



2012

Minturn Council Meeting

Wednesday April 4, 2012

Work Session: **5:15pm**
(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 April 4, 2012

Work Session – 5:15pm
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 – 5:15 pm

- Discussion - Escrow funding priority list – White (45min)
- Discussion – ATV usage on Town streets – Chief Martinez (15min) Pg 4
- Discussion – Ordinance 4 – 2012 regarding 50% reduction in rear property setback for detached garage – Cerimele (15min) Pg 42

Regular Session – 6:30 pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance
- 2. Swearing in of Mayor and Council Elect – Hon. Judge T. Quinn (30min) Pg 6**
- 3. Approval of Agenda**

a. Items to be Pulled or Added

4. Approval of Minutes and Action Report

- March 21, 2012 Pg 8
- Action Item Report Pg 17

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

6. Special Presentations

7. Planning Department Update

8. Town Manager's Report Pg 18

9. Town Council Comments

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. 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 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 20

11. 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) Pg 26

12. Discussion/Action Item: Ordinance 4 – 2012 an Ordinance (First Reading) amending Chapter 16, Section 16-17-190 of the Town of Minturn Municipal Code to allow for a 50% reduction in the rear property setback for a detached garage. Cerimele – (30 min) Pg 41

13. Discussion/Action Item: – Resolution 11 – Series 2012: A Resolution Appointing a Town Planning Commissioner – Cerimele (20 Min.) Pg 52

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 status of escrow fund distribution, initial discussion of allocation of funds, and review notices regarding citizen violation of Colorado Law – White/Christensen Pg 60

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 18, 2012

- Worksession Discussion: Ordinance ____- 2012 an Ordinance (First Reading) an Ordinance banning the sale of Medical Marijuana within the Town of Minturn – Christensen (20 min)

17. Future Meeting

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:

- Highway Clean Up – April 28, 2012
- Minturn Town Clean Up – June 2, 2012

19. Adjournment

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
Councilwoman – Shelley Bellm
Councilman – Earle Bidez
Councilman – Jerry Bumgarner
Councilman – Bill Aggie Martinez
Councilman – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Regulation of the use of off highway vehicles, including all terrain vehicles, on the streets and roadways under the jurisdiction of the Town of Minturn.

MEETING DATE: 04 April 2012

PRESENTER: Chief Lorenzo W. Martinez 

BACKGROUND: At last meeting, Council discussed allowing off highway vehicles on the streets and roadways under the jurisdiction of the Town of Minturn. Current State Statute prohibits operation of off highway vehicles on streets, roads, and highways except in the following cases:

- When a street, road, or highway is designated open by the state or any agency or political subdivision thereof;**
- When crossing streets or when crossing roads, highways, or railroad tracks in the manner provided in section 33-14-112;**
- When traversing a bridge or culvert;**
- During special off highway vehicle events lawfully conducted pursuant to the authority granted to local political subdivisions in this article;**
- During emergency conditions declared by the proper state or local authority;**
- When local political subdivisions have authorized by ordinance or resolution the establishment of off highway vehicle routes to permit the operation of off highway vehicles on city streets or county roads, but no street or road which is part of the state highway system may be so designated.**
- When using an off highway vehicle for agricultural purposes.**

It was mentioned that other Colorado municipalities such as Granby already allow this usage. I have reviewed municipal ordinances for Granby and Grand Lake, Colorado both have snowmobile ordinances similar to ours, however, none have provisions to allow off highway vehicles. The Town of Westcliffe, Colorado does have an ordinance to regulate use of off highway vehicles on their streets and roadways.

CORE ISSUES: Colorado House Bill 12-1066 has been proposed and is being reviewed. HB 12-1066 would amend current state statues as to allow off highway vehicles to be operated on the road with the following limitations:

- The rider must be licensed;**
- The vehicle must be registered with the department of revenue;**
- The vehicle must be insured;**
- The vehicle cannot be driven on a road with a speed limit greater than 45 miles an hour except to cross the road;**

- The vehicle cannot be operated on a limited access highway or state highway; except that the Colorado department of transportation may authorize the use of off highway vehicles on state highways outside of municipalities;**
- The vehicle cannot be driven in certain counties (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld) and municipalities with larger populations (>5,000) unless the local government has authorized it;**
- The driver cannot carry more people than the vehicle is designed for;**
- The vehicle cannot exceed 40 miles per hours; and**
- The vehicle must meet equipment standards, including seats, seatbelts, stoplights, red reflectors, mirrors, and headlamps.**

BUDGET/FINANCE IMPLICATIONS: None

STAFF RECOMMENDATION: Follow HB 12-1066 and amend municipal code as required. A component of HB 12-1066 is the registration of off highway vehicles similar to that of motor vehicles. At this point that component does not exist.

**FROM THE DESK OF
JAY BRUNVAND, MINTURN CLERK/TREASURER'S OFFICE**

MEMORANDUM

TO: Mayor and Town Council
FROM: Jay Brunvand, Clerk/Treasurer
CC: Jim White, Town Manager
DATE: 3/30/12 11:19 AM

APRIL 4, 2012 COUNCIL MEETING

The meeting should begin with the Council in their council seats. It is necessary that we a quorum is established in order to call the meeting to order. The newly elected can not be sworn in with out the meeting already in session!

Call meeting to order:

The Mayor calls the meeting to order, takes roll, and leads the meeting in the Pledge of Allegiance.

Swearing in of new Council members:

The Mayor Elect and Council Elect members are sworn in. (The members of the Council that were not up for re-election are not sworn in as their term simply continues.) I have arranged for Minturn Municipal Judge Terry Quinn to be present to administer the Oaths of Office. The Mayor Elect is sworn in first, the Council Elect members second. At this point the newly sworn Mayor and Council members assume seats at the Council table with the remaining Council members.

Choice for Mayor Pro Tem:

The Mayor announces his/her choice for Mayor Pro Tem and requests a motion to accept the nomination. This is a position that is responsible for running the meetings in the Mayor's absence and is an alternate check signer on all accounts.

The meeting then continues with the agenda items.

It is important to note that several of the members on the Council may want to abstain from voting to approve the minutes, etc as they were not present at the meeting or first reading or what have you. In accordance with Robert's Rules of Order, this is not a viable reason to abstain from the vote as it is not a defined conflict of interest; i.e. everyone votes. Those that do abstain are recorded as an abstain and included in the "for" votes

Please contact me if you have any questions. j



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, CLERK/TREASURER**

MEMORANDUM

TO: Mayor and Council
FROM: Jay Brunvand, Treasurer/Clerk
CC: Jim White, Town Manager
DATE: Friday, March 30, 2012
RE: Mayor Pro Tem

At tonight's meeting the newly elected Mayor will appoint the Mayor Pro Tem.

Minturn Town Charter Section 4.2(c) states, "The Mayor Pro shall be appointed by the Mayor subject to approval by the Council at the first regular meeting held after each regular municipal election and shall serve at the pleasure of the Mayor for a two-year term."

The following protocol is recommended:

- The newly elected and sworn Mayor will select his candidate for Mayor Pro Tem and ask the Council for a motion to approve confirmation of the candidate select.
- The recommended motion is:
"I move to confirm _____ as Mayor Pro Tem."

Please let me know if you need additional information.

Thanks j



Official Minutes

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

Wednesday March 21, 2012

Work Session – 5:45pm
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 – 5:45 pm

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

Regular Session – 6:30 pm

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

The meeting was called to order by Mayor Flaherty at 6:39 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, and Attorney Allen Christensen.

2. Approval of Agenda

- a. Items to be Pulled or Added

Direction to add consideration of Committee Assignments as Action/Discussion item 13a.

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

3. Approval of Minutes and Action Report

- March 7, 2012
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the minutes of March 7, 2012 as presented; motion passed (7-0).

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

Mr. Shane Mitchell, 605 McIntyre St, Eagle is running for County Commissioner Dist 2.

Mr. Frank Lorenti, 1081 Main St, addressed increased traffic related to out of town events from SSCV in Vail to Minturn; therefore he recommends thinking long-term and address traffic issues now.

Mr. Skyler Mitchell, 708 Pole Run, Eagle is running for Town of Eagle Trustee.

5. Special Presentations

- County Commissioners – White (45 min)
 - Introduce Aviation Director Greg Phillips and Assistant County Manager Rachel Oys
 - Transit (Kelly Collier)
 - Trails (Ellie Caryl)
 - Open Space
 - Eagle Valley Land Exchange
- Special Presentation: Eagle Valley Trails presentation & discussion- Cerimele (30 min) (incorporated into previous discussion)

Mr. Keith Montag, Eagle County Manager, believes the County and Minturn have enhanced the relationship between the two governments.

Mr. Greg Phillips, Eagle County Regional Airport, updated the Council that international service is a possibility. He also mentioned the airport checkpoint will be widened to include three full lanes and open up the traffic. The concrete apron will be updated and help to reduce chip concern. Additionally a landscaping project will take place in the front of the airport. The first community meeting will take place in May and will be publicized for the public to attend.

Ms. Kelly Collier, ECO Transit discussed that ridership in Minturn for 2011 was up 17.9%, and for 2012, ridership is already up 8%. The bus stops and bus shelters are going to be going through an updating program, so expect to see some work being done at various bus stops.

Ms. Ellie Caryl Eagle County Trails, gave an explanation of the trails program and an update of the system.

Mr. Frank Lorenti, 1081 Main St, asked about the trails process and the cost. Ms. Caryl stated it is estimated that the cost for a trail from Dowd Junction to the Red Cliff Town line would be approximately 8 million dollars to build.

Mr. Toby Sprunk, Eagle County Open Space, gave a brief list of the projects currently in the works.

Mr. John Stavney, Eagle County Commissioner updated Minturn on his meeting with the State Land Board and the potential future of the Cross Creek property.

Mr. John Stavney discussed the sale of the Boneyard property and the ability for governments to bid on the property. John R. recommended the option of discussing bid strategies.

Mr. John Rosenfeld gave a review of the properties discussed. Boneyard parcel, in partnership with OSAC has been accepted to be reviewed by the County Commissioners. Cross Creek may or may not go into a land use deal. The CDOT maintenance facility may be moving to the north Minturn area. The Forest Service is still looking to sell the Compound property.

6. Planning Department Update

Direction to staff to notify the two previous applicants regarding the open position for the Town of Minturn Planning and Zoning Commission.

7. Town Manager's Report

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.

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 fundraiser 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.

Mr. Barry Clark, 974 Main St, is excited to see the potential opportunities an event like the USA Pro Cycle Challenge will bring to Minturn.

8. Town Council Comments

John R. welcomes Peyton Manning to Colorado on behalf of the citizens of Minturn. John R. also noted that replacement of the culvert at Cross Creek will begin later this year.. A thank you Stuart Brummett, who headed the Minturn Red Cliff Business Association as well as the Town Planning Chair, as Stuart and his family, will be moving to Texas.

Earle B. would like to see the Council get some quality input on the happenings of the Dowd Junction/CDOT gravel operation program and requested to have members of the Land Board as well as the proper CDOT representatives to attend a future Council Meeting for a question and answer session.

Shelley B, asked about County emergency grant funding that may be possible to help with the hillside section of the north entry into Town. There are safety concerns which need to be addressed to ensure safe travel into and out of Town.

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)

Direction to staff to amend the ordinance to include a sentence indicating a licensed, qualified professional, appointed by the Town, will be used to determine the high water mark.

Motion by George B, second by Shelley B, to approve 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. Motion passed (6-1) Aggie Martinez nay.

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)

Direction to staff to amend ordinance language to allow sealed and signed or electronic signatures.

Motion by John R, second by George B, to approve 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.
Motion passed (7-0)

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

Motion by Shelley B, second by John R, to approve 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. Motion passed (7-0)

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

Motion by Shelley B, second by George B, to approve 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. Motion passed (7-0)

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)

As the applicant, Town Councilman George B. recused himself and left the room.

Mr. Frank Lorenti, 1081 Main St, asked if an ILC was conducted. Staff indicated that an ILC was submitted along with the rest of the application. Mr. Lorenti asked why an amendment to the code allowing the particular character area to have a 5’ setback, which has previously been recommended by the Planning Commission, has not been brought forth to Council.

Mr. Chris Manning, 293 Boulder St, submitted a letter to the Town Council regarding the approval of amendments to allow for a 5’ setback in the Pine St character area. The letter by Mr. Chris Manning is as follows and is included in the minutes for the record.

Dear Minturn Town Council and Staff

We are Chris & Tessa Manning, our address is 293 Boulder Street, and mailing address is POB 788, Minturn, CO 81645

Our letter today is regarding the variance for the Brodin’s garage project and a P&Z written and approved code amendment to reduce rear set backs in the 200 town block for houses that are in between Pine Street and Boulder Street. Tessa and I are completely in support of both of these – the Brodin’s garage and also the proposed amendment.

Our reason for writing this note is that our neighbors, the Brodin's, have asked for a variance (to build inside a 10 foot rear set back) to build a garage. Both Tessa and I are all for the Brodin's building a garage, getting a couple of cars off of the street and building it at a 5 foot rear set back. We have to say we are a bit jealous being that we are trying to do the same thing – build a garage also inside a 10 foot setback.

I am not sure a variance request for the Brodin's proposed garage is necessary. If a variance is required to meet the goals of a code ordinance currently waiting approval from the town council, wouldn't a review of the code amendment rather than a variance request be a better use of the council's time. Reviewing the amendment would be fairer to all of us looking to do the same, building a garage in the location of the 200 block of Boulder & Pine.

I hate to recommend that you table this variance application being that the building time in the mountains is so short (and we are in support of the garage application that the Brodin's have proposed) but we believe that it would be smarter to review and pass the code amendment. The reason that the code amendment was written and passed by P&Z in the first place was so that a variance request to build a garage inside a 10 foot set back for the Brodin's and others in our location would not be necessary.

Thanks so much for listening and taking a look at the proposed amendment.

Chris & Tessa Manning
POB 788 / 293 Boulder Street
Minturn, CO 81645
970-827-4076

Staff indicated a hardship has been deemed appropriate in this scenario.

Motion by Shelley B, second by Jerry B, to approve 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. (Motion passed 6-0) George B had recused himself from the Board and was not present.

13b. Consideration and Approval of Committee appointments.

Motion by Jerry B., second by George B. to approve the Committee Members appointed during the work session. Motion passed (7-0).

Council Committees are as follows:

Battle Mountain: Earle Bidez & Shelley Bellm
Railroad: Shelley Bellm & George Brodin

Water: Aggie Martinez & Hawkeye Flaherty
Rec Center: Earle Bidez and John Rosenfeld
ECO Transit: Aggie Martinez, George Brodin, alternate
Open Space: George Brodin, John Rosenfeld, alternate
Little Beach Park: Earle Bidez & Jerry Bumgarner
Channel 5: Shelley Bellm
Airport: Jerry Bumgarner
Scholarship: Jerry Bumgarner
CML Policy: Hawkeye Flaherty

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 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) (Executive Session began at 9:55pm and ended at 10:28pm).

Direction to staff as a result of the Executive Session:

The Town Manager was directed to continue negotiations with Eagle County and the USFS related to purchase of the Bone yard property; staff and the Town Council committee were instructed to continue negotiations related to the development of a human performance center (rec center) in partnership with Battle Mountain and Ski and Snowboard Club Vail at Maloit Park; staff give n direction to deliver a letter to a citizen regarding violation of Colorado law; Town manager and Town Attorney directed to negotiate legal fees.

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)
- Work Session – Discussion regarding ATV access on municipal roads. Request for Chief Martinez presence during work session and a copy of the Grand Lake Ordinance.

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

In that there was no further information to discuss the meeting stood adjourned at 10:30pm.

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: April 4, 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. One application received; Committee is moving forward with review
OSAC Funding for Boneyard Purchase	Cerimele	Town staff seeking alternative funding opportunities. OSAC has referred this to the Eagle County Commissioners.

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.

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 28, 2012
Re: **Manager’s Report for the April 4, 2012 Town Council Meeting**

Battle Mountain Update

The Escrow Agreement reached on February 15, 2012 between the Town and Battle Mountain was reviewed by Stewart Land Title. On **Wednesday, March 28, 2012**, the escrow funds were distributed to the Town of Minturn and the Battle Mountain Development Group respectively.

Eagle County Open Space Advisory Committee (OSAC)

The Eagle County OSAC director, Toby Sprunk, is following up with the USFS regarding the potential purchase of the Bone Yard property in Minturn. He is inquiring about the details of the USFS plans.

Respect Your Neighbors/ A Call to Action

The Town of Minturn urges all residents to pick up after their dogs. We have had citizen complaints about the prevalence of excrement throughout Town. Minturn is a dog friendly town, but owners need to take responsibility for their dogs and pick up after them! The Town does have ordinances in place to address this problem; our preference is to have our residents show more respect for their neighbors and eliminate the need to issue tickets!

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.

2/28/12

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.

Resignation

Officer Ryan Ware submitted his resignation on Wednesday, March 28, 2012, effective Friday, April 13, 2012. He plans to pursue work in his family's business. We wish him well in his future pursuits.

Public Auction

There will be a Public Auction on Friday, April 6, 2012 at 0400 North Main Street in the Union Pacific Rail yard/Building 1680. It will begin at 10am.

Congratulations!

Congratulations to Mayor Hawkeye Flaherty, and Councilmen: Jerry Bumgarner; George Brodin, and John Rosenfeld on their re-election to Town Council.

Respectfully submitted,
Jim White
Town Manager

TOWN COUNCIL STAFF REPORT
Public Hearing Date: April 4, 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 ordinance was passed on first reading at the March 21, 2012 Town Council meeting with a modification to the ordinary high water mark definition. The modified portion of the definition is italicized and highlighted below.

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. ***The ordinary high water mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.***

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 second 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. The ordinary high water mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.

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: April 4, 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

This ordinance was passed on first reading at the March 21, 2012 Town Council meeting with a modification to section C-2. This section now reads:

A boundary survey with a stamp and signature (or electronic equivalent) of a licensed surveyor that includes the following information:

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 stamp and signature (or electronic equivalent) 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 second 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 stamp and signature (or electronic equivalent) 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 Council Staff Report

Public Hearing Date: April 4, 2012

FILE NUMBER: Ordinance 4 - 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

SUMMARY

This item is a request for a Zoning Text Amendment to allow a 50% reduction in the required rear property line setback for the construction of a detached garage. The Planning Commission recommended approval of the proposed amendment in December 2011. The purpose of this amendment is to facilitate the creation of off-street parking in Minturn by providing homeowners with greater flexibility to construct a detached garage.

PROPOSED CODE AMENDMENT

To implement the code amendment, the following changes to Section 16-17-190 - Table 16-5 are proposed:

- A new footnote would be added to Table 16-15 that would read:
 - (C) The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall be applicable to the ground level only. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.
 - Exception:

When a subdivision of land has created a situation where one parcel is sited directly behind another parcel that fronts a Town street, the parcel fronting the Town street shall not be eligible for the setback reduction.

An example of this situation can be seen in the following illustrations:



The proposed changes are highlighted in red on the following table:

**TABLE 16-15
Dimensional Standards**

<i>Table of Dimensional Standards</i>								
<i>Character Area</i>	<i>Zones</i>	<i>Min. lot area (sq. ft.) (A)</i>	<i>Min. lot dimension (feet)</i>	<i>Max. lot coverage (%)</i>	<i>Minimum setbacks</i>			<i>River/Creek setback</i>
					<i>Front</i>	<i>Rear (feet)(C)</i>	<i>Side (I)</i>	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	20	10	10	E.R.=30 G.C.=15
Old Town	Recreation & open space	To be determined as part of conditional review						30
	Residential	5,000	50	40	10	10	5	
	Commercial	2,500	25	80	0	10	5	
	Mixed-use	5,000	50	(B)	10	10	5	
South Town	Residential	5,000	50	50	20	10	5	30
	Commercial	7,500	50	70	20	10	5	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A	40	20	20	30
Cross Creek	Residential-S	5,000	50	40	20	20	10	E.R.=30 C.C.=50
	Residential-N	10,000	100	25	20	20	10	
	Mixed-use	10,000	100	40	20	20	10	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A	To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45	25	25	10	
Game Creek	Residential	5,000	50	40	20	10	5	G.C.=30
	PUD holding	To be determined as part of the PUD review						E.R.=30

	zone		
Eagle River	Recreation & open space	To be determined as part of the conditional use review	E.R.=30
Transportation	Railroad R-O-W/ Transportation	To be determined as part of the conditional use review	

Refer to notes below.

Notes from Table of Dimensional Standards

- (A) Minimum lot area per principal dwelling unit. Density shall be calculated by counting only the number of principal dwelling units per lot, excluding any accessory dwelling units that may be allowed.
- (B) Old Town mixed-use minimum lot coverage may be increased to forty-five percent (45%) if ground floor commercial space is provided.
- (C) **The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall only apply to the ground level. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.**

- **Exception:**

When a subdivision of land has created a situation where one parcel is sited directly behind another parcel that fronts a Town street, the parcel fronting the Town street shall not be eligible for the setback reduction.

Additional setback standards:

- (1) Side yard setback. None required if the sidewall is a party wall.
- (2) Transition. When a lot in a nonresidential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the nonresidential zone.
- (3) Corner lots. When a commercial corner lot adjoins a noncommercial lot, a primary street frontage must be approved by the Planning Director. The rear lot line is parallel to, and behind, the front lot line. The side setback shall be no less than one-half (1/2) of the required front setback of the noncommercial lot. The rear setback of the commercial lot shall be no less than the side yard setback of the adjacent residential lot.
- (4) Partially developed frontages. When a vacant lot is bordered on two (2) sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be the average of the front yard

setbacks of the two (2) existing adjacent buildings. When a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the district.

- (5) Irregularly shaped lots. When a lot is not rectangular in shape, and a building is constructed so that one (1) side of the building is parallel to an adjacent street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than five (5) feet.
- (6) Setback from river/creeks. A strip of land measured horizontally from the high water mark on each side of any live stream shall be protected in its natural state with the exception that footpaths, bridges, fences, irrigation structures, flood control and erosion protection devices may be constructed thereon. If necessary to protect the river or creek, additional width may be required. Underground utilities may be located in such protected area; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated.
- (7) Setback between structures. The minimum distance between structures on the same lot is five (5) feet.
- (8) Garage door setback. Garage doors facing Main Street must be set back at least eighteen (18) feet from the lot line.
- (9) Exemptions from setback requirements. The following uses may be exempt from the setback requirements within the commercial and mixed-use zones, provided that written approval is granted by the Planning Commission, which shall determine that the use would not injure the value of, use of or prevent the proper access of light and air to the adjacent properties, nor would be out of harmony with the intent and purpose of this Chapter:
 - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
 - b. Temporary awnings or shading devices.
 - c. Unroofed terraces or patios.
- (10) Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the clear vision area, easements, etc., have been considered:
 - a. Unroofed terraces or patios, not to exceed forty-eight (48) inches above grade, may encroach up to one-half (½) the required setback.

- b. Chimneys, eaves or similar nonhabitable features may encroach up to three (3) feet from the face of the building or structure; however, roof shedding shall not be allowed to shed on an adjacent property.
 - c. Bay windows or similar features on the front or rear setback may encroach up to three (3) feet from the face of the building or structure.
 - d. Awnings or shading devices up to one-half (½) the required setback.
 - e. Walls and fences up to six (6) feet in height in the side and rear setback.
 - f. Walls and fences up to four (4) feet in height in the front yard setback.
- (11) Accessory structures under 200 sq. ft. Accessory building and structures under 200 square feet must be located in the rear or side yards and may encroach into the side and/or rear setbacks but in all cases must be at least five (5) feet from property lines. Additional width may be required as the roof must shed on the accessory structure owner's lot.

DISCUSSION

If approved, this land use code amendment will allow a 50% reduction of the rear property line setback for the construction of a detached garage. This reduction in the rear setback would apply only to the ground level. Homeowners proposing to build a multi-level garage will be required to set back the second level to the underlying rear setback line.

The following table outlines the current rear setback for the various zone districts throughout the town.

Character Area	current rear setback	w/ proposed amendment
Old Town	10'	5'
South Town	10'	5'
Martin Creek	20'	10'
Cross Creek	20'	10'
Game Creek	10'	5'

For example, a property owner in the Old Town Character Area would be allowed to construct a detached garage five (5) feet from the rear property line under the proposed code amendment. If the garage was more than one (1) level, the second level would be required to be set back ten (10) feet from the rear property line.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 4 – 2012

DRAFT MOTION

I move to approve Ordinance 4 – 2012 on first reading.

Respectfully Submitted

Chris Cerimele, Planner

Attachments:

Ordinance 4 – 2012

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 - SERIES 2012**

AN ORDINANCE AMENDING CHAPTER 16 – SECTION 16-17-190 OF THE TOWN OF MINTURN MUNICIPAL CODE TO ALLOW FOR A 50% REDUCTION IN THE REAR PROPERTY SETBACK FOR A DETACHED GARAGE.

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. Amendment. Section 16-17-190 of the Town of Minturn Municipal Code is amended as follows:

Sec. 16-17-190. General lot requirements and dimensional standards.

The following Table 16-15 sets forth general lot requirements and dimensional standards:

**TABLE 16-15
Dimensional Standards**

<i>Table of Dimensional Standards</i>								
<i>Character Area</i>	<i>Zones</i>	<i>Min. lot area (sq. ft.) (A)</i>	<i>Min. lot dimension (feet)</i>	<i>Max. lot coverage (%)</i>	<i>Minimum setbacks</i>			<i>River/ Creek setback</i>
					<i>Front</i>	<i>Rear (feet)(C)</i>	<i>Side (I)</i>	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	20	10	10	E.R.=30 G.C.=15
Old Town	Recreation & open space	To be determined as part of conditional review						30
	Residential	5,000	50	40	10	10	5	
	Commercial	2,500	25	80	0	10	5	
	Mixed-use	5,000	50	(B)	10	10	5	
South Town	Residential	5,000	50	50	20	10	5	30
	Commercial	7,500	50	70	20	10	5	
	Fed. reg. land use	N/A	N/A	N/A	Rec.	Rec. 20	Rec.	

					50		10	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A	40	20	20	30
Cross Creek	Residential-S	5,000	50	40	20	20	10	E.R.=30 C.C.=50
	Residential-N	10,000	100	25	20	20	10	
	Mixed-use	10,000	100	40	20	20	10	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A	To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45	25	25	10	
Game Creek	Residential	5,000	50	40	20	10	5	G.C.=30
	PUD holding zone	To be determined as part of the PUD review						E.R.=30
Eagle River	Recreation & open space	To be determined as part of the conditional use review						E.R.=30
Transportation	Railroad R-O-W/ Transportation	To be determined as part of the conditional use review						

Refer to notes below.

Notes from Table of Dimensional Standards

- (A) Minimum lot area per principal dwelling unit. Density shall be calculated by counting only the number of principal dwelling units per lot, excluding any accessory dwelling units that may be allowed.
- (B) Old Town mixed-use minimum lot coverage may be increased to forty-five percent (45%) if ground floor commercial space is provided.
- (C) The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall only apply to the ground level. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.

- Exception:

- In instances where a subdivision of land has created a situation where one parcel is sited directly behind a parcel that fronts a Town street, the parcel that contains the street frontage will not be eligible for the setback reduction.

Additional setback standards:

- (1) Side yard setback. None required if the sidewall is a party wall.
- (2) Transition. When a lot in a nonresidential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the nonresidential zone.
- (3) Corner lots. When a commercial corner lot adjoins a noncommercial lot, a primary street frontage must be approved by the Planning Director. The rear lot line is parallel to, and behind, the front lot line. The side setback shall be no less than one-half (1/2) of the required front setback of the noncommercial lot. The rear setback of the commercial lot shall be no less than the side yard setback of the adjacent residential lot.
- (4) Partially developed frontages. When a vacant lot is bordered on two (2) sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the two (2) existing adjacent buildings. When a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the district.

- (5) Irregularly shaped lots. When a lot is not rectangular in shape, and a building is constructed so that one (1) side of the building is parallel to an adjacent street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than five (5) feet.
- (6) Setback from river/creeks. A strip of land measured horizontally from the high water mark on each side of any live stream shall be protected in its natural state with the exception that footpaths, bridges, fences, irrigation structures, flood control and erosion protection devices may be constructed thereon. If necessary to protect the river or creek, additional width may be required. Underground utilities may be located in such protected area; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated.
- (7) Setback between structures. The minimum distance between structures on the same lot is six (6) feet.
- (8) Garage door setback. Garage doors facing Main Street must be set back at least eighteen (18) feet from the lot line.
- (9) Exemptions from setback requirements. The following uses may be exempt from the setback requirements within the commercial and mixed-use zones, provided that written approval is granted by the Planning Commission, which shall determine that the use would not injure the value of, use of or prevent the proper access of light and air to the adjacent properties, nor would be out of harmony with the intent and purpose of this Chapter:
 - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
 - b. Temporary awnings or shading devices.
 - c. Unroofed terraces or patios.
- (10) Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the clear vision area, easements, etc., have been considered:
 - a. Unroofed terraces or patios, not to exceed forty-eight (48) inches above grade, may encroach up to one-half (½) the required setback.
 - b. Chimneys, eaves or similar nonhabitable features may encroach up to three (3) feet from the face of the building or structure; however, roof shedding shall not be allowed to shed on an adjacent property.
 - c. Bay windows or similar features on the front or rear setback may encroach up to three (3) feet from the face of the building or structure.
 - d. Awnings or shading devices up to one-half (½) the required setback.
 - e. Walls and fences up to six (6) feet in height in the side and rear setback.
 - f. Walls and fences up to four (4) feet in height in the front yard setback.
- (11) Accessory structures under 200 sq. ft. Accessory building and structures under 200 square feet must be located in the rear or side yards and may encroach into the side and/or rear setbacks but in all cases must be at least five (5) feet from property lines. Additional width may be required as the roof must shed on the accessory structure owner's lot.

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 4th DAY OF APRIL, 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 **21st** 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

FILE NUMBER: Resolution 11 – 2012

PROJECT TYPE: A Resolution appointing a citizen to the Town of Minturn Planning Commission.

AGENDA ITEM BRIEF:

Approval of this item will appoint the selected applicant to fill the vacancy on the Planning Commission created by the resignation of Chairman Stuart Brummett. The selected candidate will be appointed to serve the remainder of Chairman Brummett's term that is set to expire on July 31, 2012.

There are two candidates seeking the Planning Commission appointment: Frank Lorenti and Burke Harrington.

BACKGROUND

The Planning Commission is a board of five citizens appointed by the Town Council. The Planning Commission is charged with reviewing matters pertaining to zoning, land use and development, and making recommendations on such matters to the Town Council. The specific powers and duties of the Planning Commission are outlined in section 16-21-40 (f) of the MMC and listed below:

(f) Powers and duties. In addition to any authority granted the Planning Commission by general or special law, the Planning Commission shall have the following powers and duties under the provisions of this Chapter:

- (1) Prepare Community Plan. To prepare or cause to be prepared a Community Plan or any element or portion thereof, for adoption by the Town Council.
- (2) Recommend amendments to the Community Plan. To initiate, hear, review, consider and recommend amendments to the Community Plan, or any element or portion thereof.
- (3) Make recommendations on land use proposals. To initiate, hear, review, consider and make recommendations to the Town Council on land use proposals concerning conformance with the Community Plan.
- (4) Recommend amendments to the text of this Chapter. To initiate and make recommendations to the Town Council to amend the text of this Chapter.
- (5) Recommend amendments to the Official Zone District Map. To initiate, hear, consider and make recommendations to the Town Council to

approve or disapprove applications to amend the Official Zone District Map.

- (6) Recommend Planned Unit Development (PUD) District. To hear, review, consider and make recommendations to the Town Council to approve or disapprove applications for concept plan and preliminary plan for a Planned Unit Development (PUD) District.
- (7) Conditional uses. To hear, review, consider and make recommendations to the Town Council to approve, approve with conditions or disapprove conditional use applications.
- (8) Make expertise available. To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the County, a city within the County, or the State or federal government.
- (9) Recommend rules of procedure. To recommend to the Town Council additional or amended rules of procedure not inconsistent with this Section to govern the Planning Commission's proceedings.
- (10) Make additional studies. To make studies of resources, possibilities and needs of the Town upon the authorization of the Town Council, and to report its findings and recommendations, with reference thereto, to the Town Council.
- (11) Other matters. To consider any other matters pertaining to the Planning Commission as provided by law, resolution or ordinance, to act in an advisory capacity to the Town Council when so requested and to perform all other powers and duties authorized and required by ordinance or state law.

The Planning Commission also acts as the Town's Design Review Board (DRB). The duties of the DRB are outlined in section 16-21-50 of the MMC.

Sec. 16-21-50. Planning Commission as Design Review Board; powers and duties.

The Planning Commission is hereby established as the Design Review Board. The Design Review Board shall have the following powers and duties under the provisions of this Chapter:

- (1) Prepare Design Review Standards and Guidelines. To prepare, or cause to be prepared or amended, the Design Review Standards and Guidelines or any element or portion thereof, for adoption by the Town Council.

(2) To hear, review, consider and approve, approve with conditions or disapprove applications for design review approval.

(3) To hear and decide upon appeals on design review decisions made by the Planning Department. (Prior code 16-21-4; Ord. 6-2000 §1; Ord. 16-2007 §1)

DRAFT MOTION:

I move to approve Resolution No. 11 - Series 2012 appointing (selected applicant) to the Town of Minturn Planning Commission.

RESPECTFULLY SUBMITTED

Chris Cerimele
Town Planner

ATTACHMENTS

- Planning Commission Application – Frank Lorenti
- Planning Commission Application – Burke Harrington
- Resolution No. 11 - Series 2012

TOWN OF MINTURN

Application – Planning Commission

Thank you for expressing an interest to serve on the Town of Minturn’s Planning Commission.

- The Commission meets once a month on the second Wednesday at 6:30 pm in the Minturn Town Center Council Chambers located at 302 Pine Street, Minturn, CO.

Applicants must be residents of Minturn for a minimum of one year and a registered Minturn voter. To be ensured of appropriate consideration, please complete the following information:

Name: Frank Lorenti

Phone: (H) 970 827-5988 (W) _____ (Cell) _____

Email: frank@minturntimes.com

Mailing Address: Box 1114 Minturn Co 81645

Physical Address: 1081 Main St Minturn Co 81645

1. How long have you lived in Minturn? 17 yrs

2. What is your occupation and /or background? Self-employed

3. Are you currently serving on other community groups, boards, or commissions? NO

4. If yes, please provide the name of the organization _____

5. How long have you served on the organization? _____

6. What are some of the reasons you wish to serve on the Minturn Planning Commission?

To enforce building codes fairly.

- 7. What is your "long range" vision for the Town of Minturn?
Ski lifts, Historical museum, responsible
development, Recreation center, sidewalks,
bikepaths

- 8. What are the most important issues facing the Town of Minturn? enforcement
of building codes fairly,

- 9. Please add any other additional comments that you may wish to state _____
Planning Department in Minturn doesn't
currently understand lot coverage, building
height, tap fee and other issues.

Please mail/fax/email or deliver in person all applications by **February 28, 2012**

**Town of Minturn
P.O. Box 309
302 Pine Street
Minturn, CO 81645**

**Phone: 970.827.5645
Fax: 970.827.5545
Email: planner1@minturn.org**

For any additional questions, please contact Chris Cerimele, Minturn Town Planner as outlined in the contact information above.

TOWN OF MINTURN

Application – Planning Commission

Thank you for expressing an interest to serve on the Town of Minturn's Planning Commission.

- The Commission meets once a month on the second Wednesday at 6:30 pm in the Minturn Town Center Council Chambers located at 302 Pine Street, Minturn, CO.

Applicants must be residents of Minturn for a minimum of one year and a registered Minturn voter. To be ensured of appropriate consideration, please complete the following information:

Name: Burke Harrington

Phone: (H) _____ (W) _____ (Cell) 970-376-2256

Email: bhcco@comcast.net

Mailing Address: POB 425 Minturn, Co. 81645

Physical Address: 532 A Taylor St.

1. How long have you lived in Minturn? 3+ years

2. What is your occupation and /or background? general contractor

3. Are you currently serving on other community groups, boards, or commissions? no

4. If yes, please provide the name of the organization _____

5. How long have you served on the organization? _____

6. What are some of the reasons you wish to serve on the Minturn Planning Commission?

I would like to be an active participant
in the future planning of the town.

7. What is your "long range" vision for the Town of Minturn?

I would like to see what Minturn has for a 5 or 10 year
plan at the moment and how much the Battle Mt. project moving forward
will dictate what can be achieved. I would also encourage dialogue
with Union Pacific to see what can be done with their property.

8. What are the most important issues facing the Town of Minturn? _____

the Battle Mtn. project
Improving infrastructure
Money
Dormant railroad property

9. Please add any other additional comments that you may wish to state _____

Please mail/fax/email or deliver in person all applications by **February 28, 2012**

**Town of Minturn
P.O. Box 309
302 Pine Street
Minturn, CO 81645**

**Phone: 970.827.5645
Fax: 970.827.5545
Email: planner1@minturn.org**

For any additional questions, please contact Chris Cerimele, Minturn Town Planner as outlined in the contact information above.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 11 – SERIES 2012**

**A RESOLUTION APPOINTING A TOWN PLANNING
COMMISSIONER**

WHEREAS, a vacancy exists on the Minturn Planning Commission due to the resignation of Commissioner Stuart Brummett and the Town Council desires to fill this vacancy; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.40 §D, Planning Commission vacancies shall be filled by a majority vote of the Town Council; and

WHEREAS, the powers and duties of the Minturn Planning Commission are outlined in Minturn Municipal Code section 16.21.40. §F; and

WHEREAS, the Town Council recognizes and appreciates the service and commitment of the Planning Commission members.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUAL IS HEREBY APPOINTED FOR THE INDICATED TERM:

NAME	TERM
_____	_____

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 4th day of April, 2012.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk



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: Thursday, March 29, 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) 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 status of escrow fund distribution, initial discussion of allocation of funds, and review notices regarding citizen violation of Colorado Law .”

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