

Pagosa Springs Planning Commission

Meeting Minutes – April 22, 2008

I. Call to Order / Roll Call

The Planning Commission meeting was called to order by Chairman Bunning. Commissioners Woodruff, Lattin and Atkinson were present. Staff Allen and Nigg were present.

II. Announcements

III. Consent Agenda

A. Approval of the March 25, 2008 meeting minutes – Cmmr. Atkinson motioned to approve the March 25, 2008 meeting minutes. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

IV. Design Review Board

A. Pagosa Builders Association Off-Site Signage – Staff introduced the request by the applicant, Pagosa Builders Association, for consideration of proposed off-site signage at seven (7) locations from April 30th thru May 20th. Staff noted the off-site signage would promote the Home and Garden Show at the County Fairgrounds. Staff continued to explain that each sign will be 32 square feet and permission from each property owner granting the applicant permission had been submitted. Staff stated the LUDC prohibits off-site signage unless approved by the Design Review Board. Staff stated an identical request was reviewed in 2007 and received approval. Staff stated the LUDC allows non-profit off-site signage under the following provisions: signs exceeding six (6) square feet require an application and review and signage may be erected for fourteen (14) days prior to the event and removed within three (3) days following the event. Staff noted the applicant requested off-site signage for a period of twenty (20) days. Staff recommended the applicant be allowed to place temporary off-site signage from May 5, 2008 through May 19, 2008 based on the event timeframes as defined in the submitted application. Chairman Bunning clarified and stated the LUDC only allows a two (2) week timeframe. Chairman Bunning opened the agenda item for comment. No comment was received. Chairman Bunning closed item for comment. Cmmr. Lattin motioned to approve the off-site signage request contingent upon the following: (1) signage shall not be displayed for more than fourteen (14) days as specified in the LUDC; and (2) proposed signage shall not encroach into public right-of-way. Cmmr. Atkinson seconded the motion. The motion was unanimously approved.

B. Temporary and Off-Site Signage Discussion – Staff stated at the April 1, 2008 board meeting the Council directed the Planning Commission to review current regulations in regards to temporary and off-site signage as established in the LUDC. Staff noted that sign code provisions that regulate temporary and off-site signage have recently been scrutinized as a factor limiting commerce in Pagosa Springs. Staff referenced a letter submitted by Bob Hart and delineated the current sign code regulations as they apply to temporary and off-site signage. Staff requested direction from the Design Review Board. Chairman Bunning opened the agenda item for comment. Bob Hart stated he constructed townhomes on San Juan Street and the cul-de-sac prohibits thru traffic. Hart continued to explain he placed a sign at the intersection of San Juan Street and Hot Springs Boulevard and was required to remove the off-site signage per the LUDC. Hart stated he did not want to see the sign code eliminated but felt the provisions should be more flexible. Hart stated the Town will receive increased sales tax revenue if more signs

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are allowed. Cmmr. Woodruff requested clarification on off-site temporary signage. Staff stated off-site signage is prohibited; however, temporary signs are allowed on-site for two (2) weeks and (5) five times per calendar year. Cmmr. Atkinson questioned how the Town would regulate off-site signage if allowed. Hart stated the Town could require a large deposit or limit the number of signs at an intersection. Chairman Bunning concurred that off-site signage may be appropriate in some circumstances and thought adjacent property owner approval was important. Cmmr. Atkinson stated off-site signage would be difficult to administrate/enforce and suggested provisions on the number of signs allowed and proximity to the event. Chairman Bunning closed the item for comment. Cmmr. Lattin stated some good ideas had been proposed and suggested a small group work on proposed modifications. The Design Review Board agreed and directed staff to formulate a small group to discuss revisions.

C. Hickory Ridge Apartments – Staff introduced the request by the applicant, 49 Hickory Ridge Apartments, to construct forty (40) apartment units within (4) four buildings and an associated 4,700 square foot community building with an additional apartment unit. Staff noted the project would be constructed as affordable housing and referenced Resolution 2007-18 which waived impact fees for Hickory Ridge Apartments. Staff stated a number of civil engineering issues were identified by the Town Engineer during review and reiterated that these issues would need to be addressed prior to issuance of any building permit. Staff stated based on Florida Street frontage and the requirements as established in the LUDC, the applicant would be required to construct approximately 265 lineal feet of 5 foot sidewalk to the adjacent property boundary. Staff requested direction from the Design Review Board on whether the sidewalk requirement should be enforced and recommended the DRB require an in lieu payment of \$6,625 as sidewalks in this location would provide no connectivity. Chairman Bunning opened the agenda item for comment. Project representative, Brad Ash, stated the applicant would modify the site plan to eliminate the secondary driveway access onto Florida Street to resolve a few engineering issues. Ash stated 50% of the site has a slope of 30% or greater. Cmmr. Lattin questioned whether the proposed structures meet the current height definition and requirements. Staff stated the height limit indeed met the regulations as currently established in the LUDC. Cmmr. Woodruff questioned whether the DRB would set a precedent by allowing 41 units on a cul-de-sac when the LUDC only allowed twenty (20). Staff stated the Planning Commission has reviewed similar requests, Sunridge Villas for example, and accepted additional units pending Fire District consent. Cmmr. Woodruff questioned the applicability of this requirement to the Bear Country Center project. Staff stated the Bear Country Center project included a commercial component and highway access that was not full movement. Cmmr. Atkinson stated the site was challenging and density was necessary to make this affordable housing project work. Ash stated secondary access may be possible when the Colorado Housing Inc. property develops in the future and the driveway cul-de-sac was designed for potential connection. Cmmr. Woodruff asked the applicant whether the in lieu payment was acceptable for the sidewalks along the Florida Street frontage. Ash stated the applicant agreed with the in lieu payment. Chairman Bunning closed the item for comment. Cmmr. Atkinson motioned to approve the Hickory Ridge Apartments contingent upon the following: (1) address engineering comments and submit revised plans for review and approval by the Town Engineer; (2) submit in lieu payment for required sidewalks along Florida Street frontage; and (3) remove secondary access onto Florida Street. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

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D. John Paul II Catholic Church Site Plan Modification – Staff introduced the request by the applicant, Diocese of Pueblo, to modify previously approved components of the project located at 353 South Pagosa Boulevard. Staff stated the applicant has submitted a revised site plan that includes a modified parking arrangement, reduced driveway cuts, revised building placement and a modified emergency access road. Cmmr. Woodruff stated the revisions were more appropriate than the previously approved site plan. Cmmr. Woodruff questioned whether parking calculations remained the same. Staff stated the spaces provided met the requirements of the LUDC. Cmmr. Lattin questioned the use of the gravel parking lots. Staff stated the gravel lots would only be used to handle overflow parking and upon any additional construction on the property or utilization of the gravel lots they would need to be paved per the LUDC. Chairman Bunning opened the agenda item for comment. No comment was received. Chairman Bunning closed the item for comment. Cmmr. Woodruff motioned to approve the site plan modifications as proposed. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

V. Planning Commission

A. Hickory Ridge Minor Subdivision – Staff introduced the request by the applicant, 49 Hickory Ridge Apartments, to subdivide a portion of Lot 14, Block 17, Townsite of Pagosa Springs into two (2) parcels. Staff stated the subject property is approximately 11.12 acres and upon subdivision the parcels would be defined as Lot 14A (5.0 acres) and Lot 14B (6.12 acres). Cmmr. Woodruff questioned whether the legal description was correct as represented in the staff report. Staff stated they would verify the legal description prior to recording the plat. Chairman Bunning opened the public hearing for comment. No comment was received. Chairman Bunning closed the public hearing. Cmmr. Woodruff motioned to recommend approval of the minor subdivision contingent upon the following: (1) revise survey plat per staff's comments; (2) submit completed utility checklist; (3) submittal of final plat for recording; and (4) submit verification of paid taxes. Cmmr. Atkinson seconded the motion. The motion was unanimously approved.

B. Pradera Pointe Subdivision, Phase I, Final Plat – Staff introduced the request by the applicant, Gazunga LLC, to review Phase I of the Pradera Pointe Subdivision. Staff stated the final plat includes 20 lots of the 119 lot subdivision. Staff noted that the Council accepted two (2) lots in Phase II dedicated towards attainable housing and utilized in any manner deemed appropriate by the Town; in lieu of the infrastructure requirements as conditioned at sketch plan approval. Staff stated the lots were referenced in the Phase I development improvement agreement. Staff stated two (2) letters of concern were received during Phase I Final Plat review which cited a variety of concerns including density, traffic, views, wildlife, light pollution, water availability and open space. Chairman Bunning opened the public hearing for comment. Ken Hearing stated at a February Planning Commission meeting County Engineer Sue Walan adamantly opposed any connection onto Rainbow Drive. Hearing continued to explain that most traffic through Pagosa Hills No. 3 will consist of thru traffic and they will need to fight dust and traffic speed. Hearing stated that the developer has committed to place three (3) inches of surface gravel to improve the structure integrity of the roadway but felt this was inadequate in comparison to the potential number of ADT's on this roadway. Hearing stated the Pagosa Hills No. 3 development would not oppose a crash gate onto Rainbow Drive. Project representative, Mike Davis, stated the developer has been involved in numerous discussions with the County and they do not want to see this roadway paved.

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Davis stated the developer needs a secondary access and reiterated that every access plan shows parallel movements along Hwy 160 to reduce trips and establish connectivity. Davis stated that Phase I did not connect to Rainbow Drive and upon commencement of Phase II the connection would be completed to Rainbow Drive. Davis stated the connection would be reciprocal as Pagosa Hills residents would utilize the paved roads to enter Town. Davis noted the County rejected CMAQ funds a few years ago which could have paved Rainbow Drive. Davis stated the developer would include a provision once the connection was established to Rainbow Drive that penalized the contractor for any trips on Rainbow Drive. Chairman Bunning questioned whether the Pike Drive right-of-way issues were resolved. Davis stated the improvements were tied to Phase II. Project representative, Guiseppe Margiotta, stated the subject property was annexed into the Town in 1987 and Pagosa Hills roads do not meet LUDC standards. Margiotta stated the developer has been diligent in trying to mitigate the adjacent property owners concerns. County Commissioner, Robin Schiro, stated the County does not currently have an engineer on staff and stated that Rainbow Drive was not adequate. Schiro stated that gravel is the preferred option as defined in the letter submitted by County Administrator Greg Schulte and requested the opportunity to meet with the Planning Commission and Council to address road issues, such as Rainbow Drive. Davis stated three (3) inches of additional gravel will increase the road classification one level per County road specifications. Otie Ber questioned whether the developer would be required to dedicate utility easements along property boundaries. Davis stated dedicated easements meet Town standards. Davis stated that Cemetery Road improvements will be completed with Phase I and some off-site infrastructure connections will be completed. Chairman Bunning closed the public hearing for comment. Cmmr. Atkinson stated it was important to recognize Rainbow Drive issues and suggested a discussion with the County. Cmmr. Atkinson motioned to recommend approval of the Phase I Final Plat contingent upon the following: (1) revise codes & covenants per preliminary plan conditions; (2) revise engineering plans & engineering cost estimates to include street lighting in the location as required by the Planning Commission; (3) submit verification the PSSGID line extension agreement (LEA) has been finalized; and (4) submit completed and signed Development Improvement Agreement. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

C. Koch Lot Consolidation – Staff introduced the request by Koch Family Enterprises, to complete a plat amendment to consolidate Lot 17 & 18, Block 49, Townsite of Pagosa Springs into Lot 17X. Staff stated in June of 2007 the applicant received approval of a conditional use permit to construct five (5) rental units on the subject property. Chairman Bunning opened the public hearing for comment. Dennis Lopez questioned the location of property pins and stated the existing fence line should represent the correct pin locations. Mike Davis stated many times the four corners of the block will include 3 feet in error. Greg Yew stated alley traffic between Navajo and Piedra should be patrolled and suggested additional lighting. An adjacent property owner questioned site drainage. Project applicant, Jake Koch stated traffic circulation to the units would occur via the alley and drainage would be adequately detained prior to release into the alley drainage system. Chairman Bunning closed the public hearing for comment. Cmmr. Lattin motioned to recommend approval of the lot consolidation contingent upon the following: (1) revise survey plat per staff's comments; and (2) submittal of final plat for recording. Cmmr. Atkinson seconded the motion. The motion was unanimously approved.

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D. 286 Mesa Drive Conditional Use Permit – Staff introduced the request by the applicant, Brendan McDermott & Deborah Alexus, for a conditional use permit to operate a bed & breakfast inn at 286 Mesa Drive. Staff stated a similar request to convert this single family home into a B&B was reviewed by the Planning Commission and Town Council and denied in 2001 based on numerous letters of opposition received from the neighborhood. Staff stated the home includes four bedrooms and two bathrooms and based on LUDC requirements the applicant would be required to provide parking for four (4) vehicles. Staff stated the B&B use is identified as ‘lodging’ within the permitted use chart and could alter the character of an established residential neighborhood. Staff noted the B&B complied with all other requirements as established in the LUDC and potential impacts appeared minimal. Staff introduced one letter of support from a neighboring property owner and three letters of opposition. Chairman Bunning questioned whether a definition for B&B existed within the LUDC. Staff stated a definition did not exist. Chairman Bunning opened the public hearing for comment. Project applicant, Brendan McDermott stated he intends to market the property to a potential buyer and assured the Planning Commission that someone would live on the premises to operate the B&B. Chuck Guisinger stated the use is commercial and should not be allowed in a neighborhood. Guisinger continued to explain that traffic would become a problem and the applicant’s driveway would not accommodate the vehicles. McDermott stated the property includes a two stall garage, an additional parking space near the garage and a 22 foot paved circular driveway that could handle parked vehicles without the use of on-street parking. Guisinger questioned the reasoning for supporting a B&B in this neighborhood under the premise that the developer only wanted profits. Virgil Whipple questioned whether a B&B would affect his property values and opposed the use at this location. Chairman Bunning questioned whether an approved conditional use permit can be considered on an annual basis and whether the permit could be transferable. Staff stated the permit could be transferable and suggested the Planning Commission avoid a yearly review unless the applicant or successor varies from the conditions of approval which would result in a void permit. Kathy Guisinger stated property owners in the neighborhood opposed the application and did not understand why the proposed use would even be considered. McDermott stated a B&B is not considered a commercial use and concluded that there would be no more traffic than a family of five with children. Cmmr. Atkinson stated the proposed use was delineated as a conditional use permit application within the LUDC which allowed the applicant to present the request to the Planning Commission and Town Council for consideration. Cmmr. Atkinson stated that a B&B would not be a constant activity and therefore there was a difference between a commercial use and the proposed bed & breakfast. Cmmr. Lattin stated the permit should be transferable, tied to the conditions of approval and the characteristics of the application as presented. Chairman Bunning closed the public hearing for comment. Cmmr. Atkinson motioned to recommend approval of the conditional use permit contingent upon the following: (1) the permit being transferable; (2) the permit shall become void upon discontinued use or lapse in B&B use for a period of six (6) months; (3) the B&B shall be operated as a traditional bed & breakfast with an owner/manager on-site; and (4) guest vehicles shall not utilize on-street parking. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

V. Reports and Comments

A. Staff – Next meeting May 13, 2008 @ 5:00 p.m.

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B. Land Use and Development Code Update – Staff stated the LUDC Advisory Committee met on April 14, 2008 to discuss residential heights and recommendations from that meeting will be forwarded to Clarion & Associates for implementation into the draft code. Staff stated Module 2 is due in the early part of May.

C. Wayfinding Signage, Streetscape Furnishings and Logo Development – Staff stated Nuszer-Kopatz presented the draft plan to the steering committee at the April 16, 2008 meeting. Staff noted the consultants will revise plan elements based on comments and direction received from the steering committee and will return with a final plan in a few weeks.

D. Regional Growth Management IGA – Staff stated a joint worksession between the County and Town Planning Commission's was tentatively scheduled on May 28, 2008 to discuss the process for creating a regional growth management IGA. Staff noted that Town and County staff have contacted the Sonoran Institute to facilitate the discussion as directed by both commissions at the March 19, 2008 meeting. Staff stated a memo addressing questions and concerns was forwarded to Town Planning Commission members for review.

E. Lewis Street Re-Design and Improvements – Staff stated on March 26, 2008 and April 17, 2008 public meetings were held to gather input from property owners and business owners in this area in regards to the re-design of Lewis Street. Staff stated James Dietrich from the Fort Lewis Office of Community Services facilitated the meetings and will return on April 30, 2008 with a finalized design concept.

F. Annexation Training – Staff stated a worksession with the Department of Local Affairs has been tentatively scheduled on May 29, 2008 to discuss annexations.

Minutes approved: _____
Tracy Bunning, Chairman