

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, August 11, 2009

Minutes of a Study Session meeting of the **TOWN BOARD** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in Rooms 202 & 203 in said Town of Estes Park on the 11th day of August, 2009.

Board: Mayor Pinkham, Trustees Blackhurst, Eisenlauer, Ericson, Levine, Homeier and Miller

Also Attending: Town Administrator Halburnt, Deputy Town Administrator Richardson, Town Attorney White, Town Clerk Williamson, Director Pickering, Mgr. Winslow, Director Joseph and Planner Chilcott

Absent: None

Mayor Pinkham called the meeting to order at 4:00 p.m.

REVIEW OF SCHEMATICS FOR THE MULTI PURPOSE EVENT CENTER (MPEC) & INDOOR ARENA.

Roger Kenney and Chris Lee of Kenney Associates presented the schematic designs for the MPEC and the Indoor Arena addressing the concerns discussed at the Town Board Study Session on July 28, 2009. The 30,000 square foot MPEC building would accommodate 147 10X10 horse stalls or trade booths on the first floor with public bathrooms, small conference room, reception area, three offices and two storage rooms. A second floor over a portion of the building has been designed to include a conference room with windows overlooking the event center below. The design could accommodate two tennis courts with a walking track on the perimeter, one basketball court or four to five half courts. The height of the building would be 30 feet plus a 6 foot monitor for ventilation. The Indoor Arena would allow for rodeo activities, barrel racing and team penning, with capacity for 488 removal bleacher seats, lobby with ticket booth, storage room, concession kitchen, offices, public restrooms, horse rack, and private restroom and shower facility for the participants. The building would be heated with unit heaters from the ceiling with separate heating facility for the offices and infrared for the restrooms.

Board comments are summarized; requested a concession area or catering kitchen be added to the MPEC design; questioned and discussed the need to divide the space into two separate areas in order to accommodate two different uses simultaneously; questioned if the monitor could be shorter to minimize the height variance request; concern with the exit onto Fourth Street, a secondary roadway; and the need to close that exit.

Mr. Kenney stated in order to separate the building acoustically the ceiling would have to be lowered, thereby eliminating sports and increasing the cost. He suggested the facility could be separated by a drape/curtain that would not separate the events acoustically. The main traffic for the fairgrounds would be directed onto Manford Avenue with Fourth Street used as an emergency access point. Mr. Kenney stated a pedestrian walkway has been proposed to connect the Senior Center and the facilities at the fairgrounds. He stated cost estimates would be presented at the next study session for both facilities, revised floor plans and additional elevation renditions.

Mayor Pinkham called a 15 minute break at 5:03 p.m. and reconvened the meeting at 5:18 p.m.

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VACATION HOME/RENTAL PROBLEM STATEMENT.

Director Joseph reviewed the past discussion of the Town Board as it relates to vacation homes. He stated vacation homes have existed in Estes Park as an incidental and secondary use prior to the existence of the Town. The advent of the internet in the 1990s changed the business of vacation homes and the first attempt to regulate them by the Town came forward in 1996 via the Municipal Code. He stated the issue has been addressed through the Estes Valley Development Code (EVDC) as a use category and references the regulations in the Municipal Code. The EVDC categorizes vacation homes as an accessory use and the Municipal Code categorizes the use as a principal use. Staff requests direction on whether or not vacation homes should be a principle or accessory use in residential zones, and if categorized as accessory, a definition of accessory use would have to be developed. Director Joseph stated moving the regulations into the EVDC would create a grandfathering situation.

Attorney White contends the Town has allowed the use of residential property for vacation homes and could not eliminate the use. He stated vacation home regulations should be moved into the EVDC. The permitting and licensing of vacation homes in the county has not been addressed in the past because the County cannot and does not want to license these properties. The Town and the County would gain an enforcement tool by placing the regulation for vacation homes in the land use code.

Discussion followed by the Board: a good definition of the different types of accommodations (B&B, small hotel, vacation home, etc.) needs to be developed; subdivisions can regulate vacation homes through covenants; land use should be removed from the Municipal Code and placed in the EVDC; the Estes Park Local Marketing District (LMD) should be the regulatory agency for vacation homes to ensure county properties are collection the 2% lodging tax; questioned the severity of the problem; a basic definition of accessory use and principal use is needed to better understand the issue as it relates to land use; the recommended code changes by the Planning Commission contained details such as food service and cleaning that cannot be enforced; and B&B should be allowed a greater number of guests than a vacation home.

A discussion was heard on the mechanisms that could be used to address the grandfathering use of vacation homes if the regulations were moved to the EVDC. It was suggested current vacation homes could be given a period of time to register the use. A use permit was also discussed as an avenue for permitting vacation homes in the county. Attorney White stated placing such requirements in the EVDC allows the issue of licensing and grandfathering to be dealt with as a zoning violation, thereby creating an incentive to register the vacation home.

Staff would utilize the newly developed problem statement form to draft a vacation home problem statement for the Board's review. The problem statement would address definitions for all accommodation types, licensing, and principal versus accessory use. Additionally, the Planning Commission would discuss the future code changes that need to be addressed for the Town Board to review and prioritize.

There being no further business, Mayor Pinkham adjourned the meeting at 6:41 p.m.

Jackie Williamson, Town Clerk