

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. TBD – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO APPROVING THE AMENDED FINAL  
DEVELOPMENT PLAN FOR PLANNED UNIT  
DEVELOPMENT FOR BELDEN PLACE PUD AND  
AMENDING ORDINANCE NO. 4, SERIES 2022

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

**WHEREAS**, the Town is authorized by the Home Rule Charter and Section 31-23-301, C.R.S., to enact zoning and land use regulations; and

**WHEREAS**, Chapter 16, Zoning, of the Minturn Municipal Code (the “MMC”) regulates zoning and land use within the Town; and

**WHEREAS**, the purpose of Chapter 16 is to encourage the most appropriate use of land, to preserve and promote the Town’s economy, heritage and small town qualities, and it is designed to promote the health, safety, welfare and convenience of the citizens; and

**WHEREAS**, Sec. 16-15-10 - Purposes and general provisions, MMC, establishes the purpose of the Planned Unit Development (“PUD”) Overlay Zone District which is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of the MMC and the Community Plan; and

**WHEREAS**, Sec. 16-15-20 - Authority, MMC, states that the PUD Overlay Zone District is adopted pursuant to Section 24-67-101, et seq., C.R.S., the Planned Unit Development Act of 1972; and

**WHEREAS**, Sec. 16-15-20 - Authority, MMC, provides that the Town staff and the Planning Commission (“Commission”) shall have the authority to recommend and the Town Council shall have the authority to impose such conditions on a PUD as are necessary to accomplish the purpose of the MMC and the Community Plan; and

**WHEREAS**, the Town received an application for the Belden Place Preliminary Development Plan for PUD (“Preliminary Plan”) and Preliminary Subdivision Plat (“Preliminary Plat”) from Miners Basecamp, LLC., (the “Applicant”) on or about November 17, 2020; and

**WHEREAS**, the Commission held public hearings to consider the Preliminary Plan and Preliminary Plat on May 26, 2021 and June 9, 2021, and recommended approval with conditions of the Preliminary Plan and Preliminary Plat to the Town Council; and

**WHEREAS**, the Town Council, at a public hearing held on June 16, 2021, approved the Preliminary Plan and associated Preliminary Plat with conditions via Resolution No. 20, Series 2021; and

**WHEREAS**, the Town received a Final Development Plan for the Belden Place PUD (“Final Plan”) application, inclusive of associated zoning regulations and Subdivision Improvements Agreement (“SIA”), from the Applicant on or about August 31, 2021; and

**WHEREAS**, the Final Plan allowed for the development of forty-one (41) single--family, two-family (duplex), and multi-family (tri-plex and five-plex) dwelling units and one accessory dwelling unit on Lot 17 to be constructed on twenty-seven (27) lots of varying sizes serviced by a looped access road, sidewalks, and utilities, as well as the development of an underground parking garage, a pocket park and open space, drainage improvements and drainage ways, landscaping, project identification and wayfinding signage; and,

**WHEREAS**, the Applicant intends to construct project infrastructure in one (1) phase to allow for the incremental build-out residential structures within the PUD as market conditions and absorption rates dictate; and,

**WHEREAS**, the Commission held a public hearing to consider the Final Subdivision Plat (“Final Plat”) on February 9, 2022, and recommended approval with conditions of the Final Plat to the Town Council; and

**WHEREAS**, the Town Council held public hearings (i.e., First Reading and Second Reading) and approved the Final Plan (Ordinance No. 4, Series 2022), and the Belden Place Final Plat (Ordinance No. 5), on or about March 2, 2022 and March 16, 2022; and

**WHEREAS**, prior to the approval of the Final Plan, the Applicant filed a lawsuit in Eagle County District Court at case number 2022CV30054 contesting the number of Single Family Equivalents/Water Taps (“SFEs”) made available to the project (the “Litigation”); and

**WHEREAS**, the Town filed a counter claim in the Litigation against Miners; and

**WHEREAS**, rather than continue the Litigation, the parties desired to institute a process to settle the issues between them; and

**WHEREAS**, the Town and the Applicant entered into and executed a Settlement Agreement (the “Settlement”) as memorialized by the Town via Resolution No. 32, Series 2023; and

**WHEREAS**, the Settlement provides that, within 60 days of the Effective Date of the Settlement, Miners would be permitted to submit to the Town an application to amend the Final Plan and Final Plat to consolidate Lots 12, 13, and 14, to eliminate the Triplex residential unit planned for Lots 12, 13, and 14, and to replace it with a single-family unit plus ADU; and

**WHEREAS**, the Settlement also provides that such application “shall be processed” as two ordinances amending Ordinance No. 4, Series 2022 and Ordinance No. 5, Series 2022; and

**WHEREAS**, the Town received an application for minor modification to the Final Plan (the “Amended Final Plan”) pursuant to the Settlement on or about December 14, 2023; and

**WHEREAS**, Sec. 16-15-230. - Changes to approved plans., MMC, permits minor amendments and modifications to approved PUD final plans; and

**WHEREAS**, Sec. 16-15-230. - Changes to approved plans, MMC, Subsection (2) provides that “Minor changes in locations, sightings, bulk of structures and height or character of buildings may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final or preliminary plan was approved;” and

**WHEREAS**, Town of Minturn Staff (“Staff”) finds that the Amended Final Plan conforms with the Town’s standards; and

**WHEREAS**, the Amended Final Plan will allow for the development of thirty-nine (39) single-family, two-family (duplex), and multi-family (tri-plex and five-plex) dwelling units and two accessory dwelling units on Lots 12 and 17 to be constructed on twenty-five (25) lots of varying sizes serviced by a looped access road, sidewalks, and utilities, as well as the development of an underground parking garage, a pocket park and open space, drainage improvements and drainage ways, landscaping, project identification and wayfinding signage; and

**WHEREAS**, the Commission, at their regular meeting of May 8, 2024, considered Ordinance No. TBD, Series 2024 to approve the Amended Final Plan and to Amend Ordinance No. 4, Series 2022, and recommended approval to the Town Council; and

**WHEREAS**, the Town Council, at their regular meeting of May \_\_, 2024, considered Ordinance No. TBD, Series 2024, on first reading, to approve the Amended Final Plan and PUD zoning and to Amend Ordinance No. 4, Series 2022; and

**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.** That the Belden Place Amended Final Plan is hereby approved.

**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 WEBSITE THIS \_\_\_ DAY OF \_\_\_\_\_ 2024.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

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