

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 6 — SERIES 2015**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION**

WHEREAS, Johnie's Garden has submitted a land use application for a Conditional Use Permit to construct greenhouse and appurtenant facilities in the Light Industrial and Public Works zone of the Lionshead Character Area; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

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

WHEREAS, on May 13, 2015, 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 May 20, 2015 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 Johnie's Garden, Inc. be approved, with the condition that non-business equipment or property (such as vehicles, trailers, snow machines, ATVs, boats or like items) shall not be stored on the Premises.

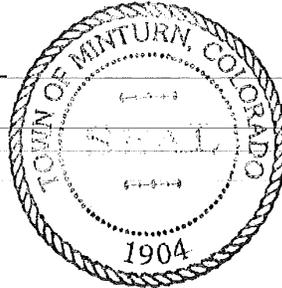
INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day  
of May, 2015.

TOWN OF MINTURN

By: *Hawkyn Flaherty*  
Mayor

ATTEST:

*[Signature]*  
Town Clerk



Janet Hawkinson  
Planning Director  
P.O. Box 309 ♦ 302 Pine St  
Minturn, CO 81645  
970-827-5645



Town Council  
Mayor – Gordon "Hawkeye" Flaherty  
Mayor Pro Tem – George Brodin  
Councilwoman – Shelley Bellm  
Councilman – Earl Bidez  
Councilman – Jason Osborn  
Councilman – Matt Scherr  
Councilman – John Rosenfeld

<b>AGENDA TITLE:</b> Planning Commission Review of the Conditional Use Permit for Johnie's Gardens
<b>MEETING DATE:</b> May 13, 2015
<b>PRESENTER:</b> Janet Hawkinson – Planning Director
<b>ACTION:</b> The Planning Commission approved the Conditional Use Permit with the findings that the applicant met the criteria for CUP under the zoning and Code Section 16-21-620 <ul style="list-style-type: none"><li>• The site has historically and currently been zoned light industry</li><li>• It is being utilized by light industry similar to this applicant</li><li>• Minturn is leasing this land to businesses operating under light industry</li><li>• Johnies Garden applied for a Conditional Use Permit to lease land at this site</li><li>• Upon review of his application, his business meets the criteria for light industry on this site</li><li>• The height of his greenhouses will be obstructed from views with the Town berm</li><li>• There will only be 1 to 2 vehicles traveling to the site daily – very low traffic</li><li>• The sight is only being utilized for 2 greenhouses growing annual flowers and storage of equipment and supplies.</li><li>• Employees meet at a different site, low traffic to site</li></ul>
<b>ZONING CODES:</b> <ul style="list-style-type: none"><li>• Section 16-21-620 – "Criteria , findings, Before acting on a conditional use perm it application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:<ul style="list-style-type: none"><li>a) The relationship and impact of the use on the community development objectives of the Town.</li><li>b) The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facility needs.</li><li>c) Thee effect upon traffic with particular reference to congestion, autom otive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.</li><li>d) The effect upon the character of the area</li><li>e) Necessary finding.</li></ul></li></ul>
<b>STAFF RECOMMENDATION/MOTION:</b> Approve Conditional Use Permit



# LAND DEVELOPMENT APPLICATION

## TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street

Minturn, Colorado 81645-0309

Phone: 970-827-5645 Fax: 970-827-4262 Email: [planner@minturn.org](mailto:planner@minturn.org)

<b>APPLICANT:</b>		<b>ADDRESS:</b>		<b>SIGNATURE:</b>	
Johnnie GARDNER, Jr.		1021 MAIN STREET		John Gardner	
		BID CEMETARY ROAD - LEASE LOT		NAME:	
		PHONE: 970-827-9200 FAX: 970-827-5646		JOHN TO. PERSHFIELD	
		EMAIL: johnnie.johniegardner.com		TITLE: PRESIDENT	
<b>OWNER(S) OF RECORD:</b>		<b>ADDRESS:</b>		<b>SIGNATURE:</b>	
JOHN PERSHFIELD		1141 MAIN STREET			
		PHONE:		NAME:	
		FAX:			
		EMAIL:		TITLE:	
<b>DEVELOPER:</b>		<b>ADDRESS:</b>		<b>CONTACT PERSON:</b>	
		PHONE:			
		FAX:			
		EMAIL:			
<b>ENGINEERING FIRM:</b>		<b>ADDRESS:</b>		<b>CONTACT PERSON:</b>	
		PHONE:			
		FAX:			
		EMAIL:			
<b>Presubmittal Date</b>		<b>Presubmittal Planner:</b>			
<b>Parcel ID Number</b>		LEASE LOT		(Example: 210326325001) from your full card printout	
<b>Address or Intersection</b>		BID CEMETARY ROAD			
<b>Brief Legal Description</b>					
<b>Subdivision Name &amp; Filing #</b>					
<b>Project Description</b>					
		<b>Existing</b>		<b>Proposed:</b>	
<b>Zoning:</b>		LIGHT INDUSTRIAL			
<b>Land Use:</b>				WRECKHOUSE RELOCATION	
<b>Total Acres:</b>					
<b>F.A.R./Density:</b>					
<b>Project Name:</b>					
<b>Related Case #'s:</b>					
<b>CASE TYPE</b>					
PUD CDP: Concept Dev. Plan	PP: Prelim. Subdivision Plat	DRB - P: Des. Rev. Bd. Prelim.	A-EP: Fence Permit		
PUD PDP: Prelim. Dev. Plan	FP: Final Subdivision Plat	DRB - F: Des. Rev. Bd. Final	A-MOD: Modification/Add		
PUD FDP: Final Dev. Plan	MS: Minor Subdivision	ADM: Admin. Des. Review	A-MIN: Minor Ext. Mod.		
PUD ASP: Admin. Site Plan	ASR: Admin. Subdivision Replat	A-SIGN: Admin. Sign Review	ANNEX: Annexation		
PUD FDP A: Amendment	V: Vacation of Easement	A-DIG: Admin. Dig Permit	TU: Temporary Use		
LU-V: Land Use - Variance	R.O.W. Vacation	A-DEMO: Admin. Demo Per.	CU: Conditional Use		
NU - V: Non Use - Variance	REZ - Rezoning - Straight Zoned	A-LTD: Admin. Limited Use	APPLS: Appeals		
<b>This section for OFFICE USE ONLY</b>					
<b>Case No:</b>	<b>Case Mgr.</b>	<b>Case Eng.</b>			
<b>Fees Paid</b>	<b>Y</b> <b>N</b> <b>\$</b>	<b>Dates Referred Out</b>			
<b>Dates to be Returned</b>		<b>Planning Comm Date:</b>			