

**Minturn Planning Department**  
Minturn Town Center  
302 Pine Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Lauren Dickie  
Burke Harrington  
Greg Gastineau  
Greg Sparhawk

## **Design Review Board Hearing**

---

### **Hansen Residence – Final Plan Review**

**82 Toledo Avenue**

---

<b>Hearing Date:</b>	March 13, 2019
<b>File Name and Process:</b>	Hansen Single-Family Residence Final Plan Review
<b>Owner/Applicant:</b>	Matt and Beth Hansen
<b>Representative:</b>	Matt Hansen, ECE Design Build Construction
<b>Legal Description:</b>	Lots 9 & 10, Block D, Booco Subdivision
<b>Zoning:</b>	Old Town Character Area – 100 Block Commercial
<b>Staff Member:</b>	Scot Hunn, Planning Director
<b>Recommendation:</b>	Approval with Conditions

---

### **Staff Report**

#### **I. Summary of Request and Recommendation:**

The Applicants, Matt and Beth Hansen, request Final Plan review of a new, three-bedroom, single-family residence located at 82 Toledo Avenue, Lots 9 & 10, Block D, Bocco Subdivision.

At their regularly scheduled hearing of February 13, 2019, the Planning Commission, acting as the Design Review Board, approved the Conceptual Plans with the following recommended changes or conditions:

1. The Applicants shall provide a final site plan with the Final Plan application to show final grading, drainage and limits of disturbance, along with final details for driveway, walkway and patio materials. The site plan shall demonstrate how proposed drainage will not negatively impact neighboring properties.
2. The Applicants shall provide a detailed landscape plan with the Final Plan application showing all existing and proposed grades, areas or limits of disturbance, areas of hardscape and planting, proposed areas and methods of re-vegetation, rates of (seed) application, temporary or permanent irrigation, plant or seed mix details and locations and methods of erosion control.
3. The Applicants shall apply for a Conditional Use Permit for the single-family use within a commercial zone district concurrent with or prior to the Final Plan application.

In response to the above conditions, the Applicant has provided:

- A final site plan showing grading, drainage and limits of disturbance which essentially encompass the entirety of the property (property line to property line). Details for driveway area and materials have been provided along with drainage details showing how drainage will be handled on-site.
- A landscape plan showing existing and proposed grade lines, limits of disturbance, areas of planting and/or revegetation, as well as trees to be preserved on the property. General information regarding seed mix has been provided.

Additionally, the Applicant has applied for a Conditional Use Permit concurrent with this application for Final Plan review, and the following issues (discussed at the February 13<sup>th</sup> meeting) and have now largely been resolved (discussed in more detail in Section V below).

- **Roof Pitch**
- **Final Plan-level of Detail**
- **Protection of Town Right-of-Way (Toledo Street)**

Last, the Planning Commission asked staff and the Applicant to verify building height calculations and to confirm that tandem parking within the garage is permitted for residential development. Staff confirms that the building height calculations are accurate and that the building is at or below 28 feet, and that tandem parking is permitted for residential uses.

**Recommendation:**

According to staff's analysis of development standards and dimensional limitations in Section III below, the Final Plans appear to comply with or exceed applicable development standards, dimensional limitations and design guideline recommendations.

Staff is **recommending approval** of the Final Plans, with conditions.

## **II. Summary of Process and Code Requirements:**

This is a Final Plan level of review for a new single-family residence, providing the Applicants and staff the opportunity to discuss changes or refinements made to the plans since the Conceptual Plan review; to address specific revisions requested by the Planning Commission; and, to provide final details for the project.

No variances are required or requested at this time, however the Applicant is required to apply for a Conditional Use Permit for a residential use within the Commercial Zone District.

### **Conditional Use Permit Review Criteria and Findings**

The Minturn Municipal Code requires a Conditional Use Permit for single-family uses in the 100 Block Commercial Zone District. Therefore, attached and concurrent with the Final Plan review for the new home, the Applicant requests review of an associated CUP for residential uses within a commercial zone district. The MMC lists no standards, review criteria or required findings for the review and approval of a CUP specifically for residential uses in a commercial zone district.

However, the following general purposes, criteria and findings for CUPs is found in Section 16-21-620 - *Conditional Use* of the Minturn Municipal Code are applicable for the Planning Commission's review of this CUP request:

- (a) *“Purpose of provisions. The purpose of conditional use review is to recognize that some uses may or may not be appropriate in a particular zone depending upon the circumstances of the individual case, and to allow review of such cases so that the Town is assured that these uses are compatible with their locations and surrounding land uses and will further the purposes of the Community Plan and this Chapter.”*
  
- (d) *Administrative procedure.*
  - (1) *Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.*
  - (2) *Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:*
    - a. *The relationship and impact of the use on the community development objectives of the Town.*
    - b. *The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

- c. *The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*
- d. *The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*
- e. *Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*
  - 1. *That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*
  - 2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
  - 3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

**Staff Response:**

Staff believes that the proposed single-family residential use will be compatible with the immediate, largely residential neighborhood and surrounding land uses; and, that the proposal, if constructed and used as intended will further the purposes of the Community Plan and Chapter 16 – *Zoning*, of the Minturn Municipal Code.

Additionally, staff suggests that the above criteria have been considered and applied in the review of this proposal, and that each of the above necessary findings can be met.

Public notice was provided in accordance with the MMC.

**Final Plan Approval Criteria and Findings**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

*(d) Administrative procedure.*

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. *The proposal's adherence to the Town's zoning regulations.*
  - b. *The proposal's adherence to the applicable goals and objectives of the Community Plan.*
  - c. *The proposal's adherence to the Design Standards.*
- (3) *Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*
- a. *That the proposal is in conformance with the Town zoning regulations.*
  - b. *That the proposal helps achieve the goals and objectives of the Community Plan.*
  - c. *That the proposal complies with the Design Standards.*

**Staff Response:**

Staff suggests that the proposed Final Plans for 82 Toledo Avenue adhere to the Town’s zoning regulations and development standards, applicable goals and objectives of the Community Plan, as well as the requirements and recommendations of the Design Standards. Therefore, staff believes that the proposal meets the required findings ‘a,’ ‘b,’ and ‘c.’

**III. Zoning Analysis:**

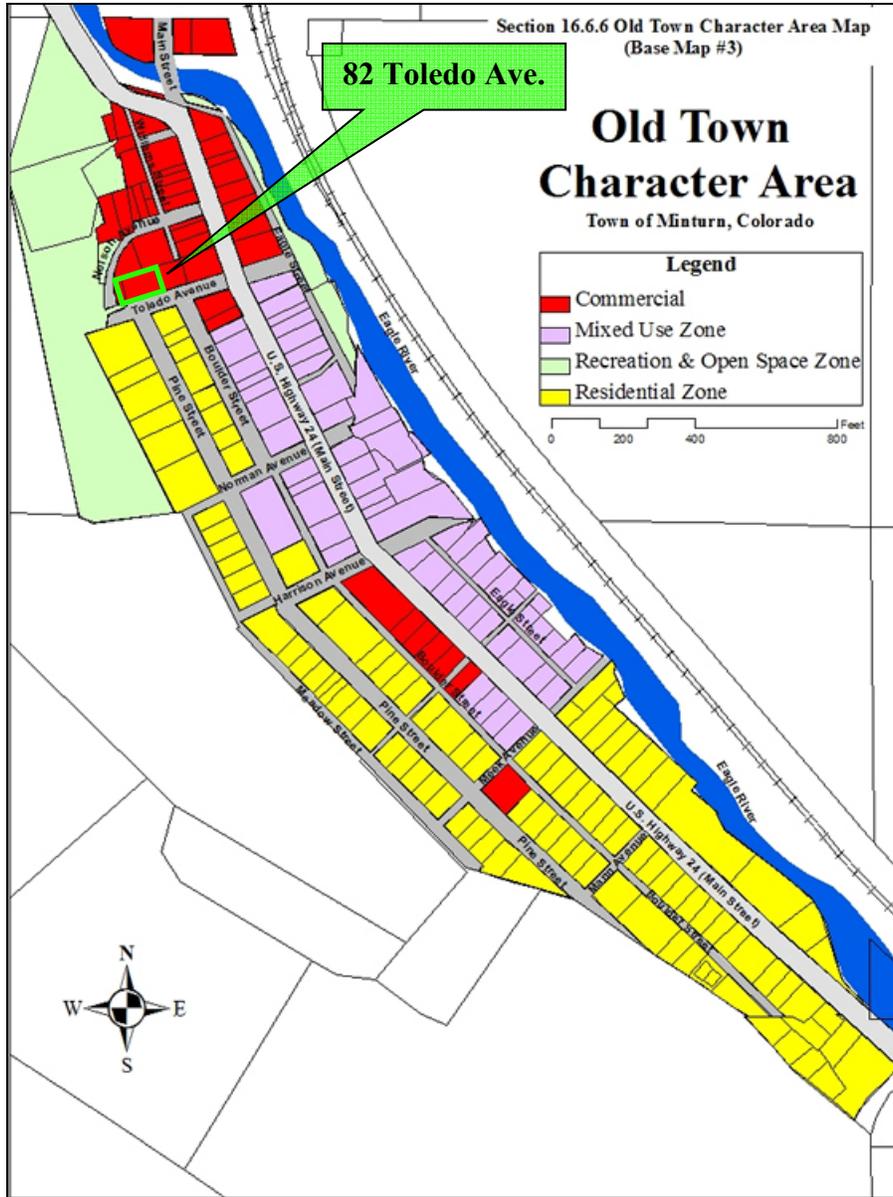
**Zoning**

The subject property is located within the “Old Town Character Area” 100-Block Commercial Zone District. The purpose of the 100-Block Commercial Zone District is as follows:

- “(a) *The 100 Block Commercial Zone is characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.*
- “(b) *The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.*
- “(c) *The 100 Block Commercial zone should function as pedestrian shopping corridor. Buildings should be oriented toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage pedestrian engagement and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street.*

“(d) The small-town main street character will be maintained by keeping scale of original plat of twenty-five (25) foot by one hundred (100) foot lots and one (1) to two (2) story building heights. Large monolithic buildings and "strip" retail areas are discouraged.

- Minturn Municipal Code Section 16-6-35-100 Block Commercial Zone



**Figure 1: Old Town Character Area Zoning Map**

Staff suggests that the above narrative focuses primarily on the commercial area of the 100-Block that fronts Main Street and does not speak directly to more residentially oriented neighborhoods located on side streets such as Toledo Avenue. As such, and in accordance with the Town Code, staff has reviewed this proposal based on residential standards provided in Chapter 16 – *Zoning*, of the Minturn Municipal Code.

**Dimensional Limitations and Development Standards**

The following table summarizes the lot, development and dimensional standards and limitations applicable to the subject property pursuant to Sections 16-2-40. - *General lot requirements and dimensional standards* and 16-16-20 – *Parking Required for Residential and Lodging Uses*.

<b>Regulation</b>	<b>Allowed/Required</b>	<b>Proposed/Existing</b>
Minimum/Maximum Lot Area:	2,500 sq. ft. (min.) 7,500 (max.)	3,750 sq. ft. (.086 ac.)
Maximum Building Height:	28 feet	28 feet
Minimum Front Setback:	10 feet	11.5 feet
Minimum Side Setback:	5 feet	5 - 8.5 feet
Minimum Rear Setback:	10 feet	10 feet
Maximum Lot Coverage:	40% (1,500 sq. ft.)	1,498 sq. ft. (39.9%) Proposed
Maximum Impervious Coverage:	50% (1,875 sq. ft.)	1,875 sq. ft. (50%) Proposed
Minimum Snow Storage Area:	5% of Driveway Area (18 sq. ft.)	400+ sq. ft.
Parking:	2 spaces	2-3 spaces*

\* Although the driveway is not deep enough to allow for two parking spaces perpendicular and in front of the garage, at 14.75' x 18' the driveway is large enough to accommodate one parallel parking space – a third space if needed - in front of the garage.

**IV. Applicable Standards and Design Guideline Criteria:**

**Design**

In addition to the development standards listed above, the following general design principles are provided for reference.

**Final Site, Grading and Drainage Design**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings – to street frontages and neighboring properties – is considered.

The proposed design generally takes advantage of and responds to solar orientation and weather patterns (prevailing winds), while maintaining the structure, projections and roof forms within required setbacks, thus allowing for full use of side yard areas for access, snow shed and drainage. Conceptual grading and drainage plans indicate that positive drainage away from the foundation can be achieved and that water will be handled on-site.

Additionally, the revised plans (smaller building footprint) now allow for additional snow storage on the site that appears adequate to accommodate snow shedding and storage on site, while not interfering with Town snow removal and storage at nearby Town owned right-of-way.

Staff agrees with the Applicant's assessment that the site is relatively flat; according to site topography and proposed grading on the site and landscape plans, there will not be much cutting or filling involved in preparation of the site and no retaining walls. However, staff suggests that the Applicant review final grading details with the Planning Commission during the meeting on March 13th.

### **Mass and Form**

The following excerpt from the Design Guidelines is applicable to the proposed home design:

#### *"c. Massing and Scale*

*"A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures. Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.*

*"Building mass, form, length and height shall be designed to provide variety and visual interest while maintaining a scale that is similar or compatible to adjacent structures."*

*-Town of Minturn Design Guidelines*

Staff believes that the design and scale of the proposed residential structure is generally complimentary to and compatible with adjacent properties and improvements and, specifically, that the home will not overpower surrounding natural and built environments. The proposed plans show a "simple central form" with "additive" roof and cantilever features that add variety and interest to the design. Proposed materials and colors also appear to be compatible and complimentary to the surrounding built and natural environments and the Applicant has responded to and addressed Planning Commission recommendations for revisions.

In response to comments from the Planning Commission at the February 13<sup>th</sup> meeting, the Applicant has reduced the overall amount of materials to simplify the design.

Additionally, the Applicants have integrated a railing detail in lieu of the parapet wall along the west elevation of the rooftop terrace.

### **Landscape Standards**

Section 16-17-160, *Landscape Standards* for residential homes requires one (1) tree for every 1,000 square feet of lot area. The subject property is approximately 3,750 square feet; this translates into a requirement for 3-4 trees. The Landscape Plan (Sheet A002)

shows a grouping of three (3) aspen trees to be planted along the western property boundary. Such trees are required to be a minimum of 1 ½ inches in caliper. Additionally, the plans indicate the Applicants' intent to preserve two mature conifer trees located along the eastern side of the property. The preservation of these trees will be important to address the intent of the Town's landscape and buffering standards.

Staff suggests that additional landscape plantings will bolster the site development plans and, specifically, provide for additional buffering/screening between the subject property and the adjacent lot to the north (Lot 2 Nelson Minor Subdivision/93 Nelson Avenue).

## V. **Issues and Areas of Non-Conformance:**

### **Issues or Required Plan Revisions**

Although staff has not identified any areas of non-conformance with Town requirements, the following issues have been identified by staff that have been resolved or that must be addressed prior to any building permit application:

- Roof Pitch (Resolved)
- Final Plan-level Details (Resolved)
- Protection of Town Right-of-Way (Resolved)

#### **Roof Pitch - Resolved**

The plans (sheet A102 – Roof Plan) show a 2:12 roof pitch. The minimum pitch required for roofs for all buildings within the 100-Block Commercial Zone is 4:12. However, the Planning Commission confirmed at their regular meeting of February 13<sup>th</sup> that because this is a residential structure proposed within a commercial zone district, the residential standards of that zone district (i.e., no specific roof pitch limitation) must apply.

#### **Final Plan-Level Details - Resolved**

The Applicant has provided a complete and detailed set of Final Plans for review.

#### **Protection of Town Right-of-Way - Resolved**

During Conceptual Plan review, it was noted by staff that the driveway apron in front of the proposed garage does not appear to be sized to allow perpendicular parking in front of the garage door. This issue was also discussed by the Planning Commission at their regular meeting of February 13<sup>th</sup>.

The Applicant has revised the plans to provide for additional space within the tandem garage bays while maintaining the driveway space in front of the garage doors to allow for limited parking and unloading of vehicles. Parking requirements are met within the garage and the driveway is sized to allow for one vehicle to (parallel) park in front of the garage doors if necessary.

### **Landscape Screening**

As noted above under Landscape Standards, the Landscape Plan shows the minimum number of tree plantings required. The remainder of the property will be revegetated with native seed mix. However, staff is of the understanding that the Applicants have discussed potential landscape treatment and/or plantings between their property and their neighbor's property located at 93 Nelson to the north. The purpose of any cooperative landscape improvements in the area between their two residences would be to provide additional screening between the two residential structures, and to ensure that proper grading and drainage is created. Staff applauds any efforts between the Hansen's and their neighbor to bolster landscape treatment and/or plantings in this area.

The Landscape Plan should be revised to clarify the method of temporary irrigation (hand watering or any temporary or permanent irrigation system), and erosion control methods and location details should be added to the plan.

## **VI. Staff Recommendation and Suggested Conditions:**

Staff believes the Final Plans for 82 Toledo **comply** with the provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code.

Staff has identified few issues with the Final Plans and has confirmed that the Applicant has addressed requested revisions and recommendations by the Planning Commission following their review of Conceptual Plans.

Staff is **recommending approval** of Final Plans with the following suggested conditions of approval:

1. The Applicants are encouraged to work with the adjoining property owner on Lot 2, Nelson Minor Subdivision (93 Nelson Ave) prior to final inspections and/or the issuance of a Certificate of Occupancy to address opportunities to bolster landscape plantings between the contiguous properties (Lot 2 and Lots 9 & 10) for the purpose of screening, ensuring proper grading and drainage is accomplished.
2. The Applicant shall revise the Landscape Plan to specify methods and locations for temporary or permanent irrigation, as well as all erosion control measures prior to or concurrent with building permit application submittal.
3. In the event that both existing mature conifer trees identified on the site and landscape plans cannot be preserved; or that additional landscape plantings are not completed at the rear of the subject property in coordination with the adjacent property owner at 93 Nelson Avenue, the Applicant will be required to submit plans for replacement of at least one (1) of the mature conifer trees to bring the total number of plantings on the subject property to four (4) in accordance with the requirements of the Minturn Municipal Code.