



2015

# Minturn Council Meeting

Wednesday January 7, 2015

**Work Session:** **5:30pm**  
**(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 January 7, 2015**

**Work Session – 5:30pm**  
**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 – 5:30pm**

- Zoning Code Moratorium – Landscape Requirements – Hawkinson Pg 4

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

**3. Approval of Minutes**

- December 17, 2014 Pg 10

**4. Liquor License Authority**

- Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Creagon Owner/Pres – Brunvand Pg 14

**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. Discussion/Action Item:** Design approval for 436 Taylor St – completion of a duplex that was started in 2006 (continued from November 5, 2014 meeting) – Hawkinson Pg 17

- 8. Discussion/Action Item:** Resolution 1 – Series 2015 A Resolution setting the official posting sites for the Town of Minturn – Brunvand Pg 21

**COUNCIL AND STAFF REPORTS**

**9. Town Planner**

**10. Town Manager**

- Manager's Report Pg 23
- Action Report Pg 24

**11. Town Attorney**

**12. Town Council Comments**

**FUTURE AGENDA ITEMS**

**13. Next Meeting – January 21, 2014**

- Ski Joring Special Event Liquor license application – Mountain Valley Horse Rescue
- Resolution \_\_\_ - Series 2015 A Resolution approving the memorialization process for the Town of Minturn.
- Town of Minturn Guide Sign Proposal - Metteer

**14. Future Meetings:**

- 2015 Building Code update – Charlie Davis
- Meeting: Discussion/Action Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson

**15. Set Future Meeting Dates**

a) Council Meetings:

- January 21, 2015
- February 4, 2015
- February 18, 2014

b) Planning & Zoning Commission Meetings:

- January 14, 2015
- January 28, 2015
- February 11, 2015

**16. Other Dates:**

**17. Adjournment**

## MEMORANDUM

**TO: MINTURN TOWN COUNCIL**

**FROM: MINTURN STAFF**

**RE: AMENDMENTS TO ZONING CODE**

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On December 3, 2014, Council held a joint work session with the Planning and Zoning Commission to discuss mass and scale issues related to revisions of the zoning code. The work session primarily focused on: building lot coverage, impervious surface lot coverage, and building roof run limitations. As part of staff's efforts to present Council with an ordinance amending the zoning code on mass and scale issues prior to the end of the moratorium, staff wanted to address the following additional items with Council and receive direction.

### **I. Landscape Requirements**

The zoning code currently has mandatory landscape requirements for certain types of development activities. Code sections 17-17-140 to 160 deal with landscape requirements. These code sections currently only apply to: commercial, industrial, multi-family developments, new subdivisions and PUDs. Excluded from the application of the landscape requirements are: single family residences and duplexes on previously subdivided lots and expansions of existing residential structures. Due to the code's limitations, the landscape requirements do not get applied to the majority of the development applications received by the Town.

Landscape requirement issues proposed by staff and Planning Commission we request Council direction on include:

- A. Landscape requirements need to be extended to site plan approvals for single family residence and duplexes on previously subdivided lots. Also, the landscape requirements need to apply to expansions of existing residential structures that increase the building footprint or square footage.
- B. Restrict the planting of "blue grass" and require drought tolerant fescue sod or seed to be used. Further, landscape plants contained in an approved landscape plan need to be native species to Zone 2 to promote wise water use and ensure the plants are appropriate for Minturn's unique climate.
- C. Refine the standards for new trees in an approved landscape plan. Deciduous trees need to be 2 inch caliper measured 4 inches above the ground. Coniferous trees need to be minimum 4 feet in height. The landscape plan require one tree for each

1,000 square feet of lot area (i.e. 5 trees on a 5,000 square foot lot). This can include existing trees on the lot that meet the size requirements.

- D. Require that the landscape plan address irrigation to insure that landscaping receives irrigation water for at least two years after planting.
- E. Require that landscape plans submitted to the Town be prepared by either a landscape architect or a landscape design and construction company. A design construction firm must show doing business in Eagle County for a minimum of 3 years to qualify for submitting landscape plans.
- F. Landscape plans must list plant species by the botanical name.
- G. Require that the first 10 feet of the front yard setback be dedicated to landscaping, except for driveways and pedestrian sidewalks. Require that the portion of the right of way between pavement (and curb and gutter if applicable) and front property lot line be landscaped. This requirement does not apply to the Old Town commercial and mixed-use zoning areas.
- H. Financial Guarantee for landscaping applies to all permits. The amount of the financial guarantee is 125% of estimated cost to install by landscape architects or landscape design/build firms. Upon completion of landscape per plan, all financial guarantee will be returned to them.

In order to facilitate the successful implementation of landscape plans and promote an attractive street-scape, clarifications in other parts of the zoning code are recommended.

- I. The code needs to include a restriction on driveway widths to a maximum of 16 feet. This is consistent with CDOT standards. The 16 foot standard will limit access/parking disturbance on the front yard setback reserving more area for landscape improvements. The 16 foot limit will also increase safety for pedestrians. This can be defined as a 16' wide curb-cut and driveway/parking access maximum.
- J. Currently, using the front yard setback, town and CDOT right of way, for parking is not prohibited. Staff recommends excluding parking from the front yard setback, and right of way, except 16' driveway, so that area can be used for landscaping and pedestrian sidewalks.

- K. Code provisions should provide that where parking exists on US 24 within the front yard setback, that a development application triggering a landscape plan will require landscaping between highway 24 pavement line through the 10' setback line. This will allow for future pedestrian sidewalk, bike lane, snow storage and beautification of the town.
  
- L. As part of implementing the 50 percent maximum impervious surface limitation, additional definition of green space (non-impervious surface) needs to be made. Staff believes that green space can constitute natural ground cover, fescue sod, native grasses, wildflowers, professionally designed xeriscape areas (with plants, not all rock), trees, riparian areas, river areas, and other green plant life areas.

## II. Height Measurement

Council will remember from the Koellhoffer application, that the code's definitions on how to measure height are somewhat contradictory. In the definition section of the Code (Section 16-2-20), building height is defined as "the vertical distance from the natural grade to the top of the highest roof beams on a flat or shed roof, the deck line on a mansard roof and the average distance between the eaves and the ridge level for a gabled, hip and gambrel roofs. The maximum building height will be measured at the point of the maximum height between the natural grade and roof. (see Illustration No. 16-2 at Section 16-2-30.)"

Illustration No. 16-2 then makes reference to three different grade points: natural grade, finished grade, and existing grade. In Figure 1 of Illustration No. 16-2, building height is measured from the "natural/finished grade". In Figure 2, building height is measured from the existing grade. Given Minturn's mountainous topography, the existing grade (which may be excavated) can differ substantially from the natural grade and potentially from the finished grade after construction. Thus, the point at which to measure the building height makes a difference for processing an application.

In the note that accompanies Illustration No. 16-2, the Code states that "building height measurements along the grade must not exceed height standards where the building height of a stepped or terraced building on a lot with an average slope in excess of ten percent (10%). The height shall be measured as the maximum height of any building segment from existing or finished grade (whichever is more restrictive) at any point directly above that grade location."

In reviewing codes from other mountainous jurisdictions, communities generally measure building height from either the natural grade or the finished grade – whichever is more restrictive. This applies at all points on the building. The roof elevation for measuring height may not be the peak of the roof, but mid-roof levels as outlined in the code (see code illustration 16-2). Staff recommends amending the definitions and illustrations to remove reference to "existing grade" and make clear that height is measured from the natural grade or the finished grade, whichever is more restrictive.

### III. Other Code Changes

#### A. Sheds:

Staff believes that additional regulation of sheds will help control mass and scale. In order to preserve the unique character and street scape of Minturn's commercial zone districts, staff recommends that sheds receive a conditional use permit prior to being erected. In all zone districts, staff recommends that sheds over 120 square feet in floor area receive a building permit. The code definitions should be made clear that sheds count toward both the 50 percent maximum impervious surface limitation and the 35 percent maximum building coverage limitation. Shed maximum height needs to be limited to 16 feet from mid-roof line to finish or natural grade, whichever is more restrictive.

#### B. Dimensional Standards – Section 16-17-190 – Table 16-15 – (for lots 5,000 sq ft and greater)

- 1) Total Maximum Building Lot Coverage: 35% (\*bonus for garages)
- 2) Total Impervious lot coverage: 50% - includes roadbase/gravel parking surfaces
- 3) Definition of Impervious Surface still needs to be developed.
- 4) Side yard setbacks—change code that no buildings or impervious structure or pavement be in side yard setbacks. They are reserved for drainage and snow storage from roofs.
- 5) Eave lengths are allowed 1' into the setbacks.

#### C. Duplex, Multi-family

- 1) The minimal lot size for a duplex is 5,000 sq. ft.
- 2) Joining requirements: shared roof line – including covered walkways, decks and patios, or a minimal 10% shared living space party wall, or a traditional duplex of split home by shared party wall.
- 3) Present character areas that allow duplexes to remain the same: South Minturn, Game Creek, Cross Creek Character areas.

#### D. Accessory Apartments – Section 16-2-20 and “Use by Right” in Character Area Tables

- 1) Allow with Single Family as use by right – no change.
- 2) Accessory apartment maintains appearance of single family home.
- 3) Conditional Use Permit for accessory apartments with duplexes on lots over 7,000 sq ft in Character areas: South Minturn and Game Creek.
- 4) Must meet parking requirements.

#### E. River Set Back – South Minturn and Old Town Character Areas

- 1) River setbacks of the 30' are not allowed to be included in the maximum square footage of building lot coverage of 35% or impervious surface coverage of 50%.

F. Notifications

New projects applying for Design Review have to notify adjacent property owners within 250' of proposed project and meeting dates of Planning Commission review of design.

G. Mass & Scale – 60' Roof Length

The staff recommends to review controlling mass and scale by including a maximum roof length run of 60' in one direction at 28' mid-roof height. The 60' is specific to Minturn's minimum lot size of 5,000 sq ft and in review of other mountain communities and mass restrictions. It would assist in controlling mass & scale included with impervious surface & maximum building lot coverage requirements. This is an effective approach to controlling mass & scale, simplifying and keeping a creative design without the limits and complications of implementing a FAR – floor area ratio scale.



## **Official Minutes**

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

**Wednesday December 17, 2014**

**Work Session – 6:00pm**  
**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

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.

### **Work Session – 6:00pm**

- Resolution 21 – Series 2014 a Resolution to approve a Variance request at 436 Taylor St (Kohlhoffer) – Hawkinson
  - No discussion ensued in work session regarding Resolution 21 – Series 2014 due to the quasi-judicial nature of the topic.
  - Speed limit signage to be reviewed and posted where necessary, including north and south town entries.

### **Regular Session – 6:30pm**

#### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:35 pm.

- Roll Call

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

Staff present: Town Manager Willy Powell, Town Attorney Mike Sawyer, Town Deputy Clerk Michelle Metteer, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Motion by Shelley B., second by George B, to approve the agenda as presented. Motion passed 7-0.

## **3. Approval of Minutes**

- December 3, 2014

Motion by Johnie R., second by Ozzy O., to approve the minutes of December 3, 2014 as presented. Motion passed 7-0

## **4. Liquor License Authority**

- FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres – Metteer

Motion by Ozzy O., second by Shelley B., to approve the FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 Main St; William Campbell owner/Pres. Motion passed

## **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. Discussion/Action Item: Resolution 21 – Series 2014 a Resolution to approve a Variance request at 436 Taylor St (Kohlhoffer) – Hawkinson**

Motion by Jason O, second by Shelley B, to approve Resolution 21 – Series 2014 as amended (typo) a Resolution to approve a Variance at 436 Taylor. Motion passed (7-0).

Per current building and design/review codes this variance is valid for two years from the date of approval.

Hardship defined specifically for this property is:

- Existing houses already constructed to existing grades not feasible to change grade to meet new building height codes.
- Unable to meet building height requirements due to physical elements to the lot site.
- Financial hardship pertaining to the foundation previously installed in 2006.

Garth Kohlhoffer, 436 Taylor St stated he plans on completing the remaining part of the project by Sept 2015.

Jan 7, 2015, the call-up will need to be re-reviewed in order to allow P&Z decision to stand.

## COUNCIL AND STAFF REPORTS

### **8. Town Planner**

- TV Show Project
- Eagle County Grant

### **9. Town Manager**

- Manager's Report
- Action Report

### **10. Town Attorney**

- Xcel Utilities power outage update

Direction for Town to draft a letter to Xcel regarding the number of unexcused outages relation to the quality improvement program, refunds to the bill payers may become available.

Shelley B expressed concern that Xcel Energy should better utilize additional options, backup power from other utility companies, before turning off power to residents and businesses.

### **11. Town Council Comments**

Education Fund will be meeting soon and adopting the scholarship application cycle which the local schools follow. Applications will become available in January on the town's website, [www.minturn.org](http://www.minturn.org).

Johnie R. and the entire Town Council wished everyone a Merry Christmas and a Happy New Year.

Direction requested from staff regarding the scheduling of recreational marijuana. Council decided to remove marijuana discussion from "Future Agendas" and discuss at a date yet to be determined and after other town priorities are completed.

**EXECUTIVE SESSION**

**12. Executive Session: To convene in Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our Town Attorney regarding pending litigation and received direction from the Town Council on questions concerning the Battle Mountain Project.**

Motion by Shelley B, second by George B, to convene into Executive Session pursuant to section 24-6-402(4)(b) for the purposes of consulting with our Town Attorney regarding pending litigation and received direction from the Town Council on questions concerning the Battle Mountain Project. Motion passed (7-0).

**FUTURE AGENDA ITEMS**

**13. Next Meeting – January 7, 2014**

- Design Review call up for Kohlhoffer residence.

**14. Future Meetings:**

- 2015 Building Code update – Charlie Davis
- Meeting: Discussion/Action Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson

**15. Set Future Meeting Dates**

- a) Council Meetings:
  - January 7, 2015
  - January 21, 2015
  - February 4, 2015
- b) Planning & Zoning Commission Meetings:
  - January 14, 2015
  - January 28, 2015
  - February 11, 2015

**16. Other Dates:**

**17. Adjournment**

The meeting stood adjourned at 8:20 p.m.

ATTEST:

\_\_\_\_\_  
Mayor Hawkeye Flaherty

\_\_\_\_\_  
Town Clerk, Jay Brunvand

**P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org**



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

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### AGENDA ITEM COVER SHEET

**AGENDA TITLE:** Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 S Main St.; Eric Cregon, Owner/Manager

**MEETING DATE:** January 7, 2015

**PRESENTER:** Brunvand

**BACKGROUND:** This is an application for annual renewal of a Hotel and Restaurant liquor license. The application has been reviewed and an on-site review of the premises was conducted by the Clerk and no issues have been found. An investigation of the police records has been conducted by Hattie Wagy, Code Enforcement Officer, and no issues that would preclude approval were found.

Staff is recommending approval of this renewal by Council.

**CORE ISSUES:**

**BUDGET/FINANCE IMPLICATIONS:** An annual renewal fee of \$125.00 has been paid to the Town.

**STAFF RECOMMENDATION/MOTION:** “Motion to approve the Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 S Main St.; Eric Cregon, Owner/Manager as presented.”

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

MAGUSTOS  
 PO BOX 1043  
 MINTURN CO 81645-1043

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	

Make check payable to: **Colorado Department of Revenue**. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

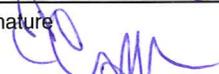
**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>MAGUSTOS LLC</b>		DBA <b>MAGUSTOS</b>		
Liquor License # <b>15787460000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>15787460000</b>	Expiration Date <b>2/15/2015</b>	Due Date <b>1/1/2015</b>
Street Address <b>101 MAIN ST MINTURN CO 81645</b>				Phone Number <b>(970) 390 7194</b>
Mailing Address <b>PO BOX 1043 MINTURN CO 81645-1043</b>				
Operating Manager <b>ERIC CREGON</b>	Date of Birth <b>10/07/1970</b>	Home Address <b>152 MAIN ST MINTURN CO 81645</b>	Phone Number <b>970 390 7194</b>	

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 12/31/16
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

**AFFIRMATION & CONSENT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <b>ERIC CREGON</b>	Title <b>OWNER</b>
Signature 	Date <b>12-16-2014</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**Magustos LLC**

is a **Limited Liability Company** formed or registered on 11/22/2010 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20101638608.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/30/2014 that have been posted, and by documents delivered to this office electronically through 01/02/2015 @ 08:59:40.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 01/02/2015 @ 08:59:40 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9050871.



A handwritten signature in cursive script, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."*



# Design Review Planner Report

10/3/14

J Hawkinson, Planner

Town of Minturn  
302 Pine Street  
Minturn, Colorado  
81654  
970-827-5645

**APPLICANT:** Garth Koellhoffer  
**DESIGNER:** Harvey Craig - 970-376-4141  
**REQUEST:** Design Review of the second addition to a duplex

**PLANNER RECOMMENDATION:** Approve Application with approved building height variance

**LOCATION:** 436 Taylor Street, Minturn, CO

**DATE SUBMITTED:** August 26, 2014

**ZONING:** Residential - Game Creek Character Area

**PUBLIC NOTICE:** Agenda posted at Town Hall and on website

**BUILDING HEIGHT:** Maximum Allowed: Actual:  
28' at mid-roof line 28' at mid-roof line as per natural grade  
\*as per grade plans, the natural grade to the mid point is 28' in height

**VARIANCE:** A variance was applied for and approved for the building height of the front entrance of the home. The applicants hardship is the foundation was already constructed in compliance with 2006 building height requirements and approved design review. The code changed in 2009. Due to the grades, existing road, existing neighboring homes, the design has hardship in meeting these existing grades on the lot if not built to previous approved design height. The variance was approved by Council December 2014. It is valid for 2 years.

**LOT AREA:** 6,967 sq ft

**LOT COVERAGE:** Maximum Allowed: Actual lot coverage:  
50% 3,484 40% 2,786 sq ft  
(includes 50% of sq ft of 2nd story decks)

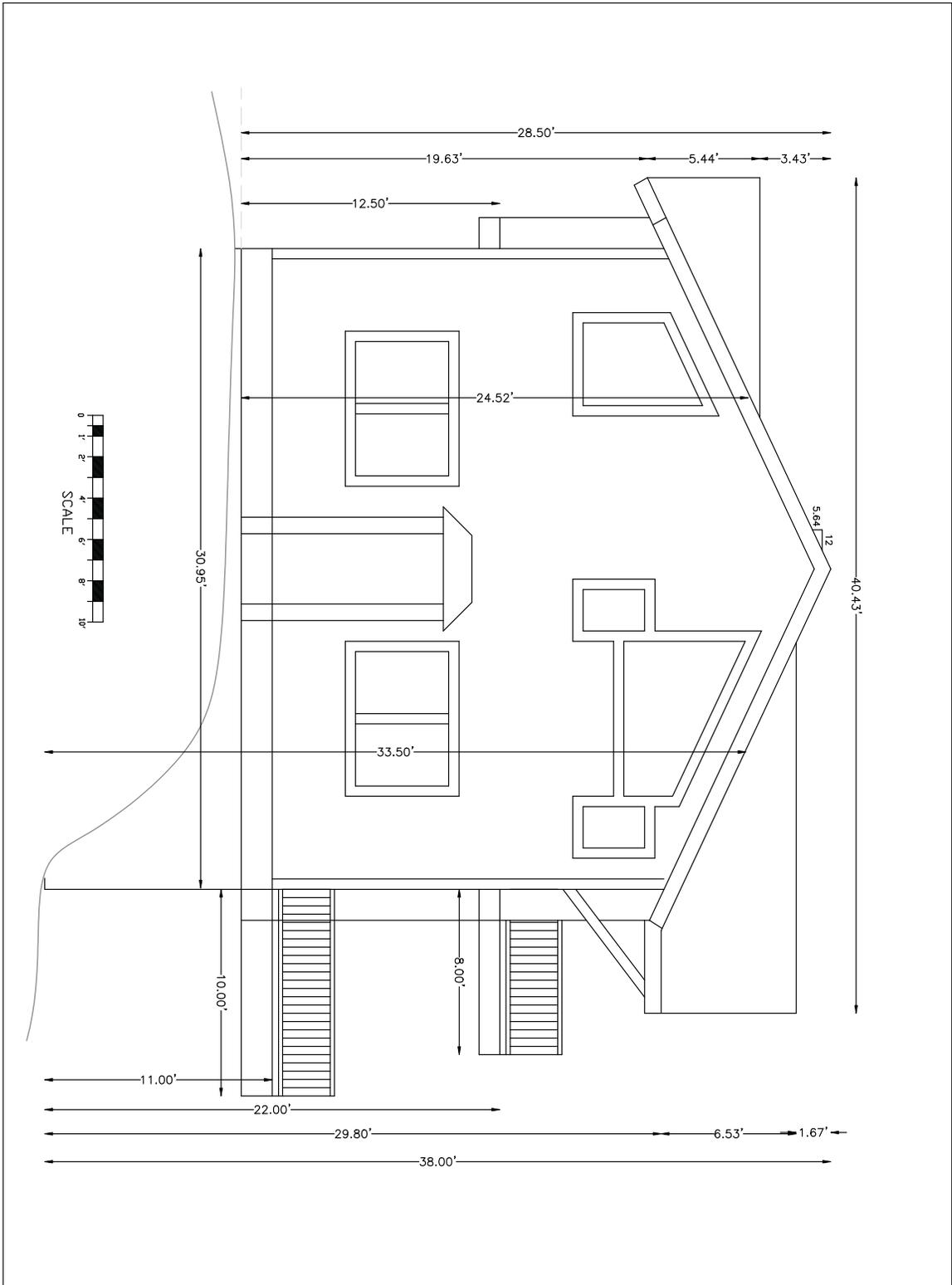
**SETBACKS:** Meets required setbacks: 20' front 5' side yards 10' rear yards  
\*1' roof overhang in side yard setbacks, meets code

**TOTAL BEDROOMS** 3

**PARKING SPACES:** Required: Actual:  
3 spaces 3 spaces - 2 in garage, 1 next to garage

**SNOW STORAGE:** Required: 200 sq ft Actual: 665 sq ft  
(2.5% of the total area of the required off-street parking loading area, inclusive of access drives, shall be designated snow storage area Sec 16-16-130)





Page:  
of

Drawn By:  
Harvey Craig  
Cell: 970-376-4889  
harvoide@hotmail.com  
Date: 9/22/2014

Owner:  
Garth  
Tel: 970-376-4141  
email:

Koellhoffer Residence  
436 Taylor Street  
Minturn, Colorado 81645  
North Elevation

**TOWN OF MINTURN  
RESOLUTION NO. 21 – SERIES 2014**

**A RESOLUTION APPROVING VARIANCE APPLICATION VAR 14-01**

**WHEREAS**, Garth Koelhoffer has submitted a land use application for a building height variance for the 2<sup>nd</sup> half of a duplex that was started in 2006 at 436 Taylor Street, Minturn, CO.

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

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

**WHEREAS**, on December 10<sup>th</sup>, 2014 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Sec. 16.21.620 and recommended approval of the application to the Minturn Town Council; and

**WHEREAS**, on December 17<sup>th</sup>, 2014 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

**WHEREAS**, pursuant to Minturn Municipal Code Sec. 16.21.230, the Town Council makes the following findings:

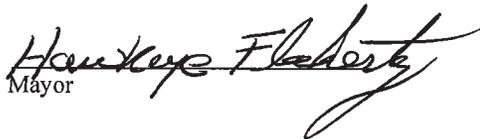
- There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
- That the granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;

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

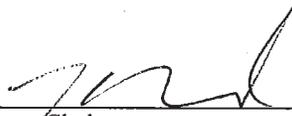
**THAT** land use application VAR 14-01 be approved

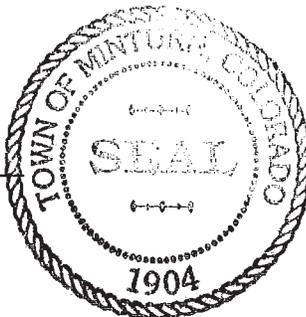
**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED** this 17<sup>th</sup> day of December, 2014.

TOWN OF MINTURN, COLORADO

By:   
Mayor

ATTESTS:

  
Town Clerk



P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org



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

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Resolution 1 – 2015 Designation of the in-town posting sites for Public Notices and meetings.
<b>MEETING DATE:</b> January 7, 2015
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> This is an annual Resolution designating our legal posting sites within the Town of Minturn for all public notices and notices for public meetings of the Town of Minturn.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Resolution 1 – 2015 a Resolution designating two public places within the Town of Minturn and the Town Website for the posting of Public Notices and Notices for Public Meetings of the Minturn Town Council, Planning Commission, and other Boards, Commissions, and Authorities of the Town of Minturn as presented.

**TOWN OF MINTURN**

**RESOLUTION NO. 1 – SERIES 2015**

**A RESOLUTION DESIGNATING TWO PUBLIC PLACES WITHIN THE TOWN OF MINTURN AND THE TOWN WEBSITE FOR THE POSTING OF PUBLIC NOTICES AND NOTICE FOR PUBLIC MEETINGS OF THE MINTURN TOWN COUNCIL, PLANNING AND ZONING COMMISSION, AND OTHER BOARDS, COMMISSIONS, AND AUTHORITIES OF THE TOWN OF MINTURN.**

**WHEREAS**, the Town of Minturn is a Home Rule Municipality under the Colorado Constitution; and

**WHEREAS**, the Town of Minturn Charter – Section 4.8 requires notices of public meetings be posted at two (2) public places at least 24-hours prior thereto, and

**WHEREAS**, the Town of Minturn now wishes to designate a public place within its boundaries for posting of such full and timely notice to the public for public notices and for of the Town Council, the Planning and Zoning Commission, and other boards, committees, and authorities of the Town;

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

- 1) The Town Council hereby designates the following as the public places for the posting of full and timely notice to the public as provided for in the Minturn Town Charter:
  - The bulletin board on the outside of the Town Center at 302 Pine St.
  - The bulletin board outside of the Town Center at 301 Boulder St.
  - The official Town website
- 2) This Resolution shall take effect immediately upon its passage.

**INTRODUCED, READ, APPROVED AND ADOPTED this 7<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
**HAWKEY FLAHERTY, MAYOR**

**ATTESTS:**

\_\_\_\_\_  
**JAY BRUNVAND, TOWN TREASURER**

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

William Powell, 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

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## **Manager Items December 17, 2104**

### On-Call Civil Engineering Services

The Request for Qualifications/Proposal was sent out on November 24. Proposals were due on Friday, December 12 and we received five Proposals.

The screening/interview committee of Willy, Shelley and Jason met on December 23rd to review the Proposals. After deliberation of the five Proposals, the committee decided to interview two firms: SGM of Glenwood Springs and Intermountain Engineering of Avon.

The committee again met on January 2 to interview the two firms. The committee hopes to have a recommendation for Council meeting for the preferred firm. If the recommendation is accepted by Council, Staff should be directed to negotiate a professional services agreement for the January 21 meeting.

**ACTION ITEMS REPORT**

From: Town Manager  
Oct. 28, 2014

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	foundation wall installed, bathrooms being constructed in shop Design for educational portion beginning
Rec Property Clean-up	Martinez	berm constructed. Continue grading, cleanup and beautification
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts
Little Beach Park perfect ownership	Powell	quiet title to be filed in January, 2015
Memorialization Guidelines		staff presentation January 21
Minturn Fitness Center	Powell Rosenfeld Bidez	Bylaws approved pending CIRSA review transfer ownership to MFC achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status scholarship notice to be posted in late January
Zoning Code Amendments	Hawkinson Powell Sawyer	staff review and recommendations P&Z review and recommendations Council review and adoption
Guide Sign Plan	Metteer	Staff presentation on January 21 Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	financial runs being performed by UEWSD Council reviews recommendation Potential Amendments to Water Ordinance