



**Planning Commission, Board of Adjustments  
& Design Review Board  
Regular Scheduled Meeting Minutes  
Tuesday, June 12, 2012 at 5:15 p.m.  
Town Hall Council Chambers  
551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147**

---

- I. **Call to order / Roll Call** – Meeting Called to Order at 5:18pm with Commission Chair Lattin, Commissioner Hart, Commissioner Parker, Commissioner White and Commissioner Maez present.
- II. **Announcements**  
N/A
- III. **Approval of Minutes**  
A. Approval of May 22, 2012 Planning Commission Meeting and Public Hearing Minutes – The minutes were approved as read.
- IV. **Board of Adjustments**  
A. Front Yard Setback Variance request for 273 Mesa Drive (quasi-judicial). - The applicant, Gary and Linda Williams, is requesting the approval to encroach into the 25 foot front yard set back, by up to 12.5 feet, to construct a new attached two car garage with deck above garage. The property has an existing residential single family home with no garage. Mr. Ben Witting is representing the owners, he explained the front façade will be either wood siding or stucco finish, and tasteful garage doors. LUDC section 2.4.3.D lays out the process for requests for variances. Planning Director Dickhoff explained the criteria set by the LUDC and the conditions the variance if granted will provide. Public notice has been published and posted as required. Commissioner White moved to approve a front yard Set Back Variance for an encroachment of up to 12.5 feet for the construction of a new attached garage for the existing single family residence located at 273 Mesa Drive, Commissioner Maez seconded, unanimously approved.
- V. **Design Review Board**  
A. Wal-Mart Major Design Review Public Hearing will be continued on July 10, 2012 at 5:15pm in the Ross Aragon Community Center (quasi-judicial). Public comment was taken on this item. Ms. Muriel Eason asked the expectations for the public to be provided prior to the meeting to give them better preparation. Also she suggests providing the public procedures for the process of submitting written comments. Mr. Bill Hudson echoed Muriel Eason's remarks; he would like Mr. Hart and Mr. Maez to represent the commission by being present at the next meeting. Commission Chair Lattin explained they are not aware of how long meetings will take and appreciates the audiences' patience.
- VI. **Planning Commission**  
A. Amending LUDC regarding limiting Cargo Containers as accessory structures. - On November 08 2011, the Planning Commission discussed the lack of clarification regarding Cargo Containers in the LUDC and the use of businesses for seasonal items stored on site. Commissions Maez, Hart and Parker were asked to sit on a committee to discuss and recommend language that would help clarify appropriate uses for Cargo Containers. The committee met several times and considered regulations in other communities as well as local considerations. The committee recommended language for consideration in amending the LUDC section 4.3. Accessory Uses and Structures. Mr. Morgan Murri said the Alco store is bursting at the seam and is looking for a temporary outdoor storage space, and hopes this item will help with their

needs. Mr. Bill Hudson asked the public comment period be completed after the board discusses the item. Commissioner Hart said the committee had discussed extensions of the 180 day expiration, if the extension is requested and approved, by staff, prior to the 180 day expiration date. Commission Chair Lattin said businesses should have containers available if needed, Commissioner Parker said the intent is not to have containers all around town, and painting and screening should be required. Planning Director Dickhoff explained this is intended for a temporary use until additional permanent space for the extra items can be completed; therefore this section limits the use of the containers to 360 days. Commissioner White would like all zoning areas to have the same regulations, and each is allowed up to 360 days. Commission Chair Lattin said the light industry will need the outdoor storage on a more permanent basis and why this section 4.3.4.D.5 allows outdoor storage. Commissioner Hart said the conditional use permit is on a case by case basis as to the location of the container and the best location on the specific site. Planning Director Dickhoff asked to include wording that the container is associated with a business and use relative to the primary use. The commissioners approved allowing Planning Director Dickhoff to administratively approve a conditional use permit allowing Alco to put two temporary storage containers at the back of the store for temporary 180 day use. Commissioner Hart asked to table the cargo container decision until the July 10, 2012 PC meeting to review staff's amended language for consideration.

The below items were read by Planning Director Dickhoff as referring to the LUDC items.

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

Cargo Containers shall be prohibited in all zoning districts except as allowed under LUDC section 4.3.4.D.5 and as allowed as temporary uses and structures in LUDC sections 4.4.2.G and 4.4.2.H. Cargo Containers are allowed in Light Industrial (LI) Zoned Areas in compliance with LUDC section 4.3 with a maximum of 800 square feet allowed. The Containers must be screened and painted or sided to match the existing structure and/or surrounding environment. The placement of Cargo Containers and painting/screening color within the Light Industrial (LI) zoning district, must be approved at a Conditional Use Permit (CUP) Public Hearing by the Planning Commission as detailed in LUDC section 2.4.4. Cargo Containers in place at the time of this code amendment, August 2012, are considered non-conforming and shall comply with LUDC Article 9 (non-conformities and triggering events for compliance).

**LUDC section 4.4.2.G. (Temporary Uses and Structures Allowed).**

Cargo Containers can be allowed for temporary use in areas zoned Commercial (C) or Mixed Use Corridor (MU-C) for a maximum of 180 days, with a Conditional Use Permit (CUP) approved by the Planning Commission as detailed in LUDC section 2.4.4. One additional 180 day extension period may be requested, if the extension is requested prior to the expiration of the first 180 day period. A maximum of 360 days consecutive use will be allowed. Additional approval can be considered in compliance with LUDC section 4.4.2.H below, an approved change of use or change in ownership of the property.

**LUDC section 4.4.2.H. (Temporary Uses and Structures Allowed).**

A Cargo Container may be allowed on a temporary basis in any zoned area for the duration of a issued and current building permit. A Cargo Container shall not be placed on the premise until a Building Permit is issued by the Town of Pagosa Springs Building Department. The Cargo Container shall be removed from the premise, prior to Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) or Certificate of Completion (CC) can be issued to occupy the premise or building addition. The Cargo Container use must be relative to the construction project the building permit is issued for.

**VII. Public Comment**

A. Opportunity for the public to provide comments and to address the Planning Commission. – Mr. Morgan Murri said thank you for the opportunity to comment to the planning commission. Ms. Muriel Eason read a letter by Dan and Juanalee Park who are owners in the Aspen Village Development. They have concerns with the vacating of the cul-de-sac and the proposed Wal-Mart store affecting the neighborhood atmosphere of the development. They would like the store turned to face into the development and to comply with LUDC codes. Mr. Bill Hudson said he liked the way the commission used to conduct meetings, with a small town feeling, and would like the commission to return to the way they used to do business.

**VIII. Reports and Comments**

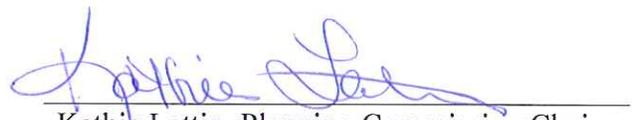
A. *Town Manager* – No report.

B. *Staff* –

1. Town Council Update: - Town council approved: a contract with GOCO for the recently awarded \$200,000 State Trails Grant for the west phase of the town to Pagosa lakes trail, the Pradera Point phase one final plat extension request was approved for a period of one year, the de-annexation from the Mountain Crossing property to accommodate a land swap was approved, and the T-Mobile reservoir hill ground lease ordinance was approved after twp readings.
2. Historic Preservation Board Update: - A community roundtable session should be announced soon to develop opportunities to engage the community in historic preservation opportunities.
3. Planning Department Report: - A revised development agreement and vested property rights ordinance for the Springs Partners will be presented July 3, 2012. The Hwy 160 sidewalk project is scheduled for completion June 22, 2012. Davis Engineering was awarded the design and engineering of the 8<sup>th</sup> Street sidewalk and multi use trail project. The 8<sup>th</sup> Street and Hwy 160 lighted intersection is scheduled for start in July 2012. Staff, Council and Planning Commission members met with CDOT regarding the pedestrian crosswalks with hopes to begin construction soon. The parks and recreation commission is recommending to the Town Council that concessionaires be allowed to set up in the Yamaguchi Park for the summer season.
4. Upcoming scheduled meetings announced:

C. *Planning Commission* - No report/discussion.

**IX. Adjournment** - Upon motion duly made, the meeting adjourned at 6:30pm.

  
Kathie Lattin, Planning Commission Chair