# Town of Minturn

## March 9, 2011
## Planning Commission Agenda

## Regular Session - 7:00 p.m.
**Minturn Town Hall – 302 Pine Street**

**Call to Order/Roll Call**

The meeting was called to order at 7:00 pm by Chairman Stuart Brummett. All Commissioners were present including Vice-Chair Lynn Teach, Melissa Decker, Tim Osborne and Michael Gallagher.

Staff present included Chris Cerimele, Town Planner & Jim White, Town Manager.

**Approval of Agenda Items**

M. Gallagher made a motion to approve the agenda. L. Teach seconded the motion. The motion passed 5-0

**Approval of Minutes** – Minutes from February 23, 2011

L. Teach made a motion to approve the minutes from 2.23.11. M. Gallagher seconded the motion. The motion passed 5-0.

**Public Comment** – There was no public comment on items that were not on the agenda.

**Action Items**

1. **VAR 2011-02; A request for variances to construct a mixed-use building.**
   Applicant: Andre Vite
   Property Location: 251 Main St.
   Zoning: Mixed-Use – Old Town Character Area
   Proposal: The applicant is proposing to construct a mixed-use building consisting of a small commercial space and a single family unit. Variances are being requested from the building height, front setback and maximum allowable lot coverage.

C. Cerimele introduced the item. He stated the applicant was requesting variances for the building height, front setback requirement and allowable lot coverage. His staff recommendation was denial for the variance requests

Andre Vite, Denver, CO – introduced himself as the applicant and architect. He provided an overview of the proposal and stated that he intended to construct a mixed-use building that would require three variances. He highlighted the fact that the site was located in the center of the mixed use zone and it would fit nicely between the Town's two commercial zones.

A. Vite presented a power point presentation to the Planning Commission that outlined the particulars of the proposal. The proposed building would have a 1,200 square foot footprint on a 2,500 sf lot. The lot coverage would exceed the maximum allowable size of 45% by 3%. He requested a variance from the lot coverage requirement and a front setback variance of 9". He stated the setback variance was needed to have a viable commercial space of at least 450 sf. The applicant then proceeded to describe the building materials that would be used to construct the proposed building. The exterior would be constructed with highly sustainable wood panels that were super insulated. He handed out samples of the wood panels. A discussion ensued regarding the proposed materials.

The applicant displayed a model to the Commission that showed the building in context to the adjacent structures. He highlighted the fact that the building's height did not exceed the height of the property to the north and barely exceeded the height of the property to the south. A discussion ensued regarding the need for the front setback variance. The Commission inquired why the commercial space in the front could not be shifted back 9" to remove it out from the 10' front setback. The applicant said that he would still need a variance for the lot coverage and building height if he opted to do that. A discussion ensured regarding the building height and the need for a height variance. A. Vite stated that the height variance was necessary to have three floors and a viable commercial space with adequate ceiling heights.

S. Brummett opened the meeting up for public comment.

Lynn Kanakis, 248 Main Street, stated he was concerned with snow falling onto the neighbor's property and that the roof would not be able to withstand the weight of the snow. He was also concerned with parking in the area. A. Vite responded that the building would be constructed to the applicable building code standards and that he would pay for someone to haul the snow from the property. S. Brummett added that the flat roof would retain the snow better than a sloped roof.

Robert Martinez, 801 Main Street, stated that he supported the proposal. He liked the idea of cleaning up the town and that the removal of a trailer from Main Street would be a positive development.

Roy Vasquez, Boulder Street, stated he was concerned with guest parking.

Bill Sisk, Gypsum, CO, stated that he owned the adjacent property to the north and that he was supportive of the proposal. He liked the idea of the flat roof because it would hold the snow as opposed to shedding it onto his property. He also felt that the height variance should not be an issue since it would still be lower than his building. He also felt that the applicant was not asking for a whole lot and that the variances should be granted.

Elaine Turnbull, 231 Main Street, was concerned with the building height. She said that the building would tower over Cissy Olson's property to the south and that the Town needs to be cognizant of the people that lived here first. She also stated that she disliked the flat roof design of the building and that she preferred roofs with peaks and dormers.

Cissy Olson, 261 Main Street, stated she owned the adjacent property to the south and that she was opposed to the proposal. She felt the building was massive and that it would be a real imposition on her. She said she was negatively affected by the new triplex on the other side of her property. She felt that parking and snow storage were major issues with the proposal.

Linda Brodin, 272 Boulder Street, was concerned with the appearance of the Boulder Street elevation. She felt that it did not appear "neighborly" and that it did not fit the character of the neighborhood. She was not supportive of granting variances for the project.

Michael Gallagher called for a 5 minute break. (a 5 minute break was taken)

S. Brummett went through the criteria for granting a variance and stated that it was the applicant's responsibility to prove that a hardship exists. He then asked the other Commissioners to comment on the proposal.

M. Gallagher stated that he apprecitated the applicant's presentaion but saw no reason for granting the requested variances. He felt that the model clearly showed that building would be too tall and not fit into the character of the area.

L. Teach stated that she wanted parking on site, not in the Town right of way.

T. Osborne stated that he liked the flat roof on the buliding and that it was a smart design. He appreciated that the building was energy efficient but that he was leaning towards something that fit within the existing code requirements.

M. Decker stated that she didn't feel that exceptional or extraordinary conditions existed on the site that warrented granting the variances.

C. Cerimele stated that the application was scheduled for two Planning Commission meetings to give the applicant time to respond to the Commission and public comments. A. Vite stated that he was mindful of the concerns and showed an alternate proposal with a single family residence with a garage on Main Street. S. Brummett asked if it was permissible to have a garage that backed onto Main St. C. Cerimele stated since it was an existing curb cut that CDOT would allow it.

A. Vite denied the opportunity to rework the proposal and stated he wished to withdraw his application and proceed with a single family home that was a use by right.

2. **VAR 2011-01; A request for variances to construct a detached garage.**
   Applicant: Chris & Tessa Manning
   Property Location: 293 Boulder St.
   Zoning: Residential – Old Town Character Area
   Proposal: The applicants are proposing to construct a detached garage as an accessory structure to the existing single family home. They are requesting variances to construct the garage in the side and rear yard setback. They are requesting an additional variance to exceed the maximum allowable lot coverage of 40%.

Chairman S. Brummett recused himself from the hearing due to the fact that he was originally approached by the applicants to design the building but was ultimately not retained to do the work. Vice-Chair Lynn Teach assumed control of the meeting.

C. Cerimele introduced the application and stated that he did not support the variance requests. He stated that he did not feel there were exceptional or extraordinary circumstances that existed on the site. He introduced the project designer, Michael Pukas.

M. Pukas passed out an illustration that showed houses on Boulder Street that encroached into the setbacks. He also questioned why the Town Planner no longer supported the proposal and if the Commission had any contact with him

regarding the project. C. Cerimele stated that he reconsidered the project and felt that there was no reason to grant the variances since ample room existed on the site to construct the garage. He also said that the clear vision requirement would not be met if the building was constructed as presented.

The individual Planning Commission members stated that there was no contact with C. Cerimele regarding the project.

M. Pukas stated that the goal of the project was to retain as much of the lot as possible while achieving 2 off-street parking spaces. The second goal was to give the Mannings additional storage space since much of their home was used to store items for their business.

Chris Manning, property owner, introduced himself and read a prepared letter. It stated that it would be painful for the family to lose the additional yard space that would occur if the building was constructed to the 10' rear setback and 5' side setback requirements.

The meeting was opened to public comment by Chairman Brummett.

Cissy Olson, 261 Main Street, requested to see the building plans. At this time, C. Cerimele provided a copy of the plans and displayed them to the public. M. Pukas went over the particulars of the design.

Linda Brodin, 272 Boulder Street, stated that she liked the design and that she supported the variance requests. She also liked the fact that the project would create two additional off-street parking spaces.

Chairman Brummett opened the meeting up to Commissioner comments.

M. Gallagher inquired about the staircase along the Pine Street side. He wondered whether the lot coverage variance would be necessary if the design was reworked.

M. Decker stated that the town had codes for a reason and even though they may not always been followed in the past, she wanted them enforced now. She also stated that she didn't feel that the applicants had a compelling enough reason for the variances to be granted.

M. Gallagher said that it appeared that there was an excessive amount of room in the garage for two cars. M. Pukas stated that it was designed that way to have the maximum amount of storage. M. Gallagher expressed his concern with having the garage so close to the street. He said he would like to see the building scaled back as not to exceed the lot coverage requirement.

L. Teach said that she liked the idea of creating off street parking but wanted to look into the clear vision requirements.

T. Osborne stated that the code applies to everyone in Town and that the Commission was trying to apply the same set of standards to make it fair for everyone in Town.

M. Decker said she wanted to see the setbacks and lot coverage requirements adhered to.

M. Pukas requested that the application be tabled so they could consider reworking the design.

M. Gallagher made a motion to table the application. It was seconded by T. Osborne. The motion passed 4-0.

**Discussion Items**

**Commissioner Comments**

**Adjournment**

M. Gallagher made a motion to adjourn the meeting at 9:20 pm. L. Teach seconded the motion. The motion passed 4-0.