



**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, December 14, 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:** October 26, 2021
- V. **Conflicts of Interest**
- VI. **Action Items:**
 - A. Design Review Multifamily – Crestview Place Condos – 79050 Highway 40
- VII. **Planning Commission Items for Discussion:**
 - A. Unified Development Code (UDC) – Buck Creek Setback
- 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

Passcode: 742862

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Public Hearing Process

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**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, October 26, 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, Jonathan Larson, Angela Sandstrom and Doug Robbins. Community Development Director James Shockey and Town Planner Hugh Bell are also present. Commissioner George Stevens 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 for review:** September 28th and October 12th, 2021. Commissioner Barker makes a motion to approve the minutes. Commissioner Sandstrom seconds. The minutes are approved 6, 0.
- V. **Conflicts of Interest.** No one comes forward. Commissioner Robbins informs the Planning Commission that he does not have a conflict of interest but he is on the board of the Elk Run HOA for item A on today's agenda.
- 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

Town Planner Hugh Bell gives a brief outline of this Special Use application (high impact short term rental). The Staff received a total of 19 public comments. Two of those comments have been tabled since they were received the day before today's meeting. Then, Planner Bell mentions some of the comments the public has sent:

- Noise
- Increased pedestrian and vehicular traffic
- Trash removal
- Inadequate off-street and on-street parking
- Trespassing on adjacent property from past rental occupants
- Recklessness from past rental occupants
- Concerns related to Fire Code compliance

Planner Bell points out the nine (9) criteria that should be considered. This information has been included in the electronic packet sent to the Commissioners.

The Planning Commission discusses if this Special Use Application actually violates the Fire Code. The members of the Commission have analyzed the supporting documents the applicant submitted. There are some concerns about the egress and parking. Later, the Commission discusses the original building permit that was issued for this property and under what Code this was approved.

Commissioner Robbins says that the HOA he is part of (Elk Run) has short term rentals with no limit on

occupancy. There are a lot of concerns. The Staff has not reached to Grand County Water and Sanitation District No. 1 to see the existing number of taps.

Since the means of egress are not in compliance now, it would be denied based on the Code as of today. Going forward the applicant needs to correct those issues. An apply for a str license. This will carry on if it is denied, the applicant has to come back. There is also mention of the impact this would have on the character of the neighborhood. The Commissioners discuss that the life safety issues must be addressed by the applicant.

The applicant, Mr. Richard Martino comes forward. He states he made some errors during the application process. Mr. Martino affirms that the trash is placed in the garage. He did not mark the doors and the windows on the documents he submitted and he says that he can redo it. About the deck/balcony, Mr. Martino says that he has tried to get some contractors to fix it but it has not been possible at this point.

One of Mr. Martino's arguments is his affirmation that he himself is a family man. Then, Mr. Martino makes a brief description of the floor plan of the house. He also mentions how he has done this type of rentals before. Mr. Martino is willing to open the house so the Commission can see it. Later, Mr. Martino a story where his family stayed during July 4th and how there were some noise issues during that stay. He is in favor of restricting the level of noise. Mr. Martino claims his is the best house in Winter Park for these types of STR. Finally, he argues that this type of STR is in line with family values since they promote family reunions specially for big families.

There is a discussion among the members of the Commission about the parking layout, current status of the water tap(s), the basement (means of egress and number of beds in it). The basement is mentioned. Mr. Martino says that he does not know many taps they have but he states whatever the number, they have been approved. The Planning Commission goes back to the topic of life safety: egress, how much the existing windows open, smoke and carbon monoxide detectors and their proper location and number inside the house. Mr. Martino says that he can easily add more. Mr. Martino adds that one of the benefits of the house, kids can sleep there separating boys from girls. The discussion moves back to the safety issues. Commissioner Kish says that, while he appreciates the information the applicant has submitted, he wants a professional opinion. Mr. Martino informs the Commission that he did not read the comments the neighbors have submitted.

The Planning Commission then discusses the impact on the character of the neighborhood. There is mention of the type of business Mr. Martino wants to run vs. the single family dwellings around it. Renting the house for 20 people has already an impact on the neighborhood.

There are some concerns about a room that is categorized as storage but the STR application shows that it contains six beds. For the Planning Commission, the egress is insufficient and Commissioner Barker says he would not feel safe putting his family in this particular room. The Commissioners also consider that the basement has limited egress. The applicant says he can install a window.

The Planning Commission discusses this particular SUP application vs. an event center.

Later, the discussion goes over the parking. From the letters the neighbors have sent this topic does appear to be an issue. There is also mention of what the applicant can advertise and how this can be enforced and by who in case there is noncompliance.

The Planning Commission then open the public comment period.

Mrs. Linda Behlen, from 88 Pine Cone Lane, comes forward. Mrs. Behlen is not in support due to the high impact this would have in the neighborhood. She mentions safety concerns, means of egress, a circular staircase inside of the house that might not be as effective in case of an emergency, the need to install a fire suppression system, and emergency exit signs. Mrs. Behlen mentions that there have been nuisances in the past and questions if this would bring benefits to the surrounding neighbors. Finally, she agrees with all the comments from the public sent to the Staff.

Ms. Julia Walker comes forward. She adds that the parking is an issue as well as the noise especially late at night. She agrees with the previous comments about the impact on the character of the neighborhood.

Mr. Scott Clark from 695 Elk Trail comes forward. Mr. Clark mentions that he has lived in the area since 2001. He argues that the neighborhood is changing due to the increasing number of STR. He claims that renters have used common areas between properties and they have even trespassed into other people's properties. To him, it has been difficult to enjoy the quietness they used to have. Mr. Clark says that this is not a family oriented approach but it is a simply for-profit business. Mr. Clark says that STR can advertise what the Code establishes but, in reality, they often accommodate a higher number of people. Mr. Clark recommends to limit the use of the home to just 20 people at a time arguing this is still a lot if you add the home next to this one. Finally, Mr. Clark questions the offset of the cost.

Now, the Planning Commission discusses this Special Use STR application. There is a conversation about the occupancy load since this particular STR would accommodate a lot of people. The Planning Commission discusses the original use type this house was built for and take a look at the original building application. There is a discussion about the possible change of use for this property and the scope of the Planning Commission to talks about life safety concerns. There is a strong belief among the Commissioners that this needs to be reviewed by professional entities. Another alternative is to have the Building Official and the Building Inspector in addition to the professional entities like the Fire Department, to go over and take a deep look at the property so everyone involved, including the general public can be more aware of the Code.

Then, the Commission goes over the parking layout. For the Commissioners, this proposed layout does not resemble anything the Planning Commission would approve in any other development. There are concerns about being able to maneuver and get away in normal circumstances and in the case of an emergency.

There is a short discussion about the average lot size in the neighborhood.

Commissioner Baker makes a motion to recommend denial taking into account the Staff comments and recommendations making emphasis that the lack of egress is concerning and needs to be addressed. The applicant has not brought proof that the life safety issues have been properly addressed with the assistance of professional entities plus adding that the three criteria established to grant approval have not been met. Commissioner Sandstrom seconds. The Special Use Permit is denied 6 ,0.

This decision will be forwarded to the Town Council next Tuesday November 2nd, 2021 (since the meeting, the applicant withdrew his application and thus it was not forwarded to the Council).

VII. Planning Commission Items for Discussion:

A. Unified Development Code (UDC) – Chapter 7

Director Shockey shows the Planning Commission what has been worked with the consultants. There is mention of administrative decisions and how they will be managed. Director Shockey shows to the Commissioners what part of the contents have been deleted or modified. Other items mentioned are variances

VIII: Director's Report

Director Shockey informs the Commission about current and coming projects such as Idlewild.

There is further discussion about the first item on the agenda. After being denied, the Planning

Commission discuss if it is advisable to inform the Police Department to make sure the applicant follows through and the possible consequences for breaking the rules for both the owner (applicant) and the company in charge of taking care of the property. There is also mention of the Town's liability in case something goes wrong. It is mentioned that the Town Attorney could take a look at the application and all pertinent documentation. There is also a short conversation about ADU renting restrictions and the type of tax the applicant would pay (residential) instead of commercial.

Commissioner Larson leaves the Planning Commission meeting at 9:23 am.

Commissioner Kish leaves the Planning Commission meeting at 9:34 am.

Upon a previously approved motion, the Planning Commission meeting is adjourned at 9:42 am.



MEMO

TO Planning Commission
FROM Hugh Bell, Planner
THROUGH James Shockey, Community Development Director
DATE December 14, 2021
RE Design Review Multifamily – Crestview Place Condominiums – 79050 Highway 40

Applicant: Audra Willett on behalf of ASR Companies

Architect: GreenbergFarrow

Zoning: D-C (Destination Center)

Authority: Pursuant to § 2-1-4 of the Winter Park Town Code (the "Code"), the Planning Commission considers building configurations, colors, materials and general compatibility of proposed structures and outdoor advertising within the Town of Winter Park. Design approval is required before issuance of a building permit.

Variance:

N/A

Architectural: Existing multifamily building. Footprint is unknown. Application to renovate the building's exterior; this is phase 1 of 2, which involves removing and replacing existing wood egress stairs on the west and south-east sides of the building and removing and replacing all exterior siding.

Title Commitment:

N/A

Homeowner's Association Review:

Unsatisfactory. The Crestview Place HOA has not provided approval.

- Applicant shall submit approval letter from the Crestview Place HOA.

Material and Color:

Unsatisfactory. Staff believes omitting the imitation stone siding would benefit the building's appearance. The proposed stone does not tie into the building's massing, as massing-wise, the first floor is not differentiated from the upper floors. The first floor was not designed with the intention for a stone façade. Leaving the siding in its current locations draws less attention to the building as well, retaining the more subdued and subtle architecture. See material board for details.

- Staff recommends the Planning Commission discuss whether stone is an appropriate material for the first floors in lieu of the siding.

Exterior Lighting:

Unsatisfactory. No mention is given to exterior luminaires but given the large scope of the project, any non-conforming luminaires shall be brought up to conformance with the Town's regulations for dark-sky lighting as stated in § 7-5B-6, *Outdoor Lighting Requirements* in the Town Code.

- Applicant shall submit photos of existing exterior luminaires. If not conforming with the Town's dark-sky lighting regulations, applicant shall exchange non-conforming luminaires with conforming luminaires. Applicant shall submit specification sheets and staff shall review and approve or deny.

Accessory Dwelling Unit (ADU):

N/A

Site Plan:

N/A

Building Elevations:

Unsatisfactory, see 'Material and Color' above.

Setbacks:

N/A

Building Coverage:

N/A

Building Height:

N/A

Parking:

N/A

Land Use Transition Zones and Revegetation:

N/A

Snow Storage:

N/A

Erosion Control / Drainage Plan / Drainage Report / Grading / Engineer Review:

N/A

Driveway:

N/A

Utility Review:

N/A

Wetlands:

N/A

Inspection:

Building Division Staff have not performed a Pre-Disturbance inspection of the property.

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

Discussion Items:

1. Staff recommends the Planning Commission discuss whether stone is an appropriate material for the first floors in lieu of the siding.

Staff Recommendation: Staff recommends the Planning Commission approve the Multifamily Design Review application for Crestview Place Condominiums – 79050 Highway 40 with the following conditions:

1. Applicant shall submit approval letter from the Crestview Place HOA.
2. Applicant shall submit photos of existing exterior luminaires. If not conforming with the Town's dark-sky lighting regulations, applicant shall exchange non-conforming luminaires with conforming luminaires. Applicant shall submit specification sheets and staff shall review and approve or deny.

Required Permits:

- ✓ Building Permit



MULTIPLE-FAMILY DESIGN REVIEW SUBMITTAL CHECKLIST

This application lists the content and format of the submittal requirements to initiate the Design Review process. **An incomplete application will not be accepted.** A meeting with the Design Review Committee and the Planning Commission is part of the design review process.

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

Applications must be received by Town staff no later two weeks prior to the Planning Commission meeting. The Commission meets on the second and fourth Tuesday of the month.

Property Address &/or Legal Description: _____

Property Owner: _____

Applicant (if other than property owner): _____

Phone: _____ Fax: _____ Email: _____

Applicant's Certification Statement: I, _____, as applicant and duly representative of the owner, hereby certify that the information included upon the attached Elevation, Landscape, Site, and Grading Plans are true and accurate; and that the development of the site will occur in accordance with the Plan.

Signature

Date

Staff Use Only

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

[] Design Review Fee formula: Gross Sq Ft of Project _____ X \$.05 = \$_____.

Check Amt. _____ Check No. _____ Date Rec'd _____ Initials _____

[] Development Improvements Agreement

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

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

[] **DENIED**, based upon the following reasons: _____

Town Staff

Date

If you have questions, please call the Planning Department at (970)726-8081, ext 2.

September 17, 2021

To Building Department
City of Winter Park
50 Vasquez Rd
Winter Park, CO 80482

Project **Crestview Condominium** - Update
Project # GF 20201011
Re Exterior update, Phase 1

Building Department:

This narrative is to accompany the plan check submission for the façade update to the Crestview Condominiums.

Ultimately, Crestview is planning to update and repair the full exterior of the building. This submittal, however, is for the first phase which consists primarily of:

1. Removing and replacing the existing wood egress stairs on the west and south-east sides of the building. Since they are egress stairs, they will be removed and replaced one side at a time. The phasing and informational plans are included in the packet and indicate the locations of interior signage to inform residents of the work and direct them to the remaining egress's. The existing stairs won't be removed until the replacement stairs have been fabricated and are on site to complete the replacement as quickly as possible.
 - a. The new stairs will be metal with open grate treads. The existing side 'walls' will be replaced with railings.
2. While working on the elevations that include the egress stairs, the siding will also be removed and replaced as shown on the plans.

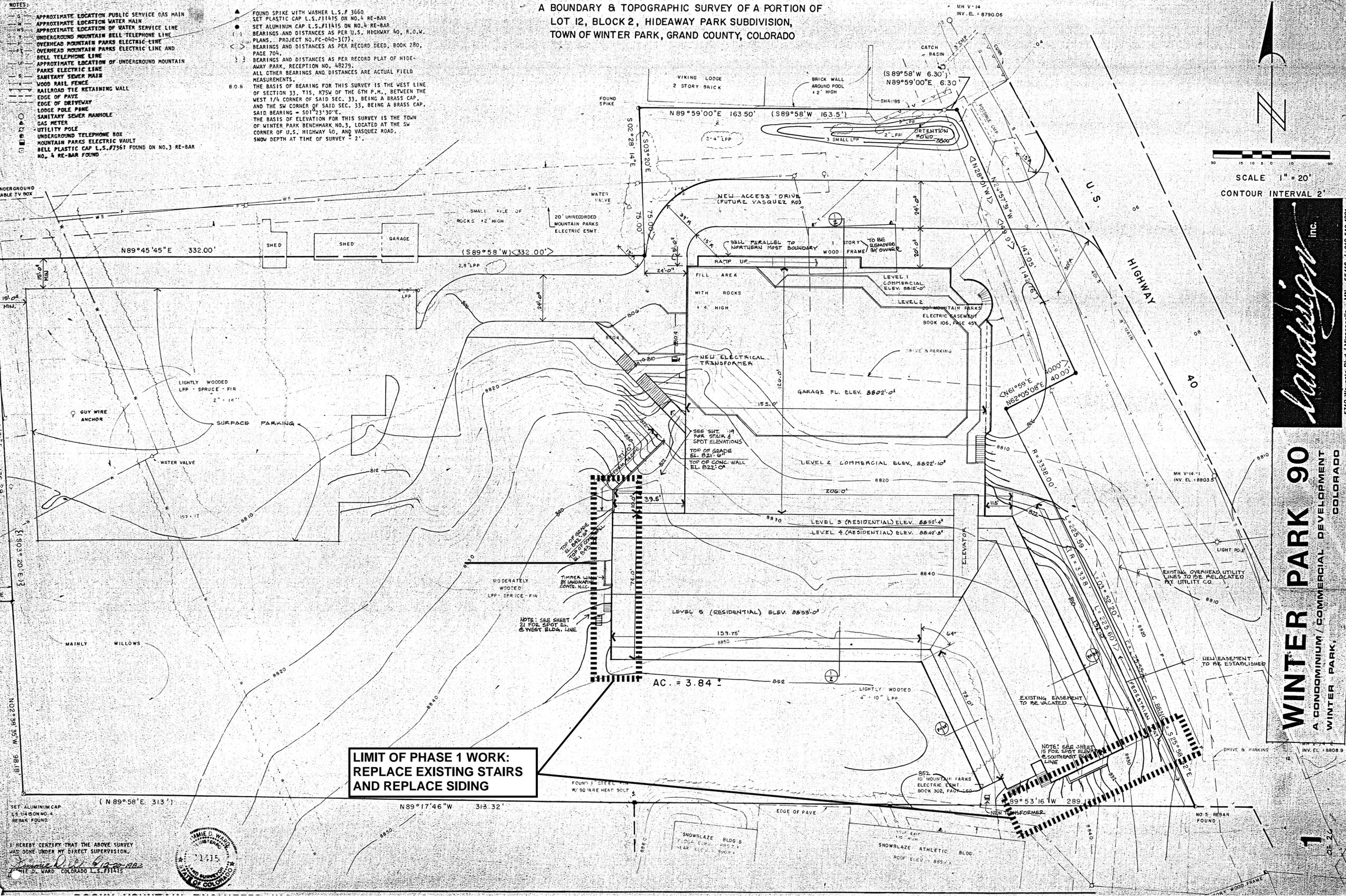
A second set of plans will be submitted for your review early in the 2022 of the second phase of work.

Sincerely,

Lori Gafner

Cc: Steve Kane, Crestview HOA President
Kim West, ASR Companies

**A BOUNDARY & TOPOGRAPHIC SURVEY OF A PORTION OF
LOT 12, BLOCK 2, HIDEAWAY PARK SUBDIVISION,
TOWN OF WINTER PARK, GRAND COUNTY, COLORADO**



- NOTES:**
- APPROXIMATE LOCATION PUBLIC SERVICE GAS MAIN
 - APPROXIMATE LOCATION WATER MAIN
 - APPROXIMATE LOCATION OF WATER SERVICE LINE
 - OVERHEAD MOUNTAIN BELL TELEPHONE LINE
 - OVERHEAD MOUNTAIN PARKS ELECTRIC LINE
 - OVERHEAD MOUNTAIN PARKS ELECTRIC LINE AND BELL TELEPHONE LINE
 - APPROXIMATE LOCATION OF UNDERGROUND MOUNTAIN PARKS ELECTRIC LINE
 - SANITARY SEWER MAIN
 - WOOD RAIL FENCE
 - RAILROAD TIE RETAINING WALL
 - EDGE OF PAVEMENT
 - EDGE OF DRIVEWAY
 - LODGE POLE FRAME
 - SANITARY SEWER MANHOLE
 - GAS METER
 - UTILITY POLE
 - UNDERGROUND TELEPHONE BOX
 - MOUNTAIN PARKS ELECTRIC VAULT
 - BELL PLASTIC CAP L.S.#7361 FOUND ON NO.3 RE-BAR NO. 4 RE-BAR FOUND

- ▲ FOUND SPIKE WITH WASHER L.S.# 3660
- SET PLASTIC CAP L.S.#11415 ON NO.4 RE-BAR
- SET ALUMINUM CAP L.S.#11415 ON NO.4 RE-BAR
- BEARINGS AND DISTANCES AS PER U.S. HIGHWAY 40, R.O.V. PLANS - PROJECT NO.FC-040-317.
- BEARINGS AND DISTANCES AS PER RECORD DEED, BOOK 280, PAGE 704.
- BEARINGS AND DISTANCES AS PER RECORD PLAT OF HIDEAWAY PARK, RECEPTION NO. 48279.
- ALL OTHER BEARINGS AND DISTANCES ARE ACTUAL FIELD MEASUREMENTS.
- THE BASIS OF BEARING FOR THIS SURVEY IS THE WEST LINE OF SECTION 33, T1S, R75W OF THE 6TH P.M., BETWEEN THE WEST 1/4 CORNER OF SAID SEC. 33, BEING A BRASS CAP, AND THE SW CORNER OF SAID SEC. 33, BEING A BRASS CAP. SAID BEARING = S01°23'30"E.
- THE BASIS OF ELEVATION FOR THIS SURVEY IS THE TOWN OF WINTER PARK BENCHMARK NO.3, LOCATED AT THE SW CORNER OF U.S. HIGHWAY 40, AND VASQUEZ ROAD. SNOW DEPTH AT TIME OF SURVEY = 2".

UNDERGROUND
ABLE TV BOX

MIN.

(N 89°58'E 313')

N89°17'46"W 313.32'

SET ALUMINUM CAP
L.S.#11415 ON NO.4
REBAR FOUND

I HEREBY CERTIFY THAT THE ABOVE SURVEY
WAS DONE UNDER MY DIRECT SUPERVISION.
James D. Williams 8/10/20/2021
STATE OF COLORADO L.S.#11415



**LIMIT OF PHASE 1 WORK:
REPLACE EXISTING STAIRS
AND REPLACE SIDING**

SNOWBLAZE BLDG-B
FLOOR ELEV. 8857.1
-EAR ELEV. 8854.4

SNOWBLAZE ATHLETIC BLDG
ROOF ELEV. 8854.4

LandDesign inc.

WINTER PARK 90
A CONDOMINIUM / COMMERCIAL DEVELOPMENT
WINTER PARK, COLORADO

5740 Wavzala Blvd., Minneapolis, MN 55416 7612 646-1981

1

Crestview Exterior Selections

Diamond Kote Siding: Body: Oyster Shell; Trim: French Gray:



OYSTER SHELL

FRENCH GRAY

Versetta Stone Siding: Tight Cut Style in the Sterling color:



Metal Sales, Charcoal color – 26 Ga.in Vertical Seam 12” product:

