

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
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**Memorandum**

To: Minturn Planning Commission

From: Scot Hunn, Planning Director

Date: May 3, 2024

Re: Belden Place Amended Final Plan and Final Plat – Review of Ordinances

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In 2022, the Town of Minturn Town Council approved via ordinance the Belden Place Planned Unit Development Final Development Plan for PUD (the “Final Plan”) and the associated Belden Place PUD Final Plat (the “Final Plat”) for Subdivision proposed by Miners Basecamp, LLC., (the “Applicant”). Prior to the Town’s approval, 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”).

Subsequently, the Town filed a counter claim in the Litigation against Miners. Eventually, the parties agreed to institute a process to settle the issues between them rather than continue the Litigation. As a result, 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 (attached).

The Settlement provides, among other things, a process for the processing and approval of minor modifications to the previously approved Final Plan and Final Plat, specifically to consolidate Lots 12, 13, and 14 and, therefore, to eliminate the triplex residential structures previously contemplated for those three lots; and to create a new Lot 12 wherein a single-family unit plus Accessory Dwelling Unit (ADU) would be permitted, thus lowering the overall density and intensity of uses within the PUD but, otherwise, maintaining the overall character and intent of the PUD.

Pursuant to those terms of the Settlement, the Applicant, represented by Mr. Brian Bevan, has applied to the Town for minor modifications to the previously approved Final Plan and Final Plat. As provided for within the Settlement, amendments to the Final Plan and Final Plat are to be processed as ordinances amending the Final Plan and Final Plat and, specifically, amending Ordinance No. 4, Series 2022 (Final Plan) and Ordinance No. 5, Series 2022 (Final Plat).

**Minor Amendment to Final Plan (PUD Guide)**

The final Development Plan (and PUD Guide) for the Belden Place PUD was approved via Ordinance No. 4, Series 2022, on March 16, 2022. The Applicant has presented a new PUD Guide

and associated final development plans showing or reflecting the consolidation of Lots 12, 13, and 14 and providing for development of a new Lot 12 as a single-family residential unit plus one (1) ADU.

**Minor Amendment to Final Plat (Amended Final Plat)**

The Final Subdivision Plat for the Belden Place PUD was approved via Ordinance No. 5, Series 2022, on March 16, 2022. In support of the proposed changes to the Final Plan to combine Lots 12, 13, and 14 into one lot (New Lot 12), the following images show the previous lot layout of those lots on the original final plat, as well as the new configuration proposed in the Amended Final Plat.

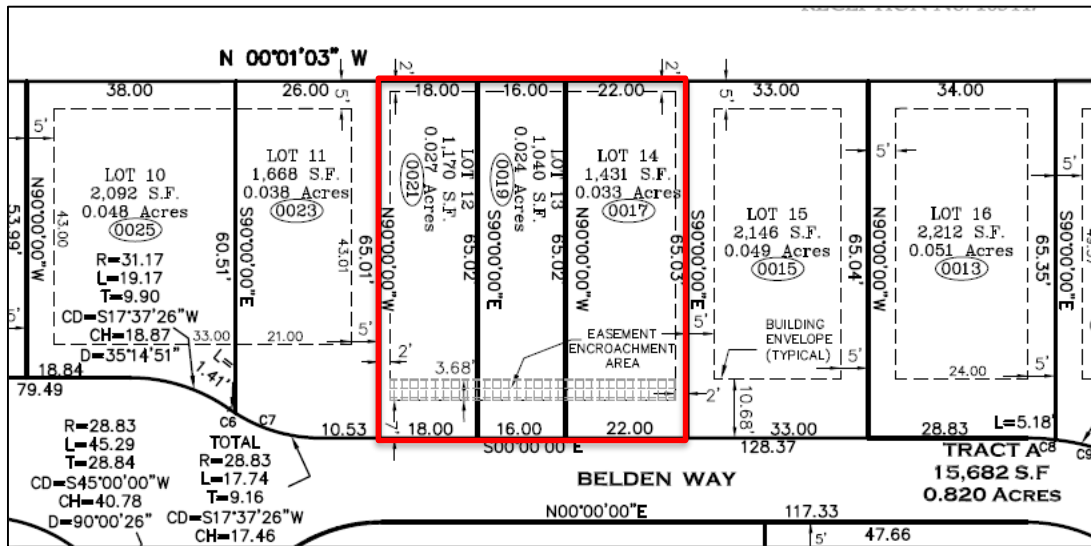


Figure 1: Original 2022 Final Plat Showing Lots 12, 13, and 14

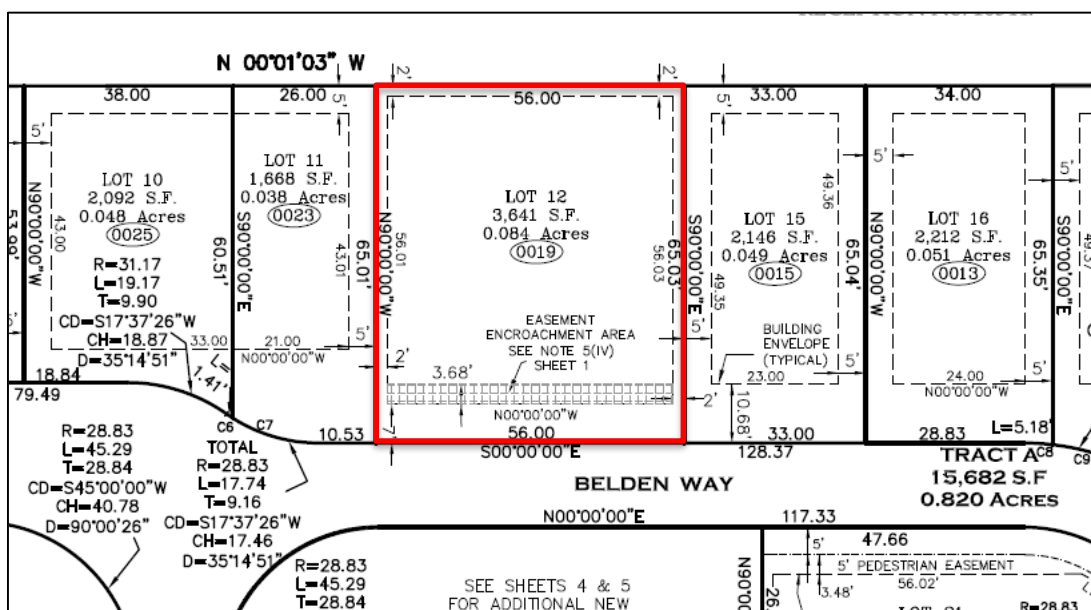


Figure 2: Proposed Amended Final Plat Combining Lots 12, 13, and 14 (creating Lot 12)

## Summary of Process and Code Requirements

Pursuant to the Settlement, the Applicant is permitted to apply for minor modifications to the Final Plan and Final Plat:

*“WHEREAS, the Settlement Agreement allows Miners to submit to Minturn an application to amend the Belden Place Final Development Plan and the Belden Place Final Subdivision Plat.”*

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. Therefore, staff has attached two Ordinances (TBD) for the Planning Commission’s consideration.

In addition to, or in support of the Settlement, Section 16-15-230 – *Changes to approved plans*, MMC, sets forth the provisions applicable to the processing and review of PUD amendments and Amended Final Plats.

### ***Sec. 16-15-230. - Changes to approved plans.***

*(a) The PUD plan, as finally approved by the Town Council, shall be binding. Permits for construction or grading on a PUD shall be issued only on the basis of the approved final PUD plans. Any changes in the approved plan shall be submitted to the Town in accordance with the following:*

*(1) Minor deviations may be approved by the Planning Director. Minor deviations that may be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with this Code.*

*(2) 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.*

The changes proposed are, indeed, minor in nature and affect the location, sighting and, to some degree, the bulk of structures within the PUD. Therefore, the Planning Director has determined that such changes require Planning Commission review.

Additionally, Chapter 17, Article 8 – *Minor subdivisions*, MMC, provides procedures and requirements for the submission and review of Amended Final Plats. Staff has determined that the Amended Final Plat for the Belden Place PUD has been provided in accordance with the requirements of Article 8.

Staff is recommending **approval with no conditions** of attached Ordinances (TBD) to amend the Final Plan; to amend the Final Plat; and to Amend Ordinance Nos. 4 and 5, Series 2022.