

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 58 – SERIES 2024**

**A RESOLUTION RENEWING AN EXISTING CONDITIONAL USE APPLICATION
CU 04 – SERIES 2018 FOR MINTURN MOUNTAIN MOTEL, UPRR RAILROAD AVE,
TOWN OF MINTURN**

WHEREAS, The Minturn Mountain Motel has submitted a land use application for renewal and modification of a Conditional Use Permit to allow subleasing for vehicle and recreational equipment storage; and

WHEREAS, the applicant applied for and received a Conditional Use Permit (“CUP”) by virtue of Resolution No. 29, Series 2018; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, the Town Council renewed CU 04 – 2018 via Resolution 44 – Series 2018 on October 20, 2021; and

WHEREAS, The Town Council may approve the renewal as submitted or may approve the renewal subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the renewal including the following findings:

- 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.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:

Section 1. That the application for a Conditional Use Permit for File No. CU 04-2018 be approved with the following conditions:

1. All parking must be within the leased area;
2. The restaurant and motel cannot be sub-leased as stated in the lease contract without prior consent of the Union Pacific Railroad;
3. Restaurant and Motel must maintain the required number of parking spaces as required by Chapter 16, Article 16 (Off-Street Parking and Loading) of the Town of Minturn Municipal Code. (The purpose is to ensure that the use is served by an adequate supply of well-planned and designed parking, and to assure that the owner/operator of the use provides sufficient parking spaces for the use);
4. The restaurant and motel must be maintained in accordance with Chapter 7, Article 2 (Nuisances) of the Town of Minturn Municipal Code (The purpose is to ensure that the use operates in a manner that is not harmful to the surrounding uses and the process in which a nuisance is declared for a specific use);
5. Emergency access of 20' through the leased area shall be maintained;
6. Any dumpsters containing or temporarily storing refuse/trash material outside the restaurant and motel must be stored on property and must be properly screened;

7. The leased area used for parking must be policed and maintained by the lessee (restaurant and motel owner);
8. Trash and junk accumulating in the parking area must be picked up and disposed properly within seven (7) days;
9. The parking area must not be used for repair, maintenance or storage of vehicles;
10. Letter stating the hour and dates of operation to staff;
11. All-season use will require site storage of snow and keeping emergency access cleared.
12. No recreational vehicles or ATV's of any kind. Not limited to boats, snowmobiles, ATV's. RV's, campers, pop-ups, conversion vans, trailers, non-work-related vehicles, etc.
13. No inoperable or unlicensed vehicles kept on property for longer than five (5) days. Sec.7-2-70.
14. Violations. The following schedule of fines shall apply for violations not remedied within 30 days:
 - a. The first violation will be fined \$100.
 - b. The second violation will be fined \$250.
 - c. The third and subsequent violations will be fined \$500.
15. Each CUP will be subject to annual review by the Town staff with regard to compliance with the terms of use and conditions of approval associated with the CUP. The Town staff shall provide a report to the Town Council following such annual review. The report shall, in a general manner, provide updates on the following:
 - a. Any violations or other incidences requiring staff response and Town resources out of the ordinary course of Town business and services. A violation will only be counted if the infraction has not been corrected within 30 days of notice being sent to the CUP holder.
 - b. Compliance with the overall terms of use permitted by the CUP as well as observations regarding the condition of the lease/CUP area.
 - c. Any changes in i) Lessee/Sub-Lessee; and, ii) uses within CUP area.

At staff's discretion, a recommendation may be made to Council to revoke the CUP having accumulated three violations in a calendar year (Jan 1 to Dec 31).
16. Lessees are required to meet with the Town Council every three (3) years for CUP review. The review shall include but not be limited to inspections by Town staff and the following reporting:
 - a. Report from Code Compliance Office
 - b. Report from Planning Department

17. Uses must be in compliance with the applicable laws, including Minturn Municipal Code, state and federal law. A violation of any law within the permitted premises shall be considered a violation of the CUP.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 16th day of October, 2024.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk