corporation, any of whose officers, directors or stockholders are not of good moral character satisfactory to the local licensing authority;
 - 4. Any partnership, association or company, any of whose officers are not of good moral character satisfactory to the local licensing authority;
 - 5. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the local licensing authority;
 - 6. Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors or employees;
 - 7. Any natural person under twenty-one (21) years of age;
 - 8. Any person for a licensed location that is also a retail food establishment or wholesale food registrant;

9. Any person who has discharged a sentence for a felony conviction within the past five (5) years;
 10. Any person who, at any time, has been convicted of a felony for drug possession, distribution, or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license;
 11. Any entity whose directors, shareholders, partners, or other persons having a financial interest in said entity do not meet the criteria set forth above;
 12. Any person who employs another person at a regulated marijuana business who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible;
 13. Any person who has made a false, misleading, or fraudulent statement on his or her application;
 14. Any person who fails to file any tax return with a taxing agency, stay out of default on a government-issued student loan, pay child support, or remedy outstanding delinquent taxes; or
 15. Any person whose license for a regulated marijuana business in another Town, Town and county or state has been revoked.
- B. In addition to the prohibitions listed in Subsection A above, no medical marijuana business license will be issued to or held by:
1. A licensed physician making patient recommendations.
 2. An individual or other person whose authority to be a primary caregiver has been revoked by the state health agency.
- C. No licensee shall employ or contract with any person to perform work functions directly related to the possession, dispensing, selling, serving, or delivering of marijuana for a licensed regulated marijuana business, any of the following:
1. Any person who is not of good moral character satisfactory to the local licensing authority;
 2. Any person who is under twenty-one (21) years of age;
 3. Any person who has discharged a sentence for a felony conviction within the past five (5) years;
 4. Any person who, at any time, has been convicted of a felony for drug possession, distribution, or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a

felony if the person were convicted of the offense on the date he or she applied for the license; or

5. Any sheriff, deputy sheriff, police officer, prosecuting officer, and state or local licensing authority or any of its members, inspectors, or employees.

D. In investigating the qualifications described herein, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including without limitation evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

3-7-8: ANNUAL OPERATING AND ADMINISTRATIVE FEES:

In addition to application, renewal, late renewal, and an annual operating fee, the Town shall impose administrative fees for services, which include without limitation the transfer of ownership, background investigations, change of business manager, employee application, modification of premises, change of location, application modification, license modification, change of corporate structure, change of financier, zoning verification, duplicate license, temporary permit, change of trade name, with all such fees to be established by resolution of Town Council.

3-7-9: MEDICAL MARIJUANA DELIVERY

A. The Authority may issue to any duly licensed medical marijuana center a marijuana delivery permit, subject to obtaining a state delivery permit by the State Licensing Authority, which shall authorize the permit holder to deliver medical marijuana and medical marijuana products to private residences only. A marijuana delivery permit is valid for one year and may be renewed annually upon renewal of the retail marijuana store license or medical marijuana center license.

B. Only duly licensed medical marijuana centers with a valid marijuana delivery permit may deliver medical marijuana and medical marijuana products to private residences in Grand County; provided that such delivery complies with C.R.S. § 44-10-501(11) and any applicable rules or regulations of the Colorado Marijuana Code. Delivery outside of Grand County is prohibited.

C. Delivery of medical marijuana and medical marijuana products from businesses located outside of the Town's jurisdictional boundaries to an address within the Town's jurisdictional boundaries is permitted so long as the delivery is made by a licensed medical marijuana center delivering medical marijuana and medical marijuana products only, which holds a delivery permit issued by the state or another local entity, and which is located in Grand County. Delivery of retail marijuana and retail marijuana products is prohibited,

regardless of whether the business holds a delivery permit issued by the state or another local entity.

D. A licensed medical marijuana center with a marijuana delivery permit may deliver medical marijuana and medical marijuana products only to the patient or parent or guardian who placed the order and who:

1. Is a current registrant of the medical marijuana patient registry and is twenty-one years of age or older or the parent or guardian of a patient who is also the patient's primary caregiver;
2. Receives the delivery of medical marijuana or medical marijuana products pursuant to rules adopted by the state; and
3. Possesses an acceptable form of identification.

E. Prior to transferring possession of the order to an individual, the person delivering the order shall inspect the individual's identification and verify that the information provided at the time of the order matches the name and age on the individual's identification.

F. The licensed medical marijuana center shall charge a one-dollar surcharge on each delivery. The licensee shall remit the surcharges collected on a monthly basis to the Town for local law enforcement costs related to marijuana enforcement. Failure to comply with this subsection may result in nonrenewal of the delivery permit.

G. All sales of medical marijuana and medical marijuana products delivered to an address within the Town are subject to the Town's applicable sales tax.

H. A delivery permit issued by the Authority is deemed a revocable privilege of a licensed medical marijuana center. A violation related to a delivery permit is grounds for a fine or suspension or revocation of the delivery permit or medical marijuana center license.

3-7-10: OPERATIONAL RESTRICTIONS OF REGULATED MARIJUANA BUSINESSES:

A. Any storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a regulated marijuana business and shall not be visible from the exterior of the licensed premises.

B. A regulated marijuana business shall be closed to the public and no sale or other distribution of marijuana shall occur upon the premises between the hours of 10:00 p.m. through and including 8:00 a.m.

C. A retail marijuana store may sell retail marijuana or retail marijuana products to persons twenty-one (21) years of age or older only in the quantities permitted by state law.

D. A medical marijuana center may sell within any seven-day period of time to any one registered patient or primary caregiver only the quantities of medical marijuana or medical marijuana products permitted by state law.

E. Dual operations.

1. If a medical marijuana center that allows medical marijuana patients under the age of twenty-one (21) years to be on the premises is dually located with a retail marijuana store, the medical marijuana store and the retail marijuana store must maintain complete and distinct physical separation of the licensed premises, including without limitation separate sales and storage areas, separate entrances and exits, separate inventories, separate point-of-sale operations, and separate record-keeping. For other dual operations, the licensee shall maintain visual and operational separation of the two (2) licensed operations.
2. A medical marijuana center that does not authorize patients under the age of twenty-one (21) years to be on the premises may hold a retail marijuana store license and operate a dual operation retail business at a shared licensed premises with the same entrances and exits to the shared premises and medical and retail marijuana may be separately displayed on the same floor.
3. Licensees of a dual operation shall maintain separate and distinct inventory tracking processes for medical marijuana and retail marijuana inventories. The inventories must be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

F. The regulated marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.

G. Regulated marijuana businesses are prohibited from selling, soliciting, or receiving orders for regulated marijuana or regulated marijuana products over the internet.

H. Regulated marijuana business licensees are prohibited from selling or giving away any consumable product that is not a regulated marijuana product, including without limitation cigarettes or tobacco products, alcohol beverages, and food products or non-alcoholic beverages that are not regulated marijuana products.

I. A regulated marijuana business shall be ventilated to ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the regulated marijuana business or at any adjoining property.

J. No regulated marijuana business may store regulated marijuana or any regulated marijuana product in any off-premises storage facility located within the Town.

K. Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the local licensing authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the local licensing authority. All managers must be natural persons who are at least twenty-one (21) years of age. No manager shall be a person who has discharged a sentence for a felony conviction within the past five (5) years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date

he or she applied for the license. The manager must be a Colorado resident at the time of reporting and at all times the individual is acting as manager for the licensed premises.

L. A legible sign shall be posted in a conspicuous location in each regulated marijuana business containing the following warnings:

1. That the use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery, and it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
2. That loitering in or around a regulated marijuana business is prohibited by law;
3. That possession and distribution of marijuana is a violation of federal law; and
4. That no one under the age of twenty-one (21) years is permitted on the premises.

M. Security measures at regulated marijuana businesses shall follow all requirements of state law and shall include, at a minimum, the following:

1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. All security recordings shall be preserved for at least forty (40) days by the licensee and be made available to the Fraser Winter Park Police Department upon request for inspection;
2. Robbery and burglary alarm systems that are professionally monitored and maintained in good working condition;
3. A locking safe permanently affixed to the premises or secure room that is suitable for the storage of cash if cash will be stored overnight on the licensed premises;
4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Chapter and other applicable provisions of the Winter Park Town Code; and
5. Deadbolt locks on all exterior doors.

3-7-11: SIGNAGE:

A. All signage and advertising for a regulated marijuana business shall comply with all applicable state laws as well as the provisions of this Chapter and other applicable provisions of the Winter Park Town Code.

B. It is unlawful for any person licensed under this Chapter or any other person to advertise any retail marijuana or retail marijuana product anywhere in the Town where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, including advertising, utilizing any of the following media: any billboard; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this Section shall not apply to:

1. Any sign located on the same lot as a regulated marijuana business that exists solely for the purpose of identifying the location of the regulated marijuana business and that otherwise complies with the Town's zoning requirements and any other applicable Town laws and regulations; provided, however, that the maximum sign area for any regulated marijuana business shall be one-half of the sign area otherwise permitted by Section 6-2-7-7 of the Winter Park Town Code, as amended.
2. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town; or
3. Advertising that is purely incidental to sponsorship of a charitable event by a regulated marijuana business.

3-7-12: NUMBER AND LOCATION OF REGULATED MARIJUANA BUSINESSES:

A. Subject to the following number limits, a regulated marijuana business shall be permitted to locate only within the following two districts, defined as follows for purposes of this Chapter only: the old town district, and the downtown district, both as described on the map attached to this Ordinance as **Exhibit A**. Within both districts, zoning regulations and all land use approvals and requirements continue to apply.

1. Within the old town district: one (1) retail marijuana store, licensed medical marijuana center or dual operation.
2. Within the downtown district: up to two (2) retail marijuana stores or licensed medical marijuana centers or dual operations or any combination thereof not exceeding two (2) businesses.
3. The maximum aggregate number of regulated marijuana business within the Town shall not exceed three (3) at any point in time, which may be retail marijuana stores, licensed medical marijuana centers, dual operations, or any combination thereof.

4. For purposes of this limitation, a dual operation shall be considered a single marijuana business.
5. If a regulated marijuana business is operating and in good standing with the Colorado Department of Revenue Marijuana Enforcement Division at the time of annexation into the Town, the existing regulated marijuana business shall not count toward these number limits. Except for the random selection process in Section 3-7-5 (E) and this exemption from the number limits, all licensing requirements of this Chapter shall apply.
 - B. No regulated marijuana business may be located within:
 1. Five hundred (500) feet of any other regulated marijuana business; or
 2. Upon any Town of Winter Park owned property.
 3. The distances set forth in this Section are to be computed by direct measurement from the nearest property line, right-of-way boundary, or portion of the footprint of the land uses set forth herein to the nearest portion of the footprint of the regulated marijuana business.
 - C. The licensed premises of a regulated marijuana business shall not exceed three thousand (3,000) square feet.
 - D. Each regulated marijuana business shall be operated from a permanent location. No regulated marijuana business shall be permitted to operate from a moveable, mobile or transitory location.
 - E. The suitability of a location for a regulated marijuana business shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood occurring after the issuance of the first license might render the site unsuitable for a regulated marijuana business under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect.

3-7-13: INSPECTION OF BOOKS, RECORDS, AND LICENSED PREMISES:

- A. Every licensee shall maintain an accurate and complete record of all regulated marijuana purchased, sold, or dispensed by the regulated marijuana business in any usable form. Such record shall include the following:
 1. The identity of the seller and purchaser involved in each transaction;
 2. The total quantity of and amount paid for the regulated marijuana and/or the regulated marijuana product(s); and
 3. The date, time, and location of each transaction.

B. All transactions shall be kept in a numerical register in the order in which they occur.

C. All records required to be kept under this Chapter must be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of three (3) years after the date of the transaction. Information inspected by the Winter Park Police Department or other Town departments pursuant to this Chapter shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

D. The licensed premises shall be subject to inspection by the local licensing authority, its duly authorized representatives, and the Winter Park Police Department during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee by the local licensing authority or any other authorized Town personnel, such area shall be made available for inspection without delay.

3-7-14: UNLAWFUL ACTS:

It shall be unlawful for any person or licensee to:

A. Employ any person at a regulated marijuana business who is not at least twenty-one (21) years of age or who has a criminal history as described in Section 3-7-7.

B. Allow marijuana or marijuana products to be consumed upon its licensed premises.

C. Sell regulated marijuana or regulated marijuana products to a person under twenty-one (21) years of age or to a person who does not present a government-issued identification at the time of purchase.

D. Sell medical marijuana or medical marijuana products to non-patients.

E. Purchase or otherwise obtain regulated marijuana from any source that is not properly authorized under state and local law to sell or dispense regulated marijuana.

F. Permit the sale or consumption of alcohol beverages on the licensed premises.

G. Dispense regulated marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana.

H. Refuse to allow inspection of a regulated marijuana business upon request of an authorized Town employee. Any licensee, owner, business manager, operator of a regulated marijuana business, or owner of the property where a regulated marijuana business is located may be charged with violation of this requirement.

I. Violate any provision of this Chapter or any condition of an approval granted pursuant to this Chapter, or any law, rule, or regulation applicable to the use of regulated

marijuana or the operation of a regulated marijuana business, including without limitation any provision, term, condition, or requirement of the Colorado Marijuana Code.

J. Engage in any form of business or commerce involving the sale, distribution, or consumption of marijuana other than that form of business and commerce that is expressly permitted by Section 16 of Chapter XVIII of the Colorado Constitution, the Colorado Marijuana Code, and this Chapter, which permits only regulated marijuana business.

3-7-15: CHANGE IN MANAGER; CHANGE IN FINANCIAL INTEREST; TRANSFER OF OWNERSHIP; CHANGE IN LOCATION:

A. Change in Manager. Each licensee shall report any change in managers to the local licensing authority within thirty (30) days after the change. Such report shall include all information required for disclosing managers under this Chapter.

B. Change in Financial Interest. Each licensee shall report in writing to the local licensing authority any transfer or change of financial interest in the license holder or in the regulated marijuana business that is the subject of the license. Such report must be filed with the local licensing authority within thirty (30) days after any such transfer or change. A transfer application shall be required for any transfer of the capital stock of a corporation or any other interest totaling more than ten percent (10%) of the stock in any one (1) year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in the regulated marijuana business that is the subject of a license shall be a person who has discharged a sentence for a felony conviction within the past five (5) years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

C. Transfer of ownership. For a transfer of ownership, a license holder shall apply to the state and local licensing authority on forms provided by the state and local licensing authority. In considering whether to permit a transfer of ownership, the local licensing authority shall consider only the requirements of this Chapter, the Colorado Marijuana Code, and the regulations promulgated in conformance therewith. The local licensing authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until a notice of such hearing has been posted on the licensed regulated marijuana business premises for a period of at least ten (10) days prior to such hearing, and the applicant has been provided at least ten (10) days prior notice of such hearing.

D. Change of location.

1. A licensee from another jurisdiction that has previously obtained a license from the state and any other local licensing authority as applicable may move his or her permanent location to the Town of Winter Park so long as the applicant and the new location conform to the requirements of this Chapter, and a new local license is obtained.

2. A licensee within the Town that seeks to change its location, may move his or her permanent location so long as the new location conforms to the requirements of this Chapter. The local licensing authority shall schedule a public hearing on the application, provided however, the local licensing authority shall only consider the proposed location of the licensed premises pursuant to this Chapter.

3-7-16: REPORTING REQUIRED:

Licensees shall immediately report to the Winter Park Police Department any unlawful act, conduct, or disturbance committed upon the premises. In no case shall the report be provided later than seventy-two (72) hours of the event.

3-7-17: VIOLATIONS AND PENALTIES:

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, any person, including without limitation any licensee, manager or employee of a regulated marijuana business, or any customer of such business, who violates any of the provisions of this Chapter, shall be subject to the following penalties:

- A. Any person convicted of having violated any provision of this Chapter shall be punished as set forth in Section 1-4-1C of this Code.
- B. The operation of a regulated marijuana business without a valid license issued pursuant to this Chapter may be enjoined by the Town in an action brought in a court of competent jurisdiction, including the Winter Park Municipal Court.
- C. The operation of a regulated marijuana business without a valid license issued pursuant to this Chapter is specifically determined to be a public nuisance.

3-7-18: NO TOWN LIABILITY; INDEMNIFICATION:

- A. By accepting a license issued pursuant to this Chapter, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of regulated marijuana business owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.
- B. By accepting a license issued pursuant to this Chapter, all licensees, jointly and severally, if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the regulated marijuana business that is the subject of the license.

Section 5. Section 7-2-3 of the Winter Park Town Code is hereby amended by the addition of the following new definitions, to be inserted in alphabetical order:

REGULATED MARIJUANA BUSINESS: Any business authorized and duly licensed by Chapter 7 of Title 3 of this Code to sell regulated marijuana and regulated marijuana products.

Section 6. Section 7-3-19 of the Winter Park Town Code is hereby repealed and reenacted to read as follows:

7-3-19: MEDICAL MARIJUANA PROHIBITIONS:

A. Authority: The Town Council hereby finds, determines, and declares that it has the power to adopt this section pursuant to: article XVIII, section 16 of the Colorado Constitution; Colorado Revised Statutes section 44-11-104(6); article XX of the Colorado Constitution; the Town of Winter Park Home Rule Charter; and the Local Government Land Use Control Enabling Act, article 20 of title 29, Colorado Revised Statutes.

B. Findings: Based on the foregoing authority and after careful consideration and evaluation of the potential secondary impacts associated with the operation of medical marijuana establishments, the Town Council finds and determines that such businesses, other than a limited number of licensed medical marijuana businesses, would have an adverse effect on the health, safety and welfare of the Town and its inhabitants and that no suitable location exists in the Town for the operation of medical marijuana establishments other than the limited number of licensed medical marijuana businesses permitted by Chapter 7 of Title 3 of this Code.

C. Prohibition: It is unlawful for any person to operate, cause to be operated, or permit to be operated any medical marijuana establishment, other than a duly licensed medical marijuana business, in the Town, and all such uses are hereby prohibited in any location in the Town.

D. Penalty: Violations of this Section shall be punished as set forth in subsection 1-4-1C of this Code.

Section 7. Section 7-3-21 of the Winter Park Town Code is hereby repealed and reenacted to read as follows:

7-3-21: RETAIL MARIJUANA ESTABLISHMENTS:

A. Authority: The Town Council hereby finds, determines, and declares that it has the power to adopt this section pursuant to: article XVIII, section 16 of the Colorado Constitution; Colorado Revised Statutes section 44-11-104(6); article XX of the Colorado Constitution; the Town of Winter Park Home Rule Charter; and the Local Government Land Use Control Enabling Act, article 20 of title 29, Colorado Revised Statutes.

B. Findings: Based on the foregoing authority and after careful consideration and evaluation of the potential secondary impacts associated with the operation of retail marijuana establishments, the Town Council finds and determines that such businesses, other than a limited number of regulated marijuana businesses, would have an adverse effect on the health, safety and welfare of the Town and its inhabitants and that no suitable location exists in the Town for the operation of retail marijuana establishments other than the limited number of regulated marijuana businesses permitted by Chapter 7 of Title 3 of this Code.

C. Prohibition: It is unlawful for any person to operate, cause to be operated, or permit to be operated any retail marijuana establishment, other than a duly licensed retail marijuana store, in the Town, and all such uses are hereby prohibited in any location in the Town.

D. Penalty: Violations of this Section shall be punished as set forth in subsection 1-4-1C of this Code.

Section 8. Section 7-5B-2(B) of the Winter Park Town Code is hereby repealed and reenacted to read as follows:

7-5B-2: USES PERMITTED:

* * *

B. 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:

1. Commercial parking lots or structures;
2. Drive-through business;
3. Gasoline convenience stores;
4. Loading docks;
5. Mall and shopping center;
6. Outdoor storage;
7. Outdoor vendor;
8. Permanent outdoor sales and storage;
9. Public utilities;
10. Street vendor; and
11. Regulated marijuana businesses.

Section 9. Section 7-5D-2(B) of the Winter Park Town Code is hereby repealed and reenacted to read as follows:

7-5D-2: USES PERMITTED:

* * *

B. Special Use Permit: The following uses are permitted in the C-1 district subject to the provisions of this title and upon the issuance of a special use permit:

1. Commercial parking lots or garages;
2. Drive-through business;
3. Gasoline convenience stores;
4. Loading docks;
5. Outdoor storage;
6. Places of commercial recreation or amusement;
7. Public utilities; and
8. Regulated marijuana businesses.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this ___ day of _____, 2021. A public hearing shall be held at the regular meeting of the Winter Park Town Council on the ___ day of _____, 2021 at 5:30 p.m., 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.

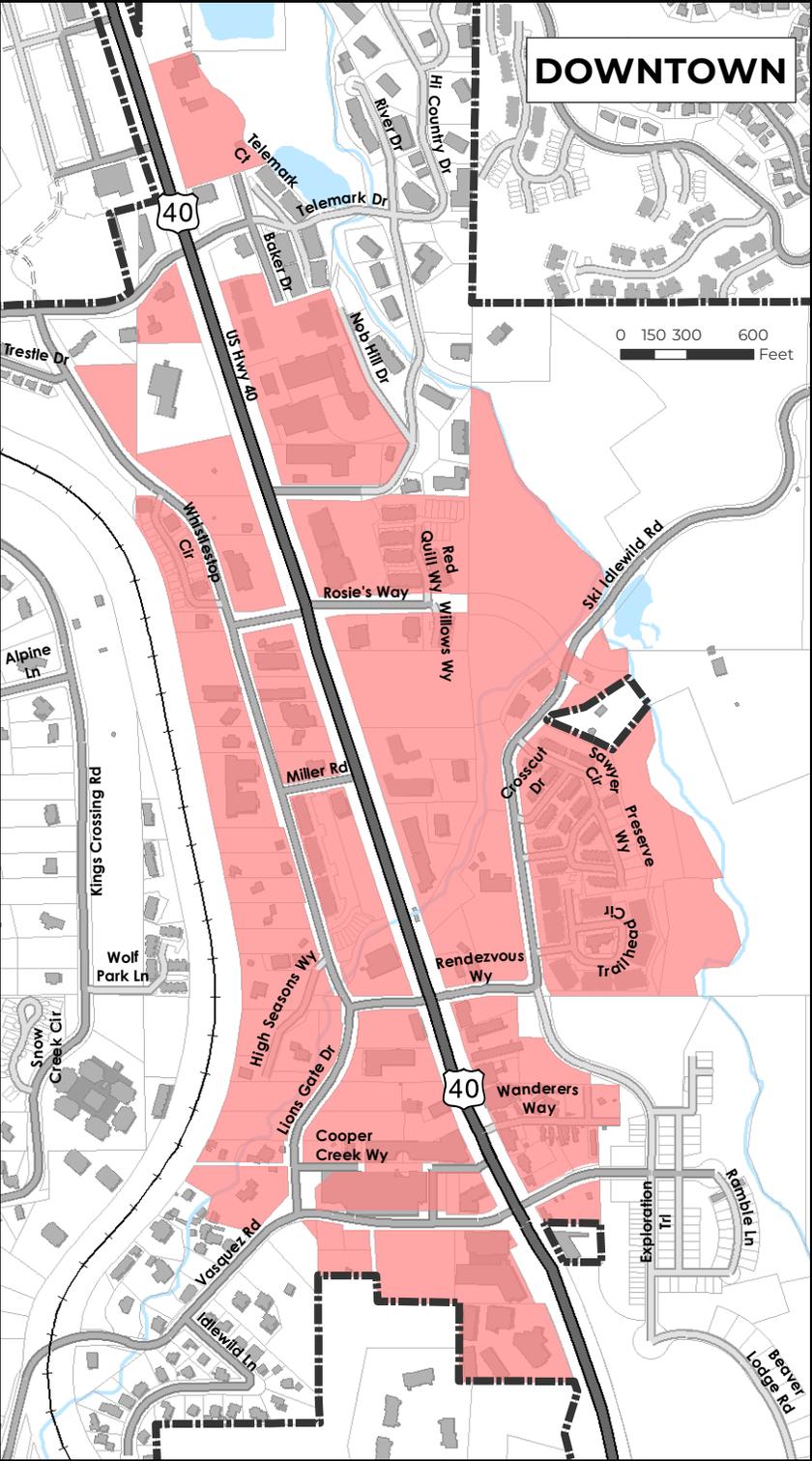
TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

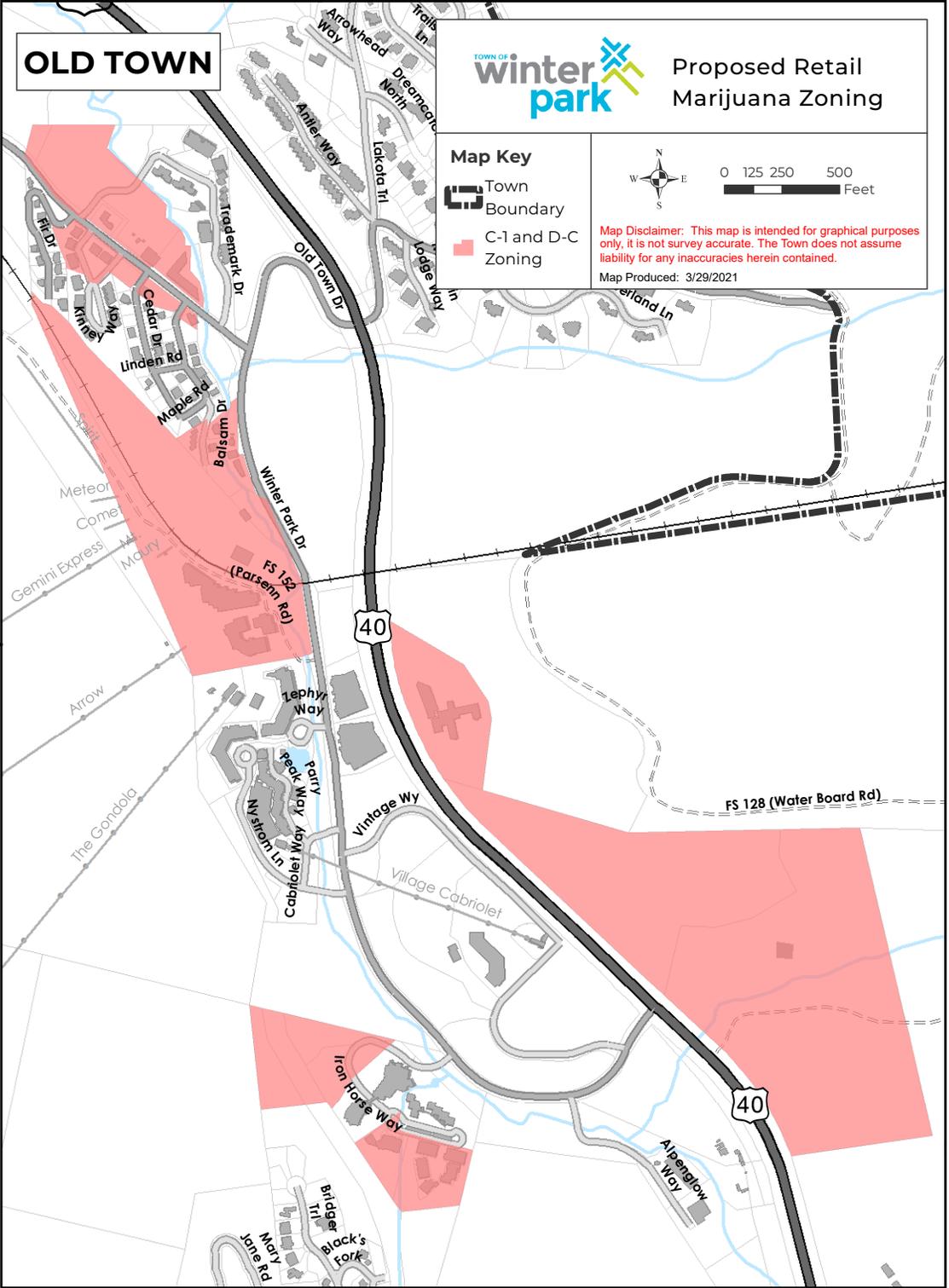
ATTEST:

Danielle Jardee, Town Clerk

DOWNTOWN



OLD TOWN



Proposed Retail Marijuana Zoning

Map Key

- Town Boundary
- C-1 and D-C Zoning



0 125 250 500 Feet

Map Disclaimer: This map is intended for graphical purposes only, it is not survey accurate. The Town does not assume liability for any inaccuracies herein contained.

Map Produced: 3/29/2021

MEMO

TO Mayor and Town Council
FROM Dani Jardee, Town Clerk
CC Keith Riesberg, Town Manager
DATE June 15, 2021
RE Marijuana Fee Structure

Background

In November 2020, Winter Park voters approved a regulated marijuana sales tax of 5% for the Town of Winter Park. Council has since discussed the topic of marijuana regulations at the January 19, February 2, and April 6, 2021, Town Council Workshops. The Town Council Workshops helped Staff and Legal Counsel to develop Ordinance 559 which amends the Town Code to allow regulated marijuana businesses to operate in the Town of Winter Park. Ordinance 559 had its first reading on June 1, 2021 and was approved with a vote of 7-0. On June 15, 2021, the second reading and public hearing will occur.

Analysis

If Ordinance 559 is approved tonight per sections 3-7-5(A), 3-7-5(G), 3-7-6(B), and 3-7-8 of the Winter Park Town Code fees are to be established by a separate resolution. Resolution 1868 presented tonight establishes fees related to licensing for regulated marijuana business for the Town of Winter Park. The fee structure presented on Resolution 1868 will cover the administrative costs of processing marijuana applications, renewals, etc. for the Town. Town Council may review and change fees as they deem necessary.

Recommendation

It is Council's discretion whether to approve the Fee Structure presented in Resolution 1868.

- Should the Town Council wish to approve Resolution 1868 the following motion should be made:

I move to approve Resolution 1868, A Resolution of the Town Council of the Town of Winter Park to Establish Fees Related to Licensing for Regulated Marijuana Businesses.



- Should the Town Council wish to deny Resolution 1868, the following motion should be made:

I move to deny Resolution 1868, A Resolution of the Town Council of the Town of Winter Park to Establish Fees Related to Licensing for Regulated Marijuana Businesses.

TOWN OF WINTER PARK
RESOLUTION NO. 1868
SERIES OF 2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINTER PARK TO ESTABLISH FEES RELATED TO LICENSING FOR REGULATED MARIJUANA BUSINESSES

WHEREAS, pursuant to C.R.S. § 44-10-803(3), as amended, a local jurisdiction may adopt and impose fees on regulated marijuana businesses in the local jurisdiction in an amount determined by the local jurisdiction; and

WHEREAS, Ordinance 559, Series of 2021, repealed and reenacted Chapter 7 of Title 3 of the Winter Park Town Code ("W.P.C."), and authorized certain fees to be set by Town Council resolution related to marijuana licensing; and

WHEREAS, the Town Council desires that marijuana businesses should cover the administrative processing costs the Town incurs in reviewing and processing such license applications and in administering the licenses once issued; and

WHEREAS, such local fees are in addition to the State licensing fees.

NOW THEREFORE, BE IT RESOLVED that the Town Council of Winter Park, Colorado, marijuana licensing fees shall be as follows:

Type of Fee	Amount	Source
Annual Operations Fee	\$2,000.00	W.P.C. § 3-7-8
Phase 1 Application Fee	\$750.00 (non-refundable application fee)	W.P.C. § 3-7-5(A)
Phase 2 Application Fee	\$2,000.00 (non-refundable application fee)	W.P.C. § 3-7-5(G)
Annual Renewal Application Fee	\$1500.00 (non-refundable application fee)	W.P.C. § 3-7-8
Late Renewal Application Fee	\$500.00	W.P.C. § 3-7-6(B)
Change of Location	\$1,000.00	W.P.C. § 3-7-8
Change of Ownership	\$1,000.00	W.P.C. § 3-7-8

Modification of Premise	\$250.00	W.P.C. § 3-7-8
Personnel Changes	\$100.00	W.P.C. § 3-7-8
Delivery Permit – Medical Only	\$1000.00	W.P.C. § 3-7-8

APPROVED AND PASSED this 15th day of June 2021 by a vote of ___ to ___.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



MEMO

TO Town Council
FROM Lizbeth Lemley, Finance & HR Director
CC Keith Riesberg, Town Manager
DATE June 10, 2021
RE 2021 Budget Amendment Ordinance 560

Attached for your review is an Ordinance titled “An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted and appropriated for the fiscal year 2021 for the Town of Winter Park, Colorado”. The Ordinance revises the original amounts budgeted and appropriated in the 2021 Budget by the Town Council adopted on December 1, 2020.

This ordinance is being brought forward to address events that have occurred subsequent to the approval of the 2021 budget. The proposed revisions are explained below. Please note all funds with personnel expense include a 3% increase and additional costs related to the increase (payroll taxes, retirement match, worker’s compensation insurance, etc). Additionally, increases in sales tax revenues reflected below represent sales tax collected in excess of budget for the months of January through April 2021.

Transit & Trails Fund – The Trails & Transit Fund will be transferring funds to the Affordable Housing Fund to acquire the piece of property originally purchased by the Affordable Housing Fund. This property is located adjacent to the site of the new Transit Maintenance Facility and will be needed to address site constraints of the proposed project. In addition, our transit bus manufacturer will have two buses originally scheduled for purchase in 2022 available in 2021. Purchasing the buses will allow the Town to have these buses placed in service prior to expected price increases in 2022. State grants have been awarded to cover 80% of the total cost of the buses. The amount below includes the two buses, wraps and the voice announcement system approved by Council earlier this year. These additional expenditures will be covered with sales tax dollars and grant funds. This fund will also be receiving additional federal grant funds under the Coronavirus Response and Relief Supplemental Appropriations Act in 2021.

	<u>Expenditures</u>	<u>Revenues</u>
Transfer to Affordable Housing Fund	800,000	
Capital Equipment	1,004,000	
Salaries	5,000	
Benefits	900	
Sales Tax		200,000
State Grants		787,608
Federal Grants		1,565,133
Total	<u>1,809,900</u>	<u>2,552,741</u>

Affordable Housing Fund – The bids for the Hideaway Junction Phase II horizontal infrastructure came in significantly over original estimates. Council has approved the bid to move forward with this project. Additionally, annual inspections of the apartments at Hideaway Place identified and required system repairs. These specific repairs were not included in the original 2021 budget but were necessary to properly maintain this facility. Lastly, as discussed above, the Trails & Transit Fund will be transferring funds to acquire a piece of property originally acquired by the Affordable Housing fund.

	<u>Expenditures</u>	<u>Revenues</u>
Capital Outlay	600,000	
Repairs and Maintenance	19,000	
Transfer from Trails & Transit Fund		800,000
Total	<u>619,000</u>	<u>800,000</u>

Capital Fund - At the time the 2021 budget was approved the Town forecasted the cost to complete the Public Works Facility project would be \$1,000,000. We now estimate the expenditures related to this project will exceed this estimate by \$230,000 in 2021. These expenditures are not project overruns but are the result to timing variances at year end. Additionally, the Town is purchasing new lighted Christmas decorations at a significant discount. These were included in the 2020 budget but were not expended. These expenditures will be covered by increased sales tax revenue and a transfer from the General Fund.

	<u>Expenditures</u>	<u>Revenues</u>
Capital Outlay	257,000	
Sales Tax Revenue		90,000
Transfer from General Fund		167,000
Total	<u>257,000</u>	<u>257,000</u>

Law Enforcement Fund –The are no addition appropriations requested in this fund in addition to the 3% wage increase discussed above. These expenditures will be covered by a transfer from the General Fund as well as a related increase in intergovernmental revenue in accordance with the Town’s IGA with the Town of Fraser.

	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	31,000	
Benefits	6,000	
Intergovernmental Revenue		13,690
Transfer from General Fund		<u>23,310</u>
Total	<u>37,000</u>	37,000

Building Services Fund – The are no addition appropriations requested in this fund in addition to the 3% wage increase discussed above. These expenditures will be covered by fund balance.

	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	6,200	
Benefits	1,200	
Fund Balance		<u>7,800</u>
Total	<u>7,800</u>	7,800

General Fund – In addition to the 3% wage increase, the chart below includes an additional position in the Finance department to manage the short-term rental registration process and other finance duties. We have also included one additional employee to further sustainability initiatives through the state’s Best and Brightest program. This position anticipates receiving state grants to fund a portion of the position costs. Administrative expenses reflected below represent the programming costs to expand our current business license/sales tax platform to include short term rental registrations, retail marijuana tax and other updates. This chart also reflects the transfers to the Capital Fund and Law Enforcement Fund discussed in the corresponding funds above. These additional expenditures will be funded by an increase in sales tax revenue, projected short term rental registration fees and a state grant. The Town will also be receiving additional federal grant dollars under the American Rescue Plan Act of 2021.



	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	102,000	
Benefits	18,500	
Administrative Services	10,000	
Transfer to Capital Fund	167,000	
Transfer to Law Enforcement Fund	23,310	
Sales Tax Revenue		400,000
Short Term Rental Registration Fees		75,000
State Grants		12,500
Federal Grants		136,986
Total	<u>320,810</u>	<u>624,486</u>

Recommended Motions

Staff recommends the Town Council approve the 2021 Budget Revisions as presented by approving the attached Ordinance.

TOWN OF WINTER PARK

ORDINANCE NO. 560
SERIES OF 2021

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED AND APPROPRIATED FOR THE FISCAL YEAR 2021 FOR THE TOWN OF WINTER PARK, COLORADO

WHEREAS, Section 9.12 of the Town of Winter Park Home Rule Charter provides that the Town Council by ordinance may make supplemental appropriations; and

WHEREAS, Keith Riesberg, Town Manager, has certified funds available in excess of the appropriated expenditures as presented in the 2021 Adopted Budget.

WHEREAS, upon due and proper notice, published or posted in accordance with state law, a public hearing was held on July 6, 2021, and interested taxpayers were given the opportunity to file or register any objections to said supplemental appropriations, and;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winter Park, Colorado:

Section 1. That the 2021 supplemental appropriations shall be added to the following funds:

Transit & Trails Fund

	<u>Expenditures</u>	<u>Revenues</u>
Transfer to Affordable Housing Fund	800,000	
Capital Equipment	1,004,000	
Salaries/Wages	5,000	
Benefits	900	
Sales Tax Revenue		200,000
State Grants		787,608
Federal Grants		1,565,133
Total	<u>1,809,900</u>	<u>2,552,741</u>

Affordable Housing Fund

	<u>Expenditures</u>	<u>Revenues</u>
Capital Outlay	600,000	
Repairs and Maintenance	19,000	
Transfer from Transit & Trails Fund		800,000
Total	<u>619,000</u>	<u>800,000</u>

Capital Fund

	<u>Expenditures</u>	<u>Revenues</u>
Capital Outlay	257,000	
Sales Tax Revenue		90,000
Transfers from General Fund		167,000
Total	257,000	257,000

Law Enforcement Fund

	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	31,000	
Benefits	6,000	
Intergovernmental Revenue		13,690
Transfers from General Fund		23,310
Total	37,000	37,000

Building Services Fund

	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	6,600	
Benefits	1,200	
Fund Balance		7,800
Total	7,800	7,800

General Fund

	<u>Expenditures</u>	<u>Revenues</u>
Salaries/Wages	102,000	
Benefits	18,500	
Administrative Services	10,000	
Transfer to Capital Fund	167,000	
Transfer to Law Enforcement Fund	23,310	
Sales Tax Revenue		400,000
Short Term Rental Registrations		75,000
State Grants		12,500
Federal Grants		136,986
Total	320,810	624,486

Section 2. That the supplemental appropriation as submitted, amended and herein above summarized by fund, hereby is approved and adopted providing additional appropriations to the Budget of the Town of Winter Park for the year stated above.

INTRODUCED, APPROVED ON FIRST READING, AND ORDERED PUBLISHED IN FULL this 15th day of June 2021. A public hearing shall be held at the regular meeting of the Winter Park Council on the 6th day of July, 2021 at 5:30 p.m., 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 6th day of July, 2021.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



MEMO

TO Mayor and City Council
FROM Keith Riesberg, Town Manager
CC
DATE June 11, 2021
RE Resolution authorizing employee raises

Background

Due to the unknown impact COVID-19 would have on the Town's revenues, the 2021 budget was adopted without granting raises for Town employees. Through the collective efforts of the community, Winter Park was able to have a successful winter season. Because of this, the Town is able to give its employees a 3% raise, retroactive to January, 2021. The Town's budget can accommodate the additional expense of \$120,000 and maintain the Town's other financial commitments.

Analysis

Due to the uncertainty the COVID-19 pandemic would have on the Town's revenues, the 2021 budget was adopted without granting raises for the Town's employees. Through the collective efforts of the community, Winter Park was able to have a successful winter season. This provided the Town the revenues necessary to give its employees a 3% raise, which is comparable to the raises granted by towns in Grand county. The raises will be retroactive to January, 2021. This is when raises are normally granted by the Town.

If Resolution 1869 is approved, the retroactive pay will be calculated and issued at the next pay period. Granting the raises will increase budgeted expenses by approximately \$120,000. The FY 21 budget can accommodate this additional expense and still meet the Town's other financial commitments.

The resolution also directs staff to prepare the 2022 budget assuming the granting of raises at the start of the year. This is consistent with the practices followed by the Town prior to the COVID-19 pandemic.

Recommendation

The adoption of the resolution directs staff to implement employee raises retroactive to January of 2021. The 2021 budget can accommodate the granting of raises for our employees. To thank our employees for the outstanding service provided to our community, we recommend approving the resolution submitted for your consideration.

Should the Town Council wish to approve the resolution directing the implementation of the 3% pay raises, the following motion should be made:

I move to approve Resolution 1869 recognizing the contributions and efforts of Town employees and directing raises for Town employees as presented.

Should the Town Council wish to deny the proposed ordinance, the following motion should be made:

I move to deny Resolution 1869 recognizing the contributions and efforts of Town employees and directing raises for Town employees as presented.

If the Resolution is not adopted, the regulations pertaining to marijuana as currently outlined in Town Code would continue to apply.

Should you have any questions or need additional information regarding this matter, please contact me.

TOWN OF WINTER PARK

RESOLUTION NO. 1869
SERIES OF 2021

A RESOLUTION RECOGNIZING THE CONTRIBUTIONS AND EFFORTS OF WINTER PARK TOWN STAFF AND DIRECTING THE IMPLEMENTATION OF RAISES FOR TOWN EMPLOYEES.

WHEREAS, the unknown financial impacts of the COVID-19 pandemic on the Town of Winter Park revenues prevented the granting of employee raises when the 2021 budget was adopted; and

WHEREAS, through the collective efforts of the Winter Park Resort, Grand County, Winter Park businesses and our employees, Winter Park had a successful winter season; and

WHEREAS, the Town of Winter Park recognizes our employees are the Town's greatest assets and is now financially positioned to grant employee raises that had to be deferred due to the uncertainty of the COVID-19 pandemic; and

WHEREAS, the Town of Winter Park is committed to providing its employees compensation and benefits commensurate with the level of service and performance expected of the Winter Park community.

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

1. The Town Council recognizes and appreciates the unrelenting efforts of our Town employees who did not receive raises this past January yet continued to provide outstanding service to the residents and guests of our community.
2. The Town Council directs staff to amend the 2021 budget to appropriate funding for granting a three-percent (3%) raises for employee retroactive to January, 2021.
3. The Town Council directs staff to develop the 2022 budget assuming the Town will return to its previous practice of granting raises at the start of each fiscal year.

APPROVED AND PASSED this 15th day of June, 2021, by a vote of ___ to ___.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

MEMO

TO Mayor and Town Council
FROM Lizbeth Lemley, Finance & HR Director
CC
DATE June 9, 2021
RE Second Amendment to Riesberg Employment Agreement

Background

In August 2018, the Town of Winter Park entered into an Employment Agreement (Agreement) with Keith Riesberg to serve as the Winter Park Town Manager. In December 2019 Town Council amended the severance provisions in lieu of providing a salary increase.

Based upon favorable reviews by the Town Council members conducted in October 2020, the Town Council proposes an amendment to Mr. Riesberg's Agreement to provide a 3% salary increase retroactive to January 1, 2021, consistent with the increase approved for Town staff.

Analysis

The Employment Agreement requires an evaluation of Mr. Riesberg's performance. This review is completed annually in October. Mr. Riesberg received favorable evaluations from all Council members in October 2020, however, increases were not included in the 2021 budget due to the financial uncertainty surrounding the COVID-19 pandemic.

During the June 15th meeting, the Council will be voting on a 3% increase for all Town staff retroactive to January 1st following a successful first quarter of tax remittance. Should this resolution pass, Mr. Riesberg's Employment Agreement must be amended. The proposed second amendment includes a 3% increase to Mr. Riesberg's base salary and the ability to apply future Council approved increases to Mr. Riesberg without further amending the Employment Agreement.

Recommendation

It is at the Council's discretion whether or not to approve the proposed amendment.

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

I move to approve Resolution 1870 approving a Second Amendment to the Employment Agreement as presented.

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

I move to deny Resolution 1870 approving a Second Amendment to an Employment Agreement as presented.

Should you have any questions or need additional information regarding this matter, please contact me.

TOWN OF WINTER PARK
RESOLUTION NO. 1870
SERIES OF 2021

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE
EMPLOYMENT AGREEMENT WITH THE TOWN MANAGER

WHEREAS, in August 2018, the Town entered into an Employment Agreement with Keith Riesberg to serve as the Winter Park Town Manager;

WHEREAS, in December 2019, the Town Council approved the First Amendment to the Employment Agreement with Keith Riesberg;

WHEREAS, the Town Council is pleased with Mr. Riesberg's performance as Town Manager and proposes an amendment to the Agreement to apply a 3% salary increase retroactive to January 1, 2021, in line with the increase approved for Town staff;

WHEREAS, Town Council also wishes to amend the Agreement so that Mr. Riesberg receive such future increases, consistent with with Town staff.

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

1. The Second Amendment to Employment Agreement is hereby approved in substantially the form attached hereto, subject to approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Second Amendment on behalf of the Town.

PASSED, ADOPTED AND APPROVED this 15th day of June, 2021.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

THIS SECOND AMENDMENT TO EMPLOYMENT AGREEMENT (the "Second Amendment") is made and entered into this ____ day of _____, 2021 (the "Effective Date"), by and between the Town of Winter Park, a Colorado home rule municipality with an address of P.O. Box 3327, 50 Vasquez Road, Winter Park, Colorado 80482 (the "Town"), and Keith Riesberg, an individual with an address of 45 CR 5223 Unit A, Tabernash, CO 80478 ("Riesberg") (each a "Party" and collectively, the "Parties").

WHEREAS, on August 8, 2018, the Parties entered into an Employment Agreement (the "Agreement");

WHEREAS, on December 4, 2019, the Parties entered into the First Amendment to Employment Agreement (the "First Amendment"); and

WHEREAS, the Parties wish to amend the Agreement again as set forth herein.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 3.a. of the Agreement is hereby amended to read as follows:

Salary. For his employment as Town Manager, Riesberg shall be compensated at an annual base salary of \$159,650, retroactive to January 1, 2021, payable in biweekly installments at the same time as other management employees of the Town are paid. In subsequent years, if a pay increase is applied to all Town employees, the same annual adjustment shall be applied to Riesberg's base salary, at the same time and in the same percentage, if any. In addition, the Town Council may adjust the base salary and benefits as the Town Council determines appropriate, in the Town Council's sole discretion.

2. All other provisions of the Agreement, as amended by the First Amendment, shall remain unchanged.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the Effective Date.

TOWN OF WINTER PARK, COLORADO

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk

EMPLOYEE

Keith Riesberg

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this ____
day of _____, 2021, by Keith Riesberg.

My commission expires:
(S E A L)

Notary Public

MEMO

TO Town Council

FROM Hugh Bell, Planner

THROUGH James Shockey, Community Development Director

DATE June 15, 2021

RE Preliminary Plat – Lot 1B, Jane Creek Subdivision – 100 Iron Horse Way

Applicant: Mark Unicum on behalf of Unicum Colorado, LLC and Lot 1B, Inc.

Zoning: D-C (Destination Center)

Background:

The property was previously platted in 2004 (Reception No. 2004-006812) but no significant development occurred within the required timeframe so that plat expired. The property has been overgraded and contains a retaining wall and 18" CMP.

Project Overview:

Applicant proposes subdividing Lot 1B in Jane Creek Subdivision into a mixed-use development consisting of three buildings along Iron Horse Way composed of 42 multifamily dwelling units (DUs) and possibly several commercial units. The parcel is ~1.533 acres and is bordered to the north by vacant property owned by WPRA; to the west by Corridor ski run; to the south by vacant land owned by Winter Park Alpine Club LLC; and to the east by Iron Horse Way.

The property is vacant, contains wetlands, and has a mix of young and mature trees, mostly lodgepole pine. Topography is steep (~65%) toward the western boundary.

Access:

Vehicular access is proposed via a 34' private access and utility easement (Reception No. 2004-006812) crossing over Lot 1A and via a driveway directly off Iron Horse Way. Iron Horse Way is a private road. No intersection improvements appear necessary as per the Traffic Impact Analysis (2021) traffic levels are not estimated to increase by more than 20% at the intersection of Highway 40 and Winter Park Drive.

No sidewalks are proposed.

Parking:

89 total off-street parking spaces are proposed; 74 are covered and 15 are uncovered. Four stall dimensions are proposed: 8'x20'; 8'-6"x17'; 9'6"x20'; and 10'x20'. Via an administrative variance request, applicant has requested to reduce the width and length of covered parking space dimensions to 8'x20' (two spaces) and 8'-6"x17' (one space) due to column spacing in the underground parking garage.

Per 3.9.1 of the Standards, minimum covered parking space dimensions may be 9'x18'.

Per 3.9.3 of the Standards, one (1) space is required per one-bedroom DU, one and a half (1.5) spaces are required per two-bedroom DU, and two (2) spaces are required per three-bedroom DU. Below is a breakdown of the off-street parking required per DU. No commercial unit counts are contemplated

Off-Street Parking Requirements					
	1-bedroom	2-bedroom	3-bedroom	Guest	Total
DU bedroom type count:	--	27	15	--	42
Parking spaces required:	--	41	30	--	71
Parking spaces provided:	--	41	30	18	89

- The Town Engineer shall review the administrative variance request to reduce width and length of parking space dimensions and approve or disapprove the request.
- If the applicant decides to add any commercial uses at a later date, the applicant shall resubmit a parking plan for the Planning Commission/Town Council's consideration. If additional parking spaces are required, applicant will need to revise the plat.

Setbacks:

N/A. The D-C Zone District does not stipulate yard setbacks for this property.

Landscaping and Revegetation:

Satisfactory. The property is subject to Land Use Transition Zones (LTZs). The Town's Landscape Design Regulations and Guidelines require a "C" LTZ for the east property line and a "D" LTZ for the southeast, west, and north property lines. Applicant is proposing "D" LTZ for all property lines. Landscaping is not shown on west and north property lines; per the narrative applicant states the west, north, and east property lines will remain as natural vegetation. The Planning Commission is satisfied with the north and west LTZs using existing vegetation to meet the LTZ requirements, given the applicant protect this existing vegetation. No landscaping is shown encroaching into snow storage areas.

- In lieu of providing a Type "D" LTZ, applicant shall ensure existing vegetation on north and west property lines is protected from damage; any damaged vegetation shall be replaced.

Erosion Control / Drainage Plan / Drainage Report:

A Phase II Drainage Report dated March 2021 was submitted and prepared by EV Studios. An erosion control and drainage plan were also submitted.

- If required, applicant shall revise erosion control and drainage plans to the Town Engineer's satisfaction.

Snow Storage:

Unsatisfactory. 2,964 sq. ft. of snow storage are proposed; at least 5,534 sq. ft. are required. At the June 8 PC hearing, applicant verbally stated a snowmelt system will be used for all drives and parking spaces. The Standards (§3.11) require snow storage areas comprise a minimum of 25% of all hardscaped surfaces (i.e. driving surfaces, gravel shoulders, parking areas, and pedestrian walkways). It is unclear if any snow storage easements are proposed. The north snow storage area is adjacent to a wetland; applicant shall clarify how the wetland will be protected from damage.

- Applicant shall clarify in writing that snowmelt system will be used.
- During construction of Building 2 and prior to construction of Building 3, applicant shall construct a retaining wall on Building 2's north side to protect adjacent wetland from snow storage damage.
- Applicant shall clarify if any snow storage easements are proposed; if so, these shall be added to the Final Plat.

Density:

Satisfactory. The proposed density for the entire development is 28 DU per gross acre which is permitted in the D-C Zone District, which allows a maximum of 28 DU per gross acre.

Open Space/Building Coverage:

Satisfactory. Building coverage comprises ~60% (Iron Horse Way ROW area is excluded from coverage calculation as it is existing). At the June 8 PC hearing, applicant stated that each building's first floor use is currently assumed to be dedicated to residential uses. Maximum building coverage limits for residential uses is 60%.

5% Land Dedication:

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

The amount is calculated as follows: $5\% \times \$467,570 = \$23,378.50$. Staff referred to the actual value of \$467,570 from the Assessor as no purchase price was listed by the Assessor. Per §8-3-10, the fee in lieu shall be calculated based on the property's fair market value.

- The Town Council may require a qualified Colorado appraiser to appraise the property in accordance with §8-3-10 in the Town Code if it feels necessary.

School Impact Fee:

This project is subject to school impact fees since no land dedication has been proposed. The fee and the fee in lieu of land dedication collected shall be equivalent to the market value of land area for the total number of dwelling units.

The amount is calculated as follows: $\$1,586 \text{ per DU} \times 42 \text{ DU} = \$66,612.00$

HOA / Declaration of Covenants:

Satisfactory. This project will have HOAs for each building and a master HOA for the entire development. Applicant has submitted draft copy of Declaration of Covenants.

- Prior to Final Plat submittal, applicant shall provide copies of the Bylaws, Articles of Incorporation, and Declaration of Covenants.

Development Improvements Agreement:

All improvements (water, sewer, roadway, landscaping, drainage/erosion control, etc.) associated with the proposed project are required to be guaranteed (120%) through a Development Improvements Agreement (DIA). The applicant has provided cost estimates for said improvements, but the numbers will need to be revised after the applicant has finalized the construction plans.

- The applicant shall provide an executed DIA with cost estimates along with final stamped engineered plans for all applicable improvements prior to acceptance of any DIA and subsequent site disturbance.

Sidewalks:

No sidewalks are proposed.

Wetlands:

Satisfactory. Wetlands comprise the northern, eastern, and southern portions of the property. The snow storage easement abuts wetlands; staff added a plat note requiring the applicant protect said wetlands from damage. The north snow storage area is adjacent to a wetland; at the June 8 PC hearing, applicant stated that wetlands will be protected from damage with a retaining wall during construction of Buildings 2 and 3.

View Corridors:

N/A. Per the upcoming Unified Development Code (UDC) (§5-A-2, View Protection) structures are prohibited from blocking the view corridor of the Continental Divide from the Town's parks (Wolf, Confluence, and Hideaway).

Review Agency Comments: View review agency comments [here](#).

- **CDOT**
Brian Killian, Region 3 Access Program Manager, responded to the referral in an email dated April 5, 2021. In that email he stated he had no objections to plat approval.
- **Colorado Geological Survey**
Amy Crandall, Engineering Geologist, responded to the referral in a letter dated April 22, 2021 and June 4, 2021. In the former letter she expressed concern about potential for future landslide occurrences, slope instability, and avalanches given a nearby landslide occurred southwest of the property, and recommended geotechnical studies be performed for Buildings 2 and 3 and that a geohazard report be conducted. In the latter she stated CGS has no objection to the plat provided the risks associated with slope instability are evaluated and additional studies are performed for Buildings 2 and 3. See attached letter for details.
 - Applicant shall perform site-specific geotechnical studies for Buildings 2 and 3 in future phasing of the project; CGS shall review said studies.
- **Comcast**
Andy Newby, no title given, responded to the referral in a letter dated May 6, 2021. In that letter he stated Comcast can serve the property. See attached letter for details.
- **East Grand Fire Protection District No. 4**
Dennis Soles, Fire Marshal, responded to the referral in a letter dated March 25, 2021. In that letter he expressed concern regarding ease of access for fire apparatuses. See attached letter for details.
 - Applicant shall address all comments made by East Grand Fire Protection District No. 4 in the letter dated March 25, 2021.
- **East Grand School District**
Frank Reeves, Superintendent, responded to the referral in an email dated May 27, 2021. In that email he required all school impact fees be paid.
- **Lumen**
Terry Ferruzza, no title given, responded to the referral in an email dated May 28, 2021. In that email she stated Lumen has no facilities in the area and if the developer wants copper facilities to

the development, a request will need to be sent to Lumen. See attached email for details.

- **Mountain Parks Electric**

Jean Johnston, Senior Staking Engineer / R.O.W. Specialist, responded to the referral in an email dated April 12, 2021 and May 28, 2021. In the latter email she indicated satisfaction with the utility plan. See attached email for details.

- **Town Engineer**

Cooper Karsh, P.E., CFM, Project Manager, responded to the referral in a letter dated April 27, 2021 and June 9, 2021. In the latter letter he expressed concern about level of detail in drawings, need for a geotechnical study for Buildings 2 and 3, among other comments for the plat and construction plans. See attached letter for details.

- Applicant shall address all comments made by the Town Engineer in the letter dated June 9, 2021.

- **Winter Park Water and Sanitation District**

Bill Wemmert, of AECOM on behalf of WPWSD responded to the referral in a letter dated April 11, 2021. In this letter he requested peak flow rate calculations, Building 3's water connection, sewer depth discrepancies, among other comments. See attached letter for details.

- Applicant shall address all comments made by WPWSD in the letter dated April 11, 2021.

- **Xcel**

Kathleen Jacoby, Design Planner, responded to the referral in a letter dated April 28, 2021. In this letter she expressed no concern with the plat. See attached letter for details.

Letters were sent to the following agencies but comments were not received prior to the deadline –

- Colorado Parks and Wildlife
- Denver Water
- Grand County Assessor
- Grand County Planning Department
- Headwaters Trails Alliance
- Town Public Works Department
- Town Transit Department
- US Army Corps of Engineers
- US Forest Service

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

Public Comments:

Staff sent notice to adjacent property owners on June 3, 2021. One comment has been received as of June 10.

- Gayle Perron-Krawetz, of Iron Horse Condominiums, expressed concern about access to the property.

Plat:

Staff prepared a red-marked print for the proposed Preliminary Plat that was presented to the applicant on April 20. Staff prepared a new red-marked print that was presented to the applicant after the Planning Commission hearing.

- Prior to Final Plat submittal, applicant shall update the Preliminary Plat per the redlined version from Town Staff dated June 11, 2021.

Miscellaneous items to be resolved at time of recordation of the Final Plat:

1. A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property.
2. A digital file of the approved plat must be submitted. The digital file shall be in a format acceptable to the Town's System. Requirements for digital submittal can be obtained from the Town's Planning Department
3. A 14"x18" 911 Address Plat shall be provided.
4. A School Impact Fee in the amount of \$66,612.00 shall be provided prior to recordation of any Final Plat.
5. The 5% Open Space payment in an amount to be determined shall be provided prior to recordation of any Final Plat.

Planning Commission Recommendation:

The Planning Commission reviewed the Preliminary Plat on June 8, 2021 and recommended approval with the conditions outlined below.

Staff Recommendation:

Staff recommends approval of Resolution 1871, Series 2021, a resolution approving the Preliminary Plat for Jane Creek, Lot 1B Condominiums with the following conditions to be met prior to Final Plat:

1. The Town Engineer shall review the administrative variance request to reduce width and length of parking space dimensions and approve or disapprove the request.
2. If the applicant decides to add any commercial uses at a later date, the applicant shall resubmit a parking plan for the Planning Commission's consideration. If additional parking spaces are required, applicant will need to revise the plat.
3. In lieu of providing a Type "D" LTZ, applicant shall ensure existing vegetation on north and west property lines is protected from damage; any damaged vegetation shall be replaced.
4. If required, applicant shall revise erosion control and drainage plans to the Town Engineer's satisfaction.
5. Applicant shall clarify in writing that snowmelt system will be used.
6. During construction of Building 2 and prior to construction of Building 3, applicant shall construct a retaining wall on Building 2's north side to protect adjacent wetland from snow storage damage.
7. Applicant shall clarify if any snow storage easements are proposed; if so, these shall be added to the Final Plat.
8. The Town Council may require a qualified Colorado appraiser to appraise the property in accordance with §8-3-10 in the Town Code if it feels necessary.
9. Prior to Final Plat submittal, applicant shall provide copies of the Bylaws, Articles of Incorporation, and Declaration of Covenants.
10. The applicant shall provide an executed DIA with cost estimates along with final stamped engineered plans for all applicable improvements prior to acceptance of any DIA and subsequent site disturbance.

11. Applicant shall perform site-specific geotechnical studies for Buildings 2 and 3 in future phasing of the project; CGS shall review said studies.
12. Applicant shall address all comments made by East Grand Fire Protection District No. 4 in the letter dated March 25, 2021.
13. Applicant shall address all comments made by the Town Engineer in the letter dated June 9, 2021.
14. Applicant shall address all comments made by WPWSD in the letter dated April 11, 2021.
15. Prior to Final Plat submittal, applicant shall update the Preliminary Plat per the redlined version from Town Staff dated June 11, 2021.

TOWN OF WINTER PARK
RESOLUTION NO. 1871
SERIES OF 2021

A RESOLUTION APPROVING WITH CONDITIONS THE PRELIMINARY
PLAT FOR JANE CREEK, LOT 1B CONDOMINIUMS

WHEREAS, Unicume Colorado, LLC (“Applicant”) is the current owner of certain real property legally described as Being A Portion Of Lot 1B Jane Creek Recorded At Reception Number 2004-006812, A Part Of The Mary Jane Placer (Ms 16378), Township 2 South, Range 75 West Of The Sixth Principal Meridian, Town Of Winter Park, County Of Grand, State Of Colorado (the “Property”);

WHEREAS, on March 12, 2021, Applicant filed an application for approval of a Preliminary Plat for the Property, known as Jane Creek, Lot 1B Condominiums (the "Preliminary Plat");

WHEREAS, after a properly-noticed public hearing on June 8, 2021, the Planning Commission approved the Preliminary Plat with conditions;

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

WHEREAS, at a properly-noticed public hearing on June 15, 2021, the Town Council considered the Preliminary Plat; and

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

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

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

2. Decision. Based on the foregoing findings, the Town Council hereby approves the Preliminary Plat, Jane Creek, Lot 1B Condominiums, subject to the following conditions, all of which shall be satisfied prior to submittal of the Final Plat:

1. The Town Engineer shall review the administrative variance request to reduce width and length of parking space dimensions and approve or disapprove the request.
2. If the applicant decides to add any commercial uses at a later date, the applicant shall resubmit a parking plan for the Planning Commission’s consideration. If additional parking spaces are required, applicant will need to revise the plat.
3. In lieu of providing a Type “D” LTZ, applicant shall ensure existing vegetation on north and west property lines is protected from damage; any damaged vegetation shall be replaced.
4. If required, applicant shall revise erosion control and drainage plans to the Town Engineer’s satisfaction.
5. Applicant shall clarify in writing that snowmelt system will be used.
6. During construction of Building 2 and prior to construction of Building 3, applicant shall construct

- a retaining wall on Building 2's north side to protect adjacent wetland from snow storage damage.
7. Applicant shall clarify if any snow storage easements are proposed; if so, these shall be added to the Final Plat.
 8. The Town Council may require a qualified Colorado appraiser to appraise the property in accordance with §8-3-10 in the Town Code if it feels necessary.
 9. Prior to Final Plat submittal, applicant shall provide copies of the Bylaws, Articles of Incorporation, and Declaration of Covenants.
 10. The applicant shall provide an executed DIA with cost estimates along with final stamped engineered plans for all applicable improvements prior to acceptance of any DIA and subsequent site disturbance.
 11. Applicant shall perform site-specific geotechnical studies for Buildings 2 and 3 in future phasing of the project; CGS shall review said studies.
 12. Applicant shall address all comments made by East Grand Fire Protection District No. 4 in the letter dated March 25, 2021.
 13. Applicant shall address all comments made by the Town Engineer in the letter dated June 9, 2021.
 14. Applicant shall address all comments made by WPWSD in the letter dated April 11, 2021.
 15. Prior to Final Plat submittal, applicant shall update the Preliminary Plat per the redlined version from Town Staff dated June 11, 2021.

PASSED, ADOPTED AND APPROVED this 15th day of June 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: Jane Creek, Lot 1B Condominiums	Date: March 12, 2021
Street Address (or general location if not addressed): 100 Iron Horse Way, Winter Park, CO 80482	
Schedule Number(s) or Parcel Number(s): R303162	
Site Area (in square feet or acres): 1.533 (66,758 SF)	Existing Zoning: DC
Existing Land Use: Vacant Land	
Legal Description: Jane Creek Minor Subdivision, Lot 1B	

OWNER / APPLICANT

Name: Mark Unicumе	Phone: 602-903-5774
Company: Unicumе Colorado, LLC / Lot 1B, Inc	Email: unicumecolorado@gmail.com
Mailing Address: PO Box 3302, Winter Park, CO 80482	

CONTACT PERSON

Name: Mark Unicumе	Phone:
Company: Same	Email:
Mailing Address:	

TYPE OF APPLICATION (check all that apply)

	Subdivision	Fee		Other Development	Fee
✓			✓		
	Sketch Plan	\$250.00		Zoning Variance	\$250.00
X	Preliminary Plat	\$500.00*		Special Use Permit	\$150.00
	Final Plat	\$750.00*		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*
X *	*Number of Lots:	72* x \$10.00		*Number of Lots:	x \$10.00
	TOTAL FEES:	\$ 1,220.00		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:	\$ 1,220.00		TOTAL FEES:	\$

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

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

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

* 42 planned residential condominiums plus 30 planned commercial condominiums, subject to change on the Final Plat and As Built Condo Map as may be allowed by Town of Winter Park zoning codes and design guidelines.

UNICUME COLORADO, LLC / LOT 1B, INC

PO BOX 3302

WINTER PARK, COLORADO 80482

602-903-5774

UNICUMECOLORADO@GMAIL.COM

March 12, 2021

James Shockey, AICP
Hugh Bell
Town of Winter Park
50 Vasquez Road
Post Office Box 3327
Winter Park, Colorado 80482

Re: Jane Creek, Lot 1B Condominiums Preliminary Plat Submittal

James / Hugh,

I am pleased to submit a Preliminary Plat application for Jane Creek, Lot 1B Condominiums along with phase I (Building 1) of Lot 1B Condominiums, a ski in/out community located at 100 Iron Horse Way in the Town of Winter Park. The project has designed and engineered meet the codes and guidelines and address the various comments from our previous meetings and conversations. The variance for 69'-6" building height has been submitted. As discussed, an administrative variance is requested, if required, for the width of garage and surface parking spaces to increase the parking ratio if necessary depending on the nature of the commercial component uses. We defer to the town on whether a variance for the parking width is required. We look forward to working with you, and believe that Lot 1B Condos will be a nice addition to the neighborhood and the Town of Winter Park and a project that the community will be proud of.

Project Description

Lot 1B Condominiums will be located at 100 Iron Horse Way between the WP Resort to the north and the Iron Horse Resort 'D' Building to the south and adjacent to the Corridor ski trail on the west. The parcel is approximately 1.533 acres (66,758 square feet) and is zoned Destination Center (D-C). The site slopes down from west to east and from south to north, and is a partially forested site generally with spruce and lodge pole pine that been partially graded. Wetlands are located along the northerly boundary of the site and the area of impact where the proposed building and improvements will be located has been previously approved the USA Corp of Engineers under USACE Permit 2000-75185 as amended. The site has been disturbed with grading and other improvements from the previous construction of Base Camp, CHILL and Iron Horse developments. The mixed use project is designed to consist of a total of approx 42 residential condo units along with a commercial condo units component with uses, including, but not limited to, an alpine club planned to be built in three phases with shared access, parking and amenities. This submittal is for the overall Lot 1B condominium preliminary plat including Building 1, Building 2, Building 3 and common area outlots. The project will

be developed in phases as market conditions dictate over the next few years with phase I being Building 1, including a four story 20 condo unit condominium building constructed above a single level parking structure with additional surface parking spaces accessed from the project driveway directly off Iron Horse Way as well as via an existing driveway/utility easement access across Lot 1A providing additional access directly off Iron Horse Way. Depending on demand for an alpine club or other commercial uses, some or all of the first floor condo units in Building 1 may be reconfigured as an alpine club or other commercial uses. Commercial use condominium units will be in addition to the 42 residential condominium units with the total number of condominium units within Jane Creek, Lot 1B to be determined at completion of the project and subject to compliance with the Town of Winter Park zoning codes and development guidelines.

Lot 1B (formerly part of Block A/B) proposed project designs have gone through a number of iterations by the previous property owners over the years dating back to the early 1980's with the most intensive use being a large condominium project with a total height of over 75' known as the Placer Lodge. At build out, Lot 1B Condominiums is designed to consist of approx 42 residential condo units in three phases with a commercial condo units component envisioned to be used as an alpine club by the residents and the community on a membership basis and other commercial uses. Building 1 is designed to consist of 20 two bedroom / den / 2 bath units. The total Lot 1B density is compliant with the allowable residential density—28 units per acre (UPA) allowed, with 28 UPA proposed (the total residential density is subject to change in the future with town approval depending on the potential allocation of the Jane Creek, Outlot A, which is owned by an affiliate of the applicant, density and open space credit to Lot 1B). Residential condo uses may include both owner occupancy and short and long term residential rentals. Commercial condo uses may include both owner occupancy and short and long term commercial and residential rentals. The Lot 1B buildings are approximately 70' tall as measured from the parking structure entry which exceeds the 55' height limitation. A height variance has been requested from the Town of Winter Park BOA. The combined Buildings 1, 2 and 3 footprint covers a total of .48 acres (20,909 square feet) / 31% of the total site area, and other parking/ hardscape improvements cover .41 acres (17,860 square feet) / 27% of the site for a total building/parking/hardscape coverage of .89 acres (38,769 square feet) / 58% of the site. Thus, .64 acres (27,989 square feet) / 42% of the site is intended to remain as open space. Ample area for functional snow storage area is provided as delineated on the plans.

A total of 71 parking spaces are required for the proposed 42 residential condo units (27 – two bedroom units X 1.5 spaces per unit and 15 - three bedroom units X 2 spaces per unit) are required, and 89 total parking spaces are provided, leaving 18 parking spaces available for visitors, guests and commercial use condos employees/customers. Parking is designed to include 74 covered spaces in the parking structures and 15 surface spaces of located on the Lot 1B site. To the extent commercial condo components are included in the Lot 1B project, the proposed parking is sufficient to satisfy the requirements for staff and limited customer parking on-site with alpine club members and Lot 1B commercial customers being shuttled from remote off-site parking via the regularly scheduled LIFT public transportation system as well as private shuttles. If necessary, a future administrative variance may be requested to reduce the required parking space width to increase the total number of on-site parking spaces.

Architectural Plans

LCVD Architecture, LLC, Lucy Van Dusen, R.A. and Peter Van Dusen Project Management + Design has been engaged to prepare the architectural design documents for the Lot 1B project. LCVD has extensive experience designing first class projects throughout Colorado as well as in the Winter Park

community and they are familiar with the town's design guidelines to facilitate and streamline the approach to the approval and permitting process and have the vision to create a classic mountain modern theme for the Lot 1B project. (Conceptual architectural elevations are included in the application package for review.)

Landscape Plans

Landscape plans will be provided. The majority of the site located to the west, north and east of the building will remain as natural vegetation including lodge pole and spruce pine forest.

Preliminary Plat and Homeowner Associations

In addition to the preliminary construction plans prepared by LCVD Architecture, LLC, and civil engineering plans prepared by EV Studio, Inc, a preliminary plat is being prepared by CORE Consultants, Inc. The plat will be consistent with the construction drawings and represents the development plan for Jane Creek, Lot 1B, A Condominium Community. The plat will be drawn in accordance with all Winter Park preliminary plat requirements.

A homeowners association will govern Jane Creek, Lot 1B Condominiums at the completion of Building 1 with separate Building 1, Building 2, Building 3 homeowners associations and a master association which may be formed in the future. The master association will then be responsible for the maintenance of all common elements such as the open space, common amenities, surface parking and driveways. Sub-associations will be formed for each Building 2 and Building 3 as they are completed in the future. At the time of this submission only the condominium governance documents for the Jane Creek, Lot 1B Condominium Owners Association is anticipated. (Draft copies of the association documents and preliminary plat are included in the application package for review.)

Geological Report

A current Geological Report is being prepared by Kumar & Associates, Inc analyzing the property's subsurface conditions. Test holes were drilled in the building footprints and parking area. Lab tests were performed on the sample soils in accordance with applicable American Standard Testing Methods (ASTM) protocol, and the buildings' foundations, retaining walls and roadways will be designed based upon the outcome of those tests. The foundation will consist of a conventional spread footing system comprised of reinforced, cast-in-place concrete. (A copy of the GeoTechnical Engineering Study prepared by Kumar & Associates, Inc will be forwarded upon issuance of the report to be incorporated in this application package which supplements the Koecklien Engineers report dated October 23, 2000 which is included in the application package for review.)

Engineering

EV Studio, Inc analyzed the Kumar & Associates, Inc Report and will provide all civil engineering services for Lot 1B Condominiums. As per Code, they are preparing the Drainage Report, all civil construction drawings, civil related variance requests, and a cost breakdown for Development Improvements Agreement (DIA). The cost breakdown for the Development Improvements Agreement (DIA) will be submitted as soon as possible. EV Studio, Inc will also be providing structural and MEP engineering services for the project and has been engaged to prepare the structural calcs and drawings which will be integrated into the application package upon completion. (A copy of the EV Studio civil engineering plans and reports are included in the application package for review.)

Water and Sanitation Services

The property is served by Winter Park Water and Sanitation District. Service lines and taps will be installed as designed in the civil engineering drawings prepared by EV Studio, Inc. to be approved by Winter Park Water and Sanitation District (A copy of the Winter Park Water and Sanitation District commitment to serve letter will be included in the application package.)

Fire Protection

The building will be fire sprinkled, and each unit will be equipped with a monitored alarm system. Multiple fire command locations will be provided, and each will be equipped with a strobe light, horn and Knox Box. (The fire command centers will be located based upon the final phasing plan and the recommendations of the East Grand Fire Protection District #4.)

Phasing Plan and Construction Cost Estimates

Due to the size of the project, limited construction season and market conditions, Lot 1B will be constructed in phases. The first phase will begin at the southerly portion of the site with Building 1 (20 residential condominium units), then move to the north with Building 2 (approx 15 residential condominium units with a commercial component TBD)) and lastly Building 3 (approx 7 residential condominiums units with a commercial component TBD). Based upon market analysis, Lot 1B is projected to be fully developed and sold within five years, however depending on market conditions, Lot 1B Condominiums may be operated as a rental community offering both long and short term rentals of the condo units. The commercial components use may include, but not be limited to, an Alpine Club for the use of residents and the community on a membership basis with the final uses of to be determined at a later date.

A Development Improvements Agreement (DIA) containing the overall construction cost estimates will be provided by EV Studio, Inc as soon as possible. As required by Code, The CDOT Standards and Specifications for Road and Bridge Construction will be used as a guide for all cost estimates and the estimates include a 20% contingency. The final DIA breaking out the various phases will be included with the Lot 1B Building 1 building permit submittal, and be fully funded at the time of issuance of the Lot 1b Building 1 building permit. final plat approval. . (A copy of the preliminary engineer's estimate of infrastructure cost prepared by EV Studio is included in the application package for review.)

Traffic Impact Analysis (TIA)

A Traffic Impact Analysis (TIA) for Lot 1B (addressing the entire project including Building 1, Building 2 and Building 3) has been prepared. Based on the current proposed total residential density of 42 DU plus a commercial component, the existing access and the road network were found to be sufficient, and no change the road classification or any additional road improvements are required. (A copy of the Traffic Impact Analysis has been included in this application package.)

Public Open Space

As noted above 42% of Lot 1B is reserved as open space, for the benefit of Lot 1B residents and guests with any publicly dedicated open space to be determined in the future. The open space may be used for

purposes allowed under the Town of Winter Park code, including, but not limited to project amenities and ingress/egress to the Corridor ski trail for Lot 1B residents and guests.

Town Code and Town Plan

We believe that Lot 1B Condominiums is an improvement over the original projects proposed for the site in terms of meeting the community's needs and the Town Code and the Town Plan. The units are consistent with our CHILL project which is 100% sold/leased which are more affordable for young people and retirees in the community—the local residents. The project will appeal to both second home and full time residents and both are vital to the livelihood of the Winter Park base, downtown core and community as a whole. The permanent population causes local spending. This prevents “sales tax leakage” out of Town and creates year round jobs in Town. Some of the units will also most likely be owned by second homeowners as serve as “hot beds” (high occupancy short term rental units) that will generate revenue for the Town through sales tax, lodging tax, property taxes and the real-estate transfer fees.

The proposed condominiums are a use by right within the Destination Center District (D-C District), and the D-C District calls for high density/intensity uses—28 UPA for this property. Per Code:

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 uses 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)

Attainable Housing Fee

Lot 1B Condominiums may not satisfy the attainable housing criteria of the town based on projected condo sale prices, however the units offered on a rental basis may satisfy some of the town's attainable housing objectives. We will coordinate with the Town of Winter Park housing coordinator during the review process to determine if some of the community attainable housing goals can be accomplished by the Lot 1B project.

Thank you for your efforts on and support of the Jane Creek, Lot 1B project. We appreciate your assistance with this project and look forward working with you, staff, the Planning Commission and the Town Council.

Respectfully,

Mark Unicume

Mark Unicume,
Unicume Colorado, LLC
Lot 1B, Inc

JANE CREEK, LOT 1B CONDOMINIUMS
BEING A PORTION OF LOT 1B JANE CREEK RECORDED AT RECEPTION NUMBER 2004-006812
A PART OF THE MARY JANE PLACER (MS 16378), TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

DEDICATION

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

PARCEL I:
 ALL OF LOT 1B JANE CREEK, RECORDED JUNE 8, 2004 AT RECEPTION NUMBER 2004-006812 OF THE RECORDS OF GRAND COUNTY, COLORADO.
 TOGETHER WITH A NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS, AND FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF UTILITIES, SAID EASEMENT BEING 24.00 FEET IN WIDTH AND LYING 12.00 FEET ON EACH SIDE OF THE CENTERLINE OF THE "PROPOSED - 24' PRIVATE ROAD" SHOWN ON THE FINAL PLAT FOR IRON HORSE SUBDIVISION - FIRST REPLAT FILED JANUARY 4, 1984, AT RECEPTION NO. 211478, AS CREATED UNDER THE PUBLIC TRUSTEE DEEDS RECORDED DECEMBER 31, 1985 IN BOOK 386 AT PAGE 960 AND BOOK 386 AT PAGE 965.

PARCEL II:
 THOSE RIGHTS, TITLES, INTERESTS, CLAIMS AND DEMANDS IN AND TO THAT CERTAIN CORRIDOR ACCESS AND USE AGREEMENT, BY AND BETWEEN FRU-CON DEVELOPMENT CORPORATION, A MISSOURI CORPORATION ("FRU-CON"), AND WINTER PARK RECREATIONAL ASSOCIATION, A COLORADO NONPROFIT CORPORATION ("WPRA"), RECORDED DECEMBER 23, 2002, AT RECEPTION NO. 2002-014267, AND IN AND TO THAT CERTAIN EASEMENT AGREEMENT, BY AND BETWEEN FRU-CON AND WPRA, RECORDED DECEMBER 23, 2002, AT RECEPTION NO. 2002-014266, BUT ONLY TO THE EXTENT THAT SUCH INTERESTS RELATE TO LOT 1B, JANE CREEK, ACCORDING TO THE PLAT THEREOF FILED JUNE 8, 2004, AT RECEPTION NO. 2004-006812.

PARCEL III:
 THOSE RIGHTS, TITLES, INTERESTS, CLAIMS AND DEMANDS IN AND TO THAT CERTAIN 34' PRIVATE INGRESS, EGRESS AND PRIVATE UTILITY EASEMENT ACCORDING TO THE JANE CREEK PLAT RECORDED JUNE 8, 2004, AT RECEPTION NO. 2004-006812.

CONTAINING AN AREA OF 1.533 ACRES, MORE OR LESS.

THAT UNICUME COLORADO LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS JANE CREEK, LOT 1B, CONDOMINIUMS, AND DO HEREBY DEDICATE AND SET APART OUTLOT A, OUTLOT B, OUTLOT C, OUTLOT D AND OUTLOT E TO THE JANE CREEK, LOT 1B CONDOMINIUMS UNIT OWNERS AS TENANTS IN COMMON, EACH WITH AN UNDIVIDED INTEREST.

IN WITNESS WHEREOF, MARK E. UNICUME AS MANAGING MEMBER OF UNICUME COLORADO LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED HIS NAME TO BE HEREUNTO SUBSCRIBED THIS _____ DAY OF _____, 20____.

BY: MARK E. UNICUME AS MANAGING MEMBER OF UNICUME COLORADO LLC, A COLORADO LIMITED LIABILITY COMPANY

STATE OF COLORADO)
) SS
 COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED MARK E. UNICUME, TO ME KNOWN (OR PROVED TO ME ON BASIS OF SATISFACTORY EVIDENCE) WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGING MEMBER OF UNICUME COLORADO, LLC, AND THAT HE, IN SUCH CAPACITY, BEING AUTHORIZED TO DO SO, ACKNOWLEDGED THE SAME ON BEHALF OF THE COMPANY, AND EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

MORTGAGEE'S CONSENT

THE UNDERSIGNED, BEING AN AUTHORIZED REPRESENTATIVE OF WASHINGTON TRUST BANK, THE HOLDER OF A BENEFICIAL INTEREST IN AND TO THE PROPERTY DESCRIBED ON THIS PLAT, UNDER DEED OF TRUST RECORDED _____, 2021 AT RECEPTION NUMBER 2021____ OF THE GRAND COUNTY, COLORADO REAL PROPERTY RECORDS, HEREBY CONSENTS TO THESE AMENDED AND RESTATED DEVELOPMENT NOTES IN THE FINAL PLAT OF JANE CREEK, LOT 1B, CONDOMINIUMS AND AGREES THAT THE LIENS OF THE DEEDS OF TRUST ARE HEREBY SUBORDINATE HERETO.

WASHINGTON TRUST BANK
 717 WEST SPRAGUE AVENUE SPOKANE, WA 99201

BY _____
 NAME _____
 TITLE _____

STATE OF WASHINGTON)
) SS
 COUNTY OF _____)

THIS DOCUMENT ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021 BY _____ AS _____ OF WASHINGTON TRUST BANK.

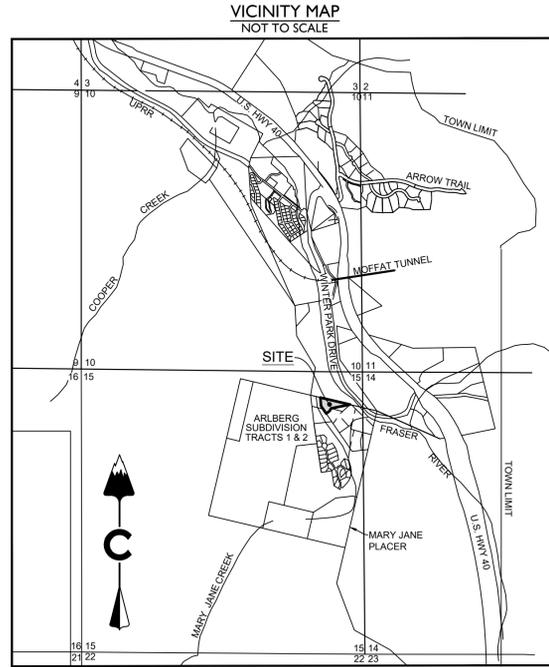
WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEY NOTES

- BEARINGS ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF LOT 1B, JANE CREEK, BEARS N26°19'49"W, AS MONUMENTED AND SHOWN HEREON.
- SET 18" LONG #5 REBAR WITH 2" OUTSIDE DIAMETER ALUMINUM CAP MARKED "PLS 34592" AT ALL BOUNDARY CORNERS UNLESS OTHERWISE NOTED.
- THE EXTERIOR BOUNDARY, RECORDED EASEMENTS AND RIGHTS-OF-WAY, IF ANY, ARE SHOWN ON THE ACCOMPANYING PLAT AS DISCLOSED IN THE TITLE COMPANY OF THE ROCKIES, COMMITMENT NUMBER 0303354-C, DATED FEBRUARY 15, 2021, AT 7:00 A.M. LANDS SHOWN HEREON MAY ALSO BE SUBJECT TO THE EXCEPTIONS IN SAID COMMITMENT NUMBER. OTHER INTERESTS OR EASEMENTS MAY EXIST. PER THE REQUEST OF THE OWNER OR OWNERS AGENT, NO ADDITIONAL RESEARCH WAS COMPLETED BY CORE CONSULTANTS.
- THE PARCEL MAY BE SUBJECT TO RIGHTS, INTERESTS, AGREEMENTS, OBLIGATIONS, RIGHTS-OF-WAY OR EASEMENTS IN FAVOR OF ANY PERSON OR ENTITY BURDENING THE SUBJECT PROPERTY WHICH EXIST OR ARE CLAIMED TO EXIST WITH RESPECT TO: A) ANY IRRIGATION DITCH AND/OR LATERAL; (B) RESERVOIR AND/OR RESERVOIR RIGHTS; (C) SPRINGS AND/OR SPRING RIGHTS; (D) WELL AND/OR WELL RIGHTS; AND (E) THE WATER AND/OR WATER RIGHTS ASSOCIATED WITH THE FOREGOING WHICH MAY BE LOCATED UPON THE LAND OR ASSOCIATED WITH THE LAND.
- THESE PREMISES ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAY, VARIANCES AND OR AGREEMENTS OF RECORD OR APPARENT FROM AN INSPECTION OF THE PROPERTY.
- THE U.S. SURVEY FOOT WAS USED FOR ALL MEASUREMENTS ON THIS SURVEY. PURSUANT TO C.R.S. 38-52.103(2) METRIC CONVERSION IS: ONE METER EQUALS 3937/1200 FEET.
- FIELDWORK WAS COMPLETED IN OCTOBER 2020. HORIZONTAL AND VERTICAL MEASUREMENTS WERE OBTAINED BY USING A LEICA MS-50 AND GS-14 GPS SYSTEM. A COMBINATION OF CONVENTIONAL AND GPS MEASUREMENTS WERE UTILIZED.
- THE PARCEL IS SUBJECT TO THE TERMS AND CONDITIONS OF THE USCOE WETLAND PERMIT #200075185 (AMENDED)
- THE PARCEL IS SUBJECT TO THE TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN MASTER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR WEST PORTAL VILLAGE AT WINTER PARK RECORDED SEPTEMBER 5, 1980, IN BOOK 280 AT PAGE 610, AS AMENDED BY SUPPLEMENTAL DECLARATIONS RECORDED OCTOBER 2, 1997, AT RECEPTION NO. 97008718, APRIL 23, 1999, AT RECEPTION NO. 99004533, MARCH 3, 2006, AT RECEPTION NO. 2006-002081 AND FEBRUARY 25, 2015 AT RECEPTION NO. 2015001178.



DEVELOPMENT NOTES

- JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION, ("THE OA") A COLORADO NONPROFIT CORPORATION, HAS BEEN CREATED TO OPERATE, MAINTAIN AND OTHERWISE ADMINISTER THE "COMMON ELEMENTS" OF JANE CREEK, LOT 1B, CONDOMINIUMS, AS MORE PARTICULARLY DESCRIBED AND DEFINED IN THAT CERTAIN CONDOMINIUM DECLARATION RECORDED CONTEMPORANEOUSLY WITH THIS PLAT (THE "DECLARATION"). THE OWNERS OF UNITS WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS ARE ADVISED TO CAREFULLY REVIEW THE TERMS AND CONDITIONS OF THE DECLARATION IN ORDER TO ADEQUATELY DETERMINE AND UNDERSTAND THE RESPONSIBILITIES AND OBLIGATIONS IMPOSED AS A CONDITION OF UNIT OWNERSHIP WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS. SEPARATE OWNERS ASSOCIATION MAY BE FORMED IN THE FUTURE FOR EACH INDIVIDUAL BUILDING OR PORTION THEREOF TO BE DEVELOPED WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS. UNLESS OTHERWISE DEFINED HEREIN, ALL CAPITALIZED TERMS USED IN THESE PLAT NOTES SHALL HAVE THE SAME MEANINGS ASCRIBED THERETO IN THE DECLARATION.
- JANE CREEK, LOT 1B, CONDOMINIUMS COMMON ELEMENTS INCLUDE, WITHOUT LIMITATION: OUTLOT A, THE DRIVE APRONS TO THE UNITS WITHIN BUILDING 1, BUILDING 2 AND BUILDING 3 AND NON-EXCLUSIVE PUBLIC UTILITY EASEMENT; OUTLOT B, DRIVEWAY, SNOW STORAGE, NON-EXCLUSIVE PUBLIC UTILITY EASEMENT AND PARKING AREA; OUTLOT C, SNOW STORAGE, OPEN SPACE, SKI ACCESS AND NON-EXCLUSIVE PUBLIC UTILITY EASEMENT; OUTLOT D, SNOW STORAGE, OPEN SPACE, SKI ACCESS AND NON-EXCLUSIVE PUBLIC UTILITY EASEMENT; THE SNOW STORAGE AREAS; AND THE TRASH ENCLOSURE AREA. AS ALL OF THE FOREGOING ARE GENERALLY DEPICTED ON THE ACCOMPANYING PLAT BUT SUBJECT, HOWEVER, TO THE RESTRICTIONS AND RESERVATIONS DESCRIBED IN THE DECLARATION AND IN THE SEPARATE INSTRUMENTS RECORDED CONTEMPORANEOUSLY WITH THIS PLAT.
- BUILDING 1, BUILDING 2 AND BUILDING 3 WILL BE PERMITTED SEPARATELY, AND WILL BE DEVELOPED INDEPENDENTLY IN PHASES. BUILDING PERMITS WILL ONLY BE ISSUED FOR EACH INDIVIDUAL BUILDING IMPROVEMENT TO BE CONSTRUCTED WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS, AND THE ENTIRETY OF THE BUILDING IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ISSUED BUILDING PERMITS. UNTIL SUCH TIME AS A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE TOWN OF WINTER PARK FOR EACH BUILDING IMPROVEMENT CONSISTING OF A GROUPING OF UNITS WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS, A GROUPING OF UNITS MAY ONLY BE SOLD, CONVEYED AND TRANSFERRED AS A SINGLE UNIT. UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH BUILDING IMPROVEMENT INTENDED FOR MULTIFAMILY RESIDENTIAL OR COMMERCIAL USE AND COMPLIANCE WITH ALL OTHER APPLICABLE TOWN OF WINTER PARK ZONING AND SUBDIVISION REGULATIONS, THE OWNER OF EACH SINGLE BUILDING IMPROVEMENT MAY SELL, TRANSFER AND CONVEY THE INDIVIDUAL CONSTITUENT UNITS (AND IMPROVEMENTS LOCATED THEREON) INCLUDED IN THE RELEVANT LOT GROUPING.
- A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, ACROSS AND UNDER THE PROPERTY IS HEREBY ESTABLISHED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO ELECTRICITY, NATURAL GAS, WATER, SEWER, CABLE TELEVISION AND TELEPHONE. THIS EASEMENT IS FOR THE BENEFIT OF ALL UNITS AND MAY BE CONVEYED ON A NON-EXCLUSIVE BASIS TO PROVIDERS OF SUCH SERVICES BUT WILL BE SUBORDINATE TO PLANNED OR EXISTING IMPROVEMENTS AND MAY NOT BE USED TO PROVIDE SERVICE TO LOTS OR UNITS NOT WITHIN THE PROJECT.
- OUTLOTS A, B, C, D & E ARE OPERATED, MAINTAINED AND OTHERWISE ADMINISTERED BY THE JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION AS COMMON ELEMENTS IN ACCORDANCE WITH THE DECLARATION FOR JANE CREEK, LOT 1B, CONDOMINIUMS. THE OA IS RESPONSIBLE FOR PROVIDING YEAR-ROUND MAINTENANCE OF THE PRIVATE DRIVE AND NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT.
- ALL UTILITIES SERVICING UNITS WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS MUST BE CONSTRUCTED UNDERGROUND.
- ALL DRIVEWAYS SHALL BE CONSTRUCTED TO DRIVEWAY DESIGN STANDARDS OF THE TOWN OF WINTER PARK. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED FOR A BUILDING IMPROVEMENT CONSTRUCTED ON A LOT WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS UNTIL THE TOWN OF WINTER PARK INSPECTS AND APPROVES THE COMPLETION OF THE DRIVEWAY FOR THAT LOT.
- WETLANDS ADJACENT TO SNOW STORAGE LOCATIONS SHALL BE PROTECTED FROM DAMAGE.
- THE JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR HAULING SNOW FROM THE SITE IF THERE IS NOT ADEQUATE SNOW STORAGE AREA ONSITE.

DEVELOPMENT NOTES

- ALL IMPROVEMENTS WITHIN JANE CREEK, LOT 1B, CONDOMINIUMS ARE SUBJECT TO THE PRIOR REVIEW AND APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION.
- THE GEOTECHNICAL REPORT REQUIRES THAT ALL STRUCTURES AND STREETS HAVE ENGINEERED FOUNDATIONS. A SITE SPECIFIC SOIL AND FOUNDATION REPORT IS REQUIRED TO BE PROVIDED WITH SUBMITTAL OF A BUILDING PERMIT APPLICATION TO THE TOWN OF WINTER PARK BUILDING DEPARTMENT THAT RECOMMENDS THE MOST APPROPRIATE FOUNDATION SYSTEM FOR EACH STRUCTURE. SUBSURFACE STRUCTURES AND IMPROVEMENTS SHALL COMPLY WITH GEOTECHNICAL REPORT INCLUDING GROUNDWATER RECOMMENDATIONS.
- OTHER THAN EXCEPTIONS GRANTED UNDER VARIANCES GRANTED BY THE TOWN OF WINTER PARK, JANE CREEK, LOT 1B, CONDOMINIUMS MUST MEET THE TOWN DESIGN STANDARDS.
- THE WETLAND AREAS, AS IDENTIFIED AND FLAGGED BY ECOLOGICAL RESOURCE CONSULTANTS, INC, ARE SHOWN HEREON. WETLAND IMPACTS ARE PERMITTED BY THE DEPARTMENT OF ARMY, U.S. ARMY CORPS OF ENGINEERS UNDER PERMIT # 200075185 (AMENDED).
- UPON RECORDATION OF A TOWN-APPROVED AS BUILT CONDOMINIUM MAP OF EACH PORTION OF THE PROPERTY THAT CONTAINS A COMPLETED BUILDING IMPROVEMENT AND RECORDATION OF A CONDOMINIUM DECLARATION THAT SUBMITS THAT PORTION OF THE PROPERTY AND RELATED AREAS TO A CONDOMINIUM REGIME IN ACCORDANCE WITH THE ACT, DEVELOPMENT OF THAT PORTION OF THE PROPERTY SHALL BE COMPLETED AND THEREAFTER AIR SPACE UNITS DEPICTED ON THE AS-BUILT PLAT ("UNITS") MAY BE SOLD, TRANSFERRED, ASSIGNED, CONVEYED AND ENCLUMBERED IN ACCORDANCE WITH APPLICABLE LAW.
- A PERPETUAL NON-EXCLUSIVE DRAINAGE EASEMENT AND UTILITY EASEMENT SHALL APPLY UPON, ACROSS, ABOVE, OVER, UNDER, AND THROUGH OUTLOTS A, B, C & D SHOWN ON THIS PLAT FOR THE PURPOSE OF INGRESS TO AND EGRESS FROM, AND THE INSTALLATION, REPAIR, REPLACEMENT, OPERATION AND MAINTENANCE OF ALL ELECTRICAL LINES AND EQUIPMENT. THE RIGHTS RESERVED IN THIS UTILITY EASEMENT ARE SUBJECT TO THE SPECIFIC EASEMENTS DEDICATED BY THIS PLAT TO JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION AND MOUNTAIN PARKS ELECTRIC, INC. ONCE ELECTRICAL UTILITIES ARE INSTALLED IN SUCH UTILITY EASEMENT(S), NO STRUCTURE SHALL BE ALLOWED CLOSER THAN TEN FEET (10') FROM ANY PRIMARY VOLTAGE POWER LINES OR WITHIN TEN FEET (10') AROUND ANY ABOVE GROUND EQUIPMENT. NO GAS LINE WILL BE PERMITTED CLOSER THAN FIVE FEET (5') TO ANY PRIMARY VOLTAGE LINES OR EQUIPMENT. NO GRADE CHANGES (FILL OR CUT) IN EXCESS OF SIX INCHES (6") ARE PERMITTED IN THE UTILITY EASEMENT WITHOUT PRIOR WRITTEN AUTHORIZATION FROM MOUNTAIN PARKS ELECTRIC, INC. ALL ELECTRICAL AND COMMUNICATION DISTRIBUTION LINES (NOT INCLUDING APURTENANT FACILITIES, SUCH AS TRANSFORMERS, SWITCHES, AND PEDESTALS) INSTALLED PURSUANT TO THE UTILITY EASEMENT SHALL BE INSTALLED UNDERGROUND.
- JANE CREEK, LOT 1B, CONDOMINIUMS PROVIDES FOR RECIPROCAL USE, ACCESS, BENEFIT AND ENJOYMENT OF THE ENTIRE COMMON AREA OF THE PROPERTY BY BUILDING 1 UNITS, BUILDING 2 UNITS AND BUILDING 3 UNITS INCLUDING BUT NOT LIMITED TO LOBBY, HALLS, STAIRWELLS, ELEVATORS, GARAGE (EXCEPT LCE), SURFACE PARKING, SKIWAY CONNECTION AND ALL PROJECT AMENITIES WHETHER LOCATED ON BUILDING 1, BUILDING 2, BUILDING 3 OR OUTLOTS A, B, C, D & E.
- GEOTECHNICAL INVESTIGATIONS AND ANALYSIS WILL BE REQUIRED FOR EACH BUILDING PERMIT SUBMITTAL.
- TO ENSURE STORM DRAINAGE FACILITIES FUNCTION AS THEY ARE DESIGNED TO, CONTINUED MAINTENANCE IS REQUIRED. THE JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, AND DETENTION BASINS LOCATED ON JANE CREEK, LOT 1B, CONDOMINIUMS. SHOULD THE JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE TOWN SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE PURPOSE OF OPERATIONS AND MAINTENANCE, ALL SUCH COSTS WILL BE ASSESSED TO THE JANE CREEK, LOT 1B CONDOMINIUM OWNERS ASSOCIATION.

PLANNER'S CERTIFICATE

I, _____, BEING A QUALIFIED PROFESSIONAL ENGINEER, OR ENGINEERING, DESIGNING, OR PLANNING FIRM, CERTIFY THAT THIS PLAT OF JANE CREEK, LOT 1B CONDOMINIUMS, HAS BEEN ENGINEERED, DESIGNED AND PLANNED IN ACCORDANCE WITH ALL APPLICABLE DESIGN STANDARDS AND OTHER REQUIREMENTS OF THE TOWN OF WINTER PARK SUBDIVISION REGULATIONS.

BRIAN WELCH, PE

PLANNING COMMISSION CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20____ BY THE WINTER PARK PLANNING COMMISSION, WINTER PARK, COLORADO.

BRAD HOLZWARATH, CHAIRMAN

TOWN COUNCIL CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20____ BY THE TOWN COUNCIL OF THE TOWN OF WINTER PARK SITUATED IN GRAND COUNTY, COLORADO. ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE TOWN OF WINTER PARK DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS-OF-WAY REFLECTED HEREON FOR MAINTENANCE BY SAID TOWN. UNTIL SUCH ROADS AND RIGHTS-OF-WAY MEET TOWN SPECIFICATIONS AND ARE SPECIFICALLY ACCEPTED FOR MAINTENANCE BY RESOLUTION OF THE TOWN COUNCIL, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OF AFFECTING SAID ROADS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND EMBRACED WITHIN THE SUBDIVISION. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE OR SOIL CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT MAY BE ISSUED.

ATTEST:

NICK KUTRUMBOS, MAYOR
 TOWN OF WINTER PARK, COLORADO

DANIELLE JARDEE, TOWN CLERK

NOTICE:

ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ACTION BE TAKEN BASED UPON ANY DEFECT IN THIS SURVEY MORE THAN TEN (10) YEARS AFTER THE DATE OF THE SURVEY CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATE:

I, MICHAEL SEAN KERVIN, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS JANE CREEK, LOT 1B, CONDOMINIUMS, TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF TITLE 38, ARTICLE 51, COLORADO REVISED STATUTES, 1973, AND THE MONUMENTS REQUIRED BY SAID STATUTE AND BY THE TOWN OF WINTER PARK SUBDIVISION REGULATIONS HAVE BEEN PLACED IN THE GROUND.

MICHAEL SEAN KERVIN, CO PLS 34592
 CORE CONSULTANTS, INC.

STATE OF COLORADO)
) SS
 COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY MICHAEL SEAN KERVIN

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

(ORD. 35, SERIES OF 1980; AMD. ORD. 77, SERIES OF 1982)

OWNER/DEVELOPER
 UNICUME COLORADO, LLC/LOT 1B, INC
 P.O. BOX 3302
 WINTER PARK, CO 80482

SURVEYOR
 CORE CONSULTANTS, INC.
 3473 S. BROADWAY BLVD.
 ENGLEWOOD, CO 80113
 CONTACT: MICHAEL KERVIN

ENGINEER
 EV STUDIO
 5335 W. 48TH AVE, STE 300
 DENVER, CO 80212
 CONTACT: BRIAN WELCH

DATE PREPARED
 MAY 26, 2021

LAND DEVELOPMENT
 ENERGY
 PUBLIC INFRASTRUCTURE

CORE CONSULTANTS, INC.
 3473 SOUTH BROADWAY
 ENGLEWOOD, CO 80113
 303.703.4444
 LIVEYOURCORE.COM

CORE

NO.	DESCRIPTION	DATE	BY

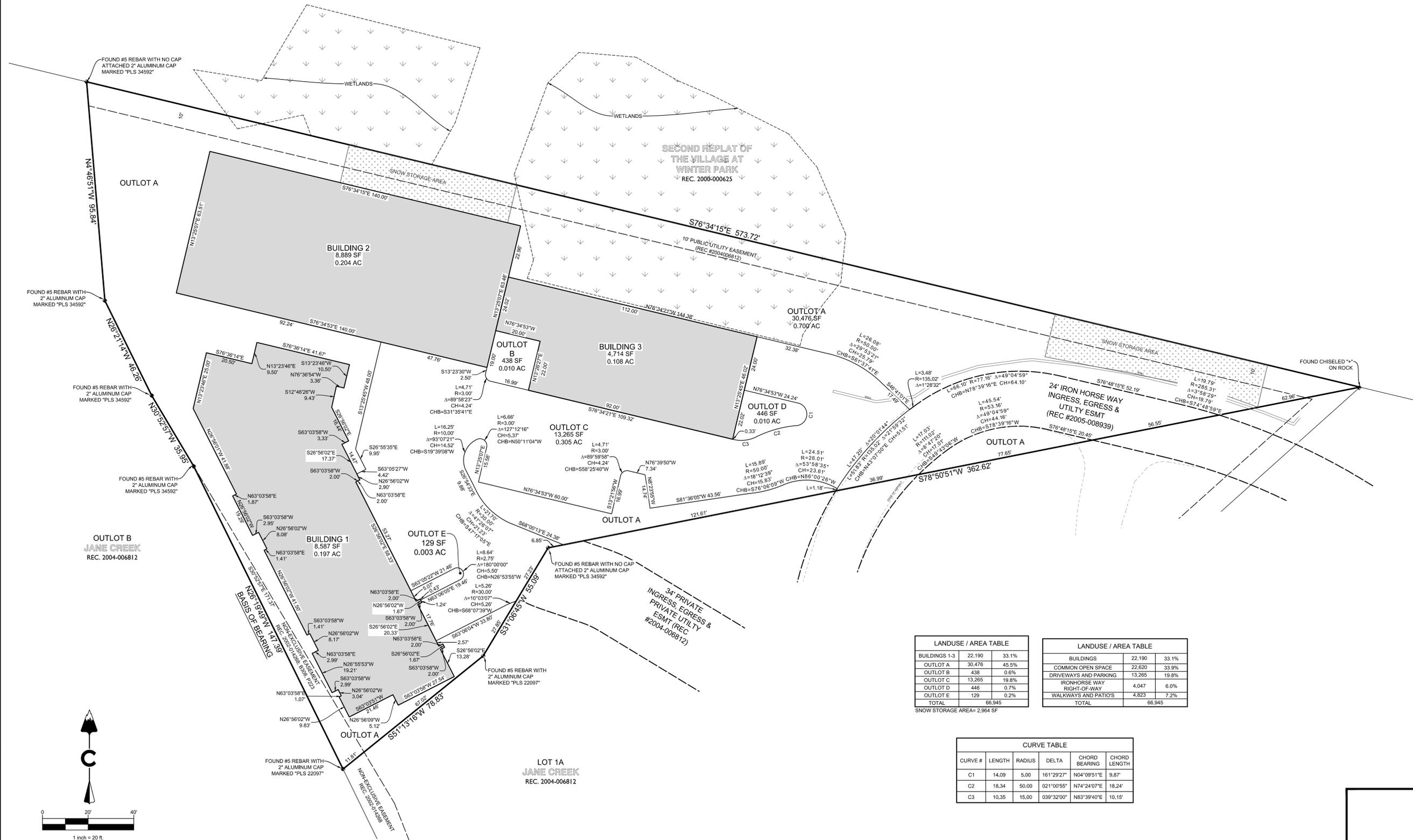
CONDOMINIUM MAP
 MARY JANE PLACER, T2S, R75W, 6TH P.M.
 TOWN OF WINTER PARK,
 GRAND COUNTY, COLORADO

RELEASE: 5-26-21
 DESIGNED: MSK
 CAD: KDS
 QA/QC: MSK

JOB NO. 21-058

SHEET 1 of 2

JANE CREEK, LOT 1B CONDOMINIUMS
 BEING A PORTION OF LOT 1B JANE CREEK RECORDED AT RECEPTION NUMBER 2004-006812
 A PART OF THE MARY JANE PLACER (MS 16378), TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO



BUILDINGS 1-3	22,190	33.1%
OUTLOT A	30,476	45.5%
OUTLOT B	438	0.6%
OUTLOT C	13,265	19.8%
OUTLOT D	446	0.7%
OUTLOT E	129	0.2%
TOTAL	66,945	

SNOW STORAGE AREA = 2,964 SF

BUILDINGS	22,190	33.1%
COMMON OPEN SPACE	22,620	33.9%
DRIVEWAYS AND PARKING	13,265	19.8%
IRON HORSE WAY	4,047	6.0%
WALKWAYS AND PATIOS	4,823	7.2%
TOTAL	66,945	

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	14.09	5.00	161°29'27"	N04°09'51"E	9.87'
C2	18.34	50.00	021°00'55"	N74°24'07"E	18.24'
C3	10.35	15.00	039°32'00"	N83°39'40"E	10.15'

LAND DEVELOPMENT
 ENERGY
 PUBLIC INFRASTRUCTURE

CORE CONSULTANTS, INC.
 3473 SOUTH BROADWAY
 ENGLEWOOD, CO 80113
 303.703.4444
 LIVEYOURCORE.COM

CORE

NO.	DESCRIPTION	DATE	BY

CONDOMINIUM MAP
 MARY JANE PLACER, T2S, R75W, 6TH P.M.
 TOWN OF WINTER PARK,
 GRAND COUNTY, COLORADO

RELEASE: 5-26-21
 DESIGNED: MSK
 CAD: KDS
 QA/QC: MSK

JOB NO. 21-058

SHEET 2 of 2

JANE CREEK LOT 1B CONSTRUCTION DOCUMENTS

LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE 6TH P.M.
TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO

SITE ADDRESS: 100 IRON HORSE WAY, WINTER PARK, CO 80482



Denver, CO
Evergreen, CO

303.670.7242
design@evstudio.com
inspections@evstudio.com
www.evstudio.com

Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50

UTILITY NOTIFICATION CENTER

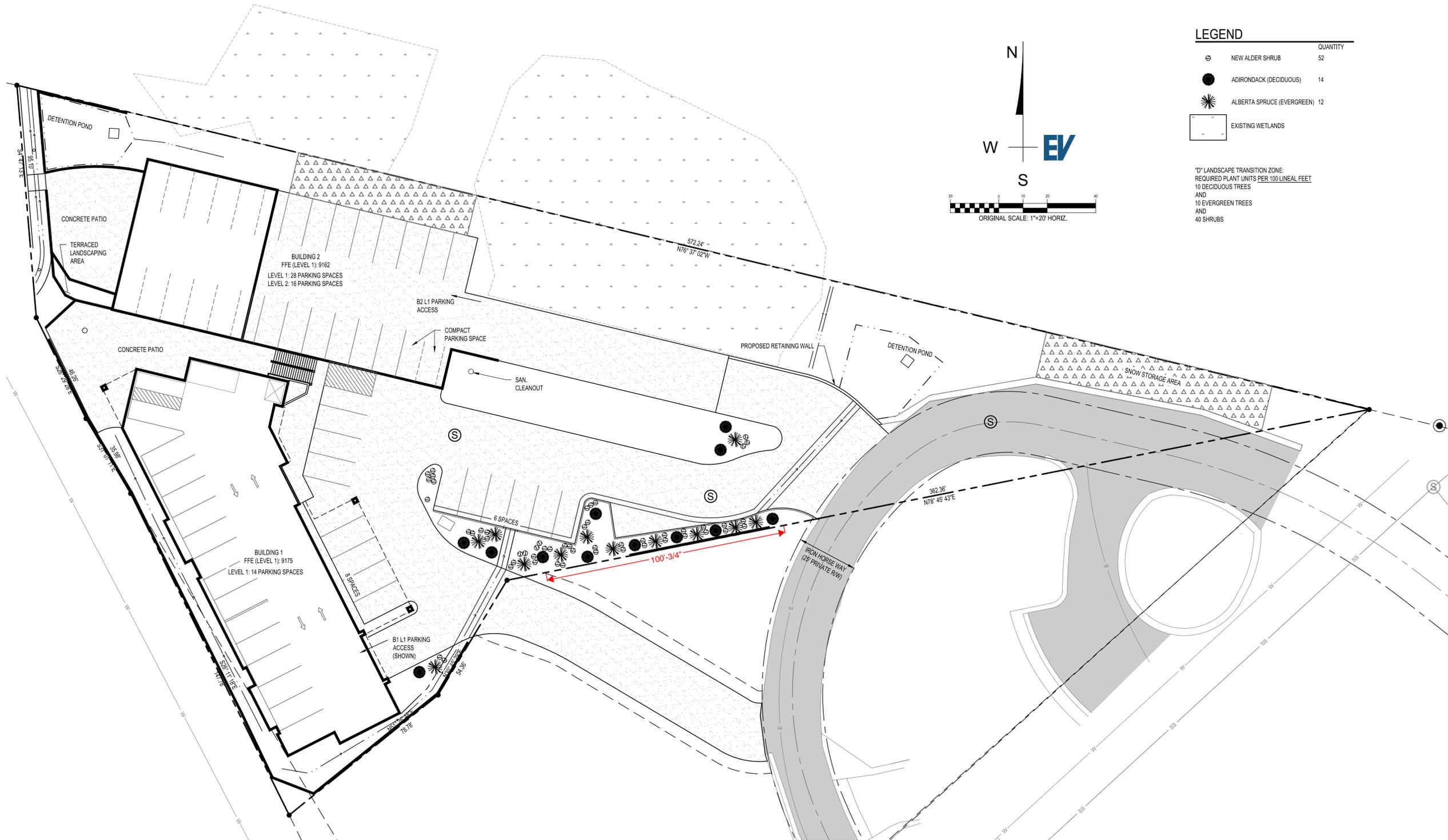
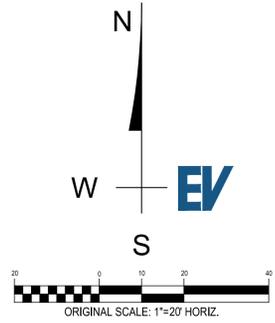


FOR MARKING OF UNDERGROUND MEMBER UTILITIES:
EVSTUDIO ASSUMES NO RESPONSIBILITY FOR UTILITY
LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING
HAVE BEEN PLOTTED FROM THE BEST AVAILABLE
INFORMATION. IT IS, HOWEVER, THE CONTRACTOR'S
RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL
UTILITIES PRIOR TO CONSTRUCTION.

LEGEND

SYMBOL	DESCRIPTION	QUANTITY
⊕	NEW ALDER SHRUB	52
●	ADIRONDACK (DECIDUOUS)	14
✱	ALBERTA SPRUCE (EVERGREEN)	12
□	EXISTING WETLANDS	

'D' LANDSCAPE TRANSITION ZONE:
REQUIRED PLANT UNITS PER 100 LINEAL FEET
10 DECIDUOUS TREES
AND
10 EVERGREEN TREES
AND
40 SHRUBS



JANE CREEK LOT 1B
 100 IRON HORSE WAY,
 WINTER PARK, CO 80482

21045

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REVISION:

CONSTRUCTION DOCUMENTS

DATE: 05/25/2021
DRAWN BY: BLR
CHECKED BY: BMW

LANDSCAPING
PLAN

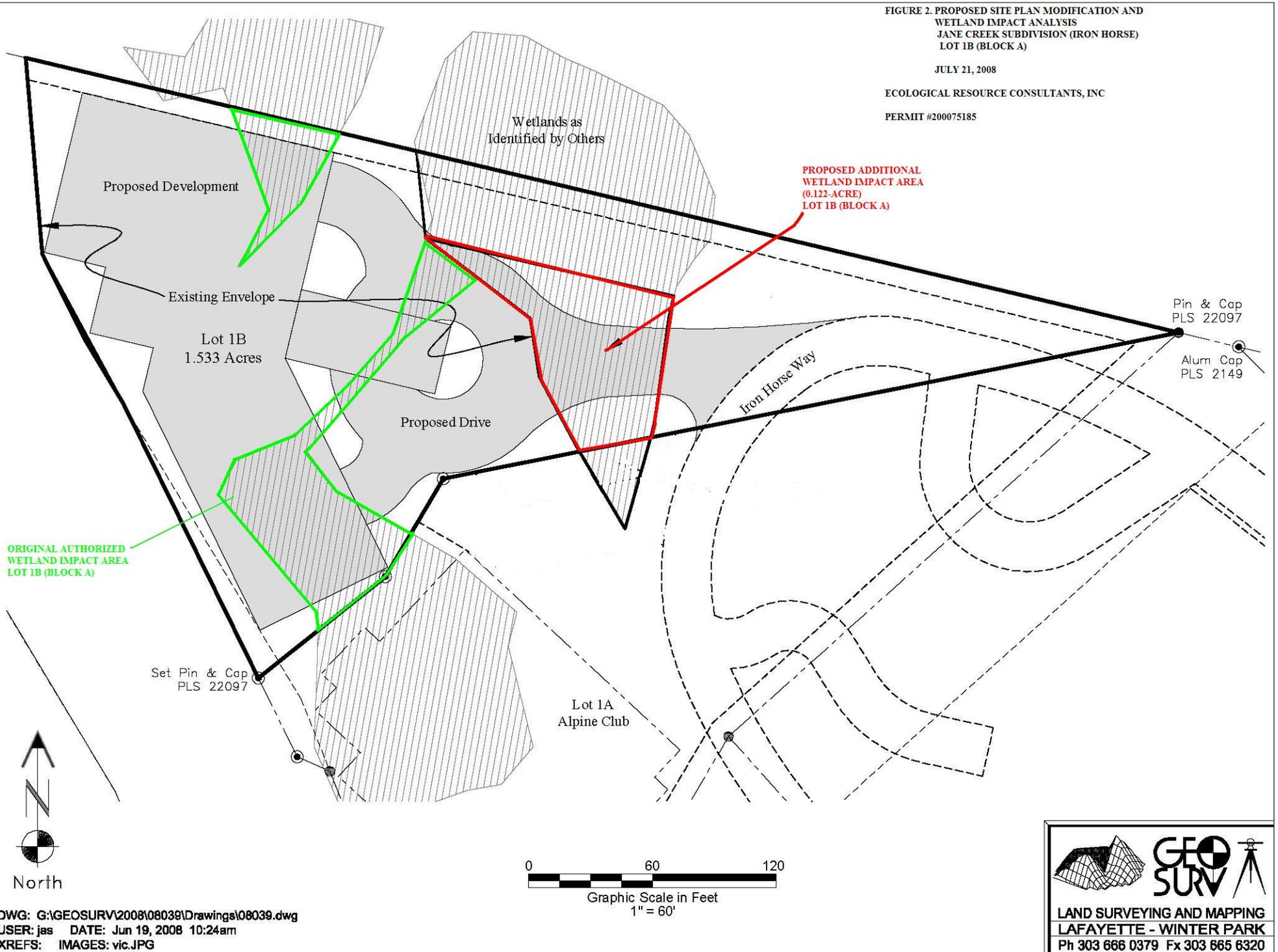
L101

FIGURE 2. PROPOSED SITE PLAN MODIFICATION AND
WETLAND IMPACT ANALYSIS
JANE CREEK SUBDIVISION (IRON HORSE)
LOT 1B (BLOCK A)

JULY 21, 2008

ECOLOGICAL RESOURCE CONSULTANTS, INC

PERMIT #200075185



From: [Gayle Perron-Krawetz](#)
To: [Hugh Bell](#)
Cc: [Michael Davison](#); [Jennifer Herberg](#); [Scott Sangster](#); [Robin Pikor](#); [Marie Zimmerman](#)
Subject: Fwd: DRAFT to send to Hugh, Town Planner - Lot 1B Condos
Date: Tuesday, June 08, 2021 6:58:18 PM
Attachments: [image001.png](#)

Hello Hugh,

On behalf of the Iron Horse Condominium Association, I am calling the matter set forth below to your attention:

Iron Horse Condominiums Association, Inc. ("Iron Horse") currently owns a portion of the roadway that must be used to access Lot 1B. Per an Easement Agreement between Iron Horse Condominiums Association, Inc. ("Iron Horse") and Jane Creek, LLC, dated August 12, 2005, development of Lot 1B may not take place until Iron Horse has granted an easement to the Lot 1B owner for access to the property. At this present time, Iron Horse has not given the Lot 1B owner consent to use the roadway, nor is there an easement agreement in place for the Lot 1B owner to access and develop the property through use of the roadway. Please see the 2005 easement agreement below, which originally granted an easement through the Iron Horse property for Jane Creek (Base Camp and Block E/Chill), but not for Lot 1B's use.

1. Iron Horse Way Access and Utility Easement.

A. The parties shall enter into an Easement Agreement for the shared use, operation and maintenance of the currently existing Iron Horse Way for ingress, egress and utilities, which Easement Agreement shall be in the form attached hereto as Exhibit B and incorporated herein by reference (the "Easement"). Iron Horse shall also execute a Water and Sewer Easement in the form requested by the Winter Park Water and Sanitation District and will reasonably cooperate with Jane Creek to the extent other utility providers may require Iron Horse execution of form non-exclusive deeds of easement. **Unicum Colorado, LLC agrees that it will not, without Iron Horse consent, use the easements granted herein for the benefit of Block 1B, JANE CREEK MINOR SUBDIVISION, as described at Reception No. 2004-006812, County of Grand, State of Colorado.** Except as set forth in paragraph 12.E. below, this Agreement and the Easement shall constitute a compromise and settlement of the claims of ownership of or easements across Iron Horse Way for the benefit of and appurtenant to Base Camp and Block E, and the claims of Unicum Colorado, LLC as to any encroachment of Iron Horse Way onto property owned by it.

Until such time that an easement agreement is executed between Iron Horse Condominiums and Unicum Colorado, LLC, Iron Horse does not grant access through the Iron Horse property for access to Lot 1B, and will consider any attempt by the Lot 1B owner to do so as trespassing.

Regards,

Gyle Perron-Krawetz

President, Iron Horse Condo. Assoc.

gayle.ironhorse@gmail.com

720-841-8483

MEMO

TO Town Council

FROM James Shockey, Community Development Director

DATE June 15, 2021

RE Rezoning Request – Kings Crossing Retail Center Condominiums
(Reception No. 2006010821)

Applicant: Wynkoop 38, LLC and M&M Investments, LLC

Background:

An application has been received from Wynkoop 38, LLC and M&M Investments, LLC to rezone their property located at 78336 U.S. Highway 40 (Main Street) from Residential Commercial District (R-C) to Destination Center District (D-C). The parcel, commonly referred to as “Kings Crossing Center” is located at the north end of downtown near the corner of Kings Crossing Road and Main Street. The parcel is approximately 2.77 acres in size.

The legal description is Kings Crossing Retail Center Condominiums (Reception No. 2006010821)

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 2.77 acre parcel has one large structure consisting of two restaurants and several retail and office spaces. The parcel is generally flat and is adjacent to the grade of Main Street. It is bordered to the north by the Winter Park Pub, to the east by Main Street and to the south and west by vacant ground zoned DC. The property is accessed from Main Street.
- ***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 east 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. The property is surrounded by property already zoned D-C with restaurants, taverns and commercial uses nearby.

- ***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 are zoned 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 it.

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 May 6, 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 June 11, 2021.

Planning Commission Recommendation:

The Planning Commission reviewed the rezoning request on June 8, 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 1872, Series 2021, a resolution approving the rezoning of the Kings Crossing Retail Center Condominiums to the Destination Center (D-C) District.

TOWN OF WINTER PARK

RESOLUTION NO. 1872
SERIES OF 2021

A RESOLUTION APPROVING THE REZONING OF KINGS CROSSING RETAIL
CENTER CONDOMINIUMS FROM RESIDENTIAL COMMERCIAL DISTRICT TO
DESTINATION CENTER DISTRICT

WHEREAS, a petitioned zone change application was filed by Wynkoop 38, LLC and M&M Investments, LLC, owners of Kings Crossing Retail Center Condominiums (Reception No. 2006010821), (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 June 8, 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 June 15, 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 Kings Crossing Retail Center Condominiums (Reception No. 2006010821) from Residential Commercial District (R-C) to Destination Center District (D-C).

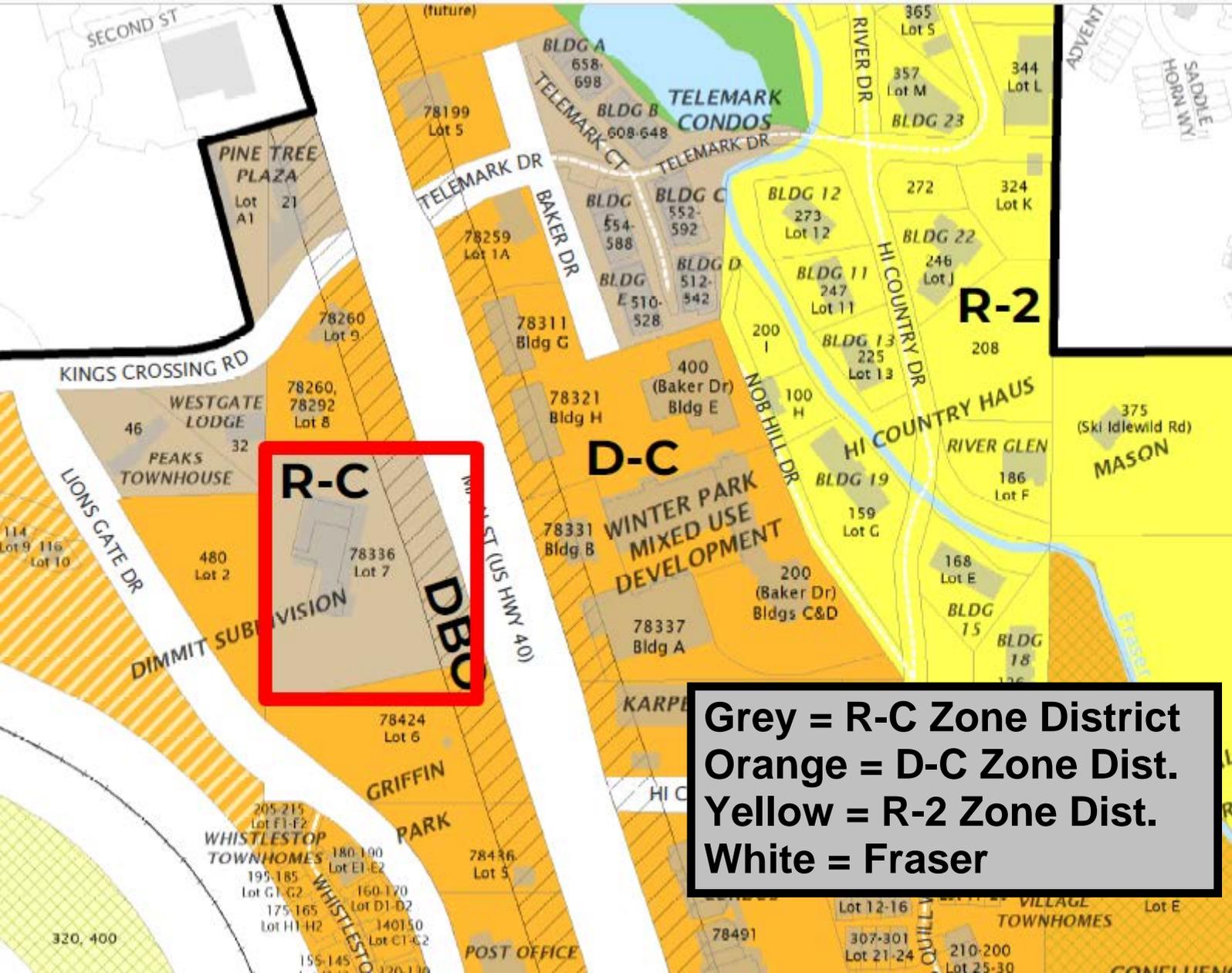
PASSED, ADOPTED AND APPROVED this 15th day of June, 2021.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk



R-C

D-C

R-2

**Grey = R-C Zone District
Orange = D-C Zone Dist.
Yellow = R-2 Zone Dist.
White = Fraser**



**PUBLIC NOTICE
TOWN OF WINTER PARK
REZONING REQUEST**

PUBLIC NOTICE IS HEREBY GIVEN that the Town of Winter Park has received an application to rezone one tract of land, hereinafter described as Exhibit A, from the existing Residential-Commercial Service District (R-C) to Destination Center District (D-C). In accordance with the provisions of the Winter Park Town Code, Section 7-10-1, a PUBLIC HEARING at Winter Park Town Hall, located at 50 Vasquez Road or online via Zoom is scheduled for:

Winter Park Planning Commission
Tuesday, June 8, 2021, 8:00 a.m.

Winter Park Town Council
Tuesday, June 15, 2021, 5:30 p.m.

Documents related to the proposed zoning, including maps and permitted uses are available for public view at this link: <https://wpgov.com/current-development-projects/>

Members of the public wishing to provide comments regarding the rezoning request may do so at the scheduled hearing, or write to Hugh Bell, Town Planner, P.O. Box 3327, Winter Park, CO 80482, 970.726.8081, or hbelle@wpgov.com.

EXHIBIT A - LEGAL DESCRIPTION

King's Crossing Retail Center Condominiums (Reception No. 2006-010821)



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: _____ Date: 04-22-21
 Street Address (or general location if not addressed): 78336 U.S. HIGHWAY 40
 Schedule Number(s) or Parcel Number(s): 1587-283-50-002 & 1587-283-50-001 & 1587-283-
 Site Area (in square feet or acres): 2.77 ACRES Existing Zoning: R-C 31-004
 Existing Land Use: RESTAURANT, RETAIL + OFFICE
 Legal Description: KINGS CROSSING RETAIL CENTER CONDOMINIUMS

OWNER / APPLICANT

Name: WYNNWOOD P 38, LLC + M+M INVESTMENTS, LLC Phone: _____
 Company: _____ Email: _____
 Mailing Address: PO. Box 191, WINTER PARK 80482

CONTACT PERSON

Name: SARAH IMMOYNAHAN Phone: 970-531-4419
 Company: FRONTENOTT'S Email: BIG RED WP1910@HEIMACL.COM
 Mailing Address: PO. Box 191, WINTER PARK 80482

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: <u>ONE</u>	<u>1</u> x \$10.00
	TOTAL FEES:	\$		TOTAL FEES:	\$ <u>360.00</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 2.77 ACRES IS CURRENTLY ZONED RESIDENTIAL COMMERCIAL SERVICE DISTRICT ("R-C") IN WINTER PARK. WE WOULD LIKE THE PROPERTY REZONED TO DESTINATION CENTER DISTRICT ("D-C").

THE DOWNTOWN BUSINESS OVERLAY ZONE DISTRICT ("D-B-O") WILL CONTINUE AS A 75 FOOT OVERLAY ON THE PROPERTY.

AFFIDAVIT

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

Best

M & M INVESTMENTS, LLC

Signature of Owner

Date

4/27/21

WYNKOOP 38, LLC

Signature of Representative

Date

4/27/21

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:

April 22, 2021

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

via email: hbell@wpgov.com

Re: 78336 Highway 40 Rezoning Application from R-C to D-C

Dear Hugh:

As the owner of 13.6% of the property known as 78336 Highway 40 and as authorized representative for Wynkoop 38, LLC, the owner of the other 86.4% of that property, I submitted a Rezoning Application to Winter Park for the 2.77 acres known as 78336 Highway 40, Winter Park, Colorado ("Our Property"). Here is the additional information required to complete that application.

STATEMENT OF IMPACT

- (1) Need for Rezoning:** The recently approved Winter Park Master Plan states that Downtown Winter Park needs to have a family-friendly culture, a welcoming main street with intensive mixed residential and commercial uses. A major portion of the land adjoining Main Street starting at Vasquez Road and going north to Kings Crossing Road is already zoned D-C. A small pocket of four properties including Our Property adjoining Kings Crossing and west of Main Street remains zoned R-C. By rezoning Our Property to D-C, the intent of the Master Plan and the continuity of the zoning along Main Street will be extended.
- (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 zoning and purpose.
- (3) Access to Area:** The rezoning from R-C to D-C in this area should not significantly change the access and traffic patterns.
- (4) Availability of Utilities:** The two level existing building has restaurant, retail and office use. Until we are further along in the development process, we will not know for certain the need for and availability of utilities.
- (5) Present & Future Effect on Public Facilities & Services:** Since we have no current plans for development, it is difficult to determine the future effects. Given the relatively small size of Our Property, my guess is that the effect will be minimal.
- (6) Relationship of Rezoning to Adopted Plans or Policies of Winter Park:** This rezoning proposal achieves and enhances the visions set forth in the Winter Park Master Plan. This rezoning would help create a year-round community, make the highway a more welcoming Main Street, energize year-around activity and employment and help create a more sustainable and conservation-focused community.

Please let me know if you have any questions or need any additional information. Thank you.

Sincerely,

M & M Investments, LLC

Wynkoop 38, LLC

Shawn Moynahan, Manager

Shawn Moynahan, Authorized Representative

From: [Vlad Lesner](#)
To: [Hugh Bell](#)
Subject: Rezoning @ 78336 US Hwy 40
Date: Friday, April 30, 2021 3:12:11 PM

To: Mr. Hugh Bell - Town of Winter Park Community Development

Hello Mr. Bell

This letter is to confirm, that I Vladimir Lesner am in agreement with the proposed rezoning of

the building/property located at 78336 US Hwy 40, Winter Park, CO 80482

I am the sole owner of Wynkoop 38 LLC.

I own 86.3582% of the building. Fontenot's or M&M LLC are the holders of the remaining of 13.6418%

Best regards

Vladimir Lesner
Frontman/Lead singer
Wynkoop 38 LLC



Winter Park Zoning Map

View this App Online for All OS



Find address or place



North

OSF

Kings Crossing Rd

P-D (D-C)

D-C

R-C

78336 Highway 40
2.77 Acres

Lions Gate Dr

Baker Dr

Telemark Ct

Hi Country

300ft



**78336 US Highway 40
Wynkoop 38, LLC 86.4% &
M&M Investments, LLC 13.6 %
2.77 Acres**



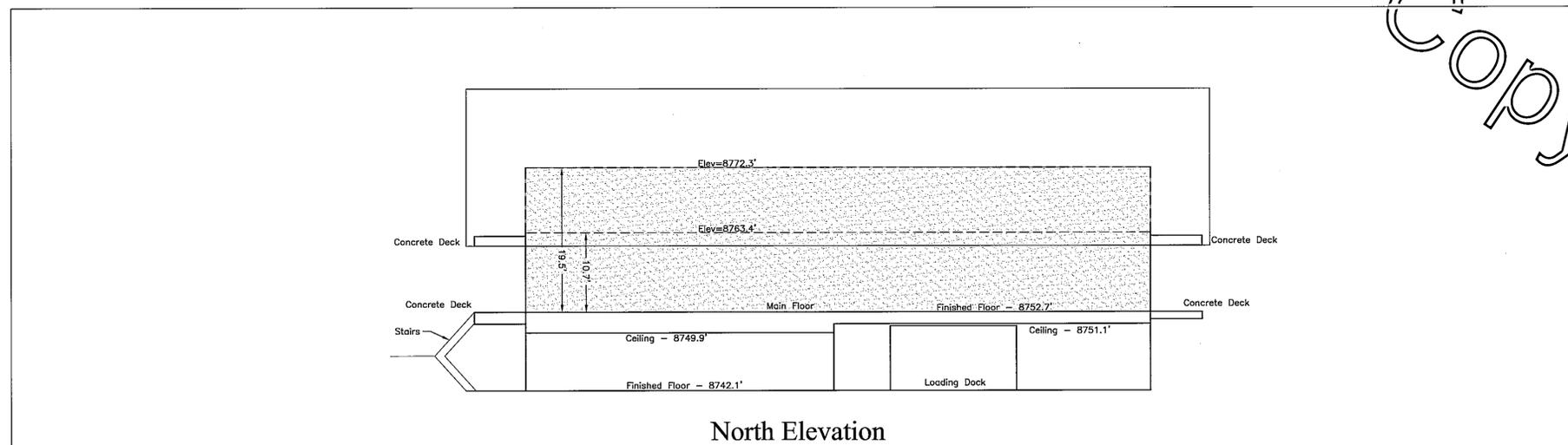
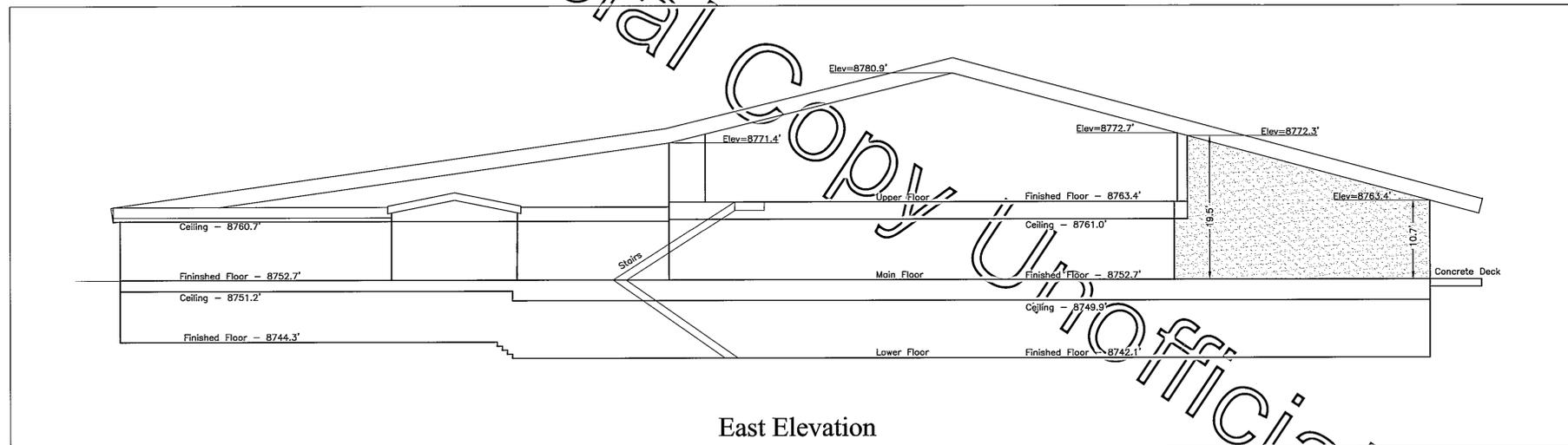
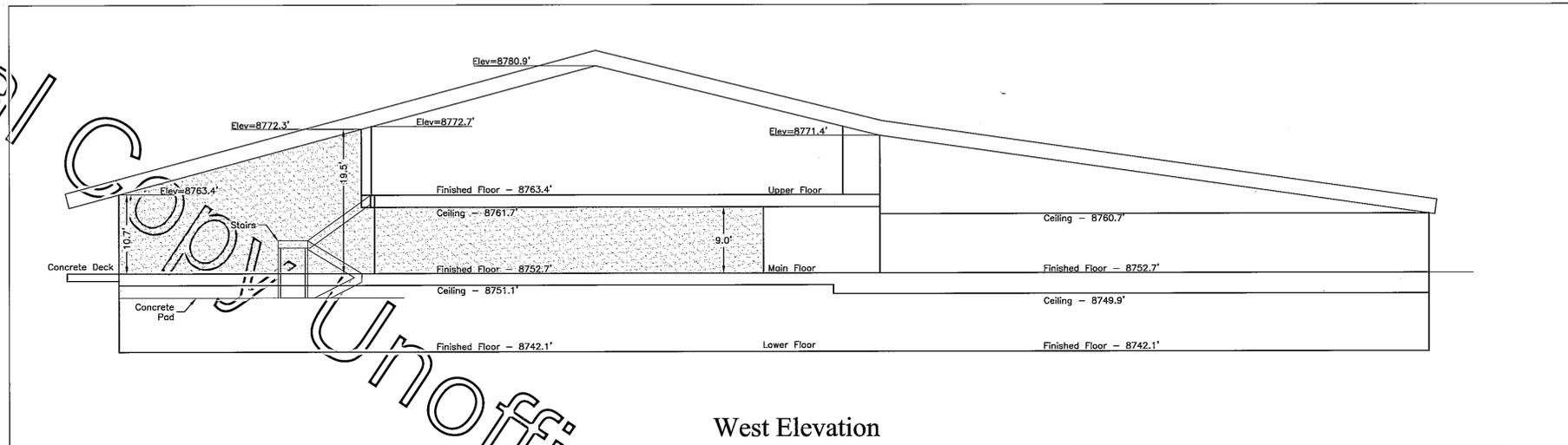
7836 US Highway 40, Winter Park

300 Foot Owner Distance

Unofficial Copy

King's Crossing Retail Center Condominiums

Tract A, Amended Plat of Tracts 5, 6, 7 and the South 135 feet
of Tract 8 Griffin Park Subdivision
Section 28, T1S, R75W of the 6th P.M.
Town of Winter Park, County of Grand, State of Colorado



2006-010821



SHEET 2 OF 2

LAND SURVEYING AND MAPPING
LAFAYETTE - WINTER PARK
Ph. 303 666 0379 Fax 303 665 6320

OFFICIAL USE ONLY GRAND COUNTY, COLORADO

STATE OF COLORADO } 86
County of GRAND
Filed for record this 11
day of October 2006
at 1:25 o'clock P.M.
Recorded in Book _____ Page _____
SARA L. ROSENE
Deputy
11/21

MEMO

TO Town Council
FROM Ivy Compton, Transit Manager
CC Town Manager Keith Riesberg
DATE June 15, 2021
RE Red Line Extension Service Request

On March 31, 2021, Rendezvous submitted a Request for New Service in which the Red Line would service Friendship Drive and add four (4) additional stops at Rendezvous Road/Campfire, Rendezvous Road/Morning Glory, Friendship Drive/Wildflower, and Friendship Drive/Trails End.

The TAC is to act in an advisory capacity to the Winter Park Town Council to develop the annual transit budget, coordinate the transition of the service, and make recommendations on levels of service. The TAC is comprised of representatives from the Town of Winter Park, Town of Fraser, Grand County, and Winter Park Resort.

The service request was submitted to the Transit Advisory Committee for review on April 5, 2021. The service request was posted on the Town of Winter Park's Website, The Lift's website, and all Winter Park and Lift social media platforms. On May 3, 2021, the TAC took public comment and discussed the service request and decided it would be best to publish a survey to garner additional feedback. The survey was available on May 24, 2021, and closed Thursday, June 3, 2021, allowing respondents two-and-a-half weeks to weigh in.

The survey received 146 responses, 58.9% of respondents were opposed of the extension of the Red Line through Friendship Drive. On June 7, 2021, the TAC took additional public comment and reviewed the survey results. Winter Park Resorts representative moved to deny the service request due to lack of support amongst community members. The TAC voted unanimously recommending the Town of Winter Park Council, deny the service request extending the Red Line through Friendship Drive.

With the Transit Advisory Committee's recommendation to deny the service request extending the Red Line through Friendship Drive, Staff also recommends the denial of the service request.

TOWN OF WINTER PARK

RESOLUTION NO. 1873
SERIES OF 2021

A RESOLUTION ADOPTING THE TRANSIT ADVISORY COMMITTEE'S RECOMMENDATION
TO DENY RENDEZVOUS SERVICE REQUEST OF THE RED LINE EXTENSION

WHEREAS, the Town manages its own transit system known as The Lift;

WHEREAS, the Town collects tax dollars dedicated to the operation, management, and improvement of The Lift, and these dedicated tax dollars are leveraged as local matching dollars for state and federal grants;

WHEREAS, The Transit Advisory Committee acts in an advisory capacity to the Winter Park Town Council and makes recommendations on levels of service; and

WHEREAS, The Transit Advisory Committee received a service request from Rendezvous to extend the Red Line proposing four additional stops; and

WHEREAS, The Transit Advisory Committee released a survey and discussed the service request; and

WHEREAS, The Transit Advisory Committee recommends that the Town Council denies the service request to extend the Red Line;

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

Section 1. The Town Council hereby adopts the Transit Advisory Committee's recommendation to deny Rendezvous Service Request of the Red Line Extension for the reasons set forth in the Transit Manager's memo dated June 15th, 2021.

APPROVED AND PASSED this 15th day of June, 2021 by a vote of _____ to _____.

TOWN OF WINTER PARK

Nick Kutrumbos, Mayor

ATTEST:

Danielle Jardee, Town Clerk