



2014

Minturn Council Meeting

Wednesday August 20, 2014

Work Session: **5:00pm**
(Town Center)

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



Agenda

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

Wednesday August 20, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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 – 5:00pm

- 1131 Main Street Duplex Design Call Up – Hawkinson Pg 11
- 850 Main Street Duplex Design Call Up – Hawkinson Pg 30
- Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St – Hawkinson Pg 45
- Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St – Hawkinson Pg 55

Regular Session – 6:30pm

2. Call to Order

- Roll Call
- Pledge of Allegiance

3. Approval of Agenda

- Items to be Pulled or Added

4. Approval of Minutes and Action Report

- August 6, 2014
- Action Item Report

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

6. Special Presentations

PUBLIC HEARINGS AND ACTION ITEMS

7. Action Item: 1131 Main Street Duplex Design Call Up – Hawkinson Pg 11

8. Action Item: 850 Main Street Duplex Design Call Up – Hawkinson Pg 30

9. Action Item: Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St – Hawkinson Pg 45

10. Action Item: Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St – Hawkinson Pg 55

COUNCIL AND STAFF REPORTS

11. Town Planner

12. Town Attorney

13. Town Manager

- Zoning Code Review update Pg 64
- CMC Scholarship Update Pg 66

14. Town Council Comments

FUTURE AGENDA ITEMS

15. Next Meeting – August 20, 2014

16. Future Meetings:

- County Commissioners
- Ordinance ____ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer

17. Set Future Meeting Dates

a) Council Meetings:

- September 3, 2014
- September 17, 2014
- October 1, 2014

b) Planning & Zoning Commission Meetings:

- August 27, 2014
- September 10, 2014
- September 24, 2014

18. Other Dates:

- Labor Day Monday September 1, 2014 – Office Closed
- Final Market – September

19. Adjournment



Official Minutes

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

Wednesday August 6, 2014

Work Session – CANCELED
Regular Session – 6:30 pm

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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 970/827-5645 302 Pine St. Minturn, CO 81645

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:30pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, Ozzy Osborne, and Shelley Bellm.

Staff present: Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Add Discussion on the Eagle River Park Bathrooms as Item 7a per request of Hawkeye.

Motion by Johnie R., second by Shelley B., to approve the agenda as amended. Motion passed 7-0.

3. Approval of Minutes and Action Report

- July 16, 2014

Motion by George B., second Johnie R., to approve the minutes of July 16, 2014 Council Meeting as presented. Motion passed 7-0.

- July 29, 2014 – Special Meeting

Change from Hawkeye to George B. in the third paragraph from the end of the second page.

Motion by Johnie R., second George B., to approve the minutes of July 29, 2014 Special Council Meeting as amended. Motion passed 7-0.

- Action Item Report

4. Liquor Authority

- Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. – Brunvand

Note: Matt Scherr stepped down as he is a member of the foundation and presenting the application for the foundation.

Motion Ozzy O., second Hawkeye, to approve the Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. as presented with the conditions as follows. Motion passed 6-0. Note: Matt S. had stepped down from the Council for this decision.

Conditions:

- The application was received on July 25, 2014 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on July 25, 2014 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S, or equivalent, certified server and one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

Matt S. resumed his seat on the council.

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

The following individuals spoke against consideration or reviewing the existing ban and cited several sources to support their position.

- Mr. Aggie Martinez, 962 Main St, asked the Council to continue with the marijuana ban currently in place.
- Mr. Ernesto Attencio 1051 Main St, concurred with the marijuana ban.
- Mr. Jim Kleckner, 660 Main St, concurred with the marijuana ban.
- Mr. Larry Kunkle, 609 Taylor St, concurred with the marijuana ban.
- Mr. Peter Buckley, Avon, concurred with the marijuana ban.
- Mr. Lynn Kanakus, 248 Main St, concurred with the marijuana ban.
- Mr. Randy Milhon, 141 Williams St, concurred with the marijuana ban.
- Mr. Buddy Simms, Edwards, concurred with the marijuana ban.
- Mr. Bob Doyle, Centennial, concurred with the marijuana ban.
- Ms. Barbara Allen, Avon, concurred with the marijuana ban.

Hawkeye noted that the subject of consideration of retail or medical marijuana had not been scheduled for a Council meeting at this time.

6. Special Presentations

PUBLIC HEARINGS AND ACTION ITEMS

7. **Action Item:** Ordinance No. 05 – Series 2014 (Second Reading) regarding electronic meeting participation – Sawyer

Mike S. outlined the efforts to date and stated no changes have been made since the first reading.

It was noted this Ordinance does allow other boards and commissions to use this process as long as it does not involved an individual's private rights such as the approval of land use or other official action.

Hawkeye stated the existing code is clear in its requirement the member be present and that this in not in the spirit of the existing code and recommended denial.

Motion by Ozzy O., second by Johnie R., to approve Ordinance 05 – Series 2014 (Second Reading) an ordinance of the Town of Minturn amending Chapter two of the Minturn Municipal Code by the addition of Section 2-2-41 to provide terms and conditions for limited telephonic or electronic participation by members of the Town Council at Town Council Meetings and to expressly prohibit telephonic or electronic participation in meetings of other Town Boards and Commissions in situations where such Board or Commission considers the approval, denial, suspension or revocation of any application or permit as presented. Motion passed 6-1 (Hawkeye nay).

7a. Discussion: Eagle River Park Bathroom

Janet H. outlined how the location was developed and agreed upon. She stated there are other locations available and outlined those options. Discussion ensued on the various placement options, lighting, and security. Hawkeye stated he felt to tear out the brand new basketball court was a waste of money and that it should be placed under the trees as depicted in the

original proposal. Janet H. noted in response to question that the doors would not open to the street side, they would open to the east side (river). Direction was to proceed as directed at the last meeting.

COUNCIL AND STAFF REPORTS

8. Town Planner

- TAP Grant Successfully Submitted
- Mountain Valley Development Sign Approved
- 1131 Main Street Duplex Design Approved – Planning Commission

Janet H. noted this project is a duplex with an accessory unit. Council expressed concern as to the duplex not having a common wall and one of the units having a secondary mother-in-law apartment thus allowing three individual units on the property. Earle B. read the definition of a duplex from the Town Code and it does require a common wall. A common walkway does not meet the definition. Janet H. stated the project is required to have 6 parking spots, three spaces for each duplex, the accessory unit does not have a garage and the project proposes four garage spaces and four surface spaces. Janet H. stated this project has been approved by the Planning Commission and to allow Council to reconsider the project would require it to be Called Up by the Council. General consensus of the Council was that this project did not meet the definition of a duplex.

Direction was to call this project up to Council. It will be placed on a future.

- 850 Main Street Duplex Design Approved – Planning Commission

Janet H. stated this project will include a fee to be applied to a segregated sidewalk fund for future sidewalk construction. Janet H. stated this duplex had a combined total of 10 bedrooms and required 6 parking spaces; three for each duplex. Earle B. reviewed the design guidelines expressed in the code and stated this project does not follow this code. Council was very dissatisfied with the project in that it did not flow with the design criteria set forth in the code, it did not protect the character of the Town, and that it should be called up to Council.

Direction was given to call this project up based on the concern this project does not meet the design criteria spelled out in the code.

Mike S. recommended that Staff should place on a work session a discussion of the perceived code changes needed. Earle B. asked if the Council should consider a moratorium on projects until such time as a review of the code could be undertaken.

9. Town Attorney

10. Town Manager

11. Town Council Comments

Ozzy O. asked to have the Walking Center Actively Green on the next meeting discussion section.

Shelley B. updated the Council on the Minturn Education Foundation

The Fitness Center is having a soft opening on Aug 11 and two open houses on the Aug 15 and Aug 22. Shelley B. commended the builder and the team that made this project a reality.

Earle B. asked to have our Code Enforcement Officer enforce the bear proof cans and illegal parking which is affecting the clear vision at intersections.

FUTURE AGENDA ITEMS

12. Next Meeting – August 20, 2014

- 1131 Main Street Duplex Design Call Up – Hawkinson
- 850 Main Street Duplex Design Call Up – Hawkinson
- Ordinance ____ - Series 2014 (First Reading) an Ordinance approving a Preliminary Subdivision Plat at 947 Main St
- Ordinance ____ - Series 2014 (First Reading) an Ordinance approving a Preliminary Subdivision Plat at 1973 Main St

13. Future Meetings:

- County Commissioners
- Ordinance ____ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer
- Work Session discussion of needed Municipal Code changes. – Hawkinson/Powell/Sawyer

14. Set Future Meeting Dates

- a) Council Meetings:
 - September 3, 2014
 - September 17, 2014
 - October 1, 2014

- b) Planning & Zoning Commission Meetings:
 - August 27, 2014
 - September 24, 2014
 - October 22, 2014

15. Other Dates:

16. Adjournment

Motion by John R., second by Ozzy O., to adjourn at 8:47pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

ACTION ITEMS REPORT

From: Town Manager
02-Jul-14

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	Plan for bathroom out for bid Design for educational portion beginning
Rec Property Clean-up	Martinez Hawkinson	berm constructed. Continue grading, cleanup and beautification
Little Beach Park perfect ownership	Powell	Property report received Surveyor providing property description
ECSO law enforcement IGA	Powell	Contract began 8/1
Isolation valves and street work	Hawkinson Martinez	project complete
TAP grant--South Minturn sidewalks	Hawkinson	Grant submitted
2014 Community Master Plan		need to discuss this project in relation to other priorities
Memorialization Guidelines		staff collecting models from other municipalities
Minturn Fitness Center	Powell Rosenfeld Bidez Sawyer	Bylaws reviewed on and commented by town reps Funding agreement drafted review construction/soft cost expenses mixer/electric line OK'd by ECSD, work begun transfer ownership to MFC achieve 501.c.7 non-profit status
Minturn Education Fund	Powell	committee met, appointed directors, reviewed Bylaws achieve 501.c.3 non-profit status scholarship requests review on 8/19

Planning Report

Steven James Riden, Architect
1131 Main Street, Minturn, CO 81645



Synopsis of History of Design Review

Week of June 3, 2014 – Submit Plans to Planner

Planner Review: (see attachment for complete details)

- Entrance to lot 40' can only be 16' per CDOT code
- Setback encroachments with decks, roof eaves, and walkways
- Meets scale, foot print, snow storage, parking requirements
- Meets definition of duplex in code book – example is neighboring property
- Concern of density issue with a duplex and an apartment – however duplex 'use by right' in code and apartment 'limited use' in code
- The smaller masses of the design create more air, light, landscaping, pervious surface and view corridors for residents and neighbors

*Planner recommendation to DRB: do not pass until above code violations are corrected

Week of June 11, 2014 – Planning Commission Review

- Denied applicant based on driveway width and setback encroachments

Week of July 2, 2014 – Variance

- The applicant applied for a variance for the roof eaves, decks and sidewalks to be allowed in the setback

Week of July 9, 2014 – Applicant withdrew variance

July 24, 2014 – New Plans submitted to Planner for DRB

- The new design moved all decks and eaves out of setback, except one corner of about 5 square feet, where a ground level walkway crosses
- Driveway entrance 16'
- Meets codes for scale, size, parking, snow, shared common wall, etc...

*Planning Commission 7/30/14 passes the design – meets requirements

August 6, 2014 – Town Council Calls up design because it doesn't meet the traditional definition of a duplex

Project Review Report
Planning Commission
July 30, 2014



Project Name: Steve Riden - Minturn Duplex & Accessory Apartment

Project Number: 1131 Main Street

Project Request: This is an existing lot where the original home has been removed. It is being proposed to build a duplex and an accessory apartment on the lot.

There are 2 garages with 2 spaces in each garage. 1 garage for each duplex. There is not a garage for the accessory apartment.

Unit A - has 3 bedrooms, a living room, kitchen and bathrooms. There is one large room next to the Master Bedroom that is labeled "unfinished bonus room."

Unit B - has 3 bedrooms, living space, kitchen and bathrooms.

Unit 2B - this is an accessory apartment. The design is a studio apartment with kitchen, living room, bedroom on one floor above the garage.

There is 320 square feet of snow storage. Need 2.5% of lot size 209 sq ft.

Lot size is: 8,333.028 sq ft

Maximum lot coverage 50%: 4,165 Proposed building foot print is: 2,705 sq ft - 32% of lot coverage

Present driveway meets CDOT code of 16-18' driveway access onto a highway. Need approved permit from CDOT on final ILC.

Parking

Required for Unit A: 3 spaces - 2 covered & 2 surface

Required for Unit B: 3 spaces - 2 covered & 2 surface

Eave overhang of less than 3 square feet.

There is one eave on the SE Corner that encroaches into the set back by less than 3 sq ft and is a non-shedding portion of the roof.. The Planner recommends to approve this encroachment because it allows the duplex to remain separate buildings with a greater amount of open space. Due to the lot dimensions and the zoning code that the houses need to be a minimum of 6' apart it would be difficult to fit this corner of the roof eave into the setback.

The Planner recommends to approve this roof eave in the setback.

As per zoning code: Section 16-17-190 - additional notes fro setback standards: upon approval of the Planning Director and demonstration that the easements have been considered: chimneys, eaves or similar nonhabitable features may encroach up to 3 feet from the face of the building or structure.

Required Minturn Zoning Codes:

Sec 16-17-190 Setbacks for Residential in South Minturn Town Character:

Maximum lot coverage is 50%

Front setback 20' Rear setback 10' Side setback 5'

Sec 16-17-190 Garage door setbacks: facing Main Street is 18' - facing other streets is 15'

Sec 16-16-20 – Parking Required for Single Family Residence:

2 spaces per dwelling unit for up to 3 bedrooms - 3 spaces for more than 3 bedrooms

Sec 16-17-50 - Building height South Minturn Town Residential is 28' mid line to grade

Sec 16-16-110 Location of required parking spaces: 'to be on the same lot as the structure the spaces are intended to serve'

Sec 16-16-120 Minimum parking area dimensions – the standard is 9' x 18'

Sec 16-16-130 Snow Storage: (1) Minimum area of 2.5% of the total area, inclusive of access drives shall be designated to serve as snow storage area

Sec 16-7-60 Accessory apartments are by limited use

Sec 16-7-60 Duplexes in South Minturn are a Use-by Right

CDOT Highway Regulations: one driveway access onto the highway per lot.

Width of driveway is limited to 16-18'

Zoning Codes Specific to the Eave overhang at SE Corner of lot:

Section 16-17-190 - additional notes fro setback standards:

- 7) Setback between structures. The minimum distance between structures on the same lot is 6 feet.
- 10) a. patios not to exceed 48" above grade, may encroach up to 1/2 the required setback.
- b. Architectural features. The following architectural features may encroach into the required set back **upon approval of the Planning Director and demonstration that the easements** have been considered: chimneys, eaves or similar nonhabitable features may encroach up to 3 feet from the face of the building or structure. however, roof shedding shall not be allowed to shed on an adjacent property.

International Fire Code 2009 ROC: any structure less than 5' from property line between 2-5' in a setback has to be rated with 1 hour fire construction - *minimum difference is 2' from property line

Proof that drainage from storm water and snow melt will not be drained onto neighboring properties. That there is enough space for appropriate drainage between encroachment and property line.

Definition of Minturn Setback:

"Setback means the distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building."

Project Review Report
Planning Commission
July 9, 2014



Project Name: Steve Riden - Minturn Duplex & Accessory Apartment - 1131 Main Street

Project Number: #14DBR009 + Variance

Project Request: This is an existing lot where the original home has been removed. It is being proposed to build a duplex and an accessory apartment on the lot.

There are 2 garages with 2 spaces in each garage. 1 garage for each duplex. There is not a garage for the accessory apartment.

Unit A - has 3 bedrooms, a living room, kitchen and bathrooms. There is one large room next to the Master Bedroom that is labeled "unfinished bonus room."

Unit B - has 3 bedrooms, living space, kitchen and bathrooms.

Unit 2B - this is an accessory apartment. The design is a studio apartment with kitchen, living room, bedroom on one floor above the garage.

There is 320 square feet of snow storage. Need 2.5% of lot size 209 sq ft.

Lot size is: 8,333.028 sq ft

Maximum lot coverage 50%: 4,165 Proposed building foot print is: 2,705 sq ft - 32% of lot coverage

Present driveway access meets CDOT code is 16-18' driveway access onto a highway. Need approved permit from CDOT on final ILC.

Parking

Required for Unit A: 3 spaces - 2 covered & 2 surface

Required for Unit B: 3 spaces - 2 covered & 2 surface

Variance: There are 3 encroachments in the setbacks:

1. The design requires 1 deck to be in the setback behind the home that borders U.S. Forest Property.
2. A covered walkway on the east side encroaching in set back from 1' - 5' expands with driveway.
3. A covered walkway, a retaining wall roof eaves with fasteners encroach 3' on the west side of the property.

Required Minturn Zoning Codes:

Sec 16-17-190 Setbacks for Residential in South Minturn Town Character:

Maximum lot coverage is 50%

Front setback 20' Rear setback 10' Side setback 5'

Sec 16-17-190 Garage door setbacks: facing Main Street is 18' - facing other streets is 15'

Sec 16-16-20 – Parking Required for Single Family Residence:

2 spaces per dwelling unit for up to 3 bedrooms - 3 spaces for more than 3 bedrooms

Sec 16-17-50 - Building height South Minturn Town Residential is 28' mid line to grade

Sec 16-16-110 Location of required parking spaces: 'to be on the same lot as the structure the spaces are intended to serve'

Sec 16-16-120 Minimum parking area dimensions – the standard is 9' x 18'

Sec 16-16-130 Snow Storage: (1) Minimum area of 2.5% of the total area, inclusive of access drives shall be designated to serve as snow storage area

Sec 16-7-60 Accessory apartments are by limited use

Sec 16-7-60 Duplexes in South Minturn are a Use-by Right

CDOT Highway Regulations: one driveway access onto the highway per lot.

Width of driveway is limited to 16-18'

Zoning Codes Specific to the Variance:

Section 16-17-190 - additional notes fro setback standards:

- 7) Setback between structures. The minimum distance between structures on the same lot is 6 feet.
- 10) a. patios not to exceed 48" above grade, may encroach up to 1/2 the required setback.
- b. Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the easements have been considered: chimneys, eaves or similar nonhabitable features may encroach up to 3 feet from the face of the building or structure. however, roof shedding shall not be allowed to shed on an adjacent property.

International Fire Code 2009 ROC: any structure less than 5' from property line between 2-5' in a setback has to be rated with 1 hour fire construction - *minimum difference is 2' from property line

Proof that drainage from storm water and snow melt will not be drained onto neighboring properties. That there is enough space for appropriate drainage between encroachment and property line.

Definition of Minturn Setback:

"Setback means the distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building."



VARIANCE APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

302 Pine Street – PO Box 309

Minturn, CO 81645

(p) 970-827-5645

(f) 970-827-5545

Applicant: <u>STEVEN JAMES RIDEN AIA</u>	Address of: <u>1131 S. MAIN ;</u>
Signature: <u>[Signature]</u>	Requested Variance
Property Owner (if different from applicant): (an affidavit of authorization must be included)	(name) <u>SOPE CREEK ENTERPRISES LLC.</u>
	(signature) <u>[Signature]</u>

Please respond to the following questions regarding the variance request (attach additional sheets if necessary)

Please describe the nature of the requested variance: SEEKING RELIEF TO SECTION 16-17-19D "GENERAL LOT REQUIREMENTS AND DIMENSIONAL STANDARDS" SPECIFICALLY LISTED IN TABLE 16-15 (SOUTHTOWN) PER EXEMPTIONS (10-A, B, D) AS DIRECTED TO STAFF THAT SETBACKS ARE TO BE RESPECT WITHOUT THESE EXCEPTIONS.

SEE ATTACHED LETTER FOR A DETAILED DESCRIPTION OF THE ELEMENTS WITHIN

Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone? (if yes, please elaborate)

YES, THE NARROW CONFIGURATION OF THE LOT INCLUSIVE OF THE SETBACKS RESTRICTS THE DEVELOPMENT POTENTIAL FOR A USE BY RIGHT OF A DUPLEX STRUCTURE. AND AT THE SAME TIME PERMITTING ACCESS TO EACH ENTRY.

Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code? (if yes, please elaborate)

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

Town Use Only _____

STEVEN JAMES RIDEN AIA ARCHITECT P.C.



June 27, 2014

Town of Minturn
Planning and Zoning Department
302 Pine Street, P.O. Box 309
Minturn, CO 81645

Members of the Planning Commission and Town Council,

A request for relief to the setback requirement described in Table 16-15 is based upon the exceptions allowed at the discretion of the Planning Director. Specifically the exception for architectural features in (10) a, b, d.

It is the intent to make use of these exceptions to facilitate a better design for the property.

The extent of the architectural features proposed to be in the setback are:

1. Eaves of the habitable space roof structure past the building plane 18" and into the side setback no more than 15"
2. Lower roof(s) covering the sidewalks that access the residences front doors past the building plane and into the side setback no more than 30"
3. The deck and shading device (roof) at the rear of the eastern unit (B) extend 5' into the 10' setback.

Please note that no habitable space is into the setback.

There is to be placed upon the upper roof sections devices to reduce excessive snow sliding and to prevent shedding past the property line.

Drainage is maintained along the side setbacks with grading and swale.

Any structure within 5' of the property line is to be protected with 1 Hour fire resistant construction.

The design of the main roof structure limits the linear distance of eaves that shed snow towards the side property.

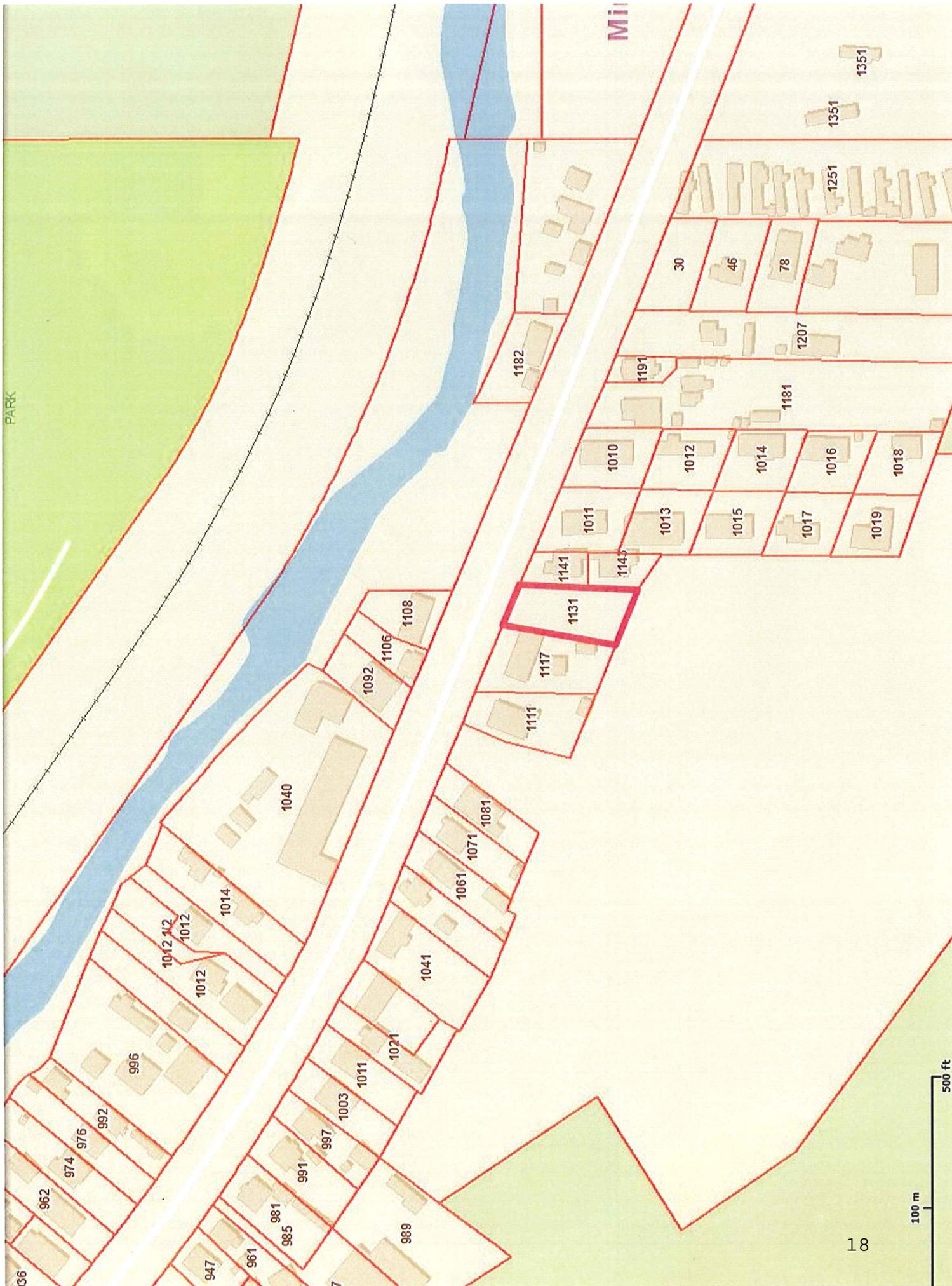
The south property (rear) line is shared with the U.S. Forest Service.

Please refer to the plans and elevations attached.

We appreciate your thoughtful consideration in this matter.

Respectfully,

Steven James Riden AIA Architect.





STEVEN JAMES RIDEN
 POST OFFICE BOX 3238
 VAIL, CO. 81658
 (970) 328-0458



MEMBER OF AMERICAN INSTITUTE OF ARCHITECTS

MINTURN DUPLEX
 LOT 23-B, A RESUBDIVISION OF LOT 23
 1131 MAIN ST. MINTURN CO. 81645

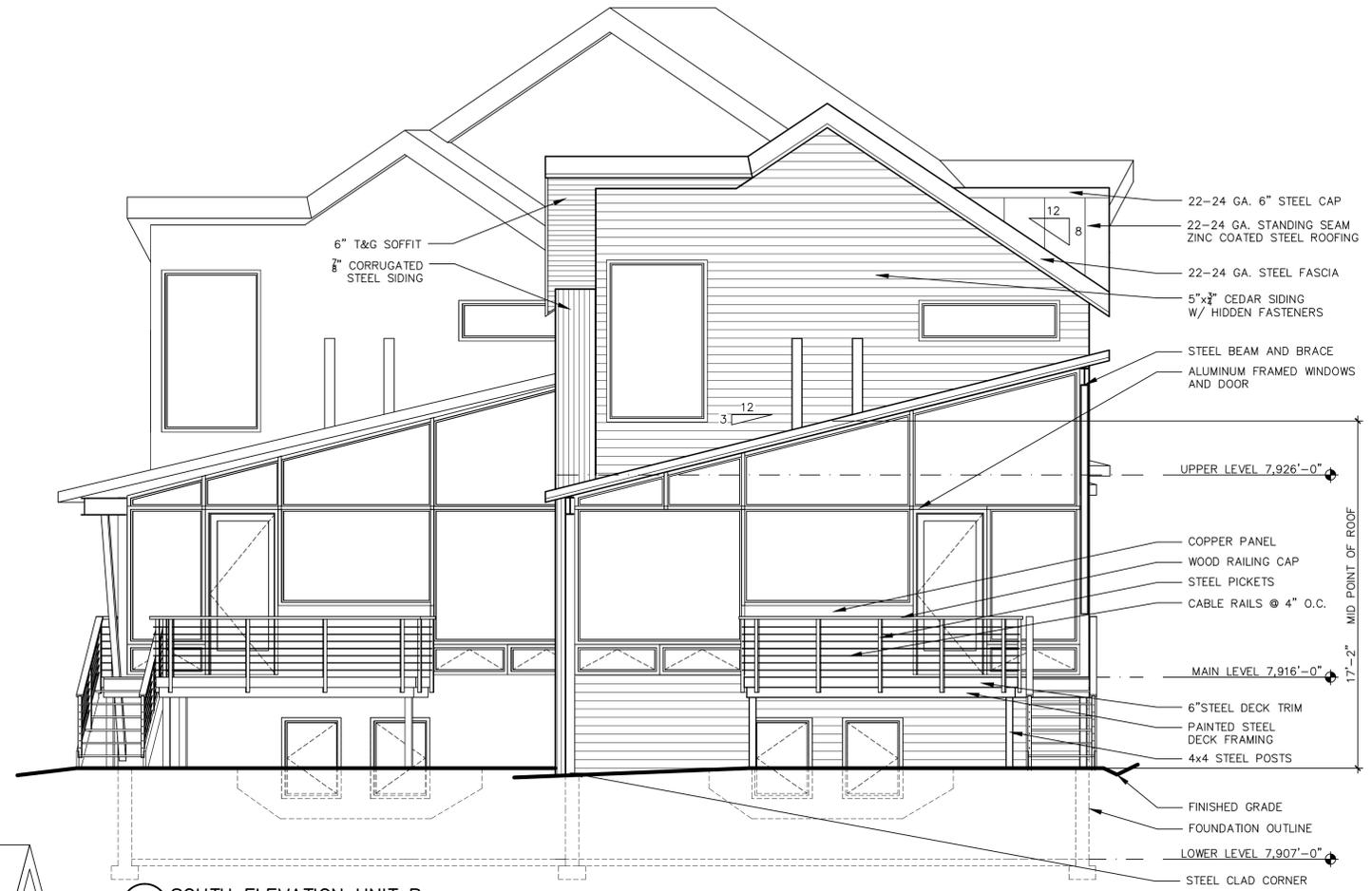
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 STEVEN JAMES RIDEN
 AIA, ARCHITECT P.C.
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THIS DOCUMENT, AND THE IDEAS
 AND DESIGN HEREIN, AS AN
 INSTRUMENT OF PROFESSIONAL
 SERVICE, IS THE PROPERTY OF
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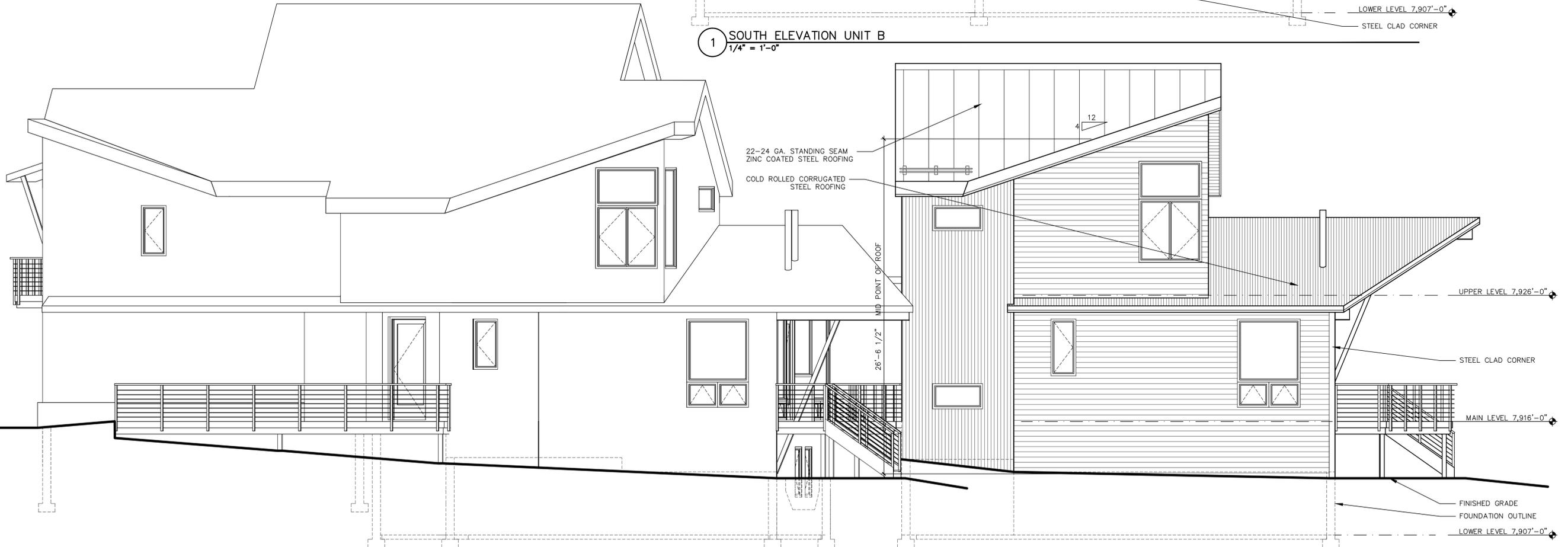
THE CONTRACTOR SHALL THOROUGHLY
 INSPECT AND VERIFY EXISTING
 FIELD CONDITIONS TO VERIFY
 THAT THESE SHOWN REFLECT
 WORK ON THE JOB. THE
 CONTRACTOR SHALL REPORT
 ANY VARIATIONS OR DISCREPANCIES
 TO THE ARCHITECT BEFORE
 PROCEEDING.

JOB NUMBER:	14-2
DRAWN BY:	TH
DATE:	JULY 22, 2014
ISSUE:	DRB FINAL
REVISION DATE:	INITIAL

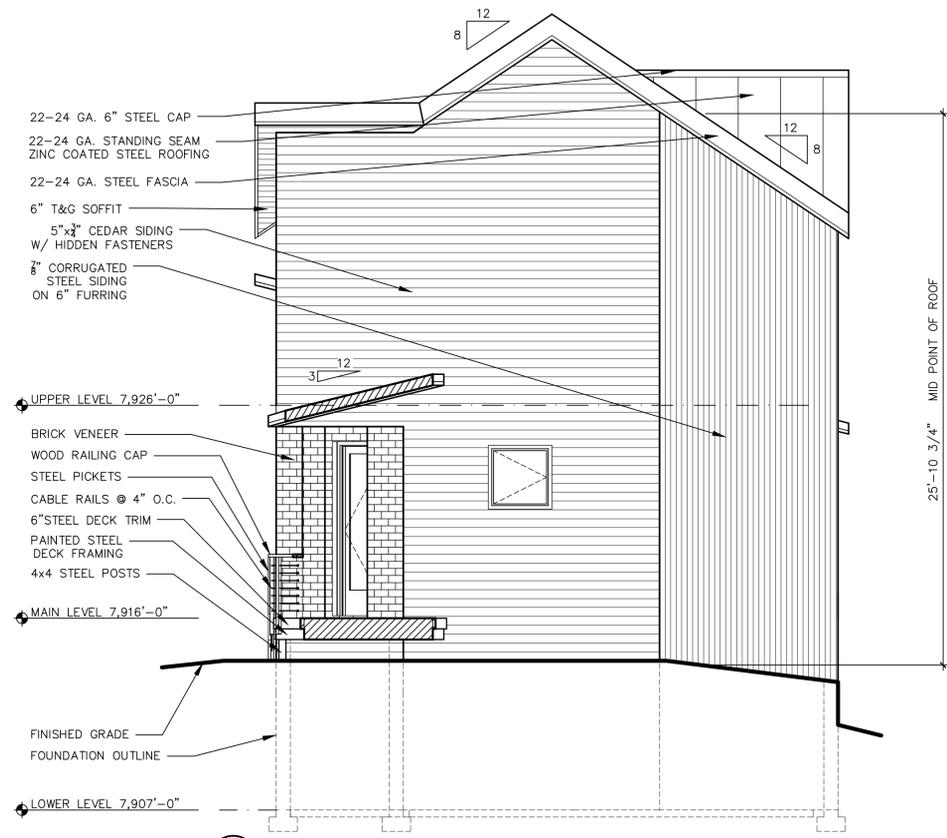
A8



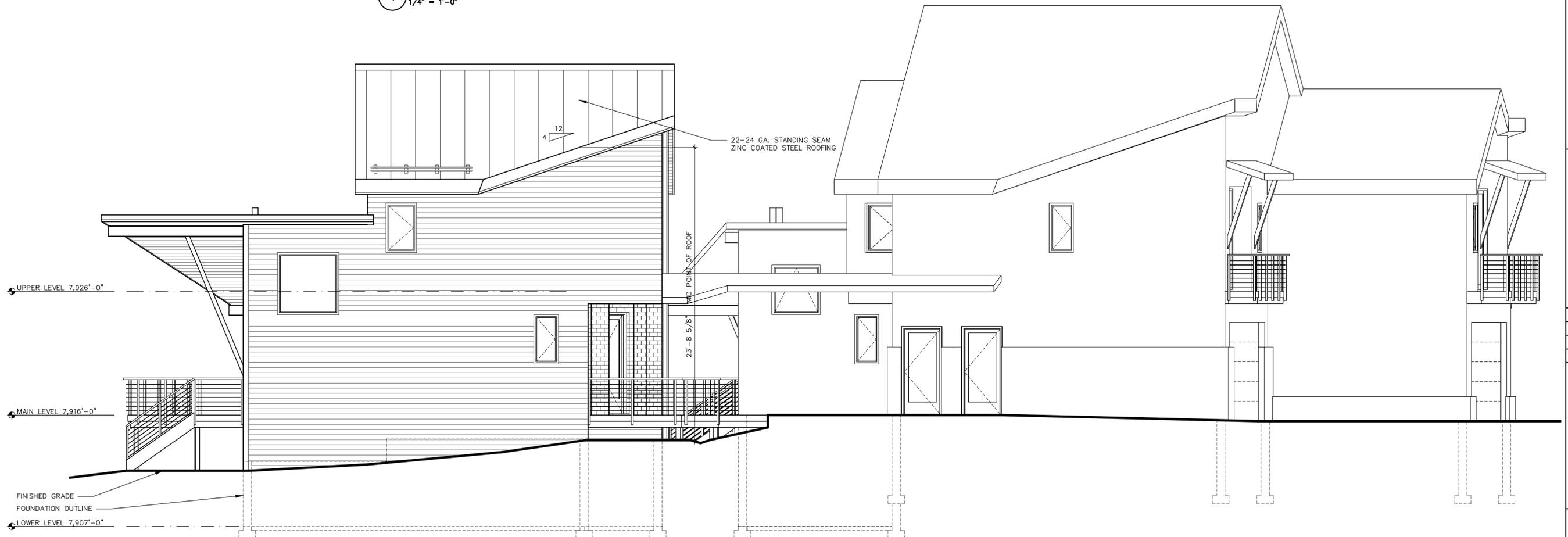
1 SOUTH ELEVATION UNIT B
 1/4" = 1'-0"



2 WEST ELEVATION UNIT B
 1/4" = 1'-0"



1 NORTH ELEVATION UNIT B
1/4" = 1'-0"



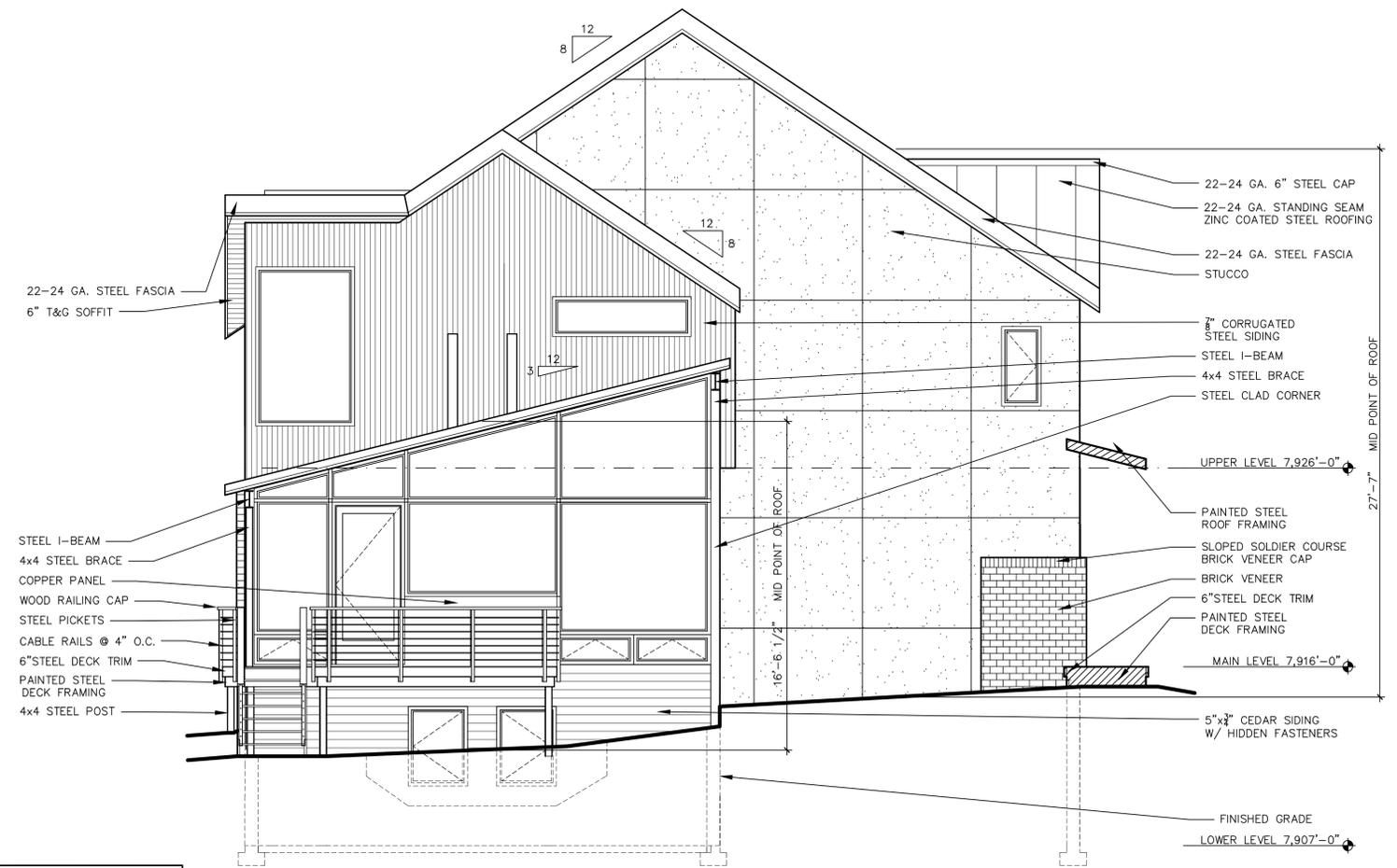
2 EAST ELEVATION UNIT B
1/4" = 1'-0"

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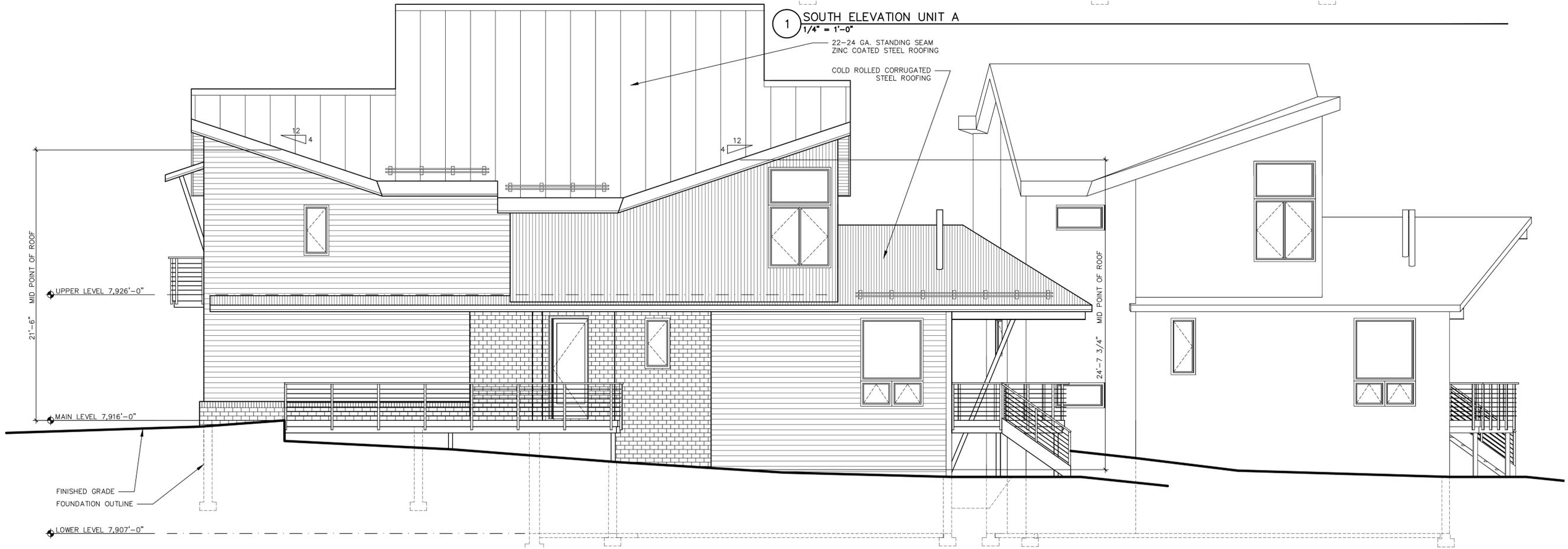
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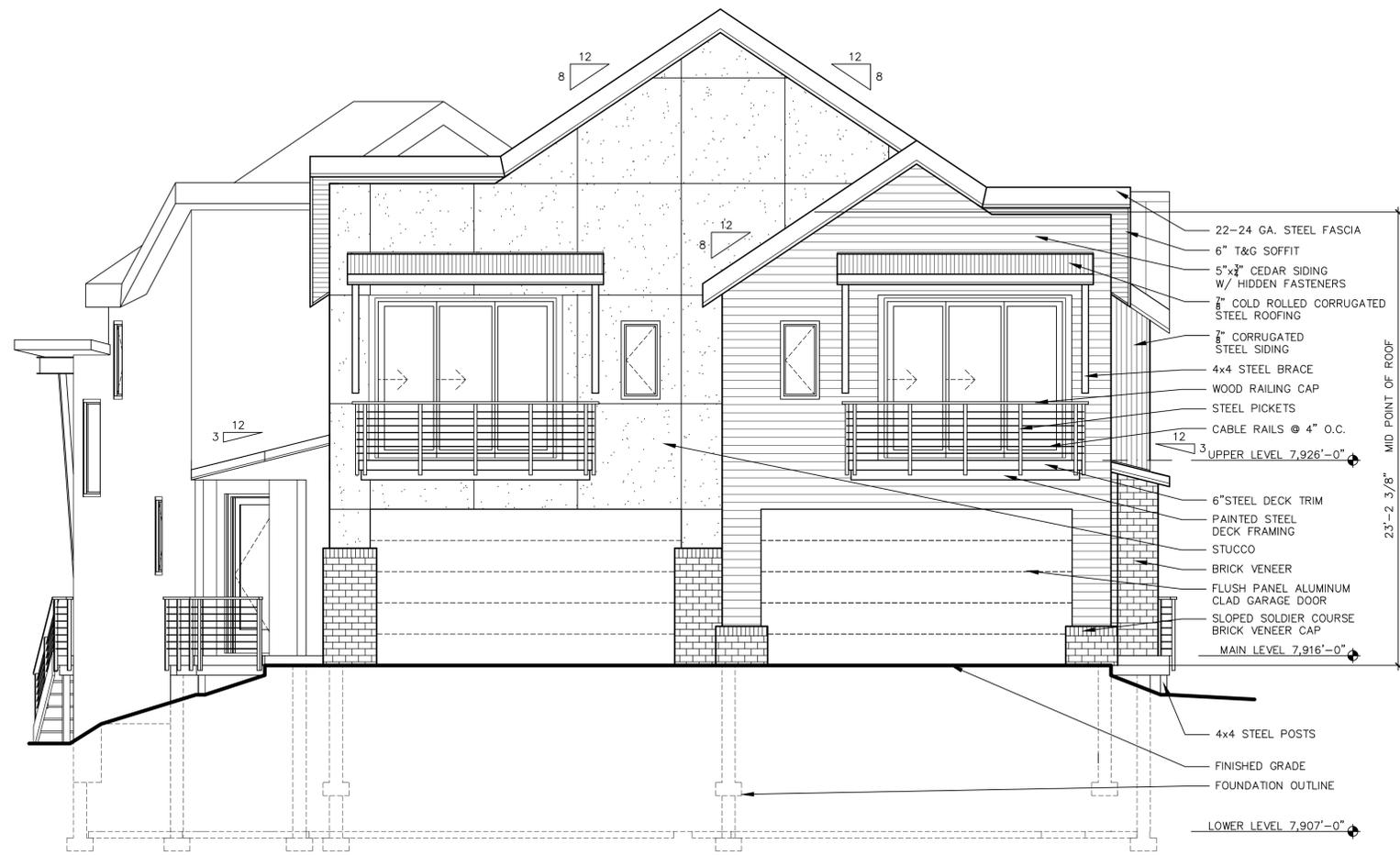
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DRAWN BY:	TH
DATE:	JULY 22, 2014
ISSUE:	DRB FINAL
REVISION DATE:	INITIAL



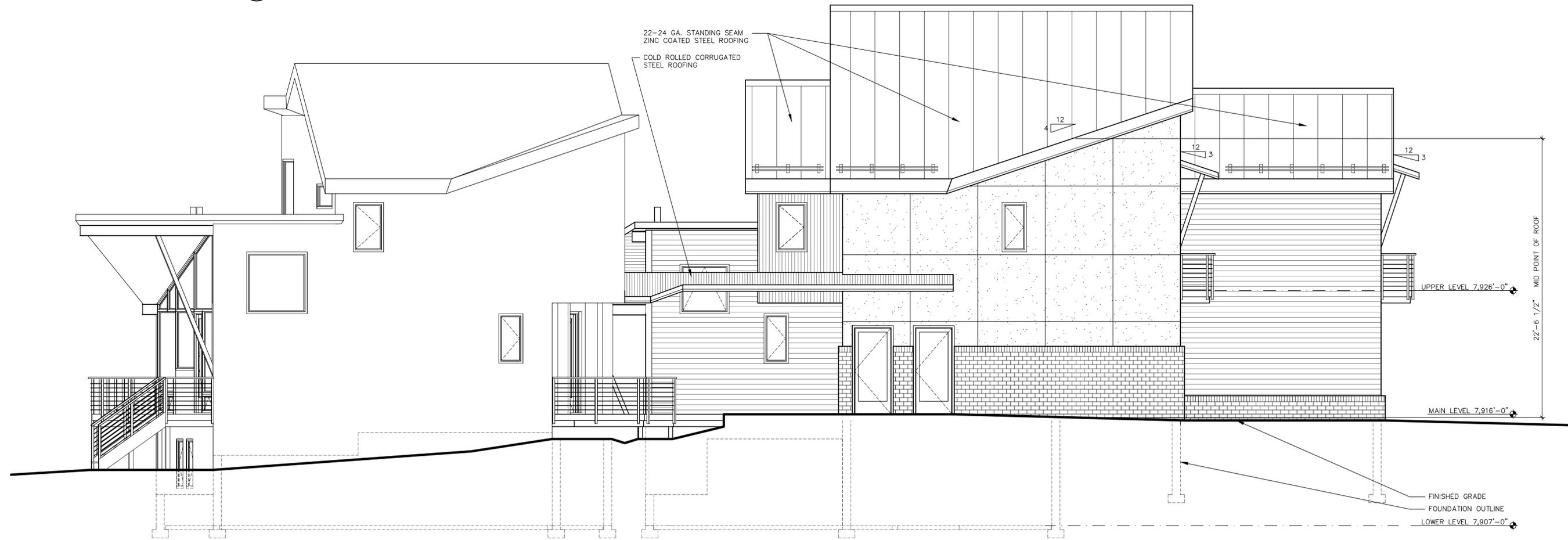
1 SOUTH ELEVATION UNIT A
 1/4" = 1'-0"



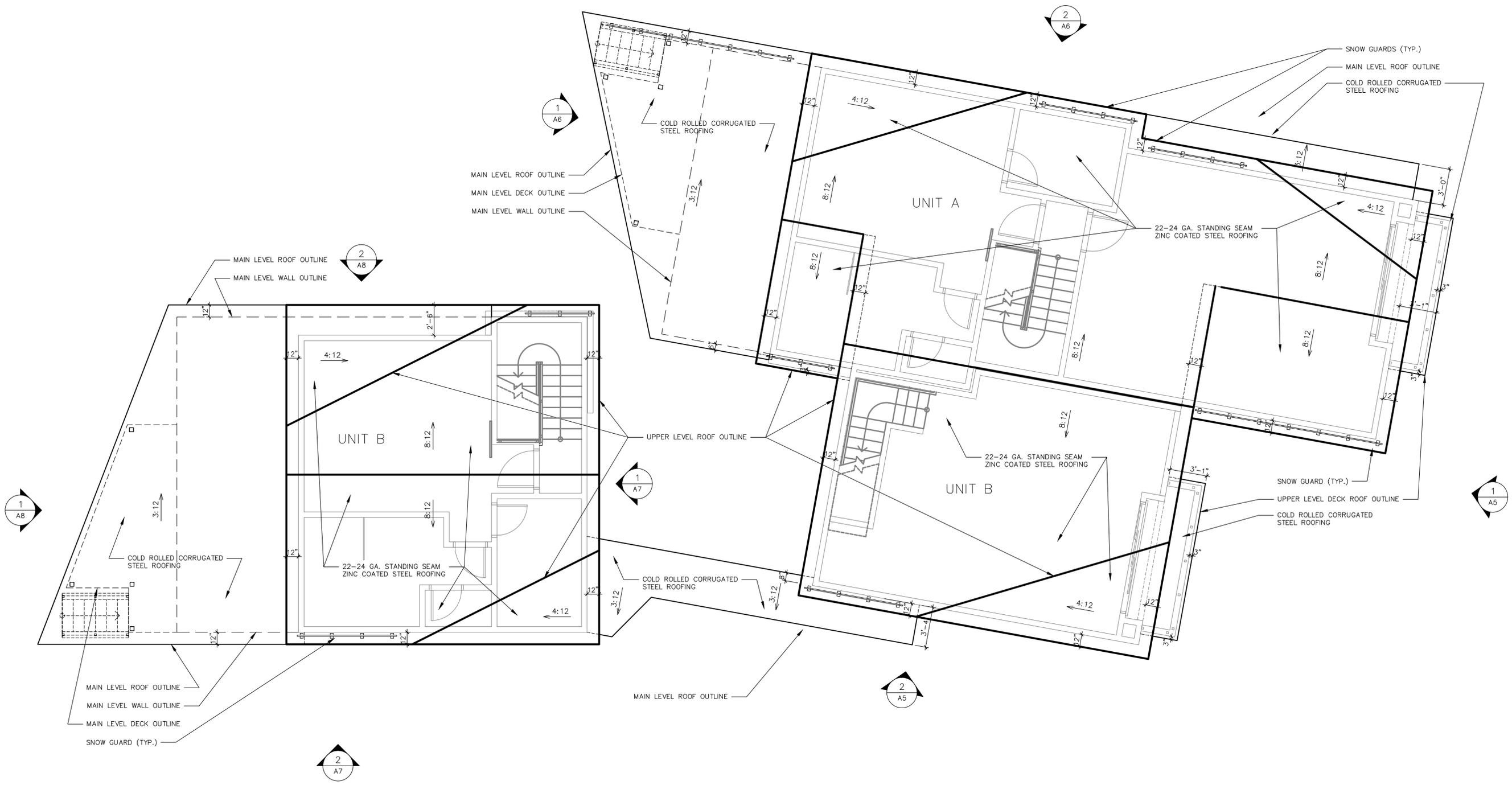
2 WEST ELEVATION UNIT A
 1/4" = 1'-0"



1 NORTH ELEVATION UNIT A
1/4" = 1'-0"



2 EAST ELEVATION UNIT A
1/4" = 1'-0"



ROOF PLAN

1/4" = 1'-0"

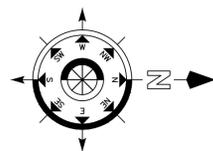
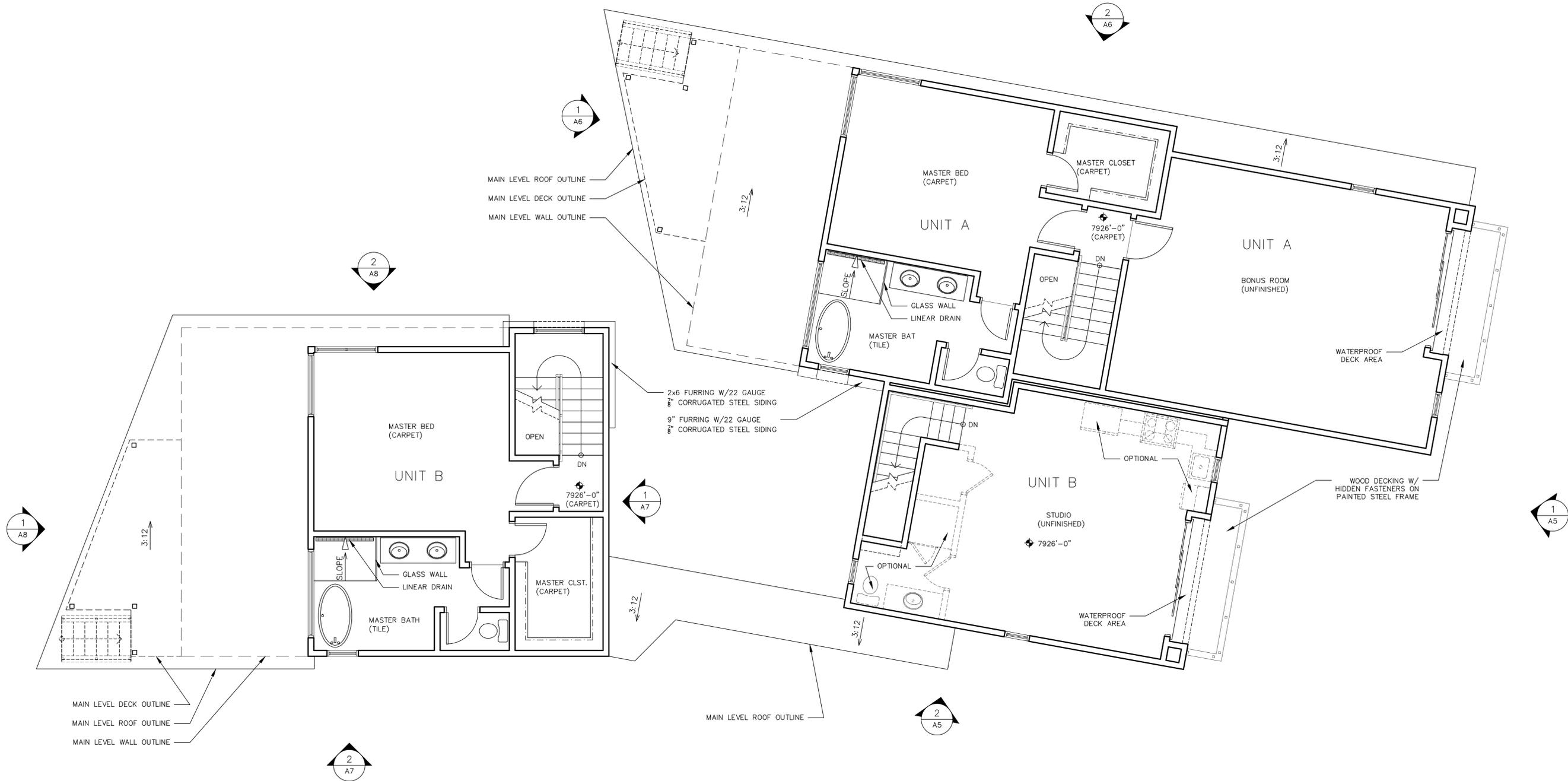
NOTE: ALTERNATE ROOFING MATERIAL FOR MAIN ROOF = ASPHALT SHINGLES

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UPPER LEVEL FLOOR PLAN
 1/4" = 1'-0"

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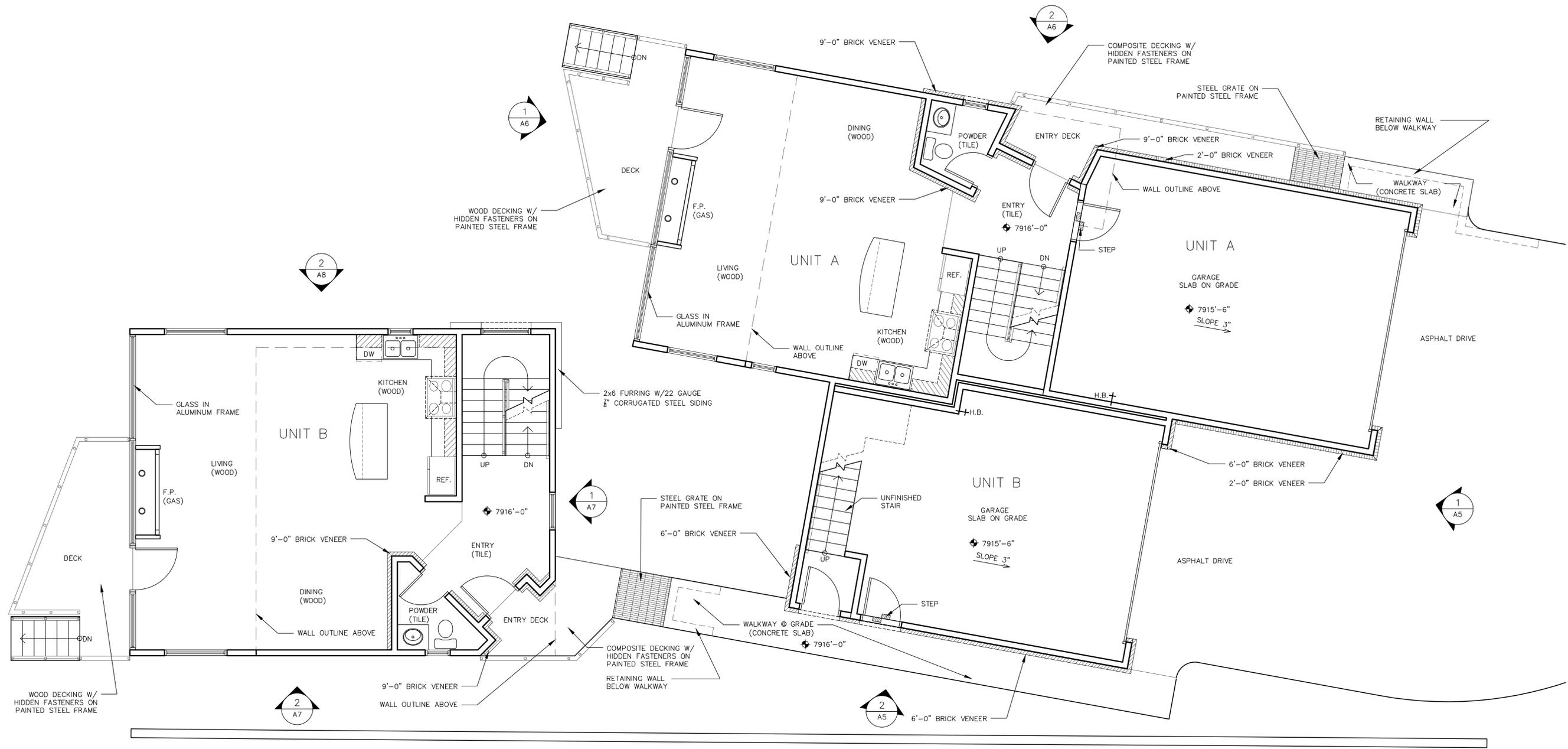
MINTURN DUPLEX
 LOT 23-B, A RESUBDIVISION OF LOT 23
 1131 MAIN ST. MINTURN CO. 81645

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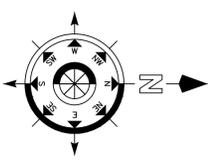
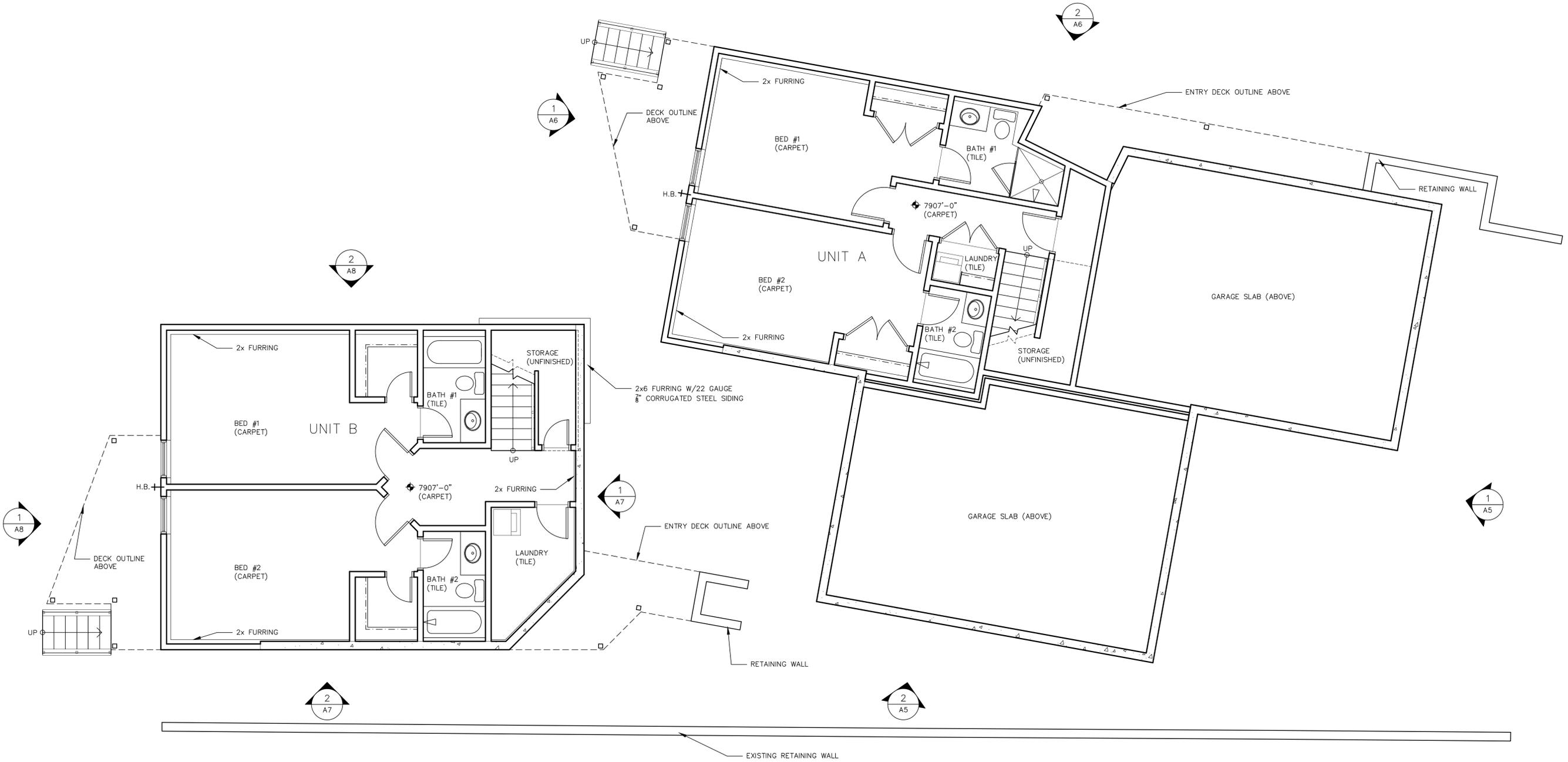
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MAIN LEVEL FLOOR PLAN
 1/4" = 1'-0"



LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

STEVEN JAMES RIDEN
POST OFFICE BOX 3238
VAIL, CO. 81658
(970) 328-0458

MEMBER OF AMERICAN INSTITUTE OF ARCHITECTS

MINTURN DUPLEX
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1131 MAIN ST. MINTURN CO. 81645

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A1

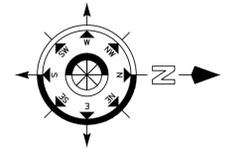
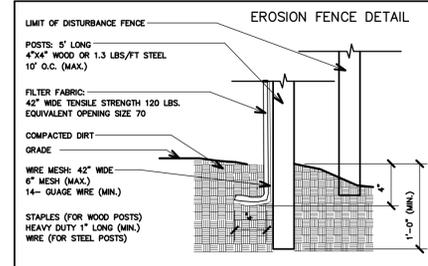
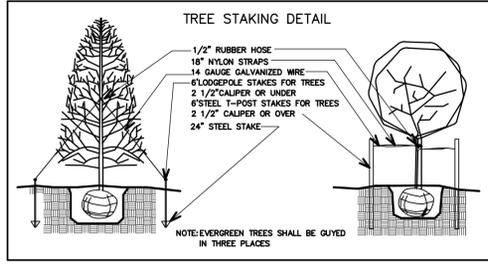
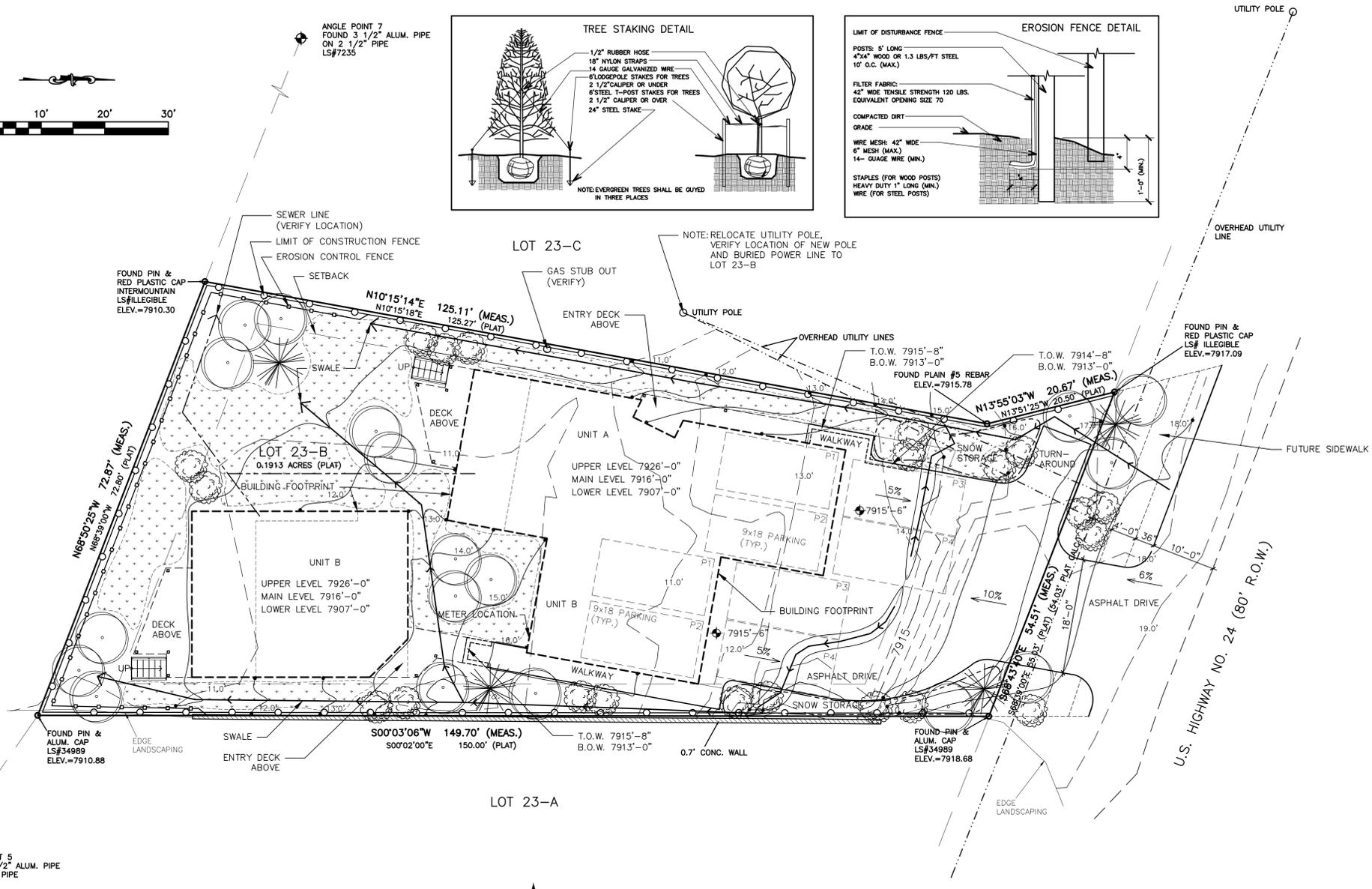
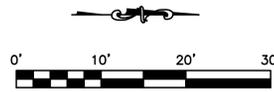
PLANT SCHEDULE

SYM.	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY.
	Colorado Blue Spruce	Picea pungens glauca	6'-8' ht.	4
	Quaking Aspen	Populus tremuloides	min. 2 1/2" cal.	18
	Various Shrubs			21

Note: Restore and revegetate all disturbed areas.
 Note: Provide temporary irrigation for planting until established.

GENERAL LANDSCAPE NOTES

- INDIGENOUS TOPSOIL PRESERVATION
 Operators, take this serious - The Native/existing soil A-Horizon (Topsoil) shall be saved. It is not to be used as fill or discard. Stockpile on site or off site. The A-Horizon contains organic matter (leaf/pine needle duff, plants, roots, seeds, bugs, etc.) mixed with native soil. Use a skilled bobcat operator for this task.
- Do not mix Topsoil with other dirt. If it is stockpiled on site, no other fill dirt shall be mingled. Keep separated with geotextile fabric.
- When digging near Topsoil pile, do not undermine and allow it to sluff into excavation. Push it back and clear of all grading. Perimeter windrows are difficult to preserve vs. piles.
- The indigenous topsoil may be the only item stockpiled outside of the disturbance limit. Once it is reappplied, the stockpiled area must be raked back to the original surface without disturbance to the existing plants and roots.
- This soil shall be used in all mulch and seeded areas. No seed need be applied to areas that have been spread with 3" or more of this topsoil.
- Provide erosion control / limit of disturbance fencing RE-erosion fence detail. Provide construction fencing (l.o.d.) (green) 48" min. height adjacent to erosion control fence to limit site disturbance and blown debris. Place outside of erosion control fence with posts @ 8'-0" o.c. max. Provide chain link type fencing with bright ribbons for tree protection at edge of tree dripline.
- Before any site excavation any existing plant materials shall be excavated and bugged for proper root protection and stored with topsoils where indicated on plans.
- Trees and shrubs shall be planted in pits 1 1/2 times the size of the plant rootball and backfilled with a combination of topsoil, well rotted manure and compost. All trees shall have a well a minimum of 4" deep, comparable in size to the dripline of the tree. All deciduous trees shall be staked with 6'-0" steel "T" posts and guyed with #14 gauge galvanized wire and 1 1/2" x 18" nylon tree straps. After installation all newly planted trees shall be rooted with a liquid root growth stimulator containing vitamin B-2 as well as a slow release fertilizer.
- Trees to be moved shall be over dug to the extent of the drip edge and immediately planted as described above and watered during construction. Should the transplanting fail, a replacement shall be installed of equal size or multiple planting to obtain equal size of the existing (failed) tree.
- All shrub beds shall be lined with weed prevention mat prior to being topdressed. All tree wells and shrub beds shall be topdressed with a minimum of 3" bark mulch.
- Herbaceous planting beds shall be topsoil, tilled to a depth of 6" and be rock free. A mixture of compost and well rotted manure should be tilled into the planting beds (1 cubic yard compost per 350 s.f., one cubic yard manure per 250 s.f.). All herbaceous planting beds shall be topdressed with 1/2" black colorado humus peat.
- Apply fertilizer per manufacturer's specs in an amount needed to yield 90 lbs. nitrogen, 20 lbs. phosphorus and 50 lbs. potassium per acre. All revegetated areas shall be mulched with 2"-3" of weed free hay or straw. All mulched areas shall be treated with an approved organic tackifier at a rate of 120 lbs./acre.
- All newly planted shrubs and trees shall receive drip irrigation. All sod areas shall receive spray irrigation with 100% overlap. This system shall be automatic. Sprinkler system to be Design Build.
- Plants must be growing without shock for the entire summer following construction or the landscape contractor will replace them at his expense. All plants are native and hardy at this elevation.
- Water will be available for planting and establishment, and must be used during extended periods (1 week or more) of drought. If the landscape contractor is unable to water or the irrigation system is not operable, he shall inform the General Contractor. Ultimately, watering is the landscape contractor's responsibility for the first summer. Plants shall not be overwatered - most are drought tolerant.
- WILDFIRE FUEL REDUCTION AREA: Remove all dead ground material, branches to 10'-0" and thin dead or diseased trees and shrubs.



LANDSCAPE DEVELOPMENT PLAN
 1" = 10'-0"

MINTURN DUPLEX
 LOT 23-B, A RESUBDIVISION OF LOT 23
 1131 MAIN ST. MINTURN CO. 81645

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L1

MINTURN DUPLEX
 LOT 23-B, A RESUBDIVISION OF LOT 23
 1131 MAIN ST. MINTURN CO. 81645

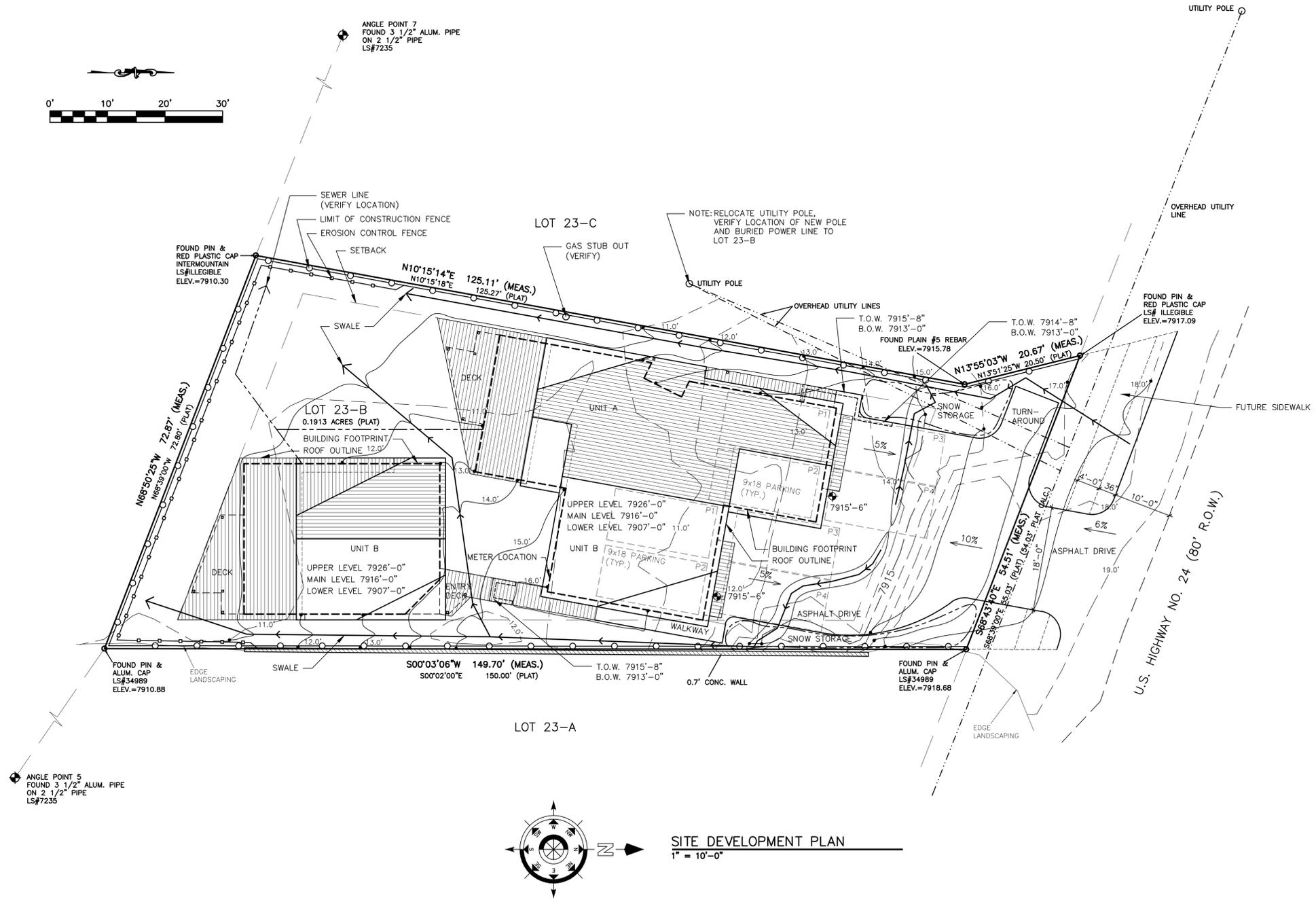
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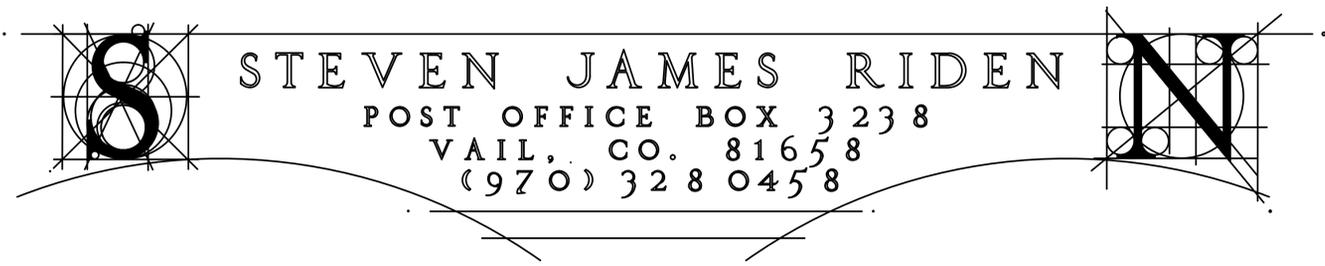
FORM NUMBER	14-2
DRAWN BY	TH
DATE	JULY 22, 2014
SCALE	DRB FINAL
REVISION DATE	INITIAL

SD1



SITE AND BUILDING ANALYSIS

ZONING -	RESIDENTIAL
LOT SIZE -	0.1913 ACRES / 8,333.028 SQ. FT.
PROPOSED BUILDING FOOTPRINT -	2,705 SQ. FT. / 32%
DRIVEWAY AREA -	1,337 SQ. FT. / 16%
SNOW STORAGE PROVIDED -	320 SQ. FT. / 23% OF DRIVE
WALKWAYS -	484 SQ. FT. / 5%
USABLE OPEN SPACE -	3195 SQ. FT. / 38%
LANDSCAPED AREA -	612 SQ. FT. / 7%
BUILDING UNIT A	
PARKING SPACES REQUIRED -	3
PARKING SPACES PROVIDED -	2 COVERED 2 SURFACE
UNIT A FLOOR AREA	
UPPER LEVEL -	585 SQ. FT.
MAIN LEVEL -	760 SQ. FT.
LOWER LEVEL -	759 SQ. FT.
UNFINISHED -	502 SQ. FT.
TOTAL -	2,606 SQ. FT.
GARAGE -	528 SQ. FT.
TOTAL UNIT A FLOOR AREA	3,134 SQ. FT.
BUILDING UNIT B	
PARKING SPACES REQUIRED -	3
PARKING SPACES PROVIDED -	2 COVERED 2 SURFACE
UNIT B FLOOR AREA	
UPPER LEVEL -	598 SQ. FT.
MAIN LEVEL -	858 SQ. FT.
LOWER LEVEL -	866 SQ. FT.
UNFINISHED -	517 SQ. FT.
TOTAL -	2,839 SQ. FT.
GARAGE -	532 SQ. FT.
TOTAL UNIT A FLOOR AREA	3,371 SQ. FT.
TOTAL BUILDING AREA -	6,505 SQ. FT.



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MINTURN DUPLEX

LOT 23-B, A RESUBDIVISION OF LOT 23

1131 MAIN ST. MINTURN CO. 81645

LEGAL DESCRIPTION OF PROPERTY
 LOT 23-B, A RESUBDIVISION OF LOT 23
 SOUTH MINTURN ADDITION
 TOWN OF MINTURN, EAGLE COUNTY, COLORADO

CODE AUTHORITY:
 INTERNATIONAL RESIDENTIAL CODE 2009

JURISDICTION:
 MINTURN COLORADO

CONSTRUCTION TYPE
 TYPE V

ZONING:
 RESIDENTIAL

TABLE OF CONTENTS

- TOPOGRAPHIC SURVEY
- SD1 SITE DEVELOPMENT PLAN
- L1 LANDSCAPE DEVELOPMENT PLAN
- A1 LOWER LEVEL FLOOR PLAN
- A2 MAIN LEVEL FLOOR PLAN
- A3 UPPER LEVEL FLOOR PLAN
- A4 ROOF PLAN
- A5 NORTH / EAST BUILDING ELEVATIONS UNIT A
- A6 SOUTH / WEST BUILDING ELEVATIONS UNIT A
- A7 NORTH / EAST BUILDING ELEVATIONS UNIT B
- A8 SOUTH / WEST BUILDING ELEVATIONS UNIT B

JULY 22, 2014 (DRB FINAL)



MINTURN DUPLEX LOT 23-B, A RESUBDIVISION OF LOT 23 1131 MAIN ST. MINTURN CO. 81645

Planning Report

Beth Levine, Architect
Bob Melcher, Owner
850 Main Street, Minturn, CO 81645



Synopsis of History of Design Review

Week of June 19, 2014 – Submit Plans to Planner

Planner Review (see attachment for full description):

- Entrance to lot 40' can only be 16' per CDOT code
- Concern of scale of addition – the length & height of wall on north side
- Meets scale, foot print, & parking requirements per code
- Concern of density issue with the new addition of a duplex having 10 bedrooms
- Not enough snow storage – cannot use setbacks as snow storage
- Concern scale of home does not meet appendix B standards

*Planner recommendation to DRB: do not pass until above code violations are corrected

Week of July 9, 2014 – Planning Commission Review

- Denied applicant based on driveway width, snow storage, scale of north side of house and appendix B standards

July 24, 2014 – New Plans submitted to Planner for DRB - Planning Commission

- The new design scaled back the north side. The roof line went from 4 dormers to 3 – they add new architectural elements to north wall
- Add a new entrance to new duplex addition for added features
- Driveway entrance changed to 16' to meet CDOT code
- Added snowmelt to meet snow storage requirements
- Meets codes for scale, size, parking, snow storage, shared common wall, etc...

*Planning Commission passes the design 3-1

*the no vote was because of scale, density and questioned if it met the appendix B requirements of fitting into the neighborhood

August 6, 2014 – Town Council Calls up design because of scale, density and questioned if it meets the appendix B requirements of fitting into the neighborhood

Project Review Report
Planning Commission
July 30, 2014



Project Name: Beth Levine, Architect - Bob Melcher, Owner

Project Number: 850 Main Street

Project Request: There is an existing home on this property. The proposed project is to remodel the existing home and construct a duplex on the site.

This plan was presented to the Planning Commission on June 19, 2014. It failed design approval. The owner and architect have created a new design with the recommendations from the Planning Commission and Town Planner. Some of the changes are as follows:

- snow-melt driveway
- decrease in second addition of duplex homes square footage
- additional landscaping
- 16' wide driveway entrance
- enhanced walls and windows on north side of structure
- new entrance to duplex addition
- additional on site parking

Snow Storage Needed is 2.5% of lot size: There is a snow melt system on this property for the driveway and respected setbacks for snow storage from roofs and sidewalks.

Lot size is: 6,969.6 sq ft

Maximum lot coverage 50%: 3,484.8 sq ft

Present driveway meets CDOT code of 16-18' driveway access onto a highway. Need approved permit from CDOT on final ILC.

Number of bedrooms in existing home after remodel: 7

Number of bedrooms in new duplex is: 3

The project meets the number of required parking spaces: 6

Required Minturn Zoning Codes:

Sec 16-17-190 Setbacks for Residential in South Minturn Town Character:

Maximum lot coverage is 50%

Front setback 20' Rear setback 10' Side setback 5'

Sec 16-17-190 Garage door setbacks: facing Main Street is 18' - facing other streets is 15'

Sec 16-16-20 – Parking Required for Single Family Residence:

2 spaces per dwelling unit for up to 3 bedrooms - 3 spaces for more than 3 bedrooms

Sec 16-17-50 - Building height South Minturn Town Residential is 28' mid line to grade

Sec 16-16-110 Location of required parking spaces: 'to be on the same lot as the structure the spaces are intended to serve'

Sec 16-16-120 Minimum parking area dimensions – the standard is 9' x 18'

Sec 16-16-130 Snow Storage: (1) Minimum area of 2.5% of the total area, inclusive of access drives shall be designated to serve as snow storage area

Sec 16-7-60 Accessory apartments are by limited use

Sec 16-7-60 Duplexes in South Minturn are a Use-by Right

CDOT Highway Regulations: one driveway access onto the highway per lot.

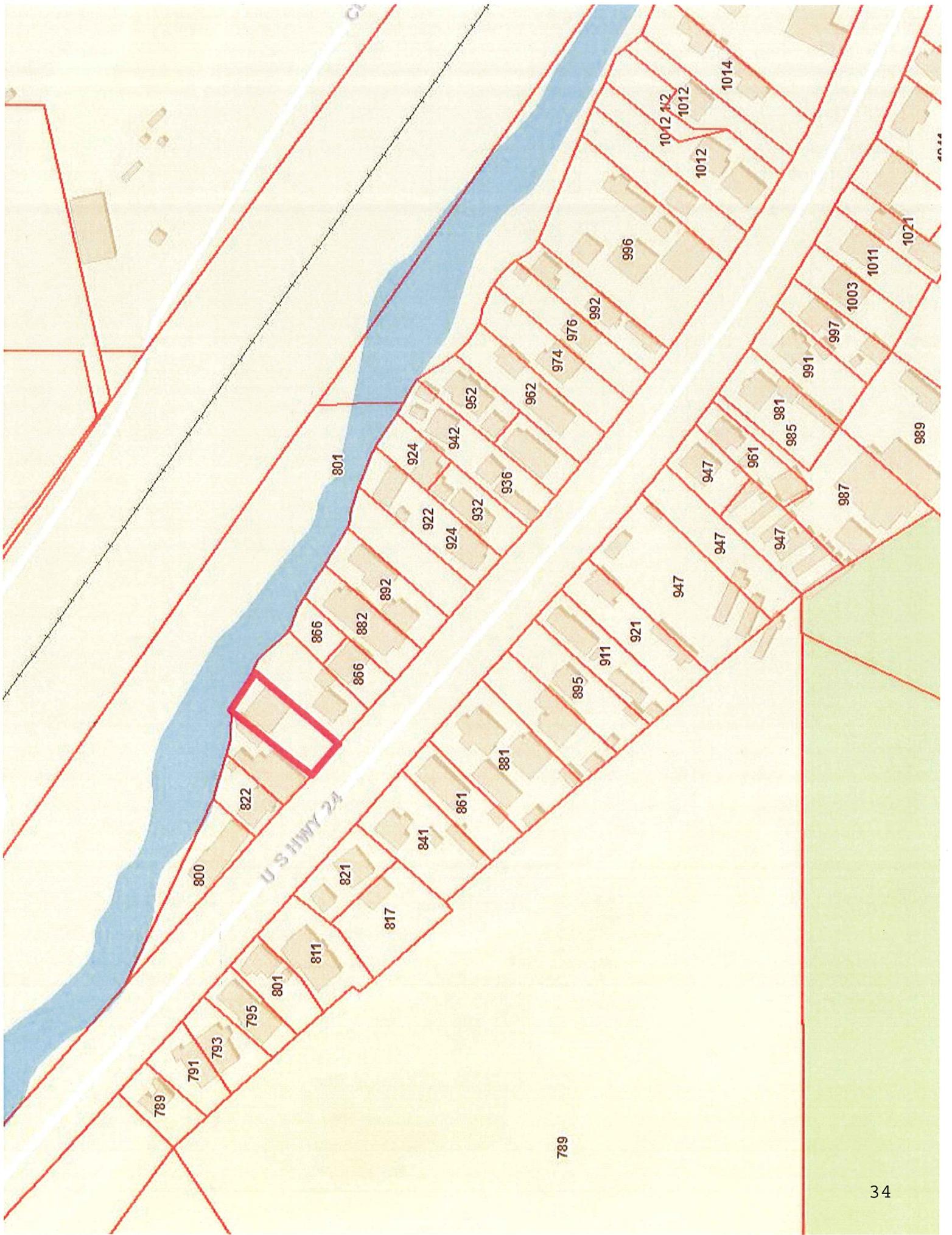
Width of driveway is limited to 16-18'

Proof that drainage from storm water and snow melt will not be drained onto neighboring properties. That there is enough space for appropriate drainage between encroachment and property line.

Definition of Minturn Setback:

“Setback means the distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building.”





PRIVATE RESIDENCE

850 MAIN STREET

MINTURN, CO 81645

ARCHITECT

BETH LEVINE ARCHITECT, INC.
P.O. BOX 1825
AVON, CO 81620
(970) 926-4993 FAX (970) 926-2993
CONTACT: BETH LEVINE

PROJECT NARRATIVE

- CHANGE EXISTING EAST UPPER WINDOWS
- MOVE EXISTING DECK STAIRS.
- ADD NEW ENTRY TO EXISTING HOUSE
- ADD NEW FIREPLACE ON THE EXISTING HOUSE
- ADD NEW SECOND UNIT TO THE PROPERTY, MATCH ALL EXISTING HEIGHTS

DRAWING INDEX

- C1.1 COVER
- S SURVEY
- A1.1 SITE PLAN
- A2.1 FIRST FLOOR PLAN
- A2.2 MAIN FLOOR PLAN
- A2.3 UPPER FLOOR PLAN
- A2.4 ROOF PLAN
- A3.1 ELEVATIONS
- A3.2 ELEVATIONS
- A4.1 SECTION

SITE AREA

0.16 ACRES = 6,969.6 SQ.FT.
(X 43,560 SQ.FT./ACRE)
ALLOWED SITE COVERAGE = 50%
= 3,484.8 SQ.FT.

SITE COVERAGE VALUES

-EXISTING = 36.5' X 36.5' = 1,332.3 SQ.FT.
-NEW AREA = 1,442.0 SQ.FT.
TOTAL = 2,824.25 SQ.FT.

OUTDOOR LIGHT VALUES

NEW LIGHTS AT EACH ENTRY DOOR, GARAGE DOOR, AND DECK. ALL TO BE "DARK SKY"

ZONING

SOUTH TOWN CHARACTER AREA

CODE

INTERNATIONAL RESIDENTIAL CODE 2009

OWNER

BOB MELCHER
PHONE: 770-380-2481

STRUCTURAL ENGINEER

BPSE
P.O. BOX 8007
AVON, CO 81620
PHONE: 970-331-6740
CONTACT: BRIAN PUPPE

SURVEYOR

ARCHIBEQUE LAND CONSULTING, LTD
P.O. BOX 3893
EAGLE, CO 81631
(970) 328-6020 FAX (970) 328-6021
CONTACT: TED ARCHIBEQUE

GENERAL NOTES

1. MATCH ALL EXISTING MATERIALS AND STANDARD OF CONSTRUCTION UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE FRAMING UNLESS NOTED. VERIFY ALL DIMENSIONS WITH THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. THE DRAWINGS, AND OTHER DOCUMENTS PREPARED BY BETH LEVINE ARCHITECT, INC. FOR THIS PROJECT ARE INSTRUMENTS OF THE ARCHITECT'S SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT AND UNLESS OTHERWISE PROVIDED IN WRITING, THE ARCHITECT SHALL BE DEEMED THE SOLE AND EXCLUSIVE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN, WITHOUT LIMITATION, ALL COMMON LAW, STATUTORY AND OTHER REVERSED RIGHTS, INCLUDING THE COPYRIGHT HEREOF.

Beth Levine Architect, Inc.
P.O. Box 1825
Avon, CO 81620
(970) 926-4993 (P)
(970) 926-2993 (F)



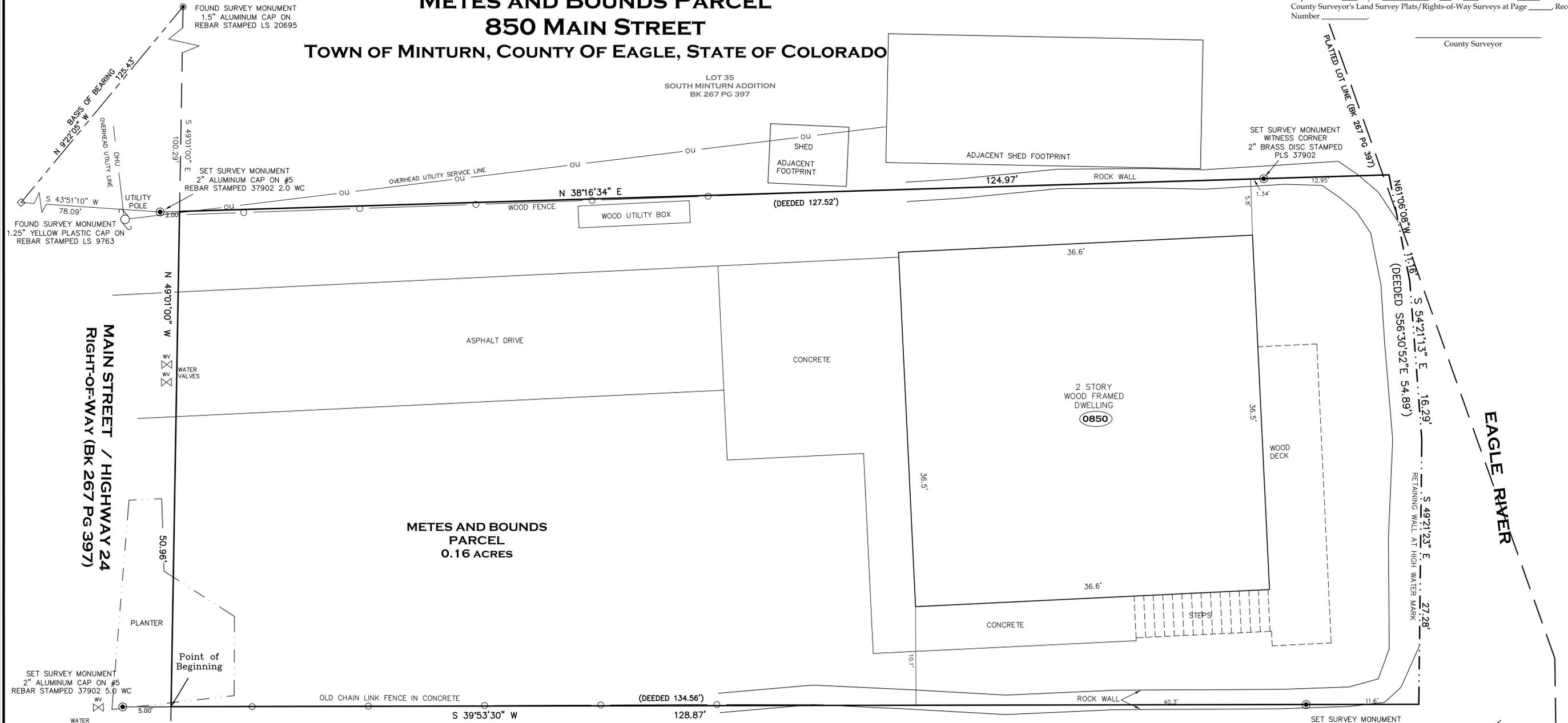
PRIVATE RESIDENCE
850 MAIN STREET
MINTURN, CO 81645

ISSUE	DATE
FIRST LEVEL PERMIT	2014-04-30
FIRST LEVEL MINTURN DRB	2014-05-10
MINTURN DRB	2014-06-19
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02



**IMPROVEMENT SURVEY PLAT
METES AND BOUNDS PARCEL
850 MAIN STREET
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO**

COUNTY SURVEYOR'S CERTIFICATE
Deposited this ___ day of _____, 20___, at ___M in Book ___ of the Eagle County Surveyor's Land Survey Plats/Rights-of-Way Surveys at Page ___, Reception Number ___
County Surveyor _____



NOTES:

- 1) Survey Date: February 13, 2008.
- 2) Posted Street Address: 0850 Main Street.
- 3) Legal Description and Deed lines were derived from the Stewart Title Commitment No. 01330-37533 Amended No. C-2, dated February 28, 2014.
- 4) Location of Improvements, Deed lines, and Easements are based upon surveyed fence lines, and survey monuments found at the time of this survey, as shown hereon.
- 5) Basis of Bearing: N9°22'05\"W 125.43 feet between survey monuments found marking the Northeast corner Lot 1 Gillespie Subdivision, Phase II, according to the Final Plat thereof recorded as Reception No. 848220 and the Southwest Corner of Lot 34, South Minturn Addition, as shown and described hereon.
- 6) This parcel described hereon is subject to riparian land law and thus areas and boundary are subject to change based on accreted, relicted, and/or eroded lands over time.
- 7) Due to Approximately 4.5' of snow on subject site at the time of this survey certain improvements may not be shown.
- 8) This Improvement Survey Plat was prepared for the exclusive use of Robert F. Melcher, and is valid only if print has original seal and signature of surveyor.
- 9) Lineal Units of the U.S. Survey Foot were used herein.

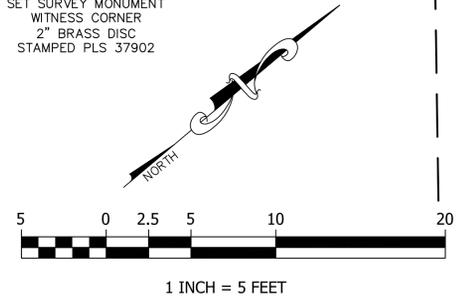
LEGAL DESCRIPTION - Stewart Title Commitment No. 01330-37533 Amended No. C-2

A parcel of land located in the Northeast quarter of Section 35, Township 5 South, Range 81 West of the 6th P.M., Town of Minturn, Eagle County, Colorado, more particularly described as follows: Beginning at a 1.25 inch diameter axle embedded in the ground along a fence line from which the Northeast Corner of the Northwest Quarter of section 35, Township 5 South, Range 81 West of the 6th P.M. bears N49°26'25\"W 1, 306.67 feet; thence along the northerly right-of-way of U.S. highway 24, N49°01'00\"W 50.96 feet to the center of a fence line set in a concrete footing; thence following the centerline of said fence line and the extension thereof N38°16'34\"E 127.52 feet to a point of the south bank of the Eagle River; thence along the south bank of the Eagle River S56°30'52\"E 54.89 feet; thence S39°53'30\"W 134.56 feet along the extension of a fence line and continuing along the centerline of a fence line to a point on the northerly right-of-way of U.S. highway 24, said point being the Point of Beginning.

SURVEYOR'S CERTIFICATE

I, Theodore J. Archibeque a Licensed Professional Land Surveyor in the State of Colorado, hereby certify that this Improvement Survey Plat was done by me or under my responsible charge, and that it was performed using the standard care and practice used in the area at the time of the survey, and is based upon the my knowledge, information and belief. This certification is not a guarantee or warranty, either expressed or implied. The Notes hereon are a part of this certification.

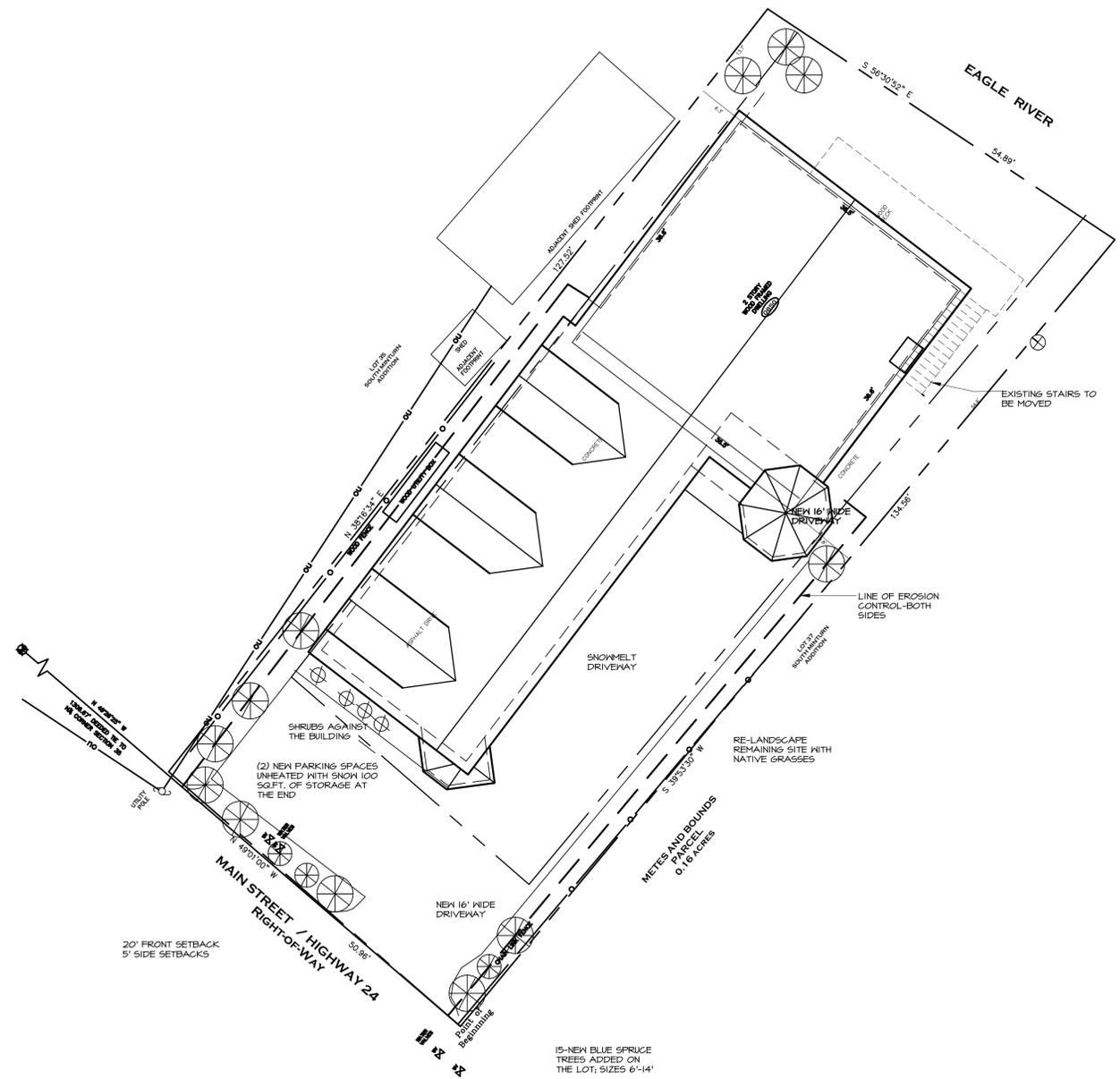
Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado



Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway- P.O. Box 3893
Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax

IMPROVEMENT SURVEY PLAT METES AND BOUNDS PARCEL 850 MAIN STREET TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO		
DRAWN BY: MSS	JOB NUMBER: 08011	DRAWING NAME: 08011-ISP.dwg
SHEET 1 OF 1	DATE: 6-13-2014	CHECKED BY: TJA

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



SITE & LANDSCAPE PLAN

SCALE: 1" = 10'0"



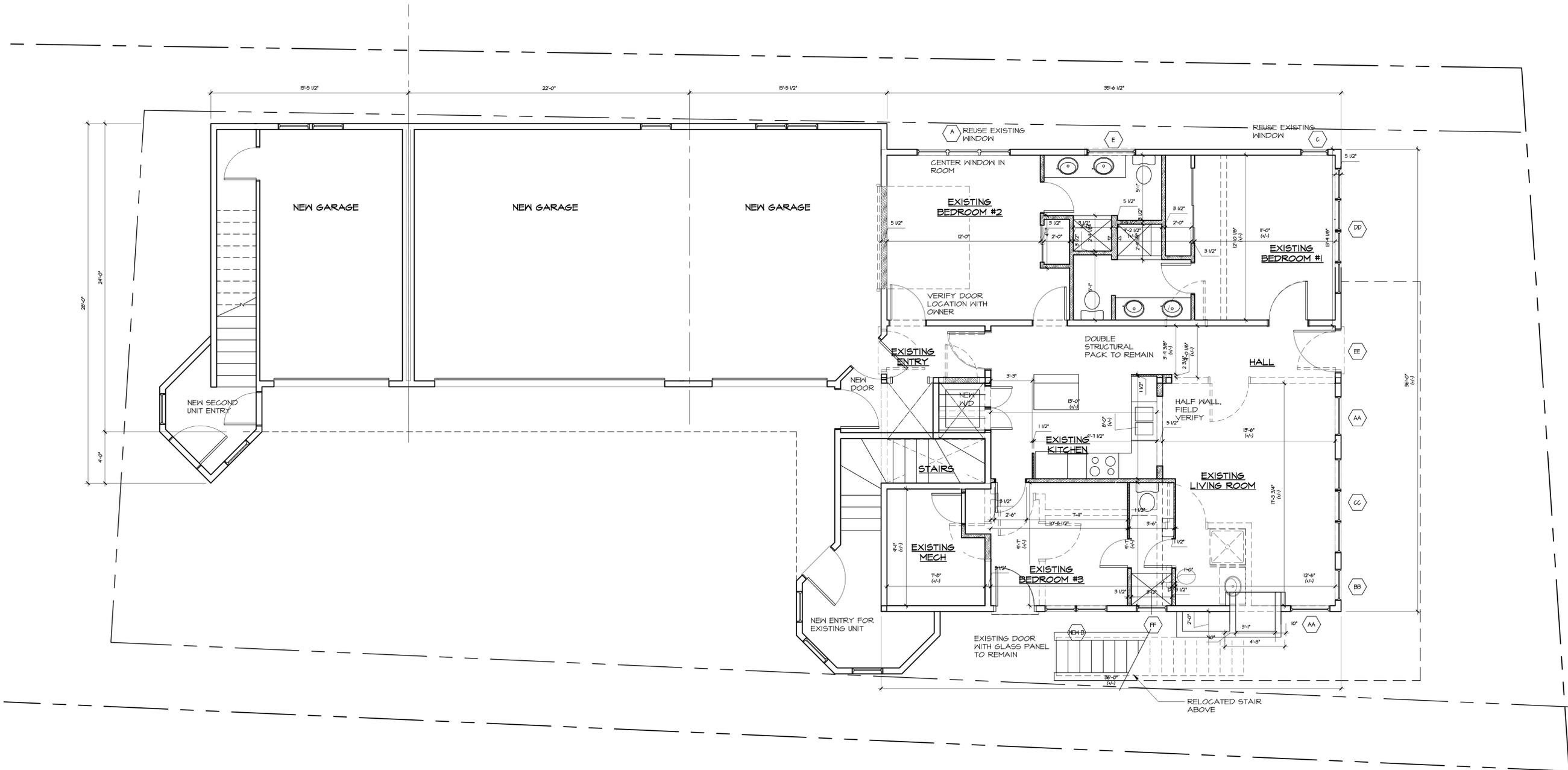
Beth Levine Architect, Inc.
P.O. Box 1825
Avon, CO 81620
(970) 926-4993 (P)
(970) 926-2993 (F)



PRIVATE RESIDENCE
850 MAIN STREET
MINTURN, CO 81645

ISSUE	DATE
FIRST LEVEL PERMIT	2014-04-30
FIRST LEVEL MINTURN DRB	2014-05-10
MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02





FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 PLAN NORTH

KEY

	NEW FRAME CONSTRUCTION
	EXISTING CONSTRUCTION TO REMAIN
	EXISTING CONSTRUCTION TO BE REMOVED

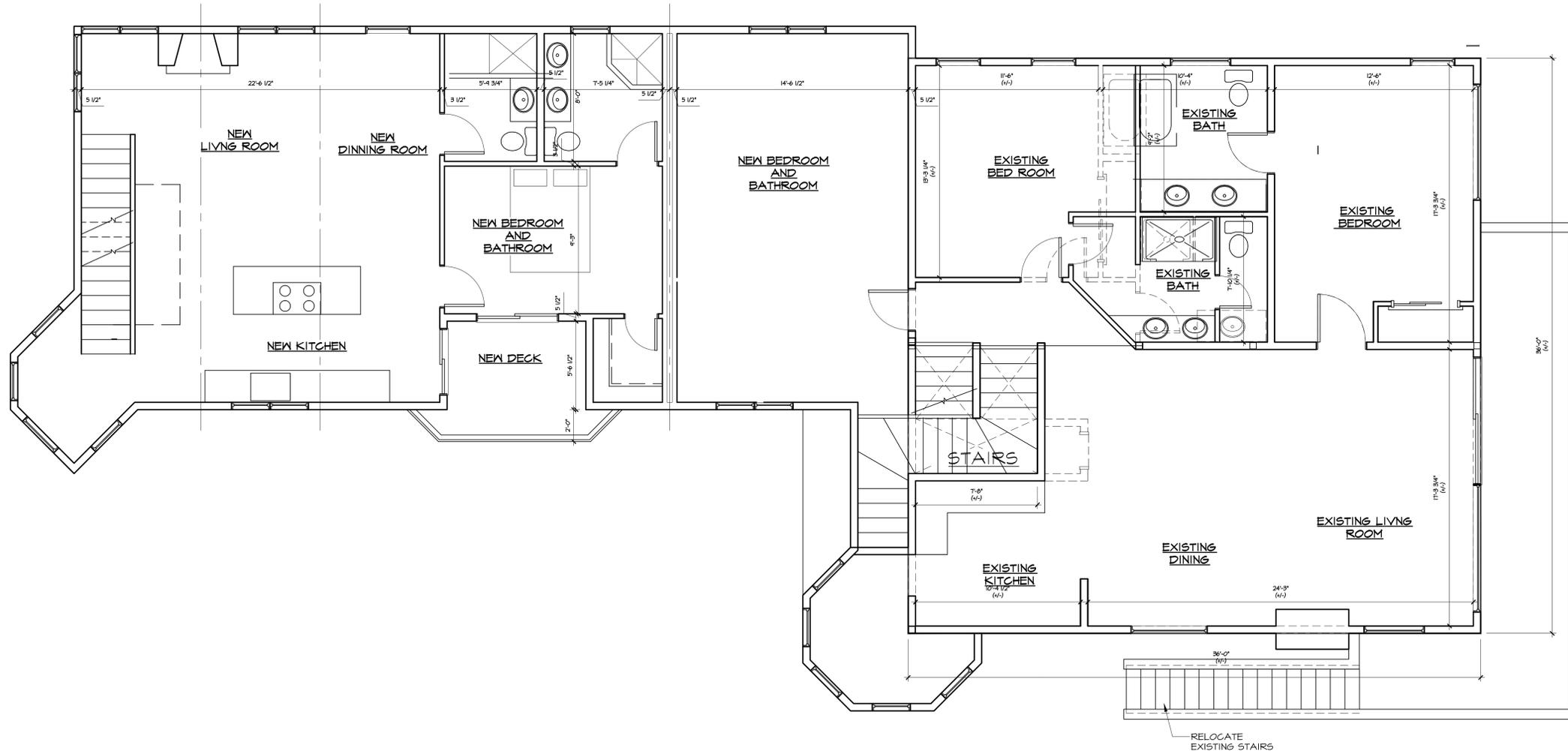
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MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A2.1



A2.2 MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NORTH

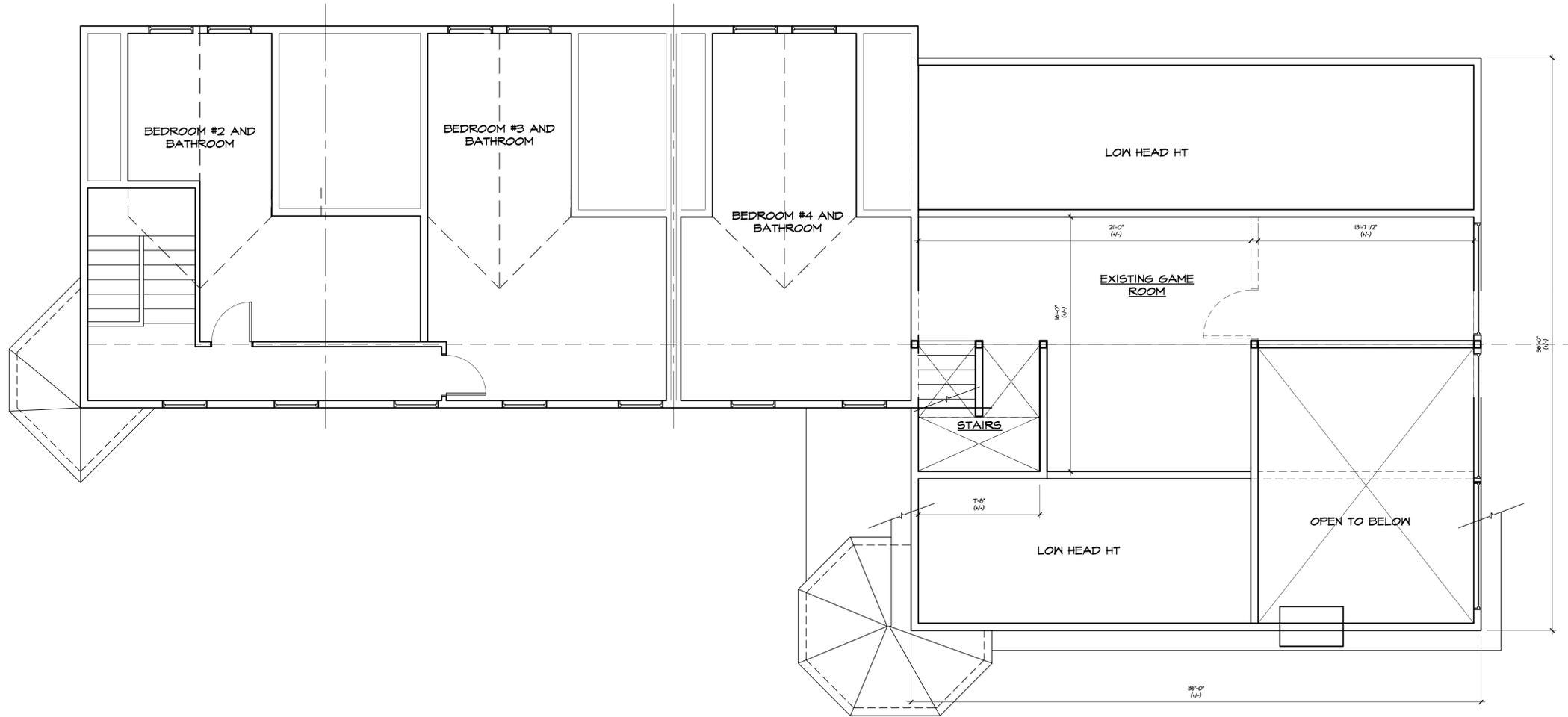
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PRIVATE RESIDENCE
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MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A2.2



A2.3
UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 PLAN NORTH

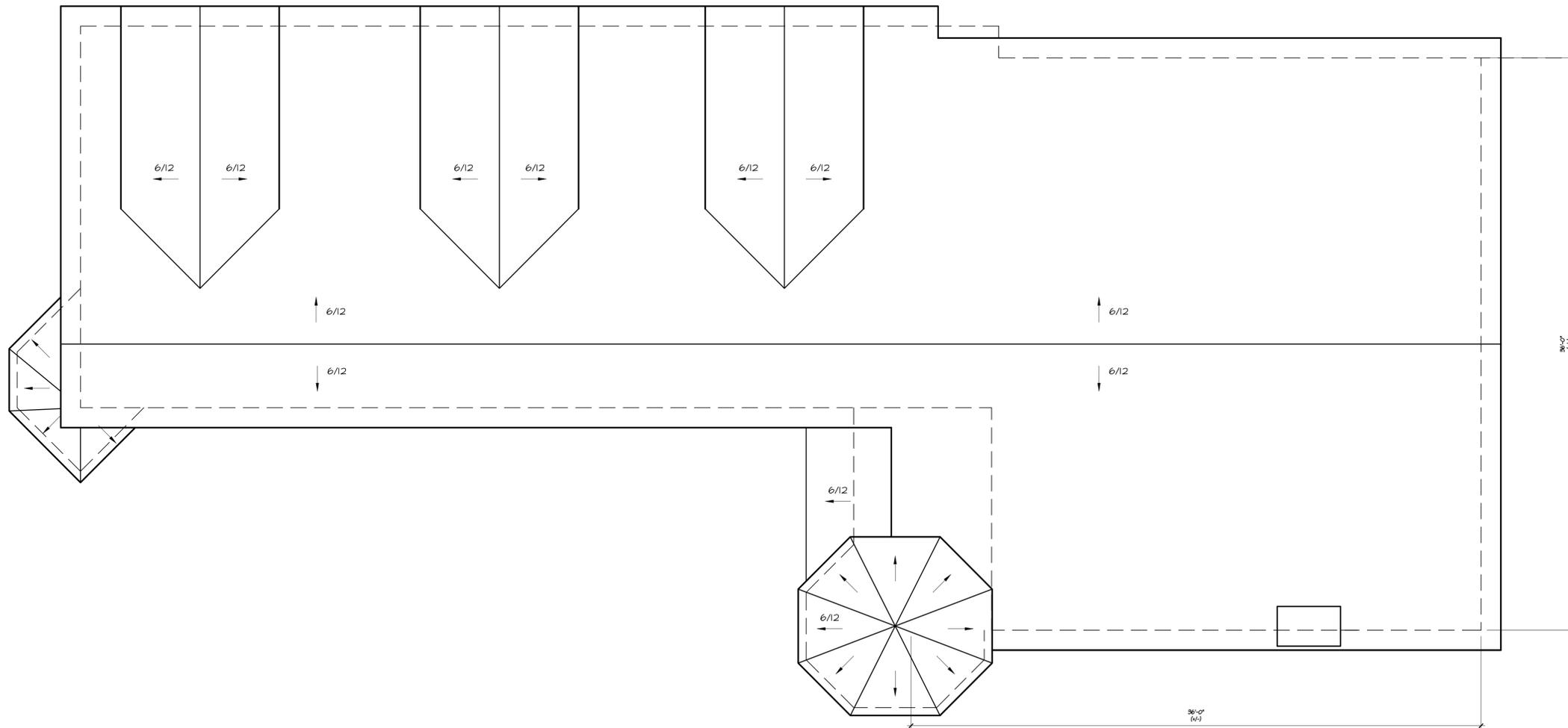
Beth Levine Architect, Inc.
 P.O. Box 1825
 Avon, CO 81620
 (970) 926-4993 (P)
 (970) 926-2993 (F)



PRIVATE RESIDENCE
 850 MAIN STREET
 MINTURN, CO 81645

ISSUE	DATE
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FIRST LEVEL MINTURN DRB	2014-05-10
MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A2.3



A2.1

ROOF FLOOR PLAN

SCALE: 1/4" = 1'-0"



PLAN NORTH

PRIVATE RESIDENCE
 850 MAIN STREET
 MINTURN, CO 81645



Beth Levine Architect, Inc.
 P.O. Box 1825
 Avon, CO 81620
 (970) 926-4993 (P)
 (970) 926-2993 (F)

ISSUE	DATE
FIRST LEVEL PERMIT	2014-04-30
FIRST LEVEL MINTURN DRB	2014-05-10
MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A2.4



1 NORTH ELEVATION
 A3.1 SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
 A3.1 SCALE: 1/4" = 1'-0"

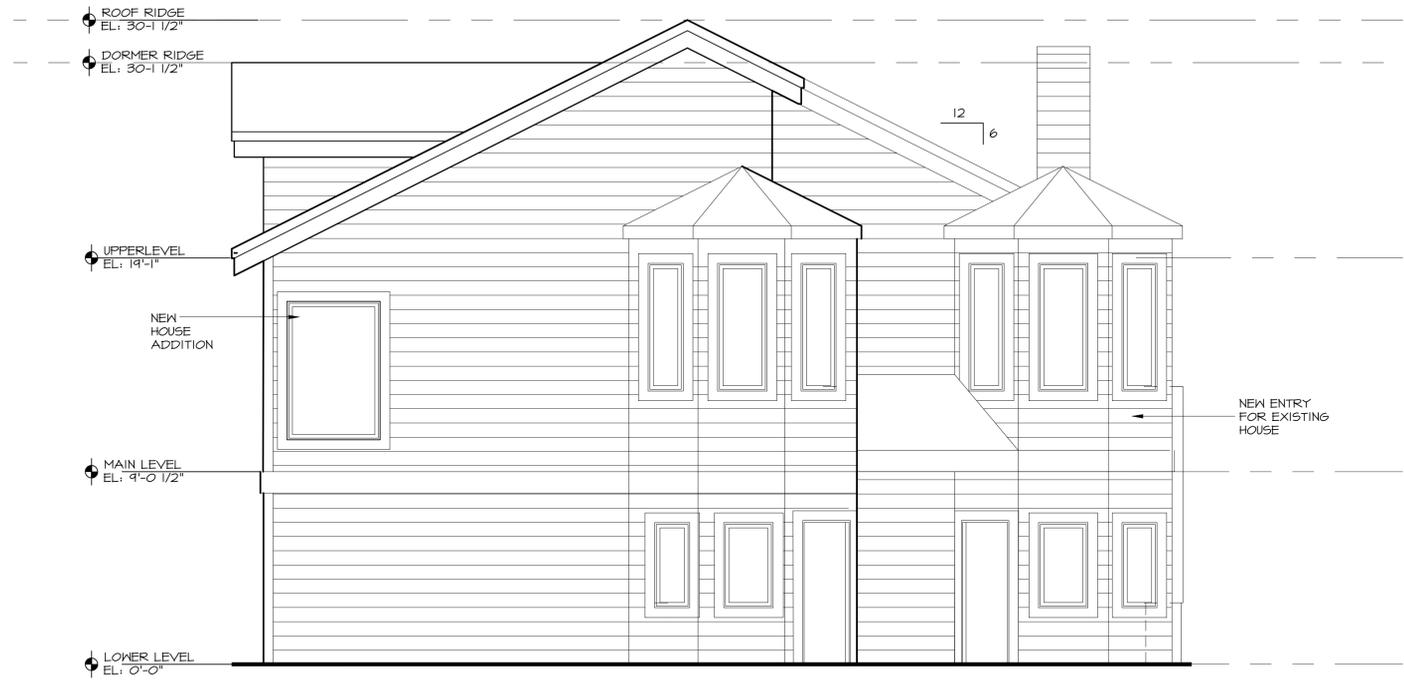
Beth Levine Architect, Inc.
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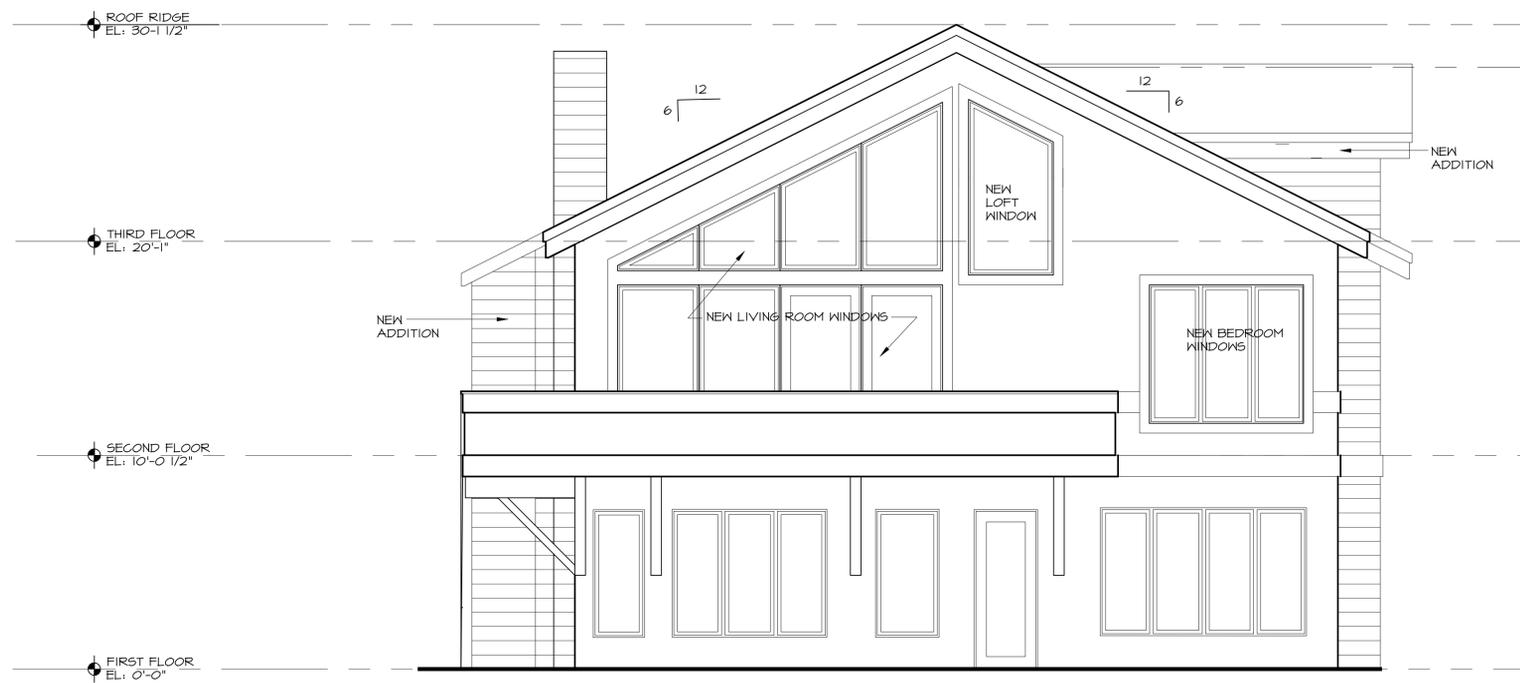
PRIVATE RESIDENCE
 850 MAIN STREET
 MINTURN, CO 81645

ISSUE	DATE
FIRST LEVEL PERMIT	2014-04-30
FIRST LEVEL MINTURN DRB	2014-05-10
MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A3.1



1 WEST ELEVATION
 A3.2 SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
 A3.2 SCALE: 1/4" = 1'-0"

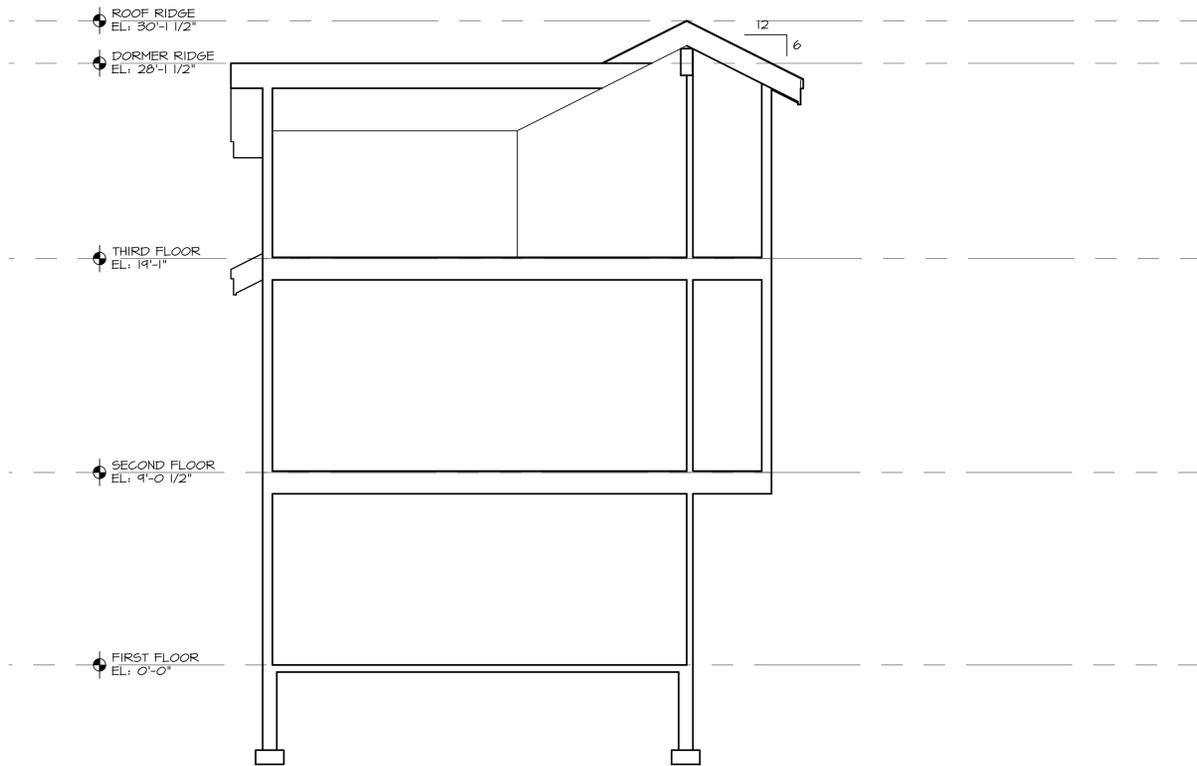
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PRIVATE RESIDENCE
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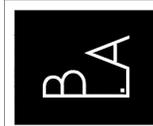
A3.2



SECTION

SCALE: 1/4" = 1'-0"

Beth Levine Architect, Inc.
 P.O. Box 1825
 Avon, CO 81620
 (970) 926-4993 (P)
 (970) 926-2993 (F)



PRIVATE RESIDENCE
 850 MAIN STREET
 MINTURN, CO 81645

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MINTURN DRB	2014-06-14
MINTURN DRB-REVISED	2014-06-25
MINTURN DRB RESUBMITTED	2014-07-02

A4.1

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 15 - SERIES 2014**

**A Resolution of the Town of Minturn, Colorado, approving a preliminary
subdivision plat for property located at 947 Main Street**

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

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

WHEREAS, Francis R. Quintana Declaration of Trust is the owner of real property known as Eagle County Parcel Identification Number 2103-351-01-013 (the "Property"); and

WHEREAS, the Property is currently zoned as commercial, but an application to rezone the Property as residential will be submitted prior to or concurrent with consideration of a final plat; and

WHEREAS, at its July 9, 2014 meeting, the Planning and Zoning Commission determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and recommended approval of the preliminary subdivision plat subject to certain conditions; and

WHEREAS, at its August 20, 2014 meeting, the Town Council of the Town of Minturn determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and affirms the recommendation of the Planning and Zoning Commission and approves the preliminary subdivision plat subject to the conditions contained herein.

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

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

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

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

1. That all statements made by the applicant in the application and in meetings before the Planning & Zoning Commission and the Town Council be considered conditions of approval, unless modified in the following recommendations;
2. Prior to approval of a final subdivision plat for the Property, applicant shall receive an approval to have the Property rezoned from commercial to residential;
3. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered construction plans for all on-site and off-site public improvements consistent with the Town Code;
4. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a pro-forma title commitment for the Property together with a letter from a Title Officer or Attorney who has examined the mineral estate owners for the Property, as required by C.R.S. 24-65.5-103;
5. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a detailed landscape plan for the Property, open space and common areas, including landscaping along State Highway 24, that complies with Chapter 16, Article 16 of the Town Code;
6. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a site design for the Property and other applicable evidence that demonstrates that: (a) garage doors for residences within the subdivision will be a minimum of fifteen (15) feet from the curb of the interior private subdivision roadway, (b) the road intersection between the interior private subdivision roadway and State Highway 24 is at least eighteen (18) feet wide, (c) water and sewer taps will be located between the home constructed on a lot and the internal private subdivision roadway, and (d) architectural renderings demonstrating that enhanced architectural features have been designed and are required for the sides of any homes fronting State Highway 24;
7. As part of an application for approval of a final subdivision plat, applicant will submit to the Town an approved access permit from CDOT;
8. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered drainage plans for the Property that demonstrate that snowmelt and stormwater can adequately be accommodated on the Property;
9. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a Phase I Environmental Assessment for the Property, and if recommended by applicant's environmental consultant or requested by the Town, a Phase II Environmental Assessment;

10. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a plat that designates Lots 1 and 8 as “corner” lots. Corner lots must comply with Section 16-16-90 Clear Vision Code;
11. At the time of final plat approval, applicant shall make a financial contribution equal to the cost of the construction of a concrete sidewalk 5 feet in width, along the Property’s State Highway 24 frontage, to be placed in the Town Sidewalk Fund;
12. As part of an application for approval of a final subdivision plat, applicant will submit to the Town documents for the Town’s approval to establish a homeowners association that: (a) allows for maintenance of the common areas, including the access and utility easement, the common landscape areas and the internal private subdivision roadway, (b) contains design guidelines for the character of homes that requires that the color, material and architectural features of homes within the subdivision vary from lot to lot;
13. That the Applicant pays all fees associated with the Town’s review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs;
14. Prior to approval of a final subdivision plat, applicant will enter into a Subdivision Improvement Agreement as provided for in Section 17-7-10 of the Town Code detailing the public improvements to be completed, security to be posted, warranty obligations, and dedication obligations in a form acceptable to the Town.

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

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

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20TH DAY OF AUGUST, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Town Planner Report for:

Preliminary Subdivision Plat Application for 947 Highway 24, Minturn, CO.

A land development application was submitted to the Planner by Frances Quintana Declaration of Trust on June 5, 2004.

The Planner met with the applicant and developer at various meetings to discuss the development, lot sizes, open space needs, CDOT access permits, storm water drainage, landscape plans, sidewalks, private road street width and other topics pertaining to the subdivision application.

The applicant created a preliminary plan of the subdivision to be submitted to Planning Commission for Preliminary Plat review. There was a preliminary design submittal for Planning Commission feedback on June 11, 2014. The Planning Commission discussed snow storage, additional trees, a homeowners association be added, corner lots be addressed with setbacks and additional architectural features. Sidewalks should not be constructed because property on west side of highway, but money for construction be placed in a trust.

On June 19, 2014 as per code, 3 Planning Commissioners did a site visit for a site review. There findings were incorporated into the conditions. Safety, snow storage, park, storm water drainage and environmental restoration.

The Planner submitted the plans to Staff for Staff Review as per code. The staff determined that the water and sewer curb stops be set in front of the homes. The garage doors need to be 15' from the private road.

On July 9, 2014 with a 2 week public posting process, the Planning Commission – DRB had the Preliminary Plat Review and recommend to the Council to approve the plat with the following conditions.

Conditions of issuing a preliminary subdivision plat for application 947 Highway 24, Minturn, CO, the Developer is subject to all conditions in the Town Code and the additional conditions listed below:

The Developer shall submit to the Town:

1. A Subdivision Improvement Agreement - Section 17-7-10.
2. Construction Plans for all on site public improvements dedicated to the Town.
3. Construction Plans for all off site public improvements dedicated to the Town.
4. Provide a letter from a Title Officer or Attorney who the mineral estate owners are, as required by 24-65.5-103, on the land or that none exist.
5. Detailed landscape plans for the subdivision's common areas.
6. Detailed landscape plan for the additional landscaping on Highway 24
7. The construction of sidewalks 5' wide next to Highway 24 the distance of the subdivision

8. The water and sewer taps to be set in the front of the homes.
9. The garage doors to be 15' from the private subdivision road.
10. The new road entrance off of Highway 24 is 18' wide. An approved permit application from CDOT is to be submitted to the Planner.
11. Engineered drainage plans to manage the snow melt and storm water drainage off the site.
12. A Phase I and if required Phase II Environmental Assessment for the property together with a proposed clean-up/mitigation plan for the property.
13. The commercial zoning will be changed to residential zoning.
14. Provide the Town with documents for the Towns approval to establish a homeowners association that allows for maintenance of the private access and utility easement, the common landscape areas and the private road.
15. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs.

**The Tim Osborne made a motion, B Harrington second, to amend 7 to have the designation of the sidewalks to be taken out – so item 7. Will read: the amount for the construction of sidewalks 5' wide the length of the development be placed in the Town sidewalk fund for the construction of South Minturn sidewalks as per Town plans. Item 16 be added stating the character of the homes need to be varied in architecture style and characteristics and colors. Lots 1 & 8 need to have architectural attraction facing Highway 24 and respect the clear vision code (15 x 15' setback area as per section 16) as corner lots at the intersection of Highway 24 and the subdivision road. Item 17 be added stating: overflow parking be added to the snow storage and open space area of the subdivision.

The Preliminary Plat is being recommended to Town Council to approve the plat by the passing vote of the Planning Commission on July 7, 2014.

Project Review Report

Planning Commission

July 9, 2014

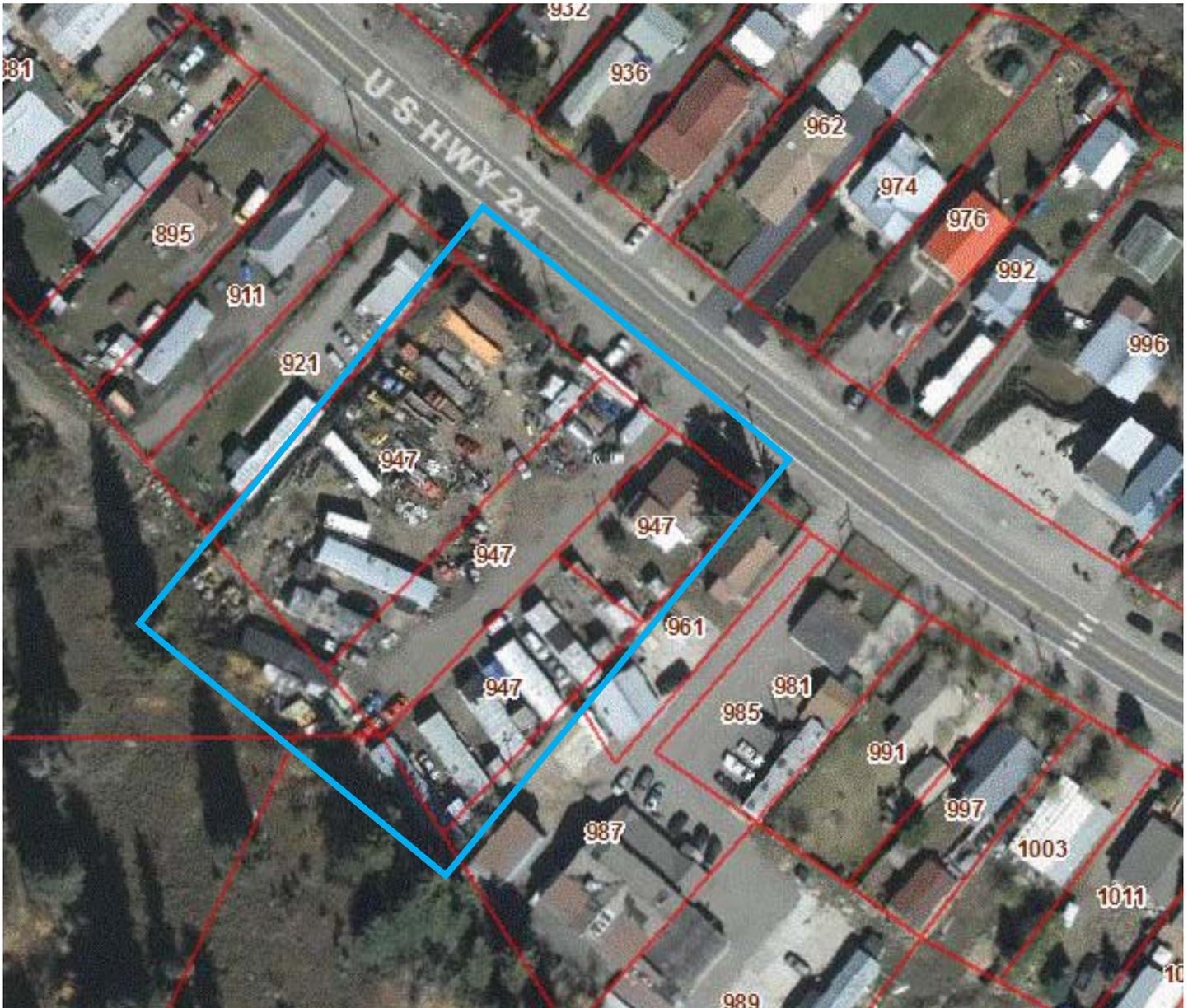


Project Name: Quintana Subdivision I: Preliminary Subdivision Plat Review 947 Highway 24, Minturn
Project Number: #14DBR011

Project Request: The applicant: Frances R. Quintana is requesting the 4 properties addressed 947 Main Street A-D at 1.08 acres be combined and then subdivided into 8 residential lots at 5,000 or more square feet per lot. The parcel is presently commercial and would be re-zoned residential.

Minturn Codes Regarding this Project:

- Chapter 16 - Article 7 - South Minturn Area - Section 16-7-10 to 16-7-80
- Chapter 17 Subdivisions



Preliminary Subdivision Plat Application for 947 Highway 24, Minturn, CO.

Conditions of issuing a preliminary subdivision plat for application 947 Highway 24, Minturn, CO, the Developer is subject to all conditions in the Town Code and the additional conditions listed below:

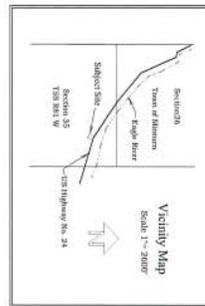
The Developer shall submit to the Town:

1. A Subdivision Improvement Agreement - Section 17-7-10.
2. Construction Plans for all on site public improvements dedicated to the Town.
3. Construction Plans for all off site public improvements dedicated to the Town.
4. Provide a letter from a Title Officer or Attorney who the mineral estate owners are, as required by 24-65.5-103, on the land or that none exist.
5. Detailed landscape plans for the subdivision's common areas.
6. Detailed landscape plan for the additional landscaping on Highway 24
7. The construction of sidewalks 6' wide next to Highway 24 the distance of the subdivision or if the Town only constructs sidewalks on the east (river) side of Highway 24, the financial contribution of 6' wide sidewalks 1/2 the length of the subdivision.
8. The water and sewer taps to be set in the front of the homes.
9. The garage doors to be 18' from the road.
10. The new road entrance off of Highway 24 is 18' wide. An approved permit application from CDOT is to be submitted to the Planner.
11. Engineered drainage plans to manage the snow melt and storm water drainage off the site.
12. A Phase I and if required Phase II Environmental Assessment for the property together with a proposed clean-up/mitigation plan for the property.
13. The commercial zoning will be changed to residential zoning.
14. Provide the Town with documents for the Towns approval to establish a homeowners association that allows for maintenance of the private access and utility easement, the common landscape areas and the private road.
15. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs.

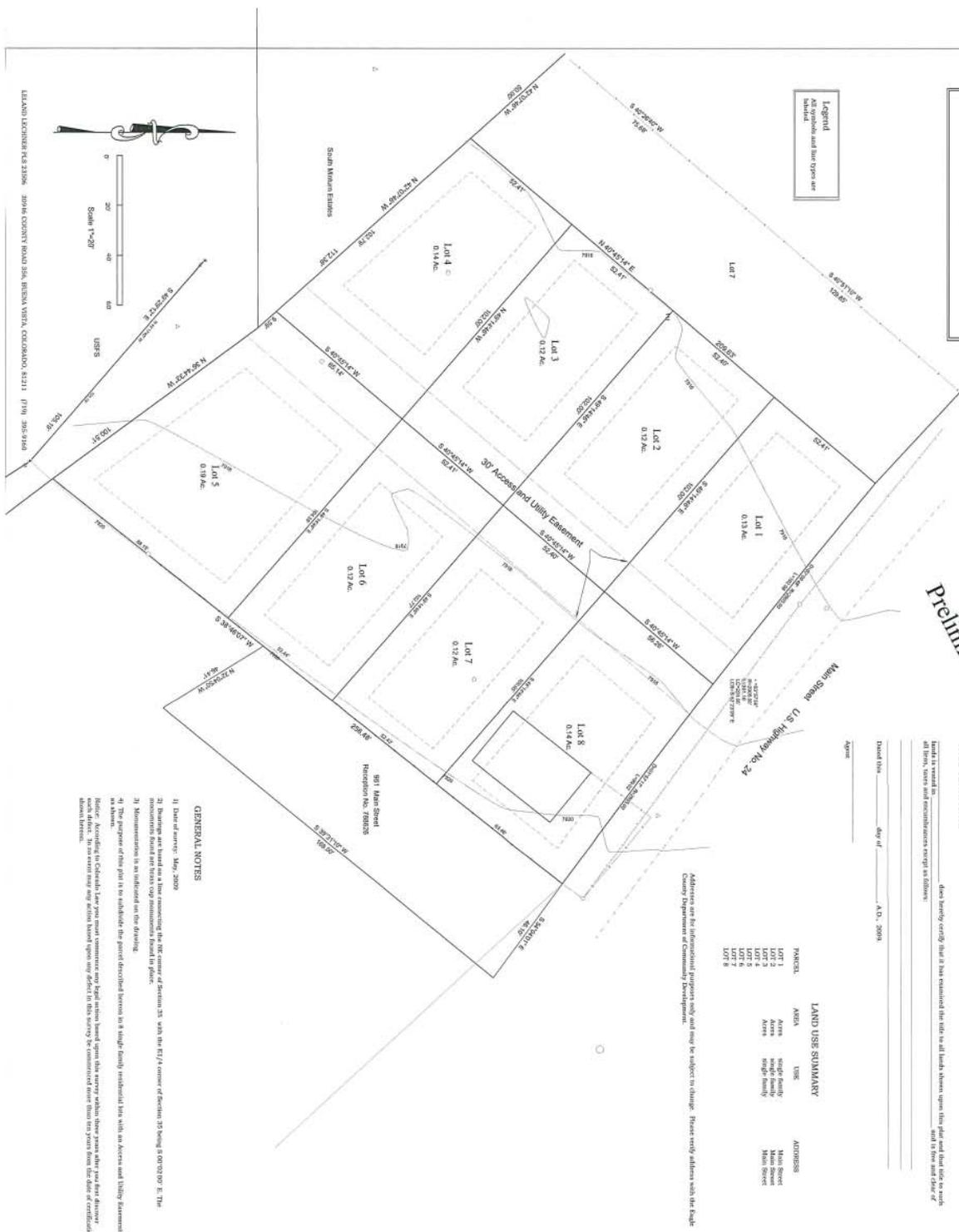
FINAL PLAT

QUINTANA SUBDIVISION

PART OF THE NE1/4 OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



Legend
At least 20' wide easement for utility easement



Preliminary

TITLE CERTIFICATE

I, the undersigned, do hereby certify that I have examined the title to all lands shown upon this plat and that the lands herein are owned by the persons named herein and their heirs and assigns forever.

Executed this _____ day of _____, A.D., 2009.

PARCEL	AREA	USE	ADDRESS
LOT 1	0.13 Ac.	Single Family	Main Street
LOT 2	0.13 Ac.	Single Family	Main Street
LOT 3	0.13 Ac.	Single Family	Main Street
LOT 4	0.13 Ac.	Single Family	Main Street
LOT 5	0.13 Ac.	Single Family	Main Street
LOT 6	0.13 Ac.	Single Family	Main Street
LOT 7	0.13 Ac.	Single Family	Main Street
LOT 8	0.13 Ac.	Single Family	Main Street

Attention is directed to the fact that the plat herein is subject to change. Please verify address with the Eagle County Department of Community Development.

CERTIFICATE OF DEDICATION AND OWNERSHIP

I, the undersigned, do hereby certify that I have examined the title to all lands shown upon this plat and that the lands herein are owned by the persons named herein and their heirs and assigns forever. I have also examined the title to all lands shown upon this plat and that the lands herein are owned by the persons named herein and their heirs and assigns forever.

Executed this _____ day of _____, A.D., 2009.

Owner: John O. Quintana Frances B. Quintana
Address: 1725 Main Street
Minturn, CO

SUBDIVISION CERTIFICATE

I, the undersigned, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado and that I have surveyed the lands herein and that the plat herein is a true and correct representation of the same. I have also examined the title to all lands shown upon this plat and that the lands herein are owned by the persons named herein and their heirs and assigns forever.

MINTURN TOWN CERTIFICATE

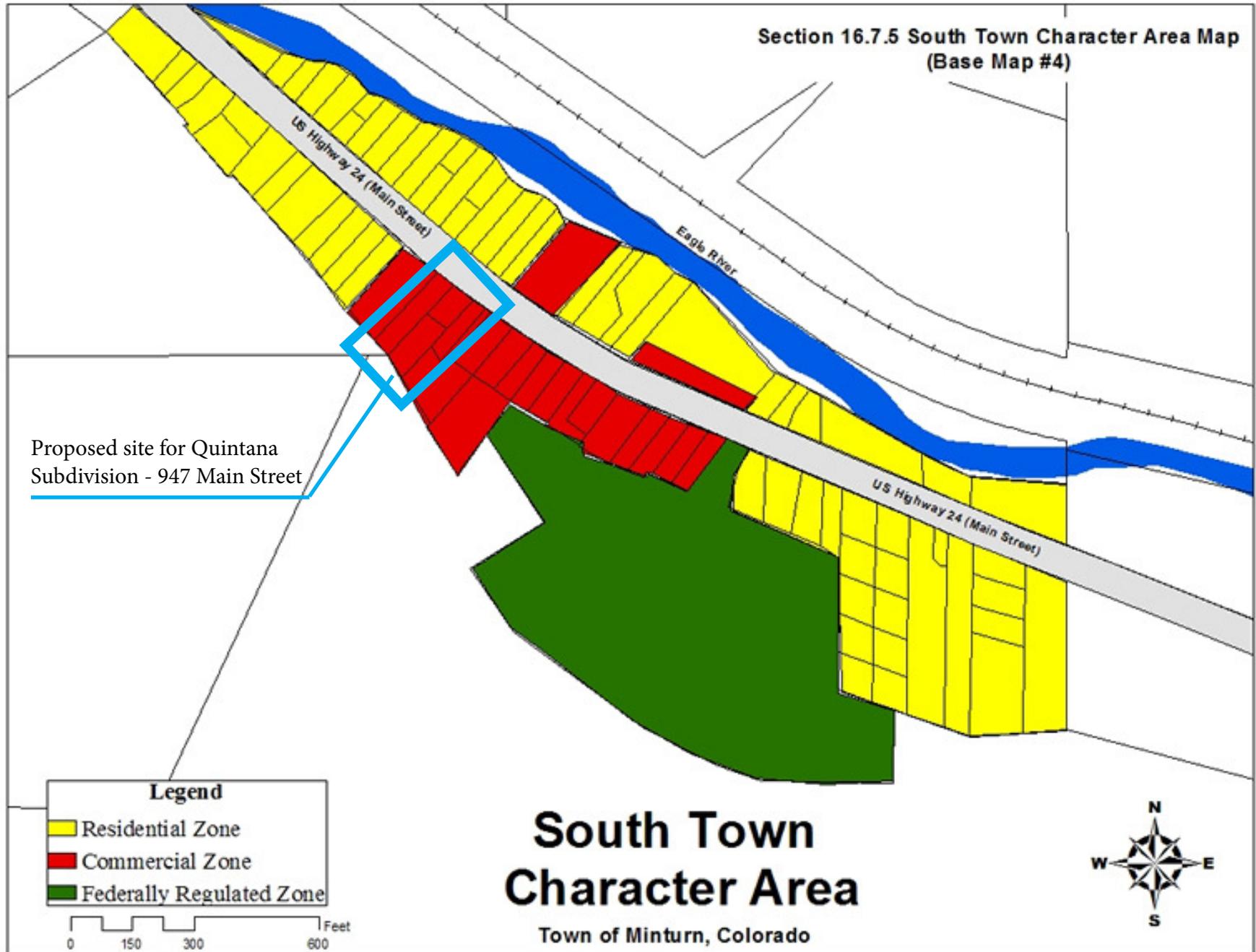
This plat was approved by the Town Council of the Town of Minturn, County of Eagle, State of Colorado, on this _____ day of _____, A.D., 2009, for filing with the Clerk and Recorder of Eagle County. This plat shall represent the plat as approved by the Town Council of the Town of Minturn, County of Eagle, State of Colorado, and shall not be subject to any other approval or endorsement of any other authority.

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable on all parcels of real estate described in this plat was paid on this _____ day of _____, A.D., 2009.

CLERK AND RECORDERS CERTIFICATE

This plat was filed for record in the Office of the Clerk and Recorder at _____ o'clock, _____ on this _____ day of _____, 2009, and to be recorded at _____ o'clock, _____ on this _____ day of _____, 2009.



**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 16 - SERIES 2014**

**A resolution of the Town of Minturn, Colorado, approving a preliminary
subdivision plat for property located at 1973 Main Street**

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

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

WHEREAS, the Frances R Quintana Declaration of Trust is the owner of real property know as Eagle County parcel identification number is 2103-363-00-009 (the "Property"); and

WHEREAS, the Property is currently zoned as mixed use; and

WHEREAS, at its July 9, 2014 meeting, the Planning and Zoning Commission determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and recommended approval of the preliminary subdivision plat subject to certain conditions; and

WHEREAS, at its August 20, 2014 meeting, the Town Council of the Town of Minturn determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and affirms the recommendation of the Planning and Zoning Commission and approves the preliminary subdivision plat subject to the conditions contained herein.

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

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

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

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

1. That all statements made by the applicant in the application and in meetings before the Planning & Zoning Commission and the Town Council be considered conditions of approval, unless modified in the following recommendations;
2. Consistent with the mixed use zone district, development on the Property may include a commercial use for up to fifty (50) percent of the subdivided Property area. All remaining areas will be limited to single family residential uses. Construction and site design for residential uses will be governed by residential zoning standards;
3. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered construction plans for all on-site and off-site public improvements consistent with the Town Code;
4. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a pro-forma title commitment for the Property together with a letter from a Title Officer or Attorney who has examined the mineral estate owners for the Property, as required by C.R.S. § 24-65.5-103;
5. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a detailed landscape plan for the Property, open space and common areas, including landscaping along State Highway 24, that complies with Chapter 16 Article 16 of the Town Code;
6. As part of an application for approval of a final subdivision plat, applicant will submit to the Town plans for a 3' wide crushed gravel trail to be designed into the landscaping on the Property along Highway 24 to permit access to existing US Forest Service Trails. The 3' wide crushed gravel trail shall be considered a public improvement to be constructed by the applicant;
7. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a site design for the Property and other applicable evidence that demonstrates that: (a) garage doors for residences within the subdivision will be a minimum of fifteen (15) feet from the curb of the interior private subdivision roadway, (b) the road intersection between the interior private subdivision roadway and State Highway 24 is at least eighteen (18) feet wide, (c) water and sewer taps will be located between the home constructed on a lot and the internal private subdivision roadway, and (d) architectural renderings demonstrating that enhanced architectural features have been designed and are required for the sides of any homes fronting State Highway 24;
8. As part of an application for approval of a final subdivision plat, applicant will submit to the Town an approved access permit from CDOT;
9. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered drainage plans for the Property that demonstrate that snowmelt and storm water can adequately be accommodated on the Property;
10. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a Phase I Environmental Assessment for the Property,

- and if recommended by applicant's environmental consultant or requested by the Town, a Phase II Environmental Assessment;
11. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a plat that designates Lots 2 & 3 as "corner" lots. Corner lots must comply with Section 16-16-90 Clear Vision Code. Corner lot front set back is 10 feet and the side set back fronting State Highway 24 is 10 feet;
 12. At the time of final plat approval, applicant shall make a financial contribution equal to the cost of the construction of a concrete sidewalk 5 feet in width, along the length of the Property's Highway 24 frontage, to be placed in the Town Sidewalk Fund;
 13. As part of an application for approval of a final subdivision plat, applicant will submit to the Town documents for the Town's approval to establish a homeowners association that: (a) allows for maintenance of the common areas, including the access and utility easement, the common landscape areas and the internal private subdivision roadway, (b) contains design guidelines for the character of homes that requires that the color, material and architectural features of homes within the subdivision vary from lot to lot;
 14. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs;
 15. Prior to approval of a final subdivision plat, applicant will enter into a Subdivision Improvement Agreement as provided for in Section 17-7-10 of the Town Code detailing the public improvements to be completed, security to be posted, warranty obligations, and dedication obligations in a form acceptable to the Town.

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

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

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20TH DAY OF AUGUST, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Town Planner Report for:

Preliminary Subdivision Plat Application for 1973 Highway 24, Minturn, CO.

A land development application was submitted to the Planner by Frances Quintana Declaration of Trust on June 5, 2004.

The Planner met with the applicant and developer at various meetings to discuss the development, lot sizes, open space needs, CDOT access permits, storm water drainage, landscape plans, sidewalks, private road street width and other topics pertaining to the subdivision application.

The applicant created a preliminary plan of the subdivision to be submitted to Planning Commission for Preliminary Plat review. There was a preliminary design submittal for Planning Commission feedback on June 11, 2014. The Planning Commission discussed snow storage, additional trees, a homeowners association be added, corner lots be addressed with setbacks and additional architectural features. Sidewalks should not be constructed because property on west side of highway and surrounded by National Forest. Money is requested for construction of sidewalks be placed in a trust.

On June 19, 2014 as per code, 3 Planning Commissioners did a site visit for a site review. There findings were incorporated into the conditions. Safety, snow storage, storm water drainage and environmental restoration.

The Planner submitted the plans to Staff for Staff Review as per code. The staff determined that the water and sewer curb stops be set in front of the homes.

On July 9, 2014 with a 2 week public posting process, the Planning Commission – DRB had the Preliminary Plat Review and recommend to the Council to approve the plat with the following conditions.

Conditions of issuing a preliminary subdivision plat for application 1973 Highway 24, Minturn, CO, the Developer is subject to all conditions in the Town Code and the additional conditions listed below:

Conditions of issuing a preliminary subdivision plat for application 1973 Highway 24, Minturn, CO, the Developer is subject to all conditions in the Town Code and the additional conditions listed below:

The Developer shall submit to the Town:

1. A Subdivision Improvement Agreement - Section 17-7-10.
2. Construction Plans for all on site public improvements dedicated to the Town.
3. Construction Plans for all off site public improvements dedicated to the Town.
4. Provide a letter from a Title Officer or Attorney who the mineral estate owners are, as required by 24-65.5-103, on the land or that none exist.
5. Detailed landscape plans for the subdivision's common areas.

6. Detailed landscape plan for the additional landscaping on Highway 24 – T Osborne motioned for the following to be added, the Planning Commission agreed: a 3' path be added to landscape for pedestrians to walk to Forest Service Trail along the subdivisions property on Highway 24.'
7. A financial contribution of 5' wide sidewalks the distance of the subdivision be paid to the Minturn Sidewalk fund to be used towards the Minturn Sidewalk master plan.
8. The water and sewer taps to be set in the front of the homes.
9. The garage doors to be 15' from the private road.
10. The new road entrance off of Highway 24 is 18' wide. An approved permit application from CDOT is to be submitted to the Planner.
11. Engineered drainage plans to manage the snow melt and storm water drainage off the site.
12. A Phase I and if required Phase II Environmental Assessment for the property together with a proposed clean-up/mitigation plan for the property.
13. The Mixed-use zoning will remain the same. The new proposed residential construction will be built to residential zoning codes, unless a property builds a mixed-use property with a minimum of 50% of the property being used for a commercial business at completion of the project.
14. Provide the Town with documents for the Towns approval to establish a homeowners association that allows for maintenance of the private access and utility easement, the common landscape areas and the private road.
15. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs.
16. Item 16 be added stating the character of the homes need to be varied in architecture style and characteristics and colors.

*Public Comment: Allison Greener asked that the subdivision have sidewalks for them to walk safely to the Forest Service Path.

Tom Davis asked that sidewalks be included to the new development

Deb Davis asked that a way to walk safely next to Highway 24 to the Forest Trail would be needed at the subdivision. Aggie requested they give money and Council decides where sidewalks are to be built.

**The Planner stated that the development is paying for sidewalks to the Minturn Sidewalk master plan. The negotiation is a financial contribution because sidewalks at this property only connect to Forest Service land. The sidewalks would end after 100'. Upon public comments, the Planner suggested and the Developers & Planning Commission agreed that a 3' wide path be added to the landscape on Highway 24 for people to travel to a forest service trail. The Developer will pay into the Minturn Sidewalk fund the cost of 5' wide sidewalks the length of the development for the money to be used towards sidewalks as the Town deems the best.

***The Planning Commission voted 3-1 in favor of passing the preliminary plat. It is being recommended to Town Council to approve the plat.

Project Review Report

Planning Commission

July 9, 2014



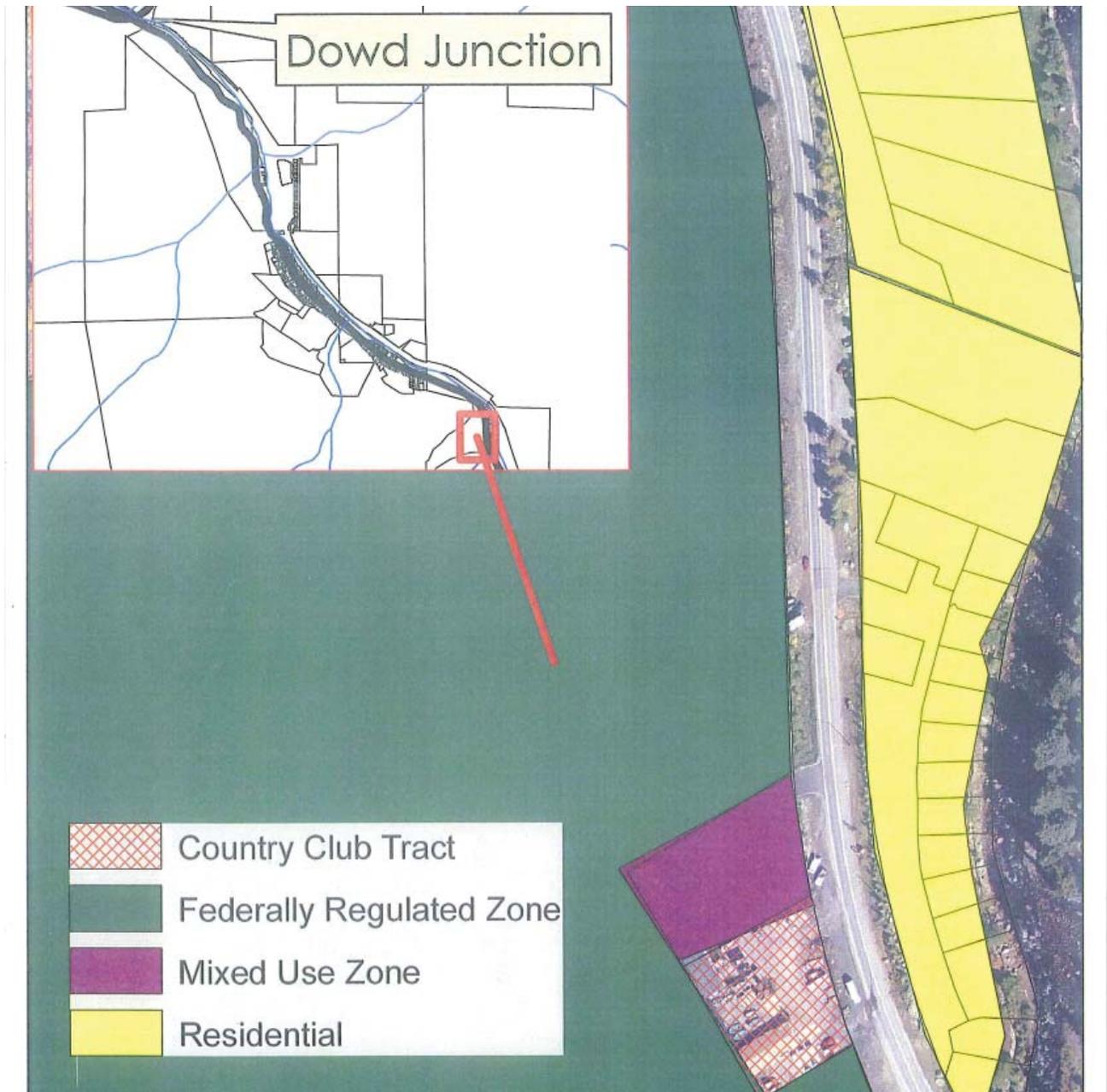
Project Name: Quintana Country Club Subdivision Preliminary Subdivision Plat 1973 Highway 24, Minturn, CO

Project Number: #14DBR010

Project Request: The applicant: Frances R. Quintana is requesting the Country Club Tract Parcel to be subdivided into 3 residential parcels. The parcel is presently mixed-use and would keep the same zoning.

Minturn Codes Regarding this Project:

- Chapter 16 - Article 9 Cross Creek Character Area Section 1116-9-10 to 16-9-80
- Chapter 17 Subdivisions



Preliminary Subdivision Plat Application for 1973 Highway 24, Minturn, CO.

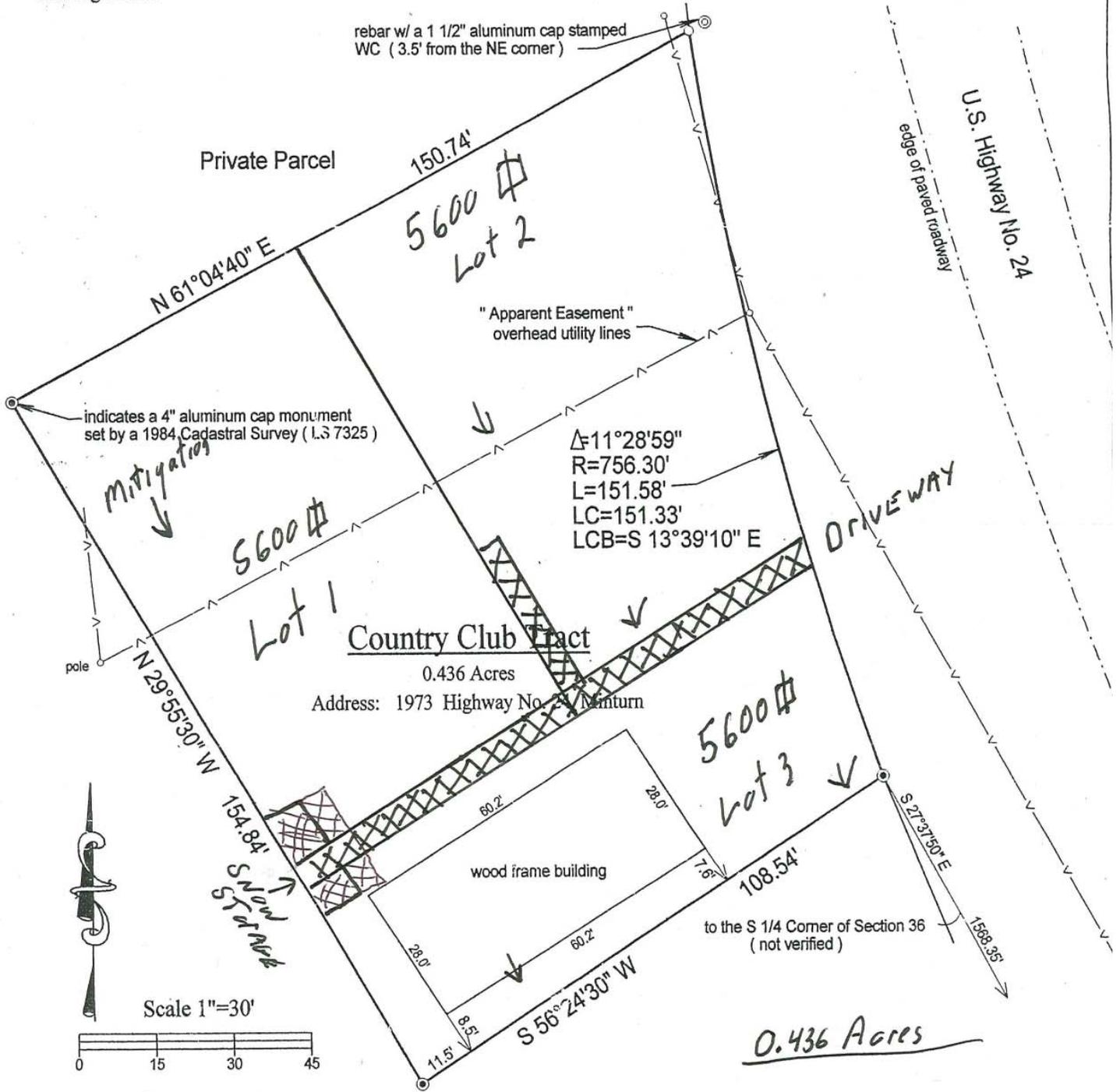
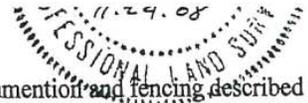
Conditions of issuing a preliminary subdivision plat for application 1973 Highway 24, Minturn, CO, the Developer is subject to all conditions in the Town Code and the additional conditions listed below:

The Developer shall submit to the Town:

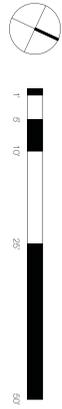
1. A Subdivision Improvement Agreement - Section 17-7-10.
2. Construction Plans for all on site public improvements dedicated to the Town.
3. Construction Plans for all off site public improvements dedicated to the Town.
4. Provide a letter from a Title Officer or Attorney who the mineral estate owners are, as required by 24-65.5-103, on the land or that none exist.
5. Detailed landscape plans for the subdivisions common areas.
6. Detailed landscape plan for the additional landscaping on Highway 24
7. The financial contribution of 6' wide sidewalks the length of the subdivision to the Town.
8. The water and sewer taps to be set in the front of the homes.
9. The garage doors to be 15' from the road.
10. The new road entrance off of Highway 24 is 18' wide. An approved permit application from CDOT is to be submitted to the Planner.
11. Engineered drainage plans to manage the snow melt and storm water drainage off the site.
12. A Phase I and if required Phase II Environmental Assessment for the property together with a proposed clean-up/mitigation plan for the property.
13. The zoning will remain mixed-use.
14. Provide the Town with documents for the Towns approval to establish a homeowners association that allows for maintenance of the private access and utility easement, the common landscape areas and the private road.
15. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs.

Notes:

Recorded information and the legal description was provided by Randy Quintana. The legal description was taken from a deed recorded at Reception No. 244602. The monument and fencing described in this description have been lost and were replaced by the monuments set in more recent surveys (by others) and are described on the drawing below.



Note: According to Colorado law, you must commence any legal action based upon any defect on this certificate within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten



LEGEND TREE HEIGHT

	Pine Tree 6' - 15' +/-
	Aspen Tree 4' range

CROSS CREEK PLACE

1973 HWY 24 MINTURN, CO

GENERAL NOTES
 Developer will contribute towards future sidewalk - 75.0' x 4.0'

TOWN OF MINTURN
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645 Fax: 970-827-5545



William Powell, Acting Town Manager

Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

August 14, 2014

To: Town Council
Fr: William Powell
Acting Town Manager

Re: **Zoning Code Review and Amendments**

Background

At the 2014 Council Goal Setting Session (Retreat) reviewing and updating the town’s Zoning Code was identified as a goal to accomplish, presumably in 2015. The application and processing of two duplex applications in the South Minturn has prompted staff and Council to question whether review of the Zoning Code should be accelerated. If Council determines that to be the case, the following outline serves to provide structure to moving forward with review of the code.

Scope of Review

Should the scope of review be a comprehensive update of the Zoning Code or a more limited review.

If a comprehensive review is performed the purpose would be to assure the code is in conformance with the Comprehensive Plan; cure any inconsistencies within the code; change requirements when undesirable outcomes have been produced with the existing code; and better define requirements when interpretations differ among staff, PZ and Council. This review and amendment process would likely take six months to review and process through PZ and Council.

The scope of review could be more limited and based on recent applications which appear to overly maximize use of property. Included in the review could be subjects such as the following.

- Are duplexes appropriate on the south side of US 24 and in keeping with the purpose of the South Minturn Residential Zone (see Section 16-17-20 (a). For duplexes what should the minimum lot size be to allow (more than 5000SF), or lessen the build-out maximum allowances. Can duplexes be joined not at all, minimally by a portico, or more closely joined with common walls.
- Should front yard landscape standards be addressed? Should driveway cut dimensions be better defined. .
- For river lots, should the 30’ setback not be used in the calculation for building requirements.

This review and amendment process would likely take three to four months to review and process through PZ and Council

Should a moratorium be instated while review of the Zoning Code is performed. There are several items for Council to be aware of in relation to consideration of a possible moratorium. No moratorium would affect any application that is in process as of the date the moratorium becomes effective. Any moratorium must be adopted by ordinance. Moratoriums are to address specific objectives and be of a limited duration. A possible moratorium restriction could be not allowing any duplexes or multi-family applications to be received.



**PRESIDENT'S BOARD
OF OVERSEERS**

Jim Calaway, *Chair*
Michael Byram
Amy Margerum-Berg
Don McClure
Fred Menzer
Carrie Morgridge
Steven Phillips
Ann Smead
Bob Young

August 4, 2014

The Town of Minturn
Cliff Thompson and Willy Powell
PO Box 309
Minturn, CO 81645-0309

Dear Mr. Thompson and Mr. Powell:

FOUNDATION BOARD

Doe Browning
Doris Dewton, *Vice Chair*
Bob Ferguson
Peter Gilbert, *Secretary*
Rich Glasier
David Grisso
Merilee Maupin
Bere Neas
Jay Rickstrew
Gino Rossetti
Ron Speaker, *Treasurer*
Diane Tarnoff
Patty Theobald
Kyle Welch
Joe Yob, *Chair*
Roger Sheffield, *CEO*

Thank you for your continued support of The Town of Minturn Scholarship for Colorado Mountain College, Edwards Campus.

I am pleased to inform you that Emily Martinez has been selected to receive the Town of Minturn Scholarship for the 2014-15 academic year at CMC Edwards Campus. Enclosed you will find a thank you letter from Emily, along with the essay and recommendation letters that were provided with her scholarship applications. Should you wish to communicate with Emily, please contact me at 970-569-2969 or kdesportes@coloradomtn.edu.

Please know that your generous contribution is greatly appreciated and thank you again for your commitment to Colorado Mountain College. Your support assists students in achieving their academic goals and dreams.

*Save the Date: Donor and scholarship recipient reception.
Tuesday, September 23rd from 5-6:30 at the CMC Edwards
Campus.*

Formal invitation and details to follow.

Sincerely,

Kathy DesPortes
Scholarship and Grant Coordinator-Eagle, Lake and Summit
Counties

CMC 14'ER SOCIETY
Collegiate Peaks Elevation* \$10,000
Maroon Bells Elevation* \$5,000
Mt. Elbert Elevation* \$2,500
Mt. Massive Elevation* \$1,000
Capitol Peak Elevation \$500
Mt. Holy Cross Elevation \$250
Pyramid Peak Elevation \$144

*President's Leadership Council

May 20, 2014

Town of Minturn
Town of Minturn Endowed Scholarship
PO Box 309
Minturn, CO 81645

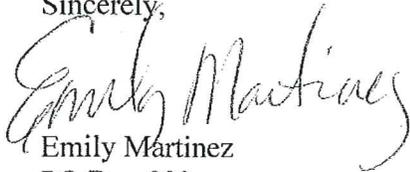
Dear Town of Minturn,

I am honored to be the recipient of the Town of Minturn Endowed Scholarship in the amount of \$1,250. Your generous support is greatly appreciated and will allow me to continue moving forward towards my educational goal.

On May 2, 2014, I graduated with my Associates Degree in Business from Colorado Mountain College, but I plan on continuing my education until I reach my goal of obtaining a Bachelor Degree in Business Management.

By awarding me the Town of Minturn Endowed Scholarship, you have lightened my financial burden which allows me to focus more on the most important aspect of school: learning. Your generosity has inspired me and I hope to one day help students achieve their education goals, as you have helped me.

Sincerely,



Emily Martinez
PO Box 992
Minturn, CO 81645

Emily Martinez Essay Questions:

Please write an essay including information you feel is pertinent in considering you for a scholarship, as well as describing your educational goals at CMC and your plans once you have completed those goals. Also address one of the following topics with a one-paragraph response: a) Describe the most significant challenge you have faced and steps you have taken to address this challenge. b) Explain the goals you have established for yourself and your efforts to accomplish these. Give at least one example that demonstrates your work ethic/diligence. c) Describe any special interests you have and how you have developed knowledge regarding these interests.

As a young child my father always told me how important education was to my future. He had attend college but never graduated because of a death in his family. He influenced me and helped me develop a love and respect for learning.

At age 15, near the end of my sophomore year of high school, I gave birth to my daughter. Never missing one day of school I graduated with my class in May 1992. A little over a year later I gave birth to my son. Although I was a young mom I never regretted my life. I had a wonderful partner who supports me even today. From the moment I became a mother I put my children first, putting my goals, dreams, and desires on hold to raise them.

In 1998 I decided that the dreams and desires on the inside of me were only going to better my life and the lives of my children. Since then I have attended the Glenwood Beauty Academy becoming a licensed Esthetician and Nail Tech, learned Microsoft Project 2003 at Colorado Computing Solutions– in Denver and have taken several classes at Colorado Mountain College such as: Principals of Accounting I, Excel; Intermediate and Advance, and AutoCAD I and II. With all that I have done I never put myself in a position that would require me to choose between anything and my children. They always came first.

In January 2011, with my son at the end of his senior year, I decided it was time to conquer my biggest dream yet. I enrolled at Colorado Mountain College in Edwards and started working towards a Business Degree. Eventually, continuing my education until I receive my MBA. My life was not what I would have planned for myself but it has made me stronger and more determined to prove that it is never too late. I believe that if I had been able to attend college immediately after high school I would not have appreciated it nearly as much as I do now.

My name is Emily Martinez, I am 39 years old and a true local, born and raised in the Vail Valley. I am applying for Town of Minturn Endowed Scholarship offered to Colorado Mountain College students because not only am I a working student but I also am working to provide for both my children who are also attending college.

I currently work for Heid Remodeling & Construction, Inc. as the Office Manager. I have been with them for nearly ten years and also help with Project Management and Estimating. During the winter months I also work at Four Seasons in Vail as a Nail Tech. I am fortunate that I enjoy both my jobs but I am not satisfied. I want to continue learning, developing and growing into a successful independent woman who can give back to this wonderful community that I have been so blessed to live in.

Thank you for your consideration,

Emily Martinez

What community or campus volunteer or leadership programs have you participated in?

I was very active in my church and volunteered twice a week as a greeter, singer, teacher, and group leader for ten years. I have also service the local Salvation Army as a bell ringer and basket filler and at the Vail Valley Rummage for approximately eight years. Since enrolling as a Colorado Mountain College student I have not had much time to continue my volunteer services because not only have I continued to work a full time job I also work a part time job because I have two children that were also attending college.

December 19, 2013

Colorado Mountain College
150 Miller Ranch Road
Edwards, CO 81632

To Whom it May Concern

Please accept this letter of recommendation on behalf of Emily Martinez. During the academic year 2012-2013, Emily was a student of mine in Microeconomics, Macroeconomics and Principles of Accounting at Colorado Mountain College in Edwards, Colorado.

Emily has proven herself to be both disciplined and focused in her drive to achieve success at Colorado Mountain College. She contributed regularly and significantly to classroom discussions by providing insightful questions on material presented in classroom lectures. She fully mastered complex microeconomic models including marginal analysis, price and cost, and market structure as well as macroeconomic models on unemployment, recession and inflation. She has a strong, practical sense of business and accounting and provided the class with personal experiences in the business world that added invaluable insight into classroom discussions.

As a former Chief Financial Officer for an international manufacturing company, I have had the unique opportunity to hire dozens of managers, financial analysts and controllers throughout my career. Emily is the type of individual that I would seek. She is a self-starter, highly motivated to succeed, and has a positive, can-do attitude.

Sincerely,

Richard T. Tarmey
Interim Director, Academic Affairs, Arts & Sciences
Colorado Mountain College – Edwards Campus



I have known Emily Martinez since 2005. She has always demonstrated a strong work ethic, integrity and truthfulness. I have found her to be honest and hard working.

Emily keeps her word, is punctual and demonstrates diligence in any task assigned to her.

I've known her as a team member, volunteer and friend. As a team member she was in charge of accounting our Midland Campus managing finances and communications within a 200-member church. She was entrusted with people and resources, and proved capable with both.

As a volunteer at our Vail Campus for 7 years, she always followed through on anything she purposed to do from Christmas Outreach Events to Sunday morning service preparations.

As a friend, I have found her to be a valuable confidant and very real. She is stable emotionally and demonstrates a consistent personality. Emily is dependable, down to earth and enjoyable to be around.

I highly recommend her for any position. I feel sure she will prove to be asset to any company.

Sincerely,

Elizabeth Prestwood
Human Resources Director
Associate Pastor
Pathpoint Amarillo, Texas, Campus