

AVON PLANNING & ZONING COMMISSION MEETING AGENDA

TUESDAY, SEPTEMBER 6, 2022 - MEETING BEGINS AT 5:00 PM
100 MIKAELA WAY – AVON TOWN HALL



1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA
3. DISCLOSURE OF ANY CONFLICTS OF INTEREST OR EX PARTE COMMUNICATION RELATED TO AGENDA ITEM
4. **PUBLIC HEARING** – CODE TEXT AMENDMENTS FOR DEVELOPMENT BONUSES | FILE #CTA22003
(MATT PIELSTICKER, PLANNING DIRECTOR)
5. CONSENT AGENDA
 - 5.1. JULY 19, 2022 PLANNING AND ZONING COMMISSION MEETING MINUTES
 - 5.2. FINDINGS OF FACT AND RECORD – TMP22002 – TEMP USE 332. E. BEAVER CREEK BOULEVARD
 - 5.3. FINDINGS OF FACT AND RECORD – MNR22015/AEC22003 – FENCE 2480 SADDLERIDGE LOOP
6. STAFF UPDATES
 - 6.1. AMERICAN PLANNING ASSOCIATION
 - 6.2. SHORT TERM RENTALS
7. ADJOURN

TO: Planning and Zoning Commission
FROM: Matt Pielsticker, AICP, Planning Director
RE: **PUBLIC HEARING:** Development Bonus Code Text Amendments
File #CTA22003
DATE: August 29, 2022



SUMMARY: This report and ordinance attachment (“**Attachment A**”) summarize a Code Text Amendment application (“**Application**”) for Planning and Zoning Commission (“**PZC**”) review and recommendation to Town Council. The Application includes a new discretionary flexible development review process (“**Exhibit A**”) allowing additional development rights when a developer provides highly desirable and meaningful community enhancements through their project.

The Development Bonus process not only intends to foster additional Community Housing units but projects with a high economic impact that enhance public improvements, which also positively impacts the community. A flexible development review process increases the likelihood of achieving a more desirable project on parcels that may have technical nuances or economic considerations, requiring development-specific modification(s) to the standards necessary for the project to obtain design approval.

The Town Council formally initiated this application at their August 23, 2022, meeting. After conducting a public hearing, the PZC can offer a recommendation or continue the application for further analysis.

BACKGROUND: Planned Unit Development (PUD) zoning was a standard zone district within Avon for thirty years. This customized zoning gave flexible development standards to projects through the application approval process. Results and compatibility of development varied greatly, as did the resulting community benefits for PUD negotiated projects. The Town adopted the unified land use code in 2010 to bring the subdivision, zoning, and development standards together under one umbrella.

One of the primary goals of the unified land use code (“**Title 7 - Development Code**”) was to diminish the PUD process to increase the compatibility of new projects by providing clear expectations for developers and reviewing bodies through standard zoning requirements. Generally, the code works well with smaller planning efforts and in the day-to-day governance of land use. More significant development projects are becoming additionally challenging to achieve, as developable land and other opportunities decrease; the code does not necessarily fit all new development situations equally. Redevelopment of older, more significant buildings initially built through the PUD process may also have many inefficiencies and technical issues to overcome, some of which would stymie reinvestment.

Earlier versions of a Development Bonus process were presented to the Town Council during the unified land use code adoption in 2010, and again in 2019, when Inclusionary Zoning was reintroduced. In each instance, Council removed these incentives from consideration. In 2022, conditions have changed that now warrant review of this proposed code text amendment.

PROCESS: Code Text Amendments can only be initiated by property owners and the Town Council. Once initiated, staff provides public notification before a hearing with PZC. PZC holds a public hearing and provides a recommendation to Town Council. Two readings of an Ordinance, with public hearing, are required before final action.



TIMELINE: The Town Council initiated Application on August 23, 2022. The following timeline shows a potential path forward for consideration of the changes:

August 23	Town Council Work Session, Direction, Authorization
September 6	PZC Public Hearing and Recommendation
September 13	First Reading of Ordinance
September 27	Public Hearing and Second Reading of Ordinance
October 27	Ordinance Effective Date

PUBLIC NOTIFICATION: The Application was publicly notified in the Vail Daily on August 25, 2022. No public comments have been received.

OPTIONS: PZC has the following options with the Application:

- Recommend Approval as drafted
- Recommend Approval, with changes
- Continue Public Hearing
- Recommend Denial, with findings

DISCUSSION: I recommend support of this Code Text Amendment in some capacity. It is not uncommon to see Development Bonus processes in other communities, which work to provide tangible community benefits in exchange for increased development opportunities. The process would be completely discretionary for PZC and Town Council. This provides some level of uncertainty for developers at the front end when designing projects, however, the potential increase in development rights will likely illicit more interest in projects.

Examples of Development Bonuses exist in other communities throughout Colorado. For example, the [City of Boulder](#) has been working hard to incentivize affordable housing projects based on community benefits through various bonuses (i.e., height and density). [Longmont](#) includes height, setback, density, and parking variations for eligible housing projects. Recent code assessments undertaken in [Larimer County](#), the [City of Grand Junction](#), and the [City of Fort Collins](#) have all determined that flexibility to their development standards requires implementation to their codes as well.

While many of the other surveyed communities direct incentives towards local housing projects, we feel that offering the same development review flexibility for high-impact projects that focus on existing underutilized buildings is also worthwhile. In particular, a flexible development bonus would afford projects that provide significant (measurable) economic impacts to the Avon community the incentive it may need to redevelop. In doing so, Avon achieves reinvigoration of otherwise less-functional or dated developments, while simultaneously, projects contribute to housing efforts through taxation and other existing mechanisms. The community may also obtain viable public spaces, infrastructure improvements, or other valuable amenities that may be lacking in older areas of town.

REVIEW CRITERIA: PZC must consider a set of review criteria when formulating a recommendation to Council. The review criteria for Code Text Amendments are governed by Avon Municipal Code (“**AMC**”) §7.16.040, *Code Text Amendments*. Staff responses to each review criteria are provided below.

(1) The text amendment promotes the health, safety and general welfare of the Avon community;

Staff Response: *Added flexibility in the development review process, brought to PZC and Council for consideration, encourages creativity in design and may mean the difference in achieving a good project versus a great or highly beneficial project. Attracting local housing projects has been a focused goal of the Town since the adoption of the Community Housing Plan (2018, updated 2021), and post-covid, incentivizing new projects that result in attainable housing is more critical than ever. Staff has seen other jurisdictions respond to this reality by typically allowing new development bonuses for added height and density to have projects pencil out and provide new units for their jurisdictions without needing Variances- which would be likely unsuccessful to justify. Not being able to support Variances may place the PZC or Council in a precarious situation, knowing that housing is an essential focus of the Town's sustainability presently.*

(2) The text amendment promotes or implements the goals and policies of the Avon Comprehensive Plan;

Staff Response: *These amendments attempt to balance the structured development review environment with (discretionary) flexibility incentives, which results in beneficial projects. One of the most pressing needs for implementing a Development Bonus would be housing.*

*The Community Housing Plan seeks to achieve the Town's goals with "...both incentives and regulations to create a policy environment that is favorable for local housing." Offering potential community housing projects some level of design flexibility while maintaining the Development Code's underlying goals is an intention supported by the Comprehensive Plan. Further, the Avon Comprehensive Plan includes **Policy A.1.1: Encourage redevelopment and revitalization of outdated, rundown, or otherwise neglected areas.** Development Bonuses are a way to promote the creative reuse of underutilized or vacant properties in Town, thereby having the potential to reshape outdated or inefficient development areas. Slight modifications to zoning standards can leverage positive aspects of a project and may mean the difference between creating a desirable project and not having new growth or redevelopment occur.*

*Updating land use regulations with new development tools is also supported by the Avon Comprehensive Plan **Policy C.1.1**, which recommends to: **Regularly update and enhance the Avon land use regulations and District Master Plans for innovative design approaches and positive development outcomes.** Introducing a Development Bonus option for new development or redevelopment adds another potential avenue for growth that is entirely discretionary by Town Council approval.*

(3) The text amendment promotes or implements the purposes stated in this Development Code; or

Staff Response: *Section 7.04.030 Purposes of the Development Code lists several pertinent goals and purposes for the Avon community that support Staff's efforts to enhance the Avon Municipal Code. These goals can be applied to both new development*, and redevelopment* when considering*

that many projects are upwards of 40 years old and may be deficient, or lacking in effective design elements. The most relevant goals that may be applied to both *scenarios include the following:

- (b) Implement the goals and policies of the Avon Comprehensive Plan and other applicable planning documents of the Town;
- (d) Avoid [or alleviate] undue traffic congestion and degradation of the level of service provided by streets and roadways, promote effective and economical mass transportation and enhance effective, attractive and economical pedestrian opportunities;
- (e) Promote adequate light, air, landscaping and open space and avoid undue concentration or sprawl of population;
- (f) Provide a planned and orderly use of land, protection of the environment and preservation of viability, all to conserve the value of the investments of the people of the Avon community and encourage a high quality of life and the most appropriate use of land throughout the municipality;
- (g) Prevent the inefficient use of land; avoid increased demands on public services and facilities which exceed capacity or degrade the level of service for existing residents; provide for phased development of government services and facilities which maximizes efficiency and optimizes costs to taxpayers and users; and promote sufficient, economical and high-quality provision of all public services and public facilities, including but not limited to water, sewage, schools, libraries, police, parks, recreation, open space and medical facilities;
- (l) Promote architectural design which is compatible, functional, practical and complimentary checking to Avon's sub-alpine environment;
- (m) Achieve innovation and advancement in design of the built environment to improve efficiency, reduce energy consumption, reduce emission of pollutants, reduce consumption of non-renewable natural resources and attain sustainability;
- (n) Achieve a diverse range of attainable housing which meets the housing needs created by jobs in the Town, provides a range of housing types and price points to serve a complete range of life stages and promotes a balanced, diverse and stable full time residential community which is balanced with the visitor economy;

Inflexible design standards result in many Variance applications (which may be challenging to achieve relief from under the typical intention of Variances); it is not good practice to use Variances for development design purposes. When trying to encourage new development and redevelopment, Avon needs the appropriate tools to make targeted projects the best for the community. By providing discretionary flexibility where strict application of the standards would otherwise create unnecessary difficulties or achieve projects not reflective of the needs of Avon in 2022, appropriate growth and better, more creative design may occur.

(4) The text amendment is necessary or desirable to respond to changed conditions, new planning concepts or other social or economic conditions.

Staff Response: The text amendments directly respond to trends in the development review processes by offering limited development standard incentives to projects that meet Town goals or could meet Town goals with minimal assistance. Having the tools to ensure that new growth and development contribute positively to the community's quality of place allows Avon to develop

reflectively in response to modern community needs and avoids repetitive code amendments to “keep up” with changing conditions. If we have learned anything from the recent pandemic, communities must be adaptive when systems change. E.g., skyrocketing land costs and construction materials trigger rethinking of project design, thus; resulting in minimalized projects that cannot afford to offer warranted yet very costly community benefits.

Conformance With General Review Criteria - Section 7.16.010(F)(1), which provides general review criteria that is applicable to all development applications:

- (1) Review Criteria. The reviewing authority shall be Director when the Director has the authority to administratively approve a development application. The reviewing authority shall be the PZC and/or Town Council for all development applications which are subject to public hearing. The reviewing authority shall review development applications for compliance with all relevant standards and criteria as set forth in the specific procedures for the particular application in this Development Code, as well as the following general criteria which shall apply to all development applications:
 - (i) The development application is complete;
 - (ii) The development application provides sufficient information to allow the reviewing authority to determine that the development application complies with the relevant review criteria;
 - (iii) The development application complies with the goals and policies of the Avon Comprehensive Plan; and
 - (iv) The demand for public services or infrastructure exceeding current capacity is mitigated by the development application.

Staff Response: *This code text amendment application is complete. Staff believes sufficient information exists to allow Council to review this application with the review criteria. Further, this code text amendment application complies with the Avon Comprehensive Plan and, specifically, the 2021 Avon Community Housing Plan. This code text amendment application will not impact demands for public services or infrastructure because it is not a development application; instead, it simply offers provisions that support the existing development code while enhancing Avon’s tools in helping improve and incentivize better design.*

PROPOSED MOTION: *“I move to recommend the Town Council approve [with modifications or as presented] the Code Text Amendments for Development Bonuses, with the recommended findings of fact.”*

PROPOSED FINDINGS: I offer the following findings of fact for consideration when making a motion to recommend this application to Council:

- (1) The text amendment DOES promote the health, safety and general welfare of the Avon community for the reasons as provided by Staff;

- (2) The text amendment DOES promote or implements the goals and policies of the Avon Comprehensive Plan and Avon Housing Plan for reasons provided in this analysis;
- (3) The text amendment DOES promote or implements the purposes stated in this Development Code, as is cited in this report;
- (4) The text amendment IS necessary or desirable to respond to changed conditions, new planning concepts or other social or economic conditions.

Thank You, Matt

ATTACHMENT A: Ordinance 22-XX

EXHIBIT A: Development Bonus Code Text Amendments



ORDINANCE 22-XX

**AMENDING TITLE 7 OF THE AVON MUNICIPAL CODE
DEVELOPMENT BONUS CODE TEXT AMENDMENT**

WHEREAS, the Town of Avon (“**Town**”) is a home rule municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, The Town Council of the Town of Avon (“**Applicant**” or “**Council**”) has submitted a Code Text Amendment application to modify Title 7 incorporating a new section pertaining to Development Bonuses, intended to facilitate creative projects that would otherwise not be permitted by codified zoning and development standards; and

WHEREAS, the Town of Avon Planning & Zoning Commission (“**PZC**”), after publishing and posting notice as required by law, held a public hearing on September 6th, 2022, took action to adopt Findings of Fact and made a recommendation to the Town Council to approve the Application; and

WHEREAS, in accordance with AMC §7.12.020, Council and in addition to other authority granted by the Town Charter, its ordinances, and State of Colorado law, has review and decision-making authority to approve, approve with conditions or deny the Application; and

WHEREAS, after publishing and posting notice in accordance with the requirements of AMC Section 7.16.020(d), Step 4: Notice, Council held public hearings on _____, 2022, and prior to taking final action considering all comments, testimony, evidence and Town Staff reports; and then took action by approving this Ordinance; and

WHEREAS, pursuant to AMC §7.16.040(c), *Review Criteria*, the Town Council has considered the applicable review criteria for a Code Text Amendment application; and

WHEREAS, the Application complies with AMC §7.16.040(c), *Review Criteria*, and is consistent with the Comprehensive Plan’s goal of providing a balance of land uses while contemplating and attracting new development and redevelopment in the Town of Avon through the use of implementing discretionary Development Bonus provisions; and

WHEREAS, the text amendments also promote the health, safety, and general welfare of the Avon community by providing this flexibility to developers in exchange for community benefits like new housing, economic benefits, and/or public or civic space enhancements, which without this tool, may dissuade or prohibit desirable projects or redevelopment from occurring; and

WHEREAS, this amendment will provide the discretionary tools necessary for Town Council to achieve good quality projects with increased community benefits for the Town of Avon; and

WHEREAS, the health, safety, and welfare of the citizens of the Avon community would be enhanced and promoted by the adoption of this Ordinance; and

WHEREAS, approval of this Ordinance on First Reading is intended only to confirm the Town Council desires to comply with the requirements of the *Avon Home Rule Charter* by setting a Public Hearing to provide the public an opportunity to present testimony and evidence regarding the Application, and, that approval of this Ordinance on First Reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies this Ordinance prior to any final action prior to concluding the public hearing on second reading.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Code Text Amendments. AMC §7.16.170, AMC Table 7.16-1 and AMC §7.28.020 are hereby amended as depicted in “**Exhibit A – Code Text Amendments**” with ~~strike-out~~ depicting language to be deleted and underline depicting language to be added.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it has passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 6.4 of the Avon Home Rule Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public and this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability

incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Correction of Errors. Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

Section 8. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING by the Avon Town Council on _____, 2022, and setting such public hearing for _____, 2022 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Patty McKenny, Town Clerk

ADOPTED ON SECOND AND FINAL READING by the Avon Town Council on August 23, 2022.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Patty McKenny, Town Clerk

APPROVED AS TO FORM:

Karl Hanlon, Town Attorney

EXHIBIT A
DEVELOPMENT BONUS CODE TEXT AMENDMENT

Section 7.16.170 Development Bonus

Development bonus means the approval of development project which differs from the minimum or maximum zoning as a means to provide an incentive for a development project that provides one or more desired public benefits described in this Section.

Development bonus type means the type of public benefit proposed by the development project that corresponds to one of the listed types in section (d) below.

- (a) Purpose. The purpose of this section is to facilitate creative projects that would otherwise not be permitted by codified zoning and development standards. Development bonuses may be awarded for proposed development projects in all zone districts in accordance with this Section.
- (b) Applicability. Development bonuses will be considered when the Applicant has demonstrated substantiated community benefits that would not otherwise be achieved through the strict or literal compliance with the zoning and development standards outlined in Section 7.16.170(f).
- (c) Review Procedures. Applications for development bonus shall follow the general review procedures set forth in [Section 7.16.020](#). An application for a development bonus shall be submitted concurrently with the principal application for development of the property and shall follow the notice and hearing requirements of the underlying development application. A public hearing and recommendation by PZC, followed by a public hearing by Town Council is required before the Town Council acts on an application for a development bonus. A development bonus shall only be effective and binding on the Town if stated in a development agreement which contains provisions stating that the development bonus is conditioned upon the performance and completion by the property owner of defined public benefits offered for the development bonus.
- (d) Development Bonus Types. A development bonus will only be considered for the public benefits in the categories defined in this sub-section (d). Multiple development bonuses may be awarded by the Town Council and may be applied cumulatively to a project or property. Development bonus proposals may include one or more of the following types:
 - (1) Community Housing. Provision of Community Housing in excess of Employee Housing Mitigation standards required by [Section 7.20.100](#).
 - (2) Economic Stimulus. Projects demonstrating a substantiated economic benefit to the Town, that may not otherwise be achieved through the strict and literal interpretation of development standards. Examples of economic stimulus include hotel developments that significantly increase assessed property valuation, developments with retail and commercial activation components (i.e. guaranteed below market rate), and redevelopment of underutilized buildings or portions thereof.
 - (3) Public/Civic Space Enhancements. A development bonus may be awarded for public enhancements such as parks, plazas, play areas, and other enhancements to public pedestrian areas, public parking, and transit facilities. On-site pedestrian enhancements and civic spaces shall be open to the public and shall be owned and maintained by the property owner or owners' association. Off-site pedestrian enhancements shall be no further than 2,500 from the property boundary of the development.

**EXHIBIT A
DEVELOPMENT BONUS CODE TEXT AMENDMENT**

- (e) Review Criteria. The following criteria shall apply for the reviewing body when evaluating development bonus proposals:
- (1) Impacts do not outweigh benefits. External impacts of requested development bonuses on the public, adjacent property owners, or the Avon community do not outweigh the public benefits.
 - (2) Mitigation of impacts. If impacts are presented by the requested development bonus, they should be mitigated to the extent practicable. Town may require an analysis and may require mitigation of the impacts on all public facilities, infrastructure, and services which serve the property, including but not limited to public infrastructure, streets, additional water rights required to serve the development, fire protection, ambulance services, transit, parks, and recreation. Conditions to granting a development bonus may be necessary to ensure harmony with the community.
 - (3) Location and design. The location and design of any contribution towards public parking, transit, pedestrian enhancement, streetscape improvement, or civic facilities shall take into consideration functionality, current and projected demand, and long-term maintenance and operation costs, and shall include such legal documents as are deemed necessary and acceptable to the Town.
- (f) Zoning and Development Standards. Density bonuses may be approved for the following zoning and development standards:
- (1) Parking. The minimum parking requirements may be reduced.
 - (2) Building Height. The maximum building height may be exceeded.
 - (3) Landscape Area. The minimum landscape area may be reduced.
 - (4) Density. The maximum density may be exceeded.
 - (5) Setback. The minimum setbacks may be reduced.
 - (6) Lot Coverage. The maximum lot coverage may be exceeded.

RELATED AMENDMENTS:

Table 7.16-1: Development Review Procedures and Review Authority

Procedure	Notice Requirements*	Director	PZC	TC
Comprehensive Plan Amendment (§7.16.030)		R	H-R	H-D
Code Text Amendment (§7.16.040)		R	H-R	H-D
Rezoning (§7.16.050)	M	R	H-R	H-D
Planned Unit Development (§7.16.060)	Administrative PUD	D		A
	Minor PUD Amendment	M	H-R	H-D
	Lot Split PUD Amendment for Wildridge PUD	M	H-R	H-D
	Major PUD Amendment	M	H-R	H-D
	Preliminary PUD	M	H-R	H-D
	Final PUD	M	R	H

**EXHIBIT A
DEVELOPMENT BONUS CODE TEXT AMENDMENT**

Subdivision (§7.16.070)	Administrative Subdivision		D		A
	Minor Subdivision		D		A
	Preliminary Plan	M	R	H-R	H-D
	Final Plan	M	R		H-D
Development Plan (§7.16.080)	Minor		D or R	H-D	A
	Major		R	H-D	A
	Major in Town Core		R	H-R	H-D
Special Review Use (§7.16.100)		M	R	H-D	A
Variance (§7.16.110)		M	R	H-D	A
Alternative Equivalent Compliance (§7.16.120)			R	R-D or R	A or R-D
Right-of-way Vacation (§7.16.130)		M	R		H-D
Vested Property Right (§7.16.040)		M	R	H-R	H-D
Location, Character and Extent (§7.16.150)			R	H-D	A
Sign Plan (§7.16.160)	Minor		D or R	H-D	A
	Major		R	H-D	A
Development Bonus (§7.16.170)		M	R	H-D	H-D
Appeal (§7.16.1780)					H-D
Annexation (§7.36)		M	R	H-R	H-D
1041 Permit (§7.40)			R	H-R	H-D
Historic and/or Cultural Preservation Designated (§7.50)					H-D

7.28.020. Parking and Loading

(h) Off-Site Parking.

(1) Applicability. Off-site parking shall refer to any parking area which is provided and required to meet the minimum parking standards in this Development Code and which is located on a separate lot or ownership interest than the use, structure or lot which the parking serves.

~~(2) Planned Unit Development. Establishment of off-site parking may only be established as by approval of a planned unit development.~~

~~(3)~~ **2** Design and Location. Off-site parking shall have a direct, adequate and convenient pedestrian connection to the use, structure or lot which such parking serves and shall not be located more than five hundred (500) feet from the use, structure or lot which it serves.

~~(4)~~ **3** Control of Off-Site Parking Facilities. In cases where off-site parking facilities are permitted, such facilities shall be owned and in the same identical ownership as the use, structure or lot which the parking serves.

AVON PLANNING & ZONING COMMISSION

MEETING MINUTES

TUESDAY, JULY 19, 2022 - MEETING BEGINS AT 5:00 PM

100 MIKAELA WAY – AVON TOWN COUNCIL CHAMBERS – AVON TOWN HALL



1. CALL TO ORDER AND ROLL CALL

ACTION: THE MEETING WAS CALLED TO ORDER AT 5:06PM BY INTERIM CHAIRPERSON GOLEMBIEWSKI.

A ROLL CALL WAS TAKEN, AND PLANNING COMMISSIONERS PRESENT WERE BILL GLANER, MARTY GOLEMBIEWSKI, KEVIN HYATT, AND ANTHONY SEKINGER. ALSO PRESENT WERE TOWN ATTORNEY KARL HANLON, TOWN MANAGER ERIC HEIL, PLANNING DIRECTOR MATT PIELSTICKER, SENIOR PLANNER JENA SKINNER, AND PLANNER 1+ MAX MORGAN.

2. APPROVAL OF AGENDA

ACTION: COMMISSIONER GLANER MOTIONED TO APPROVE THE AGENDA. THE MOTION WAS SECONDED BY COMMISSIONER SEKINGER, AND ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY WITH A 4-0 VOTE.

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST OR EX PARTE COMMUNICATION RELATED TO AGENDA ITEM

COMMISSIONER GOLEMBIEWSKI STATED THAT BOB YOST, THE APPLICANT FOR #MNR22015 AND AEC#22005, IS A PERSONAL FRIEND. COMMISSIONER GOLEMBIEWSKI CONTINUED THAT THE FRIENDSHIP WOULD NOT IMPACT HIS ABILITY TO REVIEW THE APPLICATION IMPARTIALLY. THE REMAINING COMMISSIONERS ADVISED THAT THEY FELT COMFORTABLE WITH COMMISSIONER GOLEMBIEWSKI VOTING ON THE APPLICATIONS, AND THAT HE DID NOT NEED TO RECUSE HIMSELF.

4. **PUBLIC HEARING** – MINOR DEVELOPMENT PLAN AND ALTERNATIVE EQUIVALENT COMPLIANCE FOR FENCE | 2480 SADDLE RIDGE LOOP FILES #MNR22015 & AEC22005 (PLANNER 1+ MAX MORGAN)

PUBLIC COMMENTS: THERE WERE NO PUBLIC COMMENTS

ACTION: COMMISSIONER SEKINGER MOTIONED TO APPROVE APPLICATION #AEC22005. THE MOTION WAS SECONDED BY COMMISSIONER HYATT. THE MOTION TO APPROVE WAS APPROVED UNANIMOUSLY, 4-0. COMMISSIONER HYATT MOTIONED TO APPROVE APPLICATION #MNR22015. THE MOTION WAS SECONDED BY COMMISSIONER SEKINGER. THE MOTION TO APPROVE WAS APPROVED UNANIMOUSLY, 4-0.

5. **CONTINUED PUBLIC HEARING** – TEMPORARY USE PERMIT FOR CONSTRUCTION STAGING | 332 E. BEAVER CREEK BOULEVARD & N. POST BLVD | FILE #TMP22002 (PLANNING DIRECTOR MATT PIELSTICKER)

PUBLIC COMMENTS: THERE WERE NO PUBLIC COMMENTS

ACTION: COMMISSIONER SEKINGER MOTIONED TO APPROVE APPLICATION #TMP22002. THE MOTION WAS SECONDED BY COMMISSIONER GLANER. THE MOTION TO APPROVE WAS APPROVED UNANIMOUSLY, 4-0.

MEETING AGENDAS AND PACKETS ARE FOUND AT: WWW.AVON.ORG

AGENDAS ARE POSTED AT AVON TOWN HALL, AVON RECREATION CENTER, ONLINE AND AVON PUBLIC LIBRARY

IF YOU HAVE ANY SPECIAL ACCOMMODATION NEEDS, PLEASE, IN ADVANCE OF THE MEETING,

CALL MATT PIELSTICKER AT 970-748-4413 OR EMAIL MATT@AVON.ORG WITH ANY SPECIAL REQUESTS.

6. **CONTINUED PUBLIC HEARING** – CODE TEXT AMENDMENTS FOR SHORT TERM RENTAL REGULATIONS | FILE #CTA22002 (SENIOR PLANNER JENA SKINNER)

PUBLIC COMMENTS: THERE WERE NONE

ACTION: COMMISSIONER SEKINGER MOTIONED TO APPROVE APPLICATION #CTA22002. THE MOTION WAS SECONDED BY COMMISSIONER HYATT. THE MOTION TO APPROVE WAS APPROVED UNANIMOUSLY, 4-0.

7. **CONSENT AGENDA**

7.1. JULY 5, 2022 PLANNING AND ZONING COMMISSION MEETING MINUTES

ACTION: COMMISSIONER SEKINGER MOTIONED TO APPROVE THE CONSENT AGENDA. THE MOTION WAS SECONDED BY COMMISSIONER GLANER. THE MOTION TO APPROVE THE AGENDA WAS APPROVED UNANIMOUSLY, 4-0

8. **STAFF UPDATES**

8.1. AMERICAN PLANNING ASSOCIATION, COLORADO CHAPTER ANNUAL CONFERENCE SEPTEMBER 28-30

8.2. LA ZONA KICK-OFF

9. **ADJOURN**

ACTION: COMMISSIONER HYATT MOTIONED TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY COMMISSIONER GOLEMBIEWSKI. THE MOTION TO ADJOURN WAS APPROVED UNANIMOUSLY, 4-0.

THESE MEETING MINUTES ARE ONLY A SUMMARY OF THE PROCEEDINGS OF THE MEETING. THEY ARE NOT INTENDED TO BE COMPREHENSIVE OR TO INCLUDE EACH STATEMENT, PERSON SPEAKING OR TO PORTRAY WITH COMPLETE ACCURACY. THE MOST ACCURATE RECORDS OF THE MEETING ARE THE AUDIO RECORDING OF THE MEETING, WHICH CAN BE OBTAINED FROM THE TOWN CLERK'S OFFICE BY SUBMITTING A PUBLIC INFORMATION REQUEST.

APPROVED:

X

CHAIRPERSON

**PLANNING AND ZONING COMMISSION
FINDINGS OF FACT AND RECORD OF DECISION**



DATE OF PUBLIC HEARING: July 19, 2022
TYPE OF APPLICATIONS: Temporary Use Permit
PROPERTY LOCATION: 332 E. Beaver Creek Blvd / Filing 3 Village at Avon
FILE NUMBER: TMP22002
APPLICANT: BGV Avon, LLC – Graham Frank

This Record of Decision is made in accordance with the Avon Development Code §7.16.010(F)(1)

DECISION ON #TMP22002: Approved

Findings:

1. The application qualifies as a Temporary Use Permit subject to review according to §7.16.020 of the Development Code;
2. The application is complete;
3. The application provides sufficient information to allow PZC to determine that the application complies with the relevant review criteria;
4. The application complies with the goals and policies of the Avon Comprehensive Plan; and
5. There is no extra demand for public services or infrastructure exceeding current capacity by the application.

Conditions:

1. The approval is valid until June 21, 2023;
2. Fencing and green mesh screening will be installed at entirety of North Rodeo site.
3. Limitations on construction activities that produce audible noise at the property lines are limited to the house of 9am-6pm on Sundays and holidays, and 7am-7pm on other days.
4. Dust will be mitigated.
5. No hazardous materials will be stored on the properties.

THESE FINDINGS OF FACT AND RECORD OF DECISION ARE HEREBY APPROVED:

BY: _____
PZC Chairperson

DATE: _____

**PLANNING AND ZONING COMMISSION
FINDINGS OF FACT AND RECORD OF DECISION**



DATE OF PUBLIC HEARING: July 19, 2022
TYPE OF APPLICATIONS: Minor Development Review / Alternative Equivalent Compliance
PROPERTY LOCATION: 2480 Saddle Ridge / Lot 53 Block 1 Wildridge Subdivision
FILE NUMBER: AEC 22005 / MNR 22015
APPLICANT: Bob Yost / Nicole Folino

This Record of Decision is made in accordance with the Avon Development Code §7.16.010(F)(1)

DECISION ON #AEC22005: Approved

FINDINGS:

1. The proposed application was reviewed pursuant to 7.16.120, Alternative Equivalent Compliance;
2. The proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
3. The proposed alternative achieves the goals and policies of the Avon Comprehensive Plan to the same or better degree than the subject standard;
4. The proposed alternative results in benefits to the community that are equivalent to or better than the compliance with the subject standard;
5. The proposed wire mesh does not impose greater impacts on adjacent properties than would occur through compliance with the specific requirements of the Avon Municipal Code ("AMC").

DECISION ON #MNR22015: Approved

FINDINGS:

1. The proposed application was reviewed pursuant to 7.16.080(f) Development Plan;
2. The design meets the development and design standards established in the Avon Development Code, with alternative design approved by AEC application;
3. The application is complete;
4. The application provides sufficient information to allow the PZC to determine that the application complies with the relevant review criteria;
5. The application complies with the goals and policies of the Avon Comprehensive Plan;
6. The demand for public services is unaffected; and
7. The design of the fence relates to the character of the surrounding community and other similar improvements in Wildridge

THESE FINDINGS OF FACT AND RECORD OF DECISION ARE HEREBY APPROVED:

BY: _____
PZC Chairperson

DATE: _____