

**TOWN OF MINTURN, COLORADO
RESOLUTION NO 04 – SERIES 2016**

A resolution of the Town of Minturn, Colorado, approving a preliminary subdivision plat for property located along Highway 24 near the Meadow Mountain Business Park.

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Minturn, Colorado ("Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, the Town has adopted as Chapters 16 and 17 of the Minturn Town Code regulations governing the zoning and subdivision of properties within the Town; and

WHEREAS, Intermountain Landscaping & Maintenance Inc. is under contract to purchase a portion of property owned by the Union Pacific Railroad Company as depicted on **Exhibit A** hereto (the "Property"); and

WHEREAS, the Property is currently zoned as a PUD holding area, but an application to rezone the Property as commercial in the Grouse Creek Character Area has been submitted; and

WHEREAS, at its January 13, 2016 meeting, the Planning and Zoning Commission determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and recommended approval of the preliminary subdivision plat subject to certain conditions; and

WHEREAS, at its January 20, 2016 meeting, the Town Council of the Town of Minturn conducted a public hearing on the application.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, THAT:

Section 1. Findings of Fact. The Council incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

Section 2. Approval of Preliminary Subdivision Plat. The Council hereby approves the preliminary subdivision plat for the Property attached hereto as **Exhibit A**.

Section 3. Conditions of Preliminary Plat Approval. Approval of the preliminary subdivision plat is expressly made subject to the following terms and conditions which must be satisfied prior to the approval of a final subdivision plat for the Property:

1. That all statements made by the applicant in the application and in meetings before the Planning & Zoning Commission and the Town Council be considered conditions of approval, unless modified in the following recommendations;
2. Applicant shall process its application to rezone the Property to commercial in the Grouse Creek Character Area;
3. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a pro-forma title commitment for the Property together with a letter from a Title Officer or Attorney who has examined the mineral estate owners for the Property, as required by C.R.S. § 24-65.5-103;
4. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a detailed landscape plan for the Property that adequately screens the site from Highway 24;
5. That within 90 days from approval of the final plat, Lot 2 will be conveyed to the Meadow Mountain Business Park and an application will be filed with the Town merging Lot 2 into the common property owned by the Meadow Mountain Business Park.

Section 4. All Other Laws Applicable. Except as hereinabove provided, all provisions of the zoning, subdivision and other ordinances or regulations of the Town shall apply to the Property.

Section 5. Severability. If any section, subsection, clause, phrase or provision of this Resolution, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Resolution, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

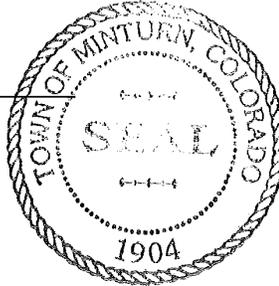
INTODUCED, READ, APPROVED AND ADOPTED THIS 20TH DAY OF JANUARY, 2016.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty
Hawkeye Flaherty, Mayor

ATTEST:

By: *Jay Brunvand*
Jay Brunvand, Town Clerk





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: 970-827-5545 Email: planner@minturn.org

| | | |
|---|--|---|
| APPLICANT: INTERMOUNTAIN LANDSCAPING & MAINTENANCE INC. | ADDRESS: 20 EAGLE ROAD SUITE 140 AVON CO 81620 PHONE: 970 390 5467 FAX: EMAIL: intermtn@vail.net | SIGNATURE: NAME: TITLE: |
| OWNER(S) OF RECORD: UPRR | ADDRESS: 1400 DODGERS STREET STOP 1690 GUMMA NEBRASKA PHONE: 402 544 8552 FAX: EMAIL: | SIGNATURE: see letter NAME: TITLE: |
| DEVELOPER: | ADDRESS: PHONE: FAX: EMAIL: | CONTACT PERSON: |
| ENGINEERING FIRM: PYLMAN ASSOCIATES | ADDRESS: 137 MAIN STREET C107W EDWARDS CO 81632 PHONE: 970 926 6665 FAX: EMAIL: fice@pylman.com | CONTACT PERSON: Rice Pylman |

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|-----------------------------|-----------------------|--|
| Presubmittal Date | Presubmittal Planner: | (Example: 210326325001) from your full card printout |
| Parcel ID Number | | |
| Address or Intersection | | |
| Brief Legal Description | | |
| Subdivision Name & Filing # | | |
| Project Description | | |

| | Existing | Proposed: |
|-------------------|---------------------------|-------------------------|
| Zoning: | GAME CREEK | GAME CREEK - COMMERCIAL |
| Land Use: | VACANT | LANDSCAPE YARD |
| Total Acres: | 2.019 ACRES | 2.019 ACRES |
| F.A.R./Density: | N/A | N/A |
| Project Name: | INTERMOUNTAIN LANDSCAPING | |
| Related Case #'s: | | |

| CASE TYPE | | | |
|----------------------------|--------------------------------|---|-------------------------|
| PUD CDP: Concept Dev. Plan | PP: Prelim. Subdivision Plat | <input checked="" type="checkbox"/> DRB - P: Des. Rev. Bd. Prelim | A-FP: Fence Permit |
| PUD PDP: Prelim. Dev. Plan | FP: Final Subdivision Plat | <input checked="" type="checkbox"/> DRB - F: Des. Rev. Bd. Final | A-MOD: Modification/Add |
| PUD FDP: Final Dev. Plan | MS: Minor Subdivision | <input checked="" type="checkbox"/> 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-Resoning - Straight Zoned | <input checked="" type="checkbox"/> A-LTD: Admin. Limited Use | APPLS: Appeals |

This section for OFFICE USE ONLY

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|----------------------|--------------|---------------------|--------------------|
| Case No: | Case Mgr. | Case Eng. | Dates Referred Out |
| Fees Paid | Y N \$ | Planning Comm Date: | |
| Dates to be Returned | | | |

This development application shall be accompanied with the applicable fee and shall not be considered valid until the total application fee is received. Submittal of this application does not mean you will receive automatic approval, nor does it establish a vested property right in accordance with C.R.S. 24-68-105(1). Further processing and review of this application may require additional information, and/or meetings, as outlined in the Town of Minturn Zoning and Development Code