



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

**July 8, 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. Commissioner Ron Maez arrived at 6:00 PM. Commissioners Cameron Parker and Natalie Woodruff were absent. Also present were Mayor Don Volger, Town Council Members CK Patel, John Egan, Clint Alley and David Schanzenbaker, Interim Town Manager Greg Schulte, Planning Director James Dickhoff, Associate Planner/Certified Permit Technician Margaret Gallegos and property/community member Ed Fincher.
- II. **Announcements:**
- A. **Greg Schulte was hired as Interim Town Manager** by the Town Council during the process of advertising and hiring a permanent Town Manager.
- B. **Meet, Greet and Discussion with Town Council (45-60 minutes)** – The Town Council requested time at the beginning of the meeting for a meet / greet session and discussion with the Planning Commission. The Planning Commission shared its thoughts regarding its role as a Planning Commissioner, requested support and direction from Town Council, and ideas for future projects and other issues. Topics of discussion included the following:
- Improve and maintain a good working relationship between the Town Council and Planning Commission by open and more frequent communication.
  - Implementation of the Town's comprehensive plan and zoning to be used as a blueprint and planning tool for the Planning Commission and planning department.
  - More communication with the public involvement and distribution of the comprehensive plan to unify in an identity for Pagosa Springs.
  - Creation of sub-committees for input on future issues – ie storage containers and metal sided buildings.
  - More frequent meeting between the Town Council and Planning Commission on topics of interest so that each entity is aware of the work in progress and actions taken and/or proposed.
  - Recommended that both Town Council and Planning Commission review and become familiar with the Town's enforcement policy as outlined in the Land Use and Development Code, Article 2.
  - Information gathering session for sticky topics should take place between the Town Council and Planning Commission in which each body outlines a work plan, written briefs and supporting documents (pros and cons) with specific time frames for returned comments and/or recommendations.
  - Town Council and Planning Commission need to define Pagosa Springs and make decisions about the future of Pagosa Springs while inspiring the community to become involved and informed.
  - Recommendation that the Town Council and Planning Commission become familiar with the Comprehensive Plan and Land Use and Development Code and involve the public with updating the documents.



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- Other topics included 1) issues with Highway 160 corridor traffic; 2) parking effects within the community; 3) scene of aesthesis, plantings, store front upgrades/incentives/pride in Pagosa/curb appeal; 4) visitors first impressions – eyesore along Hwy 160 and 84 – junk yards, clean up needed; 5) Town park bathrooms; 6) traffic patterns need to be addressed – 8<sup>th</sup> Street light – trucks/busses turning south, Elementary school turning lane, parking importance and incentives to attract tourists; 7) rec center good idea – size reevaluated and public presentation as seen with boom with Seeds of Learning 18 month backlog, location on main street; and 8) electric smart meters science objectivity review by Town Council.

In closing, the Town Council and Planning Commission agreed that they need to work together earlier and more often the process before a decision made for improved process, time management and decision making.

- III. **Approval of Minutes:** April 29, 2014 Planning Commission meeting minutes were tabled for further review of the references on page 1 – last paragraph by Planning Director Dickhoff.
- IV. **Public Comment:** 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. **Discussion regarding possible Land Use and Development Code (LUDC) amendments:**  
The Planning Commission has previously discussed a number of potential revisions to the Land Use Development Code (LUDC) over the last couple of years including:
- 1) Limiting the use of Cargo Containers. The PC has discussed limiting the use of cargo containers within town limits. Some of the concerns/issues previously discussed include:
- PRO's:**
- Containers are metal sided which is currently prohibited in commercial zone districts.
  - Containers can be visually unappealing in both residential and commercial zoned areas.
  - Containers are typically placed without Town's knowledge, many times encroaching into setbacks.
  - Nationally, there is an increasing number of used containers available for repurposing into storage sheds and other uses. Setting specific regulations now will ensure future standards for their use.
- CON's**
- Property owners should be able to put whatever they want on their property.



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- Containers are an affordable option for an accessory storage structure.
- 2) Looking at the revising minimum density requirements in the R-18 zoning district. The R-18 district has a minimum density requirement of per acre. This requires a minimum of units per a standard 50' x 150' town lot in the R-18 district.
- 3) Consider reducing minimum lot sizes in residential zone districts. There has been a number of inquiries over the last 4-5 years regarding the town allowing a smaller minimum lot size in residential zone districts. Current minimum is 7500 sq. ft. (50' x 150' lot) for single family dwelling units and 3000 sq. ft. for townhomes. The argument has been that a smaller lot would could provide a more affordable housing option and not have any more negative impact than the townhouse minimum lot size. A 75' x 75'(5625 sq. ft.) lot may actually be a better dimension than a typical 50' x 150' lot.
- 4) Metal sided buildings which are currently prohibited in commercially zoned districts. Dickhoff reported that there have been a number of inquiries over the last 4-5 years regarding this code standard. Some considerations may include: a) designating portions of commercial districts that could accommodate metal sided buildings, based on the current # of metal sided buildings in some areas (Goldmine Drive, Trinity Lane and 15<sup>th</sup> Place); b) allowing current metal sided building the ability to construct a metal sided addition; and c) develop architectural design standards that address the current concerns with a typical metal sided building, for example: roof overhangs not sufficient for snow shedding *and siding damage*, atheistic look, box like structure, etc. Other issues may include enforce snow impact through building codes; cost vs property values; and amend zoning to add light industrial district
- 5) Other identified revisions: a) develop a development application extension process; b) electronic message center signs; and c) Highway 160- Main Street, elementary school, and 8<sup>th</sup> Street traffic and pedestrian issues.

**The Commission requested that staff assemble and provide supporting information about each topic for its review and discussion at its upcoming meeting.**

**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 – None.**

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



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**HISTORIC PRESERVATION BOARD (HPB) UPDATE:** At the June 11, 2014 HPB meeting, the HPB decided to discuss a potential Mary Fisher Recognition project for Mary Fisher Park. The HPB will work on some details to present to Town Council on July 17, 2014. The HPB also discussed the San Juan Historical Museum, former Town Water Treatment Plant, and the disrepair and safety concerns with the reservoir walls and the old stone bridge north of the building. The HPB will be looking into costs estimates for proposing pursuing grants for the needed repairs.

**CHAMBER OF COMMERCE AND VISITORS CENTER UPDATE:** On July 01, 2014, the Town Council (TC) approved the second reading of ordinance No. 812, approving a lease purchase agreement for the Town to acquire the Chamber of Commerce property located at 105 Hot Springs Blvd. TC also approved a lease back agreement for the Chamber to lease a portion of space to continue their operations until they find other accommodations.

**6<sup>TH</sup> STREET RIVER WALK EXTENSION PROJECT:** The trail extension construction project has been substantially completed. The Locke's ditch has been opened and the wetland ponds have filled. Staff is working on submitting reimbursement documentation to "State Trails" for our \$120,000 grant award reimbursement. Benches have been ordered for the four bump outs. The HPB and Parks and Recreation Board will be working on four to eight interpretive signs, for placing 1-2 signs at each bench bump out. These signs will be placed in 2015.

**8TH - 10 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 near future. The Trail project between 8th Street and 10th Street is expected to have final plans ready for advertisement for construction bids by the end of June and easement acquisitions by the end of July. 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.

**6TH STREET PEDESTRIAN BRIDGE GRANT:** Staff has initiated the bridge order. Davis engineering is working on finalizing the bridge ramp and abutment plans. Advertisement for bids will most likely occur in early August. It is anticipated the Bridge will be set in place before the end of 2014 with some landscaping to be completed in 2015.

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

- ROW plans have been submitted to CDOT for approval so that Federal Uni-Form Act easement acquisitions can begin. Property owners have expressed interest in donating the required easements.
- Preliminary Plans are anticipated to be submitted to CDOT by the end of July 2014.
- Once Preliminary plans are approved, final planning will proceed with anticipated CDOT review by the end of August 2014.
- Potential advertisement date for construction bids could be in September 2014 with construction starting in late September 2014. It is a possibility this project will be deferred for construction to early 2015.



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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. Portions of the project required by CMAQ to be Town funded include re-constructing two portions of the current roadway that veers into private property (mostly the drainage swale along the east side of the roadway) and reconstruct within the platted ROW. This project has been staged for 5 years has just received CDOT final plan approval. Construction completion by the end of 2014 is expected. Advertisement for construction bids is anticipated by the end of June 2014. The project is anticipated to cost \$370,000.00 with a total of \$255,000.00 being eligible CMAQ funding reimbursement. Staff has been successful working with CDOT staff to increase the total eligible CMAQ reimbursements for the project by almost \$100,000.00.

Additionally, Dickhoff reported that the Town is one of only three eligible towns for CMAQ dust mitigation funds. The other communities have already paved all their roads, thus, the Town would be first in line for additional CMAQ funding for paving roads within the State's defined dust mitigation boundaries. The only Town roads that remain in this boundary include: the north leg of the Mesa Drive connection to Snowball Road (which may or may not be eligible due to the narrow width and traffic counts), Crestview Drive and the east portion of Majestic Drive (although, the current road alignment is not within the ROW, which would be the town's responsibility. CMAQ paving are only eligible for paving, not road re-alignments).

CDOT MCCABE CREEK BRIDGE PROJECT UPDATE: Town Council met with CDOT on June 6 to discuss the potential costs for including a trail bench cut along the new proposed open creek channel in the bridge project design. CDOT's represented that a trail bench cut would cost an additional 1.5 million (25% of the entire 6 million dollar project cost) that the Town would need to pay for. Town Council determined they would not peruse the trail cut cost as part of the bridge project. CDOT will ensure the bridge decking will accommodate 10 feet of head clearance for a future trail installation under the highway. Recent design changes on the McCabe Creek Bridge indicate a reduction of the original sidewalk width from 8 feet wide to 5'-6" wide. The Town's sidewalk width minimum requirement is 6 feet wide. Staff is working with CDOT to determine the reason for the reduced width and for at least compliance with the Town sidewalk standards. Staff has been successful working with CDOT to accommodate a 6'-0" wide minimum sidewalk.

WALMART: The Town Building Department issued WalMart's building permit on June 6, 2014 after receiving the executed Development Improvement Agreement with \$530,000 in financial security and receiving Impact Fee payment of \$494,168.44 (409,277.34 to Roads, 15,006.26 to Regional Public Buildings, 69,934.84 to Emergency Service Providers). Wall Mart has hired SHAMES Construction out of Livermore California for their development project. Shames Construction has begun setting up their Storm Water Management Plan BMP's and has set a construction trailer on site. Town staff has attended a pre-construction meeting and the storm water management meeting. Town staff has reiterated the importance to control dust during the project. Up to two water trucks will be on site at all times and water dust control will occur at end of each day. They will begin excavating for the building foundation and removing materials (35,000 cu yds) from the site next week. Improvements to Alpha Drive, Aspen Village Drive and



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Hwy 160 will begin after CDOT has confirmed approval for construction permits. Road improvement coordination will ensure access to Alpha Rock Ridge subdivision.

HORSE DRAWN CARRIAGE BUSINESS AND CONSIDERATION FOR AMENDING MUNICIPAL CODE TO ALLOW: Staff has received a business license application to conduct a horse drawn carriage business on Town Streets during the July 4<sup>th</sup> holiday weekend. The applicant was noticed that there was not enough time to process his request to accommodate the July 4<sup>th</sup> weekend; therefore, the applicant is interested in working on approval for next year's holiday weekend. Speaking with the Town's attorney Bob Cole, it appears our Municipal Code could be revised to accommodate these types of businesses administratively.

From Bob Cole:

*"Granting a franchise under Section 10.6 of the Charter, gives the Town control over streets, alleys, and other Town owned property. A franchise would have to be approved by ordinance, pursuant to Section 10.8 of the Charter. A more nimble agreement would be a revocable permit or license allowing the temporary use or occupation of any street, alley or other public way, or Town-owned place under Section 10.11. Such a revocable permit or license could be granted by resolution. I recommend we switch to this type of agreement, unless you think otherwise. Please let us know your wish. Going forward, I recommend that we prepare a new Article under Chapter 6 of the Municipal Code that sets out a permit or licensing program for the temporary or seasonal use of streets, alleys, public ways or Town-owned property. This Article would specify some minimum requirements, grant approval authority to staff so Council would not have to be involved, and provide standardization to avoid any allegations of favoritism or excessive scrutiny. Such permits or licenses would have to be revocable to comply with the Charter, but would afford applicants an easier process than obtaining a non-revocable franchise. Again, let us know if you agree with this approach and we will begin drafting the Municipal Code amendment. We would not be able to have this municipal code amendment ready for consideration until the July 17th meeting (draft available by July 2)." Staff will work with Bob Cole's office to prepare a proposed code revision for Town Council's consideration. This will help not only the horse drawn carriage applicant, but others that have inquired about similar use of town streets.*

SOUTH 8TH STREET PAVING AND LANE CONFIGURATION: Staff had previously brought to Town Council's attention on May 22<sup>nd</sup>, the consideration of re-configuring the lane stripping along South 8<sup>th</sup> Street, as part of the re-paving project this summer. Additionally, staff emailed Town Council members on June 4<sup>th</sup> to solicit opinions regarding lane configuration options. Staff received responses with most preferring no parking on the west side with bike lanes. Staff conducted a neighborhood meeting for soliciting comments from the residents and property owners along 8<sup>th</sup> Street on Monday June 30, 2014. The meeting only drew two citizens. Both stated they would prefer parking over bike lanes. The current road width is insufficient to accommodate two travel lanes and parking on both sides of the street. The current roadway width is approximately 33 feet of pavement width and 1.5 feet of each gutter giving a maximum total of 36 feet wide. This width would accommodate a 5' bike lane on the west, two 10 travel lanes and a 11' foot wide bike lane/parking lane on the east side of the road. This



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configuration meets AASHTO (American Association of State Highway Transportation Officials) design standards.

Staff received new information on Monday June 30<sup>th</sup>, regarding a preliminary analysis from Davis Engineering and the results of the geotechnical soil samples taken along S. 8<sup>th</sup> Street, which found the gravel base to be only 5"-8" deep, insufficient for the traffic volumes on the street. Davis Engineering expressed concern over the proposed repaving project over the limited amount of base gravel, and the typical expected life span of asphalt projects being 20 + years. A repaving project may not result in a typical life span for the asphalt surface. This was reported to Town Council (TC) on July 1. Staff will be providing a more detailed analysis to TC on July 17, regarding the options for improving S. 8<sup>th</sup> Street, which originally was budgeted as a repaving project for 2014. The options will range from sticking with the original repaving project, to a road reconstruction project and possible widening project.

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

**D. Upcoming Town Meeting Schedule** is as follows:

- Special Scheduled PC Meeting:
  - Tuesday, July 29, 2014 @ 5:30pm in Town Hall.
- Regular Scheduled PC Meeting:
  - Tuesday, August 12, 2014 @ 5:30pm in the Town Hall.
- Regular Scheduled Historic Preservation Board meetings:
  - Wednesday July 9, 2014 at 5:15pm in Town Hall.
  - Wednesday August 13, 2014 at 5:15pm in Town Hall.
- Regular Town Council Meetings:
  - Thursday, July 17, 2014 at noon in Town Hall.
  - Tuesday, August 5, 2014 at 5pm in Town Hall.

**X. Adjournment**- Upon motion duly made, the meeting adjourned at 8:05 PM.

A handwritten signature in blue ink, appearing to read "Kathie Lattin", is written over a horizontal line.

Kathie Lattin, Planning Commission Chair