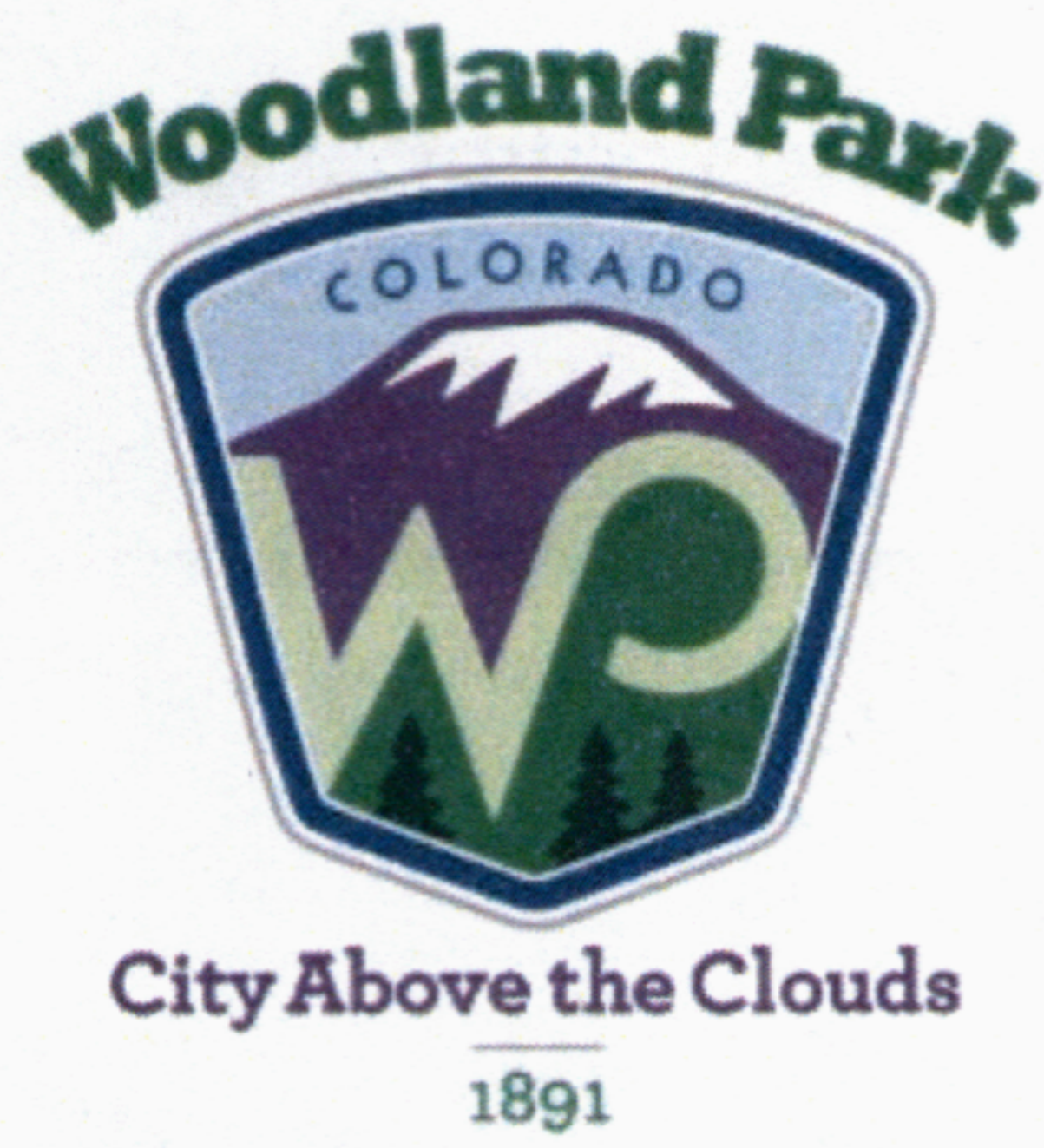




City of Woodland Park

February 1, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

The time being 6:29 PM, Mayor Pro-tem Case called the regularly scheduled City Council Meeting to order.

The following Councilmembers were in attendance: Mayor Pro-tem Case, Councilmember Neal, Councilmember Zuluaga, Councilmember Connors, Councilmember Harvey, Councilmember Nakai. Mayor LaBarre was absent.

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Public Works Director Schmitt, Parks and Recreation Director Keating, Planning Director Schminke, IT Technician Barnes and Communications and Marketing Coordinator Higgenbotham.

2. PLEDGE OF ALLEGIANCE

- A. Flag Ceremony and Pledge of Allegiance led by Cub Pack 20 and Boy Scout Troop 230.

Cub scouts from Pack 20 and Boy Scout Troop 230 performed a Flag Ceremony and led the City Council and audience in the Pledge of Allegiance. Mayor Pro-tem Case gave them Mayor's pins.

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Celebration of Cindy Keating's 30 years of service to the City of Woodland Park. (Presenter Deputy City Manager/City Clerk Leclercq)

Deputy City Manager/City Clerk Leclercq shared with the Council and the audience the accomplishments of Parks and Recreation Cindy Keating over the past 30 years. Keating thanked her family, staff and council for all of their support over the years.

- B. Presentation by Newmont Cripple Creek Mine. (Presenter Hunter Perales External Relations Representative)

Newmont Cripple Creek Mine shared a presentation of the accomplishments of the mine over the past year.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of Construction Agreement Contract for Hwy 67 Improvements between Olgoonik Enterprises, LLC and the City of Woodland Park for \$1,928,896. (A)

(Presenter, City Engineer Ben Schmitt)

Mayor Pro-tem Case read the Consent Agenda into the record and the following motion was made.

Motion: to approve the Construction agreement Contract for Hwy 67 Improvements between Olgoonik Enterprises, LLC and the City of Woodland Park in the amount \$1,928,896 and the minutes from the January 18, 2024, regularly scheduled Council Meeting.

Neal/Connors. Motion carried 6-0.

- B. Approval of minutes from the regularly scheduled Council Meeting of January 18, 2024. (A)

(Presenter Deputy City Manager/City Clerk Leclercq)

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

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. Approval of an application from Boards & Barrels, LLC dba Boards & Barrels Bistro for a new Hotel & Restaurant Liquor License located at 19263 E. US Highway 24, Woodland Park, CO 80863. (QJ)

(Presenter Deputy City Manager/City Clerk Leclercq)

Mayor Pro-tem Case recused herself from this hearing as she stated she had a Conflict of Interest serving as the applicants' realtor. Deputy City Manager/City Clerk Leclercq presented the Staff Report regarding the application for a new Hotel & Restaurant Liquor License from Boards and Barrels Bistro, located at 19263 E. US Highway 24, Woodland Park, CO 80863. There being no Council discussion, and no public comment, the following motion was made.

Motion: to approve an application from Boards & Barrels, LLC dba Boards & Barrels Bistro for a new Hotel Restaurant Liquor License located at 19263 E. US Highway 24, Woodland Park, CO. Neal/Nakai. Motion carried 5-0. Case was recused.

- B. **Woodland Station Filing No. 2 Preliminary Plat (SUB2023-05):** A request by TAVA House Properties LLC (Applicant and Property Owner) for a Preliminary Plat to subdivide 6.63 acres into one lot, two tracts, and right-of-way dedication. The subject property is located west of Woodland Hardware in Section 24, T12S, R69W of the 6th P.M., (201 Saddle Club Avenue) in the Central Business District (CBD) zone. (QJ) (Presenter Senior Planner Andrew Baker)

Senior Planner Andrew Baker presented his Staff Report on SUB2023-05 TAVA House Properties preliminary plat sharing the following information.

BACKGROUND

The subject property was historically owned by "The Saddle Club" and is where many rodeos and dances were held in the city. In 2008, it was sold to the City of Woodland Park and its Downtown Development Authority (DDA). The DDA had previously adopted a Foundation Plan on February 21, 2002. Located in the center of the DDA area is the subject property: a

6.63-acre parcel that abuts Bergstrom Park to the north and is bordered by Center Street, Saddle Club Avenue and South Park Street to the east (outlined in red in Figure 2). In April 2023, the City of Woodland Park and the DDA sold the subject property to TAVA House Properties, LLC and entered into an agreement for the development of this property.

SITE AND SURROUNDING PROPERTIES

Per the City of Woodland Park Zoning Map, the subject property, outlined in red, is located in the Central Business District (CBD) zone, which is shared by the land to the north, west, and south. The property is also part of the Woodland Station Overlay District, which builds upon the allowed uses, development patterns, and bulk standards found in the Central Business District. Flexibility may be allowed with respect to scale, mass, architectural design, and overall site design. The district was established in 2007 for the purposes of guiding the architectural and site planning components of development within the Woodland Station Overlay District to achieve a scale and quality of development consistent with the key location of the Woodland Station in the heart of the Central Business District. Directly to the west of the subject parcel lies three vacant properties: the northern one is unplatted and owned by Beer Garden Lane Development, LLC, the middle lot is owned by the City, and the southern parcel is unplatted and owned by Park Contractor Storage, LLC.

The City owned lot, Lot 2 of the Vectra Bank Subdivision, was acquired by the City in 2015 and per the Ordinance authorizing the purchase, the purpose being *“the City desires to construct and install or cause to be constructed and installed various facilities and improvements in order to provide public transportation, public parking and public utilities through Woodland Station, including but not limited to parking, streets, curb, gutter, drainage, water, sanitary sewer, power, cable and telephone.”* There has also been discussion about using the City owned lot, as well as the 24’ access easement through the southern portion of Lot 1, Vectra Bank Subdivision, to connect the Saddle Club Avenue extension through to West Street.

The north side of the proposed development is bordered by Bergstrom Alley, on the other side of which lies Bergstrom Park. To the northeast, across Saddle Club Avenue and S. Center Street, is the location of Woodland Hardware and Home. The Hackman’s Addition residential development is located to the east and zoned Urban Residential (UR). The Ute Chief Mobile Home Park adjacent to the southern property boundary is zoned Central Business District (CBD), and beyond the mobile home park is the Dewell Addition residential development, zoned Urban Residential (UR). The uses and zone districts for the area immediately surrounding the subject property are as follows:

	USE	ZONE
North	North of Bergstrom Alley – Bergstrom Park	CBD
South	North of Saddle Club Avenue – Woodland Hardware and Home	
	Ute Chief Mobile Home Park and the Dewell Addition	CBD & UR
West	Commercial Businesses including Vectra Bank	CBD
	Beer Garden Lane Development property – currently vacant	
	City-owned property – currently vacant	
	Park Contractor Storage, LLC – currently vacant	
East	Woodland Hardware and Hackman’s Addition	CBD & UR

The future Land Use Map identifies Downtown Mixed Use as the desired use type for this area where the Woodland Station overlay District is located. Downtown Mixed Use is explained as follows:

Downtown Mixed Use: to help recognize and promote vitality in the downtown area, the Downtown Development area boundary was used to identify the Downtown Future Land Use District. Establishing the downtown as its own character helps promote the identity and cohesion that is desired as development and redevelopment occur. The zoning categories in downtown include Central Business District, Community Commercial, Urban Residential, and Planned Unit Development Neighborhood Commercial and Public Semi/Public areas north of the Downtown Development Boundary have maintained their land use classifications to illustrate the transition to downtown residential. Chapter 4 of the Comprehensive Plan addresses Community Character and Design. Pages 38-39 of the chapter contain a vision for the development of Midland Avenue which identifies:

"residents would like to see the Woodland Station area developed as a mixed-use area that can support community events and fill in the currently vacant downtown areas"

The Comprehensive Plan does not provide any additional specific information for what constitutes "Mixed Use" nor does the City Code contain a formal definition for this term.

CURRENT PROPOSAL

The applicants are requesting approval of a Preliminary Plat to subdivide 6.63 acres into one lot and two tracts. As shown in Figure 5 below, Lot 1 is proposed to be a total of 0.35 acres and would be the only initially developable lot. Tract A is proposed to be a total of 0.95 acres and Tract B would be 4.77 acres, platted for future development and public improvements. The remaining 0.55 acres is shown as dedicated right-of-way for the extension of Saddle Club Avenue and the connection along the west side of the property north to Bergstrom Alley. Additional right-of-way is shown off-site on the Beer Garden Lane Development (BGLD) Property, along the western edge of the subject property. The property owner for BGLD provided a letter on December 1, 2023 stating their intent to dedicate this proposed right-of-way to the City at the time of Woodland Station Filing No. 2 final plat approval, however, the entire BGLD parcel is not included as a part of the current proposed preliminary plat document.

This Preliminary Plat application is the first step for the applicant achieving their multi-phase development outlined in their April 2023 Plan of Development (POD) for this property. Along with this application, a concurrent Preliminary Site Plan Review application (administrative review only) for Phase I of the POD is currently under staff review. The applicant plans to begin constructing "TAVA House Restaurant" on Lot 1 in the Spring of 2024, contingent on City reviews and approvals, with the estimated construction timeline of one year after initiation. When the applicant chooses to develop Tracts A (Phases 2 & 3 in the POD) and B (Phase 4 in the POD) in the future, they must submit a new subdivision application to plat the Tracts into developable lots. Tract A is planned to house the public plaza as part of Phase 3 of the development, the future use of Tract B and Phase 4 has yet to be determined.

Bergstrom Park's parking lot is currently accessed from S. Center St. The applicant is proposing to close this access and move it to the west along Bergstrom Alley. The historic "Cog Car" is located immediately to the south of Bergstrom Park on the subject property. No easements or plans for relocation of this historical asset have been provided with this application. The Landscape Plan also does not indicate how many trees will be removed due

to this access point change, or where they will be relocated to. Landscaping along US-24/Midland Ave. may also be lost due to the new turn lane on eastbound US-24, required by CDOT comments. The applicant has stated that drawings are currently being prepared to show this new turn lane, and the full scale of impacts will be determined at that time. This Preliminary Plat application was reviewed under Title 17 Subdivisions of the City of Woodland Park Municipal Code. In italics below are the relevant plat and design standards applicable to this Preliminary Plat application, followed by a staff analysis. A full copy of the Preliminary Plat is attached to this Staff Report as part of the application. Below is a listing of the applicable subdivision standards from Code Section 17.20 complete with staff's analysis:

§17.20.010 Preparation process. *After the subdivider has received written comments from the city planner, a preliminary plat shall be prepared by a surveyor, architect, professional planner or professional engineer for presentation to the planning commission. The preliminary plat shall be processed as follows: Twenty-five blue-line copies and one reproducible copy of the preliminary plat shall be presented to the city planner along with the required supplemental material at least twenty days prior to a regular planning commission meeting. If the plat is in compliance with these regulations, the city planner will furnish the following agencies with a copy for their review and comments; all public utilities companies, the school district, Teller County, and the State Highway Department (where a subdivision borders on a state highway). The city planner may delay a preliminary plat for one regularly scheduled planning commission meeting if further processing is required.*

Complies. The Preliminary Plat was discussed during several pre-application conferences with the applicant, applicant's engineer, and City Staff prior to submittal of the application. The proposal is consistent with the Plan of Development that was approved by City Council in April 2023 and the Sketch Plan reviewed by staff in June 2023. The application was distributed to appropriate agencies for their review and comment, revised by the applicant to address comments and redlines.

§17.20.060 Design and drawing. *The Preliminary Plat shall be prepared as follows;*

- 1. The design should be in accordance with the subdivider's plans for actual development and therefore, should be a true representation of the subdivision which may eventually be recorded.*
- 2. The drawing shall be made at a scale of one-inch equals one hundred feet. A map of twenty-four (24) inches by thirty-six (36) inches is required. If more than one page then an index page shall be provided.*

May Comply. The Preliminary Plat is a true representation of the subdivision as the applicant intends to record it. However, the plat shows right-of-way dedication on an adjacent property without including this parcel in its entirety and the property owner's signature block on the cover page of the plat. Per MC Section 17.40.090, subdivisions should be laid out to eliminate or avoid perimeter half streets. There is also a half street condition proposed for the portion of the northern extension that is adjacent to the City owned Lot 2. While the City purchased this property with the intent of using the land for streets and other public improvements, use of a portion of this lot for this specific project has not been addressed.

Any right-of-way conveyance must be coordinated and dedicated as a part of this final plat or a public access easement established prior to recording of this plat. Public right-of-way, owned and maintained by the City, must be dedicated via an approved subdivision plat, as

opposed to access agreements such as easements or other instruments. Without other agreements in place, the property owner would still be responsible for maintenance of any streets or related infrastructure.

§17.20.070 Information (A through Q).

Complies. This section is long list of technical information required to be contained on the Preliminary Plat which must be prepared by a licensed professional land surveyor. All criteria from this section has been reviewed by staff. The Preliminary Plat is determined acceptable at this time. Rampart Surveys, LLC is the Colorado licensed professional Land Surveyor.

§17.20.080 Supplemental Material. *The preliminary plat shall be accompanied by the following supplemental material:*

A. A letter of intent addressed to the city council and planning commission containing the following:

- 1. A brief description of the tract, i.e. general location, physical features of the land, total acreage;*
- 2. Existing and proposed zoning;*
- 3. Proposed number of building sites and typical lot size;*
- 4. Proposed structures;*
- 5. A statement detailing how and when the subdivider proposes to provide and install all required sewers, water mains, pavement, sidewalks, drainage ways, trails and other utilities, i.e., electric, gas, telephone, as required;*
- 6. Any proposed variances from the subdivision regulations;*
- 7. Any additional information deemed necessary by the city staff;*
- 8. Signature of the subdivider;*
- 9. A written proposal explaining the subdivider's intent with regards to the dedication of parks, recreation areas, and open spaces and/or parks capital fees of land, the location within the tract or the amount of fees required for approval. (Continued) Complies. The letter of intent was submitted containing the necessary information required above.*

B. Master Plan. When the preliminary plat covers only a part of the developer's contiguous holdings, twenty-five blue-line copies and one reproducible copy of a proposed master plan for development of said contiguous holdings shall be furnished. A master plan need only be submitted with the first preliminary plat submitted for the area and shall be processed along with the first preliminary plat, if not previously processed.

Not applicable. The Plan of Development was approved by City Council in April of 2023. This document serves as the Master Plan for this property.

- 1. One copy of the accurate names and mailing addresses of the owners of all immediately adjoining land as their names appear on the tax records of the municipality or county. Also to be included are the names, mailing addresses and phone numbers of individuals or firms to whom notice of public hearings and billings for required fees (recording plats, public notices, sign postings, etc.) are to be sent.*

Complies. Submitted with the application.

2. *If evidence of a geological hazard is presented by the City at the sketch plan stage, the subdivider shall present geologic hazard information.*

Not applicable. No geological hazards were identified during the sketch plan stage. A soils report is required when applying for building permits for any buildings.

3. *One reproducible copy and two blueline copies of a twenty-four-inch by thirty-six-inch plat or plats showing the following 1 through 4 items.*

Complies. The information within this code provision was included with the Preliminary Plat site plan. A Drainage Report was also included with the submittal.

F. Applications for any proposed variances from the subdivision regulations. A petition for annexation where applicable. A PUD or other zoning change application where applicable.

Not applicable. No variances are proposed by the applicant, however staff identified a deviation from the subdivision standards (MC Section 17.40.170) in regards to easements. These are documented in staff's comments and must be addressed in future submittals. Utility easements are required to be at least 20' in width, and located along shared rear lot lines, along with 10' easements along shared side lot lines. The applicant has proposed 15' width utility easements along the northern and southern property boundaries, but none along interior shared lot lines. They are proposing utility line locations within platted right-of-way, as an alternative to providing the required easements. This deviation from City of Woodland Park standards is further discussed in the Recommendations section below.

G. One copy of a preliminary utilities report as described in the city engineering specifications (if required).

Complies. The site plan indicates that water and sanitary connections will be made to existing City infrastructure located within the right-of-way of Saddle Club Ave., S. Center St., and Bergstrom Alley.

H. A letter from the surveyor of the plat stating the total area of lots by zone, the area of streets and alleys, and the area of proposed park sites or open spaces and other lands to be dedicated to the city.

Complies. The Preliminary Plat indicates lot and tract uses and total areas, however right-of-way dedication is omitted from this table and must be included in the final plat. The current proposal shows improvements in existing public park land, but the applicant has not addressed how this will be mitigated for or re-located elsewhere in the project. Changing traffic patterns along US-24, S. Center St., and Bergstrom Alley will greatly impact the pedestrian experience along the adjacent sidewalks, as well as overall open space and number of trees in the area. The applicant's stated intention is that the loss of public space will be mitigated by the addition of a public plaza in Phase 3. However, no plans for this plaza have been submitted at this time.

1. *Completed checklist of Teller County School District RE-2.*

Not applicable. Approved by the City.

J. Building envelopes and a driveway plan shall be submitted for all hillside lots showing the lot area from the street to the minimum building setback line at a scale of at least one inch equals one hundred feet, and showing a driveway location which conforms to city engineering specifications.

Not applicable. Building envelopes and a driveway plan will be submitted by the applicant at time of Zoning Development Permit. This process is handled administratively through the Planning Department. The applicant will also have to receive building permit from the Pikes Peak Regional Building Department.

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 and City Council public hearings. The site was posted with public notice posters and notice of the public hearings was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no public comment on the proposal.

The application has been through two rounds of review with referral requests sent to City departments including the City Attorney, the City Manager, the City Clerk, Utilities, Public Works, Police Department, Planning and Building and external agencies including Northeast Teller County Fire Protection District, Black Hills Energy, Core Electric, Colorado Department of Transportation, Century Link/Lumen, and TDS Telecom.

A copy CDOT's comments as well as the red-line comments from both rounds of review are attached hereto. Unfortunately not all reviewing parties had returned their second set of review comments in time to be included as this report was completed on January 4, 2024.

PLANNING COMMISSION RECOMMENDATION

The City of Woodland Park Planning Commission held a public hearing on January 11, 2024 and (DRAFT minutes attached). After consideration of the findings described in the staff report and comments made at the public hearing, the Planning Commission recommended that City Council approve the Woodland Station Filing No. 2 Preliminary Plat to plat 6.63 acres into one lot and two tracts subject to the following conditions:

1. Prior to any construction on the subject property, the applicant must enter into a Subdivision Development Agreement for the public improvements being installed as a part of this subdivision.
2. Development of Lot 1 of this subdivision is subject to approval of all applicable Zoning Development Permits through the City of Woodland Park Planning Department and a building permit through Pikes Peak Regional Building Department.
3. The applicant must resolve dedication of the right-of-way shown on the western edge of the property, either via separate instrument prior to final plat recordation, or by including the subject properties and associated property owners in the forthcoming final plat application.

4. The applicant must address the loss of public park land in Bergstrom Park, as well as future public and open space in the final plat submittal to the City.
5. The potential relocation of the historical "COG Car," currently located on Lot 1 of the proposed plat must be addressed in the final plat submittal. Appropriate easements should be put in place if it is to remain anywhere on the subject property.
6. The applicant must address all comments and redlines from City staff and external review agencies from the Preliminary Plat and Site Plan Review before the submittal of Final Plat and Zoning Development Permits.
7. As part of the Final Plat application, all CDOT comments, including an escrow account for required public improvements, must be addressed.
8. The Preliminary Plat, as well as future Final Plats for this development, must be revised to meet the standards found in MC.17.40.170 for location and size of easements.

Following Mr. Baker's application and brief Council discussion the following motion was made.

Motion: to approve Woodland Station Filing No. 2 Preliminary Plat (SUB2023-05): a request by TAVA House Properties LLC (Applicant and Property Owner) for a Preliminary Plat to subdivide 6.63 acres into one lot, two tracts, and right of way dedication. The subject property is located west of Woodland Hardware in the Central Business District zone. Connors/Neal. Motion carried 6-0.

10. NEW BUSINESS

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Pro-tem Case shared the upcoming events for the next two weeks.

B. Council Reports

Councilmember Neal shared an update of the DDA.

Councilmember Zuluaga shared an update from KWPB.

Councilmember Nakai asked where the City is at with the IGA with the School District. Attorney Wilson shared that he is still waiting for a response from them.

Councilmember Connors shared information on the upcoming Veterans Breakfast.

Councilmember Harvey requested that the attorneys capture the IGA with the School District to include a sunset date if the School District does not respond. Following a lengthy discussion, direction was given to the City Attorney to draft an ordinance that will repeal the Sales Tax from the School District if they do not respond to holding discussions regarding the IGA and their obligations.

C. City Attorney's Report

City attorney Wilson introduced his firm's new associate Betsy Stewart.

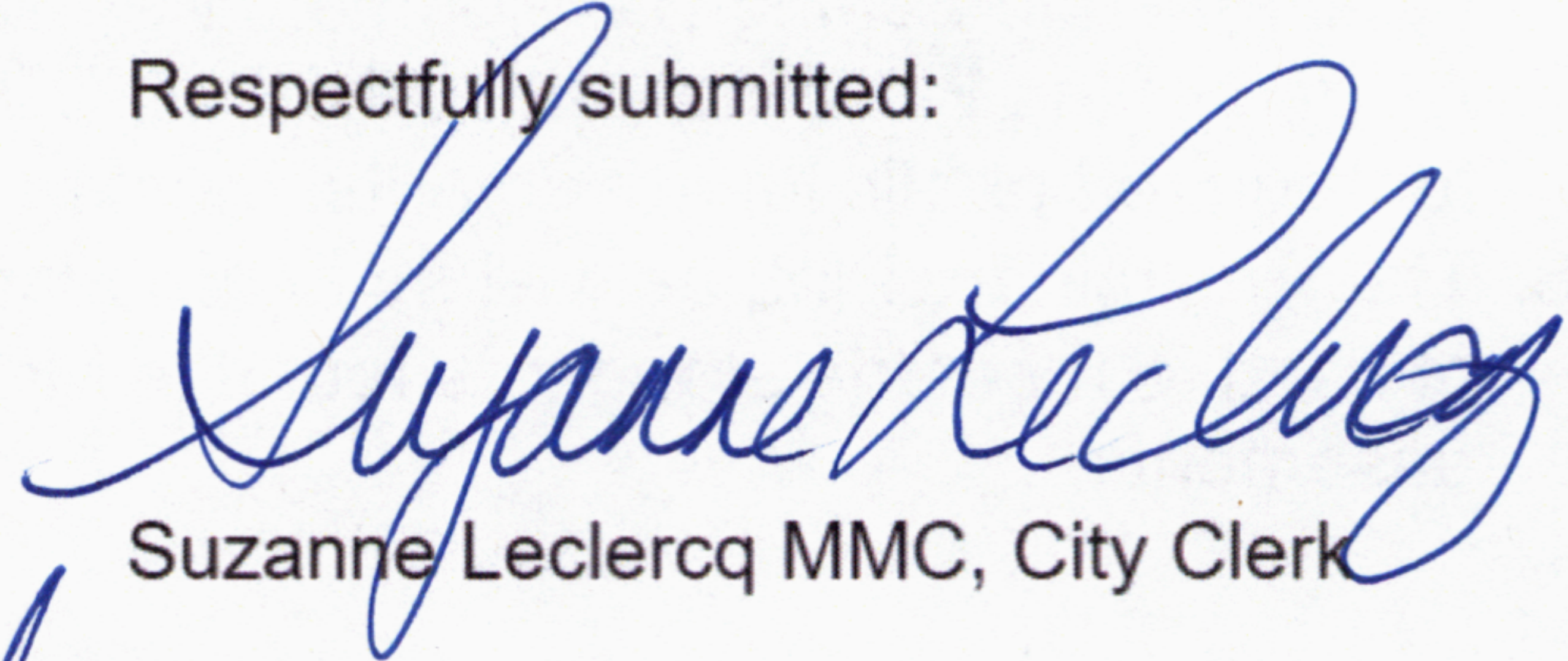
D. City Manager's Report

Deputy City Manager/City Clerk shared a brief election update.

12. ADJOURNMENT

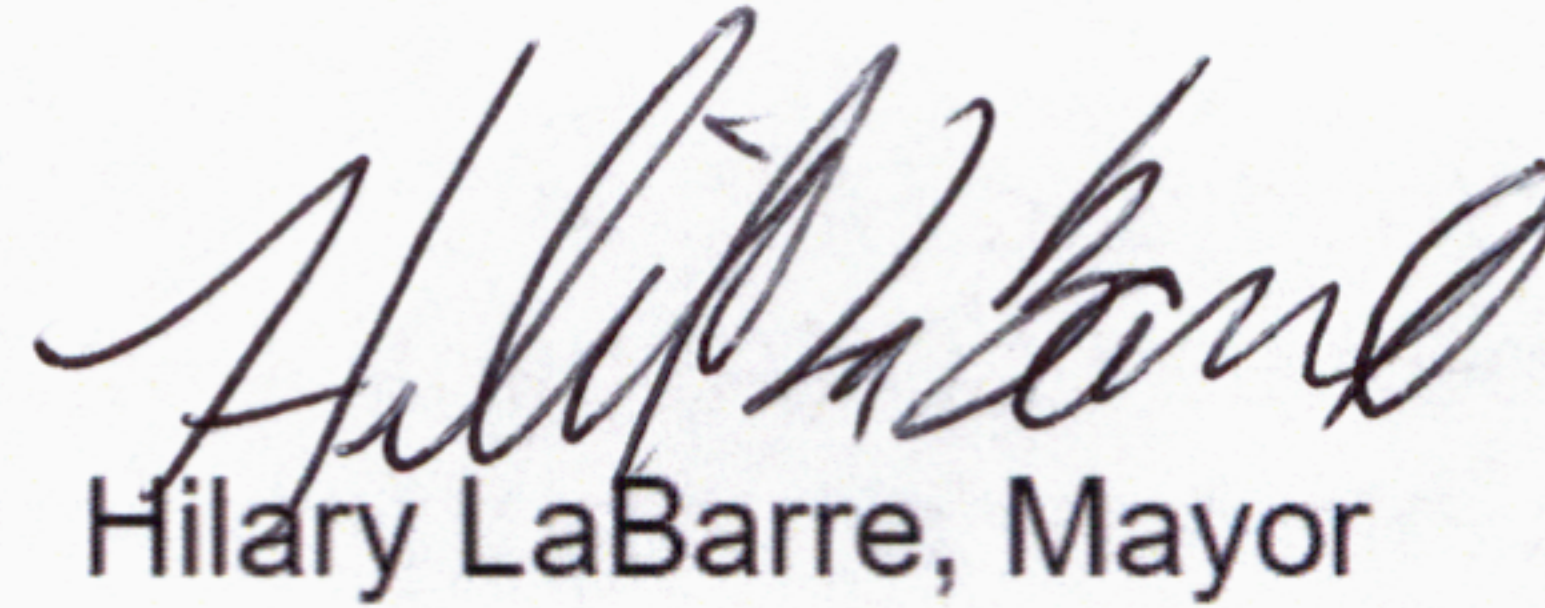
There being no further City business Mayor Pro-tem Case adjourned the meeting at 8:11 pm.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 7th DAY OF March, 2024



Hilary LaBarre, Mayor