

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

February 19, 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, 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.

Director Joseph stated a letter in the local newspaper had inaccurately indicated that the proposed Wapiti Crossing Condominium project was on the agenda for today's meeting. When the proposal is scheduled for review, neighboring property owners will be notified via a mailing, just as they were for previous hearings on this proposal. Also, the Elkhorn Lodge Redevelopment concept plan will be presented at the March 18, 2008 Planning Commission meeting; public comment will be taken at that time. Planning staff is available to answer questions about the concept plan during regular business hours.

1. PUBLIC COMMENT

Ron Norris/President of Association for Responsible Development (ARD), provided ARD's definition of "unique mountain character" as expressed by their membership—being in a small, friendly town, with a wide variety of interesting shops and good restaurants, and countless opportunities for outdoor activities; seeing spectacular mountain scenery throughout the Valley; having a wide variety of abundant easily-seen wildlife; the feeling of being close to nature; and the feeling of not being overcrowded, hemmed in, or surrounded by concrete and structures that one can see in most American cities. He also expressed ARD's desire to have a wildlife policy, open space plan, and revisions to the Estes Valley Development Code completed as soon as possible, preferably within the next few months. ARD members would like to be directly involved in this work.

Sandy Osterman/Town Resident, expressed concern about development impacts on all wildlife, not just elk. Open space between buildings is not used by wildlife; they choose to skirt development rather than passing through it. The amount of wildlife seen in the North End has decreased dramatically with recent developments. Knowledge of development impact on wildlife should be improved. Loss of visible wildlife impacts tourist visitation and the local economy.

2. CONSENT AGENDA

a. Approval of minutes dated January 15, 2008

It was moved and seconded (Hull/Klink) to approve the minutes as presented, and the motion passed unanimously with one absent.

b. Amended Plat (Lot Consolidation), Lot 4 and Lot 14, Block 13, Carriage Hills 5th Filing, 2720 Wildwood Drive, Richard A. Shaw/Applicant—Request to combine two lots into one lot

It was moved and seconded (Klink/Kitchen) to recommend approval of the Amended Plat, Lot 4 and Lot 14, Block 13, Carriage Hills 5th Filing, to the Board of County Commissioners, with the findings recommended by staff, and the motion passed unanimously with one absent.

3. REVIEW OF THE *URBAN RENEWAL PLAN FOR THE ESTES PARK 21ST CENTURY URBAN RENEWAL PROJECT FOR CONSISTENCY WITH THE ESTES VALLEY COMPREHENSIVE PLAN*, Estes Park Urban Renewal Authority/Applicant

Town Attorney White stated the Town Board approved an urban renewal plan and established the Estes Park Urban Renewal Authority (EPURA) in 1983. Colorado statutes provide a 25-year life for urban renewal authorities. EPURA is nearing the end of this timeframe and it is a Town Board goal to reestablish EPURA for an additional 25 years. State statutes require the Town Board to review and approve a new urban renewal plan, which includes a blight study conducted by a qualified expert to propose a new EPURA boundary. Prior to review of the new EPURA plan by the Town Board, the Estes Valley Planning Commission is charged with reviewing the plan solely to determine whether it is consistent with the Estes Valley Comprehensive Plan.

Director Joseph summarized the staff report. The Estes Park Urban Renewal Authority (EPURA) plan has adopted the following goals, which are consistent with the Comprehensive Plan:

- (1) The plan encourages existing and future commercial uses to locate within a compact, well-defined downtown business district.
- (2) The plan provides a pedestrian-friendly downtown environment that provides for pedestrian movement, areas for relaxing, gathering, and window shopping.
- (3) The plan encourages outdoor public spaces, including spaces for outdoor gathering, dining, nature- and people-watching.
- (4) The plan encourages infill of older core areas in order to reduce infrastructure costs and stabilize residential neighborhoods.
- (5) The plan encourages an adequate blend of public and private parking for residents and visitors.
- (6) The plan will provide a means of redeveloping existing substandard areas.

The plan also outlines the following:

- Urban land use should occur within the Town limits of Estes Park;
- Encourages cooperation among governments and government agencies in the area;
- Encourages a comprehensive and balanced transportation system for the Estes Valley, while maintaining a local road system consistent with the rural mountain resort character of the Valley;
- Creation of a comprehensive and integrated trail system for the Estes Valley;
- Ensures that new development minimizes the impacts to visual and environmental quality within the Estes Valley;
- Establishes the basis for a sound tourism market and sustainable economic climate;
- The Town and Larimer County will work together to implement the Comprehensive Plan, to ensure that future development takes place in an orderly fashion that takes advantage of existing urban services and avoids noncontiguous, scattered development within the Estes Valley;
- A joint partnership between the Town, the Authority (EPURA), Larimer County, Rocky Mountain National Park, and other state and federal agencies will be created to promote integrated planning that meets the goals of the various entities and creates a model for natural resource preservation, tourism, and sustainable communities.

Planning staff recommends that the Planning Commission find *The Urban Renewal Plan for the Estes Park 21st Century Urban Renewal Project* to be in conformance with the Estes Valley Comprehensive Plan.

Discussion followed between the Commissioners, Director Joseph, and Estes Park Urban Renewal Authority Director Wil Smith. Commissioner Klink expressed concern about the age of the Comprehensive Plan, inter-agency cooperative efforts since adoption of the Comprehensive Plan, and tax-increment financing. Commissioner Tucker expressed concern about the proposed boundaries of the new urban renewal area and the effect on properties of inclusion in the "blight" area. Director Joseph noted that there have been cooperative planning efforts between the town and other agencies, citing the Estes Valley transportation study and adoption of the Estes Valley Development Code as examples. He stated EPURA has a role in these efforts. Director Smith discussed the proposed blight area. There is no harm to properties by being included in this area; not every

property within the proposed boundary is blighted. The blight area boundary will be recommended to the Town Board, which can choose to modify it.

Public Comment:

Bill VanHorn/Area Property Owner expressed opposition to the proposed renewal of the Estes Park Urban Renewal Authority. He stated that other entities such as the hospital, recreation district, and library provide services to maintain the quality of life, public health, and safety, and tax funds should not be redirected from these entities to EPURA. He expressed opposition to the area proposed for the new urban renewal boundary; it is his opinion that no area in Estes Park is blighted.

Commissioner Klink motioned to find that the EPURA plan complies with some portions of the Estes Valley Comprehensive Plan; however, certain aspects do not comply with the Comprehensive Plan, including items 1, 2, and 3 as shown below.

Commissioner Amos expressed his disagreement with the motion, stating his belief that the urban renewal plan is satisfactory with respect to the Estes Valley Comprehensive Plan.

Commissioner Hull seconded Commissioner Klink's motion.

Commissioner Tucker requested an addendum to the motion to include redefinition of the proposed urban renewal boundary map, based on input from EPURA Director Smith that the map could be modified to be more address-applicable than the general area currently shown.

Commissioners Klink and Hull indicated their acceptance of the addendum to the motion. Attorney White confirmed the validity of the motion as worded.

Director Joseph reiterated that there will be a hearing before the Town Board prior to any action to implement the proposal urban renewal plan or to renew EPURA. The Planning Commission's finding is part of a procedure that is yet to be completed. The final decision regarding the urban renewal authority rests in the hands of the Town Board.

It was moved and seconded (Klink/Hull) to find that the EPURA plan complies with some portions of the Estes Valley Comprehensive Plan; however, certain aspects do not comply with the Comprehensive Plan, including:

- 1. The Estes Valley Comprehensive Plan refers to the importance of health care, recreation, and quality of life. The EPURA proposal would reduce the tax revenue of the hospital, library, and recreation districts, reducing their effectiveness.**
- 2. Only a few of the proposed projects in the new EPURA plan comply with recommended actions in Chapter Seven, Section A.4 of the Comprehensive Plan. The Planning Commission recommends more specific and definable projects.**
- 3. Page 2-9 of the Comprehensive Plan calls for a high level of citizen participation often culminating in broad consensus. EPURA's ability to issue bonds without a public vote, bypassing citizen consensus through elections and bypassing the TABOR law, which was established by public consensus, are not in compliance with the Comprehensive Plan.**

The Estes Valley Planning Commission further requests redefinition of the map currently proposed, with modifications such that the map is more address-applicable than the general area shown.

The motion PASSED with one absent.

Those voting in favor: Hull, Kitchen, Klink, Tucker.

Those voting against: Eisenlauer, Amos.

4. DEVELOPMENT PLAN 08-03, FREEDMAN COMMERCIAL BUILDING, Lot 1A, Amended Plat of Lots 1, 2, & 3, Prospect Village Subdivision, and Adjacent Right-of-Way, 460 Prospect Village Drive, Edward J. & Gisela Grueff/Owners, Bret & Jan Freedman/Applicants

Planner Chilcott summarized the staff report. This is a request to build a two-story, 2,000-square-foot real estate office with a 450-square-foot garage and ten parking spaces on an undeveloped lot. The lot is approximately half an acre in size and is zoned CO-*Commercial Outlying*. The proposed use is an allowed use.

A number of constraints affect the area available for development on the property, including the size and “flagpole” shape of the lot, existing utility easements, and a platted river setback/public access area along the Big Thompson River. The applicant has done a good job of working within these development constraints and proposes placing the building on an already disturbed portion of the property, in the location with the least impact.

At their February 5, 2008 meeting, the Estes Valley Board of Adjustment approved a variance to the side-yard setback to allow secondary fire escape stairs to be built eleven feet from the property line in lieu of the required fifteen-foot setback, a variance to the landscape buffer setback to allow one parking space to be built one foot from the property line in lieu of the required eight-foot planting area, and a variance to allow portions of the parking lot to be located forty feet from the river. Other than the approved variances, the plan demonstrates compliance with required building/structure setbacks.

The development plan proposes 35.6% impervious coverage; up to 65% is allowed per the Estes Valley Development Code (EVDC). The proposed floor area ratio (FAR) is 0.125 where 0.25 is allowed. The applicant has designed a two-story building to minimize the footprint. Detailed review for compliance with the maximum allowable building height will be completed at the time a building permit application is submitted.

The lot is fairly flat and the entire lot lies within the floodplain. The submitted grading plan proposes raising the elevation of the building and parking area approximately three feet such that the proposed building will be above the 100-year base flood elevation. Additional comments from Public Works Director Zurn were received February 18, 2008, which request the applicant provide an analysis from a licensed engineer to provide evidence that the proposed project does not affect the base flood elevation or adjacent properties. The Public Works Department further recommends that the applicant pursue a letter of map revision (LOMR) to remove the proposed improvements from the 100-year floodplain. Planning staff recommends that provision of the analysis by a licensed engineer be a condition of approval.

A water-quality structure is proposed to ensure that runoff from the building and parking lot is filtered prior to entering the Big Thompson River. The Public Works Department has requested a more detailed study be submitted prior to issuing final approval of the applicant’s plans.

There is an existing “thirty-foot river setback for beautification and public access,” which was dedicated when the subdivision was platted. Staff recommends construction of an eight-foot-wide gravel trail in the existing public access easement. The trail construction plan should be submitted for review and approval with the grading permit application.

One twelve-inch-diameter ponderosa tree will be removed to construct the proposed building. No other tree removal is planned; most of the existing vegetation on the lot is along the river and will not be disturbed. The EVDC requires landscaping along side property lines adjacent to parking lots. The required tree and shrub plantings should not be placed in utility easements. This limits landscaping options on the lot. The applicant should propose locations for the trees and shrubs that meet the intent of the Code.

A minimum of ten parking spaces, including one van-accessible space, are required; these are shown on the development plan. Wheel stops must comply with requirements in EVDC Section 7.11.O.4. There are adequate public facilities available for the proposed development.

This request has been submitted to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. Comments were received from Town of Estes Park Building, Public Works, and Light and Power departments; Town Attorney White, Upper Thompson Sanitation District, Estes Valley Trails Committee, and U.S. Army Corps of Engineers. No written comments were received from neighboring property owners.

The lot is served by Upper Thompson Sanitation District; comments received from UTSD primarily address their need to ensure continued access to an eighteen-inch collection main that runs parallel to the river. The applicant, the applicant's engineer, and UTSD have worked together to reach an agreement concerning access.

Planning staff recommends approval of the development plan.

Public Comment:

Joe Coop/Van Horn Engineering was present to represent the applicants. He confirmed that the applicant has worked with Upper Thompson Sanitation District; they have come to an agreement in order maintain UTSD access to the sewer main. The applicant has redesigned plans for the property several times and has done everything possible to minimize impact in the area. The proposed building is small.

John Spooner/Van Horn Engineering requested clarification whether Director Zurn's comment regarding the LOMR is a requirement or a request. Director Zurn stated the comment is a recommendation to the applicant. Mr. Spooner went on to provide detailed information on the manpower, cost, and time involved in obtaining a LOMR, as well as explaining some of the differences between FEMA, Larimer County, and Town requirements for development in the floodplain. Director Zurn concurred that the process is complicated. He reiterated his request for a statement from a licensed professional engineer indicating that the applicant's development will not affect upstream properties.

Extensive discussion followed between the Commissioners, Directors Joseph and Zurn, Attorney White, and Mr. Spooner regarding impacts of development in the floodplain, responsibilities of the town in reviewing such development, the purpose of FEMA regulations and of a LOMR. The applicant is proposing development of a single building. The entire lot is within the floodplain; development cannot occur on the lot without being within the floodplain. If the town can not approve construction of a single building then the town must consider purchasing the lot. The applicant's proposal complies with federal guidelines; the town would not be liable for damage to other properties in a flood event. Director Zurn's request is for a higher level of review than that required by Town codes.

Mr. Spooner indicated he is not willing to place his stamp on a statement as requested by Director Zurn without first completing a full study, which would be a long and expensive process. The applicant's proposed building does not lie within the floodway. A LOMR formalizes the boundary change to the floodplain map so the property owner does not have to purchase flood insurance; however, the applicant intends to purchase flood insurance regardless of the status of the floodplain map. He requested that the Planning Commission waive the requirement to comply with the request from the Public Works Department to provide a flood study.

Dave Albee/Town Resident provided information on his experiences as a homeowner in the floodplain in Boulder County. He objected to the applicant's proposal to add fill to the site, to have a garage as part of the building, and to build in the floodplain. He noted the property is used by wildlife to rest and feed, and as a corridor for movement. He requested that the town purchase the property for use as a flea market and urged the Planning Commission to deny the application.

Bret Freedman/Applicant stated the proposed building will be located fifty feet from the river and will not change the flow of the river. Proposed fill is only where the building will be located and will also be fifty feet from the river.

Commissioner Kitchen moved to approve the proposed development plan with the additional condition of compliance with Director Zurn's February 18, 2008 memo and with the addition of conditions #3 and #4 as shown below. Following further discussion with

Attorney White and Director Joseph, Commission Kitchen amended the motion to **not** include compliance with Director Zurn's February 18, 2008 memo. Commissioner Amos seconded the amended motion.

It was moved and seconded (Kitchen/Amos) to approve Development Plan 08-03, Freedman Office Building, Lot 1A, Amended Plat of Lots 1, 2, & 3, Prospect Village Subdivision, and Adjacent Right-of-Way, with the findings and conditions recommended by staff, and the motion PASSED with one absent.

Those voting in favor: Amos, Eisenlauer, Hull, Kitchen, Klink.

Those voting against: Tucker.

CONDITIONS:

1. Compliance with the comments in Will Birchfield's memo to Alison Chilcott dated January 28, 2008.
2. Compliance with the comments in the Estes Park Public Works Department memo dated February 6, 2008.
3. In the note on the building to be removed, which is shown on the development plan on Lot 8, the spelling shall be corrected to read "razed" rather than "raised."
4. Trees near the proposed stormwater filtration pond should be shown on the plan and the pond should be designed to minimize impact to these trees.
5. Compliance with the comments in Mike Mangelsen's memo to Bob Goehring dated January 21, 2008.
6. Compliance with the comments in Greg White's letter to Alison Chilcott dated January 21, 2008.
7. Compliance with the comments in Chris Bieker's letter to Alison Chilcott dated January 21, 2008.
8. Compliance with the comments in Timothy Carey's letter to Alison Chilcott dated January 22, 2008.
9. An eight-foot-wide gravel trail shall be constructed with this development. The proposed trail shall be shown on the development plan and construction plans shall be submitted for review and approval with the first grading/building permit.
10. The plan, including Note #4, shall be revised to refer to "public" rather than "pedestrian" access.
11. The public river access easements immediately to the east and west of this property shall be shown on this plan.
12. A total of two trees and eleven shrubs are required along the southern property line, and three trees and fifteen shrubs are required along the eastern property line. The applicant shall revise the development plan to propose locations for trees and shrubs that meet the intent of the code.
13. A note on shall be added to the plan stating that lighting will be minimized.
14. Wheel stops or curb shall be provided on the north side of parking space #2 and along the parking key to protect landscaping.
15. A pavement/curb cross section shall be provided on the development plan for review and approval.
16. The vested rights statement shall be added to the development plan.
17. Note #8 shall refer to the I.B.C. rather than the U.B.C.
18. The development plan shall clarify that the ten-foot-wide easement along the south and west property line is both a utility and drainage easement.

Chair Eisenlauer called a ten-minute recess at 3:15; the meeting reconvened at 3:26 p.m.

5. 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

Planner Shirk summarized the staff report. This is a request by Habitat for Humanity to rezone a 0.70-acre parcel from A-1–*Accommodations* to R-1–*Residential* and subdivide the property into three lots. The R-1 district is a deed-restricted, attainable-housing zoning district. Under the current A-1 zoning, the property could be developed with two units. Prior to the valley-wide rezoning in 2000, the property was zoned T–*Tourist*, which did not

have a density limit. The proposed rezoning would prevent accommodations development and short-term rentals on the property but would allow one additional unit to be built.

The property is currently located in unincorporated Larimer County. The applicant is in the process of requesting the property be annexed into the Town of Estes Park; therefore, the rezoning and subdivision requests will be heard by the Town Board.

The applicant proposes one driveway to serve all three units, a sidewalk to be constructed along Riverside Drive, and landscaping to buffer adjoining properties. All three dwellings would be deed restricted to provide for attainable housing, which is defined as those households earning up to but not exceeding 80% of median income for Larimer County as adjusted for household size. Habitat for Humanity targets households earning 50% or less of medium income. The deed restriction must be for a period of at least 20 years.

Per Section 3.3.C of the Estes Valley Development Code (EVDC), all applications for rezoning shall be reviewed for compliance with specific standards, including whether the rezoning is necessary to address changes in conditions in the areas affected, whether it is compatible and consistent with the policies and intent of the Estes Valley Comprehensive Plan and with existing growth and development patterns in the Estes Valley, and whether adequate public services and facilities can be provided. The Estes Valley has seen an overall increase in median housing value, "pricing out" residents who earn 80% of median income. For 51% of households in the Estes Valley, 40% of income is used for housing costs. The applicant's proposal helps implement several community-wide policies set forth in Chapter Six of the Comprehensive Plan, including encouraging a variety of housing types and price ranges, encouraging housing for permanent residents of all sectors of the community that is integrated and dispersed throughout existing neighborhoods, encouraging housing infill within the existing urban area, and identifying affordable housing opportunities on an ongoing basis. In comparison to attainable housing currently in place, such as Vista Ridge and Talons Pointe, the applicant's proposal provides for dispersment through the neighborhood. Adequate public facilities are available for this proposal.

The applicant's proposal was previously reviewed by the Planning Commission on May 15, 2007. The applicant is no longer requesting a reduced setback requirement for proposed Lot 2, although road setbacks and an existing sewer line easement limit the building area on the lot. The applicant is requesting that the Planning Commission grant a minor modification to the required lot width for proposed Lot 1 to allow the lot to be 67 feet wide in lieu of 75 feet wide at the building line. This is probably a technicality, as an amendment to the EVDC that would nullify the need for this minor modification has been approved by the Planning Commission and Town Board and will be reviewed by the Board of County Commissioners on March 17, 2008.

The proposed landscaping quantities meet the EVDC district buffer requirements. Two trees to be planted along the north property line will need to be located such that they do not interfere with overhead power lines and the landscaping plan should be amended to reflect this.

This request has been submitted to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. Comments were received from Town Attorney White; Town of Estes Park Public Works, Water, and Light and Power departments; Upper Thompson Sanitation District; and Larimer County Engineering Department. Letters of support were received from town resident Sue Doylen and from Whitney Brooks (no address given). An email of opposition was received from neighboring property owner Betty Sandra Hays. A packet of information opposing the request was received during the meeting recess from neighboring property owner Steven Piper.

The EVDC requires that the Planning Commission find that approval of this minor subdivision request will not be materially detrimental to the public welfare, injurious to other property in the neighborhood, or in conflict with the purposes and objectives of the Code. Planning staff recommends approval of the rezoning and minor subdivision requests with seven suggested conditions of approval.

Public Comment:

Matthew Heiser/Basis Architecture was present to represent the applicant. Habitat for Humanity (HfH) believes the need for attainable housing is a valid discussion for the community and would like the proposal to be reviewed by the Town Board, thus has applied for annexation of the property. HfH will dedicate additional road right-of-way with this subdivision plat, which reduces the land area available for building but addresses a public need if there is future expansion of the road. It also provides space for curb and gutter, as well as sidewalk, which will eventually be linked to other sidewalk in place and/or planned along Riverside Drive. If the rezoning is approved, four units would be allowed on the property; however, HfH is only proposing three units. High-density landscape buffering will be placed along the north and south property lines, which would not be required for development if the property were not rezoned. The applicant also intends to add landscaping along the western property line and interior lot lines. Homeowners' association (HOA) documents will provide for shared driveway maintenance and will limit how future owners can use the driveway, including restricting parking to two vehicles per lot. HfH has tried to address concerns previously expressed by neighbors, including limiting exterior paint colors to muted earth tones via the HOA documents. Current A-1 zoning of the property would allow two units to be built with a floor area ratio (FAR) of 20%, for a total of 5,800 square feet. These units could be used for short-term rentals. Under the proposed R-1 zoning, three units are proposed; each approximately 1,000 square feet in size—approximately 60% of the bulk currently allowed on the site. The proposed lot sizes are consistent with others found in the neighborhood, which contains a mix of lot sizes, zoning, and uses. In terms of whether the proposed development disperses attainable housing throughout the community, Mr. Heiser stated approval of this request will place four attainable homes within a quarter mile of each other. In another attainable housing development in the Estes Valley, there are 30 units at a single location. Commissioner Hull questioned whether HfH is accountable for upkeep of its homes once they are sold into private ownership, citing concerns expressed by neighbors. Mr. Heiser stated HfH requires participants to take homeownership classes and will talk to owners who do not maintain their property. Final enforcement falls to town ordinances and the town's code enforcement officer. The need for attainable housing that HfH strives to meet is not addressed by any other agency in the Estes Valley. HfH targets employees of local businesses, who deserve property ownership in this community. The Estes Valley Comprehensive Plan and the EP2017 goal team formed by the Town Board emphasize the need to address attainable housing needs in the Estes Valley.

Lengthy public comment was heard by the Planning Commission. Those speaking in favor of the proposal included Ed Mularz/President of Habitat for Humanity of Estes Valley, Ron Norris/Association for Responsible Development, Rita Kurelja/Estes Park Housing Authority Director, Dorothy Dorman/former President of Habitat for Humanity of Estes Valley, Becca Carlson/HfH homeowner, Paul Garrett/Estes Resident, and Mary Ann Kundtz/Estes Resident. Arguments in favor included: HfH's role in providing well-built affordable homes for working families; the need to retain service workers and their importance to the community; HfH has recently learned from their parent organization that they have policing authority—negligent homeowners can lose their home; ARD strongly supports the rezoning request and construction of affordable housing; HfH helps ensure a balanced and sustainable community; the Estes Park Housing Authority (EPHA) serves those with incomes that are 80% or lower than median income while HfH serves those with incomes 50% or lower than median income and meets a need that EPHA cannot; the primary reason employees leave a job or do not accept a job offer is the cost of living/cost of housing in the Estes area; many service workers commute, which results in a loss of the social and economic benefits that worker provides to the community; if HfH does not develop the property, more dense development may occur on the lot; those who grow up in Estes Park often have difficulty affording local housing; rental units are scarce and often provide unacceptable living conditions; HfH homeowners put hours of work into their homes; the question of quality of life and of service in Estes Park is at the heart of the mission of HfH; the Town Board has recognized the importance of providing attainable housing; a challenge grant by HfH to pay for the infrastructure for this proposed development was met and surpassed, and was HfH's most successful fundraising campaign to date.

Those speaking in opposition to the proposal included Andrea Wildman/Neighboring Property Owner, Leon Wiese/Neighboring Property Owner, Karen Kavka/Neighboring Property Owner, Steven Piper/Neighboring Property Owner, speaking on behalf of himself, Peggy MacDuff, Don and Jeanne Smith, and Mike and Megan Meyer. Arguments against the applicant's request included: the proposed development of three homes is too dense for the size of the lot; the residences will be too close to the road for the safety of children who are likely to occupy the homes; neighbors feel they are being force-fed this project, which is poorly planned; values of neighboring properties will decrease; the proposed lots are too small and do not fit within the character of the existing neighborhood; placement of three homes on the lot is driven by HfH's need to recoup its financial investment in a property it paid too much for; there are stormwater drainage problems in the area that will be exacerbated by this development; the proposed right-of-way dedication is less than previous County standards for right-of-way; wildlife will be impacted by the proposed development—the lot is currently used as a “main thoroughfare” by elk; HfH should build a single home on the lot—this would blend with the character of surrounding properties; approval of the proposed development would result in 29% of all Estes Valley HfH homes being located within 500 feet; the lot is bracketed by sharp curves on Riverside Drive and additional traffic generated by three homes in this location will increase traffic risk significantly; HfH should compromise with neighborhood concerns by building one home on the property.

Further discussion took place between the Commissioners, planning staff, and Attorney White and is summarized as follows: HfH proposes that a note be placed on the plat restricting the number of vehicles allowed on the site; there is no precedent for the Town entering into such an agreement. The Town's code enforcement officer cannot enforce private covenants. The Town could be party to homeowners' association covenants if the Town chose to take on that responsibility. No variances are requested by the applicant. The proposed road right-of-way is 60 feet, which is the standard required by the EVDC. The site distances provided in the applicant's traffic impact analysis are taken from the EVDC. Commissioner Klink noted that if the Planning Commission votes in favor of the proposal, any future HfH projects will depend on the success and overall appearance of this project. It would be extremely difficult for any future Planning Commission to approve a HfH project without neighbor support.

Public comment was closed at 5:30 p.m. by Chair Eisenlauer. As there were still people in attendance who wished to address the Planning Commission, it was agreed to continue this item to the next meeting.

In order to receive further public comment, it was moved and seconded (Tucker/Hull) to continue the hearing of the Rezoning Request and 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 Estes Valley Planning Commission meeting scheduled March 18, 2008, and the motion passed unanimously with one absent.

It was also moved and seconded (Hull/Tucker) to continue the remaining agenda items (Item 6, Proposed amendments to the Estes Valley Development Code, and and Item 7, Reports) to the Estes Valley Planning Commission meeting scheduled March 18, 2008, and the motion passed unanimously with one absent.

Chair Eisenlauer adjourned the meeting at 5:32 p.m.

Ike Eisenlauer, Chair

Julie Roederer, Recording Secretary