WOODLAND PARK PLANNING COMMISSION
WOODLAND PARK CITY HALL COUNCIL CHAMBERS
220 W. SOUTH AVENUE, WOODLAND PARK, CO
MEETING MINUTES *for* JANUARY 23, 2020 – 7:00 PM

1. **ORDER AND ROLL CALL:** Chairman Jon DeVaux called the meeting to order at 7:00 p.m. Other Commissioners present: Vice-Chair Geoff Watson, Ellen Carrick, Vickie Good, Ken Hartsfield, Larry Larsen, and Peter Scanlon. Commissioners Lee Brown and Jerry Penland were absent. Planning staff present: Planning Director Sally Riley and City Planner Lor Pellegrino.

2. **PLEDGE OF ALLEGIANCE:** Chairman DeVaux led the Pledge of Allegiance.

3. **APPROVAL OF MINUTES:** Minutes from the January 9, 2020 meeting were approved unanimously as presented.

4. **PUBLIC HEARINGS:**

   A. A request by William L. Page for a two-year extension of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 PUD zone district pursuant to Municipal Code §18.30.050.

   City Planner Pellegrino utilized a slide show to supplement the Staff Report distributed to the Commission. She explained the history and planning actions to date for the proposed 70-room hotel, from initial PUD amendment approval by City Council on February 4, 2016, and the two-year PUD Extension approved by City Council on February 1, 2018. If approved, this request would extend the PUD amendment to February 4, 2022.

   Ms. Pellegrino noted that no new zoning regulations affecting this PUD have been implemented since the 2016 PUD amendment was approved for lodging use, and that the general circumstances and conditions surrounding this site are unchanged. She said that the 2010 Comprehensive Plan will be in review this year, along with a concurrent review of zoning regulations, with the hopes that zoning regulation changes will be completed by 2021. There are potential changes that may be related to the PUD regulations. If this extension is not granted, the applicant would have to go through the PUD process under whatever regulations that are in place at the time the application is submitted. She concluded that per the existing PUD regulations, the applicant must submit evidence of a substantial need to warrant an extension, and that without criteria in the regulations Staff makes no recommendation.

   The applicant, William Page, displayed various renderings and representations of the proposed project to the Commission, along with chronicling the history and zoning of the property. He described his previous development efforts, and additional details of this proposed project. He said that previous market studies he has commissioned have supported a need for more hotel rooms in the City. He noted that he had requested a longer extension from Staff for the 2018 extension, but understands that the Municipal Code (MC) only allows for two-year extensions. He explained that he holds the lease with the Sherwin Williams paint store currently located in the existing building where the hotel would be constructed, and his efforts with their corporate office to relocate them so that the hotel can move forward have been unsuccessful.

   Commissioner Carrick asked if the lease arrangement with the paint store is the reason they are unable to move, and asked how much time is left on their current lease. Mr. Page explained that Sherwin Williams does not want to relocate any of their existing stores, and that they are focused on emerging markets, and maintaining their relationship with resellers. He stated that he needs another six or seven years for them to remain in this location.

Commissioner Scanlon asked for clarification that their lease expires in 2026, which Mr. Page acknowledged. Commissioner Scanlon stated that he was on the Commission for both the initial PUD amendment and during the 2018 extension request, and that Mr. Page must have known at that time of this restriction for moving the hotel forward. Mr. Page replied that he did know and that was why he wanted a longer extension in 2018.

Chairman DeVaux asked if Mr. Page could terminate the paint store lease. Mr. Page replied that he does not have a legal right to terminate the lease, and that terminating the lease could invoke a lawsuit with Sherwin Williams.

Vice-Chair Watson asked Director Riley that if this extension was granted, would the currently approved conditions be grandfathered from any potential zoning regulation changes that may occur during this extension period. Director Riley confirmed that the project would be exempt from any new regulations implemented while the PUD is active and valid.

Commissioner Hartsfield asked that if this extension were approved, would a Zoning Development Permit (ZDP) or Building Permit have to be issued to keep the project active? Director Riley replied that an approved ZDP would have to be issued to validate the project.

Chairman DeVaux asked Director Riley if it would be possible to grant an extension up until the time when potentially new PUD standards are in place, and then renegotiate at that time, so that it would not be grandfathered in? Director Riley replied that it is uncertain if the standards would change or not, and that this would tie the extension to something more nebulous than the specified timeline as specified in the MC. Chairman DeVaux asked if the new standards would govern if Mr. Page returns at the expiration of 2-year extension. Director Riley explained that if there are new standards at that time, the Planning Commission and City Council could recommend compliance with the new standards, but that he currently has an approved plan at this time. Commissioner Scanlon clarified that Mr. Page has an approved plan today, but if this extension was not approved, there is no more approved plan, and that any plan in the future would be subject to whatever changes may occur that would affect this property. Director Riley agreed that he would need this extension to keep the project valid.

Commissioner Good asked Director Riley if she is aware of other properties that have received multiple extensions that were eventually developed as originally planned. Director Riley stated that the Top of Paradise Master Plan has been extended but that it is a Master Planned development rather than a commercial PUD development. There have been previous extensions of Conditional Use Permits, most of which expired without moving forward.

Commissioner Scanlon expressed his concern that the enduring lease agreement with Sherwin Williams was a known obstacle at the time that this project was initially approved. Now that the City will be re-evaluating its land use regulations, this extension may be a way around compliance with any future regulation changes, and that the admitted foreseeable extension requests could be used as a mechanism to be grandfathered into today's existing regulations, even if there were substantial land use revisions. Mr. Page replied that he had submitted and developed a Site Plan for Sherwin Williams to be relocated, but that the company decided that they were not going to entertain any relocations, and that he did not intend to mislead the intent of this project. Commissioner Scanlon acknowledged that he did not mean to infer any intentional misrepresentations.

Chairman DeVaux opened the hearing for public comment. Pete LaBarre (750 E. U.S. Highway 24) asked the Commission to support the extension request, since Mr. Page will have to reappear in two years anyway, and that if there are land use regulation changes in those two years, the Commission will then have the opportunity to deny the extension request. If this request is disapproved at this time, it would cause him time and expense to re-submit everything he has done so far.

Vicky Alexander (1360 Crestview Way) stated that her concern is that there is a perception that there will always be an increase in regulations and an increase in demand. She would like to see government decrease regulations, and stated that more regulation is not always for the better.

Mark Weaver (312 April Sun Court) recommended approval of the extension. As a fellow developer, it is difficult to get all aspects of a project to line up, and that all the development elements require a lot of time and expense. He said that this hotel is needed in Woodland Park.

Valerie Lundy (1450 Eagle Trace Court) questioned the need for another hotel in Woodland Park with the Country Lodge in operation and the Microtel opening soon. She is concerned that the addition of only 32 additional planned parking spaces for 70 new hotel rooms will be insufficient parking at Gold Hill Square South.

With no further public comment, Chairman DeVaux closed the public comment portion of the hearing and allowed for discussion and additional questions amongst the Commissioners. Commissioner Good asked how many parking spaces would be underground. Ms. Pellegrino replied there would be 32 in the underground parking garage and 48 surface spaces surrounding the project. Commissioner Good asked how many spaces from the prior Ent Federal Credit Union building are being allotted for the proposed hotel. Director Riley responded that this was reviewed four years ago and approved, including parking evaluation. Ms. Pellegrino added that this request is not a re-review of the overall project, but merely a request to extend the PUD approval two more years. However, parking standards may change before 2022 with the regulation revisions. With no further discussion or questions from the Commission, Chairman DeVaux asked for a motion.

MOTION: THAT the Planning Commission approve the request by William L. Page for a two-year extension of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 PUD zone district pursuant to Municipal Code §18.30.050.

Moved by Commissioner Carrick and seconded by Vice-Chair Watson. Motion passed 6-1 with Commissioner Good voting against. This case will be considered at the February 20, 2020 City Council public hearing.

5. **REPORTS:**
   - **A.** Chairman's Report: None.
   - **B.** Commissioner's Reports: None.
   - **C.** Planning Director's Report: Director Riley noted that the second annual Citizen's Academy will start on February 3, 2020. Chairman DeVaux attended last year's Academy, and Commissioner Carrick has signed up for this year. Mrs. Riley indicated that there are few spots available, so she encouraged interested parties to contact the City's Community Engagement Manager Karen Casey to sign up. She stated that the next Planning Commission meeting will be held on February 13, 2020, which will be devoted to MC revisions for single-family uses in multi-family zoned districts.

6. **ADJOURNMENT:** The meeting adjourned at approximately 7:49 PM.

7. **WORK SESSION:**

A. Discussion of a suggestion by Charis Bible College to amend Municipal Code §18.48.071.I Electronic Message Displays (EMDs), specifically §18.48.071.I.5 (areas where EMDs are allowed) and §18.48.095 (EMD overlay maps): Representatives from Charis Bible College, Chris Seuss and Richard Harris, presented their request for the Commissioners to consider amending the EMD overlay map. They want to improve advertising for Charis events and public information by locating EMD signage next to US 24 and Trout Creek Road. Director Riley explained that the EMD overlay map with allowable areas was intentionally created to limit EMDs to the more urbanized areas of the City. Commissioners expressed concerns about driver safety and protecting the rural character on the western edge of the City. After much discussion, the general consensus among the Commissioners was not to modify the EMD overlay map.

B. Discussion of single-family uses in multi-family zones: During the remaining portion of the work session, Director Riley distributed the State's definitions for mobile home, manufactured home, factory built residential structure, etc. provided by Mo Miskell, Program Manager of the Office of Regulatory Oversight Building Codes and Standards Section. Prior to the next work session on February 13th, Director Riley will integrate the State's definitions into the draft ordinance in order to provide consistency with the State to define modular and mobile homes.

The work session concluded at approximately 9:00 PM.

Recorded by:

David J. Burgess

David J. Burgess, Planning Technician

Approved this 13th day of Febuary, 2020 by Jon M DeVaux

Jon DeVaux, Chairman