

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Darell Wegert

Planning Commission Hearing

New Cemetery Zone District, Lionshead Character Area

Hearing Date:	April 10, 2024
File Name and Process:	Cemetery Zoning
Existing Zoning:	No existing zoning
Proposed Zoning:	Lionshead Character Area - Cemetery Zone District
Staff Member:	Madison Harris, Planner 1
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Cemetery recently received approval for a new Maintenance and Storage building from the Planning Commission, with a condition of approval that the Cemetery work with the Town to draft zoning. Staff requests review of the attached ordinance showing proposed zoning for the subject parcels and a recommendation to Town Council.

II. Summary of Process and Code Requirements:

The following section sets forth those sections of the Town of Minturn Municipal Code applicable to the processing and review of amendments to the text of the Land Use Regulations (Chapter 16 - *Zoning*), or the official zone district map for the Town.

Section 16-21-410 - Amendments to text of Land Use Regulations or Character Area and Zone District Map.

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Division.

Section 16-21-420 - Purpose.

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

Sec. 16-21-430 - Initiation.

(a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.

(b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.

(c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:

(1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.

(2) Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.

Staff Response:

The Town has initiated this amendment and worked with the Cemetery as having a recognized interest in land in the Town.



Figure 1: Subject property to be rezoned to Cemetery Zone District

Section 16-21-440 - Procedure.

- (a) *Review of applications. The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.*
- (b) *Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.*
- (c) *Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area*

Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Staff Response:

Public notice was provided for public hearings before the Planning Commission on April 10, 2024 and Town Council on May 1, 2024 in accordance with the requirements of the MMC.

Section 16-21-450 - Standards

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

- (1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.*

Staff Response:

806 and 808 Cemetery Road were annexed into the Town, yet never zoned. The intent of this ordinance is to create a zone district with specific, allowed uses called the Cemetery Zone District within the Lionshead Character Area so that there are standards to be applied to this area in the future. The 2023 Community Plan contemplates a form of Public Lands & Facilities zoning for this parcel which staff has flushed out into the proposed zoning in the attached ordinance.

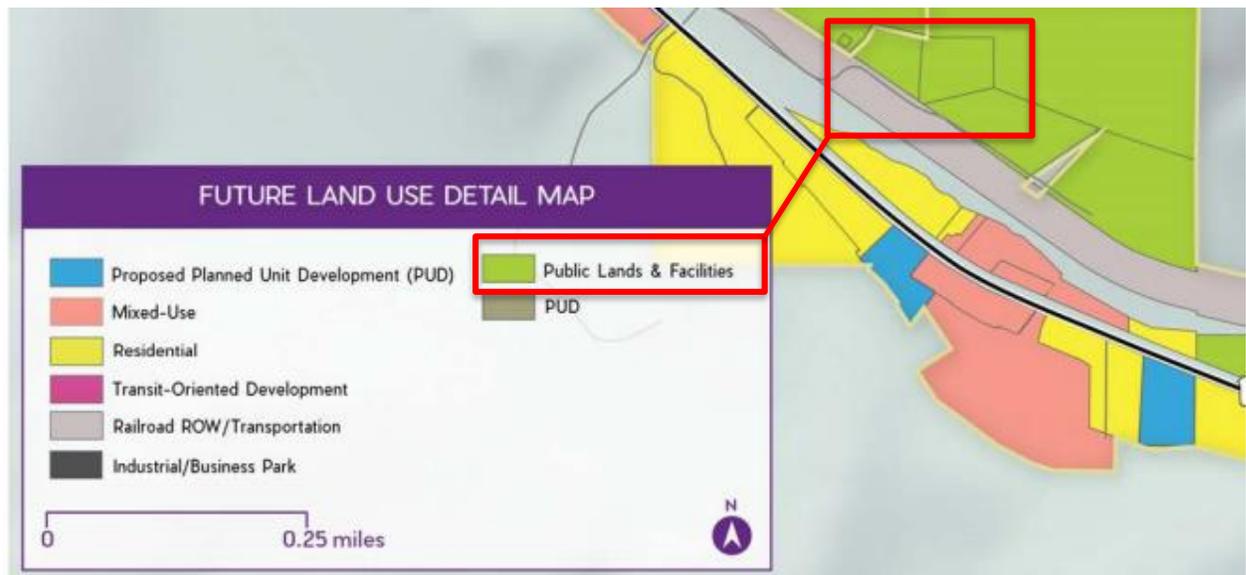


Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map

- (2) *Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.*

Staff Response:

The Lionshead Character Area emphasizes low impact uses, of which a cemetery falls into that. As the cemetery is currently functioning, it is compatible with the other uses within the Lionshead Character Area such as Public Works facilities and Little Beach Park.

- (3) *Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.*

Staff Response:

As there is no zoning currently for the property, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

- (4) *Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.*

Staff Response:

The Cemetery is an existing use and implementing zoning standards should not significantly impact the environment.

- (5) *Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

Staff Response:

As stated above, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

- (6) *Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.*

Staff Response:

The proposed zoning will not constitute spot zoning and is already serviced by the necessary public facilities.

- (7) *Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.*

Staff Response:

This proposed ordinance does not encourage a new use or density in the area, but instead just assigns standards to what is already happening in the area.

Section 16-21-460 - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.

- (1) Recommend approval of the application as submitted or with certain conditions as stated;*
or
- (2) Recommend denial of the application with all reasons clearly stated.*

III. Zoning Analysis:

The subject properties are located within the “Lionshead Character Area”. Directly to either side of the property is the Lionshead Character Area.

The description and purpose of the Lionshead Character Area are as follows:

“The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.”

- Town of Minturn Town Code Section 16-11-10

Staff respectfully suggests that the proposed zoning to the new Cemetery Zone District, particularly given the current nature, scale and character surrounding the subject property, will accomplish objectives of *both* the 2023 Community Plan and the Lionshead Character Area.

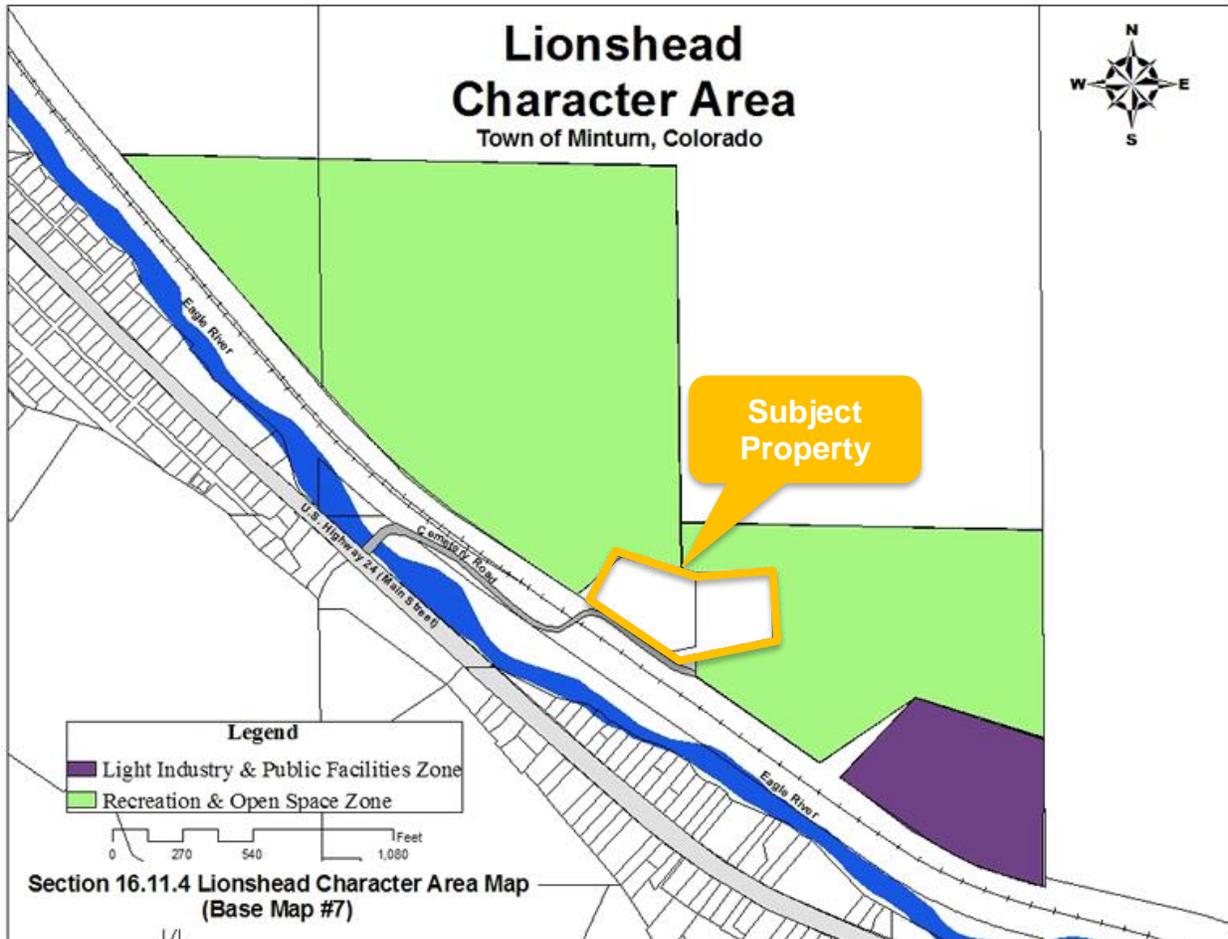


Figure 3: Lionshead Character Area Zoning Map

VI. Staff Recommendation: Approval

Staff is recommending **approval** of the proposed zoning for 806 and 808 Cemetery Road to change from no zoning to Lionshead Character Area Cemetery Zone District based on the analysis provided in this report and staff’s findings.

With the Planning Commission’s recommendation, staff will present Ordinance No. (TBD), Series 2024 to the Town Council at their regularly scheduled meeting of Wednesday, May 1, 2024.

Exhibit A – Existing and Proposed Zoning Map Lionshead Character Area

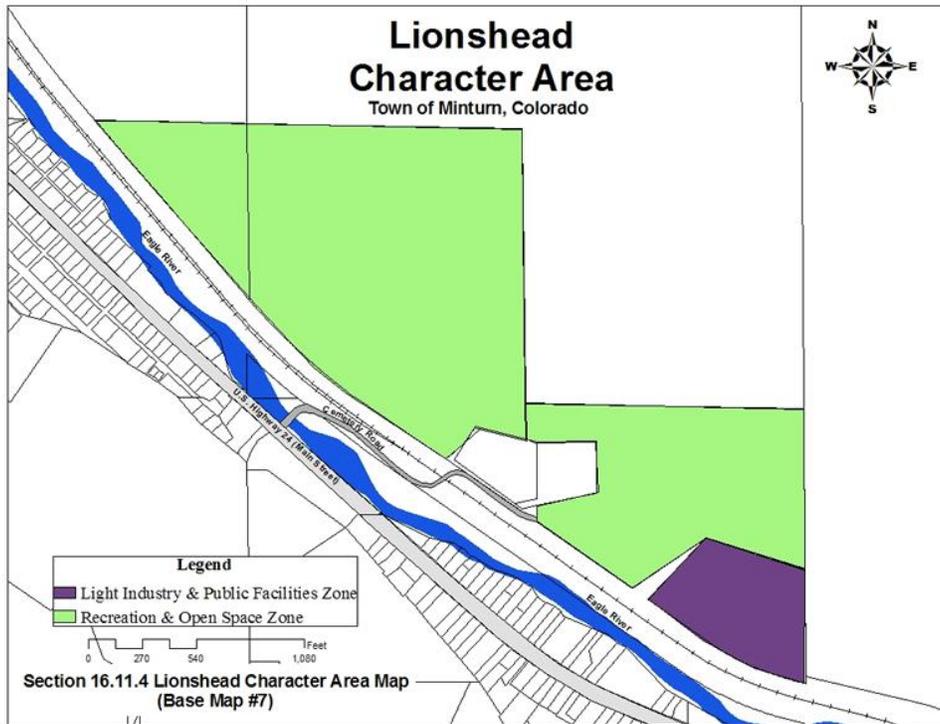


Figure 4: Existing Lionshead Character Area Zoning Map

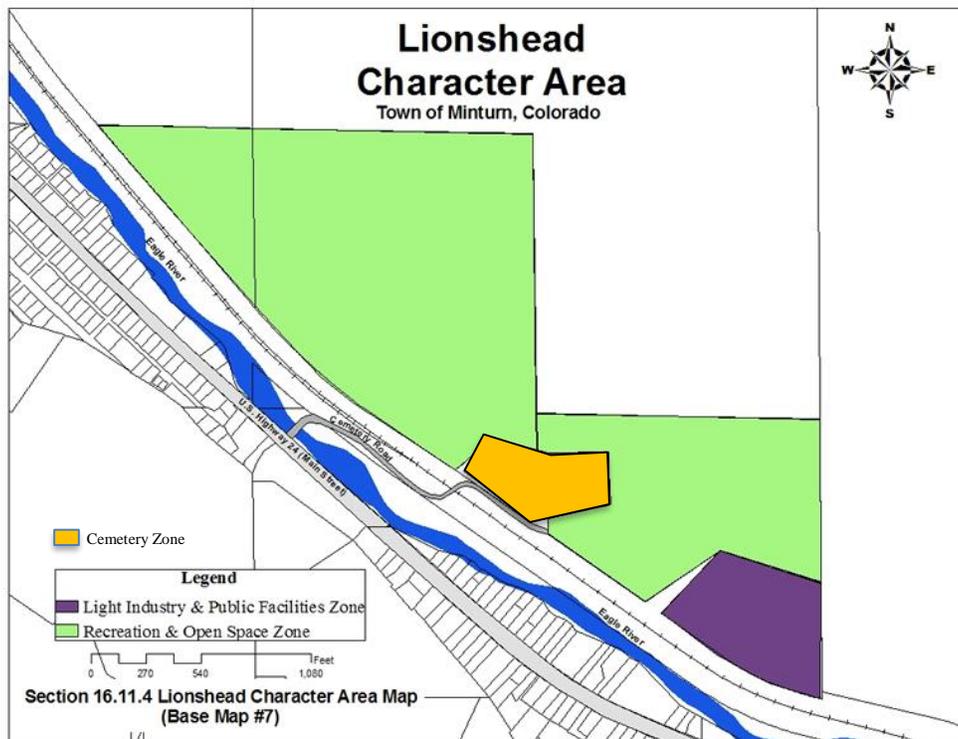


Figure 5: Proposed/Amended Lionshead Character Area Zoning Map