



**Planning Commission Agenda
Wednesday February 8, 2023 – 6:30 PM
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81669207863>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 816 6920 7863**

Please note: all virtual participants are muted. In order to be called upon and be unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

- 1. CALL TO ORDER – 6:30 PM**
- 2. ROLL CALL & PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
3.1 January 11, 2023
- 4. APPROVAL OF AGENDA** *Opportunity for amendment or deletions to the agenda.*
- 5. DECLARATION OF CONFLICTS OF INTEREST**
- 6. PUBLIC COMMENT** *Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.*
- 7. SPECIAL PRESENTATIONS**
- 8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**
8.1 146 N Main Street – Minturn Saloon – Reconstruction of Awning

9. DISCUSSION / DIRECTION

10. STAFF REPORTS

11. PLANNING COMMISSION COMMENTS

12. FUTURE MEETINGS

12.1 February 22, 2023

12.2 March 8, 2023

13. ADJOURN



**Planning Commission Official Minutes
Wednesday January 11, 2023 – 6:30 PM
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/82489827738>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 824 8982 7738**

Please note: all virtual participants are muted. In order to be called upon and be unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER – 6:30 PM

Lynn Teach called the meeting to order at 6:30 pm.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Jeff Armistead, Michael Boyd, and Sage Pierson.

Staff Members Present: Town Planner Scot Hunn and Planner I Madison Harris.

Note: Elliot H. and Tom Priest are excused absent.

3. APPROVAL OF MINUTES

3.1 December 14, 2022

Motion by Jeff A., second by Michael B., to approve the minutes as presented. Motion passed 4-0. *Note: Elliot H. and Tom P. are excused absent.*

4. APPROVAL OF AGENDA *Opportunity for amendment or deletions to the agenda.*

Motion by Jeff A., second by Michael B., to approve the agenda as presented. Motion passed 4-0. *Note: Elliot H. and Tom P. are excused absent.*

5. DECLARATION OF CONFLICTS OF INTEREST

No Conflicts of Interest.

- 6. PUBLIC COMMENT** *Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.*
No public comment.

7. SPECIAL PRESENTATIONS

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

- 8.1 382 Taylor Avenue – New Single Family Residence and Accessory Dwelling Unit
Madison H. introduced the project. The Applicant requests Final Plan review of a new, four-bedroom, 2,924 square foot single-family residence and a new, two-bedroom, 1,041 square foot accessory dwelling unit (ADU) located at 382 Taylor Street in the Game Creek Residential Zone District. The plans show a three-level structure with a max height measured to the midpoint of the roof of 26.4375 feet above proposed grade on the west side of the lot and a max height for the ADU of 22.5625 feet on the east side of the lot. The height of the proposed structures appear to be within the maximum 28-foot allowable within the Game Creek Residential Zone District. Parking is adequate, with five off-street spaces provided (two in the garage and three surface spaces in front of the garage). The single family residence requires three spaces, and the ADU requires one which leaves an extra space provided above the requirements. Staff suggests the Planning Commission review this project while thinking about *Appendix B(II)(C)(1)(c). Massing and Scale, Appendix B (II)(C)(2)(b) – Façade, and Appendix B (II)(C)(3)(a) – Materials* as called out in the staff report. When getting into the issues that staff has called out and form the basis of the recommended conditions there are a few things that need to be addressed. As shown in the Improvement Survey Plat provided by the Applicant, 382 Taylor is comprised of Lot 5 and Lot 6. There is no record of these lots having been combined through a lot line vacation/minor subdivision, so, much like recent projects that have worked through the process, before a building permit can be issued, the Applicant will need to vacate the interior lot line through the minor subdivision process. Staff has received the application for this, so the Applicant is already addressing this issue. The Accessory Dwelling Unit is a Limited Use within the Game Creek Character Area Residential Zone District. This is a separate, administrative process that needs to be applied for, however that should have little impact on the Design Review Board’s review of the project as a whole. Public Works has commented that the curbstop location needs to be in a safe place, and that the water meter reader/AMI box needs to be on the front of the house in a safe, accessible location and not placed under a sloping roof line where snow has a tendency to shed. The last is not particularly an issue, just something that staff would like to draw attention to. Staff referred this final plan to the Town Engineer (Inter-Mountain Engineering) for comments, and that letter dated December 22, 2022 is attached to the staff report. In that letter the Town Engineer discusses the requirements and recommendations in Appendix C of the Minturn Municipal Code concerning the grade of the driveway. Appendix C recommends, but does not require, north facing driveways to have a maximum of 8% grade and south facing driveways to have a maximum of 10% grade. This driveway faces west and a portion of it is 10% grade. While this is above the recommended maximum, staff does not believe a variance is required. However, the Applicant should

address this concern during the public hearing. In response to all of this staff has provided four draft conditions that we believe to be appropriate to attach to this application should the Planning Commission move to approve 382 Taylor Avenue – New Single Family Residence and Accessory Dwelling Unit.

Luis Vasquez, 56 Edwards Village Blvd.

Spoke to the driveway grading. It is the most significant challenge with the site. It will get a significant portion of sunlight. The materials and massing fit with the neighborhood.

Public Comment opened.

No public comment.

Public comment closed.

Jeff A. asked if they had considered heating the driveway.

- Mr. Vasquez said that they had when they were looking at a steeper grade
- Jeff A. also asked about the practicality of the proposed snow storage. Understands that there is shown more than is required, but if the pile gets to big and impacts the amount of cars that park there then they should think about getting the snow loaded out. Doesn't think they need a variance. Agrees with staff's suggested conditions. Advises the curbside have some concrete around it so that when it is plowed it isn't beat up. Likes the different use of materials and think it will fit into the neighborhood.

Michael B. asked about how many SFEs they will need.

- Madison H. estimated 2 sfes, but would need to confirm with Jay.
- Michael B. asked about snow retention. Suggests having it whenever over walkways. Might need a secondary snow fence to prevent the snow from ripping out the bottom one.
- Sage P. agrees with Michael B. on needing extra snow fence.

Lynn T. believes the windows are small for the views over there. This isn't a requirement, but a recommendation.

Motion by Jeff A., second by Sage P., to approve with conditions 382 Taylor Avenue – New Single Family Residence and Accessory Dwelling Unit.

1. The Applicant shall address the comments provided by the Town Engineer in the letter from Intermountain Engineering, Inc., dated December 22, 2022 with the exception of comment 4 under Architectural Plans prior to building permit issuance.
2. The Applicant shall address Public Works comments contained in this staff report prior to building permit issuance.
3. The Applicant shall submit and receive approval for a Minor Subdivision: Amended Final Plat to vacate the interior lot line and effectively combine Lots 5 and 6, Block C of the Taylor Addition to Minturn Subdivision prior to building permit issuance.
4. The Applicant shall submit and receive approval for a Limited Use application for the Accessory Dwelling Unit prior to building permit issuance.

5. The Applicant shall meet with the Town Clerk and Treasurer to discuss and ensure adequate water for the project.
6. The Applicant shall follow Appendix B (II)(B) which states, in part: "A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy is issued after the second ILC is approved and after it has been determined the builder has met all the zoning requirements. The building, foundation location, building height, setbacks, driveway access, topographic and finished grade and utility easements information would be shown on the final ILC."

Motion passed 4-0.

Note: Elliot H. and Tom P. are excused absent.

9. DISCUSSION / DIRECTION

10. STAFF REPORTS

Scot H. gave an update on the Community Plan.

Madison H. to give an update on the Saloon.

11. PLANNING COMMISSION COMMENTS

Michael B. said that he is looking into nominating the Old Chapel.

Lynn T. asked the Planning Commission to read Bob's Rules of Order and the CML Handbook. She also read Michelle's thank you note.

Sage P. would like to know why the Saloon is not open. Michael B. said that it is a construction issue.

12. FUTURE MEETINGS

12.1 January 25, 2023

12.2 February 8, 2023

13. ADJOURN

Motion by Michael B., second by Jeff A., to adjourn the regular meeting of January 11, 2023 at 7:08 pm. Motion passed 4-0.

Note: Elliot H. and Tom P. are excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

To: Planning Commission
From: Madison Harris, Planner I
Date: February 3, 2023
Re: 146 North Main Street - Minturn Saloon - Awning Reconstruction

REQUEST:

Review the Design Review Board application of 146 N Main Street - Minturn Saloon for the reconstruction of an awning on the west side of the structure, as well as two penetrations in the roof for a grease fan and a bathroom fan.

INTRODUCTION:

The property is zoned within the Old Town Character Area - Commercial Zone District. This project will not change impervious surface area or historic building coverage for the property. Per the Applicants letter of intent:

“During the current restoration of the Minturn Saloon, it was discovered that the front entry/ front walkway roof was in a dangerous state of disrepair. It posed a significant danger to the general public using the walkway in front of the Saloon. This application is to rebuild said roof in the same character as the original- retaining the slope and appearance of the original but with proper waterproofing and structuring (engineered beams, footings, and connection to building) with the intent that it will not need to be rebuilt in the near future.”

As part of this process, since 146 N Main Street - Minturn Saloon is designated a Historic Landmark via Ordinance 1 - Series 2023, a Certificate of Appropriateness needed to be applied for and granted by the Historic Preservation Commission. That was granted by the HPC at their regular meeting of January 24, 2023 and ratified by the Town Council on February 1, 2023 with the additional condition that an encroachment agreement be executed before construction of the walkway.

Encroachment Agreement

241.01 sq. ft. of this awning exists in the Town Right-of-Way. It covers a portion of sidewalk that people use on a daily basis whether that is people walking from the south side of the Eagle River to the Municipal Lot or school children from Taylor Avenue down to their school bus stop on Main Street. Encroachment agreements are instituted by Ordinance and typically come with a \$16.00/sq.ft. annual fee. Council, however, has agreed to waive this fee so long as the public value of an accessible, covered walkway remains for the extent of the encroachment.

ANALYSIS:

This awning is proposed to be in the same location as the previous one and built as similarly as possible. This location is shown on the Improvement Survey Plat provided in this packet. Because this is a reconstruction of less than 50% of the valuation of the structure, even though this portion encroaches into the Town ROW and thus violates setbacks, it does not need a variance and Chapter 16, Article 22, the Town’s non-conformities section, is not triggered.

If the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve or approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions to the plans.

Issues

Improvement Survey Plat

The Improvement Survey Plat (also known as a Boundary Survey) that was submitted was done in 2005. Due to the fact that it shows the location of the awning, it is relevant to the Planning Commission’s review, however, according to Sec. 16-21-615 of the MMC the requirement is that the survey date must be within five [5] years of the project application date. It is staff’s opinion that a condition of approval be set so that an updated Boundary Survey be submitted before building permit issuance.

Encroachment Agreement

As this was a condition of approval for the Town Council to approve the Certificate of Appropriateness, an encroachment agreement needs to be executed prior to building permit issuance.

Staff is recommending **approval with conditions.**

1. The Applicant shall submit an updated Boundary Survey prior to the issuance of a building permit
2. The Applicant and the Town shall execute an encroachment agreement prior to the issuance of a building permit

ATTACHMENTS:

- Application
- Letter of Intent
- Boundary Survey
- Plans
- Council Memo for Certificate of Appropriateness
- HPC Staff Report for Certificate of Appropriateness

Design Review Application

Submission Info

User	50.211.252.105
Submission Id	e8597e98-5398-40d4-ae8-2ba3bfccc572
Start Date	11/2/2022 9:17:11 AM
Receipt Id	197021368
IP Address	50.211.252.105
Receipt Date	11/2/2022 10:32:49 AM
Status	Submitted
Workflow Completed Date	
Submitted Date	11/2/2022 10:32:49 AM

Response Data

Town of Minturn - Design Review Application - Project Information

Section Title: Project Information

Is this a Minor or Major DRB Project?:

Major

Project Name:

Minturn Saloon

Street Address:

146 N Main St

City:

Minturn

State:

Colorado

Zip:

81645

Zoning:

024 - MINTURN (TOWN) - 024

Application Request:

To rebuild the walkway roof in front of the Saloon in the same character as the original, but properly waterproofed and structured.

Town of Minturn - Design Review Application - Applicant Information

Section Title: Applicant Information

Name:

Nick Brechtel

Mailing Address:

2077 N Frontage Rd W Suite G

City:

Vail

State:

CO

Zip:

81657

Phone:

8602279566

Email:

nick@vailarchitects.com

Is the Property Owner different than the Applicant?:

Yes

Town of Minturn - Design Review Application - Property Owner Information

Section Title: Property Owner Information

Name:

Los Amigos - Property Company LLC

Mailing Address:

245 Park Ave FL 44

City:

New York

State:

NY

Zip:

10167-4400

Phone:

9703762823

Email:

anthonymazza.cc@gmail.com

Town of Minturn - Design Review Application - Additional Information

Section Title: Additional Information

Lot Size:

.208

of Stories:

1

Type of Residence:

Snow Storage (sq ft):

of Bedrooms:

Building Footprint (sq ft):

3371

of On-site Parking Spaces:

17

Total Impervious Surfaces (sq ft):

4563

Town of Minturn - Design Review Application - Uploads

Section Title: Submittal Checklist Requirements (as applicable)

Letter of Intent:

[Minturn Saloon Letter of Intent 11.2.22.pdf](#)

Vicinity Map:

[Saloon Access DRB.PNG](#)

Improvement Location Certificate of Survey (ILC or ILS):

[Minturn Saloon Property Survey 2005.pdf](#)

Site Plan:

[A0-06 - SITE PLAN.pdf](#)

Preliminary Building Plans and Elevations:

[A1-02a - LEVEL 1- PROPOSED.pdf](#)

[A2-01 - NORTH ELEVATION.pdf](#)

[A2-02 - EAST ELEVATION.pdf](#)

[A2-03 - SOUTH ELEVATION.pdf](#)

[A2-04 - WEST ELEVATION.pdf](#)

[S1-02c - Structural Entry Roof.pdf](#)

[A0-00 - COVER.pdf](#)

Architecture Details – Materials Board:

[A0-03 - EXTERIOR MATERIALS.pdf](#)

Town of Minturn - Design Review Application - Applicant Review & Signature

Minor DRB Fee:
\$75.00

Major DRB Fee:
\$200.00

Section Title: Applicant Signature

I declare under penalty of perjury in the second degree that the statements made in the above application are true and complete to the best of my knowledge.:

true

Signature:
Nick Brechtel

Date:
11/01/2022

Data Fields

Name	Nick Brechtel
Address1	
Address2	
City	
State	
Zip	
Phone	
Email	nick@vailarchitects.com
CompanyName	

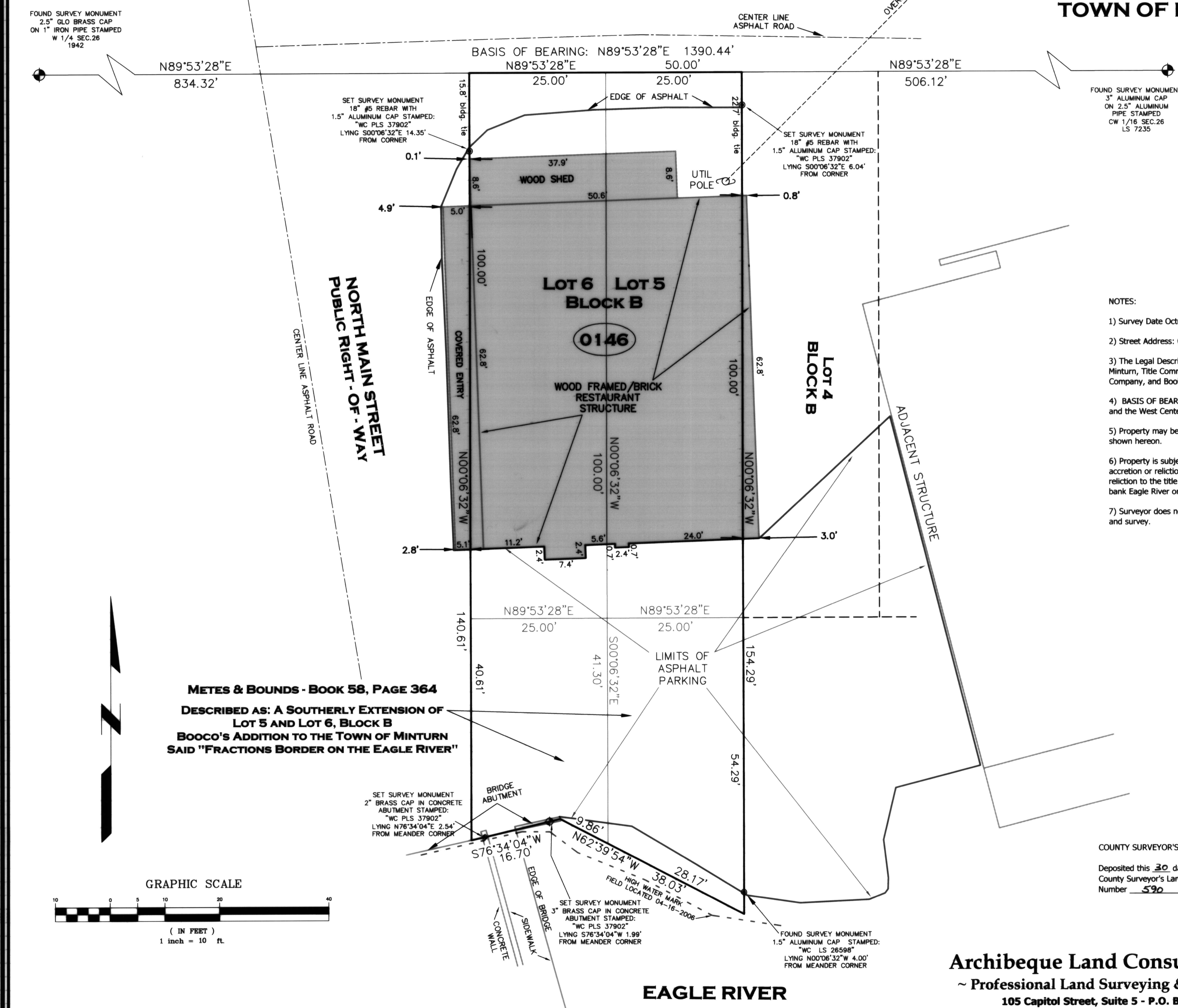
Payment Info

- :
- :
- :
- Unknown
- :

During the current restoration of the Minturn Saloon, it was discovered that the front entry/ front walkway roof was in a dangerous state of disrepair. It posed a significant danger to the general public using the walkway in front of the Saloon. This application is to rebuild said roof in the same character as the original- retaining the slope and appearance of the original but with proper waterproofing and structuring (engineered beams, footings, and connection to building) with the intent that it will not need to be rebuilt in the near future.

IMPROVEMENT SURVEY PLAT BOOCO'S ADDITION TO THE TOWN OF MINTURN, LOT 5 & LOT 6, BLOCK B TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO

SECTION 26, T5S, R81W



DESCRIPTION

Lot 5 and Lot 6, Block B, Booco's Addition to the Town of Minturn, according to the Plat thereof dated 1890 and recorded in the Office of the Clerk and Recorder, Eagle County, State of Colorado. AND That parcel described in Book 58, Page 364, as filed for record in the Office of the Clerk and Recorder, Eagle County, State of Colorado. Both Containing a Total of 0.164 acres more or less.

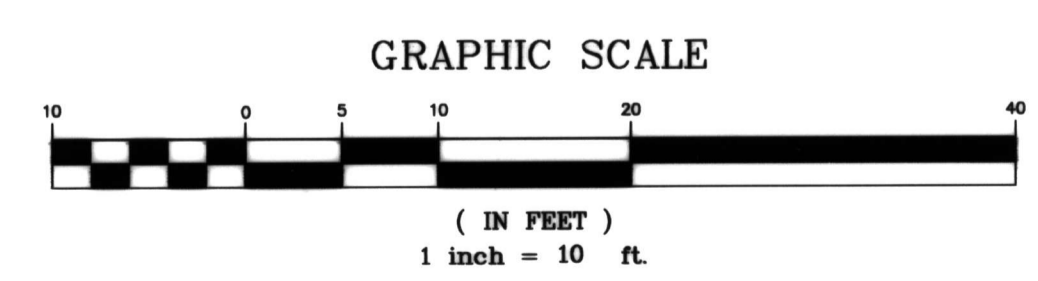
- NOTES:**
- 1) Survey Date October 27, 2005 & April 16, 2006.
 - 2) Street Address: 0146 North Main Street.
 - 3) The Legal Description and Record Deed Lines were derived from the plat for Booco's Addition to the Town of Minturn, Title Commitment No. 614-H0054498-061-80, dated May 4, 2005 by First American Heritage Title Company, and Book 58, Page 364 of the Eagle County Clerk and Recorder Records.
 - 4) BASIS OF BEARING: N 89°53'28" E between the West 1/4 Corner GLO Brass Cap on 1" Iron Pipe set 1942 and the West Center 1/16 Corner being 3" Aluminum Cap on 2" Aluminum Pipe stamped LS 7235, set 1981.
 - 5) Property may be subject to prescriptive rights associated with the existing asphalt and overhead utilities shown hereon.
 - 6) Property is subject to any increase or decrease in the area of land which may be created or caused by accretion or reliction, whether natural or artificial, and the effect of the gain or loss of area by accretion or reliction to the title of said real property. The meander line shown hereon is based upon the existing toe of the bank Eagle River on the date of the survey.
 - 7) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.

I, Theodore J. Archibeque, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this IMPROVEMENT SURVEY PLAT was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. This certification is not a guarantee or warranty, either expressed or implied. The Notes hereon are a part of this certification.



Theodore J. Archibeque PLS 37902
Colorado Professional Land Surveyor

METES & BOUNDS - BOOK 58, PAGE 364
DESCRIBED AS: A SOUTHERLY EXTENSION OF
LOT 5 AND LOT 6, BLOCK B
BOOCO'S ADDITION TO THE TOWN OF MINTURN
SAID "FRACTIONS BORDER ON THE EAGLE RIVER"



COUNTY SURVEYOR'S CERTIFICATE

Deposited this 30 day of MAY, 2006, at 2 P.M in Book 1 of the Eagle County Surveyor's Land Survey Plats/Rights-of-Way Surveys at Page 592, Reception Number 590.

County Surveyor

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
105 Capitol Street, Suite 5 - P.O. Box 3893
Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax

REVISED: 04-18-06 BOUNDARY, ADDED MONUMENTS / HIGH WATER MARK

IMPROVEMENT SURVEY PLAT BOOCO'S ADDITION TO THE TOWN OF MINTURN, LOT 5 & LOT 6, BLOCK B TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO		
DRAWN BY: TJA	JOB NUMBER: 05090	DRAWING NAME: 05090-LSP.DWG
SHEET 1 OF 1	DATE: 10-24-05	CHECKED BY: CAP

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

DRAWING NUMBER 590



DEMO LEGEND

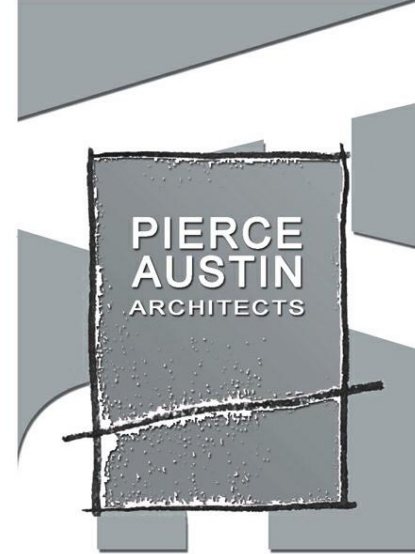
█	WALLS TO BE DEMOLISHED
	NEW WALLS
	EXISTING WALLS

12/01/21
ROOF STRUCTURE

DATE	NO.	DESCRIPTION
5.3.22	1	WINDOW REVISION
5.3.22	2	EXT. FIREPLACE

MINTURN SALOON
 146 MAIN ST MINTURN, CO
 Project Number - 2191

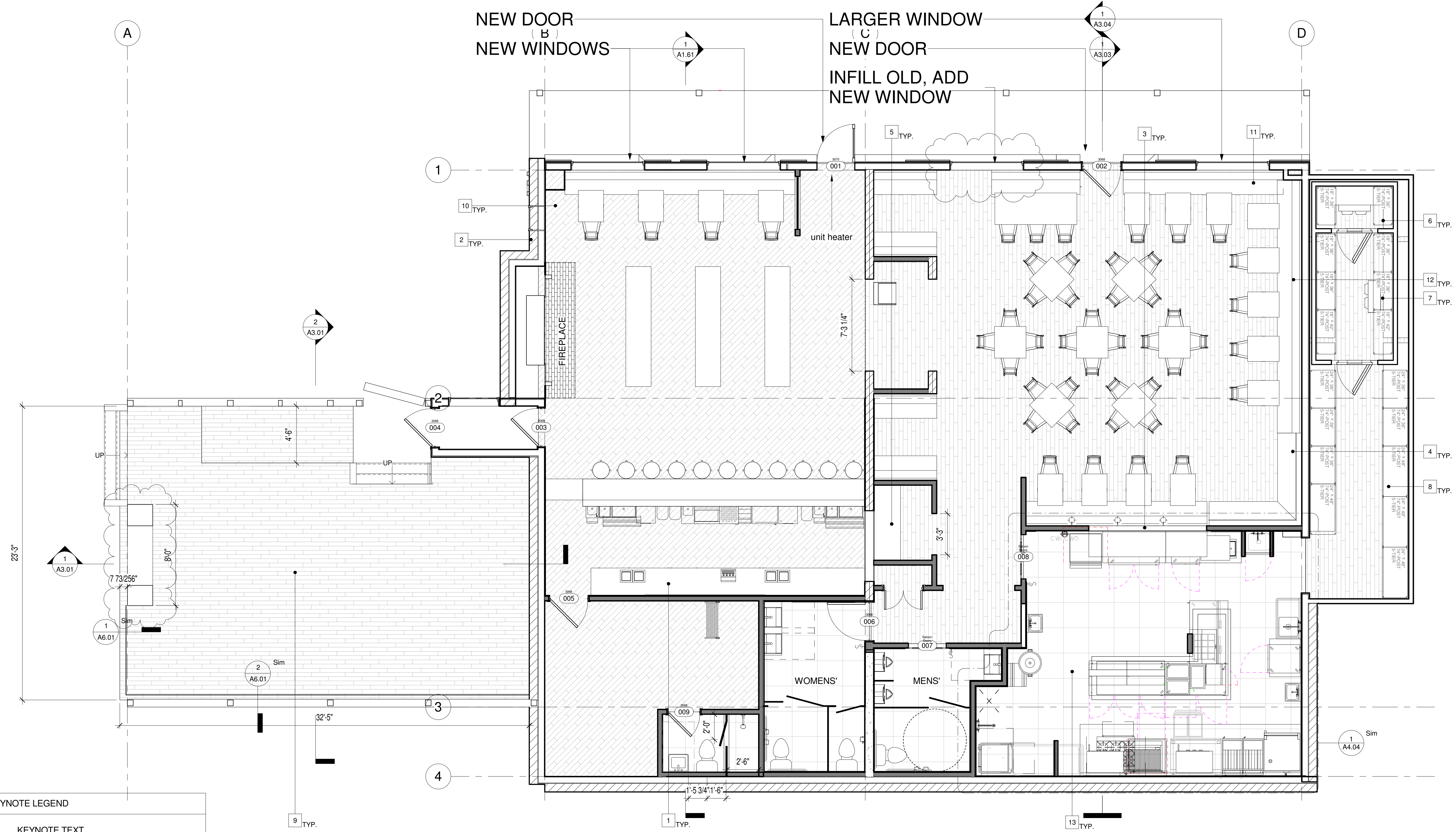
NOT FOR CONSTRUCTION



www.vailarchitects.com
 2077 N Frontage Rd W, Unit G
 Vail, Colorado 81657
 (970)476-6342

LEVEL 1- PROPOSED

A1.02a



KEYNOTE LEGEND

KEY VALUE	KEYNOTE TEXT
1	CLASSIC BAR TO BE RELOCATED BEHIND NEW EXTENDED BAR
2	SHED ROOF OVER WOOD STORAGE
3	54" SILL HEIGHT @ PASS THROUGH
4	JOHN WAYNE BOOTH- NEW PULL OUT TRUNDLE STAGE BELOW
5	WAIT STATION @ HALF WALL
6	WALK- IN FREEZER
7	WALK- IN REFRIGERATOR
8	DRY STORAGE
9	NEW FIREPIT @ PATIO
10	FLOORING @ BAR AREA TO HAVE LINOLEUM REMOVED
11	FLOORING @ DINING AREA TO BE RESURFACED
12	13' X 10' POP UP STAGE W/ MIRROR BEHIND
13	PROTECT- ALL FLOORING

1 LEVEL 1- PROPOSED
 1/4" = 1'-0"

17 EXISTING PARKING SPACES PROVIDED



To: Mayor and Council
From: Madison Harris, Planner I
Date: January 26, 2023
Agenda Item: Certificate of Appropriateness - 146 N Main Street - Minturn Saloon

Request:

Review of Historic Preservation Commission (HPC) actions from the regular meeting of January 24, 2023. Additionally, add as a condition of approval the requirement for the execution of an Encroachment Agreement. The following actions were recently taken by the HPC which has been put on the agenda for review by the Minturn Town Council:

146 North Main Street, Minturn Saloon – Certificate of Appropriateness Approval

Introduction:

At their regular meeting of January 24, 2023, the HPC reviewed the plans for the reconstruction of an awning that had to be removed due to integrity issues while replacing the roof, as well as the addition of two penetrations in the roof for a grease fan and a bathroom fan. Plans call for the replacement of the awning as similarly as possible to the original construction. A staff report and exterior elevation renderings are attached for reference.

The HPC discussed the proposed reconstruction in context to the Secretary of the Interior’s *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, as adopted by the Town of Minturn Municipal Code Section 19-5-30. The HPC unanimously supported the proposed project as meeting the objectives and requirements of the MMC and the Secretary of Interior’s Guidelines.

Ultimately, the HPC voted 4-0 to issue a Certificate of Appropriateness to the Applicant, choosing Option 1 of the two given options describing methods of construction of the awning. Option 1 was represented as the sturdier option of construction of the two.

Community Input:

One citizen spoke during the public hearing in favor of Option 1.

Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 19-5-20 Alteration hearing.

Analysis:

In reviewing the application, the HPC considered the criteria and findings required by the Minturn Municipal Code, as well as the testimony of staff, the Applicant, and Lynn Teach of Pine Street who provided testimony.

Discussion by the HPC focused on the proposal's overall conformance with the requirements of Chapter 19 – *Historic Preservation* of the Town of Minturn Municipal Code, and the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.

Condition of Approval:

An encroachment agreement is required as part of this project is occurring within the public right of way. Staff recommends approving the certificate of appropriateness upon condition of a completed encroachment agreement. The encroachment fee is set at \$16.00/sf. The encroachment area is 241.01 sq. ft., therefore the encroachment fee per year would be \$3856.16. Staff recommends this fee be waived annually so long as the public value of an accessible, covered walkway remains for the extent of the encroachment.

Budget/Staff Impact:

TBD.

Strategic Plan Alignment:

The Historic Preservation Commission's review of Certificate of Appropriateness applications, aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF "DOING IT RIGHT." WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has "made Minturn, Minturn." The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

Recommended Action or Proposed Motion:

Ratify the Town of Minturn HPC action to issue a Certificate of Appropriateness to 146 N Main Street - Minturn Saloon.

Attachments:

- Staff Report
- Certificate of Appropriateness application

To: Minturn Historic Preservation Commission
From: Michelle Metteer
Date: January 20, 2023
Agenda Item: Certificate of Appropriateness for 146 N Main Street (Minturn Saloon)



REQUEST:

Review the Certificate of Appropriateness application of 146 N Main Street (Commonly known as the Minturn Saloon) based on the criteria outlined in the Minturn Municipal Code Sec. 19-5-30, citing as findings of fact for this recommendation, and public testimony.

Address: 146 N Main Street
Zoning: Old Town Character Area – Commercial Zone
Owner: Los Amigos – Property Company LLC (locally Connie and Anthony Mazza)
Applicant(s): Nick Brechtel, Pierce Austin Architects

CASE SUMMARY:

A Certificate of Appropriateness application has been submitted for the Historic Landmark located at 146 N Main Street known as the Minturn Saloon. Staff reviewed and deemed the application complete. As such, staff scheduled a public hearing for the Historic Preservation Commission meeting on January 24, 2023. Adjacent properties, the applicant, and the owner of 146 N Main Street were notified via certified mail, and a notice placed in the Vail Daily 10 days before the public hearing.

CERTIFICATE OF APPROPRIATENESS CRITERIA & EVALUATION; CHAPTER 19 MINTURN MUNICIPAL CODE:

To be granted a Certificate of Appropriateness, in accordance with Chapter 19, Minturn municipal Code, the application must be complete, and the proposal must meet the following criteria:

MMC Sec. 19-5-30. Review Criteria.

- (a) Compliance with any Historic Preservation Design Guidelines adopted by the Town Council for historic properties and/or contributing properties within historic districts.
- (b) Compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation.

CRITERIA EVALUATION

Town staff found that the application for Certificate of Appropriateness demonstrates that the proposal meets the following criteria.

A. Rehabilitation

The Secretary of the Interior defines rehabilitation as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. (U.S. Dept. of

the Interior, 2017)

According to the standards for rehabilitation as set forth by the Secretary of the Interior, the following standards staff believes are met:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

Response: The Saloon has been in business since 1901, and it continues to operate as that. This has required little change to its distinctive materials, features, spaces and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

Response: Unavoidably due to structural integrity issues, the previous awning had to be removed from the building to ensure public safety. Since the awning is a distinctive characteristic and recognizable feature of the building, the Applicant proposes to replace this portion of the structure with the design and material similar in nature to the original awning.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Response: While the awning might not be original to the building from 1901, it should still be classified as a feature with historic significance to the building and should be preserved. The contractor proposes to recreate the original awning with a similar design and materials as the original.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Response: The new feature proposed (as depicted on Sheet A0.00) proposes to match the old awning as much as possible. As part of the rehabilitation of the interior there will also need to be two roof penetrations for the grease and bathroom fan. This is shown on Sheet A7.00 and will need to be approved through the Certificate of Appropriateness process as it affects the exterior of the building.

B. Restoration

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of

features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. (U.S. Dept. of the Interior, 2017)

According to the Secretary of the Interior's standards for restoration:

1. A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

Response: The Saloon has been in business since 1901, and it continues to operate as that. This has required little change to its distinctive materials, features, spaces and spatial relationships.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

Response: The Minturn Saloon reflects the "false front" style of architecture that was reminiscent of buildings around the time of the California gold rush in the 1860's and shortly thereafter. The preface of this architecture was to make simple sheds and gable roof buildings appear larger and more important. This also allowed for easier visualization of signs on storefronts as the false front would block the view of everything behind it.

False fronts can be seen on many of the buildings from Minturn's original Main Street and is primarily utilized for commercial purposes but rarely seen on residential structures. The Saloon's flat roof, decorative brickwork and flush entrance are all architectural examples from the early 20th century architectural era. (Walker, 2015)



Photo Credit: Vail Daily, December 2021

As seen in this photo, the awning provided a covered walkway for pedestrians north of Bellm Bridge. This is a distinctive feature of the building and business that has operated since the early 1900's.

C. Reconstruction

Reconstruction is defined by the Secretary of the Interior as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape,

building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. (U.S. Dept. of the Interior, 2017)

According to the standards for reconstruction by the Secretary of the Interior, staff believes the following are met:

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

Response: This awning was previously standing only a few months ago, and there are many photos (like the one included above) that depict the Saloon with this awning.

4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

Response: The awning required removal in late 2022 due to structural issues, but the Applicant is proposing to reconstruct the awning/walkway in the same location and in as similar a manner as possible (see Sheet A0.00 for the rendering of the proposed project and Sheet S1.02c for the comparison of the original interior structure and the new proposed).

PUBLIC REVIEW PROCESS:

Town staff has met all posting and notification requirements delineated in Chapter 19, Sec 19-4-10 identifying legal notice procedures follow established guidelines as set forth in MMC. Sec. 16-21-610. Adjacent properties, the applicant, and the owner of 146 N Main Street were notified via certified mail by January 14, 2023, and a notice placed in the Vail Daily 10 days before the public hearing.

PUBLIC COMMENTS:

Public comments are being accepted via planner1@minturn.org until January 24, 2023 at 4:00 p.m. via letter to the Planning Department at 301 Boulder St #309, Minturn, CO 81645 by January 24, 2023 at 4:00 p.m., or in person at the public hearing on January 24, 2023 at 5:30 p.m.

RECOMMENDED ACTION OR PROPOSED MOTION:

Grant a Certificate of Appropriateness for the Saloon located at 146 N Main Street for the proposed plans.

ATTACHMENTS:

- Certificate of Appropriateness Application

REFERENCES:

- U.S. Department of the Interior, National Park Service, & Technical Preservation Services. (2017). *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (A. Grimmer, Ed.) [Review of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*]. National Park Service; U.S. Department of the Interior, National Park Service. <https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf>, <https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part2-reconstruction-restoration.pdf>.
- Walker, Lester. (March 10, 2015). *American Homes: The Landmark Illustrated Encyclopedia of Domestic Architecture*. Black Dog & Leventhal.