

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

Planning Commission Hearing

Woodruff Zone District Amendment Proposal Lot 3A, South Minturn Addition 998 Main Street

Hearing Date:	February 28, 2024
File Name and Process:	Lot 3A South Minturn Addition Zone District Map Amendment
Owner/Applicant:	John “Woody” Woodruff and Lynn Feiger
Representative:	John “Woody” Woodruff
Legal Description:	Lot 3A, South Minturn Addition
Existing Zoning:	South Town Character Area - Commercial Zone District
Proposed Zoning:	South Town Character Area - Residential Zone District
Staff Member:	Scot Hunn, Planning Director
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Applicants, Mr. John “Woody” Woodruff, and Ms. Lynn Feiger, propose to rezone a portion of their property, Lot 3, South Minturn Addition Subdivision, located at 998 Main Street, from South Town Character Area Commercial Zone District, to South Town Character Area Residential Zone District.

Concurrent with this rezoning request, the Applicants are working with the Town to process a minor subdivision application – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use on future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the

Town's goals and policies. Therefore, this report and staff's findings reference and apply to rezoning of "Lot 3A."

II. Summary of Process and Code Requirements:

The following section sets forth those sections of the Town of Minturn Municipal Code (MMC) applicable to the processing and review of amendments to the text of the Land Use Regulations (Chapter 16 - Zoning), or the official zone district map for the Town.

Section 16-21-410 - Amendments to text of Land Use Regulations or Character Area and Zone District Map.

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Division.

Section 16-21-420 - Purpose.

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

Sec. 16-21-430 - Initiation.

(a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.

(b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.

(c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:

(1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.

(2) *Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.*

Staff Response:

An application has been filed by the property owner having a recognized interest in the land affected by a proposed amendment. The Applicants are working with the Town to process a minor subdivision – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use of future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies.

Therefore, the Applicants have provided a draft minor subdivision plat (see below excerpt from that plat document highlighting the two lots to be created) which has already been reviewed by the Town and its consultants; has been found in compliance with the Town’s final plat requirements; and which is anticipated to be administratively approved.

Last, staff has provided a map exhibit showing the existing zoning as well as proposed zoning (attached as Exhibit A at the end of this report). No development is currently proposed, although Lot 3 has two existing uses – a single family dwelling unit on the eastern portion of the lot, as well as the “Lucero’s” gas station use on the western portion fronting on Hwy. 6.

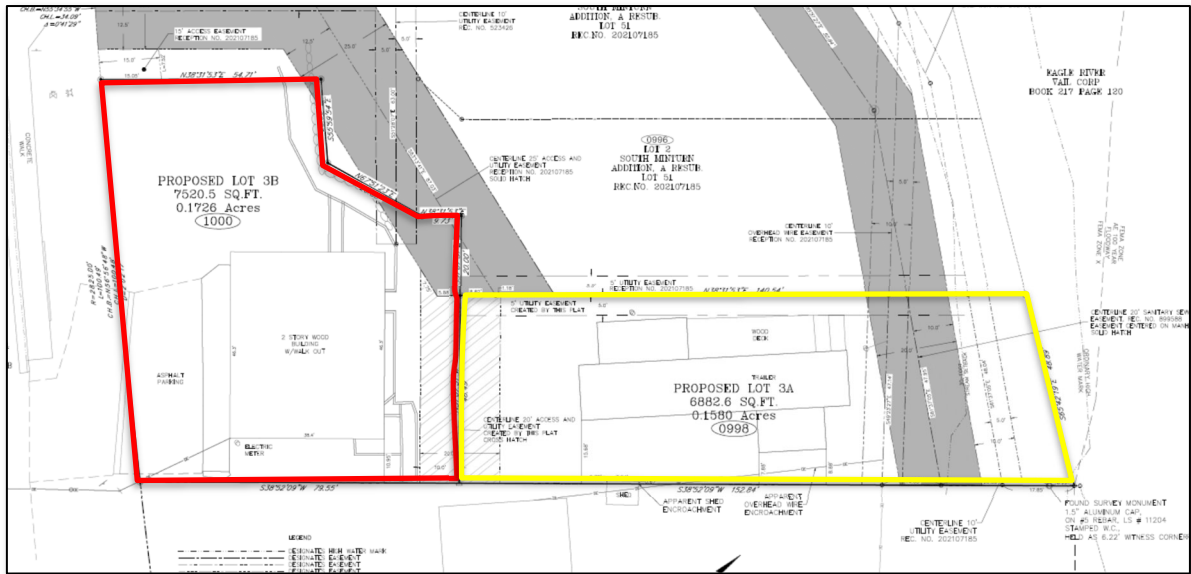


Figure 1: Draft Plat Excerpt Showing Proposed Lot 3A (Red - Commercial) and Lot 3B (Yellow - Residential).

Section 16-21-440 - Procedure.

(a) *Review of applications.* The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.

(b) *Review and recommendation of Planning Commission.* The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

(c) *Action by Town Council.* After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to

the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Staff Response:

Public notice was provided for public hearings before the Planning Commission on February 28, 2024, and the Minturn Town Council on March 6, 2024, in accordance with the requirements of the MMC.

Section 16-21-450 - Standards

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

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

Staff Response:

Lot 3 is bordered on two sides (north and south) by residentially zoned properties, both of which are developed for residential uses. The intent of the owner is to rezone the eastern portion of Lot 3 - which fronts on the Eagle River - as residential (to match or be more consistent with surrounding residential uses that also front on the Eagle River) concurrently with the approval of a minor subdivision to divide Lot 3 into Lots 3A and 3B, thus allowing Lot 3B (the location of the existing Lucero's gas station building) to remain commercial which is appropriate for a property fronting on Hwy. 6. Both lots to be created by the minor subdivision will meet the minimum lot size requirements for the Residential and Commercial Zone Districts, respectively.

The 2023 Community Plan Future Land Use Map shows Lot 3 and the surrounding properties located on the east side of Hwy. 6 in South Town as being appropriate for residential and/or mixed use in the future.

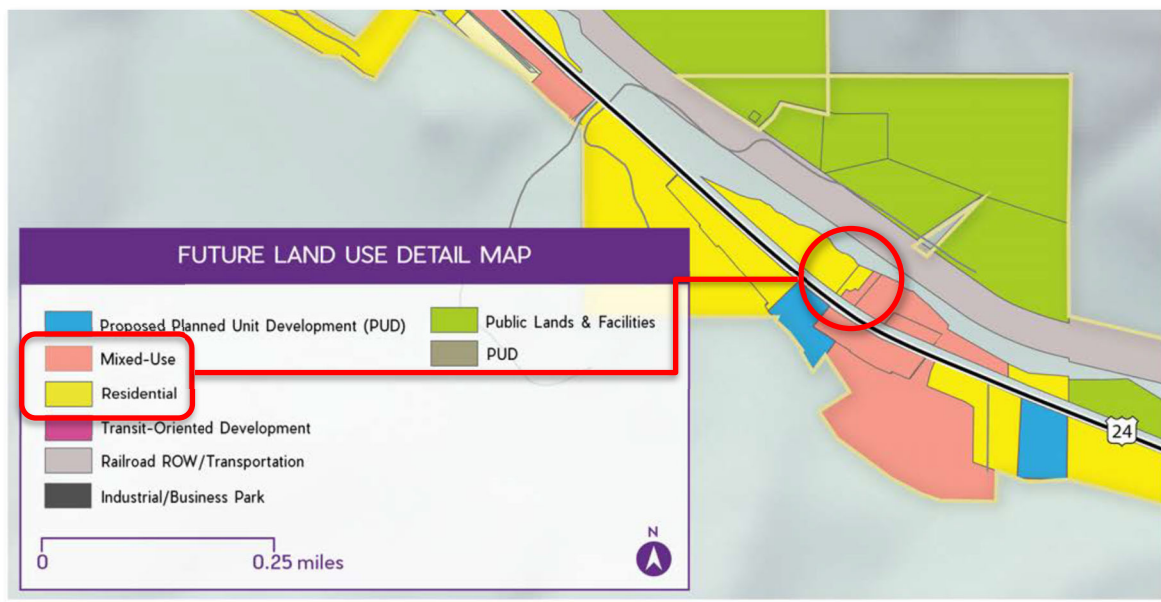


Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map

This recommendation in the Community Plan stems from the fact that the area has, historically, been developed over time into a mix of single-family, duplex, and multi-family residential uses, along with service and retail commercial uses. A mixed-use future land use designation recognizes and reflects the existing use and a desire by the Town to see this area continue to remain mixed.

Last, the proposed rezoning of Lot 3A from Commercial to Residential supports the policies and purposes of the South Town Character Area which aims to permit ongoing residential uses alongside service commercial uses that are not found elsewhere in the community.

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

Staff Response:

The proposed rezoning of a portion of Lot 3 (to be applied to a future Lot “3A” proposed by a minor subdivision that is currently being processed by the Town) from Commercial to Residential is consistent and compatible with existing and proposed uses surrounding the subject property. Lot 3 is bordered on two sides (north and south) by residential zoning and uses and the subject property is served by adequate services (access, water, and wastewater) to support single-family residential use. While a residential structure already exists on the easternmost portion of Lot 3, any future redevelopment (for residential purposes) will need to adhere to current development standards and dimensional limitations (setbacks, building height, and lot coverage limits).

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

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercial zoning. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental and to permit the potential sale and redevelopment of Lot 3B by another party in the future.

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

Staff Response:

There will be no adverse impacts on the natural environment as a result of the proposed rezoning from Commercial to Residential. To the contrary, the rezoning request for the easternmost portion of Lot 3 (future Lot 3A) should be viewed as a downzoning, where future permitted land uses will be less intense than what would be permitted within the Commercial Zone District. Lot 3 is already developed – with one residential structure and a commercial structure – and the rezoning of the easternmost portion of Lot 3 will merely allow for continued residential use.

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

Staff Response:

Rezoning and continued use of the existing residential structure located on the eastern portion of Lot 3 (future Lot 3A), particularly for continued rental, addresses a demonstrated community need.

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

Staff Response:

The proposed rezoning promotes logical and orderly development and does not constitute spot zoning. Lot 3 is bordered on two sides by residential zoning – which extends to the north and south and covers significant numbers of adjacent or surrounding properties – and the property is already served by necessary and adequate public facilities and services.

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

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercial zoning. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental and to permit the potential sale and redevelopment of Lot 3B by another party in the future. Rezoning that portion of the lot that will become Lot 3A from commercial to residential – consistent with what exists on the lot today as well as the surrounding residential uses – serves the public’s interests.

Section 16-21-460 - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.

- (1) Recommend approval of the application as submitted or with certain conditions as stated; or*
- (2) Recommend denial of the application with all reasons clearly stated.*

III. Zoning Analysis:

The subject property is located within the “South Town Character Area” Commercial Zone District. Directly to the north and south, on either side of the property is the South Town Character Area Residential Zone.

The description and purpose of the South Town Commercial Zone District are as follows:

“(a) The South Town Commercial Zone is bisected by Main Street or Highway 24 and is characterized by a mix of retail, service businesses and residential areas. The South Town Commercial Zone provides services to both residents and the passing motorist. The commercial development can grow but should not significantly impact the residential areas.

“(b) The purpose of this area is to provide convenient commercial services to residents and motorists while minimizing the impact on nearby residential uses. South Town provides an area for commercial activities that are not easily accommodated in Old Town 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, services and institutional uses.”

- Town of Minturn Town Code Section 16-7-30

Similarly, the description and purpose of the South Town Residential Zone District are 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

Staff respectfully suggests that the proposed rezoning from Commercial to Residential Zone District, particularly given the current nature and character of residential structures located surrounding the subject property, will maintain and support the purpose and intent of the South Town Character Area as well as the Town’s community plan and strategic goals.

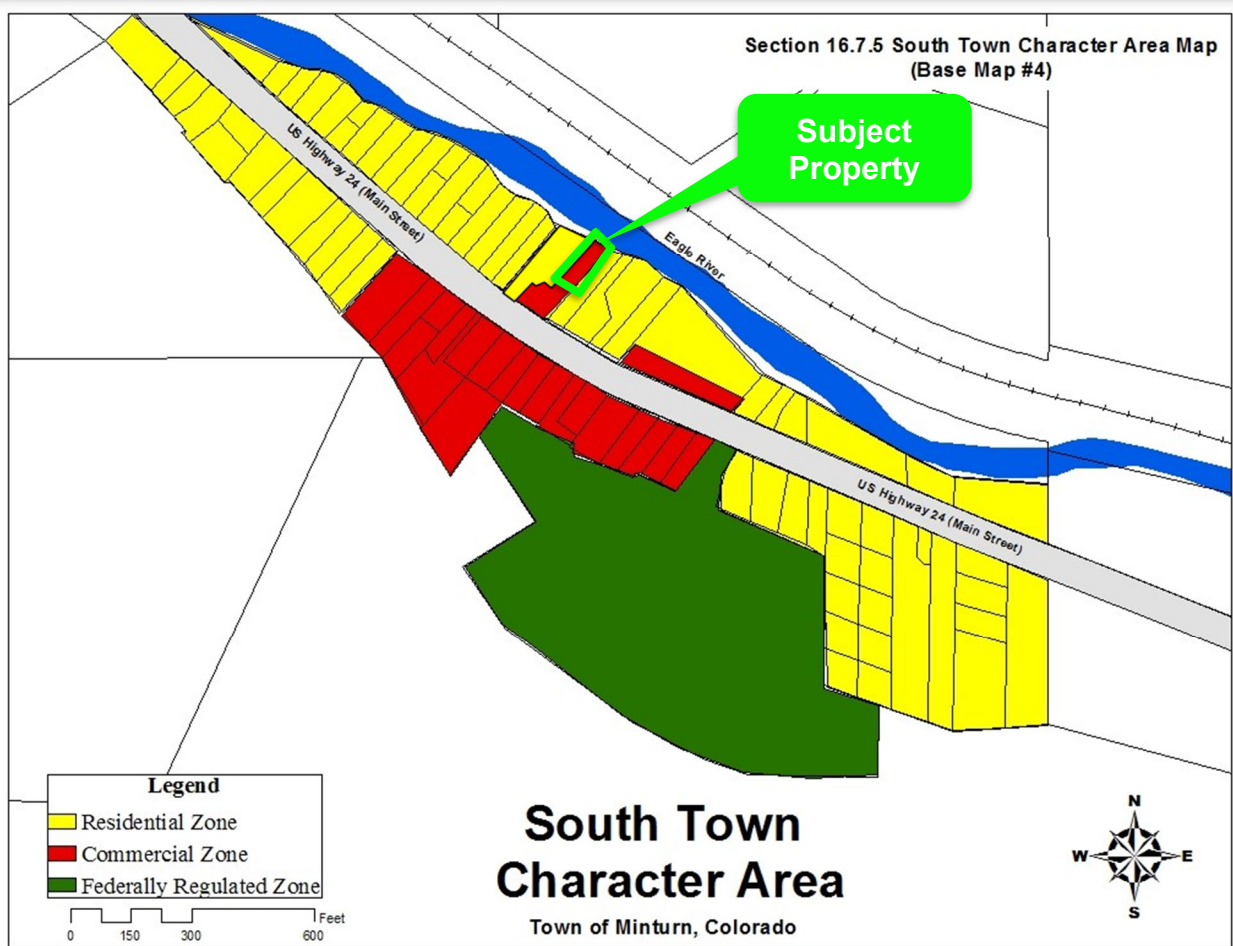


Figure 3: South Town Character Area Zoning Map

IV. Staff Recommendation: Approval

Staff is recommending **approval** of the proposed rezoning request for Lot 3A, South Minturn Addition, located at 998 Main Street, to change the zoning from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District, based on the analysis provided in this report and staff’s findings that the request and application meet the Town’s submittal requirements, criteria and findings to amend the Official Zone District Map.

With the Planning Commission’s recommendation, staff will present an Ordinance to the Town Council - to amend the Official Zone District Map to rezone Lot 3A from South Town Character Area Commercial Zone District to Residential Zone District - for consideration on first reading at the Council’s regularly scheduled meeting of Wednesday, March 6, 2024.

Exhibit A – Existing and Propose Zoning Map South Town Character Area

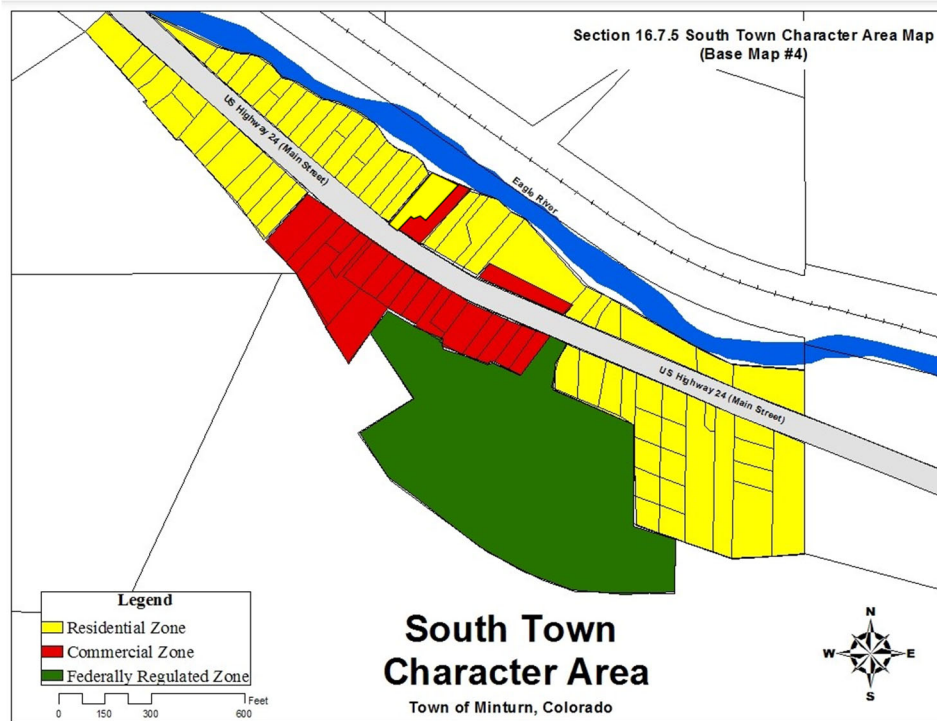


Figure 4: Existing South Town Character Area Zoning Map

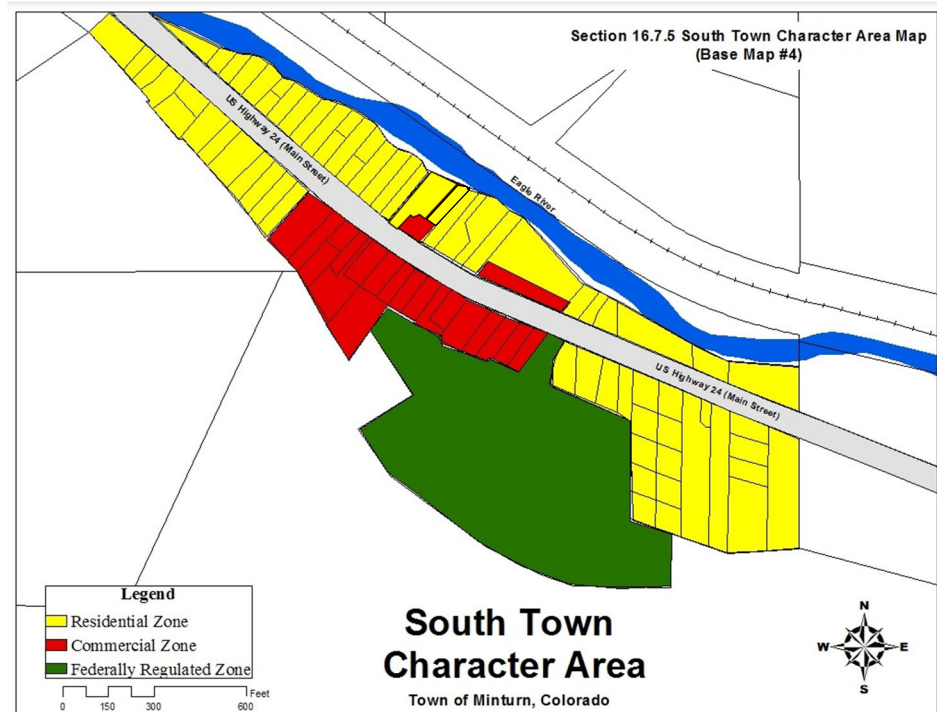


Figure 5: Proposed/Amended South Town Character Area Zoning Map