



Grand Lake Planning Commission

Wednesday, September 21, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order: 6:33pm

2. Roll Call

PRESENT

Chairman James Shockey

Vice Chairman Heather MacSllarrow via zoom

Commissioner John Murray

Commissioner Judy Burke

Commissioner Heather Bishop

Commissioner Christina Bergquist via zoom

Commissioner Greg Finch

3. Consideration to approve Meeting Minutes

8-17-22 Minutes

Motion made by Commissioner Murray, Seconded by Commissioner Finch.

Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Finch

Voting Abstaining: Chairman Shockey, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist

Motion Passed 3:0:4

09-07-2022

Commissioner Murray requested that an addition of the comment made by Commissioner Bishop be added to the minutes from 8-17-2022 in which Commissioner Bishop stated "if legally possibly, she thinks Public Works could remain where it is currently located".

Motion made by Commissioner Finch, Seconded by Commissioner Murray.

Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

Voting Abstaining: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Bergquist

Motion passed 4:0:3

4. Unscheduled Citizen Participation: none

5. Conflicts of Interest: none

Voting Nay: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke,

6. Items of Business

- A. Consideration to Allow Uninhabited Temporary Storage Facilities on Property Located at Block 5, Lot 4-6, Town of Grand Lake, More Commonly Known as 1016 Grand Ave.

Director White stated the item of Business as written in the packet. Applicant Blake Barbiche spoke the process and how they padded the boardwalk to not damage it. Commissioner Burke asked if someone was going to remove the house on the back lot, and the applicant stated that two people are living in the house currently. After discussion the commission voted to allow the winterized food truck to remain on the otherwise vacant lot from Oct 15th, 2022 - June 1st, 2023.

Motion Passed 7:0

Motion made by Commissioner Finch, Seconded by Commissioner Murray.

Voting Yea: Chairman Shockey, Vice Chairman MacSarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch

7. Items for Discussion

- B. Advisory Report for Amendment to Town Zoning Map - Lot 3-5, Block 1 Sunnyside Addition to Grand Lake

Director White stated that the Sept 7th, 2022 Planning Commission discussed the property in question and was directed to draw up an advisory report. She stated that if there was more than simple edits to the Advisory Report, the amendment process would be delayed until the meetings were re-noticed and reviewed, Commissioner Murray asked if the Town Attorney had reviewed this Advisory Report. Director White stated that the attorney has reviewed the Advisory Report and it is acceptable and meets what is required for the amendment and meets the criteria that needs to be addressed for an Advisory Report. Natascha O'Flaherty announced that she was retained by the seller to appear on behalf of the Martell Corporation. she stated that she reached out to Director White at 8:30 that morning to clarify suggested changes and she had her assistance email the suggested changes to the planning commission at 3pm, she handed out a hard-copy. Chairman Shockey asked for a redline of the suggested changes, she stated that she would send one. After much discussion the planning commission decided to have the redline received by staff for review and present the topic at a future meeting. She stated that she just spoke with her client and if the commission and Town attorneys want to review the suggested edits that they are fine pushing this to another meeting, stating that she thinks, as written, it would not pass...even though you are saying you are for it, it doesn't address the facts that we discussed at the meeting at the 7th. Commissioner Fitch asked if the commission felt that the advisory report wouldn't pass as written. Commissioner Shockey stated that since he wasn't at the previous meeting, he would abstain, however he read the Advisory report and felt that there was no reason that the Board would not accept it as written, and if the attorney thought it was sufficient, then he is okay with it. Natascha spoke and said that she doesn't feel that the error was correctly identified in the advisory report and that the applicant is asking that we please consider the revised version and to please postpone the meeting with the Board. Director White asked Natscha if she was also Mr. Martell's attorney and that the applicant is Mr. Martell. She stated, no she was retained by Mr. Ludwig because of their contractual agreement to speak for Mr. Martell as to this application... retained to represent Martell's interest. Chairman Shockey asked if we have something from the applicant in writing requesting a continuance of this advisory report, or is this someone else

requesting this continuance? He then asked who made the application? answer: James Martell Inc. Max Ludwig then spoke that Mr. Martell and Mr. Ludwig have a verbal agreement that Mr. Ludwig would hire Natascha O'Flaherty to represent both Mr. Martell and Mr. Ludwig. Natascha stated that Mr. Martell was at the Sept. 7th Planning meeting and he consented that she would speak for him. Commissioner Bergquist stated that, from the Trustee perspective, that they have known the entire situation that Martell and Ludwig are in business together and we are making a mountain out of a molehill. She would like. Commissioner MacSarrow asked Commissioner Bergquist if she thought the Board would have any problem approving the Advisory report as written. Commissioner Bergquist said that she would like to defer to what Martell and Ludwig have brought in their suggested changes, and that as much clarification as can be made, should be. What Mrs. O'Flaherty brought forward is exactly what we need to look at, sign, and move forward. This information is critical, because it has been a confusing subject and we don't want this subject to come up again, so I agree with the three parties wanting to bring this forward. Chairman Shockey suggested that this be tabled until a new clean version be presented.

C. Accessory Dwelling Unit Municipal Code Discussion

Director White asked if there were any reasons, other than utilities, would the Town not allow a detached ADU. She pointed out that there are quite a few structures that are detached in the older part of town. Chairman Shockey said that he thinks that especially since the Town has alley's that could be used for access to ADU's. Commissioner Bishop said that ADU's would be a great idea, but there are a lot of questions that need to be answered. Commissioner Burke wants the commission to look at the impacts on the neighbors and make sure that they abide by the setbacks, parking requirements, multiple driveways, work force housing questions with deed restrictions, or rebates, code enforcement of the rules There was discussion about no nightly rental, there might be loud parties, but there might be loud parties with nightly rentals and attached ADU's, density, snow storage amounts.

Public comment from Natascha O'Flaherty stated that she agreed with Commissioner Burke that there may be unintended consequences, and gave an example of Granby and utility meters and shared meter violations. Public comment from Taylor Schleuter, planner for Grand County, strongly supports detaching the ADU's and that the tragedy of the County is that large portions of the county go vacant most of the year and that owners may be more likely to rent out an ADU on their property, since they wouldn't want to rent out their vacation home. In the County, 400 sf is the minimum while the Town of Grand Lake, the minimum is 500sf minimum to 800 sf. Director White read from the code that the Town could allow a second water using unit with the same owner of the same property. Commissioner Bergquist asked what the ADU looks like, and what is the end goal of the ADU? There was discussion about noise control issues with attached, STR, and detached ADU. The Commissioners asked that the Town attorney draft an ordinance to update the code to change the definition of ADU to allow it to be detached. Commissioner Bergquist lost connection for the rest of the meeting.

8. Future Agenda Items

Commissioner Burke asked when the last zoning map was created. The 2020 Comp plan had a zoning map and it is located online. Commissioner Murray discussed that the fees for STR could be increased and extra bedroom fees to cap the number of STR's and the market would dictate how many units. Commissioner Bishop said limiting STR would stifle business, affecting tax base, then AH wouldn't be an issue because there would be less jobs and that the codes should be enforced. Commissioner Finch asked that the Commission vote on his absence on August 3rd, 2022.

Commissioner Burke moved to excuse Commissioner Finch due to a community service duty. **Motion passed 5:0:2**

Motion made by Commissioner Burke, Seconded by Vice Chairman MacSlarrow.

Voting Yea: Chairman Shockey, Vice Chairman MacSlarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop

Voting Abstaining: Commissioner Bergquist, Commissioner Finch

9. Adjourn Meeting: 7:50pm

Motion made by Commissioner Murray, Seconded by Commissioner Finch.

Voting Yea: Chairman Shockey, Vice Chairman MacSlarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch

Voting Abstaining: Commissioner Bergquist

James Shockey, Chairman

ATTEST:

Alayna Carrell, Town Clerk