



To: Mayor and Council
From: Scot Hunn, Consulting Planning Director
Date: June 14, 2024
Agenda Item: Review of Ordinance Nos. 14 and 15, Series 2024 on Second Reading

REQUEST:

Review and approve Ordinance Nos. 14 and 15 Series 2024 on second reading.

INTRODUCTION:

Ordinance Nos. 14 and 15, Series 2024 were presented on first reading to the Town Council at their regular meeting of June 5, 2024.

Both ordinances have been prepared in consultation with the Town Attorney and both have been reviewed by the Minturn Planning Commission. The Council requested no substantive changes to either ordinance during their review on June 5th.

ANALYSIS:

A full staff report explaining the background of the original Belden Place PUD approvals, the Settlement, as well as the proposed minor amendments to the Belden Place PUD Final Plan, the Belden Place PUD Guide document, and the Belden Place PUD Final Plat for Subdivision is attached.

Since the Council's first reading of the ordinances, staff has worked with the applicant to resolve several minor, outstanding issues related to final civil engineering details, final construction cost estimates, and final plat/survey details. A separate resolution associated with approval of the updated final engineering plans, cost estimates, and Subdivision Improvements agreement (including financial surety guarantees) will be presented to Council at its regular meeting of June 19th.

Additionally, staff has identified two issues – one associated with the Amended Belden Place Final Plan for PUD (Ordinance No. 14, Series 2024) and one associated with the Amended Belden Place Final Plat (Ordinance No. 15, Series 2024) as described below:

Belden Place Amended Final Plan

Upon review of Ordinance No. 14, Series 2024, on first reading, and relative to the Town's recent approval of amendments to the Town of Minturn Inclusionary Housing regulations – lowering the Area Median Income (AMI) threshold for deed restricted, price capped housing units from 200% AMI to 120% AMI – staff realized that the Amended Belden Place PUD Guide Document attached to Ordinance No. 14 still includes provisions within the Belden Place PUD Attainable Housing Program setting the initial sales price for price capped, deed restricted units at 200% AMI.

Because the original Belden Place Final Plan for PUD application was filed after the Town's initial adoption of inclusionary housing regulations in 2020 (which, at the time, required 200% AMI restriction), staff recommends that Council *can* require the PUD Guide (Belden Place PUD Guide Appendix 'A' – Attainable Housing Program) to be amended following or as a condition of approval of Ordinance No. 14 on second reading to be in compliance with the currently adopted AMI rate of 120% for initial sales on deed restricted, price capped units within the PUD as a function of this PUD Final Plan amendment process. This restriction would apply to four (4) multi-family units to be constructed on Lot 7A within the PUD.

Belden Place Final Plat

The Town Engineer, Jeff Spanel, Intermountain Engineering, has reviewed the Amended Belden Place Final Plat for consistency with the Town's plat standards and requirements. Mr. Spanel has suggested one additional, minor revision to the General Notes section of the Amended Final Plat to address and to clarify permitted encroachments of second floor building improvements (for balconies and similar projections). Here is the suggested additional language to be added to the plat, General Note No. 5, IV:

“Second story overhang features must be a minimum of 8 feet above the ground surface.”

Intermountain Engineering's comment letter is attached herein, and staff is recommending a condition of approval with the second reading of Ordinance No. 15, Series 2024 to address this recommendation by the Town Engineer. The Applicant has agreed to add this language to the plat prior to recording of the plat.

COMMUNITY INPUT:

Public notice for the public hearing of the Minturn Planning Commission to consider Ordinance Nos. 14 and 15, Series 2024, at their regular meeting of May 8, 2024, was provided in accordance with the requirements of the Minturn Municipal Code. No members of the public testified regarding the ordinances during the Commission's hearing, however the Town Manager read into the record a comment received prior to the meeting. Public Notice for consideration of Ordinances by the Minturn Town Council was provided concurrently with notice of the Minturn Planning Commission's May 8th hearing.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

Review of Ordinance Nos. 14 and 15, Series 2024 is consistent with the Settlement while aligning with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

THE ABILITY FOR MINTURN TO APPROACH DEVELOPMENT AS RESILIENT, SUSTAINABLE, CREATIVE AND DIVERSE WILL ALLOW THE TOWN TO CONTINUE EMBRACING WHAT HAS “MADE MINTURN, MINTURN.” THE TOWN CAN FURTHER LEVERAGE ITS CROSSROADS LOCATION AS A VALLEY-WIDE BENEFIT AND COMPETITIVE ADVANTAGE.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance Nos. 14 and 15, Series 2024 on second reading, with conditions, and direct staff to make any suggested revisions prior to recording of final documents.

ATTACHMENTS:

- Ordinance No. 14, Series 2024
- Ordinance No. 15, Series 2024
- Planning Commission Staff Report
- Amended Belden Place PUD Final Plan / PUD Guide
- Amended Belden Place Final Civil Engineering Plan Set
- Amended Belden Place PUD Final Subdivision Plat
- Eagle River Water and Sanitation – Construction Approval Letter Dated April 22, 2024
- Letter from Jeff Spanel, Intermountain Engineering, dated June 13, 2024.