

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

September 27, 2022

CALL TO ORDER

The Planning Commission convened both in-person at 201 N. Railroad Street, Ridgway, Colorado and via Zoom Meeting, a virtual meeting platform, pursuant to the Town's Electronic Participation Policy, due to the COVID-19 pandemic.

The Chairperson called the meeting to order at 5:30 p.m. Commissioners Emilson, Nelson, Meyer, Montague, and Mayor Clark were in attendance. Commissioners Franz and Liske were absent.

PUBLIC HEARINGS

1. Application for Variance to Fence Height; Location: Cottonwood Creek Subdivision, Lot 17; Address: 320 S. Amelia St.; Zone: Residential; Applicant: Efren Ramos Delgado; Owner: Efren Ramos Delgado

Staff Report dated September 23, 2022, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies. Public comment letter in support of the request from resident Robin Watkinson.

TJ Dlubac presented an application requesting a two-foot height variance to construct a fence between the front yard setback and rear property line; and a four-foot fence height variance to construct a fence between the front property line and front yard setback. He explained there is a four-foot change in elevation between the applicant's parcel and the adjacent parcel to the south. Planner Dlubac further explained the applicant suggests there is practical difficulty because the change in elevation causes privacy issues, and noted the fence is currently under construction. He did not recommend approval of the request because the criteria for variance per Ridgway Municipal Code, Chapter 7-3-21 (1) and (2) were not satisfied.

The Commissioners discussed the application with Mr. Dlubac.

The applicants explained the front and backyard fencing already existed when they bought the home in January 21'. The Delgado's discovered the already existing fence, measuring 6' 6", was encroaching onto Town property. The fence had to be disassembled and then reassembled to move it to the parcel's property line, and this is the current activity being seen. The backyard fence will conform to the Ridgway Municipal Code once completed. Mr. & Mrs. Delgado explained they also completed constructing a 4' picket fence the day before the hearing along the front yard and front side setback, so the back side yard fence is the only variance needed. The back side yard fence is currently under construction as a 6' fence and the desire is for it to be an 8' fence. They also noted the 8' corrugated front side fence is still erected. The Delgado's continued to explain the difference in elevation is in the side of the backyard and the variance to increase the fence height is only for that section of fence due to privacy issues. Mr. Delgado presented pictures to the Commissioners showing how the current six-foot fence does not shield the interior of their home for privacy.

The Commissioners discussed the requests with staff and the applicants. They recognized that there was confusion about the request and what part of the fence existed prior to the hearing. The Planning Commission noted the conditions in the Staff Report dated September 23, 2022, were different than the conditions described by the applicants which made it difficult to approve the request. They further noted the proposed fencing materials are nonconforming. Mr. and Mrs. Delgado requested the hearing be continued to the October Regular Planning Commission Meeting to provide staff the opportunity to verify the existing conditions on the parcel.

The Chairperson opened the hearing for public comment.

Kuno Vollenweider said he is familiar with the parcel and the request should be approved because there is no privacy due to the change in elevation in that section of the yard. He commented that the front yard fence does not impair the vision for pedestrians or traffic.

The Chairperson closed the hearing for public comment.

ACTION:

Mayor Clark moved to continue the Application for Variance to Fence Height for Address: 320 S. Amelia St; Location: Cottonwood Creek Subdivision, Lot 17 to the October 25, 2022, Regular Planning Commission Meeting. Commissioner Nelson seconded the motion. On a call for the roll call vote, the motion carried unanimously.

2. Application for Revised Sketch Plan; Location: Lot 3, Planned Unit Development (PUD) Ridgway Land Company Subdivision; Zone: General Commercial; Applicant: 2-Build Ridgway LLC, Owner; Ridgway Land Company, LP

Staff Report dated September 23, 2022, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies.

Planner Dlubac presented an application for Sketch Plan that was revised to address public, and Commissioner's comments made at the July Regular Planning Commission Meeting. He reviewed how the proposed Sketch Plan would change the parcel into four areas to include a mixed-use center, mixed-use apartments, affordable residence site and the integration of the southwest corner of the parcel where the REMAX Building is found. He noted The Ridgway Land Co. Subdivision Plat Restrictions stipulate limitations for land uses, circulation, parking, utility alignment, accesses and dimensional standards, and that the PUD Zoning specifically does not allow residential development. Dlubac noted the existing concern for reducing commercial use on a prime general commercially zoned parcel in town, but recommended approval of the application with the thirty-eight conditions listed in the Staff Report dated September 23, 2022.

The Planning Commission discussed the application with staff.

Joe Nelson, member of 2-Build Ridgway, LLC said the proposed design uses the parcel's density for the "highest and best use." He reviewed the exits and entrances to the subdivision, and how the earlier public comments were incorporated into the design. He pointed out the density in the design creates more open space, noted 2 parking spaces are provide for each residential unit for added functionality, noted maximum store frontage for all commercial units along the first floor of each building and reviewed the storm retention plan. Nelson asked the Planning Commission if the proposed uses and densities presented are heading in the desired direction.

The Chairperson opened the hearing for public comment.

Jack Petruccelli spoke in favor of the design's density and open space but commented the location is wrong and that the largest commercial parcel in town should be reserved for future commercial growth.

Shay Coburn commented that the applicant was able to incorporate the public comments in the design but it still "missed the mark". She stated the Master Plan calls for the parcel to be primarily commercial development, did not think the nine-acre parcel should be "half open space," the parcel should provide more employment opportunity and services for the town, the development does not connect to the neighboring subdivisions, the proposed low density does not meet what is required in the Master Plan, and frontage parking is viewed from the outside, not commercial frontage. Coburn said the existing PUD is not desirable, spoke in favor of the proposed town center concept adding it should be designed like a mini downtown, suggested resituating proposed buildings and suggested a visioning session to receive feedback from the town residents.

Andrew Coburn said the Revised Sketch Plan has positive changes but was not in favor of replacing commercial uses with residential uses, agreed the current PUD calls for unrealistic commercial growth and said this parcel should be considered for future growth for up to seventy years in the Master Plan to provide needed goods and services experiencing leakage, and to prevent Ridgway from becoming a bedroom town. He noted the proposed design may not attract viable, long-term businesses and residential units should not be situated along the highway. Coburn encouraged the applicant to review the leakage reports, do public and private outreach to residents and businesses and to strategically build the project overtime for financial viability.

The Chairperson closed the hearing for public comment.

The Commissioners deliberated and discussed the application with staff. They agreed with the public comments and the conditions listed in the Staff Report.

ACTION:

Mayor Clark moved to deny the Application for Sketch Plan, Location: Lot 3 PUD Ridgway Land Company Subdivision, Applicant: 2-Build Ridgway, LLC, based on the public comments, Commissioners' comments, the comments in the Staff Report dated September 23, 2022, and specifically Staff Review Comment No. 22: *The PUD was originally intended to be a commercial development. However, the project proposes a significant change in the land use to be residential. This is a trend occurring throughout the Town where land reserved for commercial use is being developed with residential units. Additional town-wide analysis should be completed to understand the impacts that this change in land use will have on local employment opportunities and future financial sustainability.* The proposed island of deed-restricted and workforce housing structures should be spread-out and more organically incorporated into the design layout and the design should propose significantly more commercial use aligned to the Highway and Hunter Parkway. Mayor Pro-Tem Meyer seconded the motion. On a call for the roll call vote, the motion carried unanimously.

INFORMAL DISCUSSION

Applicant Nelson asked the Planning Commission if the proposed project should provide pedestrian friendly commercial spaces or if it should be vehicle centric. He mentioned confusion regarding the project's direction due to comments received overtime and in both sketch plan hearings. Nelson noted concern for the expense to not utilize the existing infrastructure already in place on the parcel.

The Planning Commission explained the General Commercial Zone should be honored to accommodate large scale commercial use. They encouraged the applicant to collaborate with community members, utilize visioning sessions, review the leakage reports and add a design professional to the Project Team.

The Planning Commission noted the importance and value of public comment in the public hearings.

APPROVAL OF THE MINUTES

3. Approval of the Minutes from the Meeting of August 20, 2022

ACTION:

Mayor Pro Tem Meyer moved to approve the Minutes from August 30, 2022. Commissioner Nelson seconded the motion. On a call for the roll call vote, the motion carried unanimously.

4. Updates from Planning Commission Members

Mayor Clark updated the Commissioners regarding the status of the Preserve PUD Development. He explained the Developer asked to move the road and the location of the lift station from County property to Town property. The Town Council's position was that the Town should maintain regulatory control for the proposed lift station. Staff was directed to work with Ouray County and the Developer to annex a small portion of land for the lift station site.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk