



Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, December 13, 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 22, 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. **Board of Adjustments**
 - A. 103 Goldmine Drive, Front Setback Variance Application, Public Hearing / Quasi-Judicial Matter
- VII. **Planning Commission**
 - A. Zoning Map Amendment Discussions
- VIII. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda
- 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
- X. **Adjournment**

James Dickhoff, Planning Director



**Planning Commission, Board of Adjustments,
& Design Review Board**
Staff Report – Tuesday, December 13, 2016 Regular Scheduled Meeting

I. Call to Order / Roll Call:

II. Announcements:

III. Approval of Minutes:

A. November 22, 2016 Planning Commission Minutes

Approval of Minutes:	Staff recommends approving Minutes from the November 22, 2016 Planning Commission Public Hearing and/or Meeting, 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.

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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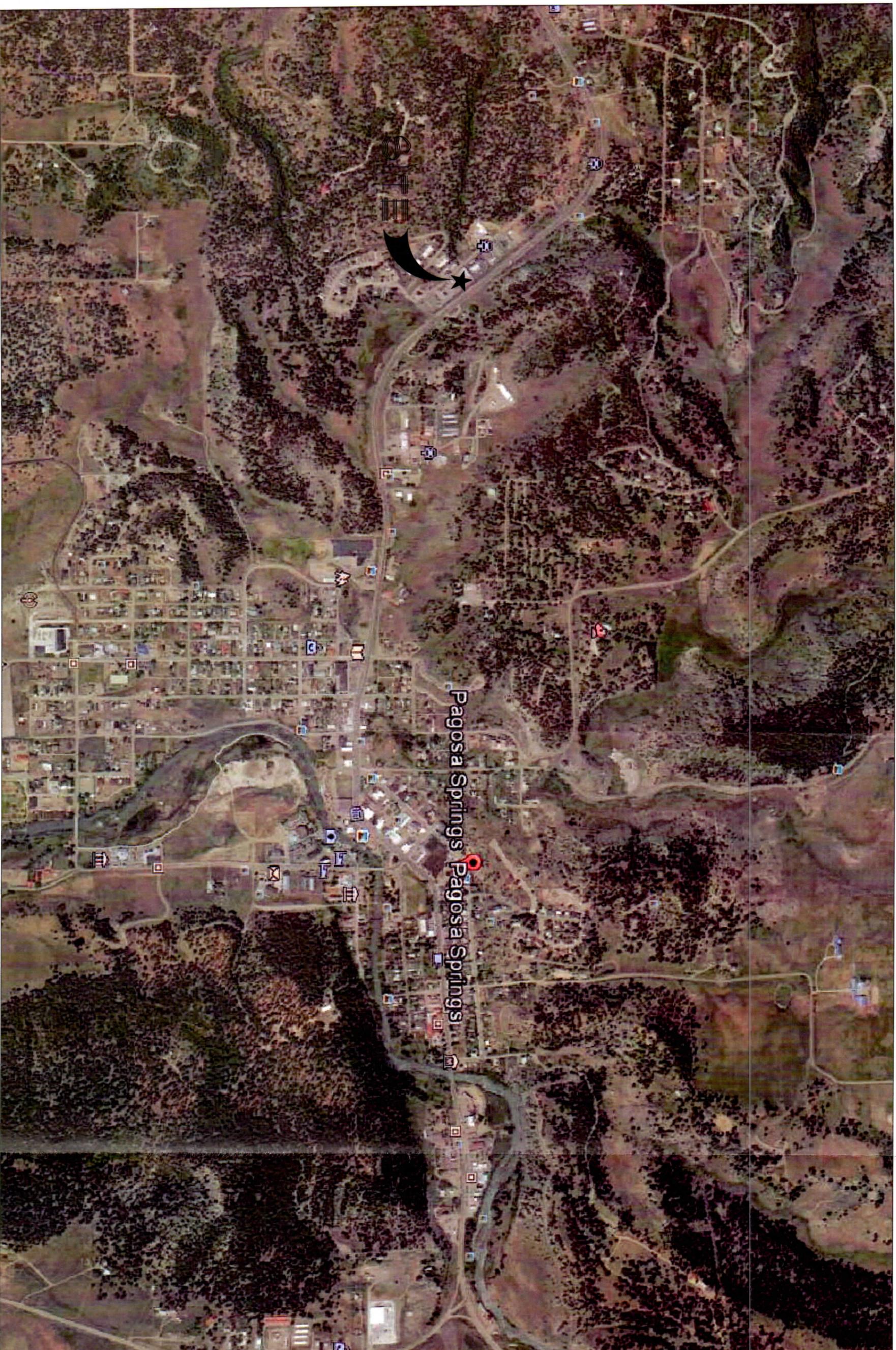
V. Board of Adjustments:

A. 103 Goldmine Drive, Front Setback Variance Application, Public Hearing / Quasi-Judicial Matter

Project Location:	103 Goldmine Drive
Property Zoning:	Commercial (C)
Nearby Land Use/Zoning:	Commercial (C), Mixed-Use Corridor (MU-C)
Property Owner:	Michael Bradley
Applicant:	Michael Bradley
Representative:	Michael Bradley
LUDC section 5.1.1_Required Setbacks:	Commercial Front setback = 20-foot minimum from a secondary street and 40-foot minimum from a highway
Board of Adjustments Action:	Review of Variance Application and Determination regarding the requested 10-foot setback; a 10-foot reduction of the 20-foot minimum requirement for front setbacks on a secondary street within a Commercially zoned district.



1140 MAIN AVE. SUITE B, DURANGO, CO 81301 PHONE 970.259.7494 FAX 970.259.7492
262 PAGOSA ST. SUITE 200, PAGOSA SPRINGS, CO 81147 PHONE 970.264.6884 FAX 970.731.0990



NORTH

VICINITY MAP

SCALE: 1" = 400'



**REYNOLDS ASH
+ ASSOCIATES**
ARCHITECTURE
ENGINEERING

1100 MAIN AVENUE, SUITE 100
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PHONE: 970.261.2940
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PAGOSA SPRINGS, CO 81427
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FAX: 970.261.4899

B.A. JELTNER

REYNOLDS ASH + ASSOCIATES, P.C. IS AN EQUAL OPPORTUNITY EMPLOYER. ALL CONTRACTS, AGREEMENTS, PERMITS, AND LICENSES ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE RELEVANT REGULATORY AGENCIES. THE USE OF THESE PLANS AND SPECIFICATIONS FOR WHICH THEY WERE PREPARED AND TO WHICH THEY WERE REFERENCED IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. ANY OTHER USE OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF REYNOLDS ASH + ASSOCIATES IS PROHIBITED.

**PROGRESS SET
NOT FOR CONST.**

**SADDLE MOUNTAIN
STORAGE LLC**

103 GOLD MINE DRIVE
PAGOSA SPRINGS, COLORADO 81147

JOB NO.: 16189
DATE: 2016-10-27
DRAWN BY: B.A.A.
ISSUE RECORD:

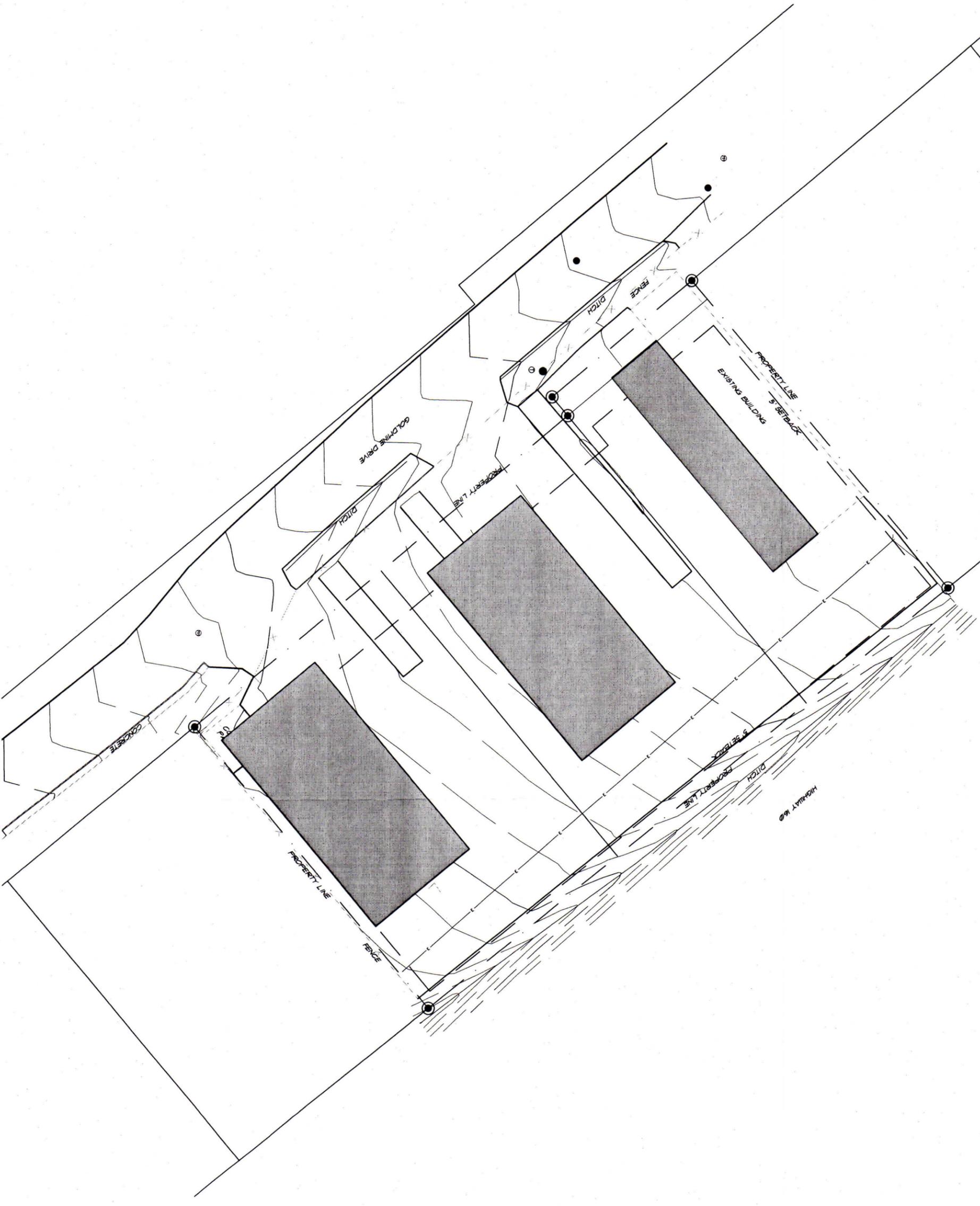
REVISIONS:

△
△
△

AS-102
VICINITY
MAP

- B. CONTRACTOR SHALL STAKE OUT STRUCTURE LOCATION FOR OWNER/ARCHITECT REVIEW PRIOR TO STARTING EXCAVATION.
- C. STOCKPILE EXCAVATED MATERIAL ON SITE AT A LOCATION DIRECTED BY OWNER/ARCHITECT TO USE FOR BACKFILL AT A LATER DATE. ALL EXCESS MATERIAL LEFT AFTER BACKFILL SHALL BE WASTED ON SITE, AT A LOCATION DIRECTED BY ARCHITECT. IF ADDITIONAL FILL MATERIAL IS NEEDED, CONTRACTOR SHALL INCUR AT HIS EXPENSE.
- D. CONTRACTOR SHALL COORDINATE ELECTRICAL SERVICE INSTALLATION WITH LIFE4.
- E. CONTRACTOR SHALL VERIFY WATER METER LOCATION. CONTRACTOR IS RESPONSIBLE FOR WATER SERVICE INSTALLATION. OWNER WILL PAY TAP FEE.
- F. CONTRACTOR SHALL COORDINATE GAS SERVICE AND WATER INSTALLATION.
- G. CONTRACTOR SHALL FINISH GRADE SITE, READY FOR SEEDING, LANDSCAPING, SEEDING AND LANDSCAPING IS EXCLUDED FROM CONTRACT.
- H. SEE STRUCTURAL FOR EXCAVATION, STRUCTURAL FILL AND BACKFILL REQUIREMENTS.

SITE ZONING:	COMMERCIAL - ROCK RIDGE COUNTRY EST.
SITE AREA:	117 SF.
MINIMUM REQUIRED SETBACKS:	
FRONT YARD:	20 FEET
SIDE YARD:	5 FEET
REAR YARD:	5 FEET
OCCUPANCY GROUP:	S-1
CONSTRUCTION TYPE:	" "
TOTAL FINISHED SQUARE FOOTAGE:	" " SF.



NORTH

ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"



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BACKGROUND

On November 18, 2016, the Planning Department received a complete application for a front yard setback reduction from 20 feet to 10 feet along the applicant’s property:

103 Goldmine Drive
Subdivision: ROCK RIDGE COUNTRY ESTATES
Block: C Lot: 4 THRU: - Lot: 6 RR Sec: 14, Twn: 35 Rng: 2W

LUDC SECTION 2.4.11

The LUDC section 2.4.11 outlines the Variance application process and approval criteria as follows:

2.4.11. VARIANCES, A. Purpose

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 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. State and/or federal laws or requirements may not be varied by the Town.

LUDC section 2.4.11, Variance application submittal and processing requirements.

LUDC 2.4.11.C, Step 7: Town Holds Public Hearing:

- a. 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.*
- b. 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.*
- c. The applicant has the burden of proving the necessary facts to warrant favorable action by the BOA.*

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.



LUDC APPROVAL CRITERIA ANALYSIS

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 property located at 103 Goldmine Drive. The property is currently unoccupied with one 120-foot structure located along the north property boundary. The current setbacks for Commercial are 20-feet from secondary roads. With the current setbacks, the existing structure on the property is not only located within the setback, but is actually over the property boundary. The owner is willing to remove one bay or 16-feet of the existing structure. This will move the structure back within the property boundary, but the structure is still not within the current setback limits. We would like to request a variance in the setbacks to be 10-feet from secondary roads instead of the currently stated 20-feet. The variance would allow the new modified structure to be within the setback. Also, this new variance would allow the property owner to improve the property with additional structures.

STAFF ANALYSIS: Goldmine Drive is a bit haphazard in terms of development as many of the structures were built prior to the adoption of the Town’s LUDC. The applicant has discussed a 16-foot reduction from the roadway, which will help significantly with the appearance. The proposed 10-foot reduction is appropriate

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

Applicant Response: The unusual circumstances or conditions are consistent throughout the neighborhood. The majority of the neighboring structures are located within the 20-foot setback.

STAFF ANALYSIS: Goldmine Drive does have many structures built outside of the designated setback requirement.

(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 applicant is requesting a variance from the results are a result of building to match the adjacent businesses and be consistent with the neighborhood. Other properties along the east side of Goldmine Drive are facing the same restraints as the owner of 103 Goldmine Drive. Currently, there are only two structures along the east side of Goldmine Drive that meet the current setback requirements and the structure on the property to the north is actually over the property line.



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STAFF ANALYSIS: The current physical circumstances were not created by the applicant. As much of Goldmine Drive was previously developed prior to the adoption of the official zoning map and LUDC, development went largely unregulated.

(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 the property does not allow enough buildable space for the structures needed for the business with the current setbacks and would deprive such property of privileges enjoyed by other property along Goldmine Drive.

STAFF ANALYSIS: All of Goldmine Drive suffers from the same issue. The requested front yard setback will provide a reasonable solution for the applicant's property.

(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.

STAFF ANALYSIS: If the variance is granted, the front of the structures will still be within the new setback boundary. This will not only allow the property owner to improve their property, but will benefit the aesthetics of Goldmine Drive as a whole.

(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: Staff finds the request for a variance to the front setback a reasonable solution to the property owner getting to further develop their property and for enhancing the appearance of Goldmine Drive.

(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.



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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 Goldmine Drive.

(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, Commercial (C). The proposed use is vehicle storage, which is an allowable use in the Commercial (C) district.

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 November 24, 2016
- ~ Sign posted on the property on November 28, 2016
- ~ Notification to properties within 300 feet mailed on November 28, 2016

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



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ATTACHMENTS

- ~ Vicinity Map
- ~ Project Topo Map
- ~ Applicant's General Development Information

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 20-feet to 10-feet for 103 Goldmine Drive of the Town of Pagosa Springs.
- 2) **APPROVE** the front yard setback variance application, allowing a reduction from 20-feet to 10-feet for 103 Goldmine Drive of the Town of Pagosa Springs, with the following conditions.....
- 3) **DENY** the front yard setback variance application for a reduction from 20-feet to 10-feet for 103 Goldmine Drive of the Town of Pagosa Springs.



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V. Planning Commission:

A. Zoning Map Amendment Discussions

The Planning Commission has approved future discussions on potential considerations for recommending zoning map revisions. Generally, some of the considerations include:

1) R-12 District areas:

There have been some suggestions presented by PC member Peter Adams and the Housing Committee, to consider rezoning some R-12 districts to R-18 districts (or R-22 as being proposed to Town Council on December 22 or January 3 for increasing allowable densities in all R-18 districts). Some areas downtown and some areas uptown have been preliminarily identified as potential candidates, including:

- a. Former Whispering Pines Phase 11, undeveloped property located at NW corner of Park and Eaton Drive.
- b. Portions of downtown south of Hwy 160, currently R-12.
- c. Enclave townhome development in Aspen Village, currently R-12, on Timberline Drive. Property owner/developer has expressed interest in reinvesting in the project if a higher density could be allowed.
- d. Sunridge Villa Site in Aspen Village, currently R-12.
- e. Hermosa Street, currently R-6, to possibly R-12.

2) Goldmine Drive:

Development along this roadway has typically been commercial to light industrial in nature. Consideration for possible rezoning entire road to Commercial. Currently, the former Terry Smith Holdings are zoned commercial with the remaining portions of the street zoned Mixed Use Corridor (MU-C).

3) Trinity Lane:

Development at 109, 88 and 52 Trinity Lane has typically been commercial to light industrial in nature. Currently zoned Mixed Use Corridor (MU-C). Consideration for possible rezoning to Commercial.

4) Other considerations.



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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 –

HISTORIC PRESERVATION BOARD (HPB) UPDATE

The HPB has been discussing our area museums and their importance as an educational repository of Pagosa Springs history and artifacts. The HPB will be inviting the two museums to separate work sessions to better understand their visions for the future as well as how the HPB and Town might be able to assist their future success.

COMPREHENSIVE PLAN UPDATE

Staff has executed the contract with SE Group, the consultants awarded the Comprehensive Plan Update project. Staff has been working closely with SE Group and has conducted 12 Stakeholder meetings on November 29th and 30th to begin the update project.

The next step is selecting a 9-13-member steering committee comprising of a cross sectional group of community individuals willing to reach out to the community throughout the update process and meeting once a month for 5-6 months.

Planning Department staff is working on developing a schedule of public input and steering committee meetings. The first Steering committee meeting is anticipated on January 12. Additionally, staff will conduct topic specific public input meetings, outside the consultant’s scope of work, the results of which will be incorporated into the update process. The first Public meeting will invite our community artists and general public to discuss public art, at district, and other related matters. This meeting is anticipated the week of January 16-20.

Staff will be provided monthly updates to the Planning Commission and Town Council on the progress and direction the project is taking.

Smart Growth America Technical Assistance Grant

The Town was awarded the Technical Assistance through Smart Growth America! Staff will be finalizing the contract and organizing a call to select a date for the workshop. The Town was 1 of 6 municipalities selected out of the roughly 56 total applicants nationwide! Staff is excited to get SE Group involved and to incorporate what will be learned from the program and use those tools within the updated comprehensive plan.



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HOUSING NEEDS ASSESSMENT STUDY UPDATE PROJECT

We received 3 response for proposals to update the 2008 Housing Needs Assessment. After review of all three proposals, a recommendation was made to the BoCC and Town Council to award the contract to Economic Planning Systems (EPS) who prepared the 2008 report. The joint project was awarded to EPS on December 6 by both governing bodies. It is anticipated the Town Planning Department will be the lead staff for the project. This process will take 4 months and will involve community stakeholders input and extensive data collection. Data collected will be shared with SE Group for the Comprehensive Plan update.

RUMBAUGH CREEK BRIDGE UPDATE

We received one bid for the project, however, the bid was 80% higher than the estimated and budgeted amount. Staff will be looking into the construction of a bridge arch supporting structure to ensue the bridge does not collapse prior to the restoration project occurring.

WATER WORKS FACILITY

We have received the contract for the \$165,000 State Historical Fund grant. Town Council will consider accepting the contractual terms on January 17, 2017.

The historic water works facility committee will provide the results of their research for Town Councils contract approval consideration, regarding the potential improvements that could be considered for the historic site if SHF are accepted.

MAIN STREET MURAL

The mural artwork replacement project received 4 proposals with one recommended finalist that was selected by an RFP review committee and the Historic Preservation Board. The recommendation will come to Town Council on December 22, 2016 for awarding the project.

WAL-MART PARKING LOT LIGHTS

The Planning Director has accepted a compromise for the parking lot shielding violation. In lieu of the seemingly possibility that an additional Town Council appeal hearing could actually overturn the violation determination, which would result in no shielding requirements, I worked with the Wal-Mart team to provide shielding on all lights determined to be in violation, except for the three triple-head parking lot lights directly in front of the store building entrance.

The shields have been installed and the newly installed shielding is determined to comply with LUDC section 6.11.4 regarding concealing light sources to minimize glare onto adjacent properties.

DEVELOPMENT ACTIVITY

We have been experiencing the busiest development season since late 2008. In addition to the many development projects recently approved and those that are now underway, our office continues to receive numerous inquiries from interested parties regarding future developments. We are expecting a substantial increase in development activity next year, and those in the local design and engineering professions are expressing the same level of interest and activity.



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VII. Reports and Comments:

B. Planning Commission

Time for Planning Commission Open Discussion, Ideas and Comments.

VII. Reports and Comments:

C. Upcoming Scheduled Town Meetings.

a.	Next Scheduled PC Meetings: ~ Tuesday, January 10, 2017 at 5:30PM in Town Hall, Regular Meeting ~ Tuesday, January 24, 2017 at 5:30PM in Town Hall, Regular Meeting
b.	Next Regular Scheduled HPB meetings: ~ Wednesday, January 11, 2017 at 5:30PM in Town Hall ~ Wednesday, January 25, 2017 at 5:30PM in Town Hall
c.	Next Regular Town Council Meetings: ~ Thursday, December 22, 2016 at 5:00PM in Town Hall ~ Tuesday, January 3, 2017 at 5:00PM in Town Hall
d.	Next Regular Parks and Recreation Board Meeting: ~ Tuesday, January 10, 2017 at 5:30PM in the Ross Aragon Community Center ~ Tuesday, February 14, 2017 at 5:30PM in the Ross Aragon Community Center