

PLANNING COMMISSION
MINUTES OF REGULAR MEETING

AUGUST 29, 2017

The Planning Commission convened for a regular meeting at 6:35 p.m. in the Ridgway Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance Commissioners Emilson, Falk, Mayor Clark, Councilor Hunter and Chairperson Carright. Commissioners Liske and Nelson were absent.

PUBLIC HEARINGS

1. Application for Sketch Plan Review; Located in Ridgway USA Subdivision, Lots 30-34, Redcliff Drive; Zoned General Commercial; Applicant Joe Nelson; Owner Ridgway Land Company

Notice of Public Hearing dated 8-24-17; Application for Sketch Plan Review dated 8-8-17; Town Planner Staff Report dated 8-25-17 presenting background, analysis and staff recommendation.

Planner Shay Coburn explained the application is a resubmittal for a proposed residential subdivision reviewed by the Commission on 1-3-17. Previously named "The Village at Ridgway", the project has been renamed "Vista Park Commons", and will be located in Ridgway Land Company Subdivision on Lots 30-34. The development will combine five lots into a single Planned Unit Development with 25 residential units/lots in 22 buildings. A mix of stand alone single family homes and duplexes encompassing 2.4 acres, or 106,417 square feet, averaging 4,257 square feet of property per dwelling unit, or 10.25 dwelling units per acre. The conceptual plan was presented to the Commission on 8-30-16.

The Town Planner reviewed the items in conformance with the Master Plan and zoning regulations, noting the development style is new for the Town, and is focused on smaller, more affordable structures that may be owner-occupied or rented. The property was platted in 1990 and has been vacant since. The developer, she noted, proposes to provide a variety of housing sizes and price points, 460-836 square feet (sq. ft.) in size at \$115,000 to \$196,000 for sale and renting at \$750 to \$1250 monthly. She also addressed relationship of the development to topography and physical characterizes; availability of utilities; compatibility with the natural environment; public costs and tax hardships; disclosure of the ownership; number of proposed dwelling units; estimated number of gallons per day of sewage and means of disposal; availability of utilities; estimated construction costs and proposed method of financing.

Planner Coburn noted the development is proposed in three phases, with the first nine homes available by August of 2018; a plat restriction prohibiting short-term rentals; and affordable housing restrictions. She noted based on the 2011 Land Use Plan the development seems to be well suited for the community, inclusive of higher densities, and affordability with lot and home sizes and shared spaces.

Applicant Joe Nelson explained "our goal is to build" six 460 sq. ft. studio duplexes selling price of \$115,000, 576 sq. ft. one bedroom selling at \$159,000, 672-836 sq. ft. two bedroom detached single family homes ranging from \$174,000 to 196,000. The structures will be "Colorado style cottages" "open to common walkways with front porches" "fenced in yard for each house" "pocket neighborhood" "good for social interaction". "Ridgway needs this

price point” and “we worked to get a cost effective building”. “We are proposing to build in phases” and “they should sell so fast the phases should be seamless”.

Mr. Nelson answered question from the Commission. It was noted there will be 44 parking spaces and three deed restricted units, one detached and two duplexes.

The Chairperson opened the public hearing and the following persons from the audience asked questions:

Liza Clarke questioned size of the structures.

Sue Husch questioned the lighting plans and night sky compliance.

Misquel Hill asked about zoning of adjacent property.

Erica Young questioned use of common buildings and utility charges. Mr. Nelson explained all utilities will be covered by dues to the Homeowners Association.

Aimee Minnick asked the Commission if “there is any way to cap to prevent investors from increasing rents” from what is being proposed.

The public comment section was closed, and there were comments from the Commission.

ACTION:

Mayor Clark moved to approve the sketch plan review for Ridgway USA Subdivision, Lots 30-34, address to be determined on Redcliff Drive, known as Vista Park Commons, with the conditions short term rentals are prohibited, the final plan is to include the equivalent of three deed restricted units and the seven items in the Staff Report dated 8-25-17 which are: provide proof of notice to all mineral estate holders, or title indicating no severed mineral rights ownership; finalize utility plans and demands with staff; deed/plat restricted affordable housing or similar; variances to be considered within the PUD; conditional uses to be considered within the PUD; shared property and uses property; bus stop and mail boxes. The motion was seconded by Councilor Hunter and carried unanimously.

2. Application for Conditional Use Permit; Location Lots A & B of the Fike Subdivision; Address 618 Clinton Street; Zoned Historic Business; Applicant: Marney Zafian dba Habi Inc.; Owners: Antonio Marra and Denise Gendreau

Notice of Public Hearing dated 8-24-17; Application for conditional use dated 8-18-17 from Marney Prince Zafian and letter from applicant presenting response to requirements for permit; Staff Report dated 8-25-17 from the Town Manager presenting the request, background, code requirements, analysis and staff recommendations.

Town Manager Jen Coates explained the applicant is seeking a conditional use permit for light manufacturing, for a business known as Side by Side Pet. She noted the business opened in the location in early 2016 with a focus on counseling and education, and some ancillary retail. Since opening the business has grown and expanded into food production and processing, which would require a conditional use permit. She noted on 6-19-17 the applicant told staff food production is 700 lbs. a week, and the application was submitted on 8-18-17.

The Town Manager reviewed the performance criteria for the Historic Business District and the conditional use code requirements which apply to the request. She noted criteria which must be met, including: not a public or private nuisance, compatible with existing uses, no adverse effect upon other property values and no generation of odor which would unreasonably interfere with the reasonable enjoyment of other property in the area. The burden is on the applicant to prove the requirements are met.

Manager Coates reported the staff had been contacted numerous times regarding adverse impacts from odor nuisances relative to the current activity, including complaints from an adjacent restaurant. She noted the applicant provided written information on 8-21-17 to demonstrate the criteria has been met stating recent improvements were made to the oven ventilation system due to a complaint "about a terrible smell". The letter stated "This was clearly never from my facility" and provided photos of the adjacent restaurant's grease trap, stating the "overflowing grease trap was the source of the smell". The Town Manager reported odor complaints continued after modifications to the neighboring property's grease trap were made, and the Building Inspector/Code Enforcement Officer inspected the premises and roof on 8-18-17, which inspection revealed that none of the proposed mitigation improvements for the light manufacturing had been completed. This included relocation and modification of the vent stack on the roof and appropriate sizing of the ventilation system. He also inspected the neighboring restaurant roof top grease trap and noted it had been contained and was not overflowing.

The Town Manager stated the applicant has not provided sufficient evidence to demonstrate the criteria for the conditional use have been met. The odor from the cooking and processing of the dog food product has become a nuisance for the neighboring property, and reports of adverse smells are impacting neighboring businesses. She reported the use is light manufacturing, as it has grown from a primary retail facility to a primary manufacturing facility. She noted light manufacturing is a conditional use in the historic business district which requires performance standards and criteria be met. The applicant has not clearly demonstrated the requirements for the conditional use have been met and staff recommends denial of the application for this reason. Specifically, evidence has not been submitted indicating the following: the use is not a private or public nuisance, the use is compatible with existing uses in the area, the use does not generate any odor which interferes with the reasonable enjoyment of the other property in the area..

Applicant Marney Zafian apologized for not submitting information prior to the meeting and noted the facility was "always built with a kitchen for production" "this was May of 2016" "and it hasn't increased". Speaking on behalf of the applicant Attorney Daniel Zemke asked the Commission "to consider in the decision-making process all sides of the picture portrayed". He questioned if the smell could be from the neighboring business. He explained a qualified person was engaged to "move the stack up" or "move the ventilation towards the front of the building" which "would cost no less than \$5,000". He questioned if the grease trap "may have been the issue" and requested "more time to mitigate" noting "we don't know if it is her business or everyone around, or the neighboring restaurant". Mr. Zemke requested "sixty additional days" to address the "burden of proof" stating we "need time to address and mitigate".

Ms. Zafian noted though the food is for dogs it is "human grade and the highest quality FDA and organic food grade". She noted production has increased no more "than five percent since I've started" an "average of 500 pounds a week, 300 pounds cooked". She explained the process of preparing the food and the ingredients used.

Speaking on behalf of the applicant George Weinert explained he was hired to find a remedy to the problem. He stated he inspected the roof on June 20th and “was unable to observe an odor”. His recommendation was to move the oven duct from near the swamp cooler, and the Building Inspector suggested raising the exhaust vent stage above the parapet wall. Mr. Weinert said his assessment was the adjacent restaurants grease trap may be too close to the evaporative cooler, and also the pet food oven vent. He recommended to the applicant extending the stack higher and moving it to the north end of the building for separation from the cooler.

Mr. Weinert answered questions from the Commission and it was noted the changes have not been performed.

SPEAKING FROM THE AUDIENCE:

Shannon Marjenhoff stated the “area is for entertainment” and suggested the business be relocated to the “industrial area” and noted “I have noticed a smell” from across the street.

Rebecca Deal stated there has been a “prevailing odor” and questioned how “raising the stack can change that?” She noted “if the business is allowed to continue” “some infiltration system needs to be installed”.

Sue Husch with the Sherbino Theater stated recently standing in the back of the theater “there was a distinct smell of organ meat” and noted “it does affect eateries”, and the “area is an entertainment district” with restaurants.

Jill Mihelich stated “there should be a more appropriate place for that to happen and maybe not downtown” and noted “it may be more cost effective”, “instead of mitigating to relocate”.

Tamara Marshal explained she has “only noticed the smell on certain days” “it would be more likely for a restaurant if it was there all the time”. She stated she does not feel that “creating dog food” is “compatible with the downtown vibe”.

Daniel Richards owner of a local restaurant stated this has “raised concerns”.

Tony Marra noted “any system to eliminate smells” would be an “elaborate system” such as a “HVAC system with scrubber” noting the current system is “not adequate”, and also noted “a lot of smell is coming out of windows”.

The public hearing was closed. The Town Manager summarized a full assessment of a HVAC for the use and size of the building may be necessary, and then noted “there is no guarantee that any solution will mitigate the odor”.

There was discussion by the Commission.

ACTION:

Mayor Clark moved to deny the application for conditional use permit for Lots A and B of the Fike Subdivisions, at 168 Clinton Street based on the fact the applicant has not proven compliance with performance standards and requirements of conditional uses, the applicant has not clearly demonstrated the requirements have been met specific to code sections pertaining to use which results in a public nuisance; the use is not compatible with existing

uses in the area, the use generates odor which interferes with the reasonable enjoyment of the other property in the area and the burden shall be on the applicant to prove the requirements are met; and the staff report cites the Code Enforcement Officer met numerous times to try and resolve the issues with the business owner. Commissioner Emilson seconded the motion which carried unanimously.

OTHER BUSINESS

3. Informal discussion regarding development proposal from Alpenglow CoHousing

Architect Kit Meckel explained to the Commission he has been retained with John Baskfield to design a co-housing project on a 4.63 acre parcel centrally located south of Highway 62. The proposal is to subdivide the property into two separate parcels, one commercial lot and the other a co-housing complex consisting of 24 clustered residential units around a 3,000 square foot common house, 500 square foot workshop and shared common open space and landscaping. The home sizes would range from 900 to 1500 square feet and include parking for 54 vehicles.

Mr. Meckel presented a map of the property and explained access to the property is from Highway 62 and South Railroad Street from the north, Hyde to the west, and County Road 23 from the south. Improvements to the parcel would include a road extension with a 60 foot right of way dedication to extend North Railroad Street and connect it to Hyde Street. The existing South Railroad Street would be “reworked” with a northbound, one way street and thirty angles parking spots lining both sides of the street, he noted.

There was discussion by the Commission and audience regarding the roadway and impacts to adjacent undeveloped properties. Mr. Baskfield noted the co-housing group is proposing “swapping the half acre to the Town to use for parking, in exchange for fee waivers”.

The Town Manager noted the question before the Commission was relative to the co-housing project and type of development in the proposed location. She noted any relocation of Railroad Street, including road dedications, would be a Town Council decision.

A member of the co-housing group explained organized as an LLC the limited liability company would purchase the property and pay for construction costs, which would be reimbursed by property owners. He noted the price of the units would be “set by the costs as we go through this”, and noted “we need to bring more people in as we get close to construction” noting the need for 70% participation. He explained the group needs to “have confidence moving forward to close on the real estate”.

There was discussion by the Commission and there was unanimous agreement with the concept of the development and encouraged formal submittal of a sketch plan for review at the September meeting. It was noted the aligning of Railroad Street would be forwarded to the Town Council.

4. Joint workshop with the Town Council, and Ouray County and City

Planner Coburn reminded the Commission of a joint workshop to be held on September 6th at which the Department of Local Affairs will present “The Value of a Comprehensive Plan and Regional Coordination”.

MINUTES

5. Minutes from the Regular Meeting of June 27, 2017

ACTION:

Moved by Councilor Emilson, seconded by Mayor Clark to approve the minutes of June 27th.
On a call for the vote the motion carried.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk