

**Town of Bayfield
Planning Commission Meeting
July 8, 2008
11 West Mill Street Bayfield, CO 81122**

Planning Commissioners Present: Joan Hanna (Chairperson), Bob McGraw (Vice-Chairperson), Rick Smith (Mayor), Robert Piccoli (Town Board Member), Carolyn Hull, Ed Morlan,

Planning Commissioners Absent: Jeff Wadsworth

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 @ 7:05 p.m. by Bob McGraw (Vice-Chairperson)

Minutes: Carolyn requested one correction to the minutes. The Mayor made a motion to accept the minutes as amended. Carolyn seconded the motion. All were in favor, motion passed unanimously.

Public Input: No public input was offered.

**Action Agenda Item # 1: Public Hearing: Sampson Resources
Front Setback Variance Request
120 Clover Drive Parcel # 567712209021 Sec 12, T34N, R7W**

Joe gave his staff report. He explained that Sampson Resources wishes to cover approximately 9 parking spaces located on the north side of their current structure on Clover Drive. The roof support column of the carport will intrude into the 25 feet required front yard setback by 2.7 feet (making the setback only 22.3 feet on this corner of the lot).

Joe gave the Planning Commission the criteria set forth in the Land Use Code Sec 3-8 (2) to be used in making a decision on the request.

1. Are there exceptional or extraordinary circumstances or conditions applicable to the property that is not self imposed hardships?
2. Is the variance necessary for the preservation and enjoyment of a substantial property right possessed by other similar property in the same vicinity and district?
3. Can the variance be granted without a detrimental impact on the public welfare or injury to the property or improvements in the vicinity?

Staff Recommendation:

The staff would recommend that the Planning Commission approve the requested variance of 2.7 feet to allow the parking area to be covered based on the following findings of fact & criteria.

#1: Yes, there are conditions applicable to the property that is not a self-imposed hardship, this being that the concrete parking area was constructed when the original building was constructed.

#2: Yes, the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other similar properties in the vicinity & district.

#3: Yes, the variance can be granted without any detrimental impact on the public welfare or injury to property improvements in the vicinity. As a matter of fact by covering the existing parking area, it will make it safer for the public.

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Carolyn asked since this carport is going to be located on the north side of the building if it's going to be dangerous for snow shed.

Joe answered that it is more dangerous currently. The new carport will actually improve safety.

The floor was given to Robert Stephenson with Stephenson Carpentry who is the contractor for the project.

Robert stated that Joe covered everything in his staff report but encouraged questions from the Planning Commission on the request.

Robert Piccoli asked about the slope of the new carport.

Robert answered that it's a 1/12 slope which matches the building. It will be constructed of material that is similar to pro-panel.

The item was opened for public comment.

None was offered so it was immediately closed.

The Mayor made a motion to grant the front setback variance @ 120 Clover Drive, Parcel # 567712209021 Sec 12, T34N, R7W, because it has been determined that it does meet the 3 criteria set forth in the Bayfield Land Use Code for a variance. Bob McGraw seconded the motion.

Joan asked if this decision will go to the Town Board.

Joe answered that the Planning Commission has the final decision on this item.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: Public Hearing: Ron Broadhead & Rebecca Chamberlain
Rezoning Request From R-10 to Multi-Family
546 Buck Highway Parcel # 567711400137 Sec 11, T34N, R7W**

Joe gave his staff report. He explained that this request for rezoning is a result of a permit to construct a Barn/Garage in 2004. In 2006 upon inspection, the Town of Bayfield Building Official found what appeared to be a "mother in law" apartment being constructed on the second level of the structure. This structure was not permitted under the building permit. On November 14, 2006, Mr. Broadhead and Ms. Chamberlain were notified that the unit must remove all appurtenances that relate to a kitchen as well as 220 electrical outlets OR request a rezoning to Multi-Family land use. The lot size is approximately .76 acres or 33,106 square feet. Additionally, there were some structural problems with the building if the upper floor was going to be used as a residential unit. All of the structural problems have been resolved and approved by the Building Official. A CO (Certificate of Occupancy) has been issued for the Barn/Garage, but not the living unit. The applicants are requesting the re-zoning of the property so that they can obtain the CO for the living unit.

Joe stated that he feels that the request is consistent with the surrounding area because the properties on the south & southeast are currently zoned multi-family. The property to the east is currently vacant. Property to the north is zoned R-10 (residential, 10,000 square feet). Staff is concerned about this piece of property also requesting multi-family zoning. Staff feels that a condition should be placed on the Broadhead property stating that the rezoning only applies to the main structure with an addition of a "mother in law" apartment (instead of a full dwelling unit). Staff hopes that this condition will assist in limiting full Multi-Family use from spreading northward.

Staff Recommendation:

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The staff would recommend that the Planning Commission consider recommending approval to the Town Board with the following condition & notice:

1. The property will be limited in development to the main residential structure and an apartment on the second floor of the Barn/Garage.
2. That the landowners are on notice that prior to CO for the residential unit, they will pay required water and sewer tap fees for the additional unit.

Joan asked how many units would be allowed on this property under the Multi-Family designation.

Joe answered that only 2 units will be permitted, the main house and the mother-in-law unit.

The floor was given to the applicant, Ron Broadhead.

Ron stated that that Joe covered everything in his staff report but encouraged questions from the Planning Commission on the request.

Robert asked if he plans to rent the new unit.

Ron answered that he doesn't currently have any plans to rent it out. However, if the property sells, the next owner might want to rent it out.

It was asked how long Ron would have to pay the tap fees.

Joe answered that there is no deadline for purchasing the taps but the residential CO on the mother-in-law unit will be held until they are paid.

It was asked if the dwelling unit is completed.

Ron answered that currently the mother-in-law space only has a sink so it doesn't actually qualify as a dwelling unit. Once the CO is issued, he will be able to go ahead and put in the remaining items to make it a dwelling unit.

It was asked how large the space is.

It is 32' x 19' for a total of 608 feet.

The item was opened for public comment.

None was offered so it was immediately closed.

Robert made a motion to recommend approval to the Town Board of the rezoning request received from Ron Broadhead & Rebecca Chamberlain to change the zoning on the property located at 546 Buck Highway, Parcel # 567711400137 from R-10 to Multi-Family, subject to staff recommendations 1 & 2.

Rick seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item # 3: Public Hearing: Garth Schultheis
Request To Convert The Current Structure Into 5 Business Town Home Lots
175 Clover Drive Parcel # 567712209004 Sec 12, T34N, R7W

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Joe gave his staff report. He explained that the applicant wishes to convert the current structure located at 175 Clover Drive into 5 Business Town Home lots with parking, landscaping, & residual property as common areas. A Business Owners Association will be formed to care for and maintain the commonly owned property.

Joe explained that the Town of Bayfield normally requires each separate dwelling unit to pay water and sewer plant investment fees as well as have each space separately metered. The applicants are proposing to keep one water meter in place for all 5 Business Town Home units. When the 5 spaces were under one owner, the meter concern was not a problem. However, now that each unit is going to be owned separately the staff feels that each unit should have its own water meter. The staff doesn't feel that additional water and sewer taps should have to be purchased at this time but each unit does need its own separate meter and these meters will need to be clustered in a meter vault.

Staff Recommendation:

The Staff would recommend that the Planning Commission recommend approval to the Town Board with the following conditions:

1. That the Final Plat be revised to include the approvals of the utility companies that presently serve the property.
2. That the Final Plat be revised to include the Mayor and Town Clerks signature blocks.
3. That each lot created has a separate water meter clustered in a common vault on common property.
4. That appropriate Declarations be recorded with the Final Plat.

Justin explained that the Town will still reserve the right to measure usage if there is a change of use in any of the units. This is another reason why a separate meter is so important for each location.

It was asked how different uses will be monitored.

Justin answered that they will be reviewed when a business license is issued. This location is currently zoned industrial which allows both industrial & commercial uses. When a business license is issued it will be reviewed to make sure that it meets the criteria for this zoning district. The Town will also review the impact the new use will have. It will be a private matter to deal with any parking issues that may arise.

Carolyn asked for clarification about the purchase of water and sewer taps.

Joe explained that when this building was originally developed the Town did not require a separate water & sewer tap for each unit. The applicants are not requesting to change any of the current uses in the building so they have requested not to be charged any additional tap fees. Since there will not be any new impact to the sewer or water system, the staff is recommending that the Board not charge any plant investment fees. However if any of the uses change, the Town reserves the right to revisit the fees & decide if any additional taps are needed.

Carolyn noted the comment from the Town Public Works Director which states that an additional water & sewer tap should be purchased for each unit.

Justin explained that this is a discrepancy between staff members. It is Ron's opinion that the fees should be collected. However, the decision was made by all the staff as a consensus that in an effort to promote commercial growth it would be better to recommend only requiring separate water meters.

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Bob asked if another condition could be added stating that the Town reserves the right to monitor usage if the current use changes and the Town could require additional water & sewer taps to be purchased if necessary.

Justin explained that it is a standing policy that the Town will monitor usage and access tap fees as needed.

Ed asked if there are things that need to be addressed by the building inspector.

Joe answered that Mike Shave will need to do an inspection of the premises.

The floor was given to the applicant, Garth Schultheis.

Garth stated that when the building was constructed, it was built for individual units. There are separate utilities, doors, and the walls are fire rated. He stated that he feels the building will meet all the code requirements needed for these units to be classified as Business Town Homes.

Lindsay Nicholson (attorney for the applicant) stated that Joe covered the item very well. She explained that this is just a change for an ownership standpoint. They are not changing any uses or the current tenants. The advantage of this change will just allow the tenants to be able to purchase their property and have equity in it.

She asked for reconsideration on the water meter condition. She explained that the cost of putting in these water meters could be cost-prohibitive for the project.

Garth commented that the current tenants are not using a lot of water. He would rather add some language to the covenants that states if a particular tenant uses an excess of water, they would be required to purchase a separate water meter. He feels that this could easily be addressed through the covenants or the Home Owners Association (HOA).

The Mayor responded that the Town Board has taken the stand that when a building is divided each unit needs to have a separate meter. It makes things much easier administratively for both billing purposes & monitoring the amount of water being used by each tenant. The Mayor also stated that he feels that the staff has been more than generous by not requiring additional tap fees to be purchased.

Robert commented that he thinks the only logical thing would be to meter them separately.

Joan said that she thinks it's beneficial financially for everyone involved to meter the units separately.

The item was opened for public comment. None was offered so it was immediately closed.

There was a lengthy discussion regarding whether the project needed to have an additional condition regarding the property meeting International Building Code & International Fire Code under the Town Home designation.

Bob McGraw made a motion to recommend approval of the Clover Building Business Town Homes located @ 175 Clover Drive, Lot 4, Bayfield Industrial Park, Phase 1, Parcel # 567712209004, Sec 12, T34N, R7W subject to staff conditions 1 – 4, with an additional condition that the Town's Building Official & Fire Marshal do an inspection of the location to determine that the 5 units meet the IBC & IFC building requirements for Business Town Homes.

Rick seconded the motion.

All were in favor, motion passed unanimously.

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**Action Agenda Item #4: Public Hearing: Northeast Area Plan Map
(To be adopted a part of the Bayfield Comprehensive Plan of 2005)**

Joe gave his staff report. He explained that the Planning Commission has been reviewing this plan for the past 4 months.

This plan has been in the process since March going through all of the issues regarding this property.

The first meeting, held on March 28th, 2008, addressed density and land use. There were numerous changes made to the density and land uses. These changes have been documented on the revised comprehensive plan.

The next meeting, held on April 4th, 2008, focused on the following items: highway intersections, arterial & frontage roads, circulation, water, sewer & storm water drainage.

The next meeting, held on April 18th, 2008, focused on parks, open space, trails, bicycle & pedestrian movement, & the need for parks/recreation staff & equipment.

The final meeting held on May 13th, 2008, was an overview of all of the meetings and the final modifications were made to the Landowner Master Plan.

The public hearing for this item is being held this evening. Joe commented that the Division of Wildlife still hasn't commented on this project but the staff will continue to send them notifications as the developments progress.

Staff Recommendation:

The staff recommends that the Planning Commission the Northeast Area Land Use Plan and the Plan Narrative as a part of the 2005 Bayfield Comprehensive Plan and forward this item to the Bayfield Town Board for ratification.

Ed Morlan asked how the owner of the Southviews property plans to get 400 units on 77 acres of land.

Joe explained that the adoption of the comprehensive plan doesn't guarantee or give the developers any sort of vesting on their properties. This land use plan only gives guidelines for the area.

Justin explained that the actual numbers will be determined when the property is brought in for plat approval. The proposed 400 units are based on an exaggerated number using the High Density Residential (HDR) zoning and Multi-Family zoning.

Joe noted that the Southviews property has a plat note regarding multi-family uses.

Justin commented that this approval is just for a comprehensive plan. There is no vesting by approving the comprehensive plan. This just gives a recommended land use for the area. The actual land use zoning will be determined at annexation time.

There was a long conversation regarding the proper location for industrial zoning.

The item was opened for public comment.

Pat Vaughn (44441 Highway 160) stated that he thinks that the plan looks very good but right now it's just colors on a map. He stated that he realizes that all the details won't be worked out until the process is further down the road but he thinks it's a very good idea to start planning for the future now. He also thinks that it's overwhelming how much input has been given by the surrounding property owners. He feels that he

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has a lot of options for development of his property. He did point out that the Town might want to rethink the location of the industrial designation. He thinks that it might be better to have commercial zoning right off of Highway 160 and the industrial zoning set back further from the highway.

No additional public comment was offered. Public comment was closed.

Ed asked if it was appropriate to start acquiring easements for future roads at this time.

Joe answered that it is not appropriate at this time but it will be appropriate to do so when each property comes in for annexation.

Robert made a motion that the Planning Commission adopt the Northeast Area Land Use Plan & the Plan Narrative as a part of the 2005 Bayfield Comprehensive Plan and forward this item to the Town Board for ratification.

Bob seconded the motion. All were in favor, except Ed who was opposed.

Action Agenda Item #5: New/Unfinished Business

Bob asked about the mitigation of barren land. He expressed that he is concerned about the Jack Roe property. He feels that since the Planning Commission is also the Town Weed Board, the PC needs to make sure that there is some sort of growth plan for the property so that weeds are not being spread to adjacent properties.

Joe answered that currently Jack Roe has not been able to get financing for the Highlands project so Joe doesn't think it's going to be recorded anytime soon. The property is not officially annexed into the Town so the Town can not enforce re-vegetation. However, the property will be subject to State Law so it will have to be in conformance with erosion drainage requirements. Once the property is annexed, the Town will have more leeway for enforcing weed control.

Joan noted that Jeff Wadsworth submitted a letter of resignation for his position on the Planning Commission because he has taken a job out of state. She thanked him for his service and noted that the Commission now needs a new member to fill his position.

The meeting was adjourned @ 8:57 p.m.

Approved:

Joan Hanna
Chairman

Marianne Jones
Deputy Town Clerk