



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
WORK SESSION
Thursday, July 14, 2022, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.city-woodlandpark.org). Public input is important to the Planning Commission and comments are encouraged in writing in advance.

- 1. CALL TO ORDER & ROLL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. WORK SESSION**
 - A. Water Tap Allocation Management**
- 4. ADJOURN**

For more information, please contact the Planning Department 719.687.5283

WOODLAND PARK PLANNING COMMISSION

SPECIAL MEETING MINUTES for June 21, 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:

Commissioner Brown called the special meeting to order at 6:30 pm.

Present on Zoom

Commissioner Hartsfield

Present

Commissioner Lee Brown

Present

Commissioner Carrol Harvey

Present

Commissioner Kenneth Kennedy

Absent

Commissioner Larry Larsen

Present

Commissioner Shawn Nielsen

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

Since Chair Hartsfield is not attending in person, for administration of this meeting, Commissioner Brown is acting as Chair instead.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: None.

4. PUBLIC HEARINGS

A. Continued from June 9, 2022: PUD/SPR2022-01: a request by N.E.S. Inc. (Applicant) on behalf of New Life Holding Corporation (Owner) and its affiliated operating nonprofit corporate entities, Andrew Wommack Ministries, Inc. (AWMI) and Charis Bible Colleges, Inc., to consider a PUD Amendment to 1) revise the dimensional standards to allow a height increase from 35-feet to 45-feet maximum for the student housing and 2) remove a past Condition of Approval that the temporary student housing be privatized through either a lease agreement or some other arrangement so that it can be separately taxed. The subject property is located at 800 Gospel Truth Way with a legal description of Lot 1, The Sanctuary, Woodland Park, Colorado and is zoned Planned Unit Development (PUD) for the purpose of developing a Planned Business Development (PBD). (QJ)

[Note: An associated Site Plan Review (SPR) application is concurrently under review and is not subject to public hearing.]

Commissioner Brown noted that this matter is scheduled for a public hearing by the City Council on July 21, 2022. After a technical delay, Director Schminke presented the staff report with the location, site plan, architectural renderings, and project history. On April 12, 2012, Planning Commission recommended approval of the original PUD/PBD and Preliminary Plat. On June 7, 2012, City Council approved the PUD/PBD Final Development Plan with Zoning Ordinance No. 1162 and the Preliminary Plat. All of this established the allowed uses, overall development layout, and dimensional standards for the uses). The Sanctuary Final Plat was approved on December 5, 2013. Charis Bible College opened in January 2014 with 600 students. On January 8, 2015, the PUD/PBD was amended to allow a parking garage. The original PUD/PBD allowed uses table includes student housing. Allowed uses are subject to administrative staff reviews for ZDPs and construction permitting and additional public hearings are not required. The applicant wants to amend the PUD/PBD, thus a public hearing is required. The original PUD proposed 12 buildings for student housing with a maximum building height of 35 ft. (3 story), 5,000 to 8,000 s.f. per story, and 500 bedrooms in 300 units, 1.5 parking stalls

per unit totaling 450 stalls. The parking garage PUD amendment in 2015 took care of most of the parking stall requirements. The applicant is making two requests tonight:

1. Revise the dimensional standards to allow a height increase from 35-feet to 45-feet maximum for the student housing, and
2. Remove a past Condition of Approval that the temporary student housing “be privatized through either a lease agreement or some other arrangement so that it can be separately taxed.”

Notice of Public Hearing was published in the Pikes Peak Courier and Public Hearing signs were posted on the property at least 10 days prior to the hearing. Courtesy notices of the June 21 Planning Commission hearing and July 21 City Council hearing were mailed to adjacent property owners within 150 feet of the site boundary. This project was also sent out for referral to City departments and agencies, including Public Works, Utilities, CORE, and NETCo Fire Department. Comments from the City Engineer and CORE related to administrative review of the site plan details but not the PUD amendment requests. The NETCo Fire Department comment follows:

“The Following item need to be addressed prior to the Fire Department supporting continuation of this project.

- 1) The fire district is concerned about changing the taxing of the student housing to non-taxing. This puts a larger strain on our funding to support the district residents. We are concerned about the ever-increasing demand for fire and emergency services on this property without receiving funding to properly provide those services and to include staffing for an aerial apparatus required due to the increased height of the building. Please consider alternative methods of payment in lieu of tax.

“The NETCo Fire Department (**Recommends Disapproval**) of this PUD change request at this time.”

The Planning Department also received two written public comments which were included in the the initial June 15th staff report, and a third written comment which was sent to the Planning Commission on June 21st.

Director Schminke went on to explain the City Municipal Code definition of height, which is the “vertical distance from the finished grade (average finished elevation of the ground around the structure) to the highest point of the roof.” PUDs allow for some flexibility compared to the typical maximum heights of 30’ in residential zones and 35’ in commercial zones. The Sanctuary PUD/PBD has approved building height ranges from 25’ for an existing building to 60’ for the proposed administration building and student housing at 3-story with a maximum height of 35’. The parking garage and college building are 54’ high. For comparison, Our Lady of the Woods Catholic Church in the Central Business District and Trail Ridge Apartments in the Multi-Family Urban are both 45’ high and received height variances through the Board of Adjustment.

She then showed The Sanctuary site plan with the proposed development including the north student housing. The buildngs are set into the hillside that slopes north and east. The elevations were shown and compliment the mountain western architecture. The gradeline shows that the front of the buildings appear to be 2-story and the back shows the 3-story.

The June 7, 2012 City Council minutes show that the PUD/PBD standards had been met. The Majority of Criteria listed in the City Code are not applicable to this request. For the first request, Staff recommends approval of an amendment to the Sanctuary’s PUD/PBD Final Development Plan to change the dimensional standard for the Student Housing

building from a maximum height of 35 feet (3 story) to a maximum of 45 feet (3 story) based on the findings contained in the staff report and as presented at public hearing, subject to the condition:

- 1) The tables on the cover sheet (Site Data, Land Use, and Parking) are revised so the information is presented in a format that is consistent with past approvals and the temporary student housing is listed in two parts to clarify the number of units and bedrooms being constructed in this phase and the number of units/bedrooms for a future phase.

Director Schminke then presented the second request, which relates to the desire to remove a past Condition of Approval that the temporary student housing “be privatized through either a lease agreement or some other arrangement so that it can be separately taxed.” The wording of that condition in both the Planning Commission and City Council 2012 minutes is, “14. The applicant agrees that the housing on the development will be temporary student housing, not permanent housing, and the student housing will be privatized through either a lease arrangement or some other arrangement so that it can be separately taxed.” She explained the history of how that condition came to be, showing the minutes of the April 12, 2012 Planning Commission meeting. The June 7, 2012 City Council minutes also noted that the applicant did not object to the condition #14. City Council voted to approve the rezoning of the property to PUD and approve the PUD/PBD final development plan with all 14 conditions and approve Ordinance No. 1162, Series 2012 (operate the Charis Bible College with religious/educational center, student housing, administrative building, and associated uses).

She then went on to explain land use and zoning law in Colorado. Typically land use and zoning law are generally a matter of local concern in Colorado, except when it is a matter of statewide concern, like a pipeline that crosses county lines or most recently, changes to home child care rules that are governed by state law. Further, federal law can come into play. The federal law, Religious Land Use And Institutionalized Persons Act (RLUIPA) prohibits a local government from imposing or implementing land use regulation in a manner that imposes a “substantial burden” on the religious exercise of a religious assembly or institution, unless the government demonstrates that the imposition on that assembly or institution (A) is in furtherance of a compelling governmental interest, and (B) is the least restrictive means of furthering that compelling government interest. (42 SS U.S.C. 2000cc *et seq.*) She then went over Colorado State statutes concerning what powers planning commissions have over zoning, subdivisions and PUDs. For PUDs, statutes allow local governments wide discretion and flexibility when establishing a PUD as it relates to regulating uses and mitigating impacts of the use. With regard to Code Compliance, as reflected in the City Council minutes from June 7, 2012, the City Council concluded that the PUD/PBD Standards had been met. There are no standards to review for Request #2. The criteria listed in the City Code are not applicable to this request, and tax status is not within the City’s land use controls or land jurisdiction. Staff concluded that the terms detailed in Condition #14 were offered by the applicant’s representative, and the applicant’s representative agreed to the condition and commitment to the community. Nevertheless, the applicant has raised questions relating to RLUIPA and the First Amendment. Therefore, it is Staff’s recommendation that Planning Commission make a substantive recommendation solely on Request #1. Regarding Request #2, the removal of Condition #14, Staff recommends that the Planning Commission make a recommendation that the City Council is the proper body to weigh in on this modification, including a consideration of the application of RLUIPA.

Director Schminke took questions from the Planning Commissioners. Commissioner Harvey had some procedural questions on Request #1. The Planning Commission and

City Council are hearing a request for height because this property is zoned a PUD. In any other zone district, height variances are heard by the Board of Adjustment. This was also the case for the parking garage. The main building height was established at initial PUD. But Trail Ridge Apartments and the Catholic Church height variances were heard by the BOA. She also had a question for NETCoFD Chief Lambert what was asked of the fire district. Director Schminke explained that the reviewing entities were sent information similar to the adjoining property owners and asked to submit comments by a certain date if they had any concerns. Chief Lambert was asked about his response to the request: It brings us into an aerial response and 4 personnel. They deny these requests because of insurance requirements, which they try to keep as low as they can. They would need three more personnel at \$88,000 each per year, to cover the equipment necessary for the added structure height. Commissioner Harvey then asked how NETCoFD is funded. Chief Lambert answered that they are 98% funded by property taxes, 2% comes from specific ownership tax. No city or county sales tax funds the fire department. He confirmed that any increase in the number of residents also increases the personnel and equipment requirements of the Fire District. Commissioner Nielsen asked about if Charis Bible College had their own private fire protection and security, if that would affect what NETCoFD would respond to with an agreement or MOU. Chief Lambert responded that it's possible, but up to the ISO as they regulate the fire department and the property insurance premiums. Commissioner Harvey followed up with clarifying that ISO Ratings affect everyone in the area, but how does that affect the district's ability to service an increase in populations. It's in the response time. 22% of the calls are back-to-back, which increases response time because the crews are split. The ISO rating could change and impact insurance premiums because they are based on apparatus, water supply, communication with dispatch centers. Is it possible for the FD to reach a 3rd story? In COS, you'd have 4 equipment with 30 fire fighters. We respond with four. Here, they have mutual aid with GMF, Divide & Florissant, so the response time would be longer, like 20-25 minutes. Harvey for the 2nd request of not privatizing, PILT. How would PILT work, what's appropriate for NETCo? Lambert estimated a PILT based on Charis Bible College itself of \$80,000 a year, and for the proposed \$20,000,000 student housing, the estimated PILT would be about \$30,000/year. Chair Hartsfield clarified with Director Schminke that the average height of the buildings would actually be 40', so a 40' variance would be adequate. This variance would apply to all student housing on the property. A discussion ensued about the definition of "temporary student housing," both for the length of the (student) occupation and the type of building that the housing would consist of compared to "permanent student housing." Commissioner Harvey made the point that if Condition #14 stood and the student housing was privatized, Teller County would make the decision on how to classify the student housing to be taxed.

Commissioner Brown invited the applicant to give their presentation. Jon Romero with NES represents the Applicant and thanked the Planning Commission for hearing this PUD Site Amendment. He presented slides that introduced the Project Team, site location, project background including zoning, original 2012 PUD site plan which included student housing & parking requirement, and the proposal. 8 acres, 66 units, 45' height, 101 parking spaces (instead of 99). Traffic studies have been provided in the 2015. The 45' height allowance would carry over to all student housing, important to note that as for height, had meetings with fire department to access the 3rd floor. He went over the Review Criteria and feels that the application is consistent with past approvals, the traffic studies have been provided, wildfire mitigation studies were completed and early meetings with NETCoFPD addressing access to the proposed buildings. Proper notification has been given. Andrew Nussbaum of Nussbaum Speir Gleason, 2 Cascade Avenue, Colorado Springs, Colorado, 80903 presented the applicant's request to remove Condition #14,

which in their perspective “This condition of approval is not seen as a condition that is consistent within the bounds of the Zoning and Subdivision Code for Criteria for Approval or other ordinances as identified in section 18.30-Planned Unit Development (PUD) District.” He explained the history and quoted Condition 14. Viewed now, Condition 14 has proven to be wrongheaded. It was a clear violation of the law to consider Charis’ religious character and tax-exempt status. He said he was there to respectfully request that the Commission make a course correction and recommend Condition 14 be removed. He stressed that the Planning Commission make a recommendation to the City Council. He then went on to explain why Condition 14 is unreasonable and unlawful: 1) Condition 14 has no place in the PUD process. A PUD application should be approved if it meets the criteria outlined in Section 18.30. The original 13 conditions addressed the PUD itself. By contrast, tax revenue, the religious character of Charis, and the public benefit of the ministry are non-relevant. Tax exemption appears in the finance section, which includes religious organizations such as Charis. No other towns in Colorado have required or asked non-profit religious organizations to give up their property tax-exempt status, then went on to name multiple religious organizations that do not pay taxes. Charis is not asking for special treatment. 2) This would require Charis, a religious school, to privatize student housing. He wanted the Commission to think about this. Not only is relying on a private developer unworkable, privatization would force Charis to trade away a focal point of it’s religious mission and character. Student housing at Charis is integral in students’ Christian life. He went on to say that Condition 14 forces Charis “to give up these essentially religious qualities to a for-profit business that does not share Charis’ religious identity or mission.” 3) Charis and the Ministry are religious not-for-profit institutions exempt from property tax under the Colorado Constitution and state statute and Woodland Park City Code. He then quoted these sources. Shall be means no exceptions. He thinks it’s important to remember why the laws exist and then schooled the Planning Commission with three good reasons. He said that 10 years ago the Commission had not thought through these issues, I don’t think, when it imposed Condition 14. But looking back, as Charis looks to build student housing, this condition is unfeasible and unlawful. He then went on to explain three reasons why Charis actually didn’t agree to Condition 14 ten years ago. 1) Condition 14 is legally unenforceable because it’s against Colorado law (religious schools are exempt from property taxes). Ironically he compared this to dumping sewage in a creek to be able to solve the housing crisis. From his vantage point, he sees no clear agreement. The only thing clear about Condition 14 is that it’s totally unclear. 2) Mr. Bozeman was a contractor and not a lawyer. He received legal advice from the City Attorney that was incorrect about precedent and if this was possible. All the ministry said in 2012 is that it would look at possibilities, not that it would waive its rights. In 2015 the Ministry said that Condition 14 was unlawful to the City Council. He then said that Charis has no desire to litigate this issue, but they have hired Mr. Nussbaum who emphasized that his firm which specializes as he mentioned in defending religious institutions in forums across the country. He then explained RLUIPA and the First Amendment. In short, Condition 14 violates Charis’ right to religious freedom. And make no mistake, Charis is being substantially damaged as a result of the City’s actions. Each day Charis cannot open student housing is a day it cannot welcome more students to the college with room and board dollars and all of the benefits that grow incomes with. Finally, he concluded with what is a concern with some members of the Woodland Park community – Charis and the ministry’s impact on the City. It’s important to note first that Charis’ impact is not relevant to land use approval. SCOTUS and Colorado Supreme Court have both made clear that the public benefit of a non-profit institution is irrelevant to it’s status as tax-exempt. Having said that, it’s an unfortunate misconception from his perspective that the ministry is a drag on Woodland Park. He went on that the ministry is deeply committed to Woodland Park, the commitment is part of its

Christian beliefs, it's the Golden Rule. But those same Christian beliefs have led the ministry and Andrew Wommack to not publicize the ministry's commitment to charity. It's only at his behest, outside legal council, that the ministry has authorized sharing with you some of the positive impacts the ministry has had on this city. It's lived out it's neighborliness in at least three ways, 1) Over the last decade, students and employees have given thousands, thousands of hours of community service to local non-profits. 2) The ministry, quietly, without sounding a trumpet, has given over \$500,000 to local organizations, including substantial donations to Ute Pass Regional Health District, Rampart Library District, and Habitat for Humanity. 3) At it's own expense, the ministry has directly funded City infrastructure. It looped the water line that dead-ended at UCHHealth Hospital; it was under no obligation to do so. It did that to ensure the hospital would not experience water shortages or water pressure issues. It has funded an anti-human trafficking task-force with the Teller County Sheriff's Office, and it has just recently helped fund the Fire Protection District's wildfire prevention efforts. These contributions are in addition to the huge economic boon that the Ministry has been to the City of Woodland Park. By 2030, the Ministry will be a direct supporter of nearly 1,500 good paying jobs and over \$90,000,000 of income for the City, but what's more, and this is totally irrelevant to the question at hand, the City will receive a projected \$6.3 million in sales and use tax revenue over the next 10 years as a result of the ministry's presence in the City. These kinds of substantial economic benefits are why far from trying to extract payments from non-profit colleges, cities across the State of Colorado go out of their way to incentivize colleges putting campuses in their communities. To conclude, ten years have passed since the Commission thought it was a lawful idea, a reasonable idea, to require the Ministry to compromise its religious character and give up its rights to tax exemption. That was mistaken. Condition 14 and its privatization are non-feasible, illegal, and unenforceable. This Planning Condition generated the idea, generated Condition 14, in 2012 and so the Commission should make a course correction tonight. We ask you to recommend to the City Council to remove Condition 14 as an unlawful condition on land use approval.

He ended his prepared remarks and welcomed questions. Commissioner Nielsen asked if there are any additional plans to help with some of the growing pains in terms of Charis' fire and safety? Nussbaum said there is some dispute in terms of the data on the number of calls from Charis' records, but has no comment on mitigation efforts. Commissioner Kennedy asked about the first half of Condition 14 which states the housing shall be temporary student housing, not permanent student housing. What does temporary mean, what is Nussbaum's view of it? Mr. Nussbaum shook his head and said he appreciated the question, then said their focus has been primarily on the privatization and taxation piece because those are very clear rights of the Ministry. However, discussion around temporary student housing and what that means is a good example of what this Commission and the City Council not having thought through fully what the terms of Condition 14 actually mean. If it did mean that we were to build modular buildings for a short period of time and then we would be able to build permanent buildings that were tax-exempt, then we would support that reading of the condition. And he understood that at least one of the Commissioners was suggesting that what the meaning was. As far as he knows, it's more along the lines of typical student housing for a college where it would be for a semester. But he doesn't want to commit the Ministry to that this evening. That is how Commissioner Kennedy saw it, and it seemed to him that the condition parts were separable and wanted to know if there were objections to the definition of normal student housing as opposed to other types of housing. Mr. Nussbaum would not commit the Ministry to any particular reading of "temporary" but that would be his reading of it. Commissioner Harvey had comments and asked Commissioner Hartsfield to also

comment about that time 10 years ago as they along with Commissioner Larsen were on the Planning Commission at the time when discussions occurred about the Charis Bible College PUD. Mr. Bozeman was not the head of construction, he was listed as the Operations Officer for Charis, and that is on the website. She recalled that it was never a suggestion by the Planning Commission to privatize student housing or faculty housing. She does recall there was a discussion about temporary housing such as mobile homes or tiny homes – it was always about student housing. It was never any initiative by the Planning Commission at the time to say “You will privatize your housing.” As for his comment on privatized housing on federal or tax-exempt property, you’ll discover that nearly every military base in the US now privatizes housing and they do have very specific requirements about who can have access to do that housing. But what did happen in October 2011 and she did check her notes was that it was one of their first discussions with Mr. Bozeman who took the Planning Commissioners in a beat up bus from the Teller Senior Center to that beautiful piece of property and they did talk about the concerns of wildfire mitigation, being a good neighbor to the County residents in Westwood where their water was coming and she was very aware that they were going to do the water loop service for the hospital, which was terrific initiative on the Ministry’s part. But when they talked about the student housing, and it was Mr. Bozeman’s suggestion that possibly, to mitigate the loss of property tax, not to the city, but to the other taxing districts, that it might be possible to privatize the student housing and at that time there was a discussion of faculty housing. In October 2011, and this where maybe some of the confusion comes in, Mr. Gary Erickson, a Colorado Springs developer, briefed the Planning Commission saying that at that point in time Mr. Wommack had changed his mind about the student housing and that he did want to privatize it. The recommendation from Mr. Erickson, who may have had the title of the construction chief but Mr. Bozeman was definitely the Operations Chief for Charis at the time, was a consortium or a group of like-minded members of the staff & folks that were associated with the ministry would form their own corporation and they would be responsible for this small set-aside for student housing in order for that piece of property to then pay property taxes under some land-zoning designation the county and state would figure out. She brought this up not to argue with you but to point out some of us were here then, Mr. Nussbaum was not, and those were the discussions that were held by the Planning Commission, which was then passed on to the City Council. Mr. Nussbaum responded that military bases are not an analogous scenario. He cited the University of Notre Dame having a priest on every floor of every dorm so they can minister to the students. No private company can supply that kind of service. That goes to the point that it’s not workable or feasible. He took the point on the planning commission minutes but he read them differently. It looked to him that Mr. Bozeman suggested it was the Ministry considered in 2012, “considered” being the very important verb there, however. It was this Commission, by contrast, that required it of the Ministry. It was the Commission with the advice from their attorney asking if they could put this in as a condition of approval. Can we force you to waive your rights? So he acknowledged that the record is slightly different in that regard. Commissioner Harvey didn’t want to be argumentative but corrected Mr. Nussbaum once again; the Commission did not recommend privatization, Mr. Bozeman did. In a publication in the the Colorado Springs Indy, they quoted Mr. Wommack as saying he wanted to be a good neighbor and agreed to privatization full stop. Mr. Nussbaum said that their position is clear on that and they disagree. He said the minutes verify this and he could point them out, and that he doesn’t mean to be argumentative either. Commissioner Harvey pointed out that he is.

Commissioner Hartsfield commented that he was not on the Planning Commission in 2012, but if Condition 14 is not appropriate, the concern he sees is the Teller County Fire

Department. Does the Ministry have a proposal to mitigate the impact on the community because the Planning Commission is supposed to look at the impact of use for the CUP? Mr. Nussbaum answered that the impact and benefit of the Ministry is totally irrelevant to the land use question presented tonight. The Commission is empowered to make land use decisions and like he said both SCOTUS and the Colorado Supreme Court have made crystal clear that the public benefit or lack thereof of a not-for-profit entity has no relevance to land use

1:47

The project was approved in late 2018, and applied for financing in mid-2019, which is a 3-10 month-long process. In March of 2020, all lending applications were put on hold because of the pandemic. Since then it has been another two years of lending and supply uncertainty. Finally, at this time, the feasibility study has been finalized, and pricing and supply are predictable enough to move forward in the next building cycle. Then Eric Smith of 2435 Research Parkway Suite 300, Colorado Springs, a principal engineer with Matrix Design Group, representing the Applicant, introduced himself. To show that all types of construction projects' financing was affected across the board, he noted that the Air Force Academy visitor center financing was also delayed two years, from February 2020 to January 2022. Matrix will complete the final engineering drawings. A final drainage report will address any changes to drainage criteria code or standards. The site plan will also be updated. These types of facilities generate low traffic volumes, especially compared to other uses allowed in this zone.. The traffic study predicts 100 vehicles a day for this facility. Left turn lanes currently meet the CDOT requirements, and a right shoulder exists for a future right turn lane. A traffic study would be updated as the project moves forward. Carrol Harvey confirmed that original traffic analysis of 100 vehicles/day still stands and that the Applicant expects financing to be approved and construction to commence in Spring 2023.

Hartsfield opened and closed the public hearing with no comments. There was no further discussion.

Commissioner Larsen moved, and Commissioner Nielsen seconded, that the Planning Commission **recommend City Council** approve the Extension of Ute Pass (formerly Woodland Park) Self Storage Conditional Use Permit and Site Plan Review: A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone. subject to the following conditions:

YES: Larsen, Nielsen, Hartsfield, Harvey, and Kennedy.
Motion PASSES 5-0.

5. **REPORTS:** Director Schminke informed the Planning Commission that the City has embarked on updating the Parks, Trails & Open Space Plan which will include community engagement opportunities. The City is also planning on hosting several listening sessions concerning Short Term Rentals on July 6, 2022. Senior Planner Chelsea Stromberg has left the City. The Planning Department has joined the City Engineer's RFP, adding a component for Planning Development Review Services for the review role a Senior Planner would typically provide. It will be paid by an hourly basis until a Senior Planner is hired. Senior Planners are in high demand in Colorado and nation-wide.

Commissioner Harvey asked if the Comprehensive Plan consultant would be able to provide an update of Municipal Code Sections 16, 17 & 18 to the Planning Commission soon. She thought they would review and recommend some consolidation of matrices. Director Schminke has received a document from them, but has not reviewed it. She would like to present it to the Planning Commission with context. The consultant has completed their conditions of the contract, but a presentation was not one of them.

Mr. Larsen suggested the Planning Commission start discussion of modifying the Plannign Commission quorum definition from a set minimum of five commissioners to a simple majority. Any changes to the operating procedures would be recommended by Planning Commission for approval by City Council. Director Schminke added that she told the DDA at their meeting about vacancies on the Planning Commission. Applications for Boards and Committees are on the City's website.

The next meeting of the Commission is a Special Meeting scheduled for Tuesday, June 21, 2022 at 6:30 PM.

6. **ADJOURN:** The meeting was adjourned at 7:15 pm.

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