



**TOWN OF SILVERTHORNE  
PLANNING COMMISSION MEETING MINUTES  
APRIL 14, 2015 – 6:00 P.M.**

---

**1. CALL TO ORDER** – The meeting was called to order at 6:00 p.m., on April 14, 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, and Brian Wray. Tanya Shattuck was absent. Staff attending tonight's meeting included: Mark Leidal, Assistant Town Manager, Lina Lesmes, Senior Planner, Zach Margolis, Utilities Manager, Dan Gietzen, Town Engineer and Melody Hillis, Administrative Assistant.

**3. CONSENT CALENDAR** – Tom McDonald made a motion to approve the March 31, 2015, Planning Commission minutes as corrected. JoAnne Nadalin seconded. The motion was approved by a vote of five to zero (5-0). Stan Katz abstained due to his absence at the March 31, 2015 worksession. Tanya Shattuck was absent.

**4. CITIZEN'S COMMENTS:**

**5. ACTION ITEMS:**

**A. Site Plan Modification – Breckenridge Commercial Laundry, 330 Warren Avenue, Lot 9, Silverthorne Heights Subdivision.**

Lina Lesmes, Senior Planner, presented the project. The Applicant, Rick Cole, Cole Holdings, Inc. is requesting approval for a building addition and site improvements at an existing commercial laundry facility.

**COMMISSIONER QUESTIONS:**

- |                 |   |
|-----------------|---|
| Brian Wray -    | Is the existing building going to be painted?   |
| Lina Lesmes -   | Yes.  |
| Donna Pacetti - | The residential units are existing, so there isn't a need for a Conditional Use Permit (CUP)?   |
| Lina Lesmes -   | No, residential units are no longer allowed in the C-2 zone district. However, these residential units are legal non-conforming, so they are allowed to remain in place as is.  |
| Donna Pacetti - | What is an EQR?   |
| Zach Margolis - | Relate all of our water and sewer use to an Equivalent Residential Use (EQR). One EQR is three bedrooms and three bathrooms in a residential unit.  |
| Donna Pacetti - | Is that volumetric charge?  |
| Zach Margolis - | On the water side it is about 350 gallons per day. For this calculation back to the 90's there was a more in depth calculation allowance for a little bit more water because it was going to be used throughout the day |

and there would not be the same peak flows (as a home has). That goes back before my time. When the Town recalculated the lease rate, our Finance Director recalculated the lease rate, it is now about four times higher.

Stan Katz - Wondering about the wording in one of the conditions that states "a flat dark color" and the other condition states an "exact color", in order to obtain a building permit. Does that mean that sometime in the future and they wanted to change the building color, they would have to have Staff approval?

Lina Lesmes - The only requirement that the Town has is that there is some contrast and that it meets the color chroma requirements. At any point in the future, and that would be true of any color on the building, if they wanted to change it, they would have to meet the criteria. Typically, people want to come in and check with the Town first, because they don't want to paint a building, and then have an issue with the chroma. It would be approved at Staff level.

Robert Kieber - Will there be any rooftop mechanical on the addition and no protrusions?

Lina Lesmes - There will be no rooftop mechanical on the addition or protrusions. Staff specifically asked that question of the Applicant.

Robert Kieber - On this application there is no requirement for this project to have a sidewalk, but on the next application there is a requirement for a sidewalk or for funds to be escrowed for a future sidewalk. Why are these different?

Lina Lesmes - The standard that you are referring to states "when deemed necessary by the Town" for an Applicant to install a sidewalk. This application is in a commercial area where there are no future plans for sidewalks or at least in the next several years. That would be the difference with the other application, where there is a street with on street parking, curb and gutter.

Dan Gietzen - There are no plans for this commercial area planned for in the very near future to have sidewalks at this time. As we redo our Transportation Master Plan in the Town Core we are looking at templates for having a design for a sidewalk along Adams Avenue. This project is more in the industrial area.

Robert Kieber - Would it be appropriate or advantageous for the Town to, as it appears that they are going to be doing some grading, the sidewalk would be on the Town right-of-way correct? Will they be doing any type of improvement close to or on Town right-of way to change the configuration that they have now to at least have it graded to the point where if the Town deemed necessary, at whoever's expense in the future it's already graded and all that would need to be done would be to have a sidewalk installed?

Lina Lesmes - The Town is not making that a requirement as a part of this application. There is a walkway that is proposed, but the Town is not requiring at this point, any kind of improvements in the right-of-way.

Robert Kieber - Are the residential units for employees only?

Lina Lesmes - Don't think so. The Applicant could answer that question.

**APPLICANT COMMENTS:**

Jim Neville - Mountain Diggers, representing the Applicant. Thanked the Town Staff in working with us. Tried to provide everything that Staff has asked for. Taking an old building and dressing it up, it will look 100 times better, it is an ugly building. Will improve the looks of the neighborhood. Good thing for everybody. Pretty simple.

JoAnne Nadalin - In terms of the equipment inside the building are there any energy saving measures that are going to be implemented?

Jim Neville - The building will meet all of the required energy codes. There is so much heat generated by the equipment, will install the required equipment, but it will virtually never runs due to the heat that is generated, it heats the whole building itself.

Robert Kieber - Will the commercial laundry be the only commercial tenant?  
 Jim Neville - Yes.

Robert Kieber - The chain link fence is falling down, will it be replaced or removed?  
 Which part of the fence will be removed?

Jim Neville - All of the chain link fence will be removed and trees will be planted on the south end between Waste Management and the property, which will have a lot of trees. The fence on the east side is owned by Timberline. Met with Timberline today and they are going to repair their fence. The fence on the north side, south side and on the front will be removed. That is why there are trees and not shrubs.

Robert Kieber - No fencing at all adjacent to the UPS property?  
 Jim Neville - No.

**COMMISSIONER COMMENTS:**

Brian Wray - Great improvement to the neighborhood, happy to see something being done with the building.

Donna Pacetti - Looks good.

JoAnne Nadalin - Commend the owners for wanting to improve the building. Glad to see that something will be done with the fence and the porch.

Tom McDonald - Wondering how they were going to spruce up the existing building, think that they have done a nice job, like the color contrast. Think it will be a nice improvement for that area.

Stan Katz - Agree with the comment that the Applicant made that it's pretty cut and dried. Pretty simple.

Robert Kieber - Agrees.

**TOM MCDONALD MADE A MOTION TO RECOMMEND APPROVAL OF THE BRECKENRIDGE COMMERCIAL LAUNDRY SITE PLAN MODIFICATION WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:**

1. That all external flues and dryer vents be painted a flat dark color that is compatible with the exterior building colors and is not exposed metal.
2. That the exact color(s) of the painted cornice be specified with the submittal of a building permit.

**STAN KATZ SECONDED.**

**MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0). TANYA SHATTUCK ABSENT.**

**B. Preliminary Site Plan – Angry James Brewery, 421 Adams Avenue, Lots 3 & 4, Block H, Silverthorne Colorado Subdivision.**

Lina Lesmes, Senior Planner, presented the project. The Applicants, AJ and Darcy Brinckerhoff, are requesting approval for a small craft brewery on the bottom floor, with a residential apartment on the second floor.

**COMMISSIONER QUESTIONS:**

Stan Katz - On page 62, Exhibit E, have future garage and apartment been eliminated, and Staff has as a condition of approval in the Staff report that the Applicant shall obtain a CUP for the second story apartment be submitted with the final site plan, what is the situation?

Lina Lesmes - On a previous version of this plan there was a proposed apartment apart from the brewery building, and it has been removed from the plans.

Stan Katz - So there is still a need for a CUP?

Lina Lesmes - Yes.

Stan Katz - Looking at page 62 and comparing it with page 47, they're asking for four variances. And Staff is requiring four variances, on the Staff report it is items three, six, nine and ten. If any one of those variances is not granted, what would happen to this project?

Lina Lesmes - That is why Staff is not basing the approval on the basis of future variances. As the project moves forward and any of these items are not revised, a variance will be required with the Final Site Plan. That is not Staff's recommendation. Staff's recommendation is that the Code Standards be met with the Final Site Plan.

Stan Katz - So the Staff recommendation is that all of four of those variances must be granted.

Lina Lesmes - No. Staff's recommendation is that no variances be applied for, and that all of the Code Standards must be met with the Final Site Plan.

JoAnne Nadalin - So the plan has to be changed?

Lina Lesmes - Yes.

Stan Katz - Why is this Preliminary Site Plan application being brought forward to night if Staff and the Applicant are still in the negotiation stage?

Lina Lesmes - If Planning Commission remembers with the Hampton Inn, there were 22 conditions of approval. With Preliminary Site Plan applications it is typical to have situations where items are still being worked out and can be met with conditions of approval.

Stan Katz - Will make my comments during the comment periods, but Planning Commission had a problem with 22 conditions.

Tom McDonald - Is the handicapped access on the side of building?

Lina Lesmes - There will be a rear entrance to the building, there is a ramp for the handicapped space up to the rear entrance.

JoAnne Nadalin - Asked what comments came from the Community Meeting?

Lina Lesmes - The project was generally well received. There was a concern about people cutting across this property to Adams Avenue. The request for the fence to prevent glare from vehicle headlights. Twin Seasons Vacations did not want to share the access point, but don't have an issue with the access being located where it is now. Nothing major.

JoAnne Nadalin - The brewing process is actually a manufacturing process, why is the Town not requiring a CUP for that since it is within the Town Core?

Lina Lesmes - The brewing process is considered a secondary use, the primary use is a restaurant when Staff did the evaluation of the application.

Mark Leidal - For example, Baker's Brewery is very similar, they are also brewing on site, but it is primarily a restaurant use. It is hard to break things down into individual uses, take the primary use and base Staff's evaluation on that.

Brian Wray - On page 64, LDFD is requiring a fire lane on the north side, and can't find that on the plan.

Lina Lesmes - That was referencing the previous version of the site plan.

Brian Wray - If I was sitting in that beer garden, I wouldn't want the driveway in the rear and wouldn't want cars to be driving in front of me as I'm relaxing outside, and utilize the fire lane in the back.

- Lina Lesmes - Initially there was a proposed access from the alleyway, along the rear property lines. The alleyway is a cross access and parking easement between the residential property owners that face Brian Avenue. AJ did request to use the alleyway as an access, the owners of the easement were not interested in allowing that. There is no access from the rear, it has to happen from Adams Avenue.
- Brian Wray - Isn't the fire lane bordering Wagner Rentals, which is the north side.
- Lina Lesmes - The fire lane will now happen on the driveway.
- Brian Wray - So the driveway is being called the fire lane, one in the same?
- Lina Lesmes - Yes. The comment in the referral packet is in reference to a previous site plan proposal.

**APPLICANT COMMENTS:**

- Mark Hogan - BHH Architects, representing the Applicant. Thanked the Staff. Introduced AJ and Darcy Brinckerhoff, Applicants.
- AJ Brinckerhoff - Gave a background of the desire to have the brewery located in Silverthorne. Looked in Denver for a place for brewery and decided that Denver is saturated with breweries. Wanted to live west of the Eisenhower tunnel one day, and wanted to open a brewery in the place that we want live also. Looked into rental properties, decided against that for financial reasons. Want to have a small brewery and restaurant, want to have something unique. Looked into the Comprehensive Plan, and want to be a business on the forefront of the Town Core. Hours will be short, don't want to be a nightclub, and don't want to disturb the residents that live behind the business. Plan on only being open until 8 p.m. during the week. Commitment to keep it operating primarily during the day. The residents behind wouldn't grant the access easement, which is why the project is being designed as it is. Thanked the Planning Commission for listening.
- JoAnne Nadalin - How much beer do you anticipate brewing in a year?
- AJ Brinckerhoff - On the high end, about 1,000 barrels. Will be small operation.
- Stan Katz - Have requested four variances, if any one of the variances doesn't get approved, are there alternate plans or is that the end of the project?
- Mark Hogan - Reviewed the Site Plan and went over some of the Staff's recommended conditions. Presented the materials board. Addressed the issues related to the site plan including: topography of the lot in relation to Adams Ave., the layout of the proposed building, drainage, the entrance, parking and setbacks. Presented the building materials, and explained the type of building that will be built. Wanted an edgy building. Apartment on the upper level in the center of the plan. Money constraints have contributed to the size and design of the building.
- Stan Katz - Have made a case for all of the conditions to be approved. My question is what happens if you don't get them. Is there an alternative plan if the conditions are not acceptable, or does everything fall apart? If the Applicant is told to relocate the building and the Applicant refuses, and says that the building has to be that way, then what happens to the project?
- Mark Hogan - Will go to Town Council to ask for the approval of the variances. And have talked to the Staff at length, and they done a good job. Have tried to meet all of the conditions. Need some help to make this happen and would like to see the project approved. This project is difficult to start with and need some help to make this happen.
- Stan Katz - Understands that, and sympathetic to those issues. Still wants to know if there is an alternative plan if the variances aren't granted?

- Mark Hogan - Will be asking the Town Council for approval of the project with all of the variance requested.
- JoAnne Nadalin - The back setback is 8'3", but cars will hang over two feet, so effectively the front of the cars will be 6'3" from the fence. And the reason that the building can't move forward two feet is because of the steps?
- Mark Hogan - That's correct. Have to have an airlock entry because of the 2012 IECC code requirements, and required to have clearance in front of the door because they have to swing outward because of a commercial use. Could possibly slide the building forward a foot, don't want to put the steps into the public right-of-way. Could make the building 58 feet wide instead of 60, could get a special metal building grids, don't want to do that because of the expense. Project has a tight budget, know that budgets aren't the purview of the Planning Commission, but feel that this is a wonderful use.

**COMMISSIONER COMMENTS:**

- Stan Katz - For me this is extremely difficult, know that the township wants to be "business friendly", because of that we have Preliminary Site Plan review and Final approval. But, the real process is, there are three steps, there are preliminary negotiations, then Preliminary Site Plan review and then Final Site Plan approval. There are so many pieces that are required here, these variances are part of that negotiation, and I don't think that this is ready to be approved as Preliminary Site Plan, have real problems with that. Am okay with the concept of a brewery. Likes what I have seen as to the visual aspects of the building. But, do I have a problem with the site plan itself, where the Staff says that the building needs to be moved unless a variance is granted; steps may have to be changed unless a variance is granted. There are too many things at this point that we don't know how they are going work out and so, since Planning Commission only gets one shot at the Preliminary Site Plan review I would like to see all of these items addressed before it comes back to Planning Commission for a Preliminary Site Plan review, at which point Planning Commission can look at it and see if Planning Commission wants to give it to Town Council for a Final Site Plan. Not ready for Preliminary Site Plan approval, can't vote in favor.
- Tom McDonald - Understand what Stan is saying and agree to some extent with him, because the Town went to all the trouble of making these standards and cannot change for every applicant to meet their needs. Nice looking building, would like to see it go in, don't know if the Applicant can agree to make all of the conditions happen or not before Town Council. Still on the fence of the whole thing.
- JoAnne Nadalin - Like the building, like the business, loves the idea of this leading the way to what the downtowns going to be. Struggle with the stairs, partly from the perspective of the Town Core and partly from the perspective of the business. Have a friend who has a business with steps going up to the entrance and has told me that if they had it to do over again, they would not deal with steps, it interferes with people coming into the business. Biggest concern with what is being proposed.
- Donna Pacetti - Echo's JoAnne Nadalin's comments.
- Brian Wray - Listening to Mark Hogan and the difficulties of the site and as a builder, I know you have to deal with the site. They have proposed some remedies, are pretty valid remedies. I think that a little flexibility is going to have to be in order to make this project work. Basically okay with the remedies, can they be a little closer? I don't know, that is between the Applicant and the Town. Due to a difficult site, I am flexible, and the

Robert Kieber -

Town Council is the Board of Adjustment for the variances. So, Town Council will hear that at the same time. Am okay with this project. Like the idea of the brewery, interesting design Mark has done a really good job. It would be a focal point. Do have a problem with some of the variances, the setback in the front. Think that there are some modifications that can be made to meet more of the Town Standards so that the variances would not be needed. Would like to see the sidewalk installed at the time that the building is done, not escrowed, just get it done, because the stairs go to dirt, and would not look finished. Would like to see the CUP be for employee housing only, don't think that it can't be further restricted to the owner(s) only, so somebody else can't live there. Other concern, in driving around to the other breweries, the amount of outdoor storage and trash is significant, if this is approved keep the place clean. Feels that with some modifications that the number of variances can be reduced. The Applicant has the right to bring this forward, it is not as clean as Planning Commission would like to see it, but can't vote against it based on what is in front of me, Town Council will be the deciding body in regards to the variances, if they aren't grant then the Applicant will have to go back to the drawing board. Would like to know if the beer garden in the future plans, when we have wet springs or falls that there would be canopies that have plastic windows and things so people can sit outside. Think that it is a start for a really interesting business on Adams Avenue.

**BRIAN WRAY MADE A MOTION TO RECOMMEND APPROVAL OF THE ANGRY JAMES BREWERY PRELIMINARY SITE PLAN WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:**

1. That a Conditional Use Permit application for the second story apartment be submitted with the Final Site Plan.
2. That a Minor Subdivision plat be submitted with the Final Site Plan to combine the lots associated with the site plan for Angry James Brewery.
3. That the applicant work with the Public Works Department to obtain a reduction in the 10-foot setback requirement for driveways that provide site ingress and egress.
4. That all onsite surface parking for non-residential uses be minimized, as required by Standard 3.4.3 of the Town Core District Design Standards and Guidelines.
5. That all 90° parking spaces be revised to provide a minimum length of 18 feet, as required by Section 4-6-10.e.2.
6. That all parking facilities be located a minimum of 10 feet from a property line, as required by Section 4-6-10.e.4.m.
7. That the landscape plan be revised to incorporate alternative forms of landscaping, as required by Standard 3.5.1 of the Town Core District Design Standards and Guidelines.
8. That the landscape plan be revised to remove trees from utility easements, as required by Standard 3.5.4 of the Town Core District Design Standards and Guidelines.
9. That the building location be revised such that 60% of the property frontage consists of a building located within 5 feet of the front property line, as required by Standard 3.1.2 of the Town Core District Design Standards and Guidelines.
10. That the building entrance be revised such that it is located at the street level, as required by Standard 3.1.3 of the Town Core District Design Standards and Guidelines.
11. That all utility, telecommunications, ground mounted, and roof top equipment be shown on

the Final Site Plan, as required by Standard 3.7.1 of the Town Core District Design Standards and Guidelines.

**DONNA PACETTI SECONDED**

**MOTION PASSES BY A VOTE OF FIVE TO ONE (5-1). STAN KATZ NAY. TANYA SHATTUCK ABSENT.**

**6. OTHER ITEMS:**

Robert Kieber asked Mark Leidal who within the Town monitors the existing handicapped parking spots to determine if they're still being located correctly. Have noticed numerous places that when they were approval at Final Site Plan, there were markings and signage and now they're not there. Mark Leidal that is part of a Site Plan application, Staff can check on that. If you notice them, let Staff know and we can do a site visit. Robert Kieber asked if that was a planning or law enforcement issue? Mark Leidal stated that it is planning item if they are not physically on the ground, if there is no handicapped parking and it is not on site that is a law enforcement ticketing issue. Robert Kieber stated that at the last meeting he inquired about the "no parking" signs that are located in front of the Cut Throat Anglers at the Town Pavilion, are those legal signs. Mark Leidal stated that they are not legal and anyone can park there. Cut Throat Anglers would like for those spots to be reserved for their customers, but it is all public parking. Robert Kieber stated "so they are illegal signs on Town property?" Mark Leidal stated that Staff would look into it. Brian Wray asked if it was a Town sign. Mark Leidal if the Town were to get a call to enforce on those signs, the Town would not do it.

Lina Lesmes informed the Planning Commission that there will be a May 5<sup>th</sup> meeting. Way to Grow Site Plan Modification and some Angler Mountain Ranch approvals.

JoAnne Nadalin asked when South Maryland Creek Ranch would be coming back. Lina Lesmes stated that it is scheduled for May 27<sup>th</sup> for the Town Council. JoAnne Nadalin asked if Planning Commission would see it again. Mark Leidal stated that it would not come back to the Planning Commission from a zoning perspective. If it does get approved, Planning Commission would see numerous plats, etc., moving into the future.

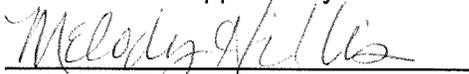
**7. ADJOURNMENT:**

**STAN KATZ MADE A MOTION TO ADJOURN AT 7:43 P.M.**

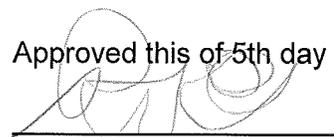
**BRIAN WRAY SECONDED.**

**MOTION PASSES BY A VOTE OF FIVE TO ZERO (6-0). TANYA SHATTUCK WAS ABSENT**

Submitted for approval by:

  
\_\_\_\_\_  
Melody Hillis  
Planning Commission Secretary

Approved this 5th day of May, 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.