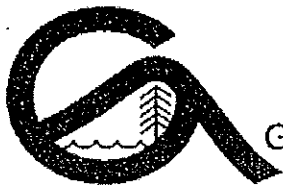


TOWN OF GRAND LAKE
PLANNING COMMISSION
Regular Meeting 7:30 P.M.
July 21, 2010

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES -- None
- III. CONFLICTS OF INTEREST
- IV. ITEMS OF BUSINESS
 - A. *Public Hearing*: Consideration of Planning Commission Resolution No. X-2010: *A Resolution Recommending the Revocation of Town of Grand Lake Ordinance No. (Page 1)*
 - B. Consideration of Recommendation to the Town Board of Trustees Regarding the Removal of Covenants on Lots 1-4, Block 4, Town of Grand Lake (a/k/a Pancho and Lefty's) (*Page 2*)
 - C. Consideration of a Proposed Parking Plan for Parking Requirements Associated with the Construction of a New Theatre to be located at Lots 14-16, Block 12, Town of Grand Lake (*Page 9*)
- V. OTHER ITEMS OF DISCUSSION
- VI. FOR YOUR INFORMATION
 - A. The Planning Commission will meet for a Planning Commission workshop (6:00 pm) on August 4, 2010; the regular meeting will follow
- VII. ADJOURNMENT

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



TOWN OF
GRAND LAKE

Date: July 16, 2010

To: Chairman Hayden Southway and Planning Commissioners

From: Abbi Jo Wittman, Town Planner *AJW*

Re: Lakeside Lofts – Vested Rights Deadline

At the July 9th, 2007, Board of Trustees meeting the Board granted approval of Lakeside Lofts Condominiums with the conditions. Conditions of the Final Plat approval included:

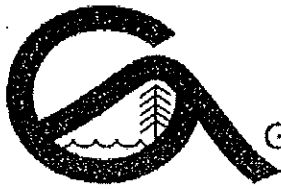
1. An executed copy of the Subdivision Improvement is received.
2. A bond or letter of credit in the amount of \$490,334.00 is provided for the improvements to the site.
3. A deed for the land that the parking will be provided on is received.
4. A payment for the 7% land dedication is paid in full.
5. An executed copy of the Trash Service Agreement is received.
6. Minor grammatical errors on the Final Plat are fixed prior to recording.
7. Unit #'s are added to the Final Plat Exhibit prior to recording.
8. The acceptance of the Agreement Removing Covenant by the Board of Trustees.
9. An executed copy of the Agreement Removing Covenant is received.
10. An executed copy of Condominiums Declarations is received.
11. The Resolution granting the encroachment of the second story boardwalk is adopted by the Board of Trustees.

To date, the Town has not received the documents necessary to record the Final Plat and, therefore, the plat has not been executed. While Municipal Code indicates an application has three (3) years to act on an approved plat, Town Attorney Krob has indicated that a conditional approval is not approval and if the applicant has not substantially completed the requirements of approval, then the Town may consider revocation of the final plat approval.

While the Town has discussed this item with Mr. Brad Olson, Developer, in the past three years, staff wanted to bring this matter before the Planning Commission and Town Board for the consideration of revocation of the Final Plat approval for two significant reasons: 1) the legal property owner, Mr. Bob King, has verbally indicated to staff that the applicant no longer had permission to develop this land (and the land has been marked for sale) and 2) staff had not heard from the Developer until May 19, 2010 (two months prior to expiration of the three year vesting period).

Certified mail was sent to the Developer on June 17, 2010. Additionally, legal notice #5194757 was published in the Middle Park Times on June 24, 2010. No comments have been received and staff has not heard from the Developer since staff notified the applicant of the hearing in an email on June 14, 2010.

The Commission should discuss this item with the Developer and, specifically, the Developer should provide the Town with sufficient documentation to show good cause why the Town shall not nullify the approval of the Final Plat. Once all discussion has taken place, the Commission should formulate a recommendation to the Town Board of Trustees regarding the plausible revocation of the Final Plat approval.



TOWN OF
GRAND LAKE

Date: July 16, 2010

To: Chairman Hayden Southway and Planning Commissioners
From: Abbi Jo Wittman, Town Planner *AW*

RE: Pancho and Lefty's Parking Agreement/Covenant
Attached: Covenant (2010)
Release of Covenant (2010)
Covenant (dated 9-4-01)
Covenant (dated 10-9-01)

In May, the Planning Commission discussed with Mr. Bob King the Commission's willingness to make a favorable recommendation to the Town Board for the removal of those parking covenants associated with Lot 1, Block 4 of the Town of Grand Lake in exchange for the developed parking facilities and pedestrian improvements associated with Lot 9, Block 2 of the Town of Grand Lake. At that time, the Commission seemed favorable to the exchange with the following conditions:

- The 12 parking credits associated with Lot 9, Block 2 (4 on Park Avenue and 8 on Pitkin Street Right of Ways) will be in exchange for the covenants of those parking spaces associated with Lot 1, Block 4; and
- The parking credits will not be double-counted for any future development of Lot 9, Block 2; and
- Future access to Lot 9, Block 2 shall be restricted to the lot from the alley;
- The mandatory boardwalk and greenway (as well as the physical parking spaces) will be developed as per the Town's specifications; and
- Upon the sale of Lot 1, the aforementioned improvements must be in place.

Town Attorney Krob has drafted the attached documents for the Commission's review and recommendation to the Town Board. The only recommendation of Town Attorney Krob is that Mr. King should be the legal property owner of Lot 9, Block 2 prior to the Town's execution of the documents. The Commission should discuss this matter with the applicant. If the Commission is favorable to the attached Covenant and Release of Covenants, the Commission should forward a favorable recommendation to the Town Board for approval of the Covenant and Release of Covenants in conjunction with the applicant's proposal.

RELEASE OF COVENANTS

ROBERT KING ("King") is the owner of real 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

("the Property").

King executed two (2) covenants encumbering the Property, dated September 4, 2001 and October 9, 2001, which were recorded in the records of Grand County, Colorado at Reception #2001-010237 and Reception #2001-010238, respectively. The documents are referred to as ("the Existing Covenants").

The Covenants were executed to cause the Property, or parts thereof to be treated as a single parcel and to satisfy certain parking requirements associated with the Property.

King now desires to have the parking restrictions on Lot 1 of the Property released and to substitute the parking associated with another parcel of property, Lot 9, Block 2, Town of Grand Lake, Grand County, Colorado ("the Substitute Property") to be used in order to satisfy the parking requirements associated with the Property.

The Existing Covenants provide, in part, that they can be amended or modified only with the written consent of the Town of Grand Lake.

The Board of Trustees of the Town of Grand Lake has considered King's proposal to provide the parking through the Substitute Property in lieu of using Lot 1 of the Property and has concluded that such proposal is in the public's interest as it relates to providing adequate parking and use of property within certain areas of the Town of Grand Lake.

NOW THEREFORE, King and the Town of Grand Lake ("the parties") hereby agree that the Existing Covenants referenced above should be and hereby are released and forever discharged.

Signatures appear on following page

COVENANT

ROBERT KING ("King") is the owner of real property ("the Benefitted Property") located in the TOWN OF GRAND LAKE, COLORADO, more particularly described as follows:

Lots 3 and 4
Block 4
Town of Grand Lake
Grand County, Colorado.

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

Lot 9, Block 2
Town of Grand Lake
Grand County, Colorado.

Pursuant to the provisions of the Grand Lake Town Code, there are certain parking requirements associated with the uses being made of the Benefitted Property. King desires to satisfy the parking requirements associated with the Benefitted Property by providing parking on the streets adjacent to the Burdened Property.

By providing four (4) spaces on Park Avenue right-of-way and (8) spaces on Pitkin Street right-of-way adjacent to the Burdened Property, King and his successor owners of the Benefitted Property are entitled to twelve (12) parking credits to meet the parking requirements associated with the Benefitted Property.

The twelve (12) parking spaces provided adjacent to the Burdened Property shall be and remain open and available at all times to the public. Such spaces shall not be available to meet any parking requirements associated with the Burdened Property. Vehicular access to the Burdened Property shall be by way of the alley adjacent to the Burdened Property.

King is also the owner of Lot 2, Block 4, Town of Grand Lake, Colorado. To the extent requested by the Grand Lake Fire Protection District, an emergency ingress and egress easement shall be provided across Lot 2 to the Benefitted Property at a location designated by the Grand Lake Fire Protection District.

This covenant shall be a covenant running with the Benefitted Property and the Burdened Property and shall be recorded in the records of Grand County, Colorado.

The provisions of the Covenant shall not be amended or modified in any manner without the written consent of the Town of Grand Lake.

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

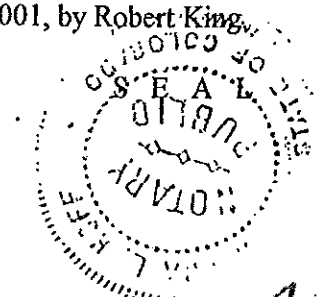
Robert King

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



1

COVENANT

Robert W. 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

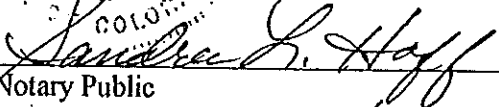
In consideration of the approval by the Town of Grand Lake for a building permit in connection with the improvements located on Lots 2, 3 and 4 of the Property, King hereby agrees and covenants as follows:

1. Lots 2 and 3 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 has previously been 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, and/or if all provisions the applicable Zoning Regulations and Building Codes then in effect are complied with.


Robert W. King

STATE OF COLORADO)
COUNTY OF GRAND) ss.
)

The foregoing instrument was acknowledge before me this 9th day of October, 2001, by Robert W. King.
Witness my hand and official seal.


Notary Public
My Commission Expires: 4-18-2004

S E A L



TOWN OF
GRAND LAKE

Date: July 16, 2010

To: Mayor Judy Burke and Town Board of Trustees
From: Abbi Jo Wittman, Town Planner

RE: RMRT Parking Requirements
Attached: Applicant Statement
Figure 1: Road Templates – Major Collector Street
Article 9 of Municipal Code Chapter 12-4

Electronic File: 0914-Grand Avenue Parking Sketch

The Town has received a proposed parking plan from Rocky Mountain Repertory Theatre (RMRT) for the construction of required parking spaces in conjunction with the erection of the new theatre on Grand Avenue. The original building permit application indicates that RMRT will meet their parking requirements through utilizing on-street credits at Lots 14-16, Block 10 as well as those credits associated with the commercially-zoned parcel which the Off-Broadway Cabins sits on (which is also owned by RMRT). As the Commission can see, RMRT is proposing to create new parking on the North side of the 400 block of Grand Avenue (thus extending the downtown core by one block to the west).

Applicable Municipal Code

Municipal Code Section 12-2-28b-5 states: “Commercial, industrial and mixed use developments may satisfy the commercial and industrial off-street parking requirement by providing an off-site parking area. The off-site parking area shall be within three (3) blocks of the principal use. Residential units in mixed use developments must have the required parking spaces on the same property or use as the principal building.” The Code further states: “Upon Board of Trustees approval (based on recommendation by the Planning Commission) Commercial, industrial and mixed use developments may provide on-street parking in areas where parking is under developed so long as the requirements of distance and the design standards set forth herein are met.”

The Zoning Regulations also indicates that: “Variances to parking requirements and standards may be granted by the Board of Trustees, with recommendation from the Planning Commission. In order to grant approval of a variance, the Board shall find the following findings:

- that the proposed parking plan requesting the variance has a mitigation plan in place for the requested variance; and
- that the proposed parking plan requesting the variance has mitigated by providing enhanced pedestrian linkages between uses and structures with developed parking areas

- *that the proposed parking plan requesting the variance has demonstrated that the enhanced pedestrian linkages and developed parking areas will be for the public good to link community uses, promote and increase pedestrian traffic as well as not to pose a detriment to existing parking conditions in the Town; and*
- *that the cost of the of the pedestrian linkages and developed parking areas are 30% or greater of the total parking fee; and*
- *that the parking spaces that are being proposed to be provided will be a minimum of 65% of the total parking space requirement.”*

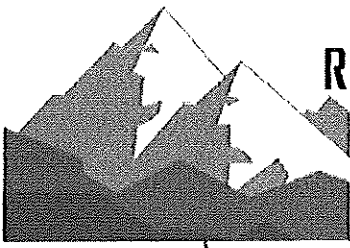
Staff has also attached Article 9 of Municipal Code Chapter 12-4: *Street Development Policies, Standards and Specifications* for the Commission’s review. As the Code indicates: *“If a developer responsible to the Town for public improvements desires to design and construct such improvements in variance to criteria in these standards, such variance(s) should be identified in the initial submittal.”*

Analysis of Parking Proposal and Commission Discussion/Action

Staff has worked with the applicant on the development of this proposal. While the proposal does include some variances to the Municipal Street Standards, Policies and Specifications (regarding the typical 100’ Right of Way Design, *attached*), Staff is aware a conflict in the Code exists between what is in the Zoning Regulations and what exists in the Street Development Regulations. While staff feels this is an application that significantly benefits the community and contributes to the overall public good, staff feels the Commission should discuss this item with the applicant (including the variations to the street standards). The Commission should then take action on the item.

The Commission has options in regards to the application. The Commission may move to:

- Hold a Public Hearing on the matter to be scheduled for the Commission’s August 18th meeting to take public input on the proposed parking plan prior to making recommendation to the Town Board; or
- Forward a recommendation to the Town Board of Trustees for approval, approval with conditions and/or modifications, or denial regarding the proposed RMRT parking plan.



ROCKY MOUNTAIN

REPERTORY THEATRE

MUSIC, MOUNTAINS & MAGIC

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Capital Campaign
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Sally Scott
Company Manager

Jeff Duke
Artistic Associate

Town of Grand Lake
PO Box 99
Grand Lake, CO 80447

To Whom It May Concern:

This memo is a narrative describing the general philosophy behind the proposed design for additional parking along Grand Avenue and Vine Street in Grand Lake for Rocky Mountain Repertory Theatre's additional parking requirements. The narrative also details a variance request to meet the additional parking requirements.

Topknot Engineering (TKE) has been working closely with the Town of Grand Lake and Rocky Mountain Repertory Theatre (RMRT) to develop plans for additional parking required in conjunction with the construction of the new theatre building located on the corner of Grand Avenue and Vine Street in the Town of Grand Lake. Depending on final construction, RMRT will be required to provide an additional 17 to 20 parking spaces to comply with the Town's parking requirements.

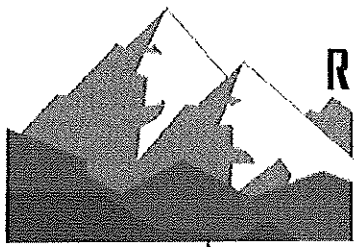
Currently, RMRT is constructing a 296-seat theatre complex. Therefore, one parking space needs to be created for every six (6) seats, requiring RMRT to create a total of fifty (50) parking spaces. Twenty-four (24) parking spaces are being created on Grand Ave and Vine Street, block 7, lots 11, 12 & 13 (404 Vine St). Twenty-six (26) parking credits remain. According to Section 12-2-28-a-2-C, of Town of Grand Lake municipal code, groups IV and group VI (which RMRT falls under) structures shall be required to satisfy seventy five (75%) percent of the resulting number of required off-street parking spaces. Therefore, RMRT is required to create twenty (20) parking spaces. Three (3) additional spaces will be created onsite, off the south alley of 404 Vine St. RMRT is now required to create seventeen (17) additional parking credits.

RMRT is now requesting a variance to parking requirements and standards to meet the final seventeen (17) credits. According to Section 12-2-28-d-1, a variance may be requested if a mitigated plan in place that enhances pedestrian linkages, develops parking area that can be used for the public good and promotes increases in pedestrian traffic. The attached sketch plan details this attempt to create all variance requirements on Grand Ave, lots 9 through 16. The seventeen (17) credits are also less than 65% of the total space requirements.

Previously, the possibility of placing additional parking spaces at the Off-Broadway Cabins or along Vine Street south of Grand Avenue had been discussed. It was found that parking in these areas would not provide maximum benefit to the Town as these areas are not designated as a mandatory "boardwalk area", and the proposed parking would not aesthetically fit into these areas and enhance the small town feel that makes Grand Lake so special.

Therefore, a sketch plan has been prepared by Top Knot Engineering proposing parking, boardwalk, and greenway along Grand Avenue and Vine Street. We feel that this parking provides a maximum benefit to the Town by extending the pedestrian boardwalk area further west, providing a continuity that will extend the "downtown area" to Vine Street and the new theatre building.

//



ROCKY MOUNTAIN

REPERTORY THEATRE

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*Managing Director/
Capital Campaign
Manager*

Sally Scott
Company Manager

Jeff Duke
Artistic Associate

Several unique challenges have been encountered while working through preliminary design phases. Existing site conditions as well as property owner concerns have been considered in the preparation of our sketch plan. While the proposed improvements are shown in public right-of-way, we felt it was important to consider the impacts to the existing businesses directly adjacent to the project.

With those special considerations in mind, several aspects of our design are atypical, deviating from the typical Grand Avenue section. Moving from west to east, the first non-typical item is a reversal of the boardwalk and greenway in front of lot 12, the Terrace Inn. This has been proposed because the existing planter area directly adjacent to the hotel building is very established with several large trees, the largest of which is a 24" spruce. The proposed reversal of boardwalk and greenway will also provide a better transition for pedestrians from the boardwalk onto the existing porch of the hotel. Wheel block have been shown for the parking spaces in this area to provide added safety for pedestrians.

The second main non-typical item is the "jog" of the boardwalk at lot 13 around an existing landscaped hillside that has several large boulders in it. This has been proposed to minimize impact to this area and because of the cost and complication to construct the typical section. If the typical section were constructed to the extent of the right-of-way, TopKnot estimates it would add an additional \$70,000 to the project as well as require rock blasting in Town and a 12' retaining wall constructed. Both of which could jeopardize the foundation of the existing buildings on lots 13 and 14.

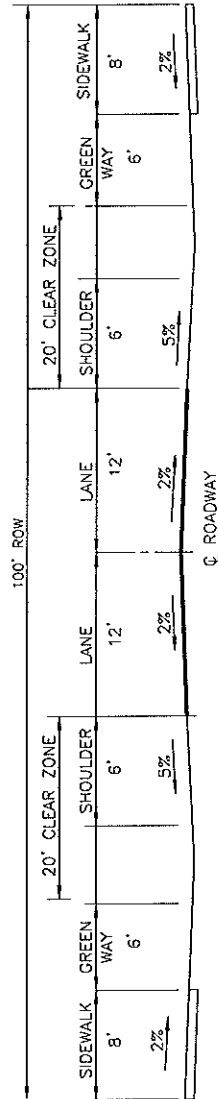
The third non-typical item is the halting of the boardwalk across the existing asphalted area in front of the Spirit Lake Lodge on lots 14, 15, and 16. This is proposed to respect the wishes of the owner of these lots who is vehemently opposed to the construction of a "typical" parking, greenway, and boardwalk.

The fourth and final main non-typical item is the non-typical greenway and boardwalk in front of the Spirit Lake Lodge building on lot 16. This is proposed to respect the wish of the owner to keep the existing planter area adjacent to the hotel building. The boardwalk is proposed to be 5-feet in this area, with greenway proposed on both sides of the boardwalk.

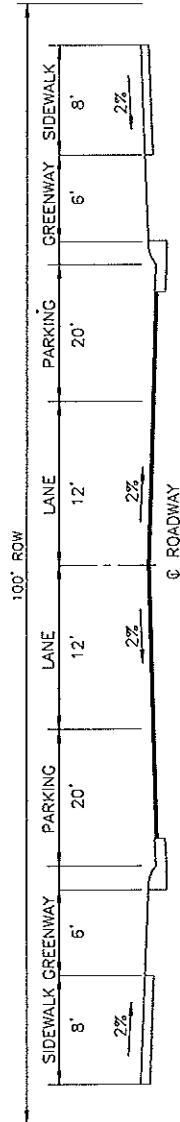
We hope this narrative clarifies our intent and reasoning in the preparation of our sketch plan. We look forward to working together with RMRT and the Town of Grand Lake to finalize these plans and complete construction as soon as possible.

Chad Scott
Managing Director – Rocky Mountain Repertory Theatre

12



2-LANE
WITHOUT PARKING



2-LANE
WITH PARKING

FIGURE-1

ROAD TEMPLATES - MAJOR COLLECTOR STREET

ARTICLE 9: VACATION / VARIANCE REQUEST AND PROCEDURE

9-2 VARIANCE REQUEST AND PROCEDURE

If an developer responsible to the Town for public improvements desires to design and construct such improvements in variance to criteria in these standards, such variance(s) should be identified in the initial submittal. An application for a variance shall be filed with Town Staff no later than 14 days prior to the next regularly-scheduled Planning Commission meeting.

A Land Use Application form must be filled out and accompanied with the following:

- Appropriate Fee
- 11 copies of the proposed variance
- Identification of the section to be waived or varied
- Identification of the alternative design or construction criteria to be adhered to
- A thorough justification of the variance request including which of the 'Considerable Hardships' the variance would apply to (See Section #9.3: *Hardships for Consideration*)
- All variance requests shall be signed and stamped by a Colorado Licensed Professional Engineer and signed by the developer

Variances from the Street Standards shall be reviewed by the Planning Commission at a public meeting and make a recommendation to the Board of Trustees, who shall make the final determination. Fifteen (15) days prior to the scheduled public hearing date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public meeting. In addition, certified letters are to be mailed at least fifteen (15) days prior to the public meeting to all property owners within two hundred (200') feet of any portion of the property.

The Board of Trustees shall grant no variance from any provision of this regulation without first conducting a public hearing. The Board of Trustees will hold a public hearing within 45 days from receiving a recommendation from the Planning Commission. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, certified letters are to be mailed at least fifteen (15) days prior to the public meeting to all property owners within two hundred (200') feet of any portion of the property.

9-3 HARDSHIPS FOR CONSIDERATION

As per Section #12-3-5(b)-9(A), variance requests will only be granted if the applicant can demonstrate one of the following:

- (A) That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;
- (B) That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
- (C) That the special conditions and circumstances do not result from the actions of the applicant;
- (D) That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.