



**The Buena Vista Planning & Zoning Commission
Buena Vista Community Center, Piñon Room
715 East Main Street
August 15, 2018 at 7:00PM
*AGENDA***

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – July 18, 2018**
- VI. Public Comment**
- VII. New Business**
 - 1. UDC Amendment – Cell Antennas on Light Poles in Residential Districts**
 - 2. Discussion – Accessory Structures on Large Residential Lots**
 - 3. Discussion – Alternate Members**
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
July 18, 2018**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:01 pm, Wednesday, July 18, 2018 at the Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Preston Larimer. Also present were Vice Chair Annie Davis, and Commissioner Lynn Schultz-Writsel.

Staff Present: Principal Planner Mark Doering and Planning Technician Robin Mesaric- King.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Mesaric- King proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer called for approval of the agenda. Davis motioned to adopt the agenda as presented, **Motion #1** seconded by Schultz-Writsel. Motion carried.

APPROVAL OF MINUTES

Schultz-Writsel asked for A spelling correction. Davis motioned for approval of the June 20, 2018 minutes as amended. **Motion #2** was seconded by Schultz-Writsel. Motion carried. Thomas Dumas arrived at 7:03 pm.

PUBLIC COMMENT

Public comments opened at 7:04 pm. With no comments, public comment was closed at 7:04 pm.

NEW BUSINESS

Doering explained that Unified Development Code AmendmentS will be presented to the Planning and Zoning Commission for review. Doering outlined the Infill Instructure Agreement proposal and stated that section 5.6 would be added to the code. He outlined non-conforming site features and stated that we need to clarify sidewalks in the code. Doering stated that there are four criteria in the non-conforming section, he explained each criterion, and then he provided examples.

The Commission generally discussed what met the criteria for non-confirming improvements, the agreement, process, possible collateral, recordation of the agreement, the Town's sidewalk cost sharing program, the legal requirements of the agreement, and the breech section of the agreement.

Davis motioned to recommend to the Board of Trustees to approve the proposed amendments to the Unified Development Code to allow for infill infrastructure agreements and specifically naming sidewalks as a nonconforming site feature. Schutz-Writsel seconded. **Motion #3** was unanimously approved.

STAFF / COMMISSION INTERACTION

The Commissioners generally discussed possible recruitments for new Planning and Zoning Commission members.

Doering explained the potential types of cases that the Planning and Zoning Commission will be reviewing and why they need to explain the reasons they are voting a certain way on any motion.

The commission generally discussed the handouts provided at the previous meeting, storage issues for refuse and recycling, special events, camping locations for special events, and the condition for Town's approval for certificate of occupancy that construction debris and material must be removed.

ADJOURNMENT

There being no further business to come before the Commission, Davis motioned to adjourn the meeting at 8:00 pm Schultz-Writsel seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Robin Mesaric-King, Planning Technician



TOWN OF BUENA VISTA

P.O. Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
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DATE: August 15, 2018

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: Proposed UDC Amendments to allow wireless facilities on existing light poles in residential districts.

Staff Recommendation

That the Planning and Zoning Commission recommend to the Board of Trustees to approve the proposed amendments to the Unified Development Code (UDC) to allow for wireless facilities over 35 feet when located in a non-residential structure using stealth design techniques in residential districts.

Attachments to the Report:

Attachment A – Draft Ordinance

I. Summary of Request

Town staff has applied to amend the UDC to allow for consideration of wireless facilities to be placed on existing light poles outside of the Open Space and Recreation (OSR) zone district. The current football field lights at the Buena Vista High School are located in the General Residential (R-2) zone district. Staff is seeking to amend the allowed height of wireless facilities in residential zone districts to be located higher than the currently allowed 30 or 35-foot height limit of the residential zone districts. Section 3.2.4.J. of the UDC allows wireless facilities on existing non-residential facilities such ball field light poles, but it only allows them up to the maximum height of 35 feet, which is well below the existing light poles that illuminate the football field. The proposed amendment would allow the lights to be located on the poles, with a maximum height as proposed to be no more than ten feet over the height of the existing ball field light poles.

II. History and Background

The proposed amendments are the result of applying the UDC to a real world situation that exists currently in Town. The UDC anticipated for light poles to be used to hide cellular equipment on existing poles, but it currently is only allowed above the maximum height of the OSR zone district, where the Town and the School district have their existing ball fields. When the code was adopted the code specifically allowed the height to be greater in the OSR district, but did not include the existing lights at the high school field, which is in the R-2 zone district. The proposed amendment would allow the antennas to be located on those lights, which exceed the height of the R-2 district. Those lights were allowed to be taller because the lights serve the school district's operations, which are not subject to the Town's zoning requirements and are regulated by the State of Colorado Department of Education. This amendment will allow for a commercial operation not related to the school district to take advantage of those existing structure's height and will allow for minimal impact to the surrounding properties.

Section 3.2.4.J.5. allows for the existing poles to be used as stated below in ***bold italic text***, but does not give a height limit, meaning the maximum height is 35 feet in the R-2 zone district. That height limit is found in Table 3.2. and is circled in **blue**, while the height exemption for the OSR district is circled in **green**.

5. General Requirements

Except as provided in subsection 3.2.4.J.7, the following standards apply to all wireless service facilities and equipment applications, sites and uses.

- a. Permitted Districts and Restrictions
 - i. Wireless service facilities are permitted or prohibited per Table 3.1: Table of Allowed Uses.
 - ii. Freestanding towers are prohibited within the Old Town Overlay.
 - iii. ***In the R-1, R-2, and R-3 districts, building and/or roof-mounted wireless service facilities shall only be permitted if they are concealed within nonresidential structures using stealth design techniques such as within a church steeple, ball field lighting, water towers, etc.***

| Table 3.2: Summary Table of Wireless Service Facility Dimensional Standards | | | | | | |
|---|------------------------------|---|------------------------|------------------------|--|---|
| | Residential Districts | Mixed-Use Districts | HC District | I-1 District | OSR District | Old Town Overlay |
| Height (max.): Freestanding tower | Not permitted | Not permitted | 35 feet | 75 feet | 35 feet; 250 feet on rodeo grounds. ^[1] | Not permitted |
| Setbacks (min.): Freestanding tower | Not permitted | Not permitted | 50 feet ^[2] | 50 feet ^[2] | 50 feet ^[2] | Not permitted |
| Alternative Tower Structure | Not permitted | Not permitted | Required | Not required | Required | Required |
| Height (max.): Building/Roof-Mounted | Per underlying district | Antenna: 10 feet above highest portion of roof; shall be located at least 10 feet in from the edge of the building wall. Whip antenna: 10 feet above highest portion of roof; shall be located at least 10 feet in from the edge of the building wall. | | | | Limited to existing height of structure |
| Notes: | | | | | | |
| [1] Antennas attached to ball field lights are allowed in the OSR district and can extend beyond height restrictions in this table. | | | | | | |
| [2] Adjacent to residential districts: 3 times the height of the tower; from any public road: equal to the height of the tower. | | | | | | |

The proposed change would amend Note [1] and include the footnote 1 in the residential district height limit shown in the table above. Note [1] would read:

“(1) Antennas attached to ball field lights are allowed in the Residential Districts and OSR District and can extend beyond height restrictions in this table, up to a maximum of ten (10) feet above the highest point of the ballfield light.”

Staff has proposed 10 feet to allow for antennas to be located on existing poles but allow them to be placed either below or above the lights for the field. If the Planning and Zoning Commission feels that that is too excessive, it should either adjust the amendment as proposed to be located only below any existing lights, or make a recommendation to not amend the code.

III. Process

The Town is submitting the application for the proposed changes as a UDC amendment as specified in Section 6.4.3. of the UDC. If the proposed regulations are approved, staff will adjust the code to allow for lights to be located on any existing light poles in town, regardless of zone district, to be higher than the zone district in which they are located, but no higher than the proposed amendment. The proposed

amendments are being brought to the Planning and Zoning Commission for its review and recommendation to the Board of Trustees for a final decision on the proposed changes.

If the proposed change is approved by the Board of Trustees, wireless facilities will be able to be located in non-residential structures in residential districts using stealth designs, if they meet the other code provisions of Section 3.2.4.J. Stealth design is defined as, “The camouflaging of an antenna or other telecommunications facility to integrate the antenna or facility with a building or the landscape in terms of design, colors, materials, and height.”

IV. Analysis

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Planning and Zoning Commission shall consider the requested amendments by evaluating the proposal against the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff’s analysis follows each item in plain text.

1. Consistency with the Comprehensive Plan.

The Comprehensive Plan lists several goals and action items related to the proposed amendment. They include:

- Buena Vista will develop commercial design standards in the Land Use Code applicable to appropriate zone districts, including the Highway 24 corridor and downtown core, to ensure that commercial development complements and promotes the Town’s desired image.
- Ensure consistent enforcement of the Land Use Code.
- Encourage density, infill, and adaptive reuse of structures.
- Encourage flexibility in the Land Use Code to provide for emerging concepts in construction techniques and land use that can demonstrate an ability to minimize environmental impacts.

The proposed amendments allow for installation of wireless facilities on existing light poles, regardless of which zone district they are located. It allows existing structures to help hide the visual impacts that would result from a new tower being built specifically for new cellular antennas, and instead locates them on an existing structure that is already in the community.

2. Does not Conflict with the UDC or Municipal Code.

The proposed amendments remove conflicts that were inadvertently created when the current limits were created, allowing only the OSR district to have antennas greater than the height limit of 35 feet.

3. Necessity to address a demonstrated community need.

The proposed amendments allow antennas to be located on non-residential structures in residential districts when they use stealth designs. Those structures limit the potential for additional cellular service to Town in residential zones.

4. Necessity to respond to changing policy or conditions.

The proposed amendments respond to the need for more cellular coverage in Town and allow for expansion of existing services to meet growing demand that comes with additional residential growth in Town, but at the same time minimize impacts to the existing surrounding neighbors.

5. Consistency with the intent of zoning districts, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

The proposed amendments will result in consistency of regulations across various zone districts that have existing ball field lighting in Town, and results in orderly development of future wireless facilities.

6. Would not result in significant impacts to the natural environment.

Using existing light poles would not significantly impact the natural environment because the poles that would be allowed to have an antenna are already built. Using existing structures would lessen the need for new wireless facilities on any new freestanding poles in Town.

V. Conclusion and Recommendation

Based upon the information and materials provided in the staff report, staff supports the proposed amendments to Section 3.2.4.J. and Table 3.2. of the UDC.

1. The Town of Buena Vista is requesting approval of amendments to the UDC to allow for existing non-residential structures using stealth designs in residential zone districts to have facilities at a height over the underlying zone district maximum; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 6.4.3. of the Unified Development Code, and
4. The application for amendments to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts the conclusion and recommendation as presented in the staff report, it should recommend that the Board of Trustees **APPROVE** the proposed amendments to the Unified Development Code to allow for non-residential structures using stealth designs in residential zone districts to be located above the maximum height of the zone district, when all other provisions of Section 3.2.4.J. have been met.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. _
(SERIES OF 2018)

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING TABLE 3.2 OF ARTICLE 16.03 OF THE BUENA VISTA
MUNICIPAL CODE CONCERNING WIRELESS SERVICE FACILITIES
ON BALL FIELD LIGHTS**

WHEREAS, currently, the Buena Vista Municipal Code allows for building and roof-mounted wireless service facilities on ball field lights within the OSR district;

WHEREAS, building and roof-mounted wireless service facilities are permitted in residential districts subject to the height limitations in the underlying district;

WHEREAS, ball field lights currently exist in the Town's residential districts; and

WHEREAS, the Town desires to permit wireless service facilities on ball field lights in its residential districts and allow such facilities to extend beyond the height limitation of the underlying district.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Table 3.2 of Article 16.03 of the Buena Vista Municipal Code is hereby amended by a revision to Note (1) to read as follows:

- (1) Antennas attached to ball field lights are allowed in the Residential Districts and OSR District and can extend beyond height restrictions in this table, up to a maximum of ten feet above the highest point of the ballfield light.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this ____ day of _____, 2018.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)



TOWN OF BUENA VISTA

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Phone: (719) 395-8643
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DATE: August 15, 2018

TO: Planning and Zoning Commissioners

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: Consideration of limits on residential properties for accessory structures

Request

Staff is seeking guidance from the Planning and Zoning Commission about possible amendments to the Unified Development Code to allow for more flexibility for accessory structures on large residential properties in Town. Currently, accessory structures are limited to a total of 1,000 square feet, even when the property may be larger and allow for larger accessory structures.

Background

Town has limits of 1,000 square feet for accessor structures, which is well suited for smaller residential properties, but may be limiting to larger residential properties in town, especially those that contain existing agricultural buildings. Staff will present situations where that regulation based upon zone district, may be limiting to those properties that where larger accessory structures may impact surrounding neighbors because of the properties' sizes. After discussion, if the Commission feels that the matter may be worth pursuing any amendments, staff will perform an analysis and prepare any proposed amendments for the Commission to review.

Commission Action

If the Planning and Zoning Commission believes that the matter merits further consideration, staff will study the matter and prepare any amendments and bring it back to the Planning and Zoning Commission for its review and recommendation to the Board of Trustees regarding any proposed ordinance to amend the UDC.