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AGENDA CITY OF OURAY PLANNING COMMISSION REGULAR MEETING

San Juan Room – Ouray Community Center – 320 6th Avenue
October 9, 2019 - 4:00 pm

ADMINISTRATIVE

1. Call to Order
2. Roll Call
3. Review of Minutes from Planning Commission regular meeting of September 24, 2019

CITIZEN COMMUNICATIONS

CONTINUED PUBLIC HEARING

EXECUTIVE SESSION

Executive session for a conference with the City Attorney, pursuant to C.R.S. § 24-6-402(4)(b), the purpose of receiving legal advice on specific legal questions regarding Twin Peaks PUD application.

1. **Applicant:** Hinkson Hein Holdings, LLC
Legal Description: Blk. 2, Lots 1-24 and vacated alley, City of Ouray; Lots 1A-6A of the Shodeen Replat (West ½ of Blk. 3, Lots 1-12) ("Property")
Address: 125 Third Ave and TBD 1st Street
Detailed Summary of Development Applications:
 1. Final PUD pursuant to the City's PUD Regulations in Municipal Code Section 7-8 for the development and redevelopment of the Property to add 94 hotel rooms to the 54 existing rooms (148 total hotel rooms); expand and improve the existing restaurant; provide conferencing facilities; reconstruct the main lobby building; improve and expand the hotel pool amenity area; and other improvements. PUD variations include but are not limited to variations for increased building size, increased building height, decreased setbacks, and elimination of parking area buffering for parking planned on an alley;
 2. Site development permit pursuant to Municipal Code Section 7-4;
 3. Final plat/replat pursuant to the City's Subdivision Regulations in Municipal Code Section 7-7 to vacate interior lot lines and plat the Property to facilitate the development of the PUD;
 4. Extended vested rights for site specific development plans pursuant to Municipal Code Section 7-9; and
 5. Conditional use permit pursuant to Municipal Code Section 7-5-F to allow for an ATV, UTV, motorcycle and similar tourist rentals.

DISCUSSION

1. Planning Commission Candidate Interview
2. Affordable Housing Code Changes and Initiatives

ADJOURNMENT

Minutes of the Ouray Planning Commission September 24, 2019

CALL TO ORDER

Chairman Jeff Skoloda called the meeting to order at 4:02 p.m.

ROLL CALL

Planning Commissioners present for roll call were Chairman Jeff Skoloda, Vice Chair Tamara Gulde, Commissioner J. Gary Dunn, and Commissioner Ryan Hein.

Present on behalf of the City of Ouray staff were Community Development Coordinator Chris Hawkins and Karen Olson, filling in for Deputy Clerk/Treasurer Beverly Martensen. Also present were 30 citizens.

APPROVAL OF MINUTES

Vice Chair Gulde made a motion to approve the minutes of the April 9th Planning Commission meeting. A vote was taken and passed unanimously.

CITIZENS COMMUNICATIONS

Tom Augustitus, 95 6th Ave - Expressed concerns about the water not going into the river as it used to. He wanted the Planning Commission to be aware that he has contacted the City Administrator and the Public Works Manager.

PUBLIC HEARING

- 1. Applicant:** Friends of the Wright Opera House
Legal Description: Block 12, Lots 13 & 14, City of Ouray

Address: 472 & 480 Main Street

Description: Variance application for Wright Opera House to allow for a building stabilization structure height greater than 35 feet but less than the current opera house building height of 53 feet.

Public Comment:

John Nixon, 302 Oak St – Spoke in support of preserving both buildings.

Tom Augustitus, 95 6th Ave. - Questions the foundation. Will they be leveling the building as well as supporting it?

Tom Tyler, 736 4th Street – Are there setbacks into building for support?

Public comments closed and a discussion is held amongst the commissioners. All agree low impact and minimal affect. Request the structural steel be painted to blend with the building.

Commissioner Dunn makes a motion to approve the building height variance application. Commissioner Hein seconded the motion and the motion passes on unanimous vote.

Commissioner Hein recuses himself before the second Public Hearing item is brought up.

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2. Applicant: Hinkson Hein Holdings, LLC

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Chris Hawkins gave a history of reviews and stated this is the final step. There was a sketch level which was approved by Council April 2018. The preliminary PUD has been approved by Council. This final PUD is more of a technical review. Both the Planning Commission and City Council approved the sketch and preliminary levels and staff recommend approval of the Final PUD based on the staff memo.

Commissioner Dunn – In regards to vested property rights – would PUD apply if one section was sold?

Chris Hawkins – Yes.

Vice Chair Gulde – PUD for all phases. Can it be approved in phases?

Chris Hawkins – The developer is looking to get the whole thing approved at once.

Chairman Skoloda – What will happen in the City within 15 years?

Chris Hawkins – The City can initiate a PUD amendment.

Commissioner Dunn – Has concerns about the 15 year timeline. Can't anticipate what will happen in 5 or 10 years.

Chairman Skoloda – Is there a tap fee schedule?

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Chris Hawkins – Whatever the amount is at the time the permit is to be paid.

Chairman Skoloda – Will they use the existing taps at the Twin Peaks phase.

Chris Hawkins – They will be buying an additional 52 at the time of permit.

Chairman Skoloda – Can developer cancel?

Chris Hawkins – There is a PUD amendment process to cancel. PUDS can evolve and amendments can be made based on market conditions.

The applicant addressed the Commissioners.

- In regards to vested rights, 15 years is not that long.
- Want the flexibility to build as the market demands
- Want a stable working environment
- Need time lines and phasing of project

Public Comment

Karen Avery, 45 3rd Avenue and owner at Box Canyon Lodge – parking variances – summer problem

- Guests with trailers of ATVs, where do they park?
- What happened to the hot water analysis brought up at the December meeting?
- Was there a City analysis on tax revenue (pool use)
- Was there a City analysis on sales tax revenue (LOT)
- Time-line, rather have it done sooner rather than later.

Chris Hawkins – In regards to the ATV rentals there is a parking lot on the site plan so it is a non-hotel car space.

Glenda Moore, 220 4th Avenue – Expressed concerns about traffic and guest ATV parking.

Chris Hawkins – Can add a provision what route to use for parking. Applicants did analyses. City did not do their own.

Cindy Carruthers – Box Canon is one of the city's biggest attractions. She doesn't want more ATVs going up and down that driveway.

Suzanne Warner – ATVs on streets? There was talk before about allowing them to go up the Box Canyon driveway to access Camp Bird Road. She is opposed to the hotel having ATV rentals.

Chris Hawkins – There is a condition that all rentals have to be trailered to the specified parking area to access Camp Bird Rd.

Nancy Smith – She has been coming here for over 50 years and is opposed to more ATVs. Ouray used to be the Jeep capital of the world. Jeep roads now in terrible shape.

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Tom Augustitus, 95 6th Avenue - Concerned about how Ouray is changing. Sewer issues, water issues. Do hotels have same rates as residential? This project is affecting a whole block of town.

Tara Sherry – Been coming here for 70 years. Oak St is so crowded now it is almost a single lane road. She is concerned about 3rd Ave with parking and traffic issues.

Eric Fagrelus, 145 4th Avenue – Lives next door and for the timeline of the last 3 years he keeps being told to keep the PUD together instead of doing one side of the road and then the other. STR's and hotels coming in instead of full time residents.

Mark Ogren, 428 5th Avenue – Twin Peaks was a great neighbor. He'd rather have them then someone else from outside coming in to build some monstrosity.

Richard Smith, 338 6th St – This is a monster. He has been a part time resident for many years and this is going to be a big change to the town.

Maureen O'Driscoll, 115 5th Avenue Court – She lives in an R2 district with hotels where things are limited by height and density. Could this be setting a precedent? It could be worse is not a reason to approve. Wants a stricter maintenance agreement and agrees with other's concerns about trailers and traffic.

Glenda Moore, 220 4th Ave – Is there a failsafe for geothermal?

Chris Hawkins – They are not using any additional geothermal.

Lucas Gibbs – Lived here 1 ½ years. He shares in the fears regarding ATVs and feels the visual rendition drawings are not in the spirit of Ouray.

Chairman Skoloda – Asks about lighting in the PUD.

Chris Hawkins – they will replace street lights not add. It will be dark sky compliant lighting but they could add bollard lighting to the policy.

Tom Tyler, 736 4th Street – The City has water and sewer issues. Local infrastructure needs to be addressed.

Donna Hudson – Ouray is known as one of the best small towns in America. She hopes the City will be able to keep that designation.

Marsha Miller – Will they keep the site neat and clean? She doesn't trust Hinkson to maintain the site. She doesn't want Ouray to become another Telluride.

Tom Augustitus, 95 6th Avenue - This is going to change the whole end of town. With all the Razors and not just Jeeps on the roads our back roads are down to bedrock.

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Craig Hinkson, the applicant– Stated he is not going to rebut any of the public comments.

- Adding 12 more units

- Underground parking to clear roads

- They have been responding to public hearings for the past 2 ½ years. The applicant feels it will be a great addition to town and feels they have tried to do everything asked of them.

Public Comments closed.

Commissioner Dunn – How much dirt would be moved for the underground garage?

Applicant – Approximately 7000 yards or 500 truckloads of dirt will be removed. 4000 yards would go away the rest used elsewhere in the project but that would still be about 300 truckloads.

Discussion was held amongst the Commissioners.

Commissioner Dunn – Stated he wants to add the bollard lights to help with dark skies. He wants all ATVs trailered on 3rd Ave and not driven on city streets regardless of any change in the law down the road. He is concerned about more noise and traffic on 3rd Ave.

Vice Chair Gulde – There are so many things about the project she does like and the applicant is trying to make it work and appealing to the community, however she also has concerns:

- Infrastructure issues – water, sewer, traffic, roads
- 3rd Ave is already crowded during summer months
- Working off a 2004 community plan
- There is a new Ouray community plan in process
- The current Planning Commission only has 3 people making this decision
- There is a new city council to be seated

Commissioner Dunn – Moved here 40 years ago and loves Ouray. The town is different now from then and this will change it too. There have been 1 ½ years of meetings and now it is decision time and the public is here now too. The developer has done a good job on other projects. He cares about Ouray and doesn't like feeling pressured to make a decision at this time.

Chairman Skoloda – Has thought long and hard about this for the last 1 ½ years and it is a very hard decision to make. He thinks it will be the best deal for Ouray through the PUD process. The new sewer plant came along during the sketch plan phase of this project.

Commissioner Dunn – likes working with a local developer with ties to the community.

Chris Hawkins addressed concerns regarding water, sewer, traffic. It could be a “by right” development and not a PUD development. Have to work with the community plan adopted and not the new one in progress. Hawkins expressed his opinion that the existing City Council who voted on the sketch and preliminary stages should be the ones to vote on the final PUD.

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Vice Chair Gulde moves to continue the PUD and re-plot to October 9, 2019 at 4 p.m. with the following conditions:

- Add bollard lights to improve nighttime skies
- City staff to work with applicant regarding trailer parking
- Revisit maintenance agreement
- Legal opinion re: hot water survey
- Trailering ATVs on 3es Ave even if city ordinance/laws change
- Vesting – 15 years from now
- Trash compactor encroachment
- Conditions 1 and 2 on staff record

Chairman Skoloda seconds the motion. A vote is taken and passes on unanimous vote.

Vice Chair Gulde moved to continue the conditional use permit to educate renters on trail etiquette, speed, etc. to October 9, 2019 at 4 p.m. Commissioner Dunn seconded the motion and it passes on unanimous vote.

A break was taken at 6:32 p.m.

The meeting went back in session at 6:34 p.m. Commissioner Hein rejoined the meeting.

Affordable Housing - Chris Hawkins gave a brief introduction.

Community Plan Update – Policies should be to the Planning Commission to review next month. Two sections left to go. He would like a work session for City Council after Planning Commission input.

Chairman Skoloda makes a motion to adjourn at 6:37 p.m. The motion is seconded by Vice Chair Gulde and the motion passes on unanimous vote.

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TO: Ouray Planning Commission
FROM: Chris Hawkins, Community Development Coordinator
DATE: October 4, 2019
FOR: October 9, 2019 Planning Commission Hearing
SUBJECT: Twin Peaks Final PUD, Site Development Permit, Replat, Vested Property Right, and Conditional Use Permit

PROJECT GEOGRAPHY

Table 1. Project Geography

Application Summary:	1. Final PUD pursuant to the City's PUD Regulations in Municipal Code Section 7-8 for the development and redevelopment of the Property to add 94 hotel rooms to the 54 existing rooms (148 total hotel rooms); expand and improve the existing restaurant; provide conferencing facilities; reconstruct the main lobby building; improve and expand the hotel pool amenity area; and other improvements. PUD variations include but are not limited to variations for increased building size, increased building height, decreased setbacks, and elimination of parking area buffering for parking planned on an alley. 2. Site development permit pursuant to Municipal Code Section 7-4. 3. Final plat/replat pursuant to the City's Subdivision Regulations in Municipal Code Section 7-7 to vacate interior lot lines and plat the Property to facilitate the development of the PUD. 4. Extended vested rights for site specific development plans pursuant to Municipal Code Section 7-9 5. Conditional use permit pursuant to Municipal Code Section 7-5-F to allow for an ATV, UTV, motorcycle and similar tourist rentals.
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Applicant:	Hinkson Hein Holdings, LLC (" Applicant ")
Property Owner:	Hinkson Hein Holdings, LLC
Zoning:	R-2
Existing Use:	Twin Peaks Lodge, Restaurant, Hot Springs Pool, Jeep/ATV Rentals and Vacant Land

Proposed Use:	Twin Peaks Lodge Redevelopment and Expansion, Restaurant, Jeep/ATV Rentals, Spa, Meeting Rooms, Expanded Pool/Amenity Area
Site Size:	Approximately 3 acres total
Existing Density	54 lodge units, lobby area, 634 sq. ft. restaurant
Proposed Density	148 lodge units, 3,549 sq. ft. restaurant, new spa, new lobby, conference facility, 634 sq. ft. breakfast room/bar
Adjacent Land Uses:	
North:	Frist Southern Baptist Church/Single-family
South:	Highway 550
East:	Single-family
West:	Box Canyon Lodge & Victorian Inn
Located Within National or Local Historic District	No
Located Within Commercial Historic Boundary	No

Attachments:

Exhibit A: Applicant PUD Narrative
Exhibit B: Final PUD Plan Set
Exhibit C: Draft PUD Agreement
Exhibit D: Conditional Use Permit Narrative
Exhibit E: Conditional Use Permit Resolution
Exhibit F: New Public Comment Letters

FINAL PUD

BACKGROUND

The Planning Commission continued the Final PUD from the September 24, 2019 hearing to the October 9, 2019 hearing with the following conditions (staff comments on such conditions are shown in *italics*).

1. Add bollard lights to improve nighttime skies. *Bollard lighting is shown along sidewalks in certain areas with streetlights at street intersections and for parking lot lighting.*
2. City staff to work with applicant regarding trailer parking. *Section 21 of the draft PUD agreement addresses trailer parking.*
3. Revisit maintenance agreement. *Section 15 has been amended to enhance the maintenance requirements.*
4. Legal opinion re: hot water survey. *Staff has requested a written summary of the City Attorney's review of the geothermal water rights.*
5. Trailering ATVs on 3es Ave even if city ordinance/laws change. *Staff is not supportive of this limitation since any change to City laws regarding ATV/UTV use on City streets should equitably be applied so everyone is treated equally under the law.*
6. Vesting – 15 years from now. *The PUD agreement provides for the 15 year vesting period.*

7. Trash compactor encroachment. *Staff has included a condition that this be removed from the Second Street Right-of-Way.*
8. Conditions 1 and 2 on staff record. *An additional parking space was added to the South Site to ensure that required parking for the hotel units is provided. The Applicant has revised the Final PUD Plan Set shown in Exhibit B to address staff comments on the plans.*

PUD CRITERIA FOR DECISION

OLUC Section 7-8-B establishes the following primary PUD Criteria for Decision:

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

SITE DEVELOPMENT PERMIT

The Final PUD plans have been reviewed per the Site Development Permit Regulations in OLUC Section 7-4. Site Development Permits are typically reviewed and acted on by City staff; however, the Site Development Permit for the Twin Peaks PUD has been elevated to the review and approval of the Planning Commission and the City Council because it is for a PUD and a Site Specific Development Plan and Vested Property Right. Staff has reviewed the Final PUD Plans and determined that the requirements of Section 7-4 have been met or will be met as provided for in the draft PUD agreement.

REPLAT

The Applicant is proposing to vacate all of the interior lot lines in Block 3 and within the current plat of the North Site as shown in the Final PUD Plan Set. The vacation of interior lot lines is an administrative review and approval per the OLUC Subdivision Regulations. Staff has included the replat approval with all of the requested applications for a holistic review and approval.

REPLAT CRITERIA FOR DECISION

1. None of the lots affected will be made substandard with respect to the requirements for lot size and dimensions, as required under the respective zoning district, as part of the Ouray Municipal Code. An existing lot, or parts of an existing lot, may be consolidated into the adjoining lots providing no substandard lot is created.
2. No existing building or structure is made substandard or nonconforming.
3. Existing easements are not jeopardized or rendered impractical to serve their intended purpose.
4. The lots being adjusted are considered buildable lots that can accommodate a legal structure under the zoning standards in place at the time of application.

ANALYSIS

Staff has reviewed the replat per the Subdivision Regulations and found it meets the applicable regulations.

City staff found where the City partially vacated the alley to the east of Block 2 under Ordinance 1929-2 but retained the alley “to construct, maintain and operate power lines, water lines and sewer lines in and upon said premises with the right of ingress and egress thereto for said purposes.” The alley east of Block 2 has continued to be used as an alley for well over 50 years by the general public using the alley, and several homes having direct access to garages that are accessed off the alley. The City Attorney indicated that the City still owns the alley and can re-grant public access as a part of the replat process. The City will therefore need to be a party to the replat so it can create a normal right-of-way. Staff has added a condition of any replat approval that requires the final plat be revised to include the alley as a public way, and to include specific plat language as approved by City staff that allows for the City to redesignate the alley as a public way.

VESTED PROPERTY RIGHT

The Applicant has requested a vested property right pursuant to OLUC Section 7-9. A vested property right has to be tied to a site specific development plan, with the site development permit satisfying this requirement. The Planning Commission should refer to Section 11 of the draft PUD agreement for more information on the proposed vested property right. OLUC Section 7-9 establishes that the City Council review and act on vested property rights.

A vested property right confers to the Owner the right to undertake and complete the development and use of the Property subject to the terms and conditions of the site-specific development plan and the PUD Agreement. The vested property right would not allow for the Town to apply new zoning regulations or other regulations that would limit the development of the property during the term of the vested property right. While the PUD agreement runs with the land in perpetuity, unless it is revoked or amended, the vested property right would expire after the approved term. In this case, the Applicant is seeking a vested property right for 15 years due to the phasing of the project and the need for the City to construct the sewer treatment plant. The Planning Commission could recommend a lesser length of time for the vested property right if it feels that 15 years is too long.

CONDITIONAL USE PERMIT

The Applicant is seeking a conditional use permit to continue allowing for jeep, ATV, UTV and similar tourist rentals because the R-2 Zone District does not expressly allow such uses. The Applicant has indicated that rentals have been occurring at Twin Peaks since the 1980s. The conditional use permit will allow for the Applicant to formalize and permit the use.

CONDITIONAL USE PERMIT CRITERIA FOR DECISION

OLUC Section 7-5-F(1)(f)(i) establishes the following conditional use permit criteria for decision:

1. The use will not be contrary to the public health, safety, or welfare;
2. The use is consistent with the purposes, goals, objectives and standards of the City's Master Plan;
3. The use complies with all other applicable requirements of the zone district in which it is proposed to be located;
4. The location, size, design, and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impact on pedestrian and vehicular

circulation, parking, trash, service delivery, noise, light, vibrations and odor on surrounding properties;

5. The use is compatible with existing uses in the area and other allowed uses in the zoning district;
6. The use is consistent with the purpose of the zoning district in which it is proposed to be located; and
7. The use will not have an adverse effect upon other property values or the use of adjacent properties.

Section 7-5-F-1-f-ii OLUC states:

“The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations that the Planning Commission determines are necessary in order to ensure that the applicable criteria are met.”

ANALYSIS

Tourist rentals of four wheel drive toys has been occurring for over 25 years on the Property according to the Applicant. Staff believes that the use meets the criteria for decision outlined above, and is compatible with the commercial nature of hotels. Parking of the rentals will evolve over the development of the PUD with temporary parking of rentals on the North Site until it is developed. Once the North Site is developed, parking will have to occur behind Building B as shown on the Final PUD plan set with 15 parking spaces shown. Staff has added conditions of any approval that are consistent with the recent Ride-n Adventures Conditional Use Permit (same type of business) as set forth under the recommendation section below.

Staff has amended Condition 10 to require rental trailer ingress and egress by Third Avenue and to include a new Condition 17 as directed by the Planning Commission at the September 24th meeting.

RECOMMENDATION

Final PUD

Staff recommends the Planning Commission approve the Final PUD with the following proposed motion:

“I move to recommend the City Council approve the Final PUD for the Twin Peaks PUD with the findings and conditions set forth in the staff memo of record.” [and the following additional conditions (if any)]

Findings

- 1) The PUD is in general conformity with the City Community Plan because, without limitation, (A) it helps develop and maintain a strong and diversified economy that is consistent with the Ouray Community Plan; (B) it helps develop a more diversified year-round economy with the addition of conferencing facilities; (C) it improves the health of the tourism industry by expanding lodging opportunities, replacing aging hotel rooms with new rooms, and creating a premier tourist destination through improved amenities, services and experience; and (D) the redevelopment plans for growth and redevelopment that maintains the high quality,

small town character of Ouray without impacting the overall scenic beauty, environmental health or impacting cultural assets.

- 2) The PUD is consistent with the PUD Objective because it encourages innovative development with a significantly improved hot springs amenity area, the redevelopment of the lobby building, and the provision of desired hotel units through the redevelopment of an aged hotel project.
- 3) The PUD complies with the Colorado Planned Unit Development Act of 1972 because, without limitation, (A) it provides for integrated planning for several lots in the city with innovative development that benefits the entire community through clustered development, parking in garages, more open space, and economic benefit to the entire community; and (B) the PUD agreement will address the key legal requirements of the Colorado PUD Act.
- 4) The proposed PUD has a minimum of 1 unit or lot.

Conditions

- 1) The Applicant shall comply with the terms and requirements of the PUD agreement set forth in Exhibit C.
- 2) The City Council should deny the proposed permanent encroachment for the trash compactor on Second Avenue and require such to be located within the Property.

Vested Property Right

The City Council is charged by OLUC Section 7-9 to review and act on vested property rights so no recommendation or action is required.

Replat

Since the replat is tied to the PUD staff believes that it is appropriate for the City Council to review and act on the replat concurrent with the PUD based on a Planning Commission recommendation. The land dedication on the northwest corner of the North Site should also be accepted by the City Council. Staff recommends that the Planning Commission pass a motion on the replat as follows:

“I move to recommend the City Council approve a replat for Block 3, the west one-half of Block 2, and the Block 2 alley, City of Ouray based on the following findings and conditions:

Findings

1. None of the lots affected will be made substandard with respect to the requirements for lot size and dimensions, as required under the respective zoning district, as part of the Ouray Municipal Code. An existing lot, or parts of an existing lot, may be consolidated into the adjoining lots providing no substandard lot is created.
2. No existing building or structure is made substandard or nonconforming.
3. Existing easements are not jeopardized or rendered impractical to serve their intended purpose.
4. The lots being adjusted are considered buildable lots that can accommodate a legal structure under the zoning standards in place at the time of application.

Conditions

1. Prior to the City executing the replat, the plat be revised to include the alley as a public way, and to include specific plat language as approved by City staff that allows for the City to redesignate the alley as a public way and for the acceptance of the right-of-way dedication.

Conditional Use Permit

Staff recommends the Planning Commission pass the following motion:

“I move to approve a resolution as set forth in Exhibit I approving a conditional use permit for ATV, UTV, motorcycle and similar tourist rentals” [and the following changes or additions, [if any]].

DATE: 2 October 2019

TO: OURAY PLANNING COMMISSION

FROM: Craig E Hinkson, Managing Member, HHH LLC

RE: Comments, questions and issues from 24 September meeting

Dear Planning Commissioners,

With another meeting for our PUD Application approaching next week I feel I need to communicate with you regarding several issues. Being the Applicant of this PUD request has been anything but fun, I'm sure you feel the same way. We began the process 38 months ago and have spent an extraordinary amount of time and resources attempting to comply with your requirements. We have subjected ourselves to this "public process" because we truly feel the PUD will provide a better finished project for us and the City than the "use by right" option. OPC got to scrutinize every detail of this project that it otherwise would have been powerless to comment on. Now it feels to me that some of your comments and requested requirements have gone into minutia and micro-management territory. We understand your wanting to be thorough and taking this PUD Application very serious, as it is the largest PUD Application in Ouray's history, but would like to remind you that a large part of the things requested could be done anyway if we had gone with the "use by right" option.

One of the primary concessions we requested was the height of the buildings to accommodate underground parking, something we thought you would see as a very worthy compromise. Maybe you don't see it that way, but you did approve the concept multiple times, so we assume you somewhat agree. There have been numerous comments both in writing and at the meetings that have been negative. This does not mean that there is no public support for this project. We have elected not to "pack the house" with people supporting this PUD as we feel your deliberation should not be swayed either way by public pressure, but by the merits of the proposal. There has been a lot of ignorant (uninformed) views and comments during this process, but we feel most of you are wise enough to discern facts from fallacy.

This past meeting was particularly bothersome to me because the public comment period was not managed tight enough by you. The length of comments was not monitored, and the subject matter was not always germane to the PUD Application. Because of this, the meeting dragged on and we lost focus of the reason we were all there. These things are minor in comparison to the personal attacks that were allowed. It is very hard for me not to retaliate in kind to the personal attacks these mis-informed part-time residents and others initiated. These people use the process to complain about everything they dislike about me and Ouray. You always state that you want a civilized debate yet do nothing to stop blatant personal attacks. Please try and fix this.

Our lighting engineer claims your requirement to add bollards does not comply with National standards of lighting. We have no problem complying with your request, but shouldn't we leave this minutia to the experts? The trailer parking issues you raised at the meeting is already totally controllable by the City as they own and control what happens on the streets. Trailer parking is a City-wide issue that really needs to be addressed, however the City Council has already agreed that this is not the time or place to

do it. We currently trailer our ATV's to the trail heads. If for some reason ATV's become legal in Colorado it is not reasonable to restrict our ATV use on public Streets but not those of others. This trailering requirement may cause selective enforcement and may not even be legal, but even if it was legal, it would cause more traffic, not less. If we drop off the ATV at the trail head, the renter must drive their personal vehicle to the trail head to receive the rental instead of leaving their personal vehicle at the Hotel where it is parked off street. This would cause an additional vehicle to be parked at the trail head all day, taking a space that is needed for those who trailers privately owned ATV's to the trail head. Once we rent the vehicles it would be beyond our control if the renter drove it to Town. We get that you want to address these problems and we want to work with you, but these issues are "in the weeds". If you are unable to approve the Conditional Use Variance without these requirements then we may as well just continue operating within our current non-complying, but "grand fathered" in status? This would not be as "clean" but would work for us.

We were expecting this past meeting to be a review of the dates and triggers, contracts and phasing and vested rights. At the May meeting you approved the PUD with conditions. We have met all these conditions, yet you still are looking to add further requirements. Chris Hawkins stated yesterday that you want to talk about water again. Our Engineer and the City's have both agreed that there is adequate water available. What possible questions can there still be on water availability? It feels to me that these questions and minutia requirements are borne from a reluctance to make a difficult decision. I would re-emphasize that most of what we plan to accomplish for the Twin Peaks could have been done as a use by right. To me, the biggest difference between PUD and use by right is how well the neighborhood looks when the project is completed.

I have attached the email letter we found asking for public opposition. As you can see, this was based mostly on Jeepers frustrated with dust or what not and not informed dialogue. Thank you for subjecting yourselves to the public scrutiny and listening to my comments. I am so looking forward to the day when this whole process is over.

Craig



P. O. Box 955, Ouray CO 81427
(970) 325-4021 ❖ cehinkson@yahoo.com

EXHIBIT A – APPLICANT NARRATIVE

DATE: August 28, 2019
TO: City of Ouray
C/O Chris Hawkins, Land Use Director
RE: Twin Peaks Lodge – Final PUD Narrative

Chris,

We are pleased to submit for your review our Final PUD proposal for the Twin Peaks Lodge and Hot Spring's expansion project. The proposed project will remodel and expand the Twin Peaks Lodge and Hot Springs and make it a modern, efficient and attractive facility. Included in the scope of work is an additional hotel building, multiple hot tubs, new pool, sauna, lobby, office with spa, meeting rooms, increased parking capacity and expansion of the restaurant. All new amenities proposed are intended to cater to the needs of the Lodge's clientele.

The proposed improvements to the Twin Peaks Lodge and Hot Springs were designed to uphold the ideals of the Ouray Community Plan. We feel it is important to make this project feel like it belongs in Ouray. The following are some of the benefits that we feel this project will bring to the City of Ouray:

- Remodel some exiting historic structures instead of demolishing and rebuilding new.
- A new destination lodging and hot springs in Ouray increases year-round visitation.
- Additional lodging rooms will help to support increased tourism for the newly renovated City owned and operated hot springs and the Ouray Ice Park.
- The inclusion of smaller hot springs pools at the resort will help to bolster Ouray's reputation as a "hot springs destination"
- The increase in lodging rooms will increase the tax revenue to the City of Ouray.
- Twin Peaks Lodge shall have the capacity to host large conventions, increasing the economic revenue for the City of Ouray and local businesses.
- Expand the menu of the services offered to our guests to attract a segment of the tourism industry that currently is not being served in Ouray.
- Provide a venue for meetings and conventions that will bring added commerce to the City of Ouray and possibly increase revenues during the shoulder seasons.
- Improve air quality by paving over existing dirt alleys and parking; reducing dust during the summer months.
- Underground parking will make available more area for landscaping and planting which will help reduce our carbon footprint, screen the building and increase the beauty and curb appeal of the surrounding neighborhood.

- This project will mitigate pedestrian and lighting issues for all users of Third Avenue.
- Underground utilities will reduce overhead clutter in this part of the City of Ouray.
- Incorporating the latest technologies will reduce consumption of water, gas and electricity.

We anticipate this project will be completed in multiple phases over several years. With the uncertainty of sewer capacity and time frame to rectify it, the need for flexibility is very important. Phasing will reduce the negative impact created if all proposed rooms were constructed at once. The number of rooms added could be greater than the local economy can initially absorb. Financing is also a hurdle as lenders cannot guarantee funding for a project in the immediate future. Bankers need the guarantee provided by Vested Rights to protect their collateral. We need the flexibility to plan and construct improvements that will be expandable in the future by using well thought out designs that will complement all phases of development. The timing for the execution of these expansions needs to be based on market conditions and not subject to regulatory delays or changing requirements. There is an order to the progression of the construction. Certain things must happen before the next step can be initiated. With Vested Rights for the PUD and the ability to phase construction, we can plan and react to changing conditions so that the project progresses in the most timely and efficient manner.

This project is divided into three distinct phases. The phases have been given names instead of numbers because the order of the construction is not clear at this time. With a moratorium on sewer connections and uncertain tourist demand, phasing will need to remain flexible to accommodate economic and regulatory realities. The three phases are: O'weiler Park, The Hot Springs and The Twin Peaks. Below is an explanation and description of the individual phases:

O'weiler Park Phase (North Parcel)

O'weiler Park is the original name given this parcel of land in the 1890s. This block is where events were held in Ouray until Fellin Park was constructed in the 1920s. We propose to construct a 64-unit addition on this location. The new hotel building will be 60,610 square feet including a 15,278 enclosed parking garage. This "Building D" will be three stories plus an underground parking level. The first and second floors will contain 26 guest rooms each and the 3rd floor will have 12 suites. All units will be accessed by interior corridors via stairs or elevator. This phase will need to have a "stand alone" approval so that it can legally be sold separately from the other phases if we desire.

The completed building will be 42'-0" tall and will have 6 dormers with a 4 in 12 roof pitch. We have lowered the roof pitch to the flattest usable angle. There will be private balconies on each unit. The lobby will be on the South side of the building on the ground floor. Building D is designed to be a "stand alone" hotel and will need to remain legally separate from the original Twin Peaks Lodge. This phase will comply with all of the City of Ouray requirements as if it were a separate hotel. We envision that the O'weiler Phase may need to be constructed in "sub-phases" to align unit supply with market demand. These sub-phases, if needed, would be interior construction work

only, the exterior of the building and landscaping would be finished in the first sub-phase.

We have provided the City of Ouray with the required engineering reports on the water and sewer usage (See Goff report). EQR numbers have been established so this project's impact on the City's infrastructure can be calculated. Power provided by San Miguel Power Association has been deemed adequate for the power demands of this site. Black Hills Energy has reviewed our natural gas needs and has assured us there is adequate existing capacity already in the street for this project. Natural hot spring water will be provided from across the street through a utility easement under the cross walk that connects the existing Twin Peaks with the new location. Drainage is as per plan and will utilize multiple "sumps" buried under the parking and yard areas to contain site generated runoff. The Hotel's recycled water will be used to water the abundant trees and bushes, thus reducing City water and sewer usage. The 64 required off-street parking spaces have been provided within the parcel boundaries (see plat). In addition, on-street parking spaces for up to 4 trailers or 8 passenger vehicles will be available on 1st Street, with another 6 car and 5 motorcycle spaces on 4th Avenue. There will also be another 5 on-street parking spaces along Third Avenue in front of the building. All public improvements for this phase would be complete before city issuance of any Certificates of Occupancy.

The public improvements for this phase consist of the following:

- Sidewalks on all three sides of O'Weiler Phase adjacent to City streets
- The sidewalk from the alley to Second street
- Undergrounding of all utilities currently on poles
- Paving of the alley parking between First and Second Streets
- All new dark sky compliant streetlights.

Hot Springs Phase (Existing Lobby and Pools)

The Hot Springs Phase will include the demolition and replacement of the existing lobby. It will also include a new addition for the existing Sage Spa, remodel of the existing house and restaurant and the reconstruction of the center outdoor pool area. The renovated building will be approximately 18,203 square feet including the mechanical space in the basement. The building height is intended to match the existing residence or slightly lower. The terraced soaking pools would be fed by the site's existing geothermal resources and could be supplemented by additional mechanical heating. There would be a new check-in area with expanded Port Cochere access off Third Avenue. A new glassed atrium for the Mineshaft Restaurant would be added to the south side of the existing house. The pool area will be completely enclosed by a decorative metal fence with self-closing latching gates operated by resort key card. There will be 28 on-site parking spaces provided on the west side of the pool and four spaces west of the Porte Cochere.

A traffic calming device in the form of "at grade crosswalks" with special paving is proposed on Third Avenue to connect the two parcels. We request the ability to retain our historical accessory use of a Jeep rental location on this property within the existing R-2 Zoning (see submitted conditional use permit application under separate cover).

The new boiler and mechanical room will be a construction priority. The need for a new gas service, a new 6" waterline for fire service, renovated hot water inflow line and potential new sewer service will all need to be stubbed outside the building before construction work commences. These services will all be extended to their respective tap locations in the surrounding streets. In addition, electrical work with new transformers will follow. During pool construction, onsite stormwater pipes and catch basins will be installed followed by architectural and landscape finishes.

City water will be used for filling the main pool only. Once full, the water in the main pool will be heated via heat exchangers that never mix the two water sources. The main pool will be drained once a year. The hot soaking pools will be completely heated with site available geothermal water. Geothermal water will not be mixed with any potable sourced water. We will be using geothermal "heat", but not the water to heat the main pool. Once the heat has been pulled, the water will be returned to the river in the location currently being used for discharge.

The construction of the Hot Springs Phase has impacts on the available parking spaces required by the City Code on the existing "B Building" (part of the Twin Peaks Phase). The pool area construction will limit existing parking access and cause a temporary loss of parking spaces. Since the new north lodge building will not be fully completed before the Twin Peaks Phase is finished, we propose utilization of the parking spaces on the O'Weiler Phase to accommodate any parking space shortfalls. With cooperative effort we commit that at all times during and after construction we will provide off-street parking for our guests.

All public improvement will be complete before issuance of Certificate of Occupancy for this phase. These improvements consist of the installation of sidewalks and dark -sky compliant streetlights on the south side of Third Avenue.

Twin Peaks Phase (Building Up Against the Hillside)

This Twin Peaks Phase will include a new 3-story, 64-unit hotel structure plus an underground parking area and replace the southern building currently planned for removal. The new hotel building will be 72,718 square feet including 21,307 square feet of enclosed parking garage. The first floor would be embedded in the slope on the south side to reduce overall height. This building will be very similar to the building in the O'Weiler Phase.

This building will contain space for needed mechanical, housekeeping, laundry and banquet services. The Tower structure will connect the existing west building and will contain an elevator that will provide service to both buildings. The maximum building height will be 41'-6" tall for the Lodge portion of the building and 50'-9" for the tower portion.

Parking would be under the building and south (behind) the new building. Access to parking behind the building would be via Second street and would include 14 guest parking spaces and room for Jeep and ATV storage. The underground garage will provide 38 parking spaces. These spaces combined with the 32 spaces from the Hot Springs phase will meet the off-street parking requirements. Although not required, there will be many additional on-street parking spaces available.



Sewer and waterlines will follow the same construction sequences as discussed in the Hot Springs Phase. Hot water, gas and electric will be extended from near the boiler room and connected to the south building's mechanical room. New storm drains will connect to existing infrastructure stubbed out from the pool construction. Sewer and water service will be provided by the City through existing mains. See the utility plan and attached memo from Goff Engineering dated 09/18/2018 and letter dated 09/28/2018 for proposed location and water usage.

Electricity is supplied by San Miguel Power Association and utilizes 3-phase and a few existing nearby 120/240 1-phase transformers. The main electrical service also runs along Third Avenue for potential future power needs. SMPA has adequate capacity to meet the projected needs of all phases.

Natural gas service will be provided by Black Hills Energy through a new tap from the service line along Third Avenue. See utility plan for proposed location.

Preliminary grading plans have been provided in the package, along with the soil survey. It is estimated based on the current plans, there will be approximately 7000 CY of export material due to the excavation and the two underground parking garages (O'weiler and Twin Peaks Phases).

Public improvement will be completed at the time of issuance of a Certificate of Occupancy for this phase. The only public improvement contained in this phase is the dark sky compliant streetlights on Second Street.

PUD Negotiations

As a part of our Final PUD agreement with the City of Ouray, we would like to include the following variations for consideration and approval:

- A building height for the Tower in the Twin Peaks Phase of 50'-9" will be needed. The hotel portion would need a height of 41'-6". The new Building B and Tower back up to a steep embankment and should not create adverse effects on any adjacent residents.
- The O'weiler Phase a height of 42'-0" will be required.
- Zero lot line setbacks will be required to bring existing structures into compliance.
 - Proposed covered solarium seating is shown at the lot line to align with existing Breakfast Room.
 - New lobby and spa area are shown at the lot line to align with existing house.
- A utility easement across Third Avenue will be needed to connect the two properties.
 - The at-grade crosswalk and traffic calming feature will be constructed within this easement

- The City of Ouray shall paint the crosswalks at the corners of Third Avenue and First Street and Third Avenue and Second Street.
- Building A roof overhang encroachment.
- City of Ouray will allow a temporary gravel parking lot on the O'Weiler parcel to accommodate the projected temporary shortfall of available parking spaces during the Hot Springs Phase.

Twin Peaks Lodge shall provide the following improvements:

- All buildings shall be designed and constructed to a high efficiency standard, thus providing a large water sewer and energy savings.
- Existing encroachment of City public improvements (road and drainage structures) on Twin Peaks Lodge property at First Street and Fourth Avenue shall be allowed to remain in their existing location.
 - Land will be granted to the City of Ouray as part of the PUD agreement
- All overhead utilities within the Project limits of each completed phase shall be moved underground.
 - If the O'Weiler Phase is constructed, this will include the existing overhead utilities on the eastern half of the block north of Third Avenue between First and Second Streets which is outside the project limits.
- Twin Peaks Lodge shall construct all sidewalks adjacent to each completed Project Phase.
 - If the O'Weiler Phase is constructed, the full sidewalk from the alley east to Second Street, which is outside the project limits, will be installed allowing all users of this corridor to have walking connections to downtown.
- Twin Peaks lodge shall replace all existing streetlights of property adjacent to the project with energy efficient, dark sky compliant units.
 - The new streetlights shall be placed on our private meter, eliminating the operating and maintenance costs of these fixtures for the City of Ouray.
- Twin Peaks Lodge is providing the majority of its required parking in underground structures. This enables a significant increase in the amount of open space and landscaping provided by the project resulting in substantial improvements in the visual character of the district.
- Twin Peaks Lodge shall pave all on-street parking spaces adjacent to Third Avenue on each Phase as per plan.

Vested Property Rights

The full site development for the resort at the Twin Peaks Lodge and Hot Springs will be developed over time as demand increases for its facilities. As such, we are asking for the following property rights to be vested so that full improvements as outlined in this submittal may be completed as approved through his submittal process.

- Allowable lodging rooms – 148
- 151,531 square feet of new or renovated construction to include lodging rooms, service areas, laundry facilities, covered parking, hotel lobby, spa, locker rooms, vehicle rental, restaurant (Solarium) and caretaker residence (Buildings A, B and D).
- Solarium to provide seating for 90.

- 627 square feet Breakfast Bar and seating
- 315 square feet of existing Sanitarium baths
- 9,150 square feet existing Building C lodging
- 3,250 square feet of swimming pools and soaking tubs
- 200 square feet of vapor caves
- 148 on-site parking spaces
- Building heights up to 50'-9", with an average building height of 45'5".
- Zero feet minimum lot setbacks
- Installation of a mid-block crosswalk between First Street and Second Street crossing of Third Avenue.
- Installation of landscape islands within Third Avenue ROW at each driveway cut and ends of the on-street parking.
- One driveway curb cut onto First Street.
- Driveway curb cuts onto Third Avenue.
- Two driveway curb cuts onto Second Street.
- Alley access to parking between First Street and Second Street from Third Avenue to Fourth Avenue.
- Jeep rental activities allowed on property, with approved conditional use permit.
- Redevelopment of the Sanitarium Baths in the future.
- Guarantee now (reserved) the immediate availability of water and sewer taps for the Hots Springs Phase. This will only need a few water taps but a guarantee on the issuance of them will bridge the time constraint caused by a moratorium.
- All Vested Rights need to be transferable to future owners/shareholders of Twin Peaks' assets.
 - The O'Weiler Phase needs to retain the ability to be sold/transferred separately from the Twin Peaks and Hot Springs Phases
- With a possible delay caused by a lack of available infrastructure capacity (moratorium), we are requesting our Vested Rights run for a 15-year term.
 - This term would begin when the newly constructed sewer plant is fully operational, and investment fees are available to all with no special conditions (lifting of the moratorium city wide).

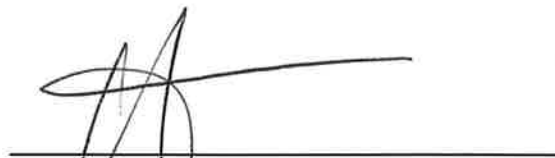
Thank you for your cooperation regarding this project.

Sincerely,



Craig E Hinkson

Hinkson Hein Holdings, LLC



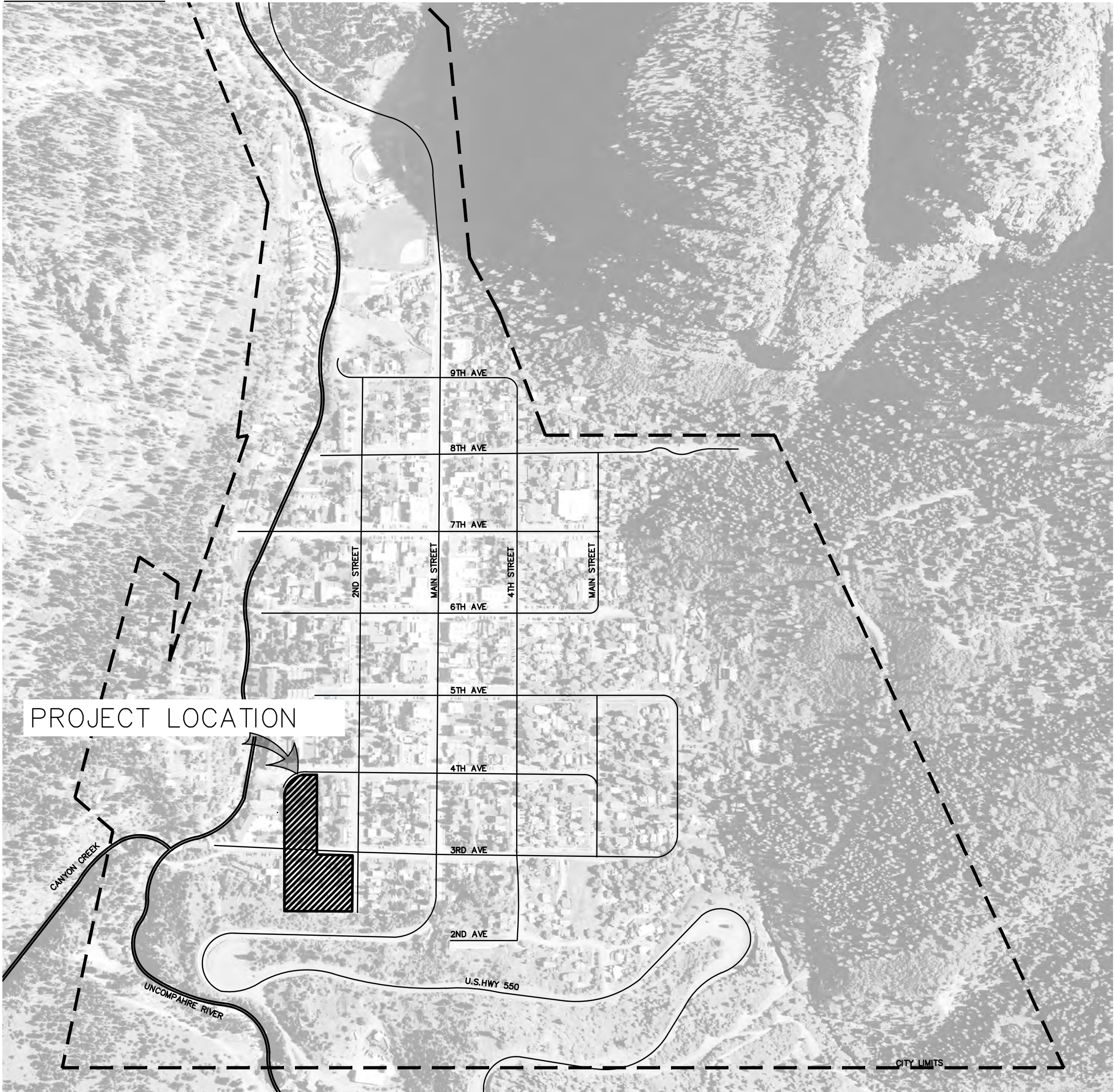
Ryan A. Hein

Hinkson Hein Holdings, LLC



TWIN PEAKS
LODGE & HOT SPRINGS RESORT & SPA
Ouray, Colorado

VICINITY MAP



OWNER

H&H Holdings, LLC
Twin Peaks Lodge
PO Box 955
Ouray, CO 81427

PHONE: 970-318-8932
CONTACT: Ryan Hein & Craig Hinkson

SHEET LIST

CV	COVER SHEET	
SS	SURVEY	SOUTH
SN	SURVEY	NORTH
PP	PROPOSED PLAT	NORTH
PP2	ENCROACHMENT/EASEMENTS	
L0	SITE PLAN	
L1	LAYOUT	SOUTH
L2	LAYOUT	NORTH
L3	PARKING	SOUTH
L4	PARKING	NORTH
L5	LANDSCAPE	SOUTH
L6	LANDSCAPE	NORTH
L7	PHASING	SOUTH
L8	PHASING	NORTH
L9	BLD. COVERAGE	SOUTH
L10	BLD. COVERAGE	NORTH
L11	ENCROACHMENT	SOUTH
L12	ENCROACHMENT	NORTH
L13	GRADING	SOUTH
L14	GRADING	NORTH
L15	SNOW STORAGE	SOUTH
L16	SNOW STORAGE	NORTH

C1	UTILITY PLAN NORTH
C2	UTILITY PLAN SOUTH
C3	DRAINAGE PLAN NORTH
C4	DRAINAGE PLAN SOUTH

A1	EXTERIOR ELEVATIONS	BUILDING D/O'WEILER PHASE
A2	PERSPECTIVE VIEW	BUILDING D/O'WEILER PHASE
A3	EXTERIOR ELEVATIONS	BUILDING A/HOT SPRINGS PHASE
A4	EXTERIOR ELEVATIONS	BUILDING B/TWIN PEAKS PHASE
A5	FLOOR PLAN	BUILDING D/O'WEILER PHASE
A6	FLOOR PLAN	BUILDING D/OWHEILER PHASE
A7	FLOOR PLAN	BUILDING A/HOT SPRINGS PHASE
A8	FLOOR PLAN	BUILDING B/TWIN PEAKS PHASE
A9	FLOOR PLAN	BUILDING B/TWIN PEAKS PHASE

E0	LIGHTING SITE PLAN NORTH
E1	LIGHTING SITE PLAN SOUTH
E2	LIGHTING FIXTURES

PROJECT SUMMARY TABLE

	NORTH SITE	SOUTH SITE	TOTAL
LOT SIZE	42,689 SF	87,556 SF	130,245 SF
EXISTING DENSITY	0 ROOMS	54 ROOMS	54 ROOMS
PROPOSED DENSITY (INCLUDING COMMERCIAL AREAS)	64 ROOMS	84 ROOMS	148 ROOMS
# OF REQUIRED PARKING SPACES	64 SPACES	84 SPACES	148 SPACES
# OF PROPOSED PARKING SPACES	64 SPACES	99 SPACES	163 SPACES
EXISTING BUILDING HEIGHTS			
BUILDING A (CARETAKER UNIT, LOBBY & RESTAURANT		53'-9"	
BUILDING B		26'	
BUILDING C		26'	
PROPOSED BUILDING HEIGHTS			
BUILDING A		40'-1" (7814.4' ELEV.)	
BUILDING B		MAIN 41'-6" (7817' ELEV) TOWER 50'-9" (7826.25' ELEV)	
BUILDING C		26' (EX. ELEV)	
BUILDING D	42'-0" (7796' ELEV.)		
SITE COVERAGE	36% COVERAGE	38% COVERAGE	37% COVERAGE
MAX. BUILDING SITE COVERAGE	60% COVERAGE	60% COVERAGE	60% COVERAGE
FLOOR AREA			
BUILDING A		18,203 SF*	
BUILDING B		72,718 SF*	
BUILDING C		9,150 SF	
BUILDING D	60,610 SF*		
TURRET/TOWER AT BLDG. B		INCLUDED WITH BLDG. B	
BREAKFAST ROOM		627 SF	
SOLARIUM AT BLDG. A		INCLUDED WITH BLDG. A	
SANITARIUM BATHS		315 SF	
SETBACKS - EXISTING			
FRONT	NA	0'	
SIDE	NA	0'	
SETBACKS - PROPOSED			
FRONT	25' MINIMUM	0' (EXISTING FRONT AT 0')	
BACK & SIDES	10' MINIMUM	0'-30' (EXISTING SIDES AT 0')	

*BUILDING A, B AND D SQUARE FOOT CALCULATIONS DO NOT INCLUDE BALCONIES OR DECKS.

PROJECT TEAM

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wchristensen@dhmdesign.com
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Cammie Willis
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Mark Boren
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Twin Peaks Lodge & Hot Springs

125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00
DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB,EP,CW,SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
COVER

1"=400'-0"
SHEET NUMBER:

CV

SHEET 1 OF 38

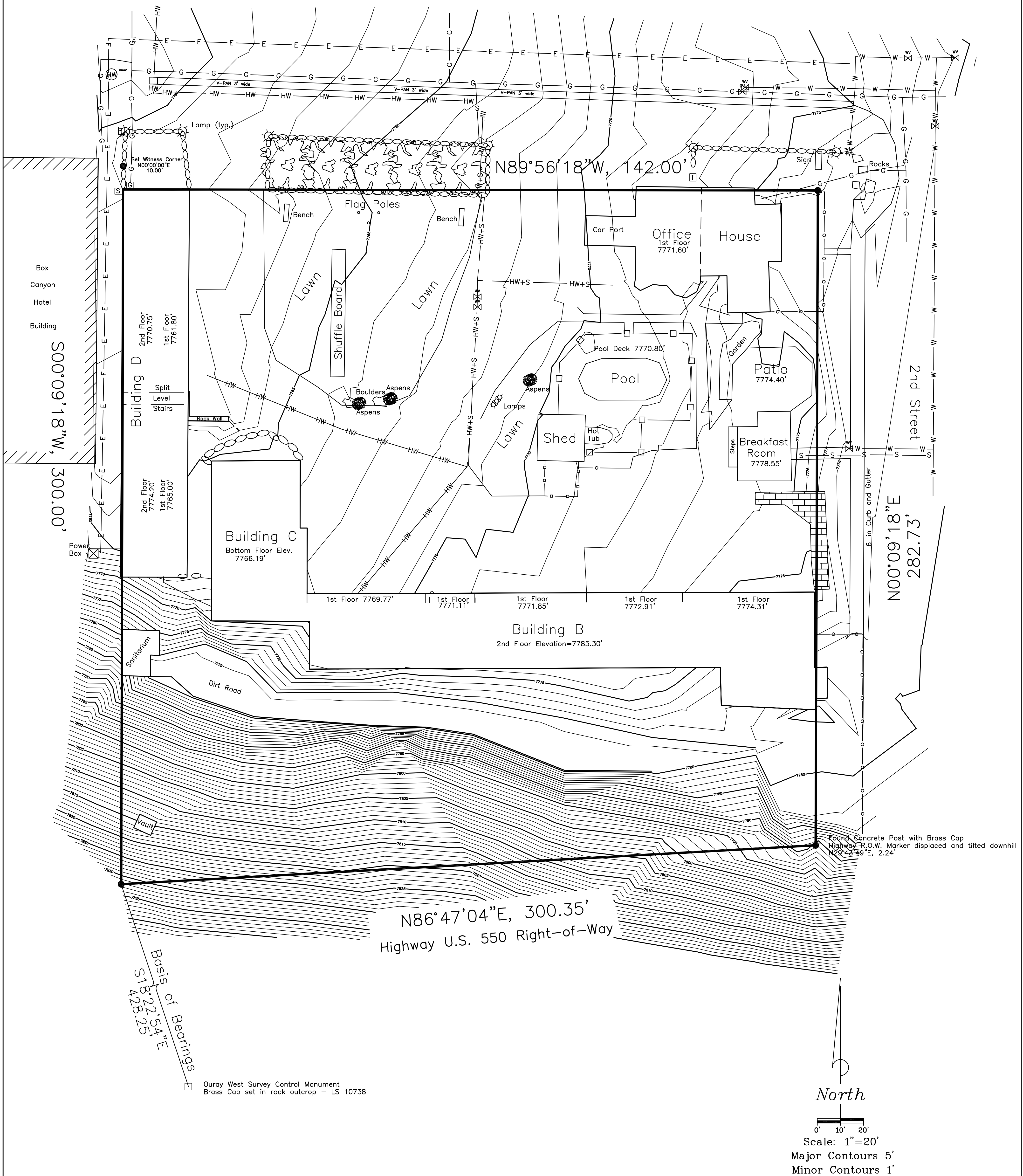
EXHIBIT B

DHM DESIGN

1309 East 3rd Avenue
Room 23
Durango, CO 81301
970.385.4219
www.dhmdesign.com

REUSE OF DOCUMENT
This document is the property of
DHM Design Corp. The Ideas
and design incorporated on this
document are instruments of
professional service and shall not
be used for any other project
without written authorization of
DHM Design Corp.

Site Plan Survey
Twin Peaks Lodge & Hot Springs
Block 2
City of Ouray, Colorado



BASIS OF BEARING:
The bearing between the southwest corner of Block 2, City of Ouray, Colorado, as defined by a #5 rebar and 2" aluminum survey cap, LS 31160, and Ouray West, as defined by a brass cap set in rock outcrop, LS 10738 is assumed to be S18°22'54"E, as determined by a GPS survey of said monuments.

SURVEYOR'S CERTIFICATE:
I, Robert A. Larson, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents to the best of my knowledge and information, a survey made by me or under my direct supervision, and that said survey conforms to all State laws and standards for property boundaries.

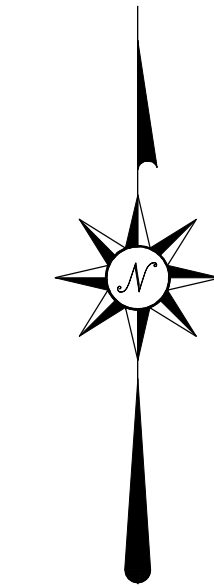
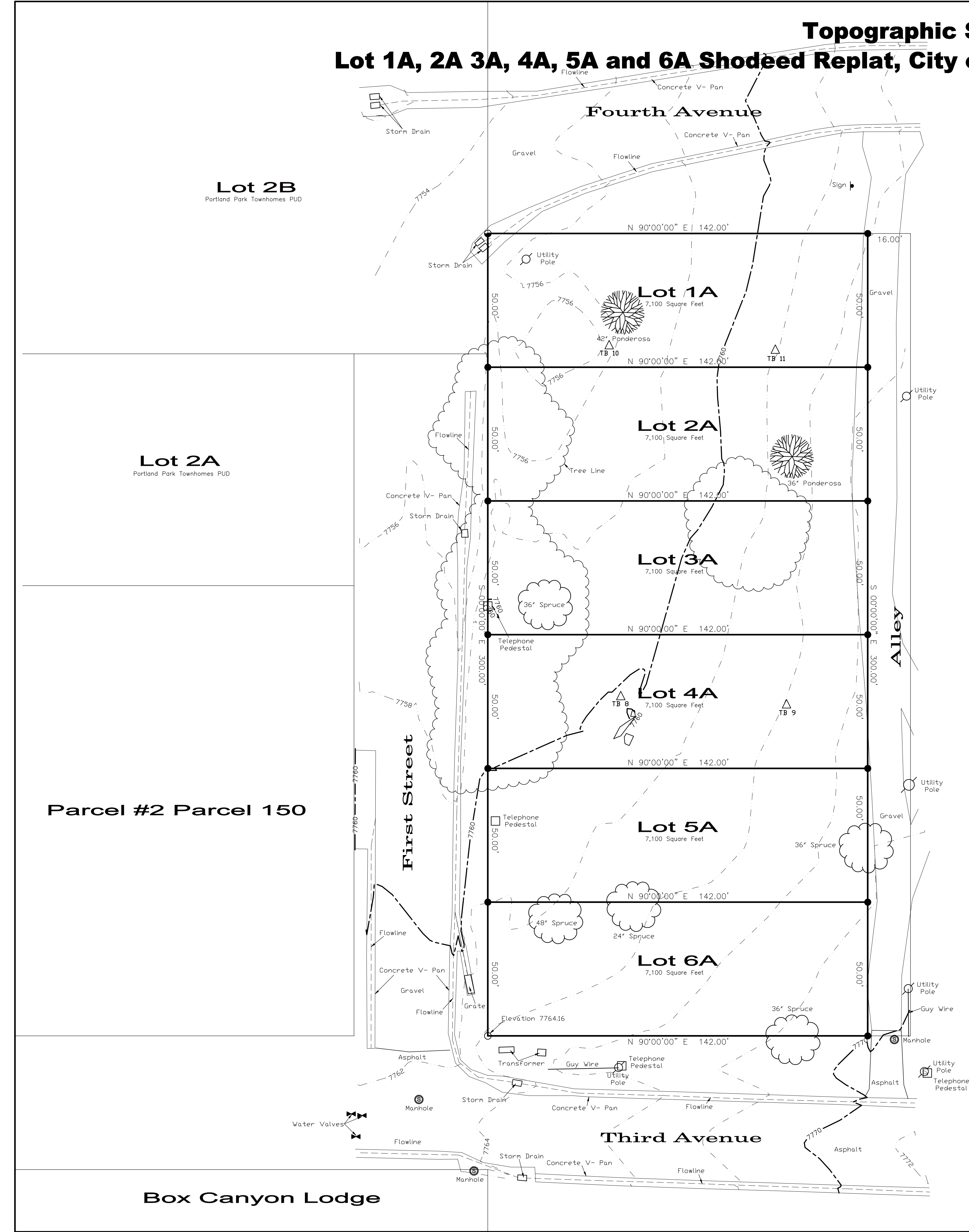
Robert A. Larson LS 31160 Date SEAL

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

LEGEND
Found other monument as noted.
Set Rebar & Cap - LS 31160

1/17/2017		Twin Peaks Lodge & Hot Springs 125 3rd Ave Ouray, CO 81427	
SURVEYED BY	DATE	MONADNOCK MINERAL SERVICES	
T.A.P.	12/22/16	342-7718 Ave. - P.O. Box 85, Ouray, Colorado 81427	
DRAWN BY	SCALE	PLS 31160 - CPC 4682	
T.A.P.	1"=20'	ACCT. NO.	SHEET 1 of 1

Topographic Survey
Lot 1A, 2A 3A, 4A, 5A and 6A Shodeed Replat, City of Ouray, County of Ouray, State of Colorado



Contour Interval 2'

● Found Rebar and 1 1/2" Aluminum Cap
LS 138135

TOPOGRAPHIC SURVEY

I, Peter C. Sauer, being a Professional Land Surveyor in the State of Colorado, do hereby certify that the topographic survey of LOT 140, FAIRWAY PINES PUD, FILING No. 1A, 2A, 3A, 4A, 5A, AND 6A SHODEEN REPLAT, CITY OF OURAY, COUNTY OF OURAY, STATE OF COLORADO, was made August 25, 2017 by me and checked by me and that both are accurate to the best of my knowledge., it does not constitute a Land Survey Plat or an Improvement Survey Plat as defined by section 38-51-102 Colorado Revised Statute.

Peter C. Sauer

P.L.S. 38135

NOTES

1. Benchmark: Southwest Corner of Lot 6A, Shodeen Replat is at an assumed elevation of 7764.16'.

NOTICE

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

SHEET SN

PROJECT MANAGER: PS CADD TECH: PS CHECKED BY: PS START DATE: 6/28/17	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
	5			
	OFFICE (970) 249-5349 - FAX (970) 626-6261 CELL (970) 729-1289 1147 OURAY COUNTY ROAD 22 - MONTROSE, COLORADO 81403 565 SHERMAN STREET, SUITE 10, RIDGWAY, COLORADO 81432 WWW.ORIONSURVEYING.COM			
	DRAWING PATH: Topo 8-17			
SHEET No. 1 OF 1		PROJECT: 17187		

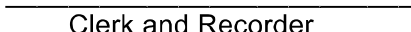


Exhibit A

Utility Easement

Third Avenue

Box Canyon Property

Box Canyon Building

10' Utility Easement

Twin Peaks Building D

BLOCK 2

1' Roof Overhang (typ.)

Witness Corner to NW Cor. Block 2
5/8" rebar & 2" metal cap - LS 31160

0 30' 60'

N

10.00'

10.00'

10.00'

215.00'

32.00'

300.00'

M. 00.00, 0.0 S

Power Box

10.00'

Description of Easement:

Beginning at the northwest corner of Block 2, City of Ouray, State of Colorado, Sec. 31, T 44 N, R 8 W, N.M.P.M., whence the northeast corner of said Block 2 bears East 300.00 feet;

Thence, North 32.00 Feet; thence West 10.00 feet; thence South 215.00 feet; thence East 10.00 feet; thence North 183.00 feet to the point of beginning.

Third Avenue

Office - House
Area of Encroachment = 67 sq.ft.

Property Boundary

1.8'

Office

House

BLOCK 2

Patio

Breakfast Room

Property Boundary

Second Street

N

0 30' 60'

Rev. 8/12/19 Rev. 8/1/19		Hinkson Hein Holdings LLC 123 3rd Ave Ouray, CO 81427	
Drawn by T.A.P.	Date 8/19/2019	Monadnock Mineral Services LLC P.O. Box 85 - 342 7th Ave Ouray, CO 81427	
Checked by R.A.L.	Scale 30 Ft/in	Job No. J19021	Sheet 1 of 1

Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

Twin Peaks Lodge & Hot
125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER:	DATE
16102.00	03/25/2019
DESIGNED:	MB, WC
DRAWN:	MB, EP, CW, SC
CHECKED:	MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:

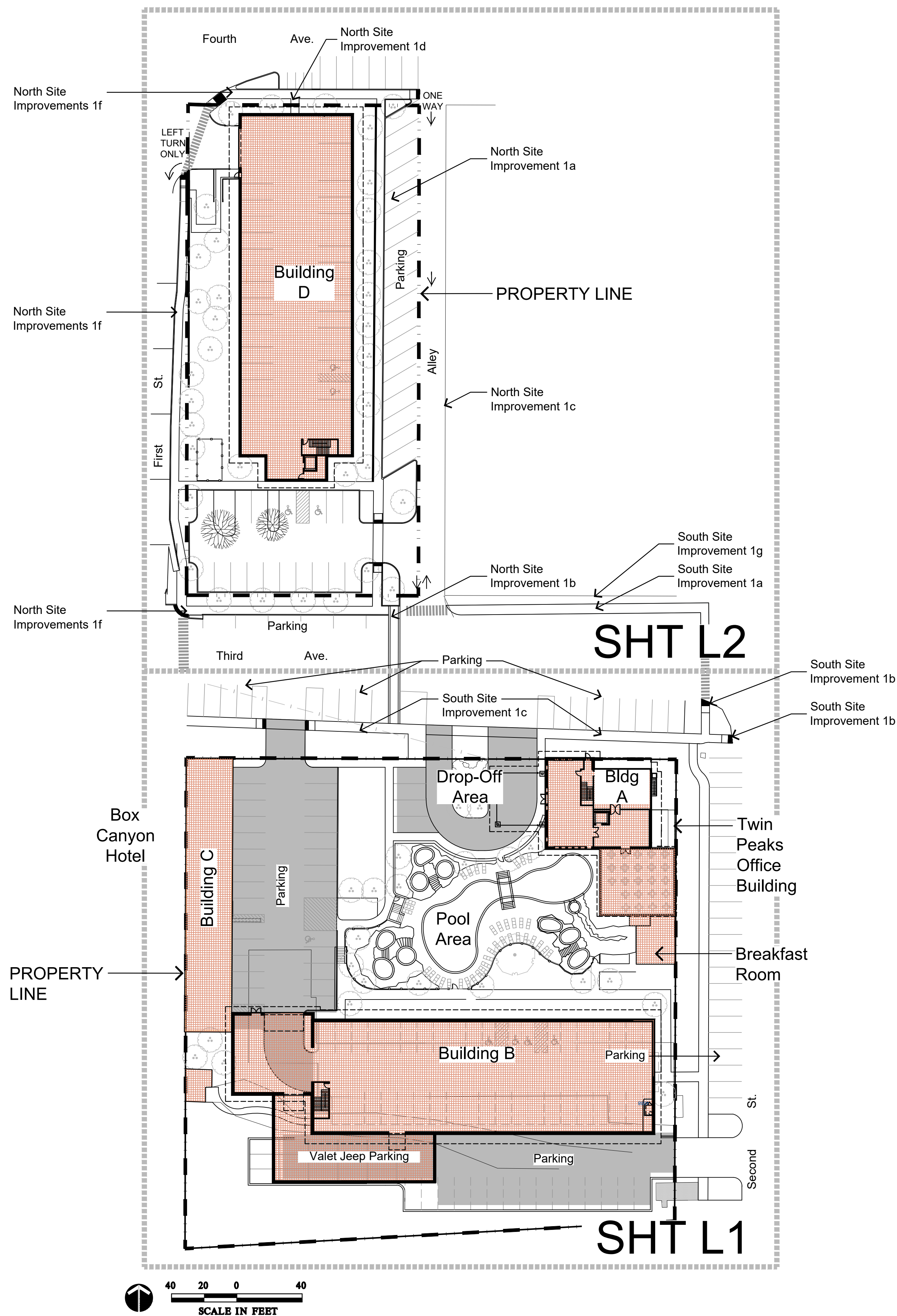
SITE PLAN
AND PUBLIC
IMPROVEMENT PLAN

1"=40'-0"

SHEET NUMBER:

L0

SHEET 6 OF 38



IMAGES	
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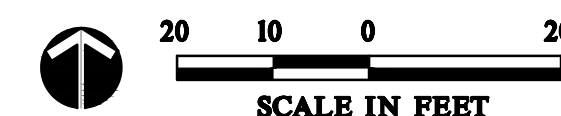
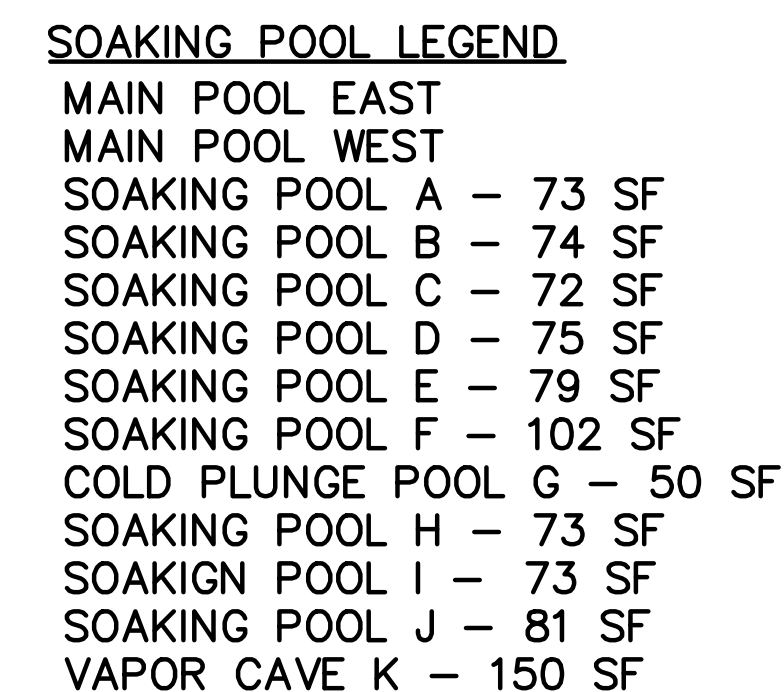
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PLOT DATE: Sep 27, 2019 - 5:35pm

125 3rd Avenue, Ouray, Colorado 81427

L1

SHEET 7 OF 38



125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00 DATE: 03/25/2019

DESIGNED: MB, WC
DRAWN: MB, EP, CW, SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

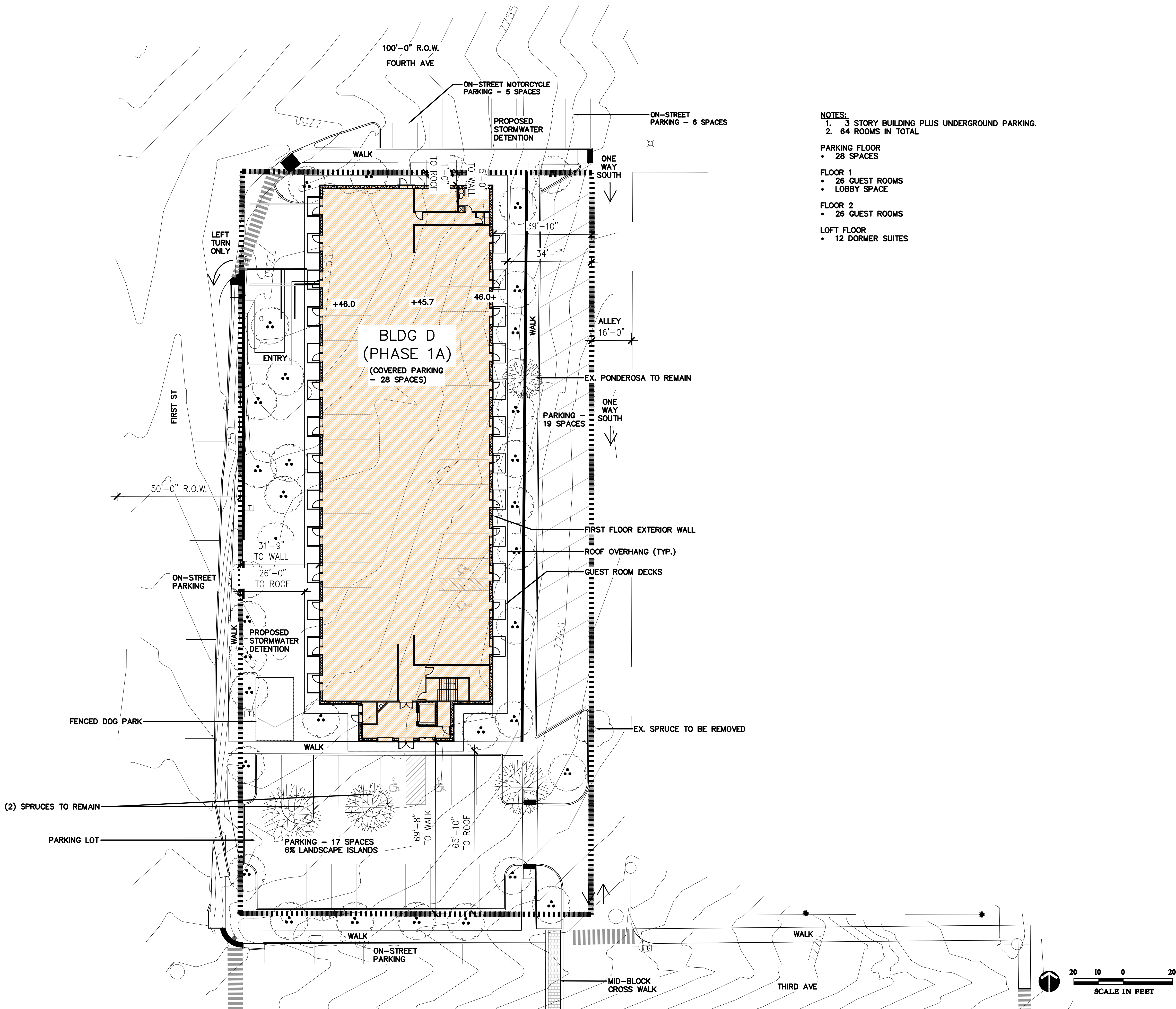
JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
LAYOUT
NORTH SITE
1"=20'-0"

SHEET NUMBER:

L2

SHEET 8 OF 38





PROJECT NUMBER:	DATE
16102.00	03/25/2019
DESIGNED:	MB, WC
DRAWN:	MB,EP,CW,SC
CHECKED:	MB, WC
REVISIONS:	
08/23/2019	
09/27/2019	
JOB DESCRIPTION:	
Site Development Permit	
SHEET TITLE:	
PARKING PLAN	
SOUTH SITE	
1"=20'-0"	
SHEET NUMBER:	
L3	
SHEET	9 OF 38

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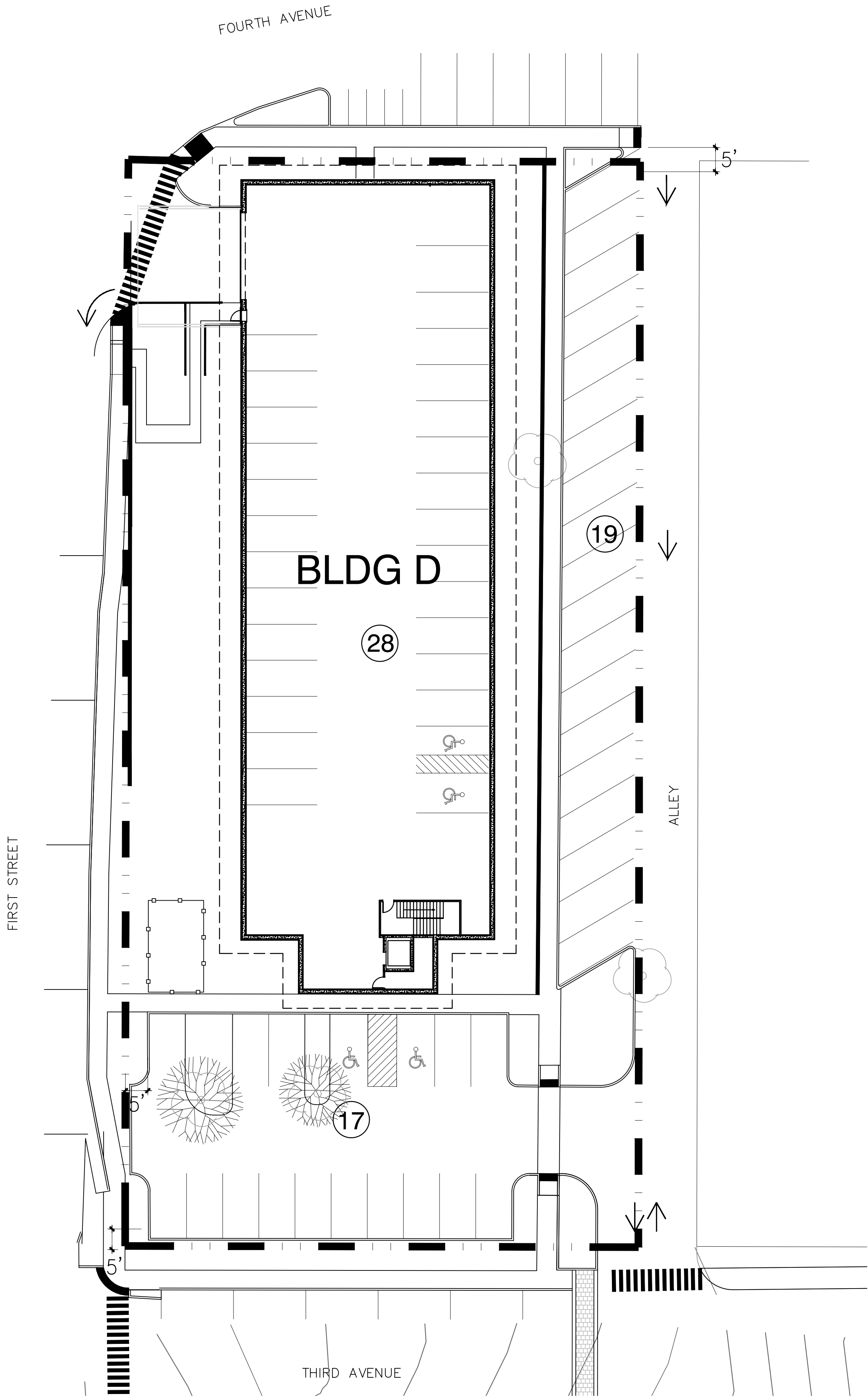
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VEES

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PLOT DATE: Sep 27, 2019 - 11:46am

NORTH PARKING PLAN



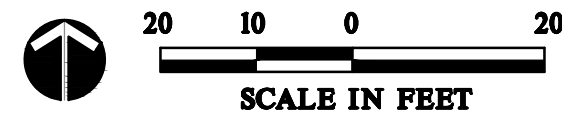
NORTH SITE TOTALS

- 0 VALET PARKING SPACES
- 5 ON STREET PARKING (USED DURING PHASE 2 CONSTRUCTION))
- 64 ON SITE PARKING REQUIRED
- 64 ON SITE PARKING PROVIDED
- 6% OF LOT LANDSCAPE AREA REQUIRED
- 8% OF LOT LANDSCAPE AREA PROVIDED
- 4 TOTAL ADA PARKING SPACES REQUIRED - IF SITE STOOD ALONE
- 4 TOTAL PARKING SPACES PROVIDED - IF SITE STOOD ALONE
- TOTAL PARKING AREA = 26,655 SF

PROJECT TOTALS

- 15 VALET PARKING SPACES
- 22 ON STREET PARKING (USED DURING PHASE 2 CONSTRUCTION))
- 148 ON SITE PARKING
- 148 TOTAL PARKING SPACES REQUIRED
- 148 TOTAL PARKING SPACES PROVIDED - NOT INCLUDING VALET
- 6 TOTAL ADA PARKING SPACES REQUIRED - WHEN SITES CALCULATED COMBINED
- 9 TOTAL PARKING SPACES PROVIDED - WHEN SITES CALCULATED COMBINED
- TOTAL PARKING AREA = 58,950 SF

NOTE:
-SEE SHEET L3 FOR PARKING CALCULATIONS



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Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00
DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB,EP,CW,SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

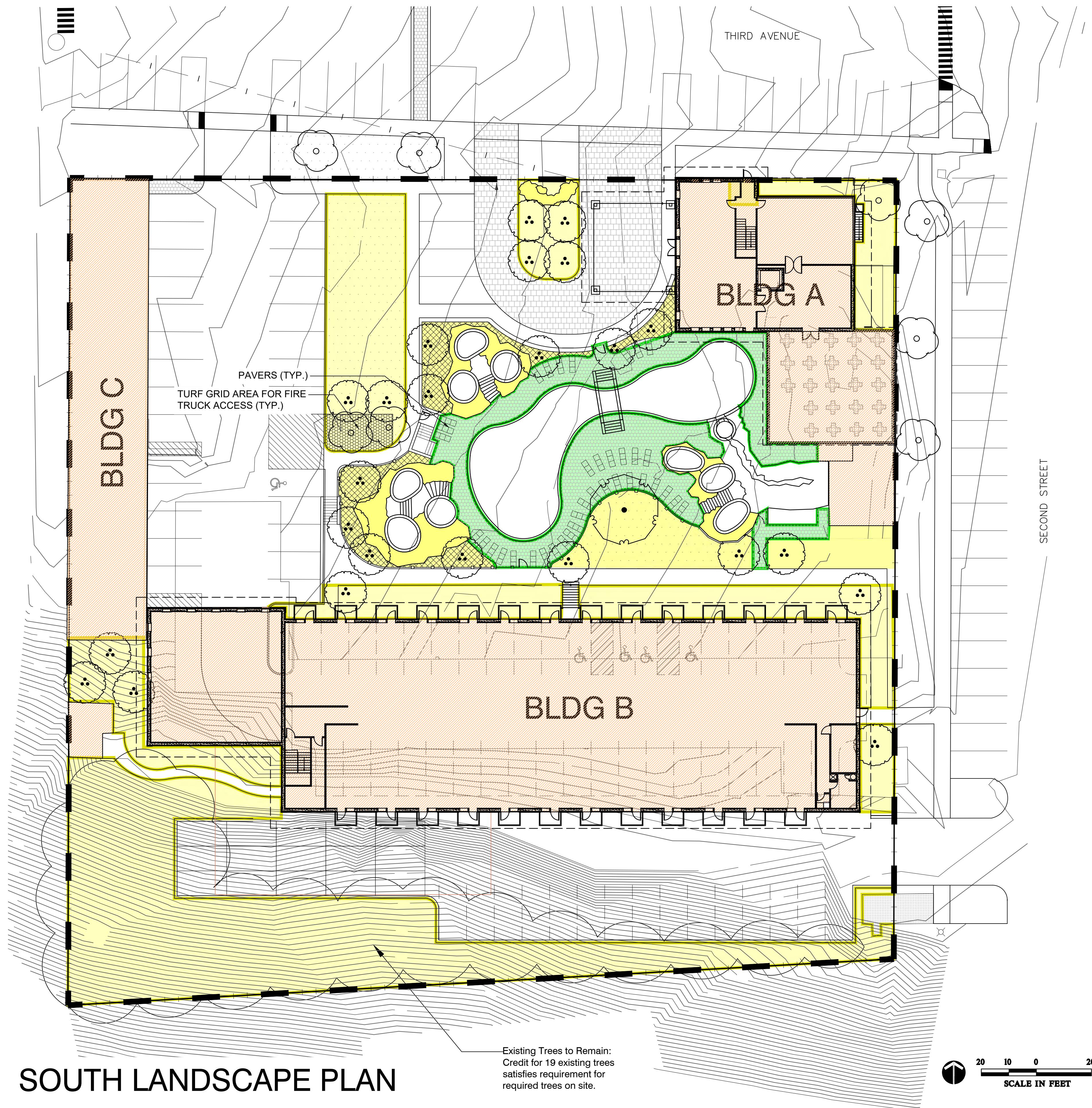
JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
PARKING PLAN
NORTH SITE

1"=20'-0"
SHEET NUMBER:

L4

SHEET 10 OF 38



Landscaping
50% min. linear frontage of the site abutting public street ROW to a min. width of 15'-0" shall be landscaped. On 3rd Ave. at the South Site there is 300'-0" of linear frontage abutting the public street ROW; therefore, 150'-0" of landscaping is required. 196' of landscaping is being provided. On 4th Ave. at the North Site, there is 142'-0" of linear frontage abutting the public street ROW; therefore, 71'-0" of landscaping is required. 91.5' of landscaping is being provided. On 3rd Ave. at the North Site, there is 147'-0" of linear frontage abutting the public street ROW; therefore, 73'-6" of landscaping is required. 123' of landscaping is being provided.
Landscape a min. of 15'-0" along a min. of 25% of secondary street frontages except driveways & sidewalks. On 2nd St. at the South Site, there is 287'-5" of secondary street frontage; therefore, 171'-10" of landscaping is required. 151' of landscaping is being provided.
10% of site not covered by buildings shall be landscaped where non-residential uses will occupy more than 50% of the property. The South Site is 87,566 SF (or 2 AC) in area; therefore, 8,756 SF or (0.2 AC) of landscaping is required. 22,802 SF (or 0.57 AC) is being provided. The North Site is 42,689 SF (or 1 AC) in area; therefore, 4,269 SF or (0.1 AC) of landscaping is required. 11,835 SF or (0.27 AC) is being provided.
Provide (1) tree/2,000 SF of gross lot area. The South Site is 87,383.71 SF (or 2 AC) in area; therefore, 44 trees are required. The North Site is 43,340.10 SF or (1 AC) in area; therefore, 22 trees are required.
1.5" = min. deciduous tree caliper
5'-0" ht. = min. coniferous tree size
Ex. trees & groundcover will count towards min. standards.
Provide groundcover to prevent erosion and dust blowing.

SOUTH SITE TOTALS

PUD - 87,556 SQ. FT

LANDSCAPING
REQUIRED - 8,756 SQ. FT

 LANDSCAPING - 22,802 SQ. FT PROVIDED

OPEN SPACE (20% PUD)
REQUIRED - 17,511.2 SQ. FT

 +  OPEN SPACE PROVIDED - 25,770 SQ. FT

— SYMBOL REPRESENTS PAVERS

44 REQUIRED TREE, 1.5' CALIPER

25 PROPOSED TREE, 1.5' CALIPER

19 EXISTING TREE CREDIT

PROJECT TOTALS

PUD - 130,244.4 SQ. FT

LANDSCAPING (10% PUD)
REQUIRED - 13,025 SQ. FT

 LANDSCAPING - 34,637 SQ. FT PROVIDED

OPEN SPACE (20% PUD)
REQUIRED - 26,049 SQ. FT

 +  OPEN SPACE PROVIDED - 36,762 SQ. FT

— SYMBOL REPRESENTS PAVERS

66 REQUIRED TREE, 1.5' CALIPER

56 PROPOSED TREE, 1.5' CALIPER

23 EXISTING TREE CREDIT

4 BOW TREES

Twin Peaks Lodge & Hot Springs
1025 3rd Avenue, Ouray, Colorado 81427

125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00 DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB, EP, CW, SC
CHECKED: MB, WC
REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:

LANDSCAPE PLAN
SOUTH SITE

1"=20'-0"

SHEET NUMBER:

L5

SHEET 11 OF 38

IMAGES

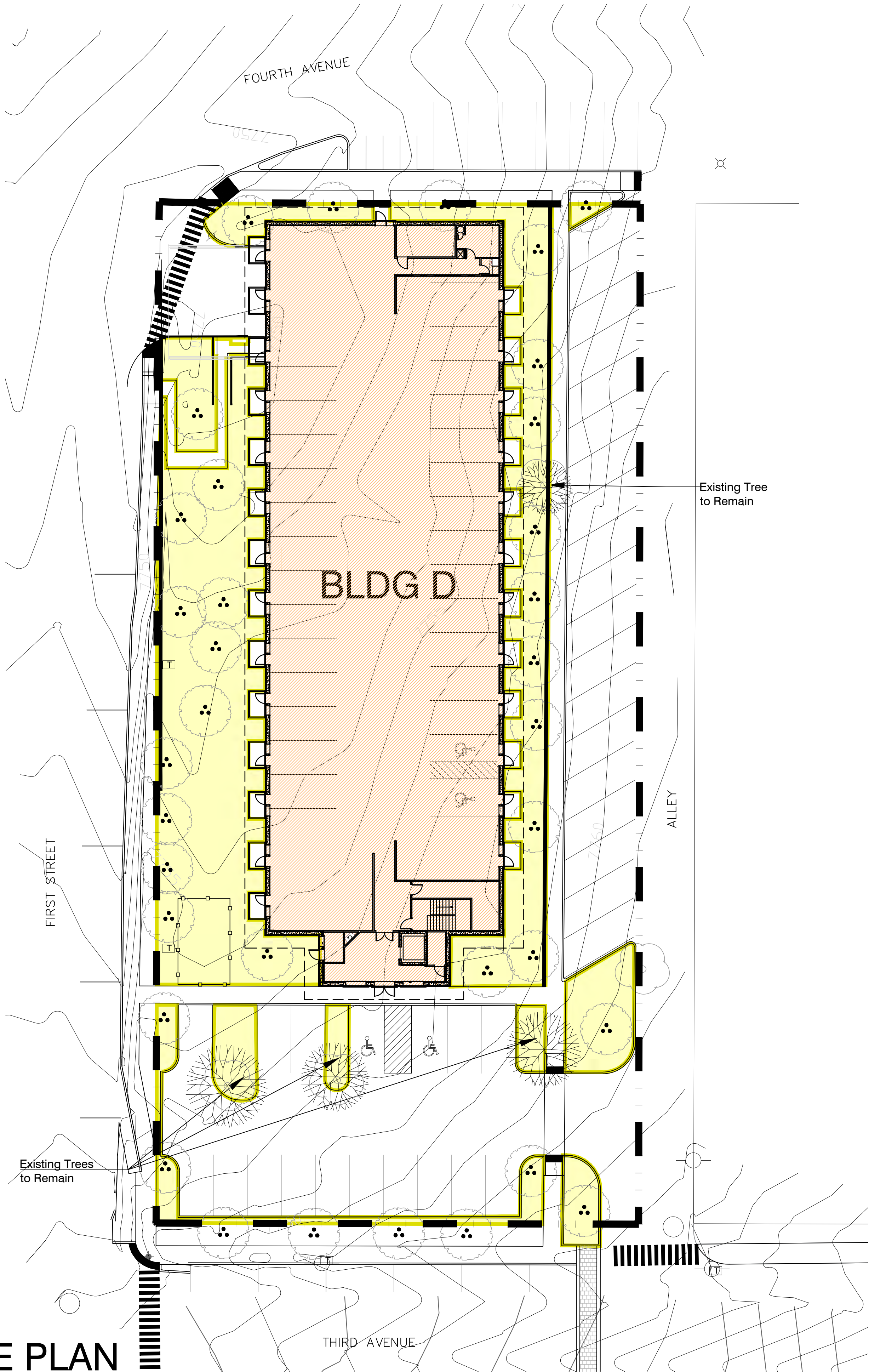
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VEES

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PLOT DATE: Sep 27, 2019 - 11:46am

NORTH LANDSCAPE PLAN



Landscaping	
50% min. linear frontage of the site abutting public street ROW to a min. width of 15'-0" shall be landscaped. On 3rd Ave. at the South Site there is 300'-0" of linear frontage abutting the public street ROW; therefore, 150'-0" of landscaping is required. 196' of landscaping is being provided. On 4th Ave. at the North Site, there is 142'-0" of linear frontage abutting the public street ROW; therefore, 71'-0" of landscaping is required. 91.5' of landscaping is being provided. On 3rd Ave. at the North Site, there is 147'-0" of linear frontage abutting the public street ROW; therefore, 73'-6" of landscaping is required. 123' of landscaping is being provided.	
Landscaped a min. of 15'-0" along a min. of 25% of secondary street frontages except driveways & sidewalks. On 2nd St. at the South Site, there is 287'-5" of secondary street frontage; therefore, 71'-10" of landscaping is required. 151' of landscaping is being provided.	
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1.5" = min. deciduous tree caliper	
5'-0" ht. = min. coniferous tree size	
Ex. trees & groundcover will count towards min. standards.	
Provide groundcover to prevent erosion and dust blowing.	

NORTH SITE TOTALS

PUD	- 42,689 SQ. FT
LANDSCAPING REQUIRED	- 4,269 SQ. FT
LANDSCAPING PROVIDED	- 11,835 SQ. FT
OPEN SPACE REQUIRED	(20% PUD) - 8,537.8 SQ. FT
OPEN SPACE PROVIDED	- 10,992 SQ. FT
22	REQUIRED TREE, 1.5' CALIPER
31	PROPOSED TREE, 1.5' CALIPER
4	R.O.W TREES
4	EXISTING TREE CREDIT

PROJECT TOTALS

PUD	- 130,244.4 SQ. FT
LANDSCAPING REQUIRED	(10% PUD) - 13,025 SQ. FT
LANDSCAPING PROVIDED	- 34,637 SQ. FT
OPEN SPACE REQUIRED	(20% PUD) - 26,049 SQ. FT
OPEN SPACE PROVIDED	- 36,762 SQ. FT
SYMBOL REPRESENTS PAVERS	
66	REQUIRED TREE, 1.5' CALIPER
56	PROPOSED TREE, 1.5' CALIPER
23	EXISTING TREE CREDIT
4	R.O.W TREES

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Twin Peaks Lodge & Hot Springs

125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00
DESIGNED: MB, WC
DRAWN: MB,EP,CW,SC
CHECKED: MB, WC

DATE: 03/25/2019

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
LANDSCAPE PLAN
NORTH SITE

1"=20'-0"

SHEET NUMBER:
L6

SHEET 12 OF 38

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PLOT DATE: Sep 30, 2019 - 2:59pm

SOLARIUM
- FUTURE
RE-
DEVELOPMENT

BLDG C - FUTURE
REDEVELOPMENT

TWIN PEAKS
PHASE

HOT SPRINGS
PHASE

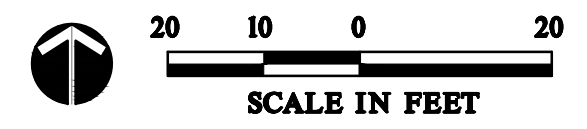
BLDG B

BLDG
A

SOUTH PHASING PLAN

Building	Uses	SF Range	Phasing
Building D	Proposed Lodge - 64 Guest Rooms, 28 Covered Parking Spaces	45,332 SF + 15,278 SF Parking Garage	O'weiler Phase
Building A	Lobby, Spa, Locker Room, Restaurant, Caretaker Residence, Porte cochere	18,303 SF	Hot Springs Phase
Solarium	Seating for 90	included with Bldg. A	Hot Springs Phase
Ex. Cabin	Existing 7 Guest Rooms - to be demolished	2,772 SF	Hot Springs Phase
Building B	Existing Lodge - 27 Guest Rooms, Service Areas; Proposed Lodge - 64 Guest Rooms, Meeting Rooms, Fitness Room, Service Areas, Laundry, 38 Covered Parking Spaces	51,411 SF + 21,307 SF Parking Garage	Twin Peaks Phase
Building C	Existing Lodge - 20 Guest Rooms	9150 SF	Future Development
Breakfast Room	Existing Breakfast Seating & Bar	627 SF	Existing

NOTE:
-SEE PUD NARRATIVE FOR FURTHER DESCRIPTION ON PHASING.



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Twin Peaks Lodge & Hot Springs

125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00

DATE: 03/25/2019

DESIGNED: MB, WC

DRAWN: MB,EP,CW,SC

CHECKED: MB, WC

REVISIONS:

08/23/2019

09/27/2019

JOB DESCRIPTION:

Site Development Permit

SHEET TITLE:

PHASING PLAN
SOUTH SITE

1"=20'-0"

SHEET NUMBER:

L7

SHEET 13 OF 38

Building	Uses	SF Range	Phasing
Building D	Proposed Lodge - 64 Guest Rooms, 28 Covered Parking Spaces	45,332 SF + 15,278 SF Parking Garage	O'Weiler Phase
Building A	Lobby, Spa, Locker Room, Restaurant, Caretaker Residence, Porte cochere	18,303 SF	Hot Springs Phase
Solarium	Seating for 90	included with Bldg. A	Hot Springs Phase
Ex. Cabin	Existing 7 Guest Rooms - to be demolished	2,772 SF	Hot Springs Phase
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Building C	Existing Lodge - 20 Guest Rooms	9150 SF	Future Development
Breakfast Room	Existing Breakfast Seating & Bar	627 SF	Existing

- O'WEILER PHASE: SITE WORK, FULL BUILDING SHELL, COVERED PARKING, FIRST FLOOR AND LOBBY.
- TWIN PEAKS PHASE 2ND AND 3RD FLOOR INTERIOR BUILD OUT.

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1"=20'-0"

SHEET NUMBER:

L8

SHEET 14 OF 38

125 3rd Avenue, Ouray, Colorado 81427

L9

SHEET 15 OF 38



AREA NOT COVERED BY BUILDINGS: 81,546 SF

SOUTH BUILDING COVERAGE PLAN

IMAGES:

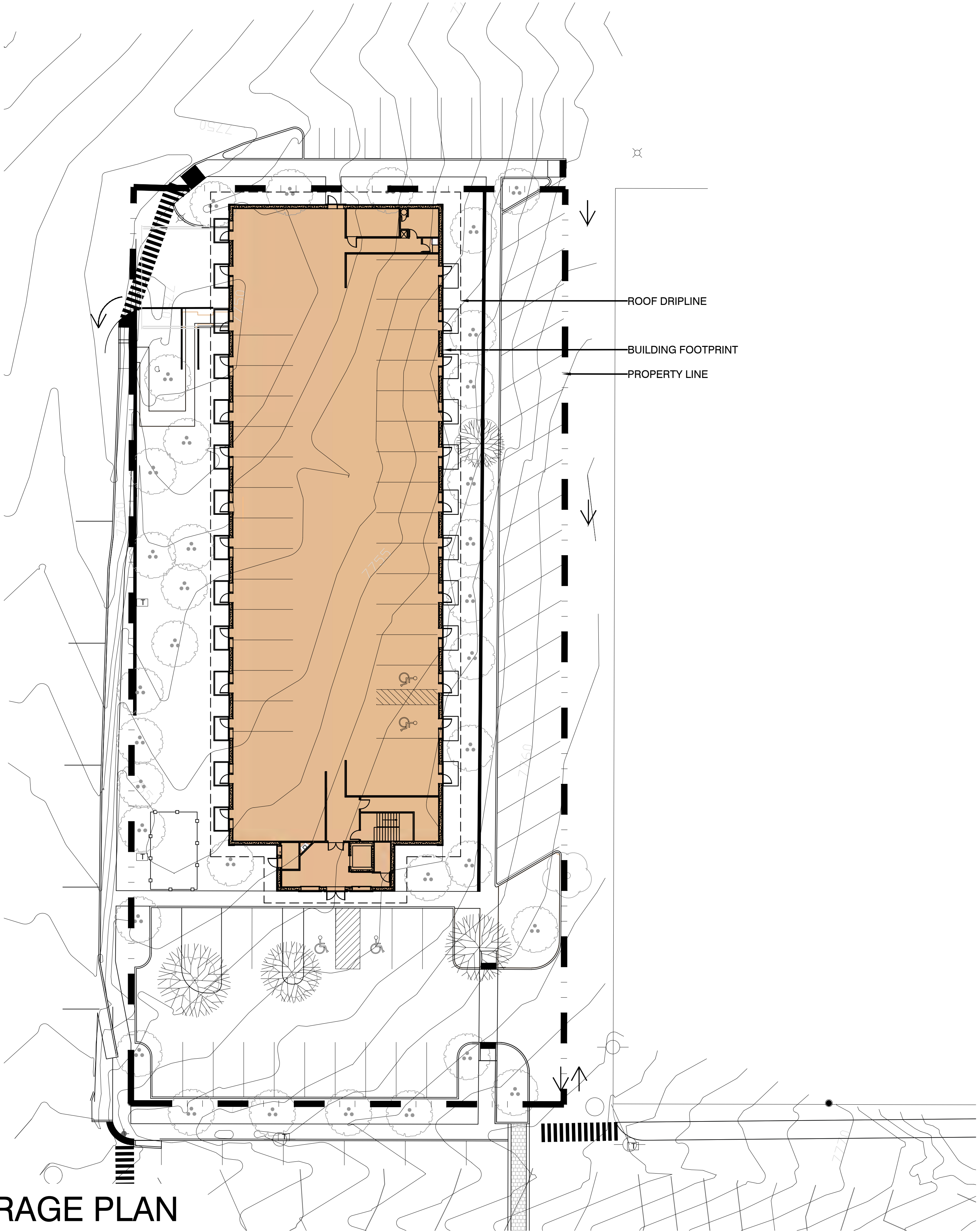
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PLOT DATE: Sep 27, 2019 - 11:58am

NORTH BUILDING COVERAGE PLAN



NORTH SITE TOTALS

TOTAL NORTH SITE AREA: 42,689 SF

AREA OF NORTH SITE COVERED BY BUILDINGS: 15,278 SF
(36% of Site)

AREA OF NORTH SITE NOT COVERED BY BUILDINGS: 27,417 SF

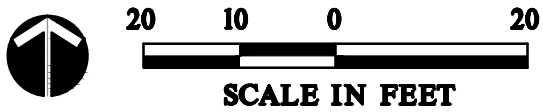
TOTAL NORTH SITE IMPERVIOUS AREA:
30,551 SF (72% of Site)

PROJECT TOTALS

TOTAL AREA OF PROJECT: 130,245 SF
*DOES NOT INCLUDE AREAS OUTSIDE OF PROJECT BOUNDARY

BUILDING COVERAGE: 48,699 SF (37.3% of project)

AREA NOT COVERED BY BUILDINGS: 81,546 SF



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09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
BUILDING SITE
COVERAGE PLAN
NORTH SITE

1"=20'-0"
SHEET NUMBER:

L10

SHEET 16 OF 38

125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00 DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB, EP, CW, SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:

Site Development Permit

SHEET TITLE:

ENCROACHMENT
PLAN
SOUTH SITE

1"=20'-0"

.....

SHEET NUMBER:

L11

SHEET 17 OF 38

SOUTH SITE TOTALS

	PUBLIC ENCROACHMENT	- 0 SQ. FT
	PRIVATE ENCROACHMENT	TO REMAIN - 286 SQ. FT
	PRIVATE ENCROACHMENT	TO BE REMOVED - 230 SQ. FT

PROJECT TOTALS

	PUBLIC ENCROACHMENT	- 50 SQ. FT
	PRIVATE ENCROACHMENT	TO REMAIN - 286 SQ. FT
	PRIVATE ENCROACHMENT	TO BE REMOVED - 230 SQ. FT

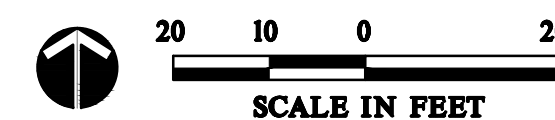
EXISTING PLAT

PROPOSED PLAT

—EXISTING
NON-CONFORMING
SIGN TO BE REMOVED
42 SQ FEET

— EXISTING RETAINING WALL
TEMPORARY ENCROACHMENT
188 SQ FEET

—EXISTING DUMPSTER
ENCROACHMENT
157 SQ FEET



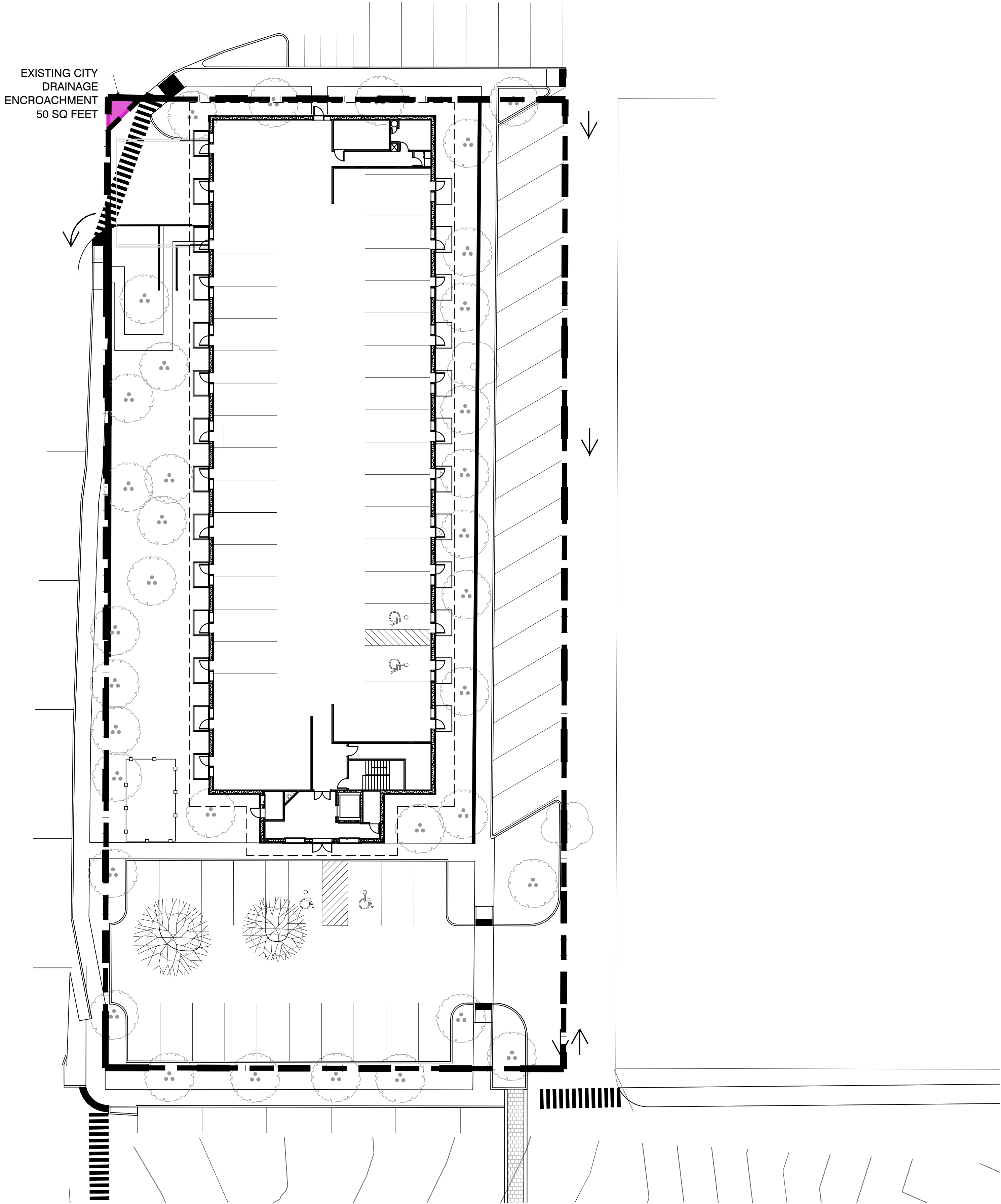
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SHEET 17 OF 38

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PLOT DATE: Sep 27, 2019 - 11:58am



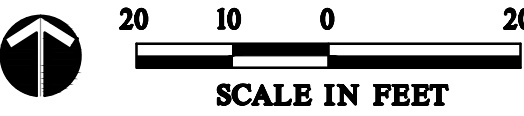
NORTH SITE TOTALS

	PUBLIC ENCROACHMENT	- 50 SQ. FT
	PRIVATE ENCROACHMENT	TO REMAIN - 0 SQ. FT
	PRIVATE ENCROACHMENT	TO BE REMOVED - 0 SQ. FT

PROJECT TOTALS

	PUBLIC ENCROACHMENT	- 50 SQ. FT
	PRIVATE ENCROACHMENT	TO REMAIN - 286 SQ. FT
	PRIVATE ENCROACHMENT	TO BE REMOVED - 230 SQ. FT

- EXISTING PLAT
- PROPOSED PLAT



DHM DESIGN

1309 East 3rd Avenue
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Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00
DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB,EP,CW,SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
ENCROACHMENT
PLAN
NORTH SITE

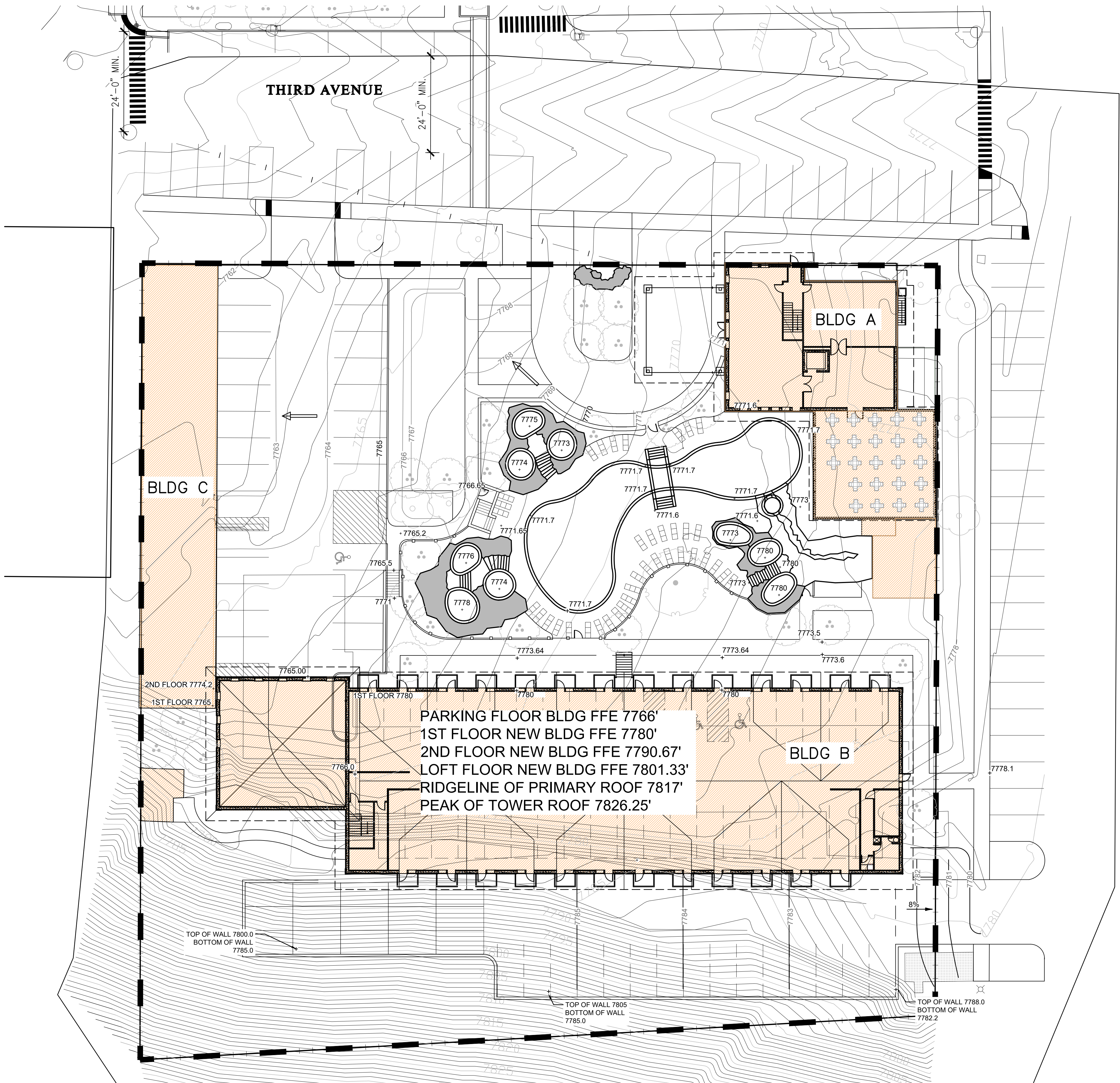
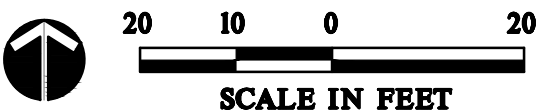
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SHEET NUMBER:

L12

SHEET 18 OF 38

125 3rd Avenue, Ouray, Colorado 81427

SHEET 19 OF 38



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125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00 DATE: 03/25/2019

DESIGNED: MB, WC
DRAWN: MB, EP, CW, SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:

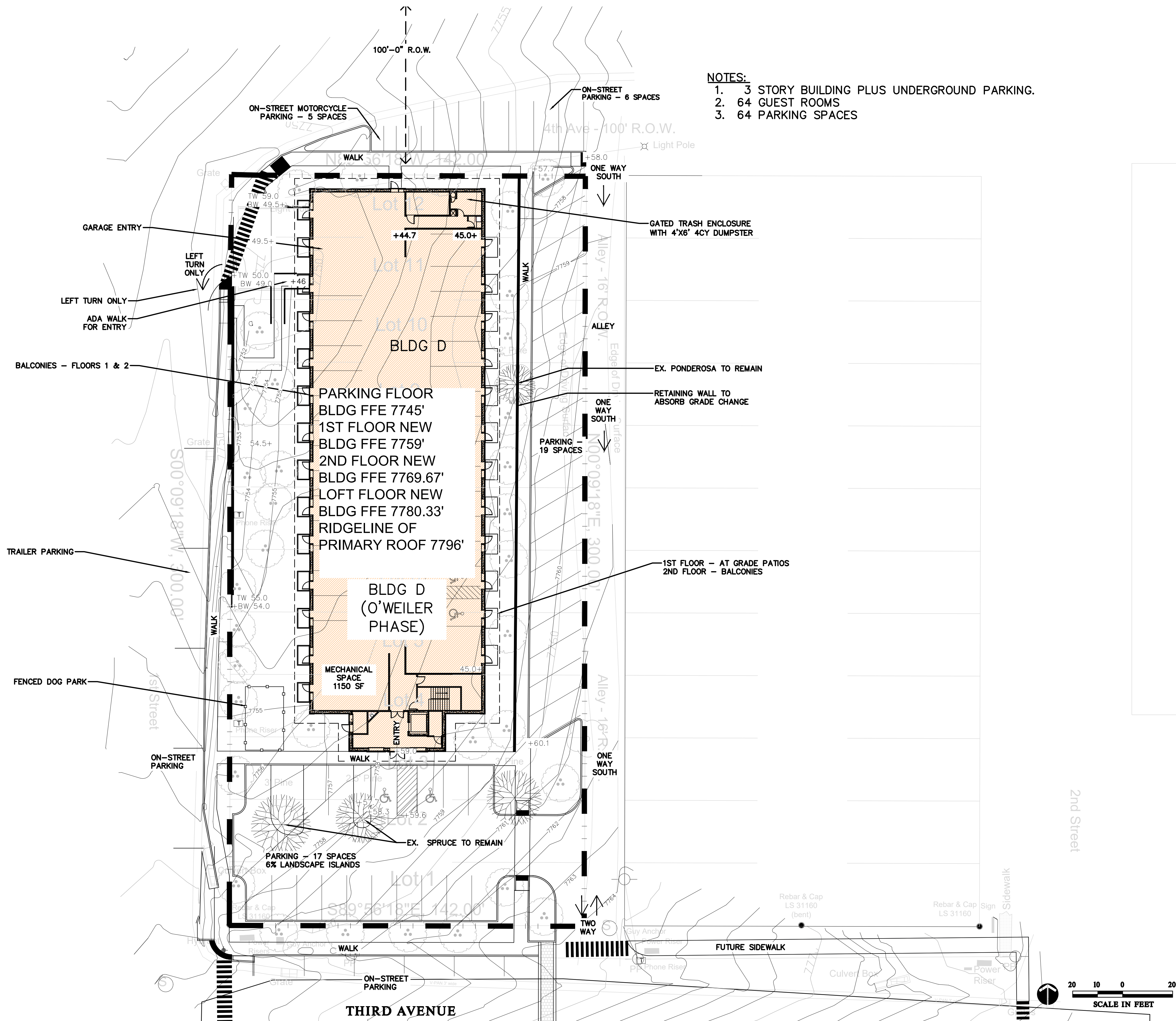
GRADING PLAN
NORTH SITE

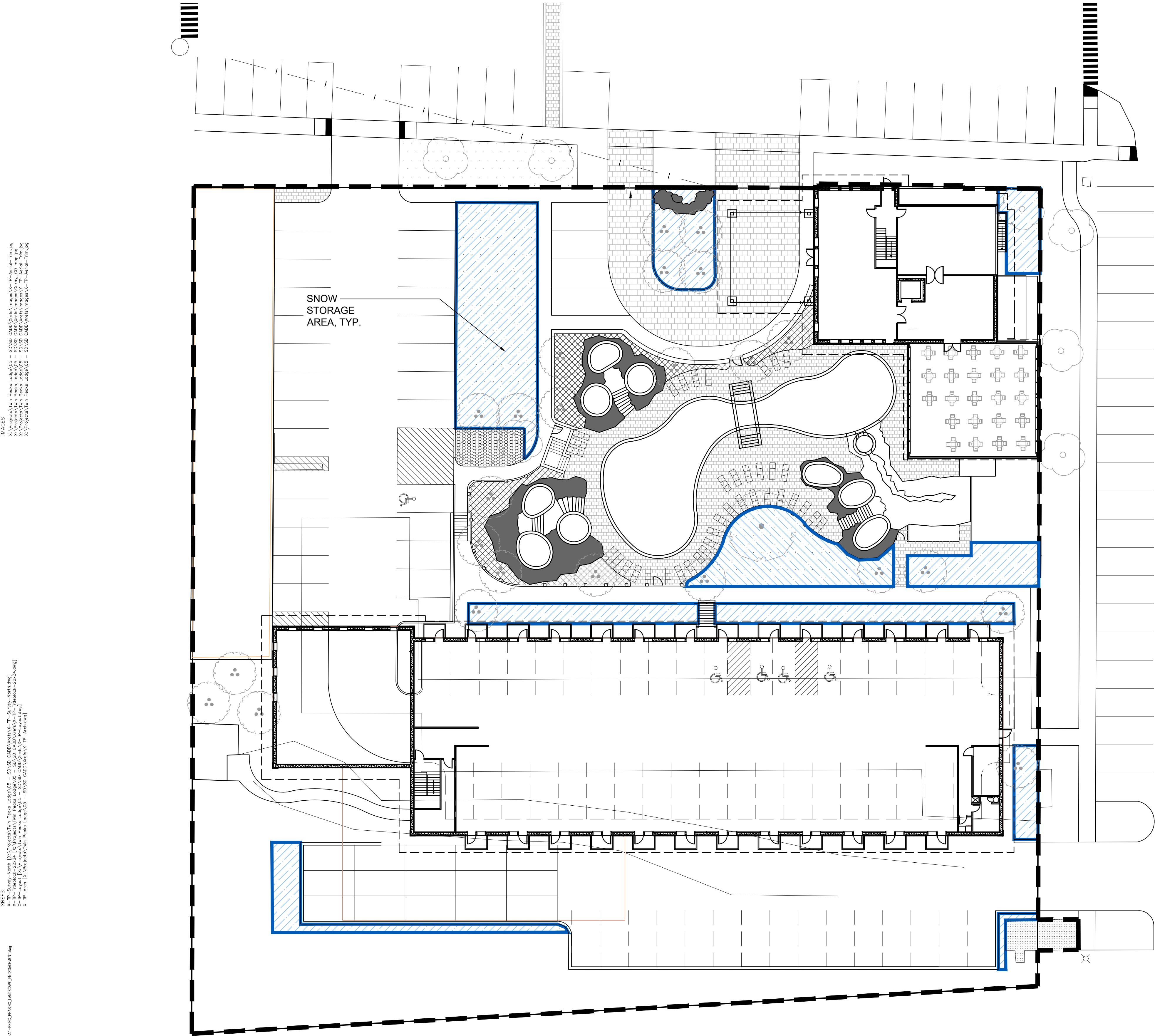
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SHEET NUMBER:

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SHEET 20 OF 38

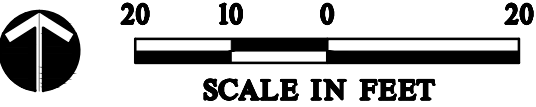




SOUTH SITE TOTALS	
PUD	- 87,556 SQ. FT
SITE AREA TO BE CLEARED OF SNOW VIA SNOWMELT SYSTEM*	- 30,156 SQ. FT
SNOW STORAGE AREA REQUIRED IF NO SNOWMELT SYSTEM WAS PROPOSED(1 SF OF STORAGE/3 SF OF SITE AREA TO BE CLEARED)	- 10,052 SQ. FT
SNOW STORAGE AREA TO BE PROVIDED IF NO SNOWMELT SYSTEM WAS PROPOSED	- 7,671 SQ. FT

PROJECT TOTALS	
PUD	- 130,245 SQ. FT
SITE AREA TO BE CLEARED OF SNOW VIA SNOWMELT SYSTEM	- 45,035 SQ. FT
SNOW STORAGE AREA REQUIRED IF NO SNOWMELT SYSTEM WAS PROPOSED(1 SF OF STORAGE/3 SF OF SITE AREA TO BE CLEARED)	- 15,012 SQ. FT
SNOW STORAGE AREA TO BE PROVIDED IF NO SNOWMELT SYSTEM WAS PROPOSED	- 17,157 SQ. FT

* SITE AREA TO BE CLEARED INCLUDES PRIVATE PARKING, VEHICULAR WAYS AND SIDEWALKS ON PRIVATE PROPERTY, ALL OF WHICH WILL BE SNOWMELTED.



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Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 16102.00
DATE: 03/25/2019
DESIGNED: MB, WC
DRAWN: MB,EP,CW,SC
CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
SNOW STORAGE
PLAN
SOUTH SITE

1"=20'-0"

SHEET NUMBER:

L15

SHEET 21 OF 38

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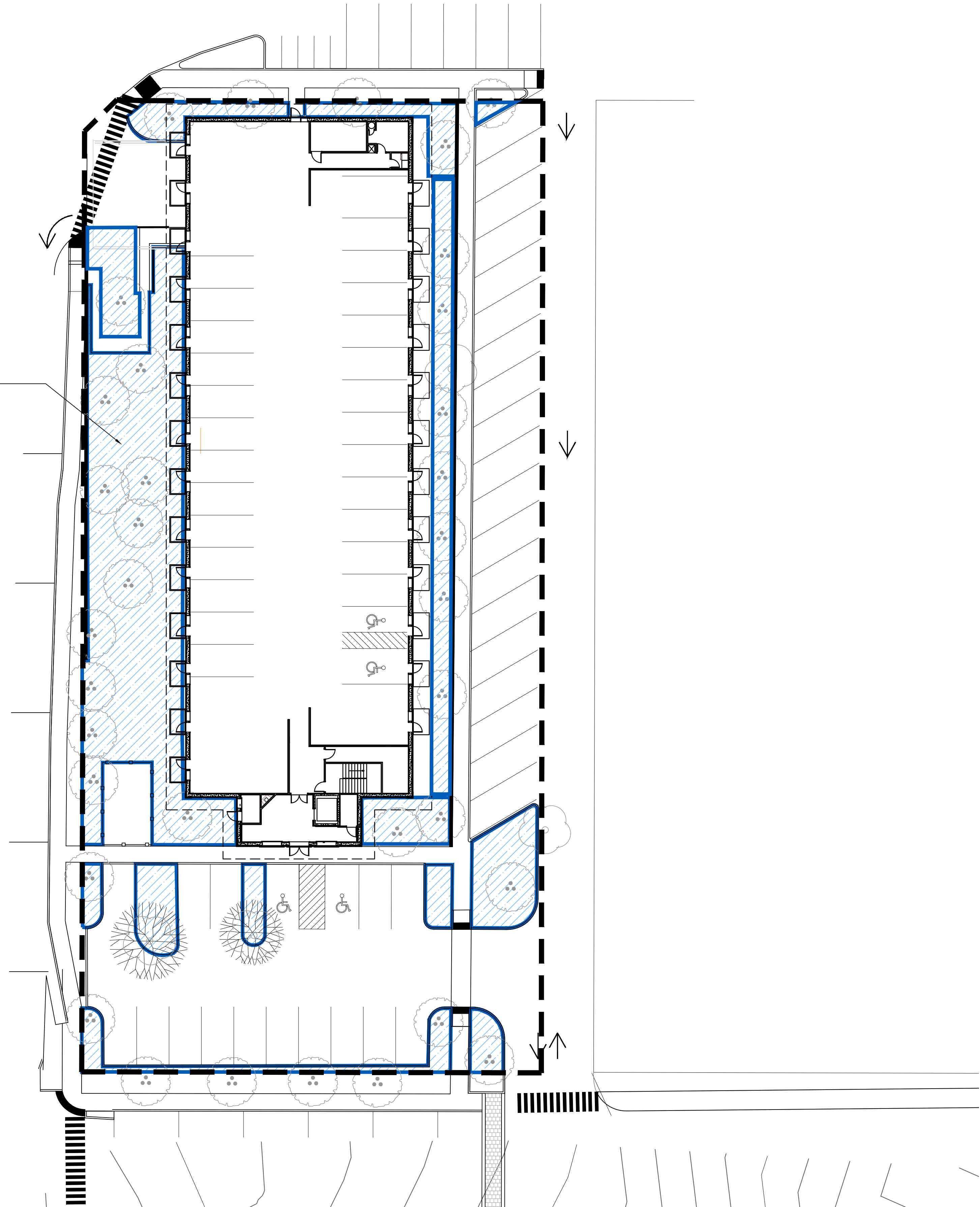
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PLOT DATE: Sep 27, 2019 - 15:49pm

SNOW
STORAGE
AREA, TYP.



NORTH SITE TOTALS

PUD	- 42,689 SQ. FT
SITE AREA TO BE CLEARED OF SNOW VIA SNOWMELT SYSTEM*	- 14,879 SQ. FT
SNOW STORAGE AREA REQUIRED IF NO SNOWMELT SYSTEM WAS PROPOSED(1 SF OF STORAGE/3 SF OF SITE AREA TO BE CLEARED)	- 4,960 SQ. FT

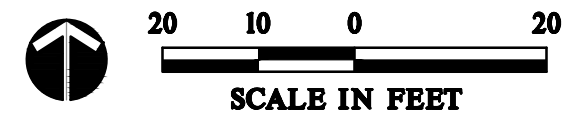
SNOW STORAGE AREA TO BE PROVIDED IF NO SNOWMELT SYSTEM WAS PROPOSED	- 9,486 SQ. FT
---	----------------

PROJECT TOTALS

PUD	- 130,245 SQ. FT
SITE AREA TO BE CLEARED OF SNOW VIA SNOWMELT SYSTEM	- 45,035 SQ. FT
SNOW STORAGE AREA REQUIRED IF NO SNOWMELT SYSTEM WAS PROPOSED(1 SF OF STORAGE/3 SF OF SITE AREA TO BE CLEARED)	- 15,012 SQ. FT

SNOW STORAGE AREA TO BE PROVIDED IF NO SNOWMELT SYSTEM WAS PROPOSED	- 17,157 SQ. FT
---	-----------------

* SITE AREA TO BE CLEARED INCLUDES
PRIVATE PARKING, VEHICULAR WAYS
AND SIDEWALKS ON PRIVATE
PROPERTY, ALL OF WHICH WILL BE
SNOWMELTED.



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Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

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DATE: 03/25/2019
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CHECKED: MB, WC

REVISIONS:
08/23/2019
09/27/2019

JOB DESCRIPTION:
Site Development Permit

SHEET TITLE:
SNOW STORAGE
PLAN
NORTH SITE

1"=20'-0"
SHEET NUMBER:

L16
SHEET 22 OF 38



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**TWIN PEAKS LODGE & HOT SPRINGS
IMPROVEMENT PROJECT
OURAY, CO**

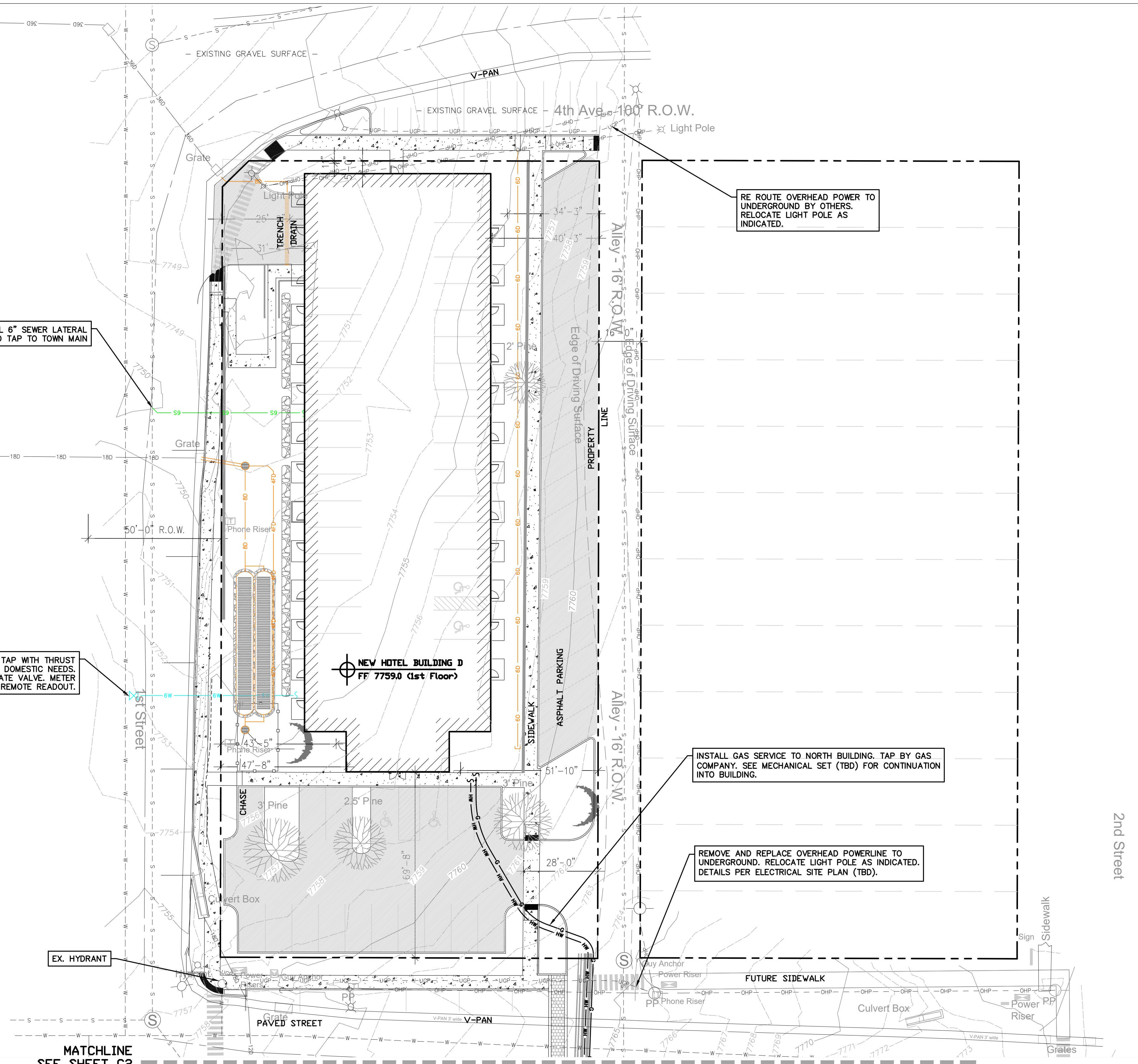
Issue Record:
SITE DEV. PERMIT 03-25-2019

Revisions:
SITE DEV. PERMIT REVISION 08-23-2019
SITE DEV. PERMIT REVISION 2 09-27-2019

Project Number: 18-012
Drawn By: TWE

Sheet
23

(C1) UTILITY
PLAN NORTH



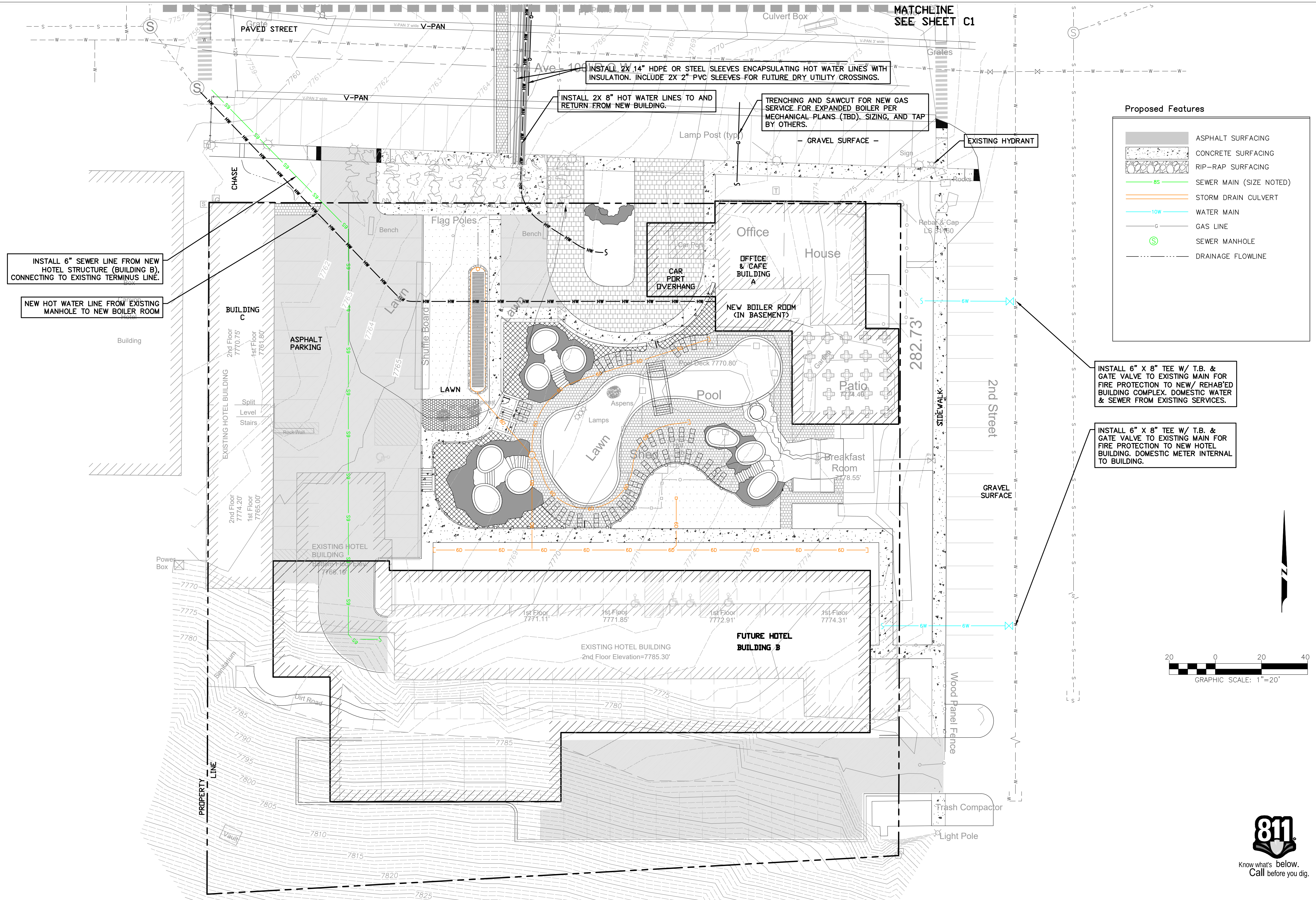
Proposed Features

- ASPHALT SURFACING
- CONCRETE SURFACING
- RIP-RAP SURFACING
- SEWER MAIN (SIZE NOTED)
- STORM DRAIN CULVERT
- WATER MAIN
- GAS LINE
- SEWER MANHOLE
- DRAINAGE FLOWLINE



MATCHLINE
SEE SHEET C2

\\g01\cadd\corporate\projects\2018\18-012 twin peaks lodge-south\sheet\c2.dwg DATE:10/10/2017 USER:TWEL ELOT SCALE:1:1



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TWIN PEAKS LODGE & HOT SPRINGS
IMPROVEMENT PROJECT
OURAY, CO

Issue Record:
SITE DEV. PERMIT 03-25-2019

Revisions:
SITE DEV. PERMIT REVISION 08-23-2019
SITE DEV. PERMIT REVISION 2 09-27-2019

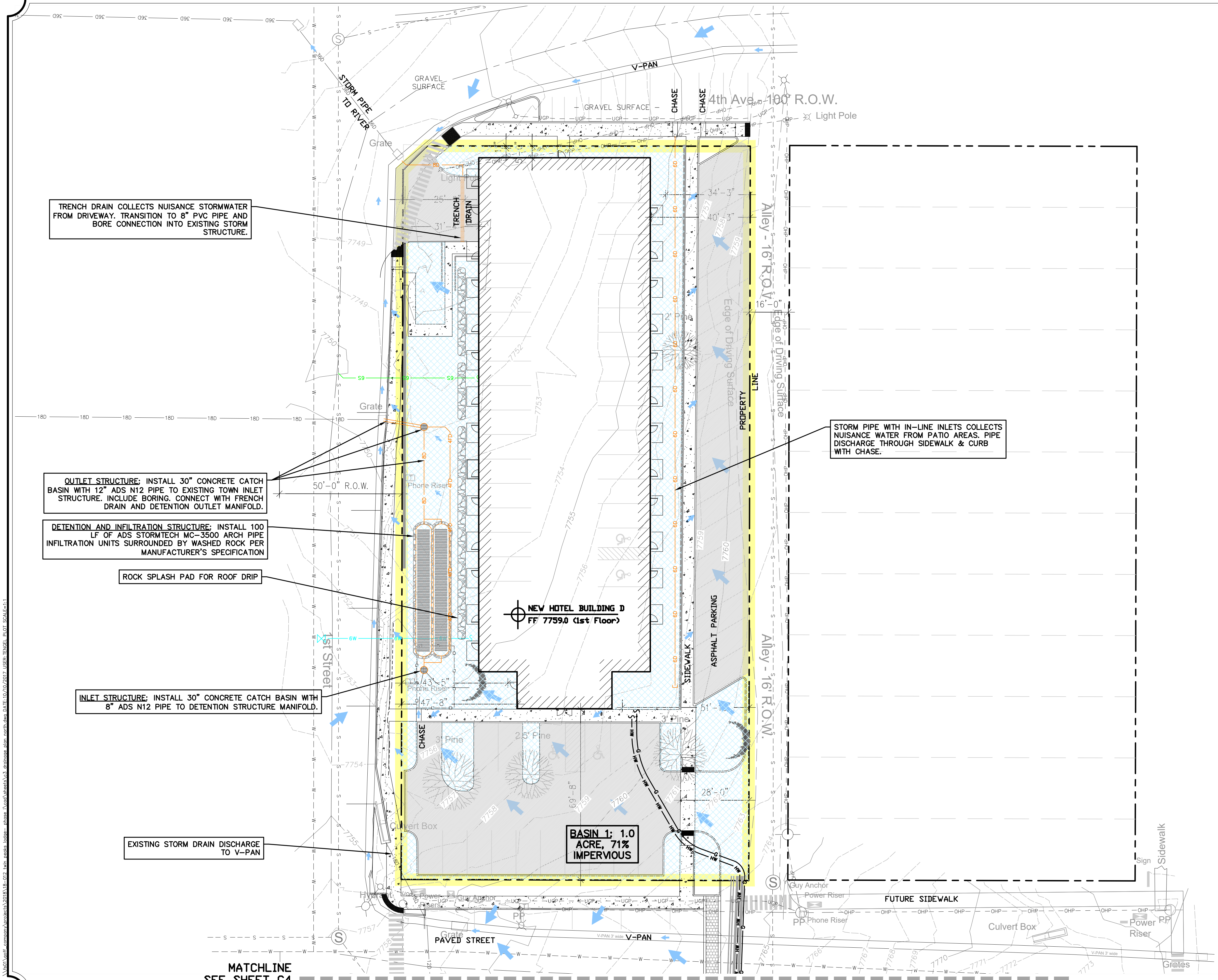
Project Number: 18-012
Drawn By: TWE

Sheet
24

(C2) UTILITY PLAN
SOUTH



Know what's below.
Call before you dig.



Proposed Features

[Symbol]	ASPHALT SURFACING
[Symbol]	CONCRETE SURFACING
[Symbol]	RIP-RAP SURFACING
[Symbol]	SEWER MAIN (SIZE NOTED)
[Symbol]	STORM DRAIN CULVERT
[Symbol]	WATER MAIN
[Symbol]	GAS LINE
[Symbol]	SEWER MANHOLE
[Symbol]	DRAINAGE FLOWLINE
[Symbol]	DRAINAGE FLOW
[Symbol]	PERVIOUS AREA

Know what's below.
Call before you dig.

GRAPHIC SCALE: 1"=20'

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ENGINEERING + SURVEYING INC.

GOFF ENGINEERING
& SURVEYING, INC.
126 ROCK POINT
DRIVE SUITE A
P.O. BOX 97
DURANGO,
COLORADO 81302
(970) 247-1705
www.GoffEngineering.com



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**TWIN PEAKS LODGE & HOT SPRINGS
IMPROVEMENT PROJECT
OURAY, CO**

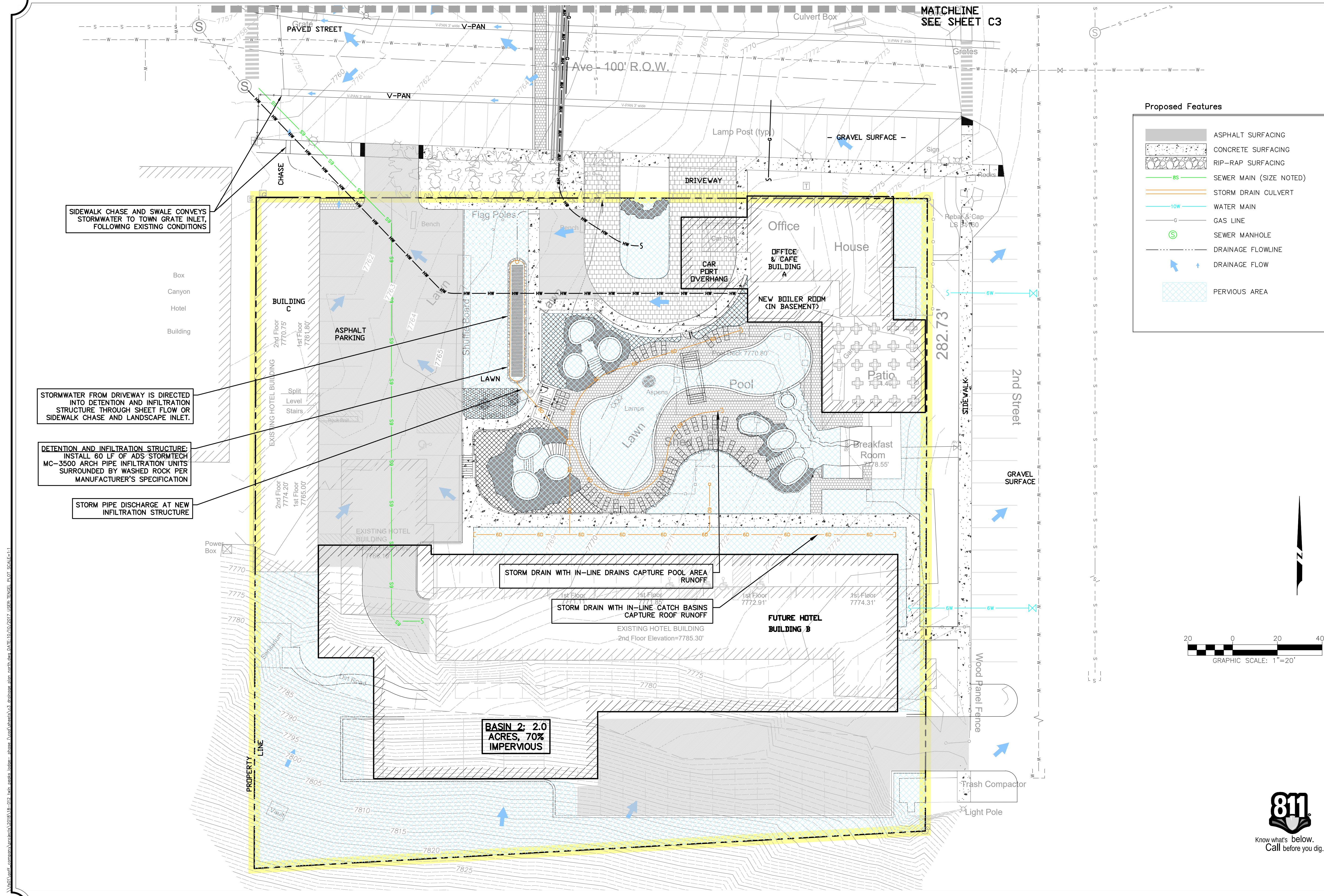
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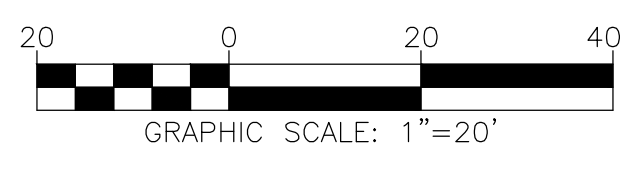
SITE DEV. PERMIT REVISION	08-23-2019
SITE DEV. PERMIT REVISION 2	09-27-2019

Project Number: 18-012
Drawn By: TWE



Proposed Features

	ASPHALT SURFACING
	CONCRETE SURFACING
	RIP-RAP SURFACING
	SEWER MAIN (SIZE NOTED)
	STORM DRAIN CULVERT
	WATER MAIN
	GAS LINE
	SEWER MANHOLE
	DRAINAGE FLOWLINE
	DRAINAGE FLOW
	PERVIOUS AREA



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& SURVEYING, INC.
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DURANGO,
COLORADO 81302
(970) 247-1705
www.GoffEngineering.com

COLORADO REGISTERED
THOMAS W. ENGEL
03/25/19
41393
PROFESSIONAL ENGINEER
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**TWIN PEAKS LODGE & HOT SPRINGS
IMPROVEMENT PROJECT
OURAY, CO**

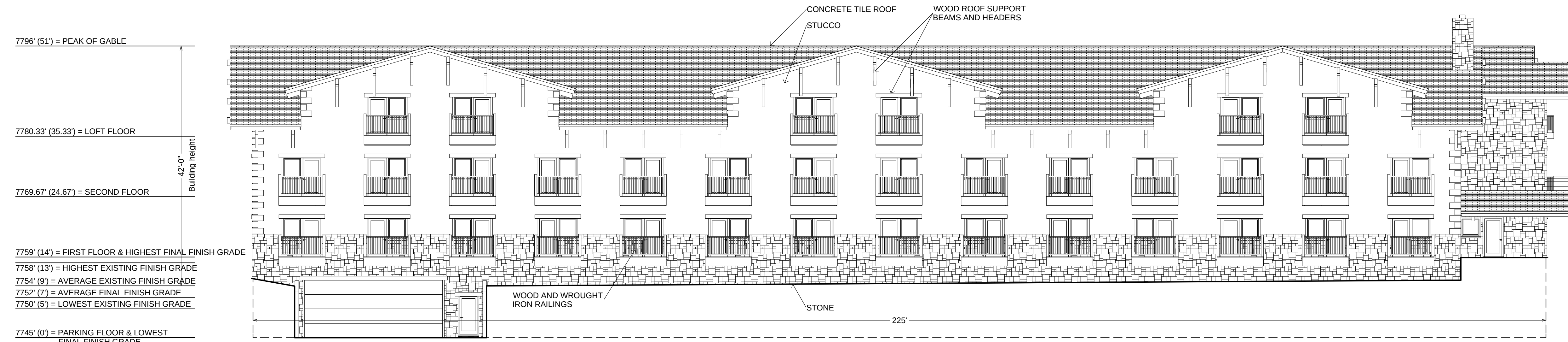
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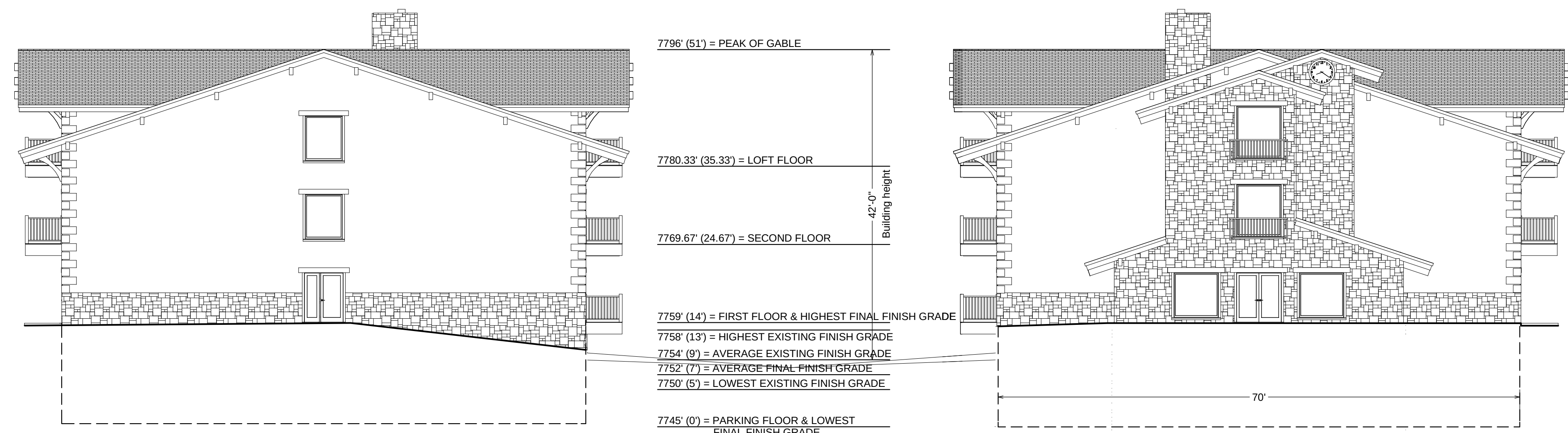
Revisions:

SITE DEV. PERMIT REVISION	08-23-2019
SITE DEV. PERMIT REVISION 2	09-27-2019

Project Number: 18-012
Drawn By: TWE



WEST ELEVATION



NORTH ELEVATION

SOUTH ELEVATION

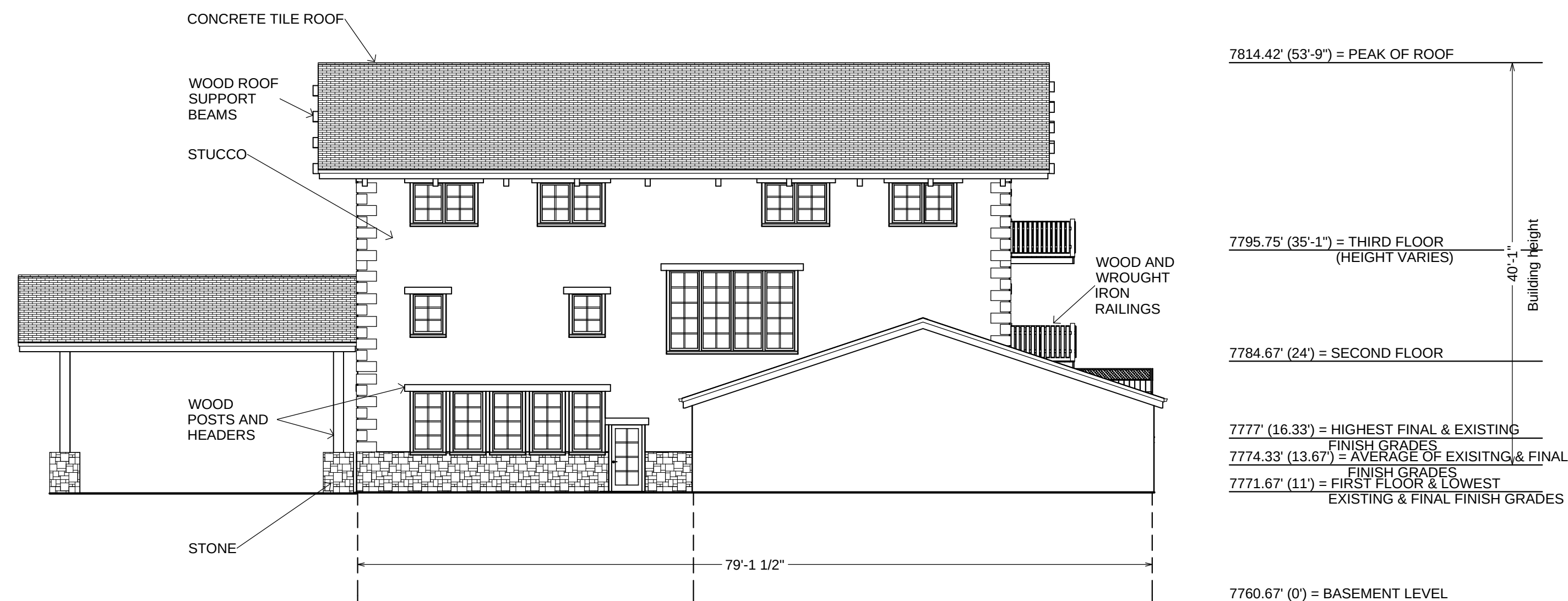


EAST ELEVATION

SCALE: 1" = 10'



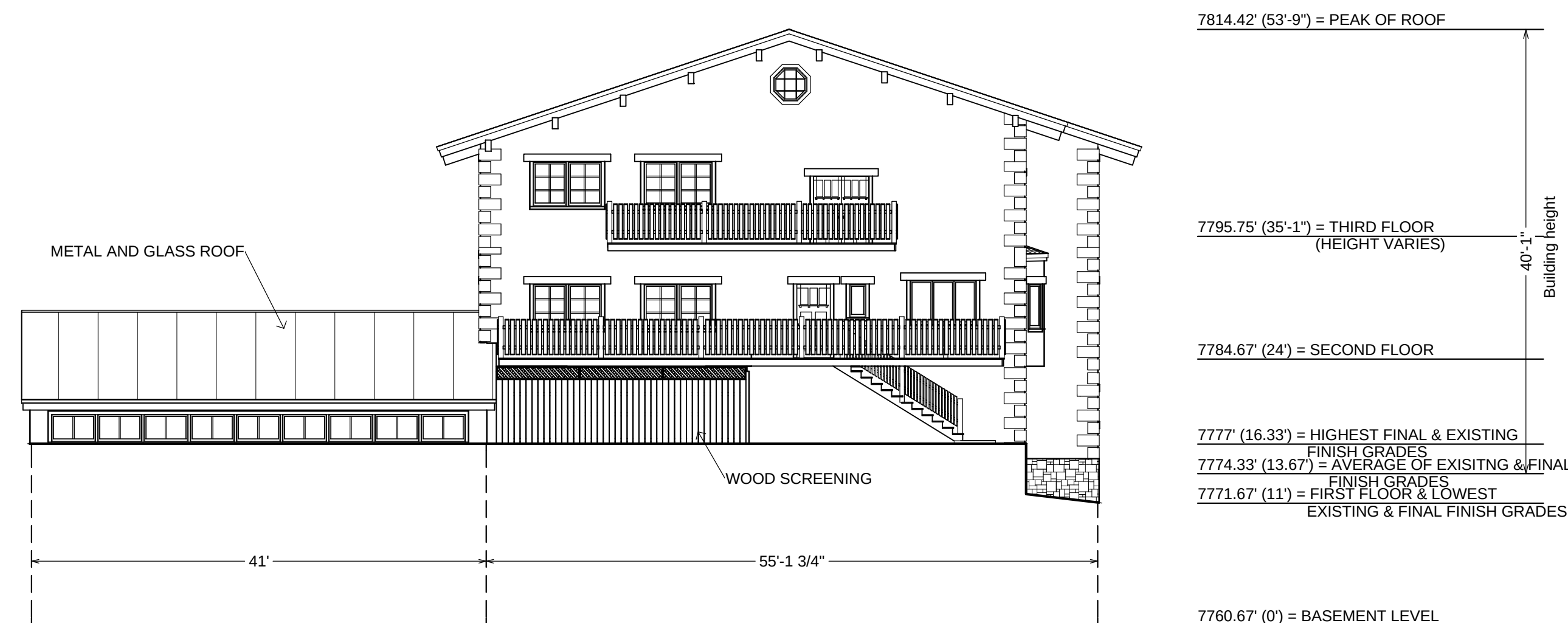
PERSPECTIVE VIEW TO THE NORTHWEST



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

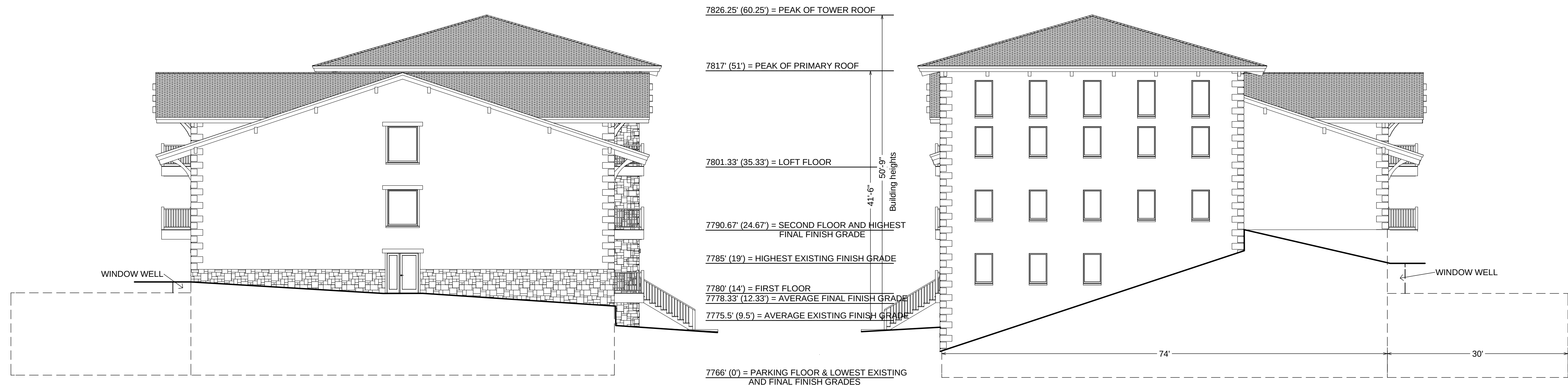
SCALE: 1" = 10'

7826.25' (60.25') = PEAK OF TOWER ROOF
7817' (51') = PEAK OF PRIMARY ROOF
7801.33' (35.33') = LOFT FLOOR
7790.67' (24.67') = SECOND FLOOR AND HIGHEST FINAL FINISH GRADE
7785' (19') = HIGHEST EXISTING FINISH GRADE
7780' (14') = FIRST FLOOR
7778.33' (12.33') = AVERAGE FINAL FINISH GRADE
7775.5' (9.5') = AVERAGE EXISTING FINISH GRADE
7766' (0') = PARKING FLOOR & LOWEST EXISTING AND FINAL FINISH GRADES

41'-6"
50'-9"
Building heights



NORTH ELEVATION



EAST ELEVATION

WEST ELEVATION

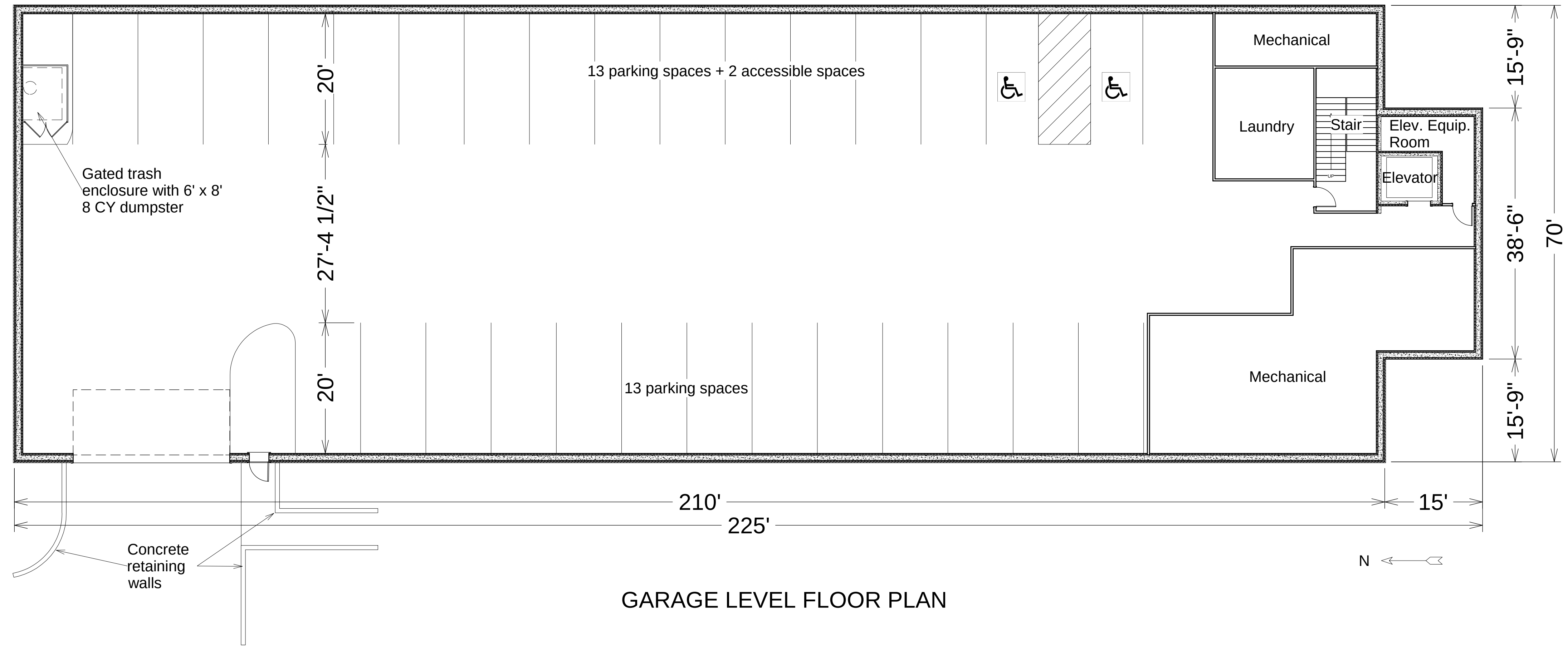
7826.25' (60.25') = PEAK OF TOWER ROOF
7817' (51') = PEAK OF PRIMARY ROOF
7801.33' (35.33') = LOFT FLOOR
7790.67' (24.67') = SECOND FLOOR AND HIGHEST FINAL FINISH GRADE
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7775.5' (9.5') = AVERAGE EXISTING FINISH GRADE
7766' (0') = PARKING FLOOR & LOWEST EXISTING AND FINAL FINISH GRADES

41'-6"
50'-9"
Building heights

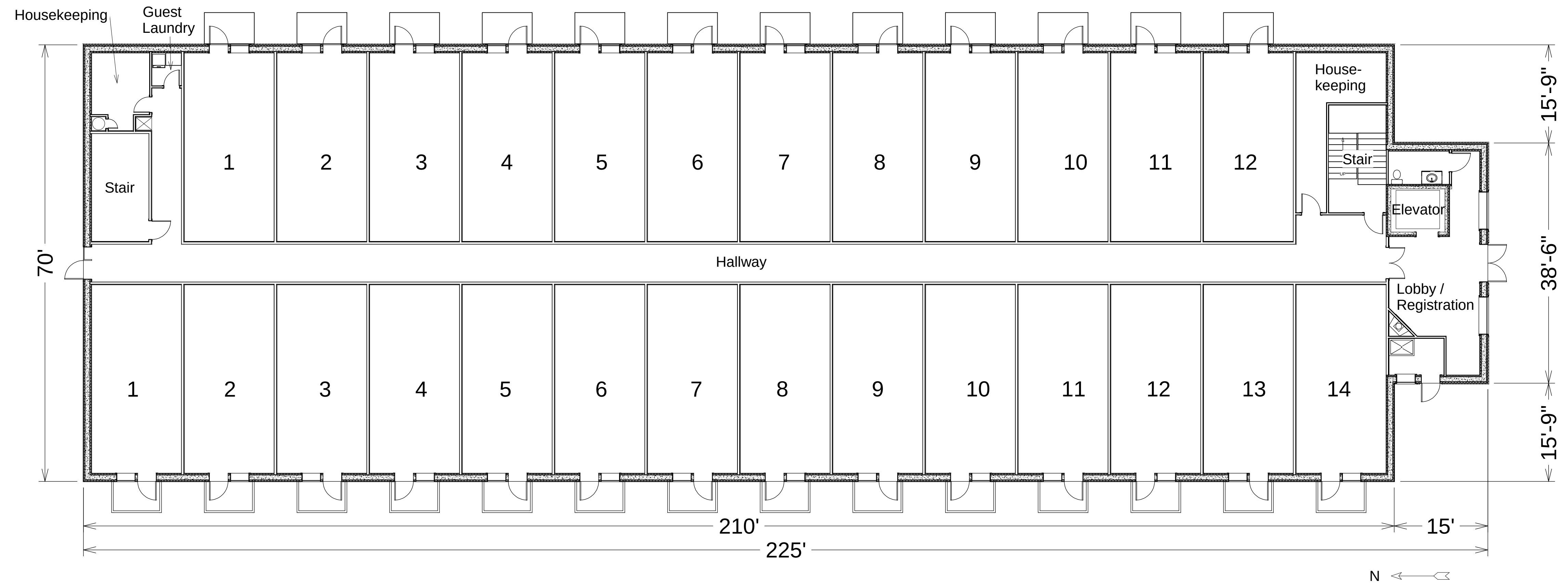


SOUTH ELEVATION

SCALE: 1" = 10'

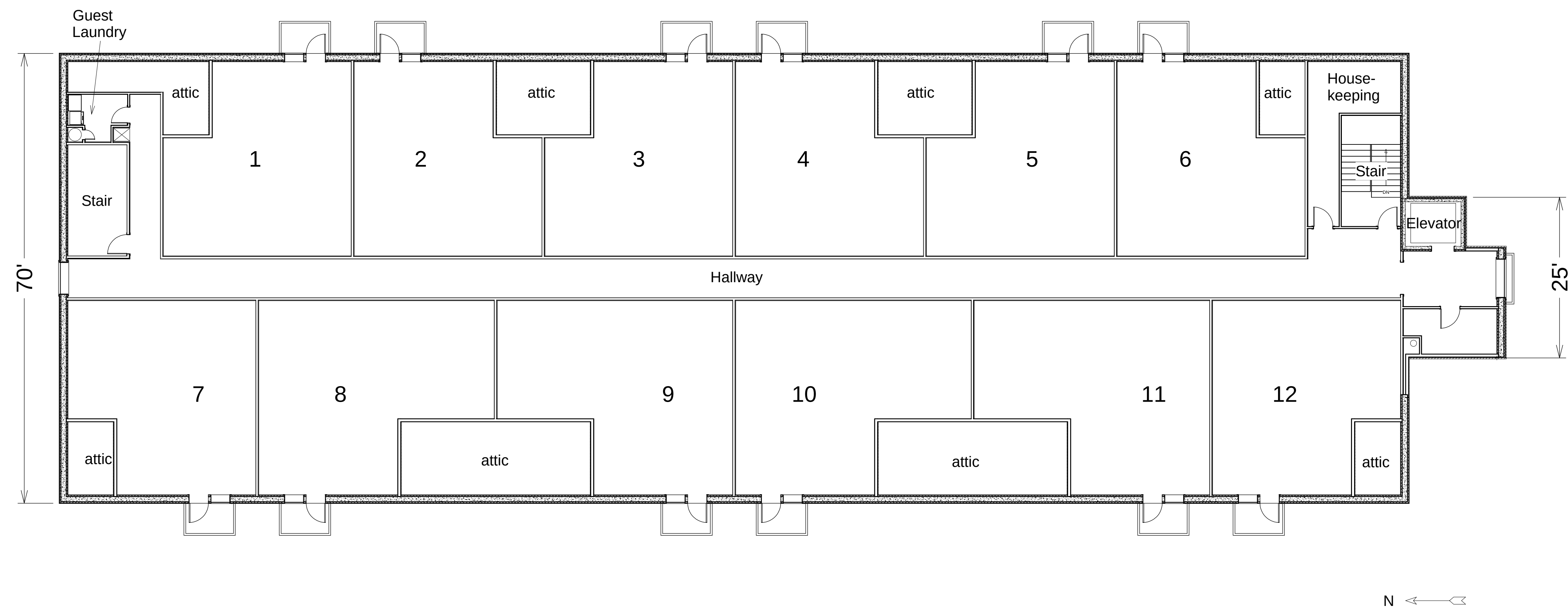
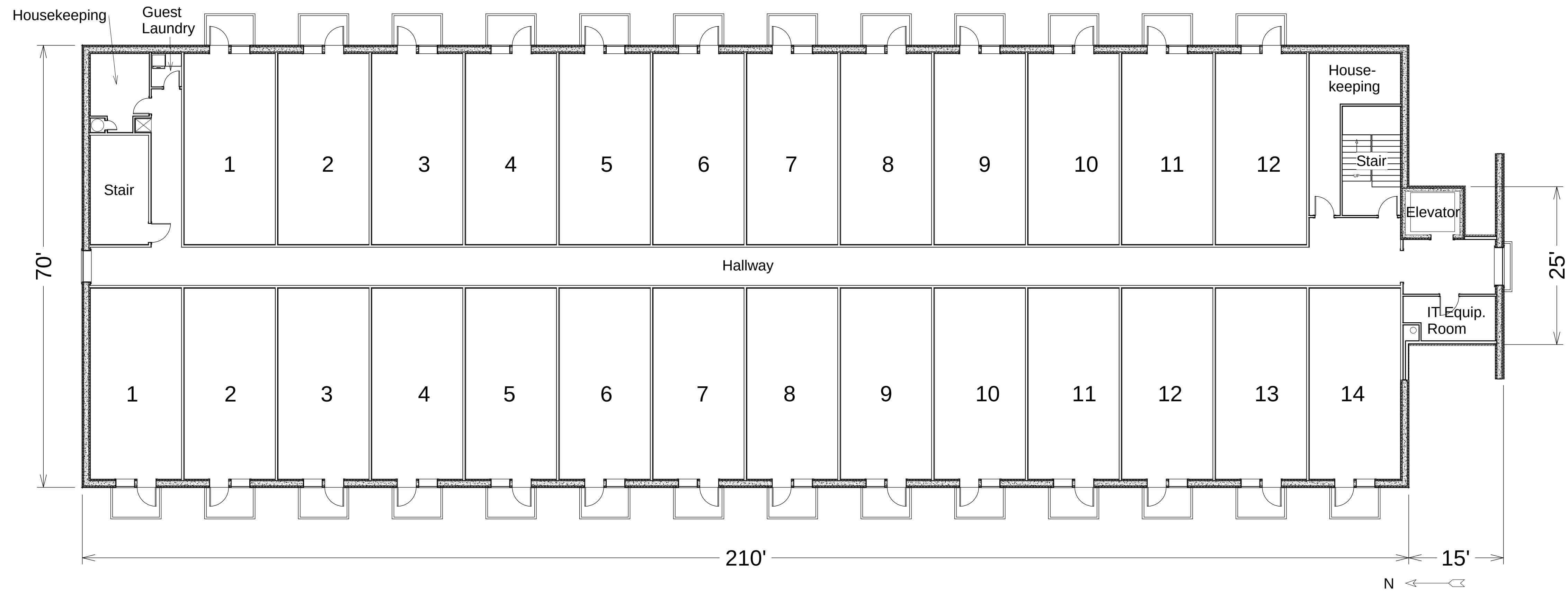


GARAGE LEVEL FLOOR PLAN

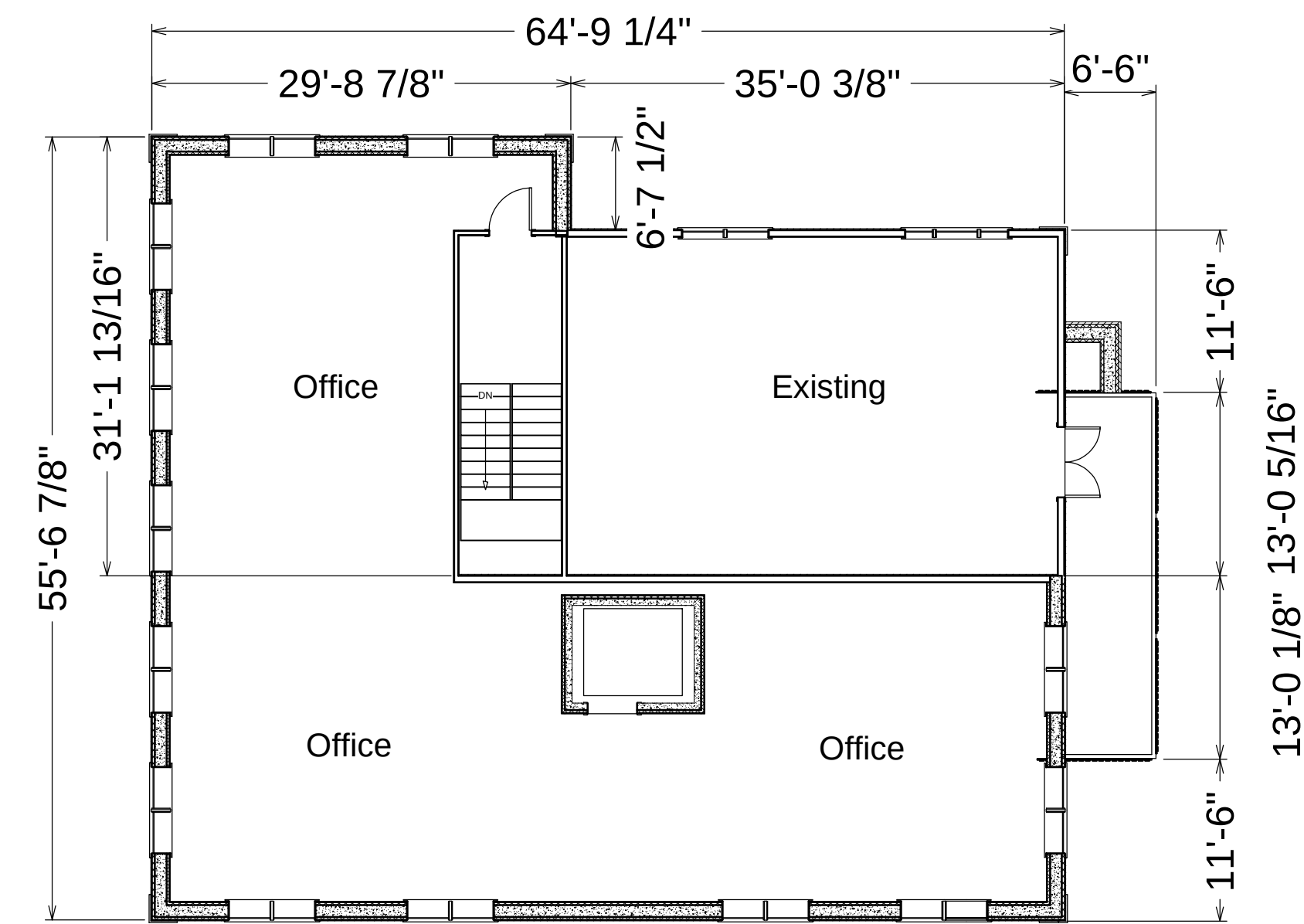


FIRST FLOOR PLAN

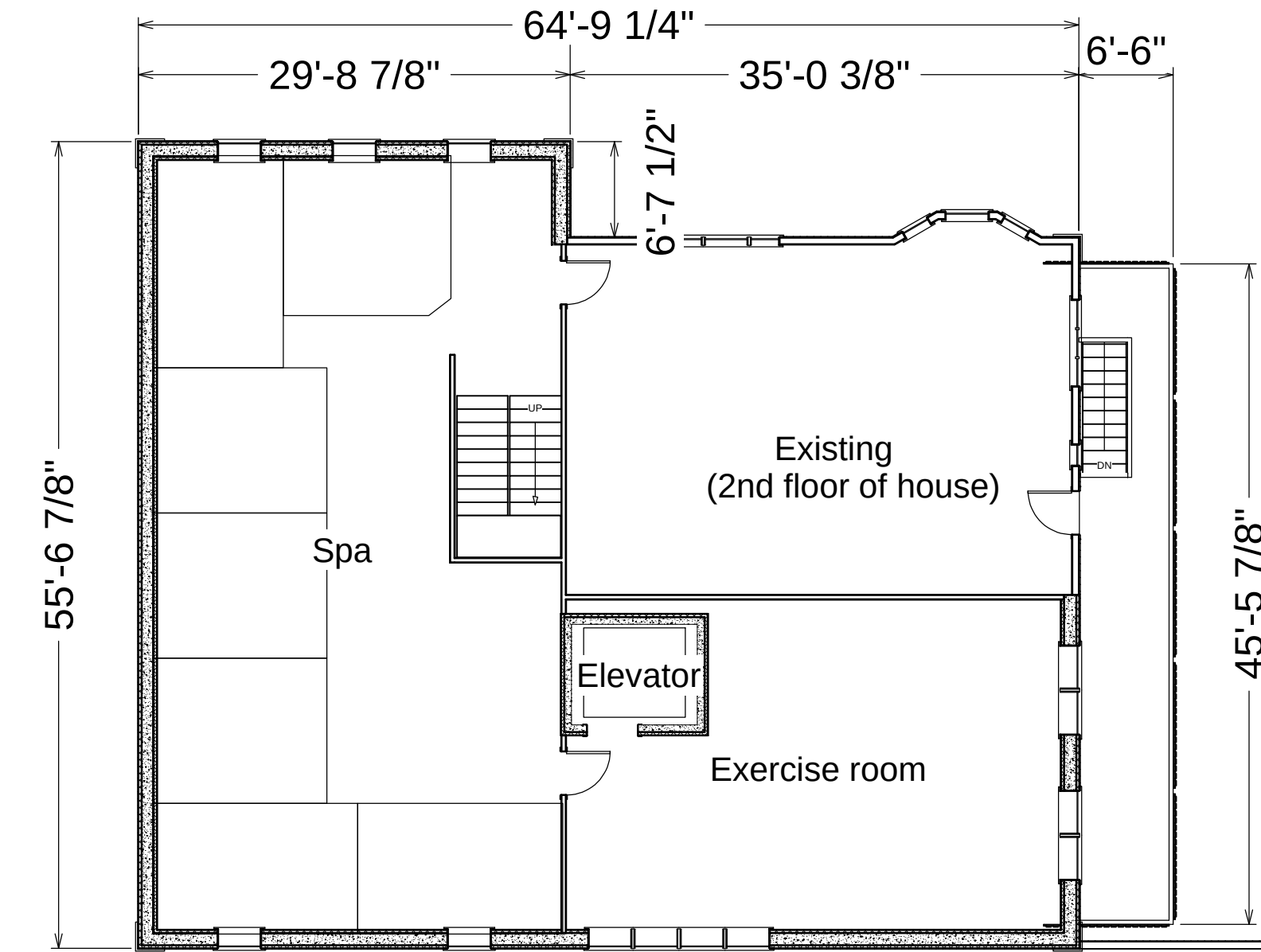
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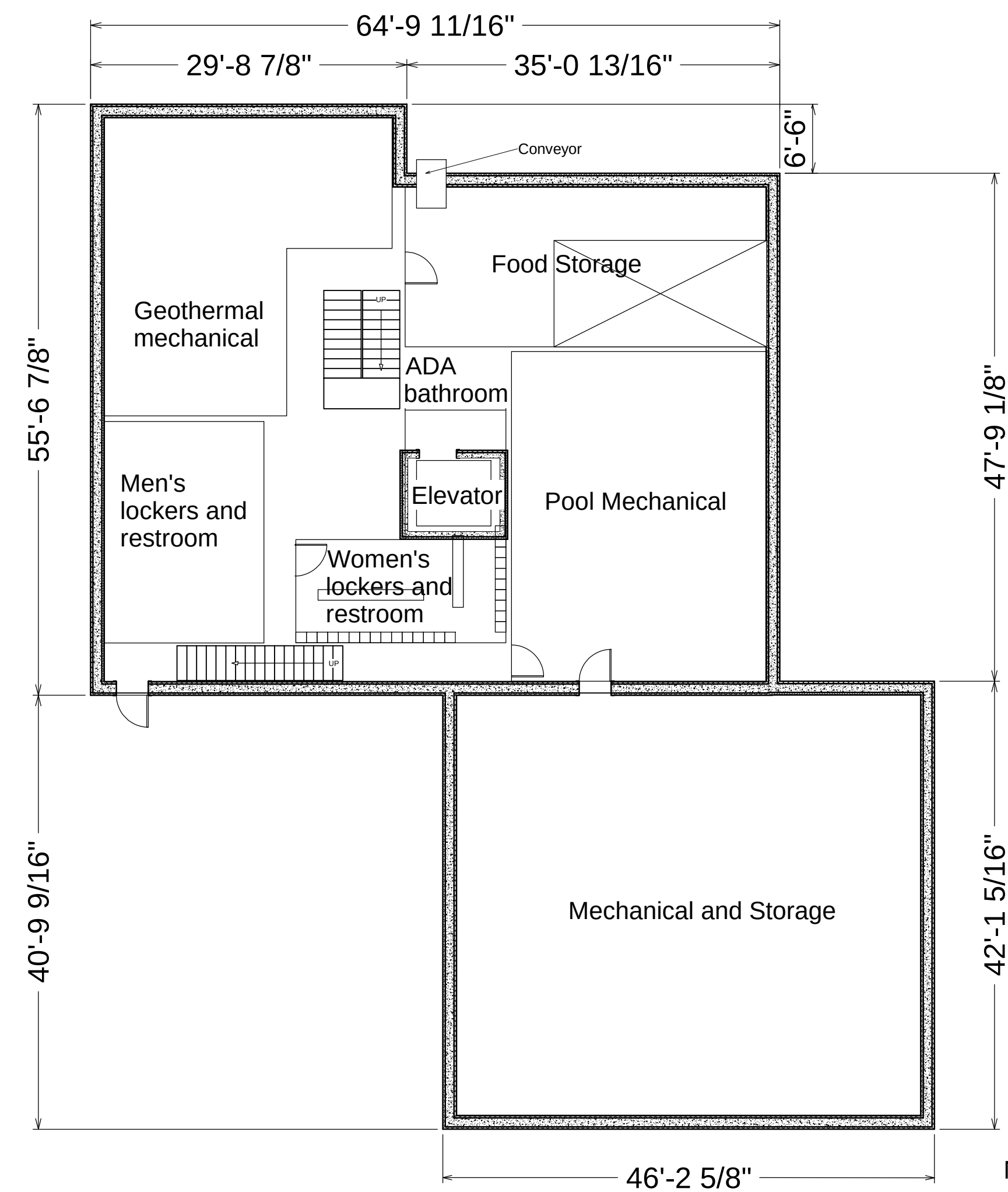
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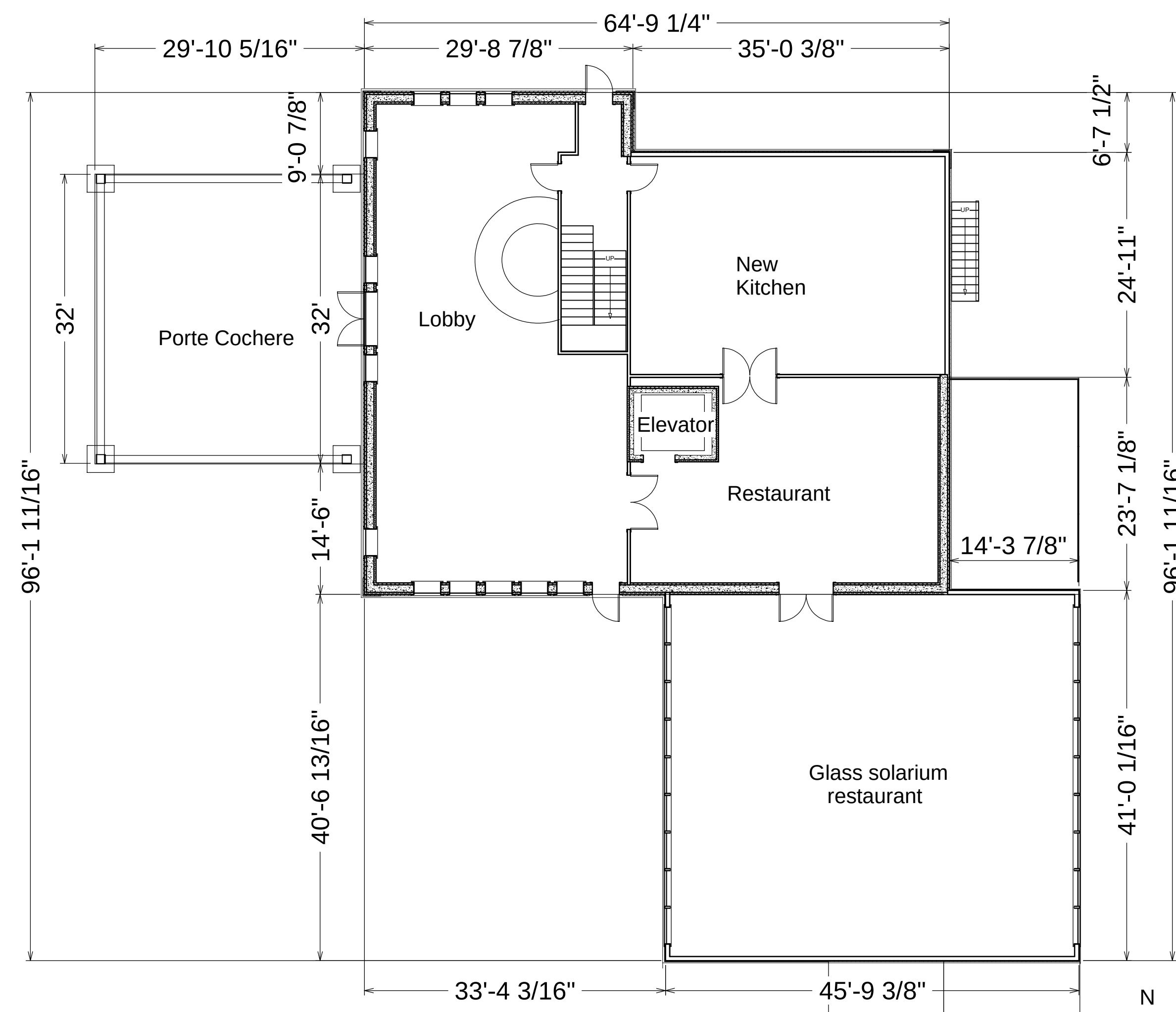
THIRD FLOOR PLAN



SECOND FLOOR PLAN



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN

SCALE: 1" = 10'

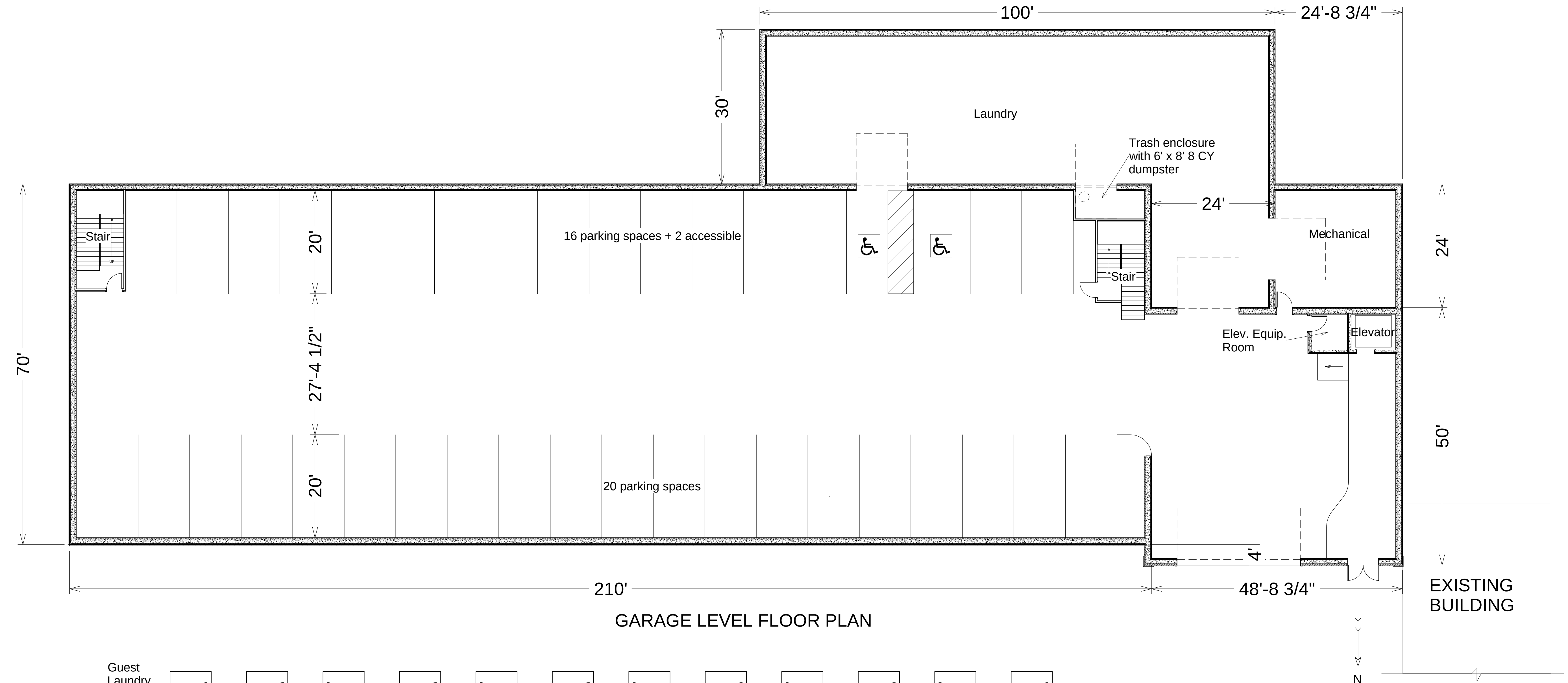
TWIN PEAKS LODGE - BUILDING A

FINAL PUD SUBMITTAL
HOT SPRINGS PHASE

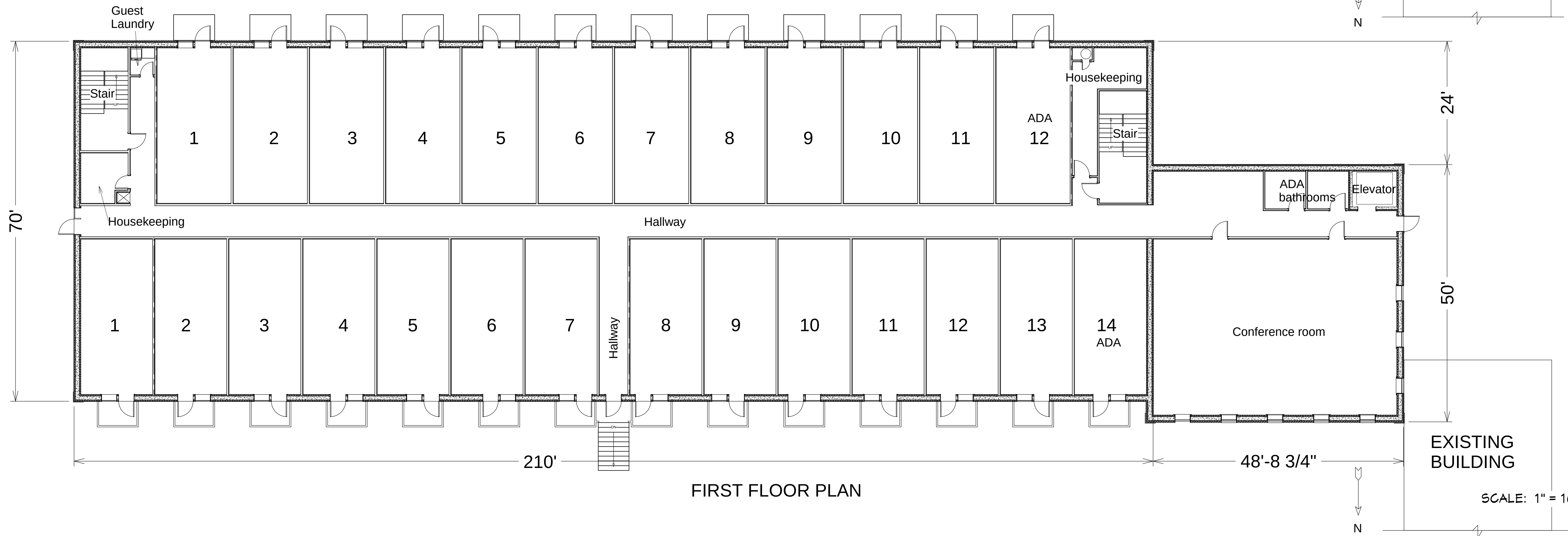
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REVISIONS:

SHEET
A7

NIXON MOORE ASSOCIATES LLC
POB 305
DURAY, CO 81421
470.325.4292



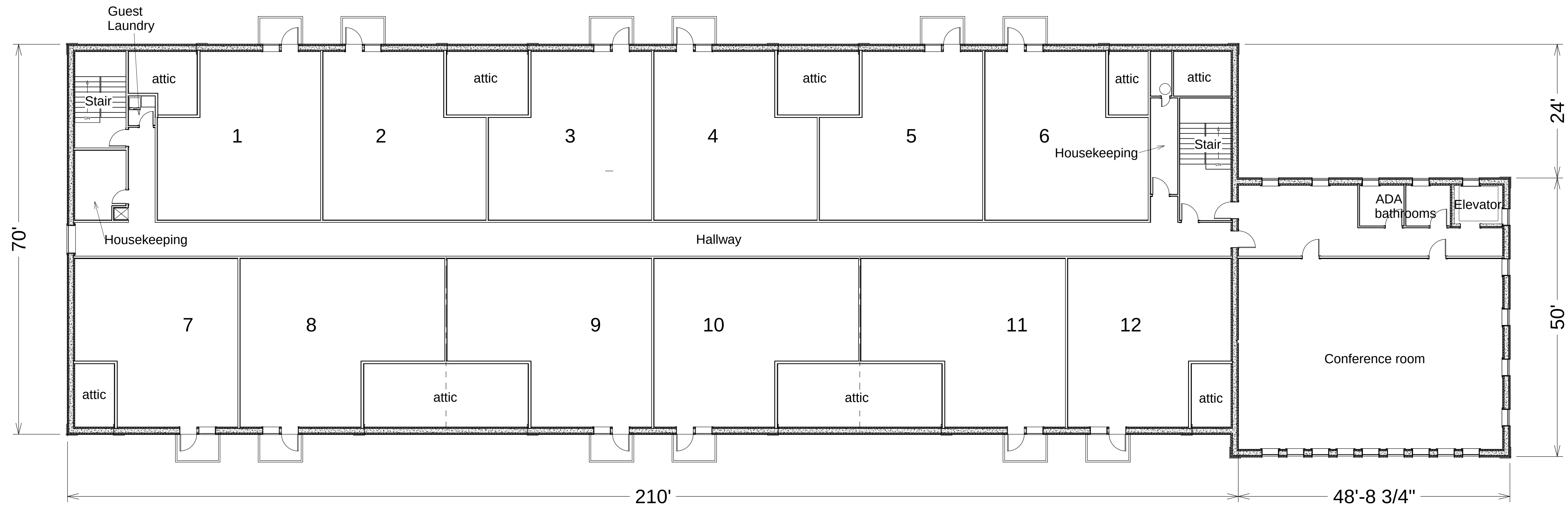
GARAGE LEVEL FLOOR PLAN



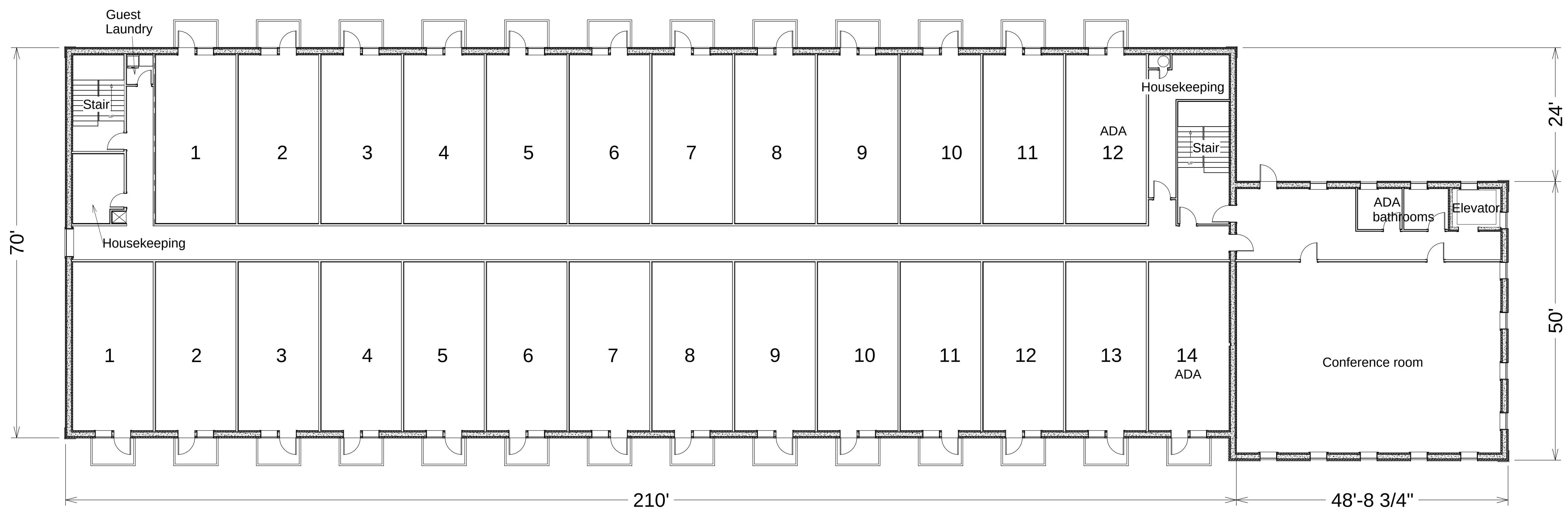
FIRST FLOOR PLAN

TWIN PEAKS LODGE - BUILDING B
FINAL PUD SUBMITTAL TWIN PEAKS PHASE

DATE: 4-19-2014
REVISIONS:



THIRD FLOOR PLAN



SECOND FLOOR PLAN

SCALE: 1" = 10'

ABBREVIATIONS: BOF = BOTTOM OF FIXTURE, RFD = RECESSED FIXTURE DEPTH, OFH = OVERALL FIXTURE HEIGHT, AFF(AGO) = ABOVE FINISHED FLOOR (GRADE), WFD = WALL FIXTURE DEPTH

GENERAL NOTES:

- A. ALL FLUORESCENT AND LED LAMPS TO BE 3500K COLOR TEMPERATURE AND A MINIMUM OF 82CRI, UNLESS NOTED OTHERWISE.
- B. ALL REFLECTOR LAMINATES TO BE PROVIDED AS WIDE FLOOD DISTRIBUTION, UNLESS NOTED OTHERWISE.
- C. ALL FLUORESCENT LUMINAIRES THAT UTILIZE DOUBLE-ENDED LAMPS AND CONTAIN BALLASTS THAT CAN BE SERVICED IN PLACE SHALL HAVE A DISCONNECTING MEANS AS DESCRIBED IN NEC 410.130(D).
- D. PROVIDE LUMINAIRES SHOWN AS SHADED WITH EMERGENCY BATTERY BALLASTS, UNLESS OTHERWISE NOTED. EMERGENCY LUMINAIRES SHALL SENSE UN-SWITCHED POWER TO THE SPACE AND OPERATE AUTOMATICALLY UPON LOSS OF NORMAL POWER. ALL SHADED LUMINAIRES WITH 2FT AND 4FT LAMPS SHALL HAVE ONE (1) 90 MINUTE RATED, TWO LAMP, 1400 LUMEN EMERGENCY BALLAST. ALL SHADED LUMINAIRES WITH COMPACT FLUORESCENT LAMPS SHALL HAVE A FACTORY INSTALLED 90 MINUTE EMERGENCY BALLAST. ALL EMERGENCY LAMPS HAVE REMOTE TEST SWITCHES AND VISIBLE INDICATING LIGHTS. CONNECT THE EMERGENCY BATTERY BALLAST TO THE UN-SWITCHED LEG OF THE LIGHTING CIRCUIT INDICATED.

GENERAL NOTES	
A.	ALL LIGHTING SHALL BE CONTROLLED VIA PHOTOCELL ASTRONOMICAL TIMECLOCK. OPERATIONAL HOURS SHALL BE VERIFIED WITH OWNER PRIOR TO PROGRAMMING.

AE DESIGN
Integrated Lighting and Electrical Solutions
1900 Wazee Street #205 | Denver, CO 80202 | 303.296.3034
aedesign-inc.com Project #: 3474.00

DHM DESIGN

1309 East 3rd Avenue
Room 23
Durango, CO 81301
970.385.4219
www.dhmdesign.com

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without written authorization of
DHM Design Corp.

Twin Peaks Lodge & Hot Springs
125 3rd Avenue, Ouray, Colorado 81427

PROJECT NUMBER: 18102000
DATE: 7.31.2019
DESIGNED: SCK, MJH
DRAWN: SCK, MJH
CHECKED: VRP

REVISIONS: 8.23.2019
9.30.2019

JOB DESCRIPTION:
Site Development Permit
Construction Drawings

SHEET TITLE:
ELECTRICAL
LIGHTING SITE PLAN
SOUTH

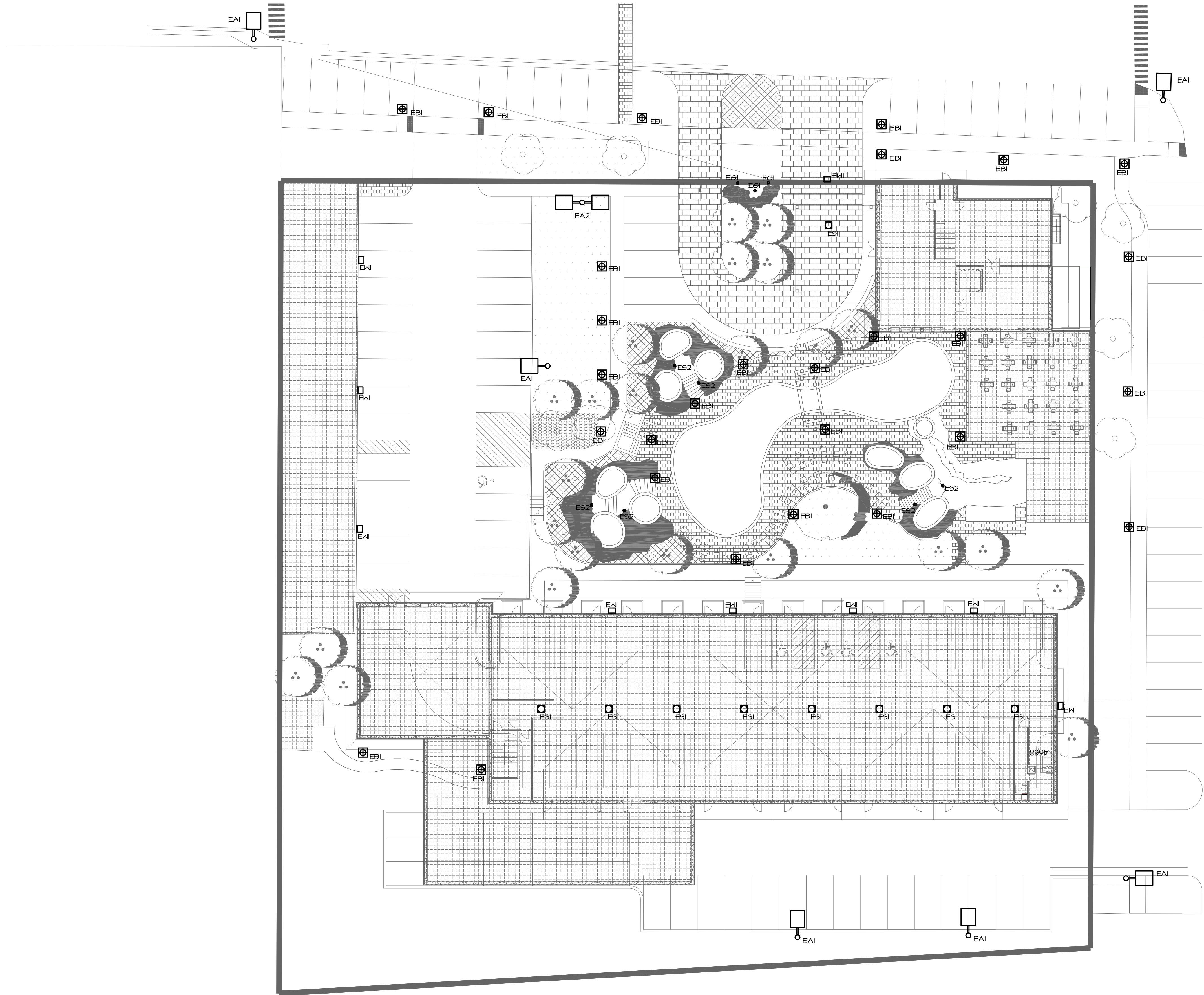
1"=20'-0"

SHEET NUMBER:

E1
SHEET 37 OF 38



GENERAL NOTES	
A.	ALL LIGHTING SHALL BE CONTROLLED VIA PHOTOCELL ASTRONOMICAL TIMELOCK. OPERATIONAL HOURS SHALL BE VERIFIED WITH OWNER PRIOR TO PROGRAMMING.



NOTES:
1. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
2. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
3. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
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6. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
7. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
8. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
9. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
10. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20

NOTES:
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2. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
3. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
4. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
5. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
6. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
7. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
8. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
9. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
10. 3/24/20 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20

FILE NAME: 18102000 - Twin Peaks Lodge Master Plan (Twin Peaks Lodge Master Plan) - 3/24/20 - 3/24/20
PLOT DATE: Sep 30, 2019 - 10:20am
PLOT DATE: Sep 30, 2019 - 10:20am

AE DESIGN
Integrated Lighting and Electrical Solutions
1900 Wazee Street #205 | Denver, CO 80202 | 303.296.3034
aedesign-inc.com Project #: 3474.00

**TWIN PEAKS PLANNED UNIT
DEVELOPMENT IMPROVEMENT AGREEMENT**

THIS AGREEMENT (“Agreement”), dated and made effective as of _____, 2019 (**“Effective Date”**), is entered into by and between the City of Ouray, Colorado, a Colorado Home Rule Municipality (**“City”**) and Hinkson Hein Holdings, LLC (**“Owner”**). City and Owner are sometimes each individually referred to as a **“Party”** and sometimes collectively as the **“Parties”**. The Agreement concerns real property legally described as Blk. 2, Lots 1-24, City of Ouray; Lots 1A-R and Lot 1R, Twin Peaks Repat as recorded in the Ouray County Clerk and Records Office at Reception Number _____ (**“Property”**)

DEFINITIONS

Unless otherwise provided for herein, all capitalized but undefined terms used in this Agreement shall have the meanings set forth in the City of Ouray Land Use and Development Code (**“OLUC”**). In addition, the Parties acknowledge and agree to the following definitions (**“Definitions”**) and further agree that each of the Definitions: (a) form a portion of the basis of this Agreement; and (b) are incorporated in this Agreement. As used herein, the following Definitions shall be given the meaning ascribed to the term as the same are stated below.

- A. **“Applications”** shall collectively mean the various land use applications, including plans, drawings, specification, narratives, reports, studies and other materials prepared by Owner and submitted to the City concerning the development of the Project on the Property: (1) Planned Unit Development pursuant to OLUC Section 7-8 (**“PUD”**); (2) the subdivision of the Property to vacate interior lot lines and provide for the overall development per the Agreement pursuant to OLUC Section 7-7 (**“Subdivision”**); (3) a Site Development Permit pursuant to Section 7-4 of the OLUC (**“Site Development Permit”**); (4) extended vested rights pursuant to OLUC Section 7-9 (**“Vested Property Right”**); and (4) a conditional use permit pursuant to OLUC Section 7-5-F to allow for the rental of ATV and UTV, and similar tourist oriented rentals (**“Conditional Use Permit”**) and all necessary permits and access rights (**“Encroachment Permits and Easements”**).
- B. **“City Council”** shall mean the City of Ouray, Colorado City Council.
- C. **“Final PUD Plan Set”** shall mean the final plans, drawings and specifications for the Property and Project that have been approved by the Planning Commission and the City Council, as reflected in the City Council resolution approving the final PUD, which plans, drawings and specifications consist of each of the documents are listed and described on attached **Exhibit “A”**.
- D. **“Hotel Uses”** shall mean the use and operation of a hotel as a Lodging Business under OLUC Section 7-2, and shall be owned by one entity -.
- E. **“OLUC”** shall mean the City of Ouray Land Use and Development Code adopted by the City, as amended through the Effective Date.
- F. **“North Site”** refers to the development of property that is legally described as _____ as recorded at Reception Number _____.
- G. **“Planning Commission”** shall mean the City of Ouray Planning Commission

- H. “**Project**” shall mean the redevelopment and development for the Property as provided for in the Applications, the Approving Resolution and this Agreement. “**South Site**” refers to the development of property that is legally described as _____ as recorded at Reception Number _____.

RECITALS

- A. The Parties acknowledge and agree to the following recitals (“**Recitals**”) and further agree that each of the Recitals: (a) form a portion of the basis of this Agreement; and (b) are incorporated in this Agreement.
- B. Owner is the current, fee simple owner of the Property.
- C. Owner submitted the Applications to the City, which were reviewed and considered by the City in accordance with applicable law, including but not limited to the OLC.
- D. At a duly noticed and conducted public hearing on April 17, 2018, the Planning Commission unanimously passed a motion recommending the City Council approve the Sketch PUD subject to conditions.
- E. At a duly noticed and conducted public hearing on December 17, 2018, the City Council approved the Sketch PUD subject to conditions.
- F. At a duly noticed and conducted public hearing on February 12, 2019, the Planning Commission unanimously passed a motion recommending the City Council approve the Preliminary PUD subject to conditions.
- G. At a duly noticed and conducted public hearing on April 22, 2019, the City Council approved the Preliminary PUD.
- H. At a duly noticed and conducted public hearing on _____, 2019, the Planning Commission unanimously passed a motion recommending the City Council _____ the Final PUD.
- I. At a duly noticed and conducted public hearing on _____, 2019 the City Council _____ Resolution Number _____ approving Final PUD Application (“**Approving Resolution**”).
- J. The Planning Commission and City Council found that the PUD met the OLC PUD Regulations as set forth in the Approving Resolution.
- K. The PUD public hearings referred to above were preceded by publication of public notice of such hearing(s) on such dates and/or dates from which such hearings were continued in the *Plaindealer* and by posting the Property, posting the agendas, and mailing of public notice to property owners located within three hundred feet (300’) of the Property, as required by the OLC and State Statutes.
- L. The City Council reviewed and approved the Subdivision, Site Specific Development Plan, Vested Property Rights and Encroachment Permits and Easements concurrent with the PUD approval at duly noticed public hearing held on _____, 2019, with public notice as required by the OLC.

- M. The Planning Commission reviewed and approved the Conditional Use Permit at duly noticed public hearing held on _____, 2019, with public notice as required by the OLC, and _____ such permit under Resolution Number _____.

AGREEMENTS AND CONSIDERATION

NOW THEREFORE, in consideration of the foregoing Recitals and Definitions, which are incorporated into this Agreement and the mutual agreements, obligations and promises set forth below and in further consideration of the City's final approval of the Applications for the Project upon all terms and conditions contained herein, the obligations and expenditures of development undertaken by Owner and the mutual obligations and promises set forth below, the receipt and sufficiency of which consideration is hereby acknowledged, the Owner and the City covenant and agree as follows:

1. General Provisions

- A. This Agreement establishes the land uses and density that shall be permitted within the Property, a general development plan, development standards and conditions that must be adhered to by Owner, including Project phasing with specific vesting periods for each phase. This Agreement also specifies improvements that must be made, and conditions, which must be fulfilled in conjunction with the development of the Property. Where this Agreement does not address a specific development standard or requirement of the City, or there is a conflict, the provisions of the City of Ouray Municipal Code and its (OLC) shall apply. Where this Agreement addresses a specific development standard or requirement, the provisions of this Agreement shall supersede the provisions of the OLC. In all cases the provisions of the Charter shall supersede the provisions of the Agreement.
- B. Development of the Property shall be completed in general conformance with the Final PUD Plan Set.

2. Permitted Uses and Density

- A. The permitted uses and maximum density for the Property are set forth in Table 1 and Table 2, respectively. The, developed in accordance with the Final PUD Plans.

Table 1. Permitted Uses

Building	South Site	North Site
Building A	Hotel Uses, including hotel units, hotel lobby/front desk, caretaker unit, restaurant and bar, spa, and associated accessory uses.	NA
Building B	Hotel units, conference space and associated accessory uses.	NA
Building C	Hotel units and associated accessory uses.	NA
Building D	NA	Hotel units and associated accessory uses.
Other Permitted Uses	Pool amenity area for hotel guests; gift shop for hotel guest; sanitarium redevelopment; laundry for lodging operations in the Property; outdoor dining; and rental of ATV, UTV, jeep, bicycles and other tourist recreational equipment or vehicles subject to the City's conditional use review pursuant to the OLC; and accessory uses related to the foregoing.	Lobby area; and prior to the development of Building D, the following uses are permitted: Construction staging for the South Site; rental parking outside of City rights-of-way.

Table 2. Density (Not Including Accessory Hotel Uses Permitted in Table 1 Above)

	South Site	North Site	Total for Property
Existing Built Density	54 hotel units		
New Density	30 hotel units	64 hotel units	
Total Hotel Units	84 hotel units	64 hotel units	148 hotel units
Caretaker Unit	1 unit	NA	1 caretaker unit, 2,400 sq. ft. total
Restaurant/Bar	3,000 sq. ft.	NA	3,000 sq. ft.

- B. The North Site may be sold off separately from the South Site to be operated as a freestanding hotel within the boundaries of the PUD if:
- All the required hotel operational and mechanical components are provided on-site independent from the South Site, including but not limited to a lobby/guest registration; housekeeping; trash disposal/recycling; geothermal energy use (if any); laundry services which may be provided by an outside vendor;.
 - If required by the City, the Owner conveys any needed geothermal water rights with the North Site separate from the South Site and in accordance with the geothermal water rights for the Property, with any needed easements for mechanical systems on the South Site provided at the time of conveyance.
 - The development of the Property is completed in its entirety and the vesting period is over.

3. **Other Dimensional Standards**

Development within the Property shall comply with the dimensional limitations set forth in Table 3.

Table 3. Dimensional Standards

Requirement	Zone District Standards	PUD Standard
Building A		
Setbacks		
Front (North)	Avg. of the existing setbacks on the block front or 15 feet whichever is less	0 feet (Existing)
Rear (South)	5 feet	Approx. 158 feet
Side (East)	5 feet	0 feet (Existing)
Side (West)	5 feet	Approx. 220 feet
Roof Eaves	Extend no more than 1 foot into the required setback	0 feet (Existing)
Maximum Floor Area	10,650 sq. ft.	18,203 sq. ft. ¹
Building Height	35'	40.4' (USGS elevation of 7814.4')
Building B + Sanitarium		
Setbacks		
Front (North)	Avg. of the existing setbacks on the block front or 15 feet whichever is less	Approx. 153'
Rear (South)	5 feet	48'
Side (East)	5 feet	8.5'
Side (West)	5 feet	24'

¹ Bldg. A area includes solarium, restaurant/bar, spa, caretaker unit and breakfast room as a part of overall building.

Table 3. Dimensional Standards (Continued)

Building B + Sanitarium (Continued)		
Roof Eaves	Extend no more than 1 foot into the required setback	Roof Eaves are located outside setbacks
Maximum Floor Area	10,650 sq. ft.	72,718 sq. ft.
Building Height	35	43' (main) USGS of 7817 52.3' (tower) USGS of 7826.25'
South Site (Continued)		
Building C		
Setbacks		
Front (North)	Avg. of the existing setbacks on the block front or 15 feet whichever is less	0 feet (Existing)
Rear (South)	5 feet	Approx. 130 feet
Side (East)	5 feet	Approx. 270 feet
Side (West)	5 feet	0 feet (Existing)
Roof Eaves	Extend no more than 1 foot into the required setback	0 feet (Existing)
Maximum Floor Area	10,650 sq. ft.	9,150 sq. ft.
Building Height	35'	35' with redevelopment
	2.01 ac; 87,773.4 sq. ft./790 = 110.8 units	84 units
Max. Bldg. Site Coverage	50%	38%
Max. Site Coverage	80%	71.1%
Parking	1 space per lodge unit	84 spaces
	2 spaces for caretaker unit	2 off-site, on-street spaces
	Total Required On-site Parking	84 spaces
	Total Provided On-Site Parking	83 spaces
PUD Open Space	20% of 87,555.6 sq. ft.= 17,511.2 sq. ft.	25,770 sq. ft. = 29.9% open space
NORTH SITE		
Building D		
Requirement	Zone District Standards	PUD Standard
Setbacks		
Front (West)	Average of the existing setbacks on the block front or 15 feet whichever is less	26 feet
Rear (East)	5 feet	34'-1"
Side (North)	5 feet	5' to Building
Side (South)	5 feet	65'-10"
Roof Eaves	Extend no more than 1 foot into the required five-foot setback	Roof extends 4' into the 5' setback
Maximum Floor Area	10,650 sq. ft.	60,610 sq. ft.
Building Height	35	42.3' (USGS 7796')
Max. Lodging Unit Density	42,688.8 sq. ft./790 = 54 units	64 units (10 units from South Site)
Max. Bldg. Site Coverage	50%	38%
Max. Site Coverage	80%	75%: 10,596 sq. ft.
Parking	1 space per lodge unit	64 spaces
	Total Provided Parking	64 spaces
PUD Open Space	20% of 42,688.8 sq. ft. = 8,537.8 sq. ft.	25.7%: 10,992 sq. ft.
Total Open Space	20% of 130,224.4 = 26,048.9 sq. ft.	36,762 sq. ft. = 28.2% open space

4. OLUC Variations

Table 4 sets forth the PUD approved variations as allowed by OLUC Section 7-8-D based on a determination that such variations promote the public health, safety and welfare due to the community benefits set forth in Section 5 of this Agreement.

Table 4. OLUC Variations

Building	OLUC Section Number	OLUC Standard	Requested Variation	Variation
Building A	7-5-E(4)(e)(ii)(1)	Front (north) setback that is the average of the existing block front or 15', whichever is less	0' with existing Bld. A actually encroaching onto the Third Ave. Right-of-way	5'
Building A	7-5-E(4)(e)(ii)(2)	5' side (east) setback	0' for new glass solarium and existing Breakfast Room/Bar	5'
Building A	7-5-E(4)(e)(ii)(4)	Roof eaves cannot extend more than 1' into setbacks	0' for glass solarium and existing Breakfast Room/Bar	1'+
Building A	7-5-E(4)(e)(iii)(2)(B)	Maximum floor area of 10,650 feet	Bldg. A is proposed with approx. 18,203 sq. ft.	+ 7,553 sq. ft.
Building A	Table 7-5-D(4)	Maximum height of building 35'	40.4'	+ 5.4'
Building B	7-5-E(4)(e)(iii)(2)(B)	Maximum floor area of 10,650 feet	Bldg. B is proposed with approx. 72,718 sq. ft.	62,068 sq. ft.
Building B	Table 7-5-D(f)(i)	Two off-street parking spaces are required for the caretaker unit.	One on-street parking area with one parking space provided on site for the unit	On-street parking
Building B	Table 7-5-D(4)	Maximum height of building 35'	52.3' for the tower element and 43' for the main roof ridge	+17.3'
Building C	7-5-E(4)(e)(ii)(1)	Front setback (north) that is the average of the existing block front or 15', whichever is less	0 foot north front setback as built today	15'
Building C	7-5-E(4)(e)(ii)(2)	5' side setback	0 foot west side setback as built today with encroachment onto property to the west	5'
Building D	7-5-E(4)(e)(ii)(4)	Roof eaves cannot extend more than 1' into setbacks	Roof eave extends into the side north setback by 4'	4'
Building D	7-5-E(4)(e)(iii)(2)(B)	Maximum floor area of 10,650 feet	Bldg. D is proposed with approx. 60,610 sq. ft.	+ 49,960 sq. ft.
Building D	Table 7-5-D	Lodging Unit density = 790 'sq. ft. per unit = 54 units	64 units are proposed	+ 10 units if North Site only; both sites are - 17 units
Building D	Table 7-5-D	Maximum height of 35'	42.3"	7.3'

5. **Assurance of Innovative Development Plan and Compliance with PUD Criteria**

- A. **Provision of Innovative Plan.** Owner agrees to construct or provide the following improvements and community benefits to assure an innovative development plan; and the enhancement of the public health, safety and welfare in accordance with the OLUC PUD Regulations:
- i. The PUD plan is better than the development that would be seen under the R-2 Zone District, with substantially more open space, clustering of building massing, less site coverage, decreased visual impacts from surface parking due to garage parking, and increased landscape buffering. The development of the Property shall provide for 28.6% open space and landscaping for the South Site and North Site as provided for on the Final PUD Plan Set which is only possible through the provision of underground parking in the garages; and the City approval for larger building size floor areas and higher building heights.
 - ii. The impervious areas of the pool amenity area provide for active and passive open space uses since they are landscaped with large areas of water which, while not maintained in a natural state, meets the open space definition in OLUC 7-2
 - iii. The PUD plan is better than the development that would be seen under the R-2 Zone District, with substantially more open space, clustering of building massing, less site coverage, decreased visual impacts from surface parking due to underground garage parking, and increased landscape buffering.
 - iv. The provision of economic and tourism development through the development of the PUD.
 - v. The redevelopment and significant improvement of an aging hotel property with a modern double-loaded corridor hotel with interior access that improves guest security and improves the hotel's efficiency.
 - vi. The construction and use of the caretaker unit for managing and maintaining the Property. The caretaker unit shall be provided as shown on the Final PUD Plan Set.
 - vii. The Owner shall provide the public improvements as set forth in Table 5:
- B. **Public Improvements.** The Owner shall provide for the public improvements for the North Site and South Site as set forth in Table 5

Table 5. PUD Public Improvements

South Site Improvements as Shown on Final PUD Plan Set	Timing/Trigger to Provide
a. Five-foot (5') sidewalk and new streetlights to be installed between the alley east of the North Site and 2 nd street as shown on Sheets LO and EO, E1 and E2 of the Final PUD Plan Set labeled as "South Site Improvement 1a".	The redevelopment of Building A or the pool amenity area, whichever occurs first.
b. Design and construction of crosswalk with installation of cross walk signs and cross walk as approved by the City as shown on Sheet LO of the Final PUD Plan Set labeled as "South Site Improvement 1b"	The development of Building B.
c. Five-foot (5') sidewalk and new streetlights to be installed on the south side of Third Avenue between the Box Canyon Lodge and Second Street as shown on Sheets LO and EO, E1 and E2 of the Final PUD Plan Set labeled as "South Site Improvement 1c."	The redevelopment of Building A or the pool amenity area, whichever occurs first.

d. Create public conference/meeting space in Building B to attract broader tourist base and expand the tourism season of the Final PUD Plan Set”.	The development of Building B.
e. Gray water recovery/ recycling system.	The redevelopment of Building B.
f. Installation of all new dark sky compliant streetlights on both sides of the street between 2 nd street and 1 st street.	The redevelopment of Building A or the pool amenity area, whichever occurs first.
g. All over head utilities to be put under ground from between the alley east of the North Site and 2 nd street as shown on Sheet LO of the Final PUD Plan Set labeled as “South Site Improvement 1g”.	The redevelopment of Building A or the pool amenity area, whichever occurs first.
North Site Improvements as Shown on Final PUD Plan Set	Timing/Trigger to Provide
a. Alley improvements to include valley pan and pavement as shown on Sheet LO of the Final PUD Plan Set labeled as “North Site Improvement 1a”.	Development of Building D.
b. Design and construction of crosswalk with installation of cross walk signs and cross walk as approved by the City as shown on Sheet LO of the Final PUD Plan Set labeled as “North Site Improvement 1b”	Development of Building D.
c. Removal of two overhead power lines in Alley and undergrounding utilities as shown on Sheet LO of the Final PUD Plan Set labeled as “North Site Improvement 1c”.	Development of Building D.
d. All over head utilities to be put under ground from ally to First Street as shown on Sheet LO of the Final PUD Plan Set labeled as “North Site Improvement 1d”.	Development of Building D.
e. Gray water recovery/ recycling system.	Development of Building D.
f. Sidewalks along Third Avenue, Fourth Avenue and First Street and new streetlights as shown on Sheet LO and EO, E1 and E2 of the Final PUD Plan Set labeled as “North Site Improvement 1f”.	Development of Building D
g. Encroachment of street improvements and drainage on northwest corner of Subject Property to be deeded to the city.	Dedicated as part of Final PUD plat.

- C. The City will review and approve construction documents for all public improvements prior to installation consistent with the effective Specifications.
- D. The City will review and approve the street light fixtures, poles and heights prior to installing the lights.
- E. The Owner will enter into an improvement agreement with the City prior to commencing construction of the public improvements that will outline the estimated costs for each improvement on a line item basis, the estimated costs and a 20% contingency. The Owner will

provide collateral to the City for the amount of the uncompleted improvements prior to issuing a certificate of occupancy for the building associated with the improvement. Owner's collateral shall be returned upon satisfactory completion of the improvements in accordance with this Agreement, Specifications; and the requirements of the Municipal Code.

- i. The form and content of the improvement agreement shall be set forth by the City.

6. **Parking**

- A. The caretaker unit on the Property were established prior to the City requiring development to provided off-street parking. The current caretaker unit is therefore a legal nonconforming use of the Property and no off-street parking is required.
- B. The caretaker unit on-street parking shall not be reserved and is available to the general public at any time in accordance with City parking regulations and parking laws.
- C. The Owner shall defend and hold the City harmless from and against any and all claims, demands, liabilities, actions, costs, damages, and attorney's fees that may arise out of or result directly or indirectly from vehicular on-street parking for the Hotel Uses and caretaker unit including any damage caused by snow plowing or other street maintenance.
- D. The Owner may use the North Site for South Site parking uses during the construction of the South Site.

7. **Encroachments**

- A. The City Council concurrently reviewed and approved the revocable encroachment permits as shown in Table 6 with the adoption of this Agreement.

Table 6. Approved Revocable Encroachments

Encroachment as Shown on Final PUD Plan Set	Reception Number for Encroachment Agreement
a. Building A onto the Third Avenue Right-of-Way	
b. Trash Compactor/Dumpster	
c. Geothermal lines between the South Site and North Site.	

- B. The encroachments into the public rights-of-way and private property shall be removed as provided for in Table 7.

Table 7. Right-of-Way Encroachment Removal

Encroachment as Shown on Final PUD Plan Set	Timing/Trigger to Remove
a. Water Feature/Retaining Wall on the South Site on 2 nd Street	The redevelopment of Building B.
b. Storage Area, Fence and Current Hotel Building on 2 nd Street	The development of Building B.
c. Current fence encroachments onto Third Avenue and Second Street	The redevelopment of Building A.

- C. Prior to recording this Agreement, the Owner shall enter into an encroachment agreement for

Building C with the Box Canyon Lodge property owner to allow for the ongoing use of the building encroachment until Building C is redeveloped and built within the Property.

8. **PUD Private Open Space**

- A. The Owner shall provide for 28.6% private open space as shown on the Final PUD Plan Set.
- B. The Owner shall provide for the pool amenity area that acts as open space for the overall PUD.
- C. The private open space areas and pool amenity area shall be owned and maintained by the Owner of the Property.

9. **Design Standards**

- A. The Owner shall develop the Property in general conformance with the exterior materials shown in the Final PUD Plan Set.
- B. The Owner shall detail the final exterior materials and colors in the building permit applications for administrative City staff review and approval. Primary colors shall be designed to blend into the surrounding mountain backdrop while trim can have more active colors to provide interest.
- C. Lighting specifications for all exterior lighting shall be provided with the building permit submittal. All exterior lighting shall be LED and dark sky compliant. Decks shall only be permitted to have in wall lights that are louvered down and low enough on the walls to prevent off site glare to surrounding properties.
- D. Building ventilation will be minimized and combined where possible, and places in the least visible location where viewed from Third Avenue for the South Site and from First Street for the North Site.
- E. All parking areas shall be painted and maintained with stripping in general conformance with the Final PUD plans.
- F. Landscaping shall be installed and maintained in accordance with the Final PUD Plans.
- G. All snow storage shall be provided within the Property. No snow storage is allowed in the surrounding rights-of-way surrounding the Property unless the City has issued a license or other legal agreement.
- H. All improvements shall be designed and constructed in accordance with the effective City Standard Specifications for Infrastructure Construction ("**Specifications**") at the time of submitting for a building permit.

10. **Phasing**

- A. The Owner will develop the Property in phases and not all at once with the phasing and estimated timing set forth in Table 8:

Phase	Estimated Start Time	Estimated Completion
1. Hot Springs Phase. This phase includes the redevelopment of Building A on the South Site in accordance with the PUD with new lobby, spa, restaurant, caretaker unit and Project mechanical equipment.	October 1, 2021	July 1, 2022
2. Pool Amenity Area Phase. This phase includes the redevelopment and creation of the new hot springs pool amenity area that may occur separately or with either the Hot Springs Phase or the Twin Peaks Phase.	October 1, 2021	July 1, 2022

3. Twin Peaks Phase. This phase includes the demolition of the existing hotel building on the South Site and the construction of Building B along with the associated hotel units, conference facilities, housekeeping facilities and related accessory uses.	October 1, 2027	July 1, 2029
4. O’Weiler Park Phase. This phase includes the development of the North Site and Building D with hotel and accessory uses.	October 1, 2034	September 1, 2036

11. **Vested Property Rights**

- A. The Owner applied for and obtained approval of a site-specific development plan and vested property right for the development of the Property pursuant to this Agreement.
- B. The vested property right was granted due to the phasing for the development, and the need for the City to construct a new sewage treatment plant.
- C. The vested property right run with the Property and confers to the Owner the right to undertake and complete the development and use of the Property subject to the terms and conditions of the site-specific development plan and this Agreement.
- D. Failure to abide in the terms and conditions of the site-specific development plan and vested property right shall result in a forfeiture of the vested property right.
- E. Notice of this vested property right was published in the Plaindealer on [REDACTED], 2019 (“**Date of Publication**”) as required by CRS 24-68-103(1)(c).
- F. The length of the vested property right shall be 15 years from the Date of Publication.
- G. The vested property right is subject to the provisions and limitations of Colorado Revised Statutes (“**CRS**”) Title 24, Article 68.
- H. The establishment of the site specific development plan vested property right precludes any zoning or land use action by a local government or pursuant to an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in a site specific development plan, except:
 - i. With the consent of the affected landowner;
 - ii. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare;
 - iii. To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner after approval by the governmental entity, including, but not limited to, costs incurred in preparing the site for development consistent with the site specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.
- I. The establishment of the vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- J. When the vest property right expires this Agreement shall remain effective subject to the terms of the Agreement unless the Agreement is modified or revoked by the Owner or City.

12. **Geologic Hazard Mitigation**

The building permit plans for the Property shall be prepared and include design and notations in accordance with the geologic hazard report titled “Geotechnical Engineering Study for Twin Peaks Project Ouray, Colorado” that is dated September 22, 2017.

13. **Subdivision**

The Property shall not be further subdivided to smaller lots or for condominium or townhouse development without a PUD amendment.

14. **Site Plan Improvements Agreement.**

- A. The Owner will enter into a site plan improvement agreement with the City for each phase of the development (as outlined above) that includes the costs of the site improvements outside of the buildings prior to the City issuing a building permit for the development, including but not limited to grading and drainage improvements; paving; parking area stripping; landscaping; amenity improvements and internal sidewalks. The improvements agreement will outline the estimated costs for each improvement on a line item basis and a 20% contingency. The Owner will provide collateral to the City for the amount of the improvements agreement prior to issuing a certificate of occupancy for the building associated with the improvement. Owner’s collateral shall be returned upon satisfactory completion of the improvements in accordance with this Agreement, Specifications; and the requirements of the Municipal Code.

15. **Maintenance.**

- A. The Owner shall maintain the Property, buildings and site improvements in good repair free of trash, debris, illegally parked vehicles, or rubbish and in accordance with any City adopted property maintenance codes.
- B. During all phases of development (as outlined above), the Owner shall cause the property to be free from accumulation of waste caused by any improvements made under this Agreement. Owner shall cause all waste materials, rubbish, tools of the trade, construction equipment, machinery and surplus materials be removed from the Property. Upon a violation, the City shall cause a notice of violation be mailed to the Owner and if the violation is not remedied in five (5) business days, the City may do so and is entitled to reimbursement by Owner. This provision is not subject to the mediation provisions of Paragraph 21.F below.
- C. The Owner shall replant any new trees, shrubs or other plantings in accordance with the Final PUD plans that are diseased or have died within six (6) months of disease or death.

16. **Construction Mitigation Plan.**

- A. The Owner shall provide construction mitigation plans for each phase of the Project to show where key construction elements will be provided, including but not limited to construction storage/laydown; portable toilet locations; construction parking; crane locations (if any); dumpster locations.
- B. The Owner will locate toilets and dumpsters away from adjoining residential properties to the extent possible.
- C. Construction staging and parking may occur on the North Site for South Site development.

17. **Sewer and Water**

- A. The City shall not issue any building permits for the development under this Agreement until either the new sewer plant is operational, or the City determines that the sewer plant is under construction and will be completed by the time a certificate of occupancy is sought for the phase under consideration. In no event will a Certificate of Occupancy be issued until the new sewer plant is operational.
 - i. The Pool Amenity Area Phase as described under Section 9 above is exempt from this requirement. Owner covenants that the Pool Amenity Area Phase will not generate any additional sewage capacity pursuant to Ordinance No. 1 (Series 2019).
- B. The issuance of water taps for the development of the PUD shall be subject to any City ordinances or laws that in effect at the time of permit.

18. **Building Permits and City Review of Plans.**

- A. The Owner shall apply for building permits for each phase of development as outlined in Section 9 above to ensure the requirements of this Agreement and all applicable OLUC provision are satisfied.
- B. In the event a building permit is not required for any proposed improvements within the Property, the Owner shall submit plans to City Council for administrative review and approval prior to commencing any work.
- C. If Building C is redeveloped, it shall be reviewed by the City in accordance with the then in effect development review procedures subject to the terms of this Agreement.

19. **Local Improvement District.** The Owner agrees to pay for the proportional cost of, and not object to the formation of any Local Improvement District for the hotel district in the area.

20. **Civil Engineering.**

- A. The Owner shall provide final grading and drainage plans with the development of each phase that are prepared, stamped and signed by a Colorado licensed Professional Engineer. Such plans will provide:
 - i. A watershed map must be provided that clearly delineates all subwatersheds with the same numbering system that they are referred to in the calculations. The routing of the impervious discharges to the detention areas must be shown clearly to insure that the new impervious areas are being routed to the detention chambers.
 - ii. Spot elevations in the parking areas to ensure that slopes do not exceed 4%;
 - iii. ADA parking and routes must be clearly defined and shall meet the current ADA guidelines at the time of submittal;
 - iv. Roof gutters, downspouts, and/or gravel driplines must be shown to determine if they are protecting pedestrian walkways and minimizing erosion;
 - v. An evaluation of the current drainage system to the river to ensure it can convey the required flows, and if not needed upgrades to convey the required flows;
 - vi. Sand-oil separators inside of each garage that will be annually maintained by the Owner;
 - vii. Detailed water and sewer plans that show connections per the Specifications. . If a new valve is proposed to be cut into the city water main, this will require a 3-valve set to provide isolation;
- B. The Owner shall provide final grading plans for all retaining walls that are greater than four (four) feet in height that that are prepared, stamped and signed by a Colorado licensed Professional Engineer.

- C. The City's engineer will review and approve the final civil plans for all infrastructure, grading and drainage prior to the City issuing a permit per the requirements of the OLC and the Specifications.
21. **Trailer Parking.** The Owner shall help ensure that all guest vehicle trailers are parked on City rights-of-ways in accordance with adopted laws, or City approved parking areas. Trailers shall not be parked on the Property at any time unless associated with the ATV/UTV rentals as permitted by an associated conditional use permit for trailering rentals to area trailheads. The Owner is aware that there is limited trailer parking in the City and will cooperate with the City to ensure trailer parking meet adopted laws, and will educate all guests on proper trailer parking.
22. **ATV/UTV Conditional Use.** The conditional use permit approved under Resolution Number 2019-__ is hereby incorporated by reference. The violation of the conditions of such permit shall be considered a violation of this Agreement and subject to the provisions contained herein.
23. **Fencing.** Fencing may be installed within the Property subject to the requirements in the OLC.
22. **Miscellaneous.**
- A. **Recording.** This Agreement will be recorded in the office of the Clerk and Recorder for Ouray County, Colorado.
- B. **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party ("Claiming Party") claims that any other Party ("Responding Party") has violated or breached any of the terms, conditions or provisions of this Agreement ("Default"), the Claiming Party shall promptly prepare and deliver to the Responding Party a written notice ("Notice of Default") claiming or asserting that the Claiming Party is in default under a term or provision of this Agreement, which notice shall clearly state and describe: (a) each section(s) of the Agreement which the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps ("Cure Events") that must be undertaken to come into compliance with the Governing Documents, and (d) the reasonable timeframe, not less than ten days for a monetary default and not less than thirty days for a non-monetary default (unless emergency circumstances require a shorter response time), within which time the alleged violation should be cured ("Cure Completion Date").
- C. **Remedies for Owner's Breach or Default.** In the event Owner should fail to perform or adhere to its obligations as set forth herein, or fail to meet specified performance timelines, the City shall have the following remedies against the Owner, or its successors and assigns, which remedies are cumulative and non-exclusive and which may be exercised after the provision of written notice stating that Owner is in breach, the specific steps required to cure the breach and a reasonable timeframe within which to cure the breach:
1. Specific performance;
 2. Injunctive relief, both mandatory and or prohibitory;
 3. Withdrawal or cancellation of PUD approval;
 4. Injunction prohibiting the transfer or sale of any lot or unit created under the PUD approval;
 5. Denial, withholding, or cancellation of any building permit, certificate of occupancy or any other authorization authorizing or implementing the development of the Property and/or any structure or improvement to be constructed on the Property; or

6. The City shall have enforcement powers for violations of this Agreement as if they are violations of the OLC and/or the Municipal Code including the power to assess and collect fines and penalties as set forth in the OLC and/or Municipal Code.
- D. **Governing Law, Venue, Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in Ouray County, Colorado.
- E. **Consequential Damage Waiver.** Owner specifically waives any right to consequential damages for any claims, disputes or other matters in question arising out of or relating to this Agreement regardless of the City's conduct.
- F. **Mediation.** Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to initiating litigation. The parties shall mutually choose a mediator after a request to choose one is made in writing by either party. The Parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the City of Ouray, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.
- G. **Indemnity.** The Owner shall indemnify and hold harmless the City, its officers, employees, insurers, and self-insurance pool, from and against liability for damage, including attorney fees and costs, arising out of death or bodily injury to persons or damage to property, caused by the negligence or fault of the Owner or any third party under the control or supervision of the Owner regarding any actions taken pursuant to this Agreement or as a result of this Agreement, but not for any amounts that are greater than that represented by the degree or percentage of negligence or fault attributable to the owner or the Owner's agents, representatives, subcontractors, or suppliers.
- H. **Binding Effect.** This Agreement shall extend to, inure to the benefit of, and be binding upon the City and its successors and assigns and upon the Owner, its successors (including subsequent owners of the Property, or any part thereof), legal representatives and assigns. This Agreement shall constitute an agreement running with the Property until: (a) modification or release by mutual agreement of the City and the Owner (subsequent transferee owners' consent to modification(s) or release(s) shall not be required unless the modification(s) directly limit or restrict the zoning or development rights awarded to a subsequent transferee owner's specific lot); or (b) expiration of the term hereof.
- I. **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree and warrant to each other as follows: (a) that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by each other Party; (b) that parties will promptly provide a response to a notice when required, the response will be provided within the timeframe established and if no timeframe is stated, it shall be deemed to be 30 days and the failure to timely provide a response shall be deemed to be an approval; (c) that the Party is a duly qualified and existing entity, capable of doing business in the state of Colorado; and (d) that the Party has actual and express authority to execute this Agreement, has taken all actions necessary to obtain such authorization, the Agreement constitutes a binding obligation of the Party and the person signing below is duly authorized and empowered to execute this Agreement.

- J. **Severability and Further Assurances.** If any term or provision or Article of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the applications or such term or provision or Article to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Each Party shall execute and deliver such documents or instruments and take such action as may be reasonably requested by the other Party to confirm or clarify the intent of the provisions hereof and to effectuate the agreements herein contained and the intent hereof.
- K. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements or understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by all Parties hereto and dated after the date hereof.
- L. **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the date hereof and signed by each of the Parties hereto. No waiver of any breach, term or condition of this Agreement by any party shall constitute a subsequent waiver of the same or any other breach, term or condition.
- M. **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile copies of any party's signature hereon shall be deemed an original for all purposes of this Agreement.
- N. **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and delivered either by Fax, Email or United States Mail (certified, return receipt requests and postage pre-paid), and addressed to the party, at the below stated mailing address, email address or fax number. The mailing address, email address or fax number to which any notice, demand or writing may be changed by sending written notice to each party notifying the party of the change.

<u>City:</u> City of Ouray Attention: City Administrator P.O. Box 468 Ouray, CO 81427 administrator@cityofouray.com (970) 325-7212 (fax)	<u>Owner:</u> Hinkson Hein Holdings, LLC Attention: Craig Hinkson, Managing Manager Craig E Hinkson, Managing Member 215 5th Avenue Ouray, Colorado 81427 cehinkson@yahoo.com (970) 318-1422]
<u>With a Copy to:</u>	<u>With copy to:</u>

- O. **Exhibits and Attachments.** All exhibits and attachments to this Agreement shall be incorporated herein and deemed a part of this Agreement.
- P. **Rights of Lenders.** The City is aware that financing for acquisition, development and/or

construction of the Project may be provided in whole or in part, from time to time, by one or more lenders. In the event of an event of default by the Owner under this Agreement, the City shall provide notice of such event of default, at the same time notice is provided to Owner, to any lender previously identified in writing to the City pursuant to Paragraph 13.14. If such lenders are permitted, under the terms of the agreement with Owner to cure the event of default and/or to assume Owner's position with respect to this Agreement, the City agrees to recognize such rights of such lenders and to otherwise permit such lenders to assume all of the rights and obligations to Owner under this Agreement, including without limitation, the rights to the collateral described hereinabove.

Q. **Term of Agreement.** This PUD Agreement shall remain valid unless it is amended or revoked by the City.

R. **Amendments.**

1. Amendments to the provisions of this Agreement shall be received and acted upon as a subject to any applicable City's procedures and to the requirement for findings under the Planned Unit Development Act of 1972 at C.R.S. 24-67-106(3)(b) and applicable law, unless such amendment is determined to be minor in nature which may be acted on the Community Development Coordinator in consultation with the City Administrator.
2. Amendments to the provisions of this PUD Designation may be initiated by, and the applicant on any application for any such amendment may be, any of the following persons or entities (each, a "Permitted Applicant") acting alone or together:
 - a. the City Council,
 - b. the Planning Commission,
 - c. any owner of fee title to any real property within the Property on the condition that the owner's real property would be directly affected by such amendment (an "Affected Property Owner"),
 - d. anyone having written permission from an Affected Property Owner, or
 - e. a public entity having the power to obtain title to the property through condemnation.

IN WITNESS THEREOF, the Parties have executed this Agreement intending that it become effective as of the Effective Date.

CITY:

City of Ouray, Colorado, a Colorado
Home Rule Municipality and Political
Subdivision of the State of Colorado

By: _____
Glenn Boyd, Mayor Pro Tem

Date: _____

Attest: _____

By: _____
Justin Perry, City Administrator

Date: _____

STATE OF _____)
) ss
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2019 by Glenn Boyd as the Mayor Pro Tem of the City of Ouray.

Witness my hand and official seal.

Notary Public

My commission expires: _____.

STATE OF _____)
) ss
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2019 by Justin Perry as the City Administrator of the City of Ouray.

Witness my hand and official seal.

Notary Public

My commission expires: _____.

OWNER:

Hinkson Hein Holdings, LLC

By: _____

Date: _____

Craig Hinkson

Title: Managing Manager

State of _____)
)ss

County of _____)

Subscribed to and acknowledged before me this ____ day of _____, 2019 by Craig Hinkson of Hinkson Hein Holdings, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DATE: 3 September 2019

TO: Chris Hawkins, Land Use Coordinator for the City of Ouray

FROM: Craig Hinkson, Managing General Partner, Hinkson Hein Holdings LLC.

RE: Conditional Use Permit

Dear Chris,

The Twin Peaks Lodge has been a rental site for vehicle rentals for decades. Although the Zoning at the Lodge is R-2, and rental companies require C-2, the historic rental use at this site is "Grand Fathered in". We feel a much cleaner solution to this issue is to ask for a Conditional Use Permit in conjunction with our PUD Submittal there-by eliminating a Grand Fathered exclusion to the City Code. If City does not agree with this solution, we are happy to continue with the status quo which is our right and is currently working sufficiently for us.

We propose as part of our PUD Plan to provide parking and storage for our rental fleet. This area is in addition to the required off-street parking space for our hotel guests. This use is not contrary to the public health, safety or welfare and is consistent with the purposes, goals, objectives and standards of the City's Master Plan. As an existing use, it complies with all other applicable requirements of the Zone District in which it is proposed to be located. The location size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, light, vibrations and odor on surrounding property. The use is compatible with existing uses in the area and other allowed uses in the Zoning District. The use is also consistent with the purpose of the Zoning District in which it is proposed to be located and the use will not have an adverse effect on other property values or the use of adjacent properties. Thanks for your consideration,

Craig

PLANNING COMMISSION RESOLUTION NO. 19-____ CITY OF OURAY, COLORADO

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OURAY APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF AN ATV, UTV, MOTORCYCLE AND SIMILAR TOURIST RENTAL BUSINESS AT BLOCK 3 AND THE WEST ½ OF BLOCK 2, CITY OF OURAY.

WHEREAS, Hinkson Hein Holdings, LLC, ("**Applicant**") submitted a conditional use permit application to continue operating ATV, UTV, motorcycle and similar tourist rentals the Twin Peaks Motel on Block 3 and the West ½ of Block 2, City of Ouray ("**Property**") within the R-2 Zone District; and

WHEREAS, a notice of the public hearing was provided substantially in accordance with City policies and City of Ouray Municipal Code §7-5-F-1-d; and

WHEREAS, the Planning Commission of the City of Ouray held a public hearing on September 24, 2019 and has reviewed said conditional use permit request, studied the compatibility of this request with adjacent land uses and considered this request in accordance with the conditional use permit criteria established in §7-5-F-1-f of the City of Ouray Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Ouray hereby approves the conditional use permit subject to the following findings and conditions:

Findings

1. With compliance of the conditions set forth below, the use will not be contrary to the public health, safety, or welfare.
2. The use is consistent with the purposes, goals, objectives and standards of the City's Master Plan because, without limitation, the rental business helps diversify the economy; and will not have any adverse environmental impacts.
3. The use complies with all applicable requirements of the C-1 Zone District.
4. With compliance of the conditions set forth below, the location, size, design, and operating characteristics of the proposed conditional use will minimize adverse effects, including noise impacts, visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, light, vibrations and odor on surrounding properties.
5. With compliance of the conditions set forth below, the use is compatible with existing uses in the area and other allowed uses in the zoning district;
6. The use is consistent with the purpose of the zoning district in which it is proposed to be located because it provides for critically needed community services.
7. With compliance of the conditions set forth below, the use will not have an adverse effect upon other property values or the use of adjacent properties.

Conditions

1. Parking is temporarily allowed on the West ½ of Block 2 until that property is developed under the terms of the Twin Peaks PUD Agreement. Once West ½ of Block 2 is developed per the Twin Peaks PUD Agreement all parking shall occur behind the existing hotel building on Block 3 in accordance with the Twin Peaks PUD Agreement.
2. The hours of operation shall be from 7:30 am to 7:30 pm Monday through Sunday.
3. The Applicant shall maintain the vehicles at the rear of the current hotel building on Block 3 in a paved, concrete or tarped maintenance area to ensure oils and fluids do not soak into the earth.
4. Spray washes shall not use any soaps or solvents.

5. No hazardous materials may be stored on the site, including motor oils or other vehicle fluids unless kept within an enclosed storage building or box.
6. No fuel storage shall occur on the site, with fuels storage provided in service vehicle beds in accordance with any State or Federal laws.
7. No batteries shall be stored on the Property unless kept within an enclosed storage building or box.
8. All rental vehicles shall be stored on the Property and not be parked in the surrounding streets or alley, or partially into a street right-of-way.
9. No rental vehicle will be parked in a required hotel parking space.
10. No ATV, UTV or Off Highway Vehicle ("**OHV**") rentals will be allowed to drive from the Property to a trailhead or backcountry road. All ATV, UTV and OHV rentals will be towed by trailer by the Applicant to a trailhead using Third Avenue for ingress and egress.
11. No rentals will be allowed to occur on a road or trail when a closure has been issued by a governmental entity.
12. Dirt bikes can only operate on City streets if licensed and permitted in accordance with applicable laws.
13. The Property shall be maintained in a clean and orderly condition with gravel used to minimize mud onto the surrounding streets and alleys.
14. The storage of new or used tires on the site is prohibited unless kept in an enclosed storage building or box.
15. The Applicant shall remove all improvements, trash, debris and materials from the Property when the use ceases.
16. The conditional use permit shall be valid until September 24, 2025 unless it is revoked as provided for herein.
17. The Applicant shall inform all renters of stay on the trail etiquette and the impact of tires on the tundra and high alpine environment.
18. If the terms of a conditional use permit are violated by the Applicant, upon a referral from City Staff, Planning Commission shall hold a public hearing on the alleged violation(s) and may either amend the conditions or revoke the conditional use permit approval. The public hearing shall be held in conformity with the conditional use permit public hearing provisions of the Municipal Code.

ADOPTED by the Planning Commission of the City of Ouray at its regular meeting on September 24, 2019 by the following vote:

AYES

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jeff Skoloda, Chairman

ATTEST:

Beverly Martensen, Deputy Clerk

Community Development Coordinator

From: Susette Warynick <susettew@earthlink.net>
Sent: Friday, October 4, 2019 12:28 PM
To: Community Development Coordinator
Subject: Twin Peaks PUD

To: Chris Hawkins

As a regular attendee of summer City Council meetings, I am sorry that the City Planning Commission meetings regarding the sketch/prelim Twin Peaks PUD were held in the winter when the concerned property owners who are summer residents could not attend.

My intent in attending the 24 Sept. Commission meeting was to express my concern with the application of a jeep/atv/razor rental business operation at Twin Peaks. This was a red flag that in the future pressure would be put on the City to open up the Box Canyon one way exit road to off roaders for access to Camp Bird Road. I would like to ask the Commission to include in any approval of the PUDs that any such business operation be mandated to transport off road rentals by trailer to those roads where the 'toys' would be used....regardless of future changes to the City's policy. This would include guests who bring their own equipment. I am also very concerned with the parking of trailers belonging to the rental business, as well as incoming guests who bring their own 'toys'. They must be provided with parking that is off of 3rd Ave so that traffic can move unimpeded down this street. This would include no trailer parking allowed on adjacent streets, which are primarily residential. Citizens that live on South Oak, Queen, Pinecrest need to have clear access to town on 3rd Ave.

And during the long construction process, it would be totally unfair to expect residents on 4th Ave to have that street become the 'detour' for traffic....or any other street/avenue.

I totally agree and support the statements/letters sent by Cindy Carouthers, Teris Schery and others listing their concerns with this PUD. I know there are positive issues with this development, but there are also many possible unforeseen complications that should be looked at and addressed with some forethought at this point. The approval of the Twin Peaks PUD has huge and far ranging changes and implications for Ouray and the citizens who make this their home.....we deserve to be considered more than the tourists and visitors...or one business interest.

In particular, I would like to restate the following concerns noted by Cindy Carouthers:

Â Â Â **With 94 additional tourist hotel rooms added on a small narrow street, we have concerns on how these issues will be addressed and who will pay for the improvements:**

- Â Â Â -additional water resources, that is recovery lines, filtration and storage for drought years
- Â Â Â -road damage incurred with 300-500+ trucks of dirt being removed from the site and equipment trucked in
- Â Â Â -dust mitigation by extra water trucks during blasting, dirt removal and equipment transport
- Â Â Â -additional traffic light(s)
- Â Â Â -minimizing light pollution at hotel (may already be addressed)
- Â Â Â -minimizing noise...what are construction hours?
- Â Â Â -generally construction takes more time, requires more money and is more impactful than anticipated...Will city and/or citizens receive compensation in any way?Â

Respectfully submitted,

Susette Warynick
1261 Main Street/Skyrocket Townhomes
Ouray

Community Development Coordinator

From: Thomas Augustitus <taugustitus@gmail.com>
Sent: Friday, October 4, 2019 10:13 AM
To: Community Development Coordinator; Mary Ann Buxton
Cc: thomas Augustitus; Cindy Carothers; nancy Smith; Teris Schery
Subject: Twin Peaks Redevelopment

We the Augustitus family @ 95 6th Ave. in Ouray are apposed to the Twin Peaks hotel plan.

The developer of this huge project has a plan that does not fit the unique character of the small beautiful mountain town that we fell in love with in 1992.. We feel blessed to have the privilege to have been able to build our summer/retirement home here in 1995-2006. I understand building construction here..

This remodeling of the existing motel as we know it is a total demolition and excavation below grade of 12' as I heard for the construction of underground parking....

Hello..... this raised a red flag in my mind...That will probably be 200 10 yard dump trucks for phase 1 of the dirt removal! Then bring on the concrete trucks for the behemoth foundation and then the above grade 2 story construction of the plan of the developers dream of a modern looking hotel that has the Telluride style look to attract high end tourists that will change the community spirit of our small town....It does happen....I grew up in Carmel Valley, Ca...and have witnessed the over development in the last 25 years to the point of no stop lights to 9 stop lights on our 2 lane rd in 20 years... I pray that won't happen here...Don't permit this to happen...

I presume by what I have learned in the last 2 weeks that phases 2 and 3 on the other side of 3rd Ave will totally be a even bigger display of hotel development that will accommodate at least 150-200 people...and the traffic will be ugly for all of the citizens who reside in the south end of town....Starting with the breaking ground event of this greedy prodject..on beyond my lifetime the tourists will come with their toys....

If you approve this project, WHAT'S NEXT?

I vote No on the permitting of this project.

Thomas Augustitus. 95 6th. Ave. Ouray, CO 831-233-8643

Community Development Coordinator

From: Kathryn Boehnke <kate07271@gmail.com>
Sent: Friday, October 4, 2019 8:48 AM
To: Community Development Coordinator
Subject: Expansion of Twin Peaks Motel

Good morning, Chris,

Hopefully this email reaches you before you've finalized Twin Peaks paperwork today.

My main concerns are 3:

Ouray has a well maintained and desirable reputation as a small town in gorgeous surroundings that does not duplicate Breckenridge, Telluride, etc for tourists and locals who don't want the overwhelming atmosphere of those places. Creating such a large hotel development with underground parking and huge traffic congestion on 3rd street makes us start to look like those other places.

3rd street is one of only two points of access for drivers from downtown Ouray to Oak Street and the increased traffic resulting from the proposed hotel expansion would markedly disrupt this access for all of us.

Water. Water. Water! Both potable for our users and post use that must be handled by our already overloaded water waste disposal system. Until the City has secured, developed and knows will cover all our fresh water needs by adding another source to our current Weehawken Spring source, it seems irresponsible to add lodging for so many more tourists. Then there's our waste water treatment system which needs to be replaced before we add more people to use it. How the waste water treatment system replacement is funded also still requires decisions. How much of it is going to be paid for from tourist industry dollars versus how much is borne by those of us who live here?

At some point some expansion of available motel rooms in Ouray may be needed. However, this should happen with a motel that maintains our small, Victorian town appeal preserves road access and adds to our water needs only after the current water problems have been successfully solved.

Thank you for your time

Kate Boehnke

Community Development Coordinator

From: swap17 <swap17@mindspring.com>
Sent: Friday, October 4, 2019 8:13 AM
To: Community Development Coordinator
Subject: Twin Peaks

Chris,
The noise, dust, traffic
will be issues for everyone living west of Main St between 3rd Ave 5th Ave. Ouray is a small town.
That is what makes us special.
I'm sorry about this development.
Dee Williams. 826 Main St.

Sent from my Verizon, Samsung Galaxy smartphone

Community Development Coordinator

From: Sara Sharpe <sarasharpe48@gmail.com>
Sent: Friday, October 4, 2019 7:04 AM
To: Community Development Coordinator
Subject: proposed Hinkson project

This project is worrisome! It is so very large for such a tight, congested area. Immediate concerns are traffic, parking, construction, noise and impact on the local neighborhood. I also have to worry about impact on the other businesses in the area. For one month a year (July) everyone is maxed out. For three or four other months local lodgers are "busy enough" for comfort. The rest of the months there is already not really enough business for the vast majority of tourist businesses. So why is another high-impact business being considered for approval? I would vote against it if I were able to do so.

Community Development Coordinator

From: L MECKEL & COMPANY <meckel@flash.net>
Sent: Friday, October 4, 2019 3:49 AM
To: Community Development Coordinator
Subject: Motel

3rd Ave is a nightmare for drivers already. There are no sidewalks and visitors walk all over the street. Not to mention pets and children, who are so unpredictable. There need to be wide sidewalks constructed,, and people should be required to stay on them.

There needs to be adequate off-street parking provided by the motel for vehicles with extra needs, such as trailers with side by sides. Currently, parking interferes with using the street. Those of us who need to use 3rd Ave as access to our homes because of the bridge already have to run an obstacle course. This construction will make it worse if not properly planned.

Car traffic needs to be slow, as the speed limit states, but should not be dangerous and unpredictable.

Sincerely, Barbara and Larry Meckel

Sent from AT&T Yahoo Mail for iPhone

Community Development Coordinator

From: marciabob.m <marciabob.m@gmail.com>
Sent: Thursday, October 3, 2019 11:52 PM
To: Community Development Coordinator
Subject: Twin Peaks Development

Hello Chris,

Like many of us at the Planning Commission Mtng. Tuesday, 24th, we've been spending time in Ouray for decades. Our first visit was in the mid-60's. We bought our little home at 208 4th Street in 1987, and have spent much of our summers there. We share the concerns of the Carothers, Meckels, Smiths, and many others regarding the changes that are being considered.

About 1995 we had excavation for a driveway and garage done by Hinkson and Fidel that is off the north side of 2nd Ave. Shortly thereafter Hinkson started developing property on the south side of 2nd Ave. If you are familiar with this little corner of Ouray, you know what a debacle that ten years' project has become. We can't imagine that this much more massive Twin Peaks Development could have a positive outcome for our beloved little town and its citizens.

We appreciate your time and effort, and that of the city planning committee.

Sincerely,
Marcia and Bob Miller
970-325-4706

Community Development Coordinator

From: frances tisdal <fctisdal@gmail.com>
Sent: Thursday, October 3, 2019 11:09 PM
To: Community Development Coordinator
Subject: Twin Peaks proposed expansion

Chris,

This is the third time I have tried to write this email to you before my computer erased it without my touching anything. To be brief on my third try, I can scarcely count the number of reasons I OPPOSE THE PROPOSED EXPANSION OF THE TWIN PEAKS. I attended a couple of your meetings to say so but my words did not make any difference. The impact this awful proposal would have on our community would be irreversible and devastating for all the reasons stated in Cindy Caruthers' letters which I would repeat but I fear my computer would delete them again. So, let me just say that I second with all my heart the reasons she stated. PLEASE PLEASE PLEASE don't let this idea ever see the light of day. In closing, I find it hard to believe that the planning committee did not comprehend its impact from its first mention. Yes, this is a harsh letter, but seriously, how can you allow something that would so alter the character of our town, our community.

Francie Tisdal

Sent from my iPad

Community Development Coordinator

From: Mary Ann Buxton <maryannbuxton@gmail.com>
Sent: Thursday, October 3, 2019 8:08 PM
To: Community Development Coordinator
Cc: Cindy Carothers; Thomas Augustitus
Subject: Twin Peaks Development and my concerns.

In addition to the concerns elegantly stated below by Ms Carothers, I would like to go on record with mine:

1. According to the City of Ouray maps, the proposed development is within 1 block of the flood zone. Has a core sample been engineered to assure the planned gravel filled drainage pits under the 12 foot deep parking area will indeed be drains, and not invite upward capillary moisture movement In times of heavy snow melts, the way many mine shafts have become rivers of toxic minerals and chemicals?
2. Do the current plans meet the PUD required 20% minimum space dedication to parks and open spaces, as per D. Dimentional Requiements and Densities?
3. What is the Planned route for the exit or the 300- 500 truck loads of dirt to be removed for the underground parking lot? Main Street is already congested with tourist cars, jeeps, normal commercial trucking. Getting onto Main Street already takes a long time. Will the temptation be to take side street? I fear that my street, 2nd Street, would be a logical « extra route », and the subsequent increase in dust detrimental to my lungs, as well as posing increased need for cleaning to both the exterior and interior of my Historically acknowledged house, as well as the other precious buildings in town. Will the developer compensate any of us that suffer discomfort of any kind due to the inevitable increase of dust,as well as noise?
4. The time frame the developer has asked for is 12 years. We all know from experience that construction projects always take longer and cost more than planned. The approval of this aspect means that from now until my 90th Birthday, I may have to put up with noise, dust, increased truck traffic, as well as possible parking of construction vehicles, materials and equipment in front of my house. Is the planning commission aware of the great possibility of inconvenience to those of us who live here?
5. Proposed rental of ATVs will add to the congestion and possibly add to dangerous situations on any portion of 550, even just the distance from 3rd Street to Camp Bird Road.
6. It has been stated that if this project does not pass, surely an unattractive « flat roofed motel « will be built. Surely with the vigilance of the Planning Commission, a design that meets the Historical valuesof the town could be agreed upon, but one that would not impact so many of the residents adversely as this one has the great potential to do so.
7. Zoning changes. I do not understand why those are needed, as 1/2 of the property seems to be zoned R2, and the other 1/2 C 1.
8. What is the time frame for the sewer system to be improved to the State Required Standards?
9. Finally, I would like to see the paper copy of the plans, according to the statement on the posting outside City Offices. When would that be possible ? I believe several of us are interested.

Thank you for your patience and consideration.
Sincerely,

On Thu 3 Oct 2019 at 14:37, Cindy Carothers <cindycarothers@gmail.com> wrote:

Hello,

Thank you for reading another email, hopefully one last time. A quick update after talking for a long time to Chris Hawkins at city planning yesterday. He was very cordial and very generous with his time. In fact, the whole planning committee has been. Bottom line, this is where things stand and where we can be constructive. We can attend the October 9th meeting for one thing.

Another is emailing tonight if you haven't written. Via email, we can express that we don't want the hotel at this point, but because of R-2 zoning we're wasting our time to go much further with that. The PUD requirements for Twin Peaks will be written up tomorrow and finalized. Chris told me it was constructive and "fair game" to make sure that the developer took care of our concerns and covered the extra costs incurred by their development. I'm going to list our concerns below and it would be very impactful if citizens who share any like worries would write even 2 sentences to Chris Hawkins at <development@cityofouray.com>. Unfortunately, it's better to have 50 short emails logged-in tomorrow than 3 insightful ones. Numbers count and Chris will be writing the final version tomorrow morning.

Here are some items that Steve Cumella, Larry and Barbara Meckel, and myself were worried about. You can repeat some of this if you agree, and even better, add additional ones. The four of us thank you for your time, interest and input. Cindy Carothers, Steve, Larry, and Barbara

With 94 additional tourist hotel rooms added on a small narrow street, we have concerns on how these issues will be addressed and who will pay for the improvements:

- additional water resources, that is recovery lines, filtration and storage for drought years
- road damage incurred with 300-500+ trucks of dirt being removed from the site and equipment trucked in
- dust mitigation by extra water trucks during blasting, dirt removal and equipment transport
- additional traffic light(s)
- minimizing light pollution at hotel (may already be addressed)
- minimizing noise...what are construction hours?
- generally construction takes more time, requires more money and is more impactful than anticipated...Will city and/or citizens receive compensation in any way?

----- OLD MESSAGE -----

From: **Cindy Carothers** <cindycarothers@gmail.com>

Date: Tue, Oct 1, 2019 at 6:47 PM

Subject: Twin Peaks Development

To: Cindy Carothers <cindycarothers@gmail.com>

If you are concerned about the large Twin Peaks development and wish to express your views, you can do so via email and the Oct 4th meeting at the community center. If you are concerned, it would be great if you expressed in a short email to go on record to Chris at community development. development@cityofouray.com

This is the letter I sent:

Chris,

I had been coming to Ouray for 50 years compelled by the beauty, hot springs, hiking, geology, mines and quite frankly, the friendly spirit of the locals. I was able to buy a home here about a year ago and move into the renovation about 6 months ago. I believe Ouray to be one of the most unique towns in the United States, if not the continent. In Ouray, the geology is so outstanding there are geologic pictures in Geology 101 books around the country; hot springs that rival anywhere around the globe; and most importantly a small town, friendly, non-tourist trap mentality. Almost humble in the uniqueness.

Bounded by the Uncompahgre National Forest, the less than one square mile of Ouray (.8 sqmi) is more of a medium-sized neighborhood than a town. The impacts on a very small town are major when you put in a large hotel tripled in size; roof height above the viewscape; and subsequent traffic problems of 100 additional cars on one small street. We have to carefully look at the impact on our town.

I would like to pay respect to the city planning committee that listened to our views at the last meeting and granted speaking to all those attending. I'm sorry I didn't live here last year to attend the previous meetings. The planning committee was very introspective and listened to all comments.

I would like to present objections to such a major development within 550 acres of the city limits.

1. The addition of a large hotel in a very small town Ouray, less than one mile squared, would have a very significant negative effect by dominating 3rd Avenue as well as the southwestern part of town.
2. The large hotel diminishes the Victorian pristine appeal of the town.
3. Backlog of 3rd Ave traffic would decrease profits to one of our main tourist attractions, Box Canyon. It would also decrease profits to older motels around them.
4. Traffic problems in a very small area would increase exponentially. If you put a traffic light at 3rd, would cars go to 4th, 5th, or 6th? Do we go from being 'one of the top 10 towns to live in the US' to the 'most traffic lights per square mile in the US'?
5. A 15-year building plan will have dust and trash that significantly impacts the local neighborhood as well as Box Canyon visitor center and the town. Do we want to look like Telluride with noise and cranes?
6. If Ouray has drought problems in the future, who gets water first? The 150 room Twin Peaks Hotel or the local residents?
7. This is a **major pivotal point in Ouray town history** to allow a huge hotel to come into our town. It's different from anything previously built here. I don't think this is what our town was founded on or what brings tourists back.
8. **We can't take this large hotel back and make it go away.** Once it's there, well, it's there for good and marks Ouray in a memorable way.
9. Do we want a town that is the friendly spirit of community for Ouray or a tourist destination for a few months in the summer? **I vote for a community that is sustained by tourism but not dominated by it.**

Thank you for your time and your consideration.
Cindy Carothers 812 4th St.

--
Cindy Carothers
303-670-7353

Community Development Coordinator

From: Rachel Smith <sagedog338@gmail.com>
Sent: Thursday, October 3, 2019 4:59 PM
To: Community Development Coordinator
Subject: No to twin peaks development.

As a citizen of Ouray I am very concerned about the impact of this development on our quality of life in Ouray. The noise, direct and impacts on roads will be heavy and will have an adverse impact on the life we have enjoyed for as a family for many decades. This development is too large for our town.

Community Development Coordinator

From: Cindy Carothers <cindycarothers@gmail.com>
Sent: Thursday, October 3, 2019 6:32 PM
To: Community Development Coordinator
Subject: Fwd: Twin Peaks Development- one last time

Chris,

Although you offended me with asking if I were a lawyer (haha), I have to thank you for being so generous with your time and expertise. I also have to commend the entire planning committee for the difficult task they face and how graciously all have interacted. Please extend this comment to Tamara, Gary and Jeff.

You already know my views on how special Ouray is to many of us here and how I think the large hotel is a negative impact so I will comment on the construction and number of tourist rooms added.

With 94 additional tourist hotel rooms added on a small narrow street, we have concerns on how these issues will be addressed and who will pay for the improvements:

- additional water resources, that is recovery lines, filtration and storage for drought years
- road damage incurred with 300-500+ trucks of dirt being removed from the site and equipment trucked in
- dust mitigation by extra water trucks during blasting, dirt removal and equipment transport
- additional traffic light(s)
- minimizing light pollution at hotel (may already be addressed)
- minimizing noise...what are construction hours?
- generally construction takes more time, requires more money and is more impactful than anticipated...Will city and/or citizens receive compensation in any way?

Thank you Chris and city planning members.
Cindy Carothers 812 4th St.

----- OLD MESSAGE -----

From: Cindy Carothers <cindycarothers@gmail.com>
Date: Tue, Oct 1, 2019 at 6:47 PM
Subject: Twin Peaks Development
To: Cindy Carothers <cindycarothers@gmail.com>

Chris,

I had been coming to Ouray for 50 years compelled by the beauty, hot springs, hiking, geology, mines and quite frankly, the friendly spirit of the locals. I was able to buy a home here about a year ago and move into the renovation about 6 months ago. I believe Ouray to be one of the most unique towns in the United States, if not the continent. In Ouray, the geology is so outstanding there are geologic pictures in Geology 101 books around the country; hot springs that rival anywhere around the globe; and most importantly a small town, friendly, non-tourist trap mentality. Almost humble in the uniqueness.

Bounded by the Uncompahgre National Forest, the less than one square mile of Ouray (.8 sqmi) is more of a medium-sized neighborhood than a town. The impacts on a very small town are major when you put in a large hotel tripled in size; roof height above the viewscape; and subsequent traffic problems of 100 additional cars on one small street. We have to carefully look at the impact on our town.

I would like to pay respect to the city planning committee that listened to our views at the last meeting and granted speaking to all those attending. I'm sorry I didn't live here last year to attend the previous meetings. The planning committee was very introspective and listened to all comments.

I would like to present objections to such a major development within 550 acres of the city limits.

1. The addition of a large hotel in a very small town Ouray, less than one mile squared, would have a very significant negative effect by dominating 3rd Avenue as well as the southwestern part of town.
2. The large hotel diminishes the Victorian pristine appeal of the town.
3. Backlog of 3rd Ave traffic would decrease profits to one of our main tourist attractions, Box Canyon. It would also decrease profits to older motels around them.
4. Traffic problems in a very small area would increase exponentially. If you put a traffic light at 3rd, would cars go to 4th, 5th, or 6th? Do we go from being 'one of the top 10 towns to live in the US' to the 'most traffic lights per square mile in the US'?
5. A 15-year building plan will have dust and trash that significantly impacts the local neighborhood as well as Box Canyon visitor center and the town. Do we want to look like Telluride with noise and cranes?
6. If Ouray has drought problems in the future, who gets water first? The 150 room Twin Peaks Hotel or the local residents?
7. This is a **major pivotal point in Ouray town history** to allow a huge hotel to come into our town. It's different from anything previously built here. I don't think this is what our town was founded on or what brings tourists back.
8. **We can't take this large hotel back and make it go away.** Once it's there, well, it's there for good and marks Ouray in a memorable way.
9. Do we want a town that is the friendly spirit of community for Ouray or a tourist destination for a few months in the summer? **I vote for a community that is sustained by tourism but not dominated by it.**

Thank you for your time and your consideration.
Cindy Carothers 812 4th St.

--
Cindy Carothers
303-670-7353

Community Development Coordinator

From: Craig Kaminsky <craig.kaminsky@gmail.com>
Sent: Thursday, October 3, 2019 4:50 PM
To: Community Development Coordinator
Subject: Twin Peaks PUD

Good evening,

Thank you for the opportunity to express my concerns regarding the Twin Peaks PUD.

1. Granting these setback, height, and density variances sets a dangerous precedent for additional requests for other commercial properties in R-2. For those of us who bought property with an understanding of the city zoning ordinance, this feels like a bait-and-switch.
2. Additional lighting both during construction - and following when the hotel is operational - will be too bright and create additional light pollution.
3. Traffic during construction - but worse when the hotel is at full occupancy - will be faster, heavier, and as unmindful of residents as current tourists are, and it likely could be much worse.
4. Spangler (the alley) will not be able to handle the additional volume of traffic and the bridge over the flume will become even more heavily damaged. (As an aside, this alley should be changed to a one-way thoroughfare for local residents only.) No construction vehicles should be allowed in the alley.
5. The 15 years of planned construction is untenable for residents. Allowing dust, noise, and construction impact for this long of a duration values residents below development.
6. The development site will become a dump site for equipment, vehicles, and construction materials. For a short project, this would be perhaps manageable. For 15 years, proper fencing should be in order. No chain link, please. No more trash, please.
7. Parking becomes an added burden. Trailers on the berms are already an annoyance (at best). A separate area must be designated for oversize vehicles.

I am against this development. Given my understanding that this project will be moving forward, please consider the needs and request of those of us who live in Ouray full time ahead of visitors.

Please also ensure the least disruption to the daily lives of those of us who will be living in this construction zone for the next 15 years and who will be suffering the consequences of its development thereafter.

Sincerely,
Craig Kaminsky
115 5th Avenue Court

Community Development Coordinator

From: Maureen O'Driscoll <maureen.odriscoll@gmail.com>
Sent: Thursday, October 3, 2019 4:13 PM
To: Community Development Coordinator
Subject: Twin Peaks PUD

Dear Chris,

Thank you for the opportunity to express my concerns. As I voiced to City Council last year and expressed again at the planning meeting last week, following are my concerns:

1. Granting these setback, height, and density variances sets a dangerous precedent for additional requests for other commercial properties in R-2. For those of us who bought property with an understanding of the city zoning ordinance, this feels like a bait-and-switch.
2. Additional lighting both during construction - and following when the hotel is operational - will be too bright and create additional light pollution.
3. Traffic during construction - but worse when the hotel is at full occupancy - will be faster, heavier, and as unmindful of residents as current tourists are, and it likely could be much worse.
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I am against this development. Given my understanding that this project will be moving forward, please consider the needs and request of those of us who live in Ouray full time ahead of visitors.

Please also ensure the least disruption to the daily lives of those of us who will be living in this construction zone for the next 15 years and who will be suffering the consequences of its development thereafter.

Thank you for your continued consideration.

Regards,
Maureen O'Driscoll
115 5th Avenue Court

Community Development Coordinator

From: Teris Schery <tschery@gmail.com>
Sent: Thursday, October 3, 2019 4:04 PM
To: Community Development Coordinator
Subject: Twin Peaks PUD

While I do not support the scale of the Twin-Peaks Project that will encompass such a large portion of the southwest section of Ouray city, I realize that the approval process has gone forth so that the PUD will be approved. I can appreciate the developers' intentions to build something that will be attractive and not detract from the ambiance of our town. I would like to add my plea that the final approval of the final written document details include the permanent exclusion right-of-ways to all ATVs rented by the establishment OR brought to the location by guests, to streets in Ouray and to Camp Bird Road via the Box Canyon access road. In addition, having parking for trailers and large vehicles (including all ATVs) that does not obstruct the 3rd Ave entrance from Oak Street or any streets that surround the buildings should be spelled out. Any additional costs to Ouray taxpayers that result from the build-out of this PUD, including for example additional water costs, filters, stoplights and traffic flow mitigation changes should be borne by the developers.

Thank you for including explicit protections for potential "downstream" concerns when a construction project of this magnitude is planned to extend over 15 years.
Teris Schery, 481 N. Pinecrest Dr.

Community Development Coordinator

From: Ginni Racosky <gracesky228@gmail.com>
Sent: Thursday, October 3, 2019 3:25 PM
To: Community Development Coordinator
Subject: I vote no on twin peaks

Dear chris, thanks for taking the time to read emails from the community about the twin peaks proposal for expansion.

I am against their proposal for expansion. Some of my reasons are.

1. additional water resources, that is recovery lines, filtration and storage for drought years
2. -road damage, noise and dust from Trucks
-dust mitigation by extra water trucks during blasting, dirt removal and equipment transport
3. Traffic
4. Increased demand on sewer system

I think it would be a mistake to approve their expansion.

Sincerely
Ginni racosky
309 6th st
Ouray, co 81427

Community Development Coordinator

From: Dee James <jamesdrnk1@gmail.com>
Sent: Thursday, October 3, 2019 3:22 PM
To: Community Development Coordinator

- additional water resources, that is recovery lines, filtration and storage for drought years
- the sewage system is already under stress, is there even the capacity for this facility? Will the organization pay for the help of the development of the additional capacity that would be needed.
- have any plans been made for environmental concerns, either in operation, or during construction?
- road damage incurred with 300-500+ trucks of dirt being removed from the site and equipment trucked in and continuing additional traffic
- dust mitigation by extra water trucks during blasting, dirt removal and equipment transport
- additional traffic light(s)
- minimizing light pollution at hotel (may already be addressed)
- minimizing noise...what are construction hours?
- generally construction takes more time, requires more money and is more impactful than anticipated
- I guess there is always a chance that the project would not be able to be completed, Is there a way that it could be done in phases so the entire project wouldn't be a partially completed project

--

Dee James
PO Box 494
Ouray, CO 81427

Community Development Coordinator

From: Mary Ann Buxton <maryannbuxton@gmail.com>
Sent: Tuesday, October 1, 2019 7:51 PM
To: Community Development Coordinator
Subject: Twin Peaks Development

Dear Chris,

Cindy Carothers has eloquently expressed her concerns and objections to the Twin Peaks développement. I agree that this developement is not good for the town, nor the residents. Additionally I have serious concerns how the development will seriously and adversely affect the already taxed sewer system. Do we want to be known as « The Stinky Switzerland of America »?

One more concern I have is the noise quotient. Already our pristine mountain town is seasonally invaded by uncontrolled noise as the results of Dessel powered vehicles lacking good mufflers. If more ATVs and razors are added to that, the valley will be as dangerous to our ears as if we were in an amplified heavy metal concert. Is that what we want to be known as? The Switzerland (except for the noise) of America ?

I am 100 % against the approval of the Twin Peaks Development.

Thank you for the opportunity to express my views.

Respectfully yours,
Mary-Ann Buxton
645 2nd St.

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

From: **Cindy Carothers** <cindycarothers@gmail.com>
Date: Tue 1 Oct 2019 at 18:47
Subject: Twin Peaks Development
To: Cindy Carothers <cindycarothers@gmail.com>

If you are concerned about the large Twin Peaks development and wish to express your views, you can do so via email and the Oct 4th meeting at the community center. If you are concerned, it would be great if you expressed in a short email to go on record to Chris at community development. development@cityofouray.com

This is the letter I sent:

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the globe; and most importantly a small town, friendly, non-tourist trap mentality. Almost humble in the uniqueness.

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4. Traffic problems in a very small area would increase exponentially. If you put a traffic light at 3rd, would cars go to 4th, 5th, or 6th? Do we go from being 'one of the top 10 towns to live in the US' to the 'most traffic lights per square mile in the US'?
5. A 15-year building plan will have dust and trash that significantly impacts the local neighborhood as well as Box Canyon visitor center and the town. Do we want to look like Telluride with noise and cranes?
6. If Ouray has drought problems in the future, who gets water first? The 150 room Twin Peaks Hotel or the local residents?
7. This is a **major pivotal point in Ouray town history** to allow a huge hotel to come into our town. It's different from anything previously built here. I don't think this is what our town was founded on or what brings tourists back.
8. **We can't take this large hotel back and make it go away.** Once it's there, well, it's there for good and marks Ouray in a memorable way.
9. Do we want a town that is the friendly spirit of community for Ouray or a tourist destination for a few months in the summer? **I vote for a community that is sustained by tourism but not dominated by it.**

Thank you for your time and your consideration.
Cindy Carothers 812 4th St.

Community Development Coordinator

From: Cindy Carothers <cindycarothers@gmail.com>
Sent: Tuesday, October 1, 2019 5:34 PM
To: Community Development Coordinator; Cindy Carothers
Subject: Twin Peaks Development

Chris,

I had been coming to Ouray for 50 years compelled by the beauty, hot springs, hiking, geology, mines and quite frankly, the friendly spirit of the locals. I was able to buy a home here about a year ago and move into the renovation about 6 months ago. I believe Ouray to be one of the most unique towns in the United States, if not the continent. In Ouray, the geology is so outstanding there are geologic pictures in Geology 101 books around the country; hot springs that rival anywhere around the globe; and most importantly a small town, friendly, non-tourist trap mentality. Almost humble in the uniqueness.

Bounded by the Uncompahgre National Forest, the less than one square mile of Ouray (.8 sqmi) is more of a medium-sized neighborhood than a town. The impacts on a very small town are major when you put in a large hotel tripled in size; roof height above the viewscape; and subsequent traffic problems of 100 additional cars on one small street. We have to carefully look at the impact on our town.

I would like to pay respect to the city planning committee that listened to our views at the last meeting and granted speaking to all those attending. I'm sorry I didn't live here last year to attend the previous meetings. The planning committee was very introspective and listened to all comments.

I would like to present objections to such a major development within 550 acres of the city limits.

1. The addition of a large hotel in a very small town Ouray, less than one mile squared, would have a very significant negative effect by dominating 3rd Avenue as well as the southwestern part of town.
2. The large hotel diminishes the Victorian pristine appeal of the town.
3. Backlog of 3rd Ave traffic would decrease profits to one of our main tourist attractions, Box Canyon. It would also decrease profits to older motels around them.
4. Traffic problems in a very small area would increase exponentially. If you put a traffic light at 3rd, would cars go to 4th, 5th, or 6th? Do we go from being 'one of the top 10 towns to live in the US' to the 'most traffic lights per square mile in the US'?
5. A 15-year building plan will have dust and trash that significantly impacts the local neighborhood as well as Box Canyon visitor center and the town. Do we want to look like Telluride with noise and cranes?
6. If Ouray has drought problems in the future, who gets water first? The 150 room Twin Peaks Hotel or the local residents?
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9. Do we want a town that is the friendly spirit of community for Ouray or a tourist destination for a few months in the summer? **I vote for a community that is sustained by tourism but not dominated by it.**

Thank you for your time and your consideration.

Cindy Carothers
812 4th St.

Community Development Coordinator

From: Peter Foster <pfoster@wrightwater.com>
Sent: Tuesday, October 1, 2019 11:25 AM
To: Community Development Coordinator; Carol Viner (cav@mastersviner.com)
Cc: City Administrator
Subject: RE: October Planning Meeting

Yes if you would like me there I will be there.
Pete

Peter R. Foster, P.E.
Vice President

Wright Water Engineers, Inc.

Over 50 Years of Service
1666 N. Main Ave., Suite C
Durango, CO 81301
(970) 259-7411
(970) 259-8758 FAX
[HTTP://www.wrightwater.com](http://www.wrightwater.com)

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From: Community Development Coordinator <development@cityofouray.com>
Sent: Tuesday, October 1, 2019 11:16 AM
To: Peter Foster <pfoster@wrightwater.com>; Carol Viner (cav@mastersviner.com) <cav@mastersviner.com>
Cc: City Administrator <administrator@cityofouray.com>
Subject: RE: October Planning Meeting

Hi Pete, You will be here in person, correct?

Thank you.



Chris Hawkins
Community Development Coordinator
P: 970-325-7087
The City of Ouray
P.O. Box 468 / 320 6th Ave.
Ouray, CO 81427
Outdoor Recreation Capital of Colorado



Follow the City of Ouray on **Facebook** & **Twitter**
[Sign Up for the City of Ouray Monthly Email Newsletter Here!](#)

From: Peter Foster <pfoster@wrightwater.com>
Sent: Tuesday, October 1, 2019 9:44 AM
To: Community Development Coordinator <development@cityofouray.com>; Carol Viner (cav@mastersviner.com)

<cav@mastersviner.com>

Cc: City Administrator <administrator@cityofouray.com>

Subject: RE: October Planning Meeting

Yes. It is in my Calander.

Peter R. Foster, P.E.

Vice President

Wright Water Engineers, Inc.

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1666 N. Main Ave., Suite C

Durango, CO 81301

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From: Community Development Coordinator <development@cityofouray.com>

Sent: Monday, September 30, 2019 10:13 AM

To: Peter Foster <pfooster@wrightwater.com>; Carol Viner (cav@mastersviner.com) <cav@mastersviner.com>

Cc: City Administrator <administrator@cityofouray.com>

Subject: Fwd: October Planning Meeting

Hi Pete and Carol, Per the attached email, can both of you attend the October 9, 2019 Planning Commission meeting on the Twin Peaks Project from 4 to 6 pm?

Thank you.

Get Outlook for iOS

From: J. Gary Dunn <gary@ouraynet.com>

Sent: Sunday, September 29, 2019 6:00 PM

To: Community Development Coordinator

Cc: Jeff Skoloda

Subject: re: October Planning Meeting

Hello Chris,

I still have concerns about Ouray's water supply and this is important enough that I am requesting that the City's water engineer, Pete Foster, be present at the October meeting for questions.

I am also requesting that Carol Viner, the City Attorney, be present.

Thanks,

Gary



Virus-free. www.avg.com

Community Development Coordinator

From: Perry Hotz <perryhotz@gmail.com>
Sent: Tuesday, September 17, 2019 11:33 AM
To: Community Development Coordinator
Subject: Twin Peaks expansion
Attachments: Ouray planning commission.pdf

Perry Hotz
perryhotz@gmail.com
Cedaredge Land Company
www.cedaredgeland.com



APPLICATION FOR PLANNING COMMISSION

City of Ouray

P.O. Box 468

Ouray, Colorado 81427

Telephone: (970) 325 7211 FAX: (970) 325 7212

An Equal Employment Opportunity Employer

Thank you for your interest in applying for our Planning Commission. Please complete the following on your background. This information will allow us to select and appoint a balanced membership for our Planning Commission.

PART 1: PERSONAL DATA

Full Name: JOSEPH SMITH

Address: 1618 OAK ST. OURAY, CO
P.O. BOX 472

E-Mail Address: JASDESIGNSLLC@GMAIL.COM

Home Telephone Number: 970.948.8597

Business Telephone Number: " " "

Name, address and telephone number of present employer:

SELF EMPLOYED, 970.948.8597, JAS DESIGNS 300 8TH AVE
OURAY, CO

Present job title: DESIGNER / PROJECT MANAGER

Present employment is (check one) Full-time Part-time

May we contact you at work for Planning Commission related issues? ☒ Yes

No

PART 2: LAND USE/PLANNING EXPERIENCE

Do you have experience in land use/planning development? ☒ Yes

No

If yes, please provide information about your experience.

SEE ATTACHED

Have you served on a Planning Commission before? Yes

☒ No

Please tell us when and where:

SEE ATTACHED

PART 3: BACKGROUND INFORMATION

How long have you lived in the City of Ouray? SEE ATTACHED

What do you think are the major growth issues affecting our City?

SEE ATTACHED

What vision do you have of the future of land development in the City of Ouray?

SEE ATTACHED

CONFLICT OF INTEREST

It is the policy of the Ouray City Council that any Planning Commission member shall not:

1. Engage in a substantial financial transaction for private business purposes with a person whom he inspects, regulates, or supervises in the course of his broad duties;
2. Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from this Commission;
3. Perform an official act directly or substantially affecting its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;
4. Participate in litigation either directly or indirectly against the City of Ouray or provide legal representation to any client who is in fact engaged in litigation against the City of Ouray.

I certify that the information on this application form and the documentation provided in support of the application are true, accurate, and complete.

Josh Smith

Signature

9/9/19

Date

JOSEPH SMITH

Print Name

PART 2: LAND USE/PLANNING EXPERIENCE

Do you have experience in land use/planning development? YES

-Have had exposure to planning concepts and practice involving mixed use, single family, multifamily, and resort developments through previous employment at DTJ Designs in Boulder, CO where planning is a major focus of the firm. I also have many years of experience with zoning research and code compliance.

-Have been previously employed and provided single family and multifamily architectural design to developers and design/build development companies.

Have you served on a Planning Commission before? NO

Have not served on a planning commission before but do have experience from the other side of the table working with P&Z and the public to create projects that satisfy P&Z, the city, community, and developers.

PART 3: BACKGROUND INFORMATION

How long have you lived in the City of Ouray?
Part time from 2008-2014, full time from 2014-present

What do you think are the major growth issues affecting our City?

-Providing affordable housing options while incorporating sustainable building practices, energy conservation, and sustainable growth.

-Encourage and improve the pedestrian experience throughout the city.

-Finding a balance of codes, regulations, and incentives that will allow for affordable housing development as well as keeping building affordable in general.

-Improved parking and possible transit options

What vision do you have of the future of land development in the City of Ouray?

-Would like to see encouragement of live/work development to address housing options and business diversity if it makes sense.

-Improved design that allows Ouray to grow and move forward in conjunction with our historic past and architecture.

-Options to improve the pedestrian experience and possible small scale transit/shuttle options for the city.

-Ouray is unique and would like to see future zoning and regulations address that or modified to fit the community rather than implement practices used in other regions and expect them to work here.



APPLICATION FOR PLANNING COMMISSION
City of Ouray
PO Box 468
Ouray, Colorado 81427
Telephone: (970) 325 7211 FAX: (970) 325 7212

An Equal Employment Opportunity Employer

Thank you for your interest in applying for our Planning Commission. Please complete the following on your background. This information will allow us to select and appoint a balanced membership for our Planning Commission.

PART 1: PERSONAL DATA

Full Name: Frank M. Fedel
Address: 735 5th St., POB 492
Ouray CO. 81427
E-Mail Address: goldsmelter@gmail.com
Home Telephone Number: 970-318-1423
Business Telephone Number: 970-318-1423
Name, address and telephone number of present employer:
SELF EMPLOYED 970-318-1423
Fedel Construction LLC - POB 492 - OURAY
Present job title: CONTRACTOR
Present employment is (check one) ☒ Full-time ☐ Part-time
May we contact you at work for Planning Commission related issues? ☒ Yes ☐ No

PART 2: LAND USE/PLANNING EXPERIENCE

Do you have experience in land use/planning development? ☒ Yes ☐ No
If yes, please provide information about your experience.

BE CONTRACTOR OFF AND ON IN OURAY SINCE 1983
OURAY PLANNING COMMISSION 2004-2006
CITY OF OURAY LAND USE COORDINATOR 2006-2012
OURAY COUNTY COMMISSIONER 2011-2014
INVOLVED IN NUMEROUS DEVELOPMENTS IN OURAY

Have you served on a Planning Commission before? ☒ Yes ☐ No
Please tell us when and where:

CITY OF OURAY PLANNING COMMISSION 2004-2006

PART 3: BACKGROUND INFORMATION

How long have you lived in the City of Ouray? 59 yrs
What do you think are the major growth issues affecting our City?

Housing Prices
Short-term Rentals
Part-time Residents
Lack of a diversified economy

What vision do you have of the future of land development in the City of Ouray?

A return to a much simpler Land Use Code. Encouraging the
use of smaller lots and much less acreage COAES that
balance building costs with affordability for younger
families.

CONFLICT OF INTEREST

It is the policy of the Ouray City Council that any Planning Commission member shall not:

1. Engage in a substantial financial transaction for private business purposes with a person whom he inspects, regulates, or supervises in the course of his broad duties;
2. Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from this Commission;
3. Perform an official act directly or substantially affecting its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;
4. Participate in litigation either directly or indirectly against the City of Ouray or provide legal representation to any client who is in fact engaged in litigation against the City of Ouray.

I certify that the information on this application form and the documentation provided in support of the application are true, accurate, and complete.

Frank M. Fedel
Signature

9/26/19
Date

Frank M. Fedel
Print Name