



## PLANNING COMMISSION

MINUTES of May 11<sup>th</sup> 2021

Members of the Buena Vista Planning Commission met in Council Chambers and via Zoom at 7:00 PM on Tuesday, May 11<sup>th</sup> 2021.

### **Members Present:**

Dennis Hawes, Chairman  
Marolyn Cash  
Lucy Ferrebee  
Kristie Gibbons  
Timothy Petrie  
Melvin Henson, City Council Representative  
Jason Tyree, Ex Officio member

### **Members Absent:**

Michael Ohleger, Vice-Chairman  
Sandy Burke

### **Staff Present:**

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

### **Minutes**

Mr. Petrie moved to adopt the minutes of April 13<sup>th</sup>, 2021 as presented. Mrs. Ferrebee seconded, and all voted yes.

### **Secretary's Report**

Mr. Roberts updated the Commission that another grant-funded tree planting was planned for later in May. Mrs. Cash expressed concern that Public Works was not adequately maintaining trees that we already have.

### **New Business**

*Discuss Zoning Text Amendment for conditional use permit expiration*

Mr. Roberts explained that it came to his and the City Attorney's attention that the zoning ordinance currently states that conditional use permits expire upon change of ownership. This is not allowed by state code. Mr. Robert identified several other housekeeping changes related to conditional user permit procedures.

Mr. Hawes also raised the idea of extending the time period to start a conditional use once it has been approved from 6 months to 1 year.

There was some discussion over whether CUPs should have an expiration date at all. Mr. Roberts explained that Council can put an expiration date on a conditional use if the expiration is clearly related to the use, but the Commission agreed this is problematic.

*Discuss alley abandonment in 2400 block of Ash Ave*

Mr. Petrie asked about how the City determines what ROW it will abandon and what ROW it will not abandon, and whether it exposes the City to liability for seemingly arbitrary decisions. Mr. Roberts replied that the ROW abandonment policy doesn't directly address this, and it is a subjective analysis based on potential future use, but it is a legislative action by Council so they are given wide latitude in discretionary decisions. Mr. Petrie pointed out that the City does not want to appear arbitrary, whether there is legal liability.

Mr. Roberts noted that the only time he can remember recommending against an ROW abandonment was for a dead-end piece of Birch Ave. About 4 years ago an owner inquired and staff told him that the City wanted to keep it to maintain access to the creek.

The Commission had multiple questions about the planned development on this location. The applicant for the abandonment desires to build a house on the property, likely on top of the alley. The Commission's questions revolved around location of utilities, where access would be from the road, drainage, how the existing 24<sup>th</sup> St/Ash Avenue is maintained, etc. They asked about potentially requiring infrastructure improvements as a contingency of the abandonment.

Mr. Roberts explained that the current position of the City is that new construction of houses is allowed on existing substandard streets (such as this section of 24<sup>th</sup> St/Ash Ave) but new substandard streets may not be built or extended. Another example of an existing substandard street is the 1800 block of Pine Ave.

In recent years, the occupant of 2504 Ash Ave, Randy Stinnett, does most of the maintenance of the gravel road (24<sup>th</sup> St/Ash Ave). The City does not do much maintenance of this road even though it is a public ROW.

Mr. Roberts said that he had planned to take this abandonment to City Council on May 20<sup>th</sup>, but he would instead ask the applicant for a site plan at the next Planning Commission meeting.

**Mrs. Ferree** motioned to recommend against the abandonment request until further information and a site plan had been received. All voted yes.

*Setback discussion*

Mr. Hawes brought up a specific building lot on a corner where the builder found that there is an additional setback requirement for corner lots. Mr. Roberts was aware of the particular lot and then cited the particular section of the zoning ordinance. Note (i) of the dimensional regulation table adds 15 feet to setbacks for corner lots. He continued that the purpose of this is to ensure visibility for vehicles in the street and coming out of alleys.

The Commission discussed the merits of this additional amount for corner lots, and how it decreases the amount of buildable space on the lot. Mr. Roberts agreed to draft language to reduce the amount added for corner lots.

**Adjournment 8:30 PM**

Approved: \_\_\_\_\_