

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

February 21, 2012 - 1:30 p.m.

Board Room, Estes Park Town Hall

Commission: Chair Doug Klink, Commissioners Ron Norris, Alan Fraundorf, John Tucker, Betty Hull, Rex Poggenpohl, Joe Wise

Attending: Chair Klink, Commissioners Norris, Fraundorf, Tucker, Hull, Poggenpohl, and Wise

Also Attending: Director Chilcott, Town Board Liaison Elrod, Town Attorney White, and Recording Secretary Thompson

Absent: None

The following minutes reflect the order of the agenda and not necessarily the chronological sequence.

Chair Klink called the meeting to order at 1:30 p.m. Chair Klink stated this was Commissioner Fraundorf's last meeting and expressed his appreciation for his service. There were nine people in attendance. Public Works Director Scott Zurn's report has been postponed until a later date.

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

- A. Approval of minutes, January 17, 2012 Planning Commission Meeting.
- B. Amended Condominium Map, Riverspointe Downtown Condominiums, Unit 2B, 111 Wiest Drive. Request to divide Unit 2B into three units as originally condominiumized.

It was moved and seconded (Fraundorf/Hull) to approve the consent agenda as presented, and the motion passed unanimously.

3. AMENDED PLAT, LOTS 15 & 16 AND VACATED STREET ADJACENT TO SAID LOTS, GRAND ESTATES ADDITION

Director Chilcott reviewed the staff report. The applicants, Wallace and Laurine Burke, have requested to adjust the property line between Lots 15 and 16. Both lots are zoned *A-Accommodations*. The request would make Lot 16 (highway frontage) larger and Lot 15 (side street frontage) smaller. Lot 15 fronts Lake Front Street, and is developed with a single-family dwelling with an access agreement to access through the Best Western property. The purpose of this amended plat is to transfer density from Lot 15 to Lot 16 to allow for a small addition to the motel. Staff recommends adding a plat note indicating the purpose. The building addition is subject to a staff-level development plan review (DP 2011-01), currently under review, with a decision date no later than March 6, 2012.

The development proposal is to renovate four existing units and add eight new units in the northeast portion of the main building. The development will also include a lower level meeting space. The development plan complies with the Estes Valley Development Code (EVDC).

While somewhat irregular, the shapes of the lots comply with dimension and configuration standards in Section 10.4 of the EVDC. The request was submitted to all applicable reviewing agency staff. Town Attorney White had three comments, which were addressed and corrected prior to final review by the Planning Commission. Colorado Department of Transportation reviewed and agreed with the Traffic Impact Analysis. The development does not require highway improvements. Public Works commented on drainage easements between the two lots, and due to lack of a drainage report, requested a discussion about site run-off with the engineer. The proposed addition will add less than 1% to the existing impermeable area.

Staff found the amended plat would not be materially detrimental to the public welfare, injurious to other property in the neighborhood, or in conflict with the purposes and objectives of this Code. Staff recommended approval with conditions.

PUBLIC COMMENT

Amy Plummer/applicant representative stated the applicants were willing to comply with the conditions of approval. Staff requested the area being transferred from Lot 15 to Lot 16 be noted on the plat as non-buildable. Because this area contains an existing building, Ms. Plummer asked for clarification concerning the plat note. Another plat note will indicate no commercial access from Lake Front Street except for utility maintenance. Ms. Plummer stated a memo about the drainage has been provided to Public Works Engineer Kevin Ash as requested. She stated Mr. Ash agreed the drainage area was adequate.

Director Chilcott clarified the plat note about a portion of Lot 16 being non-buildable was due to the unusual configuration of the lot and the desire to keep the main development on the largest portion of the lot and away from the residential area. Commissioner Hull complimented the Burkes on the curb appeal of the motel.

Public comment closed.

STAFF AND COMMISSION DISCUSSION

Commissioner Poggenpohl stated he had a philosophical issue with moving lot lines to make densities work. He understood the development code did not have a way to deal with that issue. Director Chilcott stated the existing parking area would be adequate with the addition of the new units. She assured the Commission the applicants would be required to comply with the EVDC, e.g. landscaping, etc.

It was moved and seconded (Norris/Poggenpohl) to recommend approval to the Estes Park Town Board for the proposed amended plat with the findings and conditions recommended by staff and the motion passed unanimously.

CONDITIONS

1. **Prior to submittal of plat mylars, a revised drainage memorandum shall be approved by the Public Works Department. This memo must account for off-site flow and ensure the proposed drainage easements on Lot 15A are sized correctly.**
2. **The plat shall be amended as follows:**
 - a. **The area transferred from Lot 15 to Lot 16 shall be designated as non-buildable.**
 - b. **Include a note stating the purpose of this plat is to transfer density from Lot 15 to Lot 16 to allow for a small addition to the motel.**
 - c. **Include a note stating Lot 16A shall not be allowed to have commercial traffic access from Lake Front Street.**
 - d. **Address any necessary changes to the drainage easements, as may be needed following approval of the stormwater report.**

4. ESTES PARK HOUSING AUTHORITY PRESENTATION

Rita Kurelja, Housing Authority Director, stated the presentation was the result of a strategic planning session held in 2010. The overwhelming consensus was one of education; the community at large as well as leaders need to know how vital affordable housing is to the community. She reviewed the reasons affordable housing is needed and how affordable housing affects families, the local economy, and the community as a whole. She presented several statistics for the Estes Valley, including but not limited to income, wages, housing costs, etc. Ms. Kurelja reviewed the effects on the community from high housing costs in the Estes Valley, and encouraged wage-appropriate housing.

Ms. Kurelja stated there are many benefits to the community when affordable housing is provided, including but not limited to increases in the following areas: sales tax revenue,

school enrollment, job availability, etc. She stated there are no substantial statistics showing negative impacts on property values in areas with affordable housing.

Ms. Kurelja offered several solutions and options to make affordable housing a reality: density bonuses, fee waivers, accessory dwelling unit rentals, community land trusts, sales tax increment financing, inclusionary zoning, etc. She reiterated that high land cost is one of the main issues facing affordable housing in the Estes Valley. Another obstacle is the seasonality of the tourist industry.

Ms. Kurelja reviewed current projects and programs, stating all affordable units at Vista Ridge have been sold. She estimated the Housing Authority has a vacancy rate of about three percent.

Discussion occurred between the Planning Commissioners and Ms. Kurelja. Comments or questions included: governmental versus private affordable housing developments, incentives to property owners to provide affordable housing, rentals of accessory dwelling units for seasonal employees, educating the community, flexibility for developers offering affordable housing, fee waivers, etc.

5. AMENDMENT TO THE ESTES VALLEY DEVELOPMENT CODE CONCERNING ACCESSORY DWELLING UNITS (ADU).

Director Chilcott reviewed the recommendations recently obtained from the Town Board Study Session. Those recommendations will be considered when drafting proposed code language. There were some areas of consensus among Town Trustees and Planning Commissioners, and other areas where no consensus was reached. Chair Klink stated in general, the meeting was excellent with a lot of information provided. Rentals remain an area of contention between the Board and the Commission.

Director Chilcott reviewed the history of Planning Commission recommendations to Town Board. Currently, ADUs are allowed on approximately 30% of all lots in the Estes Valley. Over the past year, the Planning Commission has been working on additional recommendations, including limiting the size of an ADU. There was Commission consensus to remove a portion of the statement "1000 square feet or...whichever is less", leaving the Planning Commission recommendation to read "49% of the principal dwelling size." The Commission agreed to remove the note on the long-term rental recommendation concerning live-in caregivers, stating the inability to determine who is and who is not a renter. Staff and the Commissioners engaged in a lengthy discussion about long-term rentals.

Director Chilcott stated that detached ADUs are not currently allowed in the EVDC. The EVDC states only one single-family dwelling can be built per lot, regardless of the lot size. The Planning Commission recommended allowing detached ADUs on lots two acres or larger, but requested information as to how many lots were in the Estes Valley, sorted by lot size. More discussion will be necessary to consider size restrictions of detached units, location of detached units in relation to the lot, possible review process, etc.

PUBLIC COMMENT

Tom Gootz/town resident suggesting sending a questionnaire to citizens concerning the rentals of ADUs. He stated ADUs and affordable housing are directly related, and the citizens of the Estes Valley should have the opportunity to be educated about any proposed code changes prior to an ordinance being passed by Town Board. He stated Estes Park has interesting dynamics, and any research should be specific to Estes Park. He shared his concern about allowing rentals of ADUs, enforcement of those rentals, and wanted to make sure the code amendment process for ADUs was transparent.

Matthew Heiser/town resident and member of the Housing Authority board stated ADUs are a vital part of the Estes Valley. He lived in accessory dwelling units, both attached and detached, which allowed him to live here year round. He reminded the Commission that with or without ADUs, only eight unrelated people can live on a property. Under the

current code, two families of four could live in one house. The only big difference between a single-family dwelling and an ADU is a kitchen.

Public comment closed.

STAFF AND COMMISSION DISCUSSION

Commissioner Norris requested specifics on how many lots could accommodate detached units, using both one- and two-acre minimum lot sizes. Director Chilcott stated in addition to that information she could also include possible impacts on utilities and infrastructure. There was more discussion about minimum lot size. Chair Klink stated the code language would be more understandable if the minimum lot size was directly related to a zoning district. Director Chilcott stated staff would not be comfortable allowing detached units on lots one acre or less. There was more discussion about the allowance of long-term rentals and the unintended consequences that could come into play.

Director Chilcott stated she could provide different options in the draft code language; those options the Planning Commission recommends, and other options the Town Board could consider if they disagree with the Commission's recommendations. The Town Board and County Commissioners are the decision-making bodies. Chair Klink directed staff to draft code language for the next meeting. Director Chilcott stated she would publish a news release and a legal notice about ADUs prior to the next meeting. After a straw poll on long-term rentals, Director Chilcott was directed to not include long-term rentals in the draft language, and to provide statistics to determine whether or not a two acre minimum lot size for detached units would be recommended. It was also suggested to refer to the existing accessory structure guidelines in the draft.

6. REPORTS

- a. Director Chilcott reported no pre-application meeting in the past month. However, she thinks the department will see some development plans in 2012.
- b. Director Chilcott reports the Town Board approved The Meadows Condominiums Supplemental Condominium Map #1. The Town Board also discussed ADUs in their last study session.
- c. Director Chilcott reported the Board of County Commissioners is reviewing a Right-of-Way vacation for Range View Road today.
- d. Director Chilcott reported staff is reviewing a staff-level development plan for the Best Western/Silver Saddle motel to add eight additional units.
- e. Director Chilcott reported the 2012 Work Plan will be posted on the Town website.
- f. Director Chilcott reported that Commissioner Fraundorf has accepted a position with the Town, and will step down as a Planning Commissioner representing the Town. She thanked him for his service, dedication, and volunteer hours. Commissioner Hull added he was an excellent Planning Commissioner and will be missed. Director Chilcott encouraged the current Planning Commissioners to recruit other possible applicants to replace Commissioner Fraundorf.
- g. Commissioner Poggenpohl reported attending the Community Development/Community Services Committee meeting where Director Chilcott presented the Community Development Department's annual report. He was impressed and suggested the other Commissioners members review the report. (The report was included in the meeting materials.)

There being no further business, Chair Klink adjourned the meeting at 3:30 p.m.

Doug Klink, Chair

Karen Thompson, Recording Secretary