

**Town of Minturn
Planning Commission Agenda**

Wednesday, January 28, 2009

Regular Meeting - 7:00 p.m.
Minturn Town Center – 302 Pine Street

Call to Order/Roll Call

Chairman Woody Woodruff called the meeting to order at 7:11 pm. Other Commissioners present included: Vice Chair Michael Gallagher and Stuart Brummett. Absent were Commissioners Kristi Bloodworth and Lynn Teach

Staff present included Victor Villarreal, Planning Director and Chris Cerimele, Asst. Town Planner

Approval of Agenda Items

Stuart Brummett made a motion to approve the agenda as presented. Michael Gallagher seconded the motion. The motion passed 3-0

Approval of Minutes – Minutes from January 14, 2009

Action Items

- 1. Conditional Use Permit Application – CU 09-01. A public hearing will be held for a Conditional Use Permit application for a rental truck storage lot and office trailer to be located on leased property in the Union Pacific rail yard.**

Chris Cerimele presented the agenda item. He stated that the applicant had been awarded the Penske Truck franchise in Minturn and his intent was to move the existing operation approximately 500' to the north and locate a small office trailer and temporary bathroom facility on site. Chris stated that the staff recommends approval of the application subject to the conditions stated in the staff report. He then proceeded to introduce the applicant Bryan Stone.

Bryan Stone, applicant, stated he was awarded the Penske Truck franchise and intended to relocate the business to a leased parcel approximately 500 feet north of the existing operation. He stated he formerly ran the truck rental business in Minturn with Rob Rollins back in the late 90s.

The Commission inquired if staff had a copy of the franchise agreement. Staff stated that this was not a requirement of the application and therefore does not have it. The commission then inquired about the length of the applicant's lease with Union Pacific. He stated that it is a month to month lease and the rail road could revoke it at any time with a month to month lease.

The Commission then inquired what the applicant's desired long term location would be. He stated that it would be ideal to keep it where it is currently located but the current lease holder has yet to relinquish the lease on that site. Staff pointed out that this conditional use permit is site specific and if the applicant wished to relocate the business in the future, he would have to have a new permit issued.

A discussion ensued regarding the operation of the business. The applicant stated that the business would be open Mon-Fri. 8 to 5pm and 9am-12pm on Saturday and Sunday. A lock box would be located on site for after hours drop offs. Commissioner Gallagher inquired if there would be water and sewer service on site. The applicant stated there would only be a portable restroom facility per the building inspector's request. Commissioners Gallagher and Brummett expressed concern with the lack of water and sewer service at the site. S. Brummett stated that he values the service the business provides but that the Town should not be approving a permanent trailer. Chairman Woodruff stated that he felt it was an undue hardship to require the applicant to hook up to the Town's water and sewer system. M. Gallagher wanted the record to show that he was in favor of requiring the applicant to hook up to the sewer and water system. He then stated that he wanted to add 3 additional conditions. They included: no overnight use of the trailer, no fuel can be stored on site and an annual review by staff to determine if the business is in compliance with the conditions.

Chairman Woodruff opened the meeting for public comment.

Darin Tucholke, Taylor Street, supported the application.

Ken Chadwick, Taylor Street, supported the application but inquired about snow storage. W. Woodruff stated snow storage was covered in the conditions.

The meeting was closed for public comment by the Chairman.

B. Stone stated that he has discussed snow storage with Union Pacific and they have authorized him to store snow on the tracks. The Commission asked the applicant to furnish a letter that authorizes this. B. Stone stated that if the snow piled up too high, he would have to haul it away.

A discussion ensued regarding the orientation of the office trailer. The Commissioners determined that it should be oriented perpendicular to the rail roads so there would be less visual impact to the Taylor Street residents. It was also determined that the restroom should be screen by a permanent fence for the same reason. M. Gallagher reiterated his desire for the applicant to connect to the Town's water and sewer system.

A motion was made by Stuart Brummett to approve the application with the following conditions:

- The parking area must be clearly delineated by post and rope fencing or another method approved by the Town and posted with signage stating that the area is an exclusive parking lot for Penske Trucks;
- All parking must be within the leased area;
- Trash and junk accumulating in the parking area must be picked up by the applicant and disposed of properly daily;
- The parking area shall not be used for repair or maintenance of rental trucks and vehicles;
- The parking area shall not be used for temporary storage of anything other than rental trucks and associated vehicles;
- All-season use will require site storage of snow and keeping emergency access cleared;

- Conditional use granted as long as the applicant complies with the stated conditions and has a valid lease agreement with the property owner;
- Failure to comply with any of these conditions may result in the revocation of this conditional use permit.
- The office trailer must be oriented perpendicular to the rail road tracks;
- There shall be no overnight use of the office trailer;
- No fuel may be stored on site;
- A wood fence must be installed to screen the restroom facility;
- A letter from the property owner must be furnished that authorizes the applicant to store snow on Union Pacific property;
- The staff will review the application on an annual basis to determine whether it is in compliance with the above conditions.

The motion was seconded by Michael Gallagher. The motion passed 3-0

Discussion Items

2. Ordinance #2 – Series 2009 – An Ordinance amending Title 17 (Subdivisions) of the Minturn Municipal Code correcting errors, adding information where needed and streamlining processes to make for a more complete, easier to use section of code.

Chris Cerimele summarized the changes that were made to the document since the last meeting. He stated that at the Commission's request, the definition of a minor subdivision was revised to any division of land that creates 3 parcels or less. A major subdivision is now classified to be a division of land creating 4 or more parcels. Preliminary plats are valid for 1 year and may be extended for a max. of 1 year and final plats are valid for 2 years and may be extended for 1 year. Also the regulations were revised to state that the Planning Director may waive certain submittal requirements for preliminary and final plats.

Chairman Woodruff stated that the meeting would be a good opportunity to fine tune the document.

The Commissioners performed a page by page analysis of the document. They stated that there needed to be consistency throughout the document. Staff compiled the Commissioners comments and stated that they would make the agreed upon revisions to the document prior to the next meeting. Staff stated that they were still waiting for the attorneys to perform a legal review and further revisions would be forthcoming.

3. Executive Summary – 2009 Community Plan

Victor Villarreal reminded the Commissioners about the upcoming Community Plan meetings. He requested their attendance and asked them to invite as many people as possible.

Planning Director's Report

Commissioner Comments

Town of Minturn
Planning Commission
1.28.09
Page 4 of 4

Adjournment: 9.19 pm