

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – (Rescheduled to) January 24, 2023

City of Woodland Park, 220 W. South Avenue, Woodland Park, CO and by Zoom.

This meeting was a hybrid in-person and virtual electronic meeting. A Zoom link was posted on the front-page of the City website. Public input in the form of written comment submitted in advance of the meeting was encouraged and public comment in real time at the meeting was made.

1. ORDER AND ROLL CALL. Order was called at 6:31 p.m. with attendance as follows:

Present	Chairman Lou Ramon
Present	Vice Chairman Jim Rumsey
Present via Zoom	Regular Member Nick Abercrombie
Present	Regular Member Valerie Lundy
Present	Regular Member Kevin O'Neill
Staff Present	Planning Director/BOA Secretary Karen Schminke
	Senior Planner CJ Gates
	Planner II Dave Burgess
	City Attorney Nina Williams via Zoom

The Pledge of Allegiance was recited.

2. APPROVE MINUTES: No minutes presented.

3. REQUESTS / PUBLIC HEARINGS:

- A. VAR2022-07: Elk Grove Land Development Height Variance:** A request by Harold Platz of Elk Grove Land Development LLC (Property Owner & Applicant) for a 5-foot height variance (from 30 feet required by MC §18.14.030 to 35 feet) to accommodate five three-story buildings to develop 34 residential condominium units on Lots 10-14 and Tract B & C, Elk Grove Townhomes Filing No. 1, in the Multi-Family Suburban (MFS) zone.

Chair Ramon reviewed the meeting procedure, and handed out the checklist for variances.

CJ Gates, Senior Planner for the City of Woodland Park, introduced himself. He confirmed that all public notification requirements were met. Comments were received for this project, and the most recent letters of public comment were emailed today or placed on the members' desks tonight. Senior Planner Gates presented the staff report. Elk Grove Land Development seeks a five-foot height variance for the proposed five three-story buildings east of US Hwy 24 and south of Trull Road. The proposal surrounds the Elk Grove Townhomes and the property slopes significantly at the south end. The Woodland Park zoning map lists the property as Multi-Family Residential Suburban (MFS); the Future Land Use Map shows parts of the property as both single- and multi-family, which staff believes is in error as the wording of the 2030 Comp Plan defines this area as multi-family. He reviewed the City's definitions of height. The applicant's proposed site plan shows a 15' grade. The 10- and 12-unit structures are accessed from under the structures, there is no road access except for the entrance at the edge of the cul-de-sac. The other structures are accessed off the road. The buildings are proposed to have ground-level parking area, two levels of living space, and pitched roofs, totaling 34.5' tall. They will be taller than the existing Elk Grove Townhomes buildings, most of which are also three stories tall. Staff believes that the applicant meets requirements in Sections 18.06.020 and 18.06.040 and recommends approval of the 5-foot

variance to allow for a maximum building height of 35' with the condition that the buildings are a maximum of 3 stories (floors) in height including the parking level.

The board members clarified some items with Senior Planner Gates, including the street name as Aspen Grove Lane, and there is only one access point at the end of the buildings for the 10-unit and one for the 12-unit building; the resident must drive under and through the building in the garage to enter the building. The current townhomes appear taller than 30', but do not have variances. This variance request applies to all the proposed buildings regardless of the differences in slope changes on the site.

The applicant, Mr. Chip Platz, then presented his case. He compared his last application to this one. The previous application requested a 15' height variance, which was denied. He stated that at that time, the BoA asked him to reapply with a more detailed site plan and indicated they would be more considerate of a 5' height variance. Staff previously, and again recommends a 5' height variance due to the topography.

The BOA members had a lengthy discussion with the applicant, covering economics, consumer demand, floor height, construction requirements, fire and emergency access, topography, and roof pitch. The BOA ultimately agreed that the 5' variance to allow a maximum building height of 35' would apply to the currently proposed five buildings and not just select buildings.

Chair Ramon opened the public comment portion of the meeting.

Bill and Nita Ames, 77 Trull Road, live across from the townhomes. Mr. Ames first noted that both the Teller County Property Records page and Future Land Use Map (FLUM) indicate the zoning of Lots 12, 13 & 14 as Suburban Residential (SR), not MFS. Director Schminke clarified that the City of Woodland Park is the authority regarding how each of these parcels, including all of Elk Grove, which were zoned Multi-Family Residential Suburban by ordinance. Mr. Ames continued that he is concerned about increased traffic, congestion, pollution, and safety hazards in case of wildfire evacuation that 34 new units would create. Mrs. Ames added that her view would be affected.

Member Lundy clarified that the BOA can only review the height variance request and Senior Planner Gates added that if the applicant goes forward with the development, more public hearings will be held for a Conditional Use Permit for the proposed use.

Ed LeBlanc of Elk Grove Lane wrote a letter to the BOA and is concerned about density. He added that some of the existing Elk Grove Townhomes are three stories and about 35' high, but the end units are only two stories. He also acknowledged the elevation change on the roads is significant.

Member Lundy asked if the HOA approved this application submittal, Mr. Platz confirmed that he is the owner and declarant of the HOA. Mr. LeBlanc credited Mr. Platz with working with current residents but noted that the covenants do not restrict height.

Richard De La Torre of 140 Cirrus Court abuts the Elk Grove property. He is concerned about the precedent this height variance would set in terms of density, noted a July 2022 study that showed that Trull Road and Highway 24 are non-survivable evacuation routes, would like to see something proposed more in harmony with the existing structures, but noted that a realtor did list the property as multi-family.

Jobe and Chuck Reigel of 211 Elk Grove Lane confirmed the BOA did not receive their letters. Mrs. Reigel read her letter aloud. She noted that compared to the previous variance request, this proposes five buildings and double the square footage of disturbance, the setbacks do not appear to be met, and that although the MFS zone allows a density of up to eight units per acre, this density is not required. Mr. Reigel mirrored Jobe's comments and added that the view would be damaged, the land is beautiful as it is, that if we apply rules like that of barren land it should go across the street, he wondered if funds go dry who cleans it up, that this is all about the money as 34 units will net the builder \$25 million, the previous developer/owner only planned 12-13 more units, Mr. Platz doesn't need to stack buildings, he's had to evacuate twice and that is a true hazard, and encouraged the maximum height to be 30 feet. He dared Mr. Platz to keep bullying the residents and the BOA, as he had previously in the meeting, by threatening to donate the land to Habitat for Humanity.

Jennifer Pitus of 110 Cirrus Court sent a letter to the BOA. She agrees with Mr. DeLaTorre and the Reigels that wildfire evacuation is a real concern. She gave a personal example of being trapped in Mountain Shadows during the Waldo Canyon Fire, and how fast the Black Forest and Marshall Fires spread. Adding 34 units to this roadway will be detrimental. She does not see a need for a height variance, adding that the BOA may not stop development but they can control height. The road is too narrow to be a safe two-way street. She does not believe it's necessary to grant a height variance just to add more units.

Chair Ramon closed the public comment period and reminded the BOA that they are only to consider that this case is a height variance. Planning Director Schminke clarified that Woodland Park is the keeper of the zoning map, and all the lots involved in this request are zoned MFS. Chair Ramon noted that maximum density is not guaranteed, but it is allowed. He asked the City Attorney legal advice on how only consider height and to not think about the whole issue granting a variance not injurious to public welfare. City Attorney Williams noted that the checklist is to guide the decision. All findings must apply. Therefore, the BOA must only consider if the granting of the height variance would be injurious to the neighborhood or public welfare. Mr. Platz had nothing else to add.

Chair Ramon opened deliberations. Emergency access and fire suppression was brought up, but the Fire Chief did not have a concern and it was determined that the BOA cannot factor this concern in their decision if the Fire Chief does not have a concern.

The BOA then went over several criteria and noted they heard concerns from the public regarding fire implications and traffic impacts. Member Abercrombie noted that the BOA needed to separate their purview from Planning Commission, so they must only focus on the height variance request and not the proposed density. City Attorney Williams advised the BOA to make a motion with the decision, and after the hearing to have staff make note of their concerns that are not directly related to the requested height variance but instead pertain to other aspects of the project. They also came to a consensus that the height variance would apply to the currently proposed five buildings presented in the application. The staff report notes that the topography is the main reason for the height variance, the conditions exist on the entire site, and the request meets the standards for approval. Member O'Neill recommended more complete site photography for future considerations for better representation.

MOTION: Abercrombie moved and Rumsey seconded **to approve** VAR2022-07: Elk Grove Land Development Height Variance: A request by Harold Platz of Elk Grove Land Development LLC (Property Owner & Applicant) for a 5-foot height variance (from 30 feet required by MC §18.14.030 to 35 feet) to accommodate five three-story buildings to develop 34 residential condominium units on Lots 10-14

and Tract B & C, Elk Grove Townhomes Filing No. 1, in the Multi-Family Suburban (MFS) zone.

YES: Abercrombie, Lundy, Nelson, Ramon. / NO: Rumsey. Motion PASSED 4-1.

4. REPORTS

Director Schminke thanked the BOA for sitting in on the review of the code updates. The next Planning Commission workshop is on Thursday, January 26th, at 6:30 p.m.

5. ELECTIONS

A. Chair: Lou Ramon was nominated by Member Lundy and seconded by Member Abercrombie. He was unanimously elected.

B. Vice-Chair: Nick Abercrombie was nominated by Member Lundy and seconded by Member O'Neill. He was unanimously elected.

Chairman Ramon thanked everyone for their hard work, commended Senior Planner Gates on his staff report, and reminded the Board that it has vacancies and they need to find two Alternate members.

6. ADJOURN. Chair Ramon adjourned the meeting at 9:26 p.m.

Approved by:



Lou Ramon, Chair

4/19/2023
Date