

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 15 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE AMENDED FINAL
SUBDIVISION PLAT FOR BELDEN PLACE PUD AND
AMENDING ORDINANCE NO. 5, 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 Subdivision Plat for the Belden Place PUD (“Final Plat”) application, 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 Final Plat created 27 lots of varying sizes, building envelopes, road rights-of-way, easements, open space areas and tracts; 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 public hearings to consider the Final Plat 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 eliminate the Triplex on Lots 12, 13, and 14 and 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, Chapter 17, Article 8. – Minor subdivisions., MMC, provides procedures and submittal requirements for Amended Final Plats; and

WHEREAS, the Town received an application for minor modification to the Final Plat (the “Amended Final Plat”) pursuant to the Settlement on or about December 14, 2023 and in accordance with Article 8; and

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

WHEREAS, the Amended Final Plat will consolidate Lots 12, 13, and 14 into New Lot 12, while all other aspects of the Final Plat will remain the same as those approved via Ordinance No. 5, Series 2022; and

WHEREAS, the Commission, at their regular meeting of May 8, 2024, considered Ordinance No. 15, Series 2024 to approve the Amended Final Plat and to Amend Ordinance No. 5, Series 2022, and recommended approval to the Town Council; and

WHEREAS, the Town Council, at their regular meeting of June 5, 2024, considered Ordinance No. 15, Series 2024, on first reading, to approve the Amended Final Plat and to Amend Ordinance No. 5, 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 Plat 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 5th DAY OF JUNE 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 19th DAY OF JUNE 2024 AT 5:30 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 19th DAY OF JUNE 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk