



City of Woodland Park

August 17, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following an Executive Session of the City Council: Pursuant to C.R.S. Section 24-6-402(4)(e)(1) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and the following purposes are provided for identification purposes; BSA reservoir project, Mayor LaBarre called the regular City Council Meeting to order.

The following individuals were present for the Executive Session: Mayor LaBarre, Mayor Protem Case, Councilmember Connors, Councilmember Harvey, Councilmember Neal, Councilmember Zuluaga, City Attorney Romberg, Deputy City Manager City Clerk Leclercq, Interim City Manager/Finance Director Vassalotti, Utilities Director Wiley and Councilmember Nakai appeared via zoom. Councilmember Nakai stated for the record that she was alone in the room. The Executive Session concluded at 6:16 PM.

The following Council members were present for the Council Meeting: Mayor LaBarre, Mayor Protem Case, Councilmember Connors, Councilmember Harvey, Councilmember Neal, Councilmember Zuluaga, Councilmember Nakai appeared via zoom,

The following Staff Members were present: Interim City Manager/Finance Director Vassalotti, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, Utilities Director Wiley, Public Works Director Schmitt, Senior Planner Gates, City Attorney Romberg and It Intern Barnes.

Prior to the start of the meeting, Mayor LaBarre made the following announcement: Regarding the Executive Session, Council received an update regarding the property transaction and parameters for negotiating a future reservoir. The Development agreement will be introduced in public and voted on in the future.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Appointment of Jon DeVaux to the Pikes Peak Area of Local Government Citizen Advisory Committee.
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq introduced Jon DeVaux and shared his interest in re-applying for the Citizen advisory Committee to PPACG.

Following a brief interview by Council with DeVaux, the following motion was made:

Motion: to approve the appointment of Jon DeVaux to the Pikes Peak Area of Local Government Citizen Advisory Committee. Case/Neal. Motion carried 7-0.

City Clerk Leclercq administered the Oath of Office to DeVaux and Council thanked him for his service to the Community.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

Councilmember Zuluaga shared that a correction to the August 3, 2023 minutes needed to be made. Zuluaga reviewed under Item 7 the question "Would the Council like to give the awards a final review before being distributed? The answer should be no, not yes. City Council agreed and City Clerk Leclercq shared she would make that change.

The following motion was made: to approve the Consent Agenda including the minutes as amended. Case/Neal. Motion carried 6-0. Nakai was disconnected from zoom at the time of the vote.

- A. Approval of the July 20, 2023 City Council Minutes.(A)
(Deputy City Manager/City Clerk Suzanne Leclercq)

Mayor LaBarre presented all items on the Consent Calendar and the following motion was made with an amendment to the August 3, 2023 minutes. Under signature events, it should read that the Council will not be reviewing the Signature Events. City Clerk Leclercq noted for the record the amendment.

Motion: to approve the Consent Calendar with amendment to the August 3 minutes. Case/Neal. Motion carried 6-0. Councilmember Nakai was disconnected from zoom at this time and did not participate in the vote.

- B. Approval of the August 3, 2023 City Council Minutes. (A)
(Deputy City Manager/City Clerk Suzanne Leclercq)
- C. Consider Ordinance No. 1458, Series 2023, on initial posting, an Ordinance Designating a Local Historic Landmark for the Roberts House Located at 750 CR 21 as Requested by Steve Plutt, a Citizen of the Community and set the Public Hearing for September 7, 2023 (QJ) (Presenter Planning Director Karen Schminke, AICP)
- D. Approval of the July 2023 Statement of expenditures and authorize the Mayor to sign Warrants in payment thereof. (A)
(Interim City Manager/Finance Director Aaron Vassalotti)
- E. Approval of Contract Between Olgoonik Enterprises, LLC and the City of Woodland Park for \$724,992. (A)
(Public Works Director, Ben Schmitt)
- F. Request to approve a change order in the amount of \$46,760.00 to the existing contract with Respec for additional design requirements and additional construction management for the construction of the pump station (DOVE Project). (A)
(Utilities Director Kip Wiley)

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Andrew Austin wanted to make suggestions to change the school zone signs so that the lights are not flashing when school is not in session.

Gail Gerig shared information on the upcoming Braver Angels meeting - inviting the public to attend.

Annie Carter shared that she felt the City's flowers were a disappointment this year. Ms. Carter also shared that the medians were full of weeds and looked pathetic.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Consider Ordinance No. 1456, Series 2023, an Ordinance Further Extending the Pines at Tamarac Planned Unit Development (PUD) Master Plan and Preliminary Plat. (QJ) (Presenter Senior Planner, CJ Gates)

Senior Planner Gates shared his staff report regarding Ordinance No. 1456, Series 2023.

BACKGROUND: In the year 2000, the Daysprings Christian Fellowship Subdivision was approved which consisted of a total of two lots. In 2002, construction began on the Impact Church on Lot 1 and Lot 2 has never been developed. On July 18, 2019 City Council approved the Pines at Tamarac PUD Final Master Plan and Preliminary Plat. The Master Plan consisted of 26 single family lots on the 20.61 acre lot.

On May 6, 2021 City Council approved a two-year extension of the Pines at Tamarac PUD Master Plan to July 18, 2023 and a one-year extension of the Pines at Tamarac Preliminary Plat to July 18, 2022. On August 25, 2022 the Planning Commission approved another one-year extension of the Preliminary Plat so it would expire July 18, 2023 along with the PUD Master Plan.

On May 15, 2023 Planning staff received a request from the applicant for a 2-year extension of the approved Pines at Tamarac PUD Master Plan and a 1-year extension of the approved Pines at Tamarac Preliminary Plat. Construction of this project is still anticipated, and no changes have been made to the original plans. When completed, the project will contain 26 dwelling units over 20.61 acres for a density of 1.26 dwelling units per acre. All units will be single family residential, and accessed off of 3 newly created right-of-ways (Chardonnay Rd, Zinfandel Rd, and Cabernet Way).

STAFF FINDINGS Staff believes that it is reasonable to extend the preliminary plat for an additional year as well as the PUD Master Plan for two years. By Code, a preliminary plat can only be extended for 1 year at a time (§17.20.090), while PUDs can be extended for 2 years (§18.30.050). Granting this extension would have the Preliminary Plat expire on July 18, 2024 and the PUD Master Plan would expire on July 18, 2025. Additionally, all conditions as originally approved will also be extended and would still be in effect and apply.

REFERRALS AND NOTIFICATIONS Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. Staff has received no written comments regarding this extension proposal. The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, and the City Manager as well as external referral agencies including CORE, Black Hills Energy, CDOT, North East Teller County Fire Protection District (NETCFPD), and the City of Woodland Park Police Department. A comment from NETCFPD was received stating they are in favor of the extension. CORE submitted a comment via email on June 16, 2023 stating they do not approve of the extension and will require a 15-foot front lot utility easement. CORE's full comment is attached hereto. Staff would like to point out that the approved Preliminary Plat consists of a 15-foot utility easement on all typical local residential road sections.

PLANNING COMMISSION RECOMMENDATION The Planning Commission heard this item on July 13, 2023 (draft minutes attached) and unanimously recommend that the City Council approve a request by David Garretson (Applicant & Property Owner) for a 2-year extension of the approved Pines at Tamarac Planned Unit Development (PUD) Master Plan and a 1-year extension of the approved Pines at Tamarac Preliminary Plat for residential development on 20.16 acres on Lot 2, Block 1, Dayspring Fellowship (205 Sourdough Road) in the Pines at Tamarac PUD Zone District.

Following Gates presentation the following motion was made.

Motion: to approve Ordinance No. 1456, Series 2023, an Ordinance Further Extending the Pines at Tamarac Planned Unit Development (PUD) -.Master Plan and Preliminary Plat. Neal/Zuluaga. Motion carried

- B.** Consider Ordinance No. 1457, Series 2023, an Ordinance Approving the Modification of the Allowed Use of Lot 4 of the Wal-Mart PUD from "Eating/Drinking Place, Eat-In And Drive-Through" to also Allow a Car Wash. (QJ) (Presenter Senior Planner, CJ Gates)

Prior to this presentation Councilmember Harvey recused herself.

Senior Planner Gates presented his Staff Report regarding Ordinance No. 1457, Series 2023.

Lot 4 (subject property) is located on the southern end of Woodland Park, west of Highway 24, and within the northern portion of the Wal-Mart PUD. Figure 2 identifies the location of Lot 4 within the Wal-Mart PUD.

Lot 4 (subject property) is located on the southern end of Woodland Park, west of Highway 24, and within the northern portion of the Wal-Mart PUD. Figure 2 identifies the location of Lot 4 within the Wal-Mart PUD.

BACKGROUND On April 13, 2005 Woodland Park City Council approved a request to rezone 49.09 acres from Agricultural to Planned Unit Development (PUD). This PUD is known as the Wal-Mart PUD due to the fact that construction of a Wal-Mart Super Center was planned for this parcel. In 2007, City Council approved the Final Plat which consisted of 6 lots and 4 tracts. The Wal-Mart store was to be built on lot 1 while lots 2-6 were to be developed in the future with various commercial uses.

Within the Wal-Mart Center Final Development Plan Narrative associated with the current approved PUD, there are specific uses set forth regarding what type of commercial activity can operate on each lot. The language in the current Development Plan Narrative Reads:

“Lots 2 through 4 are for general commercial use and have been depicted on the Final Development Plan as financial institution with three drive-through windows, eating/drinking place for eat-in service, and eating/drinking place for drive-in and through service. These lots could be interchanged as any of these uses for comparable uses allowed by the Woodland Park Code. The maximum building height for lots 2 through 4 is 35 feet.”

In reviewing the application, staff identified a discrepancy in the information provided by the applicant. Specifically, the maximum building height language was omitted from the project narrative submitted for this project. However, there were no language omissions in the subsequent documents attached to the application submitted by the applicant. The maximum building height of 35 feet on lot 4 is not subject to change in accordance with this application. If this requested PUD amendment is approved, only the use for Lot 4 will change to also allow for a car wash.

Page 1 of the approved Wal-Mart PUD plan set includes a table labeled BUILDING AND PARKING DATA which specifies the uses and other standards for the development of the lots within the PUD.

While the current approved narrative lumped lots 2-4 together, this table on Page 1 lists the lots individually, each with a different use and standards.

In addition to this requested PUD amendment, and as seen on the attached application, the applicant has also applied for a site plan review of the proposed car wash. The Final Site Plan review is a Zoning Development Permit and is reviewed and approved administratively through the City of Woodland Park Planning Department. The applicant outlines within their narrative that the proposed car wash maintains the access point contemplated in the original PUD site plan on the west side of the property. The proposed car wash will remain under the original area limitation of 4,000 square feet outlined within the PUD plan. Building setbacks, signage locations, and landscape buffers will also stay the same.

The Applicant submitted an application on December 21, 2022 and the Planning Commission heard this request on February 9, 2023. The applicant subsequently withdrew their application on March 16, 2023. The applicant submitted an identical application to the Planning Department on May 3, 2023. There is no difference from the December application to the current application. Due to the fact that the applicant withdrew their application, they must start the entire process over again and the application must be routed back through the Planning Commission for a recommendation and City Council for a final determination.

CODE COMPLIANCE The following applicable sections of Chapter 18.30 have been considered in the evaluation and analysis of this PUD amendment:

§18.30.010 Purpose.

A. The purpose of the PUD district is to provide more flexibility and latitude of design, to provide for a greater variety of principle and accessory uses in the development or redevelopment of lands, to meet the technological changes in concepts and to encourage

initiative and more efficient allocation and creative development of parks, recreation areas and open space. Complies. The proposed PUD amendment would provide greater flexibility in the development of the parcel by allowing for a use not specifically listed within the PUD. The proposed use, a car wash, is a commercial use that has similarities to the current proposed use of "Eating/Drinking place, Eat-in and Drive-through".

B. To best accomplish these objectives, and in order to develop an acceptable plan that is in keeping with other chapters of this title, it is essential that the proponents coordinate their development with the planning commission. Complies. Everything related to the PUD amendment is approvable by the City of Woodland Park City Council.

§18.30.020 Where district may be established.

Not applicable.

The PUD zone district for this land was established in 2005 with Ordinance No. 1017, Series 2005.

§18.30.030 Requirements for approval [for siting a PUD zone]. Not applicable.

The PUD zone district for this land was established in 2005. The proposed amendment's compliance with the PUD Final Development Plan Municipal Code is assessed below.

§18.30.080 Final Plan Requirements – A

Approval This is a request is to change the type of commercial use of only one lot within the overall PUD. The proposed site plan for the car wash use, which is reviewed administratively, maintains the original access and design requirements.

A. The development plan of the PUD district shall meet the requirements of accepted land planning practices; promote public health, safety, and general welfare; provide adequate light, air, privacy and convenience; lessen and avoid congestion of the public streets and highways; conserve the values of surrounding properties; and protect against fire, panic, explosion, noxious fumes, flooding along natural watercourses, and other hazards. Complies. The PUD amendment meets accepted land planning practices. It promotes public health, safety, and general welfare in the design, it provides adequate light, air, privacy and convenience within and adjacent to the site.

B. The proponents of a PUD shall, after review of the preliminary plan with the planning commission, submit a final plan of development to the planning commission for its consideration, upon which plan the commission shall advertise and hold at least one public hearing. The development plan shall include, but not be limited to, the following information:

1. Location and size of the area involved;

Complies. The PUD Amendment consists of approximately 0.91 acres of land west of Highway 24 and immediately adjacent to the intersection of Highway 24 and Morning Sun Drive.

2. All improvements of surrounding properties lying adjacent to the proposed PUD district; Complies. Surrounding property uses and improvements remain unchanged.

3. The dwelling unit per tract density of residential areas included in the plan; Complies. No dwelling units are proposed.

4. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses,
Complies. Required land conveyances occurred when the subdivision plat was recorded and are consistent with the PUD plan. No additional land is proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, or school sites.

5. The location and width of proposed streets, public ways, easements and other similar public and private facilities;
Complies. The applicant is proposing the entrance and exit to the site from the west side of the property the Private Access Drive labeled on the site plan. This same access is labeled as "35' Public Access and Utility Easement" on the recorded plat. The site plan will need to be updated for consistency with the recorded subdivision plat. No new public streets are proposed and the location of the access to the proposed site is consistent with the approved PUD Plan.

6. The use, height, bulk and location of all principal and accessory buildings on the development plan;
Complies. The applicant is proposing to change the use of the property to a car wash facility. The proposed building meets standards per the City of Woodland Park Municipal Code site plan requirements (MC 18.34) as well as what is currently allowed per the PUD requirements.

7. Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open space. Said agreements, provisions or covenants must be written so as to be acceptable to the city;
Complies. A letter of property owner permission to develop a car wash on Lot 4 of the WalMart PUD is included within attachment 3 of the applicant's application.

8. A development schedule indicating the following: a. The approximate date when construction of the project can be expected to begin, Complies. The applicant proposes to begin construction in spring of 2023 and complete construction in early 2024. b. The stages in which the project will be completed and the approximate date when construction of each stage can be expected to begin; Complies. Development of Lot 4 will occur in one phase. The applicant expects to begin construction in spring of 2023 and complete construction in early 2024.

9. The feasibility of the proposal for the disposition of sanitary waste and storm water runoff; May Comply. The applicant has access to an 8" sanitary sewer main on the north side of the property which is located within an existing utility easement. The car wash proposes to tap into this sanitary sewer main from the northeast corner of the proposed building. The proposed utility plan is included within the application. Also attached is the Red-line Comment Packet generated from Staff and referral agency review which includes comments regarding utilities on the site. This provision should comply once the applicant has resolved said comments.

10. The location, number and dimensional plans of proposed off-street parking and loading facilities;
Complies. The proposed car wash is a change in use on Lot 4 of the Wal-Mart PUD. Since the current PUD does not include parking requirements for this proposed use the applicant is proposing to meet the City's established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee

stalls. The proposed parking plan is also included within the application.

11. A schematic landscaping plan indicating approximate location, number and type of shrubs, conifer, or deciduous trees or other form of landscaping treatment;

May Comply. The applicant included a detailed landscape plan within the application. Staff included redline comments within the landscape plan. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code and the current approved PUD. A detailed compliance check will occur with administrative review of proposed site plan.

12. All information required to be contained upon and the supplemental material to be accompanied with a preliminary subdivision plat in accordance with Sections 17.20.070 and 17.20.080 of the city's subdivisions regulations which has not been previously required;

Not applicable. This property was subdivided previously and no further subdivision is proposed.

13. In addition to the above, planned business development proposal shall include the following:

a. A traffic impact study,

May comply. A traffic study was reviewed with the initial entitlement of the PUD. Subsequent development of the remaining Lots is subject to providing an updated traffic study which is reviewed with the requested site plan review for each Lot.

b. Description, location and extent of fences, earth berms and/or other buffer areas.

Complies. The applicant included the location and extent of fences, earth berms and/or other buffer areas within the application.

c. Description, location and extent of proposed signs

Complies. The applicant included the location and extent of proposed signs within the application.

d. Lighting standards and heights,

Complies. The applicant included a photometric plan within the application.

e. Location and extent of outside storage areas with proposed methods of concealment from abutting streets and residential areas,

Complies. No outside storage is proposed.

f. Estimated employment projections,

Complies. Champion Express car wash will operate with three employees per day.

g. Public cost/benefit analysis,

Complies. There are no anticipated public cost with this development

h. A statement to be affixed to a final development which shall read: " All activities and uses shall be authorized and be operated to meet the Performance Standards set forth in Chapter 18.33 Use Regulations – Performance Standards, of the City of Woodland Park Municipal Code, Zoning Regulation,"

Complies. The applicant included the above statement within the Site Development Plan Cover Sheet.

i. Any reasonable information specifically requested by the planning commission, city council or city staff relevant to determining if the requested use is appropriate pursuant to these standards.
Complies.

§18.30.100 Permitted uses. All uses allowed in a PUD are permitted conditionally and are designated under PUD in the table of permitted uses for business, industrial and residential districts located in Section 18.09.090.

May Comply. The uses allowed within this PUD were established at the time the PUD was approved. This is a request to change the use of Lot 4 from and “Eating/Drinking place, Eat-in and Drive-through” to also allow for a car wash. While the applicant has proposed updated narrative language for the PUD, the Table on Page 1 of the approved PUD Final Development Plan will need to be updated to reflect this change.

§18.30.110 Dimensional Standards. The lot area per dwelling unit within a planned unit development, exclusive of the area occupied by streets, will be in harmony with the surrounding areas (reference Section 18.30.030), intent and purpose of this chapter and determined by serviceability, recommended by the planning commission and approved by city council. The maximum density permitted within a planned unit development is two dwelling units per gross acre. All other dimensional standards, including the maximum percentage of lot coverage by buildings, structures and impervious surface, the maximum height of buildings and structures, the minimum frontage of lots and the minimum front, side and rear yard building and structural setback requirements, shall be recommended by the Planning Commission and approved, approved with conditions or disapproved by City Council.

May Comply. Only Lot 4 is subject to this request. Page 1 of the approved PUD Plan of Development includes a table labeled BUILDING AND PARKING DATA (Figure 9) that provides standards for development. The dimensional standards proposed for this new use meet every requirement except for the parking standards, which the applicant is proposing to meet the City’s established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee stalls. A revised Page 1 of the overall PUD Plan.

§18.30.120 Parking. Off-street parking requirements in a PUD district shall be as follows:

A. For residential uses, as provided in Chapter 18.39 of this title; Not applicable. No residential use is proposed on this site.

B. For non-residential uses, off-street parking and loading shall be as provided in accord with the requirements of Chapter 18.36. Complies. The applicant is proposing to meet the City’s established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee stalls.

§18.30.130 Landscaping. Landscaping shall be adequate to provide a park-like appearance for the land, buildings and structures located within the boundaries of the planned unit development district.

May Comply. The applicant included a detailed landscape plan within the application. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code

and the current approved PUD. A detailed compliance check will occur with administrative review of the proposed Final Site Plan.

SITE PLAN REVIEW CRITERIA AND FINDINGS Municipal code section §18.34 Site Plan regulates the review of site plan reviews. §18.34.010 states: “In order to ensure a quality development in the city, it is essential that new development meet minimum standards for the design, construction and the use of such developments to complement existing uses, to insure adequate utility and service systems, and to promote the health, safety and welfare of the city's citizens. (Ord. No. 966-2003, § 2, 4-3-2003).” § 18.34.070 specifies the standards by which all conditional uses must comply in order to receive approval. The proposed site plan was analyzed within the CC zone district

A. The proposed development shall conform to the provisions, objectives, and policies of all city plans, adopted and in effect at the time of application, including but not limited to: growth management, transportation, utilities, capital improvements, and downtown redevelopment. Complies. The development is consistent with the following principles and goals as specified in the City’s Comprehensive Plan and future land use map. Economic Development Objective 1.2: Retain area business and assist with expansion or adding complementary businesses to create clusters and critical mass. Land Use and Growth Objective 1.1: Ensure that new development fits the intent of the Future Land Use Map and uses the land and community resources. Facilities efficiently and in an environmentally sensitive manner. All new development should contribute to Woodland Park’s mountain western identity.

B. The proposed development shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to: zoning, subdivision, mobile homes, utilities, buildings and construction, business regulations, and engineering specifications.

May Comply. City staff has called out issues within the applicant’s site plan including landscaping, building architecture and Utility concerns. Comments must be addressed during the construction document phase of the application process.

C. The proposed development shall be designed, constructed, and maintained to accommodate the traffic generated and not unduly increase congestion or traffic on the site and in the vicinity of the site.

May Comply. A traffic study was reviewed with the initial entitlement of the PUD. Subsequent development of the remaining Lots is subject to providing an updated traffic study which is reviewed with the requested site plan review for each Lot.

Colorado Department of Transportation submitted which is attached hereto. Within the comment, CDOT states that an access permit for this development is not needed.

D. The proposed development shall be designed, constructed, and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features.

Complies. The development plan has been prepared with care to minimize impacts to existing topography. Final site grading and drainage are reviewed and inspected by the City Engineer and must be approved administratively during the construction document phase of the application process.

E. The proposed development shall be designed, constructed, and maintained with adequate

water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage.

May Comply. The applicant has access to an 8" sanitary sewer main on the north side of the property which is located within an existing utility easement. The car wash proposes to tap into this sanitary sewer main from the northeast corner of the proposed building. The proposed utility plan is included within the application. The applicant send an email to staff on May 11, 2023 in response to a request by staff asking the applicant to outline their specific water usage. According to the applicant, the proposed car wash has estimated they will use 95.25 gallons of water per car. Of the 95.25 gallons, 20 gallons is fresh water and 75.25 gallons are recycled water. They also estimate that around 63.5 gallons of water will be recycled per wash and approximately 11.47 gallons are discharged to the waste water/sewer system. Lastly, the applicant is expecting to wash around 240 cars per day at peak weekend traffic days.

F. The proposed development shall be designed, constructed, and maintained to not unduly increase the public danger of fire, explosion, and other safety hazards upon the public, and persons residing or working on the site and vicinity.

Complies. No safety hazards are created or identified with this project. Construction shall conform to the applicable building and fire codes and construction activity is subject to the noise regulations.

G. The proposed development shall be designed, constructed and maintained to not unduly diminish or impair but to become compatible with the use and enjoyment of vicinity property. To such end the development may be required to provide architectural design schemes and fixtures such as, but not limited to, fencing, landscaping, and buffer areas.

May Comply. The applicant included a detailed landscape plan within the application. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code and the current approved PUD. A detailed compliance check will occur with administrative review of proposed site plan.

REFERRALS AND NOTIFICATIONS Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. The site was posted with a public notice poster and notice of the public hearing was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no public comments regarding this rezoning proposal. The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, City Manager, CDOT, Woodland Park Police Department, and West Teller County Fire. CDOT submitted a comment to City Staff which is attached hereto. City staff issued red-line comment packets back to the applicant.

PLANNING COMMISSION RECOMMENDATION The Planning Commission heard this item on July 13, 2023 (draft minutes attached) and recommend that the City Council approve a PUD Amendment to change the use from "Eating/Drinking Place, Eat-in and "Drive-through" to also allow a car wash on lot 4 of the Wal-Mart Center and amend Building and Parking Data with the following conditions:

1. A final updated site plan, resolving all issues identified on the redlined plans must be approved by the City before any Zoning Development Permit (ZDP) will be issued.
2. Prior to the issuance of a building permit, the applicant shall submit for and receive approval of a: a. Final Site Plan for a permitted use including landscaping, drainage, architectural elevations, access, etc.; b. Infrastructure Zoning Development Permit c. ZDP's

and Building Permits for all new construction, including: i. All Civil/Construction drawings ii. Final Drainage Report iii. Final Landscaping Plan iv. Final Site Plan v. Final Floor Plans and Elevations vi. Final Grading, Sediment and Erosion Control Plan (with BMP's) vii. Final Utility Plan (water, sewer, power, etc.) viii. Final Photometric Plan ix. CO Stormwater Permit/Stormwater Management Plan

3. An amended Page 1 of the PUD Plan of Development must be submitted with an updated Building and Parking Data Table to reflect the change in use and parking for Lot 4.

4. The Private Access Drive labeled on the site plan must be updated for consistency with the recorded subdivision plat.

5. The applicant shall amend the proposed building façade to better harmonize with the Woodland Park "mountain western" aesthetic.

6. The applicant shall provide fencing substantially the same as the fencing requirements within Section 18.42.070 of the Woodland Park Municipal Code as it were to apply to the subject parcel.

During the public comment portion of the July 13, 2023 Planning Commission Hearing, written comments were submitted to the Planning Commission and reviewed by that speaker.

Following Gates presentation Mayor LaBarre opened the Public Comment portion of the Public Hearing and Dan Taylor shared his opinion on some of the applicants statements.

Following a lengthy discussion by Council as to whether or not they can deny this application based on water, City Attorney Romberg shared that she would look into that. Council decided to extend the Public Hearing on Ordinance No. 1457 to the following Council Meeting which would be September 7 and wait for the City Attorney's opinion.

Motion: to table Ordinance No. 1457, Series 2023 to the September 7, 2023 City Council Meeting. Neal/Case. Motion carried 6-0.

The time being 9:03 PM Mayor LaBarre called for a short recess.

Mayor LaBarre called the meeting back to order at 9:14 PM.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Resolution # 906, Series 2023, of the City Council For The City Of Woodland Park, Authorizing The Transfer Of A Tract To The City For A Detention Pond And Associated Drainage Facilities. (A)
(Presenter Utilities Director Kip Wiley)

Public Works Director Schmitt reviewed Resolution #906, Series 2023 of the City Council for the City of Woodland Park, Authorizing the Transfer of a Tract to the City for a Detention Pond and Associated Drainage Facilities.

There being no Council questions, the following motion was made:

Motion: to approve Resolution #906, Series 2023 of the City Council for the City of Woodland Park, Authorizing the Transfer of a Tract to the City for a Detention Pond and Associated Drainage Facilities. Neal/Connors. Motion carried 7-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

B. Council Reports

Mayor Pro-tem Case shared an update from PPACG regarding the plan for the replacement of traffic signals in 2024.

Councilmember Nakai shared information on the upcoming Green House Tour.

Councilmember Connors shared information on the upcoming Veterans Rally.

C. City Attorney's Report

D. City Manager's Report

City Clerk Leclercq shared that the Citizens Initiative petitioner turned in petitions to her today with more to follow.

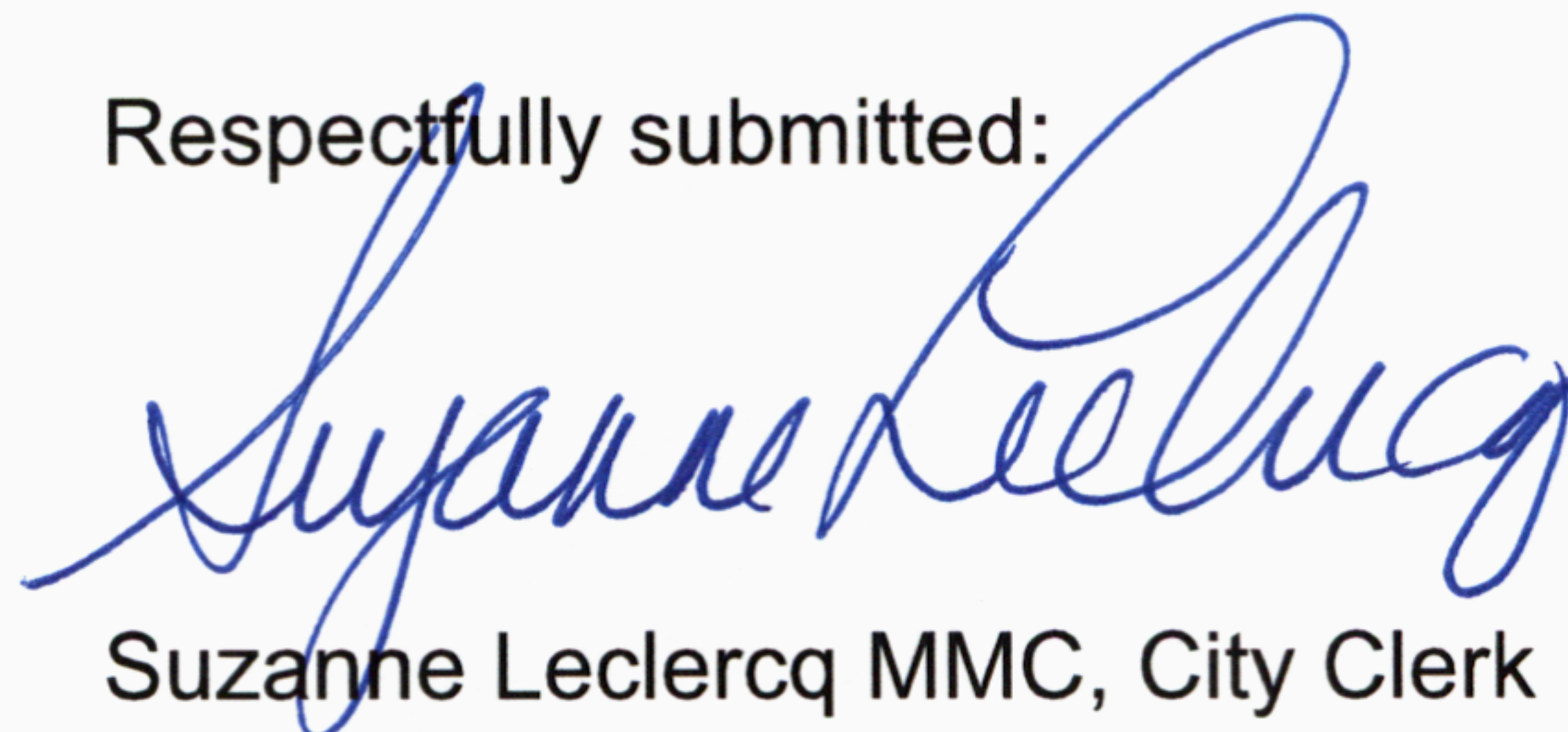
Finance Director Vassalotti shared the Sales Tax report for June 2023.

There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 9:30 PM.

1. Sales Tax Report-June 2023

12. ADJOURNMENT

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 5th DAY OF October, 2023



Hilary LaBarre, Mayor