



**TOWN OF WINTER PARK  
PLANNING COMMISSION  
Tuesday, October 26, 2021 8:00 AM  
Online and In-Person Meeting**

**A G E N D A**

- I. **Meeting Call to Order**
- II. **Roll Call of Commission Members**
- III. **Town Hall Meeting** (time for anyone from the public to speak about items not on the agenda)
- IV. **Minutes:** September 28, 2021 and October 12, 2021
- V. **Conflicts of Interest**
- VI. **Action Items:**
  - A. Special Use Permit for a High-Impact Short-Term Rental – Lot 37, Elk Run Subdivision  
Filing No. 2 – 140 Foxtail Drive
- VII. **Planning Commission Items for Discussion:**
  - A. Unified Development Code (UDC) – Chapter 7
- VIII: **Director’s Report**

**Online Meeting Log-In Instructions – See next page**

### **Computer Log-In Instructions**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85723122052?pwd=WXd6Z2tRnpwb1haTDU4SDJxOVhqZz09>

Passcode: 742862

### **Phone Log-In Instructions**

Dial In Numbers

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 857 2312 2052

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You can log into the Zoom meeting through the link above to view what is projected on the screen. You can use either your computer audio or the number above. Everyone will be muted upon entry into the meeting to ensure that we have manageable background noise and limited interruptions.

### **Public Hearing Process**

If you would like to participate in the public hearing, please follow these instructions so we can make sure everyone that wants to speak has the opportunity. When you log into Zoom you will be automatically muted to limit background noise. When the public hearing is opened for public comment, please use the “raise your hand” feature and staff will unmute citizens in the order they were received. To enable “raise your hand” feature, click on the “Participants” button the bottom of the screen.



**TOWN OF WINTER PARK  
PLANNING COMMISSION  
Tuesday, September 28, 2021 8:00 AM**

**MINUTE**

- I. **Meeting Call to Order.** The Planning Commission meeting starts at 8:00 am.
- II. **Roll Call of Commission Members.** Roll Call indicated present Chairman Brad Holzwarth, Commissioners Angela Sandstrom, George Stevens, Roger Kish, Doug Robbins and Dave Barker are present. Community Development Director James Shockey and Town Planner Hugh Bell are also present. Commissioner Jonathan Larson is absent today.
- III. **Town Hall Meeting** (time for anyone from the public to speak about items not on the agenda). No one comes forward.
- IV. **Minutes** – September 14, 2021. Commissioner Barker makes a motion to approve the minute. Commissioner Sandstrom seconds. The minute is approved 6, 0.
- V. **Conflicts of Interest.** No one comes forward.

VI **Action Items:**

- A. Design Review Single-Family Detached – Block 1, Lot 3, Hideaway Pines Subdivision – 123 Pine Cone Lane

Town Planner Hugh Bell begins his presentation to the Planning Commission. Planner Bell gives an outline for this project. The Staff recommends approval for this Residential Design Review with four (4) conditions.

The applicants, Mrs. Ellen and Mr. Matt Cowman come forward. They do not have a presentation for the Planning Commission. They do not have any questions either.

Commissioner Robbins makes a motion to approve the Residential Design Review with the conditions outlined in the staff report. Commissioner Barker seconds. The Residential Design Review is approved 6, 0.

VII. **Planning Commission Items for Discussion:**

- A. Unified Development Code (UDC) – Chapter 7

Community Development Director, James Shockey, begins his presentation about UDC, Chapter 7. He mentions that they are still receiving comments from the consultants. One section of the condominium process is still pending.

Director Shockey says that this section is about the permitting process. The Staff put more information about non-conformity to be more detailed. Director Shockey shows on the screen this information. The Commission and the Staff discuss the process for non-conformity. Then, Director Shockey moves to the section that talks about administrative bodies and their roles. The added a procedure section based on information from other municipalities. The Commission and the Staff discuss some possible scenarios (i.e. public hearings) for this part of the Code. Director Shockey will consult with the Town Attorney about the details.

The Planning Commission and the Staff then discuss the board materials and guideline materials. All persons present discuss the different interpretations of this part of the Code. The Planning Commission also talk about building height, basements, neighborhood character and other aspects to be considered.

The Planning Commission and the Staff go over the site conditions, increase in density, number of stories in adjacent properties, zoning, change of use scenarios and some other items. There is also a short conversation about the language to be used in the text of the Code. They also talk about conditions and specifications and other related items such as primary and secondary materials, deadlines, HOAs role and durability of those materials.

The Planning Commission discusses the timeline for putting projects/applications on hold (tabling) and how those should be processed.

Then, the meeting moves to the application requirements section. Director Shockey describes the changes that were made in a guidebook so it will be more practical. Director Shockey talks about the review period, public notice, proof of public notice delivery, signs posting, extensions, vested rights, appeals, and administrative variances.

#### B. High-Impact Short-Term Rental Requirements

Planner Bell describes to the Planning Commission the process the public needs to follow to obtain a special use permit (SUP). He also shows the changes that were made: floor plan, sleeping areas, parking, means of egress, trash management, location of smoke and carbon monoxide detectors. The Staff is open to any feedback the Commission might have about this. A business license might not be necessary. This SUP would be valid for one (1) year since occupancy and interior design may change and affect the safety of the occupants.

There is a discussion about the fee amount for the SUP application v. the amount of work to be done per application. The difference between a lodge, hotel or hostel is also mentioned for further discussion in a future meeting. Once a first application is submitted, the Planning Commission member will be able to look at it and ask questions.

#### C. Planning Commission Training – October 12<sup>th</sup> with Town Legal Counsel

There were no comments about this item on the agenda.

#### D. Annual Fall Field Visit

Director Shockey mentions that he will put an agenda together to visit some sites with the Commissioners.

### VIII: **Director's Report**

There were no comments about this item on the agenda.

Upon a previously approved motion, the Planning Commission meeting is adjourned at 9:08 am.



**TOWN OF WINTER PARK  
PLANNING COMMISSION  
Tuesday, October 12, 2021 8:00 AM**

**MINUTE**

- I. **Meeting Call to Order.** The Planning Commission meeting starts at 8:00 am
- II. **Roll Call of Commission Members.** Roll Call indicated present Chairman Brad Holzwarth, Commissioners Dave Barker, Roger Kish, Angela Sandstrom and George Stevens. Community Development Director James Shockey and Town Planner Hugh Bell are also present. Commissioners Jonathan Larson and Doug Robbins are absent today.
- III. **Town Hall Meeting** (time for anyone from the public to speak about items not on the agenda). No one comes forward.
- IV. **Minutes:** No minutes for review.
- V. **Conflicts of Interest.** No one comes forward.
- VI **Action Items:** No action items for review.
- VII. **Planning Commission Items for Discussion:**
  - A. Planning Commission Training with Town Legal Counsel

The Town Attorney, Hillary Graham, comes forward. She would like to have an active conversation among all the present members. She presents a powerpoint.

Ms. Graham mentions that the communications by email can be improved and how certain items can be addressed through the Town Planner and the Community Development Director. Ms. Graham mentions a list of exceptions to be considered for future email communications.

Then, the Town Attorney goes over the type of information that should be contained in those communications. There is a short conversation about this topic. There is also mention about the process for the variance request to the BOA and how the Code might be related to this. The Town Attorney presents several scenarios about the best approach to handle the applications.

Then, the members of the Planning Commission have a conversation about what it is being discussed with the Town Attorney by giving examples and hypothetical scenarios (setbacks, easements, landscaping, etc.) The Commission also asks about the role of the Town Council.

The meeting then discusses the recommendations the Staff gives to the applicants for their request to be considered for approval. The Planning Commission and the Town Attorney also talk about possible non-compliance items from the applicants and how to avoid these. There is mention of consensual encroachments.

The Attorney also mentions how some people build something without a permit and they ask for forgiveness when the construction is in violation of the Code, they have to tear it down. The Commission discusses about how many times they might allow these types of situations before they say no.

The Commission, the Town Attorney, the Town Planner, and the Community Director continue discussing different scenarios and possibilities. There is also mention of the Resolutions, the public's role, and other items.

There is also a discussion about how to improve the Planning Commission and BOA meetings and how to make them more efficient, especially when Zoom is being used. The Commission and the Town Attorney also discuss how to handle disruptive people or, when someone threatens with a lawsuit. They also talk about how to re-direct the conversation when people talk about items not related to the variance is about, when several people do not understand the process, or they make the same comment someone else has made previously. They also discuss that the Zoom chat feature should not be enabled.

The Commission and the Attorney then discuss some of the processes for different requests, i.e. parking requests.

B. Unified Development Code (UDC) – Chapter 7

The Planning Commission, the Town Planner and the Community Development Director discuss UDC, Chapter 7.

C. Annual Fall Field Visit:

The field trip was cancelled to the following parcels:

- Idlewild LLC parcels
- Lakota Pointe parcels

**VIII: Director's Report**

The Community Development Director informed the Planning Commission about current and upcoming projects.

Upon a previously approved motion, the Planning Commission meeting is adjourned at 10:44 am.



## MEMO

**TO** Planning Commission  
**FROM** Hugh Bell, Planner  
**THRU** James Shockey, Community Development Director  
**DATE** October 26, 2021  
**RE** Special Use Permit – High-Impact Short-Term Rental

**Owners of the Property:** RLB Investment Partners, LLC

**Applicant's Name:** Rick Martino

**Location:** Elk Run Filing No. 2, Lot 37 - 140 Foxtail Drive

### **Special Use Permit Request**

A Special Use Permit (SUP) is being requested to operate a High-Impact Short-Term Rental (STR) at a single-family dwelling unit to provide lodging for up to 30 people.

### **Applicant's Description**

See applicant's narrative, attached.

### **§ 7-9-3(B) Public Notice and Public Comment**

The Town Code's notice requirements have been met. A public notice was published in the Middle Park Times on October 7, 2021, mailed to adjacent property owners on October 5, 2021, and physically posted near the property on October 11, 2021, providing notification of the meeting and requesting comment. As of October 22, seventeen (17) comments have been received concerning this request, see attached.

All seventeen comments opposed the proposed SUP and expressed concern about noise, increased pedestrian and vehicular traffic, trash removal, inadequate off-street parking, excessive on-street parking, driveway slope, the 30-person occupancy limit, trespassing on adjacent property from past rental occupants, fire recklessness from past rental occupants, structural integrity, increased water consumption, increased LIFT transit demand, discrepancies between this application and the posting on Winter Park Lodging's website regarding parking, and an upper-story door missing a deck landing, among other items.

Todd Holzwarth, Fire Chief for East Grand Fire Protection District No. 4, responded to staff's request for comment in an email dated October 21, 2021. In this email he stated concern about lack of adequate egress and possibly inadequate water and sewer infrastructure. He also questioned if the structure meets building code requirements for 30 or more occupants. See email, attached.

### **§ 7-9-3(C) Proceedings at Hearing**

The Commission shall hear all persons interested in the matter. The applicant has the burden and shall offer competent evidence in support of their application, which is sufficient to enable the Commission to consider the matter and to make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of his application or petition.

### **Title 7, Chapter 9 - Special Use Permit (SUP) Procedures**

The zone-district where this high-impact STR would operate is R-2, Multiple-Family Residential. A high-impact STR must receive a SUP per § 3-9-4 of the Town Code. In considering an application, the Planning Commission shall consider the following criteria, as outlined in § 7-9-3 of the Town Code:

1. The health, safety and welfare of the residents of the Town.
2. The orderly development of the property in the Town.
3. The preservation of property values.
4. The protection of the tax base.
5. The effect on the neighborhood.
6. The likelihood of a nuisance being created.
7. The effect on the master plan of the Town.
8. Any other matters relevant to the inquiry.

Per § 7-9-4 of the Code, the Commission shall not recommend approval of a SUP unless the Commission finds that:

1. The use is appropriate to the location, the lot and the neighborhood.
2. The use does not substantially change the character of the neighborhood.

### **Title 3, Chapter 9 – Short-Term Rental Registration Procedures**

Minimum Health and Safety Requirements for STRs:

1. The applicable requirements of the Town's building and technical codes adopted by reference in Title 6, Chapter 1 of this Code;
2. The applicable requirements of any other ordinance, rule, or administrative regulation of the Town;
3. The terms and conditions of any development permit issued to the owner with respect to the short-term rental unit;
4. Smoke detectors, carbon monoxide detectors, and fire extinguishers installed in the unit and shall be operable at all times;
5. Wood-burning fireplaces and stoves inside the short-term rental unit cleaned on an annual basis; and
6. All pets shall be subject to Title 4, Chapter 2 of this Code.

### **Staff Comments**

#### **Background**

This is the first STR SUP application the Town has received; Chapter 9, *Short-Term Rental Registration*, was added to the Town Code this year via Ordinance 552, Series 2021. Planning Commission should discuss and consider criteria 1-8 outlined above, as set out in § 7-9-3 of the Town Code, and all public comment when formulating its recommendation for approval or denial of this STR SUP to Town Council. Approval cannot be recommended unless the Commission makes the two findings required by § 7-9-4 of the Code.

#### **Parking**

Applicant depicts twelve (12) 10'x20' off-street parking spaces; three (3) are garaged spaces. Per 3.9.3(2) in the Standards and Specifications, "No parking shall be permitted in side yard or front yard setbacks" (p. 27). Given that two (2) spaces are proposed within the front setback, only 10 (ten) off-street spaces are

technically feasible. No on-street parking is proposed, which complies with § 3-9-5(2) of Town Code. The proposed three rows of tandem parking would make vehicular egress difficult in the case of an emergency. While ten parked vehicles may be adequate, that is the maximum permitted, as overnight on-street parking is prohibited from November 1 to May 1.

Based on previous use of the property as a STR, staff finds the parking plan inadequate as on-street parking has been heavily utilized to handle vehicles instead of using the driveway. Off-street parking is often used for convenience rather than stacking vehicles three deep on the driveway.

Given that on-street parking is prohibited from November 1 to May 1 on Town roads, it seems unlikely 10 off-street parking spaces will be sufficient during the winter months. The property is currently advertised on Winter Park Lodging’s website as a rental supporting up to 30 occupants, and states off-street parking is limited to four (4) cars on the driveway and two (2) cars in the garage. The application proposes significantly higher off-street parking than what is currently advertised.

**Bedrooms and Bathrooms**

Rooms Containing Beds	Max Occupancy Per Bed Count	Bathroom Counts
Eight (8); three (3) of which do not have points of egress	30 comprised of four (4) king beds; nine (9) bunk beds; and two (2) twin beds	Seven (7)

Three (3) rooms containing beds lack points of egress, which creates a life safety hazard in the event of a fire. These are the storage room and loft on the “loft” level, and the bunk room on the “walkout bottom” level. The bunk room appears to contain a window, but it was not indicated as a point of egress by the applicant.

Additionally, an upper-level deck on the east side of the home is missing a landing; only structural studs are present. This presents a significant life safety hazard; see photo below.

Per §3-9-5(B)(1) of Code, a STR permit cannot be issued if the Town’s building code is violated; therefore, granting a SUP for the STR cannot be considered, as the prerequisite is not met.



Location

The property is in the Elk Run neighborhood, which is primarily comprised of single-family dwelling units. A public trail easement is adjacent to the east side yard setback.

Operation

Applicant requests to operate the STR throughout the year.

**Staff Recommendation**

Staff recommends the Planning Commission recommend denial to the Town Council for the following reasons:

1. The occupancy proposed would be in violation of the building code, and the STR permit itself cannot be issued pursuant to Code, § 3-9-5(B)(1). Three (3) rooms proposed to contain beds lack points of egress, and an upper-level deck on the east side of the home lacks a landing; only structural studs are present. Both violations create a life safety hazard that is prohibited under the building code.
2. The use is inappropriate to the neighborhood, because only seven (7) cars are permitted to park in the driveway and, given there are three (3) rows of tandem parking, doing so is impractical and creates a hazard for vehicular egress in the case of an emergency.
3. The use could substantially change the character of the neighborhood due to the high occupancy load, namely regarding noise levels and on-street parking. Given prior rentals, the likelihood of a nuisance at this level of occupancy is high. Neighbors near the property have cited high noise levels at the property when operating as a STR in the past.

However, this is a decision for the Commission to make, and the Commission may choose to recommend approval or denial based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Commission can rely on or the decision the Commission makes.

**Sample Motion Recommending Denial**

"I move to recommend denial of the SUP to Town Council based on the testimony and evidence received today, including the information contained in staff's memorandum. Specifically finding:

1. The proposed use is not appropriate to the location, the lot, and the neighborhood because three (3) rooms proposed to contain beds lack points of egress, creating a life safety hazard for firefighters to access those rooms and adequate off-street parking would require use of three (3) rows of tandem parking, which is both unlikely and creates a hazard for vehicular egress in the case of an emergency;
2. The proposed use is not appropriate to the location, the lot, and the neighborhood because an upper-level deck on the east side of the home lacks a landing, creating a life safety hazard for occupants, therefore causing the application to not meet the prerequisite STR requirements pursuant to § 3-9-5(B)(1) of Town Code; and
3. The proposed use would substantially change the character of the neighborhood because of the high occupancy load, namely regarding noise levels and on-street parking, as cited by neighbors near the property.

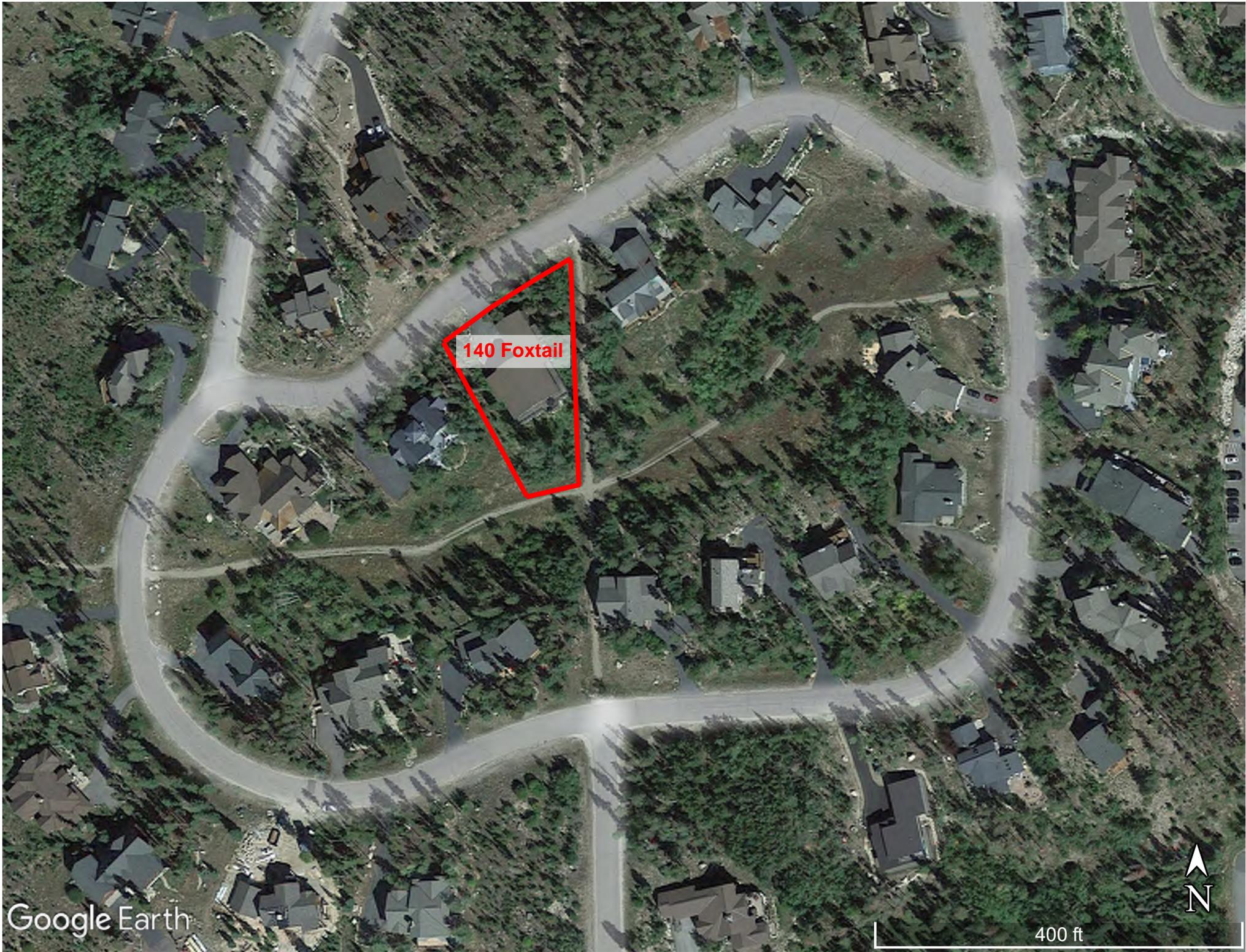
A resolution memorializing the basis for denial shall be drafted and considered for approval at the next Planning Commission meeting."

**Sample Motion Recommending Approval**

"I move to recommend approval of the SUP to Town Council based on... *[walk through factors 1-8]* and make the two required findings:

1. The use is appropriate to the location, the lot and the neighborhood; and
2. The use does not substantially change the character of the neighborhood.

Approval shall include staff's conditions as noted in the staff report. A resolution memorializing the basis for approval shall be drafted and considered for approval at the next Planning Commission meeting."



140 Foxtail

Google Earth

400 ft



Legend



Google Earth

© 2021 Google

7.66 ft



# MAIN FLOOR



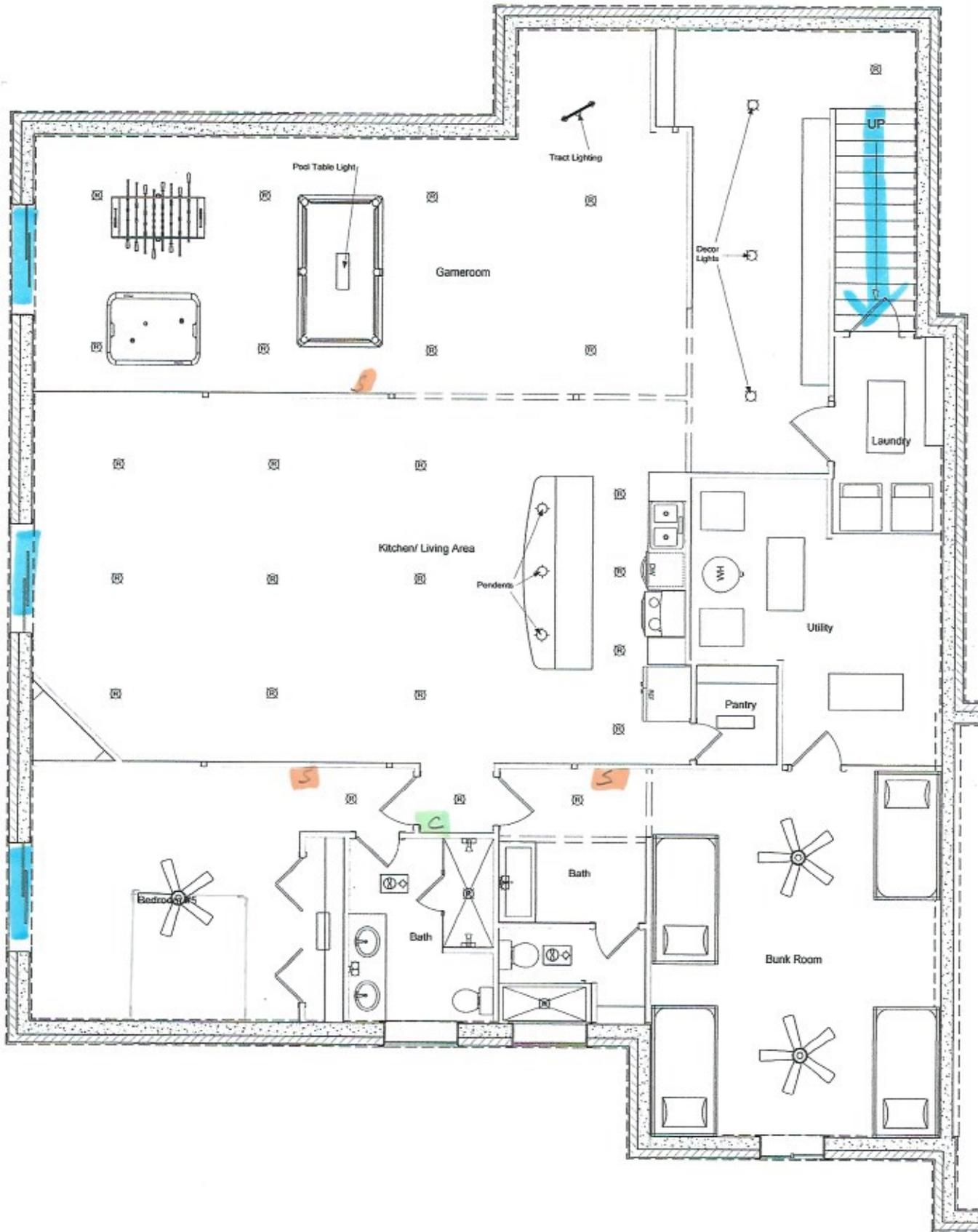
- S = smoke
- C = Card man
- E = Egress

# LOFT



- = smoke
- = carb. mon
- = Egress

# WALKOUT BOTTOM



-  = smoke
-  = carb mon
-  = Egress

**TOWN OF WINTER PARK  
PLANNING & ZONING COMMISSION  
APPLICATION FOR SPECIAL USE PERMIT**

APPLICANT: -----Rick Martino

MAILING ADDRESS:-----4990 Christi Lane, Aubrey, TX, 76227

PHONE: -----940-368-2525

EVENT DAY(S) CONTACT: ---Winter Park Lodging Company

PHONE NUMBER: -----970-722-0707

PROPERTY OWNER: -----RLB Investment Partners LLC

ADDRESS: -----525 South Loop 288, Suite 105, Denton, TX 76205

STREET ADDRESS OF PROPERTY FOR SPECIAL USE: 140 Foxtail Dr, Winter Park

LEGAL DESCRIPTION OF PROPERTY: Elk Run flg 2 Lot 37, Winter Park

EVENT DATES: -----Short Term Rental throughout the year

DETAILED DESCRIPTION OF SPECIAL USE REQUESTED:

Short Term Rental for up to 30 people

REASONS WHY THIS SPECIAL USE SHOULD BE GRANTED:

1. **FAMILY ATMOSPHERE**—I began to ski at age 4 with my family and enjoyed many of the resorts throughout Colorado and Utah. In the late 80’s my wife and I came to Winter Park for the first time to teach our children and we have continued to enjoy being part of the community because of the family atmosphere that Winter Park portrays. We are now beginning to teach our soon to be 16 grandchildren to ski in the winter and play in the summer at Winter Park.
2. **BEST HOUSE**—I have shopped the real-estate market for many years and never seemed to find what would be best for family gatherings. I designed and built our first “Family Reunion” cabin in another resort town in the south. My partners and I came to Winter Park in 2014 to build our second one when we were shown the 140 Foxtail Dr property. It fit our desires perfectly. An upstairs loft that could sleep 8 girls and a downstairs bunkroom that could sleep 8 boys (keeping girls & boys separate is sometimes a must!) with 5 master suites, two of which also having bunk beds for those kids that are too small to sleep with the kids. There are no sleep sofas or people piled on top of each other. We have so many activities on the inside of the house that comments are continually made of how much room there is and that everyone has their own space!
3. **HOUSE APPEARANCE**—As a partnership we are committed to keeping our cabin in great appearance and doing the maintenance necessary to keep it looking as it should. We want to be one of the best neighbors that we can be! I want to be proud of this place, it is not just an investment, my partners and I come up often as it is a second home for us, our families, and our friends.
4. **THE BEST MANAGEMENT TEAM**--We use Winter Park Lodging Company (WPLC) as our locally owned and operated vacation rental management company. We feel that their vision, mission and values are not just focused on the short-term renter, or the owner of the property, or the community, we feel that they strive to breathe these values to the entire community. It is critical to us to have a local manager who can watch over and control immediate issues.

5. PLENTY OF PARKING—While WPLC advertises room for 6 cars in our driveway I have personally parked 10 and could have had more. There is no need to park on the street.
6. GARBAGE—The wonderful thing about having WPLC as our management team, you never see our garbage cans out on the street. All cans are in the garage and hauled off by WPLC. When I have been there with my entire family and I fill up all the cans, I just have to call WPLC and they come and take it off, garbage is not a problem and never on the street.
7. NOISE—We love sitting out on the deck and enjoy the peaceful mountain air. I know we all do. Quantity of people does not always equate to noise level. I was at our cabin the first of June with over 30 youth and adults and again at the end of June with my entire family of 28. Knowing of the issues I simply listened outside and didn't hear anything because the house is so large and activities were inside. I will say that during one of those visits I heard a loud air horn being blown in the evening. I walked down to the entrance of Elk Run subdivision and saw a young boy enjoying the 4<sup>th</sup> of July with an air horn. Another house had a group of college aged kids (less than 20 people), partying, music blaring, and language that was offensive to a grandfather that had his 16 grandkids there. All of this could be heard clearly from my residence. All this said, it is a noise issue and if I had wanted I could have called the police and let them handle the noise ordinance violation.
8. A FAMILY SPACE--In today's world we feel it more important to be able to spend time with our families, this was the purpose of buying/renovating our cabin in 2014. To give families a place where they can have their own space and yet build family memories. I took my entire family on a cruise, thinking they would love it. All of them commented that they didn't like it because we couldn't gather in one big room, playing games, talking, watching a movie—together. Being there with them this past 4<sup>th</sup> of July, they voted to return again for our next reunion because they love the cabin, they love Winter Park, they love the many family activities, and they love the family atmosphere that is found here.
9. A SPACE FOR 30—I have gone back and read many of the reviews on our cabin from families that loved their reunion because there was so much room. Boy cousins could have their space and girl cousins their space and still have room for the adults to enjoy a nice quiet conversation.

CLOSING THOUGHTS-If noise is the issue with short-term rentals, I am all for enforcing noise ordinances. If the police make a short-term tenant mad and they don't return, I am ok with that, that is not the type of people we want.

If weddings and the parties that ensue are the problem, I have no problem asking WPLC to state on their website that weddings are not allowed at my cabin.

I really do not believe that parking nor garbage is an issue with 140 Foxtail Drive.

A hotel does not offer what we offer and that is a place for families to gather together, building strong bonds through quality time. Even if they rented two houses side-by-side

there would be more chance of noise, trash etc. as they would play in between the houses more.

I ask you to please extend to us this permit of occupancy of 30 people so that we can continue the many positive family experiences that have been written about. Winter Park has been a very Family Friendly location for my family for many years and we continue to hear from others the same sentiment.

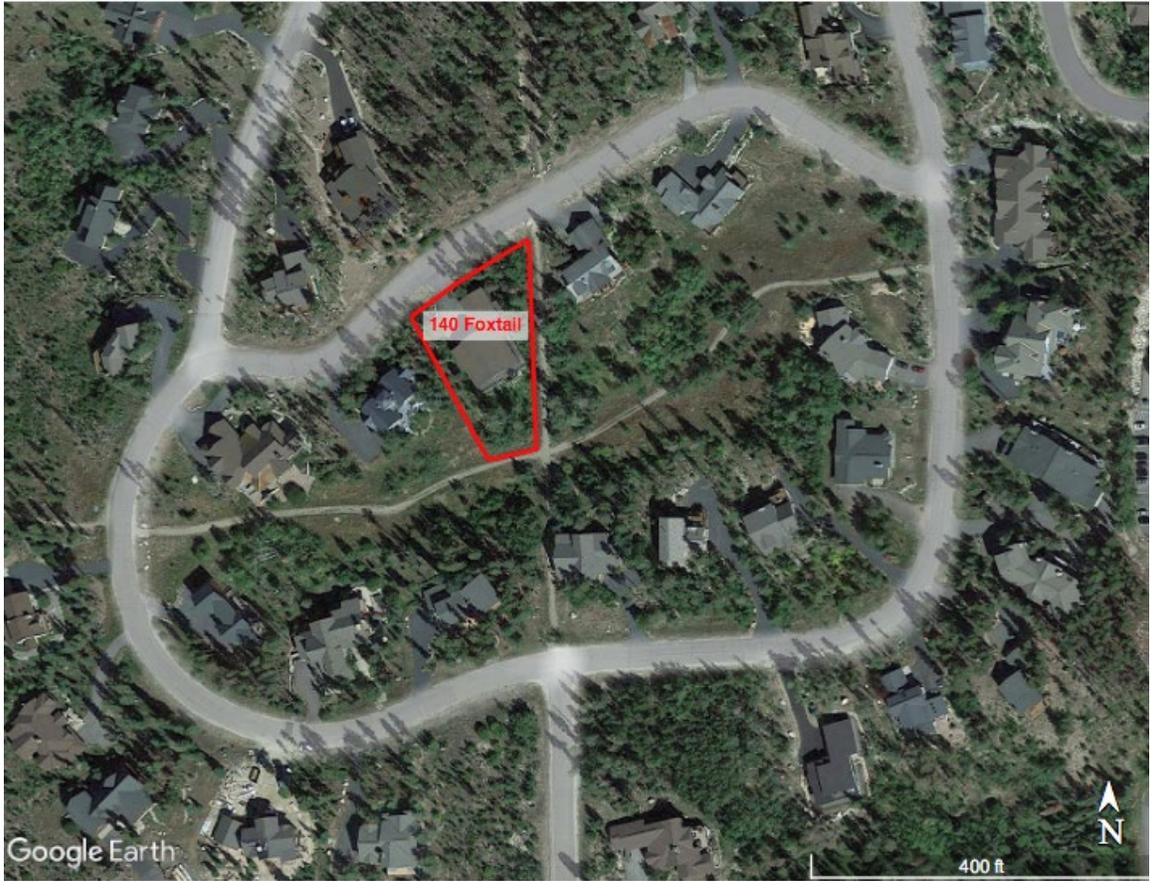
Thank you for your consideration,

Richard D Martino

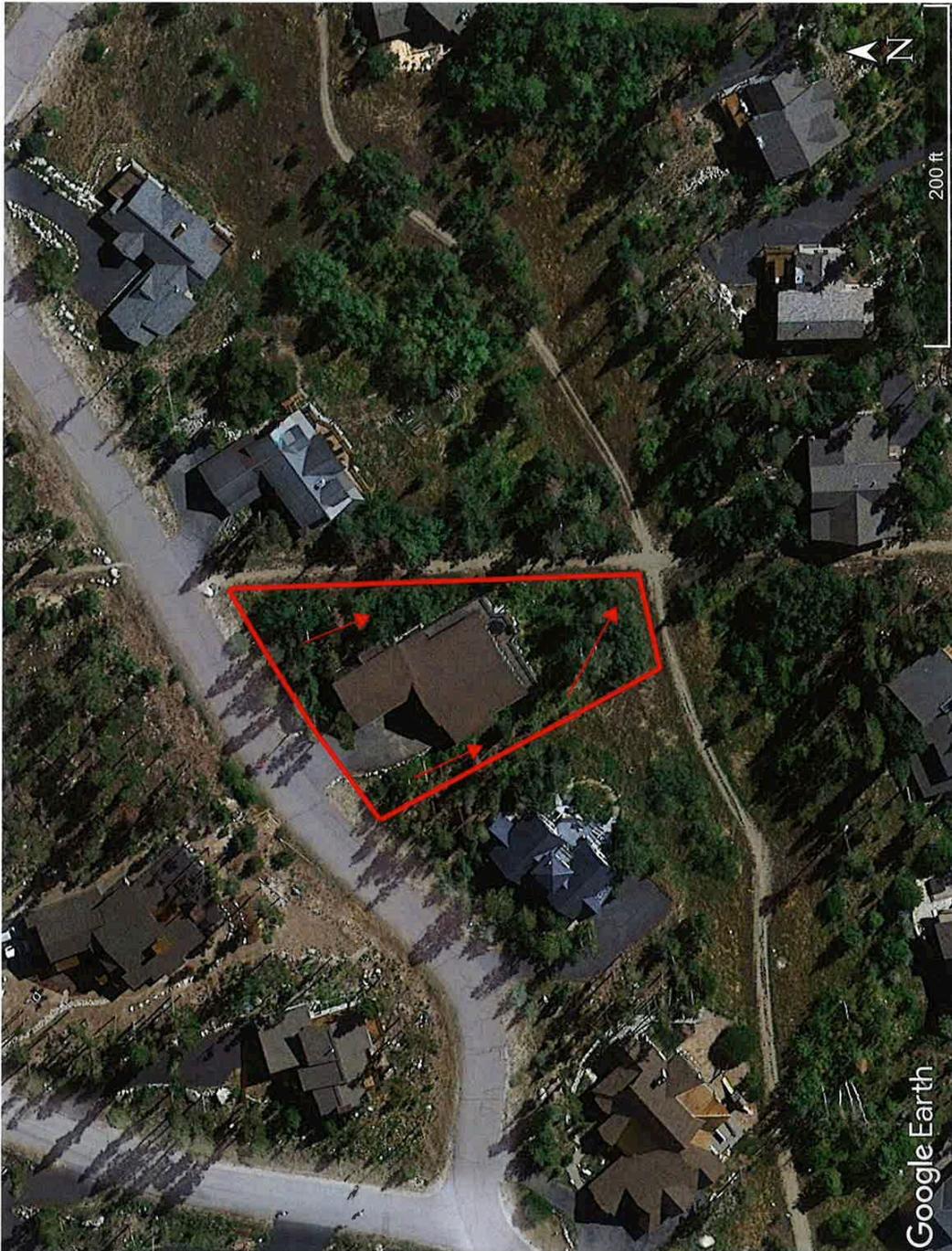
August 27, 2021

- A. Twelve (12) copies of a site map showing proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area, utilities and drainage fixtures. **Only one map copy is necessary as the application must be submitted digitally. It is fine to show a general location of utilities and drainage fixtures. Submitting an aerial screenshot from a map application (e.g. Google Maps) is the best map format. You can draw the other features over the map image. For topography, just indicate the general direction of slopes. (Green is per Hugh)**

1. Photo #1 shows location of house in neighborhood



2. Photo Shows drainage flow at house



B. A description of the precise nature of the proposed use and its operating characteristics and measures proposed to make the use compatible with other properties in the vicinity.

This is a unique home designed with Family Reunions in mind, with plenty of room inside to spread out:

1. It allows for separation of 8 girls in the upper level bunkroom and 8 boys downstairs in the lower level bunkroom. Each bunkroom has its own bathroom. I have not seen this ability at any other property. Whether a family reunion or a youth group it is critical to have the separation of boys and girls.
2. Five Master Suites with King Size Beds and private bathrooms are not found very often.
3. Two of the five Master suites also have bunk beds in case there are smaller children that couldn't stay with older siblings/cousins in the bunkrooms. Many of the local properties I look at have 2 queen beds, a few a bunk with a queen, but none offer the arrangement that is as versatile and that would fit most any family.
4. There are NO sofa beds, trundle beds, or sleeping pads in this house. Everyone can have his or her own space. There are many houses that say they can sleep a "family reunion" but they include sofa beds that just pile people into smaller spaces.
5. The upper level has Shuffle Board, a Multi-play game table, Poker table as well as it's own TV/Video game room.
6. The main level has plenty of seating for everyone around the large table and bar as well as another large seating area in the Living Room. Few of the homes that say they can sleep large numbers offer the dining space as this property does.
7. The lower level has a movie room large enough for everyone, a game room that includes pool table, air hockey table, foosball table, climbing wall and even a slide. We consider these a little more noisy activities and hence they are in the basement. You can sit in the living room on the main level and still enjoy a quiet conversation while kids are playing downstairs.
8. All rooms are extremely spacious so you don't feel "closed in". With at least 5 rooms to congregate in (Movie Room, Lower Level Rec. Room, Living Room, Upper level Rec Room and the Upper Level TV/Game room), families can easily find room to enjoy. Hotels can't offer this. Each Master Suite has plenty of room for a bassinet if needed. This property truly is planned for Family Reunions and Gatherings.
9. With ALL the activities that this house offers it is also very quiet. I have had many groups of even more than 30 and as I have walked on the street in front of the house and down the hiking trail behind the house I was not disturbed by any noise. Again, the size of this house AND the many rooms to congregate in make this possible.
10. Two kitchens, one on the main level and the second on the lower level allow for plenty of room to fix any type of meal you would like.
11. All garbage is kept in the garage and never put on the street, the management company hauls it off as needed.
12. I have parked 10 vehicles in the driveway/garage so there has never been a need to park on the street.

13. With public hiking trails on 2 sides of the property we enjoy seeing many people coming and going, enjoying nature. These public trails are wonderful but it does add people in the neighborhood, please keep in mind that this too adds to noise.
14. While not all beds are always used, the division and layout allows family optimum use for multiple families. Removing any bed would kill its ability to divide resources depending on the family makeup.
15. Only 8 outdoor chairs are available on the deck to keep any potential of noise down.

C. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance, scale and interior plan of all buildings. **A photo of the house taken from all four directions and floor plan(s) that include a scale will be satisfactory. (Green is per Hugh)**

Photo #1-Front of house from Foxtail Drive. Shows driveway and garages where 10 cars have been parked in the driveway alone.



Photo #2- Back of House from public hiking trail.



Photo #3- Side of House from public hiking trail



Photo #4 Other side of house from public hiking trail in back



D. A list of owner or owners of record of the properties adjacent to the subject property which is the subject of the hearing.

Information was obtained from the Grand County Appraisal District website:

1. 120 Foxtail Dr., Winter Park: (next door property)
  - a. Andrew D & Elise Luter, 5920 S Watson Ln, Littleton, CO 80123
2. 160 Foxtail Dr., Winter Park: (divided by a public hiking trail from our property)
  - a. Dustin & Chad Griffith, 16262 Poplar St, Brighton, CO 80602
3. 309 Moose Trail, Winter Park: (divided by Foxtail Dr from our property)
  - a. Chris & Julie Jakubson, 147 Mountain Laurel Dr, Montgomery, TX 77316

For additional information, I want to supply the following homes/owners, inside the circle of Moose Trail/Fox Tail/Elk Trail, have their mailing addresses listed on the tax roles from the following locations. (#1 is the only property not in the circle)

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| 1. 309 Moose Trail, Montgomery, TX | across the street from said property |
| 2. 180 Foxtail, Boulder, CO        | inside the circle                    |
| 3. 160 Foxtail, Brighton, CO       | inside the circle                    |
| 4. 140 Foxtail, Denton, TX         | inside the circle (proposed prop.)   |
| 5. 120 Foxtail, Littleton, CO      | inside the circle                    |
| 6. 265 Moose Trail, Montgomery, TX | inside the circle                    |
| 7. 165 Moose Trail, Denver, CO     | inside the circle                    |
| 8. 145 Moose Trail, Princeton, NJ  | inside the circle                    |
| 9. 105 Moose Trail, Jackson, FL    | inside the circle                    |
| 10. 685 Elk Trail, Evergreen, CO   | inside the circle                    |
| 11. 695 Elk Trail, Arvada, CO      | inside the circle                    |
| 12. 705 Elk Trail, Golden, CO      | inside the circle                    |
| 13. 765 Elk Trail, Boulder, CO     | inside the circle                    |
| 14. 785 Elk Trail, Danville, CA    | inside the circle                    |

# RLB INVESTMENT PARTNERS, LLC

August 25, 2021

To whom it may concern:

RE: 140 Foxtail Drive

We, the undersigned members of RLB Investment Partners, LLC, a Texas limited liability company, are in unanimous consent to support the Application For Special Use Permit allowing our home located at 140 Foxtail Drive to be rented to parties with up to 30 people.

Please feel free to contact us with any questions.

Respectfully,

RLB Investment Partners, LLC



BRANDON MARTINO, MEMBER

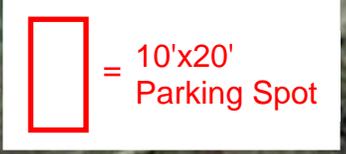


LEE RAMSEY, MEMBER



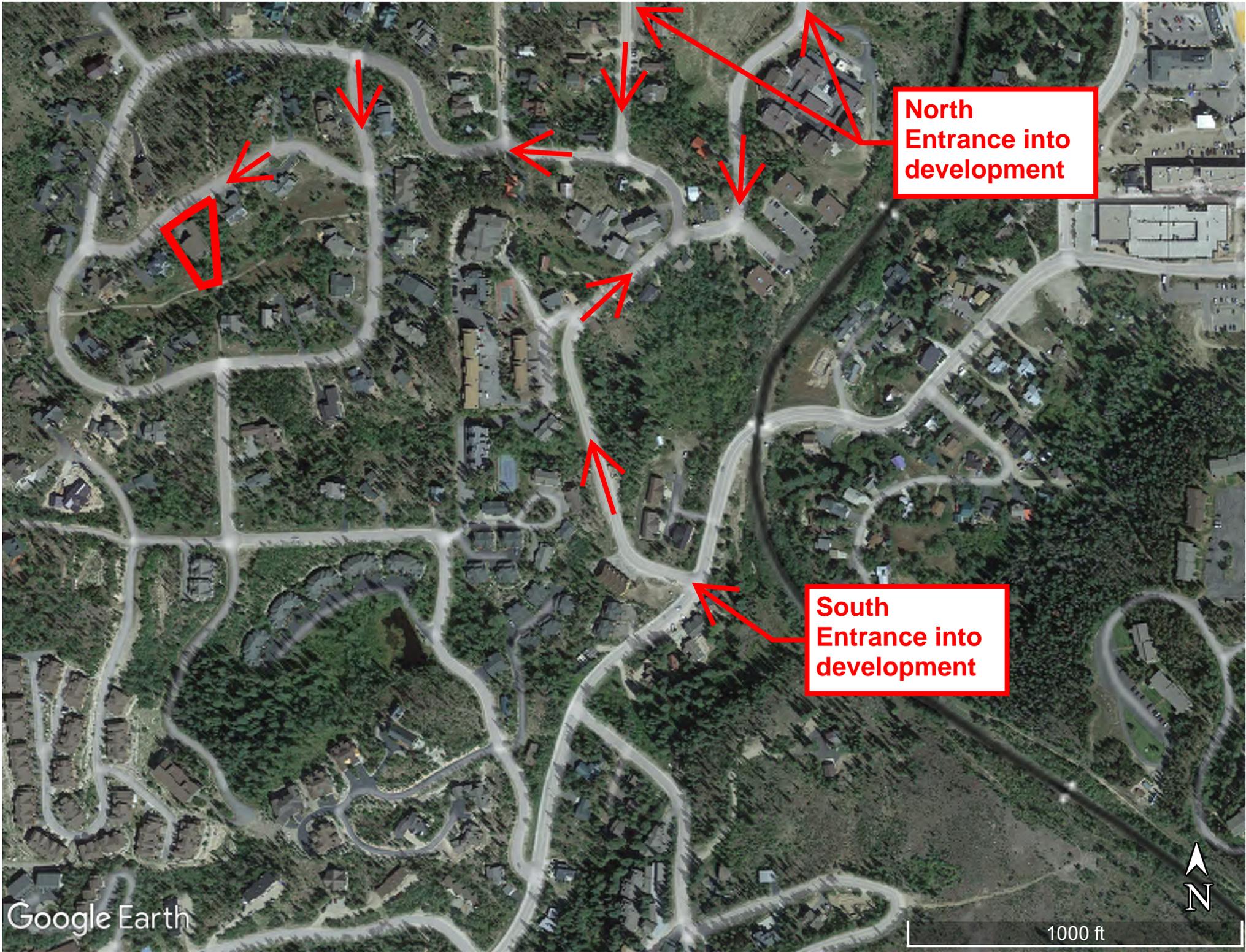
RICK MARTINO, MEMBER

Legend



Google Earth





**North  
Entrance into  
development**

**South  
Entrance into  
development**

Google Earth

1000 ft



Legend

Electric Transformer

Gas Meter

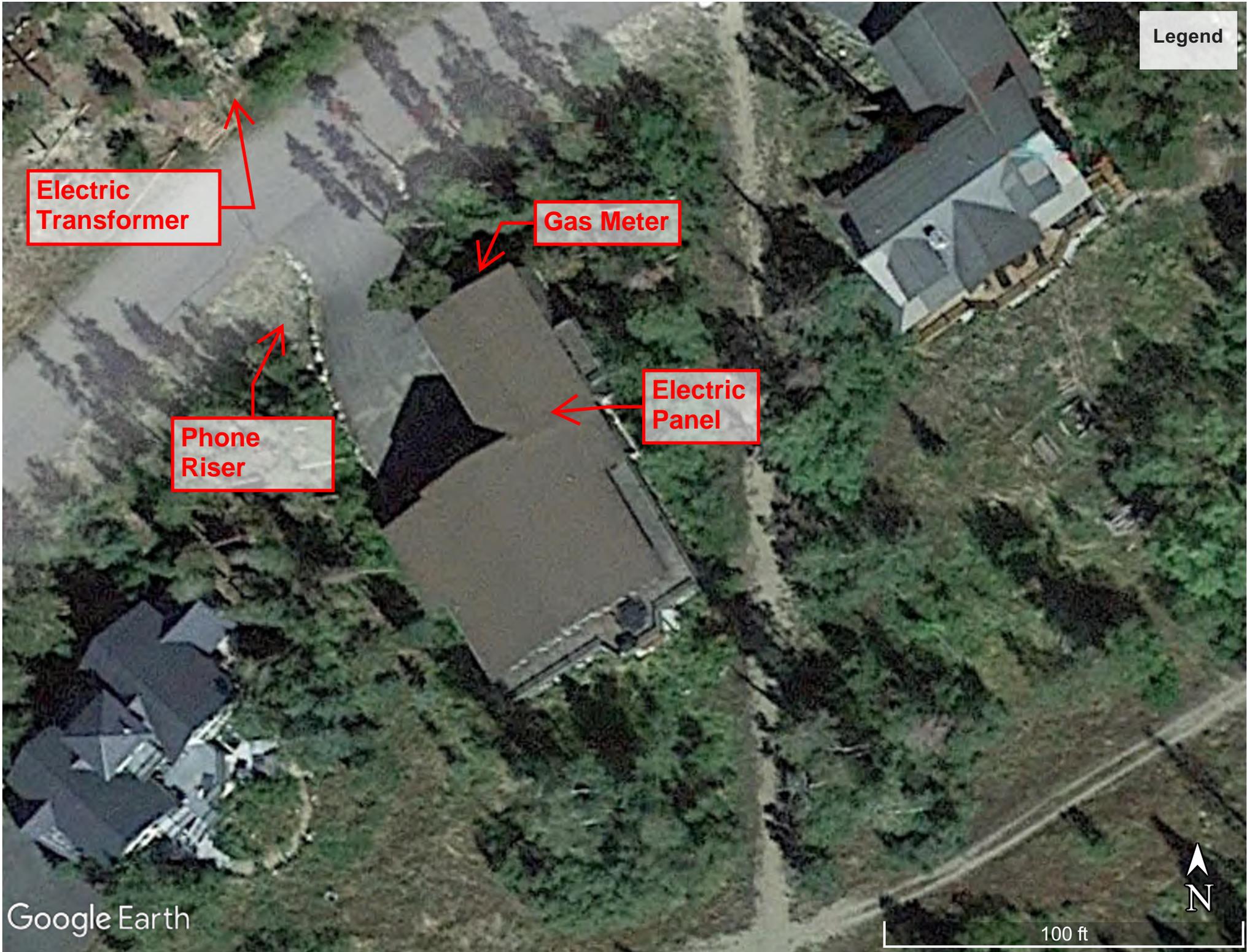
Phone Riser

Electric Panel

Google Earth



100 ft



**From:** [Hugh Bell](#)  
**To:** [Hugh Bell](#)  
**Subject:** FW: Review Request - High-Impact STR  
**Date:** Thursday, October 21, 2021 3:39:46 PM

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**From:** Todd Holzwarth <toddh@eastgrandfire.com>  
**Sent:** Thursday, October 21, 2021 3:31 PM  
**To:** Hugh Bell <hbell@wpgov.com>  
**Cc:** Dennis Soles <dsoles@eastgrandfire.com>; Ryan Mowrey <rmowrey@eastgrandfire.com>; James Shockey <jshockey@wpgov.com>  
**Subject:** Re: Review Request - High-Impact STR

Does appear that several bedrooms are very full with no exit windows or adequate exiting. Need to add those windows and exits.  
Parking should be calculated as required by code.  
This house seems to have been built as a commercial lodge in a residential area. Is the water and sewer adequate? Does it meet building codes for 30 or more occupants?  
Todd Holzwarth

Get [Outlook for Android](#)

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Re: 140 Foxtail Special Use Permit to operate a High-Impact Short-Term Rental in a single-family dwelling unit.

Dear Planning and Zoning Commission –

Thank you for the opportunity to comment on the request by Mr. Martino and RLB Investment Partners, LLC to operate a high occupancy short term rental at 140 Foxtail.

I appreciate Mr. Martino's thoughtfully written request and as a resident of Elk Run, I welcome Mr. Martino's personal family gatherings and associated special events anytime. I wish every short term renter showed 140 Foxtail and the neighborhood the respect shown by Mr. Martino. The majority of the year 140 Foxtail operates as a business offering short term rentals. Mr. Martino admittedly runs an Events Center in a residentially zoned neighborhood and this business hosts weddings, reunions and corporate retreats. Even when these large events aren't late night parties they are accompanied by an increase in noise and traffic.

The behavior Mr. Martino witnessed 4<sup>th</sup> of July weekend described in his words as "partying, music blaring, and language that was offensive to a grandfather" is far too common in Elk Run due to the disproportionately large number of investment focused high occupancy short term rentals. The home he referenced at 845 Elk Trail advertises occupancy of 26. As a fulltime resident, I can confidently say that the majority of the noise, trash and parking related issues can be attributed to short term rentals configured to maximize occupancy. These businesses book back-to-back stays and the result is a constant turnover of transient vacationers and their supporting rental management staff. With the steady stream of rental related traffic, you may be thankful when a particularly noisy group departs, but you never know what disruptions the next group may bring. Limiting the occupancy of that next group will limit the disruptions. I applaud the town for setting occupancy limits. These limits are in place to proactively mitigate future neighborhood disruptions.

I support limiting occupancy to maximum 20 for the following reasons:

- 140 Foxtail is assessed by the county as a 5 bedroom home. The home is zoned residential. The home sits on a single family lot in close proximity to multiple neighboring homes. In my opinion, 20 occupants is already too high an occupancy for a home with these designations. The request to increase that limit by 50% to 30 will inevitably increase noise and the potential for parking violations.
- Multiple of the designated sleeping areas are in non-conforming bedrooms, storage areas and lofts that lack proper egress. This is a safety concern. Does this meet fire code?
- The home has a balcony in disrepair. This appears to be a safety concern even if the sliding glass door isn't operational. (See 5<sup>th</sup> photo below)
- Parking on the street has been an issue at this home. The sardine style parking plan provided is not practical for safe ingress/egress. This home has a short and steep driveway and in the winter part of the driveway is blocked by snow storage and ice buildup. The historical high occupancy has resulted in multiple occurrences of on street parking and the occasional infringement of the snow plow. The more occupants, the more likely there will be future parking related issues. (See photos 1-4 below)
- As a neighbor looking to co-exist with short term rentals, I believe proactive measures like occupancy limits will reduce the occurrence of future violations. It's too common to try and turn a blind eye like Mr. Martino did when witnessing the July 4<sup>th</sup> party. Regulations, like occupancy limits, are designed to mitigate future issues so neighbors do not have to police the short term rental next door, or turn an eye, or plug an ear when there are inappropriate situations occurring at a neighboring short term rental.
- Catering to investors looking to maximize occupancy for a greater income will only bring more investors to residential neighborhoods. This will continue to push locals to more remote locations outside of Winter Park and erode our sense of community.

I agree Winter Park Lodging Company is the gold standard of rental management companies, but regardless of the owner's and management company's best intentions these larger occupancy homes create the majority of neighborhood noise and parking related issues.

It is difficult to understand the impacts of a short term rental until you've experienced one next door. Please consider how living next to a home that hosts events and rotates 30 guests multiple times a week would impact the peaceful

enjoyment of your family home. I am writing to respectfully request that the Planning and Zoning Committee and Town Council consider residential zoning and prioritize neighbors over an investor seeking to run a high occupancy income producing business. Please enforce an occupancy limit of 20 in residential neighborhoods.

Thank you for your consideration,  
Suzy Robbins  
Elk Run resident

Photos 1-4: A sample of the parking issues at 140 Foxtail  
Photo 5: 140 Foxtail's balcony in disrepair







Hello Staff and Town Planning Commission Members,

Thank you for taking and listening to public comment on the proposed High-Impact-Short Term-Rental special permit application for 140 Foxtail aka Trout Creek Lodge. First, I'd like to say that the title of this application speaks volumes, "High-Impact" says almost everything you need to know to oppose this application.

Elk Run, where this residence is located, is zoned R-2, medium density RESIDENTIAL. In his application Mr. Martino describes an ideal family retreat, while glossing over the fact that he is running a commercial enterprise in a residential area. More and more we are seeing homes being used not just as a short-term rental to generate extra income for the home owner, but as a full time business. This use is not compatible with R-2 zoning.

Mr. Martino emphasizes his use of Winter Park Lodging as the "best" management company, and while they are a good management company, they are running a for-profit business and their goal is to maximize profits for their owners and their business. I'm going to quote a newsletter that we just received from Winter Park Lodging that illustrates this approach. "MINDSET : *Once you start renting, your home is now a place of business* with many moving parts. With increasing rules and rental regulations, choose a professional for peace of mind and to make sure you *maximize your rental revenue.*" (Emphasis added for clarity) The focus here is not fitting into the character of the neighborhood, or being a good community partner, it is "maximizing your rental revenue" and the easiest way to do that is to increase lodging capacity.

When reviewing R-2 zoning regulations under the guidelines for approving a special use permit you find the following: D. Review Standards Applicable to All Special Uses. An application for special use permit may be approved if it is demonstrated that: 1. Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided; and 2. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) shall be available without the reduction of services to any existing uses. In this case, Mr. Martino has not demonstrated that parking for the residence is adequate for the proposed purposes. He states there is parking for 10 cars, but currently in its own advertising of Trout Creek Lodge, Winter Park Lodging advertises parking for 6 cars, noting that one of the garage bays is for "owner use only". They also note that there is a steep driveway and during the winter a vehicle with 4 wheel drive is required for access. It is difficult to understand how they will accommodate 10 cars, snow removal and snow storage and still have access in case of a fire or other emergency. I believe there are already photos of on-street parking demonstrating that currently the unit struggles to meet parking demand even during summer months.

One of the other considerations that directly impacts the neighbors and community and is not directly addressed in the zoning for R-2 is noise. When you have rental parties this large on a regular basis, there WILL be noise. It is disingenuous to suggest otherwise. It should not be up to the neighbors to complain in order for noise to be addressed, but the way the system is designed that is the current mechanism. Mr. Martino readily admits to hearing noise from another party over the 4<sup>th</sup> of July, "partying, music blaring, and language that was offensive to a grandfather that had his 16 grandkids there. All of this could be heard clearly from my residence. All this said, it is a noise issue and if I had wanted I could have called the police and let them handle the noise ordinance violation." But, he did not call the police, and most neighbors, no matter how egregious the violation, don't call, so then there

is no history and the property looks like it is in compliance when actually that is not the case. Again, complaining about a rental unit in their neighborhood should not be on anyone's to-do list.

My final comment is that the Town of Winter Park put together a working committee to work with town staff and thoughtfully draft an ordinance to address the short term rental situation. This committee put in hours and hours of work and the town council adopted the ordinance this spring after many meetings and public comment. This is the exact situation that the ordinance is meant to address; parties of 30 people at a time renting a single-family home in a neighborhood zoned R-2. Let's not do away with all their hard work by granting this special use permit.

Thank you,

Heather Green

Resident Leland Creek

**From:** [Suzanne Boda](#)  
**To:** [Grindahl George](#); [James Shockey](#); [Hugh Bell](#)  
**Cc:** [Boda Suzanne](#)  
**Subject:** Planning Commission/Town Council notes  
**Date:** Friday, October 15, 2021 9:46:00 AM

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Hugh and James,

Thanks for taking this issue forward. I'm not in town on the 26th for the meeting but would like to echo my husband's statement and add some additional comments.

The current number of 20 renters housed in one single family residence is causing significant disturbance and problems for the neighborhood today. This includes loud parties occurring well into early morning hours, disturbing the peace, vandalism and misuse/no regard for neighbor's property, and safety concerns as numerous cars race through the neighborhood and park on the street. Increasing the 20 renter number to 30 renters is simply asking for even more problems. While the home owner may profess to respect the quiet neighborhood, the homeowner is not the one staying at the home and his/her renters do NOT respect the neighborhood, even in today's environment with 20 renters. The large majority of people who decided to build or purchase relatively expensive homes and pay taxes in this neighborhood did so (and DO so) because it is zoned as a single family residential community - a quiet community. We now find ourselves in the midst of renter's frat/sorority/wedding parties or the likes on a constant basis.

Some questions for which we need solid answers:

1. What benefit does the City receive for allowing rental properties to have 20 renters, nonetheless 30 renters at one time, in one private home in a single family zoned neighborhood? What benefit does the NEIGHBORHOOD receive by having 20 and possibly 30 renters in a single family home?
2. Have the rights of the permanent residents and tax paying citizens of this community been considered at all? Have the Planning Commission and Town Council considered that the large majority of homeowners built or purchased in our neighborhoods because they are zoned, by the town of Winter Park, as single-family residential sites?
3. Have the Planning Commission and Town Council considered the safety issues of numerous vehicles operating on and parked on the residential streets or on/near the rental property?
4. Does our Winter Park Police force have adequate staff on duty at all times to enforce the current 20 renter limit, nonetheless a 30 renter limit, and immediately answer noise/disturbing the peace/vandalism calls they will surely receive, particularly in the middle of the night? If not, how will this be addressed and handled by the Police?
5. How will the owners of these "party homes" be held accountable when violations of any type occur by renters on their properties?
6. How do we, as permanent residents and homeowners contact the rental property owner(s) when violations and disturbances occur? We need to be able to contact the homeowner directly so they are aware of issues their rental property is causing in the neighborhood.

I respectfully request that, even under the current 20 renter environment, we be provided detailed answers to each of these questions.

I respectfully request the 30 renter proposal NOT be approved AND the 20 renter limit be rescinded.

There are numerous venues in Winter Park and throughout the Valley appropriate to house large numbers of renters. A neighborhood zoned as a single-family residential neighborhood is not one of them.

Thank you.  
Suzanne Boda

Begin forwarded message:

**From:** George Grindahl <georgegrindahl@ymail.com>  
**Date:** October 14, 2021 at 7:51:16 PM CDT  
**To:** Suzanne Boda <suzanne.boda@gmail.com>  
**Subject: Fwd: Agree**

Rgds  
George

Begin forwarded message:

**From:** Hugh Bell <hbell@wpgov.com>  
**Date:** October 14, 2021 at 18:32:55 CDT  
**To:** George Grindahl <georgegrindahl@ymail.com>  
**Cc:** James Shockey <jshockey@wpgov.com>  
**Subject: RE: Agree**

Hi George,

Thank you for your comment, it will be included in the staff packet for the Planning Commission and Town Council meetings.

Best,

Hugh Bell  
Planner | Community Development

-----Original Message-----

From: George Grindahl <georgegrindahl@ymail.com>  
Sent: Thursday, October 14, 2021 5:27 PM

To: Hugh Bell <hbell@wpgov.com>  
Subject: Agree

My wife Suzanne may respond separately. Its getting bad. I cant believe the noise and trash the next day. Strict guidelines with aggressive enforcement/ penalties. Hugh, we even had people i assume from party house,come into our 2nd lot (vacant), and probably assumed they had right to go/do anywhere/anything. Anything u need on our end to stop this abuse, infraction, please let me/us know. Thanks again fir looking out for us.

Rgds  
George

**From:** [Peter W Flanagan](#)  
**To:** [Hugh Bell](#); [Brian G Cleveland](#)  
**Subject:** RE: 140 Foxtail - Special Use Permit for High-Occupancy rental - Input from neighboring lot owner  
**Date:** Thursday, October 21, 2021 11:32:18 AM

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Brian, I am happy for you guys about your new WP Elk Run mountain home! You must be enjoying it. Thanks for the heads up on this issue.

Hugh, please see my input that follows...

We have noticed on our drives up to WP to check on our Elk Run lot (135 Fox Tail Drive) that the 140 Foxtail house is often rented out, with quite a few cars in the driveway – it is located across from our Elk Run lot. Since we don't have a house on our lot yet and have not stayed over night I can't speak to the noise factor.

It seems to me that for a house of that size and number of bedrooms and square footage that a reasonable limit on the number of rental guests would be 16. Setting the limit to 20 seems generous enough – for that house and any house in Elk Run. But 30 seems excessive, in my opinion. Based on the plea from the owner where he describes visiting his house with his large extended family, which apparently numbers 28 people, I am in favor of allowing him to use his house FOR HIS EXTENDED FAMILY ONLY (not as a rental) for up to 30 people.

All in all, I assume the Town of Winter Park got a lot of input upon which they based their “20 short term rental guests limit” new regulation. I think it is best if we all just abide by it.

Regards,  
Peter Flanagan, Owner of Elk Run Lot - 135 Fox Tail Drive, Winter Park, CO  
7808 E. 25<sup>th</sup> Ave  
Denver, Colorado  
303-517-5682

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**From:** Brian G Cleveland <[bgcboulder@gmail.com](mailto:bgcboulder@gmail.com)>  
**Sent:** Wednesday, October 20, 2021 5:55 AM  
**To:** Peter W Flanagan <[pflanagan@ubiterria.com](mailto:pflanagan@ubiterria.com)>  
**Subject:** Fwd: 140 Foxtail - Special Use Permit for High-Occupancy rental

Peter, hope all is well. We ended up building on Elk Ct.

This would directly affect your property.

Brian

----- Forwarded message -----

From: **Suzy Robbins** <[suzy.robbs@comcast.net](mailto:suzy.robbs@comcast.net)>  
Date: Tue, Oct 12, 2021 at 10:37 AM

Subject: 140 Foxtail - Special Use Permit for High-Occupancy rental

To: <[bgcboulder@gmail.com](mailto:bgcboulder@gmail.com)>, <[ballonoffc@me.com](mailto:ballonoffc@me.com)>, linda behlen <[lbehlen@hotmail.com](mailto:lbehlen@hotmail.com)>, <[peteronbj04@icloud.com](mailto:peteronbj04@icloud.com)>

Hi WP neighbors –

Just FYI, the Town's new short term rental rules go into effect on October 31<sup>st</sup> limiting STR occupancy to 20. The home at 140 Foxtail is requesting a Special Use Permit to allow 30 occupants. The link below includes the owner's request. While I appreciate the owner respects the quiet enjoy-ability of the neighborhood, he is admittedly running an events center (with weddings and reunions and corporate retreats) in our residentially zoned neighborhood. I do not want to set a precedent allowing occupancy of 30 in neighboring homes. I plan to draft a letter to be read at the Oct 26 Planning and Zoning meeting and I will request they limit occupancy to the max 20. If you agree that allowing 30 occupants in a neighboring home is too many, please send an email to Hugh Bell [hbelle@wpgov.com](mailto:hbelle@wpgov.com) (or attend the Oct 26 Planning and Zoning meeting).

[https://wpgov.com/wp-content/uploads/2021/10/Website\\_140\\_foxtail\\_20211005.pdf](https://wpgov.com/wp-content/uploads/2021/10/Website_140_foxtail_20211005.pdf)

Please FWD to any other neighbors that may be interested.

Thanks!

Suzy

--

Brian Cleveland

**From:** [Christina Ballonoff](#)  
**To:** [Hugh Bell](#)  
**Cc:** [c.bement@comcast.net](mailto:c.bement@comcast.net); [Annie](#); [Ari Ballonoff](#); [Andy Aye](#); [Sarah Keller](#); [Drew Keller](#); [Christina Ballonoff](#)  
**Subject:** Regarding special use permit for 140 Foxtail  
**Date:** Wednesday, October 20, 2021 2:52:27 PM

---

Hugh Bell and to Whom it May Concern,

It has come to our attention that 140 Foxtail has requested a special use permit to allow a 30 occupants waiver to their STR business. We respectfully would like to oppose this special permit.

Our condo association (Overlook HOA 4-plex on the corner of Foxtail and Elk Trail) has been greatly affected by the significant increases of STR in the neighborhood INCLUDING 140 Foxtail usage. Noise, pedestrian traffic, trash and car traffic/parking have significantly increased affecting safety and serenity for us here.

The new measures to limit occupancy to 20 came as such a relief to our HOA!!! We would strongly encourage this special waiver to be **denied**. 20 is probably more than should even be approved for this quiet neighborhood venue so 30 is BEYOND reason and would be very disappointing to us. It is just not appropriate here in Elk Run.

Thank you for considering our request,

Cris and Ari Ballonoff  
Andy and Theresa Aye  
Chris and Annie Bement  
Sarah and Andrew Keller  
of Overlook HOA  
(810, 812, 814, 816 Elk Trail)

PS: If you would not mind, please email me back so I know you received this too! Thanks!  
Cris ([ballonoffc@me.com](mailto:ballonoffc@me.com))

**From:** [Sornson, Rob](#)  
**To:** [Hugh Bell](#)  
**Subject:** Special Use Permit 140 Foxtail  
**Date:** Tuesday, October 19, 2021 11:58:39 AM

---

Hello Hugh,

I am writing in reference to the special use permit for 140 Foxtail Dr sign posted in our front yard (attached). In general we are in favor of short term lease and supporting the Winter Park economy with this benefit and service.

Winter Park Lodging has been in our experience the best company for managing short term rentals and until recently we had short term rental as well with them. Also to note, Winter Park Lodging is very responsive and provides great care in addressing rental needs.

The concern with this particular property is in the past they frequently have ~30 people with ~10+ cars and have not had adequate parking to support this large group of people. There have been past issues with parking on the street and some partying well after 10pm and continuing until 1-2am in the morning. We have read the owners comments addressing these issues, but when you are living in close proximity you observe a different behavior and action, even having cars parked in front of our property that is 2 houses down the street.

We agree the outside trash and noise are occasional but the parking on the street and down the street has been consistent in the summer and winter.

We want to be in support, but can we ask what would be changing to prevent this from recurring moving forward and what actions would be taken if it continues?

Thankyou,

Rob Sornson  
265 Moose Trail  
Winter Park, CO 80482  
(970) 531-9280

**From:** [Priscilla Kirouac](#)  
**To:** [Hugh Bell](#)  
**Subject:** 140 Foxtail Special Use Permit to operate a High-Impact Short-Term Rental in a single-family dwelling unit  
**Date:** Saturday, October 16, 2021 5:07:23 PM

---

Hello Hugh,

I want to comment on the request for a variance at 140 Foxtail Drive. In a nutshell, I am adamantly against the special use permit.

I have lived on Pine Cone Lane in Winter Park for almost 20 years and still, every day, I am blown away by the beauty and quality of life. I get to hike or bike or ski every day. I understand why people want to visit and play here. However, I live here. I am okay with people partying and having fun but when they turn on the music and jump in the hot tub at 2 in the morning, yelling obscenities, I don't appreciate it. When they come into my yard and pick all my flowers for their wedding reception, I'm not happy. When they build a fire and leave it unattended, I don't like it. These are just a few of the things that happen with the rentals near us and unfortunately they are happening with increasing frequency and a greater variety of indiscretions, not to mention the accompanying trash, bear problems etc.

I also don't think its appropriate to be running a business with 30 people in a residential area and that is essentially what is going on. The only difference is those 30 people are constantly changing and coming in with their own idea of what is appropriate behavior.

I want to be helpful and hospitable to the guests who are here to enjoy our community but it shouldn't be at the expense of those of us who are the community of Winter Park.

Thank you,  
Priscilla Kirouac  
151 Pine Cone Lane  
WP, CO  
720.220.8363

**From:** [BRUCE E WALKER](#)  
**To:** [Hugh Bell](#)  
**Subject:** 140 Foxtail Dr in WP  
**Date:** Tuesday, October 19, 2021 8:48:15 PM

---

Hello,

Bruce and I are the owners of 180 Foxtail Dr in Winter Park and neighbors of the 140 Foxtail property.

We understand there is a request for a special permit allowing up to 30 occupants in that house. No.

This is a neighborhood. It is a mostly quiet neighborhood. That property often has a large group renting the space as it is, with late night party noise from the hot tub that echos through the meadow and beyond, numerous cars in the driveway and spilling out into the street. There seems to be a misunderstanding on the owners' part about Elk Run being a neighborhood. There is now a large rental property presence in the neighborhood which has changed the feeling of the neighborhood. Things change; we are not opposed to change. We are opposed to how the property would be used if 30 occupants were allowed. Other special requests would likely follow.

Elk Run is a neighborhood. It is serene with lots of wildlife. It is a respite from a noisier place. It seems to us that 30 people in one dwelling is for a location different from Elk Run. As homeowners in Elk Run we vehemently oppose this special request.

Sincerely,

Anne and Bruce Walker

**From:** [G. Kirouac](#)  
**To:** [Hugh Bell](#)  
**Subject:** variance req. at 140 Foxtail  
**Date:** Sunday, October 17, 2021 7:32:27 AM

---

Mr. Bell and whomever else it may concern,

I am writing to oppose the occupancy variance requested for the STR at 140 Foxtail. Aside from structural safety, fire safety, resource consumption (water), increased sewage, parking issues, and additional emergency service requirements, among other concerns, raising the allowed capacity from twenty to thirty diminishes the quality of life for neighbors by increasing traffic, party noise, and making it difficult or impossible to get on the LIFT after their stop. Twenty is the prescribed maximum for good reason and I believe it should be adhered to in this case.

Please contact me if you have any questions.

Thank you,  
Guy Kirouac  
151 Pine Cone Lane  
720-890-1044

**From:** [Katie Riemenschneider](#)  
**To:** [Hugh Bell](#)  
**Subject:** 140 Foxtail Special Use Permit  
**Date:** Friday, October 15, 2021 12:21:29 PM

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Hugh, We are not in favor of 140 Foxtail being given a special use permit allowing up to 30+ people to stay at the residence. We own a lot in Elk Run and had our primary residence for 17 years at 197 Pine Cone Lane. We have seen the impact of the STR primarily in Elk Run and other neighborhoods around us and we do not feel this permit should be allowed.

Please include this email in your meeting discussion on October 26th.

Thank you,

Katie and Rick Riemenschneider  
303-885-4503

**From:** [Barbara Peterson](#)  
**To:** [Hugh Bell](#)  
**Subject:** Maximum occupancy Elk Run  
**Date:** Wednesday, October 13, 2021 7:32:28 AM

---

As homeowners of 650 Elk Trail in the Elk Run development we oppose this special use permit allowing more than the agreed upon 20 maximum occupancy. This is a residential development and we do not approve of an occupancy on short term rental properties exceeding 20 people.

Please accept this as our opposition to this special use permit request.

Barbara And Brian Peterson  
650 Elk Trail (Lot 15)  
Winter Park, CO  
(970) 567-0547

Sent from my iPhone

**From:** [Valerie Faler](#)  
**To:** [Hugh Bell](#)  
**Subject:** oppose special use permit request  
**Date:** Saturday, October 16, 2021 11:45:45 AM

---

I oppose the special use permit request of allowing 30 people.

In case needed, our address is 414 Leland Creek Way.

Thank you for asking.

--

Valerie Faler

**From:** [John Perkins](#)  
**To:** [Hugh Bell](#)  
**Subject:** 140 Foxtail  
**Date:** Sunday, October 17, 2021 5:21:55 PM

---

Hugh Bell;

I was made aware of the request to increase the STR occupancy from 20 to 30 occupants. This Neighborhood doesn't need the extra noise and traffic created by an event center use. I would not support this Special Use Permit request.

Thank you

John Perkins  
646 Leland Creek Circle

**From:** [Mike Robinson](#)  
**To:** [Hugh Bell](#)  
**Cc:** [msjrrobinson@comcast.net](mailto:msjrrobinson@comcast.net); [debbieb@allegiantmgmt.com](mailto:debbieb@allegiantmgmt.com)  
**Subject:** Opposed to SUP to Allow 30 Occupants  
**Date:** Thursday, October 14, 2021 8:11:04 PM

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Dear Hugh,

We oppose granting the request for the homeowner at 140 Foxtail to obtain a Special Use Permit to allow 30 occupants. This is a residential home and neighborhood, and the request inconsistent with prudent zoning and use practices.

Michael and Samantha Robinson

292 Leland Creek Circle

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**From:** [George Grindahl](#)  
**To:** [Hugh Bell](#)  
**Subject:** Agree  
**Date:** Thursday, October 14, 2021 5:27:32 PM

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My wife Suzanne may respond separately. Its getting bad. I cant believe the noise and trash the next day. Strict guidelines with aggressive enforcement/ penalties. Hugh, we even had people i assume from party house,come into our 2nd lot (vacant), and probably assumed they had right to go/do anywhere/anything. Anything u need on our end to stop this abuse, infraction, please let me/us know. Thanks again fir looking out for us.

Rgds  
George

**From:** [Karen Charland](#)  
**To:** [Hugh Bell](#)  
**Subject:** 140 Foxtail DR  
**Date:** Sunday, October 17, 2021 8:03:01 AM

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Hello-

I reside in Leland Creek and totally agree that 30 occupants is far too many for a rental.

You may add my name to the list.

Thank you  
Karen & Scott Charland  
258 Leland Creek Circle  
Winter Park, CO 80482