



Official Minutes

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

Wednesday August 20, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

: 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 – 5:00pm

- Discussion of building moratorium

As a result of the discussion Staff was directed to prepare an Emergency Ordinance to prohibit the acceptance of an application for duplexes, multifamily units, and accessory apartment units for the September 3, 2014 Council Meeting. The following is a partial list of items to be included when considering a potential amending zoning ordinance. It is not all inclusive and other items may be added as the amending zoning ordinance is written:

- Variance to be approved only by Council
- Impervious property coverage
- Unbuildable land included in the density calculation
- Multifamily units and accessory dwelling units
- Minimum lot size

Note of Record: The following items, although noticed on the agenda, were not discussed as they involved quasi-judicial review which falls outside the prevue of a Work Session:

- 1131 Main Street Duplex Design Call Up – Hawkinson

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

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:32pm.

- Roll Call

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

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Johnie R., second by Earle B., to approve the agenda as presented. Motion passed 6-0.

3. Approval of Minutes and Action Report

- August 6, 2014

Motion by George B. second by Johnie R., to approve the minutes of August 6, 2014 Council Meeting as presented. Motion passed 6-0.

- Action Item Report

Matt noted the Sheriff contract has been completed and requested the community be made aware through an online public notice effort.

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

Hawkeye noted that the marijuana ordinance will be reviewed in late 2014 or even early 2015 and that no decision will be made until such time as it is discussed in full.

Ms. Barbara Allen, 4130 Eagle Rim Dr, Avon, discussed her opposition to the retail sale of marijuana.

5. Special Presentations

PUBLIC HEARINGS AND ACTION ITEMS

6. Action Item: 1131 Main Street Duplex Design Call Up – Hawkinson

Janet H. outlined the application and the history of the project for the Council. Janet H. detailed the lot coverage of less than 40% and identified the parking. Definitions of a duplex and an accessory apartment were reviewed. Janet H. state that she and the Planning Commission felt the proposal met the definitions set forth in the code for a duplex and the allowed accessory unit. The Duplex common wall requirement is met by the common roof line connecting all the properties.

Mr. Steve Riden, project architect, outlined his needs and uses of the property.

- Zoning of the area is a use by right for a duplex and an accessory unit. A duplex allows him to build a quality project for an affordable price based on a shared cost of the land.
- The architectural features enhance the property and limit the impervious surface on the site to allow a nicer combined landscape.

Earle B. state he felt the accessory unit does not comply with the spirit of the code when combined with a duplex; a duplex with a single accessory apartment is a miss interpretation of the code.

Mike S. stated Janet H. is correct that the South Minturn Character Area section does allow other uses than stated in the general definitions. Two questions:

- First: the definition of an accessory apartment can be interpreted differently in two different sections of the code.
- Second: definition of a duplex in the general section is a building with two independent housing units. The building section extends this definition to connected roofs as well.

Note: Shelley B. arrived and took her seat at the Council table at 7:15pm.

Hawkeye asked how much impervious surface is allowed in the code; Janet H. said there is a definition but there is not a standard. Hawkeye stated this does not meet the definition of a duplex.

Threshold question: a building containing two dwelling units each being used as a duplex dwelling, two family duplex with a connecting roof to create the duplex connection.

Threshold question: does it qualify for an accessory apartment?

Motion by Ozzy O., second by Matt M., to approve the proposed duplex located at 1131 Main St as presented with the condition that the limited review of the accessory unit be removed and not allowed at this time. The applicant is allowed to request a limited review of the accessory apartment at a later date. Motion passed 5-2, Hawkeye and George B. nay.

7. Action Item: 850 Main Street Duplex Design Call Up – Hawkinson

Janet H. reviewed the issues and history of the project. This project was called up at the August 6, 2014 Council meeting on the concern that it does not meet the design criteria spelled out in the Municipal Code.

Ozzy O. stated the snowmelt system needs to be required to be used otherwise we need to have the required snow storage.

Ms. Beth Levine, Architect, stated the project meets all setbacks and code requirements. She stated she has an existing building that is being remodeled and a duplex feature is added. She noted that by rearranging the project they have 3bdrms in the existing and 5bdrms in the new section thereby reducing the bedroom count from ten to eight.

Discussion ensued as to the ability to access the garages and the use of snowmelt in lieu of snow storage. It was noted that without using the quiet title allowance the project would not be allowed as it would have exceeded the allowable density. It was discussed that in the future the code should be revised to reflect density based on buildable area on the lot.

Motion by Shelley B., second by George B., to approve the proposed duplex located at 850 Main Street Duplex as presented. Motion passed 5-2 Johnie R. and Ozzy O. voted nay.

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

Janet H. presented the project for Staff.

Mike S. added this is a request for a preliminary plat. Nothing can be done until a final plat is presented. The conditions in the Resolution include the information required for final plat and subdivision approval.

Janet H. noted the project will be required to form a Home Owners Association (HOA) to maintain the subdivision and common areas.

It was confirmed that the lot site will have set backs within the building envelop so that vehicles will not hang out over the sidewalk. Shelley B. asked if the Town could set conditions that the property be single family homes, not multi unit dwellings such as a duplex. Mike S. stated the property will need to be rezoned to residential property. Mike S. stated it would be difficult to preclude duplex units in a residential zone since they are allowed as a use by right.

Hawkeye stated he felt the proposal needed to be approved by the Fire District prior to the Town approving as they might not approve an eighteen foot road and no turn around. Mike S. stated the Council could set as a condition that the Fire District review and approve prior to final approval by the Town.

Mr. Randy Quintana, 1071 Main St and current property owner, stated the proposed street would not be dedicated to the Town, it would remain under the maintenance of the HOA.

Johnie R. stated this is changing the property from commercial to residential and this will reduce our commercial tax and sales tax basis in Town.

Motion by Ozzy O., second by Shelley B., to approve Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St. as presented. Motion passed 7-0.

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

Janet H. presented the project and addressed issues. It was noted the property is currently zoned Mixed Use, however, if the property is built as residential it must conform to residential Municipal Codes.

Discussion ensued on the proposal to share the proposal's road to access the Town water plant. Our current access involves large vehicles and is also the access for the Forest Service area. The street could be too narrow and parking on the street could impede the flow of traffic accessing the off-site areas.

Hawkeye recommended the owners work with the Fire District during this preliminary period.

Motion by Ozzy O., second by Shelley B., to approve Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St as presented. Motion passed 5-2 Johnie and George nay.

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Attorney

12. Town Manager

- Zoning Code Review update
- CMC Scholarship Update

13. Town Council Comments

Shelley B. updated the Council on the Minturn Education Fund which met and awarded three scholarships for a total of \$5,500.

Eco transit needs to review their schedule to bring people into town after work.

Shelley asked if there was any truth to the rumor that the rummage sale will end upon the current leader's retirement. Willy P. stated he would follow up and report back.

FUTURE AGENDA ITEMS

14. Next Meeting – August 20, 2014

- Emergency Ordinance for a building moratorium
- Special presentation Emily Martinez
- Work Session to discussion on what our priorities are
 - Zoning code updates
 - Marijuana future

15. Future Meetings:

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

16. Set Future Meeting Dates

- a) Council Meetings:
 - September 3, 2014
 - September 17, 2014
 - October 1, 2014
- b) Planning & Zoning Commission Meetings:
 - August 27, 2014
 - September 10, 2014
 - September 24, 2014

17. Other Dates:

- Labor Day Monday September 1, 2014 – Office Closed
- Final Minturn Market – September 6, 2014

18. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 10:20pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

