

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for April 28, 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. CALL TO ORDER & ROLL:

Chair Ken Hartsfield called the meeting to order at 6:30 pm.

Present	Commissioner Hartsfield
Present	Commissioner Lee Brown
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 Al Bunge was absent.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: The April 14, 2022 were approved with corrections.

Note – There was approximately a 20 minute window at the start of this item with no business conducted due to technical difficulties with virtual connection.

4. PUBLIC HEARINGS

A. Continued from March 10, 2022 and April 14, 2022: CUP#2021-03 – Tamarac Contractor Services: consider a request by Skip Howes (Applicant) and the Tamarac Land Company (Property Owner) for a Conditional Use Permit (CUP) pursuant to §18.09.090.G.1. *Contractors & Construction Services* use on 4.22 acres in a portion of the W1/2 of the SW1/4 of Section 12, Township 12 South, Range 69 West of the 6th Principal Meridian, lying SW of “Tamarac Tech Park Filing No. 2” and lying NW of “Tamarac Tech Park Filing No. 1” with an address of 1010 Research Drive. **(QJ)**

Chair Hartsfield reopened the hearing and Planning Director Schminke presented a PowerPoint presentation summarizing the supplemental staff report and the coordination with the applicant that had occurred since March 10, 2022. She recapped that the purpose of this item is to bring a non-conforming use into compliance and incorporate site improvements requested by the applicant (second driveway and surface improvements) as well as address the impacts of the development by requiring storm water improvements to address existing site conditions as well as changes and screening along the road. She also noted the recommendation that all site improvements (i.e. water quality detention, surface changes with the addition of millings, the second driveway, and the fence screening) be included under one multi-use Zoning Development Permit (ZDP) which allows the applicant to concurrently and efficiently address all desired and necessary improvements. The presentation concluded with the Staff recommendation that the Planning Commission recommend to City Council approval of this application with the following conditions:

1. Prior to November 1, 2022, the property owner must clean all litter and debris from the site (i.e. old truck, concrete, debris).

2. The final drainage report must be approved by the City Engineer before a grading permit or Zoning Development Permit (ZDP) can be issued.
3. A grading permit is required for surface changes or disturbances that exceed 7,500 SF in area.
4. A single multi-use ZDP is required for the site improvements (including water quality detention, surface changes with the addition of millings, the second driveway, and the fence screening). A final concept plan for the site is necessary in order to issue this ZDP.
5. All applicable fees are to be paid (i.e. storm water fees based upon impervious area at the time the ZDP is issued).
6. Final concept plans for the site shall be submitted that show location and dimensions for:
 - a. material storage areas and drive areas
 - b. equipment parking areas for rolling stock
 - c. water quality detention facilities
 - d. screening and fencing details compliant with MC §18.42
 - e. 25% landscaping
 - f. 10% snow storage areas
7. Hours of operation shall be limited to dawn (no earlier than 7 am) to dusk (no later than 9 pm) Monday through Friday. After hours emergency operations are permitted subject to emergency requirements.
8. All exterior lighting, if any, shall be downcast and shielded with a temperature of 3,000 K or warmer and shall not exceed the twenty-five feet in height.
9. Uses shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in handling any such material as approved by the Northeast Teller County Fire Protection District.
10. No smoke, odor, vibration, glare or particulate emissions shall be permitted which can cause damage to health, animals, vegetation, or affect properties beyond the parcel boundaries.
11. Notwithstanding any conditions herein, this CUP does not grant a noise relief permit and the use/business shall at all times be subject to *MC 9.41 Noise*.
12. Pursuant to *MC 18.33.180*, at least 15% of parcel shall remain as open space.
13. Pursuant to *MC 18.33.180.D*, healthy existing significant trees shall be preserved to the extent reasonably feasible and may be used to satisfy landscaping and open space requirements.

Commissioner Kennedy questioned the landscaping percentage requirement compared to the overall site. Staff clarified that the landscaping requirement can overlap with the open space requirement. Mr. Howes also added that open space had to be useable so the floodplain area could not be used to meet that requirement. Staff also provided

explanation for the recommended hours of operation for the business as well as explaining the timing review of construction documents and issuance of a zoning development permit (ZDP).

Chair Hartsfield next turned to the applicant, Skip Howes, for his presentation. Mr. Howes reviewed the revised site plans that he submitted including the location of natural features, uses, improvements on the site and other notations. He then addressed drainage improvements saying those will be based on a maximum impervious site coverage of 70% and they will consist of more linear shaped detention features. He also acknowledged the need for a grading permit since they will be disturbing over 7,500 SF of land area. He then asked for the Commission's direction for the appropriate placement of the 6-foot fence.

There was a discussion between the applicant and the Commission regarding the fence placement, the need for screening and site security. Staff provided clarification of the required standard from MC §18.42.030. The Commission also looked at MC §18.42.100 which allows the City Administrator or their designee to authorize an alternate fence location.

Next Mr. Howes then went through the list of conditions and provided clarification on each one. He was okay with conditions 1, 3, 5 through 13. With condition #2 he requested language that requires the City Engineer to provide comments within two weeks of when the final report is submitted; and asked to pull the driveway out of the multi-use ZDP in condition #4. The Commission responded that they were not comfortable, nor was it within their prevue, to specify a time limit for the city engineer to return comments.

Chair Hartfield opened the public comment section.

Shirley Douthit who lives directly across from the subject property stated she has seen the use grow with the addition of the excavating contractor and has seen an increase in truck traffic with continuous truck noise on some days. She noted the new driveway would be a benefit if that is the one used primarily by the trucks, but still has concerns about continued future growth of this business and potential conflicts with the homes that will be added to the neighborhood.

With no one else in the audience wishing to comment, Chair Hartsfield asked if anyone in the virtual audience had questions. Virtual attendee, Craig Miller, noted there were no questions from virtual audience since they were not able to hear the presentation.

Chair Hartsfield closed the public comment and led the Commission in discussion.

Director Schminke answered Commissioner Brown's questions related to conditions #1, #2, #5, and #6. The Commission discussed the desirability of and the process for reducing the front setback for 6' fence. Municipal Code §18.42.100 provides a process to appeal to the City Manager or their designee for a reduced setback for the fence.

Commissioner Larson provided clarification that the subject property was zoned Service Commercial (SC) in 2004 and contractor services is a conditional use in this zone which means it is allowed subject to conditions. He assured Mrs. Douthit that even though her house was built in 2007 he heard her concerns.

The Commission asked staff to clarify the phrase 'concept plan for the site' and some of the conditions. Staff explained that the primary objective here is to have a non-conforming use come into compliance so a lighter touch was being used related to the site plan requirements, which then results in some conditions of approval being primarily informational so that all parties are on the same page for what is required going forward.

Commissioner Brown moved, and Commissioner Kennedy seconded, that the Planning Commission **recommend City Council** approve the Conditional Use Permit (CUP), based on the findings contained in the staff reports and as presented at public hearings, for *18.09.090.G. Contractors & Construction Services* uses on 4.22 acres in the W1/2 of the SW1/4 of Section 12, Township 12 South, Range 69 West of the 6th Principal Meridian, lying SW of "Tamarac Tech Park Filing No. 2" and lying NW of "Tamarac Tech Park Filing No. 1" (1010 Research Drive) in the Service Commercial (SC) zone subject to the following conditions:

1. Prior to November 1, 2022, the property owner must clean all litter and debris from the site (i.e. old truck, concrete, debris).
2. The final drainage report must be approved by the City Engineer before a grading permit or Zoning Development Permit (ZDP) can be issued.
3. A grading permit is required for surface changes or disturbances that exceed 7,500 SF in area.
4. A single multi-use ZDP is required for the site improvements (including water quality detention, surface changes with the addition of millings, the second driveway, and the fence screening). A final concept plan for the site is necessary in order to issue this ZDP.
5. All current applicable fees are to be paid (i.e. storm water fees based upon impervious area at the time the ZDP is issued). Other fees may apply to future development.
6. Final concept plans for the site shall be submitted that show location and dimensions for:
 - a. material storage areas and drive areas
 - b. equipment parking areas for rolling stock
 - c. water quality detention facilities
 - d. screening and fencing details compliant with MC §18.42
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7. Hours of operation shall be limited to dawn (no earlier than 7 am) to dusk (no later than 9 pm) Monday through Friday. After hours emergency operations are permitted subject to emergency requirements.
8. All exterior lighting, if any, shall be downcast and shielded with a temperature of 3,000 K or warmer and shall not exceed the twenty-five feet in height.
9. Uses shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in handling any such material as approved by the Northeast Teller County Fire Protection District.
10. No smoke, odor, vibration, glare or particulate emissions shall be permitted which can cause damage to health, animals, vegetation, or affect properties beyond the parcel boundaries.

11. Notwithstanding any conditions herein, this CUP does not grant a noise relief permit and the use/business shall at all times be subject to *MC 9.41 Noise*.
12. Pursuant to *MC 18.33.180*, at least 15% of parcel shall remain as open space.
13. Pursuant to *MC 18.33.180.D*, healthy existing significant trees shall be preserved to the extent reasonably feasible and may be used to satisfy landscaping and open space requirements.
14. It is the view of the **Planning** Commission, that the front setback, as is applicable to a six (6) foot fence, should be reduced to 25 feet.

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

5. **REPORTS:** Director announced the new Senior Planner is now on staff; Chelsea Stromberg comes to the City with prior experience in both Pueblo and Colorado Springs.

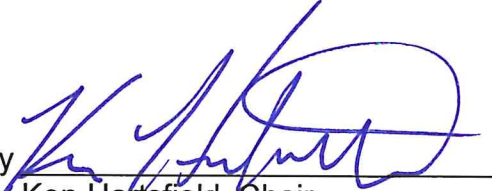
Commission Al Bunge has resigned from the Commission; suggestions for new members are welcome.

Reminded the Commission of the upcoming joint work session on short-term rentals between City Council and Planning Commission on Thursday, May 5, 2022 at 5:45 pm; please note the start time. The objective is to provide a baseline of information on this topic that informs further potential policy and possible regulation discussions.

Asked the Commission to remember to notify staff if not able to attend a meeting. The next meeting of the Commission is scheduled for May 12, 2022 at 6:30 PM.

6. **ADJOURN:** The meeting was adjourned at 8:05 pm.

Approved this 12 day of MAY, 2022 by


Ken Hartsfield, Chair