



AGENDA

MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

Wednesday, January 22, 2020

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

CHAIR – Lynn Teach

COMMISSION MEMBERS:

Jeff Armistead
Lauren Dickie
Burke Harrington
Christopher Manning
Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. 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

1. Old Town Zoning and Development Standards – Chapter 16 Amendment Project

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- January 8, 2020

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

5. Planning Commission Comments

DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

6. **232 Main Street – Bloodworth Addition Final Review** (Tabled from December 11th Meeting and January 8, 2020 Meeting; To be Tabled to February 12th Regular Meeting)
7. **1041 Main Street – Conville Property Redevelopment Conceptual Plan Review**
Conceptual review of development options for new yoga studio, employee housing units and parking. Purpose of review is to gain feedback on conceptual plans and specifically to receive direction on building height calculations.

Recommendation: N/A (conceptual review – no formal recommendation or action requested)

8. **Ordinance No 2 – Series 2020 Chapter 16 Amendments**
Review of a draft ordinance addressing multiple amendments to the Minturn Municipal Code, Chapter 16:
 - **Sec. 16-2-50. - Specific Lot Requirements and Dimensional Standards**
 - **Article 22 - Legal Nonconforming Uses, Structures and Lots**
 - **Appendix C – Minturn Engineering Standards and Specifications**

Recommendation: Approval.

PROJECTS AND UPDATES

9. Project Updates

- **Three Mile Plan**
- **100-Block Existing Conditions and Transportation Study**

10. Planning Director Report & Minor DRB Approvals by Director

- **None**

11. Future Meetings

- **February 12, 2020**
- **February 26, 2020**

12. Adjournment



OFFICIAL MINUTES

MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

Wednesday, January 8, 2020

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

CHAIR – Lynn Teach

COMMISSION MEMBERS:

Jeff Armistead
Lauren Dickie
Burke Harrington
Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. 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

1. Minturn Municipal Code Chapter 16, Article 22 – Legal Non-Conforming Uses, Structures and Lots

Regular Session – 6:30pm

1. Call to Order

Lynn T. called the meeting to order at 6:30 p.m.

- Roll Call

Those present at roll call: Lynn T., Burke H., Jena S., Lauren D., and Jeff A.

Note: Greg S. has resigned from the Planning Commission effective 12/10/19.

Staff Members Present: Town Planner Scot Hunn, Economic Development Coordinator Cindy Krieg, and Town Attorney Richard Peterson-Cremer.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Lauren D., second by Jeff A., to approve the agenda as presented. Motion passed 5-0.

3. Approval of Minutes

- December 11, 2019

2 minor edits noted by Lynn Teach.

Motion by Jeff A., second by Lauren D., to approve the minutes of December 11, 2019 as amended. Motion passed 5-0.

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

Public Comment Open and Closed.

No Public Comment.

5. Planning Commission Comments

Reminder that the Christmas Tree Bonfire is this Friday, 1/10.

Also, Community Dinner on Sunday 1/12.

Both of these events are at 5:30pm.

DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

6. 232 Main – Bloodworth Addition Final Review (Tabled from December 11th Meeting; To be Tabled to January 22nd Regular Meeting)

Motion by Jeff A., second by Jena S., to table to the 232 Main St. Bloodworth Addition Final Review, to January 22nd. Motion passed 5-0.

7. Railroad Planned Unit Development Conceptual Review #2

Recommendation: N/A (conceptual review – no formal recommendation or action required)

Project Summary:

- Residential PUD on 18.95 acres
 - Single-family, duplex and multi-family
 - Parks, trailhead parking and open space
 - Road and trail improvements
 - Deed restrictions and resident occupancy requirements
 - PUD Guide with Design Regulations
-
- Conceptual Plan received November 2019
 - PC review No. 1 - December 11, 2019
 - Council review – December 18, 2019
 - PC review No. 2 – January 8, 2020

Scot Hunn, Town Planner, introduced the project.

This is the second conceptual review of this project.

The project was also introduced at the December 18th Town Council Meeting.

Several revisions have been made, based on input from the public and planning commission during the December 11th Planning Commission meeting and the December 18th Council Meeting. The applicant also held a recent Open House at the Saloon, to solicit additional feedback.

Many of the comments and concerns that were brought forth at previous meetings had to do with density and parking.

Previous Public Input – Talking Points:

- Overall density is concern to area residents
- Affordability of residential lots and units
- Building heights and views
- Potential traffic impacts and configuration of proposed streets
- Snow removal and storage
- Trailhead and park area parking - amounts & locations
- Game Creek setbacks and protection
- Construction timeline and impacts
- Opportunities for increased recreation opportunities (parks with amenities)

The following revisions have been made since December 11th meeting:

- Revised road alignments and block pattern to more closely match existing 4th and 6th Street alignments
- Increased overall lot count (from 114 to 117)
- Decreased total number of potential units (188 to 181)
- Revised ski-way, parks, trails and trailhead parking locations, sizes and amenities

Staff Observations:

- The Concept Plan application complies with submittal requirements
- The Concept Plan addresses several 2009 Community Plan goals and objectives
- The PUD is conceptually designed to compliment existing neighborhood patterns, densities and character desired by the Town
- There will be impacts on water, sewer, traffic, public facilities and services that must be mitigated
- The Applicant has been proactive in responding to feedback
-
- An environmental impact report will be required

Issues and Opportunities:

- Traffic impacts and existing alignments
- Roadway and regional trail improvements
 - Taylor Avenue
 - Railroad Avenue
 - Minturn Road
 - Eco Trail
- On-street parking, plowing and snow storage
- Protection of Game Creek
- Park areas and open space
- Environmental Impact Report
- Market and Fiscal Impact analyses
- Housing Plan
- PUD Guide and Design Standards

Suggested Discussion Topics:

- Overall conformance with submittal requirements
- Benefits or advantages of the PUD vs. development of the property as a conventional subdivision
- Overall appropriateness of the range, locations and types of residential, commercial and/or mixed-uses
- Compatibility and conformance with community master plan documents
- Aspects of the proposal needing refinement and/or further study
- Opportunities for collaborative planning and problem- solving

Next Steps:

- Compliance with Conceptual Plan Requirements?
- Compliance with Town Code and Community Plan?
- Can developer move forward with Preliminary Plan application?
- Recommended revisions and issues to address?

Greg Sparhawk (245 Pine St), GPS Designs, Architect for the project, address the group.

Greg S. thanked everyone for their input at recent meetings.
He also noted that there are plans to hold more Open Houses.

Summary of Changes:

- Current lot survey information is now shown
- An additional page illustrating density has been included
- 6th street now continues straight through the property
- Added another connection through the property at 4th street.
- Density increased from 114 to 117, but these units were added as cottage lots and therefore the maximum buildout (duplex and ADU units) dropped from 188 to 181.
- Kept the multi-family units to the south of the project as this is the closest to the downtown.
- The ski-trail has been identified and increased to a 10' width from a 5' width.
- The Game Creek trail has been extended to reach Minturn Road where trailhead parking has been relocated. Some of the interest in this was to alleviate traffic impacts. This parking area is at the base of an open space that continues up to Taylor.
- Pathway has been included in the far North end of the project from Grant to County Rd.
- Showing a re-alignment of the ECO trail; applicant is working with UPRR to come to an agreement on location of path, road crossing and potential easement or lease agreement.
- This plan shows a potential moving of the S-curve. Applicant will continue to work with UPRR to see what is possible to re-align road.
- Parking has been added at the central park areas.
- Currently show a structure at the parking area. Applicant is looking into whether or not they can add restrooms and a community room/area here.
- Parking for the game creek trail area has been increased.

Additional amenities noted:

Community Garden, playground
Walking trail through the property

Parking

Currently showing 89 on street parking spots, but also looking into possible parking along the west side of Minturn Road (that was not factored this into this number)

All lots would still need to comply with current code parking requirements (one parking space per bedroom up to 3, and over 3 bedrooms requires 1 additional parking spot).

Proposing locals only 20% deed restriction

10% of the overall units will have affordable housing deed restrictions

Public Comment:

**Nathan Lacross
322 Taylor St.**

Nathan commented that he does not care for this project.

He appreciates that the applicant is addressing the public's concerns, however he still has serious concerns regarding density.

Also concerned about emergency access (fire dept can't currently turn at the S Turn at Taylor St)

He felt the plan does not conform to the community master plan documents based on density.

Increase of 30 – 50% to the town's population seems like way too much.

Drainage not working properly at the Minturn Townhomes. Wants to ensure Town doesn't experience same problems with this development.

Also asked – will Taylor Ave. be widened in front of the Townhomes?

Greg S. commented that is being discussed (including discussions of the S turn)

Also asked – can you reduce the density of this and still be profitable?

Greg S. responded – it depends. There are lot of off-site improvements required for this

Project and several amenities being asked for the residents. There will be a certain breaking point where it would not be feasible / profitable.

Currently working with all other partners on requirements, and development and engineering costs.

If the off-site improvement costs are not as high as expected, then there could be some room for reduction.

Encouraged Planning Commission to encourage / allow buyers to build one home vs. 2 on the larger lots (or 1 home on 2 lots), and maybe only charge 1 tap fee – to encourage less density.

**Anna Robinson
531 Taylor St.**

Relieved with the changes from the first plans.

Concerned about their view of Meadow Mountain (that was a primary reason they purchased their home). Wants to ensure the height restrictions are strictly enforced.

Her husband had asked at a previous meeting about snow storage, and hauling / removal of snow. Wants to ensure there is a strong plan for storage, so it doesn't need to be hauled out regularly.

Pleased to see that the park and parking were reconfigured.

Asked about the potential value of having some sort of playing field (would that be valuable to the Town and the residents?) – soccer or lacrosse field?

Nick Courtens
478 Eagle St.

Nick has been renting in Minturn for 5 years.

He feels this is the best plan to come forward in that time for someone to buy / own a home here.

Asked about a lottery system to allow opportunities for local first-time homebuyers.

Hany Malek
498 Taylor St.

Hany previously submitted a letter (which was reviewed during the 12/11 Planning Commission Meeting).

Asked for confirmation of receipt of his letter.

It was confirmed that the letter was distributed and reviewed by the Planning Commission.

His primary concern is density. He feels that the project density would be too high, noted population increase of 30 – 50%.

Also concerned about street parking along the west side of Taylor where parking has historically been restricted due to snow storage and removal, as well as potential for people (current residents of Taylor Avenue) sliding down their driveways and into parked cars on the W. side of Taylor Avenue.

Concerned about street parking along both sides of the center street through the property
Feels that replacing 4th & 6th St with only one, indirect route will change the traffic flow and have a negative impact on Taylor residents.

Asked Greg S. to clarify the parking areas as noted on the plans, which he did.

Greg S. also noted that they are looking at getting parking along the west side of Minturn Road (not currently included in the parking numbers).

Greg S. also stated - None of this takes into account the required parking within individual lots that will be required per the code.

Hany is concerned that much of Taylor Ave. will be removed for street parking.
Feels this is a safety hazard.

Greg S. – could possibly remove some of the proposed street parking where the Taylor St. driveways are steeper.

Hany noted that the current code is limited to 5000sf lots in Town.
This project is proposing 4000sf and 5000sf lots, as well as some smaller (2500sf) lots.
Feels that the smaller lots provide too much density.

Hany also commented that many current (Taylor Ave.) lots have 2 – 6 cars per dwelling.
These plans show 1 car?

Greg S. noted that all units would have to adhere to current code / parking requirements which in most cases includes at least one car in a garage stall and one in a properly sized driveway.

Hany is concerned about the parking impact to the community.

Greg S. asked if he would suggest requiring a higher parking requirement for single family lots?

Hany – he thinks we would need to, to meet practical need (vs. just meeting code).

Colleen Gosiewski
560 Taylor

Has concerns about the smaller cottage lots, especially as it relates to lack of snow storage area (and reduced setback sizes).
Asking the Planning Commission to not change the code to allow that.

Greg S.
Will be requiring higher snow storage numbers than what is currently required in the code.
Will be certain to include something in the PUD regarding the practicality of the snow storage locations and requirements.

Trent Shaffler
105 Lions Lane

Commented that the larger lots are going to want larger / wider drives and garages, which will impact snow storage.

Also expressed concerns regarding parking.

Asked about property lines / survey information re. the International Trade Building.

Greg S. responded that it's not clean – part is Railroad, part is private property.

Expressed that Minturn Road would need to be improved / paved (and who / how would it be maintained?)

Would prefer all single family homes, vs. including the smaller unit options.

Suggested a soccer field, considering the popularity of soccer here.
Or lacrosse (with some other possible winter use). Could bring lots of visitors in.

Rob Gosiewski
560 Taylor

Would like to see increased park / green space, and less density.

Would like to see current lot size requirements upheld.
(don't use the small / cottage lot sizes).

Parking also a major concern.

Would like to keep 4th St. as is.
New 4th St. proposed has been moved to the south.
East side has huge grade.

Suggest keep 4th St. as is. (Flows great, works great, connects the low spots).
Would like to see one flat, main connector vs. 2 streets that don't work well.

Happy to see the wildlife corridor along Game Creek.

Planning Commission Comments

Jeff A –

Thanked the public for all of their input.

Thanked Greg S. for his quick responses to the suggestions made at the December 11th Planning Commission meeting.

Feels that we are fortunate to have a caring community member driving this project. He is happy with Greg's quick adjustments and edits to the plans, to work with the community.

There is a long road between here and development, a lot of work left to be done.

He does recommend a higher number of required percentage of parking required (suggested 10 – 12 % vs. current code of 5%). Regarding responsibility of where that snow goes:
It is the lot owners' responsibility to propose a responsible design / plan for snow removal.

Reiterated that the parking requirements are the same as anywhere else (the number of parking spaces required on the lot is dependent on how many bedrooms).

Feels that the density of the project is appropriate and relates to density found on Taylor Ave. and elsewhere in Town.

Curious to see the parking study.

Also does not mind the square footage / lot sizes.
2500 sf was what the Town historically was.
It provides an opportunity for some affordable homes.

He understands the concerns from Taylor Ave. residents regarding views (possible obstruction of views of Meadow Mountain).
Suggested shooting some photos to help do some realistic renderings (to scale) to try to represent closely what views are impacted.
Would be good to give current Taylor Ave. residents an idea of possible heights, etc.

Burke H –

Thanked everyone for their input.
Thanked Greg S. for making several requested changes to the plans.

Loves the ski trail.

Noted street width on Taylor and expressed concern over losing some of that width for street parking.

Has concerns about density, snow removal and parking.

Feels that a traffic study should be done very quickly.
Concerns about peak traffic times.
Suggested considering a pull-over lane by the Forest Service.
Address / improve S-Turn.

Asked about proposed railroad lease? Is there an answer yet?
Greg S. – No answer yet

ECO Trail – would like to better understand where / how this will go through the property.
Likes the park getting bigger.
Loves the ski trail.

Parking –

Does not feel most units will have a large number of vehicles, but some will.

Asked about street parking – if not used for parking, then what does it become?

Reiterated that the property owners will be required to meet the current regulations (1 parking space per bedroom, up to 3). 1 additional space for over 3 bedrooms.

Asked if the deed restrictions will be spread throughout the project?

Greg S – yes, deed restricted properties will be spread out.

Burke H. also asked about whether there would be a lottery system.

Greg S – it's being discussed, will likely consider a lottery system.

Burke H. - Having discussion with Open Space?

Greg S. – Yes, will continue those discussions and consider options.

But will come down to economics.

Burke H - Regarding density – Asked if there is any incentive to encourage single family homes vs. duplex, etc.

However, he recognizes that we're fighting two different things – balancing density to maintain our community, but also the major need for housing.

Lynn T –

Feels this is a good project.

But she also understands the community's concerns over density.

Asked about the size of ADUs, parking and traffic. She had previously (Dec. 11th meeting) asked if restrictions on ADU size or bedrooms could be considered as a way to limit overall density, vehicle trips, etc.

Greg S. – They can certainly look at that, and it would need to be outlined in the PUD.

Will also need to assess financial impacts and value of properties by limiting those items.

Lynn T. also brought up again (was brought up earlier in the meeting), the possibility of building a larger home on a double lot (vs. 2 homes). To reduce density.

Greg S. – possibly the large lots on the north.

Greg S. also expressed that if a builder comes in and buys 10 lots, they won't allow those units to be next to each other.

They want to maintain unique character throughout; not typical suburban track home look or feel.

Will set a limit on the amount of lots that one person (or builder) can purchase, and they will need to be spread throughout.

Lynn T. also brought up the size of on street parking spaces.

On street parking – Applicant is requesting 8x22

Current code is 9x22

Jena S –

Likes the improved connectivity.

Concerned about driveway cuts onto Minturn Road.

Suggested an alley behind those lots to present a more appropriate street frontage; provide more safety; offer different lot layouts / versatility; and, would give a better front guard on Minturn Rd.

Would like to see some lots be mandatory duplex lots.

Opens up sides / more view corridors, breaks up the grid.

Also would help consolidate driveways.

Likes the parking area on Minturn Rd.

Suggested saving room for a bus stop.

(perhaps at the Game Creek Trailhead parking lot).

Jena noted that by definition, this is not considered high density, and feels it's appropriate to the downtown core.

This project is 10 units per acre (if density were to be maxed out). High density is typically 22+ units per acre.

Not so concerned about the smaller units. There are very limited opportunities for a single person to buy a small home up valley, this would provide that opportunity (for folks who might not otherwise be able to afford to buy a home here).

Could see the neighboring property (warehouses, etc along the railroad property) eventually becoming commercial. This project would then serve as a transition zone between more mixed use, higher intensity uses and lower density residential uses existing along Taylor Ave.

Does understand the public's concerns regarding parking.

But pointed out that we can't base decisions on assumptions.

Understands that change is hard, but also need to consider the greater good.

This would benefit the Town financially, and would benefit our local businesses by bringing more residents and more people to Town. This is an underdeveloped area.

Would also like to see another pedestrian path to the ECO trail (further up).
Greg S. explained the pedestrian paths that are planned.

Because the applicant is presenting a new lot size that is not presently in the Code, and that through the PUD you can selectively identify where ADUs may be permitted, these are just two examples of why PUD zoning works better than conventional zoning.

Does not necessarily feel that this is a spot for commercial, as she feels that the other side of the railroad will become commercial eventually.
But would advise allowing for home-based businesses.

Regarding open space:
Feels strongly about useable open space.
But open space that does nothing could be better utilized.
Feels they can make good use of the available open / green space.

Lauren D –

Lives on Taylor in the Minturn Towne Homes.
Will be impacted by all of the aspects of the project.

In light of all that, she is in favor of this project.

Feels it balances density with affordable housing and economic development, as well as access to recreation and amenities.

The purpose of today's meeting is to assess whether the plan meets the conceptual phase requirements, and whether the next step - moving on to preliminary plan – is appropriate.

Not particularly concerned about parking, due to code requirements that will be applied throughout the project.

But due to public feedback, would like to see it continue to be addressed.

Regarding density, if done right, density at this level can bring housing and business to Town, to help the Town grow and continue to be vibrant – which the Town needs.

Lauren feels that it does meet the conceptual requirements, and feels that they should move on to preliminary plans.

All of the necessary studies and follow up will require moving on to the preliminary plan phase.

Additional Planning Commission Comments:

Burke H did re-state his concerns regarding parking, and asked that the traffic study be at the top of the list.

Greg S. agreed. Stated that this is a top priority. A traffic study will also determine help determine the direction for some of the off-site improvements.

Wants to come to the preliminary with the strongest proposal possible.

Working through infrastructure / engineering estimates.

Jeff A. asked about CDOT input.

Greg S. noted that will all be part of the traffic study.

Jeff A. – Is it possible the applicant will be required to pave County Rd?
(Managed by the County, but owned by the Railroad)?

Jeff A. also asked about the Environmental Impact Study - Is that a Phase 1 requirement?

Scot H. noted that it's required by code at the preliminary phase.

Scot H. clarified that the Planning Commission does not approve or deny conceptual Development Plans, but that the Planning Commission must make a recommendation to the Planning Director, based on positive findings, that the Applicant may proceed to the next stage in the review process, or Preliminary Plan for PUD.

Motion by Lauren D., second by Jeff A., to allow applicant to move on to the preliminary phase, based on the findings.

Motion approved 5-0.

PROJECTS AND UPDATES

8. Projects

- None

9. Planning Director Report & Minor DRB Approvals by Director

- Would like to get back into Chapter 16 review at next meeting.
- Also will be working on one big ordinance with amendments to several sections of Chapter 16; or, presenting multiple ordinances addressing recommended changes by the Planning Commission.

10. Future Meetings

- January 22, 2020
- February 12, 2020

11. Adjournment

Motion by Jena S., second by Lauren D., to adjourn the meeting of January 8, 2020 at 8:58pm.

Motion passed 5-0.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director



DESIGN REVIEW APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street

Minturn, Colorado 81649-0309

Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

Project Name:

Project Location

Street Address:

Zoning:

Parcel Number(s):

Application Request:

Applicant:

Name:

Mailing Address:

Phone:

Email:

Property Owner:

Name:

Mailing Address:

Phone:

Email:

Required Information:

Lot Size:

Type of Residence (Single
Family, ADU, Duplex)

of Bedrooms

On-site Parking Spaces

of Stories:

Snow storage sq ft:

Building Footprint sq ft:

Total sq ft Impervious Surface:

Signature:

Fee Paid: _____

Date Received: _____

Planner: _____

DESIGN REVIEW APPLICATION

SUBMITTAL CHECKLIST REQUIREMENTS

(TO BE INCLUDED WITH APPLICATION)

Applicant Staff

☐☐

Application Fee (Non-Refundable application fee shall be collected)

- Design Review Board - \$200.00

☐☐

Letter of Intent

-- What is the purpose of the project including;

- Relevant Background
- Current Status of the Site
- All Proposed Uses and Structures
- How the Proposal Differs from what already exists
- Information regarding Easements or Dedicated Tracts, etc.

☐☐

Vicinity Map

-- Directional Map indicating how to get to the Property involved in the request.

- Zoning of Property

☐☐

Improvement Location Certificate of Survey (ILC or ILS)

☐☐

Site Plan showing Precise Nature of the Proposed Use – To Scale

- - Scaled Drawings of Proposed Design of Structure
 - Plan View and Sections
 - Building Heights – all 4 directions N/S/E/W
 - topography
 - Building Location
 - Setbacks
 - River or Creek Setbacks
 - Parking Plan
 - Traffic Circulation
 - Location and Width of Existing and Proposed Access Points
 - Location of Existing Driveways and Intersections
 - Landscaped Area – Plan
 - Approximate Location of Existing Wooded Areas and Rock Outcrops
 - Location and Type of Existing and Proposed Easements
 - Utility Easements
 - Drainage Features

☐☐

Preliminary Building Plans and Elevations

- Indicates Dimensions
- General Appearance
- Scale
- Interior Plan for the Buildings

☐☐

Elements needed on the Site Plan

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage

☐☐

Architecture Details – Materials Board

- Windows – Placement and Color
- Doors – Placement and Color
- Siding – Type and Color
- Roof Material – Type and Color
- Paint Color

PLANNING COMMISSION DESIGN REVIEW PROCESS

Applicants requesting a Design Review Board, Planning and Zoning Commission, and/or Town Council Review must submit to a pre-submittal conference and complete a formal application. The pre-submittal review process is completed within a period of 14 working days depending on the day of pre-submittal. The pre-submittal review provides valuable information regarding Town requirements for the formal application.

The Town Planner shall have the following powers and duties:

- **Zoning Compliance** – To review, consider, and approve, approve with conditions, or deny applications for building permits, limited use permits, conditional use permits, and temporary use permits based on compliance with this Section.
- **Process Applications** – To receive applications for development permits for processing pursuant to the terms of Section 16 of the Minturn Municipal Code.

Planning Commission as Design Review Board

Powers and Duties

The Planning Commission is hereby established as the Town of Minturn Design Review Board. The Design Review Board shall have the following powers and duties under the provisions of this Code.

1. To prepare, or cause to be prepared or amended, the Design Review Standards and Guidelines or any element or portion thereof, for adoption by the Town Council.
2. To hear, review, consider and approve, approve with conditions, or disapprove applications for Design Review Approval.
3. To hear and decide upon appeals on design review decisions made by the Zoning Administrator.

Board Procedure

The Town staff will forward applications (other than minor design applications), and recommendations, to the DRB.

The DRB shall review the application and supporting material submitted by the applicant, as well as the staff recommendation. After review, the DRB, through a formal motion, seconded and passed by a majority of the members present, shall take one of the following courses of action:

1. **Table the application.** The application may be tabled for a period not to exceed thirty (30) days if the application is incomplete or if the DRB determines that changes are required to bring the application into compliance with design standards and guidelines or other regulations of the Town. The Board may specify additional requirements for the applicant is to bring to the future meeting. These requirements may include additional information necessary to determine whether the application complies with all zoning, building, design codes adopted by the Town, and may include plans, reports, surveys or other documents completed by registered architects, surveyors, engineers or other professionals in order to indicate conformance with such codes. The DRB may also table the application if it determines that changes in the application are required which would bring the proposed project into compliance with zoning, building, design codes, and other regulations of the Town.
2. **Conceptual/Preliminary approval.** The DRB may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval does not deem final approval of an application, nor does it deem that an application conforms to design or other regulations, nor shall it bind the DRB to grant final approval to a completed or final application.
3. **Disapproval of application.** If an application is found to conflict with the purposes and/or any one (1) or more of the design guidelines, codes or any other regulations of the Town, the DRB shall disapprove the application. Any disapproval shall be in writing and shall specifically describe the reasons upon which the disapproval is based.

4. **Approval of application.** If the application is complete and is found to comply with the design standards and guidelines, codes and other regulations of the Town, the DRB shall approve the project. The DRB shall keep a record of all such approvals, and the applicant should keep a copy of the approval. The DRB may approve an application with conditions or modifications. The DRB shall not approve an application that does not meet the requirements of the Town or any other provision required to ensure compliance with the design standards and guidelines, codes and other regulations of the Town.

If a motion for approval, for conceptual approval, or to table an application results in a tie vote, the motion will fail.

DESIGN REVIEW CRITERIA

1. SITE DESIGN

Site planning involves the design and location of buildings and other improvements on a property. General principles include the maximization of site attributes such as views and solar orientation while minimizing adverse impacts to adjacent properties and natural features. Design of the building(s) shall consider the following criteria:

a. Natural Features

(1) Topography

A building site that is flat or gently sloping at less than 10% shall comply with applicable minimum standards for setbacks as defined in Chapter 16.

A building site that slopes at greater than 10% is urged to consider “stepping” the structure rather than grading the site to allow for traditional building layout. The intent is to avoid large cuts and/or fills as well as retaining walls, and to avoid the need for additional erosion control measures.

Setbacks may be increased for lots that slope greater than 30%.

(2) Water Bodies

Setbacks from water bodies shall include consideration of the Eagle River, tributary creeks, ponds, and wetlands. In addition to the regulatory setbacks, the Town of Minturn encourages conformance with the Eagle River Watershed Plan and sensitive design to protect the riparian areas and to utilize the water bodies for passive recreational purposes. The Town discourages “turning your back” on the Eagle River, one of Minturn’s greatest assets.

Site grading and drainage plans shall be submitted with design review applications that are adjacent to or within fifty (50) feet of a water body.

b. Orientation

The orientation of improvements shall consider adjacent properties as well as snow storage, snow shedding, and solar orientation. Another important component of orientation is drainage impact to adjacent properties, water bodies and streets.

Snow Storage, Snow Shedding and Solar Orientation

The atmospheric and weather-related elements common of the Town of Minturn justify the added dimension of siting improvements to minimize the impact of the environment.

Adequate snow storage area(s) or provisions for removal shall be provided. The total area may be broken up or provided as a whole. Location within the required setbacks shall be permitted provided it does not impede adequate and safe access to the structure(s). Landscape areas may also be used for snow storage purposes.

Snow shedding shall be considered in the use of material and pitch of the roof, as well as the location of windows, door and walkways. In no case shall snow shedding be permitted to occur onto an adjacent property.

Solar orientation shall be considered in the siting of the structures as well as in the landscaping of the lot or parcel. Orientation of the structure, as well as placement of trees, can be utilized to block prevailing winds in the winter and to provide shade in the summer. The structure should be placed on the lot in a manner that will not cast substantial

shadows over adjacent properties. Walkway and driveway location shall consider snowmelt in determining their location. These considerations include locating driveways, walkways, and structures, so that they are sheltered from the wind, and oriented to the east or south, where possible, to aid quicker snow and ice melt.

The front of the structure and its primary entrance shall be oriented to the street.

c. Massing and Scale

A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures.

Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.

Building mass, form, length and height shall be designed to provide variety and visual interest while maintaining a scale that is similar or compatible to adjacent structures.

2. ARCHITECTURAL ELEMENTS

a. Roof Pitch and Form

Roofs are a very prominent visual element and can be used to provide strong unifying characteristics between buildings. The use of consistent roof form, materials, slope and direction can create a cohesive appearance to a neighborhood even when the architectural styles vary. Roof pitch and form are an important element of building design in the Town.

The incorporation of dormers into the roof form can be utilized to provide individual identity and to create and delineate upper living areas or lofts. Dormer roofs shall be similar in slope and material with the primary roof form. See Illustration.

Roofs shall be designed with consideration to snow accumulation and shedding. Entryways, garages and pedestrian areas shall be protected from potential snow shedding.

Chimneys may also be utilized as a unifying element. The size, location, and shape of chimney can be mimicked to provide a common feature in adjacent structures that have different architectural styles.

b. Facade

Vast expanses of a blank facade are not considered appropriate in Minturn due the mass and scale of the existing buildings in the Town. Therefore, facades must be interrupted every 15' at minimum. This interruption can occur through the use of projections and recessions for doors and windows, balconies or porches or any other element that creates visual interest. The use of architectural elements such as horizontal and vertical architectural details and floor articulation (delineation of 'floors' in a building) can be utilized to create a vertical human scale to the structure.

Windows and doors offer the opportunity to provide individual character and refinement of scale by introducing openings and patterns on otherwise blank walls. Consideration should be given to locating doors and windows in order to establish symmetry on primary facades, while being responsive to interior functions and views. The location of windows and doors can also be utilized as a unifying element with adjacent structures.

In order to maintain a smaller scale and to avoid the use of vast expanses of large windows, window openings should be composed of multiple panes of glass that are consistent with the scale of the building. Mirrored or reflective glass is prohibited.

Shutters and window boxes are encouraged to create visual interest and to reinforce the Town ambiance.

c. Building Details

The requirement for a simple building form allows for the introduction of building details to create character and interest. These details may include elements such as accents to doors and windows, porches, gates, dormers and chimneys.

3. MATERIALS AND SCREENING

a. Materials

The use of building materials is essential to the design and appearance of a structure, therefore the use of materials is indicative of the adjacent community character. Materials shall be consistent with adjacent properties and the natural environment. The Town of Minturn does not seek to limit or prohibit the use of specific building materials,

however the use of non-reflective materials are strongly encouraged. Highly reflective roofing materials are not allowed.

The historic character of Minturn is exhibited in the use of wood siding and native stone, therefore the use of these particular materials are encouraged. Many modern equivalents can be found which mimic the natural materials, and the Design Review Board may approve such materials if their appearance is found to be compatible with adjacent material and consistent with the intent of these standards and guidelines.

b. Streetscape and Landscape Design

Small towns evoke many images, but one that appears to be consistent with many residents is the neighborliness of the area. Porches, plaza, parks and simply strolling down the street allow neighbors and visitors to meet and greet each other and to get to know one another. The Town encourages the man-made elements that promote these activities, and in some instances the Design Review Board shall require the provision of streetscape improvements to encourage and reinforce the small town atmosphere.

Porches and awnings are encouraged for all residential design as these elements create and encourage a human scale that is consistent with the small town image. Commercial structures, particularly those that are located in renovated residential units, shall maintain these elements and incorporate the use of pedestrian walkways, street furniture such as benches and trashcans where possible. Commercial developments that exceed 2500 square feet of gross leasable area shall be required to provide a plaza area that incorporates these elements.

Landscape standards are defined in Section 16.17.14, 15 and 16 and shall be reviewed with all applications for design review. Compliance with the minimum standards defined within those sections shall be required. The Design Review Board shall review the list of plant material to be utilized, particularly for determination of irrigation requirements. Exhibit B lists plant materials that are suitable for use in the Town, drought-resistant and therefore their use is encouraged. Other plant materials listed that require substantial water and therefore the Design Review Board may require the provision of an irrigation system and the provision of collateral to assure its completion.

c. Screening

Both residential and commercial areas within the Town shall be required to screen certain visually obtrusive areas, including, but not limited to, refuse storage, general storage, loading areas, mechanical equipment and parking areas.

The screening may occur with landscaping, compliant with Section 16.17.14, 15 and 16, or these uses may be screened with fencing or by containing the uses within a structure or parapet walls. Fences shall not exceed 3-feet in height for opaque fences and 4 feet in height for fences with you can see through. Higher fences may be used to screen the sides and rear of the lot but should not exceed 6 feet in height. In no case shall a fence or screening structure obstruct a driver's view of an intersection.

Additional information regarding the Design Review processes and guidelines including the Character Areas can be found in Chapter 16, Appendix B of the Minturn Town Code.

1/16/2020

Thom Conville
P.O. Box 331
Minturn, CO 81645

Town of Minturn Planning and Zoning Commission
301 Boulder St.
#309
Minturn, CO 8164

Greetings Planning and Zoning Commission,

We own the property at 1041 Main St. We are in the process of planning for the building of an Aerial Arts Studio. We would like to remove the 1964 trailer and replace it with a Post and Beam barn. The barn will have a large open area for doing aerial art coaching, meetings, and other events that would need such a space. We would like to build two employee housing units and some parking under the building.

For the Aerial component of the building we need a minimum of 25 feet of height clearance up to a rigging beam to hang different apparatus. This has caused some challenges navigating the aerial requirements, town building height code, and the sloping elevation of the lot. We have come up with two design proposals. One design keeps us within the height code the other does not. Yes, we like the one that does not meet the height code. We have a driveway easement down one side of the property for Bill Reis and the Trading Post. Because of the slope of the easement it causes our original design to be a 2 to 3 feet beyond the building code. It is a short area on one side of the building. The other design gets us within the height code by changing the roof structure and adding a couple of dormers to the building.

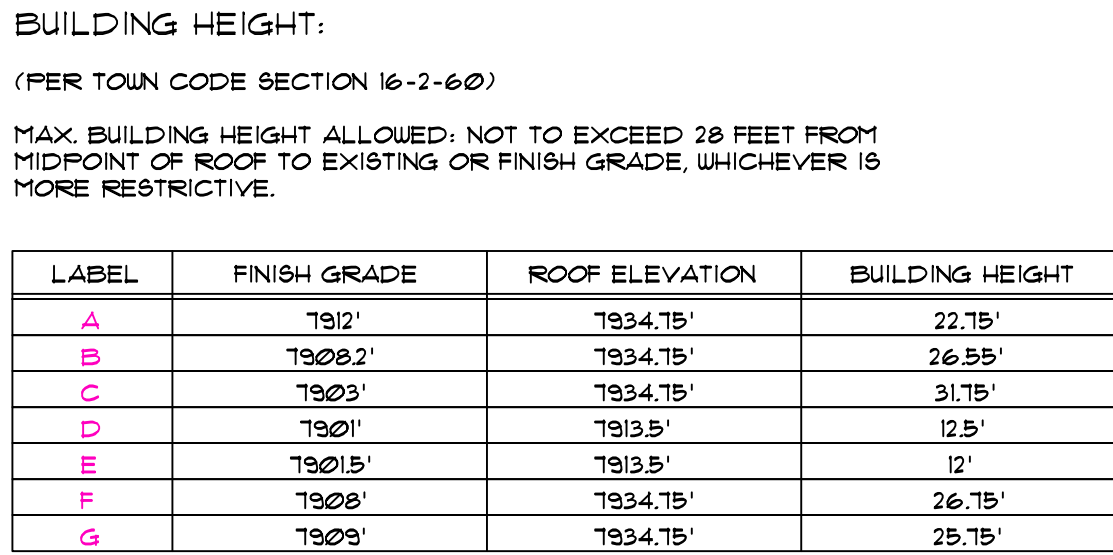
The parking garage is meant to clear up the back half of the lot. We need 11 parking spaces to satisfy the towns commercial and residential code. With a garage we will be able to accommodate indoor and outdoor special events. Additionally, there is an ERWSD easement across the back of the property which shrinks our building site possibilities.

Our aesthetic goal with the Barn is that it will fit in with the South Town area. It will look original to the area as if it has been around since the beginning of the town of Minturn. Setting it next to the Trading Post will also be beneficial for the businesses in the area. The 2019 Housing Action Plan is part of our inspiration for adding residential units. We plan to provide two single bedroom apartments. This will increase the number of local residences and give a couple of instructors a great place to reside in Minturn.

We appreciate your consideration.

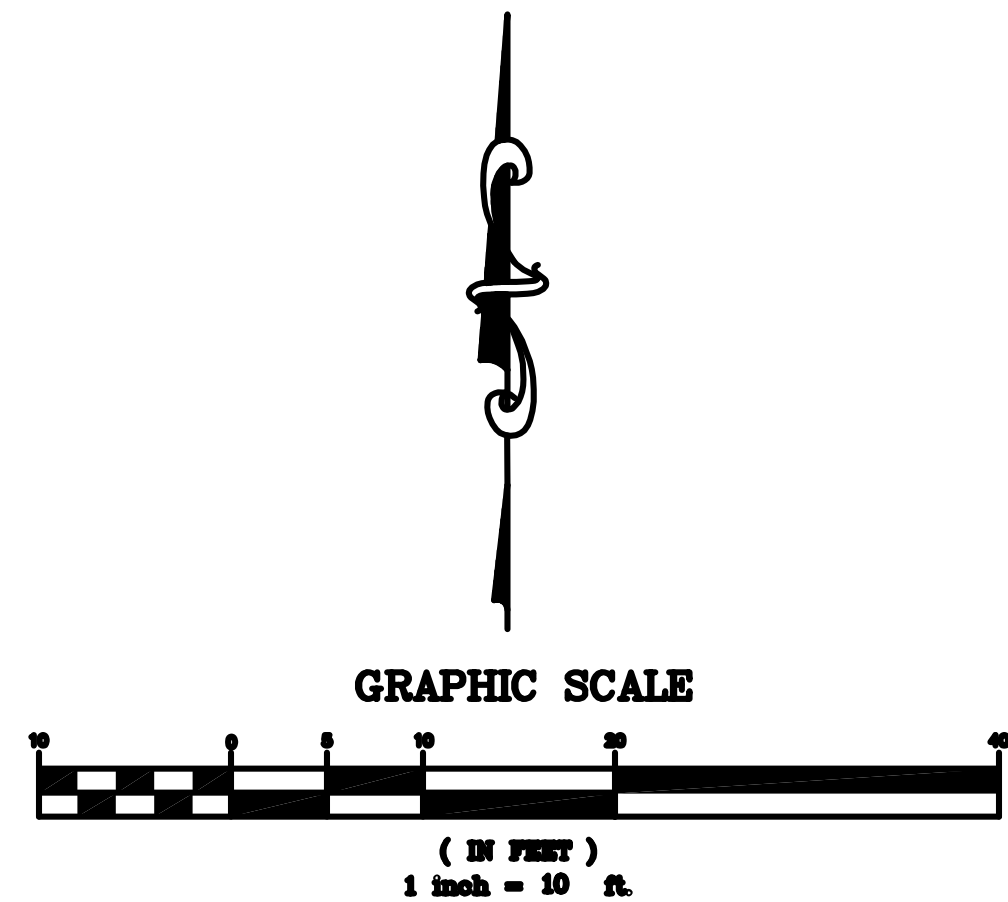
Regards,

Tracy Long and Thom Conville



NOT TO EXCEED 28 FEET FROM
FINISH GRADE, WHICHEVER IS

LABEL	FINISH GRADE	ROOF ELEVATION	BUILDING HEIGHT
A	7912'	7934.75'	22.75'
B	7908.2'	7934.75'	26.55'
C	7903'	7934.75'	31.75'
D	7901'	7913.5'	12.5'
E	7901.5'	7913.5'	12'
F	7900.8'	7934.75'	26.75'
G	7900.3'	7934.75'	25.75'



1 SITE PLAN (ZONING)
A1.10 1" = 10'-0"

GENERAL NOTES:

1. SITE PLAN SCALE IS NOTED ON DRAWING TITLE
2. DATUM: 1987 USGS = 120°-0"
3. LOT 8/1Z: 13.312 SF
4. ZONE/DISTRICT: COMMERCIAL (SOUTH TOWN CHARACTER AREA) (SECTION 16-1-302)
5. ALLOWABLE SITE COVERAGE: 70% MAX. = 9310.8 SF (SECTION 16-2-400; LOT REQUIREMENTS)
6. MAX. IMPERVIOUS SURFACE AREA: N/A
7. PARKING SPACES (8'X18') REQUIRED PER SECTION 16-1-302:
AEROBICS: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
OFFICES: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
ACCESSORY APARTMENT: (1) SPACE PER UNIT

HANDICAP SPACES: (1) SPACE PER (15) SPACES
(8'X18' + 5' WIDE AISLE)
8. PARKING CALCULATIONS:
YOGA STUDIO = (1899.429) SF/(250SF) = (8) SPACES REQUIRED
(2) ACCESSORY APARTMENTS + (2) SPACES REQUIRED

TOTAL PARKING SPACES PROVIDED = (11) SPACES
TOTAL PARKING SPACES PROVIDED = (11) SPACES
9. SNOW STORAGE REQUIRED: MIN. OF 5% OF PARKING AREA (SECTION 16-1-302)
10. LIMITED USE STANDARDS OF ACCESSORY APARTMENTS:
(1) ACCESSORY APARTMENT IS ALLOWED PER PRIMARY ZONE
USE UP TO 150 SF PER SECTION 16-1-102.

PROPOSED ACCESSORY APARTMENTS:
(1) APARTMENT AT 423 SF
(1) APARTMENT AT 395 SF

TOTAL AREA = 818 SF
TOTAL UNITS = (2)

1041 MAIN STREET
1041 MAIN STREET
MINTURN, CO 81645
PARCEL NO.: 2103-351-01-025

ISSUED FOR:	DATE:
PRELIMINARY ZONING	01.03.20
PROGRESS	01.13.20

REVISIONS:

SHEET SCALE: 1" = 10'-0"

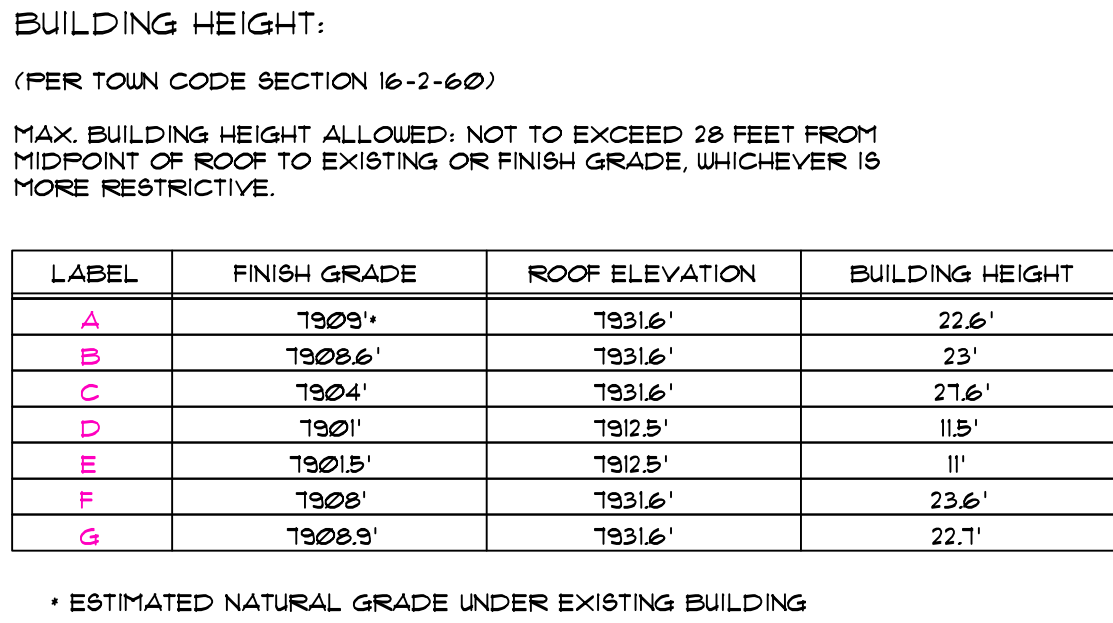
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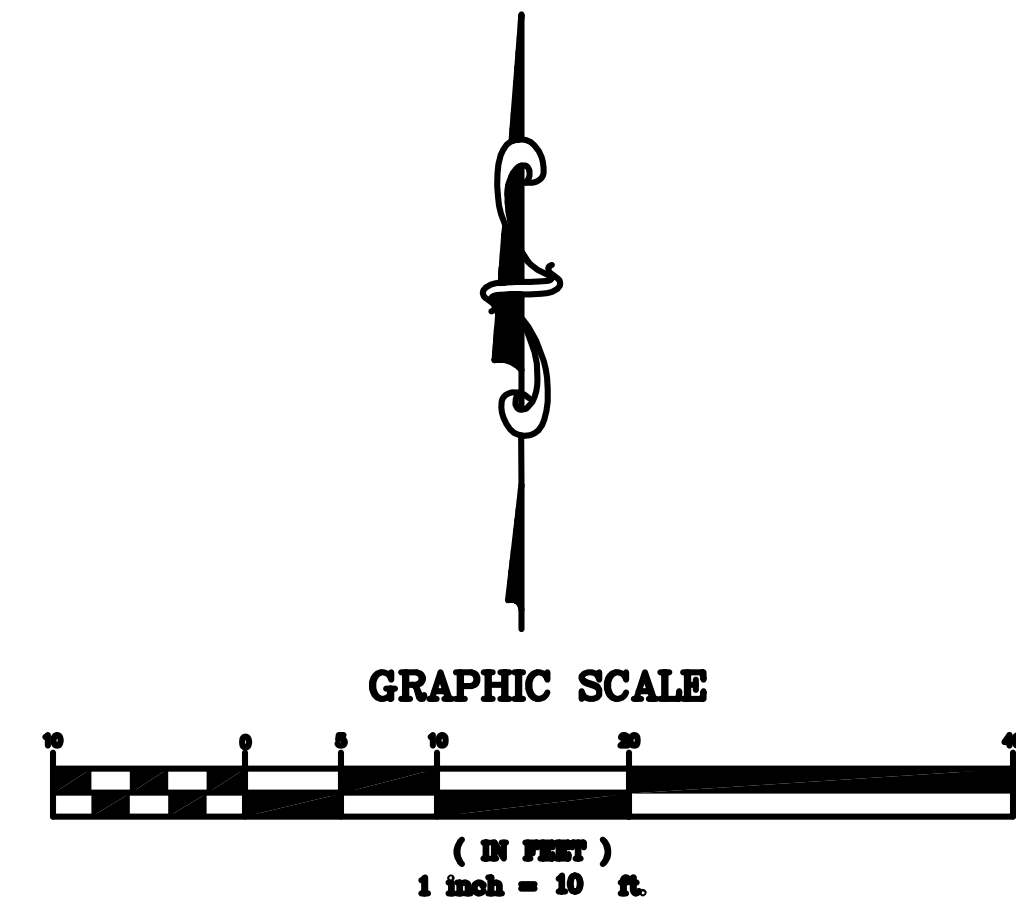
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BLUELINE ARCHITECTS P.C.

PROJECT #: 1903
SHEET TITLE: SITE PLAN
(LOWER LEVEL)

A1.10



* ESTIMATED NATURAL GRADE UNDER EXISTING BUILDING



1 SITE PLAN (ZONING)
A1.10 1" = 10'-0"

GENERAL NOTES:

1. SITE PLAN SCALE IS NOTED ON DRAWING TITLE
2. DATUM: 1987 USGS = 100'-0"
3. LOT SIZE: 13,312 SF
4. ZONE DISTRICT: COMMERCIAL (SOUTH TOWN CHARACTER AREA)
(SECTION 16-1-30)
5. ALLOWABLE SITE COVERAGE: 70% MAX. = 9,310.4 SF
(SECTION 16-2-40: LOT REQUIREMENTS)
6. MAX. IMPERVIOUS SURFACE AREA: N/A
7. PARKING SPACES (9'X18') REQUIRED PER SECTION 16-16-30:
AEROBICS: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
OFFICE: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
ACCESSORY APARTMENT: (1) SPACE PER UNIT
HANDICAP SPACES: (1) SPACE PER (15) SPACES
(8'X18' + 5' WIDE AISLE)
8. PARKING CALCULATIONS:
YOGA STUDIO = (1999-23) SF/(250SF) = (9) SPACES REQUIRED
(2) ACCESSORY APARTMENTS = (2) SPACES REQUIRED
10. TOTAL PARKING SPACES REQUIRED = (11) SPACES
TOTAL PARKING SPACES PROVIDED = (11) SPACES
9. SNOW STORAGE REQUIRED: MIN. OF 5% OF PARKING AREA
(SECTION 16-16-130)
10. LIMITED USE STANDARDS OF ACCESSORY APARTMENTS:
(1) ACCESSORY APARTMENT IS ALLOWED PER PRIMARY ZONE
USE UP TO 150 SF PER SECTION 16-1-10.

PROPOSED ACCESSORY APARTMENTS:

- (1) APARTMENT AT 423 SF
- (1) APARTMENT AT 395 SF

TOTAL AREA = 818 SF
TOTAL UNITS = (2)

1041 MAIN STREET
1041 MAIN STREET
MINTURN, CO 81645
PARCEL NO.: 2103-351-01-025

ISSUED FOR:	DATE:
PRELIMINARY ZONING	01.03.20
P&Z SUBMITTAL	01.16.20

REVISIONS:

SHEET SCALE: 1" = 10'-0"

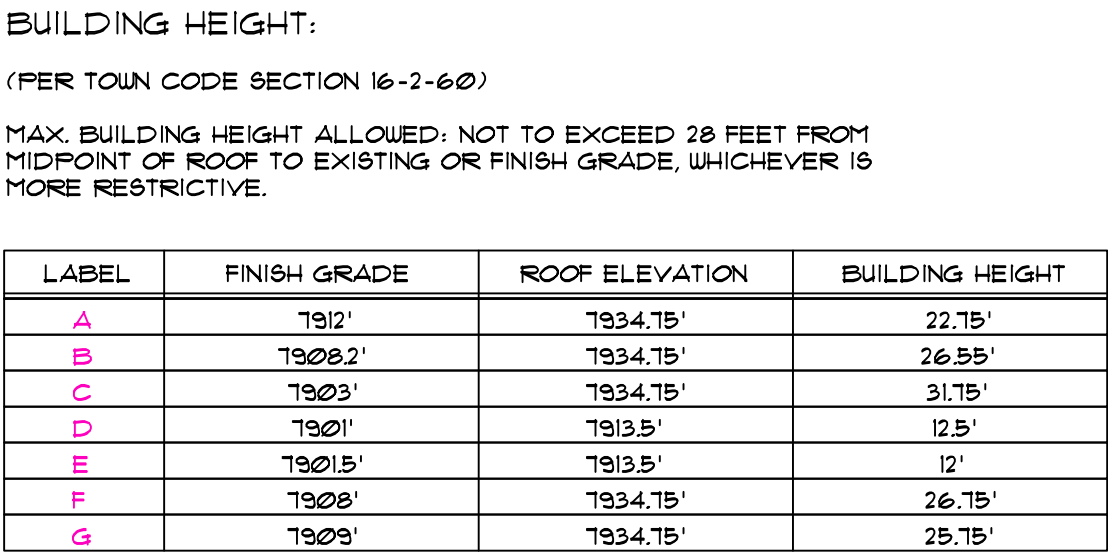
DRAWN BY:

CHECKED BY: KB

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BLUELINE ADQUISITION CO.

PROJECT #: 1903
SHEET TITLE: SITE PLAN
(LOWER LEVEL)

A1.10



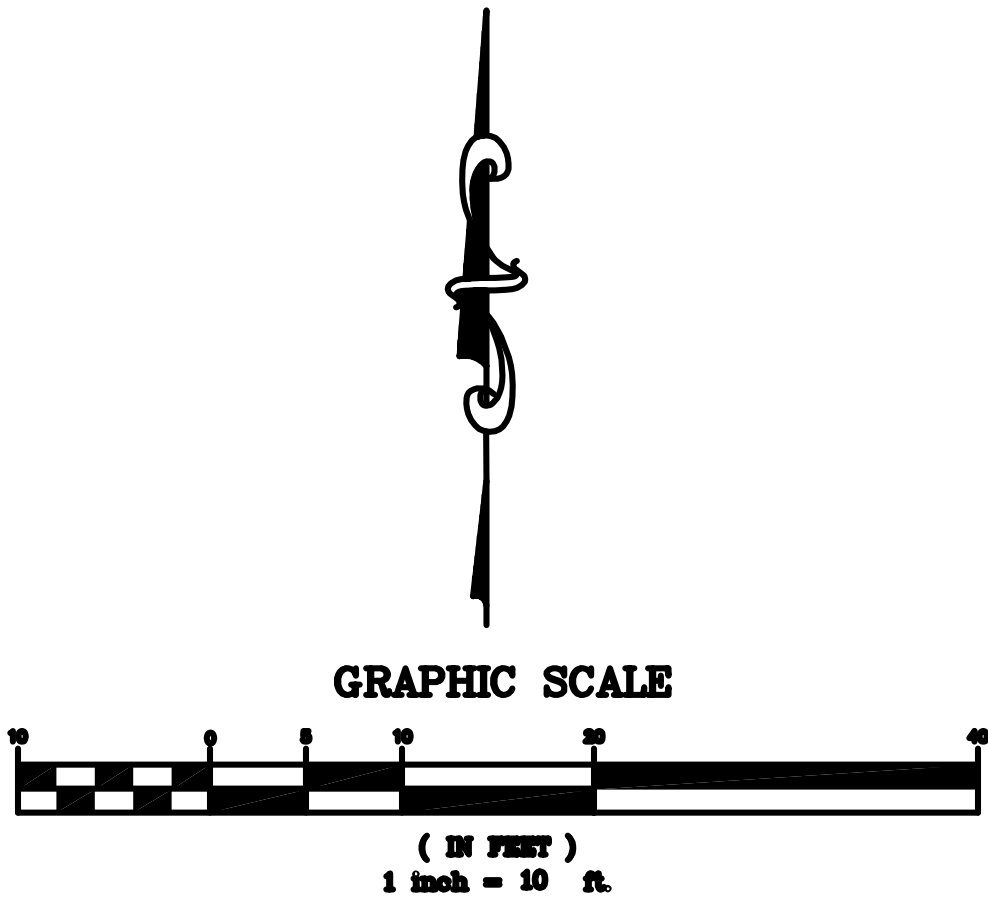
GENERAL NOTES:

1. SITE PLAN SCALE IS NOTED ON DRAWING TITLE
2. DATUM: 1987 USGS = 120°-0"
3. LOT SIZE: 13,312 SF
4. ZONE/DISTRICT: COMMERCIAL (SOUTH TOWN CHARACTER AREA) (SECTION 16-1-30)
5. ALLOWABLE SITE COVERAGE: 70% MAX. = 9,318 SF (SECTION 16-2-40; LOT REQUIREMENTS)
6. MAX. IMPERVIOUS SURFACE AREA: N/A
7. PARKING SPACES (8'X18') REQUIRED PER SECTION 16-1-30:
AEROBICS: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
OFFICES: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
ACCESSORY APARTMENT: (1) SPACE PER UNIT
HANDICAP SPACES: (1) SPACE PER (15) SPACES (8'X18' + 5' WIDE AISLE)
8. PARKING CALCULATIONS:
YOGA STUDIO = (189.429) SF/(250SF) = (3) SPACES REQUIRED
(2) ACCESSORY APARTMENTS + (2) SPACES REQUIRED

TOTAL PARKING SPACES REQUIRED = (11) SPACES
TOTAL PARKING SPACES PROVIDED = (11) SPACES
9. SNOW STORAGE REQUIRED: MIN. OF 5% OF PARKING AREA (SECTION 16-1-30)
10. LIMITED USE STANDARDS OF ACCESSORY APARTMENTS:
(1) ACCESSORY APARTMENT IS ALLOWED PER PRIMARY ZONE USE UP TO 150 SF PER SECTION 16-1-10.

PROPOSED ACCESSORY APARTMENTS:
(1) APARTMENT AT 423 SF
(1) APARTMENT AT 395 SF

TOTAL AREA = 818 SF
TOTAL UNITS = (2)



1 SITE PLAN (ZONING)
A1.20 1" = 10' - 0"

ISSUED FOR: DATE:
PRELIMINARY ZONING 01.03.20
PROGRESS 01.13.20

REVISIONS:

SHEET SCALE: 1" = 10'-0"

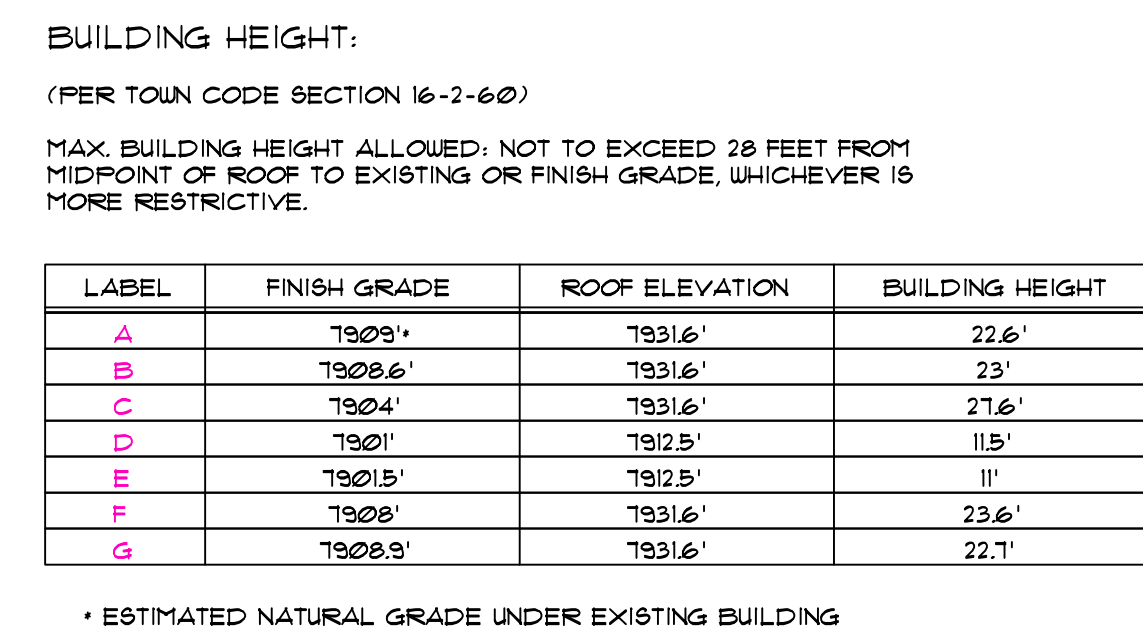
DRAWN BY: KE

CHECKED BY: KE

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PROJECT #: 1903
SHEET TITLE: SITE PLAN
(MAIN LEVEL)

A1.20



• ESTIMATED NATURAL GRADE UNDER EXISTING BUILDING



1. SITE PLAN SCALE IS NOTED ON DRAWING TITLE

2. DATUM: 1987 U.S.G.S = 100'-0"

3. LOT SIZE: 13,312 SF

4. ZONE DISTRICT: COMMERCIAL (SOUTH TOWN CHARACTER AREA)
(SECTION 16-1-30)

5. ALLOWABLE SITE COVERAGE: 70% MAX. = 9318.4 SF
(SECTION 16-2-40; LOT REQUIREMENTS)

6. MAX. IMPERVIOUS SURFACE AREA: N/A

7. PARKING SPACES (9'X10') REQUIRED PER SECTION 16-16-30:
AEROBICS: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
OFFICES: (1) SPACE PER 250 SF (EXCLUDES STORAGE)
ACCESSORY APARTMENT: (1) SPACE PER UNIT

HANDICAP SPACES: (1) SPACE PER (15) SPACES
(8'X10' + 5' WIDE AISLE)

8. PARKING CALCULATIONS:
YOGA STUDIO + (1989/231 SF)/(250SF) + (8) SPACES REQUIRED
ACCESSORY APARTMENTS = (2) SPACES REQUIRED

TOTAL PARKING SPACES REQUIRED = (11) SPACES
TOTAL PARKING SPACES PROVIDED = (11) SPACES

9. SNOW STORAGE REQUIRED: MIN. OF 5% OF PARKING AREA
(SECTION 16-16-130)

10. LIMITED USE STANDARDS OF ACCESSORY APARTMENTS:
(1) ACCESSORY APARTMENT IS ALLOWED PER PRIMARY ZONE
USE UP TO 150 SF PER SECTION 16-1-10.

PROPOSED ACCESSORY APARTMENTS:
(1) APARTMENT AT 423 SF
(1) APARTMENT AT 395 SF

TOTAL AREA = 819 SF
TOTAL UNITS = (2)

1041 MAIN STREET
1041 MAIN STREET
MINTURN, CO 81645
PARCEL NO.: 2103-351-01-025

ISSUED FOR:	DATE:
PRELIMINARY ZONING	01.03.20
P&Z SUBMITTAL	01.16.20
REVISIONS:	
SHEET SCALE:	1" = 10'-0"
DRAWN BY:	
CHECKED BY:	KELLY
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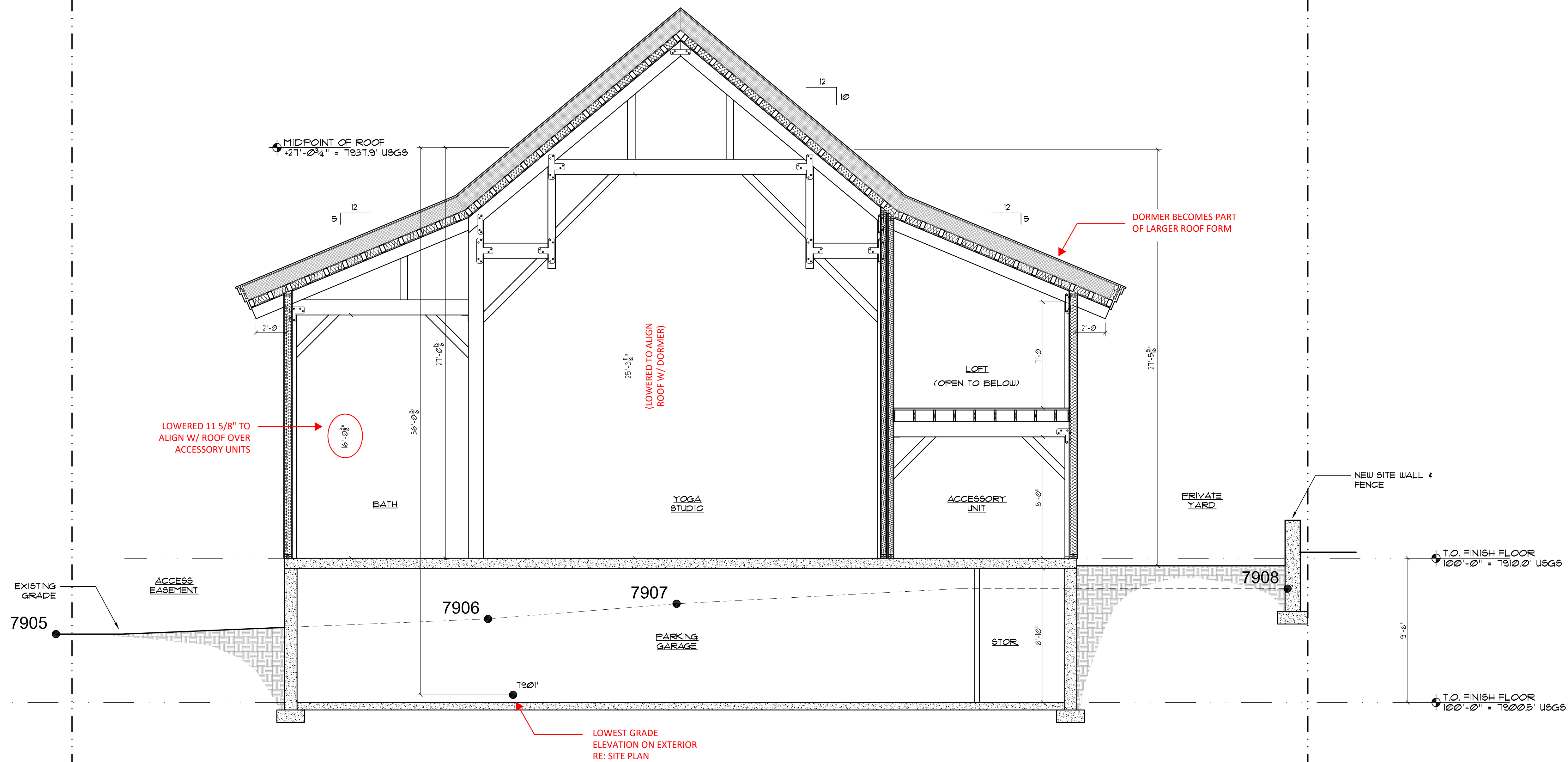
PROJECT #: 1903
SHEET TITLE: SITE PLAN
(MAIN LEVEL)

A1.20

blue|ne
ARCHITECTS

970.376.2052 (c)
info@bluearchitects.com
www.bluearchitects.com

321 18th Street
Suite 200
Gulfport, MS 39503



1 BUILDING SECTION
A4.10 1/4" = 1'-0"

1041 MAIN STREET
1041 MAIN STREET
MINTURN, CO 81645
PARCEL NO.: 2103-351-01-025

ISSUED FOR:	DATE:
PRELIMINARY ZONING	01.03.20
PROGRESS	01.13.20
REVISIONS:	
SHEET SCALE:	1/4" = 1'-0"
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CHECKED BY:	KB
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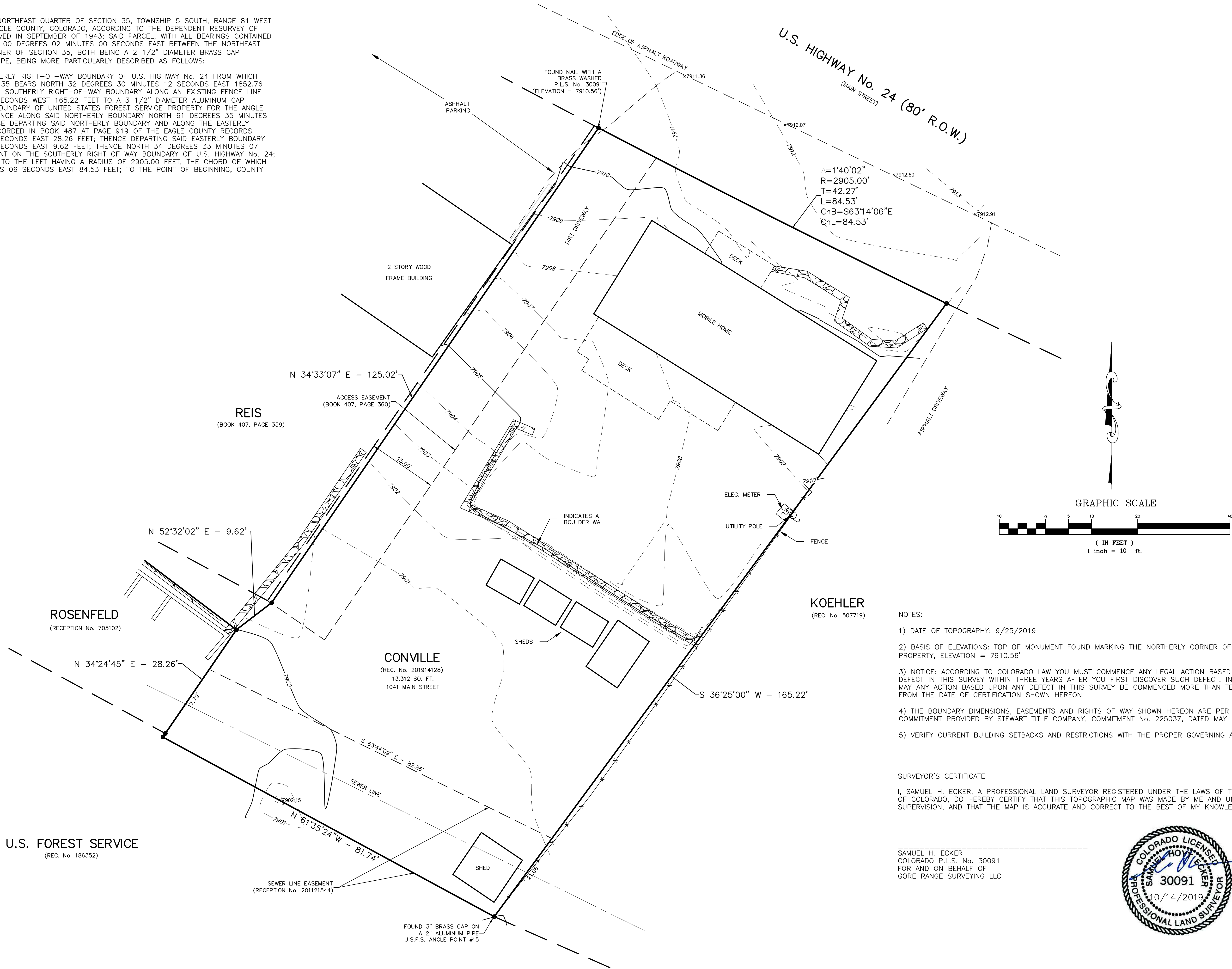
PROJECT #: 1903
SHEET TITLE: BUILDING
SECTIONS

A4.10



PARCEL DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EAGLE COUNTY, COLORADO, ACCORDING TO THE DEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE AS APPROVED IN SEPTEMBER OF 1943; SAID PARCEL, WITH ALL BEARINGS CONTAINED HEREIN BASED UPON A BEARING OF S 00 DEGREES 02 MINUTES 00 SECONDS EAST BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 35, BOTH BEING A 2 1/2" DIAMETER BRASS CAP MONUMENT ON A 2" DIAMETER IRON PIPE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF U.S. HIGHWAY No. 24 FROM WHICH SAID NORTHEAST CORNER OF SECTION 35 BEARS NORTH 32 DEGREES 30 MINUTES 12 SECONDS EAST 1852.76 FEET DISTANT; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY BOUNDARY ALONG AN EXISTING FENCE LINE SOUTH 36 DEGREES 25 MINUTES 01 SECONDS WEST 165.22 FEET TO A 3 1/2" DIAMETER ALUMINUM CAP MONUMENT SET ON THE NORTHERLY BOUNDARY OF UNITED STATES FOREST SERVICE PROPERTY FOR THE ANGLE POINT No. 15 OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY BOUNDARY NORTH 61 DEGREES 35 MINUTES 24 SECONDS WEST 81.74 FEET; THENCE DEPARTING SAID NORTHERLY BOUNDARY AND ALONG THE EASTERLY BOUNDARY OF A PARCEL OF LAND RECORDED IN BOOK 487 AT PAGE 919 OF THE EAGLE COUNTY RECORDS NORTH 34 DEGREES 24 MINUTES 46 SECONDS EAST 28.26 FEET; THENCE DEPARTING SAID EASTERLY BOUNDARY NORTH 52 DEGREES 32 MINUTES 02 SECONDS EAST 9.62 FEET; THENCE NORTH 34 DEGREES 33 MINUTES 07 SECONDS EAST 125.02 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY BOUNDARY OF U.S. HIGHWAY No. 24; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2905.00 FEET, THE CHORD OF WHICH BEARS SOUTH 63 DEGREES 14 MINUTES 06 SECONDS EAST 84.53 FEET; TO THE POINT OF BEGINNING, COUNTY OF EAGLE, STATE OF COLORADO.



NOTES:

- 1) DATE OF TOPOGRAPHY: 9/25/2019
- 2) BASIS OF ELEVATIONS: TOP OF MONUMENT FOUND MARKING THE NORTHERLY CORNER OF THE SUBJECT PROPERTY, ELEVATION = 7910.56'
- 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- 4) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER TITLE COMMITMENT PROVIDED BY STEWART TITLE COMPANY, COMMITMENT No. 225037, DATED MAY 31, 2018.
- 5) VERIFY CURRENT BUILDING SETBACKS AND RESTRICTIONS WITH THE PROPER GOVERNING AUTHORITY.

SURVEYOR'S CERTIFICATE

I, SAMUEL H. ECKER, A PROFESSIONAL LAND SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS TOPOGRAPHIC MAP WAS MADE BY ME AND UNDER MY SUPERVISION, AND THAT THE MAP IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

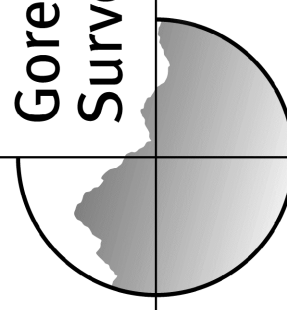
SAMUEL H. ECKER
COLORADO P.L.S. No. 30091
FOR AND ON BEHALF OF
GORE RANGE SURVEYING LLC



TOPOGRAPHIC MAP
1041 MAIN STREET
TOWN OF MINTURN
EAGLE COUNTY, COLORADO

DRAWN BY:	SE	DATE:	10/14/2019
CHECKED BY:	SE	DRAWING NO.:	09-496 topo
JOB NO.:	09-496	SHEET	1 OF 1

Gore Range
Surveying, LLC



P.O. Box 15
Avon, CO 81620
(970) 479-8698 • fax (970) 479-0055



Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Lauren Dickie
Burke Harrington
Chris Manning
Jena Skinner

Memorandum

Date: January 17, 2020
To: Minturn Planning Commission
From: Scot Hunn, Planning Director
Re: Draft Ordinance No. 2 – Series 2020

The attached draft ordinance – Ordinance No. 2 – Series 2020 – is presented to the Planning Commission for review prior to any consideration by the Town Council. The ordinance addresses amendments in the following sections of the the Minturn Municipal Code, Chapter 16 – Zoning:

1. **Sec. 16-2-50. - Specific lot requirements and dimensional standards.**
2. **Article 22 - Legal Nonconforming Uses, Structures and Lots**
3. **Appendix C – Minturn Engineering Standards and Specifications**

Specific lot requirements and dimensional standards

The Planning Commission has been reviewing Chapter 16 – Zoning, for several months starting in August 2019. The focus of the Commission’s review has been to examine permitted uses within each existing zone district, as well as associated development and/or design standards.

The ultimate goal of the Chapter 16 Update Project will be to adopt a significantly reformatted zoning document. Staff intends to complete the update project and present a draft Chapter 16 document by April 2020.

However, over the course of several work sessions to consider existing regulations as well as proposed changes, the Planning Commission has identified one particular section – *Specific Lot Requirements and Dimensional Standards* – needing immediate attention to amend certain provisions that no longer reflect the Town’s best interests; are extraneous; or, are problematic from the standpoint of interpretation and enforcement.

Therefore, the first section of Ordinance No. 2 – Series 2020 sets forth a draft of proposed changes where certain provisions are eliminated, and others are amended through changes in the

text. Additional amendments to Chapter 16 will be forthcoming following the public review and adoption of the comprehensive update to the zoning document and zoning maps.

Legal Nonconforming Uses, Structures and Lots

In response to a recent application and zoning interpretation involving a proposed addition to a pre-existing, nonconforming structure within Old Town, the Planning Commission and staff engaged a discussion about the Town's existing nonconformities regulations (Chapter 16, Article 22), holding a work session at the Planning Commission's meeting of January 8, 2020.

Following the work session, staff was directed to draft amendments to Article 22 to address situations whereby the Town may wish to entertain vertical additions to nonconforming structures as a matter of protecting and enhancing community character and investment in private property, but provide criteria whereby any proposed vertical addition is considered against factors such as adverse impacts to neighboring properties.

The second section of Ordinance No. 2 – Series 2020 addresses proposed changes to Article 22 and sets forth specific language allowing for review by the Planning Commission of vertical additions to pre-existing nonconforming structures.

Minturn Engineering Standards and Specifications

The Minturn Engineering Standards currently require significant and detailed engineering plans and studies for most development proposals, regardless of the scale and scope of a project (e.g. a new major subdivision vs. new single-family home).

This presents practical issues and difficulties for property owners and for Town Staff as each project is unique and, with the exception of major PUD developments or subdivisions, many smaller projects typically do not require the same level of engineering plans and specifications.

The proposed amendment to Appendix C – Minturn Engineering Standards and Specifications, is intended to allow the Planning Director and/or Town Engineer to waive certain submittal requirements from a list that currently is presented in a 'one-size-fits-all' manner. The goal is to ensure that the Town receives the engineering information that is most pertinent to a project based on the type of project (new home vs. new subdivision), site conditions (sloped lots vs. flat lots) and scale of project (single building vs. multi-structure development).

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 – SERIES 2020

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.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, the Town Council and Planning Commission have held various work sessions and public hearings to receive public input on changes to the Zoning Code; and

WHEREAS, §31-23-304, C.R.S., provides that the Town shall provide for the manner in which its land use and development regulations are amended, supplemented, or changed; and

WHEREAS, §16-21-430 of the Minturn Municipal Code provides that Town Council, Planning Commission or Planning Director may initiate an amendment of the Zoning Code, and §16-21-440 provides that the Town’s Planning Commission shall review all proposed amendments to the Town’s Zoning Code at a duly noticed public hearing and shall recommend approval or denial of a proposed amendment by Town Council, and that the Town Council shall finally approve or deny a proposed amendment at a duly noticed public hearing; and

WHEREAS, the Planning Commission at a duly noticed public hearing on January 22, 2020 and considered the Zoning Code amendments and provided a recommendation to the Town Council; and

WHEREAS, the Town Council at duly noticed public hearings on _____ considered the proposed Zoning Code amendments and recommendation of the Planning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Sec. 16-2-50. - Specific lot requirements and dimensional standards.

- (a) Portions of a lot contained in a river or creek, ~~or that are within the river or creek setback~~ shall not be included in the lot's square footage for purposes of calculating the maximum building lot coverage or the maximum impervious surface area.
- (b) Setback from river/creeks. A strip of land measured horizontally from the ordinary high water mark on each side of any live creek shall be protected in its natural state. If necessary to protect the river or creek, additional river/creek setback may be required. Underground utilities may be located in the river/creek setback; 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. Otherwise, river and creek setbacks are to remain natural vegetation.
- (c) The river or creek setback shall remain, or be re-vegetated to, natural riparian vegetation. No manmade structures may be placed in the river or creek setback except as permitted by [Section 16-3-20\(b\)](#).
- (d) The ordinary high water mark shall be identified by a licensed professional surveyor on all applicable surveys, plats and plans required under this [Chapter 16](#).
- ~~(e) No side yard setback is required for the party wall of a duplex.~~
- ~~(f) 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.~~
- ~~(g) When a corner lot is in a commercial zone and adjoins a lot in a noncommercial zone, the Planning Director shall designate where the front, side and rear yard setbacks apply.~~
- ~~(h) When a corner lot is in a noncommercial zone, the Planning Director shall designate the front yard and rear yard. All setbacks shall apply to the lot. Clear vision areas on all corner lots must be established.~~
- ~~(i) When a lot is not rectangular in shape, and the building is constructed so that one (1) side of the building is parallel to an adjacent Town 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 five (5) feet.~~
- (je) The minimum setback between two (2) structures on the same lot is six (6) feet.
- (kf) Garage doors in the Old Town Character Area facing Main Street must be set back at least eighteen (18) feet from the lot line.
- ~~(lg)~~ Fences and boundary walls are allowed in the setbacks subject to the following limitations.
 - (1) Height shall not exceed six (6) feet in the rear yard setback.
 - (2) Height shall not exceed six (6) 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 (4) feet from the front of the primary structure on the lot and the front yard lot line. Clear vision requirements may be more restrictive.
 - (3) Height shall not exceed four (4) feet in the front yard setback.
- ~~(mh)~~ Encroachments of Architectural features – Rear Yard. 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 (5) feet from the rear lot line(s):

- (1) Unroofed terraces or patios, not to exceed forty-eight (48) inches above grade.
- (2) Chimneys.
- ~~(3) Bay windows. Bay windows may encroach up to three (3) feet into the front yard setback.~~
- (43) Awnings or shading devices.

~~(hi)~~ Encroachments of Architectural features – Front Yard:

- (1) Bay windows, including roof overhangs or eave lines, may encroach up to three (3) feet into the required front yard setback area.
- (ej) Roofed terraces, decks and patios are not permitted in the required setbacks.
- ~~(ek) Cantilevering of a structure, over the maximum ground floor square footage, is not permitted.~~ All cantilevered building elements and areas count toward maximum building lot coverage and maximum impervious lot coverage.
- ~~(pl) A maximum of eighteen (18) inches of roof eave eave may encroach into the required front, rear, and side yard setbacks. No encroachment of structures or roof eaves is permitted within the 30-foot live stream setback area. No more than eighteen (18) inches of roof eave can encroach into a setback even with snow clips or cold storage roof. Larger roof eaves are allowed, but only eighteen (18) inches can be in the setback. This restriction includes covered porches and decks.~~
- ~~(qm)~~ The first ten (10) feet of the front yard setback shall be dedicated to landscaping, except for driveways and non-motorized sidewalks and trails. This requirement does not apply to commercial and mixed-use zones in the Old Town Character Area.
- ~~(ro)~~ For structures two (2) or three (3) stories in height, a maximum roof length of sixty (60) feet in one (1) direction is allowed. After sixty (60) feet, the roof height needs to be lowered by a minimum of nine feet for a minimum run of twenty (20) feet in length or change directions a minimum of ninety (90) degrees for a minimum length of twenty (20) feet.
- ~~(sp)~~ Sheds.
 - (1) To constitute a shed that does not require a building permit, the structure shall be no larger than one hundred twenty (120) square feet in ground floor area and no higher than twelve (12) feet. Sheds in excess of one hundred twenty (120) square feet of ground floor area or twelve (12) feet in height require a building permit.
 - (2) Sheds must be located in the rear or side yards, but such structures may not encroach into the side yard setbacks. A shed may encroach in the rear yard setback so long as it is a minimum of five (5) feet from all lot lines.
 - (3) Sheds in all character areas and zones require a limited use review permit approved by the Planning Director. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.
 - (4) Sheds count toward the maximum impervious surface lot requirements.
- ~~(tq)~~ Greenhouses.
 - (1) In all ~~character areas and~~ zones, a permanent greenhouse (which is not fully deconstructed and removed prior to winter) which exceeds one hundred twenty (120) square feet in the ground floor area or exceeds twelve (12) feet in height must receive a limited use review permit approved by the Planning Director and obtain a building

permit. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.

- (2) Permanent greenhouses shall be counted toward maximum impervious lot coverage requirements.
- (3) Non-permanent greenhouses (which are fully deconstructed and removed prior to winter every year) do not count toward maximum impervious lot coverage requirements.
- (✕) Any residential structure constructed in a commercial zone district must comply with the applicable residential maximum building lot coverage limitation, the residential maximum impervious structure limitation, the residential building height limitation and residential set back requirements.

ARTICLE 22 - Legal Nonconforming Uses, Structures and Lots

Sec. 16-22-10. - Purpose and intent.

- (a) Within the provisions established by this Chapter, there exist uses of land, structures and lots that were lawfully established before this Chapter was adopted or amended, that now do not conform to the standards of this Chapter. The purpose and intent of this Article is to 1) regulate and limit the continued existence of those uses, structures and lots that do not conform to the provisions of this Chapter or any amendments thereto; and 2) promote reuse and improvement of structures that enhance the character and community of the Town.
- (b) It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuation except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconforming uses, unsafe nonconforming structures and nonconforming lots to preserve the integrity of this Chapter and the Community Plan.

(Prior code 16-22-1; Ord. 15-2002 §1)

Sec. 16-22-20. - General provisions.

- (a) Any use, structure or lot in existence and lawful at the time of adoption of the initial ordinance codified herein, or any subsequent amendment hereto which is not in conformance with the provisions of this Chapter or amendment, shall be considered a legal nonconforming use, structure or lot and may continue, pursuant to this Article.
- (b) A use which was approved by the Town Council prior to the adoption of the initial ordinance codified herein, which is in violation of the terms of this Chapter, may proceed to completion and implementation and be treated as a legal nonconforming use, provided that such completion and implementation are pursued with reasonable diligence and completed within eighteen (18) months from the initial ordinance codified herein. This time period may be extended for a period not to exceed six (6) months upon approval in accordance with procedures for a conditional use, as set forth in Article 21 above.
- (c) If this Chapter is found in conflict with the building codes as adopted by the Town, the building codes shall take precedence.

(Prior code 16-22-2; Ord. 15-2002 §1; Ord. 15-2008 §1)

Sec. 16-22-30. - Nonconforming uses and structures.

- (a) Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - (1) An increase in the total amount of space devoted to a nonconforming use; or
 - (2) Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitation or density requirements, or other requirements such as parking requirements.
- (b) A legal nonconforming use shall not be changed to any other use except a conforming use.
- (c) If a nonconforming use is discontinued or abandoned for a period of more than twelve (12) consecutive months, whether or not the equipment or furniture is removed, then such use ~~or structure~~ may not be reestablished or resumed, and any subsequent use ~~or structure~~ shall conform to the provisions specified by this Chapter. This time period may be extended for a period not to exceed twelve (12) months upon approval in accordance with procedures for a conditional use as set forth in Article 21 above. When government action can be documented as the reason for discontinuance or abandonment, the time delay by the government shall not be calculated for purposes of this Section.
- (d) If a nonconforming structure or portion thereof or a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance and is declared by either the Building Inspector or the owner to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of this Chapter and the building, plumbing, fuel gas, mechanical and electrical codes currently adopted by the Town.
- (e) A nonconforming structure or a structure housing a nonconforming use shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it shall thereafter conform to the provisions of the zone into which it is moved.

(Prior code 16-22-3; Ord. 15-2002 §1)

Sec. 16-22-40. - Repair, maintenance and reconstruction.

- (a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged, and may or may not need a building permit, as determined by the Building Inspector. Any change in size or type of a structure must be approved by the Design Review Board.
- (b) Major renovation or rebuild , defined herein as work estimated to cost more than fifty percent (50%) of the valuation of the structure to be renovated, must be renovated or replaced by conforming with current zoning and building codes, and will definitely require a building permit.
 - (1) ~~The only exception to Subsection (a) above shall be in the case of~~ Exceptions.

(A) Rebuilding following fire or natural disaster which causes more than fifty percent (50%) of the appraised valuation of the structure to need rebuilding. (2) This exception must be approved by the Design Review Board with the following findings:

- (i) ~~a~~. The structure was in use at the time of the fire or natural disaster.
- (ii) ~~b~~. The owner of the structure at the time of the fire or natural disaster must be wishing to rebuild the structure.
- (iii) ~~c~~. No change of use is taking place.
- (iv) ~~d~~. Rebuilding must commence within six (6) months of the date of the disaster and receive a certificate of occupancy within twenty-four (24) months of commencing work.

(B) Vertical additions to nonconforming structures within a setback whereby the footprint of a nonconforming structure is not expanded. This exception must be approved by the Design Review Board with the following findings.

(i) The addition will not increase the square footage of the non-conforming portion of the structure by more than twenty five percent (25%).

(ii) The addition will not adversely impact or be materially detrimental to adjacent properties. The following factors shall be considered adverse impacts and material detriments to adjacent properties:

a. reduction of solar exposure on adjacent property in excess of twenty five percent (25%);

b. substantial increases in drainage and/or snow shedding onto an adjacent property;

c. exacerbates an existing, or creates a new safety hazard on adjacent properties due to safety personnel access, snow shedding, fire and clear vision area.

(iii) The addition conforms with Design Review Standards.

(iv) The addition's design does not exacerbate, and addresses to the highest extent possible, potential safety issues, including safety personnel access, snow shedding, fire and clear vision area.

(v) The addition protects a valuable property investment of the applicant.

(vi) The addition is compatible with the character of the surrounding area.

(vii) The addition is architecturally compatible with the existing structure.

(viii) The addition will result in modernization of other elements of the existing structure that are not in compliance with the applicable codes.

(ix) The existing nonconforming structure does not present a serious danger to the public health or safety.

(x) The addition meets all other zone district standards.

- (c) This Section shall not be in conflict with the building, mechanical, fuel gas, plumbing and electrical codes currently adopted by the Town. If any such conflict shall arise between the building codes and this Chapter, the building codes shall be considered prevailing.
- (e) For purposes of this Section:
 - (1) The *cost of renovation, repair or replacement* shall mean the valuation as determined by the Building Inspector in the plans submitted for a building permit.
 - (2) The *cost of renovation, repair or replacement* shall also mean the total cost of all such intended work, and no person may seek to avoid the intent of this Section by doing such work incrementally. All work done within three (3) years of the initial permit approval shall be considered in the total cost.
 - (3) The *cost* shall exclude any new foundation and repair or replacement foundations for existing structures. This value is determined by a bid furnished to the owner.
 - (4) The *valuation* shall mean the valuation determined by the County Assessor's most current valuation of improvements, not including the land. If the renovation, repair or replacement is less than the complete structure, then an average square footage price, calculated without respect to type of use, is applied to the proposed project area, defined herein as the area where any work is being done.
- (f) The Planning Director shall issue the building permit if he or she finds that, in completing the renovation, repair or replacement work:
 - (1) No violation of Section 16-22-30 above will occur; and
 - (2) The permittee will comply to the extent reasonably possible with all provisions of this Chapter applicable to the existing use (except that the permittee shall not lose his or her right to continue a nonconforming use). Reasonably possible compliance does not include increasing the size of a lot or moving a substantial structure sited on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements does not constitute grounds for finding that compliance is not reasonably possible.

(Prior code 16-22-4; Ord. 15-2002 §1; Ord. 15-2008 §1)

Sec. 16-22-50. - Nonconforming lots of record.

- (a) Where a legal lot of record on the effective date of the initial ordinance codified herein does not conform to the standards of the zone district in which it is located, it shall be considered a legal nonconforming lot, subject to the provisions of this Article.
- (b) A legal nonconforming lot may be used for construction of a building allowed in the zone district, provided that all other zone district regulations, including but not limited to setbacks, are met.
- (c) The owner of a legal nonconforming lot of record may apply for any other use that is allowed by limited use review or allowed by conditional use review in the applicable underlying zone.

- (d) No lot conforming in size at the time the initial ordinance was codified herein shall be subdivided or reduced in size in such a way that it would become nonconforming.
- (e) For the purposes of compliance with the requirements of this Chapter, lots that have been reduced in size as a result of either an act of condemnation under the eminent domain authorities of Articles 1 through 7, Title 38, C.R.S, or the grant of a deed to such a condemning authority in lieu of condemnation, shall be considered to include such area transferred as a result of the condemnation action.

(Prior code 16-22-5; Ord. 15-2002 §1; Ord. 5-2018, §2)

Sec. 16-22-60. - Mobile home replacement.

Existing mobile homes in the Town shall not be replaced by another mobile home. Mobile homes may be replaced by manufactured homes and modular homes, provided that the manufactured home or modular home conforms to the requirements of the particular zone district it is to be set in. Mobile homes, manufactured homes and modular homes are defined as follows:

Manufactured home means factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act, (42 U.S.C. § 5401), commonly known as the *HUD Code*.

Mobile home means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit or in sections by special permit.

Modular home means a single-family dwelling which is partially or entirely manufactured in a manufacturing facility, is installed on an engineered permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the building code adopted by the Town.

(Prior code 16-22-6; Ord. 15-2002 §1, Ord. 15-2008 §1)

Sec. 16-22-70. - Reduction or elimination of certain nonconforming uses and structures.

- (a) The Town Council may order termination or change of a prior nonconforming use or structure where it is determined, after a public hearing, that the termination or change required is in the interests of public health, safety or welfare, and such use is any of the following:
 - (1) A junkyard;
 - (2) A sign;
 - (3) Not essential to the economic usefulness of the buildings and other improvements involved, and they can be relocated at reasonable cost; or
 - (4) If continued in its existing form, presents a serious danger to the public health or safety.

- (b) An order shall be issued pursuant to this Section only after a public hearing where the parties responsible for the use or structure are given notice. An order issued under this Section shall only require action or inaction sufficient to remove the grounds for issuance of the order. The order issued pursuant to this Section may require termination or change forthwith or within a reasonable period of time, where such delay is found to be just and reasonable in light of the following considerations:
- (1) The type and location of the use or structure;
 - (2) The degree of nonconformance of the use or structure;
 - (3) The degree of immediate danger to public health and safety resulting from the use or structure; and
 - (4) The economic effect on the parties responsible for the use or structure resulting from the ordered termination or change.

(Prior code 16-22-7; Ord. 15-2002 §1).

Sec. 16-22-80. - Enforcement.

Any person who violates the provisions of this Article shall be guilty of a misdemeanor and, in addition to the penalties provided for herein, upon conviction shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(Prior code 16-22-8; Ord. 15-2002 §1; Ord. 15-2008 §1)

APPENDIX C - MINTURN ENGINEERING STANDARDS AND SPECIFICATIONS

~~DEVELOPMENTS LESS THAN 1 ACRE~~

~~JULY 2008~~ FEBRUARY 2020

CHAPTER 1 - GENERAL/SUBMITTAL REQUIREMENTS

This manual, entitled Town of Minturn Engineering Standards and Specifications, sets forth the minimum acceptable criteria for public and private utilities and facilities within the Town of Minturn. Dependent on the scale and scope of the proposed private utility or facility, the Planning Director shall determine applicability of these standards and specifications. Additionally, ~~D~~deviations or variances from these standards may be considered; however, it shall be the responsibility of the applicant to demonstrate to the satisfaction of the Town of Minturn that the proposed variance meets or exceeds the minimum acceptable criteria and standards.

SECTION 1 - SUBMITTAL REQUIREMENTS AND PROCEDURES

The procedures outlined herein apply to consulting engineers and developers seeking approval of civil construction plans and reports. Observing these guidelines will assist in timely review.

1.01 - Minimum Requirements for Approval

In addition to the approval of the subdivision plat and/or site plan, adequate detail drawings and specifications of all necessary public improvements and private construction work (not already covered by Town specifications or exempt from minimum requirements by the Planning Director and/or Town Engineer) shall be submitted for review and approval. Based on applicability as determined by the Planning Director and/or Town Engineer ~~B~~before issuance of a permit for any phase of development by the Town, approvals will be required for:

- storm drainage system (including drainage letter, erosion control plans and reports, storm water quality plans)
- grading plans
- geotechnical report

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 ____ DAY OF _____, 2020. 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 ____ DAY OF _____, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman, 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 ____ DAY OF _____, 2020.

TOWN OF MINTURN, COLORADO

John Widerman, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk