



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

July 28, 2015

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

- I. **Call to Order / Roll Call:** Commission Vice-Chair Heidi Martinez called the meeting to order at 5:30 PM. Commissioners Ron Maez (by phone), Kathie Lattin, Peter Adams and Natalie Woodruff were present. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos, Ed Fincher, and Annie Sewell.

- II. **Announcements:** None.

- III. **Approval of Minutes:** Motion by Member Woodruff, seconded by Commissioner Lattin to approve the June 9, 2015 Planning Commission regular meeting minutes and June 30, 2015 and July 21 Board of Adjustments Appeal Hearing minutes as presented with the audio recording retained as the presiding record for the meeting. Motion carried, Member Adams opposed.

- IV. **Public Comment:** None received.

- V. **Board of Adjustments:** None.
 - A. **Resolution 2015-12, Written Findings for Board of Adjustment Determination of Walmart Appeals Hearing:** On June 30, 2015, the Board of Adjustments (BoA) conducted an Appeals Hearing, regarding the Walmart Real Estate Business Trust Appeal of the Town Planning Director's interpretation of Land Use Development Code section 6.11. Exterior Lighting, and his final determination regarding the non-complying nature of the parking lot lighting at the Walmart development located at 211 Aspen Village Drive with the adoption of Resolution 2015-09, stipulating procedures for the Appeal Hearing. On July 21, 2015, the BoA continued its Appeals Hearing, and made the following decision by a majority vote:

"The Board of Adjustments DENIES the Wal-Mart Appeal of the Planning Director's Determination, and find:

 - a. *That the Director's interpretation of the intent of the Land Use Development Code, Section 6.11.4.A. and J. is correct regarding the requirements for concealing or shielding light sources so as to direct and confine all light beams to the subject property and away from nearby properties and the vision of passing motorist, and to minimize glare and unnecessary diffusion on adjacent properties;*

 - b. *That while the lighting design was anticipated to meet this standard, in operation it has failed, as light beams, glare and diffused light from the NE and SW corner parking lot perimeter lights and all interior parking lot lights are visible and do fall onto adjacent properties;*

 - c. *That reasonable steps are available to minimize such glare and unnecessary diffusion, including but not limited to alternate fixtures, installing modifications to current fixtures, and reducing pole height; and*



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- d. *That the Appellant is therefore in violation of Section 6.11.4.A, and J.; and*
- e. *Direct staff to formalize the BOA's findings and determination as a "Written Order" for consideration of approval at the July 28, 2015 PC meeting."*

Motion made by Member Lattin, seconded by Member Woodruff, and unanimously carried to convene into Executive Session pursuant to C.R.S. 24-6-402 (4)(b) for the purpose of receiving legal advice regarding the Walmart Appeal Hearing.

Executive Session - Upon motion duly made, the regular meeting adjourned at 5:43 PM and convened into Executive Session at 5:45 PM. The Board reconvened into regular session at 6:22 PM.

Motion by Commissioner Woodruff, seconded by Commissioner Lattin, motion carried unanimously to APPROVE Resolutions 2015-12, A Resolution of the Town of Pagosa Springs Board of Adjustments, a Resolution, Finding of Facts and Order Denying the appeal By Walmart Real Estate Business Trust, of the Administration Decision of the Town Planning Department Director Regarding Parking Lot Lighting.

VI. Planning Commission:

A. Metro Retro Safe Routes to School Coalition Request to Support Urban Single Track Trails: Planning Director Dickhoff reported that the local Safe Routes to School Coalition, known as "Retro Metro Kids" is proposing an Urban Single Track Trail project in the Town and Community. Annie Sewell is the representative spearheading this initial concept with David Hamilton, Assistant School Superintendent. Safe Routes to school is a CDOT supported program that identifies safe route to schools, educates students/parents, coordinates events/programs and applies for grants.

In general, the overall proposal is to develop single track trails using Town owned property, undeveloped Public Rights-of-Way and easements from private property owners, providing pedestrian and non-motorized connectivity, recreational opportunities and direct routes where none exist now, at an affordable cost. The proposed single track trail would be rustic dirt trail appropriate for running/walking/hiking and mountain biking.

The first proposed trail would connect the High School and the Elementary school, utilizing school property and Town owned property and easements. Ms. Sewell noted that the Retro Metro Kids is soliciting trail design costs from 3 trail designing firms and is in the process of seeking Letters of support for the project as well as commitments for coordinating volunteer trail building efforts.

Some of those supporting entities at the very least include the School District, Forrest Service, Pagosa Area Trails Council (PATC) as well as private citizens. There may be PROST 1A funds



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available from the County to assist with this initial trail designing in preparation for volunteer trail building.

Annie Sewell presented the proposal at the PC meeting, and is seeking support from the PC and a recommendation to Town Council to support the concept. Ms. Sewell plans to present to the Parks and Recreation Board on August 11th for a similar request from that advisory board. The intent is to present to Town Council on August 20th, for support to move forward with the first initial trail segment and support for the overall concept.

Staff provided a map at the meeting on the monitor, showing the first initial proposed trail alignment.

The Commission had several questions and made the following statements:

1. "Single-tract" concept being too narrow - 36" for both pedestrian and bikes
2. Maintenance – seasonal use, active group of people support the concept such as Pagosa Trails Coalition, Pagosa Mountain Sports,
3. Intended uses - still begin reviewed and appreciated the intent
4. Location will be in Town easement – not on the paved street for safety; however, undeveloped roadways/alleys maybe used.
5. Phasing of project – Director Dickhoff noted that the proposal is Phase I, High School, Dakota Springs, crossing Trujillo Road, town owned property. Phase II may include, single tract, Dakota Springs to connect with Yamagucci Park to Reservoir Hill, while Phase III, may be the perimeter around Town and pick-up at Elementary School
6. Concern with ownership, future maintenance, need safe route for kids should be part of the planning and execution, core to safety and expediently get kids to destination. Ms. Sewell commented that the school came to them for assistance.
7. Support is in place for the grass roots project to go forward with trails
8. Users - Elementary to High School and future uses such as cross country races, mountain bike elective for middle school, after school bike club.
9. Support Needed – Director Dickhoff noted that the group needs support because easements are being used, little cost because of grass root group wanting to start trail, connectivity good for downtown, student, adult, tourist and resident components. Not a lot of beginner trails, perimeter trails good for Town.
10. Commission Support – Director Lattin noted that the request is a bigger opportunity, need parks and recreation opinion are also needed; Commissioner Adams loved the idea but felt that phases need more information and support; Commissioner Woodruff supported the concept.
11. Closing – Director Dickhoff noted that the issue is before the PC to consider the right of ways and vacation recommendations. The group will have to come back with actual plans.



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Motion by Commission Adams, seconded by Commissioner Woodruff and unanimously carried to APPROVE a recommendation for Town Council to APPROVE the proposed concept of Urban Single Track Trails in Town.

B. Electronic Message Center Sign Regulations Update and Addition to the Proposed Regulations: The Planning Commission has been considering regulations for Electronic Message Center (EMC's) signs for some time now. On April 28, 2015, the PC approved a set of EMC sign regulations for Town Councils consideration and approval, prior to Staff drafting LUDC revisions and associated Ordinance.

On April 28, 2015, The Planning Commission deliberated on each recommended regulation item with the following results:

- 1) Allow EMC's within sign zone 2 (Unanimous PC support).
- 2) Allow EMC's within sign zone 1 (PC-3 in favor and 2 opposed).
- 3) Prohibit EMC's in residential districts and the Historic district (Unanimous PC support).
- 4) Limit to no more than one message change each 5-minute period. (PC-3 in favor and 2 opposed)
- 5) Require a 5-second phase-out and 5-second phase-in for changing messages (Unanimous PC support).
- 6) Limit the light level output to 0.3 Foot-candles. (Unanimous PC support).
- 7) Exemption for Temperature/Time display signs, meeting light level to 0.3 Foot-candles (PC-All in favor).
- 8) Exemption for Gas Station pricing signs, meeting light level to 0.3 Foot-candles (PC-All in favor).
- 9) Limit ECM's to freestanding and wall signs only (PC-All in favor).
- 10) Restrict EMC signs no more than 30% of total wall sign or freestanding sign (PC-All in favor).
- 11) EMC's shall not be the predominant element of any sign (PC-All in favor).
- 12) Provide a LUDC definition for ECM's (PC-All in favor).
- 13) EMC sign regulations shall apply to all EMC signs located inside a building and visible from a public sidewalk or public street (PC-All in favor).
- 14) Limit to no more than one EMC sign per property (PC-4 in favor and 1 opposed).
- 15) No Limit on number of Colors used (PC-4 in favor and 1 opposed).
- 16) Text shall be the lighter color and the background shall be the darker color (PC-All in favor).
- 17) EMC signs shall have automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light (PC-All in favor).
- 18) EMC messages shall be static. Moving messages and Animation shall be prohibited (PC-All in favor).



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There was also discussion and PC support for Town Council to consider special provisions for public service announcement EMC's, that may include for example; the School District, TTC and other community service organizations to notify the public of school and sporting events, Special events in Town, and other community and civic notifications and alerts. Staff believes these special circumstances be reviewed and considered on a case-to-case basis.

On June 2, 2015, the Town Council considered the PC's recommendations. In Addition, Staff brought this additional item to Town Council for consideration: "#19. Staff would also suggest the use of an EMC, disqualifies a business from displaying temporary signage as allowed and permitted by the Town, as the EMC serves that purpose".

Town Council provided the following results, approvals and direction:

- A. *Council Member Lattin moved to support the 14 items the planning commission unanimously recommended, Council Member Bunning seconded, unanimously approved.*
- B. *Council Member Schanzenbaker moved to direct staff to prohibit EMS in zone 1, Council Member Alley seconded, motion failed with three nays (Mayor Volger, Council Members Bunning and Lattin).*
- C. *Council Member Lattin moved to approve planning commission recommendation on item 2 allowing EMC in sign zone 1, Council Member Bunning seconded motion carried with two nays (Council Members Schanzenbaker and Alley).*
- D. *Council Member Lattin moved to approve item 4 limiting changes to one per 5-minute period, Council Member Egan seconded, motion carried with one nay (Council Member Schanzenbaker).*
- E. *Council Member Bunning moved to approve recommendation of number 14 limiting one EMC sign per property, Council Member Lattin seconded, unanimously approved.*
- F. *Council Member Lattin moved to accept planning commission recommendation on item 15, Council Member Bunning seconded, motion carried with one nay (Council Member Schanzenbaker).*
- G. *Council Member Lattin moved that staff bring to planning commission item 19 restricting temporary signs for those with EMC's, Council Member Egan seconded, unanimously approved.*
- H. *Council Member Egan moved to direct staff to work with the planning commission to look into limiting the hours of operation of EMC's, Council Member Schanzenbaker seconded, unanimously approved.*

Overall, the result is that the PC's recommendation where approved. The next step is for the Planning Commission to provide a recommendation on #19, which will be forwarded to Town Council for their determination. Then, Staff and the Town's attorney will draft an ordinance with these code revisions for Town Council's consideration.

The Planning Commission was directed by Town Council to provide a recommendation on staff's suggested #19 inclusions into the code revisions. The proposed additional regulation would prohibit those properties that have a permitted EMC sign, from displaying a temporary



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banner. The Town requires a permit for temporary signs, which all businesses are allowed to display up to 10 square feet of temporary signage (typically a banner) to promote special, sales, events, ect....

Staff suggests that the EMC sign will serve the very same purpose as a temporary sign, since it can be programmed to display multiple changing messages. This regulation is included in a few of the other regulations that were considered from other communities, during the development of the current recommended code revisions.

Motion by Commissioner Lattin, seconded by Commission Woodruff and motion carried to approve a recommendation to Town Council to include in the proposed EMC regulations, the prohibition of an entity from displaying temporary signage if they have an EMC sign. Member Adams abstained.

VII. Design Review Board: None

VIII. Public Comment: None received.

IX. Reports and Comments:

A. Planning Commission – No report or comments.

B. Planning Department Report –Planning Department Director Dickhoff provided the following written Department Report:

TOWN COUNCIL: At the June 2nd Town Council Meeting:

- 1) Approved the second reading of Ordinance 827, vacating a portion of the Rivers Edge PUD subdivision.
- 2) Approved a 3 year extension for the Pradera Pointe Preliminary Plan for phase one.
- 3) Denied a request for an addition TOD signs for the Aspen Village subdivision.
- 4) Denied Ordinance 828, revising the LUDC regarding Cargo Container use and placement. It was determined that Town Council will provide their comments on the proposed LUDC revisions via email to staff before June 19th, at which time staff will review the comments and bring revised code amendments back to Town Council for consideration.
- 5) Approved moving forward with LUDC revisions for Electronic Message Center signs.
- 6) Directed staff to not proceed with vacating the remaining portion of Piedra Street adjacent to Block 50, unless an applicant submits and application for the vacation, which at that time, staff would schedule PC and TC public hearings on the vacation application.

At the June 15, 2015 TC meeting:



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1. Appointed Greg Giles to the Planning Commission.
2. Approved the first reading of Ordinance 829, vacating the utility easement between Lots 6 and 7 in Paradise Mesa to accommodate a lot consolidation.
3. Appointed John Egan to the Geothermal Greenhouse Partnership Board.
4. Approved a name change of the newly combined Town Tourism Committee and County Tourism Commission to "The Pagosa Area Tourism Board".

At the July 7, 2015 TC meeting:

1. Denied painting pickle ball stripes on new Community Center gym floor.
2. Re-Appointed Ron Maez to the Planning Commission for an additional 4-year term.
3. Approved the second reading of Ordinance 829, vacating the utility easement between Lots 6 and 7 in Paradise Mesa to accommodate a lot consolidation.

PLEASE NOTE, Town Council meeting agendas and minutes are available upon request and available on line at: TownOfPagosaSprings.com > Government tab > Town Council tab > select category.

HISTORIC PRESERVATION BOARD (HPB): At the July 8, 2015 HPB meeting the HPB made the following approvals:

- ~ Sign permit application for "Footprints Shoe Store" at 456 Pagosa Street.
- ~ Sign permit application for "Two Old Crows-Décor and More" at 498 Lewis Street.
- ~ Sign permit application for the "Parish Hall" at 445 Lewis Street.
- ~ Recommendation for Town Council to appoint Lindsey Smith to the HPB.
- ~ Letter of recommendation for Council to request the BOCC to seek a Historical Assessment of the County Courthouse building.

The next regular HPB meeting is on August 12, 2015 at 5:15 pm in Town Hall.

PEDESTRIAN WALKWAY INSTALLATION BETWEEN SOUTH 8TH AND SOUTH 7TH STREETS: The Town Streets department has installed improvements to accommodate a new pedestrian pathway between S. 8th Street and S. 7th Street. The Streets Department installed a new log rail fence, new parking blocks, parking lot stripping and a hard surfaced connection with the S. 8th Street intersection sidewalk ramp. This new pedestrian connection provides connectivity to and from the new-lighted intersection pedestrian crossing facility.

200 BLOCK SIDEWALK PROJECT: The project is substantially completed with a few small outstanding items. The new Streetlights have been ordered and the expected delivery is in September 2015.

GEOTHERMAL GREENHOUSE PROJECT: The Geothermal Greenhouse partnership project has advertised for construction bids, which are due by Tuesday July 21st at 2pm. Included in the bid request are a number of add-on's and in-kind work, which will take some time to review after the



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bids are received, to develop a comprehensive bid abstract. 5 Bidders requested plans and attended the mandatory bid meeting on July 7th. It is anticipated the project could potentially begin breaking ground by the second week in August 2015.

LEWIS STREET STONE ARCH BRIDGE: Staff has received a shoring plan from the Collaborative, Inc. for temporary shoring of the stone arch bridge. Staff has also inquired about an emergency grant to initiate the shoring while our restoration grant application is being considered. Unfortunately our workload has deferred follow-up on the possibility of an emergency grant. We hope to have more information before the August 20th TC meeting.

PIEDRA STREET 2015 REPAVING PROJECT: The road reconstruction project should be completed prior to the start of the fall school semester.

ELECTRONIC MESSAGE CENTER SIGNS: Staff is researching nighttime illumination regulations from other communities as directed by Town Council. Our findings will be presented in August.

CARGO SHIPPING CONTAINER REGULATIONS: At the June 02, 2015 TC meeting, Town Council members were encouraged to forward their comments to Town staff regarding the proposed regulations for the placement, use and design criteria for allowable cargo shipping containers.

Since then, staff has received one comment from Council member Alley who “requested *we look into the residential regulations a little more, mostly to make sure that we have a definite understanding of how they would look when their finished.*”

Since it appears the split votes/views on this subject, are in reference to the residential regulations, and as a means to keep this issue moving forward, the Planning Director recommend we bring a separate Ordinance to Town Council for residentially zoned districts and keep the Commercial regulations separate. Staff is requesting direction from Town Council on July 23rd regarding this approach, and if supported, staff will bring a commercial ordinance to TC for consideration on August 4th and prepare a Residential ordinance to consider at a following meeting.

*PC recommended that the issue be provided to the Town Council ASAP- illegal activity throughout town.

LUDC LIGHTING CODE REVISION CONSIDERATIONS: At the July 21, 2015 Wall-Mart Appeals Hearing, the BoA determined by a vote of 3 – 2, that the Planning Directors interpretation of the Lighting Code was correct in his determination that the Wall-Mart parking lot lighting is not compliant with the Town’s Exterior Lighting Regulations in regards to concealing or shielding visible light sources. At this time, any Party of Interest may appeal the BoA’s determination if a



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notice to appeal is received by the Town Clerk on or before 10 days following the BoA's final decision (by July 31st).

Staff met with Tasha Bolivar after the hearing to discuss possible remedies, as we have done in the past, in an effort to continue to work together to find the best possible solution to the exterior lighting issues identified.

Following the BoA's determination, it was mentioned that staff should bring forth recommended LUDC code revisions to ensure that during the design review stage of developments, so that it is clearer what the exterior lighting expectation for compliance is.

Staff feels it is important to note the course of events and timing between the Tractor Supply development and the Wall-Mart development to help provide clarity on the issue. In August 2012, the DRB approved the Wal-Mart Major Design Review application.

On June 25, 2013, the DRB approved the Tractor Supply Major Design Review application and the Town issued a building permit on October 23, 2013.

In April 2014, the Planning Director identified the Tractor Supply exterior LED parking lot lights did not comply with the Town's code regarding visible light source. This condition was communicated to Ryan James at Galloway as soon as we had a resolution and before the Wal-Mart building permit was issued in June 2014.

For ALL new applications including the current Hospital Expansion project, the Planning Director is requiring addition documentation and exhibits to demonstrate compliance with the LUDC lighting regulations at the design stage and will provide a disclaimer regarding the performance of such lights shall comply with the Town's lighting regulations. Currently we are working with the Hospital design team to ensure they demonstrate compliance prior to finalizing their Major Design Review application approval.

WALMART: Staff is working with Walmart for the completion of a number of items prior to the issuance of a Final Certificate of Occupancy. The Temporary CO has been extended until September 17, 2015.

TOWN TO PAGOSA LAKES TRAIL SEGMENT PROJECTS: The Town's hired third party Uni-Form Act Specialist "Universal Services" continues to work on finalizing the property acquisitions needed for the West and east phases of the TTPL trail commuter routes. Our original representative recently pushes up her retirement, which unfortunately left a void for her fellow staff members to fill. Staff is working with the Universal staff members to reinitiate the momentum for securing the needed trail easements. Town staff has conducted as much of the work we are able to assist with at this time. The last remaining East Phase easement was secured

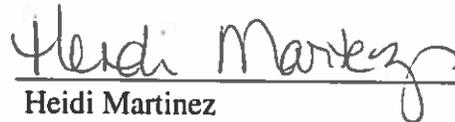


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on Wednesday, July 22 and we are currently waiting on CDOT's review of the revised documents for approval to advertise the project for construction bids.

C. Upcoming Scheduled Town Meetings: A meeting schedule was provided to the Commissioners that included meetings, through September 9, 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

X. Adjournment - Upon motion duly made, the meeting adjourned at 7:30 PM.



Heidi Martinez
Planning Commission Vice-Chair