



## Official Minutes

### Planning Commission Regular Meeting | 5:30 PM

Wednesday, July 23, 2025

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

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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](http://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/86529406116>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 865 2940 6116

**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 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

Lynn Teach called the meeting to order at 5:30 p.m.

#### 2. Roll Call and Pledge of Allegiance

Planning Commission Chair Lynn Teach, and Planning Commission Members Jeff Armistead, Michael Boyd, and Eric Rippeth

Staff Member Present: Planner II Madison Harris

*Note: Amanda Mire and Darell Wegert are excused absent.*

#### 3. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

Motion by Jeff A., second by Eric R., to approve the agenda as presented. Motion passed 4-0.

*Note: Darell W. and Amanda M. are excused absent.*

#### 4. Approval of Minutes

##### A. July 9, 2025

Motion by Eric R., second by Jeff A., to approve the minutes of July 9, 2025 as presented. Motion passed 4-0.

*Note: Darell W. and Amanda M. are excused absent.*

**5. Declaration of Conflicts of Interest**

No conflicts of interest.

**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.

**7. Special Presentations**

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

**8. Design Review and Land Use Public Hearings**

**A. 0018 Silver Star Trail - New Single Family Residence**

Madison H. introduced the agenda item. This is a four-bedroom, 4,130 square foot single family home measured to the midpoint of the roof at 27 feet 4 and ½ inches under the 28 foot height limit. Parking is more than adequate, with four off-street spaces, two more than is required per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 273 square feet. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Jeff A., to approve 0018 Silver Star Trail – New Single Family Residence as presented. Motion passed 4-0.

*Note: Darell W. and Amanda M. are excused absent.*

**B. 0226 Miles End Lane - Change to Approved Plans**

Madison H. introduced the agenda item. This is a four-bedroom, 4,253 (gross) square foot (last approved at 3,982 (gross) square feet) single family home measured to the midpoint of the roof at 27 feet 5 and 3/8 inches (last approved at 27 feet 1 and 7/8 inches), under the 28 foot height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal changed the proposed lot and impervious coverage amounts as well as the snow storage, everything is still within allowances per the code. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Jeff A., to approve 0226 Miles End Lane – Changes to Approved Plans as presented. Motion passed 4-0.

*Note: Darell W. and Amanda M. are excused absent.*

**C. 886 Main Street and 892 Main Street - Variance Request for Relief from Minimum Lot Width**

Madison H. introduced the agenda item. The Applicant, Tom Sullivan, requests review of a request for relief from the fifty foot (50') minimum lot dimension to allow for a subdivision of 886 and 892 Main Street into three lots in the South Town Residential

## Zone District.

All zone districts have dimensional limitations associated with them. The most commonly referenced are setbacks and building height limitations. A less commonly referenced one though is the minimum lot width dimension. The definition provided by Sec. 16-2-20 states that *Lot width* means the average distance between the medians of the two (2) side lot lines, measured perpendicularly from one (1) of the sides. Since, for the most part, zoning and the associated dimensional limitations was applied after lots in Town had already been developed, that has left staff with many instances all over Town where the minimum lot dimension is not adhered to. To complicate matters further, the Municipal Code has Sec.16-17-40. – Frontage which states:

*Each lot in separate ownership, unless otherwise provided for in this Chapter, shall have at least twenty-five (25) lineal feet of frontage on a street right-of-way, either dedicated to the public or to a private association or on a private road described by metes and bounds and reserved in perpetuity, through private agreement, to provide access to the lot. Each building devoted wholly or in part to residential use shall front on a street or road as described above, except when two (2) or more such buildings are located on one (1) lot and the required frontage for each building cannot be provided due to the shape of the lot; these buildings lacking street or road frontage shall front on a dedicated driveway easement at least twenty-five (25) feet in width and maintained in an unobstructed condition.*

As demonstrated in the code section above, there appears to be conflicting direction given in two different places, one on minimum lot width and one on minimum lot frontage.

The proposal shows two lots having the interior lot line eliminated and then split into three: Lot 1 at a width of 33.34', Lot 2 at a width of 33.34', and Lot 3 at a width of 33.31'. This is an overall request for relief of about 33% reduction in minimum lot width. A conceptual site plan is provided with the application to help staff, the Planning Commission, and Town Council make an informed decision regarding the request.

The Minturn Municipal Code provides the following purpose, intent and criteria for the approval of a variance:

### **Sec. 16-21-690. - Variances.**

#### **(a) Purpose of provisions; limitations.**

- (1) *In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*
- (2) *Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.*
- (3) *The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this Chapter is provided by*

*Sections 16-21-620, Conditional Use Permits, and Division 3 of this Article, Amendments to text of Land Use Regulations or Character Area and Zone District Map."*

**(c) Approval criteria.** *Before acting on a variance application, the Planning Commission and the Zoning Board of Appeals shall consider the following factors with respect to the requested variance:*

- (1) The relationship of the requested variance to other existing or potential uses and structures in the vicinity;*
- (2) The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;*
- (3) The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and*
- (4) Such other factors and criteria as the Planning Commission and Zoning Board of Appeals deem applicable to the proposed variance.*

**(d) Findings required.** *The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:*

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;*

**Staff Response:**

As shown in the figures at the beginning of the staff report, there are several instances where the minimum lot width is not met, not just from a historical platting standpoint, but also from more recent plats approved such as the one for the Lucero's Subdivision at 996 Main Street. See also the application's Letter of Intent which lists many properties not covered by the figures that have substandard lot width.

- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;*

**Staff Response:**

Similar to the response above, due to both historical platting not matching up with current zoning regulations as well as the enforcement of 25' frontage code section rather than 50' lot width minimums in recent years, there are many examples in the surrounding area that one could point to which has allowed for substandard lot width. The historic lot configuration minimum lot frontage has been enforced at 25' which presents exceptional conditions for the property owners.

- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.*

**Staff Response:**

Except in the case of the minimum lot width, the proposed subdivision adheres to all other dimensional limitations, and staff believes that the proposed subdivision meets all of the applicable criteria as well as the

definition of a Minor Subdivision.

- (1) General. Establish reasonable and equitable procedures and standards for the subdivision of land.*
- (2) Safe and convenient traffic circulation. Require the provision of safe and convenient vehicular and pedestrian traffic circulation.*
- (3) Adequacy of public facilities. Ensure that public facilities are available to serve development.*
- (4) Conserve and manage natural resources. Conserve and manage natural resources.*
- (5) Minimize air and water pollution. Minimize the impacts of air and water pollution and the degradation of land.*
- (6) Open space. Provide for open space and recreational land through efficient and appropriate subdivision design.*
- (7) Consistency with Master Plan and Land Use Regulations. Guide future growth and development consistent with the Master Plan and the Land Use Regulations.*
- (8) Safety from fire, flood and other disasters. Maintain or improve safety from fire, flood and other potential disasters.*
- (9) Adequate light, air and privacy. Provide adequate light, air and privacy for land uses.*
- (10) Recordation. Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments.*

From Sec. 17-2-10. – Definitions. Subdivision, minor means a proposed subdivision of a parcel of land creating a total of six (6) lots or less, including both platted and remaining unplatted parcels, which is properly zoned for the proposed use. All lots on the proposed subdivision must abut a Town street or road which has been accepted for maintenance or, in the judgment of the Town, be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

- (4) There is no substantial impairment to the public that would result from the granting of the variance.”*

**Staff Response:**

The proposed subdivision still complies with the minimum lot frontage and demonstrates the required safe public access to the lots on the conceptual site plan.

As noted above, the Planning Commission must make positive findings for all four variance criteria. Although no one criterion should be weighted differently or considered more important, the first two criteria are typically the most difficult to establish. Staff suggests that the intention of the minimum lot width is to ensure proper access to a public street or Right-of-Way. As stated above, this is met with the adherence to the 25' frontage requirement. The Minturn Municipal Code South Town Residential Zone purpose and intent and the 2023 Imagine Minturn Community Plan, along with the proposed conceptual site plan and proposed subdivision, which otherwise complies with Chapter 17 - Subdivisions, there may be a case for physical hardship and/or practical difficulty to allow for the requested relief from the rear setback.

For reference the following statements from the referenced above documents are relevant to this review:

**Article 7 – South Town Character Area**

**Sec. 16-7-20. – South Town Residential Zone.**

- (a) *The neighborhood is bisected by Highway 24 and is characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.*
- (b) ***The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and redevelopment should preserve the unique character and scale of the neighborhood. An objective is to retain the residential areas as quiet and safe neighborhoods while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.***

### **2023 Imagine Minturn Community Plan**

#### **Chapter 1: Smart Land Use & Practical Zoning**

The Recommended Town Zoning Detail Map has this area of town labeled as R2. Per the description given on pg 21 *"This district is recommended in other residential areas of town with **small to medium size lots**. The intent of this district is to support the eclectic mix of housing types found in Minturn..."*

Page 19 states *"Minturn, as a community with historic structures, invariably has many non-conforming uses and structures. At this time, under the current provisions, these non-conforming uses (important sources of community housing) could not be preserved should redevelopment or major property improvements occur, and many residents with non-conforming structures cannot make enhancements to their property. **Further, some of these dimensional non-conformities support the character and sense of funkiness around Minturn**"*

For these reasons, granting of the variance should not result in any detrimental effects on the welfare of the Town or the substantial impairment to the purposes of the Design Guidelines and Chapter 16 of the MMC, overall. Staff recommends that the Applicant's request for a variance for relief from the strict application of the Town's minimum lot width for a subdivision at 886 Main Street and 892 Main Street may be granted as the request generally meets all variance criteria. Staff is **recommending approval** of the variance request.

Tom Sullivan, 116 Nelson Avenue, Applicant

Eric R. asked if this is for affordable housing.

- Mr. Sullivan said that he and his wife plan to sell their house on Nelson and build a house here, and then one of the owners plans to move here from New Jersey, the other owner this is just an investment. The existing houses will be non-conformities if they remain.

Jeff A. doesn't have a problem with the dimensional standards when it comes to the width, agrees with staff's finding. Promotes smaller lot sizes and going to the old 25' wide lots. Doesn't think they can approve a variance to the setbacks should the houses stay.

- Mr. Sullivan stated that they aren't asking for that now, and they probably

won't ask for it if they don't see support for it.

Michael B. finds Michael Pukas' letter concerning. Asked who gave confirmation that this would be allowed.

- Mr. Sullivan stated that he met with Scot about this.
- Michael B. asked Madison H. when this section was flagged and if it's been applied since then.
- Madison H. said that this section was flagged when staff met with the applicant for their pre-application meeting in October. This section of code has not been needed to be applied since then.

Jeff A. said that since this is such a grey area due to the heading in the dimensional standards table.

Michael B. asked if the setbacks can be adhered to.

- Mr. Sullivan said that he can easily fit a home within the setbacks.

Lynn T. agrees with Jeff A. that the houses should come down, but disagrees with him about trying to get to 25' wide lots. Would like to see subdivisions of this type come before the Planning Commission rather than approved by the Planning Director.

Public comment opened.

No public comment.

Public comment closed.

Motion by Jeff A., second by Eric R., to recommend approval to the Town Council of 886 Main Street and 892 Main Street - Variance Request for Relief from Minimum Lot Width. Motion passed 4-0.

*Note: Darell W. and Amanda M. are excused absent.*

*Note: 5 minute recess called at 6:27 p.m.*

## **9. Discussion / Direction Items**

- A.** Minturn Forward: Land Use Code Update Zone District Discussion (R1, R2, R3, Makerspace, MU-1, MU-2, and MU3)  
Matt Farrar introduced the item.

### **R1**

- Michael B. stated that he thinks we should weight the input from the people these zone districts more than others received.
- Lynn T. thinks it should be left as single family at 5,000 square feet and nothing should change. Proposed increasing setbacks.
- Jeff A. supports 2,500 square foot lots because you still have to respect setbacks. Because of Lynn's opposition suggested moving Pine Street into a different zone district.

### **R2**

- Jeff A. doesn't think the proposed dimensional limitations fit the Two Elk Estates. The proposed changes to side setbacks would be a drastic change to the character.

### **R3**

- 761 Main St should change to R2

#### Makerspace

- No recommended changes

#### MU-1

- Jeff A. thinks that Restaurant should go through a public process so maybe it should be a Conditional Use
- Eric R. wants to ensure that the definition of retail covers grocery. Thinks the 10 ft front setback is too much.

#### MU-2

- Jeff A. thinks that the more intense commercial uses in Limited use category should be moved to Conditional Use so that there's a public review.

#### MU-3

- Michael B. can live with the proposed uses.
- Jeff A. doesn't agree with the 5,000 square feet minimum when Old Town Commercial allows for 2,500 square feet. Would recommend a different minimum lot size and building heights for mixed use/commercial developments vs. purely residential development
- Direction given was move building height to a separate discussion at a future meeting.

### 10. Staff Reports

#### A. Planning Department Update

Staff received a request to extend the DRB approval of 24 Silver Star Trail per Sec. 16-21-615(d)(4)(d) which states that Approval of this project shall lapse and become void one (1) year following the date of final approval...A maximum of one (1) one-year extension may be granted at the request of an applicant. It was originally set to expire on August 7, 2025, and has been administratively extended one year. The applicant has stated that they will be applying for building permit within the next 30 days.

### 11. Planning Commission Comments

### 12. Future Meetings

#### A. August 13, 2025

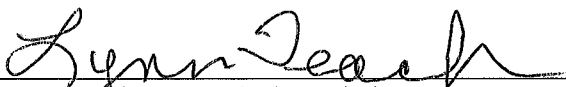
Michael B. won't be here.

#### B. August 27, 2025

### 13. Adjourn

Motion by Jeff A., second by Eric R., to adjourn the regular meeting of July 23, 2025 at 9:20 p.m. Motion passed 4-0.

*Note: Amanda M. and Darell W. are excused absent.*

  
Lynn Teach, Commission Chair

ATTEST:

  
Scot Hunn, Planning Director