

RIDGWAY PLANNING COMMISSION

REVISED AGENDA

Tuesday, November 29th, 2011, 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

ROLL CALL Commissioners: Thomas Emilson, Sundra Hines, Bill Liske, Mayor Pro Tem John Clark, Mayor Pat Willits, Chairperson Brian Scranton, and Nick Wasser

PUBLIC HEARINGS

1. Application for Planned Unit Development Minor Subdivision; Location: Lot 86D, Solar Ranches Planned Unit Development; Address: 595 Sabeta Drive; Zone: Residential (R); Applicant: Suzanne Greischel, Michael Hockersmith

DISCUSSION ITEMS

2. Proposed design options for the Highway 62 bridge construction project

APPROVAL OF MINUTES

3. Minutes from the regular meeting of October 25th, 2011

ADJOURNMENT

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a PUBLIC HEARING at the Community Center, 201 N. Railroad Street, Ridgway, Colorado, on Tuesday, November 29th, at 5:30 PM, to receive and consider all evidence and reports relative to the application described below:

Application for: **Planned Unit Development Minor Subdivision**

Location: **Lot 86, Solar Ranches Planned Unit Development; 595 Sabeta Drive**

Zoned: **Residential (R)**

Applicants: **Suzanne Greischel, Personal Representative
Michael Hockersmith, Attorney**

Owner: **Estate of Barbara Greischel-Quinn**

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 the Office of the Town Clerk, Ridgway Town Hall, or by phoning 626-5308, Ext. 11.



DATED: November 18, 2011

Jen Coates, Town Manager

PLANNING & ZONING PERMIT

Incomplete Applications will be Rejected

Receipt # paid 10/31/2011 *
Date Received \$300 *
By R *
* For Office Use Only

ACTION REQUESTED

TEMPORARY USE PERMIT	<input type="checkbox"/>	7-3-13c	VARIANCE	<input type="checkbox"/>	7-3-16
CONDITIONAL USE PERMIT	<input type="checkbox"/>	7-3-14	REZONING	<input type="checkbox"/>	7-3-17
CHANGE IN NON-CONFORMING USE	<input type="checkbox"/>	7-3-15	SUBDIVISION	<input checked="" type="checkbox"/>	7-4-1 thru 7-4-12
OTHER: _____	<input type="checkbox"/>	_____			

APPLICANT/APPLICANTS:

NAME: Suzanne Greischel, ^{Personal} Representative
MAILING ADDRESS: 975 Union St.
CITY: San Francisco, CA 94133-2631
TELEPHONE NO.: 415-227-0330
FAX:

OWNER/OWNERS OF RECORD:

NAME: Estate of Barbara Greishcel-Quinn
MAILING ADDRESS: c/o The Tisdell Law Firm, PC
CITY: PO Box 646
Quary, CO 81427
TELEPHONE NO.: 970-325-4414

ADDRESS OF PROPERTY: 595 Sabeta Drive, Ridgway, CO 81432

ACREAGE/SQUARE FOOTAGE: 13,027 sq. ft. ZONING DISTRICT: R

BRIEF DESCRIPTION OF REQUESTED ACTION: PUD 7-3-11(E) utilizing minor subdivision/lot split process per 7-4-8, 7-4-9

ATTACHMENTS REQUIRED FOR ALL ACTIONS:

1. Evidence of ownership or written notarized consent of legal owner(s).
2. Copy of all site plans drawn to scale showing location of building(s), elevations, abutting streets, and all dimensions, must be submitted on paper size of 8.5 x 11 or 11 x 17. (12 copies unless otherwise noted)
3. A filing fee payable to the Town of Ridgway.

FILING FEE SCHEDULE:

		Subdivisions	
Temporary Use	\$ 100.00	a. Sketch Plan	200.00
Conditional Use	100.00	(plus \$10.00 per lot or unit)	
Change in Nonconforming Use	100.00	b. Preliminary Plat	400.00
Variances & Appeals	150.00	(plus \$20.00 per lot or unit)	
Rezoning	200.00	c. Final Plat	300.00
Reviews Pursuant to 7-3-18	100.00	d. Minor Subdivision	200.00
Variance from Flood Plain Reg's	100.00	e. Lot Split	100.00
Deviations from Single Family		f. Replat/amended plats	100.00
Design Standards	100.00	g. Planned Unit Development	(a. b. & c.)

ADDITIONAL COSTS:

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.

SPECIFIC ATTACHMENTS REQUIRED FOR EACH ACTION:

CONDITIONAL USE PERMITS:

- 1. The site plan shall show off-street parking requirements, landscaping and architectural features.
- 2. Information showing compliance with applicable criteria.
- 3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
- 4. Property shall be posted at least 10 days prior to the hearing.

TEMPORARY USE PERMITS:

- 1. The site plan shall show off-street parking requirements, landscaping and architectural features.
- 2. Information showing compliance with applicable criteria.
- 3. Property shall be posted at least 10 days prior to the hearing.

CHANGES IN NON-CONFORMING USE:

- 1. Description of existing non-conformity.
- 2. Information showing compliance with applicable criteria.
- 3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.
- 4. Property shall be posted at least 10 days prior to the hearing.

VARIANCE:

- 1. Site plan showing details of the variance request and existing uses within 100 ft. of property.
- 2. Information showing compliance and/or non-compliance with applicable criteria.
- 3. Notice of hearing shall be posted at Town Hall 10 days before the hearing.

REZONING:

- 1. Legal description, present zoning and requested zoning of property.
- 2. Notice of hearing shall be posted 10 days before the date of the hearing.
- 3. Property shall be posted at least 10 days prior to the hearing.

SUBDIVISION:

- 1. All requirements established by Municipal Code Sections 7-4-1 through 7-4-12.
- 2. Affidavit of notice sent to all surface and mineral owners and lessees of mineral rights.
(Proof of proper notice must be submitted prior to the hearing.)
- 3. The Preliminary Plat shall be submitted 21 days prior to the hearing.
- 4. The Final Plat shall be submitted 20 days prior to the next scheduled Planning & Zoning meeting.
- 5. Sketch plan required in subdivisions consisting of more than 5 proposed lots or units.

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.

[Handwritten Signature]

 Signature of Applicant/Applicants

 Date

*Suzanne Greischel, PR of the Estate of
 Barbara Greischel
 aka Barbara June Miller Greischel*

 Signature of Owner/Owners

10/31/11

 Date

(For Town of Ridgway Office Use Only)

PLANNING & ZONING PERMIT

Date of Public Hearing(s) _____

Date Notice Posted/Published _____ By _____

Date Received Proof of Notice to Other Owners _____

MEETING DATE:	REVIEWING AGENCY & ACTION (& location of related documents):
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Request for written Findings and Condition Yes [] No []
List of persons requesting:

Request for appeal of rezoning decision? Yes [] No []
List of persons requesting:

The applicant and owner shall be jointly and severally responsible for insuring that the conditions placed upon the application are met. CONDITIONS AND LIMITATIONS ACCEPTED:

Signature of Applicant/Applicants Date: _____

STATE OF COLORADO
 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
 HOLD TO LIGHT TO VIEW WATERMARK

STATE OF COLORADO
 CERTIFICATE OF DEATH

STATE FILE NUMBER

DECEDENT

1. DECEDENT'S NAME (First, Middle, Last)
Barbara Jane Hiller GREISCHEL

2. SEX: **Fe** 3. DATE OF DEATH (Month, Day, Year): **December 27, 2010**

4. SOCIAL SECURITY NUMBER: **150-24-8114** 5a. AGE - Last Birthday (Years): **81** 5b. UNDER 1 YEAR: **Mo** Days: **1** 5c. UNDER 1 DAY: **HR** Hrs: **1** Mins: **0**

6. DATE OF BIRTH (Month, Day, Year): **July 24, 1929** 7. BIRTHPLACE (City and State or Foreign Country): **East Orange, New Jersey**

8. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes No 9a. PLACE OF DEATH (Check only one)
 HOSPITAL Inpatient ER/Outpatient DOA OTHER Nursing Home Residence Other (Specify)

9b. FACILITY NAME (If not institution, give street and number): **595 Sabeta Drive, #A** 9c. CITY, TOWN, OR LOCATION OF DEATH: **Ridgway** 9d. COUNTY OF DEATH: **Ourray**

10a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired): **Homemaker** 10b. KIND OF BUSINESS/INDUSTRY: **Own Home** 11. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify): **Widowed** 12. SPOUSE (If wife, give maiden name): **John Quinn**

13a. RESIDENCE STATE: **Colorado** 13b. COUNTY: **Ourray** 13c. CITY, TOWN, OR LOCATION: **Ridgway** 13d. STREET AND NUMBER: **595 Sabeta Drive, #A**

13e. INSIDE CITY LIMITS? Yes No 13f. ZIP CODE: **81432** 14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes - If yes, specify Cuban, Mexican, Puerto Rican, etc.) No Yes Specify: _____ 15. RACE: American Indian, Black, White, etc. (Specify): **White** 16. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary or secondary (0 through 12) College (13 through 16 or 17+): **16**

PARENTS

17. FATHER-NAME (First, Middle, Last): **John Hiller** 18. MOTHER-NAME (First, Middle, Last (Maiden Name)): **Jane Roome** 19. INFORMANT-NAME and relationship to decedent: **Suzanne Greischel, Daughter**

DISPOSITION

20a. METHOD OF DISPOSITION: Burial Cremation Removal from State Donation Other (Specify) _____ 20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): **Sunset Mesa Crematory** 20c. LOCATION - City or Town, State: **Montrose, Colorado**

21a. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH: *[Signature]* 21b. NAME AND ADDRESS OF FACILITY: **Sunset Mesa Funeral Directors, 155 Merchant Dr. Montrose, Colorado, ZIP: 81401**

22a. REGISTRAR'S SIGNATURE: *[Signature]* 22b. DATE FILED (Month, Day, Year): **Jan 5 2011**

23. TIME OF DEATH: **1740 M** 24. DATE PRONOUNCED DEAD (Month, Day, Year): **December 27 2010** 25. WAS CORONER NOTIFIED? (Yes or No): **Yes**

CERTIFIER

26. TO BE COMPLETED ONLY BY CERTIFYING PHYSICIAN
 Signature: *[Signature]* 27. TO BE COMPLETED BY CORONER
 Signature: *[Signature]*

28. DATE SIGNED (Month, Day, Year): **1/3/2011** 29. DATE SIGNED (Month, Day, Year): _____

30. NAME, TITLE AND MAILING ADDRESS OF CERTIFIER/CORONER (Type/Print): **Julie DeVita-Bailey, D.O., 535 South Nevada, Montrose, Colorado, ZIP: 81401**

31. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type/Print): _____

CAUSE OF DEATH

32. MANNER OF DEATH: Natural Pending Investigation Accident Undetermined Manner Suicide Homicide

33a. DATE OF INJURY (Month, Day, Year): _____ 33b. TIME OF INJURY: **M** 33c. INJURY AT WORK? Yes No 33d. DESCRIBE HOW INJURY OCCURRED: _____

33e. PLACE OF INJURY-At home, farm, street, factory, office building, etc. (Specify): _____ 33f. LOCATION (Street and Number or Rural Route Number, City, County, State): _____

34. IMMEDIATE CAUSE [ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c). Do not enter mode of dying (e.g. Cardiac or Respiratory Arrest) alone.]
 (a) **Pulmonary Embolism** Interval between onset and death: **Years**
 (b) _____ Interval between onset and death: _____
 (c) _____ Interval between onset and death: _____

PART II OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not related to cause in PART I (e.g., alcohol abuse, obesity, smoker): _____

35. AUTOPSY (Yes or No): **No** 36. IF YES were findings considered in determining cause of death? _____

DATE ISSUED **JAN 05 2011**

Ronald S Hyman
 RONALD S. HYMAN
 STATE REGISTRAR

THIS IS A TRUE CERTIFICATION OF NAME AND FACTS AS RECORDED IN THIS OFFICE. Do not accept unless prepared on security paper with engraved border displaying the Colorado state seal and signature of the Registrar. PENALTY BY LAW, Section 25-2-118, Colorado Revised Statutes, 1982, if a person alters, uses, attempts to use or furnishes to another for deceptive use any vital statistics record. NOT VALID IF PHOTOCOPIED.



District Court Ouray County, State of Colorado Court Address: 541 4 th Street, Ouray, CO 81427 970-325-4405	Filed in the Combined Court Ouray County, Colorado FEB 9 2011 Jane E. Holmes Clerk of Court ▲ COURT USE ONLY ▲
In the Matter of the Estate of: BARBARA GREISCHEL QUINN, aka BARBARA JANE HILLER GREISCHEL Deceased	
LETTERS <input checked="" type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION	

Suzanne Greischel was appointed or qualified by this Court or its Registrar on 2-18-11, 2011 as:

Personal Representative.

The Decedent died on December 27, 2010.

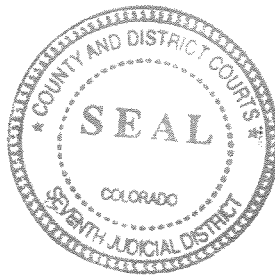
These Letters are proof of the Personal Representative's authority to act pursuant to §15-12-701, et.seq, C.R.S. except for the following restrictions, if any: No restrictions.

Date: 2-24-11

Jane E. Holmes
 Probate Registrar/(Deputy) Clerk of Court

CERTIFICATION

Certified to be a true copy of the original in my custody and to be in full force and effect as of July 12, 2011
 Date:



Jane E. Holmes
 Probate Registrar/(Deputy) Clerk of Court

**DECLARATION OF COVENANT IMPOSING A
PARTY WALL AGREEMENT
AND EASEMENTS FOR INGRESS, EGRESS
AND UNDERGROUND UTILITIES**

THIS DECLARATION is made on the date hereafter set forth by Suzanne Greischel, in her capacity as Personal Representative of the Estate of Barbara Greischel Quinn, aka Barbara Jane Hiller Greischel, Deceased ("**Declarant**").

~R E C I T A L S~

WHEREAS, the Declarant is the sole owner of Lot 86D, Solar Ranches Filing 2B, according to the recorded plat thereof filed July 21, 1993, at Reception No. 153898, and Amendment thereto filed June 14, 1999, at Reception No. 169851, in the records of the Ouray County Clerk and Recorder, Town of Ridgway, County of Ouray, State of Colorado ("**Lot 86D**"); and,

WHEREAS, Declarant has laid out, platted and subdivided Lot 86D into two lots, Lot 86D -1 and Lot 86D-2, under the style of "*Lot 86D Subdivision, a Subdivision of Lot 86D, Solar Ranches Filing 2B, according to the recorded plat thereof filed July 21, 1993, at Reception No. 153898, and Amendment thereto filed June 14, 1999, at Reception No. 169851, in the records of the Ouray County Clerk and Recorder, Town of Ridgway, County of Ouray, State of Colorado,*" according to the plat thereof recorded on _____, at Reception No. _____ in the records of the Ouray County Clerk and Recorder (the "Property"); and,

WHEREAS, with the intent to preserve and enhance the value of the Property and to ensure harmonious future living between the future owners of Lot 86D-1 and Lot 86D-2, the Declarant hereby voluntarily declares the following conditions and covenants to burden the Property and run with the land in perpetuity; and,

WHEREAS, Lot 86D-1 adjoins Lot 86D-2, and located on Lot 86D there exists one building structure separated by a common wall (the "**Party Wall**") as hereinafter more fully defined.

NOW THEREFORE, the Declarant declares the following:

1. The term "Party Wall" shall mean the dividing wall between the garages located on Lots 86D-1 and 86D-2, as depicted on the Plat of the Property. Any matters concerning Party Walls which are not covered by the terms of this Declaration shall be governed by the applicable laws regarding party walls.
2. All future owners shall abide by all other applicable governing documents: the Solar Ranch P.U.D. Filing No. 2B Plat notes, all applicable and legally enforceable Solar Ranch Covenants, Conditions, and Restrictions ("CCR's") and all applicable and legally enforceable Solar Ranch Home Owners Association rules and regulations.

3. The costs of maintaining the Party Wall shared by Lots 86D-1 and 86D-2 shall be borne equally by the owners of such Lots.

4. In the event of damage or destruction to the Party Wall, any shared foundation, or shared roof ("**Common Structure**") from any cause, other than the negligence of either future owner or the Owner's occupant, the owners of Lot 86D-1 and Lot 86D-2 on either side of the Common Structure shall repair or rebuild the Common Structure, and the costs of such repair or rebuilding shall be borne equally by the owners of Lot 86D-1 and Lot 86D-2, except if such damage or destruction was caused by the negligence or willful misconduct of one of the owners, in which case such owner shall bear the entire cost of repair or reconstruction. Each such owner shall have the right to the full use of the Common Structure so repaired or rebuilt. If either party shall neglect or refuse to pay its share of the costs of repair or reconstruction, or all of such costs in case of negligence, the other party may have the Common Structure repaired or restored and shall be entitled to have a mechanic's lien on the Lot and improvements located thereon of the party so failing to pay, for the amount of such defaulting party's share of the repair or replacement costs together with interest at the higher rate of 1.5% per month compounded annually or the highest legal rate of interest allowed under the laws of Colorado for money judgments awarded in the courts of this state. The party having such Common Structure repaired shall, in addition to the mechanic's lien, be entitled to recover attorney's fees and shall be entitled to all other remedies provided herein or by law.

5. The owners of both Lots shall obtain and maintain sufficient insurance for fire and casualty.

6. Neither Lot Owner shall alter or change a Common Structure in any manner, with the exception of interior painting and decorating which is not structural in nature, and such Common Structure shall remain in the same location as when originally erected. The owner of each Lot adjoining such Common Structure shall have a perpetual easement in that part of the premises of the other on which such Common Structure is located, for the purposes of repairing, replacing and maintaining such Common Structure.

7. Each owner shall keep all exterior walls of his dwelling unit in good condition and repair at his sole cost and expense. The exterior of the entire structure and roof are to be maintained in a consistent manner with respect to the uniformity of the exterior façade and roof type. Neither the Owner of Lot 86D-1 and Lot 86D-2 shall be permitted to change the type, color or style of the exterior elements of either dwelling unit without prior written consent and approval from the other Lot owner. Required exterior maintenance to all exterior walls, decking and roof shall be done concurrently on both units. Landscaping of Lot 86D-1 and Lot 86D-2 shall be uniform and consistent with respect to plant type. Each party is responsible for the maintenance of landscaping on their respective Lots. No owner shall do or permit to be done any act or thing that would tend to depreciate the value of the building or cause waste to occur as the same is defined by the Courts of this state.

8. Each owner shall maintain the roof over his dwelling unit in good condition and in such manner so as not to damage any other portion of the building. Each owner shall share equally in the costs to repair or maintain the roof over the Party Wall due to normal wear or physical damage. Where a roofline is joined and both roofs must be replaced, replacement will be coordinated between the owners.

9. An owner who, by his or her negligence, disinterest or willful act causes a Party Wall or roof to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements and shall pay all damages resulting from such exposure. The cost of normal and timely weatherproofing and maintenance of the roof shall be in accordance with Paragraph 8.

10. If any foundation repairs are required, and the repairs affect or could affect the foundation under the improvements on both Lots, the owners of both Lots must be involved in the repair process. The owners of both Lot 86D-1 and Lot 86D-2 agree to cooperate in order to effect timely repairs to the foundation. Each party shall share equally in any such repair.

11. The areas designated as Utility Easement and Access Easement on the Plat of the Property (the "**Easement Areas**"), are hereby established as easements in perpetuity for ingress, egress and underground utility purposes, as applicable, both burdening and benefiting Lots 86D-1 and 86D-2. The Parties shall jointly maintain the driveway and parking areas within the Access Easement Area located north of Tabernash Lane. This Access Easement Area shall remain a graveled driveway unless the owners of both lots agree in writing to the improvement and/or modification of said surface. The Parties shall be jointly responsible for the costs of snow removal from this Access Easement area. Utilities allowable within the Utility Easement Areas shall include, but not be limited to sewer, propane or natural gas, domestic water, electricity, telecommunications, etc. Notwithstanding the granting of the easement in the Access Easement Area, all vehicles owned by Lot owners, their guests and invitees shall only be parked within the boundary of said owner's Lot, and under no circumstances shall the entrance into either Lot from Tabernash Lane or Sabeta Drive be blocked or access into the Property be impeded in any way by such vehicles or otherwise.

12. Should the Owner of either Lot ever need to excavate to improve, install and/or replace underground utilities through the adjoining Lot, said Owner shall be responsible for restoring the surface of the adjoining Lot to its pre-existing condition, to the extent reasonably practicable.

13. In the event it shall be necessary for any owner to place this Declaration in the hands of an attorney for the enforcement of any of its rights hereunder or for the recovery of any monies due hereunder, and if it is necessary to bring suit for the enforcement of such rights or such recovery, the prevailing party in such suit shall recover from the losing party all costs of court and reasonable attorney's fees, as determined by the Court, in addition to any other relief or recovery awarded by the Court. The parties specifically agree that this Declaration governs the use of real property and that it is absolutely appropriate for a court of competent jurisdiction to issue and enforce orders for injunctive relief and declaratory relief.

14. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them in perpetuity.

15. Enforcement of these covenants shall be by proceeding at law or in equity against any person or persons violating or attempting to violate the same seeking either to restrain violation or to recover damages or both.

16. Invalidation of any one of these covenants by judgment or court order shall not affect any of the other provisions which remain in full force and effect.

EXECUTED effective the ____ day of _____, 2011.

The Estate of Barbara Greischel Quinn, aka Barbara Jane Hiller Greischel, Deceased

By: _____
Suzanne Greischel, Personal Representative

State of _____)

County of _____)

The foregoing Declaration was acknowledged before me on the ____ day of _____, 2011 by Suzanne Greischel, as Personal Representative of The Estate of Barbara Greischel Quinn, aka Barbara Jane Hiller Greischel, Deceased.

(SEAL)

Notary Public

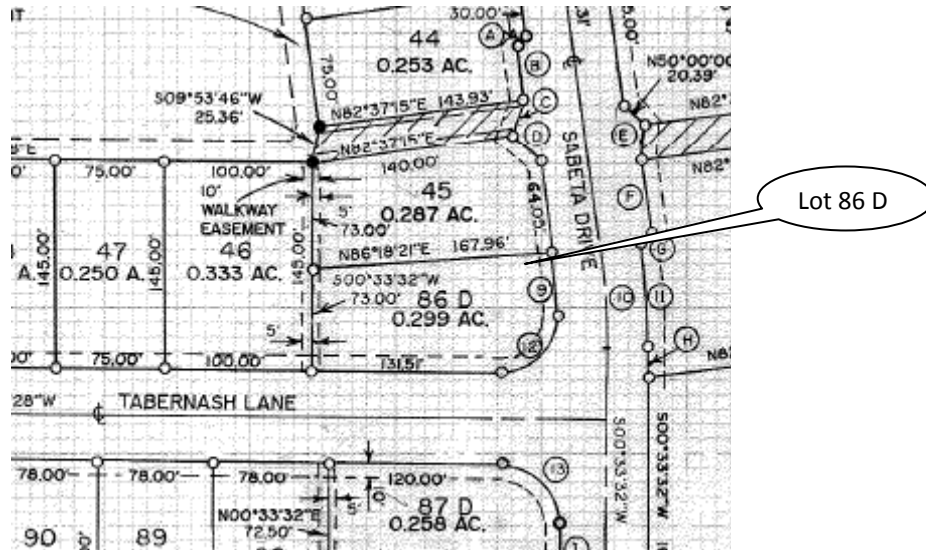
My Commission expires: _____.

STAFF REPORT

Subject: Planned Unit Development (PUD) Minor Subdivision
Location: Lot 86D, Solar Ranches, Filing No. 2B; 595 Sabeta Drive
Zone: Residential (R)
By: Jen Coates, Town Manager
Date: November 21, 2011
Applicant: Suzanne Greischel; Michael Hockersmith

BACKGROUND:

This existing residential, duplex building is located at the intersection of Sabeta Drive and Tabernash Lane in the Solar Ranches Subdivision. The property is zoned Residential. The lot is designated for two family residences per the Solar Ranches filing 2B. The Applicant is requesting to split the lot into two townhome lots under the PUD minor subdivision process.



ANALYSIS:

Applicant seeks to subdivide a single lot with an existing duplex structure into 2 lots creating 2 townhomes that may be owned separately. This is done by extending a lot line along the common wall of the interior of the building, in this case the garages for both units. The submittal includes a sketch of what is being proposed.

Three Ridgway Municipal Code provisions are considered with this application:

- 1) §7-3-11 Planned Unit Developments
- 2) §7-4-8 Minor Subdivisions
- 3) §7-4-11 Multi-Site Developments

1.) Planned Unit Developments (RMC §7-3-11)

Subsection B – Criteria for PUD

- General Conformity with the Town’s Master Plan
- All landowners consent to the PUD

Goal IX of the Town's Master Plan seeks to encourage "the availability of attainable housing within the town". While this type of housing does not necessarily fit neatly into the defined policies of this goal, the financing associated with the "party wall" agreement and subdivision of this type of housing does allow developers and owners to keep costs lower than those costs associated with a traditional condominium subdivision. It is hopeful that these savings can be passed on to future homebuyers for these properties. Additionally, town home units and party wall arrangements constitute the mixed housing types that are clearly within the objectives of the Comprehensive Plan as it relates to attainable housing. Finally, the party wall arrangement results in lesser operational costs for the homeowners (in terms of avoiding unnecessary layers of homeowners associations).

Subsection C – Permitted Uses

Duplexes and multi-family residences are permitted uses

Subsection D – Dimensional Requirements and Densities

Dimensional requirements required by the zoning code may be deviated from in accordance with the plan. In this case, there are a couple of zoning deviations:

- 1) Lot line setback – with the lot line being drawn through a shared wall, the requisite 8' side yard setback for each building will not be met.
- 2) Lot Size – Lot 86D-2 will have an area of roughly 4765 sf and Lot 86D-1 will have roughly 8428 sf. Both lot sizes are shy of the 10,000 sf minimum lot size for the 'R' Zone.

Subsection E – Procedures

- (1) Planned Unit Developments shall be reviewed in accordance with the same procedures for review of subdivisions as found in Subsection 7-4-5, 7-4-8, 7-4-9 or 7-4-10 of the Ridgway Municipal Code as applicable. The preliminary and final planned unit development plan shall comply with all requirements for a preliminary and final subdivision plat to the extent applicable. A hearing shall be held on the PUD plan or any substantial amendment thereto pursuant to the Review Procedure of Section 7-3-18.
- (2) Approval of a Planned Unit Development by the Town is purely discretionary. If the Town and the Applicant do not agree on all required conditions and the plan, the Town may deny approval, or the Town may unilaterally impose conditions. If the developer does not accept the conditions, that development must adhere to standard dimensional, subdivision and zoning requirements.

Subsection F – Required Improvements

All Subdivision Requirements in RMC §7-4-6 and Design Requirements of RMC §7-4-7 are required. As the proposed new lots are part of an existing subdivision, nearly all of the requirements have already been met with the prior subdivision. Survey monuments for the new lots will need placed on the ground as shown on the survey plat map. The survey plat identifies a reciprocal utility easement for the lots that appears to encumber the entirety of both lots or just the northern aspect of Lot 86D-1 and the NE corner of Lot 86D-2. There is also a Propane Tank and Line Utility Easement as both tanks are underground on the proposed Lot 86D-1. These easements need clear definition on the plat as well as the Party Wall Agreement (i.e: does the reciprocal easement encumber only the north aspect of Lot 86D-1 and the small NE corner of Lot 86D-2 or does it encumber both lots entirely? Is the reciprocal note beneath the Propane Utility Easement related to the Propane Utility Easement or is the reciprocal note referencing a southern section of Lot 86D-1?) Each lot has a dedicated water tap, line and meter, and a shared sewer tap and service line. There is a shared driveway/access easement that needs more clear definition on the plat map (i.e.: the note is present but there is not clear definition of the easement). There is also a fence that appears to be in the Town Right of Way at the corner of

Sabeta and Tabernash for which the Applicant will need to request a revocable encroachment permit for the encroaching structure. The fence does not appear to obstruct any view or traffic flow.

A written statement from a recognized weed expert indicating that the property is free of noxious weeds and/or submittal of a weed abatement plan is also required. Concrete sidewalk does not exist in this subdivision and installing piecemeal components is likely not desired largely for connectivity and drainage purposes. In the alternative, a primitive trail system traverses the subdivision. Storm water drainage needs addressed.

Plat Map Certificates and Notes - RMC 7-4-7(J)

- A plat note referencing the party wall agreement shall be added, inclusive of recording information:
The property platted herein, other than streets or other tracts dedicated to the Town, is subject to the *(insert exact title of the applicable document)* as recorded in the Ouray County Records at Reception No. _____.
- A plat note referencing earlier covenants and plat notes for the Solar Ranches PUD is required:
The property platted hereby is subject to the *(insert exact title of the applicable documents)* as recorded in the Ouray County Records at Reception No. _____.
- A plat note referencing prior easements shall be added:
The property platted hereon is subject to the prior easements as shown hereon.
- Plat notes are numbered incorrectly (e.g.: 1,2,5) and should be updated.
- Plat note 2 states accessory dwellings (ADUs) are allowed under the Town code. While this is true, the Solar Ranches PUD does not allow for ADUs as the plat notes for the subdivision limit lots to “single family residences except as otherwise specifically indicated”. This plat note needs re-stated to include the ADU restriction within the PUD.

2.) Minor Subdivision (RMC §7-4-8)

Subsection A – Criteria for Minor Subdivision

The proposed subdivision results in no more than 2 lots. Both lots are adjacent to a dedicated, maintained and accepted public street. The Minor Subdivision regulations also reference the ‘Required Improvements’ in RMC §7-4-6 and Design Standards in RMC §7-4-7 similarly to the PUD process, which are addressed above under PUDs. Deviations to the zoning code are needed (lot size, building setbacks) and are provided for under the PUD process. The lot has not been subdivided within the last 3 years, and no highway access permit is required.

Subsection B – all required documents have been submitted and there is no need for additional subdivision improvements.

Subsection C - Final Plat procedures, RMC §7-4-5(C), are required, and addressed in this report.

Building Code

With a party wall arrangement, building code provisions which speak to firewall separation need to be met. In reviewing the building permit file, the structure was built with future subdivision in mind, and appropriate separation is present.

Excise Tax

Excise tax of \$1500 is due for each new lot, for a total of \$3000 payable to the Town prior to any Town Council hearing for a final plat application.

Party Wall Agreement

The applicant has submitted a 4 page “party wall agreement” that speaks to the matters that the Town would have otherwise wanted to see addressed in a condominium declaration of covenants.

The Town has previously agreed to a number of these town home or party wall type subdivision agreements. There are some positive aspects to this subdivision approach. One benefit is the avoidance of an additional homeowners association and governing declaration of covenants, which essentially represents an added layer of governance and complexity to the residential structures. The other is the complications that arise with lending on condominiums that are avoided with fee-simple land ownership townhome arrangements like this proposal. The party wall agreement has been forwarded to the Town Attorney for review.

3.) Multi-Site Development (RMC §7-4-11)

Any development providing for or creating separate lots, tracts, or units is subject to the Multi-Site Development provisions. The multi-site development essentially needs to comply with the subdivision regulations addressed in this staff report.

STAFF RECOMMENDATION:

Recommend approval of this PUD Minor Subdivision with dimensional deviations to the Town Council, subject to conditions below:

1. Clear definition and dimensions of the utility and driveway access easements
2. Complete review of legal documents, and approval of party wall agreement by Town Attorney
3. Completion of all required improvements and plat map changes as indicated in this staff report
4. Issuance of a Town Council approved revocable permit for the fence in the Town Right-of-Way
5. Storm water drainage needs addressed with a blanket utility easement on the plat and also addressed in the party wall agreement
6. Completion of requirements under RMC §7-4-5(C)(8)(b) including submission of final documents, compliance with Planning Commission conditions, and payment of all fees due, including but not limited to: \$3,000 excise tax, Town Attorney fees, County recorder fees, etc.



Photo of the west unit on proposed Lot 86D-2 taken on Tabernash Lane, facing North.

Garage party wall



Photo of the east unit on proposed Lot 86D-1 taken on Tabernash Lane, facing North.

PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 25, 2011

CALL TO ORDER

Chairperson Scranton called the meeting to order at 5:30 p.m. with Commissioners Emilson, Liske, Chairperson Scranton, Mayor Pro Tem Clark and Mayor Willits in attendance. Commissioners Hines and Wasser were absent.

PUBLIC HEARINGS

1. Application for Conditional Use Permit for a Daycare Facility; Location: Lot 26, Eastside Subdivision; Address: 252 Palomino Trail, Unit K; Zone: General Commercial; Property Owner: Trail Town Partners, LLC; Applicant: Dorthy McCarty

Site map depicting the existing Trail Town development; site plan for Trail Town Unit K; email dated October 18, 2011 addressing the criteria for the Conditional Use Permit from the Applicant; Staff Report dated October 21, 2011 from the Town Manager/Planner and the Public Works Director.

Public Works Director Joanne Fagan presented a conditional use application to construct a daycare facility in a General Commercial Zone on Lot 26, Eastside Subdivision and noted the Ridgway Municipal Code was recently amended to allow for the use. She explained restrictions on the property require three parking spaces. Since the daycare center will have fifteen children and two employees, staff is recommending the applicant work with the property owner to obtain additional parking at the far east end of Hunter Parkway. The Director also noted an outdoor common area, shared by all tenants, is planned for an enclosed playground.

Applicant Dorthy McCarty reported the children will be dropped off at 7:30 and 9:30 a.m.; and picked up at 3:30 and 5:30 p.m., with a maximum parking time of 15 minutes per vehicle.

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

There was discussion between the Commission and the applicant.

The Commission asked staff if regulations regarding proximity of a daycare center to an establishment serving alcohol had been considered. Director Fagan reported the proposed use is compliant.

ACTION:

Mayor Pro Tem Clark motioned to approve the Conditional Use Permit for a daycare facility on Lot 26, at 252 Palomino Trail, Unit K in Trail Town for applicant Dorthy McCarty with all conditions in the staff report dated October 2011. Commissioner Liske seconded the motion, and it carried unanimously.

APPROVAL OF THE MINUTES

2. Minutes from the Regular Meeting of September 27, 2011

ACTION:

Mayor Pro Tem Clark moved to approve the minutes from September 25, 2011. Chairperson Scranton seconded the motion which carried, with Commissioner Liske abstaining.

ADJOURNMENT

The meeting was adjourned at 5:55 p.m.

Respectfully Submitted,

Karen Christian
Deputy Clerk