



AGENDA

Planning Commission Meeting 6:30PM

Wednesday, February 28, 2024

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.

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/88464478827>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 884 6447 8827

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 Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. **CALL TO ORDER - 6:30 PM**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

4. **APPROVAL OF MINUTES**
 - A. February 14, 2024
5. **DECLARATION OF CONFLICTS OF INTEREST**
6. **PUBLIC COMMENT**

Citizens are invited to comment on any item 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 Planner. Those who are speaking are requested to state their name and address for the record.

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

A. 998 Main St. Lot 3A South Minturn Addition Zone District Amendment

9. DISCUSSION / DIRECTION ITEMS

10. STAFF REPORTS

A. Manager's Report

11. PLANNING COMMISSION COMMENTS

12. FUTURE MEETINGS

A. Minturn Forward Open House #1: March 11 5:30-7:30

B. Planning Commission Meeting March 13, 2024

C. Minturn Forward Open House #2: March 14, 5:30-7:30

D. Minturn Forward Open House #3: March 21, 5:30-7:30

E. Planning Commission Meeting March 27, 2024

13. ADJOURN



OFFICIAL MINUTES

Planning Commission Meeting

Wednesday, February 14, 2024

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.

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/81654994045>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 816 5499 4045

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 Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER - 6:30 PM

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

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission members Michael Boyd, Amanda Mire, Sage Pierson, and Jeff Armistead.

Staff Members present: Town Manager Michelle Metteer, Town Attorney Mike Sawyer, Planning Director Scot Hunn, and Planner I Madison Harris

Note: Tom Priest is excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

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

Note: Tom P. is excused absent.

4. APPROVAL OF MINUTES

- A. January 24, 2024
Motion by Amanda M., second by Jeff A., to approve the minutes of January 24, 2024 as presented. Motion passed 5-0.
Note: Tom P. is excused absent.

5. DECLARATION OF CONFLICTS OF INTEREST
No conflicts of interest.

6. PUBLIC COMMENT
Citizens are invited to comment on any item 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 Planner. Those who are speaking are requested to state their name and address for the record.

No public comment.

7. SPECIAL PRESENTATIONS
Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

- A. Ordinance TBD - Series 2024 Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code
Mike S. introduced the ordinance. This is a consequential application for the town. This is the result of different promises made by Battle Mountain, and what makes sense for the Town of Minturn. As opposed to getting dollars from Battle Mountain as a result of the litigation, instead the Town would get land. This ordinance is unique to Battle Mountain and not other areas of Town. Even with the settlement agreement, this ordinance is not required to pass, but the settlement agreement offers the Town a lot of benefits.

Amanda M. asked what the end dates are.

- Mike S. said that it is the end of April, and there’s already discussion of pushing some of the dates.

Amanda M. had a question on the fifth recital referencing work sessions at Planning Commission.

- Mike S. said he would remove that phrase.

Mike S. continued his presentation. The utility code provisions (Section 4) says that ERWSD is providing service for water, not the Town. Battle will have to get a can-and-will-serve letter from ERWSD to prove that they have taps for any development.

Amanda M. clarified the exemption from the 1041 regs.

- Mike S. clarified that with the contract in place that they already have to build the water treatment plant, the Town has told them they have to, so it doesn’t make sense for the Town to investigate the need for the plant. There will be restrictions in place on what they can do with the water treatment plant.
- Amanda M. asked if any utilities can misinterpret this exemption.
- Mike S. pointed out that it is specific to the Bolt’s Water Treatment System.

Mike S. talked about Section 5. He went through some definitions, the existing character areas, leaving the historic zoning alone at the reservoir site, but everything else is changing.

Amanda M. clarified that this does not affect the Mountain Top.

- Mike S. said that is correct.

Michelle M. explained the contemplated future uses of the land.

- Mike S. said that they are currently being termed a Holding Zone with no real uses by right, but in the next couple of years, the Planning Commission and Town Council will have a public process to determine what will be allowed.

Michael B. asked if there was a timeline for everything to guarantee mitigation.

- Mike S. said that the legal right of access will exist with the implementation of the settlement. As the remediation of the OTP site, with the agreements with ERWSD they have 20 years to come in and build the reservoir before the agreement lapses. There is a collective set of obligations that the material be made available to Battle for processing and that they will use it for mitigation.
- Tim McGuire said that there are timelines that they need to adhere to, to construct the reservoir and the mitigation will be done before the reservoir is completed. There will need to be a workplan approved by the EPA. He thinks it will happen within the next 5 years or so.

Amanda M. asked if the development could occur without the reservoir.

- Mr. McGuire said that they need a water treatment plant, which is independent of the reservoir.

Lynn T. asked if there was a possibility for wells.

- Mike S. said that the highlands could, but not the OTP due to contamination.

Scot H. went through the dimensional limitations.

Jeff A. clarified height in other zone districts, but doesn't have an issue with what is proposed.

Amanda M. asked how this would effect the work we've already done on Chapter 16 building and impervious coverage limitations.

Lynn T. asked why there weren't any specifics in the open space and recreational zone except for the height.

- Mike S. said that setbacks could be added to that zone or the verbiage "to be determined upon a conditional review", and the height requirement would be removed from the holding zone.

Michael B. asked if uses could use a different word than "all" for the allowed uses.

- Mike S. said they could use "defined" instead.

Mike S. went through Section 6 dealing with the subdivision code. Specific to this is the allowance of an exemption plat process.

Amanda M. asked if new owners would be allowed to rezone.

- Mike S. said it would be subject to the development agreement and the cap of the units which would make it unlikely for rezoning to occur which also needs Battle's approval.

Jeff A. asked if, with the parceling off, do water taps need to be conveyed with them.

- Mike S. said yes, but that's something being left to Mr. McGuire and future developers.

Mike S. went through Section 7 dealing with Chapter 18 Building Code amendments.

Munsey Ayers made a couple of minor clarifications.

Jeff A. asked who would be engineering the mitigation of the OTP.

- Mr. McGuire said that they would have an engineer that the EPA and CDPHE would have to approve and those entities would oversee the remediation.
- Jeff A. wants to make sure that if foundations for residences are dug on the OTP, that no contaminated soil is touched.
- Mr. McGuire said that he’s not worried about that, as in some places there will likely be 20 feet of fill.

Jeff A. asked about density.

- Mr. McGuire said that it is low density for Minturn.

Jeff A. asked if Mr. McGuire had talked to Colorado Parks and Wildlife.

- Mr. McGuire said he has and they will be designing a wildlife corridor to get them to the wetlands.

Michael B. asked if once it is mitigated, is this something someone inspects or insures it.

- Mr. McGuire said that the EPA has to certify that it has been remediated. Every 5 years the EPA comes out and reviews the site to make sure nothing is being done to jeopardize the mitigation.

Public comment opened.

Karl Krueger, 362 Taylor St.

Asked how the exemption plat is different than a PUD.

- Mike S. said that zoning will not be changeable parcel by parcel.

Public comment closed.

Motion by Jeff A., second by Michael B., to forward a recommendation of approval to the Town Council of Ordinance TBD - Series 2024 Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code with amendments to the Dimensional Limitations table. Motion passed 5-0.

Note: Tom P. is excused absent.

5 minute recess called at 8:29 p.m.

- B.** 362 Taylor Avenue - Conditional Use Permit and Design Review for New Duplex
Madison H. introduced the agenda item. This is both a hearing for a Conditional Use and a DRB Review for a new duplex on Taylor Ave. The plans show a three and a half level structure with a max height measured to the midpoint of the roof of 27.833 feet above proposed grade. Parking is adequate, with four off-street spaces provided for Unit A (two in the garage and two surface spaces in front of the garage), and three off-street spaces provided for Unit B (one in the garage and two surface spaces in front of the garage). The duplex requires three spaces for Unit A and two spaces for Unit B. The proposed design maintains the structures within required setbacks, thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading details generally demonstrate that proper (positive) grading will be directed away from the structure; that drainage is handled on the subject property. Staff believes that the design and scale of the proposed structures “stepping” and creates visual interest. For the CUP side of things, a duplex is supported by the 2023 Community Plan in both future zoning contemplations and in the Attainable Housing & Historic Character chapter. The duplex will likely have minimal material impact or effect on the distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and/or needs. Staff believes that this will not have a negative effect

upon the character of the area. There are other duplexes or lots that have two units on Taylor Avenue such as 532 Taylor Avenue (duplex) and 382 Taylor Avenue (single family and an ADU). There are two issues that have been flagged. Public Works has stated that the curbside location needs to be finalized and the service line buried at the appropriate depth, and the Town Engineer has provided comments, specifically in regards to the boundary survey that need to be addressed, but he stated that an updated survey should not show anything detrimental and was ok for review. There are two suggested conditions: 1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024 prior to building permit issuance, and 2. The Applicant shall maintain the minimum parking standards for each duplex unit and all proposed parking spaces shall be used as such.

Michelle M. does not agree with the condition that requires parking in the garage.

Karl Krueger, 362 Taylor St.
Has done 10-15 duplexes in his time here. Density is more accepted now. Focusing views towards the lettuce fields, and opening the windows. Feels it is important to have lots of parking spaces. Very front and back focused. Took inspiration from Gilman Mine. The roof will be asphalt shingle. There are deeper recesses on the front to protect from the setting sun. Might try astroturf.

Jeff A. likes it. Likes the mine inspiration. It will fit in just fine with the neighborhood. In relation to the parking, there have been instances where houses were approved with the appropriate parking, but those people park on the street. If the cars that are supposed to be in the garage or driveway are in the street, then the neighbors should police that.

Michael B. likes the design. He focuses on snow storage, parking, does the roof have snow clips or gutters. The parking is tight. Has concerns about the snow storage. Gutters and clips should be added.

Amanda M. agrees with Michael B. about snow storage. Would like staff to double check the calculations.

Sage P. clarified what Mr. Krueger said about solar.

- Mr. Krueger said the problem with putting solar on the roof and not have it blow off during a windstorm is to lay it almost flat and then it just collects snow and is buried during the winter.

Lynn T. asked about the trees between the properties.

- Mr. Krueger said he is going to trim back the portions of the trees over his property.
- Lynn T. said that even if the snow storage code is met, there will likely be issues with snow. She suggested adding into any lease requiring tenants to park on the property.

Public comment opened.
No public comment.
Public comment closed.

Motion by Amanda M., second by Jeff A., to approve with conditions the 362 Taylor Street Final Plans and to forward a recommendation of approval to the Town Council of the Conditional Use Permit for the duplex.

1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024 prior to building permit issuance.
2. The Applicant shall maintain the minimum parking standards for each duplex unit.

Motion passed 5-0.

Note: Tom P. is excused absent.

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward**
Scot H. introduced the topic.

Lynn T. expressed that she doesn't think tenants are going to fill this out. People aren't dumb, but they aren't going to want to answer the questions looking towards the future. She doesn't think the people will comprehend what the survey is trying to say.

Michelle M. explained the process and what Council will be looking for concerning the public process.

Jeff A. asked if there was a way to show people at the open houses what uses could be added and what uses could be taken away.

10. STAFF REPORTS

- A. Manager's Report**
Unita Basin Railway

The USFS withdrew its permission for the Uinta Basin Railway to build 12-miles of rail through the Ashley national Forest which would connect two segments of rail and thereby getting the project one step closer to transporting crude oil from Utah, through Colorado, to the oil refineries in Texas. The Town of Minturn has been supporting Eagle County in opposition of this project. Here is a link to the entire article.

Minturn Elections

Minturn elections take place April 2 nd . Voting will be in person or residents can apply in advance for an absentee ballot. See Jay Brunvand, clerk, at town hall with questions or email treasurer@minturn.org.

Bolts Ditch Act

I participated in efforts to support the Bolts Ditch Act which is making its way through the House of Representatives and would allow Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority direct access to the Bolts Ditch and headgate within the Holy Cross Wilderness Area. The trip included meetings with staff from Senator Bennet's and Hickenlooper's office as well as a tour by Congressman's Neguse's office. Siri Roman provided witness testimony and the sub committee on Natural Resources where Congressman Neguse is the ranking chair.

Regional Housing Plan Kickoff Meeting

I participated in the Regional Housing Plan kickoff meeting which will work toward better understanding the housing demand, housing supply and the needs, gaps and targets. Phase II will include the evaluation of the land use once and housing regulations, evaluate sites for housing, funding sources, potential policies and strategies, policy evaluation and an action plan. There will be extensive community outreach as part of this regional housing scope of work. Outreach will include focus groups, direct interviews, household survey, and a transit and partnerships survey.

Safe Streets 4 All Grant Kickoff

Minturn participated in the SS4A grant kickoff meeting which will allow us to begin the process on creating a safety action plan for our streets and mobility needs. This work is the baseline that will help Minturn's grant applications in showing the value and need for additional safety improvements not only along HWY 24 but also along Minturn's side streets.

B. Planning Commission Update

The Town of Minturn is seeking members of the community to fill three vacancies on the Planning Commission. Those who have expiring terms are: Jeff Armistead, Michael Boyd, and Sage Pierson.

Applications are due by 5 p.m. on Thursday, March 14, 2024. Applications can be found on the Town’s website or at Town Hall. Please submit applications to: Town of Minturn, Attention Madison Harris, Planner 1, PO Box 309, Minturn, CO 81645 by mail or in person at Town Hall, 302 Pine Street, Minturn, CO 81645; or email to planner1@minturn.org.

Applicants must have been a resident of the Town of Minturn for a minimum of one (1) year, must maintain residency in the Town through their term of office, and be eligible to register to vote in the Town of Minturn. The commission meets on the second and fourth Wednesdays of each month at 6:30 p.m. Meetings are currently held both in person and online via zoom.

The five member (plus one alternate) board is responsible for reviewing the design of new structures, remodels, landscaping plans and other architectural and aesthetic matters. This board is also responsible for recommendations to the Minturn Town Council concerning variances, subdivisions and conditional use permits, and planned unit developments.

The terms of the Planning Commission appointments are two years, which will begin on April 1 st, 2024 and end on March 31st , 2026. The Minturn Town Council will conduct interviews during its session on Wednesday, March 20th, 2024 starting at 5:30 p.m.

For more information on requirements, contact Planner 1 Madison Harris at planner1@minturn.org or 970-827-5645 Ext. 2.

11. PLANNING COMMISSION COMMENTS

12. FUTURE MEETINGS

- A. February 28, 2024
- B. March 13, 2024

13. ADJOURN

Motion by Amanda M., second by Jeff A., to adjourn the regular meeting of February 14, 2024 at 10:13 p.m. Motion passed 5-0.
Note: Tom P. is excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

Planning Commission Hearing

Woodruff Zone District Amendment Proposal Lot 3A, South Minturn Addition 998 Main Street

Hearing Date:	February 28, 2024
File Name and Process:	Lot 3A South Minturn Addition Zone District Map Amendment
Owner/Applicant:	John “Woody” Woodruff and Lynn Feiger
Representative:	John “Woody” Woodruff
Legal Description:	Lot 3A, South Minturn Addition
Existing Zoning:	South Town Character Area - Commercial Zone District
Proposed Zoning:	South Town Character Area - Residential Zone District
Staff Member:	Scot Hunn, Planning Director
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Applicants, Mr. John “Woody” Woodruff, and Ms. Lynn Feiger, propose to rezone a portion of their property, Lot 3, South Minturn Addition Subdivision, located at 998 Main Street, from South Town Character Area Commercial Zone District, to South Town Character Area Residential Zone District.

Concurrent with this rezoning request, the Applicants are working with the Town to process a minor subdivision application – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use on future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the

Town’s goals and policies. Therefore, this report and staff’s findings reference and apply to rezoning of “Lot 3A.”

II. Summary of Process and Code Requirements:

The following section sets forth those sections of the Town of Minturn Municipal Code (MMC) applicable to the processing and review of amendments to the text of the Land Use Regulations (Chapter 16 - Zoning), or the official zone district map for the Town.

Section 16-21-410 - Amendments to text of Land Use Regulations or Character Area and Zone District Map.

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Division.

Section 16-21-420 - Purpose.

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

Sec. 16-21-430 - Initiation.

(a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.

(b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.

(c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:

- (1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.*

(2) *Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.*

Staff Response:

An application has been filed by the property owner having a recognized interest in the land affected by a proposed amendment. The Applicants are working with the Town to process a minor subdivision – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use of future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies.

Therefore, the Applicants have provided a draft minor subdivision plat (see below excerpt from that plat document highlighting the two lots to be created) which has already been reviewed by the Town and its consultants; has been found in compliance with the Town’s final plat requirements; and which is anticipated to be administratively approved.

Last, staff has provided a map exhibit showing the existing zoning as well as proposed zoning (attached as Exhibit A at the end of this report). No development is currently proposed, although Lot 3 has two existing uses – a single family dwelling unit on the eastern portion of the lot, as well as the “Lucero’s” gas station use on the western portion fronting on Hwy. 6.

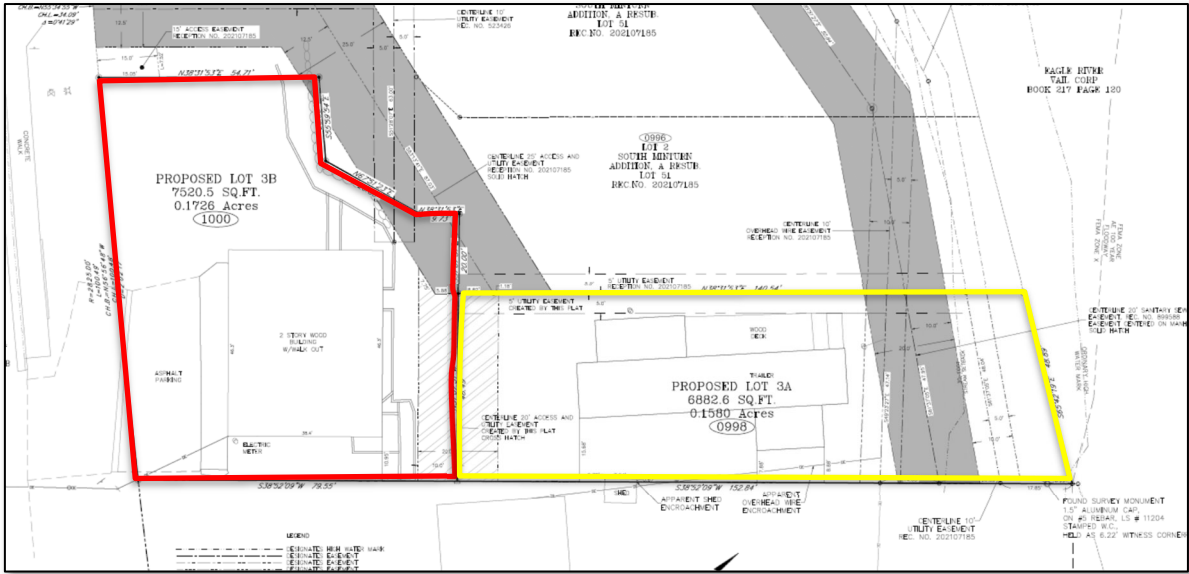


Figure 1: Draft Plat Excerpt Showing Proposed Lot 3A (Red - Commercial) and Lot 3B (Yellow - Residential).

Section 16-21-440 - Procedure.

(a) *Review of applications.* The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.

(b) *Review and recommendation of Planning Commission.* The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

(c) *Action by Town Council.* After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to

the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Staff Response:

Public notice was provided for public hearings before the Planning Commission on February 28, 2024, and the Minturn Town Council on March 6, 2024, in accordance with the requirements of the MMC.

Section 16-21-450 - Standards

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

(1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.

Staff Response:

Lot 3 is bordered on two sides (north and south) by residentially zoned properties, both of which are developed for residential uses. The intent of the owner is to rezone the eastern portion of Lot 3 - which fronts on the Eagle River - as residential (to match or be more consistent with surrounding residential uses that also front on the Eagle River) concurrently with the approval of a minor subdivision to divide Lot 3 into Lots 3A and 3B, thus allowing Lot 3B (the location of the existing Lucero’s gas station building) to remain commercial which is appropriate for a property fronting on Hwy. 6. Both lots to be created by the minor subdivision will meet the minimum lot size requirements for the Residential and Commercial Zone Districts, respectively.

The 2023 Community Plan Future Land Use Map shows Lot 3 and the surrounding properties located on the east side of Hwy. 6 in South Town as being appropriate for residential and/or mixed use in the future.

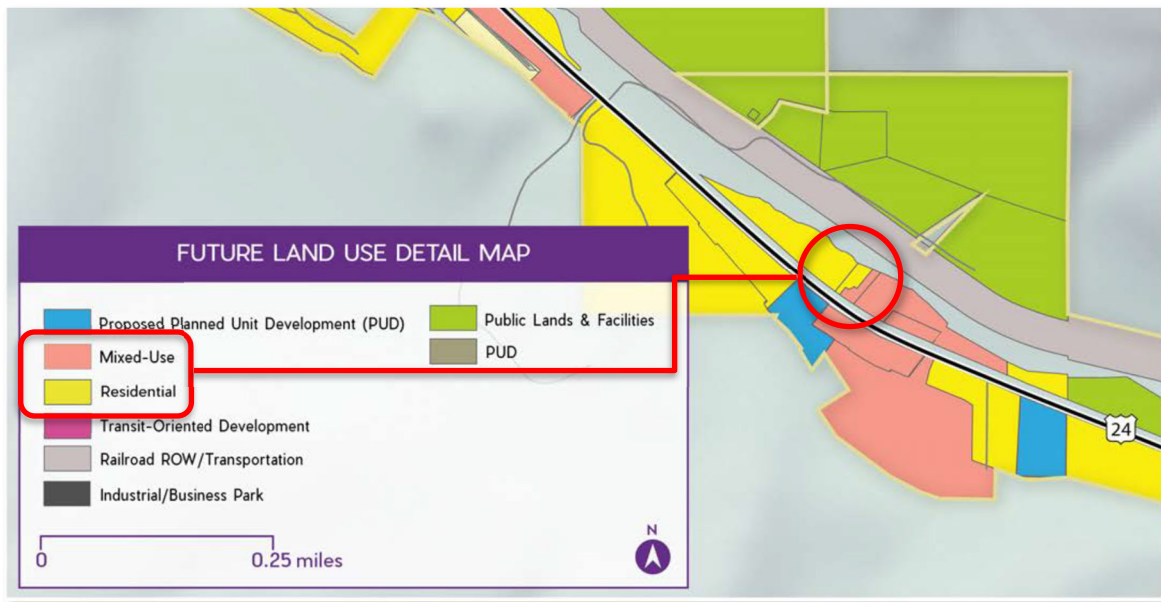


Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map

This recommendation in the Community Plan stems from the fact that the area has, historically, been developed over time into a mix of single-family, duplex, and multi-family residential uses, along with service and retail commercial uses. A mixed-use future land use designation recognizes and reflects the existing use and a desire by the Town to see this area continue to remain mixed.

Last, the proposed rezoning of Lot 3A from Commercial to Residential supports the policies and purposes of the South Town Character Area which aims to permit ongoing residential uses alongside service commercial uses that are not found elsewhere in the community.

(2) Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.

Staff Response:

The proposed rezoning of a portion of Lot 3 (to be applied to a future Lot “3A” proposed by a minor subdivision that is currently being processed by the Town) from Commercial to Residential is consistent and compatible with existing and proposed uses surrounding the subject property. Lot 3 is bordered on two sides (north and south) by residential zoning and uses and the subject property is served by adequate services (access, water, and wastewater) to support single-family residential use. While a residential structure already exists on the easternmost portion of Lot 3, any future redevelopment (for residential purposes) will need to adhere to current development standards and dimensional limitations (setbacks, building height, and lot coverage limits).

(3) Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercial zoning. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental and to permit the potential sale and redevelopment of Lot 3B by another party in the future.

(4) Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.

Staff Response:

There will be no adverse impacts on the natural environment as a result of the proposed rezoning from Commercial to Residential. To the contrary, the rezoning request for the easternmost portion of Lot 3 (future Lot 3A) should be viewed as a downzoning, where future permitted land uses will be less intense than what would be permitted within the Commercial Zone District. Lot 3 is already developed – with one residential structure and a commercial structure – and the rezoning of the easternmost portion of Lot 3 will merely allow for continued residential use.

(5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

Staff Response:

Rezoning and continued use of the existing residential structure located on the eastern portion of Lot 3 (future Lot 3A), particularly for continued rental, addresses a demonstrated community need.

(6) Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.

Staff Response:

The proposed rezoning promotes logical and orderly development and does not constitute spot zoning. Lot 3 is bordered on two sides by residential zoning – which extends to the north and south and covers significant numbers of adjacent or surrounding properties – and the property is already served by necessary and adequate public facilities and services.

(7) Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercial zoning. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental and to permit the potential sale and redevelopment of Lot 3B by another party in the future. Rezoning that portion of the lot that will become Lot 3A from commercial to residential – consistent with what exists on the lot today as well as the surrounding residential uses – serves the public’s interests.

Section 16-21-460 - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.

- (1) Recommend approval of the application as submitted or with certain conditions as stated; or*
- (2) Recommend denial of the application with all reasons clearly stated.*

III. Zoning Analysis:

The subject property is located within the “South Town Character Area” Commercial Zone District. Directly to the north and south, on either side of the property is the South Town Character Area Residential Zone.

The description and purpose of the South Town Commercial Zone District are as follows:

“(a) The South Town Commercial Zone is bisected by Main Street or Highway 24 and is characterized by a mix of retail, service businesses and residential areas. The South Town Commercial Zone provides services to both residents and the passing motorist. The commercial development can grow but should not significantly impact the residential areas.

“(b) The purpose of this area is to provide convenient commercial services to residents and motorists while minimizing the impact on nearby residential uses. South Town provides an area for commercial activities that are not easily accommodated in Old Town 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, services and institutional uses.”

- Town of Minturn Town Code Section 16-7-30

Similarly, the description and purpose of the South Town Residential Zone District are 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

Staff respectfully suggests that the proposed rezoning from Commercial to Residential Zone District, particularly given the current nature and character of residential structures located surrounding the subject property, will maintain and support the purpose and intent of the South Town Character Area as well as the Town’s community plan and strategic goals.

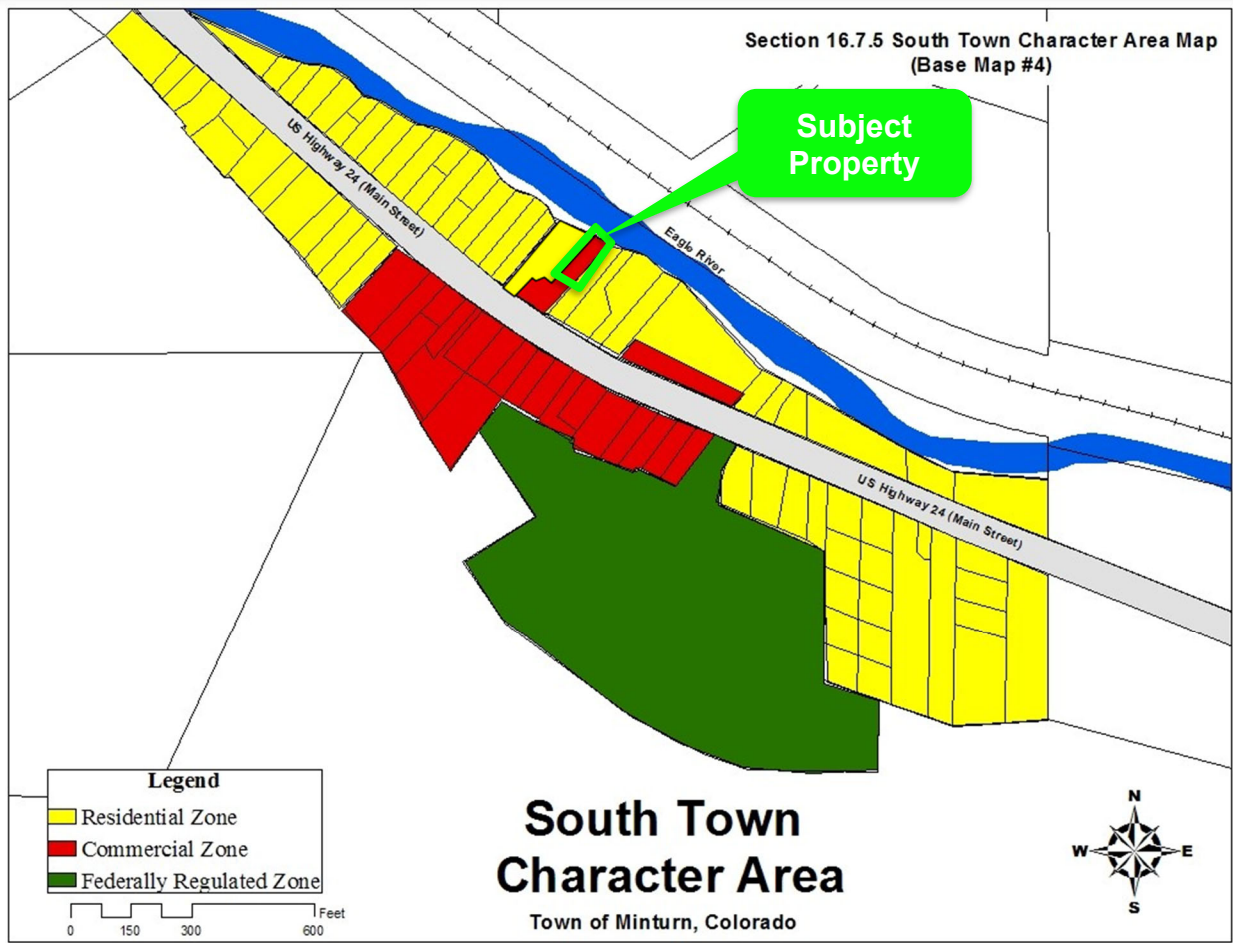


Figure 3: South Town Character Area Zoning Map

IV. Staff Recommendation: Approval

Staff is recommending **approval** of the proposed rezoning request for Lot 3A, South Minturn Addition, located at 998 Main Street, to change the zoning from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District, based on the analysis provided in this report and staff’s findings that the request and application meet the Town’s submittal requirements, criteria and findings to amend the Official Zone District Map.

With the Planning Commission’s recommendation, staff will present an Ordinance to the Town Council - to amend the Official Zone District Map to rezone Lot 3A from South Town Character Area Commercial Zone District to Residential Zone District - for consideration on first reading at the Council’s regularly scheduled meeting of Wednesday, March 6, 2024.

Exhibit A – Existing and Propose Zoning Map South Town Character Area

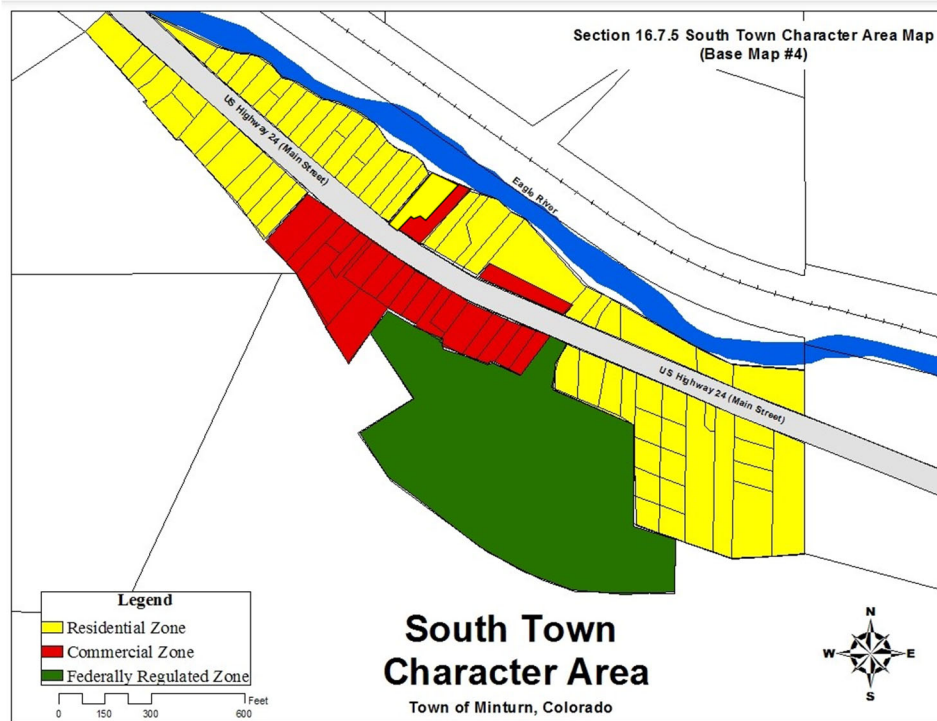


Figure 4: Existing South Town Character Area Zoning Map

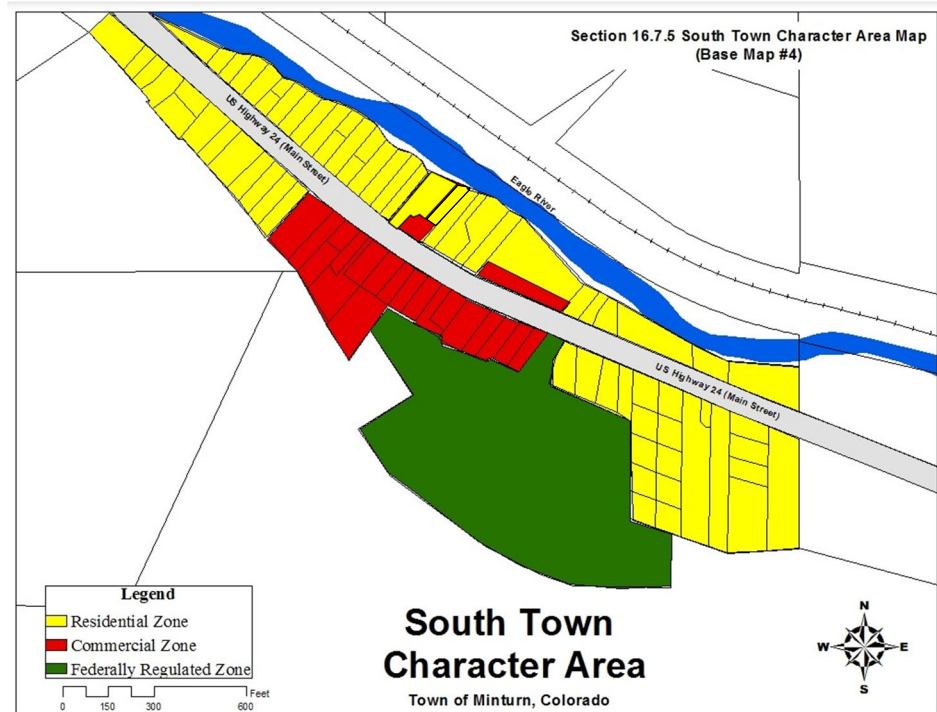



Figure 5: Proposed/Amended South Town Character Area Zoning Map

REZONE



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT
 P.O. Box 309 302 Pine Street
 Minturn, Colorado 81645-0309
 Phone: 970-877-5645 Ext. 2 Email: planner1@minturn.org

APPLICANT:		ADDRESS:	SIGNATURE:
JOHN A WOODRUFF		344 EAGLE RIVER STREET / POB 910 MINTURN, CO 81645	<i>[Signature]</i>
		PHONE: 303 898-7870 FAX:	NAME: JA WOODRUFF
		EMAIL: woodruffwoody@comcast.net	TITLE: OWNER
OWNERS OF RECORD:		ADDRESS:	SIGNATURE:
JOHN A WOODRUFF LYAN D FAIGER TIC		SAME	
		PHONE: FAX:	NAME:
		EMAIL:	TITLE:
DEVELOPER:		ADDRESS:	CONTACT PERSON:
		PHONE: FAX:	
		EMAIL:	
ENGINEERING FIRM:		ADDRESS:	CONTACT PERSON:
KIPP LAND SURVEYING		POB 3154 EAGLE, CO 81631	RANDY KIPP
		PHONE: 970 390-9540 FAX:	
		EMAIL: randy@kippandsurveying.com	
Presubmitted Date:	Presubmitted Planner:		
Parcel ID Number:	210335102061		(Example: 210335102061) from your full card printout
Address or Intersection:	998 MAIN ST, MINTURN		
Brief Legal Description:	NE 1/4 OF SECTION 35, T6S, R81W, 6 TH PM MINTURN		
Subdivision Name & P/Map #:	SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51		
Project Description:	RE ZONE 998 MAIN		
	Including:	Proposed:	
Zoning:	COMMERCIAL	COMMERCIAL & RESIDENTIAL	
Land Use:	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL	
Total Acres:	.3306	.1726	
F.A.R./Density:		.1580	
Project Name:	998 MAIN	998 MAIN	
Related Case #s:			
CASE TYPE			
PUD CDP: Concept Dev. Plan	FP: Prelim. Subdivision Plat	DRB - P: Dev. Rev. Bd. Prelim	A-PP: Phase Permit
PUD FDP: Prelim. Dev. Plan	FP: Final Subdivision Plat	DRB - F: Dev. Rev. Bd. Final	A-MOD: Modification/Add
PUD FDP: Final Dev. Plan	MR: Minor Subdivision	ADM: Admin. Dir. Review	A-MIN: Minor Ext. Mod.
PUD ASP: Admin. Site Plan	ASR: Admin. Subdivision Plat	A-SIGN: Admin. Sign Review	ANONX: Annexation
PUD FDP A: Amendment	V: Vacation of Easement	A-DIG: Admin. Dig Permit	TD: Temporary Use
LU-V: Land Use - Variance	R.O.W. Vacation	A-DENR: Admin. Denial Per.	CU: Conditional Use
NU -V: Non Use - Variance	<input checked="" type="checkbox"/> REZ - Rezoning - Straight Zoned	A-LTD: Admin. Limited Use	APPLS: Appeals
This section for OFFICE USE ONLY			
Case No:	Case No.:	Case No.:	Case No.:
Fees Paid: Y N S	Case Map:	Case Map:	Case Map:
Date to be Returned:	Date Returned:	Date Returned:	Date Returned:
	Planning Comm Date:	Planning Comm Date:	Planning Comm Date:

John A Woodruff
POB 910
344 Eagle River Street
Minturn, CO 81645
303 898-7870
woodruffwoody@comcast.net

Town of Minturn
Building Department
301 Boulder Street #309
Minturn, CO 81645
970 827-5645

October 4, 2023

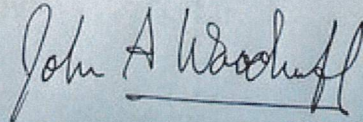
To Whom it may Concern, Letter of Intent
Re: Re-zoning of 998 Main Street, Minturn

The owners of this property, John A Woodruff and Lynn D Feiger TIC, propose to sub-divide the existing 14,403.1 sq.ft. lot, currently zoned commercial, into two separate lots. A 7,520.5 sq.ft. commercial lot on Main Street and a 6882.6 sq.ft residential lot facing the Eagle River.

The proposed commercial lot has an existing unoccupied building that has been used in the past as a Convenience Store, Video Rental shop, Liquor Store and Gas Station. The gas tanks have been removed and the site has been cleared by The Colorado Health Department. The owners propose to not change the existing Commercial zoning.

The owners are asking to re-zone the proposed lot on the river, to residential. Currently the lot holds an occupied rental unit. The proposed residential lot faces the Eagle River to the East and residential properties to the North and South; the proposed commercial lot is to the West. The owners will continue to rent the unit and currently have no plans to develop the proposed re-zoned lot.

The surrounding residential neighborhood is made up of a combination of full time residents and vacation homes.



TOWN OF MINTURN, COLORADO
ORDINANCE NO. (TBD) - SERIES OF 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, REZONING LOT 3A LUCERO SUBDIVISION
FROM COMMERCIAL TO RESIDENTIAL

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 South Minturn Addition Subdivision Final Plat was recorded in the Office of the Eagle County Clerk and Recorder on March 30, 2021, at Reception No. 202107185; and

WHEREAS, the South Minturn Addition Subdivision Final Plat created Lots 1, 2, and 3; and

WHEREAS, upon approval of the South Minturn Addition Subdivision Final Plat, zoning for Lots 1, 2, and 3 was Commercial; and

WHEREAS, subsequent to the approval of the South Minturn Addition Subdivision Final Plat, Ordinance No. 4, Series 2021 was approved by the Town on or about May 19, 2021, amending the zoning applicable to Lots 1 and 2 from Commercial to Residential, while Lot 3 zoning remained within the Commercial Zone; and

WHEREAS, Lot 3A and Lot 3B, A Resubdivision of Lot 3, South Minturn Addition Subdivision, Final Plat, a Resubdivision of Lot 51, was recorded in the Office of the Eagle County Clerk and Recorder on _____, 2024, at Reception No. _____, attached hereto as **Exhibit A**; and

WHEREAS, Minturn Municipal Code (the “Code”) Sec. 16-7-20 and 16-7-30 describe the South Town Residential Zone and South Town Commercial Zone; and

WHEREAS, Code Sec. 16-21-410 through 450 provides for the consideration of amendments to the Town’s Character Area Zoning Map; and

WHEREAS, the Town accepted a complete application requesting an Amendment to the Official Zone District Map from John A. Woodruff, as owner of Lot 3A, on or about October 23, 2023; and

WHEREAS, the Planning Director has determined that it is appropriate for certain real property known as Lot 3A, Lucero Subdivision (hereinafter the “Property”) located in the South Town Character Area to be rezoned from Commercial Zone to Residential Zone to be in further compliance with adjacent and surrounding uses, the Town’s Strategic Plan, and the 2023 Community Plan; and

WHEREAS, on February 28, 2024, the Commission considered the application for rezoning the Property and recommended that the Town Council rezone the Property from South Town Character Area Commercial Zone District to Residential Zone District; and

WHEREAS, on March 6, 2024, the Council considered the application for rezoning the Property and approved an amendment to the Official Zone District Map, amending the zoning for the Property from South Town Character Area Commercial Zone District to Residential Zone District; and

WHEREAS, the Town of Minturn Planning Commission and the Minturn Town Council have held duly noticed public hearings as required by the Minturn Municipal Code, and the Town Council now wishes to rezone the Property.

WHEREAS, Town of Minturn Planning Commission and the Minturn Town Council have determined that the rezoning provided for herein is in conformance with the Minturn Land Use Regulations and Community Plan.

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 following property is hereby rezoned to South Town Residential Zone:

Lot 3A and Lot 3B, A Resubdivision of Lot 3, South Minturn Addition
Subdivision, a Resubdivision of Lot 51

SECTION 3. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

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 ____ DAY OF _____ 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE ____ DAY OF _____ 2024 AT ____ 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 ___ DAY OF _____ 2024.

TOWN OF MINTURN, COLORADO

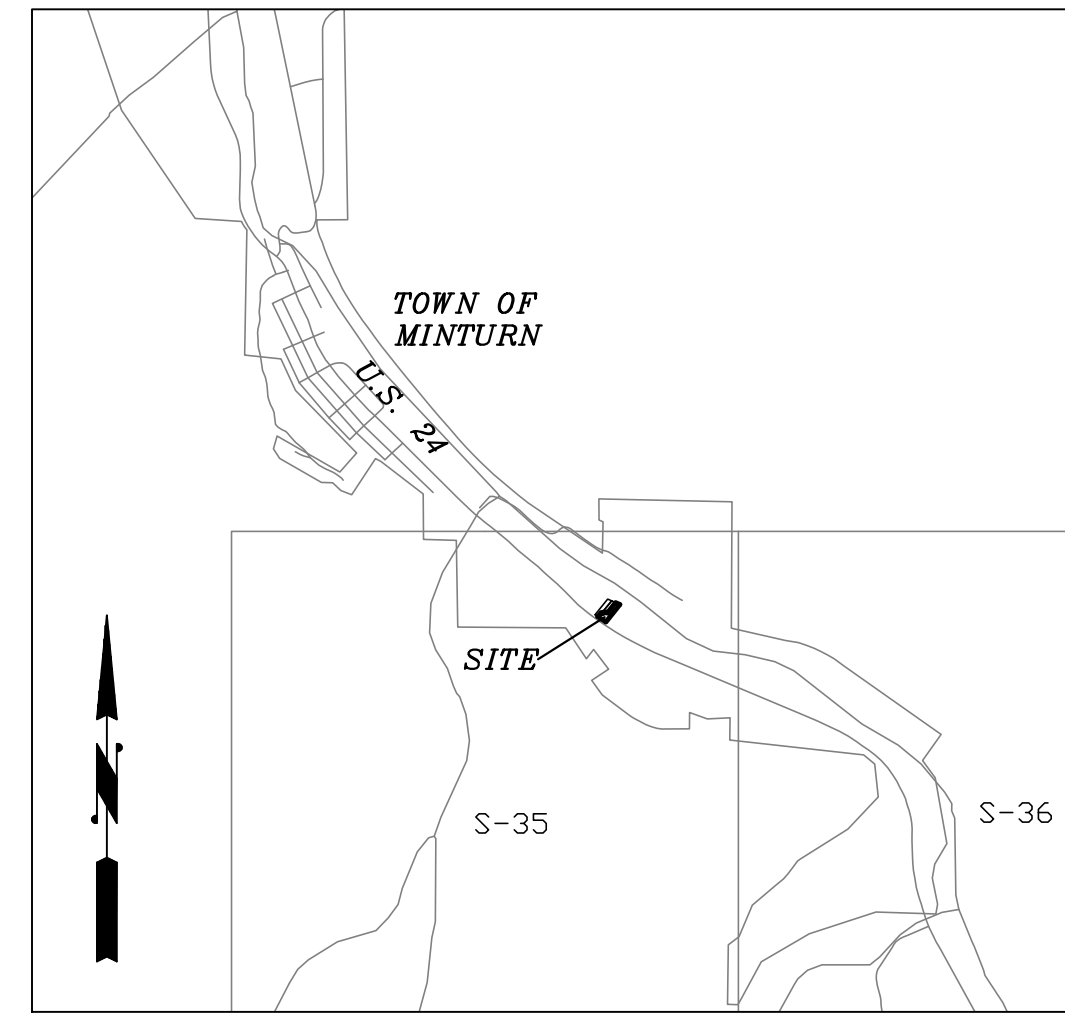
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A

MINOR SUBDIVISION
LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT,
SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



VICINITY MAP
SCALE 1"=2000'

PLANNING DIRECTOR CERTIFICATE:

THIS MINOR SUBDIVISION IS HEREBY APPROVED BY THE MINTURN PLANNING DIRECTOR, MINTURN, COLORADO, THIS ____ DAY OF _____ A.D. 2024 FOR FILING WITH THE CLERK AND RECORDER OF EAGLE COUNTY.

MINTURN PLANNING DIRECTOR

TOWN OF MINTURN CERTIFICATE:

THIS FINAL PLAT APPROVED BY THE MINTURN TOWN COUNCIL, MINTURN, COLORADO, ON THE ____TH DAY OF _____ A.D. 2024 FOR FILING WITH THE CLERK AND RECORDER OF EAGLE COUNTY AND THE CONVEYANCE TO THE TOWN OF MINTURN OF THE PUBLIC DEDICATIONS SHOWN HEREON: SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF MINTURN FOR MAINTENANCE OF ROADS DEDICATED TO THE PUBLIC UNTIL CONSTRUCTION OF IMPROVEMENTS THEREON SHALL HAVE BEEN COMPLETED IN ACCORDANCE WITH TOWN OF MINTURN'S SPECIFICATIONS AND THE MINTURN TOWN COUNCIL HAS BY A SUBSEQUENT RESOLUTION AGREED TO UNDERTAKE MAINTENANCE OF THE SAME. THIS APPROVAL DOES NOT GUARANTEE THAT SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT OR ANY OTHER REQUIRED PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING ALL IMPROVEMENTS REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE TOWN OF MINTURN.

(MAYOR)

WITNESS MY HAND AND SEAL OF THE TOWN OF MINTURN.

ATTEST: _____ (CLERK)

SURVEYOR'S CERTIFICATE:

I, RANDALL P. KIPP DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS SUBDIVISION PLAT IS TRUE, CORRECT AND COMPLETE MINOR SUBDIVISION, LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND/OR UNDER MY SUPERVISION AND ACCURATELY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND RIGHTS OF WAY OF SAID PLAT AS THE SAME ARE MONUMENTED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATION GOVERNING THE SUBDIVISION OF LAND, THAT SUCH PLAT IS BASED UPON THE PROFESSIONAL LAND SURVEYOR'S KNOWLEDGE, INFORMATION AND BELIEF, THAT SUCH PLAT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND THAT SUCH PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

RANDALL P. KIPP
COLORADO PROFESSIONAL LAND SURVEYOR NO. 38079

CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER AT ____ O'CLOCK __M., ON THIS ____ DAY OF _____, 2024, AND IS DULY RECORDED AT RECEPTION NO. _____

EAGLE COUNTY CLERK AND RECORDER

BY: _____ DEPUTY

CERTIFICATION OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT LYNN FEIGER AND JOHN WOODRUFF, BEING SOLE OWNER IN FEE SIMPLE, MORTGAGEE OR LIENHOLDER OF ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, ACCORDING TO THE FINAL PLAT RECORDED MARCH 30, 2021 UNDER RECEPTION NO. 202107185, COUNTY OF EAGLE, STATE OF COLORADO.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS AS SHOWN ON THIS FINAL PLAT, UNDER THE NAME AND STYLE OF MINOR SUBDIVISION, LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, A SUBDIVISION IN THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO; AND DOES HEREBY ACCEPT THE RESPONSIBILITY FOR THE COMPLETION OF REQUIRED IMPROVEMENTS; AND DOES HEREBY DEDICATE AND SET APART ALL OF THE PRIVATE STREETS AND OTHER PUBLIC IMPROVEMENTS AND PLACES AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER; AND DOES HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE CREATED AS EASEMENTS ON THE ACCOMPANYING PLAT TO THE PUBLIC FOREVER AS EASEMENTS FOR THE PURPOSES SHOWN HEREIN, UNLESS OTHERWISE EXPRESSLY PROVIDED THEREON; AND DOES HEREBY GRANT THE RIGHT TO INSTALL AND MAINTAIN NECESSARY STRUCTURES TO THE ENTITY RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED.

EXECUTED THIS ____ DAY OF _____, A.D. 2024.

OWNER: LYNN FEIGER AND JOHN WOODRUFF

ADDRESS: PO BOX 910
MINTURN, CO 81645

STATE OF COLORADO)
COUNTY OF EAGLE) SS

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D. 2024 BY _____

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND SEAL. _____

NOTARY PUBLIC

TITLE CERTIFICATE:

LAND TITLE GUARANTEE COMPANY DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN LYNN FEIGER AND JOHN WOODRUFF, IS FREE AND CLEAR OF ALL LIENS, AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS ____ DAY OF _____, A.D. 2024.

AGENT: _____

CERTIFICATE OF TAXES PAID:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF _____ UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS MAP ARE PAID IN FULL.

DATED THIS ____ DAY OF _____, A.D., 2024.

TREASURER OF EAGLE COUNTY

NOTES:

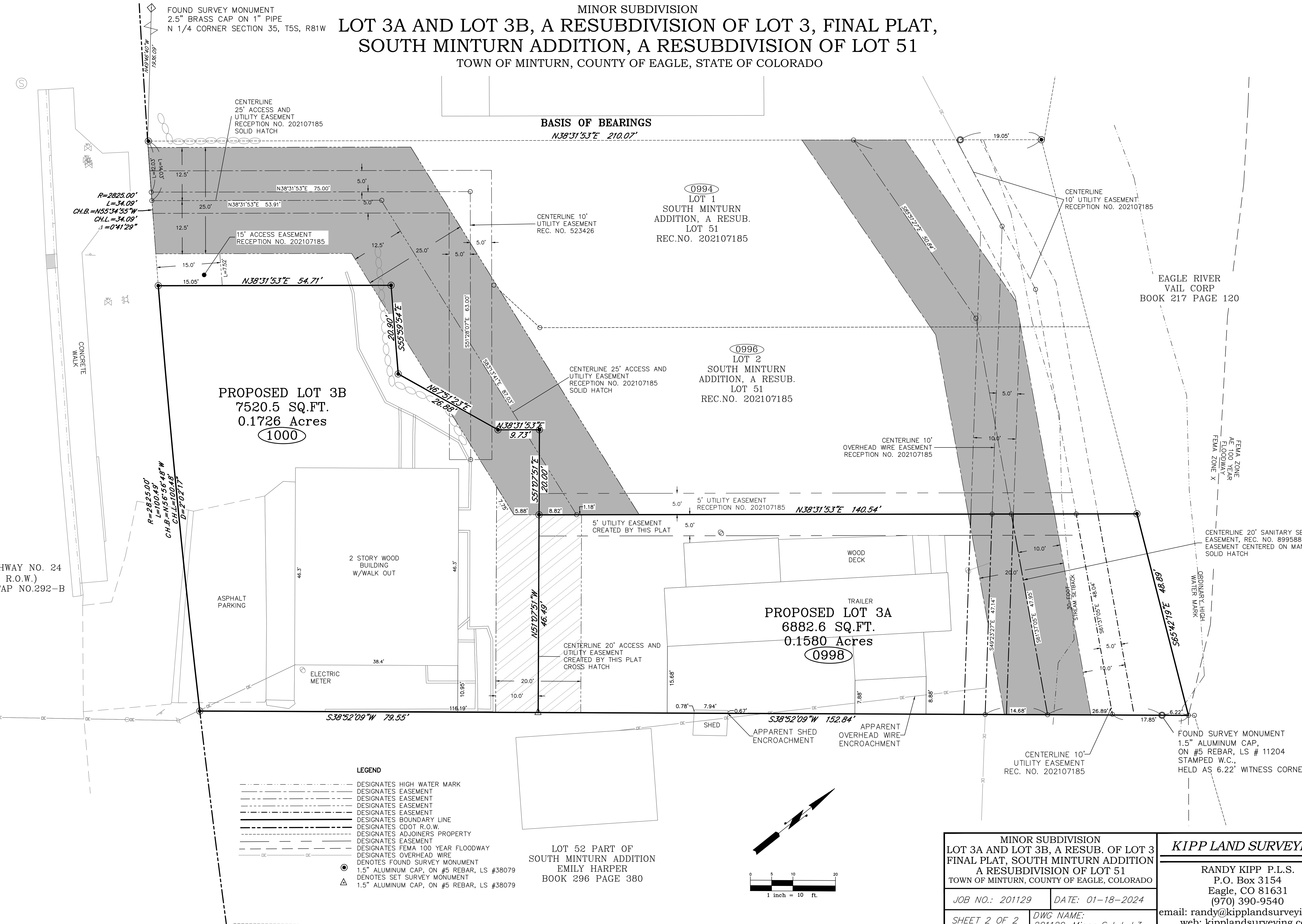
- 1) THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO DIVIDE LOT 3, SOUTH MINTURN ADDITION INTO TWO NEW LOTS, LOT 3A AND LOT 3B, AND CREATE A NEW UTILITY EASEMENT.
2) DATE OF SURVEY: AUGUST 10, 2023
3) STREET ADDRESS: 998 MAIN STREET (U.S. HIGHWAY 24) NOT POSTED
4) LOCATION OF IMPROVEMENTS, LOT LINES AND EASEMENTS ARE BASED UPON THE FINAL PLAT SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, REC.NO. 202107185, SPECIAL WARRANTY DEED REC.NO. 202111603, THE ANNEXATION PLAT OF SOUTH MINTURN ADDITION TO THE TOWN OF MINTURN, RECORDED AT REC.NO. 163774, C.D.O.T. PROJECT NO. F.A.P. NO.292-B AND SURVEY MONUMENTS FOUND AT THE TIME OF THIS SURVEY. TITLE COMMITMENT PROVIDED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. V50069862 WITH AN EFFECTIVE DATE OF 08-8-2023 WAS PROVIDED FOR THIS SURVEY.
5) BASIS OF BEARINGS: AN ASSUMED BEARING OF N38°31'53"E BETWEEN A 1.5" ALUMINUM CAP ON #5 REBAR, L.S. #38079 MARKING THE SOUTHWESTERLY CORNER OF LOT 1, FINAL PLAT SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, REC.NO. 202107185, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 50, SOUTH MINTURN ADDITION, REC.NO. 163774 AND A 1.5" ALUMINUM CAP ON #5 REBAR, L.S. #38079 MARKING THE NORTHWESTERLY CORNER OF SAID LOT 1, AS SHOWN HEREON.
6) U.S SURVEY FEET WAS USED FOR THIS SURVEY.
7) BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH FIELD MEASURED AND PLATTED.
8) THE 20' ACCESS AND UTILITY EASEMENT SHOWN HEREON SHEET 2 OF 2, BEING CREATED ON THIS PLAT IS FOR THE BENEFIT OF BOTH LOT 3A AND LOT 3B FOR ACCESS/UTILITY AND MAINTENANCE PURPOSES.
9) THIS PROPERTY IS SUBJECT TO:
• EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOUTH MINTURN ADDITION TO THE TOWN OF MINTURN RECORDED MARCH 1, 1978 UNDER RECEPTION NO. 163774.
• TERMS, CONDITIONS AND PROVISIONS OF EASEMENT RECORDED DECEMBER 13, 1993 AT RECEPTION NO. 523426.
• TERMS, CONDITIONS AND PROVISIONS OF CLAIM OF EASEMENTS RECORDED DECEMBER 03, 2004 AT RECEPTION NO. 899588.
• TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AS CONTAINED IN DECREE RECORDED JANUARY 30, 1980 IN BOOK 298 AT PAGE 72.
• TERMS, CONDITIONS AND PROVISIONS OF RESERVATION OF SHARED DRIVEWAY AND UTILITY EASEMENT RECORDED MARCH 26, 2021 UNDER RECEPTION NO. 202106945.
• EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51 RECORDED MAY 14, 2021 UNDER RECEPTION NO. 202111603.
• TERMS, CONDITIONS AND PROVISIONS OF ENCROACHMENT LICENSE AGREEMENT RECORDED DECEMBER 02, 2022 UNDER RECEPTION NO. 202218534.
8) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

LAND USE SUMMARY:

Table with 4 columns: LOT, ACREAGE, STREET ADDRESS, USE. Rows for LOT 3A, LOT 3B, and TOTAL.

MINOR SUBDIVISION
LOT 3A AND LOT 3B, A RESUB. OF LOT 3,
FINAL PLAT, SOUTH MINTURN ADDITION
A RESUBDIVISION OF LOT 51
TOWN OF MINTURN, COUNTY OF EAGLE, COLORADO
KIPP LAND SURVEYING
RANDY KIPP P.L.S.
P.O. Box 3154
Eagle, CO 81631
(970) 390-9540
email: randy@kipplandsurveying.com
web: kipplandsurveying.com
JOB NO.: 201129 DATE: 01-18-2024
SHEET 1 OF 2 DWG NAME: 201129-Minor Subd. L3

MINOR SUBDIVISION LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



PROPOSED LOT 3B
7520.5 SQ.FT.
0.1726 Acres
1000

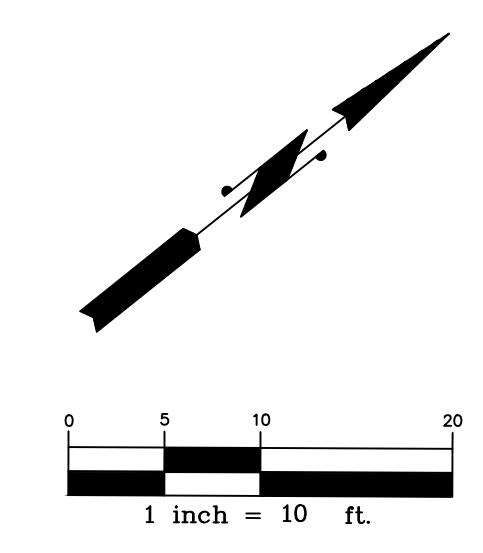
0994
LOT 1
SOUTH MINTURN
ADDITION, A RESUB.
LOT 51
REC.NO. 202107185

0996
LOT 2
SOUTH MINTURN
ADDITION, A RESUB.
LOT 51
REC.NO. 202107185

PROPOSED LOT 3A
6882.6 SQ.FT.
0.1580 Acres
0998

LOT 52 PART OF
SOUTH MINTURN ADDITION
EMILY HARPER
BOOK 296 PAGE 380

- LEGEND**
- DESIGNATES HIGH WATER MARK
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES BOUNDARY LINE
 - - - - DESIGNATES CDOT R.O.W.
 - - - - DESIGNATES ADJOINERS PROPERTY
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES FEMA 100 YEAR FLOODWAY
 - - - - DESIGNATES OVERHEAD WIRE
 - DENOTES FOUND SURVEY MONUMENT
 - △ DENOTES SET SURVEY MONUMENT
 - DENOTES 1.5" ALUMINUM CAP, ON #5 REBAR, LS #38079
 - △ DENOTES 1.5" ALUMINUM CAP, ON #5 REBAR, LS #38079



MINOR SUBDIVISION LOT 3A AND LOT 3B, A RESUB. OF LOT 3 FINAL PLAT, SOUTH MINTURN ADDITION A RESUBDIVISION OF LOT 51 TOWN OF MINTURN, COUNTY OF EAGLE, COLORADO	
JOB NO.: 201129	DATE: 01-18-2024
SHEET 2 OF 2	DWG NAME: 201129-Minor Subd. L3

KIPP LAND SURVEYING
RANDY KIPP P.L.S.
P.O. Box 3154
Eagle, CO 81631
(970) 390-9540
email: randy@kipplandsurveying.com
web: kipplandsurveying.com



To: Minturn Town Council
From: Michelle Metteer
Date: February 21, 2024
RE: Town Manager Update

Minturn Made the Super Bowl!

It’s exciting to see Minturn make its way into a small portion of Microsoft’s Copilot: Your Everyday AI Companion commercial. It received over 120 million views during the airing of the Super Bowl and has received an additional 16 million views on YouTube. Here is a link to the full commercial: <https://youtu.be/SaCVSubYpVc?si=kztvSQF3j8tupwA4>. Take note of the homes highlighted from Minturn. These are older homes, with color and “character.”



CDOT Administrative Meeting

I met with CDOT representatives to discuss matters related to Highway 24. CDOT supports permanent bulb outs for traffic calming, illuminated signage for speeds, overhead banners (pending town pays for the structural engineering to install and permit) and recommends Minturn obtain a transportation master plan moving forward. I will also be requesting a new speed study be conducted for the HWY 24 corridor. CDOT is also donating two illuminate speed feedback radar signs to Minturn. This is a value of almost \$8,000.

Code Compliance and Building Permit Specialist Job Opening

Minturn is hiring! If you know of someone looking for an exciting position in government, they may be interested in the world of code compliance. Please direct them to the town’s website for a complete description of the code compliance and building permit technician job description and list of benefits. Full list of details here: <https://www.minturn.org/home/news/job-opening-code-enforcementoutreach-and-building-permit-specialist>