

WOODLAND PARK PLANNING COMMISSION MEETING MINUTES for September 23, 2021

Council Chambers, 220 W South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to sriley@city-woodlandpark.org.

(6:00 pm) WORK SESSION

Chairman DeVaux called order at 6:00 pm.

Present	Chairman Jon DeVaux
Present	Vice-Chairman Ken Hartsfield
Present	Commissioner Lee Brown
Present	Commissioner Larry Larsen
Present	Commissioner Ellen Carrick
Absent	Commissioner Al Bunge
Staff Present:	Planning Director Sally Riley, City Planner Lor Pellegrino

- A. Envision Woodland Park 2030 Final Review and Edits: The Planning Commission received the revised document with all revisions included. A few more revisions were discussed during this work session and will be incorporated. An editor is reviewing the entire document for consistency. Any Planning Commission outstanding concerns should be sent to Mrs. Riley by Wednesday next week. The final document will be ready on October 7 and the Planning Commission public hearing to adopt the Comprehensive Plan is October 14. It will be forwarded to City Council to endorse the following week.
- B. Mrs. Riley went over a list of short term rentals pros and cons. City Council is considering whether or not to direct staff to consider code changes.

(7:00 pm) REGULAR MEETING

1. **ORDER AND ROLL CALL.** Chairman DeVaux called order at 7:01 pm.

Present	Chairman Jon DeVaux
Present	Vice-Chairman Ken Hartsfield
Present	Commissioner Lee Brown
Present	Commissioner Larry Larsen
Present	Commissioner Ellen Carrick
Absent (excused)	Commissioner Al Bunge
Staff Present:	Planning Director Sally Riley, City Planner Lor Pellegrino

2. **APPROVAL OF MINUTES.** The July 22, 2021 minutes were approved, as presented.

3. PUBLIC HEARINGS

- A. **ZON2021-08:** consider a request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21.

Mrs. Riley presented the staff report citing compliance with rezoning criteria and the comprehensive plan. She stated that the Church was unaware that the zoning was not in place and recommended that the Planning Commission approve the rezoning so that the existing daycare use can continue.

Chairman DeVaux opened the public comment portion of the meeting.

Mr. Mark Lucas is in favor of the rezoning and asked about the capacity of the daycare. The applicant stated that currently 75 children are enrolled and with the proposed addition, up to 90 can be enrolled.

Chairman DeVaux closed the public comment portion of the meeting.

Commissioner Hartsfield asked if other zones might be possible. Mrs. Riley stated that CC is the most appropriate zone since it abuts a lot zoned CC immediately to the west. Any other zone could be considered spot zoning which is legally problematic.

Commissioner Brown stated that the CC zone may not be the best fit given all the other uses allowed but that he is still in favor of the rezoning.

Commissioner Brown moved, and Commissioner Hartsfield seconded, that the Planning Commission recommend that City Council approve the request by Woodland Park Community Church (Applicant & Property Owner) to rezone from Suburban Residential (SR) to Community Commercial (CC) to continue a preschool use on Lot 2, Park View Estates Filing 2 (800 Valley View Drive) in the Suburban Residential (SR) zone.

YES: Brown, DeVaux, Carrick, Larsen, Hartsfield

NO: None

Motion **PASSES**

B. CUP2021-02: consider a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP) for restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria for a conditional use permit for a restaurant use and recommended approval of the CUP.

The applicant stated that they are excited to open a restaurant in Woodland Park and offered to pass out menus describing their "stuff" food concept (which is large and flavorful portions).

Chairman DeVaux opened the public comment portion of the meeting.

Mrs. Kimberley Butcher spoke citing the following concerns: i. she did not receive a letter of notification or a phone call, ii. The on-site sign has been on the ground for a week, iii. a bar is not the best business to have in a residential neighborhood - downtown would be better, iv. the restaurant may turn into a "Gentleman's Club", and v. Stuff Foods advertising on the internet brings up advertising for a gentleman's club in Colorado Springs.

Chairman DeVaux closed the public comment portion of the meeting.

The applicant stated that Snotty Fox is a client of the Stuff Food Truck business but that's it. Stuff Foods is interested in opening a family restaurant only and not a gentleman's club. The restaurant will close at 10 pm except Fridays and Saturdays, when it may close at 11 pm.

Mrs. Riley stated that adult entertainment is not permitted in the NC zone and is only permitted in industrial zones in the City. She also stated that a new sign will be posted as soon as possible.

Commissioner Hartsfield asked about parking. Mrs. Riley stated that the site satisfies the City's requirements of 1 space/4 seats or 1 space/100 SF and that there is ample on-site parking. Commissioner Hartsfield stated that he supports the request and the restaurant should be given the opportunity to succeed on a site with past restaurant uses.

Commissioner Brown believes that while the US24/Morning Sun Drive intersection is uncomfortable and problematic in design, a restaurant use is appropriate on this site.

Commissioner Carrick supports a restaurant use given the history of restaurant use on this site and does not believe traffic will be an issue for the residential neighborhood.

Commissioner Hartsfield moved, and Commissioner Brown seconded, that the Planning Commission recommend that City Council approve a request by Stuff Food Emporium (Applicant) and High Country Real Estate Holdings, LLC (Property Owner) for a Conditional Use Permit (CUP 2021-02) for §18.09.090.P.2 Traditional/Family Restaurant use on Lot 2, Morning Sun Business Park (100 Morning Sun Drive) in the Neighborhood Commercial (NC) zone subject to the following conditions:

1. Prior to opening the restaurant:
 - a. A water fixture unit count shall be submitted to the Utilities Department; and
 - b. The parking lot shall be restriped.

YES: Brown, DeVaux, Carrick, Larsen, Hartsfield

NO: None

Motion **PASSES**

C. VAC2021-05: consider a request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone. (QJ) (City Council Public Hearing 7:00 p.m. - Thursday, October 21/21)

Ms. Pellegrino presented the staff report citing compliance with the criteria in Chapter 12.08 for vacating a right-of-way (alley) and recommended approval of the vacation request.

Chairman DeVaux opened the public comment portion of the meeting and seeing no one wishing to speak, closed the public comment portion of the meeting.

Commissioner Brown suggested that a condition be added to state that full vesting of that vacated portion of the alley will go to Mr. Longman.

Commissioner Larsen moved, and Commissioner Carrick seconded, that the Planning Commission recommend that City Council approve the request by Anthony Longman and Derin Wester (Applicants & Property Owners) to vacate a 90-foot long part of the alley (public right-of-way) between Lot 4, Block 6, Elm Heights (640 W. Gunnison Avenue) and Lots 6-7, Block 6, Lake Addition (605 N. Walnut Street) in the Urban Residential (UR) zone subject to the following conditions:

1. Reservation of a public access and utility easement to the City over the vacated portion (Parcel A); and
2. That Parcel A vest entirely with Mr. Longman (Lot 4, Block 6, Elm Heights).

YES: Brown, DeVaux, Carrick, Larsen, Hartsfield

NO: None

Motion **PASSES**

4. REPORTS

A. Mrs. Riley reported that City Planner Pellegrino's last day with the City is September 24. The Commissioners thanked her for her service and wished her well.

5. **ADJOURN.** The regular meeting adjourned at 8:18 pm.

Approved this 14th day of October, 2021 by Jon DeVaux
Jon DeVaux, Chairman