

# Pagosa Springs Planning Commission

## Meeting Minutes – December 15, 2008

### I. Call to Order / Roll Call

The Planning Commission meeting was called to order by Vice-Chair Kathie Lattin. Commissioners Hart, Herzog and Woodruff were present.

### II. Announcements

### III. Consent Agenda

**A. Approval of the November 25, 2008 meeting minutes** – Cmmr. Hart motioned to approve the November 25, 2008 meeting minutes. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

### IV. Design Review Board

**A. Methodist Church Exterior Alterations** – Staff introduced the request by the applicant, Community United Methodist Church, to review exterior alterations to the structure located at 430 Lewis Street. Staff stated the applicant would like to complete the following alterations: (a) remove the existing roof and associated cupola feature over the sanctuary/office building due to structural concerns, (b) re-construct the roof, (c) incorporate bell tower on south façade, and (d) complete general improvements to the south & west façade (stucco, ADA access, windows). Staff noted that the applicant had identified alternative bids for additional exterior improvements that may include re-roofing the educational building, extension of the concrete slab abutting the north elevation to accommodate future storage space, replacement of exterior doors and replacement of the west property boundary sidewalk. Cmmr. Hart questioned whether the installation of a bike rack per the recommended conditions of approval followed a standard design. Staff stated the adopted Wayfinding, Signage & Streetscape Master Plan recommends a few different bike rack designs in an attempt to create streetscape continuity. Vice-Chair Lattin opened the agenda item for public comment. Dora Manzanares questioned how the Town is going to manage all of these new buildings when there are no jobs. Cmmr. Woodruff motioned to approve the request contingent upon the following: (1) incorporate bike racks and identify location(s) on site plans. Cmmr. Herzog seconded the motion. Cmmr. Hart requested that Cmmr. Woodruff modify the motion to include language referencing the recommendations within the adopted Wayfinding, Signage & Streetscape Master Plan. Pastor Don Ford stated the Methodist Church does not have many people riding bikes to church on Sunday. Vice-Chair Lattin questioned whether the bike rack was recommended by staff to accommodate an on-site parking reduction. Staff stated a previous design concept submitted by the Methodist Church included bike racks to accommodate a few parking stalls that could not be incorporated into the site design. Staff stated the DRB/PC has previously allowed the incorporation of multi-modal transportation facilities to alleviate parking stall deficits. Cmmr. Woodruff questioned whether the alterations would increase the square footage of the structure. Pastor Ford stated this was a completely new application and square footage was not increased with this design. Cmmr. Woodruff questioned why bike racks would be requested. Staff stated D-2 District Design Guidelines within Article 6 of the Land Use Code included provisions acknowledging the importance of pedestrian activities such benches, planters and bike racks. Staff stated when applications are submitted for design review these guidelines apply. Staff noted this provision is a guideline and not a requirement and therefore does not necessarily have to

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be enforced by the DRB. Cmmr. Herzog questioned if a threshold existed for these types of recommendations. Staff stated the code did not specify a threshold and therefore applications filed that required DRB approval are reviewed under the Article 6 guidelines. Pastor Ford stated the church will attempt to incorporate a bike rack near the southwest property boundary. Vice-Chair Lattin closed the agenda item for comment. Cmmr. Woodruff amended the motion to condition the applicant to install a bike rack, if feasible, on the southwest side of the building consistent with the design recommendations within the Wayfinding, Signage & Streetscape Master Plan. Cmmr. Herzog seconded the amended motion. The motion was unanimously approved.

**B. Hickory Ridge Apartments, Elevation Alteration Request** – Staff introduced the request by the applicant, 49 Hickory Ridge Apartments, to modify previously approved exterior elevations. Staff stated at the April 22, 2008 meeting the DRB approved the request by the applicant to construct forty (40) apartment units and an associated community building with an additional apartment unit. Staff stated the building elevations as approved by the DRB included a stone veneer treatment on the lower floors of the buildings and a two (2) color exterior paint application. Staff continued to explain that due to project cost increases the applicant has submitted a request to modify the exterior elevations to eliminate the stone veneer and use exclusively hardiplank siding. Staff noted the revised elevations include a three (3) color exterior paint application in an attempt to further enhance the visual appearance of the structures. Cmmr. Herzog stated the dark brown paint color may not be appropriate in a visually dominant location. Cmmr. Herzog questioned how the paint will look in three (3) years. Staff requested that the applicant address the longevity of the proposed modifications. Project representative, Brad Ash, stated hardiplank was easy to maintain and the applicant was committed to the maintenance of these structures. Ash stated any discoloration would be addressed and dark brown would act as an appropriate treatment to the lower floors of the building. Vice-Chair Lattin opened the agenda item for public comment. Cappy White stated that based on the project size and scale the structures should be constructed as originally approved. White stated the stone veneer was a large visual improvement for these buildings and noted that the community would be viewing this side of the buildings. Bruce Hoch stated dark brown was a poor choice and looks horrible when dirt/mud dries. Hoch concurred that the builder should be obligated to construct what was originally approved. Ash stated that a proper geo-technical and slope analysis were not completed on the site and therefore significant cost over-runs were experienced with foundations and the 8<sup>th</sup> Street intersection transition. White stated he recently remodeled his downtown building and the Town required him to install fireproof glass that was extremely costly. White stated that the developer should have known there would be challenges to construct units on a steep slope. White stated that the applicant's request sounded like a threat to the Town and suggested that the project would continue based on the amount of work already completed. Cmmr. Hart stated the project was approved as affordable housing which played a significant role in this request to alter elevations. Cmmr. Herzog agreed that affordability was important and the town has been supportive of the project. Vice-Chair Lattin stated she preferred the stone veneer treatment over the hardiplank. Project representative, Tricia Braden, re-iterated that Opportunity Builders had experienced cost over-runs in regards to soils and suggested that stone only be required on the rear elevations. Vice-Chair Lattin closed the agenda item for comment. Staff stated the DRB may want to consider stone transitions around building corners. Cmmr. Hart stated the west elevation of the structure closest to 8<sup>th</sup> Street was visible to the public. Cmmr. Woodruff stated the applicant could place stone on all rear elevations, with transitions around the building corners and additionally place

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stone on the west elevation of the building near the 8<sup>th</sup> Street intersection. Cmmr. Woodruff stated the elevations could be reviewed by staff for consistency with this request. Medray Carpenter stated the project was worthwhile and suggested that the DRB not rush into a decision that will affect the community. Carpenter stated the community will have to stare at these buildings forever. Cmmr. Herzog motioned to modify the applicants request with the intent to improve the south facade of all buildings with stone, with transitions to be reviewed by staff and stone placed on the west elevation of the structure near the 8<sup>th</sup> Street intersection. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

#### V. Planning Commission

**A. Reservoir River Ranch Annexation Review** – Staff introduced the request by the applicant, Fairway Land Trust, represented by Russell Engineering Inc., to review the proposed annexation which includes approximately 516 acres of property located adjacent to Light Plant Road and Highway 84. Staff stated on November 5, 2008 the Town Council determined the annexation petition (Resolution No. 2008-30) was in substantial compliance with the municipal annexation act as set forth in Article 12, Title 31, C.R.S. Staff stated the proposed zoning map identifies 304 acres as Town Residential (6 du/acre), 11 acres as Mixed-Use Town Center and approximately 17 acres as Mixed-Use Residential. Staff noted the applicant has requested these categories in order to effectuate permitted uses on the property and to accommodate densities that are slightly above the maximum allowed in the Residential Transition/Rural Residential classification. Staff stated that although densities slightly exceed the Comprehensive Plan, specifically the Town Residential (6 du/acre) classification; overall project densities would be restricted in the Annexation/Development Agreement to provide additional assurances that the property could not be built out to maximum Town Residential (6 du/acre) standards. Cmmr. Herzog questioned whether the proposed zone districts were compatible with the subdivision plan. Staff stated the densities slightly exceeded Comprehensive Plan recommendations; however, this could be addressed in the Annexation/Development Agreement. Vice-Chair Lattin opened the public hearing for comment. Project applicant, Stanley Levine addressed the Planning Commission and stated the Levine Family is not in the development business and they hired experts to handle the process. Levine noted they were stewards of the property and this acreage was the natural place for the town to expand. Levine stated they would like to master plan the development and leave a legacy property. Staff noted a letter of concern was received from an adjacent property owner that highlighted numerous issues including densities, environmental concerns, location of the activity center, views, and quality of life, among many others. Vice-Chair Lattin opened the public hearing for comment. Judy Schofield stated she owned the adjacent property and opposed the annexation because some of her property was potentially included in the annexation. Schofield stated she is currently in litigation with the Levine Family regarding a portion of this property and did not understand how the town could annex property that may not be Levine's. Schofield noted she was opposed to the subdivision application due to wildlife and wetland concerns. Cmmr. Herzog questioned the acreage of the parcel currently in question. Staff noted the Town did not have documentation of this issue. Levine stated the annexation did not include this property and it was approximately 0.5 acres. Project representative, Nancy Lauro stated the draft Annexation/Development Agreement establishes the ability to commit the development to town goals while providing the applicant with entitlements to a specific plan. Lauro stated the plan includes four (4) miles of public trails and public land dedication along the San Juan River and Mill Creek drainage area. Staff noted that

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the applicant has not committed to the construction of these trails. Lauro stated the applicant has applied for underlying zone district designations and anticipates the submittal of a Planned Development (PD) overlay as contemplated in the draft land use code at some point in the future. Lauro stated the applicant supports the staff report and recommendations as drafted; however, the requirement of including the floodplain boundary on the annexation plat may not be appropriate. Lauro stated the applicant intends to submit a request to amend the floodplain map and therefore inclusion of the information at this time may be confusing. Jerry Jackson questioned whether the amendment would allow development in areas previously identified as floodplain and if fill would be required. Lauro stated that the floodplain modifications may include fill and noted that the applicant was requesting support within the draft Annexation/Development Agreement from the Town to complete this request. Staff stated that incorporation of the floodplain boundary on the annexation plat was a requirement of the code and the other details would be addressed at a subsequent phase of the development. Levine stated that the current FEMA maps did not address this area and suggested that a consistent map be submitted to FEMA for consideration, with Town support. Jody McKee questioned whether the Department of Wildlife (DOW) had the ability to comment on the annexation and subdivision. McKee stated the proposal included a lot of homes on limited acreage and questioned whether adequate water was available for this development. Cmmr. Hart stated that the proposal included 41% of the property as open space to allow wildlife the opportunity to migrate through the property. Cmmr. Woodruff requested clarification on the availability of water to the development. Staff stated a portion of the property is not currently included within PAWSD district boundaries. Staff stated PAWSD has a moratorium on inclusions and the applicant will need to complete inclusion processes in order to receive potable water. Staff stated House Bill 1141 requires municipalities to verify adequate water is available to the development during subdivision approvals. Staff noted PAWSD has submitted a letter requesting the ability to comment on this issue at which time appropriate documentation is submitted by the applicant and prior to any final plat approval. Vice-Chair Lattin closed the public hearing for comment. Cmmr. Herzog motioned to approve the Reservoir River Ranch Annexation and Zoning contingent upon the following: (1) revise annexation plat to include the entirety of Light Plant Road (County Road 119) right-of-way to the intersection of Hwy 84; and (2) revise survey plat issues per staff's comments and any comments submitted by the County Surveyor. Cmmr. Hart seconded the motion. The motion was unanimously approved.

**B. Reservoir River Ranch Sketch/Preliminary Plan Subdivision Review** – Staff introduced the request by the applicant, Fairway Land Trust, represented by Russell Engineering Inc., to review the concurrent sketch/preliminary subdivision consisting of approximately 561 acres adjacent to Light Plant Road and Highway 84. Staff stated as proposed the project includes approximately 1,512 residential units; 200,000 square feet of neighborhood commercial; 28,000 square foot activity center and approximately 227 acres of open space (private & public). Staff stated the project is phased over a 15-20 year period and has an overall residential density of 2.7 dwelling units per acre. Cmmr. Herzog questioned how a subdivision application can be submitted without an actual plat. Staff stated a majority of the subdivision submittal requirements were waived by the Planning Commission at the October 28, 2008 meeting in order to allow the developer a procedure that would allow them the ability to request and/or receive vested rights on densities, uses and other considerations. Staff stated per Town Attorney advice the project could not obtain any form of vested rights without adequate analysis and consideration by the Town as contemplated in the Municipal Code. Project representative, Nancy Lauro, stated the applicant concurred with the staff report;

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excluding condition no. 2. Lauro stated condition no. 2 recommended that the applicant dedicate an open space tract along the San Juan River as public that was currently identified in the concept plan as private open space. Lauro stated the applicant has dedicated some riverfront property for public access/use along the San Juan River and would like to reserve some of the property as private open space. Cmmr. Hart requested clarification on the inclusion of this condition. Staff stated the applicant was requesting densities that exceeded the recommendations as identified in the adopted 2006 Comprehensive Plan and further noted that adopted plans show trails through this corridor. Staff continued to explain property adjacent to the San Juan River is a valuable amenity to the community in regards to access/use and annexations are the time to address these considerations. Cmmr. Woodruff questioned whether the applicant could dedicate trail easements along this corridor and reserve the acreage as private open space. Staff stated that this was indeed a possibility and reiterated that the condition was a recommendation. Staff noted that the Land Use & Development Code required public land dedication in the amount of 8% and although the conceptual plan appears to meet this requirement, the applicant is requesting assurances in the form of vested rights on densities in excess of recommendations within the Comprehensive Plan. Staff reiterated that tangible benefits exist in the dedication of public open space. Project applicant, Stanley Levine stated the old Catchpole house is located in this area and they would like to reserve some open space along the river as private. Cmmr. Woodruff stated the concept plan identified 120 residential units on Tract 2 and suggested at which time this parcel was developed that the adjacent 'private' open space tract be dedicated as 'public' open space. Lauro stated that she believes the applicant has made efforts to dedicate important property to allow public access. Cmmr. Herzog acknowledged the acreage adjacent to the San Juan River is valuable to the community. Vice-Chair Lattin opened the public hearing for comment. Cappy White stated there may be a community value in allowing the applicant to preserve this property as private open space. Jerry Jackson requested clarification on the depth of the publicly dedicated open space adjacent to the property identified as Tract 1 (Apache Street/Light Plant Road). Cmmr. Hart stated approximately 100 feet according to the concept plan. Lauro stated that the applicant has not committed to trail construction within areas dedicated as public open space; however, this may be further negotiated in the draft Annexation/Development Agreement. Vice-Chair Lattin closed the public hearing for comment. Cmmr. Hart motioned to approve the Reservoir River Ranch concurrent sketch/preliminary subdivision request contingent upon the following: (1) address mitigation of affordable/attainable housing in a form mutually acceptable to the Town and applicant; (2) address open space and trail connectivity into Reservoir Hill; (3) submit comprehensive traffic impact study upon submittal of any subdivision final plat application including proposed impact mitigation to the Town roadway network or state highways; (4) provide documentation to clarify and/or cooperate with the Town to establish legal access through Town owned property (Reservoir Hill); (5) provide additional information on access and traffic circulation in regards to Tract 1 and Tract 2; (6) initiate the inclusion process into the sanitation district and submit construction plans to District Engineer for review and approval concurrent with final plan submittal; and (7) follow 45 day application submittal timeframes for any final plat. Cmmr. Woodruff seconded the motion. The motion was unanimously approved.

**C. Land Use Code, User's Manual, and Official Zoning Map Review & Recommendation** – 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 the review and recommendation additionally

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included any submitted 'alternative mapping requests' and text amendment requests.

**Alternative Mapping Requests** – Staff stated per the diagnosis completed by Clarion & Associates in May 2007 and accepted by the Advisory Committee, conversions to new zone districts would be based strictly on the adopted Comprehensive Plan's Future Land Use Map. Staff noted Clarion & Associates acknowledged in this document the project would not include a parcel-by-parcel review of every property in town and the existing Comprehensive Plan classifications would simply be translated into new districts on an objective basis. Staff stated at the December 5<sup>th</sup> public hearing direction was given to staff by the Council/Planning Commission to separate the requests as follows: (a) requests identified as a 'mapping error' or 'conversion error' would be reviewed concurrently with the adoption of the code; and (b) requests identified as 'rezones' would be reviewed subsequent to the adoption of the code. Staff stated a number of individuals with requests in the (b) group have expressed concern that the code/zoning map would be adopted without prior resolution of their request. Staff stated in speaking with Town Attorney Bob Cole it may be advantageous for the town to adopt the code and extend the effective date of the code. Staff stated this would allow the code to be adopted while providing an exact timeframe for reviewing the alternative mapping requests prior to the effective date of the code. Staff stated the Town has received eighteen (18) alternative mapping requests and six (6) are classified as mapping errors. Vice-Chair Lattin opened the public hearing for comment. Bruce Hoch stated his property at 21 Pike Drive is identified in the existing zoning map as commercial and the proposed zoning map as residential. Hoch stated this request should be classified as a mistake and fixed with group (a). Staff stated the conversion between the Comprehensive Plan Map and proposed zoning map was completed correctly; regardless of whether a commercial designation is appropriate on this property. Jeff Robbins, representing the Fairway Land Trust, stated a majority of the requests within group (b) are downzoning situations where the Town is considering removing certain rights from the property. Robbins suggested the Planning Commission review all of these requests prior to completing a recommendation to Council. Robbins stated this may alleviate any potential issues with these property owners and may facilitate further buy-in to the code adoption process. Jim Willingham questioned the difference between the 'commercial' classification and the 'mixed-use corridor' classification. Staff stated they would be happy to review the draft permitted use chart with Mr. Willingham in order to identify and differences between the districts. Staff stated the difference will be delineated between conditional and permitted uses within the districts. Nancy Ray representing the Wyndham property questioned whether a rezone fee would apply to properties within group (b). Staff stated the town would not charge this fee. Robbins suggested that the rezone criteria contemplated in the code not apply to group (b) requests. Robbins stated the Planning Commission could continue this review until January 13<sup>th</sup> and still complete first reading on the 15<sup>th</sup> and second reading on February 3<sup>rd</sup>. Cappy White stated he has requested a mixed-use residential classification on his Snowball Road property. White stated this property has been used commercially for years including storage and a furniture shop. White stated this would be ideal property for multi-family development including apartments or condominiums.

**Text Amendments** – Staff stated the town has received two (2) letters requesting text revisions to the draft code and a memo from the Town Attorney outlining numerous revisions based on state statute references and legal parameters. Cmmr. Herzog requested that parking stall dimensions be clarified for indoor parking spaces. Vice-Chair Lattin closed the public hearing. Cmmr. Hart motioned to continue review of the draft land use code, user's manual and zoning map until the January 13<sup>th</sup> meeting at which time all mapping requests would be reviewed. Cmmr. Hart's motion included the acknowledgement that the six (6) mapping errors should be corrected as requested and

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text amendments as identified in the staff report with clarification of dimension standards for indoor parking spaces. Cmmr. Herzog seconded the motion. The motion was unanimously approved.

**D. Sherwin Williams Lot Consolidation** – Staff introduced the request by the applicant, Primus Properties LLC & Anderson Family Trust, to review a plat amendment to consolidate Lots 2A & 2B, Majestic Minor Subdivision into Lot 2AX. Vice-Chair Lattin opened the public hearing to comment. No comment was received. Vice-Chair closed the agenda item for comment. Cmmr. Woodruff motioned to approve the plat amendment request contingent upon the following: (1) revise survey plat issues per staff's comments; and (2) submittal of final plat for recording. Cmmr. Herzog seconded the motion. The motion was unanimously approved.

**V. Reports and Comments**

**A. Next Meeting January 13, 2008 @ 5 p.m.**

**B. Regional Development Service Department Discussion** – Mr. Rick Bellis, Archuleta County Development Service Director addressed the Planning Commission and addressed the proposal to merge development service departments between the Town & County.

Minutes approved: \_\_\_\_\_  
Vice-Chair Lattin