

RIDGWAY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, January 25, 2022

5:30 pm

*Due to COVID-19, and pursuant to the Town's Electronic Participation Policy,
the meeting will be conducted via a virtual meeting portal.*

Join Zoom Meeting

<https://us02web.zoom.us/j/87536341146?pwd=cjJqL1NKNEtHV1JKSTNZRFcvSiRZdz09>

Meeting ID: 875 3634 1146

Passcode: 777073

To call in dial: 408.638.0968 or 253.215.8782 or 669.900.6833

*Written comments can be submitted before the meeting to kchristian@town.ridgway.co.us or
delivered to Town Hall Attn: Planning Commission*

ROLL CALL: Chairperson: Michelle Montague, Commissioners: John Clark, Thomas Emilson, Jennifer Franz, Bill Liske, Russ Meyer, and Jennifer Nelson

PUBLIC HEARINGS:

1. **Application:** Temporary Use Permit; **Location:** Block 22, Lots 16-20; **Address:** TBD Clinton St.; **Zone:** Historic Residential (HR); **Applicant:** Stryker & Company, Inc.; **Owner:** Ridgway Runners
2. **Application:** Variance for fence setback; **Location:** River Park Ridgway Business Park Filing 1, Replat of Blocks 2, 8 and Alley "A", Lot 1; **Address:** TBD N. Cora St.; **Zone:** Light Industrial 1 (I-1); **Applicant:** Charlie Scoville; **Owner:** Harvey's Holdings LLC

APPROVAL OF MINUTES:

3. Minutes from the Regular meeting of November 30, 2021

ADJOURN

AGENDA ITEM #1

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *Community Planning Strategies, Contracted Town Planner*
Date: January 21, 2022
Subject: Stryker Temporary Use Permit for January 25th PC Meeting

APPLICATION INFORMATION

Request: Temporary Use Permit (TUP) to continue to allow construction staging
Legal: Lots 16-20, Block 22
Address: N/A
General Location: South of and adjacent to Clinton Street; west of and adjacent to N. Laura Street
Parcel #: 430516211001
Zone District: Historic Residential (HR)
Current Use: Construction staging
Applicant: Stryker and Company, Inc.
Owner: Ridgway Runners

PROJECT REVIEW

BACKGROUND

At the regularly scheduled meeting on April 27, 2021, the Town of Ridgway Planning Commission approved a Temporary Use Permit (TUP) to allow a construction staging area on Lots 16-20, Block 22. As part of the approval of the TUP, the Planning Commission placed four Conditions on their approval. Those conditions were:

- 1) Equipment shall not be idled between the hours of 7pm – 7am and idling of any kind should be minimized.
- 2) The applicant shall provide adequate traffic control or monitoring is required when equipment is moved from the construction staging site to the project site.
- 3) Temporary Use Permit shall expire on January 31, 2022.
- 4) Contractor will meet with the community to address concerns on a bi-weekly basis.

As seen above, this TUP is set to expire on January 31, 2022. To continue to use the staging area, the applicant seeks to obtain a new TUP, which would allow the use to continue for another nine months if granted.

Ridgway Municipal Code provisions allow for a construction office that is incidental to construction on-site for up to nine months pursuant to RMC §7-3-18(C)(1). In addition to the 2021 TUP, another TUP

was approved for a similar staging use at this same location in 2016. In that instance, the construction staging was also not on the premises of the construction activity, because it was staging for a road construction project within town owned right-of-way.

REQUEST

The applicant seeks a TUP to continue staging construction materials for the Artspace / Space To Create project, which started in early May 2021. Use of the site is to continue until mid-summer.

This TUP request is for an off-premise construction staging area for the Artspace project. The permit application and site plan were submitted to the Town and are included as attachments to this report. The property and hearing have been properly noticed and posted by the Town as required by RMC §7-3-18(C)(3).

CODE REQUIREMENTS

RMC §7-3-18(C) TEMPORARY USE PERMITS

(1) The Planning Commission may issue a permit authorizing certain temporary uses of premises in a district for a use which is otherwise not allowed in such a district for the periods specified here below:

<i>Use</i>	<i>Zoning District</i>	<i>Period</i>
<i>Construction office incidental to construction on premises</i>	<i>All districts</i>	<i>9 months</i>
<i>Carnival, circus, bazaar, fairs</i>	<i>Commercial</i>	<i>1 week</i>
<i>Tent, meetings, or crusades</i>	<i>Commercial</i>	<i>2 weeks</i>

(3) *The Planning Commission shall hold such hearings concerning the application as the circumstances merit in its opinion. Notice of any hearing shall be posted, visible from each street frontage abutting the property, for at least 10 days prior to the hearing. The permit may be granted subject to conditions appropriate to ensure that no public or private nuisance or safety hazard will be created.*

ANALYSIS

This request is reviewed pursuant to §7-3-18(C)(3), which provides that the Planning Commission shall hold a hearing concerning the application "*as the circumstances merit in its opinion*". The Temporary Use Permit may be granted subject to conditions to ensure that no public or private nuisance or safety hazard is created.

LOCATION

The temporary construction staging site is proposed to be located on the same parcel. The property is zoned HR Historic Residential District and is surrounded by HR District properties to the north and west, DS Downtown Service-zoned properties to the south, and HB Historic Business-zoned properties to the east. The Artspace project is being constructed across the street at the northwest corner of Clinton Street and Laura Street and that property is currently zoned HB Historic Business.

A depiction of the constructing staging and project area can be found in the attached Site Plan for reference. Of the available locations for construction staging, this location is directly across from the project area and is close to the highway and downtown streets, which will help to minimize lengthy



transport of equipment and materials. This is desired to minimize the overall impact to the community.

PROPOSED SITE DETAILS

As was true for the previous TUP, the applicant is Stryker and Company, Inc. and is working on the Artspace project. The applicant has installed and proposes to continue to use a construction trailer, four Conex material storage units, lumber storage, and construction parking, on the construction staging area, as depicted in the attached site plan. The site is entirely fenced and will continue to have a gate for access off Clinton Street.

NUISANCES & SAFETY

To date, there have been no issues regarding the use. That being said, nuisance and safety concerns may still exist. Potential nuisances may exist with the starting and parking of equipment especially in the earlier morning and later evening hours. Active construction has been occurring since May of 2021. The downtown area has been minimally impacted by construction activities and road closures and detours.

With regard to safety, the applicant will need to ensure speeds are low, and visibility for pedestrians, vehicles, and equipment traveling on the roadway is clear from all directions when equipment and materials are transported from the staging area to the construction site. The staging area access off Clinton Street appears sufficiently separated from the alley and Laura Street.

DURATION

The municipal code provides for a nine-month permit. By issuing the permit in January 2022, the permit would be set to expire on October 31, 2022. Construction activities are anticipated to be completed by mid-summer.

STAFF RECOMMENDATION

Staff recommends approval of this temporary use permit with the following conditions:

- 1) Equipment shall not be idled between the hours of 7pm – 7am.
- 2) The applicant shall provide adequate traffic control or monitoring is required when equipment is moved from the construction staging site to the project site.
- 3) Temporary Use Permit shall expire on October 31, 2022.
- 4) Contractor will meet with the community to address concerns on a bi-weekly basis.

ATTACHMENTS

- A. Application and Support Materials





Official Use Only

Receipt # _____

Date Received: _____

Initials: _____

Planning Commission Hearing Request

General Information

Applicant Name	Stryker and Company, Inc.	Application Date	12/20/2021
Mailing Address	236 South 3rd Street, Unit 319		
Phone Number	9709644434	Email	mark@strykerco.net
Owner Name	Ridgway Runners		
Phone Number	970-729-0396	Email	sally@telluridebroker.com
Address of Property for Hearing	710 Clinton Street, Ridgway, CO		
Zoning District	"DS" Downtown Service		

Brief Description of Requested Action

Continued temporary use of site for construction trailer, material storage and off street construction staging

Action Requested and Required Fee Payable to the Town of Ridgway

<input checked="" type="checkbox"/> Temporary Use Permit per 7-3-18(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-19	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-20	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-21	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-22	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-23	\$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 7-3-117	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Residential Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-16	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. 7-3-25(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), this may include a narrative, site plans, and/or architectural drawings drawn to scale.

For Conditional Uses

- ☐ 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. Contact with a Planning Commission or Town Council member regarding your application constitutes ex parte communication and could disqualify that Commissioner or Councilor from participating in your hearing. Please contact staff with any questions.

Applicant Signature

12/20/2021

Date

Owner Signature

4/1/21

Date

ACCOUNT # R001933
PARCEL # 430516211001
TAX DISTRICT: 201

PROPERTY TAX NOTICE
2020 TAXES DUE IN 2021

JILL MIHELICH
OURAY COUNTY TREASURER
BOX 149
OURAY, CO 81427-0149

TAX AUTHORITY	TAX LEVY	TEMP TAX CREDIT	GENERAL TAX	VALUATION	ACTUAL	ASSESSED
OURAY COUNTY (GENERAL FUN	9.14100	0.00000	529.17	LAND	\$199,620	\$57,890
OURAY COUNTY (ROAD & BRID	1.51100	0.00000	87.47	IMPROVMENTS	\$0	\$0
OURAY COUNTY (SOCIAL SERV	0.55600	0.00000	32.19	PERSONAL PROPERTY	\$0	\$0
SCHOOL DISTRICT R-2 (RIDG	13.16900	0.00000	762.35	TOTAL	\$199,620	\$57,890
SCHOOL DISTRICT R-2 BOND	7.45300	0.00000	431.45	EXEMPTION	\$0	\$0
TOWN OF RIDGWAY	8.65100	0.00000	500.81	NET TOTAL	\$199,620	\$57,890
DALLAS PARK CEMETERY DIST	0.20500	0.00000	11.87	MESSAGES Ouray County Treasurer 970 / 325-4487 If your property taxes are being paid through an Escrow Account with your mortgage payment, you will still receive a tax bill. Colorado law requires that each owner of record be sent a notice, even if a mortgage company pays your taxes. If you are unsure if your taxes are being escrowed, please check with your mortgage company BEFORE paying your taxes. Overpayments will be refunded to the payor. Please see reverse side of this form for additional information.		
COLORADO RIVER WATER CONS	0.50200	0.00000	29.06			
RIDGWAY FIRE PROTECTION D	3.59100	0.00000	207.88			
TRI-COUNTY WATER CONSERVA	1.90600	0.09900	110.34			
RIDGWAY LIBRARY DISTRICT	2.82600	0.00000	163.60			
REGIONAL SERVICE AUTHORIT	0.37500	0.00000	21.71			
SCHOOL DISTRICT R-2 SALAR	6.14500	0.00000	355.73			
OURAY COUNTY (EMS FUND)	2.01500	0.00000	116.65			

TOTAL NET LEVY 58.66300 \$3,396.00
S B 25- In absence of State Legislative
Funding, Your School General Fund mill
levy would have been 37.7680
GRAND TOTAL \$3,396.00

LEGAL DESCRIPTION OF PROPERTY
Subd: TOWN OF RIDGWAY Lot: 16 Block: 22 Subd: TOWN OF RIDGWAY Lot: 17 Block: 22 Subd:
TOWN OF RIDGWAY Lot: 18 Block: 22 Subd: TOWN OF RIDGWAY Lot: 19 Block: 22 Subd: TOWN
OF RIDGWAY Lot: 20 Block: 22 S: 16 T: 45 R: 8

\$ 1132.00 each
to Ridgway Runners

SITUS ADDRESS: TBD CLINTON ST Ridgway

RIDGWAY RUNNERS
SALLY PUFF COURTNEY
PO BOX 73
TELLURIDE, CO 81435-0073

SPC pd
JP pd
MSW

Make Checks Payable To:
OURAY COUNTY TREASURER

POST DATED CHECKS OR PARTIAL PAYMENTS ARE NOT
ACCEPTED.

PLEASE INCLUDE SELF ADDRESSED STAMPED
ENVELOPE FOR RECEIPT.

DO NOT PAY THIS BILL IF YOUR MORTGAGE COMPANY
WILL MAKE THIS PAYMENT.

RETAIN TOP PORTION FOR YOUR RECORDS

County Treasurer is not responsible for erroneous payments. If in
doubt please check with your mortgage holder to determine who is to
make the tax payment. Failure to do so could result in delayed pro-
cessing of your account.

Check here for receipt. ☐
Return this stub with
self-addressed, stamped
envelope.

RETURN THIS COUPON FOR SECOND HALF PAYMENTS

2nd Half Coupon

2

2020 TAXES DUE IN 2021

Return this coupon with payment to:
OURAY COUNTY TREASURER
P O BOX 149
OURAY, CO 81427-0149

ACCOUNT NUMBER
R001933

PROPERTY
OWNER
OF
RECORD
RIDGWAY RUNNERS
SALLY PUFF COURTNEY
PO BOX 73
TELLURIDE, CO 81435-0073

SECOND HALF DUE \$1,698.00
BY JUNE 15, 2021

PAYMENTS MUST BE IN U.S. FUNDS

TOWN OF RIDGWAY
P.O. BOX 10
RIDGWAY, CO 81432
(970) 626-5308 Ext. 210

ACCOUNT: 2720.0

PREV.	0	PREV. BAL.	65.00
CURR.	0	PAYMENTS	390.00 CR
USE	0	BAL. FWD.	325.00 CR
CD	DESCRIPTION		AMOUNT
WA	Water		30.00
SW	Sewer		35.00
PE	Penalty		
DN	DO NOT USE		
	Delinquent if not paid on/or before the 20th of the month.		

BILLING PERIOD:

PAY THIS AMT →

260.00 CR

02/01/2021 - 02/28/2021

SERVICE AT: TBD Clinton St

Ridgway
Colorado 81432

FIRST CLASS MAIL
U.S. POSTAGE
PERMIT #9
CO, 81432

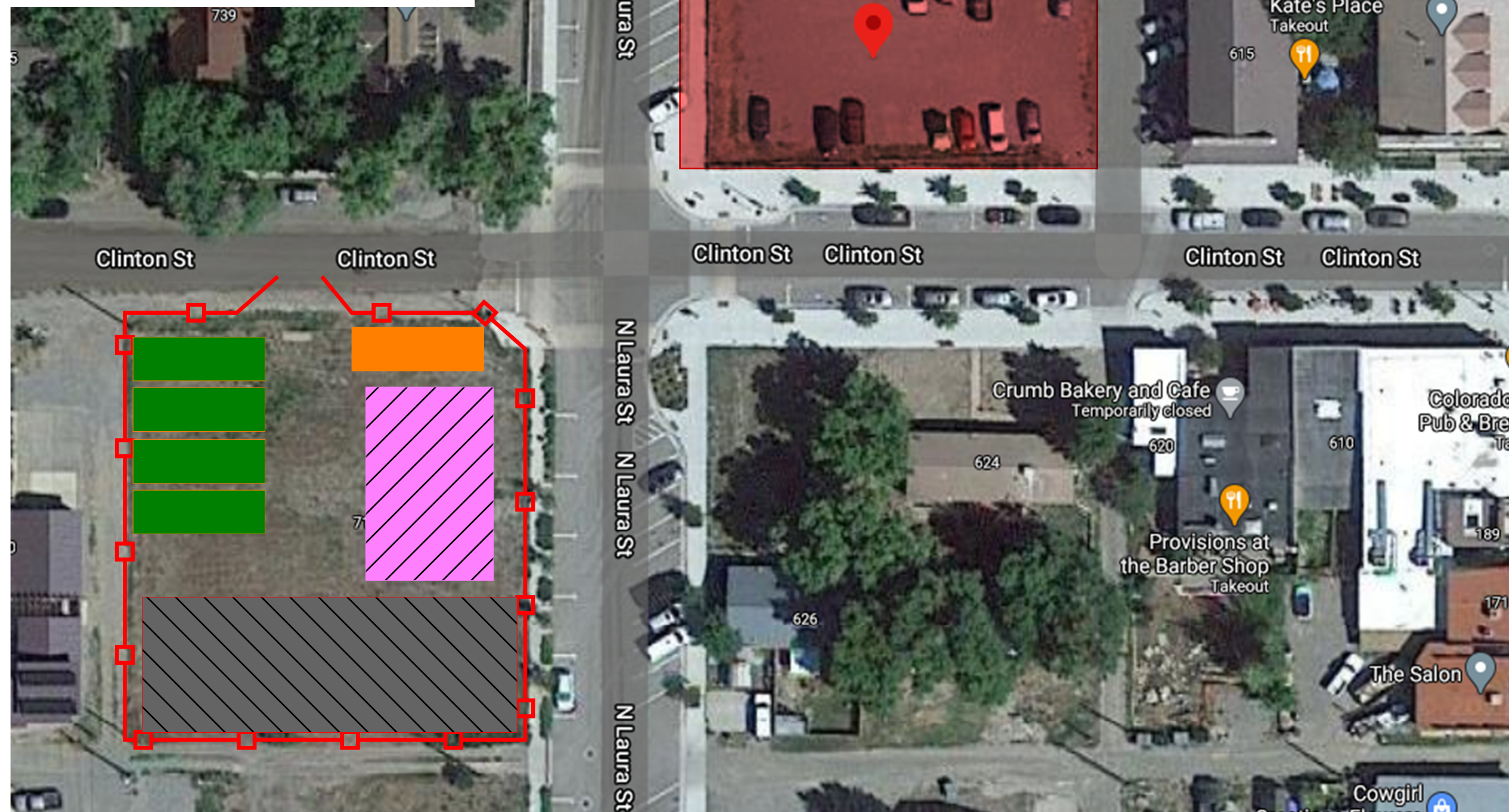
Sally Puff Courtney
PO Box 73
Telluride CO 81435-0073

PLEASE RETURN THIS STUB

AMOUNT DUE	260.00 CR
DATE DUE	03/20/2021
ACCOUNT #	2720.0

- Site Fencing
- Construction Trailer
- Connex Material Storage Units
- Lumber Storage
- Construction Parking

Subject to Change, but this is the general use



Account: R001933

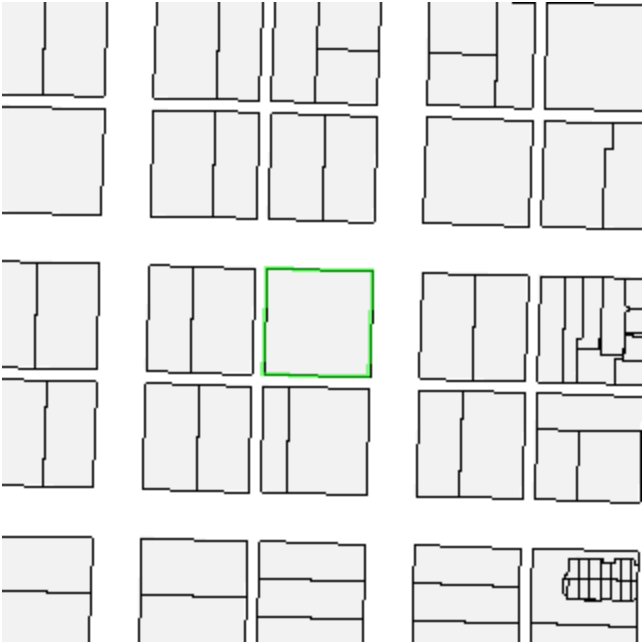
Location	Owner Information	Assessment History
Situs Address TBD CLINTON ST	Owner Name RIDGWAY RUNNERS	Actual (2021) \$197,410
City Ridgway	In Care Of Name SALLY PUFF COURTNEY	Assessed \$57,250
Tax Area Id 201 - 201	Owner Address PO BOX 73	Tax Area: 201 Mill Levy: 62.782
Parcel Number 430516211001	TELLURIDE, CO 81435-0073	Type Actual Assessed Acres SQFT Units
Legal Summary Subd: TOWN OF RIDGWAY Lot: 16 Block: 22 Subd: TOWN OF RIDGWAY Lot: 17 Block: 22 Subd: TOWN OF RIDGWAY Lot: 18 Block: 22 Subd: TOWN OF RIDGWAY Lot: 19 Block: 22 Subd: TOWN OF RIDGWAY Lot: 20 Block: 22 S: 16 T: 45 R: 8		Land \$197,410 \$57,250 0.000 20164.000 0.000

Mining District

Reception Number	Sale Date	Sale Price	Doc Description
153124	04/01/1993	\$69,962	WARRANTY DEED
151948	10/15/1992	\$50,000	WARRANTY DEED
			PLAT

Tax History	Images						
<table><tr><th>Tax Year</th><th>Taxes</th></tr><tr><td>*2021</td><td>\$3,594.26</td></tr><tr><td>2020</td><td>\$3,396.00</td></tr></table>	Tax Year	Taxes	*2021	\$3,594.26	2020	\$3,396.00	<ul style="list-style-type: none">Google Map (May not be accurate)GIS
Tax Year	Taxes						
*2021	\$3,594.26						
2020	\$3,396.00						

* Estimated



AGENDA ITEM #2

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *Community Planning Strategies, Contracted Town Planner*
Date: January 21, 2022
Subject: Harvey's Holding Fence Setback Variance Request for January 25th PC Meeting

APPLICATION INFORMATION

Request: A variance to allow a reduced side yard abutting Railroad Street from the required 8' to 0'.
A variance to allow a reduced front yard setback abutting Cora Street from the required 15' to 0'.

Legal: Lot 1, Block 8, Replat of Blocks 2, 8, and Alley "A", River Park Ridgway Business Park Filing 1

Address: TBD Railroad St

General Location: South of and adjacent to Railroad St and West of and adjacent to Cora St.

Parcel #: A portion of 430516223068

Zone District: "I-1" Light Industrial - 1 District

Current Use: Vacant

Applicant: Harvey's Holdings c/o Charlie Scoville

Owner: Same

PROJECT REVIEW

BACKGROUND

The applicant purchased the property on June 29, 2021 and is now desiring to increase privacy from Railroad and Cora Streets by the use of a privacy fence. The site is currently vacant with no significant topographic or natural features. At this point, the Applicant has not disclosed his intended use for the property outside of this request to install a fence.

This parcel was originally platted as River Park Ridgway Business Park Filing 1 (Rec. 176459) and replatted as Lot 1, Block 8, Replat of Blocks 2, 8, and Alley "A", River Park Ridgway Business Park Filing 1 (Rec. 226971).

REQUEST

In order to utilize the entire parcel (future use not specified), Mr. Scoville seeks a variance to eliminate two required setbacks for a fence. The fence sections proposed to encroach are on the north/northeast and southeast property lines. These property lines abut Railroad and Cora Streets. The Applicant states in his application narrative that without this variance, 2,000 square feet of property are rendered unusable.

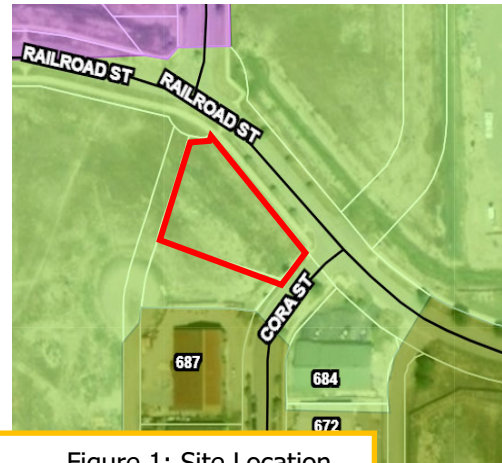


Figure 1: Site Location

CODE REQUIREMENTS

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

(B) No fence, freestanding wall or hedge or other plantings shall be constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets.

7-3-12 - "I-1" LIGHT INDUSTRIAL - 1 DISTRICT.

[Link](#)

Intent: This district is to provide areas for light industrial uses that include offices and light manufacturing and fabrication. Additionally, this district is to provide opportunities for employment and serve as a transition from adjoining residential neighborhoods. Uses by right in this district, will be those that do not create an adverse impact on adjoining uses from lighting, noise, vibration, glare, smoke/fumes/odor, outside storage or other similar impacts. Landscaping is to be used to improve the appearance of the properties, breakup parking areas into smaller sections and generally buffer the industrial area from surrounding non-industrial uses. Work conducted on-site is to occur primarily inside buildings. Some on-site impacts may be associated with this district in the form of noise, truck traffic, and vibrations. However, these impacts must be mitigated at the property line.

B. Uses by Right:

1. Retail Wholesale Uses:

- A. Building supplies and material sales.
- B. Electronic and mechanical supplies.
- C. Industrial equipment sales or leasing.
- D. Office supplies, printing.
- E. Nursery sales and storage of nursery equipment, materials and supplies.

2. Services:

- A. Business research and development directly related to permitted uses.
- B. Commercial laundries and dry cleaning.



- C. Computer software research and development.*
- D. Office buildings.*
- E. Testing laboratories and associated offices.*

3. Manufacturing Processing and Assembly:

- A. Data processing.*
- B. Fabrication of wood, ceramics, glass, metal, plastics, and plastic products; furniture, sporting goods, textiles, apparel, and accessories to any of these products.*
- C. Manufacturing, processing and packaging of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons.*

4. Storage:

- A. Storage or warehousing facilities for materials or equipment entirely within a building (except storage of materials which are prohibited from use in this district). All storage or warehouse facilities shall be accessory to a use by right.*
- B. Storage, warehousing and distribution of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons.*

5. Other uses:

- A. Cold storage plants*
- B. Electronic switching stations - telephone.*
- C. Motion picture studios.*
- D. Vocational school, educational, training center.*
- E. Public utility service facilities.*
- F. Government buildings and facilities.*
- G. Accessory uses.*

C. Conditional Uses:

1. Retail Wholesale Uses:

- A. Vehicle sales or leasing.*
- B. Retail sales.*
Printing and publishing facilities.

2. Manufacturing Processing and Assembly:

- A. Assembling or manufacturing electronic instruments and devices.*
Assembly of small appliances.



3. Storage:

- A. Storage rental units.
- B. Outdoor storage exceeding 200 percent of the principal building footprint where materials are intended for on-site wholesale or retail sales. In no case shall storage exceed 900 percent of the principal structure's building footprint.

4. Other uses:

- A. Contractor offices.
- B. Electric power substations.
- C. Small scale welding accessory to another allowed use.

7-3-12(D) – PERFORMANCE STANDARDS.

(7) Fencing, parking and storage is not allowed in the front or side setbacks along any street.

7-3-15 - DIMENSIONAL AND OFF-STREET PARKING REQUIREMENTS.

District	Width	Size	Max. Lot Coverage	Front Setback	Rear Setback	Side Setback	Max. Side on Corner	Structure Height
I-1	50%	6,000 SF	50%	15'	8'	8'	8'	30'
PROPOSED	NA	NA	NA	0 (VAR)	NA	0 (VAR)	NA	NA

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

[Link](#)

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

7-3-21 - VARIANCES AND APPEALS.

[Link](#)

- (A) The Planning Commission may grant a variance from the Dimensional Requirements, Sign Regulations, Design or Performance Standards and other provisions of these regulations not related to "use", and excluding Off-Street Parking Requirements, following the review procedure of Subsection [7-3-23](#), provided that the criteria of this Subsection will be met. No variance shall be granted from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district. Variances shall be granted only if all the following criteria are met:*
- 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning ordinance, and*



2. *The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance.*

ANALYSIS

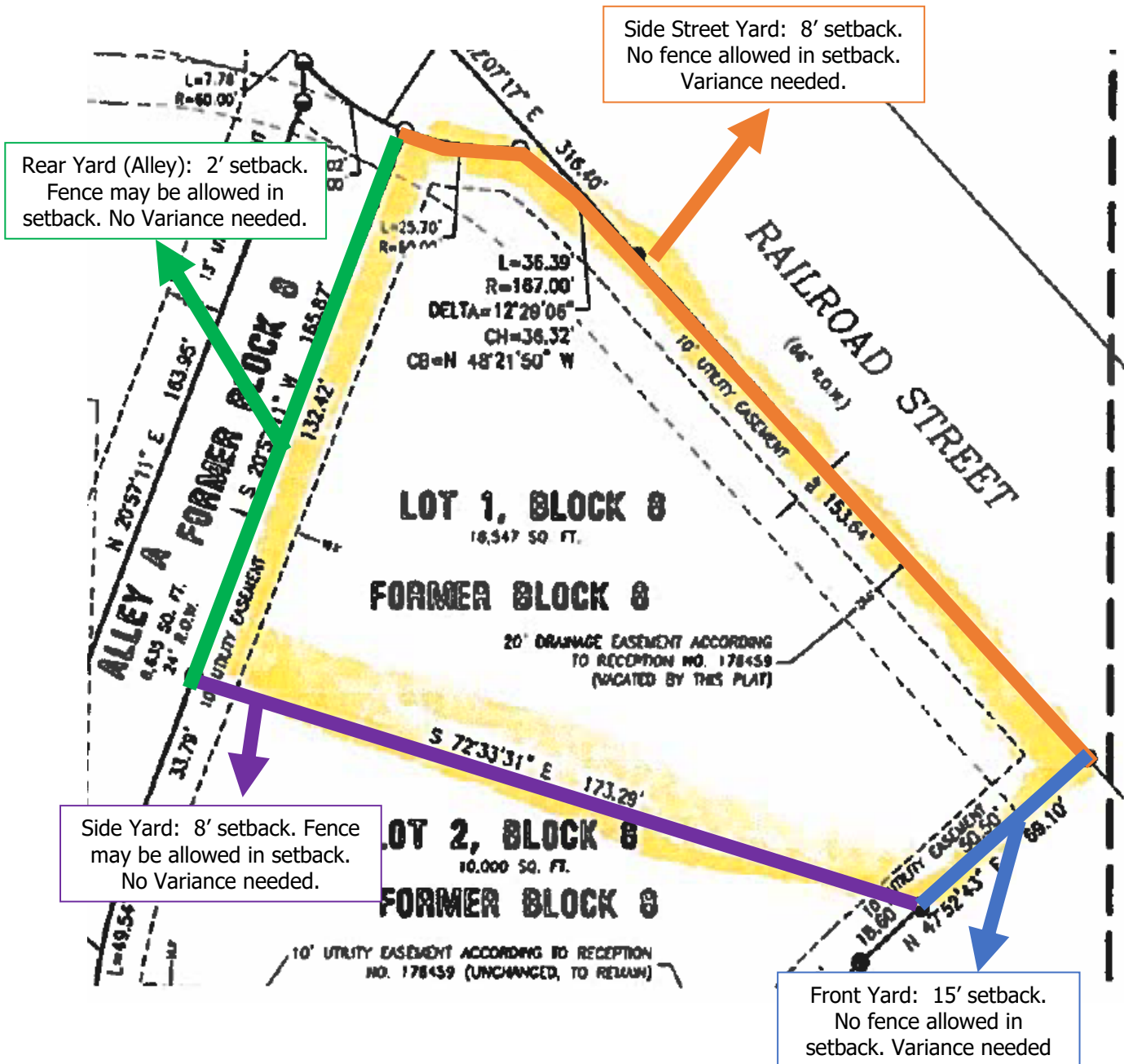
This request is reviewed pursuant to §7-3-21(A), which provides that the Planning Commission shall hold a hearing concerning the application, in order to find that both criteria provided above are met. No Variance may be granted unless the Planning Commission determines that both criteria have been met by the Applicant.

LOCATION

As stated before, this parcel is located to the west of the Railroad Street and Cora Street intersection in the LI-1 District. Surrounding properties are comprised of a mix of vacant property, light industrial uses, and commercial uses.



Figure 2: Intersection Facing West and Approximate Fence



PROPOSED FENCE DETAILS

No technical details of the fence's construction or materials to be used were provided except that the fence would be "visually appealing."

EASEMENTS

The RMC does not explicitly prohibit the construction of fences in easements. However, there are both utility and drainage easements within the proposed area to be fenced. A fence within any drainage easement should be constructed in a way to not prevent stormwater runoff.

TRAFFIC/ROADWAYS

As the proposed fence is to be located close to the Railroad/Cora intersection, site triangles could be diminished assuming that the fence will be 8' in height. No analysis has been provided by the applicant to show otherwise.

LAND USES

As stated before, the applicant has not expressed the intended use for the property. This variance in no way would allow a use to be established on the property. All future use of the parcel would still be required to meet Town standards and processes.

CRITERIA ANALYSIS

1. As this is a vacant lot to be developed in the future, the "practical difficulties or unnecessary hardships" language of Finding 1 is difficult to reach. This difficulty is further supported by the property being nearly flat, with no significant natural features to hinder development. While it is true that the property is bound by two street frontages, that is a characteristic shared by all four properties located at the Railroad/Cora intersection.
2. While the applicant states that no harm will be realized by the fence being located on the frontage of Cora and Railroad, site triangles could also be diminished as a result of this variance assuming that the fence will be 8". Therefore, the applicant should be required to provide an analysis to prove that the public health, safety and welfare will be indeed secured.

STAFF RECOMMENDATION

Staff recommends denial of this Variance on the basis that neither criteria is met by this application.

ATTACHMENTS

-
- A. Application and Support Materials





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

Planning Commission Hearing Request

Official Use Only
Receipt # 6484
Date Received: 12-13-21
Initials: [Signature]

General Information

Applicant Name Charlie Scoville / Harvey's Holdings Application Date 12/09/21
Mailing Address P.O. Box 701 Ridgway CO 81432
Phone Number 970.729.1038 Email charlie@stellaconcrete.com
Owner Name Harvey's Holdings
Phone Number _____ Email _____
Address of Property for Hearing Parcel # 430516223068 Subd River Park Ridgway Business Park
Zoning District I 2 Filing 1, Replat of Blocks 2, 8, & Alley 'A' Lot 1 Block 8 S 1/4 T 45 R 8

Brief Description of Requested Action

Reduction of setback requirements for fence.

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-18(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-19	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-20	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input checked="" type="checkbox"/> Variances & Appeals per 7-3-21	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-22	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-23	\$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 7-3-117	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Residential 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 7-3-16	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. 7-3-25(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



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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), this may include a narrative, site plans, and/or architectural drawings drawn to scale.

For Conditional Uses

- ☐ 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. Contact with a Planning Commission or Town Council member regarding your application constitutes ex parte communication and could disqualify that Commissioner or Councilor from participating in your hearing. Please contact staff with any questions.

Applicant Signature

Date

Owner Signature

Date



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**TOWN OF RIDGWAY, COLORADO
ACKNOWLEDGMENT OF FEES AND COSTS**

Charles Scoville ("Applicant") and Harvey's Holdings ("Owner") do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

Applicant and Owner acknowledge that no plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or final approval action taken until all fees then due are paid to the Town.

Applicant and Owner acknowledge that the Town may suspend review of submittals, inspection of improvements, and processing of a subdivision, as it deems appropriate, unless all amounts are paid as due.

Applicant and Owner further acknowledges that unpaid fees may be certified to the Ouray County Treasurer for collection as delinquent charges against the property concerned.

Acknowledged this 9 day of December, 2021.

APPLICANT:

By: [Signature]

Charles Scoville, authorized signer
(print name)

PROPERTY OWNER:

By: [Signature]

Harvey's Holdings, authorized signer
(print name)

State Documentary Fee
\$19.90 06-29-2021

229385
Page 1 of 1
Michelle Nauer, Clerk & Recorder
Ouray County, CO
06-29-2021 03:50 PM Recording Fee \$13.00



State Documentary Fee
Date: June 29, 2021
\$19.90

Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

Grantor(s), **RIDGWAY LIGHT INDUSTRIAL, LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **694 TWIN BUTTES AVENUE, DURANGO, CO 81301**, City or Town of **DURANGO**, County of **La Plata** and State of **Colorado**, for the consideration of **(\$199,000.00) ***One Hundred Ninety Nine Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **HARVEY'S HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **PO BOX 701, RIDGWAY, CO 81432**, City or Town of **RIDGWAY**, County of **Ouray** and State of **Colorado**, the following real property in the County of **Ouray** and State of **Colorado**, to wit:

LOT 1, BLOCK 8 REPLAT OF BLOCKS 2, 8 AND ALLEY "A" OF THE RIVER PARK BUSINESS PARK FILING 1, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 12, 2020 UNDER RECEPTION NO. 226971, TOWN OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO.

also known by street and number as: **TBD RAILROAD STREET, RIDGWAY, CO 81432**

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

Signed this day of **June 29, 2021**.

RIDGWAY LIGHT INDUSTRIAL, LLC, A COLORADO LIMITED LIABILITY COMPANY

By: 

GLENN PAULS, MANAGER

State of **Colorado**

County of **La Plata**

)
)ss.
)

The foregoing instrument was acknowledged before me on this day of **6-25-2021** by **GLENN PAULS AS MANAGER OF RIDGWAY LIGHT INDUSTRIAL, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: **3-24-2024**


Notary Public



When recorded return to: **HARVEY'S HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY**
PO BOX 701, RIDGWAY, CO 81432



WHEN RECORDED **CHARLES A. SCOVILLE**
RETURN TO: **PO BOX 701**
Ridgway CO 81432



STATEMENT OF AUTHORITY
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named
HARVEY'S HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY
2. The type of entity is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Registered Limited Liability Partnership
<input type="checkbox"/> Nonprofit Corporation	<input type="checkbox"/> Registered Limited Liability Limited Partnership
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Partnership Association
<input type="checkbox"/> General Partnership	<input type="checkbox"/> Government or Governmental Subdivision or Agency
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Trust
3. The entity is formed under the laws of
4. The mailing address for the entity is **PO BOX 701, RIDGWAY, CO 81432**
5. The ☒ name ☐ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **CHARLES A. SCOVILLE, SOLE MEMBER**
6. The authority of the foregoing person(s) to bind the entity: ☒ is² not limited ☐ is limited as follows: NONE
7. Other matters concerning the manner in which the entity deals with interests in real property: NONE
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S. ³
9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this day of June 29th, 2021

HARVEY'S HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY

By: 

CHARLES A. SCOVILLE, SOLE MEMBER

State of Colorado)

)ss.

County of)

The foregoing instrument was acknowledged before me on this day of 6.29.2021 by **CHARLES A. SCOVILLE AS SOLE MEMBER OF HARVEY'S HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: 9 Feb 2025


Notary Public

MATTHEW EDWARD MCKNITT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214005405
My Commission Expires: February 09, 2025

¹This form should not be used unless the entity is capable of holding title to real property.

²The absence of any limitation shall be prima facie evidence that no such limitation exists.

³The statement of authority must be recorded to obtain the benefits of the statute.



Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Amendment

filed pursuant to §7-90-301, et seq. and §7-80-209 of the Colorado Revised Statutes (C.R.S.)

1. For the entity, its ID number and entity name are

ID number 20211541694
(Colorado Secretary of State ID number)

Entity name Harvey's Holdings LLC

2. The new entity name (if applicable) is _____

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

☒ This document contains additional amendments or other information.

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

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

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

Notice:

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

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

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

Scoville Charles A
(Last) (First) (Middle) (Suffix)
930 Moffat St
(Street name and number or Post Office Box information)
Ridgway CO 81432
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

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

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

Disclaimer:

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

6/9/2021

To Whom it May Concern,

An hour ago I filed the documents for Harvey's Holdings LLC (#20211541694). I incorrectly put both my name and my husband's name on the form, when only my husband's name (Charles A Scoville) should be on the LLC, and my name is simply for the Registered Agent. Please remove myself (Josephine J Scoville) from the business, effective immediately.

Thank you,

Josephine Scoville

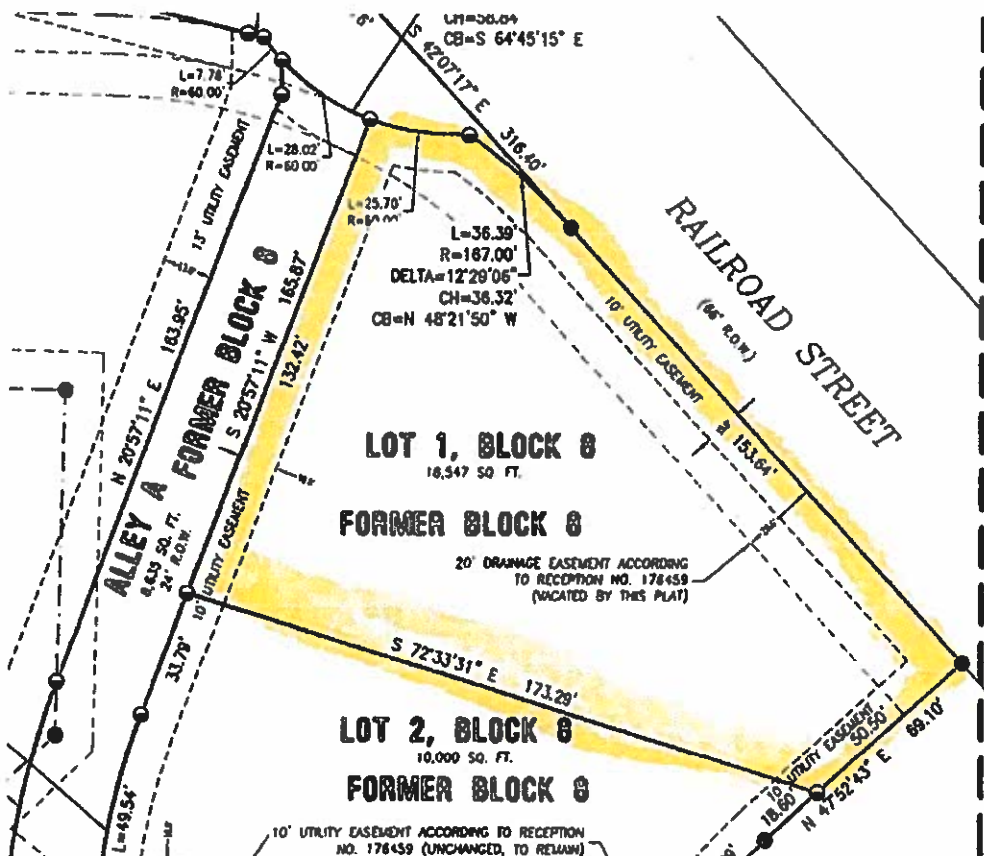
Harvey's Holdings Variance Request:

Front setback (southeast edge along N. Cora):

I request to construct a fence on the property line for those 50.5' instead of at a 15' setback.

Side setback (north/northeast edge along Railroad St.):

I request to construct a fence for the 215.73' along the north/northeast property line instead of having to be 8' back.



I am spending considerable funds to erect a visually appealing security fence on the property and would appreciate being able to use all of the property I purchased, as the setback currently defined by the town would mean a loss of over 2,000 sq. ft. of usable area in this lot since it's a corner lot.

There is currently a cabinet shop 2 parcels to the south of us, a vacant lot immediately south, a flooring/carpet store across Cora St. from the lot, a vacant lot across Railroad St. to the northeast, and an open field to the west across the alley.

I walked the property line to ascertain if there would be any negative impact in terms of visibility for vehicles on the road & at the intersection, and there is not.

I appreciate your time looking into this request.

Charlie Scoville
Harvey's Holdings LLC
970-729-1038

AGENDA ITEM #3

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
NOVEMBER 30, 2021

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.

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

SELECTION OF OFFICERS

1. Appointment of Chairperson, Vice Chairperson and Introduction of New Commissioner

The Commissioners discussed nominations to the Planning Commission.

ACTION:

Mayor Clark moved to appoint Commissioner Michelle Montague to serve as the Chairperson of the Ridgway Planning Commission for a 2-year term that will expire on November 1, 2023. Mayor Pro-Tem Meyer seconded the motion. The motion carried unanimously on a call for the roll call vote.

Mayor Clark requested comments from the public and there were none.

ACTION:

Chairperson Montague moved to appoint Commissioner Bill Liske to serve as the Vice Chairperson of the Ridgway Planning Commission for a 2-year term that will expire on November 1, 2023. Commissioner Franz seconded the motion and it carried unanimously on a call for the roll call vote.

Chairperson Montague requested comments from the public and there were none.

Mayor Clark welcomed Jennifer Franz to the Planning Commission as the newly appointed commissioner who will replace Doug Canright.

PUBLIC HEARING

2. Application for Final Plat; Location: Town of Ridgway, Block 20, Lots 16-18; Address: 377 N. Laura St.; Zone: Historic Residential (HR); Applicant: Beth Lakin; Owner: Beth Lakin

Staff Report dated November 22, 2021, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies.

TJ Dlubac presented an application for final plat that was continued from the October 26, 2021, Regular Planning Commission Meeting. He explained that after discussing the options available

to the Owner it was determined that application should be delayed, allowing time for the sewer line extension design, construction and to receive Town approval. Mr. Dlubac noted Ms. Lakin requested the application be deferred to the April 2022 Regular Planning Commission Meeting.

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

ACTION:

Commissioner Nelson moved to continue the Application for Final Plat for 377 North Laura Street; Owner Beth Lakin, until the April 26, 2022, Regular Planning Commission Meeting on the basis that the sewer line extension will be designed and approved by the Town. Commissioner Liske seconded the motion and it carried unanimously on a roll call vote.

3. Introduction of Staff Planner for Community Planning Strategies (CPS)

TJ Dlubac introduced Kris Valdez who recently joined CPS and will be assisting Town Staff with planning functions.

4. Application for Preliminary Plat; Location: Town of Ridgway, Block 28, Lots 16-20; Address: 283 N. Cora St.; Zone: Historic Residential; Applicant: Matt Mclsaac; Owner: Matt Mclsaac

Staff Report dated October 21, 2021, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies.

Dlubac presented an application for preliminary plat that was continued from the October 26, 2021, Regular Planning Commission Meeting to provide time for the Applicant to modify design elements. He received clarification that Commissioner Franz has been attending the Planning Commission meetings for the past six months as part of the public so there was no need to review prior hearings for the application. The Planner recommended approval of the application to the Town Council with the following conditions:

- 1. The applicant shall address all outstanding planning comments identified in the planning review comment letter dated October 6, 2021, to the satisfaction of Town Staff prior to the application being scheduled for consideration at the Town Council.*
- 2. The applicant shall address all engineering comments identified in the review comments sent to the applicant via email on September 24, 2021, to the satisfaction of Town Staff prior to the application being scheduled for consideration at the Town Council.*

Applicant Matt Mclsaac reviewed updated renditions for the six-unit structure, noting design changes to address mass and drainage issues. He noted the structure will be situated approximately 40' from the street instead of abutting the street as originally planned. Mclsaac further noted the storm water drainage engineering has been reconciled with the neighboring Space to Create Project.

The Chairperson opened the hearing for public comment.

The Town Manager and Deputy Clerk read letters from residents Cody Monroe and Nick Wasser who were in favor of the project, and resident Raymond Ferguson who was opposed to the project. Speaking from the audience resident Jay Patterson spoke in favor of the project.

The Chairperson closed the hearing for public comment.

ACTION:

Commissioner Nelson moved to recommend approval of the McIsaac Subdivision Planned Unit Development and Preliminary Plat to the Town Council, address: 283 N. Cora Street; Owner Matt McIsaac with the following conditions: 1. The applicant shall address all outstanding planning comments identified in the planning review comment letter dated October 6, 2021, to the satisfaction of Town Staff prior to the application being scheduled for consideration at the Town Council. 2. The applicant shall address all engineering comments identified in the review comments sent to the applicant via email on September 24, 2021, to the satisfaction of Town Staff prior to the application being scheduled for consideration at the Town Council. 3. There shall be a plat note limiting short-term rentals to one bedroom in each dwelling. 4. There shall be a plat note allowing only 1 accessory dwelling unit and 1 single family residence on Lot 1. Commissioner Liske seconded the motion. The motion carried on a vote of 6 to 1.

APPROVAL OF THE MINUTES

4. Approval of the Minutes from the Meeting of October 26, 2021

ACTION:

Councilor Liske moved to approve the Minutes from October 26, 2021. The motion was seconded by Mayor Pro Tem Meyer. On a call for the roll call vote, the motion carried unanimously with Commissioner Franz abstaining.

OTHER BUSINESS

5. Discussion to Reschedule the December Regular Planning Commission Meeting

The Commissioners agreed to move the December Regular Planning Commission Meeting to January 4, 2022.

6. Planning Commission Recommendations to the Town Council

The Town Manager advised the Commissioners that the Riverfront Village Preliminary Planned Unit Development and Preliminary Plat was submitted to the Town Council with amendments to lot coverage and landscaping calculations. The Planning Commission recommended approval of the application at the July 13, 2021, Regular Planning Commission Meeting. Town Council approved the request with the conditions submitted in the Staff Report prepared by TJ Dlubac, AICP.

TOWN MANAGER AND COMMISSIONER UPDATES

7. Manager Neill discussed quasi-judicial refresher-training for Commissioners and Councilors. He will coordinate the training sometime in January.
8. The Town Manager will meet with Commissioner Franz, the Town Attorney and Chairperson Montague on December 14 for orientation training.
9. Commissioner Nelson and Mayor Pro-Tem Meyer will provide a presentation regarding the Ridgway water delivery system to the Land and Water Commission on December 9.

10. The Town Manager noted the Water Supply Analysis Report should be finalized by the consultants in January.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk