



**The Buena Vista Planning & Zoning Commission
July 7, 2021 at 7:00 PM**

**Virtual Regular Meeting
Meeting will be held
at the Buena Vista Community Center for
Commission Members and Staff**

The public can join the meeting virtually via ZOOM. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information: <https://zoom.us/j/94545062179>

Listen via phone at [1-346-248-7799](tel:1-346-248-7799) Meeting ID: [945 4506 2179](#) Passcode: [BuenaVista](#)

AGENDA

7:00 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 – June 16, 2021**
- VI. Public Comment**
- VII. New Business**
 - 1. Public Hearing – Draft Ordinance for election signs and flags**
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission June 16, 2021

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, June 16, 2021 via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas, Craig Brown, and Alternate Commissioners Tony LaGreca and Blake Bennetts.

Staff Present: Principal Planner Mark Doering, Town Administrator Phillip Puckett, Project Manager Joel Benson, and Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Tart proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Commissioner LaGreca motioned for approval of the May 19, 2021 minutes as amended to address a spelling error. **Motion #2** seconded by Commissioner Brown. Motion carried.

PUBLIC COMMENT

Public comments opened at 7:02 pm. With no comments, public comment was closed at 7:03 pm.

NEW BUSINESS

Doering gave a presentation regarding the current issues affecting the local housing supply and proposed five topics that the Planning and Zoning Commission could address and discuss to help encourage an increased supply and diversity in local housing:

- a. Creation of a new zoning district & potential minimum lot size changes
- b. Apartments to be permitted in commercial districts
- c. Small multifamily developments – Eliminating site plan review process requirements
- d. Single Room Occupancy (SRO) land use (current dormitory classification)
- e. Town-Owned properties – how they can be utilized for housing.

Resident Linda Barbeau – residing at 425 Cedar St. – joined the conversation to discuss her proposed SRO which currently falls under a grey area in the UDC.

Becky Gray, Chaffee County Director of Housing, defined single room occupancy housing as “a residential facility with individual secure rooms, of a smaller size than normally found in multi-family dwellings, which

may have kitchen and bathroom facilities, and which are rented to a one or two-person household on a long-term basis.”

Under the building code, the Chaffee County Building Department classifies this use as a Congregate Living Facility. The single-room occupancy definition seems more aligned with the discussion, as opposed to Congregate facility, which does not distinguish secure rooms versus group homes.

Commissioner Doumas motioned for staff to explore looking into a code amendment for the creation of a new zone district to allow for apartment buildings in commercially zoned districts. **Motion #3** seconded by Commissioner Brown. Motion carried.

Commissioner LaGreca motioned for staff to pursue and return to the Commission policies related to items (a) - creation of new or modification of existing zone districts - and (c) - removing site plan review requirements for small multifamily development - to facilitate and/or incentivize the development of apartment units. **Motion #4** seconded by Commissioner Schultz-Writsel. Motion carried.

Chair Larimer motioned to direct staff to prioritize the clarification of the code on single-room occupancy uses. **Motion #5** seconded by Commissioner Doumas. Motion carried.

Commissioner LaGreca- direct staff to move forward with exploring options for housing on Town owned properties. **Motion #6** seconded by Chair Larimer. Motion carried.

STAFF / COMMISSION INTERACTION

Doering stated that the Planning and Zoning Commission may be seeing proposal soon regarding short-term rentals. The Board of Trustees has begun a conversation regarding potential short-term rental regulations. The Board meets Tuesday, June 22. Due to public notice requirements, the earliest the Planning and Zoning commission could potentially meet about the short-term rentals would be on July 21.

The Colorado APA chapter is having its first in person conference since 2019 in Keystone. There is an opportunity for two commission members to attend and stay in Keystone if interested. Staff will send links to the Commission for lodging, topics, etc.

Commissioner Bennetts asked for clarification on his ability to make and second motions as an alternate member. Doering will talk with the Town attorney to see if alternate members can make and second motions.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Schultz-Writsel motioned to adjourn the meeting at 9:47 p.m. Chair Preston Larimer seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician



DATE: July 2, 2021

TO: Planning and Zoning Commission

FROM: Grant Bryans, Code Enforcement Officer

RE: Draft Ordinance No. 09 Series 2021, amending Chapter 7, Sec. 4.7 of the Municipal Code regarding flags and yard signs

Background

We noticed through the election cycle tensions were high regarding what flags people chose to display and that two (2) signs are not enough, especially when there are multiple issues or candidates. Code Enforcement looked into the applicability of this rule and noted that it does not fit the needs of our Town. We have noted that several businesses display more than two (2) flags, an American, a state flag, and an organizational flag. All of this makes sense as a part of a typical display. Staff has verified with legal that the intent is not to regulate content but rather a number limit.

We bring before you a draft ordinance based on a discussion at the May 25th Board of Trustee's meeting. We have looked at several various rules from other jurisdictions and have crafted something we feel is in the spirit of the Town of Buena Vista. Some of the findings are as follows:

- The city of Salida – can display 90 days prior and remove it 15 days after an election.
- Chaffee County – no restrictions on prior and must be remove 15 days after an election.
- State of Colorado Election Law – all signs must follow local jurisdictional restrictions, or to not display election materials outside of the period of 45 days prior to an election through four days after an election.

Proposal

We propose adding one (1) additional flag to the current limit of two (2). As stated, prior, this allows for a national flag, state flag, and an organizational flag, or whatever the person chooses to display. All other limits on flags will stay the same.

As well, we are proposing an election cycle relief on our current yard sign ordinance. This will increase the limit from 2-yard signs to 5 and put the time frame of 60 days prior and seven days after the election. Having this bookend and increasing the limit allows people to display their opinion while giving clear guidance to enforcement on when they can go up and when they need to be removed.

Commission Action

We ask the Commission to recommend approval to the Board of Trustees of Draft Ordinance No. 09, Series 2021.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. _____
(SERIES OF 2021)

**AN ORDINANCE AMENDING THE SIGN CODE PROVISIONS IN CHAPTER 16
CONCERNING YARD SIGNS DURING ELECTION SEASON AND FLAGS**

WHEREAS, the Board of Trustees desires to increase the number of flags permitted from two to three and to increase the number of yard signs permitted during elections, as further set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Section 16.04.4.7.2(C)(2) of the Buena Vista Municipal Code is hereby amended to read as follows:

Flags. Up to three (3) flags allowed per property. Flags shall be affixed to permanent flagpoles, whether or not such flagpole is freestanding or attached to a building. A minimum pedestrian clearance of seven (7) feet shall be maintained for any flag hanging above a sidewalk or walkway. Nonpermanent flags for special events may be allowed if identified as part of the special event application.

Section 2. Section 16.04.4.7.2(C)(7)(a) of the Buena Vista Municipal Code is hereby amended to read as follows:

Yard signs shall be limited to two (2) per property, except that during a period of sixty (60) days before and seven (7) days after an election date, yard signs shall be limited to five (5) per property. For purposes of this section, election date means the date of any regular or special Town election, county election or state or federal primary or general election.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____
day of _____, 2021.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)