

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, May 29th, 2018
Regular Meeting; 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

ROLL CALL: Chairperson: Doug Canright, Commissioners: John Clark, Thomas Emilson, Larry Falk, Ellen Hunter, Bill Liske, and Jennifer Nelson

PUBLIC HEARINGS:

1. **Application:** Plat Amendment; **Location:** Parkside Subdivision, all lots; **Address:** 755, 760, 765 and multiple TBD N Laura, multiple TBD Marion Overlook; **Zone:** Residential (R); **Applicant:** Parkside Ridgway Community Association; **Owners:** Habitat for Humanity of the San Juans, Cameron L Miller, Kim Moriyama, Alpine Creek Homes LLC, Meaghan McGuire, Riverside Investment Partners LLC, Brittany Christina Martin, Parkside Ridgway Holdings LLC, Matthew P Sandoval, Kierstin Janal Strand, Stephen J Hertzfeld, Kelly Lynn Finegan, John A JR Malone, A Henry Case, Bryce Lanier Jones, Justin R Fagan
2. **Application:** Conditional Use; **Location:** Cedar Creek Minor Subdivision, Lot 1; **Address:** 705 S Amelia Street; **Zone:** Residential (R); **Applicant:** Megan Gardner; **Owner:** Tio Trio LLLP, c/o Dana Ivers
3. **Application:** Variance; **Location:** Ridgway Land Co. Subdivision, Lot 28; **Address:** 130 Redcliff Drive; **Zone:** General Commercial (GC); **Applicant:** Doug Macfarlane; **Owner:** Praise Him Ministries, Inc.
4. **Application:** Conditional Uses – Building Materials Business and Residential; **Location:** Eastside Subdivision, Lot 18; **Address:** TBD Palomino Trail; **Zone:** General Commercial (GC); **Applicant:** Jason Matesevac; **Owner:** Jason Matesevac

OTHER BUSINESS:

5. Informal discussion – Multi-Site PUD, Julie Wesseling
6. Master Plan process update
7. Downtown Parking Assessment update
8. Change date of Planning Commission regular meeting scheduled for December 25th

APPROVAL OF MINUTES:

9. Minutes from the meeting of March 27th, 2018
10. Minutes from the meeting of April 24th, 2018

ADJOURN

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING** at the Town Hall Community Center, 201 N. Railroad Street, Ridgway, Colorado, on Tuesday, May 29th, 2018 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: Plat Amendment

Location: Parkside Subdivision, all lots

Address: 755, 760, 765 and multiple TBD N Laura, multiple TBD Marion Overlook

Zoned: Residential (R)

Applicant: Parkside Ridgway Community Association

Property Owners: Habitat for Humanity of the San Juans, Cameron L Miller, Kim Moriyama, Alpine Creek Homes LLC, Meaghan McGuire, Riverside Investment Partners LLC, Brittany Christina Martin, Parkside Ridgway Holdings LLC, Matthew P Sandoval, Kierstin Janal Strand, Stephen J Hertzfeld, Kelly Lynn Finegan, John A JR Malone, A Henry Case, Bryce Lanier Jones, Justin R Fagan

ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: May 18, 2018

Shay Coburn, Town Planner

PLANNING & ZONING PERMIT

Incomplete Applications will be Rejected

Receipt # _____ *
Date Received 4/5/18 *
By SC CLK #0005 \$100 *
* For Office Use Only

ACTION REQUESTED

TEMPORARY USE PERMIT	<input type="checkbox"/> 7-3-13c	VARIANCE	<input type="checkbox"/> 7-3-16
CONDITIONAL USE PERMIT	<input type="checkbox"/> 7-3-14	REZONING	<input type="checkbox"/> 7-3-17
CHANGE IN NON-CONFORMING USE	<input type="checkbox"/> 7-3-15	SUBDIVISION	<input type="checkbox"/> 7-4-1 thru 7-4-12
OTHER: _____	<input type="checkbox"/> _____		

APPLICANT/APPLICANTS:

NAME: River Park HOA
MAILING ADDRESS:
CITY:
TELEPHONE NO.:
FAX:

OWNER/OWNERS OF RECORD:

NAME: Jack Petrucci Agent
MAILING ADDRESS:
CITY:
TELEPHONE NO: 970-209-0185

ADDRESS OF PROPERTY: Parkside
ACREAGE/SQUARE FOOTAGE: 5.10 ac ZONING DISTRICT: Residential
BRIEF DESCRIPTION OF REQUESTED ACTION:
Change Plat to Allow for the Attached Requested

ATTACHMENTS REQUIRED FOR ALL ACTIONS:

1. Evidence of ownership or written notarized consent of legal owner(s).
2. Copy of all site plans drawn to scale showing location of building(s), elevations, abutting streets, and all dimensions, must be submitted on paper size of 8.5 x 11 or 11 x 17.
3. A filing fee payable to the Town of Ridgway.

FILING FEE SCHEDULE:

Temporary Use	\$ 100.00	Subdivisions	
Conditional Use	100.00	a. Sketch Plan	\$ 200.00
Change in Nonconforming Use	100.00	(plus \$10.00 per lot or unit)	
Variances & Appeals	150.00	b. Preliminary Plat	400.00
Rezoning	200.00	(plus \$20.00 per lot or unit)	
Reviews Pursuant to 7-3-18	100.00	c. Final Plat	300.00
Variance from Flood Plain Reg's	100.00	d. Minor Subdivision	200.00
Deviations from Single Family		e. Lot Split	100.00
Design Standards	100.00	<u>f.</u> Replat/amended plats	100.00
		g. Planned Unit Development	(a. b. & c.)

ADDITIONAL COSTS:

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.

SPECIFIC ATTACHMENTS REQUIRED FOR EACH ACTION:**CONDITIONAL USE PERMITS:**

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

TEMPORARY USE PERMITS:

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Property shall be posted at least 10 days prior to the hearing.

CHANGES IN NON-CONFORMING USE:

1. Description of existing non-conformity.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

VARIANCE:

1. Site plan showing details of the variance request and existing uses within 100 ft. of property.
2. Information showing compliance and/or non-compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.

REZONING:

1. Legal description, present zoning and requested zoning of property.
2. Notice of hearing shall be posted 10 days before the date of the hearing.
3. Property shall be posted at least 10 days prior to the hearing.

SUBDIVISION:

1. All requirements established by Municipal Code Sections 7-4-1 through 7-4-12.
2. Affidavit of notice sent to all surface and mineral owners and lessees of mineral rights.
(Proof of proper notice must be submitted prior to the hearing.)
3. The Preliminary Plat shall be submitted 21 days prior to the hearing.
4. The Final Plat shall be submitted 20 days prior to the next scheduled Planning & Zoning meeting.
5. Sketch plan required in subdivisions consisting of more than 5 proposed lots or units.

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.

Signature of Applicant/Applicants_____
Date

4-5-18

Signature of Owner/Owners_____
Date

PARKSIDE RIDGWAY COMMUNITY ASSOCIATION

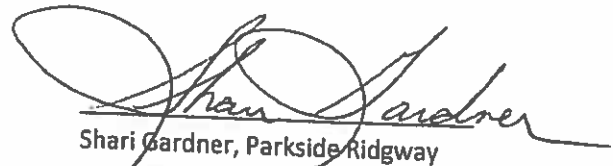
March 12, 2018

Re: Plat Changes to Parkside Ridgway Community Association

To Whom It May Concern,

The Board of Directors of Parkside Ridgway Community Association met on Friday, March 9, 2018. During this meeting, a motion was made, seconded, and passed giving Jack Petruccelli authority to negotiate with the Town of Ridgway on the following proposed plat changes and to sign the revised plat:

1. Amend plat map note 7 which limits dwellings to one per lot to allow for Accessory Dwelling Units on each lot.
2. Allow for the trees in the right of way between the curb and sidewalk be used for landscaping requirements.
3. Allow for landscaping to be planted in the rear drainage easement as long as no water flow is impeded.
4. Add that builders are required to pave the driveway approach between the curb and sidewalk.



Shari Gardner, Parkside Ridgway
Secretary

STAFF REPORT

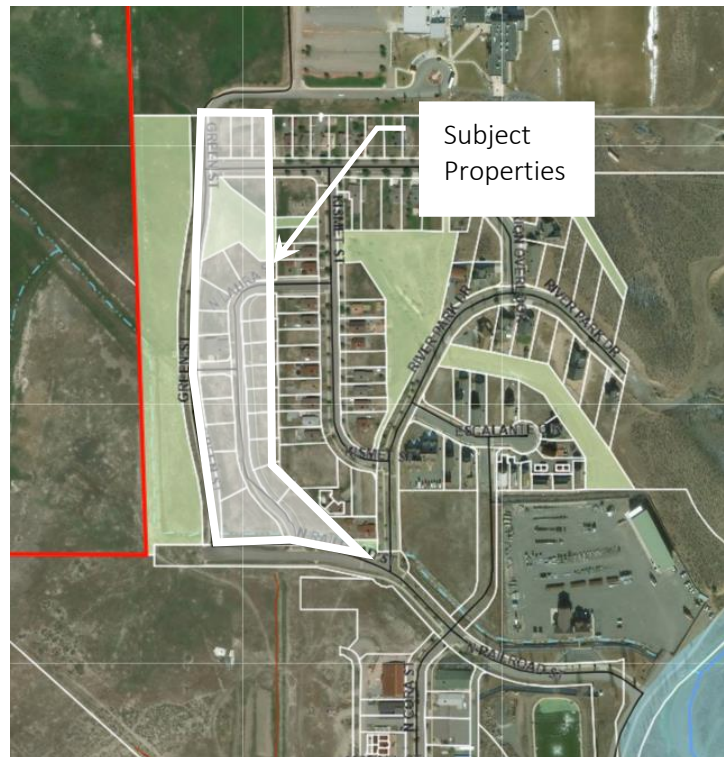
Request: Amended Plat
Legal: Parkside Subdivision
Address: 755, 760, 765 and multiple TBD N Laura, multiple TBD Marion Overlook
Parcel #s: 430508414001, 430508414002, 430508414003, 430508414004, 430508414005, 430508414006, 430508414007, 430508414008, 430508414009, 430508414010, 430508414011, 430508414012, 430508414013, 430508414014, 430508414015, 430508414016, 430508414017, 430508414018, 430508414019, 430508414020, 430508414021, 430508414022, 430508414023, 430508414024
Zone: Residential (R)
Applicant: Parkside Ridgway Community Association
Owners: Habitat for Humanity of the San Juans, Cameron L Miller, Kim Moriyama, Alpine Creek Homes LLC, Meaghan McGuire, Riverside Investment Partners LLC, Brittany Christina Martin, Parkside Ridgway Holdings LLC, Matthew P Sandoval, Kierstin Janal Strand, Stephen J Hertzfeld, Kelly Lynn Finegan, John A JR Malone, A Henry Case, Bryce Lanier Jones, Justin R Fagan
Initiated By: Shay Coburn, Planner
Date: May 29, 2018

REQUEST

Applicant is requesting to amend the Parkside Subdivision plat map recorded with the Ouray County Clerk and Recorder at reception number 197315. The requests include:

1. Amend note 7 to allow all single-family lots to have an accessory dwelling unit
2. Allow for landscaping to be planted in the rear drainage easement as long as no water flow is impeded
3. Allow for the trees in the right-of-way between the curb and sidewalk to count toward required landscaping
4. Require that all driveways are paved between the curb and the sidewalk

An application was submitted April 5, 2018 accompanied by a letter from Parkside Ridgway Community Association. The property and public hearing have been noticed in compliance with the Town Municipal Code.



CODE REQUIREMENTS

Amended plats are considered under Ridgway Municipal Code (RMC) §7.4.10(B) & (C) as follows:

- No material change in the extent, location, or type of public improvements and easements provided is made or required with the amended plat
- The requested changes are consistent with the Design Standards of the municipal code
- Any amended plats shall conform to the applicable requirements for final plats as provided in these subdivision regulations, including the minimum design standards, and shall conform to the applicable dimensional requirements of the town's Zoning Regulations.

ANALYSIS

This plat was recorded in 2008 and the lots have remained almost entirely vacant, except one lot, until now. There are currently three active building permits in this subdivision with at least a few more expected to be submitted in the next few months. There are no changes in public improvements and easements, the request is consistent with the Design Standards of the municipal code, and any adverse impacts due to this request are listed below.

The following analysis is organized by each plat note that is requested to be amended or added.

Note 7

Note 7 currently states, "All lots platted hereon are limited to a maximum of one dwelling unit, except for Lots 14 and 15 which have 3 dwelling units each and Lots 4, 5, 6, and 13 which may have two dwelling units each. No occupancy permit will be approved on either Lot 14 or Lot 15 unless all three required units for said lot are under construction."

Given the current language of plat note 7 above, accessory dwelling units (ADUs) are not permitted on single-family lots. The request is to allow ADUs on all single-family lots. ADUs are allowed on most all residential properties throughout town unless otherwise restricted by a plat map. All other RMC dimensional standards would continue to apply such as maximum lot coverage and setback requirements. The Town has been promoting ADUs as a way to increase long-term rental units and help aid in the affordability of living in the Town. In addition, this revised language would ensure this plat note matches recent notes required by the Town.

Staff proposes that plat note 7 be revised to state, "All lots platted hereon are limited to a maximum of one dwelling unit, except for Lots 14 and 15 which have 3 dwelling units each and Lots 4, 5, 6, and 13 which may have two dwelling units each. **The maximum number of dwellings units allowed is thirty-one (31). Development excise tax has been paid for each new lot or unit. In addition to the maximum number of dwelling units, each lot may have an accessory dwelling unit if compliant with Town code provisions as in effect from time to time, for which no excise tax has been paid. Lots 4, 5, 6, 13, 14, and 15 that are already platted for multiple units are not permitted to have accessory dwelling units.** No occupancy permit will be approved on either Lot 14 or Lot 15 unless all three required units for said lot are under construction."

Note 8

Note 8 currently states, "The drainage easement(s) shown hereon shall be maintained by an owner's association, or until such time as an owner's association is lawfully formed for such purposes, by the owners of all lots encumbered by the easement, jointly and severally in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The Town is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches, or improvements as located within said easements. Upon

failure to properly maintain the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the Town may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasures to be collected similarly to taxes or in any lawful manner.”

The request from the Applicant is to allow landscaping to be planted in the rear drainage easement as long as no water flow is impeded. Staff does not recommend amending this note as this note already clearly states that landscaping is allowed as long as it does not impede the free flow of water in any way. In addition, this ditch is part of the overall drainage plan for this subdivision and it is imperative that it is maintained and kept clear to allow water to flow through when needed.

NEW Note

The Applicant’s request is to allow for the trees between the curb and sidewalk to count toward required landscaping. A similar note is included on the River Park plat map and has worked well.

The new note number 10 would read, “Street Trees planted within the right-of-way adjacent to each lot shall count towards the Town’s tree and landscaping requirement for such lot.”

NEW Note

The Applicant’s request is to require that all driveways are paved between the curb and sidewalk. Staff does not recommend adding a note to address this as it is already required per RMC 14-5-15(B) which states:

(B) All driveways, curb cuts, or other accesses to Town streets and alleys, shall be located, constructed and maintained in accordance with Town ordinances, regulations, standards and specifications. Such work shall require a permit and shall not adversely affect the flow or water in curbs and gutters, valley pans, inlets, ditches, pipes, culverts and other drainage and irrigation facilities whether on or off the public right of way. Such work shall not result in a traffic or safety hazard. Any damage to existing pavement, drainage or irrigation structures, curb, gutter, sidewalks, or other infrastructure caused by such construction or maintenance, shall be promptly repaired by the Permittee in accordance with Town ordinances, regulations, standards and specifications. No such access may be used until the Town inspects it and issues a Certificate of Approval. (Ord 8-2007)

STAFF RECOMMENDATION

Staff recommends approval of a plat amendment to the Parkside Plat to edit plat note 7 to allow for accessory dwelling units on single-family lots and adding note 10 regarding street trees counting toward landscaping requirements as stated above.

Staff does not support amending the Parkside Subdivision existing plat note 8 regarding landscaping in the drainage easement nor does staff support adding a new note requiring paving between the curb and sidewalk.

EXHIBITS

Exhibit 1 – Draft Amendment 1 to the Parkside Subdivision









Properties posted starting at the north of the subdivision, moving south.

**AMENDMENT 1 to the PARKSIDE SUBDIVISION:
ACCESSORY DWELLING UNITS AND RIGHT-OF-WAY LANDSCAPING**

Whereas, the plat map entitled "Parkside Subdivision" was executed by Spencer Simmons as Declarant, and the Town of Ridgway on the 29th day of December, 2007, and was recorded in the Ouray County Clerk and Recorder on the 19th day of March, 2008 at Reception Number 199315; and

Whereas, it is desired by the property owners of all lots within the Parkside Subdivision, represented by Parkside Ridgway Community Association Inc., to amend Plat Note 7 of said plat map to allow for accessory dwelling units on all single-family lots that comply with the Ridgway Municipal Code regulations; and

Whereas, dwelling units which meet the criteria of Ridgway Municipal Code Section 7-3-13(G): Accessory Dwelling Units may be allowed as an accessory use, in the "R" Low Density Residential District, to a principal residential unit which conforms to the applicable requirements of said Districts; and

Whereas, the current Town Regulations do not allow for dwelling units accessory to duplexes, triplexes, multi-family or any other type of structure or use other than a stand-alone single-family home; and

Whereas, it is desired by the property owners of all lots within the Parkside Subdivision, represented by Parkside Ridgway Community Association Inc., to add a new Plat Note that allows for the landscaping as installed by the developer between the curb and sidewalk to count toward minimum landscaping requirements for each lot per Ridgway Municipal Code Section 6-1-11 and 6-6-3(I); and

Whereas, pursuant to §7-4-10 of the Ridgway Municipal Code Plat Amendments are reviewed and approved by the Ridgway Planning Commission and Town Council.

Now, therefore,

Plat Note 7 is amended to read in its entirety, as follows:

All lots platted hereon are limited to a maximum of one dwelling unit, except for Lots 14 and 15 which have 3 dwelling units each and Lots 4, 5, 6, and 13 which may have two dwelling units each. The maximum number of dwellings units allowed is thirty-one (31). Development excise tax has been paid for each new lot or unit. In addition to the maximum number of dwelling units, each lot may have an accessory dwelling unit if compliant with Town code provisions as in effect from time to time, for which no excise tax has been paid. Lots 4, 5, 6, 13, 14, and 15 that are already platted for multiple units are not permitted to have accessory dwelling units. No occupancy permit will be approved on either Lot 14 or Lot 15 unless all three required units for said lot are under construction.

A new Plat Note 10 is added and reads in its entirety, as follows:

Street trees planted within the right-of-way adjacent to each lot shall count towards the Town's tree and landscaping requirement for such lot.

Except as herein expressly modified, all other Plat Notes remain in full force and effect according to the original Plat.

Dated this _____ day of _____, 2018.

Approved by the Planning Commission on _____, 2018.

Approved by the Town Council on _____, 2018.

Town of Ridgway, Colorado

Attest:

By: _____
Mayor John I. Clark

By: _____
Town Clerk, Pam Kraft

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by John Clark, Mayor of the Town of Ridgway, Colorado and Pam Kraft, Town Clerk of the Town of Ridgway Colorado.

Witness my hand and official seal.

[SEAL]

Notary Public

Parkside Ridgway Community Association, Inc., a Colorado Non-Profit Corporation

By: _____
President, Parkside Ridgway Community Association, Inc.

STATE OF COLORADO)
) ss
COUNTY OF OURAY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____, President, Parkside Ridgway Community Association Inc.

Witness my hand and official seal.

[SEAL]

Notary Public

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING** at the Town Hall Community Center, 201 N. Railroad Street, Ridgway, Colorado, on Tuesday, May 29th, 2018 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: Conditional Use

Location: Cedar Creek Minor Subdivision, Lot 1

Address: 705 S Amelia Street

Zoned: Residential (R)

Applicant: Megan Gardner

Property Owner: Tio Trio LLLP, c/o Dana Ivers

ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: May 18, 2018

Shay Coburn, Town Planner

PLANNING & ZONING PERMIT

Incomplete Applications will be Rejected

Receipt # 982510 *

Date Received 5/14/18 *

By SC *

* For Office Use Only

ACTION REQUESTED

TEMPORARY USE PERMIT ☐ 7-3-13c

CONDITIONAL USE PERMIT ☒ 7-3-14

CHANGE IN NON-CONFORMING USE ☐ 7-3-15

OTHER: _____ ☐ _____

VARIANCE ☐ 7-3-16

REZONING ☐ 7-3-17

SUBDIVISION ☐ 7-4-1 thru 7-4-12

APPLICANT/APPLICANTS:

NAME: Megan Gardner
MAILING ADDRESS: PO Box 1051
CITY: Ridgway
TELEPHONE NO.: 970-729-1211
FAX: _____

OWNER/OWNERS OF RECORD:

NAME: Dana Ivers
MAILING ADDRESS: 745 South Amelia St
CITY: Ridgway
TELEPHONE NO.: 970-209-1626

ADDRESS OF PROPERTY: 745 South Amelia Street

ACREAGE/SQUARE FOOTAGE: 2,500 ZONING DISTRICT: Residential

BRIEF DESCRIPTION OF REQUESTED ACTION: We are seeking a conditional use permit for the identified property. We intend to run a licensed nature-based preschool with the current agricultural/tranching use subordinate and accessory to the school.

ATTACHMENTS REQUIRED FOR ALL ACTIONS:

1. Evidence of ownership or written notarized consent of legal owner(s).
2. Copy of all site plans drawn to scale showing location of building(s), elevations, abutting streets, and all dimensions, must be submitted on paper size of 8.5 x 11 or 11 x 17.
3. A filing fee payable to the Town of Ridgway.

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Deviations from Single Family Design Standards	100.00

Subdivisions

a. Sketch Plan	\$ 200.00
(plus \$10.00 per lot or unit)	
b. Preliminary Plat	400.00
(plus \$20.00 per lot or unit)	
c. Final Plat	300.00
d. Minor Subdivision	200.00
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f. Replat/amended plats	100.00
g. Planned Unit Development	(a. b. & c.)

ADDITIONAL COSTS:

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SPECIFIC ATTACHMENTS REQUIRED FOR EACH ACTION:**CONDITIONAL USE PERMITS:**

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
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TEMPORARY USE PERMITS:

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CHANGES IN NON-CONFORMING USE:

1. Description of existing non-conformity.
2. Information showing compliance with applicable criteria.
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VARIANCE:

1. Site plan showing details of the variance request and existing uses within 100 ft. of property.
2. Information showing compliance and/or non-compliance with applicable criteria.
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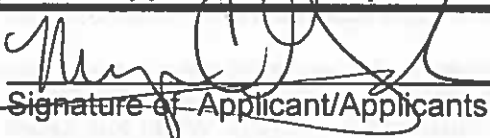
REZONING:

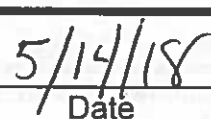
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SUBDIVISION:

1. All requirements established by Municipal Code Sections 7-4-1 through 7-4-12.
2. Affidavit of notice sent to all surface and mineral owners and lessees of mineral rights.
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Signature of Applicant/Applicants


Date

Signature of Owner/Owners

Date



TOWN HALL PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5308 | www.town.ridgway.co.us

AUTHORIZATION OF AGENT

I/we, the undersigned owner/s of the following described real property located in the Town of Ridgway, Ridgway, Colorado, hereby authorize:

Megan Gardner
(Name of Authorized Agent)

To act in my /our behalf in applying for the following permits from the Town of Ridgway, as required by existing Town of Ridgway regulations pertaining to zoning, building, encroachment, excavation, and/or utilities.

Legal property description (include: lot, block, subdivision, physical address):

Cedar Creek Minor Subdivision
Lot 1

Signature: _____

(Property Owner of Record)

Date: _____

3.15.18

Signature: _____

(Property Owner of Record)

Date: _____

Signature: _____

(Property Owner of Record)

Date: _____

Planning and Zoning Permit Application (7-3-14 Conditional Use Permit)

Applicant Name: Megan Gardner

Brief description of requested action: We are seeking a conditional use permit for the identified property. We intend to run a licensed nature-based preschool with the current agricultural/ranching use subordinate and accessory to the school.

Response to Conditional Use Criteria Ridgway Municipal Code (7-3-14)

- 1) **The use will not be contrary to the public health, safety or welfare:** Pinyon Song is in the process of being approved for licensure by the Colorado Department of Human Services meeting all requirements for the health & safety of those learning at the property. The property will pass the fire department inspection & sanitation survey conducted by the Colorado Department of Public Health and Environment. Day-to-day activity related to the school will occur on the property.
- 2) **The use is not materially adverse to the Town's Master Plan:** In as far as we are aware of the Town's Master Plan, the school & its' uses will have no adverse effects. The Town of Ridgway's motto "Think Outside" is in alignment with the school's mission to help create young stewards who are mindful of their environment, their impact and to deepen their appreciation for learning. As more young families move to the Town of Ridgway, parents need options for their children. Currently, the public preschools are unable to accommodate this need; a trend that is occurring in Montrose and Ouray as well. The Town of Ridgway has a waiting list for preschool that they cannot meet. With the addition of Pinyon Song to this community we support families that need to be working full-time. Currently, there exist few options for working families to find care for their children in the Town of Ridgway. *Please see attached letters from Bright Futures, local parents and community members regarding need in this community.*
- 3) **Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience:** As a nature-based preschool, Pinyon Song will be encouraging families/children to use alternative methods of getting to school including walking and riding their bikes. Children can use the footpath through the Solar Ranch Neighborhood to access the school to limit children walking on South Amelia Street. There will be 2 permanent off-street parking spots on the property for teachers to use during the day. The remaining car's during drop-off/pick-up at the school will be accommodated by 15 parking spots in front of the lower barn. From there, an off-street footpath will be used to access school.
- 4) **The use is compatible with existing uses in the area and other allowed uses in the district:** The preschool, Pinyon Song, will be the primary use on the property. The agricultural uses are subordinate and accessory to the activities at the school. *Please see attached description from current landowner and from the teachers at the school.*

- 5) **The use will not have an adverse effect upon other property values:** Pinyon Song will not have any known adverse effect on nearby property values. On the contrary, it has the potential to increase the property value as it makes it possible for more young families to live in the Town of Ridgway.
- 6) **The location of curb cuts and access to the premises will not create traffic hazards:** This is not applicable as we are at the end of South Amelia Street.
- 7) **The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area:** Pinyon Song is licensed for 15 children ages 2-6yo. Normal operating hours will be Monday-Friday between 7am-5pm. The children and teachers will spend time on the property outside in nature consistent with the mission of the school. The school is Waldorf-inspired and as such participates in community festivals to celebrate the seasons occurring multiple times a year. These are generally held after school. No electronic bells or loudspeakers are used at the school. *Please see attached letters from neighbors indicating their support of the school and the property's use.*
- 8) **Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally:** There will be no structural adjustments or additions to the existing structure on the property.

Attachments:

1. Evidence of Ownership or written notarized consent of legal owner
2. Copy of site plans
3. Filing Fee by check
4. Approval from Land Trust regarding compliance of educational school with conservation easement
5. Handout from Clea Willow with Bright Futures regarding early childhood needs in Ouray County.
6. Intended vision/use for preschool.
7. Handout from landowner indicating current functions of property.
8. Handout from Pinyon Song director/lead teacher regarding curriculum relationship to functions as described by landowner.
9. Letters from neighbors
10. Letters from prospective parents & other parents in the community
11. Letters from community members
12. Statement of contract with caretaker: *Pinyon Song will be hiring a caretaker to live on the property to provide functions related to the maintenance of the property and safety of the children and teachers at the school. They include, but are not limited to, maintaining roads, snow removal, caring for the animals (ie. chickens, horses), and wildlife mitigation (ie. bears are known to be on the property).*

The Mission Statement

- PINYON SONG is a Waldorf-inspired, nature-based Early Childhood program that will encompass nourishing the senses, imaginative play, artistic activities, music, imitation of meaningful adult work, and is dedicated to protecting childhood.

Our Intentions

- Pinyon Song seeks to establish a nature-based learning environment for children. The young child has an innate love and curiosity for nature. Giving children the opportunity to explore and engage with the outdoors could help them to form a life long relationship to the environment!
- Allowing young children to play, discover, and learn in a natural setting enhances their imagination, critical thinking skills, gross motor skills, and sensory integration.
- As a school we seek to create a space for this early childhood education to take place, centering on the importance of a child's exposure and experience in nature. We aspire to educate the child's confidence, sense of self, and instill trust in their innate wisdom and abilities. We believe this can be achieved by providing extensive learning in the out of doors, plenty of time for imaginative play and freedom to move; the essential building blocks for academic learning!

Our Vision

- *Year One:* We first intend to establish a preschool/kindergarten following a Waldorf-inspired early childhood curriculum which will encompass nourishing the senses, creative artistic experiences, meaningful adult activity as an example for imitation, free imaginative play, and protection for the forces of childhood. We will nurture our student's relationship to the natural world through walks, songs, stories, and celebrations of the seasons. Gratitude, reverence, and wonder along with joy, humor and happiness will be the overall accomplishment for each child's learning.
- *Year Two:* In our second year we plan to form summer camps for 4-12 year olds, where families will have the opportunity to sign up for weekly themed nature programs such as: tracking, edible plant recognition, rock climbing, peak summiting, rafting, etc. The idea being that local kids will gain opportunities to experience how to use and enjoy the local outdoor environment around them.
- *Year Three:* The third year we will expand our summer camp programs for older kids to include extended rites of passage camping trips for pre-teens. Also in this year we would like to expand our preschool/kindergarten school to incorporate a nursery program for toddlers following in the nature-based curriculum in a home-like environment.
- *Year Four-Five:* In the future we would like to purchase our own property in order to grow our educational community and provide workshops for teens and young adults in outdoor safety and holistic learning; which incorporate crafts, commerce, agriculture, nutrition, living skills, and the environment. If a large enough piece of land is acquired we would like to start an intergenerational

community where an assisted living for the elderly, a school, and farm all function together with interdependence and harmony.

- ⑦ chicken coop
- ⑧ storage sheds
- ⑨ barn
- ⑩ round pen
- ⑪ pole barn
- ⑫ arena

Early Childhood Care and Education: Ouray County



184

Children under 5



51

Preschool slots



0

Infant/toddler slots



1 in 4 children
have access to childcare.

Research says:

Expanding early learning initiatives would provide benefits to society of roughly \$8.60 for every \$1 spent, about half of which comes from increased earnings for children when they grow up.*

Early childhood education can lower future involvement with the criminal justice system.*

90% of the brain develops within the first five years. A child's earliest experiences affect brain development and that architecture of the brain can influence future language, cognitive, social, and emotional capacity for the better or worse.**

The majority of American families have all parents in the workforce.***

The ability to attract and retain a qualified workforce, who reliably comes to work and shows up focused on the job, is critical. However, the workforce reliability of parents with young children is affected by the child care setting they are able to arrange.**

High-quality, affordable child care can help parents balance work and family responsibilities.*

40% of Ouray residents commute 20 min or more to work.

* President's Council of Economic Advisers Report, 2015. ** Committee for Economic Development, 2014. *** Bureau of Labor Statistics, 2018.

According to a recent community survey...

"Childcare and early childhood education is rare and hardly exists in Ouray County.

This is a huge problem for an otherwise very nurturing community which is a wonderful place to raise children otherwise!"

"I can find help with childcare in my community when I need it."

73%
Disagree



27%
Agree

Attach. 6

Information for Intended Preschool

Max. Children at one given time: 15.

The preschool will accept children 2.5 years old (and potty trained) to 6 years old.

There will be a lead teacher Martha Gollogly, an assistant teacher (TBD) and the director Megan Gardner who will be in charge of care.

Tuition and Fees:

Registration Fee	\$50.00	
Half Day 9am-1pm*	(\$30.00)	per month
Full Day 9am-3pm	(\$40.00)	per month
Extended Day 8am-4pm	(\$50.00)	per month
Food	\$25/month	

*Half days are offered only if available.

(Please note that we have staggered the day so that all the children will be dropped off and picked up at different times of the day, depending on what kind of care their families require).

The vacation and holiday schedule will coincide with the Ridgway Public School system (with the exception of teacher work days).

The school year will start on August 27th and end on May 31st.
2018 summer program will start in July and end on August 23rd.

Attach. # 7

Lot 1

1. Ranch House: Future non-profit, non commercial, agricultural, nature school preschool
2. Car garage/apartment: a) yak meat sales b) caretaker for ranch and nature school
3. Ranch maintenance building
4. Sheds for ranch equipment and tools for ranching (mostly for hay production)
5. Chicken coop

Lot 2

1. Barn for horse activity
2. 15 acres of hay field for weed free hay
3. Pole barn to store hay
4. Round pen for horse training
5. arena - run in shed for horses
6. 8 acres for horse pasture

Pinyon Song Preschool is an agricultural and nature based Early Childhood endeavor with an interactive curriculum. The children spend a good portion of the day outside, learning "hands on" about the environment, gardening, animal husbandry, the use and repair of farm equipment, and daily farm tasks. Within this setting the students learn the link between food, animals and nature, which engenders a living connection to the world around them.

The Ranch House will be the location for the school house. Using the the whole house for the purpose of classrooms and the fenced in yard around the house will be the playground area.

Car Garage/Apartment, the garage part of the building will be used to house the refrigerators that hold the yak meat and chicken eggs which will be sold with a percentage of the sales going to fund the school. The idea that the students will learn the economic portion of ranching/farming. The apartment attached to the garage is the home for the caretaker who is the sole ranch hand and grounds keeper for the school. (see attachment for the caretakers direct responsibility for the school).

Ranch Maintenance Building, this building is where the ranch equipment is worked on. Young children love to watch mechanical work being done and it is a way for children to witness real work being done with the benefit of seeing how things are fixed when they become broke.

Sheds for Ranch Equipment and tools for ranching, the sheds on the ranch hold the equipment that run the ranch.

Chicken Coop, the chickens on the ranch will be the "class pets" the students will experience and learn from feeding, caring for, and collecting the eggs from the chickens.

Barn for Horse Activity, the barn holds all the horse attire, the students will get to witness how horses are cared for and how they are used.

15 acres of hay field, the hay field is where the hay is grown for the horses and yaks to eat in the winter months. The students will witness and learn from this process; the hay is grown in the summer and cut and stored for food for the animals in the winter.

Pole Barn, this is where the hay is stored to be consumed by the animals in the winter. The children will get to help feed the horses and yaks the hay in the winter.

Round Pen, this is where the horses are trained. When training is taking place, the children will get to watch and learn from this experience.

Arena, the run in shed for the horses is where the students might call the Horse House.

8 Acres of Pasture, this is where the horses and yaks graze and where the students will observe them from behind the fence line.

Attach. #9

4/30/2018

To Town of Ridgway, Board & Council,

I would like to express my support of the new Pinyon Song Alternative & Nature-based Preschool.

I feel strongly that our town needs options for parents in early education.

The parties involved with starting this school are outstanding women, who are professional and experienced.

There are high hopes that this Preschool will be open soon.

Thank you,

Marisa Murphy

Neighbor / Accountant

May 14, 2018

To Town of Ridgway, Board & Council,

I would like to express my support of the new Pinyon Song Alternative & Nature-based Preschool.

Our County and town desperately need options for parents and families in early education. Many families are unable to secure childcare nor preschool spots in Ouray County. This is a huge detriment to working families. Pinyon Song will help fill this much-needed niche with a high quality, nature-based, early education program.

The parties involved with starting this school are outstanding women, who are professional and experienced.

As a land owner and future resident in Solar Ranches I fully support the location of this school as well.

I hope the Town of Ridgway, Town Council and P&Z Board will also see the benefit of this school and will quickly move to approve a conditional use permit to help make it happen.

Sincerely,
Raleigh Coburn

Prospective Parents: Words of Support

Pinyon Song school would be wonderful for my whole family. We recently moved to Elk Meadows and are in the process of opening a family business in town and want to be a part of this community. When I heard about this school opening I was thrilled because this is perfect for my daughter. She has always loved to be outside more than any toy or tv show. She loves gardening, hiking and cooking! We would be overjoyed if she gets accepted here!

Santina Hayes
(4 year old daughter)

I believe that in this mountain town, we take pride in progress, creativity and spending most of our time enjoying the beautiful natural environment that surrounds us. The nature based curriculum that Pinyon Song Preschool intends to follow will absolutely promote creativity and a love for the outdoors, and I personally look forward to being able to watch our children flourish in an environment like this. Investing in the youngest minds of our community will undoubtedly prove to be an invaluable asset for Ridgway and our surrounding communities.

Marissa Mathis
(Children: June, 3 years old; Carson, 4 months old)

Pinyon Song Preschool is crucial because it is serving the needs of the growing families that the public school cannot fulfill.

The school will benefit our community by offering our children an opportunity to learn in more dynamic ways using nature and community at a crucial time of development. In addition, the school offers more families opportunities to join the workforce and contribute to growing a local sustainable economy.

Christine McGinley
(4 year old son)

Pinyon Song Preschool will help fill a need in our community for early childhood development. Likewise, it broadens the region's appeal by offering non-traditional educational opportunities that complement public schools.

With respect to our family, we prefer non-traditional schooling and instead favor alternative education opportunities such as Waldorf and Montessori-based programs, as well as forest and homeschooling.

Heather Hart
(5 year old son and 3 month old daughter)

Ridgway is an exceptionally unique community surrounded by some of the most beautiful mountains in the world. It is critically important that our children have the opportunity to experience and appreciate the wonders of the outdoors at a young age. This awareness and appreciation is important not only for their one individual development but for the entire community, as we help to foster long-term advocates and stewards of our natural world. This type of program does not currently exist and Pinyon Song will fill an important need for our young ones and the community as a whole.

Michele Lacy
(3 year old and 1 year old sons)

We live in a wonderful community surrounded by neighbors who care and endless natural beauty begging to be explored. Pinyon Song fits our environment and community well and compliments the values we treasure here of community and appreciation of nature. This preschool belongs in our community and will benefit all of us by teaching our youngest members what it means to live and grow here.

This preschool will personally benefit our family as we desire a place for our children to learn together with other children about friendship and nature. The individuals who have organized this school are dedicated to providing our children with a unique well rounded experience where they can learn to respect and love our environment and each other.

Brie Hotz
(1 year old Daughter)

We are fully committed to sending our son Cassidy Smith (age 4; 4/24/14) to the Pinyon Song Preschool. Our family moved to Ouray approximately 6-months ago. We have met numerous families in need of a preschool for their children, so based solely on numbers it appears that another preschool in the area is greatly needed.

For our son, we feel that the play-based foundation of the Pinyon Song Preschool is exactly what we are looking for. We want our son to develop in a loving environment that sparks a life-long passion for learning. We want his school to help foster a connection with nature and engage his imagination as well as his intellect, while nurturing his individuality. We believe that is exactly what the Pinyon Song Preschool will have to offer for our son and others.

Allison Strand and Lance Smith
(4 year old Son and 1 Year old Daughter)

The values and mission of Pinyon Song fully resonate with us, and we are excited to see such a schooling option emerge in Ridgway. The focus on a "home life," imagination, play, and creativity is wonderful for a child's intellectual and emotional development. Furthermore, raising our children with a love for nature is, we believe, one of the most important things we can bestow on them and future generations. We can only hope that such a school would continue into the elementary school years and not just the preschool ones!

Amanda and Christopher Caldwell
(3 year old Daughter and 1 year old Son)

A Waldorf preschool provides vital roots from which a young child can blossom into an intelligent and highly creative member of the Ridgway community. By encouraging children to learn through experience, providing them with a safe sanctuary to explore their creativity, a Waldorf preschool can establish a sincere enjoyment for learning at the beginning of the path of education. To have a school that our children are excited to attend and eager to learn from, creates tremendous self initiative for driven, successful professionals that hold their community in high regard. To have a school that parents are excited to engage with creates harmony and peace in our homes, therefore more peace and harmony in our community together.

Gemma
(2 year old Son)

nature helped me find balance in life. nature and having kids were two very big things that helped me see life as a bigger picture (rather than grades, money, or anything our culture often tells us is "most important").

i hope to give my kids all the benefits of nature.

Elysa
(4 year old and 2 year old girls)

Attached #11

to town staff, planning and zoning, and town council,

This is a letter in support of the Waldorf-inspired & nature-based school: Pinyon Song. Every Waldorf graduate I have gotten to know are people who I consider among the most intelligent, balanced, peaceful, creative and resourced people.

I applaud the community members who are organizing and creating this school.

It sounds like a much needed and welcome resource for young families.

Waldorf graduates are an asset to humanity and I cannot imagine Ridgway not wanting to support this. I understand that there may be technical difficulties to overcome - but I saw the council, staff and planning commission exercising great flexibility, creativity and collaborative problem solving in passing the UROD and giving the Preserve Development great exception to the UROD. I would like to see that kind of support behind this school. This is a community that deservedly prides itself on the qualities of creativity and "thinking outside" .

With much respect,
Vicki Hawse
5/2/18

From: Nicole Greene
To: [Shay Coburn](#)
Subject: Pinyon Song
Date: Thursday, May 17, 2018 11:32:48 AM

Dear Shay,

As Solar Ranch homeowner, I am writing this letter to express my support for allowing Pinyon Song Nature Base PreSchool at 745 S Amelia Street. I believe that, in order to become a more viable and live-able town that attracts young families, Ridgway needs more opportunities for early-childhood education. The women starting this school are motivated to make it happen and we should support them to achieve their goals.

All the best,
Nicole

Nicole Greene
Mobile: 970.729.2526

From: Stephanie Lauerman
To: [Shay Coburn](#)
Cc: [Eva House](#)
Subject: Support of Mountain Sweet Peas
Date: Thursday, May 17, 2018 2:32:08 PM

Please accept this note of support as a strong endorsement for approval for the Mountain Sweet Peas school that is pending review by the town. As a homeowner in the immediate area, I feel this would be an asset to our community and a great natural location. As our town is growing, there is a clear need for additional educational opportunities for our budding young residents. The type of program the leaders are looking to implement is perfect for our outdoor recreational haven we have here.

I fully support their program and I hope you will too!

Thank you!

Stephanie Lauerman
590 Sabeta Dr. Unit C
Ridgway CO 81432

FROM THE DESCK OF BRAD MCMILLON
P.O. BOX 638
RIDGWAY CO 81432
ph. 970-318-6701 mcmillon@ouraynet.com

Date: May 15, 2018

To: Town of Ridgway
P.O.Box 10
Ridgway, CO 81432

From: Brad McMillon
McMillon Engineering, LLC

Item: Pinyon Song Alternative & Nature based Preschool, Ridgway, Co

I support the new Pinyon Song Alternative & Nature based Preschool that is proposed to operate at 745 South Amelia Street. Our town needs options for parents in early education, and the parents involved are outstanding people committed to making Ridgway a better community.

I live near this school and believe that its location is an ideal one to serve the community, and hope that it can open soon.

Should you have any questions, please call me at your convenience.

Best Regards:


Bradley D. McMillon

From: Eva House
To: [Shay Coburn](#)
Subject: Fwd: Pinyon Song Letter of Support
Date: Wednesday, May 23, 2018 3:35:15 AM

Dear Shay,

Please find below another letter of support for the Pinyon Song Preschool.

Best,
Eva

Eva House

Eis House Advertising II www.eishouse.at II eva@eishouse.at
USA 970.318.0684 II Ridgway, CO 81432
AUSTRIA +43 676 9123 254 II 9020 Klagenfurt

Creativity made visible through Simplicity

Begin forwarded message:

From: "Aimee McAbery" <cpa@sanjuanaccounting.com>
Subject: Pinyon Song Letter of Support
Date: May 22, 2018 at 9:13:15 PM GMT+2
To: <eva@eishouse.at>

To whom it may concern,

I am writing to express my support for the Pinyon Song Alternative Nature-Based Preschool. As a working parent of two young children, I am fully aware of the lack of child care in our community. I have struggled to find child care for my two daughters. There are only a few child care options available in this community all of which are completely full. As I am sure you are aware, this past year many children were denied preschool enrollment at the Ridgway Elementary School due to lack of space. In my opinion there is a significant need for an additional child care/preschool in our community. The Pinyon Song founders have worked tirelessly to present an alternative preschool to our community. I appreciate their efforts and ask that you too support their program.

I am a neighbor of the proposed Pinyon Song Preschool location. I have no concerns about the proximity of the preschool to our neighborhood.

Sincerely,

Aimee M McAbery, CPA
San Juan Accounting, Inc.
Certified Public Accountants

880 Sabeta Drive
PO Box 546
Ridgway, CO 81432

ph. (970) 626-4446
fax (970) 239-0254
www.sanjuanaccounting.com

STAFF REPORT

Request: Conditional Use Permit
Legal: Cedar Creek Minor Subdivision, Lot 1
Address: 705 S Amelia Street
Parcel #: 430517400001
Zone: Residential (R)
Applicant: Megan Gardner
Owner: Tio Trio LLLP, c/o Dana Ivers
Initiated By: Shay Coburn, Town Planner
Date: May 29, 2018

REQUEST

Applicant is requesting a conditional use permit to have a school / day care facility that is not otherwise allowed as an accessory use to a residence in the Low Density Residential district.

This property is located in the southwest corner of the Town, on South Amelia Street near residential uses. The



Applicant will be renting and converting one of the units currently permitted for residential use. The applicant also intends to utilize other aspects of this property to compliment the preschool.

The Applicant has submitted an application, letter, site plan, supporting materials, letters of support, and applicable fee. The property and public hearing have been noticed in compliance with the Town Municipal Code.

CODE REQUIREMENTS

RMC §7-3-5 "R" Low Density Residential District

Applicable code provisions for this public hearing:

(A) Intent: The "R" Low Density District is intended to provide a quiet, low density development for single family residences. Environmental protection is provided by allowing single family residences along with certain other compatible land uses.

(C) Conditional Uses:

(2) Churches, schools, and day care facilities not allowed as an accessory use to a residence.

RMC §7-3-14 Conditional Uses

(A) Uses listed as conditional uses for the various zoning districts provided in this Section shall be allowed only if the Planning Commission determines, following review pursuant to Subsection 7-3-18, that the following criteria are substantially met with respect to the type of use and its dimensions:

- (1) The use will not be contrary to the public health, safety, or welfare.*
- (2) The use is not materially adverse to the Town's Master Plan.*
- (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.*
- (4) The use is compatible with existing uses in the area and other allowed uses in the District.*
- (5) The use will not have an adverse effect upon other property values.*
- (6) The location of curb cuts and access to the premises will not create traffic hazards.*
- (7) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.*
- (8) Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)*

(B) The burden shall be upon the applicant to prove that these requirements are met.

RMC §7-3-15 Nonconforming Uses

(A) Any use, building or structure which at the effective date of this Section or at the time of annexation, if annexed subsequent to the effective date of this Section, was lawfully existing and maintained in accordance with the previously applicable County or Town Regulations and Ordinances but which does not conform or comply with all of the regulations provided for in these Zoning Regulations, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Subsection. Uses, structures or buildings which were unlawful or illegal and not in compliance with previously applicable Regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.

(B) If a use, building or structure is lawfully nonconforming in that it is not a "Use By Right", or a "Conditional Use" which has been approved pursuant to the review provisions of Subsection 7-3-14, the following shall apply:

- (2) If the nonconforming use is abandoned or discontinued for a period of 6 months, then the premises may only be used in compliance with the Use Regulations for the District within which it is located.*
- (3) The use may be continued only substantially as it existed at the effective date of this Section or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the hearing procedure provided in Subsection 7-3-18, that the criteria set out in Subsection 7-3-14 will be met, and that the new use is a more restrictive use than*

the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Subsection.

ANALYSIS

The property is zoned Low Density Residential (R), and it has a number of uses established on it. Currently, this property contains two dwelling units, which appear to have been constructed in 1972 and serve as the primary use(s) of the property. In addition, there are a number of uses that are accessory to the dwelling units including a workshop/maintenance building, storage sheds, barn, pole barn, and arena. The proposal here is to convert one dwelling unit into the preschool, as the primary use, and all other uses would become accessory to the school. The Applicant has submitted information on how all other uses on this property could be considered accessory to the school.

The two existing dwelling units are billed separately and single-family homes for utilities (not a single-family home with an accessory dwelling unit), have separate water and sewer taps and also receive trash and recycle services through the Town. It appears the property was annexed into the Town of Ridgway subsequent to the adoption of the Town's 1972 Zoning Map and Zoning Code, which if in compliance with Ouray County codes at the time of annexation would appear to make the two residential uses a legally nonconforming use pursuant to RMC 7-3-15, although staff has not verified this nonconformity at this time. What is proposed (to change one single-family home to a school/daycare facility) would abandon the one legally nonconforming residential use and this legal nonconforming use will be discontinued and compliance with Town Codes is required, see RMC 7-3-15(B)(2). In addition, Pursuant to 7-3-15(B)(3), a material change in the type of use is only allowed if the Planning Commission determines that the Conditional Use Criteria will be met and that the new use is a more restrictive use than the existing nonconforming use (e.g.: The Commission determines that the daycare/school use is more restrictive than the current residential use).

Per RMC 7-3-13(G) accessory dwelling units are only allowed to be accessory to a principal residential unit. Staff is unclear how a dwelling unit accessory to a daycare/school complies with the Town regulations. If it is considered an Accessory Dwelling Unit (ADU) pursuant to RMC 7-3-13(G), it is not allowed as those can only be accessory to a single-family home. Can the dwelling unit be considered an accessory use that is not an ADU subject to the Town regulations for ADUs in 7-3-13(G)? This is questionable. The Ridgway School District has a residential unit on the District's property although it was built in 1950 and likely an existing non-conforming use. Accessory Uses are defined in RMC 7-3-2: A use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use.

According to the Municipal Code "Schools and day care facilities not allowed as an accessory use to a residence" are a conditional use in the Low Density Residential District. Day care facilities allowed as an accessory use to a residence must only care for eight or fewer children. This proposed preschool will care for up to 15 children, therefore the proposed preschool/daycare is a conditional use in this zone. This use may be considered if the criteria for a conditional use permit listed in §7-3-14 are met. The following is an analysis of applicable standards and criteria.

RMC §7-3-14 Conditional Uses

The burden is on the Applicant to demonstrate the following criteria are met. Staff has made some observations here for consideration:

- (1) *The use will not be contrary to the public health, safety, or welfare.*

There should be no impact to the public's health, safety and welfare due to this use. Applicant has noted that they will comply with all State regulations.

- (2) *The use is not materially adverse to the Town's Master Plan.*

The subject property is designated as parks/open space and future development in the 2011 Future Land Use Framework Map. In addition, the property is outside of the Initial Growth Boundary but within the Urban Growth Boundary.

In terms of the Policy Framework, Goal 1, Policy 6 in the Land Use Plan supports providing flexibility to development projects that have a community benefit. While this is not necessarily a development project, it is a use with community benefit. Goal 2 talks about promoting a sustainable and complementary development pattern within the rural landscape outside of the Initial Growth Boundary but within the Urban Growth Boundary. Goal 2, Policy 2 says to focus commercial activity toward the Town Core and other business districts. It could be argued that this proposed use is not necessarily commercial activity but it will act much like commercial activity with daily traffic.

Goal 2, Action Item c, mentions to work with Land Trust organizations to identify opportunities for land preservation. This property is within a conservation easement held by the Colorado West Land Trust. The Applicant must comply with the terms of the conservation easement. The Applicant is awaiting a letter from the land trust to confirm their approval of this use. Approval from the land trust should be a condition of this approval.

Staff could not identify any goals or policies that directly support or discourage this use. However, there were many letters of support submitted for this proposed use from community members.

- (3) *Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.*

This proposed use is in a fairly undeveloped, residential area with access from S Amelia Street that dead ends at the south end of this property. The land owner and associated users are likely the only vehicles that currently utilize this narrow portion of S Amelia Street (south of Sabeta) besides



Top: Amelia St. just south of Sherman; middle: Amelia St. just north of Marie St.; bottom: Amelia St. just south of CR 5

the Town's Public Works crew that uses this road to access the Town's water treatment facility. The Town trucks make at least three round trips on this road every day and can make up to six or eight depending on the day. It is imperative that S Amelia Street remains unblocked at all times for access to the Town's water treatment facility.

S Amelia Street lacks any pedestrian or biking accommodations. South of Marie Street, there are no sidewalks and the road is not paved. North of Sabeta is pretty heavily traveled given this is the only access to County Road 5, Elk Meadows, and the second access point for the Solar Ranches subdivision. The Applicant has noted that families will be encouraged to walk and/or ride bikes which will help with any vehicular traffic issue; however, this causes a safety concern because pedestrian facilities are not developed. With the ages of the children attending this school (2.5 to 6 years) they will most likely be accompanied by an adult which should help with safety.

Staff questions that the streets, pedestrian facilities and bikeways in this area can handle traffic generated by this use with safety and convenience. The applicant's idea of building a pedestrian trail from the northern barn, where most parking will be, to the preschool should help a bit with this issue, although the navigability and use of the path during winter months may be questionable as it will need to be cleared of snow and in general human habit is to park as close to an access door as is possible especially when it is cold outside or during undesirable weather. It is also important to consider that the Town has committed much of its capital improvement funding to repay the bond for the downtown streetscape project and with other competing priority improvements for the Town, it is very unlikely the Town will make improvements to this road, like adding a sidewalk, in the near future. The most likely improvement would be hard-surfacing S Amelia Street from Sherman to CR 5 or at the intersection of Sabeta and Amelia.

(4) The use is compatible with existing uses in the area and other allowed uses in the District.

The intent for of this Low Density Residential District is specifically for single-family residential uses and certain other compatible uses. As such, there are limited uses by-right and conditional uses in this district. Given the subject property is on the edge of Town, with few neighbors, this preschool seems to be mostly compatible but staff does have some concerns listed in this Analysis section of this report for future neighboring residences.

(5) The use will not have an adverse effect upon other property values.

The use should not significantly affect property values. There will be an increase in traffic, both vehicular and pedestrian along S Amelia Street due to this use and this may impact those properties. In addition, the properties directly across S Amelia Street may have some noise that impacts their property value even before the lots are built out.

(6) The location of curb cuts and access to the premises will not create traffic hazards.

There are no existing curb cuts in this area. S Amelia is a dead-end street without a proper turn around like a cul-de-sac. Given most workers and parents will be parking and getting out their car to drop off their child/children the assumption is that cars can turn around where they park. RMC 7-3-10 (C)(3) does not allow off-street parking that has to use the public right-of-way to back up. A parking area map was not provided with this application so it is unknown exactly how the parking spaces will be laid out and accessed. They are providing much more parking than required by the code for this use so they should have some flexibility to rearrange the parking and ensure that cars are not backing into the public right-of-way, but a plan needs to be created and submitted to the Town for approval. The Applicant's letter explains that parking will be provided by the barn and there will be an off-street footpath from that parking area to the school.

- (7) *The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.*

The applicant has noted that the school will not use any electronic bells or loudspeakers. Due to the programming of the school, with most time spent outdoors, there is a possibility that 15 kids will create quite a bit of noise for direct neighbors. In addition, drop-off and pick-up of the children is bound to create quite a bit of noise during the morning and afternoons. The two properties just across the street are not yet developed but the Planning Commission should consider that this use is the conditional use and must respect all neighboring uses, especially those permitted by right.

The community festivals proposed may increase noise for a day here and there but given these events will include 2.5 to 6 year-olds they should be during typical waking hours and not disturb the neighbors much.

Town would like to reserve the right to work with the applicant on a solution if noise or other effects which interfere with the reasonable enjoyment of surrounding property becomes an issue.

- (8) *Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)*

The building is existing and will not be modified on the exterior with this new use. The existing building is about 1,064 square feet and looks like a single-family home which is compatible with the surrounding properties.

STAFF RECOMMENDATION

This conditional use must meet the conditional use criteria to be approved and the burden is on the applicant to prove the criteria have been met. These criteria exist due to the impact this use may have on the surrounding area and the compatibility of the use with the surrounding area.

The Applicant has done a decent job addressing all of the criteria for a conditional use, including some creative options to help with traffic and safety. This is a very complicated property and application. Staff remains concerned that the criteria have not completely been met, nor has the Applicant clearly demonstrated that the criteria have been met, and that additional mitigation measures are needed.

If the Planning Commission is inclined to approve this application, the Commission will need to determine that the Nonconforming Use requirements in RMC 7-3-15 are met (e.g.: the proposed daycare/school use is more restrictive than the current residential use and also that the Conditional Use criteria are met), that a daycare/school can have a residential dwelling unit as an accessory use in this zone, and at least the following conditions should be required:

1. The Applicant provides sufficient information to demonstrate that the criteria for the conditional use for a daycare/school facility have been met as required by RMC 7-3-14(B);
2. The conditions of the conservation easement on this property are met;
3. All vehicles dropping-off and picking-up must use the parking at the barn (#9 on the submitted map) and the pedestrian trail from the barn (#9 on the submitted map) to the preschool main building (#3 on the submitted map) is built for their use. Only staff is permitted to park at the preschool main building upper lot (#2 on the submitted map); and

4. Town reserves the right to work with the applicant on finding solution if traffic, safety noise or other effects which interfere with the reasonable enjoyment of surrounding property become an issue.



Posted property from S Amelia Street.



View from Amelia Street looking south

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING** at the Town Hall Community Center, 201 N. Railroad Street, Ridgway, Colorado, on Tuesday, May 29th, 2018 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: Variance

Location: Ridgway Land Co. Subdivision, Lot 28

Address: 130 Redcliff Drive

Zoned: General Commercial (GC)

Applicant: Doug Macfarlane

Property Owner: Praise Him Ministries, Inc.

ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.

A handwritten signature in black ink, appearing to read "Shay Coburn", written in a cursive style.

DATED: May 18, 2018

Shay Coburn, Town Planner

PLANNING & ZONING PERMIT

Incomplete Applications will be Rejected

Receipt # _____ *

Date Received _____ *

By _____ *

* For Office Use Only

ACTION REQUESTED

TEMPORARY USE PERMIT [] 7-3-13c
CONDITIONAL USE PERMIT [] 7-3-14
CHANGE IN NON-CONFORMING USE [] 7-3-15
OTHER: _____ [] _____

VARIANCE ☒ 7-3-16
REZONING [] 7-3-17
SUBDIVISION [] 7-4-1 thru 7-4-12

APPLICANT/APPLICANTS:

NAME: DOUG MACFARLANE

MAILING ADDRESS: PO BOX 425

CITY: RIDGEWAY, CO

TELEPHONE NO.: 970-896-7409

FAX:

OWNER/OWNERS OF RECORD:

NAME: PRAISE HIM MINISTRIES, INC.

MAILING ADDRESS: 120 REDCLIFF DRIVE

CITY: RIDGEWAY, CO

TELEPHONE NO: 970-626-5243

ADDRESS OF PROPERTY: 120 REDCLIFF DRIVE

ACREAGE/SQUARE FOOTAGE: 0.67 ACRE LOT ZONING DISTRICT: GC

BRIEF DESCRIPTION OF REQUESTED ACTION: VARIANCE FOR PENCE AT BASKETBALL AREA, 10 FT HIGH

ATTACHMENTS REQUIRED FOR ALL ACTIONS:

1. Evidence of ownership or written notarized consent of legal owner(s).
2. Copy of all site plans drawn to scale showing location of building(s), elevations, abutting streets, and all dimensions, must be submitted on paper size of 8.5 x 11 or 11 x 17.
3. A filing fee payable to the Town of Ridgway.

FILING FEE SCHEDULE:

Temporary Use	\$ 100.00
Conditional Use	100.00
Change in Nonconforming Use	100.00
Variances & Appeals	150.00
Rezoning	200.00
Reviews Pursuant to 7-3-18	100.00
Variance from Flood Plain Reg's	100.00
Deviations from Single Family Design Standards	100.00

Subdivisions

a. Sketch Plan	\$ 200.00
(plus \$10.00 per lot or unit)	
b. Preliminary Plat	400.00
(plus \$20.00 per lot or unit)	
c. Final Plat	300.00
d. Minor Subdivision	200.00
e. Lot Split	100.00
f. Replat/amended plats	100.00
g. Planned Unit Development	(a. b. & c.)

ADDITIONAL COSTS:

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.

SPECIFIC ATTACHMENTS REQUIRED FOR EACH ACTION:**CONDITIONAL USE PERMITS:**

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

TEMPORARY USE PERMITS:

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Property shall be posted at least 10 days prior to the hearing.

CHANGES IN NON-CONFORMING USE:

1. Description of existing non-conformity.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

VARIANCE:

1. Site plan showing details of the variance request and existing uses within 100 ft. of property.
2. Information showing compliance and/or non-compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.

REZONING:

1. Legal description, present zoning and requested zoning of property.
2. Notice of hearing shall be posted 10 days before the date of the hearing.
3. Property shall be posted at least 10 days prior to the hearing.

SUBDIVISION:

1. All requirements established by Municipal Code Sections 7-4-1 through 7-4-12.
2. Affidavit of notice sent to all surface and mineral owners and lessees of mineral rights.
(Proof of proper notice must be submitted prior to the hearing.)
3. The Preliminary Plat shall be submitted 21 days prior to the hearing.
4. The Final Plat shall be submitted 20 days prior to the next scheduled Planning & Zoning meeting.
5. Sketch plan required in subdivisions consisting of more than 5 proposed lots or units.

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.


Signature of Applicant/Applicants

5/14/18
Date

Signature of Owner/Owners_____
Date

Application Narrative-

We hereby request a variance to dimensional requirements for fence height at Lot 28, Ridgway Land Company Subdivision, 120 Redcliff Drive.

The fence will exceed the 6ft maximum height per Section 6-4-1(A)(1) - see excerpt below.

In accordance with Section 7-3-16(A) we request a variance to this dimensional requirement to allow an 8ft fence around the basketball area.

We feel that the granting of this variance will meet the criteria of 7-3-16(A) (1) and (2).

(1)The practical difficulty/unnecessary hardship is that a 6ft fence will not be high enough to contain the basketball meaning kid's will be running out into driveway to retrieve balls, creating an unsafe situation. We feel that at 8ft this will be a more effective barrier and will enhance safety for the kid's using the basketball area.

(2)We feel that "The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance"

This area is on the back of the building and therefore is not visible from the street frontages. Further the brown coating on the chain link is non-reflective and blends well to be unobtrusive. Additionally, it is an open chain link material rather than a solid fence.

here are the applicable RMC sections-

7-3-16 VARIANCES AND APPEALS.

(A) The Planning Commission may grant a variance from the Dimensional Requirements, Sign Regulations, Design or Performance Standards and other provisions of these regulations not related to "use", and excluding Off-Street Parking Requirements, following the review procedure of Subsection 7-3-18, provided that the criteria of this Subsection will be met. No variance shall be granted from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district. Variances shall be granted only if all the following criteria are met: (Ord 4-2007)

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance, and (Ord 4-2007)

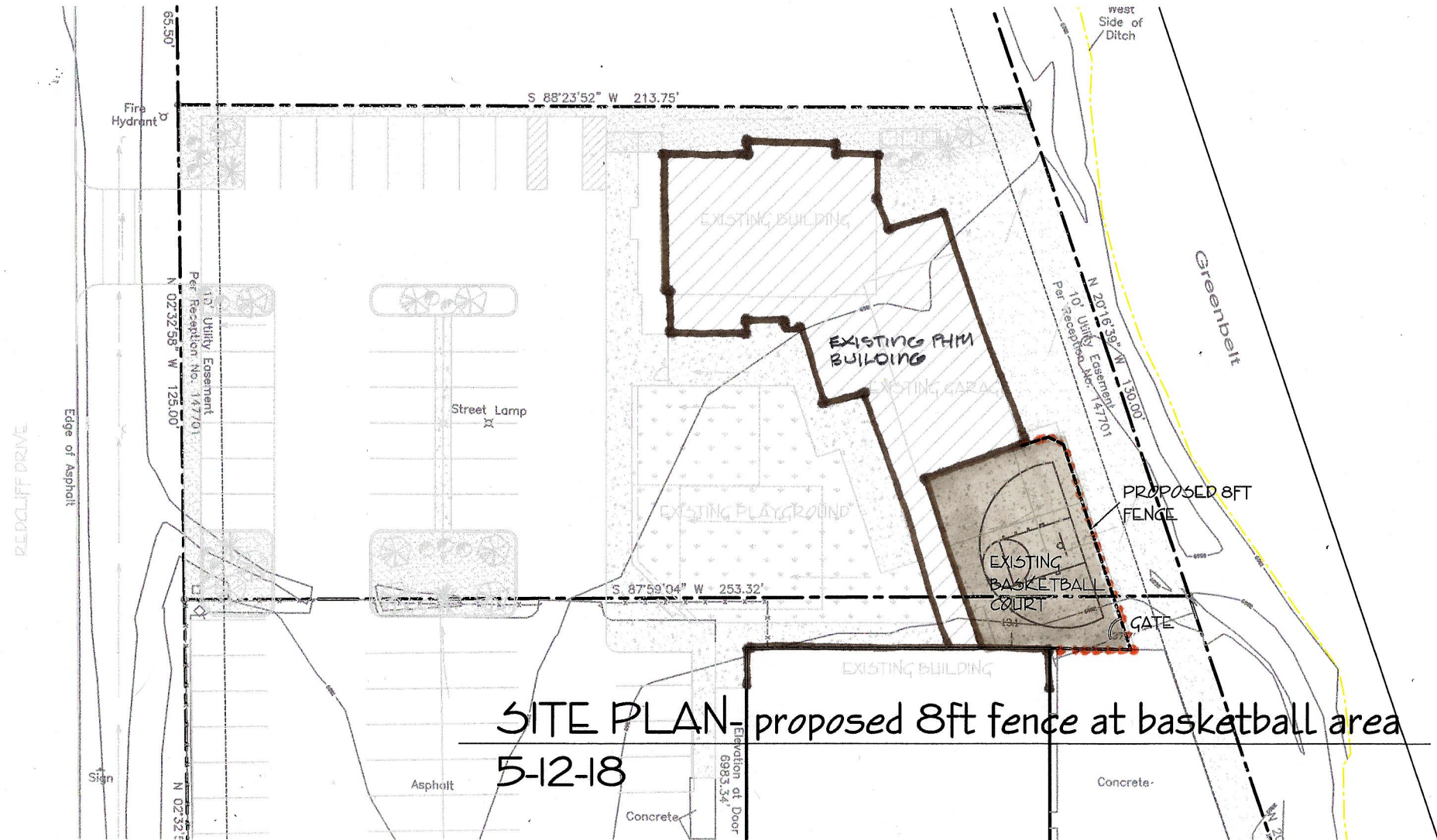
(2) The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance. (Ord 4-2007)

6-4-1 FENCE, HEDGE AND WALL RESTRICTIONS.

(A) (1) No fence, rail or freestanding wall shall exceed six (6) feet in height within the Town, except for those located within the I-1 and I-2 Light Industrial Districts which may not exceed eight (8) feet in height. (Ord 10-2008)

--

Doug Macfarlane Architect, LLC
PO Box 425, Ridgway CO 81432
970-626-3308





AUTHORIZATION OF AGENT

I/we, the undersigned owner/s of the following described real property located in the Town of Ridgway, Ridgway, Colorado, hereby authorize:

Dora Macfarlane

(Name of Authorized Agent)

To act in my /our behalf in applying for the following permits from the Town of Ridgway, as required by existing Town of Ridgway regulations pertaining to zoning, building, encroachment, excavation, and/or utilities. FENCE HEIGHT VARIANCE

Legal property description (include: lot, block, subdivision, physical address):

LOT 28, RIDGWAY LAND COMPANY SUBDIVISION

120 REDCLIFF DRIVE

Praise Him Ministries, Inc.

Signature: By: [Signature] Date: 5-12-18
(Property Owner of Record)

Signature: Michael W. Reager, Board Chairman Date: 5-12-18
(Property Owner of Record)

Signature: _____ Date: _____
(Property Owner of Record)

STAFF REPORT

Request: Variance to Fence Regulations
Legal: Ridgway Land Company Subdivision, Lot 28
Address: 130 Redcliff Drive
Parcel #: 430516402006
Zone: General Commercial (GC)
Applicant: Doug Macfarlane
Owner: Praise Him Ministries, Inc.
Initiated By: Shay Coburn, Town Planner
Date: May 29, 2018

REQUEST

The Applicant is requesting a variance to Ridgway Municipal Code (RMC) Section 6-4-1(A), fence, hedge and wall regulations. The Applicant would like to build a fence 8' tall to contain the basketball court. The fence will mostly be on the east side of the property, behind the existing buildings, and about 20' from the eastern most property line. This fence will help keep the balls in the court and off of the driveway neighboring the court. The fence is proposed to be a brown-coated chain-link fence.

The application, narrative, and diagram are appended to this report. This hearing has been noticed and the property has been posted.



CODE REQUIREMENTS

RMC §6-4-1(A) (1) No fence, rail or freestanding wall shall exceed six (6) feet in height within the Town, except for those located within the I-1 and I-2 Light Industrial Districts which may not exceed eight (8) feet in height.

Variances to fence regulations are considered under RMC §6-4-4, as follows:

(A) A variance to the provisions of Section 6-4 may be granted by the Board of Adjustment following the review procedure set out in Subsection 7-3-18 of the Ridgway Municipal Code, if it determines that the requirements of Subsections 7-3-16(A), (C), and (D) of the Ridgway Municipal Code are met.

(B) The fees and costs provided for in Subsection 7-3-20 of the Ridgway Municipal Code shall apply to any variance request.

Variances RMC §7-3-16, applicable criteria include:

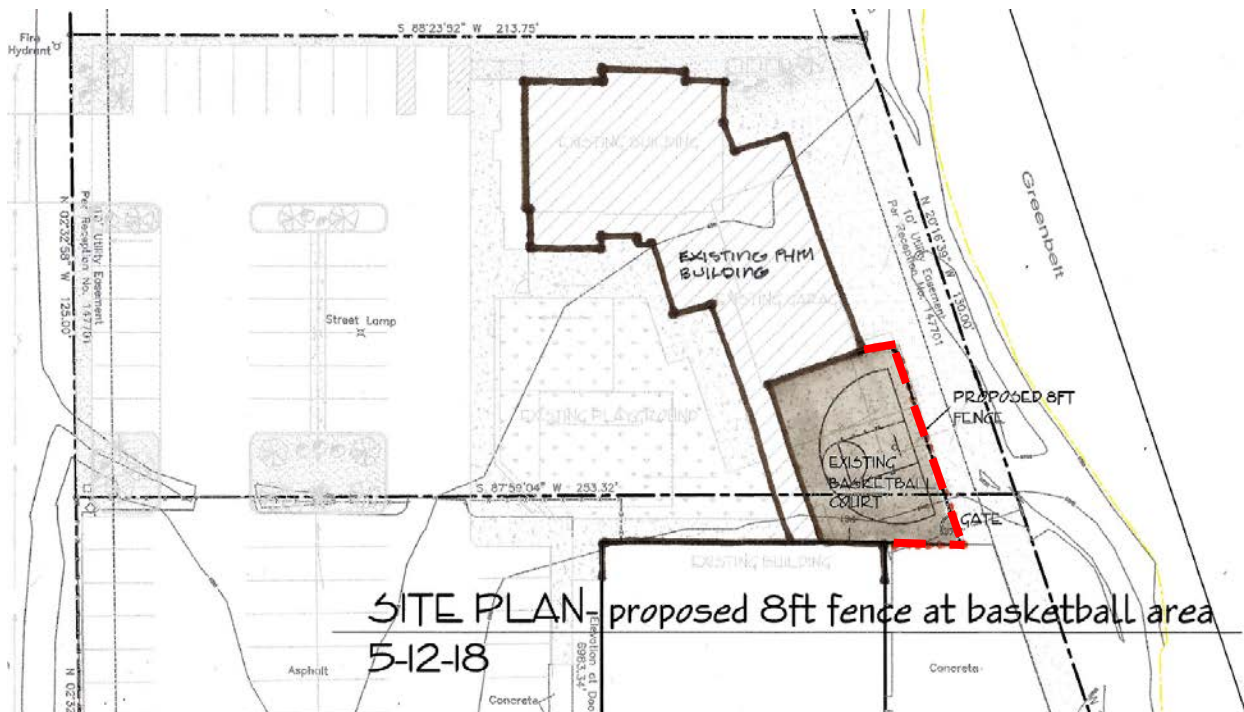
(A) The Planning Commission may grant a variance from the Dimensional Requirements, Sign Regulations, Design or Performance Standards and other provisions of these regulations not

related to "use", and excluding Off-Street Parking Requirements, following the review procedure of Subsection 7-3-18, provided that the criteria of this Subsection will be met. No variance shall be granted from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district. Variances shall be granted only if all the following criteria are met:

- (1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning ordinance, and
 - (2) The spirit of the ordinance will be observed, the public health safety and welfare will be secured and substantial justice done by granting the variance.
- (C) The burden shall be on the Applicant to show that these criteria have been met.
- (D) No variance on appeal shall be granted with less than 4 concurring votes of the Planning Commission.

ANALYSIS

The requested variance to the fence height regulations is to surround about half of an existing basketball court. See the area shown in red dashed lines below. The proposed fence will be 8' tall but will be tucked behind the public right-of-way and about 20' from the rear property line.



The applicant has explained how the criteria for a variance would be met in their submitted narrative. In terms of practical difficulties or unnecessary hardship the applicant has stated that a 6' tall fence is not adequate to contain the balls used in the court and that those using the basketball court, mostly kids, will have to go into the driveway to retrieve balls. Obviously, it would be preferable to keep people, especially kids, out of the driveway area for safety reasons. In terms of observing the spirit of the ordinance and securing the public health safety and welfare, the applicant stated that the fence will be an open material (color-coated chain-link) and will be in the rear of the building, not visible from the public right-of-way. This fence will also help the safety of all using the basketball court.

STAFF RECOMMENDATION

Staff understands this variance request is only for the area around the basketball court and is not on the property line. Staff also understands this is a safety concern for those using the basketball court and the driveway behind the building. The Applicant appears to have demonstrated that this request meets the criteria for a variance. Staff recommends approval of this variance for a color-coated chain-link (or similar material) fence up to 8' tall for the area surrounding the basketball court as shown on the diagram.



Posted property from Redcliff Drive.

**NOTICE OF
PUBLIC HEARING**

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Application for: Conditional Uses – Building Materials Business and Residential

Location: Eastside Subdivision, Lot 18

Address: TBD Palomino Trail

Zoned: General Commercial (GC)

Applicant: Jason Mateševac

Property Owners: Jason Mateševac

ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: May 18, 2018

Shay Coburn, Town Planner

PLANNING & ZONING PERMIT

Incomplete Applications will be Rejected

Receipt # PMD \$100 OK 7255*
Date Received 5/18/18 *
By SC *
* For Office Use Only

ACTION REQUESTED

TEMPORARY USE PERMIT	<input type="checkbox"/> 7-3-13c	VARIANCE	<input type="checkbox"/> 7-3-16
CONDITIONAL USE PERMIT	<input checked="" type="checkbox"/> 7-3-14	REZONING	<input type="checkbox"/> 7-3-17
CHANGE IN NON-CONFORMING USE	<input type="checkbox"/> 7-3-15	SUBDIVISION	<input type="checkbox"/> 7-4-1 thru 7-4-12
OTHER: _____	<input type="checkbox"/> _____		

APPLICANT/APPLICANTS:

NAME: JASON MATESEVAC
MAILING ADDRESS: 180 S. AMELIA ST
CITY: RIDGWAY CO 81432
TELEPHONE NO.: 970 729 1083
FAX: _____

OWNER/OWNERS OF RECORD:

NAME: JASON & LAURIE MATESEVAC
MAILING ADDRESS: 180 S. AMELIA ST
CITY: RIDGWAY CO 81432
TELEPHONE NO.: 970 622 2662

ADDRESS OF PROPERTY: TBD Palamino Trail (Lot #18) Ridgway CO 81432
ACREAGE/SQUARE FOOTAGE: 0.277 Acres ZONING DISTRICT: _____
BRIEF DESCRIPTION OF REQUESTED ACTION: Building Permit general

ATTACHMENTS REQUIRED FOR ALL ACTIONS:

1. Evidence of ownership or written notarized consent of legal owner(s).
2. Copy of all site plans drawn to scale showing location of building(s), elevations, abutting streets, and all dimensions, must be submitted on paper size of 8.5 x 11 or 11 x 17.
3. A filing fee payable to the Town of Ridgway.

FILING FEE SCHEDULE:

Temporary Use	\$ 100.00	Subdivisions	
* Conditional Use	100.00	a. Sketch Plan	\$ 200.00
Change in Nonconforming Use	100.00	(plus \$10.00 per lot or unit)	
Variances & Appeals	150.00	b. Preliminary Plat	400.00
Rezoning	200.00	(plus \$20.00 per lot or unit)	
Reviews Pursuant to 7-3-18	100.00	c. Final Plat	300.00
Variance from Flood Plain Reg's	100.00	d. Minor Subdivision	200.00
Deviations from Single Family		e. Lot Split	100.00
Design Standards	100.00	f. Replat/amended plats	100.00
		g. Planned Unit Development	(a. b. & c.)

ADDITIONAL COSTS:

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.

SPECIFIC ATTACHMENTS REQUIRED FOR EACH ACTION:**CONDITIONAL USE PERMITS:**

1. The site plan shall show off-street parking requirements, landscaping and architectural features.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

TEMPORARY USE PERMITS:

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CHANGES IN NON-CONFORMING USE:

1. Description of existing non-conformity.
2. Information showing compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
4. Property shall be posted at least 10 days prior to the hearing.

VARIANCE:

1. Site plan showing details of the variance request and existing uses within 100 ft. of property.
2. Information showing compliance and/or non-compliance with applicable criteria.
3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.

REZONING:

1. Legal description, present zoning and requested zoning of property.
2. Notice of hearing shall be posted 10 days before the date of the hearing.
3. Property shall be posted at least 10 days prior to the hearing.

SUBDIVISION:

1. All requirements established by Municipal Code Sections 7-4-1 through 7-4-12.
2. Affidavit of notice sent to all surface and mineral owners and lessees of mineral rights.
(Proof of proper notice must be submitted prior to the hearing.)
3. The Preliminary Plat shall be submitted 21 days prior to the hearing.
4. The Final Plat shall be submitted 20 days prior to the next scheduled Planning & Zoning meeting.
5. Sketch plan required in subdivisions consisting of more than 5 proposed lots or units.

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.

Signature of Applicant/Applicants

Date

Signature of Owner/Owners

Date

Jason Matejcek

May 18, 2018

To Whom it May Concern,

I Jason Matesevac of 180 South Amelia Street, Ridgway Colorado 81432, have been a resident of Ridgway since 2006. I also own and operate a local business, ASMR, a sheet metal roofing company. I am proposing to the board to build a commercial building at Lot #18 Palomino Trail. I submitted plans to the planning and zoning on May 16, 2018. The concepts for the plans is a multi-use building. With care, all design concepts were completed with consideration to the commercial building purpose, in hope to compliment the town, "Gateway." My intentions are to build a shop and office for ASMR. The office section also will be classified as retail for possible future uses. The living quarters, to be long term only, rented to ASMR employees exclusively. Upon completion, this new multi-use building, in its weekly operations will comply with and respect the common wealth regarding the commercial use guidelines under 7-3-14.

The following will be how I will comply with 7-3-14:

- 1.) No material produced at this location will violate any health or safety regulations and in no way is toxic to humans, animals or the environment. Any material received that may be associated with an MSDS is also received, handled and distributed with care to all health and safety standards.
- 2.) The use is primarily a sheet metal roofing company with living quarters for my operators and an office for my company. The building purpose will be an asset to Ridgway and its inhabitants. All design aspects were put in consideration to honor the commercial codes purpose.
- 3.) The building front will look as if it is two buildings, in design, it will be friendly to pedestrians and bicyclist. All delivery's and over flow work will occur in the back, out of sight on Palomino trail. Any signs needed regarding the road or ASMR curb cut, for public safety, we will install.
- 4.) Palomino trail is home to a large variety of proprietors. ASMR is a sheet metal roofing company and will add to the diversity of surrounding business's. I believe this complies with the land use code at lot #18, also complies with the Ridgway, USA, HOA as well.
- 5.) The building proposed has been well thought out and planned. It is aesthetically pleasing with subtle advertising. I believe I will be increasing the property value. Upon completion I will have it assessed.

- 6.) The building will have a main entrance and exit. By design this is at the south property lines. If a curb is installed in the future an additional curb cut will be added to my design on the north end of the structure. For my operations I will mainly use the main entrance and exit. This design will offer good visibility from both directions.
- 7.) ASMR is a roofing company, therefore we work in daylight hours. The use of our facilities will not generate light, noise, odor or vibration. Therefore, our property will not interfere with the pleasure of other property in the area. ASMR will not interfere with the community unreasonably, most of our work is done at job sites.
- 8.) The building by design is under what could be maximum size. The land scaping is in its preliminary stages. Special attention will be paid to make sure the finish landscape looks as natural as possible to the other proprietors landscaping and the environment. Trees may be added in final stages.

My plan for commencement is as soon as possible and to be completed by the end of 2018.

Thank you for your time and I look forward to working with you.

A handwritten signature in black ink, consisting of a large, stylized 'A' or 'R' shape with a long horizontal stroke extending to the right.

Account: R004027

Location

Situs Address TBD PALOMINO TRL

City Ridgway

Tax Area Id 209 - 209

Parcel Number 430516401011

Legal Summary Subd: EASTSIDE

SUBDIVISION, REPLAT OF THE Lot: 18 S: 16

T: 45 R: 8

Owner Information

Owner Name MATESEVAC JASON M

Owner Address 180 S AMELIA ST

RIDGWAY, CO 81432

Assessment History

Actual (2018 - SubdivisionDiscount applied) \$45,420

Assessed \$13,170

Tax Area: 209 Mill Levy: 59.233

Type Actual Assessed Acres-SQFT Units

Land \$45,420 \$13,170 0.277 0.000 0.000

Transfers

Reception Number	Sale Date	Sale Price	Doc Description
220772	04/20/2018	\$97,000	WARRANTY DEED JOINT TENANTS
207339	04/27/2012	\$75,000	WARRANTY DEED
147703	10/09/1990	\$0	PLAT
147105			COV COND & REST
147042	06/30/1990	\$0	QUIT CLAIM
128395			PLAT
	01/25/1994	\$0	WARRANTY DEED
	06/25/1991	\$27,000	WARRANTY DEED

Tax History

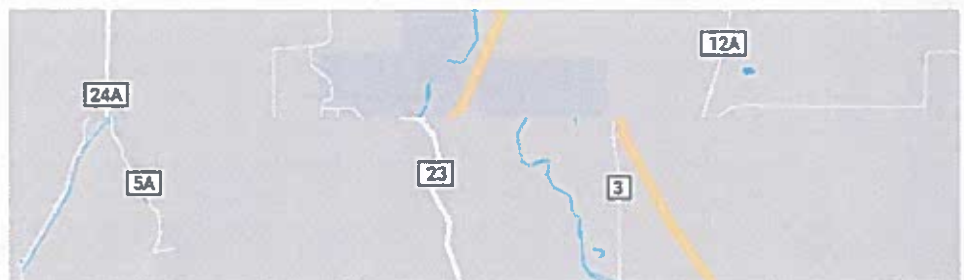
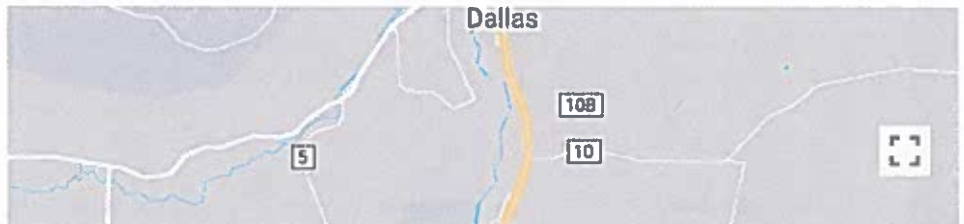
Images

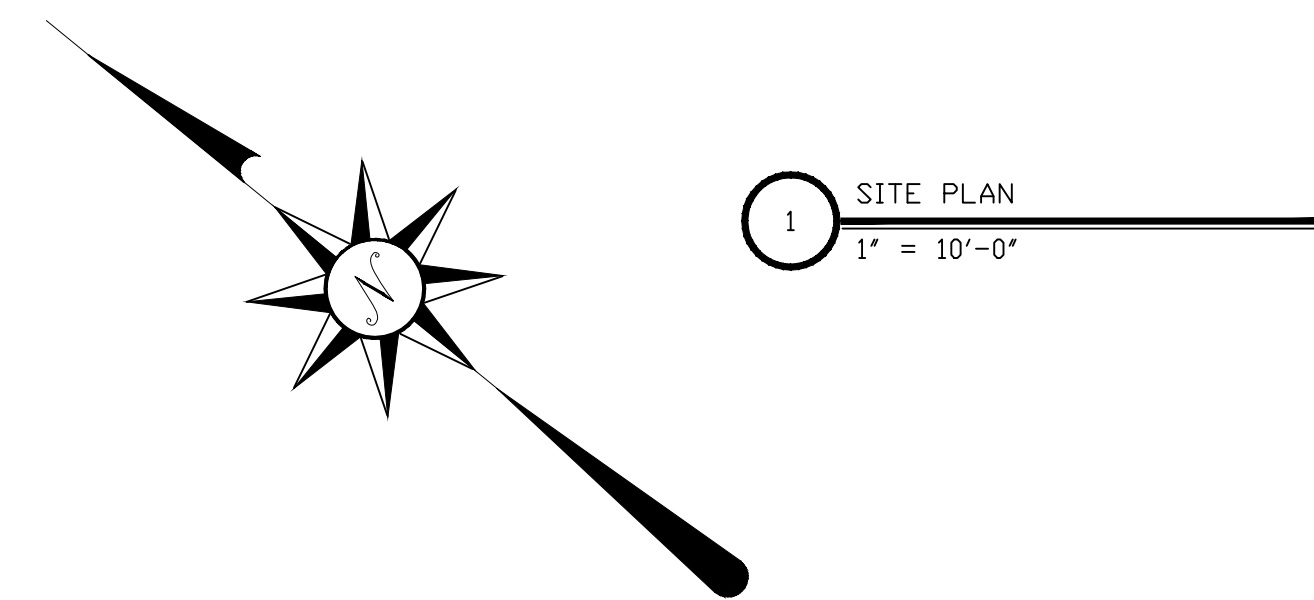
Tax Year	Taxes
*2018	\$780.10
2017	\$780.10

- [Google Map \(May not be accurate\)](#)
- [GIS](#)

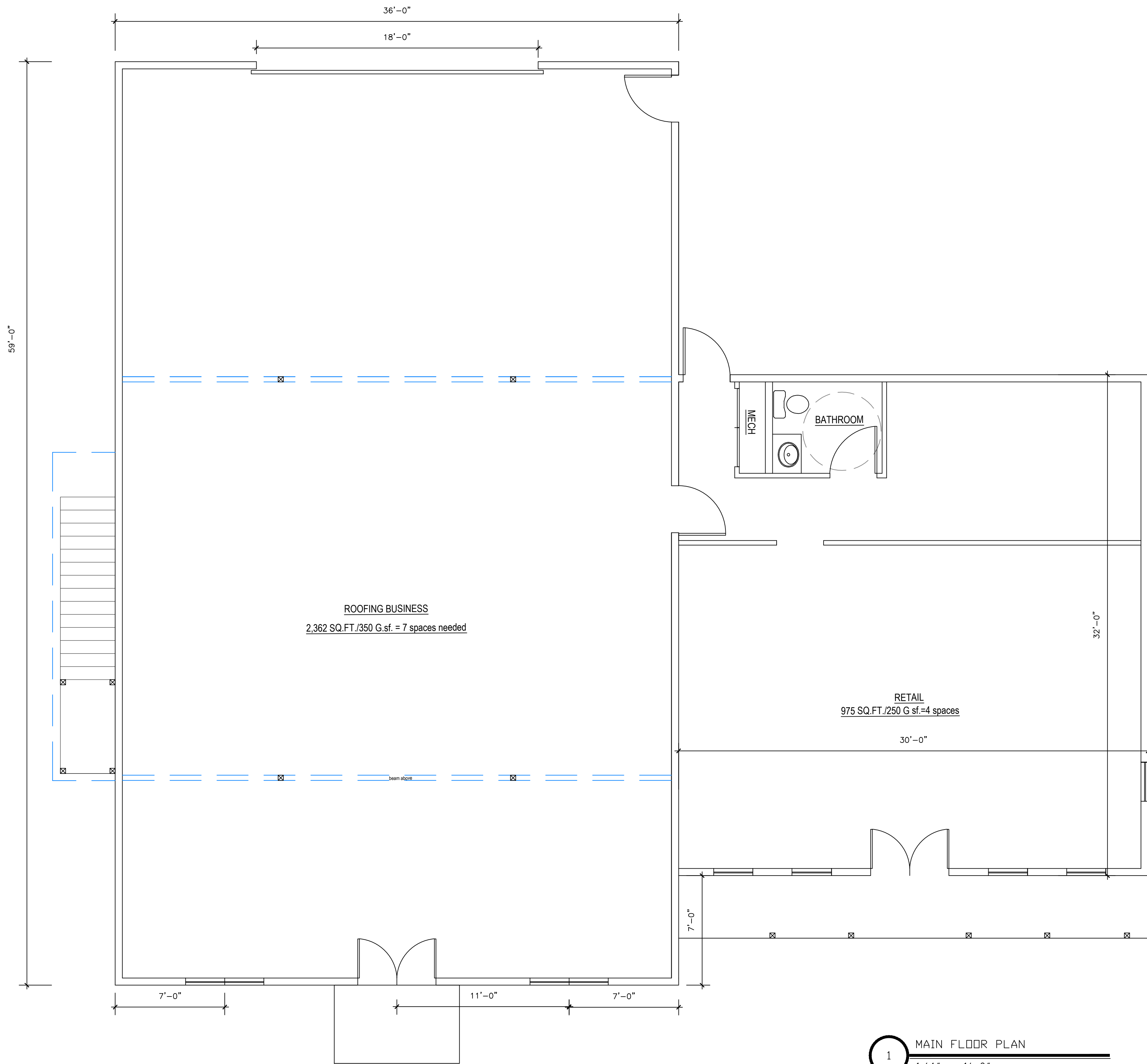
* Estimated

Focusing On: TBD PALOMINO TRL Ridgway 81432

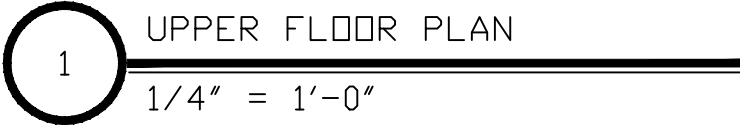




A 1.1



1 MAIN FLOOR PLAN
1/4" = 1'-0"





2 SOUTH ELEVATION
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

HINES DESIGNS, LLC

PHONE : (970) 626-2300
188 MARIE STREET RIDGWAY, CO 81432

MATESEVAC BLDG.
RIDGWAY, CO

All contents of these drawings are the sole property and copyright of Hines Designs and are protected from use by others on any other work without written permission. Written dimensions take precedence over scaled dimensions. Any discrepancies regarding dimensions are to be brought to the designer before commencing work.

SCHEMATIC

DATE: 5.15.18

ELEVATIONS

A 4.1



2 EAST ELEVATION
1/4" = 1'-0"



1 NORTH ELEVATION
1/4" = 1'-0"

HINES DESIGNS, LLC

PHONE: (970) 626-2300
188 MARIE STREET RIDGWAY, CO 81432

MATESEVAC BLDG.
RIDGWAY, CO

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SCHEMATIC

DATE: 5.15.18

ELEVATIONS

A 4.2

STAFF REPORT

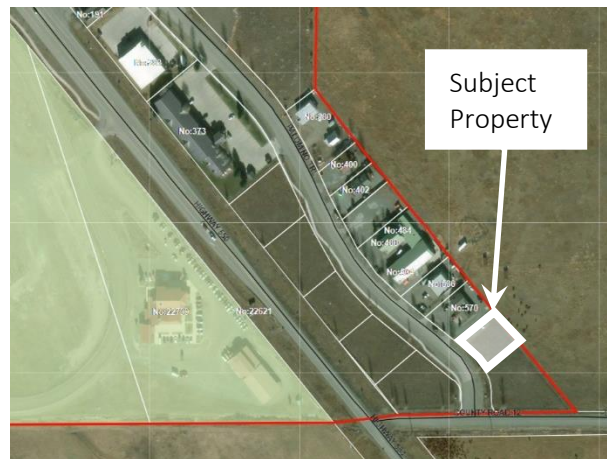
Request: Conditional Use Permit
Legal: Eastside Subdivision, Lot 18
Address: TBD Palomino Trail
Parcel #s: 430516401011
Zone: General Commercial (GC)
Applicant: Jason Mateševac
Owner: Jason Mateševac
Initiated By: Shay Coburn, Town Planner
Date: May 29, 2018

REQUEST

Applicant is requesting two different conditional uses in the General Commercial district including:

1. Building materials businesses, and
2. Dwelling units in a building with non-residential uses, which are not used for rental for periods of 31 days or less.

This property is on the east side of Highway 550 near other commercial uses and vacant properties, in the Eastside Subdivision. The Applicant has purchased the lot and would like to build one building that will include a shop and office for his existing roofing business, a potential small retail section, and one dwelling unit to be used as a long-term rental unit.



The Applicant has submitted an application, letter dated May 18, 2018, architectural and site plan drawings and the applicable fee. The property and public hearing have been noticed in compliance with the Town Municipal Code.

CODE REQUIREMENTS
RMC §7-3-9 "GC" General Commercial District

Applicable code provisions for this public hearing:

(A) Intent: This District encompasses lands along the river and Highways 550 and 62. Its purpose is to create areas for retail, wholesale and service businesses, tourist and auto oriented uses, storage, manufacturing and industrial activities which require adequate space, light and air whose operations are quiet and clean, and extractive industry. Each use will be required to mitigate its particular negative impacts, as they exist, if they exist, so as to provide for the reasonable enjoyment of adjacent properties.

(C) Conditional Uses:

(1) Single family homes which meet the requirements of Section 6-6, duplexes, multi-family residences, and dwelling units in buildings with non-residential uses, which are not used for rental periods of 31 days or less.

(4) Building materials businesses.

(D) Performance Standards

(1) No use shall be established or maintained in the "GC" District which results in an unreasonable hazard to the community, creates a public or private nuisance, or creates unreasonable smoke, dust, noise, fumes, odors, vibrations or light observable off the premises.

(2) Buildings containing more than 10,000 square feet of gross floor area will be required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)

(3) Buildings containing more than 25,000 square feet of gross floor area shall not be allowed. (Ord 1-2014)

(4) All uses shall be required to mitigate the impacts of their operations by means of landscaping, screening, site design, fencing or other methods to assure the reasonable enjoyment of adjacent property.

(5) All outdoor storage areas must be screened by means of fencing, landscaping or other methods.

(6) (a) Residential uses must provide off-street parking as required by Subsection 7- 3-10(C).

(b) Repealed by Ordinance 19-1999

(c) Repealed by Ordinance 19-1999

(d) Residences shall be minimum of 21 feet wide with an average roof pitch of at least 3 to 12 and a minimum eave overhang of 12 inches.

(7) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities, other than banks or pharmacies, shall not be allowed in the "GC" District. (Ord 6-2004)

(8) Boarding and Rooming House(s) shall not be allowed in the "GC" District. (Ord 5-2016)

(9) A Dormitory shall not be allowed in the "GC" District. (Ord 5-2016)

RMC §7-3-14 Conditional Uses

(A) Uses listed as conditional uses for the various zoning districts provided in this Section shall be allowed only if the Planning Commission determines, following review pursuant to Subsection 7-3-18, that the following criteria are substantially met with respect to the type of use and its dimensions:

(1) The use will not be contrary to the public health, safety, or welfare.

(2) The use is not materially adverse to the Town's Master Plan.

(3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.

(4) The use is compatible with existing uses in the area and other allowed uses in the District.

(5) The use will not have an adverse effect upon other property values.

(6) The location of curb cuts and access to the premises will not create traffic hazards.

(7) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.

(8) Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)

(B) The burden shall be upon the applicant to prove that these requirements are met.

ANALYSIS

"Dwelling units in buildings with non-residential uses" and "building materials businesses" are both conditional use in the General Commercial District. These uses may be considered if the Performance Standards of §7-3-9(D) and the criteria for a conditional use permit listed in §7-3-14 are met. The following is an analysis of applicable standards and criteria. Each use is addressed separately where applicable.

RMC §7-3-9 (D) Performance Standards

(1) The dwelling unit will not result in an unreasonable hazard to the community, create a nuisance, or create unreasonable smoke, dust, noise, fumes, odors, vibrations or light.

The building material business will not be a hazard to the community as they are not handling any hazardous materials, nor should it create a nuisance. The business will not be producing material at this location, simply storing materials, organizing materials and loading up trucks daily for various jobs. The moving of materials and vehicular traffic will create some noise but by no means will it be unreasonable for a commercial area.

(2) This building is not larger than 10,000 square feet. It is approximately 4,500 square feet.

(3) This building is not more than 25,000 square feet.

(4) The proposed building plan includes landscaping and a building that is built to the front of the lot making it feel pedestrian friendly. All delivery and work will occur on the rear of the property, behind the building. Additional screening, site design and fencing should not be needed to assure reasonable enjoyment of adjacent property.

(5) There will be no outdoor storage.

(6) Applicant has provided ample parking to provide for the residential use and the business. Two spaces for the dwelling unit, four spaces for the 975 sq. ft. retail use, and seven for the 2,362 sq. ft. roofing business. This is a total of 13 parking spaces required, the submitted site plan shows that 14 parking spaces will be provided.

The residence is larger than 21' wide and has an average roof pitch of 6:12 with 12" minimum eave overhangs.

(7) No drive-in restaurant, theater or other drive-through facility is proposed.

(8) The Applicant mentioned that this dwelling unit may be used for the roofing business operators. Boarding and rooming houses are not allowed in this district. Board and rooming houses are defined as, "A building or portion thereof which is used to accommodate, for compensation, one or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. "Compensation" includes compensation in money, services or other things of value." As such, this residence can not be provided to the roofing company's workers in exchange for their services.

(9) No dormitory is proposed.

RMC §7-3-14 Conditional Uses

(1) The use will not be contrary to the public health, safety, or welfare.

There should be no impact to the public's health, safety and welfare due to either use.

(2) The use is not materially adverse to the Town's Master Plan.

The proposed use is in an existing commercial area. The description of the commercial land use in the 2011 Land Use Plan mentions that the purpose is to create areas for retail and wholesale business and manufacturing and industrial activities which require adequate space, light and air whose operations are quiet and clean. In addition, Goal number 5 in the Land Use Plan, titled "Economy," includes policies that directly support the Applicant's proposal. For example, policy 4 supporting and nurturing a successful business environment. Goal 3 "Housing," policy 4 says to encourage context appropriate, non-traditional housing and adjunct housing such as live/work housing. Goal 6 "Gateways," policy 1 mentions to enhance Town's gateway and identify future opportunities to reinforce Ridgway's identity.

Staff could not identify any goals or policies that would make this use adverse to the master plan.

(3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.

This proposed use is in an existing commercial area which contains a road network and some sidewalks. This use should not impact traffic much, especially given the potential retail area is under 1,000 sq. ft. and that the building materials business does not have customers come to the shop but rather they go to their clients. In addition, the loading and unloading will be in the rear of the building and behind the building helping create a more pedestrian friendly environment.

(4) The use is compatible with existing uses in the area and other allowed uses in the District.

The building material business is compatible with surrounding commercial uses. There are only a few residential uses near by but this will provide an additional rental unit that the community can benefit from.

(5) The use will not have an adverse effect upon other property values.

The use should not have an adverse effect upon property values. With attention to design, layout and materials, this new building could increase the value of the surrounding properties.

(6) The location of curb cuts and access to the premises will not create traffic hazards.

The one driveway access should not create a traffic hazard as it is designed to have appropriate visibility. It is appropriately spaced from other existing driveways. Access to this property will be off of Palomino Trail via either CR 12 or Hunter Parkway. These are established roads that can handle a little additional traffic with ease.

- (7) *The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.*

This use should not generate unreasonable light, noise, vibration, or other effects. The roofing business operates during daylight hours and most all work is done at the job site, not at this property.

- (8) *Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally. (Ord 1-2014)*

The new building is design to look like two smaller buildings. The façade is stepped back, different materials are used, and rooflines change. This is not one large plain rectangular building. The Applicant is also proposing natural landscaping that should complement and screen the structure. The plans submitted show that the Applicant has complied with many of the Commercial Design Guidelines.

As submitted the building is taller than the permitted 27' with the added parapet. Staff will work with the Applicant when they submit for a building permit to be sure the height complies with the code. This conditional use request is not for height taller than 27'.

STAFF RECOMMENDATION

The conditional uses must meet the required performance standards and conditional use criteria to be allowed. These criteria and performance standards exist due to the impact this use may have on the surrounding area.

Given that the analysis above shows compliance with the performance standards and conditional use criteria, Staff recommends approval of this application for a conditional use for building materials business in the General Commercial District. Staff also recommends approval of the dwelling unit as a conditional use in the General Commercial District; however, this dwelling unit is not to be used as a boarding or rooming house. Both approvals are recommended based on compliance with the criteria in the RMC and the building/site plans submitted.



Posted property from Palomino Trail.

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

March 27, 2018

CALL TO ORDER

The Chairperson called the meeting to order at 5:30 p.m. with Commissioners Emilson, Falk, Councilor Hunter, Mayor Clark, and Chairperson Canright in attendance. Commissioners Liske and Nelson were absent.

PUBLIC HEARINGS

1. Application for Sketch Plan; Location: property at southeast corner of Sherman/Hwy 62 and South Railroad, legal address: S: 16 T: 45 R: 8 N1/2SW1/4; Address: To be determined Railroad/Hwy 23; Zone: Historic Business; Applicant: Ridgway Cohousing, LLC; Owners: Ridgway Cohousing LLC.

Staff Report dated March 27, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for sketch plan review for a proposed residential subdivision that includes 24 residential units in 12 duplex buildings, a common house, workshop, and parking facilities. She noted the Planning Commission approved the originally proposed sketch plan on September 26, 2017, and it has expired. Ms. Coburn pointed out the northern aspect of the property is not part of the request because it will be used for future commercial development and in conjunction with the re-alignment of the Railroad Street right of way. She explained a new sketch plan narrative, letter of request and new proof of ownership with articles of incorporation are submitted with this application because the property's ownership has changed since the last hearing. The Planner commented the following notes were removed from the original narrative: *landscaping would be designed to promote native flora and fauna, and the community would be designed to promote efficient, sustainability and environmental health in-line with national LEED standards*, so the applicant should clarify the omission. Additional changes with the revised sketch plan include the unit mix is slightly modified, the parking plan is modified so that 6 units do not have the required two parking spaces, project costs have changed, and water system requirements have changed slightly due to structure modifications. In addition, consideration of short term rentals should occur before preliminary plat and confirmation is needed for granting the Town a 10 ft. easement along the southern aspect of the property.

Architect Kit Meckel, member of the consulting team for the project said they are currently working on the preliminary plat. The complexity of the lot, weather and working with various consultants has prevented the completion of the process within the required 6 months.

John Baskfield, developer for the applicant stated the primary purpose for the requesting the hearing is to keep the project moving along since the initial approval just expired. He stated there are no intended changes to storm drainage, health, safety and welfare of the community, or in landscaping.

The Commission discussed the application with Mr. Meckel and Mr. Baskfield.

Mr. Baskfield explained the jurisdictional wetlands on the property have been delineated by a consultant and approved by the Army Corps of Engineers. The wetlands will experience some disruption so a required mitigation plan will accompany the preliminary plat. He confirmed that there will in fact be 48 parking spaces for 24 residential units on the property.

Chairperson Canright opened the hearing for public comment and there was none.

The Commission asked the applicant to consider some affordable housing in the subdivision as a concession for visitor parking, consider using Cottonwood Creek as an asset to the proposed subdivision, and expressed concerns that allowing short term rentals would conflict with the concept of co-housing.

John Baskfield explained that the terms for the re-alignment of Railroad Street needs to be determined to ensure the project will move forward.

Planner Coburn explained staff has submitted a formal application to the Colorado Department of Transportation (CDOT) for right-in/right-out access to Highway 62 at the existing South Railroad right of way and a new full access right of way directly south of North Railroad. Once CDOT completes their study and approves the application, the Town will be ready to discuss the re-alignment of Railroad Street with the applicant.

ACTION:

Commissioner Emilson moved to approve the Application for Sketch Plan for the property located at southeast corner of Sherman/Hwy 62 and S. Railroad; Applicant: Ridgway Cohousing, LLC with the 13 considerations and clarifications listed in the staff report dated March 27, 2018 which must be met. Mayor Clark seconded the motion, and it carried unanimously.

2. Application for Variance to parking regulations; Location: Willow Creek Trading Subdivision including Drashan Condominiums; Address: 167, 171 and 189 N. Cora Street; 602, 604, and 610 Clinton Street; Zone: Historic Business (HB); Applicant: Willow Creek Trading Subdivision Parking Maintenance Association, Inc.; Owners: Arapaho Partners LLC, 171 N. Cora LLC, Christopher Senior, Eka Pada LLC and Ridgway Chautauqua Society Inc.

Staff Report dated March 27, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

Mayor Clark recused himself from the hearing due to his affiliation with the Sherbino Theater (Ridgway Chautauqua Society Inc.).

The Town Planner presented an application for parking variance for two parking spaces to serve future residential uses for Lots 2 and 3 of the Willow Creek Trading Subdivision. She explained the two buildings on the lots would like to convert the second floors into residential units which changes the parking requirements. The initial request, while slightly different than this request, was denied at the October 31, 2017 Planning Commission hearing because of the inability of the applicant to prove the criteria for a variance. The applicant collaborated with neighboring building owners as encouraged by the Planning Commission. This application is a result of the collaboration she continued.

Ms. Coburn explained two off-street parking spaces are required for all residences over 600 square feet and the applicant is requesting one parking space for each of the dwelling units because of the small square footage (787.5 - 867.5 sq. ft.). She further explained the intended use for both units is for short-term rentals, only one parking space is required for accessory dwelling units up to 800 sq. ft., the mixed uses of residential and commercial in the subdivision demand parking at different times of the day, and the units are centrally located in the heart of the Historic Business District.

Planner Coburn gave a brief history on the previous parking arrangement for the subdivision, which included a non-functioning Shared Parking Agreement and noted the variance request is the first step in cleaning up the parking arrangement. She explained that under the current code nine parking spaces are required with the change of desired use in the buildings, and the parking arrangement map submitted by the applicants only provides for seven spaces. The applicants plan to resolve this with a parking permit system that would encourage tenants to park off-street, in the improved lot, first.

The Commission discussed the application with one of the applicants, Seth Cagin. He stated the parking situation is an inherited historic problem that doesn't have an optimal solution for all properties in the subdivision to be in full compliance of the current land use code. He noted that a future plat amendment is contingent on the Commission approving the application.

Chairperson Canright opened the hearing for public comment.

Patrick O' Leary, Board member for the Sherbino said the tenants in the subdivision are trying to fully utilize the back parking area by taking as many cars off the street as possible. He feels the parking arrangement will assist in analyzing the parking needs in that area, which has never been done. As a result the needs can further be addressed. He emphasized that the spirit of cooperation between the tenants in the subdivision is real and would like to do the best job possible under the current circumstance.

Chairperson Canright closed the hearing for public comment.

The Commission discussed the application with Mr. Cagin. He added that the formation of the parking agreement will not require consensus from the tenants to make changes or improvements for parking and issues will be resolved more efficiently.

ACTION:

Councilor Hunter moved to approve the Application for Variance to Parking Regulations; Location: Willow Creek Trading Subdivision, including the Drashan Condominiums; Addresses: 167,171, 189 North Cora Street; 602,604, and 610 Clinton Street; Zoned (HB); Applicant: Willow Creek Trading Subdivision Parking Maintenance Association Inc. The variance is based in the smaller size of the units and the fact that we are reducing the parking for 2 residential units that could be classified as 600 sq. ft. or less, thus meeting the requirement for 1 parking space for each residential unit. The Applicant has made a huge effort to be cooperative and come up with a solution to a complicated situation. The approval also includes the 2 staff recommendations in the Staff Report dated March 27, 2018, which are: 1. Approval of the recording of the plat amendment and 2. Completed improvements to the shared parking area as described in the letter and map provided by the applicant to be included. Commissioner Emilson seconded the motion, and it carried unanimously.

Mayor Clark re-entered the public hearing.

OTHER BUSINESS

3. Informal Discussion-Multi-Site Planned Unit Development

Letter dated March 27, 218, Site Plan, and aerial photographs of proposed property from Julie Wesseling.

Julie Wesseling presented a proposed concept for two public storage facilities in the Eastside Subdivision, Lots 10 and 11. She explained the first phase of the project will included five 13ft. - 20ft. tall, completely enclosed storage buildings, an office with a second floor apartment and 10 parking spaces. A professional office with another second floor apartment will be constructed in the second phase of the project. Short term rentals are the intended use for both apartments, and the appearance of the buildings will be compatible to the 4-H Center located across the highway.

The Commission discussed architectural details, screening along the gateway, landscaping, short term rentals, building placement, and traffic flow in and out of the lots with Ms. and Mr. Wesseling.

Chairperson Canright opened the discussion for public comment.

Guthrie Castle said there will be the opportunity for approximately 400 new residents to move into the community given the current projects under advanced planning stages. This may change what the best land use is for gateway lots and other lots that have been vacant for many years.

Chairperson Canright closed the discussion for public comment.

4. Update-Master Plan Process

The Town Planner reported six consultant proposals have been received, and three should be interviewed soon.

5. Update-Downtown Parking Assessment

Planner Coburn reported a consultant has been selected and will be going under contract soon. That process should be done by June 30.

APPROVAL OF THE MINUTES

6. Approval of the Minutes from the meeting of February 27, 2018

ACTION:

Councilor Hunter moved to approve the minutes from February 27, 2018. Mayor Clark seconded the motion and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Karen Christian
Deputy Clerk

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

April 24, 2018

CALL TO ORDER

The Chairperson called the meeting to order at 5:35 p.m. with Commissioners Falk and Liske, Councilor Hunter, Mayor Clark, and Chairperson Canright in attendance. Commissioners Emilson and Nelson were absent.

PUBLIC HEARINGS

1. Application for Conditional Use Permit; Location: Trail Town Condominiums, Building B; Address: 150 Palomino Trail; Zone: General Commercial (GC); Applicant: Robert Kaiser; Owner: Strength LLC

Staff Report dated April 24, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Coburn presented an application for a conditional use permit for a jeep rental business. She explained the business is located off Hunter Parkway. Hunter Parkway is part of the GC District that encompasses lands along the river and Highways 550 and 62. A conditional use permit is needed for all automobile and other vehicle sales or service establishments. She reviewed the criteria and noted a number of neighboring businesses have expressed support of a jeep rental enterprise because it is complementary to their existing establishments.

Applicant Robert Kaiser said the rental jeeps are new vehicles, will bring a lot of tourists and the commerce will benefit the Town.

The Chairperson opened the hearing for public comment.

Resident Tom McKenney said "I think it will be a creative addition to the Town."

The Chairperson closed the hearing for public comment.

ACTION:

Councilor Hunter moved to approve the Application for Conditional Use Permit for the Trail Town Condominiums, Building B; Applicant Robert Kaiser and Owners Strength LLC, with the one condition in the Staff Report dated April 24, 2018. Mayor Clark seconded the motion, and it carried unanimously.

2. Application for Deviation from Single-Family Home Design Standards; Location: Block 22, Lot 5; Address: To-be-determined Sherman Street, Zone: Downtown Services; Applicant: Will McGown; Owner: Will and Eugenia McGown.

Staff Report dated April 24, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

The Town Planner presented an application for deviation from single-family home design standards due to the narrow size of the lot. She noted the architectural drawings submitted for the proposed home to be constructed on Sherman Street west of Laura Street, show compensating features and architectural variations to make it harmonious with the surrounding area. Ms. Coburn further explained an attached 7' X 32' covered porch and overhang on the second floor will make the building footprint feel larger.

Contractor Clint Estes, representing the Applicant said the lot is a challenging piece of property which made it difficult to design a structure to fit the lot.

The Chairperson opened the hearing for public comment.

Tom McKenney said "I think this is a great project. People want smaller homes and we should support that."

The Chairperson closed the hearing for public comment.

ACTION:

Councilor Hunter moved to approve the Application for Deviation from Single Family Home Design Standards for Block 22, Lot 5. Commissioner Liske seconded the motion, and it carried unanimously.

3. Application for Preliminary Plat for Lena Street Commons; Location: East of Blocks 31 and 32, north of Hartwell Park and Charles Street, east of Lena Street, South of Otto Street, and west of the Library property and Town of Ridgway property at North Railroad Street; Address: 316 North Lena Street; Zone: General Commercial and Historic Business; Applicant: Tate Rogers; Owner: Arthur Travis Spitzer Revocable Trust

Staff Report dated April 24, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

Planner Coburn presented an application for preliminary plat for Lena Street Commons which is a 1.63 acre parcel located at and near 316 North Lena Street. The project is proposing 19 dwelling units and 4 commercial units. She reviewed the six public meetings for this project starting with the initial hearing for an informal discussion on August 30, 2016 and ending with the last hearing for preliminary plat held on December 5, 2017 that was continued.

The Planner reviewed the Staff Report dated April 24, 2018 with the Commission noting a number of revisions have been made on the documents received from the applicant since the last hearing and a number of outstanding items still need to be addressed. Updates were made on the preliminary plat map, drainage report, civil plans, architectural drawings; and a Lena Street Paving Summary, phasing plan, renderings, models and materials were added.

The Commission recommended that the applicant purchase a portion of property from the Town at the December 5, 2017 meeting because the proposed easements would place many

restrictions on the property. The proposed purchase would be negotiated with the Town as part of a development agreement benefiting both the Town and the Applicant for practical purposes. Ms. Coburn outlined the easements proposed including a permanent storm drainage easement along the north side of the town property (along Otto Street), a reciprocal utility easement along the southeast side of the property, and an easement on the west side of the property. Planner Coburn added no other property is proposed to be dedicated to the Town.

Town Planner Coburn pointed out additional updated preliminary plat notes as follows: the north-south building setback lines that were removed from the plat map should remain on the map (including a building envelope for Lot A) with appropriate labeling to show that the setbacks and building envelopes have been established. Plat note 19 should change as indicated in the Staff Report so that future builders are aware of the soil condition. Thirty one considerations for the plat notes documented in the Staff Report need to either be changed or removed. Ms. Coburn reviewed items 2, 17, 24, and 30 specifically with the Commission.

The drainage report was updated to show the proposed land purchase and staff is currently working with the applicant to clarify the plans for the water system as noted in the Staff Report. She commented that Staff is still working on the full design of the Lena Street paving with the project development team. The cost will be shared by the Town and Developer, which will be specified in a development agreement and submitted to the Town Council for approval.

Two individually incorporated owners associations that will coordinate certain maintenance responsibilities are proposed for the subdivision. One association will be for the residential parcels and the other will be for the commercial parcels. The proposed documents will be sent to the Town Attorney for review to ensure minimal future conflict and to absolve the Town of unnecessary responsibility or ownership.

The Development Team submitted a phasing plan which will be discussed and approved by Town Council as part of the development agreement. The Planner pointed out 4 considerations to be addressed by the Applicant on page 8 of the Staff Report in order to keep the development agreement moving forward. The items for consideration included: Owner's Association functions as the property is developed, timeline for the development of the Lena/Otto sidewalk and parking area, timeline for Lot F improvements and functionality of the storm drainage system without hard surfacing or full site grading.

Planner Coburn reviewed a list of deviations, conditional uses and variances from the standard zoning regulations with the proposed development, and noted that this project is generally in conformance with the Master Plan, providing increased density near the core of town. These deviations, conditional uses, and variances listed in the Staff Report should be considered with the negotiated development agreement she added. Coburn also commented that rezoning will need to occur before or concurrent with final planning and explained other topics to be covered in the development agreement.

The Town Planner recommended the Planning Commission continue the hearing to allow the Applicant time to make revisions pursuant to the Staff Report dated April 24, 2018. This will provide time for the Applicant to prepare a clean preliminary plat submittal for the next Planning Commission hearing before it is recommended to the Town Council.

Attorney Tom Kennedy, representing the Applicant stated “we are recommending approval of the application with conditions. We just want to get through the Planning Commission’s review process so we can go to the next step...we want to finish the process with the Planning Commission so we can get before the Town Council.”

Chairperson Canright opened the hearing for public comment and there was none.

The Commission further discussed the topics of easements, phasing, cost sharing for Lena Street paving, plat notes 2 and 17 and parking variances with staff and the applicant.

ACTION:

Mayor Clark moved to recommend approval of the Application for Preliminary Plat for Lena Street Commons to the Town Council with the conditions in the Staff Report dated April 24, 2018. The specific conditions are items 1-6 on page 13 of the Staff Report as well as forwarding the Planning Commission’s comments to Town Council that the Planning Commission is generally in favor of the proposed phasing, and the proposed sale of Town property to develop and address engineering needs of the Lena Street paving during the development. Councilor Hunter seconded the motion, and it carried unanimously.

OTHER BUSINESS

4. Update on the Master Plan Process

Ms. Coburn informed the Commission that contracts will be signed soon with Clarion Associates and BBC Research Consulting. The first visit is tentatively scheduled for some time in June.

5. Update on the Downtown Parking Assessment

Diedra Silbert sent an email blast out to the Community asking for photos showing parking concerns. The study area encompasses the downtown area.

6. Ridgway Area Joint Planning Board

The Town Planner announced Tom McKenney has been appointed to Board.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk