

WOODLAND PARK PLANNING COMMISSION
REGULAR MEETING MINUTES
WOODLAND PARK CITY COUNCIL CHAMBERS
August 9, 2007
7:00 PM

- I. CALL TO ORDER AND ROLL CALL Since both the Chairman and Vice Chairman were absent; Bill Miller was appointed Chairman by general consent as the senior commissioner in attendance. Commissioners present were Millard, Miller, Morrison, Smith, and Todd. Staff present were Riley and Weien. Absent commissioners were Hartsfield, Maluschka, Scott and Ullo.

Bill Miller called the meeting to order at 7:03PM

- II. PLEDGE OF ALLEGIANCE

- III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes of the July 12, 2007 regular meeting were approved as presented by general consent.

- IV. REQUESTS AND/OR PUBLIC HEARINGS –

- A. Case #ZON07-001 Top of Paradise-Tracts C & D Rezoning: Request for the City's review and approval to change the zoning from Suburban Residential (SR) to Multi-Family Suburban (MFS) for Tract C with 14.76 acres generally located east of Majestic Parkway and Tract D with 15.11 acres generally located northeast of Thunder Ridge Drive of unplatted property that is part of the Master Plan for the Top of Paradise. The purpose of this zoning change request is to provide "cluster housing" in a village setting and not to exceed the total number of 190 units for Top of Paradise. This request is made by the owner, William F. Brown, Jr. and Paradise Estates, Inc.

Riley reminded the Commission that the Preliminary Plat Extension for 58 lots had been recently granted for a one-year extension. This project is familiar to the commission because of that recent hearing. The current zoning for the Top of Paradise is Suburban Residential, which allows one single-family residence per gross acre and the previously approved master plan for Top of Paradise allows for up to 190 single family units.

The request before the Commission is to rezone Tract C, which consists of 14.76 acres and abuts the National Forest to the South East. Tract D is 15.11 acres that abuts the high school property and open space as well as a portion of Forest Edge Filing #1.

Riley described the history of this development with the Commission and public. The City's Master Plan in 1996 implemented citywide re-zoning of property to manage our City's growth directly tied to the water resources available. The vision for the Master Plan was to create a community with land use that promoted a smart growth tied into the Water Tap Management Plan.

The Top of Paradise Master Plan has access points on Thunder Ridge and Majestic Parkway. The continuation of these roads is currently under development for the water line system as well as the roads.

Riley showed a PowerPoint that gave the locations of both Tract C & D and the relationship to the Preliminary Plated area that was recently reviewed. Riley explained that a definition of "cluster housing" is not present in our current code. The only zoning that exists that could accommodate this "cluster housing" would be within the MF zoning district and Multi Family Suburban would allow 2-8 family residence units per gross acre of the higher density of Multi Family Urban which would allow 9-20 single family units per gross acre.

The Staff feels that there are many positive aspects of the "cluster housing" concept, as it will allow for more open space, trails, and workable land use when properly applied.

Riley explained that the Staff requesting denial of this re-zoning application from Suburban Residential to Multi Family Suburban. The major reason is for the greater density allowed in this zoning request, which is not currently reflected in the Master Plan for this development. Zoning allows the City to grow in an orderly fashion with controlled growth and predictability. Potential of 8 units per acre is in excess of the Master Plan.

Re-zoning to Multi Family Suburban cannot be done with condition. . There is no legal mechanism to control the number of units to the minimum vs. the maximum allowable units.

Commissioners had questions of staff for clarification of the Master Plan; Multi Family zoning; deficiency of the current code that does not address "cluster housing"; and the option of Planned Unit Development Zoning and how that could define the density.

Chairman Miller opened the public comment portion of the meeting at 7:40PM. The applicant, William F. Brown, Jr. addressed the commissioners and the audience. Mr. Brown had his own PowerPoint presentation that shared his vision of the proposed development that would accommodate the zoning request of Multiple Family Suburban for "cluster housing". The PowerPoint showed the old world pavers that are being installed on Majestic

Parkway, the current roundabout and sculpture along with the other sculptures that are on order. Mr. Brown shared the market analysis that determined that there is a need for this type of housing with a build out of 10-15 years.

Mr. Brown described various projects in our neighboring communities that have multi family units next to single-family residences that flow and work very well and have only improved the property value and not decreased the single-family residence property values. He sited various projects in Colorado Springs that are top of the line products.

Mr. Brown emphasized all of the funding that he has already put into this development with the metro district and retaining walls.

The option of re-zoning to a PUD is not viable in Mr. Brown's opinion. His feeling is that the multi family zoning allows more flexibility for a better product. Mr. Brown also presented history of this project as well as the limitations of a PUD having to present the entire design of the project at the time that the PUD is established. This is not a feasible issue as the needs several years down the road might have an entirely different design and use as well as density, etc.

Commissioners asked Mr. Brown questions relating to the metro district; capacity of the water tank, number of taps limited for the total units or is there an option to increase water taps. Brown explained to the commissioners the criteria for the metro district payback and the necessity for the district to be financially solvent.

Chairman Miller addressed the public that this is the opportunity to speak for or against the case being heard. His request was to speak to new topics and not to be redundant with information that had been presented by a previous speaker. A signup sheet had been available and those who signed up to speak would be allowed to speak first. If anyone in the audience had not signed up, there would be an opportunity to speak at the end.

John Montgomery of 931 Heather Court stated that he has been a resident of Woodland Park for 4 years. He had recently attended a zoning information session that Sally Riley had given for the area homeowners of which there were 42 surround property owners present. In order to present information, the homeowners had chosen 3 individuals to address the commission and represent all of the homeowners.

The first person to speak was Bruce Stone. Bruce Stone of 505 Falcons Rest Place is a 6-year resident. When his property was purchased in 2001, he had researched the undeveloped land and its zoning. He wanted to encourage the commissioners to maintain the density of the current zoning.

Gary Dimming of 820 Majestic Parkway shared that the property owners have large lots and expensive homes and are concerned about smaller lots and density affecting their property values. He also encouraged the commissioners to retain the current zoning.

Bill Miller of 810 Majestic Parkway has been in this development for 6 years and understands that this area is progressing in number of residences during the years. His encouragement to the commissioners was to leave the conservation areas in place for the continuity of the project preserving the quality of the community. He complimented Mr. Brown on the well-done entrance on Thunder Ridge Drive. However the access on Majestic Parkway is littered with construction debris; the holding pond is a safety hazard because it is not seeded; and workers are speeding on Majestic Parkway. Mr. Miller feels that Mr. Brown strictly enforces issues with the property owners but does not have the same standards for his construction sites. Mr. Miller's concern is the inconsistencies of Mr. Brown's priorities and he is concerned about the concept of this project vs. the actual finished product.

Mr. Montgomery wrapped up the property owners request for the Planning Commission to follow the staff recommendations and deny the applicant's request for a zoning change.

Dan Heimerdinger of 760 Majestic Parkway was the first house built in this neighborhood in 1997. He stated that he was taking a gamble that this neighborhood would be built out as originally projected. He feels that after a decade of development that this neighborhood has maintained its integrity. He encouraged the commission to protect the interest of the community and help maintain the standard of living that exists.

John Schenk of 625 Sunny Glen Court emphasized the importance of neighborhoods being the backbone of the community. He reviewed the responsibilities of the Planning Commission and City Council to the community.

Michael College of 611 Skyline Drive expressed his concern for the increase of his property taxes if this higher end project is put into place. He shared his concern for the higher density and it's impact on the peaceful and quiet environment now enjoyed once the construction is completed.

Peter Zobenica of 780 Skyline Drive felt that the re-zoning does not meet the density flexibility that is being proposed. He feels that the current zoning will work.

The applicant, Mr. Brown, addressed his concern for a misconception of his request. He reiterated that this is a 200-acre parcel that is currently approved

for 190 units. Mr. Brown stated that the re-zoning would not allow an increase in number of units. The intention is to possibly not build on all lots and have more open space as well as the topography of some of this area would be very difficult and expensive to develop but would lend itself to open space quite nicely.

Mr. Brown shared that land development is a messy project and if property owners are having challenges with construction workers speeding, call the police department. Mr. Brown reinforced his position that he does not have the option to re-write the Code and that a PUD simply will not work for this project.

Steve Hall of 1131 Royal Oak Court questioned the number of lots approved and how the shifting of those total numbers would play out. Maybe this change should be delayed until the end of the development to make a decision. Would be nice to keep the access to the National Forest as open as possible and the clustering of homes might nicely accommodate more open spaces when a concentration of residential units takes place.

Paula Dahl for 1111 Royal Oak Court shared that this discussion is basically an accountability issue. If a PUD was requested and put into place then it would be guaranteed that a compatible product would be built. She did not understand why a PUD was not requested to accommodate the "cluster housing" project.

Chairman Miller closed the public hearing portion of the meeting at 9:10pm. Chairman Miller called for a 10-minute recess for the commissioners to reconvene at 9:20pm.

After the recess, discussion continued as to what were intentions, what was binding, or what was conceptual as far as this project is concerned.

Eric Smith asked questions as to the "vested rights" and how do they apply? Did vested rights apply to the Thunderbird Camp in the late 1990s? Could there be some negotiation as to some of the density for Top of Paradise or could there been any transfer of density from Thunderbird Camp?

Smith clarified action taken by City Council for a rezoning is statutory and that City Council has the "police power" and the authority to logically manage the uses of the community.

Smith asked staff about the approval process; permitted uses to control density; intent of the zoning; the preliminary plat and final plat process to control the density.

Todd asked about Condition Use Permit situations if the zoning were changed. Todd agreed that the intentions and concept seemed to be good but that the current definition of Multi-Family would be like giving a blank check for the future. Todd felt that a PUD zoning would provide the guarantees and controls needed.

Smith expressed approval of this type of project and that cluster housing has been very successful in other communities. The concept is excellent and the market place seems to be supporting this type of project. Smith does not support the Staff's position for denial of this zoning request.

Morrison shared his appreciation of the quality product that Brown is proposing as well as the quality of the landscaping, brick pavers, and retaining walls that are currently being constructed. Morrison shared his frustration with the current code and the lack of flexibility to implement a "cluster housing" project of this nature. Morrison acknowledged that this is a relatively new concept in development and has proven to be successful around the country. This type of project provides protection for critical land use adding more open space. However, as much as he is in favor of this type of development, the current code does not meet the qualification intended for this project and cannot be amended to give the control needed to make sure the end product matches the proposed product.

MOTION: Millard moved to deny Case #ZON07-001 Top of Paradise-Tracts C & D Rezoning Motion seconded by Todd. The denial was approved 4-1 (Eric Smith voting against the motion).

V. REPORTS

- a. Chairman's Report - none
- b. Planning Director's Report – July 2007 Monthly Planning Department Report was distributed.

VI. DISCUSSION AND COMMENT-Chairman Miller encouraged Commissioners to share their concerns about the Code regarding the deficiencies related to "cluster housing". Discussion took place expressing the need for flexibility in density and strength of the Master Plan in order to provide more teeth as a binding document. The Staff was encouraged to go back to the Management Team and to City Council with the need for the code deficiencies to be corrected.

VII. ADJOURNMENT – Chairman Miller adjourned the meeting at 9:55PM.

Recorded by,

Maggie Weien

This _____ day of _____, 2007.

Bill Miller, Chairman