



City of Woodland Park

City Council

February 3, 2022 at 7:00 PM

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of Bulk Water Fill Station equipment and materials for \$30,157.97.
(Presenter, Deputy City Manager/Director of Operations Kip Willey)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
7. **UNFINISHED BUSINESS**

(Public Comment may be heard (1))

 - A. Approval of the Board of Adjustment's Rules of Procedure *(Tabled from the January 20, 2022 Council Meeting)*
(Presenter, Lou Ramon, Chairperson of the Board of Adjustment)
8. **ORDINANCES ON INITIAL POSTING**

(Public comment may be heard (1))

 - A. Consider Ordinance No. 1418, Series 2022 on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado amending Chapter 1.16 of the Woodland Park Municipal Code to establish a Procedure for the collection of Unpaid Municipal Court Fines and set the Public Hearing for February 17, 2022.
(Presenter Municipal Judge Elizabeth McClintock)
9. **PUBLIC HEARINGS**

(Public comment may be heard (1))

 - A. Approve Ordinance No. 1417, Series 2022, an Ordinance of the City Council for the City of Woodland Park, Colorado amending Multiple Titles of the Woodland Park Municipal Code, Regarding Code Penalties and Violations.
(Presenter City Attorney Nina Williams)
10. **NEW BUSINESS**

(Public comment may be heard (1))

- A. Approve Resolution No. 887, Series 2022 - Best Western Hotel PUD Extension Request
(Presenter, Planning Director Karen Schminke)
- B. Approve Resolution 886, Series 2022, a Resolution establishing the Single Family Residential Tap Allotment for 2022.
(Presenter Deputy City Manager/Director of Operations Kip Wiley)

11. REPORTS

(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report
 - 1. Water update
(Deputy City Manager/Director of Operations Kip Wiley)
 - 2. Sales and Lodging Revenue update as of December 31, 2021.
(Presenter, Finance Director Aaron Vassalotti)

12. ADJOURNMENT

*Per Ordinance No. 1391, Series 2021 posted on the City Website

Key to agenda abbreviations:

(A) Administrative- matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

(L)Legislative- typically in the policy arena; legislative matters affect large areas and large groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

(QJ)Quasi-Judicial- apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial

CITY OF WOODLAND PARK

BULK WATER FILL STATION EQUIPMENT PURCHASE APPROVAL

=====

Type of Action Requested: Request for approval for purchase of equipment and material to install a bulk water fill station in the Gold Hill Pump Station.

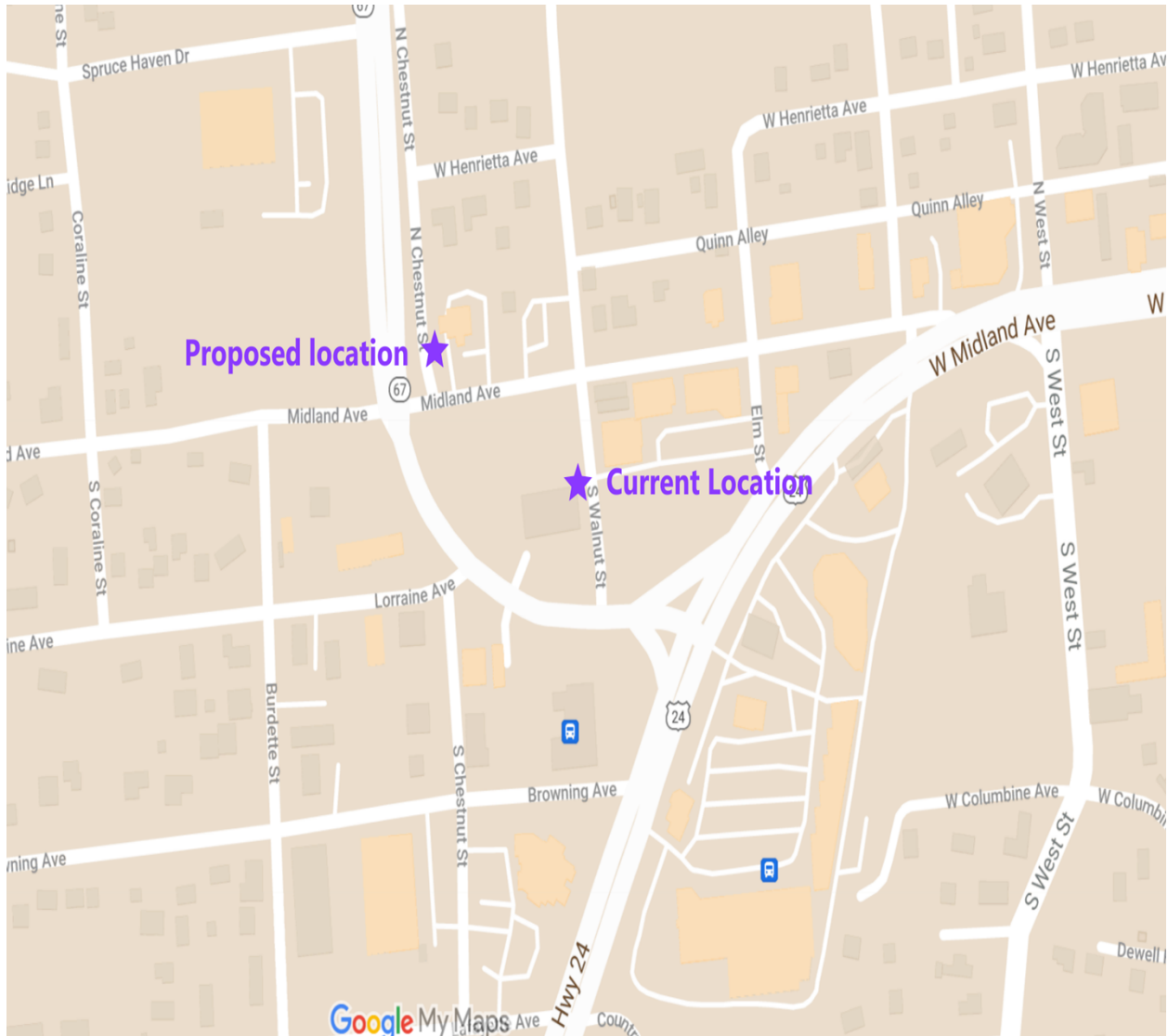
Factual Findings:

- Over the last 5 years the City has looked into improving its bulk water distribution to commercial water users.
- Currently we use a fire hydrant to fill bulk water haulers/users
- Current challenges with the current system for the sale of bulk water are as follows:
 1. Distribution system protection (backflow prevention/air gaps)
 2. Maintenance heavy on the fill point location/hydrant
 3. Location of current fill station is not ideal
 4. Operates on a honor system with limited checks and balances
 5. Utility Billing communication
 6. Theft
 7. Inaccurate water tracking/planning
- The City looked at numerous locations and options.
- Instead of installing a new building we are using an existing building saving approximately \$40,000 (new electrical service, water tap, excavation, concrete work and maintenance on a new building)
- All controls/power/mechanical equipment will be located in one room within the existing pump station (room was previously designed for a chlorine gas booster system). The room has its own heat, light and power and even a separate door for entry and exit.
- Location will move from Walnut and HWY 67 to Midland and HWY 67.
- Received quotes from two companies and were only \$200 different.
- Material would come from a company in Colorado and not out of state.
- This project was not budgeted in 2022. Funds are available in the 510 fund as this fund has a healthy fund balance.
- Installation will be done by City Staff.
- Improvements to water tracking, billing, distribution system protection and less maintenance will all be achieved.
- Attached are photos of new location and existing location.

Recommended Action: Approve the purchase of \$30,157.97 for material and equipment to install a bulk water fill station at the gold hill pump station.

Map with Bulk Water Fill Station

Map for Bulk Water Fill Station



Current Location Picture



New Location Picture



**Flowpoint Environmental Systems Inc.**

191 University Blvd #467

Denver, CO 80206-4613

USA

Phone: (877) 655-5585

Fax: (888) 655-5588

Email: sales@flowpointsystems.com

PRICE QUOTATION

Quotation Number: 0321-S-0418

Quotation Date: 2021-10-26

Expiration Date: 2021-12-07

Ship Via: INCLUDED

FOB: FOB FACTORY

Sales Person: Jay Hildreth

Terms: NET 30 DAYS

To: CITY OF WOODLAND PARK

P.O. BOX 9007

220 W SOUTH AVENUE

WOODLAND PARK, CO 80866

Attn: LARRY WATTERS

Line	Description	Quantity	Rate	Extended
1	ACCESS TERMINAL-SURFACE MOUNT 21" WIDE X 31" TALL X 16" DEEP NEMA 3R POWDER COATED ALUMINUM INCLUDES ALLEN BRADLEY PLC AND FLOWPOINT STAINLESS STEEL KEYPAD INSULATED AND HEATED SURFACE WALL MOUNT	1.00	-	-
2	WILKINS 3" 375 RPZ BACKFLOW	1.00	-	-
3	BERMAD- 3" COMBINATION METER / FLOW CONTROL VALVE	1.00	-	-
4	304SS PIPING AS PER CUSTOMER LAYOUT	1.00	-	-
5	CELLULAR COMMUNICATION PACKAGE	1.00	-	-
6	FREIGHT-US	1.00	-	-
7	ONE DAY ONSITE STARTUP	1.00	-	-
ALL PRICES ARE IN US DOLLARS			Quotation Total:	\$30,157.97

This is a quotation on the goods named, and is subject to the following conditions:

- Taxes are not included.
- Installation is by others. Owner is responsible for all utility service connections including water service to and from station. Owner is responsible for offloading and / or storing the station until it is installed.
- All Shop Drawing Submittals and O&M Manuals are in Electronic Form (PDF) only. Hard copies, binding, and printing costs are by others.
- Payment Terms: 20% on approval of shop drawings, 80% on delivery of goods.
- FOB Factory means the Owner is responsible for the station during freight (including, but not limited to any damage to unit during freight).
- Start Up services require: 1. Minimum 3 weeks notice to book 2. Completion of Start-up readiness checklist.

In lieu of a formal purchase order commitment, to accept this quotation as your purchase order please sign below.

 Name

 Position

 Signature

 Date

**Flowpoint Environmental Systems Inc.**

191 University Blvd #467

Denver, CO 80206-4613

USA

Phone: (877) 655-5585

Fax: (888) 655-5588

Email: sales@flowpointsystems.com

PRICE QUOTATION

Quotation Number: 0321-S-0418
Quotation Date: 2021-10-26
Expiration Date: 2021-12-07
Ship Via: INCLUDED
FOB: FOB FACTORY
Sales Person: Jay Hildreth
Terms: NET 30 DAYS

Flowpoint One Year Manufacturer's Warranty (Included):

Flowpoint Environmental Systems (Manufacturer) warranty is as follows, and extends ONLY to the original purchaser of the equipment and is limited to the purchase price of each part. Manufacturer warrant products against defects in materials or workmanship as follows:

DURATION: The Manufacturer's warranty will apply for a period of 1 (one) year from the date of commissioning (start up) or 18 months from the date of shipment, whichever comes first.

PARTS: Manufacturer will supply, at no charge, new or rebuilt replacement parts in exchange for parts that the Manufacturer determines are defective subject to the limitations of this warranty. Manufacturer warrants any such replacement parts against defects in materials or workmanship for the remaining portion of the original warranty period.

This warranty "does not cover" installation of the system or damages incurred during shipping.

This warranty "does not cover" consumer instruction, physical set up or adjustment of any electronic equipment, communication / signal reception problems, loss of use of the equipment, or unused programming charges due to equipment malfunction.

This warranty "does not cover" cosmetic damage, damage due to lightning, electrical surges, fire, flood, or other acts of God, accident, misuse, abuse, vandalism, repair or alteration by other than factory service, negligence, or improper or neglected maintenance.

This warranty "does not cover" equipment sold AS IS, REFURBISHED, or WITH ALL FAULTS, auction sales, equipment removal or reinstallation, nor equipment purchased, serviced, or operated by other dealers.



STAFF REPORT

TO: Mayor Pro-Tem LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: February 3, 2022

SUBJECT: Approval of the Board of Adjustment's Rules of Procedure (*Tabled from the January 20, 2022 Council Meeting*)
(Presenter, Lou Ramon, Chairperson of the Board of Adjustment)

BACKGROUND: Proposed updates to the Board of Adjustment Rules of Procedure which were last adopted in 2005.

RECOMMENDATION: MOVE to approve the Board of Adjustment's amended Rules of Procedure as presented.

ATTACHMENTS:

1. Rules of Proceedure memo to CC 1.20.22
2. FINAL BOA Redlined (copy) - 11.16.2021
3. FINAL BOA RULES OF PROCEDURE



City Council Staff Report Board of Adjustment – Rules of Procedure January 20, 2022

AGENDA ITEM

Approve the Board of Adjustment, Rules of Procedure as amended in 2022. (A)
(Presenter, Planning Director Karen Schminke, AICP)

BACKGROUND

Over the past 18 months, the Board of Adjustment (BOA) and staff have worked diligently to review and develop amendments to the Rules of Procedure. On November 15, 2021, the Board members voted unanimously to forward their recommended changes to the City Council for adoption in early 2022.

The original Rules of Procedure were adopted by the Board of Adjustment and the City Council on November 10, 1988, and subsequently amended in 2005. They have been unchanged in 16 years. Over the course of that time, and particularly in the past two to three years, a number of actions have come before the Board, most notably an appeal of a Planning Department ruling. These actions have highlighted that there are several changes that are needed to the current 2005 Rules of Procedure to better define and clarify them, and to eliminate duplication with the latest Municipal Code.

During this process, the Board has had the support of not only its Members, but also the Planning Department under Sally Riley and Legal Department.

On behalf of the Board, the BOA is pleased to present these proposed changes to the City Council for your consideration and approval so the Board can operate under them at the beginning of 2022.

BOA and STAFF RECOMMENDATION

MOVE to approve the Board of Adjustment's amended Rules of Procedure as presented.

ATTACHEMENTS

1. Redlined copy to show changes to the 2005 Rules of Procedures
2. Clean copy of the proposed 2022 Rules of Procedure

RULES OF PROCEDURE BOARD OF ADJUSTMENT

In compliance Section 18.51.090, of the City of Woodland Park Municipal Code, Zoning Ordinance, the Board of Adjustment may adopt rules of procedure consistent with applicable ordinance and chapter provisions; the following rules of procedure are hereby adopted by the City of Woodland Park Board of Adjustment and City Council.

SECTION 1.0 ESTABLISHMENT AND MEMBERSHIP

The Board of Adjustment was established by the adoption of the City of Woodland Park Municipal Code, Zoning Ordinance on December 15, 1969.

1.1 **Membership.** ~~Ref Municipal Code, Chapter 18.51.10 (add hot link) The Board shall consist of five regular members and at least two alternate members appointed by the City Council. No member of the Board shall be a member of any other City board, commission or City Council nor an employee of the City.~~ Members of the Board shall be residents of the City of Woodland Park and shall have resided within the City for at least one year prior to his or her appointment.

1.2 **Terms.** ~~Ref Municipal Code, Chapter 18.51.10 (add hot link) Members of the Board shall be appointed for three year, or incomplete terms.~~

1.3 **Alternate Members.** ~~Ref Municipal Code, Chapter 18.51.20 (add hot link) Alternate members shall meet the membership and term qualifications as stated above. In the absence of a regular member, the Chairman of the Board shall designate at the commencement of the meeting or hearing an alternate member to serve as, and fulfill the responsibility of, the regular member during his absence. Once so designated the alternate member shall not be replaced by a returning member other than at the commencement of an individual item.~~

1.4 **Compensation.** ~~Ref Municipal Code, Chapter 18.51.30 (add hot link) All members and alternate members of the Board shall serve without compensation.~~

1.5 **Removal and Vacancy.** ~~Ref Municipal Code, Chapter 18.51.40 (add hot link) A regular member or alternate member of the Board, once qualified, shall be removed during his term of office for just cause and upon two-thirds majority vote of the City Council. Unexcused absence by regular members from three consecutive meetings shall be deemed just cause. In the event of the death, resignation, or removal of any member or alternate member before the expiration of his term, a successor shall be appointed in the manner described in Section 18.51.010 of the Municipal Code, Zoning Ordinance for the unexpired portion of this term.~~

SECTION 2. 0 OFFICERS

The Board of Adjustment shall select from its membership two officers: A Chairman and Vice Chairman.

2.1 **Selection.** At the ~~first annual~~ meeting of each calendar year, the Board will select its officers from its regular membership. All officers are eligible for reelection

2.2 **Tenure.** The Chairman and Vice Chairman shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.

2.3 **Duties.** The Chairman shall preside at all meetings and hearings of the Board, shall decide all points of order or procedure, and shall appoint any committees that may be found necessary. The Vice Chairman shall assume the duties of the Chairman in the absence of the Chairman.

2.4 **Secretary to the Board.**

A. For all Board actions except during the hearing of an Appeal

- As the official designee of the City Clerk, the Secretary will be the City Planner or the City Planner's representative. The Secretary shall conduct all official correspondence subject to these rules at the direction of the Board, shall send out all notices required, keep the minutes of the Board's proceedings, **assist in keeping time limits on presentations and speakers**, and keep a file on each case which comes before the Board. For applications, the Secretary may issue the proper forms; ~~insure~~ **ensure** that information, maps and plats are compiled and ready for Board's review; cause vicinity property owners and other interested parties to be notified by mail of the time and place of hearings; and any other duties as determined by the Board.

B. During Appeal Hearings only

- **The official designee of the City Clerk during the appeal hearing itself will not be from the City Planner's Office in order to minimize perception of conflicts of interest. The duties of the secretary will be limited to taking the minutes of the meeting, assisting in keeping time limits on presentations and speakers and general conduct of the meeting in order to minimize perception of conflicts of interest,**

SECTION 3. 0 MEETINGS

The following rules shall apply to the scheduling and the conducting of Board of Adjustment meetings.

3.1 Regular Meetings. Regular meetings shall be held the - third Monday of each month when requests are submitted which require Board action, or at the call of the Chairman.

3.2 Annual Meeting. ~~The annual meeting shall be held at the first regular meeting of the year.~~

3.2 Special Meetings. Special meetings may be called by the Chairman, or at the request of three members of the Board, or at the request of the City Planner.

3.3 Notice of Meetings. Notice of meetings shall be given by the secretary to the members of the Board at least six days prior to meetings and shall state the purpose, time, and place of the meeting.

3.4 Quorum. Ref Municipal Code, Chapter 18.51.50 (add hot link) ~~A "quorum" of the Board shall consist of four (4) members.~~

3.5 Public. All meetings, public hearings, records, and accounts shall be open to the public.

- A. Public Persons addressing the Board will direct their remarks to the entire Board and shall exercise proper respect and decorum. Any person (or persons) disrupting a Board meeting will be given one verbal warning and then will be asked by the Chairman to cease the disruptive behavior. In the event of any disturbance or disorderly conduct the Chairman will have the power to order any individual or group of individuals to be cleared or removed from the meeting and will have authority to appoint a member of the Police Department as a temporary sergeant at arms for the purpose of preserving order in the physical meeting room.
- B. The Board will only allow public comment related to areas over which the Board has jurisdiction and will politely halt any public discussion related to subjects over which the Board has no authority.
- C. The Board will allow time and order to be yielded to other speakers. In order to maintain an efficient meeting flow, the Chairman may limit the total amount of time any individual speaker may speak to 5 minutes and limit the total time for public comment. If the Chairman chooses to establish these time limitations for public discussion, they will be included in the posted meeting agenda, and he/she must also inform all in attendance at the start of the meeting.

3.6 Presenter Discussion. The Chairman may limit the scheduled time allocated for Variance Applicants, Appellants, and/or City presentations to 20 minutes each. If the Chairman chooses to establish these time limitations for presenter discussion, they will be included in the posted meeting agenda and he/she

must also inform all presenters at the start of the hearing

3.7 **Order of Business.** The Secretary shall prepare an agenda for each meeting and send it to each Board member as part of the notification process. The order of business may be as follows:

- A.) CALL TO ORDER AND ROLL CALL
- B.) PLEDGE OF ALLEGIANCE
- C.) APPROVAL OF THE MINUTES OF PREVIOUS MEETING
- C.) REQUESTS/PUBLIC HEARINGS
- D.) REPORTS
- E) ADJOURNMENT

3.8 **Voting.** Voting will be by roll call and will be recorded by yeas, nays, abstention, or absence. All members of the Board present, including the Chairman, are required to cast a vote for each motion. The minutes of the proceeding shall indicate the vote of each member on every matter acted upon, and shall indicate either the member's yea, nay, abstention or absence. In accordance with section 3.9, a member shall abstain if said member has declared a conflict of interest. The concurring vote of four (4) members shall be necessary on all matters upon which the Board is required to offer a decision under the provisions of the Zoning Title.

3.9 **Conflict of Interest.** Any member of the Board who has a direct or indirect interest, other than the common public interest, in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Board, shall notify the Chairman in advance or any discussion of the agenda item. He/she shall be disqualified (**recused**) from participating in the discussion, decision, or proceedings of the Board in connection therewith. **A recused member shall be removed from the physical (or virtual) dais.** However, the member may participate as a member of the public. An alternate member shall be appointed by the Chairman of the Board of Adjustment to serve in place of that regular member having a conflict of interest, for only the purpose and time of resolving the question in which the conflict of interest for that regular member exists **at which time, the recused member shall return to the physical (or virtual) dais.**

3.10 **Unfinished Business.** Where all applications cannot be disposed of on the day set, due to length of meeting or extenuating circumstances, the Board may adjourn to a time and place certain or until the next regular or special meeting, as the Board may decide.

3.11 **Board Action.** The Board may not vote on an application until all fees have been paid, all information requested of the applicant has been supplied, and a public hearing has been conducted.

3.12 **Communications.**

- A. In Public Meetings: Board members shall not communicate using non-public media during a meeting. Board members shall not communicate in any electronic format with another Board member during a meeting.
- B. Outside of Public Meetings: Board Members shall not engage in ex-parte communications.

3.13 **Executive Session.** With proper justification (per City Code and procedures), any

Board member may request an executive session and present a motion to recess the Board meeting for an Executive Session. Upon a second to that motion and approval by a simple majority of the Board, the Chairman shall recess the meeting and relocate for the Executive Session. Board members shall keep confidential all written material and verbal information provided to them during executive session. The intentional dissemination of confidential information received in executive session, whether written or oral, shall constitute misconduct of the office. Board Members shall direct any person seeking disclosure of documents to City Staff for processing pursuant to the requirement of the Colorado Open Records Act.

3.14 **Confidentiality.** Board members shall keep confidential all information and written material provided to Board members when such information is exempt from disclosure under law.

SECTION 4.0 POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties.

4.1 **Powers.** The Board shall have the powers granted by the Municipal Code as authorized by CRS 31-23-307, et. seq., and City of Woodland Park Municipal Code, Zoning Ordinance Section 18.51.140.

4.2 **Duties.** The Board shall have the following duties in duly exercising their powers.

A. Appeals.

- 1.) **Review.** The board shall review the application for an appeal, all papers constituting the record of the appeal, the ruling or order from which the appeal is taken, and the oral and written evidence presented to the Board at the public hearing.
- 2.) **Render Decisions.** The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed. **Only after reversing the order, requirement, decision or determination may the Board modify the whole or those parts which were reversed. They** shall make such decisions, or determinations as ought to be made, and to that end, shall have all of the powers of the administrative officer from whom the appeal is taken.
- 3.) **Determination of Findings.** Upon rendering a decision for an appeal, the Board shall state what information was considered pertaining to the appeal and what information was applicable to justify the decision.

4.) Effective Date of Decisions. Decisions rendered by the Board shall be effective immediately upon completion of the hearing associated with the appeal in question.

B. Variances

- 1.) **Review.** The Board shall review the application for a variance, a site plan of the proposed development, planning department

report, other applicable information, and the oral and written evidence presented to the Board at the public hearing.

- 2.) **Render Decision.** The Board may vary or modify the application of the City Municipal Code, Zoning Ordinance provisions, within limitations found in the Municipal Code, Zoning Ordinance, where there are practical difficulties or unnecessary hardships which exist due to a strict application of the regulation provisions. The Board shall evaluate requests for variances by using the variance criteria found in CRS 31-23-307. et. seq., and the City of Woodland Park Municipal Code, Zoning Ordinance, Section 18.60.010. In granting a variance, the Board may prescribe appropriate conditions.
- 3.) **Determination of Findings.** Upon rendering a decision for a variance, the Board shall state what information was considered pertaining to the variance and what information was applicable to justify the decision.
- 4.) **Effective Date of Decisions.** Decisions rendered by the Board shall be effective immediately upon completion of the hearing associated with the variance in question.

SECTION 5.0 PROCEDURES FOR HEARING CASES, RENDERING DECISIONS, DETERMINATION OF FINDINGS, AND THE APPEAL OF BOARD DECISIONS.

The following procedural rules shall apply to all requests coming before the Board of Adjustment:

5.1 Application Form. The applicant shall cause to be filed with the City Planner upon application forms provided by the Planning Department. The applicant shall complete the required application forms, providing all information requested by the forms and any additional information deemed necessary by the applicant and/or City Planner.

5.2 Scheduling of Hearings.

~~Generally, an application filed according to the above procedure will be given a case number within five working days from the date filed.~~ Applications will be assigned in the order in which they are received. ~~Cases assigned to the Board less than twenty-five (25) days prior to the regular meeting will automatically be set for hearing on the subsequent regular meeting agenda.~~ (Ref Municipal Code, Chapter 18.72.060)
(add hot link)

5.3 Public Hearing Requirements. The Board of Adjustment shall hold a public hearing on all applications subject to the notice provisions in City Charter and Code.

5.4 Public Hearing Rules and Order. The public hearing of the Board of Adjustment shall be held subject to the following general rules and order.

- A.) At the time of the public hearing the applicant may appear in his/her own behalf or be represented by agent or counsel. In the absence of any personal appearance on behalf of the applicant, the Board will proceed to act on or consider the matter on the forms and information provided.
- B.) Generally, the order of the hearing will be as follows:
 - 1. The Chairman presents the order of the hearing, introduces the application and opens the Public Hearing.
 - 2. The applicant states his/her reason and justification for the application.
 - 3. The City Planner reviews the application, regulation provisions, City policy, impacts, correspondence, and may offer his/her concerns, opinions and recommendations.
 - 4. The City Attorney may offer his/her concerns, opinions and recommendation.
 - 5. Any interested person may offer their concerns and opinions.
 - 6. The applicant offers rebuttal and may cross-examine any person making a comment or presentation.
 - 7. The Board entertains discussion and may seek answers to questions raised by the presentation, at any time.
 - 8. The Board reviews the appropriate criteria for the specific application.
 - 9. The Chairman closes the public comments portion of the hearing.

5.5 Request Deliberated.

The Board shall then deliberate the application. The Board may ask the applicant, City Planner, City Attorney and any other person present for comments and recommendations.

If the Board determines that additional information is needed, the case may be tabled to a scheduled date.

5.6 **Applicant May Withdraw or Request Tabling of the Application.** The applicant or appellant may withdraw his/her application or request the hearing of the application be tabled at any time prior to the decision by the Board of Adjustment.

5.7 **Decision Rendered.** The Board shall properly deliberate the application and render a decision. Final decision of any application shall be made in the form of a motion by anyone on the Board of Adjustment hearing the request.

5.8 **Written Determination of Findings.**

Every decision of the Board of Adjustment for an application shall result in the formulation of written determination of findings, which specify the exceptional conditions, the practical difficulties, unnecessary hardships, the reasons for granting or denying the application, and any approved conditions and safeguards.

The Secretary of the Board shall notify the applicant of its decision by forwarding a copy of written determination of findings to the applicant within fifteen (15) calendar days after the hearing and rendering of a decision. (Note: If the time limit expires on a Saturday, Sunday, or a State or City holiday, the expiration shall be on the nearest following non-holiday weekday.)

~~5.9 **Notification of Decision.** Within fifteen (15) days after the hearing and rendering of a decision, the Secretary of the Board shall notify the applicant of its decision by forwarding a copy of written determination of findings to the applicant.~~

~~5.10 **Rehearing of Application.** A rehearing of any decision of the Board may be made if the following : The motion to reconsider is made by a member of the Board and carried by not less than four affirmative votes, new evidence is submitted which could not reasonably have been presented at the original meeting, and the case is put on the agenda for rehearing at the next Board meeting.~~

SECTION 6.0 INFORMAL ADVICE.

The Board or individual members will not consider a request, informal or not, for advice on theoretical or actual situations which potentially may later come before the Board as an application for an appeal or a variance.

SECTION 7.0 AMENDMENTS.

A majority vote of all the members of the Board shall be necessary to amend these supplemental rules of procedure. Such proposed amendments will be presented in writing at any regular or special meeting of the Board of Adjustment.

These Rules of Procedure may be amended by majority vote of approval of the Board of Adjustment, followed by majority vote of approval of the City Council.

In Witness Whereof, the City of Woodland Park Board of Adjustment has Approved, Adopted and Signed these Rules of Procedure of the City of Woodland Park Board of Adjustment Upon the Day, Month and Year Specified Below. (The original Rules of Procedure were adopted November 10, 1988).

RULES OF PROCEDURE BOARD OF ADJUSTMENT

In compliance Section 18.51.090, of the City of Woodland Park Municipal Code, Zoning Ordinance, the Board of Adjustment may adopt rules of procedure consistent with applicable ordinance and chapter provisions; the following rules of procedure are hereby adopted by the City of Woodland Park Board of Adjustment and City Council.

SECTION 1.0 ESTABLISHMENT AND MEMBERSHIP

The Board of Adjustment was established by the adoption of the City of Woodland Park Municipal Code, Zoning Ordinance on December 15, 1969.

- 1.1 Membership.** Ref Municipal Code, Chapter [18.51.010](#). Members of the Board shall be residents of the City of Woodland Park and shall have resided within the City for at least one year prior to his or her appointment.
- 1.2 Terms.** Ref Municipal Code, Chapter [18.51.010](#).
- 1.3 Alternate Members.** Ref Municipal Code, Chapter [18.51.020](#).
- 1.4 Compensation.** Ref Municipal Code, Chapter [18.51.030](#).
- 1.5 Removal and Vacancy.** Ref Municipal Code, Chapter [18.51.040](#).

SECTION 2.0 OFFICERS

The Board of Adjustment shall select from its membership two officers: A Chairman and Vice Chairman.

- 2.1 Selection.** At the first meeting of each calendar year, the Board will select its officers from its regular membership. All officers are eligible for reelection.
- 2.2 Tenure.** The Chairman and Vice Chairman shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.
- 2.3 Duties.** The Chairman shall preside at all meetings and hearings of the Board, shall decide all points of order or procedure, and shall appoint any committees that may be found necessary. The Vice Chairman shall assume the duties of the Chairman in the absence of the Chairman.
- 2.4 Secretary to the Board.**
 - A. For all Board actions except during the hearing of an Appeal**

As the official designee of the City Clerk, the Secretary will be the City Planner or the City Planner's representative. The Secretary shall conduct all official correspondence subject to these rules at the direction of the Board, shall send out all notices required, keep the minutes of the Board's proceedings, assist in keeping time limits on presentations and speakers, and keep a file on each case which

comes before the Board. For applications, the Secretary may issue the proper forms; ensure that information, maps, and plats are compiled and ready for Board's review; cause vicinity property owners and other interested parties to be notified by mail of the time and place of hearings; and any other duties as determined by the Board.

B. During Appeal Hearings only

The official designee of the City Clerk during the appeal hearing itself will not be from the City Planner's Office in order to minimize perception of conflicts of interest. The duties of the Secretary will be limited to taking the minutes of the meeting, assisting in keeping time limits on presentations and speakers, and general conduct of the meeting in order to minimize perception of conflicts of interest.

SECTION 3. 0 MEETINGS

The following rules shall apply to the scheduling and the conducting of Board of Adjustment meetings.

3.1 Regular Meetings. Regular meetings shall be held the third Monday of each month when requests are submitted which require Board action, or at the call of the Chairman.

3.2 Special Meetings. Special meetings may be called by the Chairman, or at the request of three members of the Board, or at the request of the City Planner.

3.3 Notice of Meetings. Notice of meetings shall be given by the Secretary to the members of the Board at least six days prior to meetings and shall state the purpose, time, and place of the meeting.

3.4 Quorum. Ref Municipal Code, Chapter [18.51.050](#).

3.5 Public. All meetings, public hearings, records, and accounts shall be open to the public.

- A.** Public Persons addressing the Board will direct their remarks to the entire Board and shall exercise proper respect and decorum. Any person (or persons) disrupting a Board meeting will be given one verbal warning and then will be asked by the Chairman to cease the disruptive behavior. In the event of any disturbance or disorderly conduct the Chairman will have the power to order any individual or group of individuals to be cleared or removed from the meeting and will have authority to appoint a member of the Police Department as a temporary sergeant at arms for the purpose of preserving order in the physical meeting room.
- B.** The Board will only allow public comment related to areas over which the Board has jurisdiction and will politely halt any public discussion related to subjects over which the Board has no authority.
- C.** The Board will allow time and order to be yielded to other speakers. In order to maintain an efficient meeting flow, the Chairman may limit the total amount of time any individual speaker may speak to 5 minutes

and limit the total time for public comment. If the Chairman chooses to establish these time limitations for public discussion, they will be included in the posted meeting agenda, and he/she must also inform all in attendance at the start of the meeting.

3.6 Presenter Discussion. The Chairman may limit the scheduled time allocated for Variance Applicants, Appellants, and/or City presentations to 20 minutes each. If the Chairman chooses to establish these time limitations for presenter discussion, they will be included in the posted meeting agenda and he/she must also inform all presenters at the start of the hearing.

3.7 Order of Business. The Secretary shall prepare an agenda for each meeting and send it to each Board member as part of the notification process. The order of business may be as follows:

- A. CALL TO ORDER AND ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF THE MINUTES OF PREVIOUS MEETING
- D. REQUESTS/PUBLIC HEARINGS
- E. REPORTS
- F. ADJOURNMENT

3.8 Voting. Voting will be by roll call and will be recorded by yeas, nays, abstention, or absence. All members of the Board present, including the Chairman, are required to cast a vote for each motion. The minutes of the proceeding shall indicate the vote of each member on every matter acted upon, and shall indicate either the member's yea, nay, abstention, or absence. In accordance with section 3.9, a member shall abstain if said member has declared a conflict of interest. The concurring vote of four (4) members shall be necessary on all matters upon which the Board is required to offer a decision under the provisions of the Zoning Title.

3.9 Conflict of Interest. Any member of the Board who has a direct or indirect interest, other than the common public interest, in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Board, shall notify the Chairman in advance or any discussion of the agenda item. He/she shall be disqualified (recused) from participating in the discussion, decision, or proceedings of the Board in connection therewith. A recused member shall be removed from the physical (or virtual) dais. However, the member may participate as a member of the public. An alternate member shall be appointed by the Chairman of the Board of Adjustment to serve in place of that regular member having a conflict of interest, for only the purpose and time of resolving the question in which the conflict of interest for that regular member exists at which time, the recused member shall return to the physical (or virtual) dais.

3.10 Unfinished Business. Where all applications cannot be disposed of on the day set, due to length of meeting or extenuating circumstances, the Board may adjourn to a time and place certain or until the next regular or special meeting, as the Board may decide.

3.11 Board Action. The Board may not vote on an application until all fees have been paid, all information requested of the applicant has been supplied, and a public hearing has been conducted.

3.12 Communications.

- A. **In Public Meetings.** Board members shall not communicate using

non-public media during a meeting. Board members shall not communicate in any electronic format with another Board member during a meeting.

B. Outside of Public Meetings. Board Members shall not engage in ex-parte communications.

3.13 Executive Session. With proper justification (per City Code and procedures), any Board member may request an executive session and present a motion to recess the Board meeting for an Executive Session. Upon a second to that motion and approval by a simple majority of the Board, the Chairman shall recess the meeting and relocate for the Executive Session. Board members shall keep confidential all written material and verbal information provided to them during executive session. The intentional dissemination of confidential information received in executive session, whether written or oral, shall constitute misconduct of the office. Board Members shall direct any person seeking disclosure of documents to City Staff for processing pursuant to the requirement of the Colorado Open Records Act.

3.14 Confidentiality. Board members shall keep confidential all information and written material provided to Board members when such information is exempt from disclosure under law.

SECTION 4.0 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties.

4.1 Powers. The Board shall have the powers granted by the Municipal Code as authorized by CRS 31-23-307, et. seq., and City of Woodland Park Municipal Code, Zoning Ordinance Section [18.51.140](#).

4.2 Duties. The Board shall have the following duties in duly exercising their powers.

A. Appeals.

1. Review. The board shall review the application for an appeal, all papers constituting the record of the appeal, the ruling or order from which the appeal is taken, and the oral and written evidence presented to the Board at the public hearing.
2. Render Decisions. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed. Only after reversing the order, requirement, decision or determination may the Board modify the whole or those parts which were reversed. They shall make such decisions, or determinations as ought to be made, and to that end, shall have all of the powers of the administrative officer from whom the appeal is taken.
3. Determination of Findings. Upon rendering a decision for an appeal, the Board shall state what information was considered pertaining to the appeal and what information was applicable to justify the decision.
4. Effective Date of Decisions. Decisions rendered by the Board shall be effective immediately upon completion of the hearing associated with the appeal in question.

B. Variances.

1. Review. The Board shall review the application for a variance, a site plan of the proposed development, planning department report, other applicable information, and the oral and written evidence presented to the Board at the public hearing.
2. Render Decision. The Board may vary or modify the application of the City Municipal Code, Zoning Ordinance provisions, within limitations found in the Municipal Code, Zoning Ordinance, where there are practical difficulties or unnecessary hardships which exist due to a strict application of the regulation provisions. The Board shall evaluate requests for variances by using the variance criteria found in CRS 31-23-307. et. seq., and the City of Woodland Park Municipal Code, Zoning Ordinance, Section [18.60.010](#). In granting a variance, the Board may prescribe appropriate conditions.
3. Determination of Findings. Upon rendering a decision for a variance, the Board shall state what information was considered pertaining to the variance and what information was applicable to justify the decision.
4. Effective Date of Decisions. Decisions rendered by the Board shall be effective immediately upon completion of the hearing associated with the variance in question.

SECTION 5.0 PROCEDURES FOR HEARING CASES, RENDERING DECISIONS, DETERMINATION OF FINDINGS, AND THE APPEAL OF BOARD DECISIONS

The following procedural rules shall apply to all requests coming before the Board of Adjustment:

5.1 Application Form. The applicant shall cause to be filed with the City Planner upon application forms provided by the Planning Department. The applicant shall complete the required application forms, providing all information requested by the forms and any additional information deemed necessary by the applicant and/or City Planner.

5.2 Scheduling of Hearings. Applications will be assigned in the order in which they are received. (Reference Municipal Code Chapter [18.72.060](#)).

5.3 Public Hearing Requirements. The Board of Adjustment shall hold a public hearing on all applications subject to the notice provisions in City Charter and Code.

5.4 Public Hearing Rules and Order. The public hearing of the Board of Adjustment shall be held subject to the following general rules and order.

- A. At the time of the public hearing the applicant may appear in his/her own behalf or be represented by agent or counsel. In the absence of any personal appearance on behalf of the applicant, the Board will proceed to act on or consider the matter on the forms and information provided.
- B. Generally, the order of the hearing will be as follows:
 1. The Chairman presents the order of the hearing, introduces the application and opens the Public Hearing.
 2. The applicant states his/her reason and justification for the application.
 3. The City Planner reviews the application, regulation provisions, City policy, impacts, correspondence, and may offer his/her concerns, opinions, and recommendations.

4. The City Attorney may offer his/her concerns, opinions, and recommendation.
5. Any interested person may offer their concerns and opinions.
6. The applicant offers rebuttal and may cross-examine any person making a comment or presentation.
7. The Board entertains discussion and may seek answers to questions raised by the presentation, at any time.
8. The Board reviews the appropriate criteria for the specific application.
9. The Chairman closes the public comments portion of the hearing.

5.5 Request Deliberated. The Board shall then deliberate the application. The Board may ask the applicant, City Planner, City Attorney, and any other person present for comments and recommendations. If the Board determines that additional information is needed, the case may be tabled to a scheduled date.

5.6 Applicant May Withdraw or Request Tabling of the Application. The applicant or appellant may withdraw his/her application or request the hearing of the application be tabled at any time prior to the decision by the Board of Adjustment.

5.7 Decision Rendered. The Board shall properly deliberate the application and render a decision. Final decision of any application shall be made in the form of a motion by anyone on the Board of Adjustment hearing the request.

5.8 Written Determination of Findings. Every decision of the Board of Adjustment for an application shall result in the formulation of written determination of findings, which specify the exceptional conditions, the practical difficulties, unnecessary hardships, the reasons for granting or denying the application, and any approved conditions and safeguards. The Secretary of the Board shall notify the applicant of its decision by forwarding a copy of written determination of findings to the applicant within fifteen (15) calendar days after the hearing and rendering of a decision. (Note: If the time limit expires on a Saturday, Sunday, or a State or City holiday, the expiration shall be on the nearest following non-holiday weekday.)

SECTION 6.0 INFORMAL ADVICE

The Board or individual members will not consider a request, informal or not, for advice on theoretical or actual situations which potentially may later come before the Board as an application for an appeal or a variance.

SECTION 7.0 AMENDMENTS

A majority vote of all the members of the Board shall be necessary to amend these supplemental rules of procedure. Such proposed amendments will be presented in writing at any regular or special meeting of the Board of Adjustment.

These Rules of Procedure may be amended by majority vote of approval of the Board of Adjustment, followed by majority vote of approval of the City Council.

In Witness Whereof, the City of Woodland Park Board of Adjustment has Approved, Adopted and Signed these Rules of Procedure of the City of Woodland Park Board of

Adjustment Upon the Day, Month and Year Specified Below. (The original Rules of Procedure were adopted November 10, 1988.)

To be effective upon the _____ day of _____, 2022.

Approved and Adopted by the BOA this _____ day of _____, 2021.

BOARD OF ADJUSTMENT

CHAIRPERSON

VICE-CHAIRPERSON

CITY OF WOODLAND PARK CITY COUNCIL

REVIEWED AND ADOPTED THIS _____ DAY OF _____, 2022

CITY COUNCIL:

ATTEST:

MAYOR

CITY CLERK

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1418. Series 2022

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO AMENDING CHAPTER 1.16 OF THE WOODLAND PARK MUNICIPAL
CODE TO ESTABLISH A PROCEDURE FOR THE COLLECTION OF UNPAID
MUNICIPAL COURT FINES**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, the Woodland Park Municipal Court (the “Court”) has jurisdiction over violations of the Woodland Park Municipal Code (the “Code”), which includes the enforcement of minor traffic and parking violations;

WHEREAS, during the most recent legislative session, the General Assembly passed HB 21-1314, which prohibits the state Department of Revenue from denying to issue, renew, or reinstate a person’s driver’s license because the person fails to pay a monetary judgment or has an outstanding warrant related to a traffic or other municipal violation;

WHEREAS, prior to the effective date of HB 21-1314, the Court would refer unpaid fines to the Department of Revenue, which often facilitated the payment of such fines;

WHEREAS, in the absence of this procedure, the Court now lacks an effective means to collect unpaid fines;

WHEREAS, referring unpaid fines to collections is a standard practice among municipalities in this situation and will likely increase the rate of collection of unpaid fines; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 1.16 of the Code to establish a procedure for the collection of unpaid municipal court fines.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Section 1.16.050 of the Code, concerning the satisfaction and collection of unpaid fines, is hereby created to read as follows:

1.16.050 - Satisfaction of fines—Failure to pay—Collections.

In the event a person fails to pay any fines, costs, fees, restitution, or other amounts ordered by the municipal judge, the municipal judge may refer, or may cause the court clerk or court administrator to refer, a portion or all of the unpaid amounts along with the reasonable costs of collection to a collection agency for collection. Reasonable costs of collection shall include, without limitation, the fees and costs of the city attorney, of private counsel, or of a collection agency, but such fees and costs shall not exceed twenty-five (25) percent of the amount assigned for collection.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2022.

City of Woodland Park

Hilary LaBarre, Mayor Pro-Tem

ATTEST:

City Clerk, Suzanne Leclercq



STAFF REPORT

TO: Mayor Pro-Tem LaBarre and City Council

FROM: Nina Williams

DATE: February 3, 2022

SUBJECT: Approve Ordinance No. 1417, Series 2022, an Ordinance of the City Council for the City of Woodland Park, Colorado amending Multiple Titles of the Woodland Park Municipal Code, Regarding Code Penalties and Violations.
(Presenter City Attorney Nina Williams)

BACKGROUND: In recent legislative sessions, the General Assembly has passed a series of laws with respect to the provision of counsel to indigent defendants. In broad strokes, these laws provide that indigent defendants have a right to counsel where incarceration or imprisonment is a possible penalty and require local governments to fund this representation. Separately, the General Assembly raised the maximum amount a municipal court can fine from \$1,000 to \$2,650.

This series of recent state legislation prompted the City to undertake a comprehensive review of the Municipal Code to evaluate whether certain penalty provisions warranted revision. Specifically, the review sought to identify offenses for which incarceration or imprisonment was a possible penalty and to evaluate whether such a penalty was warranted. Additionally, this review included identifying and evaluating where fines issued by the Municipal Court could be raised.

In certain instances, the penalty of incarceration or imprisonment was not considered necessary, prudent, or in the best interests of the City. As such, and in order to prioritize and conserve taxpayer resources, this Ordinance removes the possibility of imprisonment or incarceration in those instances. Separately, this Ordinance also raises the maximum amount the Municipal Court may fine from \$1,000 to \$2,650 where appropriate.

RECOMMENDATION: Following Council discussion and Public Hearing move to approve Ordinance No. 1417, Series 2022.

ATTACHMENTS: 1. Ord. 1417

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1417
(Series of 2022)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO AMENDING MULTIPLE TITLES OF THE WOODLAND PARK
MUNICIPAL CODE, REGARDING CODE PENALTIES AND VIOLATIONS**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under the Colorado Constitution and the home rule charter of the City; and

WHEREAS, under such authority, the City has previously adopted certain provisions containing offenses and violations, including the penalties attached to them, codified throughout the Woodland Park Municipal Code (the “Code”); and

WHEREAS, Colorado House Bill 16-1309, “concerning a defendant’s right to counsel in certain cases considered by municipal courts,” concluded that both the United States and Colorado constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions, and that this constitutional right is interpreted to mean that counsel will be provided at municipal court, at a local government taxpayer’s expense, for indigent persons in all cases in which incarceration is a possible penalty; and

WHEREAS, Colorado Senate Bill 18-203, “concerning the provision of independent counsel to indigent defendants in municipal courts,” requires each municipality, on and after January 1, 2020, to provide, and pay for, independent indigent defense for each indigent defendant facing a possible jail sentence for a violation of a municipal ordinance; and

WHEREAS, the aforementioned recent state legislation has prompted the City to review the Code for offenses and violations for which incarceration or imprisonment is a possible penalty and evaluate where such a penalty is needed and where it is unnecessary in order to manager, prioritize and conserve taxpayer resources; and

WHEREAS, in performing this review, the City discovered other inconsistencies and redundancies throughout the Code related to penalties and violations that required clarification, correction and updating; and

WHEREAS, Colorado House Bill 13-1060, “concerning maximum municipal court fines,” raises the maximum amount a municipal court can fine from \$1,000 to \$2,650; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend the Code as it relates to removing the penalty of incarceration or imprisonment for certain violations of the Code, increasing the maximum

amount the Municipal Court can fine for certain violations, and clarifying, correcting and updating all inconsistencies or redundancies as it relates to Code violations and penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

Section 2. The following sections within Title 1 of the Woodland Park Municipal Code, concerning general provisions, are hereby amended to read as follows:

1.01.100 - Violations and penalties of this code ~~punishment~~.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code. Any person who shall violate any of the provisions of this code shall be punishable by a fine of not more than ~~three hundred dollars or by imprisonment for a period of not more than ninety days or by both such fine and imprisonment~~ **two thousand six hundred and fifty dollars, and imprisonment shall not be a possible penalty except where specifically noted.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this code is committed, continued, or permitted by such person and shall be punished accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by this city, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

1.12.010 - Designated.

Whenever under the charter or any ordinance of the city heretofore or hereafter enacted, or any section, rule or regulation promulgated under the provisions or ordinances or promulgated under the authority of any ordinance hereafter enacted, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or misdemeanor, or where a person fails to meet a standard of conduct or behavior described in the provisions of any ordinance or charter provision where no specific penalty is provided therefore: any person who is convicted of the violation of any such provision or other ordinance of the city hereafter enacted or of such rules or regulations shall be punished by a fine of not more than ~~one thousand dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment or by any combination thereof~~ **two thousand six hundred and fifty dollars, and imprisonment shall not be a possible penalty except where specifically noted.**

1.16.030 - Satisfaction of fines—Inability to pay—Refusal to comply.

In the event any offender is given the opportunity of an alternate method of discharging his obligation to the municipality, and accepts the conditions incident thereto, and fails and neglects to perform such conditions, then such failure or refusal shall constitute a separate offense

against the ordinances of the city, and upon conviction of such offense, the offender may be punished by ~~imprisonment for not more than ninety days, the imposition of a fine of not more than three hundred dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** or by both such imprisonment and fine; provided, however, that no such convicted person shall be confined for more than ninety days for any one conviction, except as herein provided for the willful failure to pay an imposed fine. In the event the court determines the maximum allowable penalty should be imposed, and finds the offender to be indigent, alternate requirements, as set forth in this chapter or devised by the court, shall be imposed.

1.24.040 - Penalty.

Any person who is convicted of a violation of this chapter shall be punished by a fine of ~~not more than three hundred dollars or by not more than ninety days in jail, or by both said fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

Section 3. Section 1.01.110 of the Woodland Park Municipal Code, concerning penalty sections of the Code, is hereby repealed in its entirety.

Section 4. Section 1.16.010 of the Woodland Park Municipal Code, concerning satisfactions of fines, refusal to pay and incarceration, is hereby repealed in its entirety.

Section 5. Section 2.44.040 of the Woodland Park Municipal Code, concerning local historical preservation, protection, and landmark designation, is hereby amended to read as follows:

2.44.040 - Proceedings of the city council.

All decisions required by the city council in this chapter shall pass or fail based on a two-thirds majority quorum vote.

...

N. Enforcement and Penalties. No person shall violate or permit to be violated any of the requirements of this chapter. Violators, if found guilty, shall be subject to a fine ~~not to exceed one thousand dollars and/or up to ninety days in jail~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.** In addition, ~~to those penalties,~~ the violator(s) are **also** subject to the following penalties:

1. Alterations to a landmark without approval will result in a one-year moratorium on all building permits for the subject property.
2. Moving or demolishing a landmark without approval will result in a five-year moratorium on all moving, demolition or building permits for the property at the structure's original location.

Section 6. The following sections within Title 3 of the Woodland Park Municipal Code, concerning revenue and finance, are hereby amended to read as follows:

3.04.200 - Compromise.

A. Compromise Limitation. After an assessment has become final because the taxpayer has waived its right to a hearing or because the hearing officer has issued his or her final decision, the revenue officer or city attorney may compromise to the extent of ~~one thousand dollars~~ **two thousand six hundred and fifty dollars** any collection proceedings arising under this code.

B. Compromise Record. Whenever a compromise, in value or valuation, of ~~one thousand dollars~~ **two thousand six hundred and fifty dollars** or less is made by the revenue officer, the city attorney or his designee in any case, there shall be placed on file in the office of the revenue officer or his delegate the opinion of the revenue officer or the city attorney, with his reasons therefor, which may include financial inability of the taxpayer to pay a greater amount, with a statement of:

1. The amount of tax assessed;
2. The amount of interest, additional amount, to the tax, or assessable penalty, imposed by law on the person against whom the tax is assessed; and
3. The amount paid in accordance with the terms of the compromise.

3.08.080 - License for vendors.

...

Doing business without a license is ~~a misdemeanor punishable by a fine, or imprisonment or both~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

3.08.290 - Retailer license—Application contents.

...

Any person selling tangible personal property at retail in Woodland Park who has never obtained a Sales Tax License, or any such person who continues to make such sales after his license has been revoked, shall be ~~deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished accordingly~~ **punishable by a fine as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

3.08.350 - Violations—Penalties.

It is unlawful for any person to violate any of the provisions of this chapter. Any violation of this chapter shall be punishable by a fine ~~of not more than one thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

3.32.100 - Violation—Penalty.

Upon conviction, the municipal court shall punish any officer, agent or manager of a provider subject to this chapter who fails, neglects or refuses to make or file the annual statement of accounts as required herein by a fine ~~of up to one thousand dollars and/or a jail sentence of up to one year~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code**. Said penalty shall also be available to the court for imposition upon any provider who fails, neglects or refuses to pay the tax when and as due. Each day the statement or tax is delinquent is a separate and distinct offense.

Section 7. The following sections within Title 5 of the Woodland Park Municipal Code, concerning business licenses, is hereby amended to read as follows:

5.04.120 - Violation—Penalty.

Any person, firm, corporation, or association violating any of the provisions of this chapter shall be subject to immediate revocation of any license issued under this chapter and shall be punished upon conviction by a fine ~~not to exceed three hundred dollars or by imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** for each offense.

5.08.020 - Violation—Penalty.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine ~~not to exceed three hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code**.

5.09.130 - Violation—Penalty.

Violation of this chapter shall be deemed a violation of this municipal code and subject the violator to a fine ~~of not less than twenty-five dollars nor more than three hundred dollars or to imprisonment up to ninety days, or both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code**.

5.21.300 - Violation.

A. Any person who fails or refuses to obey or comply with or violates any of the provisions of this chapter commits a minor offense and upon conviction thereof, shall be punished by a fine ~~of not more than one thousand dollars (\$1,000.00)~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** for each separate violation.

Section 8. The following sections within Title 6 of the Woodland Park Municipal Code, concerning animals, are hereby amended to read as follows:

6.04.027 - Feeding wildlife.

...

(c) A violation of feeding wildlife shall be punishable by a fine ~~of not less than three hundred and fifty dollars for the first violation. Second violations of this section shall be punishable by a fine of not less than four hundred fifty dollars and not more than five hundred fifty dollars.~~

~~Third and subsequent violations may result in a fine up to one thousand dollars and or imprisonment not exceeding one year, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

6.04.116. - Penalties.

(a) Each violation of any provision of this chapter shall be punishable upon conviction by a ~~maximum fine of not to exceed \$1,000.00 or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

Section 9. The following sections within Title 8 of the Woodland Park Municipal Code, concerning health and safety, are hereby amended to read as follows:

8.04.190 - Violation—Penalty.

Any person, firm, corporation or partnership violating any provisions of this chapter, upon conviction, shall be punished by a fine ~~of not more than three hundred dollars, imprisonment for not more than ninety days, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

8.08.280 - Violation—Penalty.

Any person, firm, corporation or association violating any provision of this chapter shall be punished upon conviction by a fine ~~not to exceed one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment for each offense~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

8.12.040 - Violation—Penalty.

Any person, firm, corporation or association violating any provisions of this chapter shall be punished upon conviction by a fine ~~not to exceed three hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment for each offense~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.** A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

8.15.180 - Penalty for violation.

Any person, firm, corporation or association violating any provision of this chapter ~~shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars, nor more than three hundred dollars, or by imprisonment of not more than ninety days in jail, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

Section 10. The following sections within Title 9 of the Woodland Park Municipal Code, concerning public peace, morals, and welfare, are hereby amended to read as follows:

9.01.070 - Violation—Penalty.

Whenever in this title, any section or a rule or regulation promulgated under the provisions of this title any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or where a person fails to meet a standard of conduct or behavior described in the provisions of this title where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this title or of such rules or regulations, shall be punished by a fine of not more than ~~three hundred dollars~~ **two thousand six hundred and fifty dollars** or by ninety days in jail or by both; provided, however, if at the time of the offense the person committing the offense is less than eighteen years of age, no jail sentence may be imposed against him or her.

9.28.020 - Penalty.

Upon conviction of the crime of assault the municipal court may sentence an offender to a term in the county jail not to exceed one year or a fine ~~of not to exceed one thousand dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** or both such fine and imprisonment.

9.30.030 - Penalty.

Upon conviction of the crime of possession of marijuana and/or the possession of drug paraphernalia the municipal court may sentence an offender to a fine ~~not to exceed one thousand dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code**.

9.30.040 - Sale of Marijuana grown for personal use; penalty.

...

B. In addition to any other penalties that may exist under state, federal, and local laws, violation of this section shall be punishable by a fine **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** ~~not exceeding one thousand dollars~~, or by imprisonment not exceeding one year, or by both such fine and imprisonment, ~~as set forth in the Municipal Code Section 1.12.110.~~

9.41.040. - Penalty for violation.

Any person violating any of the provisions of this chapter ~~shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars, or be imprisoned for a period not exceeding one year, or by both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this chapter.

9.41.050. - Enforcement.

Violations of this chapter shall be prosecuted in the same manner as other ~~misdemeanor~~ violations of the city's code. No complaint shall be issued in the event the cause of the violation is removed, the condition abated or fully corrected.

9.59.060 - Penalty.

Upon conviction of the crime of fraud by check the municipal court may sentence an offender to a term in the county jail not to exceed one year or **impose a fine as set forth in Chapter 1.12 of the Woodland Park Municipal Code** ~~a fine of not to exceed one thousand dollars or both such fine and imprisonment.~~

9.61.030 - Violation—Penalty.

Any minor violating the provisions of Section 9.61.010 shall be dealt with in accordance with Section 9.01.070. Any parent, guardian, or other adult person having the care and custody of a minor violating Section 9.61.020 shall be punished in accordance with Section 9.01.070, **except that no term of imprisonment shall be imposed.**

9.66.020 - Penalty.

Upon conviction of the crime of possession and/or consumption of alcoholic beverages by an underage person the municipal court may ~~sentence a minor offender to a term in the juvenile detention facility as provided by law and~~ **impose** a fine ~~not to exceed one thousand dollars or both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.** An adult convicted of this crime may be sentenced to a term in the County jail ~~not to exceed one year or~~ **assessed** a fine ~~of not to exceed one thousand dollars or both such fine and imprisonment~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

9.80.090 - Penalty.

Upon conviction of the crime of unlawful use or sale of fireworks, the municipal court may sentence an offender to a term in the county jail not to exceed one year or **impose** a fine **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** ~~of not to exceed one thousand dollars or both such fine and imprisonment.~~

9.90.090 - Penalty.

Upon conviction of violations of this chapter, the municipal court may sentence an offender to a term in the county jail not to exceed one year or **impose** a fine **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** ~~of not to exceed \$1,000.00 or both such fine and imprisonment.~~

Section 11. The following sections within Title 12 of the Woodland Park Municipal Code, concerning streets and sidewalks, are hereby amended to read as follows:

12.02.020 - Violation—Penalty.

Any person violating any provision of this chapter shall be punished upon conviction by a fine ~~not to exceed three hundred dollars or by imprisonment for not more than ninety days, or both such fine and imprisonment for each offense~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

12.03.040 - Violation—Penalty.

Any person violating any provision of this chapter shall be punished upon conviction by a fine ~~not to exceed three hundred dollars or by imprisonment for not more than ninety days, or both such fine and imprisonment for each offense~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code.**

Section 12. The following sections within Title 13 of the Woodland Park Municipal Code, concerning utilities, are hereby amended to read as follows:

13.05.060 - Violations and punishment.

It shall be unlawful for any person to knowingly violate any provision or to fail to comply with any of the requirements of this chapter. Any person who violates any of the provisions of this chapter shall be punishable by a fine ~~of not more than one thousand dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** or by imprisonment of not more than one year or by both such fine ~~an~~ **and** imprisonment. Each such person shall be guilty of a separate offense for each and every day during and portion of which any violation of any provisions of this chapter is committed, continued, or permitted by such person and shall be punished accordingly. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be summarily abated by the city.

13.52.010 - Violation—Penalty.

Any person, firm or corporation who violates this title or any of its provisions shall, upon conviction thereof, be punished by a fine ~~not to exceed three hundred dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code** or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Each day of violation shall be considered a separate offense.

Section 13. Section 16.56.040 of the Woodland Park Municipal Code, concerning mobile homes, is hereby amended to read as follows:

16.56.040 - Violation—Penalty.

Any person who violates any provision of this title shall upon conviction be punished by a fine ~~of not less than five dollars nor more than three hundred dollars~~ **as set forth in Chapter 1.12 of the Woodland Park Municipal Code;** and each day's failure of compliance with any such provision shall constitute a separate violation.

Section 14. Section 20.04.060 of the Woodland Park Municipal Code, concerning flood damage prevention regulations, is hereby amended to read as follows:

20.04.060 - Penalties.

Any violation of any portion of the Flood Damage Prevention Regulations Code herein adopted is hereby declared to be unlawful and punishable as set forth in Chapter 1.12 ~~General Penalty~~ of the Woodland Park Municipal Code.

Section 15. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 16. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2021.

City of Woodland Park

Hilary LaBarre, Mayor Pro-Tem

ATTEST:

City Clerk, Suzanne Leclercq



STAFF REPORT

TO: Mayor Pro-Tem LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: February 3, 2022

SUBJECT: Approve Resolution No. 887, Series 2022 - Best Western Hotel PUD Extension Request
(Presenter, Planning Director Karen Schminke)

BACKGROUND: A request by William L. Page for a two-year extension (to February 4, 2024) of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 PUD zone district pursuant to Municipal Code §18.30.050.

RECOMMENDATION: As there are no regulations to assess, staff does not have a position or recommendation on this extension request.
The Planning Commission has recommended that City Council grant the two-year extension, with the approving resolution clearly stating that the development is still subject to all of the conditions and dimensional standards specified with the original approval of PUD15-001 in January 2016.

ATTACHMENTS:

1. CC Staff Rpt PUD 15-002 Best Western 2024 Extension
2. Attachment A CC Best Western PUD Ext. to 2024
3. Attachment B RES 824 Series 2018 Signed
4. Attachment C RES 853 Series 2020 Signed
5. Attachment D PC Minutes 2021-01-13 draft
6. Attachment E CC Reso GRANT draft
7. Attachment F CC Reso DENY draft

CITY OF WOODLAND PARK PLANNING COMMISSION STAFF REPORT

Meeting Date: February 3, 2022

<u>AGENDA ITEM</u>	<u>DEPARTMENT</u>	<u>PRESENTER</u>
3.A	Planning & Building	Karen Schminke, AICP Planning Director

ITEM

A request by William L. Page for a two-year extension (to February 4, 2024) of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 PUD zone district pursuant to Municipal Code §18.30.050.

BACKGROUND

On January 6, 2016, the Planning Commission approved with conditions an amendment to the 1996 Gold Hill Square South PUD that allowed lodging use (a 70-room Best Western Hotel) and redesign of Building #6 on 1.37 acres. On February 4, 2016, City Council approved the dimensional standards for a 31% maximum building site cover, 98% maximum impervious cover, 46 foot maximum height, 50 foot minimum lot frontage, and zero foot front/rear/side minimum building setbacks.



Pursuant to Municipal Code §18.30.050 Time limit to begin construction—Extension:

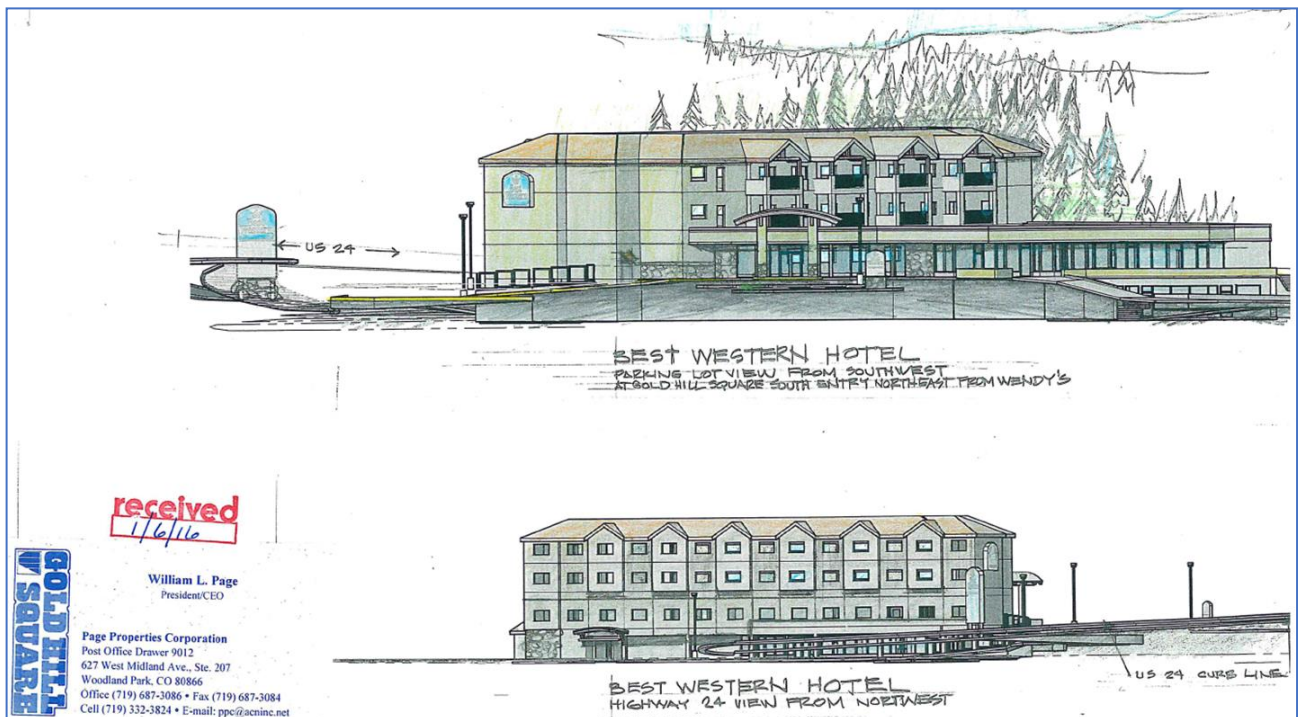
- A. A time period of two years, beginning with the approval of the required detailed PUD plan, shall be required. Failure to begin construction within this two-year period shall void the plan as approved, unless a request for extension of time is granted by the city planning commission.
- B. Application for extension of time shall be made to the planning commission and shall be accompanied by such evidence as is necessary to show substantial need, and shall be made before the two-year expiration date. The planning commission will hold at least one public hearing on the request and if, from the evidence submitted, the commission finds that an extension is warranted, a recommendation will then be made to the city council. If the council concurs with the recommendation of the commission, it may then by resolution grant the extension.

On January 25, 2018, the Planning Commission recommended granting a two-year extension and on February 1, 2018 via Resolution No. 824, City Council approved the request and granted a two-year extension to February 4, 2020. On December 12, 2019, William L. Page submitted a second request for a two-year extension of PUD 15-001 to construct the Best Western at Gold Hill Square South. As stated by Mr. Page, he had run into “an impasse with Sherwin Williams on relocating their present store to a new location ... south of City Market. This put an immediate hold on our Best Western Hotel process.” This extension expires on February 4, 2022. On November 22, 2021, Mr. Page

submitted a third request for a two-year extension of PUD 15-001 to construct the Best Western at Gold Hill Square south. Merit Academy signed a short-term lease with Gold Hill Square South LLC for elementary school K-8 on the lower level (formerly Woodland Hardware) commencing July 1, 2021 and ending June 30, 2023. The lease provides Merit Academy two one-year extension options ending June 30, 2024, and June 30, 2025. The Sherwin Williams lease expires the summer of 2025. Mr. Page also anticipates that the hotel lodging industry will have recovered from the Covid-19 pandemic by the time Merit Academy vacates the lower level, and “it will be economically feasible to proceed with construction of this upscale Best Western 70-room hotel.”

Since this PUD amendment was last extended in 2020, the City has adopted an update to the Comprehensive Plan. This proposal is consistent with newly adopted 2021 Comprehensive Plan. Additionally, no new development standards have been adopted by the City since this PUD amendment was approved in 2016, and extended in 2018 and 2020. Except for the Merit Academy occupation, general circumstances and conditions on the site and surrounding area remain unchanged.

At this time, the proposed development continues to be consistent with the 2021 Comprehensive Plan, existing zoning regulations and other standards; compatible with the surrounding uses and development pattern; logically developed with the necessary infrastructure improvements and



services; in the interest of public, health, safety and welfare of the citizens and visitors to Woodland Park; and, does not create adverse impacts to the natural environment. Past Woodland Park Planning Commission meetings (August 27, 2015/January 14, 2016/January 25, 2018/January 23, 2020) related to the original PUD approval and the 2018 and 2020 extension requests are downloaded on YouTube should you wish to review them.

Please note that while the City has completed an update to the comprehensive plan, a contemporaneous review of various sections of the Municipal Code (including but not limited to Title 16 Mobile Home Park, Title 17 Subdivision and Title 18 Zoning) is under way. At a future date there may be changes to the regulations in §18.30 *Planned Unit Development (PUD) District* which in turn may affect this project and entitlements previously granted if the extension is not granted.

Staff did a full public notice of all public hearings for this request, including mailing adjacent property owners, three on-site posters and legal notices in the Pikes Peak Courier. As of the writing of this Staff Report, no written comments were received by staff.

City Council, after considering the Planning Commission's recommendation, is the decision-maker on this request.

STAFF RECOMMENDATION

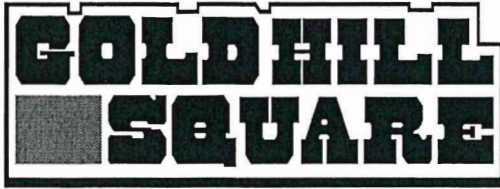
As there are no regulations to assess, staff does not have a position or recommendation on this extension request.

The Planning Commission has recommended that City Council grant the two-year extension, with the approving resolution clearly stating that the development is still subject to all of the conditions and dimensional standards specified with the original approval of PUD15-001 in January 2016.

Draft resolutions, one to grant and one to deny, have been prepared for City Council consideration and are attached to this Staff Report.

ATTACHMENTS

- A: Page Extension Request dated November 22, 2021
- B: First Extension Approval and City Council Resolution No. 824, 2018
- C: Second Extension Approval and City Council Resolution No. 853, 2020
- D: Draft Planning Commission Minutes – January 13, 2022
- E: Draft Resolution to Grant Extension
- F: Draft Resolution to Deny Extension



GOLD HILL SQUARE SOUTH, LLC.
Post Office Drawer 9012
627 W. Midland Avenue, Suite #207
Woodland Park, CO 80866-9012
Telephone (719)687-3086
Fax (719)687.3084

November 22, 2021

Sally Riley, AICP,
Directory of City Planning
City of Woodland Park
Woodland Park, CO 80863

Via Hand Delivery

Re: PUD 15-001 ZDP #191 20314
•70-Room Hotel
•PUD Amendment Approval for Gold Hill Square South, Building 6, Approved January 6, 2016
•Dimensional Standards Approval for Building 6, Gold Hill Square South PUD Approved February 4, 2016
•PUD Re-approved Two-year Extension 2018
•PUD Re-approved Two-year Extension February 6, 2020

Dear Sally,

As you are aware, Merit Academy signed a short-term lease with Gold Hill Square South LLC for elementary school K-8 in June 2021 located in the lower level (former Woodland Hardware Store) and on July 1, 2021, commenced occupancy and conducting interior upgrades/submitting remodel architectural drawings to City of Woodland Park and Pikes Peak Regional Building Department.

The first semester of this school year Merit Academy has been holding school classes at two churches in Woodland Park during the Merit Academy construction building remodeling/completion and should be occupying the completed remodel the second semester of the school year in January 2022.

This location is temporary, and Merit Academy's long-term plans are to find a permanent location to acquire the land for or to build a new building.

When Merit Academy moves out, Gold Hill Square South LLC., as a landlord, will end up with 12,440 square feet vacant space presently occupied by Merit Academy. This future vacant space happens to be located on the 14,930 square foot lower level of Best Western Hotel PUD.

By the time Merit Academy has relocated to a permanent location I am anticipating/hoping the hotel lodging industry will have recovered from the Covid-19 pandemic and it will be economically feasible to proceed with construction of this upscale Best Western 70-room hotel.

Henceforth, at this time I am requesting a two-year time extension for the above-recited approvals so I can keep the project participants on board and momentum as approved for future project implementation and construction.

I have enclosed my PUD extension application and \$85 extension fee.

I have also enclosed an 11"x17" 70-room hotel William L. Page, Architect, drawings IS01, IS02, IS03, AS, A1, A2, A3, Entech Engineering drawings S1, S2, S3, S4, S-D-1, S-D-2 and S-D-3, and William L. Page, Architect, 24"x36" drawings of A1, R1, R2 and R3.

Sincerely,
GOLD HILL SQUARE SOUTH, LLC.

A handwritten signature in blue ink, appearing to read "William L. Page".

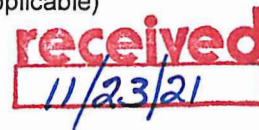
William L. Page, Manager/Member

enclosures



2021 GENERAL APPLICATION
(Revised 1/1/2021)

Project # 1712 0332 *original case* | *new case #*
Case # 2021-003 | 202111356
Fee(s): See City of Woodland Park
Fees Sheet (Plus publication/recording
fees, as applicable) *PUD 2021-02*



Type of Application (Check one or more as applicable)

- | | | |
|---|--|---|
| ☐ Site Plan Review Permitted Use | ☐ Special Use Permit | ☐ Preliminary Plat |
| ☐ Site Plan Review Conditional Use | ☐ Planned Unit Development (PUD) | ☐ Exemption Plat |
| ☐ Conditional Use Permit | ☒ PUD Amendment <i>Extension</i> | ☐ Final Plat |
| ☐ Zoning Change | ☐ Appeal | ☐ Townhouse Plat |
| ☐ Extension of Development | ☐ Variance | ☐ Condominium Plat |

1. Applicant Information

- a. Applicant Name William L. Page
- b. Project Coordinator ☒ Property Owner ☒
- c. Mailing Address PO Drawer 9012, Woodland Park CO 80866
- d. E-mail Address ppc@qwestoffice.net
- e. Phone Numbers Home N/A Work 719-687-3086 Mobile 719-332-3824

2. Property Owner Information (if different from above)

- a. Name _____ Project Contact? Yes ☐ No ☐
- b. Mailing Address _____
- c. E-mail Address _____
- d. Phone Numbers Home _____ Work _____ Mobile _____

3. Site Information

- a. Site Address 703, 717 and 719 Gold Hill Place, Woodland Park, CO 80863
- b. Lot 2&3/8 Block - / 27 Subdivision Page's Subdivision / Block 27 Highland Subdivision
- c. Property Zoning PUD Lot Size 59,677 Acres ☐ Square Feet ☒

4. Project Information

- a. Project Name Best Western Hotel/Gold Hill Square South
- b. Brief Description of Project/Request A two-year PUD extension Project 1 712 0032.
See letter dated November 22, 2021 to Sally Riley, ACIP, from Gold Hill Square South, LLC
signed by William L. Page, Managing Member.
- c. Project Narrative *(On a separate sheet provide additional project details and how the proposal complies with the applicable code requirements, which can be found in Section 8 of this application.)*

5. Consultant Information (if applicable)

a. Architect

- i. Project Contact William L. Page
- ii. Firm Name William L. Page & Associates, Architect, Planner & Consultants
- iii. Physical Address 627 W. Midland Avenue, Suite 208, Woodland Park, CO 80863
- iv. Mailing Address PO Drawer 9012, Woodland Park, CO 80866
- v. E-mail Address ppc@qwestoffice.net
- vi. Phone Numbers: Business 719-687-3085 Mobile 719-332-3824

b. Engineer

- i. Project Contact Joe Goode, PE
- ii. Firm Name Entech Engineering, Inc.
- iii. Physical Address 505 Elkon Drive, Colorado Springs, CO 80907
- iv. Mailing Address Same as above
- v. E-mail Address _____
- vi. Phone Numbers: Business 719-531-5599 Mobile _____

c. Planner

- i. Project Contact William L. Page
- ii. Firm Name See architect info above
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

d. Surveyor

- i. Project Contact Mel March
- ii. Firm Name March Surveying
- iii. Physical Address 304 Shavano Circle, Florissant CO 80816
- iv. Mailing Address Same as above
- v. E-mail Address _____
- vi. Phone Numbers: Business 719-748-3654 Mobile 719-602-9428

e. Other (specify role) _____

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

6. Submittal Requirements

The following items must be included at time of submittal (in addition to items on the submittal checklists) or the application will not be processed (additional copies may be requested).

Type of Application	24" x 36" Plan Set	11" x 17" Plan Set	Adobe Acrobat Portable Document Format (.pdf) electronic Plan Set on a flash drive	Warranty Deed or Title Policy	List of adjoining property owners within 150'	Copies of reports (narrative, traffic study, drainage, etc.)
All Types	1	1	1	1	1	1

7. Applicable Code Sections

The following are the applicable code sections by type of application and are for assisting applicants in completing the required project narrative. The City of Woodland Park's Municipal Code can be found at www.city-woodlandpark.org/Charter&Code. Subdivision requirements are in Title 17 and Zoning is in Title 18 of the Municipal Code.

Type of Application	Applicable Code Sections
Site Plan Review Permitted Use	Chapters 18.34, 18.33 and 18.39
Site Plan Review Conditional Use	Chapters 18.34, 18.57, 18.33 and 18.39
Conditional Use Permit	Chapter 18.57 plus applicable site plan regulations
Zoning Change	There are no specific standards, but the applicant should provide supporting argument for a zoning change, including how it complies with the Comprehensive Plan
Special Use Permit	Chapter 18.61 plus applicable site plan regulations
Planned Unit Development	Chapters 18.30, 18.33, 18.39, Sections 17.20.070, and 17.20.080
Appeal	Chapter 18.54
Variance	Chapter 18.60
Preliminary Plat	Chapter 17.20 plus applicable subdivision sections
Exemption Plat	Section 17.52.030 plus applicable subdivision sections
Final Plat	Chapter 17.24 plus applicable subdivision sections
Townhouse Plat	Chapter 17.32 plus applicable subdivision sections
Condominium Plat	Chapter 17.32 plus applicable subdivision sections

8. Certification of Ownership

I (We) do hereby declare and affirm that I (we) am (are) the exclusive owner(s) and title holder(s) of the above described property.

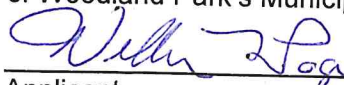
➡  November 22, 2021
Owner Date

➡ _____
Owner Date

9. Certification:

The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

I certify that I understand that the proposed development is in accordance with all provisions of the City of Woodland Park's Municipal Code and other applicable regulations.

➡  November 22, 2021
Applicant Date

City Use Only

1. Submission 11/23, 2021, taken by SLUR
Fee Received 11/23, 2021, taken by SLUR
2. Application is deemed complete – OR – deemed incomplete and returned to applicant to complete on 11 / 23 / 21.
3. Public Hearing Notice
Published 12/29, 2021 (*send to Courier on 12/20/21*)
Posted 12/29, 2021
Adjacent Property Notification 12/29, 2021.
4. Planning Commission Public Hearing 1/13, 2022
Board of Adjustment Public Hearing (when applicable) _____, 20____.
5. City Council First Reading of Ordinance (if applicable) _____, 20____.
City Council Public Hearing 2/3, 2022
Notes _____

6. Letter of Approval/Denial to applicant sent _____, 20____.
7. Additional Information



Teller County Government

The Official Site For Teller County, Colorado

Property Records Database

Teller Home	County Offices	Contributing Offices	New Search	Mapping Application	Foreclosures
-----------------------------	--------------------------------	--------------------------------------	----------------------------	-------------------------------------	------------------------------

Property Record Database

Account Information (provided by Assessor)

Account No R0000770

Parcel Id 6329.242360200

2021 Values [A PDF of the 2021 Notice of Value](#)

Actual \$1,797,719

Assessed \$521,330

Tax Dist 63

Acct Type Commercial

School Dist RE-2

Acres 1.3700

Map No. 3029-24

Owner Name GOLD HILL SQUARE SOUTH
LLC

Mailing PO BOX 9012

Address WOODLAND PARK, CO 80866

Physical 717 GOLD HILL PL
Address

Area PAGE SUB (COMM)

Legal Description L2-3 PAGES SUB

[Show Map](#)

[Commercial Sales List](#)



Zoning Information (provided by City of Woodland Park for Questions call 719-687-5202)

Zoning PUD

Land Information (provided by Assessor)

Land Type	Abst Code	Acres
-----------	-----------	-------

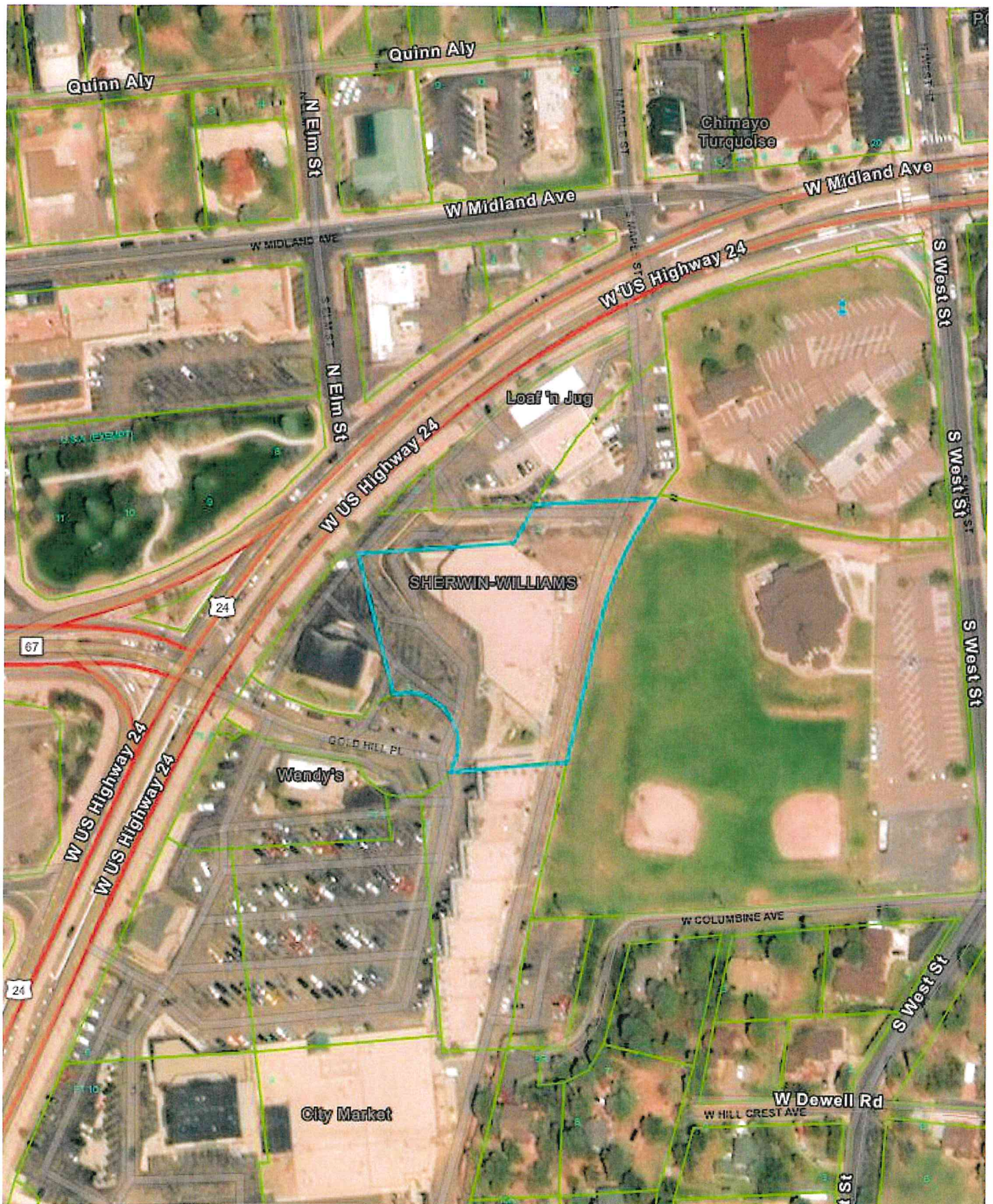
Commercial	2112	1.3700
------------	------	--------

TOTAL		1.3700
--------------	--	---------------

Building Information (provided by Assessor)

Building ID 1

Occupancy Neighborhood Shopping Center **Abst code** 2212



70 GUEST ROOMS - 4 STORY
CENTRAL CORE

PUBLIC AREAS (GSF)		
LOBBY / VESTIBULE	1,615	
BREAKFAST	714	
BUSINESS CENTER	80	
MEDIA CENTER	275	
MEETING ROOM	464	
PUBLIC REST ROOMS	492	
LODGE / BAR	420	
FLEX ROOM	391	
FITNESS CENTER	603	
INDOOR POOL AND SPA	1,480	
TOTAL PUBLIC AREAS	6,114 GSF	15% of Total

BACK OF HOUSE AREAS (GSF)		
EMPLOYEE BREAK ROOM	161	
LAUNDRY / LINEN	574	
HOUSE KEEPING 2nd & 3rd Floors	698	
ELEC. / MECH. / MAINT. ROOMS	565	
ELEVATOR EQUIPMENT ROOM	62	
STORAGE	96	
POOL EQUIPMENT	159	
PREP. KITCHEN	141	
TOTAL BACK OF HOUSE AREAS	2,456 GSF	6% of Total

PARKING LEVEL AREA		
FIRE/SPRINKLER ROOM/MECHANICAL ROOM	125	
MAINTENANCE ROOM	334	
INTERIOR HEATED PARKING AREA	11,040	

70 KEYS		
GUEST FLOORS	TOTAL GSF	
LOBBY LEVEL	7,752	
2ND FLOOR GUEST RMS.	9,270	
3RD FLOOR GUEST RMS.	9,270	
TOTAL GUEST FLOORS	26,292 GSF	62% of Total

GUEST ROOM SUPPORT (GSF)		
GUEST CORRIDORS	4,362	
STAIRS / ELEVATORS	1,600	
VENDING	365	
GUEST LAUNDRY	178	
TOTAL GUEST ROOM SUPPORT	6,505 GSF	16% of Total

ADMINISTRATIVE (GSF)		
REGISTRATION / OFFICES	457	
TOTAL ADMINISTRATIVE	457 GSF	1% of Total

SUMMARY		
FACILITIES		
70 KEYS		
325± GSF / KEY		
464 NSF MEETING ROOM		

REVENUE GENERATING NSF / TOTAL GSF = 65% (24,488 / 37,864)

ROOM SIZES	NET CLEAR DIMENSIONS	NSF
DOUBLE QUEEN (QQ12)	11'-9" x 28'-1"	320
DOUBLE QUEEN (QQ12)	11'-8" x 30'-2"	343
DOUBLE QUEEN SUITE (QQ12) w/DECK	11'-8" x 31'-10"	364
DOUBLE QUEEN SUITE (QQ12) (ACC)	11'-8" x 35'-10"	405
KING (K12) KITCHENETTE	11'-8" x 35'-0"	406
KING 14' (ACC)	14'-0" x 23'-7"	324
SMALL KING (K12)	11'-9" x 30'-0"	292
KING (K12) "Mini" SUITE	11'-8" x 35'-10"	405
KING (K12) SUITE w/DECK	11'-8" x 31'-10"	358

BUILDING DATA			
PARKING LEVEL	14,930	TOP OF PARAPET	52'-0"
LOBBY LEVEL AREA	15,948	OVERALL BUILDING WIDTH	186'-0"
SECOND FLOOR AREA	11,584	OVERALL BUILDING DEPTH	126'-0"
THIRD FLOOR AREA	11,584	NUMBER OF STORIES	4
TOTAL BUILDING AREA (INCLUDING PARKING LEVEL)	54,046 GSF		
SITE AREA			
59,677 SF			
1.37 ACRES			

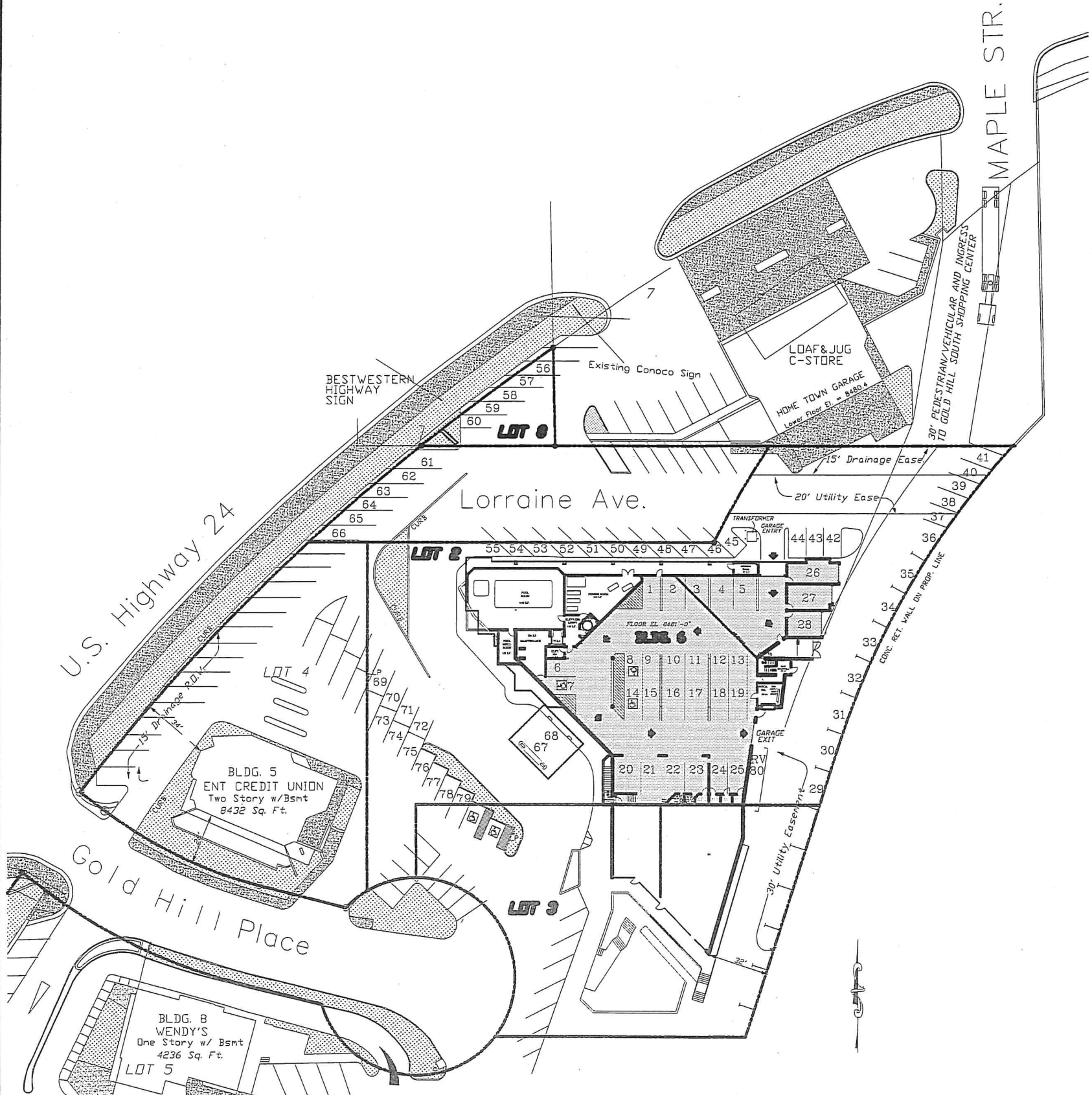
PARKING AREA
CITY PUD ZONING REQUIREMENTS:
70 KEYS x 1 PARKING SPACES PER KEY = 70 SPACES
EMPLOYEE PARKING = 7 SPACES
4 ACCESSIBLE SPACES REQUIRED (1 VAN ACCESSIBLE SPACE)
EXTRA PARKING = 3 SPACES
80 TOTAL PARKING SPACES REQUIRED INCLUDING ACCESSIBLE
80 PARKING SPACES PROVIDED:
(28 INTERIOR HEATED SPACES + 52 EXTERIOR SPACES)

TRASH ENCLOSURE = 100 SF
LANDSCAPING = OFF SITE HIGHWAY ROW

ACCESSIBILITY REQUIREMENTS:
GUEST ROOMS WITH MOBILITY FEATURES:
1 GUEST ROOMS REQUIRED WITHOUT ROLL-IN SHOWERS
3 GUEST ROOM REQUIRED WITH ROLL-IN SHOWER
(SEE PLANS FOR LOCATIONS)
COMMUNICATION FEATURES:
9 GUEST ROOMS ARE REQUIRED TO HAVE COMMUNICATION FEATURES WITH ONE
OF THE ROOMS HAVING BOTH COMMUNICATION AND MOBILITY FEATURES
(SEE PLANS FOR LOCATIONS)



UNITS:		LOBBY	2ND FLR	3RD FLR	TOTAL	SPACE %
QQ12	SEE SHT.-R4 A,B,C	13	14	14	41	55
QQ12 SUITE w/Deck	SEE SHT.-R4 D		2	3	5	7
QQ12 SUITE (ACC)	SEE SHT.-R4 E	3			3	5
QQ12 SUITE	SEE SHT.-R4 F		1	2	3	7
K14 (ACC)	SEE SHT.-R4 M	1			1	1
K14 "Typical of ACC"	SEE SHT.-R4 M		1	1	2	3
K12 KITCHENETTE	SEE SHT.-R4 L	2	2	2	6	9
K12 SUITE w/DECK	SEE SHT.-R4 K		2	1	3	4
K12 SUITE "Mini"	SEE SHT.-R4 H,J	1	2	1	4	7
SMALL K12	SEE SHT.-R4 G		1	1	2	2
TOTAL:		20	25	25	70	100%



A
AS
PARKING LEVEL SPACES
SCALE: 1"=30'-0" REF: None

JOB NO:
DRAWN: MLS
CHECKED:
ISSUED: 2/17/17
REVISIONS:

RESTRICTIVE NOTICE

The information, plans, specifications and designs contained in this drawing are confidential. The recipient acknowledges that the drawing and its contents are the property of William L. Page and shall not be disclosed to others, in part, for any purpose without the prior written consent of William L. Page Architect.

Best Western International
620 North 24th Parkway
Phoenix, Arizona 85016-2023, USA
(602) 577-5713 (FAX)
(602) 577-4236



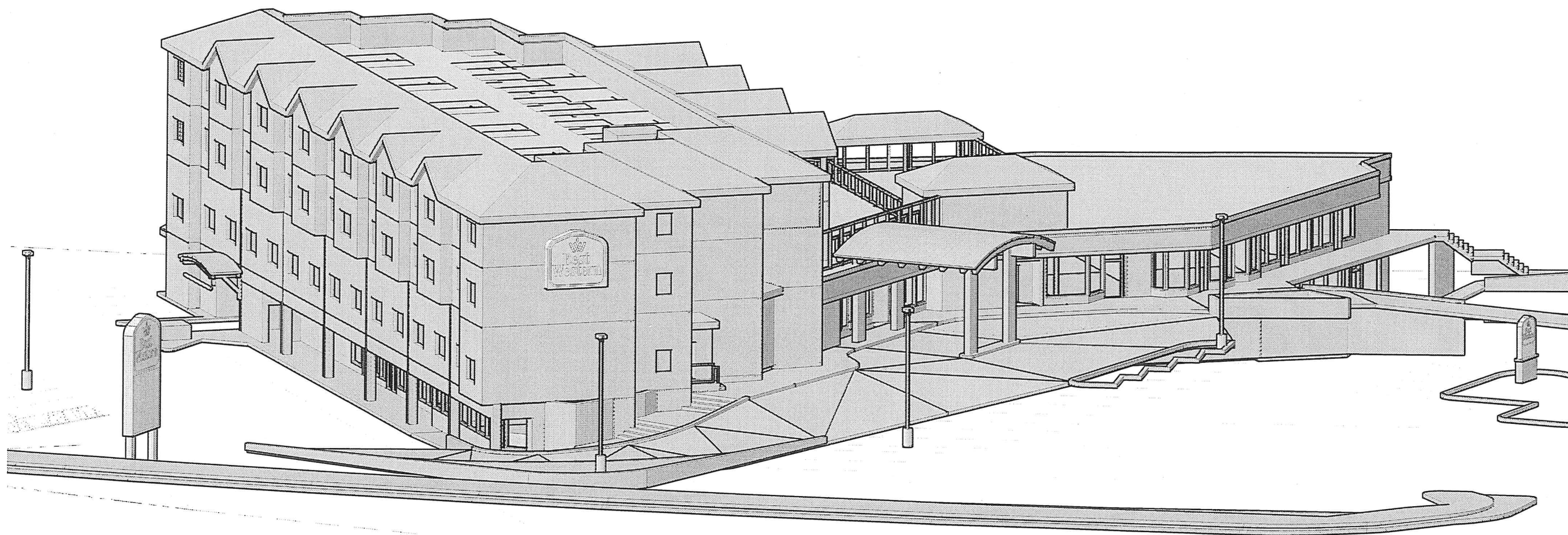
GOLD HILL SQUARE SOUTH, LLC
WILLIAM L. PAGE OWNER/MANAGER
627 WEST MIDLAND AVE., SUITE 207
WOODLAND PARK, COLORADO 80855
FAX: 719.687.3084

BEST WESTERN HOTEL
GOLD HILL SQUARE SOUTH
BUILDING 6
619 GOLD HILL PLACE
WOODLAND PARK, COLORADO 80855

PROJECT
SUMMARY

SHEET

AS



A ISOMETRIC- NORTH WEST AERIAL VIEW
 I-3 SCALE: NONE REF: Typ. Units

JOB NO:
 DRAWN: MLS
 CHECKED:
 ISSUED: 5/5/17
 REVISIONS:

RESTRICTIVE NOTICE

The information, plans, specifications and designs contained in this drawing are confidential. The recipient acknowledges that the drawing and its contents are the property of William L. Page and shall not be disclosed to others, in part, for any purpose without the prior written consent of William L. Page Architect.

Best Western International
 6201 North 24th Parkway
 Phoenix, Arizona 85016-2023, USA
 (602) 957-4200 (602) 957-5713 (FAX)

GOLD HILL SQUARE SOUTH, LLC
 WILLIAM L. PAGE OWNER/MANAGER
 627 WEST MIDLAND AVE., SUITE 207
 WOODLAND PARK, COLORADO 80866
 PHONE: 719.687-3086 FAX: 719.687-3084

BEST WESTERN HOTEL
 GOLD HILL SQUARE SOUTH
 BUILDING 6
 619 GOLD HILL PLACE
 WOODLAND PARK, COLORADO 80866

**ISOMETRIC
 VIEW**

**SHEET
 ISO-3**

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 824, SERIES 2018

A RESOLUTION EXTENDING THE PLANNED UNIT DEVELOPMENT (PUD) APPROVAL FOR THE BEST WESTERN 70-ROOM HOTEL AT GOLD HILL SQUARE SOUTH (PUD 15-001) FROM FEBRUARY 4, 2018 TO FEBRUARY 4, 2020.

WHEREAS, the PUD is located at 703, 717 and 719 Gold Hill Place; is legally described Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition; which property is owned by William L. Page, Manager/Member of Gold Hill Square South, LLC; and

WHEREAS, this original PUD was approved by the City Council in 1997 via Ordinance No. 726; and

WHEREAS, PUD 15-001 amended the original PUD to allow for development of Building 6 into a 70-room Best Western hotel and was approved by the Planning Commission on January 14, 2016 and City Council on February 4, 2016; and

WHEREAS, pursuant to Municipal Code §18.30.050, failure to begin construction within a twoyear period shall void the PUD as approved unless a request for extension of time is granted by recommendation of the Planning Commission and by resolution of City Council; and

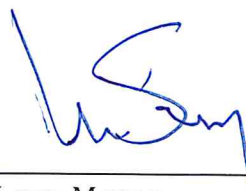
WHEREAS, this PUD request for extension was subject to a Planning Commission public hearing on January 25, 2018 and a City Council public hearing on February 1, 2018 and public notice of all public hearings was posted on the property, published in the Pikes Peak Courier, and mailed to all adjacent property owners pursuant to all applicable Municipal Code requirements.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Woodland Park:

Section 1. PUD 15-001 for the 70-room Best Western Hotel located at 703, 717 and 719 Gold Hill Place with a legal description of Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition on property owned by William L. Page, Manager/Member of Gold Hill Square South, LLC is hereby extended for two-years. Construction must commence by February 4, 2020, and development remains subject to all conditions in the approval of PUD 15-001.

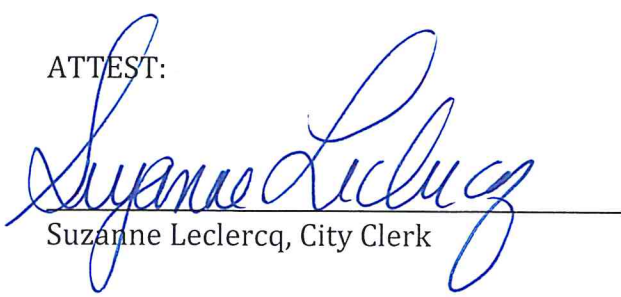
Section 2. This PUD extension is warranted based on sufficient evidence showing substantial need provided by the applicant, staff (in the Staff Report dated January 25, 2018), and testimony at the public hearings.

ADOPTED THIS 15 DAY OF February, 2018.



Neil Levy, Mayor

ATTEST:



Suzanne Leclercq, City Clerk

CITY OF WOODLAND PARK, COLORADO

RESOLUTION NO. 853, SERIES 2020

**A RESOLUTION EXTENDING THE PLANNED UNIT DEVELOPMENT (PUD)
APPROVAL FOR THE BEST WESTERN 70-ROOM HOTEL AT GOLD HILL SQUARE
SOUTH (PUD 15-001) FROM FEBRUARY 4, 2020 TO FEBRUARY 4, 2022**

WHEREAS, the PUD is located at 703, 717 and 719 Gold Hill Place and is legally described as Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition (Property) and the Property is owned by William L. Page, Manager/Member of Gold Hill Square South, LLC; and

WHEREAS, the original PUD was approved by the City Council in 1997 via Ordinance No. 726, Series 1997; and

WHEREAS, PUD 15-001 amending the original PUD to allow for development of Building #6 into a 70-room Best Western hotel was approved by City Council on February 4, 2016; and

WHEREAS, pursuant to Municipal Code §18.30.050, failure to begin construction within a two-year period shall void the PUD unless a request for extension of time is granted by recommendation of the Planning Commission and by resolution of City Council; and

WHEREAS, this PUD request for extension was subject to a Planning Commission public hearing on January 23, 2020 and a City Council public hearing on February 20, 2020 and public notice of all public hearings was posted on the property, published in the Pikes Peak Courier, and mailed to all adjacent property owners pursuant to all applicable Municipal Code requirements.

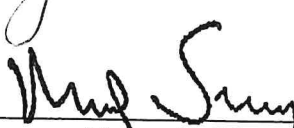
NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Woodland Park:

Section 1. PUD 15-001 for the 70-room Best Western Hotel located at 703, 717 and 719 Gold Hill Place with a legal description of Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition on property owned by William L. Page, Manager/Member of Gold Hill Square South, LLC is hereby extended for two-years. Construction must commence by February 4, 2022.

Section 2. This request only approves an extension. All conditions and terms of the original approval of PUD 15-001 remain in place and are unchanged.

Section 3. This PUD extension is warranted based on sufficient evidence showing substantial need provided by the applicant in the application and in public hearings.

ADOPTED THIS 20th DAY OF February, 2020.



Mayor Neil Levy

ATTEST: 

City Clerk Suzanne Leclercq

WOODLAND PARK PLANNING COMMISSION MEETING MINUTES for January 13, 2022

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 kschminke@city-woodlandpark.org.

1. ORDER AND ROLL CALL:

Vice-chairman Ken Hartsfield called the meeting to order at 7:00 pm.

Present Commissioner Lee Brown (via zoom)

Present Commissioner Carrol Harvey

Present Commissioner Kenneth Kennedy

Present Commissioner Larry Larsen

Present Commissioner Shawn Nielsen

Staff Present: Planning Director Karen Schminke and Planner 1 David Burgess

Commissioner Jon DeVaux was absent and excused; Commissioner Al Bunge was absent. New Planning Commissioner Ken Kennedy was introduced and welcomed to the Commission.

2. ELECTION OF OFFICERS

Ken Hartsfield was elected Chair and Lee Brown was elected Vice-Chair of the Commission.

3. APPROVAL OF MINUTES:

The December 9, 2021 minutes were approved, as presented.

4. PUBLIC HEARINGS:

A. PUD2021-02 (ZDP # 202111356): A request by William L. Page for a two-year extension of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 in the Planned Unit Development zone district pursuant to Municipal Code §18.30.050. **(QJ)**

Planning Director Karen Schminke used a PowerPoint presentation to supplement her Staff Report to the Commission. She displayed and described the Request and Timeline summary, an Aerial exhibit of the proposed location, the Final Development Plan for the PUD Amendment, and a Rendering of the Southwest and North Elevations of the proposed hotel.

Director Schminke recapped the Staff's original findings from 2016, summarizing the request is compatible with surrounding uses, logically developed with necessary infrastructure, and in the interest of the public with no adverse impacts. She provided additional findings for 2022, noting that while this project continues to be consistent with the City's newly adopted comprehensive plan there is the potential that there may be City's development regulations which in turn may affect this project. Director Schminke concluded her presentation by stating that since there are no regulations to assess, staff does not have a position or recommendation on this extension request however, should the Planning Commission find that an extension is warranted and recommends that City Council grant the two-year extension, then the approving resolution should clearly state that the development is still subject to all of the conditions and dimensional standards specified with the original approval of PUD15-001 in January 2016.

The owner and applicant, William Page provided additional information to the Planning Commission related to his current leases with Sherwin Williams and Merit Academy, both of which will expire in 2025. He also stated that he will be back in 2024 for another extension.

Chairman Hartsfield opened public comment. With no persons wishing to speak, he closed the public comment and turned deliberation back to the Commissioners.

The Commissioners sought clarification from Staff that there is no limit on the number of extensions that can be granted. Recognizing that they will likely see another extension request from Mr. Page in two years, there was concern by the Commissioners that Mr. Page understand that there may be changes to the City's development regulations that will warrant a reapplication for this project instead of another extension.

MOTION: Commissioner Harvey moved, and Commissioner Kennedy seconded, that the Planning Commission approve PUD 2021-02, a request by William L. Page for a two year extension of the time limit to begin construction of the Best Western Hotel in the Gold Hill Square South Building #6 in the PUD district pursuant to Municipal Code §18.30.050, and subject to all the conditions and dimensional standards specified with the original approval of PUD 15-001 in January 2016.

YES: Hartsfield, Brown, Harvey, Kennedy, Larsen and Nielsen; **NO:** None
Motion PASSES 6-0.

City Council Public Hearing is scheduled to review this item on Thursday, February 3, 2022, 7:00 P.M.

5. REPORTS:

- A. Director Schminke reported that Logan Simpson has been putting the final polish on the comprehensive plan as well as working on the code review.
- B. Members of the Planning Commission expressed a desire for a joint educational work session with City Council regarding short term rentals.
- C. After a suggestion by Staff, the Commission decided to discuss at the next meeting, the possibility of changing the planning commission regular meeting time to 6:00 PM.
- D. The next Planning Commission meeting is on Thursday, January 27, 2022.

6. ADJOURN: The meeting adjourned at 7:56 pm.

Approved this _____ day of _____, 2022 by _____
Ken Hartsfield, Chairman

CITY OF WOODLAND PARK, COLORADO

RESOLUTION NO. _____, SERIES 2022

**A RESOLUTION EXTENDING THE PLANNED UNIT DEVELOPMENT (PUD)
APPROVAL FOR THE BEST WESTERN 70-ROOM HOTEL AT GOLD HILL SQUARE
SOUTH (PUD 15-001) FROM FEBRUARY 4, 2022 TO FEBRUARY 4, 2024**

WHEREAS, the PUD is located at 703, 717 and 719 Gold Hill Place and is legally described as Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition (Property) and the Property is owned by William L. Page, Manager/Member of Gold Hill Square South, LLC; and

WHEREAS, the original PUD was approved by the City Council in 1997 via Ordinance No. 726, Series 1997; and

WHEREAS, PUD 15-001 amending the original PUD to allow for development of Building #6 into a 70-room Best Western hotel was approved by City Council on February 4, 2016; and

WHEREAS, pursuant to Municipal Code §18.30.050, failure to begin construction within a two-year period shall void the PUD unless a request for extension of time is granted by recommendation of the Planning Commission and by resolution of City Council; and

WHEREAS, this PUD request for extension was subject to a Planning Commission public hearing on January 13, 2022, and a City Council public hearing on February 3, 2022, and public notice of all public hearings was posted on the property, published in the Pikes Peak Courier, and mailed to all adjacent property owners pursuant to all applicable Municipal Code requirements.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Woodland Park:

Section 1. PUD 15-001 for the 70-room Best Western Hotel located at 703, 717 and 719 Gold Hill Place with a legal description of Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition on property owned by William L. Page, Manager/Member of Gold Hill Square South, LLC is hereby extended for two-years. Construction must commence by February 4, 2024.

Section 2. This request only approves an extension. All conditions and terms of the original approval of PUD 15-001 remain in place and are unchanged.

Section 3. This PUD extension is warranted based on sufficient evidence showing substantial need provided by the applicant in the application and in public hearings.

ADOPTED THIS _____ DAY OF _____, 2022.

Mayor Hilary LaBarre

ATTEST: _____
City Clerk Suzanne Leclercq

CITY OF WOODLAND PARK, COLORADO

RESOLUTION NO. _____, SERIES 2022

**A RESOLUTION DENYING AN EXTENSION OF THE PLANNED UNIT
DEVELOPMENT (PUD) APPROVAL FOR THE BEST WESTERN 70-ROOM HOTEL
AT GOLD HILL SQUARE SOUTH (PUD 15-001)**

WHEREAS, the PUD is located at 703, 717 and 719 Gold Hill Place and is legally described as Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition (Property) and the Property is owned by William L. Page, Manager/Member of Gold Hill Square South, LLC; and

WHEREAS, the original PUD was approved by the City Council in 1997 via Ordinance No. 726, Series 1997; and

WHEREAS, PUD 15-001 amending the original PUD to allow for development of Building #6 into a 70-room Best Western hotel was approved by City Council on February 4, 2016 and expires on February 4, 2022; and

WHEREAS, pursuant to Municipal Code §18.30.050, failure to begin construction within a two-year period shall void the PUD unless a request for extension of time is granted by recommendation of the Planning Commission and by resolution of City Council; and

WHEREAS, this PUD request for extension was subject to a Planning Commission public hearing on January 13, 2022, and a City Council public hearing on February 3, 2022, and public notice of all public hearings was posted on the property, published in the Pikes Peak Courier, and mailed to all adjacent property owners pursuant to all applicable Municipal Code requirements.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Woodland Park:

Section 1. The request to extend PUD 15-001 for the 70-room Best Western Hotel located at 703, 717 and 719 Gold Hill Place with a legal description of Lot 2 and Lot 3, Page's Subdivision and Lot 8, Block 27, Highland Addition on property owned by William L. Page, Manager/Member of Gold Hill Square South, LLC is hereby denied.

Section 2. This denial of the PUD extension is warranted based on insufficient evidence showing substantial need provided by the applicant in the application and in public hearings.

ADOPTED THIS _____ DAY OF _____, 2022.

Mayor Hilary LaBarre

ATTEST: _____
City Clerk Suzanne Leclercq



STAFF REPORT

TO: Mayor Pro-Tem LaBarre and City Council

FROM: Kip Wiley, Deputy City Manager/Director of Operations

DATE: February 3, 2022

SUBJECT: Approve Resolution 886, Series 2022, a Resolution establishing the Single Family Residential Tap Allotment for 2022.
(Presenter Deputy City Manager/Director of Operations Kip Wiley)

BACKGROUND: The City's Water Tap Management plan adopted in 1997 provides the mechanism by which the City controls single family residential (SFR) water tap sales so that growth in the City stays compatible with the City's water supply. The plan requires a periodic assessment of water supply and demand and an annual allotment of SFR water taps.

For 2022 the total recommended single family water tap allotment is 80, increasing 6 taps from the 2021 allotment.

The 2022 water tap allotment includes 60 taps based on the water supply and the most recent tap planning number of 999; and it includes 20 taps available from the borrow bank set up as part of the original water tap management plan.

The 2022 tap planning number was increased from 2021. This increase was due to the release of the new census data. The 2020 census numbers revealed 2.22 people per dwelling unit (ppdu). The previous census was 2.47 ppdu. The new 2.22 ppdu calculates to a small population than previously used and therefore creating more water taps available in the future. The City will continue to planning using the same water usage per person and will still serve a buildout population of 12,600. The interesting fact with the new census numbers are with our current water demand it shows that people are using more water than we thought. Same water being use with a small population than anticipated. We will continue to monitor water usage and adjust our water planning number per person if we need to.

RECOMMENDATION: Approve Resolution 886, establishing the number of Single Family Residential water taps available for the year 2022 at 80.

ATTACHMENTS: 1. RES 886

**CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 886, SERIES 2022**

**A RESOLUTION ESTABLISHING THE SINGLE FAMILY RESIDENTIAL
WATER TAP ALLOTMENT FOR 2022.**

WHEREAS, the City Council of the City of Woodland Park adopted a Water Tap Management Plan in 1997; and

WHEREAS, the implementation of the Water Tap Management Plan requires the annual establishment of a single family residential water tap allotment in accordance with procedures established by the plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK THAT:

The single family residential water tap allotment for the calendar year 2021 shall be as follows:

Annual SFR Allotment for 2022 (10% of current water tap planning no. and no more than 60)	60
Available from Tap Borrow Bank	<u>20</u>
Total Available SFR Water Taps for 2022	80

This resolution was adopted at a regular meeting of the City Council of the City of Woodland Park, Colorado held on the _____ day of _____, 2022.

Hillary LaBarre, Mayor

ATTEST:

Suzanne Leclercq, City Clerk



City of Woodland Park

Staff Report for City Council

Meeting Date: January 20, 2022

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
11D	Finance	Aaron Vassalotti Finance Director

ITEM:

Tax Revenue Update

BACKGROUND:

The attached report reflects the City's three percent sales tax revenue and lodging tax **received** December 2021 for **sales incurred** by taxpayers during the month of November 2021.

	2020	2021	\$ change	% change
Sales tax (3.0%)				
Year-to-date (Nov)	\$ 6,259,011	\$ 6,801,919	\$ 542,909	8.7%
Month vs. prior year (Nov)	523,004	642,557	119,553	22.9%
Lodger's Tax				
Year-to-date (Nov)	\$ 221,238	\$ 306,545	\$ 85,307	38.6%
Month vs. prior year (Nov)	33,788	20,098	(13,690)	-40.5%



City of Woodland Park Staff Report for City Council

Meeting Date: January 20, 2022

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
11D	Finance	Aaron Vassalotti Finance Director

ITEM:

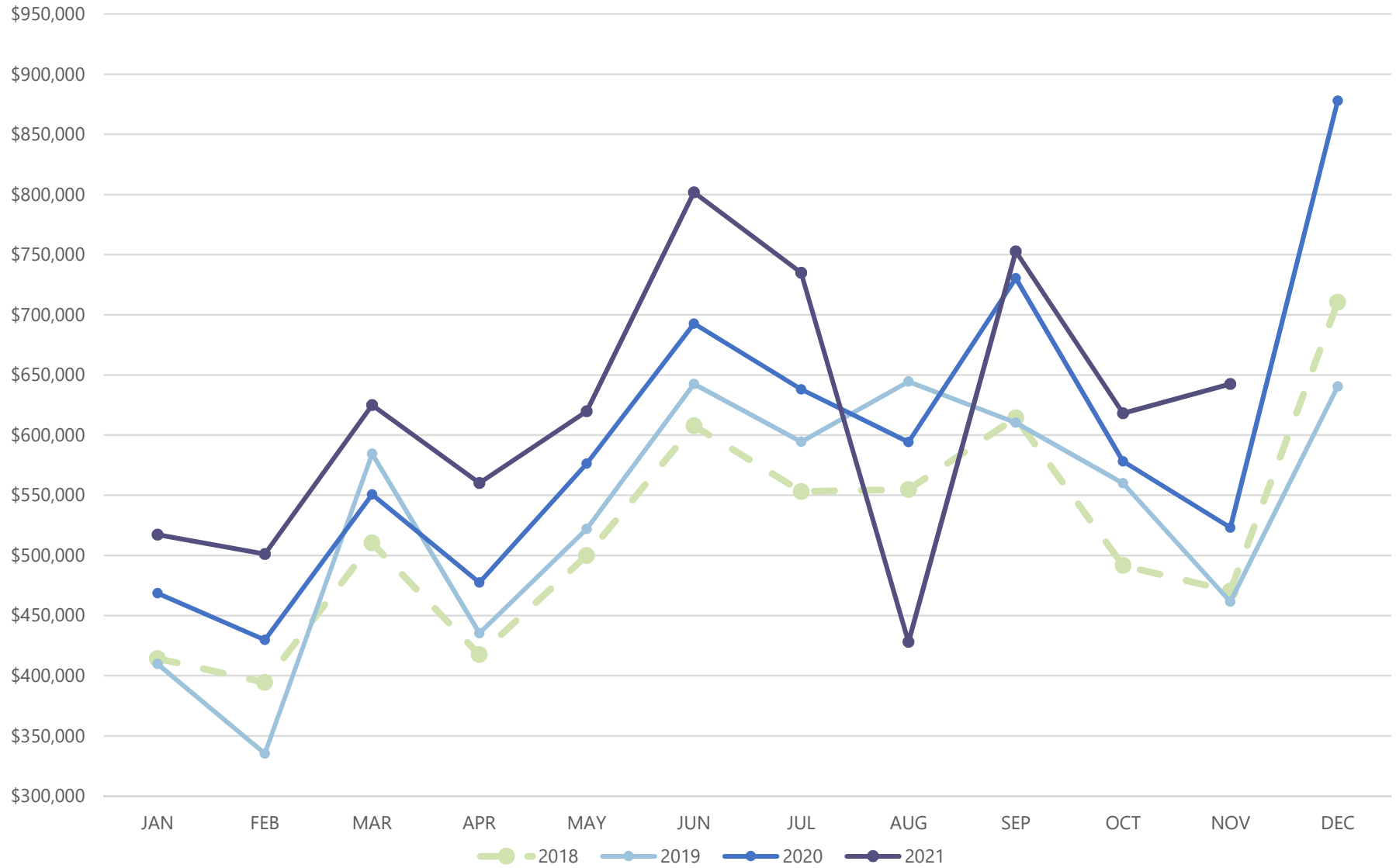
Tax Revenue Update

BACKGROUND:

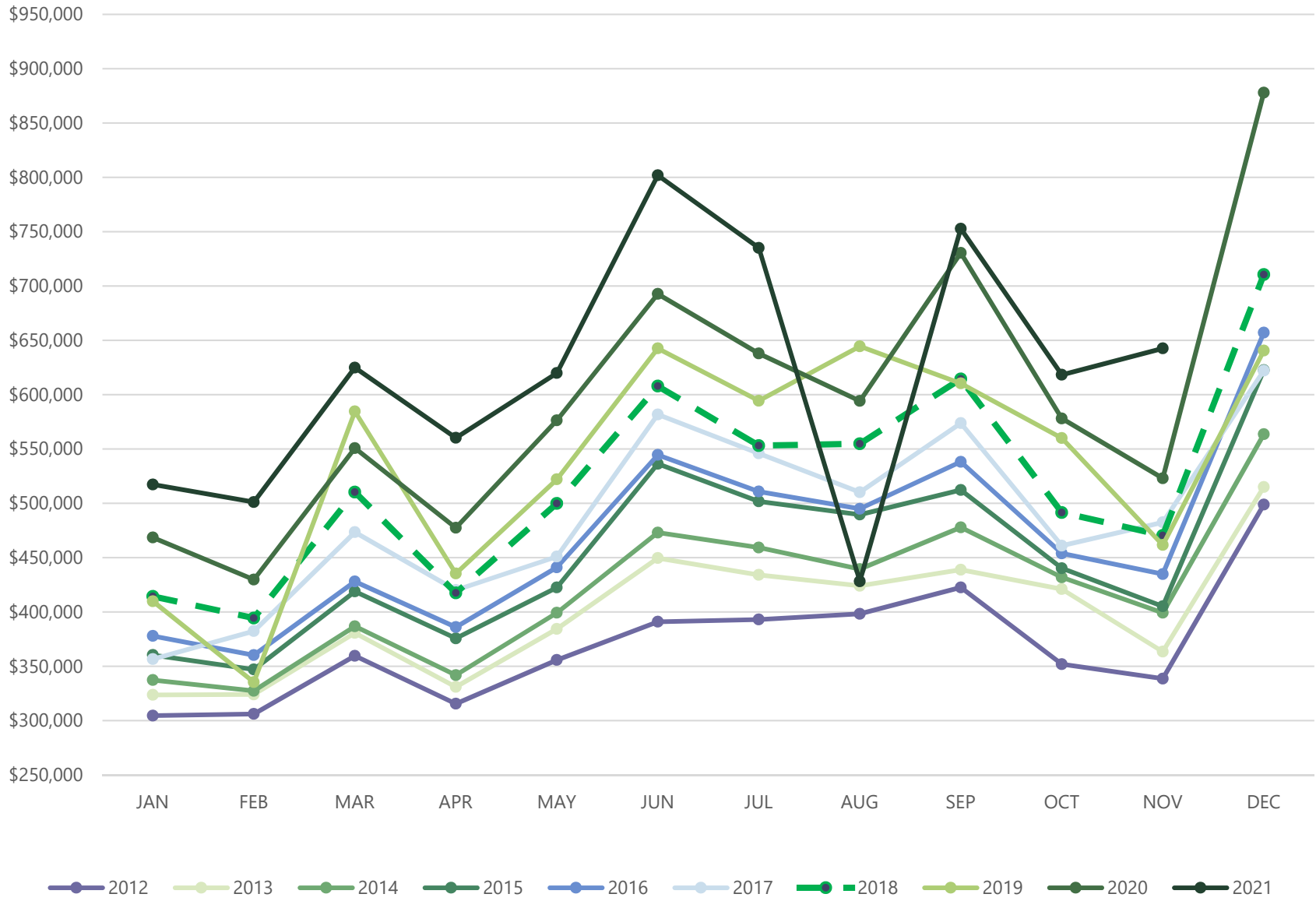
The attached report reflects the City's three percent sales tax revenue and lodging tax **received** December 2021 for **sales incurred** by taxpayers during the month of November 2021.

	2020	2021	\$ change	% change
Sales tax (3.0%)				
Year-to-date (Nov)	\$ 6,259,011	\$ 6,801,919	\$ 542,909	8.7%
Month vs. prior year (Nov)	523,004	642,557	119,553	22.9%
Lodger's Tax				
Year-to-date (Nov)	\$ 221,238	\$ 306,545	\$ 85,307	38.6%
Month vs. prior year (Nov)	33,788	20,098	(13,690)	-40.5%

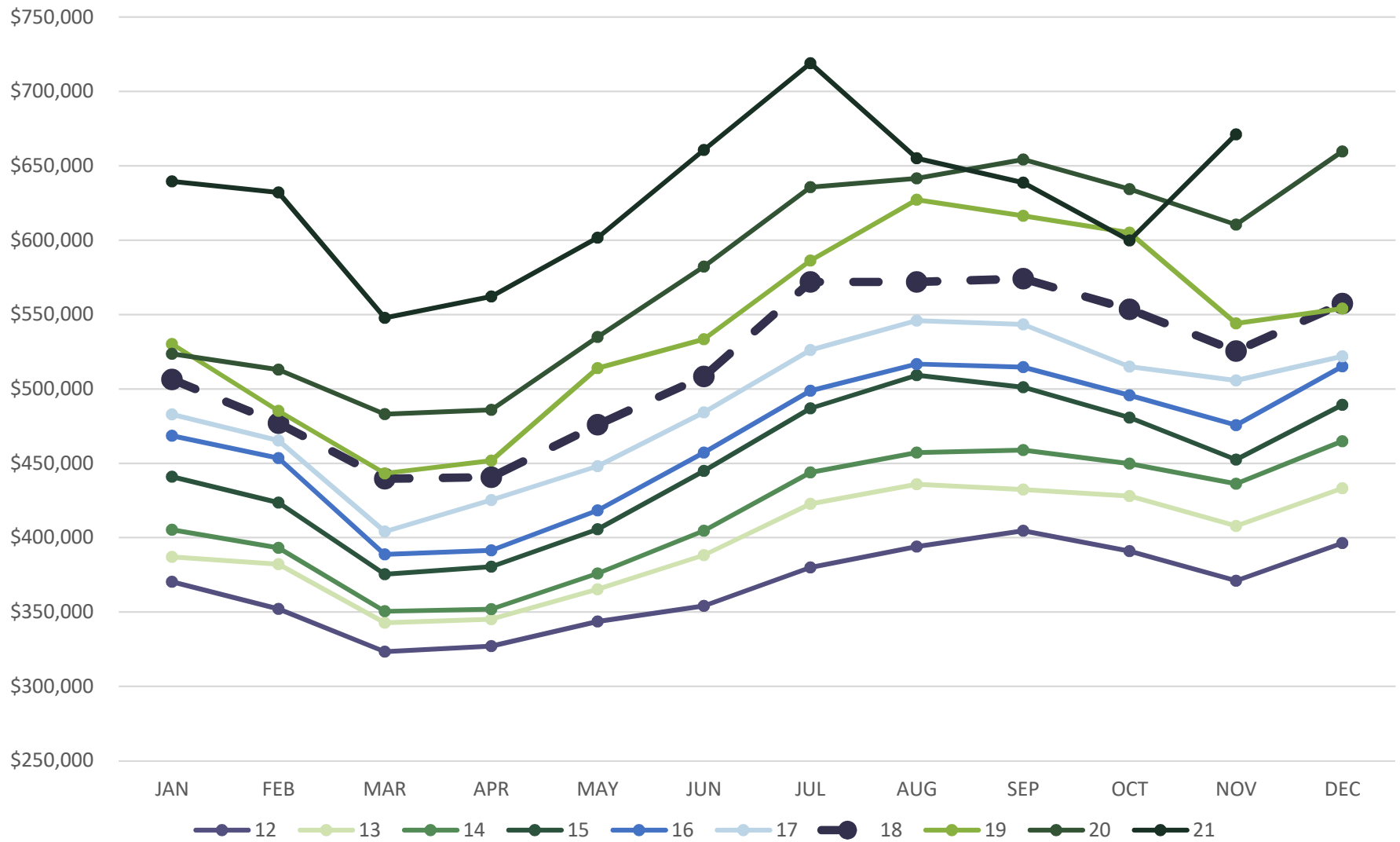
City of Woodland Park
Sales Tax Collections
2018-2021



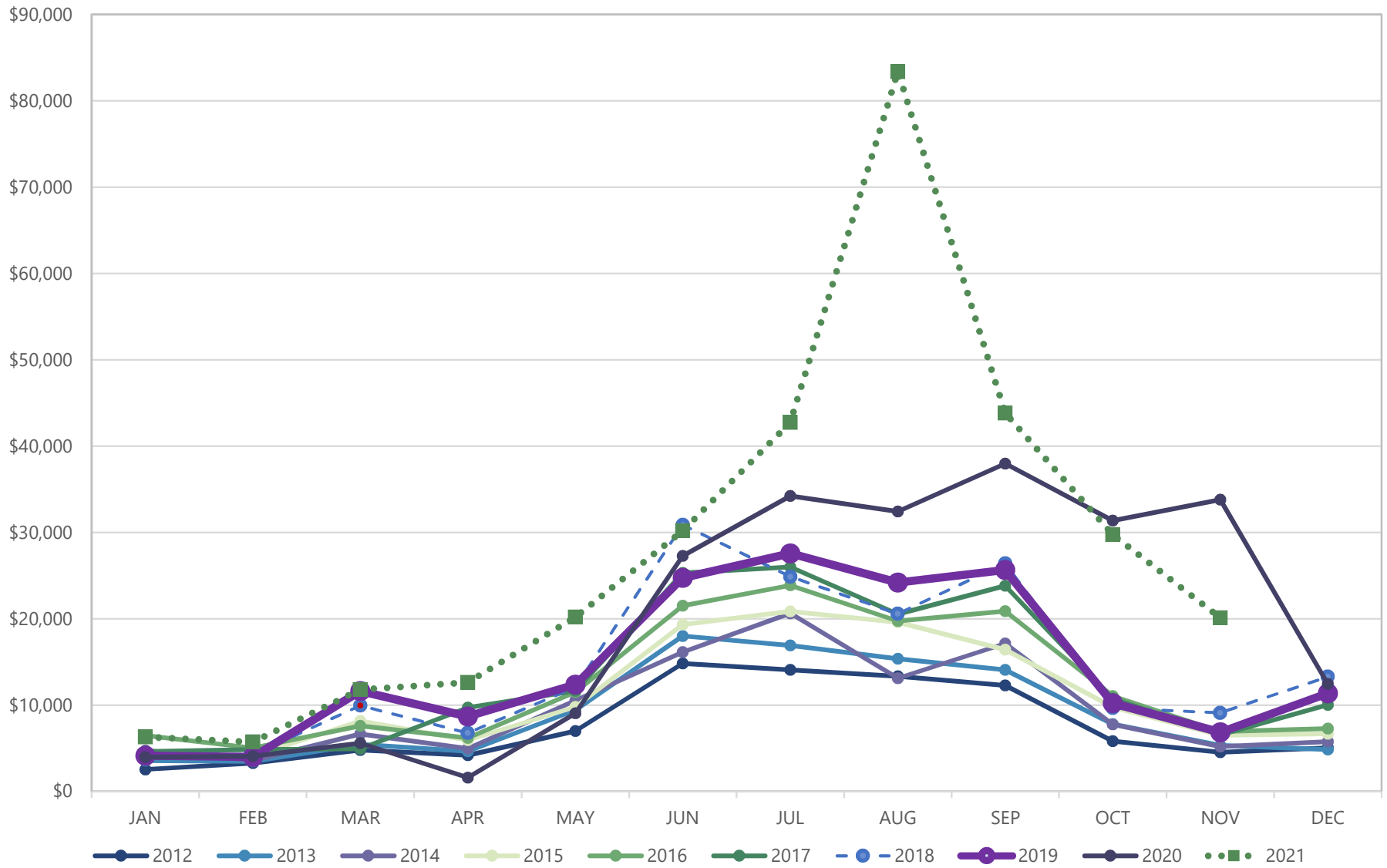
City of Woodland Park
Sales Tax Collections
10-year history



City of Woodland Park
Sales Tax Collections
Rolling 3-Month Average
10-Year History



City of Woodland Park Lodging Tax Collections 10-Year History



Annual 3% Sales Tax Collection 10-Year History by Month (does not include the City's 1.09% sales tax for RE-2)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
JAN	\$304,571	\$323,621	\$337,313	\$360,348	\$377,888	\$356,613	\$414,283	\$409,798	\$468,475	\$ 517,293
FEB	\$306,084	\$324,061	\$327,397	\$347,055	\$360,223	\$382,348	\$394,349	\$335,333	\$429,745	\$ 501,107
MAR	\$359,606	\$380,656	\$386,803	\$418,812	\$428,017	\$473,419	\$510,278	\$584,507	\$550,768	\$ 624,863
APR	\$315,526	\$330,983	\$341,810	\$375,666	\$386,018	\$420,061	\$417,470	\$435,343	\$477,439	\$ 560,228
MAY	\$355,773	\$384,380	\$399,190	\$422,517	\$440,998	\$450,957	\$499,858	\$522,008	\$576,357	\$ 619,873
JUN	\$390,974	\$449,547	\$473,013	\$536,339	\$544,496	\$581,725	\$607,795	\$642,569	\$692,663	\$ 801,844
JUL	\$393,039	\$434,105	\$459,243	\$501,712	\$510,770	\$545,874	\$553,063	\$594,348	\$637,881	\$ 735,042
AUG	\$398,219	\$424,025	\$439,395	\$489,560	\$494,905	\$510,191	\$554,799	\$644,473	\$594,142	\$ 428,201
SEP	\$422,565	\$438,862	\$477,853	\$512,221	\$538,141	\$573,766	\$614,404	\$610,360	\$730,476	\$ 752,688
OCT	\$351,905	\$421,024	\$431,819	\$440,193	\$453,849	\$460,952	\$491,494	\$560,010	\$578,061	\$ 618,223
NOV	\$338,598	\$363,458	\$399,206	\$405,197	\$434,807	\$482,500	\$470,367	\$461,604	\$523,004	\$ 642,557
DEC	\$498,801	\$514,984	\$563,532	\$622,513	\$657,016	\$622,098	\$710,516	\$640,506	\$877,951	
TOTALS	\$4,435,661	\$4,789,706	\$5,036,574	\$5,432,133	\$5,627,128	\$5,860,504	\$6,238,675	\$6,440,861	\$7,136,962	\$ 6,801,919
1% amount	\$1,478,554	\$1,596,569	\$1,678,858	\$1,810,711	\$1,875,709	\$1,953,501	\$2,079,558	\$2,146,954	\$2,378,987	\$2,267,306
2% amount	\$ 2,957,107	\$ 3,193,137	\$ 3,357,716	\$ 3,621,422	\$ 3,751,419	\$ 3,907,003	\$ 4,159,117	\$ 4,293,907	\$ 4,757,975	\$ 4,534,613

Annual Lodging Tax Collections 10-Year History by Month

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
JAN	\$2,539	\$3,571	\$4,734	\$4,003	\$6,484	\$4,604	\$4,417	\$4,136	\$3,944	\$6,295
FEB	\$3,258	\$3,458	\$3,578	\$4,067	\$5,031	\$4,836	\$4,253	\$3,990	\$4,071	\$5,718
MAR	\$4,786	\$5,438	\$6,630	\$8,166	\$7,595	\$4,936	\$9,938	\$11,623	\$5,576	\$11,773
APR	\$4,192	\$4,648	\$4,947	\$5,924	\$6,177	\$9,705	\$6,768	\$8,666	\$1,598	\$12,612
MAY	\$6,998	\$9,411	\$10,522	\$9,799	\$11,504	\$11,652	\$12,073	\$12,368	\$9,046	\$20,185
JUN	\$14,814	\$17,999	\$16,144	\$19,332	\$21,492	\$25,295	\$30,867	\$24,744	\$27,267	\$30,183
JUL	\$14,078	\$16,913	\$20,630	\$20,852	\$23,862	\$25,998	\$24,867	\$27,564	\$34,220	\$42,746
AUG	\$13,330	\$15,350	\$13,101	\$19,589	\$19,739	\$20,545	\$20,572	\$24,198	\$32,413	\$83,372
SEP	\$12,267	\$14,067	\$17,127	\$16,412	\$20,863	\$23,805	\$26,415	\$25,655	\$37,969	\$43,829
OCT	\$5,825	\$7,796	\$7,764	\$9,761	\$11,038	\$10,748	\$9,656	\$10,207	\$31,347	\$29,735
NOV	\$4,516	\$5,325	\$5,185	\$6,490	\$6,936	\$6,524	\$9,092	\$6,843	\$33,788	\$20,098
DEC	\$5,055	\$4,851	\$5,749	\$6,658	\$7,276	\$10,016	\$13,281	\$11,361	\$12,432	
TOTAL	\$91,658	\$108,827	\$116,111	\$131,053	\$147,997	\$158,664	\$172,198	\$171,357	\$233,670	\$306,545

	2020	2021	\$ change	% change
Sales tax (3.0%)				
Year-to-date (Nov)	\$ 6,259,011	\$ 6,801,919	\$ 542,909	8.7%
Month vs. prior year (Nov)	523,004	642,557	119,553	22.9%
Lodger's Tax				
Year-to-date (Nov)	\$ 221,238	\$ 306,545	\$ 85,307	38.6%
Month vs. prior year (Nov)	33,788	20,098	(13,690)	-40.5%

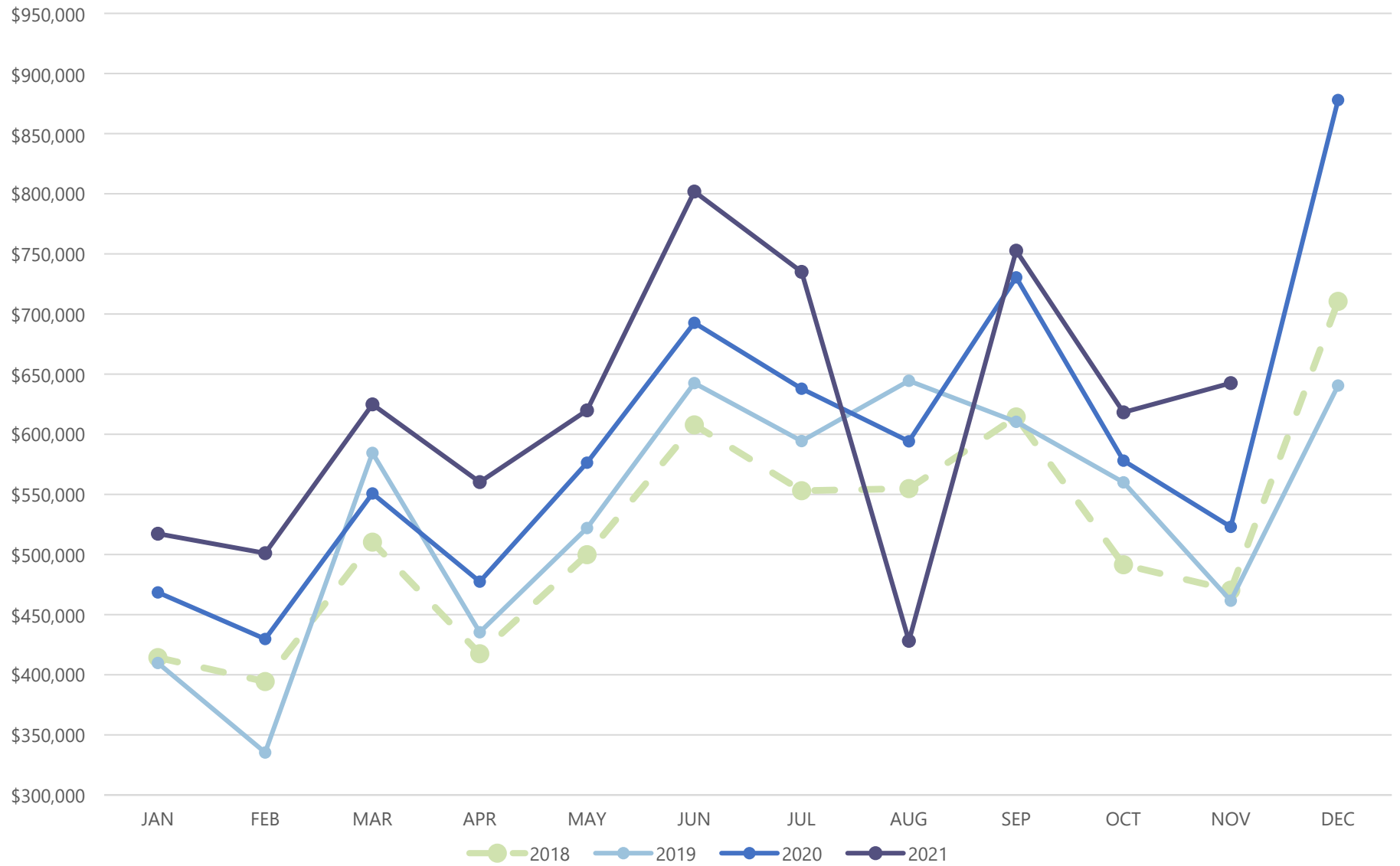
Annual 3% Sales Tax Collection 10-Year History by Month (does not include the City's 1.09% sales tax for RE-2)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
JAN	\$304,571	\$323,621	\$337,313	\$360,348	\$377,888	\$356,613	\$414,283	\$409,798	\$468,475	\$ 517,293
FEB	\$306,084	\$324,061	\$327,397	\$347,055	\$360,223	\$382,348	\$394,349	\$335,333	\$429,745	\$ 501,107
MAR	\$359,606	\$380,656	\$386,803	\$418,812	\$428,017	\$473,419	\$510,278	\$584,507	\$550,768	\$ 624,863
APR	\$315,526	\$330,983	\$341,810	\$375,666	\$386,018	\$420,061	\$417,470	\$435,343	\$477,439	\$ 560,228
MAY	\$355,773	\$384,380	\$399,190	\$422,517	\$440,998	\$450,957	\$499,858	\$522,008	\$576,357	\$ 619,873
JUN	\$390,974	\$449,547	\$473,013	\$536,339	\$544,496	\$581,725	\$607,795	\$642,569	\$692,663	\$ 801,844
JUL	\$393,039	\$434,105	\$459,243	\$501,712	\$510,770	\$545,874	\$553,063	\$594,348	\$637,881	\$ 735,042
AUG	\$398,219	\$424,025	\$439,395	\$489,560	\$494,905	\$510,191	\$554,799	\$644,473	\$594,142	\$ 428,201
SEP	\$422,565	\$438,862	\$477,853	\$512,221	\$538,141	\$573,766	\$614,404	\$610,360	\$730,476	\$ 752,688
OCT	\$351,905	\$421,024	\$431,819	\$440,193	\$453,849	\$460,952	\$491,494	\$560,010	\$578,061	\$ 618,223
NOV	\$338,598	\$363,458	\$399,206	\$405,197	\$434,807	\$482,500	\$470,367	\$461,604	\$523,004	\$ 642,557
DEC	\$498,801	\$514,984	\$563,532	\$622,513	\$657,016	\$622,098	\$710,516	\$640,506	\$877,951	
TOTALS	\$4,435,661	\$4,789,706	\$5,036,574	\$5,432,133	\$5,627,128	\$5,860,504	\$6,238,675	\$6,440,861	\$7,136,962	\$ 6,801,919
1% amount	\$1,478,554	\$1,596,569	\$1,678,858	\$1,810,711	\$1,875,709	\$1,953,501	\$2,079,558	\$2,146,954	\$2,378,987	\$2,267,306
2% amount	\$ 2,957,107	\$ 3,193,137	\$ 3,357,716	\$ 3,621,422	\$ 3,751,419	\$ 3,907,003	\$ 4,159,117	\$ 4,293,907	\$ 4,757,975	\$ 4,534,613

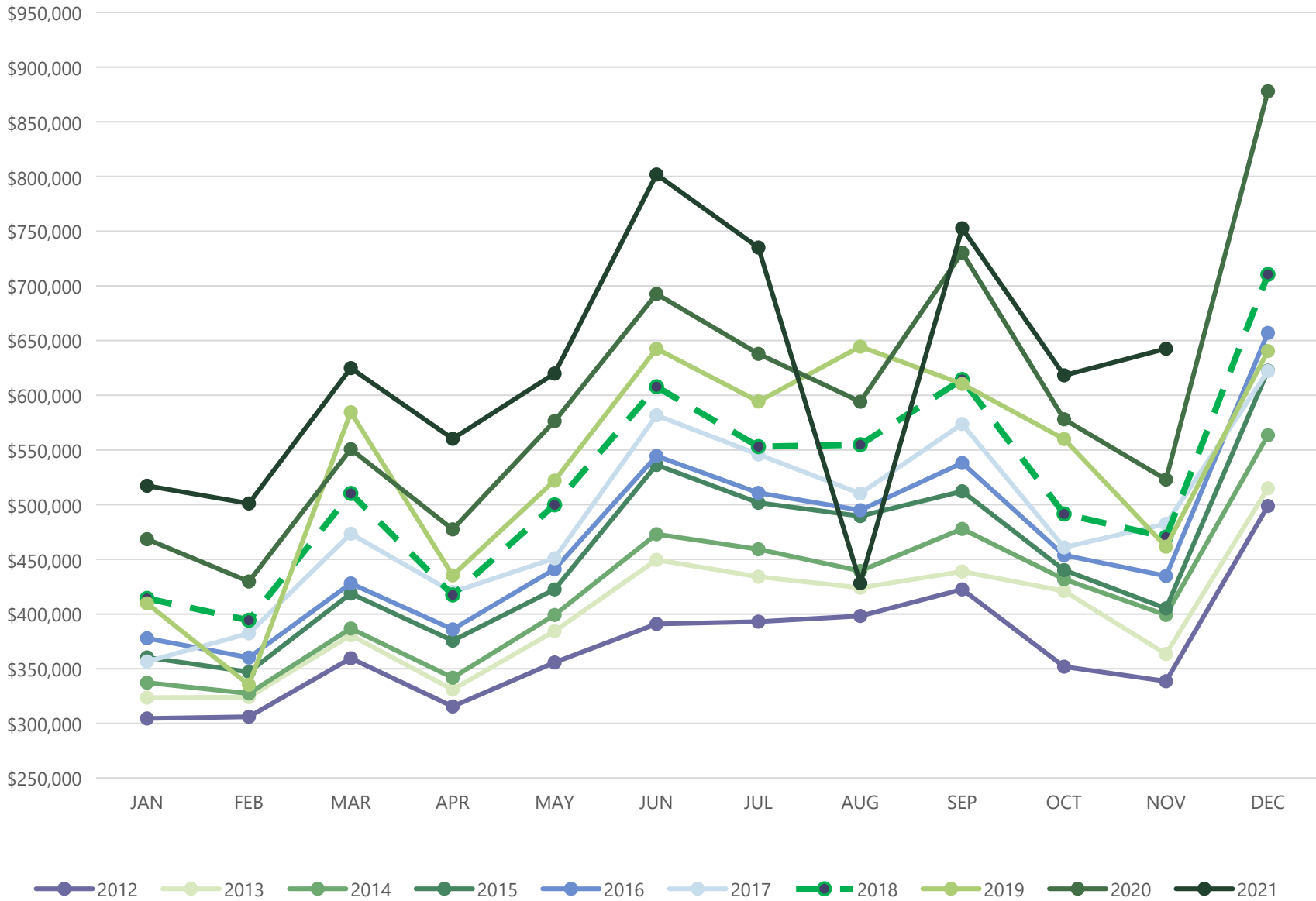
Annual Lodging Tax Collections 10-Year History by Month

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
JAN	\$2,539	\$3,571	\$4,734	\$4,003	\$6,484	\$4,604	\$4,417	\$4,136	\$3,944	\$6,295
FEB	\$3,258	\$3,458	\$3,578	\$4,067	\$5,031	\$4,836	\$4,253	\$3,990	\$4,071	\$5,718
MAR	\$4,786	\$5,438	\$6,630	\$8,166	\$7,595	\$4,936	\$9,938	\$11,623	\$5,576	\$11,773
APR	\$4,192	\$4,648	\$4,947	\$5,924	\$6,177	\$9,705	\$6,768	\$8,666	\$1,598	\$12,612
MAY	\$6,998	\$9,411	\$10,522	\$9,799	\$11,504	\$11,652	\$12,073	\$12,368	\$9,046	\$20,185
JUN	\$14,814	\$17,999	\$16,144	\$19,332	\$21,492	\$25,295	\$30,867	\$24,744	\$27,267	\$30,183
JUL	\$14,078	\$16,913	\$20,630	\$20,852	\$23,862	\$25,998	\$24,867	\$27,564	\$34,220	\$42,746
AUG	\$13,330	\$15,350	\$13,101	\$19,589	\$19,739	\$20,545	\$20,572	\$24,198	\$32,413	\$83,372
SEP	\$12,267	\$14,067	\$17,127	\$16,412	\$20,863	\$23,805	\$26,415	\$25,655	\$37,969	\$43,829
OCT	\$5,825	\$7,796	\$7,764	\$9,761	\$11,038	\$10,748	\$9,656	\$10,207	\$31,347	\$29,735
NOV	\$4,516	\$5,325	\$5,185	\$6,490	\$6,936	\$6,524	\$9,092	\$6,843	\$33,788	\$20,098
DEC	\$5,055	\$4,851	\$5,749	\$6,658	\$7,276	\$10,016	\$13,281	\$11,361	\$12,432	
TOTAL	\$91,658	\$108,827	\$116,111	\$131,053	\$147,997	\$158,664	\$172,198	\$171,357	\$233,670	\$306,545

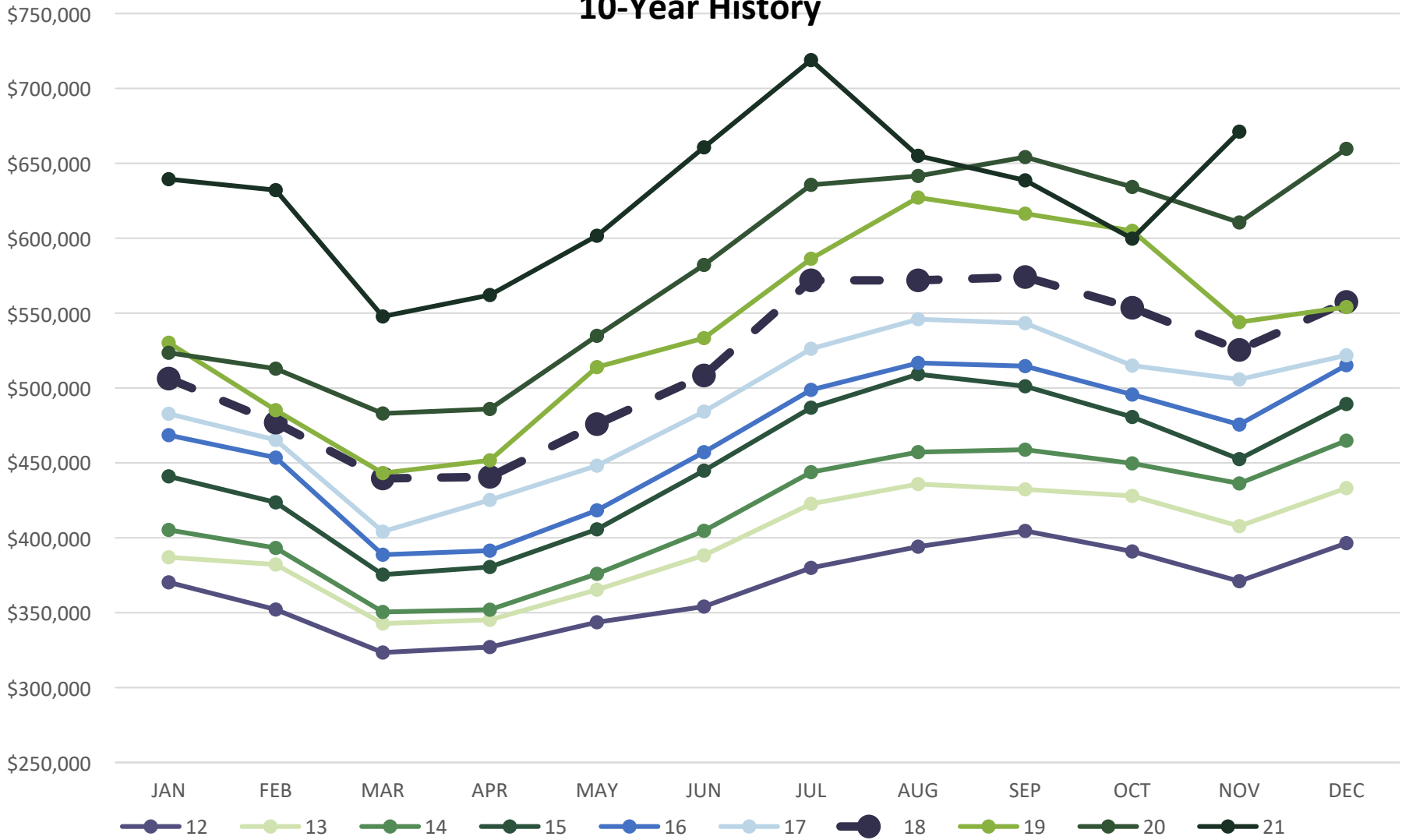
City of Woodland Park
Sales Tax Collections
2018-2021



**City of Woodland Park
Sales Tax Collections
10-year history**



City of Woodland Park Sales Tax Collections Rolling 3-Month Average 10-Year History



City of Woodland Park Lodging Tax Collections 10-Year History

