

Staff Report

MINOR MODIFICATION



June 2, 2009 Planning & Zoning Commission meeting

Report date: May 29, 2009
Project type: Exterior Modifications
Legal description: Lot 20, Block 2, Benchmark at Beaver Creek Subdivision
Zoning: TC – Town Center
Address: 48 E. Beaver Creek Boulevard

Introduction

The applicant, Stephen Bullock, is proposing to delineate a temporary outdoor seating area using cedar planks and planters for the area east and south of the existing Saltwater Cowboy restaurant and retail store. The proposed modification would be placed on the perimeter of an approximately 1,500 square foot outdoor patio area. The proposed materials would be comprised of two materials: two foot (2') by two foot (2') cedar planters and eight foot (8') long cedar planks. The proposal is to place a four foot (4') tall tree in each of the ten (10) planters and flower pots placed on top of the planks. The applicant is proposing to have the outdoor dining area for the summer months only and will dismantle and store the materials during the rest of the year.

Given the limited height of the proposed cedar planters (2') and planks, Staff has concerns over the visibility and stability of the proposed improvements. Staff is recommending the Commission table this application in order to allow the applicant to revise their proposal to incorporate Staff's concerns as stated above.

Attached to this report are a Vicinity Map (Exhibit A), pictures of the proposed materials (Exhibit B) and a site plan (Exhibit C).

Design Review Considerations

According to the Town of Avon Residential, Commercial, and Industrial Design Review Guidelines, Section 7, the Commission shall consider the following items when reviewing the design of this project:

1. The conformance with setbacks, massing, access, land use and other provisions of the Town of Avon Zoning Code.

- *Allowed use:* The proposed outdoor seating use is permitted given the Town Center (TC) zoning. The applicant will have to apply for a revised liquor license to allow for the outdoor serving of alcoholic beverages if this application is approved.



- *Density*: The proposed modification does not affect the overall density of the project.
- *Lot Coverage*: The outdoor seating area is located on top of the existing patio and will not affect the overall lot coverage.
- *Setbacks*: The setbacks are typical for Town Center (TC) zoning, twenty-five foot (25') front yard setback that is measured from E. Beaver Creek Blvd and seven and one-half foot (7.5') side yard setbacks that are measured from the two sides of the property. The proposed modifications appears to be fully within all setbacks and easements, however Staff recommends the applicant provide a scaled site plan inclusive of the setbacks and easements to verify compliance with zoning standards.
- *Easements*: As stated above, it appears that the application does not impact existing easements and Staff recommends the applicant provide a scaled site plan to verify compliance.
- *Building Height*: The proposed modifications will not affect the overall height of the building.
- *Grading/Drainage*: There are no modifications to the existing grading or drainage of this property.
- *Parking*: The proposed modifications will not alter the parking requirements for the existing building. The additional outdoor seating area is considered a portion of the restaurant and the Town of Avon's parking code specifically states that outdoor seating is exempt from the parking requirements.

2. The general conformance with Goals and Policies of the Town of Avon Comprehensive Plan, and any sub-area plan which pertains.

The project complies with the Town of Avon Comprehensive Plan and all other sub-area plans.

3. Whether adequate development rights exist for the proposed improvements.

The proposed modifications do not alter the development rights for the property.

4. The Final Design plan is in general conformance with Sub-Sections A through D of the Residential, Commercial, and Industrial Design Guidelines.

A. Site Development:

- *Site Design*: This application complies with this subsection of the Design Guidelines given the location of the proposed improvements. The guidelines state that outdoor dining should consider passive solar energy and weather conditions when choosing a location. The proposed modifications are to the south and east of the existing building and are in the best location for passive solar gain.
- *Site Access*: The proposed modifications alter the pedestrian access around the existing building by limiting the amount of space for pedestrian movement. Staff believes that there still will be enough room left for



pedestrian movement, but with a scaled site plan for the property this can be verified.

- *Parking and Loading:* As stated earlier this proposal will not affect the parking and loading for the property.
- *Site Grading:* There are no proposed modifications to the existing grading on the site.
- *Snow Removal and Storage:* The proposed modifications will not alter the snow storage area as the outdoor seating area will only be in place during the summer months.

B. Building Design:

- *Building Materials and Colors:* The proposed materials, as stated earlier in this report, are two foot (2') square by two feet (2') tall planters and eight foot (8') long planks. Both of the materials will be made of cedar and will remain in a natural state. As proposed, the materials do not appear to complement the outdoor seating area in front of Vin48 and are visually incompatible with the existing building. As stated earlier in this report, Staff has concerns about the visibility and stability of the proposed improvements.
- *Exterior Walls, Roofs, and Architectural Interest:* As proposed, the wall colors and materials should be compatible with the site and the surrounding buildings. The architectural character of the proposed modification meets the requirements of the Design Guidelines and is compatible with the surrounding neighborhood.

C. Landscaping:

- *Design Character:* The proposed modifications will alter the landscaping surrounding the existing building. As stated earlier in this report, the applicant is proposing to place four foot (4') tall trees in each of the ten (10) cedar planters in addition to flowers along portions of the cedar planks. Specific plant types/species have not been proposed and Staff recommends the applicant place drought tolerant plants in the proposed planters. Staff questions the viability of generic trees in the proposed planters and has suggested shrubs as a more suitable option.
- *Irrigation/Watering:* There will be no modification to the existing, permanent irrigation plan.
- *Fencing and Screening:* The Design Guidelines specify three (3) types of fencing that are permissible in commercial areas: open split rail fences (two rails); four foot (4') tall solid wood fences; and six foot (6') tall solid wood fences. Although the applicant isn't proposing a fence, the perimeter of the outdoor seating area does function in the same manner as a fence. The applicant is not proposing to use any of the three options, but Staff has determined that the proposed design is acceptable due to the use as a perimeter of an outdoor seating area.



Exhibits:

- A: Vicinity Map
- B: Photos of the existing structure
- C: Reduced plan sets



5. The compatibility of proposed improvements with site topography, to minimize site disturbance, orient with slope, step building with slope, and minimize benching or other significant alteration of existing topography.

The proposed modifications do not affect the existing vegetation or site topography.

6. The appearance of proposed improvements as viewed from adjacent and neighboring properties and public ways, with respect to architectural style, massing, height, orientation to street, quality of materials, and colors.

The appearance of the proposed improvements should be high quality and compatible with the surrounding improvements.

7. The objective that no improvement be so similar or dissimilar to others in the vicinity that monetary or aesthetic values will be impaired.

No monetary or aesthetic values will be impaired with the proposed modifications.

8. The general conformance of the proposed improvements with the adopted Goals, Policies and Programs for the Town of Avon.

The project is in general conformance with the Town's adopted goals and policies and is a use by right pursuant to the Wildridge Subdivision.

Staff Recommendation

Staff recommends the Commission **TABLE** this Minor Modification application for an outdoor seating area for the Saltwater Cowboy restaurant on Lot 20, Block 2, Benchmark at Beaver Creek Subdivision.

Recommended Motion

"I move to **TABLE** the Minor Modification application for an outdoor seating area for the Saltwater Cowboy restaurant on Lot 20, Block 2, Benchmark at Beaver Creek Subdivision with the following **FINDINGS**:

- 1. The applicant must revise the application to provide more of a vertical/visible presence and physical stability to the method of delineation for the outdoor seating area and liquor license boundary prior to approval; and,*
- 2. Prior to approval, the applicant must provide a scaled site plan that shows all site improvements as well as easements and setbacks to ensure that there is ample pedestrian circulation through the site and that the proposed improvements do not encroach into any setback or easements.*

If you have any questions regarding this project or any planning matter, please call me at 748-4023, or stop by the Community Development Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared Barnes".

Jared Barnes
Planner I

Vicinity Map - Lot 20, Block 2, Benchmark at Beaver

Exhibit A



Aerial photo: Eagle County, October 2001



Feet
0 40 80

- Residential Streets
- ▭ Property Boundaries



This map was produced by the Community Development Department. Use of this map should be for general purposes only. Town of Avon does not warrant the accuracy of the data contained herein.

Created by Community Development Department

Jared Barnes

From: sales@saltwatercowboy.org
Sent: Tuesday, May 12, 2009 6:13 PM
To: Jared Barnes
Subject: swcowboy planters for boundary
Attachments: EBAY 014.jpg; EBAY 015.jpg; EBAY 013.jpg

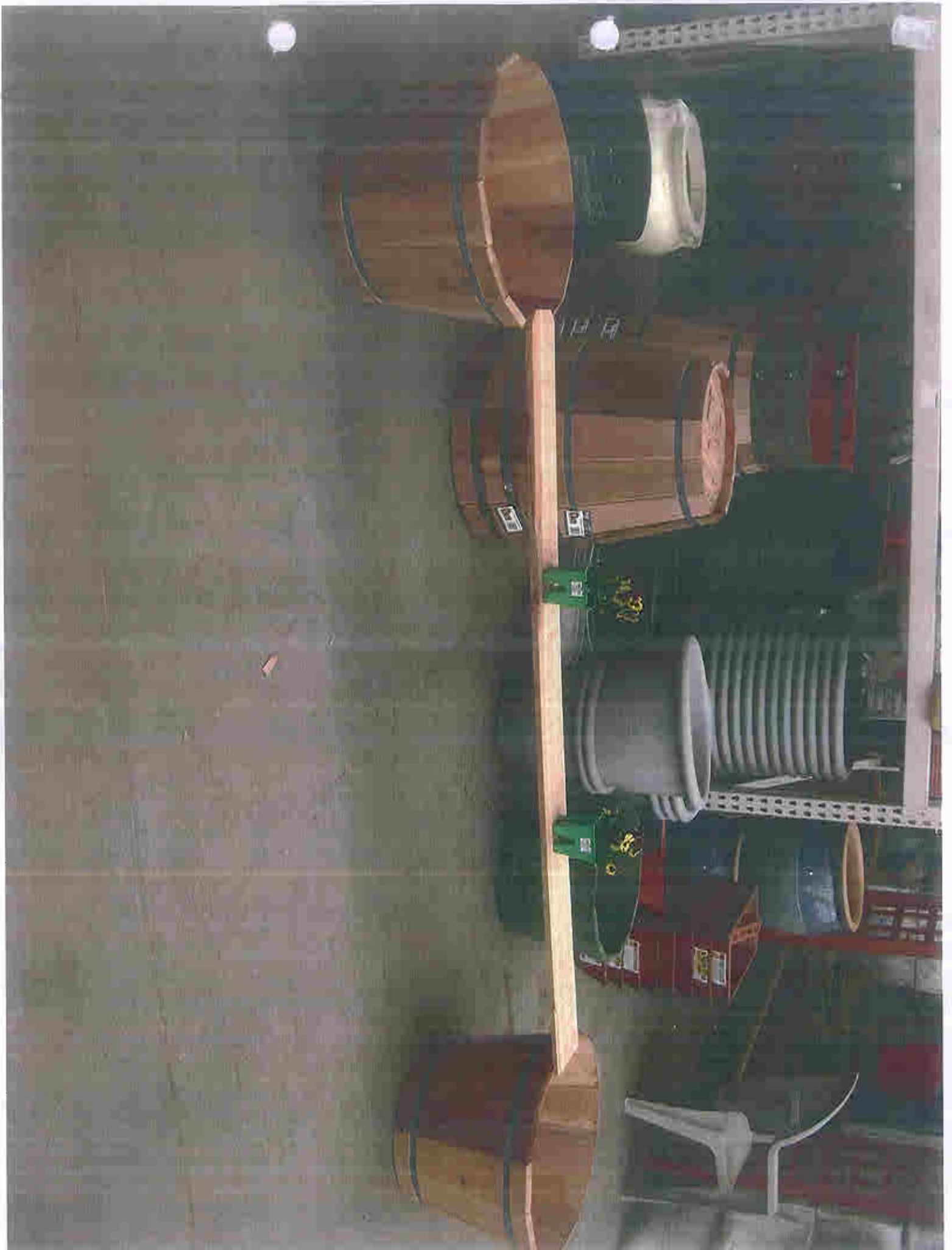


Here is an example of the planters I plan to use for the boundary on the patio w/ outside seating. The planters will be filled w/ an approx. 4' tree and connecting together w/ a 1" X 4" cedar plank that holds some blooming flowers. Also attached is an example of the kind of tables I will be using.

Thanks,

STEPHEN BULLOCK
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SURF AND TURF APPAREL
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AVON, CO 81620
OFFICE/FAX (970)949-3308







\$399

\$165

699

TORY