



OFFICIAL MINUTES

Planning Commission Meeting

Wednesday, December 11, 2024

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

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.

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/85057530701>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 850 5753 0701

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, Town Attorney Richard Peterson-Cremer, Town Engineer Jeff Spanel, and Planner I Madison Harris.

Note: Darell W. is having technical difficulties and cannot speak at this time.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Jeff A., second by Amanda M., to approve the agenda as presented. Motion passed 5-0.

Note: Darell W. is having technical difficulties and cannot vote at this time.

4. APPROVAL OF MINUTES

A. November 27, 2024

Motion by Michael B., second by Jeff A., to approve the minutes of November 27, 2024 as presented. Motion passed 5-0.

Note: Darell W. is having technical difficulties and cannot vote at this time.

5. DECLARATION OF CONFLICTS OF INTEREST

Jeff A. has a conflict of interest with Agenda Items 8A, 8B, and 8C as he is the applicant and will be recusing himself.

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

Note: Jeff A. recused himself.

- A.** Midtown Village PUD - Planned Unit Development Review for Preliminary Plan
Madison H. introduced the agenda topic. This is a continuation of a hearing from November 13, 2024. A reminder that the public comment was left open at the last hearing.

Jeff Armistead, 1632 Main Street, Applicant.

Presented the updated landscaping plan.

- Lynn T. would like to have the size of the firs be provided. Has concerns about the types of trees chosen as the maples might not do well up here. Advised talking to someone local about tree plantings. Need to make sure that any shrubs/bushes are not fruit bearing.

Mr. Armistead presented the updated snow storage plan.

- Lynn T. asked where the mechanical room for the snow melt system is for the driveway.
- Mr. Armistead said it would be in the parking garage for the apartment building.
- Lynn T. pointed out that on page 70 of the PUD Guide it says that snow removal for the sidewalks is for the HOA, she also pointed out a typo "me" instead of "be".

Mr. Armistead presented the updated open space plan.

- Lynn T. pointed out that the figures about the open space within the PUD Guide on pg 58 should be updated to reflect the updated figures prior to final plan/plat.

Mr. Armistead presented the updated parking plan.

- Amanda M. asked if all parking spaces would be built with the infrastructure.
- Mr. Armistead said that the parking spaces along the main road will be built, but not the spots for the micro homes or the townhomes.
- Lynn T. asked staff if the parking numbers have been checked.
- Madison H. said that parking requirements have been checked, just the future commercial is hard to nail down.
- Lynn T. had comments about page 60 statement about RO apartments should be "19 units (16+3)" and pointed out a typo on page 63 "mail" when it should be "main". Also asked for clarification on page 59 on any time frame anticipated for release to the general public but requiring a 2% transfer tax.

- Amanda M. asked how any future requirements from CDOT at future phases affect the PUD and plat.
- Scot H. said that CDOT prefers minimizing access points. The Applicant will need to apply for an updated access permit when they get to Phase 3, 4 and 5 and if CDOT wants another access point that changes the PUD, then it might need to come in for a PUD amendment.
- Jeff S. said that the CDOT access permit is very specific to Phase 1 and 2 and the way the access code is written is if there is any change in use then the access permit will need to be updated.

Darell W. said that his question about a U access was already answered.

Scot H. went through the questions received from Michael B. via email and the Town Attorney's and Town Engineer's responses.

Scot H. read into the record public comment received from Bob Stephanoff, 962 Main Street. "Hello Madison,

Regarding this evening's Planning Commission meeting on the Minturn Village PUD. We have a few concerns.

The request for set back variance: As a home owner at 962 Main Street and having recently completed a house renovation we are adamantly opposed to granting a setback variance. We were restricted significantly in design and siting options due to our strict setbacks and utility easement. The owner/ developer of Minturn Village should be held to same standard. We were held to stringent set backs on the river, side and front setbacks. These developers should not get the variance for setbacks even if abuts open space similar to being restricted against the river.

In addition to variances for setbacks are the SIGNIFICANT concerns regarding traffic flow out of a single entrance to the entire development. With 42 units with at least 2 bedrooms, it's potentially 4 cars per dwelling unit which equates to 168 cars for the residential units total plus the cars for the 2 commercial spaces which will have constant traffic to them.

The placement of the proposed commercial/fire station being on the opposite side of the development from the other commercial space. Both commercial spaces should be placed on the south side of the PUD closer to existing light commercial in this area. Moving the proposed commercial/fire dept building to the south allows for a separate/2nd or 3rd entrance for the development which provides a safer and more dedicated access for service.

This PUD is proposing a SINGLE entrance to the entire development. That has significant impact to traffic flow not only for Minturn residents but for all of those traveling from Leadville through Minturn. Has CDOT done a full traffic impact study for this PUD? At minimum the development with this density of residential and added commercial space should be required to have two if not three points of egress for the development.

Regards

Bob Stephanoff"
Public comment closed.

Motion by Michael B., second by Eric R., to recommend approval with conditions to the Town Council of Midtown Village PUD – Planned Unit Development Review for Preliminary Plan. Motion passed 5-0.

1. Work with the Town Attorney and Town Engineer to ensure that all sheets, easements, and other matters on the Final Plat and 100% civil engineering drawings are accurately and clearly labeled.
2. Work with the Town Attorney and Planning Director to ensure that the PUD Guide contains only matters relating to land use, development standards, and zoning, and the PUD Narrative contains other matters relating to the prosecution of the development, including phasing, future subdivisions, allocation of water, and temporary uses. Many of these matters will also be reflected in the SIA.
3. Work with the Town Attorney and Town Engineer on SIA to include final Engineer's Estimate of Probable Costs (EEOPC) for public improvements, security, matters relating to the water moratorium, phasing of development, landscaping, additional permits, and other construction related matters.
4. Work with the Town Attorney on any recommended revisions to the Master Declaration of Covenants, Conditions, and Restrictions for the Midtown Village Homeowners Association.
5. Work with the Town Attorney on inclusionary housing policy, transfer covenants, and deed restrictions to ensure that these covenants and deed restrictions have appropriate priority and enforcement mechanisms.
6. Work with the Town Attorney and Planning Director to resolve any of the outstanding matters from previous referral letters and applicant responses.
7. Work with the Town Attorney and Planning Director to review and revise the Midtown Village PUD Housing Plan to identify opportunities to increase the number of price-capped, for-sale units; to lower the initial sales price for deed restricted, price-capped units from 200% AMI to a range between 120-140% AMI; and to include price appreciation caps for any deed restricted, pricecapped for-sale unit resales.
8. The section dealing with water in the PUD Narrative is deleted in its entirety.
9. Language shall be added to the SIA requiring that Phases 3-5 comply with additional CDOT traffic studies as required by CDOT at the time of application.

- B. Midtown Village PUD - Planned Unit Development Review for Preliminary Plat**
Madison H. introduced the agenda topic. This is a continuation of a hearing from November 13, 2024. A reminder that the public comment was left open at the last hearing. Public comment closed.

Motion by Amanda M., second by Darell W., to recommend approval with conditions to the Town Council of Midtown Village PUD – Planned Unit Development Review for Preliminary Plat. Motion passed 5-0.

1. Work with the Town Attorney on language included on the plat (note 16) and the Subdivision Improvement Agreement (SIA) restricting development of future phases unless and until the Water Moratorium enacted by Ordinance No. 2, Series 2023 has been lifted.
2. Work with the Town Attorney and Town Engineer on the Certificate of Dedication and Ownership on the plat to accurately reflect all existing easements and those being dedicated to whom and for what purposes.
3. Work with the Town Attorney and Town Engineer to ensure that all sheets, easements, and other matters on plat and civil plan drawings are accurately and clearly labeled.
4. Revise plat note 16 and existing condition of approval that the vested rights are explicitly subject to the availability of water pursuant to the Water Moratorium. For the avoidance of doubt the development is entitled to 22.5 SFEs pursuant to Code Chapter 13 until such time that the Moratorium is lifted.

- C. Midtown Village PUD - Planned Unit Development Review for Amendment to the Character Area and Zone District Map
Madison H. introduced the agenda topic. This is a continuation of a hearing from November 13, 2024. A reminder that the public comment was left open at the last hearing. Public comment closed.

Motion by Amanda M., second by Michael B., to recommend approval to the Town Council of Midtown Village PUD – Planned Unit Development Review for Amendment to the Character Area and Zone District Map. Motion passed 5-0.

Note: 5 minute recess called at 7:01 pm.

Note: Jeff A. unrecused himself.

Note: Michael B. had to leave the meeting at 7:05 pm.

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward: Land Use Code Update - Draft Article 8 - Subdivision Application Requirements & Procedures
Scot H. introduced the agenda item. Matt Farrar, Western Slope Consulting went through the draft Article 8.
- Sec. 16-8-10: General Provisions
 - No comment
 - Sec. 16-8-20: Subdivision Application Types & Review Procedures
 - No comment
 - Sec. 16-8-30: Public Notice Requirements
 - Lynn T. pointed out that there are still sections requiring public notice to 100 linear feet, but based on the Council decision it should be 200 linear feet. Would like to extend the public notice period.
 - Sec. 18-8-40: Waiver from Subdivision Standards
 - Amanda M. would like any waivers be explained in the staff report and be able to be called up.
 - Sec. 16-8-50: Administrative Replat
 - Amanda M. asked for clarification concerning public easements not being able to be addressed through this process.
 - Mr. Farrar explained that an owner of two lots across the street from another cannot vacate the ROW between them to combine them through this process.
 - Sec. 16-8-60: Correction Plat
 - No comment
 - Sec. 16-8-70: Duplex, Condominium, or Townhome Subdivision
 - Jeff A. said that there should be language added requiring proof that legally an existing building can be turned into a duplex from a building code standpoint.
 - Sec. 16-8-80: Exemption Plat
 - No comment
 - Sec. 16-8-90: Minor Subdivisions
 - No comment
 - Sec. 16-8-100-110: Mountaintop Estate & Ranch Lots
 - No comment
 - Sec. 16-8-120: Vacation of Public Right-of-Way or Easement
 - No comment
 - Sec. 16-8-130: Major Subdivisions
 - No comment
 - Sec. 16-8-140: Major Subdivision – Sketch Plan
 - No comment

- Sec. 16-8-150: Major Subdivision – Preliminary Plat
 - Consensus on the question in the margins is 2 years and 30 days.
- Sec. 16-8-160: Major Subdivision – Final Plat
 - No comment
- Look at page 788 for Eric’s Comment about definition of “good cause”.

10. STAFF REPORTS

A. Manager's Report

License Plate Reader Proposal

The Eagle County Sheriff’s Office has provided materials for the consideration of purchasing and installing license plate readers (LPRs) within the Minturn town boundaries. The proposal and supporting informational materials are included with this report. License plate readers are already being utilized in Gypsum, Avon, and Vail. The goal is for the regional, state and federal law enforcement teams to be able to collaborate on solving crimes. Town staff seeks the Council’s feedback on your support or opposition to the purchase of these devices.

Downtown Water Tank Holiday Lights Update

Staff continue to explore ways to utilize solar power for the holiday lights at the downtown water tank. The lights work if they are plugged into an electrical power source but have yet to properly function via the solar option which is preferred.

Main Street Phase II Sidewalks

The team is working toward grant opportunities for the completion of the Main Street Phase II Sidewalk project, however all CDOT grants are estimating an 18-month grant contract approval process and therefore will not fit into the current construction schedule for Minturn’s Spring 2025 construction period. We will continue to look for opportunities, but any additional sidewalk construction will most likely come via a future construction period.

Dolores Bridge Truss Opportunity Investigation

Staff have submitted to the Colorado Bridge Replacement and Historic Preservation programs our interest to further investigate the reuse of the Dolores bridge in the current Bellm Bridge location. It is unknown if this will be a viable alternative, however it remains worth investigating. We remain hopeful the grant committee also sees this as a benefit worth funding.

Minturn Seniors Lunch & Bingo

Our office staff visited the Minturn Seniors Lunch on Friday, November 22nd at the Vail Ski and Snowboard Academy. Thirteen rounds of bingo were played, a lovely lunch was served and then cake was enjoyed by all for a birthday celebration. Council members are encouraged to schedule time at an upcoming senior’s lunch as the experience is invaluable.

DOLA Grant – Retaining Wall Repairs/Playground Equipment Match

The request has been submitted to match the retaining wall repair funds with funds to replace the playground equipment. Once the Town receives this approval, staff will coordinate a community feedback session on the kind of playground equipment Minturn youth would like to have installed. More to come.

Railroad Ave Pedestrian Safety Improvements

With the PUC approval for the Railroad Ave Pedestrian improvements, staff will create the RFP and plan to go to Ad by mid-winter in preparation for a spring construction start date.

Taylor St Neighborhood Meeting

Inter-Mountain Engineering has completed the survey work for Taylor Street. With this in hand, staff would like to hold a neighborhood meeting with Taylor Street residents, preferable on-site if weather permits, to review the feedback received during the last Taylor St paving discussion.

We would like to correlate the feedback received with the surveyed topography and on-site inspections to ensure we're making as many needed improvements as the budget will allow. More information to follow about a date/time for the neighborhood meeting.

Community Energy Efficiency Program

Minturn supports the Community Energy Efficiency Program operated by Walking Mountains Science Center. Currently, the Town pays \$2500 annually administratively to manage the program and market the rebates for Minturn residents. Attached is a copy of the program use and costs to date. As you will see, Minturn is paying more in program administration costs than toward providing residents with rebates. With this in mind, Minturn will bring the administration of the community rebates offered inhouse so as to save the \$2500 annual cost but still allow for the full use of the program by Minturn residents.

11. PLANNING COMMISSION COMMENTS

Jeff A. would like to thank Michelle Metteer for all her hard work and wish her good luck in Ouray.

12. FUTURE MEETINGS

- A. December 25, 2024 - Meeting Cancelled
- B. January 8, 2025

13. ADJOURN

Motion by Amanda M., second by Jeff A., to adjourn the regular meeting of December 11, 2024 at 8:32 p.m. Motion passed 5-0.

Note: Michael B. is excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director