



## OFFICIAL MINUTES

### Planning Commission Regular Meeting 5:30PM

Wednesday, January 08, 2025

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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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/81454565277>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 814 5456 5277

**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 - 5:30 PM

Lynn Teach called the meeting to order at 5:30 p.m.

#### 2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Jeff Armistead, Michael Boyd, Amanda Mire, Eric Rippeth, and Darell Wegert. Staff members present: Planning Director Scot Hunn and Planner I Madison Harris.

#### 3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Madison H. stated that Agenda Item 8A needs to be removed from the agenda due to improper public notice by the Applicant.

Motion by Michael B., second by Amanda M., to approve the agenda as amended. Motion passed 5-0.

*Note: Eric R. is attending in his status as an alternate.*

#### 4. APPROVAL OF MINUTES

A. December 11, 2024

Michael B. would like to add more information about his questions and answers from the Town Attorney and Town Engineer on Midtown Village's application.

Motion by Jeff A., second by Amanda M., to approve the minutes of December 11, 2024 as amended. Motion passed 5-0.

*Note: Eric R. is attending his status as an alternate.*

**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. 0226 Miles End Lane - Changes to Approved Plans for Single Family Residence**

This item was removed from the agenda.

**B. 161 Main Street and 161 Nelson Avenue - Conditional Use Permit and Design Review for New Commercial Building**

Madison H. introduced the agenda item while also providing the definitions of Conditional Use, Conditional Use Permit, and Light Manufacturing:

"*Conditional use* means a use listed in the Character Area use tables and permitted upon approval of the Town Council upon showing that such use in a specified location will comply with the conditions and standards for the zone and location proposed."

"*Conditional use permit* means a use permit issued by the Town stating that the conditional use meets all the standards and conditions set forth in this Chapter."

"*Manufacturing, light* means an establishment engaged in manufacturing, assembly, compounding, processing, packaging, treatment or distribution of projects, including primary product production from raw materials or production of services, but excluding establishments which produce or emit toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference or similar substances or conditions onto adjacent or other properties; or dangerous to the comfort, peace, enjoyment, health and safety of the community."

This is a 3,597 square foot distillery located at 161 Main Street and 161 Nelson Avenue in the Old Town 100 Block A Zone District. The plans show a two level structure with a max height measured to the midpoint of the roof of 23 feet above proposed grade. Sec. 16-17-60. –

Building height exceptions states that height limitations in Chapter 16 shall not apply to cupolas, however they shall not exceed the maximum building height by more than ten (10) feet. The roof is measured at 23 feet with an eight foot four inch (8 ft. 4 in.) cupola on top of that, well within the 35 foot allowable height in 100 Block: A. Parking is not required for a commercial building within the Old Town 100 Block A Zone District, however there is one loading space provided. A variance has already been approved via Resolution 51 – Series 2024 to allow encroachment into the rear setback from thirty feet (30') to ten feet (10') for the first floor of the building measured to a fourteen foot (14') eave height and relief from the rear setback from thirty feet (30') to twenty feet (20') for the second floor of the building measured to a twenty foot (20') eave height. This is, in addition to a DRB hearing, a Conditional Use Permit (CUP) review by the Town of Minturn Planning Commission, acting as the Town of

Minturn Zoning Board of Appeals – the body 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. The following necessary findings needs to be made: 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. Staff believes that all criteria and findings can be met. Staff is recommending approval.

Darell W. asked about shipping and deliveries

Michael B. asked about the Amended Final Plat.

- Staff stated that this application was in process.

Robert Creasy, 105 Williams St., Representative  
Introduced the project and went over the architectural renderings.

Lynn T. asked if there was a purpose to the cupolas.

- Mr. Creasy said that it's for daylighting and to harken back to historic distilleries.

Lynn T. asked what the use of the second floor is.

- Mr. Creasy said that it would be overflow for the tasting area.

Spence Neubauer, 161 Main Street and 161 Nelson Avenue, Applicant.  
For deliveries and shipping they will be shipping on small trucks 1-2 times per month.

Lynn T. would like to reiterate the turn around at the north corner of the building.

Michael B. has concerns with the clear vision at the rear of the building.

- Determination is that Williams St. is an Alley and so the 10 ft measurement applies. Encouraged Applicant to think of signage.

Lynn T. asked about the Whiskey Fungus.

Stephanie Neubauer, 161 Main Street and 161 Nelson Avenue, Applicant.

There shouldn't be a problem with the fungus or the smell, but have potential fixes should there be any issues.

Public comment opened.

Jean Flaherty, 160 Main Street

Wish them good luck and hopes that there is due diligence that all conditions are met.

Gordon Flaherty, 160 Main Street

Wants to know why the roof is sloping toward the sidewalk that might drop snow/water. Thinks the variance should be revoked because he doesn't think there's parking. Believes that it doesn't matter how much or little alcohol is being produced, that there will always be fungus.

Public comment closed.

*Note: 5 minute recess called at 7:29 p.m.*

Jeff A. is comfortable with approving this and doesn't believe that this is a threat to the citizens.

Motion by Amanda M., second by Michael B., to forward a recommendation of approval with conditions to the Town Council for 161 Main Street and 161 Nelson Avenue – Conditional Use Permit and Design Review for New Commercial Building. Motion passed 5-0.

1. Amended Final Plat shall be completed prior to building permit issuance
2. Encouraged signage not allowing parking in the loading dock and directing people to park in the Municipal lot.
3. That the testimony given in regards to the loading dock remaining a loading dock is binding.

*Note: Eric R. is attending in his status as an alternate.*

**C. Draft Ordinance A - Series 2025 An Ordinance of the Town of Minturn Amending Chapter 16 and Chapter 19 of the MMC**

Madison H. introduced the agenda item. As part of Council's review of Ordinance 20 - Series 2024 amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation, Council directed the HPC to vet additional options to encourage flexibility and economic sustainability for owners of historic properties. Staff received direction from the HPC to draft language regarding reduction in setbacks, building coverage and impervious coverage limitations. At the November 19, 2024 meeting HPC gave staff feedback on specific wording regarding setbacks. That wording has been updated and received a recommendation of approval from HPC to the Town Council. The ordinance is presented for Planning Commission to also make a recommendation to the Town Council.

Michael B. believes this might be spot zoning and is against the ordinance.

Lynn T. has issues on the implications of parking and fire hazard.

Eric R. thinks that if there is a historic property then it should stay looking a historic property.

Jeff A. believes that this ordinance is counterintuitive to what creates or designates a historical property.

Darell W. doesn't agree with 3 ft setbacks on the side.

Public comment opened.

Robert Creasy, 453 Pine Street.

HPC recognizes that historic designation is a burden on a property owner, this is hoping to create viability and creativity.

Public comment closed.

Motion by Michael B., second by Lynn T., to forward a recommendation of denial to the Town Council of Draft Ordinance A – Series 2025 An Ordinance of the Town of Minturn Amending Chapter 16 and Chapter 19 of the MMC. Motion passed 5-0.

*Note: Eric R. is attending in his status as an alternate.*

**D. Draft Ordinance B - Series 2025 An Ordinance Amending Chapter 16, Article 17 of the MMC in Regards to Cut-Off Times for Holiday Lighting**

Scot H. introduced the agenda item. Recently, the Town reviewed and adopted minor revisions to Section 16-17-180 - Exterior illumination standards, to allow for seasonal uplighting of the historic Minturn Water Tank for Town purposes. During their deliberations to approve Ordinance No. 19, Series 2024, the Minturn Town Council discussed the Town's dark or "night" sky lighting restrictions as well as exemptions within the Minturn Municipal Code that allow for holiday or ornamental lighting. The Council was most interested in understanding how the Town regulates or enforces exterior lighting restrictions and whether there should or could be limits placed on the time of day when non-permanent holiday lighting can be

displayed. At the regular Council meeting of November 20th, 2024, staff presented existing lighting regulations and definitions for “Exterior lighting” and “Holiday/ornamental lighting” and highlighted some issues with the current regulations and definitions. Namely, the current definition of holiday/ornamental lighting is problematic because it states that holiday or ornamental lighting means “festoon lighting.” Staff disagrees with this (holiday lighting and “festoon” or café-style lighting are different) and, ultimately, the Council gave direction to staff to present an ordinance amending Section 16-17-180 to update the definition of “Holiday lighting” and to add a separate definition for “Festoon lighting” – to differentiate between the two forms of lighting and, therefore, to allow for better regulation of both. Additionally, the Council gave staff direction to amend Section 16-17-180 to add a time limit (dawn or sunrise to 10pm) when holiday lighting can be turned on, while allowing festoon lighting – typically considered “café” style lights that people use in their backyards year round or which are used for commercial outdoor seating year round – to be considered as permanent and therefore not limited to time limits that will apply to holiday lighting.

Public comment opened.

No public comment.

Public comment closed.

Motion by Jeff A., second by Eric R., to forward a recommendation of approval to the Town Council of Draft Ordinance B – Series 2025 An Ordinance Amending Chapter 16, Article 17 of the MMC in Regards to Cut-Off Times for Holiday Lighting. Motion passed 5-0.

*Note: Eric R. is attending in his status as an alternate.*

## **9. DISCUSSION / DIRECTION ITEMS**

### **10. STAFF REPORTS**

#### **A. Manager's Report**

##### **Railroad Ave Pedestrian Improvements Grant Extension**

Minturn is excited to have received approval from the Public Utilities Commission for the planned improvements along Railroad Ave to increase pedestrian, bicycle and vehicular safety. Due to the delay in receiving the PUC approval, Minturn will be submitting an extension request to begin construction in the spring of 2025. Inter-Mountain Engineering is now working on an RFP for advertising.

##### **Eagle River Quiet Title Progress**

I have continued working with Rob Marsh, Jester, Gibson & Moore in preparation for the Eagle River Quiet Title work. The Council was emailed the draft notice to residents several weeks ago and staff anticipates the notification will be mailed out just after the first of the year. Again, this effort is for the riverbed only and will not be impacting anyone’s already titled property. Rob Marsh, Esq. will be the primary point of contact for this effort.

##### **Main Street Phase II Sidewalks – Permanent Easement Acquisition**

CDOT is awaiting Minturn’s first reimbursement request, which Jay Brunvand is putting together now. Once submitted, the Town can advertise for the project and for construction management services simultaneously. Additionally, the Town will be seeking as part of this project a permanent easement from Vail Associates (VA) for drainage across a parcel of land VA owns between HWY 24 and the river. Greg Jamison with HDR Inc. is leading this acquisition process and is subcontracted through Stolfus Engineering.

##### **Highlands Parcel Public Discussion Preparation**

Staff are preparing the materials to conduct a public outreach and discussion process to determine how the recently acquired parcels (part of the Battle North settlement) will be utilized. As part of this process a webpage is being created providing background material and

information on the two parcels themselves. This will also be turned into an informational flyer for those who do not have access to the internet. An e-blast is expected to go out the week of January 6, 2025, notifying Minturn residents of this effort in hopes of garnering public discussion and feedback. **The tentative Open House date for gathering initial feedback is scheduled for January 29, 2025.**

**First Friday Events Update - December**

Minturn conducted the fourth First Friday event on December 6, 2024. This First Friday event was combined with the annual Town Tree Lighting given the geographic proximity of the two and staff has received positive feedback on the combining of the two events. Economic Development Coordinator, Cindy Krieg, has provided a post-event synopsis which is included with this manager's report for further review.

**VisitMinturnRedCliff.com**

Minturn and Red Cliff, through a grant from the Colorado Tourism Office, have created the [www.VisitMinturnRedCliff.com](http://www.VisitMinturnRedCliff.com) website and corresponding visitor guide to support responsible outdoor recreation in these areas. Printed guides will be available at the Eagle Valley Airport, short-term rentals, and all area hotels, as well as Minturn and Red Cliff businesses and Town Halls.

**11. PLANNING COMMISSION COMMENTS**

Lynn T. thanked the Commission for their work over the last year.

Amanda M. would like to ensure that the Minturn North CUP is abiding by the rules.

**12. FUTURE MEETINGS**

- A. January 22, 2025
- B. February 12, 2025

**13. ADJOURN**

Motion by Amanda M., second by Michael B., to adjourn the regular meeting of January 8, 2025 at 8:29 p.m. Motion passed 5-0.

*Note: Eric R. is attending in his status as an alternate.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director