



# Grand Lake Planning Commission

Wednesday, July 20, 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*

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## AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes: [7-6-2022](#) Minutes
4. Unscheduled Citizen Participation  
*This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.*
5. Conflicts of Interest
6. Items for Discussion
7. Items of Business
  - A. Recommendation on 2016 Variance to Build a Service Road off Lake Ave. to Walden Rd. for the Purpose of Access to Lots 9-11, Block 36, Town of Grand Lake
  - B. Public Hearing-** Recommendation to allow a variance to Roadway Specification 11-2-4 for Access to Lots 9-11, Block 36, Town of Grand Lake
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.  
You will not be able to actively participate via the web streaming.



<https://us06web.zoom.us/j/93672888470?pwd=d21QNm5XYXdCS0VHWStxMW12NDJCdz09>

You can also dial in using your phone. 1 (669) 444 9171

Meeting ID: 936 7288 8470

Access Code: 141859



# Grand Lake Planning Commission

Wednesday, July 06, 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*

1. Call to Order: 6:36pm

2. Roll Call

PRESENT

Commissioner Heather Bishop  
Vice Chairman Heather MacSllarrow  
Commissioner John Murray  
Chairman James Shockey  
Commissioner Judy Burke

ABSENT

Commissioner Christina Bergquist; Commissioner Greg Finch

3. Consideration to approve Meeting Minutes

6/15/22 - Commissioner Murray reiterated the public works deed that was listed in the minutes. Chairman Shockey stated that he would work with the planner on the two items and bring it to the Commission.

Motion Made to approve the minutes by Commissioner Murray. Seconded by Commissioner Bishop.

Voting Yea: Commissioner Bishop, Commissioner Murray, Commissioner Burke

Voting Abstaining: Vice Chairman MacSllarrow, Chairman Shockey

4. Unscheduled Citizen Participation  
none

5. Conflicts of Interest

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

6. Items of Business

A. **Public Hearing- Consideration to authorize an expansion to a non-conforming property located at Lots 9 & 10, Block 33, Town of Grand Lake; more commonly referred to as 301 Park Avenue**

Director White explained the request as written in the packet. She explained that the commission need to discuss the findings of fact to make a decision. Chairman Shockey invited the applicant to speak. The applicant, Roger Jameson 301 Park Ave, stated that he previously submitted a proposal for an addition to their home that was flush with the existing house. The existing house was pre-existing non-conforming being built in the setbacks. The proposal had placed the house into the setback about 15'. He stated that they pushed the house back as far as they could to give access from the existing home to the proposed home, but the deck still sticks into the setback about 2.5' due to the angle of the structure. Chairman Shockey opened the public hearing, noted that there was no public, and closed the public hearing, then turned the discussion over to the Commissioners. Commissioner

Macslarrow asked if the neighbor behind the applicant, who submitted the letter, had received a response. Director White stated that they had received it and had no further questions. Chairman Shockey stated that the commissioners needed to go through items a-g in the code to allow this. He stated that his concern was for item c- need for proposed item, d- affect of item on future development , f- if other designs were possible. Commissioner Murray stated that the applicant already addressed f, by making modifications to the best of their ability; d-shouldn't affect future development on this property, but there was discussion that it could set a precedent even though the resolution would state that it doesn't set a precedent. Commissioner Burke stated that there was a time that they made a structure tear down 1.5" to prevent a precedent being set. Chairman Shockey asked if they could move the building back further. Applicant Jameson stated that they would basically have two houses with two decks if they did that, due to the interior. Resolution 08-2022

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

Voting Yea: Commissioner Bishop, Vice Chairman MacSlarrow, Commissioner Murray, Chairman Shockey, Commissioner Burke **Motioned passed 5:0**

**B. Consideration of a lot consolidation for lots 9 & 10, Block 33, Town of Grand Lake, More commonly known as 301 Park Ave.**

Director White went over the lot consolidation requirements stated in the code as presented in the packet. Commissioner Burke asked if the legal description would change after it is recorded as one lot. Director White stated that the applicant will provide the final lot consolidation plat if the lot consolidation is approved. Resolution 09-2022

**Motion made by Commissioner Murray, Seconded by Commissioner Bishop.**

Voting Yea: Commissioner Bishop, Vice Chairman MacSlarrow, Commissioner Murray, Chairman Shockey, Commissioner Burke **Motioned passed 5:0**

7. Items for Discussion

none

8. Future Agenda Items

-Commissioner Burke asked that posting building permits need to be enforced. She said she spoke with County and they said that someone from Town needed to reach out to County, if Town wanted it to be enforced.

-Commissioner Burke commented that the public hearing process was not in the correct order, and it should be: open public hearing, planner speaks, then applicant speaks, then close public hearing, then commissioner discussion. Director White stated that she would discuss the process with the attorney.

-Commissioner Murray asked if we still had a joint meeting with the planning commission and board meeting to allow the consultants from Mundus Bishop to discuss the Municipal Lands Master Plan progress.

Commissioner Murray asked if there could be metal siding on the Sunset building at 505 Grand. Director White stated that it is okay as an accent as long as it is less than 30% coverage.

Commissioner Murray asked about 620 Grand Ave building permit and construction fence. Director White stated that the owner reached out to let the Town know they are still working on it. Chairman Shockey said that there must be a time limit on having the hole in the ground and remove the fence.

Commissioner Murray asked if the garage behind Kirk's Flyshop fell under the ordinance that requires commission approval. There was discussion on the specifics of the resolution.

9. Adjourn Meeting: 7:15pm

Motion made by Vice Chairman MacSllarrow, Seconded by Commissioner Bishop.

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

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James Shockey, Chairman

ATTEST:

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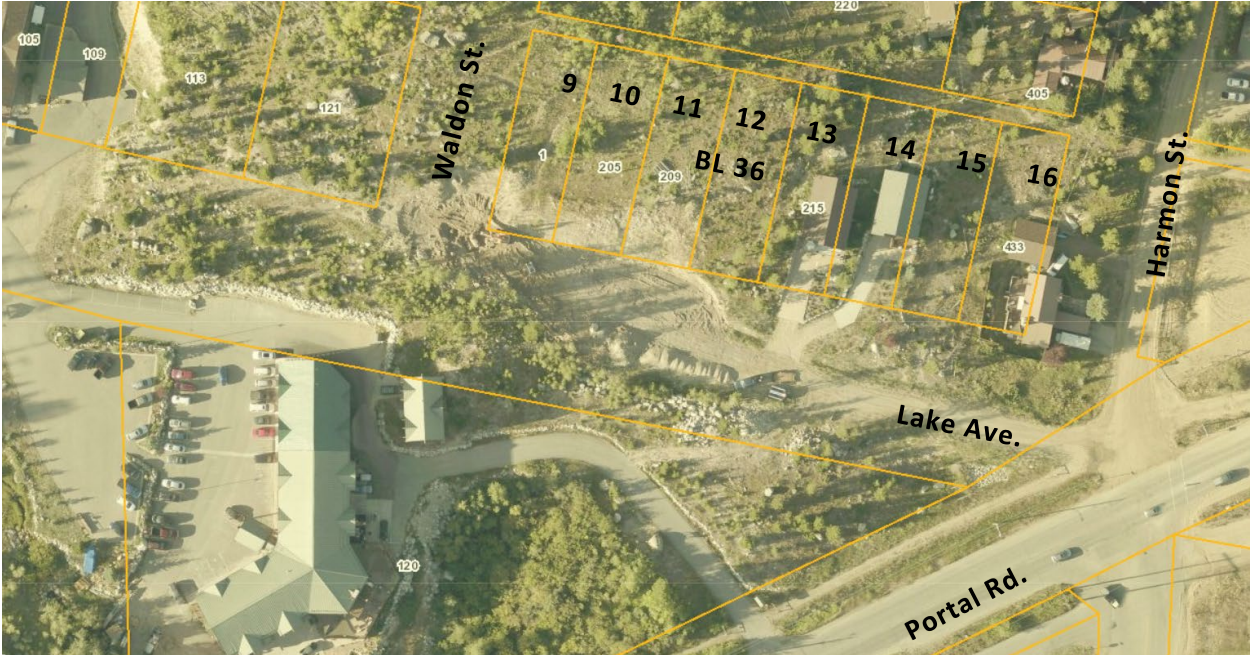
Alayna Carrell, Town Clerk



Date: July 20, 2022

To: Chairman Shockey and Commission  
From: Kim White, Community Development Director

RE: Old Business: Recommendation and Review of 2016 Variance Request to Allow “Service Road” Access to Lots 9-11, Block 36, Town of Grand Lake.



**Purpose:**

The Applicant has asked to continue work on the “service” road that was approved with conditions on November 7<sup>th</sup>, 2016. The conditions were to obtain and record signatures for easements and drainage. Staff has not found evidence of required executed documents. Staff is requesting Planning Commission to review current status of the project and determine if all conditions were met to move forward with construction per 2016 granted variance guidelines.

**Background:**

March 17, 2004 – The Planning Commission reviewed the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. In general, the comments made by the Commissioner regarded the round-about being proposed at the intersection of Center Drive and W. Portal Road and did not approve or acknowledge the frontage road shown in Lake Avenue.

June 28, 2004 – The Board discussed with Town Staff the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. This was the first time a “service road” was presented as a construction alternative for Lake Avenue. According to Town records, the owners of the adjacent lots were not in favor of the service road because it required easements across their property.



August 4, 2004 – The Commission reviewed a variance request for access to Lots 11-15, Block 36, Town of Grand Lake. The Commission directed the developer to construct the Lake Avenue roadway and not include the service road.

Sept. 21, 2005 – The Planning Commission adopted Resolution 4-2005 which granted variance to the Municipal Code.

October 5, 2005 – The Planning Commission adopted Resolution 5-2005 which repealed and replaced Resolution 04-2005. This is the variance as shown on the Diamondback drawings dated September 15, 2005 at reception #2005-014427. Agreed to by Vince Verbal, owner of Lots 11-12, Block 36; Stephan Playter, owner of Lots 13-15, Block 36.

March 6, 2006- Morris King submitted and signed a letter stating that all requirements of resolution 5-2005 have been completed except the reseeding of the disturbed areas.

June 1, 2016 – The Commission reviewed the initial variance request to construct the “service road” for access to Lots 9 & 10, Block 36. At the Public Hearing, Vince Verbal, the owner of Lot 12, Block 36, believes his property would be negatively impacted if the “service road” as shown was granted. Doug Anderson, the owner of Lot 11, Block 36 wanted the Lake Avenue roadway to be fixed in order for him to have access to his property. The Commission continued review until the Applicant could revise their submittal based on Staff recommendations.

August 17, 2016 – The Commission reviewed a design build request from the Applicant for the construction of Lake Avenue. The Commission continued review to allow the Applicant to explore the frontage road concept with conditions which included:

- Provide adequate drawings for staff to provide a recommendation
- Provide a list of variances
- Signoff from lot owners of 11 & 12.

October 5, 2016, - Commissioners motioned to approve the frontage road concept with the plans dated 9/23/16 provided by Bowman with the following conditions:

1. A maximum 15% grade for the frontage road.
2. The frontage road servicing a maximum of four (4) residential lots.
3. The frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet.
4. Full plans be developed and approved by Staff before going to the Board of Trustees;
5. Drainage easements and grading easement shall be obtained prior to Board of Trustee review.
6. Any other standards be met in order for a Right of Way Permit to be issued.

November 7, 2016- Trustees voted to grant the variance to construct a frontage road with 15% grade subject to conditions from the Oct. 5<sup>th</sup> 2016 Planning Commission meeting.

June 23, 2017- Letter of intent to build the Lake avenue “service” road was sent to Town of Grand Lake Planning office stating that the “service” road was approved in 2016 and plans for the construction of the road and future log homes.



Spring 2017- construction began on the road, utilities were installed. It was noted during construction that the grade was too steep from the “service” road to enter the lots 9 & 10 from the south property line.

October 18, 2017 –Planning Commission heard a proposal to alter the previously approved 2016 variance because “the service (or frontage) road, as currently proposed, would not allow access to his lots (9, 10, 11) from below and instead required access from a driveway off of Walden Street”. Commission directed staff to discuss the best way to proceed with Mr. Jenkins

Sept, 13<sup>th</sup>, 2019 – Planner Shull emailed Mr. Jenkins and stated that Mr. Jenkins chose to put off construction of Lake Ave in lieu of working on the Gateway Inn, and that he had not had discussions with Mr. Jenkins on alternatives to the 2016 plans.

**Municipal Code:**

**11-2-3 - Roadway Design and Technical Criteria.**

(H)Temporary Unpaved Street.

1.Under certain circumstances, the Town Staff may allow either a delay of final paving of a new street, or a delay in the final lift, until the following construction season to allow sufficient time for roadway stabilization or until a certain percentage of build out occurs.

(a)In those cases, all street construction up to and including base work shall be completed.

(b)While unpaved, the Town of Grand Lake shall require maintenance such as, but not limited to dust control and continuous grading.

**(c)Unpaved streets shall be graded to a three percent (3%) crown and then re-graded and compacted as required by these standards prior to paving.**

(d)Unpaved streets may not be accepted by the Town for maintenance purposes.

**11-2-4 - Roadway Specifications.**

**(B) Additional Guidelines for Private Streets**

**(4)** Private streets shall afford abutting properties reasonably adequate access for entry by private and emergency vehicles and should be designed to standards at least equal to public streets.

**11-2-4-(D)(2) Horizontal Alignment.**

**(f) Broken Back Curves.** Broken back curves consisting of two (2) curves in the same direction joined by a tangent less than fifty (50) feet shall not be used in the Town of Grand Lake, except on local streets with prior approval from the Town Staff. *(Staff is okay with this request)*

**11-2-4 (D)(3)Vertical Alignment.**

**(c) Grade.** The minimum and maximum grades as measured at centerline shall be one percent (1.0%) and eight percent (8.0%), respectively. Grades in excess of eight percent (8.0%) will require a variance request. *(This was sought in 2016 and approved with conditions)*



**11-2-4-(D) (6) Continuation of Roadways and Trails.**

(b) Streets shall be extended to boundaries of the property, where practical, except where such extension is prevented by topography or other physical conditions... *(This is shown in plan)*

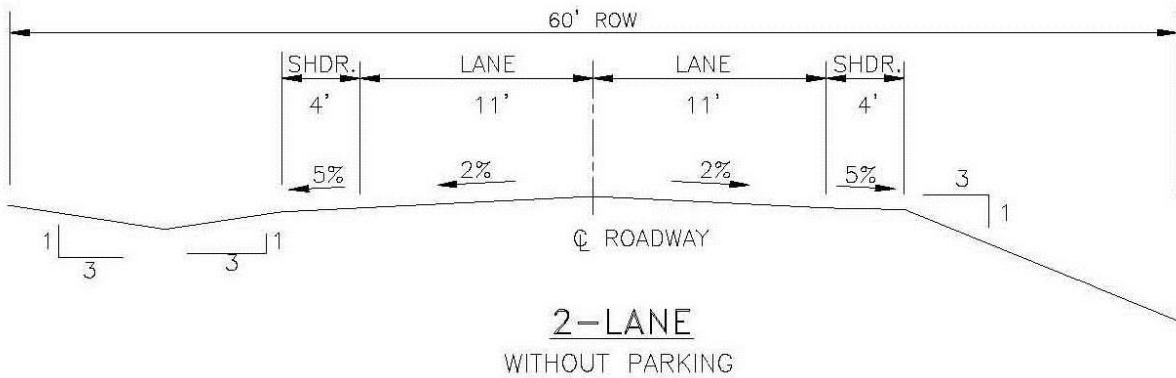
(c) Where future extension of a street is anticipated, a temporary turn-around meeting Town cul-de-sac standards, may be required. *(A cul-de-sac is shown on the plan at Lake Ave. Not necessary on Walden St. due to grade)*

**11-2-4-(D) (7) Shoulder Standards.**

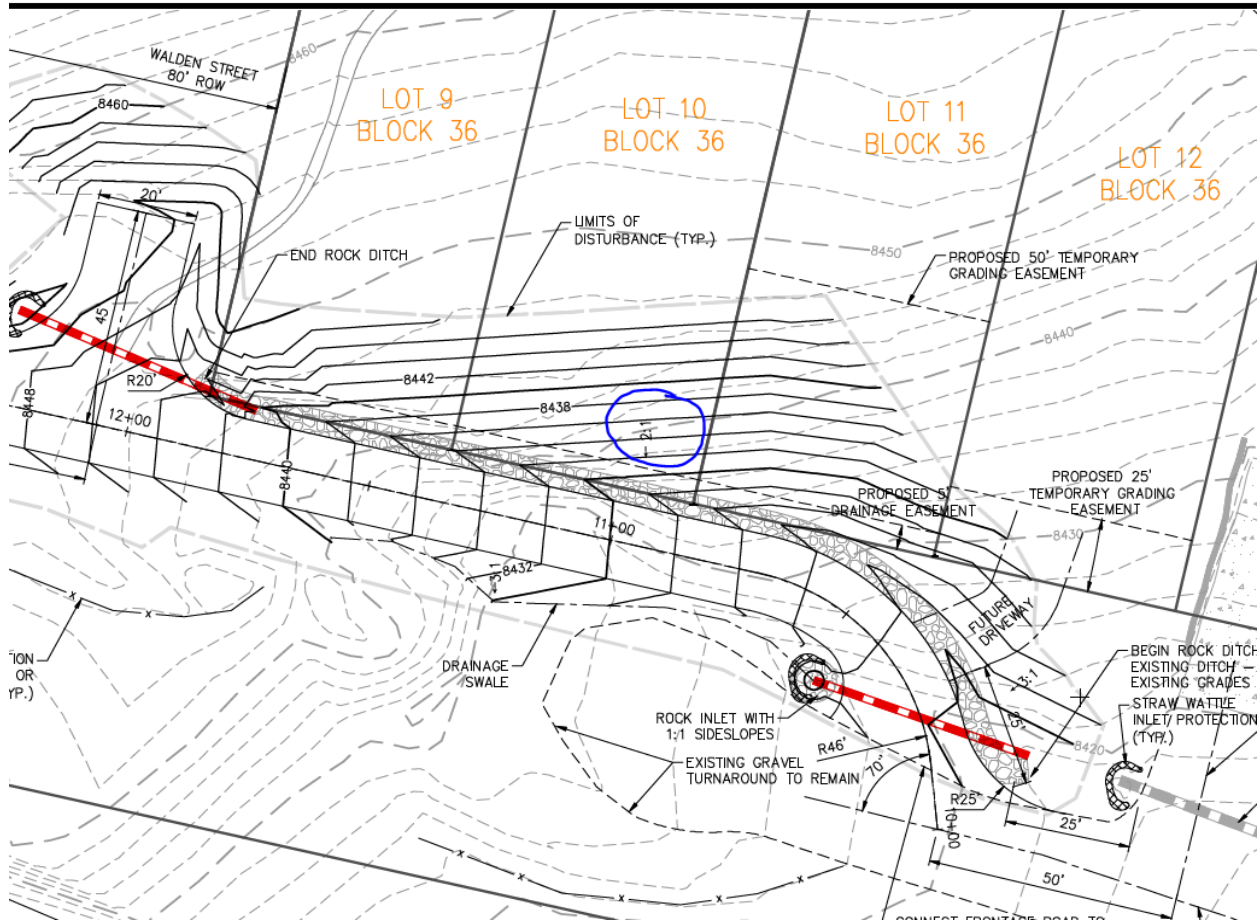
(a) Width. The width of improved shoulder will vary with use and location. The improved shoulder shall consist of six (6) inches of compacted road base at grade with the improved roadway surface. The decision to allow or not allow parking shall be made by the Town. *(The Town does not require parking here)*

(b) Side Ditches. Side ditches shall be used in all cut sections. All roadside swales shall be sized to handle the historical 100-year storm flows tributary to the street, unless alternate routes for the major runoff are provided. *(Staff is unclear if this is sized for a 100-yr storm, or alternative)*

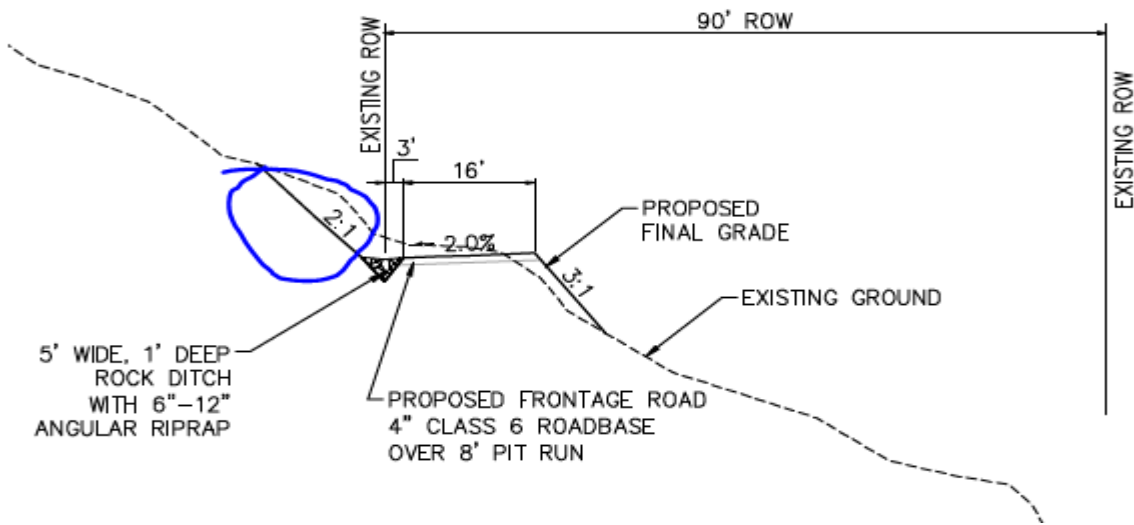
Culvert sizes shall be designed to carry the 100-year historical flows. The slope from the edge of the shoulder to the bottom of the side ditch shall not exceed 3:1. In cases where adequate erosion control measures are designed, a steeper grade may be utilized, not exceeding 2:1. *(Plan shows grade as 2:1 on north side of ditch and 3:1 on south side. Erosion control plan must be submitted)*



**ToGL M.C. Figure 3: - Road Templates—Local Street**



Applicants Design for Approved 2016 Variance with Conditions.



Proposed section "service" road for 2016 variance application



**Staff Comments:**

- Staff suggests an update of the plans to reflect existing conditions as well as current license stamps on plans.
- Staff suggests Erosion Control Plan and Grading plan to be reviewed by a 3<sup>rd</sup> party prior to issuing new permit to dig.
- 2016 Variance document requires easement documents for Drainage and Grading be recorded prior to commencing work.

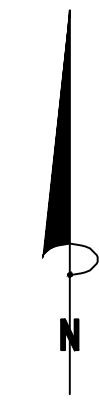
**Commissioner Discussion:**

- Is there sufficient evidence that all of the conditions are met to move forward with construction per 2016 granted variance guidelines?
- Should the 2016 “service” road variance be combined with the Driveway variance request in one request?
- After 6 years, does the 2016 variance need to be updated or can it proceed as is with new stamped documents?

**Suggested Motion:**

- Recommend Staff to proceed with processing construction permit for “service Road” as stated on 2016 Variance; or,
- Recommend Staff to proceed with processing construction permit for “service Road” as stated on 2016 Variance with conditions; or,
- Recommend Applicant to Update Plan and Submit to Planning Commission and Board of Trustees for Review; or,
- Recommend Denial of 2016 Plan as is with Reasons.





# CONSTRUCTION PLANS

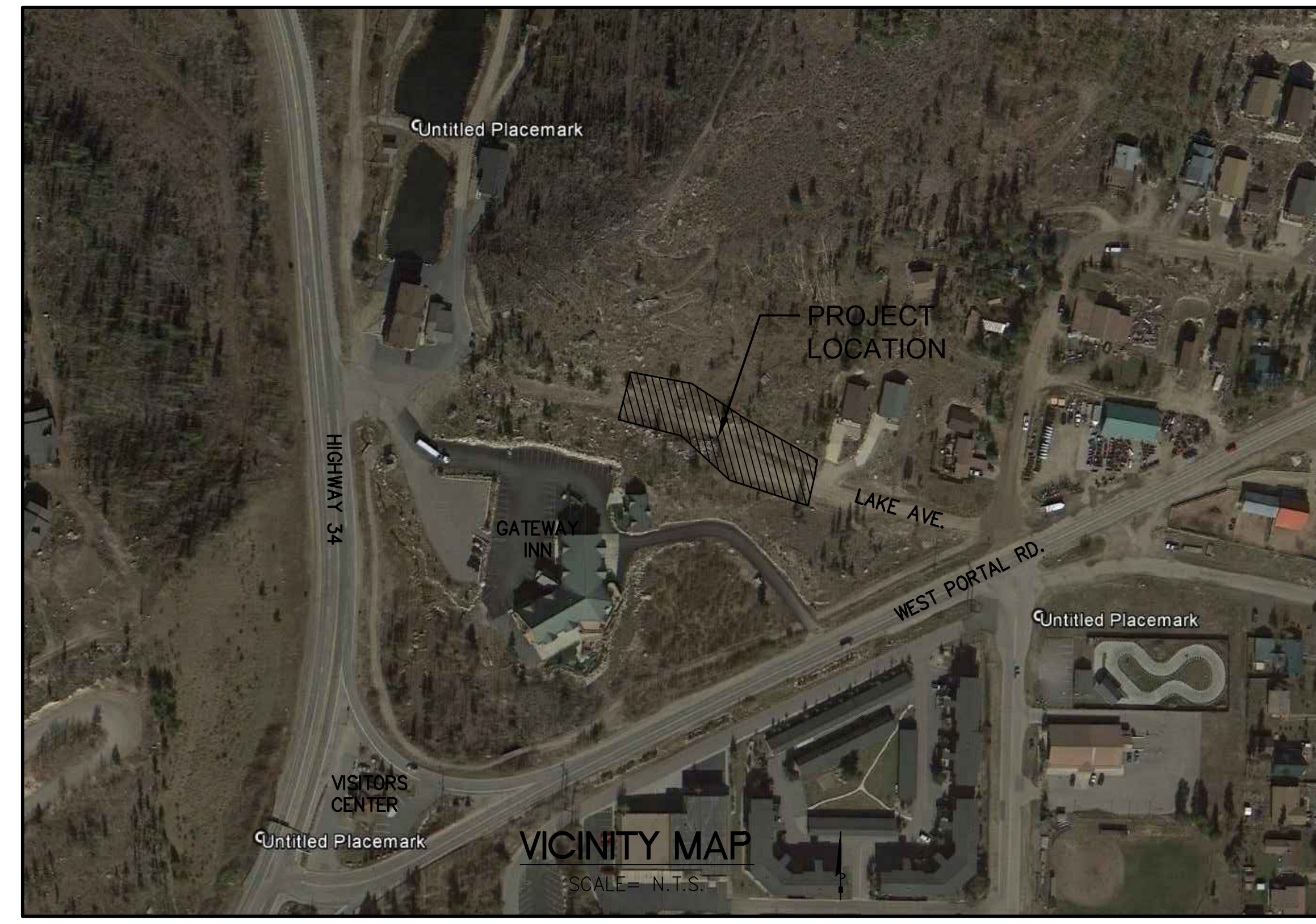
# FRONTAGE ROAD IMPROVEMENTS

# AT LAKE AVENUE

A PART OF SECTION 6,  
 TOWNSHIP 3 NORTH, 75 WEST, OF THE 6TH. P.M.  
 TOWN OF GRAND LAKE, COUNTY OF GRAND, STATE OF COLORADO

**GENERAL NOTES:**

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF PUBLIC IMPROVEMENTS SHALL MEET OR EXCEED THE STANDARDS AND SPECIFICATIONS FROM THE TOWN OF GRAND LAKE, THE THREE LAKES WATER AND SANITATION DISTRICT, AND APPLICABLE STATE AND FEDERAL REGULATIONS. WHERE THERE IS CONFLICT BETWEEN THESE PLANS AND THESE STANDARDS OR ANY APPLICABLE STANDARDS, THE HIGHER QUALITY STANDARD SHALL APPLY. WORK SHALL BE INSPECTED AND APPROVED BY THE TOWN OF GRAND LAKE.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE.
3. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY PERTINENT LOCATIONS AND ELEVATIONS, ESPECIALLY AT CONNECTION POINTS AND AT POTENTIAL UTILITY CONFLICTS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES THAT CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
4. THE CONTRACTOR SHALL COORDINATE AND COOPERATE WITH THE TOWN AND ALL UTILITY COMPANIES INVOLVED WITH REGARD TO RELOCATIONS OR ADJUSTMENTS OF EXISTING UTILITIES DURING CONSTRUCTION AND TO ASSURE THAT THE WORK IS ACCOMPLISHED IN A TIMELY FASHION AND WITH A MINIMUM DISRUPTION OF SERVICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL PARTIES AFFECTED BY ANY DISRUPTION OF ANY UTILITY SERVICE.
5. THE CONTRACTOR SHALL HAVE ONE (1) SIGNED COPY OF THE APPROVED PLANS, ONE (1) COPY OF THE APPROPRIATE CRITERIA AND SPECIFICATIONS, AND A COPY OF ANY PERMITS AND EXTENSION AGREEMENTS NEEDED FOR THE JOB ONSITE AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY INCLUDING, BUT NOT LIMITED TO, EXCAVATION, TRENCHING, SHORING, TRAFFIC CONTROL, AND SECURITY.
7. IF DURING THE CONSTRUCTION PROCESS CONDITIONS ARE ENCOUNTERED WHICH COULD INDICATE A SITUATION THAT IS NOT IDENTIFIED IN THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE TOR PUBLIC WORKS INSPECTOR IMMEDIATELY.
8. ALL REFERENCES TO ANY PUBLISHED STANDARDS SHALL REFER TO THE LATEST REVISION OF SAID STANDARD UNLESS SPECIFICALLY STATED OTHERWISE.
9. THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN IN ACCORDANCE WITH MUTCD TO THE APPROPRIATE RIGHT-OF-WAY AUTHORITY (TOWN, COUNTY OR STATE) FOR APPROVAL PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN OR AFFECTING THE RIGHT-OF-WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ANY AND ALL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED BY THE CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL LABOR AND MATERIALS NECESSARY FOR THE COMPLETION OF THE INTENDED IMPROVEMENTS SHOWN ON THESE DRAWINGS OR AS DESIGNATED TO BE PROVIDED, INSTALLED, OR CONSTRUCTED UNLESS SPECIFICALLY NOTED OTHERWISE.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ROADWAYS FREE AND CLEAR OF ALL CONSTRUCTION DEBRIS AND DIRT TRACKED FROM THE SITE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING AS-BUILT INFORMATION ON A SET OF RECORD DRAWINGS KEPT ON THE CONSTRUCTION SITE AND AVAILABLE TO THE TOR PUBLIC WORKS INSPECTOR AT ALL TIMES.
13. DIMENSIONS FOR LAYOUT AND CONSTRUCTION ARE NOT TO BE SCALED FROM ANY DRAWING. IF PERTINENT DIMENSIONS ARE NOT SHOWN, CONTACT THE CONSULTANT ENGINEER FOR CLARIFICATION AND ANNOTATE THE DIMENSION ON THE AS-BUILT RECORD DRAWINGS.
14. THE CONTRACTOR SHALL COMPLY WITH ALL TERMS AND CONDITIONS OF THE COLORADO PERMIT FOR STORM WATER DISCHARGE, THE STORM WATER MANAGEMENT PLAN, AND THE EROSION CONTROL PLAN.
15. ALL STRUCTURAL EROSION CONTROL MEASURES SHALL BE INSTALLED AT THE LIMITS OF CONSTRUCTION PRIOR TO ANY OTHER EARTH-DISTURBING ACTIVITY. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN GOOD REPAIR BY THE CONTRACTOR UNTIL SUCH TIME AS THE ENTIRE DISTURBED AREA IS STABILIZED WITH HARD SURFACE OR LANDSCAPING.
16. THE CONTRACTOR SHALL SEQUENCE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO MINIMIZE POTENTIAL UTILITY CONFLICTS. IN GENERAL, STORM SEWER AND SANITARY SEWER SHOULD BE CONSTRUCTED PRIOR TO INSTALLATION OF THE WATER LINES AND DRY UTILITIES.
17. THERE SHALL BE NO SITE CONSTRUCTION ACTIVITIES ON SATURDAYS UNLESS SPECIFICALLY APPROVED BY THE TOR PUBLIC WORKS INSPECTOR AND NO SITE CONSTRUCTION ACTIVITIES ON SUNDAYS OR HOLIDAYS UNLESS THERE IS PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DIRECTOR.
18. NO SOLID OBJECT (EXCLUDING FIRE HYDRANTS AND TRAFFIC CONTROL DEVICES AND TRAFFIC SIGNS) EXCEEDING THIRTY (30) INCHES IN HEIGHT ABOVE THE FLOWLINE ELEVATION OF THE ADJACENT STREET, INCLUDING BUT NOT LIMITED TO BUILDINGS, UTILITY CABINETS, WALLS, FENCES, LANDSCAPE PLANTINGS, CROPS, CUT SLOPES, AND BERMS, SHALL BE PLACED WITHIN SIGHT DISTANCE LINES AND SIGHT DISTANCE EASEMENTS.



**PERMANENT SEED MIX**  
 RECOMMENDED BY GRAND CO. NRCS

LAND USE	% OF MIX	SPECIES	VARIETY	APPLICATION RATE (Lbs/Ac)
	50%	SMOOTH BROME	MANCHAR	16 Lbs/Ac
DRY LAND NON-IRRIGATED RECLAMATION	25%	SHEEP FESCUE	COVAR	8 Lbs/Ac
	20%	PUBESCENT WHEATGRASS	LUNA	6.5 Lbs/Ac
	5%	WILD FLOWER	BLUE FLAX	2 Lbs/Ac

- NOTES:**
1. THE APPLIED SEED SHALL NOT BE COVERED BY A SOIL THICKNESS GREATER THAN 0.5 INCHES IN DEPTH.
  2. SEEDING SHALL TAKE PLACE WITHIN 14 DAYS OF ACHIEVING FINISHED GRADE. SEEDING MUST OCCUR WITHIN 3 DAYS OF TOPSOIL PLACEMENT.
  3. TO PROVIDE TEMPORARY EROSION CONTROL PRIOR TO SEED APPLICATION, UTILIZE SURFACE ROUGHENING (ON THE CONTOUR OR PERPENDICULAR TO PREVAILING WINDS) AND APPLY MULCH.
  4. SEED SHALL BE PLANTED WITH DRILL SEEDING EQUIPMENT, WHEN POSSIBLE.
  5. AREAS THAT REQUIRE BROADCAST SEEDING SHALL BE MULCHED AND TACKIFIED.
  6. SEED APPLIED HYDRAULICALLY SHALL INCLUDE TACKIFIER IN THE MIX, AS SPECIFIED BY MANUFACTURER.

**PERMANENT SEEDING**

**GENERAL NOTES:**

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF FRONTAGE ROAD IMPROVEMENTS SHALL MEET OR EXCEED THE REQUIREMENTS IN THE GRAND LAKE MUNICIPAL CODE, CHAPTER 11, ARTICLE 2.
2. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR WATER MAIN CONSTRUCTION SHALL MEET OR EXCEED THE RULES AND REGULATIONS OF THE GRAND LAKE WATER DEPARTMENT.
3. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SANITARY SEWER CONSTRUCTION SHALL MEET OR EXCEED THE REQUIREMENTS IN THE THREE LAKES WATER AND SANITATION DISTRICT RULES AND REGULATIONS, 3-10-2010.
4. APPROVED VARIANCES SHALL SUPERCEDE PUBLISHED STANDARDS.

**GENERAL EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL REMOVE ALL SEDIMENT, MUD AND CONSTRUCTION DEBRIS THAT MAY ACCUMULATE IN THE FLOWLINES AND PUBLIC RIGHTS-OF-WAY OF THE APPROPRIATE GOVERNING AGENCY AS A RESULT OF THIS CONSTRUCTION PROJECT. SAID REMOVAL SHALL BE CONDUCTED IN A TIMELY MANNER.
2. ALL DISTURBED AREAS MUST BE HYDRO-MULCHED W/ TACKIFIER AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE NOT OTHERWISE PERMANENTLY STABILIZED.
3. THE USE OF REBAR, STEEL STAKES, OR STEEL FENCE POSTS TO STAKE DOWN STRAW OR HAY BALES; OR TO SUPPORT SILT FENCE USED AS AN EROSION CONTROL MEASURE; IS PROHIBITED. THE USE OF OSHA APPROVED COLORED WARNING CAPS ON REBAR OR FENCE POSTS USED WITH EROSION CONTROL MEASURES IS NOT ACCEPTABLE.
4. IF STOCKPILES ARE LOCATED WITHIN 100 FEET OF A DRAINAGE WAY, ADDITIONAL SEDIMENT CONTROLS SUCH AS TEMPORARY DIKES OR SILT FENCE SHALL BE REQUIRED.
5. EROSION BALES SHALL BE PLACED SUCH THAT RUNOFF WILL NOT FLOW BETWEEN, AROUND OR UNDER BALES. BALES TO BE ANCHORED WITH 2" X 2" X 3' WOODEN STAKES OR TWO PER BALE.
6. WHEN TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES ARE TO BE REMOVED, ANY SILT AND SEDIMENT DEPOSITS SHALL BE REMOVED AND SPREAD EVENLY IN OPEN AREAS.
7. BEST MANAGEMENT PRACTICES (BMP) SHOWN ON THESE PLANS ARE CONCEPTUAL ONLY. ADJUST AS NECESSARY TO FIT FIELD CONDITIONS.
8. TEMPORARY SEDIMENT BASINS SHALL BE USED DURING CONSTRUCTION TO CONTAIN ALL RUNOFF FROM THE SITE. IF TRENCH DEWATERING OR GROUND WATER REMOVAL IS REQUIRED, THE SEDIMENT POND OR OTHER APPROVED MEANS SHALL BE USED TO DETAIN ALL WATER PUMPED BY THESE OPERATIONS.
9. THE CONTRACTOR SHALL SUBMIT A SCHEDULE OF CONSTRUCTION, GRADING AND LANDSCAPING, INCLUDING THE NAME AND 24 HOUR PHONE NUMBER OF THE RESPONSIBLE PARTY TO CONTACT REGARDING ANY EROSION OR SEDIMENT PROBLEM TO THE APPROPRIATE GOVERNING AGENCY PRIOR TO BEGINNING ANY CONSTRUCTION.
10. EROSION CONTROL MEASURES TO BE COORDINATED WITH CONSTRUCTION MANAGER.
11. EROSION AND SEDIMENT CONTROL SHALL BE INSTALLED IN ACCORDANCE WITH REGULATIONS OF THE APPROPRIATE GOVERNING AGENCY.

**DESIGN ENGINEER APPROVAL**

THESE CONSTRUCTION PLANS FOR FRONTAGE ROAD IMPROVEMENTS AT LAKE AVENUE WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF GRAND LAKE.

R. TIMOTHY GAGNON, PE NO. 35765 DATE \_\_\_\_\_

FOR AND ON BEHALF OF BOWMAN CONSULTING



REVISION	DESCRIPTION	DATE

**COVER SHEET**

LAKE AVENUE

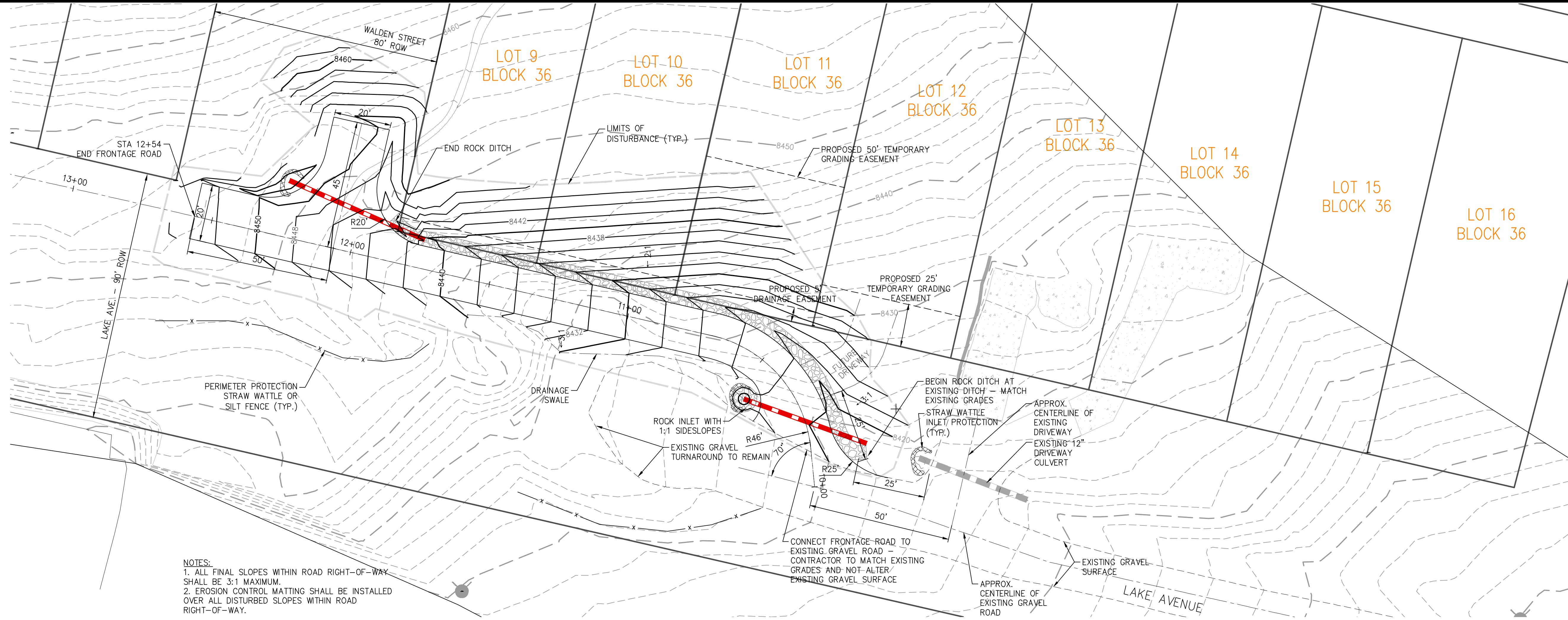
COLORADO

GRAND LAKE

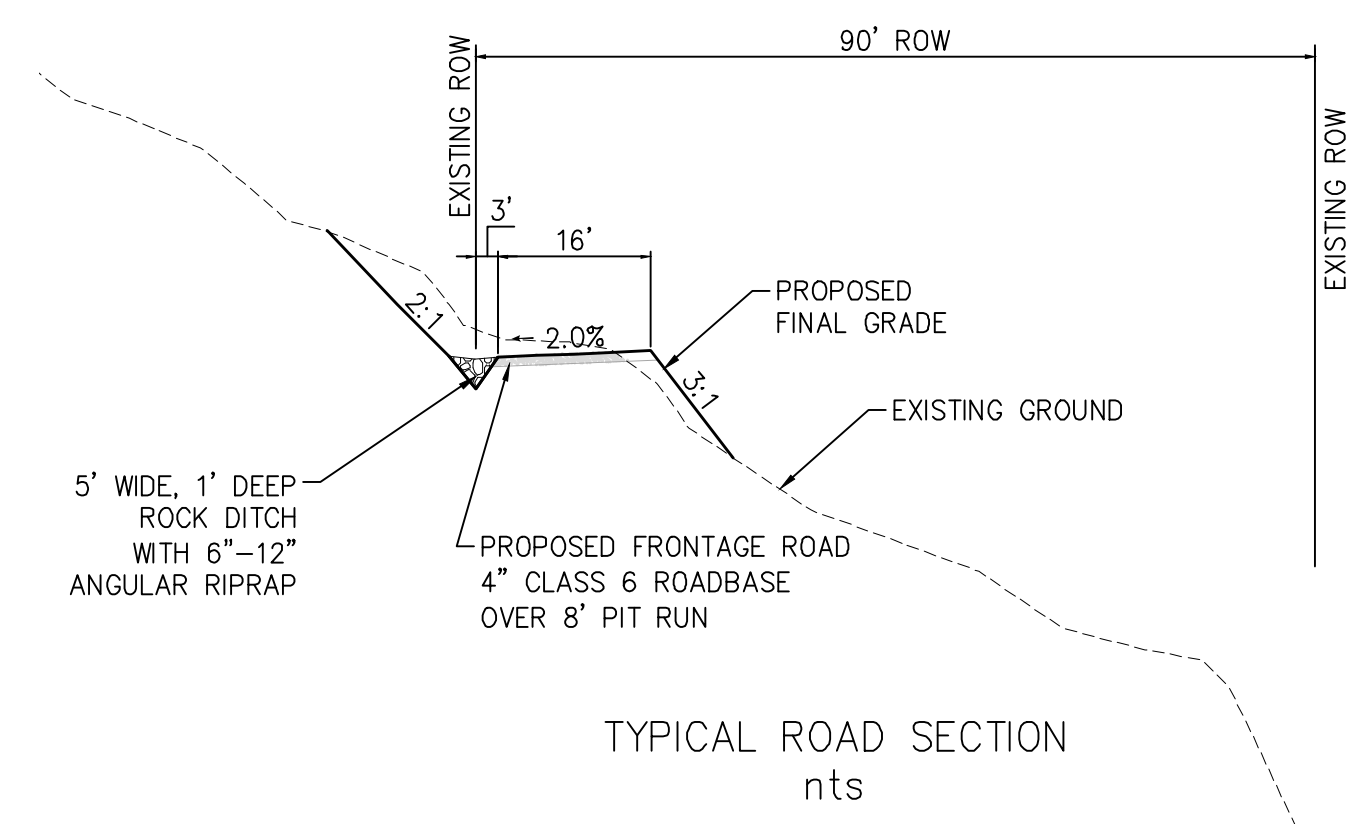
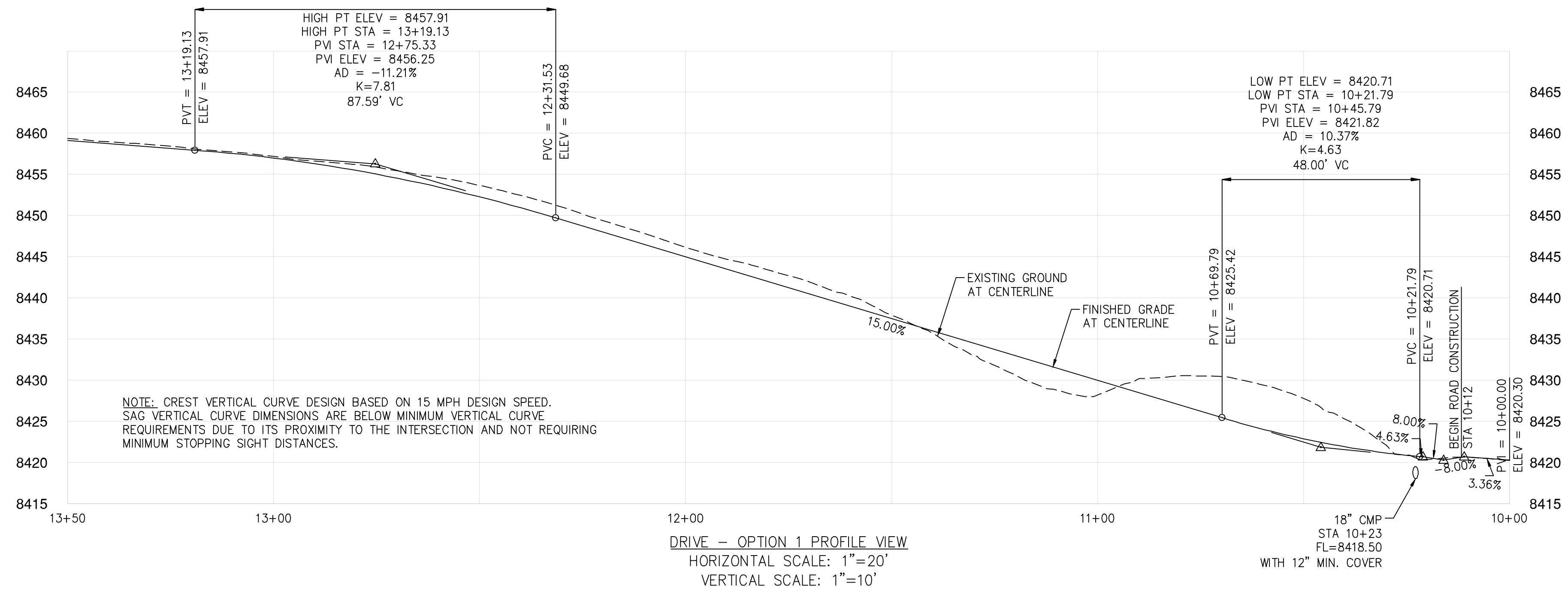


DESIGN TG	DRAWN TG	CHKD DH
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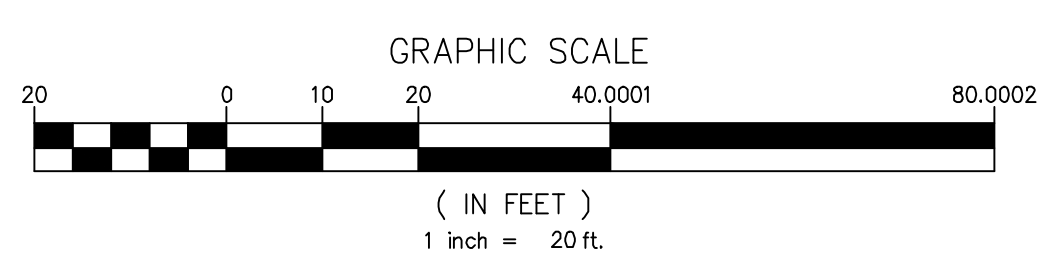
REVISION	DATE	DESCRIPTION



NOTES:  
 1. ALL FINAL SLOPES WITHIN ROAD RIGHT-OF-WAY SHALL BE 3:1 MAXIMUM.  
 2. EROSION CONTROL MATTING SHALL BE INSTALLED OVER ALL DISTURBED SLOPES WITHIN ROAD RIGHT-OF-WAY.

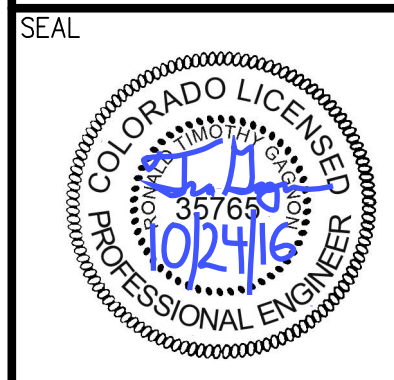


Know what's below.  
 Call before you dig.



FRONTAGE ROAD  
 PLAN AND PROFILE  
 LAKE AVENUE

COLORADO  
 GRAND LAKE



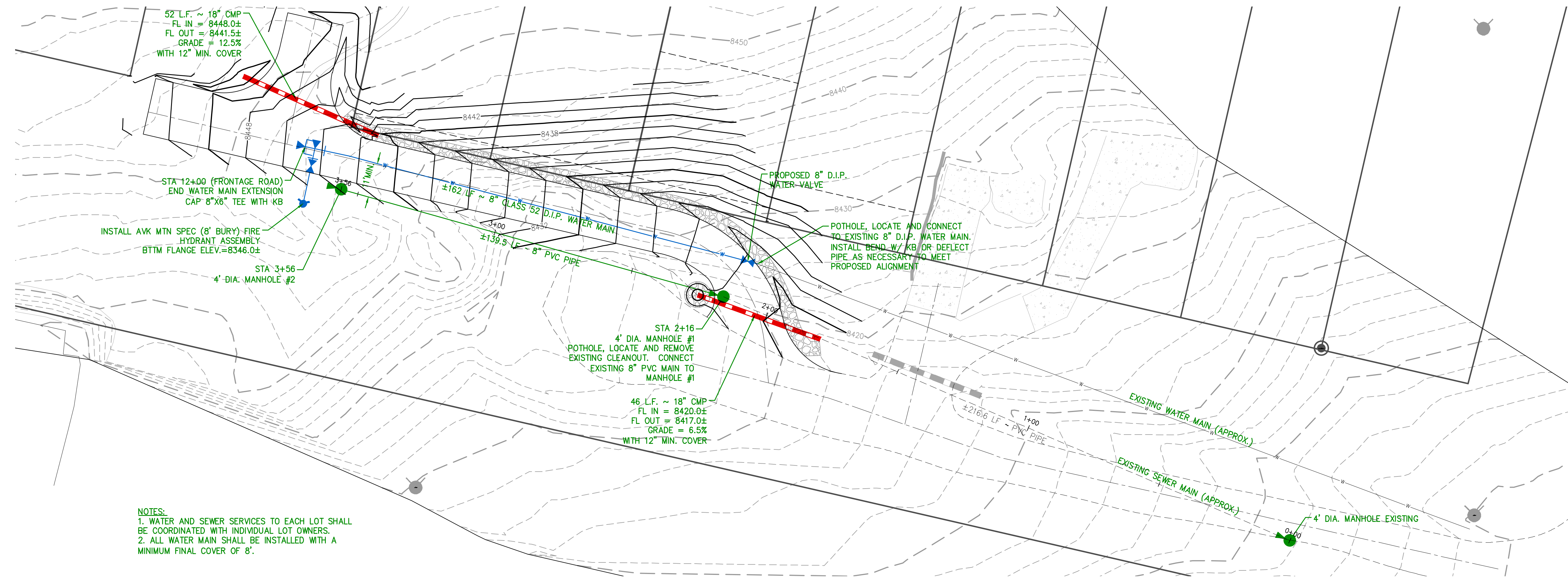
DESIGN	DRAWN	CHKD
TG	TG	DH
SCALE	H: 1" = 20' V: 1" = 5'	
JOB No.	020234-01-001	
DATE	10/24/2016	
SHEET	C2	

REVISION	DESCRIPTION	DATE

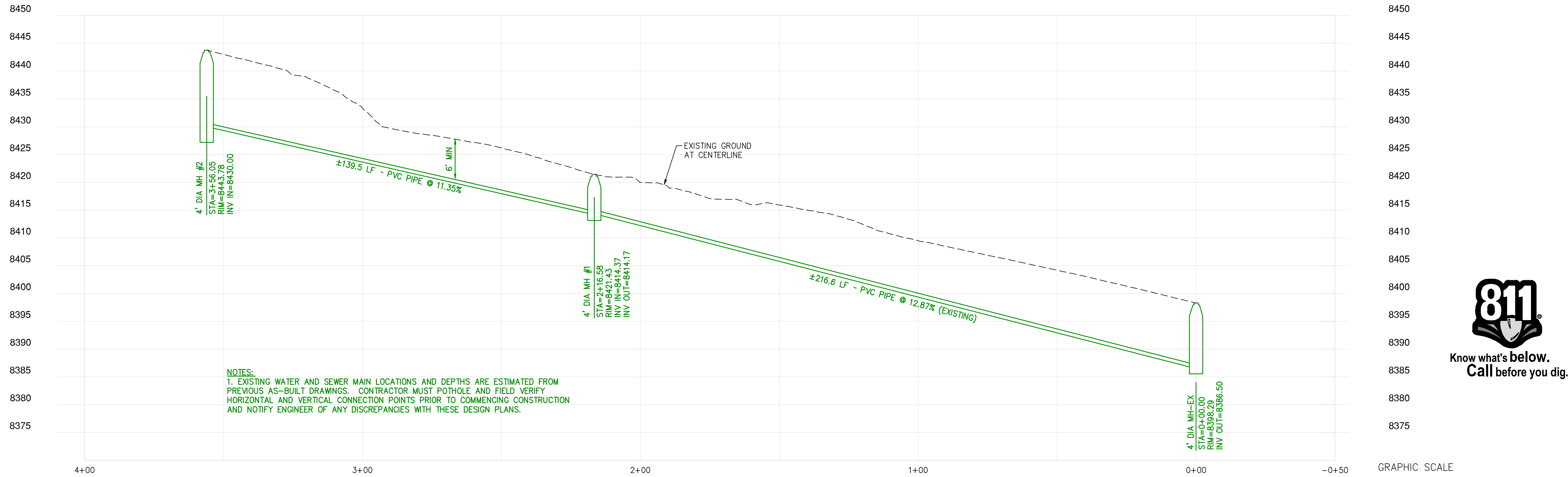
UTILITY PLAN AND PROFILE  
 LAKE AVENUE  
 GRAND LAKE  
 COLORADO



DESIGN	DRAWN	CHKD
TG	TG	DH
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JOB No. 020234-01-001		
DATE: 10/24/2016		
SHEET <b>C3</b>		

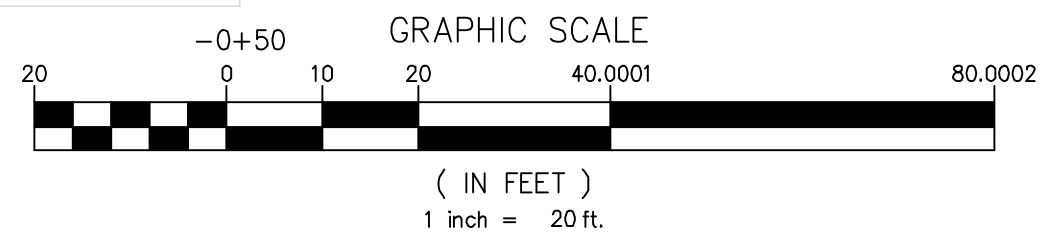


NOTES:  
 1. WATER AND SEWER SERVICES TO EACH LOT SHALL BE COORDINATED WITH INDIVIDUAL LOT OWNERS.  
 2. ALL WATER MAIN SHALL BE INSTALLED WITH A MINIMUM FINAL COVER OF 8'.



NOTES:  
 1. EXISTING WATER AND SEWER MAIN LOCATIONS AND DEPTHS ARE ESTIMATED FROM PREVIOUS AS-BUILT DRAWINGS. CONTRACTOR MUST POT-HOLE AND FIELD VERIFY HORIZONTAL AND VERTICAL CONNECTION POINTS PRIOR TO COMMENCING CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES WITH THESE DESIGN PLANS.

SANITARY PROFILE VIEW  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=10'



for which he has already obtained a building permit for.

Chairman Southway asked if any other members of the audience would like to provide public comment. None of the other members of the audience chose to provide public comment. Chairman Southway closed the Public Hearing.

The Commission had a brief discussion on the permit including the contractor doing the work and the requirements for a completed building permit application.

Commissioner Shockey moved to recommend approval of the building permit; seconded by Commissioner Gilbert. All Commissioners voted aye.

ITEMS OF BUSINESS:

**PUBLIC HEARING – CONTINUATION OF CONSIDERATION TO RECOMMEND GRANTING VARIANCE TO THE MUNICIPAL CODE 11-2 STREET DEVELOPMENT POLICIES, STANDARDS, AND SPECIFICATIONS LOCATED IN THE LAKE AVENUE RIGHT OF WAY ADJACENT TO BLOCK 36 AND BLOCK 43, TOWN OF GRAND LAKE** - Chairman Southway opened the Public Hearing and asked Town Planner Biller to present this matter to the Commission.

Planner Biller stated the Town has received a Variance Request Application from Tom Jenkins which requires Planning Commission review. The Commission reviewed the initial application at their June 1st regularly scheduled meeting and reviewed a revised request at their August 17th regularly scheduled meeting. Subsequently, the Applicant has submitted a revised exhibit to the Town for Commission review.

The Applicant’s original variance request included the following:

- Grades of 15% which exceed the 10% maximum allowed for a driveway
- Private driveway for eight (8) lots which exceeds the maximum allowed of two (2) single family residences
- Intersection grades exceeding 4% within the first 25’
- Reduction in the minimum 25’ offset for driveways

March 17, 2004 – The Planning Commission reviewed the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. In general, the comments made by the Commissioner regarded the round-about being proposed at the intersection of Center Drive and W. Portal Road and did not approve acknowledge the frontage road shown in Lake Avenue.

June 28, 2004 – The Board discussed with Town Staff the Preliminary Traffic Analysis of Lake Avenue and U.S. Highway 34. This was the first time a “service road” was presented as a construction alternative for Lake Avenue. According to Town records, the owners of the adjacent lots were not in favor of the service road because it required easements across their

property.

August 4, 2004 – The Commission reviewed a variance request for access to Lots 11-15, Block 36, Town of Grand Lake. The Commission directed the developer to construct the Lake Avenue roadway and not include the service road.

Sept. 21, 2005 – The Planning Commission adopted Resolution 4-2005 which granted variance to the Municipal Code.

October 5, 2005 – The Planning Commission adopted Resolution 5-2005 which repealed and replaced Resolution 04-2005. This is the variance as shown on the Diamondback drawings dated September 15, 2005 at reception #2005-014427. Agreed to by Vince Verbal, owner of Lots 11-12, Block 36; Stephan Playter, owner of Lots 13-15, Block 36.

June 1, 2016 – The Commission reviewed the initial variance request to construct the “service road” for access to Lots 9 & 10, Block 36. At the Public Hearing, Vince Verbal, the owner of Lot 12, Block 36, believes his property would be negatively impacted if the “service road” as shown was granted. Doug Anderson, the owner of Lot 11, Block 36 wanted the Lake Avenue roadway to be fixed in order for him to have access to his property. The Commission continued review until the Applicant could revise their submittal based on Staff recommendations.

August 17, 2016 – The Commission reviewed a design build request from the Applicant for the construction of Lake Avenue. The Commission continued review to allow the Applicant to explore the frontage road concept with conditions which included:

- Provide adequate drawings for staff to provide a recommendation
- Provide a list of variances
- Signoff from lot owners of 11 & 12.

Municipal Code 11-2-11 [Street Development Policies, Standards, and Specifications Variance Request] Hardships for Consideration states:

*(B) Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.*

*(C) The Board of Trustees shall grant no variance without first receiving a recommendation from the Planning Commission...*

*(D) Variance requests will only be granted if the applicant can demonstrate all of the following:*

- 1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;*
- 2. That literal interpretation of the provisions of these Regulations*

would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

Staff does believe all five (5) hardships can be met for some of the variances being shown on the exhibit dated 9/23/16 and being requested by the applicant.

Staff still has the following concerns regarding the “concept” submitted:

- If the frontage road is continued to the west, four (4) properties currently zoned Resort (Block 43) would be using an access of a width of only 16ft wide.
- The drawings submitted are missing several details before a right of way permit would be issued.
- A drainage easement will need to be provided and shown across Lots 9-11.
- Individual driveway access to each lot is not shown on the construction plan.
- A low point for the frontage road is not provided at the intersection of Lake Avenue.
- Grading across private property
- The future construction of Lake Avenue being the Town’s responsibility.
- If the frontage road is needed to reduce or eliminate driveway access to Lake Avenue, the frontage road should tie into the existing driveway location adjacent to Lot 13.

Additionally, the Applicant was specifically requested by the Commission to provide the following:

- A list of variances which has not been provided.
- Approval from the owners of Lot 11 and 12 which has not been provided.

Staff has spoken with the Applicant and the Applicant’s engineer on many occasions regarding this project. In Staff’s opinion, the Applicant has submitted sketches to the Planning Commission for their review and do not want to submit detailed drawings until the Commission approves the “concept”. Staff believes the Commission decided against this concept in 2005 and at their June 1st meeting.

Staff suggests the Commission forward a recommendation of denial onto the Board of Trustees and recommend the Board review the application at a Public Hearing.

The Commission should conduct the Public Hearing as follows:

1. Open the Public Hearing
2. Allow Staff to present the matter
3. Allow the Applicant to address the Commission
4. Take all public comment
5. Close the Public Hearing
6. Allow for Commission discussion
7. Take action as appropriate

The Commission has many options including:

1. Recommend granting the variances being requested by the Applicant; or,
2. Recommend granting the variances with conditions; or,
3. Recommend denial of the variances being requested; or,
4. Continue review until the applicant can revise their application.

Tim Gagnon- Applicant’s representative Bowman Consulting

Mr. Gagnon explained the request of the applicant using the smartboard and the exhibit provided in the packet. He stated the variance being requested are the use of a 15% grade for the frontage road, a driveway servicing more than two (2) lots, and entrance grades exceeding 4% within the first 25 ft. He is requesting direction on these three (3) variances before proceeding with the design. He clarified the frontage road would be servicing four (4) lots and not eight (8) lots and that Lake Avenue could be developed in the future as shown in the exhibits provided to the Town. Driveway accesses are not shown on purpose considering each individual lot would build their own driveway. The applicants request is to build the frontage road only. Tying the proposed frontage road into the existing driveway access of Lots 13 & 14 was not safe and the existing driveway does not comply with the Municipal Code. He stated the grade difference between the proposed frontage road and the future construction of Lake Avenue based on his design was approximately 14 ft. He anticipates no impacts to Lot 12 as shown on the exhibit. He reiterated his concerns of the use of steep driveways, large cuts and site distance concerns using the 2005 plan. The details of this plan have been specifically left off until the Commission provides approval of the concept.

Suzi Maki – 1590 W. Portal Rd Grand Lake, CO – Representative of Lot 12

Ms. Maki stated she is in favor of the proposal and expressed the concern over the use of steep driveways to access the lots as shown using the 2005 construction plan. She explained the owners of Lot 12 would utilize access from the frontage road if it was constructed.

Tom Jenkins – 207 Bella Vista Court Grand Lake, CO

Mr. Jenkins stated he was making access to Lot 12 better by cutting the driveway grade in half. He believed no easements would be needed across Lot 11 and the plan he has presented allows existing elevations at Walden

Street to be maintained. He was concerned over the excess cut that was conducted adjacent to his Lot 10 during construction of Lake Avenue in 2005. He made reference to Staff's memo in 2004 to the Mayor regarding the Preliminary Traffic Analysis. He compared his proposal with the existing driveway access along Wood Pecker Hill [Park Avenue]. He is not opposed to providing detailed drawings after a Planning Commission decision is made in order for him to make his request in front of the Board of Trustees.

Lisa Jenkins -

Ms. Jenkins stated their application is for approval of the idea and not the details associated a right of way permit. They are not moving forward with a detailed design until the Commission provides approval. She believes the details drawings should be approved by the Public Works Director and are inappropriate at this stage of review.

The Commission had a lengthy discussion regarding the variance request. Included in the discussion were the following:

- The 2005 variance and construction plan
- Number of lots being accessed via the proposed frontage road
- The proposed utilities and possible conflicts
- Potential retaining walls for construction of Lake Avenue
- Driveway variances being required for each individual lot
- Maintenance responsibilities of proposed frontage road
- Town costs of development

Commissioner Shockey moved to approve the frontage road concept with the plans dated 9/23/16 provided by Bowman with the following conditions:

1. A maximum 15% grade for the frontage road.
  2. The frontage road servicing a maximum of four (4) residential lots.
  3. The frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet.
  4. Full plans be developed and approved by Staff before going to the Board of Trustees;
- seconded by Commissioner Canon.

Following a brief discussion, Commissioner Shockey amended the motion to include:

5. Drainage easements and grading easement shall be obtained prior to Board of Trustee review.
6. Any other standards be met in order for a Right of Way Permit to be issued.

Commissioner Canon seconded the amended motion. All Commissioners voted aye.

ITEMS OF BUSINESS:

**PUBLIC HEARING - CONSIDERATION TO RECOMMEND GRANTING A BOATHOUSE LOCATED AT LOT 41-42, CAIRNS ADDITION TO GRAND LAKE; MORE COMMONLY REFERRED**

UNSCHEDULEDPUBLIC COMMENTS:

Mayor Peterson announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. He then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments.

SCHEDULED  
PRESENTATIONS/  
DELEGATIONS:

There were no scheduled delegations.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the Minutes from the October 24, 2016 Meeting and Accounts Payable for October 2016.

Trustee Gasner requested the items be separated.

Trustee Lewis moved to approve the Minutes from October 24, 2016 as presented. Trustee Jenkins seconded the motion and all Trustees voted aye, except Trustee Gasner who abstained.

Trustee Lewis moved to approve Accounts Payable for October 2016. Trustee Jenkins seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

None.

At 7:31 p.m. Trustee Jenkins excused herself and sat in the audience.

Attorney Krob noted that Trustee Jenkins disclosed her conflict of interest to the Board earlier and the Board indicated they had no objections to her participating as a member of the audience as it is an item that affects her property personally.

NEW BUSINESS:

**QUASI-JUCICIAL – CONSIDERATION TO GRANT A VARIANCE TO THE MUNICIPAL CODE 11-2 STREET DEVELOPMENT POLICIES, STANDARDS, AND**

**SPECIFICATIONS LOCATED IN THE LAKE AVENUE RIGHT-OF-WAY ADJACENT TO BLOCK 36 AND BLOCK 43 TOWN OF GRAND LAKE** – Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated the Town has received a Variance Request Application from Tom Jenkins for the construction of a roadway which requires Board review. He provided a brief overview of the background information going back to March 17, 2004. He then stated that on October 5, 2016 the Planning Commission forwarded a recommendation of approval of the frontage road concept with the following conditions: a maximum 15% grade for the frontage road; the frontage road servicing a maximum of four residential lots; the frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet; full plans be developed and approved by Staff before going to the Board of Trustees; drainage easements and grading easements shall be obtained prior to Board of Trustee review; and any other standards be met in order for a Right of Way Permit to be issued. The Town Attorney has reviewed the draft documents provided by the Applicant and submitted to the Town. In his opinion, there are substantial revisions necessary before they are ready for execution. The Applicant has chosen not to revise the documents at this time. The Town Attorney and Applicant have since discussed revising the documents and are moving forward. He noted that the Town has received 2 emails tonight from the owners of lots 11 & 12 approving the drawings submitted by the Applicant, stating they would be willing to sign the drainage easements. Staff does believe all five hardships can be met for some of the variances being requested by the Applicant. However, Staff has the following comments and concerns with the application: individual driveways to Lots 9-12, Block 36 are not shown and may require variances to the Municipal Code in the future; drainage and grading easements have not been executed by the Applicant, but it appears he has permission by those owners; the construction of Lake Avenue in the future shall be the responsibility of the Town; if the frontage road is continued to the west, four properties currently zoned Resort (Block 43) would be using a roadway with a width of only 16ft wide; the owners of Lot 11 and Lot 12 were granted a variance in 2005 by the Town. In Staff's opinion, if the Board grants this variance without their written consent, the Town may be liable; if the frontage road is needed to provide better service on Lake Avenue, the tie in point should be at the existing driveway for Lots 13 & Lots 14 of Block 36; and the Public Works Director will not issue a right of way permit

with the current information submitted to the Town. Staff recommends the Board deny the variance request as presented. He concluded by stating Tom Jenkins was present.

Tom Jenkins, 207 Bella Vista Court #114, was recognized by the Chair. Mr. Jenkins stated that the preliminary traffic analysis did not mention a service road, which he felt meant it was not a concern to the planning commission. He then questioned if records were kept of Board of Trustees Workshops.

Town Clerk Nicholls stated that the only item of record is the agenda and supplemental material.

Biller stated that there are Board of Trustees minutes of record, which the Applicant is in possession of, in which the service road was specifically talked about and not agreed to.

Lisa Jenkins, 200 W. Portal Road, was recognized by the Chair. Ms. Jenkins stated that through a records request she discovered that in the June 28, 2004 meeting the people not in favor of the service road was actually their family. Other people were not involved and it did not include the service road.

Mr. Jenkins continued by describing the proposed project as displayed in the 2005 approved plan and the various grades to all eleven lots. He reviewed the access to his lots 9 and 10 based upon the plan, which requires 50% and 21% driveway grades. He stated that he disagrees with the construction of a major thoroughfare within city right of way in the 2005 variance issued; it should be the Town's responsibility. He also disagrees with the Board of Trustees delegation of authority to the Planning Commission on the issue.

Ms. Jenkins stated that their family did not agree with the 2005 plan. They did agree with the 2004 traffic studies that showed the service road, which is why their 6 lots are not included in the 2005 plan. Two commercial properties, the flooring company, condos and owners of a new subdivision were also in opposition of the 2005 plan.

Mr. Jenkins continued that the 2005 variance did not show any driveways, but a presentation prior to adoption did show them. The 2005 plan was approved for the building of 2 homes. He stated that he never signed a drainage easement

for the detention pond on his property approved in the 2005 Resolution. He then reviewed the timeline of his current variance request, which he began in April 2015. He stated that the Planning Commission and Staff has given them conflicting requirements and suggestions at different points in the process resulting in confusion and questions. He then reviewed the Planning Commission recommendations and addressed the action they have taken on each item. He requested variances for driveway access to his lots from the service road.

A discussion ensued clarifying the locations, needs and desires of the proposed project for a frontage road only. Maintenance of Lake Avenue and fire department requirements were also briefly discussed. A question arose as to whether the Planning Commission's conditions have been met.

Town Planner Biller stated for construction of a frontage road only the plans are 99.9% complete. However, he continued, to accomplish the Applicant's ultimate goal to get a building permit; the right of way permit is not complete.

Trustee Kudron moved to grant the variance to construct a frontage road as presented in the most recent set of plans to include the 15% grade, subject to the conditions that were forwarded by the Planning Commission that includes: a maximum 15% grade for the frontage road; the frontage road a maximum of four residential lots; the frontage road may exceed the longitudinal intersection rates of 4% for the first 25 feet; a variance acknowledgement for adjacent property owners; a drainage easement related to the service road; and a drainage easement across adjacent property owners. Trustee Gasner seconded the motion and all Trustees voted aye.

Trustee Jenkins resumed her seat at 8:35 p.m.

**NEW BUSINESS:**

**CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FOR DUSTIN BARNES FOR A LIVE AUCTION EVENT AT THE GRAND LAKE CENTER –**

Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that Staff is in possession of a Special Event Permit Application submitted by Dustin Barnes to conduct a live auction of arcade and other similar equipment. This is a pecuniary event for Dustin Barnes. The proposed event has three parts: rental of classrooms at the

**DRAINAGE EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** (this "Agreement") is made this \_\_\_ day of \_\_\_\_\_, 2017, by and among the DOUGLAS C. ANDERSON and JANE E. ANDERSON, ("Grantor") the owners of Lot 11, Block 36, Town of Grand Lake, State of Colorado, the TOWN OF GRAND LAKE, COLORADO, a Colorado municipal corporation ("Grantee"), and TOM JENKINS and DEBI JENKINS ("the Jenkins"). Grantor, Grantee, and the Jenkins shall be referred to collectively herein as the "Parties".

**RECITALS**

- A. The Jenkins desire to plan, design, construct, install, maintain, repair and replace an access roadway ("the Roadway") through, upon, and over, certain real property located within the Town of Grand Lake, Colorado.
- B. The purpose of the Roadway is to provide access to the property of the Grantor, the Jenkins, and others.
- C. The construction of the Roadway will result in the necessity of making certain drainage improvements to properties on and adjacent to the Roadway, ("the Drainage Improvements") and will also result in drainage collecting and traveling across the property of others, including the Grantor.
- D. Grantor desires to grant a drainage easement to the Grantee, subject to the terms and conditions set forth in this Agreement, and the Grantee desires to accept such easement, subject to the terms and conditions of this Agreement.

**AGREEMENT**

**NOW THEREFORE**, the Grantor, the Grantee. And the Jenkins agree as follows:

1. Consideration and Conveyance of Drainage Easement

In consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby conveys to the Grantee, their successors and assigns, the following easement, subject to the terms and conditions herein set forth:

An easement, for the purposes described in paragraph 2 below, over, upon, across and through all of that portion of the Grantee's property that is depicted and described on the attached Exhibit A as the "Easement Area".

Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the Easement Area, and that it has a good and lawful right to convey the Easement Area for those purposes set forth herein.

2. The Grantee's and the Jenkins Use Of Easement Area

The Easement Area shall be used by the Jenkins and the Grantee only for the following purposes: to plan, design, construct, install, maintain, repair and replace the access Drainage Improvements generally depicted on Exhibit A and that will provide drainage resulting from the construction and subsequent existence of the Roadway. The Jenkins shall have the obligation to construct or cause to be constructed the Drainage Improvements. Once the Drainage Improvements have been constructed to the satisfaction of the Grantee and have been accepted by the Grantee, subject to successful completion of a two year warranty period following completion, then Grantee shall have the obligation to maintain, repair and replace the Drainage Improvements using the Easement Area.

3. Grantor's Use Of Easement Area

Grantor shall have the right to use and occupy the Easement Area it conveyed to the Grantee under paragraph 1 above for any purpose that does not unreasonably interfere with the Grantee's exercise of the rights hereby granted.

4. Work to be performed by the Jenkins

All work in the Easement Area by or at the direction of the Jenkins shall be performed in a good and workmanlike manner in compliance with all applicable laws, rules, regulations, ordinances, and other requirements of governmental authorities, and in a manner which will, to the extent reasonably practicable, minimize the disturbance of the surface and any interference with Grantor's use of the Easement Area. All such work shall be diligently pursued to completion and, upon completion, the party performing such installation shall promptly restore the Easement Areas to its prior condition except as that condition is contemplated to be modified by construction and installation of the Drainage Improvements.

5. Benefits and Burdens to Run with the Land

The provisions of this Agreement, including all benefits and burdens, are intended to be real covenants running with the land to which they pertain, and each of the benefits and burdens of this Agreement shall inure to and be binding upon the Parties, their heirs, executors, administrators, personal representatives, successors and assigns to the land to which they pertain. The Parties to this Agreement agree that each of the provisions of this Agreement shall be subject to specific enforcement.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first written above.

**GRANTORS**

\_\_\_\_\_  
Douglas C. Anderson

\_\_\_\_\_  
Jane E. Anderson

STATE OF COLORADO )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by Douglas C. Anderson and Jane E. Anderson.

\_\_\_\_\_  
Notary Public

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

**ATTEST**

**GRANTEE**  
**TOWN OF GRAND LAKE, COLORADO**

\_\_\_\_\_  
Katie Nicholls  
Town Clerk

By: \_\_\_\_\_  
James C. Peterson  
Mayor

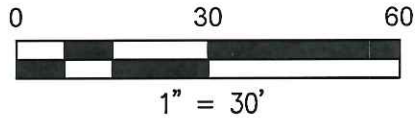
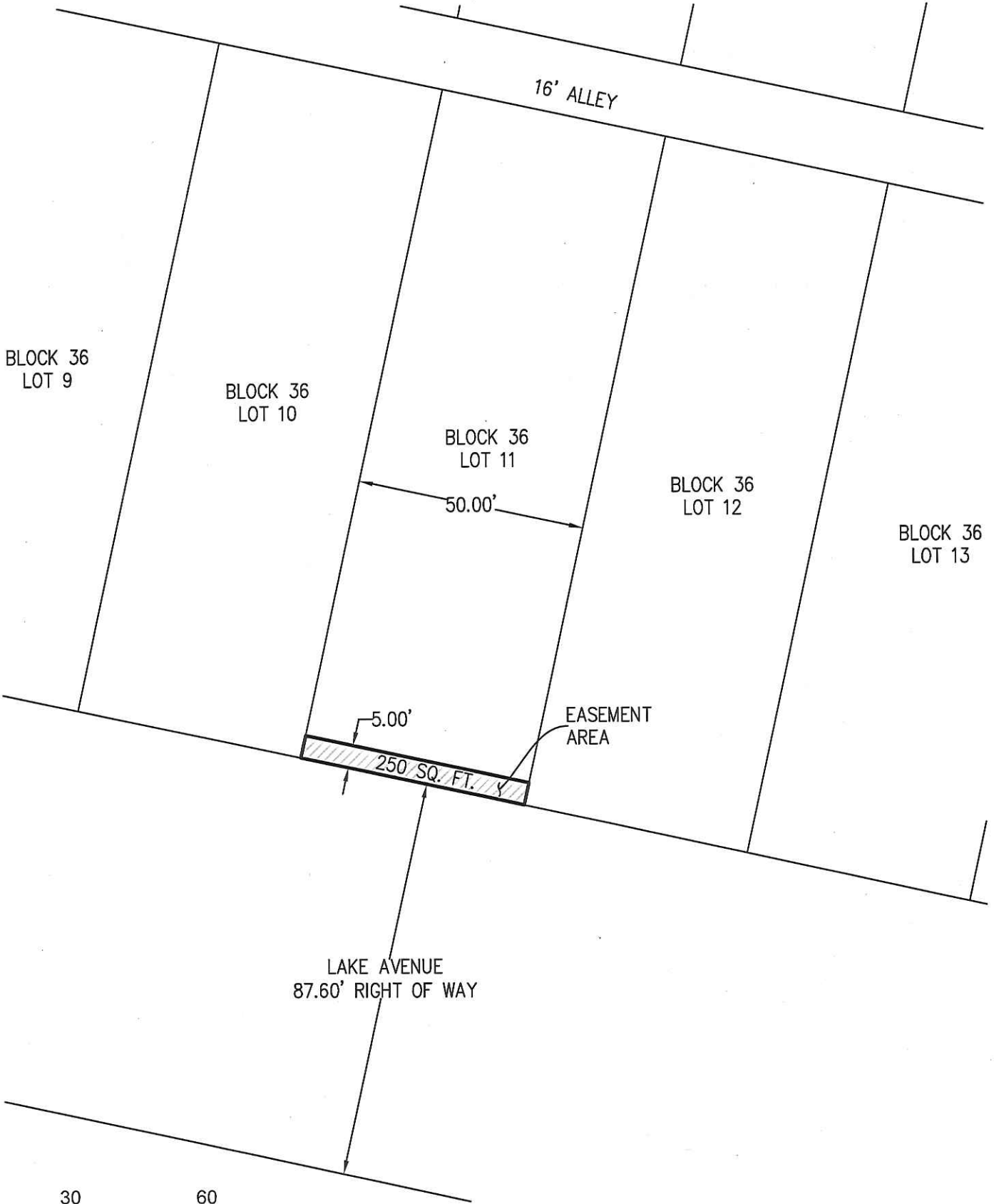
\_\_\_\_\_  
Tom Jenkins

\_\_\_\_\_  
Debi Jenkins

# Exhibit A

Section 7, Item A.

## Grand Lake Lot 11 Block 36 Grand County, Colorado



### DESCRIPTION:

THE SOUTHERLY 5.00 FEET OF LOT 11, BLOCK 36, TOWN OF GRAND LAKE, GRAND COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NO. 9066, GRAND COUNTY RECORDS.

DESCRIPTION PREPARED BY:



KEVIN KUCHARCZYK PLS 34591  
FOR AND ON BEHALF OF BOWMAN CONSULTING  
603 PARK POINT DRIVE, SUITE 100  
GOLDEN, COLORADO 80401

**Bowman**  
CONSULTING

603 Park Point Drive Phone: (303) 674-7355  
Suite 100 Fax: (303) 674-3263  
Golden, CO 80401 www.bowmanconsulting.com

NOTE: THIS IS NOT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

June 5, 2011  
Sheet 1 of 27

**TEMPORARY CONSTRUCTION  
EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** (this "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 2017 by and between VINCENT A. VERBEL and KATHY L. VERBEL, ("Grantors") the owners of Lot 12, Block 36, Town of Grand Lake, State of Colorado, and TOM JENKINS and DEBI JENKINS ("Grantees") owners of Lots 9 and 10, Block 36, Town of Grand Lake, State of Colorado. Grantors and Grantees shall be referred to collectively herein as the "Parties".

**RECITALS**

- A. Grantees desire to plan, design, construct, install, maintain, repair and replace an access roadway ("the Roadway") through, upon, and over, certain real property described generally as a 15 foot wide strip of land parallel to and adjacent to the south line of Lot 11, Block 36, Town of Grand Lake, Colorado and depicted in Exhibit A, attached hereto and incorporated herein, as the "Easement Area".
- B. The purpose of the Roadway is to provide access to the property of the Parties, and others.
- C. Grantors desire to grant a temporary construction easement to Grantees, subject to the terms and conditions set forth in this Agreement, and the Grantees desire to accept such easement, subject to the terms and conditions of this Agreement.

**AGREEMENT**

**NOW THEREFORE**, Grantors and Grantees agree as follows:

1. Consideration and Conveyance of Temporary Construction and Access Easement

In consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantors hereby convey to the Grantees, their successors and assigns, the following easement, subject to the terms and conditions herein set forth:

A temporary construction easement for the purposes described in paragraph 2 below, over, upon, across and through all of that portion of the Parties' property that is depicted and described on the attached Exhibit A as the "Easement Area".

Grantors do hereby covenant with Grantees that they are lawfully seized and possessed of the Easement Area, and that they have a good and lawful right to convey the Easement Area for the purposes set forth herein.

2. The Grantee's Use of Easement Area

The Easement Area shall be used by Grantees only for the following purposes: to plan, design, construct, and install the access roadway generally depicted on Exhibit A and that will provide access to the Parties' properties.

3. Grantors' Use of Easement Area

Grantors shall have the right to use and occupy the Easement Area they conveyed to the Grantees under paragraph 1 above for any purpose that does not unreasonably interfere with the Grantees' exercise of the rights hereby granted.

4. Benefits and Burdens to Run with the Land

The provisions of this Agreement, including all benefits and burdens, are intended to be real covenants running with the land to which they pertain, and each of the benefits and burdens of this Agreement shall inure to and be binding upon the Parties, their heirs, executors, administrators, personal representatives, successors and assigns to the land to which they pertain. The Parties to this Agreement agree that each of the provisions of this Agreement shall be subject to specific enforcement.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first written above.

DRAFT

**SIGNATURES APPEAR ON FOLLOWING PAGE**

**GRANTORS**

\_\_\_\_\_  
Vincent A. Verbel

\_\_\_\_\_  
Kathy L. Verbel

STATE OF COLORADO  
COUNTY OF \_\_\_\_\_

)  
) ss.  
)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017 by Vincent A. Verbel and Kathy L. Verbel.

\_\_\_\_\_  
Notary Public

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

**GRANTEES**

\_\_\_\_\_  
Tom Jenkins

\_\_\_\_\_  
Debi Jenkins

# Exhibit A

Section 7, Item A.

## Grand Lake Lot 12 Block 36 Grand County, Colorado



LAKE AVENUE  
87.60' RIGHT OF WAY

EASEMENT  
AREA

15.00' 750  
SQ. FT.

50.00'

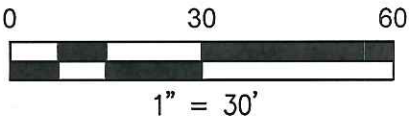
16' ALLEY

BLOCK 36  
LOT 10

BLOCK 36  
LOT 11

BLOCK 36  
LOT 12

BLOCK 36  
LOT 13



DESCRIPTION PREPARED BY:



### DESCRIPTION:

THE SOUTHERLY 15.00 FEET OF LOT 12, BLOCK 36, TOWN OF GRAND LAKE, GRAND COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NO. 9066, GRAND COUNTY RECORDS.

KEVIN KUCHARCZYK PLS 34591  
FOR AND ON BEHALF OF BOWMAN CONSULTING  
603 PARK POINT DRIVE, SUITE 100  
GOLDEN, COLORADO 80401

# Bowman CONSULTING

603 Park Point Drive Phone: (303) 674-7355  
Suite 100 Fax: (303) 674-3263  
Golden, CO 80401 www.bowmanconsulting.com

NOTE: THIS IS NOT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

June 5, 2017  
Sheet 1 of 31

31

## DRAINAGE EASEMENT AGREEMENT

**THIS EASEMENT AGREEMENT** (this “Agreement”) is made this \_\_\_ day of \_\_\_\_\_, 2017, by and among the GRAND LAKE FAMILY LLLP, (“Grantor”) the owners of Lots 9 and 10, Block 36, Town of Grand Lake, State of Colorado, the TOWN OF GRAND LAKE, COLORADO, a Colorado municipal corporation (“Grantee”), and TOM JENKINS and DEBI JENKINS (“the Jenkins”). Grantor, Grantee, and the Jenkins shall be referred to collectively herein as the "Parties".

### RECITALS

- A. The Jenkins desire to plan, design, construct, install, maintain, repair and replace an access roadway (“the Roadway”) through, upon, and over, certain real property located within the Town of Grand Lake, Colorado.
- B. The purpose of the Roadway is to provide access to the property of the Grantor, the Jenkins, and others.
- C. The construction of the Roadway will result in the necessity of making certain drainage improvements to properties on and adjacent to the Roadway, (“the Drainage Improvements”) and will also result in drainage collecting and traveling across the property of others, including the Grantor.
- D. Grantor desires to grant a drainage easement to the Grantee, subject to the terms and conditions set forth in this Agreement, and the Grantee desires to accept such easement, subject to the terms and conditions of this Agreement.

### AGREEMENT

**NOW THEREFORE**, the Grantor, the Grantee. And the Jenkins agree as follows:

1. Consideration and Conveyance of Drainage Easement

In consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby conveys to the Grantee, their successors and assigns, the following easement, subject to the terms and conditions herein set forth:

An easement, for the purposes described in paragraph 2 below, over, upon, across and through all of that portion of the Grantee’s property that is depicted and described on the attached Exhibit A as the “Easement Area”.

Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the Easement Area, and that it has a good and lawful right to convey the Easement Area for those purposes set forth herein.

2. The Grantee's and the Jenkins Use Of Easement Area

The Easement Area shall be used by the Jenkins and the Grantee only for the following purposes: to plan, design, construct, install, maintain, repair and replace the access Drainage Improvements generally depicted on Exhibit A and that will provide drainage resulting from the construction and subsequent existence of the Roadway. The Jenkins shall have the obligation to construct or cause to be constructed the Drainage Improvements. Once the Drainage Improvements have been constructed to the satisfaction of the Grantee and have been accepted by the Grantee, subject to successful completion of a two year warranty period following completion, then Grantee shall have the obligation to maintain, repair and replace the Drainage Improvements using the Easement Area.

3. Grantor's Use Of Easement Area

Grantor shall have the right to use and occupy the Easement Area it conveyed to the Grantee under paragraph 1 above for any purpose that does not unreasonably interfere with the Grantee's exercise of the rights hereby granted.

4. Work to be performed by the Jenkins

All work in the Easement Area by or at the direction of the Jenkins shall be performed in a good and workmanlike manner in compliance with all applicable laws, rules, regulations, ordinances, and other requirements of governmental authorities, and in a manner which will, to the extent reasonably practicable, minimize the disturbance of the surface and any interference with Grantor's use of the Easement Area. All such work shall be diligently pursued to completion and, upon completion, the party performing such installation shall promptly restore the Easement Areas to its prior condition except as that condition is contemplated to be modified by construction and installation of the Drainage Improvements.

5. Benefits and Burdens to Run with the Land

The provisions of this Agreement, including all benefits and burdens, are intended to be real covenants running with the land to which they pertain, and each of the benefits and burdens of this Agreement shall inure to and be binding upon the Parties, their heirs, executors, administrators, personal representatives, successors and assigns to the land to which they pertain. The Parties to this Agreement agree that each of the provisions of this Agreement shall be subject to specific enforcement.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first written above.

**GRANTOR  
GRAND LAKE FAMILY LLLP**

\_\_\_\_\_  
\_\_\_\_\_  
Managing Partner

STATE OF COLORADO )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.  
 )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, Managing Partner of Grand Lake Family LLLP.

\_\_\_\_\_  
Notary Public

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

**ATTEST**

**GRANTEE  
TOWN OF GRAND LAKE, COLORADO**

\_\_\_\_\_  
Katie Nicholls  
Town Clerk

By: \_\_\_\_\_  
James C. Peterson  
Mayor

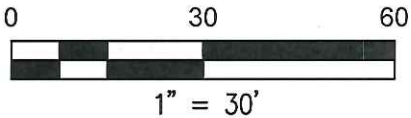
\_\_\_\_\_  
Tom Jenkins

\_\_\_\_\_  
Debi Jenkins

# Exhibit A

Section 7, Item A.

## Grand Lake Lots 9 and 10, Block 36 Grand County, Colorado



**DESCRIPTION:**

THE SOUTHERLY 5.00 FEET OF LOTS 9 AND 10, BLOCK 36, TOWN OF GRAND LAKE, GRAND COUNTY, COLORADO, ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NO. 9066, GRAND COUNTY RECORDS.

DESCRIPTION PREPARED BY:



KEVIN KUCHARCZYK PLS 34591  
FOR AND ON BEHALF OF BOWMAN CONSULTING  
603 PARK POINT DRIVE, SUITE 100  
GOLDEN, COLORADO 80401

**Bowman**  
CONSULTING

603 Park Point Drive Phone: (303) 674-7355  
Suite 100 Fax: (303) 674-3263  
Golden, CO 80401 www.bowmanconsulting.com

© Bowman Consulting Group, Ltd.

NOTE: THIS IS NOT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

June 5, 2017  
Sheet 1 of 35

**VARIANCE ACKNOWLEDGMENT RELATED TO THE FRONTAGE ROAD  
PROPOSAL BY TOM & DEBI JENKINS**

**WHEREAS**, Vincent A. Verbel & Kathy L. Verbel (“Owners”), are the owners of Lot 12, Block 36, Town of Grand Lake, Colorado (“the Property”); and

**WHEREAS**, in 2005 the Town of Grand Lake approved a variance granting Owners access to the Property from Lake Avenue, as reflected in Town of Grand Lake Planning Commission Resolution No. 5-2005, which was subsequently recorded with the Grand County Clerk and Recorder at Reception 2005-014427; and

**WHEREAS**, Tom Jenkins and Debi Jenkins have recently submitted an application to the Town of Grand Lake seeking a variance that, if approved, would provide access to property owned by the Jenkins as well as to the Property (“the New Access Variance”), and

**WHEREAS**, if the New Access Variance is approved it would replace the access granted to Owners in Resolution No. 5-2005 and the Owners sole access to the Property would be by way of the New Access Variance.

**NOW THEREFORE**, in consideration of their ability to use the New Access Variance, if approved, and other good and valuable consideration, the Owners, do hereby acknowledge that the access to the Property from Lake Avenue, granted to Owners by Resolution No. 5-2005 will be replaced by the New Access Variance proposed by Tom Jenkins and Debi Jenkins if the New Access Variance is approved by the Town of Grand Lake. By executing this acknowledgement the Owners waive any claim to continued use of the existing access from Lake Avenue to the Property once the access contemplated by the New Access Variance is in place and further waive any claim in connection with the change in access to the Property.

\_\_\_\_\_  
Vincent A. Verbel

\_\_\_\_/\_\_\_\_/2017  
Date

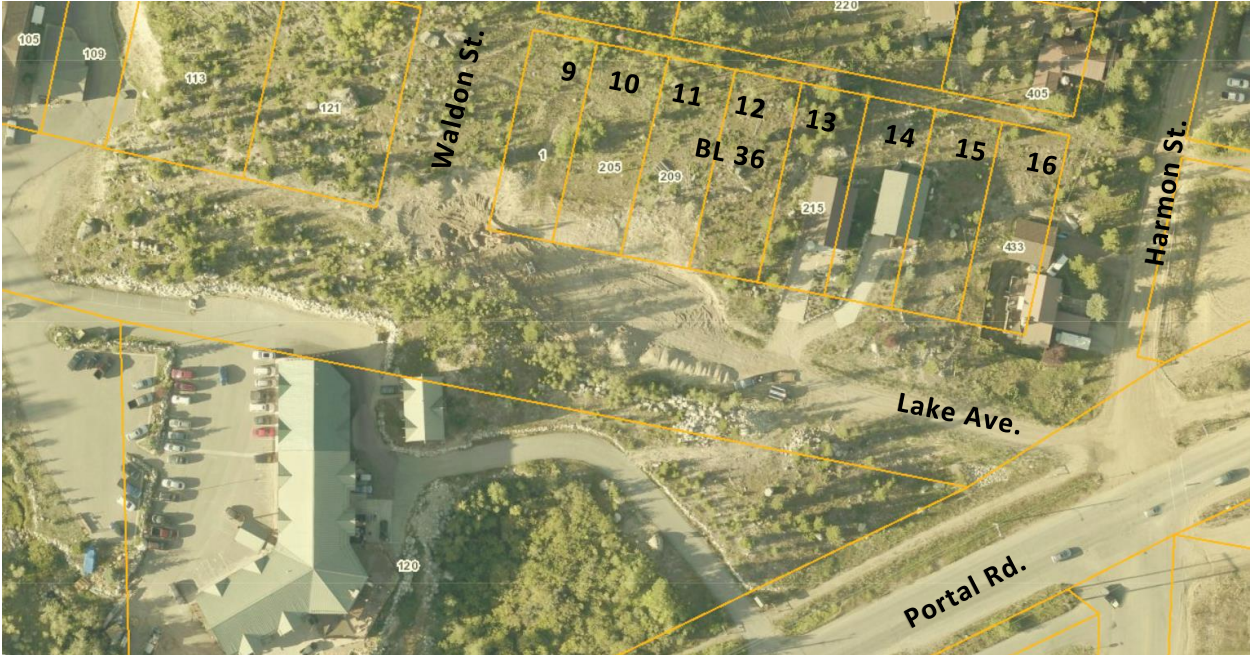
\_\_\_\_\_  
Kathy L. Verbel

\_\_\_\_/\_\_\_\_/2017  
Date

Date: July 20, 2022

To: Chairman Shockey and Commission  
From: Kim White, Community Development Director

RE: **Public Hearing**- Recommendation to Allow a Variance to Street Development Policies, Standards, and Specifications 11-2-6 for Access to Lots 9-11, Block 36, Town of Grand Lake



**The Commission should conduct the Public Hearing as follows:**

1. Open the Public Hearing
2. Allow Staff to present the matter
3. Allow the Applicant to address the Commission
4. Take all public comment
5. Close the Public Hearing
6. Allow for Commission discussion
7. Take action as appropriate

**Purpose:**

The Applicant has asked to create a driveway off of the “service” road that was approved with conditions on November 7<sup>th</sup>, 2016. The driveway does not meet all of the requirements of the Town Code and thus a variance has been requested for this item:

- Private driveway for 3 lots which exceeds the maximum allowed of two (2) single family residences
- Access radius not shown on plan
- Private driveway to be at 10% max grade which exceeds that allowable first 25’ of drive

at 4% and remainder of drive to be at 10%

- Grade of ditch at 2:1, which exceeds the max of 3:1
- Driveway to access through side yards, which is against the 25’ separation required by the code, unless lot conditions make it impossible.
- 150’ long drive requires an emergency vehicle turn around. The topography does not allow for this.

**Background:**

June 23, 2017- Letter of intent to build the Lake avenue “service” road was sent to Town of Grand Lake Planning office stating that the “service” road was approved in 2016 and plans for the construction of the road and future log homes.

Spring 2017- construction began on the road, utilities were installed. It was noted during construction that the grade was too steep from the “service” road to enter the lots 9 & 10 from the south.

October 18, 2017 – Planning Commission directed staff to discuss best way to proceed with the applicant in order to access lots 9-11, Bl 36. The applicant requested the 2016 variance to be changed to allow access from Walden St.

Sept, 13<sup>th</sup>, 2019 – Planner Shull emailed Mr. Jenkins and stated that Mr. Jenkins chose to put off construction of Lake Ave in lieu of working on the Gateway Inn, and that he had not had discussions with Mr. Jenkins on alternatives to the 2016 plans.

**Municipal Code:**

**11-2-6 - Private Drives, Emergency Access Requirements, and Criteria.**

(A)Criteria for Access Onto Town of Grand Lake Roadways.

1.General.

- (a)The term driveway or access are interchangeable terms and refer to the specific locations granted to properties adjacent to Town ROW for the purpose of accessing the property.
- (b)Accesses for all purposes shall conform to the requirements in this Section.
- (c)A driveway is defined as serving no more than one (1) single-family residence or one (1) multi-family unit (not to exceed a four-plex).

**1. Shared driveways are encouraged for no greater than two (2) single-family residences, upon permission by the Planning Commission.**

(B) Basic Principles for Driveways.

**10.Minimum Design Standards.**

- 3.Driveways must use a minimum of four (4) inches of road base and eight (8) inches of pit run, but a pavement design may be required.
- 4.Culvert size must be a minimum of eighteen (18) inches and have a minimum cover of twelve (12) inches.

5. **Access radii shall be ten (10) feet or fifteen (15) feet for driveways** designed for emergency access (See Figure 10 and Figure 11)

6. **An access** shall not exceed a four percent (4.0%) grade for the first twenty-five (25) feet, measured from the edge of the nearest drive lane. (See Figure 12.)

(b) Access Point Location.

**3. Driveways must maintain a minimum of twenty-five (25) feet separation (measured from the closest edge) unless existing driveways or lot conditions do not make this possible.**

(c) Access Roadways for Fire Apparatus.

1. All driveways that are further than one hundred fifty (150) feet from a road in the public right-of-way will be required to meet the design standards depicted in Figure 3 and are required to install a **fire department turn around**. (Grand County Road and Bridge Standards, Figure 1)

#### 11-2-4 (D) (2) Horizontal Alignment.

**(f) Broken Back Curves.** Broken back curves consisting of two (2) curves in the same direction joined by a tangent less than fifty (50) feet shall not be used in the Town of Grand Lake, except on local streets with prior approval from the Town Staff.

(c) Side Slopes. Side slopes shall not exceed 3:1, unless otherwise approved by the Town Staff or based upon a slope stability analysis provided by a Colorado Certified Geotechnical Engineer. Where slopes equal to or greater than 3:1 are used, **special provisions for erosion control and re-vegetation shall be made**. Any proposal to deviate from a maximum 3:1 slope shall be accompanied by a soils study that addresses the slope protection being proposed. *(Soil study to be required)*

(D) Steep Surface Slopes.

2. Any proposed retaining structures shall be designed in detail.

6. A revegetation plan shall be submitted for all cut and fill slopes in excess of one (1) foot vertical to three feet horizontal.

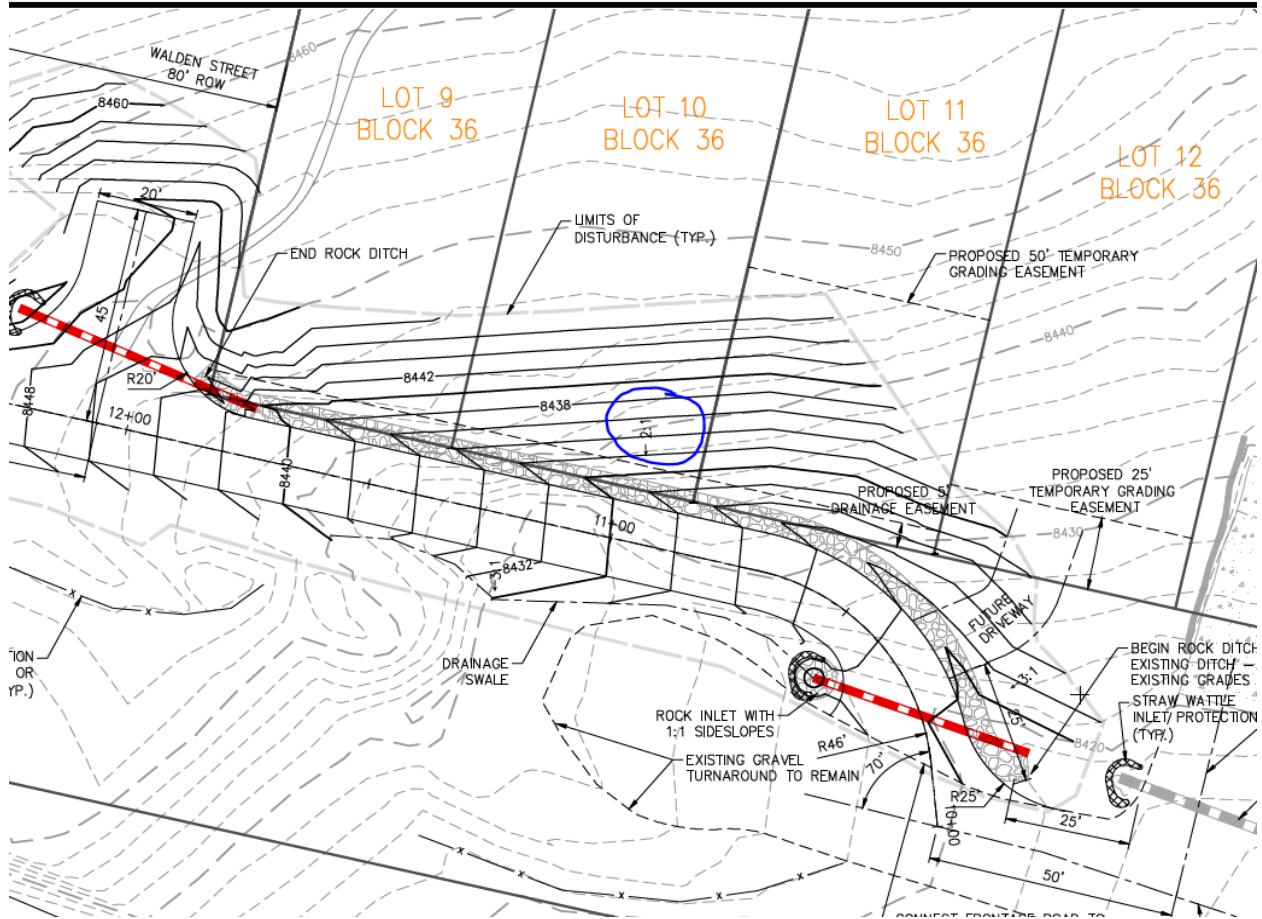
(a) Such plan shall use native or similar plants and include a cost estimate.

(b) The revegetation plan shall be implemented concurrently with street construction.

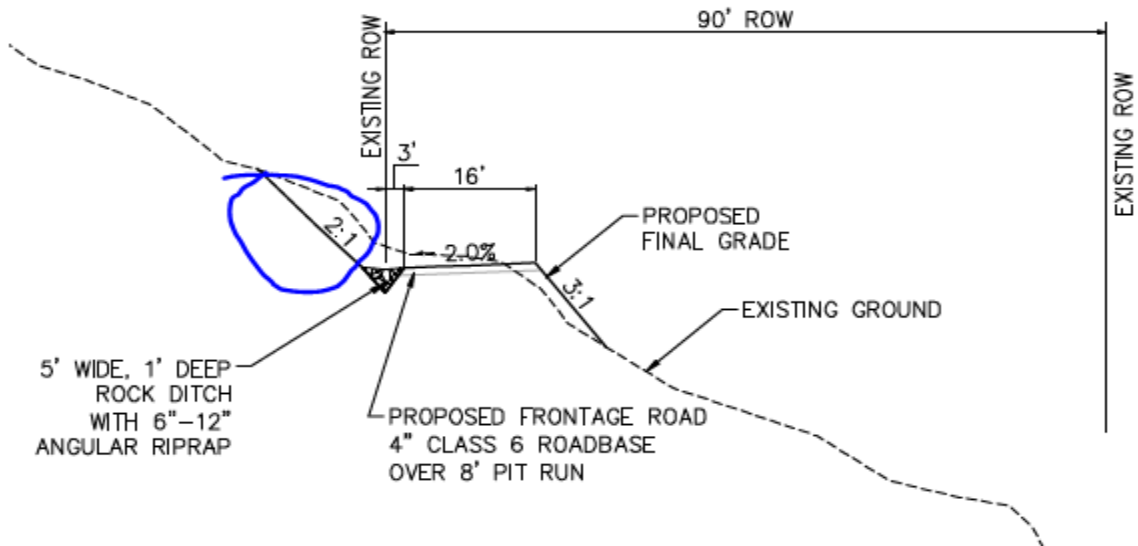
7. Steep Slopes.

(a) Any slopes 3:1 or greater shall receive, in addition to all requirements listed above, proper slope protection, approved by the Town Staff.

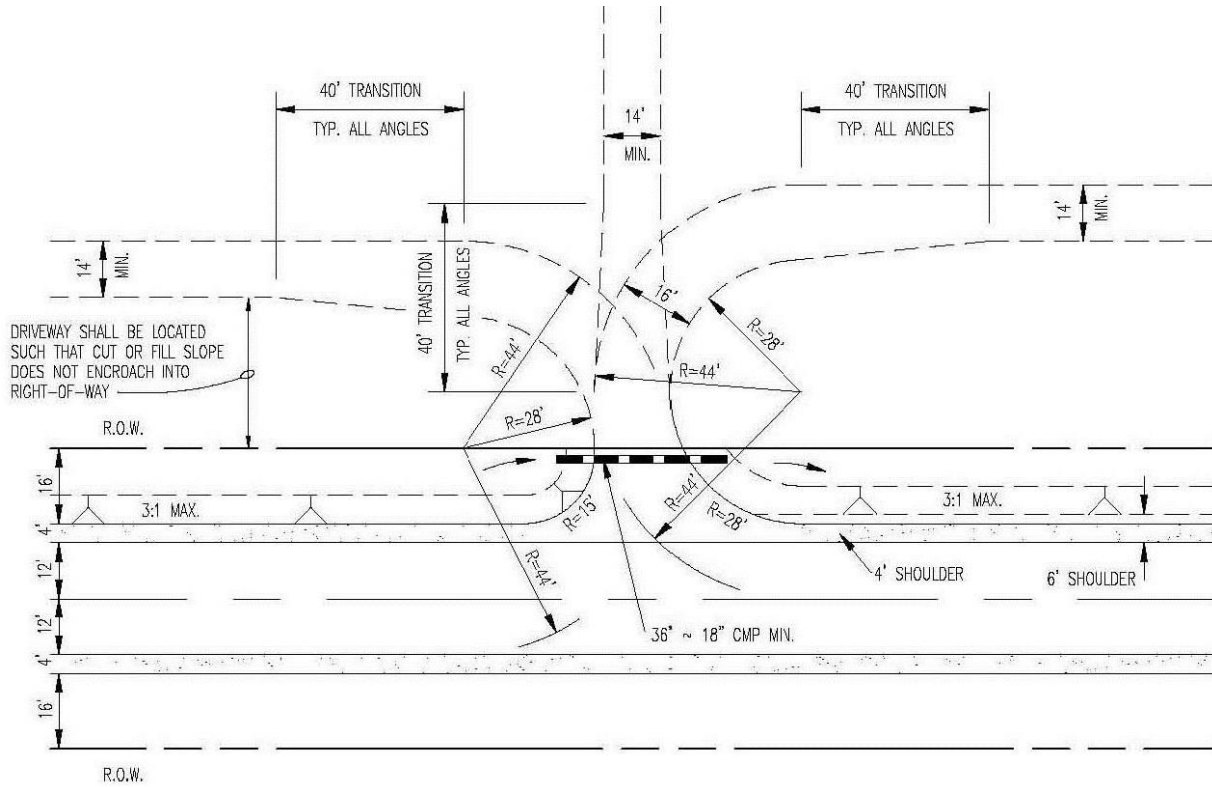
(b) Slopes greater than 3:1 require specific engineering design and are subject to approval by the Town.



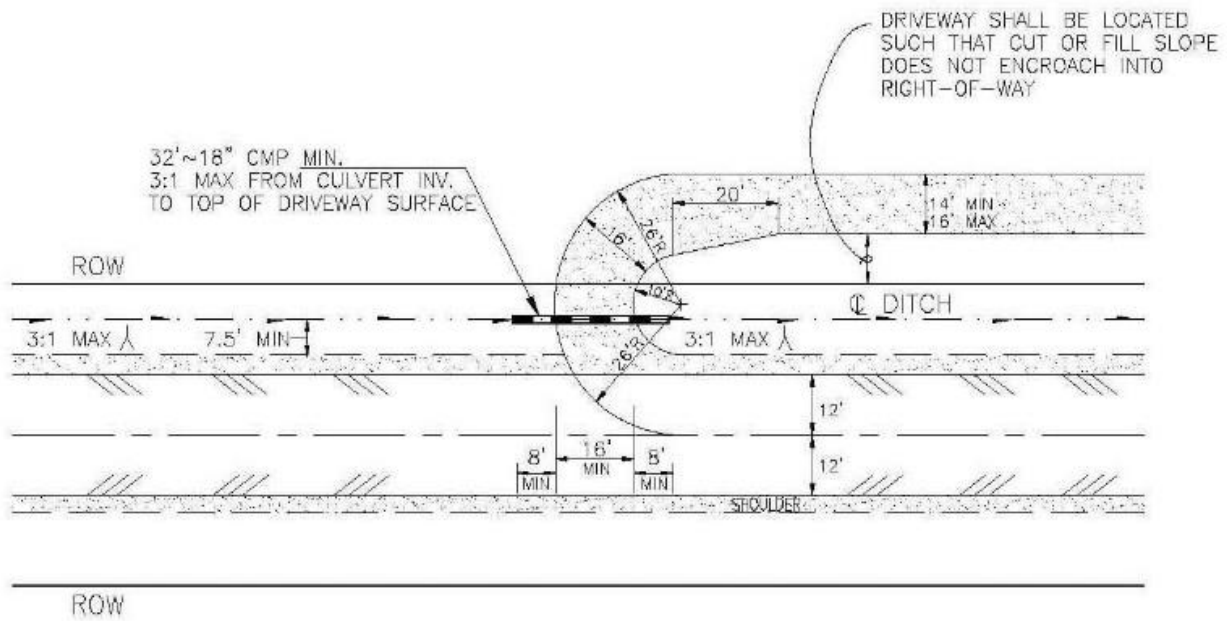
Proposed "service" road for 2016 variance application



Proposed section "service" road for 2016 variance application



ToGL M.C. Fig 10. Residence Requiring Emergency Access (Greater than 150 feet of public road)  
 Nearest public road is Lake Ave at 200' away.



DRIVEWAYS BETWEEN 0° to 51°

(Residence within 150 feet of public road)

**Staff Comments:**

- The applicant has previously been granted a variance to build a “service” road adjacent to the southern edge of his lots 9-11, Bl 36, but it did not include these driveways. The variance required easement and drainage documents to be signed and recorded.
- There is major hardship for the topography of these lots as per access to the lots.
- The literal interpretation of the code will deprive the applicant of rights commonly enjoyed by others, specifically access to the lots 9-11, Bl 36.
- If future landowners propose to gain access to other lots in this area, similar access questions would be reviewed.
- Granting the variance does not substantially impair the intent and purpose of the Zone plan, however it is unknown if it poses a detriment to the public good, due to the shoulder grade of 2:1.
- The retaining walls proposed on the southern edge of the continuous driveway is stated to not be greater than 4’, which is allowed by code.
- The private driveway code stated that the drives are recommended to allow access to no more than 2 properties. An easement agreement should be required to run with the land for future landowners to understand the shared driveway.

**Commissioner Discussion:**

Municipal Code 11-2-11 [Street Development Policies, Standards, and Specifications Variance Request] Hardships for Consideration states:

***(B) Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees.***

***(C) The Board of Trustees shall grant no variance without first receiving a recommendation from the Planning Commission...***

***(D) Variance requests will only be granted if the applicant can demonstrate all of the following:***

- 1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;**
- 2. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.**
- 3. That the special conditions and circumstances do not result from the actions of the applicant;**
- 4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;**
- 5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.**

**Suggested Action:**

1. Recommend granting the variance as presented by adopting the resolution; or
2. Recommend granting the variance with certain conditions, by adopting the resolution with modifications.
3. Recommend denial of the variance request; or,
4. Continue to a date certain for the applicant to revise their application.

Town of Grand Lake  
1026 Park Avenue  
PO Box 99  
Grand Lake, CO 80447

Thomas H. Jenkins &  
Deborah K. Jenkins  
207 Bella Vista Court  
PO Box 1155  
Grand Lake, CO 80447

Date July 17<sup>th</sup>, 2022

Re: Variance Request for access to Lots 9, 10, & 11 on Block 36 using Lake Avenue

Dear Town of Grand Lake:

We are writing this letter to request variances which would allow us to access and build upon our properties located at lots 9, 10, & 11 in Block 36 using a small access or service road to Lake Avenue. One of the problems we face is the topography of the hillside which makes access to these properties very difficult. It would be impossible to access these properties without a road exceeding the maximum 8% grade requirement. Furthermore, we are also requesting that the driveways from all three properties share a single triple driveway.

We have done nothing to cause these issues. The problems we face accessing these properties is purely caused by the shape of the mountain and there is no other way we can find to gain access to our properties other than by making these variance requests.

What we are requesting is similar to many other properties in Grand Lake which sit on steep hillsides and needed a steeper road grade than what is specified in the requirements. There are also many other properties which share driveways to three or more homes, making this a fairly common request as well.

We are not asking for any special privilege. We are just asking for a variance similar to what has been granted many times to other properties within the town.

The granting of these variances does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

Respectfully,

  
Thomas H. Jenkins

  
Deborah K. Jenkins



# Town of Grand Lake

## Planning Department

• P.O. Box 99 • 1026 Park Avenue • Grand Lake, CO 80447  
• Phone: 970-627-3435 • Fax: 970-627-9290  
[glplanning@townofgrandlake.com](mailto:glplanning@townofgrandlake.com) • [www.townofgrandlake.com](http://www.townofgrandlake.com)

# LAND USE REQUEST APPLICATION

**PROPERTY LOCATION:**  
 Street Address: \_\_\_\_\_  
 Legal Description: Lot 9, 10, & 11 Block 36 Subdivision Grand Lake  
 Existing Use of Property: Vacant Land

**PROPERTY OWNER INFORMATION:**  
 Name: Thomas H. Jenkins Email: tom@gatewayinn.com  
 Mailing Address: PO Box 1155 Phone: 303-242-9575  
 City: Grand Lake State: CO Zip: 80447 Fax: \_\_\_\_\_

**APPLICANT INFORMATION:** Is the Applicant the Property Owner?  YES  NO  
 Name: \_\_\_\_\_ Email: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

**TYPE OF REVIEW (Check all that apply):**

<input type="checkbox"/> New Planned Development	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Change to a non-conforming Use/Structure	<input type="checkbox"/> Existing Subdivision Plat Amendment	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Existing Subdivision Plan Amendment
<input type="checkbox"/> New Subdivision	<input type="checkbox"/> Redevelopment	<input type="checkbox"/> Other: <u>Roadway Specification 11-2-4(D)(3)</u>

**REQUEST (Brief Description):** Request Variance for road grade above 8% and approve triple driveway. This is because the existing terrain is too steep.

**REQUIRED INFORMATION CHECKLIST:**

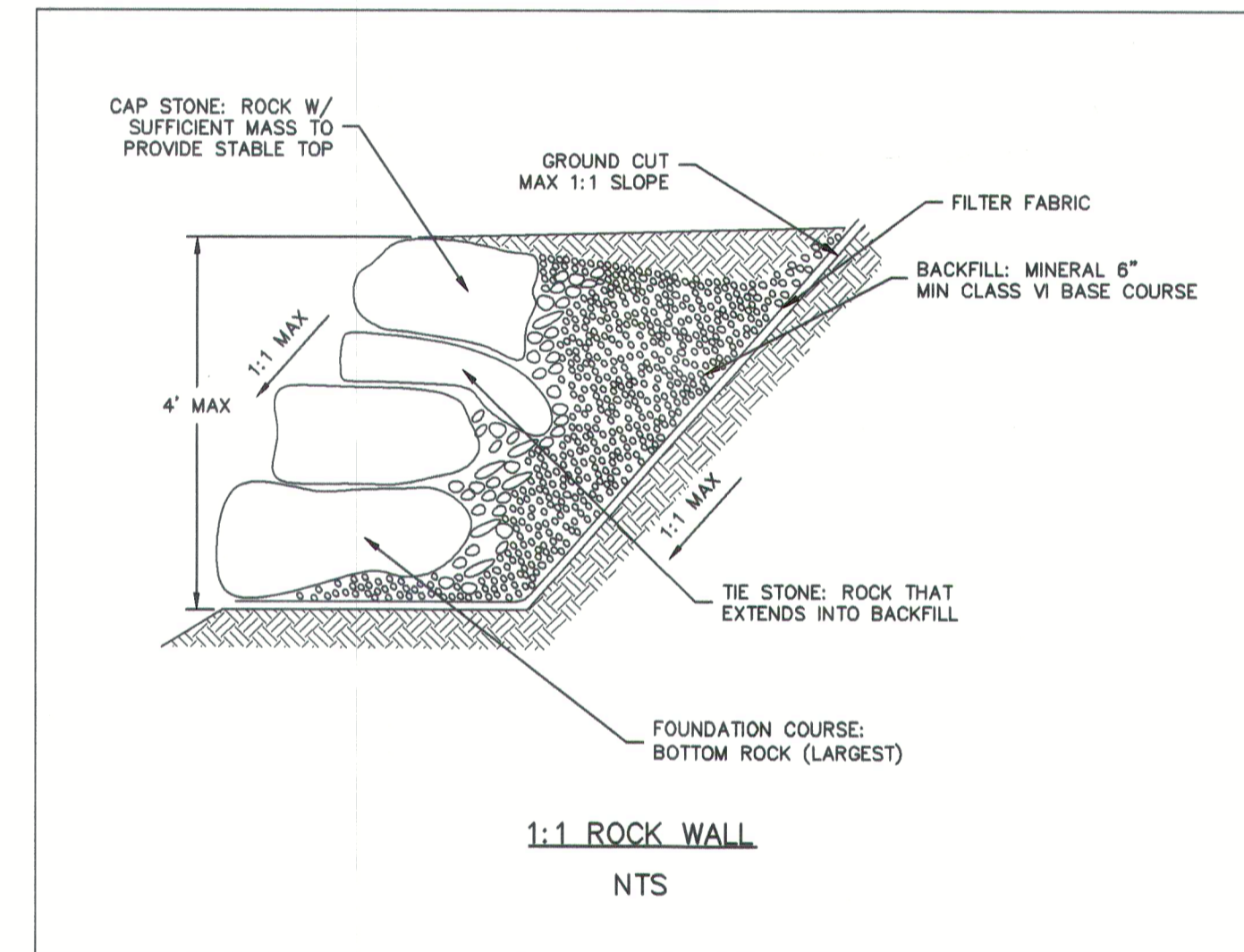
<input checked="" type="checkbox"/> Site Plan	(showing dimensions to existing and proposed features, locations of specific activities, proposed and existing signage, parking, ingress and egress points, traffic circulation, utilities, drainage features, and property lines)
<input type="checkbox"/> Statement of Authority	(If applicable. Required for representatives of entities and property owners.)
<input checked="" type="checkbox"/> Property Survey	
<input checked="" type="checkbox"/> Agreement for Services Form	
<input type="checkbox"/> Application Deposit	(See Fee and Deposit schedule for amount)
<input type="checkbox"/> Additional Information	(If applicable. Staff may require other helpful information for review.)

**AFFIDAVIT:**  
 BY MY SIGNATURE, I attest that the information contained or attached to this application is true and correct to the best of my knowledge. I further understand that submission of false or misleading information shall be sufficient cause for this application to be denied or may delay review by the Town.  
 Print Name: Thomas H. Jenkins  
 Signature: *Thomas H. Jenkins* Date: 07/12/2022

**STAFF USE ONLY**  
 Application Received By: kwhite Date & Time: 7/12 4:15p  
 File Name: \_\_\_\_\_ Deposit:  YES  NO Amount: \$ 250

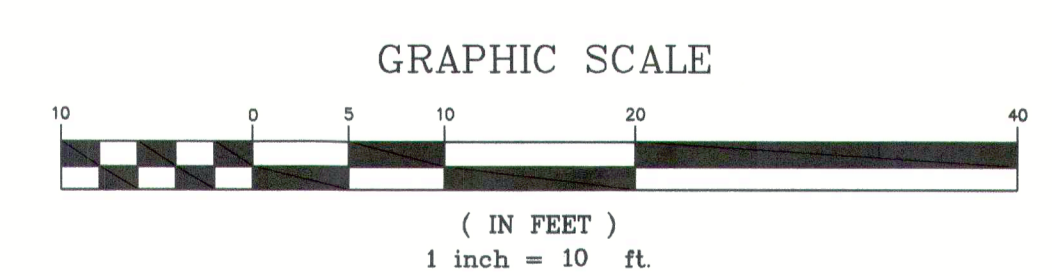
NOTES:

1. THE CONTRACTOR SHALL OBTAIN, AT HIS EXPENSE, ALL PERMITS WHICH ARE NECESSARY TO PERFORM THE PROPOSED WORK AND SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS
2. ALL BACKFILL MATERIAL SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY IN ROADS AND 90% STANDARD PROCTOR DENSITY IN OPEN SPACE.
3. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITION AT AND ADJACENT TO THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND IS NOT LIMITED TO NORMAL WORKING HOURS.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNER, DEVELOPER, ENGINEER OF ANY PROBLEM IN CONFORMING TO THE APPROVED PLANS FOR ANY ELEMENT OF THE PROPOSED IMPROVEMENTS PRIOR TO ITS CONSTRUCTION.
5. LIMITS OF DISTURBANCE: NO AREAS SHALL BE DISTURBED OUTSIDE OF THE LIMITS OF DISTURBANCE. SURFACE DISTURBANCE SHALL BE LIMITED TO THE EXTENTS OF THE PROPOSED GRADING SHOWN ON THIS PLAN SET.
6. LIFTS IN FILL AREAS SHALL NOT EXCEED 8 INCHES IN COMPACTED DEPTH. FINISHED SLOPES ADJACENT TO PROPOSED AND EXISTING ROADS MUST BE 2:1 OR FLATTER.
7. THE CONTRACTOR SHALL PREVENT SEDIMENT, DEBRIS AND ALL OTHER POLLUTANTS FROM ENTERING THE ADJACENT WATERWAYS, PONDS, WETLANDS, ETC. DURING ALL DEMOLITION, EXCAVATION, TRENCHING, BORING, GRADING OR OTHER CONSTRUCTION OPERATIONS THAT ARE PART OF THIS PROJECT. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR REMEDIATION OF ANY ADVERSE IMPACTS TO ADJACENT WATERWAYS, PONDS, WETLANDS, ETC., RESULTING FROM WORK DONE AS PART OF THIS PROJECT.
8. UTILITY CONFLICTS: ALL EXISTING UTILITIES SHOWN WERE COMPILED USING THE BEST AVAILABLE INFORMATION AND FIELD OBSERVATION. BOWMAN CONSULTING INC. DOES NOT GUARANTEE THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON. CONTRACTOR TO BE RESPONSIBLE FOR FIELD VERIFYING THE LOCATION OF ALL EXISTING UTILITIES, INCLUDING THOSE NOT SHOWN OR SHOWN INCORRECTLY ON THE PLANS. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED IN A TIMELY FASHION TO THE SATISFACTION OF THE APPROPRIATE GOVERNING AGENCY AND THE OWNER OF THE IMPACTED UTILITY AT THE CONTRACTOR'S EXPENSE.
9. THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-922-1987 AT LEAST 2 BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION ACTIVITIES WITH ANY AFFECTED UTILITY COMPANY.
10. CONTRACTOR SHALL REFERENCE TOWN OF GRAND LAKE STANDARD DETAILS, CDDT M&S STANDARDS, AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT MANUALS FOR CONSTRUCTION DETAILS.



Know what's below.  
Call before you dig.

LEGEND	
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED FINISHED GRADE ELEVATION
	LIMITS OF DISTURBANCE
	PROPERTY LINE
	EXTENDED FOUNDATION
	STRAW WATTLE
	STRAW WATTLE INLET PROTECTION
	PERIMETER PROTECTION (SILT FENCE/STRAW WATTLE)



REVISION	DATE	DESCRIPTION

GRADING PLAN

GRAND LAKE - LAKE AVENUE IMPROVEMENTS

GRAND COUNTY

DESIGN	DRAWN	CHKD
CAV	CAV	TG
SCALE H: 1" = 10' V: 1" = 10'		
JOB No. 020234-01-001		
DATE: 10/6/17		
SHEET C0-01		

**From:** [Randy Leach](#)  
**To:** [Kim White](#)  
**Subject:** Questions on the Lake Ave widening project  
**Date:** Wednesday, July 13, 2022 12:24:53 PM

---

Hi Kimberly,

My email is in response to a letter I received outlining the variance request for the road widening of a portion of Lake Ave. I am an owner with property along that road and I have a few questions.

- 1) Who is paying for this project? the town, a single property owner, or a developer?
- 2) My understanding is that the variance is to allow a steeper road slope than what's called for in the town's design code, is that correct?
- 3) If so, why is the town considering allowing this variance when other projects are compelled to follow the design codes?
- 4) Is this widening to facilitate a Developer in the development of multi-properties along the road?
- 5) What are the start and end dates of the project?

Thank you,  
Randy

**TOWN OF GRAND LAKE  
RIGHT OF WAY PERMIT**

*This permit must be obtained at least seven (7) days prior to the planned start of construction unless it is determined (by the Town of Grand Lake) a bona fide emergency. Right of Way permit valid for four (4) weeks from the date of issuance.*

Name of property owner requesting permit: Tom Jenkins

Contact Phone number: 303-242-9575 E-mail: Tom@Gatewayinn.com

Name of Excavator: Tom Jenkins

Address: P.O. Box 1169, Grand Lake, CO 80447

Telephone: 303-242-9575 Cell Phone: \_\_\_\_\_

Location of Work: Lake Avenue

Scheduled Start Date: \_\_\_\_\_ Scheduled Completion Date: \_\_\_\_\_

Briefly describe the work to be done: Complete Lake Avenue frontage Rd. to access lots 9, 10, + 11

Utility locate scheduled or completed? YES  NO \_\_\_\_\_ Date scheduled: \_\_\_\_\_

Utility locate identification number: Utilities already in place

Estimated Cost of Repair (including R.O.W Restoration): \_\_\_\_\_

Compliance with Municipal Code 11-2-1(C) and (D) YES \_\_\_\_\_

Permit Fee of \$20.00 YES

Please attach:

1. A copy of the 2-year bond in the amount equal to 115% of the cost estimate for repair of the right of way area to its original condition.
2. A copy of your general liability insurance with a minimum amount of \$1,000,000.00 of insurance naming the Town of Grand Lake as an additional insured.
3. Construction Plans/specifications and written schedule covering general work to be performed.

**PLEASE READ THE FOLLOWING BEFORE SIGNING THIS PERMIT:**

By applying for this permit, I hereby understand and agree that I am responsible for repairing the Town of Grand Lake's rights-of-ways according to the Town's specifications (See Project Requirements sheet). I further understand and agree that my failure to comply with the Town's specifications and other requirements of the Municipal Code may be sufficient cause to forfeit the collateral posted with the Town. I agree to perform the work according to the plans, specifications and work schedule submitted, and agree that any modification to the plan, specifications, or work schedule must be pre-approved by the Town. *I also agree to comply with Municipal Code Chapter 11: Municipal Property Regulations which is available online for public viewing at [www.townofgrandlake.com](http://www.townofgrandlake.com) or at Town Hall.*

Applicant Signature: Thomas H. Jenkins Date: 6/08/22

Printed Name: THOMAS H. JENKINS



Effective Date: July 14th, 2022

# Western Surety Company

## LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS: Bond No. 66322806

That we, Thomas H Jenkins

of Grand Lake, State of Colorado, as Principal,  
and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of  
Colorado, as Surety, are held and firmly bound unto the

Town of Grand Lake, State of Colorado, as Obligee, in the penal  
sum of Twenty Thousand and 00/100 DOLLARS (\$20,000.00),  
lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made,  
we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been  
licensed Right of Way Bond- Lots 9, 10, 11, Block 36, Grand Lake, CO 80447

\_\_\_\_\_ by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply  
with the laws and ordinances, including all amendments thereto, pertaining to the license or permit  
applied for, then this obligation to be void, otherwise to remain in full force and effect until  
July 14th, 2024, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class  
U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration  
of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety  
shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said  
date. Regardless of the number of years this bond shall continue in force, the number of claims made  
against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of  
liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total  
liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be  
cumulative.

Dated this 14th day of July, 2022.

Thomas H Jenkins  
Principal

Principal

WESTERN SURETY COMPANY

By Paul T. Bruffat  
Paul T. Bruffat, Vice President

ACKNOWLEDGMENT OF SURETY  
(Corporate Officer)

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

On this 14th day of July, 2022, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*S. Green*  
Notary Public — South Dakota

My Commission Expires: February 12, 2027

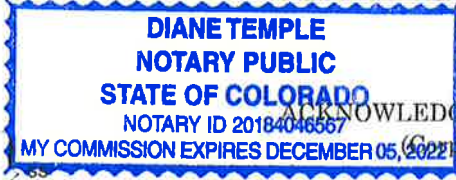
ACKNOWLEDGMENT OF PRINCIPAL  
(Individual or Partners)

STATE OF Colorado }  
COUNTY OF Grand } ss

On this 14th day of July, 2022, before me personally appeared Thomas H. Jenkins, known to me to be the individual described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

My commission expires Dec 5, 2022

*Diane Temple, Notary Public*  
Notary Public



STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

ACKNOWLEDGMENT OF PRINCIPAL  
(Corporate Officer)

On this \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires \_\_\_\_\_

Notary Public



License or Permit No. \_\_\_\_\_  
LICENSE AND PERMIT BOND As \_\_\_\_\_  
of \_\_\_\_\_  
State of \_\_\_\_\_  
Name of Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Filed \_\_\_\_\_  
Approved this \_\_\_\_\_ day of \_\_\_\_\_

# Western Surety Company

Section 7, Item B.

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,  
State of South Dakota, its regularly elected Vice President,  
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Right of Way Bond- Lots 9, 10, 11, Block 36, Grand Lake, CO 80447 Town of Grand Lake

bond with bond number 66322806

for Thomas H Jenkins  
as Principal in the penalty amount not to exceed: \$ 20,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 14th day of July, 2022.

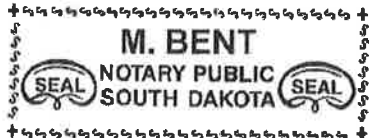
ATTEST  
P. Leitheiser  
P. Leitheiser, Assistant Secretary

WESTERN SURETY COMPANY  
By Paul T. Bruflat  
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss



On this 14th day of July, 2022, before me, a Notary Public, personally appeared Paul T. Bruflat and P. Leitheiser who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



M. Bent  
My Commission Expires March 2, 2026 Notary Public

To validate bond authenticity, go to [www.cnasurety.com](http://www.cnasurety.com) > Owner/Obligee Services > Validate Bond Coverage.

**TOWN OF GRAND LAKE  
AGREEMENT FOR PAYMENT OF  
REVIEW AND DEVELOPMENT EXPENSES INCURRED BY THE TOWN  
SUBDIVISION, ANNEXATION AND ZONING PROCESS**

**THIS AGREEMENT** (“the Agreement” is entered into this 12 day of July, 2022, by and between the Town of Grand Lake, Colorado, a Colorado municipal corporation, (“the Town”) and Thomas H. Jenkins, a \_\_\_\_\_ (homeowner, type of corporation, LLC, etc. if applicable), (collectively, “the Owner”).

**WHEREAS**, the Owner owns certain property situated in the Grand County, Colorado described on Exhibit A, attached hereto and incorporated herein by reference, (“the Property”);

**WHEREAS**, the development review process includes review of all aspects of land use including, but not limited to, annexation, subdivision, zoning, change of land use, installation of public improvements, dedication of lands and the availability of and feasibility of providing utility services;

**WHEREAS**, the Owner desires to develop the Property and has made application to the Town for approval of subdivision, annexation and/or zoning of the Property, and

**WHEREAS**, the Parties recognize that the land use fees as specified by the Municipal Code of the Town may not be adequate to fully cover the Town’s expenses incurred during the application process, including but not limited to, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, engineering fees, attorney fees, consultant fees, and fees for administrative time of Town staff, including, but not limited to managerial, clerical, billing, and review time, and

**WHEREAS**, the Parties hereto recognize that the Town will continue to incur expenses through the entire development review process until final completion of the development including but not limited to, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, engineering fees, attorney fees, consultant fees, and fees for administrative time of Town staff, security, permits and easements;

**NOW THEREFORE**, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. The Town has collected or will collect certain subdivision, annexation and land use fees from the Owner and the Town will apply those fees against the development review expenses incurred by the Town while processing the Owner’s development review proposal. In the event the Town incurs development review expenses greater than the monies collected from the Owner, the Owner agrees to reimburse the Town for the additional expenses and fees upon submittal of an invoice. Owner shall pay all invoices submitted by the Town within ten (10) days of the Town’s delivery of such invoice. Failure by the Owner to pay any invoice within the specified time shall be cause for the Town to cease processing the application, cease development of the Property, deny approval of the application, withhold the issuance of building permits or certificates of occupancy and for the Town to exercise such rights and remedies as are otherwise available to it in law or equity or under the applicable provisions of the Town Code.
2. Except where the law or an agreement with the Town provides otherwise, the Owner may terminate its application at any time by giving written notice to the Town. The Town

shall take all reasonable steps necessary to terminate the accrual of costs to the Owner and file such notices as are required by the Town's regulations. The Owner shall be liable for all costs incurred by the Town in terminating the processing of the application.

- 3. If the Owner fails to pay the fees and costs required herein when due, the Town may take those steps necessary and authorized bylaw to collect the fees and costs due, in addition to exercising those remedies set forth in Section 1, above. The Town shall be entitled to recover from Owner all court costs and attorneys' fees incurred in collection of the balance due, including interest on the amount due from its due date at the rate of 18% per annum.
- 4. The Town will account for all funds expended and fees and expenses incurred by the Town as a result of the development review of the application throughout the development process. Statements of expenses incurred will be made available to the Owner by the Town. Expenses to be charged to the Owner's account shall include, but shall not be limited to legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, engineering fees, attorney fees, consultant fees, fees for administrative time of Town staff, security, permits and easements. Within 60 days after the completion of the processing of the application by the Town, the Town will provide Owner with a statement of account and will refund to the Owner any funds paid by the Owner that were not expended by the Town, except where the Parties expressly agree to the contrary.
- 5. Owner's obligation to pay the costs and expenses provided for in this Agreement shall exist and continue independent of whether the Owner's application, or any part thereof, is approved, approved with conditions, denied, withdrawn, or terminated by the Town or the Owner prior to a final decision in the process.

**IN WITNESS WHEREOF**, the Town and the Owner have caused this Agreement to be duly executed on the day and year first above written.

PRINTED OWNER'S NAME: Thomas H. Jenkins

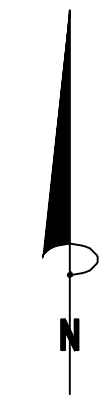
OWNER OF PROPERTY:   
Signature

TOWN OF GRAND LAKE

By:   
Kimberly White, Town Planner

S E A L

Attest:  
  
\_ Alayna Carrell, Town Clerk



# CONSTRUCTION PLANS

# FRONTAGE ROAD IMPROVEMENTS

# AT LAKE AVENUE

A PART OF SECTION 6,  
 TOWNSHIP 3 NORTH, 75 WEST, OF THE 6TH. P.M.  
 TOWN OF GRAND LAKE, COUNTY OF GRAND, STATE OF COLORADO

**GENERAL NOTES:**

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF PUBLIC IMPROVEMENTS SHALL MEET OR EXCEED THE STANDARDS AND SPECIFICATIONS FROM THE TOWN OF GRAND LAKE, THE THREE LAKES WATER AND SANITATION DISTRICT, AND APPLICABLE STATE AND FEDERAL REGULATIONS. WHERE THERE IS CONFLICT BETWEEN THESE PLANS AND THESE STANDARDS OR ANY APPLICABLE STANDARDS, THE HIGHER QUALITY STANDARD SHALL APPLY. WORK SHALL BE INSPECTED AND APPROVED BY THE TOWN OF GRAND LAKE.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE.
3. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY PERTINENT LOCATIONS AND ELEVATIONS, ESPECIALLY AT CONNECTION POINTS AND AT POTENTIAL UTILITY CONFLICTS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES THAT CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
4. THE CONTRACTOR SHALL COORDINATE AND COOPERATE WITH THE TOWN AND ALL UTILITY COMPANIES INVOLVED WITH REGARD TO RELOCATIONS OR ADJUSTMENTS OF EXISTING UTILITIES DURING CONSTRUCTION AND TO ASSURE THAT THE WORK IS ACCOMPLISHED IN A TIMELY FASHION AND WITH A MINIMUM DISRUPTION OF SERVICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL PARTIES AFFECTED BY ANY DISRUPTION OF ANY UTILITY SERVICE.
5. THE CONTRACTOR SHALL HAVE ONE (1) SIGNED COPY OF THE APPROVED PLANS, ONE (1) COPY OF THE APPROPRIATE CRITERIA AND SPECIFICATIONS, AND A COPY OF ANY PERMITS AND EXTENSION AGREEMENTS NEEDED FOR THE JOB ONSITE AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY INCLUDING, BUT NOT LIMITED TO, EXCAVATION, TRENCHING, SHORING, TRAFFIC CONTROL, AND SECURITY.
7. IF DURING THE CONSTRUCTION PROCESS CONDITIONS ARE ENCOUNTERED WHICH COULD INDICATE A SITUATION THAT IS NOT IDENTIFIED IN THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE TOR PUBLIC WORKS INSPECTOR IMMEDIATELY.
8. ALL REFERENCES TO ANY PUBLISHED STANDARDS SHALL REFER TO THE LATEST REVISION OF SAID STANDARD UNLESS SPECIFICALLY STATED OTHERWISE.
9. THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN IN ACCORDANCE WITH MUTCD TO THE APPROPRIATE RIGHT-OF-WAY AUTHORITY (TOWN, COUNTY OR STATE) FOR APPROVAL PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN OR AFFECTING THE RIGHT-OF-WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ANY AND ALL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED BY THE CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL LABOR AND MATERIALS NECESSARY FOR THE COMPLETION OF THE INTENDED IMPROVEMENTS SHOWN ON THESE DRAWINGS OR AS DESIGNATED TO BE PROVIDED, INSTALLED, OR CONSTRUCTED UNLESS SPECIFICALLY NOTED OTHERWISE.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ROADWAYS FREE AND CLEAR OF ALL CONSTRUCTION DEBRIS AND DIRT TRACKED FROM THE SITE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING AS-BUILT INFORMATION ON A SET OF RECORD DRAWINGS KEPT ON THE CONSTRUCTION SITE AND AVAILABLE TO THE TOR PUBLIC WORKS INSPECTOR AT ALL TIMES.
13. DIMENSIONS FOR LAYOUT AND CONSTRUCTION ARE NOT TO BE SCALED FROM ANY DRAWING. IF PERTINENT DIMENSIONS ARE NOT SHOWN, CONTACT THE CONSULTANT ENGINEER FOR CLARIFICATION AND ANNOTATE THE DIMENSION ON THE AS-BUILT RECORD DRAWINGS.
14. THE CONTRACTOR SHALL COMPLY WITH ALL TERMS AND CONDITIONS OF THE COLORADO PERMIT FOR STORM WATER DISCHARGE, THE STORM WATER MANAGEMENT PLAN, AND THE EROSION CONTROL PLAN.
15. ALL STRUCTURAL EROSION CONTROL MEASURES SHALL BE INSTALLED AT THE LIMITS OF CONSTRUCTION PRIOR TO ANY OTHER EARTH-DISTURBING ACTIVITY. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN GOOD REPAIR BY THE CONTRACTOR UNTIL SUCH TIME AS THE ENTIRE DISTURBED AREA IS STABILIZED WITH HARD SURFACE OR LANDSCAPING.
16. THE CONTRACTOR SHALL SEQUENCE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO MINIMIZE POTENTIAL UTILITY CONFLICTS. IN GENERAL, STORM SEWER AND SANITARY SEWER SHOULD BE CONSTRUCTED PRIOR TO INSTALLATION OF THE WATER LINES AND DRY UTILITIES.
17. THERE SHALL BE NO SITE CONSTRUCTION ACTIVITIES ON SATURDAYS UNLESS SPECIFICALLY APPROVED BY THE TOR PUBLIC WORKS INSPECTOR AND NO SITE CONSTRUCTION ACTIVITIES ON SUNDAYS OR HOLIDAYS UNLESS THERE IS PRIOR WRITTEN APPROVAL BY THE PUBLIC WORKS DIRECTOR.
18. NO SOLID OBJECT (EXCLUDING FIRE HYDRANTS AND TRAFFIC CONTROL DEVICES AND TRAFFIC SIGNS) EXCEEDING THIRTY (30) INCHES IN HEIGHT ABOVE THE FLOWLINE ELEVATION OF THE ADJACENT STREET, INCLUDING BUT NOT LIMITED TO BUILDINGS, UTILITY CABINETS, WALLS, FENCES, LANDSCAPE PLANTINGS, CROPS, CUT SLOPES, AND BERMS, SHALL BE PLACED WITHIN SIGHT DISTANCE LINES AND SIGHT DISTANCE EASEMENTS.



**PERMANENT SEED MIX**  
 RECOMMENDED BY GRAND CO. NRCS

LAND USE	% OF MIX	SPECIES	VARIETY	APPLICATION RATE (Lbs/Ac)
	50%	SMOOTH BROME	MANCHAR	16 Lbs/Ac
DRY LAND NON-IRRIGATED RECLAMATION	25%	SHEEP FESCUE	COVAR	8 Lbs/Ac
	20%	PUBESCENT WHEATGRASS	LUNA	6.5 Lbs/Ac
	5%	WILD FLOWER	BLUE FLAX	2 Lbs/Ac

- NOTES:**
1. THE APPLIED SEED SHALL NOT BE COVERED BY A SOIL THICKNESS GREATER THAN 0.5 INCHES IN DEPTH.
  2. SEEDING SHALL TAKE PLACE WITHIN 14 DAYS OF ACHIEVING FINISHED GRADE. SEEDING MUST OCCUR WITHIN 3 DAYS OF TOPSOIL PLACEMENT.
  3. TO PROVIDE TEMPORARY EROSION CONTROL PRIOR TO SEED APPLICATION, UTILIZE SURFACE ROUGHENING (ON THE CONTOUR OR PERPENDICULAR TO PREVAILING WINDS) AND APPLY MULCH.
  4. SEED SHALL BE PLANTED WITH DRILL SEEDING EQUIPMENT, WHEN POSSIBLE.
  5. AREAS THAT REQUIRE BROADCAST SEEDING SHALL BE MULCHED AND TACKIFIED.
  6. SEED APPLIED HYDRAULICALLY SHALL INCLUDE TACKIFIER IN THE MIX, AS SPECIFIED BY MANUFACTURER.

**PERMANENT SEEDING**

**GENERAL NOTES:**

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF FRONTAGE ROAD IMPROVEMENTS SHALL MEET OR EXCEED THE REQUIREMENTS IN THE GRAND LAKE MUNICIPAL CODE, CHAPTER 11, ARTICLE 2.
2. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR WATER MAIN CONSTRUCTION SHALL MEET OR EXCEED THE RULES AND REGULATIONS OF THE GRAND LAKE WATER DEPARTMENT.
3. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SANITARY SEWER CONSTRUCTION SHALL MEET OR EXCEED THE REQUIREMENTS IN THE THREE LAKES WATER AND SANITATION DISTRICT RULES AND REGULATIONS, 3-10-2010.
4. APPROVED VARIANCES SHALL SUPERCEDE PUBLISHED STANDARDS.

**GENERAL EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL REMOVE ALL SEDIMENT, MUD AND CONSTRUCTION DEBRIS THAT MAY ACCUMULATE IN THE FLOWLINES AND PUBLIC RIGHTS-OF-WAY OF THE APPROPRIATE GOVERNING AGENCY AS A RESULT OF THIS CONSTRUCTION PROJECT. SAID REMOVAL SHALL BE CONDUCTED IN A TIMELY MANNER.
2. ALL DISTURBED AREAS MUST BE HYDRO-MULCHED W/ TACKIFIER AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE NOT OTHERWISE PERMANENTLY STABILIZED.
3. THE USE OF REBAR, STEEL STAKES, OR STEEL FENCE POSTS TO STAKE DOWN STRAW OR HAY BALES; OR TO SUPPORT SILT FENCE USED AS AN EROSION CONTROL MEASURE; IS PROHIBITED. THE USE OF OSHA APPROVED COLORED WARNING CAPS ON REBAR OR FENCE POSTS USED WITH EROSION CONTROL MEASURES IS NOT ACCEPTABLE.
4. IF STOCKPILES ARE LOCATED WITHIN 100 FEET OF A DRAINAGE WAY, ADDITIONAL SEDIMENT CONTROLS SUCH AS TEMPORARY DIKES OR SILT FENCE SHALL BE REQUIRED.
5. EROSION BALES SHALL BE PLACED SUCH THAT RUNOFF WILL NOT FLOW BETWEEN, AROUND OR UNDER BALES. BALES TO BE ANCHORED WITH 2" X 2" X 3' WOODEN STAKES OR TWO PER BALE.
6. WHEN TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES ARE TO BE REMOVED, ANY SILT AND SEDIMENT DEPOSITS SHALL BE REMOVED AND SPREAD EVENLY IN OPEN AREAS.
7. BEST MANAGEMENT PRACTICES (BMP) SHOWN ON THESE PLANS ARE CONCEPTUAL ONLY. ADJUST AS NECESSARY TO FIT FIELD CONDITIONS.
8. TEMPORARY SEDIMENT BASINS SHALL BE USED DURING CONSTRUCTION TO CONTAIN ALL RUNOFF FROM THE SITE. IF TRENCH DEWATERING OR GROUND WATER REMOVAL IS REQUIRED, THE SEDIMENT POND OR OTHER APPROVED MEANS SHALL BE USED TO DETAIN ALL WATER PUMPED BY THESE OPERATIONS.
9. THE CONTRACTOR SHALL SUBMIT A SCHEDULE OF CONSTRUCTION, GRADING AND LANDSCAPING, INCLUDING THE NAME AND 24 HOUR PHONE NUMBER OF THE RESPONSIBLE PARTY TO CONTACT REGARDING ANY EROSION OR SEDIMENT PROBLEM TO THE APPROPRIATE GOVERNING AGENCY PRIOR TO BEGINNING ANY CONSTRUCTION.
10. EROSION CONTROL MEASURES TO BE COORDINATED WITH CONSTRUCTION MANAGER.
11. EROSION AND SEDIMENT CONTROL SHALL BE INSTALLED IN ACCORDANCE WITH REGULATIONS OF THE APPROPRIATE GOVERNING AGENCY.

**DESIGN ENGINEER APPROVAL**

THESE CONSTRUCTION PLANS FOR FRONTAGE ROAD IMPROVEMENTS AT LAKE AVENUE WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF GRAND LAKE.

R. TIMOTHY GAGNON, PE NO. 35765 DATE \_\_\_\_\_

FOR AND ON BEHALF OF BOWMAN CONSULTING



REVISION	DESCRIPTION	DATE

COVER SHEET

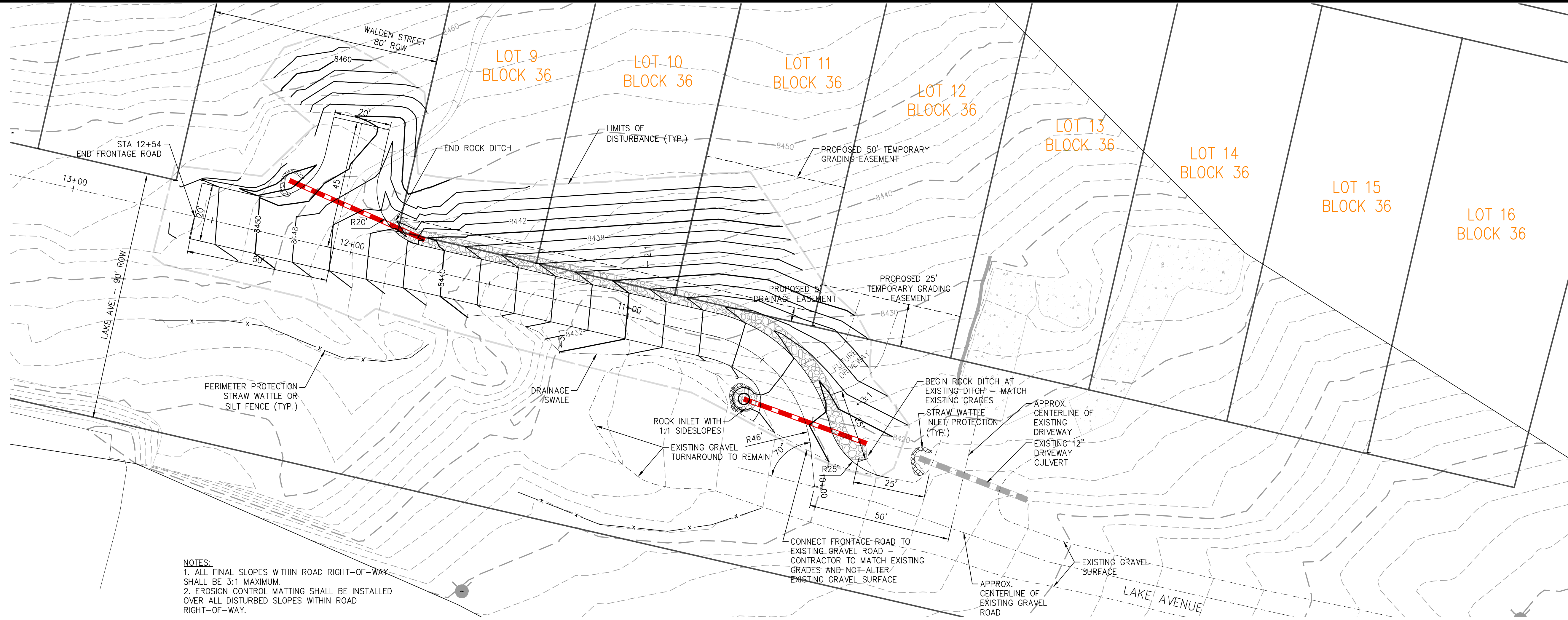
LAKE AVENUE

COLORADO

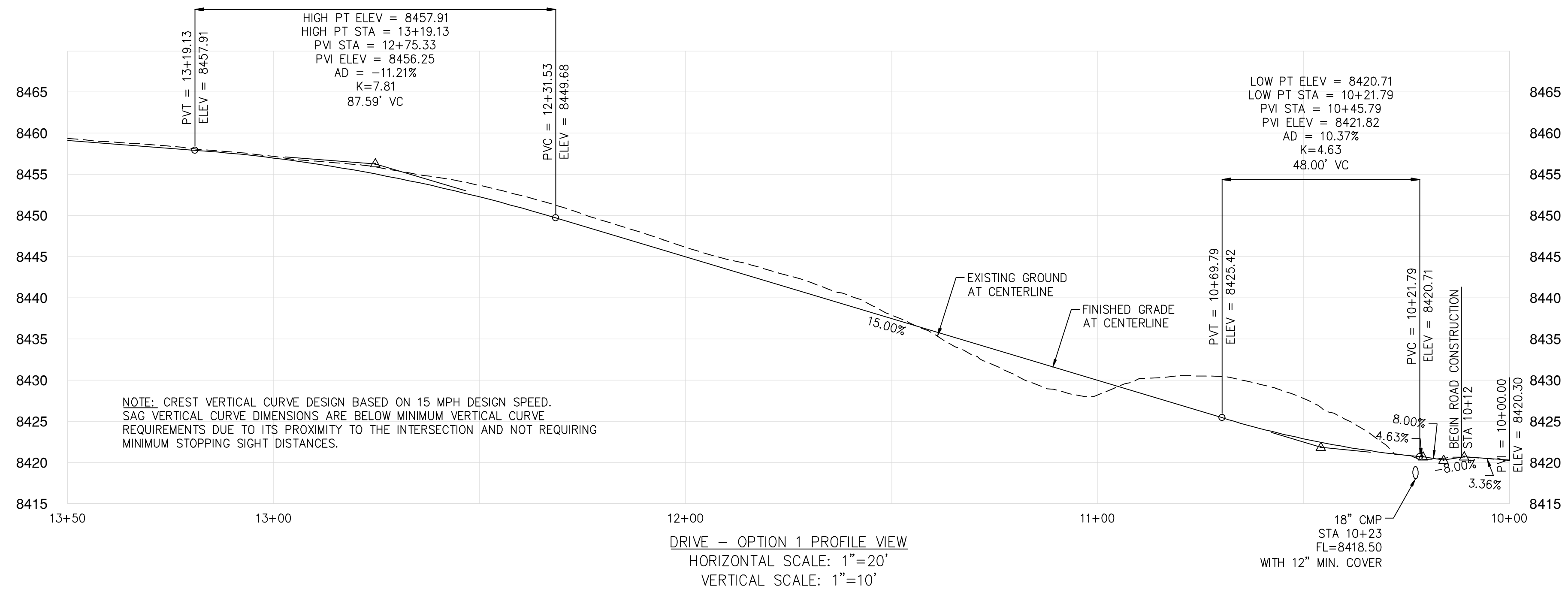
GRAND LAKE

SEALED

DESIGN TG	DRAWN TG	CHKD DH
SCALE: H: N/A V: N/A		
JOB No. 020234-01-001		
DATE: 10/24/2016		
SHEET <b>C1</b>		

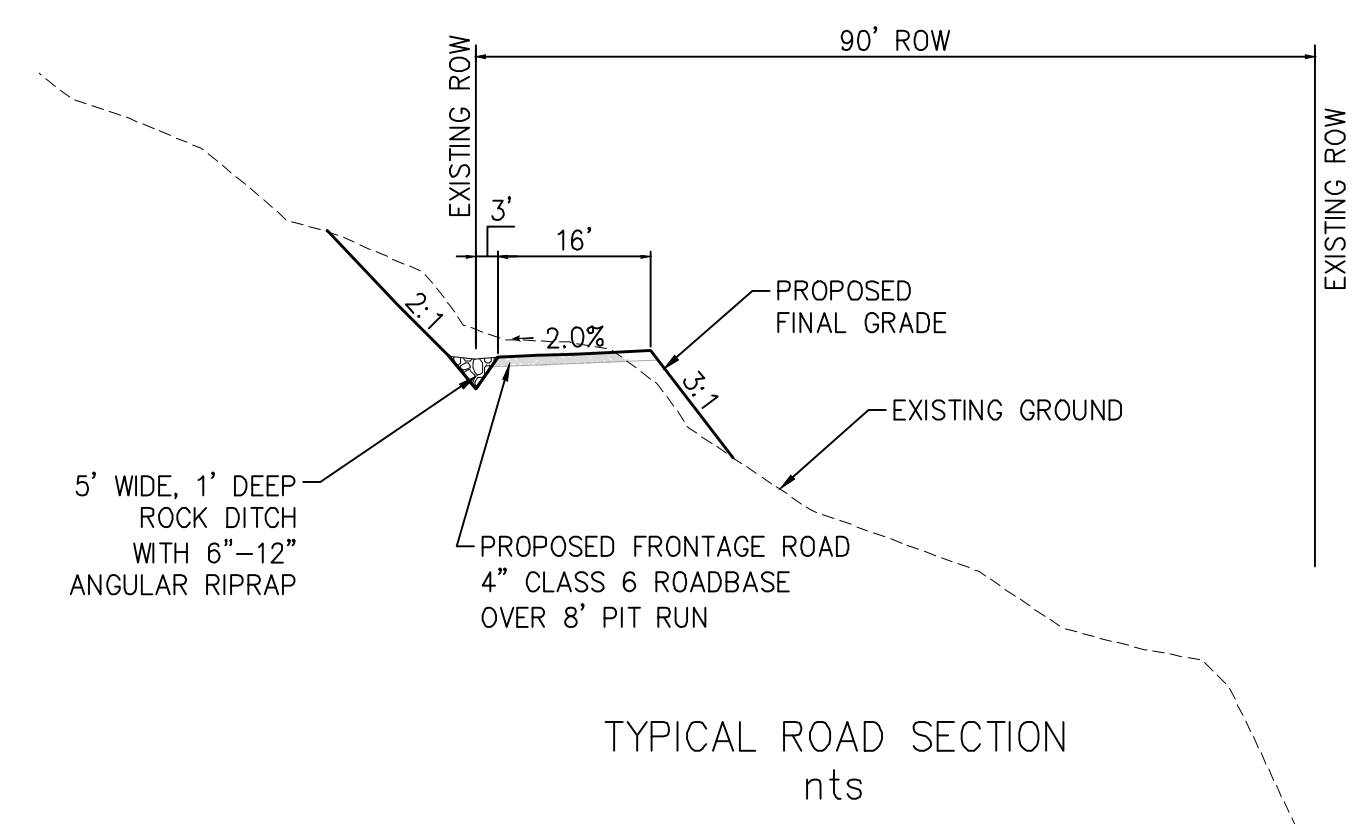


NOTES:  
 1. ALL FINAL SLOPES WITHIN ROAD RIGHT-OF-WAY SHALL BE 3:1 MAXIMUM.  
 2. EROSION CONTROL MATTING SHALL BE INSTALLED OVER ALL DISTURBED SLOPES WITHIN ROAD RIGHT-OF-WAY.

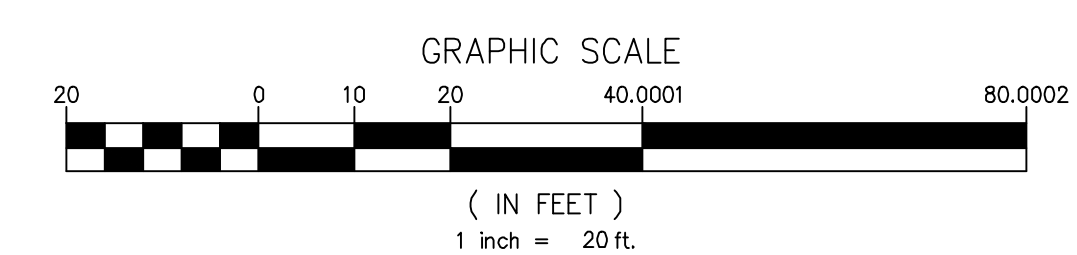


NOTE: CREST VERTICAL CURVE DESIGN BASED ON 15 MPH DESIGN SPEED. SAG VERTICAL CURVE DIMENSIONS ARE BELOW MINIMUM VERTICAL CURVE REQUIREMENTS DUE TO ITS PROXIMITY TO THE INTERSECTION AND NOT REQUIRING MINIMUM STOPPING SIGHT DISTANCES.

DRIVE - OPTION 1 PROFILE VIEW  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=10'

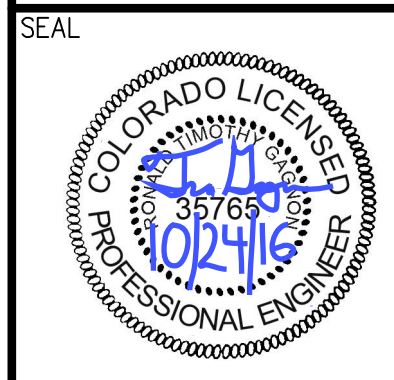


Know what's below.  
 Call before you dig.

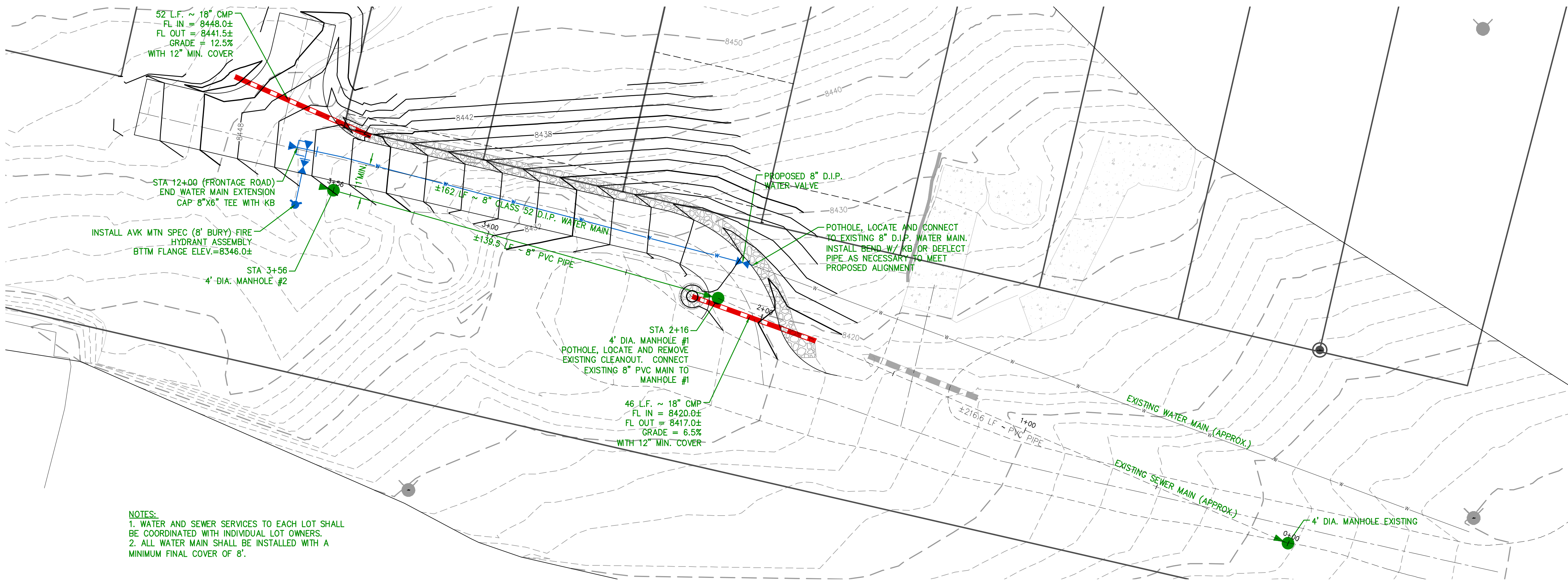


REVISION	DATE	DESCRIPTION

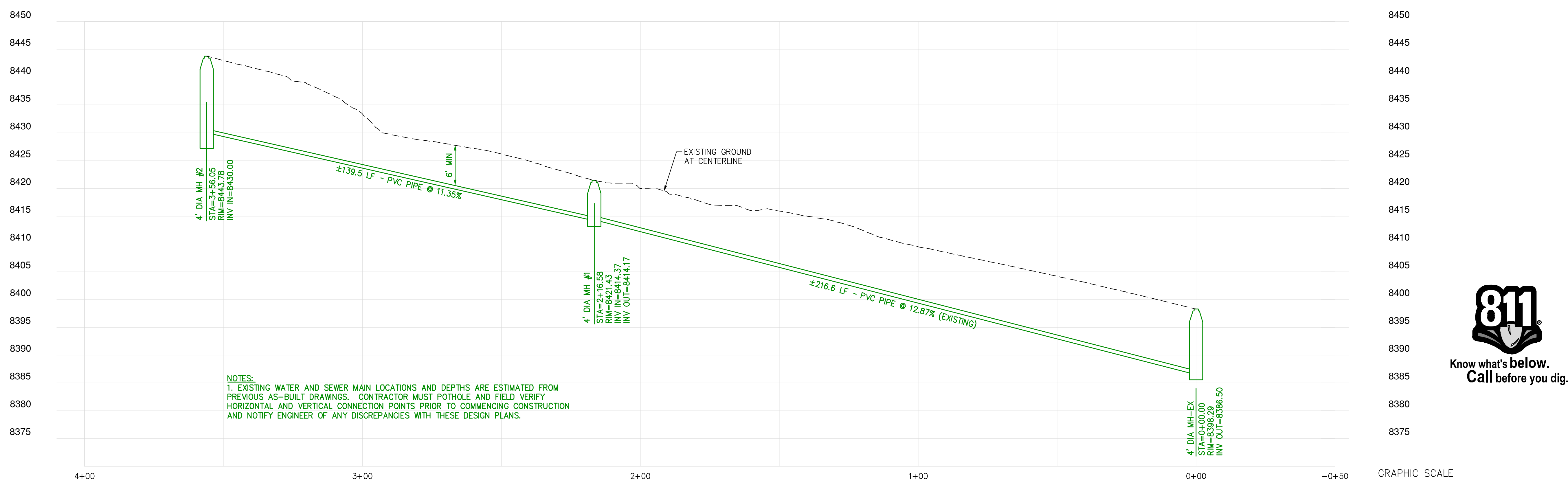
FRONTAGE ROAD  
 PLAN AND PROFILE  
 LAKE AVENUE  
 COLORADO  
 GRAND LAKE



DESIGN	DRAWN	CHKD
TG	TG	DH
SCALE	H: 1" = 20' V: 1" = 5'	
JOB No.	020234-01-001	
DATE	10/24/2016	
SHEET	C2	

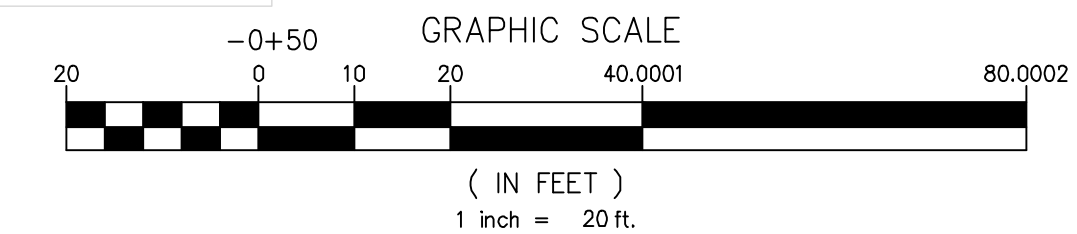


NOTES:  
 1. WATER AND SEWER SERVICES TO EACH LOT SHALL  
 BE COORDINATED WITH INDIVIDUAL LOT OWNERS.  
 2. ALL WATER MAIN SHALL BE INSTALLED WITH A  
 MINIMUM FINAL COVER OF 8'.



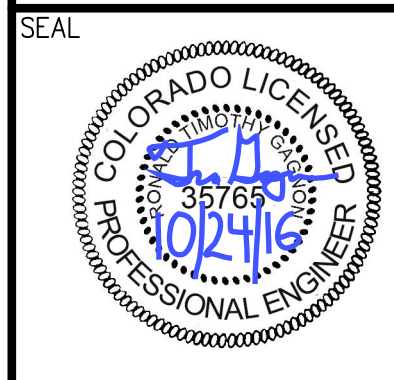
NOTES:  
 1. EXISTING WATER AND SEWER MAIN LOCATIONS AND DEPTHS ARE ESTIMATED FROM  
 PREVIOUS AS-BUILT DRAWINGS. CONTRACTOR MUST POTHOLE AND FIELD VERIFY  
 HORIZONTAL AND VERTICAL CONNECTION POINTS PRIOR TO COMMENCING CONSTRUCTION  
 AND NOTIFY ENGINEER OF ANY DISCREPANCIES WITH THESE DESIGN PLANS.

SANITARY PROFILE VIEW  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=10'



REVISION	DATE	DESCRIPTION

UTILITY PLAN AND PROFILE  
 LAKE AVENUE  
 GRAND LAKE  
 COLORADO



DESIGN TG	DRAWN TG	CHKD DH
SCALE H: 1" = 20' V: 1" = 10'		
JOB No. 020234-01-001		
DATE: 10/24/2016		
SHEET C3		

MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
October 18, 2017  
6:30 P.M.

CALL TO ORDER: Chairman Hayden Southway called the regular meeting of the Grand Lake Planning Commission to order at 6:10 p.m. on October 18, 2017 at the Town Hall, 1026 Park Avenue.

ROLL CALL  
PRESENT: Chairman Hayden Southway; Vice-Chairman Robert Canon; Commissioners Paul Gilbert, John C. Murray, and Elmer Lanzi; and Town Planner Nate Shull.

ABSENT: Chairman Southway reported that James Shockey was absent due to a family matter. Commissioner Canon moved to excuse Commissioner Shockey's absence. Commissioner Murray seconded. All others voted aye.

APPROVAL OF MINUTES: Chairman Southway moved to approve the minutes of the August 16th regular meeting as written, seconded by Commissioner Lanzi. All Commissioners voted aye.

UNSCHEDULED CITIZEN PARTICIPATION: Chairman Southway asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.  
  
There were no unscheduled public comments.

CONFLICTS OF INTEREST: Chairman Southway asked if any members of the Commission had a conflict of interest, or the appearance of. Chairman Southway noted none of the Commissioners had a conflict of interest with any items on the agenda.

ITEMS OF BUSINESS: NONE

OTHER ITEMS OF DISCUSSION: **CONSIDERATION OF PROPOSAL TO ALTER A VARIANCE GRANTED TO THE MUNICIPAL CODE SECTION 11-2 STREET DEVELOPMENT POLICIES, STANDARDS, SPECIFICATION LOCATED IN THE LAKE AVENUE RIGHT-OF-WAY ADJACENT TO BLOCK 36 AND BLOCK 43, TOWN OF GRAND LAKE -**

Chairman Southway asked Town Planner Shull to present this matter to the Commission. Mr. Shull began by explaining the request of the applicant to revise/alter construction plans for a “service road” in the Lake Avenue right-of-way that were previously approved by Board of Trustees on November 7<sup>th</sup>, 2016 via a variance to Municipal Code 11-2. He provided background information on the matter, which detailed the process for approval of the variance mentioned above, and specific conditions that had to be met in approving the variance.

Mr. Shull subsequently provided staff comments on the matter. He summarized what he understood the applicant was wanting to do as an alternative proposal for the service road, and why the original proposal was no longer feasible. He then suggested the Commissioners discuss the applicant’s request, suggested proposal/concept, and staff’s comments in order to provide direction on how to approach this request moving forward. With no immediate comments by the Commissioners, Mr. Shull asked if anyone in the audience wanted to present or weigh-in on this matter.

Tom Jenkins, 207 Bella Vista Ct, Unit 114 – Mr. Jenkins explained that, as currently proposed, the “service road” would not allow access to his lots (9, 10, and 11) and that the objective now would be to reach Walden Street to create access to those lots via a private drive *above* the steeply sloped sections found on the lower part of the lots. He mentioned he hopes to have his new proposal showing the private drive to lot 9 (only) approved first since he’d like to begin building on that lot first, with eventual approval of the driveway for the other two lots (10, and 11).

Mr. Jenkins described the adjusted grade levels on his new proposal, including a 10% grade from Walden St to the Lake Ave “service road”, a 10% switchback, and a 1%-4% grade for the remaining section of private driveway. From this, a 10% grade for lot 9, a 4.7% grade for lot 10, and a 9.3% grade for lot 11 respectively would be created for each lot’s garage access. He acknowledged that such a proposal exceeded the Town’s limits for allowable lots to share a driveway, but cited examples in Town of where this allowance was exempted. After finishing his presentation, Mr. Jenkins asked if there were any questions of the Commissioners.

Chairman Southway asked about the metal culverts illustrated on the three-lot grading plan and whether or not that would create a narrower turning radius as proposed. Mr. Gagnon of Bowman Consulting went to the podium to address the question.

Tim Gagnon, Bowman Consulting – Mr. Gagnon explained that the size of the turnaround was not proposed to change from what was originally approved in 2016, and that the newest proposal differs from what is currently in place as part of the construction. Chairman Southway expressed that his main concern was more so with the rock landscaping “riprap” that intrudes into Walden Street. He also questioned whether the proposed

private driveway above the steeper sloped portion of the lots could be graded down further to make the grade more approachable on Walden leading to Lake Ave.

Tom Jenkins threw out a suggestion that the existing construction “service road” could be moved back farther south on Lake Ave to assist with dispersing the average grade change. Town Planner Shull questioned whether that would be a problem with the current fire hydrant location, to which Mr. Jenkins said no, as the road could travel below the fire hydrant and turn toward Walden St.

Chairman Southway expressed his discontent with the condition of Lake Ave and his desire to see the road improved to the point where it does not contain additional obstructions (I.E. fire hydrants, boulders, etc). He suggested, like Mr. Jenkins, that the “service road” should be reconstructed closer to the center of Lake Avenue Right-of-Way so as to lessen the average slope/grade.

Town Planner Shull interrupted to ask the applicant whether there had been a resolution recorded for the variance granted by in November of 2016, explaining that if not, then it may be simpler to amend the initial proposal that the variance was granted for. Mr. Jenkins answered that he did not know, but Ms. Lisa Jenkins suggested looking at the resolutions posted on the Town’s website. Mr. Shull hinted that in either case, this alternative proposal would likely need to come in front of PC and BOT as another variance request to be approved.

Lisa Jenkins then asked the Commission what they would like to see brought to them for a subsequent public hearing on this alternative proposal. Chairman Southway expressed that he likes this latest proposal over the 2016 proposal, for which Mr. Shull supported by adding the reason being because it fulfils the desire of the Commissioners to have Lake Ave be built out as more of a true road as opposed to having a “service” or “frontage” road offshoot from the main road.

Commissioner Murray mentioned his recollection of the former proposal requiring conditions that a retaining wall be built on the southern portion of the right-of-way to hold up the slope. Chairman Southway once again expressed his desire to see Lake Avenue be built as more of a true road that could be Town-maintained in the future. Mr. Jenkins then stated he was unsure of what the Town’s vision is for this future road. Mr. Southway clarified that it is the responsibility of the property owner to “build out” a roadway for future development (in this case new dwelling units) if none is currently in place.

Town Planner Shull asked Mr. Jenkins to clarify what the intended buildout scenario was for his new proposal with respect to a potential service road. Mr. Jenkins explained that he was intending on eventually building the 16' service road to provide access to Walden St, but would consider the alternative option of creating more of a wider road more centered on Lake Ave (the way the current right-of-way has been dug for utilities).

Mr. Gagnon commented that there was, at one point, a proposal to build out Lake Ave as a full road with this service road above (similar to what is seen now in the proposed plan for the service road), and that such a plan could be revisited. He mentioned that this main road might be slightly steeper than desirable, but could be done, and in fact, has some advantages including an easier turn into Walden. Chairman Southway was favorable to this as a permanent solution.

Mr. Jenkins proceeded to show the Commissioners the original plans drafted by Diamondback Engineering from 2005 for the Lake Ave Improvements. A discussion ensued as to what would be desirable for future changes to the Right-of-Way today, which included size (width) of the future road and access to Block 43 Lots.

Mr. Shull redirected the conversation back to the original intent of this discussion, that being the Commissioner's suggested direction on how to move forward with this request. Commissioner Murray stated that, at this point, there seems to be two potential solutions, the first being maintaining the service road, only slightly farther down, as an offshoot to a main Lake Ave road, OR no service road with a widened Lake Ave road only.

Chairman Southway encouraged Mr. Jenkins to consider the latter option, as he believed this solution would have more favorable outcomes for future development and buildout of Lake Ave. Mr. Jenkins said that he would find out a potential bid price for this latter option before pursuing it.

Mr. Shull asked if there were any additional comments, to which there was no response. Mr. Shull declared that he would use the comments provided by the Commissioners and others to talk with the applicant about the best way to proceed.

FOR YOUR INFORMATION:

None

ADJOURNMENT:

Commissioner Murray moved to adjourn, seconded by Commissioner Canon. All Commissioners voted aye, and the meeting was adjourned at 7:32 p.m.

# Lake Avenue Constructions Plans 2017

## Grand Lake Family, LLLP

To whom it may concern:

The Grand Lake Family, LLLP owns six lots situated in the town of Grand Lake, Colorado, above the North side of a future road plotted as Lake Avenue. Four of these lots are further up the road and zoned resort which could hold condos or some other multi-family structure. The four resort lots are considered Phase-2 of our future development and not part of this project. Currently we would like to develop Phase-1 of this project which would entail developing the road for access and utilities to the first two of our lots and brings services much closer to our other four resort lots further up the hill. In addition to building the road, we would like to build log homes on our two residential lots. There is a third residential lot also serviced by this road which we are attempting to purchase. If we are able to buy this third lot at a reasonable price then we intend to build a log home on it as well for a total of three log homes.

In 2016 we developed plans for the road needed to access the three residential lots. The plan for this road was approved by the town of Grand Lake in October of 2016. If you look at the attached road plans you will see the lots drawn on the plan. Homes are already built on an existing road up to lot 13. We currently own lots 9 and 10 and are attempting to purchase lot 11. Lot 12 is not for sale. We are in the process of taking bids to build the road and have only received our first bid at this time. The first bid to build the road is attached at a price of \$75,895.

We are currently negotiating to purchase the third residential lot, #11 on the road plan. We have offered to purchase this lot for \$80,000 and the seller gave us a counter offer of \$85,000. Maybe we can settle somewhere in the middle but I think we could accept \$85,000 if the seller refuses to reduce the price.

Once the road is finished we can begin building log homes on all three of these properties. We have researched log homes and plan to use log kits provided by Lazarus Log Homes, [www.lazarusloghomes.com](http://www.lazarusloghomes.com). Information about how Lazarus builds their log home kits is attached. We have chosen to use the Lazarus Alpine Glow kit for these properties. The base Alpine Glow kit costs \$79,826 and a copy of what is included in the base kit is attached. We have also had a customized version of the Alpine Glow kit designed which might work better on one or two of the properties. The customized Alpine Glow kit is also attached and costs \$92,941. There is approximately a \$13,000 difference between the original kit and the modified kit but the other construction costs to build either kit are basically the same.

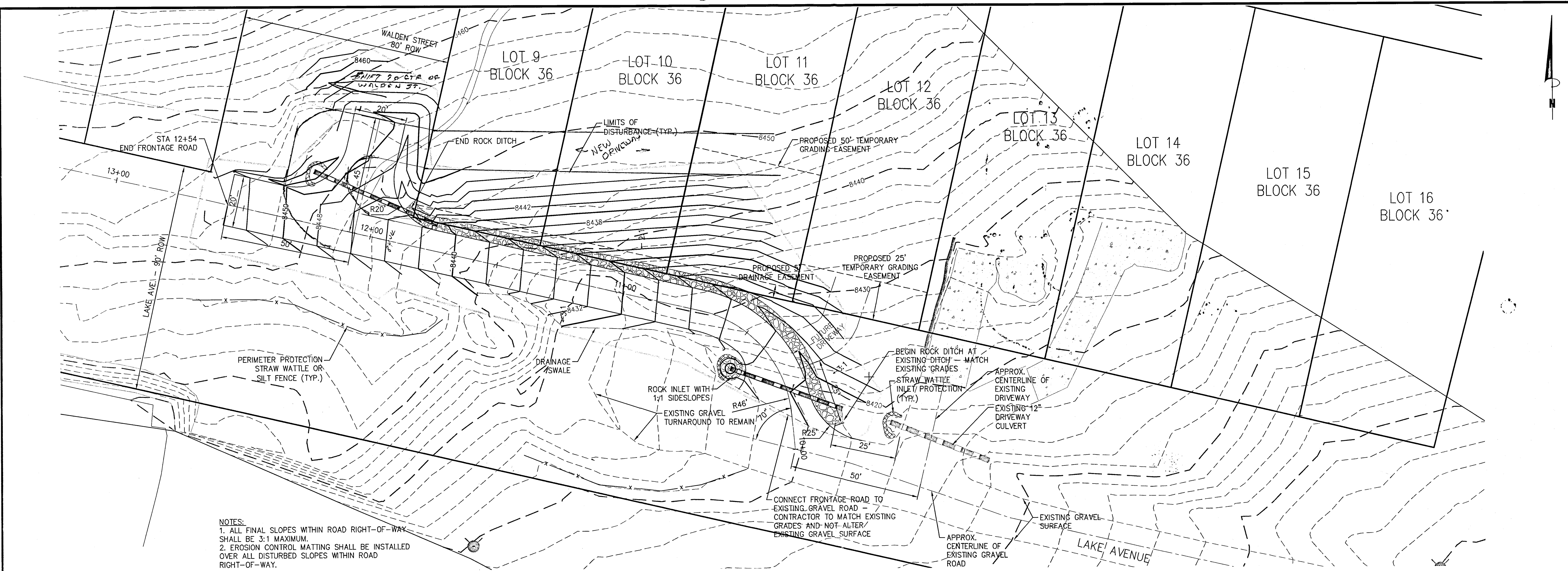
We could probably fund this project ourselves but it would mean building one log home at a time. We believe there will be a significant cost savings if were to build all three log homes simultaneously. We could also save some money if we have the lots excavated at the same time as the road because the excavation equipment will already be on-site.

Below you will see total cost break down for the road and all three log homes. We estimate the total cost of Phase-1 of our Lake Avenue construction plans to be around \$###,###. We would like to secure financing for this amount and see what loan terms you could provide to support this project.

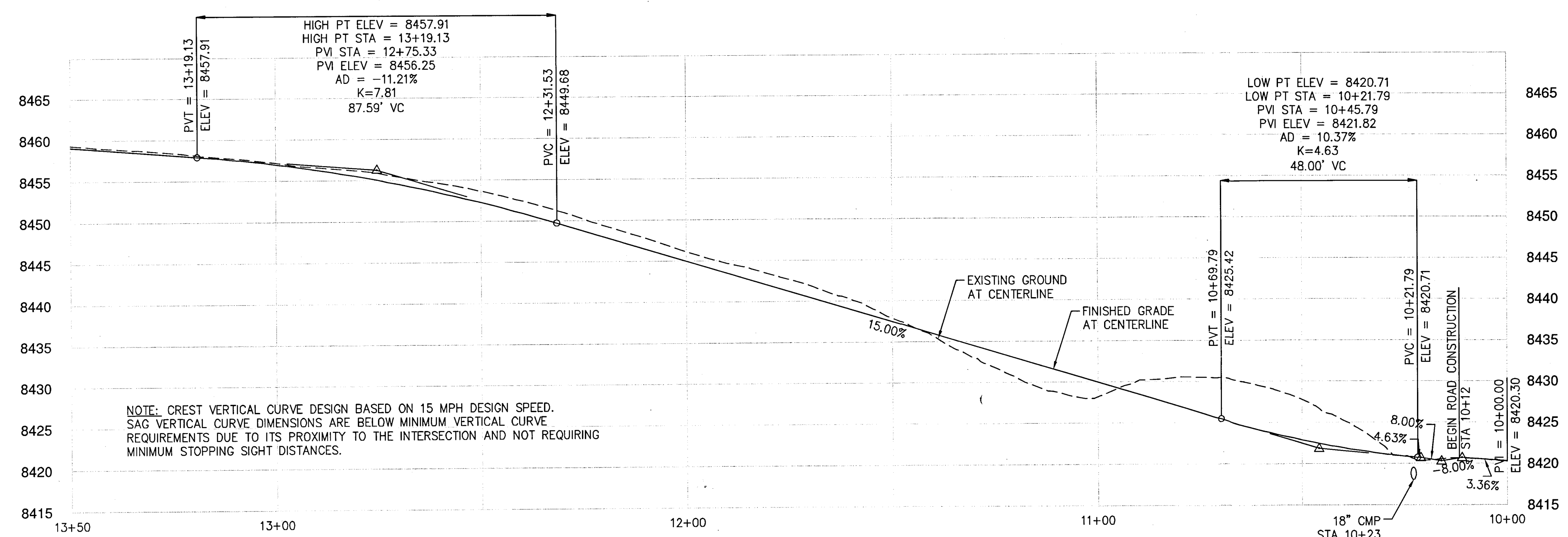
Thank you,

Grand Family, LLLP

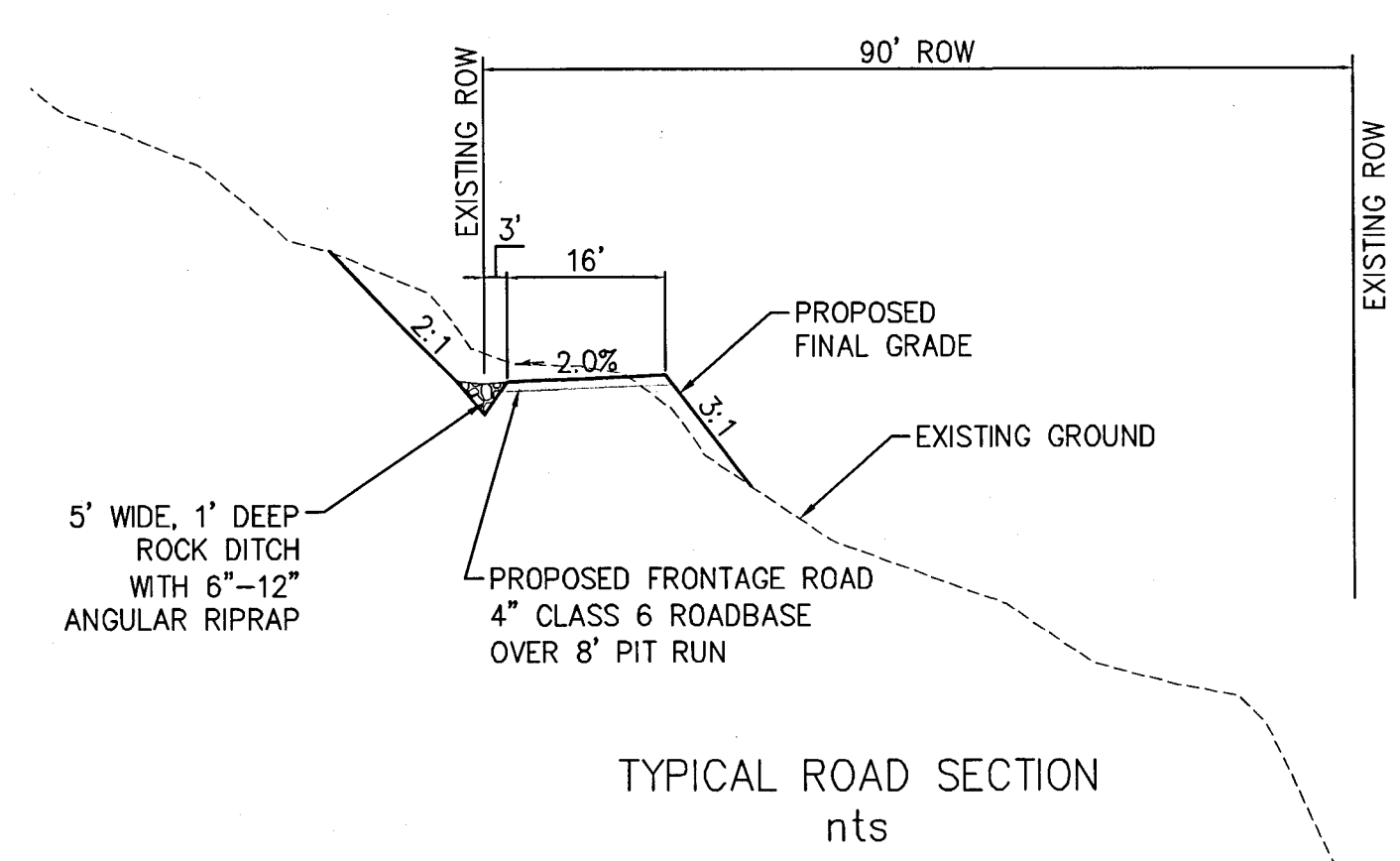
A



NOTES:  
 1. ALL FINAL SLOPES WITHIN ROAD RIGHT-OF-WAY SHALL BE 3:1 MAXIMUM.  
 2. EROSION CONTROL MATTING SHALL BE INSTALLED OVER ALL DISTURBED SLOPES WITHIN ROAD RIGHT-OF-WAY.



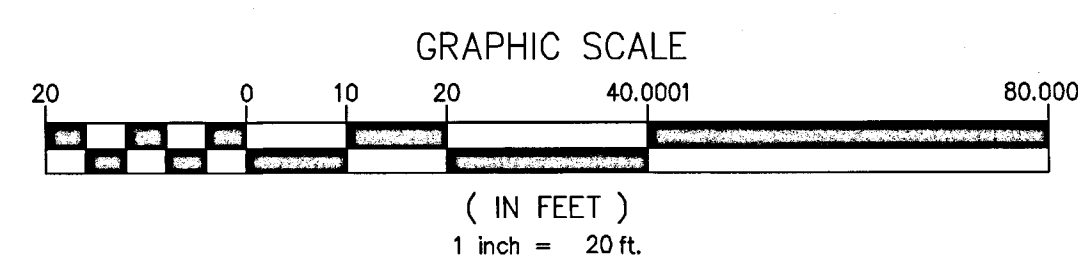
DRIVE - OPTION 1 PROFILE VIEW  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=10'



TYPICAL ROAD SECTION  
 nts



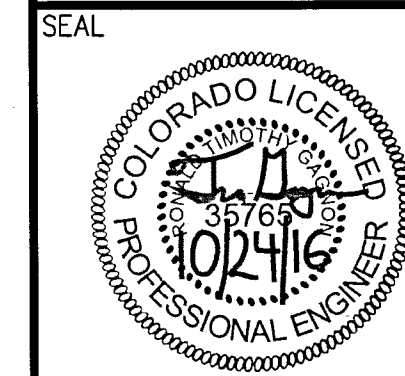
Know what's below.  
 Call before you dig.



**Bowman**  
 CONSULTING  
 135 East Jeffer  
 Grandby, CO 80446  
 Phone: (970) 887-2800  
 www.bowmanconsulting.com

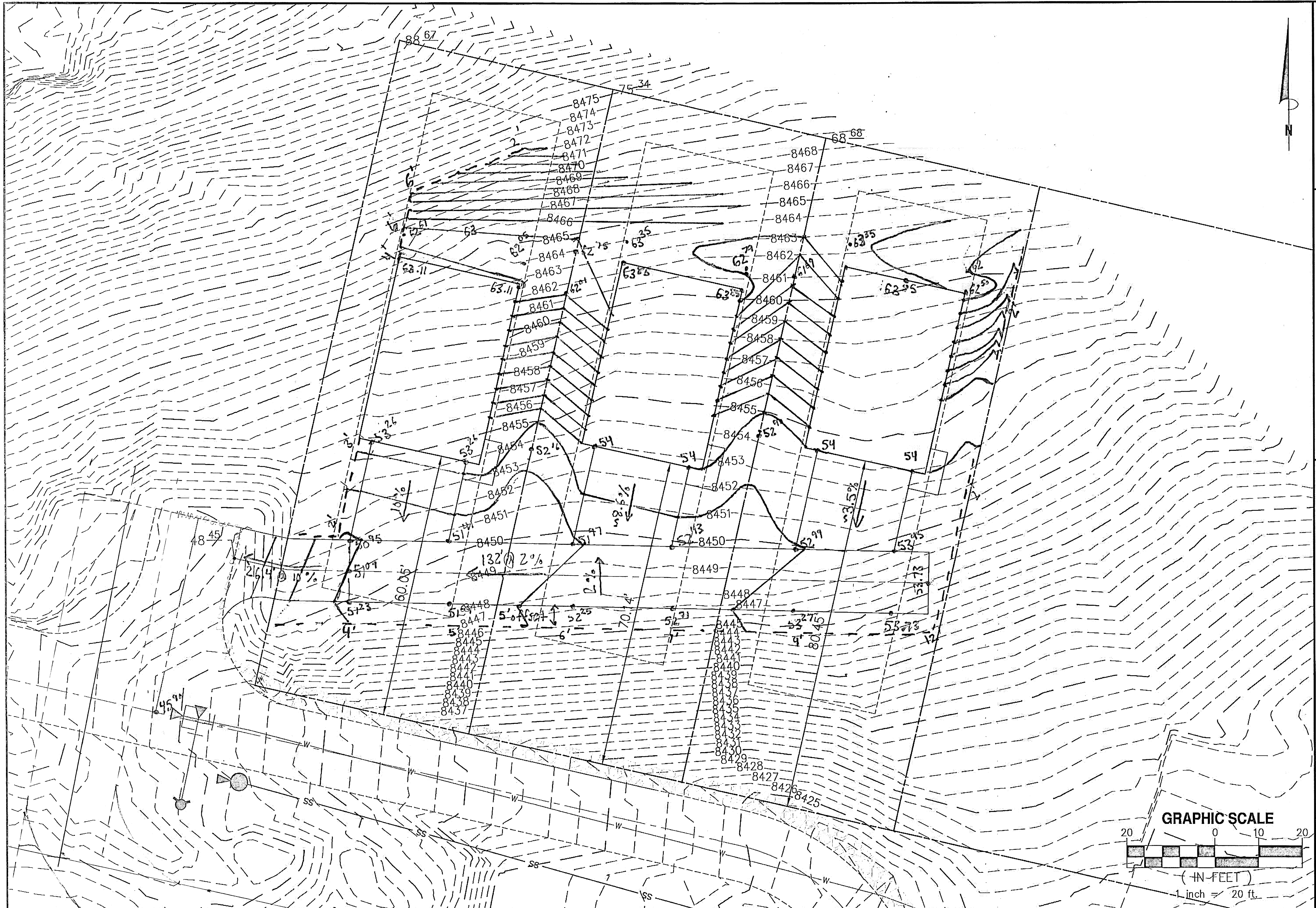
REVISION	DATE	DESCRIPTION

FRONTAGE ROAD  
 PLAN AND PROFILE  
 LAKE AVENUE  
 GRAND LAKE  
 COLORADO



DESIGN	TG	DRAWN	TG	CHKD	DH
SCALE	H: 1" = 20'		V: 1" = 5'		
JOB No.	020234-01-001				
DATE	10/24/2016				
SHEET	C2				

B



**Bowman**  
CONSULTING

Phone: (303) 674-7355  
Fax: (303) 674-9283  
www.bowmanconsulting.com

603 Park Point Drive, Suite 100  
Golden, CO 80401

REVISION	DATE	DESCRIPTION

GRADING EXHIBIT

LAKE AVENUE

CITY OR COUNTY COLORADO

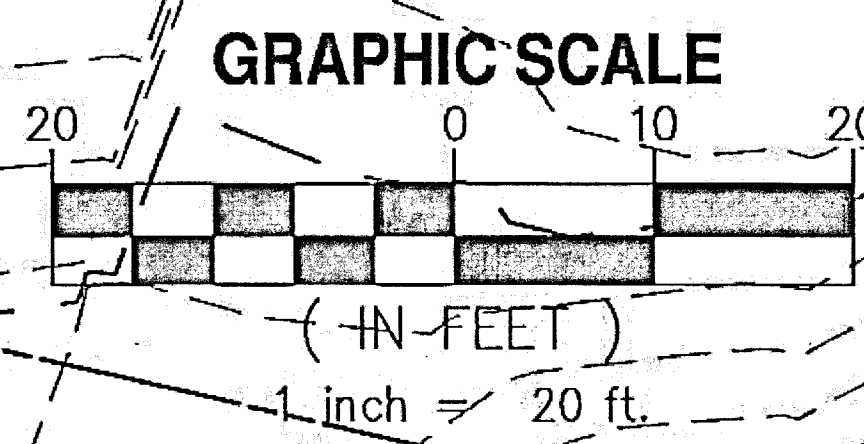
DESIGN	DRAWN	CHKD
XXX	CAV	XXX

SCALE: H: 1" = 20'  
V: 1" = 20'

JOB No. 020234-01-001

DATE: 09/21/17

SHEET C0-00





## Developer’s Narrative Explanation of Roadway Proposals

### Plan “A” (2016)

This is the variance that was approved by the Town Board in November of 2016. Construction began in the spring of 2017. Utilities were installed and road grading began. Utilities were installed and road grading began. During grading it was noted that the grade from the “service road” to Lots 9 & 10, Block 36 was still too extreme, so I applied for another variance to the original variance to enter the Lots from Waldon Street.

### Plan “B” (2017)

Plan B was presented to the Planning Commission in October of 2017. I was asked to get costs to extend Lake Avenue up to Walden Street to Lots 9 & 10, Block 36, using the Plan I had previously submitted in 2006, a Plan that was rejected at the time.

### Plan “C” (2019)

Using a sharpie, I drew in projected street lines from existing road to Walden Street and up Walden Street to the property line of the Lots:

- Elevation at existing Lake Ave = 211
- Elevation at Walden Street = 231 (20’ rise in 190 ft = 10.6%)

At Walden Street the Town has historically required a 20’ near flat area (1-2%) for vehicles to be able to stop before entering the road, so with this in mind the grade up Walden Street from Lake Avenue is as follows

- Walden Street 231 (2%)
- First 20’ (2%)
- To property line 240 (**22.6%**)

I don’t think a 22% grade will be acceptable. It is my belief that the original variance (Plan “A”) with the driveway entering Walden Street makes the most sense for the Town. In the case of Plan “C”, the road would be designed in a continuous loop to the existing Lots from Lake Avenue with the safe entry at both ends.

Regards,

*Tom Jenkins*  
303-242-9575

# Lake Avenue Improvements



Nate Shull

To Tom Jenkins (tom@gatewayinn.com)

Cc Public Works; 'Jeff Wilhelm'; Lisa Jenkins



Reply



Reply All

Section 7, ItemB.

Fri 9/13/2019 10:30 AM

You forwarded this message on 7/14/2022 5:15 PM.



06-01-16 PC Minutes.pdf  
739 KB



09-07-16 PC Minutes.pdf  
449 KB



10-05-16 PC Minutes.pdf  
395 KB



10-18-17 PC Minutes.pdf  
285 KB



11-07-16 BOT Minutes.pdf  
346 KB

So, now having provided a timeline of these activities, I want to make a few things known.

1. You were granted approval by the Town to construct the service (frontage) road based on the 2016 plans
2. You approached the Planning Commission in Oct 2017 to request an alteration to the variance and the 2016 plans.
3. Staff was directed to talk with you about possible alterations to your design to accommodate your driveway request AND to properly improve Lake Avenue.

You chose to put off the construction of Lake Ave in lieu of working on the Gateway Inn Addition. I have not had a discussion with you about potential alternatives to your 2016 plans, nor received any bids from contractors on what the widening of Lake Avenue might cost. I am neither sure that we (the Town) had any engineer review your 2016 plans for compliance with CDOT design guidelines. For these reasons, I am request the following:

- **We talk about any alternatives to improving Lake Avenue or bids you have received to date. I will include Keith Everhart in this conversation.**
- **You resubmit a right of way permit for work on Lake Ave (since previous permit has expired), and sign the agreement for services form acknowledging payment and use of professional services for review. (both attached)**

Please confirm and acknowledge that you have read this email. I am happy to talk with you when you are available. Sorry for the length of the message.

Regards,

*Nathaniel J. Shull*

Town Planner

Town of Grand Lake

**TOWN OF GRAND LAKE  
PLANNING COMMISSION  
RESOLUTION NO. 10 – 2022**

**A RESOLUTION RECOMMENDING TO GRANT CERTAIN VARIANCE TO MUNICIPAL CODE 11-2-6 STREET DEVELOPMENT POLICIES, STANDARDS, AND SPECIFICATIONS LOCATED AT LOTS 9-11, BLOCK 36 TOWN OF GRAND LAKE**

**WHEREAS**, Thomas Jenkins (the “Applicant”) is the owner of certain real property within the Town of Grand Lake (the “Town”), specifically, lots 9, 10, and 11, Block 36 of the Town of Grand Lake (collectively the “Property”); and

**WHEREAS**, the Town received a Variance Request Application (the “Application”) on June 27<sup>th</sup>, 2022; and,

**WHEREAS**, the Applicant is requesting vehicular access to vacant parcels described as Lots 9-11, Block 36 (the “Property”); and

**WHEREAS**, the Town has previously adopted Municipal Code 11-2-6 Street Development Policies, Standards, and Specifications (the “Road Standards”); and

**WHEREAS**, the Town Planning Commission (the “Commission”) adopted Resolution 05-2005 which granted certain variance to the Town Municipal Code; and

**WHEREAS**, the Applicant is requesting several variances to the Road Standards as depicted in their Application; and

**WHEREAS**, the Municipal Code 11-2-11(C) states:  
*Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees;* and

**WHEREAS**, the Commission reviewed the Application at a Public Hearing on June 1<sup>st</sup>, 2016; and

**WHEREAS**, the Commission continued review until the Applicant could revise their Application; and

**WHEREAS**, the Applicant revised their Application to conduct the improvement in the form of a “design build” which requires construction of the roads and driveways to be built in the field and without detailed construction plans (the “Revised Application”); and

**WHEREAS**, the Commission reviewed the Revised Application at a Public Hearing on August 17<sup>th</sup> 2016; and

**WHEREAS**, the Commission continued review until the Applicant could revise their Application; and

**WHEREAS**, the Commission reviewed the Revised Application at a Public Hearing on October 5<sup>th</sup>, 2016; and

**WHEREAS**, the Commission motioned to approve the Revised Application with plans dated September 23<sup>rd</sup>, 2016 with the following conditions:

1. A maximum 15% grade for the frontage road.
2. The frontage road servicing a maximum of four (4) residential lots.

3. The frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet.
4. Full plans be developed and approved by Staff before going to the Board of Trustees;
5. Drainage easements and grading easements shall be obtained prior to Board of Trustee review.
6. Any other standards be met in order for a Right of Way Permit to be issued.; and,

**WHEREAS**, the Commission reviewed the Application for a Variance to Street Development Policies, Standards, and Specifications at a Properly Noticed Public Hearing on July 20<sup>th</sup>, 2022.

**NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,**

**THAT**, the Commission has reviewed the Application and determined that all five (5) hardships as required by 11-2-11(d) of the Town Code have been met by the Applicant; and,

**THAT**, the Applicant will submit required, executed, and recorded drainage and grading easements from the 2016 Variance prior to proceeding with the construction of the Lake Ave. “Service” Road and Access to Lots 9-11, Block 36, Town of Grand Lake; and,

**THAT**, the Commission hereby forwards the following favorable recommendation for granting certain variance to the Road Standards:

1. A shared driveway is permitted for access to Lots 9-11, Block 36. The location of the driveway shall approved by the Public Works Director prior to construction.
2. Access radius must be shown on plan and not be less than 10% for inner radius
3. A maximum driveway grade of 10% may be used for Lots 9-11, Block 36 for single family residential uses only.
4. The use of driveway entrance grades exceeding 4% within the first 25 ft while maintaining a low point.
5. Ditch grade of 2:1 is permitted subject to approved erosion control and revegetation plan by Staff and Public Works.
6. Driveway access through side yards for lots 9-11, Block 36, Town of Grand Lake.
7. Dead-end driveway at lot 11 acceptable, subject to approval by Grand Lake Fire Department.
8. The applicant complies with all other federal, state, and local regulations including but not limited to obtaining an approved right of way permit and/or grading permit.
9. Full plans be developed and approved by Staff before going to the Board of Trustees;
10. The Public Works Director, at his sole discretion may stop the project and require roadway and driveway plans and profiles stamped and signed by a Colorado Registered Professional Engineer.
11. At the completion of the improvements the Applicant provide the Town with As-Built Drawings to the Town.
12. Using Exhibit A as a guide, the Public Works Director, at his sole discretion, may approve the As-Built Drawings.
13. In recommending these variances, the Planning Commission reserves its right to approve acceptance of maintenance for the Lake Avenue right of way adjacent to Block 36 as well as the Walden Street right of way adjacent to Lot 14, Block 43 as outlined in Municipal Code 11-2-9 Acceptance Procedures and Requirements.

**THAT**, the Commission understands field adjustments may be required to meet the above conditions and Municipal Code; and,

**DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF**

**GRAND LAKE, COLORADO THIS 20<sup>th</sup> Day of July, 2022.**

( S E A L )

Votes Approving:  
Votes Opposed:  
Votes Abstained:  
Votes Absent:

ATTEST:

TOWN OF GRAND LAKE

\_\_\_\_\_  
Alayna Carrell,  
Town Clerk

\_\_\_\_\_  
James Shockey  
Planning Commission Chairman

DRAFT