



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

April 29, 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 5:38 PM. Commissioners Peter Adams*, Ron Maez, and Heidi Martinez were present. Commissioners Cameron Parker, Cappy White and Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner/Certified Permit Technician Margaret Gallegos, and the following property/community members: Baltazar and Maria Gallegos, Jerry Leroy Lucero, Franklin Anderson, Greg Giehl, and Ed Fincher.
- II. Announcements:** None
- III. Approval of Minutes:**
A. March 25, 2014 Planning Commission meeting minutes were approved as presented.
- IV. Public Comment:**
A. 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. Vacation of Right-of-Way (ROW) application for portion of 6th/7th Alley and portion of Navajo Street: *Commissioner Adams recused himself from the discussion and decision on his application - he left the meeting at 5:45 PM and returned at 7:25 PM. Planning Director Dickhoff reported that on March 27, 2014, the Town received a complete application. The applicant, Mr. Peter Adams original requested to the vacation of the portions 6th/7th Alley Public Right-of-Way between Navajo Street and Piedra Street, and the Navajo Street Public Right-of-Way between S. 7th Street and S. 6th Street. Mr. Adams withdrew his original request and is requesting vacation approval for the portion of the 6th and 7th Street alleyway between his two owned properties (Block 50, Lots 1-6).

Planning Director Dickhoff noted that all the adjoining properties are zoned R-12 (Town residential medium density) and provided the Commission with the original application, a map of the adjoining lots, and a copy of the Land Use and Development Code (LUDC) Section 2.4.3.D, which outlines the application requirements and the approval criteria and conditions for considering a vacation of right-of-way (ROW).

The approval of a right-of-way or public easement vacation shall be conditioned upon the following LUDC CONDITIONS OF APPROVAL and Planning Director Dickhoff provided the Commission with his comments in italics:

(1) The holders of any and all easements granted by the original platting of the subdivision conveying to the petitioner all interest in those easements. *Staff Comments: Easements do not exist.*



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(2) Such vacation shall not eliminate rights-of-way or easements serving or potentially serving adjoining properties, unless alternate means of access or another easement crossing the property can serve adjoining properties. *Staff Comments: No access will be negatively affected. Public Utility Easements are being investigated and the status of such will be presented at the PC meeting.*

(3) If the vacation is a roadway constituting the boundary line of the Town, the Archuleta County Board of Commissioners has taken action to vacate the roadway. *Staff Comments: This condition is not applicable.*

The LUDC APPROVAL CRITERIA are as follows, Planning Director Dickhoff provided the Commission with his comments in italics:

(1) The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. *Staff's Comments: The vacation appears to be consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. No trail routes are identified along these ROW's or in the near vicinity in the adopted Downtown Master Plan or Comprehensive Plan.*

(2) The land to be vacated is no longer necessary for the public use and convenience. *Staff's Comments: The alley ROW is not identified in any long range planning documents for a developed alley, trail segment or for utility lines. It appears unrealistic to consider a future roadway improvement or Utility line installation given the severity of the terrain. Given the incredible views, A trail, however, maybe a possibility, though this is not an identified trail route in any of the Town's Long Range trail plans incorporated in the Downtown Master Plan or Comprehensive Plan.*

(3) The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road. *Staff's Comments: All other adjoining parcels of land abutting the alley, have existing accesses from 7th Street. The Alley is currently un-improved and is not used for any access to any parcels of land, nor would the alley serve as a future access.*

(4) The vacation will not leave any land-locked parcels. *Staff's Comments: No parcel will be rendered land-locked by the proposed vacation of ROW.*

(5) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. *Staff's Comments: The existing portions of the 6th / 7th Alley and Navajo Street ROW's being proposed for Vacation, are current undeveloped. The terrain is very steep and on the edge of a cliff.*



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As of April 12th, 2014, staff is still waiting on responses from utility companies regarding any existing installed utilities. No fiscal impact to the Town is expected. The applicant will be required to develop a Vacation of Right of Way Plat (by a licensed surveyor) to be attached to the Town Council Vacation Ordinance that will be recorded with the County Clerks office, with Town council's approval.

The public notice was published in the Sun Newspaper 15 days prior to the Planning Commission meeting; signs were posted on the property 15 days prior to the meeting; and notification to properties within 300 feet were mailed 15 days prior to the meeting. The following comments were received: 1) Peter Hurley, 311 S. 7th Street called and has no issues with the vacation request; 2) Jeff & Danielle Posey, 326 S 7th Street submitted an email response on 4/23/14 supporting the vacation; 3) Franklin Anderson, 303 S. 7th Street, submitted a letter that he was not in favor of losing public access and that the ROW should be for views and future trails; 4) Arthur Valdez, 266 S 7th Street, in favor the vacation and not interested in trail system; 5) Maria & Baltazar Gallegos, 418 S 7th Street – present to present comments.

The following property owners were present and provided the following comments:

Franklin Anderson, 303 S 7th – concerned about the cut into hill and the aesthetic issues with a continued cut along the ridge. He felt that the removal of dirt will create issues with future flooding and added water into the nearby river, the approval would destroy the historical topographic feature of Pagosa Springs, and the alleyway should be retained for the Town for future trail system.

Greg Giehl, 740 Navajo Street- expressed questions about width of the 6th Street road access. He agreed with Mr. Anderson that a trail should be installed and connected to an existing trail. He also commented that the areas should not be for apartments but an area for single-family dwellings. He felt that there were drainage issues and concerns with high density construction, water and sewer main issues, and concerns with cutting down the hill because the project south of the building site removed approximately 14' of grade.

Baltazar Gallegos, 418 S 7th Street – expressed concerns with installation of a trail and felt that the improvement would create privacy and access issues for his property that abuts the alleyway and streets. He had no objections to the vacation request.

Maria Martinez-Gallegos, 418 S 7th Street – expressed no issues with vacation – she prefers that the original request be granted with vacating entire 6th & 7th alleyway and a portion of Navajo Street. She felt that the area is not a public hill and should remain private – wants to maintain privacy and concerns with edge of hill and liability. She is opposed to any trail system for liability reasons to the Town and has issues with public access for 4th of July and balloon events – heavier traffic already exists due to existing homes and nearby schools – high density is appropriate for area as allowed in other areas, private ownership should be allowed to build on



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owned property - endorses right of owners to absorb the vacated land onto their existing properties.

Jerry Leroy Lucero, 302 S 7th Street– support vacation but feels that the entire area should be vacated, privacy fencing for safety of children should be installed and the power pole should be removed from the property if it is not being utilized.

After listening to each public comment and asking some clarifying questions, the Planning Commission discussed the vacation request as it relates to the LUDC approval criteria and noted that additional research is needed prior to making a recommendation to Town Council. The Commission had concerns with the changed application and stated that having only one piece of the property vacated would not benefit the community or adjoining lot owners. The Commission concluded that the issue should be tabled in order to re-evaluate with the applicant and adjacent property owners the scope of the project, cost for the entire original project, property owner responsibility and estimates for safety fencing.

Motion by Commissioner Maez, Seconded by Commissioner Martinez, and unanimously carried to table the right-of-way vacation request until the next regular meeting in order to reassess the original and modified requests, complete additional cost research, and contact the adjacent/affected owners to gauge interest in shared cost to move forward with vacating the original request - east end of Navajo Street and the 6th & 7th Street alleyway between Piedra and Navajo Streets.

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 – No report.

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

HISTORIC PRESERVATION BOARD (HPB) UPDATE - At the March 12, 2014 HPB meeting, the board adopted the following mission statement: *"Moving Forward While Preserving the Past". To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increasing public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy while sharing the stories of our past with ideas for the future.* The HPB also decided on the local Historic Preservation Month Theme: *"History at Work"* relating to the historic economic drivers in Pagosa Springs. The current Historic Preservation Board members are Brad Ash, Chairperson; Peggy Bergon, Vice-Chairperson; Chrissy Karas and Andre Redstone, Regular Members. There are currently 1 regular and 2 alternate seats open. The



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Historic Preservation Board regular meetings are scheduled on the 2nd (Second) Wednesday of each month at 5:15pm in Town Hall. The next HPB meeting is on May 14th at 5:15pm in Town Hall.

6TH STREET RIVER WALK EXTENSION PROJECT - The construction project is expected to break ground on April 15th. The contractor's contract sets 60-days for completion. The new 900 lineal river walk trail extension will be a 10 feet wide concrete non-motorized multi-use trail, and will begin at the current trail termination behind the Springs Resort and will terminate at the south end of the future 6th Street Pedestrian bridge ramp location. The Trail extension project is budgeted at \$325,000.00 with \$200,000 funded through an awarded State Trails Grant.

6TH STREET PEDESTRIAN BRIDGE GRANT - A GOCO grant application for \$350,000 has been submitted with award notifications expected in June 2014. The Final shovel-ready Construction Plans will be completed by the end of May ensuring completion by the end of 2014 if funding is received. The total cost of the bridge project is expected to be \$750,000. Staff has identified a bridge design that includes a mid span observation platform similar to Durango's pedestrian bridge designs with the additional increased cost estimated at only \$13,000. Also, if the budget allows, staff will propose a 10 foot wide bridge deck instead of the typical 8 foot wide with an additional increased cost estimated of \$10,000. Railing height will be between 48" and 54" (in comparison, the Springs' pedestrian bridge railing is 54").

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 spring, by town parks and recreation staff. The Trail project between 8th Street and 10th Street has recently completed the CDOT Final Office Review process and Davis engineering is revising the final plans based on CDOT's comments, in preparation for Final Plan approve from CDOT. 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 seasons. The anticipated construction cost is Due to some necessary re-designing and construction cost increases, Staff has recently been successful in acquiring an additional \$22,500 from CDOT for the project.

WEST PHASE TOWN TO PAGOSA LAKES TRAIL PROJECTS - The West Phase trail segment is between Village Drive and Aspen Village Drive. Surveying has been completed and ROW plans are being drafted. Preliminary plans are anticipated to be complete by end of May 2014, with CDOT review by end of June 2014. Once preliminary plans are approved, final planning will proceed with anticipated CDOT with review by the end of July 2014. Potential ad date for construction bids could be in July 2014 with construction starting in August 2014. It is a possibility this project will be deferred for construction in early 2015.

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 and is anticipated to receive CDOT final plan approval in April 2014 and construction completion by the end of 2014. Advertisement for construction bids is anticipated by the end of June 2014. The project is anticipated to cost \$370,000.00 with total eligible CMAQ funding that can be applied to the project is at least \$ 255,000.00. Staff is working with CDOT to include more eligible construction costs.



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CDOT McCABE CREEK BRIDGE PROJECT UPDATE -This CDOT project is intended to replace the current McCabe Creek Culverts under the hwy. The current culverts were installed in the 1960's and are severely undersized and have been determined to be the worst culverts in CDOT region 5. Currently, the 100 year floodway elevation is 3-4 feet over the hwy at this location. The new project requires that the 100 year flood plain elevation be 1 foot below the lowest portion of the structure, thus, based on hydraulic modeling; CDOT has determined a 50 foot long bridge is the appropriate solution for the culvert replacement. Current preliminary designs demonstrate the need for CDOT to acquire property on the north and south side of the Hwy and CDOT has begun discussions with the affected property owners.

Town staff met with CDOT on Thursday March 13th to review the project. The CDOT original budget for the project is 3.8 million; however, the construction estimate is 5.9 million. CDOT staff was recently successful in acquiring the additional 2.1 million for the project and CDOT has announced they will now acquire the downstream property instead of the Town, since the Town was not successful in their grant request to GOCO for the property acquisition. Unfortunately, CDOT has had to make modifications to the bridge structure design to keep costs down. One of those modifications is the actual bridge span trusses which are now a deeper girder, which will only provide a maximum of 7'-0" in head clearance, not enough for a bike path under the highway and maybe not enough for a pedestrian path. This modification saves \$200,000 in the project budget. Town staff will source possible grant opportunities to help off set this \$200,000, that would ensure the future capability to install a trail under the bridge, however, most available grant cycles are in November with award notifications the following April. With that stated, the future installation of a trail under the bridge with all the necessary ramp structures and connections to existing sidewalks and trails will most likely exceed \$1 million. Preliminary CDOT Bridge Plans are expected in June 2014, at which time the Final Plan preparation will begin. This timeline is important to understand due to the fact that if CDOT can modify the bridge girders, they will need a financial commitment before Final Design begins, and long before we would know of a grant award. The new anticipated project start date is fall 2015 with completion by fall 2016.

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

D. Upcoming Town Meeting Schedule is as follows:

Next Regular Scheduled PC Meeting:

- Tuesday, May 13, 2013 @ 5:30pm in Town Hall.

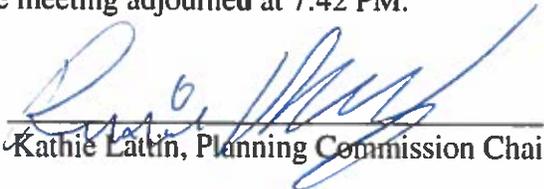
Next Regular Scheduled Historic Preservation Board meeting:

- Wednesday May 14, 2014 at 5:15 pm in Town Hall.

Next Regular Town Council Meetings:

- Tuesday, May 6, 2014 at 5pm in Town Hall.
- Thursday, May 22, 2014 at noon in Town Hall.

X. Adjournment- Upon motion duly made, the meeting adjourned at 7:42 PM.


Kathie Lattin, Planning Commission Chair