

Woodland Park City Council
Council Chambers – City Hall
August 1, 2019, 7:00 PM

If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video. Time stamp after each item is noted for your convenience and corresponds with recorded video.

5:00 PM Work Session Regarding the Deer Management Task Force.

1. ROLL CALL

- A. The following members of Council present were: Mayor Levy, Mayor Pro-Tem Carr, Kellie Case, Carrol Harvey, Hilary LaBarre, Paul Saunier and Noel Sawyer.

2. PLEDGE OF ALLEGIANCE

The following Staff Members were also in attendance for this meeting:

City Manager Darrin Tangeman	Emily Katsimplas Finance Director
Assistant City Manager/City Clerk Suzanne Leclercq	City Planner Lor Pellegrino
City Attorney Jason Meyers	Deputy City Clerk Chrissy Stapleford
Public Works Director Kip Wiley	
Community Engagement Manager Karen Casey	
Planning Director Sally Riley	

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS:

- A. None

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

- A. None.

5. CONSENT CALENDAR: (1:11)

- A. Approve minutes of July 18, 2019 Council Meeting.

Administrative

Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk

City Clerk Leclercq read the consent agenda into the record.

MOTION: To approve Consent Calendar. Case/Carr. 7-0. Motion carried.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

- A. None.

7. UNFINISHED BUSINESS:

- A. None.

8. ORDINANCES ON INITIAL POSTING:

- A. None.

9. PUBLIC HEARINGS:

- A. Consider a request by Jeff Esterline, Shining Mountain Golf Course, to allow a Disc Golf - Frizzen special event which includes music until 11 p.m. on August 16 and August 17 at 100 Shining Mountain Lane (Shining Mountain Golf Course) in the PUD zone. (2:43)
Administrative
Presenter: City Planner Lor Pellegrino

City Planner Lor Pellegrino reviewed the staff's recommendation regarding the request.

MOTION: To approve a request by Jeff Esterline, Shining Mountain Golf Course, to allow a Disc Golf - Frizzen special event which includes music until 11 p.m. on August 16 and August 17 at 100 Shining Mountain Lane (Shining Mountain Golf Course) in the PUD zone. Sawyer/Carr. 7-0. Motion carried.

- B. A request by Kim Packham (Applicant) and the Ute Pass Saddle Club (Property Owner) for on-site camping from August 12-19, 2019 for the Woodland Park Rock, Gem and Jewelry Show special event at 19250 E Hwy 24 in the Service Commercial zone. (10:08)
Administrative
Presenter: City Planner Lor Pellegrino

City Planner Lor Pellegrino reviewed the staff's recommendation for camping at the Saddle Club location with the following 9 conditions.

1. Camping shall occur only between 9:00 a.m. August 12 through 9:00 p.m. August 19, 2019.
2. Camping shall be for event volunteers and vendors only with no more than 45 camping units permitted on-site at any given time.
3. Camping units may include tents, camper trailers, recreational vehicles and pickup campers.
4. Camping units shall not be connected to City water or sewer and shall be self-contained.
5. On and off-site trash, garbage or debris shall be cleaned up during and upon cessation of camping. On-site clean-up shall be coordinated with and enforced by the property owner and event coordinator.
6. The event coordinator shall be responsive to complaints received, if any.
7. All lighting within the camping area, if any, shall be downcast, fully shielded, and turned off by 9:00 p.m. each night.
8. All generators (if any) shall be turned off by 9:00 p.m.
9. The event coordinator and all campers shall at all times be subject to Municipal Code §9.41 Noise.

Mayor Levy opened the public hearing up for public comment. The following people spoke regarding item 9B:

- Valerie Lundy – Had a question regarding water and sewer for the campers.

MOTION: Move to approve a request by Kim Packham (Applicant) and the Ute Pass Saddle Club (Property Owner) for on-site camping from August 12-19, 2019 for the Woodland Park Rock, Gem and Jewelry Show special event at 19250 E Hwy 24 in the Service Commercial zone. Harvey/Case. 7-0. Motion carried.

Mayor Levy read the Quasi-Judicial announcement.

- C. Consider Ordinance No. 1349, Series 2019 (ZON 19-003) to rezone from Suburban Residential (SR) to Community Commercial (CC) and Ordinance No. 1350, 2019 (CUP 19-003) for a Conditional Use Permit (CUP) for 18.09.090.G.1. Contractors & Construction Services and 18.09.090.V.1-4 Wholesale Trade, Distribution, Warehousing, Storage uses on 2.24 acres in the NW1/4 of the NW1/4 of Section 24, T12S, R69W of the 6th Principal Meridian (930 W Bowman Avenue) as requested by Rampart Investment Group, LLC (Property Owner). (14:29)
Quasi-Judicial

Presenter: City Planner Lor Pellegrino

Larry Larsen presented the project description regarding zoning on behalf of Rick & Anne Mallett, Rampart Investment Group LLC. Property owners Rick and Anne Mallett shared their ideas & vision for this parcel. The Malletts also introduced their son Travis & his wife Hope who are also part of this project.

Larry Larsen spoke to the history of the location and the zoning in the surrounding area. He also described how the property will be developed.

City Planner Lor Pellegrino presented the staff's recommendation on Ordinance 1349 and Ordinance 1350, Series 2019. Pellegrino presented a power point listing the 6 criteria that must be met for the rezoning.

1. *Is the proposed CC zoning consistent with the 2010 Comprehensive Plan (CP) map?* **NO** – The 2010 CP map provides guidance for rezoning requests, annexation proposals, new development and redevelopment projects within the City limits. It honors the City's existing zoning while providing both direction and flexibility for future development or redevelopment proposals where it makes sense to anticipate new uses and preserve the orderly development/redevelopment of the community. It serves as a guide that identifies locations for the most appropriate future land use. This site is shown on the CP map as "single family residential" (bright yellow color). While no evidence was found, Staff believes that for this site it simply reflects existing SR zone on the site. If this site were developed as a residential parcel, only two lots could be created. Staff believes that given its historic commercial use and the commercial designation and zoning of the parcel immediately east (Bristlecone), a commercial use is viable and would be appropriate in this location.
2. *Is the proposed zoning consistent with Comp Plan Goals and Objectives?* **YES** – Rezoning to CC meets several 2010 CP goals and objectives (see CUP findings of this staff report).
3. *What has changed in the surrounding properties that warrants a change in zoning?* **Not much** has changed in the physical circumstances surrounding this site. Of note is that the property has historically been used as commercial which use predates most of the surrounding residential uses and development. CDOT has owned and occupied the property since 1965 and the on-site buildings were constructed in 1972. With the overhaul of the City's zoning regulations in 1997, the subject property was zoned SR (perhaps because of existing single- and multi-family development to the north, south and west). However, Staff believes that the site's historic commercial use and existing commercial development to the east also makes commercial an appropriate land use for this site. It should be noted that CC also allows for 3+ DUs via a CUP or up to 2 DUs as a use permitted conditionally, so residential development would still be possible on this lot even with CC rezone.
4. *Is the CC Zone District appropriate at this location?* **YES** – This is a fully-developed property with a long-time historical commercial use. Existing infrastructure and services surround the site and are adequate and available to continue to serve the proposed commercial use. The lot abuts the CC zone district to the east and expansion of this commercial zone to the west would be a logical extension of the CC zone given the past commercial use, development and occupancy, the style of the existing commercial buildings, and its proximity to SH67. Staff believes that a commercial use is appropriate and viable for this site.
5. *Is there ability to serve the maximum density with planned water resources?* **YES** – The CC Zone District and commercial uses would not significantly impact water resources. A commercial water and sewer tap were issued for this parcel in the 70s. The City is able to continue to serve the site within existing and approved water resources.
6. *Is there ability to serve the maximum density with wastewater treatment capacity?* **YES** – The CC Zone District and commercial uses would not significantly impact wastewater resources. Wastewater treatment capacity to serve the proposed zoning change is available now.

Pellegrino reported that staff finds substantial compliance and recommend approval of rezone for the area from Suburban Residential (SR) to Community Commercial (CC), Ordinance 1349, Series 2019.

Pellegrino reviewed Ordinance 1350, Series 2019 regarding this same plot for a Conditional Use Permit (CUP). Pellegrino reported that staff finds substantial compliances with CUP standards with 9 conditions. Pellegrino reviewed the 9 conditions with Council.

1. Prior to October 31, 2019, the property owner shall conduct the following minor site modifications:
 - Improve the exterior of the existing buildings (i.e. new paint at a minimum and brick, sandstone, wood, stucco, colored and textured concrete masonry facing materials in colors which blend well with adjoining architecture and natural surroundings are encouraged);
 - Clean all litter and debris from the site;
 - Pursuant to *MC 18.33.180.E*, install streetyard landscaping (at a minimum, an average of one tree for every thirty-five feet of street frontage shall be planted within the streetyard) along the south and west property boundaries;
 - Reduce the expanse of blank walls visible to the public through the use of interesting details, canopies, design patterns and features that diminish the scale of the structure and add texture and depth or relief; and
 - Construct solid, opaque or semi-transparent fencing or other suitable buffering for the outside storage area in a material compatible with the architectural design of the principal buildings or the natural surroundings.
2. Hours of operation will be from dawn to dusk, seven days a week, and may include occasional unforeseen circumstances such as early morning snowplowing and response to other emergencies.
3. All exterior lighting, if any, shall be downcast and shielded with a temperature of 3,000 K or warmer and shall not exceed the twenty-five feet in height.
4. Uses shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in handling any such material.
5. No smoke, odor, vibration, glare or particulate emissions shall be permitted which can cause damage to health, animals, vegetation, or affect properties beyond the parcel boundaries.
6. Notwithstanding any conditions herein, this CUP does not grant a noise relief permit and the use/business shall at all times be subject to *MC 9.41 Noise*.
7. Pursuant to *MC 18.33.180*, at least 15% of parcel shall remain as open space.
8. Pursuant to *MC 18.33.180.D*, healthy existing significant trees shall be preserved to the extent reasonably feasible and may be used to satisfy landscaping and open space requirements.
9. Prior to construction of any new buildings, the property owner shall submit for and receive approval of a:
 - Final Site Plan for a permitted use including landscaping, drainage, architectural elevations, secondary access, etc.;
 - Final Plat for this unplatted land;
 - Infrastructure Zoning Development Permit, pursuant to *MC 18.33.170*, for the installation of curb and gutter and sidewalks along Coraline and Bowman or submit fees-in-lieu; and
 - Zoning Development Permits and Building Permits for all new construction.

Mayor Levy opened the hearing up for Council discussion. After lengthy discussion Mayor Levy opened up the public hearing for public comment.

- Jeff Smith spoke in favor of both Ordinances.

- Richard Gish spoke in favor of both Ordinances

At this time Mayor Levy closed the public hearing and the following motions were made.

MOTION 1: Approve Ordinance 1349, Series 2019, based on the findings contained in the staff report and as presented at public hearings, an ordinance rezoning 2.238 acre part of the NW1/4 of the NW1/4 of Section 24, T12S, R69W of the 6th Principal Meridian (930 W Bowman Avenue) from Suburban Residential (SR) to Community Commercial (CC); Case/Harvey. 6-1. Motion carried with the following Councilmembers voting no: Councilmember Saunier.

MOTION 2: Approve Ordinance 1350, Series 2019, based on the findings contained in the staff report and as presented at public hearings, an ordinance granting a Conditional Use Permit (CUP) for 18.09.090.G. Contractors & Construction Services and 18.09.090.V Wholesale Trade, Distribution, Warehousing, Storage use in the Community Commercial (CC) zone at 930 W. Bowman Avenue (that 2.238 acre part of the NW1/4 of the NW1/4 of Section 24, T12S, R69W of the 6th Principal Meridian). Case/LaBarre. 6-1. Motion carried. With the following Councilmembers voting no: Councilmember Saunier.

Councilmember Saunier shared that he did not agree with the owner not having a hazmat plan.

- D. Consider Ordinance No. 1351 appropriating the purchasing of certain water shares. (1:33:13)
Administrative
Presenter: Kip Wiley, Public Works Director

Public Works Director Kip Wiley presented the staff's recommendation on Ordinance 1351, Series 2019.

Mayor Levy opened the public hearing up for public comment. The following people spoke regarding item 9D:

- Valerie Lundy had questions regarding the reason for purchasing more water shares.
Wiley explained the need to be continually acquiring water shares.

MOTION: Approve Ordinance No. 1351 appropriating the purchasing of certain water shares. Carr/Sawyer. 7-0. Motion carried.

10. NEW BUSINESS:

- A. Approve Resolution No. 845 Charter Review Committee. (1:41:55)
Administrative
Presenter: Suzanne Leclercq, Assistant City Manager / City Clerk

Assistant City Manager / City Clerk Suzanne Leclercq reviewed the history of the Charter Review Committee and the requirements to be on the committee. Leclercq reviewed some of the previous suggested changes to be made to the Charter. Leclercq shared as per the Resolution there would be 3 Councilmembers, 4 citizens, herself, City Attorney Jason Meyers and City Manager Darrin Tangeman on the committee.

MOTION: Approve Resolution No. 845 Charter Review Committee. Sawyer/Case. 7-0. Motion carried.

Councilmember Harvey, Councilmember Sawyer and Mayor Pro Tem Carr offered to be on the Charter Review Committee. Councilmember Harvey agreed to be the Chair of this Committee.

- Valarie Brown asked how the meetings will be announced for the Charter Review Committee.
Leclercq shared the meetings would be posted all other City meetings are.

- B. Discussion of August 8, 2019 Joint Work Session Regarding Ordinance 1348, Series 2019.
(1:53:55)
Administrative
Presenter: Darrin Tangeman, City Manager

Mayor Levy stated for the record that he was the one who initiated Ordinance 1348, Series 2019. Mayor Levy suggested that Ordinance 1348 be put on the back burner until the City has received the Disposition and Development agreement from the DDA. Mayor Pro Tem Carr noted that he concurred.

Council had discussion regarding the August 8 meeting, Ordinance 1348 and the Disposition and Development Agreement.

MOTION: To defer the August 8, 2019 joint work session with the DDA and Planning Commission until the Second Amendment to the DDA Disposition has been completed. Carr/Case. 7-0 Motion Carried.

11. REPORTS:

(Public comment not necessary)

A. Mayor's Report. (2:05:41)

- i. Mayor Levy read the events for the next two weeks.

B. Council Reports.

- i. Councilmember Case thanked everyone who participated in the electronics recycling event 11,788 pounds of electronics were recycled.
- ii. Councilmember Harvey thanked everyone who attended the Deer Task Force meeting today. The next meeting will be August 15 at 5 PM.
- iii. Councilmember Saunier thanked everyone and reminded them to get out to the events around town

C. City Attorney's Report. (2:12:48)

- i. City Attorney Meyers announced that he and his family have officially moved to Woodland Park.

D. City Manager's Report. (2:13:17)

- i. Finance Director Emily Katsimplas presented the budget calendar and the upcoming work sessions.

12. ADDED ITEM AGENDA:

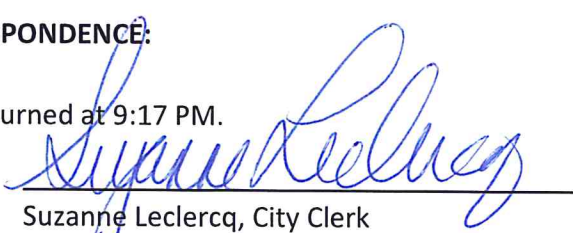
- A. None.

13. EXECUTIVE SESSION:

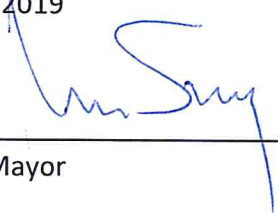
14. COMMENTS ON WRITTEN CORRESPONDENCE:

- A. None.

15. ADJOURNMENT: The meeting adjourned at 9:17 PM.


Suzanne Leclercq, City Clerk

APPROVED THIS 15th DAY OF August, 2019


Neil Levy, Mayor