



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
Thursday, January 12, 2023, 6:30 P.M.
Council Chambers – 220 W. South Avenue
AGENDA – REVISED JANUARY 3, 2023

Zoom link from the calendar at the bottom of the front page of the City website (www.city-woodlandpark.org).

1. **CALL TO ORDER & ROLL**
2. **PLEDGE OF ALLEGIANCE**
3. **ELECTION OF OFFICERS – CHAIR, VICE-CHAIR**
4. **APPROVE MINUTES:** September 22, 2022 & September 29, 2022
5. **PUBLIC HEARINGS**
 - A. **ZON2022-07 Woodland Station Overlay Zone District Boundary Change:**
A request by Beer Garden Lane Development LLC and Park Contractor Storage LLC for approval to add additional parcels to the Woodland Station Overlay District “to facilitate planning and development of Woodland Station and adjacent parcels under one set of rules and guidelines”. Subject properties are (Account No. R0000700) Lot 6, Block 2 Bergstroms Addition & ½ Vacated Alley Adj Property (W. Midland Ave); (Account No. R0000640) 24-12-69 Por SW4NE4 & ½ Vacated Alley Adj Property; (Account No. R0021837) 24-12-69 PT SW4NE4; (Account No. R0021835) 24-12-69 Por SW4 NE4; (Account No. R0000639) 24-12-69 PT S1/3 SW4 NE4 located S&E of MTRR ROW (225 S. West St) all zoned Central Business District (CBD). (QJ)
 - B. **ZON2022-08 Woodland Station Overlay District Municipal Code Text Amendment:** A request by the Woodland Park Downtown Development Authority (DDA) to approve a text amendment to Section 18.31.030 *Permitted Uses within the Woodland Station Overlay District*, of the Municipal Code; specifically to remove the requirement that residential dwelling units be located on the upper floors of a mixed-use building. (L)
 - C. **SUP2022-01 Verizon Wireless Temporary Communication Site:** A request by Verizon Wireless for approval of a Special Use Permit for a “temporary Communication Facility to provide VZW service to the area” (specifically a 59’-6” monopole LITE site to bridge service until a permanent site can be built) on L1-4 B 24 B 24 ½ Lake Add Vac Alley (200 W. South Ave.) in the Public/Semi-Public Lands (P/SPL) zone. (QJ) **(Per applicant request, rescheduled to February 9th, 2023.)**
6. **REPORTS**
7. **ADJOURN**

For more information, please contact the Planning Department 719.687.5202

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for September 22, 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 (via Zoom)
Present	Commissioner Larry Larsen
Absent	Commissioner Shawn Nielsen
Staff Present:	Planning Director Karen Schminke, Planner 1 David Burgess, and Senior Planner Will Charles.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: The June 9, 2022 and August 25, 2022 minutes were approved as submitted with all members voting aye except Vice Chair Brown, who abstained due to absence.

4. PUBLIC HEARINGS

- A.** Consider an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. **(L)**

Chair Hartsfield went over the meeting procedures: First staff will present, then public comment will be opened. Please sign up on the list in the back of the room. Comments are limited to three minutes each. After the public hearing is closed, the Commission will discuss and entertain motions. He asked for the staff report.

Planning Director Karen Schminke provided a number of slides explaining the happenings and insights of the previous work sessions on this topic. Short-term rentals are the renting of either a part of a residence or the whole residence for less than 30 days, but current City regulations do not explicitly address this type of rental in any zoning district. As a code change, it's a legislative item that would apply throughout the City. A lodging tax of 5 7/10% is already levied on any leasing or rental of any short-term (less than 30 consecutive days) rental that furnishes sleeping accommodations. The City has been requiring business licences (detailed in Title 5) for anyone operating an STR.

She went over the timeline of past activities that went into developing the proposed ordinance: In November 2021, staff started one-on-one interviews with stakeholders. On May 5, 2022, City Council and Planning Commission held a joint work session, followed by a June online community questionnaire. On July 6, 2022, two community conversations events were held at the Ute Pass Cultural Center.

The next day, City Council adopted a 90-day moratorium (Ord. 1426) on issuing business licenses for STRs. On July 21 and August 18, 2022, the City Council and Planning Commission held joint work sessions, and on Sept. 8th the Planning Commission held another work session. The result of these sessions was building consensus on how to address STRs within the City Code.

The objectives of the proposed Ordinance are to protect residential integrity and community character within the City; adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy less than 30 days; ensure clarity, increased enforcement, fairness, and consistency with the goals of the City, for its residents, businesses, and customers; and develop the regulations necessary to the health, safety, and welfare of the public and prevent adverse impacts to adjacent properties, neighborhoods, and quality long-term rental housing units within the City.

Ms. Schminke then went over the definitions added in 5.22.010, which deals with STR licenses, limitations, and requirements. 5.22.020 also proposes establishing caps on the number of STR business licenses: SR = 4%; UR = 8%; PUD = 4%; MFS = 2%; MFU= 4%; MHP = 2%. No caps or maximum number of STR licenses are proposed for the NC, CC, SC and CBD zoning districts, but they are prohibited in the AG, P/SPL and HSCLI districts. Proposed caps are based on a current survey of all existing dwelling units within each of the SR, UR, MFS, MFU, MHP, and PUD zone districts, with the addition of new residential dwelling unit (with a certificate of occupancy) totals each year, added in December.

The proposed Ordinance also requires a “local contact person” who is responsible for ensuring compliance with the Code, including but not limited to: snow and ice removal, trash and refuse removal, property maintenance requirements, and Good Neighbor Guidelines established by the City Manager and/or their designee(s). This local contact person must be available 24-hours per day, seven days per week to respond within 60 minutes to property code violations and/or complaints.

Other standards spelled out in the proposed code include prohibiting the following from operating STRs: accessory dwelling units (ADUs), rental apartment units, apartment buildings, dormitories, bed and breakfasts, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) with include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers, and other temporary structures. The ordinance also proposes separating STRs by a 500 ft. radius in the SR, UR and PUD zone districts. Delineated off-street or off-ROW parking plan for owners’ and guests’ vehicles are also required.

STR license requirements include: must be applied for 30 days before operating, valid for one calendar year (Jan 1 – Dec 31), information must be up to date, and is non-transferable. For renewals some additional requirements include: no outstanding health and safety violations relating to Title 15; and in the last 12 months no more than one code, Title 18, or law or regulation pertaining to STRs or their licenses; and no more than one violation of the STR business license requirements or Good Neighbor Guidelines violation. She also a went over the reasons an STR license may be suspended or revoked by City Council after a

public hearing for reasons such as: failure to pay any tax or licensing, false statements in the application, failure to file a report or furnish required information, undisclosed fact or existing condition that would have warranted a refusal of the issuance of the STR Business License, or a violation of any of the provisions of this Chapter, law or regulation pertaining to the requirements of the application or STR Business License. The penalty would be set in another section of the Code.

Ms. Schminke then reviewed the proposed Changes to Title 18. Under 18.78.050, STRs would not be allowed in rental apartments or buildings, accessory dwelling units (ADUs), bed and breakfasts, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, RVs (any vehicle that has a VIN), tents, teepees, campers, any temporary structure in any zone district. STRs cannot cause a nuisance and must adhere to the max occupancy established at initial licensing. This chapter also prohibits STRs from hosting large events like concerts in them, and designates parking at time of application and licensing.

At the end of the ordinance, there are some provisions related to the transition time of implementing the new code and the effective date. The Planning Department recommendation is: Should the Planning Commission find the provisions in the proposed Ordinance satisfactory, the Planning Commission should recommend that Council approve the code amendments as presented.

Chair Hartsfield entertained questions from the Planning Commission.

Commissioner Kennedy clarified the meaning of the percentages. UR is proposed allowed 8%, current buildout is 7.6%; SR is allowed 4%, current buildout is 4.76%; PUD would be allowed 4% and is currently at 3.24%; MFU would be allowed 2% and is currently 1.77%; MFS would be 4% and is currently 4.64%. He calculated there would be opportunity for four more STRs in UR, no additional STRs in SR, two additional STRs in PUDs, and no additional STRs in MFU or MFS. He advised that City Council may want to alter the percentages allowed if they wanted to change the numbers. Commissioner Harvey noted that the percentages are on eligible properties as of the date of this ordinance; as more eligible properties come into existence, then the percentages allow for more STR units. Director Schminke added that Paragraph G and H address this.

Chair Hartsfield asked Mr. Burgess for the Public Comment sign-up list and reminded everyone that commenters are limited to three minutes each, and please don't repeat points made. Comments and questions will be addressed after the public comments are made, during the Commission's discussion.

Tom Farrell, of Woodland Park since 2019, presented a slide. He commented that STRs are a recent phenomenon that did not exist when most zoning ordinances were adopted, STRs are in conflict with the quality of life in Woodland Park, favor non-resident investors, the "guests" disrupt residential neighborhoods (crime, noise, congestion, etc.), compete with local hotels/B&B's, and that AirBnB spends \$50M annually to "make things right for guests," which means they pay off crime victims quietly (source: Bloomberg). He also said that in 2016, New Orleans was the poster child for AirBnB, but now city officials said that the surge of STRs exacerbated the "affordable housing crisis."

Francis Maria Zino, a Woodland Park citizen for more than 12 years, stated she is against STRs in the City of Woodland Park for the following reasons: conflict of interest on the City Council, Commissions, Committees, and staff; that the Commission has disregarded the Comprehensive Plan and the Americans with Disabilities Act; they are actually currently illegal in the City because they are not on the Use Matrix. She is disturbed that licenses have already been issued and won't be known unless neighbors report them. Out-of-state ownership will drive up house prices, so for the past 12 years "affordable housing" has only been lip service. Chair Hartsfield thanked her for her comments as she was out of time. She said she hoped they would read her comments and Cripple Creek's STR ordinance. She added that the three-minute limit is egregious.

Gary Brown, a resident of Green Mountain Falls which is struggling with STRs, spoke next. He stated, an issue with STRs is that they are growing at an alarming rate. Investors are purchasing homes in desirable areas simply because the potential for a return on investment is so attractive. Communities need to get out in front of this problem before it becomes unmanageable. The permanent residents of any community deserve to retain their quality of life. STRs are operating under the radar, which denies the town revenue and probably violates some statute. At a minimum, the rules should include: Latest permissible arrival time, appropriate parking, noise and light restrictions that protect residents from irresponsible behavior, reasonable limits of number of guests on a property, and finally a notice given to every owner that law enforcement will be called if there is a problem. There needs to be a mechanism in place to sanction properties that break the rules, as well as a limit to how many rules and how many times rules are broken. An appropriate response is suspension or revocation. He was stopped at this point for his three minute limit. He concluded noting, proactivity of the community is all that will save the safety and quality of life of the residents and that he was impressed with the draft ordinance.

Jerry Penland, of Masters Drive in Woodland Park, addressed the conflict of interest issue. His 35-year career in the Department of Defense included negotiation of large government contracts, teaching AE contracting services to government negotiators, and teaching classes about conflicts of interest. He accused Woodland Park of not allowing the public voices to be heard, and stated the elected or appointed officials must recuse themselves or their fellow members if there is a conflict of interest.. He defined a conflict of interest as: a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. In any decision, it should be asked if someone or their family members have a personal interest in the decision which is being made. Woodland Park municipal code covers conflicts of interest and directs what is to happen when there is a conflict of interest. If an officer or employee of the city or their immediate family members' involvement will have the appearance of impropriety, that is a conflict of interest, they must disclose it and not attempt to influence or vote on anything pertaining to the matter.

Mike Stinner of 1140 Michael Lane, ceded his time to Mr. Penland. Commissioner Harvey asked Mr. Penland if he had read the new Charter Amendment, and he

confirmed he had. The Conflict of Interest section is five pages long. He defined immediate family members. He stated, as a general observation, we already have general conflict of interest with this STR action, which are known to many citizens. A recent list of current and pending STR licenses has a total of 209 entities, 34 named individuals, 85 LLCs, and 90 other businesses. If an officer of the city or any of their immediate family members have interests associated with an existing or pending license to operate an STR, that is a conflict of interest because of the possible financial gain, and they should immediately recuse themselves from even discussing or possibly voting on the matter. He suggested the City to correct this oversight by looking at definitions in the Code: an STR is not a "Residence" or "Dwelling." STRs are actually a "Lodging Business for Profit," they even require a Business License. The current ordinances and zoning use table only allow STRs and other lodging businesses in commercial-zoned areas; by licensing STRs in residential zones is a breach of our zoning codes and an egregious government overreach. The City Government is reaching down into residential neighborhoods and forcing residents to tolerate an unallowed, non-permittable, commercial operation right next door to a home. It's a violation of property rights that the City wants to codify. He asked the Commission to stop this action and simply enforce our current ordinances. He appreciates the Planning Commission's time and efforts to preserve the character of our residential neighborhoods.

Dave Paul, of Rutgers Place in Woodland West, thanked the Planning Commissioners for volunteering in service of the City. He is not in favor of STRs because they are similar to a hotel, lodging, inn, or bed & breakfast. This code for STRs creates unfair competition, and does not collect the proper commercial tax. These businesses should have to pay for their additional impacts, otherwise everyone else is subsidizing them. He would like to see numeric limits instead of percentages. He wants to know how many actual units currently exist and also questioned who verifies these things, if the City will hire more employees to manage STRs, and if these businesses will be subject to the same level of scrutiny as a hotel. But the biggest question is, "Why did this happen?" People who invested in single-family homes in a residential neighborhood have a personal property right of there not being a commercial operation in that neighborhood. The Permitted Use Chart does not allow STRs and there is no possibility of a conditional permit or a permit by right in residential zoning. He stressed that zoning is important, that this ordinance would allow commercial enterprises in residential zones now and in the future.

Cassie Kimbrell, 601 S. Park, Woodland Park, is not an investor in short term rentals, would like the Planning Commission to consider the fabric of residential neighborhoods, believes that STRs would increase crime, and agrees with Dave Paul and Jerry Penland that Woodland Park already has an existing ordinance prohibiting STRs.

Mindy Munde of 912 W. Browning Avenue, Woodland Park, appreciates the Planning Commission's work on codifying STRs to meet codes, and thinks they have addressed many of the issues. She would like them to consider the people living in their homes who would like to rent out a room in the same dwelling they

are actually living in. In this case the owner is monitoring parking, noise, etc. One of the concerns of someone renting out an STR is property damage. She lives near an STR and it is immaculate because they want to present a nice place. A property owner should be able to do what they want with their own property, especially if they live on it, including renting part of it as an STR.

Deann Bettermann of Woodland Park, agreed with the speakers against STRs, adding that of our 8000 residents, 1500 are seniors. Good neighbors and community are important to her. She is concerned about STR renters being vetted. She gave the rest of her time to Marie, who added that there are no provisions for vetting sex offenders, felons, or other undesirable people from renting STRs. There is also no provision for insurance coverage to hold the STR owner liable for other property damage or destruction. She also was critical of the lack of public feedback and the meeting times on the same day.

Mac McVicker of 13179 Heady Road, told the Commission that a few weeks ago, the finance director presented six priorities to City Council for 2023, which were adopted by City Council. Third on that list was "Housing and Zoning" which emphasized attainable housing, facilitating the development of workforce housing to boost the City's employment base. STR discussion is contradictory to this adopted goal. Hundreds of cities in the US have already banned STRs, Woodland Park can, too. Don't worry about lawsuits, anyone can sue for anything.

Linda Martin of Woodland Park, did not see or hear in the revised ordinance the areas that do have covenants. Her covenants state that only one single residential building may be constructed on one residential lot, no single residential lot shall be divided or subdivided into smaller lots. Also, she confirmed with El Paso County law enforcement that the best way to keep her neighborhood safe is know who your neighbors are, know who is supposed to be in the house, and know the cars they drive. If this ordinance is passed this will be impossible.

Matt McCracken chose not to speak.

Paul McCallister of Olathe, Kansas, has had a Woodland Park summer cabin in his family for over 90 years. He rents it out as an STR so that people may experience Woodland Park as he did. He keeps his property in very good shape because good reviews are very important, and guests are also rated so he can deny the rental. His cabin is small, and if he didn't rent it as an STR it would just sit empty. It's on Preacher's Row, it's on a historic walking path, and it seems like a good thing to be able to rent something that's historically significant. He encourages STRs being allowed, but in certain areas, and perhaps limit STRs based on the number of bedrooms instead of the number of residences. The 500-foot rule would be a hardship in his neighborhood.

Tom Ferrell tried to speak again, but his time was up.

Robert Zuluaga, City Councilman, spoke via Zoom. He would like to see a map before any regulations are set, and thinks it's vitally important to protect the quality of lifestyle the rental properties for local residents, staff, students and workers. He's does not understand why Section 5 18.09.090 is included at all, and why the MFS,

MFU, and MHP are allowing STRs. He suggests STRs be limited to SR, UR and PUD, at 4%. He did not understand why ADUs would not be allowed as STRs. He is delighted to see the 500-foot radius, but he questioned who would have priority, suggesting a lottery with conditions. Caps are all very speculative. He would also like to review this bi-annually to see the community impacts and thinks hosts should be available only while the STR is rented. Maximum number of occupants should be consistent with long-term rentals. He agrees with the comments that STRs are already illegal through our ordinances and codes. He thinks we need to look at the value of free enterprise and entrepreneurship and balance it to where it is lawful in our city. Finally, he suggest the City and City Attorney look at an option to only allow STRs in commercial zones.

Chair Hartsfield closed the public comment portion of the meeting and opened it up for Planning Commission discussion.

Commissioner Harvey thanked everyone for providing comment tonight and highlighted some other ways the City solicited responses, and this ordinance includes the community input and staff analysis.

The City Attorney confirmed that covenants are recorded with the property and may be more restrictive than City Code, and therefore would trump the ordinance. It is up to the property owner to check covenants and Code, and liked the idea to put a warning on the STR application to check subdivision covenants. The HOA boards are responsible for enforcing their covenants, not the City.

Commissioner Harvey announced she had no known conflicts of interest.

Commissioner Brown thanked the public for their comments, and stated he is sympathetic and would like to restrict STRs, adding that he is uncomfortable with commercial enterprises in residential neighborhoods. He would like the ordinance to stop the invasion of STRs to at least the current levels, build in provisions for what exists now, and increase owner-occupancy. He also estimated as of 8/15, that there were 180 STRs in WP.

Commissioner Kennedy asked if there was a faster path for neighborhoods to restrict STRs through covenants and HOAs. Older neighborhoods' HOAs and covenants may not address STRs because they are a relatively new entity, whereas newer HOAs may already restrict both short- and long-term rentals.

Commissioner Hartsfield believes STRs are not authorized in residential zones. He made a motion to recommend to City Council that they prohibit STRs in the SR, UR, MFS, MFU, MHP and residential PUDs. The motion was not seconded and was withdrawn.

Commissioner Kennedy wanted a brief discussion. He is in favor of continuing the STR ordinance process in incremental steps, as this Ordinance can be modified in the future. This ordinance offers significant restrictions on present and future STRs, and caps the number of STRs to almost the exact number that do exist today. He thinks that banning STRs in residential zones needs to be considered in a broader context than just this one meeting.

Commissioner Harvey then moved, and Commissioner Kennedy seconded: To approve an ordinance of the City Council for the City of Woodland Park, CO, amending Titles 5 and 18 of the Woodland Park Municipal Code concerning business regulations and zoning to license and regulate Short Term Rentals.

Larry Larsen asked for clarification. The usual practice is to discuss the matter, then make a motion with changes.

Commissioners Harvey and Kennedy withdrew the motion and second, respectively.

Chair Hartsfield noted the Commission should address the concerns of the community and details in the discussion before proceeding with the draft ordinance. His proposal was to restrict STRs from residential, multi-family and mobile home park districts to maintain workforce and affordable housing. Director Schminke suggested looking at the table on page six, then moving forward from there.

Commissioner Kennedy pointed out that 11 STRs currently exist in the MFU & MFS zones, so these zones are already capped until more homes are built in these zones. He thinks the ordinance should address STRs incrementally and after the effects on the neighbors are studied. Apartments are already restricted in this version of the ordinance.

Commissioner Brown asked City Attorney Williams about caps and if they affect the current STRs in the zones that are already above the proposed caps. She recommended that the City establish a policy that includes the numbers of STRs as they stand now, but also to consider stricter rules that can be relaxed as opposed to looser rules that have to be tightened.

Commissioner Larsen asked about considering a general city-wide cap versus a cap per zoning district, to which the City Attorney said either are defensible.

Commissioner Harvey said the district with the most STRs are in commercial zones, and they aren't proposing capping the commercial zones, they are looking at restricting the caps to the residential zones. From the use table, are there any they want to eliminate STRs from at this time.

Brown had a concern about MHP zone: parking, proximity, and Kennedy pointed out the ownership question. Schminke said that there are no current STR licences in MHP, and there are two other places in the ordinance that specifically prohibit STRs in mobile homes, so logically it would make sense to prohibit STRs in the MHP zone of the use matrix.

A discussion was held about tiny homes, their definition, and if they are in the STR ordinance. Currently there are small single-family homes on foundations being built in the MFS zone, but they are not "tiny homes" because they meet the building code. Woodland Park has not adopted a building code for tiny homes and only allows them to be in the Mobile Home Park (MHP) zone. Multi-family zones are set right at or just below the current percentage usage, so no more STRs would be allowed in these zones unless a number of units are built and the percentage allowed is recalculated.

The Planning Commission discussed changing 5.22.020.G to not allow STRs at all in the MHP zone, thereby also removing the cap percentage. It is a policy decision where the Planning Commission can suggest banning STRs in certain zones, even if there are already existing ones, or they could rely on HOAs to ban them in their neighborhoods.

Commissioner Kennedy would like to take a more measured approach. Another way to address this is to add the 500-foot radius between permitted SFRs.

Commissioner Harvey believed that if they took into consideration the priority of affordable the City adopted, they would be making a statement now to prohibit STRs in any multi-family zone.

Commissioner Kennedy asked about what happens to the existing license holders, which likely would not be able to renew licences.

Commissioner Brown suggested starting with the definitions, offering a definition of "owner-occupied." Director Schminke said she is concerned about having a standard in a definition. City Attorney Williams recommended "primary residence" instead of "owner-occupied" and will draft definitions of both.

Commissioner Brown thinks that the term "residential" should be deleted from STR definition in 5.22.020.G. and 18.06.481, because a dwelling unit can be in any zone.

Commissioner Larsen clarified that STRs would not be allowed in MFS, MFU and MHP, and caps would be discussed for SR, UR and PUD.

Commissioner Brown asked about the definitions in 5.22.020.F: STR license applicants or owner/operators, if they must be defined as trusts, corporate ownerships, beneficiaries, etc. This is to ensure majority ownership and protect the residential neighborhoods.

Commissioner Brown would like to see 5.22.020.H be amended to include a sentence that gives priority to primary residence (owner-occupied) STRs be prioritized as licenses change over, but this would be difficult to administer.

Commissioner Larsen pointed out that also in H, the Planning Department would administer the waiting list and licenses. The Finance Department should be the license administrator. Item I: Local contact person must be available during periods of occupation. Item L: 500 foot radius.

Commissioner Harvey asked if the UR requirements should be changed to less than 500 ft., recommending 250 ft. for UR and 500 ft. for SR. PUDs would be Permitted Conditionally, and Schminke suggested 250 ft. radius. Radius will be measured from property line to property line, this will be important when it comes time to re-license. Hartsfield would also like a map.

Item M: Parking space discussion: amend 18.78.050.B.50 the parking table: two parking places per STR. Schminke thinks the current parking standards are adequate for residences, but it would be good to detail the STR parking requirements in the ordinance. Item B7 Provide not less than 2 parking spaces plus 1 space per 2 bedrooms for each space available per rent. Schminke wants

to clarify the occupancy which can be associated with available parking. 2 people per bedroom plus 2 people.

A 10-minute break was called.

After the meeting resumed, Commissioner Larsen clarified that the City Clerk administers the licenses for STRs with a Planning Department sign-off. There were no comments on pages five or six.

On page seven, Commissioner Harvey recommended that in addition to defining occupancy, activities exceeding the maximum number of allowed occupants are prohibited. Director Schminke would like to see examples of what is not allowed in the ordinance itself. Commissioner Brown clarified that an STR Business Licence covers both the permit to operate and the business license.

MOTION: Commissioner Brown motioned and Commissioner Harvey seconded to continue this public hearing to Thursday, September 29, 2022 at 6:30 PM to review the new draft ordinance which incorporates any changes from the last workshop and this meeting.

YES: Brown, Harvey, Larsen, Hartsfield.

NO: Kennedy.

Motion PASSES 4-1.

5. **REPORTS:** Director Schminke had no report.

Commissioner Larson appreciated that the Planning Commission is having a special meeting in a timely manner to address this issue.

6. **ADJOURN:** The meeting was adjourned at 10:20 p.m.

Approved this _____ day of _____, 2022 by

Ken Hartsfield, Chair

WOODLAND PARK PLANNING COMMISSION
SPECIAL MEETING MINUTES for September 29, 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 p.m.

Present Commissioner Hartsfield
Present Commissioner Lee Brown
Present Commissioner Carrol Harvey
Present Commissioner Kenneth Kennedy
Present Commissioner Larry Larsen
Absent Commissioner Shawn Nielsen

Staff Present: Planning Director Karen Schminke, Deputy City Clerk Sarah Minton

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: None

4. PUBLIC HEARINGS

A. Continued from September 22, 2022: Consider an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. **(L)**

Chair Hartsfield went over the meeting procedures: As this meeting is a continuation of the September 22, 2022 meeting, the public comment was closed.

Planning Director Karen Schminke reviewed the revisions from the last meeting, which are dated September 25, 2022. As per the Planning Commission's recommendations, the definition of "Primary Residence" has been added, the definition of "Short-Term Rental Unit" has been modified to remove the word "residential" and add the phrase, "or a portion thereof." Throughout the ordinance, the "City" is now intended to refer to as the "City Clerk." Also addressed was "beneficiary" versus a "trustee" or "trust," and that the trustee is a natural person. The caps in the Suburban Residential (SR), Urban Residential (UR) and Planned Unit Development (PUD) zones are by a percentage of the existing dwellings: SR = 4%, UR = 8%, and PUD = 4%. STRs are proposed to be prohibited in the MFS, MFU, MHP, AG, P/SPL, and HSCLI zones.

Paragraph H was modified to reflect the Planning Commission's thoughts on a waiting list: Applicants for STR business licenses who are primary residents of the STR would be given priority on a waitlist. Paragraph 5 was modified so that the availability of the person servicing the STR unit is to be available 24/7 only during periods of applicable occupancy. Page 4 Paragraph L outlines the radius for the various zoning districts, 500 feet in the SR and 250 in UR & PUD. Paragraph N is

new, and exempts a person renting just a portion of the dwelling unit of their primary residence from the provisions of this chapter. The “PC” (Permitted Conditionally) was eliminated from the Use Table for MFS, MFU and MHP. In Paragraph E1, the word “rental” was added to make STRs not allowed in “rental apartment buildings or units”.

The maximum occupancy is now proposed as two people per legal bedroom plus an additional two people. Large events such as but not limited to concerts, parties, some weddings, exceeding the maximum number of permitted occupants, are prohibited. Parking standards would require all STRs to have at least two off-street parking spaces for guests of STRs, and all STRs with more than two bedrooms shall provide a parking space for each bedroom. The licensing now reflects the caps and distance required between STRs.

Sections 7 and 8 focus on the transition time for the ordinance to go into effect; clarifying that existing STR license holders would have priority in reapplying to renew their STR license, and a license obtained in the last three months of 2022 would be effective until December 31, 2023.

Director Schminke reviewed some additional information about the radius provisions. She showed the May 2022 STR Map, going over the lot size, frontage, and density requirements for SR and UR zones. UR has a max density of 2 units per acre and a minimum lot size of 7500 sf, SR is 1 unit/acre with a minimum lot size of 15,000 sf. There are currently several clusters of STRs, namely in the Paradise Estates and Forest Edge subdivisions.

Commissioner Kennedy suggested the Commission go through the entire Ordinance. He thinks the compromises are reasonable, like the good neighbor clause, capping the number of STRs by zone district, that covenants and HOA provisions still exist. He feels that the distance limit between STRs is complicated, may cause a random refusal to STR licenses in the future because of their distance between each other, will be complex for staff to manage, and it will open up STR licensing because if those are not authorized, someone could apply for one elsewhere, displacing and then creating 30 new STRs elsewhere in the City. If those two provisions were deleted, he would be extremely pleased and think that we have an ordinance that the City Council could enact and enforce.

A discussion ensued about the cap by percentage proposal, density separation requirements especially in the UR zone, and suitability of the cabins or SFRs as STRs in the SR, UR, and PUD zones. A concern was current licensed STRs not meeting the distance requirements and what happens for renewal: City Attorney Williams said the current STR license holders would have their business license applications processed first. Schminke suggested that for renewal or reapplication, existing licenses, so long as they are maintained, would not be subject to the distance requirement. City Attorney Williams suggested that the wording be contained in Section 7; that the restrictions in SR, UR and PUD zones would not apply to current valid business license holders operating as STRs. Ultimately the objective is to limit and disperse STRs while honoring previous legal “legacy” STR business licenses.

Another subsequent discussion centered on enforcing covenants. The City will not enforce covenants, but the application form will have a disclaimer for the applicant to check that the HOA or covenants allow STRs in that subdivision.

Commissioner Harvey pointed out that although the Planning Commissioners are not elected officials and do not establish policy, the Planning Commission has a statutory mandate to recommend changes to zoning and subdivision regulations. She pointed out the expertise on this Planning Commission and is grateful that this group worked so hard on this ordinance.

Commissioner Larsen added that the Planning Commission worked very hard in three work sessions with the City Council, and they could do one of three things: 1. Do nothing, 2. Ban STRs, or 3. Provide some reasonable rules and regulations so that STRs do not get out of control in Woodland Park, which he believes the Planning Commission has done. He also thanked Jerry and Tom for bringing the STR issue to the City's attention.

MOTION: Commissioner Kennedy motioned and Commissioner Harvey seconded to approve the City of Woodland Park Ordinance draft amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals as amended in the September 25, 2022 draft and with the addition to Section 7 of the following sentence: "Provided a current and valid business license holder operating a Short Term Rental business applies for a Short Term Rental business license within two months of the effective date of this ordinance, the distance restrictions in Section 5.22.020(L) and 18.78.050(B)(8) shall not apply to the new Short Term Rental business license application and subsequent renewals for the same Short Term Rental unit."

YES: Brown, Harvey, Kennedy, Larsen, Hartsfield.

Motion PASSES 5-0.

It is estimated that the City Council will hold a First Reading on October 20th and a Public Hearing on November 3rd. The City Council held a First Reading to extend the moratorium to December 16, 2022 this evening at 5:30 PM, the Public Hearing for that ordinance will be on Thursday, October 6th at 7:00 PM. The current moratorium expires on October 15th.

5. **REPORTS:** Director Schminke thanked the Planning Commission for all their work and noted there is no business scheduled for October 13th, so the meeting may be cancelled. She introduced Sarah Minton, Deputy City Clerk, who facilitated the AV and recording this evening.
6. **ADJOURN:** The meeting was adjourned at 8:03 p.m.

Approved this _____ day of _____, 2022 by

Ken Hartsfield, Chair



Planning Commission Staff Report PC Public Hearing January 12, 2023

Agenda Item

4A

Department

Planning

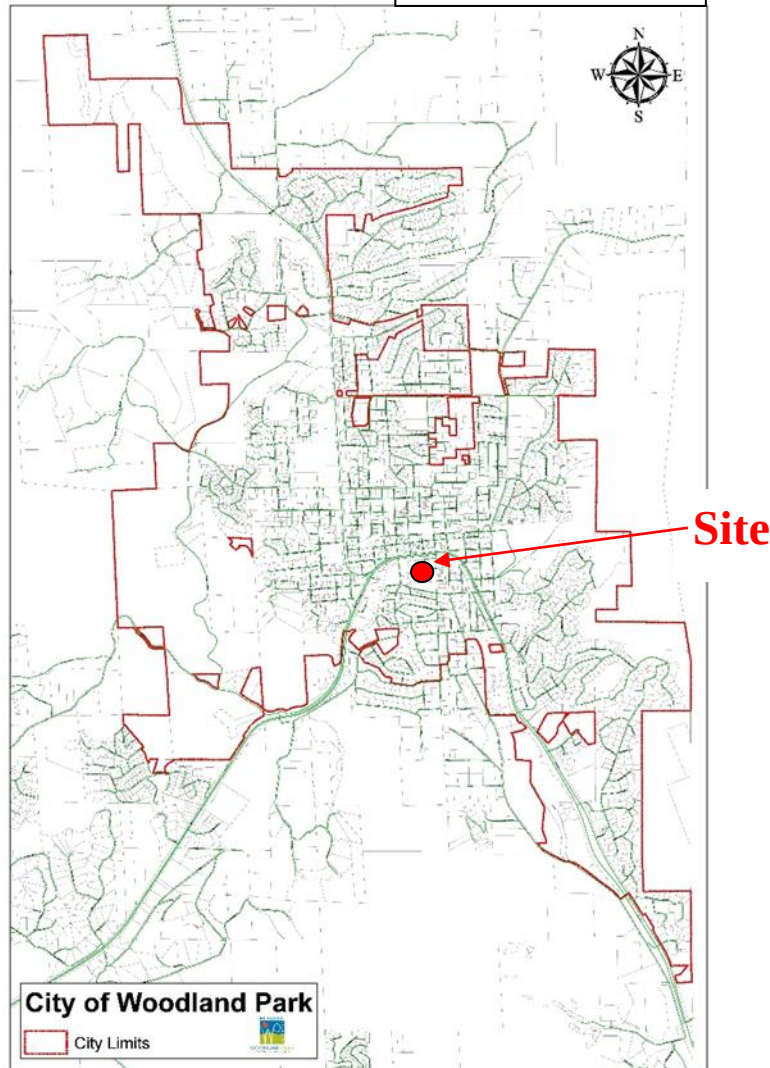
Presenter

C.J. Gates
Senior Planner

AGENDA ITEM 4A

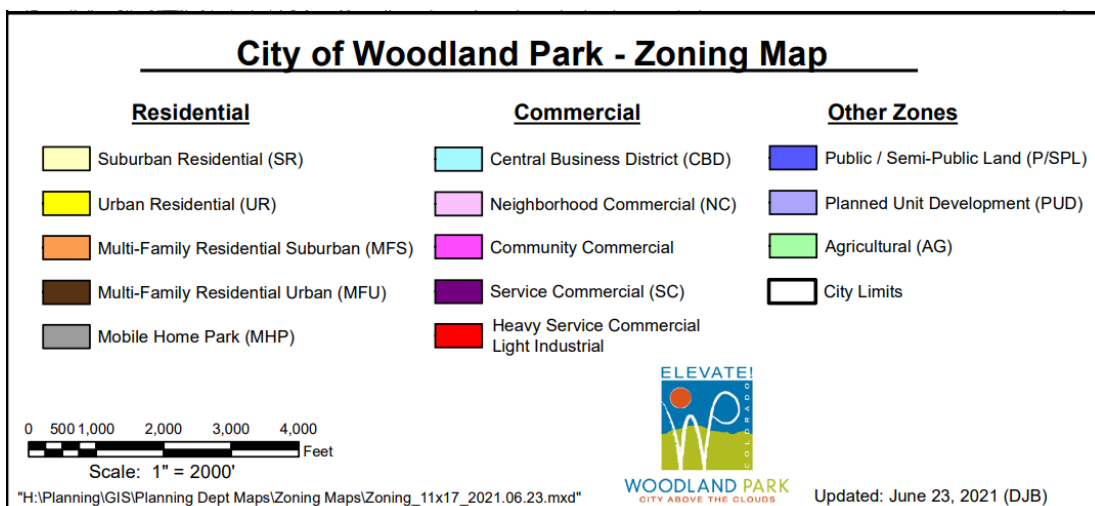
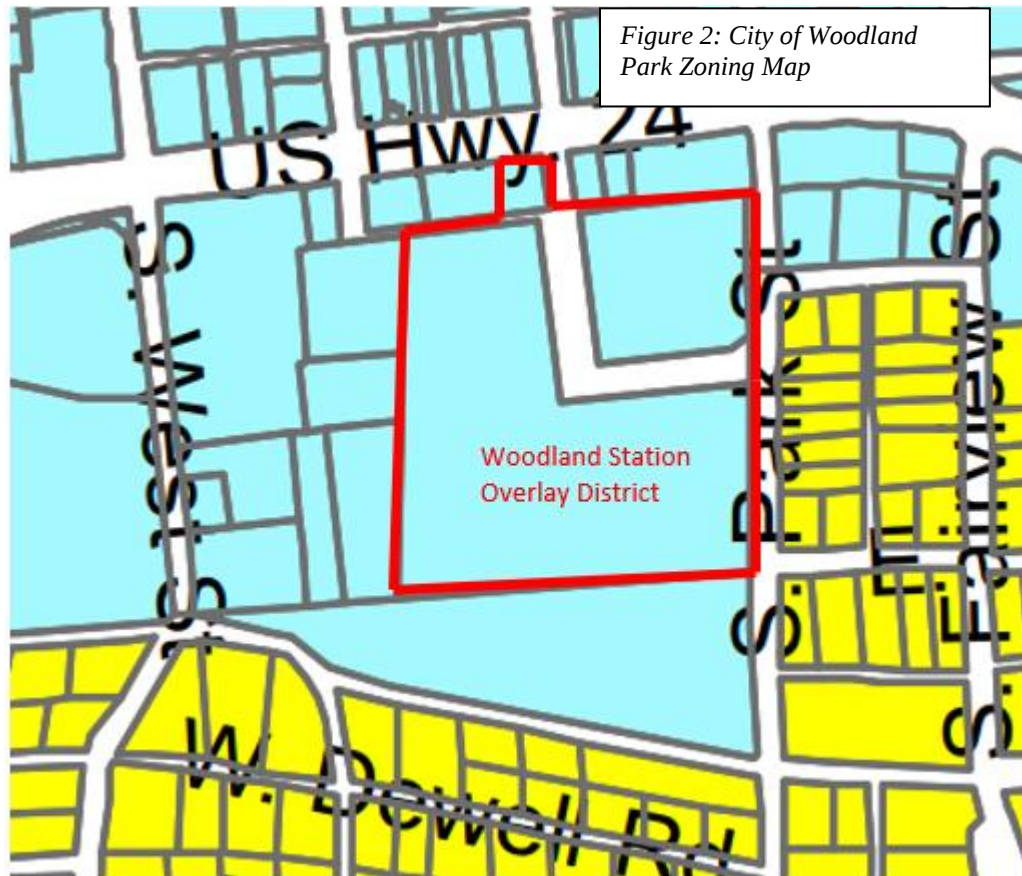
ZON2022-07: Consider a request by Beer Garden Lane Development LLC, and Park Contractor Storage LLC (Owners & Applicants) to add additional parcels to the Woodland Station Overlay District.

Figure 1: Vicinity Map



BACKGROUND

The Woodland Station Overlay District zone is located within the Central Business District (CBD) zone (Figure 2) and within the Woodland Park Downtown Development Authority (DDA) boundary area (boundary area map attached).



Per MC Section 18.23.005 the purpose of the CBD zone is:

Land use activity in this category is intended for what is considered the downtown area of the city with associated commercial activity that can be accessed by pedestrians as well as the motoring public. Density is considered high and design issues relate to on-street U.S. highway corridor improvements, including efficient off-street parking, landscaping and pedestrian mobility to and from local businesses. Residential activity is appropriate in this area particularly at second or third story levels, above offices or commercial shops.

The DDA was established pursuant to Ordinance 914, Series 2001, and adopted a Foundation Plan setting forth the goals and objectives for the orderly redevelopment of the Woodland Park Downtown area. In 2007, the City Council determined that the establishment of the Woodland Station Overlay District would be in the best interest of Woodland Park citizens. The intent of the overlay designation is to further the goals and objectives of orderly redevelopment of the parcels within the district.

The overall appearance and function of the development within the Woodland Station Overlay District is to be compatible with any existing structures in the area and the community's general mountain historic environment, and to be in harmony within the character of Woodland Park. In addition, Resolution No. 677 was passed to provide design guidelines within the boundary of Woodland Station mixed-use development. Per MC Section 18.31.010 A., the purpose of the Woodland Station Overlay District regulations is to:

- 1. Promote important community qualities within Woodland Station Overlay District by allowing flexibility in applying the Central Business District standards and the design standards contained in Section 13.33.180 to help achieve desired attributes. Flexibility may be allowed with respect to scale, mass, architectural design and overall site design.*
- 2. Require future development within the Woodland Station Overlay District to be designed in a manner that will protect and promote the character and sense of this critical area.*
- 3. Allow for a variety of design, while still protecting the character of the area.*

The benefits for inclusion in the overlay are many. Chapter 18.31 allows the developer to submit a site plan for administrative review for all uses within the CBD including those uses categorized as conditional uses, such as residential occupancies. The developer is allowed to propose parking ratios, setbacks and height standards. The purpose of the overlay is to allow for flexibility in applying the CBD standards and create a "village-like" character that is pedestrian friendly and a vibrant business environment.

Figure 3: Aerial showing subject property outlined in yellow, current Overlay boundary in red, and City of Woodland Park owned property in blue.



In Figure 3 above, the current boundary of the Woodland Station Overlay District is outlined in Red. The parcels that the applicants are requesting to be added to the overlay district are outline in yellow. Beer Garden Lane Development, LLC is the owner of parcels 1 & 2 as labeled above. Park Contractor Storage, LLC is the owner of parcels 3, 4, & 5 as labeled above. Lastly, the City of Woodland Park are the owners of parcels A & B outlined in blue.

Parcels numbered 1 and 2 in this proposal were the subject of two past changes to the Woodland Station Overlay District boundary. In 2014, at the request of Beer Garden Lane Development, LLC, City Council approved Ordinance No. 1206 which expanded the geographic boundary of the Woodland Station Overlay Zone District by approximately 0.90 acres to include Parcels 1 & 2. In 2017, again at the request of Beer Garden Lane Development, LLC, City Council approved Ordinance No. 1296 which amended the geographic boundary of the Woodland Station Overlay Zone District by removing the same 0.90 acres (Parcels 1 & 2) from the Woodland Station Overlay District.

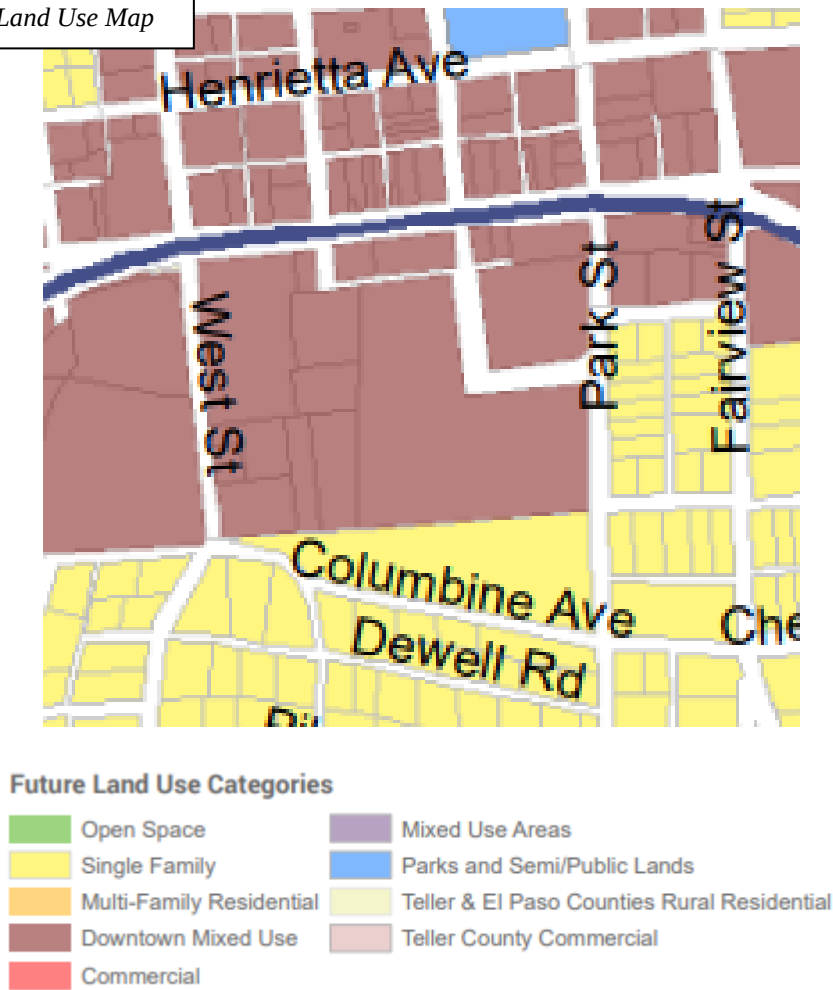
REZONING ANALYSIS

Amendments to Title 18 (including supplements, changes, modifications or repeal of boundaries or regulations) are regulated by MC 18.69.010 and City Charter Section 15.7. This section of the Municipal Code outlines the process for review and the review bodies involved, but does not provide any specific review criteria. It is staff policy to use the following review criteria when considering rezoning applications:

1. *Is the proposed zoning consistent with the Comprehensive Plan Map?*

- **Yes.** The 2030 Woodland Park Future Land Use Map as seen in Figure 4, identifies the subject properties as “Downtown Mixed Use” This request will not cause the Envision 2030 Comprehensive Plan Map to be updated.

Figure 4: Future Land Use Map



2. *Is the proposed zoning consistent with the Comprehensive Plan Goals and Objectives?*
- **Yes.** Staff believes that the rezoning request meets many Plan Goals and Objectives including:
- Land Use and Growth Goal 1: Provide opportunities for growth and development while preserving community and environmental quality.
- Land Use Growth Objective 1.1: Ensure that new development fits the intent of the Future Land Use Map and uses the land and community resources/facilities efficiently and in an environmentally sensitive manner.
3. *Have changes occurred in the surrounding properties that warrant a change in zoning classification?*

- **Yes.** Currently, no development project for the subject property has been submitted. The Woodland Park DDA has been in conversation with a developer interested in the developing the DDA owned parcel to the east of the subject property.
- 4. *Is the addition of the Woodland Station Overlay Zone District appropriate at this location?*
 - **Yes.** The subject property is contiguous with the current boundary of the Overlay district. Additionally, two of the properties in question were previously included in the district.
- 5. Can this rezone be served with planned water resources?
 - **Yes.** The underlying zone remains in place and the addition of the overlay will have no net effect on water usage.
- 6. Can this rezone be served with wastewater treatment resources?
 - **Yes.** Wastewater treatment capacity to serve the proposed zoning change is available and adequate for present and future needs.

Attached is Ordinance 1436 with a map of the expanded area. After recommendation by the Planning Commission, the Ordinance will go to City Council for their consideration.

REFERRALS AND NOTIFICATIONS

Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. The site was posted with a public notice poster and notice of the public hearing was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no written comments regarding this rezoning proposal.

Application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, and the City Manager. Only one comment was received during the referral period and was a “No Comment” from the City of Woodland Park Utilities Department.

STAFF RECOMMENDATION

Move to recommend approval of Ordinance 1436, Series 2023, to expand the Woodland Station Overlay boundary by adding the additional parcels to the zoning overlay area.

STAFF REPORT ATTACHMENTS

Application

Woodland Park Downtown Development Authority Boundary Map

Ordinance 1436, Series 2023

Planning Application Entry Form

[Print Record](#)[Go To Development Fees Receipt Form](#)

ID

Permit Number 202211306

Project # EXT/Case #

Public Hearing Required ☐

Date Received 11/22/2022

Date Routed 11/22/2022

Date Initial Permit Approved

*Date Permit Paid

Open Permit Comments

Woodland Station Overlay Change - add additional parcels as described in application to zoning overlay district to facilitate planning and development of Woodland Station and adjacent parcels under one set of rules and guidelines.

*NOTE: If Non-profit enter Date Approved in Date Permit Paid field for report

Project Type ZON

Project Type Number 7

Project Classification Overlay Change

Non-Profit, Residential or Commercial Commercial

Date CO Requested

Temp CO Auth Approved

Date Temp CO Expires

NOTE: Above Field required only for SINS and TUPs

Project Name 2022 Woodland Station Overl

Site Address Number Various sites see application

Site Address Name

Lot Number

Block Number

Subdivision

Filing #

Applicant Business Name Beer Garden Lane De

App First Name Arden

App Last Name Weatherford

App Phone Number 7192434433

PO Box

Mailing Address Street # PO Box 5698

Mailing Address Street Name

City Woodland Park

State CO

Zip Code 80866

Owner First Name Arden

Owner Last Name Weatherford

Zone Class CBD

Applicant Project Value \$0.00

UTILITIES SECTION

Tap Allocation Date

Allocation Exp Date

Water Tap #

Sewer Tap #

Tap Paid Date

Tap Exp Date

Taps Refunded ☐

Inside/Outside User

Meter Installed ☐

Filed in Area

Planning Director's Office



2022 GENERAL APPLICATION

(Revised 1/1/2022)

Project # 202211306
Case # ZON 2022-07
Fee(s): See City of Woodland Park
Fees Sheet (Plus publication/recording
fees, as applicable)



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 | ☐ Final Plat |
| ☒ Zoning Change | ☐ Appeal | ☐ Townhouse Plat |
| ☐ Extension of Development | ☐ Variance | ☐ Condominium Plat |

1. Applicant Information

- a. Applicant Name Beer Garden Lane Development LLC, Park Contractor Storage LLC
- b. Project Coordinator ☐ Property Owner ☒
- c. Mailing Address P.O. Box 5698 WP, CO 80866
- d. E-mail Address arden@fran-am.com
- e. Phone Numbers Home _____ Work _____ Mobile (719) 243-4433

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 See attached
- b. Lot ____ Block ____ Subdivision _____
- c. Property Zoning _____ Lot Size _____ Acres ☐ Square Feet ☐

4. Is the property subject to covenants? Yes ☐ No ☒ If yes, then submit copy of covenants and current contact for HOA. It is the responsibility of the landowner to submit HOA approval with this application.

5. Project Information

- a. Project Name Woodland Station
- b. Brief Description of Project/Request Add additional parcels as described in attachments to zoning overlay district to facilitate planning and development of Woodland Station and adjacent parcels under one set of rules and guidelines.

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.)

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.

➡ Red Garden Lane Dev. LLC By [Signature] 11-16-22
Owner Date

➡ Park Contractors Storage, LLC By [Signature] 11-16-22
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.



Applicant

Date

THIS APPLICATION IS INTENDED TO BE PROCESSED AND CONSIDERED CONCURRENTLY WITH THE DDA'S REQUEST TO CHANGE THE OVERLAY DISTRICT TO REMOVE THE RESTRICTION ON FIRST FLOOR HOUSING.

CHANGES TO BOUNDARY OF THE OVERLAY ZONING DISTRICT

Current boundary is depicted in attached Exhibit A.

Applicant/s own adjacent properties numbered 1-2-3-4-5, and proposes to include them in the Overlay Zoning District along with City owned parcel (A)* and the portion of Bergstrom Park not already included in the Overlay Zoning District (B) as shown in Exhibit A (modified).

*City owned parcel was purchased with the intent of facilitating development and infrastructure. See attached.

FIRST FLOOR HOUSING RESTRICTION

There has been confusing discussion and incorrect reporting on this issue. The restriction prohibiting first floor housing in the Overlay Zoning District **is not** a result of any mandated requirement due to health hazards. The Voluntary Clean Up Plan approved by the state proposes barriers and venting like a radon gas mitigation. That's what the Hardware store installed in 2012. As Sally Riley reported in a 2019 report to the City and DDA regarding Woodland Station Environmental; "No mention of prohibiting residential on first floor." Reviewing the DDA minutes at the time of the formation of the Overlay Zoning District finds no discussion regarding health concerns being the reason for the restriction. More likely, this restriction was probably thought to encourage the "Vail Village" type development that was being pursued at that time.

Eliminating the restriction on the first floor is consistent with the Woodland Park 2022 Comprehensive Plan. That plan states:

"MIXED USE AREAS support a diversity of uses. This can be vertical mixed use or horizontal mixed use. These areas are typically in high use areas that are not currently developed."

SUMMARY

These changes will allow for the development of Woodland Station and the surrounding neighborhood to proceed under one set of rules and guidelines. Inclusion of Bergstrom Park allows for improvements to the park to be included in development plans.

City of Woodland Park
Planning Department
220 W. South Avenue
Woodland Park, CO 80866



December 4, 2020

Re: Lot 2, Vectra Bank Subdivision - Uses and Intent in the Central Business District (CBD)

To whom it may concern:

On November 5, 2015, the City of Woodland Park City Council passed Ordinance No. 1252, Series 2015 approving the purchase of the subject property. The purpose of the purchase was that; *"the City desires to construct and install or cause to be constructed and install various facilities and improvements in order to provide public transportation, public parking and public utilities through Woodland Station, including but not limited to parking, streets, curb, gutter, drainage, water, sanitary sewer, power, cable and telephone."* A Special Warranty Deed was recorded with the Teller County Clerk and Recorder under reception #684994 on December 22, 2015. Attached is page 1 of Ordinance No. 1252 and Exhibit A depicting Lot 2, Vectra Bank Subdivision.

If you have any questions, please contact me at (719) 687-5283.

Sincerely,

A handwritten signature in blue ink, which appears to read "Sally Riley", is positioned above the printed name and title.

Sally Riley, AICP
Planning Director

Cc: Darrin Tangeman, City Manager
Enclosures

CITY OF WOODLAND PARK
ORDINANCE NO. 1252, SERIES 2015

AN ORDINANCE APPROVING THE PURCHASE OF LOT 2, VECTRA BANK SUBDIVISION, CITY OF WOODLAND PARK, TELLER COUNTY, COLORADO.

WHEREAS, Vectra Bank Colorado ("Bank") owns Lot 2, Vectra Bank Subdivision, City of Woodland Park, County of Teller, State of Colorado ("Lot 2"); and

WHEREAS, Lot 2 is part of the future Woodland Station development; and

WHEREAS, the City desires to construct and install or cause to be constructed and installed various facilities and improvements in order to provide public transportation, public parking and public utilities through Woodland Station, including but not limited to parking, street, curb, gutter, drainage, water, sanitary sewer, power, cable and telephone; and

WHEREAS, Bank has agreed to sell Lot 2 to the City of Woodland Park, in order to provide such utility, transportation and parking services; and

WHEREAS, the Woodland Park City Council finds, determines and declares that purchasing Lot 2 subject to the terms and conditions agreed to between Bank and the City is in the best interest of the City of Woodland Park.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO ORDAINS as follows;

Section 1. The City Council hereby approves the purchase of Lot 2 subject to the terms and conditions contained in the Contract to Buy and Sell Real Estate between the City of Woodland Park and Vectra Bank Colorado.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING, FOLLOWING PUBLIC HEARING, THIS 5th DAY OF November, 2015.



Neil Levy, Mayor



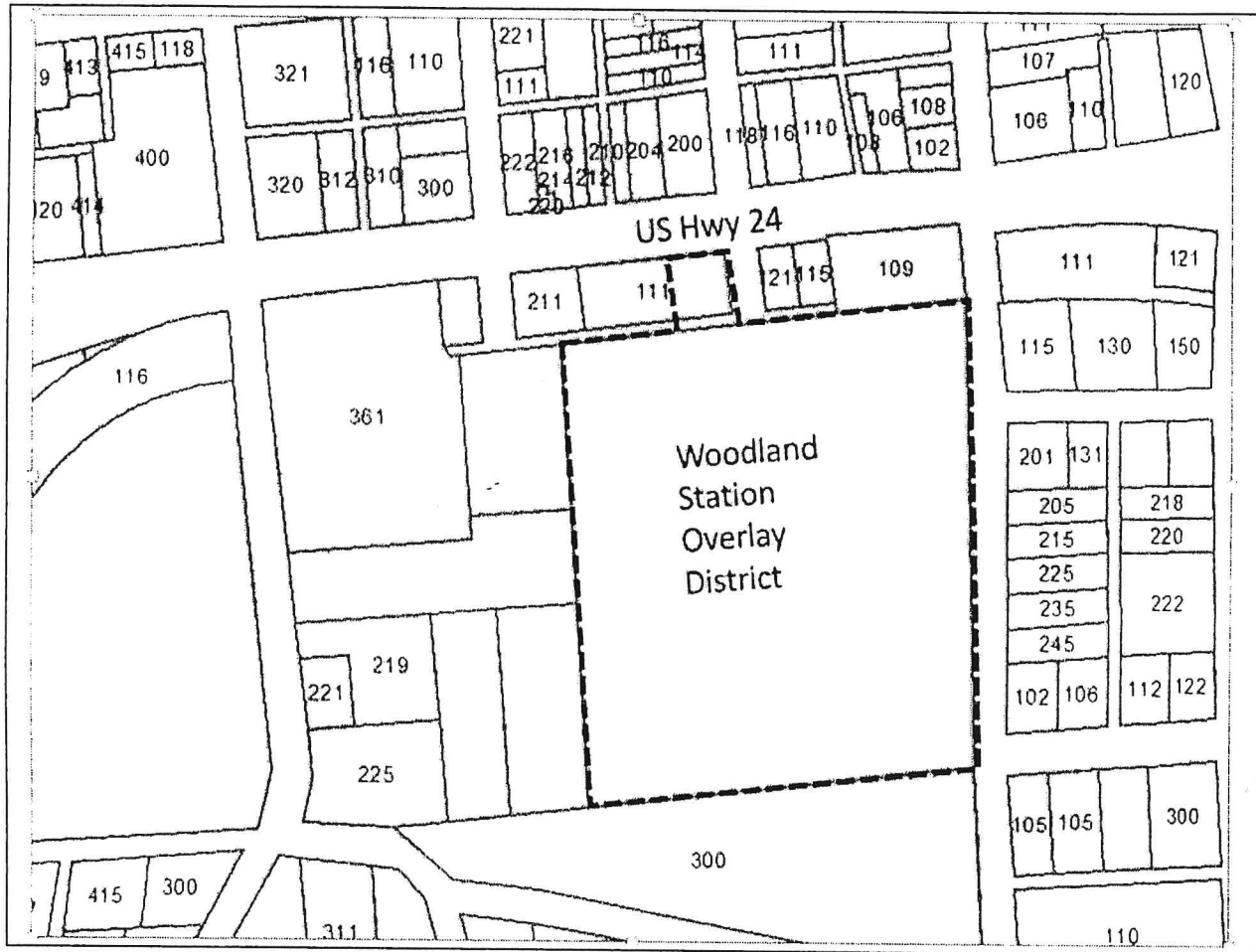
Exhibit A
General Description - Vectra Lot Purchases

Woodland Station Overlay District
Boundary Revision Pursuant to Ordinance No. 1296, Series
2017



Exhibit A

Woodland Station Overlay District
Boundary Revision Pursuant to Ordinance No. 1296, Series
2017



Legend

2017 District Boundary — -

Chrissy Stapleford
Deputy City Clerk

Published in the Pikes Peak Courier View
First Publication 02/08/2017

BEER GARDEN LANE DEVELOPMENT LLC
P.O. BOX 777
WOODLAND PARK CO 80866

October 26, 2022

Karen Schminke
Planning Director
City of Woodland Park
P.O. Box 9007
Woodland Park , CO 80866

Please consider this request to have the two parcels of land owned by us included in the DDA overlay zoning district.

The two parcels (often referred to as the Amerigas property) are:

Account No: R0000700
Legal:L6 B2 BERGSTROMS ADD & 1/2 VACATED ALLEY ADJ PROPERTY

Account No: R0000640
Legal:24-12-69 POR SW4NE4 & 1/2 VACATED ALLEY ADJOINING PROPERT

These two parcels were previously in the overlay zoning district, but were removed at our request because of the actions of the previous DDA Board which led to the Beer Garden / DDA lawsuit. Since that lawsuit has been resolved, and the integrity of the DDA Board has been restored, we would like to facilitate the planning and development of these properties in conjunction with the adjacent properties.

Thank you.

Steve Randolph
Owner - Manager

Park Contractor Storage LLC
P.O. Box 5698
Woodland Park CO 80866

October 26, 2022

Karen Schminke
Planning Director
City of Woodland Park
P.O. Box 9007
Woodland Park , CO 80866

Please consider this a formal request to have the three parcels of land owned by Park Contractor Storage LLC included in the DDA overlay zoning district.

The three parcels are:

Account No: R0021837
Legal:24-12-69 PT SW4NE4

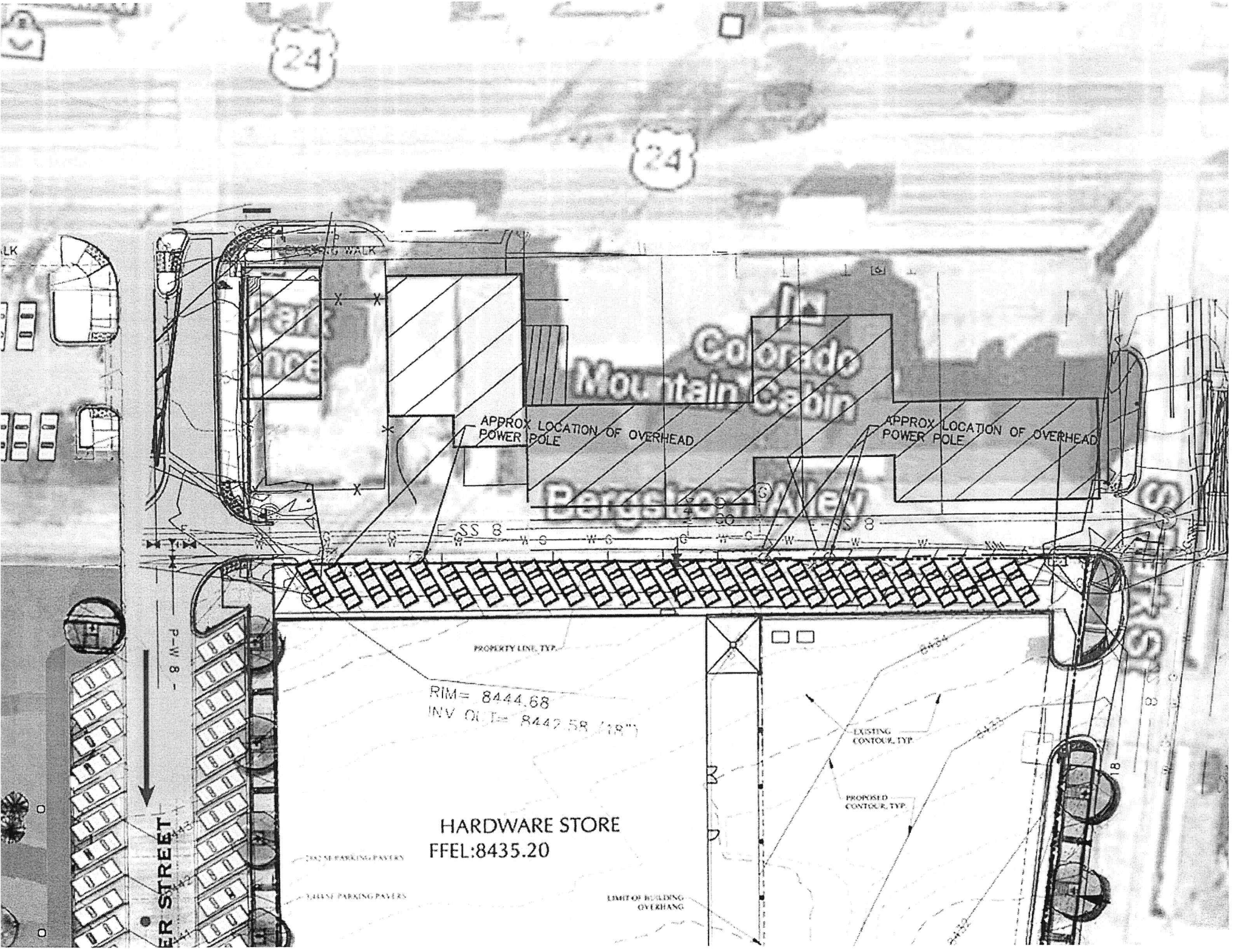
Account No: R0021835
Legal:24-12-69 POR SW4 NE4

Account No: R0000639
Legal:24-12-69 PT S1/3 SW4 NE4 LOCATED S & E OF MTRR ROW

This will facilitate the planning and development of these properties in conjunction with the adjacent properties.

Thank you.

Arden Weatherford
Owner - Manager



24

24

Colorado Mountain Cabin

Bergstrom Alley

APPROX LOCATION OF OVERHEAD POWER POLE

APPROX LOCATION OF OVERHEAD POWER POLE

P-W-8

ER STREET

PROPERTY LINE, TYP.

RIM= 8444.68
INV OUT= 8442.58 (18")

HARDWARE STORE
FFEL:8435.20

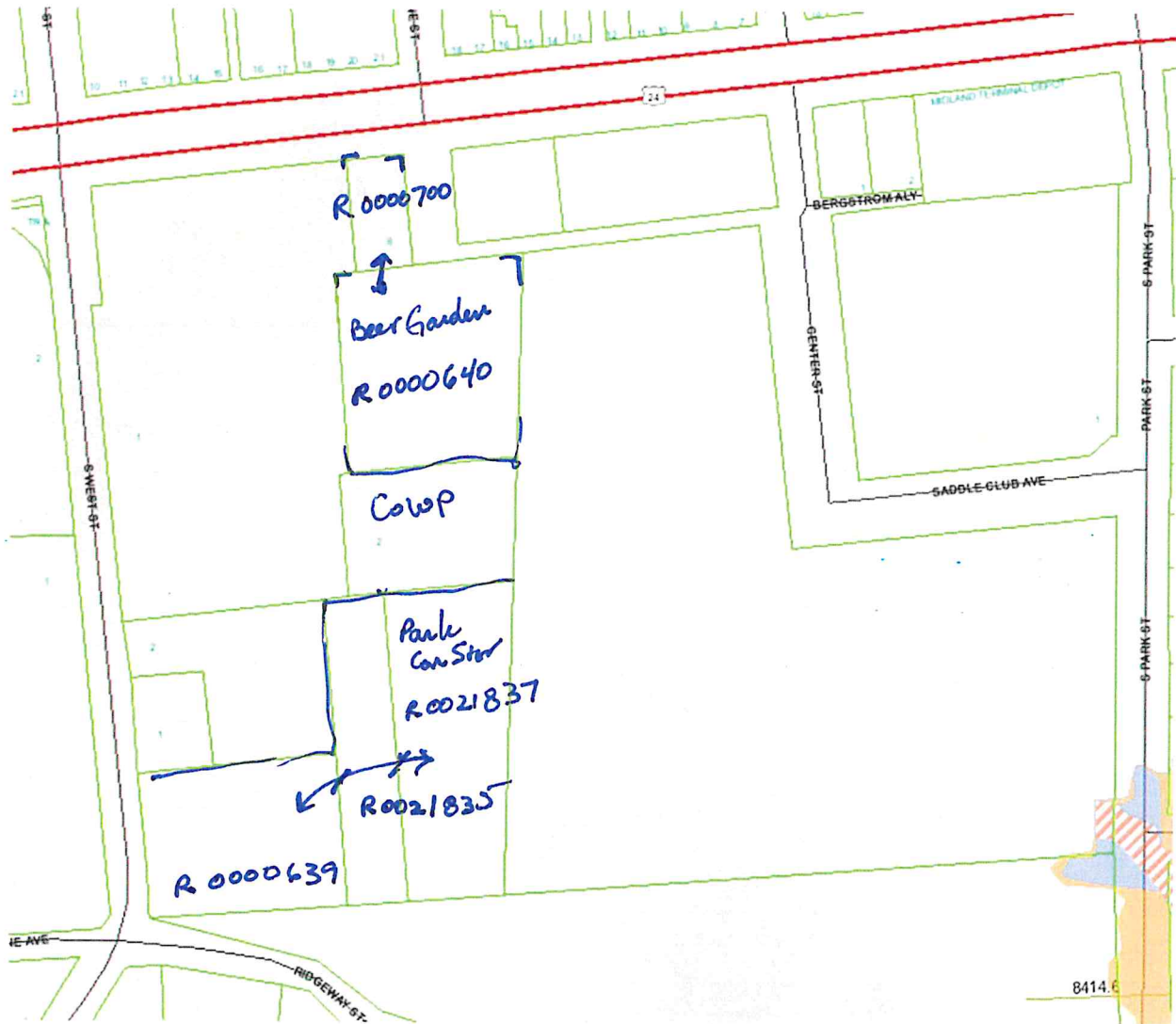
200' SE PARKING PAVED

144' SE PARKING PAVED

LIMIT OF BUILDING OVERHANG

EXISTING CONTOUR, TYP.

PROPOSED CONTOUR, TYP.



**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1436, SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 18.31 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING AN EXPANSION OF THE WOODLAND
STATION OVERLAY DISTRICT GEOGRAPHIC BOUNDARY GENERALLY
LOCATED SOUTH OF W. MIDLAND AVENUE AND S. PINE STREET
CONTAINING APPROXIMATELY 2.70 ACRES.**

WHEREAS, the City of Woodland Park, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the “Council”) has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the City Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, by Ordinance 1075, Series 2007, the City Council established the new Overlay District in the Central Business District Zone entitled “Woodland Station Overlay District,” and

WHEREAS, Beer Garden Lane Development, LLC, has requested that their property be added to the Woodland Station Overlay District, and

WHEREAS, Park Contractor Storage, LLC, has requested that their property be added to the Woodland Station Overlay District, and

WHEREAS, the City Council of Woodland Park has determined that the properties in question be added to the Woodland Station Overlay District and is in the best interest of the citizens of the community.

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 area of the Woodland Station Overlay District as originally established pursuant to Ordinance 1075, Series 2007, is hereby expanded by including the following properties:

(Account No. R0000700) Lot 6, Block 2 Bergstroms Addition & ½ Vacated Alley Adj Property (W. Midland Ave);
(Account No. R0000640) 24-12-69 Por SW4NE4 & ½ Vacated Alley Adj Property;

(Account No. R0021837) 24-12-69 PT SW4NE4;
(Account No. R0021835) 24-12-69 Por SW4 NE4; and
(Account No. R0000639) 24-12-69 PT S1/3 SW4 NE4 located S&E of MTRR ROW (225 S. West St);

and the boundaries of the Woodland Station Overlay District as originally established, are reestablished as shown on Exhibit A attached hereto and made a part of this Ordinance.

Section 2. *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 3. *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 _____, 2023.

City of Woodland Park

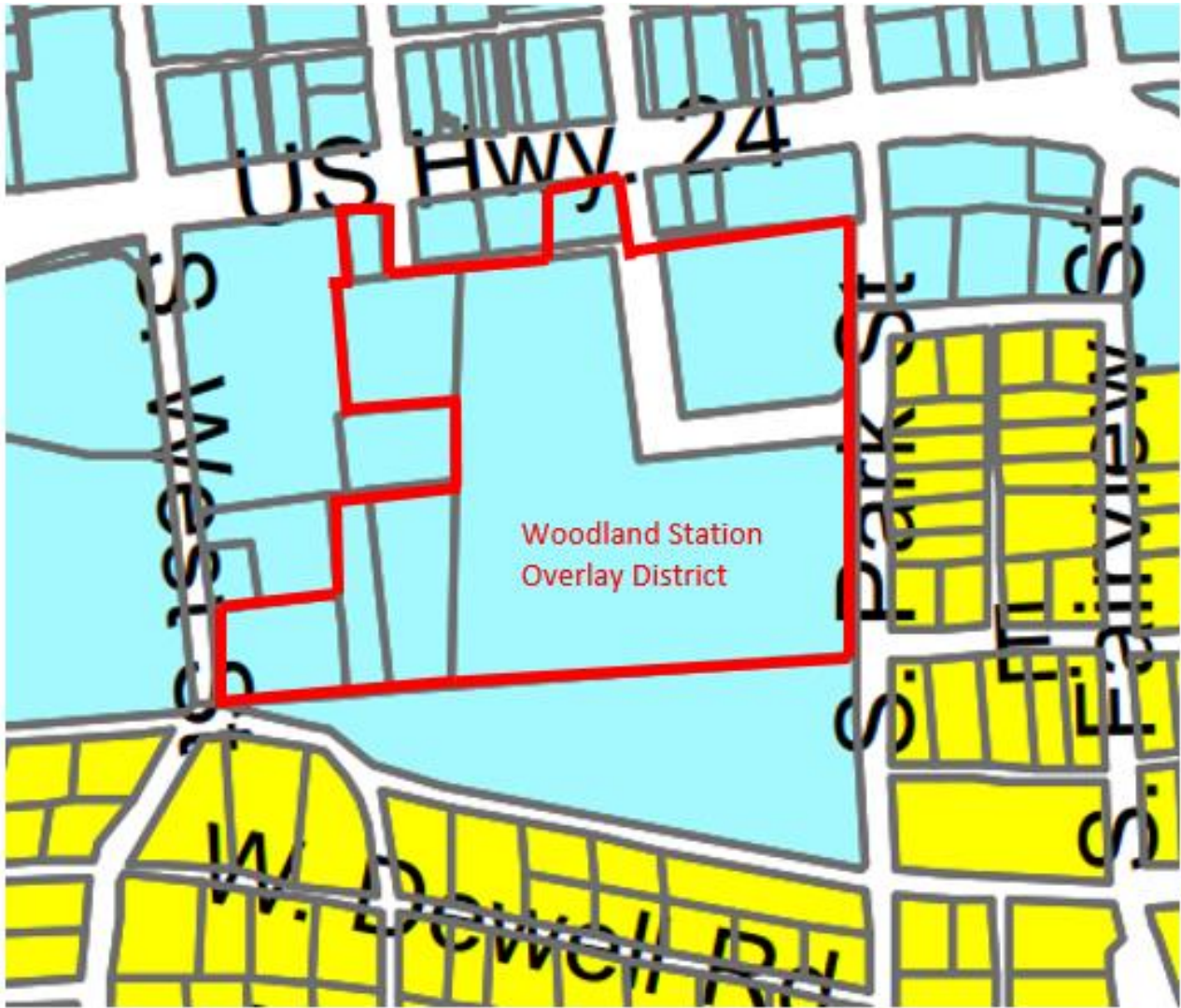
Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

Exhibit A

Woodland Station Overlay District
Boundary Revision Pursuant to Ordinance 1436, Series 2023





Planning Commission Staff Report PC Public Hearing January 12, 2023

Agenda Item

4B

Department

Planning

Presenter

Karen Schminke, AICP
Planning Director

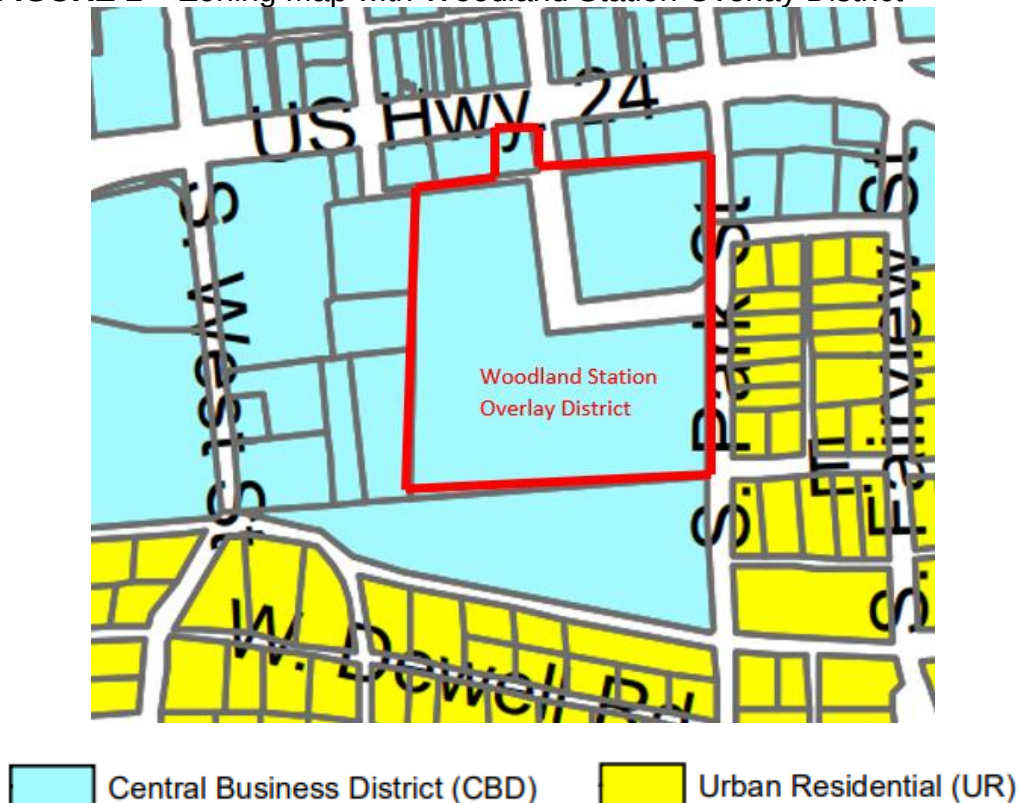
AGENDA ITEM 4B

ZON2022-08: Consider a request by the Woodland Park Downtown Development Authority (DDA) to amend the text within the Woodland Park Municipal Code chapter 18.31.030 – Woodland Station Overlay District by removing the requirement that residential dwelling units be located on the upper floors of a mixed-use building.

BACKGROUND

In 2007 the Woodland Station Overlay District was established via Ordinance No. 1075 which established Chapter 18.31 of the Municipal Code with the intent of furthering the goals and objectives of orderly redevelopment of the parcels within the district. The Woodland Station Overlay District zone is located within the Central Business District (CBD) zone (Figure 1) and within the Woodland Park Downtown Development Authority (DDA) boundary area (boundary area map attached).

FIGURE 1 – Zoning Map with Woodland Station Overlay District



Per MC Section 18.23.005 the purpose of the CBD zone is:

Land use activity in this category is intended for what is considered the downtown area of the city with associated commercial activity that can be accessed by pedestrians as well as the motoring public. Density is considered high and design issues relate to on-street U.S. highway corridor improvements, including efficient off-street parking, landscaping and pedestrian mobility to and from local businesses. Residential activity is appropriate in this area particularly at second or third story levels, above offices or commercial shops.

Per MC Section 18.31.010 A., the purpose of the Woodland Station Overlay District regulations is to:

- 1. Promote important community qualities within Woodland Station Overlay District by allowing flexibility in applying the Central Business District standards and the design standards contained in Section 13.33.180 to help achieve desired attributes. Flexibility may be allowed with respect to scale, mass, architectural design and overall site design.*
- 2. Require future development within the Woodland Station Overlay District to be designed in a manner that will protect and promote the character and sense of this critical area.*
- 3. Allow for a variety of design, while still protecting the character of the area.*

Additionally, Section 18.31.010 B. provides additional guidance on the intent of the overlay district:

- B. The intent of the Woodland Station Overlay district and these regulations is to guide the architectural and site planning components of development within the Woodland Station Overlay District to achieve a scale and quality of development consistent with the key location of the Woodland Station in the heart of the Central Business District.*

The Overlay District allows for flexibility that is expected to result in the development of “village like” character that is pedestrian friendly and a vibrant business environment. This flexibility is outlined in the regulations as follows:

MC§ 18.31.030 – provides for uses not otherwise allowed in the CBD zone and requires residential uses be located on the upper floors of mixed-use buildings;

MC§ 18.31.040 – allows for administrative review and approval to varying development standards such as setbacks, building height, lot coverage, and parking;

MC§ 18.31.050 –after review by the DDA’s Design Review Committee, administrative review and approval of building and improvement designs.

In addition, Resolution No. 677 was passed in April 2007 to provide design guidelines within the boundary of Woodland Station mixed-use development.

Currently, Section 18.31.030 of the City of Woodland Park Municipal Code – Permitted Uses within the Woodland Station Overlay District reads:

“Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under “CBD” in the Table of Permitted Uses for Business, Industrial and Residential Districts (see Section 18.09.090). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units provided such residential dwelling units are located on the upper floors of a mixed-use building; commercial condominiums provided such condominiums are part of a mixed-use building; farmer’s markets; and amusement, recreational and entertainment activities. (Ord. No. 1075-2007, § 1, 4-5-2007)”

The request from the DDA is to revise this section with the following proposed language:

“Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under “CBD” in the Table of Permitted Uses for Business, Industrial and Residential Districts (see Section 18.09.090). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units; commercial condominiums provided such condominiums are part of a mixed-use building; farmer’s markets; and amusement, recreational and entertainment activities. (Ord. No. 1075-2007, § 1, 4-5-2007)”

The heart of this request relates to residential dwelling units and lifting the requirement that they be located on the upper floors of a mixed-use building. There has been discussion at recent DDA Board meetings regarding developing part of the land within the Woodland Station Overlay District with commercial uses and part of it with residences, possibly single-family homes, for what is being described as ‘horizontal mixed use’. After many years of no meaningful development activity, there is sincere interest in seeing this central part of Woodland Park’s downtown finally develop. As stated by the applicant in the application materials, “The DDA Board believes this requirement needs to be removed to allow for the right mix of commercial and residential on the Woodland Station Property.”

ZONING CODE & COMPREHENSIVE PLAN

The downtown area in a city or town is often characterized by density and is one of the main economic engines of the community. Commercial and retail uses are typically much more successful when they are located on the ground floor rather than the upper floors of downtown buildings. The downtown environment and economic vitality is enhanced when residential units are found above the commercial uses. Consistent with this traditional approach to mixing uses in a downtown area, the City’s current regulations are written to prescribe the intent of the CBD zone and Woodland Station Overlay District, along with the associated permitted uses and development standards, to support and promote development of a vibrant downtown commercial district that allows for dense residential development above the commercial activity.

From Section 18.09.090, the *Table of permitted uses for business, industrial and residential districts*, subsection N. outlines different residential use types and the zone districts where they may be established in Woodland Park. Residential use types are limited in the CBD. Multi-family dwelling units (3+ units) subject to Chapter 17.32- Condominiums and Townhouses, and Apartment building(s) on a single lot require a Conditional Use Permit in the CBD. One or two dwelling units (duplex) per existing platted lot within a single structure in the CBD are Permitted Conditionally as are Accessory Dwelling Units.

Figure 2 provides an excerpt from the Table of permitted uses:

FIGURE 2 – Use Table Excerpt

Permitted Uses	CBD
N. Residential Dwelling Units.	
1. One single-family-dwelling unit on a single platted lot. (For AG district refer to Section 18.17.050).	
2. Clustered residential development (subject to 18.33.125)	
3. Two-family dwelling units (i.e., duplex) subject to Chapter 17.32 - Condominiums and Townhouses except for rental buildings (i.e., single ownership apartments).	
4. Multi-family-dwelling units (3+units) subject to Chapter 17.32- Condominiums and Townhouses except for rental buildings (i.e., single ownership apartments).	C
5. Apartment building(s) on a single lot.	C
6. One or two dwelling units (duplex) per existing platted lot within a single structure in a commercial zone of NC, CC and CBD commercial zone (subject to 18.33.127).	PC
7. Accessory Dwelling Unit as defined in Section 18.06.016 and subject to 18.33.135.	PC
8. Manufactured (HUD) homes and mobile homes (pre-1976) in an existing or approved mobile home park in accordance with Title 16.	

Zoning District Key:
CBD = Central Business District

Use Key:
P = Permitted
C = Conditional Use
PC = Permitted Conditionally

It is MC Section 18.31.030 that clearly allows residential units above commercial uses, but this same section also limits residential uses in the Woodland Station Overlay District to, *“residential dwelling units provided such residential dwelling units are located on the upper floors of a mixed-use building”*.

Within the CBD, but not the Woodland Station Overlay District, single family homes and duplexes are permitted conditionally on existing platted lots. This provision was likely adopted to accommodate a couple of specific situations in the older portions of the City. It is not an invitation to subdivide and plat a parcel of land so that numerous single family homes can be sited within the CBD. Referring back to MCS 18.25.005, the purpose section of the CBD zone notes that, *“Residential activity is appropriate in this area particularly at second or third story levels, above offices or commercial shops.”*

Over a two year period (2020-2021) the City of Woodland Park went through an extensive community engagement process to update the City’s Comprehensive Plan. As noted in Joint Resolution 882, Series 2021, the “Comprehensive Plan is an aspirational document that is not regulatory but provides guidance toward the future development and growth of the community”. While the document may be considered aspirational, it contains guidance from the community members as to how they want to see their community develop.

The Plan provides the following explanation for how to use the Future Land Use Map to guide development decisions:

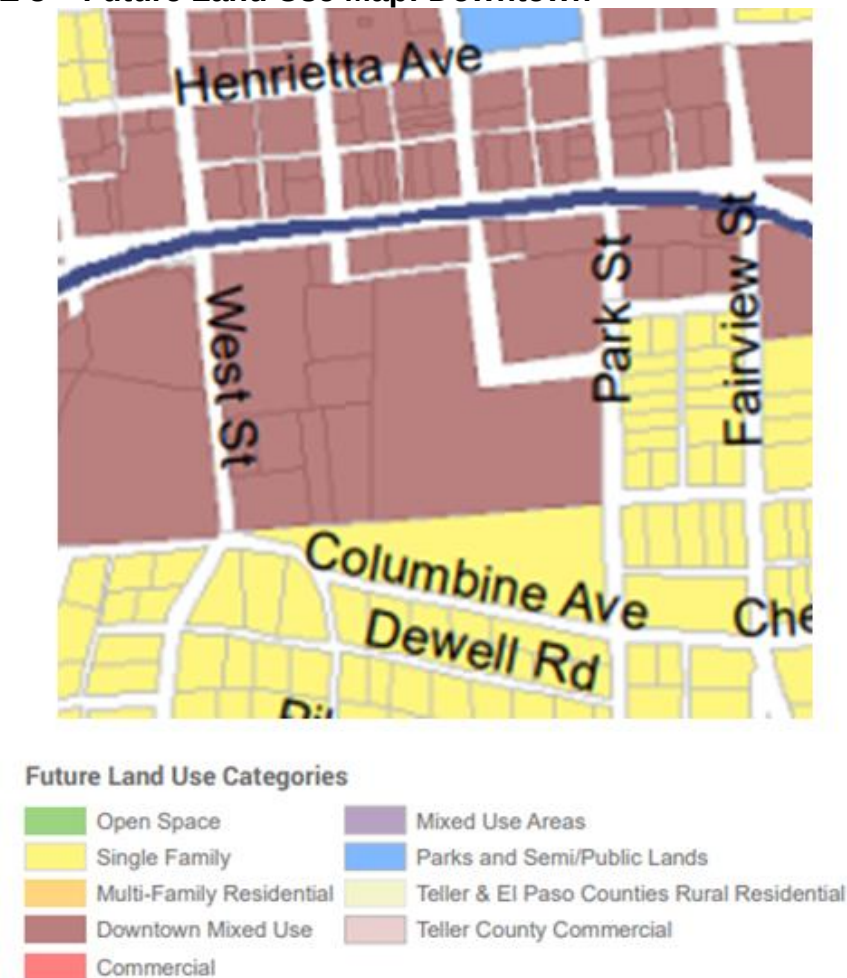
WOODLAND PARK FUTURE LAND USE MAP DESCRIPTION

The Future Land Use Map provides guidance for rezoning requests, annexation proposals, new development, and redevelopment projects within the City limits. Its purpose is to honor the City's existing zoning map while providing both direction and flexibility for a sustainable balance of uses in future development or redevelopment proposals. Comments and direction provided by the community have been incorporated in land use descriptions and designations. Within the unincorporated areas of Teller County surrounding Woodland Park, the map identifies the type of low impact growth that may occur within the planning area and at the gateways to Woodland Park.

The Future Land Use Map identifies locations for the most appropriate future land use within the broad categories. The land use designation of each area is based on what is currently in place; what the community would like to see more of; and identification of harmonious uses that do not infringe on the existing land uses. Water use is a major consideration in land use planning and ensures that a diversity of land uses are planned for with the amount of water available. A more detailed description of each land use designation is listed below:

The Future Land Use Map identifies "Downtown Mixed Use" as the desired use type for this area where the Woodland Station Overlay District is located.

FIGURE 3 – Future Land Use Map: Downtown



Downtown Mixed Use is explained as follows:

DOWNTOWN MIXED USE: To help recognize and promote vitality in the downtown area, the Downtown Development Area boundary was used to identify the Downtown Future Land Use District. Establishing the downtown as its own character area helps to promote the identity and cohesion that is desired as development and redevelopment occur. The zoning categories in downtown include Central Business District (CBD), Community Commercial (CC), Urban Residential (UR), and Planned Unit Development (PUD). Neighborhood Commercial and Public/Semipublic areas north of the Downtown Development Boundary have maintained their land use classifications to illustrate the transition to downtown residential.

Also identified on the Future Land Use map are three additional mixed use areas. It is in these areas where there is a reference to the potential for 'horizontal mixed use'.

MIXED USE AREAS support a diversity of uses. This can be vertical mixed use or horizontal mixed use. These areas are typically in high use areas that are not currently developed. Specific characteristics are desired for each of the three identified mixed-use areas. A description of each mixed use area is listed below with a key on the map.

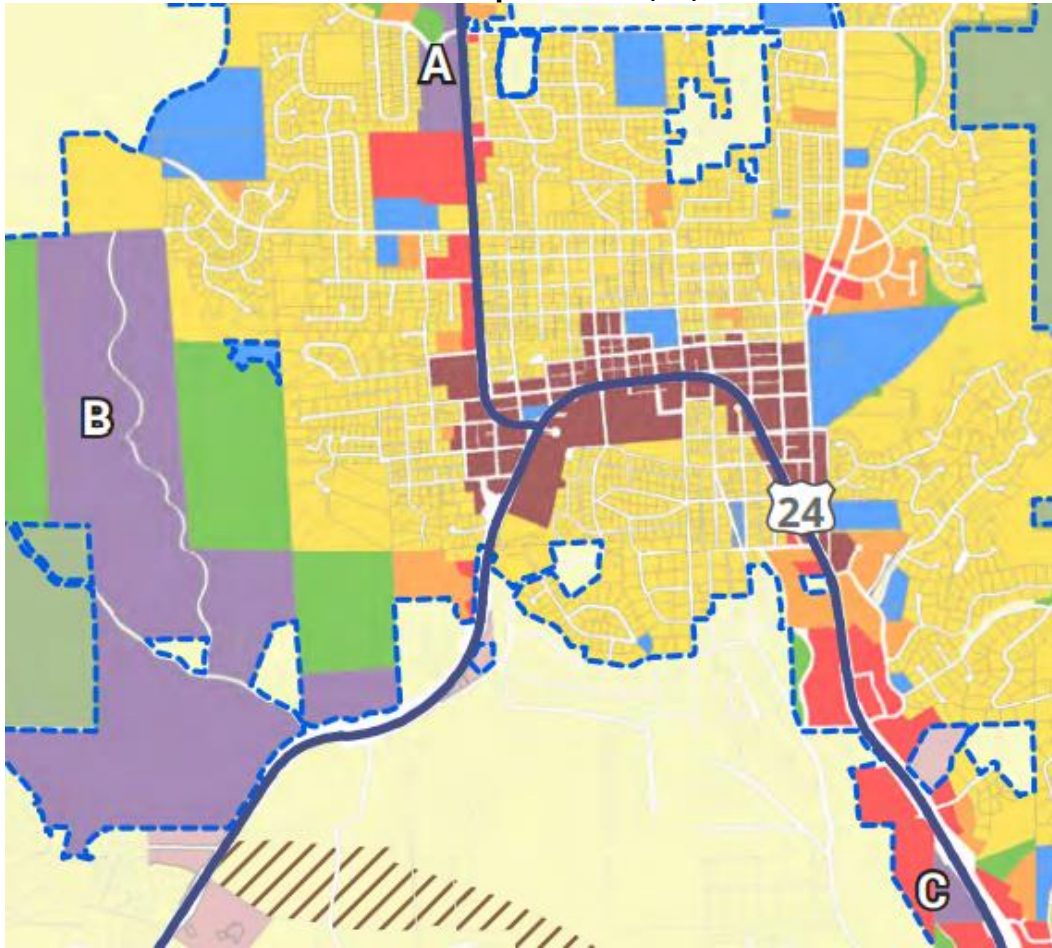
A: The area along Highway 67 already supports nodes of commercial development. Other areas are flexible in development as non-residential mixed use. The primary reason for discouraging residential development along the highway in the mixed use area is to provide a balance of employment and service land uses to serve the community and to ensure there is enough water to provide service to planned residential areas.

B: Area B is comprised of the approved Sturman PUD and Sanctuary PUD (Charis Bible College). The Sanctuary PUD will have event space, a café, educational facilities, and group quarter housing for students.

C: The southern entrance to Woodland Park is zoned Planned Unit Development (PUD) and Service Commercial (SC). As this area develops and re-develops, this area can support a variety of gateway uses such as commercial, office, public-semipublic areas, and limited medium to high density residential development.

A broader view of the Future Land Use Map illustrates the location of these three additional mixed use areas:

FIGURE 4 – Future Land Use Map: areas A, B, & C



Chapter 4 of the Comprehensive Plan addresses Community Character and Design. Pages 38-39 of the chapter contain a vision for the development of Midland Avenue which identifies:

“residents would like to see the Woodland Station area developed as a mixed-use area that can support community events and fill in the currently vacant downtown areas.”

The Comprehensive Plan does not provide any additional specific information for what constitutes ‘mixed-use’ nor does the City Code contain a formal definition for this term. Traditionally, mixed-use is an alternative to single use zoning (i.e. residential zone, commercial zone, or industrial zone) and is typically thought of as having street-level retail and commercial uses with residential units above. Less common, and more likely to occur over a large land area, mixed-use can exist in a horizontal configuration with residential, commercial, and civic spaces within walking distance of each other.

ANALYSIS

Amendments to Title 18 (including supplements, changes, modifications or repeal of boundaries or regulations) are regulated by MC 18.69.010 and City Charter Section 15.7. This section of the Municipal Code outlines the process for review and the review bodies involved, but does not provide any specific review criteria. Similar to when rezoning land is considered, the following review criteria should be considered in reviewing this requested Zoning code text amendment:

1. *Is the proposed zoning code text amendment consistent with the Comprehensive Plan?*

- The 2030 Woodland Park Future Land Use Map identifies the subject area as “Downtown Mixed Use” and the Midland Avenue Vision notes, “Residents would like to see the Woodland Station area developed as a mixed-use area that can support community events and fill in the currently vacant downtown areas”. While the Plan does not provide specifics as to what constitutes ‘mixed-use’ these Plan sections do not include ‘horizontal mixed-use’ as is referenced for areas A, B, & C on the Future Land Use Map.

The code amendment language proposed by the DDA would eliminate the requirement for placing residential units on upper floors of mixed-use buildings and would open possible residential uses to those allowed elsewhere in the CBD (townhomes, apartments, and potentially single-family homes and duplexes on previously platted lots) and without the benefit of commercial uses.

2. *Is the proposed zoning text amendment consistent with the Comprehensive Plan Goals and Objectives?*

- Allowing residential units without being in a mixed-use building is not consistent with several Goals, Objectives, and Actions from the comprehensive plan. The following are relevant sections of the plan to consider:

Land Use Growth Objective 1.1: Ensure that new development fits the intent of the Future Land Use Map and uses the land and community resources/facilities efficiently and in an environmentally sensitive manner.

Land Use and Growth Action 1.1.3: Ensure that development fits with the intent of the Comprehensive Plan Map and the Comprehensive Plan goals, objectives, and actions.

Land Use and Growth Action 1.1.4: Use the Comprehensive Plan Map to help determine if proposed changes to the City’s Zoning Map are appropriate.

Land Use and Growth Action 1.2.1: Review and revise the zoning code and specific City land use categories as needed to ensure that they:

- Encourage mixed-use buildings such as live/work units downtown and in new neighborhoods;

Housing Action 1.1.2: Review and revise Woodland Park’s zoning code to promote mixed-use building such as live/work units downtown.

Community Character and Design Objective 1.2: Strengthen downtown, new neighborhoods, and redeveloping areas by promoting a mix of uses, attractive appearance, and connection to the rest of the community.

Community Character and Design Action 1.2.1: Promote compatible infill that incorporates the character of its neighborhood.

These Plan Chapters can be found in their entirety on pages 14-41 of the document.

3. *Have changes occurred in the surrounding properties that warrant a change to the zoning regulations?*
 - Currently, no development application for the subject property has been submitted. The Woodland Park DDA has been in conversation with a developer interested in, and is actively working on applications, to develop the DDA owned parcel in the Woodland Station Overlay District. These conversation include developing part of the land with commercial uses and part of it with single-family homes for what is being described as 'horizontal mixed use'. After many years of no meaningful development activity, this code amendment proposal is seen as desirable and helpful in generating interest in developing the land within the Woodland Station Overlay District. If adopted, the proposed Code language will allow additional residential housing types, but those will still be limited to those allowed in the underlying CBD zone.
4. *Is the proposed zoning Code amendment appropriate for the Woodland Station Overlay District?*
 - Completely eliminating the language that clearly addresses residential units over commercial development is not advisable since it is this code section that clearly supports this type of mixed-use. Modifying the code language so upper floor residential use is permissible instead of required is recommended. Staff is instead proposing the following language for consideration:

Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under "CBD" in the Table of Permitted Uses for Business, Industrial and Residential Districts (see Section 18.09.090). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units ~~provided such residential dwelling units are located on the upper floors of a mixed-use building;~~ commercial condominiums provided such condominiums are part of a mixed-use building; farmer's markets; and amusement, recreational and entertainment activities.

REFERRALS AND NOTIFICATIONS

Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. The site was posted with a public notice poster and notice of the public hearing was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no written comments regarding this rezoning proposal.

The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, the City Manager, and the Northeast Teller County Fire Protection District. No comments have been received.

STAFF RECOMMENDATION

Should the Planning Commission find it desirable to modify MC §18.31.030 – *Permitted Uses within the Woodland Station Overlay District* to eliminate the requirement for residential dwelling units being located on the upper floors of a mixed-use building, and instead list this as a potential use, staff recommends the Commission move to recommend approval of Ordinance 1437, Series 2023, an Ordinance amending Title

18.31.030 of the Woodland Park Municipal Code, regarding permitted uses within the Woodland Station Overlay District.

STAFF REPORT ATTACHMENTS

Application

DDA Boundary Map

Ordinance 1437, Series 2023

Planning Application Entry Form

[Print Record](#)[Go To Development Fees Receipt Form](#)

ID

Permit Number 202212310

Project # EXT/Case # ZON2022-08

Public Hearing Required ☐

Date Received 12/6/2022

Date Routed 12/6/2022

Date Initial Permit Approved

*Date Permit Paid

*NOTE: If Non-profit enter Date Approved in Date Permit Paid field for report

Project Type ZON

Project Type Number 7

Project Classification Text Amendment

Non-Profit, Residential or Commercial Commercial

NOTE: Above Field required only for SINS and TUPs

Project Name Woodland Station Overlay Zo

Site Address Number

Site Address Name

Lot Number

Block Number

Subdivision

Filing #

Applicant Business Name Downtown Developm

App First Name Tony

App Last Name Perry

App Phone Number 719-433-4055

PO Box 9007

Mailing Address Street #

Mailing Address Street Name

City Woodland Park

State CO

Zip Code 80866

Owner First Name Downtown Developm

Owner Last Name

Zone Class CBD

Applicant Project Value \$0.00

Open Permit Comments

Request to amend the text in the M.C. section 18.31.030 to allow residential use on the ground floor.

Date CO Requested

Temp CO Auth Approved

Date Temp CO Expires

UTILITIES SECTION

Tap Allocation Date

Allocation Exp Date

Water Tap #

Sewer Tap #

Tap Paid Date

Tap Exp Date

Taps Refunded ☐

Inside/Outside User

Meter Installed ☐

Filed in Area

Senior Planner



2022 GENERAL APPLICATION
(Revised 1/1/2022)

Project # 202212310
Case # ZoN2022-08
Fee(s): See City of Woodland Park
Fees Sheet (Plus publication/recording
fees, as applicable) *fees waived*
12/6/2022

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 | ☐ Final Plat |
| ☒ Zoning Change | ☐ Appeal | ☐ Townhouse Plat |
| ☐ Extension of Development | ☐ Variance | ☐ Condominium Plat |

1. Applicant Information

- a. Applicant Name Downtown Development Authority (Contact Tony Perry)
- b. Project Coordinator ☐ Property Owner ☒
- c. Mailing Address Attn: City of Woodland Park, PO Box 9007, Woodland Park CO 80866-9007
- d. E-mail Address tperrydda@city-woodlandpark.org
- e. Phone Numbers Home 719.433.4055 Work 719.687.9234 Mobile 719.433.4055

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 _____
- b. Lot ____ Block ____ Subdivision _____
- c. Property Zoning _____ Lot Size _____ Acres ☐ Square Feet ☐

- 4. Is the property subject to covenants?** Yes ☒ No ☐ If yes, then submit copy of covenants and current contact for HOA. It is the responsibility of the landowner to submit HOA approval with this application.

5. Project Information

- a. Project Name Woodland Station Overlay Zone Text Amendment
- b. Brief Description of Project/Request See attached Addendum

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.)

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.

Owner  Chair Date 12/6/22

Owner  Rebecca Russell Anderson Date 12/6/22

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.

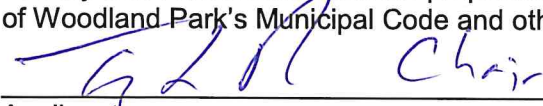
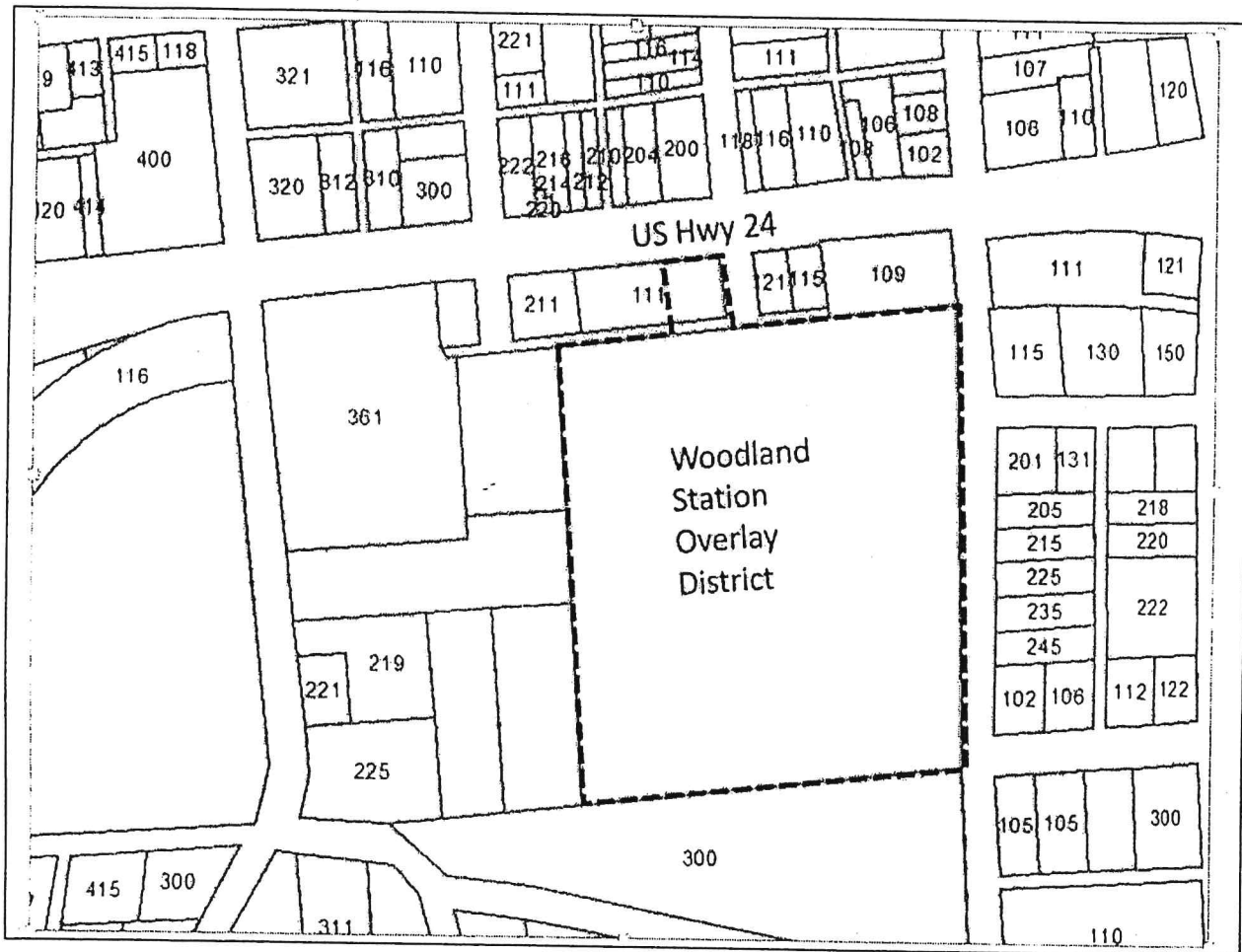
Applicant  Chair Date 12/6/22

Exhibit A

Woodland Station Overlay District
Boundary Revision Pursuant to Ordinance No. 1296, Series
2017



Legend

2017 District Boundary — -

Chrissy Stapleford
Deputy City Clerk

Published in the Pikes Peak Courier View
First Publication 02/08/2017

AERIAL PHOTO



Addendum: 2022 General Application

Summary

The Downtown Development Authority (DDA) of Woodland Park would like to request a Woodland Station Overlay Zone Text Amendment. Specifically removing the requirement that residential dwelling units be located on the upper floors of a mixed-use building. The DDA Board believes this requirement needs to be removed to allow for the right mix of commercial and residential on the Woodland Station Property. The yellow highlighted text below is the language we wish to remove. Proposed, is the remaining language to be codified.

The DDA Board would also like to point out that on pages 23 and 38 in the Envision Woodland Park 2030 where the Woodland Station is referred to, we believe there is no conflict with the comprehensive plan. As attachments, we have included those pages to the end of this application.

Existing

18.31.030 - Permitted Uses within the Woodland Station Overlay District.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under "CBD" in the Table of Permitted Uses for Business, Industrial and Residential Districts (see [Section 18.09.090](#)). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units provided such residential dwelling units are located on the upper floors of a mixed-use building; commercial condominiums provided such condominiums are part of a mixed-use building; farmer's markets; and amusement, recreational and entertainment activities. (Ord. No. 1075-2007, § 1, 4-5-2007)

Proposed

Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under "CBD" in the Table of Permitted Uses for Business, Industrial and Residential Districts (see [Section 18.09.090](#)). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units; commercial condominiums provided such condominiums are part of a mixed-use building; farmer's markets; and amusement, recreational and entertainment activities. (Ord. No. 1075-2007, § 1, 4-5-2007)

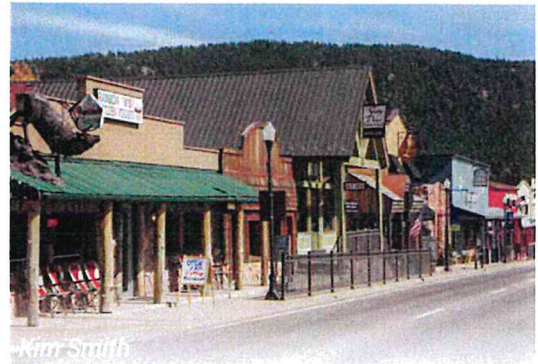
DOWNTOWN MIXED USE: To help recognize and promote vitality in the downtown area, the Downtown Development Area boundary was used to identify the Downtown Future Land Use District. Establishing the downtown as its own character area helps to promote the identity and cohesion that is desired as development and redevelopment occur. The zoning categories in downtown include Central Business District (CBD), Community Commercial (CC), Urban Residential (UR), and Planned Unit Development (PUD). Neighborhood Commercial and Public/Semipublic areas north of the Downtown Development Boundary have maintained their land use classifications to illustrate the transition to downtown residential.

MIXED USE AREAS support a diversity of uses. This can be vertical mixed use or horizontal mixed use. These areas are typically in high use areas that are not currently developed. Specific characteristics are desired for each of the three identified mixed-use areas. A description of each mixed use area is listed below with a key on the map.

A: The area along Highway 67 already supports nodes of commercial development. Other areas are flexible in development as non-residential mixed use. The primary reason for discouraging residential development along the highway in the mixed use area is to provide a balance of employment and service land uses to serve the community and to ensure there is enough water to provide service to planned residential areas.

B: Area B is comprised of the approved Sturman PUD and Sanctuary PUD (Charis Bible College). The Sanctuary PUD will have event space, a café, educational facilities, and group quarter housing for students.

C: The southern entrance to Woodland Park is zoned Planned Unit Development (PUD) and Service Commercial (SC). As this area develops and re-develops, this area can support a variety of gateway uses such as commercial, office, public-semipublic areas, and limited medium to high density residential development.



MIDLAND AVENUE VISION

Throughout the planning process, the primary issue and opportunity expressed by residents, emergency management providers, and business owners is to reclaim downtown by reducing the amount of traffic and developing quality gathering spaces that exemplify the character of Woodland Park. The renderings on pages 38-41 illustrate components of the desired vision. If U.S. Highway 24 is relocated away from Midland Avenue, many residents would like to see two lanes with on-street parking, safer crosswalks, and widened sidewalks with space to sit and enjoy downtown. Along with the reduction of through traffic, residents would like to see the Woodland Station area developed as a mixed-use area that can support community events and fill in the currently vacant downtown areas.

*Banners &
Celebratory
Signs*

Street Trees

*Sidewalk
Seating*

*Pedestrian
Crossings*

*On-street
Parking*

*Water-wise
Landscaping*

*Multi-modal
Options*



**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1437, SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO AMENDING TITLE 18.31.030 OF THE WOODLAND PARK MUNICIPAL
CODE, REGARDING PERMITTED USES WITHIN THE WOODLAND STATION
OVERLAY DISTRICT**

WHEREAS, the City of Woodland Park, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the “Council”) has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the City Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, under such authority, the City has previously adopted land use and zoning regulations, codified as Title 18 of the Woodland Park Municipal Code (the “Code”); and

WHEREAS, the City of Woodland Park Downtown Development Authority (DDA) has requested a change to Title 18.31.030 of the Woodland Park Municipal Code regarding residential uses in the Woodland Station Overlay Zone; and

WHEREAS, the requirement for residential dwelling units to be located on the upper floors of a mixed-use building in the Woodland Station Overlay District is no longer desirable, but should still remain a potential use; 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 Title 18.31.030 of the Code, as it relates to permitted uses within the Woodland Station Overlay District.

**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. Section 18.31.030 of the Woodland Park Municipal Code, concerning permitted uses within the Woodland Station Overlay District, is hereby amended to read as follows:

18.31.030 – Permitted Uses within the Woodland Station Overlay District.

Buildings, structures, and land within the Woodland Station Overlay District may be used for any of the purposes designated under "CBD" in the Table of Permitted Uses for Business, Industrial and Residential Districts (see Section 18.09.090). In addition, buildings, structures, and land within the Woodland Station Overlay District may be used for: residential dwelling units ~~provided such residential dwelling units are~~ located on the upper floors of a mixed-use building; commercial condominiums provided such condominiums are part of a mixed-use building; farmer's markets; and amusement, recreational and entertainment activities.

Section 2. *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 3. *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 _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq