



Town of Pagosa Springs
Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes
September 22, 2015
Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Heidi Martinez, Kathie Lattin, Peter Adams, Greg Giles were present. Alternative Member Natalie Woodruff was absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos, Pagosa Fire Protection District Assistant Chief Randy Larson and Fire Marshall David Hartman, and County Planning Manager John Shepard.
- II. **Announcements:** PC Dickhoff noted that the Town Council approved a new Associate Planner position within the Planning Department and advertisements to fill the position are in process with an anticipated fill date in November. The new position will continue full-time into 2016.
- III. **Approval of Minutes:** Motion by Member Lattin, seconded by Commissioner Martinez to approve the August 25, 2015 Planning Commission regular meeting minutes as presented.
- IV. **Public Comment:** None received.
- V. **Board of Adjustments:** None
- VI. **Planning Commission:**
- A. **Electronic Message Center Sign Regulation Regarding Prohibiting Temporary Signage:** Planning Director Dickhoff reported that on April 28, 2015 the Planning Commission made a recommendation to the Town Council regarding specific regulations for allowing Electronic Message Center (EMC) signs. On June 2, 2015, the TC approved moving forward with specific regulations for consideration as an ordinance for LUDC revisions. Planning Director Dickhoff presented the June 2, 2015 TC minutes and summarizing the TC's decision in which the following regulations will be included in an ordinance for their consideration on October 6, 2015.
- 1) Allow EMC's within sign zone 2.
 - 2) Allow EMC's within sign zone 1 (TC approved with 2 TC opposed).
 - 3) Prohibit EMC's in residential districts and the Historic district.
 - 4) Limit to no more than one message change each 5 minute period. (TC approved with 1 TC opposed).
 - 5) Require a 5 second phase-out and 5 second phase-in for changing messages.
 - 6) Limit the light level output to 0.3 Foot-candles.
 - 7) Exemption for Temperature/Time display signs, meeting light level to 0.3 Foot-candles.
 - 8) Exemption for Gas Station pricing signs, meeting light level to 0.3 Foot-candles.
 - 9) Limit ECM's to freestanding and wall signs only.
 - 10) Restrict EMC signs no more than 30% of total wall sign or freestanding sign.
 - 11) EMC's shall not be the predominant element of any sign.
 - 12) Provide a LUDC definition for ECM's.



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- 13) EMC sign regulations shall apply to all EMC signs located inside a building and visible from a public sidewalk or public street.
- 14) Limit to no more than one EMC sign per property.
- 15) No Limit on number of Colors used (TC approve with 1 opposed).
- 16) Text shall be the lighter color and the background shall be the darker color.
- 17) EMC signs shall have automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light.
- 18) EMC messages shall be static. Moving messages and Animation shall be prohibited.

Temporary Signage for Business that has EMC Signs: PD Dickhoff reported that Town Council directed staff to bring to the Planning Commission, the consideration of prohibiting temporary sign permits for businesses that have an EMC. Staff's analysis is that a business that has an Electronic Message Center sign, has the capability of displaying temporary messages, thus, does not need the temporary sign provision. In previous research, Colorado Springs incorporated a very similar prohibition for businesses with an EMC sign. In essence, staff believes the use of an EMC sign, satisfies the need for temporary signage, thus, additional temporary signage should be prohibited. Staff also recommends the temporary sign prohibition regulation be based on a business, not property, since a property can have multiple tenants, however, only one of those business tenants may have an EMC. 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.

Motion by Commissioner Lattin, seconded by Commissioner Adams, unanimously carried to APPROVE a recommendation for Town Council to prohibit temporary signage for businesses that have electronic message center signs.

Limiting Hours of Illumination: PD Dickhoff reported that the Town Council further directed staff to work with the Planning Commission to look into limiting the hours of operation for EMC's. Town Council directed staff to look into limiting hours of operation for EMC signs.

Staff reached out to a number of Colorado communities including Aspen, Breckenridge, Crested Butte, Durango, Englewood, Steamboat, Telluride, Vail, Salida, Cortez, Frisco and Silverthorne; as well as a few non-Colorado towns. During the research, it was difficult to find communities that restricted hours of illumination; however, we did identify the following communities that do limit hours of business sign illumination, however, not specific to only EMC signs:

- Steamboat, Colorado: "No sign shall be illuminated between 12:00 a.m. and 6:00 a.m. unless a business establishment is open to the public."



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- Middletown, Connecticut: *"Illuminated of signs should not be illuminated after 10pm or the close of business, whichever is later."*

All communities that allowed EMC sign restricted foot candle readings to .3 foot candles, with some further identifying foot candle readings at certain distances from the sign. Most all communities generally referenced that sign illumination shall be shielded/concealed and shall not provide un-necessary glare onto surrounding properties.

Motion by Commissioner Lattin, seconded by Commissioner Martinez, motion carried (Commissioner Adams opposed); to DENY a recommendation that Town Council Recommend that Town Council not consider limiting hours of illumination of signs.

B. Continued Discussion and Possible Decision on Allowing Smaller Residential Lots for Single Family Homes in R-12 and R-18 Districts: Planning Director Dickhoff reported that at the August 25, 2015 PC meeting, the Planning Director briefly reviewed the topic of considering the allowance for smaller single family dwelling lot sizes in the R-12 and R-18 districts. Staff had also provided some reading materials for the PC as a discussion starting point on the topic.

As reported, staff has had, and continues to receive, many inquiries into the concept of allowing smaller single family homes on smaller residential lots. Staff believes there is good reason and merit to consider such a concept, as nationally, average family incomes and family sizes are reducing, not increasing, and there is a national trend to allow smaller lots for smaller homes as well as allowing accessory structure dwelling units (sheds/garages/outbuildings converted into dwelling units).

Staff has reviewed the current LUDC language and regulations regarding allowable densities and minimum lot sizes. Following is an initial analysis for the R-12 and R-18 district only, as they support higher densities, and the fact that the R-6 district would only allow 1 dwelling unit on a typical single 50'x150' town lot (based on .17 acres per lot at 6 units per acre equates to one dwelling unit per lot).

Residential Dwelling Densities: The R-12 (medium density) and R-18 (high density) residentially zoned districts, support residential density. LUDC allowable dwelling densities in R-12 allow up to 2 dwelling units on a typical 50' x 150' town lot, and, R-18 allows up to 3 dwelling units on a typical 50' x 150' town lot.

Lot Size Regulations: LUDC Article 5, outlines minimum lot sizes for the R-12 and the R-18 district.

~ Single family Dwelling lot size: Minimum 7500 S.F. lot size (the equivalent of a typical 50'x150' town lot).

~ Townhomes lot size: Minimum 3000 S.F. lot size.



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This LUDC standard would appear to support multi-family dwelling structures versus detached Single Family Dwelling structures.

Required Yard Setbacks: Both the R-12 and R-18 districts have the same setback requirements. 15 front yard, 10 rear yard and 5 foot side yard. Additionally, corner lots require a 10 foot side setback along the secondary road.

Dwelling Unit Size, Minimum: The minimum dwelling unit size is 400 S.F. of living space, consistent with the International Building Code. Typically, we see this minimum used for granny flats and accessory dwelling units. The Tiny house movement is based on this 400 S.F. minimum as a starting point for small dwelling sizes.

Lot Sizes: For purposes of comparison, staff looked at residential lot size minimums in similar communities within their urban residential zone districts. These provisions are separate than the allowances for accessory rental dwelling units (converting outbuildings into a rental dwelling unit, typically accessed from the alley).

- **Durango** allows 3,500 S.F. residential lot sizes in for detached single family homes.
- **Telluride** allows 2,500 S.F. residential lot sizes for detached single family homes and 1,500 S.F residential lot sizes for classified affordable housing.
- **Frisco** allows 3,000 S.F. residential lot sizes for detached single family homes and 4,000 minimum for Duplexes.
- **Steamboat** allows 2,500 S.F. residential lot sizes for detached single family homes with an alley and 5,000 minimum for Duplexes.
- **Crested Butte** allows 3,750 S.F. residential lot sizes for detached single family homes.

Vacation Rental Component: Staff reached out to the Town Attorney, who agrees that limiting the allowance of Vacation Rentals in our LUDC is acceptable, as long as there is reasoning on why the LUDC limits vacation rentals in certain zone districts or under certain circumstances. The Town LUDC already limits vacation rentals in certain residential zone districts, only allowing as a use by right in the MU-TC and MU-C districts and requiring a Conditional Use Permit in the RA, RT, R-6, R-12 and R-18 districts.

Half Lot Size: Currently a detached single family dwelling lot is required to be 7500 S.F. (50'x150') minimum. A half lot would be 3750 S.F. (approximately 50" x 75") with accesses from the street and from the alley (or side street on corner lots).

Size Limits of Structure (house): The size of a structure (house) is limited based on the following LUDC regulations.



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- ~ 15% landscaped area is required.
- ~ Mid-span roof height restrictions are 24' in R-12 and 35' in R-18 district.
- ~ Off Street parking is required at a minimum of 2 spaces per each single family dwelling unit (house).
- ~ 15' Front/ 5' Side / 10' rear yard setbacks, plus potential 15' min front yard setback for alley fronted lots.

ACCESS to smaller lots: Access to a typical 50'x150' town lot in the R-12 and R-18 districts may be accommodated from the Street and from existing Alleys. Subdividing a typical town lot into two parcels, would require access from the street for one lot and the alley for the second lot, unless a flag pole driveway was designed into one of the parcels. Many downtown homes are currently accessed from alleys.

Without an Alley: A flag pole driveway or access easement would need to be established, which could drastically reduce the available building area on one lot.

With an Alley: 1) Two detached single family homes on one lot can be accommodated with access from alley and street; 2) Three detached single family homes on one lot (R-18 only) may present some challenges with the need for driveways that could drastically reduce the available building area, though, if more than one lot is being used, then this concern may be a non-issue.

Corner Lots: A corner lot may have additional access opportunities from the side street.

Alley Setbacks and Parking Considerations: For a lot with access from the alley, a 10 foot rear yard setback may not be enough to accommodate the parking of a vehicle, off the alley ROW. Alleys do not have enough width to accommodate parking in the ROW, where a Street typically has enough on-street or unimproved ROW available for parking, thus, under this scenario, Alley accessed properties/homes would require parking considerations on the lot that may include one of the following configurations:

- 1) Parallel parking up to two long.
- 2) Parking along side either of the home, garage or outside.
- 3) Pull in Parking into a garage or in front of the structure, requiring a minimum of 25 feet clear space from the property/alley line.

Planning Director reported that he spoke with Town's streets supervisor, Chris Gallegos, he agrees with the above parking arrangements and wants considerations for private property snow removal/storage. Gallegos also wanted to ensure that trailers and other non-vehicle storage would not occur and the streets / alleys. The Town's Municipal Code adopts the model traffic code, which addresses the use of the Public ROW's and does not allow the parking of trailers on town streets/alleys.



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Comparable Urban Residential Lot Sizes: Based on the research collected from the other communities regarding allowable residential lot sizes in urban zoned residential districts, a half lot of 3750 S.F. is consistent with Crested Butte, and larger than the allowable minimum lot sizes in Durango, Steamboat, Telluride and Frisco. The Pagosa R-12 and R-18 residential districts are urban in nature and similar to the urban residential districts identified in the provided comparable community lot sizes.

Public Utility Easements: Property subdivisions (and all plat amendments) require the dedication of perimeter public utility easements on the new plat to ensure access to utility main lines for connections. This existing LUDC will ensure a half lot has ample access to utilities from the opposite street or alley ROW.

Emergency Vehicle Access: Alleys are frequently accessed and used by emergency vehicles. As is typical in any fire emergency, fire crews pull from the nearest fire hydrant, and stretch hoses across neighboring properties. During the lot development planning and approval process, ensuring that alleys will not be blocked due to park cars extending into the alley will be required to be mitigated in the site planning and approval process.

Hard surfaces Alley improvements: There are no plans to hard surface alleys if the small lot scenario is considered for approval. It is possible that CMAQ paving funds could be available; however, most ROW substrate base materials do not meet current specifications, resulting in road base reconstruction projects instead of a paving project. Many of the town's we have used for comparison have gravel alleys. Drainage is always a concern that is reviewed during site plan approval. Staff would work directly with the Streets department on each specific project to identify drainage issues that can be mitigated as part of the development of the lot, and may include easements for drainage or drainage considerations on the lot.

Staff also provided the Commission with the following documents: 1) Colorado Association of Ski Town's (CAST) report on Vacation Rentals, Workforce housing section; and 2) Staff had included a few articles at the August 11 meeting packet for the PC's consideration.

After PD Dickhoff's presentation, Chair Maez opened the floor to comments and questions.

Randy Larson, Assistant Chief for Pagosa Fire Protection District had no objections to the use of property. The Fire District recommendations include adequate access from alleyway, roads to be all weather for access, adequate clearance for the power lines and cable that run through properties – clearance for apparatus for access, and adequate turn around for dead end road – more than 150 feet for turnaround of apparatus.

Commissioner Giles asked about the number of lots that would be affected and wanted clarification that the process would only involve R-12 and R-18 properties. PD Dickhoff



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affirmed that R-12 & R-18 are the only properties involved but did not have information about the number of lots affected. Giles later commented that ownership and use by owner of property is the right of owners.

Commissioner Lattin commented that the Town Council should provide input and backing for alley access and concept of smaller lots.

Commissioner Adams commented that he supports affordable housing because it equates to increased density within community. An example that he used was on 7th Street in which a lot measures 50' x 150' and has access from an alleyway with four units constructed and include carports. He felt that developers are awaiting a decision, and the Town should collaborate with other effected entities.

Commissioner Maez asked about the Koch property on South 8th Street. PD Dickhoff noted that it is a rental situation only, no separate ownership. However, the intent of smaller lots is for people to pursue ownership – affordable land.

Commissioner Martinez asked if there is a minimum square footage for a mortgage. Commissioner Lattin responded that for government loans it is 600 sq. ft. for the primary residence with comparable in-house mortgages. She noted that developers want to solve affordable housing problem and government programs are working toward workforce housing solutions. Martinez asked PD Dickhoff if the required 15% landscape can be installed in setbacks, he responded, "yes". Martinez commented that if the lots were split it would create two lots and in turn would incur two fees – utility, taxes, etc.

Commissioner Adams Peter said that exploring will take time, but the subdivision process can happen now and felt that it is a quick solution for housing needs. Chair Maez asked Adams, as a builder and developer, to recuse himself from the meeting because he felt that the has a conflict of interest because he has a vested interest in the topic of smaller residential lots. PD Dickhoff excused himself to check with legal counsel about conflict of interest. Upon his return, Dickhoff stated that Adams does not have a conflict of interest because the topic is broad and is being discussed for a recommendation to the Town Council – there is no conflict with perceived benefits, no final determination, and Town Council can consider member professions when making its decisions.

Commissioner Adams noted that he has experience with rental properties and the smaller lots not solve workforce housing but will reduce rental rates, difficult for service industry – over the past year rents have increased by 25%. He again stressed that he would like to create more affordable housing. He said that the infrastructure costs are a big consideration by developers and it comes down to a question of economics. In closing, he noted that building density equals building population and in turn creates income for Town.



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David Hartman, PFPD Fire Marshall provided additional information about the need for Fire Department access roads by highlighting the Fire Codes that are relevant from the Fire Department's point of view – Sections 503 through 503.1.3. Hartman's comments included that 1) the Fire Department's dedicated access codes are provided in Fire Code– significant for protection and apparatus access roads; 2) the District utilizes 150 feet of hoses to get to and around back of structures; 3) the road access dimensions are 20' wide x 13.6' high, unobstructed; 4) Fire Code Section 503.3 outlines surface, designed and maintained imposed loads for fire apparatus – all weather driving conditions and the need to make snow removal within the alleyways priority.

John Shepherd, County Planning Manager commented that rural county is his expertise and in other counties, density is encouraged where the infrastructure is affected. The trend is toward more flexibility for equity and larger lot sizes. Court cases are giving more options for single-family residences. In some areas, alley access is primary while others are not. In his personal experience, good, long term rental is difficult to secure and is a problem across the board in other areas. He appreciated that honest discussion, felt it was the best for Pagosa Springs to look at others, and encouraged home ownership.

Motion by Commissioner Lattin, seconded by Commissioner Martinez and motion carried (Adams opposed) to DENY a recommendation to Town Council in support of allowing 3750 S.F. minimum lot sizes for single family dwellings within the R-12 and the R-18 residential zone districts and further to ask TC for guidance for their consideration along with other entities (ie, fire district and streets department) involvement and request a future special meeting for open discussions.

VII. Design Review Board: None

VIII. Public Comment: None received.

IX. Reports and Comments:

A. Planning Commission – Commissioner Adams expressed concern with the 8th Street traffic light, he commented that is very slow changing to “green” and when it changes, and it only allows two to three cars the option to turn onto the Highway before turning “red” again.

Commissioner Martinez expressed concern with the 5th Street traffic light – slow access from Lewis Street onto the Highway.

Planning Director Dickhoff reported that a meeting will be held on October 6 to readdress CDOTs proposing street stripping of Highway, narrowing lanes and adding two drive lanes and center turn lanes for five lanes from 12th Street to 7th Street, 3rd and 1st street two travel lane and



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turn lane with bike lane. He noted that the objective is to slow traffic and offer pedestrian refuge while crossing the highway and encouraged the Commissioners to attend the meeting.

Commissioner Adams inquired about the turn lane by tire shop on Eagle Drive. PD Dickhoff noted that the Town budget supported the project for many years. He said that the Town is exploring an affordable solution to left-hand turn but coordination may be needed to improve the dirt road until paving is affordable.

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

HISTORIC PRESERVATION BOARD (HPB) UPDATE:

On August 12, 2015, the HPB:

- 1) Approved drafting a letter of support for the preservation and retention of our local museums. Both museums have expressed interest for the Town to be more involved for their sustainability.
- 2) Approved final artwork for the remaining local landmark plaques, with the exception of one property, which will be re-presented on September 9, 2015.
- 3) The HPB expressed concern over the content included in the Visitors Center heritage brochure, and asked staff that this matter be included on the September 9, 2015 agenda.

On September 9, 2015 the HPB:

- 1) The HPB reviewed preservation projects that include the Rumbaugh Creek Bridge restoration, Water Works building grant re-submission, Interpretive signage project and potential grants, Main Street Mural, public forum presentation and the Dr. Mary Fisher statue project.
- 2) The HPB discussed concern over the content included in the Visitors Center heritage brochure, and approved supporting a letter to the Town Manager, which will be drafted by Brad Ash with input from the board via email, for consideration of approval at a special meeting set for September 15, 2015 at 5:30pm.
- 3) The HPB discussed establishing some form of Parliamentary Procedures for HPB meetings, and approved further discussion and possible decision at the September 15th special meeting.
- 4) The HPB briefly discussed the proposed CDOT Main Street traffic lane configuration re-stripping plan, expressing concern over the number of lost parking spaces and the economic viability of the downtown historic district merchants.
- 5) Briefly discussed the 125th Anniversary of the Town's incorporation. Judy James has been appointed to serve as the HPB's representative on the committee working on event and community coordination ideas.

The Next regular HPB meeting is on October 14, 2015 at 5:15 pm in Town Hall.



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GEOTHERMAL GREENHOUSE PROJECT: The Geothermal Greenhouse partnership project site work has begun. Site work completion is expected by the end of October, depending on weather. The GGP will then solicit funding for the actual greenhouse domes, and expect to have one installed next year.

PIEDRA STREET RE-CONSTRUCTION PROJECT: The project is substantially complete and is open to the public, with some final construction work still to be completed. It is expected the final work will be complete before the end of September.

WALMART: Staff continues to work with Walmart staff, design team and general contractor on a number of items, including finding a resolution to the non-complying nature of the exterior parking lot lighting. The Planning Director recently met with the Town's legal counsel, Bob Cole, and the Walmart team in Denver, as a means to find a solution to the lighting concerns. The meeting was productive and resulted in the agreement for the Walmart team to work on the design of a shield for the existing light fixtures. As previously reported, on July 30, 2015 (after the final determination from the BOA, supporting the Town Planning Directors determination) Walmart submitted a "Notice of Appeal" to Town Council, appealing the Planning Directors determination of the parking lot lights not complying with the town code. This matter will be heard by Town Council on or before October 29, 2015, at an appeals hearing, thus, this is a quasi-judicial matter and Town Council should not discuss the matter outside of such hearing. Staff is hopeful a resolution will be in place before the appeals hearing, omitting the need for such hearing. If the hearing is held, it is expected to last 2-3 hours, and may dictate a special scheduled meeting day and time. Walmart will also be requesting to extend the hearing date an additional 90 days, giving additional time for finding a solution and complying with the Town's exterior lighting code.

RUMBAUGH CREEK STONE ARCHED BRIDGE GRANT AWARDED: Staff is working with SHF staff to complete some requested documentation that will initiate the drafting of the SHF grant contract for the awarded \$166,605.

WATER WORKS BUILDING AND TANK WALLS GRANT APPLICATION: The grant application for the water works building and tanks was not awarded in this round do to the limited grant funding available, however, the application scored high. The Town Council granted staff permission to re-apply before October 1, 2015.

CARGO SHIPPING CONTAINER REGULATIONS: Town Council recent approved staff to bring the Cargo Container regulation ordinance back to them in two ordinances, since there were split votes and views on this subject, in reference to the Residential regulations. The agenda item has been bumped from being included on the TC agenda a couple of times now; given the TC, agendas have been very long. In addition, staff vacations interfered with preparations to bring to TC a couple of meetings. It is anticipated this will come to TC on October 6th for their consideration.

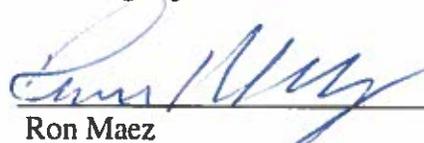


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CDOT PROPOSED LANE CONFIGURATION CHANGES THROUGH DOWNTOWN: On September 17, Town Council will consider a proposed plan from CDOT to reconfigure traffic lanes through downtown. Staff updated the Planning Commission at the meeting. Staff encouraged PC members to attend the TC meeting to be held on October 6, 2015.

C. Upcoming Scheduled Town Meetings: A meeting schedule was provided to the Commissioners that included meetings, through November 11, 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

X. Adjournment - Upon motion duly made, the meeting adjourned at 7:38 PM.



Ron Maez
Planning Commission Chair