

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 20 – SERIES 2021**

**A RESOLUTION APPROVING THE BELDEN PLACE PRELIMINARY
DEVELOPMENT PLAN FOR PLANNED UNIT DEVELOPMENT (PUD) AND
PRELIMINARY PLAT LAND USE APPLICATIONS**

WHEREAS, on or about November 17, 2020, Miner's Base Camp, LLC. (hereinafter, the "Applicant") submitted a Preliminary Development Plan for Planned Unit Development application (hereinafter, the "Preliminary Plan") and a corresponding Preliminary Plat for Subdivision application (hereinafter, the "Plat") for review and approval by the Town, pursuant to Article 15, Planned Unit Development Overlay Zone District, Chapter 16, Zoning, and Article 17, *Subdivisions* of the Minturn Municipal Code (hereinafter, the "Code"); and,

WHEREAS, the Town of Minturn Planning Commission (hereinafter, the "Commission") recommended approval of Belden Place Concept Development Plan for Planned Unit Development application (the "Concept Plan") on June 24, 2020 and authorized the Applicant to prepare the Preliminary Plan application in general accordance with the Concept Plan; and,

WHEREAS, the Preliminary Plan allows for the development of forty-two (42) single-family, two-family (duplex), and multi-family (tri-plex and five-plex) dwelling units to be constructed on twenty-seven (27) lots of varying sizes serviced by a looped access road, sidewalks, and utilities, as well as the development of an underground parking garage, a pocket park and open space, drainage improvements and drainage ways, landscaping, project identification and wayfinding signage; and,

WHEREAS, the Applicant intends to construct project infrastructure in one (1) phase to allow for the incremental build-out residential structures within the PUD as market conditions and absorption rates dictate; and,

WHEREAS, the Applicant possesses credits for up to fifteen (15) pre-existing water taps or Single-Family Equivalents ("SFEs") for the Property; and,

WHEREAS, in accordance with the Town of Minturn Water Tap Moratorium as promulgated in Ordinance No. 5, Series 2020 (the "Moratorium"), the Applicant acknowledges that purchase and provision of new water taps or SFEs above and beyond any pre-existing water tap credits will be limited to no more than three (3) new SFEs and that additional water taps or SFEs needed to serve the entire development of forty-two (42) total dwelling units may only be purchased and provided based on the availability of water as determined by the Town at its sole discretion and in no case until and unless such time that the Moratorium is lifted; and,

WHEREAS, the Commission held public hearings on the Preliminary Plan and Preliminary Plat at their regular meeting dates of May 26, 2021 and June 9, 2021 to consider the Preliminary Plan and Preliminary Plat, the applicable standards and findings, requested

variations, associated reports, referral agency commentary and recommendations, staff recommendations and findings, testimony, and suggested conditions of approval; and,

WHEREAS, at their regular meeting of June 9, 2021, the Commission acted to recommend approval with conditions of the Preliminary Plan and Preliminary Plat to the Minturn Town Council (hereinafter, the “Council”) because the Preliminary Plan and Preliminary Plat were found to be in conformance with applicable standards, including conformance with the 2009 Minturn Community Plan; and,

WHEREAS, at their regular meeting of June 16, 2021, the Council held a public hearing to consider the Preliminary Plan and Preliminary Plat, the applicable standards and findings of the Code, requested variations, associated reports, referral agency commentary and recommendations, staff recommendations and findings, Planning Commission recommendations and findings, testimony, and suggested conditions of approval pursuant to Section(s) 16-15-160; and,

WHEREAS, at their regular meeting of June 16, 2021, the Council approved the Preliminary Plan and Preliminary Plat, with conditions because the Preliminary Plan and Preliminary Plat were found to be in conformance with applicable standards, including conformance with the Community Plan; and,

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for public hearings held by the Commission; and,

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Council; and,

WHEREAS, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-30; and,

WHEREAS, pursuant to the Minturn Municipal Code Section 16-1-20, Purpose of Provisions, the most appropriate use of the subject property is allowed via the approval, with conditions, of the Preliminary Plan and Preliminary Plat; and,

WHEREAS, pursuant to Minturn Municipal Code Section 16-15-160(1), Preliminary plan evaluation criteria, the Council finds that:

- (1) The resulting development **will be** consistent with the Community Plan and the proposed PUD reflects the character of the Town;
- (2) The area around the development **can be** planned to be in substantial harmony with the proposed PUD;
- (3) The adjacent and nearby neighborhoods **will not** be detrimentally affected by the proposed PUD;

- (4) The mass and scale of individual buildings and the overall density of the PUD **will be** consistent in scale and character and **will** avoid abrupt and/or severe differences with the surrounding area;
- (5) The PUD **can be** completed within a reasonable period of time, which shall be determined prior to final approval of the PUD;
- (6) The PUD **provides** for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point;
- (7) The residents of the PUD **will** have easy access to recreational amenities.
- (8) Any increase in density proposed above what is permitted in the underlying zone **will be** mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services;
- (9) Commercial or industrial development **is not** proposed;
- (10) The streets **are** adequate to support the anticipated traffic, and the development **will not** overload the streets outside the planned area;
- (11) Proposed utility and drainage facilities **are** or **can be** made to be adequate for the population densities and type of development proposed;
- (12) Residential density and intensity of other uses **will be** limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land;
- (13) A favorable finding **is** made on the environmental assessment or environmental impact report;
- (14) The preliminary plan for PUD, as conditioned and with approved variances, **complies** with the open space and recreation standards of the Town;
- (15) The Preliminary Plat, as conditioned, **complies** with the requirements and standards of Section 17-5-80, Preliminary plat review, of the Code;

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

THAT, the Belden Place Preliminary Development Plan for PUD and associated Preliminary Plat applications be approved subject to the following conditions:

- (1) The Applicant shall update the Civil Sheets for Belden Place prior to or concurrent with any Final Plan/Plat application as follows:

- a. All maps need legends identifying easements, other features, with distinguishing cross-hatching.
- b. C. 110 Site Plan depicts 9 parking spaces on Tract D open space parcel, and 4 parking spaces on Tract C open space parcel. Parking cannot count toward the total open space calculation.
- c. C.132 Identify what these easements are for.
- d. Proposed Easements (Sheet C.133 & C.134):
 - i. The separate, overlapping easements for water, sewer and shallow utilities are confusing and cumbersome – please clearly identify the use, purpose and dimensions or consider combining these into a single utility easement.
 - 1. The developer wishes to create separate easements for each utility. The engineering plans for easements need to be coordinated with the plat.
 - ii. Belden Way & Silver Loop are shown as road rights of way. These streets do not meet municipal requirements, and as such, should be private streets maintained by the homeowner's association. Public access easements must be provided over & across all streets.
- e. Utility Plans:
 - i. Water taps are to be constructed as "Wet Taps" and coordinated with Public Works"
 - 1. Add to construction plans before final approval.
 - ii. Please provide copies of the sewer plans approved by the ERWSD.
 - 1. Approval in progress and must be provided prior to final approval.
- f. Grading & Drainage Plans:
 - i. The drainage plan shows drainage being directed to three ponding areas, two retention ponds on the north and a stormwater management pond at the southeast corner of the development.
 - 1. The retention ponds do not drain, but rather rely on evaporation & percolation to empty. Because the ponds will collect silt and debris, regular maintenance by the homeowner's association will be required.
 - a. Retention ponds will extend into granular subsoils to promote percolation – revise prior to final approval.
 - 2. The storm management pond will be used to settle contaminants prior to discharge. This pond would discharge through a proposed culvert crossing US 24 and continuing in a drainage swale to the Eagle River at the northeast end of the Boneyard property.
 - a. Culvert will require CDOT approval – provide prior to final approval
 - b. Coordinate CDOT inlet location with proposed sidewalk project prior to final approval.
 - c. Culvert across Boneyard will require easement provided prior to final approval.

3. Design details for the discharge structure need to be provided.
 - a. Detail to be added prior to final approval - consider use of Stormceptor.
- ii. The Minturn Master Drainage Plan calls for the future construction of a drainage diversion channel across Forest Service Property at the base of the mountain. The drainage swale would flow both north & south to new culvert crossings of US 24 roughly 2000 feet north and 1600 feet south of Belden Place. As a result of this diversion channel not being available, the Belden Place drainage plan calls for the construction of a new culvert crossing US 24. Belden Place suggests the new US 24 crossing as an alternative to the drainage diversion channel. With proper planning of the drainage west of US 24, it may be possible to direct drainage from the properties in this area to this single crossing and eliminate the drainage diversion channel. They are requesting Minturn pay for this culvert. This idea could be mutually beneficial and merits consideration. We recommend the Town consider this alternative.
 1. Provide storm sewer sizing calculations prior to final approval.
 2. Provide an alternative plan for drainage in the event the necessary easement across the Land Trust parcel cannot be obtained.
- g. Roadway Plans:
 - i. Sidewalks are proposed as 3-foot wide. Section 1.01 of the Town Roadway Design Standards require 5-foot walks. ADA compliant ramps must be provided at cross walks and any other locations required to meet ADA requirements.
 1. Typical section shows 3' dimension but notes 4' walk please clarify prior to final approval.
 2. Add ADA ramps prior to final approval.
 - ii. Garage ramp (sheet C.403).
 1. The ramp into the garage shows a 16% grade with steep breakover angles. Please demonstrate the break over angles are suitable for passenger vehicles.
 - a. A 16% grade the ramp needs to be heated to assure year-round access.
 - b. Detailed plans will be required at building permit
 - iii. A sidewalk along US 24 adjacent to the development is required. The walk is to be in accordance with the Town Master Plan for South Minturn. As the walk would not be connected to an existing walk at this time, a cash in lieu contribution may be appropriate.
- h. Construction Cost Estimate:
 - i. Cost Estimate. Several unit prices used in the estimate appear lower than current market prices. A few examples follow:
 1. 8" DIP water main is estimated at \$68/LF; current bids are coming in at \$91/LF.

- a. 8" Sewer main is estimated at \$56/LF; current bids are coming in at \$69/LF
 - b. Mountable Curb is estimated at 20/LF; current bids are coming in at \$27/LF
 - c. Please provide the basis for the estimate.
 - d. Developer represents costs reflect current construction in Gypsum – provide additional documentation prior to completion of SIA
- i. Construction Requirements & Specifications are incomplete:
 - i. Please provide general requirements for construction i.e., hours of work, limits of construction, inspection requirements, safety requirements; etc.
 - 1. Add limitation for days & hours work is allowed prior to final approval.
 - ii. Please provide roadway construction specifications.
 - 1. Add asphalt specifications prior to final approval.
 - iii. Minturn requires water line construction to conform to ERWSD standards. Please revise the water construction specifications accordingly.
 - 1. Please add note regarding ERWSD standards prior to final approval.
 - 2. A corrosivity test shall be performed to determine if poly wrap will be required on DIP water mains. Test is to be completed and specification revised prior to construction.
- (2) The Applicant shall update the Open Space Plan to:
 - a. Remove all parking areas from the calculation or areas shown as dedicated open space; pursuant to the Minturn Municipal Code, such areas for parking do not count as open space.
- (3) The Applicant shall update civil engineering plans and/or incorporate the following recommendations into final plat and Subdivision Improvements Agreement documents prior to or concurrent with any Final Plan/Plat application:
 - a. Curb stops for water service should be in a relatively same spot relative to the lot for easy finding.
 - b. Isolation valves should be considered at two places on the loop so that not every homeowner is affected should there be a leak and water needs to be shut off.
- (4) The Applicant shall revise and update the civil engineering drawing package and/or HOA documents prior to or concurrent with any Final Plan/Plat application to:
 - a. Provide notations on plat and/or HOA documents to clarify that maintenance and/or repair of detention ponds including cleanout and removal of silt will be the responsibility of the Homeowners Association.
 - b. Sidewalks. The discussion of sidewalks is of great interest to the Town as these amenities will need to meet Town standards and fit into the pedestrian network. This will be incorporated into the SIA.

Additional discussions will be necessary to discuss the development's contribution to the Highway 24 sidewalk project along the property's frontage.

- (5) The Applicant shall update the HOA Covenants for Belden Place prior to or concurrent with any Final Plan/Plat application as follows:
- a. The Applicant shall provide a map exhibit and legal description for Exhibit B, Annexable Area. Town will need to understand any future development envisioned contiguous with this subdivision and PUD.
 - b. 10.9(b) include "work trailers", "one-ton trucks", additional size limits on vehicles to ensure that parking is not monopolized by work vehicles.
 - c. Move single Day Care Home limitation from PUD Guide to covenants.
 - d. Incorporate PUD Guide by reference, make private enforcement options available to HOA.
 - e. A restrictive covenant shall be recorded that limits the amount and timing of outdoor irrigation.
- (6) The Applicant shall amend the Housing Plan to incorporate the following revisions:
- a. Update and amend the Housing Plan to incorporate a clause that the Town, the Developer, and Eagle County Housing Development Authority will work together to determine which units are allocated as deed restricted housing units.
 - b. Update Tiered Sales Section to specify that such provisions apply to the initial sales and all subsequent sales of property within the PUD.
 - c. Remove reference to sunset provisions.
 - d. The Belden Place Housing Plan, PUD Guide and any other recorded documents shall use or refer to defined terms and approved processes in the Ordinance No. 7, Series 2020 or the Town of Minturn Community Housing Guidelines and Town of Minturn Community Housing Guidelines: Administrative Procedures, when describing buyer/occupant qualifications and criteria, sales process, initial and subsequent sales and price restrictions, permitted capital improvements etc.
 - e. Paragraph 3 in the "Other" Section of the Housing Plan shall be clarified as the inclusion of this provision is not clear.
 - f. The Applicant shall work with the Town of Minturn staff and the Eagle County Housing and Development Authority staff to identify viable alternatives to enhance and/or amend the Belden Place Attainable Housing Program (the "Program") with specific regard to "Level 2 Deed Restricted Units" (the "Units") to the extent practical. If unable to identify such alternatives within a reasonable time frame (no later than June 24, 2021 as recommended by the Minturn Planning Commission) the Units may, at the discretion of the Minturn Town Council, be provided as Resident Occupied (RO) deed restricted units in addition to the 20 RO Units proposed in the Program.

- (7) The Applicant shall update the Planned Unit Development Guide for Belden Place (the PUD Guide) prior to or concurrent with any Final Plan/Plat application as follows:
- a. Revise numbering and document organization so citations can be clearly made to sections, paragraphs etc.
 - b. Revise Section IV to eliminate any reference to the HOA enforcing the PUD; the Town will enforce the terms and provisions of the PUD Guide.
 - c. PUD Amendments should be governed by Code, currently § 16-15-230, as may be amended.
 - d. Revise the definition of Building Height to be consistent with the provisions of the Minturn Municipal Code.
 - e. Revise the definition of “Grade, Natural” to replace with the definition of “Grade, established” as no natural grades exist on the subject property.
 - f. Building Placement and Envelopes: Encroachment provision is a variation and should be requested as such and justified.
 - g. Revise to clarify that ADUs count toward density calculations (or clarify why they do not) and any/all calculations regarding lot coverage maximums and require water taps.
 - h. Revise the Building Coverage Table to ensure that Building Coverage and Impervious Coverage percentages are correct and that building coverage does not exceed impervious coverage for each lot.
 - i. Ensure that the use of the words “triplex” and “multi-family” is consistent throughout the document, specifically to clarify which buildings are 35 feet (multi-family), as opposed to 28 feet (triplex). Suggest adding a “Height” column to the dimensional table so it is clear what the heights will be.
 - j. Permitted Uses: Home Occupation and Day Care Home should be Limited Use Review under the Code. Additionally, these uses should not require any additional parking.
 - k. Landscaping: Please include Lot 7 landscaping requirements.
- (8) The Applicant shall update the Topographic Map for Belden Place prior to or concurrent with any Final Plan/Plat application as follows:
- a. The northern portion of lot 29 does not reflect the recent construction and is not a true representation of existing conditions.
 - i. Updated map provided, however the date of survey 12.8.18 and it does not reflect current conditions. Civil engineer should review to assure it is accurate & complete for design & construction
- (9) The Applicant shall work with Town staff and external agencies regarding permitting, construction and financing of off-site improvements:
- a. The Applicant shall work with Town and Eagle County Transit Authority (ECO Transit) with regard to future bus shelter improvements near the Belden Place PUD. The Town supports the Applicant’s offer to assist with construction of a bus shelter. ECO Transit must be consulted to discuss its timeline for such work, engineering standards, and other matters.
 - b. The Applicant shall work with the Town and Colorado Department of Transportation (CDOT) with regard to a future

crosswalk between Belden Place PUD and the Boneyard. CDOT must be consulted to discuss its timeline for such work, requirements, and other matters.


- c. The Applicant shall work with the Town and external entities and property owners to address and explore potential offsite drainage improvements that are deemed beneficial to the PUD and the surrounding area; and, which specifically address global or neighborhood-wide stormwater drainage issues in the South Town area as identified in the Town's 2013 Master Drainage Plan.
- (10) The Applicant shall update the Preliminary Plat for Belden Place prior to or concurrent with any Final Plan/Plat application as follows:
- a. All references to Final Plat need to be changed to Preliminary Plat.
 - b. All lots, tracts, parcels must conform with civil plans, including but not limited to:
 - i. Tract names need to conform with civil sheets.
 - 1. C. 110 Tract E is depicted as Tract D on plat
 - 2. C. 110 Tract D is not named on plat. Is this a tract as depicted on civils or an easement as depicted on plat? If easement, then parking should be included as a use. If tract then Use Table on Sheet 1 should be updated to reflect additional tract. note "Parking" as a use on Tract D (or E?) as these areas are not usable Open Space.
 - c. Certificate of Dedication and Ownership should define what improvements are being dedicated to whom:
 - i. Water lines to Town
 - ii. Sewers to Eagle River Water and Sanitation District
 - iii. Roads, open space to Homeowners Association
 - d. Needs lienholders certificate for ANB Bank: Deed of Trust to ANB Bank recorded December 19, 2018 as Reception No. 201821567
 - e. Need Eagle River Water and Sanitation District certificate for vacated easement; recorded at Reception Nos. 201121533 and 201121534 on November 18, 2011.
 - f. Might need Xcel certificate, depending on status of apparent overhead powerline easements
 - g. Notes on Easements:
 - i. 8A change to Water Easement for consistency with other notes
 - ii. 9.b Sewer Easement should be dedicated to Eagle River Water and Sanitation District.
 - iii. 9, generally all developer reservations should also be dedicated to HOA;
 - 1. C.132 depicts easements dedicated to HOA; these should be depicted on the plat.
 - iv. Add the "no-build" easement on Lot 17 dedication to HOA open to public/residents.

- v. Dedicate a drainage easement partially to the Town to allow drainage from neighboring properties to access the drainage facilities, eventually the storm drain to Boneyard.
- h. Additional sheet necessary so that overlapping easements are not confusing.
- i. The land plan and PUD Guide standards for setbacks and lot coverage for duplex, tri-plex and townhome lots is based on subdivision of duplex, tri-plex and townhome lots now, rather than waiting until the party walls are constructed. Minturn Municipal Code provides for an administrative replat once the foundations have been poured. The applicant needs to follow the process described under the Code.
 - i. Why are the existing utility lines shown on the plat?
- j. New easements need to clearly identify their use, purpose, and dimension.
 - i. The shading patterns are too light and not labeled in a key map.
 - ii. Easements must be coordinated with engineering plans – they currently do not match.
 - 1. There are easements shown on the engineering plans that do not appear on the plat.
 - iii. The easements for shallow utilities do not match the engineering plans.
 - 1. There are shallow utilities along the south side of Belden that do not appear to be in easements.
 - iv. Easements should be tied to perimeter boundary at each point of intersection.
 - v. Roads labeled as Right of Way – roads are private & should be a tract owned by the HOA. A public access easement should be granted over the road tract. Clarify the roads are owned and maintained by HOA.
 - 1. Right of way has been changed to a tract; however there is no note regarding HOA maintenance of the road.
 - vi. Note 8 regarding the dedication of the easements needs clarification – if all are going to Minturn, there is no need to segregate the utility easements. If the intent is to dedicate specific easements to the responsible authority the dedication language needs to be revised, i.e., ERWSD for the sewer easement, Minturn for the water easement, and the HOA for access & drainage easements.
 - 1. Sewer, access, shallow utility parking and drainage easement reserved by the developer, but not dedicated to the specific utility i.e., ERWSD.
 - 2. Drainage easements on Tracts B & D should be dedicated to the town for future access to drainage connections.
- k. There is a dashed line around the perimeter of the lots (width varies). Does this identify an easement or a setback? Please identify and label the purpose on the plat.
 - i. Building envelopes shown, but not dimensioned.
- l. These easements need to be clearly dimensioned on this plat or established on a subsequent plat amendment creating the individual lots after the foundations are in place.
 - i. Easements not completely dimensioned or tied to boundary.

- l. These easements need to be clearly dimensioned on this plat or established on a subsequent plat amendment creating the individual lots after the foundations are in place.
 - i. Easements not completely dimensioned or tied to boundary.
- m. The Plat does not identify pre-existing easements. Existing easements must be shown. If they are to be abandoned by virtue of this plat, proper labeling and certificates must be included.
 - i. No documentation regarding abandonment provided; what is required?
- n. The Surveyor must Provide closure and area calculations for each LOT and PARCEL.
- o. The legal title description is based on the previous plats, but the boundary is shown on the drawing with surveyed bearings and distances based on found monuments accepted by the Surveyor. Please include a detailed legal description with surveyed bearings and distances in the Certificate of Dedication and Ownership following the title description.
 - i. Legal description has not been revised.
 - ii. New overall title commitment to match description has not been provided
- p. The legal description is a chore to match up with the four title commitments. If possible, please provide a combined commitment with the final plat submittal.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 16th DAY OF JUNE, 2021.

TOWN OF MINTURN:

By: 
John Widerman, III, Mayor

ATTEST:


Jay Brunvand, Town Clerk

