

5.2.21

Peruvian Estates Historical Overview:

At the April 14 town council meeting, Councilwoman Bourke requested history on the parking/rental situation for Peruvian Estates as part of decision-making process re: whether to amend the business license parking requirements for rentals in Peruvian Estates.

A search of the town council and planning commission minutes provides the following history.

In the early 70's when the town was establishing zoning, the Peruvian Estates had been zoned FR-100, requiring a minimum 100 acres for any use. The courts found that too restrictive. The county planning commission prepared options for the town and ultimately FM-10 was adopted. That zone requires a minimum 1 acre for any commercial use and ½ acre for a home. All the parcels in Peruvian Estates were grandfathered for single family use even though all but one was under ½ acre.

In 1981, the town amended the zoning ordinance to allow commercial rentals and caretaker units in the Peruvian Estates since that was being done in the area anyway. During discussion on the amendments, caretaker units were seen as important for providing employee housing and interlodge safety concerns for visitors renting the homes. Parking was discussed but no requirement beyond the standard two spots per home was added. Part of the ordinance restricted the owners from being their own caretakers to better ensure provision of employee housing and requiring the caretaker unit to be smaller than and specifically designated a caretaker unit to avoid a duplex situation.

In 1997, an owner in Peruvian Estates desired to be his own caretaker, in a portion of a house much larger than traditional caretaker units. That would require an amendment to the caretaker provisions of the zoning ordinance.

During the planning commission discussion, prior to recommendation to the town council, the biggest issues were public safety/interlodge notification, as provided by the caretaker, density re: avoiding a duplex situation for the entire area and the potential loss of employee housing should owners be allowed to caretake and rent their own homes. Parking and access were discussed, with the feeling being it was a good idea to have year-round access and "adequate" parking, three spots, but those conditions never made it into the zoning ordinance.

The parking discussion took a strange twist re: concerns about caretakers having friends visit, taking up additional parking spots. Part of the commission's recommendation then to the council was that caretakers be limited to one spot, with a visible placard designating that car as a caretaker's car. No mention of other required number of spots.

During the council discussion on the requested changes to the Peruvian Estates zone, parking for the rental units was also a concern. The council passed that to office staff and the marshal to address. Council minutes note that the "*committee met and came up with a reasonable solution to the parking situation.*" There is no log of who was on the committee or what the solutions were. Staff memory recalls the marshal meeting with the homeowners and obtaining a parking arrangement satisfactory to all sides.

In the November 1997 council meeting the council approved the zoning amendment that allowed the owner to be the caretaker.

In that same meeting the council amended a provision of the business license to require certain interlodge safety provisions and provision of three on-site parking spots or permission from someone else in the zone to park as part of the business license requirements for rental in the Peruvian Estates. Bob Travis noted that the original permits for these homes only required two spots. Now the town would be requiring three. It was stated that makes sense with the addition of a caretaker unit and rental of the homes.

It was also pointed out by one of the owners in the meeting that when speaking with renters, the renters are told they are limited to the number of cars they can have.

Note, this third spot was not part of the zoning amendment, only the business license amendment.

As was noted in 1981, the existing homes had been renting commercially and did have caretaker units, which prompted the formal zoning change for that allowance.

The parking for caretakers may also be looked at differently now that the owners can be their own caretakers, instead of a caretaker being an employee from elsewhere in town.

This is a brief overview of what transpired in the planning commission and town council actions on Peruvian Estates.

Peruvian Estates had been renting, with caretaker units, prior to the town's official adoption of the commercial rental and caretaker ordinance for Peruvian Estates in 1981. Those homes would have been built under the single-family requirement of 2 parking spots per home.

In the 1997 change that allowed the owner to be the caretaker addressed parking, but no third spot was required in the zoning ordinance, only the provisions of the business license.

While it makes sense to require a third parking spot for homes with caretaker units, especially if commercially renting, that third spot was not part of the zoning amendment for Peruvian Estates, only the business license provisions. On the other hand, there is history that shows the homes had caretakers and were rented commercially prior to the business license requirement of three spots.

There is no clear-cut answer to the parking issue in Peruvian Estates, even looking back through the history. Are three parking spots necessary in the Peruvian Estates zone for homes with caretakers doing commercial rentals or are two spots, with certain conditions adequate?