

Pagosa Springs Planning Commission

Meeting Minutes – November 25, 2008

I. Call to Order / Roll Call

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

II. Announcements

III. Consent Agenda

A. Approval of the October 14, 2008 and October 28, 2008 meeting minutes – Cmmr. Lattin motioned to approve the October 14, 2008 meeting minutes. Cmmr. Hart seconded the motion. The motion was unanimously approved, with Cmmr. Woodruff abstaining. Cmmr. Woodruff motioned to approve the October 28, 2008 meeting minutes. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

B. December Planning Commission Meeting Dates – Chairman Bunning stated regularly scheduled Planning Commission meeting dates in December are the 9th and 23rd. Chairman Bunning stated that due to the holidays the 23rd did not seem appropriate. Chairman Bunning stated staff recommended one (1) meeting date in December to be held on the 15th (Monday). Cmmr. Woodruff motioned to approve the revised Planning Commission meeting schedule for December to only include one (1) meeting to be held on December 15, 2008. Cmmr. Herzog seconded the motion. The motion was unanimously approved.

C. 222 Lewis Street Right-of-Way Encroachment – Staff stated the Town received a request from a property owner located at 222 Lewis Street inquiring whether steps can be constructed to access his home that would encroach into the Town right-of-way. Staff noted the property owner would like to relocate the existing steps that currently encroach into the ROW (and adjacent property) onto his property. Staff recited the Land Use & Development Code definition for right-of-way as follows: An area of land designated for public use for access across property, or location of private or governmental utilities, including streets, roads, alleys and walkways. Staff stated to be consistent with the adopted LUDC, staff recommends that the Planning Commission not allow the applicant's request to construct improvements in the designated right-of-way. Chairman Bunning stated if the Town decided to construct a sidewalk along the remaining portions of Lewis Street these private improvements may become an issue. Chairman Bunning noted the grades at this location were not excessive and additionally felt the applicant could construct the steps without encroachment into the right-of-way. Cmmr. Herzog stated it appeared the steps could easily be constructed on the applicant's property without encroachment. Chairman Bunning opened the agenda item for public comment. No comment was received. Chairman Bunning closed the agenda item for comment. Cmmr. Hart motioned to deny the right-of-way encroachment request as submitted by the applicant. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

IV. Design Review Board

V. Planning Commission

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A. Goodman Annexation Review and Recommendation – Staff introduced the Goodman Property Annexation & Zoning request, property owned by Robert P. Goodman. Staff stated the proposed annexation includes a seven (7) acre parcel located at 449 County Road 411 (property south of Cemetery Road only). Staff stated in October of 2004, the Town approved an intergovernmental agreement with Archuleta County that set forth each entities responsibility in regards to Cemetery Road improvements. Staff stated the Town agreed to annex the improved portions of Cemetery Road upon completion. Staff noted annexation of this seven (7) acre tract in conjunction with annexation of the fifteen (15) acre tract (see PC Agenda Item B) will allow the Town the ability to proceed with right-of-way annexation as acknowledged in the IGA. Staff stated on October 7, 2008 the Council determined the annexation petition (Resolution 2008-27) was in substantial compliance with the municipal annexation act as set forth in Article 12, Title 31, C.R.S. Staff stated the subject property will be assigned a base zone district of A-District, Single-Family Residential. Staff noted the A-District is established to accommodate primarily detached, single-family homes on lots designed to accommodate only one dwelling unit. Staff stated a draft annexation agreement was attached to the Planning Commission packet for review and further requested that any additions/suggestions be submitted by the Commission at this time for Council's consideration. Cmmr. Hart stated the Town should be cognizant of the amount of acreage annexed in regards to residential versus commercial property. Cmmr. Hart stated the Town does not see any fiscal benefit from residential property. Chairman Bunning stated the purpose behind this annexation was to facilitate Cemetery Road right-of-way annexation as acknowledge in the previously executed IGA with Archuleta County. Chairman Bunning questioned whether Pradera Pointe road improvements had any correlation to this annexation or the subsequent right-of-way annexation. Staff stated the primary reason for this annexation was to facilitate the Cemetery Road right-of-way annexation. Staff stated Pradera Pointe would be required to improve Cemetery Road to their proposed access and the Town would eventually need to annex this right-of-way, as well. Staff additionally noted the subject property did serve as infill within the Town's boundary. Cmmr. Lattin questioned whether the Goodman's would have to help fund maintenance of Cemetery Road. Staff stated the Town currently maintains this segment of roadway under the provisions as established in the IGA; roadway which is currently outside the jurisdictional boundaries of the Town. Staff stated the Goodman's will not be required to submit any funds towards maintenance of the road. Cmmr. Herzog questioned whether the Planning Commission should include a recommendation on the proposed zoning. Staff stated that a recommendation regarding annexation and zoning was indeed appropriate. Chairman Bunning opened the public hearing for comment. No comment was received. Chairman Bunning closed the public hearing for comment. Cmmr. Herzog motioned to recommend approval of the Goodman Annexation (7 acres) including the proposed A-District zone category contingent upon the following: (1) signature and finalization of the annexation agreement. Cmmr. Hart seconded the motion. The motion was unanimously approved.

B. Goodman Family Trust Annexation Review & Recommendation - Staff introduced the Goodman Family Trust Annexation & Zoning request, property owned by Benjamin D. Goodman & Mary R. Goodman individually & as trustees; Robert P. Goodman & Dorothy Louise Baltes. Staff stated the proposed annexation includes a fifteen (15) acre parcel located at 651 County Road 411 (property west of Cemetery Road only). Staff stated on October 7, 2008 the Council determined the annexation petition (Resolution 2008-28) was in substantial compliance with the municipal annexation act as set forth in Article 12, Title 31, C.R.S. Staff stated the subject property will be assigned a

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base zone district of A-District, Single-Family Residential. Staff noted the A-District is established to accommodate primarily detached, single-family homes on lots designed to accommodate only one dwelling unit. Staff stated a draft annexation agreement was attached to the Planning Commission packet for review and further requested that any additions/suggestions be submitted by the Commission at this time for Council's consideration. Chairman Bunning opened the public hearing for comment. No comment was received. Chairman Bunning closed the public hearing for comment. Cmmr. Woodruff motioned to recommend approval of the Goodman Family Trust Annexation (15 acres) including the proposed A-District zone category contingent upon the following: (1) signature and finalization of the annexation agreement. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

C. 266 East Pagosa Street, Burrito Stand Conditional Use Permit – Cmmr. Herzog recused himself from this agenda item. Staff introduced the request by the applicant, Omar Pereyra, for a conditional use permit to operate a temporary vending unit at 266 East Pagosa Street on a year around basis. Staff stated the applicant would like to provide food service from the concession trailer that currently occupies the property during the day. Staff noted previous conditional use permits issued by the Town for temporary vending units (Eddie B Cookin, Philadelphia Cheesesteak, Blondies Produce) have ranged from three (3) months to eight (8) months; however, never on a year around basis. Cmmr. Hart stated a year around temporary vending unit was not appropriate. Cmmr. Woodruff stated the Town has requested every other vendor in this area to remove the vending unit from the property at the end of the day or request a conditional use permit. Cmmr. Hart stated the applicant was requesting a permanent location for a temporary use. Cmmr. Lattin stated a condition should be placed on the permit that only allowed the vending unit to be vacant for a certain amount of time. Chairman Bunning suggested a (2) week maximum timeframe. Staff stated a condition could be placed on the permit that required the applicant to remove the vending unit from the site during times of non-use. Staff noted if the applicant does not comply with the permit and the associated conditions the permit would terminate. Staff noted that condition No. 2 within the staff report contemplated a nine (9) month permit to allow the applicant the ability to utilize the vending unit throughout a majority of the summer months. Chairman Bunning stated the precedent set by the Town was eight (8) months. Cmmr. Woodruff stated September was a busy month in Pagosa and felt consideration should be given to a longer timeframe. Chairman Bunning opened the neighborhood compatibility meeting for comment. No comment was received. Chairman Bunning closed the agenda item for comment. Cmmr. Woodruff motioned to recommend approval of the conditional use permit contingent upon the following: (1) the permit being non-transferable; (2) removal of concession trailer within five (5) days following closure or by July 31, 2009; (3) the unit being placed in the area as specified in the application; (4) the site to remain clean and orderly; and (5) the concession trailer shall not remain unused for a period exceeding two (2) weeks without removal from the subject property. Cmmr. Hart questioned whether the Town could enforce 'clean & orderly' and how violations are handled. Staff stated the municipal code includes language regarding the procedure for issuance of violations. Cmmr. Lattin seconded the motion. The motion was unanimously approved.

D. Building B-2 Plaza at Aspen Village Condominium Conversion – Staff introduced the request by the applicant, TVAN Investment Ltd., to complete a condominium conversion of Building B-2 located on Lot 1, Block 7, Aspen Village Phase II. Staff stated the proposed project will subdivide the existing 7,500 square foot building into five (5) commercial units. Staff stated the Planning Commission and

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Council previously reviewed and approved a request to condominiumize the structure into one (1) commercial unit in order to facilitate the sale of the building to another developer. Staff stated a few minor items need to be addressed by the applicant prior to plat recordation. Chairman Bunning questioned the amount of useable square footage within the building. Staff stated the building included approximately 7,500 square feet of which approximately 7,200 was useable commercial square footage after common elements were considered. Cmmr. Lattin questioned the square footage on the second floor. Project representative, Trista Nauman stated the second floor was one (1) unit; however, space would be rented for nine (9) offices. Cmmr. Woodruff questioned whether adequate parking was provided. Staff stated, per the LUDC, parking calculations are based on square footage and not the number of office spaces. Staff stated the Plaza at Aspen Village is actually over-parked per the LUDC requirements. Cmmr. Woodruff questioned the size of the individual office spaces on the second floor. Nauman stated the units are rather small and range from approximately 200-400 square feet. Chairman Bunning opened the public hearing for comment. No comment was received. Chairman Bunning closed the agenda item for comment. Cmmr. Lattin motioned to recommend approval of the Plaza at Aspen Village Building B-2 Condominium Conversion contingent upon the following: (1) revise survey plat per staff comments; (2) submit a copy of the recorded amendment to the Codes & Covenants outlining revised allocated interests; (3) provide proof a temporary certificate of occupancy or certificate of occupancy has been issued for Building B-2 prior to plat recordation; and (4) submit final plat for recording. Cmmr. Hart seconded the motion. The motion was unanimously approved.

V. Reports and Comments

A. Land Use & Development Code – Staff stated a public hearing on the land use code, user’s manual and zoning map has been scheduled for December 5th at 12pm to include both the Council and Planning Commission. Staff stated Clarion & Associates will be in attendance to provide a summary of major modifications that have been proposed in the code. Staff stated the draft code and associated documents are tentatively planned for review and recommendation at the December Planning Commission meeting.

Staff – Next meeting December 15, 2008 @ 5:00 p.m.

Minutes approved: _____
Chairman Tracy Bunning