

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 08 – SERIES 2024**

**A RESOLUTION APPROVING A CONDITIONAL USE APPLICATION FOR A NEW
DUPLEX AT 362 TAYLOR AVENUE, TOWN OF MINUTURN, COLORADO**

WHEREAS, on or about December 8, 2023, Karl and Pavan Krueger, (hereinafter, the “Applicant”) submitted and the Town accepted a Conditional Use Permit application (hereinafter the “CUP”) for a duplex use located at 362 Taylor Avenue within the Game Creek Character Area Residential Zone District, for review and approval by the Town pursuant to Sec. 16-21-620, Conditional Use, Minturn Municipal Code (hereinafter the “Code”); and

WHEREAS, the Town of Minturn Planning Commission (hereinafter the “Commission”) is commissioned with certain powers and duties contained in the Code Sec. 16-21-40(f)(7) “To hear, review, consider and make recommendations to the Town Council to approve, approve with conditions or disapprove conditional use permits”; and

WHEREAS, the Minturn Town Council (hereinafter the “Council”) is commissioned with certain powers and duties contained in the Code Sec. 16-21-30(a)(4) “To hear, review, consider and approve, approve with conditions or disapprove applications for conditional use permits”; and

WHEREAS, public notice for the Commission’s regular meeting of February 14, 2024 and the Council’s regular meeting of February 21, 2024 was given pursuant to the Code Sec. 16-21-610; and

WHEREAS, on February 14, 2024, the Commission held a public hearing to consider and review the CUP and forwarded a recommendation that the Council approve the CUP with conditions, finding that the CUP complied with the necessary findings and criteria of the Code Sec. 16-21-620(d)(2), Criteria; findings; and

WHEREAS, on February 21, 2024, the Council held a public hearing to consider and review the CUP; and

WHEREAS, pursuant to the Code Sec. 16-21-620(2) Criteria; findings, and Sec. 16-21-620(e)(1), the Council may approve the CUP as submitted or may approve the CUP subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the CUP based upon the following:

- 1) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:
 - a. The relationship and impact of the use on the community development objectives of the Town;

- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs;
- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.
- d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.
- e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:
 - 1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
 - 2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
 - 3. That the proposed use will comply with each of the applicable provisions of this Chapter.

WHEREAS, at their regular meeting of February 21, 2024, the Council

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:

THAT, the CUP, as conditioned, meets the standards, criteria and findings pursuant to the Code Sec. 16-21-620(2) Criteria; findings, and Sec. 16-21-620(e)(1); and

THAT, the CUP be approved subject to the following conditions:

- 1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024, prior to building permit issuance.
- 2. The Applicant shall maintain the minimum required parking spaces for each duplex unit.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of February 2024.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk