

Town of Minturn
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Planning Commission:

Lynn Teach - Chair
Melissa Decker
Burke Harrington
Bobby Head
Timothy Osborne

Planner - Janet Hawkinson

Town of Minturn
Planning Commission Minutes
May 14, 2014
Regular Session - 6:30
Minturn Town Center

1. **Call to Order at 6:30 pm by Tim Osborne**
 - Roll Call - everyone is present and Lynn Teach was present by speaker phone from Chicago for the MPP Project.
 - Pledge of Allegiance led by T Osborne.
2. **Approval of Agenda by M Decker - 2nd by B Harrington**
 - Items to be pulled or added - agenda stayed the same
3. **Approval of Minutes by B Head - 2nd by B Harrington**
 - April 23, 2014 minutes
4. **Public Comment:** Members of the public may have 5 minutes to comment on any item, which are not on the agenda. Michael Boyd from 502 Eagle Street spoke in support of Plan A on MPP Architect design being presented. He would like to see it approved and spoke highly of his new neighbors.
5. **Action Items:**
 - A. 515 Pine Street Design Review - The owners of the property, the Underhills, were present. The Planner Hawkinson presented and gave a presentation on the screen. The Planner stated it met the zoning codes and the foundation has already been redesigned to meet building code specifications. B. Harrington asked if neighbors were informed - only by regular posting of the meeting. Mr Underhill gave a small presentation on why they purchased the property and the work that needs to be done. They already remodeled the front half of the house and now they are submitting to remodel the 2nd half. They moved here to be in small town. M Decker asked about existing structure. The present structure is not to code and the intention is to bring it to code. Recess lighting and downward facing lighting to meet code. Has enough parking, and meets Minturns codes.

M Decker made motion to approve Underhill project as is and B Head 2nd motion.
All voted for approval to the Underhill project.

B. MPP Architecture, Meek & Eagle Street - Design Review - Michael Pukas the Architect and Tom Sullivan the General Contractor were present to represent the project. This is the 4th meeting regarding this project. In regards to T Osbornes email referencing the Clear Vision code - a car parked in clear vision is blocking the code - the architect drew a 2nd set of plans to present to Planning Commission so they could have 2 options.

The meeting with Underhills finished before 7:00 so the Planner presented information on the new bathroom to give time for M Pukas to arrive. Reported on the Boneyard easement and site plan. TAP Grant was reported and due Aug 1, PC will help gather letters of support and a petition.

At 7:05 the MPP project presented. The Planner presented the two different drawings/plans from the architect. Two plans were presented to answer the concern by T Osborne in an email on Monday. T Osborne presented concern of corner lots and clear vision. Recognized the attorneys ruling on the non-conforming portion of home is legal. What is still of concern is cleaning up non-conforming structures. He suggests to look at corner lot ordinance. Suggest we need a variance for the clear vision code if going to approve the Plan A instead of asking for more pavement along house.

MPP presented moving the parking space in Plan B to the side of the garage and Eagle Street. This would add 12' x 9' more asphalt, taking away landscaping and streetscape. The homeowners will do this but would prefer plan a. They do not want to apply for a variance for Plan A. Will go with plan B if variance is required.

Discussion amongst Planning Commission about new plan b and clear vision code. The asphalt would go up 32' feet from Meek Street. This makes Eagle street wide and undefined. T Osborne clarified nothing over 2 1/2' can obstruct the clear vision zone of 15' x 15'

Planner said they can approve the plan a and ask for a variance for the parking to stay in the clear vision and not extend the pavement and ruin the streetscape.

M Pukas stated they would not apply for a variance. They would just add the extra parking.

M Decker stated it was good to see the attorneys interpretation of the non-conforming structure and how an agreement made over 20 years ago can keep the Town from bringing structures to code. This is a matter of whether we follow our code or not. Does not care where one car is parked but need to follow code. Of course there is no traffic on this street, but we have a clear vision code.

T Osborne supports plan B because it is respecting clear vision code. Pukas stated a car has windows that you can see through that will help with the clear vision. It is not a fence. T Osborne states it can't be higher than 2 1/2'

T Sullivan spoke they were not trying to 'screw the code' that they want to comply and that they can go with Plan a or b.

Michael Boyd spoke and stated that if you go with Plan B you are creating a 3rd parking space and people are going to park in the clear vision zone any way as well as along the garage - you are creating a situation that cannot be enforced - we do not have police to come by and see if they will be parking in the clear vision zone. He supports plan a because it create a better streetscape and the parking is controlled. He likes trees and grass instead of asphalt.

Lynn Figer spoke to planning commission. She is in favor of plan a - less asphalt. She owns the neighboring home on Eagle Street. She likes more landscaping on Eagle Street. Would rather see grass then more parking.

B Harrington said he would like to see more grass then parking. If Town goes one way it needs to go with plan B because it follows code and we do not know what is going to be there in 20 years.

B Head suggest a soft grass paver instead of additional asphalt. Then the hard scape is not there.

Lynn Teach asked that the audience be introduced and repeat their comments. She asked clarification on the neighbors response.

T Osborn asked if the triangle can be grass - M Pukas said it would not allow access to the side of the garage and you can't make them put in grass pavers.

B Head if space can be accessed by other street - it can't because of code and distance...not as safe.

Lynn likes having clear vision on the corner.

Planning Commission agreed to have a variance for Plan A or they need to go with Plan B to meet the codes, even though this causes problems with street view.

MPP spoke to remind of project on main street to remind them of boards decision making. If the project complied with code the project would not have benefitted town or owner. The board made decision that made sense with no variance. We are looking for decisions to be senseable and make sense for the benefit of everyone. At this residence - Eagle street is a one way and dead ends at Meek st- only M Boyd lives on Meek St - it is a dead end Street - Eagle from this corner you can only go to Main st - there is no parking on Meek st - traffic is so low - that it makes sense to allow the parking to be in the clear vision zone because of this dead end street and low traffic and keep the beautification of streetscape on Eagle street. We want plan a and it makes the most sense.

Planner spoke that landscapes - green scape - help define corners, safe walking areas - street versus walk ways - the point is that plan a defines the street and keeps a safer walking way - plan b puts back into place the large amount of asphalt that is existing now - creating additional parking - driveway entrances and making it unsafe for pedestrians - we will be creating the large asphalt that is already there

M Boyd agreed with Planners point of view.

B Harrington confirmed with neighbors they liked plan a better - and that M Pukas made a good point about the dead end streets and low traffic. He suggests to go with Plan A.

M Decker states that the biggest concern is parking for everyone in Minturn. We're not the ones who are supposed to ignore the code and say ok that agreement works because it is on a dead end street. Minturn is in a predicament because we ignore codes because of the property that is why there is this legal agreement with this property on non conforming.

T Sullivan spoke and said they are not asking for favors - they have two plans.

L Teach said she agrees with M Boyd that it will increase parking on the street and there is no way to enforce it. So she thinks we should go with Plan A because otherwise they are allowing 3 parking spaces and less front landscape. She wants it stated why she voted that way.

T Osborne states he needs to go with the new plan b to meet the code. Otherwise he thinks Plan a needs to apply for a variance.

B Harrington asked if they can vote the project in against the code.

The Planner said you can vote a plan that does not meet code or you can request a variance to go with the plan. Agrees with L Teach about extra asphalt and parking. Technical review needs to be included in vote that Public Works requested snow clips to be added.

B Head said he has to go back to Plan A because b adds extra parking spot - the code for clear vision is non-enforceable - I understand conforming and staying away from variances - but also our job to make properties better aesthetically and plan b does not do this so I am going with plan a - it is a better plan.

L Teach asked for a barrier to keep additional parking. B Head said it would inhibit snow plow.

T Osborne if we go with Plan A it violates the code if go with Plan B does not violate the code.

B Head moves to vote to approve Plan A with the addition of snow clips on the roof.

M Decker moves to vote on Plan B.

M Pukas asked that the door facing Eagle Street be removed in the motion.

T Osborne 2nd on Plan b motion.

Planner asks that if going with Plan b that the clear vision has grass or landscape so that it cannot be parked on.

B Harrington says this will be problem with plowing.

Planner asks to review B Heads comments that Plan A makes a better street scape and is aesthetically better for the neighborhood and if they are not wanting to go against the clear vision code to ask for a variance for the parking on plan a and that the door facing Eagle be removed and snow clips added. That is what is recommended.

The motion to vote is: Plan B with the condition that the removal of the door facing Eagle and snow clips added.

The Vote is: M Decker yes - T Osborne yes - B Head no - L Teach no - B Harrington no -

Plan B failed

B Head made a motion to approve Plan A with the following conditions:

- to take out the door facing Eagle and leave the front door facing Meek St
- snow clips needed to be added to the roof.

L Teach 2nd the motion.

The vote is: M Decker no - T Osborne no - B Head yes - B Harrington yes - L Teach yes

Plan A Approved with conditions. The Planning Commissioners who voted yes requested the following statements be included as to why the vote was yes on Plan A:

- Plan A creates a beautiful landscape, better streetscape, and decreases asphalt and pervious surfaces.
- the street the home is on has 2 dead ends, low traffic volume and no parking on Meek Street. Eagle Street is a one way and travelers can only go to Main Street from the corner where the clear vision is in question. It is very low traffic, both pedestrian and vehicles. Across Eagle street is parking for business.
- The vote was yes because the architect said they would not go for a variance and would go around Planning Commission to Town Council and have Plan B approved although this is the less desirable plan for the owners.
- Plan A allows for 10' setback on Eagle Street and 10' setback on Meek Street as a corner lot, benefitting the neighborhood streetscape. This also allows for more snow storage than Plan B

Other Business:

Planner stated Town Council created a Parks committee to assist with bathrooms and other projects.

Planning Commission discussed variances and codes and their roll in voting on them.

M Decker moved to close the meeting. L Teach second.