



Town of Pagosa Springs
Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes
April 28, 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 Kathie Lattin, Peter Adams, Heidi Martinez and Cameron Parker. Alternate Planning Commissioner Natalie Woodruff was absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos and Al Wylie.

- II. **Announcements:** None.

- III. **Approval of Minutes:** Motion made by Commissioner Martinez, seconded by Commissioner Parker and unanimously carried to approve the March 10, 2015 Planning Commission meeting minutes noting two changes – page 3, marijuana establishment’s motion, change name from Cameron to Commissioner Parker; and page 4, shipping cargo container’s motion seconded by Commissioner Martinez and not Parker.

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

- V. **Board of Adjustments:** None.

- VI. **Planning Commission:**

A. Discussion and Possible Recommendation to Town Council regarding Electronic Message Center Sign Regulations: Planning Director Dickhoff provided the Commission with new literature and presentation about Regulating Electronic Message Center Signs and Finding Common Ground, answers to common EMC signs. Concerns were raised about the location of Hot Springs Boulevard; it was clarified that Hot Springs Boulevard would fall under Zone 1 since it is within 1st and 10th Street.

Mr. Al Wylie, 18 Aspen Road, representing the local High School booster club commented to the Commissioners that the club would like to assist the School with purchase of an EMC sign for school type announcements – games, conferences, emergencies, etc. Several locations are being considered including the Elementary School. Mr. Wylie requested that the Commissioners consider allowing the messages to rotate and allow for announcements of varied activities and refreshed more quickly. Also, to consider removing the requirements. Mr. Wylie wanted to inquire about the possibility prior to investment. Mr. Wylie commented that the Bell Tower message board was an effective tool while stopped at the stop light at San Juan and Lewis Street because there was an ample opportunity to read the messages. He is proposing that the club may invest \$25,000 for the purchase of the sign and then turned-over to the School District. In closing, Mr. Wylie noted that the Booster Club is awaiting the Commissioner’s decision before they move forward with the project.

The Commission discussed numerous items, including support for an emergency signage and community message board. Commissioner Adams felt that the Town should accommodate, within Code, methods to aide school events, extend five minute timing and location for specific



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circumstances and was okay with 24 hour announcements. The Commission consensus was to propose the idea that Town considers a community effort to erect a sign to provide public service announcements. It was clarified that the EMC exceptions for will be for time, temperature and fuel prices. Commissioner Maez was in favor of the EMC sign concept for community and noted that time allotment should be considered for businesses.

The Commission discussed expanding Zone 1 to Hwy 84 – Commissioner Parker felt that the commercial properties east of the bridge should not be included in the recommendations. Commissioner Adams felt that was important to create a distinction for downtown. Commissioner Maez felt that the focus should be on one community with the rules and allow for business expansions and advertisements. Commissioner Parker noted that, from a Historical standpoint, it is healthy to understand the advantages of the commercial and downtown communities. Commissioner Adams noted that the downtown distinction is important to promote downtown tourism and businesses and to learn from other communities such as Silverthorne.

Planning Director Dickhoff noted that the Downtown Master Plan supports long term plans of downtown charm – not to divide community but to enhance and preserve it for future generations. Commissioner Lattin felt that the Town charter is to maintain unique character of Pagosa Springs and encourage business growth. Staff recommendations were made in an attempting to prevent any negative impact – moving and flashing. The Commissioners discussed the time changing interval issues with one, two and five minutes. The time allotment for each message was also discussed. The Commission agreed that the regulation would begin with 5-minute messages and then adjust, if requested.

Consensus of the Commissioners was to forward the EMC recommendations (outlined below) to the Town Council during its May 21 regular meeting for its review and report back to the Commissioners.

The operation of Electronic Message Center (EMC) signs in sign zones 1 and 2 could include the following requirements:

- All PC members supported EMC's in sign zone 2, and supported the prohibition in the Historic District and residential districts. (3 in favor and 2 opposed to allow EMC signs in sign zone 1).
- No more than one message change each 5 minute period. (3 in favor and 2 opposed).
- Require a 5 second phase-out and 5 second phase-in for changing messages. (All in favor)
- Limit the light level output to 0.3 Foot-candles. (All in favor)
- Exemption for Temperature/Time display signs, meeting light level to 0.3 Foot-candles. (All in favor)
- Exemption for Gas Station pricing signs, meeting light level to 0.3 Foot-candles. (All in favor)
- Limit ECM's to freestanding and wall signs only. (All in favor)
- Restrict EMC signs no more than 30% of total wall sign or freestanding sign.
- EMC's shall not be the predominant element of any sign. (All in favor)



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- Provide a definition for ECM's. (All in favor, staff will bring forward with LUDC revisions)
- EMC sign regulations shall apply to all EMC signs located inside a building and visible from a public sidewalk or public street. (All in favor)
- Limit to no more than one EMC sign per property. (4 in favor and 1 opposed)
- No Limit on number of Colors used. (4 in favor and 1 opposed)
- Text shall be the lighter color and the background shall be the darker color. (All in favor)
- EMC signs must be provided with automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light. (All in favor)
- EMC messages shall be static. Moving messages and Animation shall be prohibited. (All in favor)

B. Request for Additional Tourist Oriented Directional Signs (TODS) Locations:

Planning Director Dickhoff reported that the Town's Land Use and Development Code (LUDC) prohibits off site signage. In 2015, the Planning Commission approved a recommendation for the Town Council to allow Tourist Oriented Directional Signs (TODS) at three specific locations in Town, the east approach to N. Pagosa Blvd and the east and west approach to Piedra Road. On May 12, 2015, Town Council approved ordinance 761, amending the sign code to allow for the recommended locations. The LUDC was amended as follows:

"New section: Section 6.12.4.E. Tourist Oriented Directional Signs (TODS)

- 1. Tourist Oriented Directional Signs (TODS) require an annual approved town sign permit as pre-approval to the Colorado Department of Transportation TODS annual application approval.*
- 2. Only one TODS assembly of 4 business plaques will be allowed at approved intersection locations.*
- 3. TODS are approved only in the following travel directions and intersection locations; North Pagosa Blvd (west bound only) and Piedra Road (west and east bound).*
- 4. TODS locations are prohibited between 1st Street and 10th Street.*
- 5. Eligible tourist oriented businesses for TODS are restricted to Service Businesses (defined as: Gas, Food, Lodging & Camping), Cultural Businesses (defined as Drama, Amphitheater & Galleries) and Commercial Businesses (defined as Antique Shops, Farm Markets & Gift Shops).*

The TODS program is administered by a CDOT contracted third party, "Colorado Logo's Inc". Currently any requests they receive for placement on the current three TODS locations, are forwarded to the Planning Department for approval. The TODS program generally operates as follows:

- a. only four signs per TODS location,
- b. businesses are permitted on an annual basis.
- c. if the TODS location has four signs, the next applicant is installed at the next change out cycle, and the oldest sign gets bumped. The bumped business can reapply for the next change out cycle.



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- d. the applicant pays the Town's \$25 sign permit fee, and pays Colorado Logo Inc., the cost of the sign and \$300 annually.
- e. TODS are generally meant to accommodate businesses that do not have exposure along the Hwy corridor.

The Commission considered the current allowance for off-site signs for businesses located internal to the Aspen Village development and concluded that it does not recommend approval of the TODS based on the fact that the TODS are generally meant to accommodate business that do not have exposure along the Hwy corridor. The current request is for the "Boulder Coffee Café" which is located along Hwy 160, with access from the Hwy onto Boulder Drive and Aspen Village Drive. During the major Design Review application process in 2005, The Aspen Village Commercial subdivision was allowed to install off site signs located at the three entrances to the development, two at Boulder Drive, two at Aspen Village Drive and one at Alpha Drive (The Alpha Drive sign is now a Wal-Mart Sign, which is now located on Wal-Mart property).

Motion made by Commissioner Martinez, seconded by Commissioner Lattin to recommend to Town Council that it DENY the requested Tourist Oriented Directional Sign (TODS) locations for the Aspen Village Commercial Subdivision.

VII. Design Review Board: None.

VIII. Public Comment: None Received.

IX. Reports and Comments:

A. Planning Commission – Commissioner Adams expressed concern about the process in which, at last meeting, the Commissioner decision was to not allow marijuana establishments' downtown and the potential locations that they may allow the establishments was recommended to the Town Council. The concerns were brought to Mr. Adams' attention because this action may detour a potential developer to build within in Town, effecting economically the development on two separate parcels in the downtown area. Commissioner Lattin noted that the Town Council will hold a meeting on May 5 to consider the first reading and then will decide if the subject moves forward or to stop process.

B. Planning Department Report –Planning Department Director Dickhoff reviewed his Department Report as follows:

TOWN COUNCIL REGULAR MEETINGS: At the April 7, 2015 Town Council meeting, it asked the PC to provide recommendations on allowable locations for Marijuana Establishments. The TC also scheduled a meeting regarding marijuana businesses on Friday, March 13, 2015 at 7:30am in Town Hall.

HISTORIC PRESERVATION BOARD (HPB) UPDATE: The next HPB meeting is on March 11, 2015 at 5:15pm in Town Hall. Staff has submitted two State Historical Fund (SHF) grant applications for: 1) The restoration of the historic Water Works building and reservoir tanks at 96 1st Street; and 2) The



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stabilization and restoration of the Stone Arch Bridge north of this facility. Staff is working with the SHF staff to determine the town's eligibility for an emergency grant for the stone arch bridge, to provide temporary stabilization until the August 2015 grant application are notified of awards. In the meantime, the HPB will be discussing the safest and most cost effective manner in which the bridge can be temporarily stabilized, to ensure it does not collapse while we are waiting on the news of a grant award, expected in August. The HPB has developed a full Historic Preservation Month schedule of events. One such event is the weekly showing of the Ken Burns documentary series "The West" each Tuesday at the Liberty Theater. Each showing is a \$5.00 donation that includes a small popcorn and soda. Attached is a schedule of events. The HPB has recently been considering revising the colors approved for use in the Historic District and on Local listed Landmarks outside of the district, based on the current board's concern that the adopted color palettes are too limiting. On April 23, 2015, The HPB held a special meeting and finalized the following recommendation for Town Council's consideration.

CARGO CONTAINERS: At the March 10, 2015 PC meeting, the PC approved a recommendation to Town Council to consider approving general regulations for the regulation of cargo containers. At the meeting, staff indicated that the preference was to bring the recommendation to Town Council to ensure they approve the general specifics of regulation before staff begins crafting LUDC code revisions. Due the current work load in the B&P office and recent scheduled staff vacations, presentation to Town Council is anticipated on May 5, 2015.

PIEDRA STREET VACATION: Due to the current work load and recent scheduled staff vacation, this item has been delayed on being presented to Town Council. It is expected that Town Council will hear this item for direction to staff on May 5th.

200 BLOCK PAGOSA STREET SIDEWALK IMPROVEMENT PROJECT: The sidewalk project is moving forward. It is still anticipated that substantial completion will occur before Memorial day weekend.

PIEDRA STREET 2015 REPAVING PROJECT: Town Council will consider awarding the project contract at their May 5th meeting. Construction is expected during summer school break. The project will include a sidewalk along the north side of the street, which will provide pedestrian sidewalk connectivity to the Elementary School's path along the east side of their fields, providing a safe route to school. The School has indicated the public use of this trail is acceptable.

COBBLESTONE TOWNHOME PROJECT AND YAMAGUCHI LANE: The Cobblestone Townhome project located on the improved 4th/5th Alley is still progressing. Signage for Yamaguchi Lane has been installed, designating the street as a north to south one-way street.

6TH STREET PEDESTRIAN BRIDGE: The Bridge is open to the public with landscaping being completed in the coming month. A ribbon cutting is expected on May 5th and details will be forwarded to everyone in the near future.

WALL MART: Wal-Mart has opened for business under a 90 day Temporary Certificate of Occupancy (TCO). The Alpha Drive improvements will be inspected sometime during May, and if such improvements are accepted, a 3 year warranty period begins for the actual road facility and a one year warranty period begins for the sidewalk and other associated facilities. Alpha Drive improvements are inspected for acceptance separate from the building and development permits.



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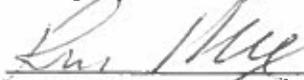
There are few items Wal-Mart will need to complete within the 90 day TCO period, and staff has identified such items with Wal-Mart and their contractor. 1) Competition of on-site landscaping, 2) Financial security for off-site landscaping to screen the loading dock from view, 3) Resolution based on Appeals process described below, 4) and a few minor items. PLEASE NOTE: Wal-Mart has submitted an Appeals Notice, requesting the Board of Adjustments (Planning Commission Members) consider reviewing the Planning Directors determination of the Parking Lot Lights not complying with the Town's LUDC. IT IS VERY IMPORTANT THAT Board of Adjustment members (planning Commission), do not discuss this issue with ANYONE, as this may come before the BOA for a public Appeals Hearing. Any discussions outside of the public hearing will jeopardize the appeals process.

EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL: The final trail easement donation was recently received and submitted to CDOT for consideration. It is expected that will received notice to proceed with advertising for construction bids by the end of May 2015. This will still allow the installation of the sidewalk along 10th Street during summer school break.

WEST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL: We have recently received approval from CDOT to begin our trail easement acquisitions. Staff has contacted all three property owners who have indicated interest in donating the requested trail easements. We hope to receive final formalized donations by the end of May. Also, the Planning Director was recently successful in negotiating a \$45,000 donation from Wal-Mart to this trail segment. The donation has been received and has been applied to this trail phase. The current engineers estimate for the 3600 lineal foot trail is \$535,735 for asphalt and \$641,190 for concrete.

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

X. Adjournment - Upon motion duly made, the meeting adjourned at 8:02 PM.



Ron Maez, Planning Commission Chair