

PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
MARCH 31, 2020

CALL TO ORDER

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

PUBLIC HEARINGS

1. Application for Deviation to Single Family Home Design Standards for Roof Pitch; Location: Hirsch Subdivision, Parcel A, Block 4; Address: 202 North Amelia Street; Zone: Historic Residential (HR); Applicant: Nicholas Wasser; Owner: Nicholas Wasser

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for a roof pitch of 1:12 which is a deviation from the required 3:12 roof pitch. The deviation would apply to most of the roof planes she explained. Coburn noted the proposed architecture provides compensating features and it will be compatible with other structures in the vicinity, as required in order for the request to be considered. The Applicant's letter submitted with the request disclosed the sun exposure will improve for the neighbor to the north, the view from the proposed structure will improve, and the 1:12 roof pitch will make a proposed solar system more feasible and cost effective she concluded.

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

ACTION:

Commissioner Nelson moved to approve the Application for Deviation for Roof Pitch; Hirsh Subdivision Parcel A, Block 4; Address: 202 North Amelia Street because criteria has been met. Commissioner Liske seconded the motion and it carried unanimously.

2. Application for Variance to Building Height; Location: Block 34, east 92 ft. of Lots 11-12, Lots 13-15; Address: 185 North Lena and TBD North Lena /Clinton Streets; Zone: Historic Business (HB); Applicant: Conterra Workshop; Owners: Catherine and Steven Chevalier and Firehouse Investment Real Estate LLC

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner; *Elevation Showing Parking* and *Diagram of 3-Story Street Sections* depicting setbacks verses no setback, submitted by the Applicant as an addition to the Hearing Packet.

Planner Coburn presented an application for a variance to build up to 6 ft. above the allowed building height in the Historic Business District. She explained the request is for specific portions of buildings within the proposed culinary arts complex. Coburn noted this hearing is a continuation of the Planning Commission's December 3, 2019 Regular Meeting in which the applicant received

approval for other variance and conditional use requests. However the Commission determined the Applicant did not provide enough information at that hearing for this variance to be considered. The Planner noted the original request was for building height of 39 ft., and the request has changed to 41 ft., so the applicant will need to better explain how the criteria of practical difficulty or unnecessary hardship has been met.

John Baskfield of Conterra Workshop said the Owner's priorities for the project are to preserve the Town's historic Firehouse and Lucy's Garden. The building placement in the project is designed to celebrate that preservation. He noted the floor thicknesses have structural and mechanical components engaged within the floor systems, and they are down to the minimum requirement. Baskfield said the practical difficulty is because the site slopes about 8.5 ft. from the southwest to the northeast. The first floor is designed to step, to meet the elevation, creating short ceilings in some of the garages along the alley. This will allow a consistent height for the 2<sup>nd</sup> floor. In addition, the project requires an elevator and the elevator shaft needs twelve feet of clearance above the roof to function correctly. Commercial units require 9 ft. of floor-to-floor height, and the condominium units should have 9 ft. ceilings to make them marketable for sale. The sale of the condominium units will help the project to be financially viable he continued. Mr. Baskfield also explained substantial justice is done by preserving the Firehouse in its location and the new construction is pulled back in a way that really celebrates it. There is abundant architecture, and the project will have public spaces at the street level, namely Lucy's Garden as well as other amenities to be provided with the development. The areas where the buildings portions are over 35 ft. have been set back from the lot line allowing sunlight to the street, thereby creating a pedestrian presence that is more in scale with a small town, and the project aligns with the Master Plan Baskfield concluded.

The Chairperson opened the hearing for public comment.

Tammy Tuttle, Owner of True Grit Café, expressed her concerns about how the project will impact future development in town. Tuttle said she has issue with the overall project because it does not fit with the town's personality; the gargantuan building will change the height and variance requirements for future structures; the complex dominates the corner of the block and it will take away from the old western feel in that corner because it does not fit in with the existing buildings on Lena and Clinton streets. She asked what the next step in the process would entail and if there be another opportunity to voice her concerns.

Chris Hawkins of Alpine Planning spoke in favor of the project noting height and mass of the Bank Building, and referenced a historic hotel from the 1800's that was a much larger building than proposed in this request. Mr. Hawkins said the project was appropriate because adding density in the core of town makes sense.

Resident Terese Seal said she supports the height variance and noted other tall buildings in town such as the Silver San Juan. She said she is in favor of the project because she supports density in town as well.

The Chairperson closed the hearing for public comment.

The Planning Commission discussed the request with the applicant. Mr. Baskfield clarified that the site elevations had not been surveyed prior to the December Planning Commission Meeting. The elevation in the northeast corner of the lot was more than anticipated, and an additional 1'6" was added to the 3<sup>rd</sup> floor plate thickness which was needed for the mechanical system.

Planner Coburn addressed the public comments and explained that the Town Council empowers the Planning Commission to make final decisions for requests such as variances and conditional uses. Many of the elements in the project are a use by right in the HB District. This request will receive a final decision from the Planning Commission and no other decisions will be made unless the applicant applies for additional variances or conditional uses. The building permit process is the next step and it will be processed in accordance to Ridgway's Municipal Code.

**ACTION:**

Mayor Clark moved to approve the Application for Variance to Building Height; Location: Block 34, east 92 ft. of Lots 11-12, Lots 13-15; Address: 185 North Lena and TBD North Lena /Clinton Streets; Zone: Historic Business; Owners: Catherine and Steven Chevalier and Firehouse Investment Real Estate LLC. The approval is based on the understanding that practical difficulty has been met, applicable to the strict letter of the height limitation; the specific physical characteristics of the lot, the ground starting point being determined by the sidewalk, the Firehouse, back alley, the 8 ft. elevation change between the highest and lowest point on the parcel, as well as the setback for the condominiums at the northeast corner of the project. Substantial justice is done based on the points presented in the hearing by the Applicant. The approval is for a deviation up to 41 ft. and it must be in substantial compliance with the drawings, elevations and perspectives presented in the hearing packet for the March 31, 2020 Planning Commission Regular Meeting. Councilor Cheek seconded the motion and it carried with six Commissioners in favor and one Commissioner opposing.

**3. Application for Sketch Plan; Location: Triangle Subdivision Lot 1; Address: TBD Highway 550; Zone: General Commercial; Applicant: John Simone; Owner: Alpine Homes-Ridgway LLC.**

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner. Revised *Architectural Site Plan, Triangle Parcel, Lot 1, Triangle Subdivision, Ridgway, Colorado* submitted by the Applicant as a late addition the Packet.

The Town Planner presented an application for Sketch Plan for a planned unit development. The Sketch Plan is for a mixed use development that would include thirty eight residential units, commercial buildings, shared amenities and shared parking. She reviewed the requirements pursuant to the Municipal Code and noted a conditional use approval is required for the proposed residential units and the proposed buildings encroaching within the setback of the Uncompahgre River Overlay District (UROD). Coburn noted the runoff and drainage calculations need to be included with the preliminary plat submittal, easements need to be reconciled and the project must comply with the Town's updated Storm Water Master Plan. She further explained the applicant should clarify why fourteen individual lots are proposed in the development and the lot layout and access to the development will need to be adjusted to meet code. Planner Coburn commented the applicant should also clarify the placement for the public access easement along the river trail and from Highway 550 on the Site Plan. The applicant has proposed four deed restricted units, and restricting short term rentals should be discussed with this application she concluded.

John Simone, Developer with the Project Team reviewed the revised Architectural Site Plan that addressed proposed changes to the application. Simone explained there will be one large lot to simplify the review process regarding setbacks, easements, building orientation, and there will be one Home Owner's Association. Primary access to the lot will be to the northern aspect of the lot along Highway 550 as recommended by the Colorado Division of Transportation (CDOT). CDOT has recommended closure of the driveway to neighboring Mountain Annie's (Triangle Subdivision Lot 2) for safety issues. However that driveway will still have limited access, remain gated, unpaved

and signed for emergency use only. The building encroaching into UROD has been architecturally reconfigured to reduce the encroachment area, and he addressed the comments in the Staff Report regarding parking, building height and deed restricted units.

The Town Planner and Project Team member David Schieldt, discussed his letter submitted with the Hearing Packet regarding the *Floodplain Research Summary*. He explained how the 30-year old Federal Emergency Management Administration (FEMA) Map was reconciled to the current survey and lot topography. Mr. Schieldt assured that a surveyor or engineer could issue an elevation certificate preventing problems for future home owners because the project will be constructed well above the floodplain elevation line.

The Owner for Alpine Homes-Ridgway LLC said his intent is to create a development for locals with connectivity to town and explained how the residential units will be marketed for sale to the local community.

Team member Walker Christensen said the ecological study reveals little to no habitat value on the upper portion of the lot, though wetlands exist below the lot on the river, which is on Town property. The existing river bank will be enhanced to increase the buffer between the river and the development and that will provide an opportunity to improve the ecology of the site he concluded.

Jim Kehoe, Architect for the project said the 2-story building on Lot 3 of the development will be revised to comply with the 50' length requirement. He commented the access drive's width is based on conversations with CDOT and asked for clarification regarding the Town's requirements. Planner Coburn referred him to subdivision design standards in RMC 7.4.7(C)13 and noted the Town will default to the CDOT requirements for highway access.

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

The Commissioners discussed the application with the Owner and the Development Team. The Owner agreed short term rentals should be limited; a retail sign for that part of the corridor would include signage for Mountain Annie's (currently located on Triangle Lot 2) to prevent a non-conforming sign issue, and an easement to accommodate future access across the highway would be provided.

The Planning Commission confirmed with Planner Coburn that the residential use in the General Commercial Zone is a good strategy for this parcel; the conditional use request for building height regarding the two central buildings is supported; more information will be needed to determine if setbacks are okay; the conditional use for the UROD setback will need to be reconsidered with the changes proposed by the Applicant at this meeting; the Drainage Plan should be reviewed with staff before further design; existing easements will be reconciled along with other updates to the Topographic Survey and Existing Conditions Map; the proposed project budget should be reviewed by the Town Engineer; the lot layout should be revised as proposed by the Applicant at the meeting; the current measurement of 36 ft. for the primary driveway access would be better at 40 ft., at least for the drive in the commercial areas; a drive narrower than 40' may be considered for the residential area; one established access point is adequate as recommended by CDOT but a secondary emergency access is also needed; the fire truck access diagram will need to be reviewed once the access locations and drive widths are determined; parking appears adequate as further explained by the Applicant at this meeting; floodplain issues need to be worked out with staff, it appears as if the Town's Flood Plain Development Regulations will need to be followed; the utility plan should be discussed with Town staff before moving forward; the proposed pedestrian trail through the parcel

and along the river way should be a public access easement; an access easement should be provided at the north end of the property to accommodate future access from across the highway; an easement should be provided for a Town sign at the north end of the property; short-term rentals should be restricted in some way; the development will provide 4 deed restricted affordable units in a variety of units types and locations; and staff will work with the Applicant on posted notice requirements of the code.

#### ACTION:

Mayor Clark moved to approve the Application for Sketch Plan; Location: Triangle Subdivision, Lot 1; Address TBD Highway 550; Zone: General Commercial; Applicant: John Simone; Owner: Alpine Homes-Ridgway, LLC, with the affirmations made by the Planning Commission during this hearing's discussion as well as the previous hearing's discussion; including the comments and recommendations listed in the Staff Report dated March 31, 2020. Commissioner Nelson seconded the motion and it carried unanimously.

#### OTHER BUSINESS

#### 4. Master Plan Implementation: Land Use Code Updates Phase 1, Address Housing

Staff Report dated March 31, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

The Planner reviewed the proposed updates to the Land Use Code. She explained comments received from the public after the second public hearing in February have been incorporated for this public meeting, and noted the public comments from this meeting should be emailed to her at [scoburn@town.ridgway.co.us](mailto:scoburn@town.ridgway.co.us) by April 14, 2020.

The Chairperson opened the hearing for public comment.

Resident Chris Hawkins asked for clarification regarding the definition of a dwelling verses a dwelling unit, size restriction on employee units, building floor area limits in various districts; allowances for smaller lot sizes in the Downtown Services District, consideration to allow Ouray County employees for employee housing, and asked that subdivision right of way requirements for subdivisions to be reconsidered.

Ben Jackson said people living and or working in Ouray County should be considered for employees housing, the employer's waiting period between marketing vacant employee units should be reduced to 45 days, and a minimum of 650 sq. ft. should be allowed for employee housing.

Don Elliot of Clarion Associates, contracted by the Town to lead the project addressed the public questions. He clarified there is a definitions for "dwelling" because of how it is used to identify different types of structures and a definition for "dwelling unit" to be used to describe where one household resides. He said square footage is limited for employee housing because it is not intended to be affordable housing but an incentive to assist Ridgway employers in recruitment of employees that cannot find housing in town, not the county.

The Commissioners discussed employer housing requirements. They also discussed rental units created within one residential dwelling unit, or "lock-off." Don Elliott suggested the number of

kitchens within a single dwelling unit should clarify the difference between a lock off unit and an accessory dwelling unit.

The Chairperson closed the hearing for public comment.

The Planning Commission agreed that for employee housing, the 90 day requirement to be able to rent to a non-employee should be reduced to 45 days; 450 sq. ft. is adequate for employee housing; and employers should be allowed to rent employee units to people employed in Ouray County after the 45 day period if they are unable to rent it to their own employee first. They also agreed that staff should incorporate the changes discussed at the hearing and what has been received from the public by April 14. The updated draft will be reviewed at the April Planning Commission Regular Meeting.

#### APPROVAL OF THE MINUTES

##### 5. Approval of the Minutes from the Meeting of February 25, 2020

#### ACTION:

Councilor Liske moved to approve the Minutes from February 25, 2020. Commissioner Nelson seconded the motion, with Commissioner Faulk abstaining, and it carried unanimously.

#### ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Karen Christian  
Deputy Clerk