

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 02 – SERIES 2009**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 09-01**

**WHEREAS**, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.4 A; and

**WHEREAS**, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.9; and

**WHEREAS**, on January 28, 2009 , the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application with conditions; and

**WHEREAS**, on February 18, 2009, the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

**WHEREAS**, pursuant to Minturn Municipal Code Section 16.21.230, the Town Council makes the following findings:

- That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan and the purposes of the zone in which the site is located;
- 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;
- That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.

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

**THAT** the application for a Conditional Use Permit for File No. CU 09-01, be approved subject to 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 Penske vehicles and equipment;
- 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 perform periodic inspections and an annual review to ensure the applicant is in compliance with the stated conditions;
- The conditional use permit application fee will be waived if the applicant requests to relocate the business within one year from the date of approval.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 18<sup>th</sup> day of February, 2009.

TOWN OF MINTURN

By: Hawkeye Flaherty  
Mayor

ATTEST:

[Signature]  
Town Clerk

