



2012

Planning Commission Meeting

July 11, 2012

Regular Session:
(Town Hall)

6:30 p.m.

Council Goals

Top Council Priorities:

- **Street Repairs and Drainage Improvements**
- **Sidewalk Installations**
- **Improve Planning and Apply for Infrastructure Grants and Loans**
- **Implement Streetscape Plan**
- **Strengthen Marketing and Events**
- **Clean UP Parking Area on North Taylor Street**

Town of Minturn

Planning Commission Agenda

July 11, 2012

Regular Session – 6:30 p.m.
Minturn Town Hall – 302 Pine Street

Call to Order/Roll Call

Approval of Agenda Items

- a. Items to be pulled from Action Items
- b. Emergency Items to be added
- c. Order of the Agenda Items
- d. Approval of the agenda

Approval of Minutes

Planning Commission meeting minutes from June 13, 2012

Public Comment

Members of the public may have 5 minutes to comment on any item they wish that is not on the agenda.

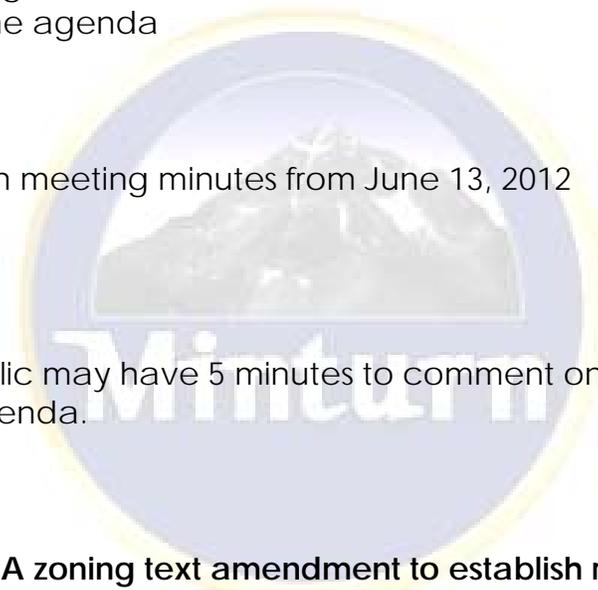
Action Items

1. ZTA 2012 – 04; A zoning text amendment to establish regulations pertaining to the installation of fences in the Town of Minturn.

Planning Department Update

Commissioner Comments

Adjournment



Town of Minturn

Planning Commission

June 13, 2012

Regular Session – 6:30 p.m.
Minturn Town Hall – 302 Pine Street

Call to Order/Roll Call

The June 13, 2012 meeting of the Minturn Planning Commission was called to order by Chairperson Lynn Teach at 6:34 p.m.

Members Present: Lynn Teach, Chairperson
Tim Osborne, Vice – Chair
Melissa Decker
Burke Harrington
Bobby Head

Staff Present: Chris Cerimele, Town Planner

Approval of Agenda Items

Commissioner Teach asked if there were any changes to the agenda. None were noted. A motion to approve the agenda as presented was made by Commissioner Harrington and seconded by Commissioner Osborne. The motion passed 5-0.

Approval of Minutes

Planning Commission meeting minutes from May 9, 2012

Commissioner Head made a motion to approve the minutes with the following amendment:

The March 14, 2012 minutes were amended to indicate that B. Head abstained due to his absence from the meeting.

Tim Osborne seconded the motion. The motion passed 5-0.

Public Comment - none

Action Items

1. ZTA 2012 – 04; A zoning text amendment to establish regulations pertaining to the installation of fences in the Town of Minturn.

Chris Cerimele introduced the agenda item and provided an overview of the current regulations pertaining to fences. He stated that permits were not currently required for the installation of fences and retaining walls and that there was no good method to regulate them. The proposed code amendment would require a homeowner to receive a permit prior to the fence or retaining wall installation and would also set regulations relating to height and materials.

Commissioner Head stated that he did not think it was appropriate to completely ban chain-link fences. Commissioners Teach and Osborne agreed. It was decided to allow chain link fences in side yards and to prohibit them along any property boundary that was adjacent to a public street.

Commissioner Teach suggested adding language that stipulated that the decorative or finished side of a fence or retaining must face a public street or neighboring property.

A discussion ensued regarding allowable materials for fences. Commissioner Harrington stated that Vail does not allow composite materials for deck posts and railings. Commissioner Teach wanted the Commission to consider a list of fencing materials that were acceptable to the Town. Staff suggested keeping the existing language that called for the materials to be durable and architecturally compatible to the primary building on the site.

C. Cerimele stated that he would make the suggested revisions and bring the code amendment back for a formal vote by the Planning Commission.

B. Harrington made a motion to table ZTA 2012-04 until the July 11th meeting. B. Head seconded the motion. The motion passed 5-0/

Planning Department Update

C. Cerimele informed the Commission that he was pursuing a grant opportunity for funding to complete the second phase of Little Beach Park. He stated that the Town received \$250,000 from the Battle Mountain development for improvements to LBP and that money would be used for a grant match. He stated that a committee was being formed to discuss the future improvements and that he would like to have a representative from the Planning Commission on the committee. M. Decker volunteered to serve on the committee.

Adjournment

M. Decker made a motion to adjourn the meeting at 7:45 pm. B. Harrington seconded the motion. The motion passed 5-0.

PLANNING COMMISSION STAFF REPORT

Planning Commission Hearing Date: July 11, 2012

FILE NUMBER: ZTA 2012-04
PROJECT TYPE: Zoning Text Amendment – Fence and retaining wall standards
LOCATION: The incorporated areas of Minturn
OWNER: Not Applicable
APPLICANT: Town of Minturn
REPRESENTATIVE: Chris Cerimele, Town Planner

SUMMARY

Staff is proposing new regulations that govern the installation of fences and retaining walls in the Town of Minturn. These regulations will establish design guidelines for fences and retaining walls and create a procedure for the issuance of a permit to construct the same.

PROPOSED CODE AMENDMENT

Section 16-17-300. Regulations Governing Fences and Retaining Walls

A. Purpose and Intent.

1. The purpose and intent of this section is to regulate the construction and installation of fences and retaining walls within Town boundaries and to control their design and use in accordance with the regulations contained herein.

B. Permit Required.

1. A permit is required for the installation of any new fence or retaining wall in the Town of Minturn.
2. A permit is required for the replacement of twenty-five (25) percent or more of a nonconforming fence or retaining wall. Nonconforming fences and retaining walls must be brought into conformance with these regulations.

C. Submittal Requirements.

1. A complete application on forms provided by the Town and applicable permit fee.
2. Site plan to scale indicating all property lines and locations of existing and proposed fences and retaining walls. The property owner shall be

responsible for verifying the location of all property lines and ensuring that all portions of any fence or retaining walls are installed on their property.

3. A narrative and/or drawing indicating proposed materials and heights of the proposed fence or retaining wall.
4. Additional requirement for retaining walls:
 - a. Retaining walls four feet and higher shall be designed by a Colorado licensed professional engineer with the engineer's stamp clearly depicted on the design plan. Such engineered plans shall have considered a site specific soils report and shall state that the design is in accordance with the soils report recommendations.

D. Design and Construction

1. Fences and retaining walls shall be constructed of durable materials that are architecturally compatible with the primary building on the site. The decorative or finished surface shall face a public street or neighboring property. Concrete masonry unit (CMU) walls shall be faced with a decorative finish.
2. Chain-link and wire mesh fencing is prohibited along any property boundary facing a public street. Electric and barbed wire fences are strictly prohibited.
3. Except as otherwise noted, fences in the front yard shall not exceed four (4) feet in height. Fences in the side and rear yard shall not exceed six (6) feet in height. Fences in the Planned Unit Development Holding Zone of the Game Creek Character and Lionshead Character Area shall be no more than eight (8) feet in height. For corner lot properties at the intersection of two streets, all fences and retaining walls must comply with the clear vision area requirements of this chapter.

E. Existing Non-Conforming Fences and Retaining Walls.

1. All fences and retaining walls legally in existence as of the effective date of the ordinance codified in this chapter that do not conform to these regulations shall be considered pre-existing and nonconforming;
2. An owner of property shall bring all pre-existing and nonconforming fences and retaining walls into conformance with these regulations upon the replacement or destruction of any fence or retaining wall in excess of twenty-five (25) percent of the total length of the structure.

STAFF RECOMMENDATION

Staff recommends approval of ZTA 2012-04 as presented.

DRAFT MOTION ZTA 12-04:

I move to approve ZTA 2012-04 and the associated Planning Commission Resolution 2012-04.

PLANNING COMMISSION ALTERNATIVES TO DRAFT MOTION:

1. Do not forward this zoning text amendment with a recommendation of approval
2. Provide staff with alternate direction

Respectfully Submitted

Chris Cerimele, Planner

Attachments:

Planning Commission Resolution 2012-04

**TOWN OF MINTURN, COLORADO
PLANNING COMMISSION RESOLUTION 2012-04**

A RESOLUTION APPROVING ZONING TEXT AMENDMENT 2012-04

WHEREAS, consistent with Section 16-21-430 of the Minturn Municipal Code, the Town of Minturn has proposed a Zoning Text Amendment to create new regulations pertaining to fences and retaining walls in the Town of Minturn; and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, on July 11, 2012 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and recommended approval of the application to the Minturn Town Council; and

WHEREAS, on August 1, 2012 the Town Council will hold a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.450, the Planning Commission makes the following finding:

- Zoning Text Amendment 2012-04 is consistent with the applicable standards of Minturn Municipal Code section 16-21-450.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:

Recommends approval to the Minturn Town Council of ZTA 2012-04

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 11th day of July, 2012.

TOWN OF MINTURN

By: _____
Chairman

ATTEST:

Town Clerk