



# The Buena Vista Planning & Zoning Commission

## August 16<sup>th</sup>, 2023 at **7:00 PM**

Commission Members and Staff will meet at the Community Center.  
The public is encouraged to join the meeting virtually via Zoom.

The public can join the meeting using the Zoom information below. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information:

<https://us02web.zoom.us/j/89194823246?pwd=NFJhYXhyTXR3MnQyZmZHRFdKSFk5dz09>

Listen via phone at **1-719-359-4580** Meeting ID: **891 9482 3246** Passcode: **267915**

## 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 – July 19<sup>th</sup>, 2023
- VI. Public Comment
- VII. New Business
  1. No new business items
- VIII. Staff/Commission Interaction
- IX. Adjournment



**Minutes of the Regular Meeting of the  
Buena Vista Planning and Zoning Commission**  
July 19<sup>th</sup>, 2023

**DRAFT**

**CALL TO ORDER**

A meeting of the Planning and Zoning Commission was called to order at 7:00 p.m., on Wednesday, July 19<sup>th</sup> 2023, at the Community Center by Commission Chair Preston Larimer.

Staff Present: Planning Technician Chase McCutcheon, Planning Director Joel Benson.

**PLEDGE OF ALLEGIANCE**

Commissioner Larimer led in the Pledge of Allegiance.

**ROLL CALL**

McCutcheon proceeded with the roll call and declared a quorum.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Preston Larimer	Chair	Present
Lynn Schultz-Writsel	Vice Chair	Present
Tony LaGreca	Commissioner	Present
Craig Brown	Commissioner	Present
Blake Bennetts	Commissioner	Not Present
Thomas Brown	Alternate	Present via zoom (after roll call)
Thomas Doumas	Alternate	Present

**AGENDA ADOPTION**

Commissioner Larimer called for approval of the agenda. Commissioner LSW motioned to adopt the agenda as amended and was seconded by Commissioner Craig Brown. **Motion #1** passed.

**APPROVAL OF MINUTES**

Commissioner Craig Brown motioned to approve meeting minutes from May 3<sup>rd</sup>, 2023, as amended. Commissioner Larimer seconded. **Motion #2** was unanimously approved.

**PUBLIC COMMENT**

Public comment was opened at 7:04 p.m.

With no comments, public comment was closed at 7:05 p.m.

## **NEW BUSINESS**

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### **BUSINESS ITEM NO. 1**

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Joseph Teipel introduced Scott Simmons, who gave an introduction of himself. Teipel began the conversation on Carbonate Street by giving a background of the progress that has taken place over the last year and a half. He noted that this is a Town lead project on a Town owned plot of Land, and that it will be a staff guided presentation. Upon beginning the presentation, Teipel noted that the presentation was only for Phase 1, the 60 apartment units, and does not include the 2<sup>nd</sup> Phase, which includes the planned childcare facility. Pertinent information is that the costs for the apartments, roughly 800-900 square foot in size, would not go above 120% AMI (average medium income) to provide housing for a vital income range. Dumas requested confirmation on the total housing costs for the apartments for that income range. Teipel and Simmons confirmed that it will be around 30% of an individual's income range. Teipel then noted the infrastructure improvements that will be involved. Larimer asked if the alley was to be maintained by the developer or the Town. Teipel confirmed that after the two year warranty period, the Town would take over maintenance of the 27 feet of alley. Teipel noted regarding the public improvements, that Carbonate Street will eventually continue to South Main. Since the ETA of South Main's Carbonate connection, the Town will not continue construction of Carbonate past where it is needed for the apartments. Larimer asked who would maintain the landscaping and what would fund that maintenance. Simmons confirmed that the developer, or an entity related to the developer would maintain the apartments, and that the maintenance would be funded by rent paid.

Sitework is expected to commence in November. Simmons confirmed that factory time would be between November and February. Intensive site work and setting would take place between February to March. Simmons noted that these apartments are similar to the project Fading West has in Breckenridge. LaGreca asked if the structures are the same. Simmons confirmed that they are the same, except that the ceiling heights are 9' instead of Breckenridge's 8' ceiling heights. Larimer asked if there are still outstanding comments from referral agencies, Teipel confirmed that there are. Teipel then summarized what notice requirements were for this project and how they were met. Teipel then reviewed the requirements for a site plan, and explained how this project meets these requirements.

Commissioner Dumas asked if it is expected for residents of the apartments to bike and park their automobiles elsewhere off street. Simmons confirmed that that is the goal. Larimer asked if there are still any issues previously noted by Collegiate Commons regarding drive-through on their property as a result of the Carbonate Street apartments. Simmons confirmed there will be a fence along the property line to mitigate this, but Chaffee Fire still considers the abandoned Utah Street an access point.

Commissioner Schultz-Writsel asked if there is a timeline regarding the childcare center. Simmons noted that the goal is to have it progress concurrently, but it may lag behind the apartments somewhat. LaGreca asked if it was to be prefabricated or stick-built. Simmons confirmed that it will be stick built. Larimer asked if there is a gap in Carbonate Street that the Town would have to front. Teipel confirmed that the goal was to be included in Phase 2, and the developer would front the capital for those street improvements.

Teipel summarized and explained the six conditions for approval that are tied to this site plan. Dumas asked what types of comments from referral agencies have come in. Teipel noted that one example was BV Sanitation wanted to be able to access their utility lines. Commissioner LaGreca motioned to approve resolution 1 as provided with the six conditions. Commissioner Schultz Writsel seconded. Motion #3 unanimously passed. Public hearing closed at 7:46

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**BUSINESS ITEM NO. 2**

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Cancelled

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**BUSINESS ITEM NO. 3 – Amending Municipal Code for Water Dedication**

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Commissioner started by introducing Joel Benson, the new Planning Director. Benson began the public hearing by summarizing the water resource plan starting in October of 2021. Benson then summarized the problem that the water dedication ordinance is trying to solve, how to provide sustainable water rights without deterring housing construction. Benson noted the proposed changes the Town is thinking about implementing. Doumas asked if the 479 SFE units are based off of the 3 CFSs in Cottonwood Creek. Benson confirmed that was correct.

Joel summarized chapter 13, which summarized properties outside of Town limits that use Town water. Benson gave a rundown of how this chapter is to be updated. LaGreca noted that Jed Selby was concerned about annex applicants would have to put a lot of effort into their annexation application prior to presenting before the board where there is a risk of being denied. Benson confirmed that there would be guidance and vetting prior guiding to the board of trustees. Larimer agreed with Selby's concerns that a lot of capitol would go into plans that may be denied. Teipel note that the item of concern would be addressed later in the presentation. Doumas asked if the out of Town (extraterritorial) water applications differ from the in Town water applications.

Chapter 16 (unified development code) – Benson summarized the chapter in relation to water allocation and what was to be updated. Doumas asked when the timer starts for developers to build to get water rights. Benson answered that the developer would pay dedication and the timer would start when the Board of Trustees approves the major subdivision. Larimer is concerned that 10 years is not long enough, especially in the banks' eyes. Additionally, the multitude of boundaries have the potential to deter construction of homes. Larimer wants to know what would make the 10-13 year time limit work. Craig Brown suggested that when the time limit comes up, that the developer can make an appeal to extend their water rights. Schultz Writsel is concerned that there is more sticks than carrots. LaGreca noted a comment made in the water advisory board that suggested an incentive of extending the water timeline, such as affordable housing. Schultz Writsel also suggested that there be a reward for completing before the 10-13 year timeline was up.

Doumas noted that from the real estate point of view is the first matter when dealing with real estate or commercial development is if the borrower is preapproved. Doumas suggests that the Town reaches out to a lender and confirms what underwriting conditions are required and how this time limit would affect the approval of funding for developments. Commissioner Thomas Brown asked if the crime of hoarding water has been committed as of yet and asked for evidence. Joel noted that there hasn't been an instance necessarily because these mechanisms are not in place to measure for that scenario. Commissioner Schultz Writsel wants to know what water aspects are. Benson answered that they are the Town water technician and the Town water attorney. Schultz-Writsel requested that the Town is very specific as to who is responsible for approving water allocation in each particular circumstance.

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**PUBLIC COMMENT**

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Lisa-Field – 1884 Falling Star Ave, Westlake Village, CA 91362

Suggested that the Town looks at California for potential examples of how the water issues can be handled. Ventura residents ended up with limited water access.

Brandon Sockwell – 706 North 31<sup>st</sup> St Colorado Springs 80904

Great to understand the existing water supply today. What does burn-rate look like. What does the runway look like with the current water that is at our disposal. What does the timeline look like for when it is going to come available. Are we on the cusp of solving the supply issue, and will it be hard to walk this back and at what cost? Developers don't know if water is going to become available when they get to the final plat. Noted that their lender said that they couldn't confirm if they would lend on a development project if water was limited to 10 years.

Commissioner Larimer closed public comment at 9:06

Benson reviewed the notes that the Commissioners gave to him to consider. Benson noted that 5-7 years is roughly how long the Town has with current construction before the water supply is exhausted.

Commissioner Tow Brown suggested that that the commission provides a piecemeal approval of each individual part of the resolution.

Commissioner LaGreca noted that of all of the developers in queue right now to build projects, not all of them are going to get their water rights. Additionally, the bucket for what the developers are all pursuing is much smaller than the 470 SFEs that the Town has to give. Commissioner Thomas Brown asked if the Town has enough SFEs to provide each major subdivision with enough water to complete the Phase 1 of each of their projects. Commissioner LaGreca does not believe that, from what he has heard, that the current SFEs for major developments could support all. The Commission continued to discuss the variables of the resolution.

Schultz-Writsel suggested that the Commissioners go around and say how they want to vote, noting that she recommends denial, and strongly urges that there are some incentives that encourage development.

\_\_\_\_\_ motioned to recommend approval but with more consideration given to the time period for the major subdivisions, examination of some incentives, clarification of the decision making process regarding water supply dedication, explore the review process for extending time frame in the process

Commissioner LaGreca motioned to recommend approval with the recommended changes:

- 1- Further research on the number of years for the expiration of a water dedication that will not discourage development financing
- 2- Examination of incentives to extend the timeline, such as affordable housing, and rewards for projects completed prior to the 5 year mark
- 3- Keep the two step process for Chapter 13's extraterritorial water allocation request
- 4- Clarify the process for water allocation for major subdivisions
- 5- Explore a process for extending the water dedication window due to extenuating circumstances

Lynn Schultz Writsel seconded

**Motion Number 4** unanimously passed

## **STAFF / COMMISSION INTERACTION**

No staff interaction

**ADJOURNMENT**

There being no further business, Commissioner Schultz-Writsel motioned to adjourn the meeting at 9:57 p.m. Commissioner Larimer seconded. **Motion #5** was unanimously approved.

Respectfully submitted:

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Preston Larimer, Chair

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Chase McCutcheon, Planning Technician