



Town of Pagosa Springs
Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes
September 9, 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, Heidi Martinez and Peter Adams were present. Commissioners Natalie Woodruff and Cameron Parker were absent. Also present were Town Manager Greg Schulte, Planning Director James Dickhoff, and Associate Planner/Certified Permit Technician Margaret Gallegos, property/community members Isra Sullivan, Sean Skidmore and CK Patel.

- II. **Announcements:** None

- III. **Approval of Minutes:** Motion made by Commissioner Martinez, seconded by Commissioner Maez and unanimously carried to approve the August 26, 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 Application Requesting reduction of minimum front yard setback at 356 N 4th Street:** On August 14, 2014, the Town received an Application for a Variance, requesting a reduction in the minimum front yard setback requirement for 356 N. 4th Street (south 2/3rds of Lots 1,2 & 3 in Block 7). The subject property is within the Residential High Density (R-18) zone district which requires a 15 foot front yard setback. The subject property is located along an unimproved dead-end section of N. 4th Street, that will most likely never connect to the remainder of 4th Street due to an existing hill – steep slope. Only three properties currently adjoin this portion of 4th Street, with two of them actually having current driveway accesses from 4th Street. The applicant, Isra and Jennifer Sullivan, are requesting a variance to allow building a 1248 square foot detached garage with a 5’-0” setback from the platted 4th Street road right-of-way.

The Town’s Land Use and Development Code (LUDC) Section 2.4.11 outlines the variance procedures and reviews the purpose and process for considering a variance request. The Board of Adjustment may approve a variance only upon finding that all of the criteria below have been met. Staff provided the following comments for each criteria:

1. 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 sloping terrain that would require excavating into a hillside on the subject property.***

2. 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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3. 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.***

4. 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 retaining walls to accommodate the detached garage structure.***

5. 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; and ***Staff's Comments: The variance will not alter the essential character of the neighborhood. The neighboring property and the subject property, currently have structures near or on the property line along the N. 4th Street ROW. Since this section of N. 4th Street is a dead-end, there does not appear to be any substantial or permanent impairment for the appropriate use or development of adjacent properties.***

6. 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, and the dead-end nature of 4th Street, the front yard setback reduction appears to be a reasonable request.***

Planning Department Director noted that there is no fiscal impact to the Town. Public notification was completed as follows: 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; 3) notification to properties within 300 feet mailed 15 days prior to the PC meeting; and 4) mailed to property owners within 300 feet of the subject property.

The Board of Adjustments reviewed the variance application and made the following determination based on the application materials, staff report, the applicable approval criteria and all testimony and evidence received at the public hearing.

Motion Made by Commissioner Maez, seconded by Commissioner Adams and unanimously carried to APPROVE a variance for the minimum front yard setback requirement, reducing the front yard setback to 5 feet for the proposed detached garage, finding the application and request is consistent with the approval criteria in section 2.4.11 of the Land Use and Development Code (LUDC).



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VI. Planning Commission:

A. Update on 6th/7th Alley Vacation Application: Planning Department Director Dickhoff reported that the Town Council considered the first reading of Ordinance No. 814, Vacating a portion of the 6th / 7th Alley between Navajo Street and the NE corner of Lot 8X in Block 44. Town Council decided to table the matter until their September 18, 2014 noon meeting, to give staff time to provide the results of research into any previous vacations of Piedra Street between 7th and 6th Streets. Staff did researched approved Ordinances, Town Council and Planning Commission minutes and found that the Town purposely vacated only the north half and did not vacate the south half of Piedra Street between 7th and 6th Streets. Town Council will re-consider the first reading of Ordinance No. 814 on September 18th and the second reading on October 7th.

B. Preparation for September 15th Planning Commission work session regarding possible Land Use and Development Code (LUDC) revisions regarding: cargo shipping containers, metal sided buildings, reducing minimum density requirements in R-18 zoning district, reducing minimum lot size in R-12 and R-18 zone districts and LED variable message signs: The Commission plans to further discuss the above items, and determine if the topics should be presented to Town Council for direction and input on how to proceed. Town Council and community member CK Patel was in attendance – he will not be available for the 9/15/14 Planning Commission work session but wanted to share comments about an existing LED variable message sign at the Quality Resort. He explained that the franchise is changing to Holiday Inn so he would like to remove the existing LED sign from the Hwy 160 property and relocate it to the Hot Springs Boulevard location. He noted that he would install software to modify the sign lighting – brightness control and frequency of text changes to reduce the “flashing effect”. The Commission will take into consideration the comments during its work session.

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 Department Director Dickhoff provided the following report to the Commission:

HISTORIC PRESERVATION BOARD (HPB) UPDATE: At the August 13, 2014 HPB meeting, the HPB Approved a proposed sign replacement at 408 Pagosa Street, for the Rose Restaurant. On August 27, 2014, the Board conducted a work session regarding the development of a Pagosa Springs Heritage brochure and concluded that it will be working with the Town Tourism Committee in the development of accurate information to include in the brochure.



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6TH STREET RIVER WALK EXTENSION PROJECT: The construction project has been substantially completed. The Lockes ditch has been opened and the wetland ponds have filled. Staff is working on submitting reimbursement documentation to "State Trails" for our \$120,000 grant award reimbursement. Benches have been ordered for the four bump outs. The Historic Preservation Board and Parks and Recreation Board will be working on four to eight interpretive signs, for placing 1-2 signs at each bench bump out. These signs will be placed in 2015.

8TH - 10 STREET SIDEWALK AND TRAIL PROJECT: This project awaits confirmation of easement donations from the School District and Gulf Stream Worldwide prior to CDOT issuing a notice to proceed with advertising for construction bids. We anticipate the project to be advertised in early December 2014 with construction beginning in early 2015.

WEST PHASE TOWN TO PAGOSA LAKES TRAIL PROJECTS: The West Phase trail segment is between Village Drive and Aspen Village Drive. Preliminary CDOT plan review is expected in October and final plan review in mid-winter. Advertisement for construction should occur by February 2015 with construction to begin in early 2015.

MAJESTIC DRIVE CMAQ PAVING PROJECT: The project has been awarded to Four Corners Materials and is expected to begin in September 2014. The project will provide pavement on 1200 lineal feet of Majestic drive between growing spaces and Square Top Circle. The project is anticipated to cost \$370,000.00 with a total of \$255,000.00 being eligible CMAQ funding reimbursement. Staff has been successful working with CDOT staff to increase the total eligible CMAQ reimbursements for the project by almost \$100,000.00. Additionally, for information, the Town is one of three eligible town's for CMAQ dust mitigation funds. The other communities have already paved all their roads, thus, the Town would be first in line for additional CMAQ funding for paving roads within the States defined dust mitigation boundaries. The only Town roads remaining in this boundary include: The north leg of the Mesa Drive connection to Snowball Road, Crestview Drive and the east portion of Majestic Drive (although, the current road alignment is not within the ROW, which would be the town's responsibility. CMAQ paving are only eligible for paving, not road re-alignments).

6TH STREET PEDESTRIAN BRIDGE GRANT: The Town has awarded the construction contract to Hart Construction, and is expected to begin later in September 2014 with completion expected in early 2015. Contractor has flexibility to continue project to Spring 2015 should weather become an issue.

PLANNING COMMISSION MEMBERSHIP IN AMERICAN PLANNING ASSOCIATION (APA): Staff will forward to all members the APA login and password information so that it can access the website which has numerous resources available.

C. Planning Commission – Discussion was opened for non-agenda items.

Commissioner Adams – expressed concerns about the old City Market property located at 755 San Juan Street; specifically, the north/front side of property has a dilapidated retaining wall between the property and highway. He commented that the weed should be removed and landscaped by the owners and/or the Colorado Department of Transportation (CDOT). Dickhoff explained that the retaining wall, pedestrian, trail and sidewalk improvements are part of the



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downtown improvement plan and estimated the cost is \$150-200,000. He further noted that a previous grant was not approved but will be reevaluated for implementation at a future date. Commissioner consensus was that the above issue and other items be outlined for presentation, review and discussion by the Planning Commission at its work session.

Commissioner Adams – commented that the Planning Commission should become more involved with the future planning of Pagosa Springs’ such as beautification, downtown and comprehensive plans. It was suggested that the Commission begin working with other Town departments and committees for future projects. Commissioner consensus was that the above issue and other items be outlined for presentation, review and discussion by the Planning Commission at its work session.

Commissioner Adams – inquired about the Hot Springs Boulevard paving in front of the Town Hall. Dickhoff commented that the project will cost between \$300-350,000 for the road reconstruction project without curb and gutter and further noted that the planning for development but has been placed on hold by the Town Council pending other priority projects.

D. Upcoming Town Meeting Schedule is as follows:

Next Regular Scheduled Planning Commission Meeting:

- Tuesday, September 15, 2014 @ 8am – 5pm
Work Session at the Quality Inn located at 3505 W Hwy 160.
- Tuesday, September 23, 2014 @ 5:30pm in Town Hall, Regular Meeting.
- Tuesday, October 14, 2014 @ 5:30pm in Town Hall, Regular Meeting.

Next Regular Scheduled Historic Preservation Board meetings:

- Wednesday September 10, 2014 at 5:15pm in Town Hall.
- Wednesday, October 8, 2014 at 5:15pm in Town Hall.

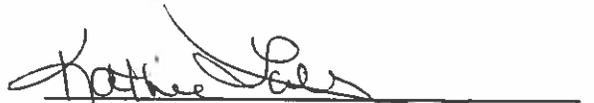
Next Regular Town Council Meetings:

- Thursday, September 18, 2014 at noon in Town Hall.
- Tuesday, October 7, 2014 at 5pm in Town Hall.

Next Regular Parks and Recreation Board Meeting:

- Wednesday, October 8, 2014 at 5:30 pm in Town Hall.

X. Adjournment- Upon motion duly made, the meeting adjourned at 6:45 PM.


Kathie Lattin, Planning Commission Chair