



Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, November 22, 2016 at 5:30PM
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 November 8, 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.
- VI. **Planning Commission**
 - A. 408 S. 6th Street, Vacation Rental Conditional Use Permit Application, Public Hearing / Quasi-Judicial Matter
- VII. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.
- VIII. **Reports and Comments**
 - A. Staff Report_ Projects, Updates and Upcoming Development Applications.
 - B. Planning Commission – Comments, Ideas and Discussion.
 - C. Upcoming Town Meetings Schedule.
- X. **Adjournment**

James Dickhoff, Planning Director



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- I. **Call to order / Roll Call:** Commission vice-chair Adams calls the meeting to order at 5:30PM. Present were Commissioner Giles and Commissioner Parker. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.
- II. **Announcements:** NONE
- III. **Approval of Minutes**
A. *Approval of the October 25, 2016 Planning Commission meeting minutes:* Commissioner Giles motions to approve the minutes as presented. Commissioner Adams 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
- V. **Design Review Board**
NONE
- VI. **Planning Commission**
A. *Recommendation for Town Council to Appoint Jerry Jackson to the Planning Commission:* Planning Director James introduces Jerry Jackson's interest in joining the Planning Commission. Jerry Jackson does live outside of Town and there is currently one available Planning Commission seat available. He is permitted to serve on the Commission because Jerry Jackson owns real property in Town and conducts a real-estate business in Town and a vacation rental. The Town attorney Bob Cole says that Jerry Jackson is eligible by the broad definition of "owning a business" for operating a vacation rental within Town limits. Jerry Jackson served on the Commission at one time and on the Town Council at one point as well. Currently, Commissioner Maez holds the other non-Town resident seat. Andre Redstone has also expressed interest in the Commission, but staff would need to advertise for another seat. However, Mr. Redstone lives outside the Town limits. With the approval of Jerry Jackson's request to be on the Commission, the Planning Commission will have filled all five of the regular member seats with one alternate member seat still open. Natalie Woodruff currently holds one alternate seat. Alternate members can participate in all of the conversations, but cannot vote. Commissioner Giles motions to approve the recommendation to Town Council to appoint Jerry Jackson as a regular Planning Commissioner for a 4-year term beginning November 18, 2016 and ending on November 17, 2020, with the understanding that Jerry Jackson will obtain a business license with the Town of Pagosa Springs. Commissioner Parker seconds. Unanimously approved.

VII. Public Comment

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

VIII. Reports and Comments

A. *Staff Report Projects, Updates and Upcoming Development Applications:* The Planning Director will provide a full report on the 11/22/16 meeting from the public hearing of a vacation rental application. Staff would like to know the Commissioners holiday schedule to start preparing for the next four meetings and staff recommends canceling the 11/27/16 meeting. The Commission unanimously agrees to cancel the 11/27/16 meeting.

B. *Planning Commission-Comments, Ideas and Discussion:* Commissioner Cameron Parker will be out of Town for the next several meetings. He will be coming and going for the next few months as he is traveling back and forth between Pagosa Springs and Haiti. Staff recommends moving Commissioner Parker to alternative status instead of a regular member. Town Council would need to appoint him from regular to alternate status for this transition. Commissioner Adams would like Commissioner Parker to continue to be part of meetings regardless of his status. He feels that Commissioner Parker adds tremendous value to the Commission. The Commission unanimously agrees to keep Commissioner Parker as a regular member unless someone expresses interest in a regular member position. Commissioner Adams would like to follow up with the zoning issues and would like that to be on the next meeting agenda. He also asks the Planning Director James Dickhoff on the Planning Commission recommendations for density. Planning Director James Dickhoff says that hopefully after the budget is finalized this item can be on a Town Council agenda.

C. *Upcoming Town Meetings Schedule*

X. Adjournment: Commissioner Parker motions to adjourn. Commissioner Giles seconds. Unanimously approved. The meeting adjourned at 6:00PM.

Commission Vice-Chair, Peter Adams



**Planning Commission, Board of Adjustments,
& Design Review Board**
Staff Report – Tuesday, November 22, 2016 Regular Scheduled Meeting

I. Call to Order / Roll Call:

II. Announcements:

III. Approval of Minutes:

A. November 8, 2016 Planning Commission minutes.

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| Approval of Minutes: | Staff recommends approving Minutes from the November 8, 2016 Planning Commission Meetings, upon finding they are accurate. |
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IV. Public Comment:

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

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| 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. |
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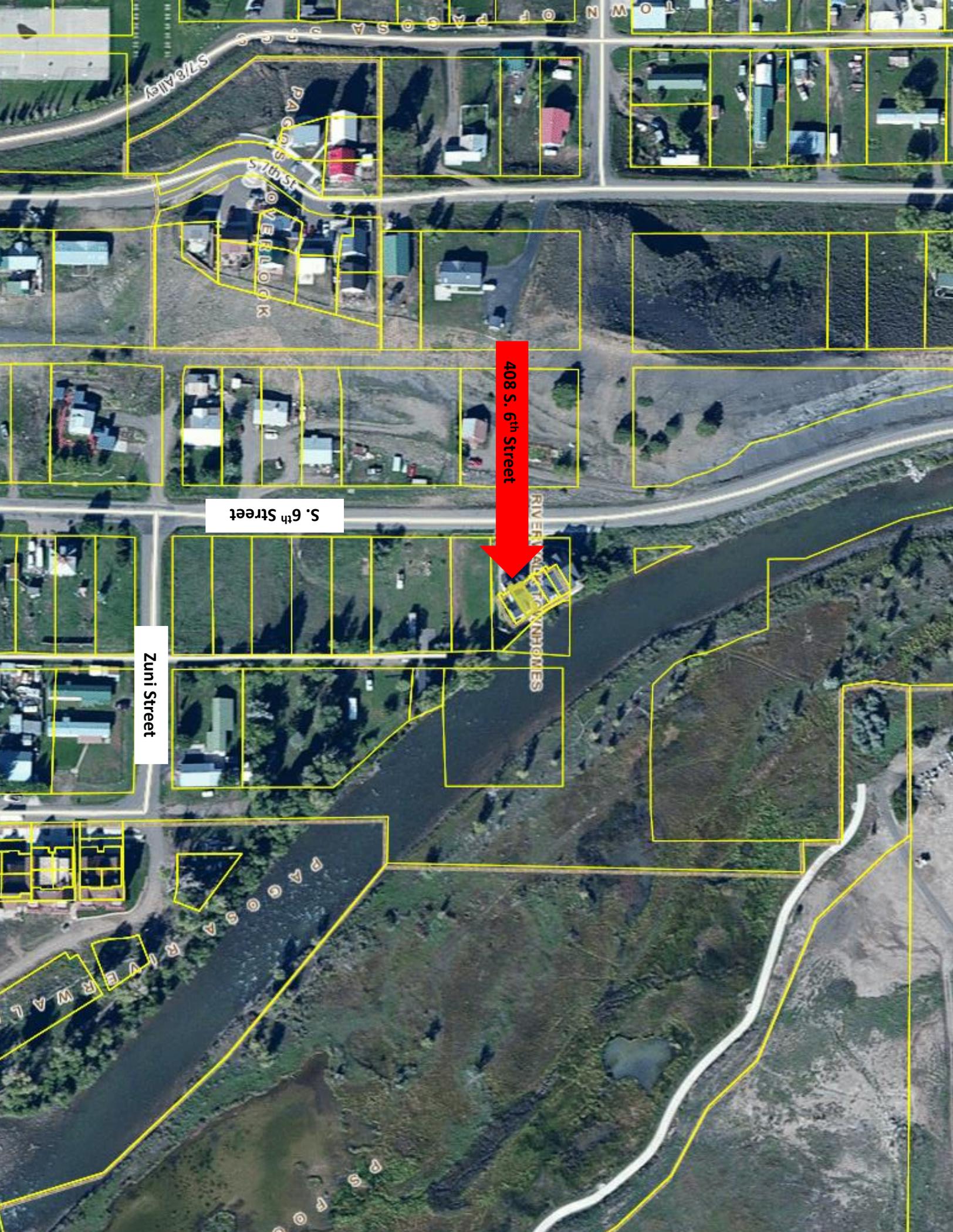


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VI. Planning Commission:

- A. 408 S. 6th Street Vacation Rental Conditional Use Permit
Public Hearing / Quasi-Judicial Matter

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| Project Location: | 408 S. 6 th Street |
| Property Zoning: | R-18, Residential-High Density |
| Nearby Land Use/Zoning: | R-18, R-12, MU-R |
| Property Owner #1: | Elizabeth Wells |
| Pre-Application Conference: | September 28, 2016 |
| Application Received: | September 28, 2016 |
| Public Hearing Notifications: | Published public notice in the Sun Newspaper occurred on November 3, 2016 Town Hall posted public notice was posted on November 3, 2016 Neighborhood public notifications were mailed on November 7, 2016 Property posted public notice was posted on-site on November 7, 2016 |
| Additional Permits: | Business license and Lodgers Tax Permit |
| PC Action: | Final Determination on Conditional Use Permit (CUP) Application |



408 S. 6th Street

S. 6th Street

Zuni Street

S. 7/8 Alley

PAGO PAGO
S. 7th St
OVERLOOK

RIVER WALK
HOMES

RIVER WALK

PAGO PAGO

General Development Information

408 J. 6th Street is located downtown Pagosa Springs, Co.

The townhome is in a 5 story building with a double garage and one space for parking in front of the garage.

The townhome would be used for a Vacation Rental.

The square footage is 1300 and is 2 bedrooms, 2 1/2 bath.

A separate structure on the property stores recycling bins and garbage bins that are picked up weekly by Elite.

The sidewalk townhomes are snow plowed when needed.

Elizabeth Wells
1177 Oak Brush St.
Pagosa Springs, Co.
81147



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Purpose / Background

LUDC article 4, table 4.1.4, indicated that Vacation Rentals in the R-18 district require a Conditional Use Permit approval to operate in that district. Vacation Rentals are under the “Lodging Facilities” use category.

LUDC 2.4.4.C.4 outlines CUP application approval criteria:

- (i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code;
- (iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- (iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
- (v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (vi) Adequate assurances of continuing maintenance have been provided.



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ANALYSIS

LUDC 2.4.4.C.4 approval criteria with staff comments in bold:

(i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations; **The applicant has submitted a business license and lodgers tax application. Comprehensive Plan Policy NH-2(a): “promotes compatible uses in and adjacent to existing neighborhoods and residential areas”.**

(ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code; **Table 4.1.4 does permit Vacation Rentals with an approved CUP application in the R-18 district. The LUDC does not however support a hotel/motel or lodge operations in the R-18 district, nor does the LUDC allow campgrounds, guest ranches, or RV parks within an R-18 zone district.**

(iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); **In general, with specific approval constituencies, the proposed use is compatible with adjacent uses in terms of scale, site design, traffic generation, lighting, noise, odor, and other external impacts.**

(iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

Staff recommends considering the following contingencies to address anticipated impacts:

- a. Ample onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.
- b. Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.
- c. Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town’s municipal code requirements.
- d. Any signs displayed on the property shall comply with the Town’s sign code requirements and require a sign permit application to be submitted.
- e. Renewal of your annual Town Business License is required.
- f. A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.
- g. All exterior lighting shall comply with the Town Exterior Lighting regulations.
- h. Occupancy numbers shall not exceed building code limitations.
- i. The Conditional Use Permit is not transferable.
- j. The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the land use code.
- k. The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.



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(v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and

No issues are identified. Facilities and services are existing to serve the vacation rental use of this property.

(vi) Adequate assurances of continuing maintenance have been provided.

The CUP constituencies and other impacts as they are identified, are required to be mitigated on a continual basis, otherwise, the CUP can be pulled and vacation rental operations maybe required to cease. The Applicant lives has provided assurance that they will monitor the property regularly.



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ALTERNATIVE ACTIONS

The Planning Director recommends the PC consider public comments, the applicant’s proposal and staff’s analysis for the determination. Below are alternative actions for the PC’s consideration.

- A. Approve the Conditional Use Permit for Elizabeth Wells to operate a Vacation Rental at 408 S. 6th Street with the Following Contingencies of approval:
 - 1) Ample onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.
 - 2) Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.
 - 3) Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town’s municipal code requirements.
 - 4) Any signs displayed on the property shall comply with the Town’s sign code requirements and require a sign permit application to be submitted.
 - 5) Renewal of your annual Town Business License is required.
 - 6) A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.
 - 7) All exterior lighting shall comply with the Town Exterior Lighting regulations.
 - 8) Occupancy numbers shall not exceed building code limitations.
 - 9) The Conditional Use Permit is not transferable.
 - 10) The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the LUDC.
 - 11) The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.

- B. Deny the CUP application for Elizabeth Wells to operate a vacation rental at 408 S. 6th Street.



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VII. Public Comment:

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- 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.

VIII. Reports and Comments:

A. Planning Director Report

HISTORIC PRESERVATION BOARD (HPB)

The HPB is currently looking at having discussions with both the Fred Harman Museum and the Pioneer museum to obtain a better understanding of what each museum needs. The HPB is also a complete Board at the present time with 5 regular members and 2 alternate members.

RUMBAUGH CREEK BRIDGE UPDATE

The RFP was placed out for bid and a pre-bid meeting was held on 11/04/16 and roughly 12 contractors were in attendance. All questions on the project were due by 11/17/16 and final proposals are due no later than 11/21/16 by 5:00PM.

COMPREHENSIVE PLAN UPDATE

The consultant team will be conducting stakeholder interviews on 11/29/16 and 11/30/16. Staff has sent out all of the email invites and are currently waiting on RSVP's and rearranging attendee groups. An online survey is projected to occur shortly afterwards to continue the forward public engagement momentum.

B. Planning Commission

Planning Commission Open Discussion, Ideas and Comments.



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C. Upcoming Scheduled Town Meetings.

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| a. | Next Scheduled PC Meetings: ~ Tuesday, December 13, 2016 at 5:30PM in Town Hall ~ Tuesday, December 27, 2016 at 5:30PM in Town Hall |
| b. | Next Regular Scheduled Historic Preservation Board meetings: ~ Wednesday, November 30, 2016 at 5:45PM in Town Hall ~ Wednesday, December 14, 2016 at 5:45PM in Town Hall |
| c. | Next Regular Town Council Meetings: ~ Tuesday, December 6, 2016 at 5:00PM in Town Hall ~ Thursday, December 22, 2016 at 5:00PM in Town Hall |
| | Next Regular Parks and Recreation Board Meeting: ~ Tuesday, December 13, 2016 at 5:30PM in the Ross Aragon Community Center ~ Tuesday, January 10, 2017 at 5:30PM in the Ross Aragon Community Center |