

**WOODLAND PARK PLANNING COMMISSION  
WOODLAND PARK CITY HALL COUNCIL CHAMBERS  
220 W. SOUTH AVENUE, WOODLAND PARK, CO  
MEETING MINUTES *for* JANUARY 9, 2020 – 7:00 PM**

- 1. ORDER AND ROLL CALL:** Chairman Jon DeVaux called the meeting to order at 7:00 p.m. Other Commissioners present: Vice-Chair Geoff Watson, Lee Brown, Ellen Carrick, Vickie Good, Ken Hartsfield, Larry Larsen, Jerry Penland, and Peter Scanlon. No Commissioners were absent. Planning staff present: Planning Director Sally Riley and City Planner Lor Pellegrino.
- 2. PLEDGE OF ALLEGIANCE:** Chairman DeVaux led the Pledge of Allegiance.
- 3. ELECTION OF OFFICERS (CHAIR & VICE-CHAIR):** Ellen Carrick nominated Jon DeVaux for Chairman and Lee Brown seconded. Jon DeVaux nominated Geoff Watson for Vice-Chair and Jerry Penland seconded. Mr. DeVaux and Mr. Watson were elected unanimously to these nominated positions.
- 4. APPROVAL OF MINUTES:** Minutes from the December 12, 2019 meeting were approved unanimously as presented.
- 5. PUBLIC HEARINGS:**
  - A. FHDP19-001:** Request for a Flood Hazard Development Permit adjacent to East Fork Fountain Creek by Jay Garvens (Applicant and Property Owner) for 8 townhomes (4 duplexes) on Lots 1-4, Block 7, Foster's Addition excluding part North Half adjacent vacated alley (Reception #628697) (114 Baldwin Street) in the Community Commercial (CC) zone.

City Planner Lor Pellegrino utilized a slide show display to supplement her Staff Report to the Commission. She displayed and described various maps, photos, exhibits and applicable text slides. She explained the Planning Commission's role for approval or disapproval for all Flood Hazard Development Permit (FHDP) applications per the Municipal Code (MC). She reviewed the terminology and a typical cross-section for the Special Flood Hazard Area (SFHA) detailing the components and characteristics of a floodplain, and how this applies to the subject project.

Ms. Pellegrino reviewed Title 20 of the MC regarding standards and criteria for a FHDP as they relate to this project, and how this project as proposed conforms to those. She noted that all referrals and notifications were properly and legally performed. She explained that this application was also referred to a third-party engineer (JR Engineering) for an objective review. The applicant made revisions based on this review, with those recommendations being incorporated and presented at tonight's meeting. She articulated staff's recommendation for approval, with specific conditions as outlined in the staff report.

The applicant Jay Garvens introduced himself as the owner and developer of the subject property. He also introduced Dwight Ringler as a development partner and contractor for this project. He identified Andy Jesik as the engineer and John Davis as the architect for this project. He elaborated on some of the project's details, with emphasis on safety, workability, affordability and sustainability of this project.

Chairman DeVaux opened the hearing for questions from the Commission. Vice-Chair Watson asked if there is any historical documentation regarding the frequency of flooding on this property. Director Riley replied that FEMA (Federal Emergency Management Agency) issued a Letter of Map Revision (LOMR) in 2009 with revised calculations and limits of this floodplain. She added that this area has

not been problematic with previous precipitation events, and that most drainage has been low-level sheet-flow, with this area being at the very beginning of the regulated FEMA floodplain for this reach (of the East Fork of Fountain Creek).

Commissioner Larsen asked if the applicant agrees to the conditions as outlined. Mr. Garvens replied that he does. Commissioner Scanlon asked if prospective homeowners would be able to buy insurance on these units. Ms. Pellegrino responded that they would be. Mr. Garvens added that they would be encouraging all owners to purchase Flood Hazard Insurance, even though the project is designed so that only items in the garage level would be impacted by the floodplain. Commissioner Scanlon responded that he has previously worked in the insurance industry, and beyond FEMA Flood Insurance, the private insurance companies are becoming more particular as to who and what they will insure, in regards to where the property is located. He asked if these private insurance companies will issue homeowner's insurance in residential structures located in the floodplain. Mr. Garvens replied that he also owns a mortgage company, and before they designed this project, he confirmed insurability from Farmer's, Allstate, Geico, and USAA insurance companies.

Chairman DeVaux asked Mr. Garvens if he would require a purchaser to purchase flood insurance, given that he owns a mortgage company. Mr. Garvens replied he would not, because that is not the law. He added that the only unit he would suggest purchasing flood insurance for would be the southeast unit, since it is the only one that is near the floodway, even though all four units will be designed and constructed to be flood resistant. He stated that even if flood insurance were to be purchased, it would be less than \$500 per year.

Chairman DeVaux asked the applicant if he has given any consideration to icing on the northern exposure of the driveways. He replied that he has coordinated with the City's Street Department for snowplowing, and that the proposed cul-de-sac was designed to accommodate snow storage and ease of snow clearing from the garages and driveways. Chairman DeVaux asked if the proposed drainage louvers in the garages are rodent-proof, to which Mr. Ringler replied they are. Mr. Garvens added that all doors at the top of the stairs from the garages are fire doors, which will aid in keeping rodents out of the residences.

Commissioner Larsen asked about the concept of "rain gardens" as shown on the Site Plan, and how much drainage will actually leave the site after inundating the gardens. Mr. Ringler described the design of the rain gardens, and how water percolates through them, with established vegetation improving the performance of them. Mr. Ringler stated that he did not know the exact numbers as to how much water would leave the site, and that it would depend on the intensity of the rain event. Director Riley responded that the City's standards would only allow for historical flow rates to leave the site, so that any additional amounts would be required to be mitigated onsite. Ms. Pellegrino added that they have submitted a detailed drainage design that will be evaluated by the new City Engineer once she begins her employment with the City.

Commissioner Hartfield asked if there would be vegetation in the rain gardens. Mr. Garvens stated that there would be eventually, as native grasses begin to grow. Mr. Hartfield asked if there would be any maintenance involved. Mr. Garvens replied there would not be. Ms. Pellegrino added that the homeowner's association would be responsible for maintenance, if there is any required. Commissioner Hartfield asked if it would make sense for the proposed Grace Avenue to extend and connect with Baldwin Street. Ms. Pellegrino replied that this was a decision made by the applicant to reduce the impact to the floodway, which staff concurs with. Mr. Garvens added that part of that decision was also for the safety of the children, so that traffic could not use Grace Avenue as a thoroughfare. Commissioner Hartfield next asked about a pedestrian connection crossing Baldwin

Street for pedestrians to cross over to the school. Ms. Pellegrino responded that this would be a mid-block crossing, which the City would discourage. Mr. Garvens added that the pedestrians would need to go up a block to cross at the designated crossing (at Baldwin Street & East Midland Avenue), and that pedestrians (mostly high school students) usually take that route as it is. Commissioner Hartsfield said that from the photos provided, it shows a primitive path along the Grace Avenue right-of-way, so it seems logical that there would be a pedestrian connection at that location, so that without this intersection connection, there would continue to be a dirt path, similar to what exists now. Ms. Pellegrino stated that once the civil design construction drawings are submitted, the City may receive fees in lieu of sidewalk construction, and that those fees could be applied to install sidewalks in the vicinity, and that the City would not want to bear the burden of the cost of constructing a sidewalk in the floodplain. Commissioner Hartsfield asked if there would be parking allowed in the cul-de-sac, due to turnaround requirements. Mr. Garvens replied that each unit includes a two-car garage for each residence and there is additional parking opportunities within the site itself, and along the proposed Grace Avenue, outside of the cul-de-sac. Ms. Pellegrino added that fire access is key to this development, and that the fire district did not respond with any concerns.

Commissioner Good asked if the floodway would be marked prior to excavation, since the southeast building is very close to the floodway, and if this would be supervised. Mr. Ringler replied that they are considering staking the floodway in the field and installing a fence designating a “no pass” zone so that no encroachment in the floodway would occur, and that he would also consider adding signs. Commissioner Good asked if Condition #5 could be modified requiring that the City be notified within 24 hours if that boundary has been compromised. Director Riley responded that the City has a Construction Inspector on staff who monitors every project in the City on a daily basis, and that he will be watching this project closely. Ms. Pellegrino added that the City will require that the floodway be staked and flagged prior to any land disturbance, and also staked and flagged prior to Building Permit issuance. Commissioner Good asked what the height of buildings are. Mr. Garvens replied that they do not exceed 35 feet to the peak of the roofs.

With no further questions from the Commission, Chairman DeVaux opened the hearing for public comment. No public comment was forthcoming. Chairman DeVaux opened the hearing for discussion and additional questions from the Commissioners. Commissioner Good asked if the construction would be mold resistant. Mr. Ringler replied that construction materials have a standard for mold resistance, but that any material that becomes saturated could potentially create mold. Mr. Garvens added that the design allows for water to pass through the structures, so there would be no standing water. Mr. Hartsfield asked if the materials would be masonry or wood. Mr. Ringler replied they would be both, and that all materials would be water resistant up to four feet in height.

Chairman DeVaux asked what mitigation would be provided to protect against carbon monoxide exposure, since all garages are below the habitable spaces. Mr. Ringler replied that the buildings are designed per the building code, and that there are vents in the garage for air circulation. Chairman DeVaux expressed concern that the vents could be covered by cardboard boxes and the like. Mr. Ringler replied that after the unit is sold, they would have no control over that. Ms. Pellegrino suggested that one way to address that would be through the covenants, whereby not allowing any modifications or obstruction to the louvers. Mr. Hartsfield stated that the building code does not have a ventilation requirement for residential garages, but that it does require fire separation and carbon monoxide detectors on each level of the building.

Commissioner Larsen stated that the project is currently on four platted lots, and that there will be eight units constructed, which doubles the density. He asked where the additional water taps would come from, considering the current planned tap allocation. Director Riley explained that the buildout

scenario is an estimate only, and that the City has the water and taps available now. Since there are over 600 taps available for buildout, staff does not believe that adding four units with a great design in an infill project is problematic. There was some discussion as to how to condition Commissioner Good's concerns over isolating the floodway. It was decided to add additional verbiage to Condition #3.c.

**MOTION:** THAT the Planning Commission approve the FHDP to construct four (4) residential duplexes (8 single-family units) and the extension of Grace Avenue in the East Fork Fountain Creek Special Flood Hazard Area (SFHA) on Lots 1-4, B7, Fosters Addition (114 Baldwin Street) in the Community Commercial (CC) zone district as requested by Jay Garvens (Applicant/Owner), subject to the following conditions:

1. Prior to City certification, revise the Plans as follows:
  - a. Redraw all limits of disturbance and all grading so that they are contained within the site. The site is the four lots and the Grace Avenue right-of-way.
  - b. Sheet SP1, in the box labeled "Conditions and Restrictions": add "This Flood Hazard Development Permit FHDP19-001 is approved subject to the conditions specified by the Planning Commission at their meeting on January 9, 2020" and copy items 2 through 9 below. You may have to enlarge the box.
  - c. Sheet G1, Note 1.a: substitute "walls" for "wills".
  - d. Sheet G1, Note 2: add "at least one foot" after the word "elevated".
  - e. Sheet L1.1: Remove all landscaping from the floodway.
  - f. All Sheets: Clearly identify and label the floodplain, the floodway, and all contour elevations.
2. Prior to any land disturbance, submit for approval for the entire site, complete with all applicable fees:
  - a. Evidence of the survey and physical location (staked and flagged) of the floodway and 100-year floodplain.
  - b. A Final Infrastructure ZDP for the Grace Avenue construction (including hydrants, traffic signs, no parking signs, etc.) and the installation of all services (relocation of cable and fiber optic lines, etc.) and utilities (water, sewer, storm drains, etc.);
  - c. A Final Stormwater Management Plan (SWMP) issued by the State;
  - d. A Final Landscape Plan with all plantings determined; and
  - e. A Final Grading Permit (incorporating recommendations by JR Engineering and in compliance with all City requirements) plus a Final Drainage Plan and Report; and
  - f. Payment of the fees-in-lieu of sidewalk/curb/gutter to the City for the length of property that abuts Grace Avenue and Baldwin Street.
3. Prior to issue of any Building Permit:
  - a. An approved final Building ZDP for each individual unit (including a full set of building plans with elevations showing all exterior materials and lighting specifications) complete with all applicable fees (this may be phased per building or unit);
  - b. In addition to the landscape plan submitted, every tree removed from the site shall be replaced with a tree of the highest caliper or height possible somewhere on the site (either on the lots or in the Grace Avenue ROW). Further, the number of trees and shrubs north and east of the single family residence at the corner of Grace Avenue and Boundary Street shall be increased in number as much as possible.
  - c. The floodway and 100-year floodplain shall be surveyed, staked and flagged on site. A silt fence shall be installed at the perimeter of the floodway.
4. Prior to conveyance of any individual unit:
  - a. Approval of a final Townhouse Plat, including the applicable Park Capital Fees, showing the new lot configuration of the townhouse, and indicating the flood hazard (floodplain and

- floodway) on the plat complete with a note protecting the floodway from any disturbance of any sort.
5. There shall be no impact to the floodway in any way. No impact means no grading, landscaping, fill, deposit, deposition of debris, parking vehicles or any other change, alteration or disturbance of the existing floodway.
  6. Flood mitigating louvres shall be installed in the garage of all four buildings (8 units).
  7. In addition to meeting all building code and City standards, road, utility services and building design, construction and installation shall in every case consider materials and methods that are resistant to flood damage, reduce exposure to flood damage and minimize flood damage.
  8. Owners are encouraged to procure flood insurance to protect themselves, the buildings, and any possessions (i.e. vehicles, etc.) in the event of a flood.
  9. On-site signage (free-standing or otherwise) must be approved by separate sign permit and shall not be installed in the floodway.

Moved by Commissioner Hartsfield and seconded by Vice-Chair Watson. Motion passed 8-1 with Commissioner Scanlon voting against.

**1. REPORTS:**

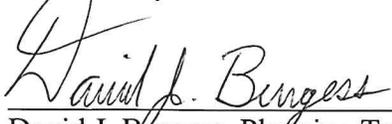
- A. Chairman's Report: None.
- B. Commissioner's Reports: None.
- C. Planning Director's Report: Director Riley noted that a "Placemaking Partners - Strategies" task summary was distributed to the Commission that the DDA, Main Street, Chamber of Commerce, and City Arts Alliance are working on to enhance Placemaking in the downtown area. On Wednesday, February 26, 2020 from 6:30 – 8:30 PM at the Ute Pass Cultural Center, there will be a community meeting to review current accomplishments and future planning and projects for Placemaking. She stated that the next Planning Commission meeting will be held on January 23, 2020.

**7. ADJOURNMENT:** The meeting adjourned at approximately 8:16 PM.

**8. WORK SESSION:**

- A. Discussion of single-family uses in multi-family zones: Director Riley led the Commission for continuing discussion on this topic.  
Director Riley distributed and reviewed a rough draft of the legislative Ordinance to include: revised definitions; modifications to the table of uses; and amendments to the MFS and MFU standards. Commissioner Brown suggested combining N.5 and N.6 into a single row for "Three or more attached units". Pete LaBarre suggested that the definitions be rewritten and Director Riley said that she will obtain applicable definitions from the Colorado Division of Housing. The work session concluded at approximately 9:06 PM.

Recorded by:

  
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David J. Burgess, Planning Technician

Approved this 23 day of January, 2020 by

  
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Jon DeVaux, Chairman