



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission June 1, 2022

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, June 1, 2022 at the Community Center by Chair Preston Larimer. Also present were Vice-Chair Lynn Schultz-Writsel, Commissioners Tony LaGreca, Craig Brown, Blake Bennetts, and Tom Brown.

Staff Present: Planning Director Joseph Teipel and Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Commissioner Larimer led in the Pledge of Allegiance.

ROLL CALL

Tart proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Commissioner Craig Brown motioned for approval of the June 1, 2022 minutes as amended. **Motion #2** was seconded by Commissioner LaGreca. Motion carried.

PUBLIC COMMENT

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

NEW BUSINESS

The first public hearing was for a Special Use Permit for a short-term rental at 637 E. Main St. The applicant, Dr. Edward Carriere, briefly spoke about his plan to use the home as a short-term rental while figuring out a long-term development plan for the property.

Tart presented on behalf of staff. The house proposed to be used as an STR currently exists as a non-conforming structure in the MU-MS (Mixed-Use Main Street) zone district and was purchased by the applicant in November 2020. All short-term rentals in the MU-MS zone district require a Special Use Permit.

Tart explained that 637 E. Main St. currently consists of a single-family dwelling on 3 platted old town lots. With consideration to the 2015 Comprehensive Plan, Town would like to see this property be developed in the future in conformance to the standards of the UDC. Therefore, staff proposed a time limit of 3 years for the Special Use Permit, after which it would need to be reapproved for the property owner to obtain a new short-term rental license. After discussions with Public Works, because of the lack of sidewalk design for Block 23, staff is not asking for the installation of or fee-in-lieu for sidewalks.

Citing compliance with the UDC and the 2015 Comprehensive Plan, staff recommended that the Planning and Zoning Commission approve the Special Use Permit with the following conditions:

1. The Owner shall instruct all visitors and tenants that overnight parking is not allowed on East Main Street in its rental materials, and make it known to its tenants that any vehicles parked overnight on East Main Street may be towed at the owner's expenses.
2. The Owner shall obtain and maintain both a short-term rental license and business license prior to and during its use as a short-term rental.
3. 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.
4. The Special Use Permit shall expire in three (3) years from the date approval. At that time, the Special Use Permit would need to be renewed as a new application at a public hearing in front of the Planning and Zoning Commission. Upon renewal of the Special Use Permit, the Owner may be responsible for any public improvements, including but not limited to sidewalk installation on both E. Main St. and Evans St.
5. The Owner shall maintain the landscaping per Section 7-73 of the Buena Vista Municipal Code.

Due to the fact that the property will not have sidewalks installed, Tart explained that condition #3 should be removed as a condition of approval should the Special Use Permit be approved.

Commissioner LaGreca motioned for approval of the Special Use Permit with the removal of condition #3 and changing the Resolution number included in the packet from "Resolution No. 03" to "Resolution No. 05." **Motion #3** was seconded by Chair Larimer. Motion unanimously approved.

The second public hearing was for a Major Site plan for 18 long-term rental apartments and 4 office uses using stacked shipping containers at 326 E. Arkansas St, to be known as BV Basecamp.

The applicant, Jerry Champlin of BV Basecamp LLC, presented to the Planning and Zoning Commission. Champlin stated that his original intention was to create a hotel/short-term rental use, but after conversations with Town staff, it was clear that the Town was in significant need of local workforce housing and market-rate rentals.

Teipel presented the staff report for the Major Site Plan. An application for a Minor Subdivision to consolidate lots 9 thru 13 was also included with the Major Site Plan application. The Site Plan procedures set forth in the UDC provide a major site plan review process for the Planning and Zoning Commission to evaluate. The Public Improvements Agreement will be reviewed by the Board of Trustees.

The property is located within the MU-2 zone district – multifamily residential and accessory office/personal service uses are both permitted-by-right uses in this zone district. It is surrounded by residential uses, with a multifamily use on the adjacent property to the east.

Teipel explained that because the applicant is not seeking financial contributions from the Town for this project, there are no deed restrictions or similar legally binding methods proposed to assure the development maintains affordable long-term rentals. The existing single-family dwelling is currently licensed as a short-term rental and is subject to the Town's regulations and limits pertaining to short-term rentals.

Commissioner Bennetts asked the applicant what the proposed timeframe is for the completion of the development. Champlin stated that they expect to have construction completed in approximately 1 year.

Staff has recommended that the Planning and Zoning approve the Major Site Plan as presented with the following 9 conditions:

1. The Site Plan is subject to approval of a minor subdivision, the civil plans, and an approved public improvement agreement with the Town.
2. Fees-in-lieu payments are required for this Site Plan as follows:
 - An Open Space, Parks and Trails fee-in-lieu of dedication will be collected at the time of recordation of the minor subdivision plat.
 - A Water Rights Dedication fee-in-lieu of dedication will be collected at the time of recordation of the minor subdivision plat.
 - A Public-School Site Dedication fee-in-lieu will be required for each new residential unit at the time of building permit.
3. Any remaining review comments by referral agencies that remain outstanding at the time of this public hearing shall be addressed prior to final approval of the Site Plan.
4. The proposed uses for purposes of this site plan are long-term multifamily residential and accessory office/personal services uses. Any changes to those proposed uses will be subject to all applicable Town regulations at that time and any changes to those uses must be approved by the Town prior to those uses being permitted on the property. Should any proposed use require a special use permit, approval will need to be obtained prior to those uses occurring. The Town does not guarantee approval of any special use permit.
5. The Site Plan shall be corrected for any building code requirements. Prior to a Certificate of Occupancy, all corrected drawings shall be digitally submitted to the Town for its records, including any changes affecting the approved Site Plan drawings.
6. Prior to building permit being issued, the Owner shall execute a Public Improvements Agreement with the Town for the public improvements required by this approval.
7. Prior to any vertical construction, all infiltration galleries and detention facilities must be installed and inspected by the Town.
8. Prior to the installation of any sign(s) or any change of sign face, the Owner or tenant must obtain a sign permit in accordance with the applicable provision of the Code.
9. Prior to the installation of any fences, the Owner or tenant must obtain a fence permit in accordance with the applicable provision of the Code.

Commissioner LaGreca motioned for the approval of the Special Use Permit with the conditions as outlined in the staff report, and with the updating of the Resolution number from “Resolution No. 4” to “Resolution No. 5”. **Motion #4** was seconded by Commissioner Craig Brown. Motion unanimously approved.

STAFF / COMMISSION INTERACTION

Teipel stated that the next meeting, June 15, would be a discussion regarding the 3-mile plan and proposed changes to the Areas of Desired Growth and Municipal Services area maps.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Bennetts motioned to adjourn the meeting at 8:14 p.m. Chair Larimer seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician