



Agenda

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

Wednesday July 6, 2016

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

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Harvey Craig
Sidney Harrington
Sage Pierson
John Widerman

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.

Joint Work Session – 5:00 – 6:15 pm

- Joint Work Session with Planning Commission. Advisory topics to be reviewed: Pg 4
 - Commercial code for 100 block of Minturn
 - Master Plan – 3 Mile Plan
 - Future Goals
 - Recreation
 - Boneyard Conservation
 - Little Beach Park Restrooms

Regular Session – 6:30 pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- June 15, 2016 Pg 6

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

5. Special Presentations

- Committee Reports

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Resolution 17 - Series 2016 CUP 04 A Conditional Use Permit for Wilcon Gas – Hawkinson Pg 19

7. Discussion/Action Item: Ordinance No. 3 – Series 2016 Amendment to the Dimensional Standards for the Cross Creek Character Area – Hawkinson Pg 27

8. Discussion/Action Item: Ordinance 4 - Series 2016 Approval of a Final Plat for the Cross Creek Subdivision – Hawkinson Pg 56

9. Discussion/Action Item: Discussion and consideration of a motion to approve a primary option for Section 2 of the Main Street Pedestrian Planning Engineering Project – Powell Pg 62

10. Discussion/Action Item: Discussion regarding responsible growth in the valley floor initial feedback and discussion – Powell Pg 69

COUNCIL AND STAFF REPORTS

11. Town Planner

12. Town Manager

- Manager’s Report Pg 73
- Action Report Pg 75

13. Town Council Comments

14. Town Attorney

- Discussion about “in lieu” fee for water rights dedication.

EXECUTIVE SESSION

- 15. Executive Session:** An executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)– Eagle River Properties v. Town of Minturn et al

FUTURE AGENDA ITEMS

16. Next Meeting – July 20, 2016

17. Future Meetings:

- Boneyard Management plan and conservation easement
- Work Session on housing
- Council retreat July 25, 2016 8:30am-3:00pm

18. Set Future Meeting Dates

- a) Council Meetings:
- July 20, 2016
 - August 3, 2016
 - August 17, 2016

19. Other Dates:

- Council retreat July 25, 2016 8:30am-3:00pm

20. Adjournment

2016 - 2017 PLANNING COMMISSION PROJECT GOAL RECOMMENDATIONS IN ORDER OF PRIORITY

OBJECTIVE

- Keep projects on task from planning to completion
- Create support system.
- Create communication alternatives.
- Create budget.

1) COMMERCIAL CODES FOR 100 BLOCK

- What is the commercial character of Minturn?
- How do we preserve the unique downtown character while promoting growth and commercial development?
- Do we allow mixed use?
- 100 Block Parking Exemption Allowed?
- Design Guidelines & Zoning Code Re-write to preserve character with any PUD application – scale, setbacks, height, colors, walkways, landscape, street additions/move, commercial sign codes?

2) PARKING PLAN

- Proximity of parking to downtown – business is I important
- Improve current parking lot
- Not visible to travelers on Highway 24
- Not as useful to downtown merchants
- Lighting – striping?
- Free or Pay – Everyone Pay?

3) MASTER PLANS

- PUD Re-write/Update
- Subdivision Re-write/Update
- Define Character of Minturn
- Review Character Areas – can we merge some?

4) RECREATION

- Create Town Trails Map
- Enhance existing recreation use: kayak park, tubing, bike trails,...
- Establish town boundaries to the river throughout town for river access, picnic areas
- Recreation – tourism – economics

5) BONEYARD
OPEN
SPACE

- Enhance Parcel
- Build: fence, access to river, trails, picnic areas, restrooms, parking lot
- Have preliminary plan – establish construction documents
- Funding to complete open space

6) LITTLE BEACH PARK

- New Running Water Restrooms
 - Stage Enhancements – larger sound system
 - Remove asphalt road – create ADA access trail
 - Add picnic areas
 - Future pavilion with commercial kitchen?
-



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
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Minturn, CO 81645 • (970) 827-5645

Wednesday June 15, 2016

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

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Harvey Craig
Sidney Harrington
Sage Pierson
John Widerman

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 – 5:30pm

- Discussion of Growth on valley floor (1hr)
 - Public outreach process
 - Use of facilitator
 - Schedule
 - Survey

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 6:33 pm.

- Roll Call

Those present included: Mayor Matt Scherr and Town Council members, Harvey Craig, Terry Armistead, Earle Bidez, Sidney Harrington, John Widerman and Sage Pierson.

Staff present: Deputy Clerk/Econ Michelle Metteer, Town Planner Janet Hawkinson, and Town Attorney, Michael Sawyer.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Terry A., second by Sage P., to approve the agenda as presented. Motion passed 7-0.

3. Liquor Authority

- Town of Minturn Independence Celebration Request for Special Event Permit; 800 Cemetery Rd.; Michelle Metteer, Town Economic Dev Coordinator

The Council convened as the liquor authority.

Public hearing opened.

No public comment.

Public hearing closed.

Motion by Harvey C, second by Sage P to approve the Independence Day Liquor License Application as presented. Motion passed 7-1

Council convened as the Council.

4. Approval of Minutes

- June 1, 2016

Motion by Sidney H, second by Terry A to approve the minutes of June 1, 2016 as presented. Motion passed 7-0.

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

Ms. Kristen Tarrin, Minturn Realty, read a prepared statement regarding the entryway project, the First Street closure and potential landscaping options.

Ms. Marka Brenner, Minturn Realty, provided history to the location of the large compact dumpster and the initial communication with the town. Ms. Marka Brenner also requested any additional work in the area be removable so as to allow for easier snow removal access.

Terry A. thanked Michael Boyd for paving Eagle Street.

6. Special Presentations

- Committee Reports

Earle B revived the Parks Committee to present the new History Board created by LGM and Charles Overy.

Sticky Fingers Café will have an Art Show June 25th 4:30 to 8:00 pm.

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion/Action Item: Consideration of Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor Ave.

Matt S. called a 5-minute recess at 7:02 pm to allow for computer and presentation set-up.

Matt S. called the meeting back to order at 7:10 pm.

Janet H. asked Mike S. to briefly review the Minturn code as it pertains to a variance application.

Earle B. noted that the Council packet was originally sent with the wrong variance information and correct information was emailed out on Monday, June 13, 2016.

Janet H. showed a planning map from the mid 1970's showing the discrepancies of the original planner vs the reality of today. Janet H. then went on to present the outline of the variance application.

Harvey C. and Sidney H. both indicated that David Clapp's request for a variance is viable.

David Clapp, applicant, 392 Taylor Ave, reviewed his application with the Council.

Janet H. provided an update on the utility easement and indicated David Clapp is clear of town easements, but will need to call for utility locates.

Janet H. provided background regarding the necessary information required to submit for a variance. The concern regarding professional drawings is that it is not reasonable for applicants of a lower economic to have all application materials professionally done.

Matt S. reviewed the Minturn code regarding variances and the requirement to provide a site plan among other items, and if Mike S. found the documents submitted acceptable. Mike S. indicated that the Council has the ability to request additional documents if preferable.

Matt S. also asked about the utility easement and if the owners of the easement are available. The current owners of the easement are unknown.

Mike S. said the assumption is a non-exclusive easement and due to all of the other properties already located in the utility easement, it's a negligible point. As it currently appears the easement is most likely already dedicated to the town.

The variance will stay with the land, regardless of owner. It is legitimate to have one variance over two properties.

Karl Kreuger, 362 Taylor Ave, sent out a letter to the town council and provided a printed copy. He also read the letter aloud in full. His concerns revolve around the process of the variance application system.

Terry A. asked Janet H. about the right of way and how it can be more uniform. Janet H. explained the differences between Eagle County Platting and the pave road. Re-platting, paving, drainage, and more would be required to correct the problem.

Matt S. asked what specifically the practical difficulty is that is trying to be solved. Use: wants to build a duplex. Hardship: without the variance it will be difficult to have on-site parking, the neighbor has built their house above grade with a retaining wall 20' out into the road, this brings the applicant to a front setback of 40'.

Earle B. would like to see a comprehensive solution to the Taylor Ave neighborhood. He sees this as a safety issue and the entire neighborhood needs to be restructured.

Matt S. posed the question of difficulties being caused due to not being consistent, and can things become a little more orderly over time?

Sidney H. indicated that the issues on Taylor are multi-faceted and would require significantly more review.

John W. said he is not an architect and that undermining the decisions of the Planning Commission would create an unpredictable precedent moving forward.

Earle B. asked if the process of a variance is not an economic decision, but that it is based on a hardship to the owner. Earle B. also stated because this is a variance it should not be considered a precedent moving forward for any other lot in the area.

Mike S. expressed that the neighbor has effected the streetscape and the parking on the lot differentiates this situation from others on Taylor Ave.

Harvey C. acknowledged Karl Krueger's comments but said part of the problem in this situation is to be able to "make things in Minturn work" and for residents that are planning on improving their properties.

Karl Krueger said Mr. Clapp has been harmed by his neighbors, and he is refuting those claims.

Matt S. closed the public hearing.

Matt S. said that John W made an excellent comment regarding the decisions of Planning Commission and their expertise.

Terry A. is hopeful that some of our neighborhoods similar to Taylor in need of some direction may benefit from discussion at the Council retreat.

Motion by Harvey C., second by Sidney H., to approve Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor Ave as presented. Motion passed 7-0.

Matt S. took a recess at 9:29 pm.

Meeting was called back to order at 9:37 pm.

8. Discussion/Action Item: Consideration of a motion to approve the staffing of the various committees and boards

Motion by Earle B., second by Terry A., to approve appointing of the Council members to various committees and boards as presented. Motion passed 7-0

9. Discussion/Action Item: Consideration of a motion to approve an Authorization for Professional services by Newland Project Resources

Motion by Terry A., second by Harvey C., to approve as amended, subject to revisions by the town attorney and subject to the presentation of a budget by Mr. Newland, authorizing the town manager to sign a contract, an Authorization for professional services by Newland Project Resources. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Manager

- Manager's Report
- Action Report

Mike S. announced that the Bolts Ditch legislation passed unanimously through the Congressional Committee and will hopefully be in front of the full bodies of the House and the Senate soon.

12. Town Council Comments

Matt S. reminded property owners on Main Street to call town hall and make an appointment either June 29th or June 30th to discuss the sidewalk engineering project and how it may impact their properties.

13. Town Attorney

EXECUTIVE SESSION

- 14. Executive Session:** An executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)– Eagle River Properties v. Town of Minturn et al, Battle Mountain Development, and Minturn Realty Company Inc. 24-6-402(4)(e)–

Motion by Matt S., second by Earle B. to adjourn into executive session. Motion passed 7-0.

No direction was given as a result of the Executive Session.

FUTURE AGENDA ITEMS

15. Next Meeting – July 6, 2016

- Council and Planning Commission joint work session – 7/6/16

16. Future Meetings:

- Boneyard Management plan and conservation easement
- Work Session on housing
- Council retreat July 25, 2016 8:30am-3:00pm

17. Set Future Meeting Dates

- a) Council Meetings:
- July 6, 2016
 - July 20, 2016
 - August 3, 2016

18. Other Dates:

- June 29, 2016 Community Growth Open House
- July 2, 2016 Independence Day Celebration
- July 5, 2016 Community Growth Open House

19. Adjournment

Motion by Earle B., second by Harvey C., to adjourn the meeting. Motion passed 7-0.

Matt Scherr, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Attache A

Kristen Tarrin 101 Main Street Minturn, shareholder and President of Minturn Realty

I would like to clarify my position on our property in between Magustos and the Minturn Country Club.

Clearly there is disagreement to what Minturn Realty agreed to in the License with the Town. I don't think it matters at this point and would like to move forward. But I would like to express that I let my emotions get the better of me and I could have handled things much better. Having said that, Minturn Realty does not want a fight with the Town and we have a history of working together. It was not until Mr. Powell and Ms. Hawkinson came to work for the Town did we start to have any problems. However, I would like to thank the Mayor and council member Pierson for taking the time to speak with me and other business owners as to a compromise.

Minturn Realty is still very much willing to allow the Town to put removable planters on our property. My only real issue with the current plan is the turn table center piece. I do not feel it is appropriate for our property.

We are at the point now where concrete has been poured on some of our property and we have an open space that needs to be filled one way or another before the Market starts. I think it would be a waste of time and resources to tear up the concrete and put asphalt back. I would like to renegotiate a license that works for all of us and is much more specific as to what is allowed and what is not allowed. As a show of good faith, Minturn Realty is willing to split the cost of filling the open space with concrete.

Personally I would like to have enough space for a least one car for drop off/pick up parking year around. However, I know that some business owners have talked with the Mayor and others and they are fine with having the open square covered with planters in the summer as long as it is open in the winter. I am willing to compromise on that if it will make a deal work.

I would like to point out, though, that I sent an e-mail to the Town Manager and the Town Planner on May 24, 2016 at 9:25am letting them know I did not want the turn table center piece. If I received any kind of response – *any response* – we might not be in this predicament now.

I was given an ultimatum that if I didn't agree to the original plan with the turn table that Minturn Realty would have to remove the dumpster building from 1st Street. In case you are not aware, the dumpster that we use in on town property. I don't know the entire history of the dumpster but I do know that it was the town that asked Minturn Realty to construct the building. If we have to take it down we will but I think that would be a mistake for the town. If we are forced to remove the dumpster as it is now that means we will have to place open dumpsters around individual buildings. That is going to be a nuisance and a blight on the market. Therefore, if nothing else, I hope that for the sake of the market you will reconsider the demand to remove the dumpster building.

Black B

Jay Brunvand

From: Michelle Metteer
Sent: Friday, July 1, 2016 2:19 PM
To: Jay Brunvand
Subject: FW: Taylor Ave Variances
Attachments: Finalized Letter to Town of Minturn on Variance for 386+392 Taylor 6-15-16.doc

Michelle Metteer, CMC
Director of Economic Development
Deputy Clerk
Town of Minturn

From: Janet Hawkinson
Sent: Friday, June 17, 2016 9:11 AM
To: Michelle Metteer <mmetteer@minturn.org>
Subject: FW: Taylor Ave Variances

FYI....;

From: Karl Krueger [<mailto:kruegerarchitect@comcast.net>]
Sent: Friday, June 17, 2016 8:18 AM
To: Matt Scherr <mscherr@minturn.org>; Earle Bidez <ebidez@minturn.org>; Terry Armistead <tarmistead@minturn.org>; Harvey Craig <hcraig@minturn.org>; Sidney Harrington <sharrington@minturn.org>; Janet Hawkinson <planner@minturn.org>; Willy Powell <manager@minturn.org>; 'Michael J. Sawyer' <mjs@mountainlawfirm.com>
Subject: FW: Taylor Ave Variances

Dear Minturn Staff and Minturn Town Council,
Thank you for the opportunity to address the Clapp variance application at length at the recent town council meeting this last Wednesday. I appreciate your patience with my excitability and I apologize for sometimes speaking out of turn and repeating my points.

Some quick clarifications:

- **Skew of property line:** I erroneously wrote in my letter that the Clapp front property line had a 1.5 degree skew from the roadway. The angle is actually 6 degrees.
- **Why the letter was presented to Town Council vs P&Z:** I attended (3) Town Council Meetings on this variance but was unable to attend any P&Z meetings on this variance. I wasn't aware of the first P&Z meeting because it was not public-noticed to me, the second I missed (but I am unsure there was discussion rather than tabling) and the third, last week, I was not able to attend because I was in Lake Powell with my family and extended family. Upon returning from lake Powell last weekend I immediately reviewed the towns website to look for updated information.
- **Why this letter was not available sooner:** This letter was sent to the Town Planner, Manager and Legal Counsel at 2:00 pm this last Wednesday, two days after the correct packet information was available on Minturn's website. I asked them to forward the letter to all council and P&Z at that time because I somehow did not see your individual e-mail addresses on the website (which I found easily today). Legal Counsel reported that he

received the letter at 3:19 pm and I am not sure he passed it along to the town council as I requested, and if he did, you may not have been able to read it before the meeting.

- **Hand drawings / Architects:** I have never implied hand drawings nor hand drafted drawings (non CADD) were unsuitable for any sort of residential planning application. A drawing or map however, must be legible-dimensioned, to scale, clear in existing and new construction clear in property lines, etc. Moreover I have never implied any applicant has to hire an licensed architect for any work relating to a residential design- the state regulates the profession of architecture and single family and duplex homes are not required to be designed/drawn by and architect.

Please send this e-mail and attached letter to each person on the Planning and Zoning commission and any council members whose e-mail does not appear on the website. I am interested in your comments and questions.

Sincerely,
Karl Krueger/Architect

From: Janet Hawkinson [<mailto:planner@minturn.org>]
Sent: Monday, June 13, 2016 12:23 PM
To: Karl Krueger <kruegerarchitect@comcast.net>
Cc: Willy Powell <manager@minturn.org>; Michael J. Sawyer <mjs@mountainlawfirm.com>
Subject: RE: Taylor Ave Variances

Dear Karl Krueger,

There is a mistake in the packet. The information on the variance was from the March 2, 2016 application, not the May 25, 2016 application. I have attached this application to this email. I have also attached the town variance application. There is a certified receipt for the mailing to you.

Please let me know if you have questions.

Sincerely,

Janet Hawkinson, MLAP
Planning Director
planner@minturn.org
970-827-5645 ext. 3

From: Karl Krueger [<mailto:kruegerarchitect@comcast.net>]
Sent: Monday, June 13, 2016 11:56 AM
To: Janet Hawkinson <planner@minturn.org>
Subject: Taylor Ave Variances

Hi Janet,

I looked at the packet for June 15 town council meeting. I was wondering if there are any design drawings on which you base your reasons for being in favor of the Taylor Ave variance?

I'm not against or for the variance because I have seen not design information to support the claims in your staff report- thus until I see such information, that I believe your code specifically requires, I will strongly urge the town council to not grant such a variance on principal and fairness.

This whole process from notification through to the planning commission approval seems to not follow the pretty clear rules for this application. How will a big developer expect to be treated based on this process thus far- handed variances before showing any design drawing showing evidence of practical difficulty? Reducing the number of feet for landscaping/space between the right of way and a building and saying that this is an improvement when it could well be a negative (we don't know because there is no information), measuring setbacks from edge of pavement rather than right of way (very bad practice to get in to) ?

I did receive notification this time but im not sure it was certified as required- I accidentally threw away the envelope without looking close. I did notice that the receipts of certified mail in your packet and seem not to include mine- maybe your packet includes old notifications? In addition the exhibits provided by you or the owner show almost no context and its hard to tell a building from a lot line from anything else.

Please send me design information if you have any and any comments on why I am not correct in my assertions above.

Thanks

Karl Krueger

362 Taylor owner

Karl Krueger / Architect

P.O. Box 8332 Avon, Colorado 81620
Off: (970)748-1504 Cel: (970)390-9756
www.kruegerarchitecture.com
kruegerarchitect@comcast.net

June 15, 2016

Town of Minturn
Minturn Staff, Planning & Zoning Committee & Town Council

Re: **Variance Request for 386 & 392 Taylor**
David Clapp Applicant

Dear Minturn Staff, Planning & Zoning Committee and Minturn Town Council,

I am interested in this variance application because my wife and I own a property nearby at 362 Taylor. We have owned 362 Taylor, a single family residence leased to renters typically with a minimum of a one year lease, since 2004. The proximity of this variance may have little potential to affect us materially, but I believe the inappropriate granting of this variance sets a precedent that may be taken advantage of by future applicants and moreover undermines our confidence that Minturn can fairly enforce its own rules.

This letter intends to summarize my objections to the proposed variance for 386 and 392 Taylor Ave. that I voiced at the March 16th Town Council Meeting and will again at tonight's Town Council Meeting. I was made aware of the March 16th hearing for this variance by watching the Minturn Town Council on "Channel 5" at my lunch hour earlier that day. I had only a few hours to delve back into the code and consider my position before the meeting. After that first meeting, the public notice of the variance hearing was re-submitted to include our property since it is within 100 ft, and I have received proper notification. I must however point out that the recent re-application materials were not available on the town website until 2 days ago- so again I have had little time to respond.

There is no doubt, as an architect and potential developer of our lot on Taylor, I would like to have 10% more buildable area to begin with- who wouldn't? Granting this variance at this time is truly having the cart before the horse. How can one prove there is a need for a variance for a "practical difficulty" or prove that there is any benefit to Minturn without presenting any legible plans or even basic site plan diagrams required by the code?

Summary of the problems with the Variance application:

- **Variance requirements were not followed.** By 16-21-690, variance requests require the applicant to have submitted proposed building plans, a site plan, and grading plan. The variance application states in no uncertain terms that each application shall be supported by "at a minimum... a site plan showing proposed development of the site, including topography, building locations, parking, traffic, circulation, usable open space...and preliminary plans and elevations sufficient to indicate the dimensions and general appearance, scale and interior plan of a building." No plans were presented in the March 16 Town Council Public Hearing. The information included in the packet for tonight's town council meeting is only different in that there are a few more illegible and conflicting diagrams. It is still hard to tell if the proposed shapes are composed of old buildings with new additions, all new buildings, or where required minimum parking spaces are, etc. Thus, I submit that the findings of the staff are unsupportable because there is no proof that there is a practical difficulty, that there is a safety condition present, or even that "small town character" is improved by the variance
 1. **No practical difficulty has been demonstrated**, because no legible house shapes/sizes, garage locations, dimensioned parking spaces or slopes of proposed driveways have been shown. I believe therefore that it is just as possible that the variance has been requested to increase the buildable area by +/-9% (profitability) and/or for convenience (the applicant has mentioned how far he has to plow snow to get to the road). Profitability and convenience are not valid reasons for granting a variance.
 2. **With no proposed plans or preliminary landscaping indicated**, how can the statement included in the staff report "to create an improved streetscape for Taylor Avenue front yard landscaping" be supported? The mathematical truth is that the applicant will be allowed to have 10ft less space between a new home and the Right-of-Way for landscaping or hardscaping or

- driveway space. Losing 10 ft of distance to a structure could just as easily result in a worse streetscape- it all depends on how the project is designed and there is no legible design.
3. **The adjacent property's non-conforming retaining walls could be changed** and maybe should be if anybody can reasonably assert a safety hazard exists. The diagonal retaining wall in question is 5'-4" tall and the top 2 ft of the wall is entirely above all adjacent grade (the top 2 ft is unnecessary). Thus the wall can be unstacked to 3'- 4" by my rough calculations without changing the adjacent lots lawn grade what so ever. The wall can probably be removed altogether because a normal maximum 2:1 sloped lawn could probably be accomplished with some re-grading of the lawn without altering paving. In addition, as it stands today, the existing retaining wall angles back toward the applicant's property in such a way as to create a beneficial viewing angle. No line of sight viewing angles are required on residential lots that are not on street corners yet this angled wall seems to provide one where none is required.
 4. **Provisions in the code (16-2-50) allow for averaged setbacks on properties with skewed property lines.** The planner's drawing describing the proposed setback is an unnecessary document to file and keep track of since there already is a clear statement and method to rely on. The purpose of the statement in the code is to handle skewed property lines in a uniform predictable way- not piecemeal like this variance. The skew of the Clapp front property line is 1.5 degrees from the street edge. There are many diagonal lot lines throughout Minturn and I would venture to say most are more extreme and there are several on Taylor Av that are more extreme.
 5. **Front Setbacks are calculated from property lines adjacent to the public right-of-way not from an edge of paved roadway.** Setbacks from the actual physical roadway are not useful in most planning discussion because, with in a right-of-way, the actual road surface may change positions over time to accommodate new development needs (railroad property?), drainage swales and other infrastructure, and to allow the roadway future flexibility for expansion and relocation. In general a right-of-way is usually twice as wide as the paved roadway to allow for infrastructure as well as roadway location flexibility. The useful public right-of way should not be reduced because it is a public right-of-way meant for all.
 6. **Front setbacks describe the closest a structure or element can be to a right of way.** They are not intended to prescribe where a house should be, but indicate where it can't be. Setbacks thus are not a tool used to make all houses equal distant from the right-of way or to make them staggered nor do they prescribe that if the setback is a skewed line that one has to build a home with a skewed front. This variance application seems to confuse what a setback is for.

Other problems with the Variance process thus far:

The statements in the March 16th meeting by the planner indicated that she was looking to study and seemed to feel confident that all of Taylor would be changed to a 10 ft setback and thus this variance would be "just a formality" of sorts. I feel this statement almost tipped the scales toward the council granting the variance at the March 16th meeting if it had not been for the faulty public-notice. In a conversation I had with the planner two days ago she indicated Minturn is no longer considering this front setback change. You can imagine that someone like me would contend a "bait and switch" if the variance had passed by vote and then Minturn quietly ruled out a uniform change -whether the change of mind was intentional or unintentional.

The Town Staff has not presented how the adjacent property owner were allowed to construct the retaining walls on public property. Rather than get to the bottom of how a garden wall was built 18 feet into public property or more over how it could be altered in the future to bring it back into conformance, the town has appeared to be ready to adopt another non-conforming development that has the potential to make even more permanent the bad and unfair decisions of past planning departments. And, having looked at the Clapp property I have noticed that the retaining walls on the property to the north match the construction of retaining walls on the applicant's property. This could mean the current owners, or past owners, of the Clapp property and neighboring north property collaborated on and thus agreed to the current layout of walls and driveways and the town also apparently did not protest the construction. In most other jurisdictions this case would not be considered a hardship given that the owners that came after the retaining wall project agreed to the existing conditions by buying the property.

One of the Clapp properties currently has a building that crosses the 20' front setback and likely a reduced 10' setback. In most jurisdictions if you remove the building you lose the grandfather clause. In some jurisdictions if you keep the foundation you can keep the non-conformance. As I said above it is not clear at all

whether the applicant is proposing all new construction, or keeping some buildings. "Grandfathering" has not been brought up or to my knowledge vetted against the code by the town in regards to these properties.

The Town of Minturn's job is not to help owners maximize the living area or their parking area or their landscape area, but to evaluate owner/developer's plans against their code and the benefits to the community. The town, in my opinion should not be encouraging owners to provide parking over that required by the proportion of living area to required parking spaces prescribed by the code because inevitably this encourages higher density uses (multiple lock off apartments, 4-6 person non-related housemate conditions) in currently lower density zoned areas.

Despite their look in plan the lots on Taylor Ave. are difficult lots to develop. Our property like others has an average of 14% grade and most of the elevation gain is right off the street. In other words, without even considering a home or garage for a moment, a car cannot get from Taylor Av to the backs of our properties without a heated driveway and even then it would be an unadvised driveway. Applicants who desire to build on these sites should be held to uniform standards whether they are lifelong Minturn residents from the railroad days or a new property owner who purchased a lot yesterday or anybody in between. In as much as every applicant should probably not be required to create computer generated 3-dimensional renderings for a variance, no applicant should be entitled to submit less than the minimum, legible, and competent designs that deal immediately with parking, driveway grade and plan massing- the imperatives of building on most sites in this valley. Passing an applicant on to the next step without fulfilling minimum requirements or getting the steps in the wrong order will only end in very difficult predicaments for Minturn and hard realizations for unprepared developers. Truly, the variance application fee and time involved in making an application in this case would have been much better spent actually developing box diagrams of the site layout. A variance, in my opinion as an architect looking at these lots, is not likely required to make these properties developable.

Sincerely,
Karl Krueger/Architect

As background my wife and I are both licensed architects with master's degrees in architecture. I am from the Vail/Eagle Valley since birth in 1967. We bought our Minturn property with the intent of locating our family and art/architecture practices to the location as a home occupation/business. The process of approval of the Minturn Townhome project however, in the following years after our purchase, made us aware of a lack of reasonable adherence to the town codes and lack of planning foresight. Our problem was not with the way the project looks or the density (density we are in generally in favor of) but in how Minturn accepted substandard design/planning on several issues including: accepting private parking encroachment on a critical and narrow Minturn right-of-way, allowing last-minute consideration of fire engine access and a lack of foresight to predict probable drainage problems asked to be solved by again using Minturn property because setbacks and other development standards were relaxed. This made us feel the town's approach to planning was either not transparent or not well run and vulnerable to exploitation by outside developers and insiders alike.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 17 — SERIES 2016**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CUP-04 FOR
WILCON ENERGY**

WHEREAS, Wilcon Energy, LLC has submitted a land use application for a Conditional Use Permit to install a propane gas tank in the industrial zone of the Transportation Character Area; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, on May 13, 2015, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application with conditions; and

WHEREAS, on May 20, 2015 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.230, the Town Council makes the following findings:

- That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan and the purposes of the zone in which the site is located;
- That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
- That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.
- That the tank is buried or berm and landscaped and the bollards are painted a natural color.

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

That the application for a Conditional Use Permit for File No. CU _____ be approved. INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 6th day of July, 2016.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:



Planner Report

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

6/17/2016

J Hawkinson, Planning Director

APPLICANT: Wilcon Energy, LLC - Matthew Morrison - 801 Main Street Minturn, CO
970-390-1729

REQUEST: Conditional Use Permit to lease property from Union Pacific Railroad to store small propane refueling tank

LOCATION: Union Pacific Railroad Property - next to County Bridge & County Road 14

APPLICATION SUBMITTED: June 4, 2016

PLANNING DIRECTOR RECOMMENDATION:

To approve the conditional use permit, with notice that parking in area is still open to hikers, fishing, kayaking, etc.... in area

PUBLIC NOTICE:

Agenda posted at Town Hall and on website - certified letters sent to residents 250 feet from site - sign posted on site - 10 days in advance of hearings - mailing and posting for conditional use permit

CONDITIONAL USE PERMIT SECTION 16-21-620

(d) Administrative procedure.

(2)Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:

- a. The relationship and impact of the use on the community development objectives of the Town.
- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.
- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.
- d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed use will comply with each of the applicable provisions of this Chapter.

(e) Conditions and procedure of issuance.

(1) The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to such other conditions as the Town Council may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening and street dedication and improvements; regulation of vehicular access and parking, signs, illumination and hours and methods of operation; control of potential nuisance; prescription of standards for maintenance of buildings and grounds; and prescription of development schedules.

Planning Director Recommendation: approve the conditional use permit with the condition that parking on the lot for river access remains open to the public.



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street

Minturn, Colorado 81645-0309

Phone: 970-827-5645

Fax: 970-827-4262

Email: planner@minturn.org

APPLICANT:		ADDRESS:		SIGNATURE:	
Matt Morrison Wilson Energy		801 Main St.		<i>Matt Morrison</i>	
				NAME:	
		PHONE: 970-390-1729 FAX:			
		EMAIL: mattm@wilsonenergy.com		TITLE: Owner	
OWNER(S) OF RECORD:		ADDRESS:		SIGNATURE:	
Union Pacific Rocky		14100 Douglas St. Omaha Ne. 68179			
				NAME:	
		PHONE: 402-344-8619 FAX:		Jason Mashet	
		EMAIL: jemashet@up.com		TITLE: Mgr. Real Estate	
DEVELOPER:		ADDRESS:		CONTACT PERSON:	
Same as Applicant					
		PHONE:		FAX:	
		EMAIL:			
ENGINEERING FIRM:		ADDRESS:		CONTACT PERSON:	
		PHONE:		FAX:	
		EMAIL:			
Presubmittal Date		Presubmittal Planner:			
Parcel ID Number		(Example: 210326325001) from your full card printout			
Address or Intersection		Railroad & Minturn Rd.			
Brief Legal Description					
Subdivision Name & Filing #					
Project Description					
		Existing		Proposed:	
Zoning:		Industrial			
Land Use:					
Total Acres:		2000 Sq. Ft.			
F.A.R./Density:					
Project Name:					
Related Case #'s:					
CASE TYPE					
PUD CDP: Concept Dev. Plan	PP: Prelim. Subdivision Plat	DRB - P: Des. Rev. Bd. Prelim	A-FP: Fence Permit		
PUD PDP: Prelim. Dev. Plan	FP: Final Subdivision Plat	DRB - F: Des. Rev. Bd. Final	A-MOD: Modification/Add		
PUD FDP: Final Dev. Plan	MS: Minor Subdivision	ADM: Admin. Des. Review	A-MIN: Minor Ext. Mod.		
PUD ASP: Admin. Site Plan	ASR: Admin. Subdivision Replat	A-SIGN: Admin. Sign Review	ANNEX: Annexation		
PUD FDP A: Amendment	V: Vacation of Easement	A-DIG: Admin. Dig Permit	TU: Temporary Use		
LU-V: Land Use - Variance	R.O.W. Vacation	A-DEMO: Admin. Demo Per.	CU: Conditional Use		
NU -V: Non Use - Variance	REZ -Rezoning -Straight Zoned	A-LTD: Admin. Limited Use	APPLS: Appeals		
This section for OFFICE USE ONLY					
Case No:	Case Mgr.	Case Eng.			
Fees Paid	Y N \$	Dates Referred Out			
Dates to be Returned		Planning Comm Date:			

The reason for this application is to get approval for the installation of a propane autogas dispenser. My company, Wilcon Energy LLC is a certified propane conversion company, where we take vehicles that are currently running on gasoline or diesel and convert them to run on propane (autogas). All of the conversion systems that I will be using are EPA Certified, which means that it does not void the manufacturers or extended warranty on any vehicle. Autogas is a green, clean-burning alternative fuel, which enables vehicles to reduce their carbon footprint by up to 35%, undergo less maintenance, fewer oil changes and extended engine life. **Autogas is a safe, proven alternative fuel.** Thousands of school buses and taxicabs across the U.S. are already safely running on Autogas. Besides being environmentally friendly, Autogas typically runs \$1-\$1.50 cheaper than conventional fuels, and along with the many state and federal tax credits, converting your vehicle or fleet of vehicles to run on propane is one of the most economical options available.

The safety of Propane includes the following:

State-of-the-art tanks

- Autogas vehicle tanks are tested to four times their standard operating pressure
- Autogas tanks are 20 times more puncture resistant than gasoline tanks and can withstand four times the pressure when compared to conventional gasoline vehicle fuel tanks
- Autogas vehicle tanks are constructed from carbon steel under code developed by the American Society of Mechanical Engineers
- Properly installed Autogas vehicle fuel tanks can actually add to the structural integrity of a vehicle

Low flammability

- The ignition temperature of Autogas is 920-1020 degrees Fahrenheit vs. 495-536 for conventional gasoline, meaning Autogas requires much higher temperatures for ignition.
- Autogas will only burn with a fuel-to-air ratio between 2.1 and 10.1 percent and will rapidly dissipate beyond its flammability range in the open atmosphere, making ignition unlikely

Nontoxic

- **Unlike gasoline, diesel, methanol and ethanol, Autogas is nontoxic, nonpoisonous and is insoluble in water**
- **Should a rare accidental release of Autogas occur, Autogas would dissipate into the atmosphere with no harmful contaminants released into the air, soil or water**

On this location I can either have an aboveground or underground 1000-gallon tank, where fueling will be as easy as swiping a key fob or entering a credit card or access number into the touch screen and picking up the zero-emission fuel nozzle. These dispensers utilize the latest and greatest technology and safety, which makes this such an attractive option. I will be using PERS (Professional Emergency Resource Services), which is a 24 hour emergency response company to monitor my equipment.

Currently the site is owned by Union Pacific and is only used by people looking to go fishing on the river. With the size we are looking for (roughly 25x25), there will be very little impact on that site. Additionally, refueling vehicles through this dispenser, will be quicker than using conventional gas service stations. We are trying to bring an environmentally friendly fuel source into the area to help fleet-owners in the valley reduce their carbon footprint, while supporting local businesses. We feel that this location would be a perfect fit, as there is easy access from I-70, and with the safety record of autogas dispensers and the numerous state safety regulations, we will be able to make this a very simple and clean project to get accomplished.

For emergency purposes, these dispensers are equipped with emergency shut-offs, vehicle "pull-away" hoses and the tanks which will be on the vehicles themselves are required to be equipped with automatic stop fill valves, so there is **NO POSSIBLE** way to over fill these tanks, simply, the only way that any fuel can be dispensed is to have the hose attached to the vehicle. Along with the industry standard safety requirements, we Wilcon Energy are required to perform monthly inspections on all of the hoses and emergency prevention devices.

Propane autogas for vehicles is one of the cleanest and safest forms of fuel that there is and I would love the opportunity to be able to demonstrate this to the town.



LEGEND:

LEASE AREA..... 

FENCE / BARRICADE 

UPRRCO. R/W OUTLINED..... 

LEASE AREA: 4,825 SQ.FT. / 0.11 AC. +/-

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

MINTURN, EAGLE COUNTY, CO

M.P. 302.9 - TENNESSEE PASS SUB.

TO ACCOMPANY AGREEMENT WITH WILCON ENERGY

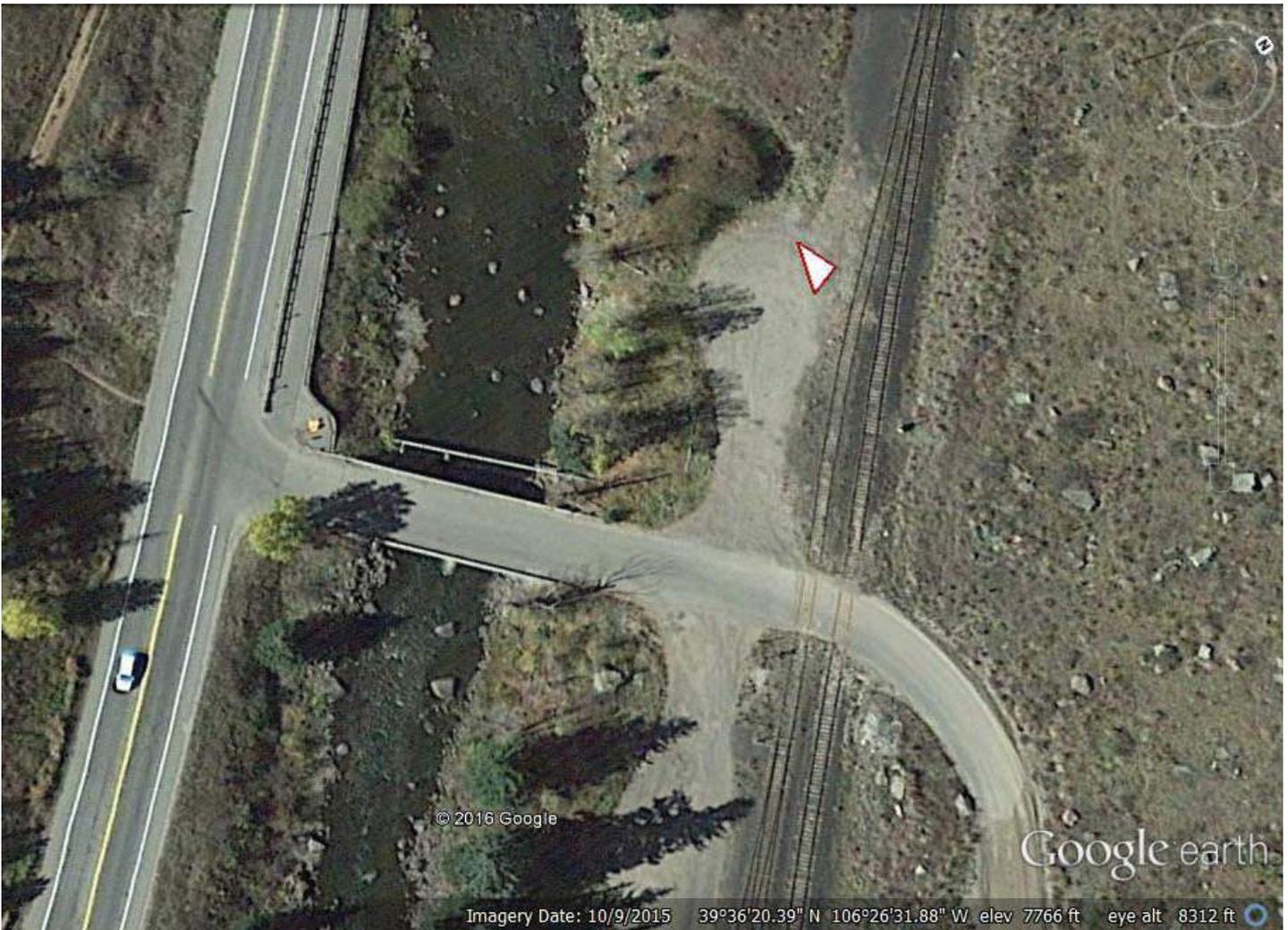
SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 5-26-2016

DSK FILE: 2992-26

CADD FILENAME	0299226
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SCAN FILENAME	AERIAL PRINT
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Example of Propane Tank



TOWN OF MINTURN, COLORADO
ORDINANCE NO. 3 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING SECTION 16-2-40 OF THE MINTURN MUNICIPAL CODE, PERTAINING TO THE LOT DIMENSIONAL STANDARDS OF THE CROSS CREEK CHARACTER AREA.

WHEREAS, the Town of Minturn (“Minturn” or the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter; and

WHEREAS, Chapter 16 of the Minturn Municipal Code provides for character areas to encourage the most appropriate use of land, and to preserve and promote the Town’s economy, heritage, and small town qualities; and

WHEREAS, Section 16-2-40 of the Minturn Municipal Code establishes general lot requirements and dimensional standards, including minimum setback restrictions, for the Minturn character areas; and

WHEREAS, Chapter 16, Article 21 of the Minturn Municipal Code establishes the standards and procedure for amendments to the text of land use regulations or character area; and

WHEREAS, on June 22, 2016, the Minturn Planning Commission considered and recommended for approval a text amendment to Section 16-2-40 of the Minturn Municipal Code lowering the rear setback requirements in the Cross Creek character area from 20 feet to 10 feet; and

WHEREAS, on July 6, 2016 the Minturn Town Council conducted a duly-noticed public hearing and reviewed the text amendment and found the application and proposed amendment to be consistent with the master plan; and

WHEREAS, the Minturn Town Council desires to approve of such text amendment.

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

SECTION 1. 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. Table 16-A, contained in Section 16-2-40 of the Minturn Municipal Code, is hereby amended as follows, with double underlined text added and ~~strike-through language deleted~~.

Sec. 16-2-40. - General lot requirements and dimensional standards.

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

**TABLE 16-A
Dimensional Standards**

						Front	Rear (feet)	Side	
Cross Creek	Residential-S	5,000	50	40		<u>20</u>	<u>2010</u>	10	Eagle River=30 Cross Creek=50
	Residential-N	10,000	100	25		<u>20</u>	<u>2010</u>	10	
	Mixed-use	10,000	100	40		<u>20</u>	<u>2010</u>	10	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	

SECTION 3. The effective date of this ordinance shall be thirty (30) days after final publication thereof.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF JULY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF JULY, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF JULY, 2016.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



Text Amendment to the Zoning Code for Cross Creek Character Area:

I. Introduction:

As in Chapter 16 Sec. 16-2-40. - General lot requirements and dimensional standards and Article 9 Cross Creek Character Area, the applicant for Cross Creek Development is requesting a text amendment for 10' rear setbacks. The change in rear setbacks allows for needed space per lot to build a standard width home on this lot. The text amendment would be for all properties in the Cross Creek Character Areas. There are 2 properties in this character area. The land to the rear of this lot is US Forest Service land.

Within the subdivision, 20' feet setbacks is only affecting the homes within this lot. It does not effect any street scape, existing neighboring properties, and it does not add additional size to the buildings. The majority of the character areas in Minturn with residential single family and duplex lots are 10' feet rear setbacks. This is a standard dimension in neighboring areas.

II. Application Section 16-21-430 (b) & (c):

The applicant applied for the text amendment with the Final Subdivision Plat. Please see attachment.

(b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.

(c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in Section 16-21-690 of this Article and the following additional materials:

(1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.

(2) Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.

Cross Creek Properties LLC

Matt Giblin
Cross Creek Properties LLC
2016
2015 E Arkansas Ave
Denver, CO 80210
williamthomascorp@gmail.com

May 17, 2016

Town of Minturn
Janet Hawkinson, Planner
302 Pine Street
Minturn, CO 81645

Subject: Cross Creek Place Subdivision Zoning Code Text Amendment Request

Janet:

Cross Creek has strived to work within all existing Town of Minturn Code Zoning requirements as they pertain to the Cross Creek development and fully comply with all conditions of our approved preliminary subdivision plat. While we have spent many hours and resources working to design a project compliant with all existing zoning regulations, the project is unable to meet certain provisions of the Minturn Town Code in regards to setback regulations within the Cross Creek Character Area Sec. 16-2-40. - **General lot requirements and dimensional standards.**

Sec. 16-2-40 defines the setback requirements within the Cross Creek Character Area as 20 ft rear, 20 ft front, and 10ft side. Per the Town of Minturn Resolution No.16- Series 2014 Condition #11 (attached here for your reference) Lots 2&3 of the Cross Creek Place Subdivision shall be designated as "Corner" lots and shall have a front setback of 10 ft and a side setback of 10ft. Cross Creek agrees that Lots 1, 2&3 should be designated as corner lots and subject to a 10ft front and 10ft side setback requirement. The rear setback of Lots 2 and 3 becomes an internal setback within the subdivision, and under current zoning regulations a setback of 20ft would be required. A 20ft rear setback for an internal lot setback is too restrictive for the project and creates an unreasonable hardship from an economic and design perspective upon the project. Lot 1 also would suffer undue hardship from a 20' setback requirement from the rear property boundaries. The front setback is internal to the development and abuts Lot 2, and a 20' setback requirement for this internal boundary is not feasible and would create an unbuildable, unattractively narrow building envelope. The rear setback of Lot 1 abuts US Forest Service Property and a 20' setback would also make the building envelope unviable while providing no design or community benefit as the property abuts unoccupied public land.

III. Existing Zoning Code Section 16-2-40. - General lot requirements and dimensional standards:

Dimensional Standards

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

TABLE 16-A

Sec. 16-2-40. - General lot requirements and dimensional standards.

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

TABLE 16-A
Dimensional Standards

Character Area	Zones	Min. Lot Area (sq. ft.)	Min. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks			River/Creek Setback (ft) Not to be included in lot square footage for purposes of Maximum Building Lot Coverage and Maximum Impervious Surface Area
						Front	Rear (feet)	Side	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A		40	<u>20</u>	<u>20</u>	30
Cross Creek	Residential-S	5,000	50	40		<u>20</u>	<u>20</u>	10	Eagle River=30 Cross Creek=50
	Residential-N	10,000	100	25		<u>20</u>	<u>20</u>	10	
	Mixed-use	10,000	100	40		<u>20</u>	<u>20</u>	10	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A		To be determined as part of conditional use review			30

IV. Proposed Text Amendment:

“Change the rear setback from 20’ feet to 10’ feet in the Cross Creek Character Area”

V. Procedure - Section 16-21-440 (a) & (c):

Per code, the applicant sent registered letters and posted notice on property and the town placed notice in paper.

(a) Review of applications. The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.

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

Cross Creek Property Owners Notification List:

Address	Parcel ID #	Property owner	Owner address
1901 S. Main Street	210336300008	Gary Gilman and Julie Stoxen	PO Box 1550, Vail, Co. 81658
1864 Cross Creek Lane Co. 81645	210336308038	Minturn Racquet & Trout Club HOA INC	PO Box 6, Minturn, Co. 81645
1866 Cross Creek Lane	210336308020	Stuary and Laurie Leitner	16 Roberts Dr, Short Hills, NJ 07078
1868 Cross Creek Lane	210336308021	Mary Sullivan	40 Cherry St, Denver, Co. 80220
1863 Cross Creek Lane bturn, Co. 81645	210336309004	Katherie Schifani and Raquel Spencer	PO Box 443, Min- turn, Co. 81645
1865 Cross Creek Lane NY 10028	210336309002	David Hodes and Jolie Schwab	140 E 83RD ST APT 11E, NY, NY 10028
1867 Cross Creek Lane	210336309003	Minturn Chalet, LLC	PO Box 6, Minturnbm Co. 81645
1869 Cross Creek Lane	210336309001	Cross Creek Dawg, LLC	2227 Hooker St, Denver, Co. 80211
1870 Cross Creek Lane Co. 80303	210336308022	Gregory Martin and Cheryl Scot	7415 Panorama Dr, Boulder Co. 80303
1872 Cross Creek Lane 80107	210336308023	Daniel and Eileen McCallin	5725 County Rd, Elizabeth, Co.
1874 Cross Creek Lane Village, Co. 80113	210336308024	Nhu Lam and David Agostine	8 Buell Mansion Pkwy, Cherry Hills Village, Co. 80113
1876 Cross Creek Lane	210336308025	Duke Family LLC	4 E Belleview Pl, englewood, Co. 80113
1878 Cross Creek Lane 10028	210336308026	David and Jolie Schwab	140 E 83RD ST APT 11E, NY, NY 10028
1880 Cross Creek Lane	210336308027	Robin Beery	195 High St, Denver, Co. 80218
1882 Cross Creek Lane	210336308028	Heather Mulvihill	3700 Williamette Lc, Littleton, Co. 80121
1884 Cross Creek Lane 80113	210336308029	John and Joanie Mankus	4600 S. Vine Way, Englewood, Co. 80113
1886 Cross Creek Lane	210336308030	Blumberg Family LLC	3026 N Bay Rd, Miami Beach, Fl. 33140
1888 Cross Creek Lane Denver, Co. 80238	210336308031	Chakradhar Kotaru and Susan Kotake	2779 Syracuse Ct, Denver, Co. 80238
1890 Cross Creek Lane DC 20015	210336308032	Riverbend Cabin Trust	3836 Harrison St, NW Washington DC 20015
1892 Cross Creek Lane Az. 72712	210336308033	Jeffery F. Gruener Trust	11309 Pembrook Cir, Bentonville, Az. 72712

VI. Standards - Section 16-21-450

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

Planner Justification in blue

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

the test amendment is consistent with Master Plan as it is uniform with majority of setbacks in other character areas, it allows for buildable land, it includes both properties in the Cross Creek Character area.

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

it is compatible with the surrounding uses and existing uses of land. The US Forest service surrounds property on 2 sides and neighboring property to north has a parking lot bordering this plot and the highway is on the east. The zoning allows for duplexes.

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

the conditions of the land have changed from prior use. Previously it was a landscape nursery and storage area and storage for an excavating company. Now it will be subdivided into duplex lots, and the setback change allows for this use to occur to modify the density and intensity

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

The previous use of this land eliminated the natural environment. It does not exist on the property. All impacts of the setback change have been addressed in the final subdivision plat and reviewed by the town engineers for storm water management. environmental reports have been done and the setbacks do not have any problems.

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

the text amendment addresses the community need to develop housing

continued.....

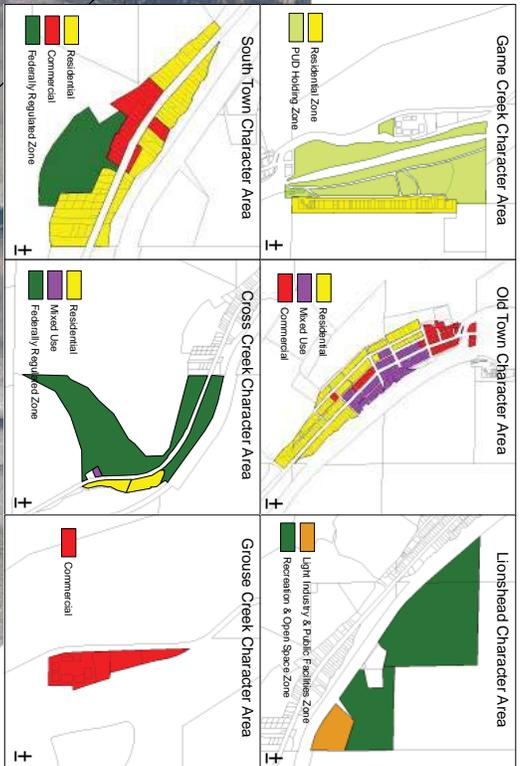
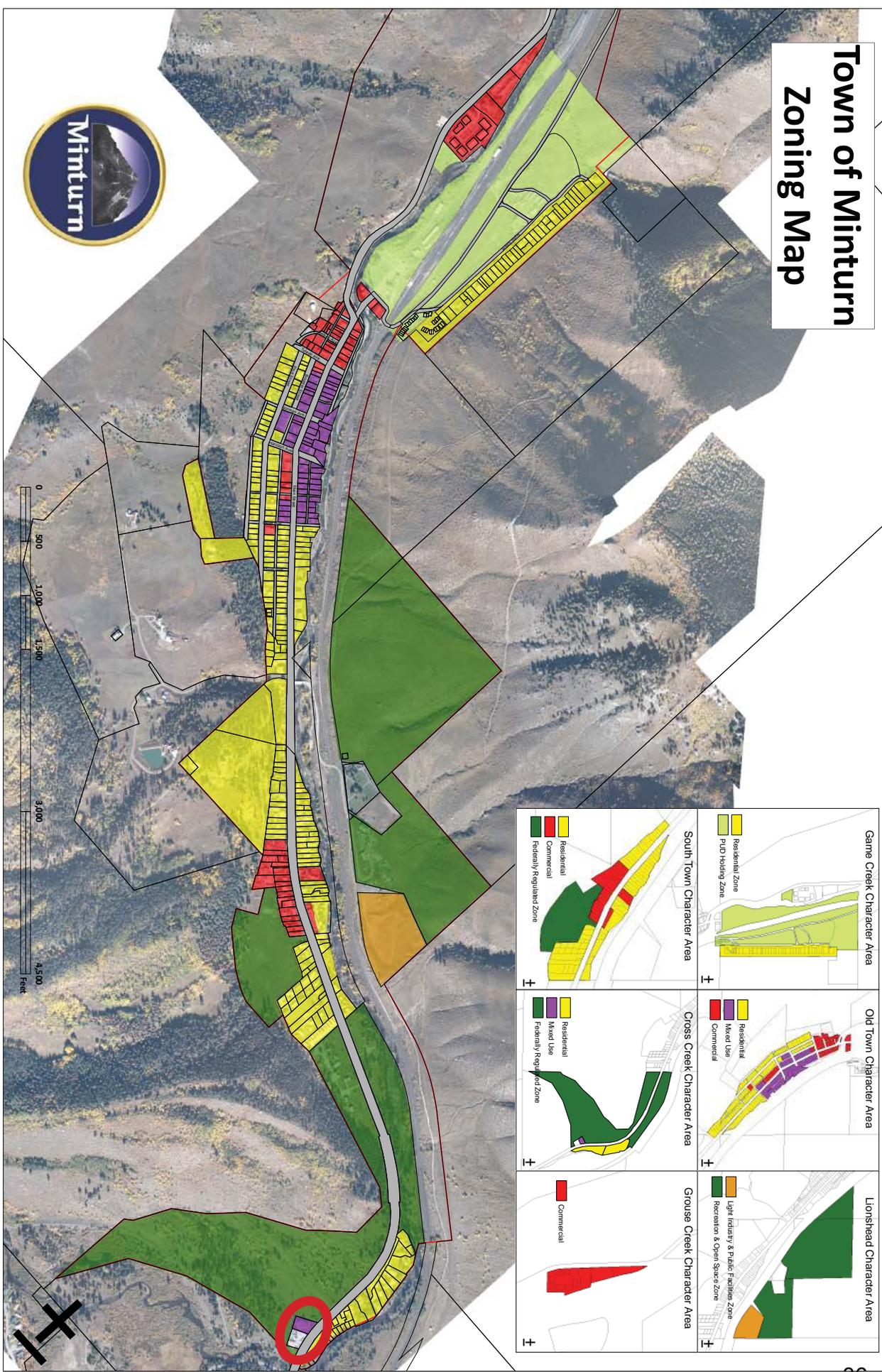
(6) Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.

for this subdivision to have an orderly development pattern the 10' setback is necessary. They are required that the lots are large enough to subdivide without including the shared private road. Not including the road in the lot sizes shrinks buildable lot size, keeps required lot subdivisions to be 5,000 sq ft for the homes. the subdivision does this and to have buildable lots, the setback needs to change or too much land is lost.

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

as this is a private subdivision that is not surrounded by any other residential or development close to the property the 10' setback is in the public interest because it encourages a new use in the area - storage lot to residential

Town of Minturn Zoning Map



VII. Action by Planning Commission Section 16-21-460:

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.

- (1) Recommend approval of the application as submitted; or
- (2) Recommend denial of the application with all reasons clearly stated.

*****Planning Commission recommends approval of the Text Amendment - hearing June 22, 2016**

VIII. Action by Zoning Board of Appeals (Town Council) Section 16-21-470:

For each application heard by the Zoning Board of Appeals, the Zoning Board of Appeals shall take one (1) of the following actions within thirty (30) days after the public hearing, or it may table an application for a maximum of forty (40) days to receive additional information or to serve notice upon property owners or persons whom it decides may be interested in the proposed application. Upon recessing for this purpose, the Zoning Board of Appeals shall announce the time and date when the hearing will be resumed. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant

- (1) Recommend approval of the application as submitted; or
- (2) Deny the application with all reasons clearly stated.

*****Approval is required before the final plat can be considered**



Planner Report

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

7/6/2016

J Hawkinson, Planning Director

APPLICANT: Cross Creek Development

Final Subdivison Plat

LOCATION: 1973 Highway 24, Minturn, CO 81645

APPLICATION SUBMITTED: April 20, 2016

ZONING: Mixed- use

PROJECT: Subdivide 1 lot into 3 residential lots and build 3 residential duplexes

LOT SIZE: .437 acres - 19,035.72 sq ft

INDIVIDUAL LOT SIZE: *Lot 1 5084 sf *Lot 2 5068 sf *Lot 3: 5963 sf

***private road not included in the square footage of subdivided building lots

SUBDIVISION PROCEDURE SECTION 17-3-90:

Unless exempted pursuant to Section 17-3-30 above, prior to the division or transfer of land within the Town, an applicant shall obtain approval for a preliminary plat and final plat for subdivision pursuant to the procedures and standards of this Section.

(1) Preliminary plat. The purpose of preliminary plat review is for the applicant to respond to planning and development issues and concerns and to formulate detailed, properly engineered solutions to those issues and concerns. The preliminary plat stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the Town.

(2) Final plat. The purpose of final plat review is for the applicant to submit a permanent, comprehensive and accurate public record of the subdivision, including the precise size, shape and location of lots, blocks, streets, easements, open space and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development standards. The final plat shall conform in all respects to the preliminary plat approved by the Town and shall incorporate all modifications and conditions imposed by the Town Council.

PLANNING COMMISSION REVIEW SECTION 17-6-20

At a regular meeting, the Planning Commission shall review the final subdivision plat. The Planning Commission shall either:

- (1) Determine that the plat is in conformance with the approved preliminary subdivision plat and meets the requirements for final subdivision plat and recommend approval of the plat; or
- (2) Determine that the above conditions have not been met and require that the plat be resubmitted, with corrections, at a regular Planning Commission meeting for Planning Commission approval

TOWN COUNCIL REVIEW SECTION 17-6-30

Subsequent to the Planning Commission's determination that the final subdivision plat meets the requirements for approval, the proper signatures shall be affixed to the plat. At a public hearing, the Town Council shall review the plat and proposed subdivision agreement, which shall include any legal, financial or other agreements between the subdivider and the Town. Public notice shall be given at least ten (10) days in advance of such hearing. Upon approval of such plat and agreement, the Town Council shall enact an ordinance authorizing Town Council certification of the plat accepting any dedications shown thereon. The Town Council shall also authorize the staff to draft a subdivision agreement, which shall include any legal, financial or other agreements between the subdivider and the Town and which shall include such conditions as the Town Council finds necessary to ensure that the proposed subdivision complies with the Town's regulations, goals, policies and plans. The plat and subdivision agreement shall be recorded with the County Clerk and Recorder within thirty (30) days of Town Council certification. If the proposal is denied, the Town Council shall state the specific reasons for denial based on standards found herein.

SUBDIVISION REQUIREMENTS FROM PRELIMINARY SUB-DIVISION APPROVAL August 20, 2014

Staff comments in red

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;
note: no commercial included and residential criteria applied
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;
****note: submittal of construction plans and review by Intermountain Engineering completed - see attached exhibit**
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; *****note: it was submitted and reviewed by Town Attorney - ***note: mineral notices were sent**
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;
*****note: attached is the landscape plan that will be constructed by the applicant and maintained by the HOA**
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;
*****CDOT will not approve of the gravel path on their right of way - this requirement needs to be waived.**

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, **this does not work with the layout of the subdivision and is not required in the Minturn zoning code; it is a private street so will not effect any other neighbors** (b) the road intersection between the interior private subdivision road way and State Highway 24 is at least eighteen (18) feet wide, **CDOT approved 17'** (c) water and sewer taps will be located between the home constructed on a lot and the internal rivate subdivision roadway, **see plans** (d) architectural renderings demonstrating that enhanced architectural features have been designed and are required for the sides of any homes fronting State Highway 24;
*****Minturn passed new zoning codes since the preliminary subdivision approval. The design review process will consider these issues.**
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; *****applicant has submitted permit to Town**
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;
*****has been reviewed by Town engineer and approved**
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;
*****note-reports are complete**
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; *****note - this will be enforced as part of the design review process**
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; **\$2,000 was paid into the fund 2014**
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;
*****note will be enforced at desing review of homes -**
*****Town Attorney has reviewed proposed HOA documents**
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. *****note- Town Attorney is drafting for Town Council approval**

Staff Reports & Requirements for Final Approval:

Town Engineering Report - InterMountian Engineering:

Final Plat Review for Cross Creek:

Lot 1 and Lot 2 do not close. We suspect the error is the bearing of the east line of Lot 1 and the west line of lot 2 where both of which should be S28-55-10E instead of S29-55-20E.

1. List acres to 2 decimal places.
2. Address for each lot if available
3. List basis of bearings on plan view
4. C3 chord bearing should be to the second.
5. The elevation of corner 3 is not needed.
6. ROW width for Hwy 24.
7. Label bearing/distance to Corner 2 in plan view
8. Label bearing/distance to M.P. 147.1
9. Label Corner 1 as P.O.B

*see attachment

Review of Storm Water Drainage & Site Plan

***see attachment

The engineering portion of the plans are approved.

Town Attorney Review of HOA:

1. Comments are on Final Plat
2. Comments on HOA documents prior to Town Council Review
3. Drafting Subdivision Improvements Agreement for Town Council Approval

*****Add to Plat Notes:**

Neighboring commercial business “Steam Master” a commercial business is operating at the neighboring property. It operates 24 hours a day and is in compliance with zoning. Let it be know to any homeowners at Cross Creek Subdivision that this business was here before development and has rights to operate business as it deems necessary. This means homeowners in the future can not come after the neighboring commercial busines to change hours, close or move business.

Fire Department:

Reviewed & approved fire hydrant placement and turn around width for fire truck.

Public Works:

1. The berm shown on the landscape plans must be kept on the subdivision property - in way of ECO transit and school bus turn around.
2. It cannot extend on to Forest Service land as shown.
3. Water connection approved as shown on plans in NW corner of lot

Planning Director:

1. application is complete
2. grading & drainage plans have been approved
3. the subdivison meets minimum lot size of 5,000 sq ft and setbacks after zone text amendment
4. CDOT permits have been acquired
5. Environmental reports have been completed
6. landscape plans meet Minturn standards with the berm staying on property
7. title & mineral estate notices have been completed
8. Public improvements cost estimate complete
9. \$2,000 has been paid to the town of Minturn for sidewalk improvements
10. The subdivision has 3 water taps and will need to purchase 3 more taps for a total of 6 taps

RECOMMENDATION:

Approve Final Subdivision Plat Subject with the following conditions:

*****The Final Plat is based on the approval of the text amendment for a 10' foot rear setback. The Final Plat can only be approved if first the zone text amendment is approved.**

1. That all statements made by the applicant in the application and in meetings before the Planning Commission and the Town Council are conditions of approval unless modified in the following conditions.
2. All residences on the Property shall be developed using the residential zoning standards in the Cross Creek Character Area.
3. All comments of Town staff on the Final Plat, Engineered Construction Plans and HOA documents be adopted and incorporated.
4. That the Town and Applicant enter into a subdivision improvement agreement that meets the requirements of the Town Code and that is acceptable to the Town attorney.
5. That the applicant will receive applicable design review approvals prior to construction of any structures on the Property.
6. The contemporaneously with recording the Final Plat, applicant will demonstrate incorporation of a homeowners association, registration with the State of Colorado, and recordation in the public records of a declaration of covenants.
7. The applicant will pay all fees required by the Town code and associated with the Town's review and approval of the Final Plat and associated documents, including but not limited to attorney, engineer, planning, administrative and public notification costs.
8. The landscaping stays on the Cross Creek property - the berm does not extend into US Forest Service land.

Cross Creek Properties LLC

Matt Giblin
Cross Creek Properties LLC
2015 E Arkansas Ave
Denver, CO 80210
williamthomascorp@gmail.com

April 20, 2016

Town of Minturn
Janet Hawkinson, Planner
302 Pine Street
Minturn, CO 81645

Subject: Cross Creek Place Subdivision Application

Janet:

Cross Creek Properties LLC is pleased to submit the following Application for Subdivision for the property located at 1973 HWY 24, Minturn, CO 81645. Cross Creek Properties is the applicant, the developer and the owner of the subject property. Cross Creek Properties (Cross Creek) is excited to be given the opportunity to work in the community of Minturn and create an excellent new housing development to meet the needs of Minturn residents, bring economic development to the region, and increase both the city of Minturn and Eagle County property tax revenues. We are proposing subdividing the existing single parcel located at this location into three new duplex lots, per the terms of the Town of Minturn Resolution No. 16 – SERIES 2014 approved preliminary subdivision plat. The project development plan calls for the development of three duplex units, totaling six individual housing units on the subdivided property that will be marketed for sale. The attached application, plans, and supporting documentation describe the proposed subdivision in detail.

In Section 3, Conditions of Preliminary Plat Approval, Condition 7(a) of Resolution No. 16-SERIES 2014 states that “(a) garage doors for residences within the subdivision will be a minimum of fifteen feet from the curb of the interior private subdivision roadway”. While we have strived to comply fully with all conditions of the Preliminary Plat Approval we find Condition 7 (a) much too restrictive upon our constricted building site and results in a building envelope depth that is too narrow and has negative impacts upon projects design, economics, and livability. We respectfully request that the ten (10) ft requirement of the condition be changed to fifteen (15) ft. We have designed our private access road to a minimum sixteen foot width, leaving adequate room for emergency vehicle access and two direction vehicle access and

Cross Creek Properties LLC

have approval from Eagle River Fire Protection District for our access road with the proposed ten (10) ft building setback. Furthermore Condition 11 of Resolution No.16-SERIES 2014 states that Lots 2&3 shall be designated "corner lots" and shall have a ten foot front setback. This appears to conflict with Condition 7 (a). Finally as this setback only affects setbacks from within our development and from a private road it should have no negative impacts upon the community.

We look forward to working with you and the Town on the project approval process. Upon approval of the Final Subdivision Plat for the subject property Cross Creek Properties will begin the design review process for the first duplex unit with a goal of construction start in spring of 2016.

Best Regards,



Matt Giblin
Development Manager
Member Cross Creek Properties LLC

NOTES

1. THE SURVEY IS BASED ON THE ORIGINAL RECORDS OF THE SURVEYOR, AND THE SURVEYOR HAS REVIEWED THE ORIGINAL RECORDS AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.
2. THE SURVEYOR HAS REVIEWED THE ORIGINAL RECORDS AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.
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FINAL PLAT
CROSS CREEK PLACE
 A TRACT OF LAND SITUATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH P.M.
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

TITLE CERTIFICATE

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.

LANDLORDS CERTIFICATE

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.

MINTURN TOWN COUNCIL CERTIFICATE

THE TOWN OF MINTURN, COLORADO, HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.

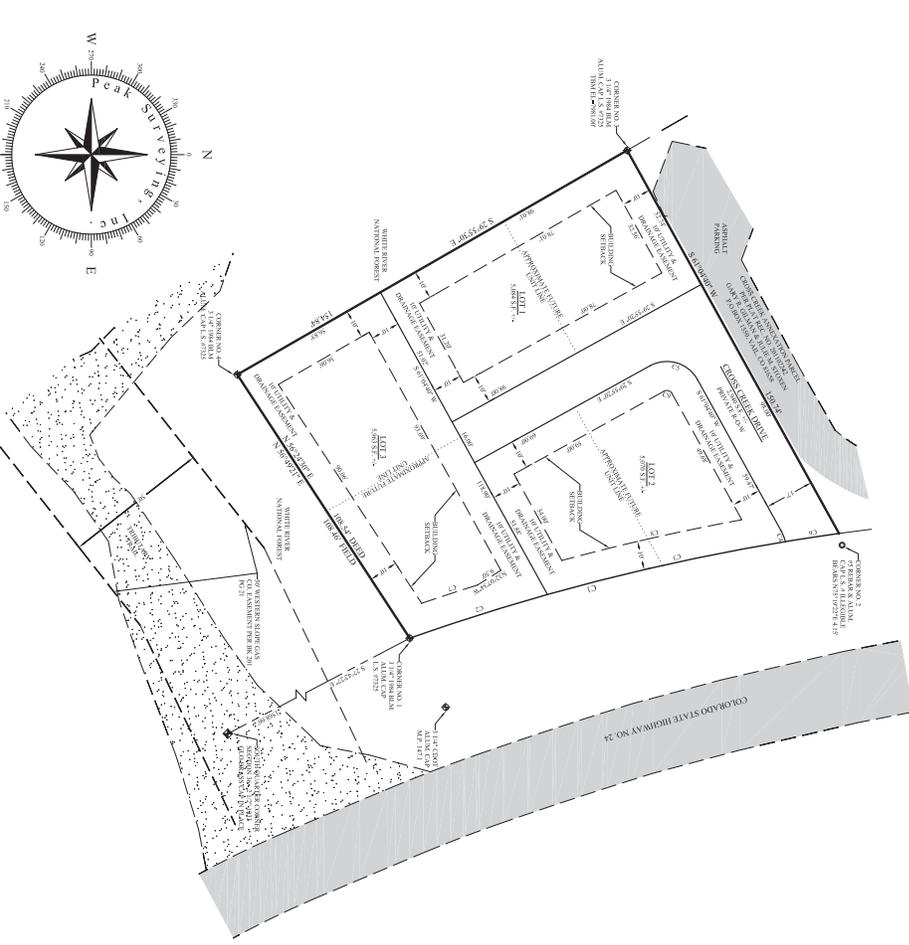
THE TOWN OF MINTURN, COLORADO, HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.

CERTIFICATE OF TAXES PAID

THE UNDERSIGNED COUNTY CLERK CERTIFIES THAT THE TAXES AND ASSESSMENTS DUE ON THE LAND DESCRIBED IN THIS PLAT HAVE BEEN PAID IN FULL.

LAND USER TABLE

PARCEL	SQUARE FEET	LAND USE	ADDRESS
1	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
2	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
3	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
4	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
5	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
6	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
7	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
8	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
9	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24
10	5,280 S.F.	RESIDENTIAL	1973 U.S. HIGHWAY NO. 24



CLERK TABLE

CLERK	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	78.74	117.0	78.74	N117°00'00"W	117.00
C2	78.74	117.0	78.74	S117°00'00"W	117.00
C3	78.74	117.0	78.74	N117°00'00"W	117.00
C4	78.74	117.0	78.74	S117°00'00"W	117.00
C5	78.74	117.0	78.74	N117°00'00"W	117.00
C6	78.74	117.0	78.74	S117°00'00"W	117.00
C7	78.74	117.0	78.74	N117°00'00"W	117.00
C8	78.74	117.0	78.74	S117°00'00"W	117.00
C9	78.74	117.0	78.74	N117°00'00"W	117.00
C10	78.74	117.0	78.74	S117°00'00"W	117.00

PEAK SURVEYING, INC.
 1000 E. 10th Street, Suite 100
 Fort Collins, CO 80504
 Phone: (970) 632-1954 • Fax: (970) 632-2954
 www.peaksurveying.com

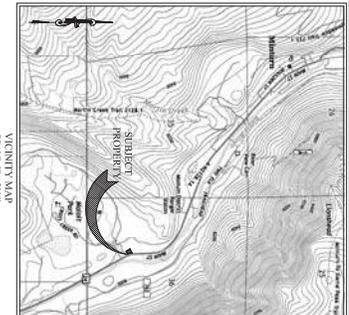
DEED BY

NO.	Date	Book
1	JUNE 12, 2018	15075

CLERK AND RECORDS CERTIFICATE

THE TOWN OF MINTURN, COLORADO, HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.

THE TOWN OF MINTURN, COLORADO, HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT AND COMPLETE.



FOR REVIEW

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.

THE PROPERTY HEREIN IS THE PROPERTY OF CROSS CREEK PROPERTIES, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO, AND IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES THEREON AS SHOWN BY THE RECORDS OF THE COUNTY OF EAGLE, COLORADO.



June 15, 2016

Mrs. Janet Hawkinson
TOWN OF MINTURN
Post Office Box 309
302 Pine Street
Minturn, Colorado 81645-0309

Re: Cross Creek – Final Plat review
Project No. 15-0112

Dear Janet:

Inter-Mountain Engineering (IME) has reviewed the Final Plat for Cross Creek Place provided for our review on June 13th and offer the following comments:

1. Lot 1 and Lot 2 do not close. We suspect the error is the bearing of the east line of Lot 1 and the west line of lot 2 where both of which should be S28-55-10E instead of S29-55-20E.
2. List acres to 2 decimal places.
3. Address for each lot if available.
4. List basis of bearings on plan view.
5. C3 chord bearing should be to the second.
6. The elevation of corner 3 is not needed.
7. ROW width for Hwy 24.
8. Label bearing/distance to Corner 2 in plan view.
9. Label bearing/distance to M.P. 147.1
10. Label Corner 1 as P.O.B.

Please let me know if you have any questions.

Sincerely,
Inter-Mountain Engineering

A handwritten signature in blue ink, appearing to read "Jeffery M. Spanel".

Jeffery M. Spanel PE
Vice President

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124 | Phone: 303.948.6220 | Fax: 303.790.4499

VAIL VALLEY OFFICE

40801 U.S. Highway 6, Suite 203 | PO Box 978 | Avon, CO 81620 | Phone: 970.949.5072 | Fax: 970.949.9339



May 20, 2016

Mrs. Janet Hawkinson
TOWN OF MINTURN
Post Office Box 309
302 Pine Street
Minturn, Colorado 81645-0309

Re: Cross Creek - Approval
Project No. 15-112

Dear Janet:

Inter-Mountain Engineering (IME) has reviewed the Cross Creek Property Plan Set dated April 18, 2016 submitted for subdivision approval. Based on our review, these plans meet the subdivision requirements of the Town of Minturn and are approved with the following conditions.

- The Town of Minturn Water Department is to provide a letter of approval by John Volk for the water distribution system into the subdivision.
- Xcel Energy is to provide a letter of approval or final plan for the electric removal and installation.
- A plan set with the civil engineer's wet stamp and signature shall be provided prior to construction.

Prior to the construction of each individual lot in the Cross Creek Subdivision, a stamped and signed Site and Grading Plan shall be provided to and approved by the Town of Minturn.

Please let me know if you have any questions.

Sincerely,
Inter-Mountain Engineering

A handwritten signature in black ink that reads 'Marty Golembiewski'.

Marty Golembiewski, P.E.

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124 | Phone: 303.948.6220 | Fax: 303.790.4499

VAIL VALLEY OFFICE

40801 U.S. Highway 6, Suite 203 | PO Box 978 | Avon, CO 81620 | Phone: 970.949.5072 | Fax: 970.949.9339



VICINITY MAP:

1973 U.S. HWY 24
MINTURN, CO 81645

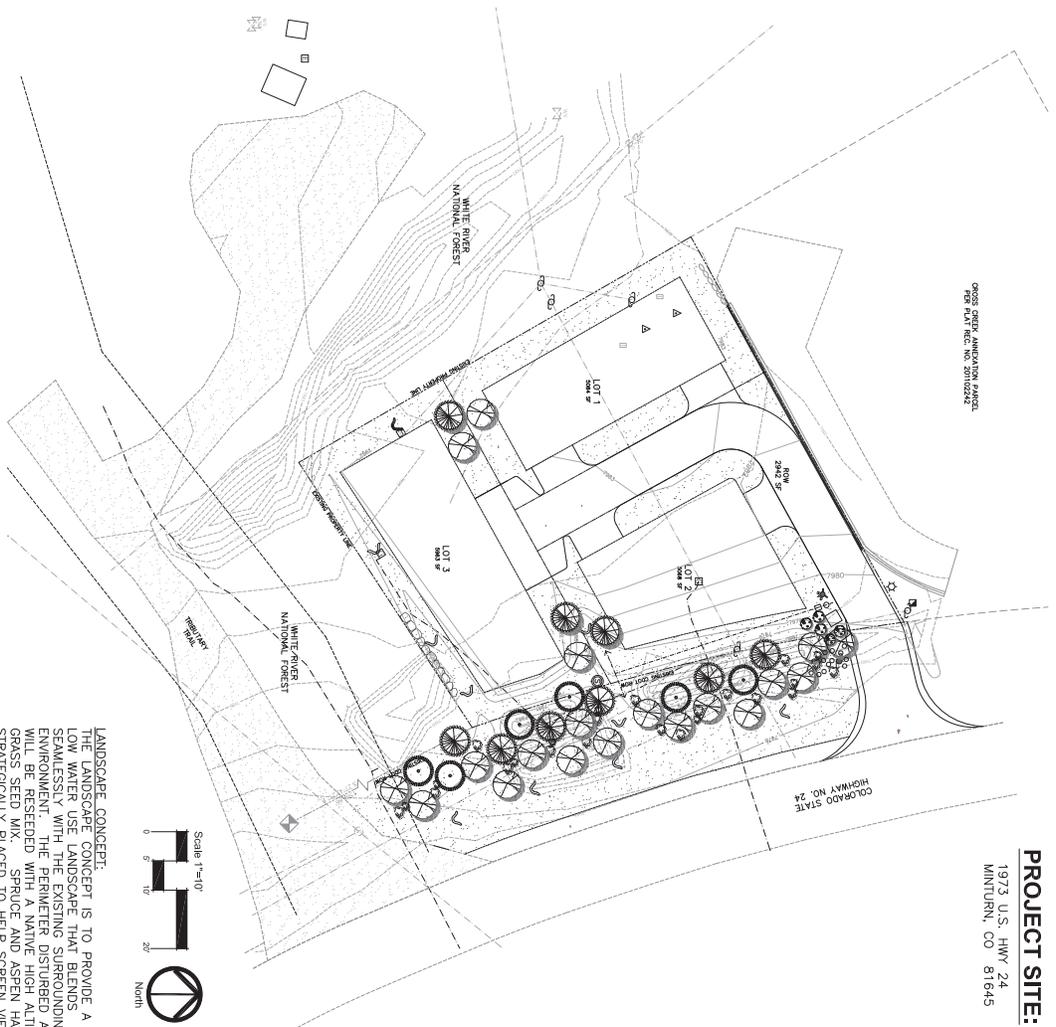


PROJECT SITE:

1973 U.S. HWY 24
MINTURN, CO 81645

SHEET INDEX:

SHEET NO.	DESCRIPTION
L-0	COVER SHEET
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE LEGEND, NOTES, & DETAILS



LANDSCAPE CONCEPT:
 THE LANDSCAPE CONCEPT IS TO PROVIDE A NATIVE, LOW WATER USE LANDSCAPE THAT BLENDS SEAMLESSLY WITH THE EXISTING SURROUNDING ENVIRONMENT. THE PERIMETER DISTURBED AREAS WILL BE RESEDED WITH A NATIVE HIGH ALTITUDE GRASS SEED MIX. SPROUE AND ASPEN HAVE BEEN PLANTED TO FACE OPEN AREAS AND TO PROVIDE BOUNDARIES OF VEGETATION BETWEEN THE BUILDINGS. EXISTING ON SITE LANDSCAPE BOLDERS WILL BE STOCKPILED AND RE-USED THROUGHOUT. AND PLACED IN NATURAL GROUPINGS AND SLIGHTLY BURIED TO LOOK INTEGRAL IN THE LANDSCAPE. THE INDIVIDUAL LOT LANDSCAPES WILL BE DESIGN/BUILD, AND WILL BE AND FIT WITH THE DUPLEX CONSTRUCTION LAYOUT. TREES WILL BE PLANTED AT THE CORNERS TO FRAME THE VIEW OF THE BUILDINGS. SHRUBS AND PERENNIALS WILL BE LOCATED TO HIGHLIGHT THE DEVELOPMENT ENTRY.

REVISIONS	BY								

CROSS CREEK SUBDIVISION
LANDSCAPE PLAN
 Minturn, Colorado

61845 Sigwalt Road
 Minturn, CO 81601
 E. 707.240.0665
 www.minturncolorado.com

John Washington,
 Landscape Architect

DATE	4-21-16
SHEET TITLE	COVER SHEET
SHEET No.	L-0

THE EXISTING TOPSOIL BERMS AND LANDSCAPE BOULDERS SHALL BE REMOVED AND STOCKPILED ON SITE FOR RE-USE. ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SITE. NEW ROLLING ROUNDED 3 FT. - 4 FT. HIGH LANDSCAPE BERMS SHALL BE CONSTRUCTED USING STOCKPILED TOPSOIL. BE PLACED IN BERMS AS SHOWN. SEE SHEET L-2 FOR REQUIRED IRRIGATION SYSTEM.

COMMON OPEN SPACE LANDSCAPE AREAS OUTSIDE OF BUILDING ENVELOPE AREAS AS SHOWN WITH NATIVE HIGH ALTITUDE GRASS SEED MIX. APPROX. 6,000 SF TOTAL. KEEP GRASS A MINIMUM OF 5 FT. AWAY FROM THE BUILDING FOUNDATIONS, TYPICAL.

INSTALL AN IRRIGATION METER OFF OF THE DOMESTIC WATER SYSTEM SHALL IRRIGATE BOTH LANDSCAPE AND THE COMMON OPEN SPACE LANDSCAPE THROUGHOUT THE SITE. DETAIL NOT SHOWN. SEE SHEET L-2 FOR REQUIRED IRRIGATION SYSTEM.

PROPOSED 3-PHASE TRANSFORMER

(5) ISANTI DOGWOOD
(12) LUPINE

OPEN SITE TRIANGLE

COLORADO STATE HIGHWAY NO. 24

EXISTING EDGE OF ASPHALT

KEEP 18 FT. CLEAR FROM EDGE OF ASPHALT. NO TREES OR LANDSCAPE BOULDERS IN THIS AREA. ONLY REVEGETATED GRASS ALLOWED.

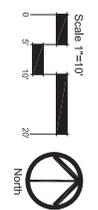
GRADING & LANDSCAPING IN CDOOT ROW PER CDOOT SPECIAL USE PERMIT

PROPOSED EROSION LOG-DITCH APPLICATION (TYPICAL)

REVEGETATE SWALE & DISTURBED AREAS WITHIN THE CDOOT ROW WITH APPROVED CDOOT WEED FREE NATIVE SEED MIX. 6,500 SF. (SEE CDOOT SPECIAL USE PERMIT)

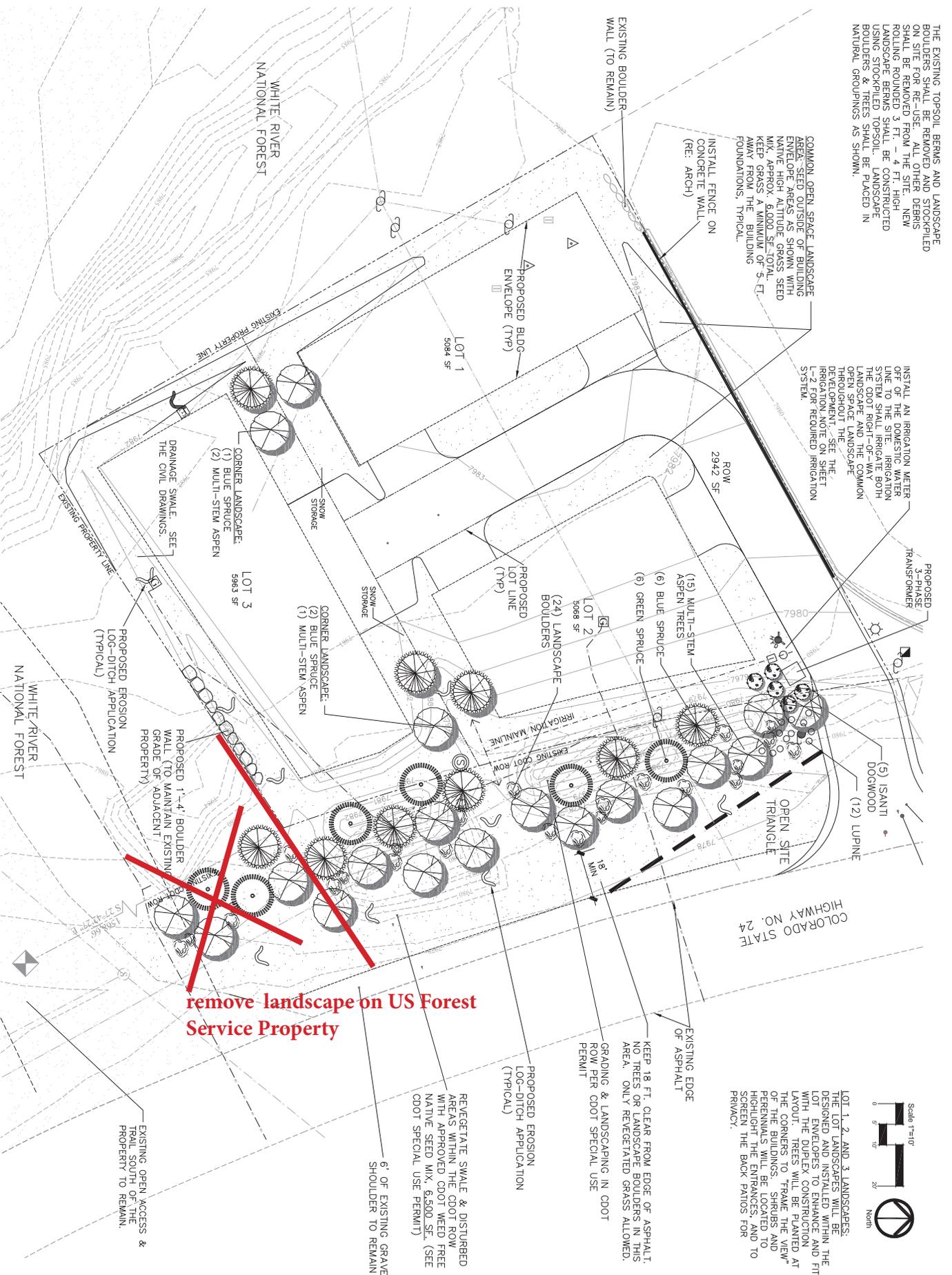
6" OF EXISTING GRAVEL SHOULDER TO REMAIN

EXISTING OPEN ACCESS & TRAIL SOUTH OF THE PROPERTY TO REMAIN.



LOT 1, 2, AND 3 LANDSCAPES: THE LOT LANDSCAPES WILL BE DESIGNED AND INSTALLED WITHIN THE LOT ENVELOPES TO ENHANCE AND FIT WITH THE DUPLEX CONSTRUCTION LAYOUT. TREES WILL BE PLANTED AT THE CORNERS TO "FRAME THE VIEW" OF THE BUILDINGS. SHRUBS AND PERENNIALS WILL BE LOCATED TO HIGHLIGHT THE ENTRANCES, AND TO SCREEN THE BACK PATIOS FOR PRIVACY.

remove landscape on US Forest Service Property



DATE
4-21-16

SHEET TITLE
LANDSCAPE PLAN

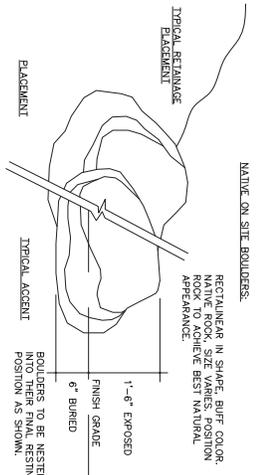
SHEET No.
L-1

CROSS CREEK SUBDIVISION LANDSCAPE PLAN
Minturn, Colorado

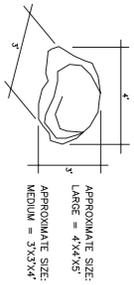
John Wilkinson, Landscape Architect
61425 Southfield
Minturn, CO 81401
p: 970.282.9332
www.johnwilkinson.com

REVISIONS

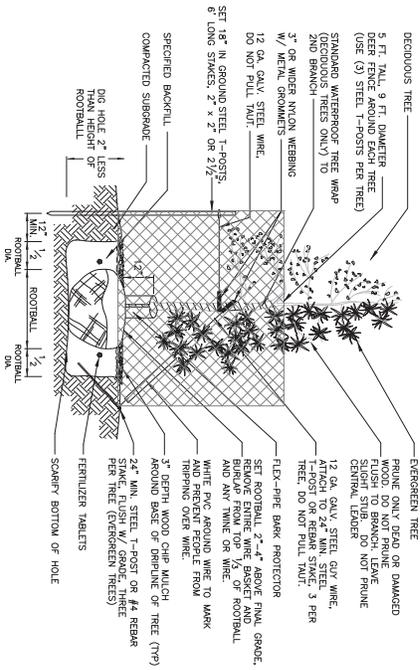
52



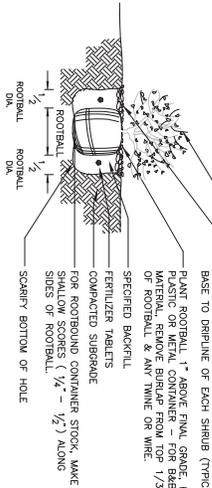
1. PLACEMENT OF LANDSCAPE BOULDERS REFERS TO BOULDERS PLACED IN THE GROUND 6" BELOW FINISH GRADE AND 1'-6" EXPOSED ABOVE FINISH GRADE, TYPICAL.
2. CARE SHALL BE TAKEN DURING PLACEMENT AND HANDLING TO AVOID UNNATURAL SCARING OF THE EXPOSED SURFACE.



A LANDSCAPE BOULDER
NOT TO SCALE



B TREE PLANTING SECTION
REMOVE DEER GUARD AFTER 2 YEARS
NOT TO SCALE



C SHRUB PLANTING DETAIL
NOT TO SCALE

PLANT LEGEND:

SYMB.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	MATURE CHARACTERISTICS:
	RICA UNIGRUS QUACA	BLUE SPRUCE	8 FT. BAB 11 FT. BAB 4 EACH	5 EACH	40' TALL, 10' SPREAD, BLUE EVERGREEN
	RICA UNIGRUS	GREEN SPRUCE	6 FT. BAB 10 FT. BAB 3 EACH	3 EACH	40' TALL, 10' SPREAD, YELLOW FALL COLOR
	POPULUS TREULOIDES	MULTI-STEM ASPEN TREE	3'-4' CAL. 18 TOTAL	39 TOTAL	39' TALL, 12' SPREAD, YELLOW FALL COLOR
	CORNUS BAYATI	BRANT DOGWOOD	5 GALLON	5 TOTAL	5' TALL, 5' SPREAD, RED TWIG
	LUPINE RUSSELL'S HYBRIDS	LUPINE	1 GALLON	12 TOTAL	18" TALL, 18" SPREAD, SHINE FLOWERS
	NATIVE HIGH ALTITUDE GRASS SEED MIX	NATIVE HIGH ALTITUDE GRASS SEED MIX	SEED	12,500 LB	ORDER SEED MIX REGION, SEED AT THE RATE OF 100 LB PER ACRE. SEE THE SUPPLIER'S RECOMMENDATIONS
	TIGR GRASS SOD (LOCALLY AVAILABLE)	LOCALLY AVAILABLE BLUEGRASS SOD	500	4-	INSTALL PER SUPPLIER'S RECOMMENDATIONS
	COMMERCIAL GRADE STEEL EDGER	1/2" X 4" COMMERCIAL GRADE STEEL EDGER	1/2" X 4"	4-	INSTALL WITH PROPER OVERLAPS AND STAKES
	3"-4" WASHED ROUND CORBLE MULCH	3"-4" CORBLE MULCH OVER LANDSCAPE FABRIC	3"-4"	4-	INSTALL 3"-4" DEEP OVER LANDSCAPE FABRIC
	NATIVE LANDSCAPE BOULDERS	NATIVE QUADRE BOULDERS, SEE THE DETAIL	FROM ON-SITE	24 TOTAL	SAVE BOULDERS FOUND DURING SITE PREP. BURY THEM INTO GROUND TO LOOK NATURAL.
	ELASTIC STEERING STONES	3" THICK	APPROX 22X2X2	4-	INSTALL ON COMPACTED SUBGRADE WITH 2" SAND SETTING BED
	TOPSOIL (FOR FRONTAGE BERM, AND ON TOP OF REMAINE STRUCTURE FOR GRASS SEED)	CLEAN TOPSOIL WITH ORGANICS	NO CLONDS OVER 2"	SEE CIVIL DWGS	PLACE TOPSOIL TO THE DEPTHS INDICATED ON THE DRAWINGS.

NATIVE HIGH ALTITUDE GRASS SEED MIX:

ROOTBALL SOIL AMENDMENTS TO DEPTH OF 6" AND FINE GRADE AREA TO BE SEEDED. THERE SHALL BE NO CLONDS GREATER THAN 2".
DRILL SEED USING SPECIFIED SEED MIX AND FOLLOW WITH DRY MULCHING. MULCHING SHALL BE 3" DEEP. SEE THE DETAIL FOR THE RATE OF MULCHING.
TACK WITH ORGANIC TACKER AT 200 POUNDS PER ACRE.
FOR STEEP SLOPES 3:1 OR GREATER, USE 100% BIODEGRADABLE EROSION CONTROL BLANKET.
DRILL SEED ALL AREAS WITH THE FOLLOWING MIX AT THE RATE SPECIFIED. PRODUCT SETTING OR HYDRATED.

PLANT TYPE	PLANT TYPE	LB. PER ACRE
SENIOR WHEATGRASS	ELYMUS TRACHYCALUS 'SAND LIPS'	5.0
LITTLE BLUESTEM	SCHIZOPHRUM SCOPULUM 'SUNBROW'	3.0
WESTERN WHEATGRASS	PASCOPYRUM SMITHI 'WARRA'	3.0
MOUNTAIN BROWE	BROWNS MARSHMALLOW 'GARNET'	6.0
ROCKY MOUNTAIN FESCUE	FESTUCA EXAMINUTANA	2.0

TOTAL = 20.0 PLS./ACRE

LANDSCAPE NOTES:

1. INSTALL A NEW AUTOMATIC UNDERGROUND IRRIGATION SYSTEM AND CONTROL VALVE FOR THE NEW LANDSCAPE. PROVIDE TALL POP-UP SPRAY AND/OR ROTATOR HEADS FOR GRASS TO EACH PERENNIAL OR SHRUB DESIGN UNLESS OTHERWISE NOTED BY THE CONTRACTOR. INSTALL PER INDUSTRY STANDARD EACH ENTIRE.
2. WHEN INSTALLING PLANT MATERIAL, PLANT MIX SHALL BE COMPRISED OF PART SOIL, CONDITIONER (DECOMPOSED BARK MULCH OR "BACK-TO-EARTH" PRODUCT) TO 2 PARTS TOPSOIL OVER FERTILIZER. FILL WITH PLANT MIX. ROOTING HORMONE SLUR AS INOC. & BUTERIC ACID SHALL BE USED FOR ALL TREES & SHRUBS.
3. PLANT MATERIAL WAS CHOSEN FOR ITS SPECIFIC VARIETY, HEIGHT, AND COLOR. ANY PLANT MATERIAL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT. THE NEW LANDSCAPE SHALL SEAMLESSLY BLEND WITH THE EXISTING LANDSCAPE TO LOOK NATURAL. FIT TREES TO SCREEN VIEWS FROM THE ADJACENT HIGHWAY.
4. LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO ANY PLANTING. LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO ANY PLANTING. LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO ANY PLANTING. LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO ANY PLANTING. LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO ANY PLANTING.

SEEDING NOTES:

1. THE DESIGNATED GRADED AREAS SHALL BE SEEDED WITH GRASS SEED TO THE RATE SPECIFIED. THE SEEDING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. THE SEEDING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. THE SEEDING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
2. SEED AFTER ALL FINAL GRADING AND SOIL PREPARATION IS COMPLETE.
3. SOIL PREP. GRADE TOPSOIL TO A REASONABLE, SLOPE SURFACES SHOULD BE ROUNDED TO PROVIDE SEED PROTECTION. SLOPE SURFACES SHOULD BE ROUNDED TO PROVIDE SEED PROTECTION. SLOPE SURFACES SHOULD BE ROUNDED TO PROVIDE SEED PROTECTION.
4. SEE THE PLANT LEGEND FOR SEED TYPE, APPLICATION RATE, AND SEED SUPPLIER. THE SEED IN TWO EQUAL PARTS AND SOIL HALF OF THE SEED BY CROSSING THE AREA NORTH TO SOUTH AND THE OTHER HALF BY CROSSING EAST TO WEST AT DOUBLE THE RATE. THE SEEDING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. DO NOT SEED DURING WINDY CONDITIONS. ANY AREAS DISTURBED AFTER SEEDING OPERATIONS SHALL BE RESEED AT CONTRACTOR'S EXPENSE.
6. FOR SLOPES 3:1 OR GREATER, SEED AREAS SHALL BE MULCHED WITH WOOD CHIP MULCH. ANY EROSION CONTROL BLANKET OVER SEEDED AREAS SHALL BE RESEED AT CONTRACTOR'S EXPENSE. RECOMMENDED CHECKS AND STAKES.
7. PROTECT ALL SEED AREAS FROM DAMAGE UNTIL NATIVE GRASS AREAS ARE ESTABLISHED. RESEED AREAS FROM DAMAGE UNTIL NATIVE GRASS AREAS ARE ESTABLISHED. RESEED AREAS FROM DAMAGE UNTIL NATIVE GRASS AREAS ARE ESTABLISHED.



COLORADO

Department of Transportation

Transportation Systems
Management & Operations

Region 3 Traffic Section
222 S. Sixth St., Room 100
Grand Junction, Colorado 81501
(970) 683-6284 / Fax (970) 683-6290

August 25, 2015

ATTN: Christopher Fett
Cross Creek Properties, LLC
2330 Lafayette Street
Denver, CO 80205

RE: State Highway Access Permit No. 315068, Located on Highway 024, Milepost 147.06 R, in Eagle County

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed. The next step in the CDOT access permitting process is for you (Applicant) to obtain a Notice to Proceed (NTP). ***Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.***

Notice to Proceed Information

Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) **Cover Letter Requesting a NTP (include firm name, PE name and contact number)**
- 2) **Traffic Control Plan (2 copies)**

The traffic control plan must be:





May 29, 2015

Re: Mineral Interest Inquiry

Dear Ms. Goncharoff:

NOTICE: This information is not intended to constitute a formal mineral title opinion, an opinion regarding marketable title of mineral interests, or relate the issuance of any policy or policies of title insurance. There is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and there is substantial likelihood that the third-parties identified hold some or all interest in oil, gas, other minerals or geothermal energy in the property at issue. This letter is prepared at your request related to compliance with mineral interest examination identified in C.R.S. 24-65.5-103 (a)(I)(A).

DESCRIPTION OF LANDS

1973 U.S. Highway 24, Minturn, Colorado, also described as follows:

PARCEL D:

A parcel of land lying Southerly of and adjacent to the southerly boundary line of the right of way of U.S. Highway no. 24 in the NE1/4 of Section 35, Township 5 South, Range 81 West of the 6th P.M. described as follows:

Beginning at a point on the Southerly boundary line of the right of way of said highway from which the North Quarter Corner of said Section bears N46°46' West, 1858.5 feet;

Thence South 29°11' West 148 feet to the Northerly Corner of parcel of land conveyed to the Colorado State Highway Department by deed recorded in Book 126 at page 421, Eagle County, Colorado Recorder's Records:

Thence South 31°36' East along the Northeasterly boundary line of said last mentioned parcel of land 57.3 feet, to the most Easterly corner of said parcel, which corner is located on the Northwesterly line of said parcel of land described in the Deed recorded in Book 126 at Page 232 of said records;

Thence North 29°11' East, along said Northwesterly line of last mentioned parcel of land 168 feet to the Southerly boundary line of the right of way of said Highway; thence Westerly along the Southerly boundary line of the right of way of said Highway; thence Westerly along said Southerly right of way line on a 1°58' curve to the right 50.1 feet to the point of beginning.

PARCEL E:

A tract of land designated the "Country Club Tract" located in Section 36, Township 5 South, Range 81 West of the 6th P.M. according to the Dependent Resurvey of said Township and Range approved by the U.S. Department of the Interior General Land Office in Denver, Colorado on September 13, 1943; said tract of land being more particularly described as follows, to wit:

Beginning at the Corner No. 1, located on the Westerly right of way boundary line of U.S. Highway No. 24, from which the South Quarter Corner of Section 36 bears S. 27°37'50" E. 1568.35 feet distant; and also an iron pin Witness Corner for Corner No. 1 with an aluminum cap marked "W.C." bears No. 56°24'30" E. 9.45 feet distant from Corner No. 1; thence continuing along said highway right of way boundary line 151.58 feet on a curve to the right having a radius of 756.30 feet, the chord of which bears

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL SUBDIVISION PLAT
FOR THE CROSS CREEK SUBDIVISION.

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 (“Minturn” or the "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, Cross Creek Development (the “Developer”) has submitted an application and final plat to subdivide land in the Cross Creek character area (the “Cross Creek Subdivision”) into three residential lots for development of three residential duplexes; and

WHEREAS, on June 22, 2016 the Minturn Planning and Zoning Commission found the Final Plat for the Cross Creek Subdivision to be in compliance with the requirements and intent of the Minturn Town Code and the Town’s land use goals and plans, and recommended to the Town Council for approval the Final Subdivision Plat subject to certain additional conditions; and

WHEREAS, on July 6, 2016 the Minturn Town Council conducted a duly-noticed public hearing and reviewed the Final Plat for the Cross Creek Subdivision and found the document to be consistent with the approved Preliminary Plat, and that all conditions of the Preliminary Plat approval have been met; and

WHEREAS, the Minturn Town Council finds that the Final Subdivision Plat has been submitted in compliance with Article 6 of Chapter 17 of the Minturn Town Code; and

WHEREAS, the Town Council desires to approve the Final Plat for the Cross Creek Subdivision, subject to all terms and conditions set forth by the Planning and Zoning Commission in its June 22, 2016 Report.

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

SECTION 1. 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. That certain Final Plat for the Cross Creek Subdivision, attached as **Exhibit A** and incorporated by this reference, is hereby approved, subject to all terms and conditions attached hereto as **Exhibit B**.

SECTION 3. The Mayor of the Town of Minturn is hereby authorized to indicate the Town Council's approval of the Final Plat for the Cross Creek Subdivision by signing the Final Plat.

SECTION 4. The Developer shall comply with all of the Developer's representations made in any applications and in statements during the public hearings before the Minturn Planning and Zoning Commission and the Minturn City Council, which shall be conditions of approval with which the Developer shall comply. The Developer shall comply in full with the Minturn Town Code and Public Works requirements.

SECTION 5. The Town Clerk is hereby directed to record this Ordinance, the Final Plat of the Cross Creek Subdivision, any subsequent Amendments thereto, and any other associated documents in the Office of the Clerk and Recorder of Eagle County, Colorado with thirty (30) days of approval and to file one (1) certified copy of the Final Plat, any subsequent amendments, and this Ordinance with the Eagle County Assessor.

SECTION 6. The Minturn Town Council's approval of this Final Subdivision Plat creates a vested property right pursuant to the Minturn Town Code and Article 68 of Title 24, C.R.S., as amended, for a period of five (5) years from the effective date of this Ordinance. As a condition of the granting of such vested right, the Developer shall, at its expense, publish the vested rights notice required by C.R.S. § 24-68-103(c) and the Minturn Town Code § 16-21-710 *et seq.*, and the Developer shall comply with all the other procedural requirements set forth therein.

SECTION 7. Except as hereinabove provided, all provisions of the zoning, subdivision, and other ordinances or regulations of the Town shall apply to the Property.

SECTION 8. If any section, subsection, clause, phrase or provision of this Ordinance, 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 Ordinance, 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 BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF JULY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF JULY, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF JULY 2016.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

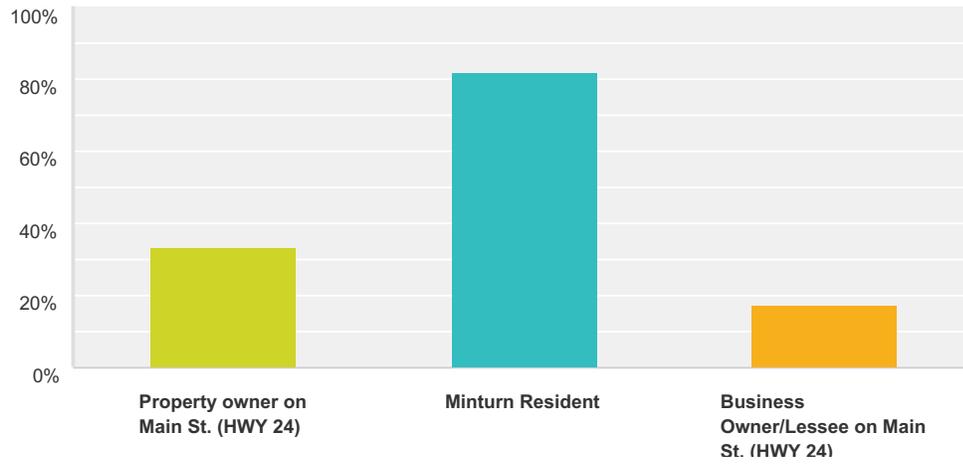
Exhibit A
Final Plat for the Cross Creek Subdivision

EXHIBIT B

1. That all statements made by the applicant in the application and in meetings before the Planning Commission and the Town Council are conditions of approval unless modified in the following conditions.
2. All residences on the Property shall be developed using the residential zoning standards in the Cross Creek Character Area.
3. All comments of Town staff on the Final Plat, Engineered Construction Plans and HOA documents be adopted and incorporated.
4. That the Town and Applicant enter into a subdivision improvement agreement that meets the requirements of the Town Code and that is acceptable to the Town attorney.
5. That the applicant will receive applicable design review approvals prior to construction of any structures on the Property.
6. The contemporaneously with recording the Final Plat, applicant will demonstrate incorporation of a homeowners association, registration with the State of Colorado, and recordation in the public records of a declaration of covenants.
7. The applicant will pay all fees required by the Town code and associated with the Town's review and approval of the Final Plat and associated documents, including but not limited to attorney, engineer, planning, administrative and public notification costs.
8. That the final plat include the following language: The zoning for parcels adjacent to the Property allows for mixed uses and commercial uses. Properties zoned mixed use or commercial use are not governed by residential zoning criteria and may be subject to commercial standards for noise, light emissions, hours of operation, traffic, and other zoning use criteria.
9. The landscape berm proposed for the Property shall be entirely contained on the Property and shall not be located on any adjoining parcels or rights-of-way.

Q1 Are you a (check all that apply):

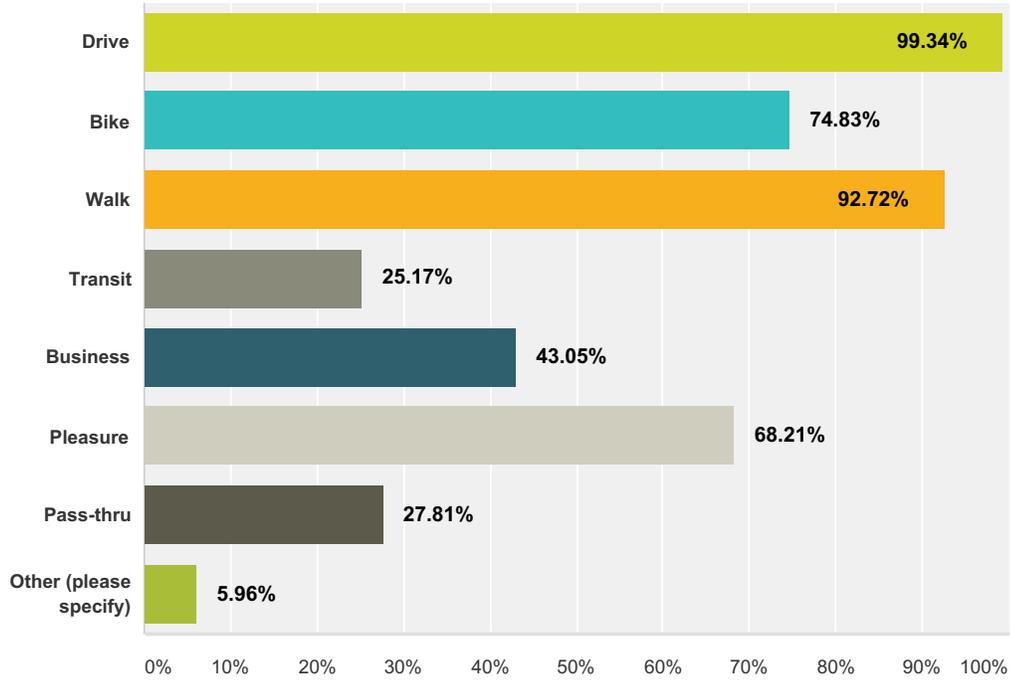
Answered: 143 Skipped: 9



Answer Choices	Responses	
Property owner on Main St. (HWY 24)	33.57%	48
Minturn Resident	81.82%	117
Business Owner/Lessee on Main St. (HWY 24)	17.48%	25
Total Respondents: 143		

Q2 How do you use the Main Street corridor? Mark all that apply.

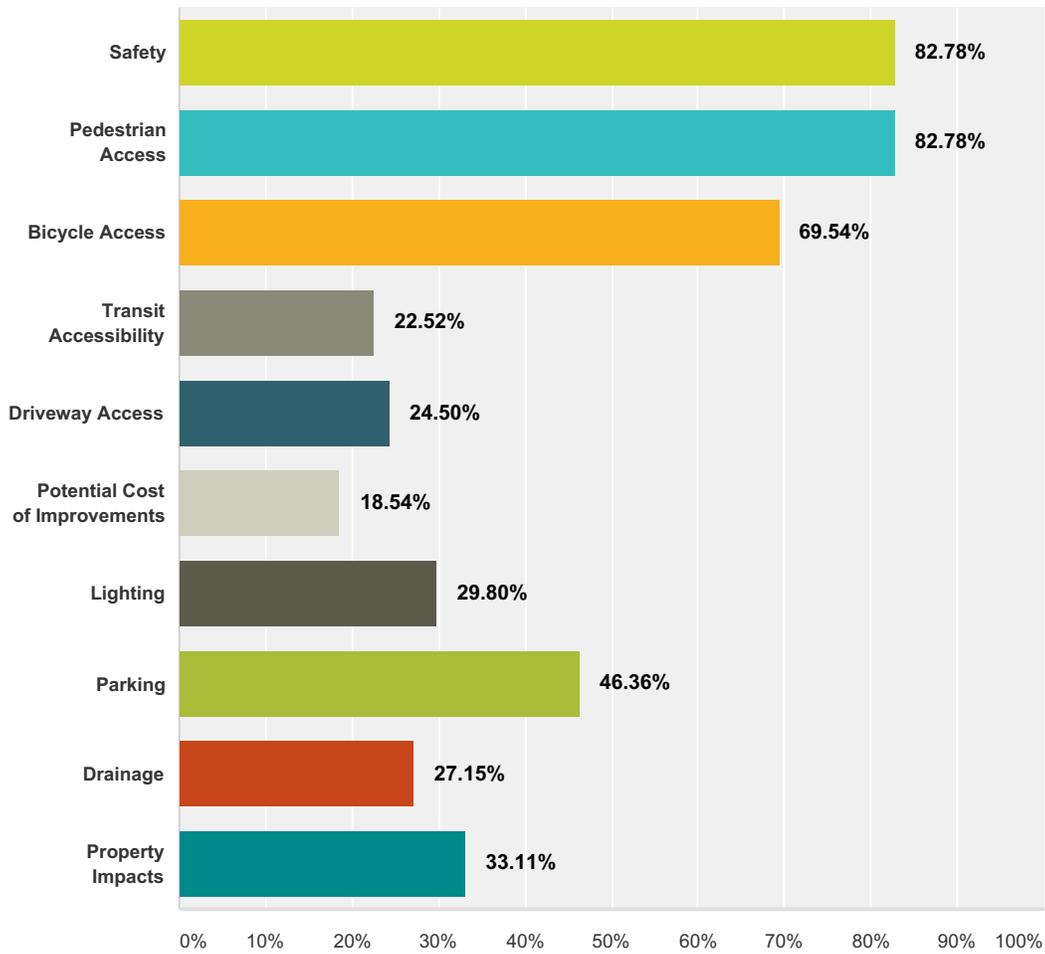
Answered: 151 Skipped: 1



Answer Choices	Responses	Count
Drive	99.34%	150
Bike	74.83%	113
Walk	92.72%	140
Transit	25.17%	38
Business	43.05%	65
Pleasure	68.21%	103
Pass-thru	27.81%	42
Other (please specify)	5.96%	9
Total Respondents: 151		

Q3 Of the following community issues, please mark those that are most important to you.

Answered: 151 Skipped: 1

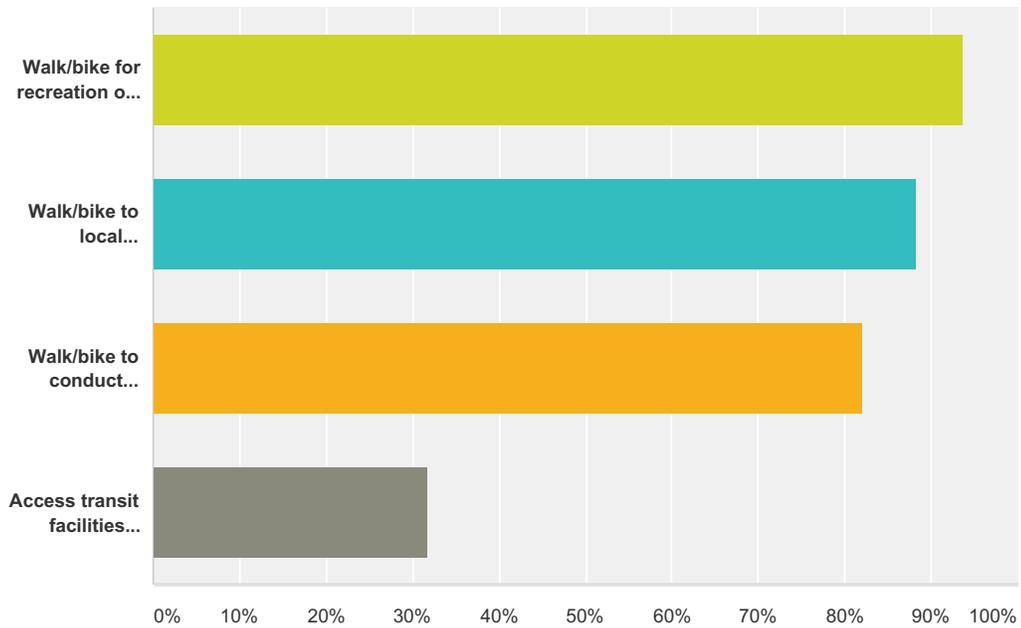


Answer Choices	Responses	
Safety	82.78%	125
Pedestrian Access	82.78%	125
Bicycle Access	69.54%	105
Transit Accessibility	22.52%	34
Driveway Access	24.50%	37
Potential Cost of Improvements	18.54%	28
Lighting	29.80%	45
Parking	46.36%	70
Drainage	27.15%	41
Property Impacts	33.11%	50

Total Respondents: 151

Q4 Please mark activities that you would do if improved pedestrian and bicycle facilities were available:

Answered: 145 Skipped: 7



Answer Choices	Responses
Walk/bike for recreation or to access recreational opportunities	93.79% 136
Walk/bike to local destinations (restaurants, shopping, parks, etc.)	88.28% 128
Walk/bike to conduct errands/business/go to work	82.07% 119
Access transit facilities (ECO/School bus)	31.72% 46
Total Respondents: 145	

Q5 Do you have any other comments, questions, or concerns?

Answered: 75 Skipped: 77

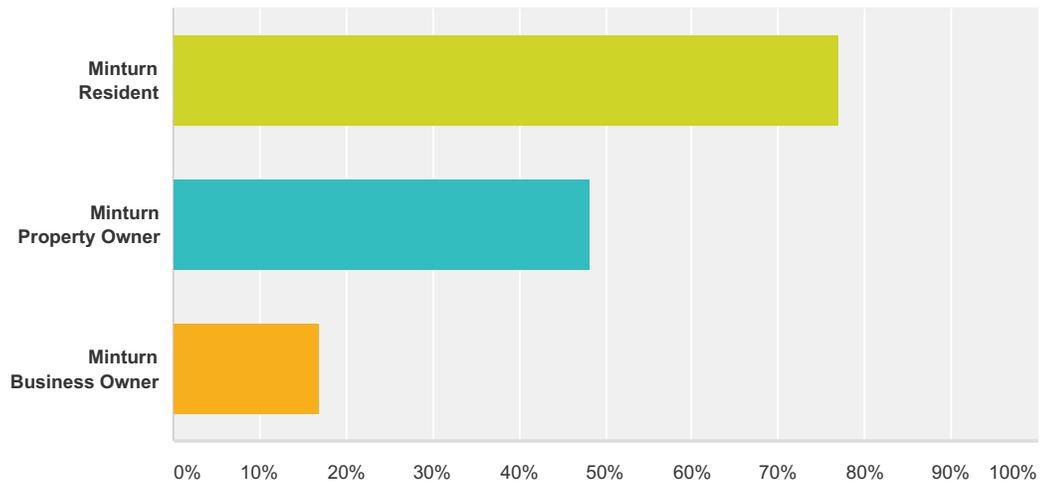
Q6 Contact

Answered: 152 Skipped: 0

Answer Choices	Responses	
Name	100.00%	152
Company	34.21%	52
Address	98.68%	150
Address 2	21.05%	32
City/Town	99.34%	151
State/Province	98.68%	150
ZIP/Postal Code	97.37%	148
Country	0.00%	0
Email Address	100.00%	152
Phone Number	89.47%	136

Q1 Are you a (check all that apply)

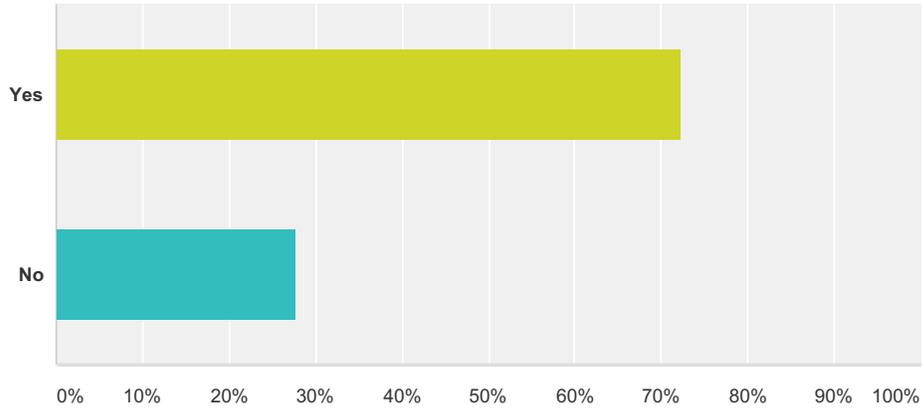
Answered: 118 Skipped: 4



Answer Choices	Responses	
Minturn Resident	77.12%	91
Minturn Property Owner	48.31%	57
Minturn Business Owner	16.95%	20
Total Respondents: 118		

Q2 Minturn has the opportunity to grow in the valley floor primarily in the Bolts Lake area. Are you open to the idea of growth in Minturn, primarily on the valley floor?

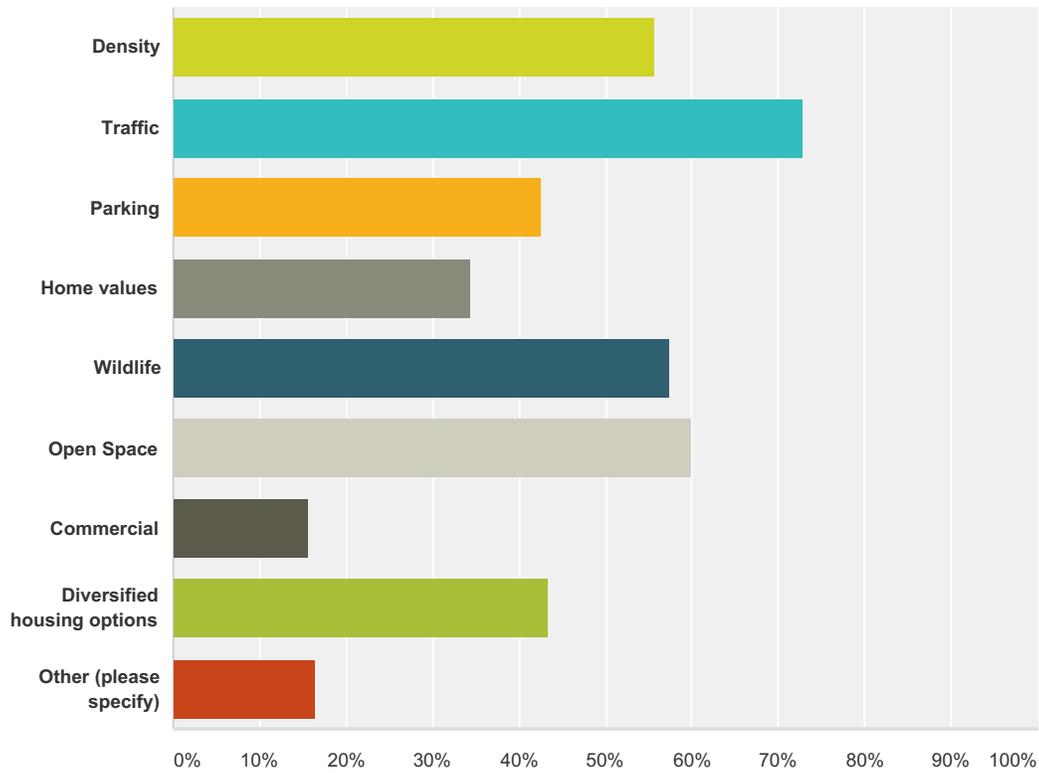
Answered: 119 Skipped: 3



Answer Choices	Responses
Yes	72.27% 86
No	27.73% 33
Total	119

Q3 What would you list as your primary concerns regarding growth? Check all that apply.

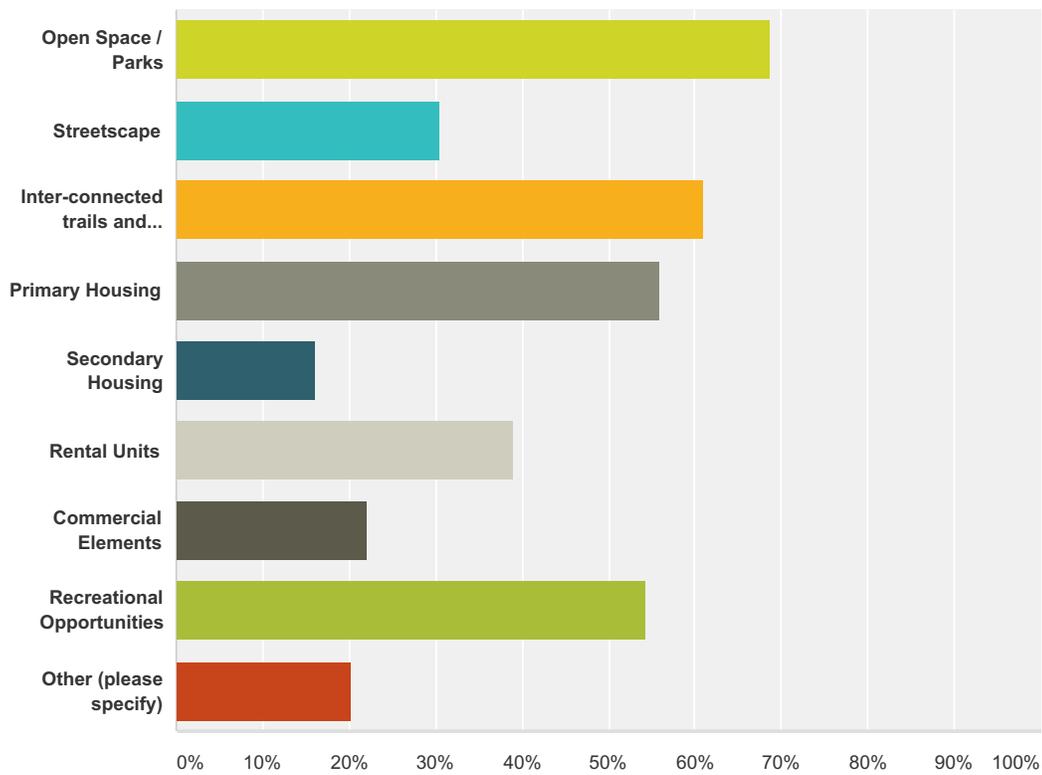
Answered: 122 Skipped: 0



Answer Choices	Responses	Count
Density	55.74%	68
Traffic	72.95%	89
Parking	42.62%	52
Home values	34.43%	42
Wildlife	57.38%	70
Open Space	59.84%	73
Commercial	15.57%	19
Diversified housing options	43.44%	53
Other (please specify)	16.39%	20
Total Respondents: 122		

Q4 What elements would you want to see included in potential development/growth?

Answered: 118 Skipped: 4



Answer Choices	Responses
Open Space / Parks	68.64% 81
Streetscape	30.51% 36
Inter-connected trails and sidewalks	61.02% 72
Primary Housing	55.93% 66
Secondary Housing	16.10% 19
Rental Units	38.98% 46
Commercial Elements	22.03% 26
Recreational Opportunities	54.24% 64
Other (please specify)	20.34% 24
Total Respondents: 118	

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

William Powell
Town Manager



Town Council
Mayor – Matt Scherr
Mayor Pro Tem – Earle Bidez
Councilmember – Terry Armistead
Councilmember – Harvey Craig
Councilmember – Sidney Harrington
Councilmember – Sage Pierson
Councilmember – John Widerman

MANAGER MEMORANDUM
July 6, 2016

Main Street Engineering Project

The first open house was held on July 7 from 4—7pm. Turnout for the meeting included approximately 30 residents. Almost all completed survey forms. Important in the forms was the preference between the four alternatives for Segment 2, South Minturn. The strong majority favored alternative D, which includes sidewalks and bike lanes on both sides of Main St. It is important the town designate the preferred alternative in Segment 2 at the July 6 meeting so that the engineering stays on schedule. Designation is needed to meet the overall engineering schedule and to give focus to the individual property owner meetings scheduled for June 29 and 30. Special attention is also being given to the area on both sides of the street where the Enclave accel/decel lanes exist. As mentioned at the previous meeting survey return participation is impressive. Staff has posted on the website answers to some of the more common questions contained in the surveys.

Dowd Junction

Appraisals

The appraisals were finally authorized by the Forest Service two weeks ago. The intent is to receive them by mid-July. We will see.

Request for Qualifications issued

Because the appraisals were finally ordered and we continued recruiting qualified developers, the RFQ was issued today to four firms. See attached for final RFQ. It is the same as you may have previously seen—only the dates have changed. You will want to look at the evaluation and interview weeks to see if you want to attend and your schedule allows. I hope both of you can do both evaluation and interviews.

Water Service to the Dowd site

As you may recall we need to provide domestic water service to the site to assure the parcel stays annexed to town. Jeff Spanel and I are meeting with Linn Brooks of the Upper Eagle Valley Water & Sanitation District to explore their serving the site with water. The District main lines are close to the site and by far closer than Minturn's. However, at looking at the

District's regulations, they may be overly onerous with respect to water rights dedications, treated water storage fees, tap fees, etc. So this is an exploratory mission.

Meeting with Attorney Mike Sawyer and consultant Tom Glass

We have scheduled a meeting with Mike and Tom. I would like you to attend if your schedule allows. If the appraisals for the Eagle properties are acceptable to the sellers, it will set off a flurry of activities and we need to be prepared.

Dowd to Minturn Bike Trail

Janet and Willy met with Inter-mountain to review the alignment of the trail. We are looking at some changes at the north end, where there are several uses and property ownership complications. More specifically we need to see if we can have easements through the gas compressor station and the State Land Board property.

ACTION ITEMS REPORT

From: Town Manager
16-Mar-16

Action Item	Responsible staff	Status
Lease Lot cleanup and leasing	Martinez	berm improved, needs seeded
Boneyard	Hawkinson	complete management plan
Little Beach Park	Powell	review improved park plans
Memorialization Guidelines	Metteer	staff presented in 2015, need more guidance from Council
Minturn Fitness Center	Powell Rosenfeld Bidez	Property tax exemption has been approved by state achieve 501.c.7 non-profit status
Minturn Education Fund	Powell	501.3 IRS tax exempt application sent
Zoning Code Amendments	Hawkinson Powell Sawyer	phase 1 complete and adopted by Council staff working on list of priorities to present to Council
Guide Sign Plan	Metteer	Submitted to CDOT for review
Water Rate Structure and Rates	Powell water committee	decision on structure and rates made review after six month history
South Minturn Engineering TAP GRANT	Powell Osborne Inter-Mountain Engr.	IGA fully executed between CDOT and Town Stofus agreement approved and executed Council June 1, Open House June 7
Bolts Ditch within Wilderness	Powell	WLG contract approved House hearings complete,
Building Code Adoption--newer codes		place holder
Term Limits	Sawyer	Charter or ordinance amendment decide particulars of amendment