

Pagosa Springs Planning Commission

Meeting Minutes – January 13, 2009

I. Call to Order / Roll Call

The Planning Commission meeting was called to order by Chairman Tracy Bunning. Commissioners Hart, Herzog and Woodruff were present.

II. Announcements

III. Consent Agenda

A. **Approval of the December 15, 2008 meeting minutes** – Cmmr. Woodruff motioned to approve the December 15, 2008 meeting minutes. Cmmr. Herzog seconded the motion. The motion was unanimously approved.

IV. Design Review Board

V. Planning Commission

A. **Land Use Code, User's Manual, Official Zoning Map Review & Recommendation** – Chairman Bunning stated an overview of the alternative mapping requests would be provided by staff followed by questions and comments related to individual requests. Staff stated this public hearing has been scheduled to accommodate Planning Commission review and recommendation on the draft land use code, zoning map and user's manual. Staff stated at the December 15, 2008 meeting the Planning Commission motioned to continue the hearing until January 13, 2009; at which time all alternative mapping requests and text amendments would be reviewed. Staff noted at the December 15, 2008 Planning Commission meeting a total of six (6) alternative mapping requests were recommended for approval that were identified as 'mapping errors' and numerous text revisions. Staff stated two (2) additional 'mapping errors' were identified that should be addressed by the Planning Commission. Staff stated property owned by Kathryn Young adjacent to Trujillo Road was annexed in 2007 by the Town. Staff stated the annexation agreement associated with this property established the zoning classification that should be applied to the property upon adoption of a revised code. Staff explained the staff report recommended the properties retain the Mixed-Use Residential classification as agreed upon in the approved annexation agreement (dated April 1, 2008). Staff explained the second mapping error included open space tracts within Harman Park and Aspen Village that were dedicated concurrently with subdivision approval and are incorrectly identified on the draft zoning map. Staff stated these three (3) properties are dedicated open space tracts and should be shown accordingly on the zoning map. The Planning Commission concurred with the staff recommendation on these two 'mapping error' requests. Staff explained fourteen (14) additional alternative mapping requests were received and noted these requests fit a more traditional 'rezone' application. Cmmr. Herzog questioned if any recommendation within the staff report was inconsistent with the property owner's request. Staff stated No. 5 as defined in the staff report (submitted by Lynx Geosystems, LLC) included a recommendation that was different from the applicant's request. Staff stated the property owner requested a Mixed-Use Town Center classification which is intended to promote a wide range of high intensity land uses including retail, lodging, offices and tourism related businesses with high density residential. Staff stated the recommendation suggests that a Mixed-Use Residential designation be applied to the property which establishes compatibility with adjacent land uses/zone districts while providing opportunities for commercial development on the

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property. Staff stated the Mixed-Use Town Center classification is not compatible with proposed adjacent zone districts, the draft permitted use chart, draft dimensional standards or the intent of the Comprehensive Plan. Chairman Bunning opened the public hearing for comment. Bruce Hoch questioned whether a restaurant was a permitted use within the MU-C district. Staff stated the use was permitted by right on the property; however, a conditional use permit would need to be acquired in order to incorporate a drive-thru window. Staff stated an attached addendum to the Planning Commission packets outlines all text amendments that have been recommended for implementation per the December 15, 2008 meeting. Staff stated one (1) additional text amendment request needs clarification. Staff stated a request was submitted by Wyndham Vacation Resort Inc. to modify existing definitions or include a specific definition to address timeshares. Staff stated per discussion with Clarion & Associates and Town legal counsel a separate definition should be included for timeshares as follows: Multiple units contained within one building for residential purposes, each unit of which is held in separate ownership”. Staff stated additional discussion with Wyndham occurred prior to the meeting and it was determined a term such as subdivided, interval or fractional be utilized to replace ‘separate’. Chairman Bunning stated the timeshare definition should be tied to a more traditional definition and inclusion of the modified language would provide clarification. Nancy Rea, representing Wyndham Vacation Resort Inc., stated they would like the definition clarified and further noted they were not attempting to make the adoption process difficult. Staff agreed to work with Wyndham and Town legal counsel to complete a definition that included the mentioned revisions. Tom Thorpe, representing Pagosa Partners Industrial LLC, questioned whether his client’s property would obtain the conversion from Mixed-Use Residential to Mixed-Use Corridor. Staff stated the recommendation within the staff report supported the applicant’s request. Chairman Bunning closed the public hearing for comment. Cmmr. Herzog motioned to accept the staff report as drafted and forward the recommendation to Council contingent upon the following: (1) approve a resolution establishing a revised fee schedule for applications filed under the Land Use Code consistent with the outline as defined in the User’s Manual; (2) incorporate all alternative mapping requests into the Official Zoning Map prior to second reading; and (3) incorporate all text amendments into draft Land Use Code prior to second reading including any revisions to the ‘timeshare’ definition as deemed appropriate by the Town Attorney. Cmmr. Hart seconded the motion. The motion was unanimously approved.

V. Reports and Comments

A. Next Meeting January 27, 2009 @ 5 p.m.

Minutes approved: _____
Chairman, Tracy Bunning