

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

April 15, 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, 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: Commissioner Grant

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 (ARD) discussed ARD's written request that the Planning Commission provide educational workshops that explain the steps in the development process to the public and immediately appoint and involve citizens' advisory panels to work with the Town staff and developers on significant new development projects. Commissioners Hull and Amos expressed support for providing educational workshops for the public.

2. CONSENT AGENDA

a. **Approval of minutes dated March 18, 2008.**

b. **SPECIAL REVIEW 08-01, Cricket Communication Tower, A Portion of S36-T5N-R73W of the 6th P.M., 1435 Prospect Mountain Drive, Cricket Communications/Applicant—Request for continuance to the May 20, 2008 Estes Valley Planning Commission meeting**

It was moved and seconded (Hull/Amos) to accept the consent agenda, and the motion passed unanimously.

3. REZONING REQUEST and DEVELOPMENT PLAN 08-04, SAPLING GREEN, Lot 35, Grand Estates Subdivision, TBD Grand Estates Drive, located immediately behind Grumpy Gringo Restaurant, Basis Architecture/Applicant

Planner Shirk summarized the staff report. This is a request to rezone a 0.95-acre parcel from CO—*Commercial Outlying* to RM—*Multi-Family Residential* in order to develop nine residential dwelling units and a daycare center/preschool/school. This project includes review of a development plan, preliminary condominium map, and special review of the daycare center/preschool use in addition to the rezoning request.

The current zoning would allow construction of the proposed school; the proposed rezoning is required to allow multi-family use on the lot. If the rezoning from CO to RM zoning is approved, the applicant's requested use of the site as a daycare center triggers the special review process.

There is currently an approved development plan for the property which would allow construction of a metal building (a mechanical contractor's business) on this undeveloped lot. There is a mix of commercial, accommodations, and multi-family residential zoning around the property.

At the request of Town staff, the applicant proposes to dedicate additional public right-of-way along Grand Estates Drive, which would move the western property line eastward. The developer was informed of this need for additional right-of-way after the proposed school/condominium building was designed. The proposed location of the building has been moved as far to the east as possible to accommodate the additional right-of-way, but existing water and sewer mains limit this distance, resulting in the applicant's request for a minor modification to the required setback from the western property line. If this minor modification is granted, the building will still be located farther from the original western property line than required prior to right-of-way dedication. Staff is supportive of this request.

The proposed building would be located on the northern half of the lot. The daycare/preschool/school would occupy the western, single-story portion of the building and serve children from ages 2½ to 5, as well as kindergarten, first-, and second-graders. The eastern portion of the building would consist of nine residential condominiums and would be two to three stories in height.

The site is gently sloping and drains generally from northwest to southeast. Currently, undetained stormwater runoff from the adjacent Grumpy Gringo restaurant runs across the subject property, across the eastern boundary line, and thence southward. Several adjacent property owners to the south have expressed concern about this runoff. The applicant proposes to collect stormwater drainage at the southwest corner of the lot, which would improve drainage.

The applicant is requesting approval of a second minor modification to allow a maximum impervious coverage of 52% rather than the 50% required by the Estes Valley Development Code (EVDC) in the RM zoning district. The developer proposes to provide more parking spaces than required by the Code to accommodate the anticipated "morning rush" at the daycare/school. In order to help mitigate the effects of this additional parking, the applicant proposes to use grass block pavers on a portion of the site. Planner Shirk noted that under the current commercial zoning, the maximum impervious coverage is 65%; staff is supportive of this requested minor modification.

Although planning staff typically discourages requests to rezone CO—*Commercial Outlying* properties, the proposed development plan addresses two identified needs in the community—daycare and attainable housing—which staff considers equal to the need for commercial zoning. Additionally, the proposed uses of school/multi-family-residential would help buffer the existing multi-family development from the existing commercial development.

This request has been submitted to all applicable reviewing agency staff for consideration. Comments were received from the Town of Estes Park Public Works, Building, and Light and Power departments, Upper Thompson Sanitation District, and Colorado Department of Transportation (CDOT). Final approval from the Public Works Department on the stormwater drainage design and from CDOT are pending and are included as recommended conditions of approval. A letter from neighboring property owner Michael Myers was received expressing concern about stormwater runoff and potential drainage problems caused by development of the property, and a letter from neighboring property owner Sandra Jokinen expressing concerns regarding the safety of children due to the traffic volume in the area.

Planning staff recommends approval of the proposed rezoning, development plan, special review, and preliminary condominium map.

Applicant Presentation:

Steve Lane/Basis Architecture stated he is the architect and applicant for this proposal. He discussed the difficulty of finding a property suitable for school use in a residential neighborhood. By utilizing one lot for both school use and attainable housing, the amenities on the site, as well as the cost of development, can be shared by the two uses, and the site can be used to give back to the community in two ways. The requested rezoning is for the purpose of allowing the attainable housing/multi-family housing component of the project. Use of the site as a school helps retain some of the

“commercial” aspect. With existing multi-family housing on two sides, the proposed uses of this site help to “step down” the zoning from the adjacent commercial property. The location of the property one block from the hike/bike path along Highway 34 and close to the Lake Estes trail provides easy access to town and is a critical component of the proposed attainable housing. Four of the nine units are proposed to be deed-restricted—two units at 100% of average median income and two units at 115% of average median income. This helps address the need for another level of attainable housing, as reflected in the housing study released in March. Many local families can’t afford to purchase area homes but make too much income to qualify for current attainable housing opportunities. All the proposed units will have two or three bedrooms, and amenities on the site, such as the playground and picnic area, will be shared by the school and residents. The units are not intended as vacation condos, but as apartments for local families. Mr. Lane provided a visual presentation of the proposed project. There will be an enclosed and protected play area for children, which will be available for use by residents when school is not in session. Floor plans and rooflines are proposed to be varied; wood, stucco, and/or other low-maintenance materials in earth tones will be used on the exterior of the building. Additional landscaping is proposed along perimeters of the lot. Drainage from Grand Estates Drive will be captured in a drainage swale along the south property line, and other drainage improvements will help to capture runoff from Grumpy Gringo Restaurant. Thirty-five parking spaces are proposed; grass pavers will be installed in an area intended for overflow, visitor, and/or staff parking. He requested approval of the proposed development.

Nancy Johnson/Founder and Director of Lifelong Learning of Estes Valley provided information about the history and current status of the learning center, which is currently housed in two local churches and serves 54 preschoolers and 13 kindergarten and 1st graders. Continuing growth is anticipated. She expressed a desire to continue to provide an affordable, early-childhood experience for local families in a single location.

Commissioner Tucker stated the applicant has done a good job of site design; the transition from commercial zoning to multi-family zoning is a good fit for the neighborhood. The Public Works Department has indicated that drainage on the site, which is currently an issue, will be improved.

Public Comment:

Tom Partridge/Daybreak Condominiums HOA President and Adjacent Property Owner questioned the accuracy of the traffic impact study. He stated his belief there will be problems with traffic. He questioned whether the applicant proposes daycare services in the summer. He referenced the letter submitted by Sandra Jokinen and her concerns for children’s safety given the traffic in the area. He questioned who determines the number of attainable housing units. He also stated the catch basins for runoff look adequate and are needed. Planner Shirk stated the applicant currently proposes to provide daycare and school services on the same days/times as the public school district. The number of attainable units is determined by the development code; the applicant is utilizing the allowance for bonus density for deed-restricted housing, as prescribed by the Code. Commissioner Klink noted the applicant may choose to change the day and hours of operation in the future.

Rita Kurelja/Estes Park Housing Authority Director expressed her support for the proposal. She stated the housing authority is currently unable to serve households earning greater than 80% of median income due to lack of funding. The 2008 housing needs assessment indicates that by 2015, forty-seven units will be needed to fill home-ownership gaps for those who earn between 100% and 120% of average median income. Few homes are available for those in this income range, and the number is declining. Families and young professionals move out of the area due to housing costs. She urged the Commissioners to support the proposal.

Jane Rutledge/Adjacent Property Owner stated her view would be of the west end of the proposed building; she is impressed with the design. She expressed concern that the view from the windows and patio on the south side of the Grumpy Gringo Restaurant would be blocked by the proposed building. She questioned the need for 1st & 2nd grades in the

proposed school and questioned whether an alternate location, such as the former Auto Mall, had been considered.

Commissioner Hull questioned whether the owners of the Grumpy Gringo Restaurant had been notified of the proposed development. Planner Shirk stated they had; no feedback was received. Director Joseph noted they were in attendance.

Sally Patridge/Adjacent Property Owner stated she was impressed by the proposal. She expressed concern about the intersection of Grand Estates Drive and Highway 34, noting it is difficult to find the turn, and drivers entering the Grumpy Gringo Restaurant parking lot frequently cut across the intersection. She also expressed concern about the center turn lane on Highway 34 at this location because westbound traffic turning south to Grand Estates Drive is often in conflict with eastbound traffic using the same lane to turn north on Lone Pine Drive. Planner Shirk reiterated that one of the suggested conditions of approval is CDOT approval. The applicant must obtain an access permit from CDOT. Mr. Lane stated there were two traffic accidents in this area in 2005, one in 2006, and none in 2007, which indicates that traffic conditions are fairly safe.

It was moved and seconded (Klink/Tucker) to recommend approval of the request for Rezoning of Lot 35, Grand Estates Subdivision, from CO–Commercial Outlying zoning to RM–Multi-Family Residential zoning; approval of Development Plan 08-04, Sapling Green; approval of the Special Review for the proposed daycare center; and approval of the Preliminary Condominium Map for Sapling Green Condominiums, Lot 35, Grand Estates Subdivision; to the Town Board of Trustees, with the findings and conditions recommended by staff; and the motion passed unanimously with one absent.

CONDITIONS FOR REZONING:

1. Town Board approval of the Sapling Green Development Plan 08-04 and the proposed Special Review for the daycare center.

CONDITIONS FOR DEVELOPMENT PLAN 08-04, SPECIAL REVIEW, & PRELIMINARY CONDOMINIUM MAP:

1. Town Board approval of the proposed rezoning, Special Review, and Preliminary Condominium Map.
2. Prior to issuance of a grading permit, the stormwater management plan shall be subject to review and approval of Public Works, and the applicant shall dedicate drainage easements consistent with said plan.
3. Prior to issuance of a grading permit, the submitted Traffic Impact Analysis shall be subject to review and approval of CDOT.
4. Prior to issuance of a building permit, the applicant shall submit verification the utility easement described in Reception number 20040094695 has been vacated to allow the proposed location of the building, and an easement for the relocated utilities has been recorded.
5. Prior to issuance of a certificate of occupancy, the applicant shall dedicate 7.5 feet of right-of-way along the entire western property line. Acceptance of this right-of-way shall be subject to acceptance of the Town Board.
6. Prior to issuance of a certificate of occupancy, a postal cluster box shall be located adjacent to the existing "box cluster" on Grand Estates Drive.
7. Prior submittal of the Final Condominium Map, the applicant shall submit condominium declarations for review and approval of Staff.
8. Compliance with Upper Thompson Sanitation District requirements.
9. Compliance with memo from Mike Mangelsen to Bob Goehring dated March 19, 2008.
10. Compliance with memo from Public Works Engineering dated March 31, 2008, or alternative approved by the Town Engineer.

Regarding the next item on the agenda, Elkhorn Lodge Redevelopment, Commissioners Amos and Hull commended Planner Chilcott for her diligent, complete, and excellent work in preparing staff reports, providing documentation, and coordinating the Commissioners' site visit to the property. All the Commissioners expressed appreciation for Planner Chilcott's efforts on this proposal.

4. REZONING, PRELIMINARY SUBDIVISION PLAT, and PRELIMINARY P.U.D. 08-01, ELKHORN LODGE REDEVELOPMENT/BIG BEAR ESTATES SUBDIVISION, 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, currently known as the Elkhorn Lodge property, including 600 West Elkhorn Avenue, Zahourek Conservatory, LLC/Owner, Rock Castle Development Co./Applicant

Planner Chilcott summarized the staff report. This proposal for a mixed-use development consists of three applications—a rezoning request, preliminary subdivision plat, and preliminary PUD 08-01—that constitute a single package for development of approximately 63 acres. Surrounding properties are zoned RE-1—*Rural Estate* (10-acre), RE—*Rural Estate* (2.5 acre), E-1—*Estate* (1 acre), E—*Estate* (0.5 acre), RM—*Multi-Family Residential*, A—*Accommodations*, and I-1—*Industrial*.

The Elkhorn Lodge and its associated complex of lodge buildings are located primarily on the lower portion of the property, which consists of approximately 20 acres zoned CO—*Commercial Outlying*. The upper portion of the site consists of approximately 40 acres zoned RE—*Rural Estate* and is adjacent to industrial-, commercial-, and residential-zoned land. Adjacent residential-zoned land to the east consists of low-density properties with conservation easements (10-acre minimum lot size), while adjacent residential-zoned land to the north is in ½-acre zoning.

The proposed mixed-use development includes single-family homes on the upper portion of the site, multi-family homes in a “transition area,” and a commercial core on the lower portion of the site that would include accommodations, commercial retail, and residential uses. The applicant proposes construction of a bypass road to connect Moraine Avenue to West Elkhorn Avenue, as well as renovation of the Elkhorn Lodge and the addition of a new wing to the lodge.

The application for a PUD (planned unit development) overlay district encompasses the entire property, which consists of four parcels and an outlot. In order to establish the PUD, the entire property must be zoned CO—*Commercial Outlying*, thus the applicant’s request for rezoning of three parcels—the upper lot of 40 acres, which is currently zoned RE—*Rural Estate*, and two E—*Estate* parcels, one 3 acres in size, the other 0.14 acre. Approval of the PUD would establish design guidelines for the entire property.

It is the role of the Planning Commission to review each of these applications (rezoning, preliminary plat, and preliminary PUD) for compliance with requirements set forth in the Estes Valley Development Code. The Planning Commission is the recommending body; the final decision-making body will be the Town Board.

The applications have been routed to reviewing agencies for consideration and comment. All property owners within 500 feet of the subject property were notified via postcard of the proposed development, and the required legal notice has been published. All comments from reviewing agencies and from the public are available on the Town’s website, which is updated as additional information is received.

The applicant has requested the Town’s participation in this project, which will be addressed separately through an annexation agreement and a development agreement.

Due to the extensive nature of the proposed development, today’s review will focus on the proposed single-family subdivision on the upper 40 acres and proposed Lot B-1, which the applicant envisions for attainable housing use. A special meeting of the Planning Commission is scheduled Thursday, April 17, 2008 for review of the commercial core proposed on the lower portion of the site. The bypass road will be discussed at each meeting.

Town staff believes the proposed bypass road is a significant opportunity for the community. It is needed for the proposed development, it would be helpful to local residents during the busy summer season, it would be used by truck traffic from the adjoining industrial area, and it would benefit emergency personnel/vehicles. Construction of the bypass road will result in a change to the current access to the neighborhood to the west of the proposed development as well as the Range View Road intersection with Elm

Road. The bypass is planned as a two-lane road. The portion to be constructed by the applicant would be approximately 4,800 feet long (slightly less than one mile), with a maximum grade of 12%, and would include a bridge over Fall River.

Public Works Director Scott Zurn provided details from a 2003 Colorado Department of Transportation (CDOT) study, which focused on future traffic congestion issues. Given no change in current circulation patterns, projected population growth along the Front Range, and projected growth in visitation, CDOT estimates that in 2028 vehicles will wait at local signal lights through five cycles for 90 days of the year. Two solutions are generally considered, one being a western bypass road. The other solution would involve a one-way couplet, acquiring properties along Riverside Drive, and widening Riverside Drive from two lanes to three or four lanes. The western bypass road would lessen impacts to the downtown area. The applicant was asked to design the proposed road as a minor collector road consisting of two lanes with a 25 m.p.h. speed limit.

In answer to questions from Commissioners Amos, Tucker, and Klink, Director Zurn provided additional information as follows: the capacity of the existing system is currently so close to its maximum that an increase in traffic of 25% to 30% will result in the traffic delays indicated above. Closure of Elkhorn Avenue downtown to create a pedestrian mall would increase the need for improvements to Riverside Drive; it would not lessen traffic impacts. The applicant's traffic study indicates approximately 3,500 vehicle trips per day on the proposed bypass road, which is roughly equivalent to current traffic volumes on Mall Road. The bypass road would provide a valve for future traffic pressure, as would improvements to Riverside Drive; the next long-term solution to consider would be mass transit.

Planner Chilcott continued her presentation, stating the applicant is proposing realignment of a portion of Elm Road onto a parcel owned by Larimer County. The Town is looking into acquiring a portion of that parcel from the County. Access to some properties immediately northwest of this area would change, with future access to be taken from the bypass road via proposed Bear Rock Court thence westward on proposed Bear Run Court. Staff is examining whether Bear Run Court would be publicly or privately maintained and whether a hammerhead turnaround would be functional for snowplow/emergency vehicle access. Addressing for these properties would change if the proposal is approved. Placement of a portion of the bypass road on the County-owned property would also impact the alignment of the Range View Road/Elm Road intersection.

The applicant has stated that rezoning of the upper 40 acres and proposed Lot B-1 is necessary to provide financing for the proposed bypass road. The Planning Commission must consider whether the proposed rezoning is necessary to address changes in conditions in the area affected, whether the rezoning is consistent with the Estes Valley Comprehensive Plan and existing growth and development patterns, and whether adequate public facilities can be provided. Planning staff finds that the rezoning is necessary to address changing conditions—construction of the bypass road presents a significant opportunity for the community and the proposed attainable housing on Lot B-1 addresses a community need. Staff also finds the application consistent with many goals in the Comprehensive Plan, which identifies construction of a western bypass road as a way to improve transportation in the Estes Valley. The Plan also identifies redevelopment of the Elkhorn Lodge property and provision of attainable housing as important goals. A list of areas the applications are consistent with the Comprehensive Plan can be found in the staff report prepared for this meeting. Adequate public facilities are available or can be constructed to serve the proposed development. Planning staff is supportive of the request for the rezoning to permit the P.U.D. overlay district.

The 40 acres proposed for development of the single-family residential subdivision is currently undeveloped with the exception of trails/horse trails leading to the adjacent property owned by the University of Northern Colorado and to Rocky Mountain National Park. The applicant proposes 57 single-family lots and one commercial lot on this parcel, with single-family lot sizes ranging from approximately $\frac{1}{4}$ to $\frac{1}{2}$ acre. A total of approximately 13.8 acres is proposed to be set aside in private open-space outlots. The northwestern portion of the parcel is steeply sloped and heavily treed; approximately 9 acres in this area have been proposed as a private open-space outlot. The majority of the

most significant drainage on the 40 acres is proposed to be placed in the open-space outlots. The single-family development is proposed on the more gently sloped portion of the site. Properties to the east have been placed in conservation easements; these property owners have expressed concern. The applicant proposes 50-foot setbacks along much of the outer perimeter of the 40-acre parcel.

There are no proposed changes to the existing water main. It is not completely contained within the existing easement; this would be corrected with the PUD plat. Portions of the water main easement are proposed to cross residential lots. The applicant plans removal of most of the existing trails and proposes a single trail to be placed within a dedicated non-motorized public trail easement, which would continue to provide access to the national park.

Development of the single-family neighborhood will result in tree removal, with more trees to be removed in the northeast portion of the site than other areas. Planning staff recommends that additional work be done to ensure the single-family lots comply with limits of disturbance standards set forth in the Estes Valley Development Code (EVDC), including keeping development off slopes of 30% or greater and off heavily treed areas. Cut will be necessary to construct the road such that it does not exceed a 12% slope, which makes access to some of the proposed lots difficult. The applicant is reviewing lot/driveway placement to ensure compliance with EVDC standards.

A mapped ridgeline area exists on the central southeast portion of this parcel. Future homes are proposed in this area. The ridgeline is one of the less prominent in the Estes Valley, and staff is supportive of development in this area, provided ridgeline protection standards are carefully applied. Visual impact of the development should be minimized to the maximum extent feasible. Lighting standards should apply, including the requirement that exterior light sources be concealed or shielded with completely cut-off luminaires. Planning staff has requested the applicant provide an analysis to assess the visual impacts of the proposed roads from three points in the Estes Valley—Highway 34 near the Discovery Lodge, Wonderview Avenue near Far View Drive, and the Riverside Drive/Riverside Lane intersection.

Staff recommends that additional landscaping be required for lots platted along the eastern boundary of the 40-acre parcel. As trees are removed from the northeast area of the parcel, mitigation should include planting tree seedlings to screen right-of-way and cut-and-fill slopes. Landscaping should be proposed to plan for replacement of trees on lots, including plantings that will withstand pine beetle outbreaks.

The applicant's plans call for proposed Lot 1, along the southwest portion of the southern property line, to be used for commercial development to buffer the single-family neighborhood from the adjoining industrial area.

Proposed Lot B-1, which is located at the northeast corner of the 40-acre parcel, is approximately 2.6 acres in size, with a slope of approximately 20%. Approximately 30% of the lot is proposed to be set aside as private open space. Rock outcroppings and trees should be located within the open space as much as possible. The applicant is currently negotiating to sell Lot B-1 to the Estes Park Housing Authority for development of attainable housing. This would provide a transition area between the single-family development on the upper portion of the site and the lower commercial core. Lot B-1 is adjacent to an existing single-family residential neighborhood and an open-space lot owned by the Town of Estes Park. The adjoining E-*Estate*-zoned property is accessed via Old Man Mountain Lane, which is an existing unpaved right-of-way. Staff does not recommend vacating this right-of-way at this time, as it may be needed for future access to Lot B-1; however, staff does recommend that construction access be prohibited through this right-of-way.

The applicant envisions 30 attainable units on proposed Lot B-1. Future development plan review for this lot will determine whether 30 units and the required parking can be constructed on the lot in compliance with EVDC standards. At that time, the application will be carefully reviewed to see how proposed buildings fit on the land and whether EVDC standards are met, including cut-and-fill standards. The applicant's current plans show a 10-foot setback for this lot; staff recommends the setback be increased to provide

a greater buffer from the existing residential development on the north and west. Staff recommends a lighting study be prepared for this lot, as for all lots that will be created if this development is approved, to ensure lighting is minimized.

Given the extensive nature of the applicant's proposal, Planning staff recommends the remaining portion of the development (the commercial core) be discussed at the April 17, 2008 Estes Valley Planning Commission meeting.

Discussion followed between Commissioners and staff and is summarized as follows:

- Ridgeline protection standards in the EVDC apply to structures with rooflines that are silhouetted against the sky. Application of modified ridgeline protection standards, as referred to on page 18 of the staff report, would result in staff review of construction plans for all single-family houses to ensure that any adopted design guidelines are met. This may include requirements for roof materials that are non-reflective, minimization of cut and fill and lighting, and other design guidelines to ensure houses fit with the land. Design guidelines can be adopted through the PUD process.
- Receipt of federal funding for the proposed bypass road is unlikely because the road would have to be built to federal standards, including a maximum of an 8% grade, which would require extensive cut, and construction of an overpass to James Street.
- The housing authority's initial concept for development of proposed Lot B-1 includes five or six townhome-style, two-story, narrow buildings on the lot. The units would be used for rental purposes rather than home-ownership.
- Engineering staff is currently working with CDOT in re-examining possible traffic impacts on the intersection of Elm Road and Moraine Avenue (the southern terminus of the proposed bypass road) and determining whether a traffic signal might be warranted, particularly when summer traffic is heavy.

Applicant Presentation:

Frank Theis/ CMS Planning & Development Co. representing Rock Castle Development Co. provided Commissioners a copy of a letter from property owner Jerry Zahourek/Zahourek Conservatory, LLC, which states there have not been negotiations with a party other than Rock Castle for sale of the property, nor do they intend to conduct any such negotiations while the Rock Castle contract is operative. Mr. Theis stated Rock Castle began conversations with Town staff prior to the time their contract with Zahourek Conservatory was signed in July 2007 and has addressed concerns as they were raised by staff in weekly meetings that began in October 2007. The property cannot be developed without developing as a whole, thus the applicant's request for PUD approval. Other interested parties prepared development plans for the property in the past. He stated there has always been a tacit understanding of the need for additional density to justify the cost of bypass road construction, and the purchase price of the property was based on these assumptions. The bypass road will not be constructed without increased density. The proposed development meets the purposes of planned unit developments as stated in EVDC Section 9.1.A. The proposed single-family residential area (Big Bear Estates) will be a "conservation subdivision" with homes clustered on small lots and the maximum amount of open space set aside as possible. Issues raised regarding the residential component of the proposed development include density (the primary issue), wildlife/open-space corridors, the proximity of industrial uses, landscape buffers, and ridgeline view protection. The applicant has met with Town staff, administration, Board members, and neighbors in an effort to reach out regarding these concerns. Mr. Theis displayed a photo of the ridgeline area taken from Wonderview Avenue showing homes in the approximate locations proposed by the applicant.

Rita Kurelja/Estes Park Housing Authority Director displayed a photo of Talons Pointe, a local condominium development of the housing authority, stating it is a goal of the housing authority to ensure that their developments fit with the environment (regarding possible development of proposed Lot B-1). Dividing the attainable housing units into separate buildings allows a better fit with the topography of the land and breaks up the visual impact of development. In response to a question from Commissioner Amos, she stated elk herds do not pass through the Vista Ridge development but go around it.

Mr. Theis continued, stating over 30% of the proposed Big Bear Estates would be set aside in open-space outlots, building envelopes are proposed for each lot, and fencing will be prohibited. The open-space corridor envisioned for use by wildlife is 100 feet wide at its narrowest point; this corridor is proposed through an area the Division of Wildlife indicated is important to maintain. Commissioner Hull expressed concern regarding proposed Lots 31, 32, and 33, noting the slope of the lots is very steep and there is no direct access to a road. Mr. Theis stated a private drive is proposed to serve these lots from Lot 30, running along the edge of the open-space outlot. Homes on these lots will be top-loaded; the slope does not exceed 30%. Site-specific surveys will be provided for each lot that is of a concern to staff. The applicant understands that construction will not be allowed on lots that "won't work." A public trail is proposed through a portion of Outlot C where horse/animal trails currently exist. Mr. Theis stated the plans shown in his presentation are not those submitted for Planning Commission review at this meeting. The plans have undergone changes for the last six weeks and have been resubmitted for Planning Commission review in May. Housing units proposed in the single-family residential area will be very similar to those found at The Promontory near Mary's Lake Lodge in terms of design and colors. The applicant proposes the identical density to that found in adjacent Elkhorn Club Estates but is setting aside open space and creating smaller lots. In response to neighbors' concerns about the development of proposed Lot B-1, Mr. Theis displayed an illustration of the lot with a buffer, stating the applicant is now proposing an open-space set-aside of more than 30% for this lot. He stated the closest existing residence would be approximately 120 feet from the nearest future building on this lot. Regarding concerns expressed about the proximity of the industrial area to the proposed single-family residential area, Mr. Theis stated the applicant has met with neighbors and discussed buffers, as well as a consent form for future homeowners that would become a part of their title work and would disclose the potential for noise, odors, and other impacts from nearby industrial uses. The applicant proposes buffering development on the 40 acres through the planting of approximately 100 trees in three areas—to the east, west, and south.

Chair Eisenlauer called a recess at 3:30 p.m.; the meeting reconvened at 3:45 p.m.

Public Comment:

Verd Bailey/Adjoining Property Owner cautioned against following too big of a "carrot" (the proposed bypass road)—the rezoning request should not be approved if it would be disapproved if not for the bypass road. The bypass may not alleviate traffic congestion given the significant addition of commercial development just west of downtown, which in itself will create more traffic in the downtown area. Impacts of the proposed development on neighbors should be minimized. Urged bypass road alignment with James Street. Requested waterfall behind Elkhorn Club Condominiums be protected. Stated Estes Park Sanitation District has indicated the sewer line that creates the waterfall need not be removed, only capped. Questioned whether removal of the line is required to address floodplain issues; lowering the waterfall is different than removing it.

John Spahnle/Adjoining Property Owner urged careful review of this complex project. Impacts to adjoining neighborhoods should be lessened as much as possible. Light, wildlife, and noise studies should be required; the proposal should comply with the Estes Valley Comprehensive Plan. Expressed concern that Old Man Mountain Lane (currently unpaved right-of-way) will become a bypass to Old Ranger Drive. Requested it be vacated. Questioned the required setbacks for proposed Lot B-1, which abuts his property, noting that in her staff report, Planner Chilcott stated the setback would be ten feet but Mr. Theis indicated it would be 100 feet. Would like setbacks established before the lot is sold to the housing authority. Planner Chilcott stated the application submitted for today's Planning Commission review proposed setbacks of 10 feet for Lot B-1. Mr. Theis showed a slide during his presentation that indicated an open-space area that would provide a 120-foot buffer from Mr. Spahnle's house; planning staff had not been provided this information prior to today's meeting. If this development proposal is continued to the May Planning Commission meeting, changes to the proposed setback/open-space area for the lot can be considered at that time.

Mr. Spahnle also stated the submitted plans show 14 units allowed on proposed Lot B-1 but 30 units were discussed today. Planner Chilcott and Director Joseph explained that use of the lot for attainable housing provides the developer a density bonus for the attainable housing. The applicant is also requesting a density reallocation. If the rezoning is approved, a total of 141 units would be allowed on the entire property. The applicant is proposing to transfer some of the density that would be allowed as a result of the rezoning/PUD approval from the single-family residential area to Lot B-1. Calculations to determine the total allowable density include the open-space areas. A specific amount of increased density for attainable housing or from a density transfer is not guaranteed; density will be reviewed when a development application for the lot is submitted. The increased density would not be granted if development of attainable housing was not proposed. Because this is a PUD application, none of the proposed density is a use-by-right.

Judy Schreiber/Adjoining Property Owner requested the bypass road have speed and load restrictions. Expressed concern about use of the road by trucks/commercial vehicles. Does not want any vehicular ingress/egress from the proposed development to Old Ranger Drive. Requested parking for the public trailhead be placed on the applicant's property rather than in the neighboring subdivision.

Tim Ortiz/Fort Collins Resident/Local Business and Property Owner expressed support for the proposed redevelopment, stating it will provide potential business for many individuals in the community. It is a large project that will continue for many years. Theis and Koehler (agent/applicant) have demonstrated their abilities in many developments around Estes Park.

Mike Griffith/Local Resident stated he and his family have worked for the applicant for many years. Stated Koehler is a first-rate developer who never cuts corners, routinely exceeds Code requirements in many areas, hires local contractors.

Linda Farrell/Adjoining Property Owner requested buffering for all surrounding neighborhoods like that shown by Mr. Theis for Lot B-1. Stated the bypass road should also be buffered; it should be routed through the center of the property where it will affect neighbors the least. The proposed commercial area should be prohibited from manufacturing, industrial, and coffee-roasting uses. She expressed appreciation for the developer's willingness to meet with neighbors, as well as Planning Commission and Town Board consideration of neighbor comments. In reference to the applicant's traffic study, questioned how many trips would be generated by new residents of the development. Planner Chilcott and Director Zurn responded: total site-generated daily trip ends is projected to be 5,700, which does not include traffic generated solely by use of the bypass road (as much as 3,500 average daily trips). Director Zurn stated there could be up to 7,000 trips/day at the bypass road/Elkhorn Avenue intersection in 2035.

Kristin Edgar/Attorney with Caplan & Earnest, LLC addressed the Commissioners on behalf of the Chamberlain, Cravens, and Arcidiacono families/Adjoining Property Owners. Expressed concern about the proposed residential density and its impact on wildlife migration corridors. The property proposed for development is a primary corridor for elk migration from the national park; the proposed wildlife corridor will not work. The open nature of the area is beneficial to the wildlife and the Town and should be protected. The bypass road and affordable housing are driving the development, resulting in zoning decisions that would not otherwise be made. Adjacent properties were placed in a conservation easement; the high density proposed is not consistent with existing zoning of surrounding properties. Stated her clients' objection to the proposed rezoning and annexation. The proposal is being rushed through; impacts should be studied prior to consideration of the proposal.

Eli Feldman/Attorney with Caplan & Earnest, LLC addressed the Commissioners on behalf of the Corley and Hurley families/Adjoining Property Owners. His clients' property consists of approximately 60 acres, which have been placed in a conservation easement that allows only four homes in an effort to preserve the wildlife corridor recognized and defined in the Estes Valley Comprehensive Plan. The conservation easement was a gift to the community on the part of the landowners. The proposed development is dense and

will be a barrier to elk movement. His clients object to the proposed density. He urged the Planning Commission to take time to thoroughly review the proposal, which is "massive" in scale and "moving too quickly," to ensure it is done the right way with consideration for wildlife.

Sandy Osterman/Town Resident expressed concern about impacts of the proposed development to all wildlife, not just deer and elk. Urged consideration of all information, including whether the proposed wildlife corridor is sufficient and whether proposed open space will provide adequate habitat for other species' needs, prior to making a decision on the proposed development and bypass road.

In response to a question from Commissioner Hull, Director Joseph stated the valley-wide wildlife study recently approved by the Town Board will be complete near the end of June. The purpose of the study is to set objective standards for prioritization of wildlife habitat across the Estes Valley. At staff's request, the applicant for this proposal had a site-specific wildlife study completed. This provides a finer level of analysis than the valley-wide study would provide. A key element for prioritizing wildlife habitat is species diversity, which is typically provided by low-lying, riparian areas rather than dry hillsides. The applicant's property contains both; the applicant proposes habitat restoration along the river, which will enhance wildlife habitat.

Max Burkhalter/President of Range View HOA expressed concern about the terminus of the proposed bypass road (currently Elm Road) at Moraine Avenue. Trucks currently have difficulty exiting Elm Road and often have to wait for another truck driver to block traffic in order to exit onto Moraine Avenue. Expressed concern that local residents know that Range View Road can also be used to connect to Moraine Avenue and may use it as an alternative to waiting on the bypass to exit onto Moraine. Increased traffic on Range View would cause negative financial and aesthetic impacts to the homeowners who are responsible for this privately maintained road.

Dave Shirk/Neighboring Property Owner stated if the rezoning is approved, lots in the single-family residential area should specifically be restricted to allow one unit per lot due to the commercial zoning that will underlie the PUD; multi-family use should be disallowed on these lots. He noted the application is currently being revised and stated his desire to reserve the right to address the Planning Commission with further comments on this application at the May meeting. Commissioner Klink and Director Joseph indicated further public comment would be taken.

Commissioner Amos questioned how the decision would be made regarding the alignment of the proposed bypass road at Elkhorn Avenue. Director Joseph stated the decision would be made by the Town Board. With the proposed lot configuration, the developer has provided flexibility to accommodate alignment with James Street or Far View Drive.

Eileen Allbritten/Neighboring Property Owner expressed concern about impacts of the proposed development on their quality of life. A parking lot proposed near her property may flood their property with light. Increased traffic will affect her, as will loss of deer, elk, fox, other wildlife. The applicant proposes a trailhead for national park access below their home; this trailhead should be located within the development, not in the adjoining residential neighborhood. The proposed trailhead location is on a dangerous corner where traffic already speeds and will result in increased traffic on Old Ranger Drive.

Ron Norris/Town Resident summarized the number and type of public comments received on the proposal as of April 14, as posted on the Town's website. Forty-five letters with a total of 204 comments were received; 19 comments were positive or expressed support; 185 were in opposition or expressed concern, including concerns about density, the location/design of the bypass road, noise and/or light pollution, and impacts to wildlife.

Judy Ayres/Adjoining Property Owner expressed concern about the location of the intersection of the proposed bypass road with Elkhorn Avenue. Alignment of the bypass with Far View Drive would result in the road being located within 20 feet of her condominium. Submitted plans show a bus stop across the street from her residence. The traffic and noise would be overwhelming. She urged careful consideration of the impacts

of the road alignment, stating the bypass could be routed through the middle of the property without impacting neighboring property owners. Director Joseph stated there are constraints on the road alignment that would not be apparent to a layperson, including the requirement for CDOT approval. The intersection of the bypass road with Elkhorn Avenue cannot be offset from an existing intersection.

Chair Eisenlauer closed the meeting to public comment at 4:50 p.m. Commissioner Kitchen expressed her appreciation for hearing both perspectives on the proposal.

Frank Theis and Bob Koehler/Rock Castle Development Co. provided concluding remarks, summarized as follows.

Theis: The property under consideration is the last location available to construct a bypass road; there is some urgency to do so. The adjacent RE-1-zoned properties are within walking distance of downtown and, as such, are not rural. The applicant proposes wildlife corridors and to enhance the river corridor. The proposed density is not inconsistent with the adjacent industrial area to the south or with the adjacent Elkhorn Club Estates on the north.

Koehler: The proposed density is the biggest decision the Planning Commission is grappling with. From a planning perspective, it is appropriate to concentrate density along collector roads such as the proposed bypass road. There are costs associated with bypass road construction, sale of a lot to the housing authority for construction of attainable housing, and renovation of the historic lodge. All are expensive; the proposed density is necessary to pay for these costs.

Commissioner Hull stated for the record that she takes this proposal very seriously. It may be the largest development to occur in the Estes Valley. She expressed her desire to ensure that all needed information is made available and will take the necessary time to review it.

It was moved and seconded (Hull/Tucker) to continue agenda items #6 (Proposed Amendments to the Estes Valley Development Code, Block 11—Appeals and Vacation Home Regulations) and #7 (Reports) to the May 20, 2008 Estes Valley Planning Commission meeting, and the motion passed unanimously with one absent.

Chair Eisenlauer adjourned the meeting at 5:03 p.m.

Ike Eisenlauer, Chair

Julie Roederer, Recording Secretary