

**Ouray City Council Regular Meeting
Summarized Minutes
Monday, April 22, 2019 at 6:00pm
Massard Auditorium – Ouray Community Center**

1. CALL TO ORDER

Mayor Larson called the meeting to order at 6:00 p.m.

2. ROLL CALL

Mayor Pam Larson – Present – Recused herself before the public hearing began

Mayor Pro Tem Glenn Boyd – Present

Councilor Dawn Glanc – Present

Councilor Dee Hilton - Present

Councilor Bette Maurer – Present

Also present were City Resources Director Rick Noll, Acting Police Chief Gary Ray, Public Works Director Joe Coleman, Finance and Administration Director Melissa Drake, and City Attorney Carol Viner

3. THE PLEDGE OF ALLEGIANCE WAS RECITED

Mayor Larson stated that the Special Meeting scheduled for April 29th has been cancelled. Review of internal applicants for the City Administrator will occur in an executive session on May 6th.

Mayor Larson recused herself from this hearing and action since her company did the survey work.

Mayor Pro Tem Boyd asked Council if they have had any ex parte communication on tonight's topic. All answered "No."

4. PUBLIC HEARING

Twin Peaks Preliminary PUD Public Hearing. Preliminary PUD 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. The PUD is located on Blk. 2, Lots 1-24, City of Ouray, and Lots 1A-6A of the Shodeen Replat (West ½ of Blk. 3, Lots 1-12); 125 Third Ave and TBD 1st Street

Mayor Pro Tem Boyd gave an overview of the proceedings tonight and outlined code of conduct. He then opened the public hearing.

Community Development Coordinator Chris Hawkins gave an overview of the development, status of the application, variances requested, and options for Council regarding this PUD.

He stated that the Planning Commission has provided a unanimous recommendation of approval with specific conditions.

Pete Foster, Wright Water Engineers, spoke (via phone) about their review of a water demand study for the hotel internally and externally. He stated that under average conditions and dry conditions, there will be adequate water for this development.

City Attorney Carol Viner stated that she has reviewed the PUD. She recommended against selling any City property (requested for encroachments).

Council discussed the PUD with staff and Attorney Viner.

Mary Bates with DHM Design, representing the applicants, spoke about the underground parking garage. She stated that it preserves open space and skews the square footage of the project. Covering an outdoor eating area also increases square footage.

John Nixon, architect for the applicants, spoke about the design of the buildings.

Ms. Bates and Mr. Nixon showed possible construction by-right and to-scale renderings of this proposed project set in photos in the existing location.

Ryan Hein, one of the applicants, spoke about water features to evaporate gray water and provided a handout on gray water recovery. He also spoke about encroachments. Not only are there encroachments on City property, the City also has encroachments on the applicants' property.

Craig Hinkson, one of the applicants, spoke about parking for trailers. He stated that their project provides 4 spaces for trailers. He stated that trailer parking is a City-wide issue. He also spoke in favor of the City selling the property in question regarding encroachments. He noted taxes and fees paid to the City by the business vs. those figures if the project is approved. Mr. Hinkson spoke about benefits to the City: the addition of sidewalks, crosswalks, undergrounding utilities, underground parking, additional trees, gray water system, and low carbon footprint.

Council discussed the project with the applicants.

Mayor Pro Tem Boyd reviewed the required code of conduct again.

Mark Iuppenlatz spoke in favor of the project. He believes that having a modern conference facility and upscale accommodations will increase the local economy.

Don Wild asked if the project will be ADA accessible. The applicants responded "yes."

Kaylee Weisensee spoke against the project because of its size, additional congestion, and the lack of staff housing.

Francie Tisdell spoke in the favor of a modern conference center but not in the location of this project.

Greg Nelson thanked the applicants for their responses to concerns voiced previously. He spoke in favor of conference facilities but has concerns about geothermal energy consumption.

Eric Fagrelus spoke in opposition to the project and stated that some of the attractive items proposed are not part of the PUD. He said that the sheer size is not acceptable.

As there were no further comments from the public, Mayor Pro Tem Boyd closed the Public Hearing.

Craig Hinkson, answered questions raised by citizens. He stated that all new construction is required to be ADA compliant. He also stated that the geothermal resources which will be used by the project are owned or leased (long term) by the applicants.

Mr. Hawkins stated that no permits will be issued until the sewer treatment plant project is well underway or complete.

5. ACTION ITEM

Twin Peaks Preliminary PUD Public Hearing. Preliminary PUD 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. The PUD is located on Blk. 2, Lots 1-24, City of Ouray, and Lots 1A-6A of the Shodeen Replat (West ½ of Blk. 3, Lots 1-12); 125 Third Ave and TBD 1st Street

Mayor Pro Tem Boyd reminded everyone that this is step 2 of a 3-step process. He then read the 9 recommended conditions which were in the packet for the meeting.

Council discussed options with staff and the City Attorney.

Councilor Maurer made a motion to approve the Preliminary PUD and Councilor Glanc seconded the motion. Both Councilors agreed to amend the motion with the conditions presented in the packet modified as follows:

Conditions

- 1) Prior to the Final PUD meeting before the Planning Commission, the Applicant shall submit (A) revised plans to address the Fire Department referral comments; and (B) will address the encroachments.
- 2) Prior to the Final PUD meeting before the Planning Commission, the Applicant shall submit (A) final floorplans and elevations for the proposed buildings; (B) draft plats for the North Site and South Site; (C) revised drainage calculations and engineered utility and grading and drainage plans; (D) revised title commitments for the North Site and South Site; (E) revise the plans to show the building site coverage and total site coverage for both sites; (F) require the removal of the water feature on the South Site; and (G) other plans and information as required by City staff to ensure a detailed review of the Final PUD pursuant to the requirements of the Ouray Land Use Code.

- 3) Prior to the Final PUD meeting before the Planning Commission, the PUD agreement shall be revised to require the Applicant to pay for the proportional cost of, and not object to the formation of a Local Improvement District for the hotel district in the area.
- 4) Prior to the Final PUD meeting before the Planning Commission, the City Attorney will review the following to ensure there are no geothermal impacts:
 - a) Verify if the current Owners of the Twin Peak Lodge are predecessors to Madura's lease of the 35 gallons per minute of the Manganese Mine Spring.
 - b) Verify if the current Owners of the Twin Peaks Lodge own the share of the Radium Ditch 222 water or a separate decree that would allow for the continued use of the Crystal Court Spring.
 - c) Verify how the use of the Crystal Court Springs by Twin Peaks Lodge potentially affect the lease of the Manganese Mine Spring under the agreements associated with OX-2 and OX-6 Wells.
- 5) Any Final PUD shall also have concurrent applications to (1) replat the North Site and South Site to vacate interior lot lines and tie the Property to the PUD; (2) site specific development plan, vested property rights for longer development time period, phasing, etc.; and (3) conditional use permit for jeep, ATV, UTV and other tourist rentals.
- 6) The plans shall be revised to show facilities for a freestanding hotel at the North Site.
- 7) The sign and water feature should be located within the South Site.
- 8) The vested property rights and phased development sections of the PUD Agreement will be crafted to ensure the City has adequate water and sewer resources.
- 9) The architect shall confirm the accuracy of the visual renderings.
- 10) Encroachment permits shall be proposed for all encroachments.

The Council discussed further.

The motion passed on a roll call vote of 3 to 1 with Councilor Hilton voting "No."

6. ADJOURNMENT

At 8:27pm, Councilor Glanc made a motion to adjourn the meeting. Councilor Maurer seconded the motion and it was approved on unanimous vote.


Pamela J. Larson, Mayor 5-20-19
Date

ATTEST:

Melissa M. Drake, City Clerk