



**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
JANUARY 20, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on January 20, 2015, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Stan Katz, Robert Kieber, Tom McDonald, JoAnne Nadalin, Donna Pacetti, Tanya Shattuck, and Brian Wray. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner and Melody Hillis, Administrative Assistant.

3. CONSENT CALENDAR – Stan Katz made a motion to approve the December 2, 2014, Planning Commission minutes. Donna Pacetti seconded. The motion was approved by a vote of seven to zero (7-0).

4. CITIZEN'S COMMENTS:
None.

5. PUBLIC HEARING:

A. Minor Subdivision – Ox Bow Ranch, LLP, Township 4, Range 78, Section 26 Quarter 2 (Ox Bow Ranch).

Matt Gennett, Planning Manager, presented the project. The Applicant, represented by Joanna Hopkins, is requesting approval of a Minor Subdivision to create two tracts of land, Tract A and Tract B.

COMMISSIONER QUESTIONS:

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| Robert Kieber - | What is the width of Tract B? |
| Matt Gennett - | 205.64 feet. |
| Tanya Shattuck - | On page 8 of the packet, paragraph before background, didn't understand. |
| Matt Gennett - | Included that information as previous Town Council action, just to bring the Planning Commission up to date on the most recent items that the Town Council has acted on. Essentially, that was three agreements that needed to be amended, so that a deadline wouldn't pass. Each one of the amendments was granted an extension of one year. The agreements would remain valid as the Applicant goes through the PUD amendment. |
| Tanya Shattuck - | So the dates and everything else is fine? |
| Matt Gennett - | Yes. |

APPLICANT COMMENTS:

- | | |
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| Joanna Hopkins - | Representing the Applicant. Explained the need for the proposed land swap. Requested approval. |
| Stan Katz - | Why is this notarized by someone in South Dakota, is that okay? |

Brian Wray - That is where Everist's headquarters are located.
Stan Katz - And it is fine for someone in South Dakota to notarize this, the notary program is nationwide?
Matt Gennett - Yes, its fine.
Robert Kieber - It was mentioned that this will help the park plan?
Joanna Hopkins - Yes. When the 20 acre parcel was discussed in 2005 and the park concept was discussed, we anticipated using some of the area where the lake is, and had mined the whole 20 acres out, it is gradually moving north, it was taking quite a bit of time to get that 20 acres back to flat land. The shift back 205 feet south creates that 20 acre parcel much sooner as the mining activity continues.
Robert Kieber - Will the 20 acres be given to the Town?
Joanna Hopkins - Yes.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

Stan Katz - Does there have to be two separate motions or can it be combined?
Matt Gennett - There has to be two separate motions and approvals.

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE MINOR SUBDIVISION FOR OX BOW RANCH.

JOANNE NADALIN SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

B. Minor Subdivision – South Maryland Creek Ranch, 1st Amendment, South Maryland Creek Ranch Subdivision.

Matt Gennett, Planning Manager, presented the project. The Applicant, represented by Joanna Hopkins, is requesting approval of a Minor Subdivision to subdivide a tract of land, Tract Q.

COMMISSIONER QUESTIONS:

Tom McDonald - The roads are already in up there then?
Matt Gennett - Yes. The ones shown are in, but not paved.
Tom McDonald - Will connect with the Three Peaks area?
Matt Gennett - Eventually.

APPLICANT COMMENTS:

Joanna Hopkins - Happy to answer any questions.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

None.

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE MINOR SUBDIVISION FOR SOUTH MARYLAND CREEK RANCH, FIRST AMENDMENT.

TANYA SHATTUCK SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

6. ACTION ITEM:

A. Town Core Design District Standards and Guidelines – Ordinance No. 2015-01

Lina Lesmes, Senior Planner, presented the revised standards and guidelines for the Town Core Design District.

COMMISSIONER QUESTIONS:

- Stan Katz - Regarding flat roofs, why require parapets or pitched roof elements?
- Lina Lesmes - Don't want to discourage flat roofs because they are easier to maintain, but want to mitigate what is unappealing about flat roofs. Want them to be screened with parapets, cornice elements, or pitched elements in the front.
- Stan Katz - Making it a requirement, as opposed to encouraging?
- Lina Lesmes - Don't want to see a box, want flat roofs to be screened.
- Stan Katz - Will that be written into the Town Code that way?
- Lina Lesmes - The standards in the Design District are essentially part of the Town Code. Standards are adopted in the Code as reference, in looking at the ordinance, is short, doesn't include the full document; the document is incorporated into the Code by reference. The standards are regulations.
- JoAnne Nadalin - Regarding guidelines vs. standards. There's a guideline about parking lot paving and being properly marked. Why not a standard in the Town core, wouldn't want a dirt parking lot in the Town core. Same with snow storage being a guideline and not a standard.
- Lina Lesmes - The standards vs. the guidelines, in the current document there is a lot of hybrid language, such as "the Town shall encourage". Wasn't clear what was required and what was being encouraged, tried to differentiate to clear up what concepts are absolutely clear and had to be met. The guidelines are strongly encouraged, want applicants to consider them.
- JoAnne Nadalin - The first sentence of 3.4.5, why not a standard?
- Lina Lesmes - Our Town Code already requires that parking lots be paved, in no case would the Town have an unpaved parking area in the Town core. Don't want to have a million standards. Should maybe be changed to a "should" statement for 3.4.5.
- JoAnne Nadalin - Regarding 3.4.6, regarding snow storage, why wouldn't that be a standard? There shouldn't be snow storage in the front in the Town core.
- Lina Lesmes - Not always applicable across the board, depends on the features of the site, and the development. Didn't want to draw a hard line on that standard. In the Town core we are hoping to see snow storage in the rear, not going to have snow storage in the front of buildings. The ideal vision is to have sidewalks in front of the buildings, maintained by the Town, and that wouldn't allow for snow storage in the front.

Stan Katz - On the second page of the staff report, it says required that snow storage areas not front the street, which is contradictory, one of those needs to be changed.

Lina Lesmes - The staff report needs to be changed, reference to the snow storage is meant to be a guideline.

JoAnne Nadalin - Regarding 3.8.2, site furnishings should not impede pedestrian walkways. Again in the Town core that would be a standard, not a guideline, allowing people to put street furniture where pedestrians are walking negates the whole idea of a pedestrian walkway.

Lina Lesmes - Don't want furniture in the middle of the eight foot walkway.

JoAnne Nadalin - Understand, but think it should be a standard, not a guideline.

Lina Lesmes - Trying to say that people should think about where they are placing street furnishings, and not impede pedestrian traffic.

JoAnne Nadalin - Agreed, think it should be a standard, not a guideline.

Stan Katz - These are both standards and guidelines, what happens if a developer comes in and wants a PUD? Does this all go out the window, because a PUD development wants to do something different?

Lina Lesmes - Yes.

Robert Kieber - The way that this is set up, somebody comes in with a development on a lot where the buildings adjacent on each side are back 30 or 40 feet, this is going to require that they be within five feet of the front, how will access to the back of the building happen? If an applicant has to use their own property to gain access to the back, it will narrow the size of the building, which is going to give the Town not only the roadway, but a bunch of alleys between the buildings to get to the back of the buildings.

Lina Lesmes - The intent is not to have lot line to lot line buildings, which is ideal. The standard is the 60% of the frontage be covered by a building. Not the entire 100%, there will be situations where accommodations will have to be made for access, or a patio and those will have to be set back because you don't want that right next to the street.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

Robert Kieber - Can't vote for this. Had discussions with the property owners. It is a great attempt, if, CDOT and the highway were to come in and say for example, take the islands out, and we're going to make it a downtown core like Golden or Steamboat, it may work. But right now, as we go through some of the Design District Guidelines and Standards, we are going to have buildings close to the property lines. This is a 180 degree flip from what the Town has had since day one, in the 20 plus years that I've lived here. We want parking in the back, wanted some up front, now we're pushing it to the back. Think developers are going to shy away from this. There may be some further intent by urban development or something to come in and work with a developer and unfortunately I can see where the urban development is written where they could come in and force a profitable business out, so that a bigger development could come in and take over half a block or whole

block, that to me is unacceptable. Staff has done a good job working with all of the committees, etc. If someone could come in with a PUD proposal, then all of the sudden you have some buildings to the front, some to the back, and now they want to do something different. Putting the cart before the horse, until CDOT decides what is it going to do. The way I understand CDOT right now, the main concern is to get traffic through Silverthorne, they want to have traffic flow. Can't see that these two items are compatible at this point in time. There will be one negative vote on this.

Tom McDonald -
Robert Kieber -

Talking about everything on Highway 9, that is the main concern. Main concern is Highway 9, but also the side streets too. Someone could take a square block and build a big hotel, a four sided building, two or three stories tall, maybe higher in the middle, think that's great. Right now I don't see how this is even feasible, and again, to have something that close to a highway where the speed limit is 35 mph, and no one goes 35 mph when they have a green light.

Brian Wray -
Lina Lesmes -
Brian Wray -

Are we voting on this tonight?

Yes.

There has been a lot of work put into this already. Understand what Bob is saying though.

Stan Katz -

Was going to support it because there no reason not to support it, but there are pieces of it that I dislike. Going to be pieces in a project this big that people don't like. Still have a problem with the requirements on Adams Avenue, which makes no sense to me unless everything is going to be done at the same time. If things are going to be done over time, Adams Avenue is going to keep going until someone comes in and does something with Highway 9. Has an issue with what is a guideline and what is a requirement. Wasn't going to vote against it, but if there is a ground swell to look at this further, I would support that. Sort of indifferent. A lot of work has been done, and not all the details are going to make everyone happy, but if there is anybody that has a real objection, that would help.

Robert Kieber -

In my discussions with a couple property owners along Highway 9, they're questioning how this is going to affect their property values. If an owner wants to come back and sale their property and someone wants to raise the existing structure, how is that going to affect what a developer is going to do? I know that there are provisions in the guidelines and requirements. Take the automobile dealership for example, if they want to come in and make changes, technically, it states that Council can approve it, but it is almost forcing someone to do some things that maybe they don't want to do. I've read it, driven up and down that roadway for 20 plus years, this is 180 degree difference than what we've done for years and years. Conceptually it is great, realistically I don't think that it's feasible with the highway the way that it is.

JoAnne Nadalin -

Is it a question more of the Design Guidelines or is that a question if the Comprehensive Plan is right or wrong. The Comprehensive Plan is what drives the Town, in my mind, to have to have this. So, if the idea is that you can't have a downtown core unless CDOT does some things, then the Comprehensive Plan is inconsistent with this.

Robert Kieber - The Comprehensive Plan to me says, here is what we envision for the Town for the future, but we can't control Highway 9. My thought would be that you take the Comprehensive Plan and do similar to what Breckenridge has done. They moved the highway, not saying that we would move the highway, but saying that you work with CDOT as the first step to do the change on moving traffic through Silverthorne on Highway 9. Once that is accomplished, then I would be more supportive of this. Again, I envision a Fort Collins or Steamboat, where you have a highway, and have very broad right-of-way, you do have parking in the middle, but it is a highway, there is a lot of traffic. Silverthorne may be just enough different because who goes further north? You take I-25 when going north out of Fort Collins, you don't go Highway 83 or whatever it is.

Lina Lesmes - The Town has started conversations with CDOT, have told us that they are amicable to some parking on Highway 9, mostly going south, don't want parking spaces going north through Town, they will to take a look at it. Want the Town to do a traffic simulation and see what the counts would be and what would fit there. But, they haven't told the Town no.

Robert Kieber - My thought would be to table this until an agreement is reached with CDOT, but at this point in time I cannot vote for this. Conceptually it looks great. If the Town or a developer owned all the land then great, we've got probably 100 different property owners in this section alone just on Highway 9 and they all want to maximize when they sell.

Stan Katz - If somebody who currently owns a property in this area wants to sell, and the building won't be used for the same purpose, suppose we have a one story building that is sold, does it have to become a two story building in this area?

Lina Lesmes - Yes, on Highway 9, Adams Avenue and 4th Street.

Matt Gennett - Not by virtue of a sale, a sale wouldn't trigger that, a modification would.

Stan Katz - How much of a modification would require that the guidelines be met?

Matt Gennett - Any modification that wasn't a repair or something related to maintenance of the building. Any type of addition or changing a significant part of the structure would trigger the guidelines and standards.

Stan Katz - How much exaggeration was made when it was stated that there were 100 owners?

Robert Kieber - I'm guessing.

Stan Katz - Do we know how many different owners there are?

Matt Gennett - Would speculate that there are 60 to 70 owners.

Robert Kieber - Accept 60, but I have no idea.

Stan Katz - Makes it more problematic.

Tom McDonald - For example, the ODI, say I wanted to buy it and turn it into a clothing store, could I just go in there and bring it up to date, or up to standards, or would I have to make that a two story building?

Lina Lesmes - Would you be tearing down the existing building?

Tom McDonald - No.

Lina Lesmes - The ODI is a bad example, because it is pretty close up to the road already, not sure it is five feet. Is a tricky balance, it depends on how much redevelopment would be proposed. If you wanted to just move into the building, and make minor alterations then all

- of the standards would not apply. If you are scraping the building and starting over, then yes.
- Stan Katz - Makes it more problematic, no question.
- Robert Kieber - Again, think the concept is good, cart before the horse, CDOT needs to do some things and approve something prior to this going forward. The lot between Murphy's and Tim Theis' building is an open lot, someone could buy it, say they are going to build five feet from the highway, there's no alley, so they're going to cut the size of the building down which is really one of the things we want to get to me, is some bigger buildings. But, then you've also blocked the visual, will have disputes between neighbors who have people parking on their property to access the building next to them that has parking in the back.
- Brian Wray - There's going to be some growing pains, there are some gray areas in this. The Town is creating something totally new, so there is going to be some one on one kind of scenarios where they will have to make a judgment on certain things. Has CDOT seen this, have they given their blessing?
- Lina Lesmes - No. They were involved in the Comprehensive Plan.
- Robert Kieber - Go back to something that I've been preaching about for years, which Stan Katz mentioned. When someone comes in with a PUD, we don't have a minimum square footage requirement on lots, so someone could come in and request a PUD, not that the Town is obligated to approve it, but on the smallest lot in this section, so the whole standards are thrown out. If we had a minimum size, x number of square footage requirement on an acre to even do a PUD. Right now we could have a hodge podge of anything and all of this work would be for nothing because you have someone that does a PUD, someone that doesn't, etc.
- JoAnne Nadalin - To go back to your prior example, my concern is if we don't adopt something you could have the opposite problem. Somebody comes in, they build a building that is 30 feet back off of the road, but we want a downtown, so now there is a brand new building that doesn't fit with the concept that the Town wants. Don't know how to balance it, you have to start somewhere.
- Brian Wray - You do have to start somewhere.
- Tom McDonald - So we wouldn't be able to approve the Car-Quest under these guidelines because it is set back too far?
- Robert Kieber - Or either one of the auto dealers.
- Tanya Shattuck - It wouldn't pass.
- Stan Katz - It also has parking in the front.
- Tanya Shattuck - Or Target or Kum-n-Go, all those places we pushed back.
- JoAnne Nadalin - Those aren't in the Town core.
- Brian Wray - Those are bad examples.
- Robert Kieber - Sav-O-Mat is a prime example, will eventually want to remodel again, or not. The Town may end up with some buildings that just become decrepit because of the standards and they are right at the south end of this development of the Town core district. Fought with them how many years ago to get it cleaned up to where it is now. This pushes out gas stations, and gas stations are a necessity in any major interstate intersection area. Would push them out, at least from my standpoint from any doing any redevelopment.
- JoAnne Nadalin - They're out of the Town Core, but they are not out of Gateway District or the Town core periphery.

Robert Kieber - Think that Sav-O-Mat is in the Town core. Would also include some of the Outlet stores.

Lina Lesmes - Yes, the blue village of the Outlets is where it starts and goes all the way to Car-Quest.

Stan Katz - As is the 1st Interstate Inn motel and the Mountain Lion Café, both of which are one story buildings.

Brian Wray - Those would be gone, Ken Gansman owns those.

Lina Lesmes - 1st Interstate Inn is two stories.

Tom McDonald - Think the rooms are two stories and the office is one story at the motel.

Robert Kieber - But that would be five feet from the property line.

Brian Wray - There is going to be one after another different scenarios that come up. You have got to have something to start with.

Stan Katz - That's why guidelines are better than standards, it gives flexibility to look at it and say whether this is something we want or not, but not forcing something that doesn't make sense. In regards to what Robert Kieber stated about Murphy's, it would make Murphy's much less valuable.

Brian Wray - Are we calling these guidelines or standards?

Lina Lesmes - They're both.

Brian Wray - That does give flexibility, doesn't it?

Matt Gennett - Yes, it is not zoning.

Lina Lesmes - All of these are guidelines, there are standards, but the bulk of this document is guidelines.

Tom McDonald - So, if someone did buy that lot next to Murphy's, the Planning Commission could look at it and say does that make the most sense for the lot.

Brian Wray - The Planning Commission would have a say in it.

Lina Lesmes - Yes, and Town Council as well.

Brian Wray - Going to vote for it, there is a lot of time in this document and it is flexible. Understand what Robert Kieber is saying, don't know how often that would come up. This is all new territory.

Tom McDonald - Agree with Brian Wray, don't know how it's going to play out, don't know where the buildings are going to go in or who is going to buy what, it is so early. It could go all up and down 4th Street, and not even go on Highway 9 much.

Robert Kieber - Not going to disagree, you have to start somewhere. Just don't think that this is the place to start.

Brian Wray - Didn't Robert Kieber bring that up with the SE Group before, we've heard this before, and nothing was changed.

Robert Kieber - Again, been up and down the highway, have talked to property owners and I look at it from my background in dealing with borrowers and housing developers and what they are going to look at and all that. And I think that this is going to be a big stumbling block.

Brian Wray - But, there is some flexibility in that too.

Robert Kieber - There is some flexibility. The problem with that is what Stan Katz said earlier about guidelines vs. standards, I am one of these guys that would that would rather have it set in stone, then you don't get into the personalities, who's the elected official that does or doesn't like this. Mixed bag, understand the concept and the amount of work that has gone into it. I may be the only dissenting vote, and I have no problem with that. Think that sometimes you need to step back and look at a little bigger picture and this is one

where I'm stepping back and saying "no, I don't think so". Good concept, but not the right time.

Brian Wray - The Town Council will review this also.
 Robert Kieber - We're recommending, that's all we're doing.
 Brian Wray - The Town Council really needs to address what Robert Kieber is saying. It seems like we're at this point already, it's almost like how can you turn back now.

Robert Kieber - That doesn't stop me.
 Brian Wray - Know that, that is very evident.
 Stan Katz - Looking at all the different pieces of this and listening to some of these things, my gut feeling is that we can do with this the same thing that we did when the standards said that we had to have a fence at Summit Ford, and Planning Commission said that trees make more sense than a fence, and we ignored it, and we essentially rewrote Code on the spot. I think that this gives us the flexibility to do that. Agree that there is going to be a lot of "unintended consequences" that come out of this. I think most of them can be handled probably by either a revised ordinance at the time or common sense, if that's available. As much as I have doubts about certain parts of this I don't see any reason not to support it.

JOANNE NADALIN MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO. 2015-01; AN ORDINANCE AMENDING AND UPDATING THE TOWN CORE DISTRICT DESIGN STANDARDS AND GUIDELINES.

TANYA SHATTUCK SECONDED.

MOTION PASSES BY A VOTE OF SIX TO ONE (6-1). ROBERT KIEBER OPPOSED.

7. OTHER ITEMS:

Matt Gennett informed the Planning Commission that there will be a joint worksession meeting on January 27th, with the Planning Commission and Town Council, please let us know who will be attending. Asked Planning Commission if there are any topics or items that they would like to discuss with Town Council please think about that.

Discussed Baker's Brewery possible opening date.

Tanya Shattuck stated that she heard that the Bass store is closing, and that the remaining stores will be closing due to their leases being increased, and that the goal is to put condo's in there instead and get rid of the factory stores completely in that section. Matt Gennett said the Town does know that Bass is going to close. Tanya Shattuck heard that Bass was willing to relocate and pay more in rent but apparently it was outrageous what the landlord wanted for rent. Don't know if it's true or not. Caught me off guard if they are going to put condos that section, hope we aren't going that avenue. Matt Gennett will look into it. JoAnne Nadalin asked Lina Lesmes if that was in the Gateway District? Lina Lesmes replied no, that is in the Town Core that does envision mixed retail and residential.

Stan Katz - considering all of the problems and publicity that we had with trying to get Lowe's approved, what is this thing about Home Depot that we are hearing about? Where is it, who's promoting it and why haven't we gotten any piece of

that. Matt Gennett stated that nothing has been planned yet, a land transaction did take place, but no formal project has been submitted at this time. Robert Kieber stated that rumblings that he has heard is that Home Depot is negotiating with the Wal-Mart Corporation for a Sam's Club, to see if something can be worked out. There is a developer out of Buena Vista who is involved. Matt Gennett stated that again, we haven't seen anything. Stan Katz asked if it would be as controversial as Lowe's turned out to be, do we know. Has anyone started a local movement against it? Lina Lesmes stated is may be contentious because it is a big box.

Robert Kieber asked if the Hampton Inn was on schedule. Melody Hillis stated that they were behind schedule.

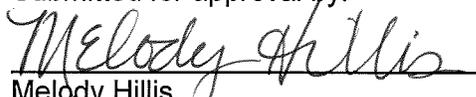
8. ADJOURNMENT:

TOM MCDONALD MADE A MOTION TO ADJOURN AT 6:55 P.M.

STAN KATZ SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

Submitted for approval by:


Melody Hillis,
Planning Commission Secretary

Approved this of 17th day of February, 2015.


Robert Kieber, Chairman

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate maintained in the office of the Planning Commission Secretary.