



Planning Commission, Board of Adjustments & Design Review Board
Special Scheduled Meeting Minutes
Tuesday, March 19, 2013 at 5:15 p.m.
Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to Order/Roll Call** – Commission Chair Lattin, Commissioner Maez, Commissioner Parker, Commissioner White
- II. **Announcements**
- III. **Approval of Minutes**
 - A. Approval of February 26, 2013 Planning Commission Meeting Minutes – Minutes were approved as read.
- 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. **Planning Commission**
 - A. Major Subdivision Sketch Plan Application for Townsite of Pagosa Springs Block 68, Lots 2A-1, 2A-2, 2A-3, 2A-4, and 2A-5 - The Town has received an application for Major Subdivision Sketch Plan for Block 68, Lots 2A-1, 2A-2, 2A-3, 2A-4 and 2A-5 of the Jackson Minor Subdivision amendment 2010. The applicant, Jack Searle, is proposing a townhome development with a total of 14 new dwelling units. Currently, there are two dwelling units in one duplex structure being completed as part of a previously issued building permit issued for lot 2A-5, prior to this sketch plan being proposed. An additional 12 units plus the two under construction now totals the 14 dwelling units proposed. The development will include privately owned townhomes with commonly owned property managed by a homeowners association. The applicant has also submitted an application for variance to reduce the front setback from 20 feet to 10 feet. Mr. Brad Ash with Reynolds and Associates represents the owner, said that the owner is providing open space and a small community area for this project. They are proposing turning the alley into a one-way street as well as upgrade the alley to town standards with curb and gutter and paving. Staff reviewed all of the LUDC requirements regarding this proposed sketch plan. Planning Director Dickhoff has discussed all of the requirements with the developer including flood prevention, site development standards, site drainage, snow storage, sewer, water and utility easements, and fire hydrants. Also protection areas, access and circulation including the one-way drive, driveways, sidewalks, and river access easement were reviewed. Commissioner Parker suggests four foot sidewalks, he asked about public persons using the sidewalks and area between the property and river. Mr. Ash said there will be gates and some fencing as well as private property signs, but that the community is open to the park and river and wants to keep it open and inviting. Commissioner Maez asked about the fire district's concerns for the one way, Planner Dickhoff said the fire department has not expressed concerns. The applicant is asking for a 20 foot easement along the south side of the property in order to get the sewer out to 5th street line. Mr. Danny Rivera is concerned about the one-way and drainage problems. He is in support of the project but not in support of the setbacks, he is concerned about parking on the alleyway. Mr. Leland Roundy is concerned with the variance and believes all neighbors should have the same setback requirements. Mr. Joe Martinez is concerned with the snow removal and said he has a dam behind his house coming off the sidewalk placed in the alley and is concerned with the drainage. Commission Chair Lattin suggests Mr. Ash meet with the Town streets superintendent Gallegos about the one-way and drainage areas. Mr. Ash said an HOA will be developed and completed when Phase 2 begins summer 2013, at that time the pavement and utilities

will be installed at the current gravel driveway to Phase 1. Commission Chair Lattin agrees with the recreational easement and would like Planner Dickhoff to look into the property at the river.

Commissioner Parker moved to approve the Major Subdivision Sketch Plan for the property known Block 68, Lots 2A-1, 2A-2, 2A-3, 2A-4 and 2A-5 in the Jackson Minor Subdivision, with the following conditions of approval required at time of Major Subdivision Preliminary plan application:

1. Demonstrate compliance with LUDC section 6.3.2 and submit a formal request in writing requesting a waiver from peak discharge control requirements.
2. Provide Engineered Drainage plans shall be submitted demonstrating that on-site drainage will not enter Lot 1A of the Jackson Minor Subdivision that the use of the drainage swale along the north edge of Yamaguchi Park will not overflow into Yamaguchi Park and that sediment collection will be provided and maintained before site drainage enters the San Juan River.
3. Provide evidence of snow storage areas meeting LUDC section 6.3.3 and 6.6.3.H.
4. Provide evidence that all utility providers are able to provide the required utility needs and approve of proposed utility locations and connections.
5. Provide evidence the Fire Protection District approves of Fire Hydrant locations and flow rates.
6. The applicant should consider providing a 10 foot recreational easement along San Juan River high water mark if applicable.
7. Provide preliminary engineered design plans for the 4/5 alley improvements.
8. Provide evidence that the proposed 15 foot wide one-way internal streets will accommodate turning radius and access into the private driveways that intersect the streets at 90 degrees.
9. Provide Draft owners association declaration and Codes, Restrictions and Covenants (CC&R's).
10. Applicant shall receive approval from the Town Council for a permanent utility and drainage easement along the north side of Yamaguchi Park and approval to change the alley to a one way access.
11. Provide copy of the stormwater discharge permit obtained from the State of Colorado, at the time of Building Permit Application.
12. Provide compliance with requirements of building within the Flood Plain, and further, the Planning Commission recommends that Town Council consider approving the request for utility easements along the north side of Yamaguchi Park as well as at the NW intersection of the alley and S. 5th Street, and recommend Town Council approve converting the 4/5 Alley to one-way, Commissioner White seconded, unanimously approved.

B. Selection of Planning Commission Vice-Chair – Commissioner Chair Lattin nominated Commissioner Maez as vice-chair, Commissioner Parker seconded, unanimously approved.

VI. Board of Adjustments

A. Front yard building setback variance request - The applicant has submitted a application for variance to reduce the front setback from 20 feet to 10 feet, as part of the Major Subdivision Sketch Plan Application for Townsite of Pagosa Springs, Block 68, Lots 2A-1, 2A-2, 2A-3, 2A-4 and 2A-5. The 5 properties are all zoned Mixed Use Residential (MU-R), which according to LUDC section 5.1.3, the front yard setback for MU-R is 20 feet. The homes on the west side of the alley are R-12, rear setbacks are supposed to be 10 feet, however some of those on the west side are right on the property line. Currently the alley is 20 feet wide, and there is a 15 foot easement for the sidewalk trail. They are proposing to install a fence along the sidewalk trail and would like to move the structures within 10 foot of the fence line rather than a 20 foot setback. Because of a land swap some time back, the 15 foot trail easement was moved from along the river to along the alleyway, this being considered, the development could be much closer to the alley than proposed. Planner

Dickhoff said the applicant will have to demonstrate that snow shedding off the roof will remain on the applicant's property. Mr. Rivera is worried about the ice building up due to shading areas from the fence and the two story buildings. Commissioner White suggests the compromising on a 15 foot front setback and 5 foot rear setback closer to the river. Commissioner Lattin and Maez prefer the 20 foot front and 5 foot rear setbacks. Mr. Rivera would like to see the units closer to the river. Mr. Roundy, owner of lot 1A, is opposed to the setback variance and suggests the future needs of the town and contiguous setbacks for all neighbors. He said he will eventually have a structure along the alley and would like all to have the same 20 foot setback. Commissioner White moved to approve the Front Yard Set Back Variance reducing the set back from 20 feet to 15 feet for the properties known as Block 68, Lots 2A-1, 2A-2, 2A-3, 2A-4 and 2A-5 in the Jackson Minor Subdivision, Commissioner Parker seconded, motion tied with two nays (Commissioners Maez and Lattin). Mr. Roundy would like to put a business on the corner of 4/5 Alley and Apache Street and needs the one-way access to go the opposite direction, south to north, or make it a two-way street. Mr. Rivera would like the one-way to go south to north, and would rather the development move closer to the river. Commissioner White said he would like to be less adversarial and agree to a compromise for both the developer and the neighbors. Commissioner Lattin said there are setbacks for a reason to assist the neighbors, she would like to have information on the river side property to move the back setback further toward the property line on the river side. Planner Dickhoff said this property is a little different from the others as a MU-R whereas the other properties surrounding it are R-12 which allows 12 units per acres with 15 foot setbacks. Commissioner Parker said that since his service on the planning commission, he has approved three of the three variance requests presented to the commission, he said that each is a separate case and needs to be looked at individually, he would like to see a compromise on this project. The next regular meeting is the 9th of April and there may be a special meeting on April 16th. The Commission decided on a special meeting on April 4th at 12noon where this item will be continued and heard for possible decision.

VII. Design Review Board

VIII. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda - none

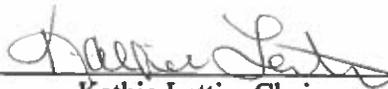
IX. Reports and Comments

A. Town Manager – N/A

B. Planning Department Report – April 3rd a community presentation on HPB and heritage tourism will be presented.

C. Planning Commission – N/A

X. Adjournment - Upon motion duly made, the meeting adjourned at 8:25pm.


Kathie Lattin, Chair