

**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, June 24, 2014**

Minutes

- I. The meeting was called to order at 8:00 am.
- II. Roll Call indicated present: Dick Norman, Susan Keck, Charles Banks, Brad Holzwarth, Doug Robbins, Alex Buhayar, and Cliff Anderson.
- III. Commissioner Anderson moved, and Commissioner Keck seconded a motion to approve the minutes of May 13, 2014. Motion carried: 7-0.

IV. NEW BUSINESS:

Commission Robbins was welcomed to the Commission.

A. Mural – Adolf's Event Center

Planner Shockey presented the staff report.

Adolf's Tavern and Event Center has requested approval of a mural to be located on the north side of their building. The mural would be approximately 12' high and 17' wide and cover the majority of the wall. The Town Council funded the mural as part of the Commercial Enhancement Grant program.

As part of the approval, the Planning Commission is required to review and approve the design. Staff recommended the Planning Commission approve the mural as presented.

Commissioner Holzwarth moved and Commissioner Anderson seconded a motion approve the mural with the condition we would recommend Adolf's contact Winter Park Resort about the logo. Motion carried: 7-0.

B. Modification to Special Use Permit – Eagle Wind

Planner Shockey presented his staff report.

Section 7-3-4 of the Town Code states "A special use permit must be approved by the Planning and Zoning Commission [and Town Council] prior to placing any temporary building for real estate sales on any construction site."

The Town Council approved a special use permit for a sales building at the Eagle Wind Condominium project in October 2013. Resolution 1417, Series 2013 approved the sales building with conditions.

Public Notice was published in the Sky Hi Daily News, sent to adjacent property owners and posted on the property on June 5, providing notification of the proposed modification and requesting comments. No comments were received.

A modification to the 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.

After the Town Council approval in October 2013, the applicant posted the required surety and pulled a building permit to install the foundation. The foundation was installed during the early winter and the site was shut down by the beginning of 2014. No work has occurred on the site since. Although physical work on-site has lapsed, the applicant has continued to work on replatting the property to create the 35 condominium units. The final plat is tentatively scheduled for Planning Commission review on July 22.

Resolution 1417 required the structure be completed by July 1, 2014 to stay in compliance with the Special Use Permit. The applicant is requesting an extension until December 31, 2014 due to unforeseen circumstances out of the control of the applicant.

At the request of staff, the applicant has started to export the excess fill from the site, reseed the disturbed areas and install erosion control on the site. This will at a minimum, improve the overall appearance of the site while waiting for the sales building to be completed.

Staff recommended the Planning Commission forward a favorable recommendation to modify the Special Use Permit. The following modifications outlined in red shall be made to the original conditions:

1. Surety shall be required in the amount of \$40,000.00 to assure the structure can be removed and the property restored to its current state, or the structure finished and the public improvements around the structure completed, (i.e. paving, landscaping, etc...) if the following items are not completed as outlined below –
 - a. The exterior of the structure shall be finished no later than ~~July 1, 2014~~ **December 31, 2014**. The finished product shall match the drawings approved by the Planning Commission on September 24, 2013 **and modified on January 14, 2014**.
 - b. ~~The preliminary plat and all associated documents outlined in Title 8 of the Town Code shall be submitted by November 1, 2013.~~ **(Resolution 1441, Series 2014 was adopted by the Town Council on February 18, 2014, approving the Preliminary Plat)**
 - c. ~~The final plat and all associated documents outlined in Title 8 of the Town Code shall be submitted within three months of the Town Council approval of the preliminary plat.~~ **(Final Plat was submitted May 16, 2014)**
 - d. The final plat and all associated documents shall be submitted to the Town for recordation no later than one month after approval by the Town Council.
 - e. A Development Improvements Agreement shall be signed and funded upon approval of final plat.
2. The surety shall be a cash escrow account held by the Town. The surety can be used for the following purposes –
 - a. To finish the exterior of the structure as approved by the Planning Commission on September 24, 2013 **and modified on January 14, 2014**.

- b. To finish public improvements associated with the structure. The improvements include paving Whistlestop Circle, landscaping around the structure, installing drainage improvements and other public improvements identified by the Town Council.
 - c. To remove the structure from the property and restore the property to its current state.
3. The sales building is not permitted to be occupied for residential purposes. The building shall only be occupied during the hours of 7:00am to 10:00pm. The building shall not be occupied overnight.
4. The Building Department shall issue a temporary Certificate of Occupancy for the structure once all required inspections are completed. A Certificate of Occupancy shall not be issued until the final plat for the property is recorded and as-built for that structure is recorded.
5. The special use permit is valid for nine months from date of approval **until December 31, 2014**. If the applicant meets the deadlines outlined in Condition No. 1, the permit shall automatically be extended for an additional six months.
6. Failure to comply with the conditions listed above may result in revocation of the special use permit as described in Section 7-9-6 of the Winter Park Town Code.
7. Failure to comply with the conditions listed above shall constitute a zoning violation as described in Section 7-10-6 of the Winter Park Town Code. Penalties as outlined in Section 7-10-7 of the Winter Park Town Code shall be applicable. Each day during which violation occurs shall be deemed a separate offense.

Craig Dewars, owner; Danny Teodoru his attorney were present to answer questions from the Commission.

Discussion was held.

Mr. Dewars explained that the business he was purchasing his building from closed permanently. He is going to purchase from another dealer, and it will be 12 weeks before it is ready. He stated at this time he could not build it on-site any faster.

Discussion was held about the surety for the subdivision, Mr. Dewars wanted the Commission to know he has concerns about fully funding the DIA and will be requesting to phase the project. The Town Council is the governing body who will decide if phasing is permitted.

There were concerns from the Commission about just a foundation sitting there another winter. Mr. Dewars shared their concern.

There were also concerns by Mr. Dewars on conditions 1.d. Staff agreed that the timeline is fairly restrictive and could be amended.

Commissioner Holzwarth moved, and Commissioner Keck seconded to approve the modification to the Special Use Permit for Eagle Wind Sales Trailer, with the conditions listed above with exception to condition 1.d. and 1.e. Condition 1.d. shall be changed from one

month to three months and condition 1.e. shall be changed to require funding upon recordation of the final plat. Motion carried: 7-0.

This will go to Town Council on July 1, 2014.

C. Single-Family Design Review – 473 Leland Creek Way – George Grindahl and Suzanne Boda

Planner Shockey presented the staff report.

Commissioner Robbins recused himself since he is on the Leland Creek Design Board.

Three story single family home that encompasses approximately 4,200 square feet of finishable floor area including a two-car garage. The structure has been approved by the Leland Creek HOA Design Review Committee.

The DRC reviewed the single-family design and site plan on June 17, 2014 and recommended approval with the conditions outlined in the staff recommendation.

Staff recommended the Planning Commission approve the single-family design and site plan for Lot 25, Leland Creek Subdivision 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 Deposit Agreement.
- A stabilized construction entrance shall be installed prior to ground disturbance.
- A material storage area will need to be shown on the site plan with proper erosion control.
- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.

Required Permits:

- ✓ Building Permit
- ✓ Driveway Permit
- ✓ Single Family / Duplex Deposit Agreement

Bob Boxwell was present to answer questions from the Commission.

Discussion was held.

Commissioner Anderson moved and Commissioner Keck seconded to approve the design review for 473 Leland Creek Way. Motion carried: 6-0.

D. Commercial Design Review – Cooper Creek Square

Planner Shockey presented the staff report.

Mark Hanna was present to answer any questions from the Commission.

Cooper Creek Square in conjunction with DaVinci Restaurant is proposing to build a third-story deck on the corner of Cooper Creek Way and US Hwy 40. The deck will be constructed on steel and concrete with steel railings surrounding the deck. All metal components will be painted to match the existing green of Cooper Creek railings.

The applicant submitted drawings that highlight the improvements. The proposed materials and style match the existing metal in Cooper Creek Square and comply with the Town Design Guidelines. All metal components will be painted to match the existing Cooper Creek railings.

Exterior lighting is not currently proposed.

The Design Review Committee reviewed the proposed improvements on June 17, 2014 and recommended approval with two conditions –

- The metal extensions above the railing (holding the flowerpots) shall be removed from the design. The Committee was concerned that the extensions would appear out of place during the winter months when flowers were not on them. The applicant agreed with this condition.
- The approval includes the ability to wrap the metal support posts from the deck to the ground in rock façade similar to the Cooper Creek Sign. The Committee was concerned that the support posts may appear out of proportion to the rest of the structure if the diameter of the poles is too small. The diameter is proposed to be six inches.

Staff recommended approval of the design as amended by the Design Review Committee.

Discussion was held.

Commissioner Anderson moved and Commissioner Robbins seconded to approve the commercial design review for Cooper Creek Square. Motion carried: 7-0.

E. Community Trails Plan

Planner Shockey gave staff report.

The Towns of Winter Park and Fraser have created a draft Community Trails Plan to identify pathways to move citizens throughout our communities without the need for an automobile. The planning process occurred over a 14-month period. It included input from Winter Park and Fraser citizens, field visits, work sessions, public meetings, an open house, and a citizen advisory committee. Additional information was gathered through a trail survey conducted by Headwaters Trail Alliance in the fall of 2012. The planning process has allowed the Towns the ability to create a detailed picture of the existing and future trail systems in our community.

The planning area intentionally extends beyond the existing town limits of the municipalities, both to integrate future development activities adjacent to the Towns and to anticipate potential expansion of the Towns' boundaries. Because the planning area overlaps other jurisdictions, it is important for the Towns to coordinate closely with Grand County and Federal agencies in trail planning efforts. The Towns will work with our local trail organizations, Headwaters Trails Alliance, Grand Mountain Bike Alliance, and Fraser Valley Partnership for Trails on future planning efforts.

Staff requested the Planning Commission review the plan and consider providing a recommendation to the Town Council for approval, approval with conditions or denial of the plan. If additional time is needed to review the plan, a decision can be tabled until another meeting.

There was a work session held on Monday, June 23; about 40 people showed up.

Commissioner Robbins moved and Commissioner Anderson seconded approval of the plan. Motion carried: 7-0.

VI. STAFF UPDATE

- Planning Commission will meet on July 8th and 22nd.
- Staff Report – Staff will provide this to the Commission on a monthly basis.
- Discussed Board of Adjustment. General discussion was held and it was decided that Commissioner Keck and Buhayar would be the alternates for this board. A formal election will be held at the meeting on July 8th.
- Vasquez Village
- Beavers
- Serenity Trail

Table Setting - New siding for 148 Balsam - Commissioner Anderson moved and Commissioner Keck seconded to approve the new siding colors. Motion carried: 7-0. Discussion was held that staff could make this type of decision on remodels so projects were not held up.

Upon a previously adopted motion, the meeting was adjourned at 9:23 a.m.