

**WOODLAND PARK PLANNING COMMISSION
WOODLAND PARK CITY HALL COUNCIL CHAMBERS
VIRTUAL MEETING VIA ZOOM AND
IN-PERSON AT 220 W. SOUTH AVENUE, WOODLAND PARK, CO
MEETING MINUTES *for* JULY 23, 2020 – 7:00 PM**

Due to the COVID-19 pandemic, this meeting was a hybrid in-person and virtual electronic meeting. A Zoom link for participation 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 strongly encouraged and accommodation for public comment in real time at the meeting was made.

1. **ORDER AND ROLL CALL:** Chairman Jon DeVaux called the meeting to order at 7:00 p.m. Chairman DeVaux was physically present. Commissioners attending by zoom video were Vice-Chairman Geoff Watson, Lee Brown, Ellen Carrick, Vickie Good, Larry Larsen, Peter Scanlon, and Jerry Penland. Commissioner Ken Hartsfield was absent. Planning Director Sally Riley was present, with City Planner Lor Pellegrino attending via zoom.
2. **PLEDGE OF ALLEGIANCE:** Chairman DeVaux led the recitation of the Pledge of Allegiance.
3. **APPROVAL OF MINUTES:** The April 23, 2020 minutes were approved unanimously as presented.
4. **PUBLIC HEARINGS:**
 - A. **SUB 2020-02 & SPR2020-03 BRECKEN HEIGHTS:** Request for a Preliminary Plat and Site Plan Review from Brecken Hills, LLC (Mark McNab) and Quaking Aspens, LLC (Gary Edmonds) to develop a 32-unit multi-family project (16 duplexes) including public and private open space, and a public right of way located at 19569 E. US Highway 24 (13.09 acre tract in the Northeast Quarter of the Southwest Quarter of Section 30, T12S-R68-W6thPM) in the Multi-Family Residential Suburban (MFS) and Community Commercial (CC) zone district.

The City Planner verbally presented the case using a PowerPoint slide show. She indicated the site location, neighborhood characteristics, and details of the development including an analysis of applicable City standards and requirements contained in Municipal Code §17.20, §17.40, §18.34.053, and §18.34.070. All public notifications and external agency referrals were properly made, with no resulting concerns noted.

Based on findings of conformance to the Subdivision and Zoning regulations, the Comprehensive Plan and other applicable plans and regulations, she recommended that the Planning Commission recommend that City Council approve the preliminary plat with variances and conditions as detailed in the Staff Report.

The Applicant, Mark McNab, presented a history, scope, and details of the project, with the goal of bringing attainable housing options to Woodland Park.

Vice-Chair Watson asked about park boundary delineation and possible ground contamination mitigation. Mr. McNab answered they are considering a split rail fence along the boundary between Sun Valley Park to the east and the duplexes along the eastern boundary. Mr. McNab had no concerns about the ground conditions. Director Riley stated there was cleanup performed after the removal of the mobile home park at this location. Commissioner Carrick asked about driveway maintenance, which will be managed by the HOA. Commissioner Scanlon asked if there would be any subsidies used for the development, which Mr. McNab stated there would not be. Commissioner Larsen asked about the proposed trail possibly limiting future development. Mr. McNab explained why it would not. Commissioner Larsen asked the City Planner what the process would be to develop the CC Tract 'C'. Ms. Pellegrino explained this would be included with the final platting process, and would require a Site Plan Review, and public hearings if the

development required a Conditional Use Permit. Commissioner Good asked if there would be any improvements to the adjoining Highway 24 and Morning Sun Drive intersection, due to increased traffic. Mike Bramlett, the developer's engineer, explained why there are no improvements proposed, based on the low number of the expected increase in the average daily trips. He said that existing turn lanes and the intersection are adequately designed to handle the traffic increase, and meets CDOT requirements. Commissioner Larsen asked whether Tract 'B' would be designated for park or open space. Ms. Pellegrino stated it would be dedicated as public park space, with the minimally proposed amenities (trail and picnic tables). Commissioner Carrick asked if Brecken Court would be public, which Ms. Pellegrino confirmed. Chairman DeVaux asked if there was any consideration for not allowing accessory structures behind the east-side units, adjoining Sun Valley Park.

Chairman DeVaux then opened the meeting to public comment.

Kimberly Butcher stated her concerns regarding parking along Sun Valley Drive, increased crime, traffic congestion at the intersection, views of the duplexes, increased trash, vehicle lights, and the disruption from construction activity.

Erik Gilgenast said he was concerned about the increase in traffic congestion, the diminished view corridor, parking along Sun Valley Drive and the cutting of existing trees. He explained how some highway commuters will bypass congestion by diverting through his neighborhood, resulting in significant increased traffic. He concluded that because a property is developable, it does not mean that it has to be developed.

Susan Zumergrad spoke about the hazards of traffic speeding on Morning Sun Drive, especially around the "blind curve" on Morning Sun Drive, where the street joins to Highway 24. She is concerned about diminished views and issues of having duplexes and apartments nearby. She asked if there would be additional meetings if an apartment project were to be proposed in the CC zoned Tract 'C' shown on the plat. Director Riley stated this would be a Conditional Use that would require public hearings before the Planning Commission and the City Council. Ms. Zumergrad stated she agrees with the fencing concept and not allowing sheds along the eastern boundary. She would like to see no parking allowed on Sun Valley Drive, since there are no sidewalks. She asked what the setback is from the duplexes to the adjoining Sun Valley Park to the east. Director Riley replied the setback is 25 feet.

Mike Nakai asked if not allowing storage sheds along the eastern boundary could be added to the conditions. Chairman DeVaux stated that it can be added, and that the developer agrees. Mr. Nakai asked if the private drive serving units 12-14 would require a variance. Ms. Pellegrino replied it would. Mr. Nakai is concerned that units 14 and 13 on the west boundary with the CC zoned tract could be very close to any CC development. Chairman DeVaux pointed out that the topo shows an embankment grading down towards the units that will provide a barrier. Mr. Nakai agreed, but that the CC development could also be excavated along that boundary. He said that snow removal on the private road (serving units 12-14) being an HOA responsibility to plow could be an issue. He suggested that unit 14 could be eliminated and units 12 and 13 could be rotated for driveway service directly off of the proposed Brecken Court, which would provide a larger buffer with the CC tract. He feels the developer is trying to "shoehorn" in these three units, which currently requires a variance.

Ms. Pellegrino read concerns she received from Linda Martin. Ms. Martin is concerned about traffic turning from Highway 24 onto Morning Sun Drive. She states that cars turning left into the new development will back up traffic on Morning Sun Drive. She says that during summer months when traffic is slow or stopped, many travelers bypass the highway onto Morning Sun Drive. More additional traffic will create an increased hazard. She agrees that just because there is open space, it does not need to be developed.

Responding to an anonymous inquirer, Ms. Pellegrino clarified that the CC tract would be accessed off of Highway 24, which is approved by CDOT.

With no further public comment forthcoming, Chairman DeVaux closed the public comment session, and opened the rebuttal session. Mr. McNab confirmed that access to the CC tract would be from Highway 24. He stated that the highest traffic volume turning off of Highway 24 to Morning Sun Drive is shown to be six cars per hour, or one every ten minutes. Unit 14 will have a barrier with the CC tract with the proposed grading.

With no further discussion or deliberations, Chairman DeVaux called for a motion.

MOTION: Moved by Commissioner Scanlon and seconded by Commissioner Brown THAT the Planning Commission recommend to City Council to approve the Brecken Heights Preliminary Plat and Site Plan Review, based on finding conformance to the Subdivision and Zoning regulations, the Comprehensive Plan and other applicable plans and regulations, as described in the staff report and as presented at public hearing, subject to the following conditions:

1. Pursuant to *MC §17.52.010*, given the site topography and finding no detriment to the public good and in keeping with the intent of the comprehensive plan, approval of this preliminary plat authorizes the following variances:
 - a. A 10 foot variance from *MC §17.40.140* (from 50 feet to 40 feet for the minimum width of a local road ROW complete with curb and gutter); and
 - b. a variance of *MC §17.40.220* (from 40 feet of lot frontage to some number less than 40 feet (as depicted on the preliminary plat) for Lot 1B, 2A, 10B, 11A&B, 12-14A&B.
2. The first final plat to be considered shall include:
 - a. A dedication statement for the 10 foot wide public trail easement in Tract C;
 - b. A dedication statement for the Brecken Court;
 - c. A dedication statement for the public park (Tract B);
 - d. A draft of the covenants for the subdivision, including the establishment of a Homeowner's Association, and a prohibition on outbuildings in setbacks along the eastern boundary of the subdivision;
 - e. A note outlining the wildfire mitigation requirements.
3. Prior to installation of any infrastructure, the applicant shall submit and receive approval of a Zoning Development Permit for infrastructure showing compliance with all zoning and engineering standards and which shall include:
 - Final utility plan with profiles for all water, storm and sewer systems; sanitary sewer profile for the sewer main and service lines; a fire flow analysis for all water main line extensions; snow storage in the northern cul-de-sac that avoids driveways and utilities;
 - Final grading and erosion control plan for the disturbed area;
 - Final street plan with profiles, curb and gutter, sidewalk, etc.;
 - Final drainage plan and report;
 - State Water Management Plan;
 - Final Wildfire Mitigation Plan for the entire 13 acre tract indicating what trees are to be preserved and what trees are to be removed or limbed and any other mitigation strategies. The plan shall state that at least "Tract B and the residential subdivision shall be mitigated prior to acceptance of any road or park by the City."
 - All applicable development impact fees.

While finalizing the motion, there was discussion offered by Chairman DeVaux that the City should work internally regarding parking along Sun Valley Drive, and that the City should work with CDOT to help make the Highway 24 and Sun Valley Drive intersection safer. Commissioner Larsen stated the

importance of having formal comments provided by CDOT prior to the City Council hearing on August 20, 2020.

Motion passed unanimously. Case now moves to City Council for public hearing on August 20, 2020.

5. REPORTS:

- A. Chairman’s Report: None.
- B. Commissioner’s Reports: None.
- C. Planning Director’s Report: The Planning Director stated there are no cases to be heard for the August meetings, but there may be cases for the September 10, 2020 meeting. She polled the Commissioners if they would be interested in changing the Planning Commission meeting start time from 7:00 pm to 6:00 pm with the zoom meeting format. The Commissioners will consider this change and report back.

6. ADJOURNMENT: The regular meeting adjourned at approximately 9:20 pm.

7. WORK SESSION:

A. Continued discussion of single-family uses in multi-family zones. Director Riley stated there was a joint work session between the Planning Commission and City Council on June 11, 2020, that did not result in clear direction whether or not to adopt the proposed amendments. As a result, Director Riley, along with Mayor Carr and Councilman Neal, drafted a questionnaire with specific questions so that staff could get a consensus from the City Council members. The first question asked if they would support eliminating single-family uses in multi-family zones, and eliminating sections N.1 & N.2 (from the Permitted Uses table). Four council members answered “yes”, and two answered “no”. Since a majority of the members agreed that this use should not be allowed, staff now has clear direction to modify the draft ordinance, and eliminate those portions. Staff will submit the draft ordinance to the Planning Commission for their consideration one last time, and then schedule the hearings, so that the amendments can be formally adopted before the moratorium expires in January, 2021. The Council agreed on the definitions, and they did not want to have special standards for single-family homes in the multi-family zones. There was also a discussion on how open space is calculated for both multi-family and single-family projects. It was suggested that the side yard setbacks be eliminated from the open space calculations. After discussions during the July 9, 2020 City Council meeting, they decided to defer the discussions on the open space to the Comprehensive Plan process, in order to get input from the community. Director Riley will get clarification on changes regarding permitted uses and conditional uses. She will have a draft in early August for the Commissioners to review, so the public hearing can take place on September 10, 2020, and move onto City Council for a public hearing prior to the November elections. The work session concluded at approximately 9:00 pm.

Recorded by: David J. Burgess
David J. Burgess, Planning and Building Technician

Approved this 20th day of August, 2020 by Jon DeVaux
Jon DeVaux, Chairman