



City of Woodland Park

March 16, 2023 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session regarding the City Council Rules and Procedures, Mayor LaBarre called the City Council Meeting to order at 7:00 PM.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Zuluaga. Councilmembers Neal and Nakai appeared via zoom and Councilmember Ott was absent.

The following Staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Public Works Director Schmitt, Utilities Director Wiley, Finance Director Vassalotti, Senior Planner Gates, Communication Specialist Higgenbotham, Deputy City Clerk/Public Works Administrative Assistant Minton and Planning Director Schminke appearing via zoom.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

A. Presentation from the Woodland Park High School Forensics Team.

Marci Nickelsburg, Coach of the Woodland Park High School Forensic Team, introduced the Forensic Team and other coaches. Ms. Nickelsburg shared an overview of what Forensics does and the awards that they have won this season. The Forensics students performed for the Council. Following their performance, Mayor LaBarre handed out Mayor's pins to the students and coaches.

B. Consideration of appointments to the Planning Commission. (A) (Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq shared with the City Council that there are currently three vacant positions on the Planning Commission. Leclercq shared that the City Clerk's Office is actively advertising for these positions and that she received an application from Mr. Melvin Pierce. Leclercq shared that Mr. Pierce met the criteria of the Planning Commission and was eligible to be considered for this appointment. Leclercq shared that Mr. Pierce was in the audience and available for any questions that the Council may have.

Following a brief interview with the Council, the following motion was made.

Motion: To appoint Melvin Pierce to the Planning Commission. Zuluaga/Connors. 3-3. The motion tied with LaBarre, Case and Neal voting no. City Clerk Leclercq reviewed with the Council that in the event of a tie for an appointment, the appointment will be brought back to the Council at a later date for re-consideration.

- C.** Presentation of awards to the Police Department Staff and Citizen.
(Presenter, Police Chief Chris Deisler)

Chief Deisler presented a Citizen's Award to Samatha Trattner for help in finding a lost boy. Deisler also presented Lifesaving Awards to Officers Vigil, Wadham and Madronio.

Following Deisler's presentation, Mayor LaBarre presented Mayor's Pins to Ms. Trattner and the Officers.

- D.** Presentation of Quarter 1 and Update on Newmont Mine.
(Presenter External Relations Representative, Andrea Connolly, Newmont Mine)

Newmont Mine shared a presentation with the City Council regarding Newmont Mine and its recent activities.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

Mayor LaBarre shared that item 9B and item 10A were removed from the Council Agenda.

5. CONSENT CALENDAR

- A.** Approval of the minutes from the February 16, 2023 and March 2, 2023 Regular City Council Meetings. (A)
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq read the Consent Items into the record. Leclercq shared that there was a correction to the minutes from the March 2, 2023 City Council Meeting.

Councilmember Zuluaga asked a question related to the expenses at the Cultural Center and City Engineer Schmitt shared that the project for the Cultural Center AV will start in April.

Motion: To approve the minutes from the February 16 and March 2, 2023 (as amended), City Council Meetings and the February 2023 Statement of Expenditures. Case/Nakai. Motion carried 6-0.

- B.** Approval of the February 2023 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof. (A)
(Presenter, Finance Director Aaron Vassalotti)

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

Dan Taylor spoke regarding the potential carwash at the Walmart plaza and cautioned the Council to be weary of any future applications from this company.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Consideration of Ordinance No. 1444, Series 2023, on initial posting, an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone and set the Public Hearing for April 6, 2023. (QJ)
(Presenter, Senior Planner CJ Gates)

Senior Planner Gates introduced Ordinance No. 144, Series 2023 on initial posting.

Motion: To approve Ordinance No. 1444, Series 2023 on initial posting, an Ordinance Granting a Special Use Permit with a Site plan Review for the Purpose of Verizon to

Construct and Utilize a Concealed Antenna Communication Facility in the Public/Semi-Public Lands Zone and set the Public Hearing for April 6, 2023. Neal/Case. Motion carried 6-0.

- B.** Consideration of Ordinance No. 1443, Series 2023 on initial posting, An Ordinance of the City Council for the City of Woodland Park, Colorado, Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-Term Rental Licenses to December 31, 2023 and set the Public Hearing for April 6, 2023. (A)
(Presenter, City Attorney Geoff Wilson)

City Attorney Wilson introduced Ordinance No. 1443, Series 2023 on initial posting.

Motion: To approve Ordinance No. 1443, Series 2023 on initial posting, An Ordinance of the City Council for the City of Woodland Park, Colorado, extending a Temporary moratorium on the Submission, Acceptance, Processing and Approval of Applications for all Short-Term Rental Licenses to December 31, 2023 and set the Public Hearing for April 6, 2023. Case/Connors. Motion carried 6-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Ordinance No. 1441, Series 2023, an Ordinance Granting a Special Use Permit with a Site Plan Review for the Purpose of Verizon to Construct and Utilize a Temporary Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone. (QJ)
(Presenter, Senior Planner CJ Gates)

Senior Planner CJ Gates shared the following staff report with the City Council.

BACKGROUND

On July 28, 2022 Teller County sent a letter to the applicant regarding public safety concerns associated with Verizon Wireless connectivity issues in all of Teller County. The Teller County Office of Emergency Management, along with the Board of County Commissioners, outlined that the lack of connectivity with the Verizon service was having a negative impact on public safety and commerce within the County. Verizon Wireless' to this problem was to deploy a temporary cell on wheels, COW to be (COW) while they identified a more permanent solution to.

On August 17, 2022 the City of Woodland Park issued a temporary use permit (TUP) to allow the Verizon to set up in the parking lot on the north side. TUP was valid from August 17, 2022 to August 24, 2022 of City Hall (Figure 1b) . The and provided additional cell service for the Salute to American Veterans Rally requested, and . Once Verizon was granted an extension that allowed the TUP period to be complete , the applicant d the COW to continue to operate under the TUP through December 31, 2022.

COW facilities are designed to be used for short periods of time. Verizon removed and has begun the process to request permits to site a permanent macro facility. The entitlement and construction process for the macro facility will take well over a year to complete. Due to this timeline, Verizon is asking to erect a 59' LITE tower in the same location the COW had been located in order 6" tall to bridge the gap until the new macro facility is operational.

According to Chapter 18.61.020 of the City of Woodland Park Municipal Code, towers and antennas exceeding fifty feet in height require a special use permit (SUP) being processed as a SUP due to the fact that the proposed total height of 60 feet (59'. This current new

antenna has 6" for the pole and an additional 6" to the top of the antenna) .

SITE AND SURROUNDING PROPERTIES

The subject property is zoned Public/SemiPublic Land (P/SPL) and is bordered by Lake Ave. to the north, Pine St. to the West, Memorial Park to the East, and City Hall to the South. proposed communication facility will be located on the north side of Woodland Park's City Hall. The within the north east portion of the parking area and to the west of the Senior Center 1b above provides an aerial view of the subject property with the LITE site in the parking lot identified.

To the north of the subject property, across Lake Ave., parcels zoned Urban Residential are existing where single-family residential houses are built. Directly east of the site, existing on the same parcel, is the Woodland Park Senior Organization and Memorial Park. To the west of the site there are parcels that are zoned neighborhood commercial and consist of businesses including the Woodland Park Post Office and Fuss Salon and Spa. Lastly, directly south of the proposed site is the City of Woodland Park City Hall building.

ANALYSIS OF SPECIAL USE PERMIT AND FINDINGS

Municipal code section §18.61 Special Use Permits regulates the review of special use permit requests. MC §18.61.040 provides, "The standards for special use permits are intended only as a minimum necessary for review. An application for a special use permit, even though meeting the minimal standards of this chapter and code, may be denied if it is determined that the development and use is not the best interest of the city." MC § 18.61.040 also outlines the standards by which all special uses must comply in order to receive approval. Below is a listing of the applicable SUP standards from Code Section 18.61.040 complete with staff's analysis.

A. The proposed development and use shall have a demonstrated direct public benefit to the city.

Complies. The proposed facility will benefit the public by providing enhanced Verizon Wireless service to the greater Woodland Park area and supporting access to emergency services.

B. The proposed development and use shall not materially endanger public health and welfare.

May Comply. The proposed Site Plan includes an above-ground surface electric power and telecommunication fiber line that runs from the locations east of the Senior Center to the proposed facility. As noted in the review of the proposed drawings, City standards require utility lines to be installed below ground. Additionally, surface installation of electric and fiber lines is a danger to public health and welfare. The proposed facility may comply if the proposed power and telecommunication fiber lines are installed in compliance with the underground installation requirements and sited in an appropriate easement.

C. The proposed development and use shall not substantially injure the value of surrounding properties.

Complies. The proposed LITE facility is temporary in nature and will not substantially injure

the value of vicinity properties, additionally high-quality wireless service can add value to properties.

D. The proposed development and use shall be in harmony with the area in which it is to be located.

Complies. The proposed development is compatible with the public/semi-public land zone district where the site is located. The LITE facility will not run on a generator and will instead be hardwired into an electric service.

E. The proposed development and use shall conform to the provisions, objectives and policies of all city plans, adopted and in effect at the time of application, including but not limited to growth management, transportation, utilities, capital improvements and downtown redevelopment.

Complies. The development is consistent with the following principles and goals as specified in the City's 2021 Comprehensive Plan.

Public Safety and Emergency Management Goal 1: Continue to provide excellent public safety and emergency services.

Resiliency Objective 3.1: Maintain redundancy in communication systems.

F. The proposed development and use shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to zoning, subdivision, utilities, buildings and construction, business regulations and engineering specifications.

May Comply. There are currently two significant concerns regarding the installation of the fiber and power lines. The first is the application that proposes these lines be installed on the ground surface. As specified in the City's engineering standards, Section 5.2.1.1 - Depth: "Telecommunications service lines are allowed to be initially surface-laid on a temporary basis, not to exceed (3) months, weather permitting. Any Entity burying an individual telecommunication service line at a depth less than thirty inches (30") shall be responsible for all damage to the service line due solely or in part to its burial depth being less than thirty inches (30") regardless of whether the Entity locates such service line pursuant to state law." The second concern relates to the location of proposed easements. The proposed plans include a 5 foot-wide power and utility easement on the north side of the site. However, this is not in compliance with the City Code. Per Municipal Code §17.40.170 "Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty feet wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. Where the rear lot line abuts on property outside of the subdivision of which there are no easements provided for at least ten feet in width, then the easement or alley on the rear lot lines in the subdivision shall be at least twenty feet in width. Side lot easements, where necessary, shall be at least ten feet in width, five feet of which shall be on each side of a common lot line. Where required, easements for public sewer or water shall be required with the width to be determined in accordance with the City engineering specifications." The proposed facility may comply with both these issues if the utility lines are installed underground per City standards, and in an appropriate approved easement. Verizon has responded to this issue (reference the applicant response packet attached hereto), stating that Verizon will coordinate with CORE Electric to facilitate underground power and

fiber conduit delivery to the site. A copy of that agreement must be provided to the City once said agreement is completed.

G. The proposed development and use shall be designed, constructed and maintained to accommodate the on-site and off-site traffic generated.

Complies. The proposed facility is unmanned and no impact on traffic is anticipated. Once the LITE site is installed and operational, the only traffic generated will likely be a monthly service to the facility.

H. The proposed development and use shall be designed, constructed and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and man-made hazards, streams and environmentally significant features.

Complies. The proposed facility will be located in the parking lot for Woodland Park City Hall and will have no impact on topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features. Due to terrain, the base of the site and associated cabinets are not visible from Lake Ave.

I. The proposed development and use shall be designed, constructed and maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods and surface water drainage.

Complies. The proposed facility does not require or involve any water supply, wastewater disposal, solid waste disposal, air quality protection methods, nor should it adversely impact existing surface water drainage.

J. The proposed development and use shall be designed, constructed and maintained to not unduly increase the public danger of fire, explosion and other safety hazards to the public, and persons residing or working on the site and vicinity.

Complies. The applicant is taking ownership of all construction and maintenance and claims the facility does not increase public danger. The applicant is also proposing a temporary chain link fence that will secure the site.

K. The development and use may be required to provide architectural design schemes and may also require amenities such as, but not limited to, fencing, landscaping, buffer areas and other aesthetic enhancement measures, as required by the city council. (Ord. 589-1993 § 6(part), 1993)

May Comply. The applicant has provided architectural design schemes as a part of the site plan review. The applicant is proposing a temporary chain link fence that will secure the site. As an approval criteria, staff is proposing that the applicant ensure all cabinetry and tower be a natural earth tone color.

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 and City Council public hearings. The site was posted with public notice posters and notice of the public hearings was published in the Pikes Peak Courier in compliance with the Municipal Code. The staff has not received any public

comment on the proposal.

Applications were referred to City departments, including the City Attorney, the City Manager, the City Clerk, Utilities, Public Works, Planning and Building and external agencies, including CORE and the Northeast Teller County Fire Protection District, Black Hills Energy, Core Electric, Century Link/Lumen, and TDS Telecom. A copy of staff red-line comments is attached hereto as "City Review Red-line Comments" The applicant also submitted a response packet to staff's comments and is also attached hereto as "Applicant Response Packet".

PLANNING COMMISSION RECOMMENDATION The Planning Commission held a public hearing on February 9th, 2023 (draft minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission voted unanimously to recommend City Council to approve the Special Use Permit for a "temporary Communication Facility to provide VZW service to the area" (specifically a 59'6" monopole LITE site) 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, subject to the following conditions:

1. An agreement for use of the City property must be finalized and signed by all parties prior to the issuance of any Zoning Development Permit (ZDP) being issued.
2. An updated site plan, resolving all issues identified in the redlined plans must be approved by the City before any ZDP is issued.
3. The applicant must supply the City of Woodland Park with an up-to-date Certificate of Liability Insurance for the duration of the lease agreement.
4. The facility and all associated utilities must comply with city specifications.
5. Prior to the issuance of any ZDP, the applicant must submit a copy of the agreement between Verizon Wireless and CORE Electric Cooperative for underground power and fiber delivery to the site.
6. The facility must not be powered by a generator except for emergency or backup use.
7. The applicant must ensure all cabinetry and equipment located on the site be a natural earth color.
8. Since this is to be a temporary facility, this special use permit shall expire December 31, 2024. Should an extension be desired, the applicant must apply for an extension that will be processed per MC §18.61.050.
9. Fencing satisfactory to the City shall provide opaque screening of the installation.

Following Senior Planner Gate's presentation, Council discussed issues with Verizon about tearing up the side walks, fencing, health and safety of the citizens. Public Works Director Schmitt emphasized the need to start the project sooner than later so that Lake Street does not get torn up after completion. Schmitt detailed the benefits of starting the project sooner rather than later.

Following the council discussion, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

Pete Hitchcock shared that he owns two vacant lots and that this would block his views of Pikes Peak.

Following the Public Comment portion of the Public Hearing, Mayor La Barre closed the Public Hearing and the following motion was made.

Motion: To approve Ordinance No. 1441, Series 2023, an Ordinance Granting a Special Use Permit with a Site plan Review for the Purpose of Verizon to Construct and Utilize a Temporary Communication Facility in the Public/Semi-Public Lands (P/SPL) Zone. Zuluaga/Neal. Motion carried 6-0.

- B.** Ordinance No. 1442, Series 2023, an Ordinance Amending the PUD for the Property Located in the Walmart PUD with a Legal Description of Lot 4 Wal-Mart Center, to Amend the Allowed Use and Dimensional Standards to also Include an Automated Express Style Car Wash (QJ)
(Presenter, Senior Planner CJ Gates)

This item was withdrawn by the applicant.

- C.** The Haven at Paradise Final Plat - a request by Frankie Valenzuela of Ventus LLC (applicant) and Johnathan James Ventus LLS (property owner) for a Final Plat of 24 lots and two tracts of a 35.78 acre tract of land located in Section 19 and Section 30, T12S, R68W of the 6th P.M., City of Woodland Park; in the Suburban Residential (SR) zone. (QJ)
(Presenter, Senior Planner CJ Gates)

Prior to the presentation of this agenda item, Mayor Pro-tem Case shared that as the Council Liaison to the Parks and Recreation Advisory Board that when this item was discussed she stepped out of the room as she knew this item was QJ and would be coming before the City Council for her to vote on.

Senior Planner Gates presented the Staff Report regarding this agenda item.

PROCESS

As a major subdivision, this platting involves:

- ☐ construction of new streets, sidewalks, curbs, gutters and storm water detention;
- ☐ extension of municipal facilities (i.e., water and sanitary sewer system) and dry utilities.

A major subdivision authorization is a two-step public process with approval of a Preliminary Plat (approved in 2019 and an extensions granted in 2021 & 2022) and submission of a final subdivision plat (complete with a public hearing before the Planning Commission and City Council).

The Applicant proposes to develop 25 lots for single family dwelling units. Residential use within this plat is permitted and is subject to administrative approval of a Zoning Development Permit (ZDP) for each dwelling unit. The ZDP process also provides for a compliance check of criteria such as setbacks, height, parking, landscaping, and other site improvements for utilities, grading, drainage, and erosion control.

BACKGROUND

In 2005, City Council approved the Amended Top of Paradise Master Plan (Attachment 4) encompassing 197.7 acres showing 175 lots and allowing up to a total of 190 lots in the SR zone. As seen on Figure 2, the Master Plan encompasses several subdivisions including Forest Edge Park Fourth addition, Forest Edge Park First Filing, Thunderbird Estates, and Paradise Estates Filing 1, 2, 3, 8, 9, 10 and Haven at Paradise.

Other subdivisions located within the Amended Top of Paradise Master Plan area that have

received Final Plat approvals include:

- 2006, Paradise of Colorado Filing 1 Final plat with 4 residential lots;
- 2008, the Paradise of Colorado Filing No. 2 Final Plat with 29 residential lots on 25.22 acres;
- 2017, Paradise of Colorado Filing No. 3 Final Plat with 3 residential lots;
- 2018, Paradise of Colorado Filing No. 4 containing 19.27 acres with 22 single-family residences and dedication of new streets (Locklin Way and a small portion of Thunder Ridge Drive); and
- 2019, the Highlands in Paradise Final Plat with 9 lots along Highland Court on 7.07 acres.

REQUEST

This application is for Final Plat approval for the subdivision known as The Haven at Paradise. The preliminary plat for this project, consisting of 35.77 acres with 24 residential lots ranging in size from 15,993 SF to 217,335 SF (Attachment 3), was originally approved on April 9, 2019 and the approval granted two extensions to April 4, 2023. The approved Preliminary Plat includes Tract A which is 15,041 SF in size for storm water detention which is proposed to be owned and maintained by the City of Woodland Park. It also includes Tract B which is 12.31 acres in size for private open space owned and maintained by the Homeowners Association. This Tract was originally intended for the use of the residences of The Haven at Paradise and to include a trail system throughout the tract.

The preliminary plat approval also included a variance from MC §17.40.140 to reduce the minimum ROW width from 50' to 40' (with 30' front setbacks) as well as the following conditions:

1. Park fees (MC §17.36.030) shall be paid prior to recording the Final Plat with the stipulation that these park fees are used to develop Chimney Park or other recreational amenities in Paradise Estates or Thunderbird Subdivisions. Please know that the fee increases every year and will be adjusted and the amount finalized when the zoning permits are issued.
2. A wildfire mitigation plan shall be submitted to the City and NETCFPD for review and implementation by the developer prior to Final Plat approval.
3. Complete the water line loop from Red Haven to Blue Haven cul-de-sac during the first phase.

During the Preliminary Plat approval process, City Council members expressed concern about the capability of a Home Owners Association to manage and maintain the public space within tract B. At that time, the developer was encouraged to consider dedicating the 12.13 acre open space tract to the City.

The current application is for The Haven at Paradise Final Plat (Figure 3). Similar to the Preliminary Plat, the proposed Final Plat is for 35.77 acres of land. However, the lot configuration is different in that this plat is for 25 residential lots and one tract for storm water detention. The tract that was originally proposed as open space within Haven at Paradise (Tract B), is now intended for a residential lot that is 528,437 SF in size which will be accessed off of Kings Crown Road.

This Final Plat does not include any dedicated to the city's open space requirements .

The use of open space or park land, however it still meets the Park Land requirements for all filings within the Top of Paradise Master Plan were satisfied through the filing of Thunderbird Estates previous dedication of Chimney Park and the first was approved with the dedication of a tract next to the Highschool along with a number of tracts that provide trail corridors. For the future filings within the Top of Paradise Master Plan area, including this proposal, the applicant has agreed to pay Park fees with the stipulation that the fees collected be used to develop Chimney Park or other public recreational amenities in Paradise Estates or Thunderbird Subdivisions.

Regarding the wildfire mitigation plan requirement, this item has yet to be satisfied and is still outstanding.

INFRASTRUCTURE

After the most recent preliminary plat extension, the applicant submitted a Zoning Development Permit (ZDP) application to the City of Woodland Park for approval of Grading and Infrastructure Plans. City staff administratively approved this ZDP on June 27, 2022 and construction has commenced on this site. The approved construction documents are attached hereto (Attachment 2).

New drainage improvements include curbs, gutters, storm pipes and inlets to convey run-off to a proposed detention pond located within Tract A. A drainage report (dated January 10, 2022) titled a "Final Drainage Report for the Haven at Paradise" was submitted and reviewed by the City Engineer and found to be acceptable in accordance with the City's Drainage Criteria Manual.

Water and sanitary sewer mains will be constructed in accordance with the City's Engineering Specifications. Construction drawings were approved on June 27, 2022. In 2008, an 8" water line was installed along this site in order to loop a water main from the Top of Paradise water tank to Kings Crown Road. This water main was necessary to provide adequate water pressure and fire protection to previously subdivided lots at the south end of Kings Crown Road. Tap fees for each new residential dwelling are based on the quantity of plumbing fixture units and the fees will be collected with the Zoning Development Permit (ZDP).

Access and traffic flow to the Haven at Paradise is provided via the existing Kings Crown Road, which connects to Ponderosa Way, Paradise Valley Drive and Sun Valley Drive. Consistent with the ROW width reduction approved on the preliminary plat, the new streets (Blue Haven Place and Red Haven Place) are proposed as a 40' wide public road right-of-way (ROW) with a 24' wide asphalt mat and 24' mountable curbs and gutters. This reduction in ROW width is acceptable since the utility companies (CORE, Black Hills Energy, & telecom) prefer to install their infrastructure outside of the ROW in easements on private property. Construction drawings have been submitted and approved by the City of Woodland Park.

Gates shared the following zoning use standards:

Regarding dimensional standards, within the SR zone district, new development is subject to the following:

- Maximum Height - 30 feet for the main building and 20 feet for accessory buildings

- Minimum Building Setback - main building 25 feet front/rear (30 feet front for the Haven at Paradise), 8 feet side, accessory building 4 feet side and rear
- Minimum lot Area and Maximum Lot Coverage - 15,000 SF/20% of lot
- Minimum Lot Frontage - 40 feet measured at the right of way

FINAL PLAT CODE ANALYSIS

The final plat shall contain the following information per MC §17.24.080:

§17.24.70 Completed plat preparation A. The design should conform to the preliminary plat, if applicable, as conditionally approved, except that the final plat may constitute that portion of the approved preliminary plat which is proposed for immediate recording.

Complies. The Final Plat design does conform to the preliminary plat with the exception of the tract that was originally proposed as open space within Haven at Paradise (Tract B), is now intended for a residential lot that is 528,437 SF in size which will be accessed off of Kings Crown Road. This Final Plat does not include any dedication of open space or park land. However, it still meets the City's requirements due to the previous dedication of Chimney Park and the dedication of a tract next to the high school along with a number of tracts that provide trail corridors.

17.24.080 Information. Note: This is a lengthy list of technical information required to be contained on the Final Plat and prepared by a licensed professional land surveyor.

Complies. The applicant has included all required information on the Final Plat.

§17.40.050 – Streets – Frontage. No subdivision shall be approved unless the area to be subdivided shall have a frontage on an existing street shown upon approval by the planning commission and city council and recorded in the county clerk and recorder's office. Wherever an area to be subdivided is to utilize an existing adjacent street, the subdivider shall be required to improve said street to city specifications.

Complies. All proposed lots have sufficient frontage.

§17.40.170 – Easements. Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty feet wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. Where the rear lot lines abut on property outside of the subdivision of which there are no easements provided for at least ten feet in width, then the easement or alley on the rear lot lines in the subdivision shall be at least twenty feet in width. Side lot easements, where necessary, shall be at least ten feet in width, five feet of which shall be on each side of a common lot line. Where required, easements for public sewer water shall be required with the width to be determined in accordance with the city engineering specifications.

Complies. All proposed easements meet standards set forth in §17.40.170.

§17.40.250 – Land use intensity ratios. Each single family lot resulting from a new subdivision or replat of an existing subdivision shall include a lot coverage standard as permitted in the Table LCS below. Lot coverage is that the lot that is covered by a main building or accessory

building. Driveways, decks, and patios are not calculated as part of the lot coverage standard.

Complies. Each lot shall have a maximum site coverage of 20% of the lot area. Plat note 7 covers this regulation.

§17.36.020 – Park capital fees or dedication of land. Every major or minor subdivision which is platted for residential use shall pay a park capital fee in the amount established by the city council per resolution for public parks, recreation areas and open space. The city council, based upon advisement from the parks and recreation advisory board and subsequent recommendation by the Planning Commission may, at its option, subject to policy established by Section 17.36.050 require land dedication on the amount of 0.027 acres per residential unit. In a cluster development, this land should not count towards the minimum required open space.

May comply. Consistent with the condition of approval imposed on the preliminary plat, park fees, with the stipulation that the fees collected be used to develop Chimney Park or other public recreational amenities in Paradise Estates or Thunderbird Subdivisions must be paid prior to final recording of the Final Plat.

SUBDIVISION DEVELOPMENT AGREEMENT (SDA) AND SECURITY

The developer is required to complete all public infrastructure prior to Final Plat approval and recording. An improvement guarantee via a Subdivision Development Agreement and acceptable security (i.e., irrevocable letter of credit, or bond) for all the remaining infrastructure is required and must be recorded concurrently with the Final Plat. The agreement shall be the city's standard subdivision development agreement with any amendments or additions as required by the city. Any special requirements unique to a particular subdivision due to terrain, etc., shall be defined in the agreement.

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 Final Plat proposal. The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, and the City Manager. Staff has also received citizen comments which are attached here.

PARKS AND RECREATION BOARD RECOMMENDATION

The Parks and Recreation Advisory Board reviewed the proposed plat at their March 8, 2023 meeting and provided the following comments:

2019 Preliminary Plat - PRAB recommended a fire mitigation plan for the dense forested areas and recommended accepting Park Capital fees to be used within the Top of Paradise, Paradise Estates and Thunderbird subdivisions for park or trail development.

March 9, 2023 - Board discussion with Jonathan James, Ventus LLC and Property Owner
The Final Plat submitted to the Planning Commission on February 9, 2023 incorporated the original Tract B Open Space, to Lot 25 for development. Planning Commission, added to their

recommendations that Lot 25 be reverted to Tract B as approved on the Preliminary Plat. On February 28, 2023 a letter was submitted by Mr. James reverted Lot 25 back to the original Tract B, private open space as originally planned. The PRAB supports Tract B, as originally planned. The board requested the consideration of future soft access point opportunities, providing potential trail connectivity. Mr. James stated the consideration of an internal trail network across properties as well. The board explained as they worked on the master plan project, they are learning from the community that trails and trail connectivity are important. Mr. James would like to continue to work for the board to review future development and how he can accommodate these potential connections. The board appreciated the opportunity for this discussion with Mr. James and his willingness to listen and desire to do what is possible for the betterment of the community.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on February 9th, 2023 (draft minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission voted unanimously to recommend City Council approve the Haven at Paradise Final Plat subject to the conditions found in the staff report, one through four, and add a condition number five:

1. The developer must enter into a subdivision development agreement including financial guarantee for the cost estimate of the remaining infrastructure to be installed. The agreement shall be the city's standard subdivision development agreement with any amendments or additions as required by the city. Any special requirements unique to a particular subdivision due to terrain, etc., shall be defined in the agreement.
2. Park fees must be paid prior to recording of the Final Plat.
3. A wildfire mitigation plan shall be submitted to the City and NETCFPD for review and approval.
4. Add a plat note to Final Plat documenting the requirement for a 30' front setback.
5. Revert "Lot 25" to the original label "Tract B" with the original plat notes and comments approved on the Preliminary Plat.

Following the Planning Commission meeting, staff met with the applicant to discuss the Planning Commission Recommendation. The Applicant submitted a letter dated February 28, 2023 (attachment F) that states the applicant will be reverting lot 25 back to the original Tract B and will be held as private space as originally planned.

STAFF RECOMMENDATION

That the City Council move to: Approve the Haven at Paradise Final Plat subject to the following conditions:

1. The developer must enter into a subdivision development agreement including financial guarantee for the cost estimate of the remaining infrastructure to be installed. The agreement shall be the city's standard subdivision development agreement with any amendments or additions as required by the city. Any special requirements unique to a particular subdivision due to terrain, etc., shall be defined in the agreement.
2. Park fees must be paid prior to recording of the Final Plat.
3. A wildfire mitigation plan shall be submitted to the City and NETCFPD for review and approval.
4. Add a plat note to the Final Plat documenting the requirement for a 30' front setback.
5. Revert "Lot 25" to the original label "Tract B" with the original plat notes and comments

approved on the Preliminary Plat

Following a very brief Council discussion, Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment, Mayor LaBarre closed the Public Hearing and the following motion was made:

Motion: To approve the Haven at Paradise Final Plat with the following conditions listed above by the staff. Connors/Zuluaga. Motion carried 6-0.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of the Woodland Station Purchase Agreement. (A)
(Presenter, Chair of the Downtown Development Authority, Tony Perry)

This item was removed from the agenda by the applicant.

- B.** Approve Resolution No. 901, Series 2023 establishing water and sewer plant investment fees effective April 1, 2023. (A)
(Presenter Utilities Director Kip Wiley)

Utilities Director Wiley presented Resolution No. 901 to the Council.

There being no questions or comments, the following motion was made.

Motion: To approve Resolution No. 901, series 2023 establishing water and sewer plant investment fees effective April 1, 2023. Case/Nakai. Motion carried 6-0.

11. REPORTS

(Public comment not necessary)

- A.** Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

- B.** Council Reports

Mayor Pro-tem Case shared an update of PRAB.

Councilmember Connors thanked all the 1st Responders that participated in the St Patricks Day Parade.

Councilmember Nakai shared that the UAC met.

Councilmember Neal shared an update of the DDA.

- C.** City Attorney's Report

- D.** City Manager's Report

- 1.** Sales Tax Update-January 2023

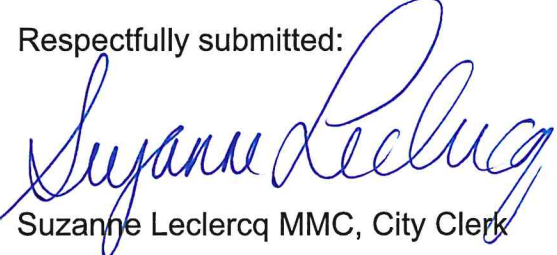
City Manager Lawson shared that the Sales Tax update for January would be delayed to a later meeting.

City Manager Lawson shared that David Ott has resigned from his position on Council. City Clerk Leclercq shared how a vacancy of a Councilmember is filled and Council asked that this be put on the next agenda for discussion.

12. ADJOURNMENT

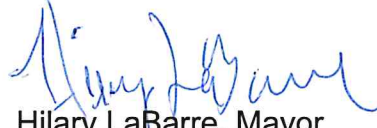
There being no further City business Mayor LaBarre adjourned the City Council Meeting at 10:23 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 6th DAY OF April, 2023



Hilary LaBarre, Mayor