



The Buena Vista Planning & Zoning Commission
May 5, 2021 at 7:00 PM

Virtual Regular Meeting
Meeting will not be held
at the Buena Vista Community Center

The meeting may be accessed virtually via ZOOM. To participate in Public Comment and/or Public Hearings you must connect to the video conference.

Conferencing Access Information: <https://us02web.zoom.us/j/89892733189>

Listen via phone at 1-346-248-7799 Meeting ID: 898 9273 3189# Passcode: 07L6z6

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 – April 21, 2021**
- VI. Public Comment**
- VII. New Business**
 - 1. Public Hearing regarding Fees for Water Dedication Draft Ordinance** Staff will present proposed amendments to the fees for water dedication as it relates to development within Town limits.
 - 2. Staff/Commission Interaction**
- VIII. Adjournment**



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission April 21, 2021

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, April 21, 2021 via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Estes Banks, Thomas Doumas, Craig Brown, and Alternate Commissioners Tony LaGreca and Blake Bennetts.

Staff Present: 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 Schultz-Writsel motioned to adopt the agenda as presented, **Motion #1** seconded by Commissioner Banks. Motion carried.

APPROVAL OF MINUTES

Commissioner LaGreca motioned for approval of the February 17, 2021 minutes as amended. **Motion #2** was seconded by Commissioner Schultz-Writsel. Motion carried.

PUBLIC COMMENT

Public comments opened at 7:06 pm. With no comments, public comment was closed at 7:06 pm.

NEW BUSINESS

Doering presented a general discussion about the Unified Development Code (UDC). Doering stated that it has been three years since the UDC was adopted and that it needs to be revisited. Although it was intended to be relatively general, there are some gray areas that need to be addressed for potential future code amendments.

Staff will be bringing a case for a Special Use Permit on East Main Street on May 19 and the Commission will need to clarify their position on Special Use Permits, revisit the context policy, and provide some direction for development opportunities.

Doering explained that the Crossman's Addition water model went to the Board of Trustees as an initial effort to determine a potential solution to development of the vacant ground. There are currently twelve property owners relying on subdivision from 1892 that was never developed. It was then redone in 1956 to get more accurate surveying to reflect the newly constructed Highway 24 and rights of way that the Town never formally received. In 1981 and 1996, some alleys and rights of way were vacated by the Town. In order to develop, all property owners need to participate to have water installed throughout. Currently, three property owners own about 85% of the land. The draft water model was done in an attempt to facilitate discussion about the area, not as a proposal. The cost of the water line was a major deterrent for O'Reilly's, and some property owners do not want to install infrastructure.

There will be more conversations later this year regarding the Town's ability to provide water, a potential annexation request, and conversations with the Town's water engineers are currently underway to see where the Town stands with the water supply, as the Town may have some potential opportunities for water from Arkansas River.

Doering mentioned that the water district north of Colorado Springs purchased the Sailor Ranch (land south of the rodeo grounds - 375 acres) strictly for the water rights. The Triview Metropolitan District completed the purchase at end of 2020. The water will go to Pueblo and then will be diverted up to Triview north of Colorado Springs. Triview approached the Town for annexation, and could grant it as open space, as well as potentially help with the Town's fund planning efforts for the Rodeo Grounds master plan.

The Town recently purchased a 100-acre ranch north of Town for long-term water rights. The water rights are unlikely to be used in short-term.

Doering stated that the first in person meeting for the Planning and Zoning Commission will be May 19. May 5th is the Water Ordinance Amendment public meeting, and May 15th is a potential Special Use Permit conversation. Commissioners Doumas and Banks mentioned that they may have to join the May 19th meeting via Zoom.

Commissioner Larimer brought **Motion #3** to resume in person meetings with COVID precautions and protocols on May 19, 2021. Commissioner LaGreca seconded. Motion carried.

Tart presented several maps that staff has been working on regarding existing infrastructure and dwelling unit counts.

STAFF / COMMISSION INTERACTION

Doering mentioned that that the Farm Factory is nearing completion, with the first product being planned for The Farm. The Farm apartments Site Plan will be coming sometime this year.

Doering stated that the Town Sales tax up 43% over 2020.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Banks motioned to adjourn the meeting at 8:33 p.m. Commissioner Doumas seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician



DATE: May 05, 2021
TO: Planning and Zoning Commission
FROM: Joel Benson, Special Projects Manager
RE: Amendment to the Water Dedication Fee

There are a few amendments to the newly approved Water Dedication Fee that are recommended. Staff requests that these proposed changes are reviewed by the Planning and Zoning Commission and a motion is made to recommend approval to the Board of Trustees, if the Commission agrees with the proposal. A public hearing is scheduled before the Board of Trustees on May 11, 2021 to consider the P&Z recommendation (approve, deny, other).

Background:

As a reminder, the intent of this policy is to capture a fee for water dedication that can be used for new water rights, storage, and other ways to diversify Buena Vista's portfolio. This approved fee is to apply to all new development as well as changes in use that require additional water usage.

- 1) Unfortunately, language in the approved code was erroneous. In Section 1: The language was supposed to capture remodels and change-of-use for commercial/mixed use situations when a larger meter was required. However, it inadvertently exempted these types of development from having to pay the water dedication fee at all. Please see in the proposal that one sentence is stricken, and one is added, in italics.
- 2) In any change to the development code, there may be a transition period where some projects are submitted to Town prior to the effective date of a new code. The effective date of the Water Dedication Fee is June 1, 2021 and some projects can submit plans prior and be exempt from paying the fee. Additionally, some major developments will be at a certain point in the process for a particular phase wherein they may not need to pay. Section 2 (3) is recommended to clarify what project(s) would or would not be required to pay, depending on the particular stage of the process. There is a three-year limit to this 'exemption' so that lots of a particular subdivision that are allowed to sit empty would eventually have to pay the water dedication fee.
- 3) In Section 2 (4), there is clarification on subdivisions that may already have two buildings with water taps on the same lot, but the lot is being subdivided. These are already hooked up into the system so would be exempt even though they are going through a formal subdivision process. Any additional subdivision or need to increase a meter size would still need to pay at that time, of course.
- 4) Lastly, sections on severability and safety give additional legal support to the Town for the ordinance.

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

AN ORDINANCE AMENDING SUBSECTION 16.05.5.3.6 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING WATER DEDICATIONS AND FEES-IN-LIEU FOR NONRESIDENTIAL AND MULTI-USE SITE PLANS AND BUILDING PERMITS AND CERTAIN EXEMPTIONS

WHEREAS, on March 23, 2021, the Town adopted Ordinance No. 05, Series 2021, concerning water dedications or fees-in-lieu for developments and subdivisions within the Town; and

WHEREAS, the Town desires to clarify certain portions of Ordinance No. 05, concerning the applicability of the Ordinance to nonresidential and multi-use site plans and to provide a limited exemption for subdivisions which have reached a certain stage in the development process or which are already connected to the Town's water system.

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

Section 1. Subsection 16.05.5.3.6(C)(6) of the Buena Vista Municipal Code is amended to read as follows:

Non-Residential and Mixed-Use Site Plans or Building Permits. Upon receipt of an application for a nonresidential site plan or building permit, Town staff shall determine the size and number of taps necessary to serve the development as proposed by the site plan or building permit. ~~For nonresident building permits, the owner shall only be required to dedicate water or pay a fee in lieu if the fixtures subject to the building permit application require a meter size larger than three-quarter inch (¾").~~ Upon receipt of an application for a mixed-use site plan or building permit, Town staff shall determine the number of single-family units and the size and number of taps for the nonresidential component of the development. For these uses, one three-quarter inch (¾") tap shall be equivalent to one (1) single family dwelling unit. For *non-residential or mixed-use building permits that involve a change in use or alteration to an existing building*, the owner shall only be required to dedicate water or pay a fee in lieu if the fixtures subject to the building permit application require a meter size larger than three-quarter inch (¾").

Section 2. Subsection 16.05.5.3.6(F) of the Buena Vista Municipal Code is amended by the addition of the following subsections:

3. Lots in a subdivision which are subject to the following as of the effective date of subsection 16.05.5.3.6 shall be exempt from the provisions of that subsection for a period of three years from the effective date:

- a. A final plat approved by the Town; and
- b. A valid and executed improvement agreement which requires the posting of a performance guarantee at the time of execution of the improvement agreement.

4. Subdivisions of property on which improvements are located and connected to the Town's water system as of the effective date of subsection 16.05.5.3.6 shall be exempt from the provisions of that subsection. Any further development of the property which includes the construction of improvements that require a connection to the Town's water system or a larger meter size shall be required to comply with subsection 16.05.5.3.6.

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)