

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, January 29th, 2019

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:** Variance to Historic Business District Parking Regulations; **Location:** Willow Creek Trading Subdivision Lots 2 and 3; **Addresses:** 167 and 171 N Cora Street; **Zone:** Historic Business (HB); **Applicant:** Seth Cagin and Ralph Stellmacher; **Owners:** Arapaho Partners LLC and 171 N Cora LLC

OTHER BUSINESS:

2. Master Plan process update

APPROVAL OF MINUTES:

3. Minutes from the meeting of October 30th, 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, January 29th, 2019 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: Variance to Historic Business District Parking Regulations

Location: Willow Creek Trading Subdivision Lots 2 and 3

Addresses: 167 and 171 N Cora Street

Zoned: Historic Business (HB)

Applicant: Seth Cagin and Ralph Stellmacher

Property Owners: Arapaho Partners LLC and 171 N Cora LLC

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: January 17, 2019

Shay Coburn, Town Planner



Official Use Only

Receipt # _____

Date Received: _____

Initials: _____

Planning Commission Hearing Request

General Information

Applicant Name Seth Cagin + Ralph Stellmacher

Application Date 1/7/19

Mailing Address Box 2042, Telluride, CO 81435

Phone Number 970 275-2093

Email sethc@mlsolutions.com

Owner Name CAGIN + STELLMACHER

Phone Number CAGIN (970) 275-2093 STELL (303) 829-9428

Email sethc@mlsolutions.com
ralph@rockymountainvessels.com

Address of Property for Hearing 171 N CORA ST. + 167 N. CORA ST

Zoning District HB

Action Requested

- ☐ Deviation to Single-Family Home Design Standards 6-6
☐ Temporary Use Permit 7-3-13(C)
☐ Conditional Use 7-3-14
☐ Change in Nonconforming Use 7-3-15

- ☒ Variance 7-3-16
☐ Rezoning 7-3-17
☐ Subdivision 7-4
☐ Other _____

Brief Description of Requested Action

Variance to parking requirements in HBD

Required Fee Payable to the Town of Ridgway

Temporary Use Permit	\$100.00
Conditional Use	\$100.00
Change in Nonconforming Use	\$100.00
Variances & Appeals	\$150.00
Rezoning	\$200.00
Other Reviews Pursuant to 7-3-18	\$100.00
Variance from Floodplain Regulations	\$100.00
Deviations from Single Family Design Standards	\$100.00

Subdivisions	
a. Sketch Plan	\$200.00 (plus \$10.00 / lot or unit)
b. Preliminary Plat	\$400.00 (plus \$20.00 / lot or unit)
c. Final Plat	\$300.00
d. Minor Subdivision	\$200.00
e. Lot Split	\$100.00
f. Replat	\$100.00 (plus \$20.00 / lot or unit)
g. Plat Amendment	\$100.00
h. Planned Unit Development	See b and c above

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.



Attachments Required

For ALL Applications

- ☐ Evidence of ownership or written notarized consent of legal owner(s).
- ☐ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), like a narrative, site plans, and/or architectural drawings drawn to scale on paper size of 8.5 x 11 or 11 x 17.

Conditional Use Permits

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

Variance

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

Subdivision

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected.

Applicant Signature

Date

Owner Signature

Date

Account: R005305Location

Situs Address 171 N CORA ST

City Ridgway

Tax Area Id 201 - 201

Owner Information

Owner Name 171 N CORA LLC

Owner Address PO BOX 2042

TELLURIDE, CO 81435

Assessment History

Actual (2017) \$125,650

Assessed \$36,440

Tax Area: 201 Mill Levy: 61.049

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$125,650	\$36,440	0.000	2571,000	0.000

Parcel Number 430516224002

Legal Summary Subd: WILLOW
CREEK TRADING SUBDIVISION

Lot: 2 S: 16 T: 45 R: 8

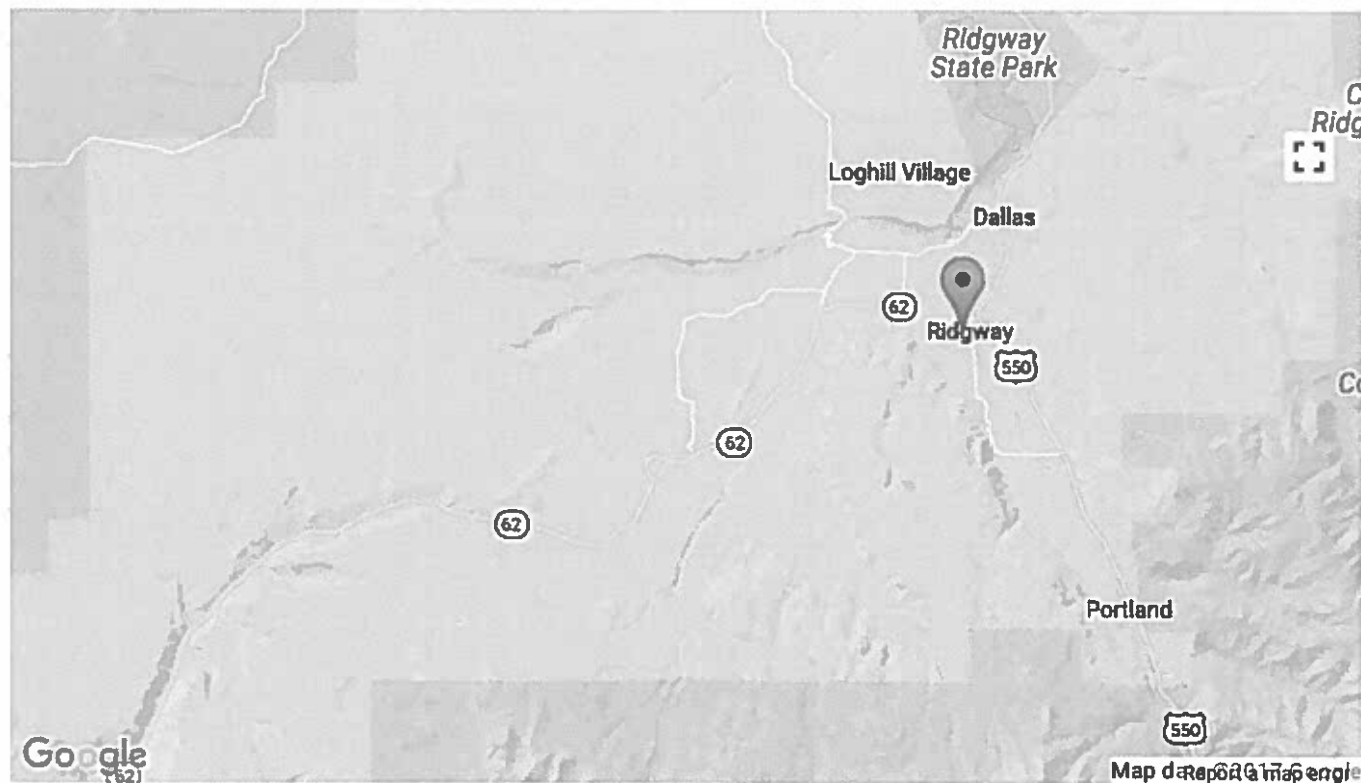
Transfers

Reception Number	Sale Date	Sale Price	Doc Description
<u>L0208</u>			<u>SURVEY</u>
<u>191257</u>	<u>04/08/2006</u>	<u>\$0</u>	<u>COV COND & REST</u>
<u>191256</u>	<u>04/19/2006</u>	<u>\$455,000</u>	<u>WARRANTY DEED</u>
<u>179994</u>	<u>01/31/2003</u>	<u>\$355,000</u>	<u>WARRANTY DEED</u>
<u>177032</u>	<u>01/29/2002</u>	<u>\$0</u>	<u>PLAT</u>
<u>174096</u>	<u>02/15/2001</u>	<u>\$0</u>	<u>PLAT</u>
<u>155071</u>	<u>11/24/1993</u>	<u>\$0</u>	<u>QUIT CLAIM</u>

Images

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

Focusing On: 171 N CORA ST Ridgway 81432



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF DOCUMENT FILED

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, the attached document is a true and complete copy of the

Articles of Organization

with Document # 20061163771 of
171 N. Cora, LLC

Colorado Limited Liability Company

(Entity ID # 20061163771)

consisting of 3 pages.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 10/19/2017 that have been posted, and by documents delivered to this office electronically through 10/21/2017 @ 11:31:46.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 10/21/2017 @ 11:31:46 in accordance with applicable law. This certificate is assigned Confirmation Number 10509357 .



A handwritten signature in blue ink that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Colorado Secretary of State
Date and Time: 04/18/2006 11:48 AM
Entity Id: 20061163771
Document number: 20061163771

Document processing fee
If document is filed on paper \$125.00
If document is filed electronically \$ 25.00
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To file electronically, access instructions
for this form/cover sheet and other
information or print copies of filed
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Paper documents must be typewritten or machine printed.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to §7-90-301, et seq. and §7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. Entity name:

171 N. Cora, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "llc", "l.l.c.", or "ltd." §7-90-601, C.R.S.)

2. Use of Restricted Words *(if any of these terms are contained in an entity name, true name of an entity, trade name or trademark stated in this document, mark the applicable box):*

- ☐ "bank" or "trust" or any derivative thereof
☐ "credit union" ☐ "savings and loan"
☐ "insurance", "casualty", "mutual", or "surety"

3. Principal office street address:

171 N. Cora

(Street name and number)

Telluride

(City)

CO 81435

(State)

(Postal/Zip Code)

United States

(Country – if not US)

(Province – if applicable)

4. Principal office mailing address
(if different from above):

P O Box 2042

(Street name and number or Post Office Box information)

Telluride

(City)

CO 81435

(State)

(Postal/Zip Code)

United States

(Country – if not US)

(Province – if applicable)

5. Registered agent name (if an individual):

Cagin

Seth

(Last)

(First)

(Middle)

(Suffix)

OR (if a business organization):

6. The person identified above as registered agent has consented to being so appointed.

7. Registered agent street address:

171 N. Cora

(Street name and number)

Telluride

(City)

CO

(State)

81435

(Postal/Zip Code)

8. Registered agent mailing address
(if different from above):

P O Box 2042

(Street name and number or Post Office Box information)

Telluride

(City)

CO

(State)

81435

(Postal/Zip Code)

United States

(Province – if applicable)

(Country – if not US)

9. Name(s) and mailing address(es)
of person(s) forming the limited
liability company:

(if an individual)

Cagin

(Last)

Seth

(First)

(Middle)

(Suffix)

OR (if a business organization)

P O Box 2042

(Street name and number or Post Office Box information)

Telluride

(City)

CO

(State)

81435

(Postal/Zip Code)

United States

(Province – if applicable)

(Country – if not US)

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR (if a business organization)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

United States

(Province – if applicable)

(Country – if not US)

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR (if a business organization)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

United States

(Province – if applicable)

(Country – if not US)

(If more than three persons are forming the limited liability company, mark this box ☐ and include an attachment stating the true names and mailing addresses of all additional persons forming the limited liability company)

10. The management of the limited liability company is vested in managers ☒

OR is vested in the members ☐

11. There is at least one member of the limited liability company.

12. (Optional) Delayed effective date: _____.
(mm/dd/yyyy)

13. Additional information may be included pursuant to other organic statutes such as title 12, C.R.S. If applicable, mark this box ☐ and include an attachment stating the additional information.

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

14. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

Johnson	Pam		
(Last)	(First)	(Middle)	(Suffix)
1047 South First Street			
(Street name and number or Post Office Box information)			
<hr/>			
Montrose	CO	81401	
(City)	(State)	(Postal/Zip Code)	
United States			
(Province – if applicable)		(Country – if not US)	

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box ☐ and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.



Colorado Secretary of State
Date and Time: 02/11/2009 02:10 PM
ID Number: 20091090658
Document number: 20091090658
Amount Paid: \$100.00

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Statement of Conversion

filed pursuant to § 7-90-201.7 (3) of the Colorado Revised Statutes (C.R.S.)

1. For the converting entity, its ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and principal address are

ID number

(Colorado Secretary of State ID number)

Entity name or true name

Arapaho Partners, LLC

Form of entity

Foreign Limited Liability Company

Jurisdiction

Connecticut

Street address

62 Standish Dr.

(Street number and name)

Ridgefield

(City)

CT

(State)

06877

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

2. The entity name of the resulting entity is Arapaho Partners, LLC.
(**Caution:** The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

3. The converting entity has been converted into the resulting entity pursuant to section 7-90-201.7, C.R.S.

4. (If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

5. (**Caution:** Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document are _____.
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

Stellmacher	Ralph		
(Last)	(First)	(Middle)	(Suffix)
792 Pine Dr.			
(Street number and name or Post Office Box information)			
Ridgway	CO	81432	
(City)	(State)	(ZIP/Postal Code)	
United States			
(Province – if applicable)		(Country)	

(If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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Colorado Secretary of State
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ID Number: 20091090658
Document number: 20091090658
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are subject to change.

\$50.00

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copies of filed documents,
visit www.sos.state.co.us and
select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to [§ 7-80-203](#) and [§ 7-80-204](#) of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Arapaho Partners, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "L.L.C.", "llc", or "Ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

62 Standish Dr.

(Street number and name)

Ridgefield

(City)

CT

(State)

06877

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Stellmacher

(Last)

Ralph

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

792 Pine Drive

(Street number and name)

Ridgway

(City)

CO

(State)

81432

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

CO
(State)

(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual)

Stellmacher

Ralph

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

(**Caution:** Do not provide both an individual and an entity name.)

Mailing address

792 Pine Dr.

(Street number and name or Post Office Box information)

Ridgway

CO

81432

(City)

(State)

(ZIP/Postal Code)

United States

(Province – if applicable)

(Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

OR

☒ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (**Caution:** Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____.
(mm/dd/yyyy hour:minute am/pm)

Notice:

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9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Stellmacher</u>	<u>Ralph</u>		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>792 Pine Dr.</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Ridgway</u>	<u>CO</u>	<u>81432</u>	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<u>United States</u>			
<small>(Province – if applicable)</small>		<small>(Country)</small>	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Arapaho Partners, LLC

is a

Limited Liability Company

formed or registered on 02/11/2009 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20091090658 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/04/2019 that have been posted, and by documents delivered to this office electronically through 01/07/2019 @ 10:08:47 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/07/2019 @ 10:08:47 in accordance with applicable law. This certificate is assigned Confirmation Number 11311965 .



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

January 9, 2019

To the Ridgway Planning Commission:

1.

The zoning at the Willow Creek Trading Subdivision first came before you on October 31, 2017, in the form of a Variance Application to parking requirements, to allow a new residential use on the second floor of the structure at 171 N. Cora St. That application, submitted by the property's owner, Seth Cagin, was denied on the basis that hardship was not adequately demonstrated.

From the staff report to the Commission, dated October 31, 2017:

While staff understands that this building and surrounding buildings are already built and there is limited land to provide off-street parking, staff feels that the applicant has not proved practical difficulty or unnecessary hardship. Rather the letter submitted by the Applicant proves the need to revisit the Shared Parking Area Agreement with all six land owners to see if they can first solve their own lack of parking before the Town decides to grant a variance to the Town requirements.

It is staff's recommendation to deny this variance. Staff recommends that the Applicant coordinates with the other land owners identified in the Shared Parking Area Agreement to update it and determine if they can make the shared parking area more functional and/or provide additional spaces. If an updated Shared Parking Area Agreement proves unable to provide the required spaces for the Applicant, the Applicant can return to the Planning Commission to request the variance again. At that point, staff believes the Applicant will have a much stronger case in proving practical difficulty or unnecessary hardship.

According to the minutes of the Planning Commission meeting of October 31, 2017, the motion to deny the variance application specifically stated: "The variance is denied based on the discussion, the recommendations in the Staff Report dated October 31, 2017, and on the grounds the request does not meet the variance criteria."

The minutes also characterize the discussion as having included direction to the applicant "to revisit the Shared Parking Agreement with all landowners in the subdivision to see if the current shared parking area can be better utilized."

Cagin subsequently engaged the other property owners in the Subdivision in discussions about making improvements to the shared parking area.

2.

Those discussions resulted in the submittal of a second Variance Application, considered by the Planning Commission on March 27, 2018. That application for a Variance to parking requirements was submitted by the owner of not only 171 N. Cora St. but also by Ralph Stellmacher, the owner of 167 N. Cora St. (Stellmacher, like Cagin, is a co-applicant before you now again.)

The Variance was approved by the Planning Commission, subject to a requirement that the applicants apply for and obtain approval of a Plat Amendment that would incorporate an agreement to improve and manage parking in the Subdivision.

3.

The Plat Amendment application was considered by the Planning Commission on June 26, 2018. The application was the product of talks among the property owners in the Subdivision, and sought to balance the interests of the six property owners in the Subdivision as well as the Town.

This application required unanimous agreement among six property owners to create a Property Owners Association whose Articles of Association would incorporate improvements to the shared parking area. The initiative was carried forward primarily by the applicants before you now, Seth Cagin, of 171 N. Cora St, LLC, and Ralph Stellmacher of Arapaho Partners, LLC, owner of 167 N. Cora St. The primary issues requiring negotiation related to concerns expressed by the executive board of the Ridgway Chautauqua Society, which owns both the Sherbino Theater (a portion of Lot 1 within the subdivision) and 610 Sherman St. (Lot 4), that the interests and needs of the RCS not be unduly compromised.

A number of concessions were made by the other property owners to satisfy these concerns.

- In the parking agreement, the RCS was the only party to be awarded a designated parking spot in the shared parking area, and it was agreed that the designated spot would be located to provide direct access to the backstage area of the Sherbino Theater. All of the other parties were awarded permits to use unassigned spaces in the Shared Parking Area on a first-come, first-served basis.
- The 610 Sherman St. building was granted a second parking permit in the shared parking area, or one parking permit more than was awarded the other property owners based on their existing and then-anticipated uses on their properties. (This was partly to assist the RCS meet the Town requirement that it would have three off-street parking spaces if in the future it wished to buy out of additional parking spaces to enable an expansion. There was no guarantee that the Town

would in the future recognize the three parking permits as meeting the requirement.)

- The RSC was granted preapproval by the other property owners – or an agreement not to object – to changes to the Shared Parking Area to accommodate hypothetical future plans.
- The 610 Sherman St. building became a participant in the shared parking agreement to satisfy its parking requirements in exchange for the dedication of an easement on a portion of its property to the Shared Parking Area. This easement consisted of less land than would be required for on-site parking absent the agreement, and thus provided more developable land on the 610 Sherman property.

It was on the basis of testimony before the Planning Commission that agreement had been reached, *with representatives of the RSC present and raising no objection*, that the Commission in June 2017 unanimously recommended approval of the Plat Amendment.

From the Staff recommendation:

The Applicant has done a lot of work to reconcile and clean up existing documents and procedures offering a better solution to the shared parking area use and maintenance. This plat amendment will replace the existing parking agreement and with the easement on Lot 4 and some reconfiguration will add additional off-street parking spaces, making the best use of the existing shared parking and access area.

Staff recommends that the Planning Commission recommend approval of this plat amendment to the Town Council, subject to a final review by the Town Attorney of: Amendment 1 of the Willow Creek Trading Subdivision and the Association Articles and Bylaws, and incorporation of any requested changes. While this plat amendment will allow for changes in use on Lots 2 and 3 of the Willow Creek Trading Subdivision, it does not approve future changes in use or expansions and their associated parking requirements.

4.

The Plat Amendment recommended for approval by the Planning Commission on June 26, 2018, was not reviewed for final approval by the Ridgway Town Council. Despite the agreement among the parties, the RSC negotiators asked for additional concessions. The most significant was a reduction in the size of one of the parking spaces mapped out in the revised Shared Parking Area plat. Additionally, the RSC asked for a drainage easement on property owned by the applicants before you today (Cagin and Stellmacher).

Despite reservations about reducing the amount of parking in the Shared Parking Area, Cagin and Stellmacher agreed to the proposed changes provided that the revised application be prepared and submitted by the RCS.

5.

The new Plat Amendment application was presented to the Planning Commission by RCS Board President Sue Husch on July 31, 2018. Although the change in the dimensions of one parking space was deemed substantial enough to require the submittal of a new application, the change did not affect the outcome and the Planning Commission again unanimously recommended approval to the Town Council. Meanwhile, the drainage easement benefitting the 610 Sherman St. building was yet another benefit to the RSC incorporated into the overall agreement.

6.

The Town Council considered the Plat Amendment at its regular meeting on Aug. 8, 2018. During the hearing, according to the approved minutes of the meeting: "Sue Husch representing the Sherbino Theater and 610 Arts Cooperative, stated all participants 'are on board with this'."

This hearing marked the third public hearing at which all of the parties to the application, namely representatives of all of the property owners in the Subdivision, affirmed that an agreement had been reached.

No outstanding issues were noted and final approval of the Plat Amendment awaited only execution of the Property Owners Association documents, the completion of specified improvements to the Shared Parking Area, and filing of the amended plat with Ouray County.

7.

On August 4, 2018, the second meeting of the board of the yet-to-be-formalized Willow Creek Trading Subdivision Parking Management Association met. In attendance were Husch, Cagin, Stellmacher, representing a quorum, and a representative of Mountain Mansions Management.

Husch was elected president of the board, and in that capacity signed an agreement with MMM to act as the manager of the Association. Plans were made to allow for a final review of the Association's governing documents prior to arranging for the documents to be executed.

In affixing her signature to a contract with MMM on behalf of the Association, Husch again provided incontrovertible evidence that all parties, and certainly the RCS, which she represented, agreed with the terms and conditions of the Plat Amendment. Notably, the documents provided for an equitable sharing of costs associated with the formation of the Association. Cagin and Stellmacher had advanced these costs, and the agreement provided for a pro rata reimbursement of previously incurred costs. This agreement to share costs was further evidence that as of that date the parties had agreed to proceed and finalize the Plat Amendment.

8.

On September 10, 2018, Husch notified Stellmacher by phone that the RCS wanted to submit a new plat amendment to further reduce the amount of parking in the shared parking area. On September 13, Stellmacher obtained a copy of an email from RCS Executive Board member Patrick O'Leary addressed to Husch and architect Sundra Hines.

Although O'Leary, as a member of the RCS Executive Committee, had been party to all of the discussions up to that date, he stated in the email that he would oppose virtually every provision that had been agreed to previously and would only support an entirely new approach to addressing the parking area. He characterized the provision of a parking easement by Lot 4 to the shared parking area (in exchange for satisfying on-site parking requirements by participating in the shared parking arrangement) as "a land grab." He characterized Cagin and Stellmacher as being "not current" with payments which were, in fact, due by the RCS and other parties under the terms of the agreements signed off on by RCS Board President Husch.

The email was vivid evidence that the negotiations leading to the Plat Amendment in its various iterations (a) had not been conducted in good faith; and/or (b) had not reflected fully informed agreement by the entire RCS Board; and/or (c) reflected a different perspective on the benefits and costs of the Plat Amendment to the RCS than what had been the basis of the negotiations; and or (d) there had been a dramatic change of positions by O'Leary.

Following is the full text of the email:

Hey there guys... we're running out of time if we wish to help Shay stay on track for the PC meeting on 9/25. So, no time for any of us to be waiting around to express ourselves directly in an effort to get to an acceptable set of solutions.

Allow me to be clear: **RCS will not cede 9'-0" full feet of its privately owned land (S to N) behind 610 Clinton to the WC Shared Parking concept.** Or, in the very least, RCS won't have my vote so to do.

While I do understand there are technical requirements such as the 3'-0" setback from the gas meters and the like... it's time to get very creative here to satisfy RCS' near-term redevelopment needs in the rear of 610, such as:

- reducing the length and width of both spaces #4 and 5 to sub-compact sizes (b/c 9'-0" wide spaces don't work!)
- If we have to stick to 13'-5" in L and 9'-0" in W for any smaller car stall, then let's either eliminate space #5 completely and make space #4 13'-5" & 9'-0" in size, this results in 6 parking stalls instead of 7;
- If we opt for the above, let's show the vacated space 5 for bikes/scooters/motorcycles
- If the PMA doesn't want to reduce to 6 stalls, then the WC Lot 2 & 3 owners can contribute *their* land by re-constructing their balconies to allow for the nose of 3 straight-in stalls to park underneath their 2nd floor balcony (with northernmost space reduced to 13'-5");
- or, stated another way, RCS might be willing contribute its WC Lot 4 land in equal measures with the land being contributed by the WC Lots 2&3 owners to help solve Sundra's planning puzzle;
- If the above occurs... we might then go back to straight-in stalls on the east and west sides, instead of angled parking;
- If none of the above can be made to work, then I would say our contribution of land from WC Lot 4 to expand the PMA Shared Parking area is off the table.

I am quite serious. We need to come together and make for a better solution than the Parking plan that is on the table.

Sorry that the WC Lot 2&3 owners are not current with you... but, you are their hired resource and until such time as we all approve the PMA agreements and the final Shared Parking Plan, RCS not Drashan has any responsibility for the cost of work requested by WC 2&3.

I also have to ask, Sundra... what is the "revised bill" you're talking about sending today? If it's for the time taken to give the unsatisfactory answer you've provided below... where nothing's changed and you've simply fallen back on a technical requirement to say we can't do anything about RCS' request to contribute less land... then that would be unacceptable on this end.

Sorry Sue... couldn't wait until tonight or tomorrow to express my deep concerns here regarding the parking plan. It seems no one is really hearing us/me on the hardships imposed by a 9'-0" land grab. Hard to remain all nice-nice when no one's listening.

RCS nor Drashan really need to do any of this now and I certainly don't want to be put in a position of being forced due to time compression to accept an unworkable plan or plat no matter how much time we've all put into it!

Sincerely, Pat O.

9.

Given the repeated breach of prior agreements, and actions taken and expenses incurred on the basis of those agreements, as well as the misrepresentations of fact in the O'Leary email, Cagin and Stellmacher notified Husch that we would not renegotiate the terms and conditions of the Plat Amendment or agree to participate in the submittal of a new Plat Amendment application. We would, however, move forward with the steps needed to formalize and finalize the Plat Amendment that the Town Council approved on August 8.

10.

The applicants before you today, Cagin and Stellmacher, respectfully submit that the hardship requirement for a variance has been met.

The underlying hardship is the original plat, which meets parking requirements for our two lots by way of easements in a "shared parking area" owned by just one of the four lots in the original subdivision (Lot 1). This eliminates any possibility for us to make improvements or changes to the shared parking area absent unanimous consent from all of the property owners in the subdivision.

We have devoted more than a year to negotiations with the RSC to obtain this unanimous consent, to no avail. Despite numerous concessions to the RSC, there appears to be an irreconcilable difference of viewpoints with respect to the costs and benefits of the Plat Amendment that the Town conditionally approved. We believe that all of the parties, including the Town, would have benefited from the Plat Amendment conditionally approved by the Town Council, not least the RSC, for whom the Plat Amendment would have resolved parking, drainage and access issues. These issues are now outstanding for the RCS to resolve, one way or another.

The Plat Amendment would have also created mechanisms for managing common areas in the Subdivision to the benefit of all parties, including the Town, and for conflict resolution among neighbors who have, in the past, often been unable to reach agreement in how to mitigate impacts on one another. Furthermore, the Plat Amendment would have cleaned up the shared parking area, which has been left virtually unmanaged for decades by its previous and current owners, to the detriment of the neighbors and, indeed, the entire neighborhood and Historic Business District.

Despite all of these benefits, we have reluctantly concluded that no agreement with the RSC is possible. This presents a hardship to us, and we are therefore seeking the Variance in front of you today so that we can proceed to make our properties productive, for ourselves and the Town.

11.

While hardship has been proved, we also submit that the impacts of granting the Variance would be minimal. We understand that the intent of the on-site parking requirement is to mitigate impacts, and that generally residential uses are deemed to create greater parking impacts than commercial uses. This may not be true in the case of the two buildings in question, at 167 and 171 N. Cora Street, which are both small two-story buildings. There is no intention to eliminate the commercial use on the ground floor of either building. If the second floors were used commercially, as is currently permitted, they could generate a demand for at least one or as many as three or even four additional parking spaces. This is because the second floor of each building could accommodate three or four separate offices, whose commercial tenants and clients would need to utilize street parking. (This assumes that the one off-street parking space each building currently has is being used by the existing ground floor commercial tenants.)

The property owners intended use is for the second story residential units to be put on the short-term rental market. Each of these buildings can accommodate only a one-bedroom residential unit, and would be likely rented to visitors who arrive in a single vehicle. Their use of street parking would occur intermittently and mostly in the evening and overnight, assuming that most would be out recreating during the daytime hours. These visitors would benefit local businesses, without the parking impact of long term residential or commercial tenants. While the residential units could lawfully be rented long term, as one-bedroom units, the parking impacts would still be no greater than, and very likely less than, impacts from commercial tenants

12.

Finally, there is a philosophical matter contained within this Variance application that the Town will likely be dealing with well into the future: that is how to balance the goal of preserving historic structures and the historic character of the Town's business district, and at the same time to allow those structures to fulfill their economic potential even when they cannot meet modern zoning requirements, such as providing for on-site parking. We respectfully suggest that a judicious use of Variances is an appropriate way to deal with this hardship.

The Willow Creek Trading Subdivision is an agglomeration of six structures, some historic, and some not, whose plat would almost certainly not be approved today, at least not in the form it was approved. The question is how best to allow those structures to contribute vitality to the town within the constraints of existing conditions, as in our case, where the buildings cannot fulfill their potential to contribute to the vitality of the District under current parking regulations.

Our objective is to allow our two buildings located at the center of the business district to be fully occupied, so they may contribute as much vitality as they can to the business district. We respectfully suggest that approving the Variance application before you is the most reasonable path to that objective.

Thank you for your consideration.

Seth Cagin and Ralph Stellmacher
For the Willow Creek Subdivision Parking Maintenance Assoc, LLC.

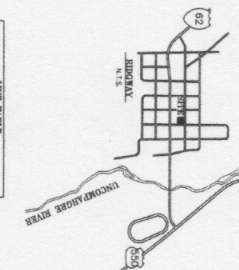
CLINTON STREET

WILLOW CREEK TRADING SUBDIVISION

A RESUBDIVISION OF LOTS 19 & 20, BLOCK 27,
TOWN OF RIDGWAY, & LOT C, FIKE SUBDIVISION
OURAY COUNTY, COLORADO
FINAL PLAT

CORA STREET

LINE	LINE NUMBER	LENGTH
1	5.87230' E	7.00'
2	N. 89°28'12" W.	1.28'



CERTIFICATE OF CORRECTION

From the State of Colorado, I, the undersigned, being the owner of Lot 19 & 20, Block 27, Town of Ridgway, & Lot C, Fike Subdivision, Ouray County, Colorado, do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in the office of the County Clerk of Ouray County, Colorado, and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Ouray County, Colorado, and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of Ouray County, Colorado.

By John M. Whitmore, Attorney at Law, Ouray, Colorado.

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DELMONT CONSULTANTS, INC.
ENGINEERS - SURVEYORS
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FAX: 733-1235

179550

Page 1 of 2

Michelle Olin, County Clerk & Recorder
Ouray, Colorado

12/12/2002 03:15 PM Recordings Fee \$11.00

Recorded at _____ o'clock _____ m. on _____ Book _____ Page _____
Reception No. _____ Recorder _____

SHARED PARKING AREA AGREEMENT


At the time of the execution of this document, the undersigned, Richard E. Fike, is the sole owner of record of Lots 1, 2 and 3 of the Willow Creek Trading Subdivision as shown on the Plat recorded on February 21st 2002, at Reception No. 177032, Ouray County Records.

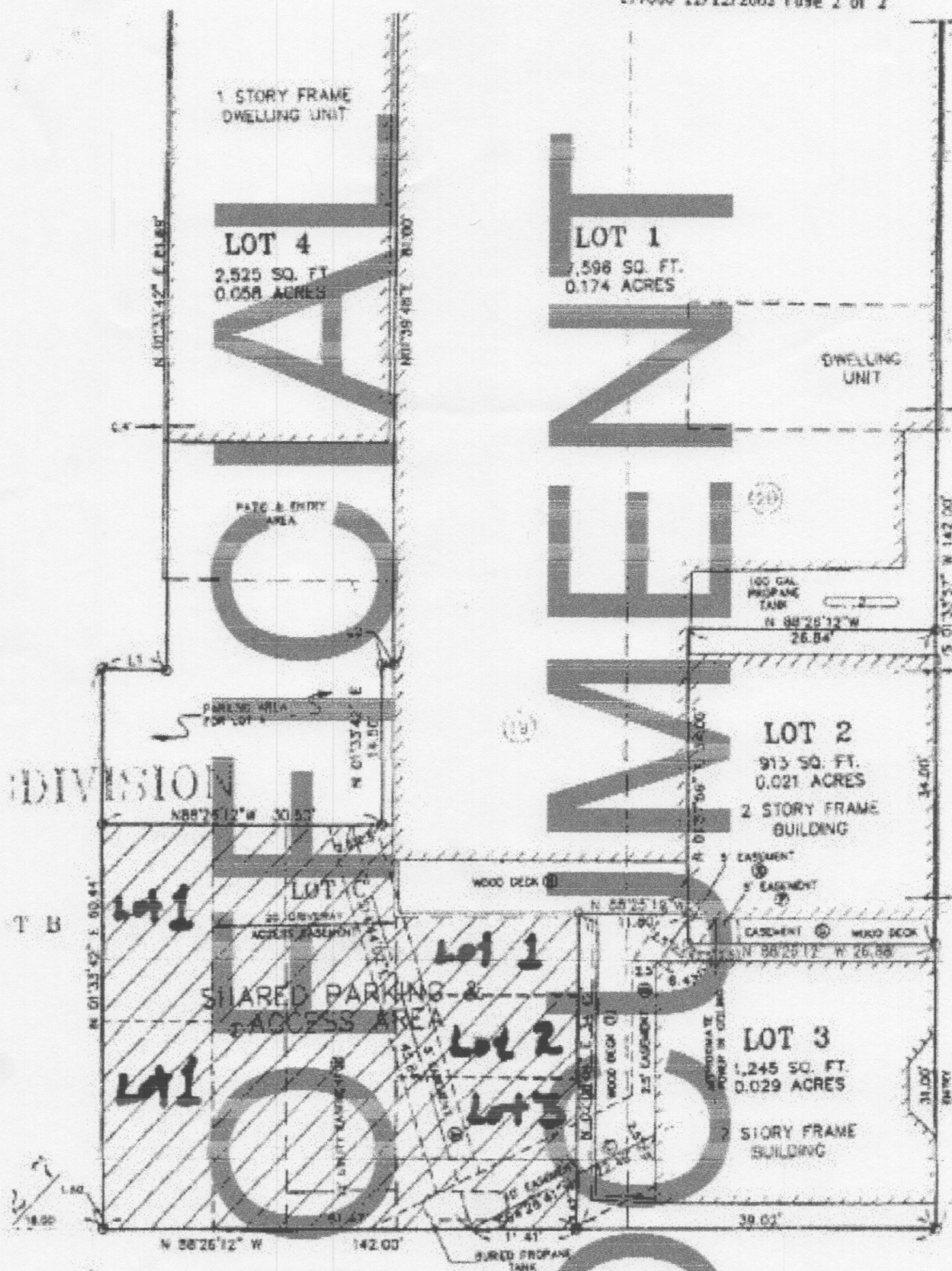
The purpose of this agreement is to designate to the respective Lots the parking spaces identified in the SHARED PARKING & ACCESS AREA depicted on the above identified Plat. Attached is a copy of a portion of said Plat, whereby the parking spaces for Lots 1, 2 and 3 are hereby designated by writing the Lot number upon the designated parking space. Lot #1 has 3 parking spaces, Lot #2 has 1 parking space, and Lot #3 has 1 parking space.

The owners of Lots 1, 2 and 3 shall furthermore share equally (1/3 each for each respective lot owner) in all maintenance costs for the surface of said SHARED PARKING & ACCESS AREA, which includes, but is not limited to: graveling, snow plowing/removal, and/or similar activities. This agreement to so share costs is only for maintenance, and does not extend to improvements to said area. Maintenance decisions shall require a majority vote, with each Lot owner to have 1 vote. It is acknowledged that Lot #1 has more than 1/3 of the parking spaces, and only has to pay 1/3 of the maintenance costs, but the fact that the owner of Lot #1 solely pays the taxes on the subject Area justifies this formula. All improvements, or any decision which may impact any owners ability to fully and readily utilize their designated parking space, shall require unanimous consent to be enacted. Any owner causing damage to any part of said Area shall be solely responsible for the repair and restoration of same and any damages related thereto. If Court action is required to enforce this agreement by any party, the Court shall award costs and attorney fees to the prevailing party.

This agreement shall run with the land and be enforceable upon any future owners of said Lots 1, 2 or 3.

Executed this 12th day of December, 2002 by


Richard E. Fike,
as owner of said Lots 1, 2, and 3



STAFF REPORT

Request: Variance to Historic Business District Parking Requirements
Legal: Willow Creek Trading Subdivision Lots 2 and 3
Addresses: 167 and 171 N Cora Street
Parcel #: 430516224003, 430516224002
Zone: Historic Business (HB)
Applicants: Seth Cagin and Ralph Stellmacher
Owner: Arapaho Partners LLC and 171 N Cora LLC
Initiated By: Shay Coburn, Town Planner
Date: January 29, 2019

REQUEST

The subject property includes Lot 2 and Lot 3 of the Willow Creek Trading Subdivision. The Applicants are requesting a variance to the parking requirements in the Historic Business District for two parking spaces per lot.

This request originally arose due to a building permit submittal to convert the top floor of the building on Lot 2 into a separate residence, likely to be used as a short-term rental. The owner of 171 N Cora applied for a variance and had a hearing at the Planning Commission meeting on October 31, 2017. The Planning Commission denied the variance request based on the inability of the applicant to prove the criteria for a variance were met, specifically that no effort was made to utilize the existing shared parking area. Consequently, the Planning Commission encouraged the applicant to work with neighboring building owners to make the best use of the existing shared parking area. The Applicant then worked with the surrounding property owners and submitted another variance request with the owner of 167 N Cora that was heard at the March 27, 2018 Planning Commission meeting. The variance was granted for each of the subject properties to reduce their parking requirements by one space for each residential unit with the condition that the applicant apply for a plat amendment and make the improvements to the parking area as proposed. This variance is no longer valid as the conditions were not met.



The Applicant, which had become a newly formed association, submitted a plat amendment application for the June 26, 2018 Planning Commission meeting. The Commission recommended approval to Town Council with a few conditions. After that hearing, one of the members of the newly formed association requested changes to the parking layout that were substantial enough to bring the application back to the Planning Commission. The revised plat amendment was heard at the July 31, 2018 Planning Commission meeting and the Commission recommended approval to the Town Council with the conditions in the staff report. The application was then heard by Town Council on August 2, 2018 and it was approved by Council with the conditions in the staff report.

The RMC allows for 90 days to meet the conditions of approval. During this period, the same members of the association requested additional changes that would have necessitated the application to go back to

the Planning Commission. The conditions of the approval were never met, and the approval is now expired. In the interest of trying to move forward with converting the top floor of the two subject properties into residential uses, the Applicants have submitted this variance application.

The Applicants submitted an application, detailed letter dated January 9, 2019, copies of plat maps and the current shared parking agreement and proof of ownership. The property and hearing have been noticed and posted pursuant to the Town's regulations.

BACKGROUND

The subject property is located on N Cora St, just a bit south of the intersection with Clinton, in the heart of the Historic Business district. There are a number of existing buildings and uses surrounding the subject area. See the table below for a breakdown of current use versus desired use and parking requirements.

Address	Legal Address	Current Use (sq. ft.)	Parking Required*	Desired Use (sq. ft.)	Parking Required
167 N Cora	Willow Creek Trading Subdivision Lot 3	Office/commercial (1761 sf)	0	2 nd floor residence (≤867.5 sf)	3
171 N Cora	Willow Creek Trading Subdivision Lot 2	Office/commercial (1560 sf)	0	2 nd floor residence (≤787.6 sf)	3

*Parking required as of today includes lawful non-conformities. Parking requirements in the HB districts were amended in 2007.

The subject property is part of the Willow Creek Trading Subdivision with a final plat recorded in February 2002. In December of 2002, a Shared Parking Area Agreement was recorded for all three lots within the Willow Creek Trading Subdivision, leaving Lot 4 with an easement to access and provide parking on Lot 4. This agreement clarified the number of spaces designated to each lot, identified that the shared parking area is on Lot 1, and provided a provision for shared maintenance. In January 2007, Lot 1 of Willow Creek Trading Subdivision was condominiumized and the Shared Parking Area Agreement was referenced, not changed. Historically this shared parking area agreement has not worked well as the five parking spaces have not been clearly delineated or physically available on the site; however, some recent improvements have made the five parking spaces available.



Parking area on 1/15/19: left – from the ally looking northwest, right – from the ally looking north east

CODE REQUIREMENTS

HB Parking Requirements RMC §7-3-8(E)(4)

(a) Residential uses must provide off-street parking as required by Subsection 7-3-10(C)(1)(a) and Subsection 7-3-10(C)(1)(r).

(b) All non-residential uses must provide a minimum of one off-street parking space per 1650 square feet of gross floor area. Partial spaces will be rounded up to the next whole number of required parking spaces. If the structure contains both residential and non-residential uses, calculation of the gross floor area shall not include the residential area(s) for purposes of determining off-street parking pursuant to this paragraph. Also excluded from this calculation are enclosed parking and outdoor common areas. Parking spaces will be accessed only from an alley. The first three spaces must be provided on-site.

(c) In cases where mixed residential and non-residential uses occur within the same property, the residential parking requirements of Subsection (a) shall be in addition to the non-residential parking space requirement set forth in Subsection (b).

(d) In lieu of non-residential off-street parking requirements in excess of three spaces and pursuant to Subsection (b) above, a money payment of \$3,000 per space may be paid to the Town, which money shall be used to fund the acquisition or construction of public parking facilities to serve the Historic Business Zoning District.

Off-Street Parking Requirements RMC §7-3-10(C)(1)(a) and (r)

(a) Residences 2 spaces per dwelling unit

(r) Studio residences 1 space per unit (600 sq. ft. total living area)

Variances RMC §7-3-16

Variances are considered under RMC §7-3-16 and reviewed under RMC §7-3-18. Applicable criteria include:

(B) The Planning Commission may grant a variance from the Off-Street Parking Requirements for the Historic Business Zoning District, following the review procedure of Subsection 7-3-18, provided that the criteria of this Subsection will be met. Variances shall be granted if the spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance and any one of the following criteria are met:

(1) The variance is requested for an addition to an existing building or the construction of a purely accessory structure and these modifications will have a de minimis effect on traffic and parking; or

(2) The placement of on-site parking is not congruent with the goals and objectives of the downtown and as such will create an undesirable effect on the downtown streetscape, potentially interrupting, impeding or otherwise adversely affecting existing or future infrastructure such as pedestrian walkways and landscape areas; or

(3) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Off-Street Parking Requirements.

(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

Variance Request

Each of the subject properties would like to convert their top floor into a residential unit, likely to be used as short-term rentals, and maintain a commercial use on the ground floor. With this change in use, each of the subject properties will be required to provide three parking spaces – one for the ground floor

commercial area and two for the second story residence. This request is for a variance to the parking regulations for Lot 2 and Lot 3 to provide one space for each property. The subject properties are currently allocated one space each per the current Shared Parking Area Agreement recorded in 2002.

The following should be taken into consideration for this variance request:

1. The size of the residential units cannot be larger than 787.5 sq. ft. for 171 N Cora and 867.5 sq. ft. for 167 N Cora given the area available on the second floor per County assessor data. This is close to the 600 sq. ft. of living area cutoff where an additional parking space is required. In addition, both units could likely be designed to have 600 sq. ft. or less of livable area with a little creativity in the livable area square footage calculations. Either way, this would result in basically the same size unit.
2. The town requires one off-street parking space for ADUs that can be up to 800 square feet of livable area.
3. The intended use of both residential units is for short-term rentals, where the demand for parking is likely less than a long-term rental.
4. If each property were continued to be used just as commercial, three parking spaces would be required per regulations in place today. It is possible that each building would have multiple offices and demand much more than three parking spaces.
5. The mix of uses (commercial and residential) typically demand parking at different times of the day and the one parking space provided could be shared.
6. These units are located in the more urban area of town where it is much easier to walk, and parking may not be needed.

Given these arguments, it is reasonable to consider this variance request.

One of the reasons off-street parking is critical in this area of town is for the Town to be able to clear snow from the full right-of-way rather than having to plow cars in while clearing drive lanes. In order to aid plowing efforts, parking is not allowed on the street between midnight and 7:30am when two inches or more of snow is predicted. No matter the outcome of this variance request, it is vital that the Applicants ensure their tenants understand the importance of this parking restriction and comply with it.



Variance Criteria

Granting this variance for off-street parking will help meet the spirit of the ordinance because allowing for varied uses in this district will help maintain the historic core as a vibrant and active area of town. While there is no intent in the parking section of the code, the mix of uses in this area and the historic buildings are in line with the intent of the Historic Business District.

Please note that the following criteria are “or” and not “and.” In other words, not all three criteria need to be met. Rather, the Applicant needs to demonstrate that only one of the three criteria below are met for this variance request.

Criteria (1) – Not applicable.

Criteria (2) – Not applicable.

Criteria (3) – The practical difficulty or unnecessary hardship is that these buildings exist today with limited land available to accommodate off-street parking. Without allowing for flexibility in the Town’s parking requirements, the uses of these two buildings are stagnant in an otherwise mixed-use district. In

addition, the Applicants have worked hard to collaborate with surrounding property owners to improve the shared parking area to no avail.

As required by subsection C above, the burden is on the Applicant to show these criteria have been met. The detailed letter, dated January 9, 2019, thoroughly explains the effort that has gone into working toward a greater solution with surrounding property owners. It also explains that the most recent request to modify the plat amendment request by one of the members of the associations that would result in no additional parking spaces than what is provided today.

STAFF RECOMMENDATION

This variance request needs careful consideration as the subject properties are right in the heart of the Town's dense historic business district, which already has a lot of pressure for on-street or public parking. In addition, parking downtown continues to become increasingly important as the Town grows.

Staff understands that these buildings were built before the current Town parking regulations and that there is limited land to provide off-street parking. This could potentially limit the uses in this district that is intended to include a vibrant mix of uses. Furthermore, the Applicants have made a considerable effort to work toward a greater solution to no avail. Given these findings, staff feels that the applicant has proven practical difficulty in providing off-street parking as required by the RMC.

It is staff's recommendation to approve this variance for two parking spaces for each of the subject properties, Lot 2 and Lot 3 at Willow Creek Trading Subdivision to support a residential/short-term rental use of the upstairs and commercial use on the ground floor. This means that each of the subject properties is required to continue to provide one off-street parking space.



Posted notice at 167 N Cora



Posted notice at 171 N Cora

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

OCTOBER 30, 2018

CALL TO ORDER

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

PUBLIC HEARINGS

1. Application for Sketch Plan; Location: property at southeast corner of Sherman/Highway 62 and South Railroad Street, legal address: S: 16 T: 45 R: 8 N ½ SW 1/4; Address: To-be-Determined Railroad St/Highway 23; Zone: Historic Business; Applicant: Ridgway Cohousing, LLC; Owners: Ridgway Cohousing LLC.

Staff Report dated October 30, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for sketch plan review and noted the Commission evaluated and approved the request at the September 2017 and March 2018 regular meetings. Ms. Coburn noted the previous sketch plan approvals expired and the applicants have made changes to the Sketch Plan since the last hearing. The residential units have increased by 2, the types/sizing of the units being offered has changed, all structures are removed from the 100-year flood plain and the storm water drainage has been relocated to the southern aspect of the property she continued. The development will now encompass approximately 4 acres, and the portion to be retained for future development on the north side of the property is reduced to .37 acres Coburn concluded.

Planner Coburn said the revised sketch plan for the Railroad Street alignment does not comport with the design agreed upon with the Town Council on June 19, 2018. She noted the center line of the alley will not match the center line for the future Railroad Street. Coburn explained the access points into the subdivision do not appear to be drawn as discussed with the Town Engineer. The curves appear to be too sharp for emergency vehicles and the access locations along curves are not at the correct angle. The alley on the north side of the property is proposed to extend to the South Railroad Street right-of-way, and there is a sidewalk along the subject property line that follows South Railroad Street but not along County Road 23 which would be required due to increased pedestrian and vehicle traffic she continued.

The Commission discussed the alignment and access issues as well as public improvements with staff and Kit Meckel, Architect and member of the applicant's consulting team. There was concern that the northern access is proposed as an alley and not a street.

The Chairperson opened the hearing for public comment.

Tom McKenney said he supports the project. He expressed concerns regarding the access points being in curves in the road, and the northern access point being an alley rather than a

street. He also asked if short term rentals would be allowed, and if there would be any public access within the subdivision.

Jack Pettruccelli commented that the Alpine Bank alley appears to be for one way traffic and asked about the terms of the permit.

The Chairperson closed the hearing for public comment.

The Planning Commission further discussed the application. They noted that though a cohousing development does not necessarily need to provide public access within the development, the site plan does not illustrate how the subdivision's residents can safely walk within and around the parcel.

The Chairperson opened the hearing for further public comment.

John Baskfield, developer for the applicant said Ridgway Cohousing LLC will make public access available within the subdivision as long as the not-for-profit project can remain viable. Mr. Baskfield also said he understood the vehicle access would likely be permitted in the curb because of the challenges of wetlands and a flood plain to the south of the parcel, and the possible realignment of Railroad Street to the north of the parcel. He asked for clarification regarding the entry points designated in the road curves because significant funds have been expended to prepare the road as discussed with staff.

Jack Pettruccelli said clear, easy and well established access to town and the Athletic Park should be provided. He also commented that the portion of the northern lot designated for future development will not be marketable because a majority of the land will be lost with the Railroad Street and alley alignment.

The Chairperson closed the hearing for further public comment.

The Planning Commission continued to discuss the application with staff. Planner Coburn suggested the applicants meet with staff before preliminary plat to reconcile the Railroad Street alignment and the access points in the curves in the road.

ACTION:

Councilor Hunter moved to approve the Application for Sketch Plan; Location: property at southeast corner of Sherman St/Highway 62 and South Railroad Street, legal address: S: 16 T: 45 R: 8 N ½ SW 1/4; with the considerations, clarifications and questions within the Staff Report dated October 30, 2018, to be addressed and in conjunction with Staff working for better access points to create more safety within the development; and with the inclusion of sidewalks. Commissioner Liske seconded the motion, and it carried unanimously.

The Commission paused for a break at 6:50 p.m. and resumed at 7:00 p.m.

2. Application for Replat; Location: River Park Ridgway Business Park, Filing 1, Block 8; Address: To-be-Determined North Cora Street; Zone: Light Industrial 1 (I-1); Applicant: Ridgway Light Industrial, LLC; Owners: Ridgway Light Industrial, LLC and Chad Baillie

Staff Report dated October 30, 2018 presenting background, analysis and staff recommendation prepared by the Town Planner. A preliminary plat Sketch Overlay dated October 30, 2018, Replat of Blocks 2, 8 and Alley of the River Park Ridgway Business Park Filing 1, construction plans and letter dated October 29, 2018 addressing the Staff Report for Block 8, submitted by the applicant prior to the meeting.

The Town Planner presented an application for replat that was continued from the August regular meeting, to change the configuration of Block 8 in the River Park Ridgway Business Park. She noted the applicant feels the reconfiguration will make the industrial lots more marketable. Coburn explained the items in the Staff Report dated October 30, 2018 have already been addressed by the applicant and the updates need to be reviewed by staff. The Planner evaluated the request with the Commission and recommended approval with the conditions that all documents be reviewed by the Town Attorney and that a few slivers of land being transferred on Block 2 and Block 8 be rezoned.

Applicant/Owner Scott Strand said the round-a-bout was already deeded to the Town in 2008 as part of the right-of-way and that information did not come up on the original title search.

The Chairperson opened the hearing for public comment.

Jack Pettruccelli, River Park Home Owners Association (HOA) President, said they are in favor of the proposed alignment of a round-a-bout on Railroad Street. He explained the curb at the intersection near the San Miguel Power Association building has been destroyed by snow plows because the intersection meets at a curve in the road. He also commented that pot holes have continued to emerge in the intersection needing frequent repairs. Mr. Pettruccelli pointed out a problematic drainage ditch on the north side of Railroad Street and said the HOA is requesting the Town to repair the deficiencies noted.

The Chairperson closed the hearing for public comment.

The Commission discussed the application with staff.

ACTION:

Mayor Clark moved to recommend approval of the Replat River Park Ridgway Business Park, Filing 1, Blocks 2 and 8; Address: To-be-Determined North Cora Street to the Town Council with the conditions that the applicant collaborate with Staff to confirm that all issues in the Staff Report dated October 30, 2018 are addressed; that the Town Attorney review and approve the replat; that the two small remaining parcels between Lot 4, Blocks 2 and Block 8 be rezoned. Councilor Hunter seconded the motion, and it carried unanimously.

OTHER BUSINESS

3. Update on the Master Plan Process

Draft: *Ridgway Master Plan: Vision & Goals*, prepared by Clarion and Associates, dated October 25, 2018.

Planner Coburn and Diedra Silbert, Community and Economic Development Coordinator reviewed the draft for the Ridgway Master Plan with the Commissioners and solicited feedback

from them. Coburn noted the vision statement is updated and said their comments will be incorporated into the draft vision and goals along with the feedback gathered from the presentation to the Town Council at the November meeting. She informed the Planning Commission that the steering committee will work on the draft policies, and another short online public survey will be coordinated for additional feedback. Diedra noted the draft and updates are posted on the town website and she encouraged the Commissioners to review the Community Meeting Event Summary that was held on September 27 on the website as well.

4. Planning Refresher Workshop

The Town Planner informed the Commissioners that the refresher workshop will be Saturday November 3, in Golden, Colorado and to let her know if anyone is able to attend.

APPROVAL OF THE MINUTES

5. Approval of the Minutes from the Meeting of September 25, 2018

ACTION:

Councilor Hunter mover to approve the Minutes from September 25, 2018. Commissioner Falk seconded the motion and it carried with Commissioners Liske and Nelson abstaining.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk