

**PLANNING AND ZONING COMMISSION**

**CONTINUATION MEETING**

**MAY 17, 2022 6:30 P.M.**

Packet contents:

1. Agenda
2. Land use application form, plat, Covenants, Conditions and Restrictions. Note, the Title Certificate and Tax Certificate were submitted with application but not included in the packet but will be kept with the Town Clerk.
3. LUC procedures for
  - Special Exception,
  - Variance,
  - Condominium/Townhome Subdivisions and
  - Preliminary Plat.

I have greyed out the parts of the procedures that do not apply to this application. They are still in the text for consistency.

4. Public Notices
5. Comments from the agencies - 2 responded
6. Staff review and recommendation.
7. Standards for installation of sanitary sewer lines
8. Standards for installation of culverts.
9. Proposed amendments to the Covenants, Conditions and Restrictions for the Hillside Ave. Townhome subdivision.

**PLANNING AND ZONING COMMISSION**

**AGENDA**

**CONTINUATION MEETING**

**DATE MAY 17, 2022 6:30 P.M.**

**420 CENTRAL AVE DOLORES CO. 81323**

**OR VIRTUALLY BY THE LINK BELOW:**

Join Zoom Meeting

<https://zoom.us/j/92252992315>

Meeting ID: 922 5299 2315

One tap mobile

+16699006833,,92252992315# US (San Jose)

+12532158782,,92252992315# US (Tacoma)

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**
- 5. APPROVAL OF THE AGENDA**
- 6. PUBLIC PARTICIPATION 5 minutes per person.**
- 7. STAFF UPDATES**
- 8. PUBLIC HEARING**
  - 8.1 SPECIAL EXCEPTION PERMIT APPLICATION**
  - 8.2 VARIANCE PERMIT APPLICATION**
  - 8.3 CONDOMINIUM/TOWNHOME SUBDIVISION**
  - 8.4 PRELIMINARY PLAT REVIEW**

Staff presents the application and details. Staff provides summary and proposes approval method.
- 9. Discussion and possible decision:**
  - 9.1 SPECIAL EXCEPTION PERMIT**

Finding required

**9.2 VARIANCE PERMIT**

**Finding required.**

**9.3 CONDOMINIUM/TOWNHOME SUBDIVISION PRELIMINARY PLAT REVIEW**

**Finding required.**

**10. UPCOMING ITEMS FOR MEETING JUNE 7, 2022 - TBD**

**11. Adjournment.**

**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

# LAND USE APPLICATION FORM

## Staff Use Only:

Application Number: \_\_\_\_\_

Received By: David Dandy

Date: Nov 29 2021

Fees Paid: 1000

Deposit Paid: N/A

**1. Application is made for:** (please circle one of the following)

Zoning Map/Text amendments

Annexation

Major Subdivision

Planned Unit Development

Variances Lot sizes + widths

Special Exception Permit Setbacks

Tree Removal Permit

Historic Designation

Master Plan Amendments

Replats and plat amendments

Minor Subdivision

Condominium Subdivision Condo/Townhouse

Temporary Use Permit

Conditional Use Permit

Appeals

Historic Structure Alteration Permit

**2. Project Name:** Hillside Avenue Townhomes Subdivision  
please print or type legibly

**3. Contact information:** (a list of additional contacts may be attached)

Owner Name: Gene Bott MEMBER/Grene LLC

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Applicant Name: Gene Reininger III

Address: 16540 Rd. 28.4 Dolores

Telephone: 739 5115 Fax: \_\_\_\_\_

E-mail: genereininger@gmail.com

**4. Property Description:**

Address or Location: Lots 15-23 Block 40, Taylor Brunley Addition

Existing Zoning: \_\_\_\_\_ Existing Use: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

**5. Purpose:** (describe intent of this application in 1-2 sentences)

The intent is to further subdivide the Hillside Ave. Townhomes Subdivision,  
breaking Lot 1 of said subdivision into eight (8) smaller lots. A variance will be  
needed for lot sizes.

**6. Certification:** (must be signed in blue ink)

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: Gene Bott

Date: 11-12-21

AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge.

In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all documents and fees required by the Town of Dolores must be submitted prior to having this application processed.

Applicant: [Signature]

Date: 11/11/21



Ann Swope &lt;ann@townofdolores.com&gt;

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**Fwd: Townhomes Subdivision**

1 message

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**David Doudy** <david@townofdolores.com>  
To: Ann Swope <ann@townofdolores.com>

Thu, Apr 21, 2022 at 10:35 AM

----- Forwarded message -----

From: **Gene Reininger** <genereininger@gmail.com>

Date: Wed, Apr 20, 2022, 3:58 PM

Subject: Townhomes Subdivision

To: Josh Martin &lt;josh@martinbuihthomes.com&gt;, David Doudy &lt;david@townofdolores.com&gt;

Hello Josh, David,

I added a note on Page 1 identifying the entirety of Lot 4 and the porches of each double unit as Limited Common Elements. If I've missed something, let me know.

Thanks,

**Gene Reininger, PLS****Montelores Surveying and Mapping**

16540 Road 28.4, Dolores, CO 81323

(970) 739-5115

genereininger@gmail.com

**PRELIM PLAT 4-20-22b.pdf**

4480K



# **HILLSIDE AVENUE TOWNHOMES SUBDIVISION AMENDED** **LOTS 15-23, BLOCK 40, OF THE TAYLOR-BRUMLEY ADDITION TO THE TOWN OF DOLORES, LOCATED IN A PORTION OF THE SOUTHEAST** **QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 15 WEST, N.M.P.M., MONTEZUMA COUNTY, COLORADO**

THE TAYLOR-BRUMLEY  
 ADDITION  
 PLAT 1

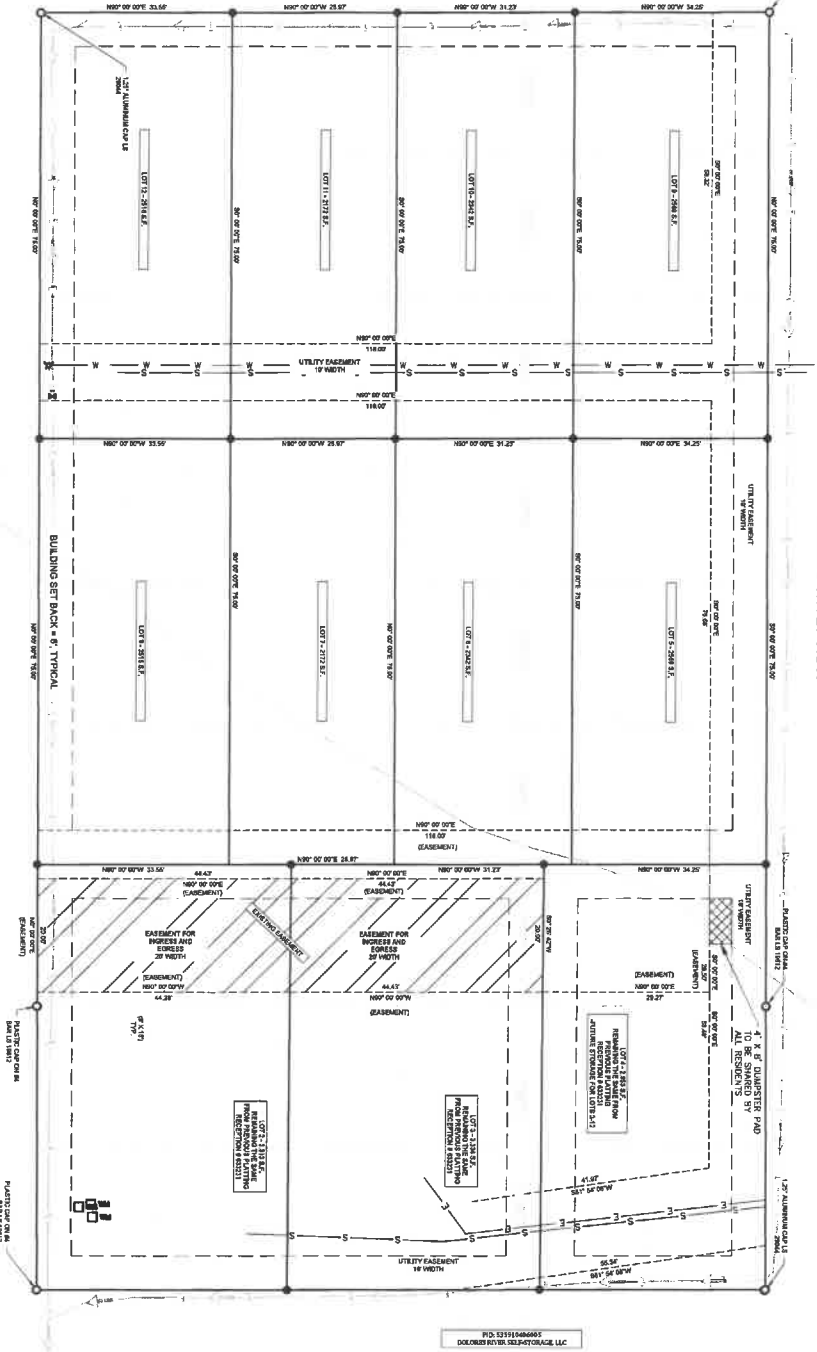
THE TAYLOR-BRUMLEY  
 ADDITION  
 PLAT 1

ALLEY WITH 20' ROW

HILLSIDE AVENUE  
 60' ROW

FIFTEENTH STREET  
 40' ROW

TOTAL AREA OF SUBDIVISION  
 6.68 ACRES, MORE OR LESS



Owner	GRUBB BOTT GRUBB LLC
Date	January 25, 2021
Book	1732
Page	24227
Sheet	2-3

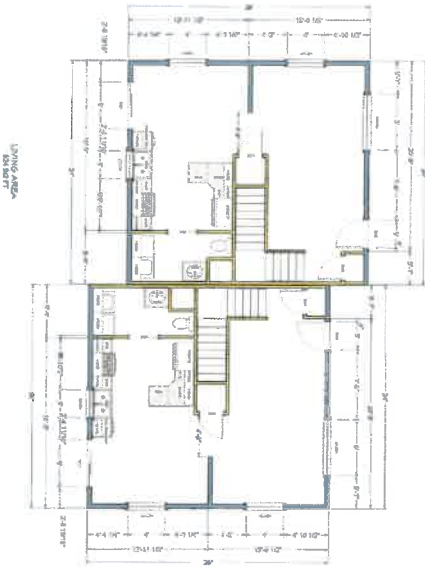
**HILLSIDE AVENUE TOWNHOMES**  
 SUBDIVISION AMENDED, A PARCEL, IN THE  
 SE/4, S. 10, T37N, R15W, N.M.P.M., TOWN OF  
 DOLORES, STATE OF COLORADO

**MONTELORES SURVEYING AND MAPPING**  
 1800 ROAD 100, SUITE 100  
 MONTELORES, COLORADO 81401  
 WWW.MONTELORES-SURVEYING.COM  
 970.486.1000  
 11/18/2020

C:\Users\jcm\OneDrive\Documents\PROJECT FILES\DOLORES\19 MOUNTAIN TOWNHOMES\AMENDED\TOWNHOMES 15-23.dwg 1/25/21 12:27 PM GEMENKAMP



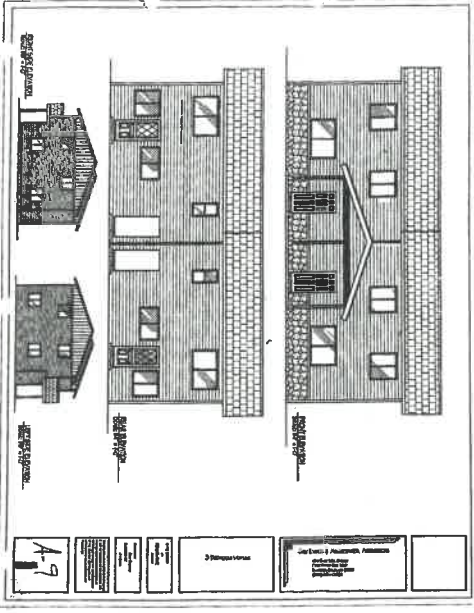
# HILLSIDE AVENUE TOWNHOMES SUBDIVISION AMENDED LOTS 15-23 BLOCK 40, OF THE TAYLOR-BRUMLEY ADDITION TO THE TOWN OF DOLORES, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 15 WEST, N.M.P.M., MONTEZUMA COUNTY, COLORADO



UNIT 15



UNIT 16



UNIT 17

DATE	27	DESIGNED BY	DOLORES, CO	PROJECT NO.	3-3
DATE	JANUARY 2022	DRAWN BY	DOLORES, CO	PROJECT NO.	3-3
DATE	MAY - 2022	CHECKED BY	DOLORES, CO	PROJECT NO.	3-3
DATE	MAY - 2022	APPROVED BY	DOLORES, CO	PROJECT NO.	3-3

CONTRACTOR: HILLTOP CONSTRUCTION, LLC. PROJECT: DOLORES, CO. 19 MARTIN TOWNHOMES. 15-23-22-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-123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# **AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR Hillside Ave. Townhomes**

This Declaration of Covenants and Restrictions (hereafter the "Declaration"), is made  
by GRENE LLC, ("Declarant").

## **Article 1. Recitals and Definitions**

1.1 Declarant is the owner of the real property in Montezuma County, Colorado, described as follows:

**Lots 15-23, Block 40, of the Taylor Brumley Addition to the town of Dolores located in the portion of Southeast Quarter of Section 10, Township 37 North, Range 15 West, N.M.P.M Montezuma County, Colorado**

1.2 The Property was previously subject to a Declaration of Covenants and Restrictions for the Colorado Housing, Inc Development, recorded February 2, 2010, at Reception No. 569012, Montezuma County, Colorado ("*Prior Covenants*").

1.3 Declarant, being the owner of 100% of the Property, not being subject to any encumbrances of any deed of trust, or any other restriction, hereby revokes the Prior Covenants and replaces them with this Declaration. The Preliminary plat map of the mentioned property was approved **November 2, 2020** by the Town of Dolores Planning and Zoning commission.

1.4. Declarant, having established a general plan for the improvement and protection of the Property, and intending to sell, dispose of, or convey from time to time all or a portion of the Property, and intending to sell, dispose of, or convey from time to time all or a portion of the Property, hereby encumber the Property with this Declaration of Covenants, Conditions and Restrictions for the benefit of the present and future owners of the Townhomes property, Lots within the Property shall be held, sold and conveyed subject to the following covenants, restrictions and easements which shall run with the land and be binding on all parties and heirs, successors and assigns of parties having any right, title or interest in all or any part of the Property.

1.5 The Property may also be referred to herein as the Hillside Ave. Townhomes of Dolores or simply the "**Townhomes**". Each lot in the property may be referred to as a Townhome, Lot, or Unit.

1.5 The preliminary plat approved by the Town of Dolores Planning and Zoning Commission on **November 2, 2020** is referred to herein as the "Plat".

1.6 Declarant intends that the Property shall be conveyed subject to the restrictions in this Declaration, which shall run with the land and be binding on all parties, heirs, successors and assigns.

## **Article 2. Colorado Common Interest Ownership Act Compliance and Association.**

2.1 The Townhomes shall be exempt from the provisions of the Colorado Common Interest Ownership Act ("CCIOA") under C.R.S. 38-33.3-1 16(2), as there are less than 20 units. The Townhomes shall be subject to C.R.S. §§ 38-33.3-105 through 107 as provided by law.

2.2 There shall be no Association for the Townhomes.

2.3 This Declaration may be revoked, amended, or replaced upon a vote of at least 60 percent of the interests in the Townhomes, one vote per lot. In the event of multiple owners of one lot who disagree on said vote, the lot shall not be counted in either the numerator or divisor in computing the percentage vote.

## **Article 3. Common Elements**

There is a limited common element set aside for storage on the Plat. This area is designated for storage use and each owner will have access to a 10' x 10' area for storage purposes only.

## **Article 4. Restrictive Covenants.**

### **4.1. Land Use Building Type, and Architectural Control.**

Townhome units will be used only for single family residential purposes. Each unit will be attached to an adjacent unit by a party wall. The unit shall be constructed within the envelope depicted on the Plat. The minimum construction size shall be 1050 square feet of heated living area, and the maximum shall be 1400 square feet. These measurements are exclusive of a garage. Townhome exterior colors shall be of a neutral color substantially similar to those of already-constructed Townhomes. Adjacent roofs that are shared by more than one unit shall be of the same color and material. All utilities to the unit shall be installed underground or concealed in a discrete manner. No building, fence, wall, canopy, awning, balcony, structure or improvement shall be commenced, erected, altered, moved or changed or altered, until the

plans and specifications showing the nature, kind, shape, height materials, location and color of the same have been submitted to, and approved in writing by the other Lot owners. The construction shall achieve harmony of external design and location in relation to surrounding structures and topography. This restriction is for the mutual benefit of all owners. Such approval shall not be unreasonably withheld. Approval of 60% of the Lot owners shall be required. The owners shall approve or disapprove all requests within thirty days after submission. In the event any owner fails to approve or disapprove such plans and requests within thirty days, such owner shall be deemed to have approved the request.

## **4.2. Outbuildings.**

Only one 10x10 shed or storage facility can be erected on the owners property or in the designated storage area. No shipping containers or "Zircons" are allowed.

## **4.3 Easements**

Owners of the Units may not obstruct any easement depicted on the Plat, including parking vehicles or placement of personal property in the access easement. There shall be an easement encumbering every Lot, for the benefit of all other Lots, outside the building envelope, for underground utilities. There shall also be an easement on the exterior of every unit, encumbering such unit, for the benefit of all other units, for placement of wires, cables, pipes and the like for delivering of such utilities. The 18' access easement and utility easement shall be considered to be owned in tenancy in common among all owners. An equal percentage of the access easement attributable to each Lot. Such interest shall be conveyed along with a conveyance of a Lot, regardless of whether such interest is described in the conveyance instrument, and such interest may not be conveyed separately without a conveyance of a Lot.

## **4.4 Fencing & Signage**

No fencing of any kind is allowed except for backyard privacy fencing, separating Lots from one another, or separating Lots from sidewalks. Side fencing can be extended to the front of the unit upon approval of 60% of Lot Owners. No fencing can be erected in the front yard. Fences shall be kept in good repair, stained a dark brown color that substantially matches, or is in harmony with the colors of other fencing, and shall be re-stained periodically to prevent weathering. Damaged boards or graffiti or vandalism shall be repaired within a reasonable time. Signage is prohibited except political signage, "for sale" or "for rent" signs, and other signage permitted by law.

## **4.5 Commercial Uses**

No commercial usage is allowed, except that a resident may conduct business solely within a residence provided that no employee or independent contractor of such business shall conduct any work at such residence. The purpose of this section is to prevent establishment of a business that generates unreasonable traffic noise, parking, or other impacts associated with commercial uses.

## **4.6 Maintenance & Landscaping**

Each Owner shall maintain and keep in good repair his or her lot and any structures or buildings thereon, including fixtures, driveways, and yard areas included within the perimeter of the lot. No excessive garbage, construction debris, or livestock debris shall be permitted.

## **4.7 Snow Removal & Gravel**

Each Lot shall be shoveled and plowed to allow reasonable access to the Townhomes by pedestrians and vehicles not requiring four wheel drive, and the gravel in the access easement shall be kept in good repair. All driveways and sidewalks shall be kept clear of ice and snow. The cost of plowing the central access easement shall be shared equally by all owners of Lots upon which a Townhome is constructed. On October 1 of every year, one Lot owner shall be designated by the owners as the coordinator for snow removal services for the winter and gravel replacement or grading for the subsequent spring and summer. If no designation occurs, a Lot owner may volunteer. Each Lot owner upon which a structure is built shall contribute \$200, or such other amount as may be agreed to or necessary. The coordinator shall collect such funds and contract for such services. If the owners should fail to contribute, the other owners shall have the remedies described in Article 6.

## **4.8 Trash; Nuisances; Noxious Weeds**

No owner of any unit may do or permit to be done any act which is or may become a nuisance to others. All non-toxic trash and garbage shall be disposed of through the use of trash containers maintained by each unit owner. Trash, including leaves or branches, shall be placed or stored on the drive or parking spaces allocated to a unit except on designated trash pick-up days and for the purpose of removal. Unit owners shall keep their lot free from noxious weeds by mechanical means or spraying to prevent their growth and propagation within the property. All toxic waste shall be appropriately disposed of off-site.

## **4.9 Automobile Storage**

Abandoned or inoperable automobiles or vehicles of any kind, or sizeable parts thereof, shall not be stored or parked on any portion of the Property. "Abandoned or inoperable vehicle" shall be defined as any vehicle which does not have a current valid registration and/or cannot be operated under its own power. Vehicle includes campers, trailers, mobile homes and motorcycles. Vehicles shall be in good repair and not leak fluids. All parking shall be in the provided parking spaces for each Lot. No parking shall be permitted in the access easement. Parking is limited to 48 hours for loading or unloading purposes only for motorhomes, trailers or recreational vehicles. The cost for removal, towing, cleaning of leakage, or other remedies shall be charged to the responsible unit owner whether or not the unit owner is the actual owner of the vehicle.

## **4.10 Fire and Safety**

Obstruction of drive aisles, walkways, passageways, or areas is not allowed if so doing would impair access for firefighting or prevention purposes. All townhomes must have working smoke detectors in each bedroom, living room and kitchen. No outside fires allowed other than barbecues or enclosed, manufactured off the ground fire pits, shall be permitted. Any hot residue from barbecues and all cigarettes should be completely extinguished and disposed of in proper containers. No flammable oils, fluid or materials shall be stored in any Lot.

## **4.11 Noise**

Loud music or noise is prohibited, particularly between 10:00pm and 8:00am. Social gatherings must be confined to the Unit and terminated if neighbors are disturbed. Gatherings may not be held in parking areas or on roadways. No parties where admission is charged are allowed. Stereos, televisions, and other media must not be audible outside the unit. No public profanity.

## **4.12 Water and Sewer**

Each owner shall be responsible for paying for their own water and sewer service from the Town of Dolores.

#### **4.13 Animals**

There shall be no more than two dogs or two cats, and no combination of dogs and cats exceeding three in any one Townhome. All pets shall be kept in such a manner that will not disturb other Unit owners and they shall not be permitted to run free onto other units or chase or disturb wildlife, or cause excessive noise.

#### **4.14 Disputes**

In the event a dispute shall arise between the parties under the terms of this agreement, the parties may utilize any lawful means of resolving their dispute, including mediation arbitration, or a lawsuit in County Court. An owner of a Lot or several owners of a Lot may be plaintiffs or named defendants. A prevailing party in such a lawsuit shall be entitled to damages, injunctive relief, costs and attorney fees.

#### **4.15 Leases**

An owner who leases a Townhome is required to do so in a written lease that states that the terms of the lease are subject to the provisions of this Declaration, and any failure by the lessee to comply with this Declarations is a default.

#### **4.16 Term**

These covenants shall be effective for twenty years from the date of execution, and if unmodified they extend for another ten year term.

### **Article 5. Party Walls.**

A Party Wall shall mean any wall which is part of the Townhome and located between two or more townhomes and is placed on or immediately adjacent to a Townhome lot line and which separates two Townhomes.

Mutual reciprocal easements are hereby established and granted for all Party Walls between Townhome lots, which easements shall be for mutual support. All conveyances of a Townhome Lot shall be deemed to convey the rights and benefits of such easement, and to be subject to such easement, whether such easement is described in the conveyance instrument.

The cost of reasonable repair and maintenance of any Party Wall, or replacement after being destroyed or damaged by fire or other casualty, shall be shared equally among the owners of the Townhomes sharing the Party Wall. If the owner of a Townhome sharing the Party Wall refuses to pay his proportionate share of the cost of repair, maintenance or replacement, the other Owner may cause the Party Wall to be repaired and may seek reimbursement of the cost from the non-paying owner.

An owner who by his negligence or willful act of omission, causes the party wall to be damaged, shall bear the entire cost of the repair.

The right of an owner to seek contribution against another owner for the party wall repairs or replacement, shall be considered appurtenant to the land, and shall pass to such owner's successors in title.

## **Article 6. Reimbursement of Costs, Liens & Covenant Enforcement**

The cost of goods and services that benefit more than one Townhome shall be shared equally by the owners of the benefitted Townhomes. Such goods and services include, but are not limited to, painting, Snow removal, maintenance of the common 18' access easement, garbage collection, party wall maintenance, landscaping, and roof repair. If an owner of a benefitted lot fails to perform tasks required by these covenants, another owner may perform the tasks or cause them to be performed, and seek reimbursement from the owner that failed to perform a task. If an owner refuses to pay his proportionate share of the reasonable cost, the owners who pay must seek reimbursement of the costs from the non-paying owners.

Unreimbursed costs shall be and remain a lien against the lots of the non-paying owners until fully paid, and the unreimbursed amount shall accrue interest at the rate of 8% per annum, compounded yearly. A notice of such lien may be recorded. Said lien may be judicially foreclosed, and no homestead exemption may be claimed with respect to the lien. Additionally, unreimbursed owners shall have a cause of action against the non-paying owners, and the prevailing parties shall be entitled to damages, injunctive relief, costs and attorney fees.

Any lien notifications recorded pursuant to this declaration shall contain the name of the parties claiming the lien, the names of the owners of the property upon which the lien is claimed, the reason for the lien, a description of the property against which the lien is claimed, and the amount of the lien, and a reference to this declaration, including reception number. A copy of a lien statement must be served on the owner of the property by certified mail, return receipt



requested, to his or her last known address or by personal service, at least 20 days prior to recording the lien.

## **Article 7. Insurance**

All owners shall be responsible for insuring for liability and property damage for the individual lots and improvements.

All insurance policies shall afford protection against risks and customarily covered with respect to projects similar in construction, location, and use. Such policies shall contain a clause in favor of each first mortgagee and a provision that such policy cannot be canceled or altered by either insured or the insurance company without 10 days prior written notice thereof given to an adjacent owner.

**R. Special Exceptions.**

1. **Purpose.** Special exceptions are 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 purposes of this Code.
2. **Authority.** The Planning and Zoning Commission in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Special Exception Permit after receiving a recommendation from the Zoning Administrator.
  - a. **Board of Trustees Approval of Special Exceptions.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of this Article VI.R.4.
3. **Procedure.**
  - a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Special Exception. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
    - (1) The street address and legal description of the property affected;
    - (2) A scaled site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Special Exception based upon the required findings in Article VI.R.4. below; and
    - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.

b. **Notification requirements.**

- (1) The Town shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
- (2) The Applicant shall mail written notice of public hearing before the Board of Trustees, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.

- c. **Public Hearing.** The Commission shall hold a public hearing on an application for a Special Exception Permit. At the public hearing the Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Special Exception Permit pursuant to the requirements of Article VI.R.4., below.

- d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

4. **Required findings.**

- a. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards;
- b. 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;
  - (1) 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;
  - (2) Special exceptions for historic replica signs shall be granted subject to the following:
    - (a) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Art VI.S of this Code.
    - (b) Applications for a historic replica sign will be supported by documentation evidencing the historic style, format and location of the sign to be replicated;

- (c) 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
    - (d) The Planning Commission or Town Board must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.
  - c. That granting the special exception will not adversely affect property values in any material way; and
  - d. That granting the special exception will be generally consistent with the purposes for this Code that are listed in Article I.E.
5. **Conditions.** The Commission may impose such conditions on a Special Exception Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.
6. **Effect of Special Exception Permit**
- a. **General.** Issuance of a Special Exception Permit shall authorize only the particular variation, which is approved in the Special Exception Permit. A Special Exception Permit shall run with the land.
  - b. **Time Limit.** Unless otherwise specified in the Special Exception Permit, an application to commence construction of the improvements that were the subject of the Special Exception Permit request must be applied for and approved within 12 months of the date of the approval of the Special Exception Permit, otherwise the Special Exception Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

**P. Variances**

1. **Purpose.** Variances are deviations or modifications of height, yard, area, lot coverage and parking regulations of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. Variance or modification of such area regulations may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification.
2. **Authority.** The Board of Adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Variance Permit after receiving a recommendation from the Zoning Administrator.
  - a. **Board of Trustees Approval of Variances.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant variances subject to the requirements of this Article VI.Q.
3. **Procedure.**
  - a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Variance. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
    - (1) The street address and legal description of the property affected;
    - (2) A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Variance based upon the required findings in Article VI.Q.4. below; and
    - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.
  - b. **Notification requirements.**
    - (1) The Town shall cause notice of the public hearing of the Board of Adjustment to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
    - (2) The Applicant shall mail written notice of public hearing before the Board of Adjustment, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last

approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.

- c. **Public Hearing.** The Board of Adjustment shall hold a public hearing on an application for a Variance Permit. At the public hearing the Board shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Variance, in accordance with the required findings of Article VI.R.4.
  - d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Board's decision.
4. **Required findings.** In exercising its power to grant a Variance in accordance with this Code, the Board of Adjustment shall make finding and show in its minutes that:
- a. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;
  - b. That a Variance is necessary to permit the Applicant the same rights in the use of this property that are presently enjoyed under this Code, by other properties in the vicinity and zone, but which rights are denied to the subject property;
  - c. That the granting of the Variance on the specific property will not adversely affect the land use pattern as outlined by the Future Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town of Dolores;
  - d. That the Variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
  - e. That such unnecessary hardship has not been created by the Applicant; and
  - f. That the proposed use is a permitted use in the underlying zone district.
5. **Conditions.** The Zoning Administrator may recommend, and the Commission may impose, such conditions on a Variance Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.
6. **Effect of Variance Permit**
- a. **General.** Issuance of a Variance Permit shall authorize only the particular variation, which is approved in the Variance Permit. A Variance Permit shall run with the land.
  - b. **Time Limit.** Unless otherwise specified in the Variance Permit, an application to commence construction of the improvements that were the subject of the Variance Permit request must be applied for and approved within 12 months of the date of

the approval of the Variance Permit, otherwise the Variance Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

**M. Condominium Subdivision/Townhouse Subdivision**

1. **General.** This section provides review procedures, submittal requirements and standards for review to ensure that the creation or conversion of condominium subdivisions will comply with the Uniform Building Code as amended by the Town of Dolores and other provisions of this Code.
2. **Pre-application conference.** Prior to the filing of a condominium subdivision/townhouse subdivision or conversion application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town.
3. **Submittal requirements.** The Applicant shall file six (6) copies of an application requesting approval of a condominium subdivision and of a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The application shall be submitted at least 30 days prior to any desired agenda date and shall be accompanied by or show the following information.
  - a. The application shall be accompanied by six (6) copies of a preliminary condominium plat/map showing:
    - (i) **Name and heading.** The exact name of condominium subdivision shall be placed on the plat. The heading of the final condominium plat shall include the complete name of the condominium subdivision, the land sections, township, range, principal meridian, "Town of Dolores, Montezuma County, Colorado".
    - (ii) **Scale, arrow & date.** The written and graphic scale, north arrow and date of preparation shall be placed on the plat.
    - (iii) **Location.** The location of the condominium subdivision by reference to streets, lots and blocks shall be placed on the plat;
    - (iv) **Lot and property lines.** The lot lines and property lines to the hundredth (1/100) foot shall be placed on the plat;
    - (v) **Zoning and densities.** The zoning and existing densities on adjacent properties shall be placed on the plat.
    - (vi) **Parking and trash.** The required parking spaces and the joint trash collection areas shall be identified on the plat.
    - (vii) **Separate, common and limited common elements.**
      - (1) Floor plans, elevations and site plan shall be included as required to show separate ownership of all separate units, common elements and limited common elements labeled as such and numbered for ease of identification [all dimensions shall be to the nearest hundredth (1/100) of a foot, or other scale specified by the Zoning Administrator]; and
      - (2) Number, type and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; percentage of open space; and lot coverage shall be shown.
    - (viii) **Statement of the number of units.** A statement of the total number of units shall be shown on the proposed plat.
  - b. The application shall be accompanied by six (6) copies of the following:



- (i) **Condominium/townhouse declarations.** Condominium declarations shall be submitted establishing a unit owners' association that shall be responsible for the maintenance of common elements and limited elements and in accordance with the requirements of Article VI.I, Mandatory homeowners' association. The Condominium/Townhouse declarations shall incorporate clear provisions for giving notice by third parties to the unit owners association or corporation on behalf of the unit owners and any development or special declarant rights issued to the declarant.
- (ii) **Articles of Incorporation.**
- (iii) **Bylaws.** Bylaws of the unit owner's association or corporation, unless exempt under C.R.S. 38-33-106, as amended.
- c. **Traffic mitigation plan.** A traffic mitigation plan, if the Condominium/Townhouse Subdivision will increase the total number of dwelling units on the parcel or lot, may be required by the Planning Commission.

In addition to the above submittal requirements, the following statements shall be required on the final condominium plat:

- d. **Legal description.** A legal description of the subject property shall be required on the final plat.
- e. **Surveyor's certificate.** A surveyor's certificate, in the following form, shall be placed on the final plat:

I, (printed name of Land Surveyor) being a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat and survey of (NAME OF CONDOMINIUM SUBDIVISION/TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and that both are accurate to the best of my knowledge. I further certify that monuments and markers were set as required by the applicable provisions of Articles 50 and 51 of Title 38, C.R.S.

- f. **Dedication certificate.** The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted and shall be acknowledged in the manner prescribed by the laws for the State of Colorado for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
  - (i) An accurate description of the tract of land subdivided.
  - (ii) A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
  - (iii) An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.

- (iv) A positive reference and identification of the plat of such subdivision date of plat and engineer.
- g. **Treasurer's certificate.** Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.
- h. **Approval certification.** Certification of approval by the Planning Commission and Town Board, in the following form, shall be placed on the final plat.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Planning Commission of the Town of Dolores, Colorado.

\_\_\_\_\_  
Chairman

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Town Board of the Town of Dolores, Colorado.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

- i. **Filing fees.** A filing fees to cover the cost of review shall be submitted with the preliminary, final, and as-built Condominium Subdivision application in accordance with the fee schedule adopted by resolution of the Town Board.

In addition to the above submittal requirements, after final plat approval and prior to the issuance of a certificate(s) of occupancy the applicant shall submit three (3) copies of an as-built plat, showing:

- j. **As-built plats.** As built plats shall include all information required in Article VI.M.3.a.(i.-viii.), above, with the following exceptions:
- (i) The title "As-Built Plat" shall appear at the top, with "Final Plat (prior reception number) Amendment" directly underneath.
  - (ii) The location shall be indicated for all completed improvements, such as buildings, parking, easements, service lines and mains.
  - (iii) The Planning Commission certificate block shall be omitted.

**4. Application review procedures for preliminary and final condominium subdivision plats.**

a. The procedures and standards for review and approval of a condominium subdivision shall be the same as that specified for other subdivisions in Article VI.E.3. through 5. and Article VI.F.2. through 4.

b. Condominium/Townhouse conversion shall be reviewed as a minor subdivision regardless of the number of units proposed for conversion [see Article VI.L.2. through 5. for procedures; and Article IV for subdivision standards].

c. Any subsequent change in the approved use(s) for a condominium subdivision/townhouse subdivision shall be subject to the same review procedures as would be applied to a new condominium subdivision.

d. Notwithstanding anything in this Code to the contrary, no requirement for public improvements, dedication of land to public use or cash-in-lieu, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community which would not be imposed upon a physically-identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Code upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.

**5. Application review procedures for as-built condominium subdivision plats.** The Zoning Administrator shall review as-built plats within 15 days of the submittal of the plat. If the Zoning Administrator is satisfied that the proper dedications have been made and that the plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved final plat, the Zoning Administrator shall present the as-built plat to the Mayor for signature and shall cause the as-built plat and other appropriate documents to be filed of record by the developer in the plat records of Montezuma County.

**6. Standards for Review of Condominium Subdivisions/Townhouse Subdivision.**

a. Condominium subdivisions/Townhouse subdivision shall comply with the review standards applied to other subdivisions in Article IV., Subdivision standards and Article VI.I, Mandatory homeowners' associations of this Code.

b. Condominium subdivisions shall comply with the following supplemental review standards:

- (i) the density of the development as proposed for condominium subdivision shall not be greater than the maximum density as allowed by the underlying zone district;
- (ii) if the Condominium Subdivision will increase the total number of dwelling units on the parcel or lot, the traffic impacts of the proposed condominium subdivision shall be evaluated and any impacts to the neighborhood must be mitigated; and

- (iii) each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
  - c. As-built plats shall accurately depict the location of all completed improvements, and such improvements shall be substantially consistent with the improvements shown on the approved final plat.
7. **Additional Standards for Review of Condominium/Townhouse Conversions.** In addition to complying with the review standards applied to other subdivisions and condominium subdivisions/townhouse sub-division by this Code, condominium conversions shall comply with the following standards:
- a. Prior to the submission of a Preliminary Plat that would convert an existing multi-unit development to condominium units, the owner of such property shall meet with the Zoning Administrator regarding the proposed conversion and shall demonstrate that the following provisions have been met.
    - (i) The structure subject to the proposed condominium/townhouse conversion shall meet current off-street parking requirements for the underlying zone district found in Article V.B., Parking and access of this Code. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
    - (ii) A minimum one (1) hour fire wall may be required between units as a condition of Town approval of any condominium/townhouse plat involving a condominium conversion.
  - b. Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least ninety (90) days prior to termination of any residential tenancy in accordance with C.R.S. 38-33-112, as amended. Copies of such notification shall be filed with the Town Clerk as proof of notification.

**Preliminary Plats**

1. **Pre-application conference.** Prior to the filing of a preliminary plat, the sub-divider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town and the relationship of the proposed subdivision to the Comprehensive Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the pre-application conference, a land planner, engineer or surveyor may represent the sub-divider.
  - a. **Optional pre-application conference with planning commission.** At the applicant's option, a pre-application conference may be held with the Planning Commission.
2. **Submittal requirements.** The sub-divider or owner shall file six (6) copies of an application requesting preliminary plat approval, a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat. The application be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following information:
  - a. **Boundary lines and bearings.** Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.
  - b. **Adjacent subdivisions.** The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.
  - c. **Intersecting streets.** The angle of intersection of the centerline of all intersecting streets.
  - d. **Proposed streets, alleys and easements.** The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rights-of-way and/or easements within or affecting the area to be subdivided.
  - e. **Proposed blocks, lots and parks.** The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.
  - f. **Contours.** Topographic contours at five (5) foot intervals and all easements or right-of-way necessary for drainage within or without the boundaries of the addition.
  - g. **Subdivision title and planner.** The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.
  - h. **Dedicated parks, playgrounds and other public uses.** Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
  - i. **Scale, north point.** Scale, north point, date and other pertinent data. The scale of the preliminary plat may be at one (1) inch equals 20 feet.

Land use code

- j. **Name, address and telephone number.** Property owner's name, address, and telephone number.
- k. **Proposed layout of utilities.** A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.
- l. **Drainage report.** A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.
- m. **Protective covenants.** Draft of any protective covenants where the sub-divider proposes to regulate land use or development standards in the subdivision.
- n. **Proposed land uses.** A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.
- o. **Vicinity map.** A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and Town limits.
- p. **Application fee.** A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the Board of Trustees.
- q. **Preliminary Comprehensive Plan.** If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat; except, it may be on a scale of not more than one (1) inch to 100 feet.

3. **Application review procedures.**

- a. **Date of filing.** Six (6) copies of the preliminary plat application submittal shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees which are established by resolution of the Board of Trustees have been paid and after it is examined and found to be in compliance with the applicable provisions of these regulations by the Zoning Administrator.
- b. **Distribution of preliminary plats.** The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes." The Zoning Administrator shall distribute the preliminary plats immediately upon receipt to the following:
  - (1) Zoning Administrator (one copy)
  - (2) Town Engineer (one copy)
  - (3) Electric power association (one copy)
  - (4) Dolores School District (one copy)
  - (5) Dolores Fire Protection District (one copy)
  - (6) Dolores, Town Clerk (one copy - for the public record)
- c. **Comments; written report.** At least 10 days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and

Land use code

submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other Comprehensive Plans such as utility plans. The report may include comments from other municipal departments, county, or state agencies concerned with urban development.

4. **Review by Commission.**

a. **Action by Commission.** The Planning Commission shall hold a public hearing on the Preliminary plat before making a decision. The Planning Commission shall act on the preliminary plat within 30 days after the official filing date or within a reasonable time thereafter.

b. **Notification requirements for preliminary plat.**

(1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least 10 days prior to the hearing. Such notice shall include the nature of the matters to be considered; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

(2) The Town shall mail the written notice of public hearing, after obtaining a copy of the notice from the Town Clerk, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

(3) The Town shall post a sign provide by the Town Clerk in a prominent location on the subject property noticing the public hearing at least 15 days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning.

c. **Items for consideration by Commission.** The Planning Commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision, and determine the adequacy of street rights-of-way and alignment, the street standards of the Town of Dolores, the existing street pattern in the area and with all applicable provisions of the Comprehensive Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

d. **Subdivisions outside Town.** If the information shown on a preliminary subdivision plat is of land located outside the corporate limits of the Town of Dolores and within the Urban Growth Boundary, the procedure for approval, modification or disapproval, shall be the same as required for preliminary plats within the Town.

Land use code

e. **Action within 30 days.** Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Planning Commission shall, within 30 days, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

f. **Notation of action.** The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other retained by the Planning Commission. A notation of the action taken and requisite reasons therefore shall be entered in the records of the Planning Commission.

5. **Review by Town Board**

a. **Submittal to Board of Trustees.** The Zoning Administrator shall, at the next regularly scheduled Board of Trustees meeting following conditional approval or disapproval by the Planning and Zoning Commission, submit the preliminary plat with the conditions established by the Planning and Zoning Commission to the Town Board for their consideration.

b. **Action by Board of Trustees.** The Board of Trustees shall approve or disapprove the preliminary plat as to street dedication and utility services either with or without special provisions.

6. **Effect of preliminary plat approval.**

a. **Not approval of final plat.** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

b. **Lapse of approval.** Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The Planning Commission's preliminary approval of the subdivision shall be deemed voided unless the final plat is submitted within the 12 month period or unless the 12 month period is extended by the Planning Commission at the request of the sub-divider.



**TOWN OF DOLORES  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING FOR  
A SPECIAL EXCEPTION PERMIT AND VARIANCE PERMIT  
AND PRELIMINARY PLAT FOR HILLSIDE AVENUE TOWNHOME SUBDIVISION**

NOW, THEREFORE, BE IT KNOWN, that notice is hereby given of a Public Hearing before the Dolores Planning Commission on Tuesday May 17, 2022 at 6:30 P. M. at the Dolores Town Hall, 420 Central Avenue, Dolores CO. 81323.

Or by the zoom link provided on the Government/ Planning and Zoning page on the town website:

<https://townofdolores.colorado.gov/>

The purpose for the hearing is to consider an application for a Special Exception Permit and Variance Permit submitted by Grene LLC, 1240 Hinson St, Las Vegas, NV. 89102 (970)739-0833 for a proposed Townhome Subdivision development. The purpose of the Special Exception permit is to allow a non-conforming setback as required in the Dolores Land Use Code **Article III G. 7 c. Minimum rear and Interior Side Setbacks; 6 feet**, because of dividing the property into 8 parcels that will be attached with party walls for each pair of town homes.

The purpose of the Variance permit is to allow for non-complying lot size and lot width that will not be met as required in **Article III G. 7 a. Minimum lot size (multifamily dwelling – 2500 square feet per unit), d. Minimum Lot width of 50 feet** because of dividing the property into 8 parcels. If unable to attend comments shall be made in writing to; Town of Dolores, P O Box 630, Dolores CO. 81323 or 420 Central Ave. Dolores CO. 81323.

The preliminary plat must be reviewed by the Planning and Zoning commission at a public hearing as per **Preliminary Plats, Article VI E 4.b(1)** (Dolores Land Use Code Adopted 1998).

**You may be invited to comment during the public hearing. Otherwise be prepared to email written comments to [Tammy@townofdolores.com](mailto:Tammy@townofdolores.com)**

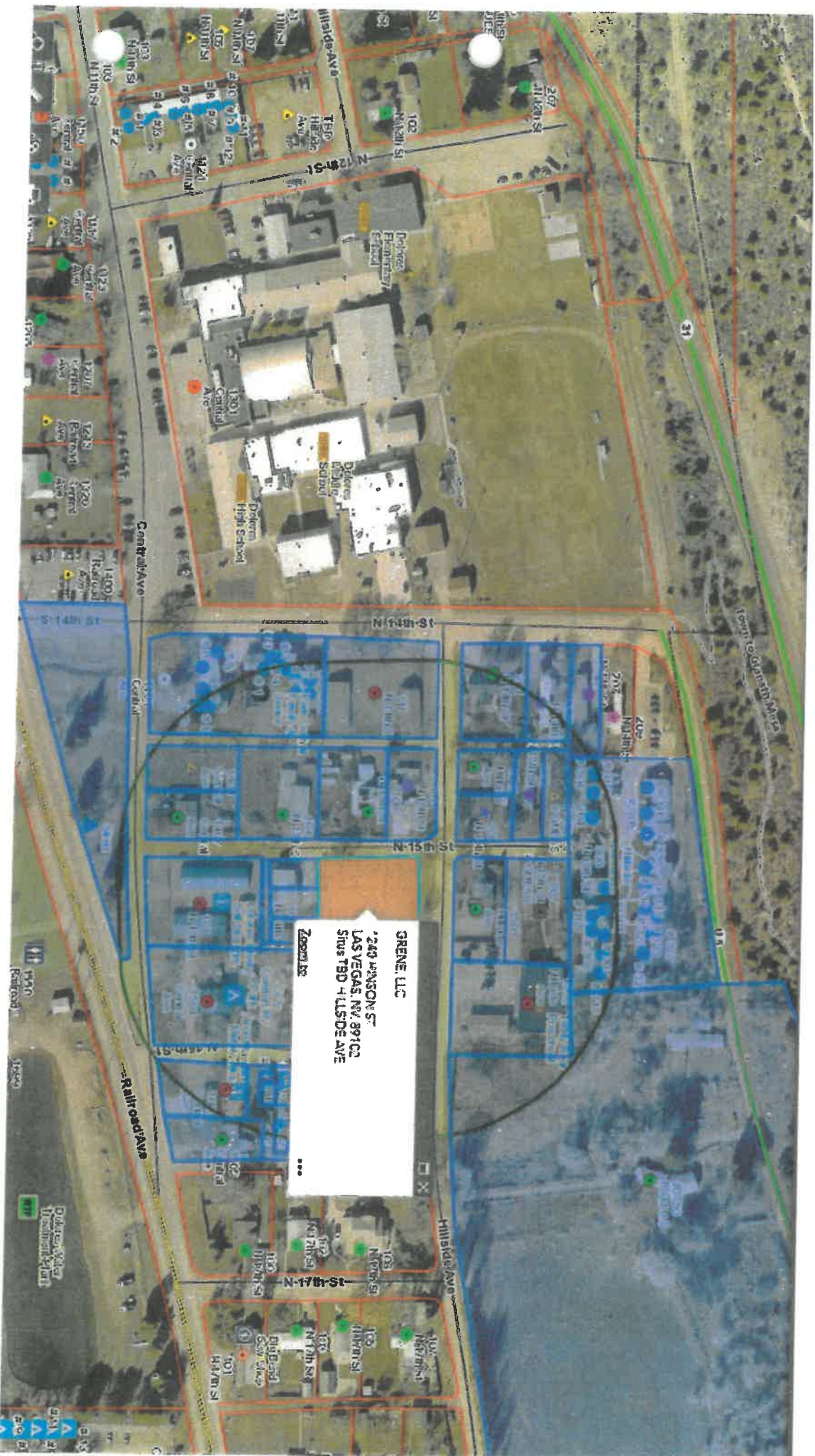
**Or: mail written comments and send them to Tammy Neely P O Box 630 Dolores, CO. 81323 The deadline for written comments is May 11, 2022**

Done this 29<sup>th</sup> day of April 2022

Publication Department: please publish this notice in The-Journal on Wednesday May 4, 2022. Send the Bill to Town of Dolores P O Box 630 Dolores, CO. 81323

Tammy Neely, Dolores Town Clerk

200ft Neighbors visual



## Private Legals

6569

### **TOWN OF DOLORES PLANNING AND ZONING COMMISSION PUBLIC HEARING FOR A SPECIAL EXCEPTION PERMIT AND VARIANCE PERMIT AND PRELIMINARY PLAT FOR HILLSIDE AVENUE TOWNHOME SUBDIVISION**

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You may be invited to comment during the public hearing. Otherwise be prepared to email written comments to [Tammy@townofdolores.com](mailto:Tammy@townofdolores.com)

Or: mail written comments and send them to Tammy



Ann Swope <ann@townofdolores.com>

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**FW: multi-family residential development**

1 message

---

**david@townofdolores.com** <david@townofdolores.com>  
To: Ann Swope <ann@townofdolores.com>

Tue, May 3, 2022 at 12:21 PM

For the record

---

**From:** Blincoe, Reece <rblincoe@dolores.k12.co.us>  
**Sent:** Tuesday, May 3, 2022 10:58 AM  
**To:** david@townofdolores.com; Kenneth Charles <manager@townofdolores.com>  
**Subject:** multi-family residential development

David and Ken,

We have received and reviewed the plans for eight additional dwellings at 15th street and Hillside. We do not object to this proposal.

Thank you for the information,

Reece Blincoe  
Superintendent



Ann Swope <ann@townofdolores.com>

---

**FW: 15th street housing**

1 message

---

**david@townofdolores.com** <david@townofdolores.com>  
To: Ann Swope <ann@townofdolores.com>

Thu, Apr 28, 2022 at 10:50 AM

Comments from Randy

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**From:** Randy Mcguire <randy@townofdolores.com>  
**Sent:** Thursday, April 28, 2022 10:28 AM  
**To:** David Doudy <David@townofdolores.com>  
**Subject:** 15th street housing

The proposed housing project at hillside and 15th street would require a minimum 36" culvert on hillside ave from the alley between 15th and 16th west to 15th street. This would need to be a continuous pipe.





**Discussion and Possible Action**

**AGENDA DOCUMENTATION  
Item**

**Meeting Date: May 17, 2022**

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**TO: Dolores Planning and Zoning Commission**

**FROM: David Doudy  
Building Official**

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**SUBJECT: Discussion and possible action item for an application for the Hillside Avenue Townhomes, a minor subdivision.**

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**PURPOSE AND BACKGROUND**

The owner, Grene LLC and agent, Josh Martin, are requesting to subdivide this property at Hillside Avenue and 15<sup>th</sup> Street.

This is phase two of this proposed development that was started in October of 2020. The application for the new development was submitted in November of 2021 and will be subject to the standards and procedures of the *Dolores Land Use Code*, adopted March 8, 1998.

This new phase will split the large lot into eight lots, creating a total of eleven lots at this location. Eight new townhomes will be constructed at this location for a total of ten townhomes.

This subdivision will require a Special Exception to allow for reduced setbacks on interior lots due to the common wall between each unit. This Special Exception falls under *Article III G. 7 c. Minimum rear and Interior Side Setbacks; 6 feet* of the former LUC of the Town of Dolores.

In addition, a Variance is being sought to allow for lots less than 2,500 square feet per lot and less than 50-foot lot width. This will fall under *Article III G. 7 a. Minimum lot size (multifamily dwelling – 2500 square feet per unit), d. Minimum Lot width of 50 feet*.

The Preliminary plat will be reviewed as required in *Article VI E. 3-5 and VI F. 2-4* of the Dolores Land Use Code series 1998

This subdivision will increase the available housing in the town by eight units and is in keeping with the previous development that is present at this location. Each unit is provided with two (2) off-street parking spaces and there is a common area as required by the LUC.



### **FISCAL IMPACT**

There are no adverse fiscal impacts on the Town of Dolores due to this townhome subdivision.

### **RECOMMENDATIONS**

It is the recommendation of the Interim Town Manager and the Building Official that the Planning and Zoning Commission, by motion:

1. Approve the Special Exception as submitted in this application.
2. Approve the Variance as submitted in this application
3. Approve the subdivision of this parcel as submitted in this application with the following conditions (Municipal Code 13.04.120)
  - a. The sewer line in the alley between 15<sup>th</sup> and 16<sup>th</sup> street shall be extended to the west side of the property.
  - b. Stamped engineered plans for the sewer line extension shall be submitted for approval to the Building Official.
  - c. The sewer line shall be installed by a contractor approved by the Building Official who is skilled in the installation of public utilities, licensed and bonded.
  - d. The sewer line shall be installed according to all applicable provisions of the Town of Dolores Municipal Code and Specifications. See attached construction standard drawings.
  - e. Tracer wire of a minimum of 10 gauge shall be attached to the sewer line.
  - f. All individual service lines, water, sewer, and natural gas shall have a minimum of 10-gauge tracer wire attached to the installed pipe.
  - g. There shall be a manhole installed at the end of the sewer line following the attached construction standards drawing.
  - h. No individual sewer service lines shall terminate at the manhole.
  - i. There shall be a minimum 30" culvert installed from the alley between 15<sup>th</sup> and 16<sup>th</sup> street and 15<sup>th</sup> street. The culvert shall be continuous from one end to the other. There shall be a minimum of 12" of cover material over the installed culvert to prevent collapse of the culvert.
  - j. Amendments to the Covenants, Conditions and Restrictions document for Hillside Ave Townhome Subdivision attached.
  - k. This plat to replace the previous plat approved November 2, 2020

## **Section 901**

### **INSTALLATION OF SANITARY SEWER LINES**

#### **901.1 PIPE LAYING**

The type of pipe to be installed shall be one of the types designated by the town. Pipe shall be installed in accordance with the appropriate pipe laying handbook or manual and/or AWWA recommended pipe laying practice for the type of pipe being installed. The interior of the pipe shall be thoroughly cleaned of foreign matter before being lowered into the trench and shall be kept clean during operations by plugging or other approved methods. The pipe Class shall be clearly indicated on each end of all pipe sections fittings. Bridging will not be allowed; grade shall be established prior to laying pipe.

#### **Handling**

Pipe and accessories shall be handled in such a manner as to insure delivery to the trench in sound, undamaged condition. Care shall be taken not to injure the pipe coating. No other pipe or material of any kind shall be placed inside of a pipe or fitting after the coating has been applied.

#### **Cutting**

Cutting of pipe shall be done in a neat and workmanlike manner without damage to the pipe. Unless otherwise authorized by the Engineer cutting shall be done by means of an approved type of mechanical cutter with wheel cutters utilized where practicable. Burrs will be removed from all cuts by means of grinding or filing.

#### **Placing and Laying**

Before installing ductile iron pipe, the pipe shall be inspected for defects and tapped with a light hammer to detect cracks. Defective, damaged, or unsound pipe shall be rejected. Deflection from a straight line of grade as required by vertical curves, horizontal curves or offsets shall not exceed those specified in AWWA C-600. If the alignment requires deflection more than these limitations, special bends or a sufficient number of short lengths of pipe shall be furnished to provide angular deflection within the limit set forth.

#### **Pipe Laid in Trench**

The full length of each section of pipe shall rest solidly upon the bed, with recesses excavated to accommodate bells and joints. Any pipe that has the grade or joint distributed after laying shall be taken up and re-laid. Pipe shall not be laid in water or when trench or weather conditions are unsuitable for the work, except by permission of the Engineer. When work is not in progress, open ends of pipe and fittings shall be securely closed so that no other substances will enter the pipes or fittings. Any section of the pipe found to be defective before or after laying shall be replaced with sound pipe at no additional expense to the Town.

#### **Water and Sewer Proximity**

Water lines shall not be laid closer horizontally than ten feet from sewer lines and the water lines shall be at a higher elevation than the sewer. If this is not possible, separate trenches will be required and the water line shall be 6 inches above the sewer. When water and sewer lines cross each other, the water



line shall be at least 6 inches above the sewer, otherwise, the sewer shall be PVC. No joint shall be within ten feet of the crossing.

#### **Excavation for Appurtenances**

Excavation for structures related to the water or sewer line shall be sufficient to leave at least twelve (12) inches in the clear between their outer surfaces and the embankment or timber which may be used to hold and protect the banks. Any other depth excavation below such appurtenances that has not been directed by the Town shall be considered as unauthorized and shall be filled with sand, gravel or concrete as directed and at the expense of the Contractor. Excavation for concrete structures may serve as the outside form, if in the opinion of the Engineer, the walls of excavation are smooth, and if a workmanlike finish can be assured utilizing this method.

#### **Tracer Wire**

Tracer wire shall be installed on sewer force mains (mainlines or service lines) per Section - 121 - Plastic Pipe

#### **Inspection of House Service Connection**

All sewer house service connections replaced by the Contractor shall not be backfilled before inspection by the Construction Inspector.

#### **Marking Sewer Stub-outs**

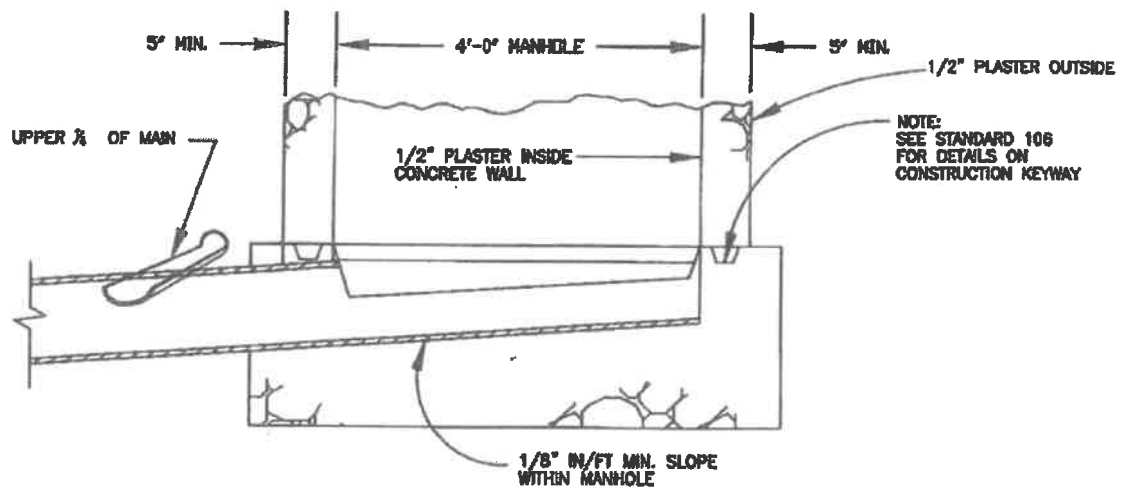
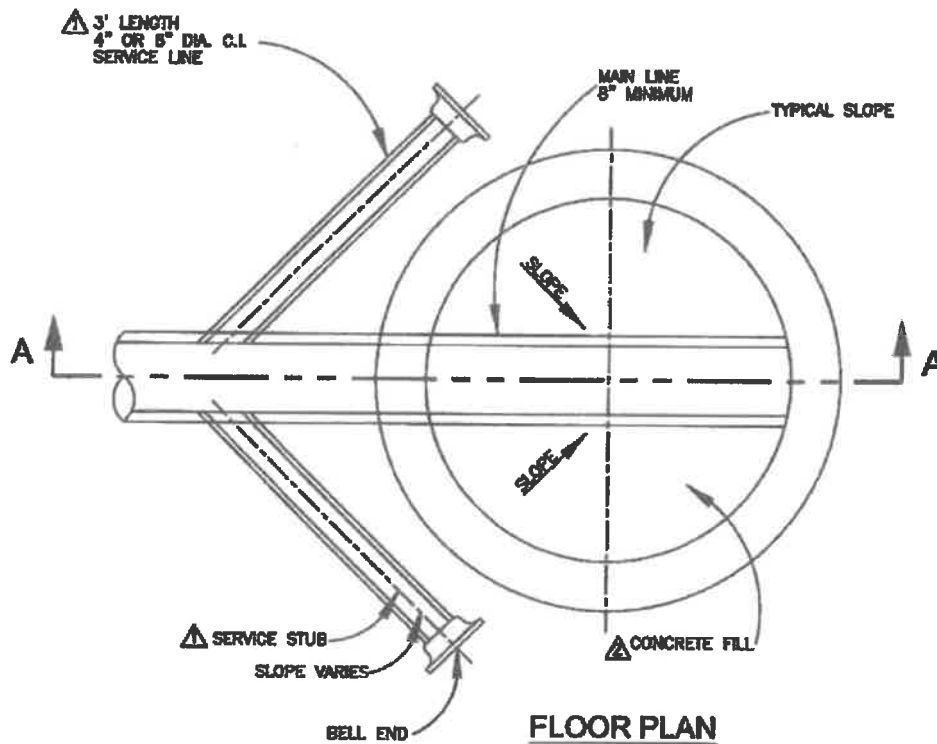
All sewer stub-outs shall be marked by a clean out and riser (the cap on the riser shall be glued on) extending from the end of the stub-out to the surface of the ground. The riser shall be a minimum 3 feet above ground with a glued-on cap, whose top has been painted green for sewer.

#### **Sewer Tie into Existing System**

Mainline extensions to the sewer system will not be tied into the existing sewer system until the new mainline extension has been inspected (i.e. videoed and approved by The Operation and Maintenance Contractor for, and accepted by, the Town Engineer or his designee).

#### **901.2 INSTALLATION OF PLASTIC SEWER PIPE (PVC)**

- A. Installation of PVC sewer pipe shall be in strict accordance with UniBell Plastic Pipe Association (UPPA) Recommended Practice for the Installation of Polyvinyl Chloride (PVC) Sewer Pipe, UNI-B-5-79.
- B. Pipe embedment material shall be Class I, II or Class III of Uni-B-5-79, Appendix I. Minimum compaction shall be 90% of relative density per ASTM D2049 for Class I & II material and 90% of standard proctor per ASTM D698 using ASTM D2167, D1556 or D2922 for Class III material. Consolidation by saturation shall not be used for Class III materials. All embedment materials shall pass a 1½" sieve.
- C. All sewer lines shall be installed using a laser and shall run directly from manhole to manhole without deflection.
- D. Pressure sewers shall be buried a minimum of 60" measured from finish grade to top of pipe. Hydrostatic pressure will be 1.5x working pressure test.

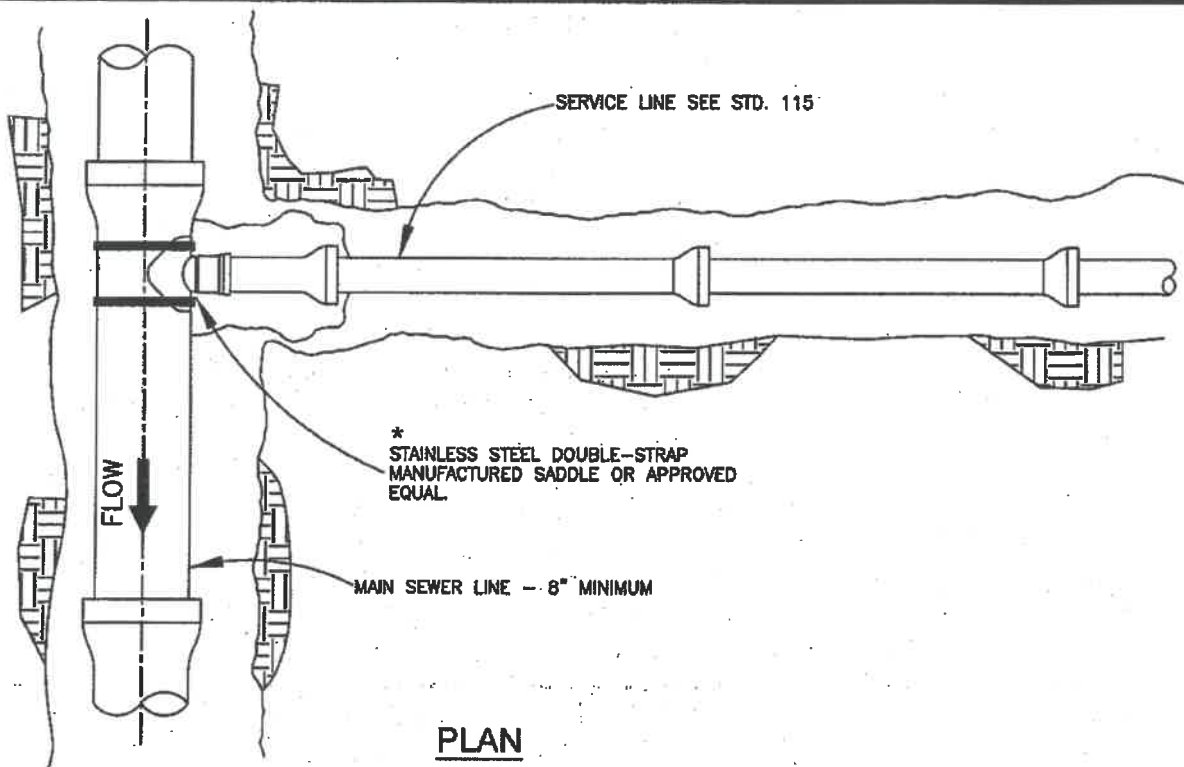


REV.	DATE
△	12/05/05
△	1/22/08

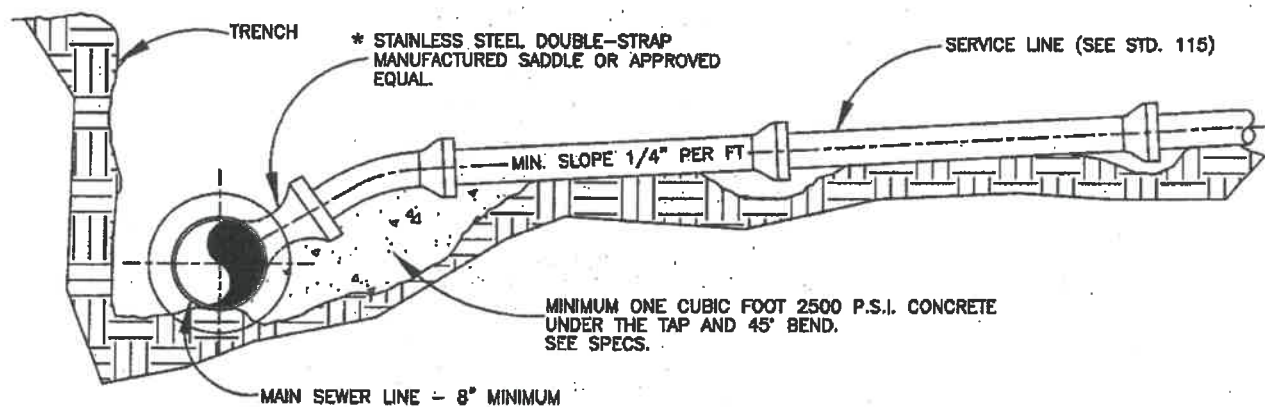
**CONSTRUCTION  
STANDARDS**

**SEWER SERVICE AT  
DEAD ENDS & CUL-DE-SAC**  
STANDARD No. D-105 SHEET 1 OF 1

**PUBLIC  
WORKS  
DEPARTMENT**



**PLAN**



**ELEVATION**

**NOTES:**

1. ALL SERVICE LINES SHALL CONFORM TO LOCAL PLUMBING CODE.
2. SERVICE LINE SHALL NOT PROTRUDE INTO SEWER MAIN.

REV	DATE
*	1/08 8/13

**CONSTRUCTION  
STANDARDS**

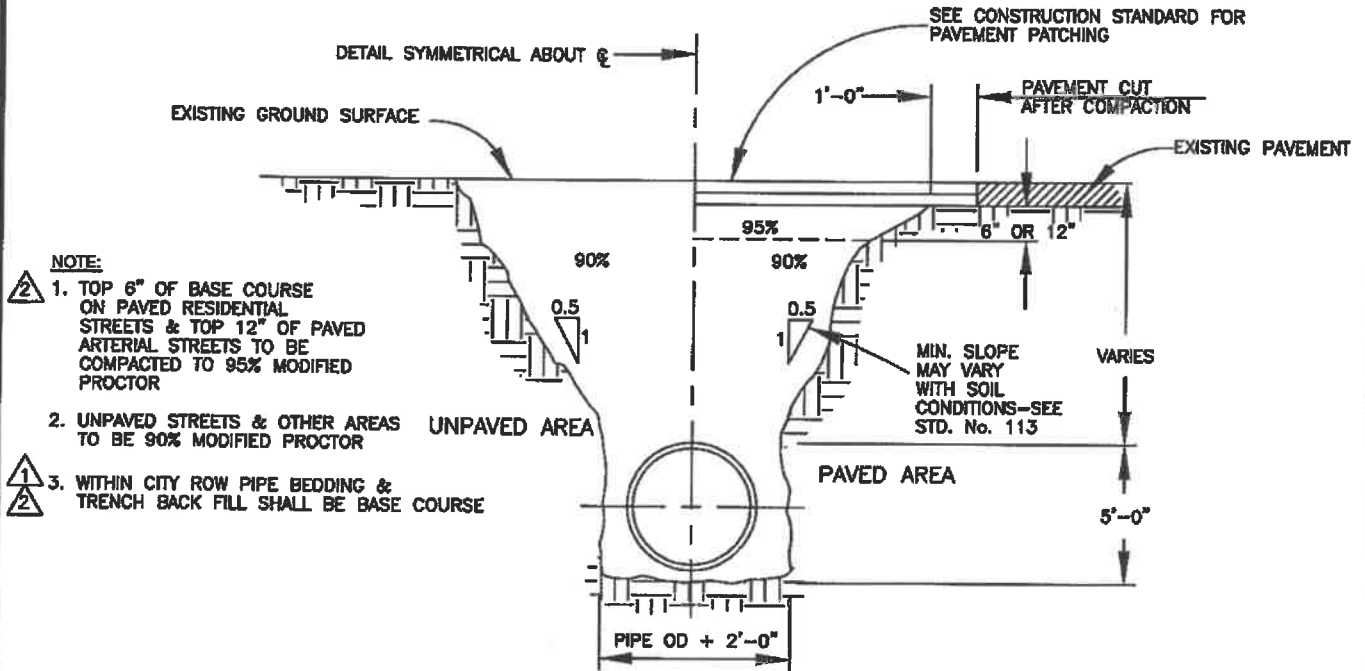
**TAP SADDLE  
CONNECTION**

STANDARD No. D-109 SHEET 1 OF 1

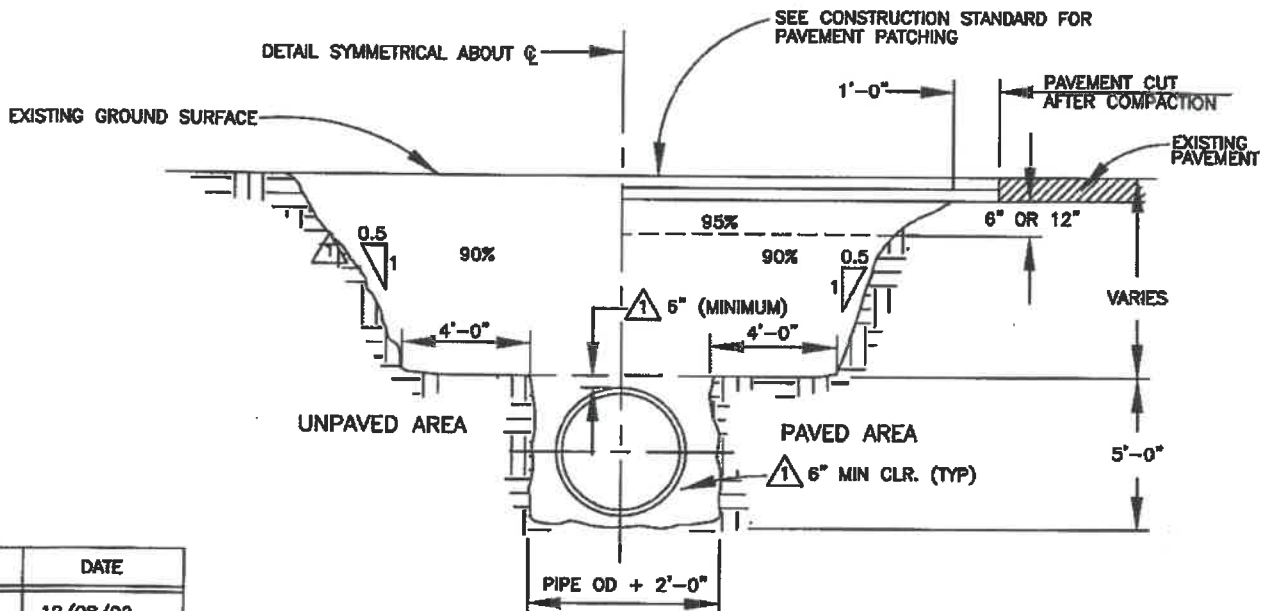
**PUBLIC  
WORKS  
DEPARTMENT**

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

PIPE DIA.	TRENCH WIDTH	PIPE DIA.	TRENCH WIDTH
8"	2'-6"	30"	6'-6"
10"	2'-8"	36"	7'-0"
12"	3'-0"	42"	8'-0"
15"	3'-0"	48"	8'-6"
18"	4'-6"	54"	10'-8"
21"	4'-6"	66"	13'-0"
24"	5'-6"	72"	14'-0"



TRENCHING DETAIL - PIPE LESS THAN 72" O.D.



TRENCHING DETAIL - PIPE OVER 72" O.D.

REV.	DATE
1	12/08/02
2	1/22/08

CONSTRUCTION  
STANDARDS

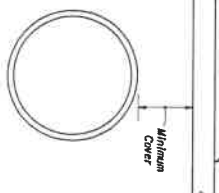
## TRENCH DETAILS

STANDARD No. D-112 SHEET 1 OF 3

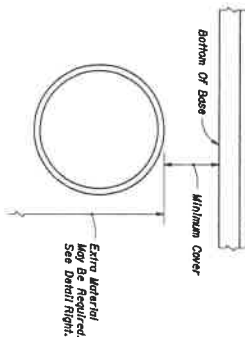
PUBLIC  
WORKS  
DEPARTMENT

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

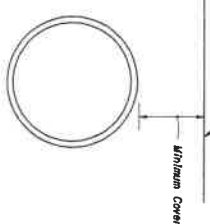
Rigid Pavement  
(Dowelled Joints and Good Condition)



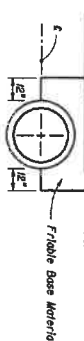
Flexible Pavement in Good  
Condition (1 inch or less of  
or Poor Condition (Fractured) )



Unpaved

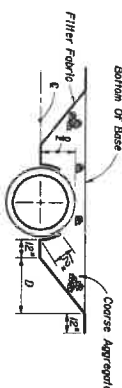


Bottom of Base



The cost of furnishing and installing the extra base material  
shall be included in the cost of the culvert.

#### FRIABLE BASE



The coarse aggregate shall be placed in 6 inch lifts and compacted sufficiently as to be firm and unyielding. The coarse aggregate shall be gravel or stone meeting the requirements of Standard Specifications Sections 501-2 or 501-3, respectively. The gradation shall be approved by the Engineer. The filter fabric shall be Type D-3 (See Index No. 881). The cost of furnishing and installing the coarse aggregate and filter fabric shall be included in the cost of the culvert.

#### ASPHALTIC CONCRETE BASE

Note: Extra material is required when cross culverts are located on roadways subject to high speed traffic. The cover is 12 inches for concrete pipe, 15 inches for corrugated steel pipe and 18 inches for corrugated aluminum pipe, corrugated polyethylene and corrugated polyvinyl chloride pipe.

### EXTRA MATERIAL FOR CROSS CULVERTS UNDER FLEXIBLE PAVEMENTS

#### GENERAL NOTES

- The tabulated values are approximate minimum dimensions to withstand anticipated highway traffic loads. Actual minimum dimensions may vary. Highway traffic loads before pavement is completed. Some size thickness conditions may require minimum cover greater than those listed above. See Sheets 2, 3, & 4.
- Less than the tabulated minimum cover may be used provided suitable method (s) are detailed in the plans.
- Values shown in parentheses ( ) are for 3' x 1' corrugations which must be specified to utilize the lesser cover.
- The tabulated values in the brackets [ ] apply to Type 1-1 (Spiral Rib) pipe which must be specified to utilize the lesser cover.
- Commercial end noncommercial refers to typical vehicular utilization of unpaved roads and drives where rutting and cover displacement may occur.
- For Pipe Class 5 with diameters of 12" to 30", the minimum height of fill measured from top of finished grade to outside top of pipe is 3 feet.

#### RIGID PAVEMENT

PIPE TYPE/SIZE & SHAPE	MINIMUM COVER
CONCRETE (See Note 6)	
Round & Elliptical	9"
CORRUGATED STEEL	
15'-12" Round & Arch Equiv.	9"
18" & Larger Round & Arch Equ.	15"
CORRUGATED ALUMINUM	
15'-12" Round & Arch Equiv.	9"
18" & Larger Round & Arch Equiv.	15"
CORRUGATED POLYETHYLENE	
15'-48" Round	9"
POLYVINYL CHLORIDE	
15'-48" Round	9"

#### FLEXIBLE PAVEMENT

PIPE TYPE/SIZE & SHAPE	MINIMUM COVER
CONCRETE (See Note 6)	
Round & Elliptical	7"
CORRUGATED STEEL	
12'-30" Round	12" (12')
36'-48" Round	18" (18')
54'-72" Round	24" (24')
78'-96" Round	30" (30')
102" & Larger Round	36" (36')
15'-30" Arch Equivalent	12" (12')
36'-48" Arch Equivalent	18" (18')
54'-72" Arch Equivalent	24" (24')
78'-96" Arch Equivalent	30" (30')
102" & Larger Arch Equivalent	36" (36')
CORRUGATED ALUMINUM	
12'-24" Round	15" (15')
30'-48" Round	18" (18')
54'-72" Round	24" (24')
78'-102" Round	30" (30')
102" & Larger	36" (36')
15'-24" Arch Equivalent	12" (12')
30'-48" Arch Equivalent	18" (18')
54'-72" Arch Equivalent	24" (24')
78'-96" Arch Equivalent	30" (30')
96'-102" Arch Equivalent	36" (36')
CORRUGATED POLYETHYLENE	
15'-48" Round	15"
POLYVINYL CHLORIDE	
15'-48" Round	15"

#### UNPAVED

PIPE TYPE/SIZE & SHAPE	MINIMUM COVER
CONCRETE (See Note 6)	
Round & Elliptical	12"
CORRUGATED STEEL	
12'-30" Round	18" (18')
36'-48" Round	24" (24')
54'-72" Round	30" (30')
78'-96" Round	36" (36')
102" & Larger Round	42" (42')
15'-30" Arch Equivalent	18" (18')
36'-48" Arch Equivalent	24" (24')
54'-72" Arch Equivalent	30" (30')
78'-96" Arch Equivalent	36" (36')
102" & Larger Arch Equivalent	42" (42')
CORRUGATED ALUMINUM	
12'-24" Round	15" (15')
30'-48" Round	18" (18')
54'-72" Round	24" (24')
78'-102" Round	30" (30')
102" & Larger	36" (36')
15'-24" Arch Equivalent	12" (12')
30'-48" Arch Equivalent	18" (18')
54'-72" Arch Equivalent	24" (24')
78'-96" Arch Equivalent	30" (30')
96'-102" Arch Equivalent	36" (36')
CORRUGATED POLYETHYLENE	
15'-48" Round	15"
POLYVINYL CHLORIDE	
15'-48" Round	15"



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COVER HEIGHT

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MINIMUM COVER FOR CONCRETE, STEEL, ALUMINUM, POLYETHYLENE AND POLYVINYL CHLORIDE PIPE

ROUND PIPE DIMENSIONS				
Eqv. Dia. (In.)	Area (Sq. Ft.)	Wall Thickness (In.) * Classes II, III, IV		
		A WALL	B WALL	C WALL
12	0.8	1 1/8	2	NA
15	1.2	1 3/8	2 1/4	NA
18	1.8	2	2 3/4	NA
24	3.1	2 1/2	3	3 1/4
30	4.9	2 3/4	3 1/2	4 1/4
36	7.1	3	4	4 3/4
42	9.6	3 1/2	4 1/2	5 1/4
48	12.6	4	5	5 3/4
54	15.9	4 1/2	5 1/2	6 1/4
60	19.6	5	6	6 3/4
66	23.8	5 1/2	6 1/2	7 1/4
72	28.3	6	7	7 3/4
78	33.2	6 1/2	7 1/2	8 1/4
84	38.5	7	8	8 3/4
90	44.4	7 1/2	8 1/2	9 1/4
96	50.3	8	9	9 3/4
102	56.7	8 1/2	9 1/2	10 1/4
108	63.7	9	10	10 3/4
114	70.9	9 1/2	—	—
120	78.5	10	—	—

\* For Informational Purposes Only  
Do Not Specify Wall Thickness  
Option B Wall is Industry Standard

ELLIPTICAL PIPE DIMENSIONS				
Nominal Dimensions			Eqv. Dia. (In.)	Wall Thickness (In.) Classes HE, III, IV
Horiz. Rise (In.)	Vert. Span (In.)	Span (In.)		
12	NA	NA	12	NA
14	23	14	18	1.8
19	30	19	24	3.3
24	38	24	30	5.1
29	45	29	36	7.4
34	53	34	42	10.2
38	60	38	48	12.9
43	68	43	54	16.6
48	76	48	60	20.5
53	83	53	66	24.8
58	91	58	72	29.5
63	98	63	78	34.6
68	106	68	84	40.1
72	113	72	90	46.1
77	121	77	96	52.4
82	128	82	102	59.2
87	136	87	108	66.4
92	143	92	114	74.0
97	151	97	120	82.0

For Informational Purposes Only

## PIPE DIMENSIONS CONCRETE PIPE

POLYETHYLENE PIPE	
DIAMETER	HEIGHT OF MAXIMUM FILL (FT)
12"-48"	17"

POLYVINYL CHLORIDE PIPE	
DIAMETER	HEIGHT OF MAXIMUM FILL (FT)
12"-48"	17"

## MAXIMUM COVER FOR PLASTIC PIPE

ROUND PIPE INSTALLATIONS									
PIPE DIAMETER	Maximum Height of Fill (ft)								
	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	Class IX
12"-30"	9	13	17	24	36	55			
36"-54"	8	12	16	22	34	52			
60"-78"	7	11	15	21	33	51			
84"-96"	6	10	14	20	32	49			

Pipe Class I	D-Load = 600 Lbs./Ft (Ultimate)
Pipe Class II	D-Load = 800 Lbs./Ft (Ultimate)
Pipe Class III	D-Load = 1000 Lbs./Ft (Ultimate)
Pipe Class IV	D-Load = 1200 Lbs./Ft (Ultimate)
Pipe Class V	D-Load = 1500 Lbs./Ft (Ultimate)
Pipe Class VI	D-Load = 2000 Lbs./Ft (Ultimate)
Pipe Class VII	D-Load = 2500 Lbs./Ft (Ultimate)
Pipe Class VIII	D-Load = 3000 Lbs./Ft (Ultimate)
Pipe Class IX	D-Load = 3500 Lbs./Ft (Ultimate)

Note: At the option of the pipe supplier or the contractor, a Pipe Class with greater strength may be substituted for the Pipe Class designated in the plans.

## ELLIPTICAL PIPE INSTALLATIONS (All Sizes)

Installation	Maximum Height of Fill (ft.)	Pipe Class	Bedding Class
Horizontal	1-6*	HE II*	C
	7-10	HE III	C
	11-15	HE IV	C
	16*	Special Design	Modified
Vertical	1-6*	VE II*	C
	7-10	VE III	C
	11-15	VE IV	C
	16*	Special Design	Modified

Pipe Class HE II	D-Load = 1000 Lbs./Ft (Ultimate)
Pipe Class HE III	D-Load = 1500 Lbs./Ft (Ultimate)
Pipe Class HE IV	D-Load = 2000 Lbs./Ft (Ultimate)
Pipe Class HE V	D-Load = 2500 Lbs./Ft (Ultimate)
Pipe Class HE VI	D-Load = 3000 Lbs./Ft (Ultimate)
Pipe Class HE VII	D-Load = 3500 Lbs./Ft (Ultimate)
Pipe Class HE VIII	D-Load = 4000 Lbs./Ft (Ultimate)
Pipe Class HE IX	D-Load = 4500 Lbs./Ft (Ultimate)

\*Note: HE III and VE III pipe required for depths of cover less than 2' for 15", 18" and 24" equivalent.

## MAXIMUM COVER HEIGHTS CONCRETE PIPE

Note: Height of fill (maximum cover) is measured from top of finished grade to outside top of pipe.



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## COVER HEIGHT

ROUND PIPE - 2 1/2" x 1/2" CORRUGATION									
		Maximum Height of Fill (Ft.)						Min. Cover (Ft.)	
		Sheet Thickness in Inches							
D (in.)	Avg. Area (sq. ft.)	0.064 (16)	0.079 (14)	0.09 (12)	0.138 (8)	0.189 (6)	0.25 (4)	0.312 (3)	0.375 (2)
12	7.9	100+	100+	100+	NA	NA	NA	NA	NA
15	12.3	100+	100+	100+	NA	NA	NA	NA	NA
18	17.7	100+	100+	100+	100+	NA	NA	NA	NA
24	31.4	100+	100+	100+	100+	NA	NA	NA	NA
30	45.9	85	100+	100+	100+	NA	NA	NA	NA
36	71	71+	88	100+	100+	100+	NA	NA	NA
42	9.6	60+	76	100+	100+	100+	100+	100+	100+
48	12.6	53	66	53	66	33	100+	100+	100+
54	16.0	NS	59	82	82	100+	100+	100+	100+
60	19.6	NS	NS	74	55	74	100+	100+	100+
66	23.8	NS	NS	NS	NS	79	100+	100+	100+
72	28.3	NS	NS	NS	NS	79	97+	97+	97+
78	33.2	NS	NS	NS	NS	NS	90+	90+	90+
84	38.5	NS	NS	NS	NS	NS	83+	83+	83+

ROUND PIPE - 3" x 1/2" CORRUGATION									
D (In.)	Area (Sq. Ft.)	Maximum Height of Fill (Ft.)						Min. Cover (Ft.)	
		Sheet Thickness in inches (Gage)							
		0.064 (16)	0.079 (14)	0.09 (12)	0.138 (8)	0.68 (1)			
36	7.1	81	61	100+	100+	NA	NA	NA	
42	9.6	70	70	87	100+	NA	NA	NA	
48	12.6	61	76	67	100+	100+	NA	NA	
54	16.0	54	69	59	95	100+	NA	NA	See Sheet for 5
60	19.6	48	61	65	85	100+	NA	NA	
66	23.8	44	55	78	78	100	100+	100+	
72	28.3	40	51	91	71	91	100+	100+	
78	33.2	37	47	66	66	84	100+	100+	
84	38.5	35	43	61	61	78	100+	100+	
90	44.2	32	40	57	57	73	90+	90+	
96	50.3	NS	38	53	53	69	84+	84+	
102	56.7	NS	36	50	50	64	79+	79+	
108	63.6	NS	NS	47	47	61	75+	75+	
114	70.9	NS	NS	45	45	59	71+	71+	
120	78.5	NS	NS	42	42	55	67+	67+	
132	95.0	NS	NS	NS	NS	50	61+	61+	

ROUND PIPE - 5" x 1/2" CORRUGATION ③										
D (In.)	Avg (Sq. Ft.)	Maximum Height Of Fill (Ft.)								Min. Cover (Ft.)
		Sheet Thickness in inches								
		0.064 (16)	0.079 (14)	0.09 (12)	0.138 (8)	0.68 (1)				
36	7.1	72	90	100+	NA	NA	NA	NA	See Sheet 1 of 5	
42	9.6	62	77	100+	NA	NA	NA	NA		
48	12.6	54	68	95	100+	NA	NA	NA		
54	16.0	48	60	84	100+	NA	NA	NA		
60	19.6	43	54	76	98	NA	NA	NA		
66	23.8	39	49	69	89	100+	NA	NA		
72	28.3	36	45	63	81	100+	NA	NA		
78	33.2	33	41	59	75	92+	NA	NA		
84	38.5	31	39	54	70	85+	NA	NA		
90	44.2	29	36	50	65	80+	NA	NA		
96	50.3	NS	34	47	61	75+	NA	NA		
102	56.7	NS	32	44	57	70+	NA	NA		
108	63.6	NS	NS	42	54	68+	NA	NA		
114	70.9	NS	NS	40	51	63+	NA	NA		
120	78.5	NS	NS	38	49	60+	NA	NA		
132	95.0	NS	NS	NS	44	54+	NA	NA		

Notes:

Increase the minimum cover values shown on Sheet 1 of 5 by 6" for gage and size combinations below the heavy lines.

Height of fill (maximum cover) is measured from top of finished grade to outside of pipe.

\*Rearranged and not available. May be considered for cross arch and side drain applications only.

NA-Not Suitable (For Highway H-20 or H-20 Loadings)

① Limited availability of this product. Check availability before specifying (generally limited to 3" x 1/2" corrugation pipe arch fabricated from 60" and smaller diameter round pipe in 12 ga. and thicker material).

② 360° perforated pipe arch (French drain pipe) is not recommended. Do not specify without checking suitability and availability.

③ 5" x 1/2" corrugated pipe is currently not manufactured for the Florida market. Check availability before specifying.

④ 0.09 in. (12 gage) for spiral rib, 6" maximum cover, 3" x 1/2" rib spacing (2 rib) only.

PIPE ARCH: SPIRAL RIB: 3" x 3/4" x 7 1/2" RIB SPACING  
PIPE ARCH: SPIRAL RIB: 3" x 1" x 11 1/2" RIB SPACING  
PIPE ARCH - 2 1/2" x 1/2" CORRUGATION

Span (In.)	Rise (In.)	Equn. Round Pipe (In.)	Avg. Area (Sq. Ft.)	Minimum Sheet Thickness Required (In.)	Maximum Height Of Fill (Ft.)		Min. Cover (Ft.)
					4000 Pressure Lab./Sq. Ft.	6000 Pressure Lab./Sq. Ft.	
17	13	15	1.1	.064 (16)	12	14	14
21	15	18	1.6	.064 (16)	10	14	14
24	18	21	2.2	.064 (16)	7	13	13
29	20	24	2.9	.064 (16)	5	11	11
33	24	30	4.5	.064 (16)	NS	7	7
42	29	36	6.5	.064 (16)	NS	7	7
49	33	42	8.9	.079 (14)	NS	6	6
57	38	48	11.6	.079 (14)	NS	8	8
64	43	54	14.7	.08 (12)	NS	9	9
71	47	60	18.1	.08 (12)	NS	10	10
77	52	66	21.9	.08 (12)	5	10	10
83	57	72	26.0	.08 (12)	5	10	10

PIPE ARCH-3" x 1" ① ② ③ and 5" x 1" ② ③ CORR.

Span (In.)	Rise (In.)	Equn. Round Pipe (In.)	Avg. Area (Sq. Ft.)	Minimum Sheet Thickness Required (In.)	Maximum Height Of Fill (Ft.)		Min. Cover (Ft.)
					4000 Pressure Lab./Sq. Ft.	6000 Pressure Lab./Sq. Ft.	
40	31	36	7.0	.079 (14)	8	12	12
46	36	42	9.4	.079 (14)	8	13	13
53	41	48	12.3	.079 (14)	8	13	13
60	46	54	15.6	.079 (14)	9	13	13
66	51	60	19.3	.079 (14)	11	16	16
73	56	66	23.2	.079 (14)	11	16	16
81	61	72	27.4	.079 (14)	11	16	16
87	63	78	32.1	.079 (14)	11	16	16
93	67	84	37.0	.079 (14)	11	16	16
103	71	90	42.4	.079 (14)	10	15	15
112	75	96	48.0	.079 (14)	10	15	15
117	79	102	54.2	.079 (14)	10	15	15
129	83	108	60.5	.079 (14)	9	14	14
137	87	114	67.4	.079 (14)	8	13	13
142	91	120	74.5	.079 (14)	7	12	12

ROUND PIPE - SPIRAL RIB  
RIB SPACING (3" x 3/4" x 7 1/2") or (3" x 1" x 11 1/2")

D (In.)	Avg. Area (Sq. Ft.)	Sheet Thickness in Inches (Gage)						Min. Cover (Ft.)
		0.064 (16)	0.079 (14)	0.09 (12)	0.138 (8)	0.68 (1)		
12	0.79	NA	NA	NA	NA	NA	Sheep or 5	
15	1.23	NA	NA	NA	NA	NA		
18	1.77	69	72	NA	NA	NA		
21	2.40	58	62	100+	NA	NA		
24	3.14	51	72	100+	NA	NA		
30	4.9	41	58	97	NA	NA		
36	7.1	34	48	81	NA	NA		
42	9.6	29	41	69	NA	NA		
48	12.6	25	36	61	NA	NA		
54	16.0	23	32	54	NA	NA		
60	19.6	NS	29	49	NA	NA		
66	23.8	NS	26	44	NA	NA		
72	28.3	NS	24	40	NA	NA		
78	33.2	NS	NS	37	NA	NA		
84	38.5	NS	NS	35	NA	NA		
90	44.2	NS	NS	32	NA	NA		
96	50.3	NS	NS	30	NA	NA		
102	56.7	NS	NS	29	NA	NA		
108	63.6	NS	NS	27	NA	NA		

$\phi = \frac{1}{2} \times r^2 \times \pi \times 12 \frac{1}{2}$  Only.

② - 3" x 1" x 11 1/2" Only.

MAXIMUM COVER FOR CORRUGATED  
STEEL PIPE ROUND AND PIPE ARCH



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## PROPOSED AMENDMENTS TO THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HILLSIDE AVE TOWNHOMES:

1. Because there is a common area (see Article 3) covenants should provide for an HOA with authority to collect dues in order to maintain this area.
2. Section 4.1 should state that the request be made in writing.
3. Amend the last sentence of 4.6 to read not garbage, construction debris, or livestock debris shall be permitted to be stored outside or in storage areas.
4. Section 4.9 should be amended to state that abandoned or inoperable vehicles shall NOT be permitted in the storage area.
5. The designated storage area should prohibit outside storage and perhaps parking.
6. Under 4.14 add "The Town of Dolores shall have standing to enforce the provisions of these covenants."
7. The Term section (4.16) should be in perpetuity.
8. Add a 4.17 the use, repair and maintenance of all individual lots and common areas shall be subject to the ordinances of the Town of Dolores as amended from time to time and shall control over any provision of these covenants to the contrary.
9. Without an HOA Article 6 is not going to be workable for an 8-unit complex.
10. Article 7 should include flood insurance.