



**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, September 9, 2025 8:00 AM  
Immediately following Planning Commission**

**A G E N D A**

- I. **Call to Order**
- II. **Roll Call of BOA Members**
- III. **Conflict of Interest**
- III. **Minutes:** August 12, 2025
- IV. **General Business:**
  - A. PUBLIC HEARING: Building Height Variance Request – 78641 US Highway 40 (PLN25-038)

**Online Meeting Login Instructions – See next page**

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<https://us02web.zoom.us/j/86205559892?pwd=1tD3GScH5WgXpbaxbZXiTpUwLHWlSS.1>

Passcode: 20252026

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+1 719 359 4580 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

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Webinar ID: 862 0555 9892

Passcode: 20252026

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**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
Tuesday, August 12, 2025 8:00 AM  
Immediately following Planning Commission**

**MINUTES**

**Date:** Tuesday, August 12, 2025

**Time:** TBD - Following Planning Commission Meeting

**Location:** Town Hall Council Chambers and via Zoom

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**I. Call to Order**

Chair Barker called the meeting to order at 8:10 a.m.

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**II. Roll Call:**

All Board members were present: Chair Dave Barker, Vice Chair Doug Robbins, Members Shawn Cullingford, Dale McCaw, Thomas McDonald and Alternates Justin Bontrager and Eric Mowrey.

Staff Present:

Community Development Director James Shockey

Brian Kelly, Senior Planner

Adam Springer, Planner II

Kunal Parikh, Town Attorney

Irene Kilburn, Planning and Building Technician II

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**III. Approval of Minutes**

BOA member Robbins moved to approve the minutes from July 8, 2025 meeting. BOA Member McDonald seconded.

**Vote:** Unanimous approval (5–0).

**Action Taken:** Minutes approved

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**IV. General Business**

**A. Public Hearing:**

RESOLUTION No 4, Series 2025 - Accessory Structure Variance Request – 438 Leland Creek Way (PLN25-052)

BOA Member McDonald moved to approve the RESOLUTION No 4, Series 2025 - Accessory Structure Variance Request – 438 Leland Creek Way (PLN25-052).

**Seconded by:** BOA Member Cullingford

**Vote:** Unanimous approval (5–0)

**Action Taken:** *Resolution approved.*

**B. Public Hearing:**

RESOLUTION No 5, Series 2025 - Overhead Utility Variance Request – 47 Village Drive (PLN25-033)

**Motion:**

BOA Member Cullingford moved to approve the RESOLUTION No 5, Series 2025 - Overhead Utility Variance Request – 47 Village Drive (PLN25-033).

**Seconded by:** BOA Member Robbins

**Vote:** Unanimous approval (5–0)

**Action Taken:** *Resolution approved.*

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**V. Adjournment**

**Motion:** BOA Member Cullingford moved to adjourn.

**Second:** BOA Member McDonald

**Vote:** Unanimous “aye”

**Meeting adjourned at 8:12 a.m.**

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Irene Kilburn, Building and Planning Technician II

## MEMO



**TO** Board of Adjustment (BOA)

**FROM** Adam Springer, Planner II

**THROUGH** James Shockey, AICP, Community Development Director

**DATE** September 9, 2025

**RE** PUBLIC HEARING: Building Height Variance – 78641 US Highway 40 (PLN25-038)

**Property Owner:** Winter Park Hospitality Associates Inc. represented by David Treece

**Applicant:** David Treece and Robert Chafee – Architect

**Location:** 78641 US Highway 40, Winter Park, CO

**Variance Request:**

The applicant is requesting a variance from the Town's 55-foot building height limit in order to construct a four (4) story hotel above a partially recessed parking podium. Due to the site's natural topography and the presence of a 30-foot gas line easement along US Highway 40, the average finished grade is lower than the street level, which results in portions of the underground parking structure being exposed. Under the interpretation of the UDC §3-A-7 (E), this condition increases the measured height of the building.

This variance request is intended to address these physical site constraints while maintaining pedestrian access at street level and providing on-site parking. Certain elements of the project, such as the rooftop café and stairwell enclosures, exceed the 55-foot limit when measured from the lowest exposed foundation, with a maximum height of 68 feet.

The applicant has noted that the proposed design includes amenities not currently available in downtown Winter Park, and that the variance would support project feasibility given the site's constraints.

The proposed future hotel qualifies as an approved use within the Destination Center (D-C) zoning district. Overnight accommodations, defined as a hotel, is a permitted use set out in Unified Development Code (UDC) § 2-B-1 *Use Tables*, Table 2-B-1-2, *Nonresidential and Mixed Uses by Districts*.

**Applicants' Reasons for why the Variance Should be Granted (please see the attached application for more detail):**

Based on the applicant's narrative, here's a concise summary of **why the applicant believes the variance should be approved:**

- **Undue Hardship:** The applicant argues that the site's grade change and the 30-foot gas line easement create physical constraints that lower the average finished grade and expose portions of

the underground garage Having an underground garage entrance creates an unfair hardship when having to use the strictest measurement standard, that being from the lowest exposed foundation. The applicant believes this creates an unfair hardship compared to other downtown parcels without these limitations.

- **Health, Safety, and Welfare:** The applicant states that the variance will not negatively affect public health, safety, or welfare. Visual impacts are described as minimal, with rooftop elements set back from the street edge and view corridors only slightly affected.
- **Unusual Circumstances:** The applicant emphasizes that this is the only proposed project in downtown Winter Park with a fully underground parking structure. Because height is measured from the lowest exposed foundation, this condition places the project in an unusual situation not shared by neighboring properties with only partially below-grade parking.
- **Character:** The applicant contends that the project is consistent with the intent of the Downtown Center (D-C) zone and will enhance downtown Winter Park by introducing an upscale boutique hotel and Winter Park's first rooftop café. The applicant believes this amenity will add vibrancy and economic value without altering the essential character of the area.

### **Applicable Provisions of the Unified Development Code (UDC):**

#### **Chapter 3. Development Standards**

##### **§ 3-A-5 Nonresidential and Mixed-Use Development Types**

Set out in Table 3-A-5, *Nonresidential and, Mixed-Use Building Standards*, the maximum height for buildings and structures permitted in the D-C district shall be fifty-five feet (55 ft.). To calculate maximum building height, see § 3-A-7(E) *Building Height*.

##### **§ 3-A-7(E) Building Height.**

It is the responsibility of the property owner to design a structure that will fit the natural or existing contours of a site. No excessive fill or excavation will be permitted to create an exaggerated building site to enhance view corridors.

***Building Height Definition:*** means the vertical distance above a reference datum measured to the highest point of a flat roof or deck line of a mansard roof or the midpoint of the highest gable of a pitched or hipped roof. The reference datum shall be selected by the following, whichever yields a greater height of a building:

- The point of the lowest pre-construction elevation on any building face;
- The point of the lowest post-construction elevation of any building face; or
- The elevation of the lowest point of an exposed foundation.

##### **§ 5-B-8 Public Notice Requirements:**

This Variance Request application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published once in the Sky-High News no less than ten (10) days prior to the public hearing or final decision date. The publication date occurred on or before August 27, 2025, providing notification of the hearing and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300' of the subject property no later than fourteen (14) days prior to the public hearing or final decision date as confirmed by the signed and notarized affidavit dated August 22, 2025, and provided by the applicant. The Property Posting (PO) was installed on August 22, 2025, meeting the minimum fourteen (14) day requirement prior to the public hearing or final decision date.

Public Comment:

As of this writing, four (4) public comments have been received: two (2) in opposition and two (2) in support of the request. Copies of these responses are included in this packet.

**Staff Analysis of Variance Request**

Staff finds it important to note that the portions of the structure proposed to exceed the maximum building height are limited in nature. The uppermost level is designed as a rooftop café and courtyard, with only enclosed stairwells and accessory structures extending above the roofline (Figure 1). This request is therefore distinguishable from a typical height variance involving a fully enclosed building. While the applicant is seeking an additional 13 feet of height allowance, only a minor portion of the structure will extend beyond the Town's 55-foot maximum height standard.

The applicant has also submitted three-dimensional elevation drawings depicting the proposed structure as if the "height averaging" method were utilized to calculate building height (Figure 2). These renderings illustrate that only a limited portion of the building would exceed the 55-foot threshold under that approach. Staff notes that "height averaging" is not an adopted method of measurement in the Town Code; however, it is currently under consideration as part of broader discussions regarding potential amendments to the height measurement standards. Notwithstanding these considerations, the subject variance must be reviewed under the Town's current code provisions and evaluated against the established variance approval criteria, as outlined below.

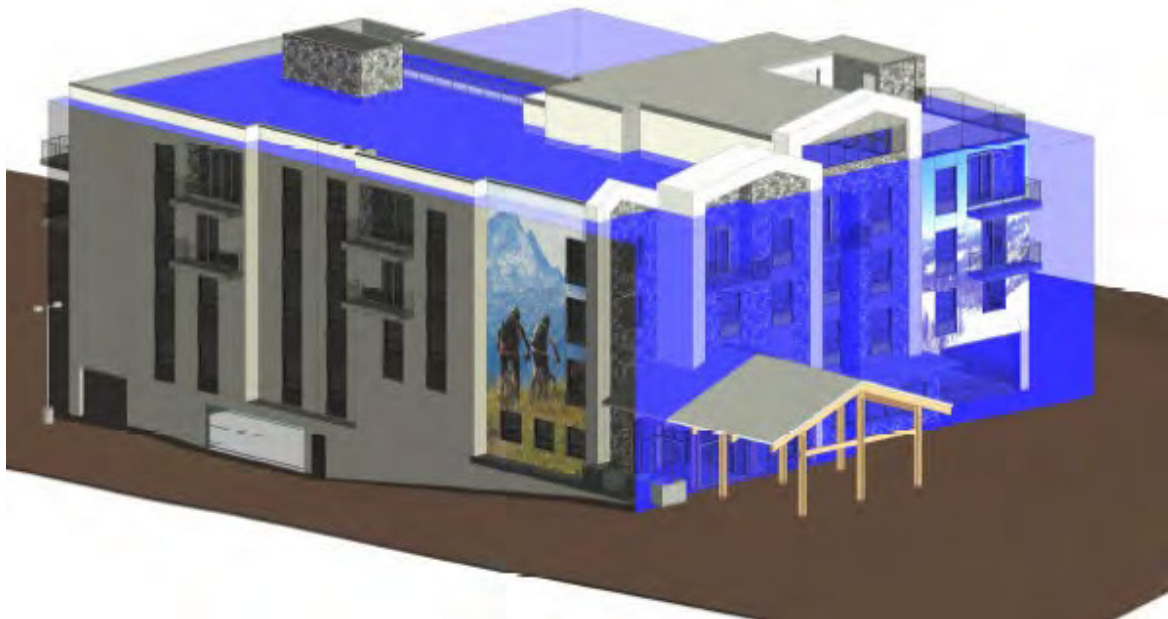


Figure 1 (3D Model of proposed variance request – all portions above the blue are in excess of the 55 FT height limitation as outlined in the UDC)



Figure 2: (This figure incorporates ‘height averaging’. If height averaging were a component of our UDC then all portions of the structure above the green area would exceed the 55 ft height limitation)

§ 5-F-3(F), Approval Criteria:

The variance request shall meet all four (4) of the following criteria for approval:

Pursuant to § 5-F-3(F), a variance may only be granted if all four approval criteria are met. Staff’s review of the application materials is summarized below:

1. **Undue Hardship**

The applicant cites site topography—a grade change of about 10 feet from U.S. Highway 40 toward the rear of the property—and the presence of a 30-foot gas line easement as constraints that reduce the average finished grade. This condition causes portions of the partially recessed parking structure to be exposed, which, under the strictest code interpretation, increases the measured building height. Staff finds that these site characteristics present some hardship not commonly encountered on flat downtown parcels. However, the degree to which this represents an “undue hardship” as defined by the code is a matter for Board determination.

2. **Health, Safety, and Welfare**

No evidence has been presented that the proposed variance would create adverse impacts to public health, safety, or welfare. The additional height is limited to rooftop features (café roof, stairwell enclosures, and an architectural element), and staff does not anticipate that these elements would result in material injury to neighboring properties.

3. **Unusual Circumstances**

The proposal incorporates a fully underground parking facility, which is not typical within the downtown corridor. Most comparable projects include only partially below-grade parking. The combination of underground parking, grade differentials, and the easement appear to constitute unusual circumstances that are not generally applicable to other properties in the same zone district. Additionally, as noted above, the portion of the structure exceeding the 55-foot height limit

is unique in that it primarily consists of an outdoor rooftop space, with only limited enclosed elements extending beyond the height standard. This condition is distinct from a fully enclosed structure, which would typically create a more substantial visual impact under a similar variance request.

4. **Character**

The proposed hotel would introduce a taller building form than currently exists on surrounding parcels. That said, the structure remains consistent with the urban character of the Downtown Center (D-C) zone, and design elements (such as recessed podium parking and pedestrian-level frontage) are intended to reinforce compatibility. Staff finds that the variance, if granted, would not fundamentally alter the essential character of the locality.

**Staff Summary and Recommendation**

Staff finds that the applicant has submitted all required materials within the required timeframe and that the application otherwise complies with the conditions of § 5-F-3, Variance, of the UDC, as well as other applicable policies and regulations. Based on the information provided, staff concludes that the request demonstrates compliance with several of the approval criteria, particularly those related to unusual circumstances and the absence of adverse health or safety impacts. The determination of whether the request sufficiently establishes “undue hardship” remains a discretionary judgment for the Board.

Given the unique circumstances noted above—specifically, that the top floor consists of an open-air rooftop café and courtyard with less than half of the height plane occupied by structural elements beyond the height limit—Staff recommends approval of the variance request. For the Board’s consideration, attached are draft resolutions for both approval and denial.

# Winter Park Hospitality Associates, Inc.

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DBA Best Western Alpenglo Lodge

April 17, 2025

Planning Division  
Town of Winter Park

## **Variance Request - Building Height – 78641 US-40**

To Whom It May Concern,

This formally requests that the stated Town of Winter Park height restriction of 55' be relaxed at the above location for construction of a 4-story upscale boutique hotel. This will be a branded property, formally called "Aiden by Best Western". All property signage will simply be "Aiden". The proposed hotel is designed to include 61 guest rooms (including suites), a main floor/lobby bistro, rooftop café and underground parking. Incorporating the underground parking and adhering to the 55' maximum height ordinance has proven to be rather difficult and the reason for this variance request.

I've witnessed some flexibility by the BOA in the interpretation of the maximum height ordinance, which I feel is appropriate in this instance.

Our drawings represent:

- The distance from the average finished grade to a foot below the rooftop dining area is 55'
- The distance from the lowest exposed foundation point (garage entrance) is 6'9" below the average finished grade
- From the average finished grade, the only height restriction violations are:
  - Top of stairwell on the roof
  - The top edge of the rooftop cafe roof
  - The mountain design feature on the front of the building
    - This feature could be eliminated if necessary
- Measured to the strictest interpretation of the ordinance, from the bottom of the garage entrance to the top of the design feature is 68'

### Town Economic Enhancement

Unlike other resort areas (Summit County, Steamboat, Aspen, etc.) the Winter Park/Fraser area does not offer an upscale hotel option close to either town center. This would be Winter Park's first rooftop cafe, very popular in the same resort areas mentioned and around the world. This amenity would be a unique enhancement to downtown Winter Park, enabling commanding views of Winter Park Resort and the Continental Divide. While the building could be constructed within a few feet of the 55' restriction (with an approximate 6 ft. height variance for areas noted above), given it would be at the loss of this rooftop amenity. The addition of an upscale boutique hotel and a rooftop cafe would be a definite improvement to the Winter Park downtown corridor.



# Winter Park Hospitality Associates, Inc.

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DBA Best Western Alpenglo Lodge

## Approval Criteria for Variance:

### 1. Hardship

#### **Desire to provide underground parking given site constraints**

The topography of the land is such that there is a significant elevation decline from US-Hwy 40 to the back of the lot. This results in the existing finish grades being at a lower elevation than those at the street/pedestrian level. The existence of a high pressure gas line along US-Hwy 40, protected by a 30 ft. easement, prevents the building from being built to the property line as permitted in the D-C zone. The consequence is a lower average finish grade and a building peak that is further away. An alternative would be to excavate the west side (similar to neighbor properties – photos included in additional information) which would support a higher average finish grade, but the desire is to keep the entrance (west elevation) at a pedestrian friendly street level. Having an underground garage entrance creates an unfair hardship when having to use the strictest measurement standard, that being from the lowest exposed foundation. There are no other existing fully underground parking garages within close proximity that are faced with a similar challenge.

### 2. Health, Safety, and Welfare

#### **No Impact**

Granting the variance will not be detrimental to public health, safety or welfare or materially injurious to properties or improvements in the vicinity. As can be seen on the 3D drawings submitted, allowing the height variance will have a minimal impact on neighbors when compared to the 55 ft. threshold. The height variance for the west elevation is minimal and is mitigated from the east elevation by the fact that the enhanced rooftop structure is located at the far west end. Photos from selected vantage points of our neighbors to the east provide current views with the existing structure. These are contained in additional information to support the variance.

### 3. Unusual Circumstances

#### **Downtown's Only Fully Underground Parking**

With the exception of my neighbors to the north, this is the only proposed fully underground parking within the downtown developmental corridor. It is noted that both Cooper Creek and Winter Park Station have underground parking, but they are only partially below grade. The strict use of the building height guidelines, measuring from the lowest exposed foundation, is a unique and unusual circumstance from any existing structure in downtown Winter Park.

# Winter Park Hospitality Associates, Inc.

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DBA Best Western Alpenglo Lodge

and unusual circumstance from any existing structure in downtown Winter Park.

#### 4. Character

##### **Mountain Contemporary Design**

The building design will not be detrimental to the character of the Town of Winter Park but will enhance it. Offering a mix of stucco and stone cladding, exterior balconies, a front-facing design feature and building murals, this will be a preeminent location in downtown. Any suggested modification expressed by the Town of Winter Park will be reviewed and likely incorporated into the existing design. An upper-scale hotel with suites, possessing a welcoming two-story lobby with bistro, complemented by a rooftop café should be a significant enhancement to the downtown Winter Park area.

#### Summary

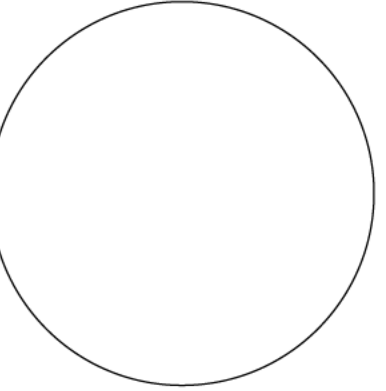
With minor adjustments to existing guidelines overall and the potential for significant tax upside for the town, we encourage the Board of Adjustment to approve this variance request.

Sincerely,



David W. Treece  
Owner – Best Western Alpenglo Lodge  
President – Winter Park Hospitality Associates, Inc.

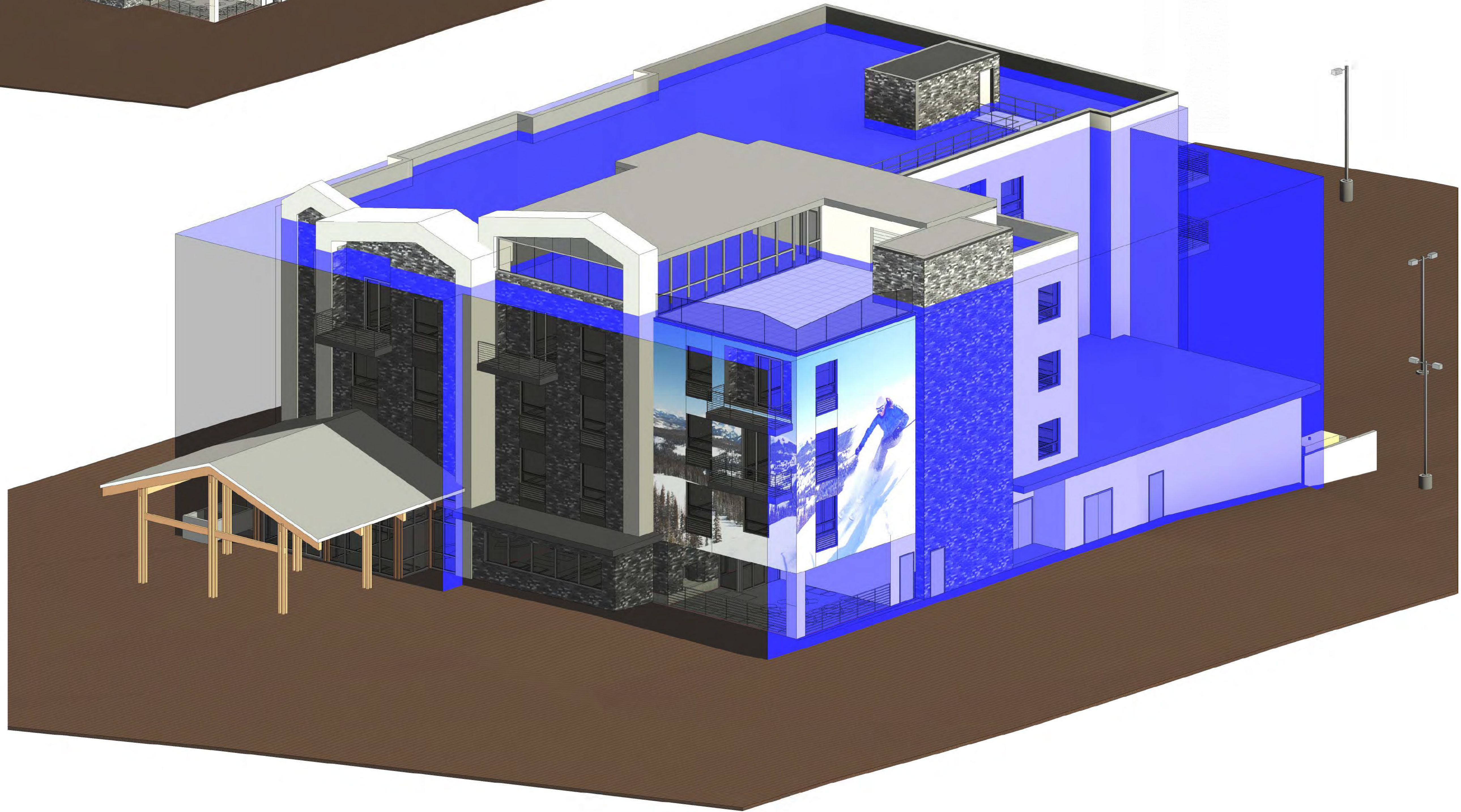




### 3D VIEW - GARAGE HT VARIANCE MASS

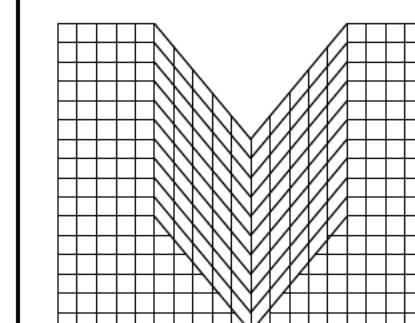
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Phase:	SCHEMATIC DESIGN SET	
Date:	August 9, 2024	
Drawn:	Author	

**PR.3**  
SHEET NO.

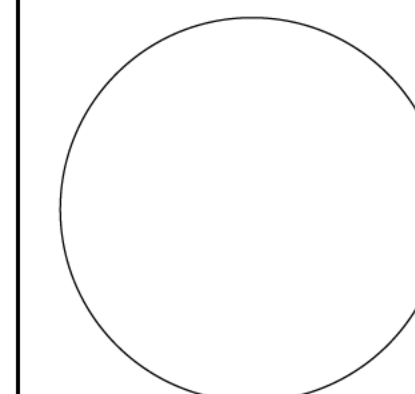


1 3D VIEW - SW CORNER\_GARAGE HT. VARIANCE  
SCALE:





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**78641 US Highway 40  
Winter Park, CO 80482**


Phase: SCHEMATIC DESIGN SE  
Date: August 9, 2024  
Drawn: Author

PR.5

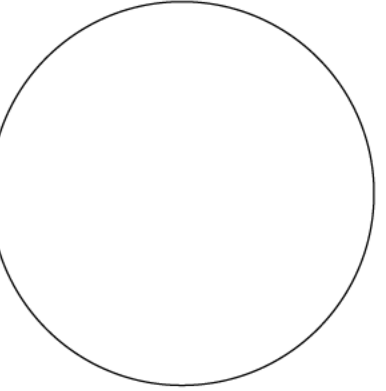
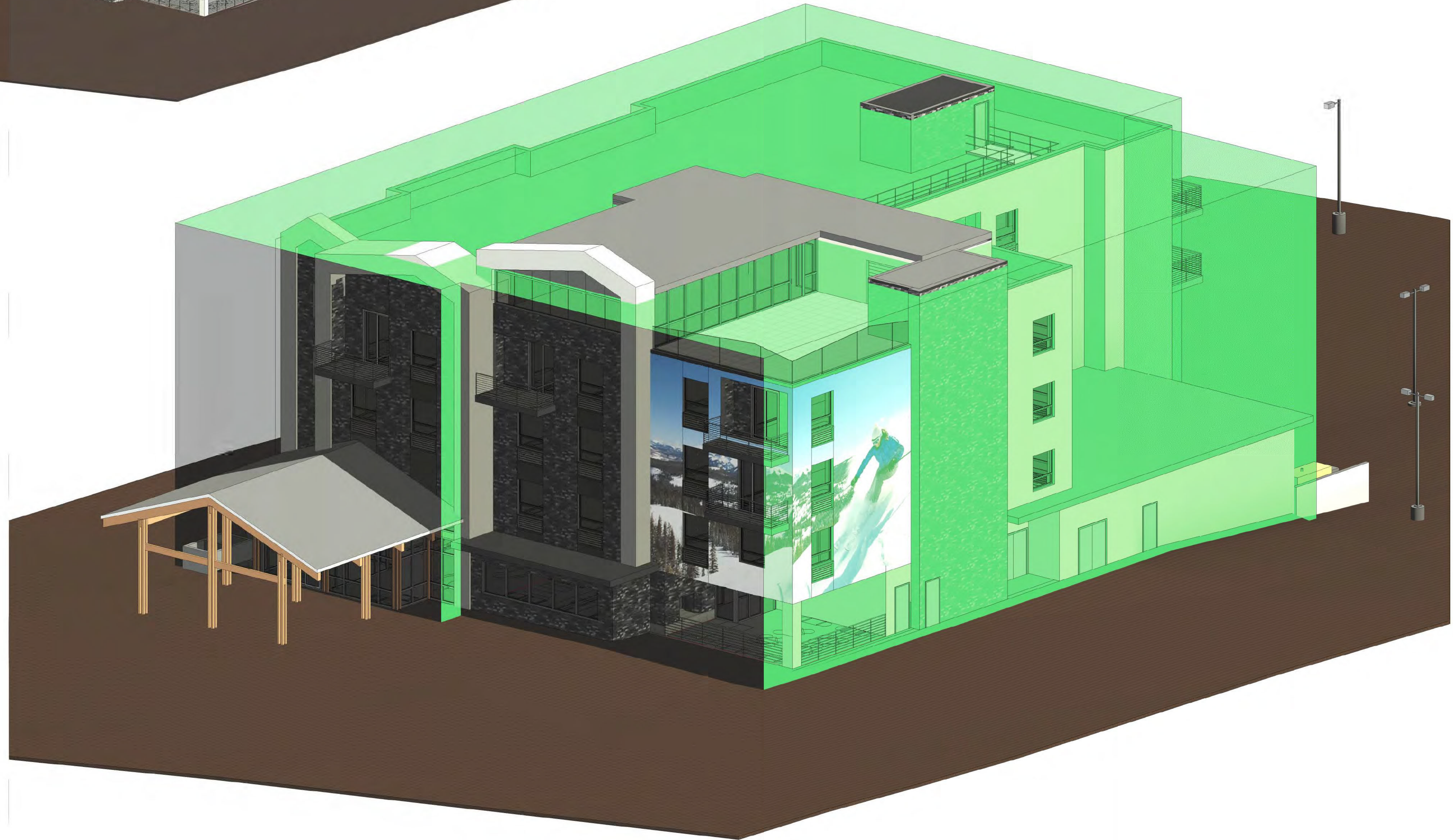
SHEET NO.



3D VIEW - NW CORNER\_GARAGE HT. VARIANCE

SCALE:





### 3D VIEW - AVERAGE GRADE HT VARIANCE MASS

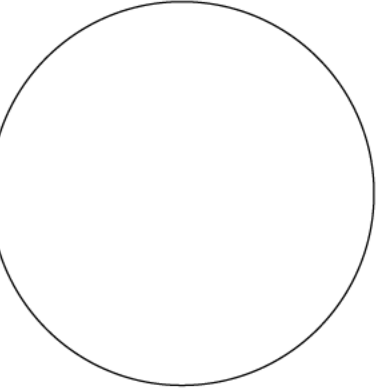
Project:	Date:	Description:
Phase:	SCHEMATIC DESIGN SET	
Date:	August 9, 2024	
Drawn:	Author	

**PR.4**  
SHEET NO.









**AIDEN HOTEL - WINTER PARK, CO**  
**78641 US Highway 40**

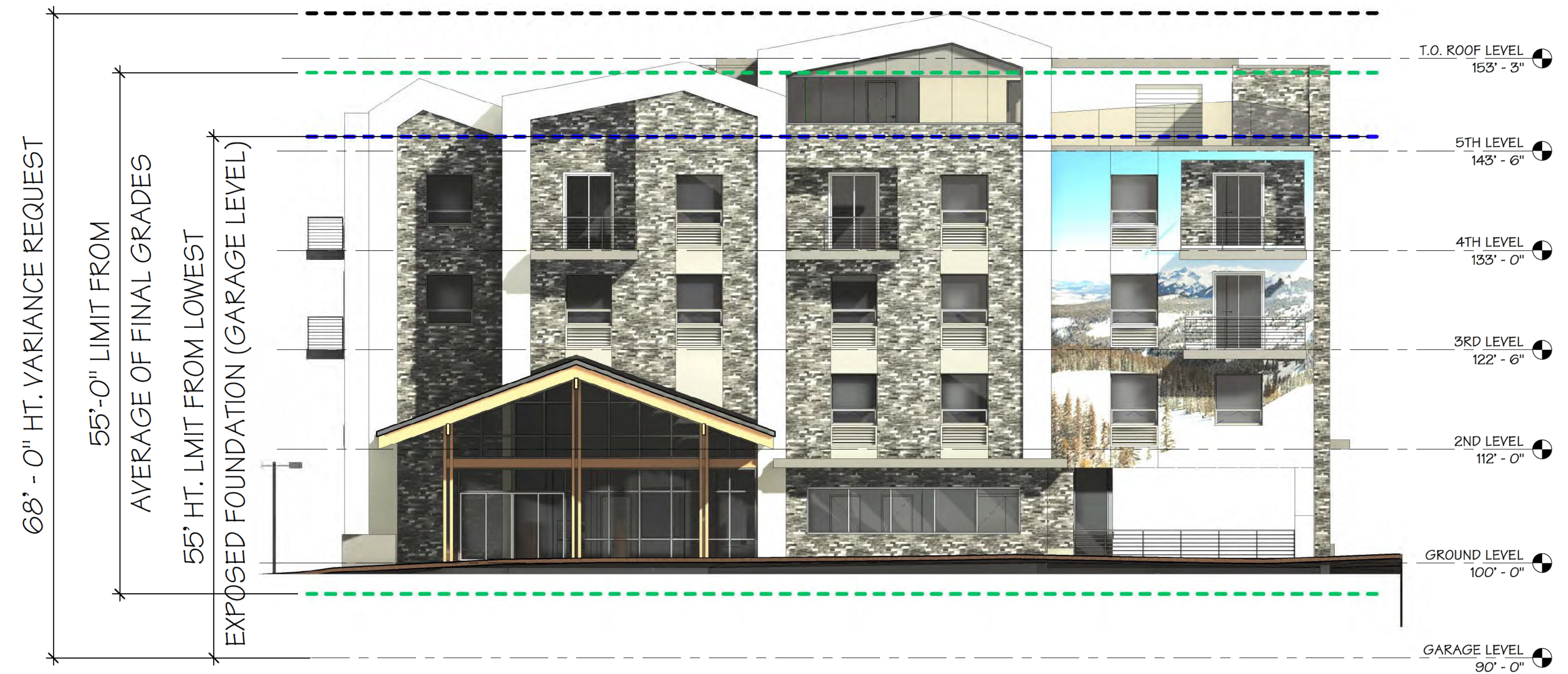
**78641 US Highway 40  
Winter Park, CO 80482**

## EXTERIOR ELEVATIONS - HT. VARIANCE

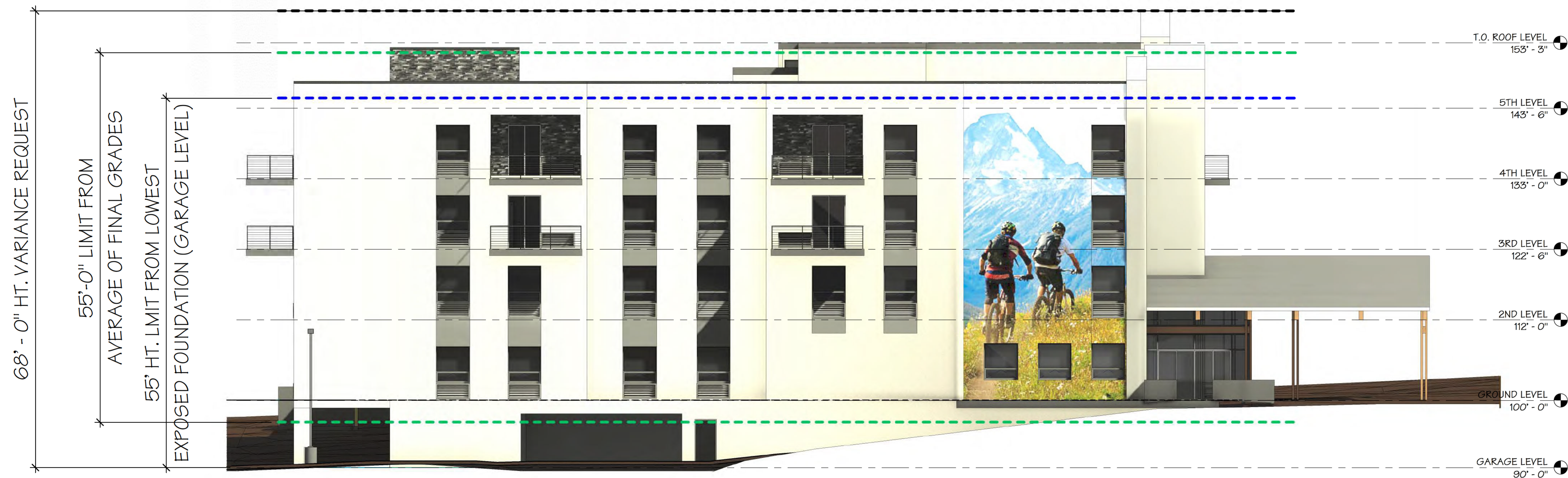
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Phase: SCHEMATIC DESIGN SET  
Date: August 9, 2024  
Drawn: Author

**PR.1**  
SHEET NO.

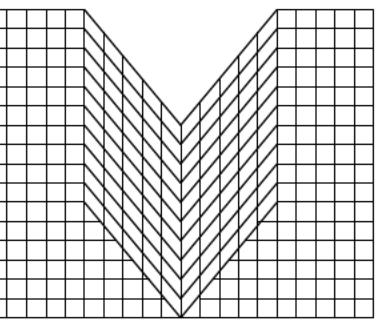
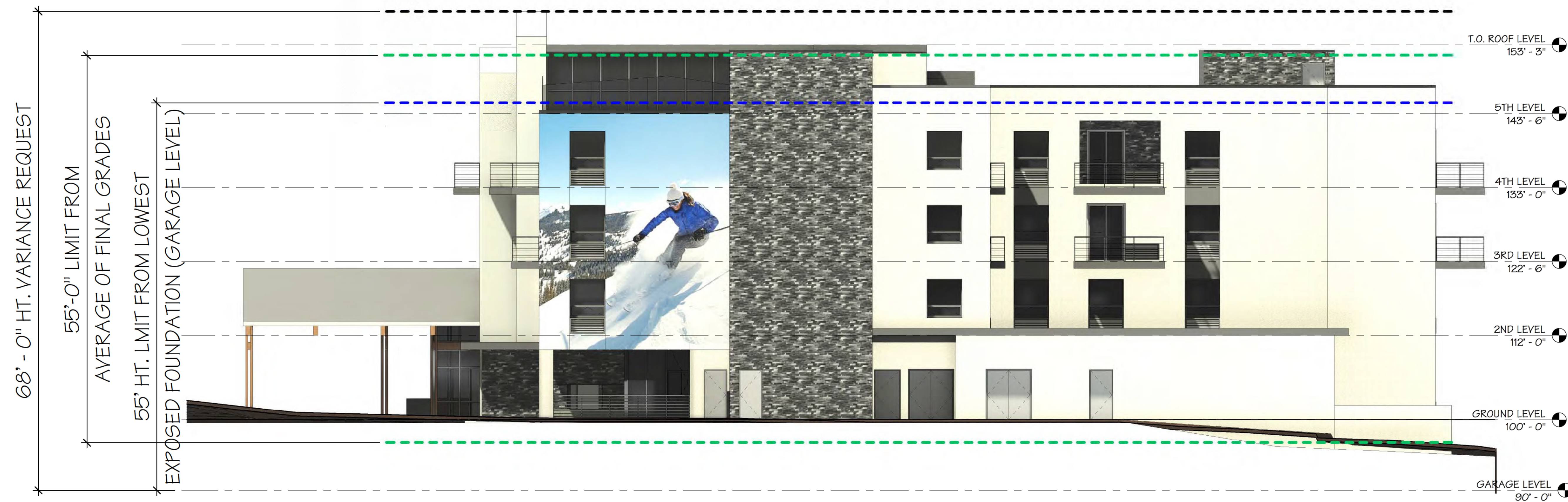
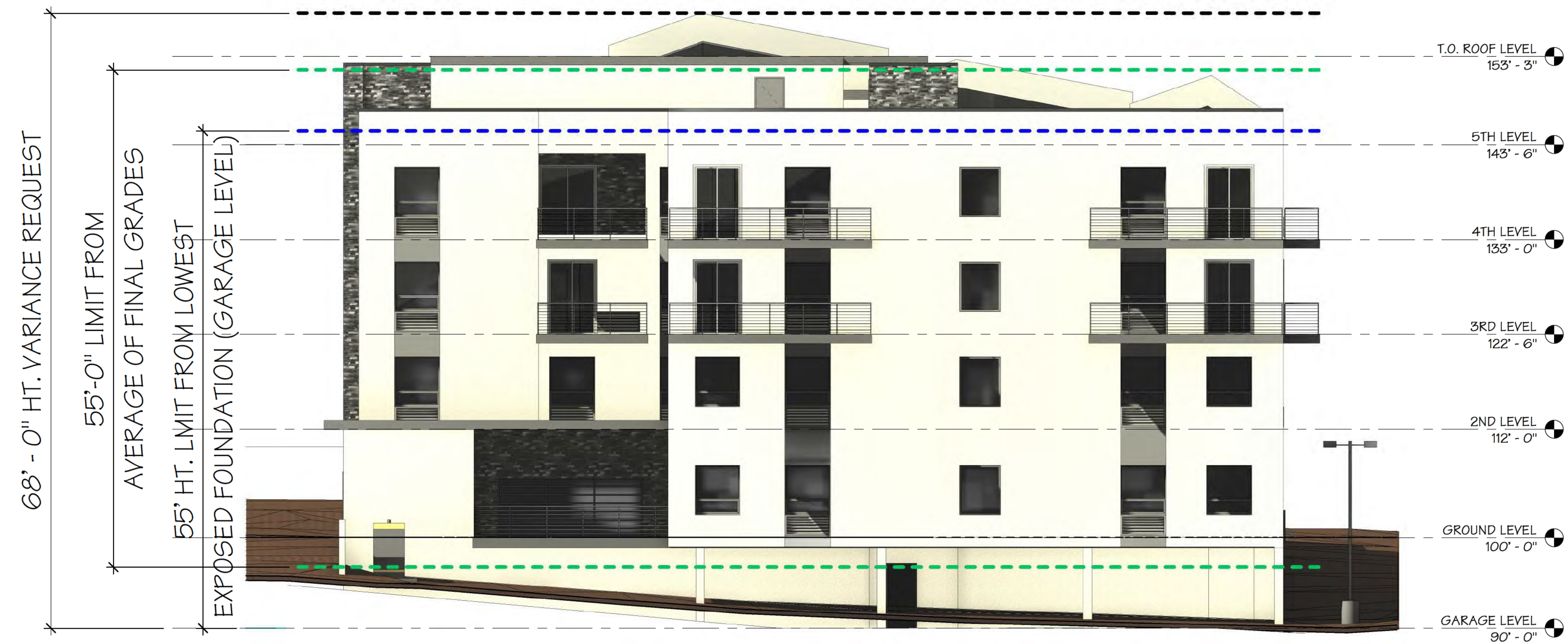


2 WEST ELEVATION HT. VARIANCE  
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION HT. VARIANCE  
SCALE: 1/8" = 1'-0"





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**AIDEN HOTEL - WINTER PARK, CO**  
**78641 US Highway 40**  
**Winter Park, CO 80482**

**78641 US Highway 40  
Winter Park, CO 80482**

**Winter Park, CO 80482**

**EXTERIOR ELEVATION - HT. VARIANCE**

No.	Date:	Description

Phase: SCHEMATIC DESIGN SET  
Date: August 9, 2024  
Drawn: Author

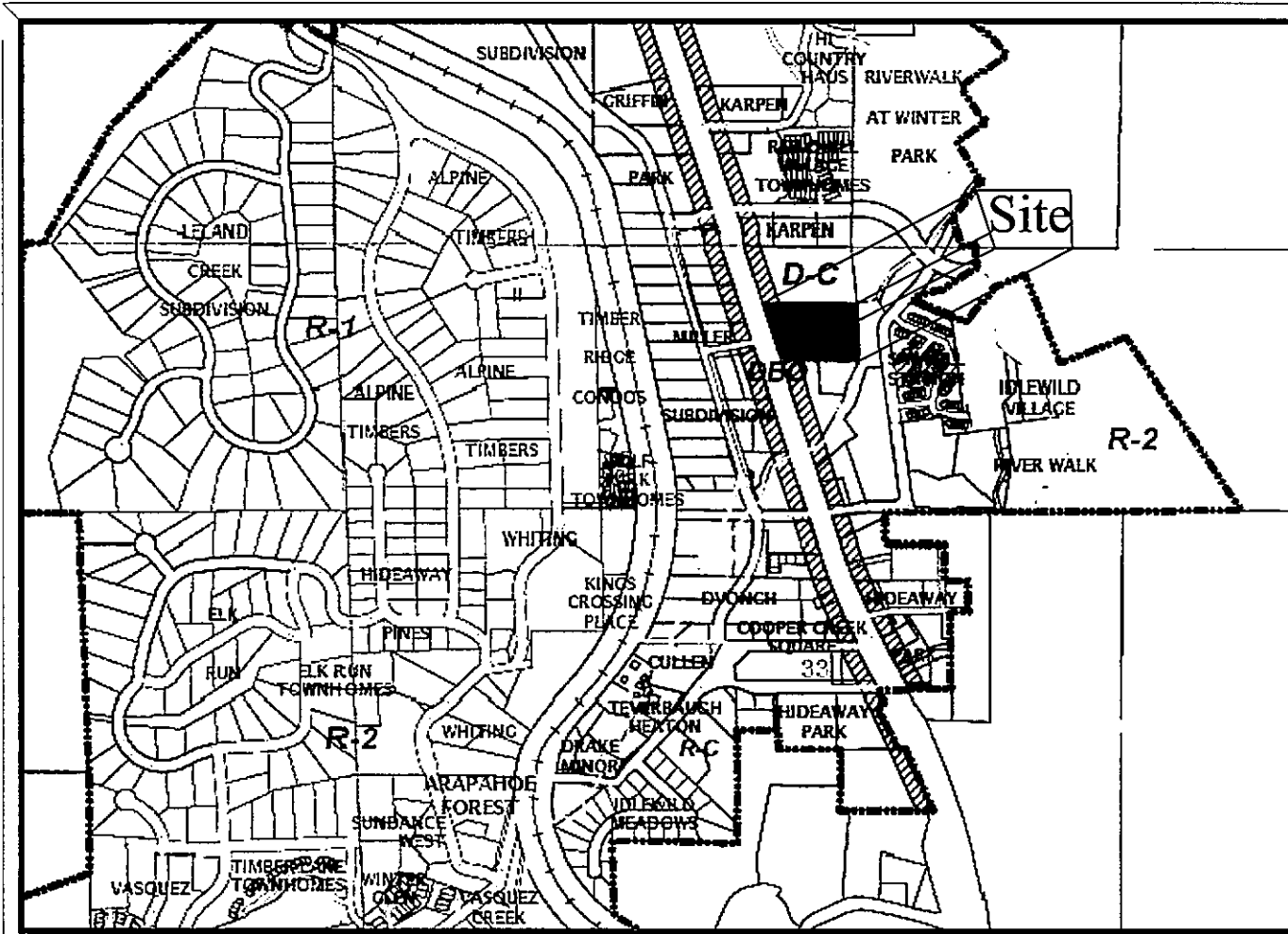
Phase: SCHEMATIC DESIGN SET  
Date: August 9, 2024  
Drawn: Author

Phase: SCHEMATIC DESIGN SET  
Date: August 9, 2024  
Drawn: Author

**PR.2**  
SHEET NO.

SHEET NO.





Vicinity Map  
1"=2000'

#### Notes:

1. The property descriptions in the provided Title Commitment and in that Special Warranty deed filed at Reception No. 94013371 describe a tract that includes the Hi Country Haus, then excepts it (labeled hereon as "Excepted Parcel"). Title Commitment and record courses are shown in [ ] with the surveyed courses shown in bold text.

2. Basis of Bearings is the northerly line of the northeast quarter of the northwest quarter of Section 33, T1S, R75W of the 6th P.M. as monumented by a GLO brass cap at the west end and an aluminum cap PLS 25971 at the east end with an assumed bearing of S 89°45'33" W.

3. GEOSURV Inc. relied on Commitment for Title Insurance issued by Title Company of the Rockies, Inc., Commitment Number 1110605-C2, effective January 24, 2008 for the preparation of this Asbuilt Map. This survey plat does not constitute a title search by this surveyor of the property shown and described hereon to determine:

- ownership of the tract of land.
- compatibility of this description with those of adjacent tracts of land.
- rights of way, easements and encumbrances of record affecting this tract of land.

4. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) Misdemeanor pursuant to State Statute 18-6-508, C.R.S.

5. These premises are subject to any and all easements, rights of way, variances and or agreements as of record may appear.

6. According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

7. All trash containers outside of the building at Alpenglo Condominiums shall be "bear proof" and shall otherwise comply with the requirements of the Condominium Declaration for Alpenglo Condominiums.

8. All areas not labeled as Unit 1, Unit 2, or as Limited Common Elements (LCE) shall be General Common Elements (GCE).

9. A variance to the Town of Winter Park Design Regulations and Guidelines and the Town of Winter Park Landscape Design Regulations and Guidelines have been approved by the Town Council. These variances only apply to the existing development on the property. If at any time the property is redeveloped or further subdivided, the requirements of the Town Code shall apply to the proposed redevelopment or subdivision.

10. An open space dedication is not required for this Asbuilt Map. However, compliance with the open space provisions of the Town Code are not waived entirely, but rather are deferred. The deferral of compliance with the open space provisions shall continue until either 1.) any part of the project is brought back to the Planning Commission for further "subdivision" in which case compliance with the open space provisions shall be required, or 2.) any part of the project is brought back for review of proposed development that does not require "subdivision" in which case the Planning Commission has reserved the right to require dedication of open space, payment in lieu of open space dedication or other arrangements satisfactory to the Planning Commission based on the increase in density approved and/or the increase in traffic volume projected to be caused by the proposed development. There is no intention to impose either now or upon resubmission, open space compliance for the currently existing density and traffic volume associated with the project.

11. The Town of Winter Park's Code requires 44.25 parking spaces for Unit 1 and 11.75 parking spaces for Unit 2. The parking spaces for Unit one are currently comprised of limited common element parking spaces 1-11 which are not subject to further development rights and limited common element parking spaces 12-45 which are subject to further development rights. The Owner/Declarant's right to conduct further development in the area designated as being subject to further development on this Asbuilt Map is subject and subordinate to the obligation to provide the additional 34 parking spaces within the area designated as being subject to further development as that area is more particularly set forth on page 3 hereof. While the specific location of the 34 parking spaces may be changed pursuant to the Special Declarant Rights reserved in the Condominium Declaration for Alpenglo Condominiums, the obligation to provide those spaces shall be a burden running with the land designated as being subject to further development rights. The reader is referred to the Condominium Declaration for Alpenglo Condominiums which is recorded contemporaneously with the Minor Subdivision for additional information and the information contained therein is incorporated herein by this reference.

12. Book 152 Page 193 (Exception 9), Book 151 Page 401 (Exception 11) and Book 160 Page 124 (Exception 14) listed in the Commitment for Title Insurance issued by Title Company of the Rockies, Inc., Commitment Number 1110605-C2 contain ambiguous easement descriptions that can not be plotted accurately.

#### Surveyor's Certificate:

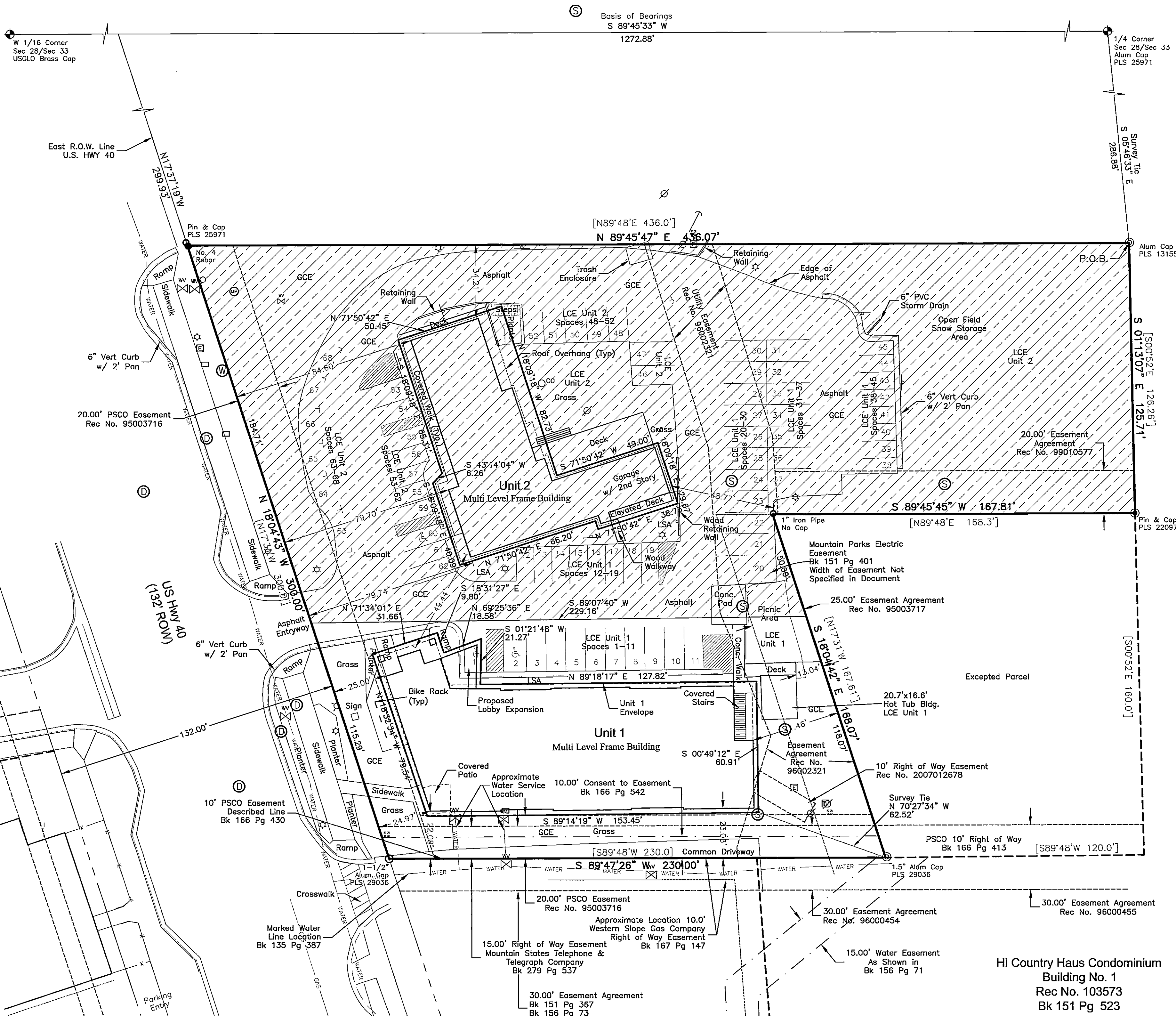
I, E.J. Grabowski, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of Alpenglo Condominiums truly and correctly represents the results of a survey made by me or under my direction, and that said Asbuilt Map complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, and that the monuments required by said Statute and by the Town of Winter Park subdivision regulations have been placed on the ground. This plat is a true and accurate representation of said survey.

E.J. Grabowski  
PLS 22097



#### Legend

Area subject to further development pursuant to the Special Declarant Rights Reserved in the Condominium Declaration for Alpenglo Condominiums



## Asbuilt Map Alpenglo Condominiums

NE 1/4 NW 1/4 Section 33, T1S, R75W of the 6th P.M.  
Town of Winter Park, Grand County, Colorado

#### Owners Certificate

I, Winter Park Hospitality Associates, Inc., a Colorado corporation, owner of that real property described separately hereon, do hereby plat this parcel and it will be known as Alpenglo Condominiums. This plat represents a true and accurate division of this property and that this asbuilt map is for the purposes as set forth in the condominium declaration dated 9-12-08 and

recorded at Reception No. 2008: 008809 in the Grand County, Colorado records.

Winter Park Hospitality Associates, Inc.,

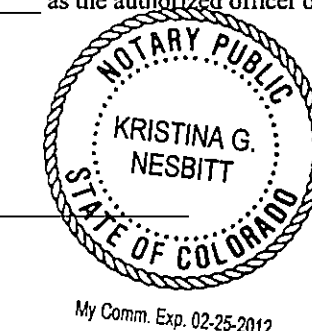
By: David W. Treace, its authorized officer

State of Colorado )  
County of Grand )

The foregoing instrument was acknowledged before me this 11th day of September, 2008 by David W. Treace as the authorized officer of Winter Park Hospitality Associates, Inc. Witness my hand and official seal.

Notary Public

My Commission Expires:



#### Parcel Description:

All of that parcel described in Special Warranty Deed to Winter Park Hospitality Associates, Inc. filed for record December 5, 1994 at Reception No. 94013371 being a tract of land lying east of U.S. Highway 40 in the Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter (NE1/4NW1/4 and NW1/4NE1/4) of Section 23, Township 1 South, Range 75 West of the 6th P.M., Town of Winter Park, Grand County, Colorado, described as follows:

Commencing at the north quarter as monumented by an aluminum cap PLS 25971; Thence S 05°46'33" E a distance of 286.88 feet to an aluminum cap PLS 13155 and the POINT OF BEGINNING:

Thence S 01°13'07" E a distance of 125.71 feet;

Thence S 89°45'45" W a distance of 167.81 feet to a 1" iron pipe;

Thence S 18°04'42" E a distance of 168.07 feet to an aluminum cap PLS 29036;

Thence S 89°47'26" W a distance of 230.00 feet to the easterly right of way line of U.S. Hwy 40 as monumented with an aluminum cap PLS 29036;

Thence along said right of way line, N 18°04'43" W a distance of 300.00 feet to a No. 4 rebar;

Thence departing said right of way line, N 89°45'47" E a distance of 436.07 feet to the POINT OF BEGINNING.

Containing 2.047 acres more or less.

#### Planning Commission Certificate:

Approved this 9th day of September, 2008 by the Winter Park Planning and Zoning Commission, Winter Park, Colorado.

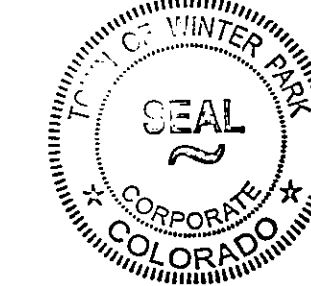
By: Dick Norman, Chairperson

#### Town of Winter Park's Certificate:

This plat is hereby approved and accepted by the Town of Winter Park, Colorado, this 9th day of September, 2008.

By: Josée F. Myers, Mayor

ATTEST: Patti Garcia, Town Clerk



#### Mortgagee's Consent:

Approved and accepted this 11th day of September, 2008, by Kirkpatrick Bank.

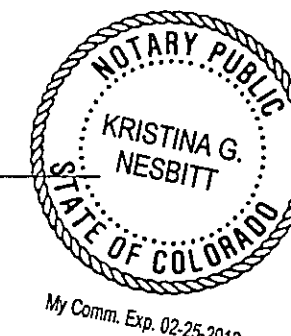
Kirkpatrick Bank

By: William T. Koch, its authorized representative.

The foregoing instrument was acknowledged before me this 11th day of September, 2008 by William T. Koch, as its authorized representative. Witness my hand and official seal.

Notary Public

My Commission Expires:



STATE OF COLORADO }  
County of GRAND }  
Filed for record this 12  
day of September, 2008  
at 12:24 o'clock P.M.  
Recorded in Book Page  
SARA L. ROSENE  
Recorder  
Deputy

#### Subject to Further Development Parcel:

Beginning at the northeast corner of that parcel described in Special Warranty Deed filed at Reception No. 94013371;

Thence S 01°13'07" E a distance of 125.71 feet;

Thence S 89°45'45" W a distance of 167.81 feet to a 1" iron pipe;

Thence S 18°04'42" E a distance of 50.00 feet;

Thence S 89°07'40" W a distance of 229.16 feet to the easterly right of way line of U.S. Hwy 40;

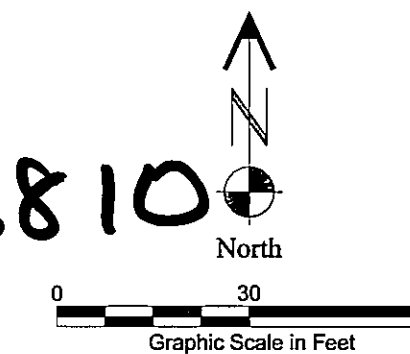
Thence along said right of way, N 18°04'43" W a distance of 184.71 feet to a No. 4 rebar;

Thence N 89°45'47" E a distance of 436.07 feet to the POINT OF BEGINNING.

Containing 1.461 acres more or less.

Hi Country Haus Condominium  
Building No. 1  
Rec No. 103573  
Bk 151 Pg 523

2008008810



SHEET 1 OF 2

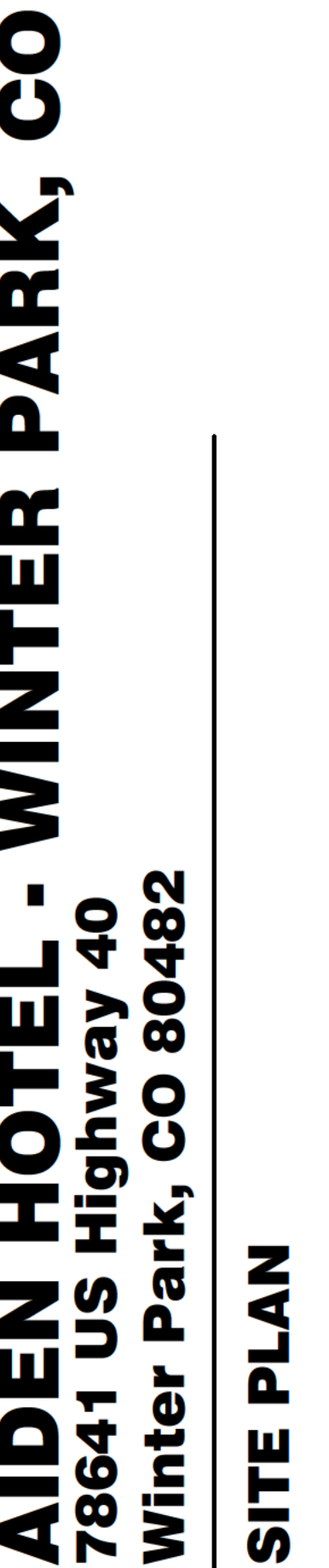
Revision  
Date of Survey 6/16/08  
Control File 07070  
Job Number 107070





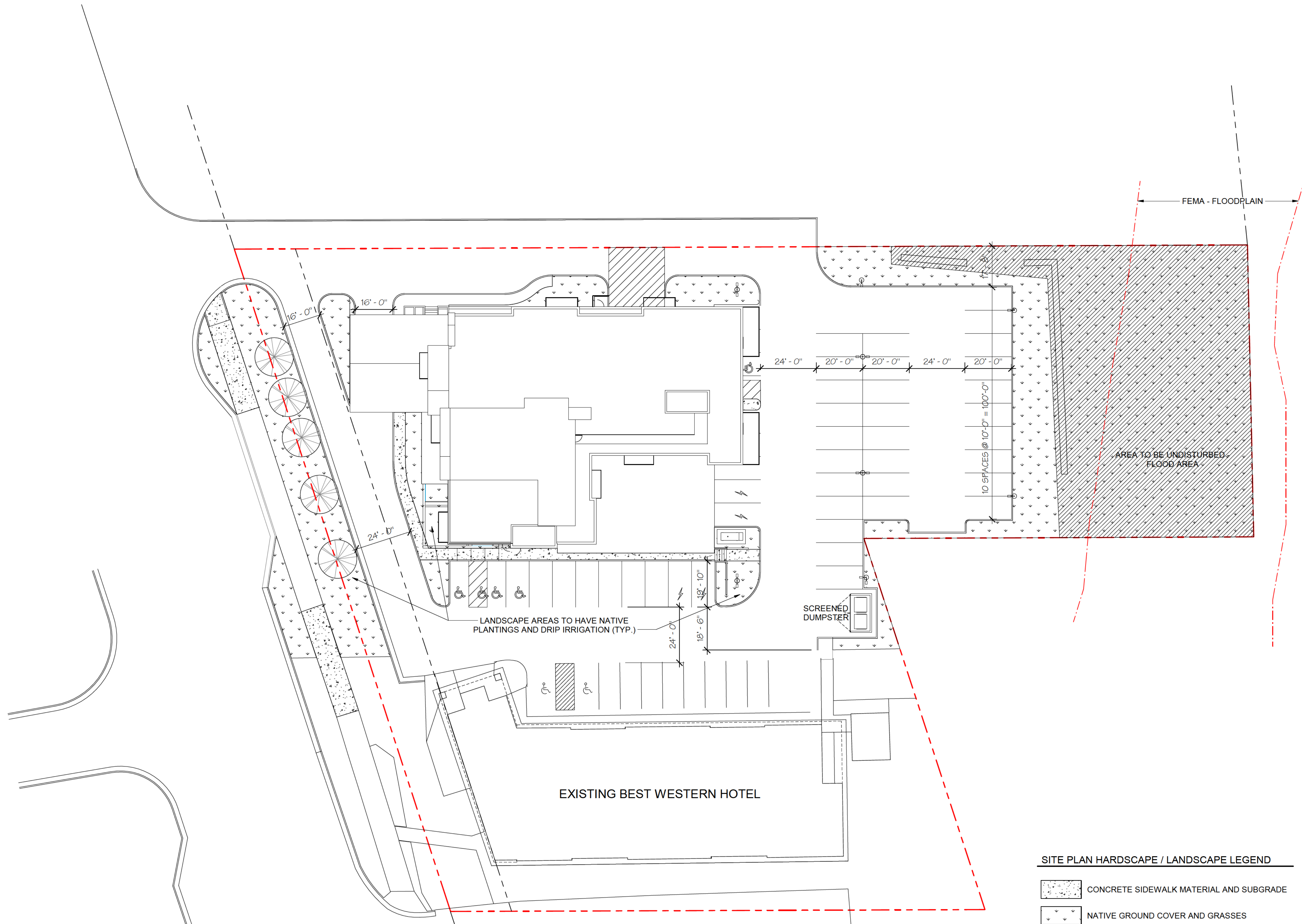


THIS DOCUMENT, AND THE IDEAS AND  
DESIGNS INCORPORATED HEREIN, AS AN  
INSTRUMENT OF PROFESSIONAL SERVICES,  
CAN NOT BE USED IN WHOLE OR IN PART FOR  
HIS OR ANY OTHER PROJECT WITHOUT THE  
WRITTEN AUTHORIZATION OF THE SIGNED  
AND SEALED PROFESSIONAL INDICATED  
BELOW. ALSO, ANY OTHER DOCUMENT NOT  
APPROVED BY THE CITY BY AN ATTACHED  
STAMP IS FOR REFERENCE ONLY.




[illegible]

Phase: SCHEMATIC DESIGN SET  
Date: August 9, 2024  
Drawn: RSC

**A1.0**  
SHEET NO.



### SITE PLAN HARDSCAPE / LANDSCAPE LEGEND

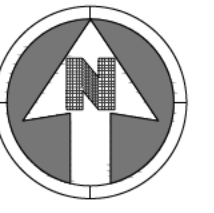
-  CONCRETE SIDEWALK MATERIAL AND SUBGRADE
-  NATIVE GROUND COVER AND GRASSES
-  ASPHALT PAVING AND SUBGRADE

NORTH

A compass rose with four arrows pointing North, South, East, and West. The word "NORTH" is written above the North arrow.

1 SITE PLAN  
SCALE: 1" = 20'-0"

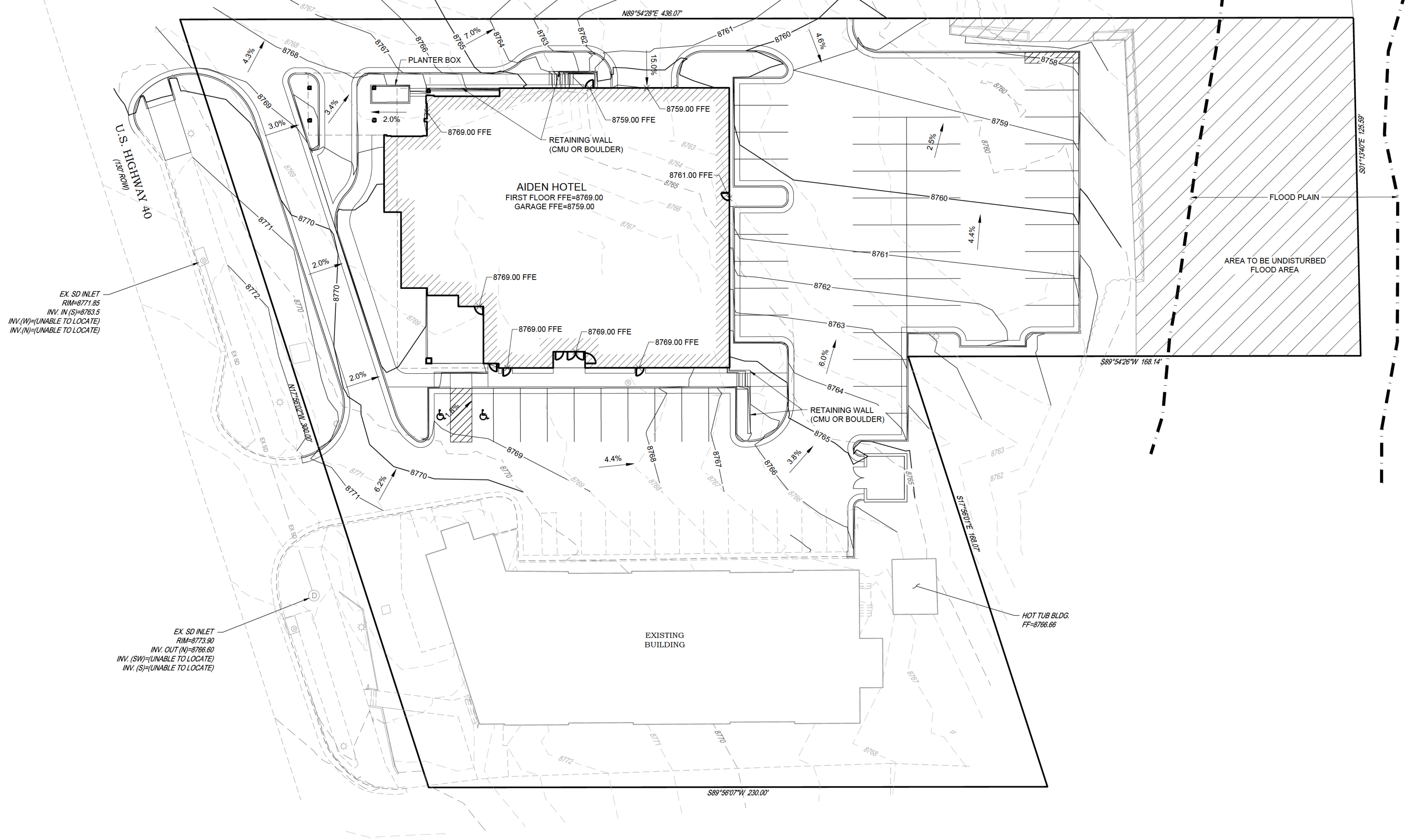




20 0 20  
SCALE: 1" = 20'

CUT/FILL TABLE (UNADJUSTED)	
CUT	3,172 CY
FILL	361 CY
NET (CUT)	2,811 CY

NUMBERS ARE TO FINISHED GRADE AND  
INCLUDES GARAGE EXCAVATION. NUMBERS  
DOESN'T ACCOUNT FOR UTILITY SPOILS



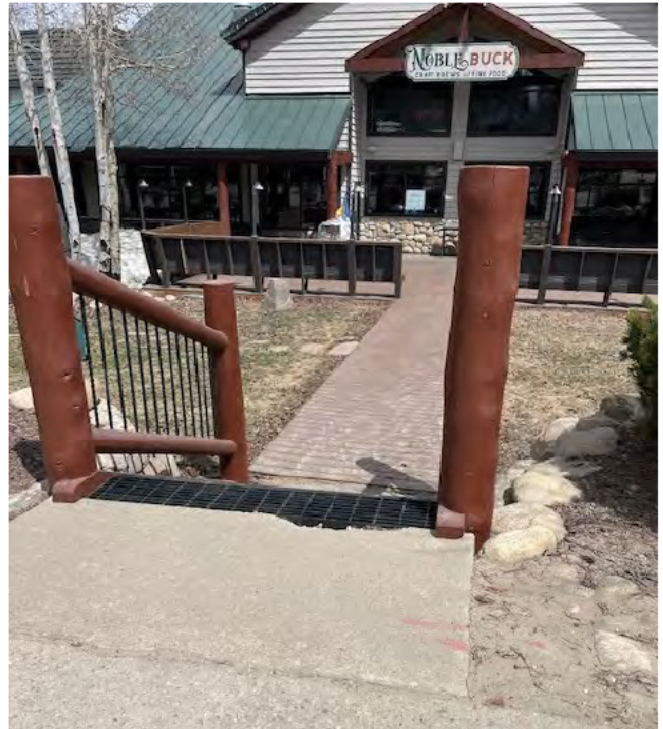


## US-40 Structures Below Highway Grade

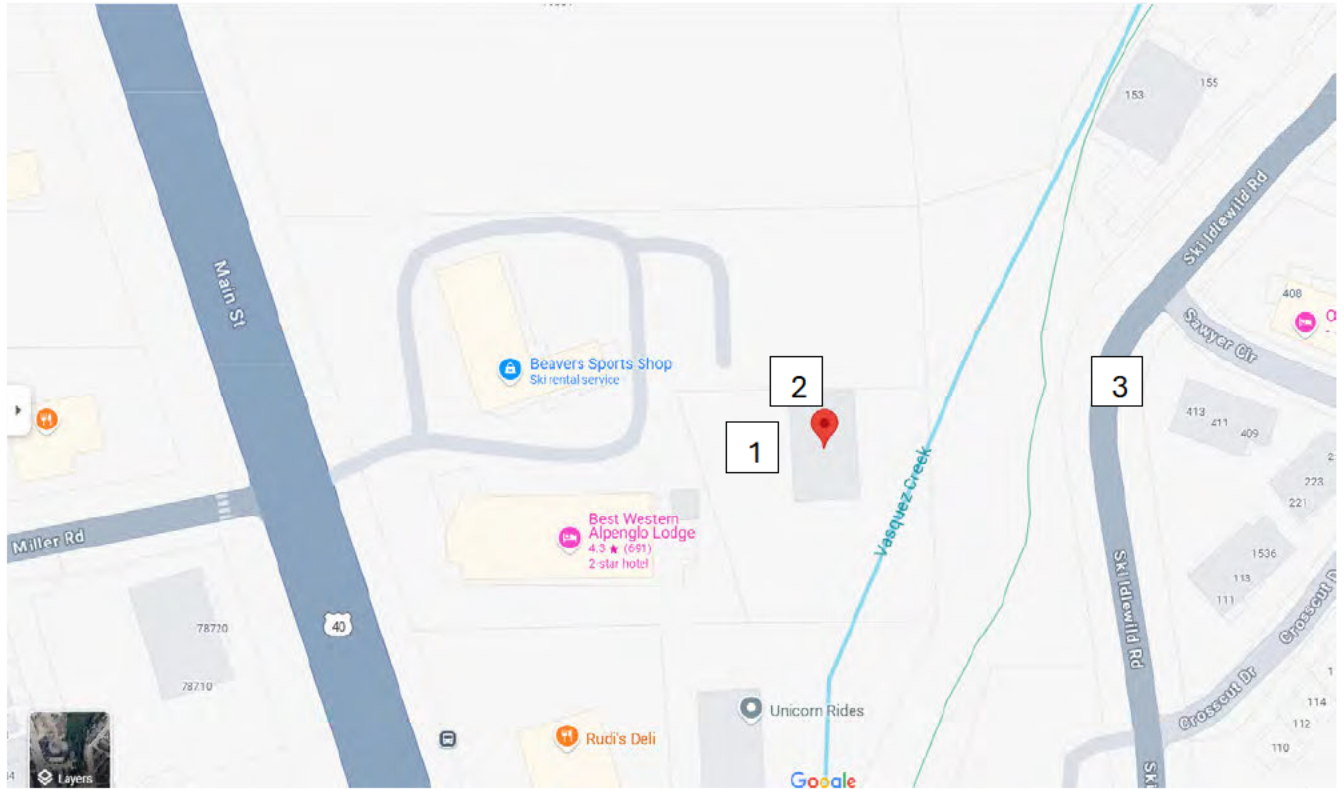


Randi's Grill & Pub

Village Center



## Views from Adjacent Locations



Location #1  
Looking West





Location #2

Looking West  
by Northwest  
*existing structure  
slightly visible in  
center of photo*

Location #3  
Across Vasquez  
Creek  
Looking West



---

**PLN25-038 BOA Public Variance Request**

---

**From** CINDY WAGNER [REDACTED]

**Date** Mon 9/1/2025 8:34 PM

**To** Adam Springer [REDACTED]

Caution! This message was sent from outside your organization.

Dear Mr. Springer

It has come to my attention that a boutique hotel is being proposed for downtown Winter Park. If you would kindly consider something from a family that has owned property since the 1980's up here. Now that my family along with their extended family, a home that once could accommodate everyone can't. The idea of having the option for 1 and 2 bedroom suites, at least part of the family could enjoy each others company and not feel so isolated from the rest of the family would be a great addition for Winter Park. It is not available as of now. Roof top bistro and underground parking, little upscale stay at Winter Park that is so needed.

Thank you for your time,  
Cindy Wagner  
[REDACTED]

---


**Case # PLN25-038 height variance request**

---

**From** Julie White [REDACTED]

**Date** Fri 8/22/2025 5:06 PM

**To** Adam Springer [REDACTED]

 1 attachment (1 MB)  
20250822165731177.pdf;

Caution! This message was sent from outside your organization.

RE: Case Number PLN25-038

Hi Adam, my 7 partners and I who own 78622 US Hwy 40 in Winter Park are against a height variance from 55' to 68' for the project at 78641 US Highway 40. 13 extra feet is not acceptable according to the code and sets a precedent for more variances to be granted. The planning commission did not allow for an affordable housing project (Fireside Apts) to get a height variance and neither should this mixed use building in Downtown WP. A building that tall affects the view corridors we value here in Winter Park and would have a negative impact to the community. We strongly recommend the planning commission deny this height variance request.

Julie White  
78622, LLC

**Julie White** Managing Broker / Owner

REAL ESTATE OF WINTER PARK

mobile: [REDACTED]

office: [REDACTED]



[REDACTED]



[Search Grand County Properties](#)



---

**Comment about Sept 9 meeting Case Number PLN25-038 Height Variance Request**

---

**From** Lenny Direct Mail Concepts [REDACTED]

**Date** Wed 9/3/2025 4:31 PM

**To** Adam Springer [REDACTED]

Caution! This message was sent from outside your organization.

To Adam Springer,

The planning commission should turn down this request for Height Variance for these reasons:

- 1) This building of 68' would be an eye sore for main street Winter Park. There is so much construction happening on Main Street. We don't want to set precedence of having high rises being built to stick out like a sore thumb, so to speak.
- 2) We already have 55' of Arrow mixed use which is out of place.
- 3) 68' will obstruct views from all directions
- 4) It is my understanding that Winter Park Hospitality Associates own The Lodge at Winter Park which is right across from the ski resort. Reading reviews and having personal experience this lodge is poorly run and always short staffed. The restaurant has reported to have poor service and food. The pool is often down. Based upon reviews should Winter Park Hospitality Associates build another hotel right in the middle of town that is 68' tall let alone 55' tall.

Did this email come to you in time? Do I need to be at the meeting on Sept 9? I could zoom but that could be a risk that the zoom will not work.

Leonard Berman

**Leonard Berman**  
**Direct Mail Concepts**



---

**Comment - PLN25-038 BOA Public Variance Request**

---

**From** Tim Hubbard [REDACTED]

**Date** Wed 9/3/2025 9:53 AM

**To** Adam Springer [REDACTED] Dave Treece [REDACTED]

Caution! This message was sent from outside your organization.

Hi Adam,

I've taken the time to review the details of Dave Treece's variance request regarding the 55' building height code and the proposed hotel project. After considering the specifics, I'd like to express my support for his request.

The current code's requirement to measure from the lowest exposed foundation point—specifically at the underground garage entrance—does seem to disproportionately affect his project. It's clear from the provided materials that the variance would allow for a more thoughtful and functional design, including the underground garage, which aligns with quality development for the area. Additionally, the concept of averaging the four corners for measurement appears to be a reasonable alternative and a step toward a more equitable approach in the code.

Dave's proposal, as outlined in the materials, highlights a well thought out design that would enhance hospitality offerings in Winter Park, particularly with the inclusion of the rooftop bistro and suite options. I believe this project would be a positive addition to the community.

Please let me know if you require any further input from me regarding this matter.

Best,

Tim Hubbard

President  
[REDACTED]  
[REDACTED]

Vertical Bistro | Rudi's Deli | Brickhouse 40

Sent via [Superhuman](#)

**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
RESOLUTION NO. XX  
SERIES OF 2025**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN  
OF WINTER PARK ADOPTING FINDINGS OF FACT RELATED TO  
THE DENIAL OF A VARIANCE TO INCREASE THE MAXIMUM  
STRUCTURE HEIGHT FOR 78641 HIGHWAY 40**

WHEREAS, pursuant to the Unified Development Code (the "UDC") § 5-A-4, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the UDC;

WHEREAS, § 3-A-5 of the UDC states that maximum height in the Destination Center (D-C) zone district shall not exceed 55 feet in height;

WHEREAS, on April 18, 2025, Winter Park Hospitality Associates Inc. ("Owner"), represented by David Treece and architect Robert Chafee (collectively, the "Applicant"), filed an application requesting a variance to allow a hotel building with rooftop café and stairwell enclosures to exceed the 55-foot height limit, with a maximum height of 68 feet as described more specifically in Exhibit A (the "Application"), for the property more particularly described in Exhibit B (the "Property");

WHEREAS, proper notice of the public hearing was provided in accordance with UDC § 5-B-8, including newspaper publication, mailed notice to adjacent property owners, and on-site posting;

WHEREAS, on September 9, 2025, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment **denies** the Application and hereby adopts the following findings of fact in support of such **denial**.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application does not meet the applicable criteria set forth in § 5-F-3(F) of the UDC, more particularly:

**[Reasons for denial related to criteria for approval]**

2. Decision. Based on the foregoing findings, the Board of Adjustment hereby **denies** the variance, as requested in the Application

PASSED, ADOPTED, AND APPROVED this 9th day of September, 2025.

BOARD OF ADJUSTMENT

---

[ NAME], Chair

ATTEST:

---

Danielle Jardee, Town Clerk

**Exhibit B**  
Legal Description of Property

ALL OF THAT PARCEL DESCRIBED IN SPECIAL WARRANTY DEED TO WINTER PARK HOSPITALITY ASSOCIATES, INC. FILED FOR RECORD DECEMBER 5, 1994 AT RECEPTION NO. 94013371 BEING A TRACT OF LAND LYING EAST OF U.S. HIGHWAY 40 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4NW1/4 AND NW1/4NE1/4) OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH P.M., TOWN OF WINTER PARK, GRAND CANYON, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER AS MONUMENTED BY AN ALUMINUM CAP PLS 25971; THENCE S 05°46'33" E A DISTANCE OF 286.88 FEET TO AN ALUMINUM CAP PLS 13155 AND THE POINT OF BEGINNING:

THENCE S 01°13'07" E A DISTANCE OF 125.71 FEET;

THENCE S 89°45'45" W A DISTANCE OF 167.81 FEET TO A 1" IRON PIPE;

THENCE S 18°04'42" E A DISTANCE OF 168.07 FEET TO AN ALUMINUM CAP PLS 29036;

THENCE S 89°47'26" W A DISTANCE OF 230.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HWY 40 AS MONUMENTED WITH AN ALUMINUM CAP PLS 29036;

THENCE ALONG SAID RIGHT OF WAY LINE, N 18°04'43" W A DISTANCE OF 300.00 FEET TO A NO. 4 REBAR;

THENCE DEPARTING SAID RIGHT OF WAY LINE, N 89°45'47" E A DISTANCE OF 436.07

FEET TO THE POINT OF BEGINNING. CONTAINING 2.047 ACRES MORE OR LESS.

**TOWN OF WINTER PARK  
BOARD OF ADJUSTMENT  
RESOLUTION NO. XX  
SERIES OF 2025**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE TOWN  
OF WINTER PARK APPROVING A VARIANCE AND ADOPTING  
FINDINGS OF FACT RELATED TO AN INCREASE IN THE MAXIMUM  
STRUCTURE HEIGHT FOR 78641 HIGHWAY 40**

WHEREAS, pursuant to the Unified Development Code (the "UDC") § 5-A-4, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the UDC;

WHEREAS, § 3-A-5 of the UDC states that maximum height in the Destination Center (D-C) zone district shall not exceed 55 feet in height;

WHEREAS, on April 18, 2025, Winter Park Hospitality Associates Inc. ("Owner"), represented by David Treece and architect Robert Chafee (collectively, the "Applicant"), filed an application requesting a variance to allow a hotel building with rooftop café and stairwell enclosures to exceed the 55-foot height limit, with a maximum height of 68 feet, as described more specifically in Exhibit A (the "Application"), for the property more particularly described in Exhibit B (the "Property");

WHEREAS, proper notice of the public hearing was provided in accordance with UDC § 5-B-8, including newspaper publication, mailed notice to adjacent property owners, and on-site posting;

WHEREAS, on September 9, 2025, the Board of Adjustment held a properly noticed public hearing on the Application; and

WHEREAS, after considering the Application, presentations by Town staff and the Applicant, and public comment, the Board of Adjustment **approved** the Application and hereby adopts the following findings of fact in support of such **approval**.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application meets the applicable criteria set forth in § 5-F-3(F) of the UDC, more particularly:
  - a. **Undue Hardship**  
The identified undue hardship includes site topography (a grade change from US Highway 40 toward the rear of the property) and the existence of a 30-foot gas line easement as constraints that lower the average finished grade. This condition causes portions of the partially recessed parking structure to be exposed, which, under the strictest code interpretation, increases the measured building height. The Board finds that these site characteristics present some hardship not commonly encountered on flat downtown parcels.
  - b. **Health, Safety, and Welfare**

No evidence has been presented that the proposed variance would create adverse impacts to public health, safety, or welfare. The additional height is limited to rooftop features (café roof, stairwell enclosures, and an architectural element), and the Board does not anticipate that these elements would result in material injury to neighboring properties.

c. **Unusual Circumstances**

The proposal incorporates a fully underground parking facility, which is not typical within the downtown corridor. Most comparable projects include only partially below-grade parking. The combination of underground parking, grade differentials, and the easement appear to constitute unusual circumstances that are not generally applicable to other properties in the same zone district. Additionally, the portion of the structure exceeding the 55-foot height limit is unique in that it primarily consists of an outdoor rooftop space, with only limited enclosed elements extending beyond the height standard. This condition is distinct from a fully enclosed structure, which would typically create a more substantial visual impact under a similar variance request.

d. **Character**

The proposed hotel would introduce a taller building form than currently exists on surrounding parcels. That said, the structure remains consistent with the urban character of the Downtown Center (D-C) zone, and design elements (such as recessed podium parking and pedestrian-level frontage) are intended to reinforce compatibility. The Board finds that the variance would not fundamentally alter the essential character of the locality.

2. **Decision.** Based on the foregoing findings, the Board of Adjustment hereby **approves** the variance, as requested in the Application, subject to the following conditions:

- a. A building permit for construction of the structure described in the Application shall be issued on or before March 9, 2026. If a building permit is not issued within such time, the variance granted herein shall automatically terminate without further action by the Town.
- b. Neither this Resolution nor the variance granted herein creates any vested rights under statute or common law.
- c. This Resolution shall be recorded in the records of the Grand County Clerk and Recorder within 30 days of approval.
- d. The structure's maximum building height, as defined in the UDC, shall not exceed 68 ft and shall represent the elements as provided in the Exhibit B (the "Application"). In the case of an issue of interpretation, the Planning Director, in their sole discretion, shall have the authority to determine the maximum height applicable to any portion of the Property.

PASSED, ADOPTED, AND APPROVED this 9th day of September, 2025.

BOARD OF ADJUSTMENT

---

[ NAME], Chair

ATTEST:

---

Danielle Jardee, Town Clerk



**Exhibit B**  
Legal Description of Property

ALL OF THAT PARCEL DESCRIBED IN SPECIAL WARRANTY DEED TO WINTER PARK HOSPITALITY ASSOCIATES, INC. FILED FOR RECORD DECEMBER 5, 1994 AT RECEPTION NO. 94013371 BEING A TRACT OF LAND LYING EAST OF U.S. HIGHWAY 40 IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4NW1/4 AND NW1/4NE1/4) OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH P.M., TOWN OF WINTER PARK, GRAND CANYON, COLORADO, DESCRIBED AS FOLLOWS:

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