



Official Minutes

**MEETING OF THE MINTURN PLANNING COMMISSION
Minturn, CO 81645 • (970) 827-5645**

Wednesday October 10, 2018

**Work Session – 5:30pm
Regular Session – 6:30pm**

CHAIR – Lynn Teach

COMMISSION MEMBERS:

Jeff Armistead
Lauren Dickie
Burke Harrington
Greg Gastineau
Greg Sparhawk

These minutes are formally submitted to the Town of Minturn Planning Commission for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645.

Work Session – 5:30pm

- Conditional Use Permit Performance Standards

Regular Session – 6:30pm

1. Call to Order

Lynn T. called the meeting to order at 6:30pm

- Roll Call

Those present at Roll Call: Lynn Teach, Greg Sparhawk, Lauren Dickie, Greg Gastineau, Burke Harrington, and Jeff Armistead.

Note: Lauren D. did not vote as the alternate except where noted.

Staff Members Present: Town Planner Scot Hunn and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Greg S., second by Jeff A., to approve the agenda as presented. Motion passed 5-0.

3. Approval of Minutes

- September 26, 2018

Motion by Jeff A., second by Greg S., to approve the Minutes of September 26, 2018 as presented. Motion approved 5-0.

4. Public comments on items, which are NOT on the agenda (5min time limit per person)

Mr. Brian Love spoke regarding his intent to lease the UPRR site of the Depot Building and to use the land as a public storage facility for citizens. Scot H. noted he has spoken to Mr. Love and has made him aware of the process. Scot H. stated due to the discussion of the Conditional Use Permits on this agenda, he recommended Mr. Love attend the meeting.

5. Planning Commission Comments

DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

6. Design Review & Land Use Application Public Hearings

Continued from September 26, 2018 Regular meeting:

Note: Due to a conflict of Interest Burke H. recused himself and stepped down from the Dias for all discussion and voting on the following four items. Burke H. is a UPRR leaseholder in that area and is scheduled on this agenda for a CUP review. Lauren D. moved up to a voting member.

- **Minturn Builders Alliance Cooperative – Conditional Use Permit Amendment Request for Contractor Storage on UPRR property**

Scot H. updated on the recent history.

Public Hearing was opened.

Mr. Reed Phillips was present and presented as the applicant. He noted the improvements he, as the lease holder, had completed since he undertook the lease approximately 9 years ago. He stated his main concern is that he not be allowed to sublease to personal vehicle storage although that use is not part of the contractor business operated at the location. He felt that as long as it

was maintained within the leased premises that it should be stricken as a condition. Mr. Phillips also updated the Commission on clean-up of the site and painting of the building done at his own expense.

Commission Questions/Comments:

Greg G. asked about the need for off-site parking. Mr. Phillips stated he did not have any concerns with parking within his leased area only. Felt screening uniformity was necessary. Mr. Reed stated he currently has a 6ft screened fence and requested that be the standard allowed height.

Jeff A. commended the clean-up and site view but stated he felt all the buildings should be painted the same neutral color. Jeff A. felt nonrelated storage within the fenced premises was reasonable. Mr. Phillips stated any improvements done to the leased lot was on the lease holder, not UPRR and the leases are month to month/annual indicating any improvements are only good as long as there is a lease in place.

Greg S. expressed his concern that the entire UPRR property could be leased as unkept and random storage lots which would negatively affect the view corridor.

Lauren D. expressed that campers not be used as living quarters. Mr. Reed stated his UPRR lease does not allow such use.

Lynn T. expressed as long as all sub uses such as ATV/RV storage are contained within the leased and fenced area she did not see it as an issue.

Public Hearing was closed

Motion by Lauren D., second by Jeff A., to approve the Minturn Builders Alliance Cooperative Conditional Use Permit Amendment Request for Contractor Storage with the following conditions. Motion passed 5-0.

- ___ Request that only business-related items related to the expressed business be located on leased property. No vehicle shall exceed 40'2" in length
- ___ ~~No recreational vehicles or ATV's of any kind. Not limited to boats, snowmobiles, ATV's, RV's, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.~~
- ___ No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec.7-2-70
- ___ Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7-4-50.
- ___ Lessees are to maintain business in contained areas only.
- ___ Annual report by the Code Compliance Officer to Council – re: Violations
 - ___ 3 violations in 1 year
 - ___ Recommendation to Council to revoke CUP
- ___ Lessees to meet with Town Council every 3 years for CUP review.

- _____ Report from Code Compliance Office
- _____ Report from Planning Department
- _____ Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
- _____ Maintain noise and vibration standards. Sec. 16-18-30
- _____ All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property;
- _____ Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
- _____ Proper fuel containment / inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.

- _____ All parking must be done within the fenced yard and/or building
- _____ Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
- _____ Emergency access of 20' through the yard and at both access gates
- _____ Off-season use will require site storage of snow and keeping emergency access cleared.
- _____ Maintain proper snow storage or sufficient snow removal
- _____ Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
- _____ Town staff inspects the site for compliance at any time.

- _____
- _____
- _____

- **Cozzens Construction – New Conditional Use Permit Request for Contractor Storage Yard on UPRR property**
Union Pacific Railroad Lease Property

Public Hearing Opened.

Mr. Sean Cozzens stated he has been a leasee for many years. He stated that he does not sublease, but does allow his employees to long-term park the personal vehicles on the site. He wants to be able to push snow off his leased premises on to the UPRR tracks by moving fence panels as necessary and replacing upon completion of the snow plow operations. Also noted that at times his crew arrives back at the lot after 7pm and the hours would be an issue. This would not be for onsite work, rather to allow for his employees to arrive back as a work crew after working late. Discussion ensued and concern expressed regarding required to paint the building. This is a cost to his business and it should be a UPRR concern, not his small business.

Public Hearing was closed.

Motion by Lauren D., second by Greg S., to approve Cozzens Construction for a New Conditional Use Permit Request for Contractor Storage Yard on UPRR property. Motion passed 5-0.

- _____ Request that only business-related items related to the expressed business be located on leased property. No vehicle shall exceed 40'2" in length
 - _____ ~~No recreational vehicles or ATV's of any kind. Not limited to boats, snowmobiles, ATV's, RV's, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.~~
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 - _____ Emergency access of 20' through the yard and at both access gates
 - _____ Off-season use will require site storage of snow and keeping emergency access cleared.
 - _____ Maintain proper snow storage or sufficient snow removal
 - _____ Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
 - _____ Town staff inspects the site for compliance at any time.
 - _____ Temporary fence panels may be used to allow snow to be pushed off the leased area and stored on the UPRR adjacent property
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- **Burke Harrington Construction – New Conditional Use Permit Request for Contractor Storage Yard on UPRR property**

Mr. Burke Harrington was present as the applicant. Expressed concern about the time line for the fencing and the painting. He felt it was a tough time of the year to make the improvements and he felt an unleased building is an attractive nuisance to others. He stated that often one lease holder has to drive through another leaseholder's property to gain access. He felt this would be

an issue and should be considered. He stated he is willing to work with Staff to establish policy. Burke H. asked about the Minturn Market parking; the town is considering not allowing overflow parking in that area even if this requires reducing the size of the markets or other considerations. It was recommended that those questions be addressed with the Town Manager.

Motion by Lauren D./ Greg G. to approve Burke Harrington Construction for a New Conditional Use Permit Request for Contractor Storage Yard on UPRR property. Motion passed 5-0.

- _____ Request that only business-related items related to the expressed business be located on leased property. No vehicle shall exceed 40'2" in length
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 - _____ Maintain proper snow storage or sufficient snow removal
 - _____ Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
 - _____ Town staff inspects the site for compliance at any time.
 - _____ Applicant and staff will work together to adapt for multiple tenants in regards to preameter fencing
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Note: Burke H. resumed his seat at the Commission Dias and Lauren D. sat as a nonvoting alternate.

Other:

- **Non-Conforming Lot Code Amendment**

Scot H. noted this is an amendment to the zoning code as it relates to the sidewalk project anticipated in 2019. This Resolution will allow lots that are affected by the project, thereby reducing the original lot size, to not constitute a nonconforming lot.

Motion by Greg S., second by Jeff A., to approve of the code amendment as presented. Motion passed 5-0.

- **Bolts Lake Conceptual Development Plan** – continued review
Tim McGuire, Battle North LLC

Note: This is the continued review of the Concept Development Plan for the Bolts Lake Planned Unit Development.

Scot H. noted items in the packet that he is requesting the Planning Commission make a final review and comment on the Concept Development Plan and then allow it to move forward to the Council.

Mr. Tim McGuire, Battle Mountain Resort, was available as the applicant.

Lynn T. addressed her concerns and comments. She felt the project should be less dense, a 1500sf home on a 2000sf lot is dense. She asked about the commercial density as well. Discussion ensued as to the three access points (one being an emergency access on Water Plant Rd.). Mr. McGuire stated that the traffic plan will address this concern. He stated the Draft plan does not recommend stop lights or roundabouts. He also stated the idea of smaller lots is to keep the price attainable while still supporting the infrastructure costs required. Lynn T. commended the PUD process. She expressed concern about the wildlife; this will be addressed in the wildlife study that is required. She expressed concern of the construction traffic.

Burke H. commented on the importance of the wildlife impact and the traffic study. He said the general concern in the town is the size of the project and the build out time period. Mr. McGuire stated they are estimating a 20-year build out.

Greg S. expressed the need for a second water source confirmed in the plan and that the Eagle River was not an option but pumping water uphill from an inter connect was not much better. Mr. McGuire stated that many, many municipalities share water and pump it as necessary. He stated Bolts Lake would be used and developed in the proposal, filing it would come from the Eagle River or other sources. Mr. McGuire noted the concern of the recent forest fire near the

town. Had the wind shifted, it very easily could have taken out the Cross Creek water source and no one knows how long it would have been affected.

Jeff A. was excited to hear of the trail connectivity being considered and felt this was a strong point, although there are a lot of considerations still to overcome. Trail and sidewalks were discussed. Jeff A. stated it would be nice to have consideration given to a community hub or gathering space that would tie the developed with the proposed portions of town. He stated he was fine with the density and the diversity of the proposal. He noted he would like to see the proposed technology improvements including possibly WIFI and the like. His concerns were to ensure the existing town meshes with the new development. Mr. McGuire stated that with the mitigation of the mine sites they are proposing the water in the Eagle River will improve as will the air quality.

Greg G. agreed with the concept, price points, density, and diversity. He expressed his desire to see the traffic report. He said he has a concern with the high traffic volume and asked about bus and transit. Mr. McGuire stated this is being included in the plans. Greg G. was concerned about public parking and adequate parking throughout the proposal.

Lauren D. expressed the need to connect the existing town and the proposed communities. She asked about the studies that will be done. Mr. McGuire listed a full page of surveys, EPA, wildlife, traffic, etc. He stated and agreed with the importance of these to allow the existing and the proposed to become one community.

Mr. McGuire displayed a list of questions that he has culled from the community and from the Planning Commission and formal meetings. He stated they are listening and they are ensuring that the questions are being addressed and answered. He stated that he is very proud of this project and he feels that the proposal as it will be laid forth and developed will be one the existing and future communities can also be proud of. His next step is to present this to the Town Council and then to begin with Preliminary PUD by the end of the month or shortly thereafter.

Scot H. addressed the process thus far and what the next steps are.

Mr. Thom Braun, representing the Eagle County School District. He stated they had met with Mr. McGuire. He stated the District has compared this project with comparable county projects and felt this would not be a serious enrollment factor for the District. He stated they are working on revising their county-wide enrollment estimates but that this will fall within those estimates. They felt the District will ask for cash in lieu not a school site from this project.

PROJECTS AND UPDATES

7. Projects - None

He is working on a house plan with the Town Manager and consultant. Will begin work on Chapter 16 again in the next month or so.

8. Planning Director Report

- Eagle Valley Green Building Group – Volunteer Opportunity

Noted discussions with Council Member John Widerman. Those interested in working on this should contact Staff or John W. directly.

Scot H. noted some DRB applications that might be coming forward in the next month.

9. Future Meetings

- October 24, 2018
- November 14, 2018
- November 28, 2018

10. Adjournment

Motion by Greg G., second by Burke H., to adjourn at 8:54pm. Motion passed 5-0.


Lynna Teach, Commission Chair

ATTEST:



Scot Hunn, Planning Director