



PUD PRELIMINARY PLAN APPLICATION  
Town of Minturn, CO

Belden Place  
Residential PUD/Subdivision

PUD Preliminary Plan Application

Included: Additional Preliminary Development Plan &  
Character Map (Zoning) Amendment Application Draft

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## SECTION 1: APPLICATION INFORMATION

Town of Minturn, Colorado

Application(s):      *Submittal 1 - Combined PUD Concept*  
                              *Submittal 2 - Preliminary PUD Development Plan*  
                              *Submittal 3 - PUD Final Plat and Construction Plans*

Date of Submittal:      4/13/2021

Application Team:

Property Owner/  
Applicant:      Miners Base Camp, LLC  
                          Don and Beverly Barnes  
                          Edwards, CO 81632-1794

Applicant  
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Applicant  
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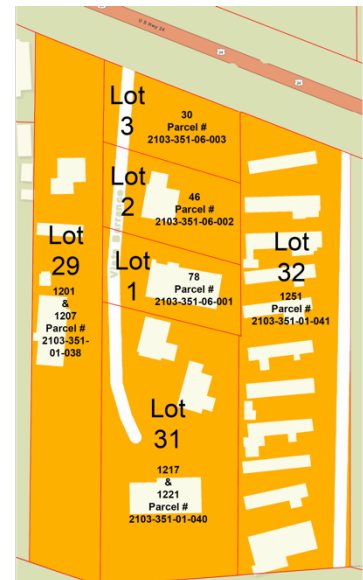
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                          Kate Cullen  
                          (817) 808-2108  
                          kate@cullenlighting.com

The Project is comprised of six (6) parcels. These parcels are all  
currently under Title to Miners Base Camp, LLC

The six (6) parcels are identified as:

Parcel 210335101041 – 1251 Main Street  
 Parcel 210335101040 – 1217 & 1221 Main Street  
 Parcel 210335101038 – 1201 & 1207 Main Street  
 (A.k.a. The “Christiansan Property”)  
 Parcel 210335106001 – 0078 Vista Barranco  
 Parcel 210335106002 – 0046 Vista Barranco  
 Parcel 210335106003 – 0030 Vista Barranco

Please note that image shows the parcels and buildings present when  
purchased.



## SECTION 2: WRITTEN APPLICATION

### WELCOME TO BELDEN PLACE

Founded by mining and railroad workers at the turn of the century:

*"Minturn has adapted to several major changes in the local economy over the decades, including the development of Vail and Beaver Creek ski resorts, the closing of the Gilman mine, and the abandonment of rail lines through Minturn. Despite this transformation from the Old West to the new, Minturn maintains its distinctive character, architecture and quality of life."<sup>1</sup>*

In 2021, Minturn continues to be a place filled with neighbors who know each other; and where a sense of a strong community lives on. Whether it is within the downtown area, or located in a particular "block" - each 'section' of this wonderful township is boasts an eclectic personality.

*"...TO BELDEN!"*

*Below what would become Gilman were a myriad of mines: Ida May, Little Duke, Ground Hog, Belden, Iron Mask, May Queen, Kingfisher, Little Chief, Crown Point, and Little Ollie, the oldest dating back to 1878. On May 5, 1879, a Judge by the name of D. D. Belden discovered what would become Belden Mine, a lode so famous that the whole strip of subterranean activity below Battle Mountain and Gilman along Eagle Gulch would later become known simply as "Belden." Later that year, a local newsman discovered what would be developed into Iron Mask Mine, the principal producer of lead and zinc within Colorado for decades.*

Located on treasured land that has been in the hands of true Minturn locals for more than 50 years, this project will offer sensible homes that reflect the historic scale and appearance of old and new homes littered throughout town. These homes will be priced in order to ensure locals have a chance to remain in Minturn for years to come. More precisely, the Belden Place Design Team wishes to provide:

- Attainable homes for local, resident families;
- A comprehensive neighborhood that does not overload Town services and support while supporting new residents with what is needed for quality of place;
- A much-needed and thoughtful array of home choices including the "missing middle"<sup>2</sup> home choice, necessary in order to fill the financial 'gap' in the existing housing market for reasonably priced homes for average income earners.

Situated adjacent to National Forest property on the south and west sides and dedicated public open space and river access to the north, this neighborhood includes wonderful views. Located adjacent to public transit and within 3 mins drive time of the downtown and 15-20 mins of major employers, it is the ideal, walkable spot to house young professional locals, or those long time Vail Valley locals longing to live in a small-town community in the upper valley.

Driven with local Minturnites in mind, the community creators of this project are voluntarily placing buyer-restrictions on homes to ensure second-home owners are not going to be able to scoop up these viable residences out of the gate. This helps to ensure Minturnites are not displaced in their own backyards as has been familiar with for-sale properties currently on the market<sup>3</sup>. This is primarily due to the unchecked real estate market in a resort environment.

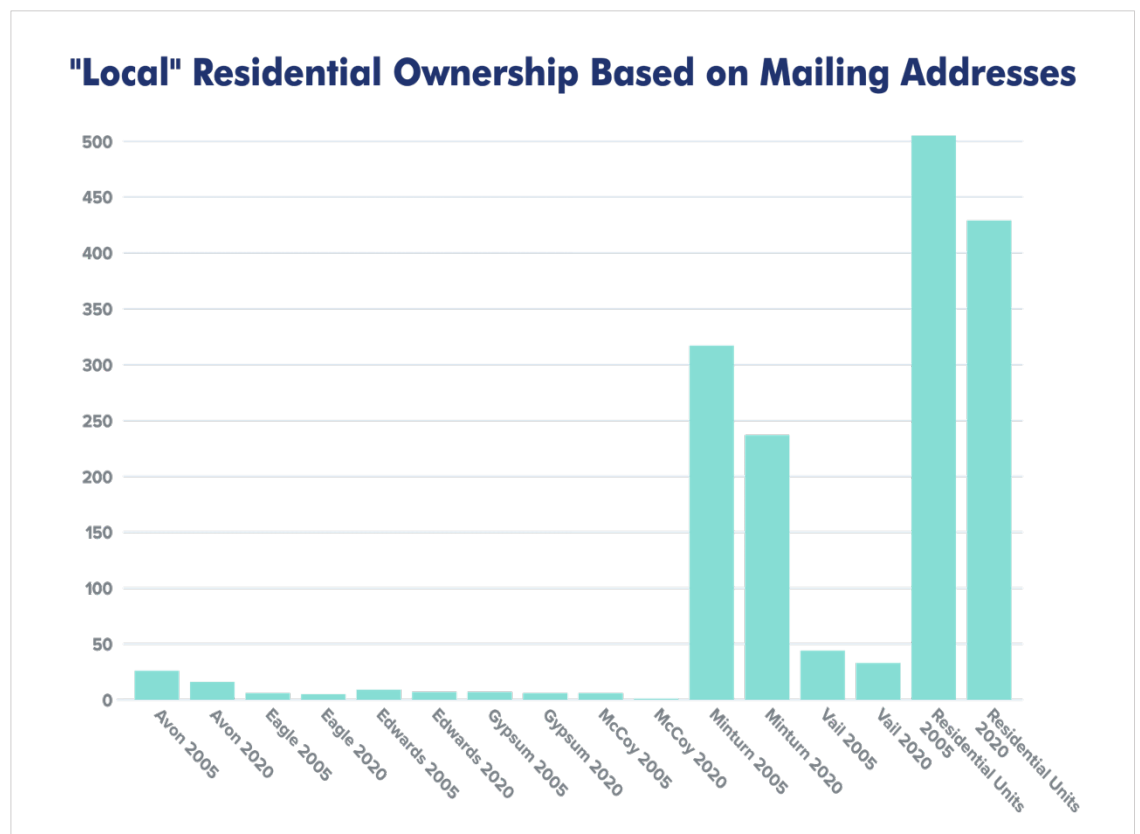
<sup>1</sup> <http://minturn.org/community/MinturnHistory/index.html/2019>

<sup>2</sup> "Missing Middle" was coined by Daniel Parolek of Opticos Design, Inc. in 2010 to define a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living. <http://missingmiddlehousing.com>

<sup>3</sup> [2018 Housing Needs Assessment](#)

Due to Minturn's proximity to Vail, Minturn has always had "inflated" housing prices in comparison to Eagle and Gypsum. Available properties have such high land costs new buyers have to be able to afford to pay for the lot and either completely remodel the unit or tear down the existing residence and build a new one in its place. That cost effectively eliminates the ability of most local, non-professional residents to buy and/or re-build in Minturn. This forces locals to rent homes with roommates to help offset overhead; or, they look down valley if they wish to purchase a new home. Unfortunately, even down-valley housing prices are running high resulting from demand created by the 2020 COVID-19 housing boom. Simply, many long time Minturn owners are land rich/cash poor, and are not able to rebuild or replace old homes in need, resulting in no choice but to sell their property and purchase of new home elsewhere outside of Minturn. This is especially true since we have experienced the effects of COVID-19 and the significant decrease in employment in one of our largest sector: hospitality. Even more concerning is the condition of housing for older or retired persons, or low to middle income-earning families who are doing what they can just to continue to be here. This is simply not sustainable for a town that was established by the working-class.

Even before the pandemic hit, the replacement of local home ownership by second homeowners (entities outside of *Eagle County*), and Airbnb properties that began replacing long-term rentals was evident. We also know that many aged homes – particularly small, dense mobile home clusters were removed and not replaced. Out of concern, a brief study was conducted comparing local home ownership in 2005 to that at the onset of 2020, pre-pandemic. Not only does it appear that Minturn LOST approximately 76 units, local home ownership is declining in general.



What gives Belden Place significant impact to Minturn is in its design. Using modern, compact development principles with heavy considerations to the potential financial impacts to the Town and locals as a foundation, this new PUD incorporates the use of a variety of lot sizes and unit sizes as found throughout the Town. At present, creating a comprehensive and complete infill neighborhood only be achieved through a PUD. This process will allow general consistency with the municipal code while maximizing the “highest and best use” and attainability of the homes in this project for locals. In order to offer homes that are not luxury, this project is being developed in such a way as create an old-school neighborhood where new residents share family values, incomes, and lifestyles. Importantly, Belden Place is a neighborhood that will offer buyers a choice of what kind of home they wish to live in according to their needs and financial means by using a mix of single-family, duplex and multi-family units. Effectively, by offering a variety of housing types this helps diversify initial home prices preserves the dignity of buyers not having to move away from Minturn because they can’t afford what’s on the market.

Character is an important value of the developer, and the goal is to not affect other properties; rather, Belden Place aims to fit in with other properties regarding the intensity of how properties are used currently. Architecturally, the design of the houses is consistent with the development style that has been more recently implemented in Minturn as older homes are replaced with new residences. Diversifying the housing inventory of Minturn provides more affordable lifestyle alternatives to either the older, luxury, or market-inflated single-family homes, condos or apartments, more commonly found in town.

This project also comes with great financial benefits with extremely low development impacts to the Town of Minturn. By keeping streets privately maintained this saves the Town immediate and long-term maintenance costs. The Town will receive construction fees, attainable units without having to contribute financially, significant taxes, and several of the water taps are already in ownership of the developer (15 residential taps come with this project). Further, a bus stop is already anticipated immediately adjacent to this neighborhood and has been a consideration of the project design.

This neighborhood also includes its own central community greenspace (micro-park) where kids can play, and adults can matriculate while watching their children. Further, Belden is immediate to two (2) different forms of public open space lands for those who need a break from the valley floor or if they wish to fish on the river. This open space has already been funded by tax payers as a beneficial use slated for every person, homeowner or not, regardless of what their communities have as complementary private assets.

Finally, we need to make a point about what we could do with this development, but are choosing not to for significant reasons. We *could* use the existing zoning and do a low-density residential development (NIMBYS would love it!). It would be so much easier logistically, and the financial backers would profit greater. Minturn would still receive a substantial economic windfall like it has from other piece-meal redevelopments, and we wouldn’t have to provide a playground. We wouldn’t have to do expensive underground parking either, and new homes would be priced in the millions attracting second-home buyers in a heartbeat. Why we are CHOOSING to do things the hard way is because we know that luxury developments will be the death of Minturn. We must invest in locals, and without help in reducing land costs replacing old homes by scraping and rebuilding only is available to high-income earners or second home owners. This does not help in maintaining a sustainable local workforce.



## BACKGROUND



IMAGE ABOVE. The subject lots were previously subdivided as part of the South Minturn Addition. The three (3) lots center, (under the yellow overlay), were formally Lot 30 of the same subdivision that was resubdivided into the Duran Subdivision in 1994.

The proponents of this project are comprised of multi-decade valley locals. This group has acquired six (6) contiguous properties in South Minturn that were formally owned by long-time Minturn families. All properties (except Lot 1 of the Duran Subdivision formally owned by former Minturn Mayor Hawkeye), contained homes 40+ years. The farthest property to the east contained multiple, degraded mobile homes built in a time where construction was considered sub-standard (pre-1995).<sup>4</sup> All of the mobile homes have been removed on Lot 32; one needed asbestos abatement. This is all too common in older homes on or before 1980. We are hoping to part with the Duran home (circa 1995 and in great shape), if whomever wants it pays for its removal (now that's affordable!). The Christiansan homes (formally 2 as shown on the far west lot) have been rebuilt/replaced with an ADA compatible main unit complete with an ADU above its own garage. The homes on the central south lot has been removed, and the old house on Lot 2 will be razed as well as it is not worth saving.

Concerned with the local housing market, the applicants realized that this location was perfectly suited for attainable housing- and for many reasons. Its proximity to public lands and the perpetual riverside open space (Boneyard) as well as other Forest Service lands; its location on a major transportation route; and importantly, its closeness to major employment centers. Containing relatively flat slopes and excellent soils these highly developable in-fill lots are completely suitable for new construction.

<sup>4</sup> <https://prosperitynow.org/blog/most-inadequate-condition-manufactured-homes-were-built-after-introduction-federal-building>

Since this project contains elements that require flexibility from the underlying zoning and development code of Minturn, this application includes a Planned Unit Development (PUD) overlay, which is based in modern zoning practices. This PUD has been specifically created to manage bulk and form of structures, as well as buyer restrictions and so forth. It has been written with the understanding and knowledge that this project will not only be entitled by the owners, but will also be constructed by a team selected by the owners. This simplifies the need to ensure every architectural detail etc., be addressed at this time. This also means that the builders will know exactly what and how to construct in this development, providing a level of predictability that other developments that only sell lots, do not have. Essentially, the community creators of Belden Place will be involved from initial application, directly through processes and up until homes are sold. This provides consistent design and constant development best-practices be employed.

The next section of this application will focus on how our project conforms to the Town Code and Community Plan.



### SECTION 3: COMPLIANCE WITH CODE AND COMMUNITY PLAN

The following narrative follows the applicable sections of the Development Code for the Town of Minturn, as well as any applicable master plans.

#### SEC. 16-15-10. - PURPOSE & GENERAL PROVISIONS.

*The purpose of the Planned Unit Development (PUD) Overlay Zone District is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan. An applicant for a PUD must demonstrate that departure from existing ordinances is warranted and that the proposed PUD significantly contributes to the following:*

- 1. Provides for new technology and promotes innovative and efficient land use patterns;*
- 2. Permits the integration of land uses and contributes to trails and pedestrian circulation;*
- 3. Preserves valued environments and natural resources and achieves a more desirable environment;*
- 4. Maintains or improves air and water quality;*
- 5. Provides for a wide range of housing opportunities;*
- 6. Improves the overall design character and quality of new development;*
- 7. Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other;*
- 8. Establishes land use patterns that promote and expand opportunities for public transportation and trails and for safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy;*
- 9. Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas;*
- 10. Maintains and enhances surface and ground water quality and quantity;*
- 11. Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers;*
- 12. Establishes incentives for applicants to encourage the provision of long-term affordable housing; and*
- 13. Is consistent with the purposes and goals of the Community Plan and these Land Use Regulations.*

#### APPLICANT RESPONSE:

The Belden Place Design Team seeks the utilization of the PUD process and zoning for the following reasons:

1. Using modern, compact development principles and design, this PUD incorporates the use of a variety of lot sizes and unit sizes in order to maximize the “highest and best use” and attainability of the homes in this project. In order to offer homes to locals and average wage earners, this project is being developed in such a way as create a quality of place, real comprehensive neighborhood where new residents share family values, incomes, and lifestyles, captured in one zone district.
2. We understand density is a hot topic. What density is, is simply a math equation. There is no magic number for density for what is “good” or “bad”. Density is neither the problem nor solution, rather; it’s the inability to pay one's debts that is the concern, and

density is factor of this reality (Density = affordability by use of volume). It also isn't a function of one zone or area in Minturn. There are pockets of higher and lower density developments littered throughout the town of Minturn. This brings diversity, variation and character. It also creates eclectic nodes and spaces, and it brings lifestyle and income-bracketed choices to residents. But, in order for us to create the needed density, we need to implement a customized zone district that allows for this element and promotes sustainability for Minturn.

If you like numbers: The linear foot of piping and asphalt costs more with less users on larger lots vs. use of more units using smaller lots. The rub: we are all taxed at the same rate meaning infrastructure costs the Town more to provide services. The Town then receives less ongoing revenue to maintain services as pipes and streets age. Our goal is to create a neighborhood that has initial purchase attainability AND avoids high-overhead infrastructure maintenance costs after the home is purchased and to do that, we need smaller lot sizes. The only way to implement a low density and cover high-maintenance costs for a neighborhood (and to the Town) is to build luxury, which typically is outside of the average wage earner. Luxury is affordable to a much smaller percentage of end users- many of whom, desire a second home in our resort community limiting money infused into the community to only the times when they are physically in town.

With such high land costs, density is also necessary to offset construction costs needed in order to target local buyers. To achieve this, we need to utilize the PUD process to also permit the use of smaller homes. Belden Place includes a mix of single-family, duplex and multi-family units. This PUD zoning allows all to be accommodated in the same zone district. The homes will be high-quality modular construction over permanent foundation garages. Because homes will be built this way, savings will be passed onto the homeowner as they are more energy efficient and built in controlled environments. Couple that with energy-efficient appliances, windows and lighting, these elements help lower a home's energy cost, while reducing its carbon footprint and increasing its value.

3. Flexible PUD design allows us the provision of a useable greenspace including play area for children and adults. Flexibility in code also allows us to modify setbacks that reflect smaller lot sizes, control parking needs and common areas, and to manage housing restrictions more efficiently. PUD zoning is also predictable, and gives owner clarity with neighborhood expectations.
4. We will require construction to implement FireWise-rated materials to the greatest extent practicable. Made from eco-friendly components, these non-combustible materials lower fire risk for homeowners within and around this subdivision, which is in alignment with the master plan for Minturn.
5. With this PUD, development is predictable and administration of the subdivision is easily implemented right from the initial phases.
6. The subdivision includes ADA compliant pedestrian sidewalks that travel around the project and to the anticipated sidewalk along Hwy 24 that connects to a new bus stop shelter, encouraging use of public transportation. The PUD allows for sidewalks to be

overlain on lots allowing lot lengths to match what is required as a minimum in standard zoning.

7. Simplicity established through a single design serving multiple units prevents the Belden Place residents or the Town having to inherit high maintenance costs in the future. This is unlike piecemeal construction/development where homes organically come and go as do infrastructure improvements and needs (new construction fitting in with old done in different years, etc.).
8. The PUD contains a level of administrative controls that help preserve the intention of the subdivision, protecting owner investments and quality of place.

#### **SEC. 16-15-70. - GENERAL STANDARDS.**

*The following standards and requirements shall govern the acceptability of a PUD application:*

1. *The PUD shall be consistent with the intent of the Community Plan and the policies therein, shall be compatible with the Character Area and with the surrounding land uses and shall not detrimentally affect adjacent or nearby properties.*

#### **APPLICANT RESPONSE:**

The 2009 Master Community Plan for Minturn, contains the following goals:

*Note: Those aspects of the goals not applicable to this development have been 'greyed' out.*

***Goal (CCG1): Maintain, Build Upon and Promote the Town's Image as a Unique, Eclectic Non-Resort Town With a Strong Sense of Community.***

*(CCS 1.1) - Encourage and promote the use of public venues for a wide range of community events*

*(CCS 1.2) - Consider size limits for residential structures*

*(CCS 1.3) - Develop town signage including information kiosks, gateway signs and way-finding system*

*(CCS 1.4) - Develop and implement methods to maintain the town's eclectic architecture, scale and vibrant color palette*

*(CCS 1.5) - Investigate methods to preserve and protect historic structures*

*(CCS 1.6) - Incorporate local public art into new development and public improvements*

*(CCS 1.7) - Support and enhance the Minturn Market as an integral part of downtown*

*(CCS 1.8) - Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use*

*(CCS 1.9) - Encourage development to utilize non-intrusive lighting systems*

*(CCS 1.10) - Examine existing hillside development regulations for improvement*

*(CCS 1.11) - Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*

In the last few years the economy has improved (up until the pandemic of 2020), and with it, land costs have become more valuable or expensive - depending on your perspective (that still remains even in the pandemic as people flee cities to the mountains). In order to ensure this resort town remains vibrant and full of a dynamic range of people and income levels, it is imperative to be able to offer new, attainable housing units at a scale that keeps in flavor with other existing housing sizes and styles typical of Minturn. This mindset ensures that many locals are not displaced by those of whom can afford to buy land, tear down existing homes, and rebuild bigger, larger- and out of scale residences (effectively, second -home owner/luxury units are the result of simply rebuilding because of such high land costs).

Experiencing the replacement of existing attainable units with luxury units makes locals nervous that the unique character of Minturn will be detrimentally affected if no other choices become available for an average income earner wanting to buy and/or continue to live in Minturn. This is something the Belden Place design team is concerned with, and is trying to avoid by targeting new homes to locals to the greatest extent practicable.

***Goal (SGG 1): Encourage Green and Sustainable Practices Throughout the Community***

*(SGS 1.1) Develop and incorporate green building guidelines that address energy and resource efficiency, indoor air quality and on-site energy generation*

*(SGS 1.2) Incorporate low impact development (LID) standards for site design into development requirements*

*(SGS 1.3) Promote and encourage increased opportunities for businesses, residents and town government to reduce waste*

*(SGS 1.4) Incorporate “Firewise” guidelines in building and site-planning practices*

While this project can only mitigate its own construction, green building and LID elements, AND use of FireWise construction materials will be implemented as part of this subdivision and zoning.

***Goal (SGG 2): Develop and Practice Green and Sustainable Processes***

*(SGS 2.1) Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*

*(SGS 2.2) Develop and insure the integrity of a comprehensive recycling program for town facilities*

*(SGS 2.3) Ban the use of plastic bags in the town*

This goal is not applicable to this development.

***Goal (LUG 1): Enhance the Town’s Status as a Walkable and Bikeable Community***

*(LUS 1.1) Develop and comply with a future land use plan for the entire town (land use element of this Community Plan) which encourages a compatible mix of land uses promoting mass transit, the use of bicycles and increased walkability/accessibility*

*(LUS 1.2) Develop comprehensive parking plan for the town which offers alternative parking strategies/standards specific to Minturn - aimed at increasing parking efficiency and ease of development/redevelopment*

*(LUS 1.3) Promote the development of a cohesive downtown*

*(LUS 1.4) Support and promote the expansion of public transit service to outlying communities*

*(LUS 1.5) Promote redevelopment areas as mixed-use centers*

*(LUS 1.6) Partner with owners of large land holdings on mutually beneficial redevelopment projects*

The timing for this project is in alignment with the anticipated Hwy 24/Main Street sidewalk and transit project. The Belden Place Design Team has excitedly added these new civil improvements into their plan, and pledges to help enhance the public transit stop by anticipating electric needs, and possibly, funding the construction of the actual bus stop. Further, pedestrian connections to the Boneyard Open Space has also been examined, and the team is willing to assist in improvements. The Belden Place Design Team vows to create

a neighborhood that has a high quality of place; which leads to enhanced quality of life for residents and multi-modal connectivity to downtown Minturn.

**Goal (AHG 1): Promote Affordable Housing**

*(AHS 1.1) Promote the development of housing opportunities for all income levels throughout all areas of town*

*(AHS 1.2) Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*

*(AHS 1.3) Develop an affordable housing program, to include housing assistance for town employees, qualified town residents and other eligible Eagle County employees*

*(AHS 1.4) Leverage town-owned property for the development of affordable housing*

It is rare that a private developer, using private funds seeks to create a local-oriented, attainable housing development. That is exactly what is being proposed with this neighborhood. Attainable housing restrictions (see PUD), coupled with appropriate housing styles, variety, and sizes, as well as use of modular construction elements will help keep homes attainable for locals presently and in the long run, which corresponds to this goal.

**Goal (PFG 1): Ensure that Public Facilities are Planned and Implemented to Support New Growth and Existing Population Centers**

*(PFS 1.1) Implement streetscape improvements with pedestrian-scale site elements including sidewalks, paving, signage, lighting and site furnishings*

*(PFS 1.2) Develop a Capitol Improvement Plan prioritizing upgrades to existing infrastructure including roads, water and storm water drainage and pedestrian/bicycle amenities*

*(PFS 1.3) Ensure that impacts from new development on existing infrastructure are mitigated*

*(PFS 1.4) Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*

*(PFS 1.5) Develop and implement a comprehensive sidewalk and trails plan addressing both accessibility and bicycles*

*(PFS 1.6) Develop and implement a plan to bury utilities throughout the community*

The design for Belden Place accomplishes many things as to not impact the existing infrastructure and add cost for future maintenance by the Town of Minturn. First, pedestrian paths are being implemented in this neighborhood, as they are important. Second, an active greenspace area for residents (onsite) is offered. This is a rare enhancement in Minturn. Third, the loop road- which is more efficient and desirable for water service, fire protection services, and sewer service, shall be privately maintained. This prevents maintenance costs being passed onto an already taxed Public Works department.

**Goal (EDG 1): Diversify the Town's Economy**

*(EDS 1.1) Encourage and provide incentives for business to locate in the downtown area*

*(EDS 1.2) Encourage the development of flexible space in commercial areas – space which can be easily adjusted as market conditions permit (office to retail to restaurant)*

*(EDS 1.3) Attract essential services necessary to form a “complete” community – grocery, pharmacy, hardware store, movie theatre*

*(EDS 1.4) Develop a comprehensive marketing strategy promoting the town*

*(EDS 1.5) Utilize redevelopment opportunities to help expand and diversify the town's economic/employment base*

*(EDS 1.6) Support and promote practices which are attractive to small business – infrastructure, taxes, city services*

*(EDS 1.7) Investigate opportunities for future annexations*

*(EDS 1.8) Develop a web-portal which promotes the town*

*(EDS 1.9) Promote the town's unique history to capitalize on the heritage tourism market*

While the majority of these strategies are not applicable to this development as they are more centered around commercial and economic development, there is an economic element that may be overlooked in residential development: population base. Certain businesses rely on how many permanent residents are located in a town as a baseline for setting up shop. Adding more year-round population to Minturn, helps add to the demand for services. Minturn loses a lot of sales tax money because their existing population cannot support a grocery store, pharmacy, etc. The bank left as well, and it is missed greatly. Helping Minturn thrive is definitely something the Belden Place Design Team supports, and hopefully, adding new homes and locals/permanent homeowners will then support new economic growth.

***Goal (NRG 1): Protect and Promote the Eagle River as a Community Asset***

*(NRS 1.1) Support and fund ongoing river restoration efforts*

*(NRS 1.2) Improve and enhance public access to the Eagle River*

*(NRS 1.3) Strengthen development standards supporting habitat restoration and protection of the river*

*(NRS 1.4) Promote the Eagle River as a focal point of the community/gathering space*

The Belden Place Design Team would like to connect this project to the Open Space parcel (Boneyard) across the highway, for the exact reasons of these strategies. Currently, there is neither a crosswalk across the highway, nor is this location near public transportation. The Belden Place Design Team is dedicated in making this a reality in some way, as we realize the importance of community connections.

***Goal (NRG 2): Protect and Promote USFS lands as a Community Asset***

*(NRS 2.1) Maintain and improve access to public lands*

*(NRS 2.2) Promote development of USFS lands where appropriate*

There may be an opportunity to create an access to public lands at the south end of the property; however, slopes are very steep where the project is adjacent to these lands. This is something we would be willing to explore, but are not actively pursuing.



**Goal (NRG 3): Preserve, Protect and Enhance Environmentally Sensitive Lands**

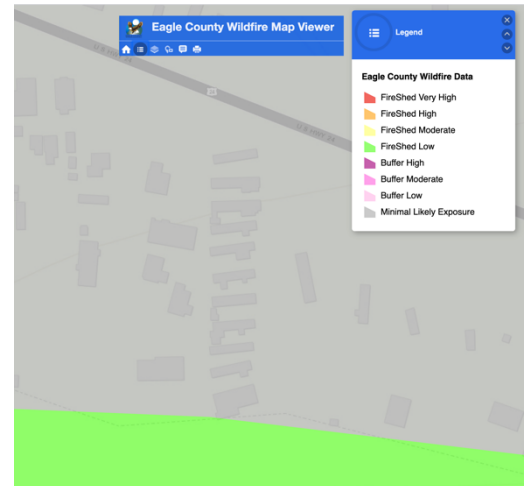
*(NRS 3.1) Examine existing hillside development regulations for improvement*

*(NRS 3.2) Maintain historic wildlife migration corridors*

*(NRS 3.3) Support efforts to mitigate the impact of the mountain pine beetle infestation*

*(NRS 3.4) Incorporate “Firewise” guidelines in building and site planning practices*

As previously mentioned, we will be using FireWise construction materials, wherever practicable. Luckily, this site is currently rated “Minimal Likely Exposure” for wildfire danger, which is very low risk.



**Goal (NRG 4): Preserve, Protect and Enhance Ridgelines and View Corridors**

*(NRS 4.1) Develop methods to regulate development on ridgelines and preserve specific view corridors*

Not applicable to this project as this neighborhood is on the valley floor.

**Goal (PRG 1): Enhance Recreational Opportunities for all Town Residents and Visitors**

*(PRS 1.1) Support and promote the development of a regional trail system*

*(PRS 1.2) Support and promote the development of a centralized gathering space in the downtown area*

*(PRS 1.3) Investigate opportunities for the development of playgrounds and parks*

*(PRS 1.4) Promote, maintain and improve access to open space*

*(PRS 1.5) Promote, maintain and improve access to the Eagle River*

*(PRS 1.6) Support and promote the development of recreational facilities and programs for multiple user groups*

*(PRS 1.7) Promote existing recreational opportunities/facilities*

Aside from supporting access to the river and/or open space areas across the highway from our neighborhood, the Belden Place design team will be providing a naturally-themed playground in its common/greenspace area as well. This is a quality of place element, that is important to the team community creators. As mentioned previously, our team is supportive of pedestrian connections to a new bus stop (proposed on CDOT improvement plans) and to the open space parcel across the highway.

**Future Land Use Map**

***The following are descriptions for each of the land use categories found on The Town of Minturn, 2030 Future Land Use Map:***

*Residential - Within the Town of Minturn, there are three residential land use categories which reflect varying levels of density – Low Density Residential, or LDR (6 to 10 dwelling units per acre), Medium Density Residential, or MDR (10 to 20 dwelling units per acre) and High Density Residential, or HDR (greater than 20 dwelling units per acre). As indicated on*

*the Town of Minturn 2030 Land Use Plan, residential densities in the existing areas of town are to be held constant for the most part with allowances for some infill development and possible addition of dwelling units where appropriate. In areas where redevelopment on more than a single lot basis is possible, it is the intent to approximate existing densities on shared boundary lines, minimizing aesthetic and functional impacts to existing residents, while allowing for an incremental increase of density toward the core of new development areas. Although residential use and character will predominate in all of the land use categories, small neighborhood scale retail and related office and government facilities may be allowed in certain residential categories through special review.*

The project density is akin with the category for MDR. It is actually, very difficult to read the 2030 future land use plan; however, it appears that the subject properties are slated either for LDR or MDR, with MDR definitely in close proximity to the west. This map was done in 2009, and many things have changed since then including the implementation of AirBnB (which has taken many year-round rentals off the market), an upswing of housing and land prices, and demand for attainable units more than ever. These are the main reasons we feel that keeping the density at LDR is not in the best interest of the Town. With Belden Place, the project historically carries with it approximately 11-12 units per acre (which is within the MDR range), averaged between the three lots. We seek 15 units per acre, only a slight, but necessary increase. With this proposed density, our project will be able to provide attainable units to locals, in an area with limited growth capabilities due to geography and limited available/developable lands.

Another consideration is the nature of the property itself. It is elongated (south-north), with limited visibility from Main street. This is an advantage, as the density will not be easily seen from passersby and the scale of the development diminishes looking to the south, from the street. At the Main Street level, appropriately sized housing will face this roadway, with the multi-family structures tucked up at the toe of the steep slope, completely backdropped by this hillside, at the rear of the property. From a visual impact and scale factor, this property works well for the density proposed.

This is a huge benefit for the community, and because we will have public transportation at hand, access to the river/open space and public lands, as well as the ability to have dual/safe access to the main transportation core, we feel that Belden Place IS located in an area, suitable to handle this increase.

2. *The PUD shall provide for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.*

#### **APPLICANT RESPONSE:**

As mentioned in the preceding section, the Belden Place Design Team supports public access to the river. As such, we would like to encourage a crosswalk be created connecting this development and transit stop, to the Boneyard open space area across the highway.

3. *The design and construction of the PUD shall include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space with access adequate to support the anticipated traffic, on- and off-site, including emergency and utility vehicles. Trails and sidewalks shall be provided to form a logical,*

*safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate connections off-site.*

**APPLICANT RESPONSE:**

All of these elements (aside from the commercial loading spaces) have been implemented into our project, and designed accordingly. At this point in time, no variances for any engineering aspect is anticipated.

4. *The PUD shall be subject to such setbacks, lot widths and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, sunlight, air and snow melt between buildings, and to ensure that the PUD is compatible with other developments in the area.*

**APPLICANT RESPONSE:**

This development is similar to many of the houses immediately nearby, as well as what is found in the downtown and in Miller Ranch. All design standards being proposed are in conformance with building and fire-code minimum standards. Additionally, construction materials will be FireWise-rated, which greater increases conformance with these codes, and supports the spatial design of the subdivision.

5. *The applicant shall demonstrate that the development proposed will be provided with adequate facilities for water supply (domestic and irrigation), sewage disposal, solid waste disposal, electrical supply and roads, and will be conveniently located in relation to schools, police, fire and emergency medical services or make payment in lieu of such facilities.*

**APPLICANT RESPONSE:**

This project enters into the entitlement process having 16 potable water taps. One tap has been allocated to the Christiansan residence, leaving 16 taps to be purchased once the development is approved. This will be similar for sewer taps from ERWSD.

Solid waste will be collected from Honeywagon services. Electricity will be from Xcel Energy. The loop road within the development will be privately maintained, and is important in delivering trash, fire/ambulance, and package delivery as they will not have to turn around; rather, there are two points of service ingress and egress to this neighborhood. Importantly, this project IS already located within town boundaries, and as such, is currently served by all vital services including local emergency services providers.

6. *The PUD will be evaluated in terms of its proximity to commercial, recreational and educational facilities conveniently located to residential housing;*

**APPLICANT RESPONSE:**

Belden Place is right up the street from the Minturn Fitness center and the Ski and Snowboard Club Vail. It is also located three (3) mins from the downtown, and lies between public open space areas. Belden Place is perfectly located for these reasons.

7. *The PUD should provide a wide range of housing opportunities and other buildings that promote design continuity with the existing community and design continuity in type, size and layout of buildings.*

**APPLICANT RESPONSE:**

The site is shaped as a rectangle with only one point of access, which makes the layout a bit trickier to design. As such, we have provided a mix of single-family and duplexes that travel down the sides of the subdivision, with the larger multi-family at the south end of the development. This is purposeful, in order to decrease the scale as you look from Main Street. This provides a visual unity of the neighborhood as the larger homes are not situated close enough to be readily seen from Main Street. In this way we can offer a range of price points from attainable and up – but, units are not luxury in scale or price. This ensures a range of homes afforded by middle to upper middle-income earning professionals. Importantly, we feel that there are not a lot of duplexes in the current housing inventory of Minturn, and this “missing middle” housing type is a great alternative. Note that the new duplex units at Cross Creek up the road (further east) are considered luxury duplexes, offered around \$1.4+ million each. This is a distinct difference between the two projects and the pricing tier of housing units being offered at Belden Place.

8. *Maximum height of structures shall be established by the approved PUD plan.*

**APPLICANT RESPONSE:**

Maximum heights for structures has been included in the PUD. The max heights are generally all the same for each building type, with the exception of the multi-family, thus promoting a baseline of roof heights to average 28'. A definition on how to measure these heights has also been added to the PUD.

9. *The PUD should provide storage for snow removed from the internal street network, from sidewalks and from off-street parking areas.*

**APPLICANT RESPONSE:**

We have provided a significant ROW that includes a narrower paved surface, with areas on the greenspace and drainage areas for snow storage and or in designated areas on each lot. Sidewalks will be maintained by the homeowners, as well as the roadway. This unburdens the Town of Minturn to fiscally sponsor snow removal services for this neighborhood.

10. *Open space for the PUD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation and scenery and to produce a feeling of openness.*

**APPLICANT RESPONSE:**

When doing infill, you have to sometimes choose between affordability and open space as a priority. Use of density through multifamily structures preserves open space, but affects scale. Use of a decreased density to preserve open space, results in luxury homes, or unattainable housing prices. Since neither of these ideas met our goals of creating a quality subdivision that keeps scale relative to neighboring uses, and of course, at an affordable level, preserving large open space areas was not doable- and frankly, not necessary as this

project has something many others may not. That being, it is directly adjacent to vast public lands and also, a perpetual open space with river access right across the street. That being said, we want to offer a comfortable, useable quality of place element for residents, and as such, a natural playground park is located in our common area. There are no private developments in Minturn that offer playgrounds for younger children. Our common greenspace area also acts as a buffer between our development and the Duran subdivision, which is a benefit to our neighbors.

***11. The mass and scale of individual buildings and the overall density of the PUD shall be consistent in scale and character to avoid abrupt and/or severe differences.***

**APPLICANT RESPONSE:**

Minturn has a litany of ranch or one story residential structures that have the potential to be two-story homes (“underdeveloped”). In this area in particular, many of the surrounding homes are mobile homes, or small cabins. Newer homes, subsequently replacing this housing type throughout town, have all maxed out their heights (and development potential), and are at all two-story buildings. Using “consistency” with other construction as our goal height in our PUD, we will be in alignment with all of the newly single family and duplex homes recently constructed homes built in the last 10-15 years (max 28’), with heights on the multi-family to be the same as Taylor Townhomes and the Enclave (3 stories or 35’). Importantly, Belden is a unique project that will add to the eclectic assortment of Minturn housing types and styles.

***12. Any increase in density proposed above that which is permitted in the underlying zone shall be mitigated by increasing the land dedications to open space and/or recreational amenities and subsequent impact on public facilities.***

**APPLICANT RESPONSE:**

We are so fortunate that the density range for the underlying zone of Medium Density supports our request to go from 12 to 15 units per acre. However, our site is not a huge amount of acreage. The positive: all lands are developable, and streams and areas needing protections are found immediately adjacent to our property. This helps maximize density and offer attainable residences.

In SEC. 16-15-70. General standard no. 10 above, we discussed the trade off in designing a subdivision with density and a greenspace/playground common area, versus the dedication of large open space areas, because of the non-sustainable quality of low density.

Requiring open space is a common obligation found in many older codes that does not specifically address infill or redevelopment, and as such renders this provision as less practical than it has been in the past. The reason being, prior to the early 2000’s, the Eagle County Open Space program and the Eagle Valley Land Trust did not exist or were utilized the same way we use these two organizations as we do now. Since their involvement has become intensified in last few years, preserved lands have been created, and quality open space now exists in appropriate locations. These locations contain valuable environmental elements, like the riverside parcel right across the street from this project. We feel that there is a “new” distinction between open space and use of greenspace, and each contribute in different ways to our open-area recreational values we all share. Were this a large greenfield acreage being



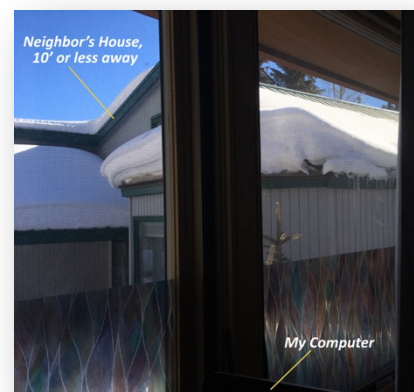
annexed into the town or a luxury development that can afford to absorb the financial impacts of this contribution, it would be easier to achieve a high percent of the project as open space. As our valley floor land prices are through the roof, it is very difficult to offer more than we are proposing without injury to attainability.

Planning for the preservation of open space also needs to be more than just a dedicated open area. Dedication of open space needs to focus on the protection of valuable resources, and not in a new subdivision that is flanked on two sides by native, public lands and is a previously developed property. Our greenspace area is a quality of place feature (we believe in having this asset), with a playground and picnic benches. A place for residents to socialize and gather, and small children to play safely within view of families, near homes. This is a necessity in a subdivision, and is much more appropriate and valuable for this location. Importantly, our useable greenspace areas will be privately maintained, under the control of the Owner's Association, costing Minturn nothing. Provisions for its use, etc. is found within the PUD.

***13. Residential density and intensity of other uses shall be limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the Character Area and specific characteristics of the subject land.***

**APPLICANT RESPONSE:**

There are a lot of homes in Minturn that are located within inches or feet from each other. Even new homes are located within minimum setbacks. This is a unique feature found in older towns in Colorado- like Minturn, including the mountain valley towns of Telluride and Idaho Springs. Space in valleys is valuable, and this is the result. Culturally, small towns using smaller lots/houses are safer, as everyone is more consciously aware regarding what is going on in their neighborhoods. We feel that this is a benefit to the design (smarter/more efficient), and this layout promotes safe feeling you have when living in Minturn. This is a strong-knit community, and Belden Place wants to carry forward the look and feel of Minturn design, including architectural styles, scale and layout. Based on the analysis above, we feel that Belden Place IS in conformance with code and intention of the community plan, and we hope you agree with our assessment.



**JSD, 900-block, Minturn**

***14. Architecture and design fit in the PUD shall reflect the character of the Town.***

**APPLICANT RESPONSE:**

Inspired by miner's homes of the past and coupled with the more recent architecture that is becoming the flavor of new construction in Minturn, Belden Place is currently designing homes with this styles in mind. Basic architectural principles that will be carried forward from the mining days include articulated rooflines with no mirroring of features on duplexes; use of a mix of "aged-wood" siding and corrugated metal, and non-combustible roofing materials; and finally, painted accents. We are not requiring monochromatic earth tone accents or colors that blend in with everything else (as many subdivision do) rather, we want local character within Belden Place. This will all add to the diversity of the structures in this



neighborhood and the opportunity for owners to add a little “personality” to their houses as time goes on.

**15. A PUD may include any uses permitted by right or as a conditional or special use in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted.**

**APPLICANT RESPONSE:**

There are only a few residential uses available for this development, as a means to control impacts (traffic, visual, or activity) and limit nuisances in this small neighborhood. These uses include: residential dwellings, home occupation; a small Day Care for children or seniors (in one (1) residence at any time), and an existing accessory dwelling unit in the Christiansan property. All of these uses are permitted in Minturn code, and in all other planning areas throughout the town.

**16. A PUD may be applied to annexed land or other land not zoned by the Town without the requirement for underlying zoning.**

**APPLICANT RESPONSE:**

The existing properties for this project are currently within town boundaries, annexed as part of the South Minturn Addition in 1978. Further, we are applying for an amendment to the zoning map, overlaying PUD on these otherwise residentially zoned properties.

**SEC. 16-15-140. - PRELIMINARY DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

CODE	APPLICANT RESPONSE
1. A Community Plan and Development Guidelines that illustrates the proposed land uses, building locations and housing unit densities.	See submitted site plan and PUD document.
2. An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands and describes any agreement proposed to preserve the open space, parks and recreation lands and how this will be implemented by deed or other agreement. This plan shall also describe the source of funds for long-term maintenance.	The site plan delineates the common areas including common greenspace, and drainage areas. The Owner's Association will maintain these features through Owner dues. Draft covenants has been submitted with this application.
3. A traffic study.	McDowell Engineering has created the coordinating traffic study. This has been submitted with this application. We have also received our access permit.
4. Proposed trails, sidewalks and traffic circulation patterns, including snow removal patterns and snow storage areas, and the proposed status of street ownership.	Please see application engineering drawings.
5. Proposed grading and drainage plans.	Please see engineering drawings from Timberline Engineering.

6. Detailed descriptions and commitments for the proposed source of legal and physical water supply and engineering plans for the proposed storage and distribution system for water supply (domestic and irrigation) and sewage disposal.	The Belden Place Design Team has 15 unused water taps currently, and will be purchasing 16 additional taps from the Town of Minturn. Sewer taps will be obtained from the ERWSD, the current provider.
7. Economic data and supporting market analysis to justify any proposed commercial and industrial elements.	While no commercial or industrial uses are proposed, a Fiscal Impact Study has been submitted.
8. Proposed development covenants, deed restrictions or other applicable codes.	Covenants have been submitted with this application. The PUD contains a housing plan.
9. An environment assessment or environmental impact report, unless waived by the Town Planner.	Nothing has presented itself that we feel would warrant an EIR (environmental impact report); however, we have submitted an EIR regardless.
10. An impact analysis that describes the impact of the proposed PUD upon the school district.	Calculations to determine school impacts will be submitted with the final application. We have repeatedly tried contacting the District, but have not received a response.
11. A fiscal impact analysis of the estimated demands for Town services and a statement of projected Town tax revenue based upon the historic Town tax levy and a schedule of projected revenue.	This analysis has been submitted with the application.
12. Final site plans and architectural forms planned for the first phase of the proposed development.	Final plans- including architectural plans/rendering will be submitted with the final application.
13. Detailed plans for fire protection and emergency medical services.	See Engineering plans from Timberline Engineering.
14. The PUD shall include a phasing plan that demonstrates that the PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.	This development is slated to be constructed in three housing (3) phases. All infrastructure will be installed in one phase.
15. If development is proposed to occur in phases, then financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved.	Acknowledged.

## CHARACTER AREA AND ZONE DISTRICT MAP AMENDMENT

*Character Area and Zone District Map amendment. The preliminary plan application shall be accompanied by an application for an amendment to the Character Area zoning map.*

- 1. Subdivision. Where the PUD proposes activities that constitute a subdivision, the application for a preliminary plan for PUD shall also be required to meet the requirements of Chapter 17 of this Code regarding procedures for preliminary plat for subdivision.*

**APPLICANT RESPONSE:**

Acknowledged. We feel that we are in compliance with the code for this subdivision.

2. *Phasing. The preliminary plan for PUD shall include a phasing plan for the development. If development of the PUD is proposed to occur in phases, then guarantees shall be provided for public improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the entire Town. Such public improvements shall be constructed with the first phase of the project or, if this is not possible, then as early in the project as is reasonable.*

**APPLICANT RESPONSE:**

This project is slated to be completed in three (3) construction phases, with all infrastructure improvements completed in the first phase, post entitlement processing. Due to the expansion grading that is needed, it is anticipated that the multi-family buildings at the rear of the development will be first as they have underground parking. This phase will also use the existing water taps we have already. Phase 2 construction will be more diverse depending on sales of lots/units and the availability of additional water taps. The final phase will include the completion of landscaping and open space amenities.

**STANDARDS**

*Common recreation and open space. The PUD shall comply with the following common recreation and open space standards:*

1. *Minimum area. It is recommended that a minimum of twenty-five percent (25%) of the total PUD area shall be devoted to open air recreation or other usable open space, public or quasi-public.*

**APPLICANT RESPONSE:**

We believe in creating a quality of place, which affects one's quality of life. This is not debatable with the team. This project has 18% of useable or quasi-useable area that will host a central improved-micro park, and passive greenspaces with benches and pet stations. This area is largely the same or close to it, size of Little Beach Park. Some of these areas will also be used for snow storage in the winter, and drainage in the summer (largely imperceptible). Additionally, there are acres of adjoining public land on the south property line, and perpetual open space (Boneyard) to the north- right across the street. This neighborhood has fantastic access to major open-air recreation areas, and the scenic value in the open space all around this project is amazing.

While greenspace areas are highly desirable (we love them too), there is an inequity in their application within in a code. For instance, in exchange for a grant of PUD zoning or for large subdivisions these developments must provide dedicated onsite greenspaces. This is not required for small or piecemeal developments, and that results in neighborhoods with no access to greenspaces at all. Effectively, we could do < 5 lot subdivisions over time and not be required to satisfy this desired exaction resulting in a cumulative density lacking in open space. Additionally, the requirement to meet this standard is at a cost to the developer, which, although often isn't a concern to some, the cost will end up being a

burden to a town (maintenance) or the buyer (as it raises purchase prices and may affect affordability). Where piecemeal development doesn't require open space, users get to use public open space in lieu. Often times for PUDs you get little credit if you are located adjacent to the same open space that was indiscriminately established by the same tax payers buying a unit in the PUD and still serves the small piecemeal development.

2. *Improvements required. All common open space and recreational facilities shall be shown on the preliminary plan for PUD and shall be constructed and fully improved according to the development schedule established for each development phase of the PUD.*

#### **APPLICANT RESPONSE:**

The layout for the common area, naturally themed playground, etc. is provided on the landscaping plans submitted with this application.

3. *Continuing use and maintenance. All privately owned common open space shall continue to conform to its intended use, as specified on the preliminary plan for PUD. To ensure that all the common open space identified in the PUD will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and to prohibit the division of any common open space.*

#### **APPLICANT RESPONSE:**

General common space areas are shown on the Final Plat for this development. These areas are detailed within the PUD and the applicable Covenants also contain restrictive provisions regarding their use and maintenance.

4. *Organization. If common open space is proposed to be maintained through an association or nonprofit corporation, such organization shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly owned and shall secure adequate liability insurance on the land. The association or nonprofit corporation shall be established prior to the sale of any lots or units within the PUD. Membership in the association or nonprofit corporation shall be mandatory for all landowners within the PUD.*

#### **APPLICANT RESPONSE:**

Acknowledged. We have submitted covenants that discuss General Common Area maintenance obligations. The exception to these covenants is for Lot 7, which in addition to the General Common Area open space easement that will be maintained by the Association, Lot 7 also contains Limited Common Area that will be maintained by the owners of Lot 7 itself.

## VARIATIONS

*Variations authorized. The Town Council shall be authorized to grant the following variations as part of its approval of the preliminary plan for PUD. Each variation that is granted shall be shown on the PUD Guide.*

CODE	APPLICANT RESPONSE
1. Density and intensity. The density of residential and intensity of commercial development may be varied.	We are requesting an increase of density from approximately 12 du/ac to 15 du/ac for the purposes of providing non-luxury/attainable homes for Minturnites.
2. Dimensional limitations. The minimum lot area, minimum lot area per use, maximum building lot coverage, maximum floor area, minimum yard setbacks and maximum height may be varied.	We request variations for the following dimensional limitations: (please see PUD document and proposed site plan layout for greater detail) setbacks; we would like to replace the height definition in the PUD to use an average which may be a slight increase over 28'; and also slight increases in building lot coverage for some lots.

*Basis for granting variations. These variations may be granted when the Town Council finds that the preliminary plan for PUD achieves one (1) or more of the following purposes and that the granting of the variation is necessary for that purpose to be achieved. The standards used in the designation of the land use categories on the Character Area Zoning Map, found in Chapter 16, Article III of the Community Plan, "Criteria Used in the Land Designation Process," shall also be considered when determining the maximum density and allowed uses of the PUD.*

- 1. Obtain desired design qualities. A variation may be allowed that permits the integration of mixed uses or allows for greater variety in the type, design and layout of buildings. Structures shall be designed to be compatible, in terms of height, mass, scale, orientation and configuration, with other units in the PUD and the surrounding area, yet shall avoid uniformity of design. Residential and nonresidential uses may be mixed together. Various types of residential uses may also be combined within the PUD to promote more efficient land use patterns and increased open space.*

### APPLICANT RESPONSE:

Belden Place is embracing this provision, by using reduced lot sizes (overall square footages, not in the length of the lots) and the use of variable setbacks in order to support the density needed for the creation of a free-market, non-luxury/attainable neighborhood in Minturn. Several ideas have been implemented into the design of the residences as well, including the use of a range of housing types including single-family, duplexes, and multi-family. This adds diversity and results in a range of home sizes and price points. Finally, straight linear building uniformity is NOT proposed, with homes employing varied rooflines and building forms (no mirroring of duplexes permitted) that ensures the project avoids

being boring and cookie-cutter in its design. Minturn is eclectic, and we want to keep this important cultural town characteristic alive and well at Belden Place.

2. *The Town Council may require minimum yard setbacks, lot widths and space between buildings of such dimensions as they are determined to be necessary to provide adequate access, wildfire prevention and fire protection; to ensure proper ventilation, light, air and snowmelt between buildings; and to minimize the effects of transmission of noise between units and between buildings. As a general guide, twenty (20) feet between buildings shall be considered the minimum appropriate spacing.*

#### **APPLICANT RESPONSE:**

This is an interesting criteria for a zone change, as many structures in Minturn are much closer than 20. This also seems to be a contradiction for this area in particular, as the standard zoning for South Town has a minimum 5' side setback (10' when coupled with the neighboring 5'). Knowing we need reductions in some of the side setbacks in order to use small lots and structures, we are requiring the bulk of construction materials to be FireWise and all buildings have incorporated clear access minimums around all structures knowing the desires of the local fire district (minimum of 4'-5' for each side resulting in 8'-10' between building faces unless the side lacks in a neighboring structure). We have also incorporated fire hydrants, and have run an "AutoTurn" exercise using the largest fire truck to ensure roadways meet fire district standards for truck access.

3. *Avoid environmental resources and natural hazards. A variation may be allowed that provides necessary site planning flexibility to enable the development to avoid valued environmental resource and natural hazard lands, as these have been identified in Article 20 of this Chapter.*

#### **APPLICANT RESPONSE:**

We are extremely fortunate in that there are no environmental resources or hazards to accommodate or avoid for our project. The only concern we have found was asbestos in one of the old mobile homes, which was successfully abated when the structure was removed.

4. *This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement is necessary to maintain the underlying density on the property, and the lands providing environmental resource values have been protected and lands subject to natural hazards have been avoided. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.*

#### **APPLICANT RESPONSE:**

All of the six (6) properties that will become the final area for Belden Place are connected.

5. *Water augmentation. A variation may be allowed that creates incentives for applicants to commit to a water augmentation plan for their development that makes available "wet" water into the Cross Creek or Upper Eagle River Basin.*



**APPLICANT RESPONSE:**

We are open to discussing this need to obtain augmentation water during this process; however, none of these properties has historic water rights.

6. *Trails. A variation may be allowed that provides incentives for applicants to make contributions to the County's and Town's multi-use trail system, in accordance with the recommendations of the latest version of the Town Trails Plan and the County Trails Plan, or to provide appropriate forms of access to public lands (including summer and winter parking areas and trailheads) and to river and creek drainages in and surrounding the Town. Proposed access shall be consistent with public land management objectives and resource protection needs for the areas to be accessed.*

**APPLICANT RESPONSE:**

The Town plans to install additional sidewalks in the South end of town, that happen to end at our eastern property line to which our own internal sidewalks will connect. Additionally, bus stops along Main Street/Hwy 24 will be installed at the end of the sidewalk improvements. Knowing that CDOT does not like crosswalks on a highway, the Belden Place design team would like to encourage the Town insist that a crosswalk is installed to connect the south side of Main Street to the Boneyard Open Space because they have a different relationship than a private entity. That being said, we look forward to participating wherever or however the Town suggests so we can bring this to fruition.

7. *Affordable housing. A variation may be allowed that extends an incentive to applicants to provide long-term affordable housing.*

**APPLICANT RESPONSE:**

This is our focused goal, and we are excited to be a project that is aimed at local home-ownership and does not contemplate creating luxury-priced residences. Additionally, we are proposing a three-level housing program that includes 100% local resident buyer restrictions (in the buyer program) and purchasing ability first offered to Minturn locals, then Eagle County locals, and only after that, to the public; a perpetual 10% minimum, fully-restricted (price cap) units in perpetuity; and 50% of the remaining units to be restricted to being owner-occupied (in perpetuity). Importantly, we have opened up our project to allow for retired Eagle County employees (seniors) to qualify as well, which is a rare offering in our valley.

8. *Public facilities. A variation may be allowed that provides incentives for applicants to develop public facilities, including but not limited to public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or off of the PUD site and shall be facilities that meet the demands not only of project residents, but also of other residents of and visitors to the Town.*

**APPLICANT RESPONSE:**

The community creators of Belden Place are excited for a new bus shelter along their boundary, and supports this public benefit needed to 'weather' the high-country environment. The Belden Place design team anticipates great use of this bus stop down the road when bus services are expanded, and so at a minimum, is open is discussing

coordination efforts to include the initial electrical needs for the shelter, or for the shelter itself to be an off-site contribution.

## **SEC. 16-15-160. - PUD/PRELIMINARY DEVELOPMENT PLAN**

### ***Preliminary development plan evaluation criteria:***

- 1. The resulting development will be consistent with the Community Plan and the proposed PUD reflects the character of the Town.***

### **APPLICANT RESPONSE:**

The Belden Place project embraces what is valuable about Minturn: unique character, our esteemed locals, houses akin to the historic homes established in the town, sustainability /construction elements infused with green standards, and, that this project with immediate access to a developed playground and adjacent public lands. We feel that this is the type of project that embraces current planning principles, and naturally springboards off the Town's evolutionary direction established in the 2009 Community Plan.

- 2. The area around the development can be planned to be in substantial harmony with the proposed PUD.***

### **APPLICANT RESPONSE:**

Eventually, we foresee the adjacent properties surrounding this development redevelop as many of the homes in this area are approaching the need to remodel or be replaced. Many of the lots are also under-developed, and with such high land costs, building to the maximum allowable upon resale is inevitable in order to justify the market value and resale costs down the road. As we mentioned previously in this application, this is already happening throughout Minturn. As such, we are hoping that Belden Place provides an immediate offset of attainable units to bring balance to this trend and sets a standard for designing neighborhoods targeting locals instead of opting for the implementation of easy approval, low-density luxury-priced units. We hope that this neighborhood inspires landowners to join in with this movement by consolidating their redevelopment goals and parcels with adjacent properties, instead of promoting the piecemeal development that has been happening in the past few years resulting in a lack of community assets outside of residences. Infill is tricky and wrought with greater logistical considerations, which is why sprawl happens most in greenfield areas, as it is significantly cheaper and more profitable to do low density luxury anywhere. However, this results in a substantial burden to service providers, and we are seeing towns are going broke trying to pay and manage maintenance of these services for sprawl- especially during pandemics that challenge our economic system. Smart planning and growth will create harmonious development and sustainable design in one easy way: supporting the increase in density using smaller lots and attainable house sizes, where appropriate. If luxury is proposed and approved, the next project should be for locals. Towns need to start finding balance in decision making, or we will price ourselves as average wage earners out of the towns we're trying to maintain and sustain. Sustainability means to keep things going as they are. Investment is needed when things begin to be lopsided in favor of quick and easy luxury developments only attainable to those who can afford them, replacing the hardworking, local middle-class.

**3. *The adjacent and nearby neighborhoods will not be detrimentally affected by the proposed PUD.***

**APPLICANT RESPONSE:**

As discussed earlier in this narrative, change, no matter how big or small will affect people either positively or negatively, based on who the person is and how they embrace change. This is especially true of folks who have been living in the same house and in the manner they have for decades, more used to incremental transformation, rather than immediate change. This is something we cannot fight, but must endure. In the last 15 years, technology has sped up jobs, communication, access, and has changed our perception of time. The pandemic we are currently experiencing has done the opposite, by slowing things down giving us time to reevaluate what is important all the while driving prices through the roof. These emotional responses may dissipate with the understanding that change is not a negative, but is a reality for so many people struggling to buy, maintain or even rent a home in Minturn. What is more important: having a home one can afford to maintain and avoid foreclosure when our economic system is compromised, or if a building has a roofline 6" taller than the older home with a flat roof. (That being said, per our definition, our homes outside of the multi-family at the back of the property are 28' however; many of our neighbors' homes are less than that so anything built to the max will make a perceived visual impact when concentrated).

Vibrant neighborhoods are what Minturn needs, versus large, empty luxury homes owned by second-homeowners that do not significantly contribute to supporting the ongoing economic needs of the town. Minturn has such a great energy that is slowly being replaced as more locals sell off their properties and leave town because they cannot afford to re-build on their own properties. This project wants to add to the community resident-base. As such, it will not be a detriment to the nearby neighborhoods, it is the opposite. It is an opportunity for the next wave/generation of Minturnites to continue to thrive in our small town, instead of creating a seasonal unsustainable ghost town.

**4. *The mass and scale of individual buildings and the overall density of the PUD shall be consistent in scale and character to avoid abrupt and/or severe differences with the surrounding area.***

**APPLICANT RESPONSE:**

This is a tricky standard when so many buildings in Minturn are one-level or built to a minimum, not a maximum. We would love to offer ranch-style homes as they are highly sought after for seniors and persons with disabilities, but the unregulated sellers real estate market has eliminated that choice because of such high land costs. The good news is that Belden Place uses a density that is found dispersed throughout Minturn. We are on a public transit route, and you can walk to downtown. We have ample sunlight on this property, and have provided greenspaces in addition to the public open space that is adjacent to the property. We have met the code standards for parking, and have even taken it one-step further in providing underground parking for our multi-family building. We have done all we can to bring compatibility to this neighborhood out of our love and respect to our neighbors and the character of Minturn without assistance from the Town.

5. *The PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.*

**APPLICANT RESPONSE:**

This project is slated to be completed in three (3) construction phases, post entitlement processing (infrastructure will be in 1-phase, during initial construction). Due to the expansive grading that is needed, it is anticipated that the multi-family buildings at the rear of the development will be first as they have underground parking. This phase will also use the existing water taps we have already. Phase 2 will be more diverse depending on sales of lots/units and the availability of additional water taps. The final phase will include the completion of landscaping and open space amenities.

6. *The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.*

**APPLICANT RESPONSE:**

We are so fortunate to have a project located in proximity to the river. While we are not proposing any major recreational aspect with this project, we are excited to have a project that incorporates open space as a quality of place element, should some of the residents choose to use this area, as is currently available for the 1,001\* existing Minturn Residents (\*2019 Census).

7. *The residents of the PUD have easy access to recreational amenities.*

**APPLICANT RESPONSE:**

Recently, the recreation facility at Maloit park has come to the forefront of discussion with the Town. Having density on this end of town should help foster more local activity at this facility. Additionally, having an improved public transit system to get people around should also help in this regard. Best, our project location is great for biking or walking to the downtown, or, further south to Maloit park. Being across from the Boneyard also is a great bonus to residents, as is National Forest Lands to the south of our site.

8. *Any increase in density proposed above what is permitted in the underlying zone shall be mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services.*

**APPLICANT RESPONSE:**

See previous comments. Additionally, we have submitted that we are open to doing what's necessary to help in achieving this development. For instance, providing the anticipated bus shelter- a significant cost to a transit system.

9. *Any proposed commercial or industrial development can be justified.*

**APPLICANT RESPONSE:**

Not applicable

10. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.*

**APPLICANT RESPONSE:**

There will be no major highway improvements necessary for this project, as the density is under the threshold that warrants such improvements. A traffic study has been submitted, and is available in the application appendix. We have already received our CDOT access permit as well.

***11. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.***

**APPLICANT RESPONSE:**

Drainage controls have been designed to capture all onsite effects created from the new subdivision, and neighboring properties (historical flows). We have also been discussing larger participation with the Town and have implemented a drainage plan that anticipates capturing additional, offsite drainage that will travel across our property and the Highway, to be discharged into the river. This will positively impact neighbor in the event of a major occurrence. Please see our engineering documents.

***12. Residential density and intensity of other uses shall be limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land.***

**APPLICANT RESPONSE:**

Please see previous comments.

***13. A favorable finding is made on the environmental assessment or environmental impact report.***

**APPLICANT RESPONSE:**

No significant environmental concerns have been discovered for this site.

***14. The preliminary plan for PUD shall comply with the following open space and recreation standards:***

CODE	APPLICANT RESPONSE
(1) A minimum of twenty-five percent (25%) of the gross land area shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way and minimum yard setbacks shall not be counted when determining usable open space. Water bodies, lands within critical wildlife habitat, riparian ecosystems and one-hundred-year floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.	This project 18% of useable or quasi-useable open space that will house a natural playground. Additionally, there are acres of adjoining public land on the south property line, and perpetual open space (Boneyard) to the north-right across the street. This neighborhood has fantastic access to open-air recreation areas. We request a Variation to the 25% requirement, pursuant to Article 26.

(2) All common open space and recreational facilities shall be shown on the preliminary plan for PUD and shall be constructed and fully improved according to the development schedule established for each development phase.	Acknowledged. Installation of any equipment shall occur on or before the last phase of construction.
(3) All privately owned common open space shall continue to conform to its intended use, as approved in the preliminary plan. To ensure that all the common open space identified in the preliminary plan will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and to prohibit the division of any common open space.	Common space lots will be identified on the Final Plat; has been captured in the PUD Guide, and will be owned and maintained by the Owner's Association.



#### SEC. 16-17-120. - CLUSTER SUBDIVISIONS.

Cluster subdivisions shall utilize the PUD procedures, except that the gross project density shall not exceed fifteen (15) dwelling units for each acre of net developable land.

#### APPLICANT RESPONSE:

Although this project may not be considered a cluster subdivision in the rural sense, the homes are smaller than the average being built in Minturn lately and are located on small lots that are tightly positioned as a means to create a neighborhood that has the public benefit of attainability as well as to offer an actual playground for families (Minturn does not have community playgrounds outside of Little Beach Amphitheater). With the piecemeal development that has been happening in town over the years, no new open space has been provided by other private builders. Our project offers a central greenspace as a trade for use



of density and small lots- which IS a clustering element. Additionally, our density DOES NOT exceed 15 units per acre.

Infill development is much harder to satisfy typical code requirements that use of cluster provisions to limit sprawl or for the public benefit of open space retention; however, for this property, it wouldn't make too much sense to do that given it is flanked by public open space on both sides. Importantly, the Code does not give any guidance or requirements to satisfy this provision, just a density limitation. We hope to set the standard for new developments contemplating use of density on non-greenfield parcels, and especially on greenfield parcels that exist on the fringe of Minturn.

#### **ZONING/MAP AMENDMENT** **Sec. 16-21-450. - Standards**

*The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:*

- 1. Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan;**

#### **APPLICANT RESPONSE:**

Please see previous comments.

- 2. Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district;**

#### **APPLICANT RESPONSE:**

This development simply replaces a residential subdivision with a residential subdivision. It should not alter the character of the neighborhood, and aside from a slight increase in density, the intention of this development is consistent with what was there historically- just nicer with quality homes that will improve property values and conceivably, first-time homebuyers in Minturn.

- 3. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.**

#### **APPLICANT RESPONSE:**

As vacant land gets sparser and sparser to find in our valley- and especially Minturn- infill development will become the norm for growth. This is a smarter way to develop and sustain a town to help in keeping services affordable, and in getting people out of their cars and walking or biking around town. Importantly, it is necessary because land costs are so high.

We have already discussed how Minturn has lost homes in its inventory, and local-ownership of remaining homes has decreased. In the last few years, we've also seen the increasing trend where many older homes have been replaced with bigger, more expensive luxury homes. This displaces tenants who may have been renting the older homes, or causes people to sell their properties and move elsewhere because they are land rich, cash poor and cannot afford to rebuild a derelict or home that needs a lot of work to renovate. Locals are being displaced by those who can afford to build and/or buy in the luxury market<sup>5</sup>, and that is an ever increasing threat to the sustainability of a well-balanced and town that was once soaked in vitality. Remember when we used to have a bank?

- 4. *Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.***

**APPLICANT RESPONSE:**

This project will not have any significant impacts to any aspect of the natural environment.

- 5. *Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.***

**APPLICANT RESPONSE:**

Quality housing, quality of place, and quality of life are all community needs. Additionally, economic contributions to a small town are valuable, as is affordability. This project seeks to help the sustainability of Minturn, and the people behind the project are in it for the long haul. The community creators of this project are locals who want to help locals find quality housing, without having government support outside of the support and approval of the entitlement (namely density). Housing is always going to be a community need, and it is an especially important one for the working class people living here.

- 6. *Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.***

**APPLICANT RESPONSE:**

This project is located in an area suitable for development, in an already developed, residential area. We are simply requesting (residential) PUD zoning overlay, and this will not cause spot zoning as the underlying properties are already zoned. Public services have already been utilized at this location; this is a redevelopment project.

- 7. *Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area***

<sup>5</sup> 2018-12, Daniel Herriges, <https://www.strongtowns.org/journal/2018/12/10/why-are-developers-only-building-luxury-housing>

**APPLICANT RESPONSE:**

Maintaining the base population of Minturn is important for the continued success of this small town. High vacancies, or displacement of locals now and for future generations is important for a town's viability and sustainability. "Will your children be able to live in the town they grew up in?" is an important question to ask. The next question is, "do we have a diverse housing portfolio that gives lifestyle choices for changing demographics and their wants and needs?" We believe the creation of a non-luxury neighborhood is in the public interest, or at least, it should be. This is especially important thinking about what the future holds in this valley and to second-home ownership thanks to situations like the COVID-19 pandemic we are experiencing currently.

Proposed Amendment:

**SOUTH TOWN CHARACTER AREA**

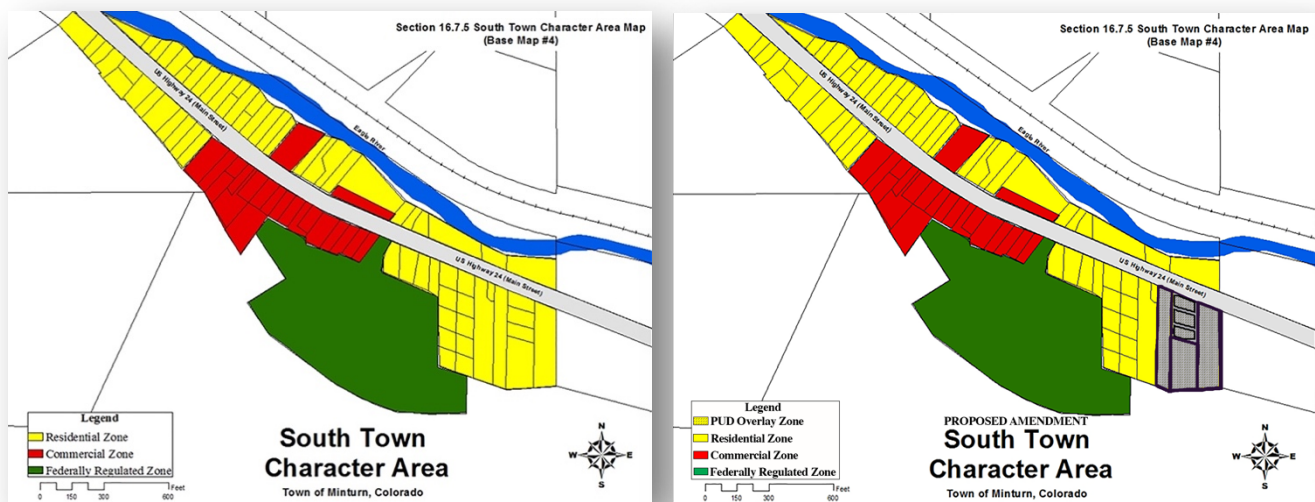
This area is characterized by larger lots than those found in other areas of the Town. Existing commercial areas are auto-oriented (and should remain so); however, the mixed use character discourages the allowance of high-impact commercial uses. Limited retail businesses are appropriate, along with low-impact service-oriented activities.

Parking along the front of Highway 24 is discouraged; however, if location is approved, the parking shall be broken-up into smaller areas, well-landscaped or screened from the highway and adjacent structures.

The incorporation of unifying elements would further define and characterize this area. These elements could include common color and material of structures, awnings, common fencing and pedestrian interconnections.

**APPLICANT RESPONSE:**

All parking will be contained onsite, and pedestrian connections are an important element of this project. Belden Place hopes to create an amazing new alternative for locals and home ownership. With many of the homes in South Minturn being replaced by luxury priced homes, keeping a local feel will help to maintain the South Town Character.



Proposed PUD Overlay/Character Area/ Zoning Amendment

## CONCLUSION

Aside from the railroad property and limited, previously developed lots, there is not a huge opportunity for the development of new, comprehensive, complete neighborhoods with diverse, quality, composed housing in Minturn. With low to no rental vacancies or rental availability, extremely high land costs, and a significant number of aging homes that are becoming in great need of repair and/or replacement, it is time for projects like the Belden Place neighborhood to help lead the way in increasing local home ownership with the creation of a quality-place, infill redevelopment project. By infusing the history of Minturn into Belden, and by targeting the unique and eclectic people who live- or want- to live here, who are already here in our valley, this project is a vehicle for adding to Minturn's sustainability, that will harmonize with the town and residents for years to come.