

Ouray Planning Commission Special Meeting  
Tuesday, March 15, 2022 4:00 PM

Massard Auditorium | Zoom:  
<https://zoom.us/j/96355554822> Password:  
881162  
320 6th Ave  
Ouray, CO 81427

## **Agenda**

1. ADMINISTRATIVE
  - 1.a. Call to Order
  - 1.b. Roll Call
  - 1.c. Review of Minutes from the Planning Commission Regular Meeting on February 8, 2022
  - 1.d. New Planning Commission Member Appointments - J. Gary Dunn & Glenn Boyd
2. CITIZENS' COMMUNICATION
3. PUBLIC HEARINGS
  - 3.a. Variance Application for property legally described as: Subd: Sixth Avenue Condo Unit 1 S: 31 T: 44 R: 7; and, Subd: Sixth Avenue Condo Unit 2 S: 31 T: 44 R: 7; commonly known as 225 6<sup>th</sup> Avenue; Parcel No. 451531232001 (Unit 1) & 451531232002 (Unit 2)
  - 3.b. PUD Sketch Plan Application for property legally described as: Subd. City of Ouray Lot: 11 Block: 8 Subd. City of Ouray Lot: 12 Block: 8 S: 31 T: 44 R: 7; commonly known as "TBD" 9th Avenue; Parcel No. 451531204002
4. ACTION ITEMS
  - 4.a. Consideration of the 225 6th Avenue Variance Application (legal description in Public Hearing above)
  - 4.b. Consideration of the TBD 9th Avenue PUD Sketch Plan Application (legal description in Public Hearing above)
5. DISCUSSION ITEMS
  - 5.a. Joint Meeting with City Council - March 21, 2022
  - 5.b. Land Use Code Update - Draft Community Survey
  - 5.c. Future Discussion Items
6. ADJOURNMENT

**CALL TO ORDER**

Chairman Skoloda called the meeting to order at 4:00 p.m.

**ROLL CALL**

Planning Commissioners present for roll call were Chairman Jeff Skoloda, Commissioner Mike Hakola, Commissioner Mike Fedel, Commissioner Hein and Vice Chair J. Gary Dunn.

Present on behalf of the City of Ouray staff was Community Development Coordinator Lily Oswald.

**MINUTES**

Commissioner Fedel moved and Commissioner Hein seconded the motion to approve the minutes of the October 12<sup>th</sup>, 2021 Regular Planning Commission meeting as written. The motion passed on unanimous vote.

**CITIZEN COMMUNICATION**

None

**PUBLIC HEARINGS**

None

**ACTION ITEM**

A, 2022 Planning Commission Regular Meeting Schedule

Commissioner Hein and Commissioner Fedel seconded the motion to approve the 2022 Planning Commission Regular Meeting Schedule. The motion passed on unanimous vote.

**DISCUSSION**

- A. Planning Commission Appointments-Council will appoint 2 commissioners at next regular meeting for the two positions with expired terms.
- B. City Email Addresses – Announcement of email moving to Gmail platform
- C. Joint Meeting with City Council March 21, 2022 – ADU discussion & Planning Commission processes and roles. Discussion of code changes and updates.
- D. Code Update (Ch. 7 & 8) Process and Planning Commission Role
- E. Future Discussion Items.

**ADJOURNMENT**

Commissioner Fedel moved and Commissioner Hein seconded the motion to adjourn at 4:25 pm. The motion passed on unanimous vote.

320 6<sup>th</sup> Avenue  
 PO Box 468  
 Ouray, Colorado 81427



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TO: Ouray Planning Commission  
 FROM: Lily Oswald, Community Development Coordinator  
 FOR: March 15, 2022  
 SUBJECT: 225 6<sup>th</sup> Avenue (Units 1 & 2) Variance Application

**Property & Zoning Summary**

<b>Application Summary</b>	The Applicant is requesting a variance from the Ouray Municipal Code (OMC) Zoning Performance Standards for Units 1 and 2 at 225 6 <sup>th</sup> Avenue. The application generally is to obtain a variance from the 25% required commercial use of this property to instead allow 100% residential use for the first floor's two (2) units.
<b>Address:</b>	225 6 <sup>th</sup> Avenue
<b>Parcel Number(s)</b>	451531232001 (Unit 1); 451531232002 (Unit 2)
<b>Legal Description</b>	Subd: Sixth Avenue Condo Unit 1 S: 31 T: 44 R: 7; and, Subd: Sixth Avenue Condo Unit 2 S: 31 T: 44 R: 7
<b>Applicant/Owner</b>	Casey Haskell
<b>Zoning</b>	C-1: Commercial District
<b>Existing Use</b>	Mixed Use: Commercial & Residential
<b>Proposed Use</b>	Residential
<b>Site Size</b>	1,140 SF (incl. Units 1 and 2)
<b>Adjacent Land Uses/Zoning</b>	
North:	C-1; Citizen's State Bank (Mixed-Use)
South:	C-1; Retail Shops (Mixed-Use)
East:	C-1; Mouse's Chocolates (Commercial)
West:	R-2; Lodging Business (Commercial)
<b>Located Within National or Local Historic District Boundary</b>	Yes
<b>Located Within Commercial Historic Boundary</b>	Yes

**Zone District Dimensional Requirements (C-1)**

<b>Requirement</b>	<b>Required</b>	<b>Proposed/Existing</b>
<b>Minimum Setbacks</b>		
<b>Front (East)</b>	0 (commercial district)	0
<b>Rear (West)</b>	5 ft.	5 ft.
<b>Side (North)</b>	0 (commercial district)	0
<b>Side (South)</b>	0 (commercial district)	0
<b>Roof Eaves</b>	1 ft. into setback/property	1 ft. into setback/property
<b>Building-to-Building</b>	0 (commercial district)	0
<b>Minimum Floor Area</b>	Comply w/ building code	Comply w/ building code
<b>Maximum Floor Area</b>	9,585 SF	1,140 SF (incl. both Units)
<b>Maximum Height</b>	35 ft.	N/A
<b>Off-Street Parking</b>	1 space per residential unit	No dedicated parking spaces
<b>Additional Zoning Performance Standards:</b> <i>Any building on a lot located within the Ouray Commercial Historic District as shown on Official Zoning Map may not have more than 75% of the building's ground floor level devoted to a residential dwelling unit or residential spaces or uses accessory thereto.</i>	Maximum of <b>75%</b> of the building's ground floor level devoted to a residential dwelling unit or residential spaces or uses accessory thereto	Maximum of <b>100%</b> of the building's ground floor level devoted to a residential dwelling unit or residential spaces or uses accessory thereto

**BACKGROUND**

The applicant is requesting a variance from the Ouray Municipal Code's Zoning Performance Standards for his Units (#1 & #2) at 225 6<sup>th</sup> Avenue. The application generally is to obtain a variance from the 25% required commercial use of this property to instead allow 100% residential use. The variance application affects the interior *use* requirements of this property but otherwise does not affect the exterior construction of the 6<sup>th</sup> Avenue Condos or the two (2) separately-owned residential units on the second (2<sup>nd</sup>) floor (Units 3 & 4). Any future remodel work or alterations would have to satisfy the City's adopted Building Permit requirements, processes, and applicable codes.

**DEFINITION & PURPOSE**

Variations are deviations from the dimensional requirements, design or **performance standards** and other provisions of the OMC, not related to use of the property, that would not be contrary to public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of this Chapter would result in undue and unnecessary hardship. Variations shall only be granted in accordance with the terms of §7-5-G of the OMC, outlined in greater-depth, below.

The variance application is in regards to the C-1 zone district performance standards within the Ouray Commercial Historic District. This application is therefore fulfilling the appropriate process by submitting for a variance to the Planning Commission.

### **CRITERIA FOR DECISION**

Variations may be granted by the Planning Commission if they are in compliance with §7-5-G of the OMC. In order to grant the variance request, the Planning Commission must find that **all** of the following criteria will be met:

- i. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLUC;
- ii. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure; and
- iii. Literal interpretation and enforcement of the terms and provisions of the OLUC would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be deprived, the Planning Commission shall consider whether either of the following conditions apply:
  1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or
  2. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC to other parcels, buildings or structures, in the same zone district.

### **STAFF ANALYSIS**

This performance standard affects over one hundred properties within the Commercial Historic District. Some of these structures are historically *designated* while some others, such as the applicant's property, are not (as applicant noted in Exhibit B). This property was built in 1900 and later renovated and condominiumized in 2000. Prior to the applicant/property owner, this property was used commercially for a law office.

Staff finds this variance application inconsistent with the 1) purpose of these units as illustrated in the original condominium plats, 2) performance standards applied to all properties within the Commercial Historic District overlay zone, and 3) 2021 Community Plan priorities for the Main Street District's Future Land Use.

Staff considers the granting of variance from the zone's performance standards to convey a "special privilege" (§7-5-G-1-f(iii)-2) to this property which otherwise affects over 100 properties in this district with this shared requirement. Staff does not find this property to have a special condition or circumstance unique to the parcel which are not applicable to other parcels. Staff does not find enforcement of this provision of the OMC to deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district, causing "unnecessary hardship" but instead "mere inconvenience" (§7-5-G-1-f(iii)).

Staff recommends the Planning Commission carefully consider the above criteria, staff analysis, and the attachments to determine whether these criteria have been satisfied. Staff does not find the variance application to meet the required criteria for decisions although this performance standard could be discussed and considered in the upcoming land use code revisions by the Planning Commission.

### **PUBLIC NOTICE**

All public noticing requirements per the OMC have been met for this variance application. Public notice was posted at City Hall on February 25, 2022 published in the Ouray Plaindealer on March 3, 2022 and posted on the property on March 8, 2022. No public comments have been received by staff.

## **OPTIONS FOR THE PLANNING COMMISSION**

Options for the Planning Commission are as follows:

1. Approve the Resolution as drafted;
2. Approve the Resolution with specific changes;
3. Direct staff to draft a Resolution with specific reasons for the approval; or
4. Continue the matter to a specific date.

## **ATTACHMENTS**

Exhibit A: Draft Planning Commission Resolution No. 22-01

Exhibit B: 2022 Variance Application (Haskell)

Exhibit C: 225 6<sup>th</sup> Avenue Condo Plat (Reception No. 171640)

Exhibit D: Building Permit #1909-02 Application (Haskell, 2019)

Exhibit E: Building Permit #1312 (Burns, 2009)

Exhibit F: City of Ouray Official Zoning Map (Updated Jan. 2022)

**PLANNING COMMISSION RESOLUTION NO. 22-01  
CITY OF OURAY, COLORADO**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OURAY DENYING A VARIANCE TO INCREASE THE MAXIMUM RESIDENTIAL USE PERFORMANCE STANDARD FOR A PROPERTY LOCATED AT UNIT 1 AND UNIT 2 OF THE SIXTH AVENUE CONDO SUBDIVISION, CITY OF OURAY, COUNTY OF OURAY, STATE OF COLORADO.**

**WHEREAS**, Casey Haskell (“**Applicant**”) requested a variance from the performance standard requirements of the City of Ouray Municipal Code (“**OMC**”) for Units 1 & 2 of the Sixth Avenue Condo Subdivision (“**Property**”); and

**WHEREAS**, the Property is zoned C-1: Commercial District and located within the Commercial Historic District boundary; and

**WHEREAS**, a notice of the public hearing was provided substantially in accordance with City policies and OMC requirements; and

**WHEREAS**, the Planning Commission of the City of Ouray held a public hearing and addressed this request at a special meeting on March 15, 2022, and considered the staff report, all accompanying information, and testimony received from the Applicant and all other interested parties; and

**WHEREAS**, the Planning Commission reviewed the request and studied the compatibility of this request with adjacent land uses, and considered the application in accordance with variance criteria established in §7-5-G of the OMC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Ouray hereby denies the variance subject to the following findings:

1. The subject Property is zoned C-1 and within the Commercial Historic District, which has the following Performance Standard: “Any building on a lot located within the Ouray Commercial Historic District as shown on Official Zoning Map may not have more than 75% of the building’s ground floor level devoted to a residential dwelling unit or residential spaces or uses accessory thereto” (OMC Section 7-5-E-5-d-iii).
2. Units 1 and 2 of the Sixth Avenue Condo Subdivision are on the ground floor level and were approved by the City of Ouray as two (2) commercial units in 2000.
3. The proposed variance from 75% to 100% allowable residential use of the Property is generally inconsistent with the 2021 Community Plan’s Land Use goal to “encourage mixed-use development with supporting non-residential uses in the Residential/ Commercial, Main Street; Commercial and Light Industrial areas to assure community sustainability and vitality.”
4. Literal interpretation of and strict compliance with the OMC would not cause unnecessary hardship and would not be detrimental to the usability of the Property and the aesthetic character of the building would not be negatively impacted.
5. There are no special conditions and circumstances that are unique to this Property that are not applicable to other properties in the same zone district.
6. Granting of the variance would confer upon the Applicant special privileges which have not been afforded to other parcels within the same zone district.

**ADOPTED** by the Planning Commission of the City of Ouray at its special meeting on March 15, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Jeff Skoloda, Chairman

ATTEST:

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Beverly Martensen, Deputy Clerk

Community Development  
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**FOR STAFF USE ONLY**

Permit Number: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

DATE OF APPLICATION: \_\_\_\_\_

Check appropriate request

## MASTER LAND USE APPLICATION

- Site Development Permit \$200
- Conditional Use Permit \$200
- Variance Request \$500
- Rezone \$200
- Sketch Plan \$200
- Preliminary Plat \$400
- Final Plat \$300
- Lot Split \$300
- Minor Subdivision \$250
- Replat or Plat Amendment \$300
- Mobile Home or RV Park \$300
- Other \_\_\_\_\_

No Fee Applications/Requests:

\_\_\_ Appeal of Administrative Determination

\_\_\_ Interpretation of a Use not Itemized

### PRINT ALL INFORMATION FOR LEGIBILITY

Project Name: 225 6th Avenue Units 1 and 2 Variance

Ouray County Property Account(s): \_\_\_\_\_

Ouray County Parcel Number(s): \_\_\_\_\_

Site Address: (TBD) or #: 225 6th Avenue Units 1 and 2

Property Owner(s): Casey Haskell

Address: \_\_\_\_\_

City/Stat \_\_\_\_\_

Phone N \_\_\_\_\_

Applicant (If different than property owner): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Authorized Agent (for property owner/applicant): James Mahoney P.C.

Address: \_\_\_\_\_

City/Stat \_\_\_\_\_

Phone N \_\_\_\_\_

Proposed Use: Residential

Existing Use: Residential and Commercial

Site Area: Historic Commercaill

Existing Buildings to Remain or be Removed: Yes No (circle one)

Existing Building Coverage (Total Floor Area): \_\_\_\_\_ Proposed Building Coverage (Total Floor Area): \_\_\_\_\_

Number of Existing Lots: \_\_\_\_\_ Proposed Number of Lots: \_\_\_\_\_

Is the property subject to flooding, landslides, debris flows or other natural or geologic hazards? Circle one: Yes No

Briefly describe: \_\_\_\_\_

MASTER LAND USE APPLICATION  
COMMUNITY DEVELOPMENT

PAGE 2

**SUBMITTAL REQUIREMENTS** (See Chapter 7 for specifics to any request):

**Interpretations for Uses Not Itemized:** A completed application form, cover letter explaining or describing the use or activities proposed for the site with sufficient detail to understand the activity or use adequately. Supplemental information or pictures may be attached. Research from other sources can be provided to help explain what is the use not itemized.

**Variations:** A completed application form, filing fee, a cover letter and supporting documentation to explain the issue at the site that needs a waiver or modification of the regulations and explanation of how the situation might be remedied with the least variance or exception possible to achieve a positive outcome. If work was done contrary to the Building or Land Use Regulations an explanation for this situation will need to be provided. All information to be provided on a compact disk or thumb drive.

**Appeals:** A completed application form, a cover letter and any supporting documentation to explain the appeal from an administration action or determination.

**Site Development Permits and Subdivision Requests:** A completed application form, filing fee, detailed graphics as indicated by the Code provisions (three paper copies or sets), and three paper copies of all supplemental reports and information. Current proof of ownership or notarized consent by the property owner for a different individual or firm to be the applicant of the legal owner (one copy). All information to be provided on a compact disk or thumb drive.

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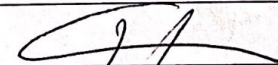
**PLEASE NOTE: Any incomplete application will not be accepted and will be returned to the applicant for completion and return to the Community Development Office.**

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**Acknowledgements:**

- a. Per Section 7-3 Administration B. Fees. The applicant is responsible for all costs incurred by the City which may include legal fees, postage, notice and publication costs, other professional services or charges by outside agencies for the review and processing of the applicant's request. The Applicant will be invoiced of such charges for payment within 30 days of mailing. Invoices not paid prior to the final decision meeting or action as requested, may cause the matter to be delayed to a subsequent date/time or the application could be denied. Please review the full statement in the Code regarding payment of fees.
- b. By affixing their signature(s) hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge and that I am the owner of the premises where the work is to be performed or I am acting as the owner's authorized agent. I further agree to hold harmless the City of Ouray as to any claim (including costs, expenses and attorney fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Ouray, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application.

Applicant's Name (Printed): Casey Haskell

Applicant's Signature:  Date: 1-24-22

Owner's Name (Printed): Casey Haskell

Owner's Signature:  Date: 1-24-22

Authorized Agent's Name (Printed): James Mahonev

Authorized Agent's Signature:  Date: 1/25/22

*Please be sure to provide current proof of ownership and written authorization (notarized) for representation as needed. Corporations or similar entities need to provide written documentation on who is authorized to represent and act on behalf of the organization.*



Sent via email: oswaldl@cityofouray.com

City of Ouray Planning Commission  
C/O Lily Oswald  
Community Development Coordinator  
P.O. Box 468/320 6<sup>th</sup> Ave  
Ouray, CO 81427

Re: Haskell, 225 6<sup>th</sup> Avenue, Unit 1 and 2 Variance Application Cover Letter and Narrative

Planning Commission Members:

Casey Haskell, the Applicant and Owner of Units 1 and 2 of the 6<sup>th</sup> Avenue Condominiums located at 225 6<sup>th</sup> Avenue, Ouray, CO (the "Property"). Mr. Haskell purchased the Property on March 7, 2019. Units 1 and 2 had been combined into one space by a previous owner at a date and time that Mr. Haskell is not aware of. The Property on the edge of the Ouray Commercial Historic District and the Property are the ground floor units within the larger condominium project which is otherwise entirely residential in nature. One of the requirements of the City of Ouray's Municipal Code is that any building within the Commercial Historic District not have more than 75% of the buildings ground floor level devoted to residential dwelling unit or spaces (See Section 7-5-E-5-d-iii). Due to the nature of the Property which is such that makes commercial use not only impractical, but impossible to sustain, Mr. Haskell is requesting a variance from the 75% limitation on residential use to allow for all of the Property to be residential use.

In order to grant a variance, the Planning Commission must evaluate the request against specific criteria. The reasons Mr. Haskell's variance request meets those criteria are set forth below:

i. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLC:

One of the Goals and Objectives of the City's Master Plan is to encourage the supply of safe year-round low and moderate income housing and to provide housing opportunities for a stable and diverse population. Requiring this Property to have a commercial use detracts from the opportunity for housing to moderate income households and supporting the variance would further this goal. Another goal is to preserve Ouray's historic resources. Nothing about this Property or the 6<sup>th</sup> Avenue Condominiums is historic in nature. The building looks and works as purely residential structure and does not have any historic or commercial aspect to it. Therefore, supporting this variance does not impact at all Ouray's historic resources.

Under land use goals an objective to ensure that zoning and development requirements address adverse impacts resulting from conflicting land uses. With this Property there are conflicting land uses and the requested variance would ensure there are no adverse impacts due to these conflicting land uses of residential and commercial.

Under the OLC, some of the goals include protecting property values in Ouray and granting this variance would preserve the property value of the Property and all of the units within the 6<sup>th</sup> Avenue Condominiums as the requirement to have 25%

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commercial is negatively impacting the value of the Property which in turn negatively impacts the value of the entire building.

ii. The grant of the variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure:

Allowing the Property to be all residential is the minimum variance as any requirement for mixed use in these units makes both commercial and residential uses in the same units unreasonable.

iii. Literal interpretation and enforcement of the terms and provisions of the OLUK would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be deprived, the Planning Commission shall consider whether either of the following conditions apply:

1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or
2. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUK to other parcels, buildings or structures, in the same zone district:

The Property its building, structure and layout are such that requiring 25% of the Property be used for a commercial use it creates an unnecessary hardship in that any commercial operation in this Property would not survive and would result in an economic hardship for any owner. The building as illustrated by Exhibit A has no commercial appearance or frontage typical of the Ouray Historic Commercial District. In Exhibit A-2 and A-3 you can also see that the stark difference in appearance and frontage between the neighboring property, other commercial areas in the vicinity and the 6<sup>th</sup> Avenue Condominiums. The others are clearly set up for commercial use and the 6<sup>th</sup> Avenue Condominiums reads as purely residential. This demonstrates that this building and structure and ultimately the Property have special circumstances that are not applicable to other structures or buildings in the same zone district and are not a result of the Applicant. These circumstances are the result of the development of the 6<sup>th</sup> Avenue Condominiums and the City of Ouray in approving a structure with no viability for commercial use in a commercial district.

Granting this variance will not confer upon the Applicant any special privilege denied to other parcels, buildings or structures in the same zone district, as based on our research there is not another structure within the Historic Commercial District, with the same circumstances (i.e., a residential designed structure). Even if the Planning Commission does not agree that section iii (2) has been satisfied by this application, satisfaction of section iii (1) is sufficient to grant the variance requested due to the language of this section. The last sentence of the first paragraph of section iii states "In determining whether an Applicants rights would be deprived, the Planning Commission shall consider whether **either** of the following conditions apply". Either is the key word in this sentence as if "**Either**" of the next two conditions apply the Planning Commission can grant the variance, not both of the conditions. This is further supported by the "**Or**" in between conditions 1 and 2. If both conditions had to be satisfied sections 1 and 2 would be connected with an "and" rather than an "or".

In summary, the Property is very unique in its appearance and layout within the Ouray Historic Commercial District, and those unique circumstances would make it nearly impossible for a commercial operation to be successful within this space especially considering the difficulties of commercial businesses staying in business in buildings and structures designed for

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James Mahoney, Esq.

commercial businesses. Therefore, we respectfully request that the Planning Commission grant the variance to allow for the Property to be 100% residential in use.

Sincerely,



---

James Mahoney

Enclosures:

Application  
Exhibit A  
Exhibit A-1  
Exhibit A-2  
Warranty Deed

Exhibits A, A-1 and A-2 Follow:



225

# 227 6th Ave



Image capture: Sep 2018 © 2022 Google

Ouray, Colorado

Google

Street View - Sep 2018



© 2021 Google

© 2021 Google

SMOKE

SHOP

OLD PRODUCTS  
LOCAL GLASS  
OPEN

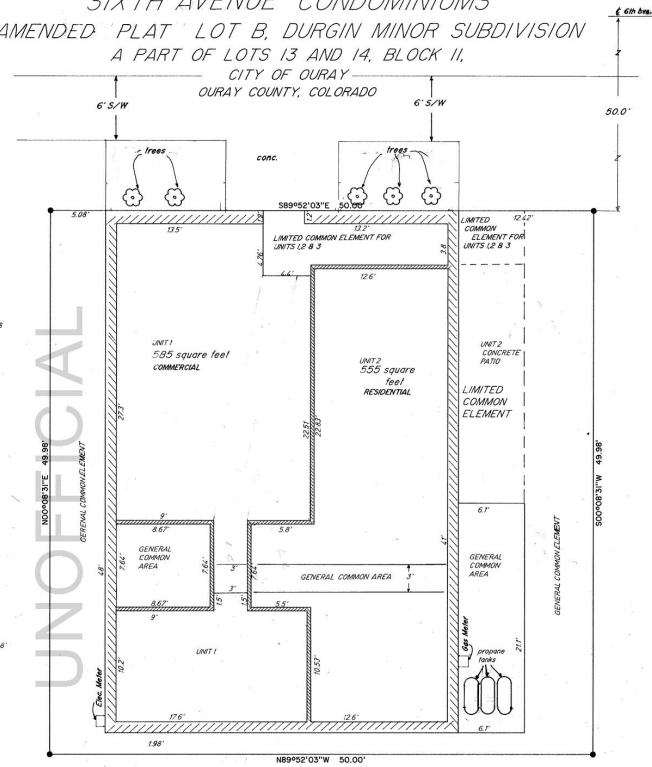
OXYGEN BAR  
BARBQ

Backstreet  
CAFE

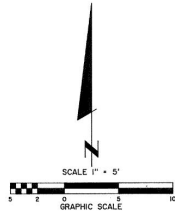
CEMS

EMERGENCY

**SIXTH AVENUE CONDOMINIUMS**  
**AMENDED PLAT LOT B, DURGIN MINOR SUBDIVISION**  
**A PART OF LOTS 13 AND 14, BLOCK II,**  
**CITY OF OURAY**  
**OURAY COUNTY, COLORADO**

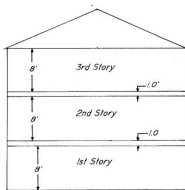


**GROUND FLOOR**



**LEGEND**

- = FOUND REBAR & CAP L.S. #10738
- GCE = GENERAL COMMON ELEMENT
- LCE = LIMITED COMMON ELEMENT



**ELEVATION DETAIL**  
1" = 10'

**CERTIFICATE OF DEDICATION AND OWNERSHIP**

Know all men by these presents that the undersigned being the owners of the following described real property, hereby declare and execute this Condominium Declaration Plat of the Sixth Avenue Condominiums, City of Ouray, Ouray County, Colorado as follows:

**1. Description**

Lot B, Durgin Minor Subdivision

**2. Condominium Declaration**

The real property laid out hereon as Sixth Street Condominiums is hereby platted pursuant to the terms and conditions of Condominium Declaration Sixth Street Condominiums dated this \_\_\_ day of \_\_\_\_\_, 2000, at Reception No. \_\_\_\_\_ in Book \_\_\_\_\_ Page \_\_\_\_\_ in the records of Ouray County, Colorado.

Owners James M. Grizzard Mary K. Grizzard  
James M. Grizzard Mary K. Grizzard

STATE OF COLORADO

COUNTY OF OURAY ) ss

I, James M. Grizzard and Mary K. Grizzard, the foregoing declaration was acknowledged before me this 12<sup>th</sup> day of January, 2000.

Witness my hand and official seal James M. Grizzard  
 My Commission expires 08/13/2002 James M. Grizzard  
 Notary Public

**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a Registered Land Surveyor in the State of Colorado and that this plat accurately represents a survey made by me and conforms to all applicable City of Ouray and State regulations and I further certify that the monuments shown hereon actually exist and their positions are as shown.

Paul R. Larson, P.L.S. #7970 Date 1-6-00  
 Notary Public

**ATTORNEY'S CERTIFICATE**

I, James M. Grizzard, an Attorney at law, duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the title of all land herein above platted and shown upon the written plat, and that title to such land is in the declarator, free and clear of all liens and encumbrances except as follows:

Dated this 26<sup>th</sup> day of January, A.D., 2000.

James M. Grizzard  
 Attorney at Law

**CERTIFICATE OF COMPLETED IMPROVEMENTS**

I, Arthur S. Fox, Mayor, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Ouray, have been constructed and installed in the Subdivision in accordance with applicable City Regulations and Specifications except as follows:

Arthur S. Fox Date 1-6-2000

**APPROVAL OF PLANNING COMMISSION**

Approved by the Ouray City Planning Commission this 14<sup>th</sup> day of December, 1999.  
 by James M. Grizzard Chairman

**APPROVAL OF CITY COUNCIL**

Approved by the Ouray City Council this 11<sup>th</sup> day of January, 2000.  
 by Arthur S. Fox

**APPROVAL OF CITY ATTORNEY**

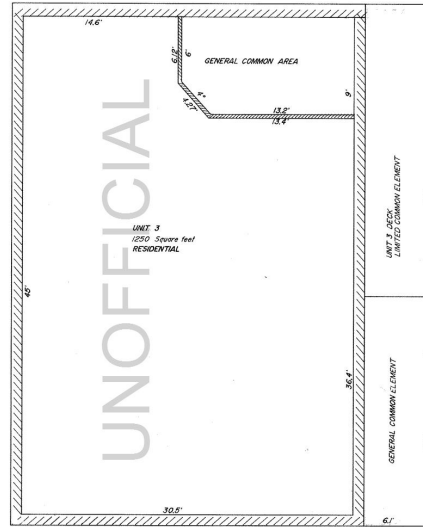
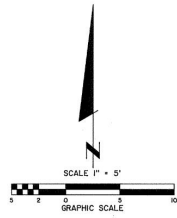
Approved for recording this 26<sup>th</sup> day of January, 2000.  
 by Paul R. Larson City Attorney

**RECORDER'S CERTIFICATE**

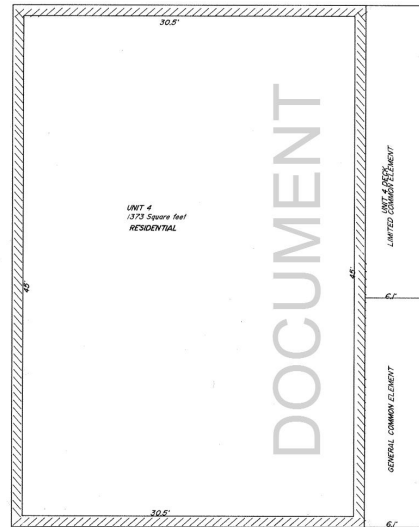
This plat was filed for record in the office of the Clerk & Recorder of Ouray County at 12:50 p.m. on the 21<sup>st</sup> day of January, 2000, in Book 218 Page N/A Reception No. 171690

Michelle Olin Kathy Cheyne  
 County Clerk and Recorder Deputy

Grizzard



2 ND FLOOR



3 RD FLOOR

Reception No 171640  
page 2 of 2

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



## City of Ouray Building Permit Application

Please return the completed application to the Building Department with all required documents stated on the Building Permit Application Checklist and Minimum Requirements Form.

### Property Information

Project Physical Address: 225 6th Ave, Ouray, CO, 81347  
Legal Description (Block #, Lot #, Subdivision): \_\_\_\_\_  
Zoning District: (R1) (R2) (C1) (C2) \_\_\_\_\_  
Is the property located in the Local or National Historic District?  Yes <sup>see below</sup>  No  
Square Footage of Existing Structure(s): 1140 sq. ft.  
Floor Area Gross of Existing Structure(s): \_\_\_\_\_  
Total Lot Size: \_\_\_\_\_  
Is the property located in the flood plain? (Yes)  (No)

### Contact Information

Owner's Name: Casey Haskell  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Authorized Agent's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_  
General Contractor's Name: Owner  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Architect's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Engineer's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Ⓟ No more than 75% of Ground Floor shall be dedicated to Residential use Ⓟ  
Section 7-5-E-5-d-iii

RECEIVED

MAY 23 2019

CITY OF OURAY

### Project Information

Cost of Project (exclude land): \$ \$5,000  
Estimated Completion Date: Sept. 30, 2019

Class of Work:     New Construction             Addition             Repair  
                          Accessory Structure             Demolition             Alter Existing

Use of Building:     Single Family Dwelling     Townhome             Commercial  
                          Storage/Factory             Other

Square Footage of New Structure: \_\_\_\_\_


Total Floor Area Gross: \_\_\_\_\_ Structure Height: \_\_\_\_\_

Describe Project: Remove two existing walls, add second bathroom and full kitchen.

### Certification

I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false, misleading, or incorrect information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq) and that my personal information contained on this application may be available to the public for review.

Signature of Owner or Agent:  Date: 5-23-19  
(If Agent, a completed Agent Authorization Form must be attached)

Printed Name of Owner or Agent: Casey Haskell

### For City Use Only

Date Application Received: 5/20/19

Site Development Permit Required?  Complete

Plan Review Complete

Date Application Approved: 6/11/19

Permit Approved By:  Date: 6/11/19

Permit #: 1906-01 Building Permit Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_

**APPROVED**

 6/11/19  
City of Ouray Date

APPROVED

City of Ouray

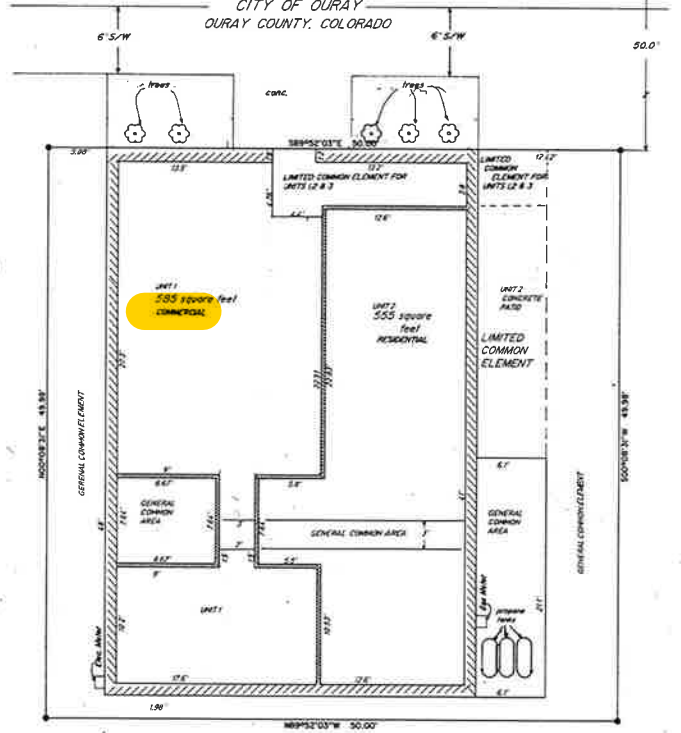
Date

RECEIVED

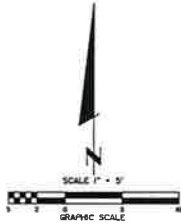
MAY 23 2019

CITY OF OURAY

SIXTH AVENUE CONDOMINIUMS  
 AMENDED PLAT LOT B, DURGIN MINOR SUBDIVISION  
 A PART OF LOTS 13 AND 14, BLOCK II,  
 CITY OF OURAY  
 OURAY COUNTY, COLORADO

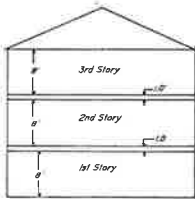


GROUND FLOOR



LEGEND

- = FOUND REBAR @ CAP L.S. #10738
- GCE = GENERAL COMMON ELEMENT
- LCE = LIMITED COMMON ELEMENT



ELEVATION DETAIL  
1" = 10'

CERTIFICATE OF DESIGNATION AND DECLARATION

Know all men by these presents that the undersigned being the owners of the following described real property, hereby declare and execute this Condominium Map & Subdivision Plat of the Sixth Avenue Condominiums, City of Ouray, Ouray County, Colorado as follows:

1. Description

Lot B, Durgin Minor Subdivision

2. Condominium Declaration

The real property laid out herein as Sixth Avenue Condominiums is hereby platted pursuant to the terms and conditions of Condominium Declaration Sixth Avenue Condominiums dated this \_\_\_ day of \_\_\_\_\_, 2000, of Reception No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_ in the records of Ouray County, Colorado.

Owners

*James M. Gitzard*  
James M. Gitzard

*Mary K. Gitzard*  
Mary K. Gitzard

STATE OF COLORADO  
COUNTY OF OURAY )

The foregoing declaration was acknowledged before me this 11<sup>th</sup> day of June, 2000 A.D. by James M. Gitzard and Mary K. Gitzard.  
 Witness my hand and official seal  
 My Commission expires 08/03/2002

*Jeffrey M. Hines*  
Jeffrey M. Hines



SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor in the State of Colorado and that this plat accurately represents the survey made by me and conforms to all applicable City of Ouray and State Regulations and I further certify that the monuments shown herein actually exist and their positions are as shown.

*Paul R. Larson*  
Paul R. Larson, PLS #7970 Date 1-1-19

ATTORNEY'S CERTIFICATE

I, *James M. Gitzard*, an Attorney at Law, duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the title of all land herein above platted and shown upon the written plat, and that title to such land is in the declarators, free and clear of all liens and encumbrances except as follows:

Dated this 26th day of January, A.D. 2000.

*James M. Gitzard*  
James M. Gitzard  
Attorney at Law

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, *William S. Fox*, Mayor, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Ouray, have been constructed and installed in the Subdivision in accordance with applicable City Regulations and Specifications except as follows:

*William S. Fox*, 18<sup>th</sup> day of January, 2000  
Date

APPROVAL OF PLANNING COMMISSION

Approved by the Ouray City Planning Commission this 14<sup>th</sup> day of December, 1999.  
by *AD JONES*

APPROVAL OF CITY COUNCIL

Approved by the Ouray City Council this 15<sup>th</sup> day of January, 2000.  
by *William S. Fox*

APPROVAL OF CITY ATTORNEY

Approved for recording this 16<sup>th</sup> day of January, 2000  
by *Paul R. Larson*  
City Attorney

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk & Recorder of Ouray County at 4:50 P.M. on the 22<sup>nd</sup> day of January, 2000, in Book 116 Page 116.  
Reception No. 171640

*Michelle Olin*  
Michelle Olin  
County Clerk and Recorder

*Kathy Cheyco*  
Kathy Cheyco  
Deputy

Well separate units has been altered from this drawing and appears to be (1) unit. When units are separated again must maintain fire separation + minimum commercial space per code DD 6/11/19

*Griggard*

CITY OF OURAY BUILDING APPLICATION AND PERMIT

Building Permit No. 1312

*CO. 4/18/09 remodel office*

Building Fee \$ 125<sup>25</sup>  
 Plan Check \$ 81<sup>41</sup>  
 Total \$ 206<sup>66</sup>

Type of Occupancy OFFICE  
 Total Floor Area 1488 sq.  
 No. of Stories 1 Total Height 10 (1) story  
 Area of Lot 50' x 50' = 2500sq.  
 Site Coverage 50' x 30' = 1500sq ÷ 2500 = 60%

Called Inspections (Contractor to call the building inspector when each item is done.)

Class of Work

- 1. Foundation \_\_\_\_\_
- 2. Frame \_\_\_\_\_
- 3. Insulation \_\_\_\_\_
- 4. Wall covering \_\_\_\_\_
- 5. Final \_\_\_\_\_

New \_\_\_\_\_ Demolish X Alteration X  
 Repair \_\_\_\_\_ Addition \_\_\_\_\_ Move \_\_\_\_\_  
 No. of Rooms 6 No. of Families N.A.  
 No. of Floors 1  
 Buildings now on lot 1  
 Use of buildings OFFICE & SGL. family

- 1. Type of Construction  
 I. II. III. IV. V VI. N (not rated)
- 2. Occupancy Group  
 A, B E, F, H, I, M, R1, R3, S, U

- 3. Zone Use  
 P1, P2, R1, R2, C1 C2
- 4. Fire Zone  
1, 2, 3, 4

Building Valuation \$ \_\_\_\_\_  
 Owner \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 General Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Plumbing Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 (NOTE: Plumbing permits are issued from the State Plumbing inspector in Montrose, Co.)  
 Electrical Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 (NOTE: Electrical permits are issued from the State electrical inspector in Montrose, Co.)

Locality of Job 225 6TH Ave (units 1 & 2) 6TH Ave CONDOS  
 (Street Address)

Legal Description Block 11, Lot B

Specifications of Foundation

Material Used All EXISTING Size of Wall \_\_\_\_\_ Reinforced \_\_\_\_\_  
 Footings \_\_\_\_\_ Depth in Ground \_\_\_\_\_  
 Width of Top \_\_\_\_\_ Width of Bottom \_\_\_\_\_

	SIZE	SPACING	SPAN	TYPE	TYPE
Girders					
Joist - 1st. floor					
Joist - 2nd. floor					
Joist ceiling					
Insulation					
Exterior studs					
Interior studs					
Roof rafters					
Inside Doors					
Exterior Doors & Windows					

Coverings  
 Exterior walls N.A. EXISTING  
 Interior walls DRYWALL  
 Roof N.A. EXISTING

—APPLICATION MUST BE SIGNED BELOW —

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and codes governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\_\_\_\_\_  
 Signature of Contractor or Authorized Agent

9 April 09  
 Date

# Ouray Zoning Map

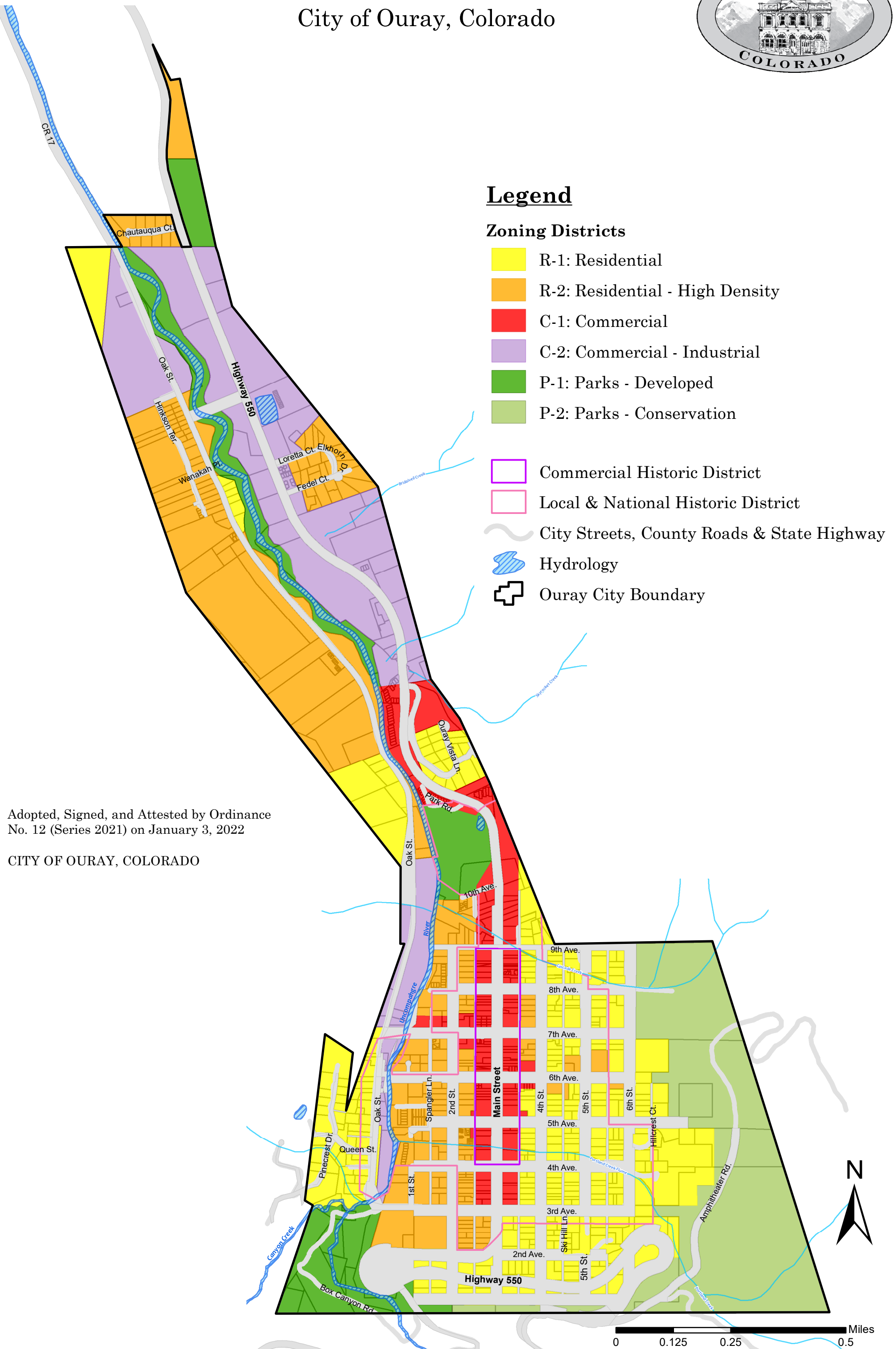
City of Ouray, Colorado



## Legend

### Zoning Districts

- R-1: Residential
- R-2: Residential - High Density
- C-1: Commercial
- C-2: Commercial - Industrial
- P-1: Parks - Developed
- P-2: Parks - Conservation
- Commercial Historic District
- Local & National Historic District
- City Streets, County Roads & State Highway
- Hydrology
- Ouray City Boundary



Adopted, Signed, and Attested by Ordinance No. 12 (Series 2021) on January 3, 2022

CITY OF OURAY, COLORADO

0 0.125 0.25 0.5 Miles

320 6<sup>th</sup> Avenue  
 PO Box 468  
 Ouray, Colorado 81427



970.325.7211  
 Fax 970.325.7212  
 www.cityofouray.com

**TO:** Ouray Planning Commission  
**FROM:** Lily Oswald, Community Development Coordinator  
**FOR:** March 15, 2022  
**SUBJECT:** TBD 9<sup>th</sup> Avenue PUD – Sketch Plan

**PROJECT GEOGRAPHY**

**Table 1. Project Geography**

<b>Application Summary</b>	Sketch Plan for a Planned Unit Development (PUD) for residential development on a vacant lot on 9 <sup>th</sup> Avenue and 2 <sup>nd</sup> Street. The intent of the PUD is to provide two (2) long-term rental units and one (1) long-term home for the property owner. This PUD application includes variances to the minimum single family dwelling unit dimensions, off-street parking requirements, and front setbacks.
<b>Address</b>	TBD 9 <sup>th</sup> Avenue
<b>Parcel Number(s)</b>	451531204002
<b>Legal Description</b>	Subd: City of Ouray Lot: 11 Block: 8 Subd: City of Ouray Lot: 12 Block: 8 S: 31 T: 44 R: 7
<b>Applicant/Owner</b>	Amor “Ames” Risch
<b>Zoning</b>	R-2 – High-Density Residential (south of Skyrocket Creek)
<b>Existing Use</b>	Vacant
<b>Proposed Use</b>	Cluster of three (3) single-family dwelling units (undivided ownership)
<b>Site Size</b>	7,112 sq.ft.
<b>Adjacent Land Uses</b>	
North:	R-2; Single Family Residential
South:	R-2; Residential Duplex
East:	C-1; Commercial (Ouray Livery Barn)
West:	R-2; Single Family Residential
<b>Located Within National or Local Historic District Boundary</b>	Yes
<b>Located Within Commercial Historic Boundary</b>	No

**Table 2. Zone District Dimensional Requirements (R-2, south of Skyrocket Creek)**

Requirement	Zone District Standards	Proposed/Existing
Minimum Lot Area	7,100 sq.ft.	7,112 sq.ft.
Maximum Density	2,370 sq.ft./D.U., 790 sq.ft./L.U.	1,008 sq.ft./D.U. <i>(3.0 possible dwelling units allowed with Max. Density standard)</i>
Minimum Setbacks		
Front (East)	15 ft.	12 ft.
Side (North)	5 ft.	5 ft.
Side (South)	5 ft.	5 ft.
Rear (West)	5 ft.	5 ft.
Roof Eave Extension	No more than 1 ft. into setback	No more than 1 ft. into setback
Building-to-Building	10 ft.	14 ft. and 29 ft.
Minimum Floor Area	Comply w/ Building Code	Comply w/ Building Code
Maximum Floor Area	Ouray Local and National Historic District: 10% greater than the average of the primary structures on the block front or 4,260 sq.ft., whichever is less. All other properties: 10,650 sq. ft.	3,171 sq.ft. <i>(1,008 sq.ft. per unit + 49 sq.ft. per mechanical room)</i>
Maximum Site Coverage	50%	23.3%
Maximum Building Impervious Surface Site Coverage	80%	54%
Maximum Height	35 ft.	35 ft.
Parking	Two (2) Spaces/Residential Unit	One (1) Space/Residential Unit
PUD Open Space Coverage	20%	“Open Space” coverage = 46% <i>Comply w/ site coverage requirements; requesting to satisfy the “public open space” via the payment-in-lieu option.</i>

**BACKGROUND**

The Applicant desires to develop the currently vacant lot on the southeast corner of 9<sup>th</sup> Avenue and 2<sup>nd</sup> Street to provide three (3) single family homes. The proposed footprint (18’x28’) for each of these homes is too small to meet the required floor area for a single family residence as defined by the OMC (“24’ wide x 32’ long”) and too large to be considered an Accessory Dwelling Unit (ADU). These three (3) homes propose one (1) designated off-street parking space each. Each home would be marked with a unique address identifier.

After meeting with CDC staff, the Applicant was encouraged to apply for a PUD due to the requested variances and overall mission of the project aligning with the City’s adopted PUD policies. The Applicant plans to provide affordable, long-term leasing opportunities in two (2) of these units and one (1) long-term housing unit for the owner and does not otherwise wish to formally subdivide the property. Some of the subdivision requirements outlined in the OMC would not apply to this project or the Sketch Plan phase. The PUD would essentially “rezone” the property to a PUD to provide the proposed cluster of dwelling units which otherwise wouldn’t meet the zone dimensional requirements of R-2, south of Skyrocket. According to the OMC, permitted residences within PUDs may be clustered (while observing building-to-building setbacks), which this PUD proposes, in order to effectively use the space provided in the lot.

**PUD Variations**

Table 3 summarizes the OMC dimensional and performance standards and the proposed PUD variations to these standards as a result of this application.

**Table 3. Requested PUD Variations**

OMC Section	OMC Standard	Requested PUD Variation
7-5-E(4)(d)(iii)(1)	<i>Single Family Dwellings shall be not less than 24 feet in width and 32 feet in length.</i>	Single Family Dwellings proposed to be 18 feet in width and 28 feet in length (504' foundation).
7-5-E(4)(e)(ii)(1)	<i>The minimum front setback shall be equal to the average of the existing building front setbacks on the block front, or fifteen (15) feet, whichever is less.</i>	The proposed front setback for each home is 12 feet from the northern property line (along 9 <sup>th</sup> Ave.). The front setback for each home to the proposed sidewalk along 9 <sup>th</sup> Avenue is 18 feet total (6 feet from property boundary to sidewalk + 12 foot setback).
7-5-E(4)(f)(i)	<i>Two off-street parking spaces per dwelling unit.</i>	One dedicated off-street parking space is proposed for each dwelling unit. Note: §7-5-E(4)(f)(vi) states “one of the required off-street parking spaces may be satisfied by utilizing that portion of the public right-of-way adjacent to the subject property not utilized for roadway or pedestrian purposes.”

**Foundation to PUD Variations**

The Planned Unit Development (“PUD”) regulations in the Ouray Municipal Code (“OMC”) §7-8 establish the following Statement of Objectives of Development (“PUD Objective”):

*“The intent of this section is to promote the Planned Unit Development Act of 1972 and encourage innovative developments with unique and valued community attributes. PUDs allow for consideration of development proposals that differ from required development improvements identified in the OMC. PUDs offer different options to the applicant when planning and obtaining City approval for their development. PUDs allow flexibility with respect to dimensional requirements and increased densities under certain conditions or circumstances. PUDs encourage conservation of a site’s natural characteristics, innovative residential, commercial and industrial development plans which will result in a more efficient use of open space and provide affordable housing for year around residents.”*

**OMC §7-8-D establishes the following applicable dimensional requirements and densities:**

The dimensional requirements for various PUD items may differ from what is required in the OMC if the Planning Commission determines that such deviations will promote the public health, safety and welfare. A minimum of 20% of the gross area of the PUD must be preserved as parks or open space or a payment-in-lieu will be used to satisfy this requirement which has been the case with prior PUD applications in Ouray.

**Process to Create a PUD**

The Planning Commission makes final decisions for the Sketch Plan phase of PUD applications. The City Council must make final PUD decision(s) during the consideration of Preliminary and Final Plat phases.

OMC §7-8-E: Procedures, states “PUDs shall be reviewed in accordance with the same procedures for review of subdivisions as found in Subsection 7-7-C” and, “preliminary and final PUD plan shall comply with all

*requirements for a preliminary and final subdivision plat, to the extent applicable”*

The procedures for reviewing a PUD include the following Subdivision steps:

1. **Sketch PUD** with Planning Commission review and determination pursuant to the Subdivision Sketch Plan in OMC §7-7-C(2).
2. **Preliminary PUD** with Planning Commission review and recommendation to the City Council for determination pursuant to the Subdivision Preliminary Plat in OMC §7-7-C(3).
3. **Final PUD** with Planning Commission review and recommendation to the City Council for determination pursuant to the Subdivision Final Plat in OMC §7-7-C(4).

The Applicant has submitted a Land Use Application for a *Sketch Plan* which will be processed as the first (Sketch Plan) phase of the PUD application. The City of Ouray does not have a formal Planned Unit Development (PUD) application and has processed very few PUDs in recent years. Typically, the City of Ouray processes PUDs as a combination of a *rezone* via the *subdivision* process (in accordance with the OMC). The Applicant has paid all required fees to date to the City of Ouray for this Land Use Application.

### **CRITERIA FOR DECISION**

#### **1. OMC §7-8-B establishes the following primary PUD Criteria for Decision:**

- A. A PUD shall be in general conformity with the City Community Plan
- B. A PUD shall be consistent with the PUD Objective
- C. Compliance with the Colorado Planned Unit Development Act of 1972
- D. A PUD shall have a minimum of 1 unit or lot

#### **2. OMC §7-7-C(2)(b) establishes the following Subdivision Sketch Plan minimum criteria:**

- A. “The Planning Commission shall review the Sketch Plan to determine its general acceptability, consistence with the City Standards and will consider the following minimum criteria:
- B. Conformity with the Master Plan and zoning regulations.
- C. Relationship of development to topography, soils, drainage, flooding potential, natural hazard areas and other physical characteristics.
- D. Availability of water, means of sewage collection and treatment, access and other utilities and services.
- E. Compatibility with the environment, vegetation and unique natural features.
- F. Compatibility with the architectural history.”

### **STAFF ANALYSIS: PUD CRITERIA FOR DECISION**

#### **1. A. General Conformity with the Ouray Community Plan**

Staff finds this PUD proposal aligns with numerous goals and strategies of the Ouray Community Plan 2021. The proposed development aims to provide homes for affordable housing at a density appropriate for its surrounding neighborhood. This project aims to diversify the housing available in Ouray as well as provide attainable housing solutions for year-round local residents and employees.

- Each home proposes one (1) dedicated parking space. Housing Goal H-1 encourages Ouray to “*consider amending the LUC and the city adopted building regulations to provide robust incentives for the development of attainable housing in the community such as: vii. Reduction of the on-site parking requirements” (Ouray Community Plan 2021, pg. 9)*
- Housing Goal H-1 also includes “*vi. allowing for homes with a high density on one of more lots, including reducing lots sizes, frontages and setbacks to facilitate small home development” (pg. 9).*

The proposed PUD is in-line with the City’s adopted Plan and helps to address the housing needs in Ouray.

#### **1. B. Consistency with the PUD Objective**

Key elements of the PUD Objective include:

- Encourage innovative developments with unique and valued community attributes.

- Allow for consideration of development proposals that differ from required development improvements identified in the OMC.
- Offer different options to the applicant when planning and obtaining City approval for their development.
- Allow flexibility with respect to dimensional requirements and increased densities under certain conditions or circumstances.

*“PUDs encourage conservation of a site’s natural characteristics, innovative residential, commercial and industrial development plans which will result in a more efficient use of open space and provide affordable housing for year-round residents”* (OMC §7-8-A). Staff finds the Applicant is seeking to create an innovative use of space as a PUD on the residentially-zoned vacant lot. The PUD process provides an opportunity for the Applicant to seek flexibility with the dimensional standards in order to provide long-term attainable housing solutions and effective use of space, both of which are primary goals of the community under the adopted Plan.

### **1. C. Compliance with the Colorado PUD Act**

The key requirements of the Colorado PUD Act have been incorporated into the PUD section of the OMC. A PUD agreement will be developed for any preliminary PUD hearings to outline key planning elements such as density, height, setbacks, parking, phasing and the key requirements of the Colorado PUD Act concerning vested rights, the rights of the City, the rights of the Applicants and PUD amendments.

### **1. D. Minimum Density**

The minimum density of one unit has been met.

## **STAFF ANALYSIS: SUBDIVISION SKETCH PLAN CRITERIA FOR DECISION**

### **2. A. Conformity with the Master Plan and Zoning Regulations**

Please refer to discussion outlined in 1.A. and 1.D., above. The purpose of the Residential District – High Density (R-2) is to accommodate transient, part-time or permanent residential development in a density greater than envisioned for R-1.

### **2. B. Relationship of Development to Topography, Soils, Drainage, Flooding Potential, Natural Hazard Areas and Other Physical Characteristics**

The following phases of the PUD application will include a more detailed drainage plan for the Property to ensure runoff will be mitigated. The Property does not have a slope great enough to trigger the need for an Engineered Geology Report (EGR) nor have there been geo-hazardous events on adjacent properties in recent years. This Property is not within a designated Flood Zone area.

### **2. C. Availability of Infrastructure**

These homes will be located in close proximity to existing infrastructure, improvements, access points, services, and trails; gas, electric, telecommunications, collector roads, water and sewer are readily available to the Property. The City will be analyzing current water system and sewer system capacity as the PUD moves through the planning process, with the goal to have such analyses completed prior to Final PUD approval. There are approximately 30-40 available sewer taps before the City reaches its engineer-estimated 95% capacity, though tap limits are being carefully monitored by the Community Development and Public Works Departments. Site plans will be referred out to utility companies/applicable City Departments for review during the preliminary/final plat phases. All comments from agencies and the community will be included as exhibits to upcoming reports, if received.

### **2. D. Compatibility with the Environment, Vegetation and Unique Natural Features**

This topic has been discussed in the staff report above. This proposed PUD is found to be compatible with the surrounding environment, vegetation, and limited unique natural features in the lot and to neighboring lots.

## **2. E. Compatibility with the Architectural History**

The Property is located within the National & Local Historic District though this lot is not a designated historical site and adjacent properties are considered “Noncontributing to the National Historic District.”

### **STAFF RECOMMENDATION**

Staff recommends the Planning Commission read the applicant narrative in Exhibit B, this staff report, and review the site plan shown in Exhibit C. After hearing the staff report and any testimony at the hearing, the Commission should discuss the Sketch PUD from a very high level, focusing on the big picture issues such as the PUD variations in Table 3, the PUD and Sketch Plan Criteria for Decision, and general conformance with the Community Plan. Staff finds this project meets many goals and actions outlined in the newly adopted Ouray Community Plan, meets the goals set forth in the OMC, and is a reasonable use of the currently vacant R-2 lot.

The 2021 Ouray Community Plan Goal H-1(B)(ix) states “*Creating streamlined and efficient development review procedures for projects that include attainable housing*” similarly, §7-7-C(2)(d) of the OMC states, “*as part of the Sketch Plan approval, the Planning Commission may recommend waiving the preliminary plat requirement for subdivisions if the development does not require public improvements or other critical and necessary improvements.*” Staff recommends the Planning Commission recommend waiving preliminary plat requirements for subdivisions due to the nature of this project and presence of all other critical improvements to serve the lot. City Council will consider this recommendation within thirty (30) days should the Planning Commission recommend to waive Preliminary Plat requirements for this PUD application. Expediting the process, the next phase of this application would be the Final Plat PUD phase which would satisfy all applicable PUD and plat requirements.

Staff recommends the Planning Commission approve the PUD Sketch Plan and recommend waiving preliminary plat requirements to the City Council.

#### **Attachments:**

- Exhibit A: PUD Application
- Exhibit B: Applicant Narrative
- Exhibit C: Sketch PUD Site Plan
- Exhibit D: Topographic Survey (Lots 11 & 12, Block 8)

Community Development  
P.O. Box 468  
320 Sixth Avenue  
Ouray, Colorado 81427  
970-325-7211 main  
970-325-7212 fax  
www.cityofouray.com



**FOR STAFF USE ONLY**

Permit Number: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

DATE OF APPLICATION: 10 Feb 2022

Check appropriate request

## MASTER LAND USE APPLICATION

- Site Development Permit \$200
- Conditional Use Permit \$200
- Variance Request \$500
- Rezone \$200
- Sketch Plan \$200
- Preliminary Plat \$400
- Final Plat \$300
- Lot Split \$300
- Minor Subdivision \$250
- Replat or Plat Amendment \$300
- Mobile Home or RV Park \$300
- Other \_\_\_\_\_

No Fee Applications/Requests:

\_\_\_ Appeal of Administrative Determination

\_\_\_ Interpretation of a Use not Itemized

**PRINT ALL INFORMATION FOR LEGIBILITY**

Project Name: 200 Ninth St houses

Ouray County Property Account(s): R000674

Ouray County Parcel Number(s): 451531204002

Site Address: (TBD) or #: TBD 2xx 9th Avenue (odd)

Property Owner(s): Amor (Ames) M Risch

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Applicant (If different than property owner): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Authorized Agent (for property owner/applicant): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Proposed Use: 3 small houses - 2 long-term rental, one owner occupied

Existing Use: vacant lot

Site Area: 7100 sq ft

Existing Buildings to Remain or be Removed: Yes  No  (circle one)

Existing Building Coverage (Total Floor Area): 0 Proposed Building Coverage (Total Floor Area): 2505

Number of Existing Lots: 2 Proposed Number of Lots: 2

Is the property subject to flooding, landslides, debris flows or other natural or geologic hazards? Circle one: Yes  No

Briefly describe: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS** (See Chapter 7 for specifics to any request):

**Interpretations for Uses Not Itemized:** A completed application form, cover letter explaining or describing the use or activities proposed for the site with sufficient detail to understand the activity or use adequately. Supplemental information or pictures may be attached. Research from other sources can be provided to help explain what is the use not itemized.

**Variations:** A completed application form, filing fee, a cover letter and supporting documentation to explain the issue at the site that needs a waiver or modification of the regulations and explanation of how the situation might be remedied with the least variance or exception possible to achieve a positive outcome. If work was done contrary to the Building or Land Use Regulations an explanation for this situation will need to be provided. All information to be provided on a compact disk or thumb drive.

**Appeals:** A completed application form, a cover letter and any supporting documentation to explain the appeal from an administration action or determination.

**Site Development Permits and Subdivision Requests:** A completed application form, filing fee, detailed graphics as indicated by the Code provisions (three paper copies or sets), and three paper copies of all supplemental reports and information. Current proof of ownership or notarized consent by the property owner for a different individual or firm to be the applicant of the legal owner (one copy). All information to be provided on a compact disk or thumb drive.

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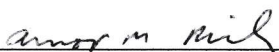
**PLEASE NOTE: Any incomplete application will not be accepted and will be returned to the applicant for completion and return to the Community Development Office.**

---

**Acknowledgements:**

- a. Per Section 7-3 Administration B. Fees. The applicant is responsible for all costs incurred by the City which may include legal fees, postage, notice and publication costs, other professional services or charges by outside agencies for the review and processing of the applicant's request. The Applicant will be invoiced of such charges for payment within 30 days of mailing. Invoices not paid prior to the final decision meeting or action as requested, may cause the matter to be delayed to a subsequent date/time or the application could be denied. Please review the full statement in the Code regarding payment of fees.
- b. By affixing their signature(s) hereto, I certify under penalty of perjury that the information furnished herein is true and correct to the best of my knowledge and that I am the owner of the premises where the work is to be performed or I am acting as the owner's authorized agent. I further agree to hold harmless the City of Ouray as to any claim (including costs, expenses and attorney fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Ouray, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as a part of this application.

Applicant's Name (Printed): Amor M Risch

Applicant's Signature:  Date: 10 Feb 2022

Owner's Name (Printed): \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Agent's Name (Printed): \_\_\_\_\_

Authorized Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Please be sure to provide current proof of ownership and written authorization (notarized) for representation as needed. Corporations or similar entities need to provide written documentation on who is authorized to represent and act on behalf of the organization.*

## **Project Overview**

Project Name: 200 block Ninth Ave houses

Site Address: TBD 200 block 9th Avenue

Property Owner: Ames Risch

The proposed project is to construct three (3) single-family homes on the existing vacant lots on 9th Avenue at 2nd Street. The intent is to provide two (2) long-term rental opportunities for the community and one (1) long-term home for the property owner. Each house is smaller than the minimum single family home size but larger than the current ADU size. Each 2 story house has 2 bedrooms and a full bath on the ground floor, and 1/2 bath and open kitchen and living space on the top floor.

The houses will front onto 9th Avenue and are sized to be proportionate to the smaller historic cabin across the street. Similar to that cabin they are set closer to 9th Avenue which is also a narrower street. We believe these small homes are in keeping with the Community Plan vision of a sustainable city with higher density, smaller lot sizes, frontages and setbacks. Like the vision in the Community Plan, they have less on-street parking and favor reduced car use given their location in the walkable city area.

### **Variations requested:**

House size - each unit is 18x28, 2 story - 1008 sq ft of living space

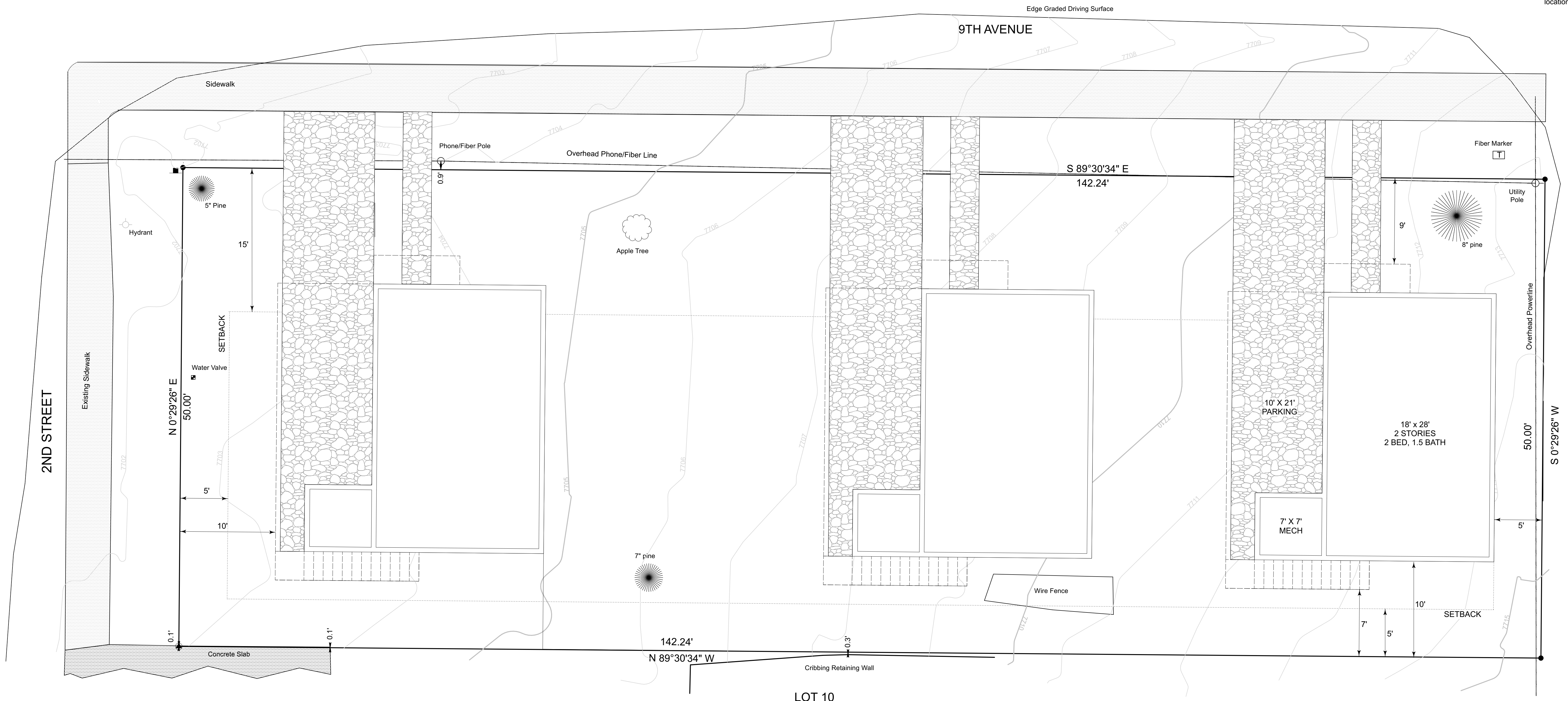
Number of units - 3 separate units - zoned R-2 on a single parcel

Setbacks - from street - 9' to small entry porch, 12' to main house

Parking - a single off-street space is provided per unit



location map - not to scale



**LOT COVERAGE**

Total Lot = 7112sf  
  
 Building Footprints = 1659sf  
 Raised Deck and Exterior Stairs = 846sf  
  
 Total Coverage = 2505sf  
 Percent Coverage = 35.2%

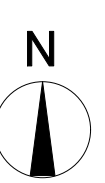
**ZONING INFORMATION**

Zone: R2  
 Max Height: 35' from avg. grade  
 Max Site Coverage: 40%  
 Max Impervious Surface Coverage: 80%

**GENERAL NOTES**

- All construction is to comply with the 2009 International Building Codes, as well as all other guidelines and specifications required by the governing town/county to any other applicable agencies.
- Parcel coordinates taken from most recent survey, May 2021.
- Positive drainage to be provided away from the foundation perimeter.
- Existing drainage patterns to be maintained.

1 Sketch Plan  
 Scale: 1"=5'





## DRAFT LAND USE AND DEVELOPMENT SURVEY QUESTIONS

The City of Ouray is undergoing a comprehensive update to the Land Use and Development Code (subdivision and zoning regulations) and Sign Code for the first time since 2013, when the Ouray Municipal Code was last repealed and revised. This community-based effort will be focused on preparing a code that:

- Better reflects the Ouray community,
- Implements the goals and policies of the Ouray Community Plan (2021),
- Reflects current community development preferences,
- Clarifies processes, definitions, and administrative provisions,
- Is easier to navigate, interpret, and convey.

**To stay up-to-date on the Code Rewrite process, visit the City's website here:**

[https://cityofouray.com/city\\_offices/community\\_development\\_vs3/land\\_use\\_\\_sign\\_code\\_update.php](https://cityofouray.com/city_offices/community_development_vs3/land_use__sign_code_update.php)

**or contact the City's Community Development Coordinator at 970-325-7087.**

1. What do you like best about Ouray?
2. What does Ouray need more of (in general)?
3. What does Ouray need less of (in general)?
4. Do you see challenges in similar communities that Ouray should try to prevent?
5. Do you see opportunities in similar communities you wish to emulate in Ouray?
6. If applicable, please check any permit(s), listed below, you have previously applied for or been involved with the process of:
  - Site Development Permit
  - Subdivision
  - Minor Subdivision
  - Condominiumization
  - Planned Unit Development (PUD)
  - Conditional Use Permit
  - Rezone
  - Lot Split
  - Replat
  - Plat Amendment
  - Mobile Home/RV Park
  - Building Permit
  - RV Workforce Housing Permit
  - Temporary Encroachment Permit
  - Variance
  - Sign Permit
  - Other: \_\_\_\_\_
7. If applicable, please briefly describe your experience applying for a land use application (variance, lot split, conditional use, etc.) or other permit (floodplain development, temporary dwelling for RVs, RV workforce housing permit, sign permit, etc.) in the City of Ouray.

8. If you have previous experience applying for a City land use or sign permit, on a scale of 1 (very dissatisfied) to 5 (very satisfied), how would you rate your satisfaction with the City's permitting process?

- 5 very satisfied
- 4 satisfied
- 3 moderately satisfied
- 2 dissatisfied
- 1 very dissatisfied

9. Were you granted the permit(s) you have previously applied for?

- Yes, I was granted the permit(s) I have previously applied for.
- I have been granted some, but not all the permits I have previously applied for.
- No, I was not granted the permit(s) I have previously applied for.

10. What do you think are the top 5 challenges for someone searching for housing in Ouray? (select 5)

- Lack of Affordability for Prospective Buyers
- Lack of "Starter Home" Availability
- Lack of Rental Unit Availability
- Lack of Private Loan/Mortgage/Financing Affordability for Home Purchases
- Inflated Single Family Home Prices
- Poor Maintenance of Existing Housing
- Options for Rental Opportunities
- Options for Ownership Opportunities
- Cost of Home Maintenance
- Overregulation of Developers
- Low Supply/Inventory of Housing
- Preferred Housing Options Available in Other Communities
- Change in Housing Preference
- Options for Senior Living
- Incentives for Affordable Housing Development
- Availability of Vacant Land
- Other: \_\_\_\_\_

11. In the next 10-20 years does Ouray need more or less of the following types of development?

	Need Fewer Of	Keep at Existing Level	Need More Of	Unsure
Offices / Business Space				
Retail / Commercial Space				
At-Home Occupations				
Restaurants / Taverns				
Entertainment / Attractions				
Lodging Businesses / Hotels / Motels				
Industrial / Manufacturing				
Active Open Space / Parks				
Early Education / Child Care Centers				
RV Parks / Mobile Home Parks				
Mixed-Use Development				
Public Co-Working Spaces				
Other:				

12. To what extent do you agree or disagree with each of the following statements about housing development in Ouray?

	1: Strongly Disagree	2: Disagree	3: Neutral	4: Agree	5: Strongly Agree	Unsure
There is an adequate supply of well-built & well-maintained quality housing						
More single-family homes are needed						
More duplexes are needed						
More multi-family homes are needed (3+ units per structure)						
More townhomes/condos are needed						
More senior living options are needed (independent/assisted living)						
More rental housing in general is needed						
More manufactured/mobile home parks are needed						
More Accessory Dwelling Units (ADUs) are needed						
More overnight accommodations/lodging businesses are needed						
More short-term rentals are needed						
More flexibility for overnight RV use						

13. How important is it for Ouray to manage the location of new or additional development (all land use types: commercial, residential, industrial, parks)?

- 5: Very Important
- 4: Somewhat Important
- 3: Neutral
- 2: Somewhat Unimportant
- 1: Not at all Important

14. To what degree have you interacted with or used the City’s Land Use & Development Code (select all that apply)?

- I have been an Applicant on numerous projects and have worked with the code/processes
- I have applied for 1 or 2 land use/development projects throughout the years and looked at the code
- I have read the Land Use & Development Code many times to be well-versed with City regulations
- I have never applied for a project but I have read the code in parts
- I have attended many public meetings where the code is referenced
- I didn’t know Ouray had a Land Use & Development Code

15. In your opinion, what are the most important thing(s) to consider with this Land Use & Development Code update?

16. To what degree have you interacted with or used the City's Sign Code (chapter 8)?
- I have been an Applicant for many sign permits and have worked with the code/processes
  - I have applied for 1 or 2 sign permits throughout the years and looked at the code
  - I have read the Sign Code many times to be well-versed with City regulations
  - I have never applied for a sign permit but I have read the code in parts
  - I have attended many public meetings where the code is referenced
  - I didn't know Ouray had a Sign Code

17. In your opinion, what are the most important thing(s) to consider with this Sign Code update?

18. Which best describes your residency with the City of Ouray?

- I am a full-time local resident
- I am a part-time local resident
- I am a full-time Ouray County resident
- I am a part-time Ouray County resident
- I visit Ouray often
- I used to live in Ouray
- Other: \_\_\_\_\_

19. Do you have any additional thoughts for the City regarding land use and development?