



**PUBLIC NOTICE
BOARD OF ADJUSTMENT
Monday, June 19, 2023, 6:30 P.M.
Council Chambers – 220 W. South Avenue
Woodland Park, Colorado
AGENDA**

This is a hybrid Zoom and in-person meeting. To Zoom - link from the City calendar at the bottom of the front page of the City website (www.city-woodlandpark.org). Public input is important to the Board and written comments are encouraged and should be submitted to the Secretary in advance of the meeting. Individuals wishing to be heard during the Public Hearing are encouraged to be prepared and will generally be limited to five (5) minutes, unless otherwise approved by the Chairman, in order to allow everyone the opportunity to be heard. Public comments are expected to be constructive. Please sign in to speak on a particular agenda item. For more information, call 719-687-5202.

- 1. ORDER & ROLL CALL**
- 2. MINUTES:** April 17, 2023
- 3. REQUESTS / PUBLIC HEARINGS:** None
- 4. REPORTS:**
- 5. ADJOURN**

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – April 17, 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	Chair Lou Ramon
Present	Vice Chair Nick Abercrombie
Absent	Regular Member Jim Rumsey
Present	Regular Member Valerie Lundy
Present	Regular Member Kevin O'Neill
Staff Present	Planning Director/BOA Secretary Karen Schminke
	Senior Planner CJ Gates

The Pledge of Allegiance was recited.

2. APPROVE MINUTES: Approval of the January 23, 2023 & February 27, 2023 Minutes

MOTION: Abercrombie made a motion to approve the minutes from the January 23rd meeting; O'Neill seconded. Motion passed unanimously.

MOTION: Lundy made a motion to approve the minutes from the February 27th meeting; Abercrombie seconded. Motion passed unanimously.

3. REQUESTS / PUBLIC HEARINGS:

VAR2023-02 Victory Life Church Height Variance: A request by Seth Emerson of Kingdom Design Group (Applicant), and Gordon Jackson Foundation LLC (Property Owner) for a 15-foot height variance (from 30-feet required by MC §18.17.030 to 45-feet) to accommodate one two-story church building for Victory Life Church; the subject property is located north of the intersection of Highway 24 and Trout Creek Road on Sections 23 & 26, T12S, R69W of the 6th P.M., also known as "Gold Mountain" (5955 Trout Creek Road) in the Agricultural (AG) zone district.

To begin the public hearing, Chair Ramon noted that any appeals must be filed within 30 days of the BOA decision; that four affirmative votes are required to approve a variance; the applicant may decide to withdraw or postpone the application; and public comment is limited to five minutes. Chair Ramon then confirmed that none of the Board members has had any communications or has a conflict of interest on this item.

Senior Planner Gates presented the Staff presentation and in addition to the information in the staff report, he noted the March 9, 2001 annexation agreement that contains a provision to limit development above 8,775-feet in elevation on this property. The proposed building will be at an elevation of 8,700 and the entire developed area will be below the 8,775-foot elevation. Mr. Gates noted the location of the property, the AG zoning designation, the Future Land Use Map designation of 'Mixed-Use' for the southern part of the property, that a Conditional Use Permit and Site Plan Review is necessary to site a church at this location, the applicant is first seeking a 15' height variance.

Mr. Gates then noted access to the site is from Trout Creek Road and they are proposing to locate the building in the southern portion of the property. He then reviewed a Slope Analysis Map that shows a majority of parcel has slopes in excess of 25%, but the slopes in the building area are less, but still significant. He also noted utility easements in the area and that due to these limitations, the applicant has estimated the actual buildable area of this property to be about four acres. Mr. Gates then described how the applicant was proposing to work with these limitations by setting the building into the hillside and reviewed the color renderings of building elevations noting grading lines and building height.

Mr. Gates next reviewed the approval criteria and staff analysis that determined the request complies with all four conditions specified in MC Section 18.60.020; and the limitations in MC Section 18.60.050 are met. He also noted Staff believes that the applicant meets requirements in Section 18.06.040. He stated all noticing requirements had been met. Staff has received one public comment and have had several walk-ins in the Planning Department. Mr. Gates concluded with the staff recommendation to approve the 15-foot variance to allow for a maximum building height of 45' for construction of a two-story Church at 5955 Trout Creek Road.

Chair Ramon asked if there were questions for staff. Mr. Abercrombie sought clarification on the power line location and the location of the 8,775-foot elevation line on the overall site and the annexation agreement's requirement to protect ridgelines and sloped areas above that elevation. Ms. Lundy confirmed the applicant's estimate that approximately 4 of the 66 acres of the property are buildable.

Chair Ramon called upon the applicant for their presentation.

Seth Emerson, Kingdom Design Group reviewed the project and provided aerial photography to illustrate the slopes on the property. He identified the exceptional topography is one of their biggest challenges with this site. He noted the existing easements and access road will be maintained; the proposed building will be tucked into the hill; the design is sensitive to the site and area; and provided an illustration of the limited area they identified as buildable. Design considerations for this building include the auditorium, including acoustical considerations and inspirational design. He also noted the design is sensitive to the landscape and the mountain aesthetic; that to reduce the building footprint a second story is proposed and they are proposing to replace the trees that they need to remove. He then reviewed the grade adjacent to the building identifying a difference of 25' from the front to the rear of the building and their proposed total building height of 42'-6" from the average grade to the peak. He also noted the need for the retaining wall at the rear of the building which necessitated raising the roofline above it. He spoke about the proposed building design and the use of natural materials (stone and wood); glass to provide natural light within; and the tallest point of the building being over the sanctuary; and the rest of the roof lines fall below 30'. He concluded his presentation with a rendering of what would be seen from Hwy 24 and showed how the building is designed to blend in with the hillside.

Chair Ramon called for questions from the Board for the applicant:

Ms. Lundy asked about the difference in the building height of 42'-6" versus the 45' height being requested. Mr. Emerson stated this was to provide a small buffer for final grading that may be necessary.

Mr. Abercrombie asked about the height of the retaining wall in back. Mr. Emerson confirmed the wall height at 25' tall and that accounts for grade change from the front to the back of building.

Chair Ramon inquired what the impact would be if the height variance was not approved. Mr. Emerson replied, this would decrease sanctuary capacity and force them to pare back on design requirements of the client and sanctuary capacity. Also, the current proposal is two-stories to minimize the building foot-print on the site.

Next, Chair Ramon inquired that since the CUP has not been granted yet for this use in the Agricultural zone, what would they be deprived of in their use of this property, compared to other property owners in the AG zone, if this height variance is not approved. Mr. Emerson replied that there are three total properties in WP zoned AG and none of them are built on other than the existing buildings on this one and denying the variance would deprive the client of their desired capacity of the building.

Chair Ramon asked Mr. Gates if he had anything to add since Staff agrees that not approving the variance would deprive the property owner of something other property owners in the Agricultural zone have. Mr. Gates replied that if this parcel were flat, the Board would not be reviewing an application and he referred to the applicant's statement that without the variance they would not get the square footage they need.

Ms. Lundy asked how far the building would be from the power lines. Mr. Emerson it would be 15'-20' at the closest.

Mr. O'Neill asked about the possibility of scaling back the building. Mr. Emerson replied that the desired capacity of the sanctuary combined with minimizing the building footprint, desired acoustical qualities needed, and using good design lead to this configuration. He also noted that the 25' retaining wall is driving factor for the height of the sloped roofs and if the building were moved away from the wall it would become more unsightly.

Mr. O'Neill next asked that if the parking was reduced, could they move the building forward. Mr. Emerson stated they could, but the slope on the sight is pretty continuous and they would still have a 20-25' high retaining wall and would not be able to reduce the height.

Mr. O'Neill next questioned if the building height would meet if the seating capacity were reduced. Mr. Emerson reiterated that they are still dealing with grade issues and a large retaining wall which would still require the proposed roof height; there may be a slight reduction in height, but this would not meet the needs of the church; they tried a number of configurations, but always ended at this same point.

Chair Ramon inquired if they tried designing the building to meet the height requirement and then determine what that capacity would be. Mr. Emerson stated they did not try that approach, but they did everything they could to try and keep the roof as low as possible.

Chair Ramon opened the hearing for public comment and asked that comments focus on the height variance only; the use at this location would be addressed through a different application.

Kelly Strong, has lived in Ute Pass - Teller County area for 30 years and thought this property, a gateway into Woodland Park, was safe from development. She asked the Board not destroy the character of Woodland Park by approving this variance.

Chair Ramon then noted the Board was in receipt of a letter from Bryan Kochis. The letter expressed concern that the sale of the land went against the land donor's intent.

Julie Snyder, long-time resident and donor of property from her father's estate, noted the restriction of not building above the elevation 8,775 was very important and thought changing this would set dangerous precedent; she requested the Board deny or delay decision on this variance.

Sharon Langhart, a City resident for 34 years, provided some history about Gordon Jackson's intent to avoid development of this property. She noted the City's history of avoiding height variances that would impact sightlines. She asked the Board to delay the decision and ask the applicant to move the building lower on the site and keep it under the 8,775 elevation.

Deb Idleman, Woodland Park resident for 28 years, stated the donor intent was not being honored, expressed concerns that this type structure will be a detriment and this is not in

harmony with area. She also asked that the ridgeline be considered and that this is not an appealing entry to the City.

Ben Stuart, who owns adjacent property, stated that he believes his comments are more appropriate at a future meeting and the previous speakers have expressed his concerns.

Linda Martin (on zoom) stated she has been a resident since 1984, that it is a shame that our City representatives seem to be putting church desires before our own. She suggested we could make it difficult on developers by making them blast to set the building further into the hill and that if this church wants to come into our area they need to follow our rules. She asked the Board to deny request.

BJ Donnegan (on Zoom) stated she grew up here, is 77 years old now, has seen a lot of changes and supports the comments of the other speakers. She asked the Board to protect the beauty of our community and asked that architects provide something with smaller capacity.

Director Schminke noted there had previously been a Zoom attendee logged in as 'Jeff' who had placed a question in the Chat asking, "Why do we need another church in the Woodland Park area?" Ms. Schminke stated she responded privately that he was welcome to provide comment during this portion of the meeting, but he appears to have logged off.

Chair Ramon reminded everyone that the purpose of variances is we recognize, especially with our topography, the strict application of rules does not work for every situation and that the BOA hearing and process is the mechanism to be fair to owner and rest of community.

Chair Ramon then asked the applicant if they would like to respond to any of the comments. Mr. Emerson added that the trees at the southern end of the property were a major consideration in the design and they worked to minimize impacts to them. Keeping these mature 50' tall trees to shield the building from the road. He also noted the tiered parking lot with planters and landscaping will also work to buffer the visual impact of the project.

From the audience, Deanne Betterman asked the Chair if she could make a comment, which he allowed. Ms. Betterman stated she has lived here 21 years and is impressed with what we have. She stated she belongs to this church and that they need this height to serve the number of people who will move here.

Chair Ramon had one last question for the applicant and asked what the elevation of the proposed roof height was. Mr. Emerson replied that he believes it to be 8,730 feet which is still below the 8,775. Director Schminke noted that the red line on the site plan represented the retaining wall and was at 8,700, thus 8,730 to peak of roof.

The Chair asked one final time for comments from the public.

Brian Swinnart (on Zoom), a new resident of WP, asked the size of sanctuary. He suggested they reduce the size of the building which in turn would reduce the height of the building.

Chair Ramon closed public comment. He then reviewed the criteria for granting a variance and asked the Board to limit discussion to the height request only. He next asked the Board members if they had any more questions for Mr. Emerson. Mr. Emerson addressed the last comment received noting the proposed building is based on programming from client. The proposed sanctuary size is 750 seats on lower level and 250 seats on upper lower. This 1,000 seat auditorium is meant to support for community events.

Chair Ramon closed the question and answer portion of the meeting and the Board went into deliberations.

The Board identified a number of concerns including the applicant is not the current owner and the conditional use permit (CUP) had not been issued yet. Their discussion recognized the proposed building height does not go over the 8,775 limitation from the annexation agreement and questioned if the strict application of the code was a hardship for this property.

The Board asked staff for clarification on the conditional use permit process. Senior Planner Gates replied that a conditional use permit goes with a site plan review. The conditional use is the entitlement and the final site plan is done administratively, but they need to know how tall their building can be. Director Schminke added that with the conditional use and site plan application the applicants submit architectural drawings; and should the CUP request be approved by City Council, a CUP requires an ordinance after which the focus shifts towards finalizing the site plan and final documents to break ground.

Board discussion continued, reflecting that the allowed height can impact the rest of the building design and expressing concern that if the height variance were granted the building design could change. Director Schminke clarified that the variance would be limited to 15' for up to a 45' tall two-story church. The Board was still concerned that this was a 50% variance on the maximum height permitted by the Code.

The discussion next turned to the site and proposed building, recognizing the lot size of 66 acres, but only 4 acres being buildable as well as the existing power lines and site slope. It was noted the applicant is able to locate terraced parking on the site, and believe the site is buildable, but not for this particular plan. The Board also recognized that while the building height, as measured from the average grade may be less than 45 feet, the face of the structure as seen from the community, is 55 feet above grade and the size of the building exceeds the degree of hardship.

The Board commented that the existing trees provide some buffer obstruction and the peak of the roof is below the tree line. They again expressed concern that the applicant is seeking a 50% variance on Agricultural zoned land and that the requirements of the client are greater than what the property should do and that their requirements should be adjusted.

MOTION:

At the conclusion of the discussion, Chair Ramon moved to deny the variance on the grounds that the applicant did not identify a significant enough hardship to warrant a 15' height variance; the applicant is not being denied rights commonly enjoyed by other Agricultural zoned properties; and if the variance were approved, it would grant special privileges other Agricultural zoned properties do not have; Abercrombie seconded.

YES: Lundy, O'Neill, Ramon, Abercrombie; the motion passed 4-0.

Chair Ramon thanked Mr. Emerson for his presentation and the comments for the public. He also reminded everyone there are two openings for members on the BOA; he encouraged folks apply to be alternates.

4. **REPORTS.** Nothing from Director Schminke other than a reminder that the Planning Commission will meet on Thursday to continue their work to review the development code and the BOA is welcome to attend.

5. **ADJOURN.** Chair Ramon adjourned the meeting at 8:43 p.m.

Approved by: _____
Lou Ramon, Chair Date