



## Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission May 4, 2016

### CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00pm, Wednesday, May 4, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Acting Chair Annie Davis. Also present were Commissioners Estes Banks, Preston Larimer, and Tim Bliss. Staff Present: Principal Planner Mark Doering, Public Works Director Greg Maggard, Deputy Town Clerk Melanie Jacobs, Planning Technician Jill Abrell, and Code Enforcement Officer Alex Junker.

### PLEDGE OF ALLEGIANCE

Acting Chair Davis led in the Pledge of Allegiance.

### ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

Doering introduced two new Planning Department staff members: Code Enforcement Officer Alex Junker and Planning Technician Jill Abrell. Commissioners welcomed them to their new positions.

### AGENDA ADOPTION

Davis called for approval of the agenda. **Motion #1** by Larimer seconded by Banks to adopt the agenda as presented. Motion carried.

### APPROVAL OF MINUTES

Bliss motioned for approval of the April 20, 2016 minutes. **Motion #2** was seconded by Davis. Motion carried.

### PUBLIC COMMENT

Davis opened the public comment portion of the hearing at 7:07pm. With no comments received, the public comment portion of the hearing was closed at 7:07pm.

### NEW BUSINESS

#### **Selection of Vice-Chair**

Davis asked if any of the Commissioners were willing to act as Vice-Chair. Larimer responded that he was, after Banks and Davis had demurred. Banks motioned to nominate Larimer as Vice-Chair of the Commission. Bliss seconded **Motion #3** and it passed 3-0.

#### **BVSD Baseball Field Rezoning**

Doering explained that the applicant was requesting to change the zoning of the Buena Vista School District baseball field at 609 E Pine St from R-1 OT (low-density residential old town) to B-1 OT (general business old town). The applicant was also seeking to vacate an alley right-of way running through the baseball field (explained in more detail below). Finally, the applicant had asked that application fees be waived.

Doering noted that these changes were being sought in order to facilitate a land swap arrangement with the town: the School District would like to trade the current baseball field for another field to be constructed by the town at another site, while the town wants to use this property for affordable housing. The conceptual site plan being sent to the Colorado Housing and Finance Authority (CHFA) anticipates that two multifamily buildings will be erected on the site, each of three stories and accommodating 24 apartment units. One building will be situated along Pine St and the other will be located just off Carbonate St. Access will be taken from the town-owned Utah St right-of-way and from Pine St. The CHFA application is due June 1.

Doering then showed Commissioners a map of the surrounding zone districts: R-1 (OT) to the west, B-1 (OT) to the north, the South Main PUD to the east, and R-2 (OT) to the south. Doering stated that as the town code specifies no criteria for approval of a rezoning request, he had consulted other municipalities' codes and is utilizing their most common criteria to arrive at a determination. First, he finds that the project is in conformance with the Comprehensive Plan, as it allows for residential development near downtown and will help meet the need for affordable housing in the area. Second, the proposed B-1 OT zone district is contiguous with the B-1 OT zoning to the north of the property. Third, the zone change would be compatible with surrounding uses, which are both residential and commercial. A fourth criterion asks whether the zoning currently in effect was made in error; this consideration does not apply in this case.

Doering then moved on to a discussion of the other aspect of the project: the alley right-of-way vacation.

#### **BVSD Baseball Field Alley Right-of-Way Vacation**

Doering informed the Commission that the alley in question is bordered by Pine and Carbonate on the north and south, and by Utah and Nevada on the west and east, and runs northwest-southeast (parallel to Utah and Nevada). Most of Utah St has already been vacated, and the remaining piece is town property. There is a sewer line present in the vacated part of Utah St.

Doering proceeded to explicate the one criterion for approval of a right-of-way vacation: the vacation is in the public interest, as it will allow for the development of multifamily housing close to downtown and there are no improvements in the ROW that the town would be abandoning.

Doering closed his presentation by stating that staff recommended approval of both applications with no conditions.

Shelly Mueller of 106 Surrey St, Buena Vista, stood to represent the applicant (the Buena Vista School District). She explained that the district hoped to make the new field a multi-use facility that could be utilized for other sports in addition to baseball. She also stated that there is another piece of property in that area, across Carbonate to the southeast, which could be used for residential development in the future.

After brief discussion during which no member of the Commission expressed any reservations about the project, Larimer motioned to recommend approval of the request to rezone the property at 609 E Pine St from R-1 OT to B-1 OT. Banks seconded and **Motion #4** passed 3-0.

Larimer then motioned to recommend approval of the vacation of the alley south of Pine St, north of Carbonate St, east of Utah St and west of Nevada St, to allow for multifamily development of the property located at 609 E Pine St. **Motion #5** was seconded by Bliss and carried 3-0.

Larimer also motioned to recommend that the application fees for the rezoning and alley vacation be waived. Banks seconded and **Motion #6** passed 3-0.

#### **Foreman - Greiner Minor Subdivision**

Doering introduced the project by stating that the applicant was requesting approval for a minor subdivision to create three legal residential lots. The properties affected by the split are located at 224 James St and 702 Yale Ave. The applicants are seeking to correct an illegal subdivision made by prior owners. Lot 1 currently has a home on it; the others are vacant land. No public improvements to the new lots would be needed, but half of an alley would have to be dedicated to the town to allow adequate access to lot 2.

Doering projected a flood map of the area and the proposed final plat onto the meeting room screen, remarking that lots 1 and 2 are currently one property, and explaining that all three lots would have access onto James St: lot 1 has direct access, lot 2 would use the alley to access the street, and lot 3 abuts James St at its easternmost end.

Doering went through the criteria for subdivision approval: 1) the development meets the requirements of the subdivision ordinance; 2) all lots being created meet the minimum size requirements as specified in the zoning ordinance; 3) adequate utility service is already available to lot 1, lot 2 will need to be provided with an access/utility easement across lot 1 to James St, and lot 3 can connect to utilities on James St or across adjoining properties; additionally, staff would like to see the proposed Flood Insurance Rate Map (FIRM) included on the plat for the benefit of future property owners; 4) rededication of the northern half of the alley will be required to provide access to lot 2, and easements need to be created to allow for water/sewer/electric/gas service to run to that lot; and 5) there are no drainage concerns with regard to lot 1, and drainage controls will need to be demonstrated at time of development of lots 2 and 3.

Doering concluded his presentation by stating that staff recommends approval with the following conditions:

- 1) The plat shall be revised prior to Board of Trustees public hearing to dedicate the northern portion of alley back to the Town for alley right-of-way to provide access to Lot 2 from James Street;
- 2) The plat shall be revised prior to Board of Trustees public hearing to include a note that all lots have areas identified as a Special Flood Hazard Area (SFHA) and any future development of the lots within the subdivision shall obtain approval of a floodplain development permit prior to any construction within the SFHA as required by Article IX of the Town of Buena Vista Municipal Code; and
- 3) The plat shall be revised to provide an access and utility easement for Lot 2 across Lot 1 to allow for connections to infrastructure within the James Street right-of-way. Lot 3 shall be required to meet each utility provider's requirements at the time of construction on that lot, including but not limited to water, sewer, electric and gas utilities. If connections cannot be made to James Street for Lot 2 or Lot 3 as shown, easements shall be required across any adjoining properties to connect to existing infrastructure and said easements shall be recorded prior to those connections being made.

Applicant Thomas Foreman of 15790 W Tee Rd, Buena Vista, and his sister Cheri Dey of CR 342, Buena Vista, stepped to the podium to speak. Foreman explained that the property had been owned by their parents, and as they have now passed on Foreman and Dey are trying to carry out their wishes as outlined in their will. Their parents wanted the land divided and distributed to family members; they have a sister who plans to build on lot 2. The house on lot 1 is the original family home. Their parents sold off lot

3 some time ago to the Greiners without having gone through the subdivision process, and they are trying to rectify this situation. Foreman also stated that Joseph Greiner had been unable to attend the meeting due to a prior commitment.

Davis closed the public hearing and asked Commissioners for their thoughts. In response to a question from the Commission, Public Works Director Greg Maggard said that there might be utility issues with lot 3. Foreman stated that as Greiner owns property on Yale Ave, easements could be run north from that street. Maggard was of the opinion that any house built on lot 3 would need easements off Thompson Court (to the west), though it would still have access off James St.

Larimer made a motion to recommend approval of the Foreman – Greiner Minor Subdivision Final Plat, with the three conditions outlined by staff [included on page 3 of these minutes]. Bliss seconded **Motion #7** and it carried 3-0.

#### **STAFF / COMMISSION INTERACTION**

Doering encouraged Commissioners to attend the May 21 Planning Refresher training in Golden, and asked them to get in touch with Jacobs if they would like to be registered for the event.

Doering stated that last week's meeting with FEMA to discuss the new draft Flood Insurance Study (FIS) had been well-attended and provided local citizens with a lot of good information. After FEMA officially adopts the new map, Buena Vista will have six months to adopt it. The end of the appeal period, during which property owners can submit information to FEMA contesting their determinations, will be June 8.

Doering noted that no one had yet applied for the two alternate vacancies on the Commission.

Doering also informed the Commission that the town had received another Special Use Permit application asking permission to locate a tire and windshield shop at 102 Brookdale Ave. The matter is set to come before the Commission on May 18. Larimer took issue with the notion, expressed by one of the Trustees, that allowing this business to operate at that address ran counter to the Comprehensive Plan. He also wondered why no one had shown up at the Planning Commission meeting to complain about the prior application, as there was a local citizen who did appear at the Trustee hearing to speak in opposition. Doering stated that Planning Commission hearings are not noticed unless the Commission makes the final decision on the matter (as with Comprehensive Sign Plans). He also said that he would be personally contacting the dissatisfied neighbor to let her know of the Planning hearing this time around.

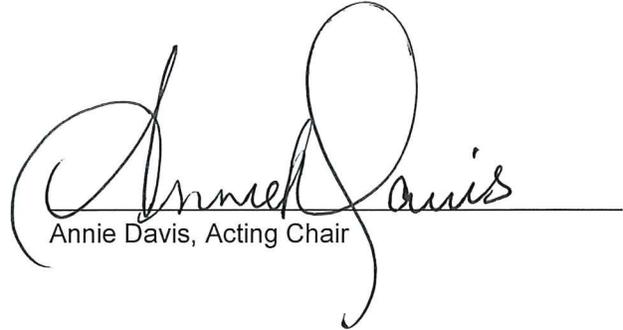
Doering went on to say that he would email Commissioners in order to find a time when they could meet for a work session with the Board of Trustees, but that this should occur sometime after the hearing on the tire shop had come before them.

Banks expressed concern about creating a stigma around the proposed new affordable housing development by locating it in a distinct area. Doering remarked that the county affordable housing group would be doing some public relations work on this issue but that it is not always possible to change people's minds.

**ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Bliss motioned to adjourn the meeting at 8:31pm. Commissioner Banks seconded. **Motion #8** was unanimously approved.

Respectfully submitted:



Annie Davis, Acting Chair



Melanie Jacobs, Deputy Town Clerk