

Town of Minturn
302 PINE STREET,
P. O. BOX 309, MINTURN, CO 81645
(970) 827-5645
FAX (970) 827-5545

WILEY E. SMITH, AICP
PLANNER@MINTURN.ORG



Town Council
MR. GORDON FLAHERTY, MAYOR
MR. DARELL WEGERT, MAYOR PRO TEM
MR. GEORGE BRODIN
MR. TOM SULLIVAN
MR. FRED HASLEE
MR. JERRY BUMGARNER
MR. BILL BURNETT

Town of Minturn
Planning and Zoning Commission Minutes
Wednesday, January 25, 2006

REGULAR MEETING (7:00)

Minturn Town Center – 302 Pine Street

Call To Order/Roll Call

Karen Briggs called the meeting to order at 7:09p.m.

Those present included Co-Chairman Karen Briggs, Kristi Boulle, and Robert Martinez.

(Note: Bill Sisk and Rob Davis were absent)

Staff present included Wiley Smith, Town Planner; Derrick Slocum, Planner I; and Torrey Maxwell, Court Clerk/Office Technician.

Approval of Minutes – Minutes from January 11th, 2006

Motion by R. Martinez, second by K. Boulle to approve the minutes as presented; all voted in favor.

(Note: Bill Sisk and Rob Davis were absent)

Approval of Agenda Items

Motion by K. Boulle, second by R. Martinez to approve the agenda as presented; all voted in favor.

(Note: Bill Sisk and Rob Davis were absent)

NO ACTION ITEMS

New Business: None

Old Business: *Article 2 (Definitions) (Page 28)*

Wiley S. summarized that last meeting there were questions so Wiley went back to the drawing board and simplified definitions such as height. In 1998 when the codes were rewritten they had tried to get a good definition of height, existing grade and from the front of the building. If you go back to the code we have now, that definition is not in there. It is left to interpretation of what building height is. Their intent is not in the code. Eliminate what he has done, step back, to specifically say that building height should be measured from front of the building, not from four corners, with the average and then measured from mid point of the eave of

the roof. Average four corners and then determine what the height was from that. But it appears they had talked about that back then but it will still give the builders an advantage. We have different variations of trying to measure height. Does the commission have a preference to how you would like to measure height?

R. Martinez questioned exactly where does council want to start the height? The eave?

Wiley S. stated that no, Council wants to measure 28' (35' commercial) from the front of the building, not measuring from all four corners. They want to see where the existing grade is from the front of that building and then measure up. What they are saying is that they want to reduce the overall height so it is not any more than the existing zone says. If you measure all four corners and then average that out from the existing grade it could be more than the required zone height.

K Briggs asked if you are on a grade and it is only 28' you wouldn't put a tall garage in there because 28' feet is as high as the garage could be. Can they make the top of the slope their front?

Wiley S. as it was explained to Wiley, the toe of the slope is considered the front of the house. So you would have to measure 28' from the toe (bottom of the slope) not any further.

R. Martinez felt that made sense.

K. Briggs said that a lot of houses have a front where you drive in to a walk out basement or garage, so that truly is not the front of the house or are you telling me that it is the front of the house, even though it is not the front of the property?

R. Martinez said that is where we come to the question; is Boulder or Pine the front street?

Wiley S. said that is a good question. I do not have an answer for that. Town Council has been given these and it will be discussed in a study session in March regarding definitions such as building height. I hope for a better reading from the planning commission on what is the fairest way to define building height? Is it from all four corners averaging the existing grade or from the toe?

K Boule asked if those are the only two choices.

Wiley S. responded no

R. Martinez it is whatever you have too. You combine them.

Dominic M. (Audience) added that most places use something similar to Illustration #4 where the grades parallel each other. As grade goes up you measure up the slope. Plume from roof at any point of the roof is 28'. Up hill lot or down hill lot, you don't run into a problem. Finished grade or natural grade you must meet 28'. Pretty simple way of doing it, Town of Vail makes it which ever is worse, either finished grade or natural grade, you have to meet both at 28' then your buildings step down the hill so you don't end up with that 45' high.

R. Martinez added that he thought that is what they are referring to as front, the front is grade usually. Rob stated that he doesn't want a big massive building if we do start on a back corner. Make the front the natural grade to 28'.

K. Boule inquired for the entire structure, even in the back? 28' from the top of the front? If someone has a property that goes up in the back isn't really going to be able to build up because they are restricted to the 28' in the front.

Wiley S. stated that what Dominic is saying that you measure where that front of that second house is. If it is going up that slope and the second house starts further up the slope then it is 28' from that house.

Dominic stated that you always measure down to the point directly below the roof so that up the hill 10', it is 10' taller than the front of your home.

K Briggs stated that seems fairer if you measure 28' from the front.

Dominic mentioned that would encourage people to carve out a huge chunk of land.

Derrick S. noted that you can get away with that in Kansas but not in Minturn. Here you have mountains, hills, and slopes. If you have a 28' front the back would be 2', it is going to look strange.

Wiley S. said you would need a cap regarding degree of slope. What if degree of slope increases?

Dominic mentioned that you could reduce height allowance on lots with a large degree of slope.

Wiley S. stated he felt he had a better grasp of what P&Z is wanting and he can present that to Council

Wiley S. said, gray is what we have added to current definition code. What you see in gray is what we don't have now. I wanted to make this cross-reference is what we defined. Illustrations 12-15 talk about lots; front lot line, front set back, types of lots, etc.

R. Martinez said that after reviewing Illus 12 I like it because my neighbor who is planning on building across the street. Parking is a problem. A site plan is a good idea so that they show where parking is planned. The location is 791 Main where snow storage is an issue..

Wiley S. said that it must include snow storage or you will eat up your driveway.

R. Martinez – Now they have it barricaded off after they removed all of the snow. Not sure if his plans are to build this year or not.

Wiley S. said that he hasn't seen plans yet.

R. Martinez – Knutson

Wiley S. – Oh, we have seen his plans

Derrick S. – he came by and picked up his building permits last week.

R. Martinez – parking is an issue. There are six cars parking there.

Wiley S. – it was to code regarding parking

R. Martinez – doesn't recall seeing the site plan with that survey

Derrick S. – he doesn't remember seeing an official stamped survey. He will check tomorrow.

Wiley S. - any questions? Did you understand Illus 20? Do you understand what the different cross sections are?

K. Briggs asked if are some of these such as wildlife, are these standard definitions

Wiley S. – yes

Dominic – are there any regulations restricting development

Wiley S. – no.

Dominic – might be good to define what is right-of-way. For instance if you are on 70 and you look up to Wild Ridge road, the ridge changes. Wild Ridge you don't see half of the houses sitting up there. It is almost location based. Depending on what right-of-way your views can be different from Gilman to Minturn.

Wiley S. - that could become too restrictive.

Article 19 (Sign Regulations) (Page 79)

Wiley S. once again I've grayed in anything that we have added, that wasn't originally in the code.

K. Briggs – I wanted to add that definitions are defined by personal experience. Personal interpretation. "Protect Appearance" is a personal opinion.

Wiley S. - I tried to stay away from subjectivity. These are just broad recommendations, it really doesn't have an enforcement to it.

Dominic – on the two faced signs, page 5, two or more faced signs. You have to shrink sign if you have face on both sides. Seems odd.

Wiley S. – how that is determined is lateral distance of a building. And then the length of the building and the amount of square footage and we convert that to square area for the sign. More than one commercial advertising sign per one sq ft per linear ft and not more than 40 sq ft of sign area. Double-faced signs

Derrick S. – that was in existing code

Dominic – parallel to your building versus a hanging sign it is then half the size.

Wiley S. – those are good questions. Two or more faces shall.....What you are saying is this should not count; just one side should count?

Dominic – yes

Wiley S. – he will take it to the council if P&Z would like him to, no one has contested as far as he knows. He will take it to council, just let him know..

K. Briggs 100 block is it mixed use or commercial?

Derrick S. – total commercial

K. Briggs is that why they can leave their lights on all the time.

Wiley S. – light should go out when the business closes. Page 23.

K. Briggs –mixed use, that isn't commercial.

Derrick S. – it states 11pm or the close of business, whichever is later.

Derrick S. – same thing for commercial

Wiley S. - are there any other concerns for the planning commission regarding signs, lighting?

Article 22 (Legal Nonconforming Uses, Structures and Lots)

Wiley S. I really felt that we have a strong code but I did take out one item on page 280 (?) A year and a half go the Planning Commission and the Town Council held a workshop. There was a lot of discussion on this issue. They felt this was difficult to enforce and hard to understand. Do you feel this item adds to the intent of this section? Robert?

K. Briggs is it regarding building permits? “May or may not need a building permit.”

Wiley S. - if the replacement cost is 50% of the appraised value, you have to rebuild the house entirely.

K. Briggs - another words we are telling them they have to tear it down.

K. Boule - if house is grandfathered and lets say it exceeded set back requirements and you were required to tear it down and rebuild, you wouldn't be rebuilding the same structure. So you would have to build to current code?

K. Briggs - seem pretty harsh

K. Boule – I think so too.

Wiley S. – I didn't think it was really was necessary, even if you have to rebuild a house that has been more than 50% destroyed, I think the integrity of the house should be maintained. Should be your choice.

K. Boule – if it is completely smoke damaged throughout you would want to tear it down to bare bones anyway.

R. Martinez – he has seen it where one baring wall was kept and the house was rebuilt the way it was. He would like to hold onto this one for when Rob and Bill are present.

K. Briggs – So we will wait.

Wiley S. – so to put this in context we are talking about a legal, nonconforming use. In someway the house that skirts the code, zoning code.

K. Briggs – well that is most of the houses in Minturn.

Wiley S. – just trying to separate a conforming and non-conforming house.

Wiley S. - Any other questions?

Informational: None

Attachments: None

ADJOURNMENT

Meeting was adjourned by K. Briggs at 7:54pm