



**Planning Commission, Board of Adjustments
& Design Review Board**
Special Scheduled Public Hearing and Meeting Minutes
Tuesday, May 22, 2012 at 5:15 p.m.
In the Ross Aragon Community Center Gymnasium
451 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to order / Roll Call** –Commission Chair Lattin, Commissioner Parker, Commissioner White, and Commissioner Woodruff

- II. **Announcements** Attorney Bob Cole explained to the commissioners regarding their role in the application process and what decisions they will be making regarding the Land Use Code requirements. He also addressed the audience regarding the planning commission’s procedures for public hearing, comments, and questions.

- III. **Approval of Minutes** N/A

- IV. **Board of Adjustments** N/A.

- V. **Planning Commission**
 - A. **Aspen Park Circle ROW Vacation request (Quasi-Judicial)** – The planning department received an application for the vacation of the Aspen Park Circle cul-de-sac from Wal-Mart Inc. on April 05, 2012. This application was received in conjunction with applications for Major Design Review and Lot Consolidation and Boundary Line Adjustment for a proposed Wal-Mart store development located in Aspen Village Subdivision in Block 3, Lots 1-6 and the Open Space A Lot in AV Phase 2, Block 4. A pre-application conference was held on January 05, 2012 with all area utility companies. Comments were received from utility companies as they relate to the application for the Vacation of Aspen Park Circle and to the utilities within the Aspen Park Circle ROW. The applicant is requesting the vacation of utility easements and understands they are required to relocate all utilities at the applicant’s expense. If granted a vacation of the Aspen Park Circle ROW, the applicant will combine ROW vacation, lot consolidation and boundary line adjustment on one plat for recordation. The proposed parcels are for a mixed-use corridor and will cover the boundary line between six lots. The area of the proposed store also covers a current cul-de-sac and the vacation of this cul-de-sac is what is being requested. Mr. Jim McQuiggin asked Attorney Bob Cole to define the quasi-judicial process and why the word quasi-judicial is on the agenda. Mr. Bill Hudson said he believes the original intent of the creation of the Aspen Park Circle was for a live/work development. He said the parcel belongs to the town and the commission has a responsibility to fulfill the original intent of the subdivision. This item closed to public comment. Commissioner Parker moved to approve a recommendation to Town Council to approve an ordinance, vacating the Aspen Park Circle Public Right-of-Way, contingent on an approved final plat for lot consolidation for lots 1 through 6 of block 3 in the Aspen Village Subdivision and current Town Land Use Development Code ROW Vacation Plat requirements, Commissioner Woodruff seconded, unanimously approved.

- VI. **Design Review Board**
 - A. **Wal-Mart Major Design Review Development Application (Quasi-Judicial)** – On April 05, 2012 staff received an application for major design review from Wal-Mart Inc. for a proposed store located in Aspen Village Subdivision. The application was received in conjunction with applications for vacation of ROW and lot consolidation/boundary line adjustment for the proposed development. Town staff contacted eight contract planning firms to solicit bids for third party contract planning review for the major design review portion of the application. Bohannon Huston was awarded the

project. All costs associated with the third party review will be reimbursed by the applicant. The purpose of the design review process is to ensure compliance with the development and design standards of the Town's Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development reflective of the goals and objectives of the Comprehensive Plan. Mr. Carl Schmidlein with Galloway explained that he as a Wal-Mart representative met with Town staff on November 3rd, 2011 for a pre-application conference of the potential store in Pagosa Springs. They presented their intentions to Town Council on January 3rd, 2012. The proposed store is about 92,000 square feet with buffering screen walls 10 feet tall with recessed loading docks. The architecture of this store is upgraded with additional screening, snow storage areas, water quality items, and increased tree areas especially in the residential facing side of the building lot. He explained the Wal-Mart company has upgraded their lighting requirements and have adopted the model lighting ordinance; they have increased the lighting specifications further to meet the Town's lighting requirements. Mr. Schmidlein explained Wal-Mart will be dedicating the land for the Town to Lakes Trail adjacent to the property and have submitted a plan to the Army Corps of engineers for approval of the wetland area. Application to CDOT for an extension of a westbound turn lane on Hwy 160 as well as turn lanes onto Hwy 160 from Aspen Village Dr. and the paving of Alpha Drive. He said they will be asking for a sign variance for an additional sign near the Aspen Village Drive entrance. He explained the building will be limited to 35' as required by LUDC and that they have modified the original width of the delivery truck entrances to accommodate the views of the neighbors; they are requesting a 40' and 50' entrance for truck traffic radius needs. Since the proposed store faces north, Wal-Mart is working on the benefit of using radiant heat on the north side of the building for sidewalk snow melt. Mr. Chad Haller, BRR Architects, explained the design of the proposed store was inspired from the current area business developments including the country center drive development and the Aspen Village commercial properties. He showed the commissioners photos of the proposed metal roofs and large timbers as well as rock bases and stone front. The exterior will be split face cement masonry units as well as a stucco application; he said the proposed exterior material is a significant upgrade from the typical store. This store is proposed to have a grocery, general merchandise, pharmacy with possible drive through pharmacy, and outdoor live garden area. Mr. Paul Wymer with Bohannon Huston said their company has analyzed the application to verify it conforms to industry standards and Town requirements. Planning Director Dickhoff explained that several items brought to Town staff by Bohannon Huston including maximum height requirements, pedestrian circulation, truck turning radius entrance, outdoor display area, exterior façade issues including screening, and parking area designs, circulation and availability have been corrected by the Wal-Mart designers. The Planning Commission has required any further sign approval in this subdivision be contingent upon a change to the current developments sign code, Wal-Mart has been directed to modify the existing sign code with the developer before submittal of their sign request and variance. Mr. Wymer said Bohannon Huston is working with Wal-Mart regarding the Hwy improvements. Mr. Dickhoff believes Archuleta County will request the Town annex Alpha Drive into the Town and the Town has requested Wal-Mart improve Alpha Drive to the Town's standards if their development goes forward. Commissioner Woodruff asked about the Army Corps wetland area application, Mr. Dickhoff said the Army Corps will take between four to six months for approval. Commissioner White asked about the boundary line adjustment for the wet land area, Mr. Schmidlein said the original designed wetland area near Aspen Village Drive will be exchanged with additional area to the back of the property directly next to the current wetland area. The Army Corps is in support of this trade of wetland area square footage since the area will not be decreased with this redesign and the Corps believes the current small area near Aspen Village Dr. has not worked properly as wetlands. When asked if Wal-Mart will hire locally, Mr. Josh Phair said Wal-Mart hires a regional

general contractor and the general contractor will hire locally if there are qualified contractors in our area. Mr. Schmidlein explained the proposed store hours are not set, but they are allowed to have a 24 hour store. If the store is closed during some hours, the majority of lights would be turned off with the exception of security lights. Commissioner Parker suggests a better screened area at the back where the loading docks are located to reduce the view of trucks. Mr. Phair said this size store will not require more than about four delivery trucks per week. Mr. Curtis Rowe, the traffic engineer for Galloway, explained CDOT does not require an acceleration lane at lighted intersections, but that they are working with staff to develop a plan for the Aspen Village Drive and Hwy 160 eastbound turn. Commission Chair Lattin opened this open for public comment. Juanalee Park is president of the Aspen Village subdivision association and would like to have a neighborhood meeting within this development since it affects them. She would like an interior comprehensive vehicular study for this project, a trip study, and level of service (LOS) study for truck volume. She would like a study regarding a town staff comment that a big box will have less impact on the development. Mr. Dan Park is concerned about the alteration of the development feeling and that the building does not fit in with the current aesthetic development design. He is concerned about the chemical run off into Pinon Lake and traffic flow to his business. Ms. Vivian Rader is concerned about the lack of neighborhood meetings, she said the back of the business is not screened enough to block her view. She believes the hearing notice was not properly posted on the site. She said the Town does not have legal access or ownership to Alpha Drive and says easement and improvements should not be approved. Mr. Udgar Parsons is concerned about the run off of chemicals into the water sources and the algae that will grow in the lake from the garden center fertilizers. LaVonne Wilson read Jennifer Tuggle's comments, this included night sky lighting, light pollution, and the use of LED lights which she feels cause health problems. Mr. Morgan Murri read the LUDC public hearing requirements and believes this meeting is illegal since he did not see the postings until May 17th. He said open space is for recreational purposes and changes should not be made to accommodate development. He said the site design considering the north facing building is a poor choice. Mr. Gary Lansdale is concerned with the traffic design for the residents and the access in and out of the area. He would like a light at Hwy 160 and Alpha Drive. Ms. Susan Junta said the LUDC requires the developer and staff to have a pre-design meeting and neighborhood meeting, if this did not happen then she believes the meeting is in violation. She also believes the posted hearing sign was not installed until the 17th of May. Mr. Ken Vickerstaff has concerns with egress from the development on Alpha Drive. He asked if the commission has a commitment from the applicant to move forward with the project. Mr. Jim McQuiggin asked about the commissioners and the council members who may not be present or must recuse themselves. Mr. Simon Fuger commented that the commissioner's should not be discriminatory to the Wal-Mart application any more than they have been to any other applicant and should treat the application fairly, requiring Wal-Mart to adhere to the LUDC requirements. Marilyn Falvey has concerns about the traffic within the development getting to other businesses, and she asked the trees be the same height as the buffer walls. She suggests a sign at the entrance on Aspen Village Drive not be approved and that employees are required to pick up garbage around the store. She would like to see Wal-Mart security inside and outside of the store for its customers. She would like a percentage requirement for local contractors be used in the building of the store and would not like the store to be open 24 hours. She advises retractable gates on the truck entry driveways. Mr. Barr Bentley submitted his written comments. Mr. Bill Hudson said that 10% of the parking lot area shall be used for landscaping. He said the orientation of the building is not faced into the subdivision per the LUDC and the back of buildings should not face housing. Ms. Lucille Baillie owns a home on Aspen Village Drive and is concerned about the traffic coming down Aspen Village Drive and would like ingress and egress into the store to be off of Alpha Drive or Hwy 160 rather than main access on

Aspen Village Drive. Public comment was closed. Planning Director Dickhoff said the traffic study that was completed in April is continuing to be updated and will address Bohannon Huston's comments. He said the signs were posted on May 7th, Commissioner Parker confirmed this posting date, he said he will post the next public hearing signs near Hwy 160 and Alpha Drive. He explained the proposed project has 388 parking spaces which meets the town's minimum requirements. Also, an MOU with Alpha Rockridge Metro District, Aspen Village Developer, Archuleta County and the Town states the Town will eventually annex Alpha Drive. A survey has been completed on Alpha Drive and he said there is a 60 foot right-of-way with a proposed curb and gutter, sidewalks, bike lane, two drive lanes and a center turn lane. Commissioner Lattin asked that Street Supervisor Chris Gallegos be on the traffic study board, she would also like local contractors be hired when possible for this project. Commissioner Woodruff asked about the neighborhood meeting requirements, Mr. Dickhoff said the LUDC has some typos and says the neighborhood meeting requirements in the LUDC is optional but not required. Commissioner Parker made a motion then withdrew his motion after Commissioner White asked for amendments. Commissioner Parker addressed the designer with BRR Architects and explained that some of the trees selected will drop sap on parked cars and some are very slow growing trees. He said several of the shrubs are not efficient and suggested several other options to the landscape design. Regarding a lighting question by Commissioner Woodruff, Morgan Murri confirmed that the Country Center does turn the parking lot lights off at 11:00pm.

Commissioner Woodruff moved to continue the Wal-Mart Major Design Review Public Hearing until Tuesday July 10, 2012 at 5:15pm in the Community Center, to receive additional presentations and public comment regarding the following identified items;

- 1) Evidence of Mineral Estate Owners and Lessees notifications as per LUDC section 2.3.7.F.
- 2) Screening and Buffering from adjacent properties per LUDC section 6.10.4.
- 3) Pedestrian circulation and gathering/sitting areas per LUDC sections; 6.6.5.B.1, 6.6.6.B.9., 6.7.3.A.5., 6.7.7.C.1. and 6.9.4.F.
- 4) North facing entrance and ice accumulation considerations per LUDC section 6.7.3.A.2.
- 5) Exterior building elevation compliance with maximum height of building and rooftop equipment, per LUDC table 5.1.2.
- 6) Architectural features and building modulation for compliance with LUDC sections 6.7.3.A.4, 6.7.3.B.1.c & d.
- 7) Parking area layout and design per LUDC section 6.9.4.B.4.
- 8) Parking lot landscaping per LUDC section 6.9.4.C. with local climate and screening consideration for species, quantities and sizing.
- 9) Alignment of Aspen Village Drive entrance in relation to the Tanglewood Lane intersection entrance per LUDC section 6.6.3.B.3.1.
- 10) Alpha Drive road specification and engineering Plans with engineers estimate for construction cost as set forth in LUDC article 6 and section 6 of the LUDC user manual.
- 11) Performance Bond for 100% of the engineers estimated construction costs for the Alpha Drive Road construction.
- 12) Site Drainage compliance per LUDC section 6.3.2 in compliance with site drainage plan technical standards as set forth in section 6 of the LUDC user manual with specifics as it relates to discharges into the wetlands and drainage from the garden center area.
- 13) Army Corps of Engineers Permit Application, supporting Documents and issued approved permit.
- 14) CDOT Access Permit Approval and supporting documents.
- 15) Approval of Site Assessment from the Colorado Department of Wildlife or supporting documentation.
- 16) Application for sign variance and sign application.
- 17) Receipt of reimbursement of applicants application review and processing costs.
- 18) Detailed look at height and look of the landscaping plan and the buffer zone and truck entrances and exits.

19) And discussion regarding the lights out requirements in LUDC 6.11.2.d.7.c
Commissioner Parker seconded, unanimously approved.

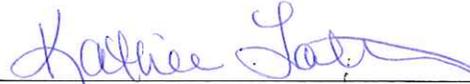
VII. Reports and Comments

A. Town Manager

B. Staff – June 12th is the next planning commission meeting and July 10th will be the date of the
July meeting.

C. Planning Commission

VIII. Adjournment - Upon Motion duly made, the meeting adjourned at 9:30pm.



Kathie Lattin, Planning Commission Chair