



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

August 12, 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 Ron Maez and Heidi Martinez were present. Commissioners Peter Adams, Natalie Woodruff and Cameron Parker were absent. Also present were Planning Director James Dickhoff, Associate Planner/Certified Permit Technician Margaret Gallegos and property/community members Ed Fincher, Donna Formwalt, Richard Young, Richard Walden, Andre Redstone and Franklin Anderson.

- II. **Announcements:** None

- III. **Approval of Minutes:** Motion made by Commissioner Martinez, seconded by Commissioner Maez and unanimously carried to approve the April 29, 2014 and July 29, 2014 Planning Commission meeting minutes as presented.

- 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:**
 - A. **Variance Request for reducing minimum Dwelling Unit Density Requirement for Block 19, Lot B:** Planning Department Director Dickhoff reported that on July 01 2014, the Town received an Application for a Variance, requesting a reduction in the minimum dwelling unit density requirements for Lot B in Block 19. The undeveloped Property does not have an assigned address as of yet. The subject property is .33 acres, which would require 4 dwelling units based on the 12.1 dwelling unit minimum requirement for the R-18 district – Land Use and Development Code (LUDC) table 5.1.1. The applicant is requesting a variance to allow building only 2 dwelling units instead of the required 4 dwelling units.

Dickhoff provided the Commission with the LUDC section 2.4.3.D which outlined the application requirements and the approval criteria for considering an “Application for Variance”. The “Approval Criteria” set forth in section 2.4.11.C.2.a, and staff’s comments for each criteria item is noted below:

(i) There are unique physical circumstances or conditions, such as size, irregularity, narrowness or shallowness of lot, location, surroundings, or exceptional topographical or other physical conditions peculiar to the affected property. *Staff’s Comments: The property has a steep sloping nature towards the northern portion of the lot. A good portion of the lot adjacent to 4th Street will be utilized for access to negotiate the steepness from the 4th/5th Alley and parking for the dwelling units.*

(ii) The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located. *Staff’s Comments: There are other properties that have steep slopes in the R-18 district and neighborhood that could qualify for a similar variance, due to the difficulty in building with such topography constraints.*



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(iii) Such physical circumstances or conditions were not created by the applicant or any previous owner of the property. *Staff's Comments: The topography condition is a natural condition not created by the current or previous property owner.*

(iv) Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Land Use Code because such conformance with the Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. *Staff's Comments: The topography conditions would require substantial dirt work and site improvements to accommodate the LUDC requirement for four (4) dwelling units, which may result in a visual detriment to the neighborhood and from the downtown shopping district if required to build a minimum of 4 dwelling units.*

(v) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property. *Staff's Comments: The variance will not alter the essential character of the neighborhood, since most every typical town lot (50' x 150') contains only one dwelling unit, instead of the current requirement of 2 dwelling units per 50' x 150' lot.*

(vi) The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Land Use Code that are in question. *Staff's Comments: Looking at the physical topography of the lot, 2 dwelling units appears to be a very reasonable request. Requiring a minimum of 3 dwelling units would seem to have the same potential negative visual appearance as 4 dwelling units may cause.*

(vii) No variance shall be granted that violates the intent of this Land Use Code or its amendments. No variance may make any changes in the terms of this Land Use Code provided the restriction in this subsection shall not affect the authority to grant variance pursuant to this Section 2.4.11. *Staff's Comments: This variance request does not violate the intent of the LUDC.*

(viii) No variance shall be granted from any written conditions attached by another decision-making body to the approval of a conditional use permit, subdivision plat, or site plan. *Staff's Comments: No previous written conditions exist by another decision-making body.*

(ix) No variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations. *Staff's Comments: Pagosa Springs is not a flat Town. Many lots have very specific terrain challenges. The original Town grid plat was determined without consideration for terrain or topography.*

(x) No variance may authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which zoning request for any parcel of property or portion thereof has not been finally acted upon by both the Planning Commission and by the Town Council. *Staff's Comments: Single family homes are an allowable use in the R-18 zone district. R-18 zoning has been adopted and designated for this property since 2009.*

Public comments - three phone calls were received from 1) Jeff Bouwer, property owner located at 4th Street, he had no issues with variance request; 2) Tina Roemer of 266 N 6th Street, no issues with variance request; and 3) Linda Reed of the School District, no issues with variance request. Two verbal comments were received during the meeting from 1) Richard Young property owner at 218 N 5th Street, he noted that building on the referenced lot would be difficult due to the terrain and having four living units would appear be over crowded. He also



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commented on the one-way traffic would be effected with increased dwelling units; 2) Richard Walden, property owner located at 440 Lewis Street stated that he had no issues with the variance request and prefers to see less homes on the property.

Dickhoff noted that there is no fiscal impact to the Town and reported that notice was published in the Pagosa Sun newspaper 15 days prior to the PC meeting; sign was posted on the property 15 days prior to the PC meeting; and notification to properties within 300 feet were mailed 15 days prior to the PC meeting.

The Planning Commission discussed the Variance Application and the request to reduce the R-18 zone district minimum dwelling unit density requirements for Lot B of Block 19, as it relates to the LUDC approval criteria and made the following motion:

Motion made by Commissioner Maez, seconded by Commissioner Martinez and unanimously carried to approve the Variance for the Minimum Dwelling Unit Density requirement for Lot B of Block 19 allowing two Dwelling units instead of the required 4 dwelling unit minimum.

VI. Planning Commission:

A. Update on Vacation of remaining portion of 6th/7th Alley ROW between Navajo and Piedra Streets. On July 29, 2014, the Commission approved a recommendation to Town Council to "Approve the vacation of the 6th/7th Alley Public Right-of-Way (ROW) between Navajo Street and the NE corner of Lot 8X with the additional recommendation that Town Council move forward with the property owner to obtain a formalized agreement for the 6th Street road right-of-way from the cliff area down to and through 6th Street.

Additionally, staff was directed to research the status of the south portion of Piedra Street adjacent to this Alley for the status as to if a vacation of ROW has been executed. This will need clarification due to the northern portion being vacated. This will determine if there is an island of the 6/7th Alley that would require vacation. Additionally, the Piedra Street ROW is believed to have a drainage easement that may not be recorded. Based on the status of the Piedra Street ROW vacation, direction from Town Council whether or not to proceed with the vacation at Town's expense is desired prior to moving forward with such effort.

If the Town proceeds with vacating a public ROW without an application from a private party to do so, the fiscal impact to the Town would include the costs associated with preparing an ordinance for the vacation and the professionally developed exhibits, County recordation fees, creation of a plat amendment for such vacation - these costs could exceed \$2,000. Required public notification for ROW vacations are 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; and 3) notification to properties within 300 feet mailed 15 days prior to all public hearings.

Public comment was received from Mr. Franklin Anderson, 331 S 7th Street. He noted that he is a fifth generation resident of Archuleta County and objects to the vacation request. He felt that



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Mr. Adams misrepresented the location of the alleyway and construction on top of the topographical features of the ridge would be detrimental to the community. He requested that the Commission review the request in full detail and effects on the trail and river system. It was noted that the issue will be placed on the Town Council agenda for 8/21/14 at 12:00 noon and 9/2/14 at 5:00 PM. It was also noted that the property is flagged and a site plan was shared with Mr. Anderson for clarification. In closing, it was noted that if additional information for Town Council, Mr. Anderson will contact the Planning Department directly.

B. Possible LUDC revisions considered for recommendation to Town Council including: cargo shipping containers, metal sided buildings, LED variable message signs. The Planning Commission (PC) has previously discussed a number of potential revisions to the Land Use Development Code (LUDC) over the last couple of years. Staff recommends the PC further discuss the following items, and determine if these should be presented to Town Council for direction on how to proceed.

- 1) Limiting the use of Cargo Containers.
- 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 3 dwelling units per typical 50' x 150' town lot in the R-18 district.
- 3) Consider reducing minimum lot sizes in residential zone districts. There have been a number of inquiries over the last 4-5 years regarding the town allowing a smaller minimum lot size in residential zone districts.
- 4) Metal Sided Buildings are currently prohibited in commercially zoned districts, per LUDC section 6.7.3.B.2.b. There have been a number of inquiries over the last 4-5 years regarding this code standard. Some considerations may include:
- 5) LED Variable Message Signs. The Board of Adjustments approved a Variable Message Sign at the Quality Inn located at 3505 W. Hwy 160 last year. Since the original approval, the PC has discussed if the Town should allow these types of signs, and if so, what regulations should be considered.

Public comment was received from Andre Redstone, leases commercial property on Goldmine Drive. He commented on the cargo containers and metal siding buildings aesthetic appeal (building, type and style). He felt that Commission issues to consider includes cost analysis and finished material of architectural design with specific guidelines for commercial type buildings that are cost effective. Cargo containers are a short term solution to a long term issues – it is an ongoing issues and it would appeal to Commission to gather information locally and nationally to address specific codes and regulations along with aesthetic issues.

The Commission invited Mr. Redstone and any other property owner to provide information and input to the Planning Department for the Commission's consideration. The staff will present to the Commission a detailed report and supporting documents for its next meeting on August 26, 2014. It was also noted that an article will be prepared and published requesting public participation.



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C. Vacant Planning Commission Regular Member Seat. Commissioner Cappy White resigned last month after completing his term which leaves a Regular member vacancy on the Commission. Staff inquired with Alternate members Natalie Woodruff and Cameron Parker regarding interest in serving as a regular member. Natalie is not interested in serving as a Regular member but offered to continue to fill-in as needed. Cameron Parker provided an email response and expressed an interest in serving as a regular member, however, has some limitations until October 2014. **The Commission expressed an interest in discussing the open seat with Mr. Parker in October, 2014 and consensus was to proceed with advertising for a regular or alternate member to fill the open seat.**

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 noted that he will provide a full report to the Commission during its next meeting.

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

D. Upcoming Town Meeting Schedule is as follows:

- Regular Scheduled PC Meeting:
 - Tuesday, August 26, 2014 @ 5:30pm in the Town Hall.
 - Tuesday, September 9, 2014 @ 5:30pm in the Town Hall.
- Regular Scheduled Historic Preservation Board meetings:
 - Wednesday August 13, 2014 at 5:15pm in Town Hall.
 - Wednesday September 10, 2014 at 5:15pm in Town Hall.
- Regular Town Council Meetings:
 - Tuesday, August 21, 2014 at noon in Town Hall.
 - Thursday, September 2, 2014 at 5pm in Town Hall.
- Regular Parks and Recreation Meeting:
 - Wednesday, August 13, 2014 at 5:30 pm in Town Hall.

X. Adjournment- Upon motion duly made, the meeting adjourned at 6:20 PM.


Kathie Lattin, Planning Commission Chair