



Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, March 08, 2016 at 5:30 p.m.
Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

I. Call to order / Roll Call

II. Announcements

III. Approval of Minutes

A. Approval of the February 9, 2016 Planning Commission meeting minutes.

IV. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

V. Board of Adjustments

A. Application for Variance for Front Yard Set Back reduction, Mesa Heights West.

VI. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

VII. Reports and Comments

- A. Staff Report_ Projects, Updates and Upcoming Development Applications.
- B. Planning Commission – Comments, Ideas and Discussion.
- C. Upcoming Town Meetings Schedule

VIII. Adjournment

James Dickhoff, Planning Director



Planning Commission, Board of Adjustments, & Design Review Board
Staff Report – Tuesday, March 08, 2016 Regular Scheduled Meeting

I. Call to Order / Roll Call:

II. Announcements:

III. Approval of Minutes:

A. February 09, 2016 Planning Commission minutes.

Table with 2 columns: Approval of Minutes, Staff recommends approving Minutes from the February 09, 2016 Planning Commission Public Hearing and/or Meeting, upon finding they are accurate.

IV. Public Comment:

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

Table with 2 columns: a., At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.



**Town of Pagosa Springs
Planning Commission, Board of Adjustments &
Design Review Board
Regular Scheduled Meeting Minutes
Tuesday, February 09, 2016 at 5:30 p.m.
Town Hall, Council Chambers,
551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147**

- I. Call to order / Roll Call :** Commission Chair Maez called the meeting to order at 5:30 PM. Commissioners present were Commissioner Maez, Commissioner Giles, Commissioner Parker, and Commissioner Adams. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.
- II. Announcements:** - None
- III. Approval of Minutes:**
- A. *Approval of the December 8, 2015 Planning Commission meeting minutes:* Commissioner Parker moved to approve and Commissioner Adams second, unanimously approved.
- IV. Public Comment:**
- A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda* - None Received
- VI. Planning Commission:**
- A. *Re-Zoning Application for 1855 West U.S. Highway 160* - Dr. Kraig Lorenzen, the applicant, has proposed to change the zoning from R-A (residential agriculture) to Mixed-Use Corridor. The zone was rezoned from C district to R-A when the zoning was amended in 2009. Dr. Kraig Lorenzen does not want to develop the property and asks the commission to rezone the property. Dr. Kraig Lorenzen is in favor of a suggested pedestrian walkway. Commissioner Maez asked for public comment. Holly Hosselbueler: Has CDOT done a study to assess additional development access? Is this a contradiction to the town's vision to maintain the downtown? How many commercial developments already exist and are unoccupied or vacant? Has consideration been given to the canyon and animal access? Kathy Bute: Will there be legal access off Goldmine Drive? Concerns with canyon for drainage and wildlife access. There may be a spring in that area. She suggests area be a greenbelt area for preservation. What alterations are planned for the topography? If mixed use residential, suggests back end of property be low density. Doesn't want high density near single family homes. Planning Director James Dickhoff addresses land use code 2.4.2 approval criteria (6 criteria to meet). An access permit from CDOT would be dependent on the type of development, requires extension of Goldmine

Drive, build it, construct it, and deed it to the town. Town to Lakes plan also calls for a trail connection. Support for a secondary road network. The zoning proposal meets criteria number one. Canyon that sits on the southern portion of the property is a good location for open space. The zoning proposal does meet criteria number two at this time and is consistent with the Comprehensive Plan and Land Use code. The zoning proposal meets the third criteria. CDOT access permit does not guarantee direct access from the highway. One way in from Goldmine Drive may not be adequate access. All utilities are available to this property. The zoning proposal meets criteria number four. The entire town is within black bear territory. The town wants to ensure the canyon is preserved when a developer decides to come forward with a plan. Mitigation cannot occur until developer comes forward. The code supports saving trees and can offset additional requirements. The zoning proposal meets criteria number five. Planning Director James Dickhoff did not see any issues with the proposed rezoning. The town should protect existing uses from newer uses and Planning Director James Dickhoff did not identify any negative impacts of future development on this property. Planning Director James Dickhoff stated public notices were made 15 days prior to this meeting. Commissioner Maez asks if there was an actual development application. Planning Director James Dickhoff stated there are no current applications for development on the property, but this application is just for a request for rezoning. Commissioner Parker asks Planning Director James Dickhoff why the original property zoning was changed. Planning Director James Dickhoff could not find any historical information on this issue. Commissioner Adams asks about CDOT plans for a traffic light at the property. James Dickhoff stated CDOT plans are conceptual and this will depend on the type of development approved in the future. Commissioner Adams asks about easements on the property. Planning Director James Dickhoff stated this would happen during development and easements will be assessed during the Town to Lakes project. Commissioner Adams asks about high density and mixed uses development occurring on this property. Planning Director James Dickhoff addressed that this is a potential and so are single family homes. Commissioner Parker asked about runoff from the property currently. Planning Director James Dickhoff stated that there are some drainage issues on the property near the canyon. Holly Hosselbueler: asked about a continuation of downtown vitality. Planning Director James Dickhoff responded that this year was the highest year for sale tax. There is immense interest in local businesses, but there is still a lag from the 2007 economic downturn. Commissioner Maez asks does the property border with the county. Planning Director James Dickhoff responded yes it does. Dr. Kraig Lorenzen stated the property is currently underutilized. States that people want low income housing on the property for those working downtown. Holly Hosselbueler: wants to have the buffer expanded upon. States that this property currently has abandoned vehicles and fears it will become an eyesore. Dr. Kraig Lorenzen states that the property is in the process of being cleaned. Commissioner Parker asks what the lowest density currently in the commercial corridor is. Planning Director James Dickhoff says that it is 16 dwelling units per acre. Commissioner Maez states that the property owner's property taxes will increase significantly if rezoned. Kathy Bute: wants to address the strictness of the easement on the property. Commissioner Parker thanks the public for their input. Planning Director James Dickhoff states that buffers can include landscaping, trees, and the canyon can also provide a distance buffer. Other buffers include fencing, screening, etc. Commissioner Adams: would it be appropriate to include an easement on the Town

to Lakes project. Planning Director James Dickhoff supports this suggestion. Commissioner Maez moves to motion. Commissioner Adams moves to approve the rezoning of the property with the understanding that Dr. Kraig Lorenzen will provide an easement for the Town to Lakes project. Unanimously approved.

- B. *Conditional Use Permit Application for Paint Ball Park at Harman Park Drive* - The property currently is a mixed use corridor. Applicants (2.4.4 conditional use permit). Consider conditional use permit for proposed paintball park. If approved the project will need to submit for an extensive design review. Approval criteria in land use section 2.4.4 must all be met. Applicant Art Dilione states that the north side of the property will be roughly 1.25 acres in size for a playing field. The south side of the property will be a building for facilities, access off of Harman Park Drive, and a parking lot. There is a 15' buffer on all sides and 20' on the north side (where highway 160 is located). There is another 15' buffer on the inside of the net for a total of 30'. Suggested netting exceeds testing requirements for stopping paintball projectiles. Commissioner Adams: asks about hours of operations. Art Dilione states hours will vary and days of the week will be roughly 4-5 days. Bruce Kenning: President of Harman Park HOA, stated they would be happy to welcome a paintball park to the area. They are very concerned about the type of business that would be associated with this establishment. If this is approved they would like to sit down about noise control and how the netting will look. Overall, they want their place to look nice. Bruce Kenning also wants to ensure sufficient parking. The HOA is interested in working with the town on this type development. Kelley Dunn: Currently developing property across the street of this location. They have a need to tell appraisers about what type of development is happening across the street. Kelly Dunn likes the idea of attracting more people to the area. They have quite a bit of concern for this type of development. They are currently developing their lot to be a storage facility. He is concerned about the types of items the paintball field will bring in to use for targets and shields (old cars, junk, etc.). He wants to meet the high quality standards of the town and he wants to make sure everyone else maintains that as well. He is concerned of paintballs flying out of the field area and he wants to maintain the values of the subdivision. Mark Cariddy: He states that Harman Park is one of the original developments in the area. The original ideas for office space are no longer viable and the only way that the property will get built out is to change the zoning. The majority of the properties in this area are owned by one of two banks. He wants to protect the values of the community. Applicants agree to want to keep Harman Park a nice development. They are planning on spending \$400,000 on the facilities. Parking will be paved and the facilities will be of a first class facility. The fencing will be black and hidden within the trees. A large part of their business will be tourists and younger people. They will be bringing at least 6 jobs to the community. Rules and safety are a number one priority: there will be referees, strict rules, and guidelines. Art Dilione: When kids are in the area and shooting outside the netting, they will be ejected immediately. The building will be of the highest quality and materials. The facility will be field painting only. No one can bring outside paintballs into the facility. Commissioner Giles asks applicants to explain clients and paintballs. Art Dilione: the paint is food based, water soluble, and the case is gel based that breaks down. Both components are biodegradable and will break down in time. Commissioner Giles: where will clients come from? Art Dilione: Clients will be a mixture of young

people, tourists, and those wanting to experience paintball for the first time. Commissioner Giles: The monetary value is huge for a facility like this. Planning Director James Dickhoff states there is another meeting for this application. This needs to come back during a design review process. Commissioner Adams has concerns over the HOA because they don't have their rule and regulations formulated yet. It's important to understand one another. Mark Cariddy: Wants to have HOA rules and regulations expedited to ensure this project can be completed. Wants to see if there could be a fence that surrounds the park. Art Dilione: No. An interior fence must stay within the netting. Bruce Kenning: Concerned over lack of communication and effect of paint on the trees and vegetation. Applicant: They are more than happy to continue discussions on development with the HOA. They are hoping to open their paintball facilities June 1st and planning on being open 6 months every year. Commissioner Adams: is it appropriate to have a consideration put in place to have an agreement with the HOA upon an approval of the conditional use permit. Planning Director James Dickhoff suggests postponing a decision until the next meeting. Commissioner Parker: the facilities will be held to a high standard. Suggests more landscaping and planting more trees. Commissioner Parker: what power does the HOA have on design? Planning Director James Dickhoff stated the commission has the power only to delay their own decision and ask the applicant to work through some details with the HOA until the next meeting. Commissioner Giles: what will a delay in this project by two weeks do to the project? Art Dilione: the project might not even open until July. Commissioner Maez suggests the HOA and applicants work together. Planning Director James Dickhoff says the commission can approve the permit with contingencies attached and the design review process will be far more stringent. Bruce Kenning: the HOA is willing to work with the applicants on this project and report back to the commission in two weeks with an update. Commissioner Adams is concerned about the visual effect of the netting along highway 160. Applicants: the paint is washable and completely water soluble. The site is behind some trees and won't be completely exposed to highway 160. Commissioner Giles: understands the tourism window and need to pursue approval of this permit. Commissioner Parker moves to approve the permit with the following contingencies: that the applicants submit a major design review application, that the site noise and visuals of the site are monitored and regularly maintained in order prevent adverse impacts to surrounding properties, that the applicants have a mutual understanding with the Harman Park HOA and work out their concerns, and that the applicants look into the possibility of removing the netting during off-season times. Unanimously approved with the contingencies attached.

- C. *Additional recommendations for smaller single family dwelling lot sizes and density levels in the R-18 district and the allowance of short term rentals in the R-12 and R-18 districts* -Planning Director James Dickhoff stated that the town was very close to bumping up density from 3.4 dwellings to 3.5 dwellings. The motivation is to provide more affordable housing. 5.2.1 Provision under the density section about rounding up is located in subsection B. If the town was to allow 3.5 dwellings, that would round up to 4 dwellings for a 50' X 150' lot. This could be 2 duplexes instead of 4 single family units. Planning Director James Dickhoff suggests possibly bumping up the R-18 to an R-20. Commissioner Parker has concerns for parking. Planning Director James Dickhoff says a parking structure may be appropriate and recommends lot sizes be 2,100 sqft.

Commissioner Parker moves to approve changing the minimum lot size including town homes in the R-18 district to 2,100 sqft and increase the allowable density to 20 allowable dwelling units per acre, changing the R-18 district to an R-20 district. Unanimously approved.

Planning Director James Dickhoff addresses workforce housing shortage. He suggests that short term vacation rentals are a business and should not be located in a residential district. Commissioner Adams asks about existing structures within R-18 districts. Planning Director James Dickhoff says these can continue as a nonconforming use. A change of ownership is a mechanism to change the use. Short term rentals are a business and should maintain a proper business license and adhere to annual inspections. Commissioner Giles states that tourists spend a lot of money to stay in beautiful homes. They are not looking to stay in hotels or low income houses. Commissioner Parker suggests that the community needs places for young professions to live. Commissioner Maez suggests giving people adequate time to get in compliance with their short term rentals. Commissioner Giles asks how the town can plan for 5 years from now if properties are going to be built with low income housing. Commissioner Adams states that new businesses for short term rentals would require a conditional use permit in a residential district. Commissioner Parker states there is a problem with people opening unregistered businesses in their homes without business licenses. Planning Director James Dickhoff suggests limiting short term rentals in R-12 and R-18 to a certain number instead of prohibiting them. Commissioner Giles moves to approve short term vacation rentals in R-12 and R-18 districts with the approval of the council and in compliance with city, taxing, and licensing agreements including inspection by city officials. Commissioner Maez moves to table the discussions until the next meeting. Unanimously approved. The discussion in regards to short term rental properties in R-12 and R-18 districts was postponed until the next planning commission meeting.

VIII. Public Comment

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda* – None received

IX. Reports and Comments

A. *Staff Report_ Projects, Updates and Upcoming Development Applications.*

B. *Planning Commission – Comments, Ideas and Discussion.*

C. *Upcoming Town Meetings Schedule:* The next Planning Commission meeting is set for February 23, 2016 and there is a work session on February 16, 2016 at 6:00pm

X. Adjournment – Upon motion duly made, the meeting adjourned at 8:34 PM.

James Dickhoff, Planning Director



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V. Board of Adjustments:

A. Application for Variance for Front Yard Set Back reduction, Mesa Heights West.

Project Location:	Mesa Heights West Subdivision, located on Mesa Drive, west of the intersection of N. Third and Mesa Drive, including lots 27-30 of Block 1 and lots 15-19 of block 4 of the Town of Pagosa Springs.
Property Zoning:	Residential Low Density (R-6)
Nearby Land Use/Zoning:	Residential Low Density (R-6)
Property Owner:	Pagosa Mesa Heights, LLC
Applicant:	Jack Searle
Representative:	Jack Searle
LUDC section 5.1.1_Required Setbacks:	R-6 Front yard setback = 25 feet minimum
Board of Adjustments Action:	Review of Variance Application and Determination regarding the requested 15 foot setback, a 10 foot reduction of the 25 foot minimum.



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BACKGROUND	<p>On February 08, 2016, the Planning Department received a complete application for a front yard setback reduction from 25 feet to 15 feet along for lots 27-30 of Block 1 and lots 15-19 of block 4 of the Town of Pagosa Springs, all within the Mesa Heights West subdivision.</p>
LUDC SECTION 2.4.11	<p>The LUDC section 2.4.11 outlines the Variance application process and approval criteria as follows:</p> <p>2.4.11. VARIANCES, A. Purpose <i>The Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Land Use Code, unless otherwise provided in this Section. The variance process is intended to provide limited relief from the requirements of this Land Use Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Land Use Code. It is not intended that variances be granted to (1) allow a use in a zone district where it is not permitted by this Land Use Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Land Use Code may impose on property owners in general. Rather, it is intended to provide <u>limited relief where the requirements of this Land Use Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.</u> State and/or federal laws or requirements may not be varied by the Town.</i></p> <p>LUDC section 2.4.11, Variance application submittal and processing requirements.</p> <p><i>LUDC 2.4.11.C, Step 7: Town Holds Public Hearing:</i></p> <ul style="list-style-type: none"> a. <i>The Board of Adjustment shall hold a public hearing on the proposed variance. In considering the application, the Board shall review the application materials, the Staff Report, the applicable approval criteria below, and all testimony and evidence received at the public hearing.</i> b. <i>After conducting the public hearing, the Board of Adjustment may approve, approve with conditions, or deny the requested variance. Any approval, approval with conditions, or denial shall be accompanied by written findings of fact that the variance meets or does not meet each of the criteria set forth in below, stating the reasons for such findings.</i> c. <i>The applicant has the burden of proving the necessary facts to warrant favorable action by the BOA.</i> <p>Below are the TEN (10) approval criteria, all of which are required to be met for considering approving a variance application. STAFF has provided comments on each approval criteria.</p>



LUDC section 2.4.11.C.2.a. Approval Criteria:

The Board of Adjustment may approve a variance only upon finding that ALL of the criteria below have been met.

(i) There are unique physical circumstances or conditions, such as size, irregularity, narrowness or shallowness of lot, location, surroundings, or exceptional topographical or other physical conditions peculiar to the affected property;

Applicant Response: We are requesting approval of our variance request for the existing development “Mesa Heights West” located in downtown Pagosa Springs. The project is currently undeveloped but is unique in that it has its own cul-de-sac and has the potential to appear as its own neighborhood. The current setbacks for R-6 (Town Residential – Low Density) are 25 feet. With the current setbacks, the elevation difference from the back of sidewalk to the 25 foot setback line would have elevation difference of +/- 13ft above the sidewalk. We would like to request a variance in the setbacks to be the same as the recorded easements to decrease the excessive elevation difference from the sidewalk for Lots 29 & 30 and 15-19. In addition, we would like to request setbacks for Lots 27-28 to be 5ft from property line because of excessive elevation difference from the sidewalk. Lot 19, & Lots 27-30 will average 27ft from back of sidewalk to front of structure. Lots 16-18 will average 20ft from back of sidewalk. We are not requesting any variance for lots 25-26.

STAFF ANALYSIS: The unique physical conditions on these lots is that they contain steep slopes that can be difficult to build on.

(ii) The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

Applicant Response: The variance will be for the entire neighborhood development minus Lots 25 & 26 as the entire development is otherwise unbuilt because of the extreme topographical challenges. This request is not to benefit one individual lot/or owner and giving one individual more rights than their neighbors as approval criteria alludes, but is to improve the entire neighborhood.

STAFF ANALYSIS: The circumstance/condition does exist within the Mesa Heights west subdivision, however, the topography issue does not exist throughout the R-6 districts. This is an isolated issue and the circumstance is not wised spread.



(iii) Such physical circumstances or conditions were not created by the applicant or any previous owner of the property;

Applicant Response: The physical circumstances or conditions in which the developer is requesting a variance from are a result of the location of the subdivision, not that work completed on the property. The property slopes/grades were existing and the new road was designed with best practice to create equal cut and fill slopes on either side of the new roadway.

STAFF ANALYSIS: The current physical circumstances were not created by the applicant, who re-platted an existing platted subdivision in 2012. The topography issues were an issue prior to the above mentioned re-plat.

(iv) Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Land Use Code because such conformance with the Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

Applicant Response: The physical circumstances or conditions of the property would not allow reasonable development as grades to access the property would not allow for garages and would only be capable of having street parking.

STAFF ANALYSIS: The entire Mesa West subdivision is challenged with steep slopes. The requested front yard setback will provide a reasonable solution for building on the platted lots.

(v) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;

Applicant Response: The variance, if granted, will provide a safer and more manageable building process, as well as being more aesthetically pleasing. It will not alter the essential character of the neighborhood or impair the appropriate use of the development as the variance request is for the entire neighborhood.

STAFF ANALYSIS: If the variance is granted, the front of the structures will still be 23.56 feet from the back edge of the sidewalk, essentially maintain the appearance of a 25 foot setback, this not altering the intended character of the proposed neighborhood development.



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(vi) The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Land Use Code that are in question.

Applicant Response: The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Land Use Code that are in question.

STAFF ANALYSIS: As a means to design around substantial topography issues, the applicant is proposing to place single family homes at a 15 foot setback from the front property line. The front property lines are currently approximately 8.5 feet from the back edge of the sidewalk, thus the structures will be a minimum of 23.5 feet from the back edge of the sidewalks. Since there is very little possibility this street will provide through traffic dictating widening of the street infrastructure, staff finds the request a reasonable solution to the topography issues.

(vii) No variance shall be granted that violates the intent of this Land Use Code or its amendments. No variance may make any changes in the terms of this Land Use Code provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this Section 2.4.10.

Applicant Response: This variance does not violate the intent of this Land Use Code or its amendments.

STAFF ANALYSIS: The nature of this variance request does not violate the intent of the LUDC.

(viii) No variance shall be granted from any written conditions attached by another decision-making Body to the approval of a conditional use permit, subdivision plat, or site plan.

Applicant Response: No other decision-making body will be allowed to grant approval.

STAFF ANALYSIS: There are no conditions attached by another decision making body that the applicant is seeking a variance.

(ix) No variance shall be granted if the conditions or circumstances affecting the applicant's property Are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

Applicant Response: The conditions and circumstances of this variance are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

STAFF ANALYSIS: The condition is specific to the Mesa Heights West subdivision.



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(x) No variance may authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which zoning request for any parcel of property or portion thereof has not been finally acted upon by both the Planning Commission and by the Town Council.

Applicant Response: This variance will not authorize or seek a use other than that permitted in the district for which the variance is sought.

STAFF ANALYSIS: The requested variance does not propose a use that is not permitted in the subject zoning district, R-6. The proposed use is single family residences, an allowable use in the R-6 district.

*LUDC section 5.2.3.B.4.: Roofs Over Porches and Other Exterior Approaches:
Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.*

PUBLIC NOTIFICATIONS

The following required public notifications were provided at least 15 days prior to the PC and TC public hearings:

- ~ Published in the Sun Newspaper on February 18, 2016.
- ~ Sign posted on the property on February 17, 2016.
- ~ Notification to properties within 300 feet mailed on February 17, 2016.

Staff has not received any public comments regarding the proposed variance, at the time this report was prepared.

ATTACHMENTS

- ~ Vicinity Map
- ~ Project Topo Map
- ~ Applicant’s General Development Information.
- ~ Photos (will be displayed during the meeting).



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RECOMMENDATION

The Town Planning Director recommends the Board of Adjustments consider the front yard setback variance application submitted, the Staff Report, the applicable approval criteria, and all testimony and evidence received at the public hearing, for considering a final determination regarding the variance application. Below are 3 alternative actions for the PC’s consideration only, as the PC is not limited to these recommendations.

- 1) APPROVE the front yard setback variance application, allowing a reduction from 25 feet to 15 feet for lots 27-30 of Block 1 and lots 15-19 of block 4 of the Town of Pagosa Springs, all within the Mesa Heights West subdivision.

- 2) APPROVE the front yard setback variance application, allowing a reduction from 25 feet to 15 feet for lots 27-30 of Block 1 and lots 15-19 of block 4 of the Town of Pagosa Springs, all within the Mesa Heights West subdivision., with the following conditions.....

- 3) DENY the front yard setback variance application for a reduction from 25 feet to 15 feet along for lots 27-30 of Block 1 and lots 15-19 of block 4 of the Town of Pagosa Springs, all within the Mesa Heights West subdivision.



ARCHITECTURE and ENGINEERING

Mesa Heights West

**Variance Request Submittal:
March 8th, 2016**

Submittal Requirements Checklist References Criteria:

(m) General Development Information:

- (I)* We are requesting approval of our variance request for the existing development “Mesa Heights West” located in downtown Pagosa Springs. The project is currently undeveloped but is unique in that it has its own cul-de-sac and has the potential to appear as its own neighborhood. The current setbacks for R-6 (Town Residential – Low Density) are 25 feet. With the current setbacks, the elevation difference from the back of sidewalk to the 25 foot setback line would have elevation difference of +/- 13ft above the sidewalk. We would like to request a variance in the setbacks to be the same as the recorded easements to decrease the excessive elevation difference from the sidewalk for Lots 29 & 30 and 15-19. In addition, we would like to request setbacks for Lots 27-28 to be 5ft from property line because of excessive elevation difference from the sidewalk. Lot 19, & Lots 27-30 will average 27ft from back of sidewalk to front of structure. Lots 16-18 will average 20ft from back of sidewalk. We are not requesting any variance for lots 25-26.
- (II)* The variance will be for the entire neighborhood development minus Lots 25 & 26 as the entire development is otherwise unbuilt because of the extreme topographical challenges. This request is not to benefit one individual lot/or owner and giving one individual more rights than their neighbors as approval criteria alludes, but is to improve the entire neighborhood.
- (III)* The physical circumstances or conditions in which the developer is requesting a variance from are a result of the location of the subdivision, not that work completed on the property. The property slopes/grades were existing and the new road was designed with best practice to create equal cut and fill slopes on either side of the new roadway.
- (IV)* The physical circumstances or conditions of the property would not allow reasonable development as grades to access the property would not allow for garages and would only be capable of having street parking.
- (V)* The variance, if granted, will provide a safer and more manageable building process, as well as being more aesthetically pleasing. It will not alter the essential character of the neighborhood or impair the appropriate use of the development as the variance request is for the entire neighborhood.

- (VI) The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Land Use Code that are in question.
- (VII) This variance does not violate the intent of this Land Use Code or its amendments.
- (VIII) No other decision-making body will be allowed to grant approval.
- (IX) The conditions and circumstances of this variance are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
- (X) This variance will not authorize or seek a use other than that permitted in the district for which the variance is sought.



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VI. Public Comment:

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

- a. At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.

VII. Reports and Comments:

A. Planning Director Report –

TOWN COUNCIL UPDATE

At the February 18th TC meeting, the planning director reviewed the following items on behalf of the HPB.

- 1) Current progress on developing a Sandwich Board Sign and Historic District survey, in preparation for developing a recommendation to the Town Council regarding SB signs.
- 1) Provided additional copies of the previously submitted letters from the HPB to Town Council (on December 17, 2015), regarding Museums and the Heritage Brochure, and briefly discussed the letters.
- 2) Reported on the Election of Lindsey Smith as the HPCB Co-Chair for 2016.
- 3) Provided copies and briefly discussed the current State residential and commercial tax credits available for designated properties.
- 4) Reported the HPB was working on developing historic preservation month events and activities themed around the 125th anniversary of own and 100th anniversary of Wolf Creek Pas.
- 5) Reported on the attendance at the Saving Places Historic Preservation Conference from attendees Lindsey Smith and Rachel Novak.
- 6) Requested an annual work session with the Town Council in the near future.
- 7) Reported on the HPB's wish on how they could be more a part of the discussion regarding the future of the Courthouse Building, being the structure is one of the most prominent historic structures in the downtown district.

HISTORIC PRESERVATION BOARD (HPB) UPDATE

The HPB conducted a meeting on Wednesday February 10, 2016 at 5:45pm in Town Hall, which included:

- 1) Discussions on conducting a Sandwich Board Sign and Historic District survey, in preparation for a recommendation of in the Historic District. The HPB determined a survey of business and property owners within the district may help understand their signage needs if sandwich board signs were prohibited. Staff suggested the HPB seek direction from Town Council before embarking on a survey project.



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- 2) Asked Staff to bring the previous submitted letters from the HPB to Town Council on December 17, 2015, regarding Museums and the Heritage Brochure back to Town Councils attention.
 - 3) Elected Lindsey Smith as the HPCB Co-Chair for 2016.
 - 4) Directed staff to share the current State residential and commercial tax credits available for designated properties.
 - 5) Discussed historic preservation month events and activities. A work session was set for Wednesday February 17th at 5:45 pm.
 - 6) Heard a recap of the Saving Places Historic Preservation Conference from attendees Lindsey Smith and Rachel Novak.
 - 7) The HPB discussed Historic Preservation Month (May) events themed around the Town's 125th anniversary, and the 100th anniversary of the opening of Wolf Creek Pass.
 - 8) Heard a recap of the Historic commissioner training in Lake City from attendees Peggy Bergon and Chrissy Karas.
 - 9) Requested an annual work session with the Town Council in the near future.
 - 10) HPB also discussed how they could be more a part of the discussion regarding the future of the Courthouse Building, being the structure is one of the most prominent historic structures in the downtown district.
- The next regular HPB meeting will be held on March 9, 2016 at 5:45 pm in Town Hall.

PLANNING COMMISSION (PC) UPDATE

The PC Conducted a regularly scheduled meeting on February 9, 2016 which include:

- 1) Consideration of a rezoning application for 1855 W. Hwy 160.
- 2) Approved a Conditional Use Permit for a proposed Paint Ball Park at 322 Harman Park Drive.
- 3) Discussed additional recommendations for town Council regarding smaller lots sizes in R-12 and dR-18 as well as a recommendation to increase the density in R-18 to 20 dwelling units per acre.
- 4) Reminded all members to develop their thoughts for projects for Town Council to consider adding to the 5-year capital improvement plan.

TWO RIVERS GRAVEL PIT

Archuleta County is considering an application for a proposed gravel pit operation 14 miles south on Trujillo Road. The Planning Director has identified a number of issues related to increased heavy truck traffic in residential districts, pedestrian safety and impacts to our Town road infrastructure. The Planning Director has been working with the County Planning Department and the Town's Legal Counsel to identify potential means of ensuring the town has some sort of financial remediation for damage caused by the proposed increased traffic on Town Roads. Options will come to Town Council in March for consideration.

SMALLER RESIDENTIAL LOT SIZES

The Planning Commission has approved recommendations for Town Councils' consideration, which will come to Town Council in March 2016.

WAL- MART

Public Notification has been published for an Appeals Hearing from Wal-Mart on March 1, 2016, regarding the planning director's determination regarding the parking lot lights not complying with town codes. Wal-Mart has stated they are in the process of designing and manufacturing shields for the parking lot lights, however, due to public notification requirements, it was necessary to publish the possibility that Wal-Mart



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will want to pursue this option, based on Town Councils recent determination to only extend their request for extension till March 1, 2016.

SAFE ROUTES TO SCHOOL GRANT

A Safe Routes to School (SRTS) infrastructure grant application has been submitted on January 8th, for sidewalk improvements within the north Pagosa residential neighborhood, to provide connectivity to the Elementary School. Awards are expected to be notified in April 2016. There is \$2 million available state wide, and with up to \$350,000 requests being accepted, it is expected to be a very competitive grant round. The Town Council has dedicated \$80,000, the BOCC have dedicated \$10,000 and the School district has dedicated \$3,500 towards the grant match. Due to the funding commitments and engineers final project estimate, we requested 346,500 in grant funding.

SPRINGS PEDESTRIAN BRIDGE REPLACEMENT

The Planning Director submitted a GOCO grant in November, with award notification expected in Late March. Regardless of an award, the bridge will be replaced this summer. The Town Projects Manager has begun research for value of the old bridge to better understand the salvage value, since we have two interested private property owners that would like to purchase the bridge for their private use.

WATER WORKS FACILITY STATE HISTORIC HUND GRANT APPLICATION

We were recently notified that our Grant Application for restoration was not awarded. Staff would like to resubmit the SHF grant application in April 2016. Construction would not occur until 2017 if awarded. The estimated project cost is \$183,153.00 and the requested grant funding is \$137,365.00 with a town cash match of \$45,788.25.

AERIAL TOPOGRAPHY SURVEY

We conducted an Aerial Survey on Saturday November 14th with our hired contractor Olympus Aerial Surveying. The Aerial Survey will provide 1-foot interval topography mapping that can be utilized in planning future Riverwalk trails, Town to Pagosa lakes trail segments and provide data for secondary road alignments as identified in the adopted "Access Control Plan". The data will also be made available for developers for a small fee.

RUMBAUGH CREEK BRIDGE UPDATE

We have received the signed grant contract awarding the town \$166,000. The RFP is being drafted for the restoration of the bridge in 2016.



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VII. Reports and Comments:

B. Planning Commission –

	Time for Planning Commission Open Discussion, Ideas and Comments.
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VII. Reports and Comments:

C. Upcoming Scheduled Town Meetings.

a.	Next Scheduled PC Meetings: ~ Tuesday, March 22, 2016 @ 5:30pm in Town Hall, Regular Meeting/Public hearing scheduled. ~ Tuesday, April 12, 2016 @ 5:30pm in Town Hall, Regular Meeting.
b.	Next Regular Scheduled Historic Preservation Board meetings: ~ Wednesday, March 9, 2016 at 5:45pm in Town Hall. ~ Wednesday, March 23, 2016 at 5:45pm in Town Hall.
c.	Next Regular Town Council Meetings: ~ Thursday, March 24, 2016 at 5pm in Town Hall. ~ Tuesday, April 5, 2016 at 5pm in Town Hall. Upcoming work session on Fifth Street Bridge: ~ Thursday, March 17th, at 5-7pm in the Community Center.
d.	Next Regular Parks and Recreation Board Meeting: ~ Tuesday, April 12, 2016 at 5:30 pm in the Community Center. ~ Tuesday, May 10, 2016 at 5:30 pm in the Community Center.