



**Wednesday June 1, 2022**  
**Executive Session – 4:00pm**  
**Regular Session – 5:30pm**

## **AGENDA**

**Town Council Meeting**  
**Minturn Town Hall / Council Chambers**  
**302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate. This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

### **MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87107869114>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 871 0786 9114**

Please note: all virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

**PUBLIC COMMENTS:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

#### **1. CALL TO ORDER**

**The Minturn Town Council will open the Regular Meeting at 4:00pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.**

- 2. Executive Session:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Sawyer/Siltanen

Executive Session will include legal advice on:

- Cross Creek Water Rights – Siltanen
- Battle Mountain Litigation – MJS/Anderson

**3. ROLL CALL & PLEDGE OF ALLEGIANCE**

- 4. APPROVAL OF CONSENT AGENDA** *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

- 4.1 May 18, 2022 Meeting Minutes Pg 4  
4.2 146 North Main Street – The Saloon – Changes to Approved Plans Pg 20  
4.3 76 Meek – Wilson Residence – Changes to Approved Plans Pg 36  
4.4 386 Taylor Avenue – Major Residence – New Single Family Home Pg 54

- 5. APPROVAL OF REGULAR AGENDA** *Opportunity for amendment or deletions to the agenda.*

**6. DECLARATION OF CONFLICTS OF INTEREST**

- 7. PUBLIC COMMENT** *Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

- 8. SPECIAL PRESENTATIONS** *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

**9. COUNCIL COMMENTS & COMMITTEE REPORTS**

**10. DISCUSSION / DIRECTION ITEMS**

- 10.1 Minturn Community Fund request for storage space – Metteer Pg 83

- 11. BUSINESS ITEMS** *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

- 11.1 Ordinance 10 – Series 2022 (First Reading) An Ordinance creating an Historic Preservation policy and Commission – Metteer/Gorrell Pg 84  
11.2 Resolution 20 – Series 2022 A Resolution approving Land Use Application Variance 22-01 to allow for the construction of a safety fence within the 30’ live stream setback – Harris Pg 125  
11.3 Resolution 21 – Series 2022 A Resolution approving Conditional Use Permit Application CU 02-2022 to allow for Multi-Family and Professional Office Uses within the Old Town Commercial Zone at 164 Railroad Avenue – The International Trade Center Building – Hunn Pg 143  
11.4 Resolution 22 – A Resolution Declining Participation in the Colorado Paid Family and Medical Leave Insurance Program – Brunvand Pg 173



- 11.5 Resolution 23 – Series 2022 A Resolution to appoint a Planning Commission Member - Brunvand Pg 177
- 11.6 Ordinance 09 – Series 2022 (Second Reading) an Ordinance amending Article 19, Chapter 16 Sign Code – Harris Pg 184

## **12. STAFF REPORTS**

### 12.1 Town Manager Update

- Council Committee Assignments – Metteer Pg 194

## **13. FUTURE AGENDA ITEMS** Pg 197

## **14. ADJOURN**

## **INFORMATIONAL ONLY ITEMS**

### Council Meetings:

- June 1, 2022
- June 15, 2022
- July 6, 2022
- July 20, 2022



**Wednesday May 18, 2022**  
**Executive Session – 3:30pm**  
**Regular Session – 5:30pm**

**OFFICIAL MINUTES**

**Town Council Meeting**  
**Minturn Town Hall / Council Chambers**  
**302 Pine St Minturn, CO**

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**MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87637575888>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 876 3757 5888**

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**PUBLIC COMMENTS:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

**1. CALL TO ORDER**

Note: Earle B. was out of town and attended via Zoom. As a result, Mayor Pro Tem Terry A. presided over the meeting.

The meeting was called to order by Mayor Pro Tem Terry Armistead at 3:30pm for the Executive Session portion only.

Those present include: Mayor Earle Bidez (Zoom), Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger (Zoom), Gusty Kanakis, Tom Sullivan, and Kate Schifani. Town Manager Michelle Metter and Attorney Michael Sawyer (Zoom) were also present.

**The Minturn Town Council will open the Regular Meeting at 3:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council**

**will convene into Regular Session for the remainder of the meeting.**

2. **Executive Session:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice – Metteer/Sawyer

Executive Session will include legal advice on:

- Settlement of opposition in the Town’s pending Bolts Lake conditional storage right case (Case No. 20CW3136) – Siltanen
- Waiver of representation conflict – Siltanen
- Battle Mountain Litigation – MJS/Anderson
- Belden Place declaratory relief – MJS/Poppe
- HCE Transmission line/NEPA update – RJP

Motion by George B., second by Gusty K., to convene in executive session pursuant to CRS 24-6-402(4)(b) for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions; more specifically relating to settlement of opposition in the Town’s pending Bolts Lake conditional storage right case; waiver of representation conflict; Battle Mountain Litigation; Belden Place Litigation declaratory relief; and the Holy Cross Transmission line NEPA process, easement requests, and 1041 Process.

Those in attendance for the Executive Session were the Town Council, Town Manager Michelle M., Town Attorneys Michael Sawyer (Zoom) and Richard Peterson-Cremer in person; and on Zoom Water Counsel for the Town Hayley Siltanen; Litigation Counsel Geoff Anderson, and Nick Poppe.

### 3. **ROLL CALL & PLEDGE OF ALLEGIANCE**

Note: Earle B. was out of town and attended via Zoom. As a result, Mayor Pro Tem Terry A. presided over the meeting.

The meeting re-convened in the Regular Session by Mayor Pro Tem Terry Armistead at 5:38pm.

Those present include: Mayor Earle Bidez (Zoom), Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Gusty Kanakis, Tom Sullivan, and Kate Schifani.

Also present was the Planning Commission: Lynn Teach, Michael Boyd, Elliot Hovey, Tom Priest, and Jeff Armistead.

Staff present: Town Manager Michelle Metteer, Town Attorney Richard Petersen-Cremer, Town Planner Madison Harris (zoom), and Town Treasurer/Town Clerk Jay Brunvand (zoom).

4. **APPROVAL OF CONSENT AGENDA** *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

- 4.1 May 4, 2022 Meeting Minutes
- 4.2 May 5, 2022 Meeting Minutes – Special Meeting

Motion by Gusty K., second by George B., to approve the Consent Agenda of May 18, 2022 as presented. Motion passed 7-0

**5. APPROVAL OF REGULAR AGENDA *Opportunity for amendment or deletions to the agenda.***

Motion by George B., second by Gusty K., to approve the Agenda of May 18, 2022 as presented. Motion passed 7-0.

**6. DECLARATION OF CONFLICTS OF INTEREST**

**7. PUBLIC COMMENT *Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.***

**8. SPECIAL PRESENTATIONS *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.***

**9. COUNCIL COMMENTS & COMMITTEE REPORTS**

George B. updated on a water tank construction meeting today. The road and platform are nearing completion and they will begin forming and prepping for the tank next week.

Terry A. updated on several new class offerings at the Minturn Fitness Center. The Shooting Range committee continues to meet. She updated with the Climate Action Collaborative. The Summer Concerts are set, the lights are up, and the first concert is July 7. The Go-Pro bike race and concert is June 8.

**10. DISCUSSION / DIRECTION ITEMS**

**10.1 Town Lease Lot/Sun Up Sealcoats – Metteer**

Michelle M. presented that Due to location, SunUp Sealcoats was denied a conditional use permit for utilization of the railyard. In Council’s findings it was determined that no additional “industrial creep” would be allowed toward the north entryway of town. With those findings in place, an alternate location has been identified. Council was originally concerned about the products utilized by SunUp Sealcoats. After review by Jeff Spanel, Town engineer, it’s been determined the products are asphalt based (not tar) and are able to be handled in a safe manner. Contractors in lease lot currently include landscaping, propane, stonework and more. Several of which also have products requiring safe handling. Leases are on a year-to-year basis. The process for approving uses at the Town’s lease lot is traditionally handled administratively (see Resolution 13 – Series 2017). This is coming before Council and the public to allow for full transparency.

Direction was given to proceed with a lease.

## 10.2 Holy Cross Energy Easement request – Metteer/Peterson-Cremer

Richard P-C. presented for the Town. Before Council at the May 18 meeting is a discussion and direction item relating Holy Cross Energy's (HCE) 15kV Avon to Gilman Transmission Line. There are several components to HCE's proposal currently under discussion. They include (1) the completion of the U.S. Forest Service (USFS) Special Use Authorization (SUA) and accompanying Environmental Assessment (EA); (2) HCE's request for easements across Town property; and (3) application of Minturn Municipal Code Chapter 16, Article 25 – Areas and Activities of State Interest, also known as 1041 Regulations. Since 2016, HCE has been engaged with USFS and stakeholders regarding obtaining permission to construct 3.2 miles of transmission line across federal public land in and around the Town. In 2019, HCE submitted its SUA application to USFS. The Town has been a "cooperating agency" pursuant to USFS regulations that include local governments in the internal review process. In early 2020 USFS held a "scoping period" for public comment pursuant to the National Environmental Policy Act (NEPA) where the public identified issues to be considered in the forthcoming NEPA process. In September 2021 USFS issued an EA, Finding of No Significant Impact (FONSI) and Decision Notice (DN), which were then rescinded and the EA was opened to public comment. USFS is now in the final stages of preparing a decision on the SUA and EA, which we expect to be published in the coming weeks. Several changes have occurred during this period and in response to public comment that we expect HCE to discuss in their presentation to Council. HCE is currently going through its right-of-way acquisition process, which involves negotiating with landowners along the transmission line alignment for easements to construct the facility. In the event that an agreement cannot be reached with a landowner, HCE has the power of condemnation under state law. In April, HCE made a request to the Town for easement rights across three parcels of Town owned property. These would all be for underground segments of the transmission line near the Town lease lot, bike park, and cemetery adjacent parcels. Staff have identified some conflicts relating to utilities, recreational amenities, Town operations, and title issues. We expect HCE to discuss the necessity of acquiring these easements as opposed to any alternative alignments. Minturn Municipal Code Chapter 16, Article 25 requires that an entity seeking to construct a transmission line through the Town apply for an Areas and Activities of State Interest Permit, also known as a 1041 Permit. HCE approached the Town several years ago about this requirement and staff responded that they should complete the USFS authorization process prior to applying for Town approvals. This is based on the requirement in Code Sec. 16-25-270(8)(e) that as part of the application, there be provided "Proof of ownership or a contractual right to develop the property." However, it is possible that discussion of the easements may end up straying into the 1041 regulatory realm on issues such as infrastructure, open space, and recreational impacts. As such, Council may wish to discuss how to address timing issues relating to the property rights (easement) conveyance with the submittal of a 1041 Permit Application.

Mr. David Bleakley spoke for Holy Cross Energy. Stated HCE has completed the NEPA process and is moving forward with the 1041 process to procure easements. They will be meeting with representatives from the Bike Park whereby they will get the line in with minimal impact to the park. The stated they are dealing with the UPRR, a major gas line, and the various property owners to ensure they connect with all. Mr. Bleakley reviewed in depth the route using the route photos

showing both above and inground installs.  
Public Comment was opened

Ms. Sidney Harrington, 542 Taylor St, asked if the existing distribution lines would be removed or incorporated in the project? Mr. Bleakley stated this was a transmission line being discussed, the lines she sited are distribution lines but he felt some of it could be cleaned up during this process. She discussed impacts on the Eagle Vail and Minturn communities. Mr. Bleakley stated some of this is preliminary and some could be modified slightly. Mr. Bleakley stated to bury transmission lines has an enormous price of 8-15 times more expensive than overhead. She stated she supports the prohibition of above ground lines.

Mr. Darrel Wegert, 1718 Main St, spoke representing the Fire District. He spoke opposed due to the fire dangers that overhead lines present. He noted the fires in CA that were started by overhead lines. Mr. Bleakley stated he understood the concerns and noted the transmission lines are different from distribution lines and therefore safer in that respect.

Mr. Kelley Toon, 541 Main St, stated a fire in this area would most likely burn toward Vail, he asked if they had discussed this plan with Vail? He felt a bike path over the buried line would be nice. Mr. Bleakley stated as the plans solidify on a specific route it could be a nice path. He stated the underground lines take minimal maintenance and minimal permanent roads. They are not crossing the high-pressure gas line. They have discussed over several years with Vail and all the local communities.

Mr. Bill Hoblitzell, 262 Taylor St, has been working with HCE as relates to the bike park. He felt the corner at Dowd Jct when you enter the town from the north and stated this project would not enhance the entry. He felt it needed to be undergrounded all the way out past the interstate.

Mr. Woody Woodruff, 344 Eagle St, stated this has come along way but has a lot further to go. He asked about the line buried in Aspen, would it be feasible to put a bike path above the line as they did in Snowmass? He would like to see it buried all the way; we are not customers of HCE so felt we were not being treated fairly. He asked how high the line would be? Mr. Bleakley stated the lines would be 5ft deep in concrete, and they would be willing to discuss the bike path. Burying the line throughout Minturn is a cost factor. The Hwy 24 crossing is overhead and is a long span in order to try to be as pleasing to the eye as possible.

Online comments:

Ms. Tracy Anderson, spoke of the fires as a wildland firefighter, and encouraged them to bury the lines. She asked if HCE would carry Xcel power? HCE owns the transmission lines and Xcel owns the substations and that the project would help both sets of customers. This plan does provide a redundant system for power outages and maintenance. Mr. Bleakley stated this is a joint project with Xcel for this reason.

Mr. Ernest Seager spoke representing the bike park, he stated his concerns that it would destroy sections of the bike park. He was very concerned that damage to the park would NOT be rebuilt at HCE cost.

Ms. Linda Osterberg, 1723 Main St, expressed concerns of the impact on the town. She wanted to see a picture of the poles so we could know what we were looking at. Mr. Bleakley stated it is a big project with many concerns from the USFS, he stated it would be two construction seasons to complete this section end to end, this would be staged in sections. He is working to use ductile iron poles that would stand up better to fires in conjunction with the clearing of the land to assist with fire mitigation.

Terry A. read an email from Amanda Mire, 414 Eagle St., as follows:

To everyone in the room – how ironic is this, today in May, the Month of Wildfire Awareness. When I saw this item on the agenda, I thought I was being punked. I have been speaking against this garbage proposal for 5 years. I have sat next to David Bleakly, from Holy Cross Energy, as a co-presenter to the County Commissioners and Managers, where our neighbors pledged to assist in a better solution. I have sat in the audience as this proposal was presented to the Town of Vail, where their response was “Minturn should not take the brunt of this, we want a seat at the table.” I do not argue against the need for backup, redundant power, I agree this valley has power needs. I argue that the project has not been vetted properly with all stakeholders participating at the table for funding the project and delivering a world class solution. I want to see the risk of energy and wildfire mitigated for Eagle County, as a **WHOLE** community, with equitable funding for the project. **I believe if Holy Cross engaged all of Eagle County 100% of these lines would be buried or more.** The current proposal has above transmission lines near the two communities most at risk for wildfires, Minturn and Eagle Vail. Coupled with the fact that transmission lines are known fire starters and also limit the tools that firefighters can use to fight a fire, for example helicopters – the risk is too high. I implore this council to exercise its 1041 powers with these easement requests from Holy Cross Energy.

Council and Planning Comments:

Lynn F. asked about vegetation management, she asked about rockfall and avalanches as this area does cross several of these areas. Mr. Bleakley stated this is a consideration they are trying to deal with. Lynn F. asked if a broken line underground would cause a fire like an above ground; no, it won't. She confirmed the concern with fires was with distribution not transmission lines. Mr. Bleakley stated there are a lot of issues that cause fires and this is a small percentage of those. Transmission lines are higher, more spread out, and don't include transformer boxes on the towers, etc. Lynn F. asked which causes more fires, he explained how they maintain and monitor during fire season. She stated that the really big fires in CA were caused by transmission lines and asked if he was aware of this? Mr. Bleakley stated many of the issues were caused by vegetation management which is not the case in CO. Lynn F. asked how tall the towers will be. Mr. Bleakley stated the shorter the pole requires more poles. The decision factor is to hide the line in the hillside. He stated he estimated the average height would be 65-70ft but did not state a min and max height.

Jeff A. stated there have been fires in East Vail caused by power lines, Mr. Bleakley stated these were distribution lines. Jeff A. stated it only takes a spark, the terrain to install a pole is just as hard to fight a fire in. Mr. Bleakley stated they work very close with firefighters. They don't want them to spray the lines with water on an energized line but fire on the ground below the line is to be fought by the fire crews. He stated they do want to be safe so HCE would want to be on site to

ensure the downed line is not hot. Mr. Bleakley stated this can extend the response time by half an hour or so. In response to discussion, Mr. Bleakley stated they do pay for easements for transmission lines. Jeff A. stated we have no customers with HCE but are bearing the brunt of the impact, what is HCE willing to pay for the easements? Mr. Bleakley stated this might be something for discussion but it has not been on the table in the past. Jeff A. asked how realistic is it that they get approvals from all the land holders, what if they don't get the easements? Mr. Bleakley stated this would be tough but could go to condemnation.

George B. asked about the number of lines on the poles, two would be run. George B. noted the lines buried would be 5ft, our water lines are deeper which would add to the cost to install the water lines under their lines.

Tom P. stated this is a redundancy for an existing power grid, this is not new power. Correct, but there are loading concerns down the road that this will address. However, this would decrease the Xcel outage time. Tom P. asked why, when we receive the least benefit, is not those that benefit the most impacted the most. Tom P. asked why it can't be run all the way down the rail ROW. Mr. Bleakley stated UPRR is okay with crossings but not within the easements. Tom P. asked why UPRR and HCE can't work together based on critical needs. Mr. Bleakley stated he has begun discussions again with UPRR after several years, however, their stance has been to not allow.

Kate S. asked about the amount of clearcut needed. Mr. Bleakley stated he did not have a count but they would be looking at a wider easement than currently exists for the distribution lines. The tree logging would be done by cutting and then haul out to remove the burn fuels. What kind of insurance is covered by HCE in the event of a fire? Mr. Bleakley stated insurance is a concern. He stated they are very careful to not start fires.

Elliot H. asked why it could not be set to fire mode all the time. Mr. Bleakley stated since the lines would be set to a higher sensitivity this would cause more outages.

Gusty K. noted the route in the Public Works area and that this is our only access to that area and that access would need to be maintained. Mr. Bleakley stated HCE would work with this. In response to a question, Mr. Bleakley stated he hopes to have USFS and easement, final plans, construction crews in the next year or so, construction would be 2024-25 or so.

Michael B. stated Minturn does not have the option for HCE and we would rather see peoples' lights flicker than Minturn burn. Discussion ensued on alternative routes and why those could not be utilized. Mr. Bleakley stated most of them were roadless Forest Service lands and those requests were denied. Mr. Bleakley stated that this entire process has been over 4 years in part due to COVID and they have talked to all of the stakeholders.

Lynn F. supported burying the line all the way through town, she asked when HCE would be back? Mr. Bleakley stated he would reach out to USFS on the NEPA application and he was open to more community meetings.

Terry A. asked what does the easement entail, once you finish how often do you need further access and is there another substation north of Avon? Mr. Bleakley stated once in the ground it has



a life span of approx. 100years. The easement gives them the perpetual right to be there more than short term time to access. They have access points every 2000 feet for inspections. She noted Minturn is in the process of updating our community plan and she would love for HCE to see the plans so to see the nuances of the area and of what actually exists on the ground in the Minturn Bike Park, Lease Lot, Little Beach Park and Public Works area and then avoid those areas in the scope of their project. She hoped a resolution could be found that would allow our assets to not be disturbed during their construction.

Lynn F. asked how wide the easement would be? Typically, it is a 100ft wide easement that would be clearcut. Lynn F. asked about the cost and stated PG&E is proposing to bury all. Mr. Bleakley stated PG&E is under the microscope, it's a big dollar.

This was a discussion item only; no decision was requested.

### 10.3 Joint Council/Planning Commission meeting regarding the 100 Block review – Hunn/Bostic

Scot H. presented for the Town and introduced Ms. Cheney Bostic, SE Group. Ms. Bostic's presentation included the following points that she is seeking direction on.

On February 15, 2022 a virtual community design workshop was held to receive feedback and direction on critical design topics for the 100 Block including: land use, building height and mass, and site requirements such as setbacks, building coverage, and parking requirements. The goal of the workshop was to receive community input on critical design elements for the 100 Block to update the zoning code and 100 Block Design Standards and Guidelines by the time the moratorium is lifted in August 2022.

A summary of key items that need general consensus or discussion include:

- How and where to allow residential uses – one Commissioner expressed an opinion that residential uses should continue to be a “conditional use” only on upper floors. 30% of the community selected this option in the design workshop. This is not the majority opinion but should be discussed and direction solidified ASAP.
  - Expert opinion/discussion point: Everyone agrees that the 100 Block should be the town's “business core” and that new uses should contribute fiscally to the town via sales tax. However, allowing residential by-right (at least on upper floors) should be considered for the following reasons:
    - Vibrancy: full-time residents would help activate the 100 Block and keep it vibrant and safe at all times of the day, whereas if only commercial uses existed, it would feel empty at certain times.
    - More Sales: full-time residents would shop at the local businesses, adding to the consumer base.
    - Development Feasibility: with high construction costs, local businesses may not be able to afford the rents needed to support new construction. Residential is the strongest market, generating the highest values, that could help subsidize commercial space to make sure it is attainable for local

businesses. If residential is not allowed, or conditional, it may be challenging to find commercial tenants on upper floors. Our team is currently studying and testing financial feasibility models and tax generation.

- Conditional Use Approval: if residential were a conditional use, a project would need Council approval, which can lengthen the time a project is reviewed, costing more time and money and delaying progress.
- Parking: residential uses require less parking than commercial uses.

2) Allowing 3<sup>rd</sup> story by-right, as incentive, or not at all – there are still mixed opinions on whether allowing more height/floors on Main Street should be allowed. In the design workshop, the #1 option selected was allowing a maximum of 2-stories for a flat roof and incentivizing pitched roofs by allowing a 2.5 story structure where a 3<sup>rd</sup> floor can be “tucked into” the roof. Variations of allowing 3-stories on Main were also welcomed, and some even voiced options for more than 3-stories or no rules/limits.

a. Expert opinion/discussion point: The proposal for allowing a 3<sup>rd</sup> floor only as an incentive (i.e., developer provides a needed community benefit in exchange for extra entitlement) was thought to be a happy-medium between those who do not want any additional height and those that do. The dimensions and requirements thoughtfully considered the following:

- i. Not everyone will do it – incentivizing 2.5 story structures (a 3<sup>rd</sup> floor would be allowed to be tucked into a roof structure) would be appealing enough to some.
- ii. Sun access - Community concerns around sun access and shading were taken into account by requiring that any 3<sup>rd</sup> floor on Main be reduced in mass so that a building does not appear bulky and so that sun access is maintained. We have 3D models and diagrams (see section drawing in packet) to prove this. This also allows for rooftop decks that overlook Main Street and the river, which is desired.
- iii. Parking – even with our incentive parking program, it would be difficult to park more than 3 floors of development due to the nature of the 100 Block and lot sizes.

3) Parking Reduction Incentive – Current parking requirements are typical of large-lot development that has enough space to fit a development program *and* parking. The 100 Block is not “typical” and has historic-sized lots that were developed prior to parking regulations. A recent parking study suggests that the public parking available on streets and in municipal lots could be better utilized. Therefore, it is suggested that parking requirements be significantly reduced or eliminated for commercial uses and slightly modified for residential uses so that residential parks on-site, but commercial uses can use streets and public parking lots instead. This is a typical approach in historic downtowns. However, the suggested approach is offered as an incentive-based program. In other words, if someone wanted to develop to current parking standards, they can. But if they want a reduction, they would need to pay an “in lieu” fee to the town, in addition to some other site improvements (refer to packet) to encourage walking, biking, and transit. The money from this fund could be used to improve municipal lots, negotiate with the railroad for longer leases, provide signage and wayfinding, and generally improve the overall parking

experience in the 100 Block. This would need to be monitored overtime and could be updated if it is not working as intended. Some commissioners were concerned with this proposal because the town does not own the large municipal lot; it is not under permanent control of the city.

The packet's last three pages includes an outline of future design standards and guidelines that will accompany the development regulations and dimensional standards herein. It is most critical that we receive feedback and guidance on the above issues before moving on.

This project is essential for meeting the town's moratorium deadline of end of August 2022. Therefore, the team is working diligently to listen to the community, planning commission and council to meet those deadlines. There will be mixed opinions and realistically not everyone will be happy. Our goal, as is yours, is to do what is best for the Town of Minturn. It is the goal of future recommendations to:

- Reflect the community's wishes for the future of the 100 Block.
- Ensure that new development maintains/incorporates the historic character of the 100 Block.
- Be feasible to implement (both from a developer/property owner's standpoint and administratively.)
- Provide predictability with regards to what is/isn't allowed.
- Provide community benefits that are desired for the 100 Block.
- Pre-emptively consider unintended consequences and mitigate them through testing and multiple reviews of draft language.

The following timeline is an estimated goal for finalizing the updated 100 Block regulations and design standards:

- May 18 – A joint workshop with Town Council and Planning Commission
- June 22 – Second Check-In with Planning Commission
- July 6 – Anticipated 1<sup>st</sup> Reading to Town Council
- August 3 – Anticipated 2<sup>nd</sup> Reading to Town Council/Adoption

We are also working with a group of stakeholders (business and property owners) in the 100 Block and plan to check in with them in May and June to receive their feedback.

#### Public Comment Opened

Mr. Tom Ricci, 131 Main St, owner Minturn Country Club, he asked how many participated in the work sessions. He noted no buildings have been built in 40 years on Main St and we need to do something.

Mr. Kelly Toon, 531 Main St, expressed concern with snow shedding of pitched roofs and supported incentives saving our historical buildings. He felt housing in the 100 block is less important than commercial retail.

Mr. Matt Scherr, 511 Main St, supported multi use comm/res buildings

Mr. Ron Levin, 171 Main St, was concerned with the existing building heights and that the existing rules limit growth. He felt there is a conflict of interest as the Chair of the Planning Commission has a business in the area. Richard C-P. clarified that there was not a conflict of interest.

Mr. Hawkeye Flaherty, 160 Main St. was concerned that the 100 block is not the business core of Minturn, the 200 block has almost as many businesses as the 100 block. He encouraged to change it to the historic district and to remain as is. He felt the proposed plans encourage street fronts that have no front yards, no set backs from the sidewalks. He said there was a poll taken at one of the meetings and said that most didn't answer the questions, the poll was skewed because the "leave as is" option was never given. He felt there is a parking problem, stating most of the time he cannot park in front of his own home. He felt paying for less parking was wrong. He asked what would happen if we lost the UPRR mini lot, we don't own that land.

There were four on line and no comments.

Madison H. noted we are looking at a historical district and then building guidelines for development and stated the decisions/directions for tonight is just to get direction for what and how Planning Commission develops for guidelines.

Land Use:

Tom S. stated all the options are contrary to the historic building direction. He noted there is little money in retail in Minturn. He felt this is the commercial and historical core, it has stayed that way because of our regulations that exist. He felt residential should be conditional use which would allow residential but encourage commercial and encourage historical preservation.

Gusty K. agreed with Tom S. he did not want to see residential use pushed out for commercial, a mix was better. He felt without parking we don't have land use. We should not be over 2.5 stories and encourage saving historic.

Kate S. stated we have a balance that some buildings are not historic and the guidelines should be different for non and historic buildings.

George B. liked commercial down and residential upstairs.

Lynn F. did not feel the 100 block was broken so it should not be fixed. She was concerned that allowing new buildings to be built that take away from the character established is a problem. She felt this was trying to squeeze too much out of our Main St and one or two buildings could make us more like everywhere else.

Earle B. expressed a concern that we had had a huge attrition of commercial for residential zoning through out town. He felt we need to have strong DRB guidelines. He felt parking was an issue, we need to use some of these ideas where we have an empty lot. He feels residential on upper floors is good.

Terry A. stated retail and residential can co-exist and felt that both make a vibrant downtown. She did not want to restrict commercial to the 100blk, it should be encouraged throughout town. She

liked the step-back of upper stories. She felt it critical to hold on to the historic structures. She felt this conversation was important to limit reactionary and encourage our planning for the future.

Lynn F. felt the Council was in agreement to save the history and residential as conditional use.

Summary, keep residential conditional use on upper floors, a 3<sup>rd</sup> story could be added IF it includes step-backs, some felt only 2.5 but allow step-back. Michelle M. noted that Nelson Rd was not designed to have two-way traffic and too steep not built to town standards so most is not maintained by the town but that the presentation encourages development on this road.

Parking discussion:

Tom S. felt there was not a parking problem but stated tandem parking does NOT work and should not be allowed.

Gusty K. felt it was wrong to loosen the parking requirements and then possibly lose the Muni-lot. We don't own it.

Earle B. felt we were safe with the Muni-lot but we do need a funding mechanism to buy land for parking in the future.

Michael B. felt cash in lieu was a good idea but the current fee was not productive. Perhaps new construction could pay more. It was clarified that parking is \$191/space/year.

Lynn T. felt the cost of land, if it existed, was too high for us to use cash in lieu fees to afford a purchase.

Earle B. asked about conditions to ensure 100blk residential doesn't end up as 2<sup>nd</sup> homes and defeat the concept.

It was clarified that allowing them to pay cash in lieu is a one-time fee to allow development to not be required to have on-site and/or underground parking which is very expensive. Jeff A. felt the fee would not ever be sufficient to afford purchase of land for physical parking.

Lynn T. noted that the dates the parking survey was done were dead days in early December, mid-January and Easter. She encouraged summer and busy periods

It was discussed about the use and cost of a town shuttle bus and that we are one of the last municipalities that have free parking.

**11. BUSINESS ITEMS** *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

11.1 Public Hearing Regional Transit Authority – Metteer/Ray  
Michelle M. introduced Bill Ray of the RTA.

Bill R. presented we are requesting Council to open and hold a Public Hearing for the approval of a Resolution supporting the creation of a Regional Transportation Authority. The Town of Minturn has joined with Eagle County; the towns of Avon, Eagle, Gypsum, Red Cliff and Vail; and Beaver Creek Metro District, as well as the business community and nonprofit partners, to consider the formation of a Regional Transportation Authority (RTA) to enhance and expand transit and transportation services for our residents, businesses and visitors. An RTA is a public entity that allows local governments—including counties, cities, town and metro districts—to work together to address regional transportation issues. RTAs are governed by a board of appointed elected officials representing the partner governments and must follow open meeting and fiscal accountability and transparency laws. RTAs are allowed to seek voter approval to collect tax revenue to provide transportation services, which may include transit, air, roadway and other services.

Setting up an RTA is a formal process defined in state law. The local governments involved in establishing the RTA must work together to create an intergovernmental agreement (IGA)—a legal document that sets forth the governance, service goals and other key operating provisions of the RTA. This charter document must be agreed upon by the elected councils and boards in each community. Ultimately, voters must agree to the formation of the RTA and any taxing or bonding requests made to provide funding for the RTA’s services and operations. The IGA process requires two separate public hearings to be held in each jurisdiction considering adopting the IGA. The public hearings will provide details about the proposed RTA and the draft IGA for the creation of the Eagle Valley Transportation Authority, and feedback from council and the public will be shared with the RTA formation committee to help address local community needs and concerns. The RTA creation is anticipated to provide free bus service in the Minturn area.

If approved at a future election this will be organized as a Special District/Authority and funded by a \$.5 sales tax and a possible \$0.6 lodging tax. Although there may be additional expenses it is anticipated this tax would cover all operational expenses.

Public hearing Opened  
No public comments (2 were on line)  
Public Hearing Closed

Motion by Gusty K., second by Tom S., to approve Resolution 19 – Series 2022 a Resolution adopting the Eagle Valley Regional Transit Authority Intergovernmental Agreement as presented. Motion passed 7-0.

11.2 Ordinance 06 - Series 2022 (Second Reading) An Ordinance amending the outdoor watering regulations for the Town of Minturn – Metteer/Peterson-Cremer

Richard C-P presented Ordinance No. 6, Series 2022 on second reading permanently codifies the Town Code’s existing emergency outdoor watering regulations that Council has adopted by resolution in low water years. By codifying these regulations, the Town is acknowledging that water availability is likely to continue to diminish and thus inefficient uses of water should be curtailed. Outdoor irrigation accounts for a significant amount of water use, and most of the water wasted and not reused. Local governments throughout the West are enacting similar permanent outdoor watering restrictions. These restrictions will apply equally to any outdoor

water use, including washing cars, washing impervious surfaces, filling pools, and irrigation.

The ordinance's regulations are as follows:

- Odd and even numbered addresses alternate watering days.
- No outdoor irrigation between 10AM and 5PM.
- Swimming pools can only be filled once per year; hot tubs 4 four times per year.
- Watering and car washing should only occur with nozzled hoses.

The exceptions to these restrictions include:

- Allowing hand watering for annual and vegetable gardens on any day.
- Operating during the repair of irrigation systems on any day.

We have made some changes at Council's request from First Reading, including:

- Retaining emergency water use restriction authority
- Granting the Town Manager temporary emergency use restriction authority
- Providing for a permit to allow watering any day of the week for the first year of a new landscaping installation

The question also came up for what constitutes a "water-using unit". The following is the definition provided in Chapter 13:

*Water-using unit* includes any space, structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate water rate is applicable, or, in the alternative, any space, structure or building, movable, fixed or otherwise, or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

Public Hearing Opened

No Public Comment (one on line)

Public Hearing Closed

Motion by Kate S., second by George B., to approve Ordinance 06 - Series 2022 (Second Reading) An Ordinance amending the outdoor watering regulations for the Town of Minturn as amended by changing Sec 13-2-130(3) "For new landscaping installations, a permit shall be available from the Town for a term of ~~one year~~ twenty-one (21) days that allows outdoor water use for irrigation purposes on any day of the week, subject to any emergency water use restrictions". Motion passed 7-0.

### 11.3 Ordinance 09 – Series 2022 (First Reading) an Ordinance amending Article 19, Chapter 16 Sign Code - Harris

Madison H. presented. Staff is requesting an ordinance to amend certain sections of Chapter 16 - *Zoning*, of the Minturn Municipal Code. The area of revisions proposed within the ordinance will address, define and permit certain sign regulations. The changes proposed clarify and enhance the definition and calculation of building frontage and sign area. It also removes confusing language that staff is unsure how to interpret or enforce while adding language

that gives staff and the Planning Commission more direction in what counts as sign area.

The changes proposed give a more proportional allowance towards sign square footage limitations rather than a one size fits all approach. It was also determined that since a large part of our existing commercial operates in the Old Town Mixed Use zone district, it was reasonable to allow Mixed Use zones similar amounts of signage area.

The Planning Commission recommended approval of the ordinance with two changes from what was presented to them. The first change was to allow individual tenants in multi-tenant buildings to exceed their forty square foot sign allotment to the individual tenants, but not to exceed the building's limitations on sign area as a whole, would need approval from the property owner. The second change was to remove “and signs that flash or otherwise display varying intensity of light” from Sec. 16-19-120 (d).

Both of these items were addressed in the ordinance that is before the Council, so both staff and the Planning Commission are recommending approval.

Discussion ensued on the affects of this Ordinance and how other aspects currently are interpreted.

Public Hearing Opened

No Public Comment (0 on line)

Public Hearing Closed

Motion by Kate S., second by George B., to approve Ordinance 09 – Series 2022 (First Reading) an Ordinance amending Article 19, Chapter 16 Sign Code as presented. Motion passed 7-0

## **12. STAFF REPORTS**

### 12.1 Town Manager Update

#### Congressionally Directed Spending- Round 2

Minturn has applied for \$2,000,000 for funding toward the Minturn water treatment plant. Senator Bennet’s office has agreed to support this application in congressional committee. This is a very competitive application process but having Senator Bennet’s support will be very helpful.

#### Bolts Headgate & Ditch Permitting

The cultural resource report has been completed and staff is preparing to submit the 299-permit application to the USFS so the NEPA process can begin.

#### EIAF Grant Application

Minturn’s grant application for matching funds toward the construction of sidewalks from the 900-block of Main Street to the Boneyard Open Space has made it to the final round for consideration. I’ll be traveling to Denver at the end of the month to present our application to the DOLA board for final consideration.

#### Bear Aware

It’s that time of year! Please keep your trash containers locked and all bird feeders out of the reach



of bears.

#### Pine Street Construction

Repair and replacement of the 300-block of Pine Street is underway. We apologize for the mess and hope to have things put back together by the end of May. Information on the project can be found at [www.minturn.org](http://www.minturn.org) or by visiting town hall.

#### Main Street to Boulder St Waterline Looping

This project is out for bid and construction is scheduled to take place later this summer.

#### Water Tank Construction

Construction on the new water tank is underway. The new tank will be located on the same parcel of land that houses the water treatment plant. Construction noise can be heard from the Maloit Park area. The contractor has asked that folks stay clear of the road and construction area throughout this summer.

#### Waiver Request

Staff is seeking approval from Council for the authorization of the waiving any conflicts by Holland and Hart in relation to the Town's current water court application and opposers who are represented by H&H on an unrelated matter. Please confirm approval.

Michelle M. encouraged slower traffic on Maloit Park Rd

### **13. FUTURE AGENDA ITEMS**

- Assessment of RR land and possible purchases

### **14. ADJOURN**

Motion by Kate S., second by George B., to adjourn the meeting at 10:35pm.

---

Earle Bidez, Mayor

ATTEST:

---

Jay Brunvand, Town Clerk

### **INFORMATIONAL ONLY ITEMS**

Council Meetings:

- June 1, 2022
- June 15, 2022
- July 6, 2022
- July 20, 2022

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Michael Boyd  
Elliot Hovey  
Tom Priest

**To:** Planning Commission  
**From:** Madison Harris, Planner I  
**Date:** May 6, 2022  
**Re:** 146 North Main Street - The Saloon - Changes to Approved Plans

---

Nick Brechtel, representative of 146 North Main Street - The Saloon, received approval from the DRB on March 9, 2022 for exterior modifications to the building. Upon further review with the property owner, certain elements of the approved plans have been changed.

Per the Applicant’s letter of intent, the following is a description of the proposed changes:

*“The only change we are making is moving the door and windows on the south end of the west facade. The door will be moved to the north slightly and the two windows will be moved to the south of the door.”*

Staff believes that the proposed modifications are minor in nature and will not change the project’s conformance with the applicable standards of Chapter 16 – *Zoning*, or Appendix ‘B’ – *Design Standards and Guidelines* of the Minturn Municipal Code.

Staff is recommending **approval**.

# Design Review Application

## Submission Info

User	50.211.252.105
Submission Id	209ceeb6-4e13-41c0-b5ff-f73c5af34392
Start Date	4/19/2022 10:03:27 AM
Receipt Id	186330280
IP Address	50.211.252.105
Receipt Date	4/19/2022 11:08:44 AM
Status	Submitted
Workflow Completed Date	
Submitted Date	4/19/2022 11:08:44 AM

## Response Data

### Town of Minturn - Design Review Application - Project Information

Section Title: Project Information

Is this a Minor or Major DRB Project?:

Major

**Project Name:**

Minturn Saloon

**Street Address:**

146 N Main St

**City:**

Minturn

**State:**

Colorado

**Zip:**

81645

**Zoning:**

024 - MINTURN (TOWN) - 024

**Application Request:**

Change to approved plans- Window layout and door at Bar side of building will be moved to accompany new vestibule layout on inside. Door will be moved to be adjacent to interior demising wall that separates bar and dining (near the middle of the building). The two proposed windows that flanked the door on either side will be moved towards the south side.

### Town of Minturn - Design Review Application - Applicant Information

Section Title: Applicant Information

**Name:**

Nick Brechtel

**Mailing Address:**

2077 N Frontage Rd W

**City:**

Vail

**State:**

CO

**Zip:**

81657

**Phone:**

9704766342

**Email:**

nick@vailarchitects.com

**Is the Property Owner different than the Applicant?:**

Yes

### Town of Minturn - Design Review Application - Property Owner Information

Section Title: Property Owner Information

**Name:**

Los Amigos - Property Company LLC

**Mailing Address:**

245 Park Ave FL 44

**City:**

New York

**State:**

NY

**Zip:**

10167-4400

**Phone:**

970 376 2823

**Email:**

anthonymazza.cc@gmail.com

### Town of Minturn - Design Review Application - Additional Information

Section Title: Additional Information

Lot Size:

.208

# of Stories:

1

Type of Residence:

Snow Storage (sq ft):

# of Bedrooms:

0

Building Footprint (sq ft):

3371

# of On-site Parking Spaces:

17

Total Impervious Surfaces (sq ft):

4563

### Town of Minturn - Design Review Application - Uploads

Section Title: Submittal Checklist Requirements (as applicable)

Letter of Intent:

[4.19.22 DRB.pdf](#)

Vicinity Map:

[Saloon Access DRB.PNG](#)

Improvement Location Certificate of Survey (ILC or ILS):

[Minturn Saloon Property Survey 2005.pdf](#)

Site Plan:

[PAA - 4.19.22 DRB Site Plan.pdf](#)

Preliminary Building Plans and Elevations:

[PAA - 4.19.22 DRB Set.pdf](#)

### Town of Minturn - Design Review Application - Applicant Review & Signature

Minor DRB Fee:

\$75.00

Major DRB Fee:

\$200.00

Section Title: Applicant Signature

I declare under penalty of perjury in the second degree that the statements made in the above application are true and complete to the best of my knowledge.:

true

Signature:

Nick Brechtel

Date:

04/19/2022

### Data Fields

Name	Nick Brechtel
Address1	
Address2	
City	
State	
Zip	
Phone	
Email	nick@vailarchitects.com
CompanyName	

### Payment Info

:  
186330280

:  
4/19/2022 5:08:44 PM

:  
CC

:  
Payment

:  
Complete



This is an application to make a change to approved plans. The only change we are making is moving the door and windows on the south end of the west facade. The door will be moved to the north slightly and the two windows will be moved to the south of the door.







# GENERAL NOTES

THESE PLANS WERE DESIGNED TO CONFORM WITH THE LATEST INTERNATIONAL BUILDING AND RESIDENTIAL CODES. DUE TO CONTINUOUS CHANGES IN BOTH LOCAL AND NATIONAL BUILDING CODES, ACCOMMODATING ALL BUILDING RESTRICTIONS IS IMPOSSIBLE. THEREFORE, THESE PLANS ARE SUBJECT TO LOCAL REQUIREMENTS AND INTERPRETATIONS. IT BECOMES THE RESPONSIBILITY OF THE BUILDER TO MAKE CERTAIN THESE PLANS COMPLY TO LOCAL CODE REQUIREMENTS.

DO NOT SCALE DRAWINGS. IF CRITICAL DIMENSIONS DO NOT APPEAR ON THE DRAWINGS, NOTIFY ARCHITECT. IF DISCREPANCIES OCCUR BETWEEN DRAWINGS OR BETWEEN THE DRAWINGS AND SPECIFICATIONS, NOTIFY THE ARCHITECT FOR RESOLUTION. SQUARE FOOTAGES ON PLANS EQUAL GROSS FOR BUILDING DEPARTMENT USE ONLY. NOT TO BE USED FOR SALES OR LEASEABLE AREAS.

DIMENSIONS LOCATING NEW CONSTRUCTION ARE TO THE FACE OF THE FRAMING AND CONCRETE OR CENTERLINE OF STRUCTURE BY WAY OF GRID LINE UNLESS NOTED OTHERWISE.

DETAILS AND NOTES INDICATE TYPICAL CONDITIONS. FOR MINOR DEVIATIONS FROM TYPICAL DETAILS ARE TO BE ANTICIPATED AND ARE INFERRED. DETAILS AND NOTES PROVIDE DIRECTIONS AND OUTLINE THE DESIGN INTENT. THE CONTRACTOR SHALL USE PROFESSIONAL JUDGEMENT WHEN DEALING WITH SIMILAR CONDITIONS.

EVERY EFFORT HAS BEEN MADE TO ELIMINATE ERRORS DURING THE PREPARATION OF THESE DRAWINGS. BECAUSE PIERCE AUSTIN ARCHITECTS CANNOT GUARANTEE AGAINST THE POSSIBILITY OF HUMAN ERROR, IT IS THE OBLIGATION OF THE BUILDER TO VERIFY THE ACCURACY OF ALL DETAILS AND DIMENSIONS.

THE PLANS, DRAWINGS, SPECIFICATIONS, DESIGNS, AND ENGINEERING HAVE BEEN DEVELOPED BY PIERCE AUSTIN ARCHITECTS SOLEY FOR ITS USE IN PREPARING AND SUBMITTING CONSTRUCTION CONTRACTS. PIERCE AUSTIN ARCHITECTS MAKES NO WARRANTY OF ANY KIND, LIABILITY, OR RESPONSIBILITY WHATSOEVER FOR THE PROPRIETY, EFFICACY, OR FITNESS OF SUCH WORK WHEN USED BY ANY OTHER PARTY FOR ANY OTHER PURPOSE, EXCEPT WHEN COVERED BY PIERCE AUSTIN ARCHITECTS WARRANTIES AND PROFESSIONAL LIABILITY OBLIGATIONS ACCOMPANYING ITS OWN CONTRACTS.

## LIFE SAFETY

### OCCUPANT LOAD

OCCUPANCY GROUP: ASSEMBLY (A-2)  
TOTAL FLOOR AREA: 3626 SF

(A-2) CONCENTRATED (7 SF NET)	= 260 SF / 38 PERSONS
(A-2) UN-CONCENTRATED (15 SF NET)	= 1435 SF / 96 PERSONS
(A-2) KITCHEN (200 GROSS)	= 461 SF / 3 PERSONS
(A-2) STORAGE (300 GROSS)	= 220 SF / 1 PERSONS
<b>TOTAL</b>	<b>= 138 PERSONS</b>

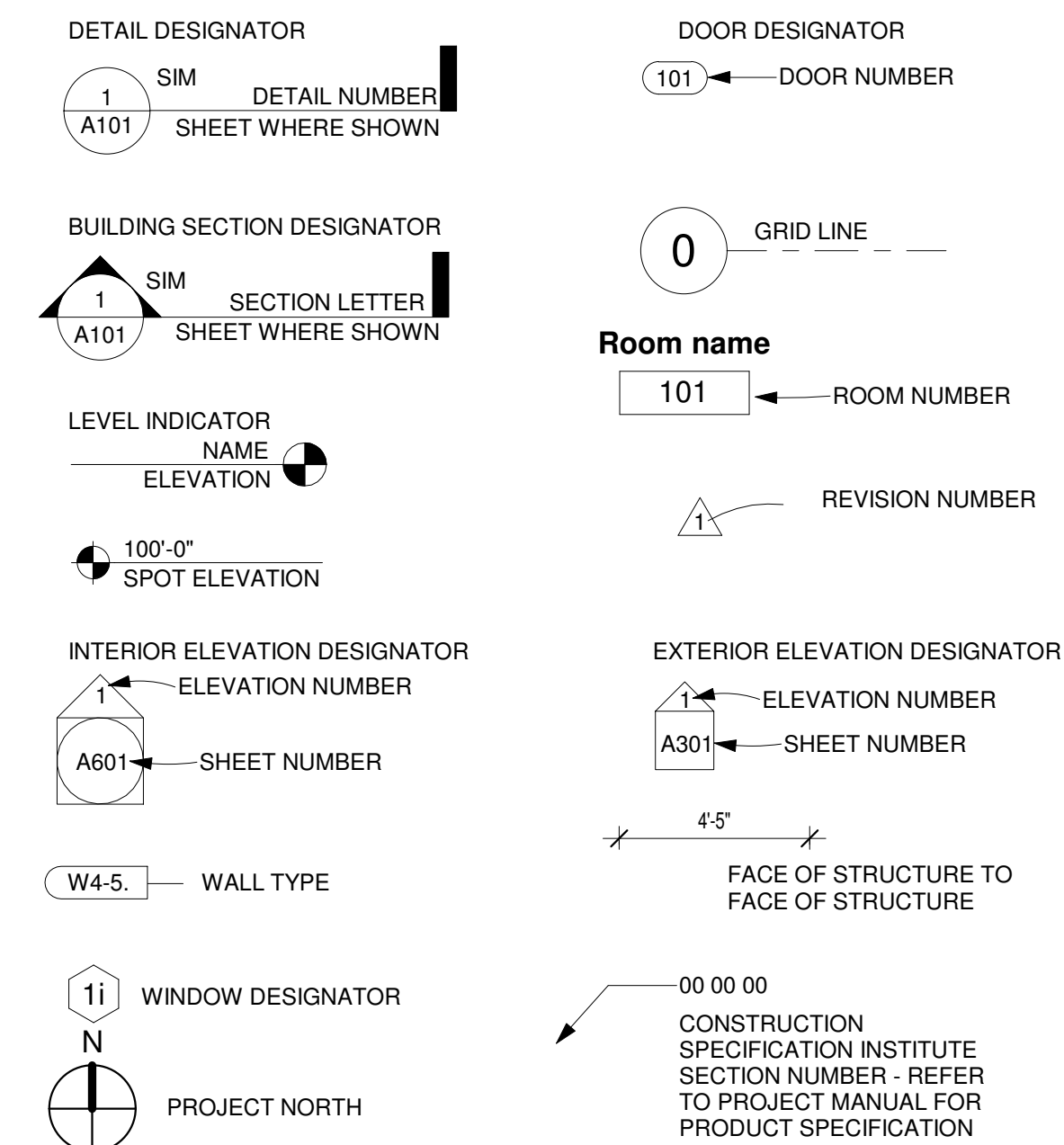
### COMMON PATH OF TRAVEL

COMMON PATH OF TRAVEL PERMITTED: 75'-0" MAX.  
COMMON PATH OF TRAVEL PROVIDED: XXX

### EXIT TRAVEL DISTANCE

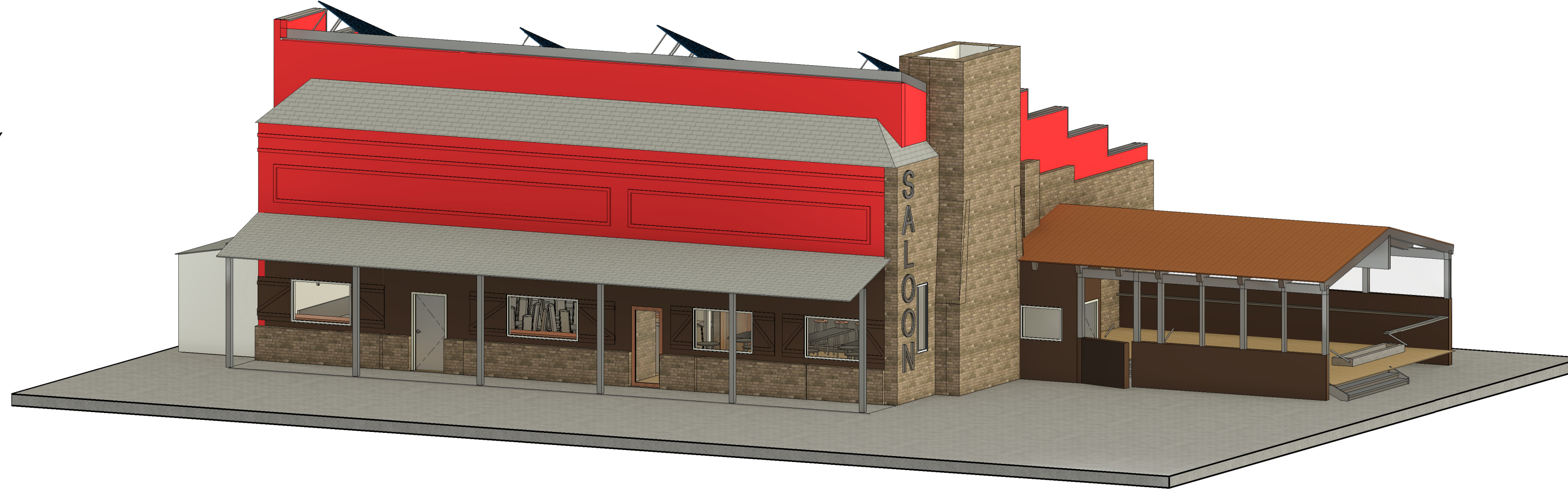
EXIT TRAVEL DISTANCE PERMITTED: 200'-0" MAX.  
EXIT TRAVEL DISTANCE PROVIDED: XXX

## DRAWING CONVENTIONS



## MISC. ABBREVIATIONS

⊙ ROUND    ⊕ CENTER LINE    W/ WITH    ° DEGREES  
± PLUS OR MINUS    ℙ PROPERTY LINE    < ANGLE



## ADMINISTRATIVE INFO.

Site Address 146 N MAIN ST  
Tax Area 024 - MINTURN (TOWN) - 024  
Parcel Number 2103-263-06-002  
Legal Summary Section: SUBDIVISION: BOOCO Block: B Lot: 5 AND: Lot: 6,  
Together w/ 20'x50' of Land Adjoining South End of Lots 5 & 6

## BUILDING CODE SUMMARY

BUILDING CODE: 2018 International Building Code  
2018 International Fire Code  
2018 International Mechanical Code  
2018 International Plumbing Code  
2018 International Electrical Code  
2018 International Energy Conservation Code  
2018 International Building Code  
2018 International Code of Official Building Code

CONSTRUCTION TYPE: NO  
OCCUPANCY TYPE: NO  
FIRE SPRINKLED: NO

## PROJECT DIRECTORY

OWNER: LOS AMIGOS - PROPERTY COMPANY LLC  
245 PARK AVE FL. 44  
NEW YORK, NY 10167-4400

ARCHITECT: KIT AUSTIN, PRINCIPAL  
PIERCE AUSTIN ARCHITECTS  
2077 N FRONTAGE RD W, SUITE G  
VAIL, COLORADO 81657  
P: 970.476.6342  
E: kit@vailarchitects.com

CONTRACTOR: ROCKY MOUNTAIN CONSTRUCTION GROUP  
JONNY COHEN  
100 E MEADOW DR. UNIT 6  
VAIL, CO 81657  
P: 970.476.4458  
E: jonny@rockymountainconstructiongroup.com

STRUCTURAL: COMPANY NAME  
MAILING ADDRESS  
TOWN STATE ZIP  
P: 555.555.5555  
E: person@example.com

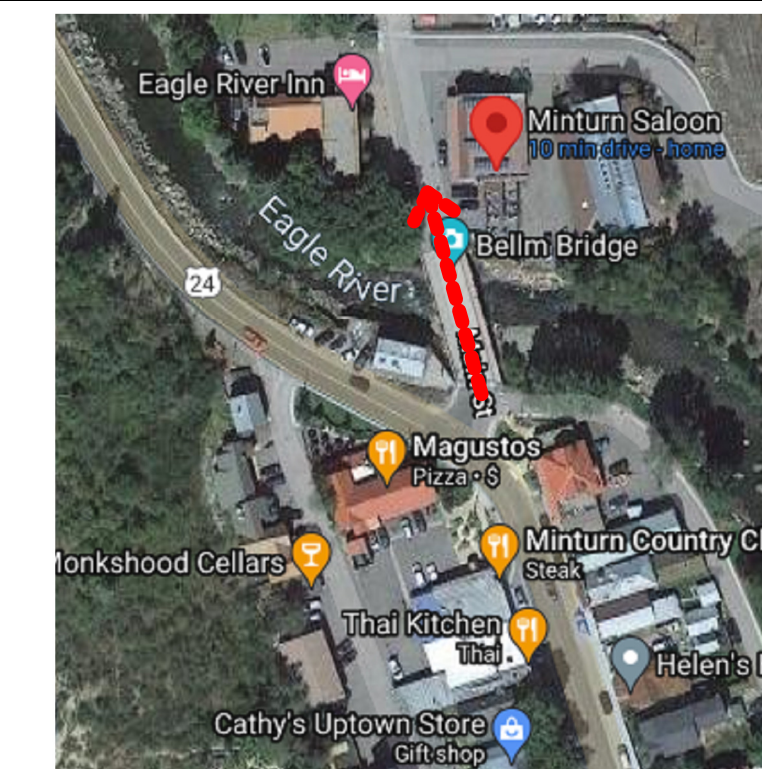
CIVIL: COMPANY NAME  
MAILING ADDRESS  
TOWN STATE ZIP  
P: 555.555.5555  
E: person@example.com

MEPs: AVID ENGINEERING  
MARTIN ZOUJEK  
11101 W 120th AVE #240  
BROOMFIELD, CO 80021  
P: 303.993.3192  
E: martin@avidengineering.com

SHEET INDEX		
SHEET #	DESCRIPTION	ISSUE DATE
A0.00	COVER	2.8.22
A0.02	LIFE SAFETY	2.8.22
A0.05	EXISTING SURVEY	2.8.22
A0.06	SITE PLAN	2.8.22
A1.00	ROOF PLAN	2.8.22
A1.01	LEVEL 1- DEMO	2.8.22
A1.11	LEVEL 1 RCP	2.8.22
A2.01	NORTH ELEVATION	2.8.22
A2.02	EAST ELEVATION	2.8.22
A2.03	SOUTH ELEVATION	2.8.22
A2.04	WEST ELEVATION	2.8.22
A4.01	ENLARGED WOMEN'S ROOM	2.8.22
A4.02	ENLARGED MEN'S ROOM	2.8.22
A4.03	ENLARGED BAR	2.8.22
A4.04	ENLARGED KITCHEN	2.8.22
A6.01	WINDOW AND DOOR SCHEDULE	2.8.22
A9.01	3D- BAR	2.8.22
A9.02	3D- KITCHEN	2.8.22
A9.03	3D- WOMEN'S ROOM	2.8.22
A9.04	3D- MEN'S ROOM	2.8.22

# MINTURN, CO 81657

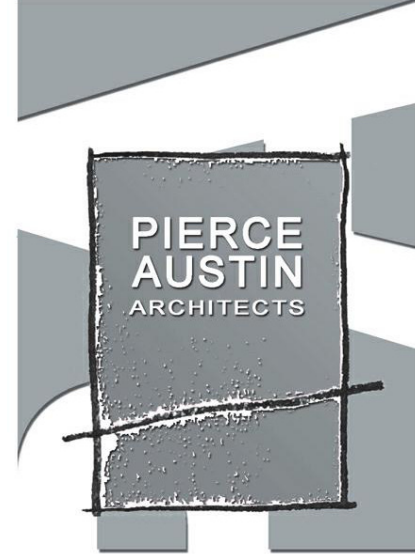
## PROJECT LOCATION



2.8.22 ISSUE TYPE		
DATE	NO.	DESCRIPTION

**MINTURN SALOON**  
 146 MAIN ST MINTURN, CO  
 Project Number - 2191

NOT FOR  
 CONSTRUCTION



www.vailarchitects.com  
2077 N Frontage Rd W, Unit G  
Vail, Colorado 81657  
(970)476-6342

COVER  
  
A0.00



# IMPROVEMENT LOCATION CERTIFICATE

**NOTES:**

- 1) POSTED STREET ADDRESS: 0146 North Main Street.
- 2) The Legal Description and Record Deed Lines were derived from the plat for Booco's Addition to the Town of Minturn, Title Commitment No. ABH5059925, dated 1-5-2021, and Book 58, Page 364 of the Eagle County Clerk and Recorder Records.
- 3) Improvements and Apparent Deed Line locations are based upon the monuments found while performing this survey as shown hereon. Archibeque Land Consulting, Ltd recommends a boundary survey be performed on subject property to more accurately depict improvements.

C.R.S. 38-51-108 (Effective July 1, 2013)  
 IMPROVEMENT LOCATION CERTIFICATE  
 I hereby certify that this Improvement Location Certificate was prepared for PROJECT 1901, LLC | FINE MESS, LLC, that this is NOT a Land Survey Plat, or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.  
 THIS CERTIFICATE IS VALID ONLY FOR USE BY  
 PROJECT 1901, LLC | FINE MESS, LLC.  
 AND DESCRIBES THE PARCELS APPEARANCE ON  
 February 5, 2021

I further certify that the improvements on the above described parcel on this date, February 5, 2021, except for utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as shown.

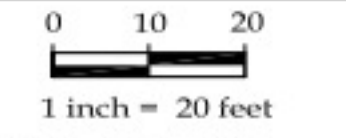
(METES & BOUNDS)  
 AN EXTENSION OF  
 LOT 5 AND LOT 6, BLOCK B  
 BOOCO'S ADDITION TO THE TOWN  
 OF MINTURN, BOOK 58, PAGE 364

**DESCRIPTION**  
 Lot 5 and Lot 6, Block B, Booco's Addition to the Town of Minturn, according to the Plat thereof dated 1890 and recorded in the Office of the Clerk and Recorder, Eagle County, State of Colorado. Also, that parcel described in Book 58, Page 364, as filed for record in the Office of the Clerk and Recorder, Eagle County, State of Colorado.



Theodore J. Archibeque PLS 37902  
 Professional Land Surveyor

Archibeque Land Consulting, Ltd  
 ~ Professional Land Surveying & Mapping ~  
 970.328.6020 Office  
 info@prolandsurvey.com



DRAWN BY: TJA  
 JOB NUMBER: 05090-JL.C.DWG

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered 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.



590  
 SACCO PRODUCTS • NEW HOPE, MINNESOTA  
 RECORDER BY PART NUMBER 0590

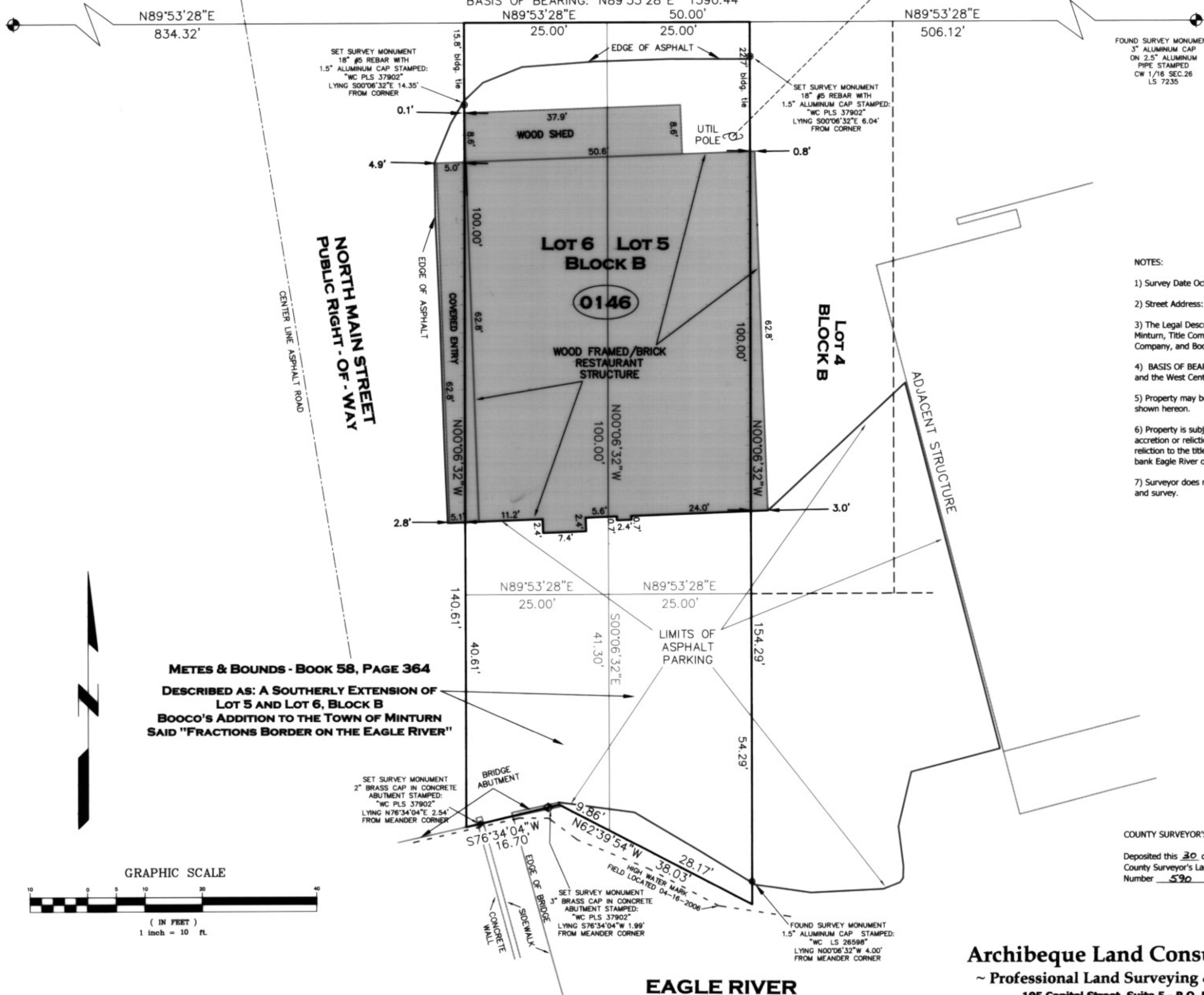
# IMPROVEMENT SURVEY PLAT

## BOOCO'S ADDITION TO THE TOWN OF MINTURN, LOT 5 & LOT 6, BLOCK B

### TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO

SECTION 26, T 5 S, R 81 W

FOUND SURVEY MONUMENT  
 2.5" GLO BRASS CAP  
 ON 1" IRON PIPE STAMPED  
 W 1/4 SEC. 26  
 1942

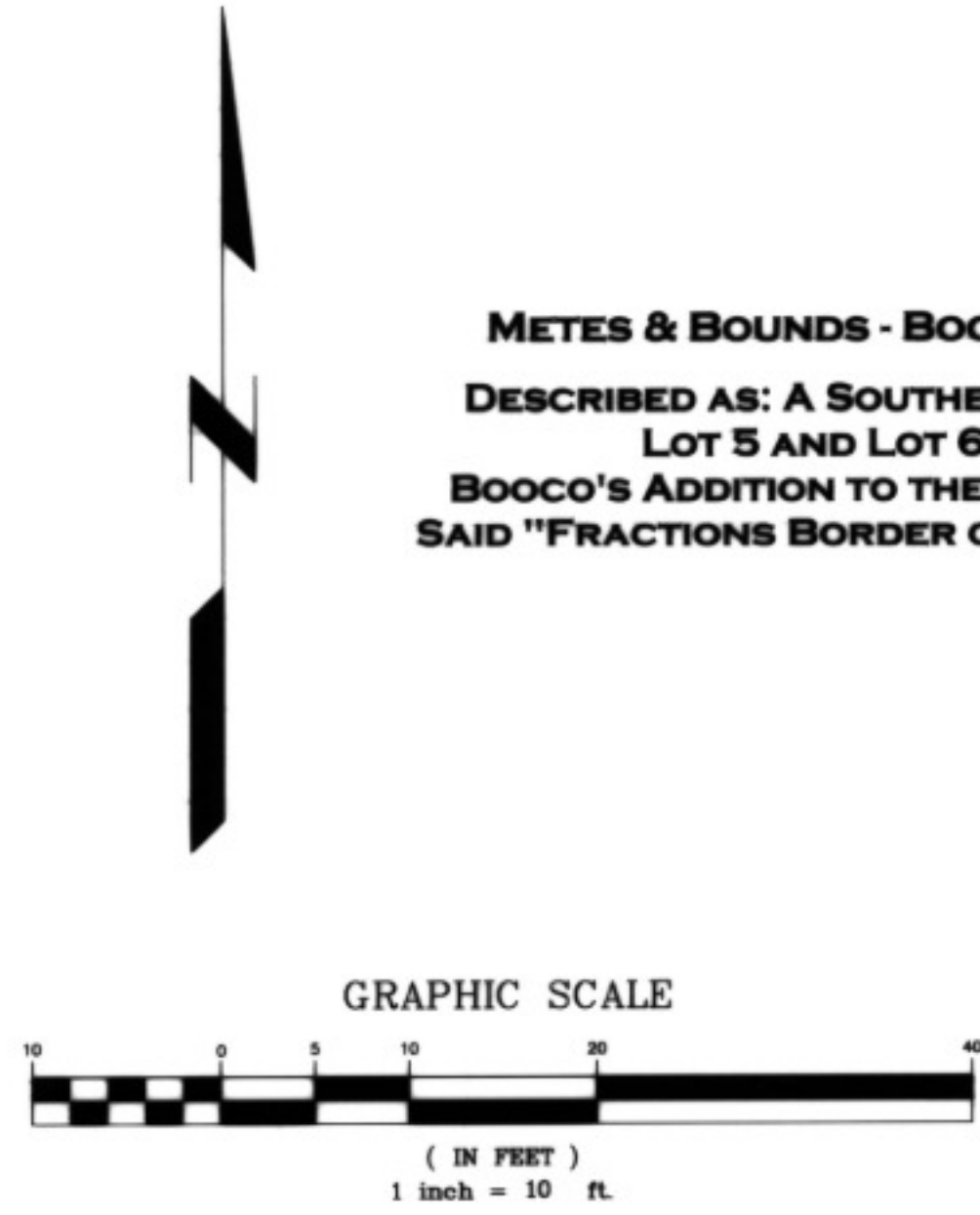


**DESCRIPTION**

Lot 5 and Lot 6, Block B, Booco's Addition to the Town of Minturn, according to the Plat thereof dated 1890 and recorded in the Office of the Clerk and Recorder, Eagle County, State of Colorado. AND That parcel described in Book 58, Page 364, as filed for record in the Office of the Clerk and Recorder, Eagle County, State of Colorado. Both Containing a Total of 0.164 acres more or less.

- NOTES:**
- 1) Survey Date October 27, 2005 & April 16, 2006.
  - 2) Street Address: 0146 North Main Street.
  - 3) The Legal Description and Record Deed Lines were derived from the plat for Booco's Addition to the Town of Minturn, Title Commitment No. 614-H0054498-061-80, dated May 4, 2005 by First American Heritage Title Company, and Book 58, Page 364 of the Eagle County Clerk and Recorder Records.
  - 4) BASIS OF BEARING: N 89°53'28" E between the West 1/4 Corner GLO Brass Cap on 1" Iron Pipe set 1942 and the West Center 1/16 Corner being 3" Aluminum Cap on 2" Aluminum Pipe stamped LS 7235, set 1981.
  - 5) Property may be subject to prescriptive rights associated with the existing asphalt and overhead utilities shown hereon.
  - 6) Property is subject to any increase or decrease in the area of land which may be created or caused by accretion or reliction, whether natural or artificial, and the effect of the gain or loss of area by accretion or reliction to the title of said real property. The meander line shown hereon is based upon the existing toe of the bank Eagle River on the date of the survey.
  - 7) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.

**METES & BOUNDS - BOOK 58, PAGE 364**  
 DESCRIBED AS: A SOUTHERLY EXTENSION OF LOT 5 AND LOT 6, BLOCK B BOOCO'S ADDITION TO THE TOWN OF MINTURN SAID "FRACTIONS BORDER ON THE EAGLE RIVER"



I, Theodore J. Archibeque, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this IMPROVEMENT SURVEY PLAT was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. This certification is not a guarantee or warranty, either expressed or implied. The Notes hereon are a part of this certification.



Theodore J. Archibeque PLS 37902  
 Colorado Professional Land Surveyor

**COUNTY SURVEYOR'S CERTIFICATE**  
 Deposited this 30 day of May, 2006, at 2 P.M. in Book 1 of the Eagle County Surveyor's Land Survey Plats/Rights-of-Way Surveys at Page 590, Reception Number 590.  
 County Surveyor

**Archibeque Land Consulting, Ltd**  
 ~ Professional Land Surveying & Mapping ~  
 105 Capitol Street, Suite 5 - P.O. Box 3893  
 Eagle, Colorado 81631  
 970.328.6020 Office 970.328.6021 Fax

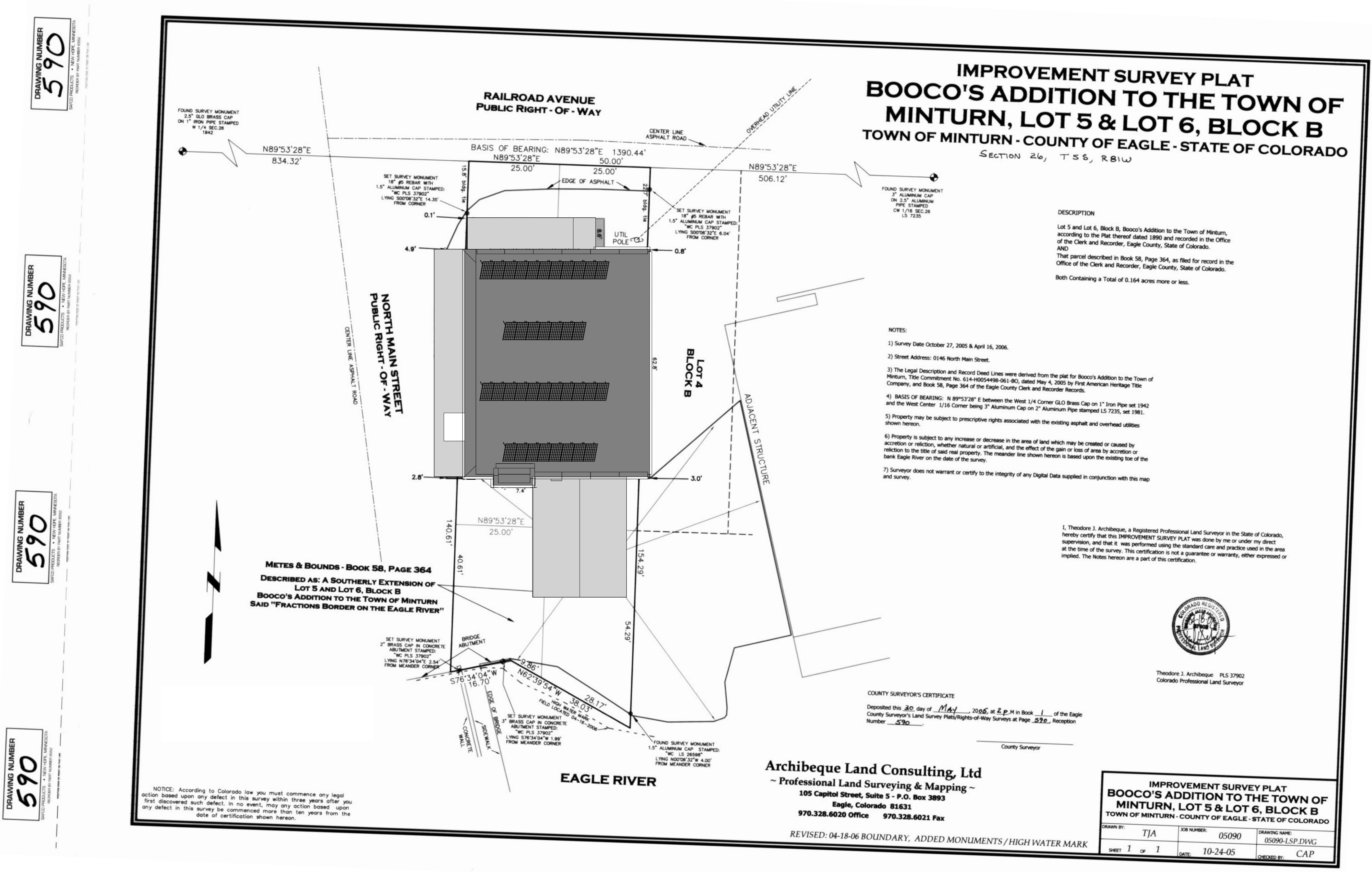
IMPROVEMENT SURVEY PLAT		
BOOCO'S ADDITION TO THE TOWN OF MINTURN, LOT 5 & LOT 6, BLOCK B		
TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO		
DRAWN BY: TJA	JOB NUMBER: 05090	DRAWING NAME: 05090-LSP.DWG
SHEET 1 OF 1	DATE: 10-24-05	CHECKED BY: CAP

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered 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.

REVISED: 04-18-06 BOUNDARY, ADDED MONUMENTS / HIGH WATER MARK



- INDICATES EXISTING INTERIOR SPACE
- INDICATES EXISTING STORAGE/ PATIO/ COVERED WALKWAY



**IMPROVEMENT SURVEY PLAT**  
**BOOCO'S ADDITION TO THE TOWN OF**  
**MINTURN, LOT 5 & LOT 6, BLOCK B**  
 TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO  
 SECTION 26, T5S, R81W

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I, Theodore J. Archibeque, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this IMPROVEMENT SURVEY PLAT was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. This certification is not a guarantee or warranty, either expressed or implied. The Notes hereon are a part of this certification.



**COUNTY SURVEYOR'S CERTIFICATE**  
 Deposited this 30 day of May, 2006, at 2 P.M. in Book 1 of the Eagle County Surveyor's Land Survey Files/Rights-of-Way Surveys at Page 532, Reception Number 530.

**Archibeque Land Consulting, Ltd**  
 ~ Professional Land Surveying & Mapping ~  
 105 Capital Street, Suite 5 - P.O. Box 3893  
 Eagle, Colorado 81631  
 970.328.6020 Office 970.328.6021 Fax

IMPROVEMENT SURVEY PLAT			
BOOCO'S ADDITION TO THE TOWN OF MINTURN, LOT 5 & LOT 6, BLOCK B			
TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO			
DRAWN BY: TJA	XREF NUMBER: 05090	DRAWING NAME: 05090-ISP.DWG	
SHEET 1 of 1	DATE: 10-24-05	CHECKED BY: CAP	

REVISED: 04-18-06 BOUNDARY, ADDED MONUMENTS / HIGH WATER MARK

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered 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.

DRAWING NUMBER  
**590**

DRAWING NUMBER  
**590**

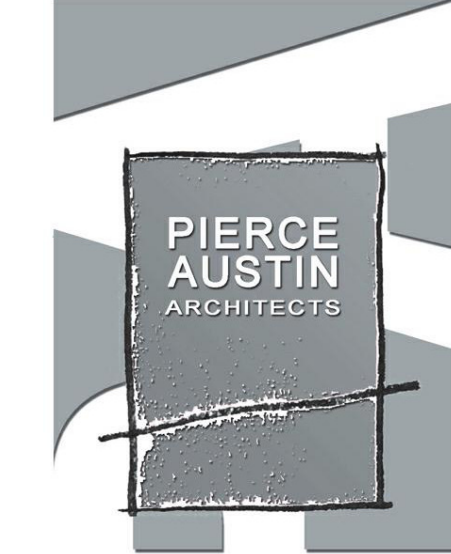
DRAWING NUMBER  
**590**

DRAWING NUMBER  
**590**

2.8.22 ISSUE TYPE		
DATE	NO.	DESCRIPTION

**MINTURN SALOON**  
 146 MAIN ST MINTURN, CO  
 Project Number - 2191

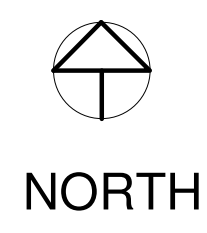
**NOT FOR CONSTRUCTION**



www.vailarchitects.com  
 2077 N Frontage Rd W, Unit G  
 Vail, Colorado 81657  
 (970)476-6342

**SITE PLAN**

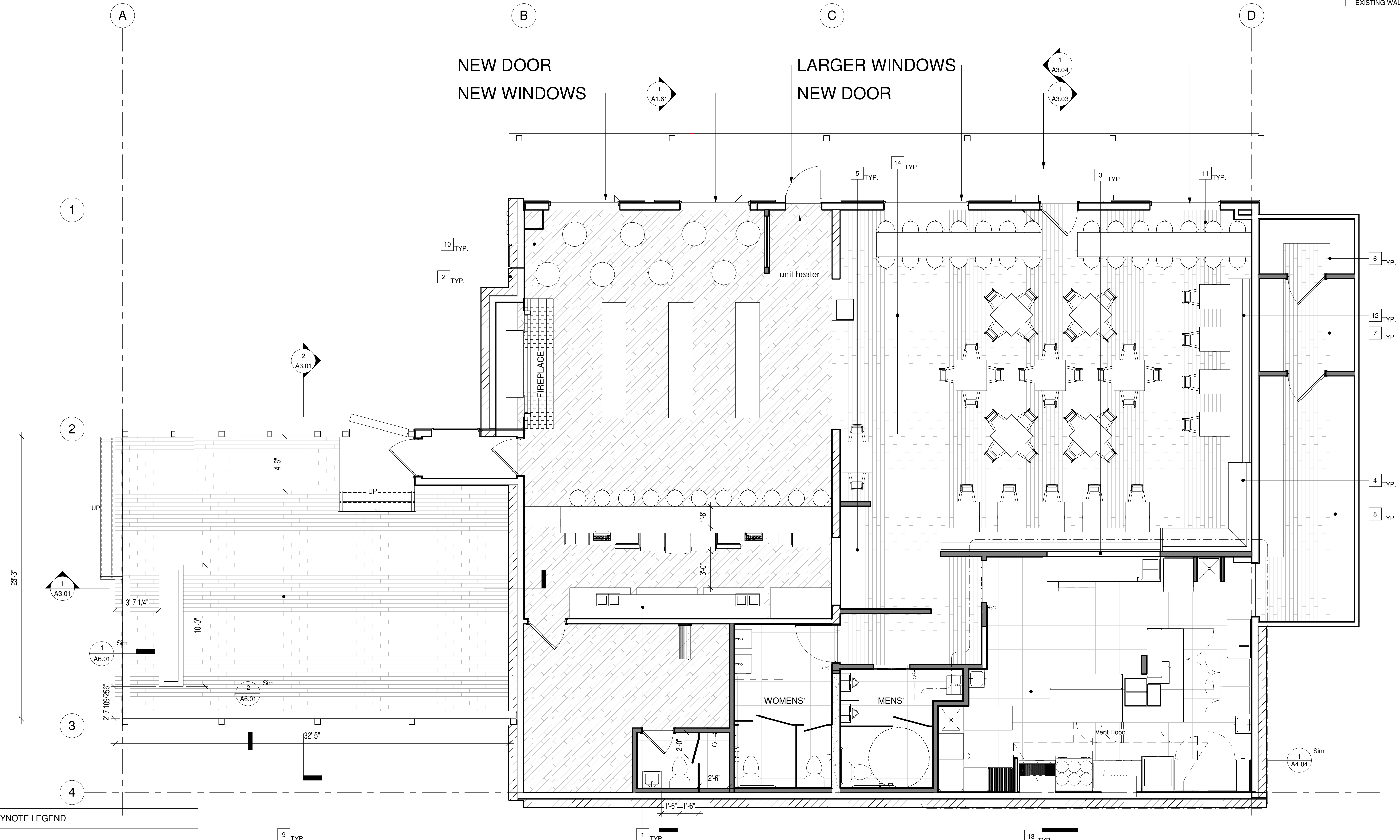
**A0.06**





DEMO LEGEND

<span style="color: red;">█</span>	WALLS TO BE DEMOLISHED
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	NEW WALLS
<span style="border: 1px dashed black; display: inline-block; width: 10px; height: 10px;"></span>	EXISTING WALLS



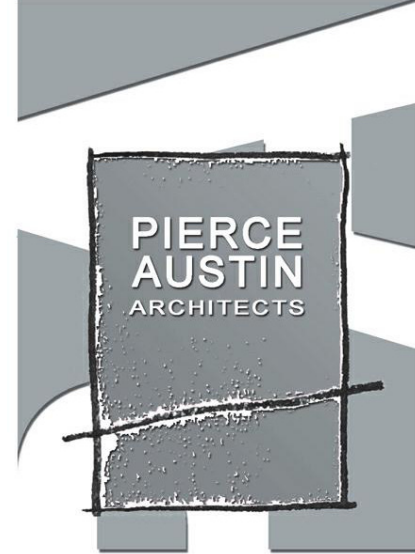
KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT
1	CLASSIC BAR TO BE RELOCATED BEHIND NEW EXTENDED BAR
2	SHED ROOF OVER WOOD STORAGE
3	54" SILL HEIGHT @ PASS THROUGH
4	JOHN WAYNE BOOTH- NEW PULL OUT TRUNDLE STAGE BELOW
5	WAIT STATION @ HALF WALL
6	WALK- IN FREEZER
7	WALK- IN REFRIGERATOR
8	DRY STORAGE
9	NEW FIREPIT @ PATIO
10	FLOORING @ BAR AREA TO HAVE LINOLEUM REMOVED
11	FLOORING @ DINING AREA TO BE RESURFACED
12	13' X 10' POP UP STAGE W/ MIRROR BEHIND
13	PROTECT- ALL FLOORING
14	42" TALL DRINK COUNTER

**1** LEVEL 1- PROPOSED  
1/4" = 1'-0"

12/01/21 ISSUE TYPE		
DATE	NO.	DESCRIPTION

**MINTURN SALOON**  
 146 MAIN ST MINTURN, CO  
 Project Number - 2191

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 CONSTRUCTION



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17 EXISTING PARKING SPACES PROVIDED

LEVEL 1-  
PROPOSED

A1.02



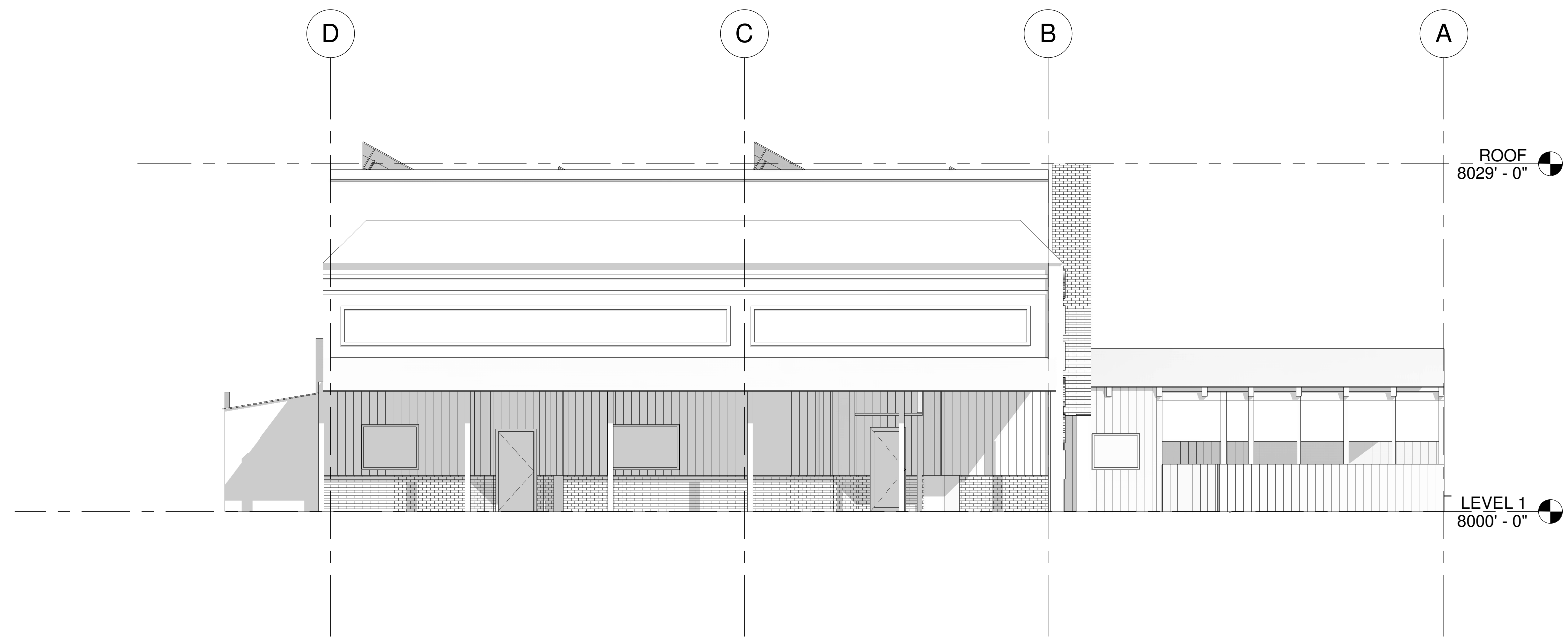




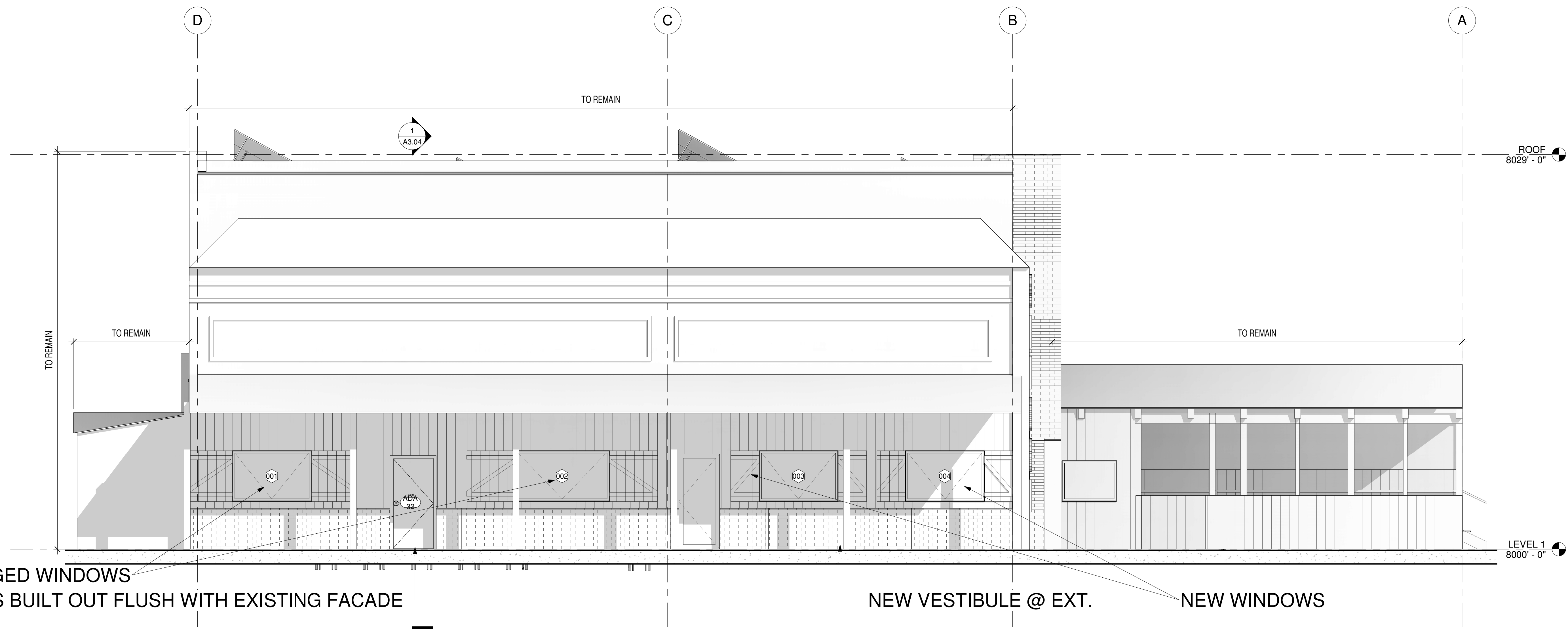








1 WEST ELEVATION EXISTING  
1/8" = 1'-0"



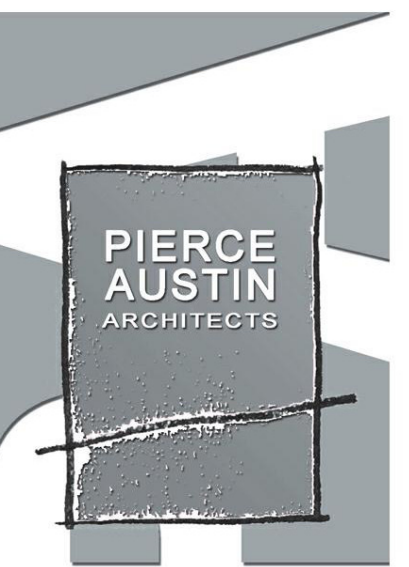
2 WEST ELEVATION  
1/4" = 1'-0"

2.8.22  
ISSUE TYPE

DATE	NO.	DESCRIPTION

MINTURN SALOON  
146 MAIN ST MINTURN, CO  
Project Number - 2191

NOT FOR  
CONSTRUCTION



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WEST  
ELEVATION

A2.04



## Design Review Board Hearing

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### Wilson Residence Garage Renovation - Revisions to Approved Plans

76 Meek Avenue

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<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	Garage Renovation - Revisions to Approved Plans
<b>Owner/Applicant:</b>	Paul and Sherri Wilson
<b>Representative:</b>	Tom Warzecha
<b>Legal Description:</b>	Lot 39, Block 1, Baldauf Addition
<b>Address:</b>	76 Meek Avenue
<b>Zoning:</b>	Old Town Character Area – Residential Zone District
<b>Staff Member:</b>	Scot Hunn, Planning Director
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

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### Staff Report

#### I. Summary of Request:

The Applicants, Paul and Sherri Wilson, request review of revisions to previously approved plans for a garage renovation at their existing residence located at 76 Meek Avenue.

The DRB approved plans in August 2021 allowing for the demolition of an existing, attached garage and the rebuilding of the garage in essentially the same, attached location. However, due to the Applicant's reliance on an erroneous survey during the first review of plans, the previously approved plans (tear down and rebuild) will not work without violating the Town's setback and nonconformities regulations. The Applicants are now proposing to rebuild and renovate the garage in the same location as the existing garage and using existing foundation and exterior walls to allow vertical construction but specifically to not permit any further lateral expansion.

## **Proposed Plans**

The plans presented to the DRB in August 2021 showed the removal of an existing two-car garage structure and the reconstruction of a new two car garage structure on the west side of the existing single-family home. The previously approved plans showed a proposed garage height of eleven (11') to the mid-point of the roof above existing grade, with a maximum height of thirteen (13') feet measured from existing grade to the ridge of the roof. Also shown on the original plans was the addition of a new master bathroom in an area previously covered by the existing garage. This bathroom addition was more akin to a reconfiguration of existing habitable space and was not proposed expand any exterior walls or to add any additional building lot coverage.

Parking was deemed adequate during the DRB's August 2021 review, with two spaces provided within the garage, and one space in front of the garage. Such details have not changed.

The subject property is unique in that it fronts on three streets (Boulder to the east, Meek to the South, and Pine to the West). Per the Town of Minturn Municipal Code, the front yard/lot line is the side of the lot fronting along Meek due to the placement of the front door and entrance. Therefore, side lot lines – and side yard setbacks - are prescribed along the Boulder and Pine sides of the property.

As referenced above, the Applicants (and the Town) relied upon an erroneous survey while developing and reviewing the Applicant's plans. Therefore, the Applicants are now proposing a similar renovation but are no longer proposing to tear down the garage; rather, they propose to renovate using the existing foundation/footprint and exterior walls to allow for renovation without expanding or exacerbating pre-existing nonconformities (encroachments into to side and rear-yard setbacks).

That being said, the plans submitted do show “new walls” on the floor plans (Sheet A1.01). The Applicant should provide additional information or details as to how the renovation will be completed using existing exterior walls, as the removal of existing nonconforming walls that currently violate side and rear setbacks (and wholesale replacement of those walls to support the garage addition and roof) is not permissible.

## **II. Summary of Process and Code Requirements:**

Although the plans were previously approved, this revision is to be treated as a final plan level of review. No variances are required or requested at this time but this review does include an analysis of the Town's nonconformities regulations.

### **Applicable Definitions**

The following definitions from Article 2 – *Definitions*, Minturn Municipal Code, are relevant to this review:

***Yard, front*** means that portion of a yard between the street line and the front door of the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

*Yard, side* means all the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.

### **Design Review Process**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*

*(2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. The proposal's adherence to the Town's zoning regulations.*
- b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
- c. The proposal's adherence to the Design Standards.*

*(3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. That the proposal is in conformance with the Town zoning regulations.*
- b. That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. That the proposal complies with the Design Standards.*

Staff suggests that the updated final plans for 76 Meek meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ of subparagraph 3 – *Necessary findings*.

### **Section 16-22-30 - Nonconforming uses and structures**

The previously approved plans showed proposed improvements located entirely within the lot setbacks. However, after approval and prior to building permit review, the Applicants discovered that the survey used for planning purposes was incorrect and that the approved plans could not be accomplished without exacerbating pre-existing nonconformities (without expanding existing encroachments into side and rear yard setback areas). The Applicant inquired as to whether they could still renovate and rebuild portions of the existing garage using the existing footprint and garage walls (see attached letter of intent by Applicant).

The Minturn Municipal Code, Section 16-22–30 - Nonconforming uses and structures provides the following:

(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.*

### **III. Zoning Analysis:**

#### **Zoning**

The subject property is located within the “Old Town Character Area” Residential Zone District, described as follows:

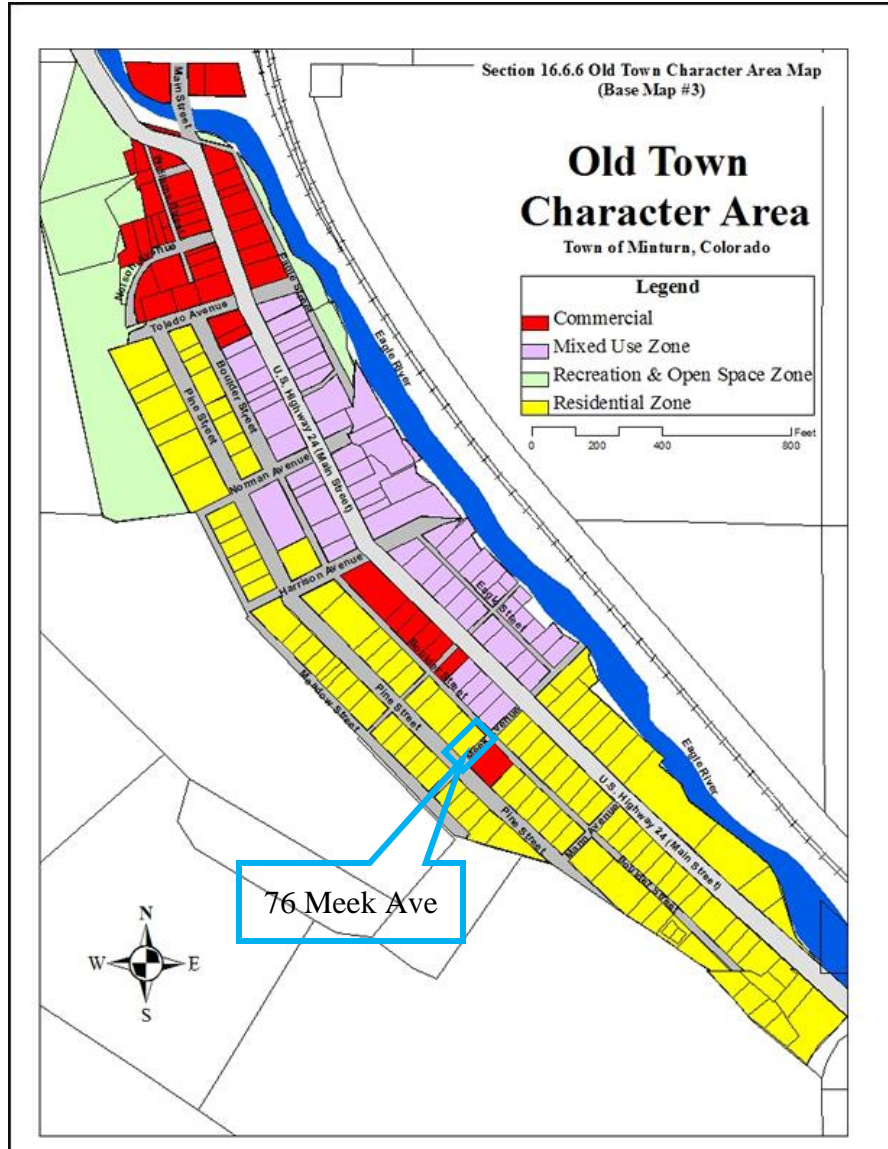
- (a) The neighborhood is bisected by Highway 24 and is characterized by single-family residences with a mix of business and institutional uses. **The residences are typically one (1) and two (2) stories, with outbuildings and minimal setback between structures.***
- (b) The purpose of this zone is to **provide for continued residential use and redevelopment that preserves the unique character and scale of the neighborhood.** An objective is to retain the historically residential areas as quiet and safe neighborhoods while allowing for limited home-based occupations and home-based businesses to encourage permanent residency. **This area can accommodate reasonable growth where land and services are available.**”*

- Town of Minturn Town Code Section 16-6-20

*(Space intentionally left blank)*



**Figure 1: Old Town Character Area Zoning Map**



**Dimensional Limitations and Development Standards**

The following tables summarize the lot, development and dimensional standards and limitations applicable to Lot 2 pursuant to Section 16-2-40. - *General lot requirements and dimensional standards*; Section 16-16-20 – *Parking Required for Residential and Lodging Uses*; and Section 16-6-80 - *Old Town Character Area Limited Use Standards*.

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,000 sq. ft.
Maximum Building Height:	28 feet	13 feet
Minimum Front Setback:	10 feet	10 feet

Minimum Side Setback:	5 feet	0 feet
Minimum Rear Setback:	10 feet	3 feet
Maximum Building Coverage:	45% (2,250 sq. ft.)	Existing: 2,165.11 sq. ft. (43%) Proposed: 2,178 sq. ft. (44%)
Maximum Impervious Coverage:	55% (2,750 sq. ft.)	Existing: 2,203 sq. ft. (44%) Proposed: 2,216 sq. ft. (44%)
Minimum Snow Storage Area:	5% of Parking Area (15.69 sq. ft.)	Unknown
Parking:	3 spaces	3 spaces

**Note:** the above calculations are based on the following:

**Lot 39= .115 acres x 43,560 sq. ft./acre = 5,000 sq. ft.**  
**313.81 sq. ft. parking area x .05% = 15.69 sq. ft. (Required Snow Storage)**

**IV. Applicable Standards and Design Guideline Criteria:**

In addition to the development standards listed above, the following general design principles are provided for reference.

**Overall Design and Nonconformity**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings relative to solar access, to street frontages, and in relation to neighboring properties is considered. The existing lot dimensions and the location of the home on the lot are dictating the location of the new garage.

The subject property is relatively flat and the previously approved design was deemed to take advantage of and comply with the existing site constraints. However, due to an error in surveying, the previous plans showed the garage being demolished and reconstructed entirely within the setbacks. The correct survey work shows the existing garage in violation of the side and rear yard setback. Additionally, a small portion of the existing garage roof overhang appears to encroach over the side property line.

Because of this situation, the Applicant is asking to reconstruct the garage in the same location using the existing garage footprint and exterior walls - going up but not expanding the garage footprint laterally - as has been done in other instances in the Town of Minturn (449 Pine Street and 414 Eagle River Street).

However, the plans submitted do show “new walls” on the floor plans. The Applicant should provide additional information or details as to how the renovation will be completed using existing exterior walls, as the removal of existing nonconforming walls that currently violate side and rear

setbacks (and wholesale replacement of those walls to support the garage addition and roof) is not permissible.

**V. Staff Recommendation and Suggested Conditions:**

Staff suggests that the Final Plans for 76 Meek Avenue, as conditioned, generally **comply** with applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

Staff is **recommending approval** of the revised final plans the following suggested conditions of approval:

1. Applicant shall update plans prior to or concurrent with any building permit application to verify and confirm that existing exterior walls and building foundation are to remain in order to comply with the Town’s nonconformities regulations.
2. The Applicant shall provide a land survey plat(s) to the Town during construction of the garage renovation - at framing and prior to any Temporary Certificate of Occupancy Inspection by the Town Building Inspector - including spot elevations at exterior walls, building corners, and roof overhangs (at the eave line) to ensure that the project does not expand or exacerbate existing nonconformities.
3. The Applicant shall show all snow storage inside their property lines.





# 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:**

WILSON GARAGE RENOVATION

**Project Location**

Street Address: 76 MEEK AVE  
MINTURN, CO 81645

Zoning: RESIDENTIAL

Parcel Number(s): 2103-263-15-023

**Application Request:**

RENOVATION OF GARAGE USING EXISTING WALL PER DRAWINGS

**Applicant:**

Name: PAUL & SHERRI WILSON

Mailing Address: PO BOX 868  
MINTURN, CO 81645

Phone: 970-260-0778

Email: MINTURNPAINT@GMAIL.COM

**Property Owner:**

Name: PAUL & SHERRI WILSON

Mailing Address: PO BOX 868  
MINTURN, CO 81645

Phone: 970-260-0778

Email: MINTURNPAINT@GMAIL.COM

**Required Information:**

Lot Size: 5000 SQ FT	Type of Residence (Single Family, ADU, Duplex) SINGLE FAMILY	# of Bedrooms 2	# On-site Parking Spaces 3
# of Stories: 1	Snow storage sq ft: 200 SQ FT FRONT YARD	Building Footprint sq ft: 2058.7	Total sq ft Impervious Surface: 2113.37

**Signature:**

*Sherril A. Wilson*

Fee Paid: \_\_\_\_\_

Date Received: 4/29/22

Planner: MadBon Harris

Dear Town of Minturn Planning Committee,

We are requesting a review of an amendment to a previously approved plan to remodel our garage. Unfortunately, the survey we used for the remodel of our house many years ago was inaccurate. The updated survey shows the existing building to be inside the setback requirements, and on the southwest side, to be at the property line.

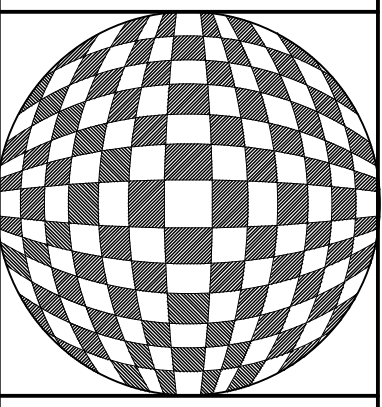
The request is based on a history of properties with similar issues in Minturn. Specifically, we are requesting approval to create the previously approved renovation of an existing garage by using and preserving the existing garage footprint, including the foundation and exterior walls, and going vertical, but not increasing any outward (horizontal or lateral) encroachments or non conforming situations.

All existing improvements will be surveyed to establish the horizontal limits of existing encroachments and all new construction will be kept within that limit. The building will then be resurveyed during framing to ensure that all new remodel activity does not further encroach into the setbacks.

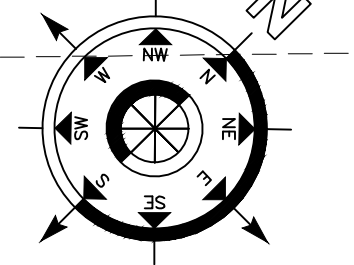
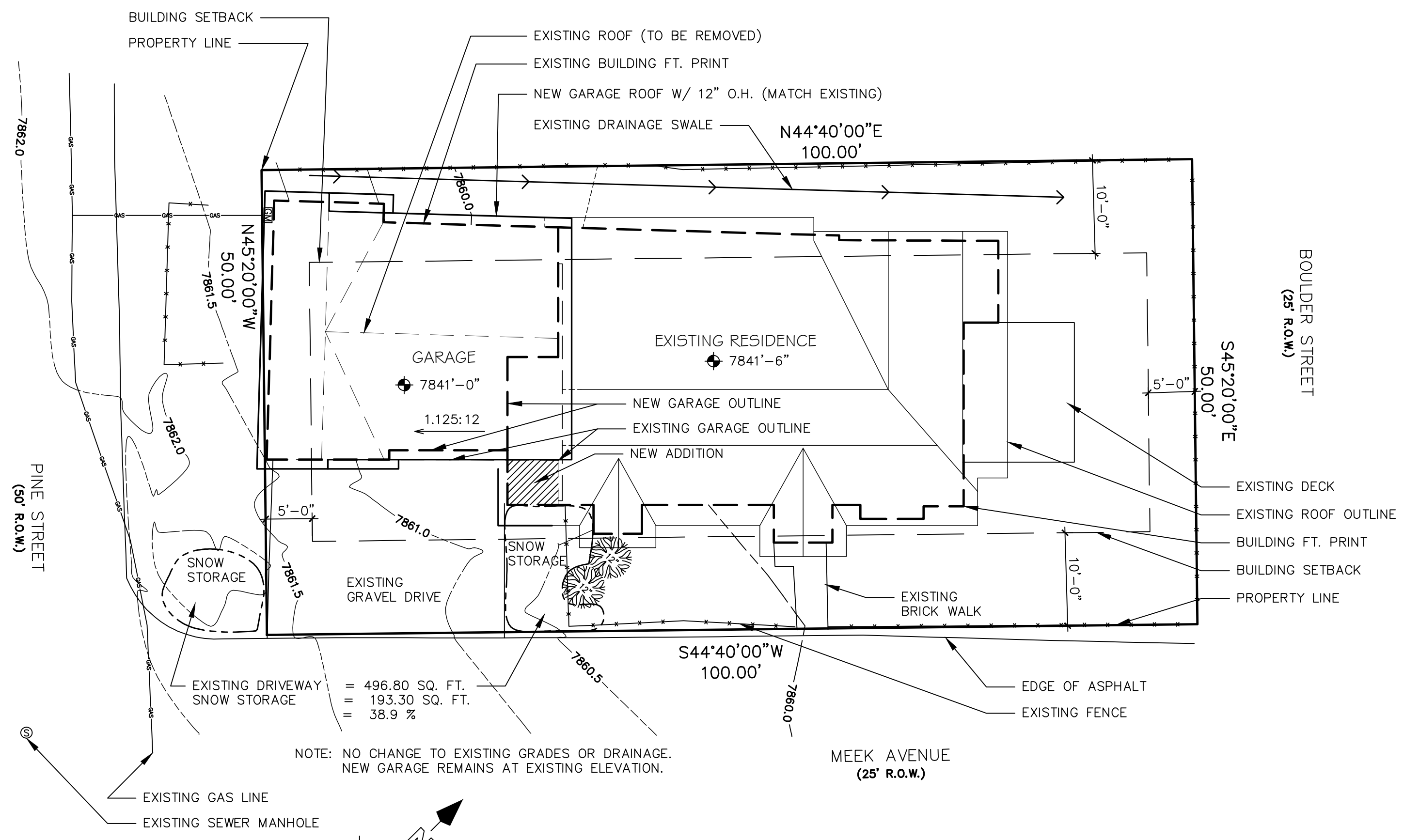
Revised drawings have been submitted for your review.

Thank you for considering our request,

Paul and Sherri Wilson  
76 Meek Ave.  
Minturn, Co 81645



**WILSON GARAGE REMODEL**  
 76 MEEK STREET  
 MINTURN, COLORADO 81645



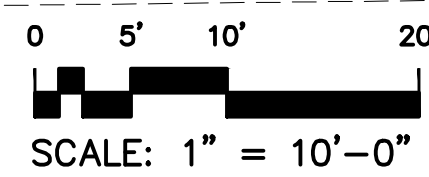
**SITE DEVELOPMENT PLAN**

1" = 10'-0"

LOT SIZE = 5,000 SQ. FT.  
 MAX. LOT COVERAGE = 45% = 2,250 SQ. FT.  
 MAX. IMPERVIOUS = 55% = 2,750 SQ. FT.

LOT COVERAGE:  
 EXISTING HOUSE & GARAGE = 2,165.11 SQ. FT. = 43.30%  
 NEW HOUSE & GARAGE = 2,178.15 SQ. FT. = 43.56%

IMPERVIOUS:  
 EXISTING HOUSE, GARAGE & WALK = 2,202.97 SQ. FT. = 44.05%  
 NEW HOUSE, GARAGE & WALK = 2,216.01 SQ. FT. = 44.32%

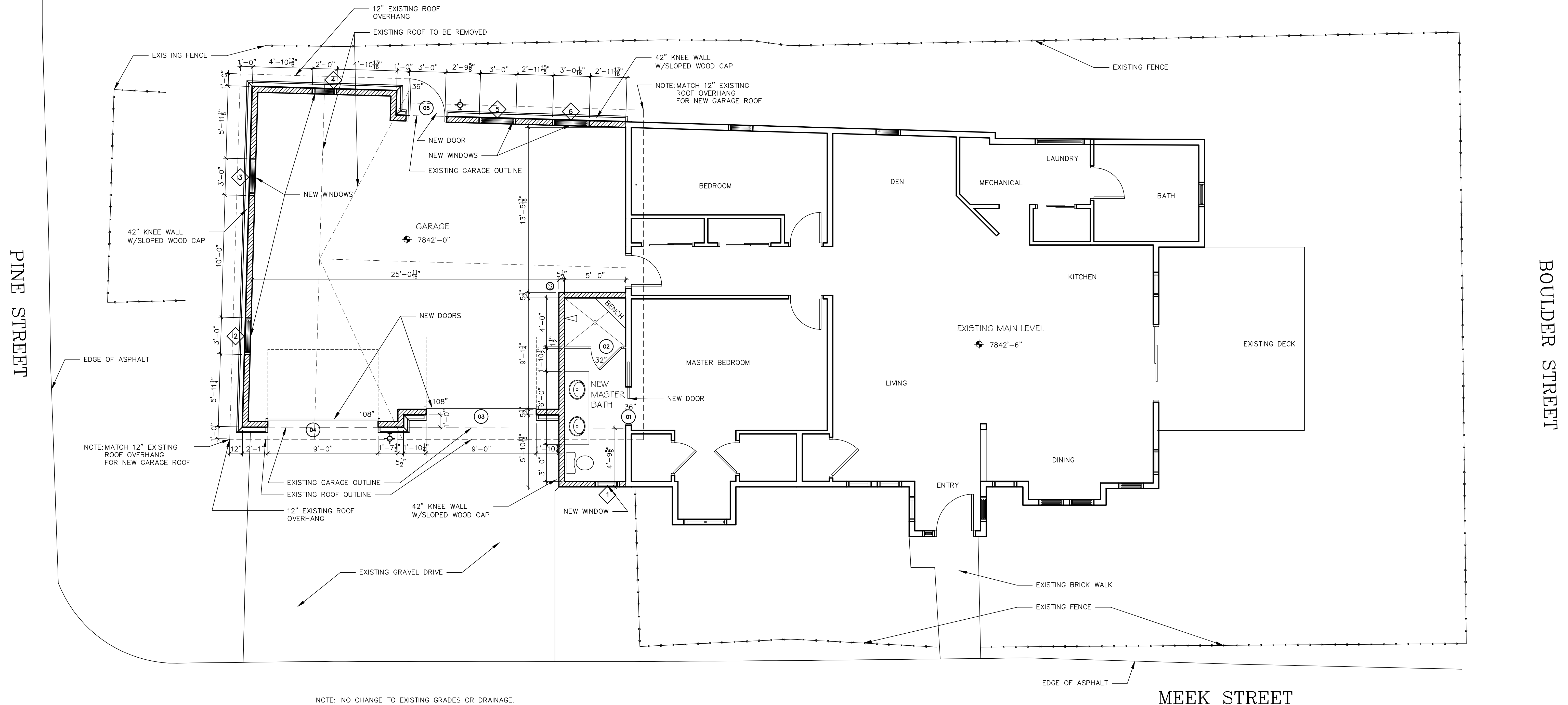


NOTE: NO CHANGE TO EXISTING GRADES OR DRAINAGE.  
 NEW GARAGE REMAINS AT EXISTING ELEVATION.

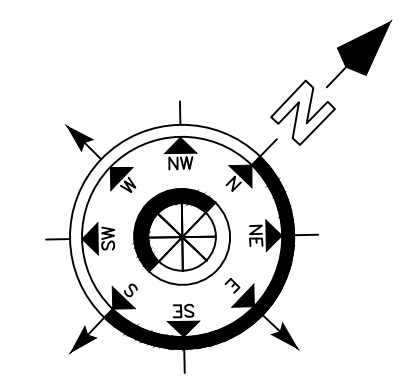
JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
DATE	DRB
REVISION DATE	INITIAL

DOOR SCHEDULE					
MARK	SIZE		Style	FIRE RATING LABEL	NOTES
	WD	HGT			
1	3'-0"	7'-0"	Pocket - Single	---	---
2	2'-6"	7'-0"	Hinged - Single - Full Lite	---	Glass shower door
3	9'-0"	8'-0"	Overhead - Sectional	---	---
4	9'-0"	8'-0"	Overhead - Sectional	---	---
5	3'-0"	7'-0"	Hinged - Single - Half Lite	---	---

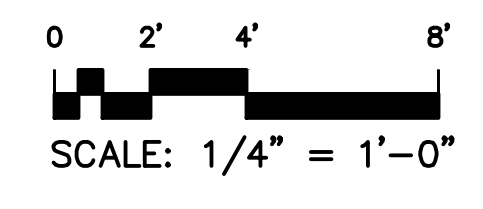
WINDOW SCHEDULE					
MARK	SIZE		Style	Sill Height	NOTES
	WIDTH	HEIGHT			
1	2'-0"	2'-6"	Double Hung	3'-6"	---
2	3'-0"	3'-6"	Double Hung	3'-6"	---
3	3'-0"	3'-6"	Double Hung	3'-6"	---
4	2'-0"	3'-6"	Double Hung	3'-6"	---
5	3'-0"	3'-6"	Double Hung	3'-6"	---
6	3'-0"	3'-6"	Double Hung	3'-6"	---



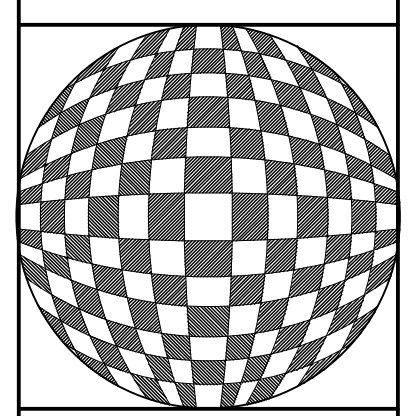
NOTE: NO CHANGE TO EXISTING GRADES OR DRAINAGE. NEW GARAGE REMAINS AT EXISTING ELEVATION.



**MAIN LEVEL FLOOR PLAN**  
1/4" = 1'-0"  
NEW ADDITION: BATH = 84.14 SQ. FT.  
[Hatched Box] = NEW WALLS



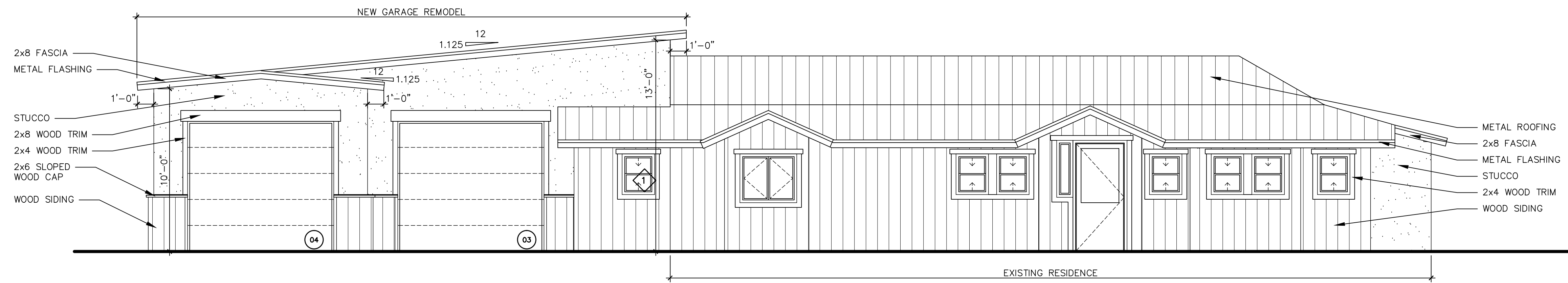
- EXTERIOR LIGHTING - VERIFY W/OWNER/ARCHITECT
- EXTERIOR WALL SCONCE: LEONLITE OUTDOOR WALL SCONCE #88978 O.A.E.
- SMOKE DETECTOR/CARBON MONOXIDE-SILHOUETTE LOW-PROFILE SMOKE ALARM O.A.E.



**WILSON GARAGE REMODEL**  
76 MEEK STREET  
MINTURN, COLORADO 81645

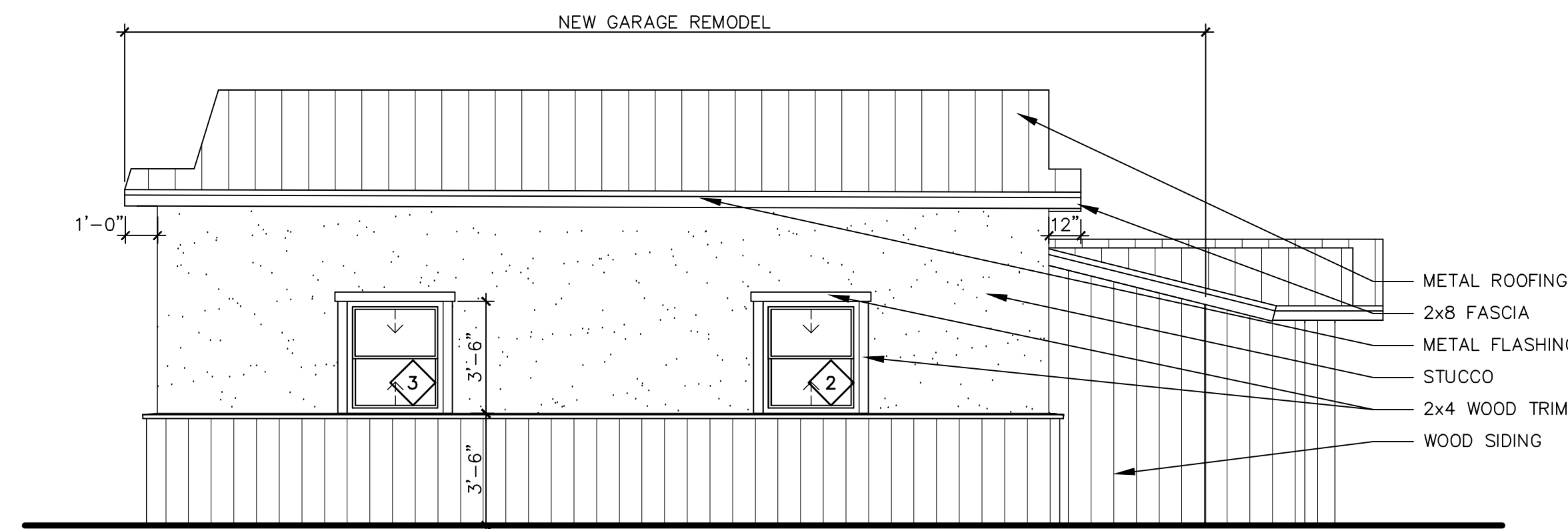
JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
ROLE	DRB
REVISION DATE	
INITIAL	





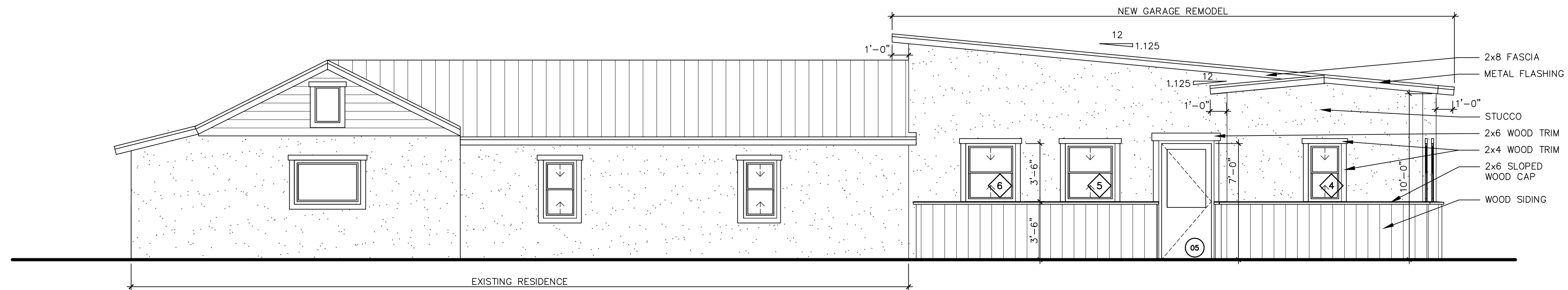
**1 SOUTH EAST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



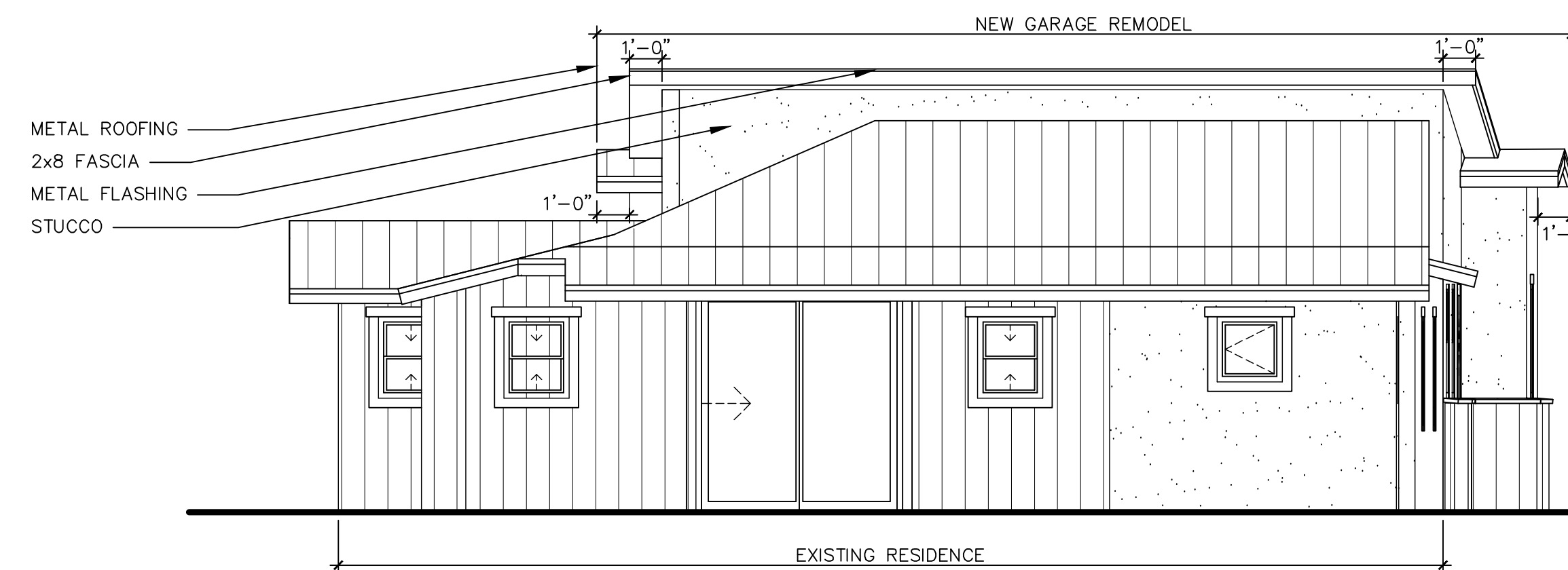
**2 SOUTH WEST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



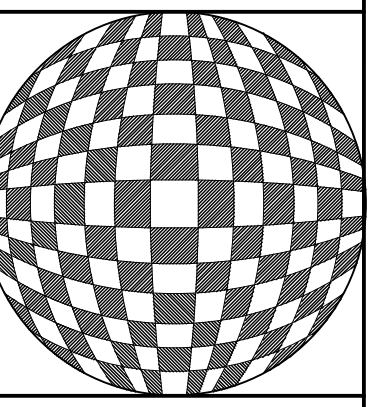
**3 NORTH WEST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



**4 NORTH EAST ELEVATION**  
 $1/4" = 1'-0"$

NOTE: MATCH EXISTING MATERIALS OF MAIN RESIDENCE:  
 SIDING, TRIM, ROOFING & OVERHANGS.



**WILSON GARAGE REMODEL**  
 76 MEEK STREET  
 MINTURN, COLORADO 81645

JOB NUMBER	21-3
DRAWN BY	TH
DATE	MARCH 1, 2022
SCALE	DRB
REVISION DATE	INITIAL



















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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Tom Priest  
Michael Boyd

## Design Review Board Hearing

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### Final Plan Review for New Home

### 386 Taylor Street

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<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	Single-Family Residence Final Plan Review
<b>Owner/Applicant:</b>	Nowhere in Minturn, LLC
<b>Representative:</b>	Michael Pukas, MPP Design Shop, Inc.
<b>Legal Description:</b>	Subdivision: DBC Subdivision Lot: 7A
<b>Address:</b>	386 Taylor Street
<b>Zoning:</b>	Game Creek Character Area – Residential Zone District
<b>Staff Member:</b>	Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

---

### Staff Report

#### I. Summary of Request:

The Applicants request Final Plan review of a new, four-bedroom, 3,205 square foot single-family residence located at 386 Taylor Street in the Game Creek Residential Zone District. Although the DRB has not reviewed any conceptual plans, the Applicant’s representative, Michael Pukas, has been proactive in meeting with Town staff prior to submitting plans for a new home and has provided a relatively complete and thorough set of site, landscaping, and architectural plans allowing staff to conduct a final plan level review of the project.

#### **Proposed Plans**

The plans show a three-level structure with a max height measured to the midpoint of the roof of 27.8125 feet above proposed grade on the east side of the lot and a max height of 27.66 feet on the west side of the lot, as the lot steps up and the house follows the slope of the lot. The height of the proposed structure appears to be within the maximum 28-foot allowable within the Game Creek Residential Zone District.

Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – Design Guidelines and Standards.

Parking is adequate, with four off-street spaces provided (two in the garage and two surface spaces in front of the garage).

According to staff’s analysis of development standards and dimensional limitations in Section III below, the project appears to meet the Town’s standards.

Staff believes that the Applicants and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the Final Plans.

Staff is **recommending approval**, with conditions.

## **II. Summary of Process and Code Requirements:**

This is a final plan-level of review for a new single-family residential structure on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

If the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve or approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions to the plans.

No variances are required or requested at this time.

### **Design Review Process**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*

(2) *Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. The proposal's adherence to the Town's zoning regulations.*
- b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
- c. The proposal's adherence to the Design Standards.*

(3) *Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. That the proposal is in conformance with the Town zoning regulations.*
- b. That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. That the proposal complies with the Design Standards.*

Staff suggests that the final plans for 386 Taylor Street meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ or subparagraph 3 – *Necessary findings*.

### **III. Zoning Analysis:**

#### **Zoning**

The subject property is located within the “Game Creek Character Area” Residential Zone District, described as follows:

- (a) The Taylor Avenue neighborhood is characterized by a traditional lot-and-block layout with **single-family residences**. The residences are typically one (1) and two (2) stories, without buildings and good views to the west. The existing residential neighborhood overlooks the rail yard or the Game Creek PUD Holding Zone.*
- (b) **The purpose of this area is to provide for continued residential use and redevelopment that preserve the small town residential character and scale of the neighborhood. An objective is to retain the residential areas as a quiet and safe neighborhood while allowing for accessory apartments and limited home-based occupation to encourage permanent residency.***

*- Town of Minturn Town Code Section 16-12-20*

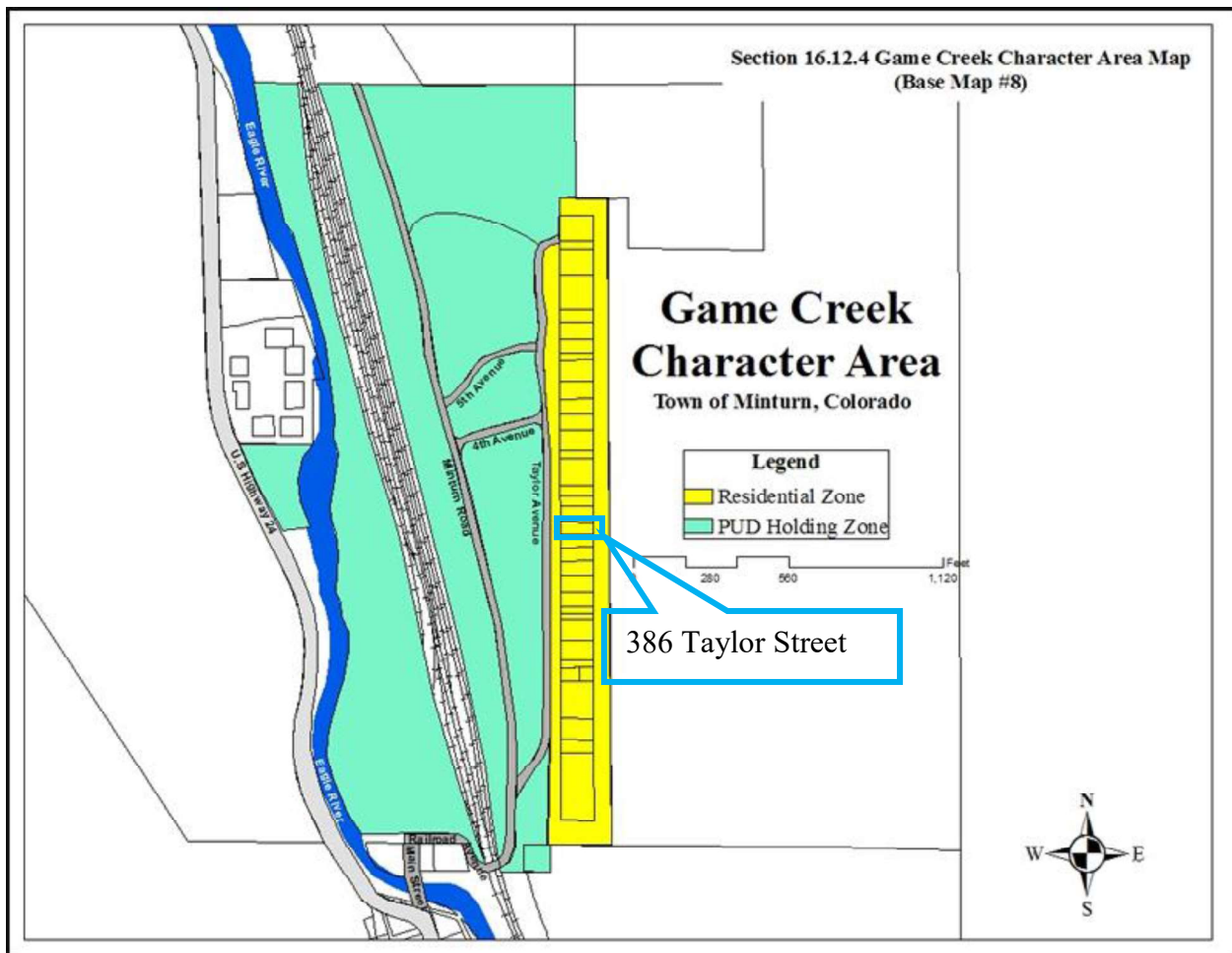


Figure 1: Game Creek Character Area Zoning Map

### Dimensional Limitations and Development Standards

The following table summarizes the lot, development and dimensional standards and limitations applicable to the subject property pursuant to Sections 16-2-40. - *General lot requirements and dimensional standards* and 16-16-20 – *Parking Required for Residential and Lodging Uses*.

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,922 sq. ft. (.175 ac.)
Maximum Building Height:	28 feet	27.8125 feet
Minimum Front Setback:	20 feet	20 feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10+ feet
Maximum Lot Coverage:	40% (2,369 sq. ft.)	1,615 sq. ft. (27.27%) Proposed
Maximum Impervious Coverage:	50% (2,961 sq. ft.)	2,256 sq. ft. (38.10%) Proposed
Minimum Snow Storage Area:	5% of Driveway (674 sq. ft. x .05 = 33.7 sq. ft.)	223 sq. ft.



Parking:	3 spaces	4 spaces

**Note:** the above calculations are based on the following:

$$\text{Lot 7A} = .175 \text{ acres} \times 43,560 \text{ sq. ft./acre} = 5,922 \text{ sq. ft.}$$

$$674 \text{ sq. ft. parking area} \times .05\% = \underline{33.7} \text{ sq. ft. (Required Snow Storage)}$$

**IV. Applicable Standards and Design Guideline Criteria:**

**Design**

In addition to the development standards listed above, the following general design principles are provided for reference.

**Final Site, Grading and Drainage Design**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings – to street frontages and neighboring properties – is considered.

The proposed design maintains the structure within required setbacks, thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading and drainage details generally demonstrate that proper (positive) grading will be directed in swales away from the structure; that drainage is handled on the subject property.

**Mass and Form**

The following excerpt from the Design Guidelines is applicable to the proposed home design:

*“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.”*

*-Town of Minturn Design Guidelines*

**Staff Response:**

Staff believes that the design and scale of the proposed structure incorporates a simple central form with additive features and is complimentary to adjacent single-family residential structures and character on nearby parcels. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and built environments. Proposed roof



forms and pitches, materials and textures are compatible and complimentary to the surrounding built and natural environments. While the roof eave does encroach into the front and side setbacks at certain points, Sec. 16-2-50(k) allows the roof eave up to eighteen (18) inches into these setbacks.

**V. Issues and Areas of Non-Conformance:**

**Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

**Exterior Light Fixtures**

The plans should be updated to show exterior light locations. Light fixtures and lighting solutions are to be dark sky compliant.

Staff referred this final plan to the Town Engineer (Inter-Mountain Engineering) for comments, but has not received comments. These will be included in the public record at the hearing, and any comments will need to be addressed prior to or concurrent with the building permit process.

**VI. Staff Recommendation and Suggested Conditions:**

Staff suggests that the Final Plans for 386 Taylor Street **comply** with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

In the event the Planning Commission, acting as the Town of Minturn Design Review Board, recommends approval of the Final Plans, staff respectfully suggests the following conditions of approval.

1. The Applicant shall work with the Town to address comments, if any, that the Town Engineer provides.
2. The Applicant shall revise the site and/or floor plans and elevation drawings to show all proposed exterior lighting fixture locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town’s lighting standards.

May 6, 2022

Madison Harris  
Town of Minturn Planner  
PO Box 309  
Minturn, CO 81645

Re: Lot 7A DBC Subdivision, Minturn, CO.  
386 Taylor  
Review of DRB submittal

Project No. 22-0001

Dear Madison:

We reviewed the DRB submittal for 386 Taylor and offer the following:

Survey:

1. The submittal included an Improvement Location Certificate (ILC) prepared by Marcin Engineering dated 12-21-21.
2. The ILC shows a “red plastic cap” located 2.18’ from the south east property corner. The ILC also indicates the encroachment of a propane tank along the south property line and a fence along the north property line. These indicate boundary issues, and we recommend a Boundary Survey be prepared and submitted to the Town for review prior to the issuance of a Building Permit.
3. The map includes topographical information: however, contour lines stop at the north property line. There is a substantial change in elevation along this property line and the topography needs to be extended to the north to complete the grading design.

Architectural Plans:

1. No specific grading plan has been provided; however, proposed grading is indicated on the Site & Landscape Plans (Sheet AS101).
  - a. There is a significant difference in elevation between this property and adjoining properties to the north and south. The grading plan must extend into the adjoining properties to show the transition in grading.
  - b. Proposed contour lines indicate swales along each side of the house to promote drainage away from the house; however, the proposed contours behind the house indicate surface water will be directed towards the rear wall and need to be revised.
  - c. The hillside behind Taylor Street is wet. Both underground and surface flows have been observed, particularly in the spring. The culvert in the easement along the north property line was likely used to direct these flows around the original structure. The applicant should create a path for surface water from the hill side around the proposed home. The culvert may assist in controlling drainage.

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

**970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)**

May 6, 2022

Madison Harris

Re: Lot 7A DBC Subdivision, Minturn, CO.  
386 Taylor  
Review of DRB submittal

Project No. 22-0001

- d. A site-specific drainage & grading plan needs to be included in the permit set of drawings.
2. Elevation & Section Drawings (Sheets A201, A202, A301, A302, A304 and A305) all indicate slopes which will direct surface water towards the structure and need to be revised.
3. An erosion control plan needs to be included in the permit set of drawings.
4. A demolition plan needs to be submitted to demonstrate the safe removal of the existing retaining wall. Please refer to specifics in our "Retaining wall demolition" letter dated May 5, 2022.

Please feel free to contact us if you have additional questions.

Respectfully,  
Inter-Mountain Engineering (Town Engineer)



Jeffery M. Spanel PE

CC: Michelle Metteer, Scot Hunn, Michael Sawyer



# 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:**

Major Residence

**Project Location**

Street Address: 386 Taylor Street

Zoning: **Residential**

Parcel Number(s): **2103-262-22-002**

**Application Request:**

A single family residence with three levels consisting of a 2-car garage, 4 bedrooms, 3 1/2 baths, a great room with kitchen, living and dining, a small game room, a small office, and a second level covered deck on the west side of the building.

**Applicant:**

Name: Michael Pukas, mpp design shop, inc.

Mailing Address: PO Box 288, Gypsum, CO 81637

Phone: (970) 390-4931

Email: michael@mppdesignshop.com

**Property Owner:**

Name: **Nowhere in Minturn, LLC.**

Mailing Address: 7404 Bitterroot Place, Sioux Falls, SD 57108-1554

Phone: (970) 632-8415

Email: mikeymajor@gmail.com

**Required Information:**

Lot Size: 0.175 acres/5,922 SF	Type of Residence (Single Family, ADU, Duplex) <b>Single Family</b>	# of Bedrooms 4	# On-site Parking Spaces 4
# of Stories: 3	Snow storage sq ft: 223 SF	Building Footprint sq ft: <b>1,507 SF</b>	Total sq ft Impervious Surface: <b>2,148 SF</b>

**Signature:**



**Michael Pukas**

**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

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
[michael@mppdesignshop.com](mailto:michael@mppdesignshop.com)

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April 25, 2022

Town of Minturn  
**Attention: Planning Department**  
302 Pine Street  
P.O. Box 309  
Minturn, CO 81645  
Tel: (970) 827-5645  
Fax: (970) 827-5545  
e-mail: [planner@minturn.org](mailto:planner@minturn.org)

Regarding: Major Residence

Location: 386 Taylor Street  
Minturn, CO 81645  
Parcel Number: 2103-262-22-002  
DBC Subdivision, Lot 7A

This application is for Design Review approval of a new single family residence, located at the above described address, with three levels consisting of a 2-car garage, 4 bedrooms, 3 1/2 baths, a great room with kitchen, living and dining, a small game room, a small office, and a second level covered deck on the west side of the building. There will be four parking spaces total with (2) covered in the garage and (2) uncovered on the driveway in front of the garage.

The structure will have a poured-in-place concrete foundation, and wood framed floors, walls, and roofs. The exterior finishes of the building will consist of rusted corrugated metal siding at the wall base, vertical wood siding, asphalt shingle roofing, and black composite windows and exterior doors. There will be one bedroom suite below grade with an egress window in a window well, 2 bedrooms on the middle level, and the master bedroom suite on the upper level.

The lot is an up-hill lot with an existing wood retaining wall approximately 6' tall and wood steps, both of which will be removed. Finished site grading will match grade at the adjacent north and south properties as closely as is possible. The lot slopes from Taylor Street on the west side to uphill on the east side towards Lion's Head Rock. The lower level has the garage at street level on the west side and is below grade on the east side. The middle level is at grade level on the east side. The upper level is one floor above grade.

There is an existing sub-grade drainage pipe on the north side of the property with an inlet on the uphill side at the east side of the lot and daylights in the west face of the existing retaining wall. The drainage pipe will be replaced as necessary with the new site grading, and daylight near the street. Engineering for the drainage pipe and site grading will be provided by a licensed civil engineer at building permit submission.



**LETTER**

**mpp design shop**

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michael@mppdesignshop.com

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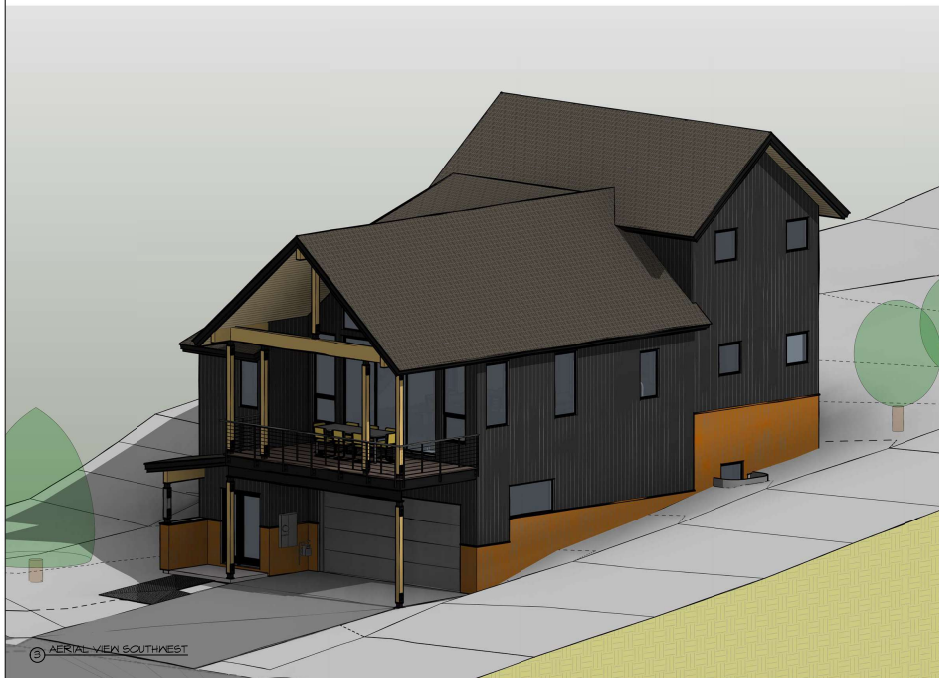
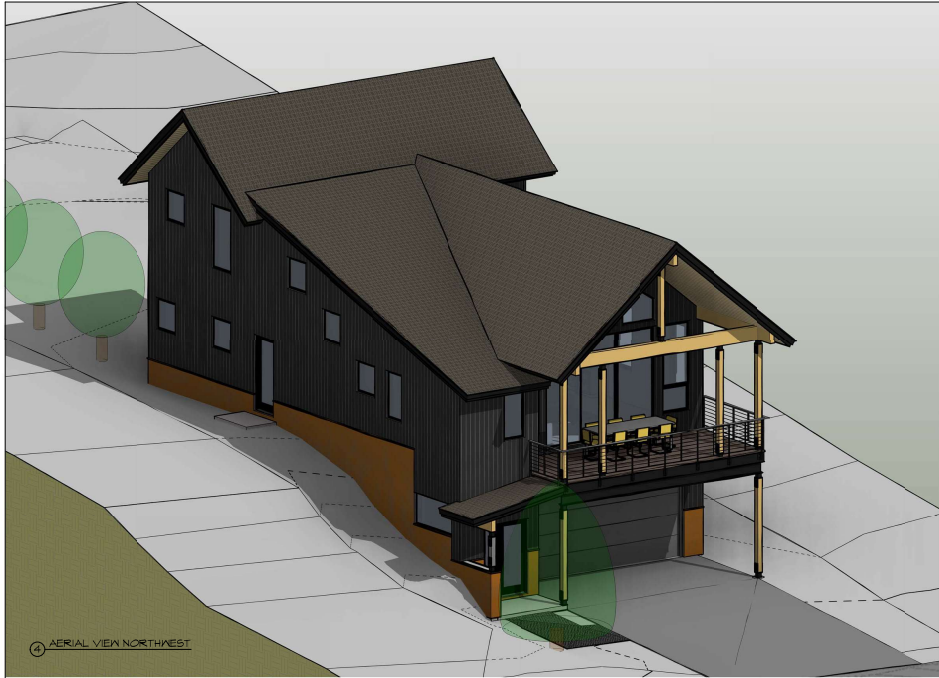
Thank you for your consideration.

**SIGNED:** Michael Pukas

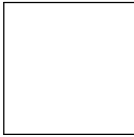
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mpp design shop, inc.



PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mppdesignshop.com

Nowhere Residence

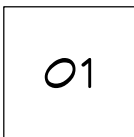
Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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#	Description	Date
1	Final Submission	03/21/23

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

AERIAL VIEWS





2 PERSPECTIVE NORTHWEST

2 PERSPECTIVE NORTHEAST

3 PERSPECTIVE SOUTHWEST

1 PERSPECTIVE SOUTHEAST

mpp design shop, inc.

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mppdesignshop.com

Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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#	Description	Date
1	Final Submission	02-07-23

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

PERSPECTIVE VIEWS

02

# IMPROVEMENT LOCATION CERTIFICATE

## LOT 7A

### DBC SUBDIVISION

County of Eagle, State of Colorado

**DESCRIPTION:**

Lot 7A, DBC Subdivision, recorded on July 19, 2006 at Reception No. 200619333 at the Office of the Clerk and Recorder, County of Eagle, State of Colorado.

**SURVEYOR'S CERTIFICATION:**

I, Thomas S. Marcin, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Improvement Location Certificate was prepared for David Clapp and that this is NOT a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvements lines. This certificate is valid only for use by David Clapp and describes the parcels appearance on December 13, 2021.

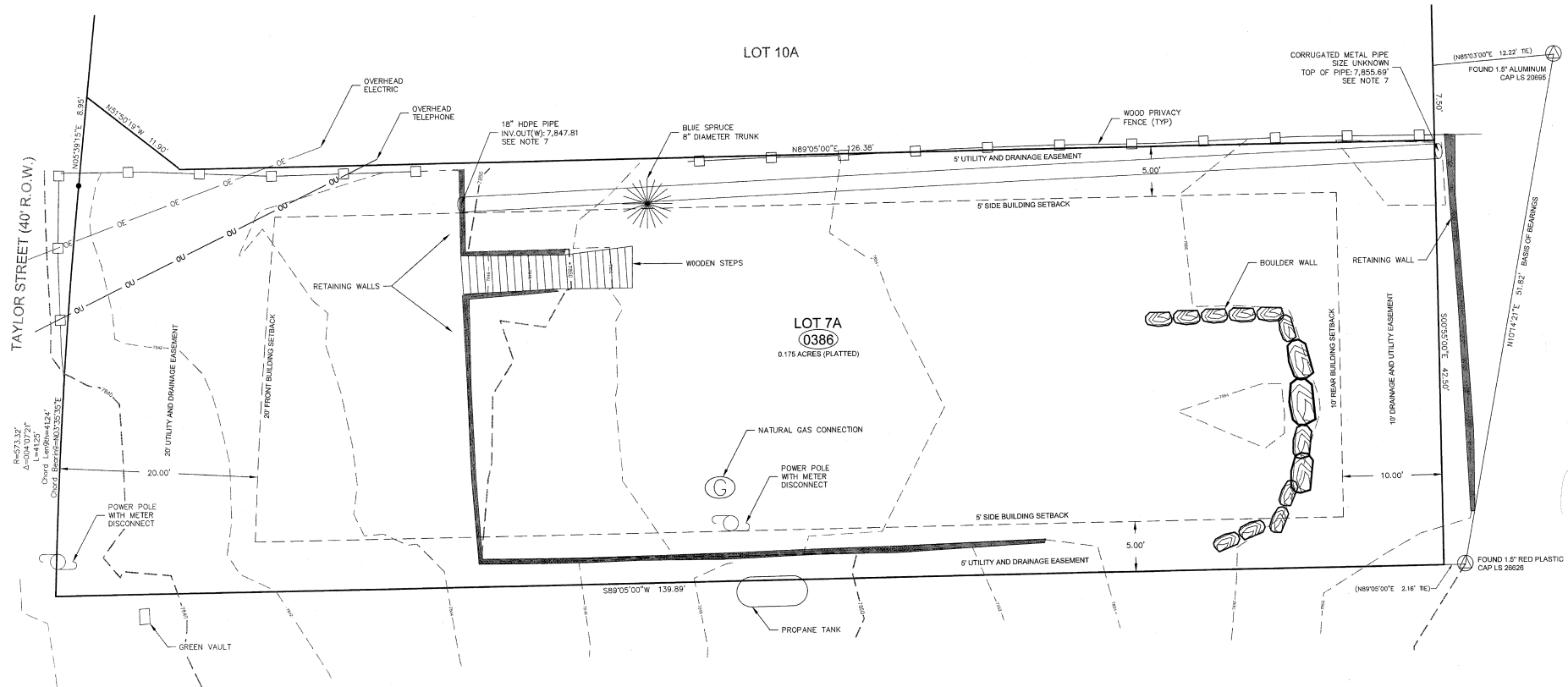
I further certify that the improvements on the above described parcel on this date, December 13, 2021, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no APPARENT evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Thomas S. Marcin, PLS 37999  
Colorado Professional  
Land Surveyor



**NOTES:**

- 1) DATE OF SURVEY: December 13, 2021.
- 2) STREET ADDRESS: 366 Taylor Street (not posted).
- 3) Location of improvements, lot lines, and easements are based upon the above-referenced plat and Survey Monuments found at the time of this survey as shown hereon. This Survey does not constitute a boundary survey nor any investigation into record easements or encumbrances associated with this property.
- 4) Setbacks are based upon the above referenced plat. This Lot may be subject to additional setback requirements.
- 5) This is not a monumented survey, Land Survey Plat, or Improvement Survey Plat. No boundary resolution was performed in making this survey. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.
- 6) This survey was performed without the aid of a title commitment.
- 7) Storm pipes were observed as depicted, including the difference in material type, however field observation indicates they are connected. No visible invert on CMP.



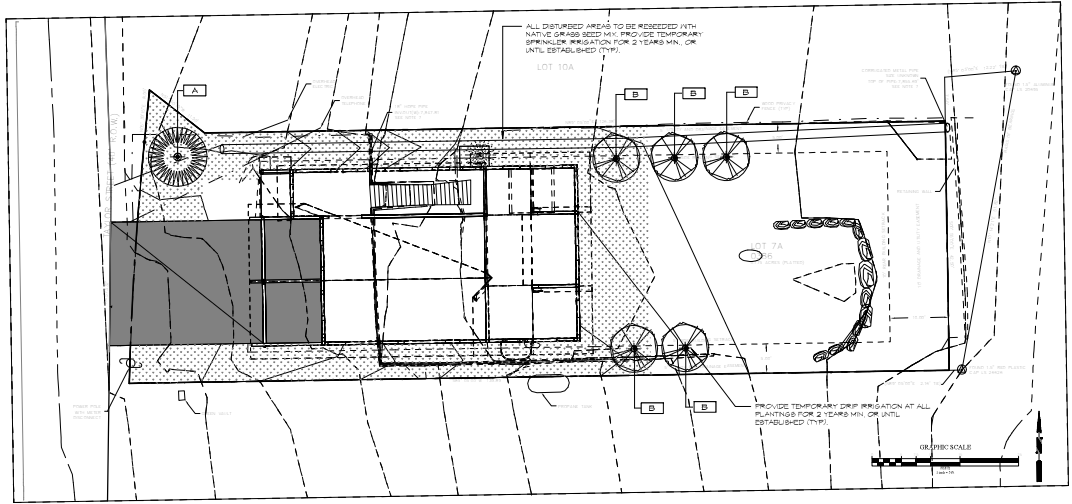
R-6-51.37  
 A=100.0327  
 L=41.257  
 Chord Length=412.47  
 Chord Bearing=N03°53'32"E

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered 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.

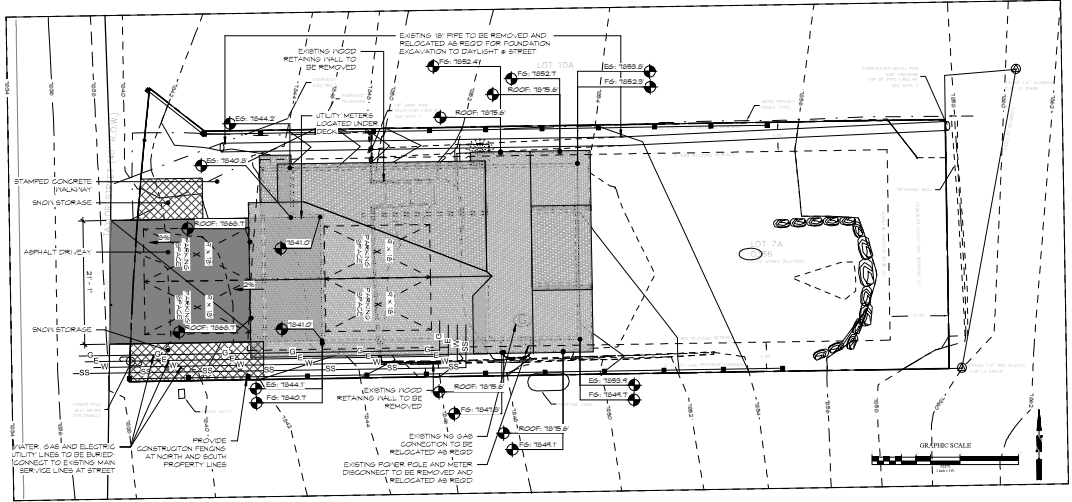


IMPROVEMENT LOCATION CERTIFICATE <b>LOT 7A</b> DBC SUBDIVISION County of Eagle, State of Colorado		 <b>MARCIN ENGINEERING LLC</b>  P.O. BOX 1062 AVON, CO 81620 (970) 748-0274 (970) 748-9021 FAX
DRAWN BY: PST	DATE: 12/21/2021	
CHECKED BY: TSM	DRAWING NO.: 21183	
JOB NO.: 21183	SHEET: 1 OF 1	

Planting Schedule		
Type	Count	Type
A	1	Colorado blue spruce/Picea pungens 'Sage'*
B	8	Quaking aspen/Populus tremuloides



2 LANDSCAPE PLAN  
1" = 10'-0"



1 SITE PLAN  
1" = 10'-0"

mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mppdesignshop.com

Nowhere Residence  
Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Monte Vista, CO 81455

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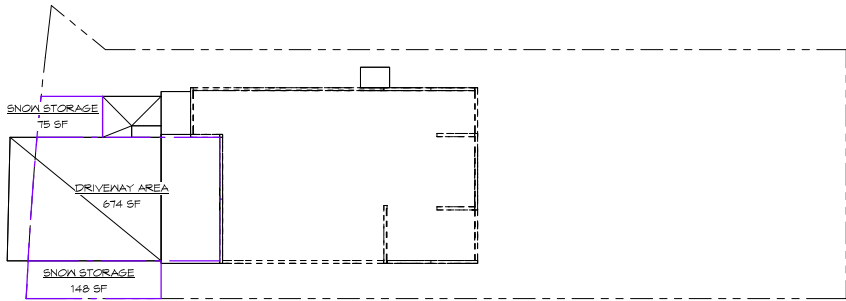
#	Description	Date
1	DESIGN DEVELOPMENT	02/21/22

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

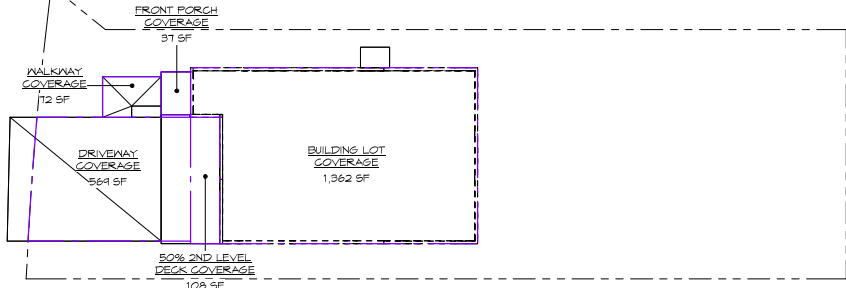
SITE & LANDSCAPE PLANS

AS101

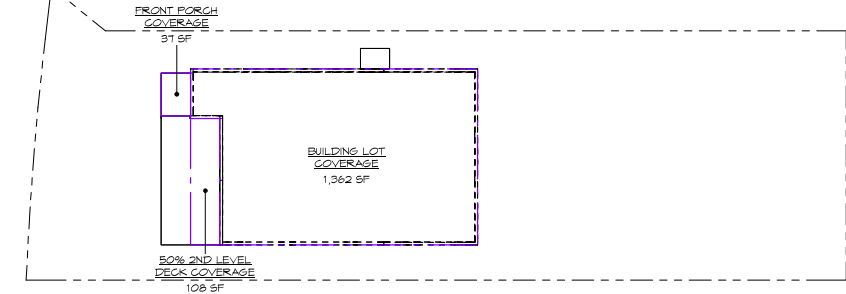




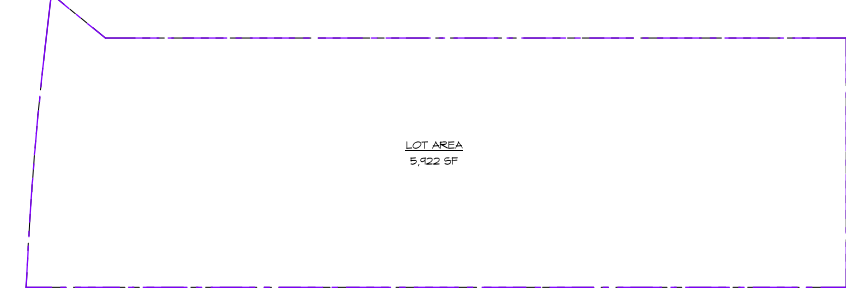
① DRIVENWAY AREA  
1" = 10'-0"



② IMPERVIOUS SURFACE COVERAGE  
1" = 10'-0"



③ BUILDING LOT COVERAGE  
1" = 10'-0"



④ LOT AREA  
1" = 10'-0"

LOT AREA & ALLOWABLE COVERAGE		
LOT AREA	BUILDING LOT COVERAGE @ 42%	IMPERVIOUS SURFACE COVERAGE @ 80%
5,922 SF	2,364 SF	2,961 SF

BUILDING LOT COVERAGE	
BUILDING LOT COVERAGE	1,362 SF
80% 2ND LEVEL DECK COVERAGE	108 SF
FRONT PORCH COVERAGE	31 SF
	1,501 SF

IMPERVIOUS SURFACE COVERAGE	
BUILDING LOT COVERAGE	1,362 SF
80% 2ND LEVEL DECK COVERAGE	108 SF
FRONT PORCH COVERAGE	31 SF
WALKWAY COVERAGE	12 SF
DRIVENWAY COVERAGE	674 SF
	2,140 SF

LIVEABLE FLOOR AREA	
LEVEL 1 AREA	748 SF
LEVEL 2 AREA	1,362 SF
LEVEL 3 AREA	480 SF
	2,590 SF

GARAGE AREA	
GARAGE AREA	615 SF
	615 SF

TOTAL BUILDING AREA	
GARAGE AREA	615 SF
LEVEL 1 AREA	748 SF
LEVEL 2 AREA	1,362 SF
LEVEL 3 AREA	480 SF
TOTAL BUILDING AREA	3,205 SF

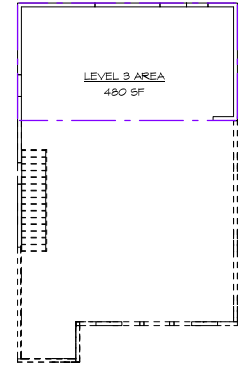
DECK AREA	
DECK	217 SF
	217 SF

**SITE AND BUILDING ANALYSIS**

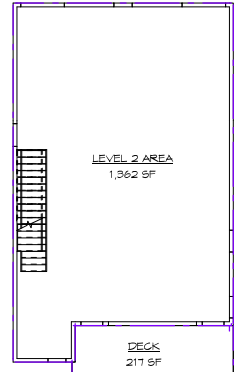
LOT SIZE: 0.175 ACRES / 5,922 SF  
 DRIVENWAY AREA: 674 SF  
 SNOW STORAGE REQUIRED: 34 SF  
 @ 5%: 229 SF  
 SNOW STORAGE PROPOSED: 229 SF  
 TOTAL BEDROOMS PROPOSED: 4  
 PARKING SPACES REQUIRED: 3  
 4 (2 ENCLOSED, 2 SURFACE)

DRIVENWAY AREA	
DRIVENWAY AREA	674 SF
	674 SF

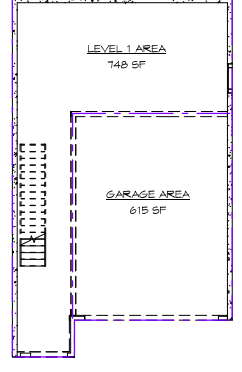
SNOW STORAGE AREA	
SNOW STORAGE	75 SF
SNOW STORAGE	148 SF
	223 SF



③ LEVEL 3 AREA PLAN  
1/8" = 1'-0"



② LEVEL 2 AREA PLAN  
1/8" = 1'-0"



① LEVEL 1 AREA PLAN  
1/8" = 1'-0"

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 michaell@mppdesignshop.com

Nowhere Residence  
 Parcel Number: 2103-262-22-002  
 Lot 7A, DBC Subdivision  
 386 Taylor Street  
 Minturn, CO 81645

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#	Description	Date
1	Final Design	02/22/23

Project Number: 2203  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

LOT & BUILDING ANALYSIS, AREAS, SCHEDULES

A001

EXTERIOR DOOR SCHEDULE						
Mark	Type	Description	Width	Height	U-FACTOR	Comments
1A	A	ENTRY	3' - 0"	7' - 0"		
1A: 1						
1B	B	ENTRY SIDE-LITE	2' - 0"	7' - 0"		
1B: 1						
1C	E	OVERHEAD GARAGE	18' - 0"	8' - 0"		
1C: 1						
2A	C	SLIDING PATIO DOOR	12' - 0"	10' - 0"		
2A: 1						
2B	D	SWING PATIO DOOR	3' - 1 1/16"	7' - 2"		
2B: 1						

TOTAL EXTERIOR DOOR COUNT: 5

INTERIOR DOOR SCHEDULE						
Mark	Type	Width	Height	Operation	Description	Comments
101	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
102	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
103	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
104	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
105	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
106	7	4' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
107	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
201	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
202	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
203	3	2' - 6"	T - 0"	SWING	SOLID CORE, 2-PANEL	
204	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
205	6	5' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
206	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
207	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
208	6	5' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
209	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
210	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
301	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
302	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
303	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
304	5	2' - 2"	T - 0"	SWING	SOLID CORE, 2-PANEL	
305	5	2' - 2"	T - 0"	SWING	SOLID CORE, 2-PANEL	

Grand total: 22

INTERIOR DOOR SCHEDULE TOTALS						
Mark	Type	Width	Height	Operation	Description	Comments
101	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
102	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
103	1	3' - 0"	T - 0"	SWING	SOLID CORE, 2-PANEL	
3						
201	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
201	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
204	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
202	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
105	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
104	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
301	2	2' - 8"	T - 0"	SWING	SOLID CORE, 2-PANEL	
7						
203	3	2' - 6"	T - 0"	SWING	SOLID CORE, 2-PANEL	
1						
204	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
206	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
107	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
210	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
302	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
303	4	2' - 4"	T - 0"	SWING	SOLID CORE, 2-PANEL	
6						
304	5	2' - 2"	T - 0"	SWING	SOLID CORE, 2-PANEL	
305	5	2' - 2"	T - 0"	SWING	SOLID CORE, 2-PANEL	
2						
205	6	5' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
205	6	5' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
2						
106	7	4' - 11"	T - 0"	BY-PASS DOUBLE	SOLID CORE, 2-PANEL	
1						

Grand total: 22

WINDOW SCHEDULE							
Mark	Type	Description	Width	Height	Head Height	U-FACTOR	Comments
102	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	EGRESS
203	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	10' - 1 1/2"	<=0.3	
208	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	10' - 1 1/2"	<=0.3	
209	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	9' - 1 1/2"	<=0.3	
211	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	9' - 1 1/2"	<=0.3	
215	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	T - 8"	<=0.3	EGRESS
216	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	T - 8"	<=0.3	EGRESS
218	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	T - 8"	<=0.3	EGRESS
219	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	T - 8"	<=0.3	EGRESS
303	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	
304	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	EGRESS
305	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	EGRESS
306	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	EGRESS
312	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 1 1/2"	<=0.3	EGRESS
14							
201	2	CASEMENT	2' - 5 1/2"	4' - 5 1/2"	T - 7 1/2"	<=0.3	
212	2	CASEMENT	2' - 5 1/2"	4' - 5 1/2"	8' - 1 1/2"	<=0.3	
217	2	CASEMENT	2' - 5 1/2"	4' - 5 1/2"	T - 8"	<=0.3	
226	2	CASEMENT	2' - 5 1/2"	4' - 5 1/2"	8' - 1 1/2"	<=0.3	
4							
213	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	T - 8"	<=0.3	
214	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	T - 8"	<=0.3	
221	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	T - 8"	<=0.3	
222	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	T - 8"	<=0.3	
223	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	15' - 7 1/2"	<=0.3	
224	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	11' - 10 1/2"	<=0.3	
225	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	8' - 1 1/2"	<=0.3	
301	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	8' - 1 1/2"	<=0.3	
302	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	8' - 1 1/2"	<=0.3	
311	3	AWNING	2' - 11 1/2"	2' - 11 1/2"	8' - 1 1/2"	<=0.3	
10							
202	4	AWNING	2' - 11 1/2"	2' - 5 1/2"	4' - 2"	<=0.3	
207	4	AWNING	2' - 11 1/2"	2' - 5 1/2"	4' - 2"	<=0.3	
2							
307	5	DIRECT GLAZE	2' - 11 1/2"	3' - 5 1/2"	11' - 7"	<=0.3	
308	5	DIRECT GLAZE	2' - 11 1/2"	3' - 5 1/2"	11' - 7"	<=0.3	
309	5	DIRECT GLAZE	2' - 11 1/2"	3' - 5 1/2"	11' - 7"	<=0.3	
3							
101	6	DIRECT GLAZE	5' - 11 1/2"	2' - 11 1/2"	9' - 7 1/2"	<=0.3	
103	6	DIRECT GLAZE	5' - 11 1/2"	2' - 11 1/2"	9' - 1 1/2"	<=0.3	
2							
205	7	DIRECT GLAZE	3' - 5 1/2"	4' - 5 1/2"	15' - 3"	<=0.3	
1							
204	8	DIRECT GLAZE	3' - 8"	4' - 5 1/2"	5' - 1 65/128"	<=0.3	
206	8	DIRECT GLAZE	3' - 8"	4' - 5 1/2"	5' - 1 65/128"	<=0.3	
2							

TOTAL WINDOW COUNT: 30

**FENESTRATION NOTES**

1. IFC 903.1.3 U-FACTORS OF FENESTRATION PRODUCTS ARE DETERMINED IN ACCORDANCE WITH THE NFRC TEST PROCEDURE OR TAKEN FROM THE DEFAULT TABLE.
2. ALL EXTERIOR WINDOWS U-FACTOR TO BE <=0.3 U.O.N.
3. ALL EXTERIOR WINDOWS FRAMES TO BE: WOOD FRAME; ALUMINUM GLAD. U.O.N.
4. ALL EXTERIOR WINDOWS GLAZING TO BE: LOW-E, AIR FILLED INSULATED, U.O.N.

mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mpdesignshop.com

Nowhere Residence

Parcel Number: 2 03-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Montum, CO 81645

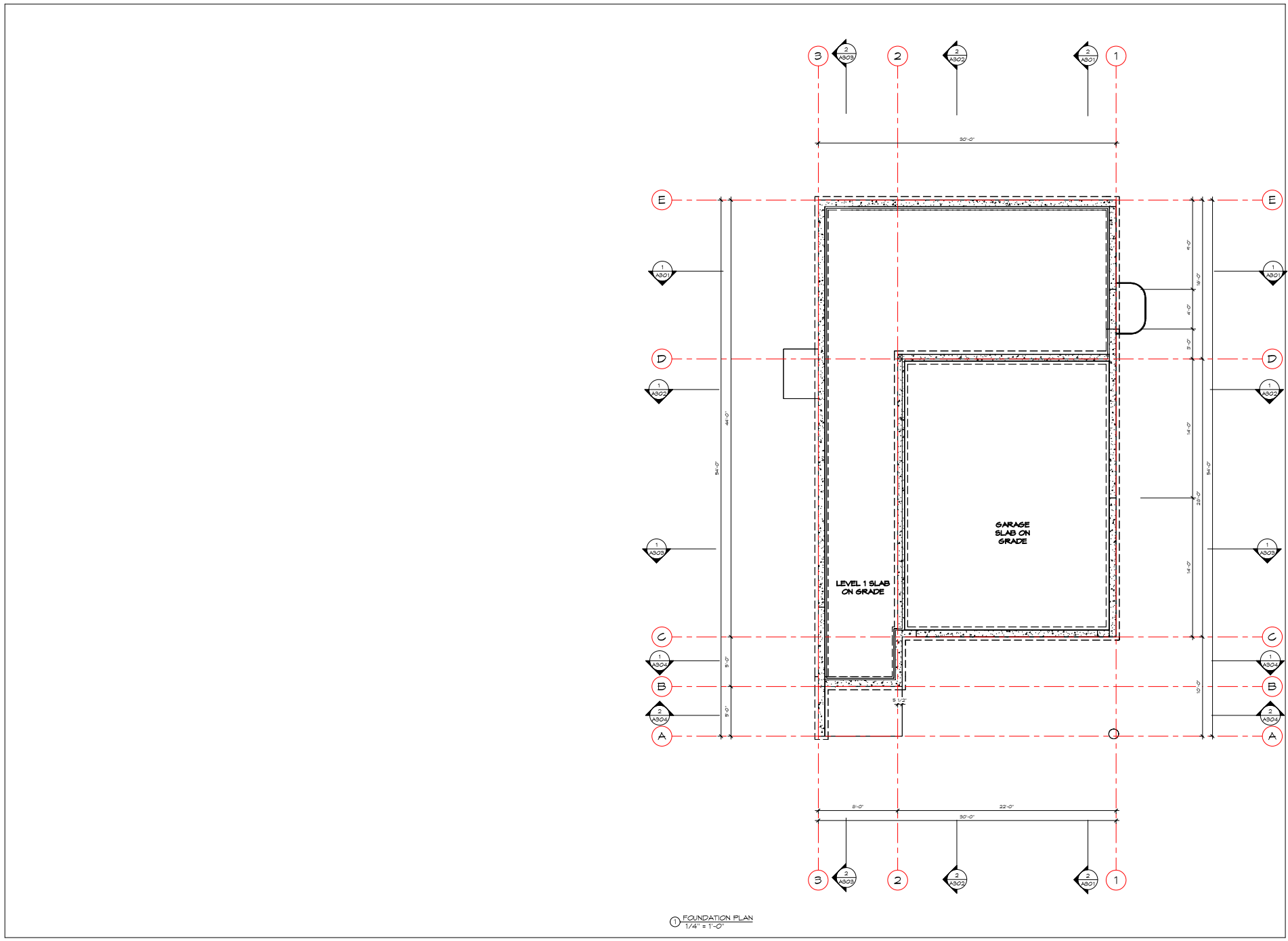
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#	Description	Date

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

WINDOW & DOOR SCHEDULES

A002



① FOUNDATION PLAN  
1/4" = 1'-0"

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 (970) 390-4931  
 michael@mpdesignshop.com

**Nowhere Residence**  
 Parcel Number: 2103-262-22-002  
 Lot 7A, DBC Subdivision  
 386 Taylor Street  
 Minturn, CO 81645

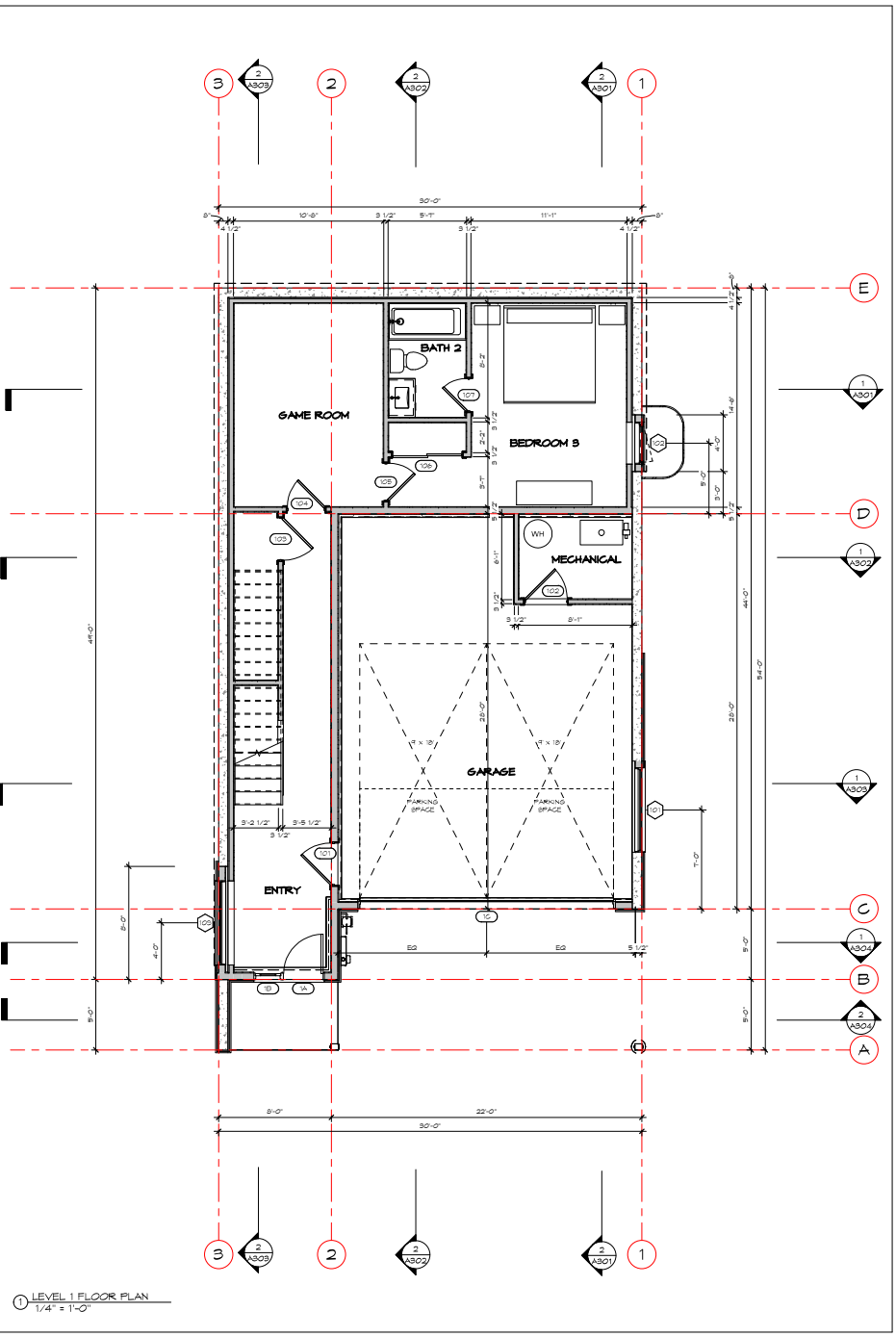
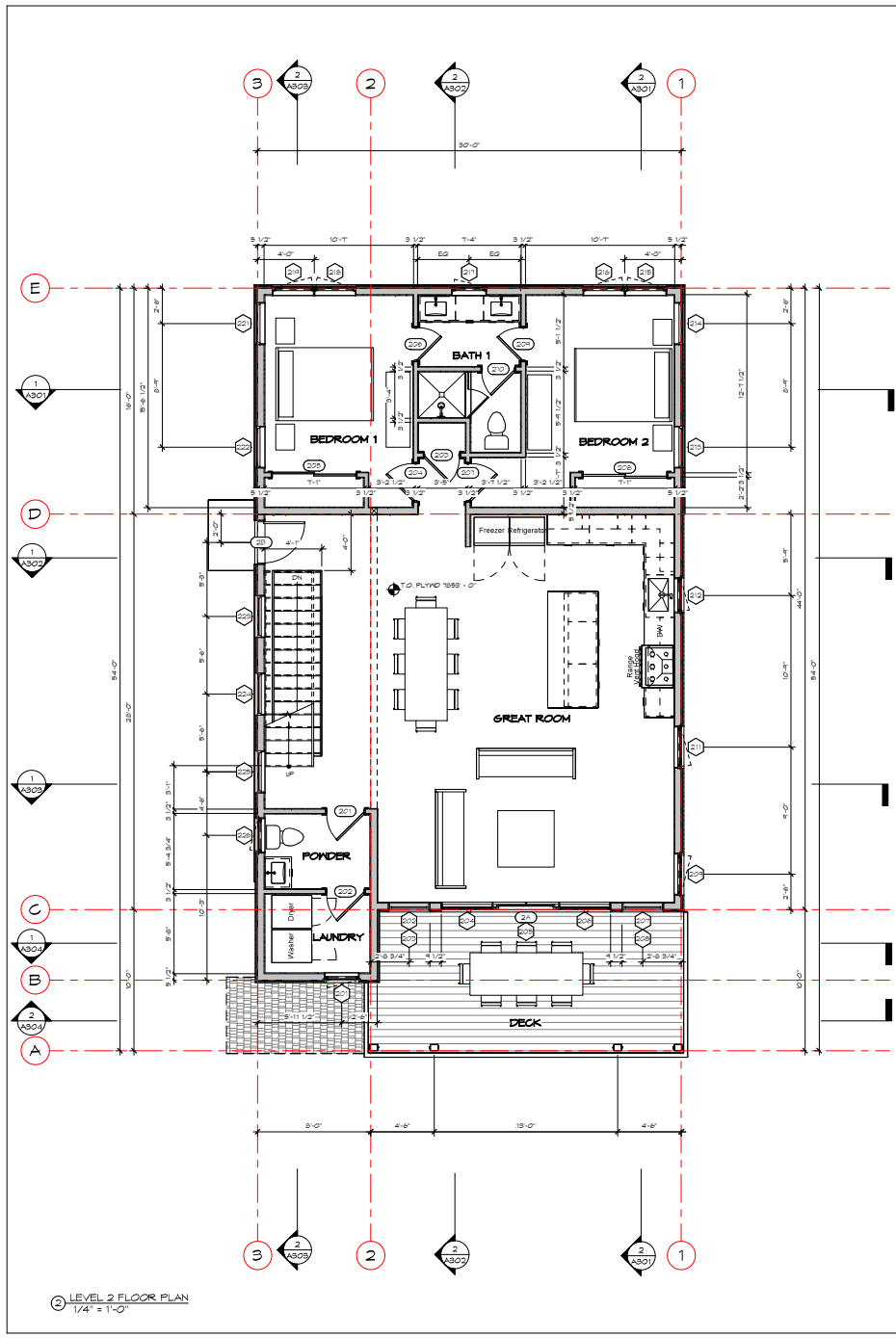
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#	Description	Date
1	FOUNDATION PLAN	2023-02-22

Project Number: 2209  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

FOUNDATION PLAN

A101



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michelle@mppdesignshop.com

**Nowhere Residence**  
Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

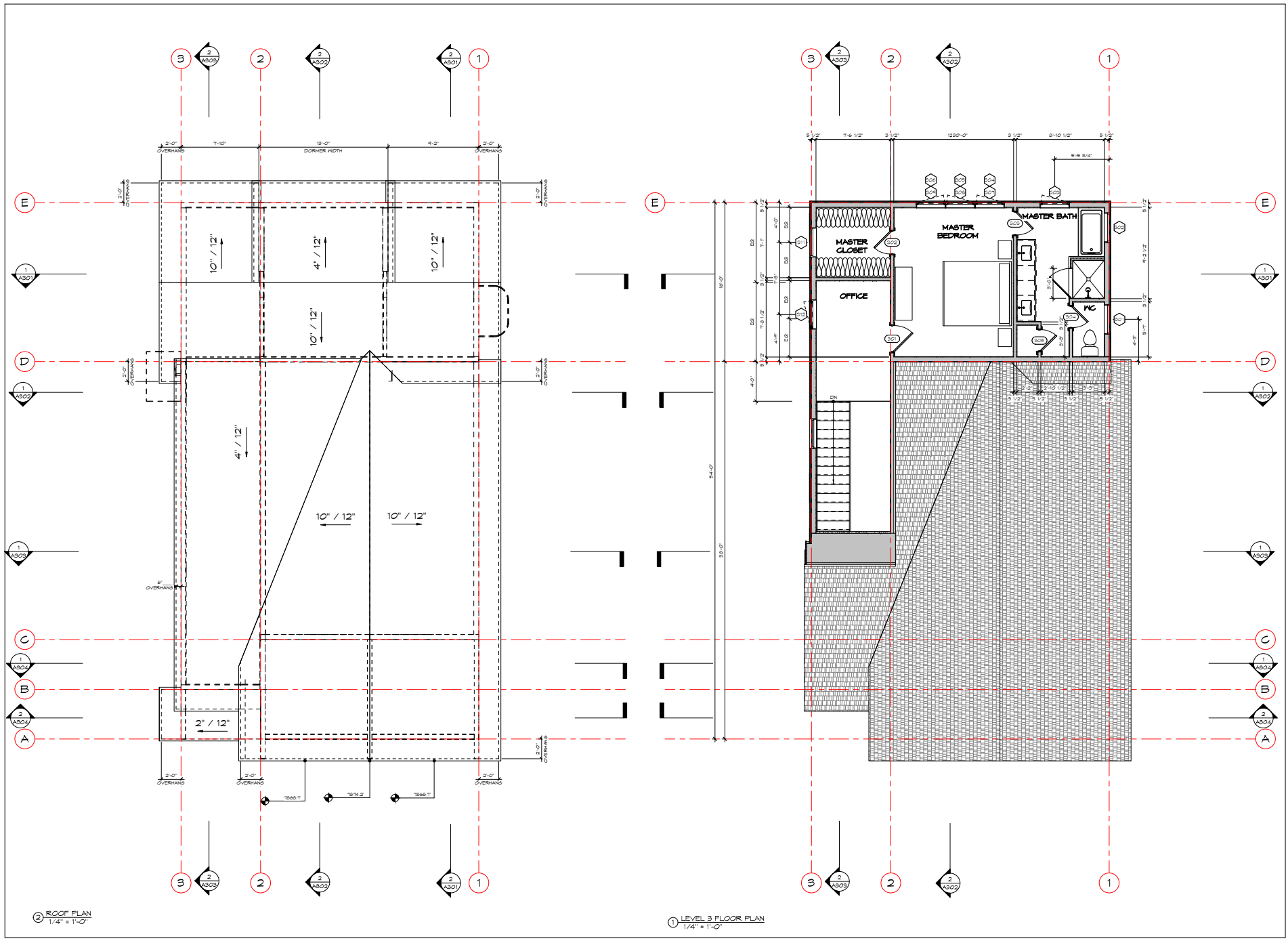
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#	Description	Date
1	Final Design	02/22/22
2		
3		
4		
5		
6		
7		
8		
9		
10		

Project Number: 22029  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

LEVELS 1 & 2 FLOOR PLANS

**A102**



2 ROOF PLAN  
1/4" = 1'-0"

1 LEVEL 3 FLOOR PLAN  
1/4" = 1'-0"

mpp design shop, inc.

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(970) 390-4931  
michell@mppdesignshop.com

Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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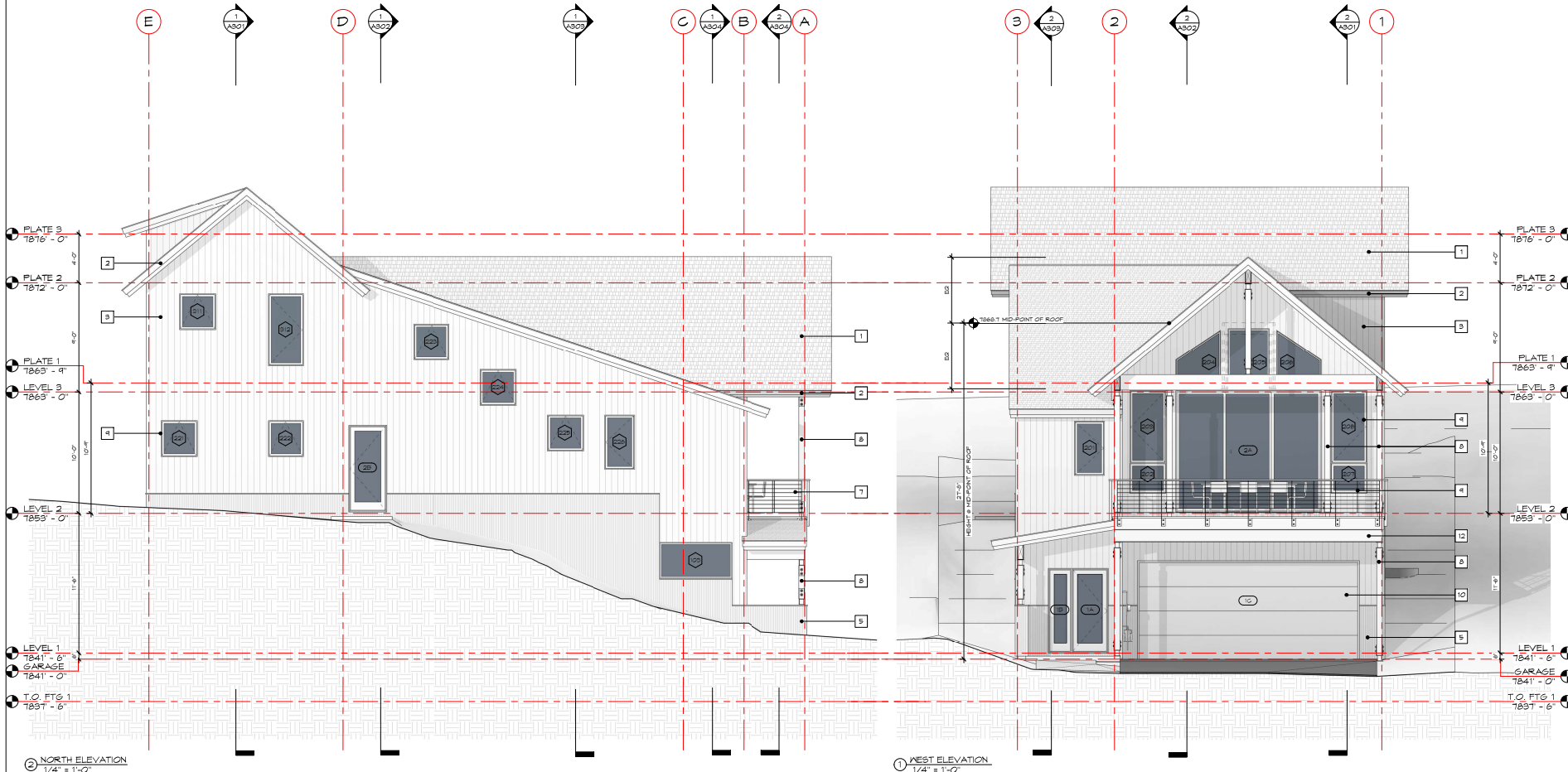
#	Description	Date
1	Rev: 01/01/2023	01/01/2023

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

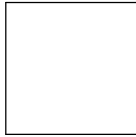
LEVEL 3 FLOOR &  
ROOF PLANS

A103

Key	Material	Manufacturer	Model	Color	Finish	Notes
1	ASPHALT SHINGLES			WEATHERED WOOD		
2	2X WOOD FASCIA			BLACK	SEMI-TRANSPARENT STAIN	LIFE-TIME WARRANTY
3	VERTICAL WOOD SIDING			DARK GREY	SEMI-TRANSPARENT STAIN	
4	SOFFIT			NATURAL CEDAR-TONE	SEMI-TRANSPARENT STAIN	
5	CORRUGATED COR-TEN SIDING			NATURAL RUST		
6	2X RD FASCIA			BLACK	SEMI-TRANSPARENT STAIN	
7	METAL RAILING W/ WOOD TOP RAIL			BLACK	POWDER COAT	
8	6X6 D.F. WOOD COLUMNS			NATURAL WOOD	SEMI-TRANSPARENT STAIN	
9	COMPOSITE FRAME WINDOWS & DOORS			BLACK	FACTORY PAINT	
10	INSULATED METAL GARAGE DOORS			BLACK	FACTORY PAINT	
11	WOOD DECKING			BROWN	STAIN	
12	STEEL BEAM			BLACK	PAINT	



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Nowhere Residence  
 Parcel Number: 2103-262-22-002  
 Lot 7A, DBC Subdivision  
 386 Taylor Street  
 Minturn, CO 81645

#	Description	Date

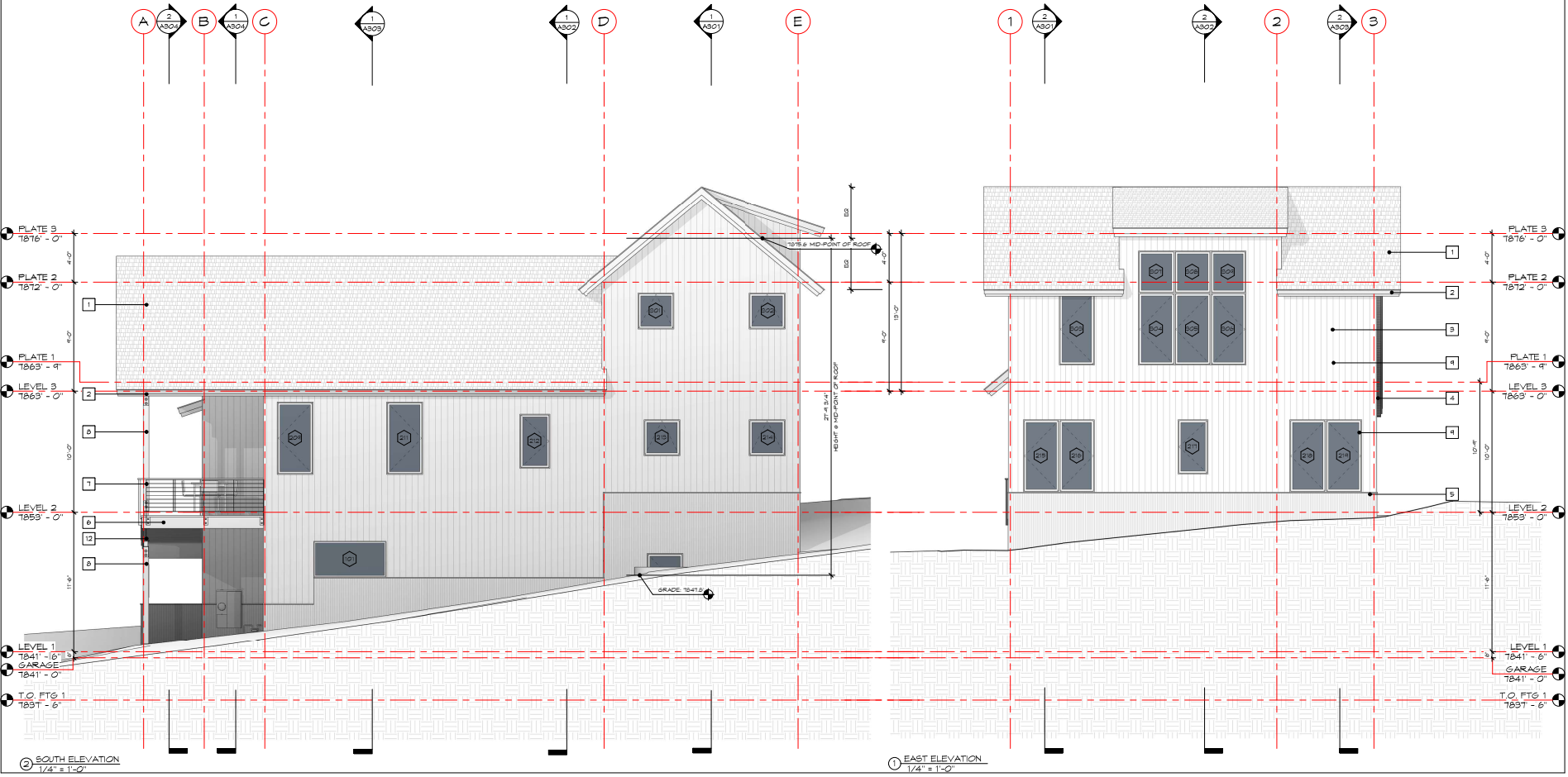
Project Number: 2209  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

WEST & NORTH ELEVATIONS

A201



EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	ASPHALT SHINGLES			WEATHERED WOOD		LIFE TIME WARRANTY
2	2x WOOD FASCIA			BLACK	SEMI-TRANSPARENT T STAIN	
3	VERTICAL WOOD SIDING			DARK GREY	SEMI-TRANSPARENT T STAIN	
4	SOFFIT			NATURAL CEDAR/TONE	SEMI-TRANSPARENT T STAIN	
5	CORRUGATED CORR-TEN SIDING			NATURAL RUST		
6	2x RS FASCIA			BLACK	SEMI-TRANSPARENT T STAIN	
7	METAL RAILING W/ WOOD TOP RAIL			BLACK	POWDER COAT	
8	6x6 D.F. WOOD COLUMNS			NATURAL WOOD	SEMI-TRANSPARENT T STAIN	
9	COMPOSITE FRAME WINDOWS & DOORS			BLACK	FACTORY PAINT	
10	INSULATED METAL GARAGE DOORS			BLACK	FACTORY PAINT	
11	WOOD DECKING			BROWN	SPRINKLE STAIN	
12	STEEL BEAM			BLACK	PAIN	



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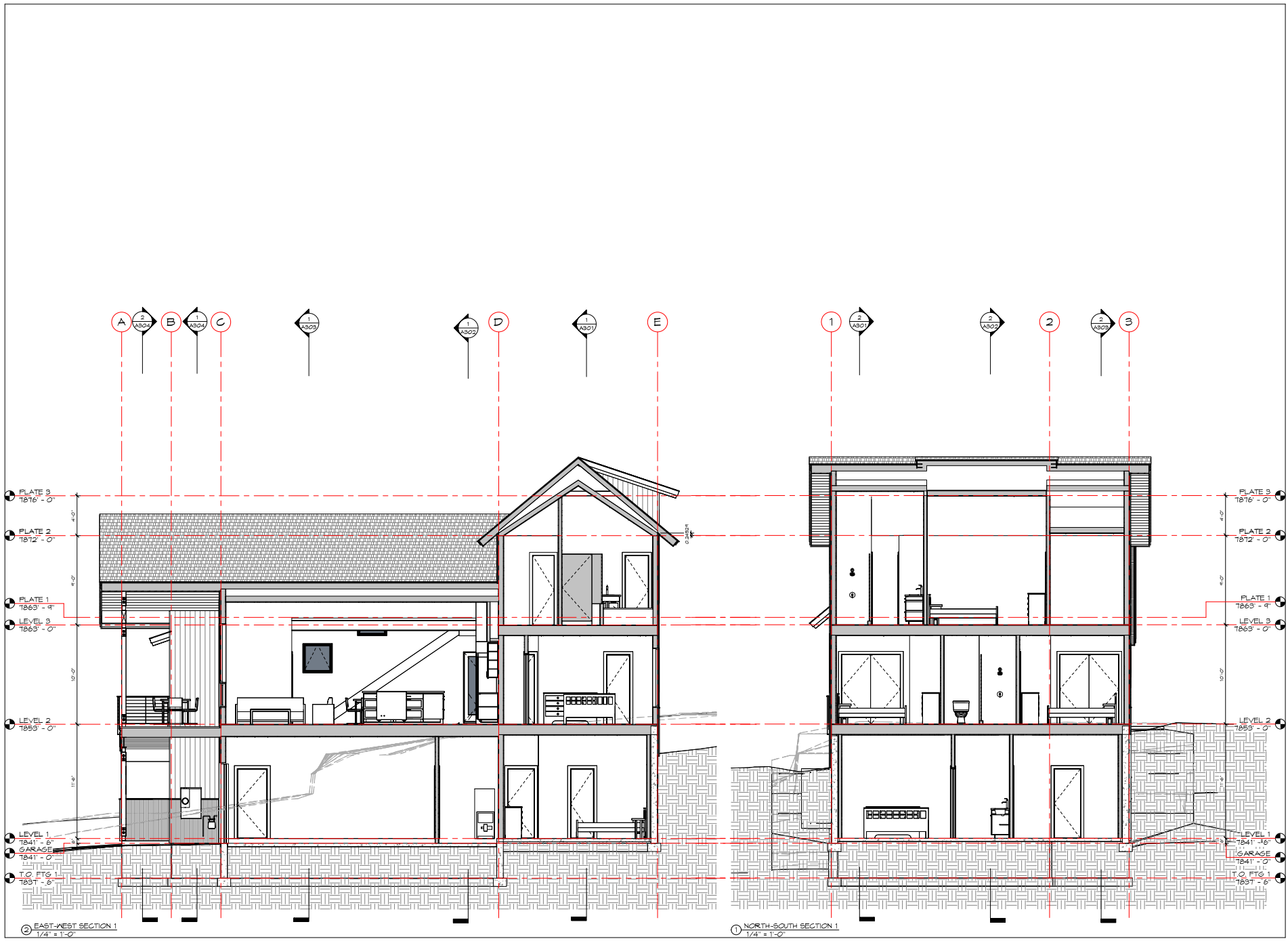
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#	Description	Date
1	Issue	01/02/23

Project Number: 2209  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

EAST & SOUTH ELEVATIONS

A202



mpp design shop, inc.

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Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

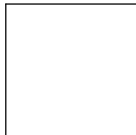
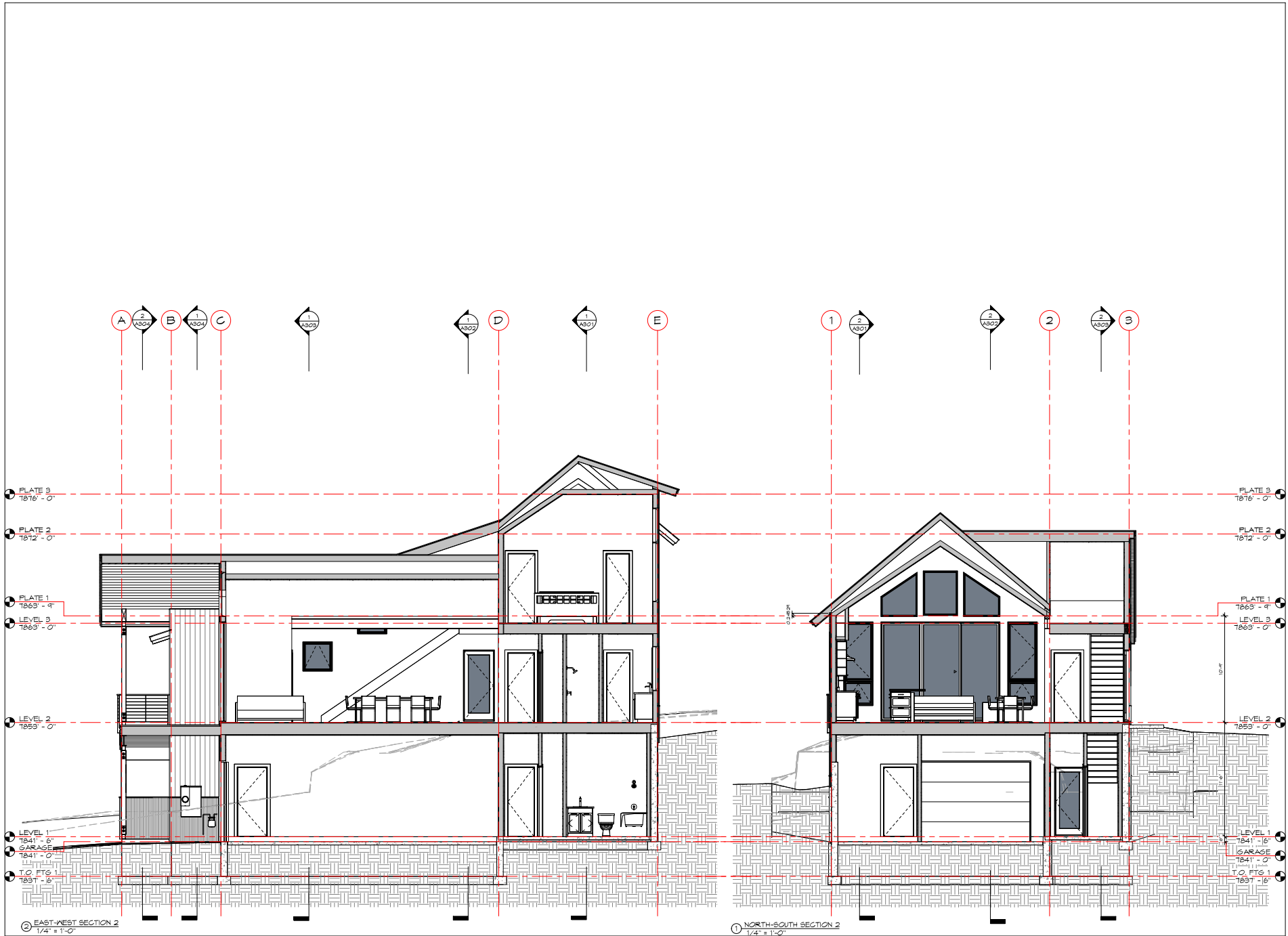
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#	Description	Date
1	Issue for Permit	03/20/23

Project Number: 2209  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A301



mpp design shop, inc.  
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 michaell@mpdesignshop.com



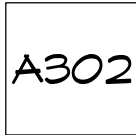
**Nowhere Residence**  
 Parcel Number: 2103-262-22-002  
 Lot 7A, DBC Subdivision  
 386 Taylor Street  
 Minturn, CO 81645

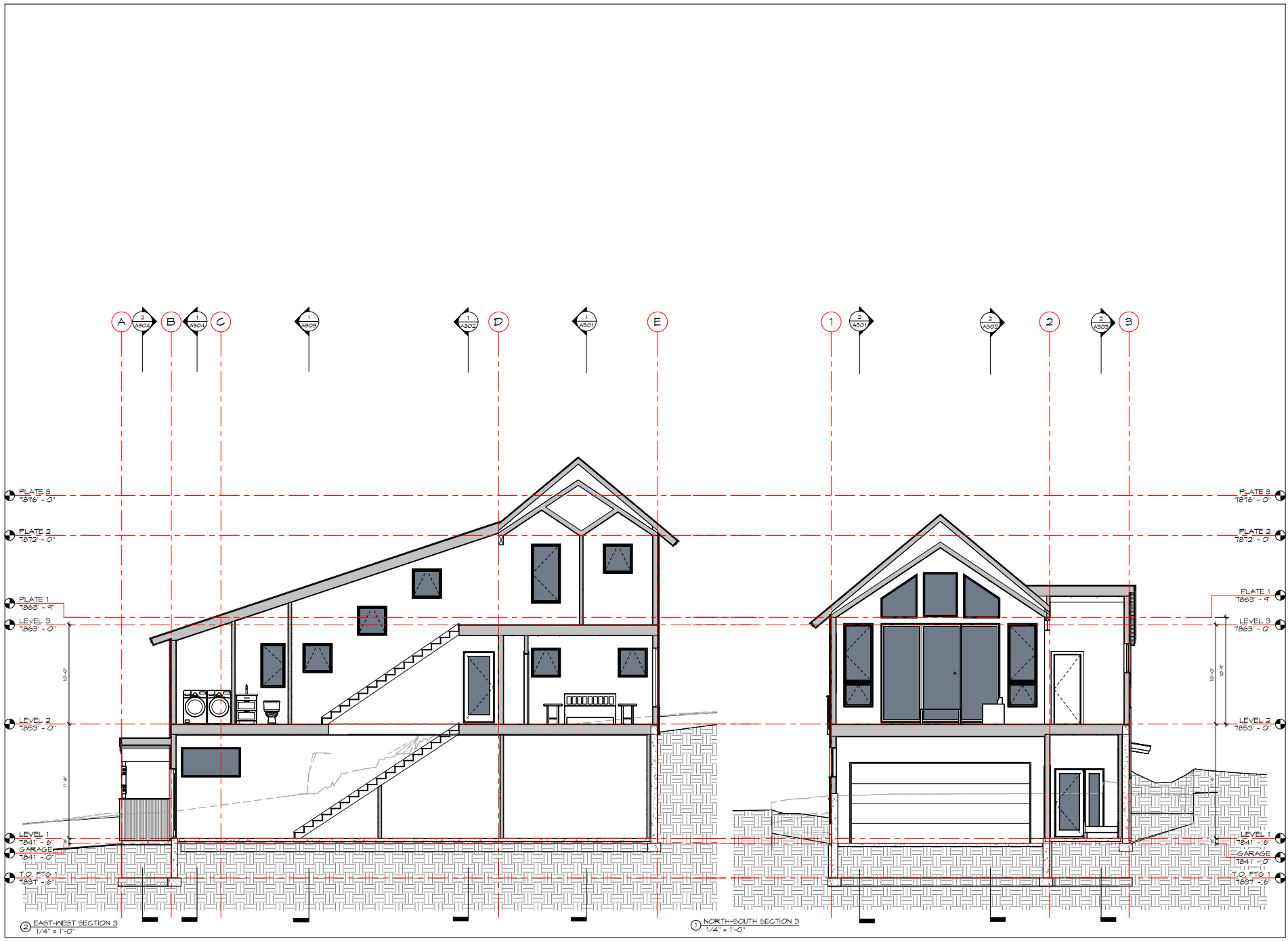
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#	Description	Date
1	Issue for Construction	03/14/23

Project Number: 2209  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

**BUILDING SECTIONS**





② EAST-WEST SECTION 3  
1/4" = 1'-0"

① NORTH-SOUTH SECTION 3  
1/4" = 1'-0"

mpp design shop, inc.

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Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
Minturn, CO 81645

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#	Description	Date
1	Issue for Construction	02/24/23

Project Number: 2209  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A303



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PO Box 288  
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Nowhere Residence

Parcel Number: 2103-262-22-002  
Lot 7A, DBC Subdivision  
386 Taylor Street  
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#	Description	Date
1	Issue for Construction	03/20/23

Project Number: 2203  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A304



To: Mayor and Council  
From: Jay Brunvand  
Date: April 6, 2022  
Agenda Item: Direction on Minturn Community Fund (MCF) request for space

---

**REQUEST:**

The MCF has asked Staff if we have extra storage space that they could use.

**INTRODUCTION:**

The MCF has asked to utilize storage space from the Town. Because this is not a normal request and Staff did not want to set undue precedent so Staff is requesting direction from the Council on this decision.

**ANALYSIS:**

Up until recently the Minturn Community Fund leased space on at 291 Main St. They have asked the Town if we had space that they could store their activity supplies and records, they do not need office space. Staff has located two sites as follows and feels option #1 is the most ideal for both parties and is asking direction from Council to proceed or not.

- 1) We have an exterior storage area on the north end of the building. As an exterior entry MCF could access this room 24/7/365 without need of a staff person to assist. This room is narrow and is where the phone and cable services enter the building. MCF has seen the room and feels it is more than sufficient. This room is seldom accessed but we would need to have the ability to enter at times. Since it is an outside entry, we would request MCF change the lock but ensure we have a key.
- 2) We have a small closet upstairs in the area where the ECSO office is. Staff's concern with this location is that it is behind several locked doors which could result in security issues. The room with the closet is used periodically for office needs such as the annual audit.

**COMMUNITY INPUT:**

N/A

**BUDGET / STAFF IMPACT:**

N/A

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

No motion is requested. Staff is asking direction on the following points:

- 1) Should Staff proceed with the request?
- 2) If we proceed, which closet should be utilized? Staff feels Option #1 would be the least intrusive and most secure for the Town Hall.
- 3) If we proceed, should the MCF pay rent, how much, or should this be excused?
- 4) If we proceed, staff feels the cost of the re-key should be borne by MCF

**ATTACHMENTS:**

N/A



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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Michael Boyd  
Tom Priest

**To:** Town Council  
**From:** Madison Harris, Planner I  
Michelle Metteer, Town Manager  
**Date:** June 1, 2022  
**Re:** Ordinance 10 - Series 2022 - Historic Preservation

---

**Request**

Staff is presenting Ordinance 10 - Series 2022 to amend the Minturn Municipal Code (“MMC”) by adding Chapter 19 to establish a Historic Preservation Commission (“HPC”) and regulate Historic Preservation within the Town of Minturn. Request to recommend approval of draft ordinance.

**Introduction**

Located between the world-class ski resorts of Vail and Beaver Creek, both with limited land availability for additional development opportunities remaining, Minturn is experiencing an increase in development pressure. With the increased pressure, it became evident that Minturn’s code needed an overhaul in certain sections as well as the establishment of new sections to allow for a more robust toolbox to address the Town’s growing development interests while maintaining the values identified in the [2009 Community Plan values \(page 9\)](#) and the [2021-2023 Minturn Strategic Plan vision and strategies \(page 3\)](#).

In the fall of 2021 Ordinances 14 and 15, Series 2021 established moratoriums on the processing of Design Review, Conditional Use Review, Limited Review, and Demolition applications until August 31, 2022. This moratorium was established to allow the staff, planning commission, council and community time to address the above-stated shortfalls in the code. The recitals in the ordinances showcase the reasoning as, in part, due to a desire to update the MMC relating to Historic Preservation in the 100 Block and elsewhere in Town. To that end a Historic Preservation Committee was formed. Simultaneously, a planning consultant was secured to assist in the creation of a 100-block design guideline booklet to assist all parties regarding the design and building expectations within the downtown area.

On November 16, 2021 the Town sent out a call for volunteers to assist in the establishment of a draft historic preservation ordinance. Simultaneously, a page on the Town’s website was created to begin in the assistance and education of historic preservation policy. Included in the original reference documents were the [Certified Local Government Preservation Ordinance Guide Book](#) and the template [Historic Preservation Ordinance](#) provided by Dr. Lindsey Flewelling of History Colorado.

With a robust group of volunteers, the first Historic Preservation Committee meeting was held on January 6, 2022 with a goal of addressing ordinance definitions, Historic Preservation Commission establishment, and identifying a “period of significance.” Here is a [link](#) to the video recording of the Committee's first meeting.

With momentum building, a survey was distributed to the Committee members in advance of the second meeting which was scheduled on January 20, 2022. The survey included a wide-range of questions and was the starting point for discussions in the second meeting. [Complete Historic Preservation Committee Survey results can be found here](#) and are also included as an attachment to this memo. These survey results served as the basis for a strong discussion with the committee and during the meeting different committee members presented their arguments if they felt differently from the results of the survey. Through these discussions, consensus was gathered, and in many cases, the outcome and direction to move forward was different than the initial survey responses. Here is a [link](#) to the video recording of the second Historic Preservation Committee meeting.

Between the Committee’s second and third meetings, the Minturn Town Council secured the services of attorney Terry Gorrell with Holland & Hart LLP. Terry’s background with historic preservation provided the legal insight and knowledge needed to rework the draft ordinance to be compatible with the MMC, and incorporate feedback from the committee. [Here is a link to the ordinance in draft form.](#)

The third Historic Preservation Committee meeting was on April 28, 2022 and included the draft and clean versions of the Historic Preservation ordinance. A video recording of the third Committee meeting can be viewed [here](#). The feedback provided by the Historic Preservation Committee’s third meeting has been incorporated into the draft ordinance before the Planning Commission for consideration.

### **Analysis**

Minturn benefitted from a dedicated group of volunteers who value the community’s long-standing history as the second-oldest town in Eagle County behind Red Cliff. In addition, Dr. Lindsey Flewelling from History Colorado participated in all three Committee meetings as a valuable resource, and provided insight into how other communities have addressed particular historic preservation issues and best practices.

This ordinance is intended to provide an avenue for the formation of a Historic Preservation Policy and Commission, and codify the ability for the HPC or other concerned members of the public to be able to nominate or apply for certain structures, buildings, places of interest, etc. as a historic landmark. This ordinance establishes a process for people to follow and findings that need to be made in order to designate something a Historic Landmark or a Historical District.

With this effort, Minturn looks to secure the future of structures and landmarks throughout town that are deemed significant to the history of the community.

### **Community Input**

Community members have utilized a variety of avenues to provide input. From public comment at Council meetings, emails to town hall, and Committee participation. This input remains

ongoing and will hopefully continue in the Planning Commission discussion as well as the Town Council public hearings.

Special thanks to the following Minturn Historic Preservation Committee members (in no particular order): Susan Mitchell, Heather Faircloth, Brian Pignanelli, Shelley Bellm, Amanda Mire, Laura Wolf, Darell Wegert, Jane Rohr, Kelly Toon, Amanda Krost, Steven Witsil, Liz McCabe, Susan Morrison, Tom Sullivan, Bill Pierce, Jim Sebben, Ken Halliday, Greg Sparhawk and Jena Skinner.

### **Planning Commission Meeting May 25, 2022**

A robust discussion occurred at the Planning Commission meeting on May 25. Particularly around what age threshold should be implemented and making sure this is a process that is not unduly lengthy. Staff will be relaying to the Council more in depth what decisions were made and what questions came up during the June 1 meeting.

**Budget/Staff Impact:** Unknown

### **Strategic Plan Alignment**

Vision Statement:

“Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community”

Key Strategies:

- Practice fair, transparent and communicative local government
- Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn”

### **Recommended Action or Proposed Motion**

“I make a motion to recommend approval of Ordinance 10 - Series 2022, An Ordinance creating Chapter 19 of the Minturn Municipal Code establishing a Historic Preservation policy and Commission.”

### **Attachments**

- Ordinance 10 - Series 2022 An Ordinance creating Chapter 19 of the Minturn Municipal Code establishing a Historic Preservation policy and Commission
- Historic Preservation Committee Survey Results
- Documents referenced in this memo via weblink can be requested in printed form at the Minturn Town Hall offices
- Videos of Historic Preservation Committees may be viewed at Minturn Town Hall upon request

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 10 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING THE MINTURN MUNICIPAL  
CODE TO ESTABLISH A CHAPTER 19 FOR HISTORIC  
PRESERVATION.**

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Town has initiated and proposed the text amendment to Minturn Municipal Code to establish a Chapter 19, Historic Preservation as provided herein; and

**WHEREAS**, on May 25, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

**WHEREAS**, the Minturn Planning Commission and Town Council have determined that the text amendments to the Minturn Municipal Code as provided herein are necessary and proper.

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

\* \* \*

**Chapter 19 – Historic Preservation**

**Article 1 – General.**

**Sec. 19-1-10. – Authority.**

This ordinance is adopted pursuant to the police powers of the Town of Minturn and not an exercise of zoning powers.

**Sec. 19-1-20. – Purpose.**

The purpose of this ordinance is to enhance the Town of Minturn’s local resources and to promote the public health, safety, and welfare through:

1. The protection and preservation of the Town’s architecture, culture, and heritage as embodied in Historic Properties and Historic Districts, by appropriate regulations and incentives;
2. The stabilization of historic neighborhoods;
3. The establishment of the Town’s Historic Register listing Historic Properties and Historic Districts;
4. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
5. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
6. The promotion of thoughtful community planning and design; and
7. The provision of educational opportunities to increase public appreciation of the Town’s unique heritage.

**Sec. 19-1-30. – Intent.**

The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of Buildings, Structures, Sites, Objects, and Historic Districts for preservation.

**Sec. 19-1-40. – Definitions.**

For purposes of this ordinance, the following terms are to be defined as follows:

*Adjacent Properties* means Properties within 100 linear feet of the boundaries of the proposed or subject Historic Property or Historic District

*Alter, Alters, or Alterations* means any act or process that changes one (1) or more of the exterior architectural features of a Building, Structure, Site, or Object.

*Applicant* means Person or persons submitting nomination or Alteration paperwork.

*Building* means any shelter or enclosure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

*Building Code* means The Building Codes that have been adopted in Chapter 18 of the Minturn Municipal Code.

*Building Official* means the officer or other designated authority charged with the administration and enforcement of the Building Code, or that person’s authorized representative.

*Certificate of Appropriateness* means a certificate issued by the Commission authorizing any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property, or an element within a Historic District pursuant to this ordinance.

*Certificate of Economic Hardship* means a certificate issued by the Commission authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building, Structure, Object, Site, or an element within a designated Historic District, in accordance with the provisions of this ordinance, even though a Certificate of Appropriateness has previously been denied.

*Code* means the Town of Minturn Municipal Code.

*Colorado State Register of Historic Properties* means the official listing of state designated cultural resources.

*Compatible* or *Compatibility* means consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.

*Construction* or *Construct* means an act of erecting an addition to an existing Building, Structure, or Object or the erection of a new principal or accessory Building, Structure, or Object on a lot or Property.

*Contributing Property* means a Building, Structure, Site, or Object that is located within a Historic District and that reflects the historic or architectural character within the Historic District.

*Demolition* or *Demolish* means any act or process that destroys in part or in whole a Building, Structure, Object, or Site.

*Historic Preservation Design Guidelines* means a standard of appropriate design, construction, and activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.

*Eligibility Criteria* meaning as set forth in Article 3 of this Chapter.

*Historic District* meaning as set forth in Article 3 of this Chapter.

*Historic Preservation Commission (“HPC”)* meaning as set forth in Article 2 of this Chapter.

*Historic Property* means a Building, Structure, Site, or Object which is designated by the Town Council pursuant to this Chapter.

*Historic Significance* means the meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Article 3 of this Chapter.



*Infill* means Construction on vacant or under-used parcels within existing areas that are within a designated Historic District.

*Integrity* means the ability of a Property to convey its Historic Significance through its physical features.

*Inventory* means a catalog of Buildings, Structures, Objects, and Sites within the Town, listed, eligible for listing, or non-eligible for listing in the Town's Historic Register.

*Maintenance* means all activities necessary to prolong the useful life and aesthetic appearance of a Property.

*National Register of Historic Places* means the list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

*Non-Contributing Property* means a Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.

*Object* means a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

*Owner* means as applied to a Property, the nominal record owner thereof and includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

*Period of Significance* means span of time during which significant events and activities occurred.

*Property* means a Building, Structure, Site, or Object.

*Relocation or Relocate* means moving a Building, Structure, or Object to a different location, either temporarily or permanently.

*Resident* means any person who meets either of the following criteria: (1) is eligible to register to vote within the Town, irrespective of whether the person has registered to vote, or (2) is residing at a home or dwelling in the Town as of the date that the person exercises any rights granted to a Resident under this Chapter and for a period of not less than 22 days prior to such date.

*Secretary* means the Secretary of the Historic Preservation Commission.

Secretary of the Interior's Standards for the Treatment of Historic Properties means the preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

Section 106 Review means the process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.

Site means the location of a significant event; a prehistoric or historic occupation or activity; or a Building, Structure, or Object, whether standing or vanished, where the location itself maintains historic or archeological value regardless of the value of any existing Building, Structure, or Object.

Structure means anything Constructed or erected, the use of which requires location on or in the ground, for purposes other than shelter of humans, animals, or chattels.

Town means the Town of Minturn.

Town Council means the council of the Town.

Town's Historic Register means the register established pursuant to Article 3 of this Chapter.

## **Article 2 – Historic Preservation Commission.**

### **Sec. 19-2-10. – Creation.**

There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

### **Sec. 19-2-20. – Composition.**

1. HPC shall be composed of five voting members with the option of Town Council to appoint additional non-voting members to be utilized in an advisory capacity, all of whom have demonstrated interest in, competence with, or knowledge of the Town's history and/or historic preservation.
2. At least 3 of the voting members shall be full time Residents, Property or business Owners, or designated representatives of Property or business Owners within the Town.
3. At least 2 of the voting members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization,

Construction and Building Trades; Cultural Geography, Cultural Anthropology, Environmental Expertise, Planning, Real Estate, or Archeology. The Town Council may waive this requirement on a determination that there are not eligible prospective members who meet these criteria.

**Sec. 19-2-30. – Term of Office.**

1. Members shall serve three year staggered terms from the date of their appointment; provided, however, that the initial appointment to HPC shall consist of one appointment of a term of one year, two appointments of a term of two years, and two appointments of a term of three years.
2. Members may continue to serve until their successors have been appointed.

**Sec. 19-2-40. – Officers.**

HPC shall, by majority vote, elect one of its members to serve as chairperson to preside over HPC’s meetings and one member to serve as the vice-chairperson. The members so designated shall serve in these capacities for terms of one year. A Town Employee appointed by the Town Manager pursuant to Code Sec. 19-2-50 shall serve as Secretary of the HPC.

**Sec. 19-2-50. – Staffing.**

The Town Manager shall designate one or more Town Employee(s) within the Planning Department to assist HPC in the administration of its duties, one of whom shall be designated as the Secretary of the HPC.

**Sec. 19-2-60. – Quorum and Voting.**

A quorum for HPC shall consist of a majority or 3 voting members. A quorum is necessary for HPC to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A majority vote of a quorum shall be determinative. A tie vote shall be deemed a denial of the motion or recommended action.

**Sec. 19-2-70. – Compensation.**

All members of HPC shall serve without compensation except for such amounts determined appropriate, in advance, by the Town Council to offset expenses incurred in the performance of their duties.

**Sec. 19-2-80. – Powers and Duties.**

The HPC:

1. May conduct surveys and create inventories of Properties and areas for the purpose of defining those of Historic Significance.

2. Shall review and determine qualifications of Buildings, Structures, Objects, Sites, and Historic Districts nominated for designation and recommend that the Town Council designate by ordinance such Buildings, Structures, Objects, Sites, or Historic Districts qualifying for such designation.
3. Shall recommend to the Town Council the establishment of construction and design guidelines, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, for the review of proposals to Alter, Relocate, or Demolish Historic Properties.
4. Shall review and make recommendations on any application for Alteration, Relocation, or Demolition of a Historic Property or Historic District or planning and design for a project that may affect the character or Integrity of the Historic Property or Historic District.
5. May participate in review of National Register of Historic Places nominations.
6. May advise and assist Owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the Town's Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
7. May develop and assist in public education programs on history, archaeology, and historic preservation.
8. Shall advise the Town Council on matters related to preserving the historic character and substance of the Town and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this Chapter.
9. Shall participate in Federal Section 106 Review under the National Historic Preservation Act of 1966 as requested by Town Council or staff.
10. May actively pursue financial assistance for preservation-related programs.
11. Shall draft and recommend for adoption by the Town Council such by-laws, operating policies and other rules of procedure for HPC, as HPC may deem appropriate.

**Sec. 19-2-90. – Meetings.**

1. HPC shall establish a regular meeting schedule with no less than monthly scheduled meetings.
2. Minutes shall be kept of all HPC proceedings.
3. All meetings of HPC shall be open to the public, subject to the right of HPC to receive legal advice in an executive session.

**Sec. 19-2-100. – Vacancies.**

Appointments to fill vacancies on HPC shall be made by the Town Council in the same manner as regular appointments.

**Sec. 19-2-110. – Removal.**

Members of HPC may be removed by the Town Council.

### **Article 3 – Establishment of Town Register and Designation Criteria**

#### **Sec. 19-3-10. – Register of Historic Places Established.**

The Town Council hereby establishes the Town of Minturn Register of Historic Places (the “Town's Historic Register”).

1. Properties or districts may be listed in the Town's Historic Register only if such Property or district has been so designated pursuant to this ordinance.
2. All Properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town's Historic Register but are not designated until approval, pursuant to this Chapter, is obtained.

#### **Sec. 19-3-20. – Eligibility Criteria.**

1. Properties or Historic Districts shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
  - a. Association with events that have made a significant contribution to history.
    - i. Is a Site of a historic event that had an effect upon society; or
    - ii. Exemplifies cultural, political, economic, or ethnic heritage of the Town.
  - b. Connection with persons significant in history.
  - c. Distinctive characteristics of a type, period, method of Construction, or artisan.
    - i. Exemplifies specific elements of an architectural style or period;
    - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
    - iii. Demonstrates superior craftsmanship or high artistic value;
    - iv. Represents a style that is particular to the Town;
    - v. Represents an innovation in Construction, materials, or design; or
    - vi. Represents a built environment of a group of people in an era of history.
  - d. Geographic importance.
    - i. Enhances the sense of identity of the Town or community; or
    - ii. Is an established and familiar natural setting or visual feature of the Town or community.
  - e. Possibility to yield important information related to prehistory or history.
    - i. Addresses research questions or fills recognized data gaps;
    - ii. Embodies Construction, development, or design adaptations; or
    - iii. Informs on the development of engineering systems.
2. A Property or Historic District may be exempted from the age standard if the Town Council finds it to be exceptionally important in other criteria.

#### **Sec. 19-3-30. – Integrity Criteria.**

All Properties and Historic Districts shall be evaluated for their physical Integrity using the following criteria:

1. Location - the place where the Property was Constructed or the place where the historic event occurred.
2. Design - the combination of elements that create the form, plan, space, Structure, and style of a Property.
3. Setting - the physical environment of a Property.
4. Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a Property.
5. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling - a Property's expression of the aesthetic or historic sense of a particular period of time.
7. Association - the direct link between an important historic event or person and a Property.

**Sec. 19-3-40. – Historic Districts.**

1. A “Historic District” is a geographically definable area including a concentration, linkage, or continuity of Properties within a specified Period of Significance and may include within its geographic boundaries one or more Contributing Properties, which has been designated by the Town Council pursuant to this Chapter.
2. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
3. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in Property type, density, or Integrity.
4. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

**Article 4 – Designation Procedure**

**Sec. 19-4-10. – Application for Nomination.**

1. Applications shall be submitted to the Town of Minturn Planning Department for consideration, on a form provided by HPC.
2. An application for nomination for listing in the Towns Historic Register may be made:
  - a. By the Owner or Owners of the Property or Properties to be designated;
  - b. By a member or members of HPC;
  - c. By a member or members of Town Council; and/or
  - d. By non-Owners of the Property or Properties to be designated, in which case the Applicant must be a Resident or Owner of Property in the Town, or have a place of business in the Town.
3. Where an application for nomination is submitted by someone other than the Property Owner or less than all of the Property Owners in a district nominated for designation, the staff person assigned to HPC pursuant to Code Sec. 19-2-50 shall contact the Owner or



Owners of such Property or Properties nominated for designation in writing, outlining the reasons and effects of listing in the Town's Historic Register, within 45 days of receipt of application.

4. Applications determined incomplete by the Planning Department shall be returned to the Applicant within 45 days of receipt of application, with a request for additional information.

**Sec. 19-4-20. – Designation Hearing.**

1. Within 45 days after an application is determined complete by the Planning Department and delivered to HPC, a public hearing shall be held by HPC.
  - a. HPC shall provide notice by U.S. Mail of the date, time, and location of the public hearing to the Applicant, the Owner or Owners of record, and the Owners of Adjacent Properties, at least 10 days prior to the hearing.
  - b. A legal notice in accordance with Code Sec. 16-21-610 indicating the nature of the hearing, the Property involved, and the time, date, and place of the scheduled public hearing, shall be published in the Town's publication of record at least 10 days prior to the hearing.
2. A hearing may be continued. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 45 days without the express consent of the Applicant and the Owner.
3. Reasonable opportunity shall be provided for interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
4. Hearings in front of HPC shall be conducted in conformance with the requirements in Code Sec. 16-21-220. Written reports and presentations submitted to HPC shall be incorporated into the record of the hearing.

**Sec. 19-4-30. – HPC Review.**

1. HPC shall review the application for conformance with the established criteria for designation and with the purposes of this Article 4.
2. HPC shall recommend:
  - a. Approval;
  - b. Approval with conditions; or
  - c. Denial of the application.HPC shall set forth in writing the basis of its recommendation.
3. If HPC recommends approval of an application or approval of an application with conditions, HPC shall forward the application with a copy of its report and findings to the Town Council within 30 days of determination.

4. If HPC recommends denial of an application, HPC shall forward the application with a copy of its report and findings to the Town Council within 30 days of determination.
5. HPC may issue an order continuing the nomination process if HPC finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 45 days without the express consent of the Applicant and the Owner(s).

**Sec. 19-4-40. – Town Council Proceedings.**

1. Within 30 days after receipt of HPC’s recommendation, the Town Council shall hold a public hearing to consider HPC’s recommendation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Code Sec. 19-4-20.
2. The Town Council shall review the application for conformance with this Article 4.
3. The Town Council shall deny, or, by ordinance, shall approve or approve with conditions, the proposed application.

**Sec. 19-4-50. – Recording of Designation.**

Within 30 days of the effective date of an ordinance designating a Historic Property or Historic District for preservation, the Town shall record the ordinance with the Clerk and Recorder of Eagle County.

**Sec. 19-4-60. – Records.**

The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.

**Sec. 19-4-70. – Limitation on Resubmission and Reconsideration of Proposed Designation.**

Limitation on Resubmission and Reconsideration of Proposed Designation. Whenever the Town Council denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application.

**Sec. 19-4-80. – Amendment of Designation.**

An application to amend designation of a Historic Property or Historic District to add features or Properties to such Historic Property or Historic District shall be administered by the Planning Department and HPC in accordance with the procedures in Code Sections 19-4-10 through 19-4-70.

**Sec. 19-4-90. – Revocation of Designation.**

If a Historic Property or Historic District has been Altered to a degree that it no longer retains its Eligibility Criteria, the Owner, an HPC member, or Town Council person may apply to HPC for a revocation of the designation. The revocation application shall be administered by the Planning Department, HPC, and Town Council in the same manner as a proposed amendment of designation.

## **Article 5 – Alterations to Listed Properties and Historic Districts**

### **Sec. 19-5-10. – Application.**

1. Before carrying out any new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property, or Contributing Property within a Historic District, Applicants and/or Owner(s) must submit and obtain approval for an application for the proposed work by the Planning Department and HPC under this Article 5. The application shall include anything HPC deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the Historic Property or Historic District and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail. The application shall not relieve the Applicant from the responsibility to apply for any other permit required by the Code.
2. The Planning Department shall review the application received to determine whether the Property is a listed Historic Property, or a Contributing Property located in a Historic District. If so, the Planning Department shall determine when the application is complete and shall refer the application to HPC for Certificate of Appropriateness review in accordance with this Section. If the Planning Department determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
3. No person shall receive a building permit to Construct, Alter, remove, or Demolish any Building, Structure, Object, or other feature on a Site, or element of a Historic District nominated for designation, after an application has been filed to initiate the designation of such Property or Historic District. No such building permit shall be approved while proceedings are pending on such designation.
4. If the Planning Department determines that the Property is not a Historic Property, or a Contributing Property within a Historic District, then the application shall be processed without further requirement of review under this Article.

### **Sec. 19-5-20. – Alteration Hearing.**

Within 45 days after referral of a Code Sec. 19-5-10 an application by the Planning Department to HPC a public hearing shall be held by HPC, and shall be conducted in conformance with the procedures set forth in Code Sec. 19-4-20.

### **Sec. 19-5-30. – Review Criteria.**

1. Compliance with any Historic Preservation Design Guidelines adopted by the Town Council for Historic Properties and/or Contributing Properties within Historic Districts.
2. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation.

#### **Sec. 19-5-40. – HPC Certificate of Appropriateness Review**

1. HPC shall:
  - a. Approve the application
  - b. Approve the application with conditions; or
  - c. Deny the application
2. Any decision of HPC to approve the application or approve the application with conditions shall be included on an agenda of the Town Council within 30 days. The Town Council may call up for review any final decision reached by HPC. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of HPC. No Certificate of Appropriateness shall be issued before HPC's decision has been included on an agenda of the Town Council.
3. If HPC approves or approves the application with conditions, HPC shall issue a Certificate of Appropriateness to the Applicant and a copy will be placed in the appropriate Town records. If approved with conditions, such conditions shall be stated in the Certificate of Appropriateness.
4. If HPC denies the application, HPC shall notify the Applicant in writing and a copy will be placed in the appropriate Town records.
5. The application form shall have a section for HPC to set forth HPC's reasons for the approval, approval with conditions, or denial of the application.
6. HPC may issue an order continuing the application process if HPC would like additional information necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 45 days without the express consent of the Applicant.
7. The Applicant and/or Owner(s) may resubmit an amended application that takes into consideration the recommendations of HPC.
8. If an application for a Certificate of Appropriateness is denied after final action upon the application by HPC, no person may submit a subsequent application for the same Code Sec. 19-5-10 (1) activity within one year from the date of the final action.
9. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process the application in accordance with all other applicable provisions of the Code. If no Certificate of Appropriateness has been issued or if the Town determines that the permit application does not conform, the Town shall not approve the permit application and shall not issue any other permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.

#### **Article 6 – Relocation of Listed Properties**

**Sec. 19-6-10. – General.**

1. In addition to the criteria and procedures in Article 5, HPC will use the criteria of this Article 6 in considering applications for Relocating a Historic Property or Contributing Property in a Historic District within or outside of a designated Site or district or Relocating a Property onto a designated Site or Historic District.
2. Applicants for Relocation shall provide:
  - a. An estimate of costs, in such form as determined by HPC, of continued Maintenance of the Property in its current condition, of rehabilitation on Site, and of Relocation and rehabilitation;
  - b. A licensed structural engineer’s report as to structural soundness;
  - c. Professionally prepared Site plan and Construction documents for the proposed Relocation Site; and
  - d. A replacement/reuse plan for the current Site.
3. If Relocation is approved by HPC, the Relocation will not be permitted until a design review application for the current Property Site has been approved by the Planning Commission.

**Sec. 19-6-20. – Review Criteria.**

1. For consideration of the original Property and Site, HPC will review for the following criteria:
  - a. Whether the Property can be preserved, restored, rehabbed, or reused on its current Site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's Site or Adjacent Properties;
  - b. And
    - i. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
    - ii. If the Property can be Relocated without significant damage to its physical Integrity; and
    - iii. Whether plans are specifically defined for the Site to be vacated, and have been approved by the Planning Commission.
2. For consideration of the new location, if it is to a Historic District within Town boundaries, HPC will review for compliance with all of the following criteria:
  - a. Whether the Building, Structure, or Object is Compatible with its proposed Site and Adjacent Properties; and if the receiving Site is Compatible in nature with the Building, Structure, or Object proposed to be moved;
  - b. The Building, Structure, or Object’s architectural Integrity and its consistency with the character of the neighborhood of the receiving Site;
  - c. Whether the Relocation of the Building, Structure, or Object will diminish the Integrity or character of the neighborhood of the receiving Site.

## **Article 7 – Demolition of Listed Properties**

### **Sec. 19-7-10. – General.**

1. In addition to the criteria and procedures in Article 5, HPC will use the criteria of this Code Sec. 19-7-10 in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District.
2. Applicants for Demolition shall provide:
  - a. An estimate of costs, in such form as determined by HPC, of continued Maintenance of the Property in its current condition, of rehabilitation, and of Demolition;
  - b. A licensed structural engineer’s report as to structural soundness; and
  - c. Professionally prepared estimates of the Property’s market value in its current condition.
3. If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Article 8), a Certificate of Appropriateness will not be issued until a design review application for the Property has been approved by the Planning Commission.

### **Sec. 19-7-20. – Review Criteria for Total Demolition.**

Applicants requesting a Certificate of Appropriateness for total Demolition must provide data to clearly demonstrate all of the following criteria:

1. The Property proposed for Demolition is not structurally sound, despite evidence of the Owner’s efforts to properly maintain said Building, Structure, or Object;
2. The Property cannot be preserved, restored, rehabbed, or reused on Site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property’s Site or Adjacent Properties;
3. The Property cannot be practically moved to another Site in the Town; and
4. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following that are applicable:
  - a. Any impacts that occur to the visual character of the neighborhood where Demolition is proposed to occur;
  - b. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and Adjacent Properties;
  - c. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and Adjacent Properties; and
  - d. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.

### **Sec. 19-7-30. – Review Criteria for Partial Demolition.**



Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:

1. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
2. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
  - a. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and Adjacent Properties; and
  - b. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and Adjacent Properties.

**Sec. 19-7-40. – Town Council Review.**

Any decision of HPC to approve the application or approve the application with conditions shall be included on an agenda of the Town Council within 21 days. The Town Council may call up for review any final decision reached by HPC. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of HPC.

**Article 8 – Exemptions**

**Sec. 19-8-10. – General.**

1. If an application for a Certificate of Appropriateness is denied, the Applicant and/or Owner(s) may request an exemption from such certificate requirement pursuant to this Article 8.
2. A request for exemption shall be initiated by the Applicant and/or Owner(s). Such application shall be submitted to the Planning Department on a form provided by HPC. The Applicant and/or Owner(s) shall have the obligation to establish hardship.
3. HPC may request additional information from the Applicant and/or Owner(s) as necessary to make informed decisions according to the applicable criteria for decision-making.
4. If the Planning Department determines the application is complete, the Planning Department shall promptly refer the application to HPC. If the Planning Department determines the application is incomplete, the Applicant and/or Owner(s) shall be advised of the reasons in writing within 30 days of submittal.

**Sec. 19-8-20. – Criteria for Exemption.**

1. Economic Hardship
  - a. HPC may solicit expert testimony and require that the Applicant and/or Owner(s) make submissions concerning any or all of the following information before it makes a determination:
    - i. Estimate of the cost of the proposed Construction, Alteration, Demolition, or Relocation and an estimate of any additional cost that would be

- incurred to comply with the conditions of approval set out in Articles 5, 6 or 7 above.
- ii. A report from a licensed structural engineer with experience in the rehabilitation of Historic Properties as to the structural soundness of any Buildings, Structures, or Objects on the Property and their suitability for rehabilitation.
  - iii. In the case of a proposed Alteration, the cost of the project proposed by the Applicant compared with the conditions required by HPC.
  - iv. In the case of a proposed Demolition, the estimated market value of the Property in its current condition.
  - v. Amount paid for the Property, the date of purchase or acquisition, and the party from whom purchased, including a description of the relationship, if any, between the Owner of record or Applicant and the person from whom the Property was purchased.
  - vi. All appraisals obtained within the previous two (2) years by the Owner or Applicant in connection with the purchase, financing, or ownership of the Property.
  - vii. Any listing of the Property for sale or rent, price asked, and any written offers received within the previous two (2) years.
  - viii. The market value of the land and improvements thereon according to the most recent property tax assessment.
  - ix. Real estate taxes for the previous two (2) years.
  - x. Any proposal for a replacement Building, Structure, or Object for the Property and financial proof of the ability to complete the replacement project.
  - xi. For income producing Property, the annual gross income from the Property for the previous two (2) years and itemized operating and Maintenance expenses for the previous two (2) years.
- b. The following factors, evidence, and testimony are to be considered:
- i. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
  - ii. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
  - iii. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this Chapter.
  - iv. For Properties consisting of Owner-occupied dwellings and/or Properties operated on a not for profit basis and providing public benefit, the ability to maintain or to convert the Property to a reasonable residential or not for profit use in its present condition or in a rehabbed condition pursuant to the requirements of this Chapter or the ability to transfer the Property for a reasonable rate of return.
  - v. The justification for economic hardship shall not include any of the following:

1. Willful or negligent acts by the Owner;
  2. Purchase of the Property for substantially more than its market value;
  3. Failure to perform normal Maintenance and repairs; or
  4. Failure to offer a rental Property for rent on market terms.
2. Undue Hardship. An Applicant and/or Owner(s) requesting an exemption based on undue hardship must show that the application of the criteria create a situation that is substantially inadequate to meet the Applicant's and/or Owner(s) needs because of specific health and/or safety issues.
3. Inability to Use
- a. After two years following denial of a Demolition permit approval, if no reasonable economic use or ownership is found for the designated Site or Structure, the Owner may request a waiver of all or a part of the restraint of Demolition.
  - b. HPC may solicit expert testimony and require that the Applicant make submissions concerning any or all of the following information before it makes a determination:
    - i. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to make necessary repairs, to find an appropriate user or to find a purchaser for the Property.
    - ii. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to locate and obtain available assistance for making the Property functional without Demolition.
  - c. The following factors, evidence and testimony shall be considered:
    - i. Efforts to locate and secure a potential user or purchaser for the Property.
    - ii. Efforts to locate and obtain available assistance for making the Property functional without Demolition.
    - iii. The justification for inability to use shall not include any of the following:
      1. Willful or negligent acts by the Owner;
      2. Purchase of the Property for substantially more than its market value;
      3. Failure to perform normal Maintenance and repairs; or
      4. Failure to offer a rental Property for rent on market terms.

**Sec. 19-8-30. – Decision.**

1. If HPC deems the criteria of this Article 8 are met, HPC shall issue an approval of exemption and deliver a Certificate of Economic Hardship, Undue Hardship, or Inability to Use as applicable to the Applicant with a copy to Town Council within 30 days.
2. If HPC deems the criteria of this Article 8 are not met, HPC shall deny the exemption request and notify, in writing, the Applicant, with a copy to the Town Council, within 30 days of such denial. Such denial shall state the reasons for the denial.
3. HPC may issue an order continuing the exemption process for a period of not to exceed 90 days from the date of the initial HPC hearing if HPC would like additional information necessary to make a decision.

## **Article 9 – Alteration, Relocation, or Demolition of Non-Designated Properties Greater Than 50 Years Old**

### **Sec. 19-9-10. – Requirements.**

1. Any permit application for Alteration, Relocation, or Demolition of a Property that is not designated as a Historic Property and that is greater than \_\_\_\_\_ years old shall be subject to the following requirements:
  - a. The application shall contain a statement of the effective age of the improvements on the Property and their actual age as set forth in the County Assessor’s records for the Property. The actual age of the improvements shall be controlling for determining the applicability of this Article 9.
  - b. A copy of the application shall be forwarded to HPC by the Town staff member acting as the Secretary.
  - c. Prior to the issuance of a permit, the Applicant shall be required by this Code Section to post a sign on the property that is furnished by the Planning Department. The sign shall state that an application for Alteration, Relocation, or Demolition has been submitted to the Town for the Property and that the application is subject to this Article 9. The sign shall further state that the Property may be eligible for nomination to be designated as a Historic Property under Chapter 19 of the Town Code, and that any qualified person desiring to submit an application for nomination of the Property to be designated as a Historic Property must do so in accordance with the provisions of Chapter 19. The exact wording of the sign shall be determined by the Planning Department.
  - d. The Property shall be posted with the sign furnished by the Planning Department for a period of at least fourteen (14) days. The Applicant shall be responsible for posting the Property in accordance with Code Sec.16-21-610(6).
  - e. Prior to issuance of the permit, the Applicant must provide to the Planning Department a sworn certification of posting as provided in Code Sec. 16-21-610(e). The permit shall not be issued until at least five (5) days after such certification is provided to the Planning Department.
  - f. If an application for nomination of the Property for designation as a Historic Property under this Chapter is submitted before issuance of the permit, then the permit shall not be issued until the application is finally determined in accordance with this Chapter. If the Property is designated as a Historic Property, then the permit shall be processed as required for the Alteration, Relocation, or Demolition of a Historic Property under this Chapter. If the Property is not designated as a Historic Property, then the permitting shall proceed in accordance with the Code.
2. Permit applications for work on the interior of a Property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
3. This Article shall not apply to mobile homes.

## **Article 10 – Appeals**

**Sec. 19-10-10. – Appeals.**

A final decision of HPC made pursuant to Article 5 (Alterations to Listed Properties and Historic Districts), Article 6 (Relocation of Listed Properties), Article 7 (Demolition of Listed Properties), and Article 8 (Exemptions) may be appealed by the Applicant or aggrieved party to the Town Council by filing a written notice with the Town Clerk within 15 days after HPC’s final decision.

1. An aggrieved party is any person who will suffer an adverse effect to an interest protected or furthered by this Chapter.
2. No right of appeal shall exist for an application that was the subject of a call up by the Town Council in which the Town Council has already affirmed, denied, or affirmed with additional conditions the decision of HPC.
3. Within 45 days after an appeal is received by the Town Clerk, a public hearing shall be held by the Town Council subject to continuance by vote of the Town Council.
4. Notice of the Town Council’s consideration of the appeal and hearing shall be provided in accordance with the notice procedures set forth in Code Sec. 19-4-20 except the Town Clerk shall perform the responsibilities.
5. The Town Council shall consider the notice of appeal, HPC’s reasons for denial of the application, the comments related thereto made during the HPC hearing and any evidence (including new evidence) it deems relevant to the application.
6. The decision of the Town Council shall be final subject to the provisions of Code Section 16-21-700 – Appeals.

**Article 11 – Maintenance**

**Sec. 19-11-10. – Maintenance.**

1. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties and the exterior portions of Contributing and Non-Contributing Properties within Historic Districts including all interior portions thereof who’s Maintenance is necessary to prevent deterioration of any exterior portion. No Owner of any Historic Property or of any Contributing or Non-Contributing Property within a Historic District shall fail to prevent significant deterioration of the exterior of the Building, Structure, Object, or special feature beyond the condition of such Historic Property or of such Contributing or Non-Contributing Property within a Historic District on the effective date of the designating ordinance.
2. No Owner of any Historic Property or of any Contributing or Non-Contributing Property within a Historic District shall fail to comply with all applicable provisions of this ordinance and other ordinances of the Town regulating Property Maintenance.
3. Before the Town files a complaint in municipal court for failure to maintain a Historic Property or a Contributing or Non-Contributing Property within a Historic District, the Town shall notify the Owner of the need to repair, maintain or restore such Property; and shall give the Owner a reasonable time to perform such work.
4. Should the condition of a Historic Property or of a Contributing or Non-Contributing Property within a Historic District require immediate repair or stabilization to mitigate unsafe or dangerous conditions and after notification, the Owner has not undertaken such repair or stabilization, the Town may take such action and bill all expenses to the Owner.

Should the Owner not remit such payment to the Town, after ninety (90) days, the Town may record a notice with the Eagle County Clerk and Recorder of a lien against the Historic Property in violation. The lien created hereby shall be prior to all other liens, regardless of their dates of recordation, except liens for general taxes and prior special assessments.

## **Article 12 – Unsafe or Dangerous Conditions**

### **Sec. 19-12-10. – Unsafe or Dangerous Conditions.**

Nothing in this Chapter shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Property, other feature, or parts thereof where such condition is determined to be unsafe or dangerous by the Town and the Owner has been given notice by the Town to correct the unsafe or dangerous condition. Any temporary measures deemed necessary and approved by the Building Official may be taken without first obtaining a Certificate of Appropriateness under this Chapter, but a certificate is required for permanent Construction, Alteration, removal, or Demolition.

## **Article 13 – Enforcement and Penalties**

### **Sec. 19-13-10. – General.**

No person shall violate or permit to be violated any of the requirements of this Chapter or the terms of a certificate issued pursuant to this Chapter.

### **Sec. 19-13-20. – General Penalty for Violation.**

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

### **Sec. 19-13-30. – Violation; Injunction.**

The Town may seek an injunction to restrain a person who does not obtain the required approvals or permits provided in this Chapter or who engages in violations of this Chapter after the required approvals or permits have been revoked or suspended. This remedy shall be in addition to all other remedies prescribed in this Chapter or available by law.

### **Sec. 19-13-40. – Violation and Penalty.**

Violations of this Chapter are subject to the following additional penalties:

1. If any Historic Property or any Contributing Property within a Historic District is externally reconstructed, externally Altered, added to, Relocated, or Demolished in violation of this Chapter, the Court may order any Historic Property or any Contributing Property within a Historic District to be returned to its condition prior to such unlawful Construction, reconstruction, exterior Alteration, addition, or Demolition.
2. If any Historic Property or any Contributing Property within a Historic District is not

maintained as required in Article 11, then the Town may obtain an order of the Court for the Owner to correct and remediate violation.

3. If any Building, Structure, or Object is erected or Constructed on a Historic Property or any Contributing Property within a Historic District, without complying with this Chapter, the Court may order any such Building, Structure, or Object to be removed or deconstructed.

**Sec. 19-13-50. – Violation; Alteration.**

Alterations to a Historic Property or a Contributing Property without an approved Certificate of Appropriateness may result in a one-year moratorium imposed by the Town on all building permits for the subject Property.

**Sec. 19-13-60. – Violation; Relocation or Demolition.**

Relocating or Demolishing a Historic Property or Contributing Property without an approved Certificate of Appropriateness may result in a five-year moratorium imposed by the Town on all Relocation, Demolition, or building permits for such Property and/or its original location.

\* \* \*

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1<sup>st</sup> DAY OF JUNE 2022. 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 15<sup>th</sup> DAY OF JUNE 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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Earle Bidez, 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 \_\_\_\_\_ 2022.



TOWN OF MINTURN, COLORADO

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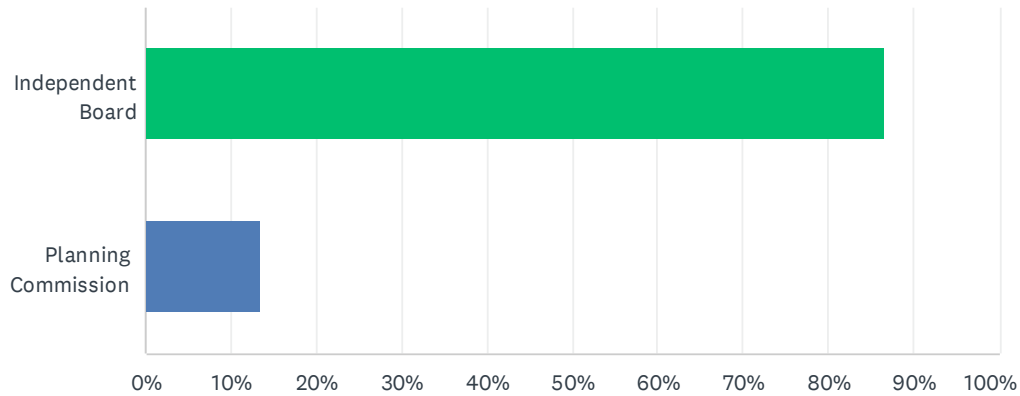
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

## Q1 Section 2 - Question 1: Should the appointed Historic Preservation Commission be an independent board, or should the Planning Commission double as the Historic Preservation Commission?

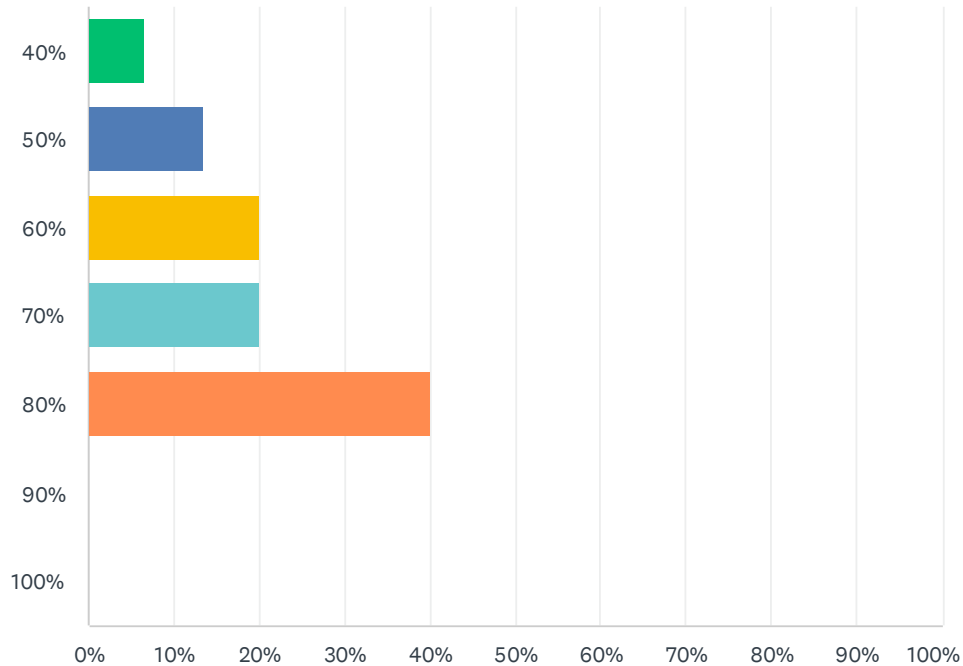
Answered: 15   Skipped: 0



ANSWER CHOICES	RESPONSES	
Independent Board	86.67%	13
Planning Commission	13.33%	2
<b>TOTAL</b>		<b>15</b>

## Q2 Section 2 - Question 2: What percentage of the Historic Preservation Commission should be comprised of full-time (voting) Minturn Residents?

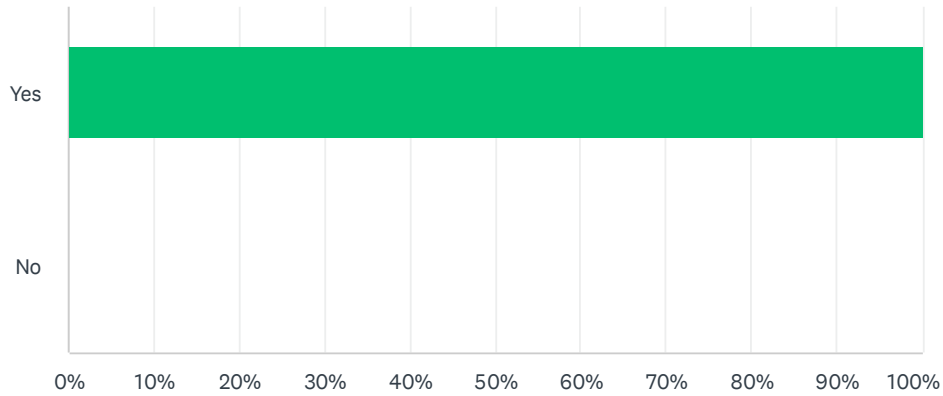
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
40%	6.67% 1
50%	13.33% 2
60%	20.00% 3
70%	20.00% 3
80%	40.00% 6
90%	0.00% 0
100%	0.00% 0
<b>TOTAL</b>	<b>15</b>

### Q3 Should Minturn property owners and/or Minturn Business owners be eligible for consideration on the Historic Preservation Commission?

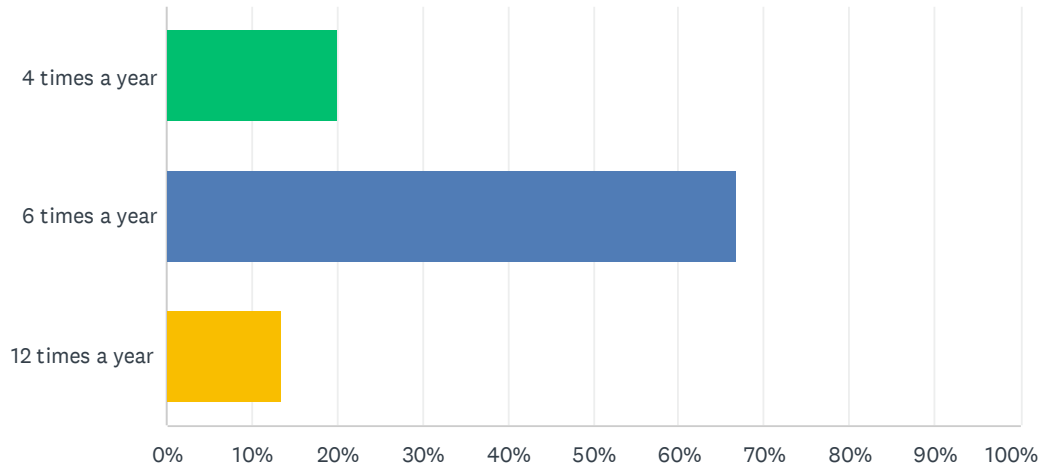
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	15
No	0.00%	0
TOTAL		15

### Q4 Section 2 - Question 3: How many meetings should the Historic Preservation Commission tentatively plan for the first year?

Answered: 15 Skipped: 0

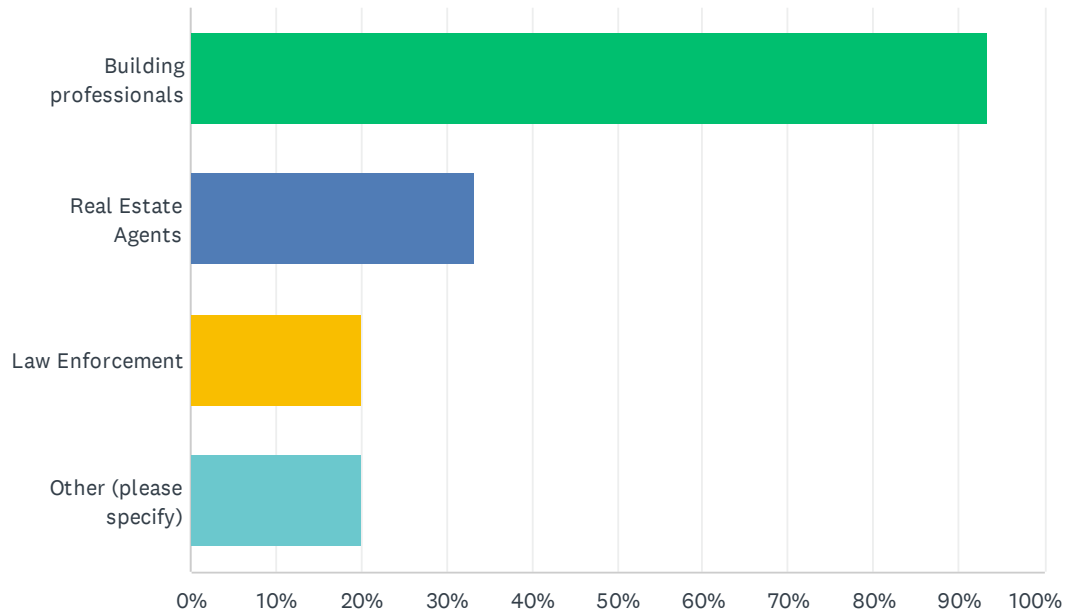


ANSWER CHOICES	RESPONSES
4 times a year	20.00% 3
6 times a year	66.67% 10
12 times a year	13.33% 2
TOTAL	15



Q5 What professions, if any, should be added to the allowed list of "...professionals or or shall have extensive expertise in a preservation-related discipline..." as identified in Section 2c? Select all that apply.

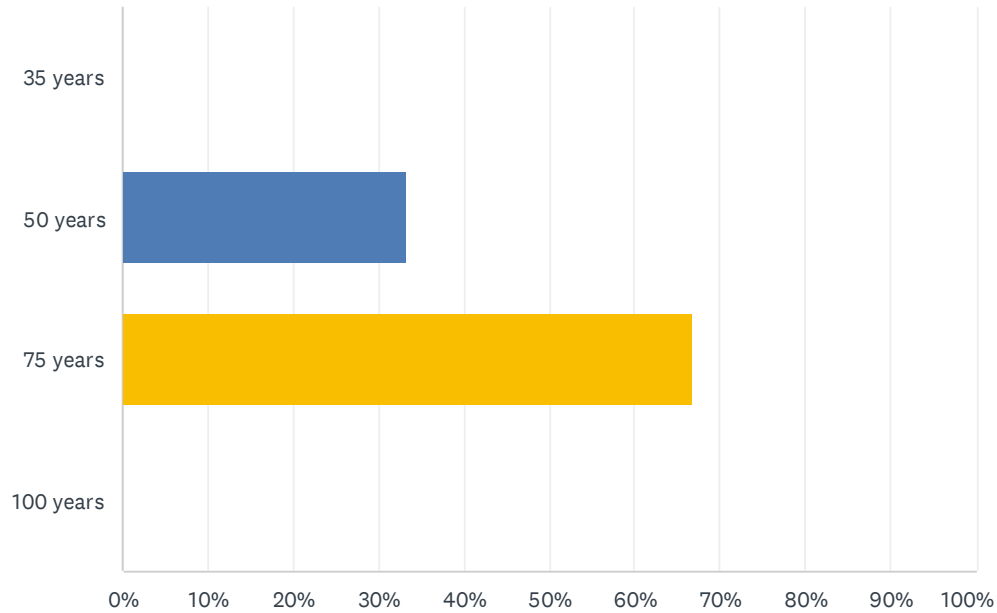
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
Building professionals	93.33% 14
Real Estate Agents	33.33% 5
Law Enforcement	20.00% 3
Other (please specify)	20.00% 3
Total Respondents: 15	

### Q6 Section 3 - Question 1: What is the minimum target age of the architectural demographic Minturn is looking to preserve?

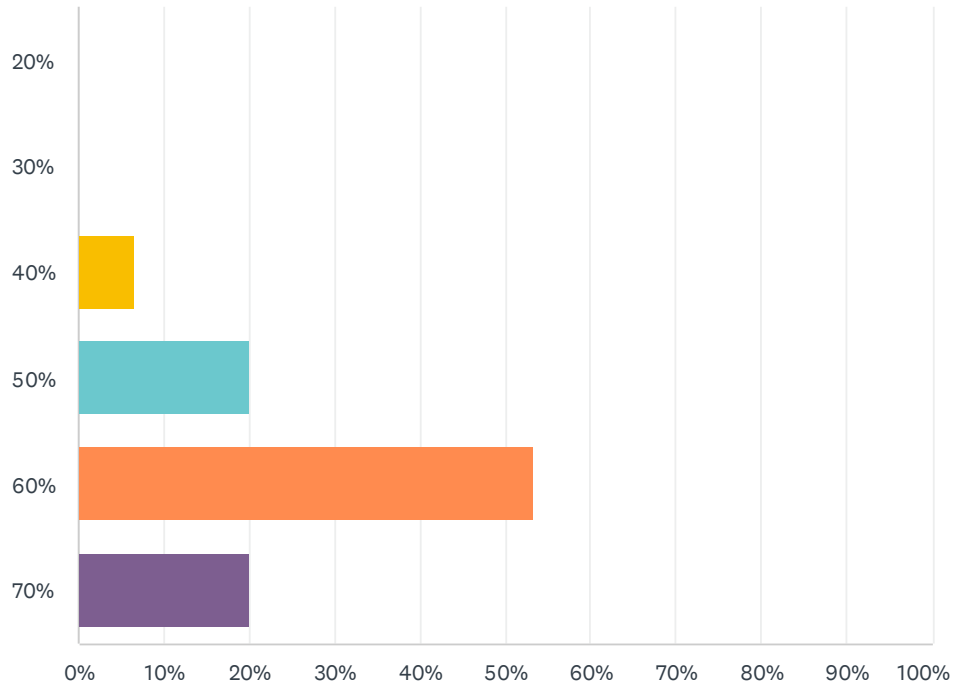
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
35 years	0.00%	0
50 years	33.33%	5
75 years	66.67%	10
100 years	0.00%	0
<b>TOTAL</b>		<b>15</b>

### Q7 Section 4 - Question 1: What percentage of property owners are needed to object to the formation of an historic district?

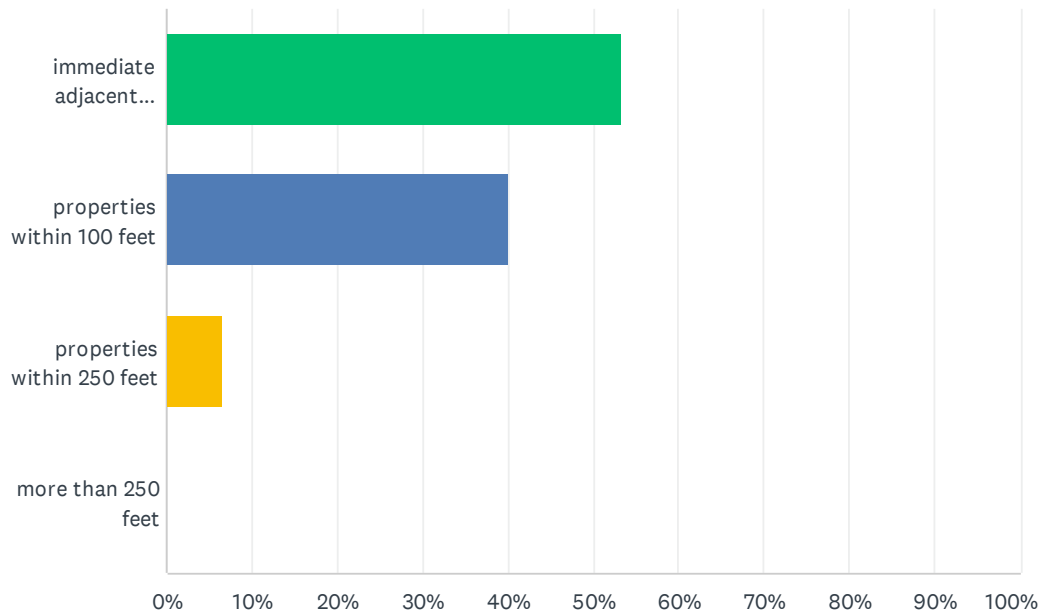
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
20%	0.00%	0
30%	0.00%	0
40%	6.67%	1
50%	20.00%	3
60%	53.33%	8
70%	20.00%	3
<b>TOTAL</b>		<b>15</b>

## Q8 Section 4 - Question 2: What constitutes adjacent properties?

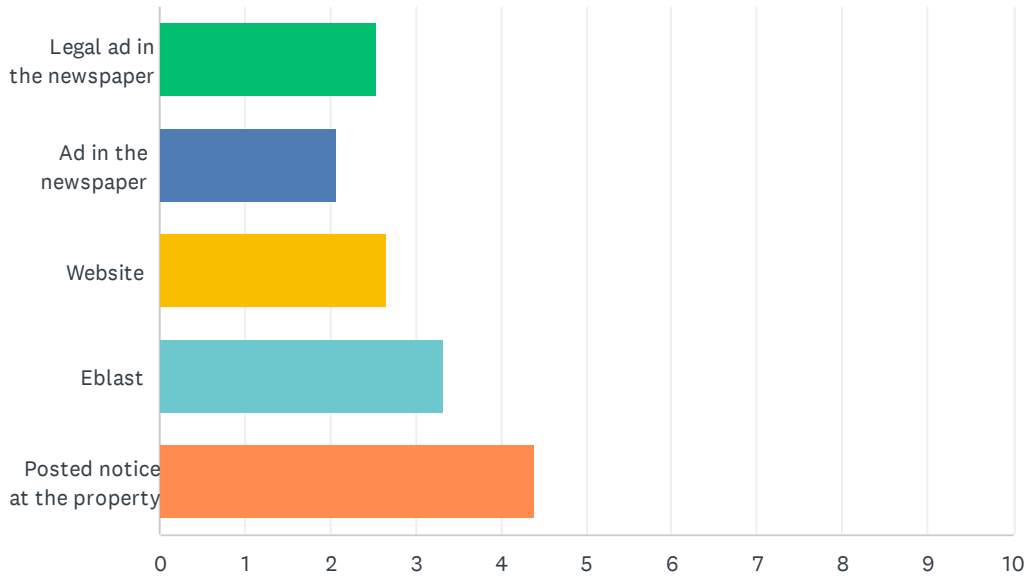
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
immediate adjacent properties and directly across the street	53.33%	8
properties within 100 feet	40.00%	6
properties within 250 feet	6.67%	1
more than 250 feet	0.00%	0
<b>TOTAL</b>		<b>15</b>

### Q9 Section 4 - Question 3: What is the best way to notice a hearing? Rank in order of Most to least effective.

Answered: 15 Skipped: 0

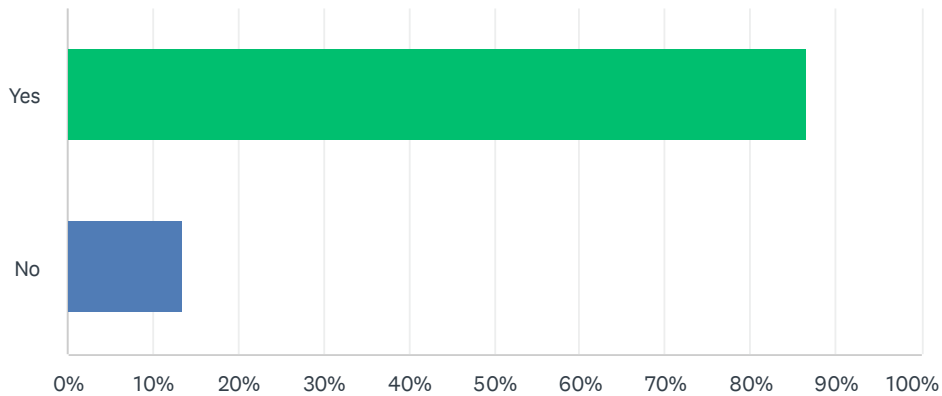


	1	2	3	4	5	TOTAL	SCORE
Legal ad in the newspaper	13.33% 2	20.00% 3	6.67% 1	26.67% 4	33.33% 5	15	2.53
Ad in the newspaper	0.00% 0	6.67% 1	20.00% 3	46.67% 7	26.67% 4	15	2.07
Website	6.67% 1	13.33% 2	46.67% 7	6.67% 1	26.67% 4	15	2.67
Eblast	26.67% 4	26.67% 4	13.33% 2	20.00% 3	13.33% 2	15	3.33
Posted notice at the property	53.33% 8	33.33% 5	13.33% 2	0.00% 0	0.00% 0	15	4.40



**Q10 Section 5 - Question 1: Is the committee in favor of the requirement outlined in Section 5 subsection 1.a? Before carrying out any new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing Properties) Applicants and/or Owner(s) must first submit the proposed work to the Commission under this Section, as well as apply for any other permits required by the Code.**

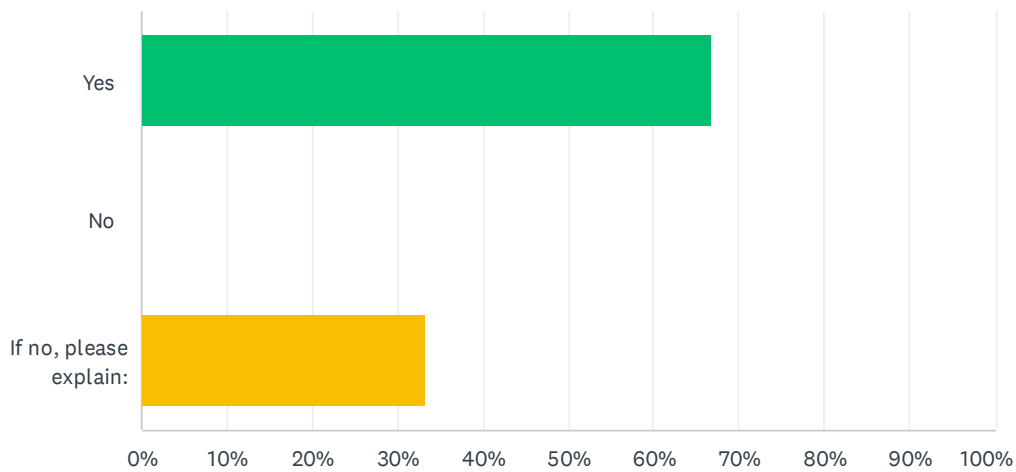
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	86.67%	13
No	13.33%	2
TOTAL		15

**Q11 Section 5 - Question 2: Does the committee agree with the criteria laid out in Section 5 subsection 2.a.? A request for Alteration shall be initiated by the Applicant and/or Owner(s). Such application shall be submitted to the Town for consideration on a form provided by the Commission. The application shall include anything the Town deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the Historic Property or Historic District and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail.**

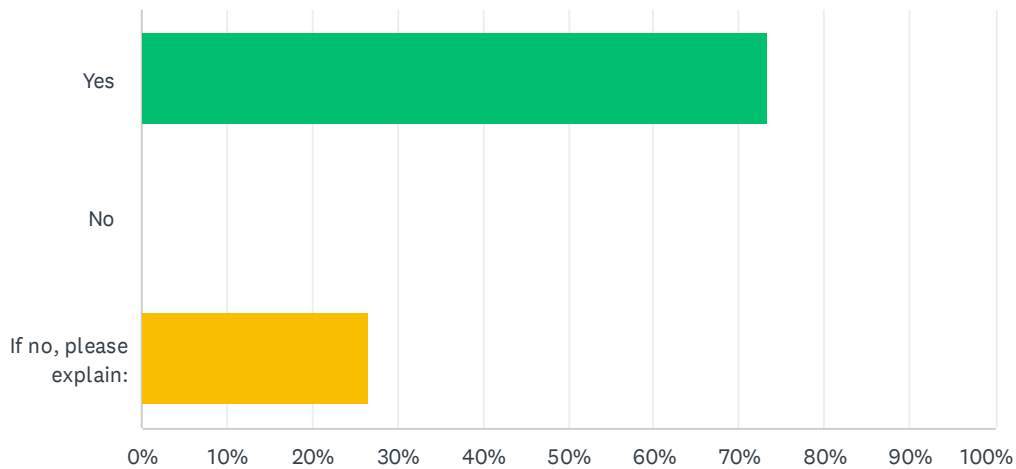
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	0.00%	0
If no, please explain:	33.33%	5
<b>TOTAL</b>		<b>15</b>

**Q12 Section 5 - Question 3: Does the committee agree with the criteria laid out in Section 5 subsection 4.c.? Review Criteria: For Non-Contributing Properties within a Historic District: Compatibility with the Property’s current design, materials, features, size, scale and proportion, and massing; or Compatibility with the Historic District’s design, materials, features, size, scale and proportion, and massing.**

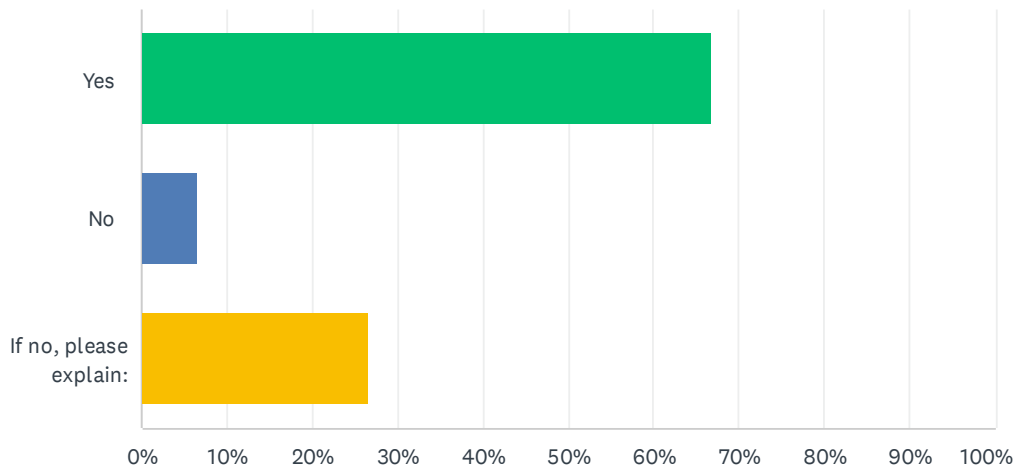
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	73.33%	11
No	0.00%	0
If no, please explain:	26.67%	4
<b>TOTAL</b>		<b>15</b>

**Q13 Section 5 - Question 4: Does the committee agree with requirements in Section 5 subsection 4.d.? Review Criteria: Infill Construction within Historic Districts shall be differentiated from the Historic Properties but be Compatible with the historic materials, features, size, scale and proportion, and massing to protect the Integrity of the Historic District and its environment.**

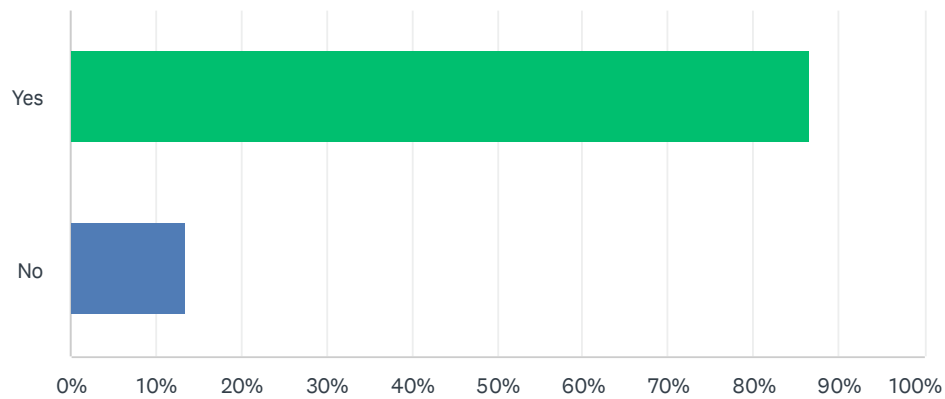
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	6.67%	1
If no, please explain:	26.67%	4
<b>TOTAL</b>		<b>15</b>

**Q14 Section 7 - Question 1: Is the committee supportive of Section 7 subsection 1.c.? If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Section 8), a Certificate of Appropriateness will not be issued until a replacement/reuse plan for the Property has been approved by the Town.**

Answered: 15 Skipped: 0

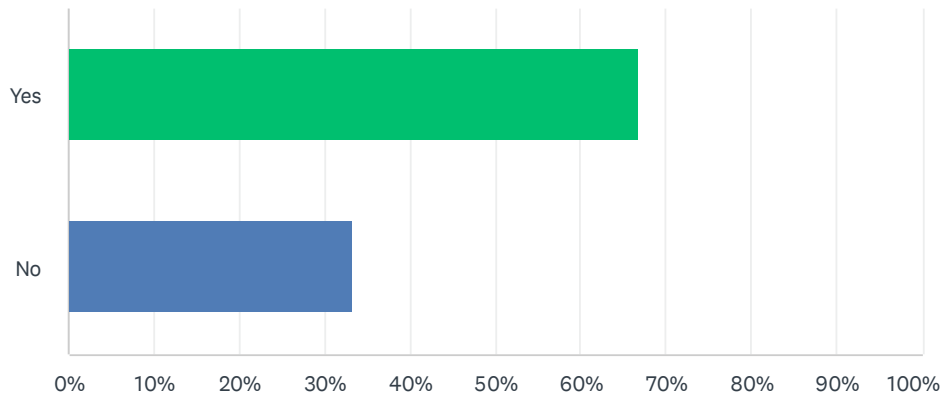


ANSWER CHOICES	RESPONSES
Yes	86.67% 13
No	13.33% 2
TOTAL	15



**Q15 Section 9 - Question 1: Is 50 years old an appropriate age for review? Any permit application for Alteration, Relocation, or Demolition of a non-designated Property greater than 50 years old shall be reviewed by the Commission to determine the eligibility of such Property for listing on the Town Register.**

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	33.33%	5
TOTAL		15



## Design Review Board Hearing

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### Jones Residence Variance Request 832 Main Street

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<b>Hearing Date:</b>	June 1, 2022
<b>File Name and Process:</b>	Jones Variance Request
<b>Owner/Applicant:</b>	Pamela and Craig Jones
<b>Representative:</b>	Michael Pukas, MPP Design Shop, Inc.
<b>Legal Description:</b>	South Minturn Addition, Lot 35
<b>Address:</b>	832 Main Street
<b>Zoning:</b>	South Town Character Area – Residential Zone District
<b>Staff Member:</b>	Madison Harris, Planner I
<b>Planning Commission Recommendation:</b>	<b>Approval</b>

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### Staff Report

#### I. Summary of Request:

The Applicants, Pamela and Craig Jones, request review of a safety fence located within the 30-foot live stream setback at 832 Main Street in the South Town Residential Zone District. The Applicant’s Representative Michael Pukas has been proactive in meeting with Town staff prior to submitting the variance request.

#### **Proposed Plans**

The applicant is proposing to install a new safety fence at the edge of a steep embankment leading to Eagle River within the live stream setback. The new safety fence would be 3.5 feet tall, constructed with 4x4” wood posts and 4x4” black welded wire mesh in order to protect the Applicant’s pets, family, and friends from falling down the steep riverbank.

Section 16-2-50 – Specific Lot Requirements and Dimensional Standards, of the Minturn Municipal Code (MMC) is applicable with regard to improvements within the stream setback:

- (a) *Portions of a lot contained in a river or creek as defined by the ordinary*

*high-water mark, 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 highwater 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 this [Chapter 16](#).***

As referenced in subparagraph (b) above, the only apparent improvements permitted within the live stream setback area are underground utilities which would be approved via Conditional Use Permit. Staff does not believe Section 16-2-50 of the MMC contemplates situations such as the one presented at the Jones residence where there may be a valid need for fence or other enclosure for safety reasons.

The Applicant is requesting a variance from the following:

- **30 Foot Live Stream Setback** – Based on the topography of the land and previous disturbances, there is at one point a rapid change in elevation of about 10 feet. This change in elevation is within the 30-live stream setback, but due to safety reasons needs to be fenced off.

Although it is the Applicant's responsibility and opportunity to demonstrate that the variance request meets the criteria and findings for granting of a variance, the Planning Commission is **recommending approval** of the variance request from the strict interpretation and application of the Town's Setback requirements.

## **II. Planning Commission Review and Recommendation:**

### **Discussion**

Two members of the Planning Commission, Jeff Armistead and Lynn Teach, were concerned about the precedent this sets for what people do within the fence area. These Commission members expressed that the riparian area is supposed to be natural, but once it is fenced in, there is very little to stop the property owners from mowing down any native grass and creating a manicured backyard. While they agreed that there was a safety concern, these Commission members suggested more effort towards retaining the natural state. They ultimately voted against the recommendation of approval of the variance to the Town Council.

The other three members of the Planning Commission, Michael Boyd, Tom Priest, and Elliot Hovey, believed the safety concern to be great enough to recommend approval of the variance to the Town Council.

During the course of the meeting staff suggested the Applicant pull the fence in closer to the house in order to lessen the amount of relief being asked for through the variance process (a factor or criteria listed in the Code). The Representative argued that the property owners need as much space in the back yard as possible, and that there had been a fence and deck there previously that was removed when they demolished the house, and so the conditions on the property are not changing much.

### **III. Zoning Analysis:**

#### **Zoning**

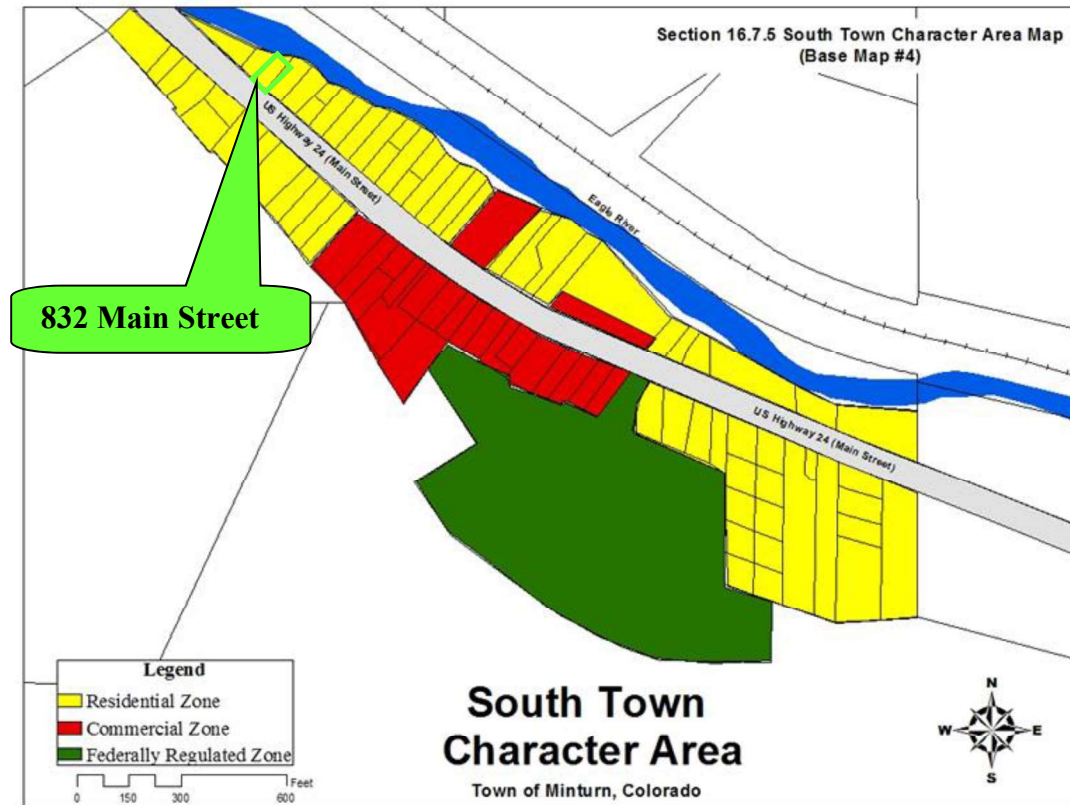
The subject property is located within the “South Town Character Area” Residential Zone District, described as follows:

- (a) *The neighborhood is bisected by Highway 24 and is **characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories**, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.*
- (b) *The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and redevelopment should preserve the unique character and scale of the neighborhood. **An objective is to retain the residential areas as quiet and safe neighborhoods** while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.*

- Town of Minturn Town Code Section 16-7-20

*Space left intentionally blank.*

Figure 1: South Town Character Area Zoning Map



#### IV. Applicable Standards and Design Guideline Criteria:

##### Variance

The Town Code provides the following purpose, intent and criteria for the approval of a variance:

##### ***Sec. 16-21-690. - Variances.***

##### ***(a) Purpose of provisions; limitations.***

*(1) In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*

*(2) Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.*

*(3) The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this Chapter is provided by Sections 16-21-*

*620, Conditional Use Permits, and Division 3 of this Article, Amendments to text of Land Use Regulations or Character Area and Zone District Map.”*

**(c) Approval criteria.** *Before acting on a variance application, the Planning Commission and the Zoning Board of Appeals shall consider the following factors with respect to the requested variance:*

- (1) The relationship of the requested variance to other existing or potential uses and structures in the vicinity;*
- (2) The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;*
- (3) The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and*
- (4) Such other factors and criteria as the Planning Commission and Zoning Board of Appeals deem applicable to the proposed variance.*

**(d) Findings required.** *The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:*

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;*
- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;*
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.*
- (4) There is no substantial impairment to the public that would result from the granting of the variance.”*

**Staff Response:**

As noted above, the Planning Commission made positive findings for all four variance criteria following their review of the variance request. The Town Council acting as the Zoning Board of Appeals must also make positive findings for all four variance criteria. Although no one criterion should be weighted differently or considered more important, the first two criteria are typically the most difficult to establish.

In this instance, the Applicant will be required to demonstrate an ‘extraordinary circumstance,’ ‘physical hardship,’ and/or ‘practical difficulty’ when the regulations are applied strictly and literally to their property.



Staff suggests that the intention of the 30-foot live stream setback is to maintain a riparian area and the natural riverbank for the health of the river. This section of riverbank has long been disturbed and is currently a rock retaining wall.

With essentially a 10 foot drop off at one point, and pets, family, and friends anticipated to use the back yard, there may be a case for physical hardship and/or practical difficulty to allow for the construction of a safety fence.

**V. Planning Commission Recommendation and Suggested Conditions:**

Planning Commission recommends that the Applicant's request for a variance for relief from the strict application of the Town's Live Stream Setback limits at 832 Main Street may be granted as the request generally meets all variance criteria, particularly for physical hardship and practical difficulty. This recommendation passed 3-2.

Planning Commission is **recommending approval** of the variance request.

**VI. Attachments:**

- Application
- Letter of Intent
- Letter from Applicant to the Town Council
- Plans
- Pictures of Existing Conditions
- Resolution



# VARIANCE 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:

Jones Residence

## Project Location

Street Address: 832 Main Street

Zoning: **Residential**

Parcel Number(s): **2103-351-02-003**

## Application Request:

To build a 3'-6" high safety fence on-grade within the 30' high water mark setback

## Applicant:

Name: Michael Pukas, mpp design shop, inc.

Mailing Address: PO Box 288, Gypsum, CO 81637

Phone: (970) 390-4931

Email: michael@mppdesignshop.com

## Property Owner:

Name: **Craig & Pamela Jones**

Mailing Address: 265 Willow Glen Court  
 Boulder, CO 80302

Phone: (650) 384-5811

Email: craig@TPEBoulder.com

## Required Information:

Lot Size: 0.13 acres, 5,695 SF	Type of Residence (Single Family, ADU, Duplex) Single Family	# of Bedrooms 5	# On-site Parking Spaces 4
# of Stories: 2	Snow storage sq ft:	Building Footprint sq ft:	Total sq ft Impervious Surface:

## Signature

Fee Paid: \_\_\_\_\_ Date Received: \_\_\_\_\_ Planner: \_\_\_\_\_

## VARIANCE APPLICATION

### SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant    Staff

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

- Planning Commission Review - \$575 + Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

**RESPOND TO THE FOLLOWING QUESTIONS:**

1. Please describe the nature of the requested variance: \_\_\_\_\_

To build a 3'-6" high safety fence on-grade within the 30' high water mark setback

\_\_\_\_\_

\_\_\_\_\_

2. Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that does not apply generally to other properties in the same zone? (If yes, please elaborate): \_\_\_\_\_

The lot has been in-filled by previous owner(s) and there is a steep rock wall along the edge of the river, approximately 10' high. There was a fence built along of the top of the rock wall that was in disrepair.

\_\_\_\_\_

The current owners desire to reconstruct the fence for the safety of people and pets.

\_\_\_\_\_

3. Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zone code! (if yes, please elaborate): \_\_\_\_\_

The Municipal Code does not allow for improvements to be made within the 30' Highwater Mark Setback.

\_\_\_\_\_

\_\_\_\_\_

**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

The Planning Commission and Town Council are required to make the following findings before granting a variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of the zoning code;
4. There is no substantial impairment to the public that would result from the granting of the variance.

PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
[michael@mppdesignshop.com](mailto:michael@mppdesignshop.com)

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April 26, 2022

Town of Minturn  
**Attention: Planning Department**  
302 Pine Street  
P.O. Box 309  
Minturn, CO 81645  
Tel: (970) 827-5645  
Fax: (970) 827-5545  
e-mail: [planner@minturn.org](mailto:planner@minturn.org)

Regarding: Jones Residence

Location: 832 Main Street  
Minturn, CO 81645  
Parcel Number: 2103-351-02-003  
South Minturn Addition, Lot 35

This is a request for a Variance Application to construct a safety fence within the 30' high water mark setback along the north and south property lines, and along the top of the rock wall adjacent to the river bank.

At some point in the past, the lot had been filled in by approximately 6'-10' to make it level to the street, and a steep rock wall was constructed along the river bank. Previous owners of the property had constructed a fence, deck and shed that covered the majority of the back portion of the lot. These improvements were made prior to the Minturn Municipal Code being created, and prior to the requirement of a 30' setback from the highwater mark. All of the previous improvements were poorly constructed originally, had not been maintained over time, and were not suitable for continued use. All such existing prior improvements have been removed.

When the application for design review for the proposed Jones Residence was first presented in March 2021, the safety fence was discussed. The owners are concerned about the safety of the pets, and family and friends, and would like to re-construct a similar safety fence as was previously existing. The proposed safety fence would encroach into the 30' highwater mark setback along the north and south property lines, and along the top of the rock wall adjacent to river on the east side of the lot. The fence would be 3'-6" high, and be constructed of 4x4 wood posts set into 12" concrete piers, a 2x6 wood top rail, and a 4x4 welded wire mesh, painted black.

It is understood that the intention of the 30' highwater mark setback is to maintain the natural riparian vegetation along the river corridor. However, since the lot has been filled in and the steep rock wall has been constructed, the current state of the lot is far from a natural state.

Thank you for your consideration.

**SIGNED:** Michael Pukas

---

To the City Council of Minturn:

We are very excited to have our new home completed soon at 832 Main Street and to gain occupancy hopefully in late summer. We love being on the river and that is one of the reasons we bought the property. As you may know, the existing structures were very worn down and had tenants living in pretty bad conditions. We are very proud of the new home design and construction. Our one concern is safety, as there is a 10 foot drop to a Class IV river.

We are pleased the planning board approved our safety fence and hope you will endorse their recommendation. We have two dogs we need to keep in the yard and certainly cannot have the liability or worry of the drop off for people without a fence. We are sure you would feel the same if it were your home. There was a fence when we bought it and we want a see-through fence for our own and the neighborhood's viewing pleasure of the river, but a fence for safety nevertheless. We appreciate your understanding. We are sure you don't want Minturn to have any shared liability when we had the ability and easy solution to the problem.

Some of you may live on the river and not think anything about it. But it is a big safety concern to us and to visitors, grandchildren, friends, kids who like to climb. It is a serious safety issue that can be easily solved through an environmentally friendly see-through fence.

Craig Jones

I would just like to add that this fall off is dangerous for not only adults....but small children. Small children are notorious for being attracted to water...and some can be quite the climbers! Someone falls off that...it's life threatening!

It's a human safety issue.

Pamela Jones

We thank you for your concern, your volunteer efforts on behalf of all of us in Minturn, and your attention to this safety issue.

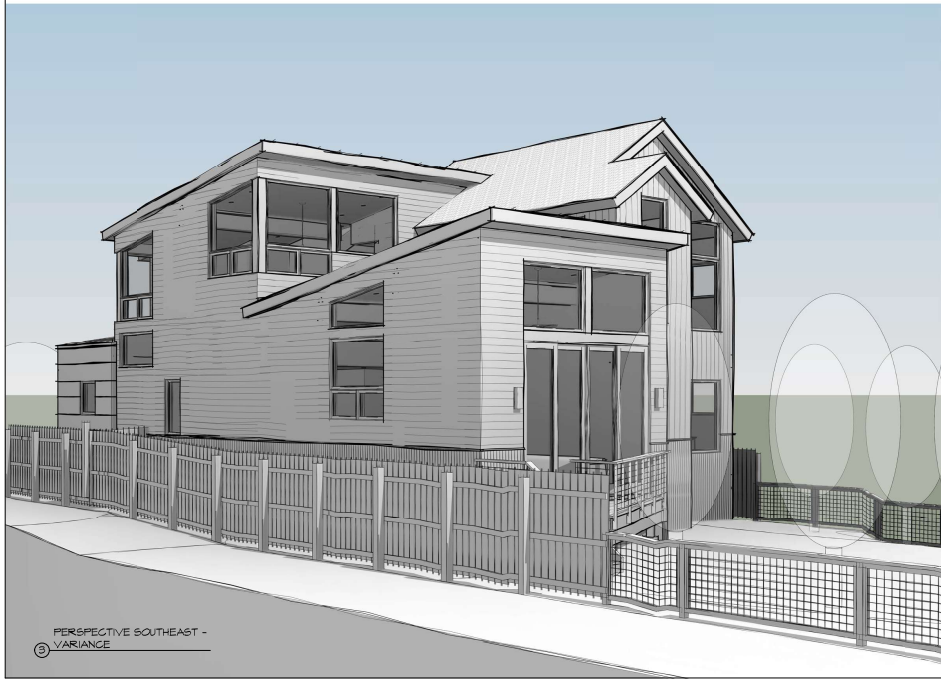




PERSPECTIVE NORTHEAST -  
② VARIANCE



AERIAL VIEW NORTHEAST -  
② VARIANCE



PERSPECTIVE SOUTHEAST -  
③ VARIANCE



AERIAL VIEW SOUTHEAST -  
① VARIANCE

mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michelle@mppdesignshop.com

Jones Residence  
832 Main Street  
Minturn, CO 81456  
Parcel Number: 2103-35-31-02-003  
South Minturn Addition, Lot 35

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#	Description	Date
01	Initial	02-22-22

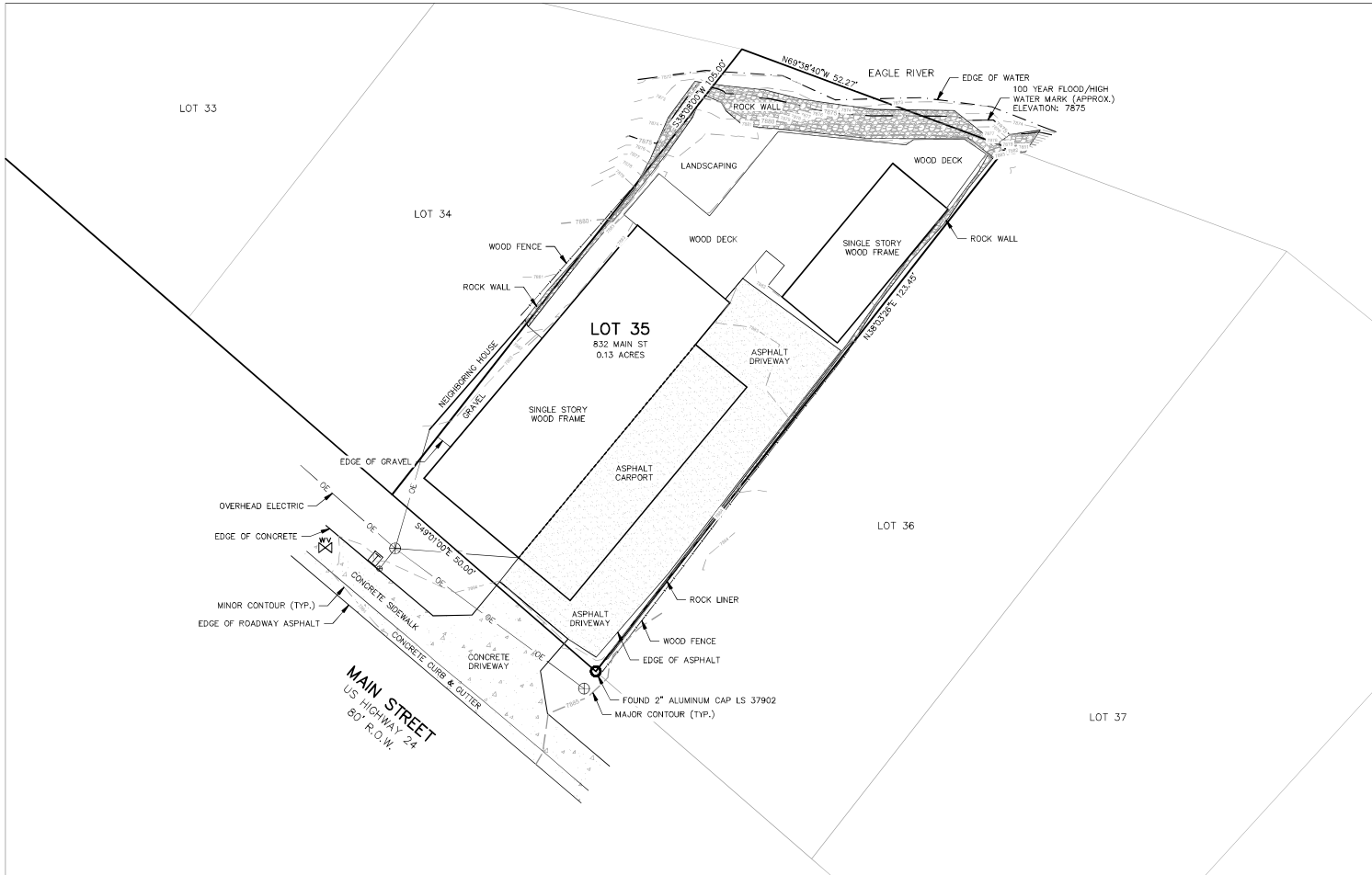
Project Number: 2005  
Designed by: Author  
Drawn by: Author  
Checked by: Checker

EXTERIOR VIEWS

V-01

# EXISTING CONDITIONS SITE MAP LOT 35, SOUTH MINTURN ADDITION

Section 35, Township 5S , Range 81W of the 6th Principal Meridian  
County of Eagle, State of Colorado



### LEGAL DESCRIPTION

Lot 35, South Minturn Addition to the Town of Minturn, recorded on March 1, 1978 at Reception No. 163774 at the Office of the Clerk and Recorder, County of Eagle, State of Colorado.

### NOTES

- 1) Survey Date: September 22, 2020.
- 2) Contour Interval: 1-foot.
- 3) Elevation datum: Marcin Engineering control point #58, CDOT Minturn Resurfacing Project. Elevation = 7884.52.
- 4) This Survey does not constitute a boundary survey nor any investigation into record assessments or encumbrances associated with this property. No Title Commitment was supplied to the Surveyor.
- 5) Utilities are shown approximately and should be field verified prior to excavation.
- 6) Marcin Engineering LLC does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 7) STREET ADDRESS: 832 Main Street, Minturn, CO 81645.
- 8) Parcel Boundary was based on the found 2" aluminum cap at the southern property corner of Lot 35.
- 9) This is not a monumented survey, Land Survey Plot, or Improvement Survey plot. No boundary resolution was performed in making this survey. All lot lines, setback lines, and easement lines shown herein should be considered approximate and should not be relied upon for the placement of any future improvements.
- 10) No Title Commitment was performed for this survey.
- 11) High water mark: No high water mark was visible. Assume 100-year flood elevation is equal to high water mark. High water flood elevation of 7875 feet was obtained from Eagle County FEMA information collaboration on Eagle County GIS website.

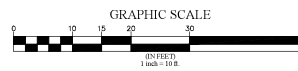
### SURVEYOR'S CERTIFICATION

I, Raymond M. Eiko, a Professional Land Surveyor in the State of Colorado, hereby certify that this Existing Conditions Site Map of 832 MAIN STREET was done by me or under my direct supervision and that both are accurate to the best of my knowledge.

Raymond M. Eiko, P.L.S. 38444  
Colorado Professional  
Land Surveyor



LEGEND	
	CONCRETE
	ASPHALT
	ROCK
	FOUND ALUMINUM CAP
	UTILITY POLE
	WATER VALVE
	TELEPHONE PEDESTAL



TOPOGRAPHIC MAP LOT 35, SOUTH MINTURN ADDITION Town of Minturn, County of Eagle, State of Colorado	
DRAWN BY: TLV	DATE: 9/23/2020
CHECKED BY: RME	DRAWING NO.: TOPO
JOB NO. 20074	SHEET 1 OF 1

**MARCIN ENGINEERING LLC**

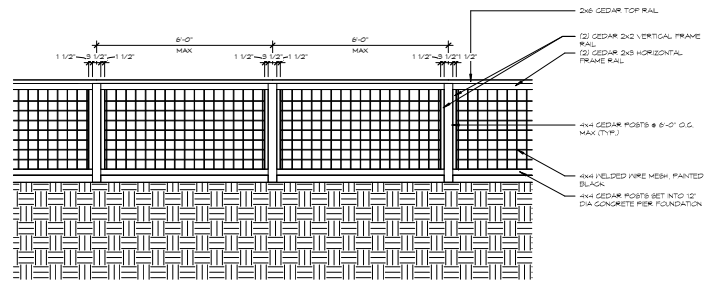
101 EAGLE RD, #5  
P.O. BOX 1062  
AVON, CO 81620  
(970) 748-0274

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered 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 herein.

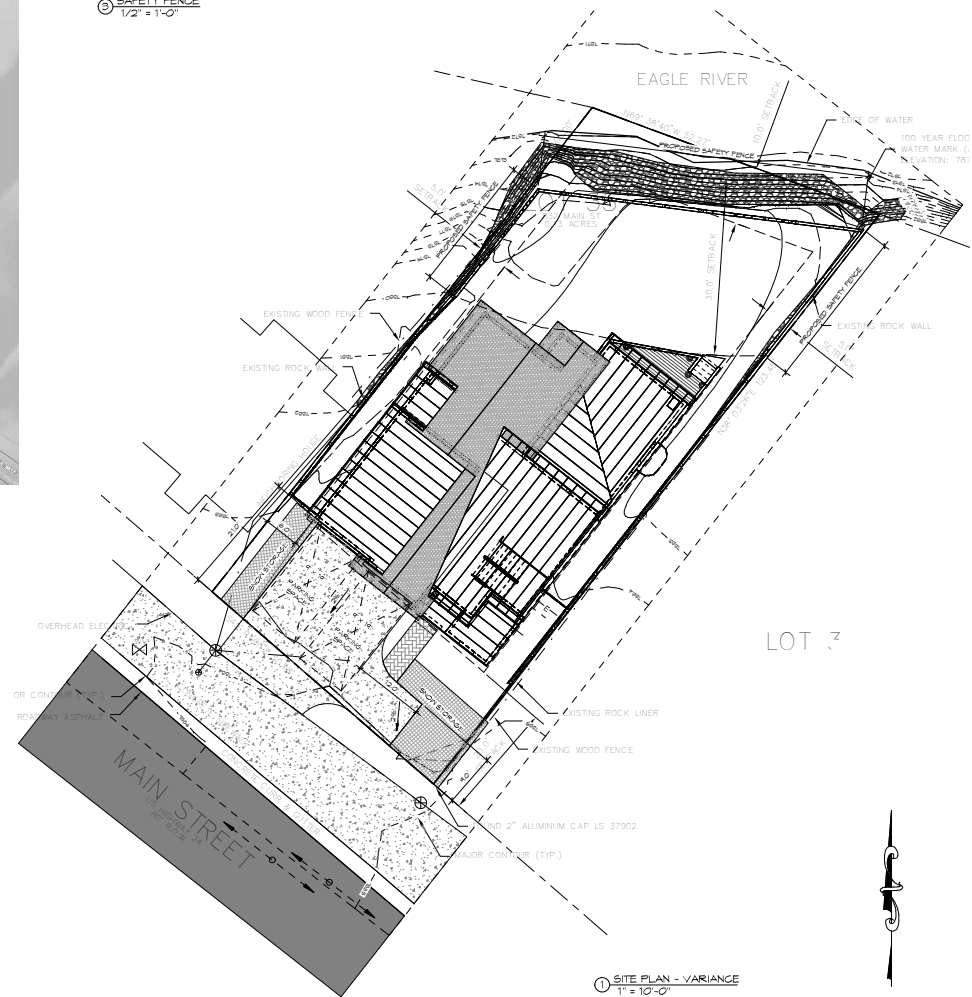


LOT AREA & ALLOWABLE COVERAGE		
EFFECTIVE LOT AREA	BUILDING LOT COVERAGE	IMPERVIOUS SURFACE COVERAGE
5,508 SF	-40%	2,322 SF
	2,322 SF	2,784 SF

LOT AREA	
Name	Area
LOT AREA	5,508 SF
EFFECTIVE LOT AREA	5,508 SF



② SAFETY FENCE  
1/2" = 1'-0"



① SITE PLAN - VARIANCE  
1" = 10'-0"



mpp design shop, inc.  
PO Box 288  
Gypsum, CO 81637  
(970) 390-4931  
michell@mppdesignshop.com

Jones Residence  
832 Main Street  
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Parcel Number: 2103-35-31-02-003  
South Minturn Addition, Lot 35

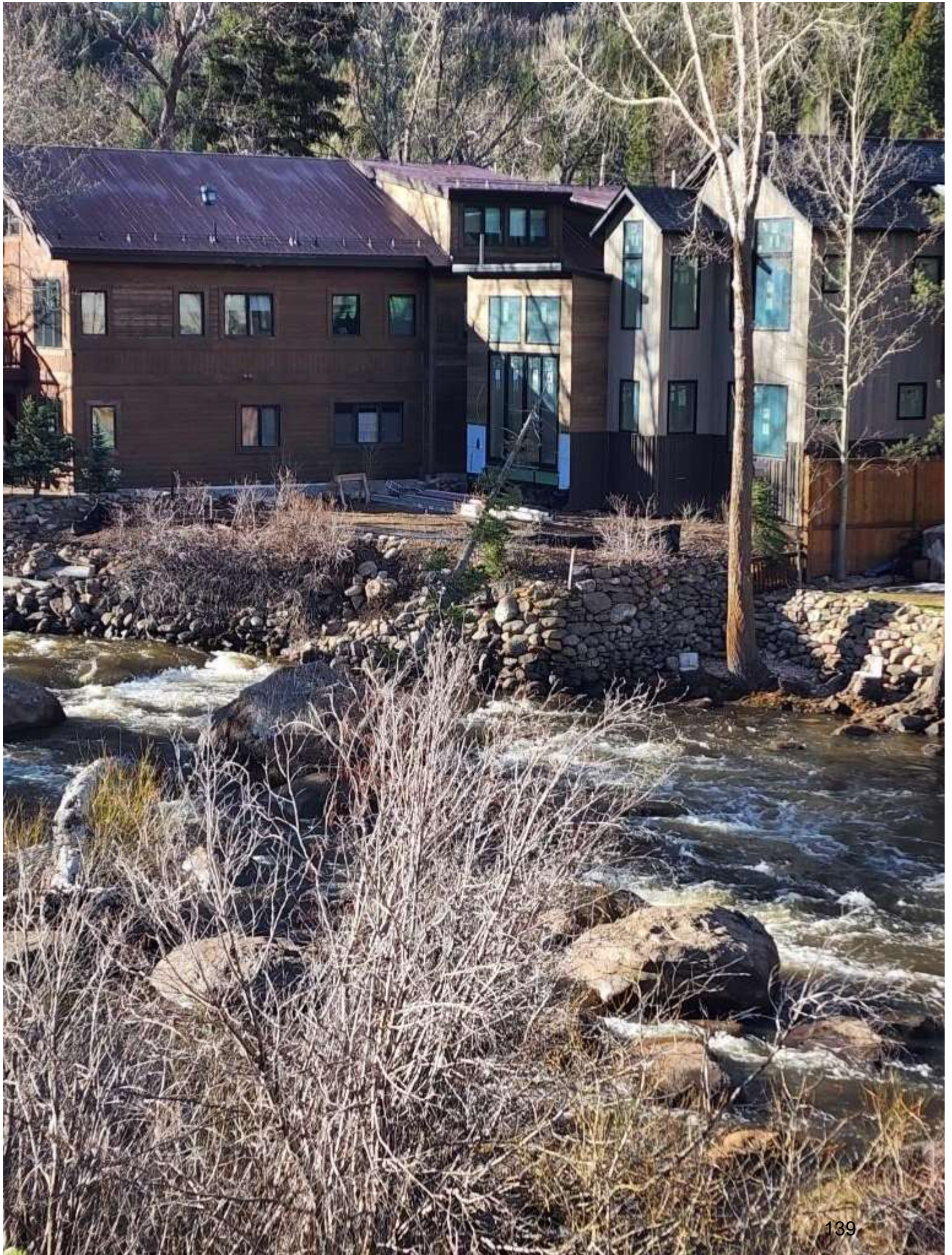
#	Description	Date
001	CONTRACT	02-20-22

Project Number: 2005  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

SITE PLAN

V-AS  
101











**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 20 – SERIES 2022**

**A RESOLUTION APPROVING LAND USE APPLICATION  
VARIANCE 01-22**

**WHEREAS**, on or about April 26, 2022 the Town of Minturn accepted an application from Craig and Pamela Jones for the review of a variance from the live stream setback standards pursuant to the Minturn Municipal Code (hereinafter, the “Code”), Section 16-21-690, Variances; and,

**WHEREAS**, the Applicant requests relief from the strict interpretation of Section 16-2-40 of the Code to allow for the construction of a safety fence within the 30’ Live Stream setback on a lot located within the South Town Character Area Residential Zone District; and,

**WHEREAS**, public notice was properly given pursuant to Section 16-21-610, Public Notice, of the Code for a public hearing held by the Town of Minturn Planning Commission (hereinafter, the “Commission”) on May 11, 2022 to consider the variance request; and,

**WHEREAS**, at their regular meeting of May 11, 2022, the Commission acted to recommend approval of the variance request to the Minturn Town Council; and,

**WHEREAS**, at the regular meeting on June 1, 2022, the Minturn Town Council (hereinafter, the “Council”) acting as the Zoning Board of Appeals, held a public hearing on the variance application and to consider the Commission’s recommendation, pursuant to Section 16-21-690(e) of the Code; and,

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

**WHEREAS**, at the regular meeting on June 1, 2022, the Council, acting as the Zoning Board of Appeals, voted to confirm the action of the Commission; and,

**WHEREAS**, pursuant to Section 16-1-20 of the Code, the most appropriate use of the subject property is allowed via the granting of a variance; and,

**WHEREAS**, pursuant to Section 16-21-690(d), Findings Required of the Code, the Council makes the following findings:

- (1) There **ARE** exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- (2) The exceptional or extraordinary circumstances of the site **DO** create a situation in which the strict, literal interpretation and enforcement of the specified regulation



would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;

- (3) That the granting of the variance **WILL NOT** be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and **WILL NOT** result in substantial impairment to the purposes of this Chapter.
- (4) There **IS** no substantial impairment to the public that would result from the granting of the variance.

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

**THAT**, the variance for 832 Main Street, South Minturn Addition Subdivision, Lot 35, File No. VAR 01-22, for relief from the 30' Live Stream setback, be approved with no conditions.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 1st DAY OF JUNE, 2022.**

TOWN OF MINTURN, COLORADO:

---

Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: June 1, 2022  
Agenda Item: Resolution 21 - Series 2022

---

**REQUEST:**

Council is asked to approve Resolution 21 - Series 2022 approving Conditional Use Application CU 02 - 2022 for Multi-Family Residential and Professional Office uses within the International Trade Center Building located at 164 Railroad Avenue.

**INTRODUCTION:**

At their regular meeting of May 11, 2022, the Planning Commission reviewed the Conditional Use Permit (CUP) Application to allow for Multi-Family Residential and Professional Office uses within the International Trade Center Building located at 164 Railroad Avenue within the Old Town Commercial Zone District.

The Planning Commission voted 5-0 to recommend approval with conditions to the Town Council for the CUP Application for 164 Railroad Avenue:

1. Prior to the issuance of any Certificate of Occupancy for any new residential units constructed within the International Trade Center Building (ITCB), the Applicant shall provide a parking management plan to the Town which the Town may approve at its discretion. The parking management plan may include but not be limited to a permit parking, monitoring, and enforcement system and protocols to be managed by the building owner and/or management company on behalf of the building owner. The parking management plan shall run with the use of the ITCB and shall be binding on any subsequent building owner until such time that the use of the building is changed or the Conditional Use Permit for professional office and multi-family residential uses is terminated, revoked or becomes abandoned.

**ANALYSIS:**

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. No members of the public spoke at the public hearing.

**COMMUNITY INPUT:**

No members of the public spoke at the public hearing. Public notice was provided in accordance with the Minturn Municipal Code Sec. 16-21-610, as well as posting the official agenda and packet materials for public review prior to the hearing.

**BUDGET / STAFF IMPACT:**

N/A

**STRATEGIC PLAN ALIGNMENT:**

The Town Council’s review and approval of the resolution aligns with the following key strategies:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

**ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN**

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has “made Minturn, Minturn.” The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

“Motion to approve Resolution No. 21 - Series 2022 approving Conditional Use Application CU 02 - 2022 for Multi-Family Residential and Professional Office uses within the International Trade Center Building located at 164 Railroad Avenue.”

**ATTACHMENTS:**

- Staff Report
- Conditional Use Permit Application
- Resolution 21 - Series 2021

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Michael Boyd  
Elliot Hovey  
Tom Priest

## **Planning Commission Public Hearing**

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### **International Trade Center Building**

### **Conditional Use Permit for Residential Land Use**

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<b>Hearing Date:</b>	May 11, 2022
<b>File Name and Process:</b>	International Trade Center Building - Conditional Use Permit
<b>Owner/Applicant:</b>	Minturn International, LLC.
<b>Representative:</b>	Tim McGuire
<b>Legal Description:</b>	Lots 1-4, Block B, Booco Subdivision
<b>Zoning:</b>	Old Town Character Area - Old Town Commercial Zone District
<b>Staff:</b>	Scot Hunn, Planning Director Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

---

### **Staff Report**

#### **I. Summary of Request:**

The Applicant, Minturn International, LLC., requests review of a new Conditional Use Permit for residential and professional office uses at the International Trade Center Building (ITCB) located at 164 Railroad Avenue.



**Figure 1: Vicinity Map**

Minturn International, LLC., purchased the International Trade Center Building in December 2020. The ITCB has historically been used for a mix of professional office/commercial and residential purposes. Prior to and following the purchase of the ITCB, the Applicant conducted due diligence including meeting with Town of Minturn staff to verify existing uses within the ITC building, previous approvals of existing uses, and current code requirements to allow for continued use of the property for commercial and residential purposes. A result of that due diligence was the realization that several existing uses within the building had never been formally approved via the Conditional Use Permit process. Simply, the Town's records were either non-existent or inconsistent with regard to existing uses and improvements.

The Applicant is now proposing to bring all existing and proposed uses within the ITCB into compliance with the zoning requirements by applying for a CUP.



As outlined within this report, **staff is recommending approval with conditions** of the International Trade Center Building Conditional Use Permit because the requested permit complies with the Town’s standards and land use policies.

## **II. Summary of Process and Code Requirements:**

This is a Conditional Use Permit (CUP) review by the Town of Minturn Planning Commission. In this role, the Planning Commission is responsible for review of CUPs and for forwarding recommendations to the Town of Minturn Town Council for approval, for approval with conditions, or denial of CUP requests in accordance with the standards, criteria and findings outlined in Section 16-21-620 – *Conditional Use*, Minturn Municipal Code.

Specifically, the Planning Commission’s recommendation and any action of the Town of Minturn Town Council should be based on the following standards and findings:

(e) *Conditions and procedure of issuance.*

(1) *The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application*

(d) *Administrative procedure.*

(1) *Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.*

(2) *Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:*

a. *The relationship and impact of the use on the community development objectives of the Town.*

b. *The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

c. *The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*

d. *The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

- e. *Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*
1. *That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*
  2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
  3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

### **III. Chronology/Background:**

As noted above, the Applicant purchased the International Trade Center Building in 2020 with intentions to maintain existing, historic professional office and multi-family residential uses; to finish and/or renovate existing unused spaces into four (4) additional residential units; and, to seek formal approval of those uses (namely professional office and multi-family residential) requiring a Conditional Use Permit within the Old Town Commercial Zone District. Per the application narrative:

*“Minturn International LLC, (the “Owners”) are looking to officially recognize the existing historic conditional uses that have been ongoing at the Property for at least the past two decades (and likely much longer). Nearly 100 years ago, the building was a YMCA that housed railroad workers, through the years it has been a mix of residential and commercial use. The existing sign on the building which is well over a decade old indicates it is “Commercial and Residential”. In addition to recognizing the existing uses, we are proposing to extend the conditional use permit to include the conversion of five existing commercial units into four additional residential units to be located on the upper floors of the building.”*

The Applicant has worked diligently with Town staff and others to evaluate existing conditions of the building, as well as existing uses and any previous approvals for existing uses. The result has been a collaborative relationship with the Town and other service providers (the Water Authority) to ensure that proposed uses can be properly permitted and served.

### **IV. Zoning Analysis:**

#### **Zoning**

The subject property is located within the “Old Town Character Area” Commercial Zone District. The description and purposes of the Old Town Commercial Zone District are as follows:

*“The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town’s retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.”*

- Town of Minturn Municipal Code Section 16-6-30

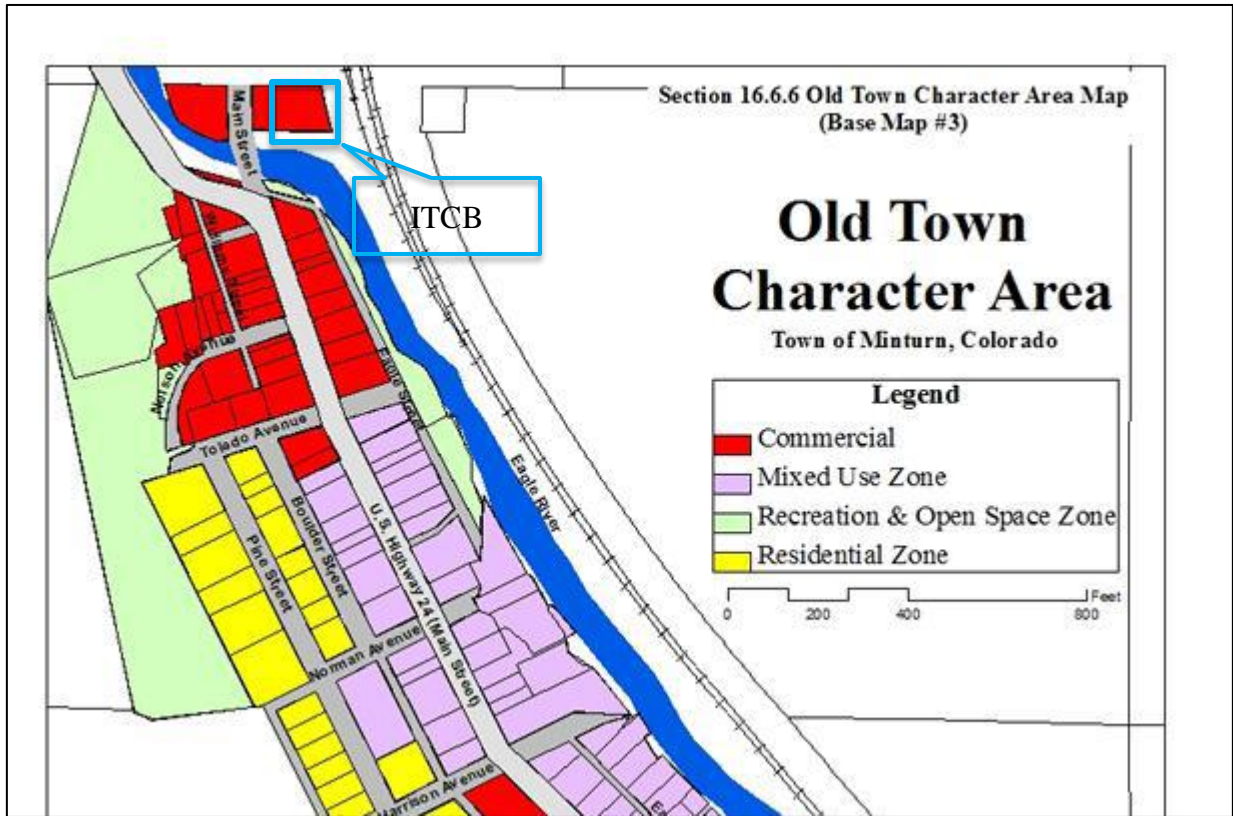


Figure 3: Old Town Character Area Zoning Map

**Dimensional Limitations and Development Standards**

No improvements or alterations are proposed for the International Trade Center Building that would impact or invoke typical dimensional limitations such as setbacks, building height, lot, or impervious coverage. However, the addition of four (4) more multi-family residential units does trigger the parking regulations. The application contains a site plan showing twenty-three (23) existing parking spaces available on-site as well as detailed calculations for all existing and proposed units and uses within the building along with their corresponding parking requirements. Per the application:

*“The number of on-site parking spaces required based on existing uses and square footage is 28 spaces. The conversion of the second-floor offices into residential units will increase the number of spaces by 2 to 30. As allowed in Section 16-16-70 of the Town codes, we are requesting that the Planning Director allow a reduction in parking capacity as shown in the Net Parking row above. To arrive at this net parking figure, we are proposing that offices spaces (highlighted in red) are shared with the residential users since the offices at the building operate between 9 am – 5 pm during the week while our residents typically work during those times. Therefore, we are requesting that the office space not contribute to the overall parking requirement.”*

Section 16-16-70 – *Supplemental Parking and Loading Standards*, subsection ‘a’ of the Minturn Municipal Code states the following:

*(a) “Parking requirements for two (2) or more uses: The off-street parking space required for two (2) or more uses is the combined total of parking spaces required by this Article for both or all uses unless it can be demonstrated to the Planning Director that joint parking arrangements are acceptable.”*

Staff analyzes the parking requirements in Section V – Issues and Discussion Topics, below.

## **V. Issues and Discussion Topics:**

### **Parking**

The Applicant has provided detailed calculations for existing and proposed parking requirements and staff has conducted a site visit to the International Trade Center Building to better understand existing uses within the building as well as available parking. In this case, staff suggests that the request for a shared or “joint” parking arrangement is acceptable but that the Applicant should be required to provide a parking management program or plan to the Town as a condition of any CUP approval. Because the building will be managed by the new ownership group, staff believes that any shared parking plan or arrangement can also be best managed by the ownership or a separate management company to ensure that parking is, in fact, shared without major incident or conflicts. The Planning Director is recommending approval of a shared or joint parking arrangement in conformance with suggested Condition No. 1 found in Section VII – Staff Recommendation, on page 9.

### **Water Taps/SFEs**

The Applicant has met several times with the Town staff as well as Eagle River Water and Sanitation District to understand and confirm existing water taps already in use at the property, as well as the need for any additional taps (which would be limited due to the current Water Tap Moratorium). Staff and the District have determined that the property - specifically the proposed residential uses - can be served. There are currently 8.8 SFEs (Single-Family Equivalents) in use and the Applicant may purchase up to three (3) additional SFEs worth of water from the Town under the current Water Tap Moratorium for a total of 11.8 SFEs. The Applicant confirmed with the Town and the District that the total usage including existing and proposed commercial and residential uses equals 10.8 SFEs.

## **VI. Staff Findings and Analysis:**

The following section provides staff responses to each of the applicable Conditional Use criteria.

- a. *The relationship and impact of the use on the community development objectives of the Town.*

### **Staff Response:**

The continued use of the historic International Trade Center Building for professional office and multi-family uses is in line with the purpose, intent and objectives of the Old Town Commercial Zone District and it supports the Town's development, economic and environmental goals and policies.

- b. *The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

### **Staff Response:**

The International Trade Center Building has been used for years - decades - as a mixed-use building, housing residential and commercial uses. The proposed conversion of existing spaces into residential units continues this trend and makes best use of the building and its location. Simply, it is staff's opinion after touring the building and considering its location relative to Main Street, the continued and slightly expanded residential uses are appropriate and will contribute to the vitality of the Old Town area by placing population near transportation, shopping, dining, and park areas (Eagle River Park) while ensuring that future population growth in this area, however small, is served by existing public facilities and infrastructure.

- c. *The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*

### **Staff Response:**

The existing conditions at the International Trade Center Building include on-site parking, along with some conflict points between Railroad Avenue and the subject property (Railroad Avenue encroaches upon the ITCB property). The Applicant has addressed existing conditions and parking within the application and has met with Town staff to discuss and confirm availability of lease parking from the Town if necessary to fulfill parking requirements. However, additional opportunities exist to address pedestrian safety in the vicinity of the ITCB. The Applicant and the Town have discussed the potential for improvements to pedestrian access behind the building (south side of the building, along the Eagle River) if a more global solution - one diverting pedestrian traffic away from Railroad Avenue - involving the ITCB and Saloon properties can be reached.

- d. *The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*



**Staff Response:**

While no physical improvements or expansions are proposed to the exterior of the existing International Trade Center Building, additional residential use within the existing building may increase the level of activity and vitality in and around the building. As noted in the application, the building has been used for years for office, storage, and residential uses. This is not anticipated or desired by the building owner to change. Therefore, formally recognizing existing residential units/uses, while adding four (4) more residential units should not have any material impact on the character of the area by way of noise, lighting, glare or dust. The uses are compatible with other residential and commercial uses occurring at the Minturn Mountain Hotel, the Minturn Towne Homes, the Saloon restaurant, and the Eagle River Inn property.

*e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*

*1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*

**Staff Response:**

Generally, the subject site is located within a historically residential or mixed use area, despite the “Old Town Commercial” zoning that has been in place for years. The Minturn Municipal Code sets forth the following description for the Old Town Commercial Zone District:

*“The Old Town Commercial Zone is located on either end of the 100 Block Commercial Zone. The Old Town Commercial Zone is also characterized by a compact commercial core area bisected by Main Street or Highway 24. The Old Town Commercial Zone, however, is adjacent to primary residential areas and does not extend off of the Highway 24/Main Street corridor. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.”*

Additionally, the MMC provides the following statement of the Town’s objective for the Zone District:

*“The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.”*

As mentioned in the application and as verified by staff, the ITCB has been used for years - decades - for essentially the same mix of office/commercial and residential uses serving largely local businesses and residents who make their living in and around Minturn. Formally recognizing and approving existing residential uses through the Conditional Use process as well as allowing for a small increase in the number of residential units (while maintaining commercial uses) aligns with the purpose and objectives of the Old Town Commercial Zone District by enhancing the vitality of the area, facilitating and/or supporting existing small businesses in the Town, and ensuring overall compatibility with surrounding uses.

2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

**Staff Response:**

The proposed ongoing use of the International Trade Center Building for office/commercial and residential uses should not be detrimental to the public health, safety or welfare, nor should such ongoing use be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code and any conditions of approval.

3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

**Staff Response:**

Proposed improvements (physical alteration of existing spaces within the International Trade Center Building) will be permitted via the building permit process and therefore will adhere to the Town's building code in effect at the time of permitting. Additionally, with a CUP approval for the ITCB, the Town will effectively be verifying that the proposed uses do, in fact, comply with the provisions of Chapter 16 - *Zoning* of the Minturn Municipal Code.

**VII. Staff Recommendation: Approval, with Conditions**

Staff is recommending approval, with conditions of the International Trade Center Building because the permit complies with the applicable standards and findings as well as the Town's comprehensive plan goals. Should the Planning Commission choose to recommend approval of the ITCB Conditional Use Permit request, the following condition(s) are suggested:

1. Prior to the issuance of any Certificate of Occupancy for any new residential units constructed within the International Trade Center Building (ITCB), the Applicant shall provide a parking management plan to the Town which the Town may approve at its discretion. The parking management plan may include but not be limited to a permit parking, monitoring, and enforcement system and protocols to be managed by the building

owner and/or management company on behalf of the building owner. The parking management plan shall run with the use of the ITCB and shall be binding on any subsequent building owner until such time that the use of the building is changed or the Conditional Use Permit for professional office and multi-family residential uses is terminated, revoked or becomes abandoned.



# CONDITIONAL USE PERMIT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 - 302 Pine Street- Minturn, Colorado 81649-0309

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

**Project Name:**

**Project Location**

Street Address:

Legal Description (Lot, Block, Subdivision):

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:**

*Timothy McGuire*

**\$800+Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.**

Fee Paid: \_\_\_\_\_ Date Received: \_\_\_\_\_ Planner: \_\_\_\_\_

# CONDITIONAL USE PERMIT APPLICATION

## SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant    Staff

       **Application Form** (Please fill out the Form and Return with the Packet)

       **Letter of Intent** (As Detailed as Possible)  
-- 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.

       **Improvement Location Certificate of Survey (ILC or ILS), as appropriate**

       **Site Plan showing Precise Nature of the Proposed Use**

- Topography
- Building Location
- Parking Plan
- Traffic Circulation
  - Location and Width of Existing and Proposed Access Points
  - Location of Existing Driveways and Intersections
- Useable Open Space
- Landscaped Area – Plan
- Approximate Location of Existing Wooded Areas and Rock Outcrops
- Location and Type of Existing and Proposed Easements
- Utility Easements
- Drainage Features

       **Elements needed on the Site Plan**

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

       **Description of precise nature of the proposed use and its operating characteristics and measures proposed to make the use compatible with other properties in vicinity.**



Minturn International LLC  
PO Box 6285  
Avon, CO 81620  
802-473-0275

Minturn Planning & Zoning  
Minturn Town Offices  
PO Box 309  
Minturn, CO 81645

3/8/2022

Dear Scot,

Attached please find this revised Conditional Use permit application for the Minturn International Building at 164 Railroad Ave. in Minturn CO (the "Property") that now includes responses to the suggestions from you 3/4/22 email. As we discussed at our February 3, 2022, site meeting, Minturn International LLC, (the "Owners") are looking to officially recognize the existing conditional uses that have been ongoing at the Property for at least the past two decades (and likely much longer). Additionally, we would like to extend the conditional use permit to include the conversion of five existing units into four converted residential units to be located on the upper floors of the building.

The Property is located in the Old Town Character Area within the Old Town Commercial Zone. This zone *"consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community."* An objective of this area is to *"facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale."* The Old Town Area Use Table indicates that "Multi-family dwellings" and "Professional Offices" are Conditional uses, although "Professional Activities" as well as "Business and office services" are a use by right.

The current Owners purchased the Property in December of 2020. In an October 21, 2020 email, your office indicated that the existing uses could continue but it was unclear if all of the existing uses were properly permitted, and even if they were properly permitted, if the Town had or maintained these permit records. It is also our understanding that any existing uses can continue pursuant to the Town's Pre-Existing Non-Conformities ordinance (Article 22). Your office reviewed existing Town files in October of 2021 and were only able to find documentation of the permits allowing the change of building use from a former hotel into an office building in the 1990's.

Currently the building is a mix of office, light industry, residential and associated storage space (see Sheets A0.0-A0.3). The Table below lists each unit, unit size, current use and parking requirements, as well as proposed; use, size and parking requirements based on Article 16 of the Town code. The building current contains six residential units; one residential unit on the basement level, one residential unit on the first floor and four residential units on the second floor. The building also contains several local business offices on the first and second floor. As indicated on the Site Plan, the Property has 25 parking spaces and ample snow storage on property.

The proposal is to add four residential units to the building by converting five units (units 210, 220, 230, 240 and 270) into four residential units as shown on the Proposed Second Floor Layout plan (sheet

A1.2). In addition, any second floor offices would be moved to the first floor in an attempt to reduce the number of units currently used as Storage to help invigorate and better use first floor units.

It is well documented in Eagle County of the dire need for more local housing. All of the residential units in the building have long term locally employed occupants in them, some have been in the building for over a decade. All of the residents work locally including occupations as teachers, food and beverage, construction, and sales. All the existing offices are also occupied by upper Eagle County residents and two are occupied by Minturn residents. We have sought to attract retail business to the Property but the lack of high visibility from any main roads, adequate parking, and pedestrian access from downtown Minturn have been significant deterrents.

Currently there are no retail uses located on the north side of Bellm Bridge as the true commercial core of Minturn is located along Main Street from the 100 Block South (see attached Vicinity Plan). It is the Owner's goal to add much needed affordable residential units to the area while maintaining the existing first floor as mainly office use. This is compatible with the surrounding residential uses which include the Minturn Mountain Motel, Eagle River Inn, and the Taylor Street Townhomes all of which are located within 100 yards of the Property. The extension of the current uses and addition of four additional residential units is consistent with the objectives of the Old Town Commercial Zone.

#### EXISTING AND PROPOSED USE TABLE

Unit #	EXISTING				PROPOSED				
	Current Use	Current Tenant	Size (s.f.)	Current Parking Requirements	Proposed Use	Size (s.f.)	Proposed Parking Requirements	Parking Plan Allowance	Spaces #'s to be Included in Lease
150 Basement	Res -1 - Bd	Aspen S.	800	2	Res -1 - Bd	800	2	2	22, 25
100	Res - Studio	Tim D.	490	2	Res - Studio	490	2	1	5
110	Office	Brand On	490	2	Office	490	2	2	14, 15
120	Storage	Barbara N	350	1	Light Ind.	350	1	0	Part of unit 11C
130	Office	Harrington Const.	495	2	Office	495	2	2	18, 13
140	Storage	Wild Mtn Cellars	250	0	Office	250	0	1	19
150 A	Office	Battle North LLC	720	3	Office	720	3	2	21, 23
150 B / C	Storage	Tim D.	280	0	Office	280	0	1	24
150 D	Light Ind.	Brand On	450	0	Office	450	0	1	20
200	Res - 1 BD	Chad W.	1200	2	Res -2 - Bd	1200	2	2	1, 2
210	Office	vacant	300	2	Res -1 - Bd	650	2	1	6
220	Office	vacant	230	1	Added to 210 / 230				
230	Office	Cougar Ridge Mgmt	250	1	Res -1 - Bd	550	2	1	8
240	vacant	vacant	800	0	Res -2 - Bd	900	2	2	9, 10
250 /260	Res - 2 BD	Barbara N	1075	2	Res -2 - Bd	1150	2	2	3, 16
270	Office	CO Prefab	375	2	Res - Studio	450	2	1	17
280	Res - 1 BD	Peter M	630	2	Res -1 - Bd	630	2	1	11
290	Res - Studio	Don M	255	2	Res - Studio	255	2	1	12
Required Guest Spaces (1/5 MF units)				2			2	2	4, 7
Gross Parking required w/out shared deduction				28			30	25	
Net Parking if Office Spaces are shared				16	Net Overnight Parking Required (office not			15	

#### Proposed Parking Plan

**Background** - The number of on-site parking spaces currently required based on existing uses and square footage is 28 spaces as shown in the table above. On any given day / evening, there are typically fewer than 14 vehicles parked at the building. The Owners have not experienced a single incident when

the parking lot has been at or near capacity. This can be attributed to business using spaces during office hours (M-F, 9am-5pm) when tenants are typically working as well as most units not needing the number of spaces required by code. Currently (except for the designated handicap space), the spaces are not designated. All lease agreements include the number of spaces allowed for each unit.

**Proposed Conditions** - With the conversion of the second-floor units to residential as well as eliminating some storage and promoting office on the first floor, a more active Parking Management Plan will be required. The goal of the plan is to ensure all tenants have sufficient parking for their needs. The conversion of the second-floor offices into residential units will increase the number of code required spaces by 2 to 30 (see "Proposed Parking Requirements" column in table above). As allowed in Section 16-16-70 of the Town codes, we are requesting that the Planning Director allow a reduction in parking capacity as shown in the "Parking Plan Allowance" column shown in the table above.

**Parking Management Strategies** – In order to control parking at the building the Owners are proposing to institute the following management strategies:

- Designate and label all spaces in the parking lot;
- Designate specific spaces that are included within each unit's lease (see last column on table above);
- Add to lease agreements for office and commercial uses that overnight and weekend parking are not permitted without permission from the Owners and that their designated parking spaces may be used (during overnight and weekend) by residential guests;
- Add to lease agreements for any storage units that designated parking spaces are not included in the lease and parking is limited to 2-hour intervals;
- Ensure adequate snow removal in winter to prevent the loss of parking capacity;
- Actively manage the parking lot on a regular basis (Owner representative is on site regularly).

By adhering to the proposed Parking Management Strategies, we anticipate that the number of spaces on site is more than adequate. By actively managing and dedicating specific spaces to each unit, no more than 25 spaces would be required **in the unlikely event that every unit was parked at one time**. During most times it is anticipated that less than two thirds of the spaces will be used at any one time as shown in the "Net Parking" row in the table above. To arrive at this net parking figure, it has been our experience and we continue to anticipate that offices spaces (highlighted in red) will be unused outside of business hours (M- F, 9am – 5pm) and conversely residential spaces will be unused during business hours. In the unlikely event that future parking requirements cannot be maintained as outlined above, the Owners would be more than willing to enter into an annual lease for additional spaces either in the Minturn municipal parking lot or directly with UPRR but hesitate to reserve these spaces unless they are necessary.

**Water** – Town records show that the Property currently has reserved and is billed monthly for the equivalent of 6.8 Single Family Equivalents ("SFE") of water usage. Commercial buildings are often assigned an SFE equivalency based on the size of the water main that serves the building, the International Building is served by two separate mains (presumably as it was once two separate buildings), a 1-½" and ¾" main respectively. On average, an SFE typically uses 6,000 gallons or more per month<sup>1</sup>. Monthly water bills over the past year show that the International Building is using on average 13,750 gallons per month, which is equivalent to approximately 2.3 SFEs worth of water, much lower

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<sup>1</sup> Water System Capital Improvement Plan for the Town of Minturn by SGM, September 30, 2019, Section 2.3 page 2-4

than the Property is currently designated and being invoiced for. It is not anticipated that the conversion of five offices into four apartment units will have a significant effect on water usage at the building. Three of the units are less than 750 square feet, the size at which the Town Code and Water Application refer to as an Accessory Unit which is equivalent to only 0.5 SFE. Even if each of the converted residential units consumed a full SFE's worth of water and there was no reduction in usage from the loss of five office units, the monthly usage would still be under the 6.8 SFEs that the building currently has.

There are no proposed modifications to the exterior of the building, all proposed renovations will affect the interior only. Upon approval of a Conditional Use permit, the applicant will complete final architectural drawings for building permit application.

The following is provided to indicated adherence to Section 16-21-620.d.2 of the Town Code:

- (2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:
  - a) The relationship and impact of the use on the community development objectives of the Town. *Old Town provides for low-impact retail/commercial and residential uses that support and enhance the friendly small town character. The continued use of the historic International Building as a mixed use property with residential and office / light industrial will continue to meet the objectives of the Town and adhere to the intent of this Character area.*
  - b) The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs. *As this use has occurred at this site for decades, the continued use and conversion of several units to apartments is not anticipated to have any measurable effect on any of the uses outlined above.*
  - c) The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal. *As there is no increase in size or area of useable space at the Property, it is not anticipated that there will be any discernable effects on traffic. Converting five offices to four residential units may actually reduce traffic as the residential units being in the Town core often walk, or use bikes or public transportation to commercial areas all of which are within one to two blocks of the Property.*
  - d) The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

*Since there will be no change to the exterior of the building and all existing and proposed uses are allowed in this character area and will continue (albeit to a marginally different degree) as well as the fact that the surrounding uses include residential it does not appear that there will be any noticeable effect upon the character of the area. As no exterior changes to the building are anticipated, there will be no effect on noise, lighting, glare, or dust.*

- e) Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:
- a. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
  - b. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
  - c. That the proposed use will comply with each of the applicable provisions of this Chapter.



# International Building Vicinity Map



SCALE 1" = 100'



5/8" REBAR & ALUMINUM CAP  
PLS 37902

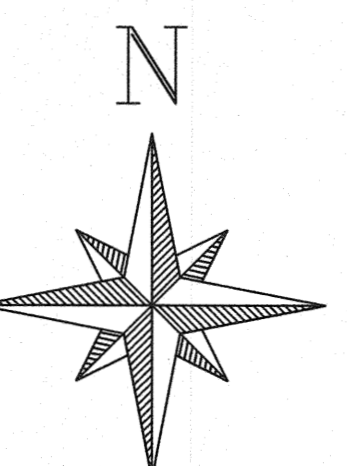
S89°53'28"W 105.00'

RAILROAD AVENUE  
PUBLIC R.O.W.

ASSUMED - NOT MARKED  
N89°53'28"E 105.75'

N89°53'28"E  
400.34'

SOUTH LINE NW1/4 SEC 26 T5S R81W



SCALE: 1" = 40'

LEGEND

- ◆ EXISTING SECTION CORNER MONUMENT AS DESCRIBED
- EXISTING MONUMENT AS DESCRIBED
- SET PK NAIL AND ALUMINUM DISK P.L.S 6973
- ▲ SET 5/8" REBAR AND ALUMINUM CAP STAMPED "WC" PLS 6973
- FIRE HYDRANT
- POWER POLE
- ELECTRIC ENCLOSURE
- ⊠ GAS METER
- O— OVERHEAD ELECTRIC LINE
- G— UNDERGROUND GAS LINE
- E— UNDERGROUND ELECTRIC LINE (ASSUMED)
- ▭ CONCRETE
- ▭ RIP RAP

LEGAL DESCRIPTION: (FROM LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020)

PARCEL 1:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DISTANT ONE HUNDRED FEET AT RIGHT ANGLES WESTERLY FROM THE CENTER LINE OF THE DENVER AND RIO GRANDE RAILROAD COMPANY'S ORIGINAL MAIN TRACK; THENCE SOUTHERLY PARALLEL WITH SAID CENTER LINE ONE HUNDRED FEET; THENCE WESTERLY PARALLEL WITH SAID SOUTH BOUNDARY LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 26, FIFTY-SEVEN FEET; THENCE NORTHERLY PARALLEL WITH SAID CENTER LINE OF SAID TRACK ONE HUNDRED FEET TO AN INTERSECTION WITH SAID SOUTH BOUNDARY LINE OF SAID QUARTER SECTION; THENCE EASTERLY ALONG SAID QUARTER SECTION BOUNDARY LINE FIFTY-SEVEN FEET TO THE POINT OF BEGINNING, CONSTITUTING A PORTION OF BLOCK B OF BOOCO'S ADDITION TO THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 2:

ALL THE REMAINING PORTION OF LOTS 3 & 4 IN BLOCK "B" BOOCO'S ADDITION TO THE TOWN OF MINTURN, NOT PREVIOUSLY DEEDED TO THE STATE EXECUTIVE COMMITTEE Y.M.C.A. BY MEYER BERNARD HASS, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 3:

ALL THAT PIECE OR PARCEL OF GROUND WHICH LIES BETWEEN LOTS (1) ONE, (2) TWO, (3) THREE, (4) FOUR, AND A FRACTION OF A LOT BETWEEN LOTS (1) ONE AND (2) TWO IN BLOCK "B" AS SHOWN BY THE PLAT OF BOOCO'S ADDITION TO THE TOWN OF MINTURN AND THE EDGE OF THE EAGLE RIVER, THE SAME IS BOUNDED ON THE EAST BY THE EASTERLY SIDE LINE OF SAID LOT (1) ONE WHEN EXTENDED TO THE EAGLE RIVER AND ON THE WEST BY THE WESTERLY SIDE LINE OF LOT (4) FOUR WHEN EXTENDED TO SAID EAGLE RIVER, AS SHOWN IN THE OFFICIAL PLAT NOW OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF EAGLE COUNTY, COLORADO, COUNTY OF EAGLE, STATE OF COLORADO.

BASIS FOR BEARINGS:

THE SOUTH BOUNDARY LINE OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH P.M., BEING MONUMENTED AS SHOWN HEREON, IS ASSUMED TO BEAR N89°53'28"E. ALL OTHER BEARINGS ARE RELATIVE THERETO.

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 LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

THE LINEAL UNIT USED AND SHOWN HEREON IS U. S. SURVEY FOOT.

THERE MAY BE BURIED UTILITIES ON OR ADJACENT TO THIS PROPERTY THAT ARE NOT SHOWN DUE TO INSUFFICIENT SURFACE EVIDENCE. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES WHICH MAY AFFECT THE DEVELOPMENT OF THIS TRACT.

THIS LOT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED IN THE F.E.M.A. FLOOD INSURANCE RATE MAP, MAP NUMBER 08037C0658D REVISED DECEMBER 04, 2007.

EXCEPT AS SHOWN OR SPECIFICALLY STATED IN THE LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; ANY OTHER FACTS.

FOR OWNERSHIP OF THIS TRACT OF LAND, EASEMENTS AND/OR ENCUMBRANCES AFFECTING THIS TRACT OF LAND, R.W. BAYER & ASSOCIATES RELIED UPON LAND TITLE GUARANTEE COMPANY COMMITMENT NO. ABJ50057239 DATED JULY 02, 2020.

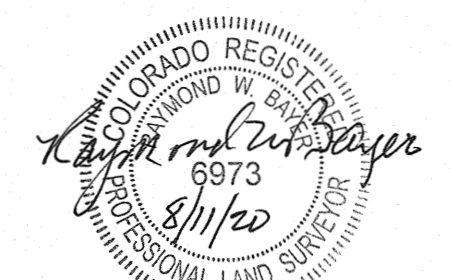
THIS PARCEL SUBJECT TO THE EXCEPTIONS CONTAINED UNDER SCHEDULE B - II:  
ITEM# DESCRIPTION (COMMENT BY BAYER & ASSOCIATES, INC. IN PARENTHESIS)

- ITEMS 1. THROUGH 8. ARE STANDARD EXCEPTIONS
- 9. ANY INCREASE OR DECREASE IN THE AREA OF THE LAND AND ANY ADVERSE CLAIM TO ANY PORTION OF THE LAND WHICH HAS BEEN CREATED BY OR CAUSED BY ACCRETION OR RELICTION, WHETHER NATURAL OR ARTIFICIAL; AND THE EFFECT OF THE GAIN OR LOSS OF AREA BY ACCRETION OR RELICTION UPON THE MARKETABILITY OF THE TITLE OF THE LAND.
- 10. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF EAGLE RIVER.
- 11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND RIGHTS OF WAY AS SET FORTH AND DESCRIBED IN AGREEMENT BY AND BETWEEN GEORGE G. BOOCO AND CHARLES JOHN, FOR AND ON BEHALF OF THE DENVER AND RIO GRANDE RAILROAD COMPANY RECORDED APRIL 28, 1891 IN BOOK 38 AT PAGE 141. (PROVIDED COPY OF DOCUMENT ILLEGIBLE)
- 12. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 09, 1901, IN BOOK 48 AT PAGE 245. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN ON ATTACHED MAP.)
- 13. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 09, 1901, IN BOOK 48 AT PAGE 245. (AFFECTS THE SUBJECT PROPERTY, NO APPARENT DITCHES OR CANALS PRESENT ON SUBJECT PROPERTY.)
- 14. LEASE BETWEEN WALDORF ASSOCIATES LTD., A COLORADO LIMITED PARTNERSHIP, WHICH ACQUIRED TITLE AS WALDORF ASSOCIATES, A LIMITED PARTNERSHIP, LESSOR, AND LARKIN BURBAGE, LESSEE, AS SHOWN BY LEASE AGREEMENT RECORDED FEBRUARY 05, 2019, UNDER RECEPTION NO. 201901685. (AFFECTS THE SUBJECT PROPERTY, NOT SHOWN ON ATTACHED MAP.)
- 15. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE CERTIFIED NOVEMBER 14, 2019 PREPARED BY SLAGLE SURVEY SERVICES, JOB #19066 SAID DOCUMENT STORED AS OUR IMAGE 19892730 A) APPARENT OVERHEAD UTILITY LINES WITHOUT THE BENEFIT OF A RECORDED EASEMENT. (AFFECTS THE SUBJECT PROPERTY, REFERENCED UTILITY LINES SHOWN ON ATTACHED MAP.)

CERTIFICATE OF SURVEY:

I HEREBY CERTIFY TO: BLUE MOUNTAIN INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY; WALDORF ASSOCIATES LTD., A COLORADO LIMITED PARTNERSHIP; LAND TITLE GUARANTEE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), AND 8 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 09, 2020.



RAYMOND W. BAYER, REGISTRATION NO. 6973,  
WITHIN THE STATE OF COLORADO

COUNTY SURVEYOR'S CERTIFICATE:

DEPOSITED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M.,  
IN BOOK \_\_\_\_\_ OF THE COUNTY SURVEYOR'S LAND SURVEY  
PLATS / RIGHTS OF WAY SURVEYS AT PAGE \_\_\_\_\_ THIS LAND SURVEY PLAT  
RECEPTION NO. \_\_\_\_\_ SETBACK LINES.  
COMPLIES WITH SECTION 38-51-106, COLORADO REVISED STATUTES.

COUNTY SURVEYOR \_\_\_\_\_

**R.W. BAYER & ASSOCIATES, INC.**  
12170 TEJON ST., NO. 700  
WESTMINSTER, COLORADO 80234  
(303) 452-4433 RWBSURVEYING@HOTMAIL.COM

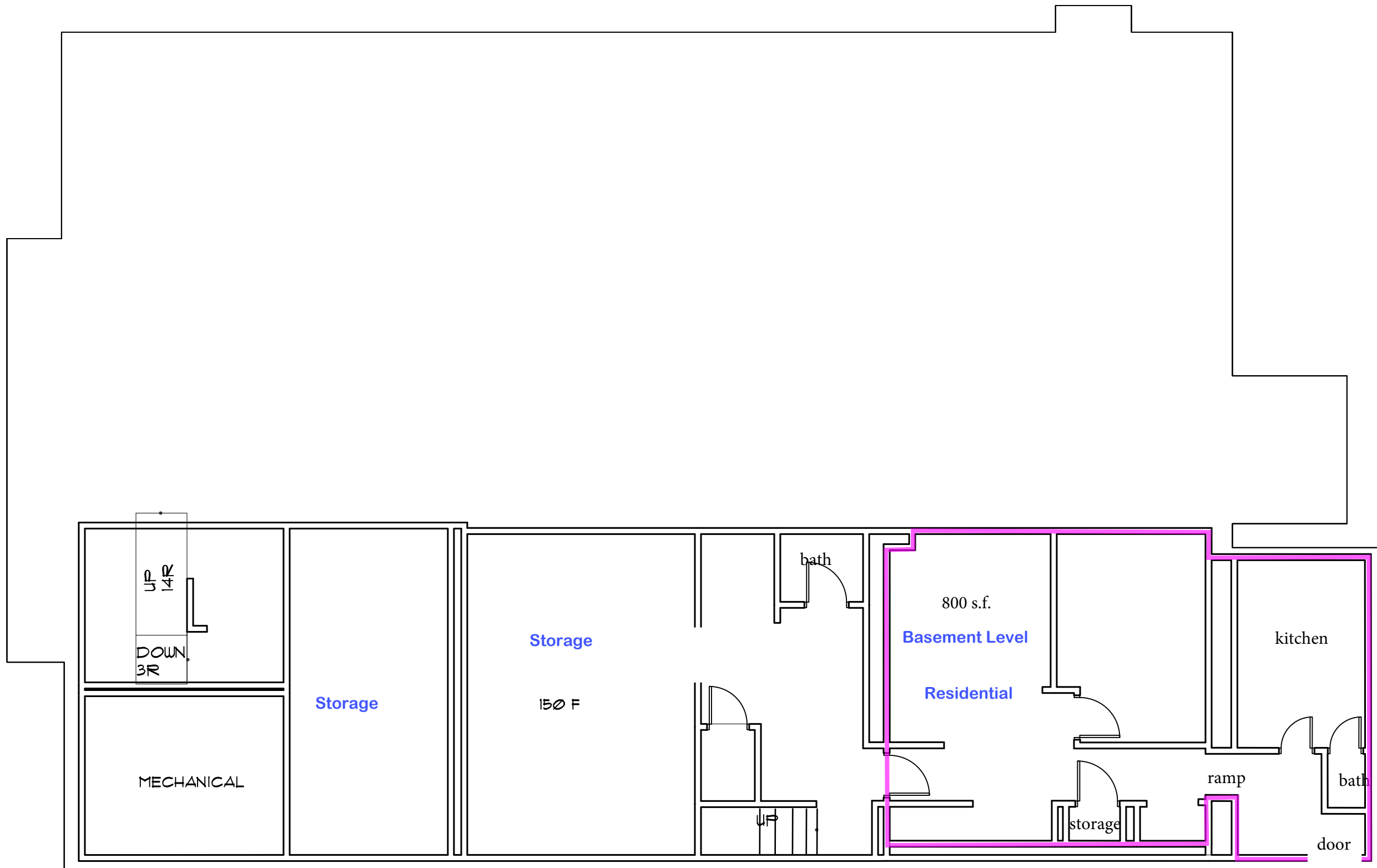
CAD FILE: 20079/20079.DWG REVISIONS:  
8/11/20: CORRECTED BOUNDARY

**ALTA/NSPS LAND TITLE SURVEY**  
A PART OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH P.M., TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO.

SCALE: 1" = 20'	DATE: JULY 10, 2020	DRW BY: J.A.B.	CKD BY: R.W.B.	PROJ. NO: 2020-079
BOOK: 718	PAGE: 5	FILE NO: 26-5S.81-1L	SHEET: 1 OF 1	

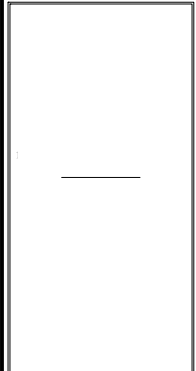






# RIVER FRONT

PRELIMINARY : not for construction



Seal

INT'L TRADE CENTER  
146 RAILROAD AVENUE  
MINTURN, CO

Revisions:  
▲  
▲  
▲



Issue Dates:  
"A" 1xx.20: DRB Submittal

Sheet Title:  
**100  
LOWER  
LEVEL  
FL. PLANS**

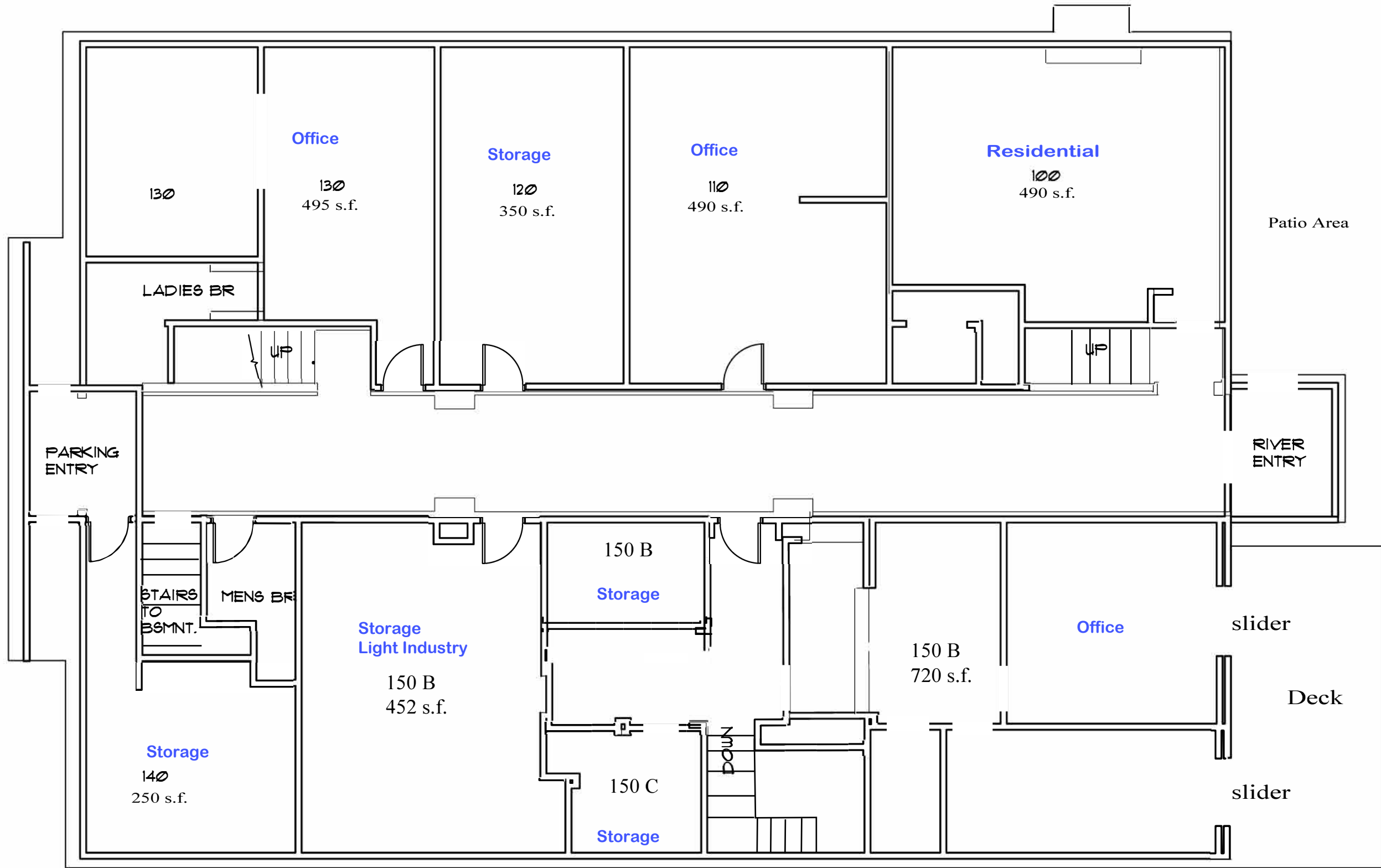
Project No:

Sheet No:  
**A0.0**

1

## 100 LOWER LEVEL FLOOR PLAN

1/8" = 1'-0"



# RIVER FRONT

PRELIMINARY : not for construction

INT'L TRADE CENTER  
146 RAILROAD AVENUE  
MINTURN, CO

Revisions:

△	
△	
△	

Issue Dates:  
"A" 1.xx.20: DRB Submittal

Sheet Title:  
**100**

**LEVEL  
FL. PLANS**

Project No:

Sheet No:

**A0.1**

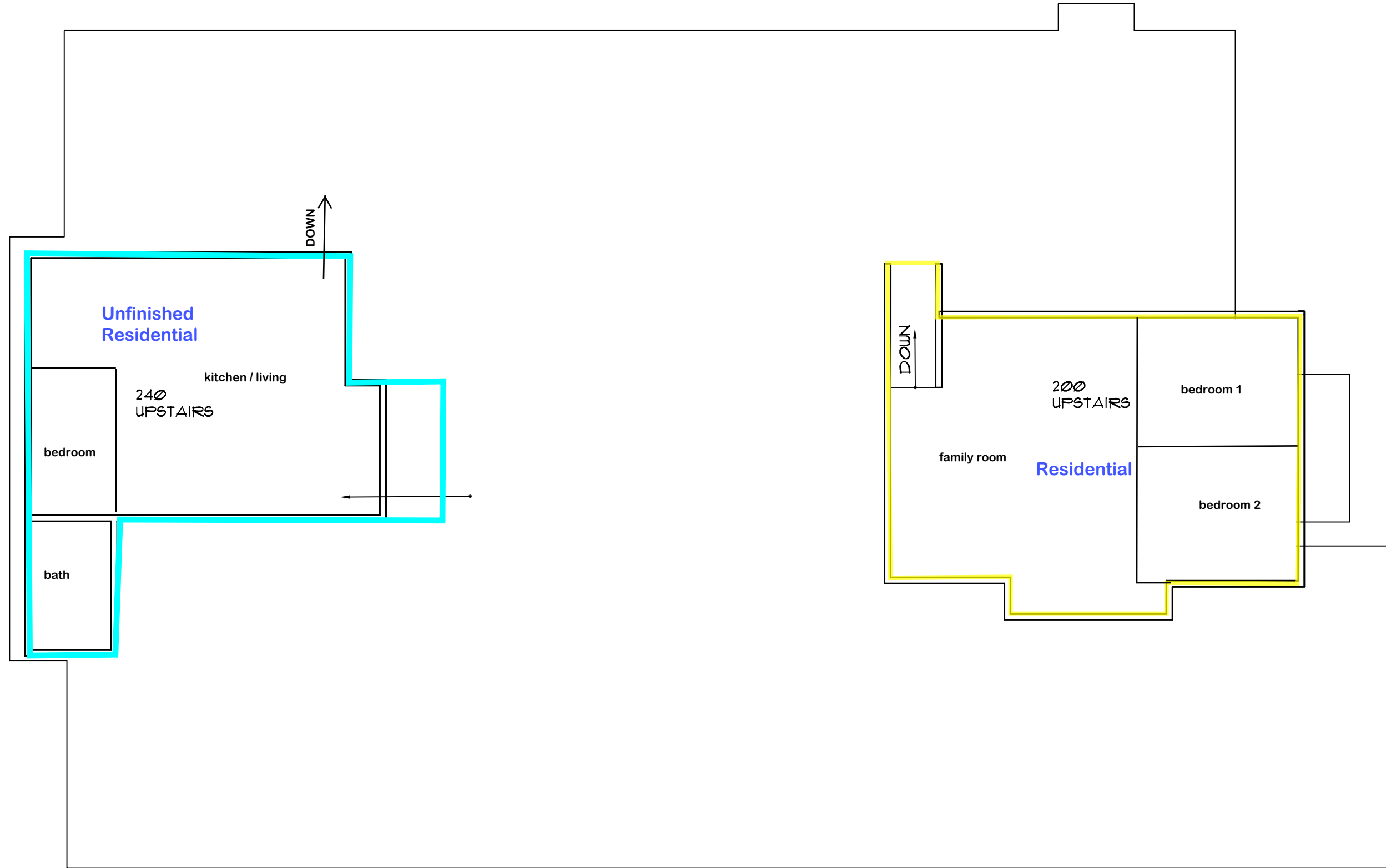
1

## 100 LEVEL FLOOR PLAN

1/8" = 1'-0"







**RIVER FRONT**

PRELIMINARY : not for construction

INT'L TRADE CENTER  
146 RAILROAD AVENUE  
MINTURN, CO

Revisions:  
△  
△  
△



Issue Dates:  
"A" 1xx.20: DRB Submittal

Sheet Title:  
**200  
UPPER  
LEVEL  
FL. PLANS**

Project No:

Sheet No:  
**A0.3**

1

**200 UPPER LEVEL FLOOR PLAN**

1/8" = 1'-0"



**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 21 – SERIES 2022**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 02 – 2022  
FOR MULTI-FAMILY RESIDENTIAL AND PROFESSIONAL OFFICE USES WITHIN  
THE INTERNATIONAL TRADE CENTER BUILDING LOCATED AT 164 RAILROAD  
AVENUE, TOWN OF MINTURN, STATE OF COLORADO**

**WHEREAS**, on or about February 22, 2022, the Town of Minturn (hereinafter “the Town”) accepted an application from Minturn International, LLC., (hereinafter “the Applicant”) for a Conditional Use Permit (hereinafter “CU 02-2022”), pursuant to Section 16-2-620, Conditional Use, of the Minturn Municipal Code (hereinafter the “Code”) to allow for multi-family residential and professional office uses within the International Trade Center Building located within the Old Town Commercial Zone District; and

**WHEREAS**, The Town of Minturn Town Council (hereinafter “Council”) is commissioned with certain powers and duties contained in the Section 16-21-30 of the Code; and

**WHEREAS**, on May 11, 2022 the Planning Commission (hereinafter “Commission”) held a public hearing on the application pursuant to Section 16-21-620(d) of the Code and recommended approval of the application with conditions; and

**WHEREAS**, on June 1, 2022 the Council held a public hearing on the application pursuant to Section 16-21-620 of the Code; and

**WHEREAS**, public notice was given pursuant to Section 16-21-610 of the Code; and

**WHEREAS**, the Commission and the Council considered the following factors during their respective review of CU 02-2022, as required by the Section 16-21-620(d)(2) of the Code:

- a. The relationship and impact of the use on the community development objectives of the Town.
- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.
- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.
- d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

**WHEREAS**, pursuant to Section 16-21-620(e), Conditions and procedure of issuance, of the Code, the Council may approve the application as submitted or may approve the application

subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application; and

**WHEREAS**, the Commission recommended approval with the following condition:

1. Prior to the issuance of any Certificate of Occupancy for any new residential units constructed within the International Trade Center Building (ITCB), the Applicant shall provide a parking management plan to the Town which the Town may approve at its discretion. The parking management plan may include but not be limited to a permit parking, monitoring, and enforcement system and protocols to be managed by the building owner and/or management company on behalf of the building owner. The parking management plan shall run with the use of the ITCB and shall be binding on any subsequent building owner until such time that the use of the building is changed or the Conditional Use Permit for professional office and multi-family residential uses is terminated, revoked or becomes abandoned.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:**

That the Conditional Use Permit, CU 02-2022, for the International Trade Center Building shall be approved, as conditioned, because the following findings have been made pursuant to Section 16-21-620(d)(2)(e), Necessary findings, of the Code:

1. The proposed location of the use(s) **IS** in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
2. The proposed location of the use(s) and the conditions under which they will be operated or maintained **WILL NOT** be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. The proposed use(s) **WILL** comply with each of the applicable provisions of this Chapter.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 1<sup>st</sup> day of June, 2022.**

**TOWN OF MINTURN**

By: \_\_\_\_\_  
Earle Bidez, Mayor



ATTEST:

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Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Jay Brunvand  
Date: June 1, 2022  
Agenda Item: Opt out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI)

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**REQUEST:**

Council is asked to approve Resolution 22 – Series 2022.

**INTRODUCTION:**

In November 2020 Colorado voters approved Proposition 118 allowing for the implementation of a state-run Paid Family and Medical Leave Insurance (FAMLI) program. That same year the state legislature enacted the Healthy Families and Workplaces Act. This act requires employers to provide 48 hours per year of fully paid medical leave. The Town of Minturn meets or exceeds the standards of both of these new laws.

**ANALYSIS:**

The Town of Minturn provides very generous leave in excess of state laws including allowing leave to accrue from year to year, pays 100% of an employee's salary, and doesn't require application for reimbursement of lost wages for taking leave all at no cost to the employee. The state laws require premiums in the amount of .45% of taxable wages, this .45% is paid by both the employee and the employer, the benefit does not accrue like the town's does, and there is no outside agency to apply for leave pay.

If at a later date, the town determines the State plan is of benefit to the employees we can opt in and in any case, we must confirm our desire to remain opted out every eight years. Further, if an individual employee determines it is to their benefit to opt in, they may do so at their cost without jeopardizing the status of all other Town employees.

**COMMUNITY INPUT:**

Since this only affects Town employees, as required by law, all employees have been notified of this pending recommendation and the results of the Council action will also be relayed to each employee.

**BUDGET / STAFF IMPACT:**

This item is not budgeted. The cost for the employee would be approximately \$3,000 and this would be matched by the Town for a total approximate cost of \$6,000 annually.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Motion to approve Resolution 22 – Series 2022 a Resolution declaring the Town of Minturn's decision to opt out of the Colorado Paid Family and Medical Leave Insurance (FAMLI) program.

**ATTACHMENTS:**

- Resolution 22 – Series 2022
- Notice to all employees of the decision requested tonight.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO: 22 – SERIES 2022**

**A RESOLUTION DECLARING THE TOWN OF MINTURN’S DECISION  
TO OPT OUT OF THE COLORADO PAID FAMILY AND MEDICAL  
LEAVE INSURANCE PROGRAM (FAMLI)**

**WHEREAS** the Town of Minturn provides more paid leave than mandated by the Colorado Healthy Families and Workplaces Act, C.R.S. § 8-13.3-401 et seq., and provides other paid leave more generously than required by Colorado law; and

**WHEREAS**, the Town of Minturn allows its employees to accrue sick leave and to carry unused sick leave over from one year to the next, to a maximum of 13.2 weeks of paid leave based on years of service; and

**WHEREAS**, the Town of Minturn pays sick leave to its employees at 100% of the employee’s wage, versus the partial reimbursement provided under the Colorado Paid Family and Medical Leave Insurance Program (FAMLI); and

**WHEREAS**, the C.R.S. § 8-13.3-522 provides that a local government employers may decline participation in the FAMLI program by vote of the governing body; and

**WHEREAS**, it is the desire of the Minturn Town Council to decline participation in the FAMLI program.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN:**

1. The Town of Minturn hereby declines participation in the Colorado Paid Family and Medical Leave Insurance Program.
2. Notice of this Declaration shall be provided to the Colorado Division of Labor and Employment.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 15<sup>th</sup> DAY OF DECEMBER, 2021**

**ATTEST:**

\_\_\_\_\_  
**EARLE BIDEZ, MAYOR**

\_\_\_\_\_  
**JAY BRUNVAND, TOWN CLERK**



Town Council  
 Mayor – Earle Bidez  
 Mayor Pro Tem – Terry Armistead  
 Council Members:  
 George Brodin  
 Lynn Feiger  
 Gusty Kanakis  
 Kate Schifani  
 Tom Sullivan

## MEMORANDUM

To: Minturn Town Staff  
 From: Michelle Metteer, Town Manager  
 Re: NOTICE REGARDING Colorado Paid Family and Medical Leave Insurance – Council Vote June 1  
 Date: May 25, 2022

In November 2020, 57% of Colorado voters approved Proposition 118, allowing for the implementation of a state-run Paid Family and Medical Leave Insurance (FAMLI) program.

That same year, the state legislature enacted the Healthy Families and Workplaces Act, which requires all Colorado employers to provide 48 hours per year of fully paid medical leave. The Town of Minturn meets or exceeds the standards required by both of these new laws, as shown below.

FAMLI	HFWA	TOWN OF MINTURN
Up to 12 weeks of partial rate of pay for leave required for illness of employee or family member, victims of sexual assault or domestic violence, birth or adoption of a child	Employees must receive 1 hour of sick leave per 30 hours worked, up to 48 hours per year at normal rate of pay for any mental or physical illness, injury, or health condition that prevents work; doctor visits; preventative care; victims of sexual or domestic violence.  Leave accrues from year to year but an employer can deny use of more than 48 hours in one year.	The Minturn Leave Policy provides 23 days accrual to starting employees that can be used for sick or personal leave. This formula provides 3.84 hours per 40 hours worked, can accrue up to two years, and is in excess of the FAMLI/HFWA requirement.  The Town also provides at no cost to the employee Long Term Disability insurance.
Premium of .9% of Employees salary	No premium	No premium
Employer must pay at least half		

### TOWN COUNCIL DECISION REGARDING FAMLI – JUNE 1, 2022

The Colorado Healthy Families and Workplaces Act (HFWA) is mandatory for all Colorado employers, and the Town of Minturn already provides more than the amount of leave required by that Act for full-time employees, and proportionally allows part-time employees to accrue the leave they earn from year

to year and use more than 48 hours in a year. The Colorado Paid Family and Medical Leave Insurance program (FAMLI), on the other hand, is not mandatory for local governments, and town councils are required to determine whether to opt out of the state-run program or have their employees become automatically enrolled and remit .9% of their salaries as a premium beginning January 1, 2023.

My recommendation is that the Town Council should vote to opt out of the program since the Town provides generous leave for a variety of reasons, including all state-mandated reasons, allows leave to accrue from year to year, pays 100% of an employee's salary, and doesn't require employees to apply for reimbursement of lost wages for taking leave, as the FAMLI program would. Moreover, the state program only pays a portion of an employee's wages, 84% for someone earning \$35,000/year and only 65% for someone earning \$80,000/yr, despite the premium being .9% of each of those employee's salaries.

If the Town Council participates in the state-run FAMLI program, the Town will only pay for the state-mandated 48 hours per year of sick leave and employees requiring more would need to file a claim with the state FAMLI program to be reimbursed for lost wages above 48 hours each year. There would no longer be any accrual of leave as the state insurance program would replace the Town's sick leave after the first 48 hours, which starts over each year.

If the Town Council does opt out, employees may still voluntarily opt into the state FAMLI program on their own, at a cost of .9% of their annual salary. Employees who opt in, must pay into the program beginning January 2023, agree to stay in for at least 3 years, and cannot apply for benefits until January 2024. If the Town has opted out, and an employee opts in on their own, the Town would still pay for leave under its current policies.

At the June 1, 2022 meeting, the Council will be voting on a Resolution Declaring the Town of Minturn's Decision to Opt Out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI).

You are welcome to attend the Council Meeting and provide comment if desired, and/or you can send comments by email to Town Clerk Jay Brunvand, who will make them part of the record. After the vote, I will send another email to inform you of Council's decision.

In the meantime, if you have any questions, please do not hesitate to contact me directly.





To: Mayor and Council  
From: Madison Harris, Planner I  
Date: June 1, 2022  
Agenda Item: Resolution 23 - Series 2022

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**REQUEST:**

Council is asked to approve Resolution 23 - Series 2022 appointing a Planning Commission Member to the Minturn Planning Commission in the position of an alternate.

**INTRODUCTION:**

The Minturn Planning Commission is a five member/plus one alternate commission appointed for two year overlapping terms. Members are appointed by the Town Council for two-year terms that run April through March. Similar to Council there are no term limits, only that public review and appointment take place.

Staff has advertised the alternate commission member opening and received two applications, all of whom are qualified to serve. Council is asked to appoint ONE of the two applicants to the alternate member seat. In order to be qualified, an applicant must be a resident of Minturn for more than 12 months, and eligible to register to vote.

Applicants (in order of Receipt):

- Ms. Sage Pierson - 156 Lions Lane
- Tracy Andersen - 1016 Mountain Drive

Members not up for appointment:

- Ms. Lynn Teach - 253 Pine Street (appointment runs through 3/31/23)
- Mr. Jeff Armistead - 1632 Main Street (appointment runs through 3/31/24)
- Mr. Elliot Hovey - 653 Boulder Street (appointment runs through 3/31/23)
- Mr. Tom Priest - 120 Lions Lane (appointment runs through 3/31/23)
- Mr. Michael Boyd - 504 Eagle Street (appointment runs through 3/31/24)

Applicants will have time to discuss their positions on Minturn matters and to answer questions from Council. Ballots will be provided to Council with the two applicant names. The applicant that receives the highest vote will be placed on the Resolution for approval.

**ANALYSIS:**

N/A

**COMMUNITY INPUT:**

Candidates were solicited through public notice and advertisements in the Vail Daily.

**BUDGET / STAFF IMPACT:**

Each member is paid \$75 per Planning Commission meeting attended. This participation is an annually budgeted expense.

**STRATEGIC PLAN ALIGNMENT:**

The Town Council’s review and approval of the resolution aligns with the following key strategies:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

**ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN**

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has “made Minturn, Minturn.” The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

“Motion to approve Resolution No. 23 - Series 2022 appointing \_\_\_\_\_ to serve on the Minturn Planning Commission in the alternate position through March 31, 2024.”

**ATTACHMENTS:**

- Resolution 23 - Series 2021
- Applications Submitted

# TOWN OF MINTURN

## Planning Commission Application

Thank you for expressing an interest to serve on the Town of Minturn's Planning Commission.

The Commission meetings twice monthly on the second and fourth Wednesday, at 6:30pm, in the Minturn Town Center Council Chambers (302 Pine Street, Minturn, CO) or virtually via Zoom.

Applicants must be residents of Minturn for a minimum of one (1) year, and eligible to register to vote in Minturn. To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants may be required to appear before Town Council for an interview.

Name: Sage T Pierson

Phone: (H) 970-390-6004 (W) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email: sagepierson@gmail.com

Mailing Address: P.O. Box 452 Minturn Co 81645

Physical Address: 156 Lions Lane Minturn Co 81645  
Minturn Town Homes

1. How long have you lived in Minturn? 20 years

2. What is your occupation and/or background? Nurse

3. Are you currently serving on other community groups, boards, or NO commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

\_\_\_\_\_  
\_\_\_\_\_

4. What are some of the reasons you wish to serve on the Minturn Planning Commission? For our town to prosper

and develop in the right direction!

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



5. What is your "long range" vision for the Town of Minturn?

To keep our <sup>Town</sup> local for local

6. What are the most important issues currently facing the Town of Minturn?

Growing too fast

7. Please add any other additional comments that you would like to share.

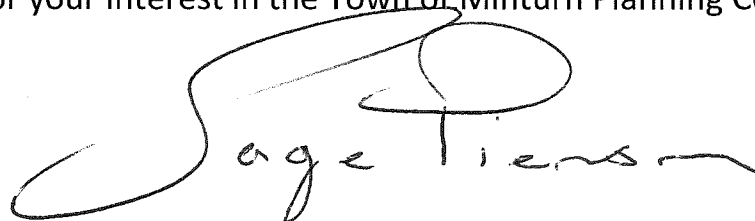
I love my town, and am always going to be here for it.

.....  
Please mail, email, or deliver in person, all applications to:

Town of Minturn  
Attention Madison Harris  
PO Box 309  
302 Pine St  
Minturn, CO 81645

Phone: 970.827.5645 Ext. 2  
Email: [planner1@minturn.org](mailto:planner1@minturn.org)

Thank you for your interest in the Town of Minturn Planning Commission.



Name: Tracy Andersen  
Phone: 303-543-8738 (Cell)  
Email: tracyandersen@comcast.net  
Mailing Address: PO Box 871, Minturn, Co 81645  
Physical Address: 1016 Mountain Drive, Minturn, Co 81645

1. How long have you lived in Minturn?

I started renting in Minturn in 2005. I bought a house in 2020.

2. What is your occupation and/or background?

Currently, I am a teacher at Battle Mountain High School. However, during my previous life, I worked in the environmental field. Prior to teaching, I worked for The Nature Conservancy as a Program Manager (eight years). Prior to that, I worked for the National Park Service (mostly in Grand Teton National Park). After graduating from my masters program, I worked for an environmental consulting firm and collected data for environmental impact assessments, which I also helped write. Teaching was a later-in-life career for me, but in some ways, it was an extension since I taught environmental science. I also taught biology, chemistry, earth science, anatomy/physiology, and health (Denver Public Schools).

3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

I am on the Board of my HOA for my Boulder condo and have been since 1999. I have served as President (2 terms), secretary, and am now a Board member at large.

4. What are some of the reasons you wish to serve on the Minturn Planning Commission?

I have lived in Minturn full time since 2015. I have watched some things change, which is natural. Currently, I have some extra time to get involved in my community, and feel that this is a good way to do so, given my background. I have a masters degree in Environmental management, with an emphasis in wildlife ecology, so I have a good deal of background in the ecology of our area (I conducted my masters thesis work in the Greater Yellowstone Ecosystem). I feel that I may be a helpful addition to the planning commission even though I am not a developer.

5. What is your "long range" vision for the Town of Minturn?

If I have to wrap it up in a couple of words, I would use environmental sustainability. I feel that future growth, which also embraces economic viability, is best accomplished in ways that ensure the protection of our natural resources over the long haul. These include water and water quality, wildlife, and air quality. The town will grow, and that is in keeping with projected population growth for Colorado. That said, I feel that growth should be smart and in accordance with environmental limits. We live in a beautiful and vibrant town that people are attracted to for these very reasons. Population growth is within my long range vision. The Minturn I envision will still be quaint, have a small town feel, manageable traffic, clean air, and the opportunity to catch a glimpse of wildlife. It will have a vibrant downtown that attracts tourists and serves residents. The Minturn survey that was recently released showed that these values are important to residents, so it is important to



incorporate them as we grow. Further, as a teacher, I believe strongly in equity and that growth must be done in such a way that is fair to all residents.

6. What are the most important issues currently facing the Town of Minturn?

Right now, I feel that we need to work on our water availability, which is happening. I am grateful to the town council for prioritizing this issue. Additionally, we want to maintain economic vitality, which I also feel is being addressed and is bouncing back from pandemic lows. I am concerned about the wildlife, as I know that our remnant elk herd continues to struggle. As such, I feel that future growth needs to be done in such a way as to conserve and protect fellow species. The potential for wildfires is certainly a concern, as climate change continues to rear its ugly head. Future development will need to plan accordingly, as we are in the wildland interface. Finally, I feel that the dual lawsuits we are engulfed in are damaging to our town, as they usurp our financial resources and staff time. As such, future planning efforts need to consider the threat of potential lawsuits and proactively work to avoid them.

7. Please add any other additional comments that you would like to share.

I would like to see this town, which I love, grow and thrive in a sustainable manner to ensure a vibrant future for all residents. I have a masters degree from the Yale University School of the Environment and have experience formulating policy recommendations for planners regarding natural resource management.

On a personal note, I met my husband in Minturn and we got married down by the Eagle River! I would love to be part of the planning process so thank you for your consideration of my application.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 23 – SERIES 2022**

**A RESOLUTION APPOINTING TOWN PLANNING  
COMMISSIONERS**

WHEREAS, The Minturn Planning Commission Members are appointed by the Town Council pursuant to Minturn Municipal Code Section 16.21.40(b); and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.40(b), the planning commission is required to be appointed to overlapping terms; and

WHEREAS, the Town Council recognizes and appreciates the service and commitment of the planning commission members.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUALS ARE HEREBY APPOINTED AS INDICATED:**

<b>NAME</b>	<b>TERM</b>
_____	March 31, 2024 – 2yr

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 1<sup>st</sup> day of June, 2022.**

TOWN OF MINTURN

By: \_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Michael Boyd  
Tom Priest

**To:** Town Council  
**From:** Madison Harris, Planner I  
**Date:** May 13, 2022  
**Re:** Chapter 16 - Zoning Text Amendment Ordinance (Sign Regulations)

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Staff is presenting an ordinance to amend certain sections of Chapter 16 - *Zoning*, of the Minturn Municipal Code. The area of revisions proposed within the ordinance will address, define and permit certain sign regulations.

**Definitions**

The changes proposed clarify and enhance the definition and calculation of building frontage and sign area. It also removes confusing language that staff is unsure how to interpret or enforce while adding language that gives staff and the Planning Commission more direction in what counts as sign area.

**Signs Permitted in Commercial and Mixed Use Zones**

The changes proposed give a more proportional allowance towards sign square footage limitations rather than a one size fits all approach. It was also determined that since a large part of our existing commercial operates in the Old Town Mixed Use zone district, it was reasonable to allow Mixed Use zones similar amounts of signage area.

**Discussion at Planning Commission Meeting April 26, 2022**

The Planning Commission recommended approval of the ordinance with two changes from what was presented to them. The first change was to allow individual tenants in multi-tenant buildings to exceed their forty square foot sign allotment to the individual tenants, but not to exceed the building's limitations on sign area as a whole, would need approval from the property owner. The second change was to remove “and signs that flash or otherwise display varying intensity of light” from Sec. 16-19-120 (d).

Both of these items were addressed in the ordinance that is before the Council, so both staff and the Planning Commission are recommending approval.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 09 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING ARTICLE 19, CHAPTER 16 SIGN  
REGULATIONS OF THE MINTURN MUNICIPAL CODE.**

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Planning Director has initiated and proposed the text amendment to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, Article 19, Sign Regulations as provided herein; and

**WHEREAS**, on April 26, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

**WHEREAS**, the Minturn Planning Commission and Town Council have determined that the text amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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. Article 19, Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough 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.

**ARTICLE 19 – Sign Regulations**

\* \* \*

**Sec. 16-19-30. - Definitions.**

*Building frontage* means the length of a building or structure wall or walls that faces facing a public street or right-of-way and used for the purpose of calculating maximum allowable sign area for an individual business. ~~For example, if a building has two (2) street frontages, the total linear length of those two (2) building sides that face the streets shall be used to calculate the allowable signage square footage in that particular zone district.~~

Combined building frontage means the combined length of lineal frontage for a building or structure wall or walls facing more than one (1) public street or right-of-way and used for the purpose of calculating maximum allowable sign area for an individual business.

*Sign area or surface area:*

- a. *Single-face sign:* The entire area within a single continuous perimeter composed of squares, circles, triangles or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color or condition which forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports, architectural features, detailing or banding that is integral and incidental to the façade of the building and is clearly not considered sign backing, or uprights on which such sign is placed, ~~unless, when supporting structures are over fifty percent (50%) of the width or length of the sign itself, the area shall be considered to add in size and mass to the sign and shall be added to total sign size.~~
- b. *Two- or more faced signs:* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area, when both faces are parallel and the distance between faces does not exceed five (5) feet or the interior angle does not exceed forty-five (45) degrees if the boards are in a "V" configuration.
- c. *Exempt sign backing:* For buildings where signage is to be mounted on building façades (such as pin-mounted or painted lettering), or on architectural detailing such as banding which is clearly integral and incidental to the building façade and architectural detailing of the building or structure, but which is i) clearly not intended to act as a separate sign backing, or ii) not integral to the construction of the sign or signage, such detailing, siding materials and/or architectural features may be exempt from the sign area calculations. However, if an applicant proposes to paint a sign on a building or structure siding or façade and the use of multiple colors produces the illusion of a sign (lettering, message, announcement, declaration, demonstration, display, illustration, or insignia) with backing, the entire area of backing shall count toward the sign area.

\* \* \*

**Sec. 16-19-110. - Specific regulations; permitted signs in Commercial and Industrial Zone Districts.**

In Commercial and Industrial Zone Districts, all signs shall comply with the following:

(1) Size and height requirements:

- a. Individual business sign. For any building or structure containing only one (1) business, the following sign allowance is permitted:
  1. ~~A sign~~ All signage for an individual business shall not exceed one (1) square foot of sign area per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way, but not



~~to exceed forty (40) square feet of total sign area.~~ If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.

2. More than one (1) commercial advertising sign is permitted, provided that the total sign area of all signs does not exceed one (1) square foot per lineal foot of building frontage, and if the Combined Building Frontage exceeds forty (40) lineal feet then the total square footage of allowable sign area of all signs for any individual business shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. ~~and forty (40) square feet of total sign area.~~
  3. No part of any sign shall exceed the height of any building on the same lot, or in any case be more than twenty (20) feet in height.
- b. Multiple business sign. For any building or structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
1. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business ~~but~~ not to exceed forty (40) square feet. If the individual business would like to exceed the forty (40) square foot maximum in a multi-tenant building not to exceed the total allowable sign area for the building, then permission from the property owner must be obtained and submitted to the Town in writing.
  2. The combined size of all signs for the structure in which the multiple businesses are located shall not exceed the total linear footage of ~~building frontage~~ the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
  3. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign



shall be one (1) square foot per lineal feet of building frontage and not to exceed twenty (20) square feet, whichever is less.

4. No part of any sign shall exceed the height of any building on the same lot or in any case be more than twenty (20) feet in height.
5. In a multi-tenant building, sign applicants may propose a customized Master Sign Program for the entire building in accordance with these regulations. However, sign applicants may propose variations that allow for flexibility in allowable sign area and placement. Any variations proposed as part of a Master Sign Program shall be applied for in accordance with Section 16-19-140 – Variances.

(2) Illumination:

- a. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such reflection or glare might create a traffic hazard. Such sign illumination shall include but not be limited to internal illumination and directed lighting.
- b. Hours of illumination: Signs located adjacent to and across the street from residential areas shall remain lighted until no later than 11:00 p.m. or until the close of business, whichever is later.

(3) Permitted signs: The following commercial advertising signs shall require a sign permit. Unless stated otherwise, these signs will be calculated into the total sign allowance as described herein.

- a. Canopy, awning and flag as signs. No such sign shall project above the top of the building or structure upon which it is mounted. Under-canopy or awning signs perpendicular to the face of the building shall be considered projecting wall signs. Canopies, awnings and flags may extend over a public right-of-way from the face of the supporting building and must be a minimum of eight (8) feet above any public right-of-way. Canopies, awnings and flags shall not extend within two (2) feet of the curb line of a public street. The signage on an awning or canopy shall be counted toward the total allowable sign area. Flags used as signs shall be counted in total size toward the total allowable sign area. Governmental flags are exempted as per [Section 16-19-80](#) above
- b. Directional. Directional signs as defined in [Section 16-19-30](#) above are allowed and shall not exceed four (4) square feet.
- c. Freestanding. Freestanding signs are allowed within required setbacks but shall not overhang into the public right-of-way or pose any visual or obstructional hazard.

- d. Gas-filled tube lighting. Gas-filled tube lighting shall be considered signage and may be used for text, logos, symbols and in linear applications such as outlining or highlighting rooflines, buildings, perimeters, windows and doorways. In the case of measuring linear applications of gas-filled tube lighting, the tube shall be considered as being three (3) inches wide and shall be multiplied by the length of the tube to determine square footage, which will then be applied to the total allowable signage. Otherwise, signage shall be measured by the outside dimensions of the sign.
- e. Off-premises signs. Off-premises advertising signs are permitted, provided that:
  - 1. Written permission is granted by the Colorado Department of Transportation if the sign is to be located adjacent to Highway 24.
  - 2. Written permission is granted by the property owner where the sign is to be located.
  - 3. The total sign allowance on the property where the off-premises advertising sign shall be located does not exceed the total allowed sign area for the lot or building on which the off-premises sign is to be placed. In no case shall the total area of an off-premises sign exceed forty (40) square feet. The off-premises advertising sign shall be calculated into the total sign allowance on the property where the sign is located.
  - 4. No off-premises advertising signs shall be permitted in the public right-of-way.
  - 5. Off-premises signs shall not be permitted on properties where the primary use is residential even when the property is located in a commercial or industrial zone.
- f. Projecting signs. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. Signs shall not project within two (2) feet of the curb line of a public street and must be placed a minimum of fourteen (14) feet above a driveway or alley.
- g. Sandwich board. Sandwich board signs are not allowed on the public right-of-way but may be permitted on private property subject to the review of the Commission and shall be counted towards the total sign allowance for the property, except when applied for as a temporary use.
- h. Symbolic signs. Signs such as barber poles, mortar and pestle, etc., which are traditional in nature and size, shall be permitted and will not be included in the total allowable sign area, provided that the symbolic sign is not out of proportion with the structure and overall signs on the building.
- i. Wall signs. Wall signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.



- j. Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is obscured by commercial advertising signs and shall be included in the total maximum sign allowance. This does not apply to temporary window signs.

**Sec. 16-19-120. - Specific regulations; permitted signs in Mixed Use Zone District.**


- (a) Signs shall be allowed for the Mixed-Use Zone District as follows:
  - (1) Size and height requirements: One (1) sign shall be permitted which shall not exceed one (1) square foot per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. but not to exceed twenty (20) square feet of total sign area, whichever is less.
  - (2) Multiple business signs. For any structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
    - a. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business not to exceed forty (40) square feet. Each mixed-use advertising sign shall not exceed six (6) square feet of total sign area for each individual sign.
    - b. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign shall be one (1) square foot per lineal foot of building frontage or not to exceed twenty (20) square feet, whichever is less.
- (b) If a single business desires more than one (1) sign on a building, the total sign area for the combined signs shall not exceed the total linear footage of building frontage the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive. cannot exceed twenty (20) square feet.
- (c) ~~Cut-out lettering used as window signage shall not exceed five (5) inches in height, except the initial letter of each word, which may be six (6) inches in height.~~

- (d) Advertisement by means of internally lit, neon or other illuminated gas-tube lighted signs; signs with moving parts; signs with Day-Glo or fluorescent colors ~~and signs that flash or otherwise display varying intensity of light~~ shall be allowed during regular business hours, not to be before 7:00 a.m. or after 11:00 p.m.
- (e) Illumination. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Such illumination shall include, but not be limited to, internal illumination and directed lighting. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such a reflection or glare might create a traffic hazard.
- (f) Hours of illumination. Signs located adjacent to and across the street from residential areas shall remain lit until no later than 11:00 p.m. or until the close of business, whichever is later.
- (g) Sandwich board signs shall be prohibited.
- (h) No sign shall have audible devices.
- (i) No sign shall be painted, constructed or placed upon any roof.
- (j) No part of any sign shall exceed the height of any building on the same lot.
- (k) Sections [16-19-10](#) through [16-19-140](#) of this Article shall remain in effect with respect to mixed-use zones, as well as all others.


\* \* \*

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 18<sup>th</sup> DAY OF MAY 2022. 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 1<sup>st</sup> DAY OF JUNE 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

  
 \_\_\_\_\_  
 Earle Bidez, 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 1<sup>st</sup> DAY OF JUNE 2022.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk



TOWN OF MINTURN, COLORADO ORDINANCE  
NO. 09 – SERIES 2022  
AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING ARTICLE 19, CHAPTER  
16 SIGN REGULATIONS OF THE MINTURN  
MUNICIPAL CODE.

INTRODUCED, READ BY TITLE, APPROVED  
ON THE FIRST READING AND ORDERED  
PUBLISHED BY TITLE ONLY AND POSTED IN  
FULL ON THE OFFICIAL TOWN WEBSITE THE  
18th DAY OF MAY 2022. 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 1st DAY OF JUNE 2022 AT 5:30 p.m. AT  
THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.

Earle Bidez, Mayor

Attest  
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO ORDINANCE  
NO. 06 – SERIES 2021  
AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING CHAPTER 13, ARTICLE  
2 OF THE MINTURN MUNICIPAL CODE TO  
PROVIDE FOR PERMANENT OUTDOOR WATER  
USE REGULATIONS WITHIN THE TOWN.

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 18TH DAY OF MAY, 2022.

Earle Bidez, Mayor

Attest  
Jay Brunvand, Town Clerk

PUBLISHED IN THE VAIL DAILY ON SATURDAY,  
MAY 21, 2022.



To: Minturn Town Council  
From: Michelle Metteer  
Date: June 1, 2022  
RE: Board & Committee Representation

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**REQUEST:**

Council to appoint new Board and Committee representatives as appropriate.

**INTRODUCTION:**

n/a

**ANALYSIS:**

n/a

**COMMUNITY INPUT:** ongoing

**BUDGET / STAFF IMPACT:** varies

**STRATEGIC PLAN ALIGNMENT:**

Practice clear, transparent and communicative local government

LONG-TERM STEWARDSHIP OF THE NATURAL BEAUTY AND HEALTH OF MINTURN'S ENVIRONMENT

SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD, STURDY MOUNTAIN TOWN  
TO "KEEP MINTURN MINTURN"

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR  
MINTURN

**RECOMMENDED ACTION OR PROPOSED MOTION:** Assign Council to represent Minturn on the Committees and Boards as needed. Council members to attend meetings and provide updates back to the full Council as scheduled.

**ATTACHMENTS:**

- Council Committee Outline

# Council Representation

## Non-Profit Entities Requiring Directors Appointed by Council

1. **Minturn Education Fund; Shelley Bellm, President, [shelley.Bellm@gmail.com](mailto:shelley.Bellm@gmail.com)**  
Representation: at least one and not more than two Council members are Directors  
Town Manager is Ex-Officio Director  
Responsibilities: Manage funds and award scholarships  
Time commitment: As needed, generally twice per year  
Appointees: Kate Schifani, Michelle Metteer (ex officio)
2. **Minturn Fitness Center; Terry Armistead, President, [tarmistead@minturn.org](mailto:tarmistead@minturn.org)**  
Representation: Council appoints 3 Directors (do not need to be Council members, but must be members of the community)  
Responsibilities: Manage finances and operations of Fitness Center  
Time Commitment: quarterly  
Appointees: George Brodin, Terry Armistead, and Michelle Metteer

## Representation to other Government Agencies

1. **NWCCOG/QQ; Jon Stavney [jstavney@nwccog.org](mailto:jstavney@nwccog.org)**  
Responsibilities: COG: oversees budget and operations of NWCCOG  
Appointees: George Brodin  
**QQ; Torie Jarvis [qqwater@nwccog.org](mailto:qqwater@nwccog.org):** advises on water legislation issues.  
Appointees: Gusty Kanakis  
Time Commitment: quarterly meetings for COG, differing locations; QQ quarterly in Summit
2. **ECO Transit; Claire Wilson [Claire.wilson@eaglecounty.us](mailto:Claire.wilson@eaglecounty.us)**  
Representation: one member and one alternate, may be Council or staff  
Responsibilities: advises County Commissioners on budget, operations, schedules, capital spending of bus system.  
Time Commitment: Quarterly in Gypsum  
Appointees: Tom Sullivan, alternate George Brodin

## Representation to Membership Entities

1. **Club 20: 970-242-3264 or [communication@club20.org](mailto:communication@club20.org)**  
Representation: regular and alternate members  
Responsibilities: advocacy, education and legislation affecting western slope  
Time Commitment: quarterly meetings in Grand Junction  
Appointees: George Brodin
2. **High Five Media; JK Perry [jk@highfivemedia.org](mailto:jk@highfivemedia.org)**  
Representation: one regular member  
Responsibilities: oversee operations of Channel 5  
Appointees:                       
Time Commitment: Quarterly
3. **Radio Free Minturn;**  
Representation: One ex-officio member  
Responsibilities: Connection between RFM Board & Council  
Appointees: Tom Sullivan  
Time Commitment: Quarterly
4. **Regional Transit Authority; Bill Ray [bill@wr-communications.com](mailto:bill@wr-communications.com)**  
Representation: One Council member  
Responsibilities: Participate in the RTA Formation Committee  
Time Commitment: Monthly  
Appointment: Earle Bidez

5. **Climate Action Collaborative; Kim Schlaepfer [kim@walkingmountains.org](mailto:kim@walkingmountains.org)**  
Representation: two regular members  
Responsibilities: Creation and advocacy of climate action policies for Eagle County.  
Time Commitment: Quarterly  
Appointee: [REDACTED]

## Roundtable Representations

1. **Eagle County Community Wildlife Roundtable**  
Minturn Representation: [REDACTED]

## Council Advisory Sub-Committees

**Overview:** All committees below meet on an as-needed basis. Council in past has appointed two Council members. Time commitments vary. Council may want to consider ad-hoc committees as needed.

### **Eagle County Housing & Development Authority Advisory Committee**

Contact: Eagle County Housing, Kim Bell Williams [kim.williams@eaglecounty.us](mailto:kim.williams@eaglecounty.us)

Appointee: [REDACTED]

### **Battle Mountain; Michelle Metteer [manager@minturn.org](mailto:manager@minturn.org)**

Function: Advise Council on Battle Mountain agreements, ongoing negotiations, and general discussions.

Time Commitment: variable

Appointees: Earle Bidez and Lynn Feiger

### **Water Committee; Michelle Metteer [manager@minturn.org](mailto:manager@minturn.org)**

Function: Advise Council on Battle Mountain water, water court applications, infrastructure, and water rates.

Time Commitment: varies

Appointees: Gusty Kanakis and George Brodin

### **Railroad Committee; Michelle Metteer [manager@minturn.org](mailto:manager@minturn.org)**

Function: Advises Council on Railroad relations, zoning enforcement

Time Commitment: variable

Appointees: Terry Armistead & Gusty Kanakis

Jay Brunvand  
 Clerk/Treasurer  
 301 Pine St #309 ♦ 302 Pine St  
 Minturn, CO 81645  
 970-827-5645 x1  
[treasurer@minturn.org](mailto:treasurer@minturn.org)  
[www.minturn.org](http://www.minturn.org)



Town Council  
 Mayor – Earle Bidez  
 Mayor Pro Tem – Terry Armistead  
 Council Members:  
 George Brodin  
 Lynn Feiger  
 Gusty Kanakis  
 Kate Schifani  
 Tom Sullivan

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

<b>REGULAR TOWN COUNCIL MEETINGS</b>
<b>June 1, 2022</b>
Ordinance ___ - Series 2022 (Second Reading) An Ordinance amending Article 19 Sign Code, Chapter 16 – Madison
Ordinance ___ - Series 2022 (First Reading) Historic Preservation policy creation
Resolution __ - Series 2022 A Resolution to appoint a Planning Commission Member
<b>June 15, 2022</b>
FY 2021 acceptance of Annual Audit – Brunvand
Ordinance ___ - Series 2022 (Second Reading) Historic Preservation policy creation
Res ___ - Series 2022 A Resolution approving the Town of Minturn 2023-2025 Strategic Plan Community Survey Review – Intercept Insights
<b>July 6, 2022</b>
<b>Michael S. not at this meeting</b>
<b>July 20, 2022</b>
Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Resolution 17 – Series 2022 rescind Belden Place
Resolution 18 – Series 2022 rescind Belden Place



<b>August 3, 2022</b>
Ordinance 7 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
<b>DATE TO BE DETERMINED</b>
2021-23 Strategic Plan Amendment – Building Code Updates
Assessment of UPRR property and possible purchases
Potential legislation regarding Mobile homes
Car Idling