

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
GORDON FLAHERTY, MAYOR
GEORGE BRODIN, MAYOR PRO TEM
JERRY BUMGARNER
BILL BURNETT
TOM SULLIVAN
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**Town of Minturn
Planning and Zoning Commission
6/14/06**

These minutes are formally submitted to the Town of Minturn Planning and Zoning Commission for approval as the official written record of the proceedings at the identified Planning and Zoning Meeting. Additionally, all Planning and Zoning meetings are tape recorded and are available to the public for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

REGULAR MEETING (7:00)
Minturn Town Center – 302 Pine Street

Bill Sisk, Planning Commission Chairman called the meeting to order at 7:02pm. Planning and Zoning Commission members present were Rob Davis, Bill Sisk, Kristie Boule, and Robert Martinez.

Town of Minturn Staff present was Wiley Smith, Town Planner; Derrick Slocum, Planner I; and Torrey Maxwell, Administrative Technician/Court Clerk.

Approval of Agenda

D. Slocum notified the Planning Commission that under Informational on the agenda he requested Garth Koellhoffer speak to Commission regarding design ideas; The Planning Commission agreed to hear the request.

W. Smith requested a DRB Action Item be added. The applicant, Rob Wyzykiewicz would like to remodel single family bungalow at 362 Main Street The Planning Commission agreed to hear the request.

Motion by R. Martinez approved the agenda as amended, second by K. Boule; all voted in favor.

Approval of Minutes - Minutes from May, 24 2006

Motion made by R. Martinez, second by B. Sisk to approve the minutes as presented; all voted in favor.

New Business

ACTION ITEM #1 Conditional Use

Applicant: Turntable Restaurant & Motel

Address of Property: 160 Railroad Avenue

Zoning: Game Creek Character Area

Proposal: To gain approval for a Conditional Use permit.

Summary: Turntable Restaurant & Motel, applicant, is requesting a Conditional Use Permit approval for the restaurant and motel, located on property in which is currently owned by the Union Pacific Railroad Company in the Planned Unit Development Holding Zone of the Game Creek Character Area. The proposal is on property consisting of approximately 81,150 square feet. The applicant is proposing to continue the use of this lease for restaurant and motel customers and employees.

Discussion: Staff review of this application includes a comparison of the policies outlined in the **1998 Re-adopted Minturn Community Plan** and the **Game Creek Character Area Policies**, pertinent zoning regulations, background activity, and analysis of comments including a comparison of the project to policies and goals outlined in the **Zoning Code, Article XII, Section 16.12.1, and 16.12.3 Game Creek Character Area Zoning Regulations** and **Section 16.12.5, Game Creek Character Area Use Table**.

Recommendation: Staff recommends the Planning Commission recommend **Approval** of the Conditional Use application with conditions.

1. **All parking must be within the leased area.**
2. **The restaurant and motel cannot be sub-leased as stated in the lease contract without prior consent of the Union Pacific Railroad.**
3. **Restaurant and Motel must maintain the required number of parking spaces as required by Chapter 16, Article 16 (Off-Street Parking and Loading) of the Town of Minturn Municipal Code. *(The purpose is to ensure that the use is served by an adequate supply of well planned and designed parking, and to assure that the owner/operator of the use provides sufficient parking spaces for the use.)***
4. **The restaurant and motel must be maintain in accordance with Chapter 7, Article 2 (Nuisances) of the Town of Minturn Municipal Code *(The purpose is to ensure that the use operates in a manner that is not harmful to the surrounding uses and the process in which a nuisance is declared for a specific use.)***
5. **Emergency access of 20' through the leased area.**

6. **Any dumpsters containing or temporarily storing refuse/trash material outside the restaurant and motel must be stored on property and must be properly screened.**
7. **The leased area used for parking must be policed and maintained by the lessee (restaurant and motel owner).**
8. **Trash and junk accumulating in the parking area must be picked up and disposed properly within seven (7) days.**
9. **The parking area must not be used for repair, maintenance or storage of vehicles.**
10. **Letter stating the hour and dates of operation to staff**
11. **All-season use will require site storage of snow and keeping emergency access cleared.**
12. **Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.**

D. Slocum introduced the Turntable's request and also covered the recommendations of the Staff's twelve conditions as listed above.

R. Davis said that he appreciates how tidy and neat the property is and stated he has no problem with the Conditional Use Permit being reissued.

R. Martinez stated that he is concerned that trucks are being parked on the property and doesn't want to see that happening.

Darla Goodell, 164 Railroad Avenue, Minturn, CO commented that people who rent rooms from her have trucks and they will be parking there. She is going to begin utilizing a parker sticker for those authorized to park on her property.

Public Hearing opened at 7:10pm and upon hearing no public comment the Public Hearing was closed at 7:11pm.

Motion made by R. Davis, to approve the Turntable Restaurant & Motel's request for Conditional Use Permit located on property in which is currently owned by the Union Pacific Railroad Company which includes the Staff's recommendation of the twelve conditions listed here, second by R. Martinez; all voted in favor.

ACTION ITEM #2 Design Review

Applicant: Eagle River Wood & Landscaping Services

Address of Property: North Minturn Road

Zoning: Game Creek Character Area

Proposal: To gain approval for a Conditional Use permit.

Summary: Eagle River Wood & Landscaping Services, applicant, is requesting a Conditional Use Permit approval for a storage yard for tools, machinery and equipment and for the fabrication of wood. This proposed use is located on property, which is currently owned by the Union Pacific Railroad Company in the Planned Unit Development Holding Zone of the Game Creek Character Area. The proposal is on property consisting of about 5,000 square feet. The applicant, leasing the land from Union Pacific, and is proposing to use this land as for fabricating wood, parking for employees and storage for supplies.

Discussion: Staff review of this application includes a comparison of the policies outlined in the **1998 Re-adopted Minturn Community Plan** and the **Game Creek Character Area Policies**, pertinent zoning regulations, background activity, and analysis of comments including a comparison of the project to policies and goals outlined in the **Zoning Code, Article XII, Section 16.12.1, and 16.12.3 Game Creek Character Area Zoning Regulations** and **Section 16.12.5, Game Creek Character Area Use Table**.

Recommendation: Staff recommends the Planning Commission recommend **Approval** of the Conditional Use application with conditions.

- **A conditional use permit may be revocable;**
- **May be granted for a limited time period, or;**
- **May be granted subject to such other conditions as the Council may prescribe;**
- **Bathrooms at the site for daily employee usage.**
- **All parking must be done within the fenced yard and/or building**
- **Any chemical storage will require material safety data sheets**
- **Emergency access of 20' through the yard and at both access gates**
- **Any refuse/trash material must be stored on property and must be properly screened.**
- **Letter stating the hour and dates of operation to staff**
- **Off-season use will require site storage of snow and keeping emergency access cleared.**
- **Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.**

D. Slocum introduced the Eagle River Wood & Landscaping Services request and also covered the recommendations of the Staff's eleven conditions as listed above.

Robert Burnop, applicant with Eagle River Wood and Landscaping Services, stated that they will put up a fence as requested 6' minimum to keep in chips, etc

R. Martinez talked with the Forest Service and they said there was a problem when the applicant was conducting business on their property. It was regularly down and not maintained well and the storage of the trailers was a concern for the people who live in the area.

Robert Burnop stated that they are flat beds, not trailers.

R. Martinez inquired where the employee parking will be located as he doesn't see a place for it and he also wants to know where snow will be stored.

Robert Burnop responded that UP has given them permission to dump snow over the fence off of his property onto UP's side of the fence. Parking is going to be for one or two employees, small operation.

R. Martinez questioned if they will be parking on Minturn Road; no, there is no easement to park cars, so no they won't be parking there.

R. Martinez inquired what type of fence would be installed; 6' chain link with mesh fabric to keep debris inside.

Robert Burnop added that it was not a good situation at the Forest Service and there was confusion over who would maintain the fence.

R. Davis inquired if this is a year round business; March, April, May not many trees so that is their slow time. Trees will not be stacked 10' high. "It's just not that big of an operation."

Public Hearing opened at 7:28pm and upon hearing no public comment the Public Hearing was closed at 7:29pm.

R. Martinez once again stated that storage of the trailers and the shed is his concern

B. Sisk responded that as long as they store inside of the fence, we already have others who are doing that.

R. Davis interjected that this is a on going progression of partitioned off areas. He feels that the UP should either be a railroad or a service center. If they are going to be a service center then UP needs to step up to the plate and get water, sewer, phone, etc service out there. They should be one or the other, improvements should be made.

Kristie B. added that her concerns are the same. Last Conditional Use that came up we talked about this also. At what point do we stop doing this? But until a decision is made then she doesn't see a problem with it.

B. Sisk reminded the commission that until the town makes a decision to change this, he feels this is out of their (commission) hands.

R. Martinez stated that we might not be able to change it but we can limit it.

D. Slocum reminded that when motion is made that fence needs to be a part of that motion. Motion by R. Davis to approve Eagle River Wood & Landscaping Services request for Conditional Use Permit for a storage yard for tools, machinery and equipment and for the fabrication of wood and this approval includes the Staff's recommendation of conditions listed above and includes the installation of a 6' chain link fence with mesh fabric with two entries as drawn out on the site plan, second by B. Sisk; all voted in favor with the exception of R. Martinez who voted nay.

Robert Burnop added as information only that one of the requirements from UP in their lease is that Eagle River Wood & Landscaping Services stay 50' away from the tracks.

ACTION ITEM #3 Design Review

R. Martinez stepped down from Commission as he is the father of Michael Martinez, the applicant and he is the current owner of 1151 Main Street, Lot 1-A.

Applicant: Michael and Emily Martinez **Owners of Record:** Robert and Elaine Martinez

Address of Property: 1151 Main Street, Lot 1-A

Zoning: South Town Character Area

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

Summary: Michael and Emily Martinez, applicant, is requesting Design Review approval for a proposed single family residence on Lot 1-A, in the Minturn Mountains Home Properties Subdivision of the South Town Character Area, Residential Zone. Currently, there is an existing 1,900 square foot mobile home on the lot. The applicant is proposing to remove the existing mobile home from the lot and replace it with a two-story single family residence with an attached two car garage.

Discussion: The applicant has demonstrated in meeting the Minimum requirements of the application for Design Review Procedure. The applicant needs to demonstrate understanding and compliance of Design Review Procedure and Site Plan Checklist as stated in the Zoning Code.

Recommendation: *Considering the findings and other information provided herein, the staff recommends approval of this application favorably subject to the following:*

1. The DRB grant final approval to the applicant meeting in a general fashion the design and other regulations of the Town.

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.

D. Slocum introduced Michael and Emily Martinez request for Design Review approval for a proposed single family residence on Lot 1-A, in the Minturn Mountains Home Properties Subdivision of the South Town Character Area, Residential Zone and also covered the recommendations of the Staff's three standard conditions listed above.

Michael Martinez, 1151A Main Street, Minturn, CO answered R. Davis questioned on landscaping; four aspen trees, sod in the front, etc.

R. Davis stated that the side facing Main Street looks kind of monotypic and suggested that he could do some landscaping on that side with a few aspens or cottonwoods to break it up and noted that the rest of it looks really good. Right elevation is broken up well with the eave. Some trees, shrubbery etc would break it up and it would look nice. Looks good. It is 23' height from mid point. Full basement? Yes.

Kristie B. responded that she had no comments.

B. Sisk stated that he had same comments as R. Davis Nice addition to the area.

Motion by B. Sisk to approve Michael and Emily Martinez request for Design Review approval for a proposed single family residence on Lot 1-A, in the Minturn Mountains Home Properties Subdivision of the South Town Character Area, Residential Zone including the three conditions stated above, second by R. Davis; all voted in favor.

ACTION ITEM #4 Design Review

Applicant: David and Janet Bower

Address of Property: 481 Main Street

Zoning: Old Town Character Area – Mixed Use Zone

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

Summary: David and Janet Bower, applicant and property owner, is requesting Design Review approval for a proposed addition to an existing single family residence on Lot 11, in the Baldauf Addition, Block 1, of the Old Town Character Area, Mixed Use Zone. Currently, there is an existing single family residence and garage consisting of 1,317 square feet. The applicant is proposing a three-story addition to the existing single-family residence, between the existing garage and house, building over a concrete

patio. The first floor would be open, covering the patio, the second story consists of a master bedroom with a bathroom and closet, and the third story would be used for office space.

Discussion:

The applicant has demonstrated in meeting the Minimum requirements of the application for Design Review Procedure. The applicant needs to demonstrate understanding and compliance of Design Review Procedure and Site Plan Checklist as stated in the Zoning Code.

Recommendation:

Considering the findings and other information provided herein, the staff recommends approval of this application favorably subject to the following:

1. The DRB grant final approval to the applicant meeting in a general fashion the design and other regulations of the Town.
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.

D. Slocum introduced David and Janet Bower request for Design Review approval for a proposed addition to an existing single family residence on Lot 11, in the Baldauf Addition, Block 1, of the Old Town Character Area, Mixed Use Zone and also covered the recommendations of the Staff's three standard conditions listed above.

B. Sisk asked what the color scheme will be; it will match what the house is currently, no changes, red Teflon roof, want to use a rusted color roof.

David Bower, 481 Main Street, Minturn, CO was asked by Rod D. if the dove tailing will go with existing house; yes. Rod D. also added that he liked the covered patio idea.

Mr. Bower said that the idea behind patio is that if anything ever happened to the garage, it would have to be set back 10' so we could just move the garage over to the patio.

R. Davis said that the 28' with two more levels of living area is good.

R. Martinez responded that it looks good.

Kristie B. responded that she had no comments.

Mr. Bower stated that he is 5' off of the property line and his neighbor is right on the property line, has windows in the side of his garage. Mr. Bower does not want to cause harm to his neighbor's property so he has designed with gables so it doesn't drop loads and he has snow dams on south side of roof

Motion by R. Martinez to approve David and Janet Bower's request for Design Review approval for a proposed addition to an existing single family residence on Lot 11, in the Baldauf Addition, Block 1, of the Old Town Character Area, Mixed Use Zone including the three conditions stated above, second by Kristi; all voted in favor

Old Business: Planning Commission review of 421 and 431 Main Street parking plan, north/south elevations, and three-dimensional models.

Stewart Brummett, 385 Avon, CO passed out drawings and placed three-dimensional model on table for commission's review.

B. Sisk inquired what Mr. Brummett had learned about the different parking options.

Mr. Brummett responded that the majority of towns that are transitioning from parallel parking to angled parking are doing so because of a shortage of parking. Angled parking increases by 25% the buffer between pedestrians and traffic, positive impact of economic viability. People like parking in front of the business they are there to go to. It takes approximately 21 seconds to parallel park and 11-12 seconds to pull in or pull out of angled parking. Also a big issue is compliance with ADA modifications on street, and then you are going to have to put them in the back which really doesn't comply when you need the 5' access aisle. He stated that CDOT 2005 traffic count for Main Street in Minturn was 7,800 cars a day 25 miles per hour as Minturn grows that mph will move down the street.

R. Martinez said that he was under the impression that they were going to obtain a study from CDOT.

Mr. Brummett stated that with the 8' in our property 55' right of way, 63' feet, if other side put in angled parking, that 8' is taking from that property then you have 71. You wouldn't have to approve angled parking unless the property owner agreed to go into their property line 8'.

R. Davis said it appears there is a net gain as far as parking envelope. Existing edge of parallel parking, SUV parking and there is a buffer of 3-5' of existing edge or parallel and the bumper line of your vehicle. On one hand it is safer for occupants getting in and out of the vehicle. There is a benefit because you do not have to be in traffic to get in and out of your vehicle. And we have the buffer which helps with elbow room on Main Street. Down side is backing out in busy traffic but walking out in busy traffic is a challenge also, opening your door into traffic. Still blind spots when you are first backing out but at least you are in your vehicle so it is your vehicle getting whacked, not the person.

Mr. Brummett added that this would be a good test for diagonal parking.

R. Davis stated that it is clear that the applicant has gone the extra mile, has taken the time to look at it.

R. Martinez asked if a condition could be added that they put parallel parking in if accidents start occurring with angled; no.

W. Smith asked the commission if it is just the parking that is stopping you or are there other concerns; parking seems to be the only problem.

W. Smith added that tandem parking is not an issue. If you vote for 45 degree parking you can't go back and change it later.

R. Davis pointed out that the only difference in layout of building is that it will be 8' forward if they go with parallel.

Mr. Brummett stated that they would like approval tonight and they are willing to go with either the parallel or the angled.

Motion by R. Martinez to approve Design Review for 421 and 431 Main Street parking plan, north/south elevations with the parallel parking, second by K. Boule, all voted in favor with the exception of R. Davis who voted nay. He added that he does not like parallel parking on Main Street

Informational: Garth Koellhoffer Design Ideas for future Design Review

Garth Koellhoffer, 1010 Main Street, Minturn, CO is looking at property along Taylor Avenue for a development opportunity; there are three lots, would like to put in a duplex, side by side cape cod style with garage separating them. Is interested to know what the concerns are of the commission so he can address those when it is his time to come in front of the DRB.

R. Davis inquired how many units; middle lot sub divide it, duplex on back lot.

R. Martinez asked what is the name of the road back behind there; Grant Street. Robert added that the commission is concerned for safety, emergency vehicles, snow removal storage, etc.

W. Smith introduced Robert Wyzykiewicz who is coming before the Planning Commission in regards to a remodel at 362 Main Street that he needs approval on to move forward.

Robert Wyzykiewicz, RAW Buildings, Inc. PO Box 606, Minturn, CO.

Robert Wyzykiewicz would like to replace the existing vertical wood façade with a horizontal plank and chink façade similar to the Minturn Racquet and Trout Club buildings with the inclines going all the way up the gable, with no structural changes.

B. Sisk inquired how it would be secured Would it be nailed with spiral 3" fasteners?

W. Smith responded that there are some buildings that have this type of siding

K. Boule added that it is similar to another the cabin that was built.

Mr. Wyzykiewicz said the corners will be the same, 2x6 Douglas Fir, strap the corners, windows and doors will be wrapped with 2x4 with oversized header.

Motion by R. Martinez to approve 363 Main Street as presented, second by Bill S; all voted in favor.

W. Smith notified the current commission of the new members that have been approved by Town Council:

Ernie Glesner
Jim Brinkerhoff
Lynn Teach
Woody Woodruff

Town Council wanted an alternate that is why there is four when only three spots are open. Now there will be an alternate to fill in when someone will miss a meeting. W. Smith will hold a training workshop on the 28th. And then to start off July 12th is when Ginn comes in front of the commissioners.

- Attachments:**
1. Application for Turntable Restaurant & Motel
 2. Application for Eagle River Wood & Landscaping Services
 3. Application for Michael and Emily Martinez
 4. Application for David and Janet Bower
 5. Parking plan study and documents

ADJOURNMENT

W. Smith gave a warm good bye to Rob Davis and Bill Sisk and thanked them for their time and service to the commission. Thank you Rob and Bill.

As there was no additional business, the meeting was adjourned at 8:58pm

Bill Sisk, Chairperson