



**Planning Commission Agenda  
Wednesday May 11, 2022 – 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](http://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/82939163079>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 829 3916 3079**

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 AGENDA** *Opportunity for amendment or deletions to the agenda.*
4. **DECLARATION OF CONFLICTS OF INTEREST**
5. **APPROVAL OF MINUTES**  
5.1 April 26, 2022
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. **PLANNING COMMISSION COMMENTS**
8. **APPOINTMENT OF THE VICE-CHAIR**

**9. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

- 9.1 146 North Main Street – The Saloon – Changes to Approved Plans p. 10
- 9.2 76 Meek – Wilson Residence – Changes to Approved Plans p. 27
- 9.3 386 Taylor Avenue – Major Residence – New Single Family Home p. 45
- 9.4 832 Main Street – Variance Request p. 76
- 9.5 165 Railroad Avenue – International Trade Center Building – Conditional Use Permit Request p. 88

**10. PROJECTS AND UPDATES**

- 10.1 Historic Preservation
- 10.2 Minturn North PUD

**11. FUTURE MEETINGS**

- 11.1 May 18, 2022 – Joint Town Council/Planning Commission Meeting
- 11.2 May 25, 2022
- 11.3 June 8, 2022

**12. ADJOURN**





**Planning Commission Official Minutes  
Tuesday April 26, 2022 – 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](http://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/83565273086>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 835 6527 3086**

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 Michael Boyd, Elliot Hovey, and Jeff Armistead.

Staff Members Present: Town Planner Scot Hunn, Town Manager Michelle Metteer, and Planner I Madison Harris.

*Note: Planning Commissioner Tom Priest is excused absent.*

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

Motion by Elliot H., second by Jeff A., to approve the agenda as presented. Motion passed 4-0.

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

**4. DECLARATION OF CONFLICTS OF INTEREST**

No Conflicts of Interest.

**5. APPROVAL OF MINUTES**

5.1 April 13, 2022

5.1.1 Lynn T. amended page 7 of the minutes to add the correct Downtown Doers Group meeting date

Motion by Elliot H., second by Jeff A., to approve the minutes as amended. Motion passed 4-0.

*Note: Tom P. was excused absent.*

**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. PLANNING COMMISSION COMMENTS**

Jeff A. said that the public fishing access signs will start going up around town as well as the signs for the ADA fishing spots. All of the circuits have been run at Little Beach Park and everything is ready for the poles and strings of lights to start going up.

Lynn T. introduced Michael Boyd the new Planning Commissioner.

Michael B. introduced himself. He is here to participate and help out as much as he can.

**8. DISCUSSION/DIRECTION ITEMS**

8.1 100 Block Design Standards – Cheney Bostic, Studio Seed

Cheney Bostic introduced herself and Gabby Voeller and Carolyn McShea with SE Group who is heading the Community Plan Update. She gave a presentation over the 100 Block. She is suggesting a 100 Block A and a 100 Block B. The setbacks are proposed to change.

Elliot H. asked what defined a constrained lot.

Michael B. pointed out that the fire code typically requires 5' between buildings.

Scot H. said it typically depended on fire ratings for building materials, but our code required 6' between structures.

Ms. Bostic continued her presentation talking about building height. Has taken the height for flat roofs down a little bit.

Lynn T. suggested lowering the first floor height.

Ms. Bostic continued her presentation talking about incentives.

Michael B. likes the cash in lieu for the parking incentives, more towards residential than the commercial.

Elliot H. asked who the “developer” was for the cash in lieu fee.

- Ms. Bostic clarified that it is change in use or a new development.

Jeff A. is fine with the dimensional limitation changes with the exception of the 5' to 3' setback. Would like to look into that further. Fine with the bonus floor and the incentives. Would rather have a maximum for a first floor ceiling rather than a maximum. There should be a stated use for the funds generated for the cash in lieu. Has concerns about what happens if we implement this parking incentives, and then lose the Municipal Lot.

- Ms. Bostic said that the fund could be used to purchase land for parking.

Elliot H. asked about the Town acquiring the Muni Lot. He asked about increasing bus use.

- Michelle M. stated that the Town was currently going through the formation of a Regional Transit Authority with the municipalities in the County as well as the County.
- Scot H. pointed out that we are currently going through DCI.

Michael B. has concerns with going higher and not requiring parking.

Lynn T. agrees with Jeff A. on the parking. The incentive per parking space isn't very much compared to land costs. Lynn T. has issue with the incentivized additional story. Would like to ensure that not every building takes advantage of the additional story.

- Ms. Voeller stated that it takes decades to redevelop an entire area so it's not like tomorrow will there be all three stories.

Elliot H. is ok with the bonus floor height incentive as long as it isn't obstructing views.

Public Comment was opened.

Krista Driscoll, 115 Nelson.

All of these plans rely on a Municipal Lot that could not be there in the near future. Moving parking to south town doesn't work. You have to be able to drive and park places, so unless transit greatly increases, having this be an incentive doesn't seem fair. One developer owns half the downtown so redevelopment could take place sooner. Doesn't want the downtown to be an urban center. Doesn't agree with disregarding the sun shadow and ice.

Larry Stone, 152 and 201 Main

The reality is that we have to rely on sales tax for everything. Doesn't believe we need to force residential to the second level. Believes 28' should be higher. Has questions about the cut off of the zone district at Nelson.

Ron Levin, 172 Main S

The charrette outcomes are misleading. There is mostly residential on the east side of Main St. Without the incentives, no one is going to want to develop on the Eagle River side of the street. Having 15' height on the ground floor is unrealistic.

Ken Mintz, 167 Williams

Not addressing the future of Minturn, looking at band-aids. Can't cram the business district into one block. The long term solution is to turn Williams into a pedestrian street and move the business district into the 2 and 300 blocks, spreading it out. Agrees with the comment about the Muni Lot. Disagrees with the 46' height limit on the west side of Williams with the bonus story. Planning Commission should recommend to Council an extension of the moratorium.

Ross Coleman, 962 Main

Doesn't understand why people are against making life a little easier. Would like to have more local amenities.

Devin Schow, 115 Nelson.

Williams is probably only 11' wide which is tight for a fire truck. 291 Main has snowmelt which is the reason that doesn't have ice accumulation. Toledo always has an ice problem. People drive the wrong direction on Williams at the peak parking hours.

Ken Mintz, 167 Williams

Doesn't agree with the setback changes due to how tight the area is.

Ron Levin, 172 Main.

The house next to him is 35' and so removing mass doesn't do much.

Public Comment closed.

Elliot H. thanks everyone who spoke.

Jeff A. thanked the public for commenting. Wished there were more people in Town who would participate in these discussions and the charrette and surveys. Likes that there was discussion of extending the commercial past the 100 Block. This will not be the only discussion on this topic.

Lynn T. agrees with Jeff A. If more people can come in and give feedback, that would be great.

Ms. Bostic went through the questions left over for the Planning Commission

Lynn T. clarified the façade question.

Jeff A. thinks we should replace Appendix B. Thinks we should be more prescriptive and descriptive in the language that governs the design guidelines. There should be more thought put into how to illuminate things properly. Public works should weigh in on the snow storage. The ideal is to have articulation of buildings. Balconies should not be able to project into a setback.

Elliot H. thinks we need to tighten up the descriptions. 15' ground floor minimum should not be required. The builder/owner should have the discretion.

Michael B. agrees with Jeff A. on the language. Wants lights that work. Doesn't see the reason for a minimum height requirement for the first floor. 50' façade is better. There shouldn't be a penalty for people who heat their driveways or sidewalks.

*Note: 5 min. recess called at 8:40 pm.*

## **9. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

9.1 Ordinance TBD – An ordinance of the Town of Minturn, Colorado amending Article 19, Chapter 16 Sign Regulations of the Minturn Municipal Code.

Madison H. introduced the ordinance. The goal of this code amendment is to allow the sign code to be more flexible and proportionate to the building frontage rather than a one size fits all. Upon further review of the proposed language concerning signs for multi-tenant buildings, she asked the Planning Commission to consider adding a clause that stated if a tenant in a building wanted to go over the 40 allowable square feet, then all the tenants or owners of the building should be allowed to sign off on that with the understanding that the entire building would still be held to the maximum limitation, either that or allow each business to operate like a single tenant building and it generates a first come first serve situation for who can use the allotted signage first.

Scot H. explained the sign backing clause that was added. He explained what a Master Sign Program is.

Owners of the building should make the determination on multi-tenant buildings.

Jeff A. said that artwork should not be a sign.

Public comment.

Larry Stone, 201 Main

In the case of an HOA, is it the owner(s) who sign off on it or is it the HOA?

Public comment closed.

Lynn T. would like to remove flashing from page 6 clause (d)

Motion by Jeff A., second by Elliot H., to approve Ordinance TBD – An ordinance of the Town of Minturn, Colorado amending Article 19, Chapter 16 Sign Regulations of the Minturn Municipal Code with the following changes. Motion passed 4-0.

1. Change multi-tenant buildings to allow for more than 40 sq. ft. per tenant with permission from the property owner not to exceed the total signage limit imposed on the building
2. Strike flashing and varying intensities of light from 16-19-120 (d)

*Note: Tom P. is excused absent.*

## **10. PROJECTS AND UPDATES**

10.1 Historic Preservation

Town Staff have been working with Attorney Terry Gorrell and Town Attorney Mike Sawyer on the draft Historic Preservation Ordinance. The Historic Preservation Committee will be reviewing the updated draft ordinance on April 28, 2022. Staff will then take the feedback from the Committee meeting and generate a final draft for starting the adoption process. It is staff's hope that this will be before the Planning Commission in June of 2022.

10.2 Planning Commissioner Appointment

The Town Council discussed at their meeting on April 20, 2022 how they would like to fill the vacancy on the Planning Commission. They decided that Alternate Elliot Hovey will be promoted to a full time Planning Commission member, and that staff should start the advertising process for an open alternate position. Any candidates that apply will be interviewed at the June 1, 2022 Council meeting.

**11. FUTURE MEETINGS**

11.1 May 11, 2022

11.2 May 18, 2022 – Joint Town Council/Planning Commission Meeting

11.3 May 25, 2022

**12. ADJOURN**

Motion by Michael B., second by Elliot H., to adjourn the regular meeting of April 26, 2022 at 9:17 pm. Motion passed 4-0.

*Note: Tom P. is excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder St. #309  
Minturn, CO 81645  
970-827-5645  
[planner1@minturn.org](mailto:planner1@minturn.org)  
[www.minturn.org](http://www.minturn.org)



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

## **Memorandum**

Date: May 6, 2022  
To: Minturn Planning Commission  
From: Madison Harris, Planner I  
Re: Appointment of Planning Commission Vice Chair

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While it does not happen often, sometimes there are unavoidable conflicts where the Planning Commission Chairperson cannot make the scheduled meeting. Appointing a Vice Chair allows that person to run the meeting in the Chair's stead. There are no pre-qualifications that the Vice Chair has to have, such as number of years sitting on the Planning Commission. This appointment is a vote by the Planning Commission members.

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



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

**To:** Planning Commission  
**From:** Madison Harris, Planner I  
**Date:** May 6, 2022  
**Re:** 146 North Main Street - The Saloon - Changes to Approved Plans

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Nick Brechtel, representative of 146 North Main Street - The Saloon, received approval from the DRB on March 9, 2022 for exterior modifications to the building. Upon further review with the property owner, certain elements of the approved plans have been changed.

Per the Applicant’s letter of intent, the following is a description of the proposed changes:

*“The only change we are making is moving the door and windows on the south end of the west facade. The door will be moved to the north slightly and the two windows will be moved to the south of the door.”*

Staff believes that the proposed modifications are minor in nature and will not change the project’s conformance with the applicable standards of Chapter 16 – *Zoning*, or Appendix ‘B’ – *Design Standards and Guidelines* of the Minturn Municipal Code.

Staff is recommending **approval**.



# Design Review Application

## Submission Info

User	50.211.252.105
Submission Id	209ceeb6-4e13-41c0-b5ff-f73c5af34392
Start Date	4/19/2022 10:03:27 AM
Receipt Id	186330280
IP Address	50.211.252.105
Receipt Date	4/19/2022 11:08:44 AM
Status	Submitted
Workflow Completed Date	
Submitted Date	4/19/2022 11:08:44 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:**

Change to approved plans- Window layout and door at Bar side of building will be moved to accompany new vestibule layout on inside. Door will be moved to be adjacent to interior demising wall that separates bar and dining (near the middle of the building). The two proposed windows that flanked the door on either side will be moved towards the south side.

### Town of Minturn - Design Review Application - Applicant Information

Section Title: Applicant Information

**Name:**

Nick Brechtel

**Mailing Address:**

2077 N Frontage Rd W

**City:**

Vail

**State:**

CO

**Zip:**

81657

**Phone:**

9704766342

**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:**

970 376 2823

**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:

0

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:

[4.19.22 DRB.pdf](#)

Vicinity Map:

[Saloon Access DRB.PNG](#)

Improvement Location Certificate of Survey (ILC or ILS):

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

Site Plan:

[PAA - 4.19.22 DRB Site Plan.pdf](#)

Preliminary Building Plans and Elevations:

[PAA - 4.19.22 DRB Set.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:**

04/19/2022

## Data Fields

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

This is an application to make a change to approved plans. The only change we are making is moving the door and windows on the south end of the west facade. The door will be moved to the north slightly and the two windows will be moved to the south of the door.









# IMPROVEMENT LOCATION CERTIFICATE

**NOTES:**

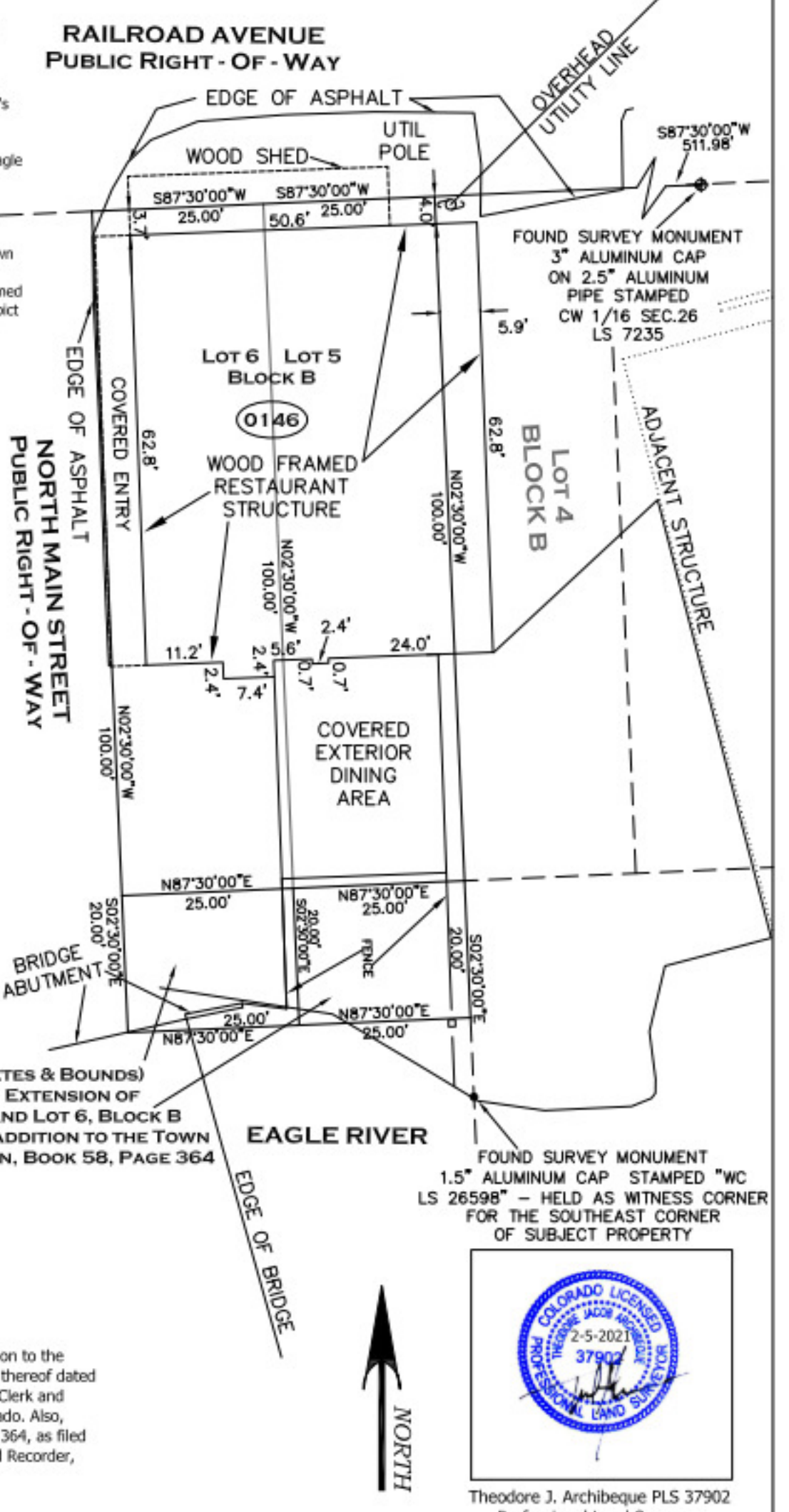
- 1) POSTED STREET ADDRESS: 0146 North Main Street.
- 2) The Legal Description and Record Deed Lines were derived from the plat for Booco's Addition to the Town of Minturn, Title Commitment No. ABH50059925, dated 1-5-2021, and Book 58, Page 364 of the Eagle County Clerk and Recorder Records.
- 3) Improvements and Apparent Deed Line locations are based upon the monuments found while performing this survey as shown hereon. Archibeque Land Consulting, Ltd recommends a boundary survey be performed on subject property to more accurately depict improvements.

C.R.S. 38-51-108 (Effective July 1, 2013)  
 IMPROVEMENT LOCATION CERTIFICATE  
 I hereby certify that this Improvement Location Certificate was prepared for PROJECT 1901, LLC | FINE MESS, LLC, that this is NOT a Land Survey Plat, or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.  
 THIS CERTIFICATE IS VALID ONLY FOR USE BY  
 PROJECT 1901, LLC | FINE MESS, LLC.  
 AND DESCRIBES THE PARCELS APPEARANCE ON February 5, 2021

I further certify that the improvements on the above described parcel on this date, February 5, 2021, except for utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as shown.

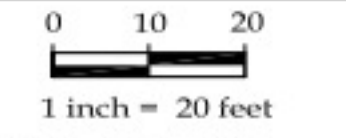
(METES & BOUNDS)  
 AN EXTENSION OF LOT 5 AND LOT 6, BLOCK B Booco's Addition to the Town of Minturn, Book 58, Page 364

**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. Also, 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.



Theodore J. Archibeque PLS 37902  
 Professional Land Surveyor

**Archibeque Land Consulting, Ltd**  
 ~ Professional Land Surveying & Mapping ~  
 970.328.6020 Office  
 info@prolandsurvey.com



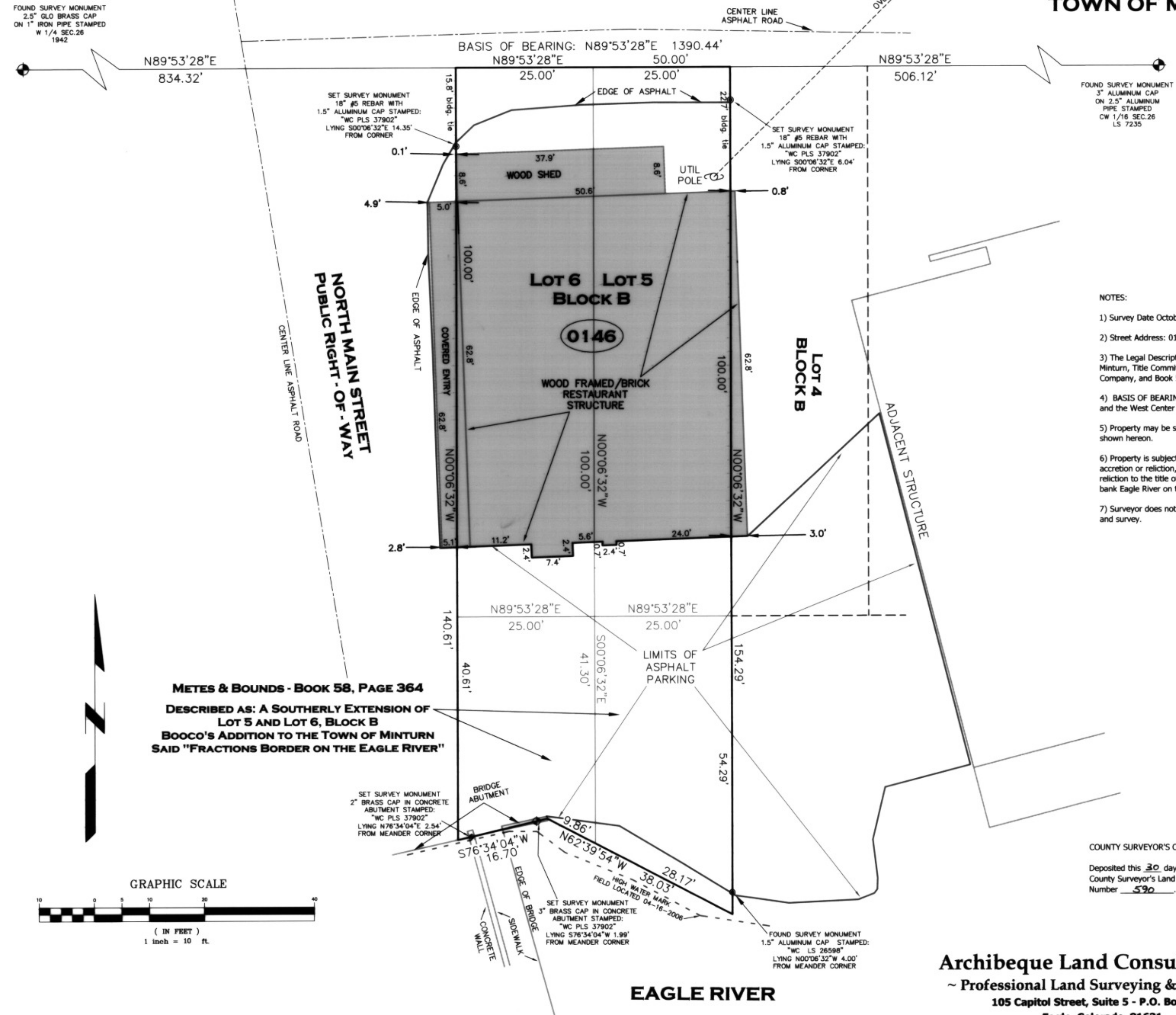
DRAWN BY: TJA  
 JOB NUMBER: 05090-LLC.DWG

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.



# 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, T 5 S, R 81 W

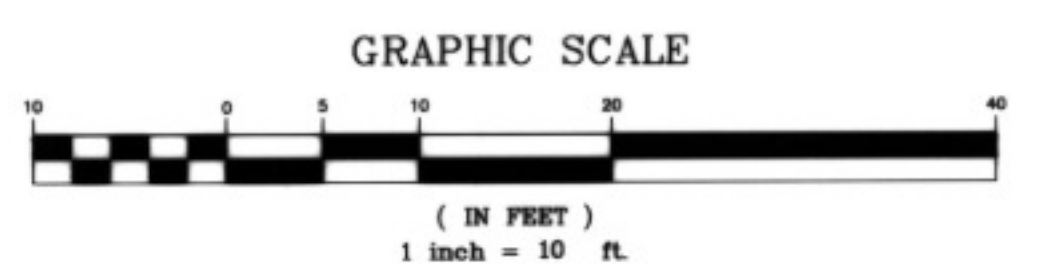


**DESCRIPTION**

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.

**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"



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

**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 590, 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

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

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

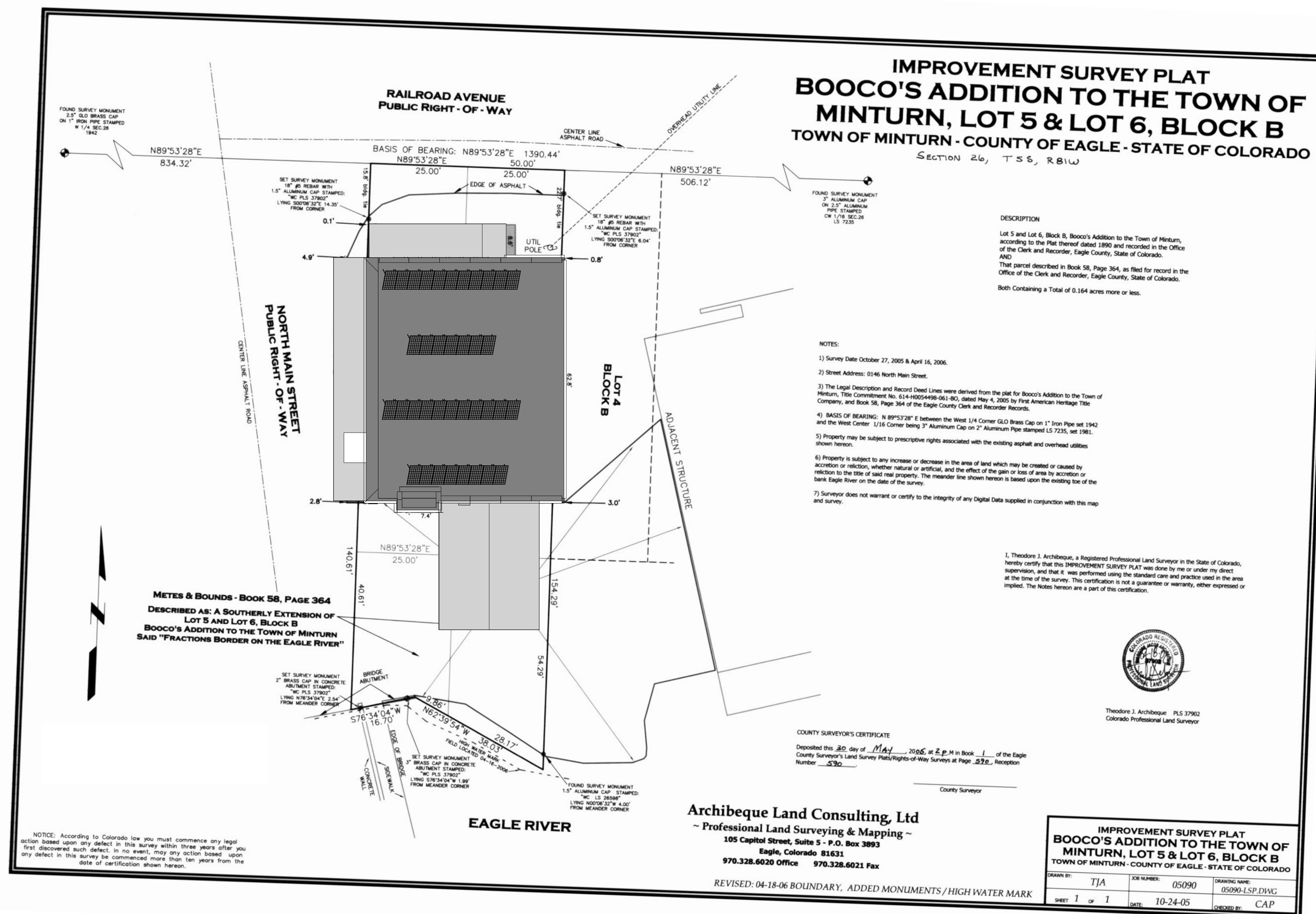
**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown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

590 SACCO PRODUCTS • NEW HOPE, MINNESOTA REORDER BY PART NUMBER 0590



- INDICATES EXISTING INTERIOR SPACE
- INDICATES EXISTING STORAGE/ PATIO/ COVERED WALKWAY

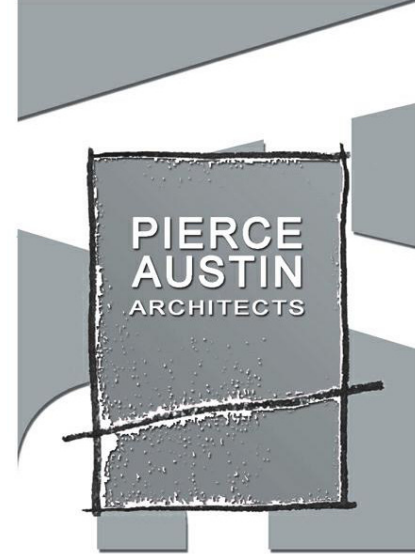
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2.8.22  
ISSUE TYPE

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

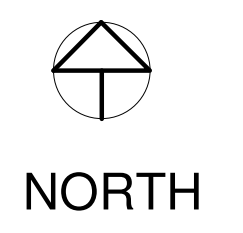
NOT FOR  
CONSTRUCTION



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

SITE PLAN

A0.06



\*SURVEY BY OTHERS



2.8.22  
ISSUE TYPE

DATE	NO.	DESCRIPTION

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

ROOF PLAN

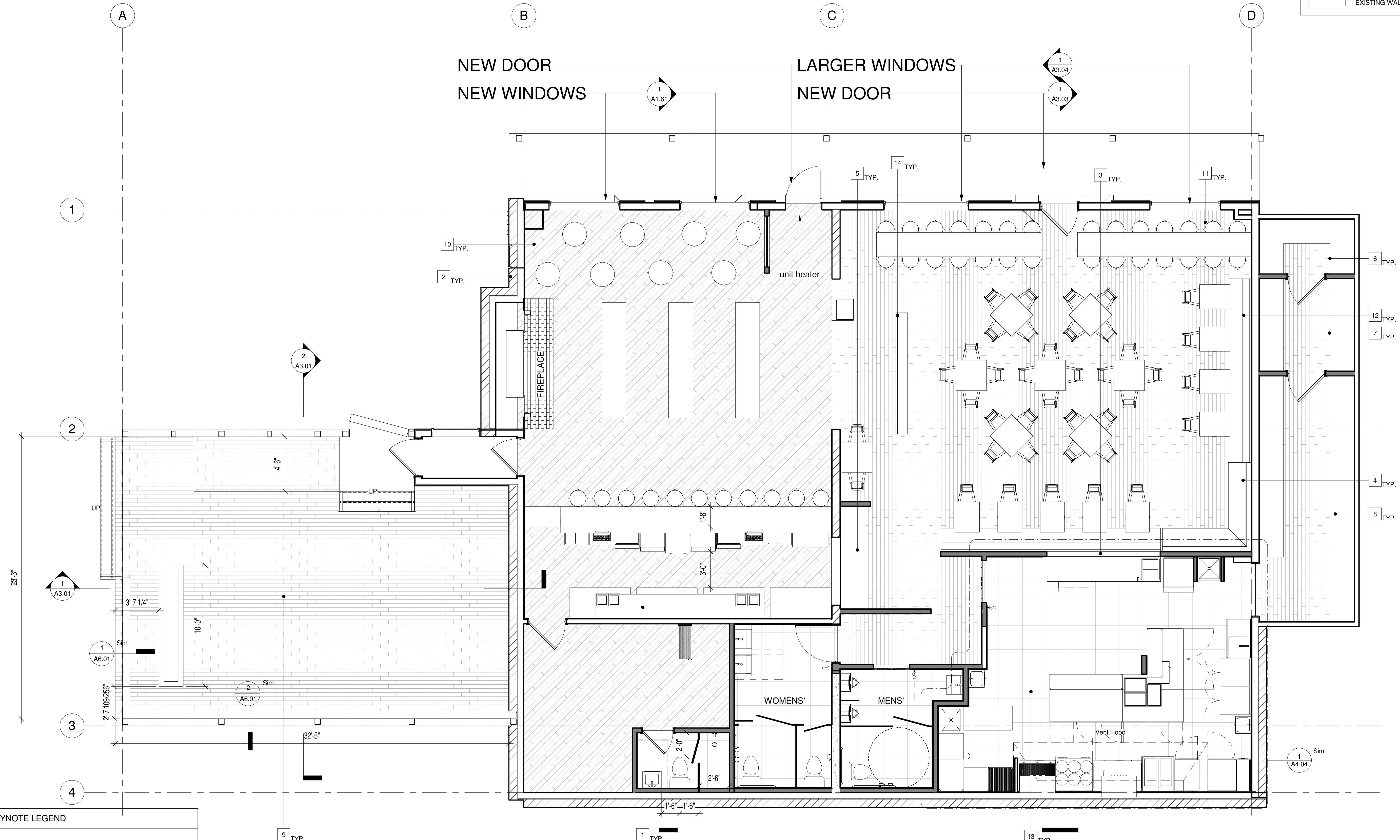


NORTH

A1.00

DEMO LEGEND

<span style="color: red;">█</span>	WALLS TO BE DEMOLISHED
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	NEW WALLS
<span style="border: 1px dashed black; display: inline-block; width: 10px; height: 10px;"></span>	EXISTING WALLS



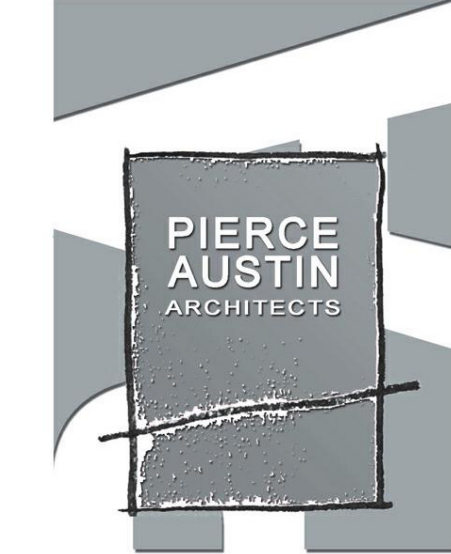
KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT
1	CLASSIC BAR TO BE RELOCATED BEHIND NEW EXTENDED BAR
2	SHED ROOF OVER WOOD STORAGE
3	54" SILL HEIGHT @ PASS THROUGH
4	JOHN WAYNE BOOTH- NEW PULL OUT TRUNDLE STAGE BELOW
5	WAIT STATION @ HALF WALL
6	WALK- IN FREEZER
7	WALK- IN REFRIGERATOR
8	DRY STORAGE
9	NEW FIREPIT @ 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
14	42" TALL DRINK COUNTER

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

12/01/21 ISSUE TYPE		
DATE	NO.	DESCRIPTION

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

NOT FOR  
 CONSTRUCTION

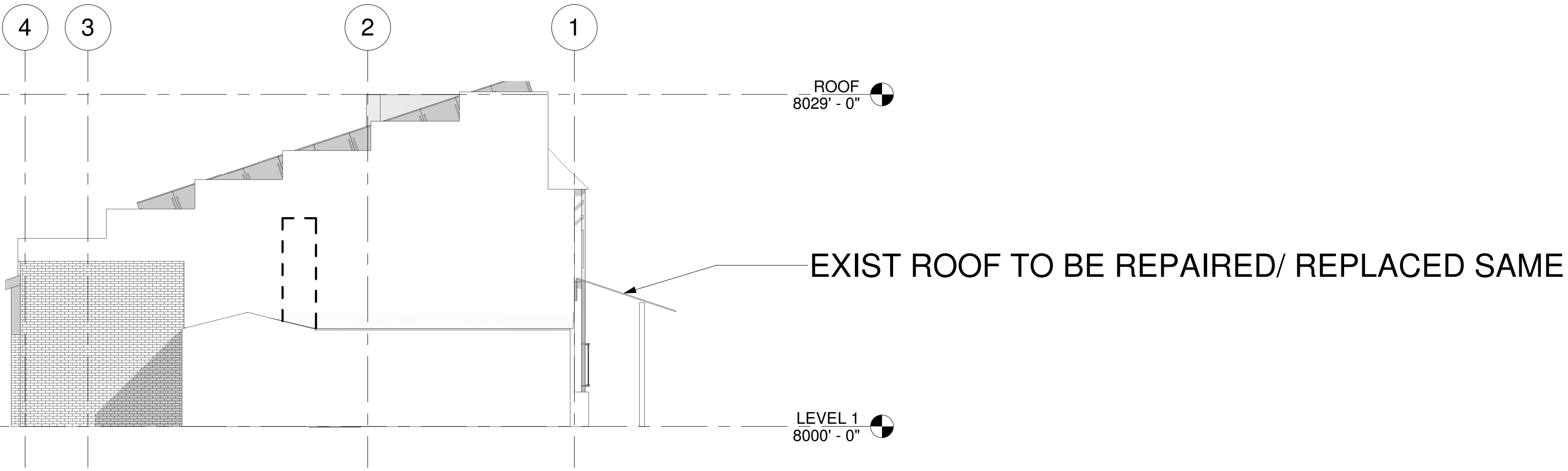


www.vailarchitects.com  
 2077 N Frontage Rd W, Unit G  
 Vail, Colorado 81657  
 (970)476-6342

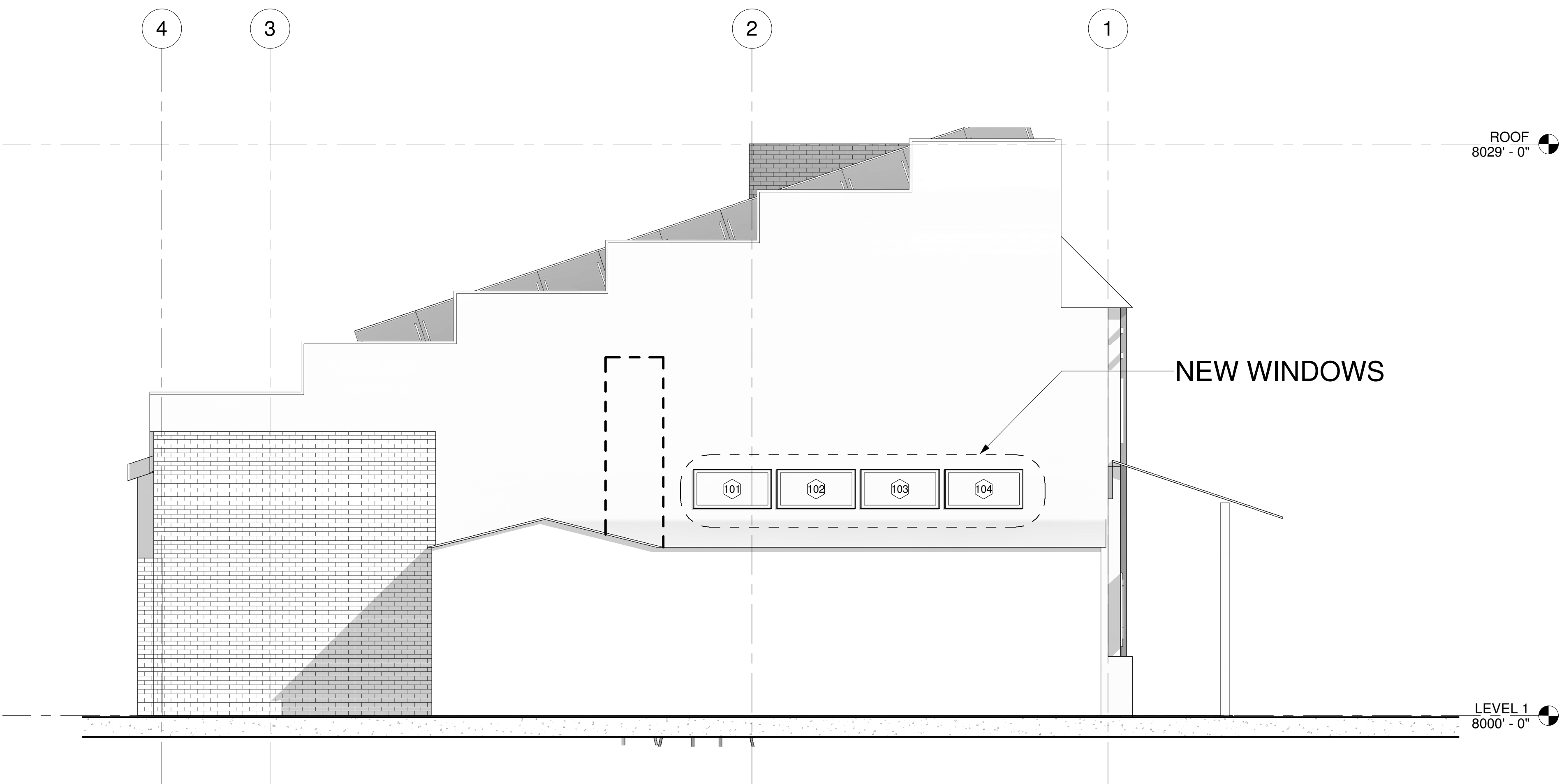
LEVEL 1-  
 PROPOSED

A1.02

17 EXISTING PARKING SPACES PROVIDED



1 NORTH ELEVATION EXISTING  
1/8" = 1'-0"



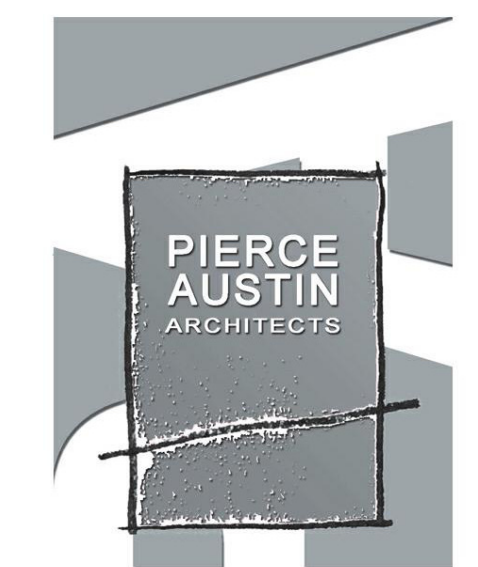
2 NORTH ELEVATION  
1/4" = 1'-0"

2.8.22  
ISSUE TYPE

DATE	NO.	DESCRIPTION

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

**NOT FOR  
CONSTRUCTION**

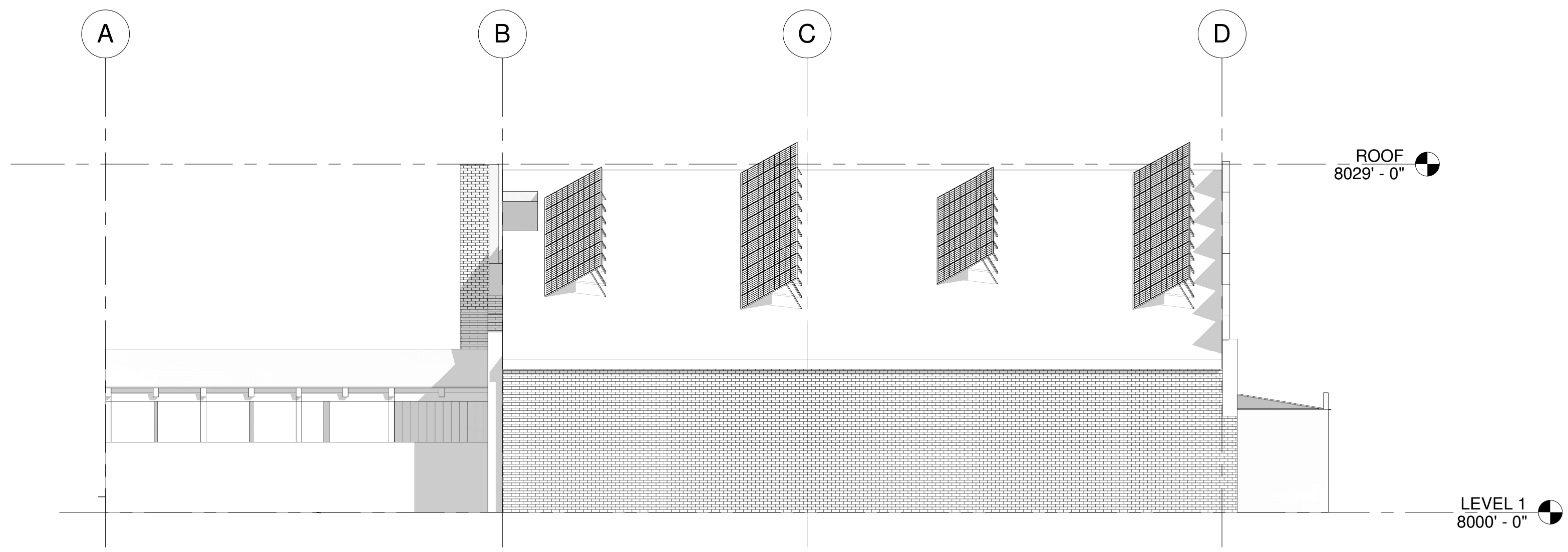


www.vailarchitects.com  
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(970)476-6342

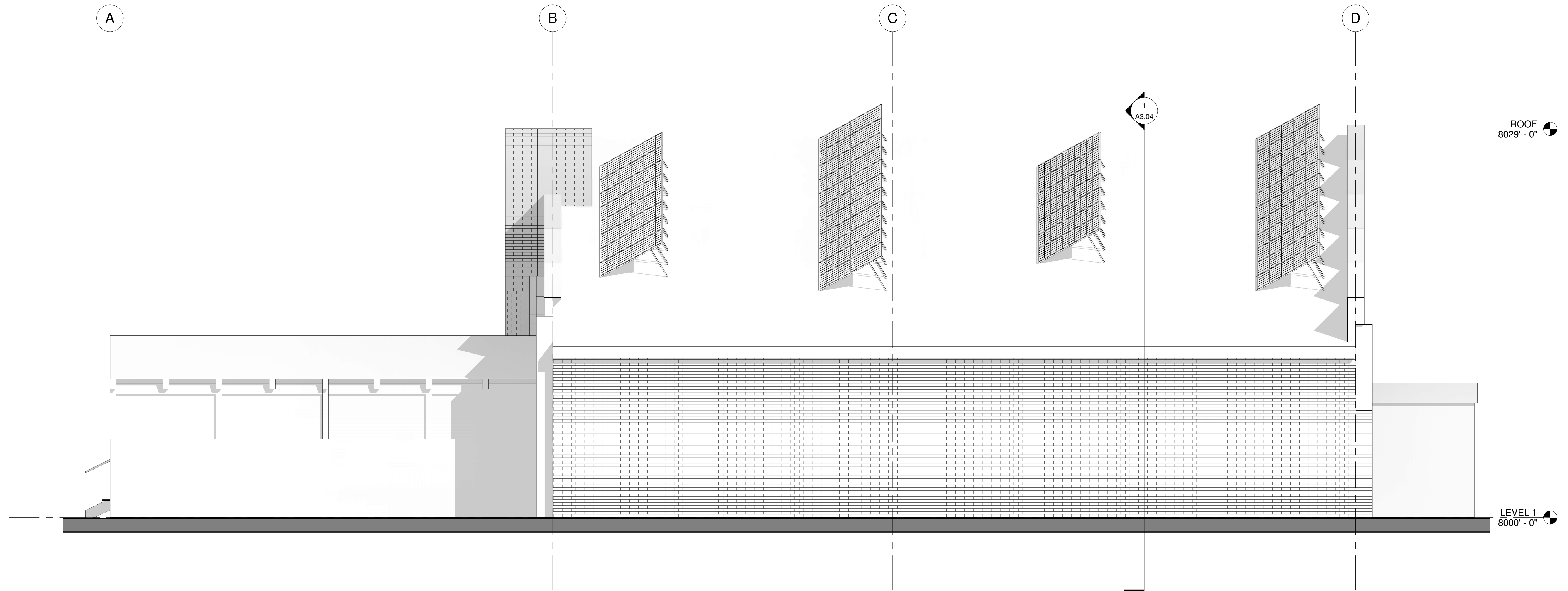
**NORTH  
ELEVATION**

**A2.01**





1 EAST ELEVATION EXISTING  
1/8" = 1'-0"



2 EAST ELEVATION  
1/4" = 1'-0"

2.8.22 ISSUE TYPE		
DATE	NO.	DESCRIPTION

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

NOT FOR  
 CONSTRUCTION

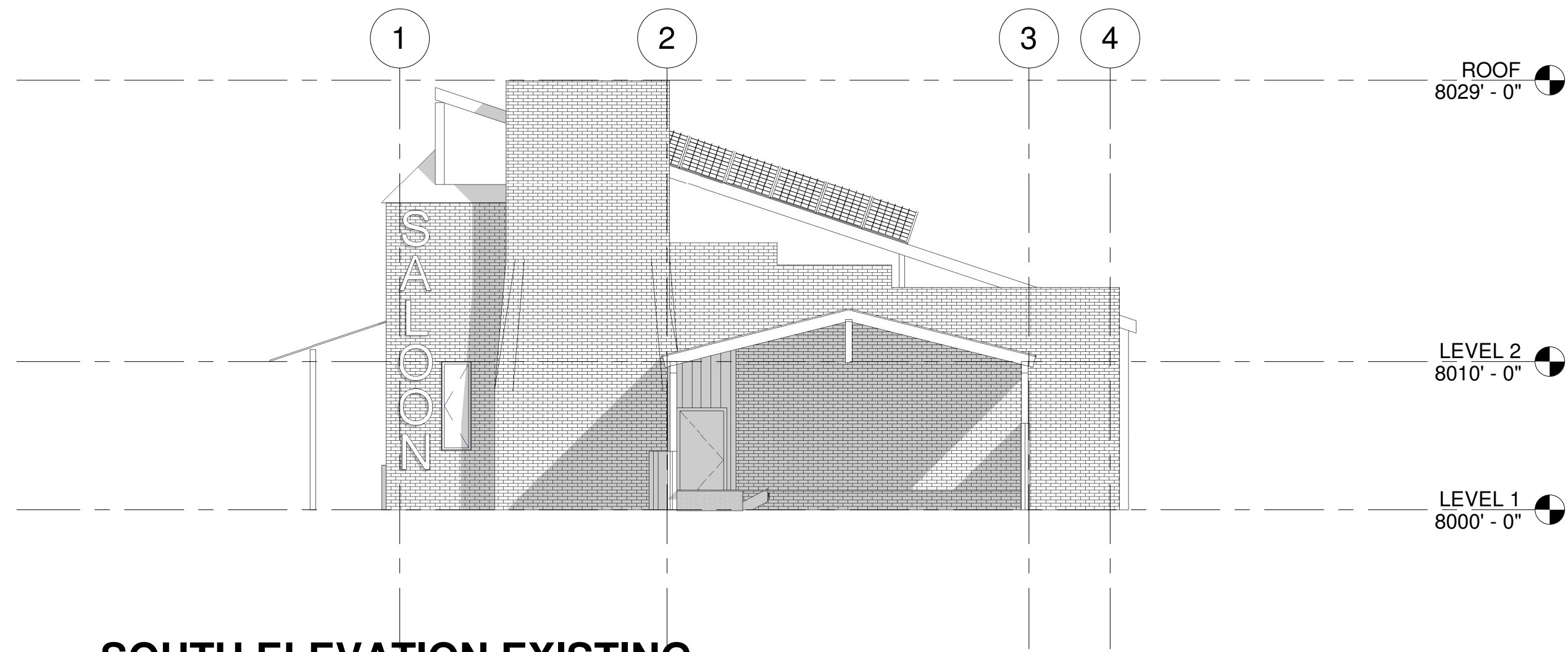


www.vailarchitects.com  
 2077 N Frontage Rd W, Unit G  
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 (970)476-6342

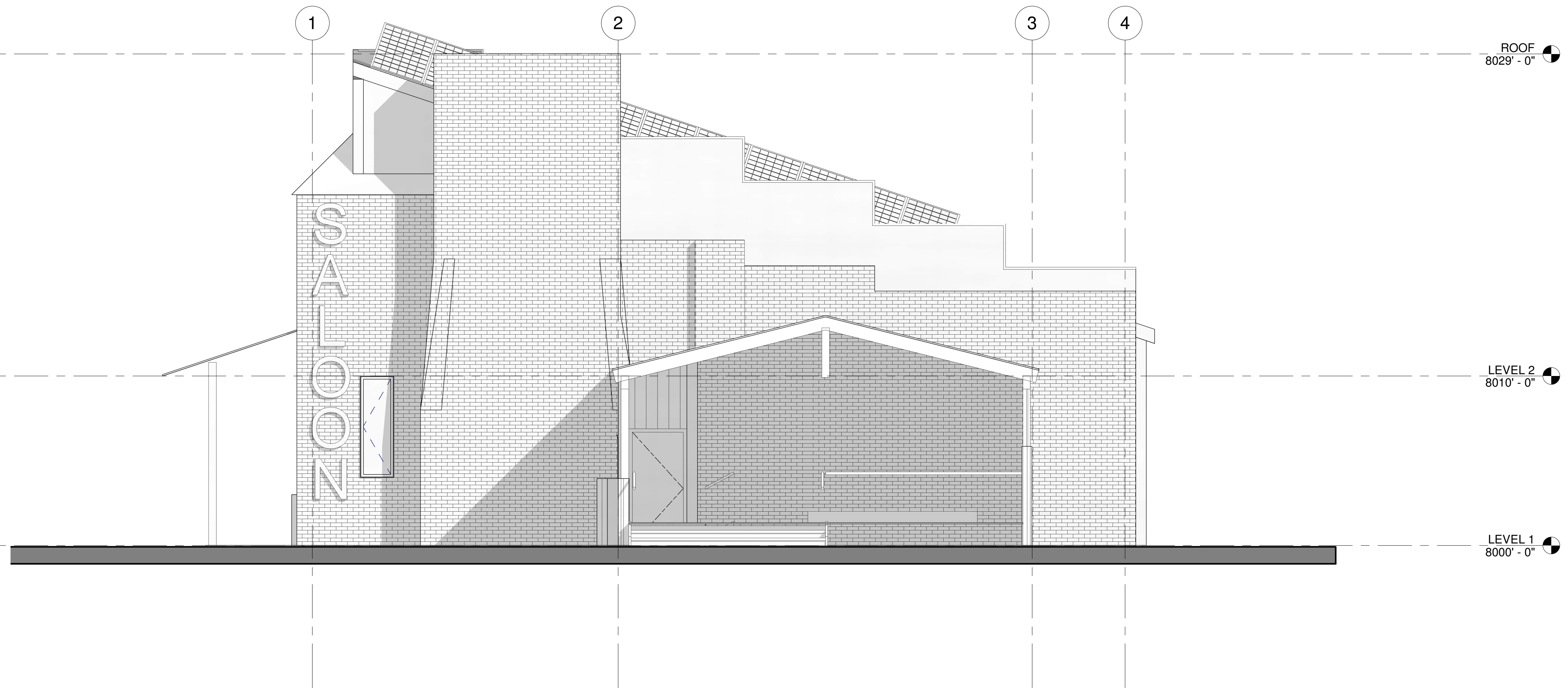
EAST  
 ELEVATION

**A2.02**





2 SOUTH ELEVATION EXISTING  
1/8" = 1'-0"



1 SOUTH ELEVATION  
1/4" = 1'-0"

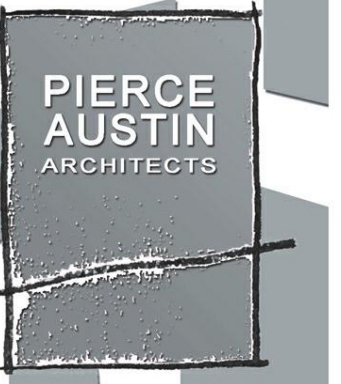
2.8.22  
ISSUE TYPE

DATE	NO.	DESCRIPTION

MINTURN SALOON  
146 MAIN ST MINTURN, CO

Project Number - 2191

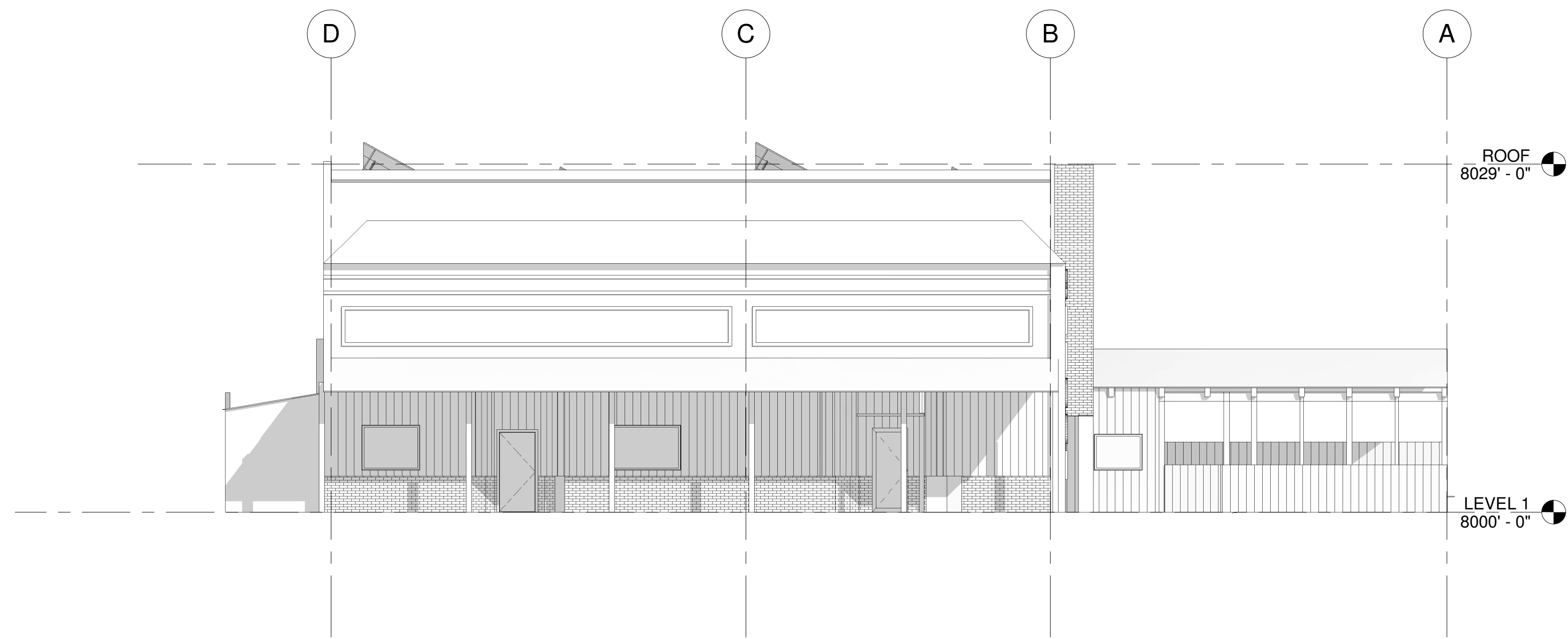
NOT FOR  
CONSTRUCTION



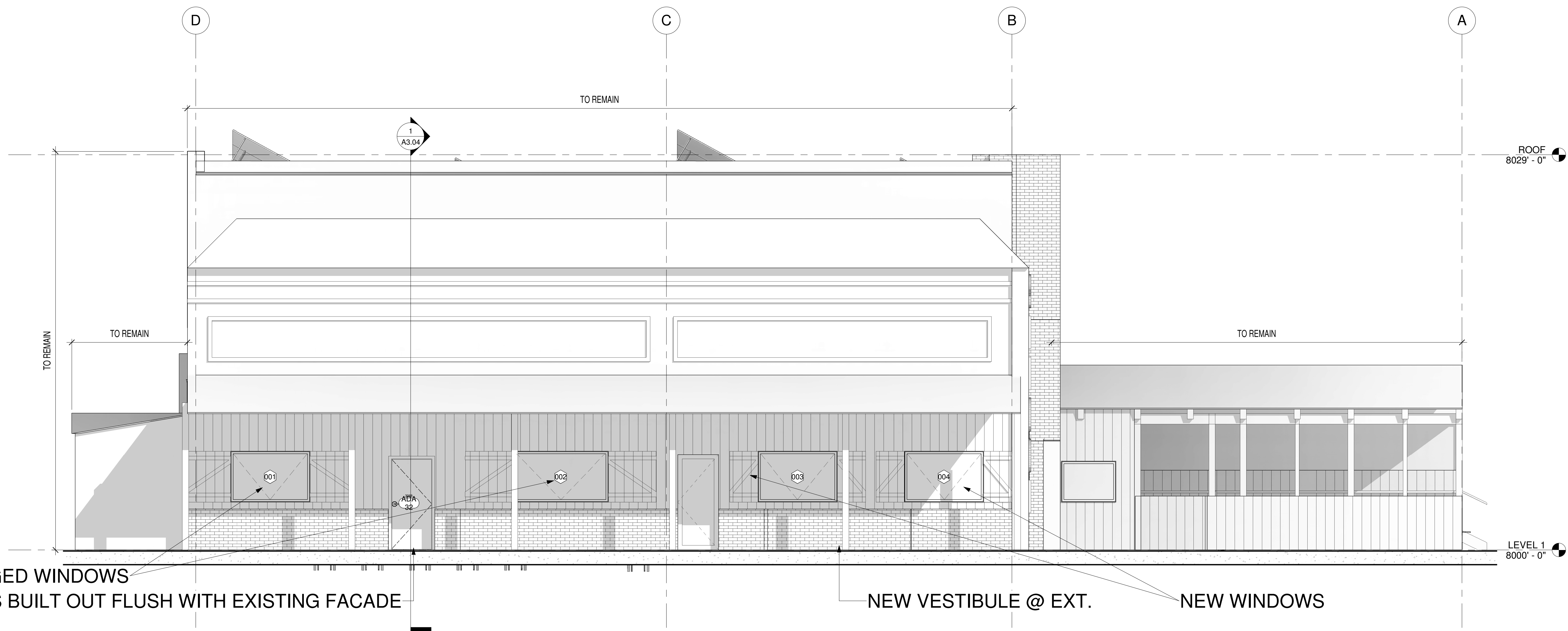
www.vailarchitects.com  
2077 N Frontage Rd W, Unit G  
Vail, Colorado 81657  
(970)476-6342

SOUTH  
ELEVATION

A2.03



**1 WEST ELEVATION EXISTING**  
1/8" = 1'-0"



**2 WEST ELEVATION**  
1/4" = 1'-0"

2.8.22 ISSUE TYPE		
DATE	NO.	DESCRIPTION

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

NOT FOR  
CONSTRUCTION



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

WEST  
ELEVATION

A2.04





## Design Review Board Hearing

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### Wilson Residence Garage Renovation - Revisions to Approved Plans

76 Meek Avenue

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<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	Garage Renovation - Revisions to Approved Plans
<b>Owner/Applicant:</b>	Paul and Sherri Wilson
<b>Representative:</b>	Tom Warzecha
<b>Legal Description:</b>	Lot 39, Block 1, Baldauf Addition
<b>Address:</b>	76 Meek Avenue
<b>Zoning:</b>	Old Town Character Area – Residential Zone District
<b>Staff Member:</b>	Scot Hunn, Planning Director
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

---

### Staff Report

#### I. Summary of Request:

The Applicants, Paul and Sherri Wilson, request review of revisions to previously approved plans for a garage renovation at their existing residence located at 76 Meek Avenue.

The DRB approved plans in August 2021 allowing for the demolition of an existing, attached garage and the rebuilding of the garage in essentially the same, attached location. However, due to the Applicant's reliance on an erroneous survey during the first review of plans, the previously approved plans (tear down and rebuild) will not work without violating the Town's setback and nonconformities regulations. The Applicants are now proposing to rebuild and renovate the garage in the same location as the existing garage and using existing foundation and exterior walls to allow vertical construction but specifically to not permit any further lateral expansion.

## **Proposed Plans**

The plans presented to the DRB in August 2021 showed the removal of an existing two-car garage structure and the reconstruction of a new two car garage structure on the west side of the existing single-family home. The previously approved plans showed a proposed garage height of eleven (11') to the mid-point of the roof above existing grade, with a maximum height of thirteen (13') feet measured from existing grade to the ridge of the roof. Also shown on the original plans was the addition of a new master bathroom in an area previously covered by the existing garage. This bathroom addition was more akin to a reconfiguration of existing habitable space and was not proposed expand any exterior walls or to add any additional building lot coverage.

Parking was deemed adequate during the DRB's August 2021 review, with two spaces provided within the garage, and one space in front of the garage. Such details have not changed.

The subject property is unique in that it fronts on three streets (Boulder to the east, Meek to the South, and Pine to the West). Per the Town of Minturn Municipal Code, the front yard/lot line is the side of the lot fronting along Meek due to the placement of the front door and entrance. Therefore, side lot lines – and side yard setbacks - are prescribed along the Boulder and Pine sides of the property.

As referenced above, the Applicants (and the Town) relied upon an erroneous survey while developing and reviewing the Applicant's plans. Therefore, the Applicants are now proposing a similar renovation but are no longer proposing to tear down the garage; rather, they propose to renovate using the existing foundation/footprint and exterior walls to allow for renovation without expanding or exacerbating pre-existing nonconformities (encroachments into to side and rear-yard setbacks).

That being said, the plans submitted do show “new walls” on the floor plans (Sheet A1.01). The Applicant should provide additional information or details as to how the renovation will be completed using existing exterior walls, as the removal of existing nonconforming walls that currently violate side and rear setbacks (and wholesale replacement of those walls to support the garage addition and roof) is not permissible.

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

Although the plans were previously approved, this revision is to be treated as a final plan level of review. No variances are required or requested at this time but this review does include an analysis of the Town's nonconformities regulations.

### **Applicable Definitions**

The following definitions from Article 2 – *Definitions*, Minturn Municipal Code, are relevant to this review:

***Yard, front*** means that portion of a yard between the street line and the front door of the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

*Yard, side* means all the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.

### **Design Review Process**

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

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*

*(2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. The proposal's adherence to the Town's zoning regulations.*
- b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
- c. The proposal's adherence to the Design Standards.*

*(3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. That the proposal is in conformance with the Town zoning regulations.*
- b. That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. That the proposal complies with the Design Standards.*

Staff suggests that the updated final plans for 76 Meek meet or can be revised to meet the required findings 'a,' 'b,' and 'c' of subparagraph 3 – *Necessary findings*.

### **Section 16-22-30 - Nonconforming uses and structures**

The previously approved plans showed proposed improvements located entirely within the lot setbacks. However, after approval and prior to building permit review, the Applicants discovered that the survey used for planning purposes was incorrect and that the approved plans could not be accomplished without exacerbating pre-existing nonconformities (without expanding existing encroachments into side and rear yard setback areas). The Applicant inquired as to whether they could still renovate and rebuild portions of the existing garage using the existing footprint and garage walls (see attached letter of intent by Applicant).

The Minturn Municipal Code, Section 16-22-30 - Nonconforming uses and structures provides the following:

(a) *Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:*

- (1) An increase in the total amount of space devoted to a nonconforming use; or*
- (2) Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitation or density requirements, or other requirements such as parking requirements.*

### **III. Zoning Analysis:**

#### **Zoning**

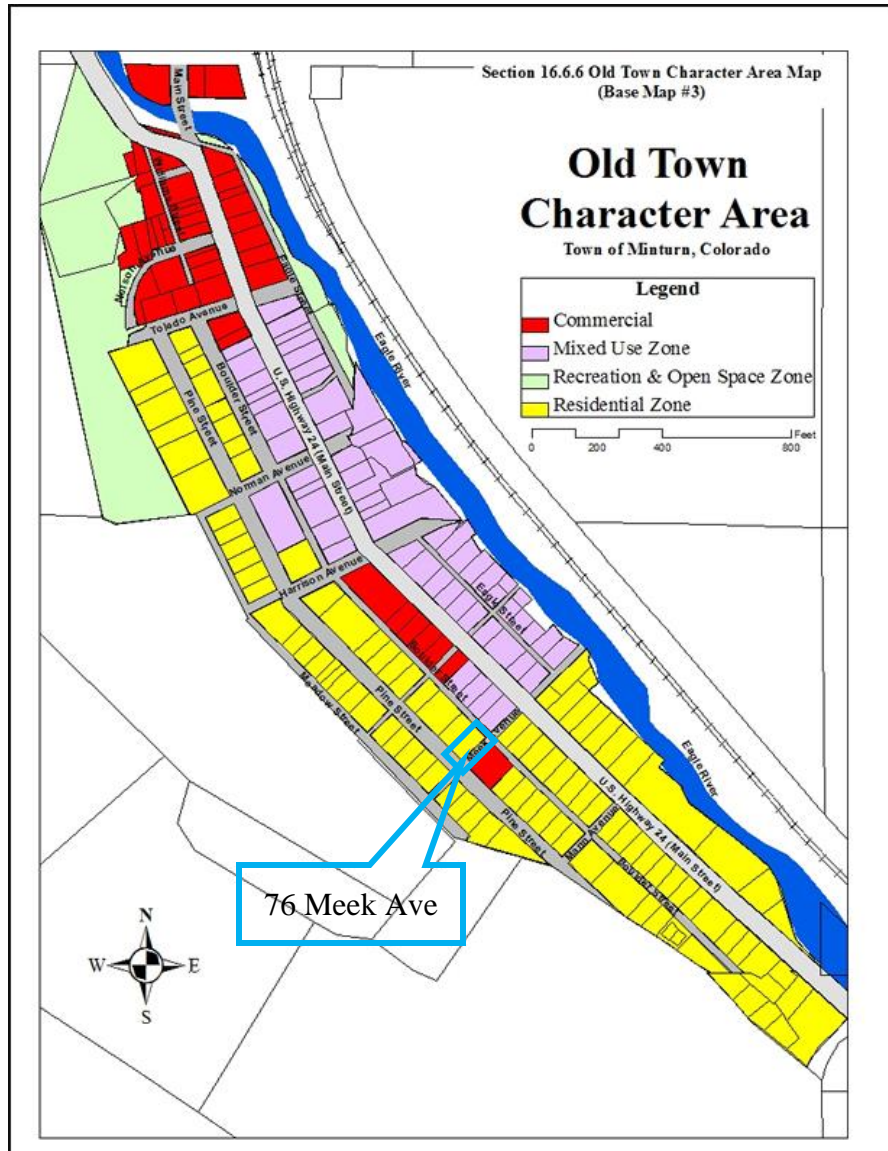
The subject property is located within the “Old Town Character Area” Residential Zone District, described as follows:

- (a) The neighborhood is bisected by Highway 24 and is characterized by single-family residences with a mix of business and institutional uses. **The residences are typically one (1) and two (2) stories, with outbuildings and minimal setback between structures.***
- (b) The purpose of this zone is to **provide for continued residential use and redevelopment that preserves the unique character and scale of the neighborhood.** An objective is to retain the historically residential areas as quiet and safe neighborhoods while allowing for limited home-based occupations and home-based businesses to encourage permanent residency. **This area can accommodate reasonable growth where land and services are available.**”*

- Town of Minturn Town Code Section 16-6-20

*(Space intentionally left blank)*

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



**Dimensional Limitations and Development Standards**

The following tables summarize the lot, development and dimensional standards and limitations applicable to Lot 2 pursuant to Section 16-2-40. - *General lot requirements and dimensional standards*; Section 16-16-20 – *Parking Required for Residential and Lodging Uses*; and Section 16-6-80 - *Old Town Character Area Limited Use Standards*.

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,000 sq. ft.
Maximum Building Height:	28 feet	13 feet
Minimum Front Setback:	10 feet	10 feet

Minimum Side Setback:	5 feet	0 feet
Minimum Rear Setback:	10 feet	3 feet
Maximum Building Coverage:	45% (2,250 sq. ft.)	Existing: 2,165.11 sq. ft. (43%) Proposed: 2,178 sq. ft. (44%)
Maximum Impervious Coverage:	55% (2,750 sq. ft.)	Existing: 2,203 sq. ft. (44%) Proposed: 2,216 sq. ft. (44%)
Minimum Snow Storage Area:	5% of Parking Area (15.69 sq. ft.)	Unknown
Parking:	3 spaces	3 spaces

**Note:** the above calculations are based on the following:

**Lot 39= .115 acres x 43,560 sq. ft./acre = 5,000 sq. ft.  
313.81 sq. ft. parking area x .05% = 15.69 sq. ft. (Required Snow Storage)**

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

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

**Overall Design and Nonconformity**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings relative to solar access, to street frontages, and in relation to neighboring properties is considered. The existing lot dimensions and the location of the home on the lot are dictating the location of the new garage.

The subject property is relatively flat and the previously approved design was deemed to take advantage of and comply with the existing site constraints. However, due to an error in surveying, the previous plans showed the garage being demolished and reconstructed entirely within the setbacks. The correct survey work shows the existing garage in violation of the side and rear yard setback. Additionally, a small portion of the existing garage roof overhang appears to encroach over the side property line.

Because of this situation, the Applicant is asking to reconstruct the garage in the same location using the existing garage footprint and exterior walls - going up but not expanding the garage footprint laterally - as has been done in other instances in the Town of Minturn (449 Pine Street and 414 Eagle River Street).

However, the plans submitted do show “new walls” on the floor plans. The Applicant should provide additional information or details as to how the renovation will be completed using existing exterior walls, as the removal of existing nonconforming walls that currently violate side and rear

setbacks (and wholesale replacement of those walls to support the garage addition and roof) is not permissible.

**V. Staff Recommendation and Suggested Conditions:**

Staff suggests that the Final Plans for 76 Meek Avenue, as conditioned, generally **comply** with applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

Staff is **recommending approval** of the revised final plans the following suggested conditions of approval:

1. Applicant shall update plans prior to or concurrent with any building permit application to verify and confirm that existing exterior walls and building foundation are to remain in order to comply with the Town’s nonconformities regulations.
2. The Applicant shall provide a land survey plat(s) to the Town during construction of the garage renovation - at framing and prior to any Temporary Certificate of Occupancy Inspection by the Town Building Inspector - including spot elevations at exterior walls, building corners, and roof overhangs (at the eave line) to ensure that the project does not expand or exacerbate existing nonconformities.
3. The Applicant shall show all snow storage inside their property lines.





# DESIGN REVIEW APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT  
P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

**Project Name:**

WILSON GARAGE RENOVATION

**Project Location**

Street Address: 76 MEEK AVE  
MINTURN, CO 81645

Zoning: RESIDENTIAL

Parcel Number(s): 2103-263-15-023

**Application Request:**

RENOVATION OF GARAGE USING EXISTING WALL PER DRAWINGS

**Applicant:**

Name: PAUL & SHERRI WILSON

Mailing Address: PO BOX 868  
MINTURN, CO 81645

Phone: 970-260-0778

Email: MINTURN.PAINT@GMAIL.COM

**Property Owner:**

Name: PAUL & SHERRI WILSON

Mailing Address: PO BOX 868  
MINTURN, CO 81645

Phone: 970-260-0778

Email: MINTURN.PAINT@GMAIL.COM

**Required Information:**

Lot Size: 5000 SQ FT	Type of Residence (Single Family, ADU, Duplex) SINGLE FAMILY	# of Bedrooms 2	# On-site Parking Spaces 3
# of Stories: 1	Snow storage sq ft: 200 SQ FT FRONT YARD	Building Footprint sq ft: 2058.7	Total sq ft Impervious Surface: 2113.37

**Signature:**

*Sherril A. Wilson*

Fee Paid: \_\_\_\_\_

Date Received: 4/29/22

Planner: MadBon Harris



Dear Town of Minturn Planning Committee,

We are requesting a review of an amendment to a previously approved plan to remodel our garage. Unfortunately, the survey we used for the remodel of our house many years ago was inaccurate. The updated survey shows the existing building to be inside the setback requirements, and on the southwest side, to be at the property line.

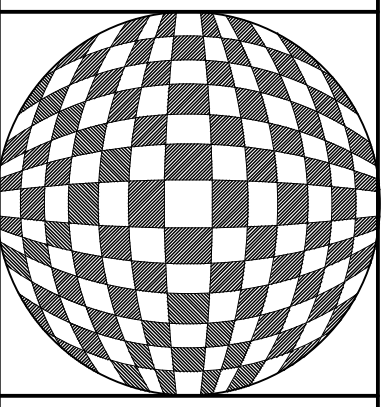
The request is based on a history of properties with similar issues in Minturn. Specifically, we are requesting approval to create the previously approved renovation of an existing garage by using and preserving the existing garage footprint, including the foundation and exterior walls, and going vertical, but not increasing any outward (horizontal or lateral) encroachments or non conforming situations.

All existing improvements will be surveyed to establish the horizontal limits of existing encroachments and all new construction will be kept within that limit. The building will then be resurveyed during framing to ensure that all new remodel activity does not further encroach into the setbacks.

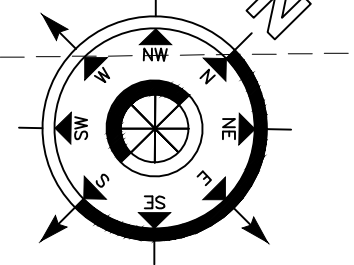
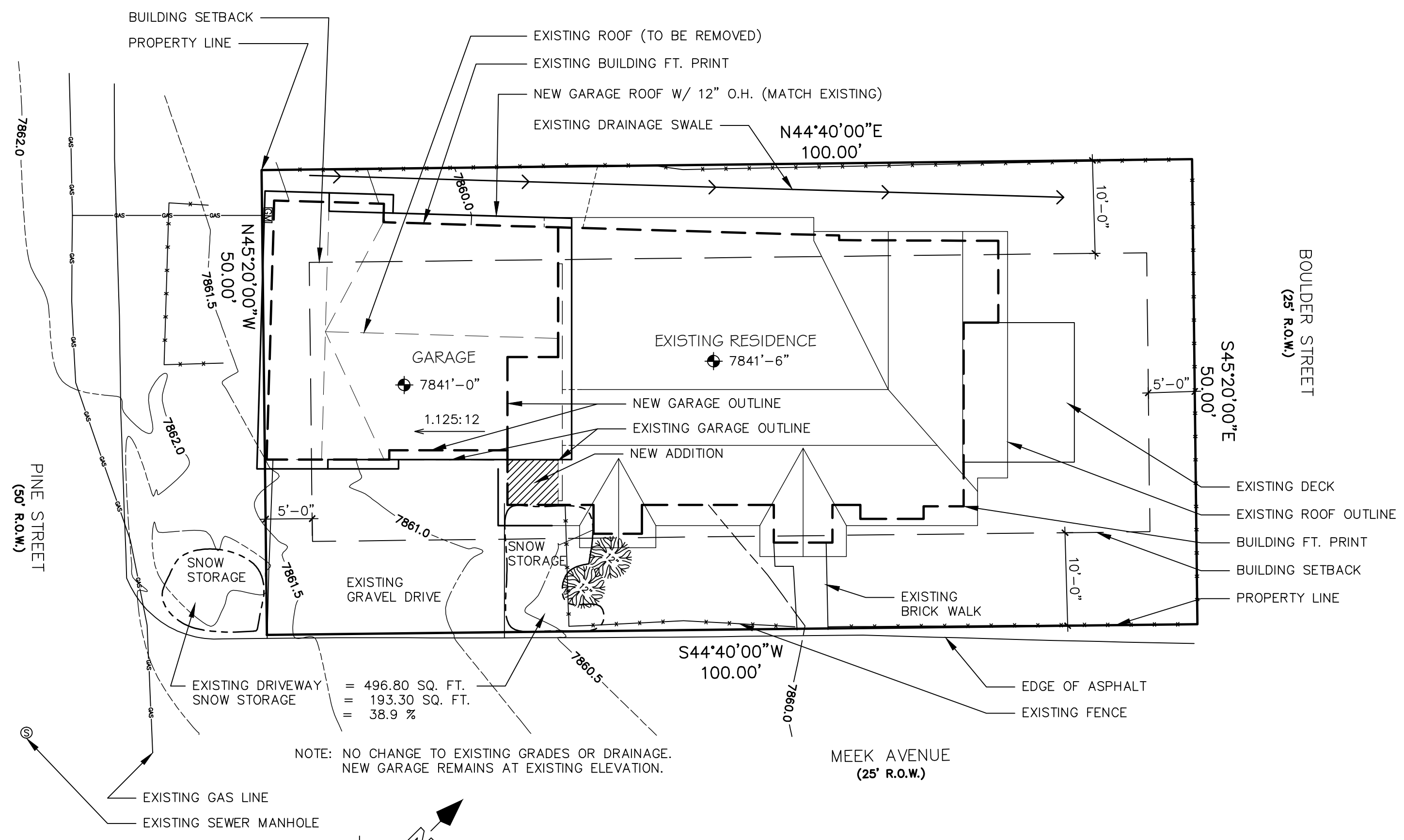
Revised drawings have been submitted for your review.

Thank you for considering our request,

Paul and Sherri Wilson  
76 Meek Ave.  
Minturn, Co 81645



**WILSON GARAGE REMODEL**  
 76 MEEK STREET  
 MINTURN, COLORADO 81645



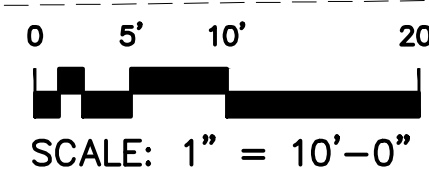
**SITE DEVELOPMENT PLAN**

1" = 10'-0"

LOT SIZE = 5,000 SQ. FT.  
 MAX. LOT COVERAGE = 45% = 2,250 SQ. FT.  
 MAX. IMPERVIOUS = 55% = 2,750 SQ. FT.

LOT COVERAGE:  
 EXISTING HOUSE & GARAGE = 2,165.11 SQ. FT. = 43.30%  
 NEW HOUSE & GARAGE = 2,178.15 SQ. FT. = 43.56%

IMPERVIOUS:  
 EXISTING HOUSE, GARAGE & WALK = 2,202.97 SQ. FT. = 44.05%  
 NEW HOUSE, GARAGE & WALK = 2,216.01 SQ. FT. = 44.32%

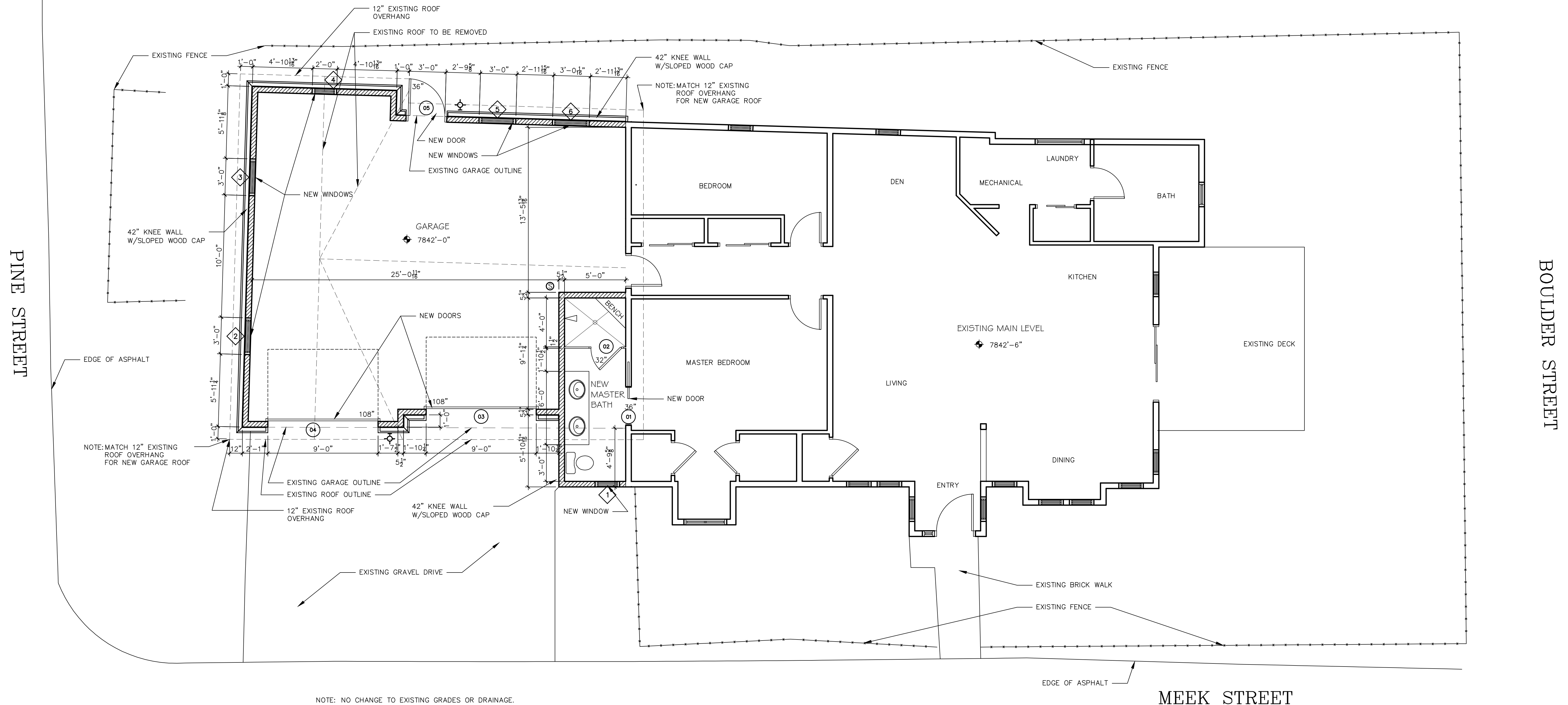


NOTE: NO CHANGE TO EXISTING GRADES OR DRAINAGE.  
 NEW GARAGE REMAINS AT EXISTING ELEVATION.

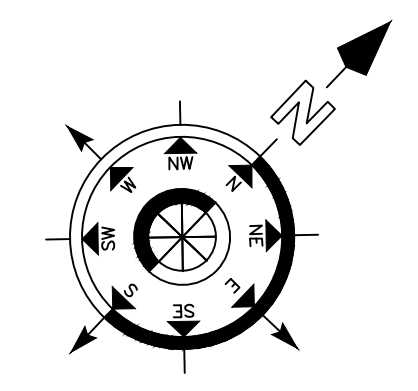
JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
DATE	DRB
REVISION DATE	INITIAL

DOOR SCHEDULE					
MARK	SIZE		Style	FIRE RATING LABEL	NOTES
	WD	HGT			
1	3'-0"	7'-0"	Pocket - Single	---	---
2	2'-6"	7'-0"	Hinged - Single - Full Lite	---	Glass shower door
3	9'-0"	8'-0"	Overhead - Sectional	---	---
4	9'-0"	8'-0"	Overhead - Sectional	---	---
5	3'-0"	7'-0"	Hinged - Single - Half Lite	---	---

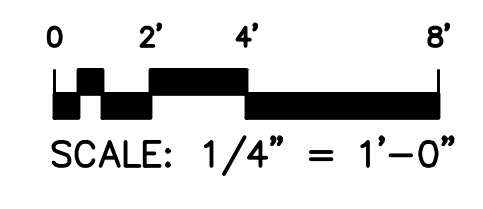
WINDOW SCHEDULE					
MARK	SIZE		Style	Sill Height	NOTES
	WIDTH	HEIGHT			
1	2'-0"	2'-6"	Double Hung	3'-6"	---
2	3'-0"	3'-6"	Double Hung	3'-6"	---
3	3'-0"	3'-6"	Double Hung	3'-6"	---
4	2'-0"	3'-6"	Double Hung	3'-6"	---
5	3'-0"	3'-6"	Double Hung	3'-6"	---
6	3'-0"	3'-6"	Double Hung	3'-6"	---



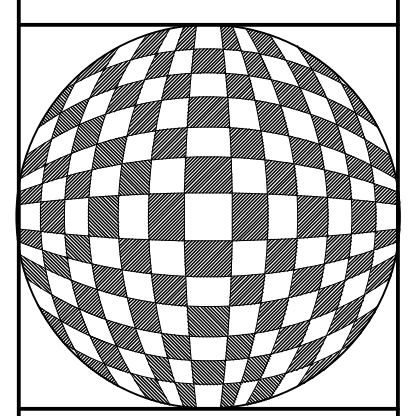
NOTE: NO CHANGE TO EXISTING GRADES OR DRAINAGE.  
NEW GARAGE REMAINS AT EXISTING ELEVATION.



**MAIN LEVEL FLOOR PLAN**  
1/4" = 1'-0"  
NEW ADDITION: BATH = 84.14 SQ. FT.  
[Hatched Box] = NEW WALLS

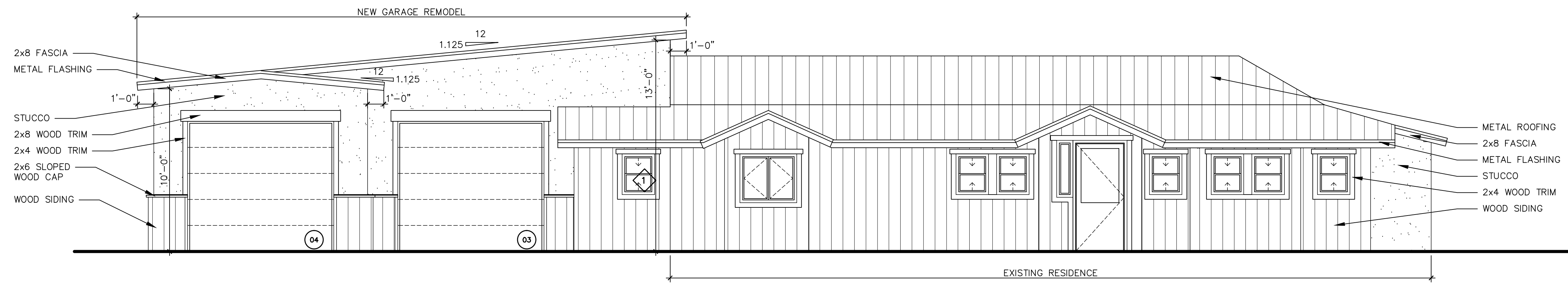


- EXTERIOR LIGHTING - VERIFY W/OWNER/ARCHITECT
- ⊕ EXTERIOR WALL SCONCE: LEONLITE OUTDOOR WALL SCONCE #88978 O.A.E.
- ⊙ SMOKE DETECTOR/CARBON MONOXIDE-SILHOUETTE LOW-PROFILE SMOKE ALARM O.A.E.



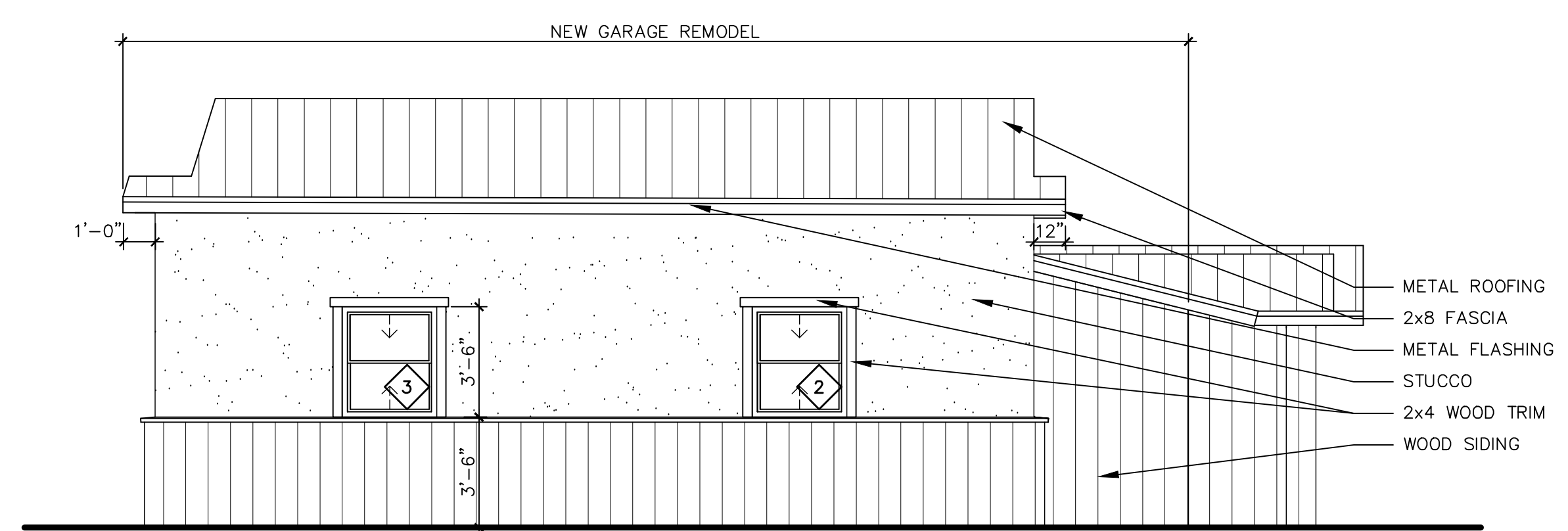
**WILSON GARAGE REMODEL**  
76 MEEK STREET  
MINTURN, COLORADO 81645

JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
ROLE	DRB
REVISION DATE	
INITIAL	



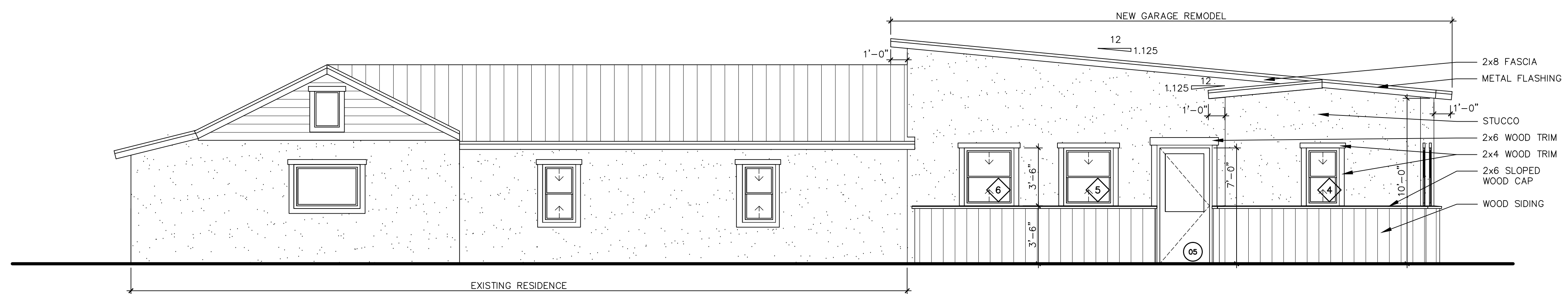
**1 SOUTH EAST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



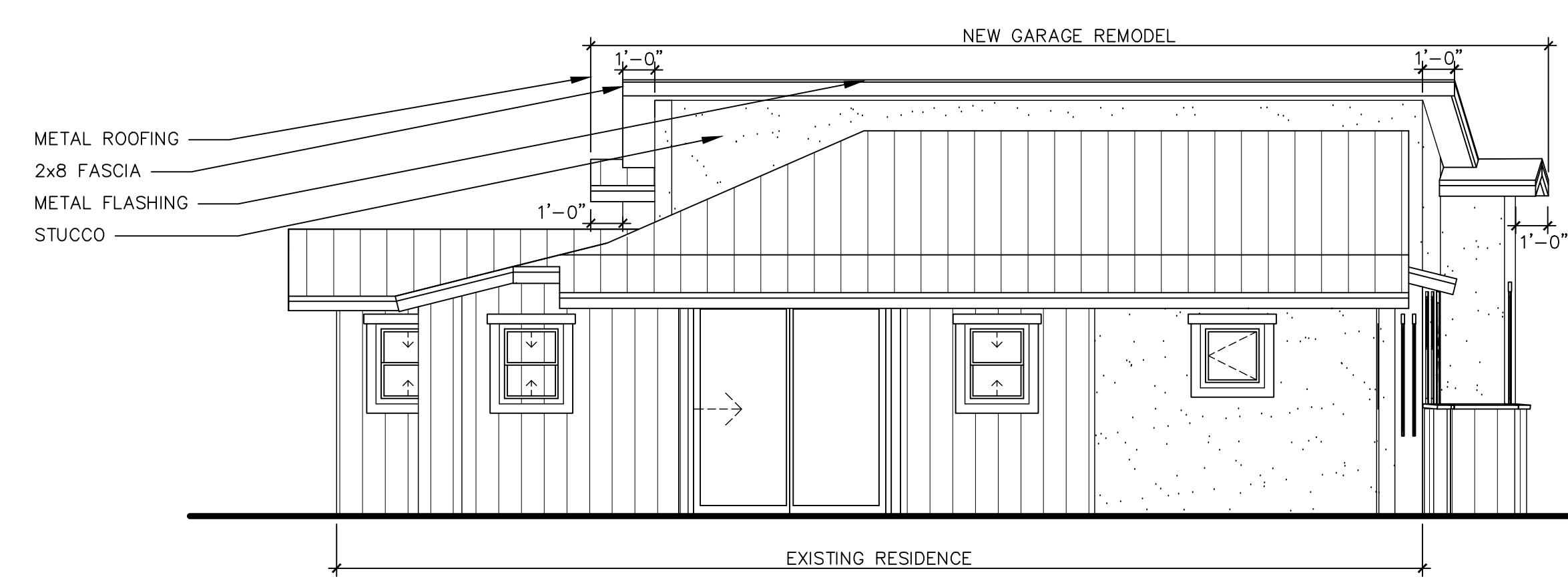
**2 SOUTH WEST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



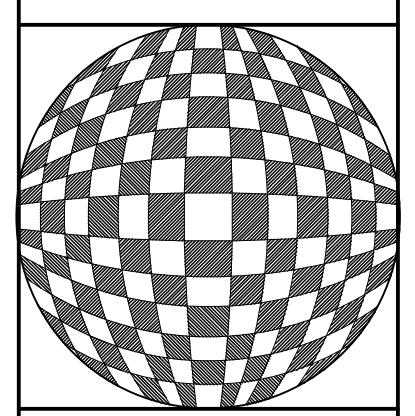
**3 NORTH WEST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



**4 NORTH EAST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



**WILSON GARAGE REMODEL**  
 76 MEEK STREET  
 MINTURN, COLORADO 81645

JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
ROLE	DRB
REVISION DATE	INITIAL



















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



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

## Design Review Board Hearing

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### Final Plan Review for New Home

### 386 Taylor Street

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<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	Single-Family Residence Final Plan Review
<b>Owner/Applicant:</b>	Nowhere in Minturn, LLC
<b>Representative:</b>	Michael Pukas, MPP Design Shop, Inc.
<b>Legal Description:</b>	Subdivision: DBC Subdivision Lot: 7A
<b>Address:</b>	386 Taylor Street
<b>Zoning:</b>	Game Creek Character Area – Residential Zone District
<b>Staff Member:</b>	Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

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### Staff Report

#### I. Summary of Request:

The Applicants request Final Plan review of a new, four-bedroom, 3,205 square foot single-family residence located at 386 Taylor Street in the Game Creek Residential Zone District. Although the DRB has not reviewed any conceptual plans, the Applicant’s representative, Michael Pukas, has been proactive in meeting with Town staff prior to submitting plans for a new home and has provided a relatively complete and thorough set of site, landscaping, and architectural plans allowing staff to conduct a final plan level review of the project.

#### **Proposed Plans**

The plans show a three-level structure with a max height measured to the midpoint of the roof of 27.8125 feet above proposed grade on the east side of the lot and a max height of 27.66 feet on the west side of the lot, as the lot steps up and the house follows the slope of the lot. The height of the proposed structure appears to be within the maximum 28-foot allowable within the Game Creek Residential Zone District.



Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – Design Guidelines and Standards.

Parking is adequate, with four off-street spaces provided (two in the garage and two surface spaces in front of the garage).

According to staff’s analysis of development standards and dimensional limitations in Section III below, the project appears to meet the Town’s standards.

Staff believes that the Applicants and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the Final Plans.

Staff is **recommending approval**, with conditions.

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

This is a final plan-level of review for a new single-family residential structure on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

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.

No variances are required or requested at this time.

### **Design Review Process**

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

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*

(2) *Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. The proposal's adherence to the Town's zoning regulations.*
- b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
- c. The proposal's adherence to the Design Standards.*

(3) *Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. That the proposal is in conformance with the Town zoning regulations.*
- b. That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. That the proposal complies with the Design Standards.*

Staff suggests that the final plans for 386 Taylor Street meet or can be revised to meet the required findings 'a,' 'b,' and 'c' or subparagraph 3 – *Necessary findings*.

### **III. Zoning Analysis:**

#### **Zoning**

The subject property is located within the “Game Creek Character Area” Residential Zone District, described as follows:

- (a) The Taylor Avenue neighborhood is characterized by a traditional lot-and-block layout with **single-family residences**. The residences are typically one (1) and two (2) stories, without buildings and good views to the west. The existing residential neighborhood overlooks the rail yard or the Game Creek PUD Holding Zone.*
- (b) **The purpose of this area is to provide for continued residential use and redevelopment that preserve the small town residential character and scale of the neighborhood. An objective is to retain the residential areas as a quiet and safe neighborhood while allowing for accessory apartments and limited home-based occupation to encourage permanent residency.***

*- Town of Minturn Town Code Section 16-12-20*

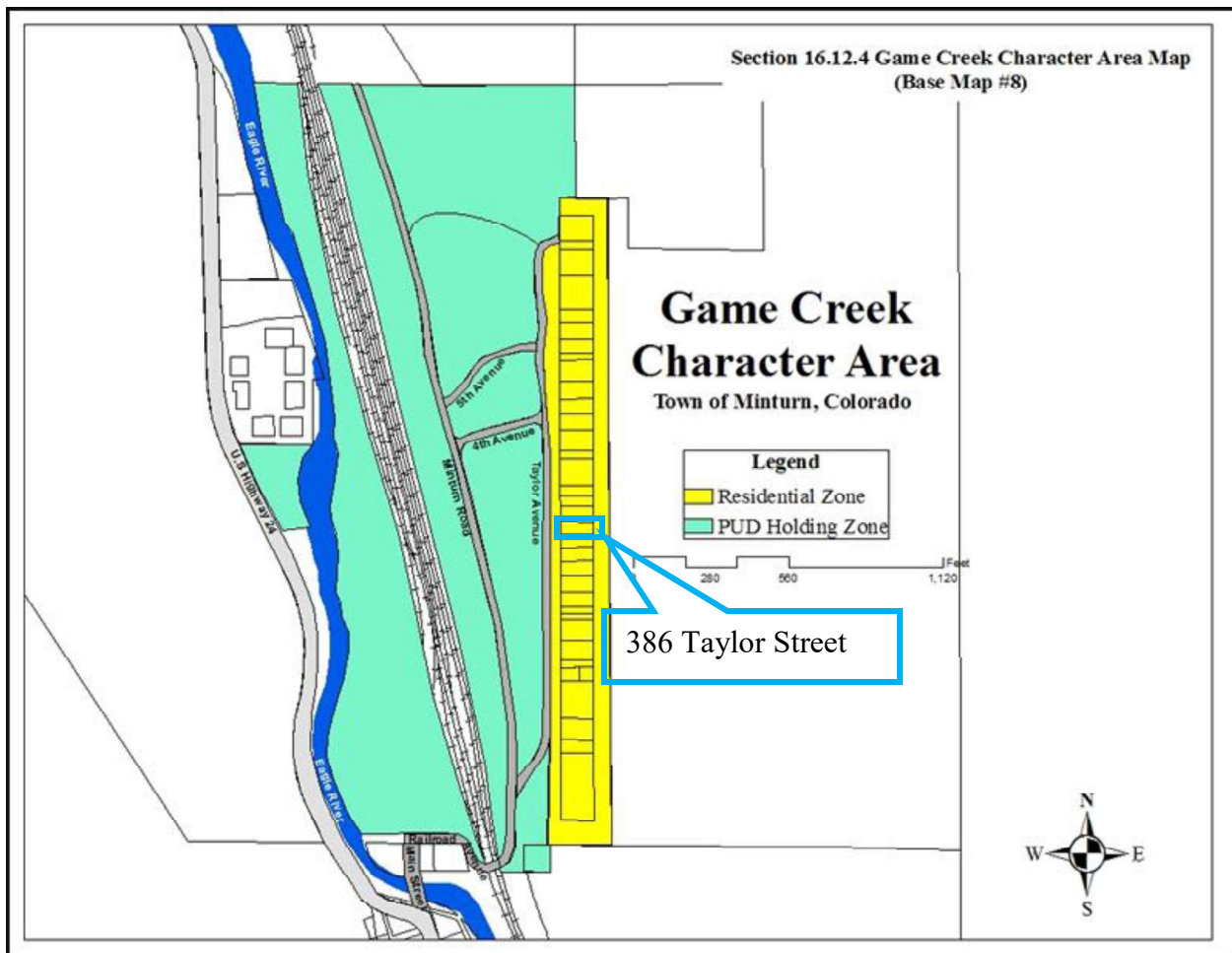


Figure 1: Game Creek Character Area Zoning Map

**Dimensional Limitations and Development Standards**

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

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,922 sq. ft. (.175 ac.)
Maximum Building Height:	28 feet	27.8125 feet
Minimum Front Setback:	20 feet	20 feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10+ feet
Maximum Lot Coverage:	40% (2,369 sq. ft.)	1,615 sq. ft. (27.27%) Proposed
Maximum Impervious Coverage:	50% (2,961 sq. ft.)	2,256 sq. ft. (38.10%) Proposed
Minimum Snow Storage Area:	5% of Driveway (674 sq. ft. x .05 = 33.7 sq. ft.)	223 sq. ft.

Parking:	3 spaces	4 spaces

**Note:** the above calculations are based on the following:

$$\text{Lot 7A} = .175 \text{ acres} \times 43,560 \text{ sq. ft./acre} = 5,922 \text{ sq. ft.}$$

$$674 \text{ sq. ft. parking area} \times .05\% = \underline{33.7} \text{ sq. ft. (Required Snow Storage)}$$

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

**Design**

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

**Final Site, Grading and Drainage Design**

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

The proposed design maintains the structure within required setbacks, thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading and drainage details generally demonstrate that proper (positive) grading will be directed in swales away from the structure; that drainage is handled on the subject property.

**Mass and Form**

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

*“c. Massing and Scale*

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

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

*-Town of Minturn Design Guidelines*

**Staff Response:**

Staff believes that the design and scale of the proposed structure incorporates a simple central form with additive features and is complimentary to adjacent single-family residential structures and character on nearby parcels. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and built environments. Proposed roof

forms and pitches, materials and textures are compatible and complimentary to the surrounding built and natural environments. While the roof eave does encroach into the front and side setbacks at certain points, Sec. 16-2-50(k) allows the roof eave up to eighteen (18) inches into these setbacks.

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

**Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

**Exterior Light Fixtures**

The plans should be updated to show exterior light locations. Light fixtures and lighting solutions are to be dark sky compliant.

Staff referred this final plan to the Town Engineer (Inter-Mountain Engineering) for comments, but has not received comments. These will be included in the public record at the hearing, and any comments will need to be addressed prior to or concurrent with the building permit process.

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

Staff suggests that the Final Plans for 386 Taylor Street **comply** with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

In the event the Planning Commission, acting as the Town of Minturn Design Review Board, recommends approval of the Final Plans, staff respectfully suggests the following conditions of approval.

1. The Applicant shall work with the Town to address comments, if any, that the Town Engineer provides.
2. The Applicant shall revise the site and/or floor plans and elevation drawings to show all proposed exterior lighting fixture locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town’s lighting standards.





# DESIGN REVIEW APPLICATION

**TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT**  
 P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
 Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

**Project Name:**

Major Residence

**Project Location**

Street Address: 386 Taylor Street

Zoning: **Residential**

Parcel Number(s): **2103-262-22-002**

**Application Request:**

A single family residence with three levels consisting of a 2-car garage, 4 bedrooms, 3 1/2 baths, a great room with kitchen, living and dining, a small game room, a small office, and a second level covered deck on the west side of the building.

**Applicant:**

Name: Michael Pukas, mpp design shop, inc.

Mailing Address: PO Box 288, Gypsum, CO 81637

Phone: (970) 390-4931

Email: michael@mppdesignshop.com

**Property Owner:**

Name: **Nowhere in Minturn, LLC.**

Mailing Address: 7404 Bitterroot Place, Sioux Falls, SD 57108-1554

Phone: (970) 632-8415

Email: mikeymajor@gmail.com

**Required Information:**

Lot Size: 0.175 acres/5,922 SF	Type of Residence (Single Family, ADU, Duplex) <b>Single Family</b>	# of Bedrooms 4	# On-site Parking Spaces 4
# of Stories: 3	Snow storage sq ft: 223 SF	Building Footprint sq ft: <b>1,507 SF</b>	Total sq ft Impervious Surface: <b>2,148 SF</b>

**Signature:**

**Michael Pukas**

**Fee Paid:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Planner:** \_\_\_\_\_

# DESIGN REVIEW APPLICATION

## SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant Staff



**Application Fee** (Non-Refundable application fee shall be collected)

- Design Review Board - \$200.00



**Letter of Intent**

-- What is the purpose of the project including;

- Relevant Background
- Current Status of the Site
- All Proposed Uses and Structures
- How the Proposal Differs from what already exists
- Information regarding Easements or Dedicated Tracts, etc.



**Vicinity Map**

-- Directional Map indicating how to get to the Property involved in the request.

- Zoning of Property



**Improvement Location Certificate of Survey (ILC or ILS)**



**Site Plan showing Precise Nature of the Proposed Use – To Scale**

- - Scaled Drawings of Proposed Design of Structure
    - Plan View and Sections
  - Building Heights – all 4 directions N/S/E/W
  - topography
  - Building Location
  - Setbacks
  - River or Creek Setbacks
  - Parking Plan
  - Traffic Circulation
    - Location and Width of Existing and Proposed Access Points
    - Location of Existing Driveways and Intersections
  - Landscaped Area – Plan
  - Approximate Location of Existing Wooded Areas and Rock Outcrops
  - Location and Type of Existing and Proposed Easements
  - Utility Easements
  - Drainage Features



**Preliminary Building Plans and Elevations**

- Indicates Dimensions
- General Appearance
- Scale
- Interior Plan for the Buildings



**Elements needed on the Site Plan**

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage



**Architecture Details – Materials Board**

- Windows – Placement and Color
- Doors – Placement and Color
- Siding – Type and Color
- Roof Material – Type and Color
- Paint Color

# PLANNING COMMISSION DESIGN REVIEW PROCESS

Applicants requesting a Design Review Board, Planning and Zoning Commission, and/or Town Council Review must submit to a pre-submittal conference and complete a formal application. The pre-submittal review process is completed within a period of 14 working days depending on the day of pre-submittal. The pre-submittal review provides valuable information regarding Town requirements for the formal application.

## The Town Planner shall have the following powers and duties:

- **Zoning Compliance** – To review, consider, and approve, approve with conditions, or deny applications for building permits, limited use permits, conditional use permits, and temporary use permits based on compliance with this Section.
- **Process Applications** – To receive applications for development permits for processing pursuant to the terms of Section 16 of the Minturn Municipal Code.

## Planning Commission as Design Review Board

### Powers and Duties

The Planning Commission is hereby established as the Town of Minturn Design Review Board. The Design Review Board shall have the following powers and duties under the provisions of this Code.

1. To prepare, or cause to be prepared or amended, the Design Review Standards and Guidelines or any element or portion thereof, for adoption by the Town Council.
2. To hear, review, consider and approve, approve with conditions, or disapprove applications for Design Review Approval.
3. To hear and decide upon appeals on design review decisions made by the Zoning Administrator.

### Board Procedure

The Town staff will forward applications (other than minor design applications), and recommendations, to the DRB.

The DRB shall review the application and supporting material submitted by the applicant, as well as the staff recommendation. After review, the DRB, through a formal motion, seconded and passed by a majority of the members present, shall take one of the following courses of action:

1. **Table the application.** The application may be tabled for a period not to exceed thirty (30) days if the application is incomplete or if the DRB determines that changes are required to bring the application into compliance with design standards and guidelines or other regulations of the Town. The Board may specify additional requirements for the applicant is to bring to the future meeting. These requirements may include additional information necessary to determine whether the application complies with all zoning, building, design codes adopted by the Town, and may include plans, reports, surveys or other documents completed by registered architects, surveyors, engineers or other professionals in order to indicate conformance with such codes. The DRB may also table the application if it determines that changes in the application are required which would bring the proposed project into compliance with zoning, building, design codes, and other regulations of the Town.
2. **Conceptual/Preliminary approval.** The DRB may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval does not deem final approval of an application, nor does it deem that an application conforms to design or other regulations, nor shall it bind the DRB to grant final approval to a completed or final application.
3. **Disapproval of application.** If an application is found to conflict with the purposes and/or any one (1) or more of the design guidelines, codes or any other regulations of the Town, the DRB shall disapprove the application. Any disapproval shall be in writing and shall specifically describe the reasons upon which the disapproval is based.

4. **Approval of application.** If the application is complete and is found to comply with the design standards and guidelines, codes and other regulations of the Town, the DRB shall approve the project. The DRB shall keep a record of all such approvals, and the applicant should keep a copy of the approval. The DRB may approve an application with conditions or modifications. The DRB shall not approve an application that does not meet the requirements of the Town or any other provision required to ensure compliance with the design standards and guidelines, codes and other regulations of the Town.

*If a motion for approval, for conceptual approval, or to table an application results in a tie vote, the motion will fail.*

## DESIGN REVIEW CRITERIA

### 1. SITE DESIGN

Site planning involves the design and location of buildings and other improvements on a property. General principles include the maximization of site attributes such as views and solar orientation while minimizing adverse impacts to adjacent properties and natural features. Design of the building(s) shall consider the following criteria:

#### a. **Natural Features**

##### **(1) Topography**

A building site that is flat or gently sloping at less than 10% shall comply with applicable minimum standards for setbacks as defined in Chapter 16.

A building site that slopes at greater than 10% is urged to consider “stepping” the structure rather than grading the site to allow for traditional building layout. The intent is to avoid large cuts and/or fills as well as retaining walls, and to avoid the need for additional erosion control measures.

Setbacks may be increased for lots that slope greater than 30%.

##### **(2) Water Bodies**

Setbacks from water bodies shall include consideration of the Eagle River, tributary creeks, ponds, and wetlands. In addition to the regulatory setbacks, the Town of Minturn encourages conformance with the Eagle River Watershed Plan and sensitive design to protect the riparian areas and to utilize the water bodies for passive recreational purposes. The Town discourages “turning your back” on the Eagle River, one of Minturn’s greatest assets.

Site grading and drainage plans shall be submitted with design review applications that are adjacent to or within fifty (50) feet of a water body.

#### b. **Orientation**

The orientation of improvements shall consider adjacent properties as well as snow storage, snow shedding, and solar orientation. Another important component of orientation is drainage impact to adjacent properties, water bodies and streets.

##### *Snow Storage, Snow Shedding and Solar Orientation*

The atmospheric and weather-related elements common of the Town of Minturn justify the added dimension of siting improvements to minimize the impact of the environment.

Adequate snow storage area(s) or provisions for removal shall be provided. The total area may be broken up or provided as a whole. Location within the required setbacks shall be permitted provided it does not impede adequate and safe access to the structure(s). Landscape areas may also be used for snow storage purposes.

Snow shedding shall be considered in the use of material and pitch of the roof, as well as the location of windows, door and walkways. In no case shall snow shedding be permitted to occur onto an adjacent property.

Solar orientation shall be considered in the siting of the structures as well as in the landscaping of the lot or parcel. Orientation of the structure, as well as placement of trees, can be utilized to block prevailing winds in the winter and to provide shade in the summer. The structure should be placed on the lot in a manner that will not cast substantial

shadows over adjacent properties. Walkway and driveway location shall consider snowmelt in determining their location. These considerations include locating driveways, walkways, and structures, so that they are sheltered from the wind, and oriented to the east or south, where possible, to aid quicker snow and ice melt.

The front of the structure and its primary entrance shall be oriented to the street.

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

A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures.

Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.

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

## **2. ARCHITECTURAL ELEMENTS**

### **a. Roof Pitch and Form**

Roofs are a very prominent visual element and can be used to provide strong unifying characteristics between buildings. The use of consistent roof form, materials, slope and direction can create a cohesive appearance to a neighborhood even when the architectural styles vary. Roof pitch and form are an important element of building design in the Town.

The incorporation of dormers into the roof form can be utilized to provide individual identity and to create and delineate upper living areas or lofts. Dormer roofs shall be similar in slope and material with the primary roof form. See Illustration.

Roofs shall be designed with consideration to snow accumulation and shedding. Entryways, garages and pedestrian areas shall be protected from potential snow shedding.

Chimneys may also be utilized as a unifying element. The size, location, and shape of chimney can be mimicked to provide a common feature in adjacent structures that have different architectural styles.

### **b. Facade**

Vast expanses of a blank facade are not considered appropriate in Minturn due the mass and scale of the existing buildings in the Town. Therefore, facades must be interrupted every 15' at minimum. This interruption can occur through the use of projections and recessions for doors and windows, balconies or porches or any other element that creates visual interest. The use of architectural elements such as horizontal and vertical architectural details and floor articulation (delineation of 'floors' in a building) can be utilized to create a vertical human scale to the structure.

Windows and doors offer the opportunity to provide individual character and refinement of scale by introducing openings and patterns on otherwise blank walls. Consideration should be given to locating doors and windows in order to establish symmetry on primary facades, while being responsive to interior functions and views. The location of windows and doors can also be utilized as a unifying element with adjacent structures.

In order to maintain a smaller scale and to avoid the use of vast expanses of large windows, window openings should be composed of multiple panes of glass that are consistent with the scale of the building. Mirrored or reflective glass is prohibited.

Shutters and window boxes are encouraged to create visual interest and to reinforce the Town ambiance.

### **c. Building Details**

The requirement for a simple building form allows for the introduction of building details to create character and interest. These details may include elements such as accents to doors and windows, porches, gates, dormers and chimneys.

## **3. MATERIALS AND SCREENING**

### **a. Materials**

The use of building materials is essential to the design and appearance of a structure, therefore the use of materials is indicative of the adjacent community character. Materials shall be consistent with adjacent properties and the natural environment. The Town of Minturn does not seek to limit or prohibit the use of specific building materials,



however the use of non-reflective materials are strongly encouraged. Highly reflective roofing materials are not allowed.

The historic character of Minturn is exhibited in the use of wood siding and native stone, therefore the use of these particular materials are encouraged. Many modern equivalents can be found which mimic the natural materials, and the Design Review Board may approve such materials if their appearance is found to be compatible with adjacent material and consistent with the intent of these standards and guidelines.

#### **b. Streetscape and Landscape Design**

Small towns evoke many images, but one that appears to be consistent with many residents is the neighborliness of the area. Porches, plaza, parks and simply strolling down the street allow neighbors and visitors to meet and greet each other and to get to know one another. The Town encourages the man-made elements that promote these activities, and in some instances the Design Review Board shall require the provision of streetscape improvements to encourage and reinforce the small town atmosphere.

Porches and awnings are encouraged for all residential design as these elements create and encourage a human scale that is consistent with the small town image. Commercial structures, particularly those that are located in renovated residential units, shall maintain these elements and incorporate the use of pedestrian walkways, street furniture such as benches and trashcans where possible. Commercial developments that exceed 2500 square feet of gross leasable area shall be required to provide a plaza area that incorporates these elements.

Landscape standards are defined in Section 16.17.14, 15 and 16 and shall be reviewed with all applications for design review. Compliance with the minimum standards defined within those sections shall be required. The Design Review Board shall review the list of plant material to be utilized, particularly for determination of irrigation requirements. Exhibit B lists plant materials that are suitable for use in the Town, drought-resistant and therefore their use is encouraged. Other plant materials listed that require substantial water and therefore the Design Review Board may require the provision of an irrigation system and the provision of collateral to assure its completion.

#### **c. Screening**

Both residential and commercial areas within the Town shall be required to screen certain visually obtrusive areas, including, but not limited to, refuse storage, general storage, loading areas, mechanical equipment and parking areas.

The screening may occur with landscaping, compliant with Section 16.17.14, 15 and 16, or these uses may be screened with fencing or by containing the uses within a structure or parapet walls. Fences shall not exceed 3-feet in height for opaque fences and 4 feet in height for fences with you can see through. Higher fences may be used to screen the sides and rear of the lot but should not exceed 6 feet in height. In no case shall a fence or screening structure obstruct a driver's view of an intersection.

**Additional information regarding the Design Review processes and guidelines including the Character Areas can be found in Chapter 16, Appendix B of the Minturn Town Code.**

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
[michael@mppdesignshop.com](mailto:michael@mppdesignshop.com)

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April 25, 2022

Town of Minturn  
**Attention: Planning Department**  
302 Pine Street  
P.O. Box 309  
Minturn, CO 81645  
Tel: (970) 827-5645  
Fax: (970) 827-5545  
e-mail: [planner@minturn.org](mailto:planner@minturn.org)

Regarding: Major Residence

Location: 386 Taylor Street  
Minturn, CO 81645  
Parcel Number: 2103-262-22-002  
DBC Subdivision, Lot 7A

This application is for Design Review approval of a new single family residence, located at the above described address, with three levels consisting of a 2-car garage, 4 bedrooms, 3 1/2 baths, a great room with kitchen, living and dining, a small game room, a small office, and a second level covered deck on the west side of the building. There will be four parking spaces total with (2) covered in the garage and (2) uncovered on the driveway in front of the garage.

The structure will have a poured-in-place concrete foundation, and wood framed floors, walls, and roofs. The exterior finishes of the building will consist of rusted corrugated metal siding at the wall base, vertical wood siding, asphalt shingle roofing, and black composite windows and exterior doors. There will be one bedroom suite below grade with an egress window in a window well, 2 bedrooms on the middle level, and the master bedroom suite on the upper level.

The lot is an up-hill lot with an existing wood retaining wall approximately 6' tall and wood steps, both of which will be removed. Finished site grading will match grade at the adjacent north and south properties as closely as is possible. The lot slopes from Taylor Street on the west side to uphill on the east side towards Lion's Head Rock. The lower level has the garage at street level on the west side and is below grade on the east side. The middle level is at grade level on the east side. The upper level is one floor above grade.

There is an existing sub-grade drainage pipe on the north side of the property with an inlet on the uphill side at the east side of the lot and daylights in the west face of the existing retaining wall. The drainage pipe will be replaced as necessary with the new site grading, and daylight near the street. Engineering for the drainage pipe and site grading will be provided by a licensed civil engineer at building permit submission.

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michael@mppdesignshop.com

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Thank you for your consideration.

**SIGNED:** Michael Pukas

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# IMPROVEMENT LOCATION CERTIFICATE

## LOT 7A

### DBC SUBDIVISION

County of Eagle, State of Colorado

**DESCRIPTION:**

Lot 7A, DBC Subdivision, recorded on July 19, 2006 at Reception No. 200619333 at the Office of the Clerk and Recorder, County of Eagle, State of Colorado.

**SURVEYOR'S CERTIFICATION:**

I, Thomas S. Marcin, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Improvement Location Certificate was prepared for David Clapp and that this is NOT a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvements lines. This certificate is valid only for use by David Clapp and describes the parcels appearance on December 13, 2021.

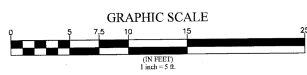
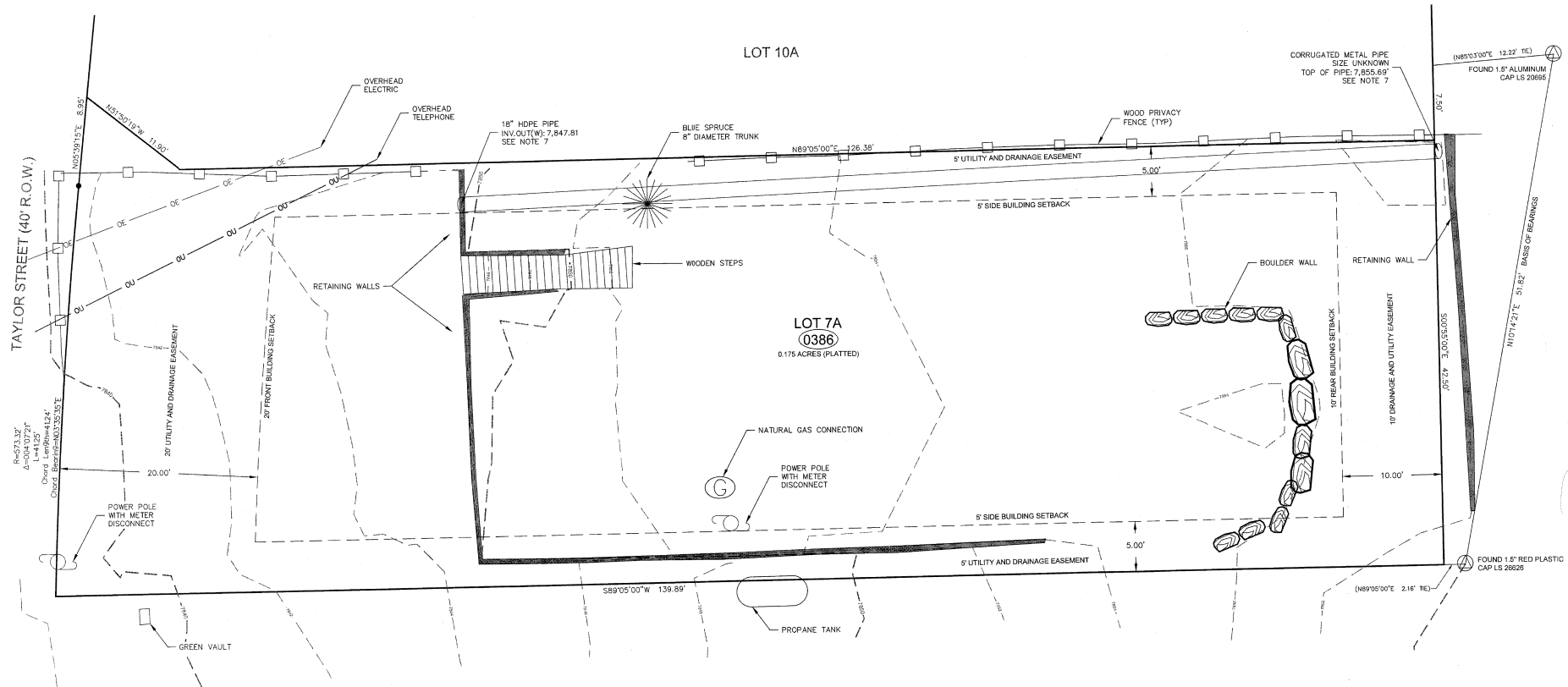
I further certify that the improvements on the above described parcel on this date, December 13, 2021, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no APPARENT evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Thomas S. Marcin, PLS 37999  
Colorado Professional  
Land Surveyor



**NOTES:**

- 1) DATE OF SURVEY: December 13, 2021.
- 2) STREET ADDRESS: 366 Taylor Street (not posted).
- 3) Location of improvements, lot lines, and easements are based upon the above-referenced plat and Survey Monuments found at the time of this survey as shown hereon. This Survey does not constitute a boundary survey nor any investigation into record easements or encumbrances associated with this property.
- 4) Setbacks are based upon the above referenced plat. This Lot may be subject to additional setback requirements.
- 5) This is not a monumented survey, Land Survey Plat, or Improvement Survey Plat. No boundary resolution was performed in making this survey. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.
- 6) This survey was performed without the aid of a title commitment.
- 7) Storm pipes were observed as depicted, including the difference in material type, however field observation indicates they are connected. No visible invert on CMP.



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.

IMPROVEMENT LOCATION CERTIFICATE LOT 7A DBC SUBDIVISION County of Eagle, State of Colorado		<b>MARCIN ENGINEERING LLC</b>  P.O. BOX 1062 AVON, CO 81620 (970) 748-0274 (970) 748-9021 FAX
DRAWN BY: PST	DATE: 12/21/2021	
CHECKED BY: TSM	DRAWING NO.: 21183	
JOB NO.: 21183	SHEET: 1 OF 1	









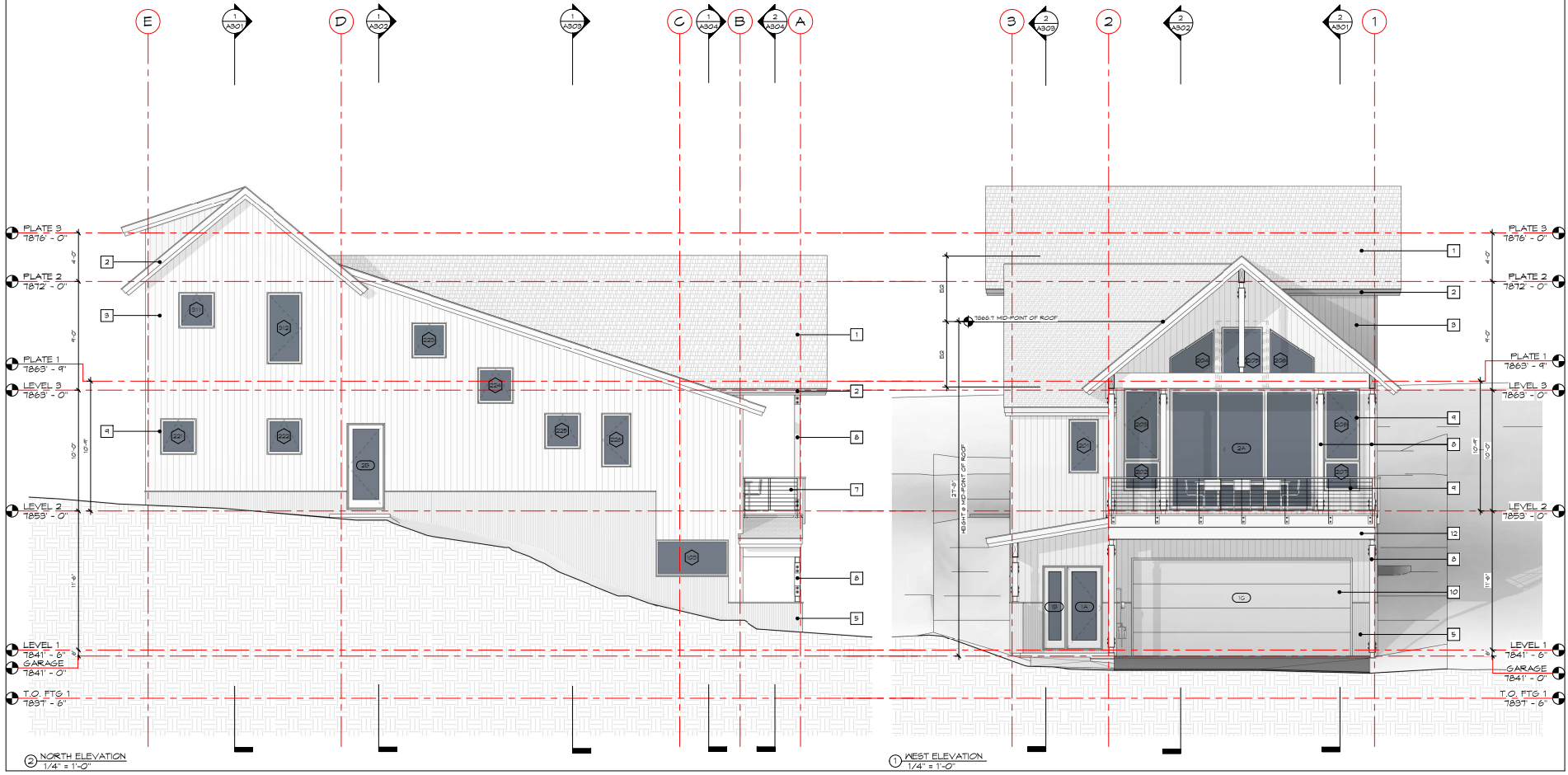








Key	Material	Manufacturer	Model	Color	Finish	Notes
1	ASPHALT SHINGLES			WEATHERED WOOD		
2	2X WOOD FASCIA			BLACK	SEMI-TRANSPARENT STAIN	LIFE-TIME WARRANTY
3	VERTICAL WOOD SIDING			DARK GREY	SEMI-TRANSPARENT STAIN	
4	SOFFIT			NATURAL CEDAR-TONE	SEMI-TRANSPARENT STAIN	
5	CORRUGATED COR-TEN SIDING			NATURAL RUST		
6	2X RD FASCIA			BLACK	SEMI-TRANSPARENT STAIN	
7	METAL RAILING W/ WOOD TOP RAIL			BLACK	POWDER COAT	
8	6X6 D.F. WOOD COLUMNS			NATURAL WOOD	SEMI-TRANSPARENT STAIN	
9	COMPOSITE FRAME WINDOWS & DOORS			BLACK	FACTORY PAINT	
10	INSULATED METAL GARAGE DOORS			BLACK	FACTORY PAINT	
11	WOOD DECKING			BROWN	SPRAYS STAIN	
12	STEEL BEAM			BLACK	PAINT	



mpp design shop, inc.

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mppdesignshop.com

Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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#	Description	Date

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

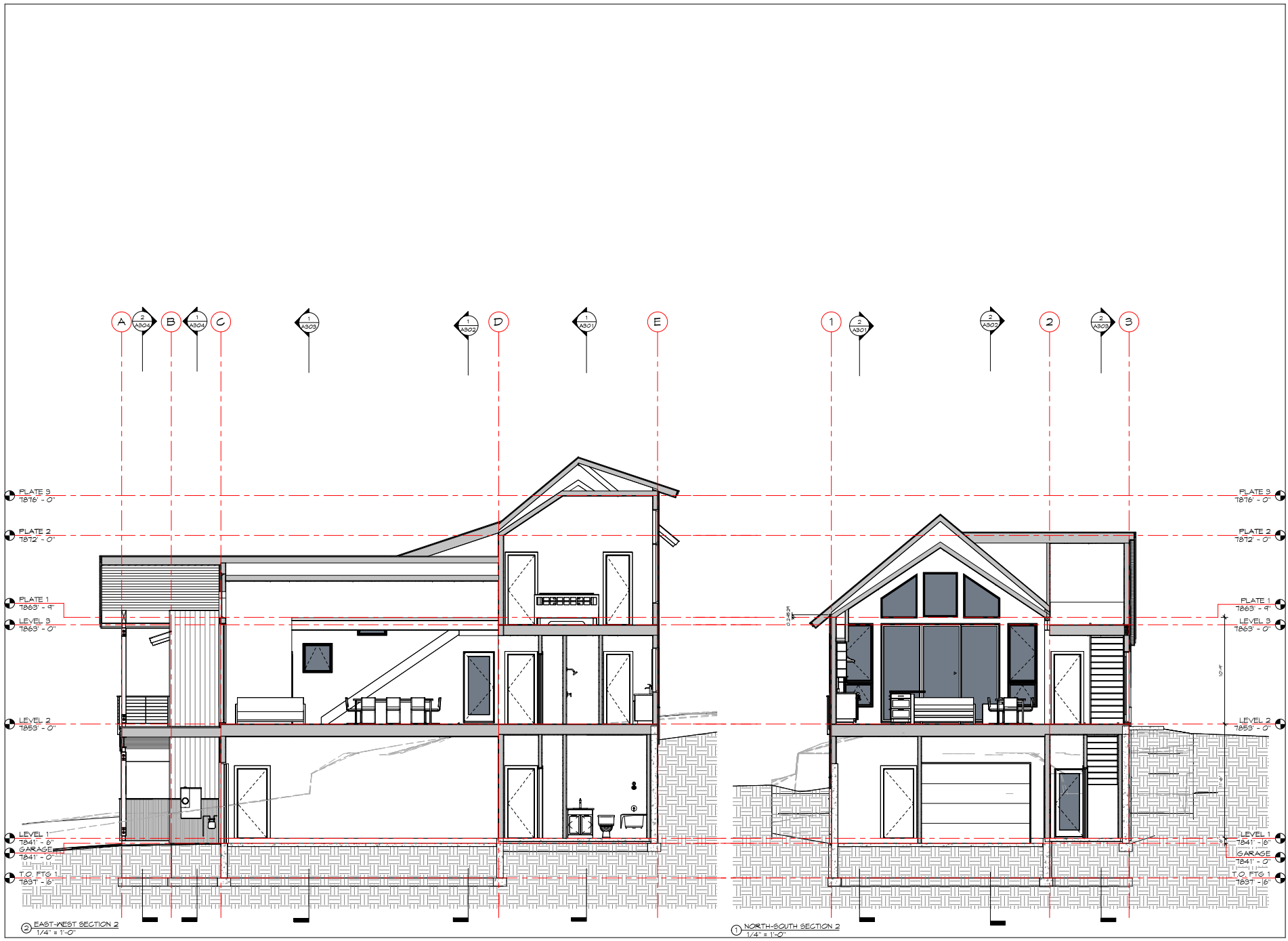
WEST & NORTH ELEVATIONS

A201









② EAST-WEST SECTION 2  
1/4" = 1'-0"

① NORTH-SOUTH SECTION 2  
1/4" = 1'-0"

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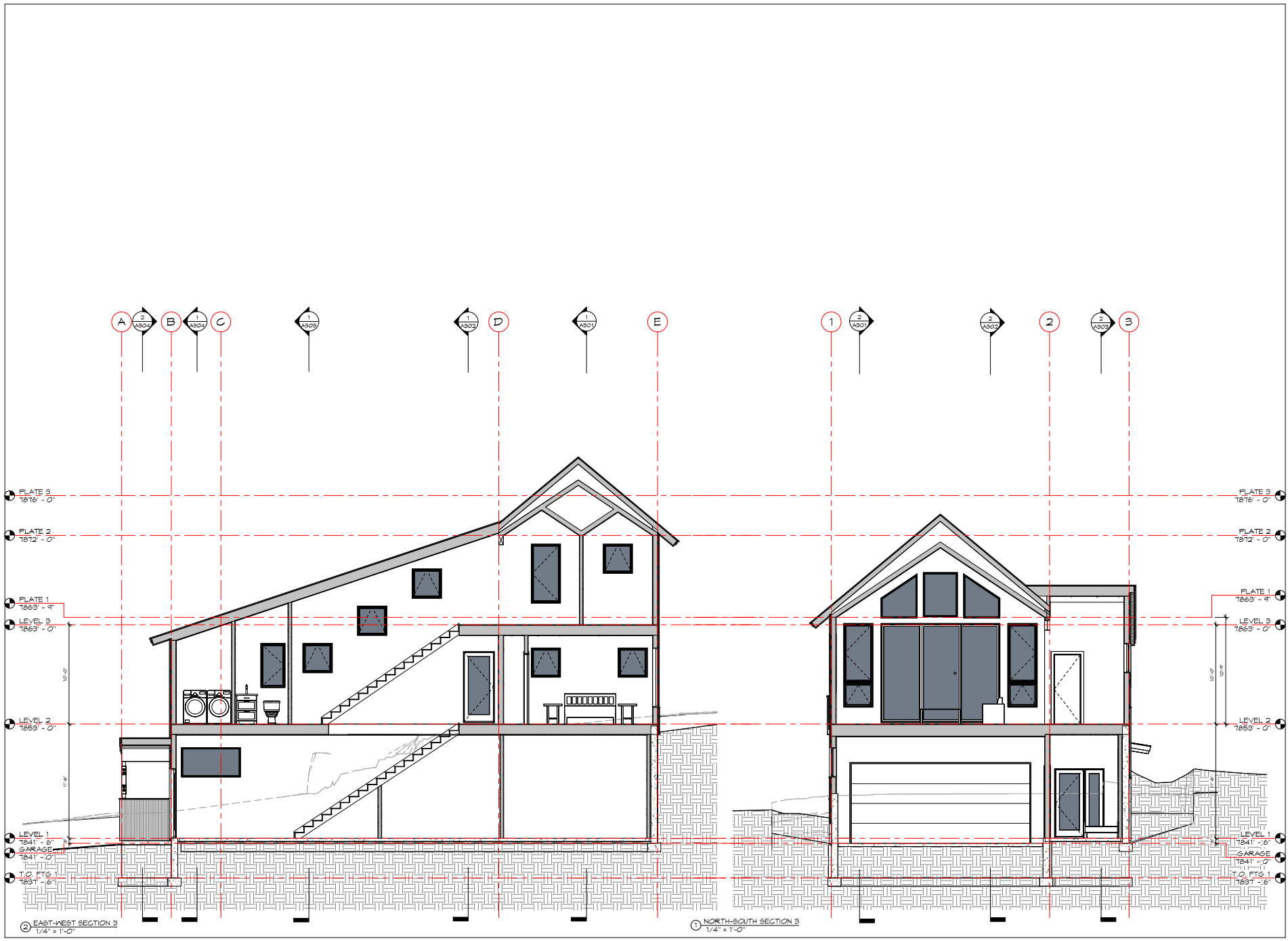
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#	Description	Date
1	Issue for Construction	02/14/23

Project Number: 2209  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A302



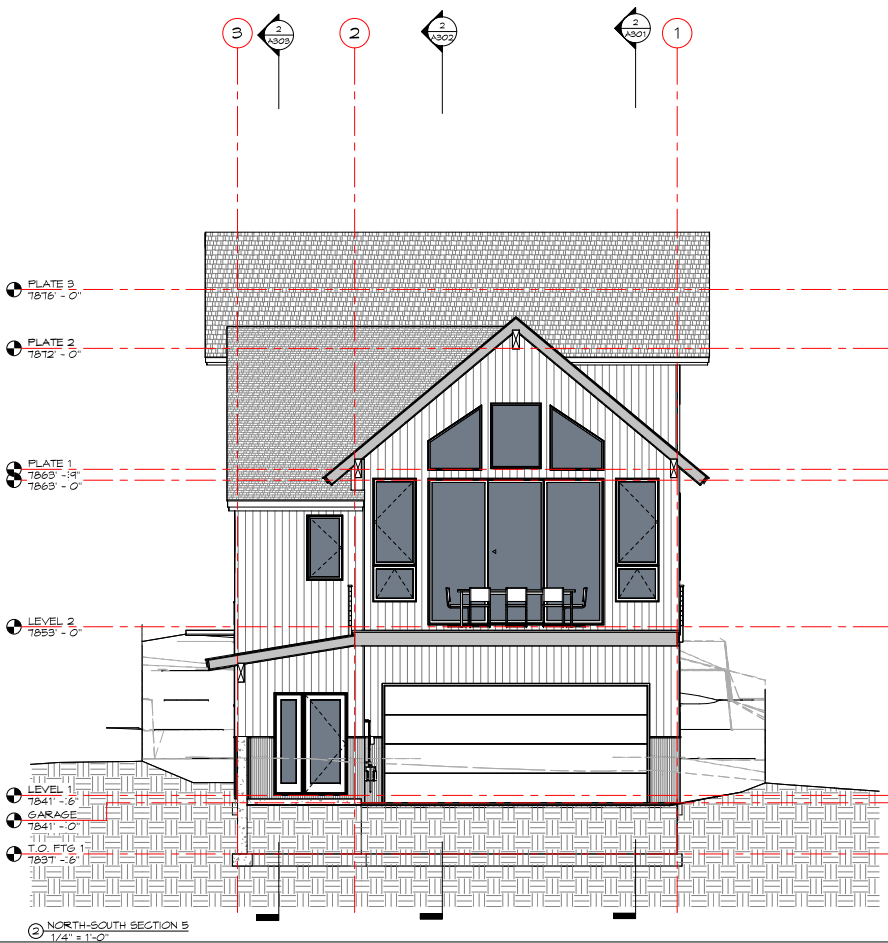
**mpp design shop, inc.**  
 PO Box 288  
 Gypsum, CO 81637  
 (970) 390-4931  
 michaell@mpdesignshop.com

**Nowhere Residence**  
 Parcel Number: 2103-262-22-002  
 Lot 7A, DBC Subdivision  
 386 Taylor Street  
 Minturn, CO 81645

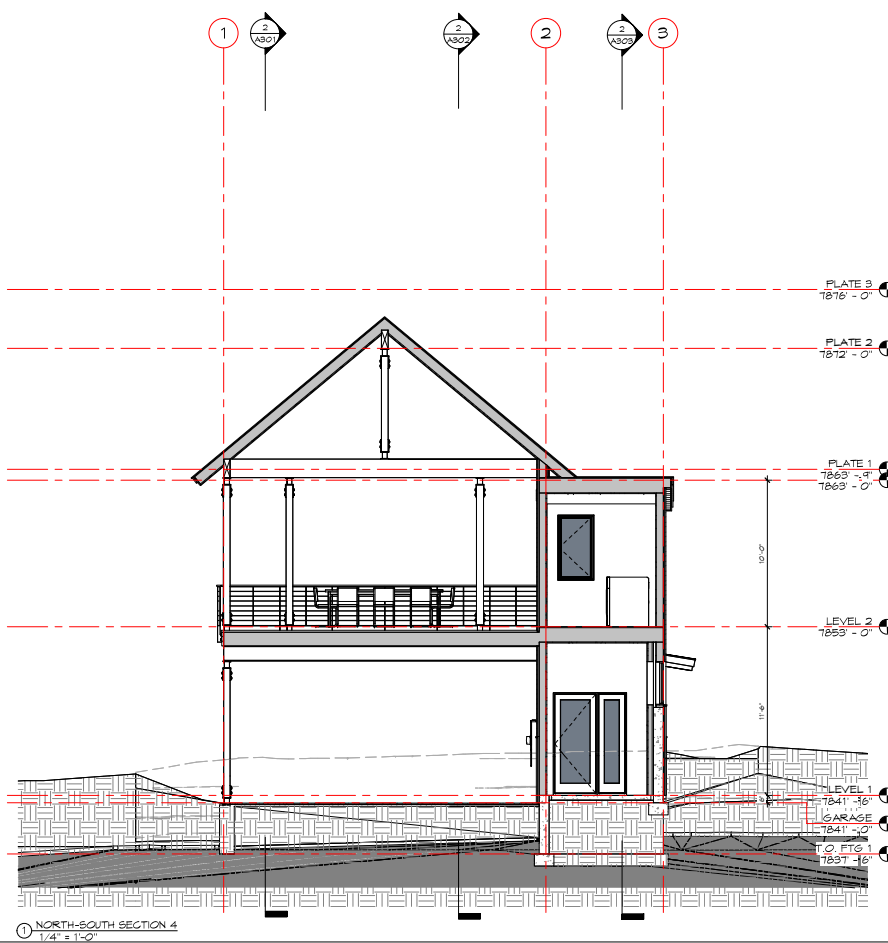
Project Number: 2209  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

**BUILDING SECTIONS**

**A303**



⑤ NORTH-SOUTH SECTION 5  
1/4" = 1'-0"



④ NORTH-SOUTH SECTION 4  
1/4" = 1'-0"

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(970) 390-4931  
michell@mppdesignshop.com

Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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#	Description	Date
1	Issue for Construction	02/20/23

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A304



## Design Review Board Hearing

---

### Jones Residence Variance Request 832 Main Street

---

<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	Jones Variance Request
<b>Owner/Applicant:</b>	Pamela and Craig Jones
<b>Representative:</b>	Michael Pukas, MPP Design Shop, Inc.
<b>Legal Description:</b>	South Minturn Addition, Lot 35
<b>Address:</b>	832 Main Street
<b>Zoning:</b>	South Town Character Area – Residential Zone District
<b>Staff Member:</b>	Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval</b>

---

### Staff Report

#### I. Summary of Request:

The Applicants, Pamela and Craig Jones, request review of a safety fence located within the 30 foot live stream setback at 832 Main Street in the South Town Residential Zone District. The Applicant’s Representative Michael Pukas has been proactive in meeting with Town staff prior to submitting the variance request.

#### **Proposed Plans**

The applicant is proposing to install a new safety fence at the edge of a steep embankment leading to Eagle River within the live stream setback. The new safety fence would be 3.5 feet tall, constructed with 4x4” wood posts and 4x4” black welded wire mesh in order to protect the Applicant’s pets, family, and friends from falling down the steep riverbank.

Section 16-2-50 – Specific Lot Requirements and Dimensional Standards, of the Minturn Municipal Code (MMC) is applicable with regard to improvements within the stream setback:

- (a) *Portions of a lot contained in a river or creek as defined by the ordinary high-water mark, shall not be included in the lot's square footage for purposes of*



*calculating the maximum building lot coverage or the maximum impervious surface area.*

*(b) Setback from river/creeks. A strip of land measured horizontally from the ordinary highwater mark on each side of any live creek shall be protected in its natural state. If necessary to protect the river or creek, additional river/creek setback may be required. **Underground utilities may be located in the river/creek setback; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated. Otherwise, river and creek setbacks are to remain natural vegetation.***

*(c) The river or creek setback shall remain, or be re-vegetated to, natural riparian vegetation. **No manmade structures may be placed in the river or creek setback except as permitted by this [Chapter 16](#).***

As reference in subparagraph (b) above, the only apparent improvements permitted within the live stream setback area are underground utilities which would be approved via Conditional Use Permit. Staff does not believe Section 16-2-50 of the MMC contemplates situations such as the one presented at the Jones residence where there may be a valid need for fence or other enclosure for safety reasons.

The Applicant is requesting a variance from the following:

- **30 Foot Live Stream Setback** – Based on the topography of the land and previous disturbances, there is at one point a rapid change in elevation of about 10 feet. This change in elevation is within the 30 foot live stream setback, but due to safety reasons needs to be fenced off.

At this time, staff can only suggest that a variance is appropriate for the rear yard safety fence based on extraordinary circumstances which pose safety concerns.

Staff is **recommending approval** of the variance request from the strict interpretation and application of the Town’s Setback requirements.

## **II. Zoning Analysis:**

### **Zoning**

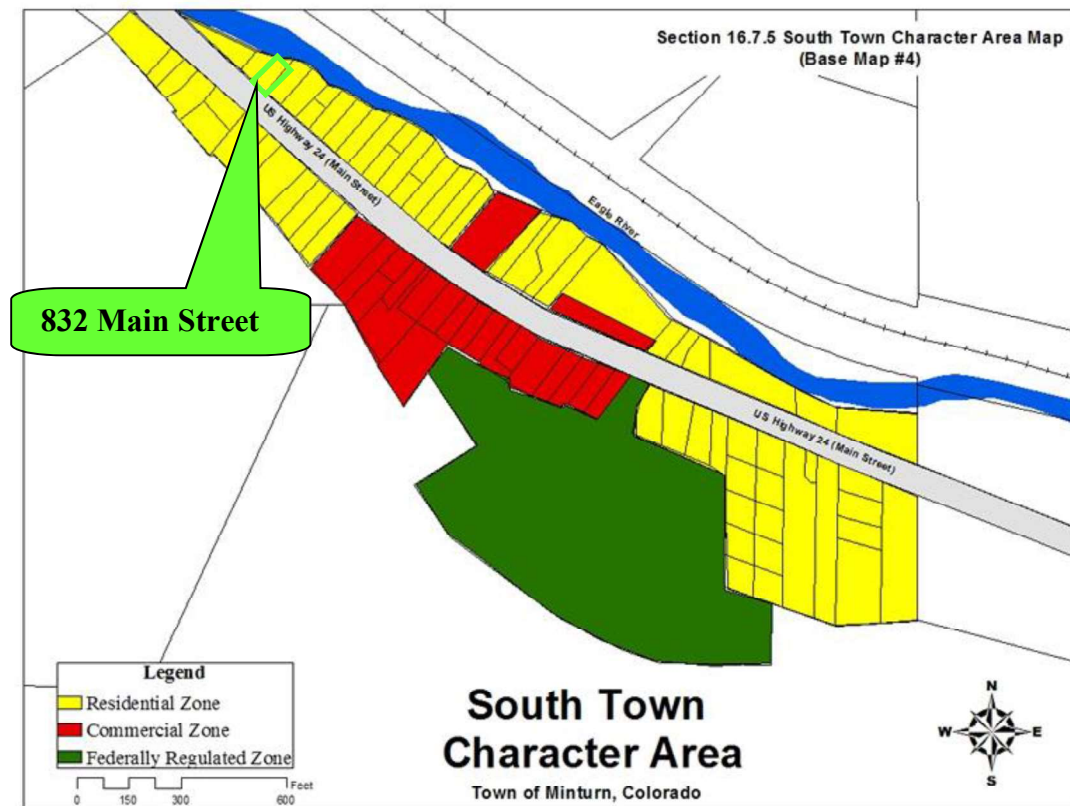
The subject property is located within the “South Town Character Area” Residential Zone District, described as follows:

- (a) The neighborhood is bisected by Highway 24 and is **characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.***
- (b) The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and*

redevelopment should preserve the unique character and scale of the neighborhood. **An objective is to retain the residential areas as quiet and safe neighborhoods** while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.

- Town of Minturn Town Code Section 16-7-20

Figure 1: South Town Character Area Zoning Map



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

**Variance**

The Town Code provides the following purpose, intent and criteria for the approval of a variance:

**Sec. 16-21-690. - Variances.**

**(a) Purpose of provisions; limitations.**

*(1) In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*

*(2) Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.*

*(3) The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this Chapter is provided by Sections 16-21-620, Conditional Use Permits, and Division 3 of this Article, Amendments to text of Land Use Regulations or Character Area and Zone District Map.”*

**(c) Approval criteria.** *Before acting on a variance application, the Planning Commission and the Zoning Board of Appeals shall consider the following factors with respect to the requested variance:*

*(1) The relationship of the requested variance to other existing or potential uses and structures in the vicinity;*

*(2) The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;*

*(3) The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and*

*(4) Such other factors and criteria as the Planning Commission and Zoning Board of Appeals deem applicable to the proposed variance.*

**(d) Findings required.** *The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:*

*(1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;*

*(2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;*

*(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.*

*(4) There is no substantial impairment to the public that would result from the granting of the variance.”*

**Staff Response:**

As noted above, the Planning Commission must make positive findings for all four variance criteria. Although no one criterion should be weighted differently or considered more important, the first two criteria are typically the most difficult to establish.

In this instance, the Applicant will be required to demonstrate an ‘extraordinary circumstance,’ ‘physical hardship,’ and/or ‘practical difficulty’ when the regulations are applied strictly and literally to their property.

Staff suggests that the intention of the 30 foot live stream setback is to maintain a riparian area and the natural riverbank for the health of the river. This section of riverbank has long been disturbed and is currently a rock retaining wall. The Applicant’s representative will be providing pictures at the public hearing of the current conditions.

With essentially a 10 foot drop off at one point, and pets, family, and friends anticipated using the back yard, there may be a case for physical hardship and/or practical difficulty to allow for the construction of a safety fence.

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

Staff recommends that the Applicant’s request for a variance for relief from the strict application of the Town’s Live Stream Setback limits at 832 Main Street may be granted as the request generally meets all variance criteria, particularly for physical hardship and practical difficulty.

Staff is **recommending approval** of the variance request.



# VARIANCE APPLICATION

**TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT**  
 P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
 Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

**Project Name:**

Jones Residence

**Project Location**

Street Address: 832 Main Street

Zoning: **Residential**

Parcel Number(s): **2103-351-02-003**

**Application Request:**

To build a 3'-6" high safety fence on-grade within the 30' high water mark setback

**Applicant:**

Name: Michael Pukas, mpp design shop, inc.

Mailing Address: PO Box 288, Gypsum, CO 81637

Phone: (970) 390-4931

Email: michael@mppdesignshop.com

**Property Owner:**

Name: **Craig & Pamela Jones**

Mailing Address: 265 Willow Glen Court  
 Boulder, CO 80302

Phone: (650) 384-5811

Email: craig@TPEBoulder.com

**Required Information:**

Lot Size: 0.13 acres, 5,695 SF	Type of Residence (Single Family, ADU, Duplex) Single Family	# of Bedrooms 5	# On-site Parking Spaces 4
# of Stories: 2	Snow storage sq ft:	Building Footprint sq ft:	Total sq ft Impervious Surface:

**Signature**

**Fee Paid:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Planner:** \_\_\_\_\_



## VARIANCE APPLICATION

### SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant    Staff



**Application Fee** (Non-Refundable application fee shall be collected)

- Planning Commission Review - \$575 + Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

**RESPOND TO THE FOLLOWING QUESTIONS:**

1. Please describe the nature of the requested variance: \_\_\_\_\_

To build a 3'-6" high safety fence on-grade within the 30' high water mark setback

---

---

2. Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that does not apply generally to other properties in the same zone? (If yes, please elaborate): \_\_\_\_\_

The lot has been in-filled by previous owner(s) and there is a steep rock wall along the edge of the river, approximately 10' high. There was a fence built along of the top of the rock wall that was in disrepair.

---

The current owners desire to reconstruct the fence for the safety of people and pets.

---

3. Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zone code! (if yes, please elaborate): \_\_\_\_\_

The Municipal Code does not allow for improvements to be made within the 30' Highwater Mark Setback.

---

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**Vicinity Map**

-- Directional Map indicating how to get to the Property involved in the request.

- Zoning of Property



**Improvement Location Certificate of Survey (ILC or ILS)**



**Site Plan showing Precise Nature of the Proposed Use – To Scale**

- Scaled Drawings of Proposed Design of Structure
  - Plan View and Sections
- Building Heights – all 4 directions N/S/E/W
- Topography

- Building Location
- Setbacks
- River or Creek Setbacks
- Parking Plan
- Traffic Circulation
  - Location and Width of Existing and Proposed Access Points
  - Location of Existing Driveways and Intersections
- Landscaped Area – Plan
- Approximate Location of Existing Wooded Areas and Rock Outcrops
- Location and Type of Existing and Proposed Easements
- Utility Easements
- Drainage Features



**Preliminary Building Plans and Elevations**

- Indicates Dimensions
- General Appearance
- Scale
- Interior Plan for the Buildings



**Elements needed on the Site Plan**

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage



**Architecture Details – Materials Board**

- Windows – Placement and Color
- Doors – Placement and Color
- Siding – Type and Color
- Roof Material – Type and Color
- Paint Color

The Planning Commission and Town Council are required to make the following findings before granting a variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of the zoning code;
4. There is no substantial impairment to the public that would result from the granting of the variance.

**LETTER**

**mpp design shop**

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
[michael@mppdesignshop.com](mailto:michael@mppdesignshop.com)

---

April 26, 2022

Town of Minturn  
**Attention: Planning Department**  
302 Pine Street  
P.O. Box 309  
Minturn, CO 81645  
Tel: (970) 827-5645  
Fax: (970) 827-5545  
e-mail: [planner@minturn.org](mailto:planner@minturn.org)

Regarding: Jones Residence

Location: 832 Main Street  
Minturn, CO 81645  
Parcel Number: 2103-351-02-003  
South Minturn Addition, Lot 35

This is a request for a Variance Application to construct a safety fence within the 30' high water mark setback along the north and south property lines, and along the top of the rock wall adjacent to the river bank.

At some point in the past, the lot had been filled in by approximately 6'-10' to make it level to the street, and a steep rock wall was constructed along the river bank. Previous owners of the property had constructed a fence, deck and shed that covered the majority of the back portion of the lot. These improvements were made prior to the Minturn Municipal Code being created, and prior to the requirement of a 30' setback from the highwater mark. All of the previous improvements were poorly constructed originally, had not been maintained over time, and were not suitable for continued use. All such existing prior improvements have been removed.

When the application for design review for the proposed Jones Residence was first presented in March 2021, the safety fence was discussed. The owners are concerned about the safety of the pets, and family and friends, and would like to re-construct a similar safety fence as was previously existing. The proposed safety fence would encroach into the 30' highwater mark setback along the north and south property lines, and along the top of the rock wall adjacent to river on the east side of the lot. The fence would be 3'-6" high, and be constructed of 4x4 wood posts set into 12" concrete piers, a 2x6 wood top rail, and a 4x4 welded wire mesh, painted black.

It is understood that the intention of the 30' highwater mark setback is to maintain the natural riparian vegetation along the river corridor. However, since the lot has been filled in and the steep rock wall has been constructed, the current state of the lot is far from a natural state.

Thank you for your consideration.

**SIGNED:** Michael Pukas

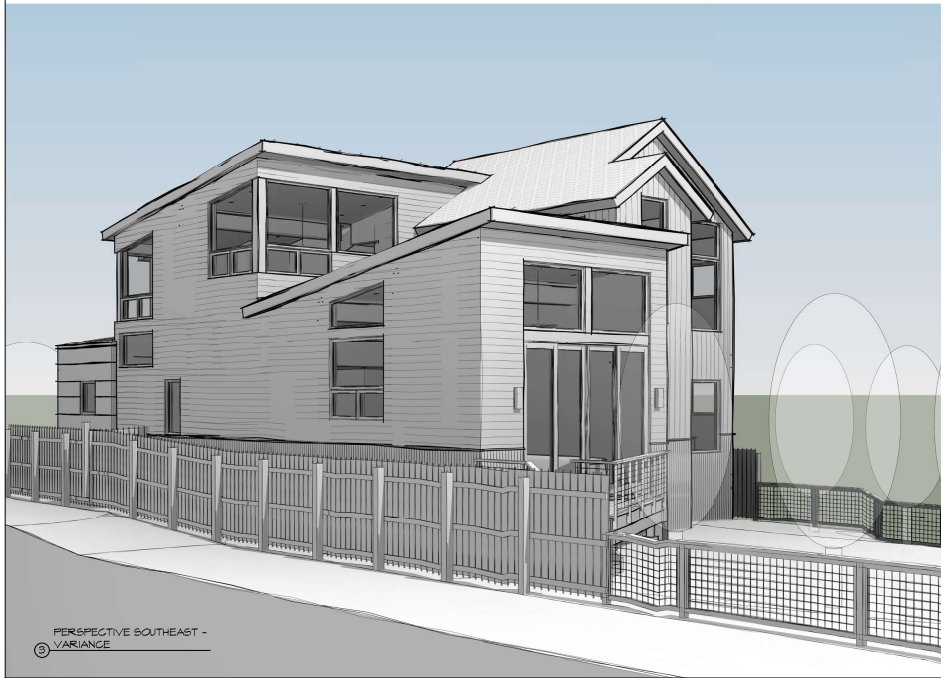
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PERSPECTIVE NORTHEAST -  
② VARIANCE



AERIAL VIEW NORTHEAST -  
② VARIANCE



PERSPECTIVE SOUTHEAST -  
③ VARIANCE



AERIAL VIEW SOUTHEAST -  
① VARIANCE

mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michell@mppdesignshop.com

Jones Residence  
832 Main Street  
Minturn, CO 81445  
Parcel Number: 2103-35-31-02-003  
South Minturn Addition, Lot 35

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#	Description	Date
01	Final	02-22-22

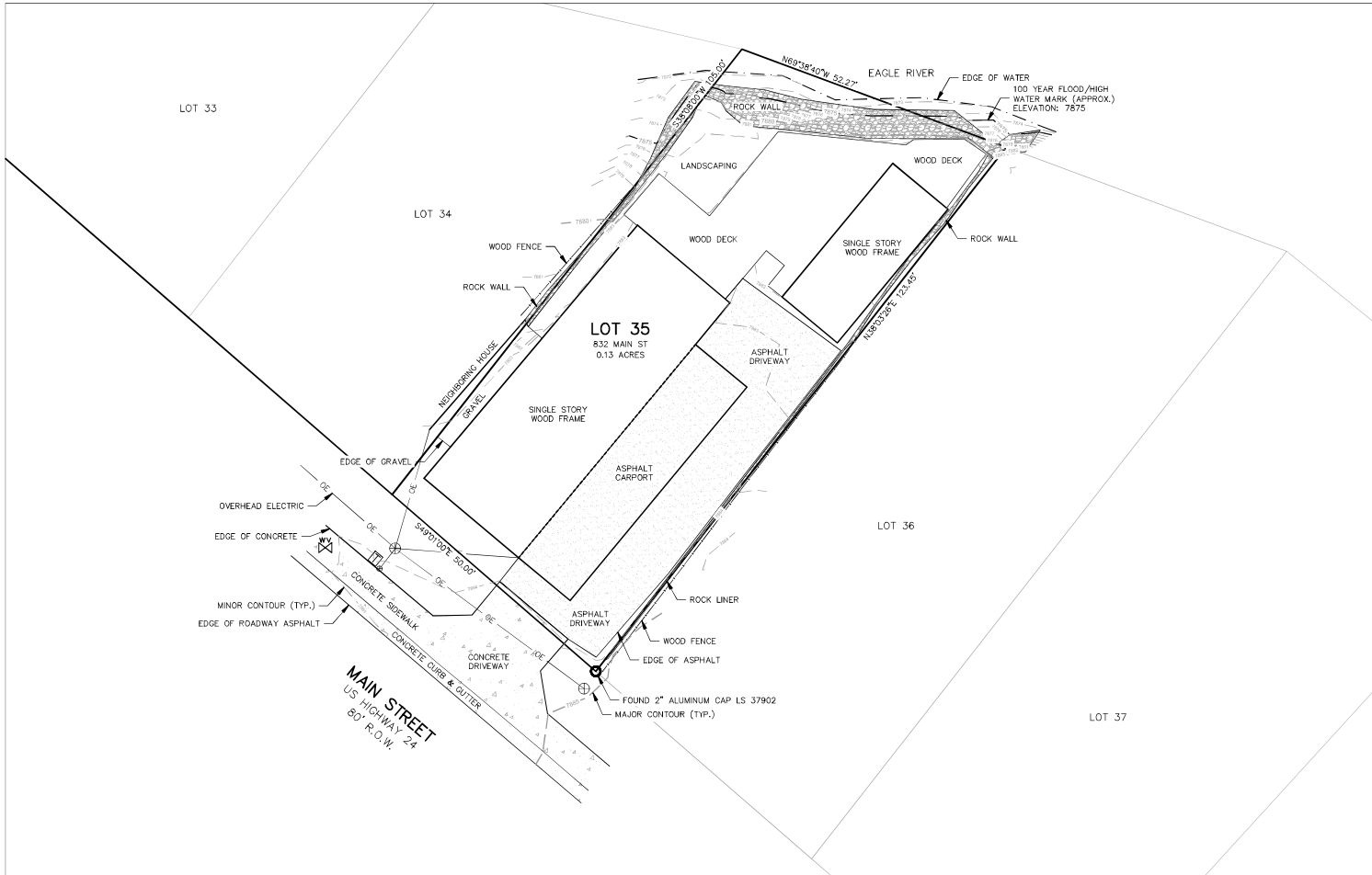
Project Number: 2005  
Designed by: Author  
Drawn by: Author  
Checked by: Checker

EXTERIOR VIEWS

V-01

# EXISTING CONDITIONS SITE MAP LOT 35, SOUTH MINTURN ADDITION

Section 35, Township 5S , Range 81W of the 6th Principal Meridian  
County of Eagle, State of Colorado



**LEGAL DESCRIPTION**

Lot 35, South Minturn Addition to the Town of Minturn, recorded on March 1, 1978 at Reception No. 163774 at the Office of the Clerk and Recorder, County of Eagle, State of Colorado.

**NOTES**

- 1) Survey Date: September 22, 2020.
- 2) Contour Interval: 1-foot.
- 3) Elevation datum: Marcin Engineering control point #58, CDOT Minturn Resurfacing Project. Elevation = 7884.52.
- 4) This Survey does not constitute a boundary survey nor any investigation into record assessments or encumbrances associated with this property. No Title Commitment was supplied to the Surveyor.
- 5) Utilities are shown approximately and should be field verified prior to excavation.
- 6) Marcin Engineering LLC does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 7) STREET ADDRESS: 832 Main Street, Minturn, CO 81645.
- 8) Parcel Boundary was based on the found 2" aluminum cap at the southern property corner of Lot 35.
- 9) This is not a monumented survey, Land Survey Plot, or Improvement Survey plot. No boundary resolution was performed in making this survey. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.
- 10) No Title Commitment was performed for this survey.
- 11) High water mark: No high water mark was visible. Assume 100-year flood elevation is equal to high water mark. High water flood elevation of 7875 feet was obtained from Eagle County FEMA information collaboration on Eagle County GIS website.

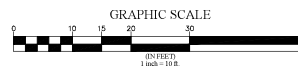
**SURVEYOR'S CERTIFICATION**

I, Raymond M. Eiko, a Professional Land Surveyor in the State of Colorado, hereby certify that this Existing Conditions Site Map of 832 MAIN STREET was done by me or under my direct supervision and that both are accurate to the best of my knowledge.

Raymond M. Eiko, P.L.S. 38444  
Colorado Professional  
Land Surveyor



LEGEND	
	CONCRETE
	ASPHALT
	ROCK
	FOUND ALUMINUM CAP
	UTILITY POLE
	WATER VALVE
	TELEPHONE PEDESTAL



TOPOGRAPHIC MAP LOT 35, SOUTH MINTURN ADDITION Town of Minturn, County of Eagle, State of Colorado	
DRAWN BY: TLV	DATE: 9/23/2020
CHECKED BY: RME	DRAWING NO.: TOPO
JOB NO. 20074	SHEET 1 OF 1

**MARCIN ENGINEERING LLC**

101 EAGLE RD, #5  
P.O. BOX 1062  
AVON, CO 81620  
(970) 748-0274



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.

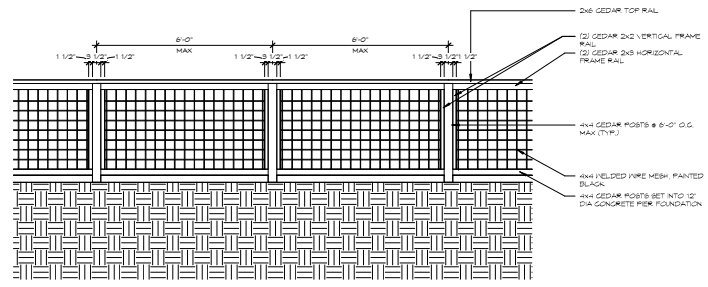


LOT AREA & ALLOWABLE COVERAGE		
EFFECTIVE LOT AREA	BUILDING LOT COVERAGE	IMPERVIOUS SURFACE COVERAGE
8,808 SF	- 40%	- 50%
	2,323 SF	2,784 SF

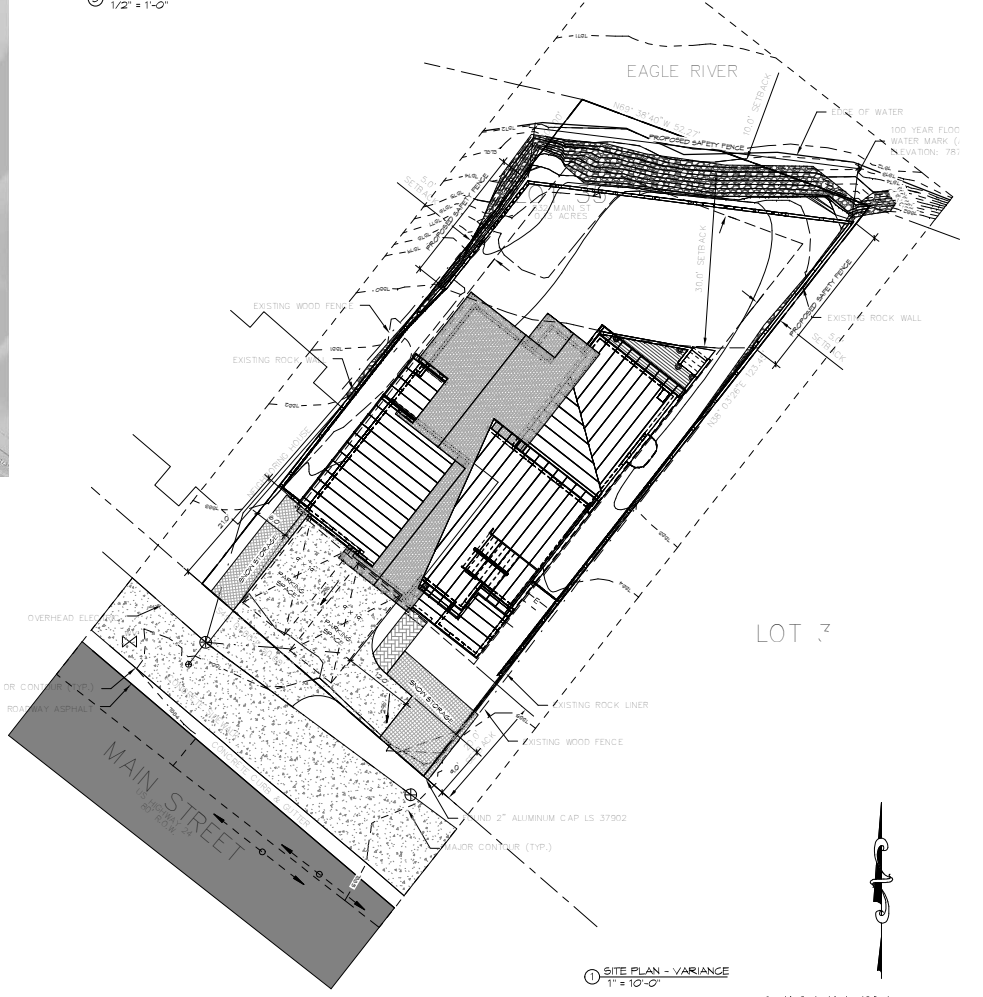
LOT AREA	
Name	Area
LOT AREA	8,808 SF
EFFECTIVE LOT AREA	9,508 SF



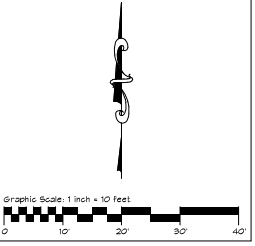
**PROJECT LOCATION:  
832 MAIN STREET**



③ SAFETY FENCE  
1/2\"/>



① SITE PLAN - VARIANCE  
1\"/>



mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michell@mppdesignshop.com

Jones Residence  
832 Main Street  
Minturn, CO 81445  
Parcel Number: 2103-35-31-02-003  
South Minturn Addition, Lot 35

© 2005 Professional Engineer, The Colorado State Board of Engineering, Inc. The Colorado State Board of Engineering, Inc. is the sole authority on the design of this project. All drawings and specifications are subject to change without notice. The contractor is responsible for obtaining all necessary permits and for compliance with all applicable codes and regulations. This drawing is to be used only for the project and site identified above. It is not to be used for any other purpose without the written consent of the engineer.

#	Description	Date
1	Issue	03-29-05

Project Number: 2005  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

SITE PLAN

V-AS  
101

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



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

## **Planning Commission Public Hearing**

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### **International Trade Center Building**

### **Conditional Use Permit for Residential Land Use**

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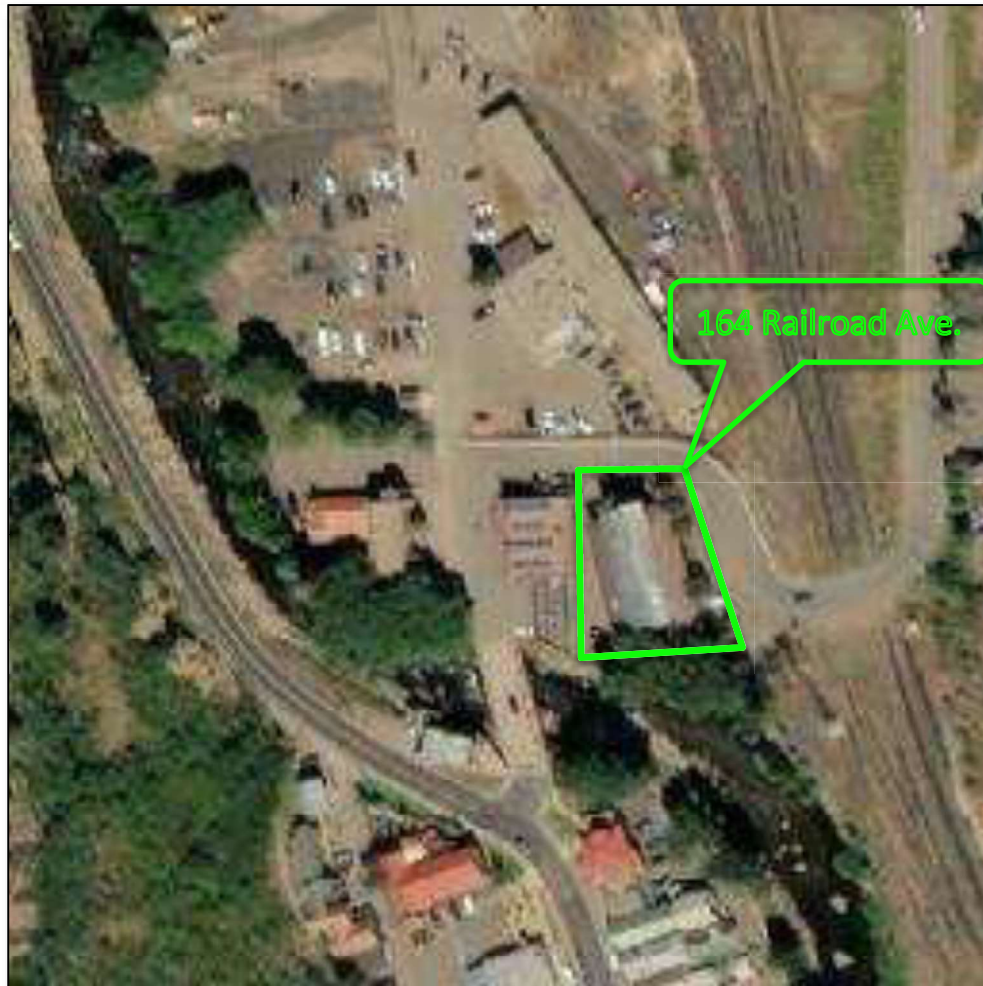
<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	International Trade Center Building - Conditional Use Permit
<b>Owner/Applicant:</b>	Minturn International, LLC.
<b>Representative:</b>	Tim McGuire
<b>Legal Description:</b>	Lots 1-4, Block B, Booco Subdivision
<b>Zoning:</b>	Old Town Character Area - Old Town Commercial Zone District
<b>Staff:</b>	Scot Hunn, Planning Director Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

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### **Staff Report**

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

The Applicant, Minturn International, LLC., requests review of a new Conditional Use Permit for residential and professional office uses at the International Trade Center Building (ITCB) located at 164 Railroad Avenue.



**Figure 1: Vicinity Map**

Minturn International, LLC., purchased the International Trade Center Building in December 2020. The ITCB has historically been used for a mix of professional office/commercial and residential purposes. Prior to and following the purchase of the ITCB, the Applicant conducted due diligence including meeting with Town of Minturn staff to verify existing uses within the ITC building, previous approvals of existing uses, and current code requirements to allow for continued use of the property for commercial and residential purposes. A result of that due diligence was the realization that several existing uses within the building had never been formally approved via the Conditional Use Permit process. Simply, the Town's records were either non-existent or inconsistent with regard to existing uses and improvements.

The Applicant is now proposing to bring all existing and proposed uses within the ITCB into compliance with the zoning requirements by applying for a CUP.

As outlined within this report, **staff is recommending approval with conditions** of the International Trade Center Building Conditional Use Permit because the requested permit complies with the Town’s standards and land use policies.

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

This is a Conditional Use Permit (CUP) review by the Town of Minturn Planning Commission. In this role, the Planning Commission is responsible for review of CUPs and for forwarding recommendations to the Town of Minturn Town Council for approval, for approval with conditions, or denial of CUP requests in accordance with the standards, criteria and findings outlined in Section 16-21-620 – *Conditional Use*, Minturn Municipal Code.

Specifically, the Planning Commission’s recommendation and any action of the Town of Minturn Town Council should be based on the following standards and findings:

*(e) Conditions and procedure of issuance.*

*(1) The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application*

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.*

*(2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:*

*a. The relationship and impact of the use on the community development objectives of the Town.*

*b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

*c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*

*d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

- e. *Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*
1. *That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*
  2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
  3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

### **III. Chronology/Background:**

As noted above, the Applicant purchased the International Trade Center Building in 2020 with intentions to maintain existing, historic professional office and multi-family residential uses; to finish and/or renovate existing unused spaces into four (4) additional residential units; and, to seek formal approval of those uses (namely professional office and multi-family residential) requiring a Conditional Use Permit within the Old Town Commercial Zone District. Per the application narrative:

*“Minturn International LLC, (the “Owners”) are looking to officially recognize the existing historic conditional uses that have been ongoing at the Property for at least the past two decades (and likely much longer). Nearly 100 years ago, the building was a YMCA that housed railroad workers, through the years it has been a mix of residential and commercial use. The existing sign on the building which is well over a decade old indicates it is "Commercial and Residential". In addition to recognizing the existing uses, we are proposing to extend the conditional use permit to include the conversion of five existing commercial units into four additional residential units to be located on the upper floors of the building.”*

The Applicant has worked diligently with Town staff and others to evaluate existing conditions of the building, as well as existing uses and any previous approvals for existing uses. The result has been a collaborative relationship with the Town and other service providers (the Water Authority) to ensure that proposed uses can be properly permitted and served.

### **IV. Zoning Analysis:**

#### **Zoning**

The subject property is located within the “Old Town Character Area” Commercial Zone District. The description and purposes of the Old Town Commercial Zone District are as follows:



*“The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town’s retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.”*

- Town of Minturn Municipal Code Section 16-6-30

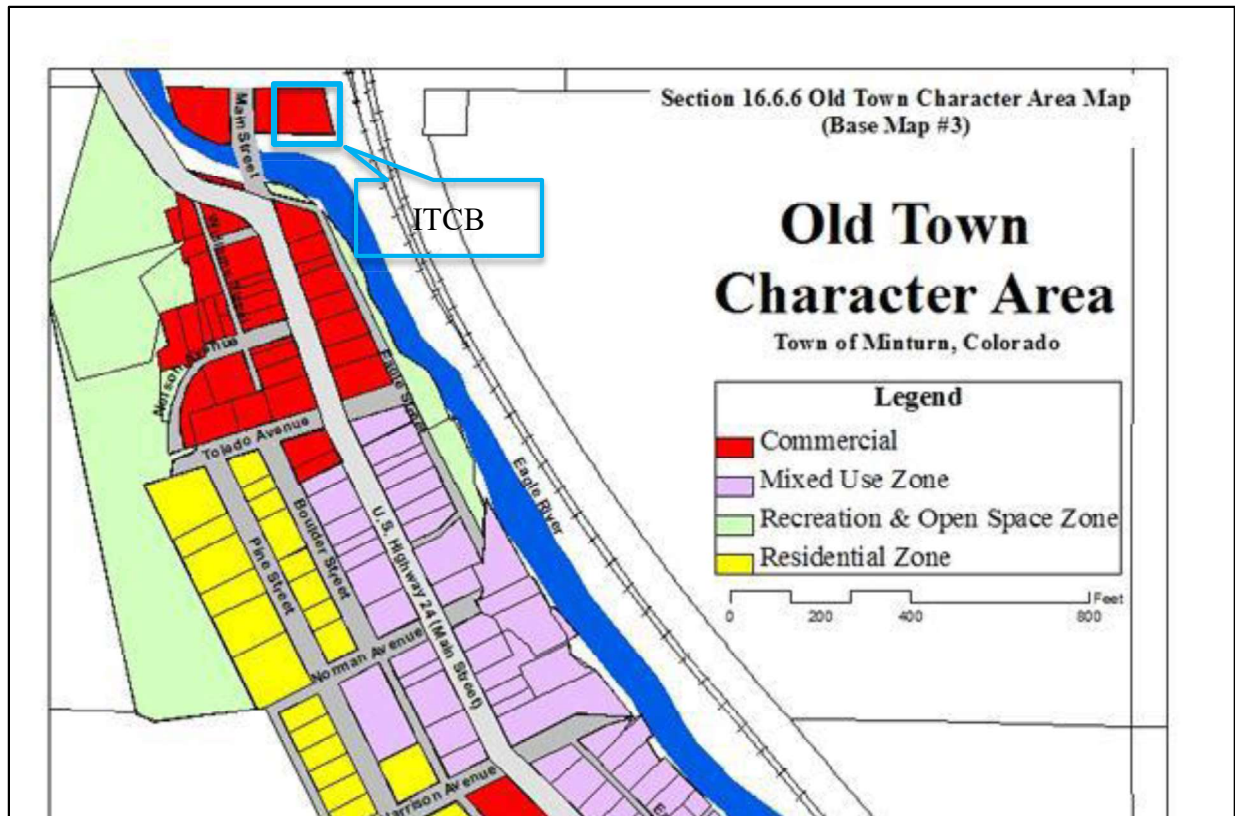


Figure 3: Old Town Character Area Zoning Map

### **Dimensional Limitations and Development Standards**

No improvements or alterations are proposed for the International Trade Center Building that would impact or invoke typical dimensional limitations such as setbacks, building height, lot, or impervious coverage. However, the addition of four (4) more multi-family residential units does trigger the parking regulations. The application contains a site plan showing twenty-three (23) existing parking spaces available on-site as well as detailed calculations for all existing and proposed units and uses within the building along with their corresponding parking requirements. Per the application:

*“The number of on-site parking spaces required based on existing uses and square footage is 28 spaces. The conversion of the second-floor offices into residential units will increase the number of spaces by 2 to 30. As allowed in Section 16-16-70 of the Town codes, we are requesting that the Planning Director allow a reduction in parking capacity as shown in the Net Parking row above. To arrive at this net parking figure, we are proposing that offices spaces (highlighted in red) are shared with the residential users since the offices at the building operate between 9 am – 5 pm during the week while our residents typically work during those times. Therefore, we are requesting that the office space not contribute to the overall parking requirement.”*

Section 16-16-70 – *Supplemental Parking and Loading Standards*, subsection ‘a’ of the Minturn Municipal Code states the following:

*(a) “Parking requirements for two (2) or more uses: The off-street parking space required for two (2) or more uses is the combined total of parking spaces required by this Article for both or all uses unless it can be demonstrated to the Planning Director that joint parking arrangements are acceptable.”*

Staff analyzes the parking requirements in Section V – Issues and Discussion Topics, below.

## **V. Issues and Discussion Topics:**

### **Parking**

The Applicant has provided detailed calculations for existing and proposed parking requirements and staff has conducted a site visit to the International Trade Center Building to better understand existing uses within the building as well as available parking. In this case, staff suggests that the request for a shared or “joint” parking arrangement is acceptable but that the Applicant should be required to provide a parking management program or plan to the Town as a condition of any CUP approval. Because the building will be managed by the new ownership group, staff believes that any shared parking plan or arrangement can also be best managed by the ownership or a separate management company to ensure that parking is, in fact, shared without major incident or conflicts. The Planning Director is recommending approval of a shared or joint parking arrangement in conformance with suggested Condition No. 1 found in Section VII – Staff Recommendation, on page 9.

### **Water Taps/SFEs**

The Applicant has met several times with the Town staff as well as Eagle River Water and Sanitation District to understand and confirm existing water taps already in use at the property, as well as the need for any additional taps (which would be limited due to the current Water Tap Moratorium). Staff and the District have determined that the property - specifically the proposed residential uses - can be served. There are currently 8.8 SFEs (Single-Family Equivalents) in use and the Applicant may purchase up to three (3) additional SFEs worth of water from the Town under the current Water Tap Moratorium for a total of 11.8 SFEs. The Applicant confirmed with the Town and the District that the total usage including existing and proposed commercial and residential uses equals 10.8 SFEs.

## **VI. Staff Findings and Analysis:**

The following section provides staff responses to each of the applicable Conditional Use criteria.

- a. The relationship and impact of the use on the community development objectives of the Town.*

### **Staff Response:**

The continued use of the historic International Trade Center Building for professional office and multi-family uses is in line with the purpose, intent and objectives of the Old Town Commercial Zone District and it supports the Town's development, economic and environmental goals and policies.

- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

### **Staff Response:**

The International Trade Center Building has been used for years - decades - as a mixed-use building, housing residential and commercial uses. The proposed conversion of existing spaces into residential units continues this trend and makes best use of the building and its location. Simply, it is staff's opinion after touring the building and considering its location relative to Main Street, the continued and slightly expanded residential uses are appropriate and will contribute to the vitality of the Old Town area by placing population near transportation, shopping, dining, and park areas (Eagle River Park) while ensuring that future population growth in this area, however small, is served by existing public facilities and infrastructure.

- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*

### **Staff Response:**

The existing conditions at the International Trade Center Building include on-site parking, along with some conflict points between Railroad Avenue and the subject property (Railroad Avenue encroaches upon the ITCB property). The Applicant has addressed existing conditions and parking within the application and has met with Town staff to discuss and confirm availability of lease parking from the Town if necessary to fulfill parking requirements. However, additional opportunities exist to address pedestrian safety in the vicinity of the ITCB. The Applicant and the Town have discussed the potential for improvements to pedestrian access behind the building (south side of the building, along the Eagle River) if a more global solution - one diverting pedestrian traffic away from Railroad Avenue - involving the ITCB and Saloon properties can be reached.

- d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

**Staff Response:**

While no physical improvements or expansions are proposed to the exterior of the existing International Trade Center Building, additional residential use within the existing building may increase the level of activity and vitality in and around the building. As noted in the application, the building has been used for years for office, storage, and residential uses. This is not anticipated or desired by the building owner to change. Therefore, formally recognizing existing residential units/uses, while adding four (4) more residential units should not have any material impact on the character of the area by way of noise, lighting, glare or dust. The uses are compatible with other residential and commercial uses occurring at the Minturn Mountain Hotel, the Minturn Towne Homes, the Saloon restaurant, and the Eagle River Inn property.

*e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*

*1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*

**Staff Response:**

Generally, the subject site is located within a historically residential or mixed use area, despite the “Old Town Commercial” zoning that has been in place for years. The Minturn Municipal Code sets forth the following description for the Old Town Commercial Zone District:

*“The Old Town Commercial Zone is located on either end of the 100 Block Commercial Zone. The Old Town Commercial Zone is also characterized by a compact commercial core area bisected by Main Street or Highway 24. The Old Town Commercial Zone, however, is adjacent to primary residential areas and does not extend off of the Highway 24/Main Street corridor. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.”*

Additionally, the MMC provides the following statement of the Town’s objective for the Zone District:

*“The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.”*

As mentioned in the application and as verified by staff, the ITCB has been used for years - decades - for essentially the same mix of office/commercial and residential uses serving largely local businesses and residents who make their living in and around Minturn. Formally recognizing and approving existing residential uses through the Conditional Use process as well as allowing for a small increase in the number of residential units (while maintaining commercial uses) aligns with the purpose and objectives of the Old Town Commercial Zone District by enhancing the vitality of the area, facilitating and/or supporting existing small businesses in the Town, and ensuring overall compatibility with surrounding uses.

2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

**Staff Response:**

The proposed ongoing use of the International Trade Center Building for office/commercial and residential uses should not be detrimental to the public health, safety or welfare, nor should such ongoing use be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code and any conditions of approval.

3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

**Staff Response:**

Proposed improvements (physical alteration of existing spaces within the International Trade Center Building) will be permitted via the building permit process and therefore will adhere to the Town's building code in effect at the time of permitting. Additionally, with a CUP approval for the ITCB, the Town will effectively be verifying that the proposed uses do, in fact, comply with the provisions of Chapter 16 - *Zoning* of the Minturn Municipal Code.

**VII. Staff Recommendation: Approval, with Conditions**

Staff is recommending approval, with conditions of the International Trade Center Building because the permit complies with the applicable standards and findings as well as the Town's comprehensive plan goals. Should the Planning Commission choose to recommend approval of the ITCB Conditional Use Permit request, the following condition(s) are suggested:

1. Prior to the issuance of any Certificate of Occupancy for any new residential units constructed within the International Trade Center Building (ITCB), the Applicant shall provide a parking management plan to the Town which the Town may approve at its discretion. The parking management plan may include but not be limited to a permit parking, monitoring, and enforcement system and protocols to be managed by the building



owner and/or management company on behalf of the building owner. The parking management plan shall run with the use of the ITCB and shall be binding on any subsequent building owner until such time that the use of the building is changed or the Conditional Use Permit for professional office and multi-family residential uses is terminated, revoked or becomes abandoned.



# CONDITIONAL USE PERMIT APPLICATION

## TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 - 302 Pine Street- Minturn, Colorado 81649-0309

Phone: 970-827-5645 Email: [planner@minturn.org](mailto:planner@minturn.org)

### Project Name:

Minturn International Building - Residential Use

### Project Location

Street Address: 164 Rail Road Ave

Legal Description (Lot, Block, Subdivision): 1-4, B, Booco

Parcel Number(s): 1-3

### Application Request:

To confirm authorization of conditional use of six existing residential units within the mixed use property, which use has been ongoing for decades. Additionally, the applicant is proposing to convert four additional second floor units to residential while maintaining the first floor as office and associated uses.

### Applicant:

Name: Minturn International LLC

Mailing Address: PO Box 6285, Avon CO 81620

Phone: 802-473-0275

Email: [tmcguires@hotmail.com](mailto:tmcguires@hotmail.com)

### Property Owner:

Name: SAME AS APPLICANT

Mailing Address:

Phone:

Email:

### Required Information:

Lot Size: 0.518 acres	Type of Residence (Single Family, ADU, Duplex) mixed use	# of Bedrooms see attached	# On-site Parking Spaces 25
# of Stories: 3	Snow storage sq ft: 2,695	Building Footprint sq ft: 6,030	Total sq ft Impervious Surface: 10,000 (not incl bldg)

### Signature:

*Timothy McGuire*

\$800+Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

Fee Paid: \_\_\_\_\_ Date Received: \_\_\_\_\_ Planner: \_\_\_\_\_

# CONDITIONAL USE PERMIT APPLICATION

## SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant      Staff

           **Application Form** (Please fill out the Form and Return with the Packet)

           **Letter of Intent** (As Detailed as Possible)  
-- What is the purpose of the project including;

- Relevant Background
- Current Status of the Site
- All Proposed Uses and Structures
- How the Proposal Differs from what already exists
- Information regarding Easements or Dedicated Tracts, etc.

           **Vicinity Map**  
-- Directional Map indicating how to get to the Property involved in the request.

           **Improvement Location Certificate of Survey (ILC or ILS), as appropriate**

           **Site Plan showing Precise Nature of the Proposed Use**

- Topography
- Building Location
- Parking Plan
- Traffic Circulation
  - Location and Width of Existing and Proposed Access Points
  - Location of Existing Driveways and Intersections
- Useable Open Space
- Landscaped Area – Plan
- Approximate Location of Existing Wooded Areas and Rock Outcrops
- Location and Type of Existing and Proposed Easements
- Utility Easements
- Drainage Features

           **Elements needed on the Site Plan**

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage

           **Description of precise nature of the proposed use and its operating characteristics and measures proposed to make the use compatible with other properties in vicinity.**

Minturn International LLC  
PO Box 6285  
Avon, CO 81620  
802-473-0275

Minturn Planning & Zoning  
Minturn Town Offices  
PO Box 309  
Minturn, CO 81645

3/8/2022

Dear Scot,

Attached please find this revised Conditional Use permit application for the Minturn International Building at 164 Railroad Ave. in Minturn CO (the "Property") that now includes responses to the suggestions from you 3/4/22 email. As we discussed at our February 3, 2022, site meeting, Minturn International LLC, (the "Owners") are looking to officially recognize the existing conditional uses that have been ongoing at the Property for at least the past two decades (and likely much longer). Additionally, we would like to extend the conditional use permit to include the conversion of five existing units into four converted residential units to be located on the upper floors of the building.

The Property is located in the Old Town Character Area within the Old Town Commercial Zone. This zone *"consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community."* An objective of this area is to *"facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale."* The Old Town Area Use Table indicates that "Multi-family dwellings" and "Professional Offices" are Conditional uses, although "Professional Activities" as well as "Business and office services" are a use by right.

The current Owners purchased the Property in December of 2020. In an October 21, 2020 email, your office indicated that the existing uses could continue but it was unclear if all of the existing uses were properly permitted, and even if they were properly permitted, if the Town had or maintained these permit records. It is also our understanding that any existing uses can continue pursuant to the Town's Pre-Existing Non-Conformities ordinance (Article 22). Your office reviewed existing Town files in October of 2021 and were only able to find documentation of the permits allowing the change of building use from a former hotel into an office building in the 1990's.

Currently the building is a mix of office, light industry, residential and associated storage space (see Sheets A0.0-A0.3). The Table below lists each unit, unit size, current use and parking requirements, as well as proposed; use, size and parking requirements based on Article 16 of the Town code. The building current contains six residential units; one residential unit on the basement level, one residential unit on the first floor and four residential units on the second floor. The building also contains several local business offices on the first and second floor. As indicated on the Site Plan, the Property has 25 parking spaces and ample snow storage on property.

The proposal is to add four residential units to the building by converting five units (units 210, 220, 230, 240 and 270) into four residential units as shown on the Proposed Second Floor Layout plan (sheet



A1.2). In addition, any second floor offices would be moved to the first floor in an attempt to reduce the number of units currently used as Storage to help invigorate and better use first floor units.

It is well documented in Eagle County of the dire need for more local housing. All of the residential units in the building have long term locally employed occupants in them, some have been in the building for over a decade. All of the residents work locally including occupations as teachers, food and beverage, construction, and sales. All the existing offices are also occupied by upper Eagle County residents and two are occupied by Minturn residents. We have sought to attract retail business to the Property but the lack of high visibility from any main roads, adequate parking, and pedestrian access from downtown Minturn have been significant deterrents.

Currently there are no retail uses located on the north side of Bellm Bridge as the true commercial core of Minturn is located along Main Street from the 100 Block South (see attached Vicinity Plan). It is the Owner’s goal to add much needed affordable residential units to the area while maintaining the existing first floor as mainly office use. This is compatible with the surrounding residential uses which include the Minturn Mountain Motel, Eagle River Inn, and the Taylor Street Townhomes all of which are located within 100 yards of the Property. The extension of the current uses and addition of four additional residential units is consistent with the objectives of the Old Town Commercial Zone.

**EXISTING AND PROPOSED USE TABLE**

Unit #	EXISTING				PROPOSED				
	Current Use	Current Tenant	Size (s.f.)	Current Parking Requirements	Proposed Use	Size (s.f.)	Proposed Parking Requirements	Parking Plan Allowance	Spaces #'s to be Included in Lease
150 Basement	Res -1 - Bd	Aspen S.	800	2	Res -1 - Bd	800	2	2	22, 25
100	Res - Studio	Tim D.	490	2	Res - Studio	490	2	1	5
110	Office	Brand On	490	2	Office	490	2	2	14, 15
120	Storage	Barbara N	350	1	Light Ind.	350	1	0	Part of unit 110
130	Office	Harrington Const.	495	2	Office	495	2	2	18, 13
140	Storage	Wild Mtn Cellars	250	0	Office	250	0	1	19
150 A	Office	Battle North LLC	720	3	Office	720	3	2	21, 23
150 B / C	Storage	Tim D.	280	0	Office	280	0	1	24
150 D	Light Ind.	Brand On	450	0	Office	450	0	1	20
200	Res - 1 BD	Chad W.	1200	2	Res -2 - Bd	1200	2	2	1, 2
210	Office	vacant	300	2	Res -1 - Bd	650	2	1	6
220	Office	vacant	230	1	Added to 210 / 230				
230	Office	Cougar Ridge Mgmt	250	1	Res -1 - Bd	550	2	1	8
240	vacant	vacant	800	0	Res -2 - Bd	900	2	2	9, 10
250 /260	Res - 2 BD	Barbara N	1075	2	Res -2 - Bd	1150	2	2	3, 16
270	Office	CO Prefab	375	2	Res - Studio	450	2	1	17
280	Res - 1 BD	Peter M	630	2	Res -1 - Bd	630	2	1	11
290	Res - Studio	Don M	255	2	Res - Studio	255	2	1	12
Required Guest Spaces (1/5 MF units)				2			2	2	4, 7
Gross Parking required w/out shared deduction				28			30	25	
Net Parking if Office Spaces are shared				16	Net Overnight Parking Required (office not			15	

**Proposed Parking Plan**

**Background** - The number of on-site parking spaces currently required based on existing uses and square footage is 28 spaces as shown in the table above. On any given day / evening, there are typically fewer than 14 vehicles parked at the building. The Owners have not experienced a single incident when

the parking lot has been at or near capacity. This can be attributed to business using spaces during office hours (M-F, 9am-5pm) when tenants are typically working as well as most units not needing the number of spaces required by code. Currently (except for the designated handicap space), the spaces are not designated. All lease agreements include the number of spaces allowed for each unit.

**Proposed Conditions** - With the conversion of the second-floor units to residential as well as eliminating some storage and promoting office on the first floor, a more active Parking Management Plan will be required. The goal of the plan is to ensure all tenants have sufficient parking for their needs. The conversion of the second-floor offices into residential units will increase the number of code required spaces by 2 to 30 (see “Proposed Parking Requirements” column in table above). As allowed in Section 16-16-70 of the Town codes, we are requesting that the Planning Director allow a reduction in parking capacity as shown in the “Parking Plan Allowance” column shown in the table above.

**Parking Management Strategies** – In order to control parking at the building the Owners are proposing to institute the following management strategies:

- Designate and label all spaces in the parking lot;
- Designate specific spaces that are included within each unit’s lease (see last column on table above);
- Add to lease agreements for office and commercial uses that overnight and weekend parking are not permitted without permission from the Owners and that their designated parking spaces may be used (during overnight and weekend) by residential guests;
- Add to lease agreements for any storage units that designated parking spaces are not included in the lease and parking is limited to 2-hour intervals;
- Ensure adequate snow removal in winter to prevent the loss of parking capacity;
- Actively manage the parking lot on a regular basis (Owner representative is on site regularly).

By adhering to the proposed Parking Management Strategies, we anticipate that the number of spaces on site is more than adequate. By actively managing and dedicating specific spaces to each unit, no more than 25 spaces would be required **in the unlikely event that every unit was parked at one time**. During most times it is anticipated that less than two thirds of the spaces will be used at any one time as shown in the “Net Parking” row in the table above. To arrive at this net parking figure, it has been our experience and we continue to anticipate that offices spaces (highlighted in red) will be unused outside of business hours (M- F, 9am – 5pm) and conversely residential spaces will be unused during business hours. In the unlikely event that future parking requirements cannot be maintained as outlined above, the Owners would be more than willing to enter into an annual lease for additional spaces either in the Minturn municipal parking lot or directly with UPRR but hesitate to reserve these spaces unless they are necessary.

**Water** – Town records show that the Property currently has reserved and is billed monthly for the equivalent of 6.8 Single Family Equivalents (“SFE”) of water usage. Commercial buildings are often assigned an SFE equivalency based on the size of the water main that serves the building, the International Building is served by two separate mains (presumably as it was once two separate buildings), a 1-½” and ¾” main respectively. On average, an SFE typically uses 6,000 gallons or more per month<sup>1</sup>. Monthly water bills over the past year show that the International Building is using on average 13,750 gallons per month, which is equivalent to approximately 2.3 SFEs worth of water, much lower

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<sup>1</sup> Water System Capital Improvement Plan for the Town of Minturn by SGM, September 30, 2019, Section 2.3 page 2-4

than the Property is currently designated and being invoiced for. It is not anticipated that the conversion of five offices into four apartment units will have a significant effect on water usage at the building. Three of the units are less than 750 square feet, the size at which the Town Code and Water Application refer to as an Accessory Unit which is equivalent to only 0.5 SFE. Even if each of the converted residential units consumed a full SFE's worth of water and there was no reduction in usage from the loss of five office units, the monthly usage would still be under the 6.8 SFEs that the building currently has.

There are no proposed modifications to the exterior of the building, all proposed renovations will affect the interior only. Upon approval of a Conditional Use permit, the applicant will complete final architectural drawings for building permit application.

The following is provided to indicated adherence to Section 16-21-620.d.2 of the Town Code:

- (2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:
  - a) The relationship and impact of the use on the community development objectives of the Town. *Old Town provides for low-impact retail/commercial and residential uses that support and enhance the friendly small town character. The continued use of the historic International Building as a mixed use property with residential and office / light industrial will continue to meet the objectives of the Town and adhere to the intent of this Character area.*
  - b) The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs. *As this use has occurred at this site for decades, the continued use and conversion of several units to apartments is not anticipated to have any measurable effect on any of the uses outlined above.*
  - c) The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal. *As there is no increase in size or area of useable space at the Property, it is not anticipated that there will be any discernable effects on traffic. Converting five offices to four residential units may actually reduce traffic as the residential units being in the Town core often walk, or use bikes or public transportation to commercial areas all of which are within one to two blocks of the Property.*
  - d) The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

*Since there will be no change to the exterior of the building and all existing and proposed uses are allowed in this character area and will continue (albeit to a marginally different degree) as well as the fact that the surrounding uses include residential it does not appear that there will be any noticeable effect upon the character of the area. As no exterior changes to the building are anticipated, there will be no effect on noise, lighting, glare, or dust.*

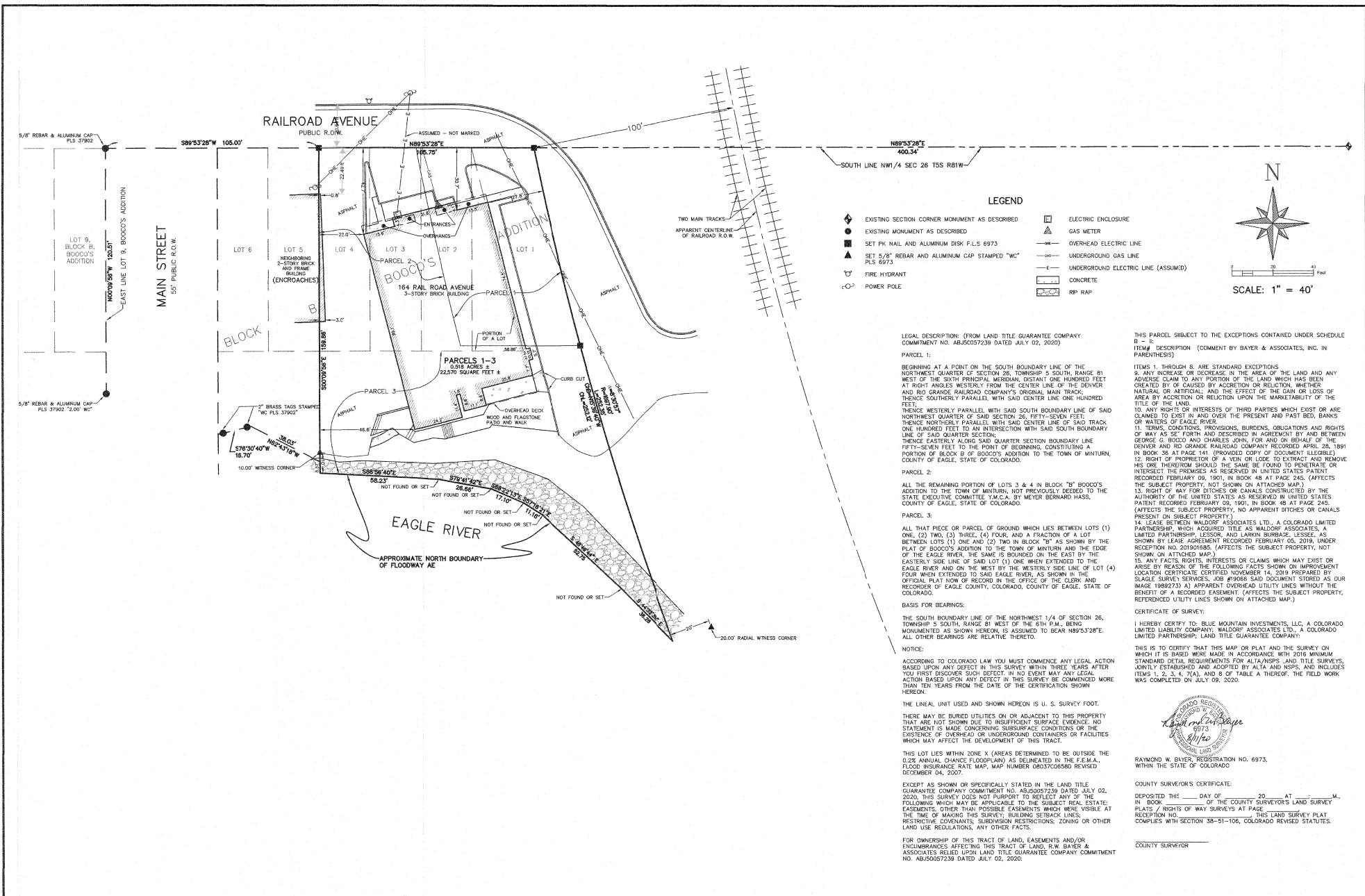
- e) Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:
- a. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
  - b. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
  - c. That the proposed use will comply with each of the applicable provisions of this Chapter.



# International Building Vicinity Map



SCALE 1" = 100'



LEGAL DESCRIPTION: (FROM LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020)

PARCEL 1:  
 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DISTANT ONE HUNDRED FEET AT RIGHT ANGLES WESTERLY FROM THE CENTER LINE OF THE DRIVEWAY AND RIO GRANDE RAILROAD COMPANY'S ORIGINAL MAIN TRACK; THENCE SOUTHERLY PARALLEL WITH SAID CENTER LINE ONE HUNDRED FEET; THENCE WESTERLY PARALLEL WITH SAID SOUTH BOUNDARY LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 26, FIFTY-SEVEN FEET; THENCE NORTHERLY PARALLEL WITH SAID CENTER LINE OF SAID TRACK ONE HUNDRED FEET TO AN INTERSECTION WITH SAID SOUTH BOUNDARY LINE OF SAID QUARTER SECTION; THENCE EASTERLY ALONG SAID QUARTER SECTION BOUNDARY LINE FIFTY-SEVEN FEET TO THE POINT OF BEGINNING, CONSTITUTING A PORTION OF BLOCK B OF BOCCO'S ADDITION TO THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 2:  
 ALL THE REMAINING PORTION OF LOTS 3 & 4 IN BLOCK "B" BOCCO'S ADDITION TO THE TOWN OF MINTURN, NOT PREVIOUSLY DEEDED TO THE STATE EXECUTIVE COMMITTEE, Y.M.C.A. BY NEVER BERNARD HASS, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 3:  
 ALL THAT PIECE OR PARCEL OF GROUND WHICH LIES BETWEEN LOTS (1) ONE, (2) TWO, (3) THREE, (4) FOUR, AND A FRACTION OF A LOT BETWEEN LOTS (1) ONE AND (2) TWO IN BLOCK "B" AS SHOWN BY THE PLAT OF BOCCO'S ADDITION TO THE TOWN OF MINTURN AND THE EDGE OF THE EAGLE RIVER, THE SAME IS BOUNDED ON THE EAST BY THE EASTERLY SIDE LINE OF SAID LOT (1) ONE WHEN EXTENDED TO THE EAGLE RIVER AND ON THE WEST BY THE WESTERLY SIDE LINE OF LOT (4) FOUR WHEN EXTENDED TO SAID EAGLE RIVER, AS SHOWN IN THE OFFICIAL PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF EAGLE COUNTY, COLORADO, COUNTY OF EAGLE, STATE OF COLORADO.

BASIS FOR BEARINGS:  
 THE SOUTH BOUNDARY LINE OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH P.M., BEING MONUMENTED AS SHOWN HEREON, IS ASSUMED TO BEAR N89°3'28"E. ALL OTHER BEARINGS ARE RELATIVE THERETO.

NOTICE:  
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

THE LINEAL UNIT USED AND SHOWN HEREON IS U. S. SURVEY FOOT.

THERE MAY BE BURIED UTILITIES ON OR ADJACENT TO THIS PROPERTY THAT ARE NOT SHOWN DUE TO INSUFFICIENT SURFACE EVIDENCE, NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES WHICH MAY AFFECT THE DEVELOPMENT OF THIS TRACT.

THIS LOT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED IN THE F.E.M.A. FLOOD INSURANCE RATE MAP, MAP NUMBER 08037C06800 REVISED DECEMBER 04, 2007.

EXCEPT AS SHOWN OR SPECIFICALLY STATED IN THE LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, ANY OTHER FACTS.

FOR OWNERSHIP OF THIS TRACT OF LAND, EASEMENTS AND/OR ENCUMBRANCES AFFECTING THIS TRACT OF LAND, R.W. BAYER & ASSOCIATES RELIED UPON LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020.

THIS PARCEL SUBJECT TO THE EXCEPTIONS CONTAINED UNDER SCHEDULE B - E:  
 ITEM# DESCRIPTION (COMMENT BY BAYER & ASSOCIATES, INC. IN PARENTHESES)  
 ITEMS 1, THROUGH 8 ARE STANDARD EXCEPTIONS  
 9. ANY INCREASE OR DECREASE IN THE AREA OF THE LAND AND ANY ADVERSE CLAIM TO ANY PORTION OF THE LAND WHICH HAS BEEN CREATED BY OR CAUSED BY ACQUISITION OR RELICTION, WHETHER NATURAL OR ARTIFICIAL; AND THE EFFECT OF THE GAIN OR LOSS OF AREA BY ACQUISITION OR RELICTION UPON THE MARKETABILITY OF THE TITLE OF THE LAND.  
 10. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF EAGLE RIVER.  
 11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND RIGHTS OF WAY AS SET FORTH AND INCORPORATED BY AGREEMENT BY AND BETWEEN GEORGE G. BOCCO AND CHARLES J. BOCCO ON BEHALF OF THE DENVER AND RIO GRANDE RAILROAD COMPANY RECORDED APRIL 28, 1891 IN BOOK 26, AT PAGE 141 (PROVIDED COPY OF DOCUMENT ALLEGEDLY HIS ONE THERETO) SHOWING THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 09, 1901, IN BOOK 48 AT PAGE 245. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN ON ATTACHED MAP.)  
 12. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ONE THERETO) SHOWING THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 09, 1901, IN BOOK 48 AT PAGE 245. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN ON ATTACHED MAP.)  
 13. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 09, 1901, IN BOOK 48 AT PAGE 245. (AFFECTS THE SUBJECT PROPERTY, NO APPARENT DITCHES OR CANALS PRESENT ON SUBJECT PROPERTY.)  
 14. LEASE BETWEEN WALDORF ASSOCIATES LTD., A COLORADO LIMITED PARTNERSHIP, WHICH ACQUIRED TITLE AS WALDORF ASSOCIATES, A LIMITED PARTNERSHIP, LESSOR, AND LARVIN BURHAZ, LESSEE, AS SHOWN BY LEASE AGREEMENT RECORDED FEBRUARY 05, 2019, UNDER RECEPTION NO. 201901685. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN ON ATTACHED MAP.)  
 15. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE CERTIFIED NOVEMBER 14, 2019 PREPARED BY SLAGE SURVEY SERVICES, JOB #19063 SAID DOCUMENT STORED AS OUR IMAGE 1889273) A) APPARENT OVERHEAD UTILITY LINES WITHOUT THE BENEFIT OF A RECORDED EASEMENT. (AFFECTS THE SUBJECT PROPERTY, REFERENCED UTILITY LINES SHOWN ON ATTACHED MAP.)

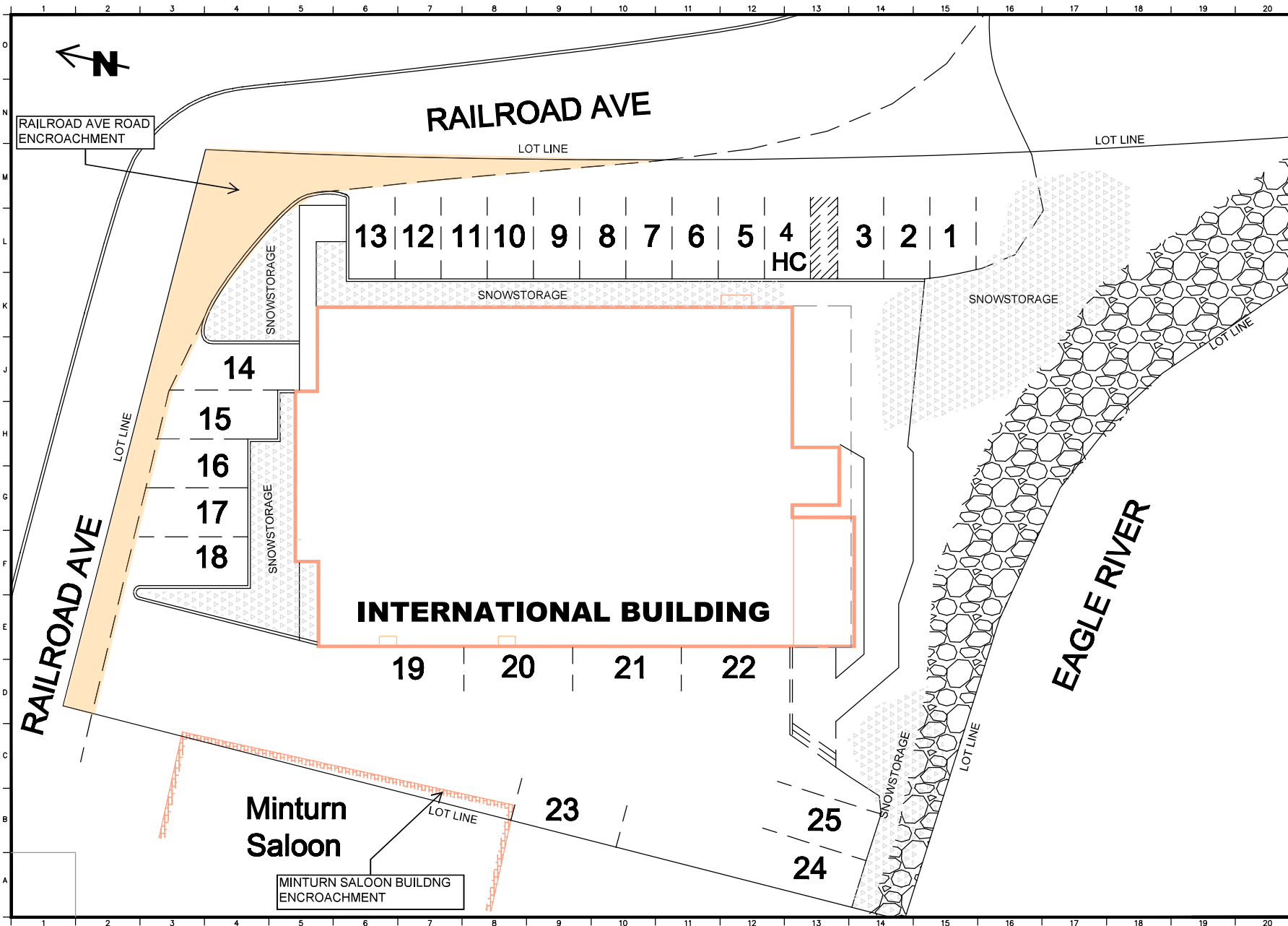
CERTIFICATE OF SURVEY:  
 I HEREBY CERTIFY TO: BLUE MOUNTAIN INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY, WALDORF ASSOCIATES LTD., A COLORADO LIMITED PARTNERSHIP, LAND TITLE GUARANTEE COMPANY:  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS, AND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), AND 8 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 09, 2020.

RAYMOND W. BAYER, REGISTRATION NO. 6973, WITHIN THE STATE OF COLORADO

COUNTY SURVEYOR'S CERTIFICATE:  
 DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M., IN BOOK \_\_\_\_\_ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS / RIGHTS OF WAY SURVEYS AT PAGE \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_ THIS LAND SURVEY PLAT COMPLES WITH SECTION 38-51-106, COLORADO REVISED STATUTES.

COUNTY SURVEYOR

<b>R.W. BAYER &amp; ASSOCIATES, INC.</b> 12170 TEJON ST., NO. 700 WESTMINSTER, COLORADO 80234 (303) 452-4433 RWBSURVEYING@HOTMAIL.COM	CAD FILE: 20079/22079.DWG REVISIONS 2/11/20. CORRECTED BOUNDARY	<b>ALTA/NSPS LAND TITLE SURVEY</b> A PART OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH P.M., TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO.	SCALE: 1" = 20'	DATE: JULY 10, 2020	DRW BY: J.A.B.	CHK BY: R.W.B.	PROJ. NO: 2020-079
			BOOK: 718	PAGE: 5	FILE NO: 26-5S.81-1L	SHEET: 1 OF 1	



**International Bldg**  
Minturn

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**Site Plan**  
**PROPOSED RESIDENTIAL RENOVATIONS**

**Feb. 21, 2022**

DATE	ISSUE	DESCRIPTION

**Scale: 1" = 200'**

DESIGN BY: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_ OF \_\_\_\_\_

GROUP: \_\_\_\_\_



1

**100 LOWER LEVEL FLOOR PLAN**

1/8" = 1'-0"

**RIVER FRONT**

PRELIMINARY : not for construction

Scale

Scale

INT'L TRADE CENTER  
146 RAILROAD AVENUE  
MINTURN, CO

Revisions:



Issue Dates:  
"A" 1.xx.20: DRB Submittal

Sheet Title:  
**100  
LOWER  
LEVEL  
FL. PLANS**

Project No:

Sheet No:  
**A0.0**



**RIVER FRONT**

PRELIMINARY : not for construction

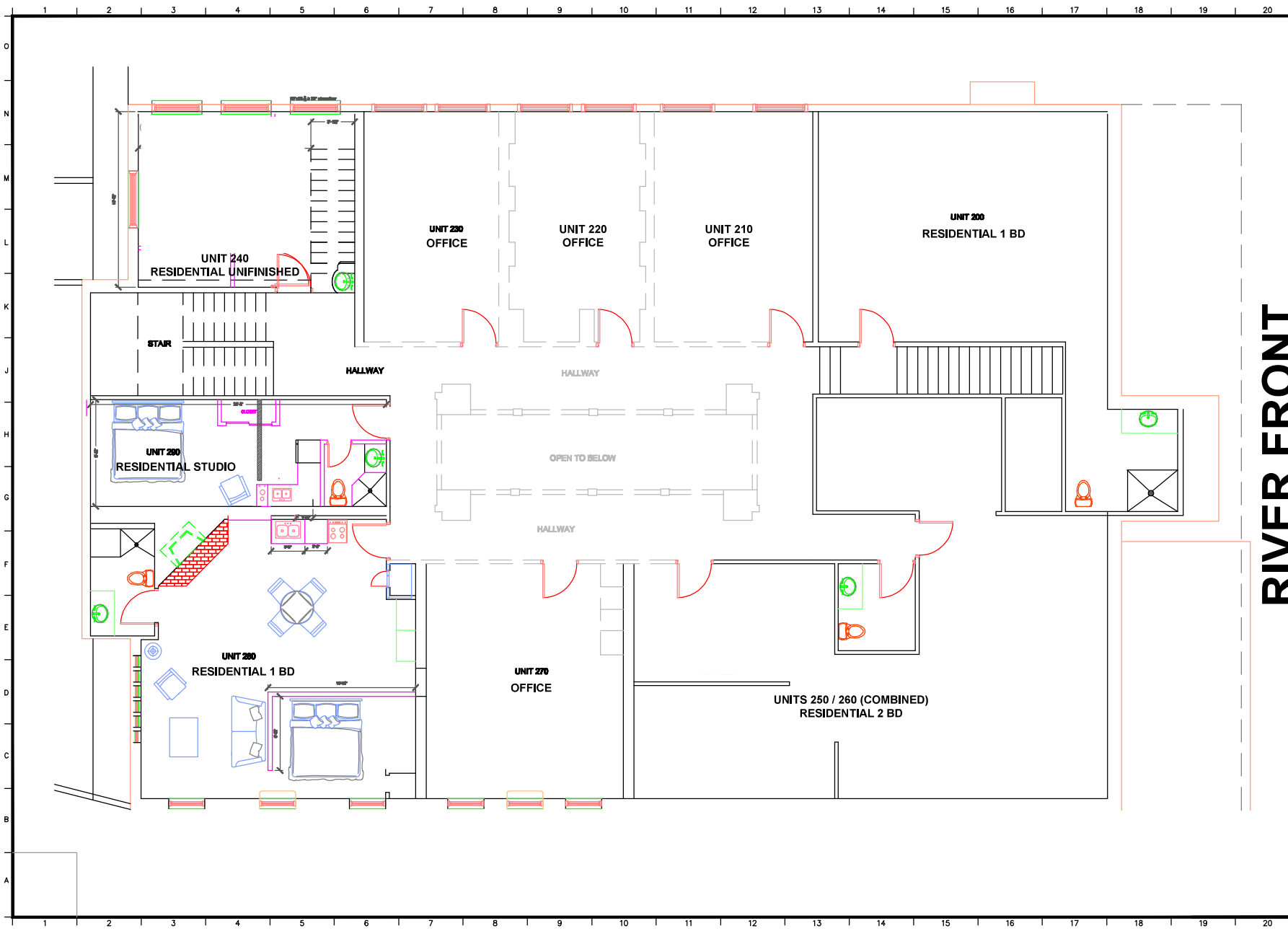
1

**100 LEVEL FLOOR PLAN**

1/8" = 1'-0"

	Seal
INT'L TRADE CENTER 146 RAILROAD AVENUE MINTURN, CO	
Revis ion :	
Issue Date: "A" 1.11.20: DRB Submittal	
Sheet Title: <b>100</b>	
<b>LEVEL FL. PLANS</b>	
Project No: <b>A0.1</b>	
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# RIVER FRONT

International Bldg  
Minturn

Unit 240  
EXISTING SECOND FLOOR LAYOUT

**DATE:** FEB. 9, 2022

DATE	ISSUE	DESCRIPTION

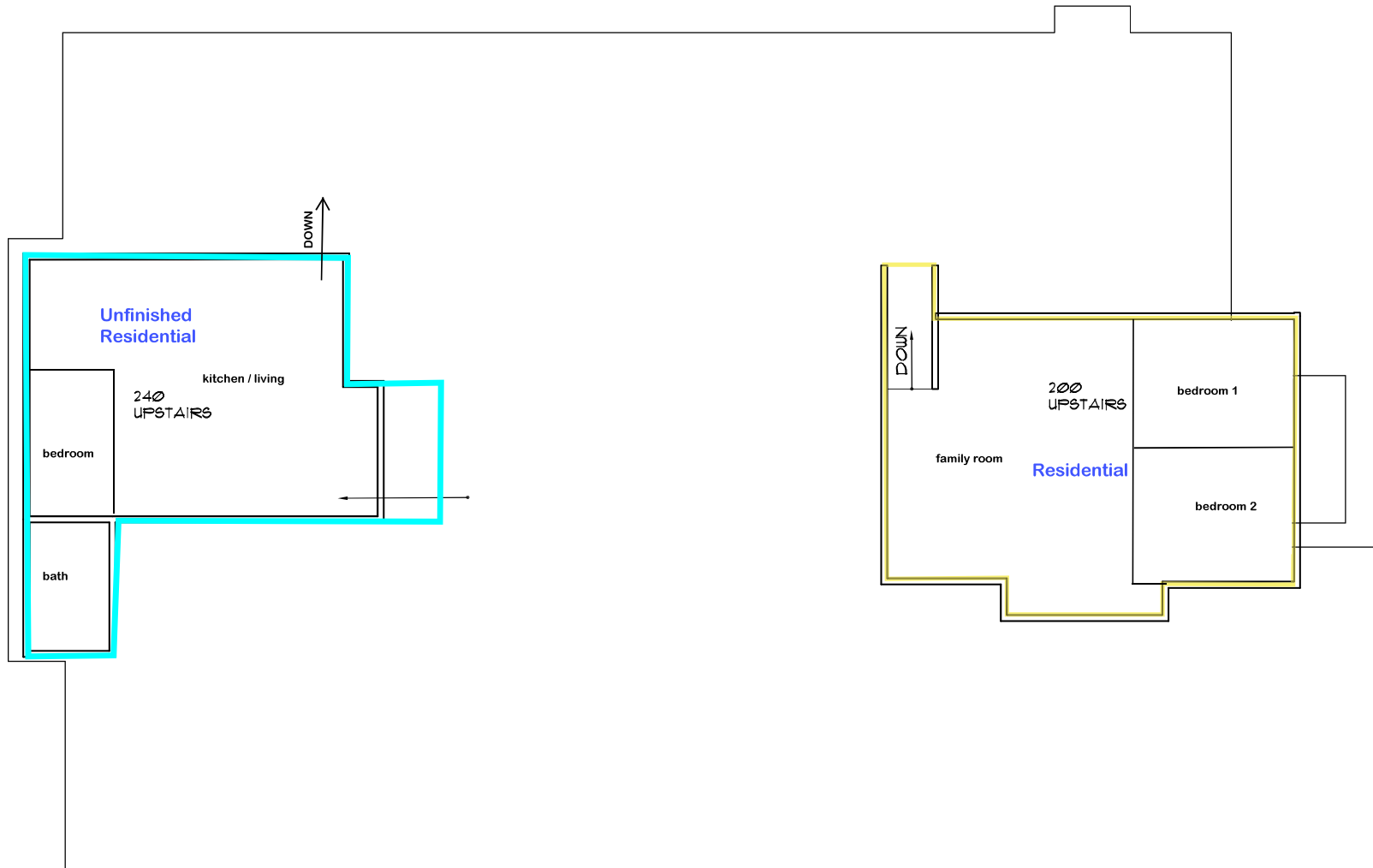
**Scale:** 1/8"=1'

**CREATED BY:** \_\_\_\_\_

**DATE:** \_\_\_ / \_\_\_ / 20\_\_\_

**SYMBOL:** \_\_\_\_\_

A 0.2



1

**200 UPPER LEVEL FLOOR PLAN**

1/8" = 1'-0"

**RIVER FRONT**

PRELIMINARY : not for construction

Scale

Scale

INT'L TRADE CENTER  
146 RAILROAD AVENUE  
MINTURN, CO

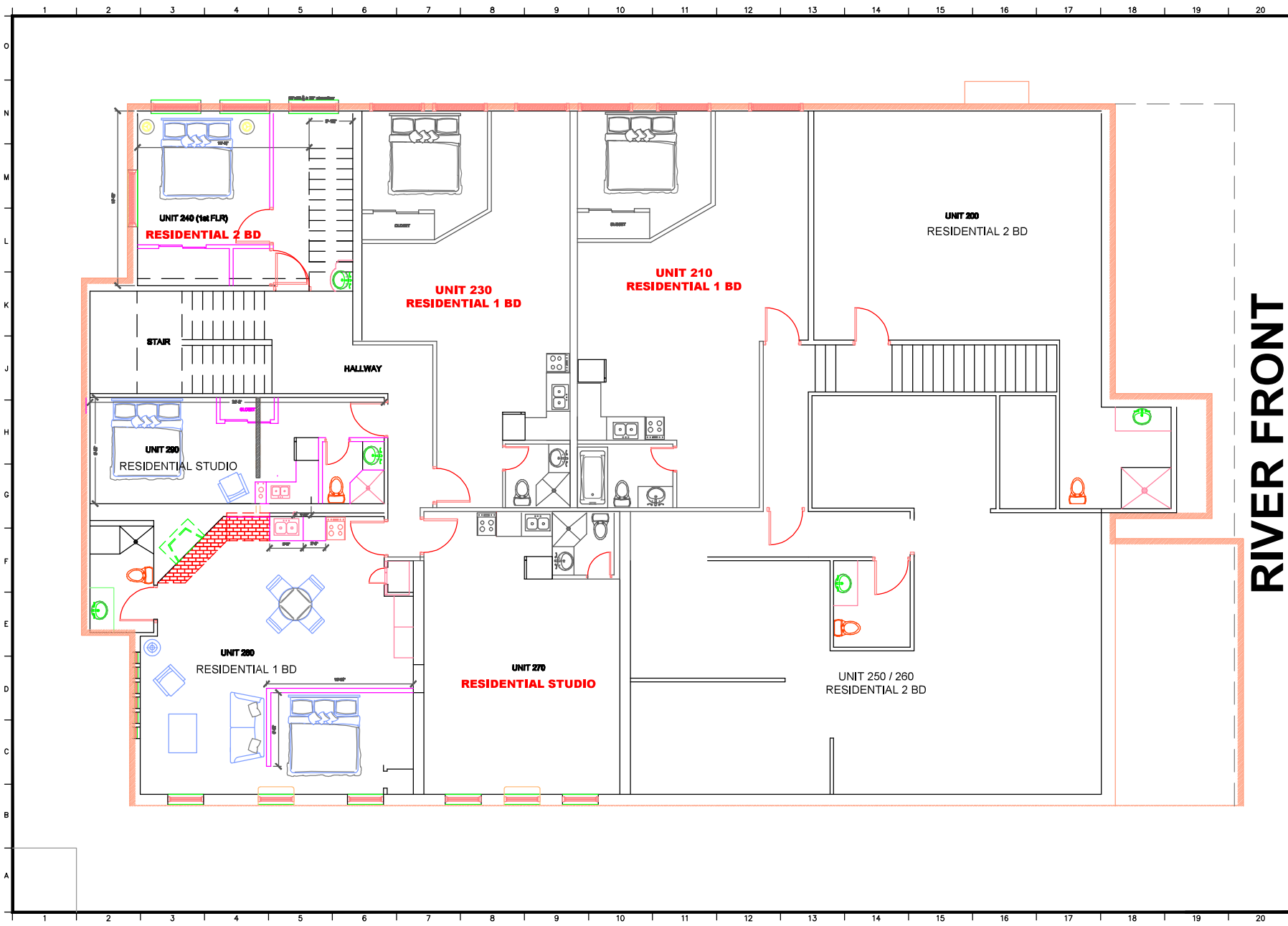
Revisions:



Issue Dates:  
"A" 1.xx.20; DRB Submittal

Sheet Title:  
**200  
UPPER  
LEVEL  
FL. PLANS**

Project No:  
Sheet No:  
**A0.3**



# RIVER FRONT

**International Bldg**  
Minturn  
**PROPOSED SECOND FLOOR LAYOUT**

**FEB. 21, 2022**

DATE	ISSUE	DESCRIPTION

**Scale: 1/8"=1'**

DESIGNED BY: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

**A 1.2**

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder St. #309  
Minturn, CO 81645  
970-827-5645  
[planner1@minturn.org](mailto:planner1@minturn.org)  
[www.minturn.org](http://www.minturn.org)



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

## **Memorandum**

Date: May 6, 2022  
To: Minturn Planning Commission  
From: Madison Harris, Planner I  
Re: Planning Department Update

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### **Historic Preservation**

The Third Historic Preservation Committee meeting was held on April 28, 2022. Staff had some remaining questions that they needed clarification on before they could bring the completed draft ordinance to the Planning Commission. That draft ordinance, in the form of a new Chapter 19 in the Minturn Municipal Code, will be brought before the Planning Commission at the second meeting in May, and then go before Town Council in June.

### **Minturn North PUD**

The Town Council held a public hearing on May 5, 2022 for Minturn North PUD. After listening to the presentation by the Applicant, and the public comment by those that attended and those that submitted their comments beforehand. The Council asked questions of the Applicant and Town staff, and ultimately decided to refer the application back to the Planning Commission due to the Application having changed substantially from what the Planning Commission originally reviewed and made findings on.