

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 06 – SERIES 2025**

**A RESOLUTION APPROVING A CONDITIONAL USE APPLICATION FOR A NEW  
DISTILLERY AT 161 MAIN STREET AND 161 NELSON AVENUE, TOWN OF  
MINUTURN, COLORADO**

**WHEREAS**, on or about December 10, 2024, Stefanie and Spence Neubauer, (hereinafter, the “Applicant”) submitted and the Town accepted a Conditional Use Permit application (hereinafter the “CUP”) for a light manufacturing use to allow for a distillery located at 161 Main Street and 161 Nelson Avenue within the Old Town Character Area 100 Block A Zone District, for review and approval by the Town pursuant to Sec. 16-21-620, Conditional Use, Minturn Municipal Code (hereinafter the “Code”); and

**WHEREAS**, the Town of Minturn Planning Commission (hereinafter the “Commission”) is commissioned with certain powers and duties contained in the Code Sec. 16-21-40(f)(7) “To hear, review, consider and make recommendations to the Town Council to approve, approve with conditions or disapprove conditional use permits”; and

**WHEREAS**, the Minturn Town Council (hereinafter the “Council”) is commissioned with certain powers and duties contained in the Code Sec. 16-21-30(a)(4) “To hear, review, consider and approve, approve with conditions or disapprove applications for conditional use permits”; and

**WHEREAS**, public notice for the Commission’s regular meeting of January 8, 2025 and the Council’s regular meeting of February 5, 2025 was given pursuant to the Code Sec. 16-21-610; and

**WHEREAS**, on January 8, 2025, the Commission held a public hearing to consider and review the CUP and forwarded a recommendation that the Council approve the CUP with conditions, finding that the CUP complied with the necessary findings and criteria of the Code Sec. 16-21-620(d)(2), Criteria; findings; and

**WHEREAS**, on February 5, 2025, the Council held a public hearing to consider and review the CUP; and

**WHEREAS**, pursuant to the Code Sec. 16-21-620(2) Criteria; findings, and Sec. 16-21-620(e)(1), the Council may approve the CUP as submitted or may approve the CUP subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the CUP based upon the following:

- 1) 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:**

**THAT**, the CUP, as conditioned, meets the standards, criteria and findings pursuant to the Code Sec. 16-21-620(2) Criteria; findings, and Sec. 16-21-620(e)(1); and

**THAT**, the CUP be approved subject to the following conditions:

- 1. The Amended Final Plat combining the two lots shall be completed prior to building permit issuance.
- 2. Signage is encouraged to not allow 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.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 5<sup>th</sup> day of February 2025.**

**TOWN OF MINTURN**

By: \_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk