

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

March 18, 2008, 1:30 p.m.

Board Room, Estes Park Town Hall

Commission: Chair Ike Eisenlauer; Commissioners Wendell Amos, Bruce Grant, Betty Hull, Joyce Kitchen, Doug Klink, and John Tucker

Attending: Chair Eisenlauer; Commissioners Amos, Grant, Hull, Kitchen, Klink, and Tucker

Also Attending: Director Joseph, Planner Shirk, Planner Chilcott, Town Attorney White, Town Board Liaison Homeier, Public Works Director Zurn, and Recording Secretary Roederer

Absent: None

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

Chair Eisenlauer called the meeting to order at 1:30 p.m.

1. PUBLIC COMMENT

Ron Norris/President of the Association for Responsible Development expressed the association's strong support for expediting work on development of a wildlife policy and open-space plan and for revisions to the Estes Valley Development Code addressing building density requirements and building appearance standards. He summarized updates received from Town staff on anticipated progress and emphasized that these issues should continue to have high priority.

Lon Sheldon/Van Horn Engineering requested that the Planning Commission provide feedback for one of his clients on a potential subdivision request—specifically, whether the Commission would consider negotiating the required infrastructure (water, roads, etc.) in exchange for lower-density development on a parcel. Director Joseph stated the Planning Commission can only provide an answer if they are provided with all the details that pertain to the property. A complete application must be submitted for review. Discussion followed regarding concept presentations, which are subject to staff review and are routed to all affected agencies for review, and the public is notified and given time to comment. Attorney White cautioned the Commission against giving advisory opinions outside of the standard review process.

2. CONSENT AGENDA

a. Approval of minutes dated February 19, 2008

b. AMENDED PLAT, Lot 3, Horse Creek Ranch Subdivision, 3540 Little Valley Road, The Portfolio Group, Inc./Applicant—Request to amend the platted limits of disturbance area

It was moved and seconded (Amos/Klink) to approve the minutes as presented, and to recommend approval of the Amended Plat, Lot 3, Horse Creek Ranch Subdivision, to the Board of County Commissioners, with the findings recommended by staff, and the motion passed unanimously.

3. CONTINUATION OF HEARING from February 19, 2008 regarding REZONING REQUEST and MINOR SUBDIVISION PLAT, KUNDTZ SUBDIVISION, Lot 1, Block 1, Ferguson Subdivision, and a Portion of the SW ¼ of the NE ¼ of S25-T5N-R73W of the 6th P.M., 821 E. Riverside Lane, Habitat for Humanity of Estes Valley, Inc./Applicant

Chair Eisenlauer explained that this agenda item was presented at the February 19, 2008 Planning Commission meeting; the item was continued in order to take further public comment. Comments will be accepted at today's meeting only from those who have not previously addressed the Commission on this matter.

Director Joseph noted that Commissioner Hull had raised questions regarding the lot area. He expressed his desire to have the applicant's engineer address this issue so that the record is correct.

Lon Sheldon/Van Horn Engineering stated the subdivision was platted in 1904 and subsequently resurveyed in 1935. This resurvey left gaps between some of the lots; quiet title action was used to join disconnected sections of the subdivision. The quiet title documentation will become part of the permanent record of the Kundtz Subdivision plat.

Amy Plummer/Van Horn Engineering stated the lot sizes shown on the plat are correct. The total lot size is 0.672 acres prior to road right-of-way dedication. The sizes of the individual lots shown on the proposed subdivision plat are correct.

Commissioner Hull stated for the record that she has had private conversations with both Habitat for Humanity board members and neighboring property owners since the February meeting. Both sides of the issue were discussed. Nothing was discussed in her private conversations that is not included in the material provided in the Planning Commission packets or in letters received over the past month.

Public Comment:

The meeting was opened to public comment. Because approximately two hours of public comment were received by the Planning Commission at the February meeting, comments were limited to a maximum of three minutes in order to allow the Commissioners time to deliberate and act on this request.

Those speaking in support of Habitat for Humanity (HfH) and/or in favor of the proposal included Louise Olson/HfH Board Member, Dan Mangler/HfH Board Member, Patricia Washburn/Town Resident, and Tim Hess/Town Resident. Arguments in favor included: HfH Board members have met with neighboring property owners and listened to neighborhood concerns; HfH will make every effort to choose families wisely with the help of neighboring property owners and will develop mentorships for the new HfH families; the adopted mission of the Town includes providing reliable services, which requires service workers; the proposal is consistent with the Comprehensive Plan and EVDC and will help actualize the Town's vision statement; property values in the Estes Valley have escalated—Estes Park should not become an economically gated community; there is need to ensure diversity in our community; HfH families are hard-working, contributing members of the community and should be integrated within the community; HfH families should not be considered undesirable neighbors and should be approached directly if adjoining neighbors have complaints or concerns; the bed-and-breakfast two lots away from the proposed subdivision has much higher density than that contemplated by HfH, as does the nearby RV park; three residences on this lot will not be detrimental to the neighborhood; the Planning Commission should not be persuaded by NIMBYs.

Those expressing concern and/or speaking in opposition included Judy Schreiber/Neighboring Property Owner, Michael Kelleem/Neighboring Property Owner, Millie and Roger Steketee/Neighboring Property Owners, and Kent Bosch/HOA President of Charles Heights Association. Arguments against the applicant's request included: the lot should not be subdivided into three lots; neighbors' concerns could be addressed if review of certain aspects of the proposed development was required—the homes should have natural wood finish and garage space should be provided to prevent junk accumulation outdoors; applicants for the homes should be subjected to a rigorous screening process; rezoning should not take place until the development is completed; HfH in Boulder has built homes in locations that do not require rezoning—the local HfH should do the same; HfH is proposing three homes on the lot because HfH paid too much for the property; neighbors will be harmed by the subdivision; there is only room for two homes on the lot; the residence on proposed Lot 2 will be located too close to the road and too close to the southern property line and will be an eyesore; three homes is too

dense for the ½-acre lot and will not blend with the neighborhood; neighbors' property values will decrease; HfH represents a worthwhile cause but made some bad decisions in the purchase of this property and is trying to cram this proposal down the throat of the neighbors in order to salvage its investment; there are critical problems with the proposal, including safety concerns.

Ed Mularz/President of HfH and Matthew Heiser/Basis Architecture presented the applicant's closing remarks, summarized as follows: HfH has established a process for mentoring HfH families; two meetings with neighbors have been held by HfH and letters were sent to neighbors, asking for their participation in the selection process for the new HfH families, as well as for assistance in the building phase so neighbors can help determine the look and attributes of the new homes (siding materials, colors, etc.); some slanderous remarks have been made regarding HfH's monetary dealings and the intentions of the HfH Board; HfH is not trying to make a profit but is trying to serve the community by providing affordable housing; HfH requests that the Planning Commission consider the attainable housing incentives provided in the EVDC and apply them to this proposal; HfH searched hard for a suitable lot for this proposal; affordable housing is not obtainable at market-rate costs; no other entity is building affordable housing to meet the needs of HfH target families; the challenges to HfH development of a property would be the same at any other location in the valley; HfH requests the Planning Commission recommend approval of the proposal. The public comment portion of the meeting was closed.

Commissioner Kitchen noted that some written comments from the public were received as late as 11:00 a.m. today. She requested that the public submit comments prior to the Wednesday before the Planning Commission meetings for inclusion in the informational packets prepared for the Commissioners, thus allowing the Commissioners adequate time to consider the comments.

Commissioner Amos stated that he participated in development of the Estes Valley Development Code, which addresses attainable housing. At the time of EVDC adoption, few attainable homes were available in the Estes Valley. The R-1 zoning district was created to promote attainable housing because the value of land in the Estes Valley was too costly for most entities or developers to build attainable housing. Two properties have since been purchased, rezoned to R-1, and developed by HfH with no objections from neighbors. Commissioner Amos served on the HfH Board for seven years and helped with the purchase of the property under consideration. He had suggested that HfH build four residences on the lot under consideration but the HfH Board chose to propose three. He did not participate in the review of this proposal in May 2007 but is no longer on the HfH Board. He stated he had not heard anything that would justify a recommendation for denial of this project. Commissioner Amos stated he could not say that he is unbiased. Commissioner Klink requested input from Town Attorney White, who stated that per Colorado statutes, the only conflict of interest is a financial interest, which is not the case with Commissioner Amos.

Commissioner Grant recused himself from commenting and voting on this agenda item due to his absence from the February 18, 2008 Estes Valley Planning Commission meeting.

Commissioner Tucker stated he had voted against this proposal when it was presented in May 2007. However, HfH has since sought neighborhood involvement in the proposed subdivision through creation of a homeowners association and limiting elements of the proposed housing about which it had received complaints. He noted that there are four duplexes used for nightly rental one lot away from the proposed subdivision. HfH has made a commitment to constructing homes that look like they belong in the neighborhood and seeks neighborhood involvement in the project. The proposed density is not out of character with the neighborhood. He expressed support for the proposal.

Planner Shirk and Director Joseph stated the property is currently in unincorporated Larimer County; HfH has petitioned for annexation to the Town. The annexation request, rezoning request, and subdivision plat would be reviewed by the Town Board at their April 22, 2008 meeting. It is anticipated that the Town Board will be the decision-making body

for these requests. Planner Shirk suggested that the rezoning request be conditioned on approval of the minor subdivision plat.

It was moved and seconded (Amos/Tucker) to recommend approval of the request for Rezoning of Lot 1, Block 1, Ferguson Subdivision, and a Portion of the SW ¼ of the NE ¼ of S25-T5N-R73W of the 6th P.M., from A-1–Accommodations zoning to R-1–Residential zoning to the Town Board of Trustees or the Board of County Commissioners, with the findings and conditions recommended by staff, and the motion passed with Commissioner Grant abstaining.

Those voting FOR: Amos, Eisenlauer, Kitchen, Tucker

Those voting AGAINST: Hull, Klink

CONDITIONS:

1. Approval of the Kundtz Minor Subdivision Plat.

Commissioner Hull stated she had voted against the motion because the current zoning of A-1 would allow construction of two homes with storage sheds, which would be adequate. She expressed her support for HfH and stated her opinion that two houses would be sufficient for the lot. Commissioner Klink stated he had voted against the motion for the same reason.

Commissioner Amos moved approval of the Minor Subdivision Plat. Commissioner Tucker seconded the motion with the additional conditions shown below as Conditions #3 and #4. Commissioner Amos agreed to the amended motion.

It was moved and seconded (Amos/Tucker) to recommend approval of the Minor Subdivision Plat of Kundtz Subdivision, Lot 1, Block 1, Ferguson Subdivision, and a Portion of the SW ¼ of the NE ¼ of S25-T5N-R73W of the 6th P.M., to the Town Board of Trustees or Board of County Commissioners, with the findings and conditions recommended by staff, and with the addition of Conditions #3 and #4, and the motion passed with Commissioner Grant abstaining.

Those voting FOR: Amos, Eisenlauer, Kitchen, Tucker

Those voting AGAINST: Hull, Klink

CONDITIONS:

1. Approval of the Kundtz Annexation.
2. The deed restriction required by Section 11.4.E.5 shall be approved by Town Attorney White prior to recordation of the plat.
3. Habitat for Humanity of Estes Valley, Inc. shall solicit and strive to ensure neighborhood involvement in the selection of homeowners for the subdivision.
4. Habitat for Humanity of Estes Valley, Inc. shall form a homeowners association for the subdivision and, via the homeowners association documents, shall limit parking to two vehicles per lot and shall limit exterior paint and/or siding colors to muted earth tones so as to blend aesthetically with the existing neighborhood.
5. A driveway maintenance agreement shall be submitted for recording with the final plat mylar.
6. All interior drives shall be at least 20 feet deep.
7. Compliance with the following memos:
 - a. Mike Mangelsen to Bob Goehring dated January 22, 2008.
 - b. Jeff Boles to Bob Goehring dated January 22, 2008.
 - c. Town Attorney White dated January 21, 2008.
 - d. Upper Thompson Sanitation District dated January 24, 2008.
 - e. Public Works dated February 6, 2008 (email).
8. The driveway shall be given a formal street name. A street sign and stop sign shall be installed prior to issuance of a certificate of occupancy and shall comply with Town of Estes Park standards.
9. The final stormwater management plan and construction plans shall be subject to review and approval by the Public Works Department.

4. CONCEPT PLAN PRESENTATION, ELKHORN LODGE REDEVELOPMENT, Four Metes and Bounds Parcels (parcel identification numbers 35261-00-001, 35261-05-046, 35261-06-001, 35252-53-018, Portion of 35261-06-001) and Outlot A, Sallee Resubdivision, 600 West Elkhorn Avenue, Zahourek Conservatory, LLC/Owner, Rock Castle Development Co./Applicant

Director Joseph stated the applicant will provide a concept plan presentation for a mixed-use development on the Elkhorn Lodge property, which encompasses approximately 20 acres at the west end of downtown and an additional 40 acres on the hillside above the Elkhorn Lodge. The 40-acre parcel is currently within unincorporated Larimer County but is proposed to be annexed to the Town of Estes Park.

The applicant intends to propose a planned unit development (PUD) for the property. The PUD process set forth in the Estes Valley Development Code (EVDC) provides the opportunity for a more creative mixing of uses in close proximity and provides the potential for greater flexibility in setback requirements and other dimensional standards. The PUD process envisions the proposal of a higher-quality development, with higher standards for design and for how well the proposal fits within the fabric of the existing community. In the PUD process, the burden rests with the applicant to propose a project that provides a compelling vision of desirability for the community. It is not a use by right. The package of development is rewarded for good design.

Planning staff anticipates there will be a number of public hearings on this proposal, beginning with a broad description of the project and progressing through finer levels of detail as review progresses. Director Joseph encouraged the public to use the Community Development Department's web page for current information on the proposal. Comments from the public are welcome at any time during the review.

Chair Eisenlauer called a five-minute recess at 2:45 p.m. to provide the applicant time to set up a visual presentation; the meeting was reconvened at 2:53 p.m.

Applicant Presentation:

Frank Theis, representing Rock Castle Development Company, stated this is a large, multi-use project and is very expensive. Due to the complexity of the project, the developer began meeting with town staff on a weekly basis beginning in October 2007. The PUD process includes rezoning the upper portion of the property, which is currently a mix of RE—*Rural Estate* and E—*Estate* zoning, as well as approval of a subdivision plat. The entire property must be zoned CO—*Commercial Outlying* in order to be overlaid with a PUD. The subdivision plat must be approved in order for the developer to move forward with the purchase agreement for the property.

Due to the complexity of the project, the concept plan will be presented at today's meeting with more detailed review, including development plans, to follow. For the April Planning Commission meeting, the applicant will provide wildlife, wetlands, hydrology, noise, fire, and other detailed studies.

The proposal includes renovation of the Elkhorn Lodge, which is one of five structures on the property that are on the historic register. The lodge is in poor condition and will require significant financial investment to restore. There has been negative environmental impact to Fall River by horses kept for the riding stable at the lodge.

The upper forty acres is proposed for development as a single-family residential subdivision. Mr. Theis stated the subdivision is planned with sensitivity to wildlife movement. Over 30% of this area is proposed to be set aside as open space, including the steepest portion of the property, an open-space corridor through the center, and a 50-foot buffer on all sides, which provides a 50% larger setback than is required.

Multi-family development is proposed on Lot B-1, and the applicant has met with the Housing Authority to discuss the possibility of developing attainable housing on this lot.

The main commercial core is proposed around the Elkhorn Lodge building, with a combination of apartment-type units and duplexes similar to those found at Mary's Lake Lodge to be constructed on the western portion of that area. These units would be

controlled and rented through the lodge. Construction of these units and a new wing addition on the lodge would provide a total of approximately 100 accommodations units. The new wing of the lodge would include suites, a spa, and an indoor pool.

The applicant proposes multi-family units along Fall River to buffer the existing single-family-residential neighborhood that adjoins the property. The applicant is requesting accommodations density for these units, which will be "high-end, apartment-type" units.

A commercial, pedestrian-scale street with parking on both sides (similar to downtown Estes Park) is proposed to connect the lodge with new multi-use buildings. The multi-use buildings would provide retail space at the ground level and apartments on the second floor.

A park area is proposed, approximately two acres in size, which would include extension of the riverwalk from downtown. Approximately 1,000 feet of riverwalk is proposed through the property. The applicant also proposes to restore Fall River and a wetlands area; no horses would remain on the property.

A trail would connect from the riverwalk through a Town-owned, open-space property between Elkhorn Lodge and Old Ranger Drive; this trail would split into several trails on the upper 40 acres (proposed single-family subdivision) and connect to the existing trail into Rocky Mountain National Park. The applicant proposes a trailhead with public parking on the Town-owned property.

Mr. Theis listed the benefits to the community as: economic impacts, provision of a western bypass road, renovation of the Elkhorn Lodge, attainable housing apartments, restoration of Fall River, a new park, riverwalk, and a Deer Ridge Trail connection.

The applicant proposes to construct approximately one mile of road to provide a bypass from West Elkhorn Avenue to Elm Road and has been working with the Town Board to determine its exact location. There are two possibilities for the terminus of the proposed bypass road where it would join West Elkhorn Avenue—alignment with James Street or alignment with Far View Drive. The developer has agreed to construct the road through to West Elkhorn Avenue at the existing entrance to the property (currently the driveway into the Elkhorn Lodge), with the Town Board to determine to final road alignment. The developer will provide easements for both road alignments, with one to be abandoned once a determination has been made.

The developer has met with Colorado Division of Wildlife Officer Rick Spowart. Currently the upper 40 acres proposed for the single-family residential subdivision is used for hunting. Development of the subdivision will have a negative impact on the yearly harvest. However, the applicant has provided a corridor for wildlife movement to the residential property to the east. The habitat for wildlife along Fall River will be enhanced; wetlands and the fishery will be restored.

Mr. Theis expressed hope that the final plat will be approved by July at the latest. The first phase of the project will be development of the single-family residential subdivision (Big Bear Estates), which will provide funding to pay for road construction costs. Renovation of the Elkhorn Lodge is planned next, followed by additional single-family development, then development of Lot B-1 and Lot B-2. Road work will begin in fall of 2008, if the final plat is approved by July. Utilities must be installed; paving would begin in summer of 2009. Development of the commercial core would be the last phase of the project and will be based on demand. Mr. Theis estimated that development of this portion of the project will be at least four to five years in the future.

Planning Commission Comment/Discussion:

Commissioner Hull stated the following: Having the bypass road completed in the first phase was one of her concerns. There is not enough parking for commercial retail; shared parking will not work because the retail businesses will be open into the evening hours in summer. Retail space on the second floor of the commercial buildings is not likely to work. Mr. Theis acknowledged that a completed parking study determined that the shared parking does not meet the required standards. He stated the Town had urged the developer to put in as much commercial space as possible and that the applicant

proposes a better ratio of parking than currently serves downtown. Very little retail space is proposed on the second floor of the commercial buildings, although the second floor of those buildings will be at the same level as the main level of the Elkhorn Lodge [due to the slope of the property].

Commissioner Tucker stated that survival of retail business is based on tourists and asked what the developer would do to draw more people to town. He questioned whether the applicant had considered an ice-skating rink. Mr. Theis stated Bob Koehler (Rock Castle Development Co.) has done a lot of retail development at the national level. At one time the plans included an ice rink, but that was taken out. A private park/open space has been set aside in front of the lodge that could be used for something in the future. The biggest draw will be restoration of the Elkhorn Lodge in a first-class way, with wonderful restaurants and a really nice commercial center. The area could provide another location for conventions, although the developer does not want to compete with the existing convention center.

Commissioner Amos noted that another recent development proposal is on hold pending design changes to accommodate wildlife. The proposed Big Bear Estates Subdivision is a dense development; he stated his desire to see more open-space corridors through this single-family subdivision to accommodate wildlife. Mr. Theis listed open areas for wildlife movement, including a corridor that is a major drainage running from northwest to southeast through the proposed Big Bear Estates Subdivision, a proposed underpass at the bypass road for people and wildlife, and the area along the river corridor. He agreed to take Commissioner Amos' comments into account.

Commissioner Hull also expressed concern about the proposed density of the Big Bear Estates Subdivision. She stated Estes Valley Development Code (EVDC) Section 9.1.C provides for a process that "can relate the type, design, and layout of residential and commercial development to the particular site, thereby encouraging the preservation of the site's natural characteristics, and to encourage integrated planning..." She noted the applicant's proposed average lot size is 0.25 to 0.50 acre. The proposed 57 houses with driveways and garages on these small lots will result in a lot of paving in a small area. She acknowledged the applicant had provided open space, as per EVDC requirements, but stated her objection to such heavy development in that area. She noted that lessening of density was an issue presented at the recent joint study session with the Board of County Commissioners and Town Board. Mr. Theis stated the EVDC Section 9.1.B encourages a more efficient use of land and public services... so that resulting economies may benefit those who need homes. He also cited Section 9.3, which states the PUD-M district is intended to promote developments with a balanced mix of commercial and residential uses that provide services and employment opportunities in close proximity to residents of the district. He stated the applicant is trying to cluster development to maximize open space and meet the spirit of the PUD requirements. He stated it is very expensive to purchase the property, build the bypass road, renovate the historic lodge, and give a significant piece of property to the Housing Authority. He acknowledged that the developer is requesting upzoning and is seeking a balance to meet community needs.

Commissioner Grant questioned whether development of the commercial core would take place as the final phase, noting it is a significant part of the PUD. Mr. Theis stated the commercial core encompasses a large area; the Town has indicated that building permits for single-family residential development will not be issued until a certain portion of the commercial core has been developed. However, build-out of the commercial core will be based on demand.

In response to additional questions from the Commissioners, Mr. Theis stated the applicant envisions development of approximately 2,000 square feet of office space with storage units on proposed Lot 1, most of which would be rented by residents of the subdivision. This lot would be located between the single-family residential subdivision and the I-1—*Industrial* area to the south. Prices of homes in this subdivision are planned to range between \$600,000 and \$700,000. Commissioner Hull expressed concern that there would be enormous homes on small lots. Mr. Theis stated the homes would be 2,400 to 3,000 square feet in size. Commissioner Grant echoed Commissioner Amos' concerns regarding wildlife corridors through the proposed Big Bear Estates Subdivision, noting the

corridor shown on the plans appears to dead-end in the subdivision. Mr. Theis contended that an access/utility easement connects to the apparent dead-end, providing a corridor up to 150 feet wide. The 50-foot setbacks surrounding the subdivision will also provide room for wildlife movement. He stated that the proposed density of the subdivision is very similar to that of Carriage Hills Subdivision and is virtually the same density as the adjacent Elkhorn Club Estates. Although the applicant had not originally envisioned attainable housing as part of the development, attainable housing was added at the request of planning staff; 30 attainable apartment units are envisioned on Lot B-1.

Mr. Theis went on to state the bypass road will be a significant benefit to the community and will provide an emergency access link to downtown, which could save lives in the event of a wildfire, as well as providing a convenience to locals when summer traffic is heavy. He stated that development of a well-planned subdivision is also a benefit to the community, noting that development of a few homes would not pay for the bypass road. He stated the applicant's traffic study indicated traffic volume on the bypass road will be very similar to that on Mall Road. Commissioner Kitchen noted that access to Elkhorn Avenue and Moraine Avenue is very difficult for large vehicles such as those that access the industrial area. Mr. Theis stated that the Colorado Department of Transportation has indicated there is currently no warrant for a traffic signal on Moraine Avenue, nor is there a warrant indicated following build-out of the proposed development. There is ongoing discussion as to whether truck traffic should be limited on the proposed bypass road. No left-turn lanes at the Elkhorn Avenue entrance or the Moraine Avenue entrance are currently warranted; they will be constructed once they are warranted.

Public Comment:

Linda Farrell/Adjacent Property Owner stated the proposed bypass road, bridges, and traffic lights should be in the middle of the development, not on the extremities, so as to minimize impact to adjacent property owners. She expressed concern about impacts to the river quality and sewer lines. Construction traffic should not use the current driveway entrance to the Elkhorn Lodge, which passes directly by her condominium. Parking should be kept outlying; shuttle-bus use should be promoted; tranquility should be preserved; tall structures, traffic, and noise should not be allowed adjacent to neighboring properties. The bypass road should not be extended from West Elkhorn Avenue to Highway 34; bypass users should drive west on Elkhorn Avenue; James Street and Far View Drive should not be affected by the bypass.

Dan Herlihey/Town Property Owner presented six slides showing views of the area proposed for development of the Big Bear Estates Subdivision. He expressed concern that the density for these single-family lots of $\frac{1}{4}$ to $\frac{1}{2}$ acre is out of character with the surrounding area, noting that the applicant proposes a fourfold increase in density over what is allowed under the current zoning of the property, and concern about the visual impact of 57 homes located on a prominent ridgeline location. He also expressed concern about the alignment of the proposed bypass road and the link to Wonderview Avenue (Hwy. 34), noting that Far View Drive is a minor road with sharp curves and steep grade, which is not designed to carry additional traffic volume.

Director Joseph responded that the site is subject to ridgeline development standards, which prevent construction of buildings such that they are silhouetted against the sky. These standards also require retention of existing vegetation to provide screening. New structures are subject to color/material restrictions to provide a finished product that blends with the natural setting.

Mary Lamy/Adjacent Property Owner expressed concern that the proposed density is excessive, noting the proposed open space in the single-family subdivision is in an unbuildable area. The proposed homes clustered on tiny lots are not in keeping with the surrounding properties; parcels to the east of the proposed subdivision are all large lots. Larger setbacks should be required on the commercial lots adjoining the riparian area. She asked that the Town ensure that the developer can proceed with the proposal, given the current credit crisis. She stated the role of the Town is not to ensure the developer's bottom line—it is to consider all the people in the Estes Valley. She stated this is a huge

tract with many uses and is a critical piece of land. Time should be taken to review the proposal; the push for approval by July is poor planning.

Ron Norris/Association for Responsible Development stated ARD members have met with the developer and concerned neighbors but does not yet have a position on the proposal. The proposal has a number of desirable features, including restoration of the lodge and river, potential revenue for the town, and engagement of the Division of Wildlife to assess impact of the proposed development on wildlife. Careful consideration should be given to housing density, location of attainable housing, the amount of retail proposed, the route and steep grade of the proposed bypass road, and development of the Big Bear Estates Subdivision adjacent to the existing quarry. Special emphasis should be given to the flow of information between the multiple agencies involved in the review of this project; review should not be rushed.

Sandy Osterman/Town Resident questioned how the proposed bypass road would affect downtown traffic and businesses, expressed concern that tourists would not visit the downtown area, and questioned the traffic count comparison of the bypass road to Mall Road.

George Hockman/Town Resident stated if the proposed bypass road resembles Mocassin bypass, it will be inadequate for the future needs of Estes Park. The bypass should be the equivalent of a two-lane U.S. highway in terms of width, setbacks, and a maximum grade of 7%. The road should be planned first, with the remainder of the development planned around the road. A suitable bypass is more important than any other aspect of the proposal, including density and open space. Once development is completed, transportation deficiencies cannot be corrected.

Ron Hinkle/Neighboring Property Owner expressed concern about the proposed bypass road, wetlands and the use of the lot identified as wetlands, and issues of runoff, flooding, and erosion of Fall River at properties downstream of the Elkhorn Lodge property. He contended there will be flooding at The Willows properties and in the Filbey Court area, noting that problems currently exist. He requested that any final approval of the proposed development address potential erosion of the Fall River bank at the bridge and potential flooding of existing residences. Regarding the extension of the bypass road to Highway 34, he stated use of Far View Drive is not an option—it is a bad road now. There is only one exit out of The Willows development because the east exit is gated.

Verd Bailey/Adjoining Property Owner reiterated concerns expressed by Linda Farrell as noted above. He also expressed concern about the removal of the waterfall located behind his property, noting the waterfall serves as a buffer for traffic noise and from neighbors; removal of the waterfall will devalue his property. He urged a prompt decision on the location of the river crossing for the bypass road.

Marie Steinbrecher/Adjoining Property Owner expressed concern about the proposed location for attainable housing on a steeply sloped portion of the property, changing the flow of Fall River, impacts of the development on wildlife, and whether the spirit of the law is being followed. She stated neighbors' concerns are not being taken into consideration. The proposal should be considered carefully and responsibly. Other buyers are interested in purchasing the property for green development.

Rob Hicks/Adjoining Property Owner stated he does not want the waterfall removed. The current driveway for Elkhorn Lodge would not make a good road. He expressed concern that the amount of traffic, which is estimated as 4,000 cars/day by 2030, would be a "lot of traffic over that road." He objected to the proposed entrance to the development [at Elkhorn Avenue] and requested that the bridge be moved to the center of the property. He asked the Commissioners to make their decision as if they lived next door to the proposed development.

Dave Shirk/Neighboring Property Owner stated he will be particularly impacted by the proposed bypass road. Far View Drive was not designed for much traffic; improvements to the road will have to be made. He questioned who will pay for these improvements. He requested the Commissioners recommend installation of a traffic circle rather than a signal light at the bypass road intersection with West Elkhorn Avenue. He expressed

support of the concept for redevelopment of the Elkhorn Lodge property; however, design guidelines should be adhered to. For instance, lighting requirements should be tightened to prohibit exposed bulbs.

Heather Stone/Neighboring Property Owner stated it has been disturbing to hear there may be a concrete overpass to James Street or homes torn down along Far View Drive. She and her husband have lived here 38 years and just built their dream home—she doesn't want an overpass over her bedroom. She stated that downtown businesses may be devastated by a bypass up Far View Drive or James Street because business will be removed from the downtown area.

John Spahnle/Adjoining Property Owner expressed concern about Lot B-1, which is proposed as a multi-family-residential lot that may be sold to the Housing Authority and is directly adjacent to his property. If this lot is sold to the Housing Authority, the developer will no longer control what happens on the lot. He also expressed objection to connection from the bypass road to Old Ranger Road and his desire to have that connection eliminated. He requested lighting restrictions be imposed as suggested by Dave Shirk. He stated the proposed development will have a great deal of impact on the Elkhorn Club Estates Subdivision.

Wes Allbritten/Neighboring Property Owner questioned whether the developer will be the owner/operator of the lodge when it is complete. Mr. Theis responded, "Yes."

Vee O'Farrell/Neighboring Property Owner stated if a community is not sustaining a high-quality of life, it is not desirable. He stated his belief that the proposed development will have a negative impact environmentally and economically. He pointed out that the nearby condominiums in Fall River Village and Rivers Pointe Downtown have not sold. He urged the Commissioners to think of the community and neighboring property owners and also stated other purchasers are interested in green development of the property.

Frank Theis provided concluding remarks, noting the applicant has met with neighboring property owners to discuss their concerns and has provided all studies requested by planning staff. The developer is experienced and is willing to take the necessary time to "do it right." He expressed appreciation for the time town staff has spent on this project. The applicant will hold another neighborhood meeting prior to the scheduled Planning Commission meetings in April; he encouraged the public to contact him directly via email at rockcastledevelopment@gmail.com.

Director Joseph stated there will be further public hearings before the Planning Commission regarding this proposal; these hearings will be held April 15 and April 17, 2008.

Chair Eisenlauer called a five-minute recess at 4:25 p.m.; the meeting reconvened at 4:30 p.m.

5. PROPOSED AMENDMENTS TO THE ESTES VALLEY DEVELOPMENT CODE, BLOCK 11 — Appeals and Vacation Home Regulations

Due to the lateness of the hour, Director Joseph suggested the Planning Commission take comment from members of the public waiting to address the Commission on the proposed amendments to the development code. The staff presentation and Planning Commission consideration of the amendments will take place at a future meeting.

Public Comment:

Betty Nickel/The Portfolio Group stated she has designed and built custom homes for 15 years; 50% of her clients request guest houses for use by visiting relatives/guests or for use by a caretaker as they age. None have indicated they would rent the guest house for income purposes. The development code is behind the curve in terms of communities that have upscale housing because it does not allow detached dwelling units. The current review standard of "kitchen facilities" is too difficult to define. Property owners want guest

houses for privacy. The fact that a 35-acre property can't have a separate dwelling unit is outrageous.

Linda Farrell/Town Resident requested a summary of the amendments regarding appeals. Attorney White explained there had recently been an appeal to the Town Board of a Planning Commission decision; however, there is nothing in the development code that specifies what the procedure for appeals is, when the appeal must be filed and will be heard, or what documents should accompany the appeal. The proposed code changes provide guidelines for these procedures. Commissioner Kitchen requested that concerns be addressed that were outlined in a letter received from Paul Kochevar. Attorney White indicated that Mr. Kochevar's concerns that the appeal process would be used to delay a project were unfounded. There is no present requirement in the Code that the Town Board set a date for review of an appeal or act within a certain timeframe; the proposed amendments specify that the appeal must be heard within 60 days. Ms. Farrell stated a short timeframe may prove to be a hardship for out-of-town property owners and requested the amendments take into account such situations.

Matthew Heiser/Town Resident requested consideration of a change to the development code regarding the 80%-of-median-income standard for affordable housing. He urged the Commission to consider code standards that would allow a scale between 80% of median income up to as much as 150% of the market rate for an affordable home.

Judy Anderson/Anderson Realty and Management cautioned that the proposed amendments to vacation home regulations attempt to fix things that aren't problems, such as not allowing housekeeping services in vacation homes or providing food for vacation home renters. She stated that those staying in a residence longer than a week may desire housekeeping services; vacation home guests should be able to receive a welcome basket or have a catered dinner. She expressed a desire to have all vacation homes treated equally in terms of licensing and taxes on individual residences. She stated 30% of vacation homes are rented by the property owners, who often don't conform to any of the rules—property owners should be held to the same standards as rental management companies. When asked by Commissioner Kitchen for her suggestions on how to enforce the regulations, she suggested additional staff time should be devoted to searching the internet to discern which homes are being rented and mailing letters to property owners outlining the applicable regulations. She stated many recent offenses could have been handled by neighbors phoning the code enforcement officer. She stated a minority of private homeowners obtain the required business license. Town Attorney White noted that a business license is required only if the property is within Town limits and stated there is no ready solution to the problem of internet rentals by non-resident property owners. Director Joseph indicated it would be possible to look at a rental property website and check whether the property owner has obtained a business license and whether the rental is in general compliance with the limit on the total number of guests allowed without having to add more town staff. Ms. Anderson stated management companies limit the total number of guests to eight people per residence, as required by the code; however, 50% of the units found on the FRBO website offer accommodations for nine to twelve people. She questioned why there is a limit of eight guests if a residence has five bedrooms. Professional property managers require a three-night minimum stay and do not conduct nightly rentals. She stated vacation home rentals are driven by the way the public chooses to vacation. Estes Park appeals to families; it is too expensive for a ten-person family to stay in a hotel. Commissioner Tucker stated the intent of zoning is to constrain certain types of living and commercial uses in certain areas. Residential zoning districts are designed for people to live there; they are not designed for hotel use or rental use. He questioned why accommodations owners should be penalized by having to compete with residential rentals. He noted that recent complaints were made by homeowners who didn't like nightly rentals in their neighborhoods and stated he would not want nightly rental use to occur in a home next to his. He explained that his definition of the term "nightly rental" is a lodging that is paid for per night (something other than long-term rentals) and questioned whether Ms. Anderson would be willing to have private homes that are used for short-term rentals pay commercial property tax rates. She indicated she would not.

6. REPORTS

No reports were presented; discussion regarding possible future changes to Estes Valley Development Code sections that pertain to accessory dwelling units will be held at a future Planning Commission meeting.

Chair Eisenlauer adjourned the meeting at 5:00 p.m.

Ike Eisenlauer, Chair

Julie Roederer, Recording Secretary