
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

61 TEOCALLI ROAD, CRESTED BUTTE, CO 81224
PHONE 970-349-1162, WEBSITE: WWW.CRESTEDBUTTESOUTH.NET

Wednesday April 10, 2024
P.O.A. Board Meeting

Board Members present: Andrew Sandstrom, Sue Schappert, Scott Clarkson, Rachael Gardner, Hannah Lang

Staff present: Derek Harwell, Tee Pleak, Theresa Henry

Community Members Present: Holly Haas, Paul Tillger, Deborah Tutnauer, Chris Morgan, Brian Levine, Jackie Bingham-Levine, Benita Bellamy, KBUT (On zoom)

Andrew called the meeting to order at 6:01 pm.

For the record, Chelsea gave her proxy vote to Rachael. Lindsay gave her proxy vote to Scott.

Public Comment:
none

Approval of March 13, 2024, BOD Minutes

Scott made a motion to approve the minutes with Sue's edit.

Sue seconded the motion.

All are in favor and the motion passed.

Discussion of POA's roles and responsibility in addressing potential nuisance issues in the developing commercial area

Derek reports that there is not a POA policy pertaining to the commercial district regarding smells. Per CCIOA we lean on law enforcement (for example noise complaints late at night). Andrew discusses the balance of creating policy on a business that has been there for a long time and we have heard only one complaint. Rachel discusses the intentional vagueness of planning for a commercial businesses without knowing what they will be. Sue discusses having an ongoing conversation with Al Smith for 20 years about the smell of coffee. She reports that people do not like the smell. There was a discussion about particulate matter and if there was a study that pertains to CB South. Scott asked about the recommended scrubber frequency. There was discussion about how to ascertain where particulates are coming from, for example it could be a diesel truck, a wood burning stove, or coffee roasting.

Brian Lavine comments that he smells the particulates three times a day. He comments that this is not about liking or disliking the smell of coffee. He comments on the potential smells from the brewery.

Paul Tillger comments that if we can smell it then there are particulates in the air. He echoes the concerns of the brewery.

Andrew wants to get an understanding on the level of the problem, and wonders if the EPA and Health Department should be involved. Rachael agrees that if Al is breaking rules the government, then the EPA should enforce the clean air, and the POA would not need to be

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involved. Scott agrees that the professionals should be involved, not the POA trying to measure particulate matter. Sue will be in contact with EPA or the Health Department. Derek will reach out to Al Smith with this update.

Public Hearing to consider approval for change of use from a vacant lot to a Multi-Family Project on Block 8 Lot 18, AKA 585 Teocalli Ave

This was not noticed correctly, so this will not be discussed tonight. Andrew discussed that per our covenants, multifamily units are clearly allowed in filings one and two.

Consideration of clustering Lots 29 & 30, Block 29, AKA 16 & 6 Proffitt Place

Andrew confirmed that the lots are adjacent to each other. He discussed that their dues will be assessed at 1.5 annual dues.

Rachael made a motion to approve clustering of lots 29 & 30, Block 29.

Scott seconds the motion.

All are in favor and the motion carries.

Public Hearing and Consideration of variance request, Block 3, Lot 2, AKA 96 Elcho Ave

The board received a memo from the DRC manager with the DRC's recommendations.

Derek explained that the DRC did not recommend tandem parking.

The board is considering these variances because the private road crosses 10 feet of the property owner's lot. Also, the utility easement's location creates a wider easement on the lot, cutting into the buildable and landscaping area.

Andrew discusses that the Title Company did not divulge the sewer line's location. He worries that more people will ask for a variance because they did not do the proper research before purchasing their lot. He is concerned with setting a precedent with future variances. On the flip side he is in support of density in this area where it is surrounded by density.

Scott expresses that granting variances will come back to change the character of the community. He agrees that the buyer did not do their due diligence when purchasing the lot.

Rachael is in favor of the landscaping variance. She wonders about the open space for the reasons already discussed. She is conflicted because the buyer should be aware of restrictions before making a purchase.

Theresa verifies that the project is at 60.23% open space with the latest plans, with the variance. The open space calculations are at 58% without variance.

Sue asked about parking. The applicants were able to update the parking to meet the guidelines, removing tandem parking.

Paul Tillger comments that the road is not open space, and the project is too big for that lot. He does not agree with the variance. He is asking the board to consider the impact on the neighbors.

Andrew made a motion to deny the variance request.

Scott seconds the motion.

All are in favor. None are opposed. The motion to deny the variance request carries.

STR policy recommendation to the board

Sue discussed the percentage of restricting property usage of 20%.

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Andrew discussed the parking requirements. Item 4 of the proposed policy was updated. There was a discussion about processing applications and maintaining a waiting list when the cap of 20% was reached. The board agrees that January 31st is the date that fees must be received. Sue asked if we are interested in including the verbiage about the waitlist in the proposed covenant amendment. The board agrees that simple is better for covenants, and there will continue to be a reference to the policy. There was a discussion about license hoarding, where property owners would potentially buy a license without using it, preventing another person from getting a license.

Deborah commented about a “use it or lose it” clause. This was questioned by the board. She read a letter that she submitted to the board.

There was a discussion about proposed fees. The fees consist of a one-time application fee plus an annual license fee that varies by square footage of the unit. The committee decided that it would be easier to decrease the fees in the future than increase. The funds would go toward increased staff time and software.

Andrew recused himself from the vote because of the conflict of interest. He suggested a vote on covenants changes tonight, and on the policy next month.

Sue made a motion to proceed with legal counsel to start the process of putting a vote to the membership of amending our covenants to include a limit on the number of Short-Term Rentals in CB south.

Scott seconds the motion.

All are in favor and motion carries.

Select members for the new Parks Subcommittees

Lindsay and Andrew will work together on writing grants. The new subcommittee will be an Events and Donations Subcommittee. There was a discussion of how many members there should be. Andrew suggested 2 more members. Scott suggested 5 members total.

Andrew made a motion that Alissa Lile and Theresa Truettner will be the members of the Parks Events & Donations Subcommittee.

Scott seconded the motion.

All are in favor and the motion carried.

Manager’s Report

Derek reminded the board that the office would be closed next week. The bus stop will be closed as well. Ryan and Darien will be working on maintenance at the bus stop.

Derek was able to walk through the proposed Avalon development. He discussed the entrance of this new subdivision coming off Cement Creek. Rick Ems confirmed that they will need a second entrance coming off Hwy 135. Derek discussed affordable housing.

Derek shared that the Planning Commission denied the Tyzzer appeal on every point. The next steps will be within 14 days, if the Tyzzers appeal this denial, then there will be a hearing at the Board of Adjustments. If there is a denial at the BOA the next step would be for the Tyzzers to

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file a legal claim. Also, the Tyzzers applied for a records request. All of this is being handled through Beth.

Andrew asked when we need to file a claim with our insurance company to cover legal fees.

Derek reports that our Workers' Comp insurance price doubled. Cindy is looking into this.

Derek gave an update on the repair work scheduled at the entrance to the bus loop. The County, Metro, RTA and The POA are all working together on this. This is scheduled to be repaired this spring.

Jason Hogan withdrew his application for a special event at the park. He gathered information and will resubmit it next summer.

Derek met with Rich Saperstein. He has some ideas about work force housing. Derek put Rich in touch with the Housing Authority.

Dogs, traffic, water runoff, and roads have been the topics of common complaints.

Approve May 2024 Board of Directors Meeting Date

The next board meeting will be Wednesday May 15th at 6:00 pm.

Adjourn Meeting

Andrew made a motion to adjourn the meeting at 9:24 pm.

Sue seconds the motion.

All are in favor and the motion carries.