

**WOODLAND PARK PLANNING COMMISSION
WOODLAND PARK CITY HALL COUNCIL CHAMBERS
VIRTUAL MEETING VIA ZOOM AND
IN-PERSON AT 220 W. SOUTH AVENUE, WOODLAND PARK, CO
MEETING MINUTES *for* AUGUST 27, 2020 – 7:00 PM**

Due to the COVID-19 pandemic, this meeting was a hybrid in-person and virtual electronic meeting. A Zoom link for participation was posted on the front-page of the City website. Public input in the form of written comment submitted in advance of the meeting was strongly encouraged and accommodation for public comment in real time at the meeting was made.

1. **ORDER AND ROLL CALL:** Chairman Jon DeVaux called the meeting to order at 7:02 p.m. Chairman DeVaux was physically present. Other Commissioners physically in attendance were Lee Brown, Ken Hartsfield, Larry Larsen, and Jerry Penland. Commissioners attending by zoom video were Ellen Carrick, Vickie Good, and Peter Scanlon. Vice-Chairman Geoff Watson joined the meeting by zoom after roll call. No Commissioners were absent. Planning Director Sally Riley and City Planner Lor Pellegrino were both present.
2. **PLEDGE OF ALLEGIANCE:** Chairman DeVaux led the recitation of the Pledge of Allegiance.
3. **APPROVAL OF MINUTES:** The July 23, 2020 minutes were approved unanimously as presented.
4. **PUBLIC HEARINGS:**
 - A. **SUB 2020-04:** Consider a 5-year extension of the Top of Paradise Amended Master Plan to August 4, 2025. The remaining area of the Master Plan is 137.92 acres and planned for a maximum of 190 single-family dwelling units developed within the entire 198.5 acres. The subject property is generally located northeast of Thunder Ridge Drive and southeast of Majestic Parkway in the Suburban Residential (SR) zone. The extension is requested by Craig Nelson, Thunder Ridge Haven, LLC and Andrea Rodriguez, Paradise Estates, Inc. representative. (QJ)

Director Riley presented the case using a PowerPoint slide show. She explained that Master Plans (MP) are valid for five years, with the subject plan originally approved in 2005, and was subsequently extended in the five-year increments. This will be the third extension. She gave a brief history and overview of the development, stating that 56 acres with 58 lots of the 198.5 acres have been final platted. She specified ownership of the unplatted areas, being Craig Nelson, who owns the northernmost area, and Andrea Rodriguez, who owns the southern portions. She concluded her presentation by stating that Staff finds this request to be reasonable, and recommends approval of this MP extension request.

Chairman DeVaux opened the hearing to Commissioner discussion. Commissioner Brown asked about the practicability of updating the MP to more accurately reflect areas that have been final and preliminary platted. Director Riley explained that a MP is not intended to be entirely accurate, but more of a conceptual representation of the feasibility for platting and development, and that a preliminary plat is the instrument used to refine lot layouts and roadway configurations.

Chairman DeVaux invited the applicants' presentations. Owner Craig Nelson explained the property he owns has the potential for 44 lots under the MP, and that he has been working with staff and various engineers for preliminary platting and development planning. Commissioner Larsen asked if he intends to develop as the MP Shows. Mr. Nelson replied he does, acknowledging minor layout changes due to topographical challenges. Owner Andrea Rodriguez introduced herself and invited questions from the Commission. No further questions were forthcoming.

Chairman DeVaux opened the hearing to public comment. Tom Cadell (1023 Kings Crown Road) asked what the compelling reasons are to approve or disapprove this extension. Director Riley responded that this will give the neighborhood a concept as to how the area would be developed. If the MP was not extended, the properties would become undeveloped land with no concept for future development, but would remain in the Suburban Residential (SR) zoning district, and could be developed without a MP. Mr. Cadell asked why development hasn't already occurred, and if it make sense to keep extending the MP when the development could have potential impacts to the neighborhood. Director Riley explained there are no time constraints on property owners to develop their property. If the MP was not extended, there would be uncertainty as to how the land would be developed. Chairman DeVaux added that the MP allows for continuity of the development.

Karen Poland (1010 Kings Crown Road) expressed concerns regarding traffic congestion, and does not see any benefit with developing this area. She stated there is "clear cutting" in the development, and that she does not want more development to occur. Director Riley replied that a Preliminary Plat has been approved for "The Haven at Paradise", and with that approval, the developer may begin installing infrastructure along with clearing and grubbing, and that is only occurring within the future roadways. The work being performed is not "clear cutting", adding that erosion control is also required while the property is being developed. Regarding growth, Director Riley explained that Woodland Park has limited water supply projected to serve a population of 13,600 residents. The city is currently at approximately two-thirds of that population. The property owners of the vacant parcels have property rights to develop their property, and that there will be continued development on private property until all available property is developed. Increased traffic will occur as a result, unless a bypass is constructed in the future.

Michelle Shaver (1121 Kings Crown Road) was not objecting to the development, but has safety concerns for pedestrian traffic along Kings Crown Road due to limited visibility on this narrow roadway. The MP shows two additional side streets that will connect to the road that will further increase traffic. She proposed that a sidewalk be constructed, and that the MP be tabled until the road is made safer. She asked what that process would be. Director Riley replied that the Public Works Department would be the authority regarding safety issues in the road right-of-way, and that the Streets Crew Chief could walk this with her. There may be an opportunity to clear trees or shrubbery for better visibility. The current zoning regulations do not require sidewalks for single-family development. She explained that Kings Crown Road was originally a dirt road. Public improvements are costly for a small population, and adding sidewalks would be cost-prohibitive at this point in time. Director Riley encouraged a neighborhood meeting with the Public Works Department to discuss safety improvements.

Tony Perry (330 Ponderosa Court) offered that the MP puts context and certainty on future development, and that the preliminary plat process would help to address community concerns.

Karen Thomas (751 Majestic Parkway) expressed concern regarding traffic and safety. She is also concerned over the clearing and grubbing taking place, and asked who monitors this activity. Director Riley explained that once a developer receives their entitlements when the preliminary plat is approved, the engineering drawings are reviewed and approved by the Public Works Department and the Fire Department, then the developer hires their contractor. A pre-construction meeting takes place with the City Construction Inspector, who monitors the activity to assure the work is staying within the approved scope. The public is always welcome to call City Hall with any concerns they may have with construction activity. Stop Work orders may be issued if the activity is beyond the approved scope, or if drainage and erosion control issues arise that need to be remedied.

Tim Miller (1202 Kings Crown Road) asked if the preliminary plat for “The Haven in Paradise” would remain the same. Director Riley replied it would. Mr. Miller asked if the roadways would remain as proposed. Director Riley affirmed they would, depending on preliminary and final platting, whose approval is a public hearing process. She graphically reviewed the current road system as it exists and as proposed. Director Riley clarified that each new house typically generates ten average daily vehicles trips.

With no further public comment forthcoming, Chairman DeVaux closed the public comment session, and offered rebuttal from the applicants, to which there was none. He next solicited additional deliberations from the Commissioners. Commissioner Larsen encouraged the neighborhood to become familiar with the MP so they know what to expect. Commissioner Hartsfield expressed his support for the MP which gives a good plan for future development in the area.

MOTION: Moved by Commissioner Larsen and seconded by Commissioner Hartsfield THAT the Planning Commission recommend to City Council to approve the extension of the Amended Master Plan to August 24, 2025 as described in the staff report and as presented at this public hearing.

Motion passed unanimously 9-0. Case now moves to City Council for public hearing on September 17, 2020.

B. MUNICIPAL CODE AMENDMENT: Consider an Ordinance amending portions of the Municipal Code including: Title 16 Mobile Homes; Title 18 Zoning, and Title 20 Flood Damage Prevention Regulations. The proposed code amendments are generally related to single-family dwelling units in the MFU and MFS zones. *(L)*

Director Riley thanked the Commissioners for their dedication, comprehension and resolve in the past year discussing this amendment through numerous work sessions while two separate moratoriums were in affect for this type of development. She reviewed the 10th draft of the Ordinance. She explained the various sections of the Municipal Code (MC) to be amended, with first reading at City Council occurring on September 17, 2020, and a public hearing on October 1, 2020.

She explained that Section 1 of the Ordinance relates to Title 16 of the MC that updates definitions of the various types of manufactured housing as they relate to the building and state codes. Section 2 of the Ordinance reflects changes to zoning regulations in Title 18 of the MC where the majority of the changes occur. Changes include additional definitions and specifics of manufactured housing, along with specifying time constraints for manufactured recreational vehicles in campgrounds and RV parks. She next reviewed the changes to MC §18.09.090, Table of Permitted Uses, which simplifies the table, removes redundancies, clarifies uses, and adds or removes permitted uses, conditional uses, and permitted conditionally uses in all zoning districts in order to mitigate impacts to the districts.

Director Riley stated that Title 20 would remain as-is since it must remain compatible with the state and FEMA regulations. She concluded her presentation stating that Staff favors the Planning Commission to recommend approval of the Ordinance to City Council.

There was discussion regarding changes to §18.15.090 Single Family Use where the amendment stated that only one dwelling unit is allowed on an existing platted lot, *at the effective date of the Ordinance*. Commissioner Good pointed out that this may be subject to misinterpretation that all currently platted properties would be exempt. Director Riley said she would refer this to the City Attorney to review prior to presentation to City Council. Chairman DeVaux opened the hearing for public comment.

Joe Fury (565 Pembroke Drive) asked if the definition of “attached” would preclude bolting two modular units together and considering them a “duplex”. Director replied it would not, since they would then have a common wall, sharing a roof structure. Bolting two independent units together would not meet the building code for fire separation. Mr. Fury stated he likes the code amendments as proposed.

Mike Nakai (225 Morning Star Court) stated that it is not clear to him that a clustered development would be “permitted conditionally” under §18.33.125 and include public hearings. Director Riley stated that it would involve public hearings since a preliminary plat would be required, along with a Site Plan Review.

Commissioner Larsen commented that this Ordinance draft allows for one single-family residential unit in the MFS and MFU zoning districts as a permitted use on an existing platted lot. He does not support this modification, and requests that the Planning Commission amend the ordinance to reinstate the provisions to allow single-family dwellings in these districts as a conditional use on an existing platted lot or subdivision, in order to create higher density neighborhoods. By not allowing for this, the City will be removing lower cost housing opportunities, which conflicts with some stated goals in the 2010 Comprehensive Plan, to encourage a balanced and diverse housing supply. He said that the MC as it exists today provides adequate protections for existing neighborhoods, and has reasonable review criteria and standards to assure quality projects and mitigate development impacts. He states it is important to recognize that the City has very few developable properties, and that most available acreage is found in the MFS and MFU zoning districts. He recommends that the Ordinance be modified to reinstate the single-family dwelling units requiring a subdivision, and make them conditional uses. Also to clarify the single-family use provisions to include one single-family unit on existing platted lots in these two districts, and that any more than one single-family dwelling unit would be required to be constructed within the district zones requiring a subdivision plat, a conditional use, and SPR. He would also like to modify the “Purposes” sections to allow to allow 4 dwelling units per acre in the MFS and MFU zones.

Commissioner Scanlon stated he has much respect for Commissioner Larsen’s knowledge and experience, and that in a perfect world, he would agree with him. However, “getting half a loaf is better than trying to get a full loaf.” The City Council rejected the original recommendation that Commissioner Larsen suggested to revert to. Part of the Planning Commission’s mission is to attempt to put into place a new Ordinance that would prevent a development similar to “The Village at Tamarac” in the future. And to the extent that they can accomplish that, maybe that’s the “half a loaf” that can be accomplished at this time. To send back a recommendation that is exactly like what was originally rejected by the CC would not be politically palatable. The City Council may not accept this current version, but at least it was carefully thought out. He is quite concerned about Commissioner Good’s comment regarding the possible loophole in the language, and that the City Attorney should be consulted so that there isn’t a loophole created with the changes. He is hesitant to approve the changes when they don’t have a final copy of it.

Chairman DeVaux suggested the approval could be subject to the City Attorney’s review.

MOTION: Moved by Commissioner Brown THAT the Planning Commission recommends approval to City Council of the August 20, 2020 draft, with the following changes:

- §18.14.005 and §18.15.005; add the word “attached” after the word “accommodate”
- §18.09.090; correct the hyphenation in row 4
- §18.14.090 and §18.15.005; revised to read “only 1 dwelling unit is allowed on a lot or parcel existing at the date of this Ordinance”
- §18.15.090 and §18.15.005; accept the revisions subject to review by the City Attorney.

Seconded by Commissioner Penland.

Motion passed 8-1 with Commissioner Larsen voting against. The Ordinance now moves to City Council for public hearing on October 1, 2020.

5. REPORTS:

A. Chairman's Report: None.

B. Commissioner's Reports: None.

C. Planning Director's Report: The Planning Director stated there are no cases to be heard for the September 10, 2020 meeting, so this meeting is officially canceled. The September 24 meeting will likely be cancelled as well. She reminded the Commission that this is budget season for the City Council where they will be setting priorities. She suggested that the Commission set their top priority, and if that is the Comprehensive Plan update, to write a letter to the City Council supporting the Comprehensive Plan as their number one budget priority.

6. ADJOURNMENT: This regular meeting adjourned at approximately 9:13 pm.

Recorded by: David J. Burgess
David J. Burgess, Planning and Building Technician

Approved this 28 day of January, 2020 by Jon DeVaux
Jon DeVaux, Chairman