

City of Woodland Park

May 15, 2025 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Case called the regularly scheduled Council Meeting to order with the following Councilmembers present: Mayor Case, Mayor Pro-tem Nakai, Councilmember Bryant, Councilmember Geer, and Councilmember Jones appeared via zoom. Councilmember Smith was absent.

The following staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Public Works Director Wiley, Planning Director Schminke, Communications Manager Higginbotham and Deputy City Clerk Sauer.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Presentation of Whole Blood Resuscitation by EMS in Teller County - a critical life-saving initiative. (A)
(Presenter Dr. Sean Keenan, Teller County EMS Medical Director, UC Health)

Dr. Sean Keenan, Teller County EMS Medical Director, UC Health, shared the benefits of Whole Blood Resuscitation and shared information on the Teller County Initiative. Dr. Keenan shared that they hope to launch the program this summer. Dr. Keenan shared that since the program launched in Colorado Springs, 80 field transfusions have occurred, saving 60 lives.

The council thanked Dr. Keenan for his presentation.

- B. Economic Impact Presentation. (A)
(Presenter Charis Bible College)

Tom Binnings from Charis Bible College shared a report on the Economic and Tax Impacts of Charis Bible College and Andrew Wommack Ministries.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

None.

5. CONSENT CALENDAR

- A. Agreement between RME Ltd, LLL Elite Surface Agreement between RME Ltd, LLL dba Elite Surface Infrastructure and the City for Woodland Park in the amount of \$659,568.31 for Infrastructure improvements on Browning Avenue.
(A)
(Presenter Public Works Director Wiley)

Approval of an agreement between RME Ltd. Surface Infrastructure and the City of Woodland Park in the amount of \$659,568 for Infrastructure improvements on Browning Avenue.

Motion: to approve an agreement between RME Ltd, LLC, Elite Surface Agreement between RME Ltd, LLC, dba Elite Surface Infrastructure and the City of Woodland Park in the amount of \$659,568.31 for Infrastructure improvements on Browning Avenue. Geer/Nakai. Motion carried 5-0.

B. Approval of the May 1, 2025, Regularly Scheduled City Council Meeting Minutes. (A)

(Presenter Deputy City Manager/City Clerk Leclercq)

Approval of the May 1, 2025, Regularly Scheduled City Council Meeting Minutes.

Motion: to approve the May 1, 2025, Regularly Scheduled City Council Meeting Minutes. Bryant/Geer. Motion carried 5-0.

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

Patricia Hines thanked the Council for all they do and for all they go through being in their positions. Hines also thanked former City Councilmember Harvey for all of her service to the City of Woodland Park.

Patricia Glatt shared concerns regarding the impact of Charis on the community. She shared that she felt that their financial impact was also a financial drain on the community.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

None.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

None.

A. Approval of Ordinance No. 1496, Series 2025, an Ordinance of the City Council of the City of Woodland Park, Colorado, on initial posting, confirming the repeal by the City Council on March 10, 2025, of the portion of the City Sales Tax that formerly supported the Woodland Park School District, Thereby reducing the City Sales Tax by 1.09%, as of March 10, 2025 and set the Public Hearing for June 5, 2025. (L)

(Presenter City Attorney Williams)

City Attorney Williams shared the following information regarding the initial posting of Ordinance No. 1496, Series 2025.

- On March 10, 2025, by emergency Ordinance No. 1492, you as the City Council of Woodland Park repealed the portion of the City's sales tax that previously supported the Woodland Park School District.
- Because Council's action was by emergency ordinance, the City's sales tax rate was immediately reduced by 1.09%, to 3.00% and the City instructed retailers to begin collecting tax at the 3.00% rate.
- Section 7.7(c) of the Woodland Park City Charter states:
 - "An emergency ordinance shall not be in effect longer than ninety (90) days after passage, and shall not be extended as an emergency ordinance."

- However, pursuant to the TABOR Amendment to the Colorado Constitution (the Taxpayers Bill of Rights), any tax, *once repealed* (whether by emergency ordinance or otherwise) *may only be re-imposed* by voters at an election.
- *Notwithstanding* the explicit command of the TABOR Amendment, the fact that Ord. 1492 was approved as an emergency ordinance has led some people to speculate or opine that the 1.09% tax might be able to be recreated or reimposed, once the 90-day period for effect of the emergency ordinance expires.
- Again, it cannot, pursuant to TABOR, without an election (similar to the repeal and reimposition of *any* tax).
- Therefore, in order to clarify and memorialize Ordinance 1492's intent and remove any doubt or speculation as to permanent effect of Council's March 10, 2025 action repealing the tax (again, permanent effect, due to TABOR), *and* due to the language in Section 7.7(c) of the Charter, this Ordinance would memorialize such repeal with a regular, non-emergency ordinance.
- This can also be seen as procedurally a "*belt and suspenders*" approach, and a prudent recommendation to remove any doubt or confusion from the public, and resolve the express language in TABOR with the portion of your Charter relating to Emergency Ordinances.

The City Council had no questions regarding this ordinance and the following motion was made.

Motion: to approve Ordinance No. 1496, Series 2025, an Ordinance of the City Council of the City of Woodland Park, Colorado, on initial posting, confirming the repeal by the City Council on March 10, 2025, of the portion of the City Sales Tax that formerly supported the Woodland Park School District, thereby reducing the City Sales Tax by 1.09% as of March 10, 2025, and set the Public Hearing for June 5, 2025. Geer/Bryant. Motion carried 5-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

A. America's Mountain Festival Special Event Temporary Use

Permit. Consider a request by Derek Waggoner (Applicant) and TAVA House Properties, LLC (property owners) for a Special Event Temporary Use Permit for a musical event for 3,500 attendees to operate before 7:00 AM and after 9:00 PM on July 5, 2025. The subject property is located west of Woodland Hardware in the E½ of Section 24, T12S, R69W of the 6th P.M., (201 Saddle Club Avenue) in the Central Business District (CBD) zone district.

(QJ) (Presenter: Planning Director Karen Schminke, AICP)

Prior to the review of this item, both Mayor Case and Councilmember Jones shared that they are both sponsors of this event but do not receive any financial benefit. They both shared that they had no Conflict of Interest and could hear this case objectively.

Planning Director Schminke reviewed her Staff Report regarding a Special Event Temporary use Permit for America's Mountain Festival.

Schminke shared the following:

BACKGROUND:

The City has received a written request for an inaugural event called America's Mountain Festival (an all-day music festival featuring a number of performers) for 3,500 attendees on July 5, 2025. The event's primary location is in downtown Woodland Park, south of Highway 24 and Bergstrom Park, and southwest of Woodland Hardware. On July 5th there will be street closures immediately adjacent to the venue, including Center Street south of Highway 24 and Saddle Club Avenue west of the entrance to Woodland Hardware. Woodland Hardware has consented to close off these surrounding streets on July 5th.

Activities on July 5th include set-up on the event site prior to 7:00 AM and clean-up after 9:00 PM. Per the event timeline submitted, on July 5th the music festival will be closed to attendees at 10:00 PM and completely shut down by 11:30 PM. Other set-up activities begin Thursday, July 3rd and clean-up is scheduled to conclude Monday, July 7th.

An event for 3,500 attendees requires 875 parking spaces; over 1,100 parking spaces are provided. As seen in the aerial photo on the prior page, parking is available at a number of locations; a shuttle bus is provided for those parking at the Saddle Club property. Additional details regarding the parking locations are:

- Event Site – parking for VIP ticket holders and artists can be accessed off S. Park Street.
- Park State Bank – providing parking July 5th & 6th
- Our Lady of the Woods Catholic Church – providing parking on the field at the south end of the Church property (excluding the paved parking lot due to Masses being held Saturday and Sunday). Festival organizers need to provide liability insurance, cones to block off the parking area and an attendant to control access. (148 spaces)
- Vectra Bank – allowing use of their land, so long as access to the drive-up lane to the ATM is not blocked.
- Woodland Park High School – allowing use of their parking lot (380 spaces)
- Saddle Club property – allowing use of their land for parking (610 spaces)

Attached to this report are a number of additional documents to further explain the details of this event. These items include:

- Detailed map of the primary venue area.
- Timeline of activities starting with set-up on July 3rd and concluding with the final clean-up on July 7th.
- Traffic control plan prepared by Work Zone and approved by City staff.
- Map identifying placement of light towers.

- Maps for the pedestrian crossing of Highway 24 and walking route to the High School.
- Maps for the shuttle bus route
- Shuttle bus schedule.

To address event security, the applicant will contract with a private security company for the purposes of handling this event. City of Woodland Park police officers will be on site to handle police related matters arising from anything that may come up. There has also been a request sent to the Sheriff's Office for additional sworn personnel to assist the City of Woodland Park PD as needed. The Sheriff's Office has received the request and has forwarded it to their patrol section.

Per the applicant and the website for this event, "This event is rain or shine event." However, in the event of potential inclement weather, the applicant has stated that situation will be handled as follows:

1. We will utilize the Weather Bug app. This is used in my school district and has proven to be very accurate when it comes to weather alerts. I have a lightening alert on my phone already
2. We will also utilize our ticketing system, TicketSauce. We can send out text and email messages through this system at any time for any reason.

Other items to note are:

- A. Per CDOT, a permit from them is not required.
- B. The permit from Colorado State Patrol is still pending.
- C. An application for special event liquor license is forthcoming.

APPLICATION REVIEW

This application was received on February 19, 2025, well in advance of the required minimum of 45 days prior to the event. The application was routed for review.

Pursuant to Municipal Code Section 18.62.050 B., City Council is the final review authority on Temporary Use Permits for special events that operate between the hours of 9:00 PM and 7:00 AM.

NOTICE

Public notice regarding Council review of this request was provided by publication as an agenda item, posted with a notice on the subject property, and letters mailed to adjacent property owners (MC §18.62.050 B.). As of the writing of this staff report, no additional comments or concerns were received.

STAFF RECOMMENDATION

Motion to **APPROVE** the Temporary Use Permit for a Music Festival at 201 Saddle Club Avenue subject to compliance with all Temporary Use standards in Municipal Code §18.62.050.C, and the following conditions:

1. Complaints. The Applicant shall be immediately responsive to complaints received.
2. Insurance. Provide the City with a copy of the event Certificate of Liability Insurance with the City of Woodland Park identified as additionally insured in the amount of \$1,000,000 for each

occurrence and \$2,000,000 for general aggregate. The insurance must cover all days of the event (July 3rd – July 7th) including all set-up and clean-up days.

3. Security. Site security shall be the responsibility of the Applicant and coordinated with Woodland Park Police Department.
4. CSP Permit. Provide a copy of the permit from the Colorado State Patrol.
5. Property Owner Requests. The Applicant must comply with any conditions property owners have requested for use of their property in support of this event.
6. Alcohol. Obtain the necessary special event liquor license. All alcohol service shall comply with the Special Event Liquor License.
7. Traffic Control Plan. The Applicant has obtained traffic control services through Work Zone. The traffic control plan has been prepared by Work Zone in coordination with the City of Woodland Park.
8. Business Licenses. The Applicant shall ensure that vendors that do not already have a City of Woodland Park Business License will complete a **1 to 4 Day Event License Application**. This application must be submitted to the Finance Dept. at least 1 week before the event. The **Sales/Use Tax Return** form with the collected sales tax must be submitted within 1 month after the event (Finance Dept. 719-687-5214).

Food. Comply with all Teller County Public Health and Environment (719-687-6416) (EH.Food@tellercounty.gov) requirements including submittal of a list of all food vendors attending that will be preparing and serving food. Vendors preparing food for public consumption shall require a Colorado or Teller County Mobile Food Truck License and

1. shall display the issued TCPHE approval certificate stating that they have been approved to serve food at special events in Teller County. Please note that food for the Public may not be stored or prepared at a private residence, but instead, food vendors must work with an approved Commissary kitchen. Contact Environmental Health (719-687-6416) for more information.
2. Sanitation. Toilet paper and paper towels for the portable toilets shall be provided by the Applicant and the Applicant shall ensure that all portable toilets are adequately stocked and maintained with paper supplies throughout the duration of the event. Handwashing stations must be located near the portable toilets.
3. Trash. The Applicant shall provide trash bins throughout the area. On and off-site trash, garbage or debris shall be cleaned up during and upon cessation of the event. All trash shall be picked up, bagged, and removed from the event site at the end of the event and final clean-up shall be completed by the end of the day on July 7th.
4. Event Hours. The Music Festival shall be open to patrons only between 11:30 AM to 10:30 PM, July 5th.
5. Notifications. At least two weeks prior to the event, the Applicant shall provide written notice to adjacent property owners and businesses of the event dates/times and any street closures or traffic control operations that may affect them.
6. Signs. A Sign Permit is required for banners or other signs posted longer than 24 hours.
7. Mowing. All grassy areas used for parking (Event Site, Our Lady of the Woods, and Saddle Club property, etc.) and the event site area shall be mowed to no more than 4 inches in height prior to parking any vehicles, assembling the stage platform, or any vendor set-up.

8. Tents. Applicant shall comply with the attached *Temporary Tent & Canopies Structure Checklist*. Stakes are not permitted in the ground and open flame cooking shall only be permitted in approved and labeled tents with fire extinguishers handy.
9. Access. Vehicular/pedestrian access to surrounding businesses shall not be obstructed nor shall event participants/volunteers park in spaces dedicated to surrounding businesses unless permitted by the affected business.
10. Curbs & Sidewalks. Vehicles shall not traverse or park on City sidewalks or curbs.
11. Noise. The Event shall at all times be subject to Municipal Code §9.41 Noise, except as herein waived.
12. Generators. All generators shall be turned off by 11:30 p.m.
13. Lighting. All lighting for the special event shall be downcast and fully shielded.

Following questions from the Council regarding security, parking, severe weather and traffic, Mayor Case opened the Public Comment portion of the Public Hearing. There being no Public Comment Case closed the Public Comment portion and the following motion was made.

Motion: to approve America's Mountain Festival Special Event Temporary Use permit to include all conditions listed in the Staff Report. Nakai/Bryant. Motion carried 5-0.

- B. Woodland Station Filing No. 2 Subdivision - Preliminary Plat Amendment (A25-0051) & Final Plat (A25-0022):** A request by Tava House Properties LLC (Applicant and Property Owner) to amend the previously approved Preliminary Plat and approve a subdivision Final Plat to plat 6.69± acres into three lots and two tracts. The subject property is located west of Woodland Hardware in the E½ of Section 24, T12S, R69W of the 6th P.M., (201 Saddle Club Avenue) in the Central Business District (CBD) zone. **(QJ)** (Presenter, Planning Director Karen Schminke, AICP)

Planning Director Schminke introduced the Woodland Station Filing No. 2 Subdivision Preliminary Plat and shared the following Staff Report with the Council:

The subject property was historically owned by "The Saddle Club" and is where 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 S. Center Street, Saddle Club Avenue and South Park Street to the east (outlined in red in Figure 2a).

In April 2023, the City of Woodland Park and the DDA approved a Plan of Development for a four phase mixed use development on the subject property. Figure 2b depicts phases 1-3 of the Plan of Development; phase 4 is located south of Saddle Club Avenue and encompasses the southern two-thirds of the property.

The following items were considered during the review of the Plan of Development and it was noted these items would be addressed in more detail in subsequent applications: lot configuration, infrastructure, environmental concerns, site access and circulation, land uses, parking, architectural design, landscaping, parks & trails, and historical assets. It was also noted that since the primary

access into the property is from Highway 24, CDOT review would be necessary and they might require improvements such as changes in signalization or turning lanes, which could potentially impact Bergstrom Park.

Upon recommendation of the DDA, City Council approved an agreement with Tava House Properties, LLC, who would serve as the “Master Developer” to develop the property per the Plan of Development. City Council then authorized the sale of the subject property to Tava House Properties, LLC for this purpose.

SITE AND SURROUNDING PROPERTIES

Per the City of Woodland Park Zoning Map (shown in Figure 3a & 3b), the subject property, an ‘L’-shaped parcel outlined in red in Figure 3b, 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 (shown in Figure 3a), 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 North of Saddle Club Avenue – Woodland Hardware and Home CBD

South Ute Chief Mobile Home Park and the Dewell Addition CBD & UR

West Commercial Businesses including Vectra Bank Beer Garden Lane Development property – currently vacant City-owned property – currently vacant Park Contractor Storage, LLC – currently vacant CBD

East Woodland Hardware and Hackman’s Addition CBD & UR

COMPREHENSIVE PLAN

Within the City’s Comprehensive plan, the Future Land Use Map (Figure 4) identifies “Downtown Mixed Use” as the desired use type for this area where the subject property is located.

Traditionally, mixed-use is an alternative to single-use zoning (i.e. residential zone, commercial zone, or industrial zone) and is typically thought of as having street-level retail and commercial uses with residential units in the upper floors of the same building.

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.

PRIOR APPLICATIONS and AGREEMENTS

Since the property was sold to Tava House Properties, LLC in April 2023 a number of applications, permits, and agreements have been authorized. Below is a summary of those items.

Subdivision Sketch Plan

June 8, 2023 – Review comments from City staff as well as review agencies (CDOT, CORE, etc.) regarding the feasibility and design of the proposed subdivision were provided to the Developer to assist with the preparation of the preliminary plat application. In addition to affirming the standard development process and relevant City Code sections it was noted the Developer would need to address the following topics: Site Access and Circulation, Easements, Parks & Trails, Natural Drainage Courses, and Environmental Concerns.

Preliminary Plat

February 1, 2024 – Woodland Park City Council conditionally approved a Preliminary Plat for the future subdivision of the 6.63 acres into one lot and two tracts. As shown in Figure 5a, and consistent with Phase 1 of the approved Plan of Development, Lot 1 was to be a total of 0.35 acres and would be the only initially developable lot. Tracts A and B were both identified for future development.

The conditions of approval for the preliminary plat required by City Council [and the current status] are:

1. Prior to any construction on the subject property, the applicant must enter into a Subdivision Development Agreement (SDA) for the public improvements being installed as a part of this subdivision. [An SDA was approved by City Council on August 1, 2024 and was recorded October 23, 2024.]
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. [The SDA authorized the Developer to begin construction of the Restaurant building prior to approval and recording of the Final Plat (SDA §20.b.) The City ZDP was approved October 29, 2024 and the PPRBD permit approved.]
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. [Dedication and recording requirements are detailed in SDA §5.b.]
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. [SDA §3.c. references City Charter §15.2(b) and notes a separate public hearing process is required. The Developer provided a detail of the affected park area April 15, 2025.]
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. [The Cog Car was relocated from the subject property to the Centennial Trail Head at 710 W. Midland Ave. in June 2024.]
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. [Zoning Development Permit issuance was superseded by the SDA. The redline comments were addressed and the preliminary plat plan set was conditionally approved February 11, 2025.]
7. As part of the Final Plat application, all CDOT comments, including an escrow account for required public improvements, must be addressed. [This item was superseded by the SDA §25 and §20.c.]
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. [Easement information is included in the Final Plat application.]

Information not available when this initial Preliminary Plat application was reviewed were details for any Highway 24 turn lanes and their associated impact to Bergstrom Park. Also not available was an updated Phase 1 Environmental Impact Statement for the subject property or any associated updates to the Colorado Department of Public Health and Environment’s (CDPHE) Voluntary Clean-up Program (VCUP) for this property.

At the time of the initial Preliminary Plat approval, Planning Commission and City Council were shown the site plan, preliminary landscaping plans, and a rendering for the TAVA restaurant (Figure 5b) to be

constructed on what is to be platted as Lot 1. Siting a restaurant at this location does not require public hearings and is instead subject to subsequent administrative review and approval by City staff.

Since City Council approved the Preliminary Plat for Woodland Station Filing No. 2 February 1, 2024, a number of activities have occurred. Below is a brief timeline of what has transpired:

- May 2024 – City staff and Tava team began work on the subdivision development agreement (SDA) for this development.
- July 11, 2024 – Grading Permit for the subject property was administratively approved.
- August 1, 2024 – City Council approved a Subdivision Development Agreement with Tava House Properties, LLC which was recorded October 23, 2024. An SDA is a legal contract between the developer and the municipality that outlines the terms and conditions under which a parcel of land can be developed. Included within the SDA are a copy of the approved Construction Documents and cost estimates to complete the required improvements. The developer provided financial security for the required improvements.

This SDA allows Tava to concurrently:

- o complete the City entitlement process (finalize the preliminary plat and site plan documents, then complete the Final Plat process and have that document recorded);
- o construct the infrastructure and public improvements for the development;
- o construct infrastructure on property owned by Beer Garden Lane Development, LLC and the City of Woodland Park;
- o construct the building on Lot 1 of Woodland Station Subdivision, Filing No. 2 (Tava House Restaurant) prior to approval and recording of the Final Plat;
- o allows extended hours for construction (6 AM – 10 PM) through May 31, 2025;
- o enables Tava to work directly with CDOT regarding the timing and escrow of CDOT improvements as these are controlled by and handled through CDOT;
- o recognizes the process to determine compensation to the City for the encroachment into Bergstrom Park encroachment (reference City Charter Sec. 15.2(b));
- o provided alternative timeline for finalizing landscaping plans and installation of the required landscaping.

October 29, 2024 – Zoning Development Permit for Tava House Restaurant was conditionally approved for the construction of the TAVA restaurant building. Pikes Peak Regional Building Department issued a building permit on October 30, 2024 and construction of the building started shortly after.

- February 11, 2025 – Preliminary Plat Documents associated with the February 1, 2024 City Council approval were conditionally approved.

· March 18, 2025 – Applications to amend the preliminary plat and requesting approval of the Final Plat for Woodland Station Filing No. 2 were submitted.

CURRENT PROPOSAL

On March 18, 2025 the City of Woodland Park received an application from Tava House Properties, LLC requesting an amendment to the Preliminary Plat and a Final Plat application for Woodland Station Filing No. 2. The prior conditionally approved Preliminary Plat proposed subdividing the 6.63 acres into one 0.35 acre lot and two tracts (Tract A to be 0.95 acres and Tract B to be 4.77 acres in area).

The applicants are now requesting approval of an amendment to the Preliminary Plat as well concurrent approval of the associated Final Plat. The purpose of the preliminary plat is to identify and resolve technical details associated with the proposed subdivision design and necessary infrastructure to be constructed. The final plat is the legal document that, after approval and signatures, is recorded in the Teller County Clerk and Records office. After the final plat is recorded the lots and tracts identified on the plat can be sold separately.

Lot and Tract Configuration

Lot 1 (0.35 acres) is located west of S. Center Street just south of Bergstrom Park and is where the Tava House Restaurant is currently under construction. Lot 2 (0.40 acres) is located along S. Pine Street between Bergstrom Alley and Saddle Club Avenue. Lot 3 (0.16 acres) is located at the northwest corner of S. Center Street and Saddle Club Avenue. The developer considers Land 3 to be “pad-ready” development sites. Tract A (0.39 acres) is located in the center of the three lots and is labeled as “Future Public Plaza”. These three lots and Tract A are consistent with Phases 1-3 of the approved Plan of Development.

Tract B (4.63 acres) is located south of Saddle Club Avenue and is labeled for “Future Development” which consistent with Phase 4 of the approved Plan of Development. Located within Tract B is a drainage easement and a detention pond. The detention pond serves the general area and was constructed concurrently with Woodland Hardware. It is anticipated that the location of this pond will change as part of the future platting and development of Tract B.

Site Access and Circulation

The primary access point into the site is from Highway 24 via S. Center Street. South Center Street was platted as part of Woodland Station Filing No. 1. This right-of-way is 74 feet wide to accommodate on-street parking. Bergstrom Alley, along the north side of the subject property is currently 15-feet wide; an additional 5 feet of right-of-way is being dedicated to increase this to 20-feet in width. Saddle Club Avenue is being extended to the west through the subject property. This proposed right-of-way will be approximately 73-feet in width to accommodate both on-street parking and utility easements.

South Pine Street is being constructed along the west side of the subject property between Bergstrom Alley and Saddle Club Avenue. This right-of-way will be approximately 49-feet in width, 15-feet of which is currently off-site on property owned by Beer Garden Lane Development (BGLD) and the City of Woodland Park (Lot 2 Vectra Bank Subdivision). The property owner for BGLD provided written consent to this and will be conveying the land to Tava for inclusion in the final plat. Permission to

construct improvements on the City owned parcel was granted as part of the terms agreed upon in the SDA.

Easements

Since the initial preliminary plat application was conditionally approved, the Developer has further refined the size and location of easements needed for this subdivision. Consensus has been reached between City Staff, CORE Electric, and the Developer to locate some of the easements within S. Center Street and Saddle Club Avenue right-of-ways since these are wider than the typical 50-feet. A drainage easement and an easement for the detention pond are identified on Tract B. Rather than locating public sidewalks within the right-of-way, the Developer is providing a "Public Improvements Easement" for this purpose. The "Public Improvements Easement" along Bergstrom Alley also include parking spaces.

The proposed public utility easement on the west side of South Center Street and the public utility easement along the south side of Saddle Club Avenue are located outside the land area that is the subject of this subdivision plat. These easements will need to be established via a separate document and after they are recorded with the Teller County Clerk and Recorder the reception number must be added to the Final Plat.

An electric transformer is proposed to be located in a landscape area at the southeast corner of Bergstrom Alley and S. Pine Street. This placement will reduce the amount and type of landscaping that can be placed at this location. The final landscaping plan was submitted prior to finalizing easements, as a result it needs to be revised to reflect the updated easement locations.

Landscaping Plan

A preliminary landscaping plan was available when the original preliminary plat was conditionally approved. The addendum to the SDA provided an alternative timeline for finalizing landscaping plans and installation of the required landscaping. Per the ZDP issued on October 29, 2024 for the construction of the Tava House Restaurant, the final landscaping plan must be approved prior to recording the Final Plat.

The proposed final landscaping plan identifies the location, type and quantities of plants to be installed along S. Center Street, Saddle Club Avenue, South Pine Street, and along the south side of Bergstrom Alley. However it does not address the loss of trees within Bergstrom Park nor revegetation of the area where the access into the park off S. Center Street is being removed. The caliper size specified for the proposed deciduous trees (2.0") does not meet the City requirement for 2.5". Due to our dry climate an irrigation system is necessary to support the vegetation being installed and a separate irrigation tap is recommended.

An additional item to note is, street lights are not identified on the landscape plan, nor were they part of the previously approved construction drawings.

CDOT

The need to engage with Colorado Department of Transportation early in the development process was noted during review of the Plan of Development in early 2023. CDOT has been involved

throughout all phases of this development process and their comments have not changed; their most recent comments were provided on March 21, 2025:

- Three access permits are required for this development for the following locations:
 - o S. Center Street: Construction of an eastbound right-turn deceleration lane and modification of the median to extend the existing westbound left-turn deceleration lane.
 - o N. Park Street: Modification of median converting the intersection to right-in/right-out only for the north leg and three-quarter movement (left-in/right-in/right-out only) for the south leg
 - o South Fairview Street: No improvements, documentation of traffic volumes only
- CDOT Access permit applications have been received for Center and Park Streets and are currently on hold awaiting additional information. An access permit application has not been received for Fairview Street.
- Final approval of Design Waiver is still pending.
- Updated plans per CDOT redlines/comments are required.
- The Traffic Impact Study will need to be revised/updated to ensure the land use is accounted for with the new lot configuration in the plat amendment.

On April 18, 2025 the Tava team and City Staff met with CDOT to review the comments listed above and two Highway 24 turn lane design concepts. At that time it was noted that in addition to the improvements currently required, the CDOT access permits will need to be updated when Lots 2 and 3 begin development and that additional access and improvements will likely be required at that time.

As of May 2, 2025, approval of access permits and improvements for this initial stage of development is still pending. Per the recorded SDA, the required CDOT permits and construction must be completed before a Certificate of Occupancy will be issued for the Tava House Restaurant.

Bergstrom Park Impacts

Bergstrom Park's parking lot is currently accessed from S. Center Street. Figure 6c provides an aerial view of the current park access. Due to traffic issues, this access into Bergstrom Park is being closed and relocated to the west along Bergstrom Alley which is consistent with the previously approved Construction Documents included within the recorded SDA. This new access into the parking area will result in the loss of three mature trees.

Detailed information regarding the portion of Bergstrom Park that would be impacted by the addition of a dedicated eastbound right turn lane off Highway 24 onto S. Center Street was not available when the original preliminary plat application was reviewed. This outstanding item was noted as needing to be resolved in both the preliminary plat conditions of approval as well as in Section 3.c. of the SDA.

The Developer provided a detail of the impacted area on April 15, 2025 (Figure 6d). The addition of the turn lane requires the sidewalk to be relocated into the park area and the landscaping area between the highway and parking spaces within the park will be eliminated. This will result in the loss

of five mature trees and a number of shrubs. Street lights along Highway 24 will also need to be relocated.

Section 3.C of the recorded SDA states that the Owner of the subject property will compensate the City for the loss of this approximately 1,300 square feet of park land. Payment amount due will be assessed based on the actual land area impacted by the infrastructure encroachment into the Bergstrom Park parcel, and upon the determination of City Council after the public hearing. The total amount the Owner will pay the City is still not agreed upon. Per the recorded SDA, this items must be completed before a Certificate of Occupancy will be issued for the Tava House Restaurant.

Environmental Concerns

During review of the Plan of Development in early 2023 a concern regarding potential environmental concerns was noted. Back on November 18, 2008 CDPHE approved a VCUP (Voluntary Clean-up Program) for the Woodland Station property. Due to delays in development of the property that previously approved VCUP had expired. Tava House Properties, LLC has since contracted with Matrix to prepare a Phase 1 Environmental Assessment Update for the property; that report was not available during the original preliminary plat application review and was completed February 2024. The developer is currently working with Colorado Department of Public Health (CDPHE) to ensure that all rules and regulations are being followed.

ANALYSIS OF PRELIMINARY PLAT AMENDMENT AND FINDINGS

This application to amend the Preliminary Plat 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 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 amendment was discussed during a pre-application conference with the applicant, applicant's engineer, and City Staff prior to submittal of the application. This proposal is still consistent with the Plan of Development that was approved by City Council in April 2023. The application was distributed to appropriate agencies for their review and comment, comments returned to the applicant, who has been addressing those comments and redlines.

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

A. 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.

B. 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 on page then an index page shall be provided.

Complies. The Preliminary Plat plan set is generally acceptable. As of May 2, 2025 several small revisions to the preliminary plat plan set are still required.

§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. Rampart Surveys, LLC is the Colorado licensed professional Land Surveyor for this project. The Preliminary Plat is a true representation of the subdivision as the applicant intends to record it. As of May 2, 2025 several small revisions to the preliminary plat plan set are still required.

§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 and serves as the Master Plan for this property.

C. 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.

D. 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.

1. *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 (existing and proposed utility line information, drainage, and street grades).*

Complies. The information within this code provision was included with the Preliminary Plat site plan. The drainage report dated May 14, 2024 addresses the existing stormwater ponds ability to accommodate stormwater associated with the development of this property excluding proposed Tract B. The report notes that *"future development, south of Saddle Club Road [Tract B] will require development of a sub-regional detention facility and consider relocation of the open channel reach of Fountain Creek currently bisecting the property."* Additionally, the Purpose section of the report (on page 1) notes a final drainage report will be submitted with the Final Plat:

The proposed initial phase will utilize existing detention facility approximating historic release from areas of development. Analysis and design will be presented in the final drainage report submitted with the Final Plat and construction drawing application.

Since there are changes being made to the existing storm drain along Highway 24 due to the addition of the turn lane, the project engineer will need to provide confirmation that the available stormwater system can handle the change.

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. Proposed easements either meet standards set forth in §17.40.170 or have been determined to be acceptable to the City of Woodland Park and the utility providers.

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

Complies. The preliminary plat plan set 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. The initial submittal for this preliminary plat amendment noted the location of service lines from City utility lines to the proposed lots but that information has been deleted from the revised drawing set. Construction documents for this infrastructure were approved prior to this requested amendment. The project engineer will need to update the construction documents to ensure the service lines align with the appropriate Lot and the installations will need to be included in the as-built documents.

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 areas for lot and tract uses as well as right-of-way. The current proposal shows improvements in existing public park land. 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 on Tract A, however no date has been provided for when this plaza will be constructed.

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. None of the lots in this subdivision are designated as 'hillside lots'.

ANALYSIS OF FINAL PLAT AND FINDINGS

The final plat shall contain the following information per MC §17.24.080:

§17.24.70 A. Completed plat preparation. *The design should conform to the preliminary plat, if applicable, as conditionally approved, except that the final plat may constitute on that portion of the approved preliminary plat which is proposed for immediate recording.*

Complies. The Final Plat design does conform to the preliminary plat.

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 and the document is generally acceptable. As of May 2, 2025 several small revisions to the final plat document are still required

17.40.010 - Purpose. *The character and environment of the City of Woodland Park for future years*

will be greatly affected by the design of subdivisions and the plats that are approved by the City. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area, safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or with abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area. In order to meet the above objectives, the city encourages innovative subdivision design.

Complies. *This subdivision provides for safe and convenient vehicular and pedestrian movement in compliance with City standards. It is consistent with the approved Plan of Development for the area and will add to the vitality of the downtown.*

§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. *All proposed lots have 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 or water shall be required with the width to be determined in accordance with the city engineering specifications.*

Complies. *Proposed easements either meet standards set forth in §17.40.170 or have been determined to be acceptable to the City of Woodland Park and the utility providers. The public utility easement on the west side of South Center Street and the public utility easement along the south side of Saddle Club Avenue are located outside the land area that is the subject of this subdivision plat. These easements will need to be established and via a separate document and after they are recorded with the Teller County Clerk and Recorder the reception number must be added to the Final Plat.*

§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 it is possible to build on all three proposed lots in compliance with the zoning ordinance and all lots and buildings can be accessed from an approved street. As noted previously in this report, in addition to the improvements currently required by CDOT, the CDOT access permits will need to be updated when Lots 2 and 3 begin development and that additional access and improvements will likely be required at that time.*

§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.*

Not applicable. Residential uses are not part of this current proposal.

§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.*

Not applicable. Residential uses are not part of this current proposal. Tract A is labeled for use as a 'Future Public Plaza'.

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.

The application was routed 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 most recent comments dated March 21, 2025 are attached. Comments provided by CORE have been resolved and the resolution is reflected on the proposed preliminary plat amendment plan set and proposed final plat document.

PUBLIC COMMENT

To date, Staff has received only one written public comment on the proposal (copy attached).

PLANNING COMMISSION RECOMMENDATION

Preliminary Plat

The City of Woodland Park Planning Commission held a public hearing on May 8, 2025 and 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 Amendment No. 1 to plat 6.69 acres into three lots and two tracts subject to the following conditions:

1. Conflicts between easement locations and the final landscaping plan must be reconciled.

2. The project engineer must provide confirmation that the available stormwater system can handle the addition of the turn lane in Highway 24 adjacent to Bergstrom Park.
3. Per the project engineer's May 2024 drainage report, a final drainage report must be submitted for the Final Plat.
4. The project engineer must confirm or provide an update to the construction documents to ensure City utility service lines align with the appropriate Lot.
5. All comments and redlines from City staff and external review agencies must be resolved.
6. Preliminary Plat Amendment drawing set must be finalized and approved with all signatures.

7. Final Plat

The City of Woodland Park Planning Commission held a public hearing on May 8, 2025 and 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 final plat for Woodland Station Filing No. 2 to plat 6.69 acres into three lots and two tracts with the condition that the final plat may be recorded after:

1. Preliminary Plat Amendment drawing set has been finalized and approved with all signatures.
2. All comments and redlines from City staff and external review agencies regarding the final plat document have been resolved.
3. Final landscaping plan, including an irrigation system, has been approved.
4. Recording reception number for the conveyance of the 15-foot strip of land from Beer Garden Lane Development to Tava House Properties, LLC is added to the final plat.
5. Recording reception number for the establishment of the public utility easement along the west side of South Center Street and the public utility easement along the south side of Saddle Club Avenue are added to the final plat.
6. Transportation Capital Fee in the amount of \$67,984.00 has been paid.

8. RECOMMENDATION

Preliminary Plat

Approve the Woodland Station Filing No. 2 Preliminary Plat Amendment No. 1 to plat 6.69± acres into three lots and two tracts subject to the following conditions:

1. Conflicts between easement locations and the final landscaping plan must be reconciled.
2. The project engineer must provide confirmation that the available stormwater system can handle the addition of the turn lane in Highway 24 adjacent to Bergstrom Park.
3. Per the project engineer's May 2024 drainage report, a final drainage report must be submitted for the Final Plat.
4. The project engineer must confirm or provide an update to the construction documents to ensure City utility service lines align with the appropriate Lot.
5. All comments and redlines from City staff and external review agencies must be resolved.
6. Preliminary Plat Amendment drawing set must be finalized and approved with all signatures.

Final Plat

Approve the final plat for Woodland Station Filing No. 2 to plat 6.69± acres into three lots and two tracts with the condition that the final plat may be recorded after:

1. Preliminary Plat Amendment drawing set has been finalized and approved with all signatures.
2. All comments and redlines from City staff and external review agencies regarding the final plat document have been resolved.
3. Final landscaping plan, including an irrigation system, has been approved.
4. Recording reception number for the conveyance of the 15-foot strip of land from Beer Garden Lane Development to the City of Woodland Park for use as right-of-way is added to the final plat.
5. Recording reception number for the establishment of the public utility easement along the west side of South Center Street and the public utility easement along the south side of Saddle Club Avenue are added to the final plat.
6. Any required Transportation Capital Fee has been paid.

Following questions from the City Council, Mayor Case opened the public comment portion of the public hearing. There being no public comment Mayor Case closed the public hearing and the following motion was made.

Motion: to approve Woodland Station Filing No. 2 Subdivision - Preliminary Plat Amendment and Final Plat: A request by Tava House Properties LLC (Applicant and Property Owner) to amend the previously approved Preliminary Plat and approve a subdivision Final Plat to plat 6.69 acres into three lots and two tracts. The subject property is located west of Woodland Hardware in the E1/2 of Section 24, T12S, R69W of the 6th PM (201 Saddle Club Avenue) in the Central Business District Zone. Nakai/Geer. Motion carried 5-0.

10. NEW BUSINESS

(Public comment may be heard)

- A. Motion to move into Executive Session:** For the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), and the following additional details are provided for identification purposes: **Legal advice regarding Performance Deed of Trust Subordination Request by Tava Properties, LLC.**
(City Attorney Williams)

At this time, the following motion to move into Executive Session was made:

Motion: to move into Executive Session for the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiations under CRS Section 24-6-402(4)(e) and the following additional details are provided for identification purposes: Legal advice regarding Performance Deed of Trust Subordination Request by Tava Properties. Nakai/Geer.

The Council opened the Executive Session at 8:27 PM with the following individuals in attendance: Mayor Case, Mayor Pro-tem Nakai, Councilmember Bryant, Councilmember Geer, Councilmember Jones (appearing via zoom), City Attorney Wilson, Planning Director Schminke, City Manager Vassalotti and Deputy City Manager Leclercq.

City Attorney Wilson advised Council that the recorder could be shut off to receive legal advice. The recorder was turned off at 8:30 PM.

The recorder was turned back on at 8:56 PM and the Mayor concluded the Executive Session at 9:02 PM.

- B.** Performance Deed of Trust Subordination Request by Tava Properties, LLC. (A) (Presenter City Attorney Williams)

The Council reconvened the public meeting and the following motion was made.

Motion: to approve Tava House Properties, LLC's Request to Subordinate the subject Performance Deed of Trust, including finalizing, execution and recording one or more partial releases of the Performance Deed of Trust (or full release at some future date), as contemplated in the Performance DOT, subject to final review and approval by the City Attorney, and granting the authority to the City Manager to execute necessary subordination agreements(s) required in connection to this request, as recommended by the City attorney and subject to final review and approval by the City Attorney. Nakai/Bryant. Motion carried 5-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Case shared an update of PPACG and information on the USAF Academy graduation.

B. Council Reports

Mayor Pro-tem Nakai shared information on the Charter Review Committee and recommended that Councilmember Bryant be appointed to this Committee as a Council liaison to take Carrol Harvey's vacated spot on the Committee. Council gave consensus.

Councilmember Bryant shared information on the KWPB cleanup and, after Council consensus was received, will be filling this vacated spot by Harvey as well.

Councilmember Geer shared an update of the PRAB Committee. Geer also shared that he would like to personally thank and give recognition to Carrol Harvey for her service to the City of Woodland Park as a Councilmember.

Councilmember Jones shared an update of the DDA and shared that 33 micro-grants were given to local businesses. Jones also shared that work will begin next week on the Community Garden and that Community Partnership was looking for volunteers.

C. City Attorney's Report

None.

D. City Manager's Report

Deputy City Manager Leclercq shared a report on the most recent recall efforts.

Leclercq shared the following information:

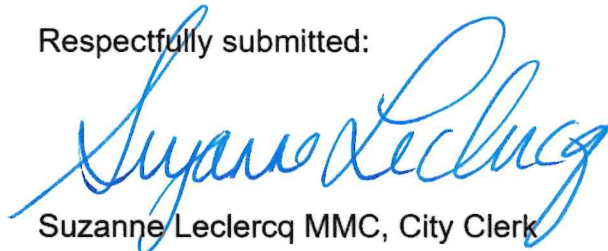
- On 4/29 she received three petitions for the recall of Councilmember Geer, Councilmember Smith and Councilmember Harvey
- On 5/5 she received a recall petition for Mayor Pro-tem Nakai
- The signatures in total for all the petitions were a little less than 3000 signatures.
- Leclercq shared that she assembled a team to assist her with this process. The team was made up of staff and election judges.
- Leclercq shared that each signature was entered into a computer spreadsheet. Each name was inputted with their name and address and also the circulatory name.
- Every signature was checked. Each signature was looked at to determine if the signor was a registered voter. Did they live in the city limits of Woodland Park? Did they sign more than one petition for each candidate? Was their signature a duplicate?
- Leclercq shared that for every signature that was unverifiable she would personally review as to the reason why.
- Leclercq shared that she was unable to deem the petitions for Geer, Smith and Nakai as insufficient.
- Leclercq was able to deem the petition for Harvey as sufficient.
- Leclercq shared that as per the City Charter, after deeming Harvey's petition sufficient, Harvey had 5 days to resign or the City would automatically have to hold a recall election. Leclercq shared that Harvey chose to resign.

Leclercq shared that on June 5th, she would be discussing the process of appointing a new Councilmember with the Council.

12. ADJOURNMENT

There being no further City business, Mayor Case adjourned the City Council meeting at 9:21 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 5th DAY OF June, 2025



Kellie Case, Mayor