

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission
July 17, 2012 - 1:30 p.m.
Board Room, Estes Park Town Hall

Commission: Chair Doug Klink, Commissioners John Tucker, Betty Hull, Rex Poggenpohl, Joe Wise, Kathy Bowers, Tom Gresslin.

Attending: Chair Klink, Commissioners Tucker, Hull, Poggenpohl, Wise, Bowers, and Gresslin

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

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. There were eight people in attendance.

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

A. Approval of minutes, June 19, 2012 Planning Commission Meeting.

It was moved and seconded (Hull/Tucker) to approve the minutes as presented and the motion passed unanimously.

3. AMENDED PLAT OF LOT 7, DIVISION 5, AND A PORTION OF DIVISION 2, HIGH DRIVE HEIGHTS

Planner Shirk stated this agenda item was continued from last month. The purpose of the continuance was to look at the lot configuration of the two proposed lots. The northern lot (Lot 1) was created in 1925, and the southern lot (Lot 2) was created by deed a few months later. All documents pre-date the Estes Valley Development Code (EVDC). Both of the current lots are considered buildable, with the southern lot legally nonconforming. Planner Shirk stated the purpose of this amended plat is to increase the size of the smaller lot to better accommodate a single-family dwelling. By doing so, the northern lot would become smaller. The amended plat would make the southern lot conforming, and the north lot legally nonconforming.

Planner Shirk stated driveways to both lots would be shared across the northernmost portion of the lots, accessed from Larkspur Road. An access agreement would prohibit additional access points off of Larkspur Road. The existing access off of High Drive would be removed. Proposed Lot 1 would become less than 0.5 acres. Staff would support granting a minor modification to approve the smaller lot size. Planner Shirk read EVDC Section 3.7.2.b which allows the Estes Valley Planning Commission to grant minor modifications in certain instances. He also referred to Section 1.3 which addresses preservation of existing trees and vegetation and provision of adequate building setbacks. He stated there would be a "no disturb" area on the plat to protect existing trees.

Planner Shirk stated if approved, this amended plat would minimize the number of culverts and associated drainage issues; increase separation between the driveway and property lines to the north; include removal of the existing nonconforming driveway on High Drive; and, provide for correction of utility easements. The existing sewer easement would be vacated and rededicated, as the original easement did not align with the actual sewer line. Because of the corner location, Lot 1 would have two front-yard setbacks, making the building area smaller. Planner Shirk stated the proposed amended plat would make Lot 1 more buildable, and would make it easier to build without a variance. Planner Shirk stated this lot currently has three nonconformities, which would be reduced to one if approved.

PUBLIC COMMENT

Rick England/applicant representative stated the electric easement would be added to the plat. He stated the property owners supported the minor modification of the amended plat.

Marilyn Terry/property owner stated the property had been in the family 50 years. The cabin directly to the north was the family's second home. The proposed amended plat would create two lots that are more attractive to potential buyers.

Karl Leppmann/adjacent property owner appreciates patience staff has shown with his objections. He opposed the amended plat due to the potential for increased visual impacts on his property. He was concerned about the length of the proposed driveway access, stating the potential for many cars to park along the driveway. He was also against the possible removal of trees on Lot 2 if someone were to build there. If approved, he would like the adjacent property owners to be able to enforce the maintenance of the driveway to reduce dust. Director Chilcott stated the driveway would be too narrow for access *and* parked cars, and the zoning regulations restrict the number of cars parked outside on a lot. Planner Shirk stated the access agreement would specifically prohibit parking in the shared area of the proposed driveway. Enforcement of such would be a private matter between the property owners. There was discussion concerning the preservation of trees on Lot 1. Director Chilcott reminded the Commissioners of their purview to determine the practicality of the amended plat, not the preservation of the trees.

Planner Shirk restated the general guidelines for practical difficulties regarding minor modifications. He reminded the Commissioners that not all answers to the statements have to be "Yes", and the practical difficulties for variances are different than practical difficulties for minor modifications.

Public comment closed.

STAFF AND COMMISSION DISCUSSION

Chair Klink stated all arguments for and against the amended plat were valid. All property owners involved have certain property rights. Commissioners Poggenpohl and Tucker empathized with the neighbors, and also understood why the property owners of the two lots in question wanted to amend the plats. Commissioner Wise was pleased the application had been continued, as it allowed the property owners to give more thought to the lot configuration and access issues.

Staff recommended conditional approval of the minor modification and the amended plat.

CONDITIONS

1. Review and approval of Larimer County Engineering (survey review). Requires letter of approval from Larimer County Engineering prior to mylar being sent for recording.
2. Compliance with conditions outlined in letter to England Surveying dated June 12, 2012. These conditions address site access and formatting issues.
3. An access easement/agreement and recording fee shall be submitted for recordation with the plat mylars. [Note: The access agreement specifies that both lots must share one driveway access point to be located within the access easement on Larkspur Road and the existing access point on High Drive must be removed.]
4. Prior to recordation of the plat, the sanitary sewer easement must be vacated and rededicated to the Upper Thompson Sanitation District, and shall be referenced and graphically delineated on the plat.

It was moved and seconded (Wise/Poggenpohl) to approve the Minor Modification for Lot 1 to allow a lot of 0.37 acres in lieu of the 0.50 acres typically required in the E-Estate zone district, as outlined in the staff report, and the motion passed unanimously.

It was moved and seconded (Wise/Tucker) to recommend approval of the proposed amended plat to the Board of County Commissioners with the findings and conditions recommended by staff, and authorization for the Chair to sign the plat when the conditions are met and the plat is presented for signature, and the motion passed unanimously.

Commissioner Poggenpohl thanked Mr. Leppmann for his interest in the application, and for his attendance at the last two meetings.

4. AMENDED SPECIAL REVIEW 06-01C, ESTES PARK MEDICAL CENTER

Planner Shirk reviewed the staff report. He stated this was not the first amendment to the original special review. The most recent was the parking lot expansion. This application is a continuing effort of improvements at the hospital. Planner Shirk stated this application request is to allow a permanent Magnetic Resonance Imaging (MRI) facility to replace the temporary facilities that are trucked in each week. He stated the architecture would match the existing building. There would be very minimal impact on the site. The stormwater drainage plan for the area would need minimal adjustment to accommodate stormwater flows.

Planner Shirk stated the original request included removing the existing driveway. The plan was then altered to keep the driveway for emergency use by the temporary MRI truck. Staff supported this change, conditional to a restriction that the driveway be used only for temporary MRI use, and shall not be used for the parking of other vehicles.

Staff routed the application to adjacent property owners and affected agencies. No significant concerns were expressed, other than the drainage report issue. Staff recommended conditional approval. If approved, the application would be heard at the July 24, 2012 Town Board meeting.

PUBLIC COMMENT

Jes Reetz/applicant representative stated the site is currently a sink hole for drainage that runs under the hospital. He stated the driveway would be closed off with posts and a chain.

CONDITIONS

1. Final approval of the stormwater report by the Public Works Department prior to Town Board hearing.
2. Existing MRI parking area shall be used only for temporary imaging equipment when permanent equipment is undergoing maintenance. This parking area shall be restricted for use for temporary imaging equipment, and shall not be used for parking of other vehicles. The method of closure shall be subject to review and approval of Public Works, and shall be installed prior to final inspection.

It was moved and seconded (Bowers/Poggenpohl) to recommend approval of the proposed Amended Special Review 06-01C "Hospital MRI Addition" to the Town Board with the findings and conditions recommended by staff, and the motion passed unanimously.

5. TRANSPORTATION VISIONING COMMITTEE REPORT

Trustee John Ericson gave a presentation on the transportation visioning committee. He used the report "Roadmap to the Future" as a guideline for his presentation. This report was the result of nearly 18 months of research by the committee, and is available for review in the Community Development Department.

Trustee Ericson stated the report was intended to be a working document. There was brief discussion as to what lies ahead for transportation in the Estes Valley. Commissioner Tucker encouraged the Commission to support the document. Commissioner Poggenpohl would like the Commission to consider adopting portions of the report into the Estes Valley Comprehensive Plan.

Commissioner Hull stated that the Commission is currently reviewing the Comprehensive Plan, and could use this report as reference material.

6. REPORTS

Planner Shirk reported on a pre-construction meeting for Rippling River Estates, and the project is moving forward. A Development Plan for this development was approved a few years ago, prior to the downturn in the economy. Pre-construction meetings are beneficial to all involved in the project, making everyone aware of what is expected of each other during each phase of construction.

Director Chilcott reported FEMA, SBA, Colorado Emergency Management Team, etc. were in town to examine the Woodland Heights Fire area. Because of this the pre-application meeting for Fall River Lodge, 900 W. Elkhorn, was postponed and will be rescheduled.

Planner Shirk reported a pre-application meeting was held for a townhome subdivision plat. He anticipated the applicants would submit their proposal next month.

Planner Shirk reported discussions with Estes Park Sanitation District, who will possibly be making improvements to the facility due to new federal regulations.

Planner Shirk reported the Board of Adjustment approved two variances in July: the Caldwell Residence deck expansion at 2121 Eagle Cliff Road; and the Estes Park Resort's off-premise sign at 1700 Big Thompson Avenue. The off-premise sign application was especially difficult because the actual sign location lies in the county, the business is within the Town limits, and the land underneath the sign is owned by the federal government and managed by the Estes Valley Recreation and Parks District. The Board of Adjustment approved the new sign.

Planner Shirk reported the Board of Adjustment will review an application in August for a variance at 552 W. Elkhorn Avenue. At issue is a variance from the stream/river setbacks and another variance concerning garbage collection. The business owners wish to convert the space to a take-out restaurant.

Planner Shirk reported Town Board approved two amended condominium maps; Streamside Condominiums and Tranquil Vail Condominiums. Both increased the area of limited common elements (LCEs).

Director Chilcott reported staff was looking at what level of modifications could occur within setbacks on lots affected by the Woodland Heights Fire. Many structures in the fire area were built prior to the current zoning regulations, and would be considered nonconforming. Staff was working with those property owners to determine the best way to handle the rebuilding process. Staff was also working on a resolution to consider temporary on-site housing for property owners during the rebuilding process. Staff was considering proposing implementation of the rebuild process that Larimer County established for the High Park Fire victims. Director Chilcott reported one burned property was in the town limits, and all others were in the county.

Director Chilcott reported she has scheduled a meeting with Town Administrator Lancaster to discuss the lots adjacent to the conservation easement across the river from Barlow Plaza. There are lots in that area owned by the Colorado Department of Transportation that are not part of the conservation easement.

There being no further business, Chair Klink adjourned the meeting at 3:26 p.m.

Doug Klink, Chair

Karen Thompson, Recording Secretary