

**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, May 12, 2015**

Minutes

- I. The meeting was called to order at 8:00 am.
- II. Roll Call indicated present: Jonathan Larson, Mike Davlin, Doug Robbins, Dick Norman, Brad Holzwarth and Cliff Anderson.
- III. Commissioner Anderson moved, and Commissioner Davlin seconded a motion to approve the minutes of April 27, 2015. Motion carried: 6-0.

IV. NEW BUSINESS:

- A. Single Family Design Review – Kohl, 653 Leland Creek

Planner Shockey gave his staff report.

Two story single family home that encompasses approximately 3,022 square feet of finishable floor area including a 2-car garage. The structure has been approved by the Leland Creek HOA Design Review Committee.

The erosion and drainage plan complies with Town standards. The erosion control is shown going on to the adjoining lot.

- Approved drainage and erosion control shall be in place prior to and throughout site and construction and through successful revegetation. A new site plan needs to be presented with the erosion control corrected.

The snow storage is listed as only 9.3%; plus it is on an adjoining lot.

- The snow storage needs to be revised on the site plan and be up to 25%.

The DRC reviewed the duplex design and site plan on May 7, 2015 and recommended approval with the conditions outlined in the staff recommendation.

Staff recommended the Planning Commission recommend approval of the single family design review with the following conditions:

- No site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has been implemented on the site.
- Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family / Duplex Deposit Agreement.
- A stabilized construction entrance shall be installed prior to ground disturbance.
- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation. A new site plan

needs to be presented with the erosion control corrected.

- A new site plan needs to be presented with the erosion control corrected; plus the snow storage revised.

Required Permits:

- ✓ Building Permit – applied for
- ✓ Driveway Permit - approved
- ✓ Single Family / Duplex Deposit Agreement – paid

Discussion was held and The Planning Commission recommended additional coverage for the utilities.

Commissioner Davlin moved and Commissioner Larson seconded to approve the design review with conditions listed. Motion carried: 6-0

B. Special Use Permits- Opa! and Pepe Osaka’s Fishtaco, Ski Depot, and Rudi’s Deli – Park Center Shopping Center

Planner Shockey presented the staff reports.

Both properties are zoned D-C and outdoor seating and sales tent is a special use. In considering the applications, the Commission shall consider:

1. The health, safety and welfare of the residents of the Town.
2. The orderly development of the property in the Town.
3. The preservation of property values.
4. The protection of the tax base
5. The effect on the neighborhood.
6. The likelihood of a nuisance being created.
7. The effect on the master plan of the Town
8. Any other matters relevant to the inquiry.

A Special Use Permit shall not be granted unless the Commission finds that:

1. The use is appropriate to the location, the lot and the neighborhood.
2. The use does not substantially change the character of the neighborhood.

Opa! – Fernan DeLeon

The applicant is requesting a Special Use Permit to have seating located outside of their building on their patio. This deck will be replacing the Mirasol Cantina deck that was in use when they were open for business at this same location. This will help increase sales tax for the town.

A Public Notice was published in the Sky Hi Daily News on April 23, 2015, sent to adjacent property owners on April 22, 2015, and posted on the property on April 22, 2015, providing notification of the meeting and requesting comments. No comments have been received.

If the Commission was in favor of the amended permit, the following conditions should be required as part of the approval -

1. That any necessary liquor licensing be obtained prior to any outdoor service.
2. That the patio, tables and chairs are removed on or before the opening day of each winter ski season at Winter Park Resort and reconstructed after the Winter Park Resort spring closing each April.
3. That the Special Use Permit will be valid until May 19, 2020 if no written complaints are received.
4. Any banners placed for the outdoor seating will require a banner permit.

Discussion was held.

Charles Alley was present to represent Fernan DeLeon. He stated the deck is the exact same deck that was used by Marisol; and they are going to paint the trim to match the building.

Commissioner Larson moved, and Commissioner Davlin seconded to approve the Special Use Permit for Opa!, with conditions listed above. Motion carried: 6-0.

The second special use permit is for Park Center. Pepe Osaka's Fishtaco-Fernan DeLeon, Ski Depot Sports-Matt Cannon, and Rudi's Deli-Tim Hubbard

Pepe Osaka's Fishtaco – To create a nice area for patrons to enjoy the Winter Park sunshine while waiting to be accommodated inside the dining room in addition to creating sales tax revenue without compromising parking availability. This will be a seating beach on the edge of the sidewalk. This will only take up a small part of the two parking spaces.

Ski Depot Sports – Promote retail shopping and overall positive experience for town residents and guests. This is for a tent that will take up two parking spaces.

Rudi's Deli- Summer is our busy months. It is imperative that we are allowed to expand our dining area into the parking lot in effect to maximize our sales during the very short summer season. This is for a seasonal deck that will take up two parking spaces.

Ski Depot and Rudi's Deli is a renewal application where Pepe Osaka's Fishtaco is a new application. Staff felt that these all should be under one Special Use Permit since it is in the same shopping center and affects everyone's parking. The town has not received any complaints about the two requests for renewal.

A Public Notice was published in the Sky Hi Daily News on April 23, 2015, sent to adjacent property owners on April 22, 2015, and posted on the property on April 22, 2015, providing notification of the meeting and requesting comments. No comments have been received.

If the Commission was in favor of the amended permit, the following conditions should be required as part of the approval -

5. That any necessary liquor licensing be obtained prior to any outdoor service.
6. That the patio, tables and chairs are removed on or before the opening day of each winter ski season at Winter Park Resort and reconstructed after the Winter Park Resort spring closing each April.
7. That the Special Use Permit will be valid until May 19, 2020 if no written complaints are received.
8. Any banners placed for the outdoor seating will require a banner permit.

Discussion was held.

Commissioner Anderson moved and Commissioner Larson seconded to approve the Special Use Permit for Park Center Shopping Center with the additional condition that the parking spaces in front of Pepe Osaka's Fishtaco will be marked for compact cars only. Motion carried: 6-0.

Both Special Use Permits will go to the Town Council on May 19, 2015.

C. Commercial Enhancement Grants

Planner Shockey gave his staff report.

The Town has received eight grant applications for the spring cycle. Staff is requesting the Commission review each application to determine if they meet the intent of the criteria outlined below. Given that we have eight applications, the Commission will need to rank the projects to assist the Council in determining which projects will have the most beneficial impact on the downtown.

The Planning Commission shall consider the potential beneficial impact on pedestrian/business activity of each application, as well as the overall effect on said commercial area regarding components such as traffic flow, pedestrian accessibility, beautification, design and use.

In addition, the Commission shall evaluate each proposal based on the following criteria:

- The degree of beneficial impact on the commercial area.
- The uniqueness of the project.
- The amount of visual enhancement to areas viewed by large numbers of people.
- Whether the project creates an area that is pedestrian friendly or that encourages people to gather.
- Conformance to the character of the neighborhood and compliance with the spirit of the Winter Park Design Regulations and Guidelines.
- Other relevant factors as deemed important by the Town Council and or Planning Commission.

The Town budgets \$50,000 each year for the Commercial Enhancement Grant Program. This year the Town received \$211,434.30 worth of grant requests. A committee, comprised of

town hall staff reviewed each grant request based on the criteria listed above. We particularly focused on three criteria – beautification of the town, landscaping and return on investment.

Based on these factors, we offer the following comments/recommendations –

Business	Staff Comments	Requested Grant Amount	Proposed Grant Amount
Winter Park Station	The grant is to replace sidewalks and install landscaping that was damaged during a water main break in 2011. The sidewalk repair does not meet the criteria for the grant program, this is a maintenance item that should be taken care of by the property owner. The improved landscaping proposed between the sidewalks would qualify for grant program. The committee is in favor of providing funding for the landscaping.	\$75,000.00	\$15,180.47 (50% of the total landscape costs)
Mountain Grind	The grant request is to install fabric awnings over the front and side windows of Mountain Grind, install new perimeter fencing to create a bistro café area and a wind screen to block the wind that blows through that area of the shopping center. They are also requesting funds to build planters for growing vegetables that will be used at the store. The committee is in favor of providing funding for the request; the awnings will beautify the building while the outdoor seating will provide an atmosphere that the town has encouraged. The perimeter fencing proposed along the parking area will need to be removed each winter to prevent damage from snowplowing.	\$3,482.50	\$3,482.50
Main Street Center	The grant request is to construct an outdoor patio that will complement the building and provide street appeal to the downtown. The patio will tie together nicely with the other two decks that were constructed recently on either side of the property (Deno's and The Ditch). As stated in the applicant's letter, creating an outdoor space will encourage foot traffic to the area which is critical for the tourist environment we live and work in. The committee is in favor of providing funding for the project but with a limited budget, the committee is recommending funding 55% of the requested amount.	\$45,000.00	\$25,000.00
Winter Park Pub	The grant request is to install landscaping along the north side of the Pub building and assist in improving drainage and paving the back parking lot. The asphalt paving is not eligible for funding. The drainage is a maintenance issue and therefore not eligible. Staff is in favor of providing funding for the landscaping as it will enhance the appearance of the building and tie into the improvements the Town recently completed on the North Portal Project.	\$12,500.00	\$7,985.50 (50% of the total landscape costs)
Cooper Creek Merchants Association	The grant request is to install a graphic art piece on the blank north brick wall of Cooper Creek Square in order to create visual interest and enhance the downtown experience. While the committee was in favor of the	\$6,761.50	\$0.00

	concept, the building is currently for sale, including the parking lot to the north. The real estate sign advertising the property shows a building along Highway 40 that would block the mural in the future. The committee did not recommend funding for the mural until the property is sold and the new owners provide details on their future building plans.		
Smokehouse BBQ	The grant request is to install an outdoor patio on the south side of the building along Miller Drive. The patio will be a continuation of the improvements that were completed in 2014. The committee was in favor of the outdoor patio but with a limited budget, the committee voted not to fund the project this year. A commercial enhancement grant was awarded to this property in 2014 for \$40,000.00	\$28,000.00	\$0.00
Village Center	The grant request is to install roof sections over the entrances to the building to improve and enhance the overall appearance and to provide a greater sense of arrival and welcome to the property. The stairs are located on the backside of the building along the parking lot. The stairs lead to mostly residential units at this time, although the upstairs units are available for commercial purposes. With a limited budget, the committee did not feel this project met the criteria established above.	\$26,022.15	\$0.00
Village Center	The grant request is to replace existing decking on the west side of building and construct two new walkways from Highway 40 to the building. There is currently a flagstone walkway from the sidewalk to The Library. This walkway is hard to maintain during the winter months. Replacing deck material is considered a maintenance item and therefore is not eligible. The two walkways would provide better connectivity from the sidewalk but with a limited budget, the committee voted not to fund the project this year. A commercial enhancement grant was awarded to this property in 2014 for \$23,000.00	\$14,668.15	0.00

The committee recommended funding four of the eight projects. The total funding recommendation is \$51,648.47, which is still over the total amount budgeted this year. Given that we have eight applications, the Commission will need to rank the projects to assist the Council in determining which projects will have the most beneficial impact on the downtown.

Discussion was held. The Commission discussed which projects would have the most beneficial impact on the downtown and came up with a ranking.

Commissioner Larson moved and Commissioner Davlin seconded to approve the same four projects as the committee; they ranked the projects as listed below. Motion carried: 6-0.

1. Winter Park Pub
2. Main Street Station
3. Mountain Grind
4. Winter Park Station

Recommendation will go to Town Council on May 19, 2015.

D. McDonald's Landscaping

Planner Shockey gave his staff report.

In 2013, the Planning Commission approved a remodel of the McDonalds Restaurant. As part of the design approval, the applicant was required to plant landscaping along Lions Gate Drive. The approval required eight Colorado spruce, seven alpine currants (shrub) and six redbud dogwood (shrub). The applicant never complied with the requirements and in the fall of 2014 requested the landscaping requirement be waived due to snow storage requirements. The Planning Commission denied the request to waive landscaping and required the applicant create an alternative plan if the 2013 plan was not feasible. The applicant has provided a revised landscape that places trees on the edges of the parking lot and shrubs in the middle where the majority of the snow is piled in the winter.

Staff requested the Commission review the landscape plan and the applicant's letter and decide if the landscaping plan as presented is acceptable.

Discussion was held. There was concern that if we allow them to have a reduction in landscaping we might be setting a standard. Planner Shockey said he was not concerned because in remodels landscaping is normally not part of the plan. If this was a new restaurant the requirements would be different.

Commissioner Larson moved and Commissioner Anderson seconded to approve the McDonald's landscaping plan. Motion carried: 6-0.

V. STAFF UPDATE

- Fraser Notice of Hearing.
- Town Manager Nelson gave update on transit and Sitzmark.
- Affordable Housing workshop on Tuesday, May 19 at 2 pm.
- BOA meeting 5-26-15 after the Planning meeting. Commissioner Robbins said he would not be present so Mike Davlin will take his place.

Upon a previously adopted motion, the meeting was adjourned at 9:32 a.m.