

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
September 7, 2016**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:01 p.m., Wednesday, September 7, 2016 at the Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Annie Davis, Estes Banks, and Tim Bliss, and Alternate Lynn Schultz-Writsel. 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 Bliss to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the August 17, 2016 minutes. **Motion #2** was seconded by Bliss. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 7:05 p.m. With no comments received, the public comment portion of the hearing was closed at 7:05 p.m.

NEW BUSINESS

724 Hwy 24 N. (O'Reilly) Comprehensive Sign Plan (CSP)

Andy Giesbrecht, Director Rocky Mountain Region, of 5861 N. Broadway in Denver rose to address the Commission. Mr. Giesbrecht stated his desire to ensure that O'Reilly fits well with the community. He spoke of the sign footprint that is standard for all locations and stated that the wall signs proposed are typical with other stores. He noted that they are also asking for a pole sign that would be visible from a further distance to more easily identify the location. He also noted that the pole sign is proposed in hopes to avoid any safety concerns given the location and the changing speed limits. Mr. Giesbrecht stated that the pole sign is typical for all of their stores.

Reynolds then presented the staff report. He noted that the three signs being proposed exceed the size limits and allotted quantity, and are also internally illuminated, which means the store is required to have a Comprehensive Sign Plan (CSP). He noted that the property was created illegally in 2013, and that

making it legal would be a condition of approval as no permit can be issued for an illegally divided property. He further stated that O'Reilly was already working with staff to address this issue.

Reynolds stated the location of the property and stated that the zone is B-2 Highway Business with no overlay districts. He commented that staff does not have any floodplain concerns with this property. Reynolds then displayed the site plan for the property and noted the locations of the two proposed wall signs and the proposed pole sign. He stated staff has no concerns with the two proposed wall signs and displayed the proposed design of each and noted that both would be internally illuminated.

Reynolds continued by stating that the freestanding pole sign being proposed is 75 square feet and that staff recommends that the freestanding pole sign be changed to a monument sign based upon previous conversations. He noted that the freestanding pole sign is 20 feet tall, 15 feet tall from the ground to the bottom of the sign, and 5 feet from the bottom of the sign to the top of the sign. Reynolds noted that the recommended monument sign is proposed to be 12 feet tall, five feet for the sign and seven feet for the base. Reynolds noted that other stores around Colorado also have monument signs similar to the one that is being recommended.

Reynolds then went over criteria for a Comprehensive Sign Plan:

1. The signs are attractive, effective, and complimentary feature of the building or property; Reynolds noted staff feels like this criteria has been met;
2. the signs make a positive contribution to the general appearance of the street and commercial area; Reynolds noted that staff felt that due to the highway conditions and mountain climate that the pole sign lends to a negative appearance and added Condition #1;
3. the signs are appropriate for the building, are sensitive to the context in which they are used, and are harmonious in scale and proportion with the building façade; Reynolds reiterated that staff did not feel that the pole sign met this criteria and that staff recommends a monument sign of the same square footage; and
4. the signs are professionally designed and fabricated of quality, durable materials; Reynolds noted that staff does not have any concern about this criteria being met.

Reynolds concluded by stating that staff recommends approval of three signs for O'Reilly Auto Parts at 724 US Highway 24 North with the following conditions:

1. Prior to obtaining a building permit for the sign, the applicant shall provide an updated monument sign with a maximum height of eight feet and a maximum area of 75 square feet; Reynolds noted that this was similar to other monument signs in the surrounding area and still allowed for the total requested signage area;
2. approval of the Comprehensive Sign Plan is contingent upon recording of the O'Reilly Subdivision plat at the county based off Municipal Code 17-5;
3. the applicant shall pull any necessary building permits for signs as determined by the building official; Reynolds noted that any structure over six feet tall requires a building permit.

Bliss asked for clarification as to the size of the freestanding sign. Reynolds stated that both the proposed pole sign and the staff recommended monument sign are 75 square feet. The Commission noted that they preferred the monument sign to proposed pole sign.

Bliss asked about the scale of pole sign as shown on the plan. Doering noted that the plans showing the pole sign were not to scale.

Shelton asked about the recommended height for the monument sign. Reynolds said the monument sign was proposed to be eight feet tall. The Commission was in agreement that the monument sign is a more attractive option.

Banks inquired about the material for the base. Davis stated that the applicant should be able to choose the material instead of the Commission requiring a certain material. Shelton agreed with Davis. Doering noted that that would be something staff would review when the building permit was submitted.

Davis made a motion to approve the Comprehensive Sign Plan for 724 Highway 24 North with the conditions as recommended by staff. Banks seconded and **Motion #3** carried unanimously.

Mr. Giesbrecht addressed the Commission post-decision and stated his desire to have the traditional pole sign in order to match the other highway businesses in Town that also have pole signs. Shelton noted the Town's desire to shift towards monument signs instead of pole signs. Mr. Giesbrecht noted that O'Reilly would like to be able to match the neighboring businesses and use the traditional pole sign that is typical of O'Reilly Auto Parts. Mr. Giesbrecht added that the example monument signs that were shown are not typical of O'Reilly.

Bliss responded that monument signs are the direction the Town is headed and that O'Reilly will not be the first to have one. Davis added that it isn't the Town's goal to continue in the direction of pole signs and noted to the applicant that the monument sign will look much better. Banks added that the monument sign would be a nice aesthetic. After discussion, the Commission decided to keep the condition for the monument sign.

209 N. Colorado Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU)

Zarko Vukelic of 209 N. Colorado rose to address the Commission. He stated his desire to build an accessory dwelling unit (ADU). He noted that he built the existing house last year and that the existing house is 640 square feet. He stated that the new ADU would be 800 square feet and it would be 1 bedroom and 1.5 bathrooms. Mr. Vukelic commented that his intention is to live in the ADU and rent out the primary house as a long term rental.

Reynolds then presented the staff report for a Special Use Permit (SUP) for 209 N. Colorado. He stated that it would be located behind the primary residence, and would be 800 square feet with one bedroom and one bathroom. Reynolds mentioned that the applicant/owner is currently constructing a tiny home on the property and that that will be addressed in the conditions below.

He continued by noting the location of the property and that it is in the B-1 OT zone district with no floodplain concerns. Reynolds stated that all utilities have access to the property and there is a sidewalk already in place. He showed current site photos of the property with the current house and tiny house.

Reynolds mentioned that staff had worked with the applicant regarding prior encroachments on the property and neighboring properties and added that the applicant is planning to do a subdivision in the future. Reynolds displayed the proposed future subdivision to demonstrate that the ADU would still be accessory to the primary unit on the same lot even if the property is divided.

Reynolds continued by stating that one off street parking space has been allocated for the ADU which will require the removal of one tree, and a new tree will be planted to replace this. He then showed the floor plans and exterior treatment for the proposed ADU. He noted that the exterior treatment will match the primary residence.

Reynolds then reviewed the criteria for the SUP and noted that there are no concerns with ingress/egress, parking, or noise/glare/nuisance. He noted that refuse and service areas are similar to abutting properties so staff has no concerns with this requirement. He stated that the utilities are provided and that screening and buffering is not necessary given the residential nature of the property. He continued by stating that the ADU will be located behind the main house, and that no signs are proposed. He stated that staff is recommending that any future exterior lights be downcast and shielded as stated in Condition #1. Reynolds mentioned that the minimum landscaping requirements have been met and since it is a new residential dwelling unit in a residential neighborhood that it is compatible with the neighborhood.

Reynolds then reviewed the criteria for an ADU and noted that it provides housing near employment. Reynolds noted that the ADU meets the size requirements although there are some concerns with the proposed porches that are addressed with Condition #2. Reynolds stated that the kitchen and bathroom contain all required elements, that there is adequate parking, and there is service available for water and sewer. He mentioned that the ADU is in B1-OT zone district in the rear of the property which meets minimum code requirements. Reynolds stated that the ADU may not be condominiumized or sold separately as addressed in Condition #3 and that the proposed ADU is aesthetically similar to the primary dwelling unit.

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

1. Any new exterior light fixtures on the property shall be downcast and fully shielded;
2. the two proposed 128 square foot porches shall not be allowed to be enclosed if doing so goes over maximum allowed size limit;
3. the ADU shall not be condominiumized and/or sold separately apart from the primary building to which it is accessory;
4. the Tiny House on the lot shall not be used as permanent dwelling although the applicant can finish construction on it.

Bliss inquired about the current use of the tiny home. Mr. Vukelic stated that the tiny house has not been used. He noted he plans to sell it or buy a piece of land where he can have it and that his goal is to have it finished before winter.

Davis asked for clarification about the future subdivision. Reynolds clarified that the applicant would like to subdivide the lot in the future, though there is no application right now. He noted that if the SUP is approved, it will fit with the future proposed subdivision. Davis noted that the ADU will stay on the same lot as the existing house if the property were subdivided. Reynolds added that should the property be subdivided in the future, an easement would have to be added to the property for utilities and access.

Banks inquired of the applicant why he was only opting for one bedroom given the size of the ADU. Mr. Vukelic stated that he is planning to use the new structure (ADU) and rent out the primary house. Mr.

Vukelic noted that given this, he felt that one bedroom would be sufficient for him as this is a second home. He also stated his desire to increase the property value with the ADU.

With no further discussion, Davis made a motion to recommend approval to the Board of Trustees with conditions as outlined by staff for the SUP at 209 N. Colorado Ave. Banks seconded and **Motion #4** carried with no objections.

Contact Information

Doering noted that we need to update the Commissioner contact list and asked the Commissioners to provide staff with updated contact information that would give staff the best way to contact them.

APA Conference, October 24-26

Doering asked the Commission if anyone would be able to attend with the conference date change. Bliss stated that he would like to. Shelton stated he would not be able to make it. The Commission inquired about an updated schedule and asked for it to be sent out once it was available. Doering commented that several of the topics may help the Commissioners in making decisions on future plans and looking ahead for long term planning for the Town.

STAFF / COMMISSION INTERACTION

Abrell explained that it was Colorado Cities & Towns week and that each Commissioner was given a "Smiley Guy Cellphone Holder" as a thank you for their service to their community.

Doering addressed iPad problems the Commissioners are having.

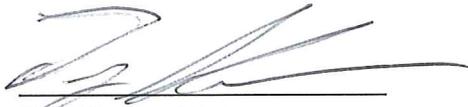
Doering reminded the Commission that at the next meeting, the Commission will meet at 6:00 p.m. instead of 7:00 p.m. and that the meeting start time will be at 6:00 p.m. going forward.

Doering noted that as part of Cities & Towns week, next Wednesday will be Touch-A-Truck day for kids and community members to come play with Town trucks and equipment.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Bliss motioned to adjourn the meeting at 7:42 p.m. Commissioner Banks seconded. **Motion #5** was unanimously approved.

Respectfully submitted:


Trey Shelton, Chair


Jill Abrell, Planning Technician