

**WOODLAND PARK PLANNING COMMISSION
REGULAR MEETING MINUTES
WOODLAND PARK CITY COUNCIL CHAMBERS
February 23, 2006
7:00 PM**

- I. CALL TO ORDER AND ROLL CALL – Commissioners present were Todd, Hartsfield, Hunsicker, Maluschka, Matthews, and Ullo. Staff present were Napoleon, Riley, City Attorney, Smith, and Weien. Absent Commissioners were Miller, Scott, and Smith.
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING
The February 9, 2006 regular meeting minutes were approved as presented by general consensus.
- IV. REQUESTS AND/OR PUBLIC HEARINGS
 - A. An Ordinance Amending Sections 18.06 and 18.09.090 of and adding a New Section 18.07 to Title 18 of the City of Woodland Park Municipal Code concerning Sexually Oriented Businesses.

Chairman, Todd, shared with the commissioners that the City Attorney and Planning Director would review the draft ordinance first. After the entire ordinance has been presented, then commissioners would be allowed to ask questions, and the public hearing portion of the meeting would be opened. Joe Napoleon read the Staff Memo of 2/15/06 that had been included in the commissioners' packets, so that the public would have an overview of the information. The drafting of this ordinance was requested by City Council in September 2005. Current code does not list Sexually Oriented Businesses (SOB) in the zoning matrix as an allowable use.

City Attorney, Erin Smith, gave a general legal overview as to the reason for this ordinance: 1) recognizes the protection of freedom of speech (eliminates the argument that since our existing code does not address this use that it is not allowed); 2) identifies the secondary effects of an SOB; and 3) protects citizens from the secondary effects of an SOB. The role of the Planning Commission is to focus on the ordinance that deals with Land Use. There will be another ordinance that goes "hand in hand" with this ordinance that deals with time, place and manner of business requirements for licensing an SOB. The proposed ordinance establishes definitions, standards, spacing, etc. as a permitted use within the Service Commercial (SC) and Heavy Service Commercial/Light Industrial (HSC/LI).

The staff's PowerPoint showed a City Zoning Map that indicated current zones for Service Commercial and Heavy Service Commercial and Light Industrial districts. The zones were reviewed as to their locations throughout the City as well as the location and extent of the proposed 200'-wide buffer zones.

The City Attorney, Staff and Commissioners reviewed the language of the ordinance in its entirety.

Discussion took place as to the 200 foot buffer zone and why not a larger buffer zone? The staff response was that a larger buffer zone would create a very limited area available for this type of business. The definition of "church" and days of the week with reference to having children's activities was clarified. It was recommended by Commissioner Maluschka that all places of worship need to be identified. Commissioner Matthews asked what percentage of business could be considered significant. Attorney Smith replied that courts look at the issue on a case by case basis. Commissioner Hartsfield asked where does the measurement for the 200-foot setback begin and should porches be considered part of the structure. The staff responded that the measurement is taken from the foundation of the business building to the property line of dwelling of adjoining property. The Planning Commission inquired about various other businesses such as piercing/tattoo parlors and massage parlors and how they are addressed in the code? Massage parlors are regulated under Title 5. Commissioner Hunsicker questioned the criteria that art schools which have transferable credits as a legitimate art school. After lengthy discussion, commissioners agreed to let this item stand as presented in the draft.

Commissioners were comfortable in allowing the City Attorney to make the changes per the discussion for the Ordinance to move forward to City Council for the March 2, 2006 First Reading and the Public Hearing meeting of City Council on March 16, 2005.

MOTION: Ullo moved to accept the draft ordinance as presented with the changes, corrections, additions, and deletions per discussion during the review of the draft. Maluschka seconded the motion. Approved 6-0.

V. REPORTS

- a. Chairman's Report - None
- b. Planning Director's Report - None

VI. DISCUSSION AND COMMENT

VII. ADJOURNMENT

Chairman, Todd, adjourned the meeting at 8:55pm.

New draft of Ordinance attached to these minutes.

Recorded by,

Maggie Weien

This _____ day of _____, 2006.

John Todd, Chairman