



## Official Minutes

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

**Wednesday March 4, 2015**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 5:30pm**

- Discussion Regarding Zoning Code Amendments – Hawkinson

### **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:36pm

- Roll Call

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

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

- Pledge of Allegiance

## 2. Approval of Agenda

- Items to be Pulled or Added

Motion by Ozzy O., second by Earle B., to approve the agenda as presented. Motion passed 7-0.

## 3. Approval of Minutes

- February 18, 2015
- Update and provide more information on the zoning code direction.
- Include the statistics quoted in the Council Comments in that Shelley B. quoted at the end of the meeting.

Motion by Shelley B., second by Earle B., to table the minutes of February 18, 2015 to the March 18 meeting in order to allow time to address the changes requested. Motion passed 7-0

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

Mr. Christopher Davis, 376 Pine St, commented that he would like to be represented on the community map and advertising. He was instructed to contact Willy P. the Town Manager.

Mr. Tim McGuire, Battle Mountain Resorts, introduced himself to the Council. He will be the new leader of the project and will be seen around town.

## 5. Special Presentations

### PUBLIC HEARINGS AND ACTION ITEMS

## 6. Discussion/Action Item: Consideration of a Proclamation regarding the Eagle County Library One Book One Valley - Powell

Hawkeye introduced and read the Proclamation. The book this year is The Cold Dish by Craig Johnson. Ms. Lori Anne Barns, Vail Public Library, thanked the Council for their support and specifically thanked Shelley Bellm and George Brodin for their support and efforts.

Motion by Ozzy O., second by Shelley B., to approve a Proclamation regarding the Eagle County Library One Book One Valley as presented. Motion passed 7-0.

## 7. Discussion/Action Item: Ordinance No. 01 – Series 2015 An Ordinance of the Town of Minturn Colorado amending the Zoning Code of the Town of Minturn set forth as Chapter 16 of the Minturn Municipal Code – Hawkinson

Council proceeded with a line by line review of the ordinance as presented.

- Following is a summary of the changes resulting from the discussion. Only items that received direction from Council during the meeting are included in these minutes.

**ARTICLE 2**  
**Definitions, and Illustrations and**  
**Lot Standards**

**Sec. 16-2-20. Definitions.**

Gable, hip, gambrel or shed roof: height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.

Janet H. will incorporate that at no point will the average roof height exceed 28 feet. Council felt a diagram might assist this definition.

Duplex means a single lot, that is used exclusively by two (2) families, each living as an independent house keeping unit. Joining Requirements: a shared roof line, buildings connected by a common roof, including covered walkways; or a minimum ten percent (10%) of a party wall of a main living area (living room, dining room, kitchen, bedroom – hallways and storage areas are not allowed as shared wall); or a single family house divided into two living spaces by one wall. See Illustration No. \_\_\_\_\_.

Council felt the minimum size of the duplex lot should be defined in its own definition.

Non-impervious surface means area on a Lot that consists of natural material that absorbs water, including storm water, and includes: wild ground cover, fescue sod, native grasses, wildflowers, xeriscape areas (must include 50% of plants and not rocks under-laid by a landscape/soil barrier), trees, riparian areas, river and stream areas, wetlands, reservoirs, and other green plant life.

Council felt a definition of “xeriscape” is needed.

**Sec. 16-2-30. Illustrations.**

Discussion ensued as to how we are restricting commercial use and redevelopment of residential that negatively affects our ability to encourage retail.

On Illustration 3) Duplex it should represent a top/bottom duplex as well.

The following illustrations shall apply to this Chapter:

Illustration No.	Accessory Building or
16-1	Structure Shared or Party
	Driveway Easement

Illustration No. 16-2 Building Height Measurement

Illustration No. 16-4 Site Plan for Impervious Surface

Illustration No. 16-5 Site Plans for Duplex Connections

Janet H. will clarify the illustrations as discussed. She should also include examples of height calculations on commercial and mixed use buildings as those are calculated differently.

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

**TABLE 16-A 16-15 Dimensional Standards**

Character Area	Zones	Min. Lot Area (sq. ft.) (A)	Min. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks			River/Creek Setback (ft) <u>Not to be included in lot square footage for purposes of Maximum Building Lot Coverage and Maximum Impervious Surface Area</u>
						Front	Rear (feet) (C)	Side (ft)	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A		40	20	20	30
Cross Creek	Residential-S	5,000	50	40		20	20	10	Eagle River=30 Cross Creek=50
	Residential-N	10,000	100	25		20	20	10	
	Mixed-use	10,000	100	40		20	20	10	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A		To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45		25	25	10	
Game Creek	Residential	5,000	50	40	<u>50</u>	20	10	5	Game Creek=30

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

**Note 1 Old Town mixed-use minimum lot coverage may be increased from 40% to 45% if ground floor commercial space is provided.** (note: former Table 16-15 Note (1))

It was noted that these notes are now incorporated in the actual code sections rather than as a note due to their overall importance. Mike S. noted those changes and will ensure that those changes are reflected in the revised sections of code 16-3-20 below:

**Refer to notes below.**

**Notes from Table of Dimensional Standards**

- (A) Minimum lot area per principal dwelling unit. Density shall be calculated by counting only the number of principal dwelling units per lot, excluding any accessory dwelling units that may be allowed.
- (B) Old Town mixed-use minimum lot coverage may be increased to 45% if ground floor commercial space is provided.
- (C) The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall only apply to the ground level. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.  
Exception: In instances where a subdivision of land has created a situation where 1 parcel is sited directly behind a parcel that fronts a Town street, the parcel that contains the street frontage will not be eligible for the setback reduction.

**Additional setback standards:**

- (1) Side yard setback. None required if the sidewall is a party wall.
- (2) Transition. When a lot in a nonresidential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the nonresidential zone.
- (3) Corner lots. When a commercial corner lot adjoins a noncommercial lot, a primary street frontage must be approved by the Planning Director. The rear lot line is parallel to, and behind, the front lot line. The side setback shall be no less than 1/2 of the required front setback of the noncommercial lot. The rear setback of the commercial lot shall be no less than the side yard setback of the adjacent residential lot.
- (4) Partially developed frontages. When a vacant lot is bordered on 2 sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the 2 existing adjacent buildings. When a vacant lot is bordered on only 1 side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the district.
- (5) Irregularly shaped lots. When a lot is not rectangular in shape, and a building is constructed so that 1 side of the building is parallel to an adjacent street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than 5 feet.
- (6) Setback from river/creeks. A strip of land measured horizontally from the high water mark on each side of any live stream shall be protected in its natural state, with the exception that footpaths, bridges, fences, irrigation structures, flood control and erosion protection devices may be constructed thereon. If necessary to protect the river or creek, additional width may be required. Underground utilities may be located in such protected area; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated.
- (7) Setback between structures. The minimum distance between structures on the same lot is 6 feet.
- (8) Garage door setback. Garage doors facing Main Street must be set back at least 18 feet from the lot line. Garage doors facing other streets must be set back at least 15 feet from the lot line.
- (9) Exemptions from setback requirements. The following uses may be exempt from the setback requirements within the commercial and mixed-use zones, provided that written approval is granted by the Planning Commission, which shall determine that the use would not injure the value of, use of or prevent the proper access of light and air to the adjacent properties, nor would be out of harmony with the intent and purpose of this Chapter:
  - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
  - b. Temporary awnings or shading devices.
  - c. Unroofed terraces or patios.
- (10) Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the clear vision area, easements, etc., have been considered:
  - a. Unroofed terraces or patios, not to exceed 48 inches above grade, may encroach up to 1/2 the required setback.
  - b. Chimneys, eaves or similar nonhabitable features may encroach up to 3 feet from the face of the building or structure; however, roof shedding shall not be allowed to shed on an adjacent property.
  - c. Bay windows or similar features on the front or rear setback may encroach up to 3 feet from the face of the building or structure.
  - d. Awnings or shading devices up to 1/2 the required setback.
  - e. Walls and fences up to 6 feet in height in the side and rear setback.
  - f. Walls and fences up to 4 feet in height in the front yard setback.
- (11) Accessory structures under 200 sq. ft. Accessory building and structures under 200 square feet must be located in the rear or side yards and may encroach into the side and/or rear setbacks but in all cases must be at least 5 feet from property lines. Additional width may be required as the roof must shed on the accessory structure owner's lot

(Note, Section 16-3-20 is comprised of selected "notes" which accompanied Table 16-15 as previously contained in Section 16-17-190)

**Sec. 16-3-20 Specific lot requirements and dimensional standards.**

(c) Landscaping and permanent improvements of the river bank is not permitted.

Council requested this to be reviewed and is referenced as a native riparian area within the 30 foot setback. Direction was to have staff come back with recommendations.

(e) No side yard setback is required on lots containing a Duplex for the party wall.  
(note: former Table 16-15 Note (1)).

This should be reworded to be made clearer.

(i) When a vacant lot is bordered on two sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the character area and zone, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the two existing adjacent buildings. When a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the character area and zone, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the character area and zone. (note: former Table 16-15 Note (4)).

Discussion ensued that eventually we want all nonconforming properties to come into conformance. It was requested by Council to delete (i)

(m) Walls and fences are allowed in the setbacks subject to the following limitations.

- (1). Height shall not exceed six feet in the rear yard setback.
- (2). Height shall not exceed six feet in the side yard setback located from the front of the primary structure on the lot and the rear lot line and shall not exceed four feet from the front of the primary structure on the lot and the front yard lot line.
- (3). Height shall not exceed four feet in the front yard setback.

It should be noted that the clear vision would still apply and may be more restrictive.

(n) Architectural features. The following architectural features may not encroach into the side yard setbacks. The following architectural features may encroach into the rear yard setback but must be a minimum of five feet from lot lines:

- (1). Unroofed terraces or patios, not to exceed 48 inches above grade.
- (2). Chimneys.
- (3). Bay windows. These should be allowed in the setbacks
- (4). Awnings or shading devices.

(note: portions of former Table 16-15 Note (10)).

(s) A maximum roof length of 60 feet in one direction on any structure over one story is allowed. After 60 feet, the roof length needs to be lowered by at least nine feet for a minimum of twenty feet in length or change directions at 90 degrees for a length of a minimum of twenty feet. This needs to be reviewed by staff to ensure the intent.

(t) Sheds. (1) To constitute a shed that does not require a building permit, the structure shall be no larger than 120 square feet in ground floor area and no higher than twelve feet. Sheds in excess of 120 square feet of ground floor area or twelve feet in height require a building permit. Verify this is what is said in the definition section.

SEC. 16-3-30 BUILDING HEIGHT LIMITATIONS.

(a) Building roof height is not to exceed 28' in height at the mid-roof line in all character areas and zones, (except Old Town Commercial Zone with a commercial building (residential construction in a commercial zone must follow residential building regulations)). This needs to be rewritten to read correctly.

**TABLE 16-14B  
 Building Height**

<b>CHARACTER AREA</b>	<b>ZONES</b>	<b>MAXIMUM BUILDING HEIGHT</b>
Meadow Mountain	Fed. Reg. Land Use Zone	Rec. 28 feet
Grouse Creek	Commercial	28 feet
Old Town	Recreation and Open Space	See Note #4
	<u>Residential in all Zones (commercial, mixed use and residential)</u>	28 feet
	<u>Commercial only buildings being used as commercial space – must follow bulk standards (see diagram) – residential being built in commercial zone must follow residential height and standards</u>	35 feet
	Mixed-Use	28 feet- See Note #2
South Town	Residential	28 feet
	<u>Commercial only buildings being used as commercial space – must follow bulk standards (see diagram)</u>	28 feet
	Fed. Reg. Land Use Zone	Rec. 28 feet
Tipton Homestead	Residential Estate	28 feet
Cross Creek	Residential	28 feet
	Mixed-Use	28 feet
	Fed. Reg. Land Use Zone	Rec. 28 feet
Lionshead	Light Ind. Public Facilities	28 feet

	Recreation and Open Space	See Note #4
Game Creek	Residential	28 feet
Railyard	PUD Holding Zone	<u>28 feet</u> See Note #3 and Note #4
Eagle River	Recreation and Open Space	See Note #4
Transportation	Railroad Right-of-Way/Transportation	See Note #4

Note #1: No building shall exceed three (3) stories in height.

Note #2: At least forty percent (40%) of the building coverage area must be no more than twenty-three (23) feet in height and none of the building coverage area shall exceed twenty-eight (28) feet in height.

Note #3: To be determined as part of the PUD Review.

Note #4: To be determined as part of the Conditional Use Review.

Note #5: Flat roofs shall not exceed twenty-eight (28) feet in height.

The above notes were incorporated within other sections of the Code.

## ARTICLE 16 Off-Street Parking and Loading

### Sec. 16-16-20. Parking required for residential and lodging

uses.

The following Table 16-10 sets forth the parking required for residential and lodging uses:

There was concern the parking requirements did not read clearly and should be reviewed.

**TABLE 16-10  
 Residential and Lodging Uses**

<b>MINIMUM OFF-STREET PARKING REQUIRED FOR RESIDENTIAL &amp; LODGING USES</b>	
<i>Use</i>	<i>Parking Standard</i>
Single-family and duplex	2 spaces per dwelling unit for up to 3 bedrooms 3 spaces for <u>more than 3 bedrooms up to 4 bedrooms and 1 space per each additional bedroom after 4 bedrooms on-site parking</u>
Efficiency unit or 1-bedroom	1.5 - 1 space per dwelling unit
2 or more bedrooms	2 spaces per dwelling unit
Accessory apartment or dwelling unit	1 space per <u>bedroom unit</u>
Multi-family dwelling	2 spaces per dwelling unit, plus 1 guest space per 5 dwelling units
Private garage <u>&amp; lot</u>	Only for the storage of private automobiles and no more than 1 commercial vehicle owned by the occupants

Hotel and motel	1. 12 spaces per room, suite 2 spaces per manager's/caretaker's quarters
Bed and breakfast	1 space per room in addition to those required for related residential use 2 spaces per manager's/caretaker's quarters
Rooming house or boarding house	1 space per accommodation room 2 spaces per manager's/caretaker's quarters
Group home	1 space per accommodation room 2 spaces per manager's/caretaker's quarters
Lodging house	1 space per guest room 2 spaces per manager's/caretaker's quarters

SEC. 16-16-120. DESIGN REQUIREMENTS FOR PARKING AND LOADING AREAS.

(a) Minimum parking area dimensions. The minimum dimensions of parking spaces, aisles and back-up areas shall be as specified in the following Table 16-13:

Council requested the following table be reviewed for van accessible, etc.

TABLE 16-13  
 Minimum Parking and Loading Areas

<b>MINIMUM PARKING AND LOADING AREA DIMENSIONS</b>		
<b>Parking type</b>	<b>Width of space</b>	<b>Length of space</b>
Standard	9 feet	18 feet
Parallel	9 feet	22 feet
Recreational vehicle	10 feet	24 feet
Compact	8 feet	16 feet
Handicap (single space)	12 feet	18 feet
Handicap (double space)	10 feet	18 feet

ARTICLE 17

Sec. 16-17-140. Landscaping Standards

(8) The use of "blue grass sod" shall be minimized in favor of the use of drought tolerant "fescue sod" species. Council requested this be deleted.

**Sec. 16-17-160. Landscape plan submittal Standards and Plan Submittal for Residential Homes in all Character Areas for Single Family Dwellings, Duplexes, Single Family with Accessory Apartments, and Single Family with Accessory Dwelling.**

Staff to review this to ensure it is to be deleted.

Motion by Ozzy O., second by Earle B., to approve Ordinance No. 01 – Series 2015 An Ordinance of the Town of Minturn Colorado amending the Zoning Code of the Town of Minturn set forth as Chapter 16 of the Minturn Municipal Code as amended. Motion Passed 6-1. (Shelley B. voted Nay)

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

Earle B., as the Parks Committee, outlined a grant that has been submitted to GOCO for Little Beach Park. This grant is for a total of \$595,000 and will be decided in June.

Ozzy O. noted the electricity will be shut off to assist in the installation the new Eagle River Park Restrooms on Thursday March 5 from 9am to 12pm (approximate).

Shelley B. requested the Council receive the minutes from the Planning Commission in the Planners staff report. This way they have time to review prior to the time frame running out.

**9. Town Attorney**

**10. Town Manager**

- Manager's Report

The water Committee will be meeting tomorrow and will have a recommendation to Council at the next meeting for the future water rates.

- Action Report

**11. Town Council Comments**

- Happy St Patricks' day
- Burton Snow Board competition is happing this week.

**FUTURE AGENDA ITEMS**

**12. Next Meeting – March 18, 2015**

- Discussion: Water Rate report and recommendation
- Discussion/Action: Ordinance amending the Zoning Code
- Discussion/Action Item: Guide Sign Direction – Metteer

**13. Future Meetings:**

- 2015 Building Code update – Charlie Davis

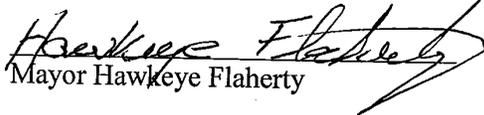
**14. Set Future Meeting Dates**

- March 18, 2015
  - April 1, 2015
  - April 15, 2015
- a) Planning & Zoning Commission Meetings:
- April 8, 2015
  - May 13, 2015
  - June 10, 2015

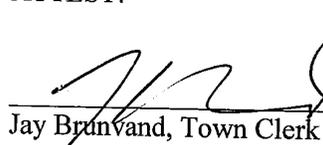
**15. Other Dates:**

**16. Adjournment**

Motion by Ozzy O., second by Earle B., to adjourn at 9:29pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Jay Brunvand, Town Clerk

