

TOWN OF GRAND LAKE
PLANNING COMMISSION
Regular Meeting 7:30 P.M.
May 19, 2010

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
 - A. May 5, 2010 (*Page 1*)
- III. CONFLICTS OF INTEREST
- IV. ITEMS OF BUSINESS
 - A. Consideration of Resolution No. 10-2010: *A Resolution Approving the Relocation of Trash Facilities for the Daven Haven Lodge, a Part of the Daven Haven Planned Development (Page 14)*
- V. OTHER ITEMS OF DISCUSSION
 - A. Pancho and Lefty's Parking Covenants Discussion (*Page 16*)
 - B. Sign Code Amendments Discussion (*Page 23*)
- VI. FOR YOUR INFORMATION
 - A. Tentative: Planning Commission Computer/USB Drive Tutorial (Verbal Presentation)
 - B. 'Hillsborough creates new zone for affordable housing' By Amanda Peterka *Messenger-Gazette* May 13, 2010 (*Page 46*)
- VII. ADJOURNMENT

**To insure that the Planning Commission will have a quorum please contact
Chairman Southway if you will not be able to attend.**

MINUTES
PLANNING COMMISSION
REGULAR MEETING
May 5, 2010
7:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 7:30 p.m. on May 5, 2010 at the Town Hall, 1026 Park Avenue.

PRESENT: Chairman Hayden Southway; Commissioners Judy Burke, Robert Canon, Paul Gilbert, Elmer Lanzi, James Shockey and Tom Weydert; Town Manager Shane Hale and Town Planner Abbi Wittman.

ABSENT: None.

ELECTIONS: **APPOINTMENT OF A PLANNING COMMISSION VICE-CHAIR** – Chairman Southway asked Town Planner Wittman to present this item to the Commission. Town Planner Wittman explained that since the resignation of Vice-Chair Schneller, the Planning Commission had been sitting without a Vice-Chair. Wittman noted having a discussion with Commissioner Canon and he indicated his willingness to serve in this capacity.

Commissioner Shockey then moved to appoint Robert Canon as the Vice-Chair to the Planning Commission, seconded by Commissioner Weydert. With no objections or further discussion, the motion was passed when all voted aye.

APPROVAL OF MINUTES: None were available.

CONFLICTS OF INTEREST: Chairman Southway asked if there were any members of the Commission who felt like they might have conflicts with any of the items on the evening's agenda to disclose them at this time. Town Planner Wittman indicated that Commissioners Gilbert, Lanzi and Weydert were noticed for the Public Hearing on the agenda and as advised by the Town Attorney, the Town considers their noticing a conflict of interest and will be asked to leave the room during that agenda item. Wittman further noted, however, she would like to suggest Commissioner Gilbert stay seated at the table during this item so that he may have an opportunity to see the Public Hearing process as it was his first meeting. Both the applicant and the Commission agreed to allow this.

Commissioner Weydert also noted he is a neighboring property owner of the Daven Haven Lodge and while he does not see a conflict of interest, he elected to abstain from conversations regarding this parcel.

Commissioner Shockey further noted that his Homeowners Association has a contract with ATH Specialties for snow plowing and has had other work performed on their parcel. He asked the Commission if they saw a conflict of interest. No members of the Commission or the public objected to Commissioner Shockey participating in the agenda item regarding the Grand Avenue grading, proposed to be conducted by ATH Specialties.

Lastly, Commissioner Gilbert indicated he does conduct consulting work for Grand County Planning and Zoning and questioned the Commission as to whether or not they felt he might have a conflict of interest in regards to the Urban Growth Boundary review item. Staff indicated that as this item was merely discussion of the Commission and staff thought it would be acceptable for Commissioner Gilbert to participate in the conversation. Members of the Commission agreed.

Commissioners Lanzi and Weydert left the Town Hall Board Room; Commissioner Gilbert remained seated at the Board Table but refrained from conversation.

ITEMS OF BUSINESS:

PUBLIC HEARING: CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FROM ROCKY MOUNTAIN GRILL/DOUGLAS LIPSKY - Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that as a reminder to the Commission, this is a Quasi-Judicial Proceeding. Since the Commission had just discussed conflicts of interest, we could proceed with the staff report.

Wittman continued to indicate that on April 7, 2010, the Town of Grand Lake received a Special Use Permit (SUP) application from Rocky Mountain Grill/Douglas Lipsky to place a food vendor cart on Lot 8, Block 12 of the Town of Grand Lake. The request is to place an (approximately 42 square foot) in a 100 square foot area. In addition to the cart, the applicant is requesting to place a 55-gallon trash can (which trash will be hauled away daily), a condiment table as well as two small tables with one umbrella, neither of which are depicted on the site plan.

Additionally, Wittman noted the application is complete with the exception of copies of the applicable licenses. Town staff has advised the applicant that while these items are required, it is acceptable to work through the process of obtaining them while working through the SUP application process. Approval by the Board of Trustees will be conditional if the applicant has not obtained these items at the time of the Board's consideration.

Wittman continued by saying that upon receipt of a complete application, Town staff sent the applicable noticing for a Public Hearing. Legal Notice # 4893740 was published in the Middle Park Times on April 15, 2010. On April 14, 2010, notice was sent, via certified mail, to 30 property owners

who own property within 200' of the subject parcel; two (2) letters were hand delivered. As of the date of memo development, 29 property owners have signed as having received this notice (including the legal property owner). One (1) letter has been returned as undeliverable mail. As of the date of the presentation, all certified mailings had been received, unless otherwise noted.

Wittman indicated that a Special Use Permit grants: *"The use of property, in any zoning district, for a period of six months or less, which use is not listed as a use by right or a conditional use"*. It further states: *"The Special Use Permit (SUP) and Special Event Permit review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the town at large."* Municipal Code Section 12-2-31A-5f states: *"The Planning Commission shall review the SUP application and determine whether to deny the application or schedule a public hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners. In making this determination, the Commission shall consider the following factors: Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses; and Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas; and Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood; and Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses, land owners or other interested parties to be notified; or proposed conditions of SUP issuance."*

Wittman further indicated, upon completion of staff's presentation, the Commission should open the Public Hearing to take public comment (including a testimony of the applicant, if desired). Once all public comments are made, the Commission should close the Public Hearing and turn the matter over for discussion. The Commission should look at the application, consider public testimonies made and weigh those items in relationship to the considerations listed above. After all discussion has taken place, the Planning Commission should move to approve or deny Resolution No. 8-2010 (with modifications applicable to the discussion that had taken place by the Commission) and to have staff forward the recommendation to the Town Board of Trustees to be heard at their next regularly-scheduled meeting. Staff will alter the draft Resolution prior to forwarding it to the Board. Wittman then noted that the applicant, Mr. Douglas Lipsky was in the audience this evening.

Chairman Southway opened the Public Hearing and asked if any members of the public who would like to make comment, including the applicant,

should step to the microphone and state their name and address for the record prior to giving testimony.

Kathy Weydert (401 Ellsworth Avenue) indicated she was opposed to this application because she felt that the completion of seasonal businesses with the local food service establishments is unfair (when those local businesses have a financial investment in the community by paying property taxes, and have invested in commercial kitchens and restroom facilities). She indicated it is unfortunate to have a four month business compete with businesses that strive to make it year round.

Pat Jones (420 Ellsworth Avenue) also indicated her opposition to this application. She indicated that as a year-round business owner it was a hard winter and an application like this may hurt our already invested food purveyors. She further noted that this will take money out of the local economy as the applicant is not invested in our community.

Douglas Lipsky (Tabernash, CO) indicated that he is invested in the community as he has been a resident of Grand County for nearly ten years. He further noted he will be investing in Grand Lake by paying rent on the property (of \$500 a month) as well as for a local commercial kitchen (of \$300-400 a month) as this is a requirement of the Health Department. Additionally, Lipsky noted the sales tax generation for any new business should be welcomed by the Town.

Commissioner Shockey inquired as to the hours of operation. The applicant noted he will be in operation from 10 am to 4 pm, daily. Additionally the applicant noted he would serve kabobs and cheese steaks with bagged chips and bottle beverages. The business is designed to attract foot traffic and those that do not desire to sit and eat.

Commissioner Burke inquired about the need for restrooms. Town Planner Wittman noted that the applicant will need to comply with all Health Department regulations. Commissioner Shockey further noted food vendor carts were not required to have restroom facilities if the cart was self contained.

Commissioner Shockey further noted he was in favor of this request as he thinks it is an amenity to the Town to have establishments of this nature and would draw more foot traffic to the boardwalk in this neighborhood. He further noted that the structure on this parcel could sit vacant all summer and having some business on this parcel was better than having none.

Commissioner Canon indicated he feels this type of transient business is similar to that of the snowmobile companies in the winter months. He further noted that his opposition to the application comes from the testimony made in the Public Hearing.

Commissioner Burke noted that she does not feel this is similar to the snowmobile businesses in our community as each of those businesses also have summertime operations that contribute to the year-round economy.

Chairman Southway asked staff about the business across the street (the Village Hub) and their hot dog and turkey leg cart. Staff indicated that while the Village Hub was owned and operated under the same business and owner, then they do not need a Special Use Permit. Douglas Lipsky also informed the Commission he has spoken with Carol, at the Village Hub, and she was in support of the matter.

Chairman Southway also agreed that having a business in this location, when the structure could sit vacant, would be an amenity to this area and is in line with the character of the neighborhood as there currently is a lot of pedestrian traffic here. He further noted this part of Grand Avenue is a gathering place with a short walk to the beach.

Commissioner Southway inquired with the applicant as to whether or not seating would be provided. Town Planner Wittman noted that the application did not include picnic tables and placing them on the property would be in violation of the Special Use Permit, if approved.

Commissioner Burke inquired as to the Municipal Code requirement of submittal of 90 days prior to the proposed use; Burke inquired if this meant the approval would not be permitted prior to July 7, 2010. Town Planner Wittman noted that the 90 submittal requirement was for adequate noticing period for the Town and not a requirement for the issuance of the permit.

After no further discussion, Chairman Southway asked if anyone would like to make a motion. Chairman Shockey moved to make recommendation to the Town Board of Trustees to approve a Special Use Permit for Rocky Mountain Grill/Douglas Lipsky for a food vendor cart to be placed on Lot 8, Block 12 of the Town of Grand Lake because the impact would be minimal to those items outlined in Code. The motion failed due to the lack of a second. Chairman Southway then asked if there were any other motions to be made. At that time, Commissioner Burke moved to make recommendation to the Town Board of Trustees to deny the Special Use Permit as it will have a negative effect on existing businesses in the community. Commissioner Canon seconded the motion; Commissioner Shockey and Chairman Southway voted nay.

With a tie vote (2-2) on Commissioner Burke's motion (as Commissioners Gilbert, Lanzi and Weydert abstained from conversation and voting on the matter), staff informed the Commission the item would be forwarded to the Board at their next regularly-scheduled meeting with a synopsis of the Commission's discussion along with the motions made and vote of those motions.

Commissioners Lanzi and Weydert returned to the Town Hall Board Room.

ITEMS OF BUSINESS:

CONSIDERATION OF GRADING WORK TO BE PERFORMED IN THE GRAND AVENUE RIGHT OF WAY – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that on April 5, 2010, staff received a grading permit application from Mr. Todd Hammerlund for ATH Specialties to conduct grading work on Grand Avenue (adjacent to Lots 1-2, Block 27 Town of Grand Lake). Staff has approved a grading permit for the South portions of these two lots but wanted to discuss Mr. Hammerlund's desire to improve the public R-O-W with the Planning Commission and Town Board of Trustees.

Wittman reminded the Commission, the North 30' of these two parcels were owned by the Grand County Board of County Commissioners and in June of 2009, the parcels were transferred to the Town and then to the adjacent property owner. Additionally, the property owner was to also acquire the North 30' of Lots 3-4, as well. At that time, the Town Board indicated the property would not be transferred until the adjacent property owner submitted a slope stabilization plan and a timeline for the completion of that plan. In July, 2009, the applicant submitted a grading permit application (which was approved) to remove the most hazardous 'ledge' of the slope. This work has been conducted on Lots 1-2. No work had been noted to be done on the North 30' of Lots 3-4 other than hazardous tree removal.

Wittman outlined that the proposed work is to create a building pad on Lots 1-2 to be lowered to the grade of Grand Avenue. In order to achieve the grades identified, some work will have to occur on the Grand Avenue Right of Way. Public Works Director McGinn thinks it would be an added benefit to the Town to have this area at the same grade but does express the following concerns:

- 1) The proposed work does not outline work to be performed on the North 30' of Lots 3-4 (also owned by Hammerland) nor the Grand Avenue R-O-W adjacent to these parcels. There is concern disturbance to the North 30' of Lots 1-2 may affect the North 30' of Lots 3-4 and without consideration to the neighboring parcel, a hazard may inadvertently be created; and
- 2) The plan needs to address sediment and erosion control. Under the Town's current provisions for Grading and Excavation permitting, Engineered Grading Plans shall include:
 - i. A re-vegetation plan.
 - ii. Location and type of any erosion control measures.
 - iii. The proposed timetable for completion of the grading and re-vegetation.

Wittman advised the Commission that they should discuss this item with Mr. Hammerlund and formulate a recommendation to the Town Board of

Trustees for approval or denial of the proposed grading work of the Grand Avenue Right of Way in this location. Wittman further noted Mr. Todd Hammerlund was in the audience to discuss this item with the Commission.

Chairman Southway asked Mr. Hammerlund if he would like to make comment. Mr. Hammerlund indicated the Grand Avenue Right of Way was approximately ½ way up the moraine hillside and that he intends to bring the grade of Lot 1 (and part of Lot 2) to a grade approximately 1' above the grade of Grand Avenue.

Commission Canon inquired as to whether or not a re-vegetation plan required as the area adjacent to the Right of Way had never had vegetation on it prior to then. Commissioner Shockey noted the southern portion of the lots did have vegetation. Hammerlund indicated all disturbed areas would either be hydroseeded or blanketed on the slope-side from Lot 3. He also noted the proposed grade would be significantly less steep than the current grade.

Chairman Southway noted that while it was nice to stabilize his lots, he inquired as to whether or not Mr. Hammerlund was willing to work with the property owner of Lot 3 to stabilize the crest of the moraine. Town Planner Wittman noted on numerous occasions, staff has attempted to contact the property owner regarding this matter and has not received word back regarding their willingness to work with the Town or the neighboring property owner.

Chairman Gilbert inquired as to the plan's indication of geotechnical recommendations. Mr. Hammerlund indicated a geotechnical report was conducted prior to any disturbance. Commissioner Shockey inquired as to whether or not there was a willingness to have certification of the geotechnical engineer that the plan was in accordance with their recommendations. Mr. Hammerlund agreed to this provision.

After no further discussion, Commissioner Shockey moved to forward a recommendation to the Town Board of Trustees for approval of the Grading Permit work to be performed on the Grand Avenue Right of Way contingent upon certification of a geotechnical engineer that the work was done in accordance with the geotechnical recommendations. Commissioner Canon seconded the motion and the motion was passed when all Commissioners voted aye.

ITEMS OF BUSINESS:

CONSIDERATION OF PERMISSION TO CONSTRUCT A FENCE GREATER THAN 8' ON CAIRNS AVENUE – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that on April 1, 2010, staff received a request from Daven Haven Lodge to replace their existing fence (see photo) with a 12' fence to obstruct the view of the backyard and trailers as well as to enhance the appearance of the property. Municipal Code Section 12-7-4E-2b indicates: *"Fences over eight (8') feet in height shall be reviewed by the Planning Commission for*

approval or denial". There are no suggested consideration items for the Commission.

Wittman further outlined the Code for the Commission citing:

- 1) According to Municipal Land Use Regulations, "*Fences, walks, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise*" but it further states "*Large linear or multi-family developments (greater than eight (8) lots or units) of over two (2) acres in size shall not be bordered by exterior opaque fences greater than three feet (3') in height*". The total acreage of this parcel is greater than two (2) acres and as a reminder to the Commission, when the Daven Haven Planned Development was created, greater than 8 lots were created; and
- 2) In September, 2009, the Town approved the temporary storage trailers to be placed on this parcel. These trailers must be removed by September 30, 2010.

Wittman indicated the Planning Commission must discuss this matter with the property owner. After all discussion has taken place, the Commission must move to deny, approve or approve with the conditions Planning Commission Resolution No. 9-2010. Wittman indicated the property owner, Carey Barnes, was in the audience and willing to discuss this matter with the Commission.

Chairman Southway asked if Mrs. Barnes would like to make a presentation on the request. Mrs. Barnes (604 Marina Drive) indicated the request is to add privacy to the backyard and screen the existing structures (temporary or otherwise). She further indicated that vegetation used to line this side of the Avenue and in the past few years, Daven Haven has had to remove a significant amount of trees in this area.

Mrs. Barnes also indicated the fence could be between 8' and 12' in height and sided with rough cut siding to match the community.

Commissioner Gilbert inquired as to whether or not a 12' fences would be required if the temporary structures would be removed. Mrs. Barnes indicated there are other existing structures that would need to be screened and it would help improve not only the overall aesthetics but also the privacy of the backyard to the Daven Haven. Mrs. Barnes also noted she does not want to create a large 'walled' area in this location.

Commissioner Burke noted the Daven Haven has always done a wonderful job at cleaning/keeping up their property. She is in support of the application.

After all discussion had taken place, Commissioner Canon moved to approve Planning Commission Resolution No. 9-2010 allowing a 12' fence to be constructed on the Cairns Avenue Right of Way (between the Daven Haven access and the alley) contingent that the applicant comply with Design Review Standards of the Town and that they build the fence on their own property. Commissioner Lanzi seconded the motion and the Resolution was adopted when all members of the Commission voted aye.

OTHER ITEMS OF
DISCUSSION:

DISCUSSION OF DAVEN HAVEN PLANNED DEVELOPMENT AMENDMENTS - Chairman Southway asked Town Planner Wittman to present this item. Wittman informed the Commission that on April 1, 2010, the Town received a request from the Daven Haven Lodge, a part of the Daven Haven Planned Development (PD) to place an external cooler on their site and to relocate the dumpster for the summer season. No site plan of the requested items was attached to the request letter.

Wittman further explained the Daven Haven PD was created by the applicant's desire to turn the resort area into a multi-family townhome development. Created in 2001, the PD created 18 single family units while keeping the main lodge its own unique parcel. This was to be achieved through a PD because numerous structures (and their associated footprints) did not meet the minimum standards for lot and floor area. Since 2001, the Town has amended the PD twice. In 2006, an additional single family dwelling lot was created (which removed previously platted parcels). In 2008 the PD was further amended to remove previously platted parcels that had not yet been developed upon.

Wittman reminded the Commission, a Planned Development is an overlay zone to the existing zoning district. In the case of the Daven Haven, prior to the Town's approval of the PD (and being recorded with Grand County), the Daven Haven was located in the Resort Zoning District. PDs are designed to have a guided planned growth of a unique parcel of land. There have been circumstances where the Town has utilized a PD overlay for a smaller parcel, such as this, when the desired plan may not be able to conform with the existing Zoning Regulations.

Wittman noted that the requested items will require an amendment to the PD. The Code indicates that: *“Minor changes in the location of buildings, siting, and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following: A change in the use or character of the development; and An increase in overall coverage of structures; and An increase in the intensity and density of use; and An increase in the problems of traffic circulation and public utilities; and A reduction in*

approved open space; and A reduction of off-street parking and loading space; and A reduction in required pavement widths.

Staff noted the Code further indicates that for all other amendments they may only be approved if: *“Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in community policy.”* While it is questionable of the placement of the cooler and/or the trash container, it can be assumed that the requested changes are not minor changes to the location of buildings, siting and height of the buildings and structures (as outlined above).

Wittman indicated the current location of the trash container (on Cairns Avenue) has not been in conformance with the PD. According to the PD, the enclosure should be located within the legal property limits. According to the property owner, permission was given for the placement of the trash enclosure on the Town right of way; staff cannot find documentation of this nor does any current staff have knowledge of this permitted encroachment.

Wittman noted the Municipal Code indicates changes to a PD may only be granted if changes have occurred in community policy, two amendments have already been approved and the applicant is now requesting another amendment, staff feels it is appropriate for the Commission to discuss the removal of the PD overlay. On an annual basis the Commission may conduct a Land Use Development Special Review so that the developer can verify to the Commission that the original assumptions and plans of the Development are still appropriate.

Wittman advised the Planning Commission should discuss this matter with the property owner. Staff is anticipating having to further discuss this matter with Town Attorney Krob prior to the Planning Commission meeting to have formalized a greater understanding of the pros/cons to removal of the overlay zoning district. Some items the Commission should consider:

- 1) The Commission’s willingness to revoke the PD (which would return the parcel to its original condition and to be operated in the previous manner); and
- 2) The Commission’s willingness to remove the overlay zoning (which may require a rezoning procedure); and
- 3) The Commission’s willingness to create non-conformities as a result of the Commission’s action(s).

Staff further noted that since the time of memo development, staff has discussed this matter with Town Attorney Krob. Krob indicated some general concerns with removal of the PD Overlay. Specifically:

- 1) If the Town revoked the original plat, then the property owner would lose the newly created parcels in the subdivision (which is not a desire of the property owner); and
- 2) If the Town was to rezone, it creates nonconformities on the parcel and the property owner(s) would not be able to come into conformance if there is a reason the parcels (and their associated structures) are damaged, demolished, etc.

Staff continued by noting Krob indicated the Town should address changes to the Municipal Code to allow for PD amendments that could be considered even if there had not been a change in the community policy.

Staff lastly noted there were unknowns in the request and advised the Commission to discuss this matter with the property owner for further clarification.

Chairman Southway asked Mrs. Carrie Barnes if she would like to comment on the matter. Mrs. Barnes (604 Marina Drive) indicated that the proposed trash container would be to the south of the access drive off of Cairns Avenue. Commissioner Shockey inquired as to whether or not the enclosure could be located inside a four-sided fence off of the Cairns Avenue right of way. Mrs. Barnes indicated they could look into the possibility of locating their dumpster in this location.

After further discussion about the placement of the dumpster, Town Planner Wittman noted that on the PD plat the trash enclosure was identified as a General Common Element as part of the open space. Wittman inquired if the Commission was comfortable indicating the dumpster to be placed anywhere the PD plat indicated General Common Element without a PD amendment. The Commission was favorable to this and directed staff to draft a Resolution outlining this to be brought back before the Commission.

Town Planner then indicated the only other matter for consideration was the external cooler and so long as the placement of the cooler was on the same parcel as the Daven Haven Lodge, the cooler would be considered an accessory use to the primary use and it would not be considered a reduction of open space. Chairman Southway asked the applicant to indicate where the cooler was proposed to be located. Mrs. Barnes indicated the cooler is proposed to be located on the concrete pad, located in the Cairns Avenue Right of Way, where the dumpster is to be removed from.

Town Planner Wittman then noted to the Commission that this item would need to go before the Town Board of Trustees for the consideration of an Encroachment License and that there was no further discussion or action for the Commission to take place.

OTHER ITEMS OF

DISCUSSION:

URBAN GROWTH BOUNDARY APPLICATION REVIEW: TRIPLE DIAMOND VARIANCE – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated the Town has been noticed regarding a Grand County variance request application for a parcel located in the Town’s Urban Growth Boundary (UGB). As a reminder to the Commission, the Town is noticed because we have requested to be for items occurring in our UGB. On May 12, 2010, the Grand County Board of Adjustment will hear two (2) variance requests from Triple Diamond, Inc. to exceed the maximum length of two (2) boat docks; one dock would exceed the allowable length (of 35’ extension beyond the shoreline) by 53’ and the other by 45’ for total dock lengths to be 80’ and 88’ in length.

For those members who were on the Commission in May, 2008, Triple Diamond asked for a 10’ variance extension for eight (8) boat docks. These docks then extended beyond the natural shoreline of Shadow Mountain Reservoir by 45’. At that time, the Commission directed staff to draft a letter indicating our Planning Commission was not in favor of the proposed variance request and the County should uphold the current Zoning Regulations (of no greater than 35’ extension beyond the shoreline).

County staff contacted the Forest Service for comment on this matter. Dan Matthews, with the Forest Service, indicated the current length of their existing 45’ dock is installed in water approximately 3’ of water (which is unacceptable depths for motorized access). Mr. Matthews has indicated to the County, he is in favor of the variance request.

Staff is bringing this matter before the Commission for discussion and direction as to whether or not the Town should send comments to Grand County Board of Adjustment.

Chairman Southway indicated that he felt the Town needed to send comment opposing this matter as the Town has previously done. Commissioner Shockey further noted that there are other options for the construction of docks such as dredging to accommodate greater depths. Discussion further took place about the inappropriate granting of a variance that was greater than two times the maximum allowable extension into the water. After discussion, of the Commission directed staff to draft a letter to Grand County Board of Adjustment opposing the granting of the variance.

FOR YOUR INFORMATION:

UPCOMING MUNICIPAL EVENTS: GREENING OF GRAND LAKE – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated that in conjunction with the 2010 Flowering of Grand Lake, conducted by Pam Coonrod, the Town will be hosting its annual ‘Greening of Grand Lake’ week. Beginning with the Plant Sale (from 12-4pm) on Saturday May 15th, the Town will be offering incentives to those individuals who have elected to adopt a lamppost garden. Following the intentions of why the Plant Sale was created, the Plant Sale will offer free plants to those adopters who would like to partake.

Additionally, the Town will be there to give each adopter a potted perennial as a token of our appreciation; it is the thought of Town staff these incentives will encourage individuals to start working in their lamppost gardens as soon as they can thereafter.

Wittman further noted that as an FYI to the Commission, the Town is still in need of adopters for lamppost gardens and to please have interested individuals contact Town Hall for more information.

Wittman continued to inform the Commission that the following Tuesday (May 18th) the Town will host its annual Arbor Day celebration. This year's Proclamation will be conducted, once again, at the Elementary school. Following with the traditions of the past, the Greenways Committee has elected to purchase Colorado Blue Spruce saplings to give one to each child in the school. Additionally, each child will plant a pansy. A Proclamation dedicating this year's Arbor Day will be read by Mayor Burke.

Wittman lastly noted, the Town clean up day has been set for Saturday, May 22 from 9 am to 11:30 with the BBQ to follow. All members of the Commission are encouraged to attend.

FOR YOUR
INFORMATION:

CODE OF CONDUCT/ETHICS HANDBOOK – Chairman Southway asked Town Planner Wittman to present this item. Wittman indicated the Code of Conduct/Ethics Handbook was included in the Commission's packet. Town Manager Hale noted that as a reminder, all Commissioners were to contact Chairman Southway if they would not be able to attend the meeting. He further noted that the Commission would then be responsible at that meeting to determine if the absence was excused or not.

FOR YOUR
INFORMATION:

'DIVERSIFYING THE URBAN FOREST' BY JILL MAZULLO PLANNING FEBRUARY 2010 – Town Planner Wittman indicated this article was included in the Commission's packet.

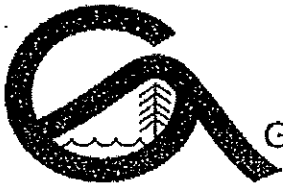
ADJOURNMENT:

Commissioner Weydert moved to adjourn, seconded by Commissioner Burke. All Commissioners voted aye, and the meeting was adjourned at 9:40 p.m.

Hayden H. Southway, Chairman

ATTEST:

Ronda Kolinske, Town Clerk



TOWN OF
GRAND LAKE

Date: April 29, 2010

To: Chairman Hayden Southway and Planning Commissioners

From: Abbi Jo Wittman, Town Planner *AJW*

RE: Daven Haven Amendment

Attached: Resolution No. 10-2010

As a reminder to the Commission, at your last regularly scheduled meeting, the Commission discussed the relocation of the Daven Haven Lodge's trash receptacle. At that time, it was discovered that the trash receptacle was identified as a General Common Element on the Planned Development Plan and, therefore, should be allowed to be placed in any area identified as a General Common Element to the Daven Haven Lodge Planned Development.

Staff has drafted PC Resolution No. 10-2010; this Resolution is attached. The Commission should review the Resolution and discuss, if necessary. After any applicable discussion has taken place, the Commission should move to adopt Resolution No. 10-2010: *A Resolution Approving the Relocation of Trash Facilities for the Daven Haven Lodge, a Part of the Daven Haven Planned Development* with any applicable modifications, if necessary.

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 10 – 2010**

A RESOLUTION APPROVING THE RELOCATION OF TRASH FACILITIES FOR THE DAVEN HAVEN LODGE, A PART OF THE DAVEN HAVEN PLANNED DEVELOPMENT

WHEREAS, The Town of Grand Lake the Planning Commission has the authority to hear requests to changes in Planned Developments; and

WHEREAS, on April 1, 2010, the Town received a request from Daven Haven Lodge (a part of the Daven Haven Planned Development) for the relocation of their trash facilities (described as one dumpster); and

WHEREAS, the Town of Grand Lake Planning Commission heard the request on May 5, 2010, and discussed this matter with the property owner; and

WHEREAS, the Planning Commission determined the trash receptacle was a General Common Element, as identified on the approved development plat and amendments, to the Daven Haven Lodge Planned Development.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Planning Commission determines that the location of the existing trash facilities, located on the Cairns Avenue Right of Way, are not compliant with the Daven Haven Planned Development, and should be located onto the subject parcel in an area designated as a General Common Element.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 19TH DAY OF MAY, 2010.

(S E A L)

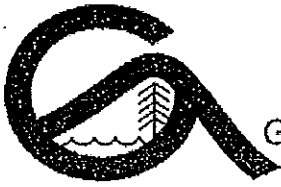
Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

Ronda Kolinske,
Town Clerk

Hayden H. Southway
Planning Commission Chairman



TOWN OF
GRAND LAKE

Date: May 14, 2010

To: Chairman Hayden Southway and Planning Commissioners

From: Abbi Jo Wittman, Town Planner *AW*

RE: Pancho and Lefty's Parking Covenants Removal Discussion

Attached: Consideration Request Letter (submitted by Bob King, dated 3-11-10)

Map of subject parcels

Covenant (signature dated 9-4-01)

Covenant (signature dated 10-9-01)

The Request

On March 11, 2010, the Town received a request letter (attach – *PLEASE READ*) from Mr. Robert King/Pancho and Lefty's (owner of Lots 1-4, Block 4, Town of Grand Lake) for the Planning Commission and Town Board of Trustees to consider the removal of the parking credit covenants located on Lots 1-4, Block 4 of the Town of Grand Lake; the covenants satisfy the parking requirements for that structure located on Lots 2-4. Mr. King's request is for the Town to consider the removal of those covenants (a/k/a the parking requirements) in exchange for the parking credits associated with Lot 9, Block 2 of the Town of Grand Lake.

Analysis of Parking Requirements and Credits for Lots 1-4, Block 4

According to the 2001 building permit file, the applicant was required to have a total of 19 parking spaces to meet the requirements (for the structure located on Lots 3-4) outlined in the Code. The applicant met 12 of those spaces with on-street credit (by utilizing the credits associated with Lots 3, 4 and ½ of Lot 1); parking credits were granted by the total number of spaces that could be striped in front of a parcel. Once credits were subtracted from the total number of required spaces, the applicant was required to meet 75% of the total number of remaining required spaces. These 5.25 (rounded to 6 spaces) were required to be located off-street. This is where and how the Town placed the covenants on Lot 1.

According to the Town's records, the structure located on Lots 2-4, Block 4, would have needed 29 parking spaces prior to the Town's consideration and adoption of new parking standards in 2009/2010. According to the Municipal Code: "*In determining the amount of off-street parking required, credit will be given for the available on-street parking adjacent and contiguous to any property subject to the provisions of this Section which adjoins a public right-of-way of eighty (80') feet or more in the Multiple-Family, Commercial, Commercial Transitional, Resort, Light Industrial, and General Industrial Districts.*"

According to today's calculations, Lots 1-4 would be allotted 17 parking credits. When subtracted from the total number of parking spaces required, this would leave 12 parking spaces required to be met. Our Code still indicates 75% of the remaining spaces must be satisfied. This would indicate the property owner would be required to satisfy 9 parking spaces; our Code does indicate these need to be located off-street (but our Code further indicates the ability to improve parking in areas where it is underdeveloped).

Analysis of Parking Credits and Allowed Uses for Lot 9, Block 2

Since the 50' X 100' Lot 9, Block 2 is located on an 80' right of way (Pitkin Street) and a 100' right of way (Park Avenue), this parcel has 12 parking credits associated with it. The parcel is zoned Commercial Transitional and is allowed to have a single family residential, commercial or mixed use structure located on the parcel. Any residential uses on the parcel will be required to have the parking requirements met onsite. The proposed commercial uses would be calculated based on the Town's parking standards. While the parking spaces for commercial uses are not required to be onsite, the commercial uses would be allowed to utilize the credits.

Further Analysis of Request, Requirements, Etc.

As Mr. King's request indicates, he is asking for 13 spaces to be relocated. If the Town assessed the parking based on the 2001 standards, the relocation would be for 8 parking spaces (6 located on Lot 1 and 2 spaces that were counted as credits in front of Lot 1). If the Town assessed the parking based on today's standards, then 16 spaces would need to be relocated [requirement of 29 spaces – 8 credits (for Lots 3-4) with 75% of the remaining = 16 spaces required].

As a reminder to the Commission, the Town no longer omits hallways, stairways and storage areas from parking requirements. Now if the Town was to omit the square footage (that was omitted in 2001 for stairways, hallways and storage), the total square footage calculation would be 1,076 less than the current 7,130 square feet; this would indicate calculations based on 6,054 square feet thus requiring 25 parking spaces. When the requirement is subtracted by the credit (8 spaces) and then reduced to that amount that is 75% of the remaining requirement, the total number of spaces to be relocated would be 13.

Staff would like to note inherent questions and concerns with the request:

1. Most obvious, staff is curious what would be the required number parking spaces to be relocated; and
2. The relocation of spaces would not only be removed from a place where they are currently meeting the parking needs of the establishment but are also being requested to be relocated from an off-street site to an on-street site; and
3. Until such time as Lot 9, Block 2 is developed, there is no guarantee to the Town that the use will be residential and will not restrict the potential for commercial development in this location; and
4. If the Town was favorable, Lot 9, Block 2 would need to have a deed restriction placed on the property that the parking credits are utilized for the structure located on Lots 3-4, Block 4.

Staff would also like to note some potentially positive aspects to the request:

1. With the development of parking on the public right of way in this location (on Lot 9, Block 2) so, too, would be the development of boardwalk and greenway in an area that it is required and underdeveloped; and

2. With the removal of the covenants, Lot 1 (and possibly Lot 2) would be able to be commercially developed. Staff does not believe the highest and best use of commercially-zoned property on Grand Avenue is a gravel parking lot.

Planning Commission Discussion

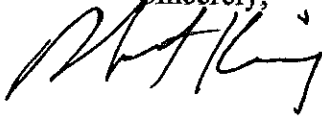
The Planning Commission should discuss this matter with Mr. King to determine the Planning Commission's desire to enter into a new agreement with Mr. King. The Commission should discuss all pros and cons to a proposal of this nature to best be able to make a recommendation to the Town Board. Based on the discussions of the Commission, staff will draft a recommendation to the Town Board outlining the Commission's discussions and opinion.

March 10, 2010
Box 1527
Grand Lake, Co.
80447

Town of Grand Lake
Box 99
Grand Lake, Co.
80447

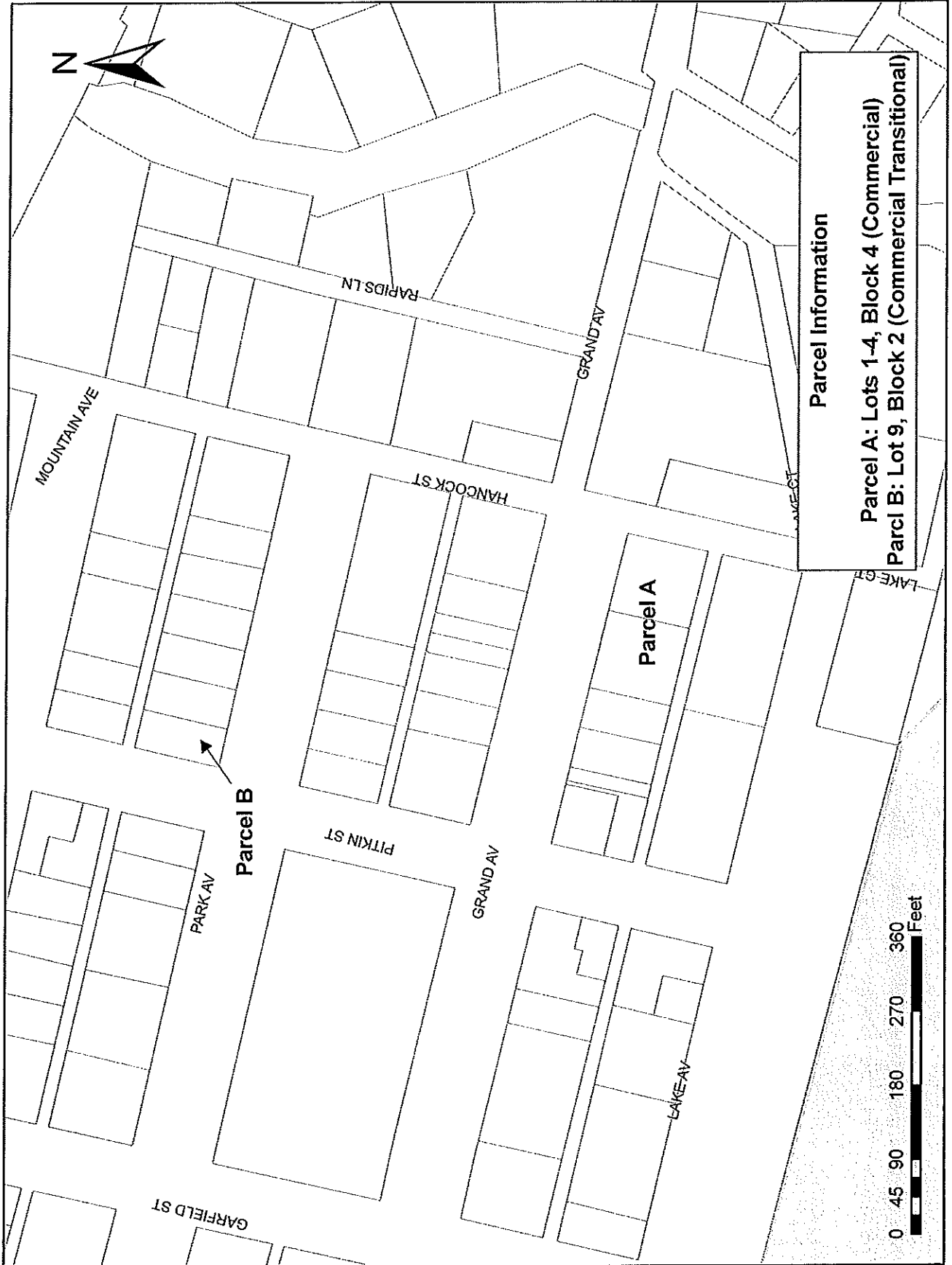
I am asking the Planning Commission and Town Board to consider removal of parking covenants of 13 spaces in Block 4, for the exchange of on-street parking credits that would run with the property located adjacent to Lot 9 Block 2 if I purchased it. I feel that the Lots 1 and 2 Block 10 would be much better used for commercial purposes other than parking and would also better enable a commercial project to develop. I would plan to build a single family residence on Lot 9 Block 2 that would not require the on-street parking.

Thank You
Sincerely,



Robert King

Site Location Map and Site Photograph



COVENANT

Robert King ("King") is the owner of real property ("the Property") located in the Town of Grand Lake, Colorado, more particularly described as follows:

Lots 1 through 4
Block 4
Town of Grand Lake
Grand County, Colorado

In consideration of the approval by the Town of Grand Lake for a building permit in connection with the improvements located on lots 3 and 4 of the Property, King hereby agrees and covenants as follows:

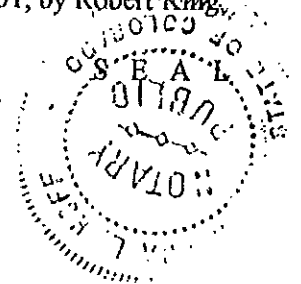
1. Lots 1, 3 and 4 shall be deemed and considered a single lot and parcel and may not be sold, conveyed or encumbered separately and no interest of any kind may be granted in any one or more of the lots or portions thereof, separate and apart from the remainder of the lots.
2. Lot 1 of the Property is hereby designated to be used solely for parking in order to satisfy the parking requirements associated with the improvements located on Lots 3 and 4 of the Property. No other uses may be made of Lot 1.
3. This Covenant shall be a covenant running with the Property and shall be recorded in the records of Grand County, Colorado.
4. The provisions of this Covenant shall not be amended or modified in any manner without the written consent of the Town of Grand Lake.
5. This Covenant may be cancelled by agreement of King, or his successors, and the Town in the event other arrangements acceptable to the Town are made to satisfy the parking requirements associated with the improvements located on Lots 3 and 4 of the Property.

Robert King
Robert King

STATE OF COLORADO)
) ss.
COUNTY OF GRAND)

The foregoing instrument was acknowledge before me this 4th day of September, 2001, by Robert King.
Witness my hand and official seal.


Sandra J. Hoff
Notary Public
My Commission Expires: 4-18-2004





Date: May 14, 2010

To: Chairman Hayden Southway and Planning Commissioners

From: Abbi Jo Wittman, Town Planner 

RE: Potential Sign Code Amendments: Directional and Monument Signage

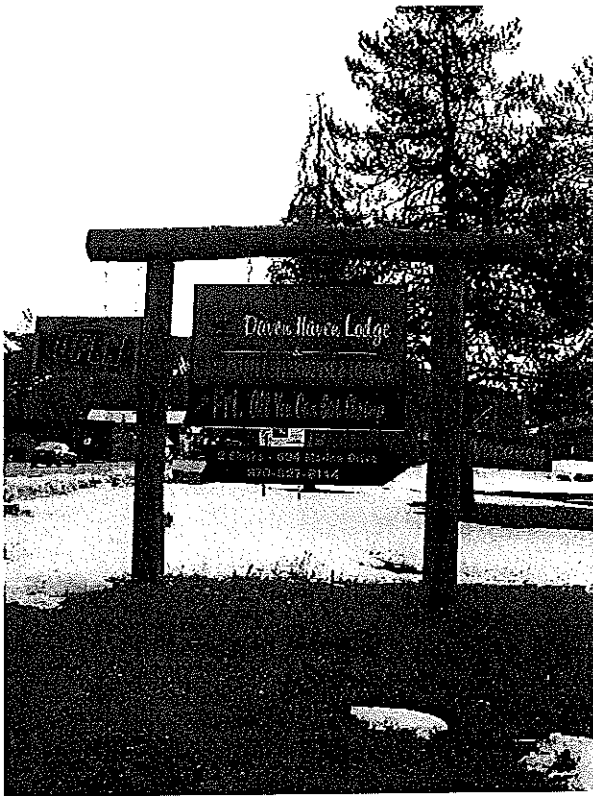
Attached: Municipal Code Chapter 6-2: Sign Code

Draft Town of Grand Lake Resolution No. 11-2010

Directional Signage

On April 26, 2010, the Board of Trustees voted to place a six (6) month moratorium on directional signage applications in the Town of Grand Lake to further discuss the existing regulations for these types of signs as well as draft new Code and bring back for formal adoption. Staff wanted to bring this matter before the Commission for discussion and opinion prior to drafting new Code. The

question of the moratorium came up when an inquiry was made by Daven Haven Lodge regarding the relocation of their existing off-premise sign (see photo below).

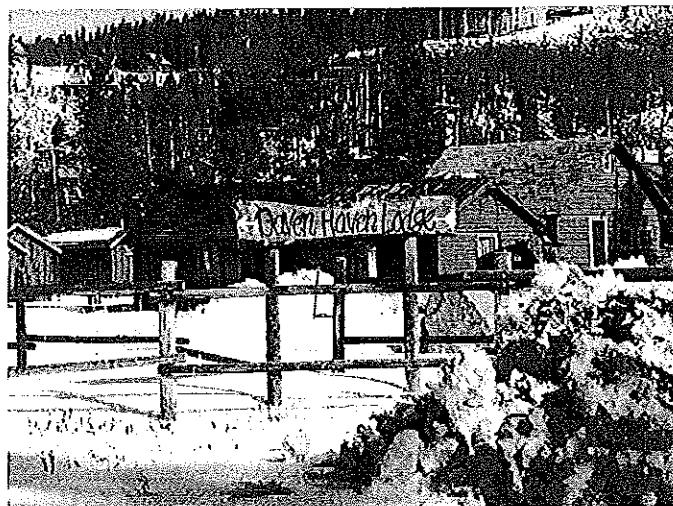


At the time of Board discussions with the property owner, the Board determined that the lower arrow of the sign (indicating the address and phone number) was a directional sign and should not be included in the total square footage for business signage (in this case – a maximum of 50 square feet). Additionally, the Board's determination that it should be indicated as a directional sign placed the sign out of the maximum square footage for off-premise signage. This was determined because our Code does not indicate directional signage to not be included in the total square footage for off-premise signage.

The conversation further ensured that the applicant had additional off-premise signage located at the intersection of Lake and Cairns Avenues. Please see the photo on the next page. Again, the Board determined that this signage, too, was a directional sign and not to be a part of the maximum square footage for business signage or off-premise signage.

A significant factor in this was because the Town did not have greater regulation regarding directional signage.

According to the Municipal Code, a Directional Sign is “Any sign which shows, points, or gives directions to a particular location, event, or business.” The Code further indicates:



- A. *Open House and Open House Directional signs are allowed and do not count towards amount of signs or the total allowable area of these signs, but must comply with the following provisions:*
1. *This sign shall have a maximum size of three (3) square feet.*
 2. *This sign shall not be placed on Town of Grand Lake right-of-way.*
 3. *All signs shall be removed nightly.*

The Code does not indicate either the allowances for or the regulations of directional signs of this nature. This leaves vagueness in the Town’s Code. The Commission should discuss:

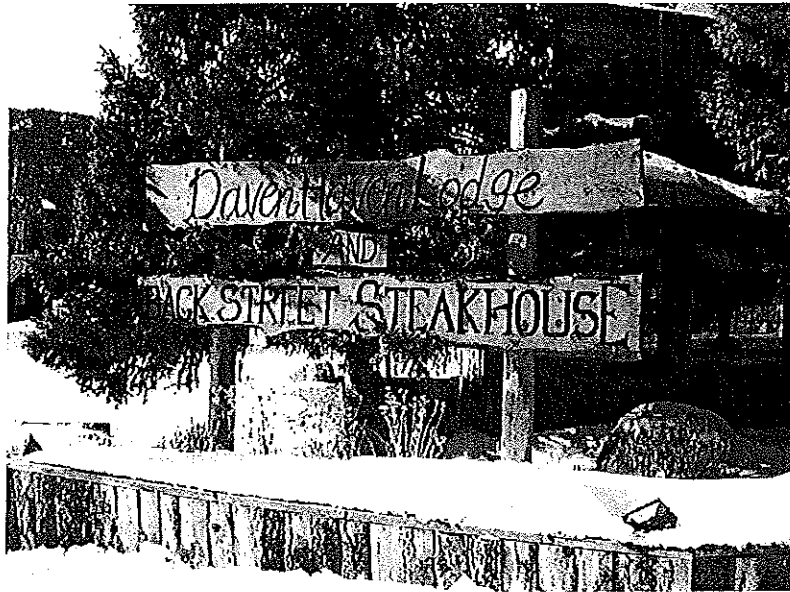
1. The Town’s willingness to have directional signage of this nature allowed in the Town; and
2. The total number of signs of this nature as well as the square footage for these signs and the total maximum square footage; and
3. Any other item that should be address by staff when drafting regulations regarding directional signage.

Monument Signage

It was further discussed by the Board, the Board’s willingness to allow for monument signage to not be considered a part of business signage. As the Code indicates, these signs are: *Any sign of a permanent nature that identifies a subdivision or housing area.* The Code further states:

4. *Gateway, Monument, or Subdivision Sign:*
 - a. *The application for this type of sign must be presented to the Board of Trustees for a decision. The Board of Trustees decision is final.*
 - b. *If the property to be identified by this sign is a Planned Development zoned property, then the Planned Development plat must include the sign or be amended to include the sign.*

The same as directional signage, Monument Signage does have regulations set for it. In the case if the Daven Haven the Board opted to allow their ‘Daven Haven Lodge’ sign (located on their property) to not be considered a part of the maximum square footage for business signs. A photo of that sign is on the next page. This sign is approximately 11.37 square feet.



Since the discussions at the Board level, staff has measured existing square footages for monument signage. Those found in existence are summarized:

Development Name	Size
Shadow Park West	4' X 3.5'
Lake Kove	1' X 16'
Shadow Mountain Yacht Club	Clubhouse = 2' X 2' and 1' X 3' Lakefront Drive (1) = 4' X 5' Lakefront Drive (2) = 3' X 3'
Eagle's Landing	1.5' X 12'
Eagle's Spirit	1.5' X 12'
Shoreline Landing	4' X 8'
Hideway Condos	3' X 4'
Shadowcrest (sign missing)	5' X 6'

The Commission should discuss:

1. Should these types of signs be included in the maximum square footage for business signage; and
2. Should these types have their own stand-alone signage requirements; and
3. Should these types of signs be allowed to be amended once approved with the approval of a development plat/plan?

Planning Commission Discussion

The Commission should discuss this item with staff so staff has a greater ability to draft recommendations to bring back in a proposed Ordinance format. The Commission should further discuss any other items to be addressed in the Sign Code.

See Ord. #7-1983 Adopted August 8, 1983
See Ord. #1-1984 Adopted January 9, 1984
See Ord. #11-1982 Adopted July 12, 1982
See Ord. #6-1983 Adopted July 11, 1983
See Ord. #13-1985 Adopted June 10, 1985
See Ord. #8-1989 Adopted June 12, 1989
See Ord. #6-2001 Adopted May 14, 2001
See Ord. #3-2003 Adopted March 10, 2003
See Ord. #8-2004 Adopted December 13, 2004
See Ord. #5-2007 Adopted August 13, 2007
See Ord. #2-2008 Adopted April 14, 2008
See Ord. #9-2008 Adopted August 25, 2008
See Ord. #26-2009 Adopted July 13, 2009
See Ord. #40-2009 Adopted October 26, 2009
See Ord. #3-2010 Adopted February 22, 2010

CHAPTER 6

ARTICLE 2

SIGN CODE

6-2-1 Sign Code Regulations



CHAPTER 6
ARTICLE 2
SIGN CODE

6-2-1 SIGN CODE REGULATIONS

A. **Purpose:** The purpose of this Sign Code is to establish standards for the fabrication, placement, and use of signs within the Town of Grand Lake. These standards are designed to protect and promote the public welfare, health, and safety of persons within the Town of Grand Lake and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the design and use of such devices without creating a detriment to the general public. Signs of an aesthetic and pleasing nature which compliment the surrounding areas in design and coloration are encouraged in Grand Lake and reflect the Town's recognition of and emphasis on aesthetic considerations in preserving the importance of tourism to the Town.

B. **Definitions**

For purposes of this Article, the following definitions shall apply:

1. **Area of Sign:** The area of a sign is the total area of the visible and labeled side of a sign. If the sign consists of more than one (1) side or sections, then the areas from all sides or sections will be added together for the total area.
 - a. In the case of a double faced sign where the sides are parallel and back to back, then the area of only one (1) side will count towards the total area if both sides are identical.
2. **Back-lit Sign:** A sign which is illuminated by projecting light through the field of the sign.
3. **Banner:** Any sign constructed of cloth, canvas, fabric, or other lightweight material and intended to be displayed for a short period of time.
4. **Business:** Any kind of vocation, occupation, profession, enterprise or establishment, or any and all other kind of activity and matter, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises within the Town or anywhere else within its jurisdiction, and shall have a current business license issued by the Town of Grand Lake.
5. **Cut-out letter Sign:** A sign composed of cut-out letters. The area of a cut-out sign shall be determined by enclosing all of the letters in a rectangular box and measuring the area of that box.
6. **Directional Signs:** Any sign which shows, points, or gives directions to a particular location, event, or business.

7. Free-standing Sign: A sign which is structurally separated from the building or business it advertises and is mounted on posts.
8. Gateway, Monument, or Subdivision Sign: Any sign of a permanent nature that identifies a subdivision or housing area.
9. Governmental Sign: Any sign that identifies an agency of a municipal, county, state, or federal government. This does not include any quasi-governmental agency, such as, but not limited to, a Library District, Special District, Sanitation District, or similar agencies.
10. Graphic Design: Any design, mural, or portrayal which is applied on an exterior wall, fence, awning, or window and is visible from the public right of way, and the sole purpose of the design, mural, or portrayal is artistic.
11. Historical Sign: Any sign identifying, describing, or explaining a building or site of a historical nature. This includes any sign which the Board of Trustees or their designee determines has historical significance.
12. Ideological Message Sign: Any sign that is non-commercial in content and purpose, and is primarily concerned with ideas or concepts of a social or cultural nature.
13. Institutional Signs: Any sign identifying a school, church, hospital, medical clinic, library, or similar institution.
14. Menu Sign: Any sign or display device that contains the restaurant menu or the restaurant's daily specials.
15. Neon Sign: Any sign which is lighted by use of neon light bulbs.
16. Off-premise Sign: Any sign advertising a business which is located at a different location than that business and is visible from the public right of way.
17. Political Sign: Any sign advertising a political candidate, political party, political issue, or ballot issue to be voted on in a public election or civic event.
18. Project sign: Any sign that is used to list the contractors, architects, real estate agents/company, or finance companies for a new construction project only.
19. Projection Sign: A sign which is attached to a building wall and projects out from the wall at any angle.
20. Sandwich Board or A-Frame Sign: A portable A-frame type sign with no more than two (2) advertising faces.
21. Sign: Any device, whether free-standing or attached to a vehicle, building, or fence, that is visible from the public right of way and whose purpose is for identification, information, or advertising.
22. Site Informational Sign: Any sign used to advertise a new subdivision, Land Use development, or commercial project after the first public hearing on the preliminary plat. For projects which are a Use by Right in the Zoning District where they are located, this sign shall be any sign used to advertise that project prior to a building permit being issued.

23. Temporary Sign: Any sign, banner, or advertising display that is intended to be displayed for a short period of time.
24. Tourist Oriented Directional Sign (TODS): Signs defined by C.R.S. Section 43-1-420(3) and regulated by the Colorado Department of Transportation.
25. Trail Sign: Any sign marking a Town approved pedestrian or non-motorized trail or trailhead.
26. Wall Sign: Any sign attached to, painted on, or incorporated into a wall and does not project away from the wall at an angle. This includes cut-out letter signs.
27. Window Signs: Any sign that is painted on, attached to, or hanging in a window.
28. Zone A: That area designated as Zone A on the attached map listed as Appendix A.
29. Zone B: That area designated as Zone B on the attached map listed as Appendix A.

C. General Restrictions

1. No sign shall be erected, placed, or modified except as permitted by this Sign Code.
2. All signs shall require a permit unless specifically exempted in Section 6-2-1(D).
3. All signs are subject to inspection by the Building Administrator or his designee.
4. No sign, banner, or light shall be placed so that the safety of a moving vehicle will be impaired by obscuring or interfering with the driver's vision.
5. No sign that resembles an official traffic control sign or device shall be allowed if visible from the public right of way.
6. No sign shall cover or hide from view any official traffic sign, street sign, or traffic control device.
7. No signs that flash or blink shall be allowed.
8. No neon signs shall be allowed except window signs which are located on the inside of a window.
9. All illumination of signs, except backlit signs, shall be of a downward shielded nature.
10. No signs shall project above the roofline of the building being identified or advertised by the sign.
11. All signs shall be maintained in a safe, presentable, and structurally sound condition at all times. This maintenance includes repair or replacement of defective or damaged parts, painting or repainting, cleaning, and any other acts required for the necessary maintenance of said sign.
12. Dangerous or defective signs are illegal and shall be removed by the owner of the sign or the owner of the premises without delay.

13. It is illegal to display any sign which has become obsolete because of the discontinuance of the business, service, or utility which it advertises for more than thirty (30) days.
14. All Signs shall have a wood-like appearance with a natural flat wood tone background.
 - a. A banner or temporary sign is not required to have a wood-like appearance with a natural flat wood tone background.
15. All signs visible from US Highway 34 must comply with all Colorado Department of Transportation guidelines in addition to the guidelines established in this Article.

D. Signs Exempted From Obtaining a Permit:

1. Any sign required or specifically authorized for a public purpose by law.
2. Ideological sign.
 - a. This sign shall be placed flat against a building.
 - b. This sign shall have a maximum size of four (4) square feet.
3. Political sign.
 - a. This sign shall have a maximum size of three (3) square feet.
 - b. There will be a maximum of two (2) signs per political candidate, political party, political issue, or ballot issue on any property.
 - c. This sign can not be placed within or over the public right of way.
 - d. If political signs are attached to a vehicle, the following requirements must be meet.
 1. This sign shall have a maximum size of three (3) square feet.
 2. There will be a maximum of two (2) signs per political candidate, political party, political issue, or ballot issue per vehicle.
 3. This type of sign must be attached to the vehicle and not freestanding or leaning.
 4. The vehicle must adhere to all applicable laws.
 - e. This sign can only be displayed forty-five (45) consecutive days prior to and five (5) consecutive days after the election or event.
4. Historical Sign.
5. Any sign warning of a cautionary or dangerous situation.
 - a. This sign shall have a maximum size of sixteen (16) square feet.
6. Any sign located on any property advertising said property for sale, lease, or rent.
 - a. This sign shall have a maximum size of six (6) square feet.
 - b. The maximum number of signs per site is one (1) per street or lake frontage, but not to exceed two (2) signs total. Alleys shall not be considered a street frontage.

1. This sign may have a brochure box or tube attached to it that does not exceed two (2) square feet. The area of the brochure box or tube does not count against the total allowable square footage of this sign.
 - c. This sign must be on the property that is advertised for sale, lease, or rent.
 - d. These signs shall be removed within fourteen (14) consecutive days after the closing or the canceling of the contract.
 - e. Open House and Open House Directional signs are allowed and do not count towards amount of signs or the total allowable area of these signs, but must comply with the following provisions:
 1. This sign shall have a maximum size of three (3) square feet.
 2. This sign shall not be placed on Town of Grand Lake right-of-way.
 3. All signs shall be removed nightly.
7. Any sign located on a property which posts a warning or prohibition on trespassing, hunting, fishing, swimming, and parking.
 - a. Each sign shall have a maximum size of one (1) square foot.
 - b. These signs shall be placed at least one hundred fifty (150) feet apart on each street frontage.
8. Any Tourist Oriented Directional Sign (TODS). (See Resolution 5-2003)
9. Residential Sign.
 - a. This sign shall have a maximum size of two (2) square feet.
 - b. The maximum number of signs per residence shall be two (2).
 - c. This sign shall not be illuminated unless the sign advises of an emergency situation or problem at that residence.
10. Sandwich Board or A-frame type signs.
 - a. This sign shall have a maximum size of ten (10) square feet.
 - b. The maximum number of signs per business is one (1).
 - c. This sign must be placed solely on the private property of the business and not on any public property, boardwalk, sidewalk, or street.
11. Menu sign.
 - a. A restaurant may have two (2) wall type menu signs attached to the outside wall or hanging in the window of the restaurant.
 - b. The total area of these signs shall not exceed eight (8) square feet.
12. Business sign which is attached to a vehicle.
 - a. This sign shall have a maximum size of six (6) square feet.
 - b. The maximum number of signs per vehicle shall be two (2).
 - c. Delivery and service vehicles (UPS, Fedex, NPT, etc.) shall be exempt from the provisions of this Article.
 - d. Vehicles that are required by the Colorado Department of Transportation or the United States Department of Transportation

to have emblems and markings of a specific size are exempted from this Article in regards to those requirements.

13. Nationally recognized service organization emblem.
 - a. This emblem shall have a maximum size of two (2) square feet.
14. Any banner or pennant that represents a civic occasion, sporting event, arts and humanities event, or convention.
 - a. This sign shall have a maximum size of fifty (50) square feet.
 - b. This banner or pennant may only be displayed fourteen (14) consecutive days prior to and one (1) day after the occasion, event, or convention.
15. Any sign or display of decoration for any national, local, or religious holiday, and not for advertising products or services.
16. Directional sign to Public Places.
 - a. This sign shall have a maximum size of one (1) square foot unless it is a TODS (Tourist Oriented Directional Sign).
17. Governmental Sign.
 - a. These signs shall be handled administratively on a case by case basis by the Town Manager or his designee.
18. Trail signs.
 - a. This sign shall have a maximum size of two (2) square feet.
 - b. This sign shall be handled administratively by the Town Manager or his designee.
19. Graphic Design:
 - a. The purpose of the graphic design must be solely artistic and may not identify or advertise a business or other entity.
 - b. Graphic designs shall be handled administratively by the Town Manager or his designee.
 1. The Town Manager or his designee shall review this request and make a decision within seven (7) days of submittal of the written request.
 2. The person submitting the graphic design may appeal the decision of the Town Manager or his designee to the Board of Trustees, who shall hear the appeal within forty-five (45) days of submittal of the written appeal request.

E. Signs Requiring a Permit:

1. Business Sign:

- a. The area of signage allowed for a business will be based upon which Zone the business is located.
 1. The total area of signage for a business located in Zone A shall not exceed fifty (50) square feet.
 2. The total area of signage for a business located in Zone B shall not exceed one hundred (100) square feet.

3. If two or more businesses share the same location (i.e. the same address, entrance, and/or common office space), then the total allowable signage area shall be divided equally amongst the businesses.
 - a. This division of signage area can be modified by mutual agreement between the businesses involved. This agreement must be in writing, signed by all parties involved, and included with all sign applications.
- b. Only one (1) free-standing sign per business is allowed.
 1. If a business has a free-standing on premise, then it is allowed to have one (1) additional free-standing type sign located off-premise per the requirements of this Article.
 - a. This off-premise sign shall have a maximum size of twenty-five (25) square feet.
- c. Only one (1) Off-premise sign per business is allowed.
 1. This sign shall have a maximum size of twenty-five (25) square feet.
 2. The owner of the sign must obtain written permission from the owner of the property where the sign is to be located prior to placing the sign at that location.
 3. No sign shall project above the roofline of the nearest building.
- d. Only one (1) projecting sign per business is allowed.
 1. This sign shall have a maximum size of twenty-five (25) square feet.
 2. The sign shall not project into the public right of way unless the sign is over a designated mandatory boardwalk area, does not extend more than four feet (4') into the right of way, and complies with the other provisions of this Section.
 - a. An Encroachment License will not be necessary for projecting signs over a designated mandatory boardwalk area.
- e. Only one (1) back-lit sign per business is allowed.
 1. This sign must be attached to the building the sign identifies.
 2. This sign shall have a maximum size of twenty-five (25) square feet.
 3. This sign shall not project more than eight (8) inches from the building to which it is attached.
 - a. If the sign has raised lettering, then it shall not project not more than sixteen (16) inches from the building to which it is attached.
 4. No off-premise or projection type back-lit sign is allowed.
- f. Signs hanging above Public Walkways:
 1. This sign shall have a maximum size of five (5) square feet.
 2. The bottom of this sign shall be at least seven (7) feet above the walkway.
 3. An Encroachment License will not be necessary for this type of sign.
- g. Banners and Temporary Signs:
 1. The total area of these signs shall not exceed twenty (20) square feet.
 - a. The area of this sign is included in the total allowable area for signs.
 2. These types of signs may be displayed for a time period not to exceed fifty-two (52) days per year, cumulative, and for no more than seven (7) consecutive days.
 - a. Grand Opening banners will be allowed to be displayed for a period of time not to exceed fourteen (14) consecutive days. Grand Opening

banners are only allowed for a business that is new to the Town of Grand Lake or in a new location in the Town of Grand Lake.

3. A banner or temporary sign that is used in a repetitive nature is subject to a one-time permit fee.
- h. Nationally Recognized Sign identifying membership in an association, i.e. AAA/Mobil Guide/BBB may be displayed.
 1. The area of this sign is included in the maximum total signage area.
2. Institutional Sign:
 - a. The total area of these signs shall not exceed fifty (50) square feet.
 - b. The maximum number signs per institution shall be four (4).
3. Recreation Club or Open Use Recreation Site Sign:
 - a. The total area of these signs shall not exceed fifty (50) square feet.
 - b. The maximum number of signs per club or site shall be four (4).
4. Site Informational Sign.
 - a. There may be only one (1) site informational sign per new subdivision, Land Use development, or commercial project.
 - b. This sign may only be posted after the first public hearing is held on the preliminary plat for any subdivision or Land Use development.
 - c. If the proposed project is a Use by Right for the Zone in which it is located and no other approval by the Board of Trustees will be necessary, this sign may be posted without a public hearing.
 1. The sign must conform with all other requirements of this Article.
 - d. The maximum size of this sign shall be twenty (20) square feet.
 1. If the site informational sign is a double sided sign, then both sides of the sign must be identical.
 - e. This sign may have only the following information:
 1. The name of the subdivision or development.
 2. A map of the subdivision or illustration of the project.
 3. The developer and real estate agency name, logo, and contact information.
 4. Other pertinent information, including, but not limited to, for lease, tenant finish, or sizes and types of units or properties.
 - f. This sign shall not be lighted.
 - g. No other for sale, lease, or rent signs are allowed when this sign is displayed.
 - h. This sign must be removed when the building permit is issued.
5. Project sign.
 - a. There shall be one (1) project sign per new construction site which shall have a maximum size of twenty (20) square feet on which all the contractors, architects, real estate agents/company, and finance companies involved may advertise their company. For sale or lease information may also be included on this sign.
 1. If the project sign is a double sided sign, then both sides of the sign must be identical.
 - b. In lieu of the above listed sign, the following signage will be permitted.
 1. The maximum number of signs per site is one (1) per contractor, architect, or finance company.

2. Each sign shall have a maximum size of three (3) square feet.
3. All such signs shall be placed on-site into one (1) designated area.
 - a. This sign can only be located on the building site after a building permit has been issued for that construction project.
 - b. This sign must be on premise only.
 - c. This sign shall be removed or have a new permit issued no later than one (1) year after the issuance of the building permit.
6. Gateway, Monument, or Subdivision Sign:
 - a. The application for this type of sign must be presented to the Board of Trustees for a decision. The Board of Trustees decision is final.
 - b. If the property to be identified by this sign is a Planned Development zoned property, then the Planned Development plat must include the sign or be amended to include the sign.

F. Permit Application Procedure:

1. Application for sign permit
 - a. The application for the sign permit shall be made by the owner, tenant, or authorized agent of the property on which the sign is to be located.
 - b. Applications shall be made in writing on the form furnished by the Town Clerk, and must be signed by the applicant.
 1. Applications shall include the following information:
 - a. Type of each sign.
 - b. The proposed location of each sign.
 - c. A detailed drawing, drawn to scale, containing complete plans and specifications which show the methods of construction, anchoring to building or ground, and the height from ground level of each sign.
 - d. A sign layout drawing, drawn to scale, which indicates overall dimensions, square footage, letter and figure dimensions, colors, materials, and type of illumination, if applicable, for each sign.
 - e. A site plan which must indicate the location of all proposed and existing signs, along with building elevations which depict each sign in its respective location.
 - f. A statement of valuation of each sign and any supporting structure.
 - c. The Building Administrator or his designee shall, within five (5) working days of the date the application is received by the Town of Grand Lake, either approve or disapprove the sign application or refer the sign application back to the applicant in instances where there is insufficient information provided.

- d. A permit fee of ten dollars (\$10.00) shall be paid to the Town Clerk upon application for each sign requiring a permit.
 - e. The Town of Grand Lake shall not issue this permit unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
2. Appeal Process for Denial of Permit
 - a. If the sign application is denied, the applicant may appeal the decision to the Board of Trustees, whose decision is final.
 - b. The date for the appeal hearing shall be set by the Town Clerk.

G. Revocation of Permits:

1. The Building Administrator or his designee may revoke a sign permit if any of the following occurs:
 - a. Any information in the sign permit is erroneous.
 - b. The sign is not manufactured or placed according to the specifications in the sign application.
 - c. The work for the sign has not commenced within sixty (60) days of the date of issuance of the permit.
 1. Delays which are not the result of willful acts or neglect of the applicant may be cause for an extension of the sixty (60) day limitation, and may be granted an extension of thirty (30) by the Building Administrator or his designee upon written request from the applicant.
2. The Building Administrator or his designee will first notify the sign applicant, in writing, of any misrepresentations or violations and the necessity of correcting such misrepresentations or violations within ten (10) days of the date the notice is sent or posted.
3. The sign applicant shall have the right to appeal the revocation of the sign permit to the Board of Trustees, whose decision is final.
 - a. The date for the appeal hearing shall be set by the Town Clerk.

H. Removal of Signs:

1. Any sign that is constructed or maintained in violation of this Article, or in violation of any permit issued pursuant to this Article is declared to be a public nuisance and subject to abatement and removal as provided herein. The Building Administrator or his designee may cause to be removed any sign found in violation of this Article.
 - a. The Building Administrator or his designee shall prepare a notice describing the sign, listing the location, specifying the violation, and stating the sign must be removed or the violation must be corrected within ten (10) days of the date of receipt or posting of said notice.

- b. The notice shall be posted on the property or sent by certified mail to the owner of the sign and the owner of the property on which the sign is located at their last known addresses.
 - c. Any person having an interest in the sign may file a written appeal about the notice to the Board of Trustees within ten (10) days of posting the property or receipt of the certified letter.
 - d. The Building Administrator or his designee may immediately remove any sign that is in violation for a second or subsequent time without prior notice being sent.
 - e. The Building Administrator or his designee may immediately remove any sign that causes an imminent danger to the public safety without prior notice being sent.
2. Any sign removed by the Building Administrator or his designee pursuant to the provisions of this Article shall become the property of the Town of Grand Lake and may be disposed of in any manner deemed appropriate by the Building Administrator or his designee after being stored for a period of time not less than ninety (90) days.
- a. The cost of the removal and disposal of the sign shall be considered a debt owed to the Town of Grand Lake by the owner of the sign and the owner of the property. This debt may be recovered in an appropriate court action by the Town of Grand Lake or by placing said debt on the Tax Rolls as provided by State Statute.

I. Non-Conforming Signs:

- 1. Any sign which does not conform to the provisions of this Article on the effective date of this Article shall be deemed a non-conforming sign.
- 2. Any non-conforming sign shall be brought into compliance with this Article within three (3) years of the effective date of this Article.
 - a. Nothing in this section shall relieve the owner of a non-conforming sign from the provisions of this Article regarding safety, maintenance, and repair.
 - b. The owner of a non-conforming sign may appeal the determination of non-conformity to the Board of Trustees, whose decision is final.

J. Penalties:

- 1. Any violation of this Article is punishable by a fine of not more than three hundred dollars (\$300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.
- 2. The Municipal Judge may specify by suitable schedules the payment of fines, within the limits set above, in lieu of court appearances for first, second, and subsequent violations of this Article. The Municipal

Judge may further specify what number of offenses shall require an appearance before the Municipal Court.

**TOWN OF GRAND LAKE
RESOLUTION NO. 11 - 2010**

**A RESOLUTION IDENTIFYING THE APPROVED SIGNAGE FOR DAVEN HAVEN
LODGE AND BACKSTREET STEAKHOUSE**

WHEREAS, The purpose of this Sign Code is to establish standards for the fabrication, placement, and use of signs within the Town of Grand Lake. These standards are designed to protect and promote the public welfare, health, and safety of persons within the Town of Grand Lake and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the design and use of such devices without creating a detriment to the general public. Signs of an aesthetic and pleasing nature which compliment the surrounding areas in design and coloration are encouraged in Grand Lake and reflect the Town's recognition of and emphasis on aesthetic considerations in preserving the importance of tourism to the Town; and

WHEREAS, If the sign application is denied, the applicant may appeal the decision to the Board of Trustees, whose decision is final; and

WHEREAS, on March 26, 2010, Town of Grand Lake staff denied a sign permit application for the request for relocation of the existing Off-Premise signage for the Daven Haven Lodge and Backstreet Steakhouse on the basis the business had numerous non-conforming signs and, particularly, the Off-Premise sign exceeded the maximum allowable square footage (of 25 square feet) and the maximum square footage, of 50 square feet for a Business Sign, had been exceeded; and

WHEREAS, on April 12, 2010, the Board of Trustees discussed this matter with the property owner.

NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS FOLLOWS:

PART 1. The Board of Trustees hereby declares:

- a) The existing Daven Haven Off-Premise Sign (depicted on the attached Exhibit 'A') exceeds the maximum square footage, of 25 square feet, is permitted to be relocated (with an approved sign permit) from Lot 8, Block 12 to Lot 1, Block 20 provided that the neon 'Open' sign is removed from the sign. This sign may not be permitted to expand or enlarge beyond the existing 27.82' (including the vacancy portion of the sign). Should the sign be reduced in size by the reduction or removal of any component, the maximum allowable square footage shall be the resultant or 25 square feet, whichever is larger; and
- b) The lower arrow portion of the aforementioned sign (2 Blocks – 604 Marina Drive) is considered a directional sign and is not to be considered a part of the total allowable square footage for the Off-Premise Sign or for the Directional Signage as Directional Signs, *Any sign which shows, points, or gives directions to a particular location, event, or business* (Municipal Code Section 6-2-1B), are not limited in the Municipal Code to

have a total maximum number allowed nor a total maximum square footage permitted; and

c) The Off-Premise (Directional) Sign (depicted on the attached Exhibit 'B') is considered a directional sign and is not to be considered a part of the total allowable square footage for the Off-Premise Sign or for the Directional Signage as Directional Signs, *Any sign which shows, points, or gives directions to a particular location, event, or business* (Municipal Code Section 6-2-1B), are not limited in the Municipal Code to have a total maximum number allowed nor a total maximum square footage permitted.

This sign is required to have property owner permission submitted to the Town; and d) The 'Daven Haven Lodge' On-Premise Sign (depicted on the attached Exhibit 'C' but not to include 'and' or 'Back Street Steakhouse) is considered a Gateway, Monument, or Subdivision Sign: *Any sign of a permanent nature that identifies a subdivision or housing area* (Municipal Code Section 6-2-1B) as the Municipal Code further indicates: *The application for this type of sign must be presented to the Board of Trustees for a decision. The Board of Trustees decision is final.* The total square footage of this sign shall be not be included in the total square footage calculation for Business Signage, of 50 square feet; and

e) The non-conforming On Premise Signage (2) (depicted on the attached Exhibit 'D') shall come into conformance with Municipal Code Chapter 6. All compliant signage shall be calculated into the total square footage calculations (as depicted on Exhibit 'E').

PART 2. No other amendments to this signage plan shall be authorized by the Town of Grand Lake unless the request conforms with the Town of Grand Lake Municipal Code then in effect.

DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 10TH DAY OF MAY, 2010.

(SEAL)

Votes Approving:
Votes Opposing:
Votes Abstaining:
Absent:

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

Ronda Kolinske, CMC, Town Clerk

Judy M. Burke, Mayor

Exhibit 'A'



Existing Daven Haven Off-Premise Signage

Exhibit 'B'



Off-Premise (Directional) Signage

Exhibit 'C'



Exhibit 'D'



Exhibit 'E'

Daven Haven Signage Calculations (Amended April 12, 2010)

▪ **Exhibit 'A' - On-Premise Signage (at Main Lodge)**

'Daven Haven Lodge' = 10.5' x 1'-1" (11.37 square feet)

'And' = 8" x 11" (.60 square feet)

'Backstreet Steakhouse' = 10.5' x 1' (10.5 square feet)

Total = 22.47 square feet (This total does not include On Premise Signage (2))

▪ **Exhibit 'B' – Off-Premise (Directional) Signage (at Living Word Christian Fellowship)**

'Daven Haven Lodge' = 7'-9" x 13" (8.39 square feet)

Total = 8.39 square feet

▪ **Exhibit 'C' - Daven Haven Off-Premise Sign (at RMRT/to be located on Block 20)**

[*NOTE* This signage is being requested to be relocated; the proposed placement is indicated (with 'X') on the attached map]

Main Sign = 6'-2" x 4'-1" (25.18 square feet)

Directional = 5'-9" x 13" (6.23 square feet)

'Vacancy' = 2'-6" x 10" and 9" x 9" (2.64 square feet)

'Open' Window Box = 21" x 39" (5.69 square feet)

Total = 39.74 square feet

Total Signage Calculated

- **Total = 70.625 square feet**



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Hillsborough creates new zone for affordable housing

By Amanda Peterka / Messenger-Gazette

May 13, 2010, 9:47AM

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HILLSBOROUGH — With new zoning adopted on Tuesday, up to 117 affordable housing units can be built on Route 206 across from Valley Road.

The zoning change will facilitate the township's affordable housing plan set by the state's Council on Affordable Housing, or COAH. It currently calls for 296 affordable units to be built in Hillsborough by 2018, down from an original 650-unit plan set in 2008.

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The amount of units that can be built on Route 206 were themselves reduced from 138 because of the township's density requirements. They will be located in what is known as the Green Village zone.

The zone is on a 50-acre property that was in the highway services district and had a variety of permitted uses, from banks to medical offices. A Green Village zone instead allows for the affordable housing, 352 luxury units with on-site recreation, a 130-room hotel, and retail and office space.

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"This is a double opportunity for Hillsborough," said Deputy Mayor Gloria McCauley on Tuesday, "an opportunity to add significant commercial taxpayers to help offset taxes for homeowners and to reduce the number of affordable units from what was originally proposed."

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Township Committee had put off the decision twice on this Green Village zone as it waited for the results of a conversion application in front of the planning board. That conversion application would add more affordable units than was originally proposed, and committee members did not know how it would affect the Green Village area.

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However, the committee voted on Tuesday even though the conversion application has not yet been decided.

"This zone ordinance should be finalized because it adds to the commercial tax base, reduces the number of affordable units in Hillsborough, will protect the township from future developer lawsuits, and further delay could be a problem," said Committeeman Bob Wagner.

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Posted by **chrhug**
May 13, 2010, 10:37AM

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