AGENDA ITEMS
WORK SESSION
A. Discussion of Municipal Code 18.51 Board of Adjustment, 18.60 Variances, and 18.06.432 Setback.
B. Discussion of single-family uses in multi-family zones.

Please bring your Zoning and Subdivision Regulations to this work session. Staff will be referring to various sections of these regulations to discuss the potential amendments. Enclosed are the updates to the Municipal Code of various legislative actions that occurred between March 20, 2014 (ending with Ord. 1209) and May 17, 2019 (ending with Ord. 1346). Please replace the corresponding pages to Title 17 Subdivision and Title 18 Zoning.

A. Two draft ordinances are attached for your review. The amendments were initiated by the Board of Adjustment and were discussed a few months ago. We want to continue our discussion regarding the side setbacks on narrow lots in the UR zone due to the large number of side setback variance requests.

B. As many of you know, staff has requested City Council to consider a 9 month moratorium on accepting any new applications for single family use in the MFS and MFU zones, specifically, §18.09.090 N.1 & 2. We intend thoroughly evaluate this section of the zoning regulations, remove ambiguities, clarify definitions and assess the review processes. Staff will provide the history and context of the existing codes, and discuss next steps to evaluate amendment options. Please review Chapters 18.14, 18.15, and 18.34 prior to the meeting on September 26th.

Please contact the Planning Department (687-5202) if you have any questions.
1. ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVE MINUTES – August 22, 2019
4. PUBLIC HEARINGS
   A. FHDP #19-001 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, Fosters Addition excluding part North Half adjacent vacated alley (Reception #628697) (114 Baldwin Street) in the Community Commercial (CC) zone. Applicant request to continue to October 10 or October 24.
5. REPORTS
6. ADJOURN

WORK SESSION
   A. Discussion of Municipal Code 18.51 Board of Adjustment, 18.60 Variances, and 18.06.432 Setback.
   B. Discussion of single-family uses in multi-family zones.

More info? Contact Planning Department 719.687.5202
1. ORDER AND ROLL CALL
Chairman Jon DeVaux called the meeting to order at 7:00 p.m. Other Commissioners present: Ellen Carrick, Vickie Good, Ken Hartsfield, Jerry Penland, Peter Scanlon and Charles Schroeder. Vice-Chair Geoff Watson and Commissioner Lee Brown were absent. Planning staff present: Planning Director Sally Riley, City Planner Lor Pellegrino, and Planning Technician David Burgess.

2. PLEDGE OF ALLEGIANCE
Chairman DeVaux led the Pledge of Allegiance.

3. APPROVAL OF MINUTES
Meeting Notes from the July 11, 2019 work session were approved unanimously as presented.

4. PUBLIC HEARINGS
   A. SUB19-007: Sturman Parkway Filing No.1: A request by Sharon Roshek (Applicant) and Jeremy & Sarah Pearsons (Property Owners) for a minor subdivision of 12.15 acres in the E1/2 of the NW1/4 of Section 23, Township 12 S, Range 69 W6PM (1115 Sturman Parkway) in the Planned Unit Development (PUD) zone.

   Director Riley explained that the purpose of this minor subdivision is to properly plat this parcel for the existing single-family residence located within the proposed boundaries, so that building permits can be issued to improve the existing residence and property (not for adding more residences). She utilized a slide-show to supplement her staff report presentation to the Commission. She displayed and described assorted aerial and mapping exhibits, while outlining the history and details of the PUD area where this plat is located. She explained that the proposed Tract ‘A’ is the original driveway providing access to the property. Sturman Parkway is an access easement that connects Evergreen Heights Drive to the north with Trout Creek Road to the south.

   Director Riley presented staff’s analysis of the Final Plat application, finding substantial compliance with the Municipal Code (MC) for this purpose. She stated staff’s recommendation for approval, with the condition of adding perimeter easements to accommodate utilities and drainage for future surrounding development, and some minor plat labeling.

   Sharon Roshek introduced herself as the applicant and real estate agent who represents the Sturman’s, who sold this property to the new owners, Jeremy and Sarah Pearson. She reiterated some of the history and purpose of this application.
Commissioner Hartsfield asked if there are any plans for future development which could be shared at this time. Ms. Roshek answered that Andrew Wommack Ministries, Inc. (AWMI) has an option agreement contract to purchase the surrounding property, but she does not know what the development plans may be, since she does not represent AWMI.

Chairman DeVaux opened the hearing for public comment. Melea Weirach (1510 Bradford Court) stated she was unsure if this platting would increase traffic on Evergreen Heights Drive, which she now understands would not. She stated she was concerned about this due to the current deteriorating condition of the road. Director Riley answered that the road surface will be improved in the near future, and that these improvements are currently being designed. Timothy Williams (1505 Crestview Way) asked for clarification of the purpose of Tract ‘A’, which Director Riley explained would become part of the surrounding parcel once that is developed.

With no further public comment from the audience, Chairman DeVaux closed the public comment period. Chairman DeVaux called for deliberation amongst the Commission. The Commissioners offered no additional discussion.

**MOTION:** THAT the Planning Commission approve “Sturman Parkway Filing No. 1” minor Final Plat subject to the following conditions:

1. Amend the final plat to:
   a. Label “Sturman Parkway” in two places within the public access easement on the north end and within the private access easement on the south end.
   b. Add public utility and drainage easements to Lot 1 as follows; 10’ at the front adjacent to Sturman Parkway, 10’ at the sides (north and south property boundaries) and 20’ at the rear on the west property boundary.

Moved by Commissioner Scanlon and seconded by Commissioner Schroeder. Motion passed unanimously 7-0. Case now moves to the City Council for a public hearing on September 19, 2019.

**5. REPORTS**

A. Chairman’s Report: None.

B. Commissioner’s Reports: None

C. Planning Director’s Report: Director Riley noted distribution of the CML Magazine to the Commissioners, which highlighted families and youth, with particular mention of Cripple Creek’s new Adventure Park. She reported on upcoming training for committees scheduled for August 27 at 7:30 AM in the Council Chambers. She noted that on September 10 there will be a volunteer appreciation picnic at Memorial Park at 5:30 PM to acknowledge the contributions of the City’s volunteer boards and committees. She stated that the Planning Department has received a Flood Hazard Development (FHDP) application for four duplexes on four lots for eight units total, south of Grace Avenue between S. Baldwin Street and S. Boundary Street. This case is scheduled for September 26, 2019. She invited the Commissioners to the celebration opening of the newly completed Pikes Peak Avenue on August 23. This connects E. U.S. Highway 24 with S. Willow Street to the west. This street construction is in conjunction
with the soon-to-open coffee kiosk (The Human Bean), developed by Dan Taylor of Taylor Mountain Enterprises.

6. **WORK SESSION**  
Discussion regarding amending the MC Chapter 18.51 Board of Adjustment, 18.60 Variances, and 18.06.432 Setback.

7. **ADJOURNMENT**  
The meeting adjourned at approximately 8:35 PM.

Recorded by:

__________________________________________
David J. Burgess, Planning Technician

Approved this ____day of ____________________, 2019 by ____________________________  
Jon DeVaux, Chairman
WHEREAS, the Woodland Park Comprehensive Plan identifies goals, objectives and actions for a balanced and diverse community; and

WHEREAS, Land Use and Growth Objective 1.2 encourages the City to evaluate regulations and requirements so that they are easy to use and understand, enforceable through prompt and fair procedures, and consistent with the Comprehensive Plan; and

WHEREAS, the City Council of the City of Woodland Park finds, determines and declares that it is in the best interests of the citizens of Woodland Park to update Chapters 18.51 Board of Adjustment and 18.60 Variances.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO, ORDAINS:

Section 1. The following sections of the Municipal Code are amended as follows, with deletions struck out and additions shown in red italics:

18.51.070 - Other departments.
The board shall have the power to call on the city manager and city attorney for assistance in the performance of its duties, and it shall be the duty of such officer to render assistance as may be reasonably required. The recommendation of the planning commission shall be requested on all conditional use permit applications and on such other items as the board may desire.

18.51.110 - Public hearing—Required when.
Before the board shall grant a conditional use permit hear and decide an appeal or a variance, it shall hold a public hearing. At the hearing, any party may appear in person or by agent or by attorney.

18.60.020.A - Application.
The applicant shall submit written application with a site plan for a variance demonstrating that one or more all of the following conditions exists:

18.60.030 - Public hearing.
The board shall hold a public hearing on the application, as provided in Sections 18.51.120 and 18.51.130.

18.60.040 - Findings.
The board shall make the following findings. No variance shall be granted unless the board shall have made the following findings:

18.60.050.A - Limitations.
No nonconforming use of lands or structures in the same district, and no permitted or nonconforming use of land or structure in other districts shall be considered grounds for the issuance of a variance.

18.60.080 - Expiration.
A. Authority to issue a building or other required permit pursuant to the granting of a variance shall expire two years after the date of the granting of the variance, except when the following conditions have been met:

1. Building permits have been issued for at least one building permit permitted by the variance, materials have been acquired and are on site, and the foundation has been placed for at least one of the permitted buildings; or

2. Where no construction is required, the actual operation of the use has been started.

B. After authority for issuance of a building permit, pursuant to the granting of a conditional use permit, has expired by default, no building permit shall be issued except under a variance granted pursuant to a new application.

And to be read as follows:

18.51.070 - Other departments.
The board shall have the power to call on the city manager and city attorney for assistance in the performance of its duties, and it shall be the duty of such officer to render assistance as may be reasonably required.

18.51.110 - Public hearing—Required when.
Before the board shall hear and decide an appeal or a variance, it shall hold a public hearing. At the hearing, any party may appear in person or by agent or by attorney.

18.60.020.A - Application.
The applicant shall submit written application with a site plan for a variance demonstrating that all of the following conditions exist:

18.60.030 - Public hearing.
The board shall hold a public hearing on the application, as provided in Sections 18.51.120.

18.60.040 - Findings.
No variance shall be granted unless the board shall have made the following findings:

18.60.050.A - Limitations.
No nonconforming structures in the same district, and no permitted or nonconforming structure in other districts shall be considered grounds for the issuance of a variance.

18.60.080 - Expiration.
Authority to issue a building or other required permit pursuant to the granting of a variance shall expire two years after the date of the granting of the variance, except when the following conditions have been met:

1. Building permits have been issued for at least one building permit permitted by the variance, materials have been acquired and are on site, and the foundation has been placed for at least one of the permitted buildings; or

2. Where no construction is required, the actual operation of the use has been started.
Section 2. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

Section 3. Effective Date. This Ordinance shall be in full force and effect from after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS_____ DAY OF ______________, 2019

________________________________
The Honorable Neil Levy, Mayor

Attest:

________________________________
City Clerk Suzanne Leclercq

Approved as to form:

________________________________
City Attorney Jason Meyers
CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. ____, SERIES 2019

AN ORDINANCE AMENDING THE WOODLAND PARK MUNICIPAL CODE SECTION
18.06.432 SETBACK and 18.13.040.C UR SIDE SETBACK

WHEREAS, the Woodland Park Comprehensive Plan identifies goals, objectives
and actions for a balanced and diverse community; and

WHEREAS, Land Use and Growth Objective 1.2 encourages the City to evaluate
regulations and requirements so that they are easy to use and understand, enforceable
through prompt and fair procedures, and consistent with the Comprehensive Plan; and

WHEREAS, the City Council of the City of Woodland Park finds, determines and
declares that it is in the best interests of the citizens of Woodland Park to update Section
18.06.432.

NOW, THEREFORE, THE CITY OF WOODLAND PARK, COLORADO,
ORDAINS:

Section 1.

Section 18.06.432 of the Municipal Code is amended as follows, with deletions struck out
and additions shown in red italics:

The distance measured parallel from a property line a depth as prescribed in each
zone district which a building or structure, in whole or in part, is set back from the
property line. The area within a setback shall be unobstructed by buildings or
structures from the ground upward except that steps, terraces, unenclosed porches
or entranceways may pierce a front or rear setback by no more than two feet.

And to be read as follows:

The distance as prescribed in each zone district which a building or structure, in
whole or in part, is set back from the property line. The area within a setback shall
be unobstructed by buildings or structures from the ground upward except that steps,
terraces, unenclosed porches or entranceways may pierce a front or rear setback by
no more than two feet.

Section 18.13.040.C of the Municipal Code is amended as follows, with additions shown
in red italics:

Side. Eight feet for the main building and four feet for accessory buildings. In the
case of reverse corner lots that face an intersecting street, the side abutting the street
shall maintain the front setback. For lots 60 feet wide or less, roof overhangs, gutters,
eaves, and other similar roof features may pierce the side setback by no more than
two feet.

And to be read as follows:

Side. Eight feet for the main building and four feet for accessory buildings. In the
case of reverse corner lots that face an intersecting street, the side abutting the street
shall maintain the front setback. For lots 60 feet wide or less, roof overhangs, gutters, eaves, and other similar roof features may pierce the side setback by no more than two feet.

Section 2. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

Section 3. Effective Date. This Ordinance shall be in full force and effect from after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS_____ DAY OF ____________, 2019

________________________________
The Honorable Neil Levy, Mayor

Attest by City Clerk: ____________________________

Approved as to form by City Attorney: ____________________________