

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
November 2, 2016**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 6:08 p.m., Wednesday, November 2, 2016 at Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Estes Banks, Preston Larimer, and Tim Bliss, and Alternate Commissioners Ed Barkowski and Lynn Schultz-Writsel.
Staff Present: Principal Planner Mark Doering 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 Larimer seconded by Banks to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Shelton called for approval of the October 19, 2016 minutes. Larimer requested an amendment to a statement he made, citing that it had not been noted accurately. Bliss requested statements be stricken from the October 19, 2016 minutes. Motion to accept the October 19, 2016 minutes as amended made by Bliss seconded by Larimer. **Motion #2** carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 6:11 p.m. With no comments received, the public comment portion of the hearing was closed at 6:11 p.m.

NEW BUSINESS

1012 Front Loop Special Use Permit (SUP) Amendment

JJ Kinsfather, Project Manager for South Main Building Company LLC, rose to address the Commission. He began by stating that when the SUP was originally applied for, the hotel in South Main had some issues that needed to be addressed. He noted that this amendment related to the height requirements and addressed the concerns of the fire department. He stated that once South Main had the building plans developed and it had been reviewed, they felt some of the requirements were unnecessary and they are requesting some of the requirements be scaled back, although they will still meet building code.

Before beginning his presentation, Doering noted there were some corrections to the staff report as it was sent out. He noted that there was an incorrect date listed; that the zoning was mixed use, not mixed

residential as stated in the report; and that some information was listed about San Juan that was unrelated to the SUP amendment request.

Doering then began his presentation. He stated that the applicant is requesting amendments to the original SUP as previously approved by the Board of Trustees for a hotel at 1012 Front Loop Drive. The applicant is requesting relief from the requirements put forth by the Board of Trustees that exceed building code requirements for two conditions. He also noted that there was an application put in that would go directly to the Board regarding the grease trap that would not be covered with the Planning and Zoning Commission.

Doering continued by showing a map of the property and the related zoning districts and stated that a hotel over six units is allowed in the zone district with a special use permit. He noted that the applicant is requesting relief from two conditions of approval of the SUP as approved in 2015. These included a two-hour fire separation being installed in all stairwells and a requirement for both stairwells to extend to the roof of the building and be secured with a Knox box or combination code to limit access by the general public. He noted that this was added so that the fire department could access the roof in the event of a fire. Doering stated that these were placed as conditions of approval since at the time of the SUP, no building plans had been submitted. He added that staff did not know what type of construction type it would be, how many units, or other related factors since the plans had not yet been generated. Doering noted that once the building plans were submitted, the Building Department was able to review and evaluate the design with respect to the building code and they determined that the two conditions being addressed were over and above the requirements of the building code.

Doering then showed the floor plans and noted the stairwell locations. He stated that one stairwell is being constructed with the two-hour firewall. He stated that one stairwell will not have roof access but the other one does have roof access to provide access to personnel from the fire department and maintenance operations for the building. He noted the size requirements of the hatch and noted that a ladder was sufficient to access the hatch and that stairs were not required to access the hatch.

Doering then commented on the criteria for a Special Use Permit and noted that the ingress/egress criterion was the only factor affected by the amendment. He stated that the proposed amendment still meets the requirements for ingress/egress for fire code purposes. He stated that no other criteria are affected in regards to the special use permit.

Doering stated that staff recommends approval of the amendment for the Special Use Permit at 1012 Front Loop Drive to remove conditions of approval that exceed the building code requirements for the construction of the three-story, 42-unit hotel.

Doering then discussed Attachment F and clarified that the red text indicates comments from Dan Swallow, Director of Development Services for Chaffee County Building Department, in response to the conditions of approval of the original SUP.

Barkowski inquired what the original hesitation was in allowing the exterior roof access ladder. Doering replied that Town did not want an exterior ladder as that would allow the public access to the roof. Barkowski referenced Mr. Swallow's comments in regards to the exterior ladder. Doering replied that the comments provided to which Mr. Swallow replied were made before building plans had been generated, and so it was provided as a general comment. Shelton asked if both Buena Vista Fire Department (BVFD) and Chaffee County Fire Department (CCFD) were okay in removing these conditions. Doering

responded that they were as the building code requirements were still being met, and the building code reflected the fire code.

Doering noted that BVFD does not have a ladder truck and so BVFD took that into consideration when providing comments. He mentioned that CCFD does have a ladder truck but there is no guarantee that that would be available. He noted that that was of concern to BVFD and factored into the comments they provided. Doering stated that once building plans were submitted, both fire departments were able to provide better comments.

Banks commented on his experience working in high-rise buildings and noted that the Empire State Building only has one stairway. He mentioned that it's a common practice in high-rise buildings to constantly have fire drills. He stated that it would be important for the new hotel to have proper signage directing people to the stairwells and out of the building. Doering added that the building code includes requirements for signage.

Larimer noted that building codes seem somewhat arbitrary relating to firewall ratings and fire restrictions. Larimer highlighted Mr. Swallow's comments that stated that the requirements imposed were excessive, arbitrary, and capricious. Larimer noted that he believed there was merit in what Mr. Swallow stated.

Mr. Kinsfather addressed Banks questions and noted that the building code does have requirements related to signage, placards, maps, construction, and materials, and that all of those will be provided as required by the code. He stated that it was interesting that the Empire State Building only had one stairwell and noted that the hotel has two stairwells located at opposite ends of the building, providing exits regardless of which way an individual may go.

Mr. Kinsfather then expressed agreement with Larimer's comments. He noted concerns with the fire review provided on a hotel built previously and stated that some of those requirements also seemed arbitrary and capricious but that those plans had also gone in front of the Commission and the Board of Trustees and had been approved. He concluded by stating that his hope moving forward is that both the Commission and the Board would speak out more if they felt some of the requirements seemed unreasonable and be able to have the discourse.

Larimer and Banks expressed agreements with Mr. Kinsfather.

With that, Shelton closed the public hearing portion of the meeting. With no further discussion amongst the Commission, Larimer made a motion to recommend approval to the Board of Trustees of the Special Use Permit Amendment for 1012 Front Loop Drive in accordance to the amended staff report. Banks seconded and **Motion #3** carried unanimously.

STAFF / COMMISSION INTERACTION

Doering stated that most communities review SUPs with building plans to avoid such issues as the amendment that came before the Commission tonight. He noted that both BVFD and CCFD had difficulties providing comments and that he believed both fire departments did the best they could with the information they had at the time. He noted that the Board of Trustees could have relaxed those requirements but decided to leave it to be addressed with the building permit.

Shelton and Banks noted that they would be absent at the following meeting on November 16.

Doering provided a time frame for the completion of the UDC and stated that the consultants should have a draft available by November 30 for the public that reflects staff comments. He stated that there will be a joint session between the Commission and the Board of Trustees on December 7. He stated concern with getting word out to the public.

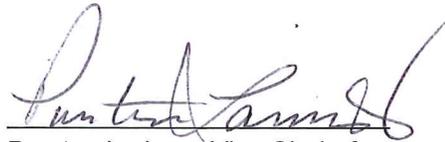
Doering made an announcement about the upcoming Developers Forum to be held on November 7 and facilitated by the Department of Local Affairs (DOLA). Many of the Commissioners noted that they planned to attend.

Abrell announced her intention to voluntarily resign her position from the Town of Buena Vista Planning Department.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Larimer motioned to adjourn the meeting at 6:45 p.m. Commissioner Banks seconded. **Motion #4** was unanimously approved.

Respectfully submitted:



Preston Larimer, Vice Chair, for
Trey Shelton, Chair



Jill Abrell, Planning Technician