

**Woodland Park City Council
Council Chambers – City Hall
August 20, 2020 Council Meeting Minutes
7:00 PM**

If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video.

1. ROLL CALL

The following members of Council present were: Mayor Val Carr, Mayor Pro-Tem Hilary LaBarre, Councilmembers Kellie Case, Hilary LaBarre, Rusty Neal, Jim Pfaff and Robert Zuluaga.

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

City Manager Darrin Tangeman	City Attorney Jason Meyers
Assistant City Manager/City Clerk Suzanne Leclercq	
Management Analyst Rob Felts	
Finance Director Emily Katsimpalis	
City Planner Lor Pellegrino	
Public Works Director Kip Wiley	

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Recognition of Noel Sawyer for his years of service to the City of Woodland Park as Councilmember.
City Manager Tangeman and Mayor Val Carr thanked Noel Sawyer for his 6 years of service to the City of Woodland Park.
- B. Consider application and appointment to the Board of Adjustment.

City Clerk Leclercq introduced Ms. Lundy and shared with the Council that there was an alternate board member position currently available.

Ms. Lundy shared with Council why she was interested in becoming a member of the Board of Adjustment.

MOTION: To approve Valerie Lundy for the Alternate position to the Board of Adjustment. Zuluaga/Neal. 5-1 Motion carried with Councilmember Pfaff voting no.

At this time Leclercq administered the oath of office to Ms. Lundy.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:

Mayor Carr asked Council to consider moving items 10D. Vendor fees and item 10E. Business licenses to a work session.

MOTION: To move agenda items regarding Vendor fees and Business licenses to a Council work session. Carr/Neal. Motion carried 5-1 with Zuluaga voting no.

5. CONSENT CALENDAR:

A. Approve July 2020 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.

Finance Director Katsimpalis shared the July 2020 Expenditures with the Council.

MOTION: To approve July 2020 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. Case/LaBarre. Motion carried 6-0.

A. Approve application for the Peace Officer Mental Health Support Grant Program for the City of Woodland Park Police Department.

Police Chief Miles DeYoung shared with Council why the Police Department is applying for this grant. Councilmember Pfaff spoke in support of this grant and thanked Chief DeYoung for all the work the Woodland Park Police does.

MOTION: To approve application for the Peace Officer Mental Health Support Grant Program for the City of Woodland Park Police Department. Pfaff/Carr. Motion carried 6-0.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

Joe Fury, Woodland Park, Colorado shared with Council some issues he was having watching the Council Meetings via zoom and changes on the agenda.

7. UNFINISHED BUSINESS:

A. Discussion of variance for Shining Mountain Golf Course to allow overnight parking. This topic was discussed by Council. No action taken.

8. ORDINANCE ON INITIAL POSTING:

A. None

9. PUBLIC HEARINGS

A. To approve Ordinance 1382, 2020, a request by Woodland Park Storage LLC (Eric Smith, property owner) to vacate the 5 foot wide public utility easement along other sides of the common lo line between Lot 3, The Village (127 Village Terrace) and Lot 4, the Village (137 Village Terrace) in the Neighborhood Commercial (NC) zone district.

City Planner Lor Pellegrino reviewed her Staff Report regarding Ordinance No. 1382, series 2020 with the Council. Pellegrino reviewed the background of the original platting of the Village subdivision in 2003 which included 7 lots with a 5-foot wide public utility easements along all sides. The property owner is requesting a vacation of the combined 10-foot wide public utility easement between Lots 3 and 4. Pellegrino reviewed with the Council that side lot easements are typically at least ten feet of which are on each side of the common lot line. The dedication statement on the Village plat grants the City of Woodland Park those easements including the right of ingress and egress for construction and maintenance of improvements. No improvements

currently exist with this 10 foot wide easement. The Property Owner intends to also vacate the property line between Lots 3 and 4 so that two duplexes can be built which upon completion will then be platted into four discrete townhome lots come with a HOA.

Staff finds no effect on utilities as no improvements currently exist within this easement. The application was reviewed by the City departments and external agencies, posted on the City website as required. All referral agencies had no concerns. Staff finds that the vacation of the easement request is reasonable.

At this time Pellegrino introduced Developer Eric Smith who appeared via zoom to answer any questions. There being no questions for Smith Mayor Carr opened up the hearing for Public Comment.

Kasey from Carter Realty asked how will this development impact traffic. Pellegrino shared that it is only four units so the impact is minimal.

MOTION: Approve Ordinance 1382, 2020, a request by Woodland Park Storage LLC (Eric Smith, property owner) to vacate the 5 foot wide public utility easement along other sides of the common lo line between Lot 3, The Village (127 Village Terrace) and Lot 4, the Village (137 Village Terrace) in the Neighborhood Commercial (NC) zone district. Zuluaga/Neal. Motion carried 6-0.

Mayor Carr read the QJ announcement into the record.

B. SUB2020-02 & SPR 2020-03: Consider a request for a Preliminary Plat and Site Plan Review by Brecken Heights, LLC (Mark McNab, applicant) and Quaking Aspens, LLC (Gary Edmonds, property owner) to develop a 32-unit multi-family residential project (16 duplexes) including public and private open space, and a public right of way located at 19569 E. US Highway 24 (tract in the NE4 SW4 S30- T12S-R68-W6th PM) in the Multi-Family Residential Suburban (MFS) and Community Commercial (CC) zone district.

City Planner Lor Pellegrino reviewed her Staff Report regarding SUB2020-02 & SPR 2020-03 with the Council. Pellegrino shared background stating that this is a 13.09 acre unplatted tract of land located west of Sun Valley Park, north of Morning Sun Drive and East of US Highway 24.

The tract is situated within the Fountain Creek watershed basin and is characterized by native grasses and dense trees. There are no known major drainage ways on the site, no flood hazards, historic or any other values. Water and sewer service can be connected to exiting lines and electrical connection is possible to the over lines in Sun Valley Park.

Pellegrino shared that the 2010 Comprehensive plan and map provide guidance for new development and redevelopment with the City. Staff believes the Brecken heights development fits with many of the Plan’s vision, principles and goals.

Pellegrino reviewed that the proposal generally complies with all of the MFS zone requirements except for the 40 foot lot frontage. Pellegrino stated that the lot frontage requirements may be waived with the approval of this preliminary plat.

MC §17.08.260 defines a preliminary plat as a “map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with these [Subdivision] regulations, to permit the evaluation of the proposal prior to detailed engineering and design.” Chapter 17.20 contains specifications relating to the form and content of a Preliminary Plat.

§17.20.010 Preparation process.

Complies. The Preliminary Plat concept was discussed during numerous pre-application conferences with the applicant, the applicant’s engineer and City Staff and it was determined that the preliminary concept of streets and lots was feasible. The Applicant submitted, and the City accepted, a complete Preliminary Plat application on June 23, 2020. The application, preliminary plat and supplemental materials (including the Site Plan) were distributed to appropriate agencies for their review and comments are attached to this Staff Report as Attachment B. The Planning Commission review and public hearing was scheduled for July 23, 2020 and City Council review and public hearing for August 20, 2020.

§17.20.020 – 050. These sections provide details about the preliminary plat hearing process including hearing notices, approval/denial of a preliminary plat, a field trip, and City Council review.

§17.20.060 Design and drawing.

Complies. The Preliminary Plat presents a true representation of the subdivision as the applicant intends to record it. The preliminary plat is drawn at a scale of 1” = 40’ and includes, for context, a site plan conceptualizing a feasible utility layout, grading, and public and private improvements (eg. roads, sidewalks, open space, etc.).

§17.20.070 – 80 Information & Supplemental Material.

Complies. This section is list of information required to be contained on the Preliminary Plat and required to be submitted as supplemental information with the application.

This preliminary plat is prepared by Colorado Registered Professional Engineer Mike Bramlett (#32314) of J.R. Engineering with offices in Colorado Springs and Fort Collins. All criteria from these sections is shown on the preliminary plat or has been submitted as supplemental information (including the Site Plan). The proposal shows approximately 185,711 SF of public open space (Tract B) which is proposed to be dedicated to the City, 35,325 SF of public ROW (Brecken Court) which is proposed to be dedicated to the City, 18,738 SF of private open space (Tract A), and 141,142 SF of land earmarked for future development (the CC zoned portion), and the remainder as private residential development (32 townhome lots ranging in size from 4,609 SF to 8,623 SF).

The preliminary plat as proposed does require variances from the following subdivision regulations: (1) a 10’ variance of §17.40.140 which requires a 50’ minimum width for local road right-of-ways (ROW) with curb and gutter ROW and (2) a variance of §17.40.220 to reduce the required lot frontage from 40 feet for Lot 1B, 2A, 10B, 11A&B, 12-14A&B. The proposal shows a 40’ wide ROW with a 10 foot wide public utility easement on both sides resulting in an adequate 60 foot wide area of land for roads and utilities. Further the applicant shows available and adequate access to each lot even though the frontage may be less than 40 feet (Lot 1B, 2A, 10B, 11A&B) or the access is from a private drive easement (Lots 12-14). Staff does not object to either of these variances as access and utilities are available to each lot.

Corrections, waivers, variances or changes to the preliminary plat are listed in the recommendation at the end of this Staff Report.

§17.20.090 Approval-Extension. This section states that a preliminary plat approval is valid for twenty-four months with possible one-year extensions if approved by the Planning Commission.

§17.20.100 Conformance to existing zoning and subdivision regulations.

Complies. All final plats (submitted as one filing or multiple filings) are compared to approved Preliminary Plats to ensure substantial conformance. This preliminary plat demonstrates the feasibility of conforming to existing zoning and subdivision regulations. Zoning limitations such as setbacks, heights and parking

requirements are once again evaluated for compliance upon review of the construction drawings for each single family dwelling unit.

CHAPTER 17.40. DESIGN STANDARDS. The design standards contain specifications for a reasonable layout and design of lots, blocks, streets, sidewalks, easements or alleys to ensure an efficient, orderly, well planned subdivision ready for future construction. Relevant and applicable standards are listed below.

§17.40.010 - Purpose.

Complies. The proposed 32-residential lot subdivision is within a MFS zone which allows from two to eight dwelling units per acre. The 9.83 acre MFS tract is allowed up to 78 DUs, however, the proposal is for only 32 DUs resulting in a density of 3.26 DU/ac. Two-family residential units (duplexes) are an outright permitted use in the MFS zone. The layout and design of the subdivision is compatible and harmonizes with the surrounding neighborhood, provides a desirable setting for buildings, make use of natural contours, protect views, affords privacy and does not create conflicts with abutting residential, public or commercial land uses.

§17.40.020 - Site consideration.

Complies. All land in this tract is suitable for the subdivision, as proposed. Lots, building envelopes, roadways, driveways and utilities are arranged on the most developable portion of the site and provide adequate spacing and separation of the homes. It is feasible to construct homes on each lot and meet the maximum 17% driveway slope. Water, sewer, electricity, and natural gas can all be installed. Construction drawings with full engineering details for grading, utilities, drainage and access will be submitted, reviewed and approved by the City Engineer in collaboration with the Fire District, IREA, Black Hills Energy, Century Link and service agencies.

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§17.40.040 – 170 Streets, alleys and easements.

Complies. Brecken Heights is proposed as a public local street serving only the residential development and proposed to be dedicated to the City with the first final plat and maintained by the City after construction. A minimum 24-foot wide surface plus 5 foot wide sidewalk on both sides is proposed within a 40 foot wide ROW which terminates in a 100 foot diameter cul-de-sac. 10 foot wide easements are added to both sides of the ROW for utilities. The private drive providing access to Lots 12-14 (6 units) is proposed at 20 feet wide and will be maintained by the Homeowner's Association. Access to all lots as proposed is adequate subject to granting of the variances requested for ROW width and frontage. Access is designed to facilitate safe and efficient vehicular and pedestrian movement consistent with and considering local travel patterns and needs, the Transportation chapter of the 2010 Comprehensive Plan and the Parks, Trails and Open space Master Plan. Brecken Heights and the private driveway are designed to conform to topography, discourage through traffic, permit efficient drainage and utility systems, and reach as many building sites as possible while minimizing the number of streets necessary to provide convenient and safe access to property. This tract has 301.43 feet fronting Morning Sun Drive and 917.96 feet fronting Highway 24. No improvements are necessary to Morning Sun Drive to accommodate the residential subdivision and the Brecken Heights intersection integrates well with existing roads and the neighborhood. Tract C will be accessed from Highway 24 which contains a CDOT-approved access. Improvements to Highway 24 (if necessary) and the Hwy 24 access will be assessed with the future development. The Preliminary Plat shows 10 foot wide easements along the ROW, a 10 foot wide trail easement (with 8 foot wide gravel surface) connecting Sun Valley Park with the Hwy 24 sidewalk trail, 15 foot wide easements in all front yards and various widths for perimeter utility and drainage easements, all in conformance with IREA requirements.

§17.40.180 - Drainage.

Complies. The applicant has submitted a preliminary drainage report for the proposed development that demonstrates a feasible urban drainage system utilizing on-site detention and off-site surface flows discharging to an existing roadside ditch along Highway 24. A final drainage report for review by the City Engineer will be required with the infrastructure Zoning Development Permit prior to installation of any infrastructure. The detention pond is proposed within an easement and is to be inspected, maintained, and repaired by the Homeowner's Association.

§17.40.190-240 – Blocks and Lots.

Complies. All lots are reasonably arranged and buildable with adequate provision made for vehicular access from an approved street (Brecken Heights or the private drive) and a viable building envelope. The preliminary plat demonstrates no foreseeable difficulties in securing a zoning and building permit for each residential unit. A variance of the required 40 foot lot frontage is necessary with this preliminary plat.

§17.40.250 – Land Use Intensity Ratios.

Complies. Lot coverage is checked with the Zoning Development and Building Permits. Maximum lot coverage (that area of the lot covered by a building) in this subdivision ranges from 30 to 50% depending on the size of the lot (smaller lots allow for bigger buildings). There is no foreseeable difficulty in complying with the maximum lot cover with residential units proposed at approximately 2,030 SF on lots ranging from 4,609 SF to 8,623 SF.

Pellegrino reviewed that the application was referred to various City departments and external agencies and service providers. Comments received have been incorporated into the conditions of approval.

On July 23, 2020, the Planning Commission considered staff's recommendation and approved both the preliminary plat and the site plan. Public Notice included all of the applicable postings with no written comments from the public.

The staff recommendation below includes the revisions as recommended by the Planning Commission and also adds changes related to CDOTs comments (see Attachment C)

THAT the Planning Commission recommend to City Council to approve the Brecken Heights Preliminary Plat and Site Plan Review, based on finding conformance to the Subdivision and Zoning regulations, the Comprehensive Plan and other applicable plans and regulations, as described in the staff report and as presented at public hearing, subject to the following conditions:

1. Pursuant to MC §17.52.010, given the site topography and finding no detriment to the public good and in keeping with the intent of the comprehensive plan, approval of this preliminary plat authorizes the following variances:

a. A 10 foot variance from MC §17.40.140 (from 50 feet to 40 feet for the minimum width of a local road ROW complete with curb and gutter); and

b. a variance of MC §17.40.220 (from 40 feet of lot frontage to some number less than 40 feet (as depicted on the preliminary plat) for Lot 1B, 2A, 10B, 11A&B, 12-14A&B.

2. The first final plat to be considered shall include:

a. A dedication statement for the 10 foot wide public trail easement in Tract C;

- b. A dedication statement for the Brecken Court;
- c. A dedication statement for the public park (Tract B);
- d. A draft of the covenants for the subdivision, including the establishment of a Homeowner's Association, and a prohibition on outbuildings in setbacks along the eastern boundary of the subdivision;
- e. A note outlining the wildfire mitigation requirements.

3. Prior to installation of any infrastructure, the applicant shall submit and receive approval of a Zoning Development Permit for infrastructure showing compliance with all zoning and engineering standards and CDOT conditions and which shall include:

- a. Final utility plan with profiles for all water, storm and sewer systems; sanitary sewer profile for the sewer main and service lines; a fire flow analysis for all water main line extensions; snow storage in the northern cul-de-sac that avoids driveways and utilities;
- b. Final grading and erosion control plan for the disturbed area;
- c. Final street plan with profiles, curb and gutter, sidewalk, etc.;
- d. Final drainage plan and report;
- e. State Water Management Plan;
- f. CDOT approved Final Traffic Report, Access Permit and waiver;
- g. Final Wildfire Mitigation Plan for the entire 13 acre tract indicating what trees are to be preserved and what trees are to be removed or limbed and any other mitigation strategies. The plan shall state that at least "Tract B and the residential subdivision shall be mitigated prior to acceptance of any road or park by the City."
- h. All applicable development impact fees.

Following Council discussions Mayor Carr opened up the Public Comment.

Linda Martin, Woodland Park asked if this open space would be considered a dedicated park. Pellegrino shared it would be and Martin commented she was concerned about the traffic. Pellegrino shared that a trip generation letter was completed and that no improvements were needed.

At this time Mayor Carr closed the Public Comment.

City Manager Tangeman reminded Council that every decision Council makes to accept open space is a budget decision that staff will need to maintain and take care of these parks.

After further discussion the following motion was made:

MOTION: Consider a request for a Preliminary Plat and Site Plan Review by Brecken Heights, LLC (Mark McNabb, applicant) and Quaking Aspens, LLC (Gary Edmonds, property owner) to develop a 32-unit multi-family residential project (16 duplexes) including public and private open space, and a public right of way located at 19569 E. US Highway 24 (tract in the NE4 SW4 S30- T12S-R68-W6th PM) in the Multi- Family Residential Suburban (MFS) and Community Commercial (CC) zone district with all applicable conditions. Pfaff/Case. Motion carried. 6-0.

9:41 PM: At this time Mayor Carr called for a quick recess.

9:52 PM: Mayor Carr called the meeting back into session.

9. New Business

- A. Approval of the Intergovernmental agreement for the 2020 General Election between the City of Woodland Park and Teller County.

City Clerk Leclercq reviewed this IGA with the Council.

MOTION: Approval of the Intergovernmental agreement for the 2020 General Election between the City of Woodland Park and Teller County. Case/Pfaff. Motion carried 6-0.

- B. Approval of Resolution No. 866 to approve the Sunnywood Booster Station Easement.

Public Works Director Wiley reviewed this Resolution with Council.

MOTION: Approval of Resolution No. 866 to approve the Sunnywood Booster Station Easement. Pfaff/Zuluaga. Motion carried 6-0.

- C. Highway 24 Traffic Light Optimization on Summer Weekends discussion. Public Works Director Wiley stated that CDOT is moving towards a responsive timing system that will be implemented in September. This will improve the traffic flow in town.
- D. Discussion of vendor fee and analysis. Tabled to a work session.
- E. Discussion of initial tiered Businesses Licenses. Tabled to a work session.

10. REPORTS:

A. Mayor's Report:

Mayor Carr reviewed the upcoming events for the next two weeks.

B. Council Reports:

C. City Attorney Reports: None

D. City Managers Reports:

City Clerk Leclercq discussed with Council the press release that was issued regarding the closure temporary closer of the Woodland Park Cemetery.

City Manager Tangeman presented the 2019 Annual Report.

Finance Director Emily Katsimpalis reviewed the second quarter 2020 Financial Report and June 2020 Sales Tax Report.

11. EXECUTIVE SESSION: None

12. COMMENTS ON WRITTEN CORRESPONDENCE: None

13. ADJOURNMENT: 10:42 PM.


Suzanne Leclercq MMC, City Clerk

APPROVED THIS 3rd DAY OF September, 2020


Val Carr, Mayor