

City of Woodland Park

December 2, 2021 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

6:00 PM Executive Session: Executive Session for discussion of a personnel matter under C.R.S. Section 24-6- 402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Evaluation with the City Manager.

The following individuals attended the Executive Session. Mayor Pro-tem LaBarre, Councilmember Case, Councilmember Nakai, Councilmember Neal, Councilmember Zuluaga, City Manager Michael Lawson and City Attorney Williams (via zoom) for parts of it.

Following the Executive Session, Mayor Pro-tem LaBarre called the regular Council Meeting to order. City Clerk Leclercq took roll with the following Councilmembers present: Mayor Pro-tem LaBarre, Councilmember Case, Councilmember Nakai, Councilmember Neal and Councilmember Zuluaga. At the current time, Councilmember Alfieri was absent.

The following staff members were present: City Manager Michael Lawson, Deputy City Manager/City Clerk Suzanne Leclercq, Planning Director Sally Riley, Deputy City Manager/Director of Operations, Kip Wiley and Assistant to the City Manager Rob Felts. Finance Director Aaron Vassalotti and City Attorney NinaWilliams appeared via zoom.

Mayor Pro-tem LaBarre announced that the Council had come to a consensus and accepted the City Manager's contract for the year 2022. The following motion was made:

Motion: To accept and approve the City Manager's contract for the year 2022. Motion Neal/Zuluaga. Motion carried 5-0.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Consider the appointment of DeAnn Bettermann to the Planning Commission.
(A)
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq)

Ms. Bettermann could not be in attendance. Mayor Pro-tem LaBarre tabled this matter to a later meeting.

- B.** Beautification Award Presentation to Righteous Grounds Coffee Roasters.
(Presenter, Assistant to the City Manager Rob Felts) (A)

Assistant to the City Manager, Rob Felts, introduced Matt Hayes from the Keep Woodland Park Beautiful committee who presented the Beautification Award. The award was presented to Jim and Jesse Huthmaker, from Righteous Grounds coffee shop for all of the improvements they made to their building.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A.** Approval of the November 18, 2021 Regular City Council Meeting Minutes.
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq) (A)

City Clerk Leclercq introduced the Council Meeting minutes from the November 18, 2021 City Council Meeting. There was one correction to the minutes. Regarding the appointment of Shawn Nielsen to the Planning Commission, the vote should have been 5-0 not 5-1. City Clerk Leclercq made the correction and the following motion was made.

Motion To approve the November 18, 2022 City Council minutes as amended. Nakai/Zuluaga. Motion carried 5-0.

- B.** Approval of the October 2021 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof, (A)
(Presenter, Finance Director Aaron Vassalotti)

City Clerk Leclercq introduced the approval of the October 2021 Statement of Expenditures. Following questions from the Council, the following motion was made.

Motion: To approve the October 2021 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof. Zuluaga/Case. Motion carried 5-0.

- C.** Approval of HR Green Professional Services Agreement in the amount of \$39,950, for the development of the physical concepts and schematic layout for fiber networks.(A)
(Presenter, Assistant to the City Manager Rob Felts)

The time being 7:28 PM, Councilmember Alfieri joined the Council Meeting via zoom.

Assistant to the City Manager Rob Felts presented the HR Green Professional services Agreement in the amount of \$39,950 to the Council. Felts introduced John Merritt from HR Green. Councilmembers Neal and Zuluaga had several questions and concerns regarding the contract and shared that they would be uncomfortable voting on the contract this evening. Council decided that Councilmembers Neal and Zuluaga would meet with City Manager Lawson, Rob Felts and HR Green to get their questions answered. Councilmembers Neal and Zuluaga agreed they would submit their questions ahead of time to HR Green so that they would be able to answer them at the meeting.

MOTION: To table the approval of HR Green Professional Services Agreement for the amount of \$35,950 to the January 6, 2022 City Council Meeting. Neal/Case. Motion carried 6-0.

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

None.

7. UNFINISHED BUSINESS

(Public Comment may be heard (1))

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard (1))

None.

9. PUBLIC HEARINGS

(Public comment may be heard (1))

- A.** Approve Ordinance No.1409, Series 2021 for a Conditional Use Permit, Preliminary Plat and Site Plan Review for Tamarac Parc, a multi-family residential development consisting of 55 townhomes and 3 apartment buildings (112 units) on 12.44 acres with a gross density of 13.46 dwelling units / acre on Lots 6 and 7, Tamarac Tech Park Filing No. 5 (adjacent to SH 67 and Tamarac Parkway) in the Multi-Family Residential Urban (MFU) zone as requested by Jack Bestall (Applicant) and Mountain Starr Investments LLC (Property Owner). **(QJ)**
(Presenter, Planning Director Sally Riley)

Planning Director Riley reviewed Ordinance No. 1409 Series 2021 on Public Hearing. Riley reviewed that this is a request by Jack Bestall (Applicant) and Mountain Starr Investments LLC (Property Owner) for a Preliminary Plat, Conditional Use Permit and Site Plan Review for Tamarac Parc, a multi-family residential development consisting of 55 townhomes and 3 apartment buildings (112 units) on 12.44 acres (total of 167 units) with a gross density of 13.46 dwelling units/acre on Lots 6 and 7, Tamarac Tech Park Filing No. 5 (adjacent to SH 67 and Tamarac Parkway) in the Multi-Family Residential Urban (MFU) zone district.

Riley reviewed the following background on the project with the Council. The Tamarac Tech Park land was originally owned by the U.S. Forest Service (USFS), known as the "Spielman Tract". It was acquired by a group of investors, the SageTamarac Company, from the USFS in the early 1980s. During the past 30- years, a series of actions have taken place summarized as follows:

- In 1994, Tamarac Tech Park, Filing No. 2 was recorded as a Teller County subdivision and a small portion of Tamarac Parkway was constructed.
- The first Tech Park development was the construction of Rocky Mountain Motorworks distribution center, now Colorado Springs Christian School.
- On May 20, 1999, this area was annexed into the City (Ordinance No. 809) and zoned Heavy Service Commercial/Light Industrial (HSC/LI) (Ordinance No. 821).
- On May 4, 2006, Tamarac Tech Park Filing No. 3 created five lots. Two of the five lots were sold and developed by Woodland Fitness Center and Rampart Surveys.
- On November 1, 2007, Filing No. 4 created eight lots and a small road extension dedicated to the City.
- In 2009, owners Bob Young and Lawrence Sheerin began a dialogued with staff to replat and rezone a portion of Filing No. 4 to residential. They delayed the rezoning until after the 2010 Comprehensive Plan was completed, which included an additional 400 high priority residential units to the build-out of Woodland Park.
- In 2014, Tamarac Tech Park Filing No. 5 was replatted and rezoned. Lot 6 is 7.0 acres with access at the end of the cul-de-sac. Lot 6 was rezoned to Multi-family Residential Urban (MFU) with a density of nine (9) to 20 units per acre or a maximum of 140 units. Lot 7 is 5.44 acres with access via a 50-foot wide strip of land between the Post Office and Woodland Fitness Center. Lot 7 was rezoned to Multi-family Residential Urban that would allow for nine (9) to 20 units per acre or a maximum of 108. Therefore, a

maximum of 248 units are possible when combining Lots 6 and 7. The Tamarac Parc project proposes a total of 167 units or 81 units less than the maximum density. Currently, the Tamarac Tech Park includes the US Post Office, Christian school, Police Station, Woodland Fitness, Tamarac Business Center, Rampart Surveys, Black Hills Facility, and Village at Tamarac, a small manufactured home development. After Tamarac Parc is developed, only five smaller lots will remain undeveloped.

Riley reviewed the site and characteristics of the area. Riley also shared the following code compliance with the Council.

CODE COMPLIANCE – TITLE 17 SUBDIVISIONS This Preliminary Plat application was reviewed under MC Chapter 17.20 Preliminary Plat of the City of Woodland Park Municipal Code. In italics below are the relevant plat and design standards applicable to this Preliminary Plat application followed by a staff analysis.

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

§17.20.010 Preparation process. Complies. The preliminary plat concept was discussed during pre-application conferences with the applicant, the applicant’s engineer and City Staff. It was determined that the preliminary concept of streets and lots were feasible. The Applicant submitted, and the City accepted, a complete preliminary plat application on October 5, 2021. The application, preliminary plat, and supplemental materials (including the Site Plan and Conditional Use narrative) were distributed to appropriate agencies for their review and their comments are incorporated into this Staff Report and the plan set dated October 29, 2021. The Planning Commission review and public hearing is scheduled for November 10, 2021 and City Council review and public hearing for December 2, 2021.

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

§17.20.060 Design and drawing. Complies. The preliminary plat presents a true representation of the subdivision as the applicant intends to record it. The preliminary plat is drawn at a scale of 1” = 30’ and includes, for context, a site plan conceptualizing a feasible utility layout, grading, and public and private improvements (i.e., private roads, building locations, parking areas, recreational amenities, trails open space, etc.).

§17.20.070 – 80 Information & Supplemental Material. Complies. This section is a long list of information required to be contained on the Preliminary Plat and required to be submitted as supplemental information with the application. This preliminary plat is prepared by Colorado Registered Professional Engineer Mike Bramlett (#32314) of J.R. Engineering with offices in Colorado Springs and Fort Collins. All criteria from these sections are shown on the preliminary plat/site plan or has been submitted as supplemental information (including grading, preliminary utilities, landscaping, slope and snow storage, and architectural elevations). The proposal shows approximately 6.5 acres of open space with recreational amenities.

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

§17.20.100 Conformance to existing zoning and subdivision regulations. Complies. All final plats and townhouse plats (submitted as one filing or multiple filings) are compared to the approved preliminary plat to ensure substantial conformance. This preliminary plat demonstrates the feasibility of conforming to existing zoning and subdivision regulations. Zoning limitations such as setbacks, heights, and parking requirements are once again evaluated for compliance upon review of the construction drawings for each phase of development.

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

§17.40.010 - Purpose. Complies. The proposed residential development consisting of 55 townhomes and 3 apartment buildings (112 units) is within a MFU zone which allows from nine to twenty dwelling units (DU) per acre. The 12.44-acre, MFU Lots 6 and 7 allow up to 248 DUs, however, the proposal is for only 167 DUs resulting in a density of 13.46 DU/ac. Attached dwelling units are subject to Chapter 17.32 – Condominiums and Townhouses except for rental buildings (i.e., single ownership apartments), on a single lot are all subject to the conditional use criteria in the MFU zone. The layout and design of the subdivision is compatible and harmonizes with the surrounding neighborhood, provides a desirable setting for buildings, makes use of natural contours, protects views, affords privacy, and does not create conflicts with abutting residential, public or commercial land uses.

§17.40.020 - Site consideration. Complies. The land in Lots 6 and 7 is suitable for the subdivision, as proposed. Lots, building envelopes, roadways, driveways, and utilities are arranged on the most developable portion of the site and provide adequate spacing and separation of the apartment buildings and townhomes. It is feasible to construct the townhomes on each lot and meet the maximum 17% driveway slope. Water, sewer, electricity, and natural gas can all be installed. Construction drawings with full engineering details for grading, utilities, drainage and access will be submitted, reviewed and approved by the City Engineer in collaboration with the Fire District, IREA, Black Hills Energy, Century Link and service agencies.

§17.36.020 – Park Capital Fee or Dedication of Parkland. Complies. Tamarac Parc includes 6.5 acres of open space that includes park amenities, playground equipment, exercise equipment, and walking trails. The Parks and Recreation Advisory Board (PRAB) met with the developer to assess the developers design and proposal and consider the park amenities as meeting the parkland dedication requirement for 0.027 acres of park land per residential dwelling unit (i.e., at least 4.59 acres). On October 25, 2021, PRAB recommend that “In consideration of the approximate 6 acres of developed parks and open space planned in the design and the acceptance to allow public access, staff recommends accepting the proposed parks and recreation land with improvements as satisfying the City’s Page 51 of 104 Page 6 of 12 parks dedication requirement and placing a condition on the Final Plat to allow public access in perpetuity.” Motion carried 4-2.

§17.40.040 – 170 Streets, alleys and easements. Complies. Tamarac Parc is proposed as a

private street serving only the residential development and will be maintained by the apartment building owners and Homeowners Association after construction. A minimum 24-foot wide surface with curb and gutter is designed to provide access from three points on Tamarac Parkway and loops through the development. An emergency egress/ingress is also planned to connect to SH67. Eight foot wide easements are added to both sides of the private roadway for utilities. Access is designed to facilitate safe and efficient vehicular and pedestrian movement consistent with and considering local travel patterns and needs. The landscape plan shows a 5-foot wide trail that loops through the open space and surrounds the development.

§17.40.180 - Drainage. Complies. The applicant has submitted a preliminary drainage report for the proposed development that demonstrates a feasible urban drainage system utilizing on-site detention and off-site surface flows. Two detention ponds are planned; one in the north discharging toward the west to Loy Gulch through the Village at Tamarac and a smaller pond in the south discharging to Tamarac Parkway and Lovell Gulch. The Lovell Gulch floodplain slightly encroaches on the southeast corner of Lot 7 which will require obtaining a Flood Hazard Development Permit as conditioned. A final drainage report for review by the City Engineer will be required with the infrastructure Zoning Development Permit prior to installation of any infrastructure. The detention ponds are proposed within a tract and are to be inspected, maintained, and repaired by the apartment buildings' property owner and Homeowner's Association.

§17.40.190-240 – Blocks and Lots. Complies. All lots are reasonably arranged and buildable with adequate provision made for vehicular access from a private drive, parking lots and viable building envelopes. The preliminary plat demonstrates no foreseeable difficulties in securing a zoning and building permit for the three apartment buildings and 55 attached townhomes.

CODE COMPLIANCE – CHAPTER 18.34.053 SITE PLAN REVIEW

The Tamarac Parc site plan is being referred through the public hearing process concurrent with the preliminary plat and conditional use permit public hearing process. The site plan and drawings as submitted contain all of the necessary criteria and information (per MC §18.34.060) to assure compliance with MC §18.34.070 Standards for Site Plan Review. Staff finds that the proposed development:

- A. Conforms to the applicable provisions, objectives and policies of all city plans (specifically the newly adopted Envision 2030 Comprehensive Plan and the 2018 Parks, Trails and Open Space Master Plan).
- B. Conforms to the applicable provisions, standards, and requirements of all applicable city regulations (specifically MC Title 18 Zoning and MC Title 17 Subdivision).
- C. Is designed (and will be constructed and maintained) to adequately accommodate the traffic generated and not unduly increase congestion or traffic on the site and in the vicinity of the site given 1,146 average daily trips per day to and from the site. During the weekday morning peak hour 18 vehicles would enter the site while 57 vehicles would exit. During the weekday evening peak hour 58 vehicles would enter the site while 34 vehicles would exit.
- D. Is designed (and will be constructed and maintained) with appropriate regard to

topography, surface drainage, and soil potentials. There are no natural or manmade hazards, streams, or environmentally significant features identified on the site.

E. Is designed (and will be constructed and maintained), as evidenced by the utility and drainage plans, with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage.

F. Is designed (and will be constructed and maintained) to not duly increase the public danger of fire, explosion, and other safety hazards upon the public, and persons residing or working on the site and vicinity.

G. Is designed (and will be constructed and maintained), as evidenced by the architectural drawings, to not unduly diminish or impair but to be compatible with the use and enjoyment of vicinity property.

CODE COMPLIANCE - CONDITIONAL USE PERMIT REVIEW CRITERIA

In the MFU zone district, residential apartment buildings and townhouse buildings are a conditional use. Section 18.57.040.A states: "The standards for conditional use permits are intended only as a minimum necessary for review. An application for a conditional use permit, even though meeting the minimal standards of this chapter and code, may be denied, if it is determined that the development and use is not in the best interest of the city." Section 18.57.040.B of the Code includes the following standards that all conditional uses must demonstrate compliance with (followed in italics by a staff analysis of how the proposed use complies):

1. The proposed development and use shall have a demonstrated direct need to be located at the location proposed and provide adequate mitigation measures to lessen all identified impacts. Staff Analysis: Complies. The project is located on Lots 6 & 7 in the Tamarac Tech Park, Filing No. 5 which are designated for multi-family residential in the City of Woodland Park Comprehensive Plan and rezoned to Multi-Family (MFU) in 2014. The property is buffered from less intense uses by Shining Mountain Golf Course practice range on the north; State Highway 67 on the east which includes a required 25' landscape buffer; that the applicant has increased to 30'; another multi-family parcel on the west; and existing and planned higher intense uses including the Post Office and a planned Neighborhood Commercial center on the south. Multi-family units are needed as a more attainable housing option in Woodland Park.

Impact are mitigated by providing ample parking spaces (293 spaces required and provided), vehicular circulation, cut-off fixtures for site lighting, and negligible noise impacts. Traffic generated by the project has been a part of the long-term planning for the Tamarac Tech Park and the City; including the improvements that are currently being made on SH-67 and the entry to the Tamarac Tech Park; and additional street improvements that will be made at the time of development of Tamarac Park – which include a southbound turn lane at the Tamarac Parkway.

2. The proposed development and use shall not endanger the public health and welfare. Staff Analysis: Complies. The proposed multi-family residential use is located in a horizontal mixed-use area. New apartment buildings and townhomes must comply with all building and fire codes in effect at the time of construction.

3. The proposed development and use shall not substantially injure the value of vicinity properties. Staff Analysis: Complies. The proposed development and use are of a good quality and will add value to the vicinity properties – introducing owner and rental housing with attainable, work-force, primary and secondary homes. In addition, an integrated park and open space system accessible to the Woodland Park community is planned creating greater balance of uses and values in the Tamarac Tech Park.

4. The proposed development and use shall be in harmony with the area in which it is to be located. Staff Analysis: Complies. Significant effort has been made to fit the plan with its surrounding uses by providing quality owner and rental housing in a planned neighborhood with an interconnected open space & trail system. The plan includes conserving the 'knoll' feature; introducing playgrounds and exercise facilities, and a trail loop that connects to adjacent properties. The building architecture focuses on a blended palette of colors and materials and each structure is less than 30' in height; with buildings sited with a side-on orientation along SH67 to reduce a corridor affect and allow for natural and landscaped areas to extend along the highway.

5. The proposed development and use shall conform to the provisions, objectives, and policies of all city plans adopted and in effect at the time of application, including but not limited to growth management, transportation, utilities, capital improvements, and downtown redevelopment. Staff Analysis: Complies. The proposed development plan complies with numerous policies, goals, and objectives of the recently adopted Envision 2030 Comprehensive Plan: it provides attainable housing, planned growth at a lesser density than allowed, optimum travel patterns, feasible utilities for water and sewer service, stormwater facilities and parks, and trails and open space amenities.

6. The proposed development and use shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to zoning, subdivision, utilities, buildings and construction, business regulations and engineering specifications. Staff Analysis: Complies as conditioned. The Site Plan is compliant with applicable City of Woodland Park's currently adopted regulations – including its zoning, subdivision, utility, building and engineering specifications.

7. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated. Staff Analysis: Complies. The applicant submitted, and staff accepted, the trip generation letter prepared by LSC Transportation Consultants, Inc. for the Tamarac Parc (dated October 28, 2021). The property is accessible to vehicles and pedestrians with daily access from Tamarac Parkway by way of an access easement between the Post Office and Woodland Fitness Center and an access easement north of the office building from the cul-de-sac. The traffic study indicates that the level of service at key intersections will be satisfactory and complies with current SH-67 improvements being implemented by the City of Woodland Park.

8. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features. Page 54 of 104 Page 9 of 12 Staff Analysis: Complies. The development plan has been prepared with care to minimize impacts to existing topography – conserving unique features where feasible. Surface drainage is handled with two detention ponds sited to reduce impacts and enhance onsite open space.

9. The proposed development and use shall be designed, constructed, and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage. Staff Analysis: Complies as conditioned. The proposed development will be served by municipal water and wastewater. Sufficient water has been allocated for the multi-family use on this property by the City; and the wastewater and stormwater system comply with City engineering standards.

10. The proposed development and use shall be designed, constructed and maintained to not unduly increase the public danger of fire, explosion and other safety hazards upon the public, and persons residing or working on the site and vicinity. Staff Analysis: Complies. Wildfire danger will be reduced with the thinning of the forest and understory on the property as part of the development process. There will be no additional safety hazards, such as, toxic or explosive materials introduced into the area by the development. The project will also include fire suppression systems and fire-retardant materials incorporated into the construction of the Lodge apartments; and the project's water system will include fire hydrants. In addition, an emergency vehicle access (EVA) is planned to provide emergency access to and from SH-67.

11. The development and use may be required to provide architectural design schemes and may also require amenities such as, but not limited to, fencing, landscaping, buffer areas, and other aesthetic enhancement measures, as required by the city council. (Ord. 589-1993 § 6(part), 1993) Staff Analysis: Complies. The development's architectural character was conceived to provide a carefully scaled mountain theme with no structures over 30' in height. A mix of three residential types is planned in the project. Knoll & Meadow Townhomes: 55 townhomes in 12 buildings are designated in two types of building types around the knoll and in the meadow areas. The Knoll townhomes consist of walkout and walk-up units sited to fit around the knoll at the south entrance of the project – conserving the knoll as natural open space and maintaining its presence from the view from the highway. The Meadow townhomes are located in the more gradual sloping areas north of the Knoll. Each of the units has a one or two car garage and driveway to utilize for onsite parking meeting the 2-car/unit parking standard of the city. The townhome floor plans range from 1,100sf to 2,200sf in area.

Lodge Apartments. There are 112 one and two bedroom flats in 3 buildings with a mountain lodge character in the northern part of the development, accessed from Park Place. The two and three-story structures are no more than 30' in height, conforming to the City of Woodland Park height standard. The two-story lodge building has been placed in a side-on configuration along the highway to reduce its presence in the view from the road and will have access to the trail planned to be developed along the highway. A 25' open space & fence buffer is planned from the SH 67 right of way. However, the closest lodge and townhome building are setback 31.5' from the edge of the SH 67 right of way. Park Place is planned as a private roadway as are all driveways and will be maintained by the project's HOA. The apartment unit floor plans range from 620sf to 750sf in area.

Riley reviewed that the Public Notice process included the posting of seven on site posters along the perimeter of the site. Staff received only one written comment. Riley also reviewed that the application was referred to various City departments and external agencies and service providers (including IREA, NETCFPD, Black Hills, CDOT, Century Link, and TDS Telecom). Comments received have been incorporated into the conditions of approval and copies of all referral responses are attached to this staff report. The Preliminary Plat proposes several private open space tracts that will be owned and maintained by the Homeowners

Association. The Parks & Recreation Advisory Board reviewed the preliminary plat on October 25, 2021 and recommended that the City accept the park land dedication (consisting of approximately 6 acres of developed parks and open space planned in the design) and acceptance to allow public access.

Riley noted that the Planning Commission held a public hearing on Wednesday, November 10 and voted 4-1 to recommend approval of the proposal. Commissioner Brown objected to the Parks Dedication, expressing that accepting private land and facilities did not meet the letter of law, and he would prefer fees in lieu of land to be collected.

Riley shared the following recommendation.

THAT, based on the findings in this staff report and as presented at public hearing, the Planning Commission recommends that City Council approve the request for the Tamarac Parc Preliminary Plat (SPR 2021-08) and Conditional Use/Site Plan Review (CUP/SUB2021-04) to develop a multi-family residential project of 55 townhouses and 3 apartment buildings with a total of 167 units on 12.44 acres with a legal description of Lots 6 and 7, Tamarac Tech Park Filing No. 5 in the MFU zone district, subject to the following conditions:

1. Prior to recording of any future Final Plats and Townhome Plats:

- a. There shall be inserted on each such plat a statement in a form satisfactory to the City to allow the general public access and use of the development's parks, open space, trails and recreational amenities and calling for maintenance of said facilities in perpetuity;
- b. The covenants for the subdivision, including the establishment of a Homeowner's Association and documents of the allocation of responsibilities for common areas between the Homeowners Association and the apartment building owner(s) shall be reviewed and deemed acceptable by the City;

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

- a. Final Site Plan showing fencing details for open space, and final location and specifications of gazebo, playground and exercise equipment consistent with the preliminary plat;
- b. Final utility plan with profiles for all water, stormwater systems; sanitary sewer profile for the sewer main and service lines; a fire flow analysis for all water main line extensions; a. Final grading and erosion control plan for the disturbed area;
- c. Final street plan with profiles, curb and gutter, trails, etc.;
- d. Final drainage plan and report;
- e. State Stormwater Management Plan;
- f. All applicable development impact fees; and
- g. Approval of Flood Hazard Development Permit.

3. Prior to construction of the apartment buildings and townhomes, the developer/owner shall request multi-family water tap approval by the City Council from the multi-family water tap bank prior in accordance with §13.27.050. B. of the Municipal Code.

4. The City shall collect Transportation Capital Fees at the rate applicable at the time of issuance of a Zoning Development Permit/Building Permit to off-set the City's costs to make improvements to SH67 and in accordance with the CDOT Access Permit No. 220127. The Emergency Access to/from SH67 shall be designed and constructed at the developer's expense in accordance with CDOT requirements and prior to the issuance of the first apartment building's certificate of occupancy.

Riley introduced Jack Bestall, Bestall Collaborative limited who was available for questions regarding the project.

Following questions from the Council Mayor Pro-tem LaBarre opened up the Public Comment portion of the Public Hearing.

Matt McVicker asked questions regarding public parking.

David Banker shared that he felt the project was very nice but had concerns regarding transportation capital fees that he and his company had to pay for a project prior to this one. Mayor Pro-tem shared with Mr. Banker that she understood his concern but it wasn't relevant to approval of this project this evening. LaBarre suggested that Banker visit with the City Manager regarding his concern.

Joe Fury shared that he lives nearby to the project and was concerned regarding lighting.

Following no further Public Comment from the Public Mayor Pro-tem LaBarre closed the Public Hearing and the following motion was made.

MOTION: Approve Ordinance No. 1409, Series 2021 granting a conditional use permit, preliminary plat and site plan review for "18.09.090.N.4 Multi-Family Dwelling Units and 18.09090.N.5 Apartment Buildings on a single lot" use located on Tamarac Parkway with a Legal Description of Lots 6 and 7, Tamarac Tech Park Filing No. 5 within the Multi-Family Residential Urban Zone District. Zuluaga/Case. Motion carried 6-0.

- B.** Approve Ordinance No. 1407, Series 2021, an Ordinance Appropriating Sums of Money to the Various Funds, in the amounts and for the purpose as set forth below, for the City of Woodland Park, Colorado for the 2022 Budget Year for General Fund (100) (A)
(Presenter Finance Director Aaron Vassalotti)

Finance Director Aaron Vassalotti reviewed Ordinance No. 1407, Series 2021 with the Council. Councilmember Zuluaga felt the budget was well done and was a good budget. He shared that he would like to see us pay-off one of our debts and would like to give some of the surplus back to the people. Zuluaga shared that the City has done well but feels that the citizens haven't done so well.

There being no Public Comment public comment, the following motion was made.

MOTION: To approve Ordinance No. 1407, Series 2021, an Ordinance appropriating the sums of money to the various funds, in the amounts and for the purpose as set forth below, for the City of Woodland Park, Colorado for the 2022 Budget Year for General Fund (100). Case/Nakai. Motion carried. 5 -1 with Alfieri voting no.

- C.** Approve Ordinance No. 1408, Series 2021 an Ordinance Appropriating Sums of Money to the Various Funds, In the Amounts and for the purpose as set forth below, for the City of Woodland Park, Colorado for the 2022 Budget Year for all funds except the General Fund (100). (A)
(Presenter Finance Director Aaron Vassalotti)

Finance Director Aaron Vassalotti reviewed Ordinance No. 1408, Series 2021 with the Council. There being no Council discussion or Public Comment, the following motion was made.

MOTION: To approve Ordinance No. 1408, Series 2021, an Ordinance Appropriating Sums of Money to the Various Funds, in the amounts and for the purpose as set forth fellow, for the City of Woodland Park, Colorado for the 2022 Budget Year for all funds except the General Fund (100). Nakai/Neal. Motion carried 4-2 with Alfieri and Zuluaga voting no.

City Manager Lawson and Finance Director Vassalotti thanked the Council for approving the Budget and the Staff for all of their hard work.

10. NEW BUSINESS

(Public comment may be heard (1))

- A.** Approve Resolution No. 883, Series 2021 certifying the mill levy for the 2022 Budget year.(A)
(Presenter, Finance Director, Aaron Vassalotti)

Finance Director Vassalotti shared Resolution No. 883, Series 2021 certifying the mill levy for the 2022 Budget year. Councilmember Zuluaga shared that he would like to see the Mill Levy reduced. Councilmember Neil shared that he too would like to visit the possibility of reducing the mill-levy next year. Councilmember Case shared that she would support the discussion with all the taxing entities once the life of the DDA is complete and all the revenues are returned to the taxing entities. Colouncilmember Alfieri shared that she feels it is feasible to drop the mill levy right now and that it is the right thing to do. Alfieri shared that the City has unexpected revenue this year with record sales tax, higher property tax and that it should be done now. Case shared that the reduction of the mill levy requires analysis.

MOTION: To approve Resolution NO. 883, Series 2021 certifying the mill levy for the 2022 Budget Year. Neal/Case. Motion carried 4-2 with Alfieri and Zuluaga voting no.

11. REPORTS

(Public comment not necessary)

- A.** Mayor's Report

Mayor Pro-tem LaBarre shared the events for the upcoming weeks and wished everyone Happy Holidays.

- B.** Council Reports

Councilmember Case - no report.

Councilmember Nakai - shared updates on Main Street and the upcoming parade. Nakai also shared an update from the Charter Review Committee.

Councilmember Neal - no report.

Councilmember Zuluaga - shared an update on PPACG and an upcoming retreat they will be having.

Councilmember Alfieri - no report.

C. City Attorney's Report

No report.

D. City Manager's Report

City Manager Lawson shared that this evening was Planning Director Sally Riley's last meeting. Lawson shared that Riley would be retiring at the end of the month. Lawson shared that a celebration for Riley's retirement would take place prior to the City Council's meeting on January 20. Lawson introduced via zoom the new Planning Director, Karen Schminke.

City Clerk Leclercq shared that the City would be holding a Municipal Election on April 5, 2022. Leclercq shared that the citizens would be electing four Council positions and a Mayor. Leclercq shared that the City would be hosting a Candidate Information Session on December 15, from 6:30 PM to 8:00 PM in the Council Chambers.

12. ADJOURNMENT

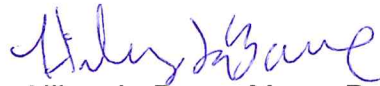
Following the City Council wishing the staff and citizens a Happy Holiday season, Mayor Pro-tem LaBarre adjourned the meeting at 10:04 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 28th DAY OF Jan, 2021



Hilary LaBarre, Mayor Pro-tem