



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
January 18th, 2023**

CALL TO ORDER

A meeting of the Planning and Zoning Commission was called to order at 7:01 pm, on Wednesday, January 18, 2023, at the Community Center by Chair Preston Larimer. Also present were Vice-Chair Lynn Schultz-Writsel, as well as Commissioners Tom Brown, Thomas Dumas (via Skype) and Craig Brown.

Staff Present: Planning Technician Chase McCutcheon, Planner II Doug Tart and Planning Director Joseph Teipel

PLEDGE OF ALLEGIANCE

Commissioner Larimer led in the Pledge of Allegiance at 7:01 pm

ROLL CALL

Tart proceeded with the roll call and declared a quorum at 7:02 pm

AGENDA ADOPTION

Commissioner Larimer called for approval of the agenda. Commissioner Schultz-Writsel motioned to adopt the agenda as presented and was seconded by Commissioner Tom Brown. **Motion #1** passed.

APPROVAL OF MINUTES

Commissioner Tom Brown motioned to approve meeting minutes from December 7th as amended. Commissioner Schultz-Writsel seconded. **Motion #2** was unanimously approved.

PUBLIC COMMENT

Public comment was opened at 7:04 pm.

No comments, public comment was closed at 7:05

NEW BUSINESS

Commissioner Larimer started by re-opening the subject on water allocation. Teipel reviewed the two items under consideration, the dedication ordinance and water allocation policy. Previous comments from the Commission Chairs included the information collected by Town staff was not as well researched and grounded as desired. Very little feedback has been received regarding water allocation from the public. In early February, the water allocation policy will be reassessed and presented later in the month after additional research has been collected. Teipel suggested that the commission presses pause on the ordinance for research and public comment. Larimer noted his concerns regarding the previous meeting's comment about bankers being hesitant to lend on a property with allocated water rights that have a cut-off time. Larimer would like to see a statement that works for both the developers and the town. In addition,

Commissioner Larimer mentioned the fee in lieu. Larimer asked if a developer can pay the fee sooner to assure the bank. Tart responded that a developer could pay the water fee in lieu at plat approval. Teipel noted at present, an individual developing land will have the water rights as soon as they pay the fee. The concern that the Town has with this approach is that eventually there will not enough water for those who want to build if the Town allocates water to those who do not develop their properties.

Commissioner Larimer suggested that we switch the criteria of the ordinance to make it more acceptable. He then noted that the options are to either table it, or recommend it. Teipel noted that the Commissioners can table, deny, approve or amend the ordinance.

Teipel noted that Project Water is not part of the portfolio for development. Commissioner Doumas asked if the Town has looked into other towns. Teipel responded that McCutcheon and himself are researching different towns similar to Buena Vista and how they are handling water rights and allocation, and added there has been no evidence of other municipalities placing a time limit on water rights. Commissioner Larimer mentioned if it would be possible to extend the time limit on the water rights.

Commissioner Schultz-Writsel asked if there is need to create an ordinance if the Town crafts a really fine, well-structured policy. Because no other municipalities are doing an ordinance, it makes the commissioners uncomfortable with having an ordinance with an expiration date on the water rights. Commissioner Tom Brown motioned to recommend that the Board of Trustees deny the proposed water ordinance, but continue staff research and public input to the water policy. **Motion #3** was seconded by Commissioner Doumas. Motion passed.

Commissioner Larimer moved the meeting on to the 2023 unified development code changes. Teipel noted that staff is just seeking input or suggestions at this point.

Duplex as a Use-By-Right in all Residential

Tart stated this adaptation would allow duplexes to be a use-by-right in all residential zone districts. At present, the R1 and R1-OT zone districts require a special use permit. Commissioner Larimer referenced R2 as being discussed in the past, and the Commission was trying to avoid applying the density changes to the West side of town. Teipel added that the table in the UDC for zone use rights needs to be updated. Commissioner Larimer noted that the special use in R1-OT has not been used as of yet.

Single Family Attached as Being a Use-By-Right in R1-OT.

Tart noted single family attached is three attached residencies on three separate lots, with there being a zero setback where buildings attach. Tart noted that the building type matched the desired goal for R1-OT. Teipel added this is appropriate in R2 as well, which currently holds it as use-by-right. Commissioner Tom Brown suggested that single family attached be added as a special use to R1OT, since duplexes are special use. Teipel explained how the small R1-OT lots could not hold a 60' wide duplex, but three single family attached homes could easily fit three separate lots. Commissioners Larimer, Doumas and Commissioner Schultz-Writsel both supported the notion.

Two ADUs on Residential Properties Except R-1.

Tart explained the risk of small multifamily residencies developing in the residential areas, and how it would lead to crowded lots and parking issues. Teipel added requiring a parking spot for each ADU could mitigate the accumulation of ADUs. Commissioner Schultz Writsel is not uncomfortable with zones other than R1 trying this approach. Schultz-Writsel suggested the ability to have two ADUs should be tied to lot size. Commissioner Larimer voiced concern about losing the "rural feel" of certain areas. Commissioner Tom Brown also liked the idea of using lot sizes. Tart finished with stating that the Town staff will look at this possible code change, keeping area, use specific standards and lot size in mind at deciding factors.

Small Multifamily as a Use-by-Right in the MU-1 Zone District.

Tart stated this would remove the special use for small multifamily but maintain the special use for large multifamily. One of the considerations Tart noted there are potential adverse impacts to consider for neighboring zones. Commissioner Larimer noted there was some pushback regarding multifamily near the South Main area. Commissioner Doumas mentioned that the location of MU-1 for multifamily would be very convenient for those residents when they are trying to get to Main Street. Teipel noted that use-specific standards could specifically mention specific areas of the MU-1 zone district.

Seasonal Workforce Camping in H-C Zone District.

Tart started by saying this has come up a couple of times. It could be maintained and upheld through licensing or stringent use-specific standards. The Town is aware there are very good things that could come of this code change, and there are also very adverse impacts that could come with it as well. Commissioner Larimer stated this code change would not bother him, but some factors, like distance from the highway, should be considered. Tart noted it could be an annual license renewal, use specific standards, or a special use application. Teipel mentioned very strict use-specific standards with annual inspections could make this work more effectively. Commissioner Tom Brown stated his stance is the individuals requesting this update need to provide utilities to their employees if there is the standard to have to connect to utilities for all other property uses. Tart mentioned the requirement of connecting to utilities could be a use-specific standard. Teipel stated staff will do research into what the use-specific standards would entail. Commissioner Larimer stated none of his neighbors that live close to the HC zone have voiced any concern with the idea of seasonal camping in that area. Commissioner Craig Brown asked that the Town looks into how much water could be allocated out to seasonal workforce camping.

Changes to the Administration Site Plan Requirement

Tart laid out the site plan review process, which at present is a 4-7 month review, and that is required for any expansion to a commercial property. Tart went on to ask if a specific percentage of building size increase, such as 10% or 250 square feet, for example, could be used as a gauge to determine if a site plan review is needed. Teipel noted the site plan review is ultimately intended for new-build construction. Teipel stated if there was a steadfast rule, it would give the Town staff and the applicants better guidance as to what a project would require. Tart recommended the Town might require a referral process to different departments. Commissioner Larimer stated that there is a risk of companies slowly increasing to an uncomfortable building size piece by piece using this approach. Teipel suggested any increases in size must be compared to the originally approved site plan.

Minor Amendment to the Live Work Use-Specific Standards

Tart stated this minor adaptation of the code would allow employees to reside in Live Work properties, instead of just the business owners. There were no specific comments from the Commissioners, but all were in favor of the adaptation.

Adjusting Current Off-Street Parking Requirements

Tart asked if we need to reassess parking requirements, tying them more specifically to the building-use standards. At present, most parking is based off of square footage of the buildings. Tart explained there are two sets of parking requirements, split east and west by U.S. Highway 24. Commissioner Schultz-Writsel asked what the issue is currently with the requirements. Teipel responded by providing an example that the 1.5 parking spaces per unit rule would require 80 spots for 50 studio apartments. Tom Brown asked if there would be urban design or residential. Teipel responded that it would be primarily residential, specifically multifamily.

Teipel moved on to talk about an affordable housing zoning incentive. This would state if you can offer affordable homes to a certain degree, then the requirements would change. Due to lack of information in the packet, Teipel decided to table this conversation for the commission to consider at a future time.

New business was finished at 8:47 pm

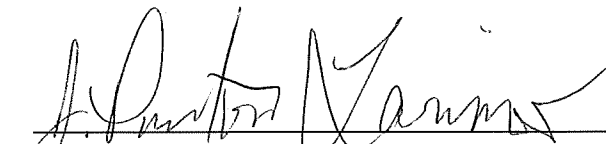
STAFF / COMMISSION INTERACTION

Teipel noted that the Colorado Center rezoning will be a topic in the February 4th Planning and Zoning commission meeting, and the Cordova Park rezoning will be in February 15th's meeting.

ADJOURNMENT

There being no further business, Commissioner Doumas motioned to adjourn the meeting at 8:50 p.m. Commissioner Schultz-Writsel seconded. **Motion #4** was approved.

Respectfully submitted:



Preston Larimer, Chair



Chase McCutcheon, Planning Technician