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DATE: May 18, 2021  
TO: Minturn Planning Department  
FROM: Karp Neu Hanlon, P.C.  
RE: Belden Place Resubmittal Review

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Below are the Town Attorney comments on the resubmittals of the Belden Place PUD Preliminary Plat exhibit, Civil Sheet exhibits, HOA Covenants, the PUD Guide. Generally, these comments can be conditions of approval, assuming that no significant changes to engineering and design that affect vested property rights, occur between Planning Commission and Town Council review.

**Preliminary Plat Exhibit**

1. All references to Final Plat need to be changed to Preliminary Plat.
2. All lots, tracts, parcels must conform with civil plans, including but not limited to:
  - a. Tract A roads should be depicted, not as right-of-way, and dedicated to Homeowners Association
  - b. Tract D depicted on civil plans is Open Space, currently on Lot 7.
    - i. Building envelope on Lot 7 will need to be recalculated to accommodate Tract D
3. Certificate of Dedication and Ownership should define what improvements are being dedicated to whom:
  - a. Water lines to Town
  - b. Sewers to Eagle River Water and Sanitation District
  - c. Roads, open space to Homeowners Association
4. Needs lienholders certificate for ANB Bank: Deed of Trust to ANB Bank recorded December 19, 2018 as Reception No. 201821567

5. Need Eagle River Water and Sanitation District certificate for vacated easement; recorded at Reception Nos. 201121533 and 201121534 on November 18, 2011.
6. Might need Xcel certificate, depending on status of apparent overhead powerline easements
7. Notes on Easements
  - a. 8A change to Water Easement for consistency with other notes
  - b. 8B should be dedicated to Eagle River Water and Sanitation District. Town does not provide sewer service and cannot accept this easement.
  - c. 8C, generally all developer reservations should also be dedicated to HOA;
    - i. C.132 depicts easements dedicated to HOA; these should be depicted on the plat.
  - d. Add the “no-build” easement on Lot 17 dedication to HOA open to public/residents.
  - e. 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.
8. Additional sheet necessary so that overlapping easements are not confusing.

#### **Civil Sheets**

1. All maps need legends identifying easements, other features, with distinguishing cross-hatching.
2. 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.
3. C.132 Identify what these easements are for.

#### **Homeowner Association Declarations**

1. Please share map and legal description for Exhibit B, Annexable Area. Town will need to understand any future development envisioned contiguous with this subdivision and PUD.
2. 10.9(b) include “work trailers”, “one-ton trucks”, additional size limits on vehicles to ensure that parking is not monopolized by work vehicles.

3. Move single Day Care Home limitation from PUD Guide to covenants.
4. Incorporate PUD Guide by reference, make private enforcement options available to HOA.

**PUD Guide** (see redline revisions)

1. Generally, need better numbering and organization so citations can be clearly made to sections, paragraphs etc.
2. Sec. IV, This is a Town zoning document; HOA is not declarant or the enforcer. PUD Guide can be incorporated by reference in HOA Declaration to allow for private enforcement.
3. PUD Amendments should be governed by Code, currently § 16-15-230, as may be amended.
4. Definition of Building Height: Town cannot have varying building height calculations that burden staff and may appear unfair to different property owners and developers.
5. Definition of Grade, Natural: No natural grade exists on the site. Replace with definition of “Grade, established”.
6. Building Placement and Envelopes: Encroachment provision is a variation and should be requested as such and justified.
7. Please clarify why ADUs are not counted toward density calculations. ADU should still count toward lot coverage maximums and require water taps.
8. Building Coverage table appears to have mixed up Building Coverage and Impervious Coverage percentages. Building coverage cannot exceed Impervious Coverage.
9. Please confirm that Lot 17 construction and improvements conform with all zoning in PUD Guide.
10. The varying usage of triplex and multi-family is very confusing. It is unclear, for example, which buildings are 35 feet (multi-family), as opposed to 28 feet (triplex). Looking at how the classes are defined on the Building Coverage chart and the Zoning Map, it appears that Lots 7, 12, 13, 14, 21, 22, 23, 24, 25 can all build to 35 feet and that all triplexes are by definition multi-family. But the height chart states that triplexes are limited to 28 feet. And, under the multi-family definition, Lots 12-14 cannot be multi-family as they are less than 3 units. Maybe add height column to the dimensional table so it is clear what the heights will be for each building and we are not guessing based on classes.
11. 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.

12. Landscaping: Please include Lot 7 landscaping requirements.