



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
June 1, 2016**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday June 1, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Vice Chair Preston Larimer. Also present were Commissioners Estes Banks, Annie Davis, and Tim Bliss. Staff Present: Principal Planner Mark Doering and Planning Technician Jill Abrell.

PLEDGE OF ALLEGIANCE

Vice Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Abrell proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Davis motioned for approval of the May 18, 2016 minutes. **Motion #2** was seconded by Bliss. Motion carried. Banks abstained due to his absence of the May 18, 2016 meeting.

PUBLIC COMMENT

Larimer opened the public comment portion of the hearing at 7:01 p.m. With no comments received, the public comment portion of the hearing was closed at 7:02 p.m.

NEW BUSINESS

Woodland Brook Cabins Minor Subdivision

Doering presented the Commission with the Staff Review for the Woodland Brook Cabins Minor Subdivision, located at 226 S. San Juan Ave. Applicants are requesting a minor subdivision final plat to create two lots. This would rectify illegal splits done by previous owners. No public improvements would be necessary. There are currently vacation rental cabins on one lot, and an incomplete residential structure on the other lot. There is potential for additional cabins to be constructed on the property. The property is zoned R-2 and is in the floodway based upon the FEMA 2015 FIRM (which is set to be adopted in about a week). The proposed final plat showed the unfinished building in Lot 1; the floodway affects five existing structures and may affect future structures. Doering presented photos showing existing and proposed cabins, and the incomplete residential structure.

Doering reviewed the criteria for subdivision approval: 1) the development meets the requirements of the subdivision ordinance; 2) all lots being created meet the minimum lot size requirements as specified in

the zoning ordinance; 3) adequate utility service is available and proper easements exist or will be created; 4) applicant will dedicate easements as required to the Town; although no new easements are anticipated, the floodway will be designated so that future owners are aware of its existence; 5) proper drainage control has been demonstrated; all structures are currently existing so no new drainage controls are required; new structures will have to meet drainage requirements.

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 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 for any construction within the SFHA as required by Article IX of the Town of Buena Vista Municipal Code;
- 2) The plat shall be revised to meet any comments from the Town's engineer and utility providers.

The Commissioners discussed Doering's presentation and had no questions for Doering.

Applicant Merrill Mann of 0445 Edwards Village Blvd, Edwards, CO rose to address the Commission. Mann is the president of the Woodland Brook HOA and owns two cabins on the property. Mann explained that the lodge never finished being constructed and they have had problems getting developers to finish building the structure. Mann commented there were additional complications because everything is on one lot. Mann stated that they are making an effort to work with the Town so that something can come of the building. Mann mentioned that the building could be completed or possibly torn down, and that if it was torn down the intention is that something else would go up in its place. Mann concluded that their intention is to beautify the street, offer housing, and be a good neighbor.

Applicant Riaan Van Niekerk of 205 W. 1st St., Salida, CO rose with Mann to address the Commission. Van Niekerk owns the unfinished building and noted it would be more costly to tear the building down than to finish construction.

Banks asked how many members were a part of the HOA. Mann responded they had 11 owners and that some owners own multiple cabins.

Davis asked if the goal was to sell the lodge. Mann responded that it was.

Banks asked how many potential cabins Mann anticipated being built. Mann responded that they were anticipating taking one cabin down and putting a new one up, and possibly adding one more. Mann noted that the floodplain may change their current plans.

Banks inquired if the cabins they were proposing fall under tiny houses. Van Niekerk responded that it does not, and that the HOA has design standards in place that prohibit tiny homes. Mann added that they have occupancy guidelines in their rules and regulations. Mann clarified that these are specifically second homes that can be rented out for one month at a time.

Larimer closed public hearing and the Commissioners discussed the project.

Doering clarified that the property had never gone through a subdivision process authorized by the Town so it could not legally be sold. The subdivision process the applicants are currently going through allows Lot 1 to be legally created and sold.

Larimer asked if there was a Special Use Permit in place. Doering stated that these were built prior to those guidelines. He went on to state that the current zoning of the property (R-2) does allow for the cabins.

Davis motioned to recommend to the Board of Trustees approval with conditions as outlined by staff for the property at 226 S. San Juan Ave for Woodland Brook Minor Subdivision Plat. Banks seconded the Motion. **Motion #3** passed unanimously.

STAFF / COMMISSION INTERACTION

Doering explained that the reason that the house was never finished because no one would buy it, and no one would buy it because the lot was done illegally. The subdivision was done without Town approval and recorded with the County. Because no one wanted to correct the subdivision, it has remained unpurchased. Doering remarked it was applaudable that the HOA was able to come together to get this fixed collectively.

Doering clarified that the HOA was different from a PUD in that the covenants are a private agreement that the Town does not enforce.

Banks questioned if the property can be built upon since it has been sitting vacant. Doering responded that someone will have to evaluate the unfinished structure, and it will be left up to the Building Department. Doering also noted concerns with the height of the structure, as the maximum permitted height is 35 feet. The Commission discussed possible issues that may arise and the efforts of the HOA to come together to fix the illegal division.

The Commission went on to discuss the work session with the Board of Trustees. Doering stated that June 7 may not work and that they are also looking at June 21. Either date would be at 7:00 p.m.

Doering informed the Commission that the Town is expecting comments back on the UDC from the consultants on Friday. The Town would like to have the Steering Committee meet on June 28 beginning at noon. Doering will send out emails regarding this.

Doering asked if there is anything the Commission would like to discuss with the Board of Trustees when they have their work session. Doering reminded the Commission that no discussions can occur regarding 3-D Auto because they are still in an appeal period.

Banks noted that he would like to work more to give the Board of Trustees direction. It was also noted that the Board of Trustees is making an effort to reconnect with other boards and commissions. It was remarked that it is often difficult to enforce the code and be business friendly. Banks again noted that the Commission should be able to give the Board a solid reason for their decision, and hopefully provide them more guidance.

Doering noted that he welcomed disagreements from the Commission.

Banks inquired about the development of Main Street. Doering remarked that Main Street is thriving, and that the Fire Marshall is needed for over-occupancy concerns and violations. The People's stage is in progress and may be moved to a new location. The Jailhouse is getting ready to open up, and the Forest Service building may open soon with a new business. The Trailhead wants to start a bike rental/storage service space. Doering noted that several people are showing interest in BV Square.

Banks inquired specifically about the Theater. Doering responded that Dan Cooper has been showing it to interested parties.

Banks inquired specifically about the location of an old gym. Doering responded that he was referring to the old Public Works Administration building, the building east of where the School Board meets.

Doering informed the Commission that the Grove Subdivision, which was set to go to the Board of Trustees, may not go to the Board because someone is interested in keeping the existing lots as is and putting in four homes.

The Commission discussed Packet distribution and logistics.

Banks asked when affordable housing would be addressed.

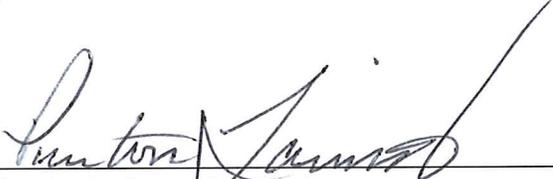
Doering replied that the process has been started including meeting with the people doing the study. Doering noted that it wasn't as well attended as the Town had hoped, but there was a good analysis done that he can send out. Doering remarked that there needs to be an entity that deals with affordable housing, such as a Housing Authority. Banks agreed and added that the entity would need to be designed such that it can insure that people are qualified and educate people on how to keep their properties.

The Commission discussed other current developments happening in the Town.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Bliss motioned to adjourn the meeting at 8:10 p.m. Commissioner Davis seconded. **Motion #4** was unanimously approved.

Respectfully submitted:


Preston Larimer, Vice Chair


Jill Abrell, Planning Technician