



**Planning Commission, Board of Adjustments &
Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, May 24, 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 Ron Maez calls the meeting to order at 5:30 PM. Present were Commissioners Maez, Martinez, Adams, Giles, and Parker. Also present were Planning Director James Dickhoff and Associate planner Rachel Novak.
- II. **Announcements:** NONE
- III. **Approval of Minutes**
 - A. *Approval of the April 26, 2016 Planning Commission meeting minutes:* Commissioner Adams moves to approve the minutes as presented. Commissioner Martinez seconds. 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.
- V. **Design Review Board**
 - A. *Major Design Review Application for 341 Harman Park Drive, Climate Controlled Mini Storage Development (Public Hearing / Quasi-Judicial Matter):* Planning Director James Dickhoff describes the application for climate controlled mini-storage at 341 Harman Park Drive. Staff has met with the applicants for a pre-application conference. Staff provided adequate public notification for this hearing. The planning commission approved a conditional use permit for this application on December 8, 2015. The applicant has provided updated materials to the commission for their review along with public comment on the project. Brad Ash describes the project in detail. He says that they have worked directly with staff on the design on addressing various issues. They have decided not to incorporate the signage as part of this review. In terms of equipment, they will provide screening as needed if they come up and will work with staff on this issue. There is 17-18 feet for an easement on the eastern line for a potential future trail. It is a 50,000sqft building and utilizes a metal and stucco siding. This will be a slab on grade structure and will have two stories. Planning Director James Dickhoff goes through the Land Use Development Code and how the property relates. Article 3 of the Land Use Development Code does allow this use with the approval of a conditional use permit, which the applicant has been approved. The proposed development meets the requirements set forth in Article 5 of the Land Use Development Code. The project is not in a floodplain and must have a State Storm Water Management Plan and permit that includes construction erosion control. It is required to show proof of this prior to construction. The applicant will be providing a detention pond to help with drainage on the property. The Town Code requires at least 1sqft of snow storage per every 2sqft to be cleared. Brad Ash states that the detention pond will be utilize for the phases of the project for drainage and snow removal. There is plenty of space for snow storage, but staff needs a designated area as this is a phased project. The applicants are working with the Harman Park HOA

for sewer and water needs. The subject site is relatively flat and has gentle slopes. Brad Ash states that the trees will be addressed by phase and will try to save as many trees as possible. Traffic generation does not dictate any imperfections to the Harman Park Intersection with US HWY 160. Harman Park Drive has not been accepted into the Town, but will appear before Town Council to consider at a future meeting. There are currently two entrances planned for phase one of this project. The eastern entrance sits on a 50-foot easement for the future of the Town to Lakes Trail and utilities. Planning Director James Dickhoff states that the applicant intends to have about 17ft dedicated for this. Currently, there are only overhead power lines on the eastern entrance. Mike Davis of Davis engineering discusses the site plan for utilities and the easements. They kept the eastern entrance 17feet off of the property because of the grade of the property and there is shallow bedrock. All of the site drainage will be collected and placed into the detention pond. He says that a curb and gutter could be added to the other side of the eastern road for a future trail. There is one power line on the eastern road. Commissioner Martinez asks for phase two the power line would be left in the middle of the road. Mike Davis states only if it's not a problem with La Plata. Commissioner Adams asks about the phasing of the project and the utilities. Mike Davis discusses how the project will be phased. Commissioner Martinez asks how many units are in the first phase. 304 units are in the first phase. She asks if there are enough parking spaces. The requirement is one space for 50 units. They only need 6 spaces and they are providing about 9 spaces in the first phase. Commissioner Parker is concerned about the number of spaces. Planning Director James Dickhoff says that the parking is based off of the build out plan, but by phase. As each phase comes through the commission, the applicants will need to accommodate for parking. The applicants would just need to modify their designs. Kelley Dunn would like to be able to build building number two (second storage building) as a shell because they are going to be pouring a lot of concrete. It will be the same building size and style. Planning Director James Dickhoff says that this would need to come before the commission. Commissioner Adams asks if the 17feet is ok over the 20 feet for the easement. Planning Director James Dickhoff says that he is ok with this if the roadway is one way. Brad Ash says that there is a total of 8feet in change from the front of the building to the back and can't really be moved for water drainage and trucks turning. Commissioner Martinez asks about how large of a truck could fit in the port. A fairly large truck could fit. Planning Director James Dickhoff says that he would really need to inspect where the road falls in perspective of the property line. Mike Davis claims that the easement isn't exclusive and the 30foot access easement is just a general easement. Commissioner Parker asks about shifting the project 3feet to the west. Mike Davis says that this would be a challenge because of the grade and drainage. Planning Director James Dickhoff is ok with the applicants plan for the 17-foot easement. Mike Davis says that because the slope goes from the west to the east, shifting the property will not help the project or drainage. Brad Ash states that the drainage pond really takes up a large portion of the NE corner of the property and the developers have utilized all of the available space. The presented plans are a workable solution to this issue. The parking lot spaces are compliant with the Town code at 9 feet wide and 18feet long. The drive aisle at 22.5 feet is ok because this will most likely be a one-way street and there are no parking spaces on the other side to interfere with traffic. The applicant is providing 9 spaces for this first phase and 2 are ADA. The Town code requires 1 tree for each 5 parking spaces and the applicant has provided 3 trees as per staff requests. 10% of the parking lot must be allocated to landscaping. The detention pond will be qualified as a landscaped area. The Planning Director James Dickhoff says that given the full build out of the site, he says that the landscaping requirements are met. No parking lot lighting is proposed, but wall lights are. The applicants are aware of the Town's light code and are subject to review and inspection. There currently is no sidewalk along Harman Park Drive, but the applicant intends to provide connectivity within the site. Planning Director James Dickhoff discusses the

elevation dressing provided. The applicants have broken up the roofline and provided 5 foot bump outs. The metal treatment to the outside of the building is a painted bronze metal. There are windows on the northern elevation with the port. The snow sheds are on the north and south sides of the building and the ports are covered. Commissioner Adams asks about the 5-foot bump outs. There is a 5-foot bump out and the roof line is 30 inches from the bump out. Planning Director James Dickhoff says that this is a very large building and modulation is important. Commissioner Parker says that the east and west elevations are of the largest concern. As there are no snow sheds here, this would be a good opportunity to offset the design to a human scale. Landscaping and trees cannot be used as modulation, but possibly to buffer the uses. Commissioner Martinez asks if the commission can request where to plant the trees. Typically, this is up to the applicant, but the commission can recommend where to plant the trees. Commissioner Adams asks about the north elevation vertical lines. Brad Ash says those are the support posts. Commissioner Adams wants to see consistency with modulation in the neighborhood. Other criterion to consider is architectural character or features. Brad Ash says that the roof ridges mimic the character of the area. Commissioner Adams asks about breaking up the façade on the south side. Commissioner Maez states that the last building in the phase would really need to be addressed for its south facing façade. This issue will still need to come back for another design review for that phase. Planning Director James Dickhoff states that is correct. One consideration to discuss is breaking up the east and west facades with simple architectural features. Perhaps vertical features, colors, stucco treatments, or small roofs over the doorways. Brad Ash provides a rendering of the building to give the commission a better idea of the facades. Commissioner Adams would like to have some kind of bump out on the east and west facades. Brad Ash states that they could provide a vertical, colored stucco treatment and design to the east and west elevations to modulate them. Two-foot-wide, stucco bump outs on the east and west elevations could have 3-4 of these treatments. The applicants are meeting the landscaping requirements for phase one. Commissioner Parker asks about having some drainage directed into the landscaped beds for water. Mike Davis says that some runoff will be directed there. Commissioner Parker recommends mulch for the landscaping and a dry rock bed in between. The strip of land between the potential front retail and the sidewalk will be kept native. Planning Director James Dickhoff says that staff will work with the applicant on exterior lighting and signage. No public comment was received. Commissioner Giles asks about the impact fees of \$129,000 per building and if there is a multi building grouping benefit for the developer. Planning Director James Dickhoff says no. Commissioner Parker moves to approve the Pagosa Climate Control Storage, Inc. Major Design Review Application submitted, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items: a) The applicant shall provide a snow storage plan or exhibit indicating snow storage areas, the square feet to be cleared and the square feet of storage area. b) The applicant shall provide design details regarding a dumpster/trash collection area and the screening of such. c) The applicant shall provide design details regarding screening any mechanical equipment. d) Verify the 50-foot platted pedestrian and utility easement allows encroachment for proposed access drive, and provide an analysis and/or design how a 10-foot wide trail with drainage facilities can be accommodated and provide a 17-foot wide space from the eastern property line to the edge of the curb and gutter on the eastern access drive. f) Provide pedestrian crossing markings designating the route through the driveway area. g) Provide revised landscape plan indicating additional parking lot trees and locations. h) Exterior lighting plan or proposed fixtures were not included in the application submittal. Applicant shall provide an illumination plan and LUDC compliance will be determined after installation of fixtures. i) Provide proof of State Water Management Plan Permit prior to Building Permit Issuance. j) Each additional project phase requires the submission of a Major Design Review application. k) Provide

additional architectural, stucco detailed bump outs, to be placed on columns for the east and west sides of the phase one structure. Commissioner Giles seconds. Unanimously approved.

VI. Planning Commission

A. *315 Apple Street Vacation Rental Conditional Use Permit Application*

(Public Hearing / Quasi-Judicial Matter): Commissioner Maez moves this to the first item. Planning Director James Dickhoff discusses the permit application. The property is located in an R-6 residentially zoned district. The permits needed for his application are a business license and lodging tax license, which the applicant has begun with the Town. Previously, staff has dealt with these applications administratively. Vacation rentals do require an approved conditional use permit as per the adopted Land Use Development Code. Planning Director James Dickhoff describes the requirements the proposed use must meet in order to be approved. Jurgen Montgomery is the applicant and he describes the use of the property. The applicant does live in Town and will be able to fully maintain the property. Commissioner Maez asks how long the average rental will last. Mr. Montgomery states that he will limit the renters to a few days at a time. Commissioner Parker asks how he will advertise the property. The applicant says that he will utilize online sites like BRBO. Commissioner Parker asks how the applicant will prevent issues with renters. He states that renters will sign a contract saying that they will follow the rules set for the in the document. Commissioner Martinez asks how many bedrooms and bathrooms are in the property. There are three bedrooms and two bathrooms. Planning Director James Dickhoff states that staff has adequately notified about this hearing. Commissioner Adams asks if the applicant talked to the neighbors about how long his rental season will last. The applicant states that he intends to rent it out in the summer months, and lives there part time. Planning Director James Dickhoff describes the required criteria and how the applicant has met these or intends to meet these. He says that the applicant and proposed use meets all of the required criteria set forth in the Land Use Development Code. Planning Director James Dickhoff describes some recommended contingencies attached to this conditional use permit if approved: Ample on site parking must be maintained and provided. Snow removal must be removed within 24 hours of the last storm. Trash shall not be accumulated on site. Any signs displayed on the property must meet Town standards and a sign permit application must be submitted. A renewal business license and monthly tax report shall be provided for the property. All exterior lighting must adhere to the Town's code. Occupancy numbers shall not exceed building code maximums. The conditional use permit is not transferable (if the property is sold, the new owners would need to reapply). The conditional use permit is revocable if these conditions are not met. Facilities and services will be provided. Insurance that the property will be maintained as per these conditions of approval (the applicant will sign off on these). Commissioner Martinez asks where the tax report goes every month. This would go directly to the Town Clerk. Commissioner Parker asks who will determine if the property is safe. The building inspector for the Town will inspect the property for safety issues. Commissioner Adams asks about the discontinued use item "J." Planning Director James Dickhoff states that if the code were to change in the future the Town wouldn't allow the continued use if it were unoccupied for more than 180 days. They would need to continue this use on a regular basis or they would lose the right to have a vacation rental if the code were to change to not allow this use in an R-6 district. Planning Commissioner Adams asks about the applicant coming back to let the commission know if he decides to change when he will rent. The applicant intends to have it primarily as a summer rental. Planning Commissioner Maez asks about other vacation rentals on this street. Planning Director James Dickhoff says that this would be the first. Commissioner Martinez asks about the four cars in his letter. He says that two cars could fit in the garage and two in the driveway. Commissioner Adams moves to approve the Conditional Use Permit for Jurgen Montgomery to

operate a Vacation Rental at 315 Apple Street with contingencies 1-11 as noted on the staff report dated Tuesday, May 24, 2016 and as described by the Planning Director. Commissioner Parker seconds. Unanimously approved.

- B. Adopting Recommended Landscaping Planting List for Pagosa Spring Planting Zone: Commissioner Parker discusses this issue. He presents plants that grow well in our area. Commissioner Parker assembled a list of roughly 50 plant types that he is willing to share with everyone to that the Town can plant species that will do well in the Town's climate. Commissioner Maez thinks that this is a good and very useful idea. This list could be provided to developers for projects. Commissioner Martinez asks about how much micromanaging this will involve. Planning Director James Dickhoff says that the Land Use Development Code requires people to maintain their properties. This list is to help people make decision and choices, but not directly facilitate what they can and can't plant. The list could be provided to local stores to educate the public. Commissioner Giles asks who this would be for. Planning Director James Dickhoff says that this could be made available for developers and locals looking for guidance. Commissioner Parker would like to see more harmonious landscaping within developments. Commissioner Maez suggests moving to have staff provide a list of harmonious plant species to developers. Commissioner Parker moves to approve a list of suggested landscape plant material that is appropriate to the area for contractors, home owners, and developers to use at their discretion. Commissioner Giles seconds. Unanimously approved.
- C. Zoning Map Discussions: Commissioner Maez asks the commissioner to go around Town and identify areas of conflict within the zoning map and what is actually built. Commissioner Parker asks about changing current zones based upon current structures with the districts. Goldmine Drive and Trinity Lane would be key areas to look at for metal buildings. 14th and 15th Street would also be important to look at. The code helps to not limit uses 100%, but pieces and parts such as storage containers and metal siding. This will be beneficial before the Comprehensive Plan gets updated in the fall. Commissioner Adams says that this will be a very involved discussion and suggests a work session for this issue. This could also be broken down into section or zones. Commissioner Adams would like to focus on the immediate priorities. Planning Director James Dickhoff has a small list of issues to focus on. Commissioner Adams would like to discuss the R-12 and R-18 in the downtown area. Commissioner Parker would like Planning Director James Dickhoff to create a list for the commission to consider. Planning Director James Dickhoff can provide this list at the next meeting.
- D. Consideration of Vacation Rental Zoning Recommendations: Planning Director James Dickhoff provides an update from the last Town Council meeting. The Town Council would like the commission to flush this out and have a work session together with them. The town Council is concerned about the splitting of lots being taken up by only short term rentals. They suggested possibly placing regulations on this issue. The primary concern is work force housing availability. Commissioner Maez says that he is not opposed to vacation rentals, but he wants to make sure they are all going through the right process. Durango is a good model for these types of regulations. Staff is currently looking into other communities for relevant examples. Commissioner Adams agrees that Durango is a good model to learn from, but the entire country is going through this problem.

VII. **Public Comment**

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

VIII. Reports and Comments

- A. Staff Report_ Projects, Updates and Upcoming Development Applications: Planning Director James Dickhoff provides the commission with a brief update. The Town has received a Safe Routes to School Grant. This is close to a \$500,000 project. Staff will keep the commission updated on the gravel pit, as there is an immediate need for one in Town. The Town wants to ensure the routes aren't solely down South 8th Street, but broken up through other roads. The Town received the last easement donation this morning for the Town to Lakes trails. This will be sent to CDOT immediately because the trail needs to be built this year or the project loses funding. The South 8th Street project is out to bid and responses will be in this week. The results will be presented to Town Council next week. Every re-pavement project takes significant funds and constant upkeep. 8th Street is a major thoroughfare and will only get busier if the proposed school campus becomes a reality. The Rumbaugh Creek Bridge has an RFP out to bid for guard railing designs and installation. Those proposals will be in by June 6th. There will be a public work session in the future for the best uses of the water works site in general. Staff would like to hear from the public on this matter. Planning Director James Dickhoff discusses the available tax credits for commercial and residential properties.
- B. Planning Commission – Comments, Ideas and Discussion: None received.
- C. Upcoming Town Meetings Schedule.

- X. Adjournment:** Commissioner Adams moves to adjourn. Commissioner Giles seconds. Unanimously approved. Meeting adjourns at 8:45 PM.

Commission Chair, Ron Maez