

Town of Minturn
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Town Council
MR. GORDON FLAHERTY, MAYOR
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MR. GEORGE BRODIN
MR. TOM SULLIVAN
MR. FRED HASLEE
MR. JERRY BUMGARNER
MR. BILL BURNETT

Town of Minturn
Planning and Zoning Commission
4/12/06

MEETING AGENDA

Date: Wednesday April 12, 2006

REGULAR MEETING (7:00)

Minturn Town Center – 302 Pine Street

Call To Order/Roll Call

Chairman Bill Sisk called the meeting to order at 7:06p.m.

Those present included Chairman Bill Sisk, Rob Davis, Karen Briggs, and Robert Martinez. Absent was Kristi Boule.

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

Approval of Agenda Items

Motion by Karen B., second by Robert Martinez to approve the agenda as presented; all voted in favor.

Approval of Minutes – Minutes from January 11, February 22, and March 8, 2006

Motion by Robert M., second by Karen B. to approve the February 22 and March 8 minutes as presented; all voted in favor.

January 11 minutes are not able to be approved due to not meeting having a quorum.

New Business

Karen Briggs excused herself from the commission on the advice of the Town Planner due to possible conflict

ACTION ITEM #1 Design Review

Applicant: Michael Boyd

Address of Property: 504 Eagle Street

Zoning: Old Town Character Area

Proposal: To gain design approval through the Design Review Board.

Summary: Michael Boyd, applicant and property owner, is requesting Design Review approval for a proposed garage and a breezeway addition between the existing residence and existing garage on Lot 1, in the Booco 2nd Addition (Block 3) of the Old Town Character Area, Residential Zone. Within the 7,840 square foot lot is an approximately 830 Sq. Ft. existing single family residence and an approximately 735 Sq. Ft. existing garage. The applicant is proposing to connect the existing garage and existing single family residence with the proposed breezeway creating one structure. With the completion of this connection, the applicant proposes to build an accessory garage structure on his lot. Since a residential lot in the Old Town Character Area is only allowed one accessory structure, the connection of the breezeway to the existing garage and existing house will need to be completed before the accessory garage construction is to begin.

Discussion: The applicant has submitted the required documentation for a Design Review Board Application as stated in the Minturn Design Guidelines. The application is complete and is found to comply with the design standards and guidelines, codes and other regulations of the Town.

Recommendation: *Staff Considering the findings and other information provided herein, the staff recommends that the Planning and Zoning Commission grant approval of this application **favorably** subject to the following conditions:*

1. The DRB grant preliminary approval to the applicant meeting in a general fashion the design and other regulations of the Town but to submit a final application following the Submittal Information Checklist to warrant final approval.
2. The applicant making any modifications to the plan document as requested by the Planning Staff, Building Inspector, and Eagle River Fire Protection District prior to Certificate of Occupancy.
3. The applicant shall pay all required fees and charges related to development of the subject property.
4. There will need to be a soils report, drainage plan, and grading permit is grading is required for the proposed garage.
5. Plans for future projects need to be approved through the proper processes before construction is to begin.

Derrick introduced the request; R. Davis did his homework , below the city requirement and meets Design Review guidelines. What is the Room above the garage going to be?

Michael Boyd 502 ½ or 504 Eagle Street, Minturn. CO the room above the garage is for a recreation room for exercise equipment, 770 sq ft main house, not enough room. Need to make some additional room for a baby.

R. Davis inquired if it is going to be an accessory apartment; no. Mr. Boyd stated he understand that if in ten years he wants to make an accessory apartment he knows he would have to see what had to be done to do at that point. (example piece is shown) Here is stone that will be around the base of it, all the way to four feet around the bottom of it, fully grounded joints. (example piece is shown) This is the siding, will be the same stain as on his house.

R. Davis: cedar channel lap; yes the breezeway itself is a little darker to match existing deck. Core 10 corrugated steel, rust first 16th of an inch and then stops rusting, very nice looking (sample in the truck if anyone wants to see it).

R. Martinez materials and color have been addressed. Survey is this actual survey; it is the final plat Mylar that is recorded in Eagle county. Full Monty, signed by surveyor, Town of Minturn, Land Title Company, that is a copy of the County Mylar, Derrick put it in your packet. I provided a copy of the county Mylar, recorded in the County, of the final plat recording. He was the third person in Minturn to record Mylar, signed Mylar with the Town.

B. Sisk this is a Design Review and it does not require a town hearing. Town Staff have informed me that there is a lot of interest in this project so I will make a slight change in procedure and we will take public comment. 3 minutes and they have to be directed towards the Design Review only. If they vary, I will ask them to step down from the podium. Is there anyone who would like to speak to the DR please step up.

Tim Campbell, 512 Main Street, Minturn, CO looking at the plan my only concern is the garage in the back as an existing non conforming structure being connected to a house and becoming one structure that is much larger, and according to code I look at larger as a change in that building enough to secure a setback on that property. You can see that the property line really mimics the side of the building there and is on the property line. My only concern is the setback on that existing garage with the changes that are happening to the property. There has also been the interpretation that the additional breezeway and the addition to the house increases the value, the size, and may violate that code. Secondly, it has also been brought to my attention by Marion Phelps, at the ERWSD, that there is an easement that I abide to that doesn't show up on the plan.

B. Sisk we are only here for Design Review, ok, this has nothing to do with anything we don't have any control over.

Mr. Campbell that is really my only concern is on my property line getting that five foot setback restored, I have issues of setbacks with properties.

B. Sisk that is a legal issue, we have no governing over that. The only setback we are concerned about is the Minturn code set backs and it is my understanding that this meets those setbacks.

Mr. Campbell is that determined as the use of the building? Mr. Boyd made it clear on the intentions of the projects were for more space and connecting that to the house, would that be a change of use of the building.

B. Sisk that is not change of use, the building is still a garage. To change the use of the building they would need a Conditional Use, they would go through the Town Council and the Planning Commission.

Mr. Campbell so is that necessary?

B. Sisk added that there is no change in use so it does not become necessary.

R. Davis it is still residential.

Chuck Lanci, 80 Wildwood Lane, Glenwood Springs, CO. the question of use has been brought up. The building codes addresses building use and change of use very clearly. In a residential situation according to the International Residential Code we are looking at a Group U (Utility) as a garage or storage area and as long as that is still being used and the structure itself is not being changed, that stays as a Group U. By attaching a breezeway to it or any structure to it, which would be considered an addition must be built to current standard. The existing building does not have to be brought up to current standard. That distinction may be is being confused here, I just want to make it very clear that the house itself and the garage do not need to be brought up to standard. The breezeway in the middle has to be built to current standards.

Mr. Campbell I liked the plan when I saw it what you guys (Boyd) are doing, I think it maintains the building at a size that it is and I think those are preservation we should look at with non-conforming buildings that need to stay and I wish the very best and Michael knows in additional projects I am looking for the easement to be relieved and my setback to be enforced at the time that building is changed.

B. Sisk asked for additional comments and then closed the Public Hearing.

R. Davis I think it meets all of the guidelines and even though it is a non conforming garage in the past we have interpreted that what he is doing would not be increasing the non conformances of the existing building. That is the way I understand it, what we have seen happening around town before. I am in favor of it.

R. Martinez replied same here.

Motion by R. Davis to approve Design Review for 504 Eagle Street with the recommendations set forth by Staff and previously by Derrick Slocum, second by Robert Martinez; all voted in favor. (*Kristi Boulle was absent*)

K. Briggs rejoined the commission

ACTION ITEM #2 Condominium Conversion Final Subdivision Plat

Applicant: Wind River Land Company

Address of Property: 1863 Cross Creek Lane formerly unit D (north upper); 1865 Cross Creek Lane formerly unit B (north lower); 1867 Cross Creek Lane formerly unit C (south upper); 1869 Cross Creek Lane formerly unit A (south lower).

Zoning: Cross Creek Character Area – Residential Zone “S”

Proposal: The applicant is requesting approval of a Condominium Conversion Final Plat Subdivision

Summary: Wind River Land Company, also known as Minturn Racquet and Trout Club is requesting approval of a Condominium Conversion Final Plat Subdivision for a four-plex residence located on lots 15 and 16.

Discussion: Staff review of this application includes pertinent zoning regulations, background activity, and analysis of comments including a comparison of the project to policies and goals outlined in the Zoning Code, Chapter 17 Sections 17.251 through 17.253 entitled “Duplex, Condominium and Townhouse Subdivisions. One (1) type of subdivision and thereafter is subdivided so as to create a different type of subdivision (for example, conversion of a condominium subdivision, such conversion shall be subject to the requirements of Chapter 17, Article VII, Final Subdivision Plat Sec. 17-133, Planning Commission review of final subdivision plat, Sec. 17-134 Town Council review of final subdivision plat, Sec. 17-135 Final plat application Sec. 17-136.

Recommendation: The Planning and Zoning Commission recommend approval to the application subject to the following conditions.

1. The applicant agrees to address the Planning Commission comments and concerns as identified within this report.

2. The applicant making any modifications to the plan document as requested by the Planning Staff and Building Inspector, Town Clerk, and Eagle River Fire Protection District. prior to Certificate of Occupancy.
3. The applicant shall pay all required fees and charges related to development of the subject property.

Wiley S. ilt as condo but develop wanted to lease out as apartments and rentals and that did not work out. He needs to he will come back and apply for a condominium. Approved density not changing 1800 block of main, 1863.65,67,69 Cross Creek Lane.

B. Sisk all built out it is just a conversion. Some issues about fire code; doors and walls. Have they been addressed; yes. Town Planner Smith responded before the developer started the condo conversion process he conferred with the building inspector for the Town and had to remove some doors for some apartments and the inspector signed off on the work that was done. I'd like to add to the record there was a person who called up (Ms. Stuckey) who lives near by and she opposed to the Condo. He called her back, she was concerned with the increase in the density and the developer will call her. We want no miscommunication that this was part of the approved plan that there is nothing else being built, just a conversion from a rental to a condo.

Jim Brinkerhoff, 1888 Cross Creek Lane, Minturn, CO as Wiley stated we originally attended it to be a condo and we needed the Final plat recorded before we could record condo map. But along the way we decided we wanted to fracturalize it and it did not work out, so really we are completing what we originally set out to do. It is four units, all completed per code, it is conforming, just a legal ownership issue. It is the only unit that is not on the railroad, right next to the Club House.

B. Sisk opened the Public Hearing required but no public is here so there was no public present.

B. Sisk there needs to be a little education of our residents as far as condos; nothing changes, it is just a financial change.

Motion R. Davis, to approve condo conversion for Minturn Racquet and Trout Club as proposed, second by Karen B second; all voted in favor.

Old Business: Review revised Old Town Character Area section in Chapter 16.

Wiley S. stated that he wanted to discuss this informally when we had more people here in reference to R. Davis and the comments he made when the original zoning code was adopted in 1998 the intent was to bring in higher density into the Old Town area. Since that time I am not sure if the intent has been seen or more intense use in the downtown area. That also open ups the door to people buying three or four lots, consolidating them and putting up something that may have not been the intent of the code. As long as it meets the use you can do that. The proposal for the two lots south of the Shop n Hop, they have withdrawn their proposal and now there is somebody else who is looking at that property. But what we saw and what the Town Council saw was not what we wanted to see built there. I am coming back and asking do we want to continue the intent of the 1998 code with the higher build out of the Old Town area or do we want to see a scale that is lower in intensity and size. We are at a crossroad; do we want to see the old town as we see it now, being built out and replaced with more than what we have now? Discussion

B. Sisk shared in the downtown area if someone wanted and they owned three lots and they could build a bigger structure, broad, not high necessarily. I think it would be good if we could adapt something in the code that they do not look like one structure. So that it looks like the rest of the town. As far as the height, it really gets to be a football. The cost of land in Minturn and trying to build out something you can make a profit on is getting harder and harder to do. With the requirements we have now, in Old Town we are at 35' and I think somebody

should put some numbers together and see if it is feasible. We had conversation concerning this shack property and that it would be difficult to build something on that property and make it pay for itself. We need to be aware of this; otherwise it isn't going to happen.

R. Martinez in order to keep the character it is going to have to be as is. With the festivals we have downtown, and how the Country Club is right up to the sidewalk. Harry's is offset I like that but being bunched up on the street is not safe, I can not see that.

B. Sisk I don't disagree with you but with the setbacks at 0', or we can change the code to a 10' setback. When you get into the corridor it isn't going to be that. How many festivities do we have; Market, Winter Fest, July 4th, the Homecoming Parade.

B. Sisk so really besides the Market we only four or five besides the market.

Derrick S. inserted that Karen Earley, our Economic Development Director, is trying to increase the amount of festivals.

B. Sisk yes, just look at the Market it is very successful, I even enjoy going down there.

K. Briggs it is not enjoyable to live next to though.

R. Martinez needs is what the Town of Vail has and that is the Street Beat where there is a band every Wednesday. We need something similar like every Friday during the summer to draw visitors in. Regarding the mobile homes across the streets, how did they get painted different colors, did that go through the Town?

Wiley S. replied that he approved that as a minor change. The code says that the Town Planner does have some discretion for minor changes in the DRV, so I approved that.

R. Martinez responded you surprise me. Did you know that the shed right behind there is fallen and rotten.

Wiley S. responded all of those items, sheds and the mobile home are going to be replaced, probably within the year.

R. Davis I know that it has collapsed and it is unsafe in case a kid goes back there.

Wiley S. responded those are going to be gone in probably a year.

R. Davis if someone wants to abandon a lot line to make a bigger building, does the town have authority to deny that request.

Wiley S. that is a legal issue, but off hand if you followed the codes strictly, no. There is no maximum lot size, Minimum lot size, but you can consolidate lots as long as you follow the PUD code which is.....

R. Davis in case of the two lots next to Shop n Hop, if they were to build on each lot with current zoning Requirements the DR we did on it would have been a moot point. Each lot would have each lot would have had their own specific requirements to force them to be smaller in scale buildings. But if you can't do that, I'm the last one to mess with people's property rights.

Wiley S. one of the solutions, a reason we are talking about it now, is that we can assert into the code we could say no lot can be more than 5,000 sq feet and not less than 2500 sq ft. So you could vacate two 2,500 sq ft lots and make one 5000 lot but you can't make more than one 5,000 lot. But you could not vacate the 5,000 sq ft lot

and make it into a 10,000 sq ft lot.

R. Davis but what about the minor subdivision clause; if someone had bought all of those lots between Harry;s and the Ironworks over there?

Wiley S. this is only the Old Town. I've heard good and bad about that. I think Harry's lot is three and each one was 2500, 7500. If what we purpose that no lot can be more than 5000 sq ft then he wouldn't have been able to build it. Do you feel Harry's is in scale or in context of the Old Town area?

R. Martinez I think his building is right on the line. It isn't too bulky, it just looks good, it isn't like the reports we get on the Enclave.

Derrick S. added that it seem to just blend.

Wiley S. asked if 7500 sq ft maximum be better?

B. Sisk responded that it probably would be more practical, it would limit what could be done to a point and have enough square foot to do something.

R. Davis clause to enforce the block plan concept on the sides and maybe even in the back for bulky, boxy looking buildings.

Wiley S. we can also talk about setbacks; 0' commercial, 10' for mixed use. How far back do you want to keep that scale, do you want to get right up on the sidewalk or do you want a setback and have a sense of breathing as you go through town instead of being confined or do you want that density right up to the sidewalk to give the feeling of a town that is active and going places. Good and bad to both sides.

R. Martinez responded that you hit the nail on the head, having that breathing room because with a commercial Setback they can set up tents, that is how you are going to get people in to the property. If it is right up to the sidewalk and you set something up, it is going to be on the sidewalk and people are going to walk around on the street.

Wiley S. added that one of the things he is purposing is 8' wide sidewalks. Our sidewalks are very inadequate.

General conversation ensued regarding the Enclave

B. Sisk remarked that he would like 8 or 10' sidewalk would solve the problem of pedestrians and keeps the look of our town.

Wiley S. in the next three to five years get completed and Town Council approves some of the development That money will come back into the town for improvement.

R Davis can we put the sidewalks into the street farther; yes CDOT will increase the width of the sidewalk because of safety.

R. Davis someone who has a really nice sidewalk plan, Idaho Springs, peninsula, a little parking,

Informational: Karen Briggs submitted her resignation effective immediately; Bill Sisk submitted his resignation effective at the end of May, and Rob Davis submitted his resignation but will stay on until a replacement is found for Chairman, Bill Sisk.

Attachments: None

As there was no additional business the meeting was adjourned 8:15pm

Chairman, Bill Sisk