



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

March 25, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

I. Call to Order / Roll Call: Commission Chair Kathie Lattin called the meeting to order at 5:30 PM. Commissioners Peter Adams, Heidi Martinez and Cappy White were present. Also present were Town Manager David Mitchem, Planning Director James Dickhoff and Associate Planner/Permit Technician Margaret Gallegos. Commissioners Ron Maez, Cameron Parker and Natalie Woodruff were absent. Property/Community members Krissy Karas and Mary Jo Coulehan were present.

II. Announcements: None

III. Approval of Minutes:

A. February 11, 2014 Planning Commission meeting minutes were approved as presented.

IV. Public Comment:

A. Opportunity for the public to provide comments and to address the Commission on items not on the agenda – none received.

V. Board of Adjustments: None

VI. Planning Commission:

A. Rezoning Application Request for 402 San Juan Street, The Chamber of Commerce Building, from Open Space (OS) to Mixed Use Town Center MU-TC): Planning Director Dickhoff reported that on February 27, 2014, the Town received a complete application requesting the re-zoning of 402 San Juan Street, aka the Chamber of Commerce, from Open Space (OS) to Mixed Use Town Center (MU-TC). The property, 402 San Juan Street, is currently zoned Open Space (OS). On the previous adopted 2005 zoning map, the San Juan Street right-of-way (ROW) still existed and no zoning was designated, except for the parking lot and small park north of the Chamber property. The ROW was vacated by the Town in Ordinance No. 421 dated January 2, 1990, and retained utility easements. The Chamber has operated as a business at this location since building the structure in 1990 even though the OS zoning does not allow for operating a business under that zoning classification. The LUDC does allow for continued use as a non-conforming use, unless the current use as an office discontinues for more than 6 months. Since the 2005 zoning map continued to show the ROW with no zoning classification, It is possible the OS zoning was an oversight when the 2009 zoning map was adopted.

The properties to the south and to the east are zoned MU-TC, so the zoning request is consistent with the adjacent properties as well as the main street business district. Adjacent Town Park areas are zoned OS. The Chamber property has very limited areas for expansion and does not own the north side parking area – it is owned by the Town. The Chamber has 3-4 onsite parking spaces, however, a future business, if determined a change of use from the current office use, would be required to provide offsite parking spaces either thru a long term shared Parking



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Agreement or by paying Parking In-Lieu fees to the Town that could be used to provide additional public parking in the future anywhere in town.

Though a formal easement is always best, the access to the Town owned parking area appears to have prescriptive rights for public access to the Town public parking area, and would need to be maintained as such. Planning Director Dickhoff provided the Commission with the Land Use and Development Code Section 2.4.2 which outlined the process for amendments to the official zoning map – purpose, applicability, procedure for general rezoning, town public hearing, issuing of decision and findings, protests and post-approval actions.

Planning Director Dickhoff reported that the Town Council may approve rezoning, and the Planning Commission (PC) may recommend approval, if the rezoning meets all of the following criteria for zoning map amendments which shall not apply to amendments that occur as part of a comprehensive revision to the Official Zoning Map accomplished by legislative action of the Town Council, and provided staff comments in italics:

- (1) The rezoning will promote the public health, safety, and general welfare;
Staff: No negative impacts are anticipated on public health, safety or general welfare.
- (2) The rezoning is consistent with the Comprehensive Plan and the purposes of this Land Use and Development Code; *Staff: The rezoning request is consistent with adjacent zoning.*
- (3) The rezoning is consistent with the stated purpose of the proposed zoning district(s);
Staff: The rezoning will be consistent with the historic use of the property and consistent with the allowable uses in the MU-TC zoning definition.
- (4) Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development; *Staff: All facilities and services are currently in place.*
- (5) The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation or such impacts will be substantially mitigated; and *Staff: No impacts are anticipated it's an existing business.*
- (6) The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract. *Staff: Depending on future business use of the property, a change of use may require a shared parking agreement or parking in lieu fees paid to the town.*

In closing, Planning Director noted that no fiscal impact to the town is expected and public notification was as follows:

1. Published in the Sun Newspaper 15 days prior to the PC meeting.
2. Sign posted on the property 15 days prior to the PC meeting.



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3. Notification to properties within 300 feet mailed 15 days prior to the PC meeting

Property owner Chrissy Karas was in attendance and made comments directed toward the Town Tourism Committee, in her opinion, she felt that the Visitor Center should remain at the Chamber location and that additional parking across the street could be utilized.

The Planning Commission discussed the re-zoning application and expressed concern with the current and future uses of the property, parking requirements and access to the adjoining Town property. Planning Director Dickhoff explained that the existing building could be leased to another entity; however, with a change of use, parking spaces will need to be addressed. If the re-zoning were not approved, the current office use is allowed however if the business ceased to operate for six months the use would revert back to open space intended for public or quasi-public facilities and provide facilities for a non-commercial character serving the general public.

Motion by Commissioner Adams, Seconded by Commissioner White, and unanimously carried to approve a recommendation to Town Council to APPROVE the re-zoning of 402 San Juan Street from Open Space to Mixed Use Town Center, with the contingency that the Town formalize a prescriptive easement ordinance which will provide entry into the Town's adjacent property through the existing Chamber of Commerce road access and parking lot.

B. Consider recommendation to extend Natalie Woodruff's PC term for another 4 years:

Motion by Commissioner Martinez, Seconded by Commissioner White, and unanimously carried to recommend to the Town Council that it approves Natalie Woodruff's Planning Commission appointment for another 4 year term, as an Alternate Member.

C. Pradera Point Subdivision Preliminary Approval Extension Request: Planning Director Dickhoff provided the project background. Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of a proposed 119 single-family residential lots. The final plat for Phase I includes twenty (20) lots. This plan continues to be consistent with the Town's adopted Comprehensive Plan.

The applicant, Gazunga LLC, represented by Bill Herebic, has submitted a request for a one (1) year extension of the Pradera Pointe Subdivision Phase I Final Plat approval. The Town Council originally approved the phase I Final Plat on May 6, 2008. Per the Land Use & Development Code, preliminary plan or partial final plat approval shall be valid for one (1) year unless otherwise approved by Council. Town Council approved four one-year extensions on March 03, 2009, March 25, 2010, April 14, 2011, and April 18, 2013.

Outstanding items that were attached as conditions of recording the Final Plat include:



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- 1) The inclusion of current plat language as required under the current LUDC,
- 2) A current utilities checklist submitted prior to recordation of the Final Plat,
- 3) Signed Developer Improvement Agreement,
- 4) Revised engineering plans & engineering cost estimates to include street lighting as required by the Planning Commission.

Per the LUDC, Town Council approval is required for a Final Plat Approval Extension. Staff sees no issues with approving the one year extension request. The Commission received the letter form applicant's representative requesting a one year extension and vicinity map. The extension request does not require public notification and in closing staff recommends that the Planning Commission discuss the extension request and approve a recommendation to Town Council for their consideration.

Motion by Commissioner Martinez, Seconded by Commissioner Adams, and unanimously carried to approve a recommendation to Town Council to "Approve a one year extension of the Pradera Point Subdivision, Phase One, Final Plat Approval, contingent on the inclusion of current plat language as required under the current LUDC, a current utilities checklist submitted prior to recordation of the Final Plat, Signed Developer Improvement Agreement, revised engineering plans, revised engineering cost estimates and to include street lighting as required by the Planning Commission."

VII. Design Review Board: None

VIII. Public Comment:

- A. Opportunity for the public to provide comments and to address the Commission on items not on the agenda – none received.

IX. Reports and Comments:

A. Town Manager – Mitchem noted that the Town will host a procedural training with updates on case law for all new and current board and committee members on April 25. He invited and encouraged the Planning Commission members to attend.

B. Planning Department Report – Planning Director Dickhoff provided the following reports to the Commission:

HISTORIC PRESERVATION BOARD UPDATE- On February 28, 2014 the HPB elected a Brad Ash as Chair for 2014 and Peggy Bergon as Vice-Chair for 2014. The HPB also decided to continue their regularly scheduled meetings on the second Wednesday of each month at 5:15pm in Town Hall. On February 28th, the HPB approved an Alteration Certificate for the Riff Raff Brewing company allowing them to expand by adding a covered service porch with additional walk-in refrigeration. The HPB thanked Riff Raff for their attention to submitting a complete and comprehensive application for them to consider as well as their interest in preserving the historic nature of the Hatcher-Nossaman House at 274



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Pagosa Street that they currently occupy. On March 12, 2014, the HPB adopted the following mission statement: *"Moving Forward While Preserving the Past - To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increasing public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy and sharing the stories of our past with ideas for the future."* The HPB also decided on the local Historic Preservation Month Theme: "History at Work" relating to the historic economic drivers in Pagosa Springs.

6TH STREET RIVER WALK EXTENSION PROJECT- The construction project contractor is currently analyzing the possibility of beginning in the near future, after considering the dry winter we have had and their ability to begin construction as soon as possible.

6TH STREET PEDESTRIAN BRIDGE GRANT- THE Planning Director prepared the grant application for the March 5th deadline with award notifications by mid July 2014. The town's previous GOCO grant application was 13 out of over 40 applications, and was 2 applications away from being funded. Town staff is working with Davis Engineering to complete final design plans by the end of March 2014 to ensure the project will be shovel ready. Staff has identified a bridge design that includes a mid-span observation platform similar to Durango's pedestrian bridge designs with the additional increased cost estimated at only \$13,000. Also, if the budget allows, staff will propose a 10 foot wide bridge deck instead of the typical 8 foot wide with an additional increased cost estimate of \$10,000. Railing height will be between 48" and 54" (in comparison, the Springs pedestrian bridge railing height is 54").

8TH STREET SIDEWALK AND TRAIL PROJECT - The South 8th Street sidewalk extension project has been completed except for the remaining dry creek feature and live landscaping, which will be completed in the spring, by town parks and recreation staff. The Trail project between 8th Street and 10th Street has recently completed the Colorado Department of Transportation (CDOT) Final Office Review process and Davis engineering is revising the final plans based on CDOT's comments, in preparation for Final Plan approve from CDOT. Construction advertisement is expected in July 2014 with construction to begin in August 2014, with the 10th Street sidewalk being completed first to ensure elementary school traffic will not be affected after school begins the 2014-2015 season.

WEST PHASE TOWN TO PAGOSA LAKES TRAIL PROJECTS -The West Phase trail segment is between Village Drive and Aspen Village Drive:

- Surveying has been completed and ROW plans have been drafted, waiting on title commitments for needed easements and property easement acquisitions.
- Preliminary Plans anticipated to be complete by end of March 2014, with CDOT review by end of April 2014.
- Once Preliminary plans are approved, Final planning will proceed with anticipated CDOT review by the end of June 2014.
- Potential ad date for construction bids could be in July 2014 with construction starting in August 2014. It is a possibility this project will be deferred for construction in early 2015.

MAJESTIC DRIVE CMAQ PAVING PROJECT - 1200 lineal feet of Majestic drive between growing spaces and Square Top Circle will be paved with CMAQ funds this summer. This project has been staged for 5 years and is anticipated to receive CDOT final plan approval in April 2014 and construction completion by the end of 2014.



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MCCABE CREEK BRIDGE UPDATE- CDOT has begun discussions with affect property owners on the north side of the Hwy. Current preliminary designs demonstrate the need for CDOT to acquire the "Making Things New" building as well as construction easements on other adjoining properties. Town staff met with CDOT on Thursday March 13th regarding the project. The CDOT budget for the project is 3.8 million; the construction estimate is 5.9 million. The GOOD NEWS: CDOT staff was recently successful in acquiring the additional 2.1 million for the project and CDOT will now acquire the Downstream property instead of the Town. The not so good news: CDOT has had to make modifications to the bridge structure design to keep costs down. One of those modifications is the actual bridge span trusses which are now a deeper girder, which will only provide a maximum of 7'-0" in head clearance, not enough for a bike path under the highway and maybe not enough for a pedestrian path. This modification saves \$200,000 in the project budget. Preliminary CDOT Plans are expected in June 2014.

C. Planning Commission – Discussion was opened for non-agenda items: none suggested.

D. Upcoming Town Meeting Schedule is as follows:

Next Regular Scheduled PC Meeting:

- Due to the April 8th General Election, PC consensus was to cancel their regularly scheduled April 8th meeting and conduct the next meeting on Tuesday, April 15, 2013 @ 5:30 pm in Town Hall, as the Planning Director will be out of Town on April 22.

Next Regular Scheduled Historic Preservation Board meeting:

- Wednesday April 9, 2014 at 5:15 pm in Town Hall.

Next Regular Town Council Meetings:

- Tuesday, April 1, 2014 at 5pm in Town Hall.
- Thursday, April 24, 2014 at noon in Town Hall.

X. Adjournment- Upon motion duly made, the meeting adjourned at 6:25 PM.

Kathie Lattin, Planning Commission Chair