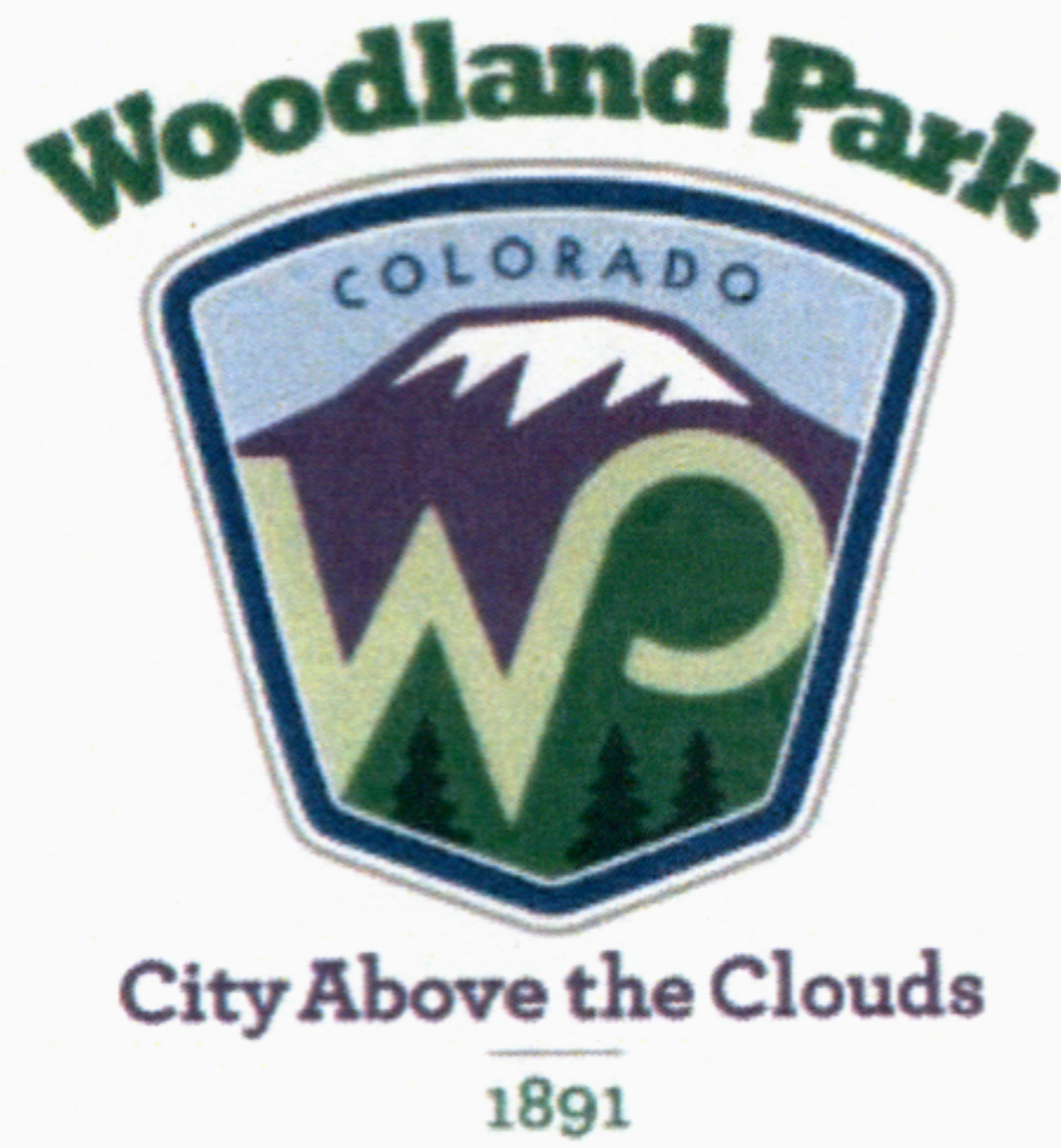




# City of Woodland Park

April 18, 2024 at 6:30 PM

## MINUTES

### 1. CALL TO ORDER AND ROLL CALL

**Executive Session:** Mayor Case opened the public meeting and asked the Council for a motion to go into Executive Session. Councilmember Smith made the following motion: Motion to move into Executive Session of the City Council of Woodland Park: pursuant to C.R.S. 24-6-402(4)(b), a conference with attorneys for the purpose of receiving legal advice on specific legal questions, specifically a lawsuit filed in the District Court of Teller County, Colorado, by the Teller County Short-Term Rental Alliance. Smith/Nakai motion carried 6-0.

The time being 5:01 PM, the recorder was turned on and the Executive Session began. The following individuals were in attendance. Mayor Case, Mayor Pro-tem, Nakai, Councilmember Baldwin, Councilmember Geer, Councilmember Jones, Councilmember Smith, City Attorney Wilson, Deputy City Manager/City Clerk Leclercq, City Manager Vassalotti and Special Council Ringel.

At 5:45 PM, the Executive Session concluded.

Mayor Case called the regularly scheduled City Council meeting to order at 6:30 PM with the following Councilmembers present: Mayor Case, Mayor Pro-tem Nakai, Councilmember Baldwin, Councilmember Geer, Councilmember Jones and Councilmember Smith.

The following Staff Members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, City Planner Gates, IT Technical Barnes, Chief of Police Deisler and Communication Coordinator Higgenbotham.

### 2. PLEDGE OF ALLEGIANCE

### 3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Presentation and Proclamation declaring April Child Abuse Prevention Month.  
(A)

(Presenters President/CEO of Community Partnership Jody Mijares and Director of Teller County Department of Human Services Kim Mauthe)

President/CEO of Community Partnership Jody Mijares, and Teller County Department of Human Services Director Kim Mauthe shared information on Child Abuse Prevention. Mijares introduced a parent from Community Partnership, Santo Perez who shared his experiences with Community Partnership. Following a brief presentation, Mayor Case read a proclamation into the record declaring April as Child Abuse Prevention month.



- B.** Appointments to the Planning Commission, Keep Woodland Park Beautiful Committee and Board of Review. (A)  
(Presenter Deputy City Manager/City Clerk Leclercq)

Deputy City Manager/City Clerk Leclercq reviewed the applications received for openings on the Planning Commission, Keep Woodland Park Beautiful and the Board of Review with the Council. Following Council interviews, the following motions for appointments were made.

Motion to appoint Jarrod Newcom to the Planning Commission for the vacant 3-year term. Nakai/Geer. Motion carried 6-0.

Motion to appoint Lisa Parnell to the Keep Woodland Park Beautiful Committee. Geer/Baldwin. Motion carried 6-0.

Motion to appoint Cole Swanson to the Board of Review. Smith/Jones. Motion carried 6-0.

Following the approval of the appointments, Leclercq administered the Oath of Office to Newcom and Swanson. Parnell had left prior to the Oath of Office. Leclercq stated that she would administer the Oath of Office to Parnell at a later time.

- C.** Police Department awards and Swearing in Ceremony. (A)  
(Chief of Police Deisler)

Police Chief Deisler handed out Police Awards and administered the Oath of Office to the new Police Officers.

#### **4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**

None.

#### **5. CONSENT CALENDAR**

- A.** Approval of the March 2024 Statement of Expenditures and Authorize the Mayor to sign the warrants thereof.

Mayor Case introduced the items on the Consent Calendar and the following motion was made.

Motion: to approve the Consent Calendar to include the approval of the March 2024 Statement of Expenditures and the approval of the April 4, 2024, City Council Meeting minutes. Geer/Nakai. Motion carried 6-0.

- B.** Approval of the April 4, 2024 Regular City Council Meeting Minutes.  
(Presenter Deputy City Manager/City Clerk Leclercq)

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

The following individuals signed up for public comment and spoke regarding items not on the agenda:

Suzanne Patterson - shared an update on the happenings with the students at the Woodland Park School District.

Jerry Penland - spoke regarding the lawsuit recently received regarding Short Term Rentals and asked the Council to use whatever means possible to fight the lawsuit.

Tim Northrup - shared that a "mess" had been left on the table by the previous Council regarding the 1.09% school sales tax and that the Council should vote now to get rid of the ordinance to repeal the school sales tax that has been tabled.



Mac McVicker - shared information on the Board of Review duties.

## **7. UNFINISHED BUSINESS**

(Public Comment may be heard)

- A.** Discussion and selection of Councilmembers as liaisons to the various Boards and Commissions. (A)

(Presenter Deputy City Manager/City Clerk Leclercq)

Leclercq reviewed all the Boards and Committees that have Council liaisons with the Council. She shared the day and time each committee meets. Council discussed the liaisons and the following liaisons were appointed.

PPACG - Mayor Case

DDA- Councilmember Jones

CML Policy Committee - Councilmember Baldwin

UAC - Mayor Pro-tem Nakai and Councilmember Geer

PRAB -Councilmember Geer

HPC- Councilmember Smith

KWPB - vacant

Main Street - when it comes to fruition Baldwin

## **8. ORDINANCES ON INITIAL POSTING**

(Public comment may be heard)

None.

## **9. PUBLIC HEARINGS**

(Public comment may be heard)

- A.** Kings Crown Final Plat: A request by Terrence and Fadile OMalley (Applicants and Property Owners) for a Final Plat to plat 11.3 acres into one lot. The subject property is located east of the intersection of Ponderosa Way and Kings Crown Road, in Sections 19 and 30, T12S, R68W of the 6th P.M. (lying in the center of Paradise Estates Filing #3 and #4 – Paradise Ranch Addition), in the Suburban Residential (SR) zone. (QJ) (Presenter, CJ Gates)

Prior to the introduction of this item on the Council agenda, Councilmember Jones recused himself from this hearing as he voted on this request when he was a Planning Commissioner. City Planner CJ Gates reviewed his Staff Report with the Council regarding this request.

### **BACKGROUND**

The subject property is located within the Top of Paradise Master Plan. In 2005, City Council approved the Amended Top of Paradise Master Plan encompassing 197.7 acres showing 175 lots and allowing up to a total of 190 lots in the SR zone. As seen in Figure 2, the Master Plan encompasses several subdivisions, including Forest Edge Park Fourth addition, Forest Edge Park First Filing, Thunderbird Estates, and Paradise Estates Filing 1, 2, 3, 8, 9, 10 and Haven at Paradise.

Other subdivisions located within the Amended Top of Paradise Master Plan area that have received Final Plat approval include:



2006, Paradise of Colorado Filing 1 Final plat with 4 residential lots;  
2008, the Paradise of Colorado Filing No. 2 Final Plat with 29 residential lots on 25.22 acres;  
2017, Paradise of Colorado Filing No. 3 Final Plat with 3 residential lots;  
2018, Paradise of Colorado Filing No. 4 containing 19.27 acres with 22 single-family residences and dedication of new streets (Locklin Way and a small portion of Thunder Ridge Drive); and  
2019, the Highlands in Paradise Final Plat with 9 lots along Highland Court on 7.07 acres.  
The subject property was originally planned for a total of 8 residential lots per the approved 2005 Masterplan. The 11 acre parcel was never platted and still remains as one metes and bounds property. The applicants recently purchased this property and received approval for a Preliminary Plat by the City Council on January 4, 2024 to configure the property in one large lot. The applicants are now applying for the Final Plat as the final step in the process.  
Current Proposal

The applicants are requesting Final Plat approval for a one lot subdivision consistent with the previously approved Preliminary Plat. The applicants must go through this process due to the Woodland Park code stating that a parcel must be a part of an official subdivision prior to receiving a building permit. Since this is a one lot subdivision located in an area with existing infrastructure, a Subdivision Development Agreement is not required. Kings Crown Road was constructed previously and this one lot subdivision does not trigger the need for any improvements. There are existing public utilities located in the Kings Crown right-of-way that have capacity to service this one lot subdivision.

### **Analysis of Final Plat and Findings**

This final 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 Final Plat application followed by a staff analysis.

**Complies.** The Final Plat design does conform to the preliminary plat. The preliminary plat was approved by the City of Woodland Park City Council on January 4, 2024

***17.24.080 Information.*** *Note: This is lengthy list of technical information required to be contained on the Final Plat and prepared by a licensed professional land surveyor.*

**Complies.** The applicant has included all required information on the Final Plat.

***§17.40.050 – Streets – Frontage.*** *No subdivision shall be approved unless the area to be subdivided shall have a frontage on an existing street shown upon approved by the planning commission and city council and recorded in the county clerk and recorder's office. Wherever an area to be subdivided is to utilize an existing adjacent street, the subdivider shall be required to improve said street to city specifications.*

**Complies.** The proposed lot has sufficient frontage.

***§17.40.170 – Easements.*** *Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty feet wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. Where the rear lot lines abuts on property outside of the subdivision of which there are no easements provided for of at least ten feet in width, then easement or alley on the rear lot lines in the subdivision shall be at least twenty foot in width. Side lot easements, where necessary shall be at least ten feet in width, five feet*



*of which shall be on each side of a common lot line. Where required, easements for public sewer of water shall be required with the width to be determined in accordance with the city engineering specifications.*

**Complies.** All proposed easements meet standards set forth in §17.40.170.

**§17.40.210 – Lots.** *The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots on compliance with the zoning ordinance and in driveway access to buildings on such lots from an approved street.*

**Complies.** Staff believes that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on the subject property in compliance with the zoning ordinance and in driveway access to buildings on the proposed lot from the existing street.

**§17.40.250 – Land use intensity ratios.** *Each single family lot resulting from a new subdivision or replat of an existing subdivision shall include a lot coverage standard as permitted in the Table LCS below. Lot coverage is that are of the lot that is covered by a principle building or accessory building. Driveways, decks, and patios are not calculated as part of the lot coverage standard.*

**Complies.** Each lot shall have a maximum site coverage of 20% of the lot area. Plat note 7 covers this regulation.

**§17.36.020 – Park capital fees or dedication of land.** *Every major or minor subdivision which is platted for residential use shall pay a park capital fee in the amount established by the city council per resolution for public parks, recreation areas and open space. The city council based upon advisement from the parks and recreation advisory board and subsequent recommendation by the Planning Commission may, at its option subject to policy established by Section 17.36.050 require land dedication on the amount of 0.027 acres per residential unit. In a cluster development, this land shall not count toward the minimum required open space.*

**Complies.** All open space requirements have been met with the previous developments within the Top of Paradise Master Plan. No open space was included in the original eight-lot subdivision of this parcel. The applicant is not required to dedicate any land for park sites or open space. The City of Woodland Park's Parks and Recreation Board unanimously approved the Kings Crown Final Plat with no recommended conditions.

## **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.

Applications were referred 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.

## **PARKS AND RECREATION BOARD RECOMMENDATION**

Consistent with the requirement of City Code Section 17.24.040, The Parks and Recreation



Advisory Board (PRAB) reviewed the proposed plat at their February 7, 2024. PRAB unanimously (7-0) approved the Kings Crown Final Plat with no recommended conditions.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing on March 28, 2024 (draft minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission unanimously recommended City Council approve the Kings Crown Final Plat to plat 11.3 acres into one lot.

Following Gate's report, Gates introduced the applicants Faile and Terrence O'Malley.

Mayor Case opened the public comment portion of the public hearing. There being no public comment Mayor Case closed the public comment portion of the the public hearing and the following motion was made.

Motion: to approve a request by Terrence and Fadile O'Malley for a Final plat to plat 11.3 acres into one lot. The subject property is located east of the intersection of Pondersoa Way and Kings Crown Road, lying in the center of Paradise Estatres Filing #3 and #4 -Paradise Ranch Addition in the Suburban Residentail zone. Geer/Smith. Motion carried 5-0 with Councilmember Jones recusing himself from the vote.

- B. Request by Kevin Kofford (applicant) and Craig O'Boyle, Go Beyond, LLC (Property Owner) for approval of a 2-year extension of the approved Pines at Stone Ridge portion of the Stone Ridge Village Planned Unit Development (PUD) and a one (1) year extension of the approved Pines at Stone Ridge preliminary plat for 49 townhomes and 20 patio homes on the 9.01± acre tracts located southeast of Ridgestone Drive and Research Drive. (QJ) (Presenter Senior Planner CJ Gates)

Prior to the introduction of this item on the Council agenda, Councilmember Jones recused himself from this hearing as he voted on this request when he was a Planning Commissioner. City Planner CJ Gates reviewed his Staff Report with the Council regarding this request.

### **BACKGROUND**

Annexation of the 200-acre Stone Ridge Village property was approved by City Council on July 18, 2002. Two years later, a PUD zone district was established with approval of a PUD Final Development Plan and Preliminary Plat. Stone Ridge PUD is a unique blend of single-family residential neighborhoods, a variety of multi-family units, commercial tracts for offices, churches, institutional uses and neighborhood services with more than 51 acres of public open space.

The Preliminary Plat and PUD Final Development Plan were approved March 18, 2004. Stone Ridge Village Filings No. 1 and No. 2 were approved October 5, 2006 with 71 single-family lots. Stone Ridge Village Filing No. 3 was approved on September 21, 2017, with 28 lots on 11.87 acres. Stone Ridge Village Filing No. 4 was approved on July 18, 2019, with 21 lots 9.44 acres. Most recently, Stone Ridge Village Filing No. was approved by City



Council on April 20, 2023. Filing 5 consisted of a total of 18 single-family lots.

The original preliminary plat for this development, Pines at Stone Ridge, was originally designed with a 50' access and utility easement between two Tracts (A & F) and the approved uses allowed for a total of 77 dwelling units with 58 apartment units on Tract A and 19 patio homes on Tract F. In 2022, the applicant applied for a PUD amendment to change the uses for this area. The modifications to the previous approved PUD were to allow townhomes instead of apartments; an integrated design with 20 patio homes and 49 townhouses intermixed; two entrances from Ridgestone Drive with an internal road that loops through the property; and the open space is changed from a linear strip on the perimeter of each Tract to a larger central area with several smaller areas and trail connections. Lot sizes for patio homes are a minimum of 3,581 SF with the average being 4,672 SF; townhomes have a minimum lot size of 1,862 SF with an average of 2,452 SF. The anticipated building footprints are 2,185 SF for patio homes and 1,287 SF for townhomes. This application was approved by Planning Commission on April 14, 2022.

Since the initial approval of the new preliminary plat, on January 16, 2024 the City of Woodland Park Planning department issued Grading and Infrastructure Zoning Development Permits for the subject property.

Extensions of PUD plans and preliminary plats are governed by the following Code sections:

Pursuant to Municipal Code §18.30.050 Time limit to begin construction—Extension:

*A. A time period of two years, beginning with the approval of the required detailed PUD plan, shall be required. Failure to begin construction within this two-year period shall void the plan as approved, unless a request for extension of time is granted by the city planning commission.*

*B. Application for extension of time shall be made to the planning commission and shall be accompanied by such evidence as is necessary to show substantial need, and shall be made before the two-year expiration date. The planning commission will hold at least one public hearing on the request and if, from the evidence submitted, the commission finds that an extension is warranted, a recommendation will then be made to the city council. If the council concurs with the recommendation of the commission, it may then by resolution grant the extension.*

Pursuant to Municipal Code §17.20.090 – Approval – Extension:

Approval of the preliminary plat shall be valid for no longer than twenty-four months. One-year extensions of time may be applied for in writing to the planning commission. Submission of the final plat extends approval of the preliminary plat until the final plat is acted upon. All, or any portion of an approved preliminary plat, may be submitted for final plat purposes. In the case of partial submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one year before another phase of the plat must be submitted in final form. (Ord. 327 § 2 (Sec. 2(C) (9)), 1984)

On January 23, 2024 the City of Woodland Park Planning Department received an application from the applicant and property owner to extend the approved Preliminary Plat and Planned Unit Development. If this extension request is approved, the PUD will expire on April 14, 2026 and the Preliminary Plat will expire April 14, 2025.



forth for the City of Woodland Park 2024 Budget, Amending Ordinance No. 1466, Series 2023 to the May 16, 2024, City Council meeting. Geer/Nakai. Motion carried 6-0.

## 10. NEW BUSINESS

(Public comment may be heard)

## 11. REPORTS

(Public comment not necessary)

### A. Mayor's Report

Mayor Case reviewed the upcoming events for the next two weeks with the Council.

### B. Council Reports

Councilmember Baldwin shared that the City would be closing on the Avenger Open Space property on Friday.

Councilmember Geer thanked the Community Partnership for their presentation this evening and the Summer Fest they had over the weekend. Geer also congratulated Nakai on her appointment as Mayor Pro-tem. Geer also shared that Parks and Recreation needs umpires and scorekeepers.

Councilmember Jones also shared thanks to the Community Partnership for their Summer Fest. Jones shared that there were over 200 families registered for the event and it was a huge success.

Councilmember Smith shared that the Teller County Free Masons were offering up 4 scholarships for local students to attend a marching band camp.

### C. City Attorney's Report

City Attorney Wilson shared the following information with the Council:

#### Lawsuit

- At the last meeting, the public was informed about the lawsuit filed against the City by the "Teller County Short-Term Rental Alliance,": an unincorporated association
  - We do not know yet who the members of this group, or who the individual plaintiffs, are
- CIRSA, the City's self-insurance pool, has retained Andrew Ringel, from Hall & Evans (a law firm in Denver) as our litigation defense counsel on this matter
- Our special counsel litigation attorney waived and accepted service on April 16, 2024
  - That means the City now has 21 days after April 16h, which is May 7<sup>th</sup>, to answer the Complaint or otherwise submit responsive pleadings

#### Executive Sessions

► That leads me to explain generally about the purposes for Executive sessions. They are an exception to general philosophy of openness in the Open Meetings Law, also known as the Sunshine Laws. It is the executive session of the City Council. The Mayor and City Council are the only required members to ....

► The policy basis for executive sessions is the recognition that the *public* interest can best be served if certain specified matters are discussed in private.

► The Open Meetings Law, within the Colorado Revised Statutes, specifies the limited



permitted basis for executive sessions. Items include legal advice from the attorney, discussion of real estate transactions, personnel matters and instructing negotiators.

► No final decisions can be made within executive session. OML is clear on this. Any final decisions must be made within public meeting.

**D. City Manager's Report**

City Manager Vassalotti shared a Sales Tax update with the Council.

**12. ADJOURNMENT**

The time being 8:11 PM and there being no further City business Mayor Case adjourned the City Council meeting.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS 2nd DAY OF May, 2024

  
Kellie Case, Mayor