



**PUBLIC NOTICE
TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
APPEAL OF AN ADMINISTRATIVE DECISION**

Applicant: A-Frame Club Winter Park, LLC

Property Owner: A-Frame Club Winter Park, LLC

Case Number: PLN24-106

Physical Address of Property for Which the Application Approval is Requested: 1008 Winter Park Drive, Winter Park, CO

Legal Description & Vicinity Map of Property for Which the Application Approval is Requested: See Exhibit A attached.

Description of Request: An appeal to the administrative decision to deny a request to declare a Condo-Hotel as a New and Unlisted Use in the C-1 Zone District as permitted in the Town Unified Development Code (Sec. 2-B-2).

Applicable Provision(s) of the Unified Development Code (UDC): § 2-B-2 New and Unlisted Uses, and § 5-F-2 Appeal of Administrative Decisions

Additional information is available at this link: <https://wpgov.com/current-development-projects/>

A public hearing at Winter Park Town Hall, 50 Vasquez Road, and online via Zoom is scheduled for the following meeting:

**Board of Adjustment
Tuesday, February 11, 2025, at approximately 8:00 a.m. immediately following the
Planning Commission meeting.**

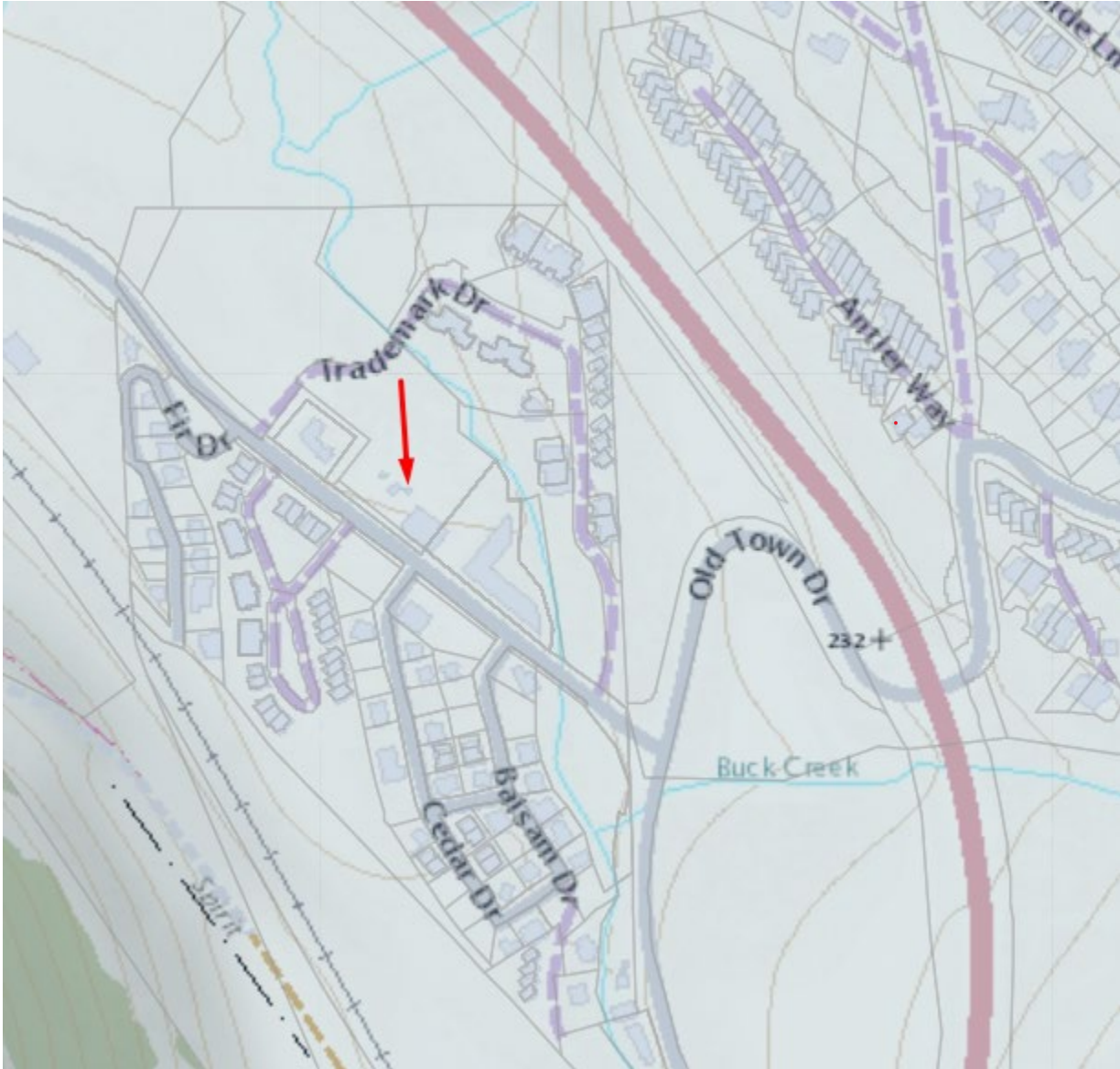
Hearing start times are approximate and depend on other agenda items. Members of the public wishing to make comment regarding the application may do so at the scheduled hearings, or write to James Shockey, Community Development Director, P.O. Box 3327, Winter Park, CO 80482, or send comments by email to jshockey@wpgov.com. For comments to be included within the digital meeting packet, they must be submitted by 5:00 P.M. on the Wednesday before the hearing.

The Zoom link will be made available in the Board of Adjustment agenda, which will be published by end of day the Friday before each meeting at: <https://wpgov.com/our-government/agendas-minutes/>

The meetings will be broadcast via Zoom, and public comment can be made during the hearings by those attending. However, if there are technical difficulties with Zoom, public comment via Zoom may not be available, and the hearings will continue in person.

Exhibit A – Legal Description and Location Map

Lot 1, ADOLF'S ON THE FRASER, RECORDED MAY 3, 2019 AS RECEPTION NUMBER 2019-003288 OF THE RECORDS OF THE CLERK AND RECORDERS OFFICE GRAND COUNTY, COLORADO.





January 13, 2025

James Shockey, Community Development Director
Town of Winter Park
P.O. Box 3327
Winter Park, CO
80482

Dear Mr. Shockey:

Thank you for taking the time to speak with my clients and I this afternoon about your January 7th, 2025 denial of our Administrative Determination Request. In accordance with Unified Development Code Section 5.F.2 – Appeal of Administrative Decisions, please accept this written request for an appeal of that decision.

UDC Section 5.F.2 stipulates that the Town has a maximum of 45 days from receipt of this letter to schedule the appeal hearing with the Board of Adjustment, which would be Thursday February 27, 2025. Given the long duration of the Town's response to our application (55 days from the 11/19/24 submittal date), we request that the hearing be scheduled expeditiously for the next regularly scheduled Board of Adjustment hearing date of February 11, 2025 – 29 days from today. This should provide ample time for resolution of the appeal. Waiting until the scheduled Board meeting on March 11, 2025 would introduce 57 additional days of delay and exceed to UDC timing requirement.

Thank you as always for your time and attention to this matter. Please let me know if you'd like to discuss our request, the appeal process, or other options which may be available for the timely resolution of the process.

Sincerely,

Phillip Supino, Principal



January 7, 2025

Phillip Supino, AICP
Headwaters Community Planning
PO Box 9316
Aspen, CO 81612
Via Email: phillip@headwatersplanning.com

Re: Unified Development Code Sec. 2-B-2 New and Unlisted Uses – A-Frame Club

Mr. Supino,

The Town of Winter Park received your request for an administrative determination regarding an unlisted use in the Unified Development Code (the “UDC”) for the A-Frame Club, located at 1008 Winter Park Drive. The correspondence, dated November 20, 2024, requests that the Director ascertain whether a Condo-Hotel, as a type of Hotel and Overnight Accommodation, is “functionally similar” to the existing hotel use currently operating on the property.

Pursuant to Sec. 2-B-2 of the UDC, the Director is tasked with evaluating whether a new or unlisted use qualifies as a subcategory of a permitted, limited, or special use, or a use that is functionally similar to a permitted, limited, or special use. In reaching such determinations, the Director may consider the criteria outlined in UDC Sec. 2-B-2(D), Decision Criteria.

Upon thorough review of the 16 criteria specified in the UDC and the justification provided in your letter for the proposed change of the land-use designation from Hotel to Condo-Hotel, I have determined that the proposed Condo-Hotel use does not conform to the characteristics of a listed land use, is not functionally equivalent to the existing Hotel designation, and is therefore **denied** for the following reason:

As to factor (2), nature and impacts of the operation, your letter asserts that the new ownership structure will not affect hotel operations because a Homeowners’ Association (HOA) will be established and declarations will be created to “expressly limit unit owners’ influence over hotel operations.” While this assertion demonstrates theoretical intent, it is not a permanent solution. The possibility remains that the declarations may be amended over time to eliminate such limitations, potentially allowing the property to function more akin to a traditional condominium development without the need for further approvals from the Town. Furthermore, the proposed declarations are likely to incentivize private owners to



engage in short-term rentals while not imposing limitations on occupancy durations, thereby reinforcing the notion that the request seeks to establish a traditional condominium development with short-term rental capabilities—an already permitted use within the C-1 zoning district – without complying with short-term rental requirements.

You may appeal this decision by following the procedures under UDC Sec. 5-F-2, *Appeal of Administrative Decisions*.

Should you require further clarification or wish to explore this matter in greater detail, please do not hesitate to reach out.

Sincerely,

TOWN OF WINTER PARK

A handwritten signature in black ink, appearing to read "James R. Shockey".

James R. Shockey, AICP
Community Development Director



Supplemental Information
Administrative Determination Request - New and Unlisted Use
A Frame Club, 1008 Winter Park Drive

Prepared by: Phillip Supino, AICP
12/2/24

Introduction

On November 19, 2024, an Administrative Determination Request for a New and Unlisted Use was submitted by Headwaters Community Planning on behalf of Zeppelin Development, the owners of A Frame Club. That request included discussion of the property, the specific request, and responses to the review criteria listed in the Town of Winter Park Unified Development Code (UDC). The request did not include key elements to understand the plain meaning of the language in the UDC and the “functional similarity” of the proposed use with that of the existing, approved use – the definitions of “functional”, “similar”, and “Overnight Accommodation” as found in the UDC.

This memorandum serves as a supplement to the formal Administrative Determination Request to be included in the official record of that review and determination by the Community Development Director.

Relevant Definitions

Dictionary definitions are instructive to understand and apply the plain meaning of UDC language in rendering administrative determinations. “Functional” is defined by Merriam-Webster’s Dictionary as:

...of, connected with, or being a function; affecting physiological or psychological functions but not organic structure; used to contribute to the development or maintenance of a larger whole; designed or developed chiefly from the point of view of use, or performing or able to perform a regular function.

And “Similar” is defined as:

...having characteristics in common, strictly comparable; alike in substance or essentials; not differing in shape but only in size or position.

As it relates to the application of the UDC to the question of the functional similarity of a Condo-Hotel to a Hotel as defined by the UDC, the key definition of *functional* is the first – being of or connected with a function. A function is, “...*the action for which a person or thing is specially fitted or used or for which a thing exists.*” Likewise, the first definition of *similar* is the most applicable – *having characteristics in common, strictly comparable.* Using the plain meaning of these terms to interpret the UDC requires the Director to focus on characteristics in common between Hotel and Condo-Hotel and supporting comparison between their unique functions.



Additionally, the plain meaning of the term Overnight Accommodation (as defined in the UDC) is central to the question of functional similarity between Condo-Hotel and Hotel. The UDC definition is:

Overnight Accommodation means commercial bedroom and bathroom units arranged for short-term stays of less than thirty (30) days for rent that contain a lobby on the premises (Campground with Overnight Accommodations excluded). Examples of this use category include Bed and Breakfast; Hostel; Hotel or Motel and other uses that the Director interprets to meet the characteristics of Overnight Accommodations.

This defined term sets the baseline for assessing the appropriateness and similarity between lodging uses. Therefore, the plain meaning of language in the definition is central to determining functional similarity of Condo-Hotel and Hotel. The planning meaning of *arranged* as it relates to the length of stay for such uses is also relevant:

...to put into a proper order or into a correct or suitable sequence, relationship, or adjustment; to make preparations for; to bring about an agreement or understanding concerning...

The first definition is most relevant – the design, assembly, or composition of a thing (in this case a hotel room) to support its intended use.

Discussion

The UDC directly and indirectly establishes criteria for assessing those characteristics which the UDC is concerned with ensuring functional similarity. Those characteristics are reflected in the review criteria in code section 2-B-2, including physical appearance, operations, nuisances, public health, safety, and welfare, parking and traffic, and zoning. Ownership structure of a use is not included in the review criteria, nor is it a topic of explicit regulatory concern for similar land uses elsewhere in the UDC. Therefore, in application of “functional similarity” to the proposed Condo-Hotel use, the plain meaning of the code limits analysis to the review criteria and those areas of community interest as articulated in the UDC. This does not include ownership structure.

In the case of a Hotel and Condo-Hotel, the similar function on which the determination must focus is “commercial bedroom and bathroom units arranged for short-term stays of less than thirty (30) days for rent that contain a lobby on the premises” – the foundational definition of lodging uses in Winter Park. The Administrative Determination Request outlined all the physical and operational characteristics of the existing Hotel that would remain unchanged as a Condo-Hotel. The memo established that aside from the underlying ownership structure of the Condo-Hotel, by the plain meaning of the code language, the Condo-Hotel would be functionally similar to the existing Hotel.



The use of the word *arranged* in the Overnight Accommodation definition suggests that the design of a hotel room, with sleeping and bathing facilities, is central to determining whether a land use is an Overnight Accommodation. The plain meaning of the term states that an accommodation unit containing only sleeping and bathing facilities is not suited to stays longer than 30 days, because of the design of the facilities relative to the needs of occupants. It suggests that stays longer than 30 days may require a different arrangement or design of facilities, rather than creating an explicit limitation of the length of stay to qualify as an Overnight Accommodation. The use of *arranged* does not create an explicit limitation on length of stay.

On the contrary, the absence of language creating an explicit limitation on length of stay demonstrates that “*arranged for stays of less than 30 days*” is suggestive, describing typical design and operational conditions. If the Town wished to create such a specific limitation, then language such as “limited to stays not more than 30 days” or “length of stay shall not exceed 30 days” would be clearer and more enforceable. The plain meaning of *arranged* makes clear that the code is focused on the arrangement or design of facilities and its suitability for stays of a short-term versus long-term nature.

The UDC does not expressly include ownership structure as a defining function of Overnight Accommodation. Nor does it include it as a review criterion for the application of Section 2-B-2. And the plain meaning of *arranged* does not create an explicit limitation of the length of stay for Overnight Accommodation uses. Rather, it is merely suggestive of the design or features of an Overnight Accommodation, which may be suitable for short-term stays. Should the Town wish to limit Overnight Accommodations by ownership structure or length of stay, then the UDC language should plainly state those limitations. Therefore, it is the applicant’s position that, in addition to the review criteria addressed in the Administrative Determination Request, the plain meaning of the relevant UDC language clearly establishes that Condo-Hotel is functionally similar to Hotel.



Administrative Determination Request - New and Unlisted Use

A Frame Club, 1008 Winter Park Drive

Prepared by: Phillip Supino, AICP

11/20/24

Introduction

The owners of the A Frame Club (A Frame) desire to change the ownership structure of the 31 existing hotel units on their property at 1008 Winter Park Drive and continue to operate the property as a hotel. The resulting use of the property would be a Condo-Hotel. Presently, the Town of Winter Park (the Town) Unified Development Code (UDC) does not include Condo-Hotel (a.k.a. Condotel, Condominium Hotel) as a defined use. The UDC includes Title 7, Section 2-B-2 “New and Unlisted Uses”, which creates an administrative path for applicants to obtain approval for land uses not included in the UDC. Section 2-B-2 states:

Authorization of Unlisted Uses. *If a proposed use is not specified in Sec. [2-B-1](#), Use Tables, and the Director has made a determination that the use is either a subcategory of a permitted, limited, or special use, or a use that is functionally similar to a permitted, limited, or special use, the Director may authorize the proposed use, and apply all standards that would have applied to the similar use.*

The applicant seeks an Administrative Determination via Section 2-B-2 authorizing Condo-Hotel as a type of Hotel and Overnight Accommodation and finding that Condo-Hotel is “functionally similar” to the existing Hotel use.

The following memo describes the nature of the existing Hotel use and proposed Condo-Hotel use, offers examples of Condo-Hotel uses and regulations from similar communities, and responds to the Review Criteria in Section 2-B-2. It demonstrates that the condominiumization of the existing units will not alter the existing Hotel use, operations and occupancy, or the important roll A Frame plays supporting the Town’s tourist bed base. As such, the applicant requests the Director find that Condo-Hotel is functionally similar to Hotel and grant administrative approval for the new use at A Frame.

Background

The A Frame Club is a 31-unit hotel property located in the C-1 zone district. The property was entitled for development by the Town of Winter Park in 2020. The subject property is located on Winter Park Drive, along the Fraser River, proximal to transit and commercial service areas, and nearby to Winter Park Resort. Its location is ideally suited to the mix of Commercial, Overnight Accommodation, and Residential uses encouraged by the Town and listed in table 2-B-1-2 of the UDC.

Code Analysis & Discussion

The UDC includes 16 review criteria to guide the Director in determining the appropriateness of New and Unlisted Uses. Those criteria are rooted in the community’s



expectations for development which supports community needs, off-sets impacts from development to facilities and infrastructure, and supports a healthy and vibrant community and economy. The following responds to each of those criteria, as applicable, and provides supplemental information to inform the Director's decision.

Section 2-B-2 Review Criteria:

1. The actual or projected characteristics of the activity in relation to those of the listed land use.

A Frame proposes to maintain all of the existing physical and operational characteristics of the current Hotel use, while condominiumizing the 31 free-standing hotel units. The new ownership structure will not alter hotel operations, and the Condo-Hotel will continue to meet all applicable UDC standards. Article 7.C "Definitions" includes the following definitions relevant to the consideration of Condo-Hotel as functionally similar to existing uses in the UDC:

"Overnight Accommodation means commercial bedroom and bathroom units arranged for short-term stays of less than thirty (30) days for rent that contain a lobby on the premises (Campground with Overnight Accommodations excluded). Examples of this use category include Bed and Breakfast; Hostel; Hotel or Motel and other uses that the Director interprets to meet the characteristics of Overnight Accommodations. Short-Term Rental is excluded from this definition."

"Hotel or Motel means a building or group of buildings in which six (6) or more guest rooms are used to provide overnight accommodations for transient guests for compensation and provides amenities and services such as small-scale meeting rooms, business centers (personal computers, fax machines, and printers for guest use), food service for guests, and recreational facilities such as swimming pools and health and fitness centers."

A Condo-Hotel is a hotel with a distributed ownership structure, where individual hotel units are owned by separate entities. The primary use of the property is currently and will continue to provide overnight accommodations to transient guests, as described in the UDC. The new use will maintain the current unit configuration including sleeping, bathing, and cooking facilities. The new use will maintain the existing hotel services, including shuttle services, events, food and beverage facilities, concierge, and recreational facilities. The new use will maintain the existing physical appearance of the Hotel use. Under the new condominiumized ownership structure, all common facilities currently available to hotel guests, including parking, food and beverage, and recreational facilities will remain available to guests and unit owners.

The UDC is clear that Short-term Rentals (STR) are excluded from consideration as Overnight Accommodations. STRs are privately owned residential units, taxed as residential properties, and managed privately for the benefit of the owner, with secondary use as transient guest accommodations. The use of A Frame as a Condo-Hotel will



maintain its primary use as Hotel Overnight Accommodations, and the property will be assessed and taxed as a commercial property. Therefore, the new use will not meet the definition of an STR.

Individual ownership of units will be secondary to the primary use as a Hotel. The relationship between unit owners and the hotel operation will be memorialized in HOA Declarations which expressly limit unit owners influence over hotel operations. These declarations and limitations will include:

- Requirements for participation in central booking of units by the hotel operator;
- Requirements for the uniform physical appearance of units and furnishings in alignment with hotel branding and operations;
- Limitations on real estate signs to be placed on or around the units;
- Limitations on use of lodge and outdoor lawn so that events can continue as they do currently;
- Limitations on use of right away to ensure that it is maintained per the Town's standards;
- Limitations on changes to ADA access to ensure that it remains code compliant;
- Landscaping and exterior maintenance will remain the hotel operator's to maintain its current and uniform appearance.
- Limitations on how the parking areas are used to maintain the current, approved parking configuration.

The language in the UDC related to length of stay suggests that 30 days is typical for Overnight Accommodations. It is not written as an explicit limitation or regulation. As a New and Unlisted Use, Condo-Hotel need not be subject to that standard. However, the applicant also recognizes the needs for such uses to support the community's tourist economy bed base through the provision of overnight lodging to transient guests. The condominiumized units will be marketed and sold as vacation properties that are units within a hotel building. Buyers will be made aware of the primary use of their units as hotel units. The services and amenities offered through the hotel operations will be a primary selling point to owners and guests alike. While not expressly limiting length of stay to 30 days, the marketing and operation of the property will reinforce the primary hotel use and support the community's economic needs. This criterion has been met.

2. Nature and impacts of operation.

The new use as a Condo-Hotel will not alter the nature and impacts of the current Hotel use. While these metrics are not specifically defined, one common measure for the impact of a land use on a resort community is employee generation. Land uses generate demand for employees at different rates per square foot, depending on several factors – accessibility to the public, frequency of visitation, on-site versus off site production of goods, location, and consumer demand. The applicant's analysis demonstrates that employee generation will not change with the new proposed Condo-Hotel use. Therefore, the nature and impact of the operation will not significantly change from the current to proposed use.



Communities measure employee generation to determine compliance with growth and affordable housing regulations. The Town of Telluride and City of Aspen offer instructive examples. Telluride sets generation rates for uses as follows:

Land Use	Generation Rate
Commercial/Public Facility Uses	4.5 employees per 1,000 s.f. of net floor area
Hotels and Accommodations Uses	0.33 employees per unit
Multifamily Dwelling and Mixed-Use Residential	0.33 employees per dwelling unit
One- and Two-Family Dwellings	$\text{Generation Rate} = 0.070174(e)^{(0.000322 \times \text{Proposed, New Gross Floor Area})}$ + 0.11 employees per 1,000 s.f. of gross floor area

Source: Telluride Land Use Code Section [3-720.C](#).

Note that Hotel and Accommodation Uses have the same generation rate as Multi-Family Dwelling and Mixed-Use Residential. This supports the applicant’s position that Condo-Hotel will not create more employment demand than the current Hotel use.

The City of Aspen sets generation rates for different uses as follows:

Zone District	Employees Generated per 1,000 Square Feet of Net Leasable Space
Commercial Core (CC) Commercial (C-1) Neighborhood Commercial (NC) Commercial Lodge (CL) commercial space Lodge (L) commercial space Lodge Preservation (LP) commercial space Lodge Overlay (LO) commercial space Ski Base (SKI) commercial space	4.7
Mixed-Use (MU)	3.6
Service Commercial Industrial (S/C/I)	3.9
Public ¹	5.1
Lodge Preservation (LP) lodge units	0.3 per lodging bedroom
Lodge (L), Commercial Lodge (CL), Ski Base (SKI) and other zone district lodge units	0.6 per lodging bedroom

Source: Aspen Land Use Code Section [26.470.050.B](#).



While Aspen measures generation by square foot of activity, versus units in Telluride, the grouping of Lodge and Commercial generation rates together is instructive. Employee generation in Telluride and Aspen from Hotel and Commercial uses are measured and regulated similarly. When considering the use of A Frame as a Condo-Hotel as distinct from a Hotel use, employee generation and resulting impacts on employee and housing demand regionally should be considered the same.

The gross square footage of A Frame is 28,067 square feet. The property averages 15 full-time employees (full-time equivalents, FTEs) and 4 part-time employees annually. With part-time employees measured at .5 of FTE, that would equate to 17 FTEs. The per square foot and per unit employee generation rate would be:

$$28,067 / 17 = \text{one employee per } 1,651 \text{ square feet}$$

or

$$31 \text{ units} / 17 \text{ employees} = 1.82 \text{ employees per unit}$$

The number of employees on site will not change under the proposed Condo-Hotel use. Different communities have different generation rates depending on demographic, economic, and geographic factors, so it is not instructive for this analysis to look at Telluride and Aspen's rates compared to FTEs at A Frame. It is instructive to look at the grouping of Commercial and Lodge and Multi-Family uses together to assess the neutrality of a change from Hotel to Condo-Hotel with respect to community impacts. It is also instructive to consider that neither community distinguishes between Hotel and Condo-Hotel in their assessment of employee generation. This is because (as shown in the response to Criterion 16) neither community distinguishes between Hotel and Condo-Hotel as permitted uses in their commercial or lodging zones.

Aside from employee generation, on-site amenities and the public's access to those amenities may be helpful metrics for judging the nature and impact of the current and proposed uses of the property. The A Frame Grill is open to the public daily, offering food and beverage service to guests and walk-in traffic alike. A Frame also periodically hosts indoor and outdoor events which are open to guests and the public. The existing shuttle service for guests will remain in operation. These public and private amenities and services will remain central to the hotel's operation under the new Condo-Hotel use. Thus, the applicant requests that the Director find that, when considering employee generation, amenities, services, and public access as measures of community impact from a land use, Hotel and Condo-Hotel are functionally similar. This criterion has been met.

3. Character and scale of associated buildings and structures.

The proposed condominiumization of the existing 31 units will not alter the character and scale of the units or associated structures on the property. The hotel is developed as 31



free-standing cabins. On-site, there is a lodge structure, waste enclosures, event lawn and other small improvements. None of these will be altered in any way as a result of the condominiumization. Hotel ownership and management will maintain control over the mass, scale, appearance, maintenance and operation of individual cabins. Therefore, the use of a cabin by an owner, as opposed to the visiting public, will not alter the cabin's character or scale.

No physical changes to any structures on the property are proposed as part of this application, and the property will continue to operate as a hotel after condominiumization. This review criterion has been met, and the Condo-Hotel use is functionally similar to the existing, approved hotel use.

4. The amount of site area or floor space and equipment devoted to the activity.

As with the previous criterion, no physical alterations or additions are proposed as part of the condominiumization and Condo-Hotel use. Therefore, the space devoted to the Condo-Hotel use will be the same as that of the existing hotel use. No new floor area will be added. No new improvements will be added. The existing hotel units and associated lodge amenity spaces will continue to function as under the currently approved use. From the pedestrian way and for Town residents and guests, the property will look and feel functionally similar to the existing use.

No physical changes to any structures on the property are proposed as part of this application, and the property will continue to operate as a hotel after condominiumization. This review criterion has been met, and the Condo-Hotel use is functionally similar to the existing, approved Hotel use.

5. Vehicle parking demand.

There are currently 44 parking stalls at A Frame – 24 on-site and 20 right-of-way stalls. This configuration was approved as part of the original development approvals in 2020. The primary use of the proposed Condo-Hotel will remain Hotel. As such, the parking demand generated from the property will remain unchanged. This criterion has been met.

6. Average daily and peak hour trip generation.

No trip generation report was required for the development of the existing Hotel use, and the UDC does not require trip generation studies for New and Unlisted Use Administrative Determinations or Change of Use applications. Therefore, baseline trip generation data for the existing Hotel use is unavailable. Under UDC Section 5-E-1.A.1, a Change of Use is exempt from Site Plan Review. Therefore, a trip generation report is not required for a Change of Use, nor is it required for the Administrative Determination of New and Unlisted Uses.

However, the applicant recognizes the relationship between land uses, development, trip generation, and demand on community transit and transportation infrastructure. To set a baseline of current trip generation from the existing use and provide a basis of comparison to the desired Condo-Hotel use, the applicant used the Institute for Transportation



Engineers (ITE) Trip Generation Manual 11th Edition to measure trip generation under both use scenarios.

- The applicant used ITE Land Use Code 311, All Suites Hotel, and calculated trip generation by trips per room per day (or per suite, in this case).
- According to the ITE Manual, the typical trip generation rate for All Suite Hotel located near a commercial center and along transit and transportation routes is 0.62 trips per room per day.
- Trips per room per day was calculated as follows:
 - 31 rooms X 0.62 trips = ~19.22 trips/day

ITE does not have a Condo-Hotel land use code. To calculate trip generation for A Frame as a Condo-Hotel, one would use either the All Suite Hotel (311) code or the Condominium (230) code. The calculation for All Suite Hotel would be the same as the existing land use (above).

- According to the ITE manual, average daily trips for a Condominium is 6.65, a more than 10x increase from All Suite Hotel.
- Given the primary use of the condominiumized property as a Hotel, with secondary use of individual units periodically by owners, it is appropriate to modify the All Suite Hotel trip generation rate such that 10% (3) of units are owner-occupied at any given time.

To estimate the average vehicle trip generation from the Condo-Hotel use, where on any given day 3 units are owner-occupied and 28 are guest-occupied a weighted average should be used. Under this scenario, 10% of annual occupancy generates vehicle trips at the condominium rate (6.65) and 90% of annual occupancy generates trips at the hotel rate (0.62):

- $(6.65 \times .1) + (0.62 \times .9) = 0.665 + 0.558 = 1.22$ trips/day
- 1.22 trips/day X 31 units = 32.22 trips/day

Since a Condo-Hotel serves both transient visitors and owner-occupied residents, the actual trip generation will vary from the ITE standards for hotel and condominium as the sole use of a property. Additionally, owner-occupants will purchase and visit their units for use as a vacation property. The HOA will be governed to preclude full-time residency of units by owners. The ITE Condominium category assumes full-time residential occupancy. Thus, it is not a good estimate of actual owner-occupied trip generation. Given these factors, the applicant believes using the Hotel trip generation rates as a baseline is most appropriate.

Regardless, the trip generation analysis demonstrates that, while unit owners may generate more trips than unit guests under certain circumstances, the overall trip generation pattern for A Frame when converted to a Condo-Hotel will not deviate significantly from the current Hotel use. It would also be significantly less than the trip generation from permitted and limited uses listed for the C-1 zone (e.g. Single-Family Attached Dwelling, Multi-Family Apartment). For example, according to the ITE Manual,



the trip generation from a 10-unit multi-family building developed as a permitted use in the C-1 zone would be 66.5 trips/day.

Without requiring a vehicle trip generation study for the existing development or for changes in use and given the potential trip generation from other permitted uses in the C-1 zone, the condominiumization of the existing hotel and operation of a Condo-Hotel will not create disproportional impacts to transportation infrastructure. This criterion has been met.

7. Types of vehicles used and their parking requirements.

The proposed Condo-Hotel use will not alter existing hotel operations or Condo-Hotel guest parking requirements in any way. This includes the use and type of service vehicles. The current operation uses one light passenger vehicle as a guest shuttle to ferry guests to and from the ski area and local amenities. After condominiumization of the hotel units, this vehicle will continue to operate as under the current ownership structure.

This criterion has been met, as there will be no change in the number, nature, and use of vehicles associated with the current and future uses.

8. Building impervious surface coverage.

The proposed use will not alter impervious surface coverage on the subject property. This criterion has been met

9. Regulated air or water emissions.

This criterion does not apply to the proposed land use.

10. Noise, lighting, dust, vibration, electronic interference, and odors.

The proposed Condo-Hotel use will not create any nuisances or impacts to adjacent properties not already associated with the existing Hotel use. This criterion has been met.

11. Solid waste generation.

The proposed Condo-Hotel use will not materially change the current solid waste generation pattern from the subject property. The criterion has been met.

12. Use and storage of hazardous materials.

There are presently no hazardous materials used or stored on site. That will not change with the proposed Condo-Hotel use. This criterion has been met.

13. How the use is advertised.

The hotel operator will continue to advertise and manage the property. Hotel units will be made available to the public as lodging in accordance with the hotel operator's current advertising and marketing programs. Owners of condominium units will not have control over the advertising or marketing of their units. Unless occupied by an owner, units will



be placed into the pool of available units for occupancy by the general public. This criterion has been met.

14. Hours of operation.

The current hours of operation will not change under the proposed land use. This criterion has been met.

15. Visibility of equipment.

This criterion does not apply to the proposed land use.

16. Any other reasonable and pertinent considerations necessary to assess the nature and impacts of a proposed use.

Property Taxes

Following condominiumization, A Frame will remain a commercially taxed property, as opposed to being taxed as a residential property. The property owners recognize tourist economies depend on lodging and sales tax revenues to support the provision of community services and infrastructure. In its current configuration, A Frame helps support the Town's bed base and provides meaningful revenue for community needs. The use of A Frame as a Condo-Hotel will continue to meet the community's needs for hot beds and provide the tax revenue needed to support Winter Park's vibrancy and provision of essential services. As such, Condo-Hotel is functionally similar to the existing hotel use, providing further justification for the requested approving Condo-Hotel as a New and Unlisted Use.

Similar Communities

It is informative to look at other mountain towns with tourism-based economies to learn how sister communities handle specific land uses. There are several such communities that permit Condo-Hotels within their lodging zone districts and have specific requirements for Condo-Hotels. These requirements ensure they operate in support of community needs and land use practices.

Aspen

The City of Aspen has several Condo-Hotel properties in lodging zone districts in or near the commercial core. Notable examples include the Gant, Aspen Square, and Aspen Alps. All three properties were developed as condo-hotels, with central management and booking, on-site amenities for guests and owners, and typical hotel services like shuttles, conference rooms, and concierge service. The City defines condo-hotel as a specific use and part of the lodging use category:

Definition

Condo-hotel. A condo-hotel is a lodging property which meets the definition of Lodge in [26.104.110](#), Use Categories, and in which ownership of individual lodge units has been condominiumized in accordance with the Colorado Condominium Ownership Act, C.R.S. § 38-33-101 et seq.



Use Category - Lodge

A building or parcel containing at least fifteen (15) individual units used for overnight lodging by the general public on a short-term basis for a fee, with or without kitchens within individual units, with or without meals provided and which has common reservation and cleaning services, combined utilities and on-site management and reception services.

Aspen treats Condo-Hotels as lodging properties like Hotels. They are regulated the same with respect to zoning, affordable housing mitigation, permitting, and transportation. The City's regulations clearly defer decisions about ownership structure to property owners, focusing their regulatory authority on these issues which directly impact community facilities and infrastructure and support the bed base. As proposed, the new ownership structure and ongoing use of A Frame would be a permitted use in applicable commercial and lodging zones in the City of Aspen.

Breckenridge

The Town of Breckenridge considers all lodging uses to be principally residential in nature. Hotels, Bed and Breakfasts, Condo-Hotels, and Amenity Clubs are all residential, with distinguishing characteristics focused on on-site amenities, guest services, and the availability of beds to the general public for a fee.

9-1-5 Definitions

RESIDENTIAL USE: A residential use refers to the occupancy of a dwelling unit as living quarters.

Condominium/Hotel: A multi-unit structure in which units may be individually owned and which provides on the site of the development a centralized management structure incorporating the following features: a) a twenty four (24) hour front desk check in operation, b) a central phone system to individual rental units, c) meeting rooms or recreation and leisure amenities, and d) food services.

Hotel/Lodging/Inn: A multi-unit structure owned by a single owner which provides a centralized management structure incorporating the following features or standards: limited kitchens in the units, a twenty four (24) hour front desk check in operation, a central phone system to individual rental units, meeting rooms, food services, and recreational or leisure amenities.

Breckenridge sets baseline operational standards for Condo-Hotels while permitting the use alongside other lodging uses in appropriate zone districts. It is noteworthy that Hotels and Condo-Hotels are subject to the same standards. It is only ownership, which the Town does not regulate, that distinguishes them in the Definitions section of the code. As proposed, the new ownership structure and ongoing use of A Frame would be a permitted use in applicable commercial, residential, and lodging zones in the Town of Breckenridge.



Steamboat

The Town of Steamboat Springs does not have separate definitions, uses, or regulations for Condo-Hotels. [Section 3-23](#) of the Land Use Code states that transient accommodations “average length of stay is 30 days or less”, but it does not explicitly limit stay length.

Lodging Accommodations Category

Lodging Accommodations include sleeping or housing establishments intended to be occupied on a short-term, transient basis. Payment for occupancy is typically on a daily or weekly basis, and an average length of stay is 30 days or less.

Hotel

A lodging establishment with guestrooms. A hotel may include accessory amenities such as common dining or restaurant, assembly or conference room, indoor recreation, personal service, or retail uses.

Steamboat’s regulations permit Condo-Hotels as a form of Lodging accommodation, so long as the use meets the broad requirements of the zone district and use category. As proposed, the new ownership structure and ongoing use of A Frame would be a permitted use in applicable commercial and lodging zones in the Town of Steamboat Springs.

Telluride

The Town of Telluride expressly permits the [conversion of Hotels into Condo-hotels](#), provided that conversion meets certain life safety and operational standards. The Telluride LUC defines several relevant terms:

Section 2-104 Accommodations Uses

“Accommodations” means a building containing Condominium-Hotel Rooms, Hotels, Lodges, Rooming Houses, Boarding Houses, or Short-term Dwelling Units.

Section 2-103 Accommodations Unit

“Accommodations unit” means a separate room or rooms used for accommodations.

Section 2-130 Condominium-hotel Project

“Condominium-hotel project” is defined as 1) a project to convert a hotel or lodge into a condominium-hotel project; or 2) the creation of a condominium-hotel project, which created condominium units will be available for resale to third parties, and which will continue to be marketed, managed and operated similar to a hotel. The conversion of a hotel into a Condominium-hotel Project or the creation of a condominium-hotel project shall meet the applicable requirements of the LUC, including but not limited to the provisions of [Section 6-412](#), et seq.

Section 2-131 Condominium-hotel Room



“Condominium-hotel room” shall mean a hotel-styled room, constructed, managed and operated in accordance with Section [6-412](#) that is designed to operate as a condominium-hotel project. Each condominium-hotel room will be managed, maintained and available for use and occupancy in connection with an actual hotel operation. A “condominium-hotel room” may also be designated as a unit on the condominium documents and be available separate sale and ownership, subject to the restrictions contained in Section [6-412](#) et seq. of the Land Use Code.

Section 6-412.B.3 Cooperative

A common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member’s ownership interest in the association an exclusive possession of a unit

The unifying themes of these regulations are to permit the conversion of existing Hotels to Condo-Hotels and ensure those conversions continue to provide tourist hot beds to the general public. The LUC includes [standards](#) for Condo-Hotels and conversion projects. Those standards include fire separation requirements between units, which are standard for meeting basic condominium building code requirements. The standards also require the use of a management company to operate the hotel and ensure hot beds are available to the general public. These standards support the community’s desire to permit lodging ownership structures that promote community investment and varied property ownership opportunities. They also support the tourist economy with diverse bed base options.

The proposed Condo-Hotel use would meet all of the Town of Telluride standards and requirements for a Hotel conversion to Condo-Hotel. As free-standing structures, there are no building code fire separation issues with the existing property. A Frame will maintain all of the existing on-site amenities and services typically found in a Hotel. Booking, pricing, and management of the units will be centrally managed by the existing Hotel operator, not individual unit owners. A Frame will continue to look, feel, and operate primarily as a Hotel. Telluride’s regulations effectively illustrate how Condo-Hotels can be regulated and operate as traditional lodging while offering property ownership opportunities to current and future Winter Park residents and visitors.

With the preceding analysis, the applicant has met the standards outlined in the UDC for determining the Condo-Hotel use is functionally similar to the existing Hotel use. As such, the applicant requests the Director determine a Condo-Hotel use to be a permitted use in the C-1 Zone as allowed by the UDC.