

MIDTOWN VILLAGE

PUD PRELIMINARY PLAN NARRATIVE



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SECTION 1

GENERAL INFORMATION :

Property Owner	Midtown Lofts, LLC
Applicant	10 TH Mountain Builders, LLC
Owners Representative	Jeff Armistead – 10 th Mountain Builders PO Box 955 Minturn, CO 81645 jafamilyman@gmail.com 970-471-0618
Civil Engineering	Kate Bond – Midwestern Consulting 318 Plaza Drive Ann Arbor, MI 48108 734-995-0200
Architect	Todd Hallet – TK Designs 26030 Pontiac Trail, South Lyon, MI 48178 248-446-1960
Surveyor	Sam Ecker - Gore Range Surveying 5129 Longsun Lane Avon, CO 81620 970-479-8698
Traffic Engineer	Kari McDowell / Greg Schroeder – McDowell Engineering PO Box 4259 Eagle, CO 81631
Environmental Engineer	Kumar and Associates 240 Annie Road PO Drawer 1887 Silverthorne, CO 80498 970-468-1989

SECTION 02

PROJECT NARRATIVE

INTENTION STATEMENT – Midtown Village aims to compliment the other residential properties and businesses in the South Town Commercial Zone by investing in affordable, deed restricted local housing solutions along with new commercial, civic and governmental spaces while respecting the historical uses of the South Town Commercial Zone.

Located in the 900 Block of the South Town Commercial Zone, this parcel is one of the last “infill” areas within the town that is appropriate for higher density redevelopment due to the established historical mixed uses. Although the existing Zoning allows for all of the proposed uses, this PUD proposes higher densities of smaller single-family homes than the existing code provides mixed with multi-family units and commercial space. This PUD provides the flexibility to offer these diverse housing types and mixed uses while maintaining the general intentions of the existing municipal code elements.

Midtown Village proposes to utilize the PUD Overlay zoning provision per Section 16-15-10 to combine a group of contiguous properties/addresses (947, 961, 981, 985 & 987 Main Street) into 5 new Tracts (A – E) and revive this section of town into a thriving micro community. The project exceeds the goals of the 2019 Housing Action Plan by providing over 50% of the proposed (42) units to be Deed Restricted for the local workforce. The Subject properties are located in a part of town that was historically an extension of the commercial core of downtown with more of an emphasis on light industrial uses and coexisted alongside a wide mixture of residential housing types including single family, mobile homes, apartments above commercial spaces and smaller homes, which would be considered “tiny homes” by today’s standards. This Zone was home to the Lucero’s Gas Station, Alpine Glass headquarters, Johnnie’s Gardens, Quintana Excavating Company, the Battle Mountain Trading Post and is still home to RMR Adventure Rentals and the adjacent commercial strip of businesses that includes Sibley Plumbing, Mountain Woodworking, Eagle Valley Electric, Weston Snowboards and Holt Hammer Cycles the Barbershop, and a new Aerial Yoga Barn performance studio.

CURRENT USES - The existing site contains a fully occupied 3000 sf commercial building with 3 apartments above, 4 single family homes, 2 mobile homes, 1 light industrial garage/shop and a large portion of vacant land that housed 9 mobile homes (*removed in 2019*).

PROPOSED USES - It is the intention of the Midtown Village development team to build 100% of the PUD with no involvement of outside builders or General Contractors. All construction financing will be provided by Midtown Lofts LLC and construction administration provided by 10th Mountain Builders, LLC. The PUD Guide for Midtown Village will use existing municipal code to address bulk, mass, form, scale and densities while also focusing on providing over 50% of the project to be Deed Restricted housing for our local workforce. This is a significant investment in local housing opportunities, paths to first time ownership and more up valley rental units that are close to the job market.

OWNERSHIP

A Homeowners Association is proposed to manage the entire PUD to govern their respective public and private elements. The developer proposes to maintain ownership of the existing commercial building and the 16 Unit apartment building. The (10) Single Family Homes and (10) Townhomes are "For Sale" units.

ECONOMIC DATA FOR COMMERCIAL / INDUSTRIAL ELEMENTS

There are (2) Commercial components to this PUD: #1 is an existing commercial building that is being completely remodeled on the interior and exterior. #2 is a new commercial building that is proposed to be either a new Fire Station or main level commercial use with 2nd level residential use. The existing commercial space carries a long-term lease with SteamMaster, who is a "service based" local business and does not generate any sales tax for the Town of Minturn. Both uses are consistent with historical uses in this zone district.

PRELIMINARY ENVIRONMENTAL ASSESSMENT

A Phase 1 Environmental Site Assessment (ESA) was conducted in 2015 in conformance with the scope and limitations of ASTM Practice E1527-13 by Braun Environmental, Inc. 355 S Teller St STE 200, Lakewood, CO 80226 (*Paper copy available upon request*) No negative environmental impacts were found on the subject property

FIRE / EMERGENCY SERVICES

Ability To Serve Letters are provided from Eagle River Fire, Eagle County Paramedic Services and Eagle County Sheriff

PHASING PLAN

PHASE 1 – Upgrade Infrastructure and 16 Unit Apartment Building / Parking Garage and (2) Cottages

(a) Upgrade the existing Infrastructure within the entire site. This would include removal of overhead Xcel Power lines and provide direct buried power services, new water and sewer main and service lines, new gas service lines, curb, gutter and sidewalk amenities within the site and integrated with existing sidewalk and curb at US HWY 24 / Main Street along with a mix of snow melted asphalt and concrete paving sections throughout. CDOT Access points are proposed to be reduced from 2 to 1 with an Emergency Services, break-away access gate at the south side of the property.

(b) Construction of a 2.5 Story (16) unit Apartment building adjacent to the existing commercial building. The pre-existing commercial building is currently undergoing a major interior and exterior renovation. A garden level parking garage is proposed under the (16) unit apartment building.

(c) Construction of (2) small cottages

PHASE 2 – (8) Micro Homes

(8) Single Family Residential, Deed Restricted Micro Homes

PHASE 3 – (10 Units)Townhomes & ERFPD Fire Station or New Commercial Building

Construction of (2) Residential Townhome Buildings consisting of (5) Residential Units per building

Construction of approximately 3000 sf Commercial Building that would be situated parallel to US HWY 24 with “build to suit” commercial space on grade level and (3) units of residential above on 2nd floor. Initial use is proposed to be a new fire station for Eagle River Fire Protection District. The Lofts are proposed to be rental units.

SECTION 03

CODE COMPLIANCE

RELATION TO THE SURROUNDING CHARACTER AREA AND COMMUNITY PLAN

MIDTOWN VILLAGE aims to continue to utilize the property in the same manner as it has been used for generations but also, to use forward thinking planning and design principles, architecture and creative engineering to achieve the community goals set out below.

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

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

1. Provides for new technology and promotes innovative and efficient land use patterns;

MIDTOWN VILLAGE introduces a much smaller than average housing type that is referred to as the Micro Home. The idea was borrowed from the small cluster of homes south of town that were constructed in the mid-1960's for Eagle County School Teacher Housing. These units range in size from 600-750 Square Feet. This concept allows a pathway to homeownership in Minturn for under \$600,000

The 16 Unit Apartment Building is designed to accomplish a 100% energy offset by employing a 185 KvA rooftop solar array. This array will power all of the general site lighting, heating sources (Mini-Split Heat pumps) and all cooking/laundry are also electric.

2. Permits the integration of land uses and contributes to trails and pedestrian circulation;

The historical nature of this property is an integration of many diverse land uses. The project expands on the existing use by providing (7) different types of housing units as well as warehouse and commercial / civic space. The property will also provide an internal network of new sidewalks and trails that will connect not only directly to the new HWY24 Sidewalk project, but it will extend the existing sidewalk, which ends at 997 Main Street, all the way to 1041 Main Street. The proposed internal trail system will safely provide direct access for kids and families to Martin Creek / National Forest open space without going near HWY 24.

3. Preserves valued environments and natural resources and achieves a more desirable environment;

The property backs up directly to National Forest land and Martin Creek open space and MIDTOWN VILLAGE makes access to these spaces safer and easier to navigate than the existing condition of the property. Many of the mobile homes, abandoned vehicles and commercial equipment storage that spanned this property were a nuisance and this project aims to provide a cleaner, safer and more beautiful complement to the natural surroundings.

4. Maintains or improves air and water quality; This site was used for heavy industrial purposes over the last 60 years with practically zero grass or green spaces on any portion of the land. The proposed redevelopment of this property would add almost 40,000 square feet of green space which would provide better stormwater filtration, reduce CO2 and increase O2.

5. Provides for a wide range of housing opportunities; This PUD offers (7) different housing types. The units range from 650 sf to 1500 sf. (20) units will be offered as "For Sale" housing and (22) of the units will be offered as "For Rent". (31) of the units (74% of Total) are offered as RO Deed Restricted to Local Workforce. This exceeds the current goals of the Community Plan and the pertinent Housing ordinance. (4) of the future "For Sale" units (10% of Total) will also meet or exceed the 200% AMI Price Cap Deed Restriction requirement.

6. Improves the overall design character and quality of new development;

All aspects of Architecture, Design Details and Landscaping is controlled by the MIDTOWN VILLAGE team. Therefore, there will not be any aspects of design character or quality that will be left to any outside party and everything will be shown and discussed during the PUD approval process.

7. Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other;

The proposed commercial building is situated at the entrance to the project and conveniently located on HWY24 to invite local traffic. The rental units are

situated on the far, south side of the existing commercial building, which acts as a buffer between the single family home cluster to the North. Uses are deliberately “clustered” into areas that are unique and complimentary to each other.

8. Establishes land use patterns that promote and expand opportunities for public transportation and trails and for safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy; There is an existing ECO Transit Bus Stop at the entrance to the project and a new covered shelter is proposed to be constructed by the developer as a community amenity. A new rustic pedestrian walking trail is also proposed to safely connect Martin Creek open space to HWY 24 sidewalk.

9. Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas; The site does not contain any historic or natural hazard areas. It is comprised mostly of noxious weeds and impervious surfaces. The addition of significant green vegetation, shrubs, trees etc. throughout the site preserves and enhances the natural environment.

10. Maintains and enhances surface and ground water quality and quantity; The addition of a system of curb and gutter along with the engineered stormwater plan ensures that the quality and quantity of surface and groundwater will be greatly improved from the existing condition. Employment of Drought Tolerant plants and Xeriscaped common areas also preserve and promote “waterwise” practices.

11. Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers; As mentioned above, the rustic walking trail will connect residents and the community directly to Martin Creek open space and, in turn, direct access to the National Forest. The project is also only .2 miles from the Boneyard Open Space and access to the Eagle River.

12. Establishes incentives for applicants to encourage the provision of long-term affordable housing; This PUD proposes that (31) or 74% of the 42 units to be Deed Restricted to local workforce. This includes (4) of the “For Sale” units to be Price Capped at 200% of AMI or below. This exceeds any current zoning requirements and is an example of the developer's voluntary commitment to help offset the current housing shortage in the valley.

13. Is consistent with the purposes and goals of the Community Plan and these Land Use Regulations. Midtown Village realizes not only the current goals of the plan, but it also provides for future goals by offering

affordable housing opportunities while preserving the Commercial integrity of this Zone district.

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

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

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

Midtown Village not only meets the intentions of the 2009 Master Community Plan for Minturn, but exceeds many of the goals described. The diverse housing types specifically address:

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

-Green and Sustainable Practices are also addressed through the large PV Solar array that is designed for the rooftop of the multifamily apartment building.

-Green building guidelines that address energy and resource efficiency, indoor air quality and on-site energy generation The best example of which is addressed through the Mechanical / Electrical engineering of the 16 Unit Apartment Building which results in a 100% energy offset. The building proposes 100% Electric powered appliances and heating/cooling systems, 100% LED fixtures for the interiors of the residential apartments as well as the common areas, hallways and exterior site lighting.

-Enhance the Town's Status as a Walkable and Bikeable Community

*The internal rustic walking trail provides the safe transit from US HWY 24 and the Martin Creek USFS public lands and trailhead. Also, the ECOBUS stop is adjacent to the site which provides a greater opportunity for the larger public community to safely access Martin Creek open space. This supports and promotes **the expansion of public transit service to outlying communities***

Promote redevelopment areas as mixed-use centers

-Promote Affordable Housing Promote the development of housing opportunities for all income levels throughout all areas of town. Allow a variety of lot sizes (small and large lot) as appropriate to specific areas. Develop an affordable housing program, to include

housing assistance for town employees, qualified town residents and other eligible Eagle County employees.

-Implement streetscape improvements with pedestrian-scale site elements including sidewalks, paving, signage, lighting and site furnishings

-Encourage the development of flexible space in commercial areas

-Protect and Promote USFS lands as a Community Asset (NRS 2.1)

Maintain and improve access to public lands

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

The site is adjacent to a crosswalk that allows safe pedestrian passage to the river side of HWY24 and the ECOBUS stop.

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

All onsite parking spaces are provided per existing town code for all proposed uses. No variations requested

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

All buildings, building envelopes proposed are in compliance with current IBC, IRC and IFC codes. The 5' rear setback proposed for the 16 unit apartment building is a variation but that setback is adjacent to the USFS open space which has no buildings nor is it likely to ever have developed structures that would impact the variation.

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

WATER

MIDTOWN VILLAGE anticipates that 100% of the domestic water will be supplied by the Town's system and 100% of the sanitary sewer service

would be provided by Eagle River Water and Sanitation Department. The site will provide a new "looped" water main that will service all phases of the PUD. It is anticipated that the 1st Phase of the development can be fully supported by the number of "historic" SFE's that exist with the property (22.5). Future phases of the project, when additional water resources become available, will require that the developer purchase an additional 20+ water taps plus another commercial tap for the Fire Station / Commercial building (size TBD, but anticipated to be 3-6")

SEWER

A section of the sanitary sewer main is proposed to be upgraded and realigned into a new easement that meets Eagle River Water and Sanitation District current rules and regulations. The Midtown Village team has worked extensively with ERWSD staff engineers to collaborate on the civil design details related to the proposed sewer plans and has provided an Ability to Serve letter anticipating full buildout of all phases.

UTILITY INFRASTRUCTURE

100% of the overhead electric power lines (Xcel Energy) are proposed to be buried as part of a new underground distribution design which will dramatically improve the look of this property from its current and historic use. The developer has already removed many of the old overhead distribution poles that serviced the mobile home trailers that previously littered the property. A 1.25" Natural Gas Main already exists inside the property boundary and Xcel engineers have deemed that line to be sufficient to serve any future needs for the full buildout of all phases.

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

Midtown Village is already in a historically "Mixed Use" zone with a diverse mix of residential homes, mobile homes and businesses coexisting side by side for many decades.

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

Midtown Village provides a diverse array of housing types (Deed Restricted apartments, Micro-Homes, Cottages, Townhomes and

Commercial Buildings) As mentioned above, homes and business have coexisted side-by-side for many decades in this part of town. Midtown Village is merely an extension of this historic use.

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

Midtown Village does not propose any variation from current town code related to building height. All proposed buildings, structures are 28' Maximum as specified in the Midtown Village PUD Guide

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

Streets, snow storage areas and proposed snow melt areas are provided to town standards and will be maintained by the Master Association.

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

Midtown Village is unique due to the fact that it shares its southern property boundary with USFS Martin Creek open Space. The site also offers public community gathering spaces and opportunities for play areas with playground equipment.

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

All of the proposed buildings are appropriate and similar to historical uses in this zone district.

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

Per the 2030 Future Land Use Map (2009), the proposed density of Midtown Village at full buildout is defined as Medium Density Residential (MDR -10-20 Dwelling units per acre) This MDR designation seems to fit the historical uses of this property given the

fact that this Zone district was home to many trailer / mobile homes per lot and shared driveways between 25' wide lots. The proposed densities are appropriate for this zone and should not be subject to further land dedications than are provided within the Preliminary PUD plans submitted.

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

Proposed density and intensity is in line with historical uses and appropriate with the Zone District and Character Area

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

Midtown Village's architectural style exhibited by the renovation of the 100 year old warehouse that will be completed in the spring of 2024 shows the commitment to preservation of the Town's historical, eclectic character and style. The design and materials proposed for the apartment building are provided and utilize natural materials native to Colorado and other historical structures found throughout the valley.

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

Primary and Secondary uses are described within the Midtown Village PUD Guide. They describe the original intentions for each Tract.

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

All parcels of the Midtown Village PUD have been annexed and are a part of the Town.

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

- 1. A Community Plan and Development Guidelines that illustrates the proposed land uses, building locations and housing unit densities.**

Refer to Civil Drawings by Midwestern Consulting and Midtown Village PUD Guide

- 2. An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands and describes any agreement proposed to preserve the open space, parks and recreation lands and how this will be implemented by deed or other agreement. This plan shall also describe the source of funds for long-term maintenance.**

Refer to Open Space Plan as part of the Civil Drawings. Maintenance of all greenspaces, common areas will be maintained by the Master Association and in accordance with the Declarations and Covenants

- 3. A traffic study**

Provided by McDowell Engineering attached

- 4. Proposed trails, sidewalks and traffic circulation patterns, including snow removal patterns and snow storage areas, and the proposed status of street ownership.**

Refer to Civil Drawings by Midwestern Consulting

- 5. Proposed grading and drainage plans.**

Refer to Civil Drawings by Midwestern Consulting

- 6. Detailed descriptions and commitments for the proposed source of legal and physical water supply and engineering plans for the proposed storage and distribution system for water supply (domestic and irrigation) and sewage disposal.**

Described above. Midtown Village has "historical use + 3" for water, which = 22.5 SFE's Refer to Civil Drawings by Midwestern Consulting for distribution details related to water and sewer. Ability to Serve letter for ERWSD included. See "Water Exhibit" included in Applicant Response to Holland & Hart letter dated 3/4/24

7. Economic data and supporting market analysis to justify any proposed commercial and industrial elements. While no commercial or industrial uses are proposed,

Refer to Fiscal Impact Study has been provided by Stan Bernstein and Associates

- The positive financial impacts to the Town of Minturn are also significant. Future Development Parcels (Tracts C, D, E) will require purchasing an additional Commercial Water Tap and an additional 20 SFE Residential Taps when additional water resources become available.
- The Town will receive significant revenue streams from not only these Tap Fees, but also Cash In Lieu, Real Estate Transfer, Construction Use, Sales and Property Taxes.
- Impacts to the Town of Minturn Public Works department are anticipated to be minimal due to the fact that the roads and driveways within the development are private and maintained by the Master Association.

8. Proposed development covenants, deed restrictions or other applicable codes.

Refer to Midtown Village Master Declarations and Covenants document provided and Midtown Village PUD Guide

9. An environment assessment or environmental impact report, unless waived by the Town Planner

Refer to EIR provided by Birch Ecology and letter from Devin Duvall related to Wildlife impacts

10. An impact analysis that describes the impact of the proposed PUD upon the school district

Refer to letter from Sandra Farrell, COO Eagle County Schools

11. A fiscal impact analysis of the estimated demands for Town services and a statement of projected Town tax revenue based

upon the historic Town tax levy and a schedule of projected revenue

Refer to Fiscal Impact Study has been provided by Stan Bernstein and Associates

12. Final site plans and architectural forms planned for the first phase of the proposed development

100% Construction Drawings, including site plans, have been provided.

13. Detailed plans for fire protection and emergency medical services.

Refer to Civil Drawings by Midwestern Consulting showing turning radii for Fire apparatus etc. Also refer to Ability to Serve letter from Mick Woodworth ERFPD and Eagle River Emergency Services

14. The PUD shall include a phasing plan that demonstrates that the PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.

Refer to Civil Drawings by Midwestern Consulting and Midtown Village PUD Guide which describes and illustrates all proposed Phases and Future Development Parcels on Tracts A-E

15. If development is proposed to occur in phases, then financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved

Acknowledged

CHARACTER AREA AND ZONE DISTRICT MAP AMENDMENT

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

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

- Midtown Village acknowledges above

2. Phasing. The preliminary plan for PUD shall include a phasing plan for the development. If development of the PUD is proposed to occur in phases, then guarantees shall be provided for public improvements and amenities that are necessary and desirable for residents of the project, or that are

of benefit to the entire Town. Such public improvements shall be constructed with the first phase of the project or, if this is not possible, then as early in the project as is reasonable.

- Midtown Village acknowledges above and Phase Plan is included

STANDARDS

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

- 1. Minimum area. It is recommended that a minimum of twenty-five percent (25%) of the total PUD area shall be devoted to open air recreation or other usable open space, public or quasi-public.** As described above, due to the unique circumstances of the property and proximity to the Martin Creek USFS open space and the county-wide affordable housing needs, the property proposes less than the recommended percentage of public space dedication in lieu of more deed restricted/affordable housing options.
- 2. Improvements required. All common open space and recreational facilities shall be shown on the preliminary plan for PUD and shall be constructed and fully improved according to the development schedule established for each development phase of the PUD** Refer to Civil Drawings provided by Midwestern Consulting Specifically - Phase and Open Space Plans
- 3. Continuing use and maintenance. All privately owned common open space shall continue to conform to its intended use, as specified on the preliminary plan for PUD. To ensure that all the common open space identified in the PUD will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and to prohibit the division of any common open space**
Midtown Village acknowledges above
- 4. Organization. If common open space is proposed to be maintained through an association or nonprofit corporation, such organization shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly owned and shall secure adequate liability insurance on the land. The association or nonprofit corporation shall be established prior to the sale of any lots or units within the PUD.**

Membership in the association or nonprofit corporation shall be mandatory for all landowners within the PUD

Acknowledged - Refer to Midtown Village Declarations and Covenants

VARIATIONS

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

1. Density and intensity

The density of residential and intensity of commercial development may be varied. Midtown Village proposes a slight increase of density at full buildout from approximately 12 residential units/acre to approximately 15 residential units per acre. This is primarily a function of the multi-family deed restricted apartment building that drives the extra 3 units per acre.

2. Dimensional limitations

The minimum lot area, minimum lot area per use, maximum building lot coverage, maximum floor area, minimum yard setbacks and maximum height may be varied. Midtown Village proposes a variation to a 5' Rear Setback on Tract A behind the apartment building. This variation is necessary to allow for safer traffic patterns inside the parking garage. It is also the opinion of the developer that the perceived visual of the variation will not be apparent due to shared property line and the USFS open space immediately behind the building.

3. Open Space

As described above, the project proposes less open space than the recommended 25% in lieu of increased density to provide more deed restricted housing solutions to local residents who live and work in the county. This has been an expressed goal of the Mayor, the Town Council and Community Plan.

4. Water SFE Allocation versus Actual Usage

SEE MIDTOWN VILLAGE – WATER EXHIBIT – 3/11/24 attached on pages 26-30

Basis for granting variations. These variations may be granted when the Town Council finds that the preliminary plan for PUD achieves one (1) or more of the following purposes and that the granting of the variation is necessary for that purpose to be achieved

Standards used in the designation of the land use categories on the Character Area Zoning Map, found in Chapter 16, Article III of the Community Plan, "Criteria Used in the Land Designation Process," shall also be considered when determining the maximum density and allowed uses of the PUD.

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

The code specifically provides for this kind of interpretation when it comes to allowing certain variations that result in positive and predictable outcomes.

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

The civil drawings have been reviewed by town engineers and have been deemed to be safe and meeting existing codes.

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

Does not apply

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

Midtown Village is the result of combining multiple properties into (1) contiguous PUD and the (5) Tracts are in conformance with this provision of the code

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

Due to constraints of current Water Moratorium, this does not apply

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

Midtown Village provides an additional trail resource for public use connecting HWY24 Sidewalk to Martin Creek

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

Midtown Village provides for 74%% deed restricted, resident occupied housing opportunities. Midtown Village also complies with the Town of Minturn Ordinance No.7 -Series 2020 commonly known as the Housing Ordinance.

8. **Public facilities. A variation may be allowed that provides incentives for applicants to develop public facilities, including but not limited to public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or**

off of the PUD site and shall be facilities that meet the demands not only of project residents, but also of other residents of and visitors to the Town

Midtown Village proposes to provide a covered ECOBUS Shelter for the adjacent bus stop that would require to be built closer to HWY24 for obvious reasons. This variation would allow the shelter to sit on the front property line of Tract D within the front setback. Maintenance of the shelter would be the responsibility of the Master Association.

SEC. 16-15-160. - PUD/PRELIMINARY DEVELOPMENT PLAN REVIEW CRITERIA:

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

The intention of the developer is for Midtown Village to be a direct reflection of the diverse character of the Town. Many different types of housing units and business coexisting side by side. The project also promotes equity in terms of affordable options for many different demographics of the community.

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

Midtown Village reflects the same character as the historic uses and provides a substantial investment into the future of this zone district in terms of continuing commercial and residential uses.

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

The proposed uses of Midtown Village do not present any significant impact from current and historic uses of the property. Furthermore, the phased development of this project will minimize the impact of day to day construction processes and spread them out over a longer period of time.

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

The larger buildings proposed are consistent with other areas of this zone district. The Micro Homes proposed are more similar to the scale of older residential units

that existed in this zone district in previous decades. They are not only a nod to the past but also an example of affordable and sustainable practice for future generations to be able to enjoy entry level homeownership in Minturn. The requested density is also consistent with other surrounding areas in town that have been redeveloped in recent years.

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

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

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

APPLICANT RESPONSE: We are so fortunate to have a project located in proximity to the river. While we are not proposing any major recreational aspects, we are excited to have a project that incorporates increased access to adjacent open space well as equipment and amenities for young children and adults alike.

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

Addressed in previous comments

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

Addressed in previous comments

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

The investment into the rehabilitation of the existing commercial building is significant and will guarantee that future commercial uses will continue in this zone

district, which has been expressed as a goal of the 2009 and 2022 Community Plans and the current Town Council / Mayor. The inclusion of an additional commercial building / future ERFPD Fire Station also satisfies this provision of the code.

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

Per the attached Traffic Study, there are no turn lanes or changes to HWY24 that are required. The impact to the streets outside the planned area are proposed to be of minimal impact.

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

All utilities, grading plans and drainage facilities have been designed by licensed professional engineers and reviewed by Town Engineering staff to ensure that they meet or exceed town standards. See referral comments by Jeff Spanel, Intermountain Engineering

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

APPLICANT RESPONSE: Please see previous comments.

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

Phase 1, Phase 2 Studies have been included as well as Environmental Impact Study (Birch Ecology) No significant impacts were identified.

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

(1) A minimum of twenty-five percent (25%) of the gross land area shall be reserved for common recreation and usable open space. Parking areas, street rightsof-way and minimum yard setbacks shall not be counted when determining usable open space. Water bodies, lands within critical wildlife habitat, riparian ecosystems and one-hundred-year

floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.

While this project is not proposing to dedicate the "recommended" 25% of open space, the developer believes that the tradeoff for the affordable housing component outweighs the public use of the square footage. The immediate proximity of the site to the USFS Martin Creek open space and the current economic cycles also impacted the decision to offer less than recommended open space dedications.

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

Acknowledged. Refer to Open Space Plan included in Civil Engineered Drawings

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

Open Space / Easements etc. will be included on Final Plat and governed according to the Midtown Village PUD Guide, Subdivision Improvement and Master Declarations and Covenants documents.

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;**
As stated previously, The Midtown Village PUD is consistent with and meets many of the intended goals
- 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;**
Addressed above
- 3. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.**
Midtown Village does not propose any amendment to modify the historic use of the subject property. As stated above, the proposed increase to density has been discussed and identified by the Planning and Zoning Board and Town Council as a necessary derivative of affordable housing solutions.?
- 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.**
Refer to Environmental Impact Study and letter from US Fish and Wildlife which did not identify any significant impacts.

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

The fact that Midtown Village proposes over 50% Deed restricted housing as well a truly affordable entry to homeownership is a clear example of providing a solution to a 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.

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

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

This zone district has been identified as important to continue to be a mixed use area. Significant investment by other local business and property owners continue to support this community goal.. (Yoga Barn, SteamMaster, Lucero's gas station redevelopment)

MIDTOWN VILLAGE - WATER EXHIBIT - 3/11/24 - Variation

Considering the Town Council's recent vote to approve Resolution NO. 32 – Series 2023, which allowed the Belden Place PUD to make a new distinction between “allocation versus actual usage”, Midtown Village is requesting a variance related to the allocation of the 22.5 SFEs that are available for the first and second phases of this project. Moratoriums are typically emergency measures that do not persist for multiple years. This Moratorium has been in place for 4 years with no solutions in sight for residents, investors, or developers. Some Council members, including the Mayor, have recently shown interest in doing a deeper dive into how Minturn defines and allocates SFEs. The PUD Overlay Zoning provision of the Minturn Municipal Code allows for the Town to consider variations to the existing code. This allows the Town and the applicant to work together to consider and create unique sets of rules and regulations specific to the development while maintaining the harmony and characteristics of the given neighborhood zone district. This variation is proposed with the realistic goal of creating more homes for permanent Minturn residents by allocating their (historic use +3) of 22.5 SFEs in a more responsible, equitable and sustainable manner than the existing code allows.

The tables below are based upon Minturn's definition that 1 SFE serves up to 3,000 square feet of indoor use and 2000 square feet of outdoor, irrigated use. The tables illustrate proposed maximum Indoor and Outdoor uses and the resulting number of SFE's proposed as part of the variation.

TRACT A – 21,910 SF - (16) Unit Apartment Building

Existing Code would require 16 SFE - **VARIANCE = 8 SFE (net 8 SFE)**

UNIT #	INDOOR	OUTDOOR	MAXIMUM	UNUSED	PROPOSED SFE
1	1272	0	5000	3728	.5
2	1272	0	5000	3728	.5
3	1272	0	5000	3728	.5
4	1272	0	5000	3728	.5
5	1420	0	5000	3580	.5
6	1420	0	5000	3580	.5
7	1420	0	5000	3580	.5
8	1420	0	5000	3580	.5
9	1420	0	5000	3580	.5
10	1420	0	5000	3580	.5
11	1420	0	5000	3580	.5
12	1420	0	5000	3580	.5
13	1420	0	5000	3580	.5
14	1420	0	5000	3580	.5
15	1420	0	5000	3580	.5
16	850	0	5000	4150	.5
TOTALS	21,558	0	80,000	58,442	8

The Proposed **Indoor** use is **21,558** - **45%** of the total allowable under current code.
The Maximum allowable **Outdoor** square footage would be **32,000 sf**.
The Proposed **Outdoor** square footage and use is **0**.

The **net** result of this sustainable design is that the entire 16 unit building will use **73% less** water than 16 SFE's would normally provide for. The developer proposes a Variance to allocate 8 SFE's to TRACT A instead of the full 16 SFEs that the code would normally require.

TRACT B – 28,527 SF – WAREHOUSE / (3) APTS and (2) Cottage Lots

Existing Code would require **6.5 SFE** - **VARIANCE = 4.5 SFE** - **(net 2 SFE)**

UNIT #	INDOOR	OUTDOOR	MAXIMUM	UNUSED	PROPOSED SFE
APARTMENT A	1459	0	5,000	3,541	.5
APARTMENT B	1232	0	5,000	3,768	.5
APARTMENT C	916	0	5,000	4,084	.5
WAREHOUSE	3000	0	7,500	7,425	1
COTTAGE 1	3,000	2000	5,000	0	1
COTTAGE 2	3,000	2000	5,000	0	1
TOTALS	12,607	4,000	32,500	15,893	4.5

The Proposed **Indoor** use is **12,607 sf** - **65%** of the total allowable under current code. The Maximum allowable **Outdoor** square footage would be **13,000 sf**. The Proposed **Outdoor** use is **4,000 sf** - **31%** of the total allowable under current code

The **net** result of this sustainable design is that the entire Tract B, at full build-out, will use **49%** less water than 6.5 SFE's would normally provide for. The developer proposes a Variance to allocate **4.5 SFE's** to **TRACT B** instead of the 6.5 SFEs that the code would normally require.

TRACT C – 21,501 SF – (8) MICRO HOMES @ 650 SF EACH

Existing Code would require 8 SFE - VARIANCE = 4 SFE

UNIT #	INDOOR	OUTDOOR	MAXIMUM	UNUSED	PROPOSED SFE
1	750	0	5,000	4,350	.5
2	750	0	5,000	4,350	.5
3	750	0	5,000	4,350	.5
4	750	0	5,000	4,350	.5
5	750	0	5,000	4,350	.5
6	750	0	5,000	4,350	.5
7	750	0	5,000	4,350	.5
8	750	0	5,000	4,350	.5
TOTALS	6.000	0	40,000	34,000	4

The Proposed Indoor use is **6,000 sf** - 25% of the total allowable under current code. The Maximum allowable Outdoor square footage would be **16,000 sf**. The Proposed Outdoor square footage and use is **0**.

The **net** result of this sustainable design is that the entire Tract C, at full build-out, will use less than **85%** less water than 8 SFE's would normally provide for. The developer proposes a Variance to allocate **4 SFE's** to **TRACT C** instead of the 8 SFEs that the code would normally require.

HOW AND WHY DOES THE DEVELOPER PROPOSE TO HAVE ZERO OUTDOOR USE?

HOW –100% drought tolerant plantings, Xeriscape rock gardens and native grasses that can withstand natural rain/snowfall. Passive rain/snow collectors from roof drains will allow for gravity drip watering to planting areas when mother nature provides. Common “greenspace” areas that would traditionally be natural sod requiring irrigation systems would be replaced with small areas of artificial turf that require zero water. All the Open Space areas outside of the architected landscape areas would be left to return to native grasses subject to natural moisture conditions.

WHY – Midtown Village is unique regarding the actual water used versus what will be allocated to it, especially considering outdoor use/irrigation. Under Minturn’s Town Code, 1 SFE allows for 2,000 square feet of outdoor irrigation. That means Minturn Village’s 22.5 SFEs can be used to irrigate 45,000 square feet of outdoor space.

However, because Phase 1 and Phase 2 of the Midtown Village Preliminary PUD was designed in such a sustainable manner, the maximum outdoor irrigation potential it has available to it is only 4,000 square feet. Therefore, Midtown Village has 41,000 square feet of outdoor irrigation water allocated to it, which it will never use. The practical result is that 41,000 square feet of outdoor water use stays in Minturn’s system and Midtown Village never touches it.