



Conditional Use Permit Hearing

Conditional Use Permit for New Duplex 362 Taylor Street

Hearing Date:	February 21, 2024
File Name and Process:	Duplex Final Plan and Conditional Use Permit Review
Owner/Applicant:	Karl and Pavan Krueger
Representative:	Karl Krueger
Legal Description:	Subdivision: Taylor Add to Minturn Block: C Lot: 1 and Lot: 2
Address:	362 Taylor Street
Zoning:	Game Creek Character Area – Residential Zone District
Staff Member:	Madison Harris, Planner I
Recommendation:	Approval, with Conditions

Staff Report

This report includes both Design Review Board criteria and findings as well as Conditional Use Permit criteria and findings. Staff respectfully requests the Town Council focus their review on the Conditional Use Permit analyses by staff starting on page 7 of this staff report and the Conditional Use Permit findings on page 6.

I. Summary of Request:

The Applicant requests a Conditional Use Permit review of a new, 5,411 square foot duplex (Unit A: 4 bedrooms, 2,900 square feet and Unit B: 3 bedrooms, 2,511 square feet) located at 362 Taylor Street in the Game Creek Residential Zone District. The Planning Commission acting as the Design Review Board have approved the design plans of the duplex. The Applicant has provided a relatively complete and thorough set of site, landscaping, and architectural plans allowing staff and the DRB to conduct a final plan level review of the project.

Proposed Plans

The plans show a three and a half level structure with a max height measured to the midpoint of the roof of 27.833 feet above proposed grade. The height of the proposed structures appear 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 for Unit A (two in the garage and two surface spaces in front of the garage), and three off-street spaces provided for Unit B (one in the garage and two surface spaces in front of the garage). The duplex requires three spaces for Unit A and two spaces for Unit B.

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 Applicant has provided a complete, detailed set of plans necessary to complete a thorough final plan review.

Staff and the Planning Commission are **recommending approval**, with conditions.

II. Summary of Process and Code Requirements for DRB:

This is a final plan-level of review for a new duplex 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 362 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

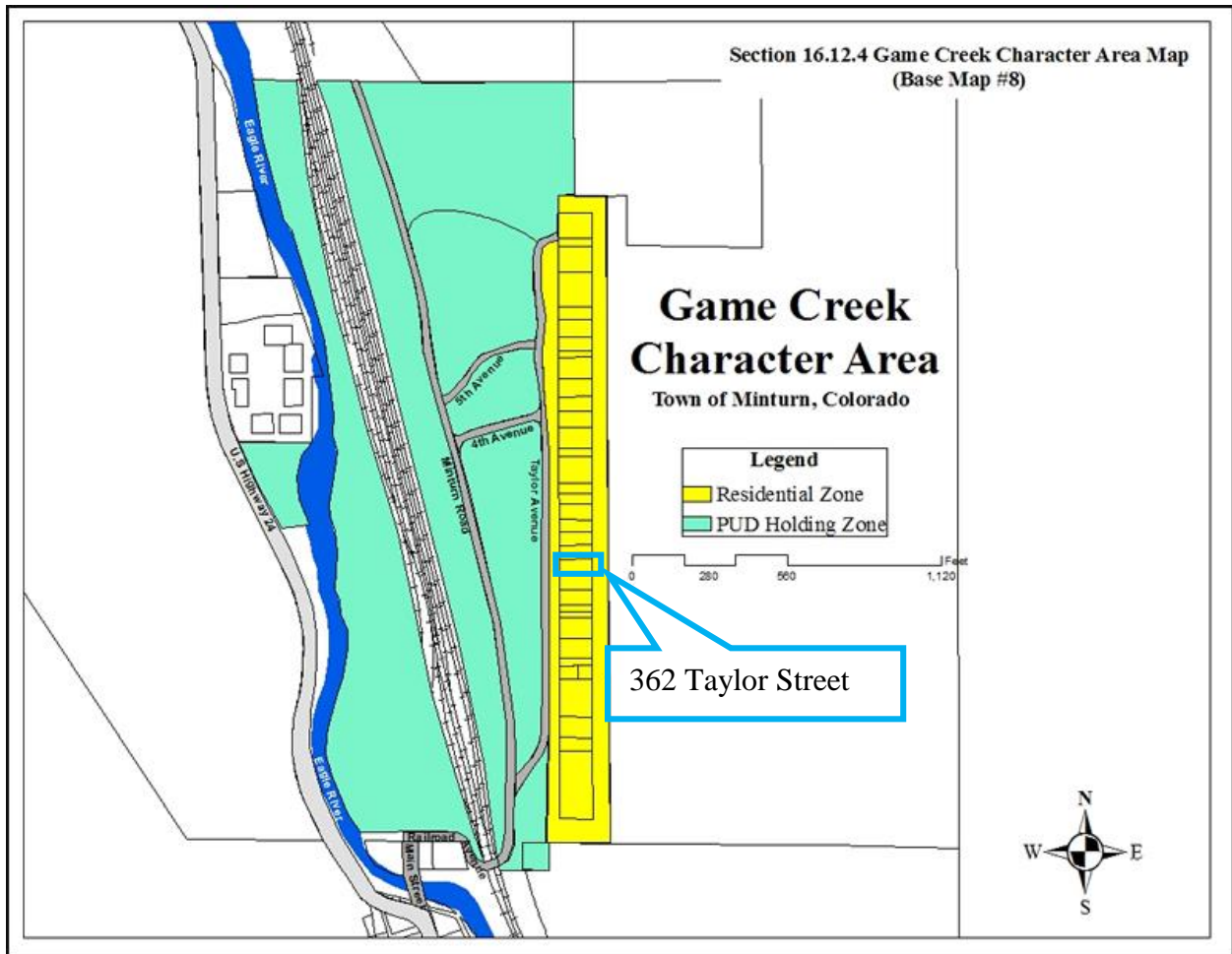


Figure 1: Game Creek Character Area Zoning Map

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.	7,100 sq. ft. (.163 ac.)
Maximum Building Height:	28 feet	27.833 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% (2,840 sq. ft.)	2,152 sq. ft. (30.31%) Proposed
Maximum Impervious Coverage:	50% (3,550 sq. ft.)	3,113 sq. ft. (43.85%) Proposed
Minimum Snow Storage Area:	5% of Lot (7,100 sq. ft. x .05 = 355 sq.ft.)	358 sq. ft.

Parking:	5 spaces	7 spaces

Note: the above calculations are based on the following:

$$\text{Lot 1/2} = .163 \text{ acres} \times 43,560 \text{ sq. ft./acre} = 7,100 \text{ sq. ft.}$$

$$7,100 \text{ sq. ft. lot area} \times .05\% = \underline{355} \text{ sq. ft. (Required Snow Storage)}$$

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

Mass and Form

The following excerpts from the Design Guidelines should be considered by the Design Review Board when reviewing the proposed project:

Appendix B(II)(A)(1)(a)(1) – Topography

“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.”

Appendix B (II)(A)(2)(c) – Building Details

“Create interest in the primary wall plate with porches, balconies, recessed walls and decks (as well as overhangs, eaves, dormers, cantilevers, awnings and similar features).”

Staff Response:

Staff believes that the design and scale of the proposed structures “stepping” and creates visual interest, and is complimentary to adjacent 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 environments.

V. Summary of Process and Code Requirements for Conditional Use Permit:

This is a Conditional Use Permit (CUP) review by the Town of Minturn Town Council, making a determination of approval, 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. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to such other conditions as the Town Council may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening and street dedication and improvements; regulation of vehicular access and parking, signs, illumination and hours and methods of operation; control of potential nuisance; prescription of standards for maintenance of buildings and grounds; and prescription of development schedules.

(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.”*

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:

Under Objective 1.1 of the 2023 Community Plan (the Town’s comprehensive plan), under R2 (proposed zoning for Taylor Avenue) states – *“Single-family homes, duplexes, and accessory dwelling units should be allowed on all lots...”*

Under “Attainable Housing & Historic Character” of the 2023 Plan, Objective 4.9 states, in part, that *“Minturn residents are accustomed to smaller historic houses, creating an opportunity to promote innovative designs of smaller and less costly homes. These could include duplexes, fourplexes, eightplexes and ADUs. As an added benefit, these smaller units can help address the shortage of rental housing, and/or provide less costly ownership opportunities.”*

- 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 duplex, inclusive of parking, likely will have minimal material impact or effect on the distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and/or needs.

- 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:

Use of the proposed duplex in a residential area will likely not result in a material increase in local traffic, congestion, pedestrian safety, traffic flow and control, access, maneuverability and snow removal in the immediate vicinity of the subject 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.*

Staff Response:

Staff believes that this will not have a negative effect upon the character of the area. There are other duplexes or lots that have two units on Taylor Avenue such as 532 Taylor Avenue (duplex) and 382 Taylor Avenue (single family and an ADU). The scale of the building is in line with recently approved projects within the last few years. There should be minimal noise, lighting and glare, or dust that this duplex is the source of.

- 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 area. The Town's master plan and guiding policy statements for the Game Creek Character Residential Zone anticipate a mix of dwelling unit types:

“This district is recommended in other residential areas of town with small to medium size lots. The intent of this district is to support the eclectic mix of housing types found in Minturn. Single-family homes, duplexes, and accessory dwelling units should be allowed on all lots, with multifamily only allowed on lots greater than 7,500 square feet. Minimum lot size should be 5,000 square feet, with up to 50% lot coverage allowed and a maximum building height of 28 feet.”

- 2023 Imagine Minturn Community Plan Chapter 1, pg. 21

It should be noted that the Community Plan does provide goals and strategies geared toward supporting duplexes. As such, staff suggests that the use proposed is in accordance with this criteria.

A primary purpose of the Conditional Use Permit review is to ensure that permitted uses are compatible with their locations and surrounding land uses and will further the purposes of the Community Plan and Chapter 16.

- 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:

Generally, the location and use proposed, if properly conditioned, should not be detrimental to the public health, safety or welfare, nor should they 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:

If appropriate conditions of approval are attached with any granting of a CUP in this instance, and if such conditions are enforceable (jointly) by the Town and the Applicant, staff believes that this finding can be met.

VII. 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:

Public Works

Public Works has commented that the curbstop location needs to be finalized and the service line buried at the appropriate depth.

Boundary Survey

Staff referred this final plan to the Town Engineer (Inter-Mountain Engineering) for comments, and that letter dated February 9, 2024 is attached. In that letter the Town Engineer discusses the boundary survey requirements. In the attached letter from the Applicant also dated February 9, 2024, the Applicant stated that it is his hope “that the surveyor can make all adjustments by the February 14th Planning Commission meeting”. The Applicant should address this concern during the public hearing.

VIII. Summary of February 14, 2024 Planning Commission Meeting:

The Planning Commission liked the design of the structure. They had concerns primarily about parking and snow storage. Although what is shown on paper is one extra parking space per unit, there were concerns expressed that people would still end up parking in the street. It was suggested that in any future leases the property owner may execute, that there be a clause added to require tenants to park on the property. Regarding snow storage, it was requested that staff

double check the provided numbers to ensure that the appropriate square footage has been provided. Staff has done so, and there is enough snow storage according to the Code. The Planning Commission ultimately unanimously voted to approve the Final Plan and forward a recommendation to the Town Council of approval with conditions of the Conditional Use Permit.

IX. Planning Commission Recommendation and Suggested Conditions:

Staff and the Planning Commission suggest that the Final Plans for 362 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 Town Council approves of the Conditional Use Permit, the following conditions of approval are suggested by the Planning Commission.

1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024 prior to building permit issuance.
2. The Applicant shall maintain the minimum required parking spaces for each duplex unit.