



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

**May 12, 2015**

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

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- I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Kathie Lattin and Peter Adams were present. Members Heidi Martinez, Cameron Parker and Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos and Ed Fincher.
- II. **Announcements:** None.
- III. **Approval of Minutes:** Motion made by Commissioner Lattin, seconded by Commissioner Adams and unanimously carried to approve the April 28, 2015 Planning Commission meeting minutes with correction to page 2 outlining that the recommendation included Zone 1 and 2 for EMC signage.
- IV. **Public Comment:** None received.
- V. **Board of Adjustments:** None.
- VI. **Planning Commission:**

**A. Vacation of a portion of the River's Edge Townhome Planned Unit Development, located at 250 & 268 San Juan Street:** Planning Director Dickhoff reported that the Town has received an application requesting a Plat Amendment for the River's Edge Townhouses Planned Unit Development (PUD), located at 250 & 268 San Juan Street. The original PUD included two - 4 unit townhome buildings, however, only one 4 unit building was constructed with no plans to complete the 2<sup>nd</sup> building. The applicant is an owner of a unit in the completed building and also owns the un-developed 4 townhome unit sites, and is coordinating the acceptance of the associated common property through quit claim deeds, from the current building unit owners and property owners association. The applicant intends to subdivide the undeveloped portion of the PUD parcel from the developed portion of the parcel, to create a separate lot.

The Town originally approved the development under a Planned Unit Development process, required under the Land Use and Development Code (LUDC) adopted at the time. Since the original approval, the newest version of the Town's LUDC, does not outline a PUD process, however, the previous LUDC required that to vacate a portion of a previously approved PUD, Town Council must vacate the original plat through two readings of an ordinance. The original plat # 815 was recorded on November 13, 2006 under reception No. 20610988.

The process for considering a Rivers Edge Townhouses Planned Unit Development Plat Amendment is as follows:

- 1) Planning Commission considers the request and makes a recommendation to Town Council for vacating a portion of the original PUD and amending the PUD plat.
- 2) The Town Council considers vacating a portion of the original PUD and amending the PUD plat, at two readings of an ordinance.



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- 3) If Ordinance is approved, The applicant submits a Mylar plat with notarized signatures for recordation.
- 4) Town staff reviews plat for compliance with approvals and LUDC, and records with the County Clerk.

Planning Director Dickhoff provided the following analysis:

1. The original PUD plat included two- 4 unit townhome buildings, however, only one building was completed and the second building will not be built.
2. All private and public improvements associated with the completed 4 unit building have been completed and accepted by the Town.
3. The 8 foot wide easement for a future 5 foot wide pedestrian walkway along the river bank, that was established as part of the original PUD plat approval, will remain intact on the undeveloped parcel of land, for future public improvements and use, and will be noted on the plat amendment as an existing easement.
4. Staff has not identified any concerning issues with this request to Vacate the western portion of the Rivers Edge Townhouses PUD or with amending the Rivers Edge Townhouses PUD plat, reflecting the partial PUD vacation.

In closing, Dickhoff noted that there is no fiscal impact to the Town. All expenses associated with processing the application will be reimbursed from the applicant to the Town.

The Commission had questions about setback, planned phases, utilities, tax and vacation process. Planning Director Dickhoff noted that the property owner association bylaws will be amended to allow for vacation and sale and transfer of the common property. Additional public hearings will take place with two readings by the Town Council. The Commission recommended that the neighboring owners should be made aware that future development, as an R-18 High Density zoned area, the property could include up to five units. Planning Director Dickhoff reassured the Commissioner that the recording will occur after the Bylaws are amended and deed is transferred as part of the administration review process. Dickhoff explained that the vacation of lesser portion for no obligation to develop property. The entire PUD processes, nationwide, is being phased out due to common elements and not an option in the Town's Land Use and Development Code. Also, the walkway has been dedicated to the Town and will not be affected by the vacation request.

**Motion by Commissioner Lattin, seconded by Commissioner Adams, and unanimously APPROVED a Recommendation for Town Council to APPROVE the Vacation of the Un-Developed portion of the Rivers Edge Townhouses Planned Unit Development, and to amend the Planned Use Development (PUD) Plat.**



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**B. LUDC revisions regarding the allowable use and placement of Cargo Shipping Containers:** At the May 5, 2015 Town Council (TC) meeting, the TC provided the following direction to staff regarding the PC's proposed regulations:

*"Council Member Schanzenbaker moved to direct staff to develop land use development code revisions for 1-5 below, and an ordinance based on the following proposed cargo shipping container regulations recommended by the planning commission:*

- 1. Require all permanent accessory structures to be consistent in design and appearance as the primary structure.*
- 2. Require a Building Permit for all permanent accessory structures, with no fee charged for structures under 120 sq ft.*
- 3. Allow the Permanent placement of Cargo Shipping Containers in Light Industrial Zoned districts.*
- 4. Allow the Temporary Placement for up to two-180 day periods, with an administratively approved Temporary Use Permit (TUP), in all districts. Use must be associated with the primary structure of the property.*
- 5. Allow the Temporary placement of CSC's relative to an active building permit, with an Administratively approved TUP. Use must be associated with construction activities.*

*And directed staff to: look into the feasibility of a conditional use permit application for commercial zone districts, Council Member Alley seconded, motion passed with two nays (Council Members Patel and Lattin).*

*Mayor Volger moved to accept recommendation on residential use presented by planning commission, Council Member Patel seconded, motion passed with two nays (Council Members Schanzenbaker and Alley). "To allow the Permanent Placement and use of CSC's in residential districts, limiting the size to no more than 80 square feet (8' x 10'), provided the CSC is consistent in design and appearance of the primary structure which may require the installation of siding and roof and be painted to match the primary structure or similarly roofed as the primary structure within an area such as a carport."*

*Council Member Lattin moved to approve the following planning commission's recommendations (#8 & 9), Council Member Bunning seconded, unanimously approved. "*

*8. Prohibit the permanent placement and use in the Open Space District (Parks).*

*9. Allow the Permanent Placement and use within the Public/Quasi Public District, limiting to no more than 160 square feet. As in #1 above, the CSC shall be consistent in design and appearance as the primary structure."*



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Planning Director Dickhoff noted that based on Town Councils approval, staff would recommend that the PC consider further recommending a CUP requirement for residential properties for the permanent placement of CSC's, given the TC direction to require a CUP for commercial properties.

Commissioner Lattin expressed concern with the interpretation the Planning Commissioner's recommendations and Town Council's direction for allowing a Conditional Use Permit (CUP) within the residential districts. Dickhoff noted that the Town Council did not want to limit the number of containers but it becomes a public notice process for review and approval.

Lattin's recommendation is to take the issue back to Town Council for determination of location and processes and obtain a more definitive response from Town Council and recommended that the issue be placed on the Town Council's agenda for June 2 with PC members in attendance. The meeting begins at 5:00 PM in the Town Hall. It was the Commissioner's interpretation to limit the number of temporary cargo containers on commercial districts. Need more Town Council clarification about the numbers allowed on each property with an opportunity to explain to the PC position and rationale for its recommendation. Planning Director Dickhoff will bring back to the PC on May 26, 2015, the recommendations for the Town Council consideration to limit the number of containers on properties.

**Motion by Commissioner Lattin, seconded by Commissioner Adams to provide a recommendation for the Town Council's consideration, to APPROVE the following LUDC additions:**

**Addition: LUDC Article 12, Definitions: Cargo Shipping Container: A Cargo Shipping Container is defined as a large, usually rectangular-shaped, steel constructed unit that is built and used to carry goods for transport by sea, road, rail or air.**

**Addition: LUDC section 4.3.3.A.3.**

- a. All Accessory Structures shall be consistent in design and appearance as the principal structure on the property, including color, materials, roofing, orientation, ect...**
- b. All Accessory Structures require a Building Permit prior to construction or placement.**

**Addition: LUDC section 4.4.2.G. (Temporary Uses and Structures Allowed). Cargo shipping containers may be allowed for temporary use and placement in all districts, with an approved temporary use permit, issued pursuant to section 2.4.10. A temporary use permit shall be valid for a maximum of 180 days, with a maximum of 360 days consecutive use allowed. The applicant must demonstrate the need for such temporary use in their application.**



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**Addition: LUDC section 4.3.4.D.5. (Outdoor Storage).**

- a. **Cargo Shipping Containers shall be prohibited for permanent placement and use in Open Space districts.**
- b. **Cargo shipping containers shall be permitted within the Light Industrial district and in compliance with sections 4.4 and 4.5.**
- c. **Cargo shipping containers may be allowed in the Commercial District, Mixed Use Corridor District and Mixed Use Town Center district with and approved conditional use permit pursuant to section 2.4.4., limiting the maximum size to no more than 320 square feet, unless located within the within the Downtown Business and Lodging Overlay District and Downtown East Village Overlay District, where the size shall be limited to no more than 160 square feet.**
- d. **Cargo shipping containers shall be allowed in the Public/Quasi Public District, Limiting to no more than 160 square feet in size.**
- e. **Cargo shipping containers shall be allowed in residential districts, however, limited to no more than 80 square feet in size and compliant with section 4.3.3.A.3.**
- f. **Cargo shipping containers in place in any zoning district at the time of this code amendment, are considered non-conforming and shall comply with Article 9, unless the container was placed in violation of the code adopted at the time of placement.**

**C. Pradera Point Preliminary Subdivision Plan extension request:** Planning Director Dickhoff reported that on March 10, 2015, the Planning Department received an application for the extension of the previously approved Pradera Pointe Preliminary Subdivision plan for phase one. The Applicant, Bill Herebic of Gazunga, LLC, has provided a complete application packet for the Town's consideration. In the applicants letter of request, Mr. Herebic states that they are seeking an investor to initiate phase one, as previously approved, and they are requesting a 3 year extension for their previously approved Phase One Preliminary Subdivision Plat/Plan.

Pradera Pointe Subdivision is located on approximately 163 acres (adjacent to Cemetery Road & Rainbow Drive) and consists of 119 single-family residential lots. The final plat for phase one includes twenty (20) lots. This plan continues to be consistent with the Town's adopted Comprehensive Plan.

Previous approvals include the following:

- Town Council originally approved the phase I Final Plat on May 6, 2008. Per the Land Use & Development Code section 2.4.3.C.b.(i), preliminary plan or partial final plat approval shall be valid for one (1) year unless otherwise approved by Town Council.
- 03/03/09, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase 1, Prelim Plat.



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- 03/25/10 TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase I, Prelim Plat.
- 04/14/11, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase I, Prelim Plat.
- 05/17/12, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase I, Prelim Plat.
- 04/18/13, TC approved a one Year Extension for the Pradera Pointe Subdivision, Phase I, Prelim Plat.
- 03/25/14, the PC recommended Town Council approve a one year extension for the Pradera Subdivision Phase One preliminary Plat, contingent on the following outstanding items, attached as original conditions of the Final Plat Recordation:
  - The Inclusion of Current Plat language as required under the current LUDC adopted in 2009.
  - A current completed utilities checklist submitted prior to recordation of the Final Plat.
  - Signed Developer Improvement Agreement for phase one to include all phase one public and private improvements with required performance bonding.
  - Revised engineering plans & engineering cost estimates to include street lighting as required by the Planning Commission.
- On 04/01/14, Town Council concurred with the planning commission's recommendation, extending the preliminary plat until 04/01/15 with the above listed contingencies.

On February 19, 2015, Town Council approved Ordinance 823, revising the LUDC requiring a formal application for preliminary plan extensions. In the past, staff brought requests to the PC and TC without a formal application process. The new application process requires the applicant to provide the following:

- 1) A completed Preliminary Subdivision Plan Extension application
- 2) Payment of application fee of \$300
- 3) Agreement of Payment of fees (for reimbursing Town for expenses associated with processing application)
- 4) Evidence of Good Title
- 5) Taxes and list of taxing entities
- 6) General development information, formal request for an extension.

Planning Director Dickhoff noted that the applicant has provided the following:

- 1) A completed Preliminary Subdivision Plan Extension application.
- 2) Payment of application fee of \$300.
- 3) Signed Agreement of Payment of fees, agreeing to reimburse the town for expense associated with processing their application.
- 4) Evidence of Good Title for all three parcels.
  - a. demonstrating Gazunga, LLC as the current owner of all three parcels.
- 5) Taxes and list of taxing entities, for all three parcels.



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- a. Documents demonstrate all property taxes are current.
- 6) General development information.
- 7) The applicant further provided verification from their loan officer at Citizens Bank, certifying their loan is, and has always been, in excellent standing, which was received on March 16 2015.

Dickhoff noted that staff has not identified any concerns or issues with the extension request. It is important to note, at the time the Final Plan application is submitted, that all LUDC development regulations in place at the time of submittal shall be required to be met. Staff would recommend including such language in the considered motion.

**Motion by Commissioner Lattin, seconded by Commissioner Adams, and unanimously carried to "Approve a Recommendation for Town Council to Approve a three (3) year extension of the Pradera Point Subdivision, Phase One, Preliminary Plat Approval, contingent on the following:**

- A) Inclusion of current plat language as required under the current Land Use and Development Code (LUDC),
- B) A current utilities checklist submitted prior to recordation of the Final Plat,
- C) Signed Developer Improvement Agreement,
- D) Revised engineering plans compliant with the current Land Use Development Code,
- E) Revised engineering cost estimates and
- F) To include street lighting consistent with the current Town regulations
- G) Final Plans shall comply with the current LUDC provisions at the time of submittal.

**VII. Design Review Board: None.**

**VIII. Public Comment: None received.**

**IX. Reports and Comments:**

**A. Planning Commission**

**B. Planning Department Report –**Planning Department Director Dickhoff reviewed his Department Report as follows:

**TOWN COUNCIL:** At the May 5<sup>th</sup> Town Council meeting:

- 1) Approved the first reading of Ordinance 825, Second reading is scheduled for May 21<sup>st</sup>.
- 2) Approved portions of the recommended Cargo Container regulations with additional direction to staff.
- 3) Approved amending the Historic design Guidelines regarding expanding exterior color considerations.



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- 4) Awarded the Community Center Gym wood floor project.

PLEASE NOTE, Town Council meeting agendas and minutes are available upon request and available on line at: [TownOfPagosaSprings.com](http://TownOfPagosaSprings.com) > Government tab > Town Council tab > select category. Next TC Meeting is on May 21<sup>st</sup> at 5pm, proceeded with a ribbon cutting celebration at 4:30pm at the new 6<sup>th</sup> Street pedestrian bridge.

**HISTORIC PRESERVATION BOARD (HPB):** The Next HPB meeting is on May 13, 2015 at 5:15pm in Town Hall. Staff has submitted two State Historical Fund (SHF) grant applications for:

- 1) The restoration of the historic Water Works building and reservoir tanks at 96 - 1<sup>st</sup> Street and
- 2) The stabilization and restoration of the Stone Arch Bridge north of this facility.

Staff is working with the SHF staff to determine the town's eligibility for an emergency grant for the stone arch bridge, to provide temporary stabilization until the August 2015 grant application are notified of awards. In the meantime, the HPB will be discussing the safest and most cost effective manner in which the bridge can be temporarily stabilized, to ensure it does not collapse while we are waiting on the news of a grant award, expected in August.

The HPB has developed a full Historic Preservation Month schedule of events. One such event is the weekly showing of the Ken Burns documentary series "The West" each Tuesday at the Liberty Theater. Each showing is a \$5.00 donation that includes a small popcorn and soda. Attached is a schedule of events.

The HPB has recently been considering revising the colors approved for use in the Historic District and on Local listed Landmarks outside of the district, based on the current board's concern that the adopted color palettes are too limiting. On April 23, 2015, The HPB held a special meeting and finalized the following recommendation for Town Council's consideration.

*"Limit the number of colors, in general, no more than 3 colors should be used.*

*Their guidelines are fairly minimal as they don't have a strong color theme in the community. The guidelines can be found starting on page 83 of the referenced Website. Color schemes for older buildings vary throughout Steamboat Springs. Many are associated with individual building types and styles, while others reflect the tastes of distinct historical periods. While color in itself does not affect the actual form of a building, it can dramatically affect the perceived scale of a structure and it can help to blend a building with its context.*

*Keep color schemes simple. • Using one base color for the building is preferred. Muted colors are appropriate for the base color. • Using only one or two accent colors is also encouraged, except where precedent exists for using more than two colors with some architectural styles.*

*Coordinating the entire building in one color scheme is usually more successful than working with a variety of palettes. • Using the color scheme to establish a sense of overall composition for the building is strongly encouraged.*

*Muted colors are preferred for the background color of most buildings. • A darker background color will allow you to use lighter colors for trim—where the highlights will show up better. • Lighter colors can*



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*also be used as a background, but with a light background and accent color on the trim, the entire scheme is more susceptible to becoming too busy. If light background colors are used, it is best to use a different shade of the same hue for the trim.*

*Use bright colors for accents only. • Reserve the use of strong, bright colors for accents, such as signs, ornamentation, and entrances. • In most cases only one or two accent colors should be used in addition to the base color. • Doors may be painted a bright accent color, or they may be left a natural wood finish. Historically, many of the doors would have simply had a stain applied. • Window sashes are also an excellent opportunity for accent color. • Brilliant luminescent or "dayglow" colors are not appropriate."*

PLEASE NOTE, Historic Preservation Board meeting agendas and minutes are available upon request and available on line at: [TownOfPagosaSprings.com](http://TownOfPagosaSprings.com) > Government tab > Historic Preservation Board tab > select category.

**PIEDRA STREET VACATION:** Staff will seek direction from Town Council on May 21<sup>st</sup> regarding proceeding with considering vacating the remaining un-vacated portion of Piedra Street between Block 50 and Block 43, without an official applicant. If directed do so, the item will come back to the Planning Commission for a recommendation for Town Councils consideration.

**200 BLOCK PAGOSA STREET SIDEWALK IMPROVEMENT PROJECT:** The sidewalk project is moving forward. Even with the recent rains as of Wednesday May 6<sup>th</sup>, the contractor still anticipates that substantial completion will occur before Memorial day weekend with work continuing until mid-June (weather permitting).

**PIEDRA STREET 2015 REPAVING PROJECT:** Town Council has awarded the project to hart Construction with construction commencing the first week of June 2015. Completion is expected by the end of August 2015. The project will include a sidewalk along the north side of the street, which will provide pedestrian sidewalk connectivity to the Elementary School's path along the east side of their fields, providing a safe route to school. The School has indicated the public use of this trail is acceptable.

**COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE:** The Cobblestone Townhome project located on the improved 4<sup>th</sup>/5<sup>th</sup> Alley is still progressing. Inspection for accepting the one-way Yamaguchi Drive is expected to be requested before mid-May.

**6TH STREET PEDESTRIAN BRIDGE:** The Bridge is open to the public. A ribbon cutting is expected on May 21<sup>st</sup> at 4:30pm. Everyone is invited.

**WALL MART:** Wal-Mart has opened for business under a 90 day Temporary Certificate of Occupancy (TCO). The Alpha Drive improvements will be inspected sometime during May, and if such improvements are accepted, a 3 year warranty period begins for the actual road facility and a one year warranty period begins for the sidewalk and other associated facilities. Alpha Drive improvements are inspected for acceptance separate from the building and development permits.

There are few items Wal-Mart will need to complete within the 90 day TCO period, and staff has identified such items with Wal-Mart and their contractor. 1) Competition of on-site landscaping, 2)



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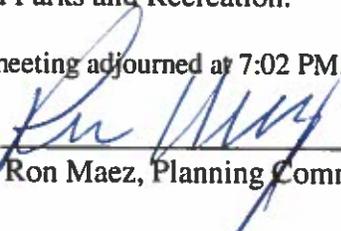
Landscaping to screen the loading dock from view, 3) Resolution based on Appeals process described below, 4) and a few other minor items.

**EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL:** The final trail easement donation was recently received and submitted to CDOT for consideration. CDOT has asked for some revisions to the documents submitted, which our third party uni-form act specialist is working on for resubmittal. It is expected that will received notice to proceed with advertising for construction bids by the end of June 2015. This will still allow the installation of the sidewalk along 10<sup>th</sup> Street during summer school break.

**WEST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL:** We have recently received approval from CDOT to begin our trail easement acquisitions. Staff has contacted all three property owners who have indicated interest in donating the requested trail easements. We hope to receive final formalized donations by the end of May. Also, the Planning Director was recently successful in negotiating a \$45,000 donation from Wal-Mart to this trail segment. The donation has been received and has been applied to this trail phase. The current engineers estimate for the 3600 lineal foot trail is \$535,735 for asphalt and \$641,190 for concrete.

**C. Upcoming Scheduled Town Meetings:** A meeting schedule was provided to the Commissioners that included meeting, through June 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

**X. Adjournment** - Upon motion duly made, the meeting adjourned at 7:02 PM.

  
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Ron Maez, Planning Commission Chair