

**Town of Bayfield  
Planning Commission Meeting  
March 11, 2008**

**Planning Commission Members Present:** Joan Hanna (Chairman), Russ Jones (Town Board Trustee), James Harrmann (Mayor), Robert Piccoli, Pamela Smith, Bob McGraw, Carolyn Hull

**Staff Present:** Justin Clifton (Town Manager), Joe Crain (Town Planner), Jack McGroder (Intern), & Marianne Jones (Deputy Town Clerk)

**Media Present:** Carole McWilliams - Pine River Times

The meeting was called to order @ 7:03 p.m.

**Minutes:** Pamela noted one change to the minutes. Pamela then made a motion to approve the minutes of the February 12th, 2008 Planning Commission Meeting as amended. Robert seconded the motion. All were in favor except Bob & Carolyn who abstained from the voting because they were not in attendance at the meeting.

Joan introduced Carolyn Hull as a new Planning Commission member.

**Public Input:** No public input was offered so it was immediately closed.

**Action Agenda Item #1: Fox Farm PUD Subdivision Amendment #1**  
**Creation Of Separate Lot For The Fox Farm Tower**

Joe gave his staff report. He explained that Community Development Corporation (CDC) has determined that they are not going to be able to rehab the Fox Farm Tower for a public meeting area as originally agreed upon in the Planned Unit Development. Therefore, they are requesting to create an additional fair market lot for the Tower location. They plan to keep the exterior look of the Tower the same with a few minor changes but remodel the interior into an artist studio/residence. However, since the Tower is not being dedicated for public use, CDC will have to pay the in lieu of park fees that were waived in the original process. The amount they will have to pay to the Town is \$38,000.00.

There are several items that will have to be addressed concerning the amendment to the plat.

- There will need to be an approval for the creation of a 4,000 square foot lot.
- A variance for the lot size.
- A waiver of the setbacks because the tower is only 7.5' away from the east lot line.
- A parking waiver because there is only 1 parking space available on the lot instead of the 2 required under the Land Use Code.

Pamela asked about the possibility of a deed restriction that the exterior remain the same in longevity.

Joe stated that it was up to the Planning Commission what they want to do with deed restrictions.

Referral Comments:

- The Town Attorney has no problems with this request.
- The Public Works Director has not problem with creating a new lot but a new water & sewer will have to be purchased.
- Upper Pine Fire Protection District responded that they have not problem with the creation of a new lot.

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- The Bayfield Building Official responded that the construction must follow International Residential Code Regulations.
- The Town Engineer commented that the creation of the new lot will have no impact on the engineering design of the PUD.

Joe gave his staff recommendations:

The staff recommends that the Planning Commission recommend approval of the following changes to the Fox Farm PUD Subdivision:

- 1) That a new "fair market" lot be created of the size requested
- 2) That a waiver to the north side setback requirement of 10 feet be grant to allow a 7.5 foot side yard setback.
- 3) That a waiver for one off street parking space be allowed.
- 4) That prior to amended plat recordation, an agreement document be developed by the Town Attorney and singed by the Community Development Corporation indicating the timing of the payment of park fees of \$38,000.00 in park fees.

The floor was then given to Jay Lynch, architect for the project.

Jay handed out a drawing of the proposed changes to the Tower. He made a correction that the lot is actually 4780 square feet instead of 4,000 as originally perceived. He explained that the drawing is strictly a schematic design because they have not figured out exactly what changes are going to happen. They are planning to keep the north side of the building very subdued and make the east side the most prominent area.

There was a discussion regarding the original lot and whether or not it was subdivided.

Jay explained that access to the existing parking space is on the east side of Fox Farm Circle. They are planning to shingle & stucco the exterior. There is ten feet between the structure and the walking path. The reason for the setback variance is because one corner of the house is 7.5 feet from the lot line. The rest of the structure meets the 10 foot set back.

Carolyn asked if the actual tower would be accessible.

Jay answered that the tower needs a lot of structural work. He is unsure if he will be able to meet to fix it up enough to meet IBC (International Building Code). The area is about 6' x 6' on the inside and he is still researching whether or not that will be used as livable space.

Pamela asked the interior square footage.

Jay answered that it is 850 square feet on the ground.

Pamela asked what price they hope to receive when it is sold.

Jay answered that they don't know that yet because there are still a lot of unknowns.

It was asked when the completion date would be.

Jay responded that they hope to get it finished by the end of the summer.

The item was opened up for public comment.

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Reid Ross with CDC stated that this is the only way they can keep the tower as it is. If this amendment doesn't pass they will have to tear down the tower and sell the vacant land.

Public comment was then closed.

Pamela made a motion that the Planning Commission recommends approval of the Planned Unit Development Amendment # 1 the Fox Farm Subdivision Plat contingent upon staff recommendations 1 – 4, including a notation that that square footage of the lot is 4,780.

The Mayor seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: Dove Ranch Unit 3 "The Glen" Plat Amendment**

Joe gave his staff report. He explained that Unit 3 of the Dove Ranch subdivision was created by the "Site Specific Development Plan" as a Multi-Family Land Use Zone. However, the approval only allowed Single-Family units to be constructed on the lots. The front yard set back for lots 8 & 9 was modified in February of 2007 from a 20' setback to a 15' setback. Tierra Group, (the real estate development company for the Southern Ute Growth Fund) has recently purchased the lots in Block 8 & 9. Both the subdivision developer & the Tierra Group are requesting the front yard setback be reduced from 15' to 10'. The reason for this request is that the Tierra Group has some unit designs that would dictate a 10' setback.

Additionally, the developer is requesting that duplexes be allowed on the lots that back up to County Road 501 and a plat note be added allowing for the vacation of side yard setbacks and easements in the event that a duplex is constructed. The proposed duplexes would be situated on 2 lots so it would still meet the 1 housing unit per lot stipulation.

The fourth request from the developer is to allow a correction in the legal description in the previously recorded plat.

Referral Comments:

- The Town Engineer commented that the proposed changes do not have any significant impact on the engineering design of the subdivision.
- The Public Works Director does not have any objections to the reduction in setback. He was originally concerned that the streets would have to be cut for the construction of duplexes. However, this is not the case and so he is okay with the proposal for duplexes also.
- The Bayfield Building Official commented that if duplex structures are allowed they will be subject to the appropriate section of the International Residential Code.
- The Town Attorney commented that he has concerns about the "automatic vacation" language on the plat when a duplex is constructed. He noted that language may require some additional limits, particularly to assure that no improvements have been installed in the easements. He also stated that the Town should require some basic administrative review to assure that the vacation will not impact any existing improvements. However, this process could be handled as part of the building permit process.

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- La Plata Electric commented that they have some issues with this request. They have been working with the developer to come up with a resolution to their concerns.

Staff Recommendations:

The staff would recommend that this proposed request be recommended for approval with the following conditions:

- 1) That the front yard setback be reduced from 15 feet to 10 feet.
- 2) That duplexes be allowed on those lots that back up to County Road 501.
- 3) That a plat note be added indicating that side yard setbacks and easements are vacated in the event of construction of a duplex.
- 4) That the plat note be amended by adding language that it will require an "administrative review" of the lots to assure that there are not utilities within the easements to be vacated. This review will occur at time of building permit.
- 5) That LPEA & Dove Ranch reach agreement on easements prior to recordation.

Robert Piccoli recused himself from the voting because he is an employee of the Southern Ute Tribe.

Carolyn stated that she concerned that there are two houses that have already been built in that area. She asked if it will look weird once the other houses are built at the 10 foot set back line and the others are set back significantly.

Brad Elder (the developer for the project) answered that he had originally requested a 10' setback in this section of the subdivision because 10 feet is pretty typical for a patio home type of set up. However, the plat was approved with a 20' setback instead of the requested 10'. He feels that this setback reduction will give a bigger area for building a single story home. He feels that this is a good idea for the area and that the two existing houses will not look out of place.

Pam asked if this will change the density of the property.

Joe answered that it will not.

The floor was given to Andrew Saunders with the Tierra Group. Andrew showed some pictures of the houses that have been built in the Three Springs Subdivision in Durango. He explained that they have a few models that fit in the 15' setback but they would like to have more diversity with the models that are available for the streetscape. They feel that this setback reduction would be a way of giving more housing options.

Robert asked the square footage of the housing they hope to build.

Andrew answered that the smallest houses would be 1250 square feet. The larger home would be approximately 1800 - 1900 square feet.

It was asked how many lots the Tierra Group has purchased.

Andrew answered that they have purchased 14 lots.

Robert asked if there is an option for Tierra to buy more lots.

Andrew answered that they do not have one at this time.

It was explained that the setback changes would only apply to the inner lots that are alley-loaded.

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Brad explained that he has addressed many of the LPEA concerns. He has another meeting scheduled on March 12th to come up with the final decisions.

Robert asked when the Tierra Group is hoping to start building.

Andrew answered that they hope to begin this summer with a couple of homes & see the demand.

Pam asked if the comments from the Fire Department will be met.

Brad answered that all of them except the signage are already being met.

Brad then gave his presentation regarding duplexes.

He explained that he is requesting the ability to construct duplexes on the parcels in Unit 3 that front County Road 501. There are potentially 5 lots that would have this designation. He explained that he is requesting this so that the Dove Ranch subdivision will have a diversity of housing products. Due to the proximity of these lots to CR 501, he is concerned that these lots will be the very last ones to sell. He is hoping that duplexes on these lots will bring more interested parties. The duplexes generally run 1200 - 1400 square feet per housing unit. Brad stated that he has had several inquiries regarding duplexes from parties who would like a second home or from those people who need somewhere to live while their homes are being built. There have also been inquiries regarding parties who would like to live in one side of the duplex & rent the other side. He feels that there are a lot of options that could be utilized if duplexes were allowed on these lots. He thinks that there is already a lot of diversity in the subdivision and this would continue to add to it and open up another host of opportunities. He also feels that this might help sell lots that might not sell as well otherwise. His main goal is to provide more flexibility to the housing market.

The item was then opened for public input.

Matt Volk (530 Dove Ranch Road) explained that he is very frustrated that this subdivision is constantly changing. He has lived in Dove Ranch for 19 months and there has been a change at least every two months. He feels that when one new idea doesn't work Brad Elder moves onto the next flavor of the month idea. He understands that there won't be additional housing units being put on the lots but he is still very concerned about the constant state of changing of the overall design of the subdivision. He is also upset that the promises that were made when he bought the lot (such as the park) still have not been completed. He also stated that having duplexes at the main entrance of the subdivision will change the cosmetic affect and will drop property values for the existing homeowners. He doesn't think that promoting rentals would be a good idea in this area of Town. He doesn't like the fact that the rules keep changing. He was promised that the entire subdivision would only be single dwelling units and he doesn't want to see that changed from what he was promised.

Jeff Wadsworth (519 Dove Ranch Road) explained that he loves the community, loves the neighbors, & loves the subdivision design as it was when he originally purchased his house. He felt that buying in Dove Ranch was a good decision because of the layout and the great aesthetic look. He feels that duplexes at the entry way would decrease the look and the property values. He also expressed concern that duplexes were not in original plan that convinced him to purchase in this area. He stated that he realizes that there is a need for duplexes but doesn't think that Dove Ranch is the appropriate place.

Sean Wheeldon (521 Dove Ranch) stated that he feels the same as Jeff Wadsworth.

Kirk Elliot (403 Dove Ranch) also agreed with Jeff. He stated that the subdivision was originally advertised as a more upscale neighborhood at reasonable prices. He said that he thinks the change to the setbacks would actually help the area but the duplexes are really going to detract from the upscale look that of the subdivision. The neighborhood was sold to the homeowners as single-family dwellings

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and he thinks that duplexes will add a bad element to the neighborhood. He does not want to live in neighborhood of rentals.

Joseph Mozgai (402 Dove Ranch Road) expressed that he likes the idea of the patio houses better than the duplexes.

Justin Talbot (447 Dove Ranch Road) agrees that duplexes would detract from the neighborhood. He asked if there was a possibility of re-platting the lots adjacent to 501 to make them wider and more desirable.

Andrew Saunders remarked that it is more expensive to build a duplex than a single-family residence. But he feels that if the duplex is designed correctly, they just look like a large house.

Justin Talbot expressed that he is afraid that Bayfield will end up with a Sky ridge type subdivision.

Public input was then closed.

Pam stated that Brad has brought a lot of diversity to the Town with this subdivision. She explained that a lot of the changes he has had to make have been because the Town Land Use Code did not have the correct provisions for the things that Brad wanted to do originally. She explained that both the Town and Brad are trying to meet the needs of the residents.

Russ thanked Brad for the Dove Ranch subdivision. He stated that it is the elite subdivision in Town and the people who purchased their homes in this subdivision expect to receive what they were promised. It was advertised as smaller retirement type homes at the bottom near CR 501 and bigger homes higher up. He explained that duplexes promote rentals and the homeowners don't seem interested in having rentals in the subdivision. He was also concerned that the decrease in the setback on Dove Ranch Road could cause an unattractive corridor because of the weird variations. He said that he wants to protect the property values and do what is in the best interest of the subdivision but also the homeowner.

Carolyn expressed concern that the Town does not know what the duplexes are going to look like when they are built. This is a major concern because these duplexes are located right at the entrance to the subdivision.

Bob expressed his appreciation for the public that came in and gave their thoughts. He stated that he liked the decision that was made two requests ago. He is also tired of the constant changing. He also stated that it not their job to go with market forces, it's their job to do what is best for the Town.

The Mayor agreed with Bob. He stated that he feels that Brad has come to the Town a lot of times to ask for change. He doesn't feel that there can be any type of consistency when the ideas are always changing at the whim of Brad's newest idea.

Robert stated that he has listen to the residents and feels that no one had an issue with the setback but that every single one of them had concerns about the construction of duplexes. He said that he realizes that there is a need for rentals but he doesn't think that this subdivision is the best place for them.

Joe Crain commented that it might be a good idea to split the two items up and make a determination on each request as a separate item.

Brad Elder stated that he would like to withdraw the request for duplexes. He said that he will have a meeting with the homeowners and see if he can come up with a plan that would be more suitable to them.

Russ Jones made a motion to recommend approval of the Dove Ranch Plat Amendment subject to staff recommendation #1(specific to Blocks 8 & 9) and staff recommendation # 4. Pam seconded the motion.

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Bob expressed concern about the remark Russ made about the unattractive corridor down Dove Ranch Road.

Russ remarked that reducing the setbacks definitely narrows the corridor down Dove Ranch Road.

Bob responded that he would like to hear the public's input on this item and this concern.

Pamela withdrew her second to Russ's motion. The motion failed due to lack of a second.

The item was then opened back up for public comment.

Brad commented that it would be very problematic if they were unable to get the 10' setback for the entire area.

It was mentioned that the area would look better if the houses were not staggered in a haphazard way.

Brad stated that Dove Ranch Road is a large street and he envisions more intimacy and closeness throughout that area. He thinks that this reduction in the setbacks will give the area a nice cozy feeling and will not look haphazard in anyway.

Joseph Mozgai (402 Dove Ranch Road) said that he likes the patterns that subdivision currently has and is very comfortable with it just the way it is.

Russ mentioned that the long-term plan is that Dove Ranch Road will tie to the new proposed intersection at the Shell station. Therefore, this road could become a main throughway for the Town. He encouraged the Planning Commissioners to keep that in mind.

Pam responded that she doesn't think that the staggered houses will make a big difference on this wide street. She thinks that it will actually give more interest.

Andrew Saunders reiterated that Tierra Group has purchased all of the houses on Dove Ranch Road frontage and the smaller setback would definitely give them the option of using more product types and offering more diversity.

Public input was then closed.

Russ decided to make the same motion he made earlier.

Russ Jones made a motion to recommend approval of the Dove Ranch Plat Amendment subject to staff recommendation #1 (specific to Blocks 8 & 9) and staff recommendation # 4. Pam seconded the motion.

Pam seconded the motion.

All were in favor except the Mayor who was opposed.

**Action Agenda Item #3: New/Unfinished Business**

Joe reminded the Planning Commission of 4 upcoming work session dates to discuss the Eastside Master Plan: March 25th, April 8th, April 22nd, & May 13th, 2008.

Robert remarked that he will be out of Town during two of the meetings.

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Pamela stated that this meeting would be her last Planning Commission meeting.

The Planning Commissioners expressed their gratitude for her service & guidance. They told her that she would be greatly missed.

The meeting was adjourned @ 9:03 p.m.

**Approved:**

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Joan Hanna  
Chairman

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Marianne Jones  
Deputy Town Clerk