



**The Buena Vista Planning & Zoning Commission  
Buena Vista Community Center, Piñon Room  
715 East Main Street  
January 22, 2020 at 6:00PM  
*AGENDA***

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**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – January 8, 2019**
- VI. Public Comment**
- VII. New Business**
  - 1. Update on the Housing and Health Disparities Grant Presented by Becky Gray, Chaffee County Director of Housing**
  - 2. Discussion on Proposed Amendments to Chapter 16 of the Municipal Code**
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



## Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission January 8, 2020

### **CALL TO ORDER**

A regular meeting of the Planning and Zoning Commission was called to order at 6:00 pm, Wednesday, January 8, 2020 at the Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas, Craig Brown, and Alternate Commissioner Tony LaGreca.

Staff Present: Principal Planner Mark Doering and Planning Technician Robin Mesaric-King.

### **PLEDGE OF ALLEGIANCE**

Chair Larimer led in the Pledge of Allegiance.

### **ROLL CALL**

Mesaric-King proceeded with the roll call and declared a quorum.

### **AGENDA ADOPTION**

Larimer called for approval of the agenda. Schultz-Writsel motioned to adopt the agenda as presented, **Motion #1** seconded by Doumas. Motion carried.

### **APPROVAL OF MINUTES**

Doumas motioned for approval of the December 4, 2019 minutes as presented. **Motion #2** was seconded by Schultz-Writsel. Motion carried.

### **PUBLIC COMMENT**

Public comments opened at 6:02 pm. With no comments, public comment was closed at 6:02 pm.

### **NEW BUSINESS**

#### **Special Use Permit for a hotel**

Cheryl Richmond representing Sharon Young for the property located at 300, 302, and 304 East Main Street. She explained that the special use permit was for the hotel on the 2<sup>nd</sup> floor of the building, where the proposed tenant spaces are located within the building, how the proposed use applies to the Comprehensive Plan, what agencies they will be complying with, how many guest rooms will be present, possible impacts on neighborhoods, the fee in lieu they will pay, along with parking locations, lighting and encroachments. She outlined the changes that would be made to the building.

Doering gave a presentation on the proposed 13 room hotel in a 13,182 sq. ft. mixed use building. He explained the reasons a special use permit and major site plan review are required. Doering showed the location, adjoining property, zoning designation (and the surrounding property), pictures of the exterior, the location of the mechanical screening, the additional alley parking locations, the parking fee in lieu, the proposed layout of the interior, and stair locations. He explained criteria for approval of the special use permit and the Major Site Plan Review per the Unified Development Code. Doering outlined the Town's recommended conditions for approval of the special use permit and the Major Site Plan.

LaGreca inquired on the Unified Development Code requirements for screening and Doering clarified. Larimer discussed the reasons for a special use permit and the parking situation. Doering discussed the parking calculations for MU-MS and the Commission generally discussed the public parking on East Main Street and North Railroad Street. They inquired on whether the wall openings on the Railroad Side were original, and Doering clarified.

### **Special Use Permit**

Schultz-Writsel motioned to approve the Special Use Permit in the MU-MS Zoning District for a 13-unit hotel located at 300, 302, and 304 E. Main Street with the following conditions:

1. The Owner shall provide a one-time fee in lieu of parking for five vehicle spaces totaling \$5,000.00 to the Town of Buena Vista within 30 days of the Special Use Permit being approved. The property is not subject to any additional parking requirements for the building located at 300, 302, and 304 E. Main Street.
2. The Owner shall instruct all visitors and tenants that overnight parking is not allowed on East Main Street in its lodging and rental materials, and make it known to tenants that any vehicles parked overnight on East Main Street may be towed at the owner's expense.
3. The Owner shall obtain and maintain a business license prior to and during its use as a hotel.
4. The Owner shall provide a written snow removal plan that complies with the Town's snow removal requirements listed in the Municipal Code to Code Enforcement within 30 days of the Commission's approval.
5. The Owner shall comply with all State of Colorado sanitary standards and regulations for public accommodations as listed in 6 CCR 1010-14, as may be amended.

Seconded by Brown, **Motion #3** was unanimously approved.

### **Major Site Plan**

Schultz-Writsel motioned to approve the Major Site Plan for the 13,182 square-foot mixed use building in the MU-MS Zone District for a 13-unit hotel, restaurant and retail uses for the building located at 300, 302, and 304 E. Main Street with the following conditions:

1. The Site Plan for the mixed-use building shall be corrected for any building code requirements that alter the proposed drawings before the Planning and Zoning Commission. Prior to a Certificate of Occupancy, all corrected drawings shall be digitally submitted to the Town for its records, including any changes from the approved Major Site Plan drawings.
2. The Major Site Plan approval is for the proposed uses and configuration as shown in the Application. Any changes in use shall be subject to the use requirements in effect at the time of any change of use. Prior to said changes of use, the Owner shall confirm with Town staff that the new uses are allowed per the Municipal Code requirements in effect at that time. Permitted uses will be allowed, and Special Uses will only be allowed after the proposed use obtains a Special Use Permit for such use.
3. Parking for the property shall not be limited to the building's tenants, whether it is the Town's rights-of-way in front of the building or leased area in the railroad right-of-way. Parking shall be open to the public on a first come-first serve basis. The Town has the authority to change parking spaces and/or configuration of parking within its rights-of-way at any time.

4. Prior to construction or installation of any encroachments from the building into the Town's rights-of-way, the Owner shall obtain Town approval of an encroachment permit and maintain the insurance for said encroachment permit on an annual basis.
5. Prior to a certificate of occupancy, the rooftop equipment for the kitchen shall be screened from the adjoining properties to the north of the alley to at least the height of the equipment.
6. Screening of trash and recycling areas shall be required to be at least the same as the height of the dumpster or trash cans.
7. All lighting shall be downcast and shielded to comply with Town requirements, and shall be inspected and approved by the Town prior to the issuance of a certificate of occupancy, and if any lighting issues are identified, shall be corrected by the Owner to minimize light pollution.
8. All signs shall be installed after obtaining a sign permit meeting the Code in effect at the time of installation, including face changes of approved signs from previously approved tenant signage.
9. All commercial uses shall obtain and maintain a business license, prior to and during commercial operations.

Seconded by Doumas, **Motion #4** was unanimously approved.

#### **STAFF / COMMISSION INTERACTION**

The Commission generally discussed why a resolution is required for a special use permit, how the comprehensive plan guides the Town's recommendations, the proposed historical preservation guidelines, and the parking in downtown area.

#### **ADJOURNMENT**

There being no further business to come before the Commission, Doumas motioned to adjourn the meeting at 7:52 p.m. Schultz-Writsel seconded. **Motion #5** was unanimously approved.

Respectfully submitted:

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Preston Larimer, Chair

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Robin Mesaric-King, Planning Technician



## TOWN OF BUENA VISTA

P.O. Box 2002  
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Phone: (719) 395-8643  
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DATE: January 17, 2020

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: Discussion regarding proposed amendments to the Unified Development Code (UDC)

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### Staff Recommendation

Staff is recommending that the Planning and Zoning Commission consider amending the UDC to correct portions of the code that are either not correct or touch on issues specifically not addressed in the current code language to provide clarity on items that have arisen since the adoption of the UDC. Staff is providing a list of items for the Planning and Zoning Commission to consider, and to give staff direction for preparing draft language that the staff can bring back to the Planning and Zoning Commission for a decision at a later public hearing for a formal recommendation to the Board of Trustees, which will also hold a separate public hearing on the proposed changes.

The criteria that would be used for analysis of each proposed code change are listed after the summary of issues for the Planning and Zoning Commission's consideration in any recommendations it directs staff to pursue with a formal submittal to be heard at a later date.

### Attachments

Attachment A – Link to the [Zoning Map](#)

Attachment B – Link to the entire [Unified Development Code](#)

Attachment C – Link to the entire [Comprehensive Plan](#)

### I. Summary of Requests

After working with the UDC since its adoption in 2018, staff continues to see changes needed to address deficiencies in the UDC after applying it to a variety of situations that arise in developments using the new code. The list of proposed changes is meant to clarify and correct situations that staff has identified to bring to the Planning and Zoning Commission and Board of Trustees for resolution. A list of those proposed amendments that staff is seeking guidance on as we continue to use the UDC to regulate new development is listed below. Staff will provide evidence of each identified issue at the January 22 meeting.

Issues Identified for the Commission's Consideration are:

1. There is a conflict in Table 2.3 of the code relating to the minimum lot area for the MU-1 and MU-2 zone districts that differs from the information listed in Tables 2.8 and 2.9 which were corrected with the last code change done in 2019. Table 2.3 shows 2,500 square feet instead of the correct 0 square feet as the minimum size of a property.
2. Table 4.5 as currently listed prohibits freestanding monument signs in residential and mixed-use districts. That requirement is appropriate for single family homes on individual lots, but fails to allow for signs for multifamily developments and some non-residential uses in those districts. Apartment

buildings and churches do not have any opportunity to provide new freestanding signs for the public and any existing signs in those situations are now non-conforming. 60 square feet for those types of signs may be too large if allowed as currently allowed for commercial properties in town. Staff would like the Commission to consider allowing such signs, but at a different size limit for those types of uses located in residential and mixed-use zone districts.

3. Table 6.2 incorrectly lists Administrative Adjustments as not needing notice. Section 6.7.1.C. correctly shows that notices shall be mailed to property owners within 300 feet at least 10 days prior to the Town Administrator's decision for those applications.
4. Section 3.2.3. does not currently indicate that any kennel or vet hospital must also be licensed by the state of Colorado as required by the Colorado Revised Statutes. Additionally, the requirement for outside runs stipulates that they must be at least 150 feet from any property line, instead of from just any residential property line.
5. Section 4.2 (Access and Circulation) does not specifically prohibit vehicular access to East Main Street or properties in the MU-1 and MU-2 districts that don't have direct access from the highway. Section 4.5 has provisions preventing access to streets when an alley provides access to a property, but only in the residential design standards, and is not in the non-residential design standards. Additionally, the Commission should consider vehicular access from side streets in the downtown area for access to corner lots. There are currently several nonconforming properties that do not have any alley between the blocks abutting Main Street that can access Main Street: the elementary school, the police station, and New Bees. There are a few nonconforming properties on blocks with portions of alleys installed between Evans Street and Court Street and one lot can take access from Cottonwood Avenue.
6. Section 4.5.3. (Nonresidential Site and Building Design Standards) does not specifically address drive through facilities such as banks and restaurants for nonresidential uses in downtown (in the MU-MS, MU-1, or MU-2 zone district that do not also abut the highway).
7. Section 3.2.1.C. only allows small multifamily (four units or less) in the R-1 OT and the R-2 OT zone districts when located east of the highway. Does the Commission want to consider adding the small multifamily use to those same districts west of the highway?
8. Table 4.1 has minimum stacking spaces for drive-through lanes for restaurants and personal services, but does not have any for office (banks are considered offices in the UDC) or for retail uses. It may be more effective to just have a minimum stacking for all drive-through uses than trying to get all potential uses that may have drive-through facilities.
9. Section 3.2.4.C. (Short-Term and/or Long-Term Storage of Recreational/Camping Vehicles) does not specifically address trailers other than campers and RVs, such as utility trailers. The provisions talk about use of trailers for occupancy on public streets and staff would like to further clarify that utility trailers also cannot be kept in the Town's rights-of-way over 72 hours.

## **II. Criteria used for evaluating Amendments to the UDC:**

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Planning and Zoning Commission shall consider the requested amendments by evaluating each of the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;

- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

### **III. History and Background**

The proposed amendments are the result of applying the current UDC to real world situations that exist currently in Town. The UDC contains language where the regulation needs to be clarified or corrected to ensure that those affected by the regulation and those enforcing the regulation are on the same page.

### **IV. Process**

Staff is presenting the items listed above to the Commission to get direction for any proposed changes, if they determine that they are necessary after staff has encountered them in its first year and a half of administering the UDC in town. The Town will then draft those changes and submit the application for the proposed changes as a UDC amendment as specified in Section 6.4.3. of the UDC and return to the Commission for its formal consideration to make a recommendation to the Board of Trustees.

If the proposed changes are approved by the Board of Trustees, those alterations will be implemented to provide better guidance for staff and applicants using the code.

### **V. Conclusion**

If the Planning and Zoning Commission feels that any regulations identified by staff should be changed, they should direct staff to bring specific draft language to change the current UDC back to the Planning Commission and should set a specific date for a public hearing on those proposed amendments.