



2012

Minturn Council Meeting

Wednesday March 21, 2012

Work Session: **5:45pm**
(Town Center)

Regular Session: **6:30pm**
(Town Center)

TOP COUNCIL PRIORITIES:

- Street Repairs with Drainage (by priority) Sidewalk Installations
- Expand Parking and Improve Appearance of Municipal Lot
- Improve Planning and Apply for Infrastructure Grants and Loans.
- Continue Sidewalk Installation Program and Improve Plan with Lafarge
- Implement Streetscape Plan
- Strengthen Marketing and Events
- Clean Up Parking Area on North Taylor Street



Agenda

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday March 21, 2012

Executive Session – 5:00pm
Regular Session – 6:30pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays

Work Session – 5:45 pm

- Council Committee organization – White (15 min)
- Question and Answer – Cerimele (30 min)
 - Ordinance 1 – Series 2012 Pg 19
 - Ordinance 2 – Series 2012 Pg 25

Regular Session – 6:30 pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance

- 2. Approval of Agenda**
 - a. Items to be Pulled or Added

3. Approval of Minutes and Action Report

- March 7, 2012 Pg 5
- Action Item Report Pg 13

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

5. Special Presentations

- County Commissioners – White (45 min)
 - Introduce Aviation Director Greg Phillips and Assistant County Manager Rachel Oys
 - Transit
 - Trails
 - Open Space
 - Eagle Valley Land Exchange
 - Water use
- Special Presentation: Eagle Valley Trails presentation & discussion- Cerimele (30 min)

6. Planning Department Update Pg 15

7. Town Manager's Report Pg 17

8. Town Council Comments

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. Discussion/Action: Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition and adding a definition for the ordinary high water mark in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min) Pg 19

10. Discussion/Action: Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min) Pg 25

11. Discussion/Action Item: – Ordinance 4 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210 Pg 40

12. Discussion/Action: Ordinance 5 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210 Pg 44

- 13. Discussion/Action: Resolution 10 – Series 2012; A Resolution approving Variance application VAR 2012-01; A request for a Variance to construct a detached garage in the rear property setback at 273 Boulder Street. Applicants: George and Linda Brodin – Cerimele (20min)**

Pg 47

EXECUTIVE SESSION

- 14. Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding negotiations – White/Christensen**

Pg 55

- 15. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

FUTURE AGENDA ITEMS

16. Next Meeting – April 4, 2012

- Discussion/Action: Ordinance 1- 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)
- Discussion/Action: Ordinance 2- 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)
- Council Elect swearing in – Quinn (15 min)

17. Future Meeting

- Discussion/Action: Ordinance 6

18. Set Future Meeting Dates

a) Council Meetings:

- April 18, 2012
- May 2, 2012
- May 16, 2012

b) Planning & Zoning Commission Meetings:

- April 11, 2012
- May 9, 2012
- June 13, 2012

c) Other Dates:

- Municipal Election – April 3, 2012
- Highway Clean Up – April 28, 2012
- Minturn Town Clean Up – May 12, 2012

19. Adjournment



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday March 7, 2012

Executive Session – 5:00pm
Regular Session – 6:30pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council 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 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:00pm

- Presentation on updated estimates for road improvements – White/A. Martinez (30min)
- Question and Answer – Cerimele (30min)
 - Ordinance 1 – Series 2012
 - Ordinance 2 – Series 2012
- OSAC Presentation Discussion – Cerimele/White (30min)

Regular Session – 6:30pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:37 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Town Council members Shelley Bellm, Aggie Martinez, Earle Bidez, John Rosenfeld, and Jerry Bumgarner.

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Treasurer/Clerk Jay Brunvand, Deputy Clerk/Events Michelle Metteer, Town Planner Chris Cerimele, Chief of Police Lorenzo Martinez, and Attorney Allen Christensen.

2. Approval of Agenda

- a. Items to be Pulled or Added

Direction to add Ordinance 4 and Ordinance 5 as 13a and 13b to the agenda.

Motion by Shelley B., second by John R., to approve agenda as amended; motion passed (7-0).

3. Liquor License Authority

- Minturn Country Club Inc. Annual Renewal of a Hotel & Restaurant License; 131 Main St.; TJ Ricci, Owner/Manager – Brunvand (5min)

Motion by Earle B, second by Jerry B, to approve the Minturn Country Club Inc. Annual Renewal of a Hotel & Restaurant License; 131 Main St.; TJ Ricci, Owner/Manager. Motion passed (7-0)

4. Approval of Minutes and Action Report

- February 15, 2012
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the minutes of February 15, 2012 as presented; motion passed (6-0, Councilmember Brodin abstained).

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

Frank Lorenti 1081 Main St, provided comments concerning the potential 18” for the eaves. Mr. Lorenti also discussed the need to limit the number of sheds on each property. Mr. Lorenti also brought to attention that some Town staff members are using the Town plow trucks to plow their personal driveways.

6. Special Presentations

- **Special Presentation: Chris Romer - Vail Valley Partnership/Eagle County Economic Council - White**

Chris Romer, Vail Valley Partnership, Avon provided an update on the merger of the Eagle County Economic Development Council and the Vail Valley Partnership.

7. Planning Department Update

The Planning Commission discussed the Council's suggested revisions to the lot coverage definition and DRB submittal requirements. A consensus was reached by the Commission on the suggested changes and these items will be presented to the Town Council at the March 7th meeting.

Additional discussion is taking place to develop parks and open space dedication requirements. These requirements would be applicable to subdivisions, Planned Unit Developments, and multi-family developments that require a Conditional Use Permit.

Pending Applications

Staff has received two new applications for development projects. The first is a Design Review for a new single family home at 974 Main Street. The second is a Variance request to build a detached garage within the 10' rear property setback. The property is located at 273 Boulder Street. The Planning Commission will review both of these applications at their March 14th public meeting. Additionally, the Variance request is scheduled for a Town Council public hearing on March 21, 2012.

8. Town Manager's Report

Town Manager, Jim White, discussed the issue brought forward by Mr. Lorenti concerning Town staff plowing their personal driveway for the purposes of on-call shifts. Jim W. expressed the need for staff to respond to emergency situations in a timely manner and having a plowed driveway was an acceptable practice in such a situation.

Battle Mountain Update

Current issues include pending lawsuits related to quiet title action, and legal challenges to the annexation agreement. In addition, Battle Mountain is working on its responses to the EPA. The Escrow Agreement reached on February 15, 2012 between the Town and Battle Mountain is being reviewed by Stewart Land Title.

Colorado City and County Managers' Association (CCCMA)

Last year, in February of 2011, I was elected by my peers in management positions throughout the state of Colorado as President-elect of the **Colorado City and County Managers' Association**. On February 10, 2012, I became President of that organization and will serve in that role until February 2013.

Ski Joring a Success!

The Town of Minturn hosted a new event on old Minturn Road on **Saturday February 25th and Sunday February 26th, 2012**. This event was run by Rocky Mountain Ski Joring as part of an annual circuit. The event held in Minturn was done to support the Shaw Regional Cancer Center. Many of our Town staff pitched in to help with the event.

We did a debriefing of the event to review what went well and what could be improved. Special thanks to Mike Jackson of Battle Mountain, and to the owners of Beyond the Tree Woodworks.

Copper Triangle 2012 Bicycle Event

The Town of Minturn will provide an aid station during the 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 7am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

Eagle County Open Space Advisory Committee

The Town of Minturn will make a presentation on the U.S. Forest Service Bone Yard project at the March 12, 2012 OSAC meeting. An update on OSAC activities is included with this report (see attachment).

13th Annual Highway Cleanup

The annual Highway 24 Cleanup will be held on Saturday, April 28, 2012, organized by the Eagle River Watershed Council. For more information, email info@erwc.org or call 970-827-5406.

Flower Barrel RFP Process/ Contract Awarded

Five companies bid on the 2012 Minturn Flower Barrel proposal. The results ranged from \$3900 to \$18,700. The low bidder, including all elements specified in the Request for Proposal (RFP), was Johnie's Garden of Minturn at \$4,675 for 20 individual flower barrels (see attachment with listed bid amounts).

Head Gate Follow Up

At a recent meeting, the Mayor and I spoke to representatives from the offices of Colorado's two U.S Senators, Noah Koerper from Senator Michael Bennet's office and Matt Sugar from Senator Mark Udall's office. We are now receiving help in our efforts to modify the boundaries of the head gate in the Maloit Park area.

2011 Audit Preparation Completed

Swanhorst and Associates sent representatives to Minturn during the week of February 27, 2012-March 1, 2012 to complete the preliminary work on the 2011 audit. Once the audit is prepared in draft form, we will schedule a review for Town Council. Special thanks to our Treasurer, Jay Brunvand, for his thorough preparation for the audit and to our entire staff for cooperation with the auditors.

Cooperation with ERWSD

The Town of Minturn is working with the Eagle River Water and Sanitation District to secure services to dive our main water tank and our clear well in the spring or summer of 2012. By working with ERWSD, we are benefitting by receiving better pricing for the work to be done predominantly by eliminating mobilization charges.

Direction from Council to add an organizational chart to the action item report to look at the water system engineering, the \$250,000 for Little Beach Park, scholarship fund, and recreation center.

Realignment may need to take place on some of the Council subcommittees. Council to consider Shelley B relinquishing her seat on the Recreation Committee and keeping her seat on the Railroad Committee.

Jerry B discussed the importance of prudently investing the scholarship fund monies and the need for professional advice (preferably free) in an effort to ensure the perpetual fund is maintained.

9. Town Council Comments

Shelley B discussed the continuing event of skijoring in Minturn and the many responses regarding the benefits of the event location.

Jerry B, George B and others expressed their support of the event as well.

Hawkeye F. asks that everyone please have a safe St Patrick's Day.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action: Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)

Motion by Shelley B, second by George B, to table to March 21, 2012 Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code.

11. Discussion/Action: Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)

Motion by John R, second by Shelley B, to March 21, 2012 Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications.

12. Discussion/Action Item: – Resolution 09– Series 2012: A Resolution Appointing a Town Planning Commissioner – Cerimele (20 Min.)

Mr. Bobby Head, 1151 Main St 4B is interested in being on the Town Planning Commission. He sees a need to focus on the small town charm and he looks forward to serving the community. Mr. Head holds a degree in Landscape Architecture and also served on the Town of Avon Planning & Zoning Committee for one year.

Mr. Frank Lorenti, 1081 Main St, would like to see things done fairly within the Planning Commission and the code to be interpreted the same for every applicant, every time. Frank expressed that he looks to continue to maintain public transparency on his website.

Mr. Lorenti said that he is comfortable working with Minturn Town staff that he has claimed to be corrupt in the past. Discussion ensued.

Mr. Lorenti is interested in the options of a ski lift in Town as long as responsible growth and development practices are followed. He sees a 5-10 year plan in place in order to draw ski lift-type development to Minturn.

Motion by Shelley B, second by John R, to approve Resolution 09– Series 2012: A Resolution Appointing Bobby Head to serve on the Minturn Planning Commission. Motion passed (7-0)

13. Discussion/Action: Ordinance 3 – 2012 (First Reading) an Ordinance allowing the sale of Medical Marijuana (45min)

Mr. Frank Lorenti, 1081 Main St, looks for the Town Council to put personal opinions aside and vote in accordance with the residents of Minturn. He asks that the Council abide by the Citizens' vote.

Chief Martinez reminded the Council that an option is available to ban medical marijuana.

Motion by Shelley B, second by Earle B, to approve Ordinance 3 – 2012 (First Reading), amending the moratorium to 12-months, an Ordinance allowing the sale of Medical Marijuana. Motion failed (4-3). John nay, Aggie nay, Shelley yes, Earle yes, Jerry nay, George nay, Hawkeye

13a. Discussion/Action: Ordinance 4 – 2012 an Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210

Motion by John R, second by Earle B, to approve Ordinance 4 – 2012 an Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210. Motion passed (7-0).

13b. Discussion/Action: Ordinance 5 – 2012 an Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210

Motion by Jerry B, second by Aggie M, to approve Ordinance 5 – 2012 an Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210. Motion passed (7-0).

EXECUTIVE SESSION

14. Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding negotiations – White/Christensen

Motion by Shelley B, second by John R, to convene into Executive Session pursuant to CRS 24-6-402 (4) (a) for purposes of discussing possible purchase of certain USFS land; and pursuant to CRS 24-6-402 (4) (b) to consult with town attorney and receive legal advice regarding status of escrow fund distribution; initial discussion of allocation of funds; and instruction to town manager and town attorney to draft notice regarding citizen violation of Colorado law. Motion passed (7-0)

15. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)

FUTURE AGENDA ITEMS

16. Next Meeting – March 21, 2012

- Meeting: Special Presentation: Eagle Valley Trails presentation and discussion – Cerimele (30 min)
- Discussion/Action: Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)
- Discussion/Action: Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)
- Work Session – Council Committee organization
- Discussion/Action- Ordinance 4-2012 (Second Reading)
- Discussion/Action- Ordinance 5-2012 (Second Reading)

17. Future Meeting

- Council Elect swearing in – Quinn (30 min) (4/4/12)

18. Set Future Meeting Dates

- a) Council Meetings:
- March 21, 2012
 - April 4, 2012
 - April 18, 2012

b) Planning & Zoning Commission Meetings:

- April 11, 2012
- May 9, 2012
- June 13, 2012

c) Other Dates:

- Municipal Election – April 3, 2012

19. Adjournment

In that there was no further information to discuss the meeting stood adjourned at 10:15..
(George B, absent, excused)

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: March 21, 2012
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Battle Mountain Annexation/Minturn Scholarship Fund	White	Funding from Annexation interest money and other donations. Current award deadline is 2/15/12 for 2012 applications.
OSAC Funding for Boneyard Purchase	Cerimele	Town staff seeking alternative funding opportunities.

Action Item	Responsible Party	Progress Report
2012 Goal: Town Street Repairs and Drainage.	White/A. Martinez	Obtain updated estimates for repairs. Check with CDOT regarding south Town drainage.
2012 Goal: Expand Parking and Improve Appearance of Municipal Lot.	White/Cerimele/A. Martinez	Preliminary designs are being reviewed at staff level.
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with LaFarge	White/A. Martinez	Plan to contact residents during 2 nd quarter 2012. Staff and Planning Commission reviewing language to code to require sidewalks for new construction.
2012 Goal: Implement Streetscape Plan	White /Cerimele/	Staff to review previously submitted plans to develop an action plan for 2012.
2012 Goal: Strengthen Marketing and Events	Metteer	Review of research work conducted for Vail Valley event guests to obtain a 3-5 year marketing plan that will coordinate with the Town's event schedule.
2012 Goal: Clean Up Parking Area on North Taylor St	Cerimele/L. Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking.
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council.



To: Minturn Town Council
From: Chris Cerimele, Town Planner
Date: March 15, 2012
Re: Planning Commission Update

Planning Commission – March 14, 2012

The Planning Commission approved a Design Review request for a 2,837 square foot, single-family residence at 974 Main Street. (see attached drawings)

The new residence will cover approximately 18% of the parcel. Allowable lot coverage in the residential zone of the South Town Character Area is 50%. All of the primary rooflines are within the allowable height limit of 28 feet. The mid-point heights range from 23' 4 1/16" to 25' 2 1/2". The residence will be constructed 85' from the front property line and 58' from the rear property line. The building will be constructed 7' from the property line on the north side and 5' 6" from the property line on the south side.

The Planning Commission also recommended approval to the Town Council for a Variance to construct a detached garage 5 feet into the 10 foot rear property line setback. This item is scheduled for a Town Council public hearing at tonight's meeting.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – Jerry Bumgarner
Councilmember – Aggie Martinez
Councilmember – John Rosenfeld

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: March 14, 2012
Re: **Manager’s Report for the March 21, 2012 Town Council Meeting**

Eagle County Commissioners in Minturn

The Eagle County Commissioners (Peter Runyon, Jon Stavney, and Sara Fisher) plan to be at tonight’s meeting to discuss various issues with the Town Council in Minturn.

Battle Mountain Update

Current issues include pending lawsuits related to quiet title action, and legal challenges to the annexation agreement. In addition, Battle Mountain is working on its responses to the EPA. The Escrow Agreement reached on February 15, 2012 between the Town and Battle Mountain is being reviewed by Stewart Land Title. As of this report, the review remains in progress and we are still awaiting a response.

Eagle County Open Space Advisory Committee

The Town of Minturn made a successful presentation on the U.S. Forest Service Bone Yard project at the March 12, 2012 OSAC meeting. We received positive commentary, challenging questions, and subsequently, a referral on to the Eagle County Commissioners.

Head Gate Follow Up

Representatives from the offices of Colorado’s two U.S Senators, Noah Koerper from Senator Michael Bennet’s office and Matt Sugar from Senator Mark Udall’s office are helping Minturn through research to help in our efforts to modify the boundaries of the head gate in the Maloit Park area and we have asked them to consider the Bolts Lake head gate as well.

Cooperation with ERWSD

The Town of Minturn is working with the Eagle River Water and Sanitation District to secure services to dive our main water tank and our clear well in the spring or summer of 2012. By working with ERWSD, we are benefitting by receiving better pricing for the work to be done predominantly by eliminating mobilization charges.

2/28/12

13th Annual Highway Cleanup

The annual Highway 24 Cleanup will be held on Saturday, April 28, 2012, organized by the Eagle River Watershed Council. For more information, email info@erwc.org or call 970-827-5406.

Copper Triangle 2012 Bicycle Event

The Town of Minturn will provide an aid station during the 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 7am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

Pro Cycling Challenge Bike Event

The Town of Minturn hosted a meeting among Minturn, Vail, Avon local police, Colorado State Patrol, Eagle Fire District, emergency services personnel, public information officers, and bike event officials to begin planning for the stage of the race expected to pass through Minturn on Thursday, August 23, 2012. There will be national TV exposure and an opportunity to showcase our community. We are attempting to secure a "sprint line" as part of the race as it passes through Minturn. Incident command for this event will be in Beaver Creek which will be a finishing place for this same stage of the race.

Respectfully submitted,
Jim White
Town Manager

TOWN COUNCIL STAFF REPORT
Public Hearing Date: March 21, 2012

FILE NUMBER: Ordinance 1 - 2012
PROJECT TYPE: Zoning Text Amendment
LOCATION: The incorporated areas of Minturn
OWNER: Not Applicable
APPLICANT: Town of Minturn
REPRESENTATIVE: Chris Cerimele, Town Planner
STAFF RECOMMENDATION: Approval

BACKGROUND

This item is a request for a Zoning Text Amendment to revise the definition of lot coverage as defined in Minturn Municipal Code section 16-2-20. Staff first presented this item at the February 8, 2012 Town Council meeting. When originally proposed, the entire area of second and third level decks was included in the total lot coverage calculation. The Town Council requested that a revision be made so that only 50% of the area of second and third level decks would be counted towards the allowable lot coverage. Subsequent revisions were requested at the March 7th Town Council meeting to clarify how decks would be counted when they covered a portion of a building that was already included in the lot coverage calculation. Staff has added additional language that states that second and third level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage.

Council had also requested that the ordinary high water mark be defined in the Municipal Code. Staff has added the definition from the Code of Federal Regulations that is utilized by the U.S. Army Corps of Engineers.

PROPOSED CODE AMENDMENT

Lot Coverage: the portion of a lot that is covered by buildings, including all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Additionally, fifty percent (50%) of the total area of second and third level decks shall be counted towards the allowable lot coverage. Second and third level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second and third level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage.

Ordinary High Water Mark: The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

STAFF ANALYSIS

The proposed amendment is being processed under MMC *section 16-21-410; Amendments to text of land use regulations or Character Area and Zone District Map.*

Section 16-21-420 – Purpose – states:

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

The proposed code amendment is consistent with the purpose of this section. The procedure for a Zoning Text Amendment is outlined in section *16-21-440 (b); Procedure.* This section states:

Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public

hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area Zoning Map, or any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Section 16-21-450; Standards - outlines the factors that the Town Council shall consider when reviewing a Zoning Text Amendment. Staff comments are provided in bold text.

(1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.

Staff believes that the proposed ZTA is consistent with the following goals and strategies of the 2009 Community Plan.

Goal (CCG1) – Community Character. Maintain, Build, and Promote the Town’s Image as a Unique, Eclectic Non-Resort Town With A Strong Sense of Community.

- (CCS1.2) – Consider size limits for residential structures.
- (CSS 1.4) – Develop and implement methods to maintain the Town’s eclectic architecture, scale and vibrant color palette.

(2) Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.

Not Applicable

(3) Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.

The current lot coverage definition does not address cantilevered living spaces. The proposed amendment will add these areas to the lot coverage definition - helping to regulate the mass and scale of new construction projects in the Town of Minturn.

(4) Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.

Not Applicable

(5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

A consistent theme that is repeated at public meetings is the need to maintain the small town character of Minturn. This amendment will help achieve that goal.

(6) Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.

Not Applicable

(7) Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area. (Prior code 16-21-8)

Not Applicable

DRAFT MOTION

I move to approve Ordinance 1 – 2012 on first reading.

Respectfully Submitted

Chris Cerimele, Planner

Attachments:
Ordinance 1 – 2012

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 1 - SERIES 2012**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY REVISING THE LOT COVERAGE DEFINITION AND
ADDING A NEW DEFINITION FOR THE ORDINARY HIGH WATER MARK
IN SECTION 16-2-20**

WHEREAS, the Town of Minturn, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 (“Charter”) and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities; and

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

Section 1. Amendment. Section 16-2-20 of the Town of Minturn Municipal Code is revised as follows:

Lot Coverage: the portion of a lot that is covered by buildings, including all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Additionally, fifty percent (50%) of the total area of second and third level decks shall be counted towards the allowable lot coverage. Second and third level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second and third level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage.

Ordinary High Water Mark: the term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any

one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 4. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 21st DAY OF March, 2012. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the 4th day of **April 2012**, at **6:30 p.m.** at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

Mayor

Town Clerk

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ___ DAY OF _____, 2012.

Attest:

Mayor

Town Clerk

Town Council Staff Report

Public Hearing Date: March 21, 2012

FILE NUMBER: Ordinance 2 - 2012
PROJECT TYPE: Zoning Text Amendment
LOCATION: The incorporated areas of Minturn
OWNER: Not Applicable
APPLICANT: Town of Minturn
REPRESENTATIVE: Chris Cerimele, Town Planner
STAFF RECOMMENDATION: Approval

BACKGROUND

Staff has made the following revisions per the recommendations made at the March 7, 2012 Town Council meeting:

- Adding a submittal requirement for a grading and drainage plan (section C-4)
- Revising section D-4-D to read that project approvals are valid for one year with a maximum of one, one-year extension granted at the applicant's request.

PROPOSED CODE AMENDMENT

Section 16-21-615. Design Review Applications

- (a) **Purpose.** The purpose of a Design Review is to ensure that all new development and major redevelopments in Minturn are constructed in a manner that complies with the adopted regulations of the Town.
- (b) **Applicability.** All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and or square footage of an existing structure.
- (c) **Application Requirements.** In addition to the requirements of section 16-21-170, the following information must be submitted for a Design Review application.

1. Application form and fee. Application fees are set annually by the Minturn Town Council;
2. A boundary survey with a wet stamp and signature of a licensed surveyor that includes the following information:
 - a. Date of survey (survey date must be within five (5) years of the project application date)
 - b. Right-of-way and property lines; including bearings, distances and curve information.
 - c. Labeled ties to existing USGS benchmark.
 - d. Property boundaries to the nearest one one-hundredth of a foot (.01) accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - e. All existing easements recorded with the Eagle County Clerk and Recorder. Include bearings and distances
 - f. Spot elevations at the edge of asphalt along the street frontage of the property at five (5) foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
 - g. Topographic conditions at two foot contour intervals.
 - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
 - i. Rock outcroppings and other significant natural features.
 - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
 - k. Environmental hazards where applicable. (i.e. rock fall, wetlands, floodplain)
 - l. Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback from the ordinary high water mark.
3. A scaled site plan showing the following information:
 - a. Property line locations and dimensions

- b. Setback lines
 - c. Existing and proposed easements
 - d. Existing and proposed buildings including sheds and enclosures. Include decks, patios and balconies. Indicate the building face (exterior finish) with a dashed line and the roof edge with a solid line. All cantilevered portions of the building must also be shown with a solid line.
 - e. Height elevations of all roof ridgelines and mid-point of roof gables
 - f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii, and spot elevations at the property line
 - g. Identify all slopes between 30-40%
 - h. Identify slopes greater than 40%.
 - i. Existing and proposed retaining walls (including materials).
 - j. Existing and proposed fences (including height and materials)
 - k. Waterbodies and stream setbacks from the ordinary high water mark.
 - l. Snow storage areas
 - m. Landscaped areas
 - n. Sidewalks and walkways.
4. A Grading and Drainage Plan that includes the following information:
- a. Existing Contours. Existing two-foot contours must be provided for all disturbed areas. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area.
 - b. Proposed Contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
 - c. Spot Elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
 - d. Top-of-Foundation Elevations. The top-of-foundation elevation must be shown on the plan and must be

consistent with the foundation plan. For buildings on slopes of 30% or greater, elevations for stepped foundations walls must be shown.

- e. Drainage Arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Drainage Facilities. Proposed drainage facilities such as French drains or culverts must be shown.
 - g. Retaining Walls. Retaining wall details are required, and must include drainage details. Note top and bottom-of-wall elevations at each location where the retaining wall steps up or down, and include the tallest point of the retaining wall.
5. Elevations of all sides of the proposed structure(s), indicating type and color of all exterior materials, building heights, setback lines, locations of exterior lighting fixtures, roof and building drainage system (i.e. gutters and downspouts).
6. Color chips and a materials board shall be required for all projects.
7. A landscaping plan, including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than 250 sf, a landscaping plan is required for the disturbed area of the property only.
8. Floor plans of all levels shall be included that indicate the proposed uses. For additions to existing structures, floor plans must be provided for the existing building.
9. Multi-family and commercial developments may require one or more of the following; a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; a two dimensional photo illustration of the proposed building in relation to adjacent structures.

10. Property corners shall be staked and remain in place throughout the public hearing process.

11. Such additional information as the Planning Department or Design Review Board may require.

(d) Administrative Procedure.

1. Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in Chapter 16.

2. Criteria and Findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board, shall consider the following factors with respect to the proposal:

- a. The proposals adherence to the Town's zoning regulations.
- b. The proposals adherence to the applicable goals and objectives of the Community Plan.
- c. The proposals adherence to the Town's Design Standards.

3. Necessary Findings. The Design Review Board (DRB) shall make the following findings before approving a Design Review application:

- a. That the proposal is in conformance with the Town of Minturn zoning regulations.
- b. That the proposal helps achieve the goals and objectives of the Town of Minturn Community Plan.
- c. That the proposal complies with the Town of Minturn Design Standards.

4. Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:

- a. No changes to an approved plan or design may be made without the written consent of the Town staff. Staff reserves the right to forward any change to the DRB for final approval;
- b. Design Review Board approval does not constitute a permit for building.
- c. DRB approval shall not become valid for 20 days following the date of approval, pursuant to the Minturn Municipal Code Chapter – Appeals
- d. Approval of this project shall lapse and become void one (1) year following the date of final approval, unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one, one-year extension may be granted at the request of an applicant.

(e) Construction Process

1. Once an application has been approved by the DRB, the applicant may apply for a building permit. Please consult the Building Department for the applicable submittal requirements.
2. A Foundation Location Certificate must be submitted after the building foundation has been poured. Construction may not proceed until the location of the approved foundation has been verified by the Building Official.
3. After the framing of the structure has been completed, an Improvement Location Certificate is required for verification of the roof height and to ensure that no setback encroachments exist on the property. The framing inspection will not be approved until this survey has been approved by the Building Official.

STAFF ANALYSIS

The proposed amendment is being processed under MMC *section 16-21-410; Amendments to text of land use regulations or Character Area and Zone District Map.*

Section 16-21-420 – Purpose – states:

*The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, **and for changing the text of these Land Use Regulations**. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.*

The proposed code amendment is consistent with the purpose of this section. It is necessary to define and codify the submittal requirements and public hearing procedures for Design Review applications.

The procedure for a Zoning Text Amendment is outlined in section 16-21-440 (b); Procedure. This section states:

Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area Zoning Map, or any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Section 16-21-450; Standards - outlines the factors that the Town Council shall consider when reviewing a Zoning Text Amendment. Staff comments are provided in bold text.

(1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.

Staff believes that the proposed code amendment is consistent with the following goals and strategies of the 2009 Community Plan.

Goal (CCG1) – Community Character. Maintain, Build, and Promote the Town’s Image as a Unique, Eclectic Non-Resort Town With A Strong Sense of Community.

(CSS1.4) – Develop and implement methods to maintain the Town’s eclectic architecture, scale and vibrant color palette.

(CSS1.8) – Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the Town – snow, trash, nuisance abatement and zoning/land use.

(2) Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.

Not Applicable

(3) Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.

Not Applicable

(4) Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.

The proposed amendment will have no negative effects on the natural environment. It will assist the staff and Planning Commission in reviewing development proposals by requiring an applicant to provide additional information to ensure a proposed project complies with Town regulations.

(5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

The regulation of new development in the Town of Minturn is in the best interest of the community.

(6) Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.

Not Applicable

(7) Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area. (Prior code 16-21-8)

Not Applicable

DRAFT MOTION

I move to approve Ordinance 2 – 2012 on first reading.

Respectfully Submitted

Chris Cerimele, Town Planner

Attachments:
Ordinance 2 - 2012

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 - SERIES 2012**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY ADOPTING SUBMITTAL REQUIREMENTS AND
PUBLIC HEARING PROCEDURES FOR DESIGN REVIEW APPLICATIONS
WITHIN THE TOWN OF MINTURN.**

WHEREAS, the Town of Minturn, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 (“Charter”) and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities.

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

Section 1. A new Section 16-21-615 is added to Chapter 16, Article 21, Division 4.:

Section 16-21-615. Design Review Applications

- (a) **Purpose.** The purpose of a Design Review is to ensure that all new development and major redevelopments in Minturn are constructed in a manner that complies with the adopted regulations of the Town.
- (b) **Applicability.** All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and or square footage of an existing structure.
- (c) **Application Requirements.** In addition to the requirements of section 16-21-170, the following information must be submitted for a Design Review application.
 - 1. Application form and fee. Application fees are set annually by the Minturn Town Council;
 - 2. A boundary survey with a wet stamp and signature of a licensed surveyor that includes the following information:
 - a. Date of survey (survey date must be within five (5) years of the project application date)

- b. Right-of-way and property lines; including bearings, distances and curve information.
- c. Labeled ties to existing USGS benchmark.
- d. Property boundaries to the nearest one one-hundredth of a foot (.01) accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
- e. All existing easements recorded with the Eagle County Clerk and Recorder. Include bearings and distances
- f. Spot elevations at the edge of asphalt along the street frontage of the property at five (5) foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
- g. Topographic conditions at two foot contour intervals.
- h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
- i. Rock outcroppings and other significant natural features.
- j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
- k. Environmental hazards where applicable. (i.e. rock fall, wetlands, floodplain)
- l. Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback from the ordinary high water mark.

3. A scaled site plan showing the following information:

- a. Property line locations and dimensions
- b. Setback lines
- c. Existing and proposed easements
- d. Existing and proposed buildings including sheds and enclosures. Include decks, patios and balconies. Indicate the building face (exterior finish) with a dashed line and the roof

edge with a solid line. All cantilevered portions of the building must also be shown with a solid line.

- e. Height elevations of all roof ridgelines and mid-point of roof gables
- f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii, and spot elevations at the property line
- g. Identify all slopes between 30-40%
- h. Identify slopes greater than 40%.
- i. Existing and proposed retaining walls (including materials).
- j. Existing and proposed fences (including height and materials)
- k. Waterbodies and stream setbacks from the ordinary high water mark.
- l. Snow storage areas
- m. Landscaped areas
- n. Sidewalks and walkways.

4. A Grading and Drainage Plan that includes the following information:

- a. Existing Contours. Existing two-foot contours must be provided for all disturbed areas. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area.
- b. Proposed Contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
- c. Spot Elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
- d. Top-of-Foundation Elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of 30% or

greater, elevations for stepped foundations walls must be shown.

- e. Drainage Arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Drainage Facilities. Proposed drainage facilities such as French drains or culverts must be shown.
 - g. Retaining Walls. Retaining wall details are required, and must include drainage details. Note top and bottom-of-wall elevations at each location where the retaining wall steps up or down, and include the tallest point of the retaining wall.
5. Elevations of all sides of the proposed structure(s), indicating type and color of all exterior materials, building heights, setback lines, locations of exterior lighting fixtures, roof and building drainage system (i.e. gutters and downspouts).
 6. Color chips and a materials board shall be required for all projects.
 7. A landscaping plan, including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than 250 sf, a landscaping plan is required for the disturbed area of the property only.
 8. Floor plans of all levels shall be included that indicate the proposed uses. For additions to existing structures, floor plans must be provided for the existing building.
 9. Multi-family and commercial developments may require one or more of the following; a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; a two dimensional photo illustration of the proposed building in relation to adjacent structures.
 10. Property corners shall be staked and remain in place throughout the public hearing process.
 11. Such additional information as the Planning Department or Design Review Board may require.
- (d) Administrative Procedure.**

1. Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in Chapter 16.
2. Criteria and Findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board, shall consider the following factors with respect to the proposal:
 - a. The proposals adherence to the Town's zoning regulations.
 - b. The proposals adherence to the applicable goals and objectives of the Community Plan.
 - c. The proposals adherence to the Town's Design Standards.
3. Necessary Findings. The Design Review Board (DRB) shall make the following findings before approving a Design Review application:
 - a. That the proposal is in conformance with the Town of Minturn zoning regulations.
 - b. That the proposal helps achieve the goals and objectives of the Town of Minturn Community Plan.
 - c. That the proposal complies with the Town of Minturn Design Standards.
4. Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:
 - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Staff reserves the right to forward any change to the DRB for final approval;
 - b. Design Review Board approval does not constitute a permit for building.
 - c. DRB approval shall not become valid for 20 days following the date of approval, pursuant to the Minturn Municipal Code Chapter – Appeals
 - d. Approval of this project shall lapse and become void one (1) year following the date of final approval, unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one, one year extension may be granted at the request of an applicant.

(e) Construction Process

1. Once an application has been approved by the DRB, the applicant may apply for a building permit. Please consult the Building Department for the applicable submittal requirements.
2. A Foundation Location Certificate must be submitted after the building foundation has been poured. Construction may not proceed until the location of the approved foundation has been verified by the Building Official.
3. After the framing of the structure has been completed, an Improvement Location Certificate is required for verification of the roof height and to ensure that no setback encroachments exist on the property. The framing inspection will not be approved until this survey has been approved by the Building Official.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 4. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 21st DAY OF March, 2012. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the 4th day of **April 2012**, at **7:00 p.m.** at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

Mayor

Town Clerk

**INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED
AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2012.**

Attest:

Mayor

Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 4 SERIES 2012

AN ORDINANCE SUBMITTING A PROPOSED AMENDMENT TO THE TOWN OF MINTURN HOME RULE CHARTER TO THE VOTERS OF THE TOWN PURSUANT TO COLORADO REVISED STATUTES, SECTION 31-2-210

WHEREAS, Section 31-2-210 of the Colorado Revised Statutes authorizes the governing body of a Colorado home rule municipality to submit proposed Home Rule Charter amendments to the voters of such municipality by ordinance; and

WHEREAS, the Town of Minturn (the "Town") Town Council (the "Council") wishes to refer a measure amending Subsection 4.8 of the Town Home Rule Charter concerning posting of meetings to the Town electors at the April 2012 regular municipal election; and

WHEREAS, the Council therefore desires to refer the ballot measure and set the ballot title concerning the amendment of Home Rule Charter Subsection 4.8 by this ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. The following proposed amendment to the Town of Minturn Home Rule Charter is hereby submitted to the voters of the Town for their consideration at the Minturn regular municipal election to be conducted on April 3, 2012:

Amend Subsection 4.8 of the Charter as follows:

Section 4.8 Meetings

The Council shall meet regularly twice each month on the first and third Wednesday or at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings including attendance requirements.

Special meetings shall be called by the Town Clerk at the request of the Mayor or three (3) members of the Council, on at least twenty-four (24) hour notice, either written or verbal, to each member of the Council, and public notice of the time, date, location and purpose of the meeting shall be posted at ~~four (4)~~ two (2) public places and on the Town of Minturn web site twenty-four (24) hours prior thereto. In the event public notice on the Town's website cannot be accomplished, the public notice shall be posted in full at the established public notice locations.

When an emergency exists as set forth in Section 4.4, twenty-four (24) hour notice and posting of public notices shall not be required.

Section 2. Ballot Title. The ballot title for the Charter Amendment referred to the voters by this Ordinance shall read as follows:

SHALL THE HOME RULE CHARTER OF THE TOWN OF MINTURN, COLORADO, BE AMENDED TO PROVIDE ALL POSTED REGULAR OR SPECIAL MEETINGS OF THE MINTURN TOWN COUNCIL OR ITS AFFILIATED BOARDS WILL BE POSTED AT TWO (2) PUBLIC PLACES AND ON THE TOWN'S OFFICIAL WEBSITE?

Section 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Minturn that the provisions of this Ordinance are severable.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. The Council finds and determines that original exclusive jurisdiction of all cases arising under the ordinances of the Town in the Town municipal court could lead to an increase in both the number and complexity of cases filed with such court. The Council further finds that the Town municipal court is likely unable to handle such an increase in case load with its current resources and available budget. The Council further finds that a significant increase in municipal court docketing and scheduling to accommodate civil matters otherwise brought in district court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure could deter the swift dispensation of local criminal matters and enforcement of Town laws, to the detriment of the health, safety and welfare of all citizens of the Town of Minturn. The Council therefore desires to ensure that the electors of the Town be given the opportunity to vote on the Charter Amendment referred herein at the next possible election.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED IN FULL THE 7th DAY OF MARCH, 2012. The 21st day of MARCH, 2012 AT 7:00 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED
AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS 21st
DAY OF MARCH, 2012.**

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 5 SERIES 2012

AN ORDINANCE SUBMITTING A PROPOSED AMENDMENT TO THE TOWN OF MINTURN HOME RULE CHARTER TO THE VOTERS OF THE TOWN PURSUANT TO COLORADO REVISED STATUTES, SECTION 31-2-210

WHEREAS, Section 31-2-210 of the Colorado Revised Statutes authorizes the governing body of a Colorado home rule municipality to submit proposed Home Rule Charter amendments to the voters of such municipality by ordinance; and

WHEREAS, the Town of Minturn (the "Town") Town Council (the "Council") wishes to refer a measure amending Subsection 11.10 of the Town Home Rule Charter concerning publication of ordinances to the Town electors at the April 2012 regular municipal election; and

WHEREAS, the Council therefore desires to refer the ballot measure and set the ballot title concerning the amendment of Home Rule Charter Subsection 11.10 by this ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. The following proposed amendment to the Town of Minturn Home Rule Charter is hereby submitted to the voters of the Town for their consideration at the Minturn regular municipal election to be conducted on April 3, 2012:

Amend Subsection 11.10 of the Charter as follows:

Section 11.10 Publication of Ordinances.

Ordinances required to be published shall be published ~~in a newspaper of general circulation within the Town.~~ shall be published by title only after first reading and posted in full on the official Town website. In the event publication on the Town's website cannot be accomplished, the Ordinance shall be posted in full as a public notice at the established public notice locations.

Section 2. Ballot Title. The ballot title for the Charter Amendment referred to the voters by this Ordinance shall read as follows:

SHALL THE HOME RULE CHARTER OF THE TOWN OF MINTURN, COLORADO, BE AMENDED TO PROVIDE ALL ORDINANCES WILL BE PUBLISHED BY TITLE ONLY AFTER FIRST READING AND POSTED IN FULL ON THE OFFICIAL WEBSITE, OR IN THE EVENT THE PUBLICATION ON THE TOWN'S WEBSITE CANNOT BE

ACCOMPLISHED, THE ORDINANCE SHALL BE POSTED IN FULL AS A PUBLIC NOTICE AT THE ESTABLISHED PUBLIC NOTICE LOCATIONS?

Section 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Minturn that the provisions of this Ordinance are severable.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. The Council finds and determines that original exclusive jurisdiction of all cases arising under the ordinances of the Town in the Town municipal court could lead to an increase in both the number and complexity of cases filed with such court. The Council further finds that the Town municipal court is likely unable to handle such an increase in case load with its current resources and available budget. The Council further finds that a significant increase in municipal court docketing and scheduling to accommodate civil matters otherwise brought in district court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure could deter the swift dispensation of local criminal matters and enforcement of Town laws, to the detriment of the health, safety and welfare of all citizens of the Town of Minturn. The Council therefore desires to ensure that the electors of the Town be given the opportunity to vote on the Charter Amendment referred herein at the next possible election.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED IN FULL THE 7th DAY OF MARCH, 2012. The 21st day of MARCH, 2012 AT 7:00 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED
AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS 21st
DAY OF MARCH, 2012.**

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

TOWN COUNCIL STAFF REPORT

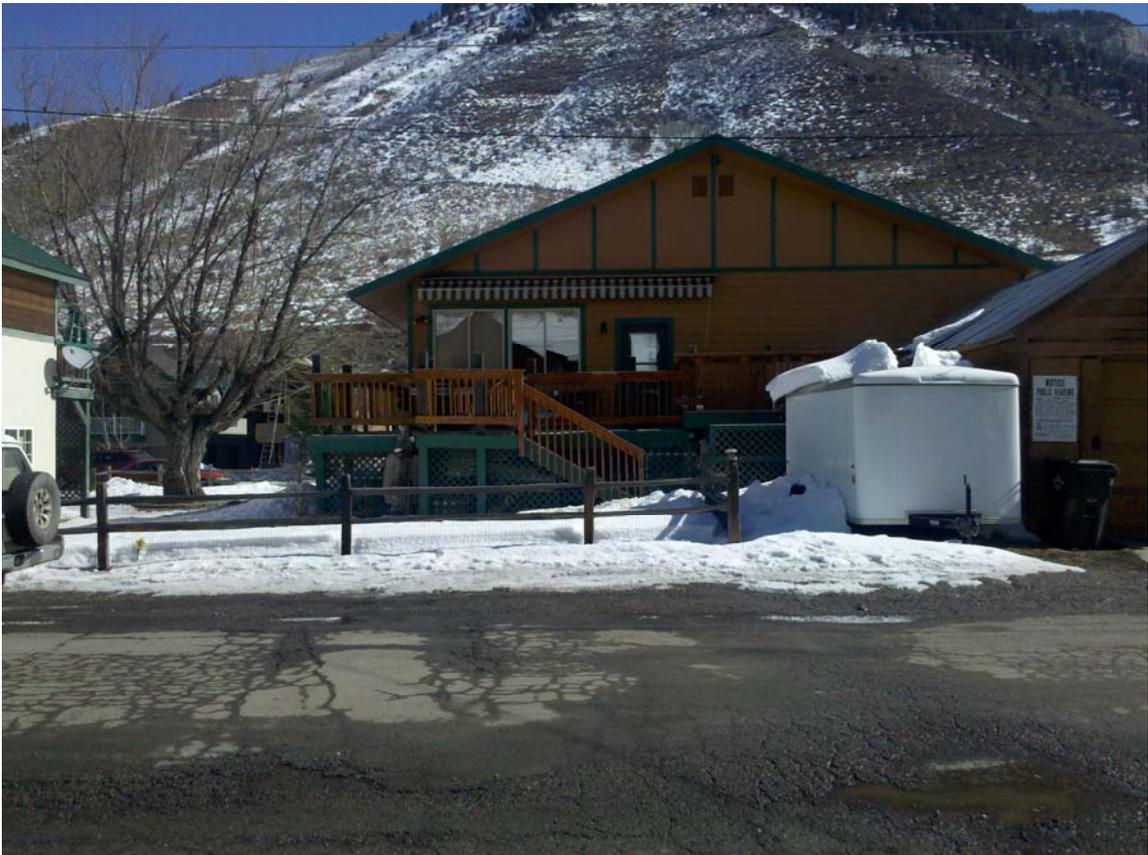
Town Council Hearing Date: March 21, 2012

FILE NUMBER: VAR 2012-01
PROJECT TYPE: Variance Request
LOCATION: 273 Boulder Street
ZONING: Residential – Old Town Character Area
APPLICANT: George and Linda Brodin
STAFF RECOMMENDATION: Approval

SUMMARY

The applicant has submitted an application for a Variance to construct a detached garage in the 10 foot rear property setback. If the Variance requested is granted, the proposed garage will be constructed 5 feet from the rear property line.







PROPOSAL

The applicant intends to tear down the existing one car garage and construct a new garage on the northwest corner of the property. Demolition of the existing garage will eliminate a structure that encroaches into the 5 foot side yard setback and 10 foot rear yard setback.

The existing deck on the house will be reconfigured to allow proper access into the new garage. Additionally, the garage door will be oriented towards the southeast of the property. This will prevent any potential issues that could occur due to a vehicle backing directly onto Pine Street.

STAFF ANALYSIS:

The applicant has taken measures to reduce the number of encroachments that exist on the property. The proposed configuration and location of the garage is necessary due to a utility pole and pedestal that prevents the garage from being moved further back from the rear property line. If these obstructions were not present, a garage could be constructed between the two properties without a Variance.

Approval of this application will help to address the Town's goal of creating additional off-street parking. Additionally, the proposal is consistent with the Planning Commission's recommended text amendment that would allow garages to encroach half way into the required rear yard setback.

Section 16.21.690 of the Minturn Municipal Code outlines the criteria for granting a Variance.

Section 16.21.290 Variances

Purpose of provisions; limitations.

1. In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
2. Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, useable open space, landscaping, site development, and parking and loading requirements.
3. The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this title is provided by Section 16.21.620, Conditional Use Permits, and Division 3, Amendments to the Text of These Land Use Regulations or the Character Area and Zone District Map.

Approval criteria.

Before acting on a variance application, the Planning Commission and the Town Council shall consider the following factors with respect to the requested variance:

1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity;
2. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is

necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;

3. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and
4. Such other factors and criteria as the Planning Commission and Town Council deems applicable to the proposed variance.

Findings required.

The Planning Commission and Town Council shall make the following findings before granting a variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
4. There is no substantial impairment to the public that would result from the granting of the variance.

STAFF FINDINGS

Staff believes that the necessary findings have been met to grant this Variance request. The depth of the parcels along the 200 block of Boulder Street are only 75 feet deep. All of the other residential zoned lots in Minturn have a minimum depth of 100 feet. Furthermore, the location of the utility pole and pedestal creates a situation that requires that the new structure be sited in the northwest

corner of the property with the garage door oriented towards the southeast. This configuration is beneficial because vehicles will not be pulling directly into traffic on Pine Street.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted unanimously 5-0 to approve the Variance request.

DRAFT MOTION :

I move to approve Resolution 10 – 2012 based on the following findings of fact:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
4. There is no substantial impairment to the public that would result from the granting of the variance.

OR:

I move an alternate motion

ATTACHMENTS:

Letter of Intent

Site Plan / Building Elevations

**TOWN OF MINTURN, COLORADO
RESOLUTION 10 – SERIES 2012**

A RESOLUTION APPROVING VARIANCE APPLICATION VAR 2012-01

WHEREAS, George and Linda Brodin have submitted a land use application for a rear setback Variance to construct a detached garage 5 feet into the 10 foot rear property setback at 273 Boulder Street; 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 March 14, 2012 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and recommended approval of the application to the Minturn Town Council; and

WHEREAS, on March 21, 2011 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:

- There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
- That the granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;
- There is no substantial impairment to the public that would result from the granting of the variance.

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

THAT land use application VAR 2012-01 is approved.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of March 2012.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

Brodin Garage
273 Boulder Street

Two Phase Project

Phase I

Build a two car garage accessed from Pine Street and eliminate existing one car garage.

- 1.) Create more off street parking
- 2.) Eliminate Side setback encroachment
- 3.) Reduce rear Setback encroachment
- 4.) Create safer Pine street access
- 5.) Eliminate one of the top 5 ugliest structures in town
- 6.) Boulder street Garage wall extend 5' into 10' rear setback

Phase II

Revisit the Boulder street Elevation, reposition Front Entry door and add windows for Greater light and design Enhancement

- 1.) Reposition Entry Door to Street Level
- 2.) Eliminate Existing Variance in front Setback
- 3.) Add Windows to create View and Spruce up House appearance

Existing lot $75 \times 74 = 5625$ sq ft $\times 40\% = 2250$

House 1619 sq ft

Proposed Garage 528 sq ft

$1619 + 528 = 2147$



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-5545
treasurer@minturn.org

**FROM THE DESK OF
JAY BRUNVAND, TREASURER/FINANCE**

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, March 16, 2012
RE: Executive Session

At the Council meeting, Council will need to convene in Executive Session with the Attorney to discuss and direct Staff regarding the possible acquisition of a parcel of USFS land and to further give direction for the purposes of ongoing negotiations. The following motion is recommended:

“Recommended motion: “I move to convene in Executive Session Pursuant to CRS 24-6-402(4)(a) Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding negotiations.”

The Mayor will announce for the record if any decision is to be made as a result of the Executive Session once the Regular Session meeting reconvenes.

Please contact me in the event you have any questions.

Thank You, Jay