

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
July 20, 2016**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, July 20, 2016 at Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Estes Banks, Annie Davis, Preston Larimer, and Tim Bliss, and Alternate Ed Barkowski. Staff Present: Principal Planner Mark Doering, Planner I Scott Reynolds, and Planning Technician Jill Abrell.

PLEDGE OF ALLEGIANCE

Chair Shelton led in the Pledge of Allegiance.

ROLL CALL

Abrell proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Larimer motioned for approval of the July 6, 2016 minutes. **Motion #2** was seconded by Bliss. Motion carried.

PUBLIC COMMENT

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

NEW BUSINESS

650 S. Gunnison Special Use Permit

Erik Rasmussen of 26381 CR 319 rose to address the Commission. Mr. Rasmussen is requesting a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) in conjunction with a new primary dwelling unit at 650 S. Gunnison. He stated that the ADU will be 560 square feet with one bedroom and one full bathroom, and will have a full kitchen with full size appliances, and a washer and dryer. He noted that the exterior of the ADU will match the exterior of the new single family dwelling unit also being built. He noted that any exterior lighting would be downcast and shielded, and that there would be one off-street parking space provided. Mr. Rasmussen declared that the intent is to provide a long-term rental for an individual or couple.

Reynolds presented the Commission with the Staff Review for the Special Use Permit. He noted that the ADU would be located behind the primary residence, which is currently under building review. Reynolds stated that the current zoning for this property is R-2 Old Town and Airport Protection District Overlay and

noted that with the Airport Protection District overlay, an avigation easement will be required. He commented that the property is not in the floodway/floodplain.

He then presented the Commission with photos of the site plan, elevations, and current location of the property before going through the criteria for a Special Use Permit: 1) ingress/egress meets requirements; pedestrian access is off Gunnison Avenue and vehicular access is off the alley; 2) there are three off-street parking spaces as required shown on the site plan (two spaces required for the primary house and one space required for the ADU, however, the off-street parking requirement can be determined separately during a Special Use Permit process. Reynolds noted that the third parking spot as denoted on the site plan, between the ADU and the primary house, encumbers the property. He stated that based on staff analysis, the two parking spaces at the rear of the property are sufficient and the third spot is unnecessary. Reynolds continued with the criteria by stating that in the past, it has been a condition of approval that any exterior lights be downcast and shielded to comply with lighting standards. He noted that this preserves the night sky and prevents glare on the neighboring properties; 3) refuse/service areas will be similar to those throughout the neighborhood; 4) all utility services are either off the alley or off Gunnison Avenue; 5) screening and buffering are not required; 6) there are no signs proposed; 7) landscaping was provided with the original building permit for the primary house; 8) a single family house with an ADU in a residential neighborhood meets general compatibility.

Reynolds discussed the criteria for the ADU: 1) provides housing near employment opportunities; 2) 560 square feet is within the size requirements in the code; 3) the kitchen contains all required elements as listed in the code; 4) the bathroom contains all required elements as listed in the code; 5) one bedroom provided, maximum allowed is two; 6) water and sanitation connections will be reviewed at the time of building permit; 7) ADU is in appropriate zone district; 8) is located at the rear half of the property; 9) shall not be condominiumized or sold separately, which is a suggested condition of approval; 10) the ADU is compatible with the proposed primary home.

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

1. a minimum of two off-street parking spaces shall be required – one for the ADU and one for the primary house;
2. any exterior light fixtures on the property shall be downcast and fully shielded;
3. the ADU shall not be condominiumized or sold separately from the primary building;
4. an avigation easement needs to be recorded at the Chaffee County Clerk and Recorder's Office prior to a Certificate of Occupancy.

Banks inquired about the condition to not condominiumize the ADU. Doering responded that without the condition, the subdivision requirements may be skirted around; he also noted that the intention of an ADU is to have it as part of the primary user's property.

Bliss inquired about on-street parking in that area. Reynolds responded that on-street parking is available on Gunnison Avenue. Larimer asked for clarification about the parking requirement. Reynolds stated that the code currently requires that three off-street parking spaces be available, but noted with the narrow lots, it is difficult to have three spots. He showed on the site plan how the third spot would be encumbered and stated that staff is proposing that only two off-street parking spots be required. He commented that staff believes that that will be sufficient for the property. Doering added that the code states that parking shall be determined at time of special use permit process, and that staff is supportive of only having two off-street parking spots if the Commission feels it is appropriate.

After discussing the parking requirements and site plan, the Commission agreed that three parking spots did not make sense for the configuration of the lot and had no other issues with the proposal. Davis made a motion to recommend to the Board of Trustees approval with conditions as outlined by staff for the Special Use Permit for the ADU at 650 S. Gunnison. Larimer seconded and **Motion #3** carried unanimously.

Noe Minor Subdivision Amendment No. 1

Mary Kale of 30499 Stampede Run rose next to address the Commission. She stated that she is requesting a minor subdivision of 642 Cedar St. She noted it was previously four lots and they are now applying for a subdivision to return it to four lots. Ms. Kale believes that the best use of the lots would be to build houses on two of the lots and possibly sell the other two. She stated that she believes this will help with people looking for housing. She questioned the Commission about the sidewalk and alley requirements. Ms. Kale stated that there are several large boulders in the alley and expressed concern with removal of these boulders. She questioned why the Town did not improve the alley when the sewer line was put in, and stated her concern about removing boulders and damaging the sewer line. Ms. Kale also noted concerns with the expense of improving the alley. She then inquired if there were any funds available for the alley or sidewalk. Ms. Kale mentioned that there would be no access from Cedar Street on to these lots. She also stated her willingness to put the alley and road base in if the Town were willing to remove the boulders.

Reynolds presented the Commission with the Staff Review for the Noe Minor Subdivision Amendment Number 1. He stated the request would create four legal lots that could be used for residential or commercial purposes. Reynolds noted that the property was most recently subdivided with Noe Minor Subdivision in 2004 and had vested rights which expired in 2007. He commented that the Noe Minor Subdivision came with conditions, one of which is to take access off of Cedar; however, with the vested rights being expired, access should be off the alley based upon municipal code requirements and the Buena Vista Comprehensive Plan. Reynolds noted that all four lots are currently vacant with public improvements on Cedar Street and Evans. He stated that the current zoning is B-1 Old Town. He showed the Commission photos and site plans of the current lot and the proposed four lots and stated that the plat would need some improvements, which they are working on with a surveyor.

Reynolds reviewed the criteria for subdivision approval: 1) the development conforms to the requirements of the Subdivision Ordinance. He noted that as the applicant pointed out, the alley is not improved, and showed a picture of the alley off of Evans Street. He pointed out the poles that appear to be going right down the alley, and stated that Sangre de Cristo has plans to remove the poles within the next 18 months. Reynolds noted that one of the conditions includes requiring access off the alley. He further noted that the alley would need to be improved, and access would be off the alley regardless of whether there were four lots or one. Reynolds noted that another condition that was discussed and is outlined in the subdivision requirements is the addition of a 5' sidewalk, which is a condition determined by the Planning and Zoning Commission or Board of Trustees as they see fit. Reynolds commented that staff recommends adding a 5' sidewalk on Evans Street, which would connect to the existing sidewalk grid in town and lead to greater connectivity. Reynolds concluded that these were the two recommendations for public improvement and continued discussing the criteria for subdivision approval: 2) utilities are already existing for this property; 3) the lots meet the minimum size requirements; Reynolds noted that the minimum lot size for this zone district is 25' and the applicant is proposing a lot size of 28'; 4) applicant will dedicate easements as required to the Town; and 5) proper drainage control has been demonstrated; Reynolds noted that this requirement would be better addressed at the time of building permit.

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

1. the 15' alley be constructed with a six inch minimum road base surface, which is based off the comments of the Public Works Director and standards; this shall be done prior to the Certificate of Occupancy being issued for any of the building permits on the lot;
2. a 5' attached or detached sidewalk on the west side of Evans Street be constructed prior to the Certificate of Occupancy for the lot closest to Evans Street;
3. Prior to the recording of the final plat, the drawings shall be corrected to the satisfaction of the Principal Planner;
4. vehicular access must be from alley;
5. a site specific drainage plan must be submitted and approved prior to the issuance of a building permit; and
6. private service utility lines must be underground.

Reynolds noted that the last requirement is a requirement of the subdivision ordinance.

Larimer inquired if there were the French drainage structures in front of that property. Doering commented that he was not sure and Reynolds noted that drainage was not a huge concern. Larimer also inquired about the location of the sewer line in the alley and expressed some concern about the boulders. Doering commented that he estimated that the sewer line was right down the middle of the alley. Larimer inquired how old the sewer line is; Doering was unsure. Reynolds presented the Commission with a map showing the sewer line and manholes. He noted that the location was approximate. Doering and Shelton discussed one of the more problematic boulders in the alley. Shelton noted that boulders would be an issue anywhere in town.

Larimer questioned why some drawings showed the alley at 20' wide and others at 15' wide. Reynolds responded that the alley is platted at 20' wide, and Town requiring that the alley be improved to 15' wide.

Larimer inquired about the wider lot size. Reynolds responded that the lot size got wider for fire separation. He noted that this allowed for a larger house without fire walls. Doering commented that when the Noe Subdivision was originally done, the properties were combined and the line was not placed in the original spot, giving the plat 112' instead of the 100' of four 25' lots.

Bliss inquired if the power lines would be buried. Reynolds stated that based on the franchise agreement, there is no requirement for them to be buried. He noted that with the increased cost of burying them, Sangre de Cristo is not interested in burying them. Shelton and Doering discussed the removal and replacement of the poles currently existing in the alley.

Bliss inquired if there was any chance the Town would help with the costs of removing the boulders or alley improvements, or with removing boulders. Reynolds responded that that would be up to the Board of Trustees to decide. Doering added that the Comprehensive Plan discusses development paying its own way, and that the policies the community has voiced and that the Board has adopted suggests that development should pay its own way, but noted that that is something the applicant can request from the Board of Trustees. Doering commented that there are potentially cost recovery options, but added that there is no requirement for applicant to improve alley that is not abutting her property. He also noted that the alley could be improved as the lots are sold.

Ms. Kale rose to address the Commission. She commented that part of the reasoning behind asking for assistance with paying for sidewalk and alley improvement is because other houses on Cedar Street do access from Cedar Street. She noted that she does not have the option to access from Cedar Street. Ms. Kale commented that it is unfortunate that the alley was not improved when the sewer line was put in. She also commented that she would have to pay for the sidewalk which is also the Town's. She further stated that the alley would be tough to work with, so she was hopeful that the Town would help pay.

Larimer expressed confusion to Ms. Kale's statement that the alley would be tough to work with. He noted that dealing with boulders was a standard situation in Buena Vista for anyone who needed to dig holes.

Ms. Kale agreed but stated that that was when someone was building on their own property, and that she believed that when she was building a house on her own property, she should be responsible for the costs. Ms. Kale pointed out that the alley is not her property.

Shelton noted that improving the alley was a requirement for the subdivision, and so Ms. Kale should have been aware of the risk. Ms. Kale agreed but noted that most of the alleys are developed, and stated that she believed the reason this alley was never developed was due to costs. She further noted that it wouldn't be a problem if there was access off Cedar Street. She commented that she believed it was unfair. Larimer stated that the alley was likely not put in originally because the alley would not have been in Town limits but the Town has grown since then. Shelton inquired of the applicant how long she has owned the property. Ms. Kale responded that she purchased the property about a year ago. Shelton noted that at the time of purchase, there was no access off Cedar, and it was the applicant's risk when purchasing the property. Ms. Kale stated she hadn't realized that, and restated her previous comments that she would like monetary assistance from the Town to help pay for improvements since it is Town property, and because this alley has such big boulders. Ms. Kale further stated that the Town should assist because she believes there is a risk to damaging the sewer line.

Shelton responded that although he understands Ms. Kale's position, he would have a hard time recommending that the Town assist for something that already existed at the time of purchase. Larimer added that other developers have paid. Shelton agreed that development pays its own way and added that there are lots of boulders in Buena Vista, and that's the condition it was in at the time of purchase. Ms. Kale responded that a lot of other developers received monetary help from the Town. Shelton expressed understanding but did not believe it would be appropriate to recommend funding for this project.

Larimer questioned about the requirement of paying for trees. He noted that the requirement stated two trees per lot and inquired if the trees are already there. Reynolds stated that one of the previous conditions of the Noe Subdivision included that the applicant pay the Town for two trees but added that the trees are already there. Doering added that the condition expired with the vested rights on the plat in 2007. He further commented that the Town is not asking for reimbursement and that staff planted trees along Evans Street for Arbor Day.

Larimer returned to the issue of the sewer line and the boulders in the alley. Doering noted that the Town did not have exact knowledge of the sewer line location and further noted that the Sanitation District would have better records. Banks asked about the depth of the sewer line. Reynolds stated that the Town was unsure but that staff could get clarification from the Sanitation District. Bliss asked what would happen if the sewer line was damaged. Doering responded it would be up to the private property owners

to fix the damage to Town property if the damage was done by an individual. Doering added that he was not concerned about the sewer line being damaged with the alley improvement. Shelton noted that the applicant could work with the Sanitation District to safely remove the boulders.

Banks added that he believed that the removal of the boulders and the potential damage to the sewer line should be handled by the Sanitation District, and was not in the scope of the Planning and Zoning Commission. Davis followed up that although the Commission would not recommend financial assistance for the alley improvement, Ms. Kale could still present her request to the Board of Trustees. Bliss concluded by stating that the Planning and Zoning Commission does not allocate funds.

Bliss then inquired about vehicular access and parking. Doering stated that on-street parking is allowed on Cedar Street although vehicular access to the property is not. He commented that the original approval for the Noe Subdivision allowed access from Cedar Street, but noted that those vested rights expired in 2007. Doering pointed out that there were no public improvements at the time of original approval in 2004, such as sidewalks. He noted that the Town has now put in a sidewalk and planted trees, and that the Town would like to ensure that investment stays in place and is not damaged by allowing access off Cedar Street. Banks noted that by not having access off Cedar Street, the Town is improving pedestrian access and connectivity. Shelton added that this is a key area for sidewalk connectivity.

The Commission agreed they would not waive alley improvement requirements, and Shelton suggested that the Commission move on from talking about the monetary issue as it is not up to the Planning and Zoning Commission to decide. The Commission informed the applicant that she could talk to the Board of Trustees about her request for aid. Shelton added that the Commission would not make a recommendation either way about her request for monetary assistance.

Banks noted that he was very excited to have Old Town lots developed. Larimer added that he was hopeful that some of the other lots on that block would be improved and that they would begin to get cleaned up, and have fencing and screening added to certain properties.

With no more discussion, Davis motioned to recommend to the Board of Trustees approval with conditions as outlined by staff of the Noe Minor Subdivision Amendment Number 1. **Motion #4** was seconded by Larimer and passed unanimously.

Schultz-Writsel Alternate Commissioner Application

Lynn Schultz-Writsel rose to address the Commission. Shelton thanked her for her application to be an alternate member of the Planning and Zoning Commission and invited her to introduce herself to the Commission and discuss her experience. Ms. Schultz-Writsel stated she was intrigued in becoming an alternate because she saw it as an opportunity to be a part of the town. She noted that she had previous experience working on boards that dealt with planning and zoning issues. She stated she has been here for one year full time, but has spent a lot of time here since 1951 and so has seen Buena Vista change over the years.

Bliss asked her how she felt about development. The applicant responded that it is important to find a balance between growth and preservation. She noted that there is a housing problem so there needs to be development, but she added that the Town needed smart growth and planned development.

Ms. Schultz-Writsel asked for more details as to the role of an alternate Commissioner. Shelton responded that the Commission would want input from an alternate member and noted that the input would be valued. He further stated that if there weren't enough members for quorum, an alternate member would be able to make up quorum and would be able to vote in those circumstances. Banks noted that as permanent members leave, alternates can move up if interested.

Ms. Schultz-Writsel concluded by stating she hoped that she could bring insight of both sides of issues that come before the Commission.

Larimer motioned to recommend approval of Lynn Schultz-Writsel as an alternate member of the Planning and Zoning Commission to the Board of Trustees. Bliss seconded and **Motion #5** carried with no objections.

APA Conference, September 28-30

Doering stated that a package was purchased for Commissioners so that multiple commissioners could go to the APA Conference in Colorado Springs and trade off days and times. He noted that Commissioners would be able to go to various sessions, and that the package covered all three days. Doering requested the Commission to look at their calendars and let staff know if they are interested in attending.

STAFF / COMMISSION INTERACTION

Banks commented that staff could do spreadsheet which may save time to list the criteria and check the boxes. Doering mentioned that staff is recommending that ADUs become a use by right with the new UDC. He stated that ADUs do not rise to the level of requiring a special use permit. He noted that the feel of the community is that people want ADUs to be allowed. Banks commented that there was a time that the community did not want ADUs in Sunset Vista IV. Doering noted that there is an affordable housing problem, and that the Town is trying to address it any way possible.

Larimer asked about the UDC. Doering responded that the Steering Committee met with the consultants, and that comments were needed back by this past Friday. He noted that staff did not receive as many comments as desired. Doering stated that the consultants will bring back a final version that will go in front of the Planning and Zoning Commission.

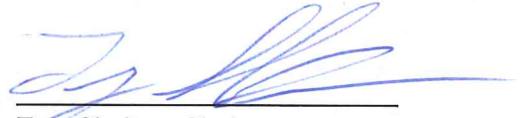
Doering requested input on having the applicant go first in addressing the Commission and then having staff present the staff report, as was done tonight. Shelton and Davis both commented that they thought it worked great to have applicant go first. Davis added she believed it helped the applicant feel as though they are heard.

The Commission and staff then discussed public improvements such as sidewalks and streetlights. They also addressed development within the town, the need for housing, and increased property values.

ADJOURNMENT

There being no further business to come before the Commission, Davis motioned to adjourn the meeting at 8:15 p.m. Larimer seconded. **Motion #6** was unanimously approved.

Respectfully submitted:



Trey Shelton, Chair



Jill Abrell, Planning Technician