



PLANNING AND ZONING COMMISSION MEETING AGENDA

May 14, 2024 at 6:30 PM

Town Hall – 601 Central Avenue

If you wish to attend virtually, please visit the town website under the government tab for the
zoom link: <https://townofdolores.colorado.gov>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Identification of Actual or Perceived Conflicts of Interest
5. Public Participation (5 minutes per person)

This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town website for the link), or by submitting your comments, via email, to the town clerk at tammy@townofdolores.com any time before the dated board meeting.

6. Approval of the Agenda
7. Consent Agenda-Approve Minutes of April 2, 2024 Minutes- attached.

[a.](#) April 2, 2024 Minutes

8. Approval of the Agenda

[a.](#) Motion and second needed to appoint a Commissioner to Vice-chairperson.

Commissioner Heeney held the Vice Chairperson position until his retirement from the Commission in April of 2024.

9. Staff Updates

[a.](#) Manager's Report: Leigh Reeves

[b.](#) Attorney's Report Jon Kelly

[c.](#) Building Official Report: David Doudy

10. Commissioner Updates

- a. P Z Commission Report to the Board of Trustees on April 2, 2024 meeting.

11. Public Hearings

- a. Discussion / Action Public Hearing process
- b. **Notice: The Public notice and publishing and posting occurred before the Town Meeting space moved to 601 Central Ave.**

Therefore: ANY EVENT WITH THE ADDRESS OF 420 CENTRAL WILL OCCUR AT 601 CENTRAL AVE.

**Special Exception Permit Application by
MDD LLC P O Box 213 Rico, CO. 81332
1603 Central Ave, Dolores, CO. 81323**

12. Discussion

13. Future Agenda Items

- a. Proposed Language for amendments to the Land Use Code prepared by Planner Garvin-No attachments.

14. Adjournment



PLANNING AND ZONING COMMISSION MEETING APRIL 2, 2024 MINUTES

April 02, 2024 at 6:30 PM
Town Hall – 420 Central Avenue

If you wish to attend virtually, please visit the town website under the government tab for the zoom link: <https://townofdolores.colorado.gov>

1. Call to Order

Chairperson Robinson called the meeting to order at 6:35 p.m.

2. Pledge of Allegiance

The group recited the pledge of allegiance.

3. Roll Call

PRESENT

- Linda Robinson
- Shirley Powell
- Mark Tucker
- Lainey Nemanic
- Dan Heeney

ALSO PRESENT

- Interim Manager Reeves
- Attorney Kelly
- Building Official Doudy
- Assistant Clerk Swope

4. Identification of Actual or Perceived Conflicts of Interest

NONE

5. Public Participation (5 minutes per person)

This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town

website for the link), or by submitting your comments, via email, to the town clerk at tammy@townofdolores.com any time before the dated board meeting.

No public attended the meeting.

6. Approval of the Agenda

Commissioner Powell moved and Commissioner Nemanic seconded to approve the agenda.

Voting Yea: Robinson, Powell, Tucker, Nemanic, Heeney

7. Consent Agenda

Motion made by Tucker, Seconded by Heeney, to approve the consent agenda consisting of the Minutes of the March 5, 2024 meeting.

Voting Yea: Robinson, Powell, Tucker, Nemanic, Heeney

- a. Minutes of March 5, 2024 P Z meeting

Minutes of March 5, 2024 P Z meeting attached in packet.

8. Staff Updates

Staff updates follow:

- a. Interim Manager’s Report: Leigh Reeves

Interim Manager Reeves updated the Commissioners on the multiple projects and events she has been involved in.

The remodel of the new town hall building. Building Official Douady and several contractors have been hard at work getting the building ready for a possible May move-in.

The future asbestos abatement and demolition of the current town hall building. The staff has been meeting with the contractor getting the Requests for Proposal notices and bid documents published. there is a walk through scheduled for April 10th.

The Community Center Advisory Board. The Board of Trustees will be appointing the four interested people who submitted letters of interest at the April 8 Board Meeting.

The Flanders Bathroom Request for Proposal notice. The plans are being finalized and the request for proposal will be published within the next week.

The Phase II water project. The notice for request for qualifications has been published and the town will be considering the qualified engineer for the planning and engineering portion of this long term project.

The Town Board has been reviewing a proposed amendment to the water and sewer tap ordinance concerning accessory structures and accessory dwellings. there has been some interest expressed by the Board of Trustees to allow accessory structures to be connected to the principal structure taps.

The Easter Egg hunt volunteers spread 3000 eggs in Joe Rowell Park for about 80 children.

b. Attorney's Report Jon Kelly

Attorney Kelly explained the water tap and sewer tap connection discussion. He explained that there many known and possibly many more unknown existing noncompliant connections of water and sewer within the jurisdiction. The Board has been offered solutions for the existing noncompliant structures by imposing an additional tap fee on the property owner for the exemption for being required to comply. This only applies to accessory utility structures (i.e. garages) connected to the principal structure service, not dwellings. The exemption will be voided when the property changes use or occurs a level III alteration. The cases for duplexes and apartments as well as mobile home subdivisions is one tap and service are allowed as long as the service has the capacity for the number of fixtures in each unit. Any new development of duplexes or apartments will require a suppression system.

The new ordinance establishes staggered term assignments and terms of appointment to fill a term when a resignation or vacancy occurs. it also includes the appointment of Ex Officio appointments.

c. Building Official Report: David Doudy

Building Official Doudy updated the Commissioners about new renovation applications and other inquiries he has received. The Loops Coffee Bistro is getting a remodel there will be no food prepared in the new shop.

The Community Center water heaters have begun leaking. The decision was made by staff to replace the heaters with an on demand system. It is scheduled for installation April 4.

The Community Center floors had been prepared for a re-wax but with the transition the waxing never occurred. The town has made plans to do the waxing on the 4th while the plumbers are replacing the water heaters. The town is working with Fasttrack, Ting and Netforce to prepare the move to the new town hall. This will cause a disruption in all office services. The office will be closed for about one week during that event. The office staff will be moving furniture and office records during the closure.

9. Commissioner Updates

Commissioner updates follow:

- a. Report on March 5, 2024 P Z meeting

Commissioner Tucker updated the Commissioners about the developing story of the Montezuma County Weed Department and the Weed Board.

The Weed Board sent a letter of concern to the County Commissioners regarding the budget cuts and position reductions occurring in the Weed Department this budget year.

The Weed Board has resigned as of March 29, 2024. The previous weed manager is gone and other staff in the department have left. The weed department is reduced to a 24 hour a week position for handling cost share agreements and monitoring contracts. The Road and Bridge Department will be performing the treatment applications.

Dolores was going to umbrella with the county management plan but may have to create its own management plan. Chairperson Robinson brought up the update with the DWRF grant pursuits involving collaboration with other groups and entities to combine money from each to reach the grant match. There could be flood mitigation included in these grant opportunities that the town may benefit from.

Chairperson Robinson reminded the Commissioners and staff that the Weed management plan and the watershed plan will be referenced plans in the Comprehensive Plan.

Commissioner Tucker presented the Commission with the most recent updated weed map. It will be used to implement the weed management plan.

10. Discussion

Each item has information within.

- a. Conditions under which the New Land Use Code regulations for commercial parking lots and landscaping would be triggered.

Review of language presented at the March 5, 2024 meeting. Attorney Kelly will present the material at the meeting.

The discussion for conditions under which trigger additional landscaping and parking requirements continues from the last few meetings. Discussed this time was an alternate trigger based on valuation of the improvement or resurfacing. Based on the method in the International Existing Buildings Code, an adopted code, using terms from the code regarding work area, and level of alterations. Level 1 alterations include the removal and replacement of the covering of existing materials, element, equipment or fixtures using new material, element, equipment or fixtures that serve the same purpose. Level 2 alterations include the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment and shall apply where the work area is equal to or less than 50 percent of the building area. Level 3 alterations apply where the work area exceeds 50 percent of the building area.

Motion made by Robinson, Seconded by Powell.

Voting Yea: Robinson, Powell, Tucker, Nemanic

- b. Bufferyards 7.2 C 1. Review of presentation of March 5, 2024 meeting. Attorney Kelly will present the updated information at the meeting.

The Commissioners have decided to leave the original standards for bufferyards in the Land Use Code.

- c. Corridor Mixed Use zone discussion. Attached, section 3.7 and section 4.5 and 4.6

Interim Manager Reeves is going to discuss the information of Corridor Mixed Use zone.

Interim Manager Reeves spoke to the Commissioner regarding some standards in the bulk area regulations and permitted uses and structures within the Corridor mixed use zone. The office has received questions from 4 property owners of existing residential properties within the zone and 1 from a commercial property owner in the Downtown mixed use zone. The questions are about accessory structures, setbacks, build-to lines, and permitted uses and occupancies. The residential owners have discovered that single family residential units are not allowed and an accessory structure is not allowed in either the Corridor mixed use zone or the Downtown Mixed use zone. Furthermore, the required rear setback for these zones is 25 feet. Interim Manager Reeves is looking for guidance from the Commissioners regarding the existing residential properties. The zones contain 40 to 50 percent of properties with residential status which were residential properties from before the introduction of the land use zoning district. Can the town do something in the code to address the needs of the residential properties without losing the ability to protect the existing commercial properties from converting to residential? The language in the Zone District, Article 3, states that a residential

use in existence before the establishment of the zone district standards may remain residential, but it does not specify that a residential property can add accessory structures or uses to the property. The demand for residential properties in the area is greater than the inventory of residential properties. the demand for commercial properties is practically non-existent in Dolores. The corresponding value of residential homes to commercial properties is remarkable, causing shoppers to consider purchasing commercial properties and converting them to mixed use. The shopper is usually informed about the building code requirements of creating mixed use structures, which increases the cost of the purchase to be about the same as the cost of buying an established residential property. Commissioner Tucker points out that there is not a visible expansion of commercial uses in town. He wonders if there will be an increase in interest in the future. One of the most popular business module proposals is the buyer who wants to live and work from the same building.

Chairperson Robinson directed the Interim Manager to reach out to the planner that helped with the updated Land Use Code to work out possible solutions.

There was further discussion about the similar standards for the two mixed use zones. The narrowness of the canyon river town is a big factor in zoning. Some zone districts are just the width of individual properties along a street and highway. New development in the corridor and downtown is very limited without removing existing structures or expanding corporate limits. The Land Use Code standards for new development in the corridor mixed use zone doesn't pair with existing development in terms of set backs and build-to lines.

Further problematic is property owners who are oblivious to zoning regulations or choose to ignore them. the process to correct violations is multi-phased and takes weeks from first notice to citation or remedy.

Interim Manager Reeves goal is to educate the community and then pursue legal remedies for violations.

d. Watershed Plan. Update- Interim Manager Reeves

The meeting did not include any new information about the watershed plan. The Interim manager will be reaching out to Sensa Watcott from Mancos Water Conservancy District for presenting the board and commissions on watershed management and planning.

11. Future Agenda Items

12. Adjournment

The meeting adjourned at 8:25 p.m.

2.08.020 Organization.

The planning and zoning commission shall elect a chairman from among the appointed members and shall create and fill such other of its offices as it may determine. The term of the chairman shall be one year with eligibility for reelection. The position of chairman shall be filled at the first regularly scheduled meeting in January of each year.

(Ord. 341 (part), 1986)



Interim Manager's Report

Date: May 8, 2024

To: Board of Trustees

From: Leigh Reeves

- Welcome to the new Townhall. We are still getting settled but the new space is great. David did most of the work to get this building remodeled to fit our needs. The whole staff helped move all our desks, files, and records to the new building. It was quite the move!
- Old Townhall demo - CDPHE sent over the townhall demolition contract for signature. We can now move forward with awarding the contract to a vendor and getting the job started.
- Shaw Solar has installed our solar panels on the roof of the new townhall.
- P&Z – The staff and I have been working with Elizabeth Garvin, based on direction from the Commissioners, to look at CMU/DMU land uses. As Elizabeth has pointed out, it is a living document. When we pass Land Use Codes we have to see if they still work for the community.
- Community Center – The advisory board is currently working on reworking the contract and fee structure to ensure the proper balance between CC staff and income. We will have a contract shortly for the weekly cleaning of the building. We also received our first application for manager. We have interviews



scheduled for May 17th and 20th. Base pay of \$750 with a 10% commission rate on new sales. A new janitorial service will begin in the next few weeks. They are bonded, insured and every employee has had a background check. Wagner Industries will be coming once per week. The advisory board has made its first recommendation for an increase in fees for event space. Please see notes from Advisory board meeting 5.7.24. The community center needs a minimum of \$36K to pay its expenses.

- All the bearproof trash cans on the trail of Riverside park were tossed into the river. Sherriff Nowlin is working to discover who did this. Randy and team managed to fish them all out with the backhoe.
- Flanders park bathroom – We received one bid from a local contractor, Cruzan. The amount was \$335K. We will negotiate and cut some of the requirements while still maintaining functionality. Our grant is for \$165K from CDOT. We will need to find additional funding for this project to get it complete.
- Baseball fields – To properly fix the lights on the ball fields and add timers will be in the neighborhood of \$39K as bid from Mathews electric. The equipment will take about 3-6 months so we need to find funding for this project also.
- New time keeping system – we have moved to the 21st century. We now have electronic time keeping with geofencing that all employees can use with their phone.
- I will be evaluating the Employee Handbook to provide updates in conjunction with payroll and HR.

Report to the Board of Trustees on the
 Planning & Zoning Commission meeting held
 April 2, 2024

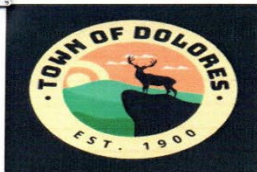
Discussions of potential interest to the Board and items for upcoming P&Z meeting agendas

Agenda Item/Description		Discussion
8.a.	Interim Manager's Report: Watershed Management Plan	<p>Interim Manager Reeves will continue to coordinate with Nina Williams (Coordinator Dolores Watershed Resilient Forest Collaboration) and Sensa Wolcott (Watershed Coordinator, Mancos Water Conservancy District), about their fund-raising and planning efforts and to see about arranging a combined workshop for the Dolores Town Board and P&Z.</p> <p>Staff and the Commissioners discussed the importance of watershed management and flood mitigation for the Town, agreeing that both required consideration and inclusion in the Town's Comprehensive Plan.</p>
8.b.	Staff Updates: Attorney's report	<p>In continuation from discussions begun at the January 9 meeting, Attorney Kelly discussed incorporating language from the Building Code to clarify the trigger for the 2022 LUC's requirements for landscaping and parking lots for remodels of existing commercial properties. The Commissioners approved the approach, noting that it would create consistency between the Land Use Code and Building Code. <u>See 11.a., below.</u></p>
9.a.	Commissioner Updates: Weed Management Plan	<p>Commissioner Tucker updated the group on the County's weed-management activities, emphasizing that their efforts have been severely curtailed by budget cuts. As additional information becomes available, he and Interim Manager Reeves will monitor and report back to the P&Z Commission on the County's weed-management efforts and compliance with State requirements.</p>
11.a.	Conditions under which the New Land Use Code regulations for commercial parking lots and landscaping would be triggered	<p>In a continuation of discussions begun at the January 9 meeting, Attorney Kelly, the Commissioners, and staff agreed that there would be two triggers for the 2022 LUC's requirements for landscaping and parking lots for remodels of existing commercial properties:</p> <ul style="list-style-type: none"> • One focused on the size of the "work area" identified in the building permit for the proposed alterations, and • The other focused on changes in the surface treatment of the parking lot <p>This approach will have the added benefit of creating consistency in the language used in both the Land Use Code and Building Code. Attorney Kelly will present draft language for both triggers at the May meeting.</p>
11.b.	Bufferyards	<p>Staff and the commissioners confirmed their consensus reached during the February 6 P&Z meeting: that streets / highways would could serve as bufferyards under the Applicability Standards in the 2022 LUC (Section 7.2.C.1.) for bufferyards.</p>
12	Potential May agenda items and presenters	<ul style="list-style-type: none"> • Draft language specifying the conditions under which 2022 Land Use Code regulations for commercial parking lots and landscaping would be triggered: Attorney Kelly • Watershed Management Plan: Interim Manager Reeves • Weed Management Plan: Commissioner Tucker, Interim Manager Reeves

**Town of Dolores
Public Hearing Guidelines**

The goals of the public hearing are the broadest public notice, a clear proposal, greatest possible public input and a simple procedure.

1. **The Mayor/Chairperson declares the public hearing open.**
2. **Staff and/or Applicant present(s) an analysis of the case and offer(s) any written comments.**
3. **Staff/Applicant formally request action be taken.**
4. **The Mayor/Chairperson establishes whether any proponents and/or opponents are signed up to speak.**
5. **Public may comment or ask questions. Speaking time will be limited to no more than 5 minutes, or 3 minutes if there are many speakers. NOTE: At no time should the public speak directly to the applicant or vice versa. All comments must be directed to the Board/Commission.**
6. **Applicant may respond to staff and public questions, but not introduce any new evidence or information not previously presented by either group.**
7. **The Board/Commission may ask questions of the applicant.**
8. **Mayor/Chairperson declares public hearing closed.**
9. **Declaration of Findings of Fact**
10. **Motion by Board/Commission Members – motion to recommend approval, approval with conditions, denial or continuance for more information.**
11. **Discussion by Board/Commission. NOTE: Only Staff may be questioned at this stage.**
12. **Roll call vote**



For Internal Purposes Only (initial)
Approved: _____
Approved with Conditions: _____
Denied: _____
Filing Fee paid: _____

Application for Special Exception Permit; Must be Submitted with Application for Site Plan Review
Per Dolores Land Use Code, Article 13 Section 25: A Special Exception permit is required for deviations from otherwise applicable operational performance standards: compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purpose of this Code. A property owner or developer may request a special exception when the provisions of Section 13.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.

Mark any of the deviations this application will address: _____ operational performance, _____ compatibility standards, setback standards, _____ fence standards, _____ design standards, sign standards, limited to historical replica signs only, or _____ road design standards.

To request a Special Exception Permit, fill out the information below and include **three (3) copies** of a site plan that meets the requirements listed on the Dolores site plan application, plus a Special Exception fee of \$_____.

Personal Information¹

Full Name: DOWNER MATT T.
Last First M.I.
Address: 101 S. Commercial St. Rico, CO 81332
Street Address Apartment/Unit # City/State
Phone: 970-708-1237 Email: mattdowner@yahoo.com

Affected Property Information

Property Address: 1603 Central Ave Dolores, CO 81323
(if different) Street Address Apartment/Unit # City/State
Business Name: Matt Downer Designs llc.
Property Type: _____ Single-Family Residential _____ Duplex _____ Townhome _____ Multi-Family Unit Commercial
_____ Other (please describe: _____)
Property Status: _____ New construction Remodel/addition _____ Other (please describe: _____)
Zoning District: CM4

Description of Special Exception Request. Please use the space below or attach another sheet to further describe the situation and what you are seeking to use the property for. Photographs and other information may be attached as well. Describe any impacts that the proposed Special Exception Permit will have on neighboring properties. Describe how you will meet the Special Exception Permit review criteria in LUC Article 13 Section 23 - D.

Container will provide critical shop storage and be permanently attached to existing building. Addition will have no adverse effects on neighboring properties and will be compatible with surrounding land uses and structures.

• Addition will not hinder access by Town services, is
• consistent with the Dolores Comprehensive Plan, previous development,
and LUC.

[†] If applicant is not the property owner, an Agent Letter must be submitted with this application.

REMEMBER TO SIGN APPLICATION

I swear/or affirm that the information included herein is accurate, to the best of my knowledge. I understand that no application shall be considered complete, and shall not be reviewed, until the application is complete, the review fee is paid in full (if applicable), and public hearing notice requirements (if applicable) have been fulfilled. The Board of Trustees may deny my request for a Special Exception permit, approve the request, or approve the request with conditions.

Max T. Downer
Signature of Property Owner

4.1.24
Date

Staff Record:

Pre-Application Meeting Date: _____

Site Plan Review Application submitted _____ Date _____

Application Complete: _____ Yes _____ No.

Returned for the following reasons: _____

Special Exception Permit

Date of submission _____

Payment received _____

Application Complete: _____ Yes _____ No.

Returned for the following reasons: _____

STREET LOCATION: 1603 CENTRAL AVE. DOLORES, CO SITE PREPARER/ APPLICANT/ OWNER: MATT DOWNER - PO BOX 213, RICO, CO 81332 (970) 708-1237 MATTDOWNER@YAHOO.COM

NOTICE:

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

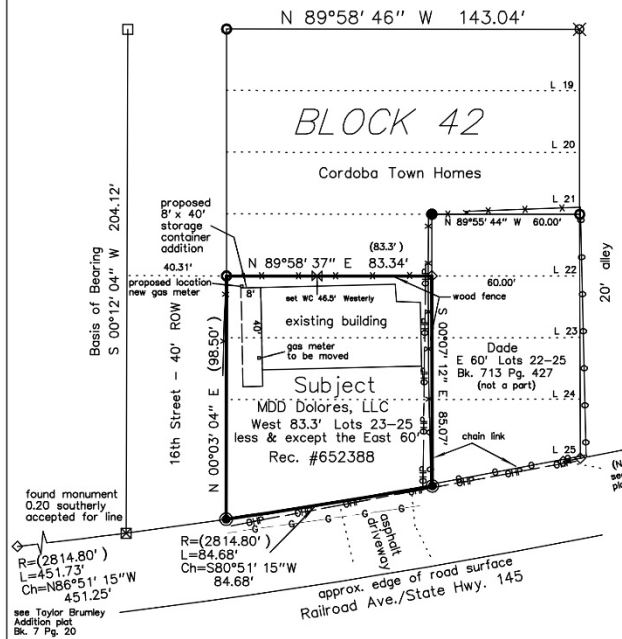


0' 50'
Scale: 1" = 50'
U.S. Survey Feet

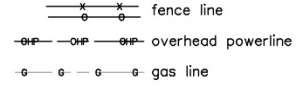
PLAT NOTES:

A land survey deposit plat will be filed in accordance with Colorado State Statutes.

Total square footage of existing building: 2,090 sq. ft.
Total square footage of addition: 320 sq. ft.
Percentage of additional square footage: 13.28%
Total linear street frontage: 184'
15% of 184' = 24.44' lineal feet of landscaping



- found #4 rebar/plastic cap LS 19612
- ⊗ found #4 rebar/plastic cap LS 6728
- found #5 rebar/1.5" aluminum cap LS 29044
- found #5 rebar/plastic cap LS 33190
- ⊗ found #5 rebar
- ⊙ set #4 rebar/plastic cap LS 17490
- ⊗ set #4 rebar/2" aluminum cap LS 17490
- ◇ calculated corner, not found or set
- (##) record bearing/distance



KNOW ALL MEN BY THESE PRESENTS that I, GERALD G. HUDDLESTON, do hereby certify that this plat was prepared from field notes of an actual survey made by me or under my supervision and that the same is true and accurate to the best of my knowledge and belief. This plat is in accordance with applicable standards of practice. This statement is not a guaranty or warranty, either expressed or implied.

MDD Dolores, LLC
Lot Survey -
the West 83.3' of Lots 23, 24 and 25,
Block 42
Taylor Brumley Addition to
the Town of Dolores
Montezuma County, CO

7 March, 2024

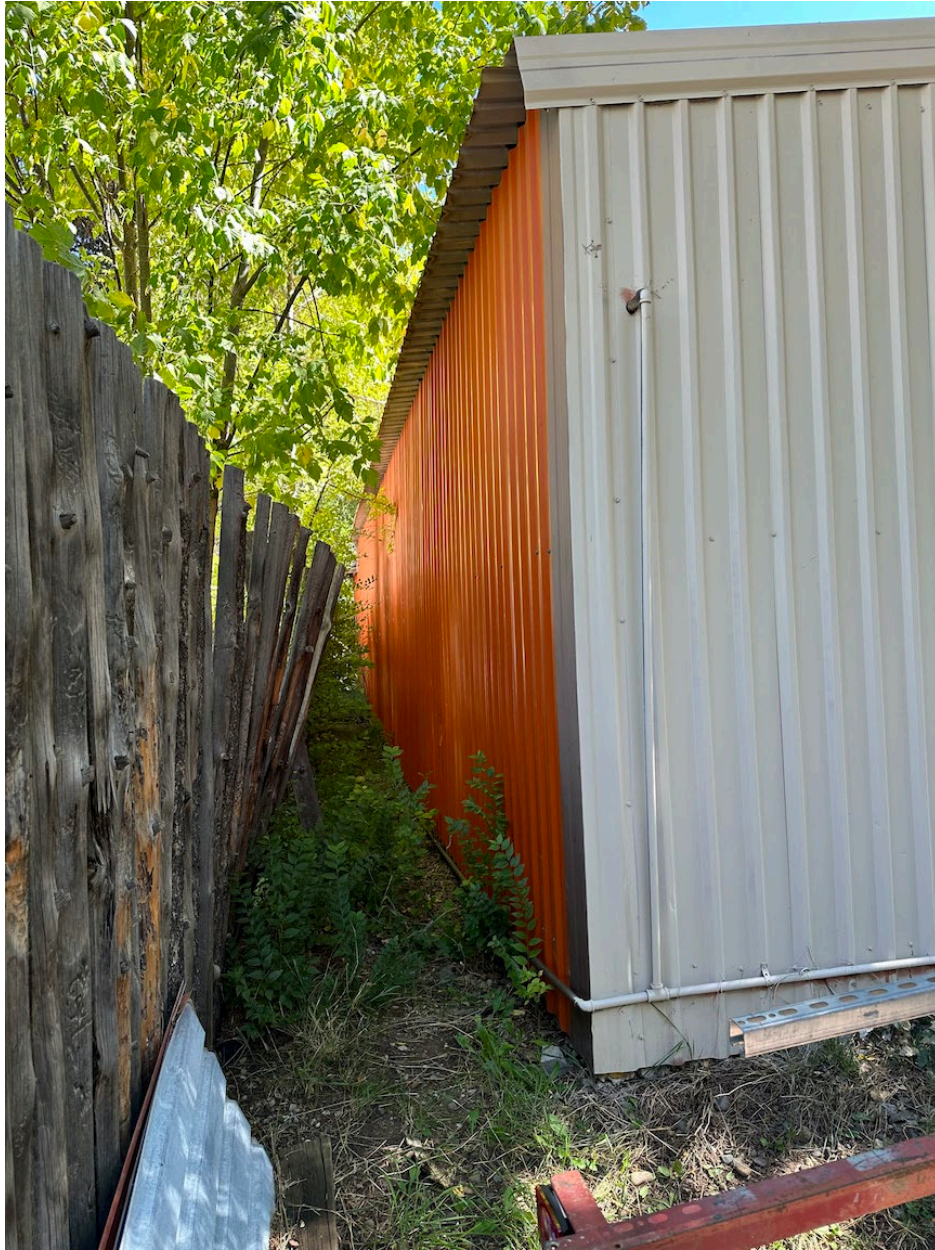
HUDDLESTON LAND SURVEYING
P.O. DRAWER KK / CORTEZ, CO 81321 / (970) 565-3330

LUC REFERENCES: LANDSCAPING - SECTION 7.2 B, 1, (B) (PG. 152)

SETBACKS - SECTION 3.5 TABLE 3.2 (PG. 61)

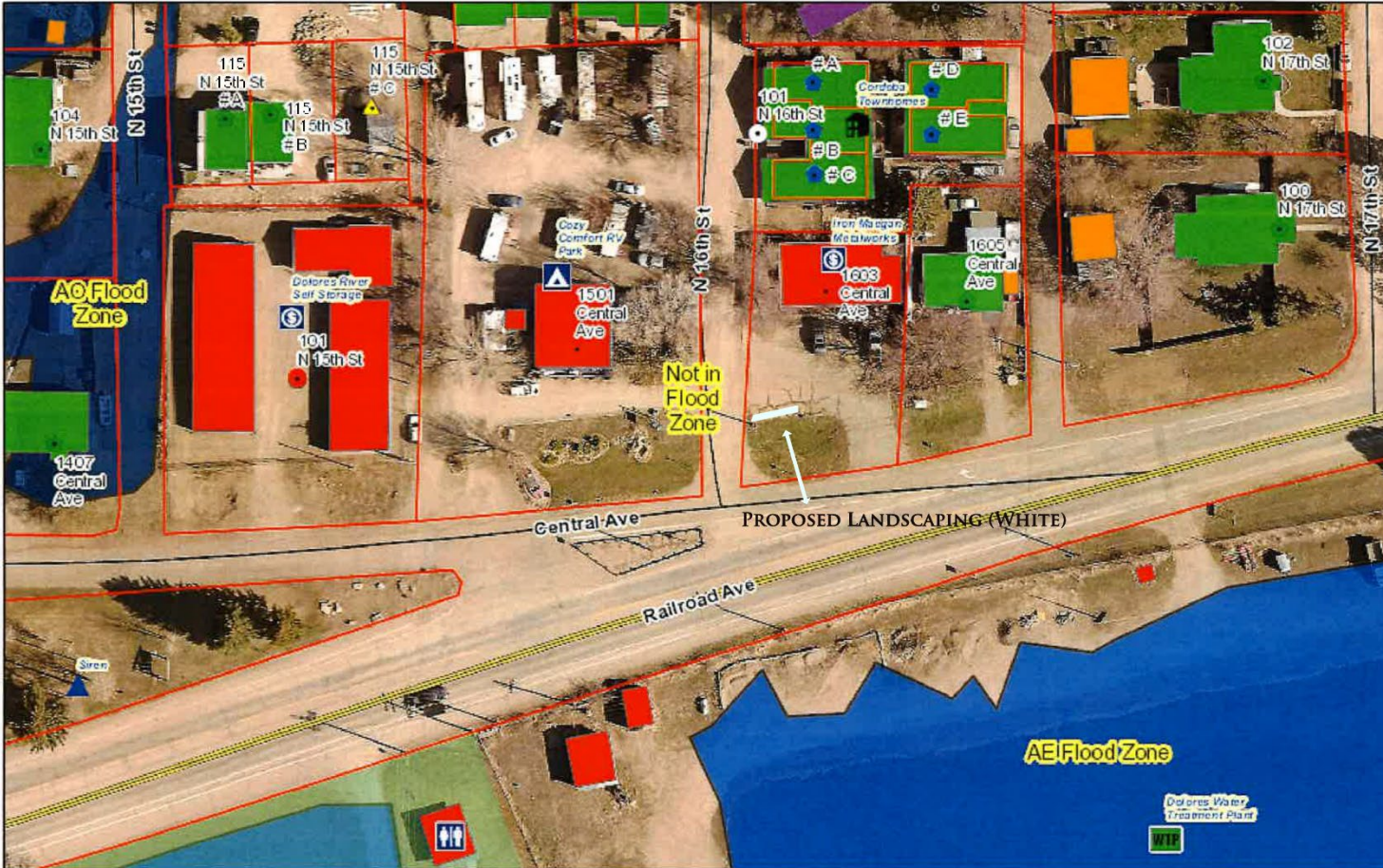
SPECIAL EXCEPTION - SECTION 13.25 (PGS. 306 - 308)

ADDITION IS TO BE SET 4' FROM "REAR" SETBACK (NORTH PROPERTY LINE) AND FLUSH TO EXISTING BUILDING.





Montezuma County Property Detail Map



8/4/2023, 10:10:11 AM

Flood Zones

- Not in Flood Zone
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A	 AO	 BLM	 CO State	 USFS
 AE	Public Lands & BIA Land	 CANM	 NPS	 Other (USBR)

Scale: 1:1,128

0 0.01 0.01 0.03 mi

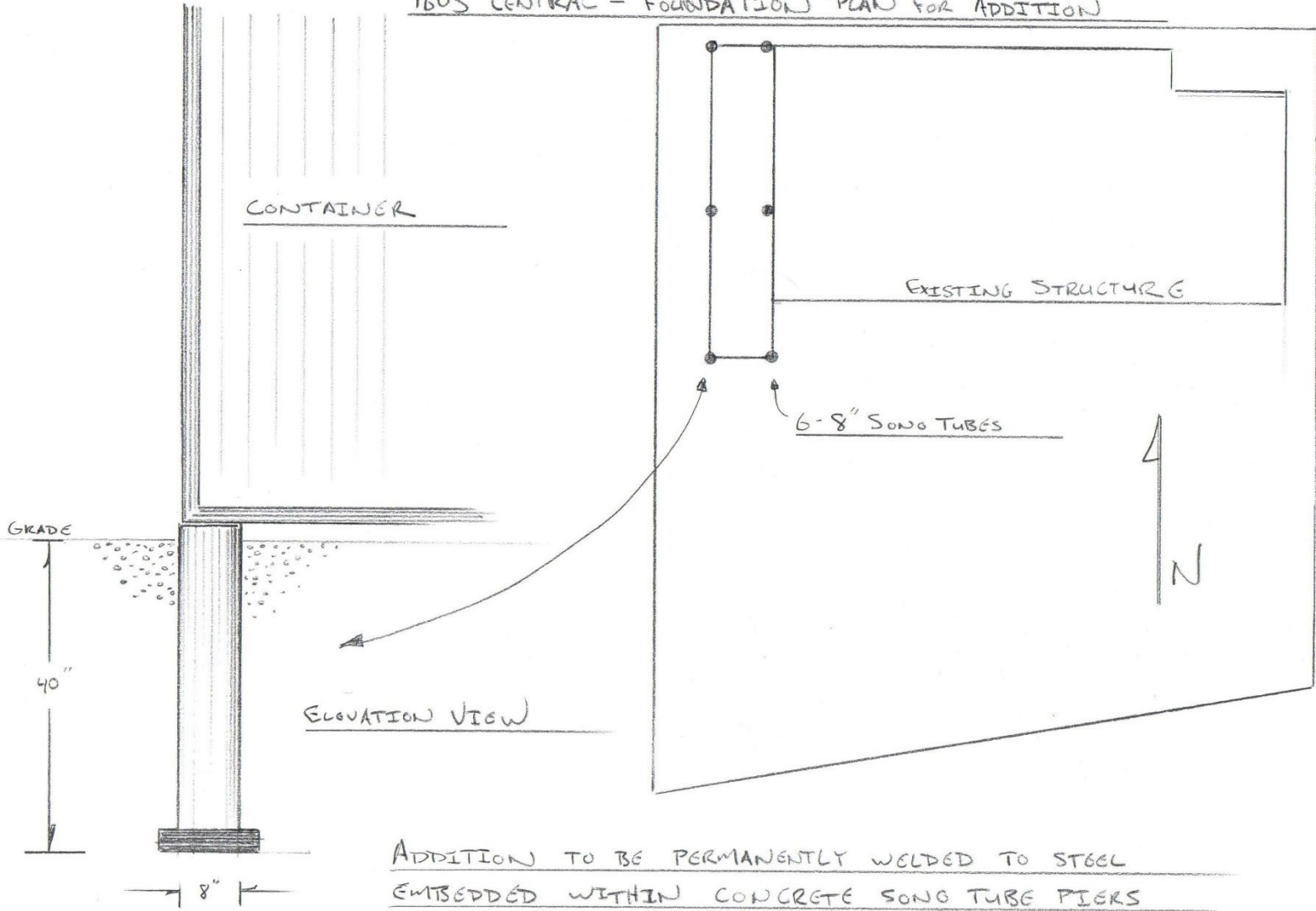
0 0.01 0.02 0.04 km

Hexagon Imagery, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Montezuma County
 Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023. | Hexagon Imagery | Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community | Copyright:© 2013 National Geographic Society, i-cubed | Earthstar Geographics |



1603 CENTRAL - FOUNDATION PLAN FOR ADDITION



From: [matt downer](#)
To: [Ann Swope](#)
Subject: Landscaping maintenance
Date: Tuesday, April 9, 2024 9:26:31 AM

Hi Ann,

Landscaping will be maintained using hose water and planted adjacent to existing drainage. I will consult with the planning commission as to which species of plants/ trees would be best for the location.

Matt Downer
1603 Central Ave
Dolores, Co
970-708-1237

Sent from my iPhone



ACTION ITEM

Planning and Zoning Commission Meeting

Date: May 7, 2024 6:30 p.m.

To: Planning Commission

From: Zoning Administrator and Building Official

Item Name: Special Exception Permit Application by
MDD LLC P O Box 213 Rico, CO. 81332
1603 Central Ave, Dolores, CO. 81323

EXISTING USE

MANUFACTURING AREA/ PROPOSED STORAGE ADDITION

LOT ZONE CMU	EXISTING	MINIMUMS BY ZONE	MAXIMUMS
Lot Area Sq Ft	7463	Must meet set back, height and lot coverage	Must meet set back, height and lot coverage
Lot Dimensions	Must Meet SB HT Lot C	83.34 Feet Rear, 83.34 E Side Street frontage 98.50 W Side 84.68 Front= 183.18 linear feet	
Building Size Sq Ft Lot Coverage	2090 320 proposed addition	Floor area increase = 13% EXISTING TOTAL = 28% PROPOSED TOTAL = 32%	70 % Of Total Lot Area = 5224 SQ FT
Building Height	12 FT	Interior Ceiling Height 11 FT. (New development)	35 Ft
Rear Set Back* not conforming	4 Ft	25 Feet	
Side Set Back	4 Ft	0	
Front Set Back*not conforming	60 Ft	0	
Parking Area (Asphalted) 2640 Sq Ft/ parking spot 9 x 18	2640/162 = 16.3	1 per 250 GFA. (Sch. C. B. Parking for Industrial Uses Pg 174) = 8.36	
Driveway Hwy 145 Width	Approx 31 Ft = 33.87% total frontage	20 Feet	Not Greater Than 40 % Of Total Frontage Along Street or Alley
Driveway 16 th Street Width	Approx 40 Ft =39.40% total frontage	20 Feet	Not Greater Than 40 % Of Total Frontage Along Street or Alley
Proposed landscaping frontage	None	15% of 184 lf = 24.44 lf on front line.	

Background:

Applicant recently purchased this Corridor Mixed Use property. It has been used as an F2 (Factory) occupancy (Light Manufacturing) first as an autobody shop and then as a metal workshop since it was built. The new owner is using it for crafting custom wood furniture and fixtures.

In 1984, a permit was issued for a new shop building on this property. The 1978 zoning ordinance was in effect. The setback requirement in the Commercial Highway zone was not specified in the ordinance. It is important to note that when built, the building met the requirements for the town and that the change in our LC changed the status of this building. Had this addition been built in 1984, it would meet all of the requirements of the time.

On December 4, 2023 the applicant inquired about installing a storage unit on the property and when the inquiry was reviewed, staff informed the owner that the updated Accessory Use Table 4.6 in Article 4 - Use-Specific Standards does not permit accessory structures in that zone district.

Additionally, the updated bulk area standards in Table 3.4 of Article 3 - Zone Districts have made the existing structure occur a nonconforming rear setback.

The applicant met with the Building Official and Zoning Administrator in the fall of 2023 and discussed an addition to the existing structure. The addition would meet all the bulk area requirements of the updated Land Use Code except for the rear setback of 25 feet. The applicant desires to match the addition to the existing structure on the same setback.

The proposed addition would also trigger the additional requirements for Landscaping as directed in Article 7 Landscaping, Section 7.2 B 1. b., ***“Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a corresponding percent increase in compliance with landscaping standards until the site reaches compliance.”***

The proposed addition is calculated to be a 12% increase in total floor area.

The applicant has submitted a landscape plan that shows a portion of street landscaping along the Railroad property line. The calculation submitted is for 15% of the total linear feet of street frontage including the street frontage on 16th street.

This addition will also trigger a proportionate change in parking requirements. Parking, Loading and Access, Table 8.2 of Schedule C manufacturing area is 1 per 250 square feet. The parking area is currently surfaced in asphalt with no defined parking or curbs. Asphalt is a preferred surface listed in Section 8.7 Parking Lot Design and Layout.(pg. 177)

The applicant parking area has enough for 6 spots along the front of the building and 5 more along the landscaped area for a total of 11 spots. The table calculation calls for 8.2 vehicle spots. The remaining driveway area is 20 feet wide.

Requests and questions for the Commission:

The staff is requesting some determination on the calculated landscaping requirements for this application. The applicant has a calculated increase of 12%. What is the total landscape requirement amount to determine the amount of 12% landscaping? Attached are the standards for street frontage Landscape area Standards for review. The applicant has a landscape plan for 24 linear feet of the Central Avenue Street frontage which is 15% of total linear street frontage of the property.

Staff has determined that bufferyard is not applicable in this proposal because the adjacent properties on two sides have screening in place and the property is a corner lot. With street area creating the bufferyard.

Recommendation:

The recommendation to the Commission is to approve the Special Exception Permit as submitted. The addition will meet the criteria listed in the required findings of the procedure where:

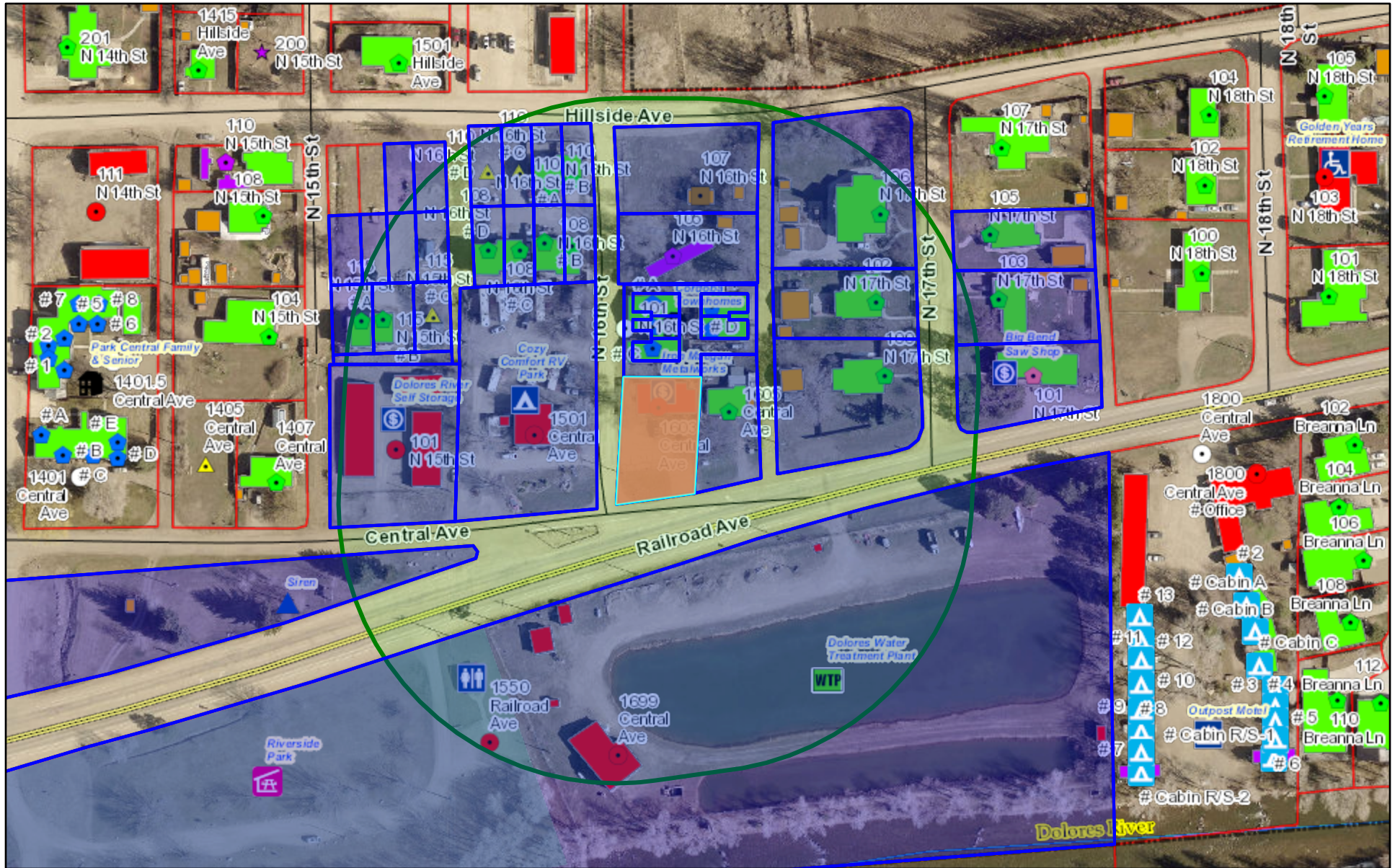
The Planning and Zoning Commission and Board of Trustees shall consider the following criteria when reviewing a special exception application:

1. *That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards; **The corridor mixed use is the preferred zone for this kind of manufacturing. The site has ample separation from the surrounding properties to mitigate sound and dust.***
2. *That granting the special exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;*
 - (a) *Special exceptions for setbacks shall be granted only where the standard separation between buildings in the district that normally results from the required setbacks is maintained and guaranteed by easement on the adjacent property; **The corner property is separated by side yards on both sides of the property that is not a street.***
 - (b) *Special exceptions for historic replica signs shall be granted subject to the following:*
 - (1) *A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Section 13.14.*
 - (2) *Applications for a historic replica sign will be supported by documentation evidencing the historic style, format and location of the sign to be replicated;*
 - (3) *A historic replica sign shall replicate the style and format of a historic sign, but need not employ the same words, phrases, or symbols; and*
 - (4) *The Planning and Zoning Commission or Board of Trustees must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.*
3. *That granting the special exception will not adversely affect property values in any material way; **The Planning Commission has approved six other special Exception permits where the four listed criteria have been met.***

Additionally, this property recently had a storage unit on the same spot that the addition is proposed to be installed and used in the same manner as the previous storage unit. This unit would be structurally attached to the existing structure and mounted on engineered footers.
4. *That granting the special exception will be generally consistent with the purposes for this LUC described in Section 13.4.E.3. **The public hearing notice was published and sent to the neighbors in the 250-foot area as required in Section 13.H 4. See attached notice.***

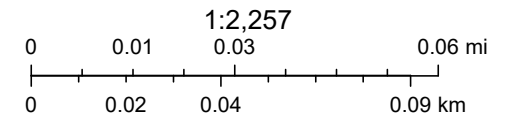
Montezuma County Property Detail Map

Section 11, Item b.



4/17/2024, 9:06:32 AM

- | | | | | | |
|-------------------------|----------|------|-------------------|--------------------|--------|
| Public Lands & BIA Land | CANM | NPS | Other (USBR) | Rivers | Parks |
| BIA | CO State | USFS | Irrigation Canals | Water Bodies | Trails |
| BLM | | | | Hiking /Pedestrian | |



Hexagon Imagery, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Property owner within 250 feet of subject address:

**Town Of Dolores
Planning And Zoning Commission
Notice Of Rescheduled Public Hearing
Special Exception for a 25-foot Rear Set Back in the Corridor Mixed Use Zone.**

Notice is hereby given that the Public hearing Town of Dolores Planning and Zoning Commission previously scheduled for a public hearing, Tuesday May 7, 2024 at 6:30 p.m. Has Been Rescheduled for May 14, 2024 at 6:30 p.m. at the Dolores Town Hall, and virtually by zoom (please visit the Town's website <https://townofdolores.colorado.gov>)

The purpose for the hearing is to determine if a Special Exception permit may be approved for an addition to a structure that has a 4-foot rear setback where, due to a change in regulations, a 25-foot rear setback is now required. The applicant is a business owner that is needing storage of materials used in the business.

Owner: MDD Dolores LLC

Address: 1603 Central Ave

Mailing Address: P O Box 213 Rico, CO. 81332

Phone: 970-708-1237

Property owners will receive a vicinity map of the subject property as well as this public notice.

If you wish to make a comment you may do so by email to leigh@townofdolores.com, or

attending the meeting in person, or virtually via the link on the town website

[Townofdolores.colorado.gov](https://townofdolores.colorado.gov) on the Planning and Zoning Commission page.

Done this 18th day of April 2024

/s/ Tammy Neely

Dolores Town Clerk

Published in the Journal Wednesday April 24 2024 and May 1, 2024

Posted on subject property Wednesday April 17, 2024 and April 24 2024

Mailed notice to property owners within 250 feet of the subject property April 17, 2024 and April 24, 2024

Town Of Dolores

Planning And Zoning Commission

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Town of Dolores
Planning Commission
Onetime Only
Change of Meeting Date

Now, therefore, be it known, that notice is hereby given of a onetime only Change of meeting Date of the Planning Commission Regular meeting has been changed from Tuesday May 7, 2024 to Tuesday May 14, 2024 at 6:30 p.m. The meeting is in person or by virtual link on the town website,

Townofdolores.colorado.gov/government>
Planning and Zoning Commission zoom meeting.

Done this 18th day of April 2024

/s/Tammy Neely, Town Clerk

Publish in The-Journal Wednesday April 24 and May 1, 2024.