



CITY OF IDAHO SPRINGS
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NOTICE AND AGENDA
Regular Meeting
Idaho Springs Planning Commission
1711 Miner Street, City Hall
Wednesday, March 1, 2023 – 6:00 p.m.

PLANNING COMMISSION
Regular Meeting
Wednesday March 1st, 2023
6:00 PM

- ❖ Roll Call
- ❖ Approval of Minutes from December 7th, 2022.
- ❖ Conflict of Interest
- ❖ Public Comment Period
- ❖ New Business
 - 1. Parking fee-in-lieu program

- ❖ Adjournment

**IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION
INSTRUCTIONS**

The Public is able to view and hear this meeting remotely at the following address on the City's website:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>

To provide public comment remotely please use the link below
<https://us02web.zoom.us/j/89171912558?pwd=cTNDR08rL0NhQzdVcG4wZlo5clY5dz09>

For in-person Unscheduled Public Comment, please sign-in at the entrance to the Council Chambers.

Each individual that is providing public comment is limited to three (3) minutes.



**PLANNING COMMISSION
MINUTES
December 07, 2022**

ROLL CALL

Chairman Cindy Olson called the meeting to order at 6:01 p.m. Commissioners present were Cindy Olson, Don Reimer, Kent Slaymaker, Lisa Manifold, and Chuck Howard. Commissioner Ursula Cruzalegui was absent. Staff present are City Administrator Andrew Marsh, Assistant City Administrator Jon Cain, City Planner Jerad Chipman, Deputy City Clerk Wonder Martell, and assistant city attorney Nick Klein.

APPROVAL OF MINUTES

Commissioner Don Reimer moved to approve the minutes from November 02, 2022. Chair Olson asked that the minutes be corrected to spell her last name correctly. Deputy City Clerk Wonder Martell advised Chair Olson that she would correct the misspelling of her last name in the November minutes. The motion carried by unanimous voice vote.

PUBLIC COMMENT

Chair Olson advised the audience that this public comment period was for comments that did not have anything to do with any items on the agenda. There was no public comment requested from the audience or online.

NEW BUSINESS

THK presentation of the Draft Idaho Springs Sports and Recreation Complex Master Plan.

Kevin with THK wanted to bring up the partnership between the City and the Recreation District as this has been a team effort to make the recreation district more efficient and more multi use. Spaces in this plan have dual purposes. Kevin also mentioned that there was a lot of good input received out of the public meeting they had at Tommyknockers Brewery. Kevin said that his skate park will have features that will have a regional draw. City Planner Mr. Chipman made note that the recreation district has a survey out at the moment asking residents what they would like to see from their recreation district.

Will Prescott is a project manager with THK. Mr. Prescott stated that the high lighting, the dug outs and the bleachers currently located at the fields will be relocated. There will be enhancement to the pedestrian walkway and the creation of a lot of dual-purpose spaces. There will be a 15,000 square foot skate park, a parking lot with a proposed 65 spaces, covered area around the restrooms and the concession stands. Mr. Prescott also mentioned that there is a historic railway located on the hill to the west of the park. Mr. Prescott also mentioned that this

skatepark will have bowls, stairs and ¼ pipe features. The quality of materials should be highest as possible, and the builder should know the climate. Mr. Prescott also mentioned that the park will have unusual forms and some art designs.

Board Discussion and audience comments:

Chair Olson asked city staff where the funding for this project was going to come from. City Planner Mr. Chipman advised the board that the city is actively looking for grants and that the city has the ability to offer some kind of match to any grant that the city may be able to receive. Chair Olson asked who specifically is going for these grants? Mr. Chipman advised the board that both the City and CCMRD are actively looking for grant opportunities. City Administrator Mr. Marsh mentioned that there is still some funds in the improvement fund for 2023, to offer a match. Mr. Marsh also brought up that Great Outdoors Colorado and Colorado Parks and Wildlife are two entities that the city has been working with for grant opportunities and that the city will remain persistent.

Chair Olson asked what the estimated cost is at this time. Mr. Prescott advised the commission that the total estimated cost at this time is from 3.5 to 4 million. Chair Olson stated that she was surprised as she expected the cost to be bigger. City Administrator Mr. Marsh advised that the minimum size for a skate park is 15 thousand square feet. City Planner Mr. Chipman said that the construction of this project will probably start in 2024 as any grants received would most likely not be disbursed until late 2023. Cameron Marlin with the Rec District mentioned that this change to the fields increases the amount of grass at the park and will remove some of the dirt.

Chair Olson asked if this project would be encroaching on the property west of the fields. City Planner Mr. Chipman advised the commission that no, they would not be encroaching on that property, and that they must maintain access and this will be done by creating a 24 foot drive path to the property to the west. Commissioner Manifold asked if the 3.5 to 4 million covers everything that these plans show, and Mr. Prescott replied yes. Assistant City Administrator Jon Cain advised the board that the city is obligated to replace the tennis court with a like recreation, it was part of the grant approval from Colorado Parks and Wildlife when Colorado Blvd was re designed.

Isaac Cook from the audience asked the board about the lighting of the fields and would lighting be added so there could be night skating? Mr. Prescott responded to Mr. Cook and advised that yes, that is a possibility, but safety is the #1 concern for the lighting, and there would be scale lighting. John Califiore from the audience asked what a staged approach means. Mr. Prescott advised Mr. Califiore that phasing would most likely go as follows #1 relocation of the present stage, #2 construction of the skate park, #3 construction of the tennis/pickleball courts, #4 the bathrooms and the concession stands. Assistant City Administrator Mr. Cain advised the room that all amenities to the east of the pedestrian walk would be the first to happen.

Mr. Cain also advised that the infrastructure would be built first, and that the skatepark should be built soon so that all of the kids who have participated in this process are able to use what they helped create. John Califiore asked if there had been any discussion on making the fence around the field higher because of all the intended uses? The current fence on the other field could possibly be reused. Mr. Prescott replied with this is a great idea, to heighten the fence to keep balls from leaving the field. Chair Olson thanked the room for all of the comments and the discussions.

NEW BUSINESS

Parking Requirements in the Downtown Historic District.

City Planner Mr. Chipman reminded the board that at the November Planning Commission Meeting there was a spirited discussion regarding the possibility of implementing a parking fee-in-lieu program to allow for property owners in a particular area to expand their building square footage or proceed with a change of use and still address parking requirements that are currently hindering development. Mr. Chipman also reminded the commission of their questions at the November meeting.

- How will this effect parking prior to the parking structure being built?
- Has the City received requests for additions and use changes that were limited by the current parking ordinance?
- What is a fair fee-in-lieu price for a parking space, and what price are other communities charging?
- Is Idaho Springs able to define affordable housing and charge less of a fee for newly created affordable units?
- What boundaries are appropriate for the district?

Mr. Chipman also stated if the fee-in-lieu program is adopted, staff is proposing to leave the 125% change of use parking allowance at its current level. The Planning Commission discussed raising this percentage, however, it is staff's opinion that the proposed fee-in-lieu structure would allow for a range of means to address the current parking provisions that limit the use of Historic District building square footage.

Staff is requesting the Planning Commission's opinion on the potential fee-in-lieu program with the intent of bring a text amendment ordinance to the Planning Commission in the first quarter of 2023. Mr. Chipman also advised the commission that the ordinance that they develop can exempt fees for residential, that is an option, and that the ordinance could be changed/amended in the future depending on the outcome of the forthcoming study that will hopefully be completed by January of 2023. Mr. Chipman asked the commission for any questions and for direction on this topic.

BOARD DISCUSSION

Chair Olson sked why the map that was included in this parking area went all the way to Colorado Blvd. Mr. Chipman replied with because that area is zoned C-1 so there is the possibility of having commercial business's there. Commissioner Manifold asked when the parking structure would be available for use? Mr. Chipman replied with the City is currently working on an IGA with CDOT and that would most likely be completed by spring of 2023, with plans for the structure being submitted in 2024. City Administrator Mr. Marsh advised the commission that best case scenario is looking like 2025. Commissioner Manifold advised the board that the School Boards time frame is 2025 also. Commissioner Slaymaker asked how many spaces will be lost during the construction of the structure?

City Administrator Mr. Marsh replied with about 60 spaces would be lost during construction. Chair Olson advised that the impact will probably even out with the Jacobs House moving and the additional parking spots that will create. Commissioner Manifold asked staff if the garage next to the Jacobs House will also be moved and Mr. Chipman advised that here are plans to move the garage and that move will require redesign of the easter parking lot. Chair Olson stated she was surprised at some of the other municipalities fees. Mr. Chipman advised that the

proposed fees are over 20 years and Chair Olson replied with that seems a little high. Commissioner Slaymaker stated that he feels the fees are in line and expressed appreciation to staff for all the work on this. Assistant City Attorney Kick Klien advised the board that he was not able to find one instance of these parking plans in any of these other municipalities mention affordable housing. All of them require some type of fee for residential. Commissioner Manifold suggested that they not go fully exempt or too low, and commissioner Slaymaker stated that parking stability is the #1 concern of downtown residents. Commissioner Slaymaker also asked staff how these fees effect parking usage? The daily effect of people finding a spot? Mr. Chipman replied with its challenging, case by case and staff would need to speak to each of the communities to see what the actual effects are, so its tough to say.

Commissioner Slaymaker also mentioned Dillons schedule and that way may be an interesting way to work Carlson. Chair Olson asked Mr. Chipman what type of direction was he looking for from the commission? Mr. Chipman advised the board that he is looking for a motion to begin the creation of an ordinance. Commissioner Reimer stated that he sees many disadvantages of this program. Mr. Reimer stated that the last paragraph in the report is all negative and seems to allow buy off the city instead of providing needed parking. Mr. Chipman replied with this program is mostly applicable to the Historic District and there is not a lot of opportunity for large developments in the Historic District, and that last paragraph pertains more to newer towns, not developed historic districts. Chair Olson stated that it wasn't really negative in our downtown area. Commissioner Manifold stated that Carlson would be the only opportunity for big development in the Historic District and that she likes the uniform fees, likes the oversight and does not recommend going full exempt.

Chair Olson stated that they should be careful with the refund of fees like other programs offer. Mr. Klein advised the chair that the refund would only be after 20 years, commissioner Manifold said she was ok with that. Chair Olson stated that she agrees with putting the fee revenue in a parking fund specifically. Mr. Chipman advised the commission that city council recently created a parking enterprise fund. Chair Olson mentioned that she would be om with a refund after 20 years. Assistant city administrator Jon Cain mentioned that there will be ongoing maintenance required for the parking structure. Commissioner Slaymaker asked Mr. Cain how long until major maintenance would be needed on the structure and Mr. Cain advised the commission that 5 to 7 years is when big maintenance would be required.

Chair Olson brought up that the fees should go to parking in the Historic District, not just for the parking structure and commissioner Manifold agreed stating whatever is currently needed in the Historic District. Commissioner Manifold also asked staff how these fees would move from business to business if there is a change of business or a change of ownership? Mr. Chipman replied with he would like to discuss this with staff before speaking of it at this time. The commission advised staff to begin the ordinance process.

Mr. Chipman asked the board if they agreed with his idea of not having a January meeting and meeting in February. The commission agreed to meet again in February of 2023. Commissioner Reimer brought up that 10th avenue is where all of the ski traffic goes to skip the traffic on Miner Street, and he suggests that a speed hump be placed on 10th avenue as this traffic speeds down 10th and sometimes doesn't even stop at the stop sign. Mr. Chipman advised Mr. Reimer that he would bring this up to the Public Works department so tee if there was anything that could be done.

Mr. Reimer also mentioned that he likes the new crosswalk at the Elks Club. Commissioner Slaymaker mentioned that the city should make another crosswalk at 17th and Colorado Blvd. as that is the main cross for resident to get into the downtown area. Commissioner Manifold also brought up that there would be lights placed at the crosswalk at CRC park as at night people just walk right out into traffic and they are hard to see.

ADJOURMENT

Chair Olson adjourned the meeting at 7:29 pm

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 2, Series 2023

AN ORDINANCE AMENDING SECTION 21-125 AND ADOPTING A NEW SECTION 21-127 OF THE IDAHO SPRINGS MUNICIPAL CODE TO ESTABLISH A PARKING FEE-IN-LIEU PROGRAM

WHEREAS, the City of Idaho Springs, Colorado (the “City”), is a Colorado statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City, acting through its City Council (the “Council”), is authorized to adopt rules and regulations governing the planning, zoning and use of land within its territory; and

WHEREAS, pursuant to such authority, the Council previously adopted zoning and land use regulations, codified as Chapter 21 of the Idaho Springs Municipal Code (“Code”), which include mandatory off-street parking requirements for the majority of redevelopment and new development projects; and

WHEREAS, the Council has determined that the provision of off-street parking is a financial and logistical hurdle for most development in the City, even as the need for such parking is great; and

WHEREAS, in an effort to provide options to future land use applicants, the Council desires to allow such applicants within the Parking Fee In-Lieu Program Boundary to pay a fee instead of providing all or a portion of required off-street parking spaces necessitated by their proposed project; and

WHEREAS, to determine the appropriate and defensible amount of such a fee, the City evaluated the real cost of providing one parking-structured parking space within the City and multiplied that amount by two thirds (2/3) to arrive at a fair and current cost per generic parking space (outside or inside a parking structure); and

WHEREAS, the Council finds that it is desirable to adopt a Parking Fee In-Lieu Program to permit development and redevelopment to occur on challenging parcels and within existing dense areas, such as downtown, by financially contributing to the additional parking need they create instead of directly providing the parking spaces.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Section 21-125 of the Idaho Springs Municipal Code (“Code”) concerning the scope of parking and loading requirements, is hereby amended by the addition of a new subsection (E), to read in its entirety as follows:

Section 21-125 – Scope: duty to provide.

(E) The duty to provide off-street parking spaces may be fulfilled in certain locations by the fee-in-lieu program set forth in Section 21-134.

Section 2. Article VI of Chapter 21 of the Code, concerning site and design standards, is hereby amended by the addition of a new Section 21-134, to read in its entirety as follows:

Section 21-134. - Voluntary parking fee-in-lieu program.

(A) Purpose. In lieu of the provision of creating physical parking spaces as required by Section 21-127, an eligible applicant may request a substituted cash fee in lieu of provision of all or a portion of the otherwise required parking spaces. The amount of the parking improvement fee set forth in this section is designed and intended to reasonably relate to the needs created or contributed to by development within and immediately adjacent to the Idaho Springs Historic District that does not provide off-street parking space as part of such development.

(B) Applicability/Program Eligibility. The fee in lieu option may be requested only for properties located within the City's parking fee-in-lieu program boundary, generally defined by Water St. to the south, Colorado Blvd. to the north, 13th Ave. to the west, and Riverside Dr. to the east (Figure 21-134.1).

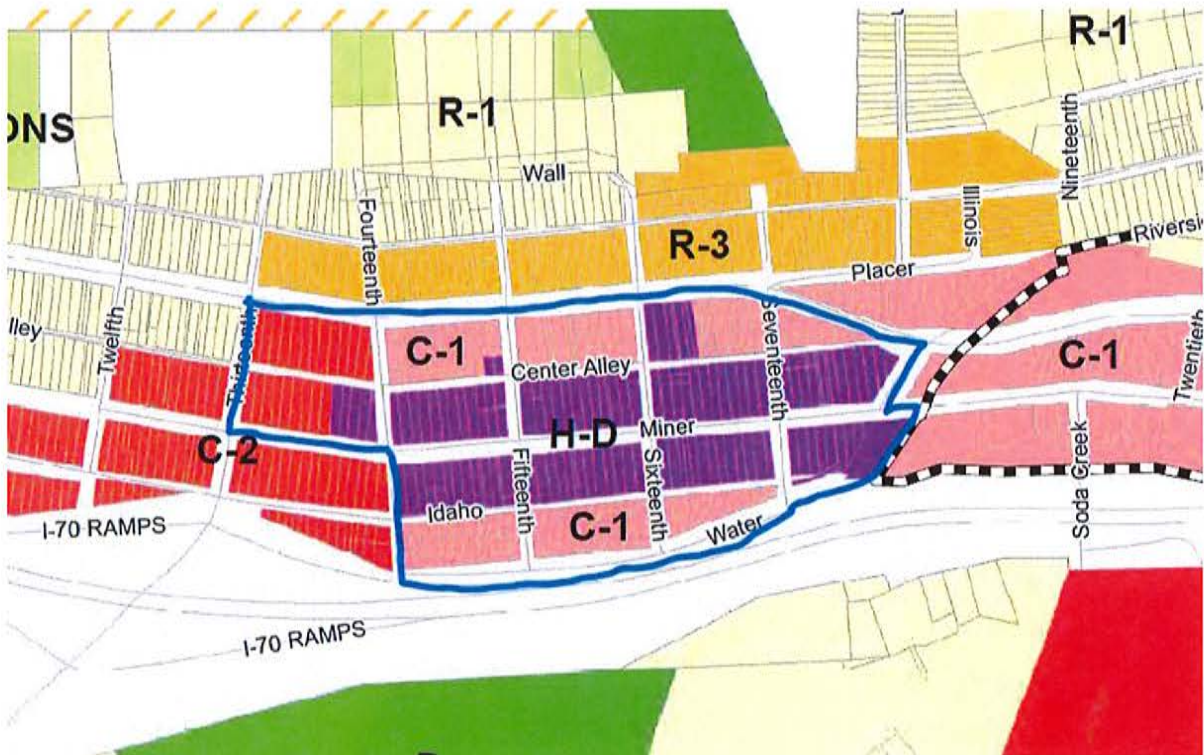


Figure 21-134.1 Fee-in-Lieu Program Boundary

(C) Fee Amount. The amount of the parking fee in-lieu shall be \$20,000 per space for Restaurant/Retail development; \$10,000 per space for

Office/Personal Service Development; and \$2,500 per space for Residential Development. The fee shall be prorated for fractional parking space requirements. The fee shall be adjusted from time to time by the City Council by resolution and shall be included on the City's annual fee schedule.

(D) Request Initiated. A fee in lieu of parking shall be initiated only by a written application from the property owner on a form provided by the City. If the proposed development that necessitates parking is not proposed by the property owner, the property owner's written consent to the application must be provided.

(E) Review and Decision. The Planning Commission shall review and render decision on applications filed pursuant to this Section. The Commission shall apply the following criteria to such applications and shall approve an application upon a finding that a majority of these criteria are met:

- (1) Whether the applicant demonstrates that all required parking cannot be reasonably located on-site due to site-specific physical constraints or site design requirements;
- (2) Whether the historic significance of existing buildings or other site features would be adversely affected to meet the parking requirement on site;
- (3) Whether the property is located in close proximity to permanent public parking or public transportation routes;
- (4) Whether the characteristics of the proposed land use reduce the need for on-site parking; and
- (5) Whether the public health, safety or welfare would be adversely affected by locating the required parking on the property.

(F) Payment Agreement. An approved applicant must enter into a payment agreement with the City which shall be recorded prior to the issuance of a building permit.

(G) Optional Payment Plan. The City Administrator is granted the authority to grant a request for a payment plan, in the Administrator's sole discretion, which may include annual installments, including interest, over a multiyear period not to exceed ten (10) years and which may include provisions for termination of the Certificate of Occupancy for the affected land use if timely payments are not made and such other remedies deemed adequate by the City to address nonpayment.

(H) Use of Funds. All funds collected pursuant to this section shall be paid into the Idaho Springs Parking Enterprise Fund and used for purposes to which that fund is restricted.

(I) Return of Funds. Fees collected pursuant to this Section shall be returned to the then present owner of the property for which a fee was paid, including any interest earned, if the fees have not been spent by the City within fifteen (15) years from the date the fees were paid. To obtain a refund, the present owner must file a written request with the City Administrator.

(J) Refund of Funds. Any payment made for a project for which a building permit is cancelled due to non-commencement of construction may be refunded if a request for refund is submitted to the City Administrator within three (3) months of the date of the cancellation of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and by a copy of the dated receipt issued upon the original payment of the fee.

Section 3. Should any one or more sections or provisions of this Ordinance or of any Code provision enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code provision or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2023.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2023.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk