



## The Buena Vista Planning & Zoning Commission

April 6, 2022 at **7:00 PM**

Commission Members and Staff will meet at the Airport Conference Room. 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/85826686080>

Listen via phone at **1-720-707-2699** Meeting ID: **858 2668 6080** Passcode: **BuenaVista**

## 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 – March 16<sup>th</sup>, 2022
- VI. Public Comment
- VII. New Business
  1. Trial run at Airport Conference Room – 27960 CR 319
  2. Commissioner Training
- VIII. Staff/Commission Interaction
- IX. Adjournment



**Minutes of the Regular Meeting of the  
Buena Vista Planning and Zoning Commission**  
March 16, 2022

**CALL TO ORDER**

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, March 16, 2022 at the Community Center and via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas (via Zoom), Craig Brown, Blake Bennetts, Thomas Brown and Tony LaGreca.

Staff Present: Planning Director Joseph Teipel, Principal Planner Mark Doering, 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 Craig Brown** motioned to adopt the agenda as amended, **Motion #1** seconded by Commissioner Schultz-Writsel. Motion carried.

**APPROVAL OF MINUTES**

Larimer called for approval of the minutes from March 9, 2022. Commissioner LaGreca motioned for approval of the minutes as amended. **Motion #2** was seconded by Commissioner Craig Brown. Motion carried.

**PUBLIC COMMENT**

Public comments opened at 7:04 pm. With no comments, public comment was closed at 7:04 pm.

**NEW BUSINESS**

This was the public hearing for the zoning of the proposed Stackhaus Annexation located at 15750 County Road 306.

Chair Larimer stated that he is family friends with the applicant but made it clear that they have never discussed the proposal and that the relationship would not impact his decision making regarding the applicant's proposal. The Commission unanimously acknowledged no opposition to this.

Chair Larimer then read a statement explaining how the process would work. The Planning and Zoning Commission reviews cases solely in regards to the Town's Comprehensive Plan and Chapter 16 of the UDC. The public hearing was to review the zoning for the proposed annexation, not the annexation itself. The recommendation from the Commission would then go to the Board of Trustees for a final decision. members of the public joining via Zoom would comment first, followed by those that attended in-person.

Applicant Alex Telthorst presented for the annexation zoning.

The property is made up of 7.8 acres and is currently zoned residential in the County. There is currently one house on the property.

The property is located within the Town's 3-mile plan Areas of Desired Growth due to the presence of existing infrastructure. With consideration to the existing IGA, areas within this area require input from the Town and the Town has the opportunity to require development meet Town development standards.

The proposed zoning is R-3, High-Density residential, to provide multifamily workforce housing. Telthorst stated that the cost of the required infrastructure makes it necessary to increase the number of units.

There is a two-story height limit on all buildings. The layout is similar to the R-2 OT (Medium Density Residential with Old Town Overlay) zone district, with approximately 50% of the property made up of single-family homes on smaller lots. Multifamily buildings would be positioned along CR 306 and County setbacks of 20 feet would be met.

Teipel presented the staff report for the Town.

The Board of Trustees hearing to review the annexation is on April 12<sup>th</sup>. If the annexation is approved by the Board, they will then hear the recommendation from the Planning and Zoning Commission regarding the zoning of the property.

There are two annexations proposed – the annexation of County Road 306 and the subject property at 15750 County Road 306.

The specific criteria for reviewing the annexation and zoning are not guided by the UDC, but

Teipel explained that any specific restrictions on development are guided by the Development Agreement (DA), an official recorded document that is required by the Annexation Agreement. The DA is tied to the land, so should the developer sell the land, the terms of agreement are still in place.

The DA sets a maximum number of allowed units for this development, which is 101, as well as a maximum number of SFE's (Single Family Equivalence). An SFE attempts to capture the average amount of water a single-family dwelling uses in a year.

There is also a proposed minimum of 30% of units which are to remain available for long-term housing (no short-term rentals). The applicant has stated that they would be willing to increase the percentage to 79% in the future.

There were fifteen members of the public that commented on the proposed zoning. The following four commented remotely via Zoom:

1. Babbette Morrow – 28699 Westwinds Place
  - i. Morrow stated that this would cause a significant impact to the surrounding area as it is all currently semi-rural. The proposed location does not meet the intent of the R-3 zone district.
2. Rich Morrow – 28699 Westwinds Place
  - i. Morrow stated that this proposed zoning goes against the Town's Comprehensive Plan and zoning code. He stated that if this property were zoned R-3, the Town

“may as well throw out the zoning code.” If it was the appropriate zone district, it would not need mitigation.

3. Jay Howe – 28636 Lumpine Drive
  - i. Howe stated that he agrees with the Morrow’s comments. Howe expressed concern over the use of the Westwinds Subdivision’s roads being used as a cut-through to adjacent areas, such as Sunset Vista. He asked if how this issue, as well as the issue of future growth resulting from this development, will be mitigated.
4. Becky Markowitz – 28700 Westwinds Place
  - i. Markowitz stated that she agrees with the previous statements. She expressed concern over the vague height limit of “2 stories” and stated that there needs to be a set height limit, not a story limit.

The following eleven members of the public commented in-person at the meeting:

1. Carol Colgate – 15622 County Road 306
  - i. Colgate pointed to the impact of the height and density of the proposal on the views from adjacent properties. She also expressed concern over the lack of consideration for existing traffic on CR 306 combined with existing golf course traffic and the resulting traffic from the proposed subdivision. She also expressed concern over wildlife impacts.
2. Jenny Nall – 25643 Cactus Drive
  - i. Nall asked is the applicant had received input from Chaffee Fire. Nall stated that if this were to be approved, that she wants to have a good relationship with the developer/applicant and would want the adjacent neighbors to have the opportunity to be involved in future discussions as well as have input in the Development Agreement. She also expressed concern over dust from construction.
3. Derrick Eggleston – 15870 Tee Road
  - i. Eggleston stated that while he is not “anti-growth”, this proposal will have significant impacts on noise, lighting, traffic, and water supply. He stated that the proposed R-3 zoning does not meet any of the standards set forth in the Town’s UDC.
4. Susan Shampine – 1009 Yale Avenue/15372 County Road 306
  - i. Shampine co-owns Mini Blessings on CR 306, a non-profit that has received grants from both the Town and Chaffee County in the past. She stated that the traffic increases have already brought negative impacts to the horses on the property, and further increases have the potential to have significant negative impacts on the business.
5. Ed Boxer – 28601 Westwinds Place
  - i. Boxer stated that this is the wrong location for dense development. The single ingress & egress to the development is a concern, particularly for wildfire evacuation safety. Boxer questioned the experience of the developer for a development of this magnitude.
6. Stan Hachmann – 15955 Tee Road
  - i. Hachmann also represents the golf course and owns a property at 15683 County Road 306. Hachmann stated that the R-3 zoning is too dense for the location and expressed concern over the impacts to the existing golf course traffic. He also stated that if this were to go through and is truly made for affordable housing, 100% of them should be long-term rentals, no short-term rentals.
7. Chuck Sumner – 15630 Oxford Road
  - i. Sumner stated that since the petition to protest the annexation was submitted, more signatures have been received, making a total of approximately 70. Sumner stated that high-density development is incompatible with the adjacent residential zoning as it is too far from Town. Sumner expressed concern over the construction traffic impacts and stated that it sets a bad precedence for future development.
8. Dave Johnson – 15662 Cactus Lane

- i. Johnson stated that the density is incompatible with the surrounding uses and would be more appropriate elsewhere.
- 9. Christina Mertes – 15873 Fairway Drive/15720 County Road 306
  - i. Mertes expressed concern over the dense development's impacts to the water quality. She also stated that the height limit is not clear enough and the impacts on traffic in the area.
- 10. Torr Rasmussen – 15765 Par Lane
  - i. Rasmussen stated that this development should be within Town limits.
- 11. Gordon Weir – 15874 Par Lane
  - i. Weir stated that the proposed R-3 zoning is incompatible with the adjacent uses and expressed concern over the traffic impacts, height, and lighting. Weir expressed disappointment with the lack of long-range road planning.

Public comment ended at 8:52 pm.

Commissioner Larimer asked staff to elaborate on the traffic and road plan for the proposed annexation and surrounding area. Teipel explained that a traffic study was submitted which includes a turn lane and speed limit reduction. A traffic study in greater detail to come at the time of the Major Subdivision review. Additionally, this is covered in the County IGA and 3-mile plan, which has had issues historically to finalize. It is known that there needs to be an updated transportation master plan, and the surrounding private property complicates regional transportation planning.

Commissioner Larimer addressed the comments regarding zoning compatibility and the property's proximity to downtown. Stated that downtown properties are "not affordable". Teipel added that many of the vacant properties downtown lack infrastructure for development.

Commissioner Brown asked how affordable housing can be built in this climate. Telthorst explained they are aiming for "attainable housing" to be priced at 80%-120% AMI (area median income). The Chaffee County median income is approximately \$47,000 per year. The single-family homes would be sold for market rate, the townhomes would come with requirements to own or rent them. Telthorst is working with the Chaffee Housing Authority to determine the best path forward for attainable rentals and ownership. Short-term rentals are limited via existing Town regulations. 12 of the Single-family homes would have the opportunity for ADU's.

Commissioner LaGreca asked staff for clarification on who would be responsible for the roadway improvements. Teipel explained that it is the responsibility of the developer through the Public Improvements Agreement (PIA).

Doering clarified that the R-3 zone district has a maximum height of 35.0'.

Commissioner Dumas asked if the long-term expansion of the Town's boundaries change the intent of the R-3 zone district. Teipel explained that the 3-mile plan is a state requirement for all municipalities. Growth direction is not predetermined – the Municipal Services Area plan just shows where growth may be anticipated based on existing infrastructure that would support it. It is up to an applicant to submit an application for annexation and guide development – not the Town.

Commissioner Tom Brown asked staff if the conditions outlined in the development agreement were to be met by the applicant, would the Town staff believe that the R-3 criteria are being met. Teipel stated that if annexing, then dense development would be compatible with the Town's goals.

Commissioner Craig Brown expressed concern that the distance from amenities would result in an increase in traffic.

Commissioner Larimer addressed the concern over impacts on water quality. Teipel explained that during the Major Subdivision review phase that there would be intensive studies and requirements regarding runoff, stormwater, wastewater, etc. Doering added that the Town's engineering requirements will need to be met and will be addressed during the Major Subdivision and Sketch Plan review phases.

Commissioner Craig Brown stated that he does not believe R-3 zoning is compatible in this location and is putting a large burden on the surrounding neighborhoods. He stated he is more in favor of an R-2 zoning.

Commissioner Larimer stated that the alternative to high-density development is sprawl. The county is facing two crises – sprawl and availability of attainable housing.

Commissioner Tom Brown stated that the TriVista development set the trend for R-3 zoning west of town in 2007.

Commissioner Schultz-Writsel stated that her two main priorities are preserving open space and preserving the Town. With her work with at-risk families in the county, Schultz-Writsel stated that apartments are an absolute need. Therefore R-3 zoning is an appropriate direction.

Commissioner Bennetts stated that as a resident, he does not necessarily agree that R-3 zoning fits the location proposed. However, he does not believe that the UDC provides any guidance that would lead to the denial of the application, and that the annexation is more of a Board of Trustees decision to be made.

Commissioner LaGreca motioned to recommend to the Board of Trustees the R-3 zoning with the conditions as outlined in the Development Agreement with a specified height limit of 30', 79% of the units to be designated as long-term rentals, and a minimum 50 units to be designated as apartments. **Motion #3** was seconded by Commissioner Schultz-Writsel. Commissioner Craig Brown voted against. The remainder of the Commission voted in favor. Motion carried with a vote of 4-1.

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

Teipel asked the commission to RSVP to Town Clerk Paula Barnett for the March 28<sup>th</sup> Fading West tour by Monday, March 21.

Doering stated that the April 6<sup>th</sup> meeting will take place at the airport conference room. This will be a short meeting to test out using the room for future Planning Commission meetings.

**ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Schultz-Writsel motioned to adjourn the meeting at 10:54 p.m. Commissioner LaGreca seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

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Preston Larimer, Chair

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Doug Tart, Planning Technician

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