Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
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. stated a variance is not dependent on economic factors of the owner, 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. <u>Executive Session</u>: 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

TOWN OF MINTURN, COLORADO
SEAL
1904

Attach 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.

Attach 15

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 exibits 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

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Off: (970)748-1504 Cel: (970)390-9756
www.krugherarchitecture.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 change**d 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 <u>to make even more permanent the bad and unfair decisions of past planning departments</u>. 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.