

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, February 25th, 2020
Regular Meeting; 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

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

PUBLIC HEARINGS:

1. **Application:** Variance, request for building envelope relocation; **Location:** RiverSage PUD – Filing No. 1, Lot 4; **Address:** TBD RiverSage Drive; **Zone:** Residential (R); **Applicants:** David and Ellie Kehmeier **Owner:** Kehmeier 2000 Living Trust

OTHER BUSINESS:

2. Informal Discussion – Triangle Subdivision Lot 1
3. Master Plan Implementation: Land Use Code Updates Phase 1, Address Housing. Project update only.
4. Sign Regulations, RMC 7-3-12 – Legal and Administrative Updates

APPROVAL OF MINUTES:

5. Minutes from the meeting of January 28, 2020

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, February 25th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Variance, request for building envelope relocation**

Location: **RiverSage PUD – Filing No. 1, Lot 4**

Address: **TBD RiverSage Drive**

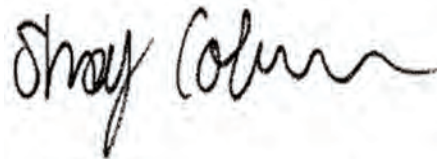
Zoned: **Low-Density Residential (R)**

Applicants: **David and Ellie Kehmeier**

Property Owner: **Kehmeier 2000 Living Trust**

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: February 13, 2020

Shay Coburn, Town Planner

STAFF REPORT

Request: Variance, request for building envelope relocation per plat map (edited request)
Legal: RiverSage PUD – Filing No. 1, Lot 4
Addresses: TBD RiverSage Drive
Parcel #: 430509211004
Zone: Low-Density Residential (R)
Applicants: David and Ellie Kehmeier
Owner: Kehmeier 2000 Living Trust
Initiated By: Shay Coburn, Town Planner
Date: February 25, 2020

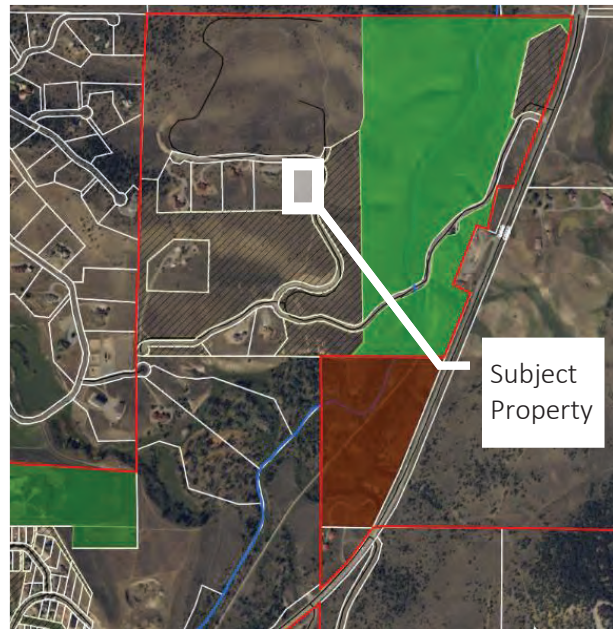
 REQUEST

The Planning Commission reviewed and approved a request to change the building envelope on this RiverSage Lot 4 at the regular Planning Commission meeting on January 28, 2020. However, after the meeting, the Applicant submitted a draft plat map to staff per part C of Plat Note 7 and the building envelope was quite different than what was approved by the Commission. Without the authority to administratively approve changes to such approval, a different building envelope location is being requested for this hearing. The Applicant now understands that their request to the Commission to relocate the building envelope is not just a rough guess but rather depicts exactly where they would like the building envelope.

The property is located in Phase 1 of the RiverSage Subdivision that was platted in 2009 at Reception No. 200985. The subdivision is the northern boundary of the Town. The properties are zoned Low-Density Residential and are each roughly 2 acres in size with building envelopes equal to or less than a half-acre surveyed and platted for each lot. Lot 4 is the middle of the development, on RiverSage Drive. This variance request is to relocate the building envelope while keeping it at exactly a half-acre in size.

Submitted with this application are the following:

- Hearing application and fee
- February 14, 2020 email from David Kehmeier explaining the revised request
- February 8, 2020 letter from RiverSage DRB approving the request
- February 8, 2020 email from neighboring Lot 5 owner supporting the revised request with the request that was initially sent to the DRB
- Diagram showing the currently platted building envelope, the building envelope as approved on January 28, 2020, and the revised propose building envelope for review.
- Draft plat map



The full hearing packet for the January 28, 2020 hearing is attached to this packet for reference. The property and hearing have been noticed and posted pursuant to the Town's regulations.

REQUIREMENTS

Plat Map

There are a couple of plat notes on the RiverSage P.U.D. - Filing No. 1 plat map that are related to this request. Plat Note 7 identifies the intent of the building envelopes, HOA approval, procedures for relocating building envelopes (including implicating review procedures in Municipal Code Section 7-3-18), review considerations, and requires a survey and new plat recording with any approved envelope relocation. Plat Note 8 prohibits any excavation or locating of the septic or leach field outside of the building envelope without receiving a variance from the Town. Plat note 8 was amended on 12/07/2016 under reception number 217549 in the Ouray County records. The variance criteria specified in Plat Note 8 do not appear to apply to this request. The criteria and procedures in Plat Note 7 are being applied to this request.

Plat Notes 7 reads as follows:

7. **BUILDING ENVELOPE LOCATION.** This Plat Designates a Building Envelope on each lot which is approximately one half acre (21,780 square feet) in size, or smaller. Building Envelopes have been located by the Declarant in locations designed to minimize the visual and environmental impact of the homes in the subdivision. Building Envelopes may be relocated only if a Lot Owner follows the following Process:
 - A. A Lot Owner must apply for and receive written approval from the RSHOA DRB to relocate the building envelope. The RSHOA DRB shall only approve the relocation of the Building Envelope if it finds that the new location will mitigate the visual impact of the structures on the Lot in a manner equal to or better than the original building envelope. In making this determination, the RSHOA DRB may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.
 - B. The Lot Owner must apply for and receive approval from the Ridgway Planning Commission. The Lot Owner must submit all application materials requested by Town Staff and pay a fee equal to the fee charged by the Town for an application for other land use reviews. The application and review procedure by the Town Planning Commission shall be as set forth in RMC section 7-3-18 as the same may be amended in the future. The Planning Commission shall only approve the relocation of the Building Envelope if it finds, after a public hearing, that the new location will mitigate the visual impact of the structures on the Lot in a manner equal to or better than the original building envelope. In making this determination, the Planning Commission may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.
 - C. Upon approval of the Town Planning Commission, the Lot Owner shall, at his sole expense, record a "Building Envelope Relocation Plat" prepared by a licensed surveyor, which has the signatures of both the RSHOA DRB and the Town Planning Commission.

RMC §7-3-18 Review Procedure

(A) All requests for approval of an appeal, a variance, a conditional use, a change in a nonconforming use, or other action which is required to be reviewed pursuant to this Subsection by these Zoning Regulations or other Town Ordinances, shall be reviewed by the Planning Commission, or Board of Adjustment, as provided in these Regulations.

(B) The applicant requesting approval of a variance, appeal, conditional use, change in a nonconforming use, or other action required to be reviewed pursuant to this Subsection shall submit an application upon forms supplied by the Town accompanied by any other required information or information which he may desire to submit. A single application may contain a request for more than one action. The application shall be accompanied by application fees as set by Subsection 7-3-20. No formal application need be submitted or fee paid for action initiated by the Town or Planning Commission.

(C) A hearing shall be set before the appropriate Board after receipt by the Town of a properly completed application form and all other required information.

(D) Notice of the hearing shall be posted at Town Hall 10 days before the hearing and posted, visible from each street frontage abutting the property, for at least 10 days prior to the hearing in addition to any other notice required by Town regulations. (Ord 14-1998)

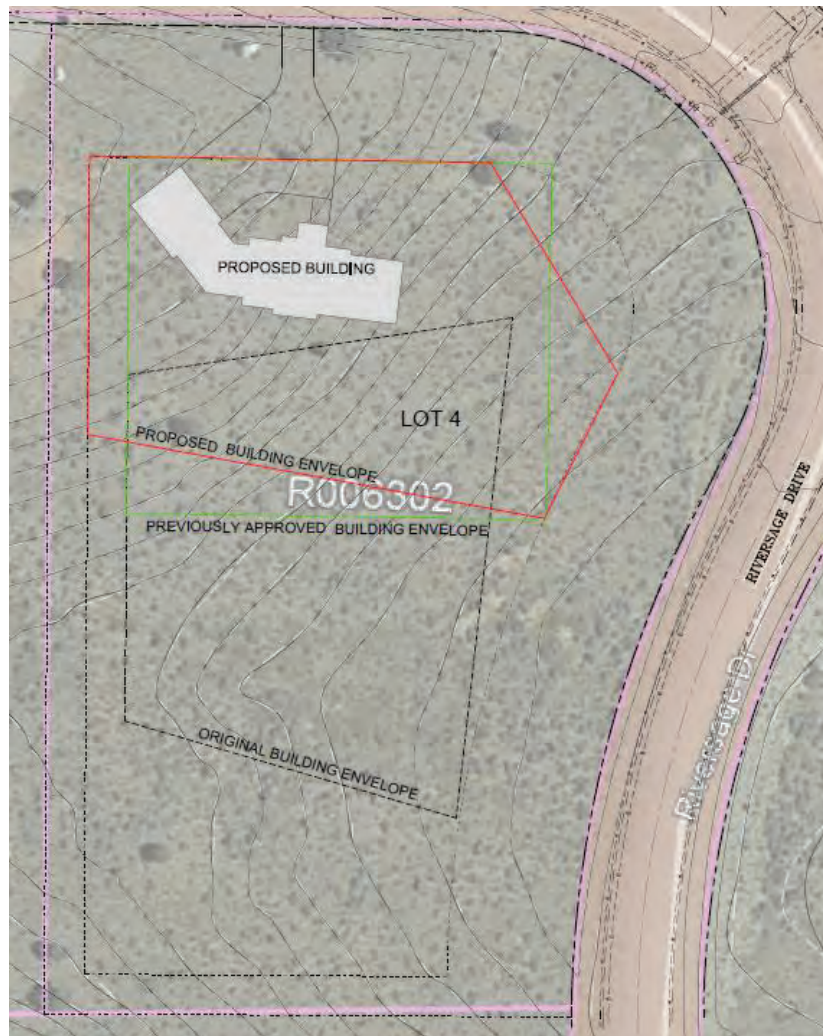
(E) At the hearing scheduled, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Reviewing Board may limit testimony, evidence, and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor to strictly follow the Rules of Evidence as applied by the Courts. The hearing may be tape recorded or otherwise electronically recorded. The applicant, or other interested party may, if he desires, have the hearing recorded by a court reporter, at his expense. The hearing may be continued from time to time as necessary. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met, including proper notice.

(F) The Reviewing Board shall announce its decision within 20 days of the completion of the hearing. It shall not be necessary for the Reviewing Board to provide written findings or conclusions, except upon the request of the applicant, or other party appearing or participating in the hearing. The decision of the Reviewing Board with respect to requests for approval of a variance, conditional use, or change in a nonconforming use, or appeal shall be final, subject only to review by certiorari in the courts. The Town shall have the right to appeal any such decision to the courts. Upon the filing of an appeal or request for review in the courts, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review, shall pay the Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

(G) The Reviewing Board may approve the requested action only upon finding that all applicable criteria and requirements of these Zoning Regulations or other Town ordinances have been met. If it determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Reviewing Board determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties, in writing, as part of the decision.

ANALYSIS

This request is to move the building envelope to the north, and expand the envelope to be wider to the east and west. The diagram below shows the request that was approved by the Commission on 1.28.20 in green as well as the revised building envelope request for this hearing in red. It should be noted that per Plat Note 8, building or septic systems cannot be located outside of the building envelope. The Applicant has stated that they will comply with Plat Note 8 and are not requesting a variance to that note.



*Black: Existing building envelope per plat map,
Green: Building envelope relocation request approved by Commission 1.28.20,
Red: Revised request for this hearing*

Plat Note 7 Requirements

A. RSHOA DRB Approval – A new letter dated February 8, 2020 from the RSHOA DRB approves this new request to relocate the building envelope.

B. Approval from the Ridgway Planning Commission - Through a public hearing, the Commission will determine if the relocated building envelope “will mitigate the visual impact of the structures on the lot in a manner equal to or better than the original building envelope. In making this determination the Commission may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.” This proposed building envelope will allow for a building higher up on the hillside and closer to RiverSage Drive.

a. Lot contours – It appears as if access from the north of the lot will reduce the amount of excavation needed to install a driveway in order to access to the property. This is similar to neighboring lots to the west. Also, the current building envelopes straddles a natural drainage path for the neighboring lots and building on or very near this natural drainage ways is not preferable.

b. Proposed home design – It appears as if the proposed home design is similar to those neighboring lots to the west. This includes a single story visible from the portion of RiverSage Drive that runs east

west and a second floor below that serving as a walkout level. See graphic below looking at the proposed home from about the northeast, or near the intersection of RiverSage Drive and Chester Court.

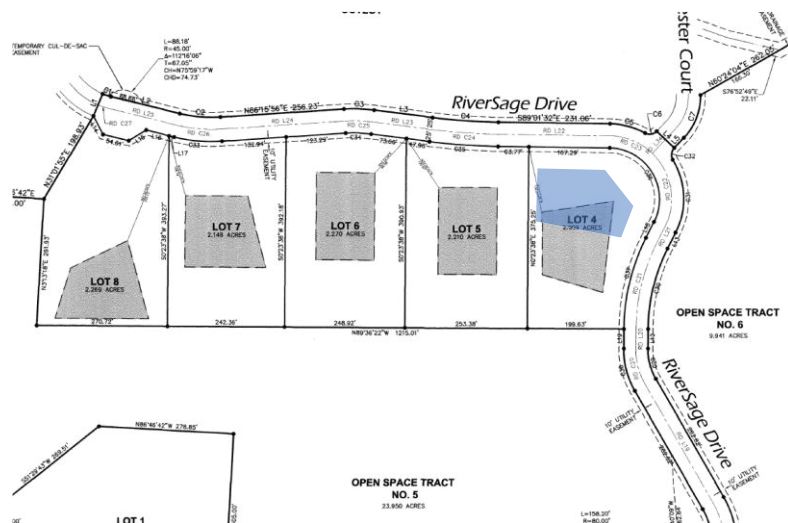


Proposed residence design, view looking south west.

c. Proposed landscaping – while a landscape plan for this lot is still not present with this application, the Applicant mentioned in their letter that there are mature trees that would have to be removed if they had to build in the existing building envelope. In this type of large lot development, it is preferable to preserve as much of the native landscape as possible and was one of the original intents of this subdivision. The landscape plan will be reviewed at upon submittal for a building permit.

d. Solar access – it is unclear if solar access for the neighboring lot will be affected. This proposed building envelope is 15' closer to the property line and therefore the neighboring lot to the west. By moving this building envelope to the north, and up higher in elevation, solar access should be improved for the Applicant.

e. Location of the neighboring building envelopes – Lot 5 is the closest and only neighboring lot to the west. See snapshot below from the plat map. By siting this building envelope further north, this will preserve views of the Cimarron range for neighboring Lot 5 and reduce the overall visual impact to that one neighbor. The Applicant has summited an email from the owners of Lot 5 stating their support for this revised application.



The newly proposed building envelope sketched in blue on the current plat map showing neighboring lots and building envelopes

C. Survey and record a new "Building Envelope Relocation Plat"

This will need to happen with any approval of the Commission to relocate the building envelope, and will need to occur before any building permit could be issued. A draft of this plat map has been submitted to staff for review. Once direction from the Commission is received on this application, the Applicant will need to finalize the map, have it signed by the HOA and surveyor, and then submitted to the Town for review and signatures. Town will record the plat map and request reimbursement from the Applicant.

STAFF RECOMMENDATION

The burden is on the Applicant to prove the criteria have been met. It appears as if the criteria have been met through the revised materials submitted. Staff recommends approval of this application to amend the building envelope for Lot 4 RiverSage PUD Filing 1.



Posted notice from RiverSage Drive looking southwest.



Official Use Only

Receipt # CK#182

Date Received: 2-11-2020

Initials: [Signature]

Planning Commission Hearing Request

General Information

Applicant Name	David and Ellie Kehmeier	Application Date	2/7/2020
Mailing Address	6620 Creekview Court, San Jose, CA 95120		
Phone Number	408-859-3283	Email	djkehmeier@sbcglobal.net
Owner Name	Kehmeier 2000 Living Trust		
Phone Number	408-859-3283	Email	djkehmeier@sbcglobal.net
Address of Property for Hearing	905 Riversage Drive, Ridgway, CO 81432		
Zoning District			

Residential

Brief Description of Requested Action

Approval of surveyed building envelope relocation on Riversage Lot 4, pursuant to the Planning Commission's 1/28/2019 approval of our request to relocate the building envelope.

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input checked="" type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design Standards per 6-6	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
<input type="checkbox"/> Other	\$_____	<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
		<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

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). **(Submitted with previous application dated 11/15/2019)**
- ☒ 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. **(Will be provided electronically)**

For 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).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

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

For Rezoning

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

For Subdivisions

- ☐ 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

2/7/2020

Date


Owner Signature

2/7/2020

Date

From: [David Kehmeier](#)
To: [Shay Coburn](#)
Cc: [Sundra Hines](#); [Adam Anderson](#); [Ellie Kehmeier](#)
Subject: Riversage Lot 4 Building Envelope Relocation Request #2 Supporting Documents
Date: Friday, February 14, 2020 1:33:30 PM
Attachments: [A1.1 Kehmeier Revised 02-12-2020.pdf](#)
[Lot 4 BE relocate memo #2.pdf](#)
[Kent BE Approval Email #2.pdf](#)
[20020V Plat BER 20020V-PLAT-BER Sht \(1\).pdf](#)

Hi Shay,

As we discussed previously, we would like to request approval from the Planning Commission at their next meeting on Tuesday, February 25 of the surveyed building envelope relocation on Riversage Lot 4. The surveyed building envelope differs from the one approved by the Commission on Tuesday, January 28 as follows:

1. We moved the envelope approximately 15 feet to the west to the minimum lot line setback of 15 feet (as specified in Section 7.1.B of the Riversage Design Guidelines and Standards). I had intended this in our initial request, but I mistakenly assumed the western boundary of the original building envelope was at the minimum lot line setback, so I drew the western boundary of the initial proposed relocated envelope to be in line with the original. Although we prefer not to site the house (most likely, the corner of the garage) right next to the western lot line setback, we would like to have that flexibility if doing so results in less excavation disturbance to the lot and allows us to avoid removing existing trees. We still intend to site the house as far north as possible (50 feet from Riversage Drive) for the reasons cited in our initial request.
2. Also, we modified the rectangular shape of the originally proposed envelope to include more of the relatively level area in the northeast portion of the lot so that we can locate the leach field as far away as possible from the natural drainage in the center of the lot. By extending the building envelope to the east, its southern boundary needed to be angled slightly to limit the total area of the building envelope to 0.5 acres.

The following documents supporting this request are attached:

- Updated overlay drawing showing the original building envelope, the relocated building envelope approved by the Planning Commission on 1/28/2020, and the proposed, surveyed building envelope.
- Letter from the Riversage Design Review Board approving the surveyed building envelope.
- Email from the owners of neighboring Lot 5 approving the surveyed building envelope.
- Drawing of the proposed surveyed building envelope by Del-Mont Consulting, to be filed with the City of Ridgway pursuant to Note 7 on the Riversage Plat, pending Planning Commission approval.

Please let me know if you have any questions or need any more information from us prior to the Planning Commission meeting. As I mentioned, we will not be able to attend the meeting, but we'll ask Sundra Hines or Adam Anderson to attend on our behalf if they are available on that date.

Also, please confirm that you received our written Planning Commission Hearing Request application with

payment.

Thank you,

Dave and Ellie Kehmeier

RIVERSAGE RIDGWAY. LLC
P.O. BOX 557, Ridgway, CO 81432
970-275-8866
rweaver2401@gmail.com

February 8, 2020

TO: Ridgway Planning Commission
FROM: RiverSage DRB
RE: Lot 4 Building Location Relocation Approval #2

To the Ridgway Planning Commission:

David Kehmeier, the owner of RiverSage Lot 4, has requested to relocate his 1/2 acre building envelope, with an adjustment from his previous application. Pursuant to Plat Note #7, the RiverSage Design Review Board has met and approved his application. Thank you for your consideration and assistance.

Regards,

Rick Weaver

RiverSage DRB

From: kelvin kent kelvinbeckykent@gmail.com
Subject: Re: Request for DRB final approval of Lot 4 surveyed building envelope relocation
Date: February 6, 2020 at 6:38 AM



To: David Kehmeier djkehmeier@sbcglobal.net

Cc: David Young gdavidyoung@hotmail.com, Kim Hughes kdughes2008@gmail.com, Sarah Marino sarahmarinophoto@gmail.com, Rusty Weaver ruslonweaver@gmail.com, Rick Weaver rweaver2401@gmail.com, Ellie Kehmeier ekehmeier@yahoo.com

Hello all from Arizona,

It has been some time since the Riversage DRB convened. Originally, this board consisted of Becky and I, Rusty and Rick. Now, of course, Dave would be on it as president.

As all will know, it is us (lot 5) that would be most impacted and we have followed developments with Dave (new owners of lot 5). We have no objection to the moving of this building envelope and fully understand all implications.

I believe that all that is required is a short letter, signed by Dave Y stating that the DRB has met and approved the change. This letter should go to the lot 5 owner and to the planning commission.

Kelvin and Becky

Sent from Kelvin's iPad

On Feb 6, 2020, at 12:16 AM, David Kehmeier <djkehmeier@sbcglobal.net> wrote:

Hi Everyone,

On Tuesday, January 28, the Ridgway Planning Commission voted unanimously to approve our request to relocate the building envelope on Lot 4. However, when we submitted the surveyed version of the new building envelope on Monday of this week to the Town Planner for review, she felt that it was different enough from the approximate shape in our initial request that we need to get final approval from the Riversage DRB and Planning Commission.

In the surveyed version (attached), there are two main differences from our originally proposed approximate envelope:

1. We moved the envelope approximately 15 feet to the west to the minimum lot line setback of 15 feet (as specified in Section 7.1.B of the Riversage Design Guidelines and Standards). I had intended this in our initial request, but I mistakenly assumed the western boundary of the original building envelope was at the minimum lot line setback, so I drew the western boundary of the proposed envelope to be in line with the original. Although we prefer not to site the house (most likely, the corner of the garage) right next to the western lot line setback, we would like to have that flexibility if doing so results in less excavation disturbance to the lot and allows us to avoid removing existing trees. We still intend to site the house as far north as possible for the reasons cited in our initial request for DRB approval to change the building envelope, dated 11/8/2019 (attached).
2. Also, we modified the rectangular shape of the originally proposed envelope to include more of the relatively level area in the northeast portion of the lot so that we can locate the leach field as far away as possible from the natural drainage in the center of the lot. By extending the building envelope to the east, its southern boundary needed to be angled slightly to limit the total area of the building envelope to 0.5 acres.

We would like to go back to the Planning Commission to get final approval of the surveyed building envelope relocation at their February 25 (Tuesday) meeting. As with the initial proposal, they require written approval from the DRB, which they would need no later than Friday, February 14.

We apologize for having to request final approval of the survey building envelope from the DRB, but we want to make sure we are doing everything right and ending up with the best possible building envelope.

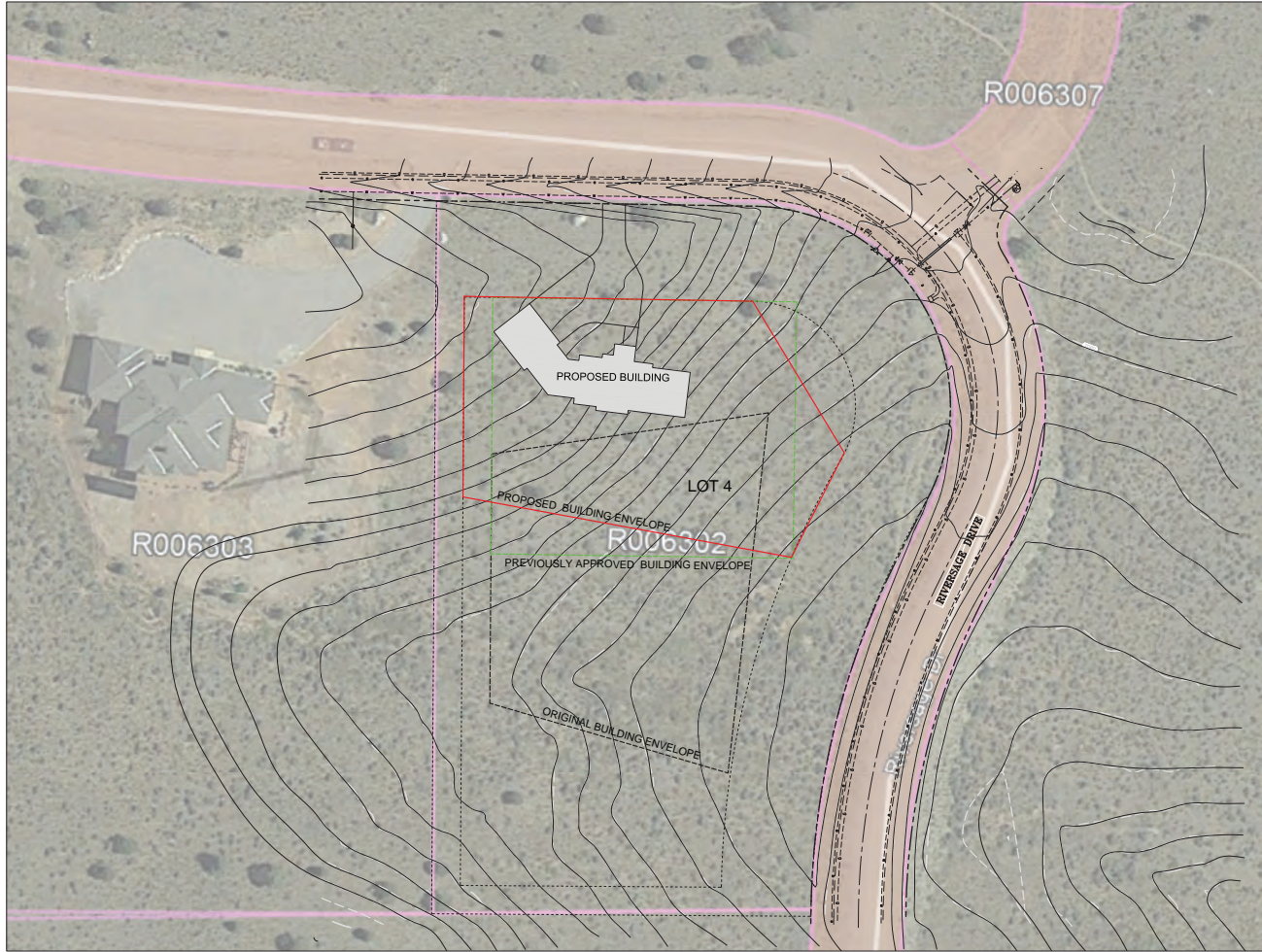
Please let us know if you have questions or need any additional information to approve this request.

Thanks,

Dave and Ellie Kehmeier

<Building Env.pdf>

<Microsoft Word - Lot 4 Building Envelope Change Request.docx.pdf>

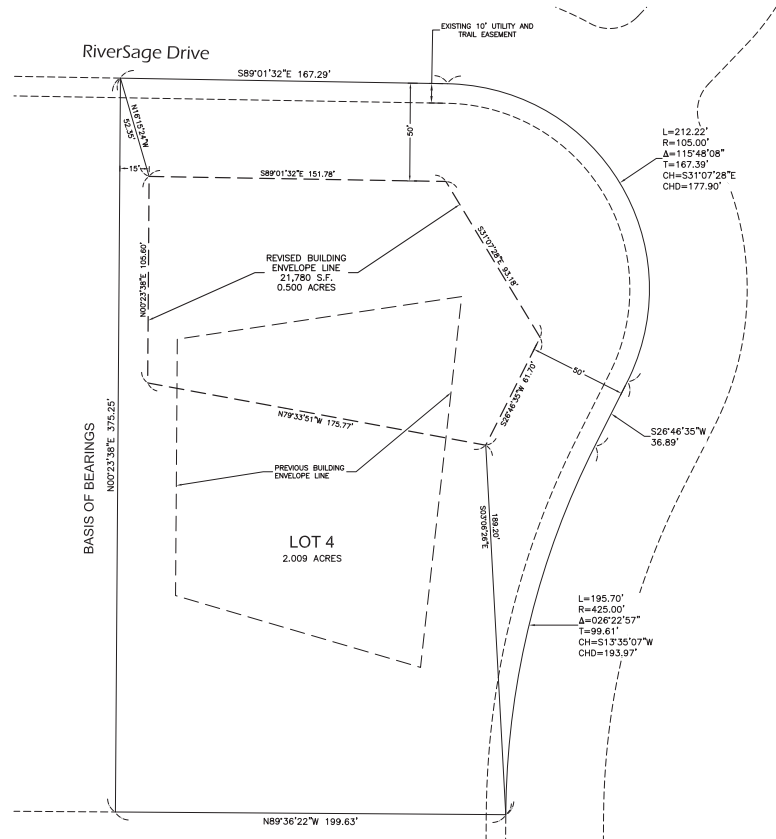
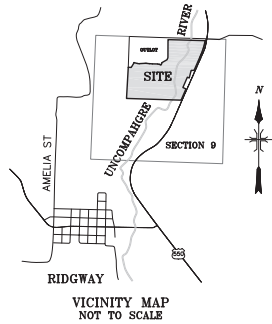


1 PROPOSED SITE PLAN
1" = 30'

BUILDING ENVELOPE RELOCATION PLAT

LOT 4, RIVERSAGE P.U.D. - FILING NO. 1

SITUATED IN THE N1/2 SECTION 9, TOWNSHIP 45 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
TOWN OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO



LOT 4 BUILDING ENVELOPE:

A parcel of land situated in Lot 4, RiverSage P.U.D. Filing No.1 as recorded at Reception No. 200985 in the Ouray County Clerk and Recorder's Office, County of Ouray, State of Colorado, for the purpose of a Building Envelope described as follows:
BEGINNING at a point from which the Northwest corner of Lot 4 of said RiverSage P.U.D. Filing No.1 bears
N16°15'24\"/>

SURVEYORS CERTIFICATE

I, Nicholas Barrett, hereby certify that this plat was prepared under my direct supervision and that said survey is accurate to the best of my knowledge, conforms to all requirements of the Colorado Revised Statutes, and all applicable Town of Ridgway regulations, and that all required monuments have been set as shown.

Nicholas Barrett Date
P.L.S. 38037

APPROVAL OF PLANNING COMMISSION

Approved by the Ridgway Town Planning Commission this ____ day of _____, A.D. 20____, by
_____, Chairman.

APPROVAL OF RSHOA DRB

Approved by the RSHOA DRB this ____ day of _____, A.D. 20____,
_____, Authorized Signator.

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Ouray County at _____ m. on the ____ day of _____, A.D. 20____, under Reception No. _____

by _____
County Clerk & Recorder

Deputy

PLAT NOTE

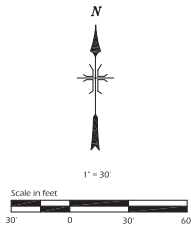
1. This is a building envelope relocation plat only, submitted and approved pursuant to plat Note 7 on page 2 of the RiverSage PUD - Filing 1 plat map recorded June 26, 2009 at reception number 200985, and approved by the Town of Ridgway Planning Commission and RiverSage Homeowner's Design Review Board (RSHOA DRB). The property remains subject to all prior easements, notes, covenants, etc..

BASIS OF BEARINGS:

The bearing between the found rebar and cap at the Southwest corner of Lot 4 in RiverSage P.U.D. Filing No. 1, Section 9, Township 45 North, Range 8 West, New Mexico Principal Meridian and the found rebar and cap at the Northwest corner of said Lot 4 bears N00°23'38\"/>

UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet.



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 1000 West 10th Avenue, Suite 200 • Durango, CO 81301 www.delmont.com • info@delmont.com	
PROJECT	DATE	CLIENT	DATE
1 of 1	2020/04/26	MGW	02-05-2020
FAC: 2020/04/26		JOB NO: 20020	
PROJECT		CLIENT	
BUILDING ENVELOPE RELOCATION PLAT		DAVID KEHMEIER	
6620 CREEKVIEW COURT SAN JOSE, CA 95120 408-859-3283			

1.28.2020 Hearing Packet

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 28th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Variance, request for building envelope relocation**

Location: **RiverSage PUD – Filing No. 1, Lot 4**

Address: **TBD RiverSage Drive**

Zoned: **Low-Density Residential (R)**

Applicants: **David and Ellie Kehmeier**

Property Owner: **Kehmeier 2000 Living Trust**

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, 2020

Shay Coburn, Town Planner

STAFF REPORT

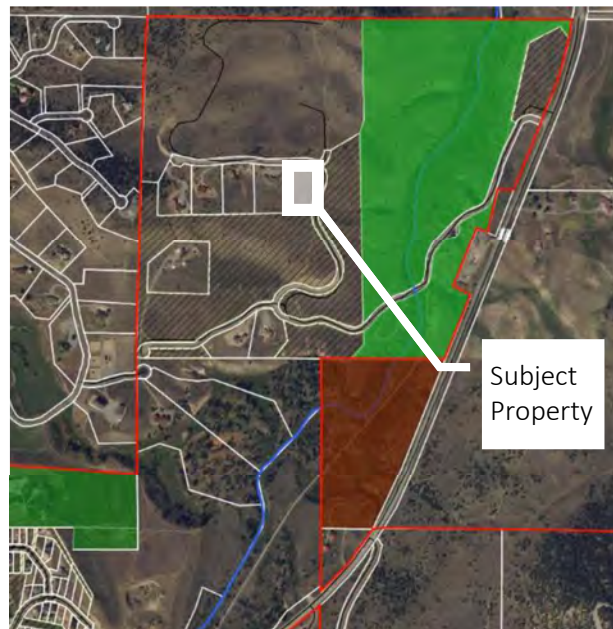
Request: Variance, request for building envelope relocation per plat map
Legal: RiverSage PUD – Filing No. 1, Lot 4
Addresses: TBD RiverSage Drive
Parcel #: 430509211004
Zone: Low-Density Residential (R)
Applicants: David and Ellie Kehmeier
Owner: Kehmeier 2000 Living Trust
Initiated By: Shay Coburn, Town Planner
Date: January 28, 2020

 REQUEST

Phase 1 of the RiverSage Subdivision was platted in 2009 at Reception No. 200985. The subdivision is the northern boundary of the Town. The properties are zoned Low-Density Residential and are each roughly 2 acres in size with approximately half-acre building envelopes surveyed and platted for each lot. Lot 4 is the middle of the development, on RiverSage Drive. This variance request is to relocate the building to improve views, minimize visual impact of the residence, and minimize impacts to create access/a driveway.

Submitted with this application are the following:

- Hearing application and fee
- November 8, 2019 letter to RiverSage HOA Design Review Board requesting approval to change the building envelope
- November 11, 2019 letter from RiverSage DRB approving the request for building envelope relocation
- November 8, 2019 email from neighboring Lot 5 owner supporting the request to move the building envelope
- Warranty Deed and Certificate of Trust
- Site Plan, floor plans, elevations and 3D images



The property and hearing have been noticed and posted pursuant to the Town's regulations.

 REQUIREMENTS

Plat Map

There are a couple of plat notes on the RiverSage P.U.D. - Filing No. 1 plat map that are related to this request. Plat Note 7 identifies the intent of the building envelopes, HOA approval, procedures for relocating building envelopes (including implicating review procedures in Municipal Code Section 7-3-18), review considerations, and requires a survey and new plat recording with any approved envelope relocation. Plat Note 8 prohibits any excavation or locating of the septic or leach field outside of the building envelope

without receiving a variance from the Town. Plat note 8 was amended on 12/07/2016 under reception number 217549 in the Ouray County records. The variance criteria specified in Plat Note 8 do not appear to apply to this request. The criteria and procedures in Plat Note 7 are being applied to this request.

Plat Notes 7 reads as follows:

7. BUILDING ENVELOPE LOCATION. This Plat Designates a Building Envelope on each lot which is approximately one half acre (21,780 square feet) in size, or smaller. Building Envelopes have been located by the Declarant in locations designed to minimize the visual and environmental impact of the homes in the subdivision. Building Envelopes may be relocated only if a Lot Owner follows the following Process:

A. A Lot Owner must apply for and receive written approval from the RSHOA DRB to relocate the building envelope. The RSHOA DRB shall only approve the relocation of the Building Envelope if it finds that the new location will mitigate the visual impact of the structures on the Lot in a manner equal to or better than the original building envelope. In making this determination, the RSHOA DRB may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.

B. The Lot Owner must apply for and receive approval from the Ridgway Planning Commission. The Lot Owner must submit all application materials requested by Town Staff and pay a fee equal to the fee charged by the Town for an application for other land use reviews. The application and review procedure by the Town Planning Commission shall be as set forth in RMC section 7-3-18 as the same may be amended in the future. The Planning Commission shall only approve the relocation of the Building Envelope if it finds, after a public hearing, that the new location will mitigate the visual impact of the structures on the Lot in a manner equal to or better than the original building envelope. In making this determination, the Planning Commission may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.

C. Upon approval of the Town Planning Commission, the Lot Owner shall, at his sole expense, record a "Building Envelope Relocation Plat" prepared by a licensed surveyor, which has the signatures of both the RSHOA DRB and the Town Planning Commission.

RMC §7-3-18 Review Procedure

(A) All requests for approval of an appeal, a variance, a conditional use, a change in a nonconforming use, or other action which is required to be reviewed pursuant to this Subsection by these Zoning Regulations or other Town Ordinances, shall be reviewed by the Planning Commission, or Board of Adjustment, as provided in these Regulations.

(B) The applicant requesting approval of a variance, appeal, conditional use, change in a nonconforming use, or other action required to be reviewed pursuant to this Subsection shall submit an application upon forms supplied by the Town accompanied by any other required information or information which he may desire to submit. A single application may contain a request for more than one action. The application shall be accompanied by application fees as set by Subsection 7-3-20. No formal application need be submitted or fee paid for action initiated by the Town or Planning Commission.

(C) A hearing shall be set before the appropriate Board after receipt by the Town of a properly completed application form and all other required information.

(D) Notice of the hearing shall be posted at Town Hall 10 days before the hearing and posted, visible from each street frontage abutting the property, for at least 10 days prior to the hearing in addition to any other notice required by Town regulations. (Ord 14-1998)

(E) At the hearing scheduled, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Reviewing Board may limit testimony, evidence, and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor to strictly follow the Rules of Evidence as applied by the Courts. The hearing may be tape

recorded or otherwise electronically recorded. The applicant, or other interested party may, if he desires, have the hearing recorded by a court reporter, at his expense. The hearing may be continued from time to time as necessary. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met, including proper notice.

(F) The Reviewing Board shall announce its decision within 20 days of the completion of the hearing. It shall not be necessary for the Reviewing Board to provide written findings or conclusions, except upon the request of the applicant, or other party appearing or participating in the hearing. The decision of the Reviewing Board with respect to requests for approval of a variance, conditional use, or change in a nonconforming use, or appeal shall be final, subject only to review by certiorari in the courts. The Town shall have the right to appeal any such decision to the courts. Upon the filing of an appeal or request for review in the courts, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review, shall pay the Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

(G) The Reviewing Board may approve the requested action only upon finding that all applicable criteria and requirements of these Zoning Regulations or other Town ordinances have been met. If it determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Reviewing Board determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties, in writing, as part of the decision.

ANALYSIS

This request is to move the building envelope to the north. The diagram to the right shows the existing building envelope in black and the proposed relocated envelope in red. It should be noted that per Plat Note 8, building or septic systems cannot be located outside of the building envelope. The Applicant has stated that they will comply with Plat Note 8 and are not requesting a variance to that note.

Plat Note 7 Requirements

A. RSHOA DRB Approval - Letter dated November 11, 2019 from the RSHOA DRB approves this request to relocate the building envelope.

B. Approval from the Ridgway Planning Commission - Through a public hearing, the Commission will determine if the relocated building envelope “will mitigate the visual impact of the structures on the lot in a manner equal to or better than the original building envelope. In making this determination the Commission may take into account the lot contours, proposed home design, proposed landscaping, solar access and the location of the neighboring building envelopes.”



a. Lot contours – It appears as if access from the north of the lot will reduce the amount of excavation needed to install a driveway in order to access to the property. This is similar to neighboring lots to the west. Also, the current building envelopes straddles a natural drainage path for the neighboring lots and building on or very near this natural drainage ways is not preferable.

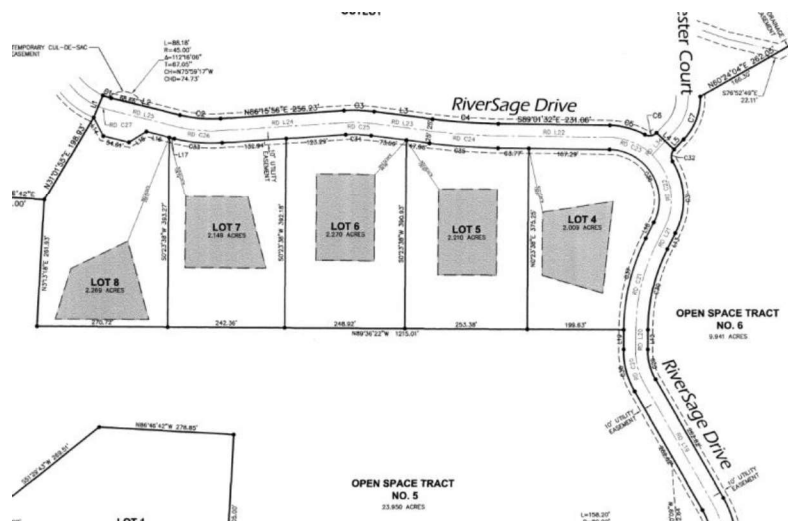
b. Proposed home design – It appears as if the proposed home design is similar to those neighboring lots to the west. This includes a single story visible from the portion of RiverSage Drive that runs east west and a second floor below that serving as a walkout level. See graphic below looking at the proposed home from about the northeast, or near the intersection of RiverSage Drive and Chester Court.



c. Proposed landscaping – while a landscape plan for this lot is not present with this application, the Applicant mentioned in their letter that there are mature trees that would have to be removed if they had to build in the existing building envelope. In this type of large lot development, it is preferable to preserve as much of the native landscape as possible and was one of the original intents of this subdivision. The landscape plan will be reviewed at upon submittal for a building permit.

d. Solar access – solar access for the neighboring lot should not be affected. By moving this building envelope to the north, and up higher in elevation, solar access should be improved for the Applicant.

e. Location of the neighboring building envelopes – Lot 5 is the closest and only neighboring lot to the west. See snapshot below from the plat map. By siting this building envelope further north, this will preserve views of the Cimarron range for neighboring Lot 5 and reduce the overall visual impact to that one neighbor. The Applicant has summited an email from the owners of Lot 5 stating their support for this application.



C. Survey and record a new "Building Envelope Relocation Plat"

This will need to happen with any approval of the Commission to relocate the building envelope, and will need to occur before any building permit could be issued. The plat certificates for the RSHOA DRB and Town Planning Commission need to be present as indicated by Plat Note 7. The plat will need to be prepared, signed by the HOA and surveyor, and then submitted to the Town for review and signatures. Town will record the plat map and request reimbursement from the Applicant. For an example, see the plat recorded at reception number 216707 in Ouray County records. The Applicant has already contacted staff to begin to work on this requirement.

STAFF RECOMMENDATION

The burden is on the Applicant to prove the criteria have been met. It appears as if the criteria have been met through the detailed materials submitted. Staff recommends approval of this application to amend the building envelope for Lot 4 RiverSage PUD Filing 1.



Posted notice from RiverSage Drive looking southwest.



Official Use Only

Receipt # _____

Date Received: 11/20/19

Initials: SC

Planning Commission Hearing Request

General Information

Applicant Name

David and Ellie Kehmeier, TTE

Application Date

11/15/2019

Mailing Address

6620 Creekview Court, San Jose, CA 95120

Phone Number

408-859-3283

Email

djkehmeier@sbcglobal.net

Owner Name

David and Ellie Kehmeier, TTE

Phone Number

408-859-3283

Email

djkehmeier@sbcglobal.net

Address of Property for Hearing

905 Riversage Drive, Ridgway, CO 81432

Zoning District

Residential

Brief Description of Requested Action

Approval to relocate the building envelope on Riversage Lot 4

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input checked="" type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$ _____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

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.

For 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).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

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



For Rezoning


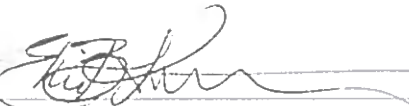
- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☐ 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.

  11/15/2019
Applicant Signature Date

  11/15/2019
Owner Signature Date

Attachments:

1. Letter to Riversage HOA Design Review Board (DRB) requesting approval to relocate building envelope.
2. Riversage HOA DRB approval letter
3. Approval email from neighboring Lot 5 owner (Kent)
4. General Warranty Deed (proof of ownership)

November 8, 2019

To the Members of the Riversage HOA Design Review Board (DRB):

Per Note 7 of the Riversage Plat, we hereby request written approval from the DRB to change the building envelope on Riversage Lot 4.

The general design concept for the home we plan to build on Lot 4 is a main level above a “walk-out basement.” The main level will include the primary living areas, the garage, and main entryway. The home will be oriented to optimize views of the San Juans to the south and Cimmarons to the east. For ease of access, and to minimize visual impact to ourselves and neighboring lots, the parking area will be located north of, and at the same elevation as the main level. If necessary, we will construct a berm to hide the parking area from the road and lots to the north. The existing homes on Lots 5-6 have similar configurations.

Based on this design concept and the topography of Lot 4, we would like to relocate the existing building envelope to the north and change its shape as needed for the following reasons:

- The topography of the northwest corner of Lot 4 is relatively flat, so siting our home up the slope to the north will significantly reduce the amount of excavation needed to create a level parking area north and “behind” the home. This will also minimize the length of the driveway (and its associated excavation), as we would access the home from Riversage Drive on the north side of the lot. This home site location will also decrease the trenching needed for utility access.
- The existing building envelope straddles a natural drainage for the neighboring lots. Any structures or landscaping in this area would impede the natural drainage of the neighborhood. Likewise, the leach field for the septic system should not be located near the natural drainage area.
- Given the location and orientation of the home on Lot 5, siting our home within the existing building envelope places it directly in the sight line to the Cimmarons of the Lot 5 home. Siting our home as far to the north as possible will significantly reduce its visual impact on the Lot 5 home. We have spoken to the owners of Lot 5 (the Kents) and they approve.
- Siting the home as far north and west as possible will likely avoid having to remove existing trees that are too mature to be successfully transplanted to other locations on the lot. This will also create a larger, uninterrupted wildlife corridor to the south. Both factors help realize objective #5 of the Riversage Design Guidelines and Standards: “To preserve and protect natural resources within the subdivision and to preserve the natural environment for all wildlife which exists throughout the property.”

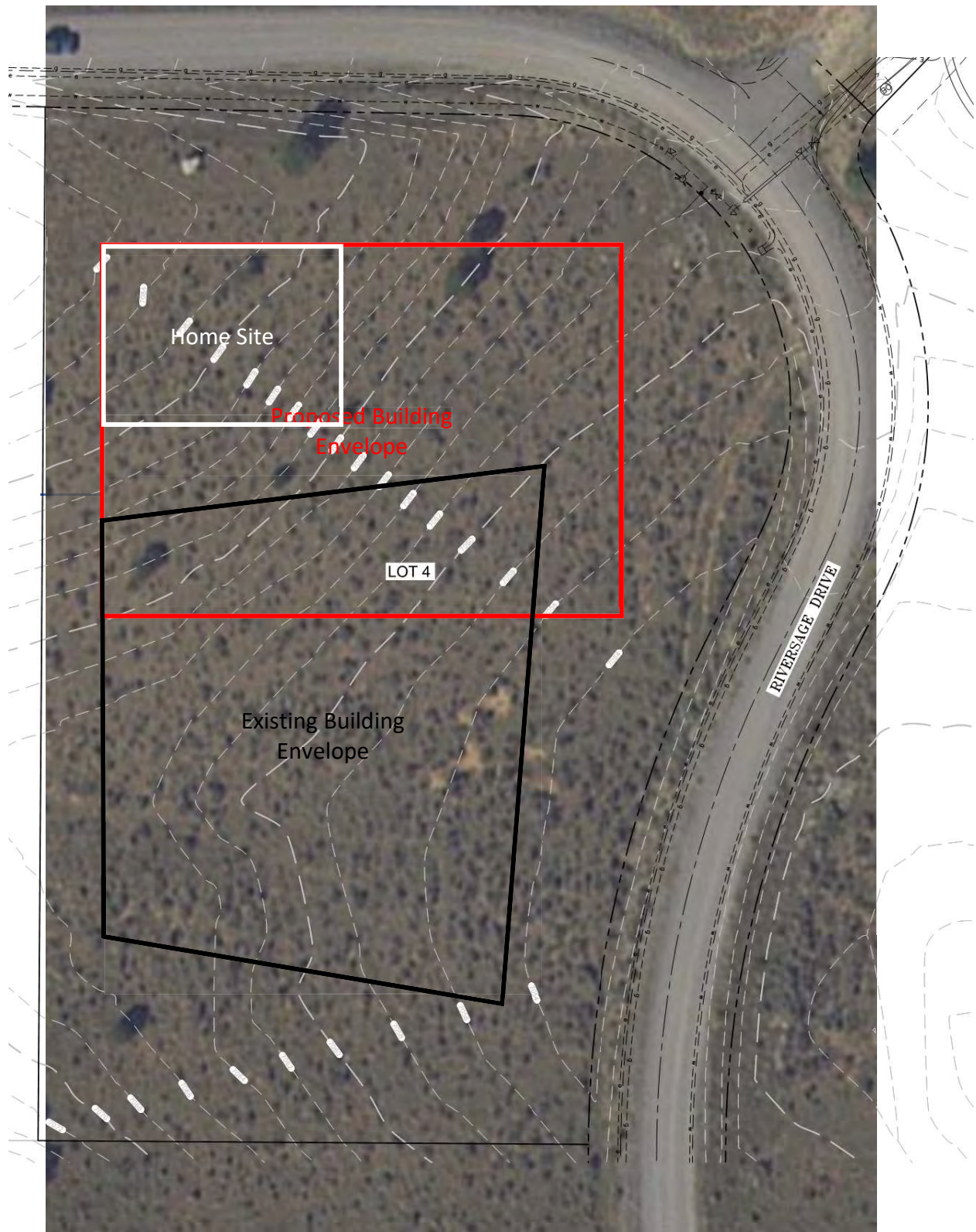
To meet the setback requirements of the Riversage Design Standards and Guidelines, no part of the new building envelope will be within 50 feet of any roadway or within 15 feet of any lot lines. Also, the enclosed area of the new building envelope will be no greater than that of the existing building envelope (0.5 acres).

The attached drawing shows the current and proposed building envelopes along with a general location for the home site itself. The drawing is not to scale; locations and sizes are approximate.

Thank you for considering this request. Please let us know if you have questions or need additional information.

Sincerely,

Dave and Ellie Kehmeier



RIVERSAGE RIDGWAY. LLC
P.O. BOX 557, Ridgway, CO 81432
970-275-8866
rweaver2401@gmail.com

November 11,2019

TO: Ridgway Planning Commission
FROM: RiverSage DRB
RE: Lot 4 Building Location Relocation Approval

To the Ridgway Planning Commission:

David Kehmeier, the new owner of RiverSage Lot 4, is requesting to relocate his 1/2 acre building envelope. Pursuant to Plat Note #7, the RiverSage Design Review Board has met and approved his application. Thank you for your consideration and assistance.

Regards,

Rick Weaver

RiverSage DRB

From: kelvin kent kelvinbeckykent@gmail.com

Subject: Re: Request for DRB Approval to Change the Building Envelope on Lot 4

Date: November 8, 2019 at 12:38 PM

To: Dave Kehmeier djkehmeier@sbcglobal.net

Cc: Kelvin Kent kelvinbeckykent@gmail.com, Sarah Marino sarahmarinophoto@gmail.com, David Young gdavidyoung@hotmail.com, Kim Hughes kdhughes2008@gmail.com, Rusty Weaver ruslonweaver@gmail.com, Rick Weaver rweaver2401@gmail.com, Ellie Kehmeier ekehmeier@yahoo.com



As you all know, we are the adjacent lot and the ones to be most affected. We have looked at the impact of moving the building pad as Dave has indicated and have no problems with this.
Kelvin and Becky

On Nov 8, 2019, at 12:48 PM, David Kehmeier <djkehmeier@sbcglobal.net> wrote:

Hi Everyone -

I met with three local architects while I was in Ridgway in September to discuss designing and building our home on Lot 4. All three of them recommended we consider moving the building envelope to the north for the reasons explained in the attached letter, which is our formal request to the Riversage Design Review Board for approval to make the change.

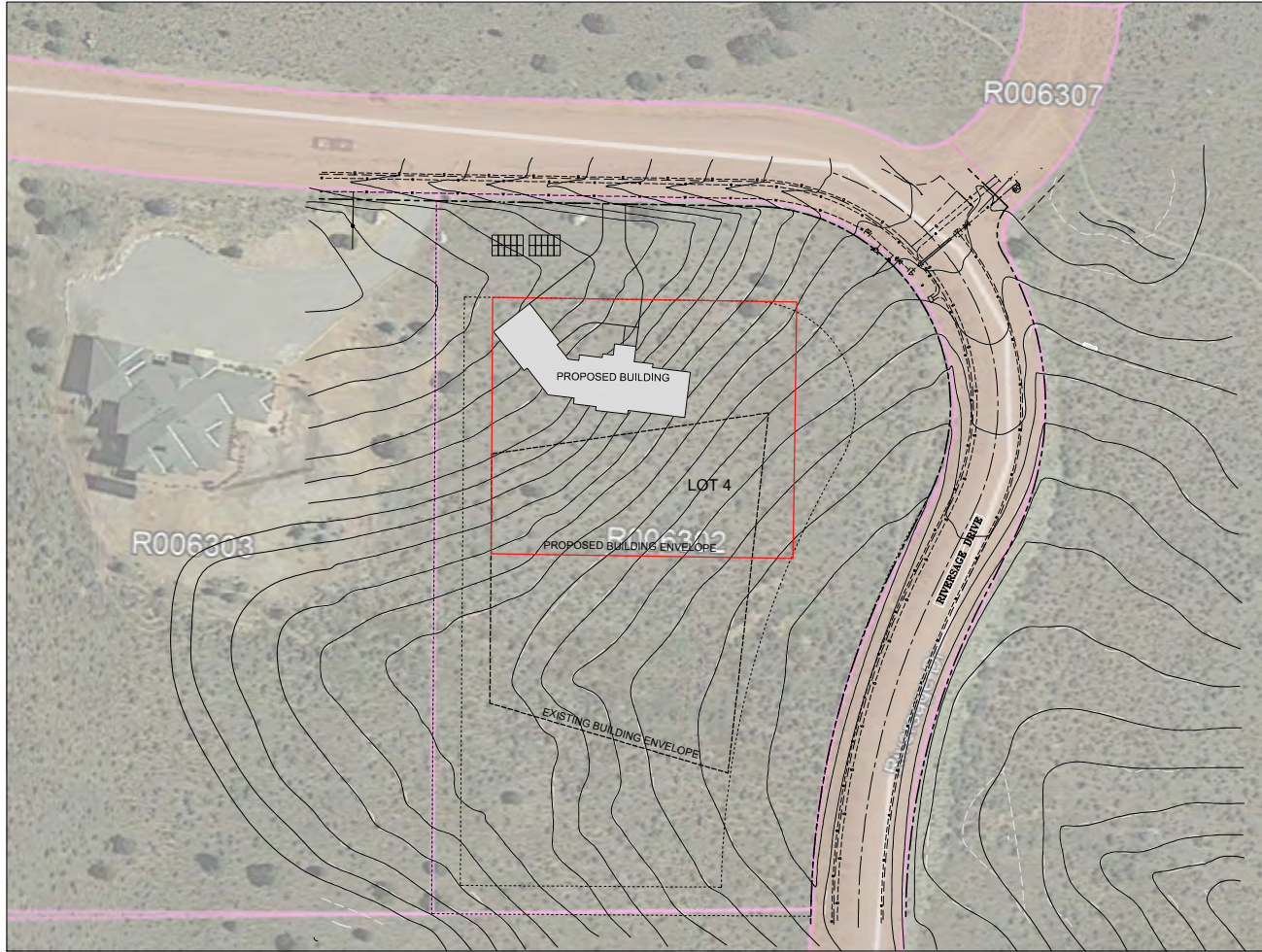
If you approve this request, we would like to go before the Ridgway Planning Commission in December or January at the latest. They require a written approval from the DRB, which I assume would be in the form of a signed letter.

Please let me know if you have questions or need anything else from me to approve this request.

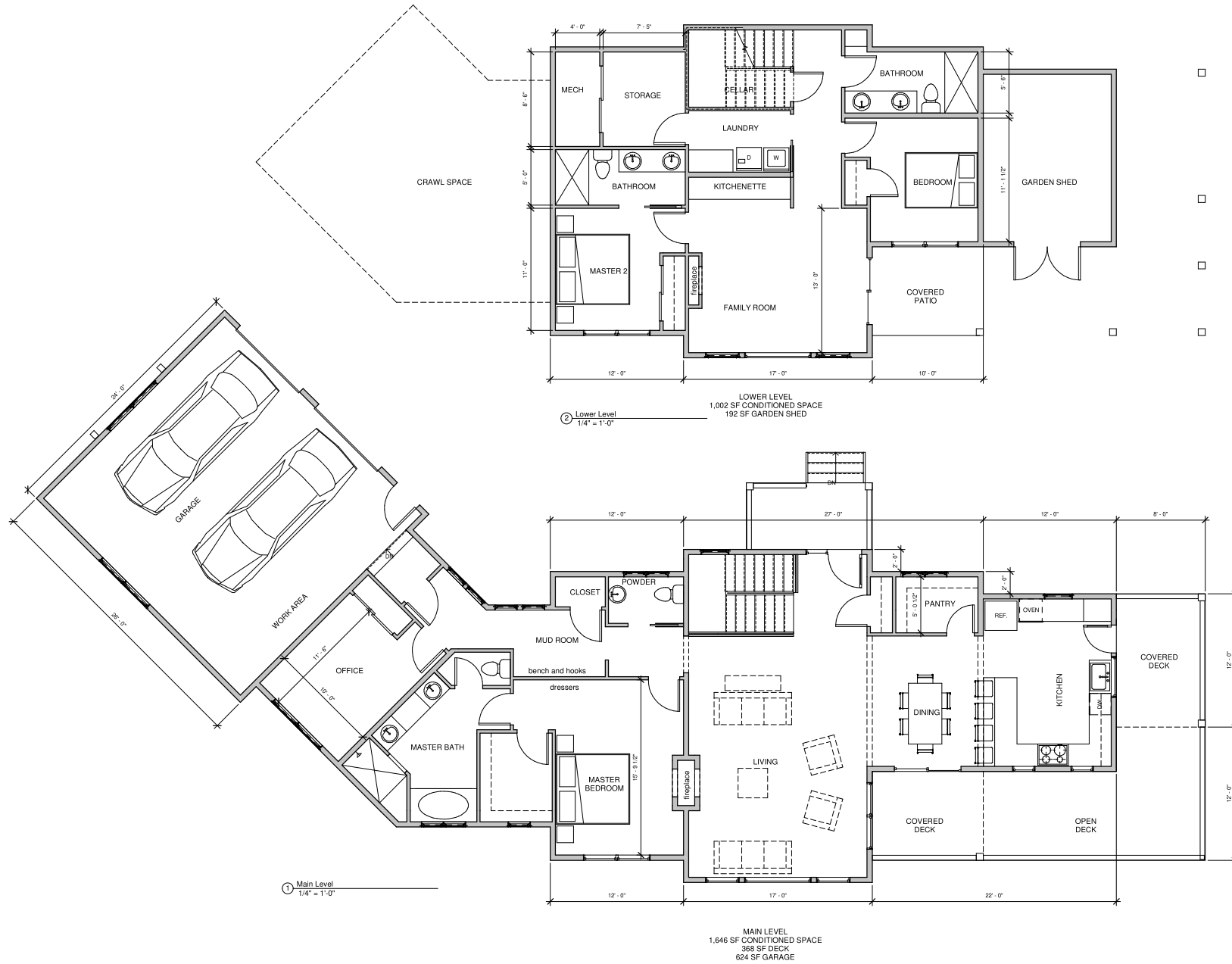
Thanks,

Dave

<Microsoft Word - Lot 4 Building Envelope Change Request.docx.pdf>



1 PROPOSED SITE PLAN
1" = 30'



<h1>HINES DESIGNS, LLC</h1> <p>PHONE: 970.636.2300 185 N MAIN STREET, BOWEN, CO 81402</p>	
<p>Kehmer Residence Riversage Lot 4</p>	
<p><small>All contents of these drawings are the property of Hines Designs, LLC. No part of these drawings may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from Hines Designs, LLC.</small></p>	
<p>Schematic Design January 17, 2020</p>	
<p>Floor Plan A2.1</p>	



① North
1/4" = 1'-0"



② South
1/4" = 1'-0"

HINES DESIGNS, LLC

PHONE: 970.636.2300
185 NIMBLE STREET, BOGARTOWN, CO 81602

Kehmeier Residence
Riversage Lot 4

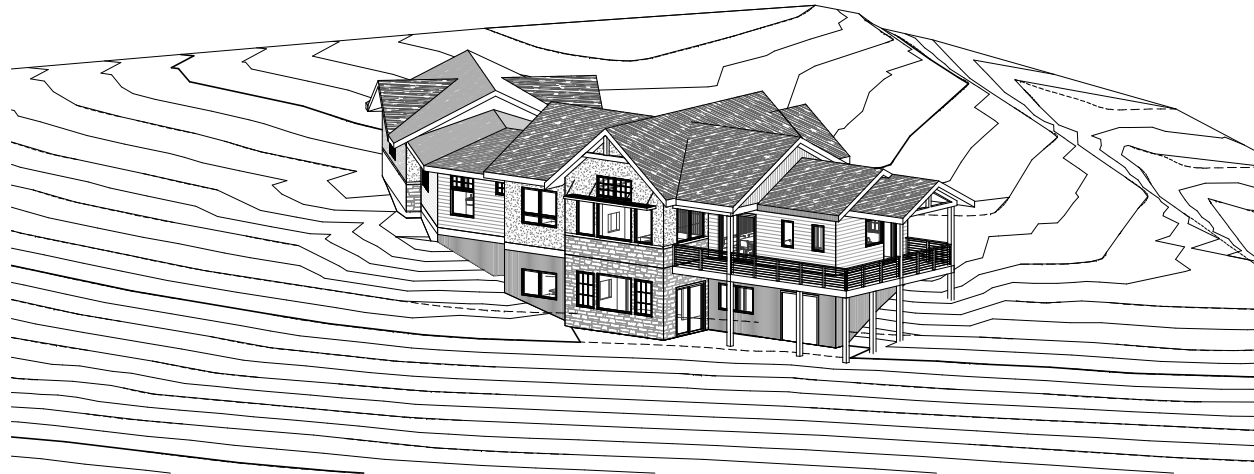
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Schematic Design

January 17, 2020

Preliminary Elevations

A4.1



① View 1



② View 2

HINES DESIGNS, LLC

PHONE: 970.636.2300
185 NIMBLE STREET, BOWEN, CO 81602

Kehmeier Residence
Riversage Lot 4

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Schematic Design
January 17, 2020

Preliminary 3d Views

A4.2



KEY PLAN
NOT TO SCALE



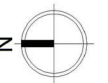
LEGEND

TOWNHOMES	5 BLDG'S 10 UNITS
MULTIFAMILY	3 BLDG'S 24 UNITS (8 PER BLDG)
MIXED USE	4 UNITS UPPER FLOOR/ 3,200 SF COMM.
COMMERCIAL	2,000 SF RESTAURANT

TOTAL RESIDENTIAL = UNITS 38 (INCLDS. 4 DEED RESTRICTED UNITS)
TOTAL COMMERCIAL SF = 5,000 SF

KEY NOTES:

1. DRAINAGE DETENTION AREAS
2. PROPOSED BUS STOP
3. PROPOSED MAIL BOX LOCATION
4. PROPOSED RIVER TRAIL AND RESTORATION
5. PROPOSED RESTAURANT PATIO



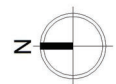
SCALE: 1" = 40'-0"

RIDGWAY TRIANGEL PARCEL

CONCEPT SITE PLAN

FEBURARY19,2020





SCALE: 1" = 40'-0"



PROGRAM SUMMARY



CHARLES CUNIFFE
ARCHITECTS

Project: Ridgway Triangle Parcel

Date: February 19, 2020

From: CCA

Job #: 2001

PROJECT SUMMARY

The proposed triangle parcel project is a mixed use development with the commercial elements adjacent to the main highway and residential along the river and within the central area of the site. The residential component has a total of 38 residential units mix between 10 townhomes and 3 multi-family buildings. There will be four Deed Restricted units mixed throughout the various unit types.

PROGRAM

A. Townhome: 2- story; 24,250 sf (5 buildings) 10 UNITS

a. Living 1,850 sf (3 BR's) + Garage 2 cars 575 sf 2,425 sf ea

B. Multifamily: 2-story 11,200 sf 8 UNITS

- a. 2 - 3 BR Units 1,250 sf
- b. 2 - 2 BR Units 850 sf
- c. 4 - 1 BR Units 500 sf
- d. Garage 2,700 sf 8 spaces
- e. Circulation/ storage 2,300 sf

C. Multifamily: 3-story 14,070 sf (2 buildings) 16 UNITS

- a. 2 - 3 BR Units 1,260 sf
- b. 6 - 2 BR Units 942 sf
- c. Garage 1st level 3,768 sf 16 spaces (tandem, 2 per unit)
- d. Circulation/ storage 2,130 sf

D.1 Mixed Use: 2-story 8,000 sf 4 UNITS

- e. Ground Level
 - Commercial 3,200 sf Ground floor
- f. Upper Level
 - Res 4-2- BR Units 800 sf
- g. Circulation/ Storage 1,600 sf
- h. Parking: uncovered at grade
 - i. Commercial 3,200 sf/ 250 = 12.8 spaces
 - ii. Residential 2 spaces/ unit= 8 spaces

D.2 Mixed Use: 1-story 2,000 sf

- i. Commercial 2,000 sf
- j. Parking 2,000 sf/ 100 = 20 spaces

TOTAL COMMERCIAL 5,200 SF

TOTAL UNITS 38



TRIANGLE PARCEL RIDGWAY

PRELIMINARY DESIGN –INFORMAL PLANNING COMMISSION REVIEW

02/25/2020



Charles Cunniffe Architects
CCA | A Collaboration of Design Leaders



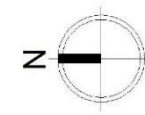


CONSTRAINTS/ CHALLENGES

1. Cdot coordinated entry
2. Access easement
3. Utility easement
4. Adjacent building shadow
5. Buffer back of commercial from residential
6. Buffer residential from hwy

OPPORTUNITIES

7. Connection to Town Walking bike path
8. Commercial buffer, use of access easement -Rest. Comm. on river w/ patio, views
9. Recognize/ design to sun path optimize unit daylighting
10. Recognize main views
11. Residential: optimize views, daylight, riverfront and greenspace





PROGRAM

A. Townhome: 2- story; **24,250 sf (5 buildings)** **10 UNITS**
a. Living 1,850 sf (3 BR''s) + Garage 2 cars 575 sf 2,425 sf ea

A. Multifamily: 2-story **11,200 sf** **8 UNITS**
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d. Garage 2,700 sf 8 spaces
e. Circulation/ storage 2,300 sf

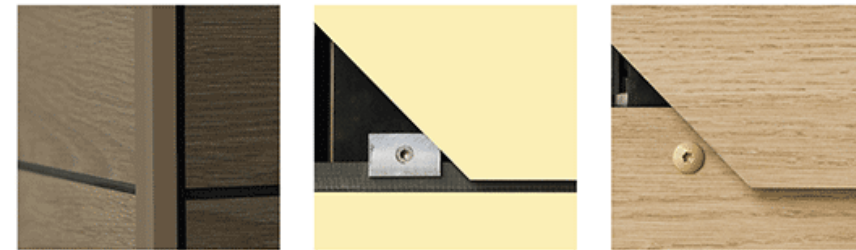
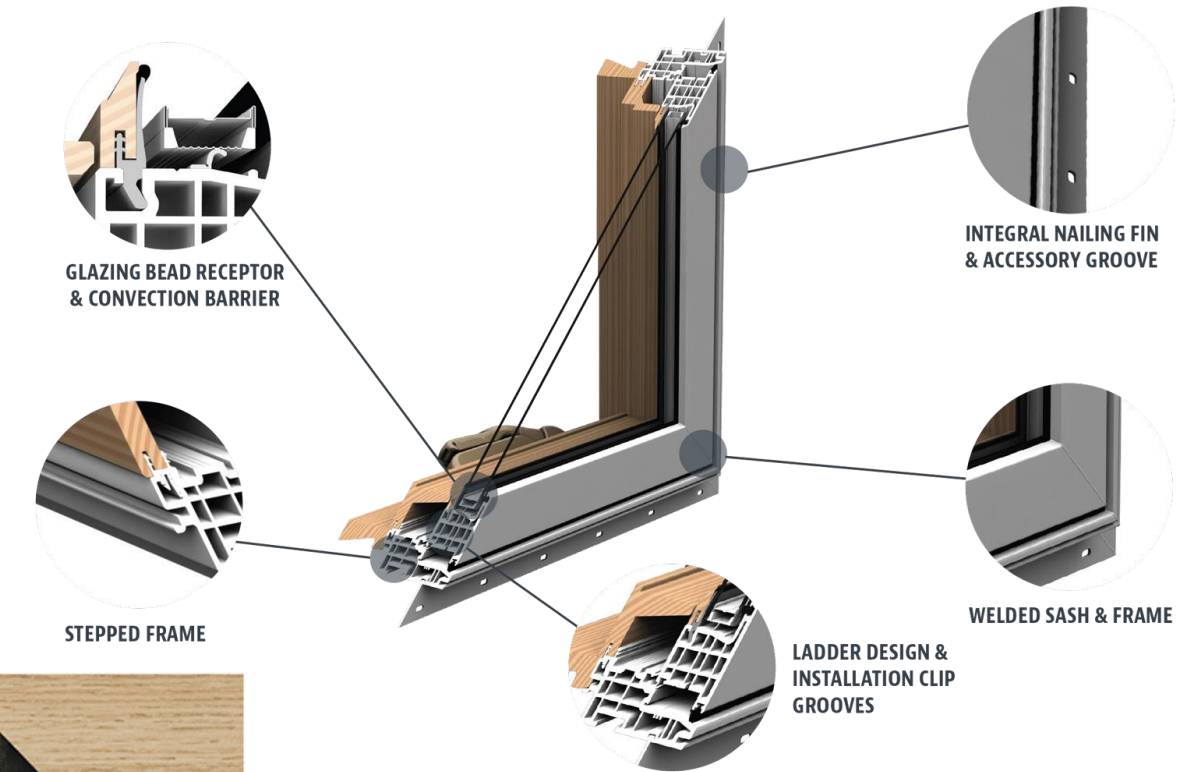
A. Multifamily: 3-story **14,070 sf (2 buildings)** **16 UNITS**
a. 2 - 3 BR Units 1,260 sf
b. 6 - 2 BR Units 942 sf
c. Garage 1st level 3,768 sf 16 spaces (tandem, 2 per unit)
d. Circulation/ storage 2,130 sf

D.1 Mixed Use: 2-story **8,000 sf** **4 UNITS**
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 Commercial 3,200 sf Ground floor
a. Upper Level
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 ii. Residential 2 spaces/ unit= 8 spaces

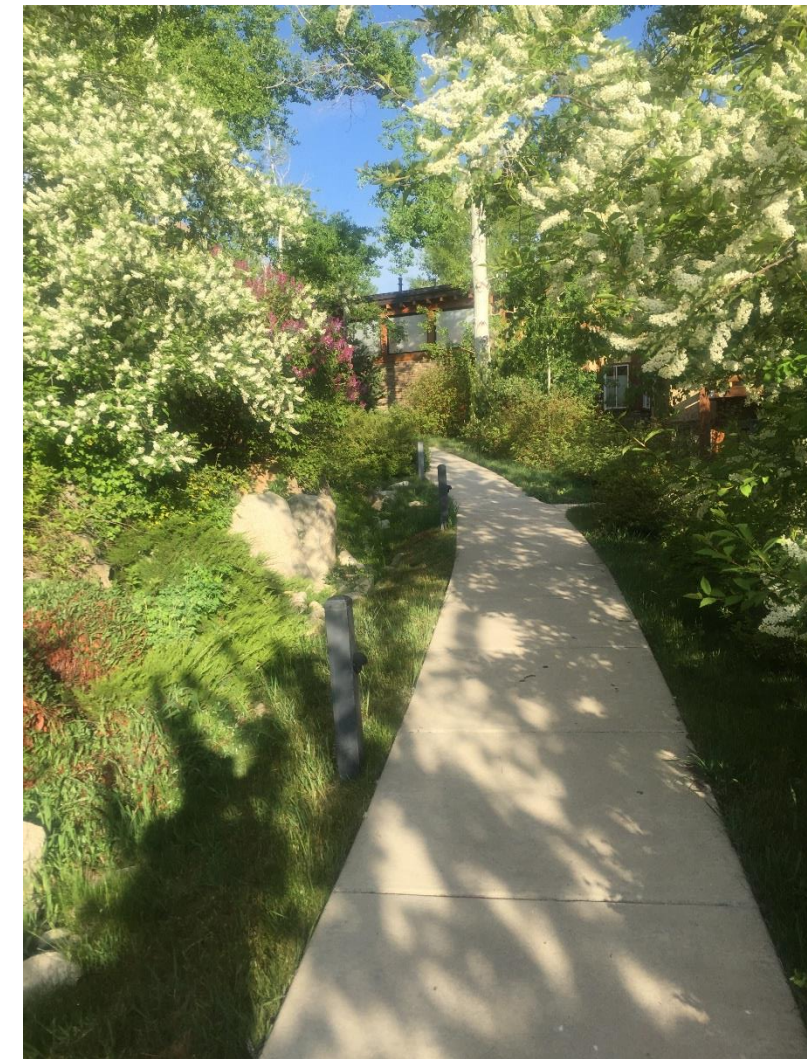
D.2 Mixed Use: 1-story **2,000 sf**
a. Commercial 2,000 sf
b. Parking 2,000 sf/ 100 = 20 spaces

TOTAL COMMERCIAL 5,200 SF **TOTAL UNITS 38 (Beds 96)**





- SOLAR: analysis for Life Cycle Cost and Payback
- GLAZING: Use of high efficiency window/ glazing components- high U-value
- ENERGY EFFICIENCY: High efficiency boilers – Hydronic heating possible
- INSULATION: Spray foam insulation/ or Combination- exterior envelope
- EXTERIOR FINISHES: Use of predominantly Low to No maintenance exterior materials
- WATER: Low flow plumbing fixtures; On site well use for irrigation.
- Geothermal: Team will explore the feasibility for site geothermal



- Recognize our climate change in the design approach
- Utilize plants which thrive on less water and maintenance
- Hydrozones, achieved by grouping plants according to their watering needs
- Employ organic mulches to minimize surface water evaporation
- Turf areas can be created with mulch, water-efficient groundcovers or alternative grasses such as tall fescue or blue grama
- Separate the area from tree, shrubs, flowers and other plants to make for more efficient watering



Community Character



Neighborhood Character



Occupant Health and Wellbeing



AIR



WATER



NOURISHMENT



LIGHT



FITNESS

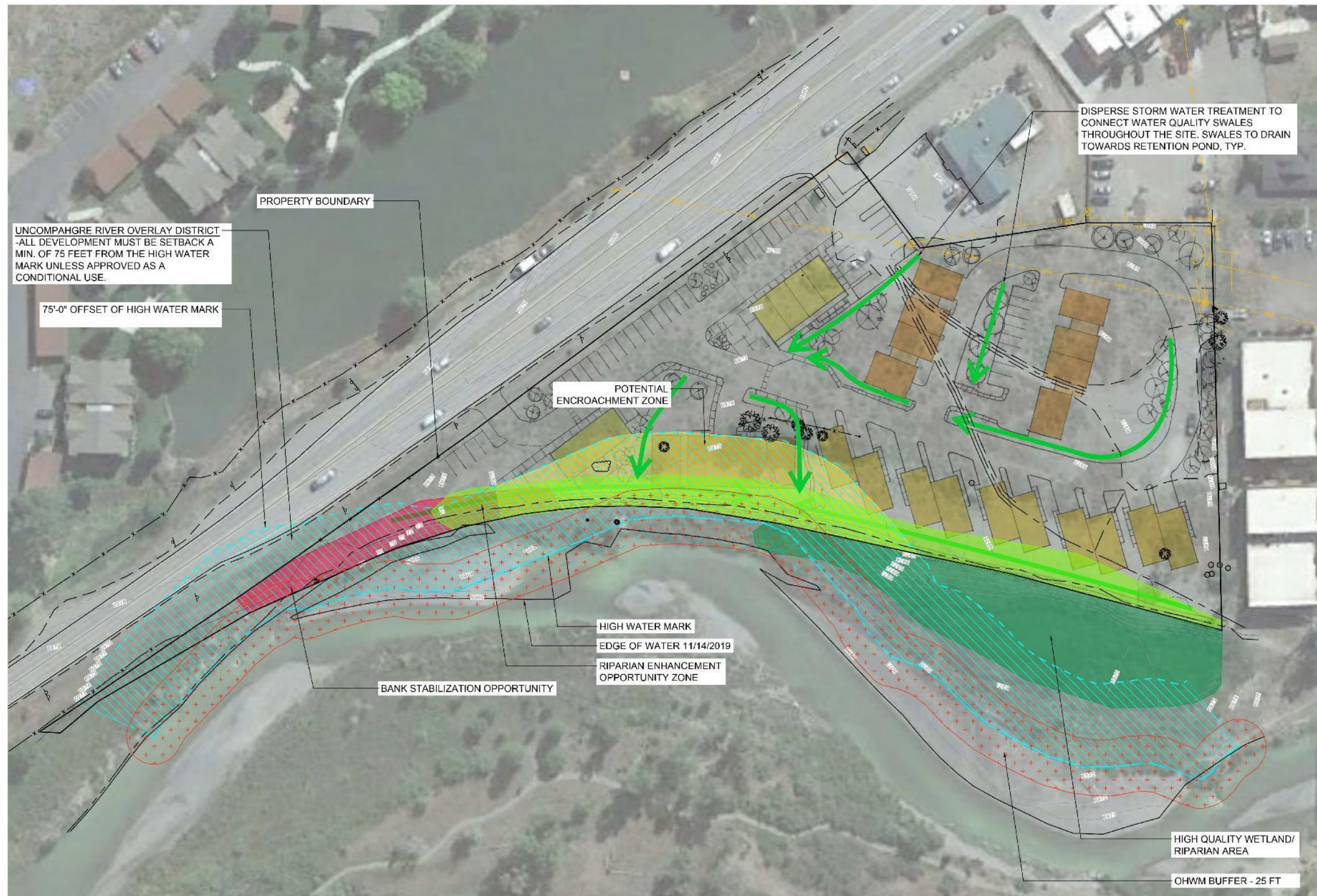


COMFORT



MIND





LEGEND

- PROPERTY BOUNDARY
- OHWM BUFFER - 75 FT
- OHWM BUFFER - 25 FT
- RIPARIAN ENHANCEMENT OPPORTUNITY ZONE - 20,233 SF
- BANK STABILIZATION OPPORTUNITY - 7,978 SF
- POTENTIAL ENCROACHMENT ZONE - 21,146 SF
- HIGH QUALITY WETLAND/ RIPARIAN AREA - 0.62 AC



180 Main Street, Suite 110
 Carbondale, CO 81623 | 970.963.6520

Attachment 1 - Site Analysis Graphic

UNCOMPAHGRE STATION
 February 2020

- Man-made Fill**
- Sparse Vegetation**
- Opportunity for Riparian Enhancement Zone**

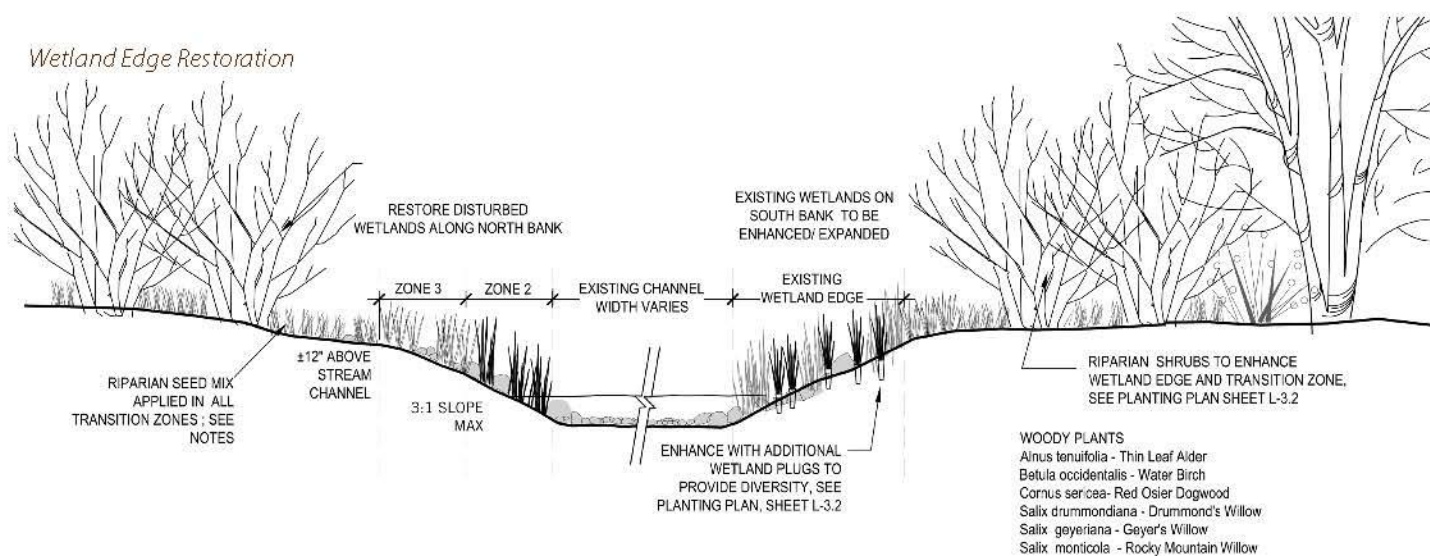
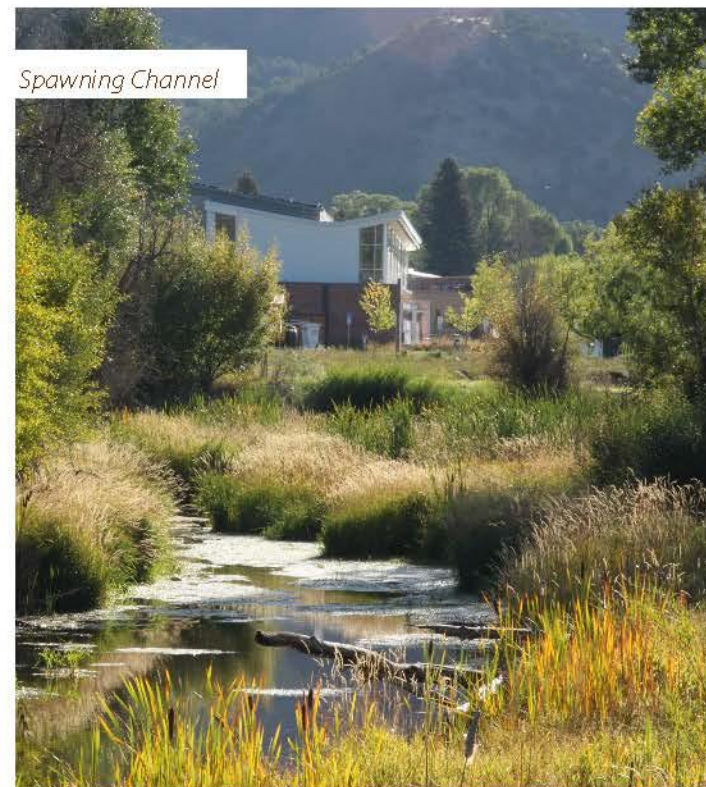
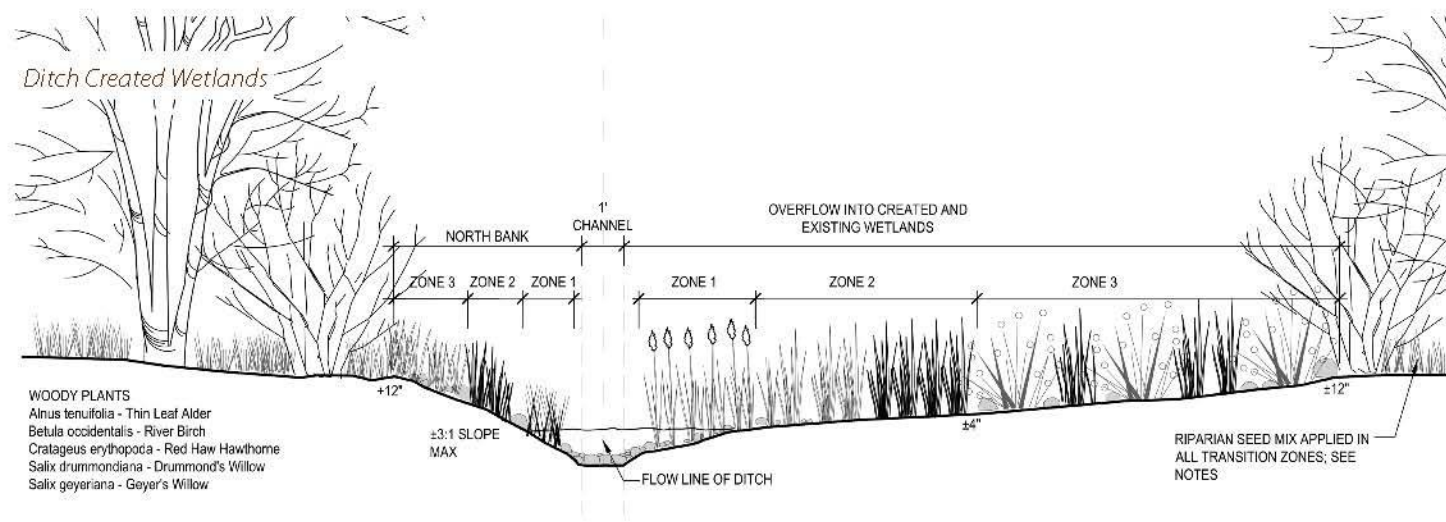


- Proposed Encroachment Area
- Predominantly Weedy, Non-Native
- Disturbed Fill Area



- Existing Wetlands**
- Lower Bench Adjacent to River**
- Protect and Enhance Edge**







To: Planning Commission and Community Members
From: Shay Coburn, Town Planner
Date: February 25, 2020
Re: Project Update: Master Plan Implementation – Land Use Code Updates – Phase 1, Housing

ACTION BEFORE COMMISSION

No action is needed.

SUMMARY

A Joint Workshop with Town Council, Planning Commission, and the public was held on February 10, 2020. There were about 35 community members in attendance as well as most of the Council and Commission. The proposed edits to the Municipal Code were generally well received with some finer details discussed. All participants at the workshop and those unable to attend are to submit their comments by Monday, February 24. These comments will be compiled and send to the consultant team for consideration. Staff will work with the consultant team to reconcile the comments and bring a revised draft of edits to the regular March Planning Commissions meeting on March 31, 2020.



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

To: Planning Commission
From: Shay Coburn, Town Planner
Date: February 25, 2020
RE: Sign Regulations, RMC 7-3-12 – Legal and Administrative Updates

ACTION BEFORE THE PLANNING COMMISSION

The Commission is asked to review the proposed edits to the Sign Regulations below and make a recommendation on next steps. Staff would recommend that the next steps include staff drafting an ordinance based on the edits below for Town Council to consider.

PROPOSED MOTION

"I move that staff prepare an ordinance addressing edits to the Sign Regulations as proposed below *[with or without modifications]* to be recommended to Town Council for approval."

SUMMARY

In the Town's 2020 Strategic Plan, item 4 under Well-Managed Growth states "Sign Code Updates." These updates are needed to comply with the 2015 ruling in the case of Reed v. Town of Gilbert which contemplates content-based restrictions on signage. The proposed edits shown below are not a comprehensive update to the Sign Regulations and should not substantively change the meaning of the regulations. Staff has incorporated a few administrative edits as well, like clarifying confusing or contradicting language.

PROPOSED EDITS TO THE SIGN REGULATIONS

Proposed edits are shown in track changes. Comments are also included to help explain the reasoning for the proposed edit.

7-3-12 SIGN REGULATIONS.

- (A) Compliance Required: It shall be unlawful to erect or maintain any sign except in conformity with the requirements of this Subsection. Signs not in conformity with the provisions of this Subsection are hereby declared to be a nuisance which may be abated by the Town in any lawful manner.
- (B) Signs Allowed Without a Permit: The following may be erected, maintained and used without a sign permit as long as they are properly maintained in accordance with the requirements of this Paragraph (B) and Paragraph (F) and with other applicable requirements of this Subsection, State law and Town ordinances and regulations, and are not prohibited by Paragraphs (C) or (D):
 - (1) Official traffic control devices, signs, and notices erected, owned and maintained by the United States, the State of Colorado, the Town of Ridgway or any of their political subdivisions for official governmental purposes.
 - (2) Any pennant, motto, or insignia of any nation, state, political subdivisions, religious, civic, or fraternal organization, or school except devices which are used to promote business activity.
 - (3) Works of art unless they are used to promote business activity.



- (4) Temporary decorations, displays and banners which are customarily displayed and associated with holidays or celebrations and banners associated with Town endorsed civic events.
- (5) Scoreboards, unless used to advertise business activity.
- (6) Public utility warning signs, construction warning signs, and signs warning of other hazards, with no sign face larger than 10 square feet in area.
- (7) Identification signs incidental to the use of vehicles attached to the vehicle.
- (8) Traffic control devices with no sign face larger than 3 square feet.
- (9) One or more temporary signs with an aggregate sign face area of no more than 3 square feet in the Residential and Historic Residential Zoning Districts and 16 square feet in all other zoning districts, for the premises upon which they are located. Signs identifying a project and contractors involved therein shall only be allowed during the construction period. All "For Sale" signs shall be taken down when the sale of the premises is closed.
- ~~(10)~~ One temporary sign with no sign face more than 12 square feet in area identifying a project and the contractors involved therein during the construction period.
- ~~(11)~~ (10) One bulletin board per street frontage not over 20 square feet in area for the purpose of announcing events of civic interest, which is owned and maintained by a charitable or religious institution.
- ~~(12)~~ (11) Memorial signs and tablets, or cornerstone signs identifying the building and its date of construction. Such signs shall be cut into masonry surface, inlaid so as to be part of the building or constructed of incombustible materials.
- ~~(13)~~ Temporary real estate "For Sale" or "For Rent" signs.
- ~~(14)~~ (12) Signs upon vending machines, gasoline pumps, or packages of goods which relate to the contents thereof.
- ~~(15)~~ (13) Temporary signs advertising Town approved civic events during the period of the event. All such signs may be erected only with the approval of the Town Council except for those displayed in Town Parks which may be approved by Town Administrative Staff.
- ~~(16)~~ (14) Signs within buildings which are located no closer than 6 inches to any window or which are not legible from distances of 5 feet or more.
- ~~(17)~~ (15) Repealed by Ordinance 7-2006
- ~~(18)~~ (16) Temporary signs on the Ridgway School Ball Field fence, provided they do not face Highway 62, that they are only up during baseball season, and that all such signs be controlled and administered by the Ridgway School Administration.
- ~~(19)~~ (17) Signs devoted to non-commercial, ideological or political speech which do not exceed 10 square feet in area.

(C) Prohibited Signs and Devices: The following are hereby prohibited within the Town:

- (1) Animated or flashing signs visible outside any building.
- (2) Balloons, or pennants, or other wind-powered devices designed to attract attention, except they may be used for civic events up to a maximum of seven days.
- (3) Repealed by Ordinance 2-2010

Commented [SC1]: Removed specific restrictions on real estate signs and contractor signs in this subsection as that could be considered a content-based restriction. These types of signs would just fall in to this category for temporary signs.

Commented [SC2]: Moved from below.

Commented [SC3]: See comment on item B(9) above.

Signs identifying a project and contractors involved would no longer be allowed to be 12sf in all districts but rather 3sf in the R and HR districts and 16sf in all other districts

Commented [SC4]: See comment on item B(9) above and F(7) below.

Commented [SC5]: "Ideological or political" could be considered content-based.



(4) The operation of search lights to promote business activities.

(D) Off Premise Signs Restricted: A sign may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except in the following circumstances:

- (1) Directional signs owned by the Town. The expense of construction and maintenance shall be charged to the businesses or organizations advertised.
- (2) Signs authorized pursuant to Subsection 7-3-12(G).
- (3) Signs allowed by Paragraphs (B)(1), (4), (104), and (135).
- (4) Signs with a message devoted solely to ~~non-commercial ideological or political~~ speech.
- (5) Tourist oriented directional signs owned and erected by the Colorado Department of Transportation pursuant to C.R.S. 43-1-420(3), which meet conditions set out in Town resolutions as in effect from time to time.

Commented [SC6]: Same comment as B(17) above.

(E) Permits:

- (1) Except for the signs specified in Subsection (B), no sign may be erected and maintained until a Sign Permit has been issued by the building official. Applications for a standard sign permit issued pursuant to this subsection 7-3-12(E) shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$35.00. Applications for permits issued pursuant to Ridgway Municipal Code Section 7-3-12(G), for signs erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit, shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$75.00.
- (2) The Building Inspector shall grant a permit only for signs which will be in compliance with the requirements of this Subsection.
- (3) The total sign face area of signs required to have a permit per ~~property building~~, other than those restricted by Subsection (6), shall not exceed the lesser of one square foot per foot of lineal street frontage of the ~~property premises~~ abutting Town streets or 150 square feet. When more than one building ~~and/or business~~ is on the ~~property premises~~, the ~~property premises~~ street frontage shall be allocated among the buildings ~~and/or businesses~~ accordingly, ~~unless otherwise approved through a Master Sign Plan. A minimum of 32 square feet of sign area shall be allowed for each separate business, as defined by lot, unit, lease, or other legally created property interest, subject to the total sign face area limitation of 150 square feet per building.~~ Total sign face area in excess of 150 square feet shall not be allowed for any ~~property building~~ unless approved through a Master Sign Plan applicable to that ~~property building~~. ~~No single business may have a sign with any face area larger than 32 square feet.~~
- (4) A Building Permit is also required for any sign with a ~~cost or~~ value over \$1,000.
- (5) No permit for a sign shall be allowed in the Residential Districts.
- (6) The total sign face area of signs required to have a permit for businesses within the Downtown Services Zoning District shall not exceed 12 square feet per business. All signs within said District shall be non-illuminated and attached to the building structures, no higher than the roof line.

Commented [SC7]: Clarified language

Commented [SC8]: There is an inequity in our code with this language. Propose to delete this sentence.

Commented [SC9]: Deleted. This is stated in F(7) below.

Commented [SC10]: Clarification. It was not clear if "value" means the cost of the sign's construction, or the value placed on it (and if the latter, by whom?).

(F) Performance Criteria: All signs shall meet the requirements of this paragraph (F) whether a permit is required or not.



- (1) All signs shall be maintained in good, legible and safe condition.
 - (2) No sign shall be erected or maintained which creates a traffic or other safety hazard.
 - (3) All signs shall be constructed and maintained in accordance with any applicable provisions of the Town's building codes.
 - (4) All signs shall be erected and maintained in accordance with applicable requirements of State law.
 - (5) No part of any sign shall be above the roof or parapet of the highest building on the property and no higher than 35 feet. No part of any freestanding sign shall be higher than 20 feet above finished grade.
 - (6) No sign may be erected or maintained which creates a public or private nuisance, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade or other effects.
 - (7) No sign shall be larger than 32 square feet in area, except a freestanding sign with more than one business advertised may have a sign face up to 56 square feet, unless approved through a Master Sign Plan applicable to the building. No sign shall have more than 2 sign faces. ~~No sign face on a temporary "For Sale" or "For Rent" sign shall exceed 7 square feet in area including riders. All "For Sale" signs shall be taken down when the sale of the premises is closed.~~
 - (8) Signs may be erected only on property which the sign owner has a legal right to erect such sign.
 - (9) All temporary signs must comply with the size restrictions set forth in Section 7-3-12(B)(9). Portable or wheeled signs displayed outside of buildings must be located so as to not impede with vehicular or pedestrian traffic, or create a traffic hazard or safety hazard or other nuisance, and must be removed at times when the advertised use or activity is not open for business.
 - (10) No more than 50% of any sign face may be internally illuminated.
 - (11) Materials – Signs lit with a dark-skies compliant external source are recommended over internally lit signs. A “halo” type sign, which uses solid letters with a light source behind them, illuminating the wall around the letters, are acceptable. If internally illuminated signs must be used, illumination of letters and graphics is allowed; however, illumination of the background is prohibited.
- (G) Signs, other than signs belonging to the Town or sponsored by the Town, conforming to size limits of this Subsection 7-3-12, may be erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit issued pursuant to either Paragraph (1) or (2) of this Subsection only on the following conditions, in addition to other applicable requirements of this Subsection:
- (1) Projecting signs:
 - (a) The sign must be supported and attached to a building.
 - (b) The sign may extend no more than 5 feet ~~from the building, 10 feet for a~~ If the is sign printed on a retractable awning, ~~the awning may extend no more than 10 feet from the building.~~ A sign may extend no more than 5 feet ~~across the Town-owned right-of-way, If the sign is 10 feet for a sign~~ printed on a retractable awning, ~~the awning may extend no more than 10 feet~~ across Town-owned right-of-way.

Commented [SC11]: This could be considered content based so it was deleted. These signs will default to the temporary sign size restriction in B(9) above.

Real estate signs would no longer be limited to 7sf in all districts but rather 3sf in the R and HR districts and 16sf in all other districts

Commented [SC12]: Clarified language.



- (c) No part of the sign may be less than 10 feet above the ground over Town right-of-way, except for a sign printed on an awning, the awning shall be at least 7 feet above the ground.
- (d) That portion of any sign face located over the Town right-of-way shall be no larger than 20 square feet in area.
- (e) No more than one sign per business may extend over the Town right-of-way.
- (f) No sign with its face parallel to the wall of the building to which it is attached, except for those printed on an awning, may extend more than 12 inches from the building, nor more than 12 inches over public property.
- (g) Plans for signs over Town rights-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff.
- (h) The revocable permit may be revoked by the Town at any time for any reasonable reason.
- (i) Proof of insurance shall be provided to the Town.
- (j) The sign may identify or advertise only that activity or use conducted upon or related to the abutting premises.

(2) Portable signs:

- (a) The sign may identify or advertise only that activity or use conducted upon or related to the abutting premises.
- (b) No more than one sign per business may be placed on Town right-of-way.
- (c) The proposal for a portable sign on Town right-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff.
- (d) The revocable permit shall specify the authorized location, and may be revoked by the Town at any time for any reasonable reason.
- (e) Proof of insurance shall be provided to the Town.
- (f) The sign must be located so that it does not interfere with Town use, impede vehicular or pedestrian traffic, or create a traffic or safety hazard or other nuisance.
- (g) The sign must be removed at times when the advertised use or activity is not open for business.

(H) General Provisions:

- (1) The area of a sign face shall include the surface area of a sign, including non-structural trim and decoration, but excluding supports or uprights. The face area of a sign painted or hung on a wall of a building, or on an awning, shall include all the area within a perimeter surrounding all words, symbols, designs and coloring, distinctive from the wall upon which it is painted. Only one side of double-faced signs that convey the same message on both faces shall be included for purposes of this calculation.
- (2) As used in this Subsection, "sign" means and includes any object, device, or message which is used to advertise, identify, display, direct, attract attention, or convey any message concerning any object, person, institution, organization, business, products, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projection, and anything else commonly known as a "sign".



(I) Nonconforming Signs:

- (1) All signs shall at all times be maintained in strict conformity with the performance criteria of Paragraphs (F)(1), (2), (3), (4), (6) or (8). All Master Sign Plans previously approved by the Town under Section 7-3-12(J) prior to April 15, 2019 shall be maintained in strict conformity with such Town approval. Any signs not in compliance with these specific performance criteria and/or Master Sign Plans approved prior to April 15, 2019 shall be removed.
- (2) All signs shall at all times be maintained in strict conformity with the performance criteria of Paragraph (F). Any sign not in compliance with Paragraph (F) shall be removed.
- (3) The right to maintain a nonconforming sign shall be terminated and the sign removed or brought into full compliance with this Subsection under the following conditions:
 - (a) Abandonment of the sign, abandonment or termination of the related business, an interruption in continuance of the business for 6 months.
 - (b) A violation of any of the performance criteria of Paragraph (F) (1), (2), (3), (4), (6) or (8).
 - (c) The destruction of the sign, removal of the sign or damage of the sign, such that the cost of replacement or repair is greater than 50 percent of the replacement cost of the original sign.
 - (d) The creation of any additional violation of or nonconformity with these regulations.
- (4) A list of nonconforming signs shall be developed and maintained by the building inspector with owners notified and given a copy of Paragraph (I).

(J) Master Sign Plans:

- (1) Purpose: To provide flexibility for the amount of signage and size of signs for multi-tenant buildings and developments to ensure signage is available for business and facility wayfinding and identification. To protect the health, safety and welfare of the community while preserving Town aesthetics.
- (2) Applicability:
 - (a) A Master Sign Plan shall be encouraged for all properties with multi-tenant buildings and/or multiple buildings in which three or more non-residential tenants or businesses are present.
 - (b) Any property with multiple-tenant buildings or multiple buildings in which ~~three~~three or more non-residential tenants existing at the time of adoption of this section that does not have a Master Sign Plan is encouraged to apply for a Master Sign Plan at the time of application for a new sign at the site.
 - (c) Any property owner with multi-tenant and/or multiple buildings in which two or more non-residential tenants or businesses are present, may apply for a Master Sign Plan.
- (3) General Regulations:
 - (a) All signs subject to a Master Sign Plan shall apply for and receive a sign permit before any sign may be installed.
 - (b) All signs on the site shall conform at all times to the approved Master Sign Plan and other applicable sign regulations.



- (c) Master Sign Plan shall run with the property for which it was issued and not with individual tenants or businesses.
- (d) Applications for a Master Sign Plan shall be submitted to the Town on forms supplied by the Town accompanied by the fee per Ridgway Municipal Code Section 7-3-20. At a minimum the applicant shall submit the following information to the Town:
 - (i) Identification of the property for which the Master Sign Plan application shall apply;
 - (ii) Proof of property ownership, or partial ownership, and signatures from all property owners included in the proposed Master Sign Plan;
 - (iii) Total sign area allowed per Ridgway Municipal Code Section 7-3-12 and the total sign area requested with the Master Sign Plan;
 - (iv) Site plan showing location of all existing and proposed signs on property, with distance from property lines;
 - (v) Building elevations/pictures showing location of all existing and proposed signs on property, with height of all signs from the ground;
 - (vi) Dimensions and type of all existing and proposed signs, including the unit number/address for each;
 - (vii) Any proposed lighting for the signs, including location, type, kelvin and lumens for each fixture;
 - (viii) Proof that the criteria for approval have been met.
- (e) Through these Master Sign Plan regulations the following deviations from the specified dimensional requirements may be considered.
 - (i) A free standing sign may be up to 30% larger than the 56 square feet limitation of 7-3-12(F)(7).
 - (ii) Up to 30% more than the allocated square footage per 7-3-12(E) (3) of sign area may be allowed.

Deviations shall not be considered for any other sign regulations in the Ridgway Municipal Code.
- (4) Criteria for Approval:

The proposed Master Sign Plan:

 - (a) will not be contrary to the public health, safety or welfare;
 - (b) will not create traffic hazards;
 - (c) provides for adequate assurances of safety from natural conditions such as wind, snow and ice as it relates to the proposed signs;
 - (d) will not unreasonably interfere with neighboring commercial businesses or properties;
 - (e) provides for signs that are reasonably necessary to operate the business or businesses on the property;
 - (f) the burden shall be on the applicant to show that these criteria have been met.
- (5) Review Procedure:



- (a) Within 14 days of receipt of ~~the~~ a completed application accompanied by the applicable fee for a Master Sign Plan, or a minor change to an existing Master Sign Plan, the Town will administratively approve or deny the application according to the Criteria for Approval. It shall not be necessary for the Town to provide written findings or conclusions, except upon request of the applicant.
 - (i) To the extent an application for a Master Sign Plan or minor change is denied in whole or in part, the requesting party may appeal to the Planning Commission as set forth in subsection (5)(b) of this section. Such appeal shall be in writing and submitted within 7 days of the Town's decision and review shall be de novo.
- (b) Within 14 days of receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change to a Master Sign Plan, the Planning Commission will set a hearing:
 - (i) The hearing shall be heard at the next regularly scheduled Planning Commission meeting for which proper notice of the hearing can be made, and no later than 40 days after receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change of a Master Sign Plan. A hearing that must be continued due to time constraints or other delays, may be continued for an additional 7 days beyond the 40 day deadline, assuming the hearing was commenced within the 40 day deadline. By mutual agreement, the applicant and the Planning Commission may also extend the 40 day and 7 day deadlines set forth in this subsection.
 - (ii) At the scheduled hearing, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Planning Commission may limit testimony, evidence and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Court. The hearing should be tape recorded or otherwise electronically recorded. The application, or other interested party may, if so desires, have the hearing recorded by a court reporter, at the ~~applicants~~ applicant's sole expense. The burden is upon the applicant in all cases to establish that the applicable criteria for any action are met.
 - (iii) Notice of the hearing shall be posted at Town Hall at least 10 days before the hearing, and posted visibly for each street frontage abutting the property for at least 10 days prior to the hearing, in addition to any other notice required by Town regulations.
 - (iv) The Planning Commission shall announce its decision according to the Criteria for Approval within 14 days of completion of the hearing. It shall not be necessary for the Planning Commission to provide written findings or conclusions, except upon request of the applicant, or other party appearing or participating in the in the hearing. The decision of the Planning Commission with respect to an application for major change of to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan shall be final, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure. Upon the filing of an appeal under Rule 106, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filings such appeal or such review, shall pay the



Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at the applicants expense.

- (v) The Planning Commission may approve the requested action only upon finding that all applicable criteria and requirements of these Master Sign Plan regulations or other Town ordinances have been met. If it determines such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Planning Commission determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties in writing as part of the decision, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure.

(6) Amendments to Approve Master Sign Plans:

- (a) Minor Changes: Minor changes are those changes that do not alter the overall characteristics of the existing Master Sign Plan and that create no adverse impacts on adjacent uses, infrastructure, or public safety. Examples of what may be considered a minor change include, but are not limited to, 1) changes in the location of a signs 2) replacement of existing signs that are the same size or smaller than the existing sign, and 3) changes in the number of signs, as long as the aggregate square footage remains the same.
- (b) Major Changes: Major changes are those that can alter the overall character of the Master Sign Plan and which could create adverse impacts on adjacent uses or public infrastructure. Examples of what may be considered a major change include, but are not limited to, 1) changes in the total square footage of the Master Sign Plan, and 2) requests for deviations per 7-3-12(J)(3)(e).

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

January 28, 2020

CALL TO ORDER

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

PUBLIC HEARINGS

1. Application for Variance to relocate building envelope; Location: River-Sage Planned Unit Development (PUD), Filing 1, Lot 4; Address: To-be-Determined RiverSage Drive; Zone: Residential; Applicants: David and Ellie Kehmeier; Owner: Kehmeier 200 Living Trust.

Staff Report dated January 28, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for Variance in the RiverSage Subdivision. She explained Plat Note 7 provides a process to relocate building envelopes in the subdivision which includes approval from the Planning Commission. Coburn also explained that moving the building envelope will preserve much of the existing natural vegetation and mountain views for the neighboring lot. She recommended approval of the application because the applicant has followed the procedures outlined in the plat note and the materials submitted with the application show criteria has been met.

Applicant David Kehmeier said the wildlife corridor running through the lot will be preserved by relocating the building envelope and the existing building envelope straddles a natural drainage path for the neighboring lots which could be problematic.

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

ACTION:

Mayor Clark moved to approve the Variance Request for Building Envelope Relocation for RiverSage PUD-Filing 1, Lot 4 because the criteria have been met. Councilor Cheek seconded the motion, and it carried unanimously.

OTHER BUSINESS

2. Reminder: Master Plan Implementation

Planner Coburn reminded the Commission a joint workshop for the Town Council and Planning Commission will be held on February 10 at 6 p.m. in the Ridgway Community Center. The workshop will address housing for the Phase 1 updates to the Land Use Code and a materials packet will be emailed for review one week prior to the workshop. She noted that good feedback has been received since the last Planning Commission meeting and encouraged spreading the word about the workshop.

APPROVAL OF THE MINUTES

3. Approval of the Minutes from the Meeting of December 3, 2019

ACTION:

Commissioner Liske moved to approve the Minutes from December 3, 2019. Mayor Clark seconded the motion, with Commissioner Emilson and Councilor Cheek abstaining, and it carried unanimously.

4. Approval of the Minutes from the Meeting of January 7, 2020

ACTION:

Commissioner Nelson moved to approve the Minutes from January 7, 2020. Councilor Cheek seconded the motion, with Commissioner Liske Emilson abstaining, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk