

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR AUGUST 12, 2015- 6:00 PM**



- I. CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA**
- II. PLEDGE OF ALLEGIANCE**
- III. STAFF COMMENTS 1**
- IV. COUNCIL COMMENTS**
 - A. Seth Lyons, EDAC Member, Recognition
 - B. Mike Bittner, JSA Operations Superintendent, Retirement Recognition
- V. CITIZENS' COMMENTS***
- VI. CONSENT CALENDAR**
 - A. Town Council Meeting Minutes, July 22, 2015..... 7
- VII. PUBLIC PRESENTATIONS***
- VIII. BOARD OF ADJUSTMENT**
- IX. LIQUOR BOARD**
 - A. Chipotle Mexican Grill – Renewal of H & R Liquor License 13
- PUBLIC HEARING**
 - B. Sauce on the Blue, LLC dba Sauce on the Blue – Application for new H & R Liquor License, Silverthorne Town Center 17
- X. PUBLIC HEARINGS**
- XI. ACTION ITEMS**
 - A. Preliminary Planned Unit Development (PUD) – Foxfield Townhomes, S.E. Corner of HWY 9 and Bald Eagle Rd., Unplatted parcel – SW ¼, S35 T4S, R78W and Lot 4, Ponds at Blue River..... 35
 - B. Ordinance 2015-11; an Ordinance Amending Silverthorne Town Code Chapter 4, Article VI, Site Plan, Concerning the Town Core Design District – 1st Reading 129
 - C. Craig Realty Group – Silverthorne, LLC, (Starbucks) Enhanced Sales Tax Incentive Program (ESTIP) Agreement 151
- XII. DISCUSSION ITEMS**
- XIII. INFORMATIONAL**
 - A. Planning Commission Meeting Minutes, August 4, 2015..... 167
- XIV. ADJOURNMENT**

* Citizens making comments during Citizen's Comments or Public Hearings should state their name and address for the record, be topic specific, and limit comments to 3-5 minutes. Council may add citizen Comment items as an Action Item by motion; however, the general policy is to refer citizen comments for review and recommendation. Public presentations must be pre-arranged a week in advance with the Town Manager and limited to 10 minutes.

**COUNCIL WORK SESSION:
TOPIC:**

**AUGUST 11, 2015 – 6:00 P.M.
MARIJUANA REGULATIONS**

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2015**

*The Council Work Sessions are held every 2nd and 4th Tuesday of each month and begin at 6:00 p.m. with open discussions. The following issues will be addressed from 6:15 p.m. until completed. Additional items to be discussed will be scheduled as time permits.
"OPEN" indicates a topic has not yet been selected.*

AUGUST 25 OPEN

SEPTEMBER 8 PUBLIC WORKS STRATEGIC PLAN

SEPTEMBER 22 BUDGET - 2016

OCTOBER 13 OPEN

FUTURE WORK SESSION DISCUSSION ITEMS:

HISTORIC SOCIETY

August 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Osprey Day—North Pond Park Planning Commission	5 Community Picnic— Pavilion 5:30 p.m.	6 Registration Day for Fall Programming	7 Payroll	8
9 Rocky Mountain Triathlon—North Pond Park	10	11 Work Session	12 Council Meeting	13 Just for Boys— Pavilion	14 Payroll	15
16	17	18	19 Council Meeting	20	21	22 Pool Party
23	24	25 Planning Commission	26 Court	SPORT Meeting	Payroll	29
Pool Closed for upgrades and maintenance thru Sept 26		27		28		
Rec Center Closed for upgrades and maintenance thru August 31		26		27		
First Day of School		Council Meeting		SPORT Meeting		
30	31	1 Work Session	2 Council Meeting	3		
Pool Closed for upgrades and maintenance thru Sept 26						
Rec Center Closed for upgrades and maintenance						

September 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31 Rec Center Re-Opens	1 EDAC	2	3	4 Doo Wop Denny—Pavilion	5
6	7 Rec Center Hours: 10:00 am—6:00 pm	8 Planning Commission	9	10	11 Payroll	12
	TOS Holiday	Work Session	Council Meeting			
13	14	15	16 Court	17	18	19
		Planning Commission		SPORT Meeting	Payroll	
20	21	22	23	24	25	26
		Work Session	Council Meeting			
27 Pool Re-Opens	28	29	30			

October 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
		Planning Commission				
11	12	13	14	15	16	17
Pumpkin Fest						
		Work Session	Council Meeting	SPORT Meeting	Payroll	
18	19	20	21	22	23	24
		Planning Commission	Court			
25	26	27	28	29	30	31
		Work Session	Council Meeting		Payroll	

November 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 EDAC Meeting	4	5	6	7
		10 Planning Commission	11	12	13	14
8	9	17 Work Session	18 Council Meeting	19 Celebrations Around the World!	20 Payroll	21
15	16	24	25 Court	26 SPORT Meeting	27 Payroll	28
22	23		25 No School	26 Rec Center Closed		
29	30			TOS Holiday—Thanksgiving		
Fitness Screening						

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: August 6, 2015 for Meeting of August 12, 2015
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the August 12, 2015 Town Council Agenda and Meeting. This includes:

1. Administrative Services Update
2. Public Safety Update
3. Public Works Update
4. Community Development Update

ACTION REQUIRED

No action is required; these items have been submitted for informational purposes.

Administrative Services – August 6, 2015

2016 Budget – We've passed the mid-point for fiscal year 2015 and it's time to prepare for the 2016 budget. The Town conducts a two-budget process where departments and programs spend much time and effort researching and preparing budget worksheets and making budget requests/presentations. The current budget cycle for the two-year budget is 2015 & 2016. The major efforts for the 2015 & 2016 budget cycle was conducted and approved by Council in 2014. The 'Off-Year' of the budget, 2015, is spent focusing on long planning and implementation and less on work papers. We're still required by law and charter to present and approve a budget for fiscal year 2016 even though the 2016 budget has been approved through the budget process in 2014.

We begin the 2016 budget process by looking at where we are, financially, through the first 6-months of 2015 and estimate projections for the last half of the year. 2015 work papers have been updated and departments/programs will be giving us estimations for the remainder of the 2015 by mid-August. We'll review the existing 2016 budget and look for any changes that are over \$5,000 or any capital projects, programs or personnel additions or deletions. We'll review revenues as well. With this new information, we'll bring an adjusted 2016 budget to Council to be reviewed at a September Council work session. The Council will officially vote on the 2016 budget in October and November.

Payroll Time Entry - We're using the Joint Sewer Authority (JSA) as our BETA site for setting up the Novatime time entry process. This is a computerized time entry system. The JSA employees have been clocking in on the system, assisting with working out issues and giving us feedback. We understand the importance of employees and managers needing to be comfortable with the system and will not be rushing to use this system without full training and understanding. We have a team meeting scheduled every Thursday to help track the process. We'll also be developing an employee and supervisor guide book.

We downloaded the JSA time entry from the Novatime for this week's payroll run. Everything went well and we'll continue having JSA using the system as we setup written process and training for other departments.

Annual Town Picnic – The annual Town picnic was yesterday Wednesday August 5th at the Town Pavilion. We served 150 hot dogs and 400 burgers to about 450 people! Thanks to the many volunteers who made this another great picnic!

Public Safety – August 5, 2015

Incidents – On 08-01-15 officers were dispatched to a criminal mischief incident in a residential area of town. Upon arrival a home owner showed the officer a broken window on their house. The window was broken by numerous BBs found in the area. The siding to the home had also been damaged. Residents in the area were interviewed and the investigation is ongoing.

On 07-31-15 officers were working extra duty at the Silverthorne Pavilion for a Quinceanera. They were doing routine parking lot checks and heard what sounded like a beer bottle cap hitting the pavement. Upon searching the area they encountered a vehicle with people inside and beer bottle caps lying on the ground next to it. Upon speaking to the occupants it was discovered they were in possession of beer and were under the age of 21. Both parties were issued citations and released to a responsible party.

On 07-31-15 officers were dispatched to an armed robbery at one of the local convenience stores. It was determined that the suspect entered the business and robbed the store using a weapon. The case is under investigation.

On 07-30-15 officer were dispatched to an assault in progress. Upon arrival they encountered a construction zone where 3 employees of the construction company got into a physical fight. It was also discovered that a 4th employee video recorded the altercation and showed the video to officers on scene. As a result of the statements and video evidence 2 people were taken into custody for attacking their coworker. They were housed at the Summit County Jail.

On 07-29-15 an owner of an asphalt company reported that his pickup truck had been stolen from the parking lot of a local hotel. He stated he left his truck in the lot and when he returned about 2 weeks later the truck was gone and he was unaware who had taken it. The vehicle was entered into the national database as stolen and the investigation is ongoing.

In addition to the above, officers handled several accidents, thefts, disturbances, harassments, trespasses, noise complaints, animal calls and numerous other agency assists as well as business and area checks. Officers also took part in municipal court and county court. Officers also issued numerous traffic citations and warnings.

Feedback from the community – Several people have come to the police department and left care packages for the department as a way to say thank you.

Department Training – Sgt. Higby attended a week-long leadership training.

Officers Ponedel and Fliszar attended Crisis Intervention Training in the metro area. This is a nationally recognized training and those who attend it find it beneficial in handling people with mental issues or disabilities.

Officer Fliszar is currently attending a car seat installation training so she can continue to assist members of the community with properly installing and maintaining car seats for their children.

In the following weeks all the members of the police department will attend the annual driver training as well.

Staffing – We are currently in the process of hiring one police officer to replace an officer who resigned.

Public Works – August 6, 2015

Streets – Our Cutler repaving works continues, with Bald Eagle, Adams, 3rd, 4th and 5th completed, and W. 6th Street underway today. East 6th will then follow, along with Center Circle, Rainbow Drive, and then E 4th, Lagoon, and Tanglewood, over the next two weeks until we are finished. The beauty of this process is that we recycle, in place, the existing asphalt, then we add a one inch overlay on top, leaving us with virtually and brand new pavement. This project takes a lot of careful coordination with the local traffic, and lots of traffic control by the Contractor. In addition we do the asphalt hauling from Everist, and we do all the manhole and valve raising for the overlay work. Finally we also do all the shoulder work after, and have arranged for re-striping once the work is completed.

Parks – Our full time and part time staff are busy with mowing, weeding, restrooms, irrigation systems, and general landscape work. We get a lot of special requests from other staff and from citizens which we get so as time permits.

Utilities – Utility staff is busy with various maintenance work to all of our systems, as well as working with contractors on the various construction projects around Town.

Rainbow Tennis and Basketball/Trent Tennis – All of the new court surfacing projects are complete. Some sod and irrigation work continues near the new Rainbow courts.

JSA – We are nearing completion of the Nutrient Removal project at the plant. Mike Bittner officially retired this week, although we have invited him to your August 12 Council meeting to be recognized. During his almost 23 years with the JSA he literally saved the Authority millions of dollars due to his work on permitting and discharge limits, as well as in how the plant and staff were managed. He will be missed, although we were fortunate enough to find an excellent replacement in Simon.

Community Development Department – August 6, 2015

Blue River Trail – The wetland mapping for Segment 6 has been completed and the ACOE reviewed and approved the delineation. The design has been modified and the next step would be to acquire the necessary easements, meet with FEMA concerning the flood plain, and Army Corps of Engineers concerning wetlands.

Xcel Substation – The Cutler repaving of Bald Eagle Road has been completed.

District Design Standards – Lina Lesmes has been meeting with a subcommittee made up of EDAC and Town Council members to discuss revisions to the District Design Standards. These standards will set the guidelines for development within the Town commercial districts. The committee has completed the Riverfront Standards and zoning revisions. The next district will be the Town Core Periphery.

South Maryland Creek Ranch – Town Council approved the Major PUD Amendment for South Maryland Creek Ranch. The Preliminary Plan for the project has been submitted.

Lake Dillon Theatre Company (LDTC) – Design work continues on this exciting new project.

Arctic Placer Park, Trent Park, Angler Mountain Open Space – DHM Design has completed the design for the master plans for these parks.

Code Enforcement – Greg Roy has been enforcing the code particularly relating to noxious weeds.

Public Works Strategic Plan – The Public Works Strategic Plan is nearing completion and will be scheduled for Town Council review in the near future.

Current Applications – The following is a list of applications which have been submitted to the Community Development Department and are currently being processed (ex parte rules apply):

- Foxfield Townhomes – PUD/Site Plan
- Angler Mountain Ranch Filing No. 3 – Third Amendment
- Marshall's – Site Plan Modification
- South Maryland Creek Ranch (Summit Sky Ranch) – Preliminary Subdivision
- Rivers Edge Condominiums – Final Site Plan

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Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Michele Miller, MMC, Town Clerk 
DATE: August 6, 2015
SUBJECT: Town Council Meeting Minutes from July 22, 2015

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from July 22, 2015.

STAFF RECOMMENDATION: Staff recommends approval of the Minutes from the meeting.

PROPOSED MOTION: Included in the Consent Calendar motion.

ATTACHMENTS:
Meeting Minutes

MANAGERS COMMENTS:

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, July 22, 2015

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members Derrick Fowler, Peggy Long, Russ Camp, Stuart Richardson, JoAnne Nadalin and Ann-Marie Sandquist. Staff members present were, Town Manager Ryan Hyland, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Senior Planner Lina Lesmes, Planner I Greg Roy, Fleet Manager John Schuller, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook updated Council on the Arts & Culture Strategic Plan. The first Art Advocate meeting was held on July 14th and they had a wide variety of representatives and input from the Summit County community.

Braun reminded everyone that the Annual Community Picnic is August 5th at the Silverthorne Pavilion.

COUNCIL COMMENTS:

Richardson reported that the Summit Stage ridership is up in numbers.

Planning commission Recognition

Tom McDonald

JoAnn Nadalin

Mayor Butler recognized Tom McDonald and JoAnn Nadalin for their contributions to the Planning Commission with plaques.

Council thanked Nadalin and McDonald for all of their time and dedication.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

RICHARDSON MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM JULY 8, 2015, SPECIAL MEETING MINUTES, JULY 7, 2015, RESOLUTION 2015-15, A RESOLUTION AUTHORIZING THE TOWN TO PURCHASE A 2015 INTERNATIONAL HAUL TRUCK RESOLUTION 2015-16, A RESOLUTION APPROVING A 3 YEAR EXTENSION TO THE EXISTING LEASE WITH THE USFS, ACCEPTANCE FOR FACILITIES EASEMENT FOR RIVER'S EDGE CONDOMINIUMS AND REPLAT – LOT 6, WILLOW CREEK HIGHLANDS, FILING NO. 4. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Richardson asked if we are going only with International Trucks.

Schuler stated no, we have other vehicle brands too; purchases are based on a competitive bidding processing. They have been purchasing a lot of work trucks from Summit Ford, because of their competitive pricing.

Richardson asked about the USFS lease and the standstill agreement.

Hyland and Linfield reviewed the USFS lease process and the current lease.

Nadalin requested changes to the attendance July 7th Town Council's meeting minutes.

PUBLIC HEARINGS:

A. Conditional Use Permit (CUP) – Ales Cerny and Jan Tolar, 353 County Road 2020, Lot 7, Ptarmigan Trail Estates Subdivision #2

Greg Roy, Planner I, presented the applicant's request for a Conditional Use Permit (CUP) to allow for a Single Apartment in the R-2 Residential Zone District. He reviewed his staff report and requested approval.

Public hearing opened.

Brian Carlson, Carlson Builders, representative for the applicant, asked for questions from Council.

Long asked if the property owners will live on site.

Nadalin asked if the applicant has seen the neighbor's comments.

Carlson stated no they have not seen the comments and the applicant will live on site.

Sandquist asked if this will be a one bedroom unit. How many people do they intend to have live there.

Carlson stated they anticipate one person or a couple in the unit.

Public hearing closed.

Council comments

Richardson feels this is a good way to get more rentals in Town, as long as the owner is on site and parking concerns are addressed.

Sandquist stated Council hasn't seen many accessory apartments, in new construction. Are parking requirements based on lot size and is there a need for an additional condition of approval for parking.

Leidal stated there is no need for an additional condition for parking. The Site Plan will have adequate parking.

Long asked for clarification regarding parking on site.

Sandquist asked about adding an apartment to an existing house.

Leidal stated parking is determined by bedroom and bathrooms and the CUP is personal to the applicant. Staff will make sure there is adequate parking.

Richardson asked about EQR calculations for a new build.

Leidal reviewed the EQR calculations.

Long expressed her frustration regarding one year CUPs. She feels if we are going to allow accessory apartments we should and if we don't want them, none should be allowed.

Butler feels having the owner on site makes a difference on how accessory apartments are maintained. With the economy improving, there is a need for apartments.

Fowler asked about the one year compliance and renewal. How do we check on that?

Leidal stated the CUP is only brought back to Council if there are issues.

SANDQUIST MOVED TO APPROVE TO APPROVE THE CERNY/TOLAR CONDITIONAL USE PERMIT FOR A SINGLE APARTMENT LOCATED AT 353 COUNTY ROAD 2020, LOT 7, PTARMIGAN TRAIL ESTATES, SUBDIVISION #2, WITH THE FOLLOWING CONDITIONS:

1. THE APPROVED CUP SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR.
2. THE CUP FOR A SINGLE APARTMENT IS BEING ISSUED TO THE APPLICANT AND IS NONTRANSFERABLE. IF THE APPLICANT'S OWNERSHIP OF THE SUBJECT PROPERTY TERMINATES SO WILL THE CUP FOR A SINGLE APARTMENT.
3. THE APPLICANT IS REQUIRED TO MAKE ONE OF THE UNITS HIS PRIMARY RESIDENCE ON A CONTINUOUS BASIS.
4. THE APPLICANT IS REQUIRED TO PERIODICALLY PROVIDE TO STAFF DOCUMENTED PROOF OF RESIDENCY, SUCH AS UTILITY BILLS AND VOTER REGISTRATION, ON A REGULAR BASES.
5. NEITHER THE SINGLE APARTMENT NOR THE PRIMARY RESIDENCE MAY BE RENTED OR LEASED FOR A TERM OF LESS THAN SIX (6) CONSECUTIVE MONTHS. THE APPLICANT SHALL PROVIDE STAFF WITH THE MOST CURRENT LEASE ON A REGULAR BASIS TO ENSURE COMPLIANCE WITH THIS CONDITION.
6. NO ADDITIONAL RENTING OF INDIVIDUAL ROOMS IS PERMITTED.
7. THE APPLICANT IS REQUIRED TO PAY THE APPROPRIATE SYSTEM DEVELOPMENT FEES TO COVER THE COSTS OF ADDING THE NEW SINGLE APARTMENT TO THE TOWN'S UTILITIES.
8. OFF-STREET PARKING AREAS SHALL NOT BE USED FOR THE PARKING OF TRAILERS, BOATS, DETACHED CAMPERS, INOPERABLE VEHICLES OR OTHER ITEMS THAT WILL RENDER THE AREA UNUSABLE BY RESIDENTS AND GUESTS FOR NORMAL DAILY USE.

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

ACTION ITEMS:

A. Site Improvements Agreement for River's Edge Condominiums – Lot 8R Riverview Subdivision, Filing No. 2

Lina Lesmes, Senior Planner, presented the applicant's request for a Site Improvement Agreement (SIA) to remove existing water and sewer lines on the property, and construct new water and sewer lines within utility easement granted by separate document. The utility line and easement relocation are in accordance with the approved Preliminary Site Plan, for Rivers Edge Condominiums. She reviewed her staff report and requested approval.

Feldman reviewed the water and gas line relocation.

Richardson asked about the three fire hydrants.

Council appreciates the line relocation.

NADALIN MOVE TO APPROVE THE SITE IMPROVEMENTS AGREEMENT WITH 4TH ON 4TH, LTD., TO REMOVE AND RECONSTRUCT WATER AND SEWER LINES ON LOT 8R, RIVERVIEW SUBDIVISION, FILING NO. 2. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Agreement with the Summit Housing Development Corporation for a Housing Buy Down Program

Lina Lesmes, Senior Planner, presented the agreement with the Summit Housing Development Corporation (SHDC) and establishes the structure of a Housing Buy Down Program in Silverthorne. The Agreement provides definitions, establishes the roles and obligations of the Town and the SHDC and details of other legal parameters. She reviewed her staff report and requested approval as presented.

Nadalin asked about Section 7b. of the contract.

Mire reviewed the need to reimburse for the added cost.

Richardson asked where this cost is coming out of the budget.

Leidal stated this is just setting up the structure of the agreement at this point.

Butler realizes this agreement relies on the economy and how much inventory is available but he appreciates Lesmes putting this forward for consideration.

CAMP MOVED TO APPROVE THE AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE AND THE SUMMIT HOUSING DEVELOPMENT COPROATION FOR A HOUSING BUY DOWN PROGRAM. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Agreement with the Summit Housing Development Corporation for Property Management Services Associated with the Housing Buy Down Program

Lina Lesmes, Senior Planner, presented the agreement with the Summit Housing Development Corporation (SHDC) that establishes property management services associated with the rental of any unit in the housing buy-down program. She reviewed her staff memo and recommended approval.

Sandquist asked about evictions.

Lesmes stated evictions would follow standard procedures and would be handled by the Housing Authority.

SANDQUIST MOVED TO APPROVE THE AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE AND SUMMIT HOUSING DEVELOPMENT CORPORATION FOR PROPERTY MANAGEMENT SERVICES ASSOCIATED WITH THE HOUSING BUY-DOWN PROGRAM. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

Richardson asked about weed enforcement.

Leidal reported on Planner I, Greg Roy's progress and the procedures he is following.

Long asked Roy about a property on Adams Avenue.

SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 7:45 P.M. PURSUANT TO CHARTER SECTION 4.13(c) AND CRS 24-6-402(4)(e) TO INSTRUCT NEGOTIATORS ON ECONOMIC DEVELOPMENT IN THE TOWN OF SILVERTHORNE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

SHE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

EXECUTIVE SESSION:

Session AT 6:46 pursuant to Charter section 4.13(c) and CRS 24-6-402(4)(e) to Instruct Negotiators on Economic Development in the Town of Silverthorne.

INFORMATIONAL:

- A. EDAC Meeting Minutes, July 7, 2015
- B. Planning Commission Meeting Minutes, July 14, 2015
- C. May 2015 Sales Tax Review

EXECUTIVE SESSION CONCLUDED AND MEETING ADJOURNED AT 8:50 P.M.

BRUCE BUTLER, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

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 record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU : Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: August 5, 2015 for meeting of August 12, 2015
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

The Liquor Board is asked to approve the liquor license renewal for Chipotle Mexican Grill.

BACKGROUND:

Chipotle Mexican Grill – Renewal of Hotel & Restaurant Liquor license

The applicant has submitted a renewal application for Chipotle. The background investigation completed by the Police Department is attached. The Police Department has verified that three Chipotle managers have completed the comprehensive 4-hour Colorado Responsible Vendor alcohol training and the remaining employees who sell and serve liquor are scheduled for a class on August 8th. The Police Department recommends renewal of the liquor license.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement Division. These fees are submitted with the application materials.

STAFF RECOMMENDATION:

Staff recommends approving the renewal application. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

PROPOSED MOTION:

I MOVE TO APPROVE CHIPOTLE MEXICAN GRILL'S RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE.

ATTACHMENTS:

Liquor license renewal application and Police Department memo.

MANAGERS COMMENTS:



601 Center Circle • P.O. Box 1167 • Silverthorne, CO 80498
(970) 262-7320 • Fax (970) 262-7315

DATE: August 4, 2015
TO: Michele Miller
FROM: Officer Anne Baldwin
SUBJECT: Background check for new hotel and restaurant liquor license application for Chipotle Mexican Grill, Inc.

Chipotle Mexican Grill has not had any alcohol-related incidents on their property this past year.

All three Chipotle managers have completed a comprehensive 4-hour Colorado Responsible Vendor alcohol training and are certified until 2017. All other employees who at times operate the cash register or otherwise sell alcohol are scheduled for this same liquor training on August 8, 2015.

Colorado Responsible Vendor curriculum is identical to TIPS and ServSafe, and was approved in July of 2009 as a valid liquor training program for Chipotle.

We do not have any objections to the approval of this liquor license application *with the exception* that all liquor-selling Chipotle staff must successfully complete the mandated training no later than August 8, 2015. Chipotle's annual liquor license renewal expires on August 15, 2015.

Reviewed by



Acting Chief of Police
Timothy Osborn
Designee

08/04/15
Date

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

CHIPOTLE MEXICAN GRILL
 1401 WYNKOOP ST #500
 DENVER CO 80202-1127

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

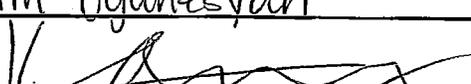
RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name CHIPOTLE MEXICAN GRILL INC		DBA CHIPOTLE MEXICAN GRILL # 1105		
Liquor License # 24715300074	License Type Hotel & Restaurant (city)	Sales Tax License # 24715300074	Expiration Date 8/12/2015	Due Date 6/28/2015
Street Address 247-C RAINBOW DRIVE UNIT G290 SILVERTHORNE CO 80498				Phone Number (970) 468-0671
Mailing Address 1401 WYNKOOP ST #500 DENVER CO 80202-1127				
Operating Manager Jesse Dienes	Date of Birth 8/18/1992	Home Address 1401 14th Avenue, Greeley, CO 80631		Phone Number (303) 918-7892

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 9/30/2018
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO **please see attached
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO **please see attached
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Kim Oganesyan	Title LPOA
Signature 	Date 6/26/15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *R.H.*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: August 5, 2015 for meeting of August 12, 2015
SUBJECT: Liquor License for Local Authority Consideration

SUMMARY: The Liquor Board is asked to grant a new liquor license for Sauce on the Blue, LLC dba Sauce on the Blue.

BACKGROUND:

A. Sauce on the Blue, LLC dba Sauce on the Blue – New Application for Hotel & Restaurant Liquor License -

The Town of Silverthorne Liquor Authority will consider the new liquor application for Sauce on the Blue. The applicant submitted a completed application on July 1, 2015. The premise was posted on August 3, 2015. The Police Department does not have any issues granting this liquor license. After the restaurant opens, the applicant will have sixty (60) days to come into compliance with the TIPS requirements for their employees. The applicant has submitted a Survey of Needs & Desires, as required by Town Code, for a new liquor license. This application was sent to the State of Colorado for Concurrent review to allow for faster approval. Once the local approval is granted, the Town approval will be forwarded to the State. The license will be held by the Clerk's office until a Certificate of Occupancy is issued by the Building Department.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement division. These fees are submitted with the application materials.

STAFF RECOMMENDATION: Staff recommends approval of the new liquor application. *Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.*

PROPOSED MOTION:

I MOVE TO APPROVE SAUCE ON THE BLUE, LLC DBA SAUCE ON THE BLUE'S NEW APPLICATION FOR HOTEL & RESTAURANT LIQUOR LICENSE.

ATTACHMENTS: Liquor license application and supporting documentation.

MANAGERS COMMENTS:

Colorado Liquor Retail License Application

New License **New-Concurrent** **Transfer of Ownership**

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor
- Local License Fee \$ 1750

1. Applicant is applying as a/an Individual
 Corporation Limited Liability Company
 Partnership (includes Limited Liability and Husband and Wife Partnerships) Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number

SAUCE ON THE BLUE, LLC

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
 SAUCE ON THE BLUE *applied for* 970-977-0290

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
 358 BLUE RIVER PARKWAY

City SILVERTHORNE	County SUMMIT	State CO	ZIP Code 80498
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4. Mailing Address (Number and Street) PO BOX 5953	City or Town DILLON	State CO	ZIP Code 80435
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5. Email Address
 shervindr@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
---	------------------------------	--------------------------	-------------------------

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input type="checkbox"/> Application Fee for New License..... \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50
<input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review.... \$ 700.00	<input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50
<input type="checkbox"/> Application Fee for Transfer..... \$ 600.00	<input type="checkbox"/> Manager Registration - H & R..... \$ 75.00
Section B Liquor License Fees	<input type="checkbox"/> Manager Registration - Tavern..... \$ 75.00
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____	<input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____
<input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____	<input type="checkbox"/> Master File Background\$250.00 X _____ Total _____
<input type="checkbox"/> Arts License (City).....\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Arts License (County)\$308.75	<input type="checkbox"/> Optional Premises License (County)\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (City)\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City)\$500.00
<input type="checkbox"/> Club License (County)\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input checked="" type="checkbox"/> Hotel and Restaurant License (City)\$500.00	<input type="checkbox"/> Retail Liquor Store License (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License (County)\$500.00	<input type="checkbox"/> Retail Liquor Store License (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City)\$600.00	<input type="checkbox"/> Tavern License (City)\$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (County).....\$500.00
	<input type="checkbox"/> Vintners Restaurant License (City)\$750.00
	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$
------------------------	----------------	--	-------------

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
(I)	Applicant Information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority
(II)	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
(III)	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
(IV)	Background Information and financial documents <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (if wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
(VIII)	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing if organized more than two years <input checked="" type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Waiver by local ordinance? or
Other: _____

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. Attachment

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

Landlord	Tenant	Expires
NRC Silver Mountain, LLC	Savage	2025

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted?

Number of additional Optional Premise areas requested. (See license fee chart)

15. Liquor Licensed Drug Store applicants, answer the following:

(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy?

If "yes" a copy of license must be attached.

16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated?

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:

(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

18a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record - DR 8404-I)

Last Name of Manager	First Name of Manager	Date of Birth
Rashid, D	Sherwin	

18b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Type of License	Account Number

19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Sherwin Rashidi	33 Hildoway Dillon Co 80435		owner	100
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20

** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Printed Name and Title	Date
	Sherwin Rashidi	7/1/15

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
7-1-15	8-12-15

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City	<input type="checkbox"/> County
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

**Form 8404. question 11.
more information**

To whom it may concern

I'm the managing partner of Breck One llc, I'm also the person on the liquor lic. I built the restaurant in 2001 and have been the main administer and managing partner since, I own 9.6%.

I'm the Managing Partner of Paisano's 2 llc, same as Breck one, I built it and take care of the administration of the business. Joe Taddeo is on the Liquor Lic and works with in the restaurant.

I'm the founder and sole owner of MSIR, llc, the business runs the Main Street Independent room at the Hyatt in Breckenridge for all Banquets, weddings and Corp events in the room. My Manager Brian Grandeli is on the liquor lic and is the manager on duty.

Call me for questions

Thank you

Shervin Rashidi

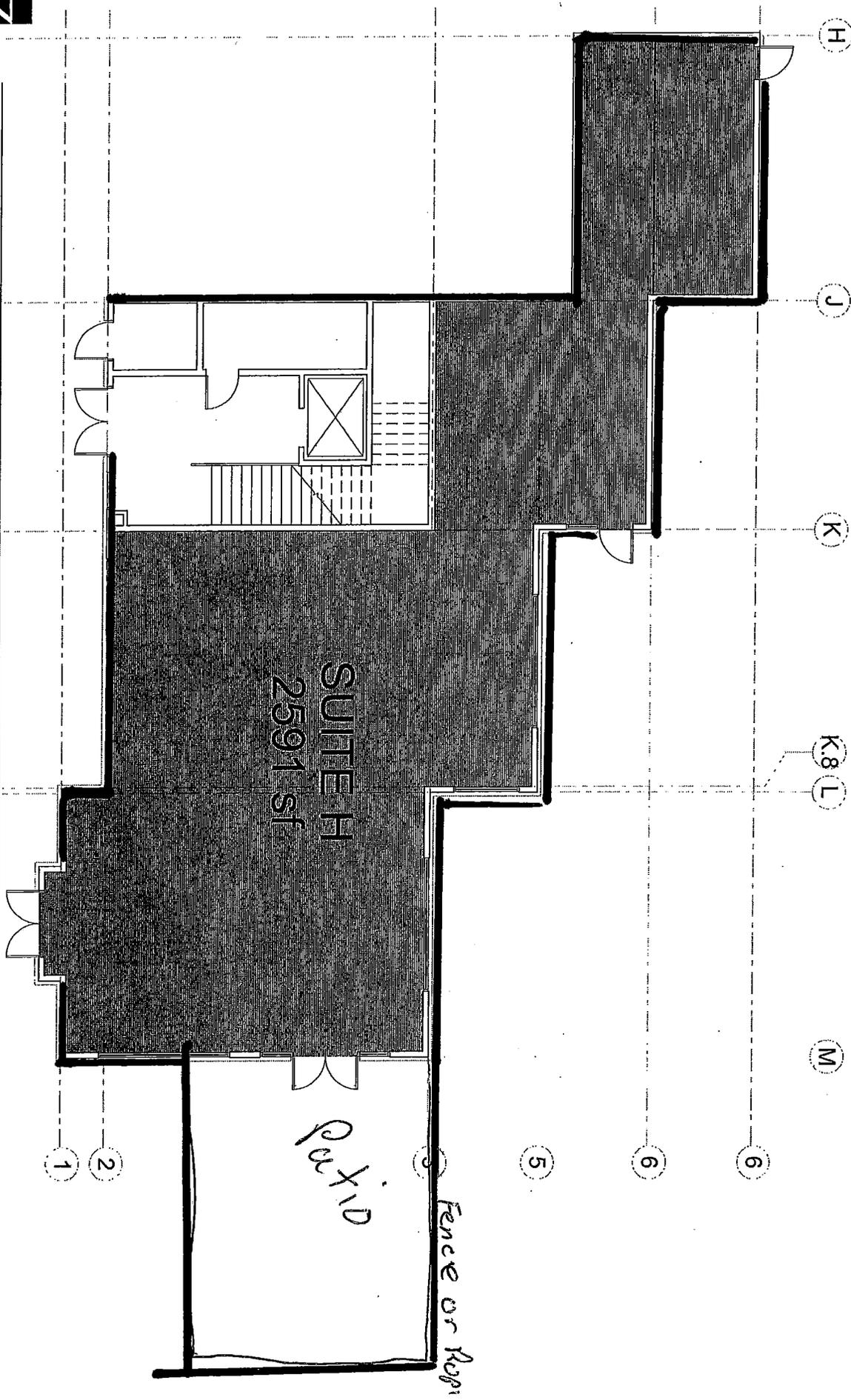
9709770290

DATE 10.23.14

SILVERTHORNE TOWN CENTER

355 Blue River Parkway
Silverthorne, CO

TENANT PLAN
1/8" = 1'-0"



Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <i>Sauce on the Stone</i>		Home Phone Number <i>970-</i>	Cellular Number <i>970</i>	
2. Your Full Name (last, first, middle) <i>Sherwin Rashadi</i>		3. List any other names you have used <i>"Shevy"</i>		
4. Mailing address (if different from residence) <i>PO Box 5953 Dillon CO 80435</i>		Email Address <i>SherwinRashadi@aol.com</i>		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current	<i>33 Hideaway Ct</i>	<i>Dillon CO 80435</i>	<i>2003</i>	<i>Now</i>
Previous				
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
<i>Breck one LLC</i>	<i>Breckenridge</i>	<i>Manager</i>	<i>2003</i>	<i>Now</i>
<i>Paisano's 2 LLC</i>	<i>" "</i>	<i>" "</i>	<i>2004</i>	<i>Now</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
<i>Breck one LLC + Paisano's 2 LLC MSIR, LLC</i>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

0 - 4

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth *01.01* b. Social Security Number _____ c. Place of Birth *Iran, Tehran* d. U.S. Citizen Yes No

e. If _____, state where *NS 1980* f. When _____ g. Name of District Court _____

h. Naturalization Certificate Number _____ i. Date of Certification _____ j. If an Alien, Give Alien's Registration Card Number _____ k. Permanent Residence Card Number _____

l. Height *5'9"* m. Weight *180* n. Hair Color *Black* o. Eye Color *Brown* p. Gender *M* q. Race *W* r. Do you have a current Driver's License/ID? If so, give number and state. Yes No # _____ State *CO*

14. Financial Information.
a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ _____

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ _____
* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
<i>attached.</i>			

d. Provide details of the corporate investment described in 14 b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
<i>Alpine Bank</i>	<i>FRISCO 80483</i>	<i>5 yrs</i>		
<i>Note included</i>				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature *[Signature]* Print Signature *Sherwin Rashidi* Title *Owner* Date *7/1.2015*



Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
 Date and Time: 06/05/2015 03:12 PM
 ID Number: 20151376873
 Document number: 20151376873
 Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Sauce On The Blue Ltd.

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address **1601 Lowell Blvd**
(Street number and name)

Denver **CO** **80204**
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

Mailing address
 (leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) (State) (ZIP/Postal Code)

(Province - if applicable) (Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name
 (if an individual) **Beck** **Richard**
(Last) (First) (Middle) (Suffix)

or
 (if an entity)
(Caution: Do not provide both an individual and an entity name.)

Street address **1601 Lowell Blvd**
(Street number and name)

Denver **CO** **80204**
(City) (State) (ZIP Code)

Mailing address
 (leave blank if same as street address)

1601 Lowell Blvd
(Street number and name or Post Office Box information)

Denver CO 80204
(City) (State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Beck Richard W
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 1601 Lowell Blvd
(Street number and name or Post Office Box information)

Denver CO 80204
(City) (State) (ZIP/Postal Code)
United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in
(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Beck	Richard	W	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
1601 Lowell Blvd			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Denver	CO	80204	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
United States			
<small>(Province – if applicable)</small>	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Sauce On The Blue Ltd.

is a **Limited Liability Company** formed or registered on 06/05/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151376873.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/27/2015 that have been posted, and by documents delivered to this office electronically through 07/28/2015 @ 15:25:26.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/28/2015 @ 15:25:26 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9259812.



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

**TOWN OF SILVERTHORNE, COLORADO
NEW ALCOHOL BEVERAGE LICENSE**

**SURVEY OF NEEDS & DESIRES OF ADULT
RESIDENTS OF THE NEIGHBORHOOD**

An application has been filed with the Town of Silverthorne, Colorado for:

- a new 3.2% beer license
- ✓ a new liquor license

For premises located at 358 Blue River Park
Silverthorne, Colorado.

The applicant for the license is: Sauce on the Blue
Pizza + Pasta

The purpose of this survey is to determine whether the needs and desires of the adult residents of the neighborhood (in this case, within the corporate boundaries of the Town of Silverthorne) support the issuance of the new license.

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppos e
Print Name	Nina Carran	43 Spin Creek	✓	
Signature		Silverthorne		
Date	7/26/2015	80498		
Print Name	Shepherd Lee	1163 Straight Creek	✓	
Signature		Dillon CO 80435		
Date	7-26-15	Mgr Red Buffalo		
Print Name	Mitch Melichar	358 Blue River	✓	
Signature		Mt. Anglers		
Date	7/26/15	Mgr		
Print Name	Michael Crum	358 Blue River Pkwy	✓	
Signature		Silverthorne		
Date	7-26-15	UNIT D		

~~Doree~~
Lisa Carroll

7.27.15

✓
387 Hummingbird Cir
Silverthorne, CO
80498

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at 358 Blue River Hwy Silverthorne CO 80498

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Jennifer Kollar	POB 183, Dillon	X	
Signature	<i>Jennifer Kollar</i>			
Date	7/26/15			
Print Name	Karen Mitchell	2 Polar Ct, Silverthorne	X	
Signature	<i>Karen Mitchell</i>			
Date	7/26/15			
Print Name	Tony Hausler	561 W COVOTE DR SILVERTHORNE	X	
Signature	<i>Tony Hausler</i>			
Date	7-26-15			
Print Name	Beth Bertemes	563 Bighorn Silverthorne	X	
Signature	<i>Beth Bertemes</i>			
Date	7-26-15			
Print Name	Shelly Brandt's	790 E Conate Ct S-THORNE	X	
Signature	<i>Shelly Brandt</i>			
Date	7/27/15			
Print Name	Daniel Gruner	107 James Way Silverthorne	X	
Signature	<i>Daniel Gruner</i>			
Date				
Print Name	Gail Schubert	135 Adams Tr. Silverthorne	X	
Signature	<i>Gail Schubert</i>			
Date	7/25/15			
Print Name	Robert Moulton	971 Mesa Dr Silverthorne, CO 80498	X	
Signature	<i>Robert Moulton</i>			
Date	7/27/15			
Print Name	Matt Weiler	0130 EVERGREEN RD 2063 DILLON CO 80435	X	
Signature	<i>Matt Weiler</i>			
Date	7-27-15			
Print Name	TAL SPOSATO	430 E LARONTE DILLON, CO 80435	X	
Signature	<i>Tal Sposato</i>			
Date	7-27-15			

Natalie Wolfe
Natalie Wolfe
 7/27/15
 Pharmigan
 Silverthorne CO

Debbie Gish
 800
 396 GCR 1012
 Silverthorne, CO

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at 358 Blue River Hwy Silverthorne CO 80498 ?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Rickland Castle	191 W 9th St	X	
Signature	<i>Rickland Castle</i>	Silverthorne Co		
Date	7-26-15			
Print Name	Paula Buech	Box 1041		
Signature	<i>Paula Buech</i>	Brook CO		
Date	7/25/15			
Print Name	LEON LITTEBIRD	118 HILLSIDE	X	
Signature	<i>Leon Littlebird</i>	SILVERTHORNE CO		
Date	7/26/15			
Print Name	KENNETH E. JOHNSON	1315 RAINBOW DR	X	
Signature	<i>Kenneth E. Johnson</i>	SILVERTHORNE		
Date	7/26/15	CO 80498		
Print Name	Heriberto Zuniga	1081 Adams Ave	X	
Signature	<i>Heriberto Zuniga</i>	Silverthorne		
Date	7/26/15	CO 80498		
Print Name	Kevin Bontemps	563 Bighorns Circle	X	
Signature	<i>Kevin Bontemps</i>	Silverthorne CO 80498		
Date	7/26/15			
Print Name	SHAWN HOLMES			
Signature	<i>Shawn Holmes</i>			
Date	7/26/15	420 Resse Rd. Strathmore		
Print Name	ROBERTA NICHOLS	555 Kestrel Ln.		
Signature	<i>Roberta Nichols</i>	SILVERTHORNE, CO 80498		
Date	07.26.15			
Print Name	STEVEN M. WALKER	51 REDTAIL CT.		
Signature	<i>Steven M. Walker</i>	DILLON, CO. 80435	✓	
Date	07/26/2015			
Print Name	SUZANNE BROWER	Blue River Pkwy	X	
Signature	<i>Suzanne Brower</i>	Silverthorne, CO 80498		
	7/27/15			

AFFIDAVIT OF CIRCULATOR

I, Sherwin Rashidi, hereby certify that I circulated the foregoing Survey, that I personally witnessed each person sign their name thereon and that to the best of my knowledge, information and belief, each such signature is that of the person represented.

Signature: _____

[Handwritten Signature]

Print Name: _____

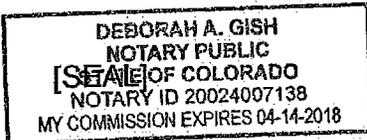
Sherwin Rashidi

STATE OF COLORADO)

COUNTY OF Summit)

) s.s.
)

Subscribed and sworn to by me this 27 day of July, 2015 by Sherwin Rashidi



[Handwritten Signature]

Notary Public

My Commission expires: 4/14/18

Mlk/liquor/Needs&DesiresSurveyform.

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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: August 6, 2015, for meeting of August 12, 2015
SUBJECT: Preliminary PUD for Foxfield Townhomes, located on the southeast corner of Bald Eagle Road and HWY 9

SUMMARY: The applicant is requesting approval of a Preliminary PUD to create one Planning Areas, which would allow up to 25 residential dwelling units. The PUD Guide lists standards for uses, density, setbacks, lot coverage, height, and parking.

BACKGROUND: In March of 2009, the applicant proposed a Sketch PUD, which included 32 residential dwelling units on the 3.3 acre unsubdivided parcel. The Sketch PUD went before Planning Commission, but the application was withdrawn prior to Planning Commission making a motion. In June of 2010, the applicant purchased Lot 4, The Ponds at Blue River, and is now proposing a PUD that encompasses both properties.

In August of 2010, Planning Commission and Town Council held worksessions with the applicant to provide input on the uses and density for the site. On April 19, 2011, Planning Commission recommended denial of the Fox Crossing Preliminary PUD, which proposed 32 units of density on 4.19 acres. The application was heard by Town Council on April 27, 2011, but it was withdrawn prior to Town Council making a motion.

In August of 2011, the applicant submitted the revised Reserve at Fox Crossing Preliminary PUD, which proposed 24 units on the combined 4.19 acres. Planning Commission recommended denial of the application on December 6, 2011. Town Council denied the proposal on December 14, 2011, by a vote of 5-1.

On October of 2012, a revised application was submitted for 20 units on the combined 4.19 acres. The application never moved beyond the referral agency comment phase, and expired on April 23, 2013.

PREVIOUS COUNCIL ACTION – EAGLES NEST: The Eagles Nest property was annexed into the Town in 1980, and was planned as a phased, mixed-use, residential, recreational and commercial/office resort community consisting of 1,059 acres. The original developer, Centron, proposed the development of the property in five phases over an estimated 10-year period. The Eagles Nest PUD Plan and Guide was approved in 1984. Since that time, Town Council has approved four amendments to the original Development Plan Agreement for Eagles Nest, resulting in revisions to the land dedications, reductions in the density, and clarifications regarding water rights and ownerships.

PREVIOUS COUNCIL ACTION – THE PONDS: In March of 1999, the maximum density for the Ponds at Blue River was established by the Third Amendment to the Development

Agreement for Eagles Nest at 220 residential dwelling units and 59,600 square feet of commercial space on the 60 acre property.

On June 23, 1999, Town Council approved the Final Plat, Final PUD, and Disturbance Permit Application for the Ponds at Blue River. The Plat/PUD created 4 residential lots, 1 commercial lot, and 5 tracts designated for open space. Lots 1-3 were allocated 84 residential units, Lot 4 was designated for commercial use, and Lot 5 was allocated a maximum of 50 residential units of density. The remainder of the property was dedicated as Open Space. On October 23, 2013, Town Council approved a Minor Subdivision, Final Site Plan, and Disturbance Permit Application for "Silver Trout Estates", which proposed 31 multi-family units on Lot 5. That approval expired on July 23, 2014, due to inactivity.

DISCUSSION: Staff finds that the Preliminary PUD meets some of the goals and polices set forth in the Comprehensive Plan related to use. However, in order to address the remaining policies of the Comprehensive Plan, the density of the development must be compatible with surrounding developments, pedestrian connections must be provided, water quality resources must be preserved, and negative noise impacts must be adequately mitigated.

Staff finds that the proposed PUD is not consistent with Chapter 4 of the Town Code because the applicant has not adequately justified the proposed density in terms of land planning and physiographic data, as required by Section 4-4-14.c.1. At a proposed density of 5.97 units per acre, the PUD is well above the average density of the surrounding subdivisions, which is 3.75 units per acre. The density level is, therefore, incompatible with that of adjacent subdivisions. In addition, all residential density that was allocated to the Blue River Land Company, the previous owner of the unsubdivided 3.3 acre parcel, has been utilized and/or lost. All residential density that was allocated to Western Skies, the previous owner of Lot 4, the Ponds at Blue River Subdivision, has been utilized and/or lost. Therefore, all residential density has been relinquished.

PLANNING COMMISSION RECOMMENDATION: On August 4, 2015, by a vote of 4-2, Planning Commission voted to recommend DENIAL of the Foxfield Townhomes Preliminary PUD, based on the following finding:

- 1) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. The proposed density of 25 units on 4.19 acres (5.97 units per acre) is not consistent or compatible with surrounding subdivisions, which have an average gross density of 3.75 units per acre. As such, the proposed density is proportionately out of scale, exceeding the densities of surrounding subdivisions by an unacceptable quantity.

Suggested Motion: "I move to deny the Foxfield Townhomes Preliminary PUD for the reasons set forth in the Staff report dated August 6, 2015, and based on the Planning Commission recommended finding."

ATTACHMENTS: Staff Report and Exhibits

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Lina Maria Lesmes, AICP, Senior Planner *LML*

Through: Mark Leidal, AICP, Assistant Town Manager *ML*

Date: August 6, 2015, for meeting of August 12, 2015

Subject: The Foxfield Townhomes Preliminary PUD (PT 20)

Owner: Silverthorne 3.5, LLP

Applicant/Agent: Arapahoe Architects – Bobby Craig

Proposal: The applicant is proposing a Preliminary Planned Unit Development (PUD) consisting of a residential planning area. The PUD would allow up to 25 residential dwelling units. *(Please see the attached exhibits for further information.)*

Address: S.E. Corner of HWY 9 and Bald Eagle Road

Legal Description: Unplatted parcel – SW ¼, S36, T4S, R78W – and Lot 4, The Ponds at Blue River Subdivision

Site Area: 182,952 square feet or 4.19 acres

Zone District: Eagles Nest PUD and Ponds at Blue River PUD

Site Conditions: The site is currently undeveloped and contains minimal vegetation. There are wetlands on the north and south ends of the property. Lot 4, the Ponds, contains a pile of dirt.

Adjacent Uses:

North:	Bald Eagle Road and North Pond Park
South:	Blue River Run Subdivision
East:	The Ponds at Blue River Subdivision
West:	HWY 9

Height:

Existing:	35 feet
Proposed:	35 feet

Lot Coverage:

Existing:	60%
Proposed:	30%

Setbacks:

Existing:	Front: 35-50	Proposed:	HWY 9: 50 feet
	Side: 0-30		Bald Eagle: 35 feet
			All others: 20 feet

PREVIOUS COUNCIL ACTION – EAGLES NEST: The Eagles Nest property was annexed into the Town in 1980, and was planned as a residential, recreational, and commercial/office resort community consisting of 1,059 acres. The original developer, Centron, proposed the development of the property in five phases over an estimated 10-year period. The Eagles Nest PUD Plan and Guide was approved in 1984.

In 1982, the Town entered into the original Development Plan Agreement, which established the density for Eagles Nest on both sides of Highway 9. The Town agreed to allow a maximum of 1,725 residential units, as well as a 6-story hotel, condominium buildings, recreation facilities, and a 10-acre commercial site. The original Development Plan Agreement contemplated high density development on the east side of Highway 9 along the river and lakes, and low density development surrounding a golf course on the west side. The Eagles Nest PUD Plan and Guide provided additional details on the zoning and design for the property.

Phase I of the Development Plan was approved in 1983, and was allocated 414 units of density. Today, Phase I is commonly known as the “Old Eagles Nest”, located on the west side of Highway 9. In 1986, the Town approved, at the Preliminary level, Eagles Nest Phase II, which contained multi-family residential, a hotel/convention center, and 10 acres of commercial, all on the East side of Highway 9, where the subject property is located. No further action was taken to implement the 1986 Phase II approval.

Between 1986 and 1995, portions of the property changed ownership, and the Town and developers began having differences regarding uses, water rights, land dedications, utilities, and other amenities. The First Amendment to the Development Agreement, approved in January of 1995, deleted the requirement that the owner provide on-site recreational amenities, and instead required that land dedications be provided to the Town. In August of 1995, the Town entered into a Second Amendment to Development Agreement, which permitted the property owner to relinquish reimbursement rights to pre-paid sewer taps, as a trade for the Town’s payment of unpaid taxes on dedicated lands.

In 1998, the Town passed a moratorium ordinance in order to resolve outstanding issues related to divided ownership, land dedications, water rights, and density. At that time, there were still 835 acres of the original Eagles Nest property that were unplatted and undeveloped. The Third Amendment to the Development Agreement was approved in March of 1999, and constituted a major amendment to a portion of the Eagles Nest PUD. Land dedications were finalized at 129 acres, and density allocations were established as follows:

- Western Skies Property (The Ponds) – Permitted density was not to exceed 220 multi-family residential units (50 units east of the Blue River and 170 west of the Blue River), and a maximum of 59,600 square feet of commercial space.
- Blue River Land Company Property (present day Three Peaks and unsubdivided 3 acre parcel) – Permitted density was not to exceed 584 residential dwelling units, a golf course and a club house, on the west side of Highway 9, and an approximately

three acre parcel on the east side of HWY 9 designated for commercial use.

The Third Amendment also addressed unresolved issues related to water rights, master planning, and the relationship to the Eagles Nest metro district.

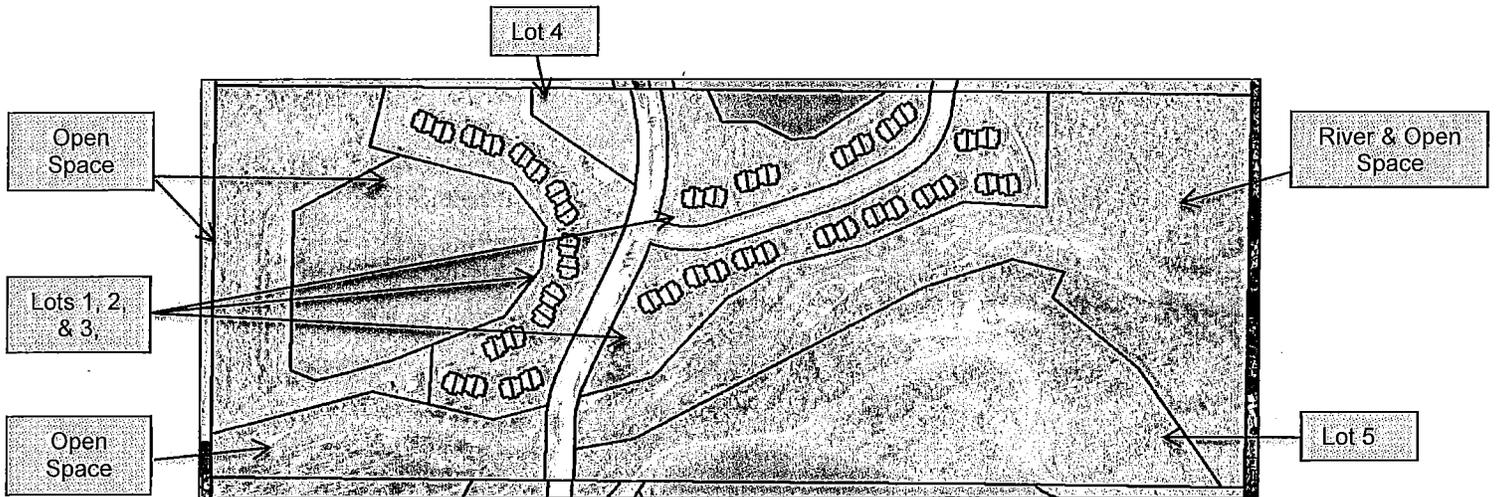
Finally, in May of 2007, the Town approved the Fourth Amendment to the Development Agreement. That Amendment established the density and water allocations for Angler Mountain Ranch. The remaining 507 units of density were assigned to this property. It had been noted, in the evaluations of the density for Eagle's Nest, that any density not utilized in the platting of the properties would be lost.



PREVIOUS COUNCIL ACTION – THE PONDS: The 60 acres presently known as the Ponds at Blue River Subdivision were owned by Western Skies Associates. The property was originally zoned as part of the Eagles Nest PUD, and was intended for multi-family residential development at a density of 8-10 dwelling units per acre, and a commercial component. In March of 1999, the maximum density for the property was established by the Third Amendment to the Development Agreement for Eagles Nest at 220 residential dwelling units and 59,600 square feet of commercial space.

On June 23, 1999, Town Council approved the Final Plat, Final PUD, and Disturbance Permit Application for the Ponds at Blue River. The Plat/PUD created 4 residential lots, 1 commercial lot, and 5 tracts designated for open space (See map on the following page). All residential development located west of the Blue River was slated for Lots 1, 2, and 3, with a maximum of 84 multi-family units in 21 buildings. Lot 4 was designated for commercial use, the conceptual site plan for which envisioned approximately 6,500 square feet of commercial space built in conjunction with the unsubdivided 3 acre parcel to the west. Lot 5 was allocated a maximum of 50 residential units of density. On October 23, 2013, Town Council approved a Minor Subdivision, Final Site Plan, and

Disturbance Permit Application for "Silver Trout Estates", which proposed 31 multi-family units on Lot 5. That approval expired on July 23, 2014, due to inactivity.



BACKGROUND: In July of 2007, Silverthorne 3.5, LLP purchased the 3.2-acre, triangular property at the corner of HWY 9 and Bald Eagle Road. The property was previously owned by Blue River Land Company, and designated for commercial use. In March of 2009, the applicant proposed a Sketch PUD, which proposed a residential project with 32 multi-family units, 8 of which were deed restricted. The Sketch PUD went before Planning Commission, but the application was withdrawn prior to Planning Commission making a motion. Upon hearing concerns regarding density, use, and the relationship to Lot 4, The Ponds at Blue River, the applicant chose to rethink the proposal and return for a more comprehensive discussion with the Town at a later date.

In June of 2010, the applicant purchased Lot 4, The Ponds at Blue River, and is now proposing a PUD that encompasses both properties, for a total of 4.19 acres. Lot 4 was previously owned by Western Skies Associates, and designated for commercial use. The purchase of the property was a key step in addressing a plat note on the plat for the Ponds at Blue River Subdivision, which states, "any proposed commercial use(s) on Lot 4 shall be integrated with and submitted together as a consolidated site plan with proposed development on the property immediately adjacent to the west."

In August of 2010, Planning Commission and Town Council held worksessions with the applicant to provide input on the uses and density for the site. On April 19, 2011, Planning Commission recommended denial of the Fox Crossing Preliminary PUD, which proposed 32 units of density on 4.19 acres. The application was heard by Town Council on April 27, 2011, but it was withdrawn prior to Town Council making a motion.

In August of 2011, the applicant submitted the revised Reserve at Fox Crossing Preliminary PUD, which proposed 24 units on the combined 4.19 acres. Planning Commission recommended denial of the application on December 6, 2011. Town Council denied the proposal on December 14, 2011, by a vote of 5-1.

On October of 2012, a revised application was submitted for 20 units on the combined

4.19 acres. The application never moved beyond the referral agency comment phase, and expired on April 23, 2013.

STAFF COMMENTS: PUDs are reviewed by Planning Commission and Town Council at the Preliminary and Final levels. A PUD may be approved if it complies with Section 4-4-14.f, which requires general conformity with the Comprehensive Plan, and consistency with Chapter 4 of the Town Code. In addition, compliance with Section 4-4-14.c. is required regarding density, yard, and height requirements.

Comprehensive Plan Analysis: Staff finds that the following Comprehensive Plan Policies guide the Preliminary PUD proposal.

Policy LU 1.1 – Encourage a logical pattern of development, in which the highest density and intensity is found in the Town Core and Gateway commercial districts; radiating outward to Periphery, Business Park, and Destination Commercial districts; eventually to lower density residential development on the northern and eastern edges of Town.

Policy LU 1.3 – Promote compatibility of land uses throughout Silverthorne’s built environment to establish a logical, cohesive development pattern.

Policy LU 1.9 – Utilize sound land use planning principles when considering re-zonings and density increases in order to manage growth, ensure compatibility with surrounding developments, contain the urban form, protect environmental resources, and account for fiscal impacts.

Policy LU 3.1 – Focus highest density residential development within and radiating outward from Silverthorne’s Town Core, transitioning to medium and lower density neighborhoods to the north and east, eventually promoting a buffer of the lowest density, largest lot residential areas abutting the private agricultural and public lands that surround the Town.

Policy LU 3.3 – Connect Silverthorne’s neighborhoods to commercial districts to the greatest extent possible through multi-modal transportation options and concurrent with the Parks, Open Space, and Trails Master Plan.

Policy LU 3.4 – Foster diversity and flexibility in housing types.

Policy LU 3.8 – Avoid heavy through traffic, conflicting land uses, and other encroachments in low-density residential neighborhoods.

Policy LU 5.4 – Encourage new developments to leave existing vegetation intact, to the greatest extent possible, to preserve water quality, prevent erosion, and protect the visual appeal of mature natural settings.

The Comprehensive Plan encourages a transition from high density residential development within the Town Core to medium and lower density in neighborhoods as distance increases from the Town Core. In addition, the Comprehensive Plan supports land use principles that ensure compatibility with surrounding developments when considering re-zonings and density increases. Furthermore, Planning Commission and Town Council have indicated in previous meetings that residential development at a

density compatible with adjacent developments is appropriate on the subject property. In order to address the policies of the Comprehensive Plan, the density of the development must be compatible with surrounding developments, pedestrian connections must be provided, water quality resources must be preserved, and negative noise impacts must be adequately mitigated.

Zoning/Land Use: The proposed PUD consists of a PUD Plan and PUD Guide (See Exhibits B and C). The purpose of the PUD zoning designation is to encourage flexibility, creativity, and innovative approaches to the development of land, as well as to preserve natural features. The Foxfield Townhomes PUD proposes one multi-family residential Planning Area, covering the entire 4.19 acres. The development standards for the Planning Area are described in detail in the PUD Guide.

Relationship to Eagles Nest: Although the proposed PUD would be separate from the Eagle's Nest PUD, the development will be governed by the Eagle's Nest HOA, and will, therefore, be subject to the Eagle's Nest Covenants, Bylaws, and Design Guidelines.

Use – The 3.22-acre triangular property is part of the 10-acre area in the Eagles Nest PUD, which was designated for a Commercial Center. Per the Eagles Nest Design Guidelines, Section 5, a neighborhood-scale Commercial Center was envisioned at the entry to the Eagles Nest development located East of Highway 9, which might have a secondary residential component. To that effect, the Eagles Nest Design Guidelines permits 32 small-scale retail uses for this site, 12 service uses, 10 recreation uses, as well as apartments and condominiums.

Similarly, the Plat/PUD for the Ponds at Blue River Subdivision, lists 8 small retail uses and 6 service uses as permitted uses for Lot 4. Although the Third Amendment to the Development Agreement allocated a maximum of 59,600 square feet of commercial space on the Western Skies Associates property, that amount of commercial space is likely unachievable, and a 1999 conceptual site plan for the property depicted a single building with 6,500 square feet of commercial space on Lot 4.

The applicant is proposing a PUD that permits only multi-family residential buildings on the combined 4.19 acres. Figure 2.2 of the PUD Guide lists multi-family apartment, condominium, townhome, or duplex buildings as the permitted uses for the property. All commercial uses are proposed to be eliminated, as the applicant finds that commercial uses in this location are no longer viable or desired. Given that the Eagles Nest Design Guidelines were approved three decades ago, with a vision for this part of Town that may no longer be applicable, Staff finds that multi-family residential uses are appropriate and compatible with surrounding development.

Density – The Town shall use the underlying zoning as a guide to suggest the density of a new PUD. The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data (physical geography information).

The original Development Plan Agreement limited the density for the entirety of Eagles

Nest to 1,725 dwelling units. In 1994, The Town Attorney evaluated the allowed density in Eagles Nest as development progressed, and reached the following conclusions:

- *Transfers of residential density are subject to the Town’s approval.*
- *Nothing in the Development Plan Agreement provides or allows the final filing within Eagles Nest to utilize the entire amount of unused remaining density. Unused density may not be transferred to other properties outside of the Eagles Nest Development. To the degree that unused density is not used on Eagles Nest Property, such unused density is lost and not compensable.*

Density allocations in Eagle’s Nest have been utilized as follows:

Original Density for entire Eagle’s Nest: 1,725				
Development	Original Owner	Density (total dwelling units)		
		Zoned	Platted	Relinquished/Lost
“Old” Eagles Nest	Centron	414	372	-42
The Ponds	Western Skies	220	134	-86
Eagles Nest Golf Course	Blue River Land Co.	584	329	-255
Angler Mountain Ranch	Centron	507	232	-275
Totals		1,725	1,067	-658
			Available Density	0

The Foxfield Townhomes PUD is located on portions of the former Blue River Land Company and Western Skies properties. As indicated in the table above, all residential density for those properties has been relinquished and “lost” in the platting process. Both of the properties in question were contemplated to have commercial uses, and were, therefore, never assigned or transferred density. In addition, every stage of the development of Eagle’s Nest, has effectuated a “downzoning” in terms of density. It appears contradictory to begin upzoning properties and creating density at this point.

Because the underlying zoning cannot be used as a guide to suggest the density of a new PUD, the applicant is responsible for justifying the proposed density (See Exhibit B). Staff finds that any approved density on the property should be similar in scale (in units per acre), to the adjacent subdivisions. In addition, any evaluation of density for the subject properties should take into consideration the proximity to HWY 9, and its associated noise impacts, as well as the preservation of the wetlands on the property.

Definition - Section 4-2-1, provides the following definition for density:

Density means the average number of dwelling units per acre, except all areas utilized for public rights-of-way.

Staff interprets the word ‘average’ to mean density that is allocated over an entire parcel or gross area of a project, rather than density within individual ‘pockets’ or subareas that

may be created to cluster development and preserve environmentally sensitive areas.

Average Densities of Surrounding Subdivisions – The surrounding subdivisions were zoned for the following maximum densities. (Staff Note: Eagles Nest, Filing 3, includes the Aspens at Eagles Nest and Valley Green Condos, Building 2).

The Ponds Subdivision (inc. Lot 5)	3.66 u/acre	}	Avg: 3.75
Angler Mountain Ranch	2.64 u/acre		
Eagles Nest Filing 3	4.95 u/acre		
Proposed Foxfield THMS	5.97 u/acre		

Example – The Ponds: The Western Skies property (the Ponds) was originally allocated 220 units of residential density on 60 acres. $220 \div 60 = 3.66$ u/a

As those subdivisions were further planned and subdivided, densities have decreased. The following provides additional information regarding the platted densities of surrounding areas:

The Ponds Subdivision (inc. Lot 5)	2.23 u/acre	}	Avg: 2.17
Angler Mountain Ranch	1.21 u/acre		
Eagles Nest Filing 3	3.08 u/acre		
Proposed Foxfield THMS	5.97 u/acre		

Example – The Ponds: With the PUD/Plat for the Ponds, a maximum density of 134 units was approved. $134 \div 60 = 2.23$ u/a

The applicant has requested that the Town provide a comparison based on **net** densities. Net density refers to the density of a subdivision, excluding parcels that are designated as open space or environmentally-sensitive areas. A net density comparison does not reflect the density of the entire PUD, but the density of the clustered areas. A net density comparison also does not take into consideration the definition for density in the Town Code. Nonetheless, a comparison of net density is provided below:

The Ponds Subdivision		}	Avg: 4.95
Lot 1, 2, 3	6.06 u/acre		
Lot 5	4.12 u/acre		
Angler Mountain Ranch			
Planning Area 2 (Multi-family)	4.25 u/acre		
Planning Areas 3-5 (SF)	1.56 u/acre		
Aspens at Eagles Nest	2.89 u/acre		
Valley Green Condos, Bldg. 2	10.81 u/acre		
Proposed Foxfield THMS	6.79 u/acre*		

*Staff Note: Based on the Wetland Delineation attached as Exhibit C, there are 0.51 acres of wetlands on the property (not including the required buffer zone around wetlands). That acreage is subtracted from 4.19 acres, resulting in a net area of 3.68 acres.

Example – The Ponds: Lots 1, 2, and 3 of the Ponds total 13.89 acres, and 84 units were permitted on the combined lots. $84 \div 13.89 = 6.06$ u/a. With the Subdivision of the Ponds, 30 acres were dedicated for Open Space.

Based on the average densities of adjacent subdivisions, Staff finds that the proposed density for the Foxfield Townhomes PUD is not compatible with surrounding subdivisions, and should be reduced to be closer in scale to the density of adjacent developments. Staff recommends that the density, as zoned, not exceed the average of the surrounding subdivisions, noted above as 3.75 units per acre.

Yard Requirements – The applicant shall be responsible for justifying the proposed yard requirements in terms of land planning, physiographic data, and fire safety.

The setback requirements for the Commercial Center in the Eagles Nest Design Guidelines are a 35-foot front setback from Bald Eagle Road, and a 0-30 foot side setback, depending on the compatibility of land uses. The Ponds at Blue River requires a 20-foot front setback, a 10-foot side setback, a 20-foot rear setback, and a minimum of 20 feet between buildings. The Foxfield Townhomes PUD proposes a 50-foot setbacks from the HWY 9 ROW, a 35-foot setback from the Bald Eagle Road ROW, and 20 foot setbacks from all other property lines to the foundation wall of buildings. Staff Note: The edge of the ROW is the same as the property line.

Section 4-6-2.m.(1).b, Noise, states *“Every use shall be within a reasonable noise level for the place and time of day or evening.”* As part of the review for the project in 2011, Staff requested a Traffic Noise Assessment due to the proximity of the project to HWY 9 (See Exhibit G). The Traffic Noise Assessment measured hourly average traffic noise levels at a distance 75 and 150 feet from the edge of pavement of HWY 9. As shown in Figure 2 of the Assessment, EDI estimated that noise impacts would reach 65 dB at distances 75 feet from the edge of pavement of HWY 9. Per Staff calculations, the western property line is approximately 17 feet from the edge of pavement of HWY 9.

In March of 2011, CDOT commented on the results of the Noise Assessment, and suggested that the development be built 160 feet from the edge of pavement, or that the developer build a berm or barrier to mitigate the traffic noise impacts. CDOT also noted that the project should consider double and/or triple pane windows, detachable garages, or other barriers between the noise source and areas of frequent human use. In response to these comments, the applicant has proposed a 50-foot setback from the HWY 9 right-of-way (approximately 67 feet from the edge of pavement of the deceleration lane).

Staff finds that the 50-foot setback from HWY 9 is acceptable in conjunction with the noise mitigation measures recommended by CDOT. Traffic Noise Mitigation is addressed in Section 4.7 of the PUD Guide, and includes a landscape berm and requirements for double pane windows, but does not address the other recommendations noted by CDOT. Additional noise mitigation measures may be required.

Staff finds that all other proposed yard setbacks are consistent with standards found in other residential zone districts.

Height Requirements – The maximum height of a PUD must be reviewed in relation to the site's geographical position, the probable effect on surrounding hills, any adverse visual effects upon adjoining property owners, and surrounding traffic conditions and lines of sight.

The site slopes downward to the north and becomes a large steep fill bank along Bald Eagle Road. There is a large pile of fill/dirt on Lot 4, the Ponds. The building height maximum imposed by both the Eagles Nest Design Guidelines and the Ponds PUD is 35 feet. The Foxfield Townhomes PUD proposes a building height of 35 feet, which is identical to surrounding developments. This building height would be measured from the average natural grade, and would not be affected by the man-made hill on Lot 4.

Staff finds that the proposed height is appropriate, complementary to that of adjacent subdivisions, and will not have any adverse visual effects on surrounding property owners, surrounding traffic, or surrounding hills.

Wetlands: Based on a Wetland Delineation conducted in 2014, the parcel contains jurisdictional (regulated under Section 404 of the Clean Water Act) wetland areas on the southern and northern edges of the site. The jurisdictional wetlands are divided into two distinct areas, covering approximately 0.5 acres. A 25-foot no disturbance buffer from these wetlands will be required with any site plan proposal.

In addition, there is an irrigation ditch in the center of the property that runs east-west. In 2008, the applicant requested that the irrigation ditch be considered non-jurisdictional by the US Army Corps of Engineers. The Army Corps of Engineers determined that the irrigation ditch was non-jurisdictional, and therefore, does not require a 404-permit for disturbance. However, further evaluation of the irrigation ditch, including its hydrology, and all impacts associated with filling it, is necessary. In addition, should the irrigation ditch meet the Town's definition for 'Wetland Area', a Disturbance Permit will be required as part of the Site Plan review.

Water Rights: Prior to the Third Amendment to the Development Agreement, Blue River Land Company had a credit of 18.77 acre feet of water rights with Silverthorne, and with the Amendment chose to convey another 53.17 acre feet to Silverthorne for municipal uses associated with the Blue River Land Company property. With the Third Amendment, Blue River Land Company also authorized Silverthorne to apply 6.07 acre feet of its credit for the development of the Western Skies properties. With the Fourth Amendment, Blue River Land Company authorized Silverthorne to apply 15.77 acre-feet of consumptive use out of its credit with the Town for the Angler Mountain Ranch development.

According to a 2008 evaluation by Mark Wagner, Water Rights Attorney with Hill and Robbins, *"as long as the water requirements for Fox Crossing development do not*

exceed the balance of consumptive use and diversion capacity remaining...Silverthorne can request that Blue River make such an allocation for Fox Crossing water requirement under the terms of the Third and the Fourth Amendments”.

Staff requested that a Water Demand Analysis be submitted calculating the water requirements for both a residential and a commercial development on this property. Based on that analysis, prepared by BBA Water Consultants in December of 2008, *“the estimated consumptive use of the residential scenario is estimated to be 0.96 acre-feet per year.”* This analysis was completed based on EQRs for 32 multi-family units on the 3.3 acre, triangular property.

It is unclear at this point whether there are enough credits in the bank for Blue River Land Company for the proposed development, or whether new conveyances are necessary. Once the use, density, and exact water demand are determined for the property, the Town will submit a letter to the Blue River Land Company requesting the approval of the use of portions of the previously conveyed water rights for the development of the subject property.

PUD Guide – Section 4-4-14(d) requires that all PUDs shall submit a development guide that establishes the standards, variations, and requirements for the development. The PUD Guide for the Foxfield Townhomes PUD is attached as Exhibit B.

Pedestrian Connection – In accordance with the Comprehensive Plan, the applicant will be required to install a 6-foot wide pedestrian sidewalk along the length of the property, adjacent to Bald Eagle Road. Additional details will be required with the review of a Final PUD or Site Plan application.

Affordable Housing – The proposed Preliminary PUD does not provide any deed restricted, workforce housing units.

Fiscal Impact Analysis – A Fiscal Impact Analysis, prepared by BBC Research and Consulting in October of 2011, was submitted with a previous version of the proposed PUD. The Fiscal Impact Analysis notes that the addition of 24 units will have a marginal effect on the Town’s resources. An updated Fiscal Impact Analysis will be required with the submittal of a Final PUD or Site Plan application for the project.

PLANNING COMMISSION RECOMMENDATION: On August 4, 2015, by a vote of 4-2, Planning Commission voted to recommend DENIAL of the Foxfield Townhomes Preliminary PUD, based on the following finding:

- 1) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. The proposed density of 25 units on 4.19 acres (5.97 units per acre) is not consistent or compatible with surrounding subdivisions, which have an average gross density of 3.75 units per acre. As such, the proposed density is proportionately out of scale, exceeding the densities of surrounding subdivisions by an unacceptable quantity.

Suggested Motion: "I move to deny the Foxfield Townhomes Preliminary PUD for the reasons set forth in the Staff report dated August 6, 2015, and based on the Planning Commission recommended finding."

ADDITIONAL FINDING: The Community Development Department recommends DENIAL of the Foxfield Townhomes Preliminary PUD, based on the following findings:

- 1) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. All residential density that was allocated to the Blue River Land Company, the previous owner of the unsubdivided 3.3 acre parcel, has been utilized and/or lost. All residential density that was allocated to Western Skies, the previous owner of Lot 4, the Ponds at Blue River Subdivision, has been utilized and/or lost. Therefore, all residential density has been relinquished.
- 2) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. The proposed density of 25 units on 4.19 acres (5.97 units per acre) is not consistent or compatible with surrounding subdivisions, which have an average gross density of 3.75 units per acre. As such, the proposed density is proportionately out of scale, exceeding the densities of surrounding subdivisions by an unacceptable quantity.

Suggested Motion: "I move to deny the Foxfield Townhomes Preliminary PUD for the reasons set forth in the Staff report dated August 6, 2015, and based on the Staff recommended findings."

ALTERNATIVE MOTION: Should the Town Council find that the criteria for approval of a Preliminary PUD are met, Staff recommends the following motion:

Suggested Motion: "I move to approve the Foxfield Townhomes Preliminary PUD."

EXHIBITS:

- Exhibit A: Project narrative
- Exhibit B: PUD Guide
- Exhibit C: PUD plan
- Exhibit D: Comments from the Town Engineer
- Exhibit E: Comments from the Utilities Department
- Exhibit F: Comments from the US Army Corps of Engineers
- Exhibit G: Traffic Noise Assessment, dated February 28, 2011
- Exhibit H: Letter from Silverthorne 3.5 LLP, dated July 28, 2015
- Exhibit I: Letter from Ten Mile Engineering, dated July 12, 2015
- Exhibit J: Letter from the Eagles Nest HOA, dated July 29, 2015
- Exhibit K: Letter from the Ponds at Blue River HOA, dated July 29, 2015
- Exhibit L: Additional Information submitted by applicant on July 30, 2015
- Exhibit M: Public Comments letters and emails

The Foxfield Townhomes

PUD

PUD NARRATIVE

July 16, 2015

Applicant:
Silverthorne 3.5, LLP

SUMMARY

The Foxfield Townhomes combines Lot 4, The Ponds at Blue River, with The Eagles Nest Commercial Tract. The combined parcel is +/- 4.19 acres and will be accessed off of Bald Eagle Drive. All existing commercial uses will be eliminated, and only residential uses will be allowed.

The Project objectives are the following:

1. Add townhomes and duplexes to the current allowed apartment and condominium residential uses.
2. Eliminate all existing commercial uses.
3. Establish a residential density limit.
4. Provide guidelines to develop a residential neighborhood that is compatible with the surrounding community.
5. Provide a transition and buffer between Highway 9 and the existing residential development to the east.
6. Remove the man-made pile of soil on Lot 4 and the ditch on the Commercial Tract, returning the existing grade to its pre-disturbance natural elevations.

SITE CHARACTERISTICS

The existing site is an open field with a gentle slope of less than 10% from south to north. It is bound on the west by Highway 9, the north by Bald Eagle Road, and on the east by Lot 3 of The Ponds. An abandoned ditch with some trees and bushes runs along the western edge and turns through the center of the property. Wetlands occur at the southern tip, and an isolated wetland is at the northwest corner. There is a large pile of soil on Lot 4.

LAND USE

Lot 4 currently only allows commercial uses. The Commercial Tract currently allows commercial uses and includes residential apartments and condos. We propose to eliminate all commercial uses. Townhomes and duplexes will be added to the allowed apartments and condos. Open Space and low impact recreational uses such as a trail and play area will also be allowed.

DENSITY

Lot 4 currently allows 59,600 sq. ft. of commercial. The Commercial Tract does not currently have a limit on commercial square footage or residential density, either number of units or square footage. We propose a residential density limit of 6 DU/AC, or 25 units on the 4.19 acres. The maximum unit size is 2,500 sq. ft. finished, for a total maximum finished area of 50,000 sq. ft. The adjacent properties, Western Skies, now The Ponds, and Eagles Nest, now the Aspens at Eagles Nest, allowed multi-family residential at 8 – 10 DU/AC under the original Eagles Nest PUD.

The Ponds were ultimately developed with 84 units on the 13.85 acres of developable land for a net density of 6.06 DU/AC. By reducing our density to 25 units, we are at a net density of 5.96 DU/AC and are compatible with, and less than, the adjacent properties.

DENSITY CHART

Proposed Density for Foxfield:

	ACRES	UNITS	UNITS/ACRE
FOXFIELD	4.19	25	5.96

Existing Density for The Ponds at Blue River:

	ACRES	UNITS	UNITS/ACRE
PONDS - LOT 1	4.963	32	6.44
PONDS - LOT 2	3.136	16	5.1
PONDS - LOT 3	5.756	36	6.25
TOTAL	13.855	84	6.06

GENERAL DEVELOPMENT & DESIGN STANDARDS

The property will be accessed off of Bald Eagle Rd. with a private road easement.

Building setbacks will be:

- 20' from all property lines to foundation wall
- 50' from Colorado State Highway 9
- 35' Bald Eagle right of way

The maximum building coverage has been reduced to 30% from the current allowed 60%. Maximum building height is 35' per the Town Code and shall be measured from the "pre-disturbance" grade. One bedroom units will require one (1) parking space. Two bedroom or more units will require two (2) parking spaces. All units will include at least one (1) garage space. Additional guest/visitor parking will be provided at a minimum of one (1) space per four (4) units.

A 30" wide soft surface pedestrian trail for the public will be provided on the property.

The site plan and architecture will conform to the Eagles Nest Design Guidelines and will be submitted to the Eagles Nest DRC (Design Review Committee) for review and approval.

CRITERIA FOR APPROVAL

1. General conformity with the Comprehensive Plan and other Town Master Plans and Standards.

Foxfield Townhomes promotes compatible land use with the adjacent properties by eliminating commercial uses and limiting the use to all residential. It is an infill re-development that removes an unsightly pile of dirt and abandoned ditch, while protecting the existing wetlands. The overall density and impact is significantly reduced with this proposed down zoning.

2. Consistency with Chapter 4 of the Town Code and other applicable standards.

Foxfield Townhomes is consistent with the PUD requirements of the Town Code and will be consistent throughout the entire planning, construction, and occupancy phases.

The Foxfield Townhomes **PUD**

PUD GUIDE

July 16, 2015

Applicant:
Silverthorne 3.5, LLP

INTRODUCTION

This Planned Unit Development Guide (PUD Guide) is for certain real property known as The Foxfield Townhomes as described in Exhibit A and located in Summit County Colorado and is to be effective as of the date this PUD Guide the Town of Silverthorne is recorded in the official records of the Summit County Clerk and Recorder.

This PUD Guide expressly addresses a certain type of regulation or standard e.g., setbacks, buildings heights, etc. If this PUD Guide does not address a type of regulation or standard within the Town of Silverthorne Code, then the provisions of the Town of Silverthorne Code with regard to that type of regulation or standard shall apply.

TABLE OF CONTENTS

ARTICLE I - DEFINITIONS	3
ARTICLE II - PLANNING AREAS, USES AND DENSITIES	4
2.1 Planning Areas	
2.2 Planning Area Development Standards	
2.3 Density Limitations	
2.4 Construction Management and Storage	
2.5 Trail Use	
2.6 On-Site Sales	
2.7 Maximum Amount of Irrigated Landscape Area	
ARTICLE III - DESIGN REVIEW PROCEDURES	6
3.1 Design Standards for Planning Area One	
ARTICLE IV - GENERAL DEVELOPMENT STANDARDS AND CONDITIONS	7
4.1 Parking and Driveways	
4.2 Signage	
4.3 Street and Alley Standards	
4.4 Fencing	
4.5 Building Height	
4.6 Wetland and Riparian Protection	
4.7 Traffic Noise Mitigation	
ARTICLE V - MISCELLANEOUS	9
5.1 Binding Effect	
5.2 Amendments & Modifications	
5.3 Incorporation of Introduction and Exhibits (Including the PUD Plan)	
5.4 Entire Designation	
<u>EXHIBITS</u>	
Exhibit A Proposed PUD Plan	
Exhibit B Topographic Map	
Exhibit C Topographic Map Lot 4	

ARTICLE I - DEFINITIONS

For the purposes of this PUD Guide, the following terms shall be defined as follows. All terms in this PUD Guide that are not otherwise defined below, shall have the meanings given to them in the Town of Silverthorne's Code 4.2.1.

Dwelling Unit - Means one (1) or more rooms capable of being lived in and designed as a unit for occupancy by one (1) family for living and sleeping purposes, located in one-family, low-density and high-density dwellings. This term includes the term *apartment*.

Effective Date - The date this PUD Guide is recorded.

FT – The Foxfield Townhomes, the master planned community to be developed on the Property formerly known as the Eagle's Nest PUD Commercial Tract and Lot 4, The Ponds.

FT Owners and Guests - The owners and potential owners of units within Planning Area One and guests of such owners or potential owners.

Garage Access - means a minor right-of-way, dedicated to public uses, which gives a means of vehicular access to the side of a multi-unit building otherwise abutting a street or parking area, and which may be used for private parking as designated by the HOA.

Homeowner's Association - The Homeowner's Association (H.O.A.) for The Foxfield Townhomes.

Master Covenants - The recorded declaration of covenants, conditions and restrictions for The Foxfield Townhomes.

Multi-Family – means a building or buildings, each of which contains two (2) or more attached dwelling units.

Owner - Means the owner of the fee title to real property, irrespective of severed mineral interests, encumbrances or easements..

Planning Area - Each of the separate areas into which the Property is divided as set forth in Section 2.1 for the purpose of designating uses and density.

Property - Certain real property located in Summit County, Colorado as described in Exhibit A.

Town Code - The Town of Silverthorne Code that includes definitions, regulations and engineering standards currently in effect.

ARTICLE II - PLANNING AREAS, USES AND DENSITIES

2.1 Planning Areas

(a) **Planning Areas**

The one (1) Planning Areas comprising the Property are as follows:

- (i) Planning Area 1 – Multi-Family Residential

(b) **Land Use, Densities and Development Standards**

This PUD Guide establishes the land uses, densities permitted within and the development standards applicable to the Planning Area.

(c) **PUD Plan**

The Planning Areas created are shown on the PUD Plan attached as Exhibit A.

2.2 Planning Area Development Standards

The densities, permitted uses and certain other development standards within each Planning Area (including, but not limited to, minimum parcel sizes, setbacks, irrigation allowances and permitted building heights) are set forth in Figure 2.2 and shall be calculated pursuant to the methodologies and procedures set forth in the Code, except as expressly set forth otherwise in this PUD Guide.

Figure 2.2	Planning Area 1 – Residential
Permitted Uses	Residential: 1. Multi-family apartment, condominium, townhome, or duplex buildings Open space and recreational uses: 1. Low impact activity and play areas 2. Trails, signage, benches, picnic tables and shelters 3. Landscaping and irrigation, including maintenance
Allowed Density	25 Dwelling Units 1. Maximum Building Footprint: 5,000 s.f. 2. Unit size restrictions: 1,200 s. f. to 2,500 s.f.
Building Setbacks	20' setback from all property lines to foundation wall 50' setback from Colorado State Highway 9 35' setback from Bald Eagle Right of Way
Maximum Building Coverage	30% maximum
Maximum Building Height	35' maximum (measured per Town Code 4-2-1)
Parking	Two (2), three (3), and four (4) bedroom units will require 2 parking spaces per unit. One (1) bedroom units will require 1 parking space. Additional visitor parking will be provided at a minimum of one (1) space per four (4) units.

2.3 Density Limitations

Permitted Density

There shall be no more than 25 Dwelling Units within all Planning Areas located on the property.

2.4 Construction Management and Storage.

All Planning Areas

Construction Management and Storage related to the construction of infrastructure and buildings shall be permitted within each of the planning areas in which the construction is taking place.

2.5 Trail Use

A 30' wide soft surface public pedestrian trail will be constructed within the Property and will be maintained by the FT HOA. The use of motorized vehicles (except motorized vehicles necessary for maintenance) shall not be permitted on any recreational trail public or private within the Property.

2.6 On-Site Sales

The Developer maintains the right to have an on-site sales office/model through the duration of the construction and sale of the project.

2.7 Landscaping

Landscaping shall comply with Town Code's irrigation and landscaping standards.

ARTICLE III
DESIGN REVIEW PROCEDURES

3.1 Design Standards for Planning Area One

Architectural Character: Foxfield Townhomes will blend in with the surrounding residential community by maintaining similar architectural inspirations and goals to those set forth in Eagles Nest PUD Architectural Guidelines. The architectural theme, character, and design elements of the buildings shall reflect the ranch history of the region with the use of natural and naturally appearing exterior materials such as wood, timber, metal, and stone that utilize natural colors and textures that blend with the environment. Building projections are intended to create variations in wall and roof planes. Such projections include chimney chases, decks, porches, and covered entry roofs. The primary roof form shall be a gable with smaller gables or shallow pitched shed roofs as a secondary feature. Roof pitch shall be between 3:12 and 12:12. Each unit will be provided at least one (1) interior garage space.

Design Review: Foxfield Townhomes will be submitted to the Eagles Nest DRC (Design Review Committee) for review and approval.

ARTICLE IV
GENERAL DEVELOPMENT STANDARDS AND CONDITIONS

4.1 Parking and Driveways

All Parking on the Property shall comply with all applicable Parking regulations of the Town Code section 4-6-13, except as set forth herein.

Frequency of driveways: Garage access ways serving the same building may be no closer than five feet (5') of one another.

Residential Parking Standards and Requirements shall apply to all residential uses of the Property as follows:

Parking in Garages: Parking spaces provided within garages will count toward the total parking requirement.

Tandem Parking in front of Garages: Tandem parking spaces of in front of garage doors with a minimum dimension of 9' by 18' shall count toward the total parking requirement.

Guest Parking: Additional visitor parking will be provided at a minimum of one (1) space per four (4) units.

4.2 Signage

All signage located on the Property shall comply with the Town Code. Signs and monuments will be permitted as accessory uses in all Foxfield Townhomes Planning Areas within Figure 2.2.

4.3 Street and Alley Standards

Private access road to comply with all Town standards.

4.4 Fencing

Fences may not exceed 42" in height and have a minimum of 18" from the ground to the first rail. No solid fences are permitted.

4.5 Building Height

The Height of buildings and structures within each Planning Area shall not exceed the height standards set forth in Figure 2.2.

Building height for Planning Area 1 (exclusive of chimney, cupolas, and ridge lights) will be measured from the existing grade, to the highest roof ridge directly above. Existing grade is the natural topography that exists before any grading takes place. Both the "Commercial Tract" (non-jurisdictional drainage trench) and "Lot 4" (pile of fill) have non-native topographical conditions that will be restored to a "pre-disturbed" state prior to construction. Building height calculations shall be measured from the "pre-disturbed" grade in these locations as opposed to the typical existing/proposed grade height calculations.

4.6 Wetland and Riparian Protection

All development activities on the Property shall comply with all applicable Wetland and Riparian regulations of the Town Code.

4.7 Traffic Noise Mitigation

Traffic Noise Mitigation measures, as suggested by CDOT, will be applied through several measures.

- A. No residential buildings shall be within 50'-0" of the property line adjacent to CO HWY 9.
- B. A noise mitigation landscape berm will run parallel to CO HWY 9 along the western edge of the development.
- C. All windows and doors shall be double pane

ARTICLE V
MISCELLANEOUS

5.1 Binding Effect

This PUD Guide shall run with the Property and be binding upon each Owner and all persons who may hereafter acquire an interest in the Property.

5.2 Amendments & Modifications

Amendments to this PUD Guide shall be processed as minor or major amendments in accordance with Section 4-4-14 of the Town's Development Code.

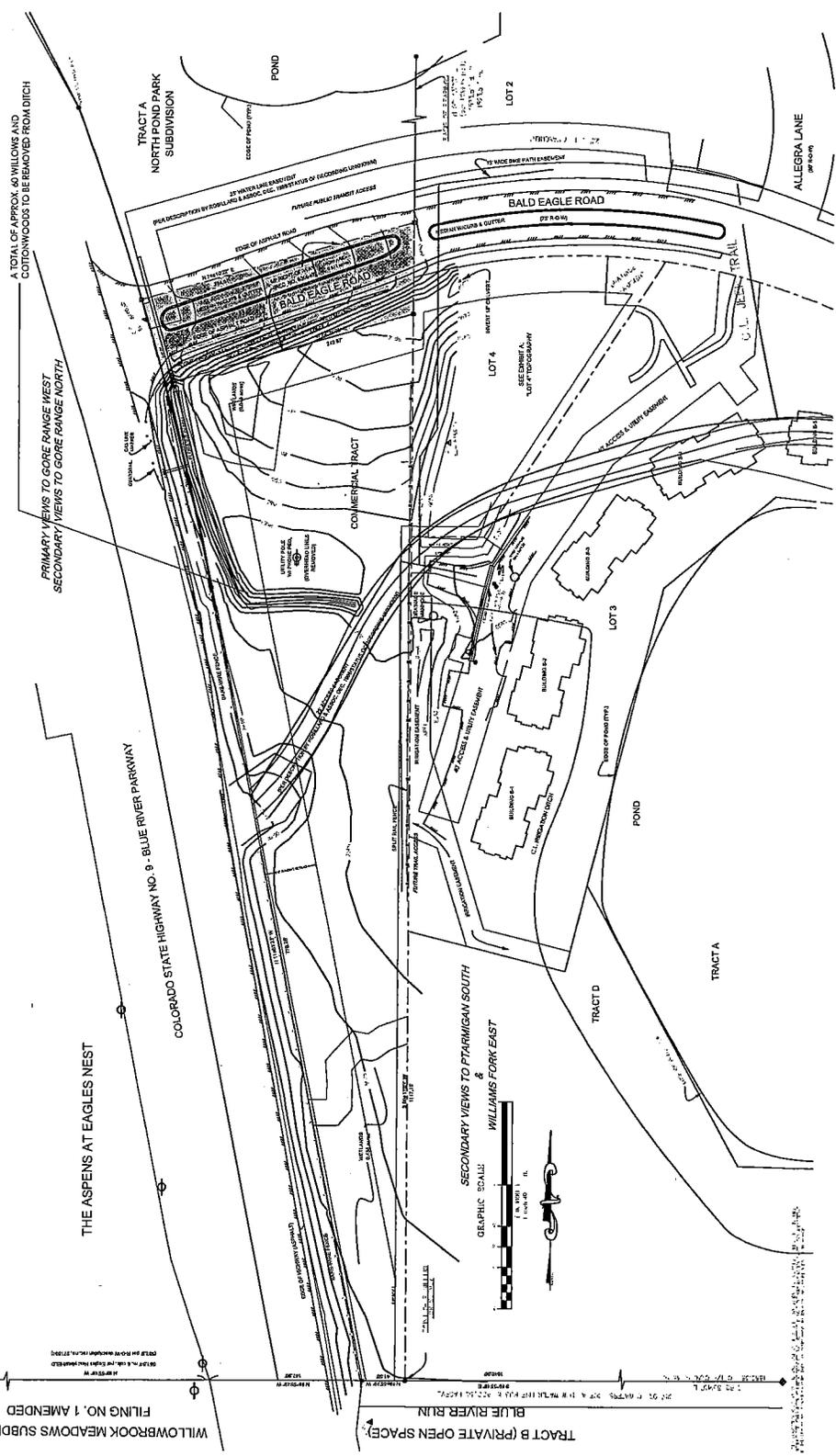
5.3 Incorporation of Introduction and Exhibits (Including the PUD Plan)

All documents, maps and plans are hereby fully incorporated into and shall be deemed part of this PUD Guide.

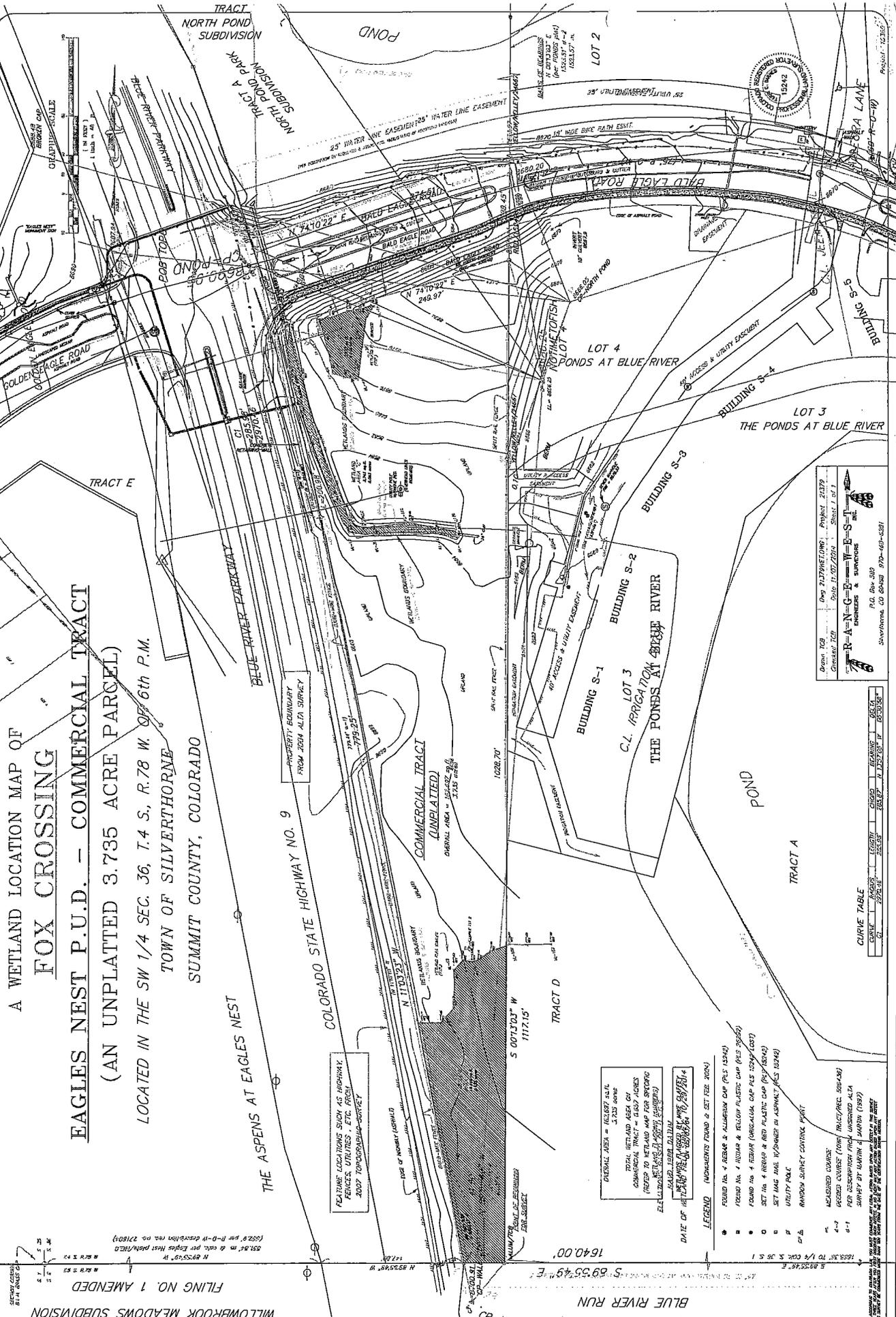
5.4 Entire Designation

This PUD Guide contains all provisions and requirements that differ from the town code that are incumbent upon Foxfield Townhomes, other Owners and the Town regarding the Foxfield Townhomes Planned Unit Development.

A TOPOGRAPHIC MAP OF
FOXFIELD TOWNHOMES
4.19 ACRES (INCLUDES .657 ACRES OF WETLANDS)
LOCATED IN THE SW 1/4 SEC. 36, T.4 S., R.78 W. OF 6th P.M. AND LOT 4, THE PONDS AT BLUE RIVER
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO



A WETLAND LOCATION MAP OF
FOX CROSSING
 EAGLES NEST P.U.D. - COMMERCIAL TRACT
 (AN UNPLATTED 3.735 ACRE PARCEL)
 LOCATED IN THE SW 1/4 SEC. 36, T.4 S., R.78 W. OF 6th P.M.
 TOWN OF SILVERTHORNE
 SUMMIT COUNTY, COLORADO



WILLOWBROOK MEADOWS SUBDIVISION
 FILING NO. 1 AMENDED
 N 89°53'49" W 1640.00'
 S 69°55'49" E 1640.00'
 T17M-CD

FEATURE LOCATIONS SUCH AS HIGHWAY, FENCES, UTILITIES, ETC. FROM 2007 TOPOGRAPHIC SURVEY

GENERAL AREA = YELLOW (ALTA) TOTAL WITH ADD AREA OF 1.235 ACRES COMMERCIAL TRACT = 0.502 ACRES (REFER TO WETLAND MAP FOR SPECIFIC ELEVATIONS, ETC. (SEE SURVEY) BOUNDARY LINE

DATE OF WETLAND MAP: APRIL 20, 2010
 LEGEND (MONUMENTS FOUND & SET PER 2004)
 ● FOUND NO. 4 REBAR & ALUMINUM CAP (P.S. 1234)
 ○ FOUND NO. 4 REBAR & YELLOW PLASTIC CAP (P.S. 2567)
 ○ FOUND NO. 4 REBAR (ORIGINAL CAP FILE 1234) (LSD)
 ○ SET NO. 4 REBAR & RED PLASTIC CAP (P.S. 1234)
 ○ SET MAG. MAG. W/SHOWER IN ASPHALT (P.S. 1234)
 ○ UTILITY POLE
 ○ RANDOM SURVEY CONVICTION POINT
 ○ UNDEVELOPED COURSE
 ○-1 PRECISE COURSE (100% TRACT/REC. 2004-08)
 ○-1 PER DESCRIPTION FROM UNPLATTED ALTA SURVEY BY WARREN J. MARTIN (1997)
 ○-1 PER DESCRIPTION FROM UNPLATTED ALTA SURVEY BY WARREN J. MARTIN (1997)
 ○-1 PER DESCRIPTION FROM UNPLATTED ALTA SURVEY BY WARREN J. MARTIN (1997)
 ○-1 PER DESCRIPTION FROM UNPLATTED ALTA SURVEY BY WARREN J. MARTIN (1997)

CURVE TABLE

CURVE	CHORD	ANGLE	LENGTH	CHORD	ANGLE	LENGTH
1	159.26'	258.65°	258.65'	159.26'	258.65°	258.65'
2	159.26'	258.65°	258.65'	159.26'	258.65°	258.65'

Don't FORGET! ONLY 2117 DRAINAGE PRIVACY - 21179
 CHECKED 7/2/10 DATE 11/22/2010 SHEET 1 OF 1
R-A-N-G-E W-E-S-I
 ENGINEERS & SURVEYORS
 P.O. Box 310
 Silverthorne, CO 80488 970-469-4281

Public Works Department Review Comments

TO: Lina Lesmes – Senior Planner, Community Development Department
FROM: Dan Gietzen - Town Engineer, Public Works Department
DATE: July 30, 2015
RE: Foxfield Townhomes Preliminary PUD – PT2014-24, proposed PUD/zoning review.

The Town's Public Works Department (Engineering) has no comments in opposition to the proposed PUD rezoning from commercial use to twenty-five (25) units of residential use.

Based on the PUD submittal package, we do anticipate having issues with the site plan, once the project is ready to move forward after PUD. We would urge the development team to meet with both the Public Works Utility Manager and Town Engineer prior to submitting their preliminary site plans in order to discuss site plan needs and other potential issues. The intent of this would be to work together to identify and address most of these issues prior to the project applicant making a formal preliminary site plan submittal.



TO: Lina Maria Lesmes, Senior Planner
FROM: Zach Margolis, Silverthorne Utility Manager
DATE: July 30, 2015
SUBJ: Utility Department Review, Foxfield Town Homes Preliminary PUD

There are no Utility Department related issues with this Preliminary PUD application.

The Town has adequate water treatment and delivery capacities and sewer collection and treatment plant capacities to serve the proposed project. Water rights for the project will have to be allocated to the project with the approval of the Blue River Land Company.

Water service would probably come from Bald Eagle road and loop back into Robin Drive. Sewer would likely tie in at Robin Drive. Easements for both of these will be required. Elevations will have to be reviewed carefully to assure appropriate gravity fall is available for the new sewer lines from the proposed buildings to tie into the existing sewer line.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1326 J STREET
SACRAMENTO CA 95814-2922

February 11, 2015

Regulatory Division SPK-2004-75209

Ms. Lina Marie Lesmes
Town of Silverthorne
Post Office Box 1309
Silverthorne, Colorado 80498

Dear Ms. Lesmes:

We are responding to your request for comments on the Foxfield Homes PUD. The Town of Silverthorne's project identification number is PT2014-24. The project is located on the northern edge of Silverthorne in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 4 South, Range 78 West, Sixth Principal Meridian, Latitude 39.65489, Longitude - 106.08033°, Town of Silverthorne, Summit County, Colorado.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

Our records indicate that the wetland delineation prepared by Claffey Ecological Consulting on Lot 4, was verified by our office on May 20, 2004, and has expired. To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to impacting waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2004-75209 in any correspondence concerning this project. If you have any questions, please contact Mr. Tyler Adams by email at Tyler.R.Adams@usace.army.mil, or telephone at 970-243-1199, extension 13. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

 for
Susan Bachini Nall
Chief, Colorado Regulatory Branch
Regulatory Division

28 February 2011

Mr. Chad Molliconi
Arapahoe Architects, PC
P.O. Box 4780
Breckenridge, CO 80424

Page 1 of 5

Voice: 970-453-8474

RE: Traffic Noise Assessment
Reserve at Fox Crossing
EDI Job # C-3852

Dear Mr. Molliconi:

Engineering Dynamics, Inc. has completed a traffic noise assessment for the Reserve at Fox Crossing development site, located in the Town of Silverthorne, Colorado. All noise contour distances have been determined for the 20-year or 2030 time frame.

1.0 Background

Figure 1.1 shows the current platting for the Reserve at Fox Crossing development. The development site is located at the southeast corner of Colorado State Highway 9 and Bald Eagle Road. At this location SH 9 is a four lane highway, with no stop light or stop sign for SH 9 traffic at the intersection. The width of the SH 9 roadway is approximately 40' from centerline to edge of pavement, and distances of residential buildings 1 through 8 are in the range of,

Building Number	Distance from SH 9 East edge of Pavement
1	70'
2	70'
3	90'
4	70'
5	70'
6	160'
7	275'
8	375'

The existing topography and the final platting elevation will result in a direct line of sight from SH 9 roadway surface to the residential buildings. Therefore, there will be not topographical barrier noise reduction of traffic related noise.

2.0 Definition of Terms

The following are standard definitions of acoustical terms and noise metrics used in this report.

Decibel (dB) - a unit of level which denotes the ratio between two quantities that are proportional to a reference level of power or pressure.

Sound Pressure Level (dB) - in air, 20 times the logarithm (to the base 10) of the given sound pressure to the reference sound pressure of 20 micropascals; units of decibels. Not to be confused with Sound Power Level, the Sound Pressure Level is the physical quantity that a sound level meter measures.

Energy Equivalent or Average Level (L_{eq}) - a constant sound level over the entire measurement period that contains as much sound energy as the actual time-varying sound level. During a sample period the noise level fluctuates up and down, if we were to perform an energy average of the fluctuating levels throughout the sample period (i.e.; find the area under the curve), the L_{eq} is simply equal to the constant noise level, over the same time period, that would have the same area under the curve.

Day-Night Average (L_{dn}) - is the logarithmic average of the daytime (7am to 10pm) and the nighttime (10pm to 7am) L_{eq} 's, with a ten dB(A) penalty added to the nighttime L_{eq} .

Ambient Noise - at a specified time, the all encompassing sound associated with a given environment, being usually a composite of sound from many sources at many directions, near and far, including the specific sources of interest.

Background or Residual Noise - at a specified time, the all encompassing sound associated with a given environment, being usually a composite of sound from many sources at many directions, near and far, remaining in a given location in a given situation when all uniquely identifiable discrete sound sources are eliminated, rendered insignificant, or otherwise not included.

2.1 Reference Noise Levels

Table 2.1 shows some A-weighted noise levels of typical activities. For the average human an increase of the measured noise level of 10 dB is Subjectively Perceived as being twice as loud or half as loud for a 10 dB decrease. The decibel change at which the average human will indicate that the noise is just perceptibly louder or perceptibly quieter is 3 dB.

Table 3.1: Qualitative Description of Typically Occurring Noise

Sound Level, dB(A)	Type of Noise	Relative Loudness (Human Judgment) of Different Noise Levels	Subjective Impression of Noise
110	Disco Dance Floor	128 times as loud	Uncomfortably Loud
90	Motorcycle at 25'	32 times as loud	Very Loud
85	D8 Cat Dozer at 50 ft.		
80	Diesel Truck, 40 mph at 50'	16 times as loud	Loud
75	Average Car, 40 mph at 25'		
70	Vacuum Cleaner at 3'	8 times as loud	
65	Conversation at 3'		
60	Background Music	4 times as loud	
55	Air Conditioning Unit at 15'		
50	Quiet Residential	Twice as loud	
45	Bird Calls		Quiet
40	Lower Limit Urban Daytime Ambient	Reference loudness	
30	Background Quiet Suburban at Night	1/2 as loud	
20	Quiet Whisper	1/4 as loud	Barely Audible
0	Threshold of Hearing		

3.0 Applicable Noise Regulations

State/Federal Highway Department Regulations, CDOT and FHWA Acceptable noise levels Outside occupied buildings are specified in 23 CFR 772 Sec. 772.5(G) "Procedure for Abatement of Highway Traffic Noise and Construction Noise". 23 CFR limits to hourly L_{eq} 's to 67 dB(A) or below outside residential buildings, and inside hourly L_{eq} 's to 45 dB(A) or below inside buildings.

Department of Housing and Urban Development U.S. Department of Housing and Urban Affairs (HUD) defines acceptability of land used for residential development to be,
Normally Acceptable when the DNL is less than 65 dB(A),
Normally Un-Acceptable when the DNL is greater than 65 and less than 75 dB(A), and
Unacceptable when the DNL is greater than 75 dB(A).
For residences in the Normally Un-Acceptable category, the interior DNL must be less than 45 dB(A).

4.0 Measurement Results

Measurement of existing traffic related sound levels were made between 11am Thursday 24-Feb-11 and 12noon Friday 25-Feb-11. Measurement locations were 75 feet and 150 feet from the SH 9 eastern edge of pavement. The 75 foot distance represents the closest location of the residential buildings to SH 9.

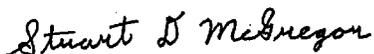
The measurement results are shown in Figure 2, and inspection shows,

- a. That the CDOT hourly L_{eq} limit of 67 dB(A) is not exceeded for the buildings closest to SH 9 (buildings 1 through 5), or for the building further from SH 9 (buildings 6, 7 and 8). Therefore, in accordance with the CDOT requirements **NO** noise mitigation is required.
- b. The Calculated Day-Night level (DNL) is 64, which, falls into the HUD Normally Acceptable range for residential buildings. Therefore, in accordance with HUD requirements **NO** noise mitigation is required.

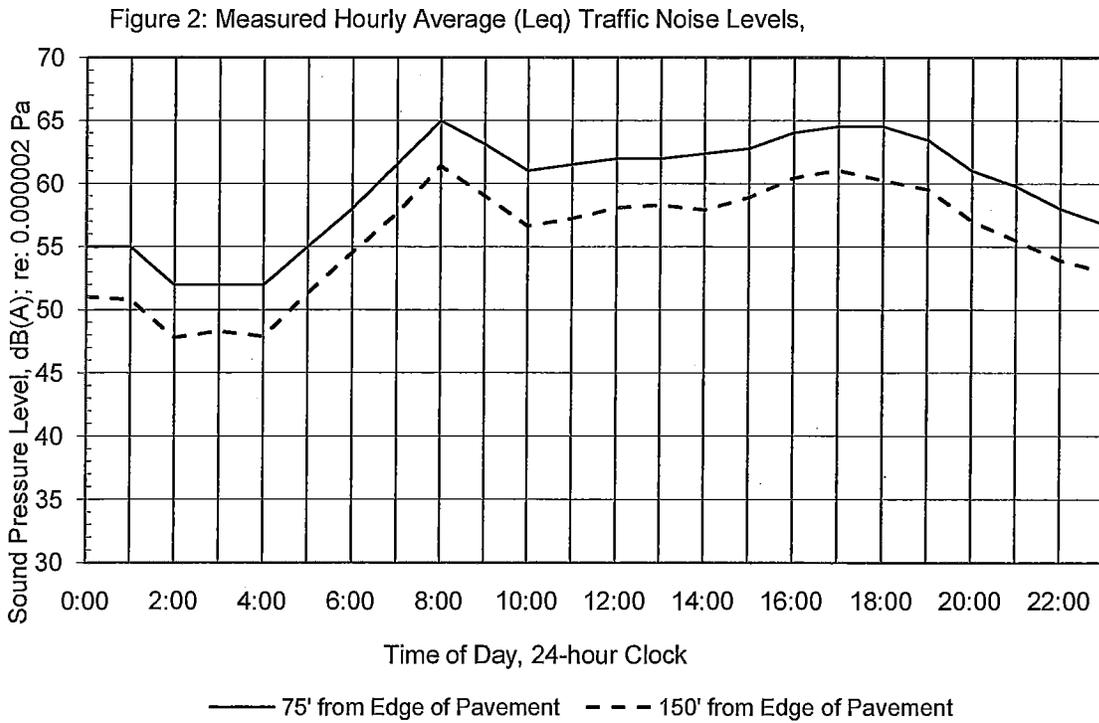
While, all building comply with both CDOT and HUD requirements EDI recommends that all windows, in Buildings 1, 2, 3, 4 and 5, with a direct line of sight to SH 9, have a minimum STC rating of 31.

If you have any questions, please contact me at our Englewood office.

Sincerely,
ENGINEERING DYNAMICS, INC.



Stuart D. McGregor, P.E.
Vice President



Silverthorne 3.5 LLP
PUD Applicant

July 23, 2015

Planning Commission
Town of Silverthorne, Colorado

Re: Density - Application for Foxfield Townhomes proposed PUD filed on behalf of Silverthorne 3.5 LLP.

In response to the pending PUD application filed with the Town of Silverthorne Planning Commission by Silverthorne 3.5 LLP, the Planning Commission Staff issued its Report stating that, with respect to the issue of density, the applicant is responsible for justifying the density of 5.97 units per acre proposed in the application. The following letter sets out the basis of upon which the applicant has proposed the density figure proposed in its zoning application.

As with the previous rezoning PUD applications filed on behalf the proposed Foxfield Townhome development project (Foxfield), the issue of density remains as the crucial point of disagreement between the applicant and the Town of Silverthorne Planning Commission Staff (Staff). The Staff Report, as currently drafted, rejects outright the applicant's density proposal and instead applies an "average" density figure based upon prior zoning density figures which are no longer in effect and which bear little relevance to the property in question. Applicant believes that the recommendation of the Staff is incorrect, unsubstantiated and, most importantly, ignores the primary factor which the Staff should be required to consider in its review of the pending application.

The density section of the Staff Report states:

"Because the underlying zoning cannot be used as a guide to suggest the density, the applicant is responsible for justifying the proposed density (See Exhibit B [the PUB guide]). Staff finds that any approved density on the property should be similar in scale (in units per acre), to the adjacent subdivisions." (emphasis added)

The Comprehensive Plan Analysis of the Staff Report further states:

“In addition, Planning Commission and Town Council have indicated during work sessions that residential development at a density compatible with adjacent developments is appropriate on the subject property.” (emphasis added)

Applicant strongly agrees.

The development which is adjacent to the proposed Foxfield Townhomes development is the Ponds Subdivision. Other subdivisions mentioned in the Staff Report list of net densities are relatively distant from the proposed Foxfield Townhomes development and/or are designated for different kinds of residential units such as condominiums in the Valley Green Condos or the single-family units on Angler Mountain. They bear little relationship to the property in question.

Applicant recognizes the interests of the Ponds in the proposed development. The applicant has met with and attempted to work with the Ponds on many occasions during the past years in which our zoning applications have been pending. The fact that the Ponds are, in fact, the principal development “adjacent” to the proposed Foxfield Townhomes development, is confirmed by the fact that the Ponds is only development within the Eagles Nest Home Owners Association that has strongly and consistently opposed the applicant’s PUD application.

Under the net density calculations cited in the Staff Report, the Ponds has a net unit density of 6.06 units per acre on Lots 1,2, and 3. Lot 3 of the Ponds is directly adjacent to the proposed Foxfield Townhomes development. Applicant has requested a density of 5.97 units per acres, less than that of the Ponds. These net density calculations are based on “clustered” areas of the developments, i.e. the clusters of the residential units themselves. Pictorial comparisons of the two adjacent developments (See attachment) confirm the conclusion that the net density of the Ponds is, in fact, higher than that proposed for the Foxfield Townhomes development.

In determining whether the proposed density of Foxfield Townhomes is similar in scale and compatible to the adjacent subdivisions, the applicant believes that the net density formula should be applied by the Planning Commission because it provides the most accurate and appropriate method of comparison of the

similarity in scale and the compatibility of the two subdivisions at issue in this application.

When considering density, a resident of the Ponds or of other subdivisions of the Eagles Nest property, or any individual driving by the development on State Highway 9, is not going to judge compatibility on the basis of historical zoning calculation methodologies which are arcane, unrelated to the appearance of the development, and, as acknowledged in the Staff Report, no longer in effect in any case. In reality, the judgment on compatibility will be based substantially and primarily upon visual comparisons of the properties, in other words upon net density and the manner in which the units are clustered. The Staff Report's focus on inoperative density figures represents the application of a technical standard which has little to do with what should be the focus of its review, i.e. the similarity in scale and the compatibility of the proposed development with adjacent properties.

The Staff Report, having stated that the zoning and density should be compatible with the adjacent developments, inexplicably rejects the reasonable proposal of the applicants which would satisfy such goal. After listing the various methodologies that can be used to measure density, the Staff Report states that the density "should be reduced to be closer in scale to the adjacent developments" Notwithstanding the fact that the proposed density is less than the adjacent development, the Staff Report - without any supporting analysis or expressed rationale - simply states the applicable density should be 3.75 units per acre.

This figure is based on the mechanical application of historical density figures which, as acknowledged in the Report, are no longer in effect nor bear any relationship to the property at issue in this application. More significantly, the Staff recommendation ignores, without explanation, the primary factor which should be applied in its review of the PUD application - the compatibility of the density with adjacent developments. The denial of the application would not serve the interests of any parties, neither the applicants, nor the Town of Silverthorne, nor the residents of the other developments in Eagles Nest, including particularly the Ponds.

The unfortunate irony of the current recommendation of the Staff Report to limit units per acre to 3.75 is that it will most likely result in the inability of the

applicants, or any future potential purchaser of the property for that matter, to build residential units on the property. It is not commercially feasible to purchase and develop a 4-acre property in order to build 15 or 16 townhomes. All parties, including the Town of Silverthorne, have made it explicitly clear that the property should be zoned for residential purposes. However, if the current application is denied, residential development will most likely never occur.

For over eight years the applicants have expended much time, effort and expense to achieve residential zoning at a density level which would permit the development of a property in a manner compatible with the adjacent subdivisions. To be frank, we are at the point of physical and financial exhaustion. If the latest application is denied, we will have no option other than to put the property up for sale as commercial property and offer it up to any commercial user who would be willing to buy it. Such a result would not serve the interests of any party involved in or affected by the development of this property.

Respectively submitted,

Silverthorne 3.5 LLP
Applicant

Ten Mile Engineering, Inc.

DRAFT

07/12/15

Mr. Lina Lesmes
Planner
Town of Silverthorne
601 Center Circle
PO Box 1309
Silverthorne CO, 80498

RE: Foxfield Townhomes - Drainage and Water Quality

Dear Lina,

Ten Mile Engineering, Inc. was asked to review the feasibility of the water quality and drainage designs for the proposed Foxfield Townhomes (Commercial Tract and Lot 4 at The Ponds). After visiting the site and reviewing the existing conditions plans provided we are confident that the drainage and water quality requirements for the project can be addressed to all of the Town of Silverthorne and State of Colorado standards during the site plan approval process. While it is impossible to determine the best water quality and drainage design at this point, numerous design options and water quality measures exist to address the requirements of both entities. During the site planning process detailed design of the water quality, erosion control and wetland and associated 25' wetland setback protection will be to be provided to the Town for review and approval. Depending upon the level of disturbance, a Disturbance Permit Application (DPA) may also need to be submitted for this project.

Please feel free to contact me with any questions.

Sincerely,

Joseph E. Maglicic P.E.
Ten Mile Engineering, Inc.
Po 1785
Frisco, CO 80443
970 485 5773
tenmileengineer@aol.com

Eagles Nest Property Homeowners ASSOCIATION
PO Box 24419
Silverthorne, CO 80497

July 29, 2015

Lina Lesmes, AICP, Senior Planner
Town of Silverthorne Community Development Department

Subject: The Foxfield Townhomes (FT) Revised PUD

Dear Lina,

Background

This letter offers comments from the Eagles Nest Property Homeowners Association (ENPHA) regarding the FT PUD re-submitted for 25 units of density. A PUD for 25 units of density was submitted in May, but the developer withdrew it.

We address concerns and offer questions regarding the proposal to rezone the site from commercial to residential use, and the proposed density, including set-backs and building heights, and its compatibility with its neighbor The Ponds, a sub-association of ENPHA. The Ponds also has submitted a comment letter.

The location of the proposed site includes Lot 4 of The Ponds, which has always been platted for commercial use, and an ENPHA Commercial Tract located adjacent to Lot 4. This site is the front entrance to ENPHA/The Ponds and to Angler Mountain Ranch, a significant neighborhood in Silverthorne. FT, if the PUD is approved, will become a new sub-association within ENPHA.

Our comments below are based on an analysis of the PUD's compliance with the ENPHA PUD/Design Guidelines, the ENPHA Architectural Design Guidelines (last updated in June 2014), our Declarations & Covenants, and the Town Code. We have established our Guidelines to ensure that high standards of siting, and construction quality and design are applied throughout a project's phases.

Our Association takes great pride in ensuring that property values are maintained for the 783 properties (about 720 owners) within our boundaries. Consequently, we evaluate proposed additions into our Eagles Nest community very thoroughly,

Review of the PUD Narrative and Guide

Our letter includes a number of comments, as does the letter from the Ponds mentioned previously. We will address five key areas as follows: (1) rezoning; (2) density/compatibility; (3) building setbacks; (4) building heights, and (5) level of site disturbance.

Rezoning

ENPHA has no objection to the proposed rezoning.

Eagles Nest Property Homeowners Association
PO Box 24419
Silverthorne, CO 80497

Density/Compatibility

There are many ways to calculate density. Among them are “net”, “gross” and “average”. In this case, we believe a meaningful comparison to The Ponds should be “gross density” given the way The Ponds buildings are separated by open space and ponds.

Gross density for the 60 acres in The Ponds is authorized at 220 units (Amendment #3 of the Development Agreement), or 3.66 units per acre. In our opinion, this level of density (3.66 units x 4.19 acres = 15.33 units) is appropriate for this site.

Building Setbacks

The ENPHA PUD establishes a development standard for multi-family residential of 20’ front and rear and 15’ between buildings when adjacent to a roadway right of way. These requirements are consistent with the Town Code. The proposed setback of 20’ from all property lines is acceptable, but there is no mention of setbacks from the street or between buildings.

Building Height

The ENPHA PUD establishes a development standard of a maximum of 35’ above historical existing grade for multi-family residential for 3.5-6 DU/acre, about the level of density being requested by the applicant. The Town standard for R-6 zoning, again, about the level of requested density, is 25’ above average existing grade. These standards would enable the construction of a 35’ building on Lot 4 after all the fill material is removed, but would preclude the applicant from putting 35’ buildings on rest of the site.

Site Disturbance

Another aspect of density is the level of disturbance, i.e. number of buildings, amount of asphalt, community trails, etc. The applicant has not provided any type of layout with approximate locations of buildings which hinders this evaluation.

Based on a review of layouts submitted previously by the applicant for the same site, the amount of property disturbed by the mass of buildings, driveways, roadways, and the 30” hiking trail seems to result in most of the property having some type of construction upon it, which makes in incompatible with The Ponds. There are further questions about the placement of the access road to Bald Eagle Rd., specifically, how long will the entrance portion be, given the steep slope that exists today.

Results of Prior Submissions to the Planning Commission/Town Council

In December 2011, the TOS denied an application (24 units of density) for three reasons, none of which seem to have been corrected:

- Proposed density of 4.77 units/acre was not compatible with The Ponds.
- The PUD design did not mitigate adverse road noise and water quality impacts.
- The site was unsuitable for subdivision due to the unmitigated noise and water quality impacts.

Eagles Nest Property Homeowners Association
PO Box 24419
Silverthorne, CO 80497

Summary

ENPHA does not support the proposed PUD for the reasons listed above. Some further rationale follows.

We note that this PUD is a proposal for 25 density units. Just a month ago, the TOS advised the developer it would not support 25 units of density on this site; yet, this proposed PUD again includes 25 units of density. Also, a proposal for 20 units of density was submitted in January 2015, but withdrawn, and another proposal for 24 density units was denied in 2011. The continued submissions for density of 20-25 units all of which have either been denied by the Town or have been withdrawn by the applicant, question the rationale for these proposals.

Compatibility and disturbance issues are subjective and likely would have been more easily reviewed had the applicant included a layout with the proposed building sites, as in previous submissions. This detail is not required at this stage, but given the history of this project, it would have been very helpful.

The proposed building standards for setbacks and height are not always in compliance with ENPHA PUD Standards and Requirements or Town Code – a key item in our opinion. Also, the applicant has not reviewed the present proposal (25 units of density) with the ENPHA Board, our Design Review Committee, or our residents. A review would have enabled discussion and possible resolution of some of the issues before submission to the Planning Commission.

The ENPHA Board of Directors reserves the right to provide additional comments as more information becomes available during the review process.

Thank you for affording ENPHA the opportunity to comment on this very important project, one that will impact the entire ENPHA community. Please contact the HOA Board (970-513-6547) with any additional questions or comments.

Sincerely,

ENPHA Board of Directors
cc: ENPHA Design Review Committee
The Ponds Board of Director

July 29, 2015

Lina Lesmes, Senior Planner
Town of Silverthorne
Community Development Department

RE: Foxfield Townhomes Preliminary PUD

Dear Lina,

On behalf of The Ponds at Blue River HOA Board of Directors, we are providing comments on The Foxfield Townhomes PUD proposal dated July 16, 2015. This is the 8th PUD proposal from this developer that has been reviewed by The Ponds Board of Directors. Our observation is that most of the concerns that The Ponds residents raised in our review and comments of the previous PUD proposals have not been addressed in the latest PUD proposal. The developer has not offered to meet with The Ponds to discuss the either the 6/2/2015 or the 7/16/2015 PUD proposals. It is the view of The Ponds that the two most recent PUD proposals are significantly different than the earlier 12/8/2014 PUD proposal. The last meeting with the developer was to discuss the 12/8/2014 PUD requesting 20 units. The latest PUD has increased the number of units by 20% from the 12/8/2014 request and removed all conceptual drawings showing the number and location of buildings.

Zoning

We continue to support the proposal to rezone the subject properties from commercial to residential use because that is more compatible with the surrounding neighborhoods and overall Eagles Nest community.

Density

The Ponds has carefully reviewed each Foxfield PUD proposal submitted by the developer and in each instance pointed out that the rational used to support the requested density compares the net density of the Ponds to the gross density of the Foxfield PUD. To date they have not made any attempt to use consistent methodology to compare their PUD density to the Ponds density. The latest PUD proposal requests a maximum density of 25 residential units. This results in a gross density of 5.97 units per acre which is an increase in density from both the 12/8/2014 PUD request for 20 units which was withdrawn and the August 2011 proposal of 24 units that was denied by the Silverthorne Town Council. This density is not compatible with The Ponds gross density of 1.9 units per acre or the average gross density of the surrounding properties of 2.1 units per acre. They continue to justify the request for this density by comparing their gross density to the net density of The Ponds. The net density of Foxfield is estimated to be at least 8 units per acre once the wetlands and the 25' environmentally sensitive setback surrounding the wetlands are removed from the total 4.19 acre parcel.

Unlike earlier Foxfield PUD proposals the developer has not shown the number, size, or approximate location of buildings necessary to support the requested density. The previous PUD proposals for this property requested from 32 units on 3 acres to 20 units on 4.19 acres and they have shown the planned number and location of buildings. In each previous PUD proposal there have been 5 or 6 buildings. With

that number of buildings, most of the available area becomes either covered by buildings or blacktop for access roads, drives, or parking.

Disturbance

We have reviewed prior Foxfield/Fox Crossing PUD proposals that did show the amount of land disturbed by 20-24 units with the necessary access road, driveways, and parking areas and determined that most of the property will be covered by buildings or blacktop. The addition of a large berm along RT 9 and the fill needed for the access road into the property adds to the total disturbance necessary. It is difficult to understand how the increase in the number of units will not have a greater impact on the disturbance to the property.

PUD Guide

The PUD requests a 20 foot setback from The Ponds property line. All prior proposals showed the rear of the 4 or 5 buildings facing The Ponds. The purpose of setbacks is to protect neighboring properties and in this instance we believe the setbacks should conform to the R2 and R6 residential setback and be a minimum of 25 feet from The Ponds property line so as to not affect The Ponds residents' view corridors.

Road noise has been identified by CDOT and the town staff as an issue with previous Foxfield proposals. The elevation of the property drops from south to north and is 4 to 12 feet below the elevation of Rt. 9. The developer has shown a berm in previous proposals along Rt. 9 to mitigate traffic noise. To be effective the berm would need to be 6 to 8 feet above the road surface making the height of the berm 10 to 20 feet from existing grade. With a minimum 2:1 slope the berm would be 40 to 80 feet wide at the base. The wetland area in the northwest corner of the property prevents the location of a berm in this area and it is unclear how noise mitigation will be provided in this location. The property also narrows at the southern end making the placement of buildings in that area impractical.

The PUD requests a 35 foot building height, which will impact view corridors of the homes on Robin Drive. Both R-2 and R-6 residential zoning districts limit building height to 25 feet. The impact to the view corridors will have a negative impact on The Ponds property values. The Eagles Nest Design Guidelines state that the design should be "compatible with the site and surrounding area and does not block views or adversely affect the surrounding lots".

The developer is requesting a maximum building coverage ratio of 30%. Since they are requesting a rezoning to residential use, they should follow standards in the R2 and R6 residential zone districts of 20% maximum building coverage, 25 foot building height, and 25 foot rear building setback to maximize open space on the site as well as protect the views of adjacent property owners.

Hydrology

Another item that is unrelated to zoning but also goes to the question of whether the site can support the requested units is hydrology and the impact on associated wetlands. Currently, seasonal surface water flows from Golden Eagle and the Eagles Nest development on the west side of Rt. 9 into the proposed Foxfield parcel. This surface water enters a large L shaped ditch that runs south to north along Rt. 9. Overflow from this ditch flows north toward Bald Eagle and enters the culvert on the northwest corner of the property. Water from this ditch then drains into North Pond. Surface water as well as

natural springs within the proposed development flow north and fill the wetlands area and run on the surface near the fill along Bald Eagle to a second eastern culvert near the proposed access entrance shown in the development plan. This culvert will collect much of the runoff created by buildings and blacktopped areas in Foxfield and then direct this runoff into a wetland area located north of Bald Eagle within Lot 2 of The Ponds. A third culvert east of the mound also will collect runoff from Foxfield buildings and blacktopped areas and exit into The Ponds Lot 2 wetlands. We are concerned about the effects on both North Pond and the wetland on Lot 2 of The Ponds.

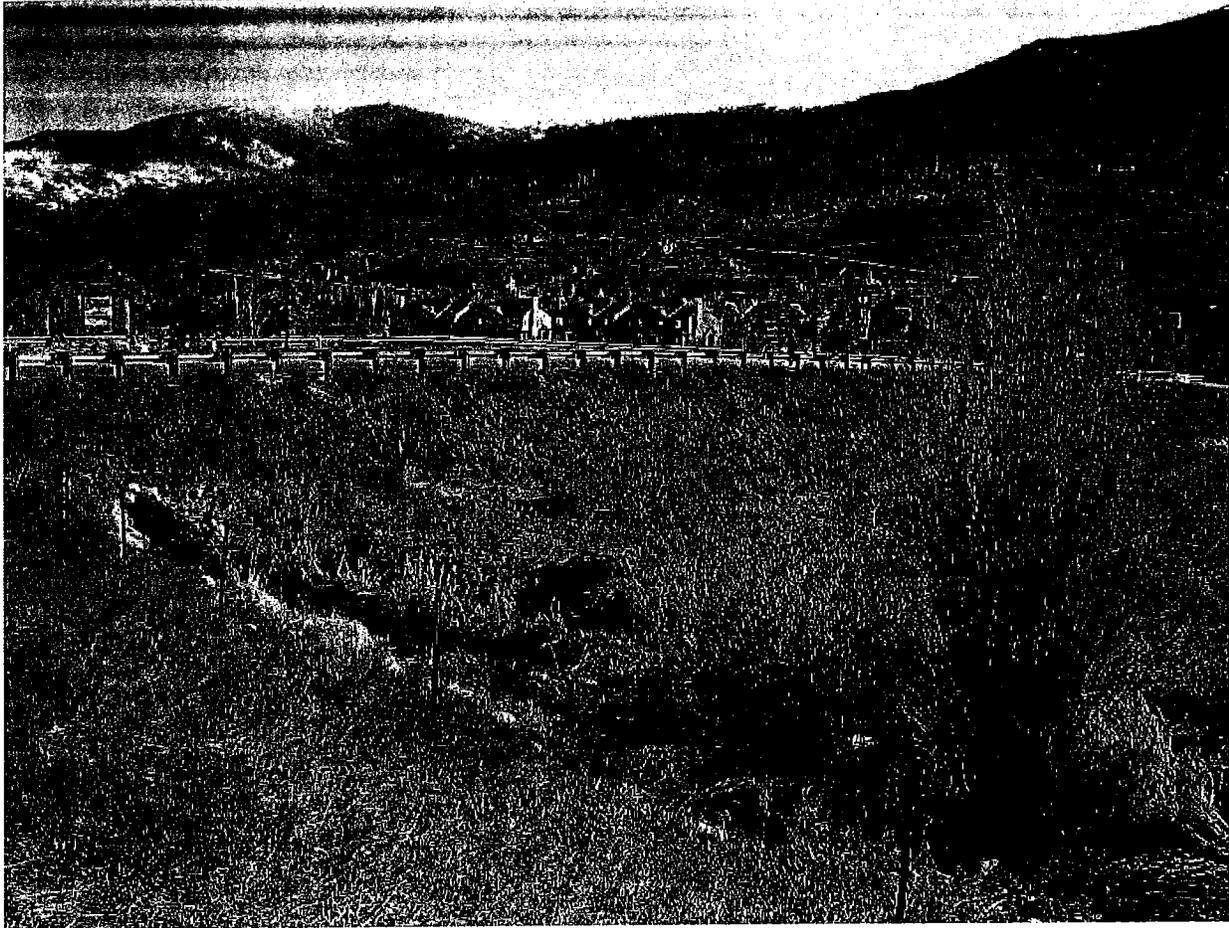
The Ponds Board of Directors may provide additional comments as more information becomes available during the review process.

Please do not hesitate to contact the Board with any additional questions or comments. We thank you for your time and consideration of these items.

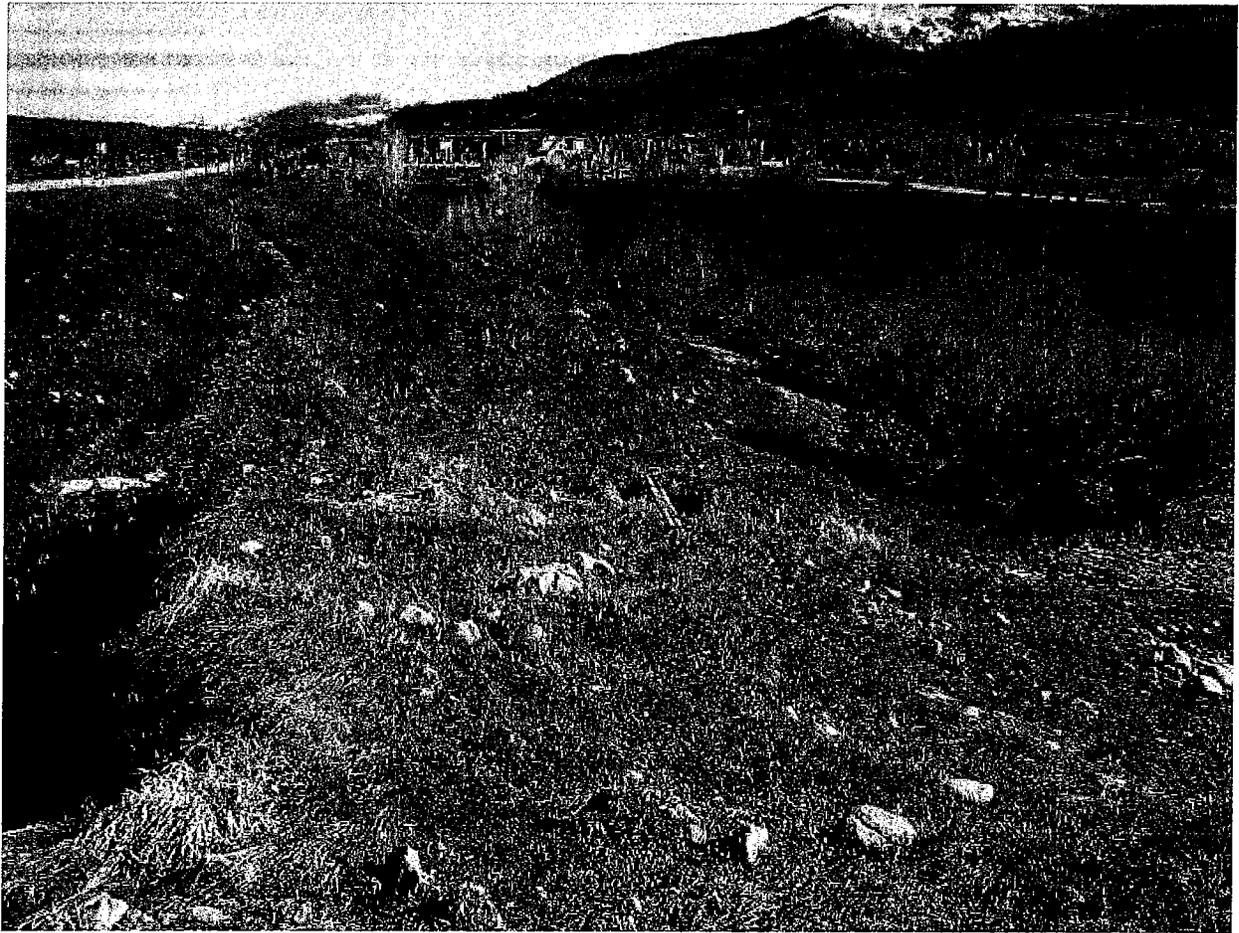
Sincerely,

The Ponds at Blue River Board of Directors

Attachment: Hydrology photos



Highway ditch area in northwest corner of the site – most of the water carried by this ditch crosses under Bald Eagle and overflow runs east along Bald Eagle.



Continuation of Highway Ditch north of Bald Eagle – some water diverts to North Pond



Highway Ditch looking south – what portion of ditch is to be abandoned? Just the portion running east/west with Cottonwoods or all of it?



Overflow water running along Bald Eagle from Highway Ditch which outlets to wetlands on Lot 2, The Ponds.



Lot 2, The Ponds culvert exit, excess water from Highway Ditch feeding wetlands



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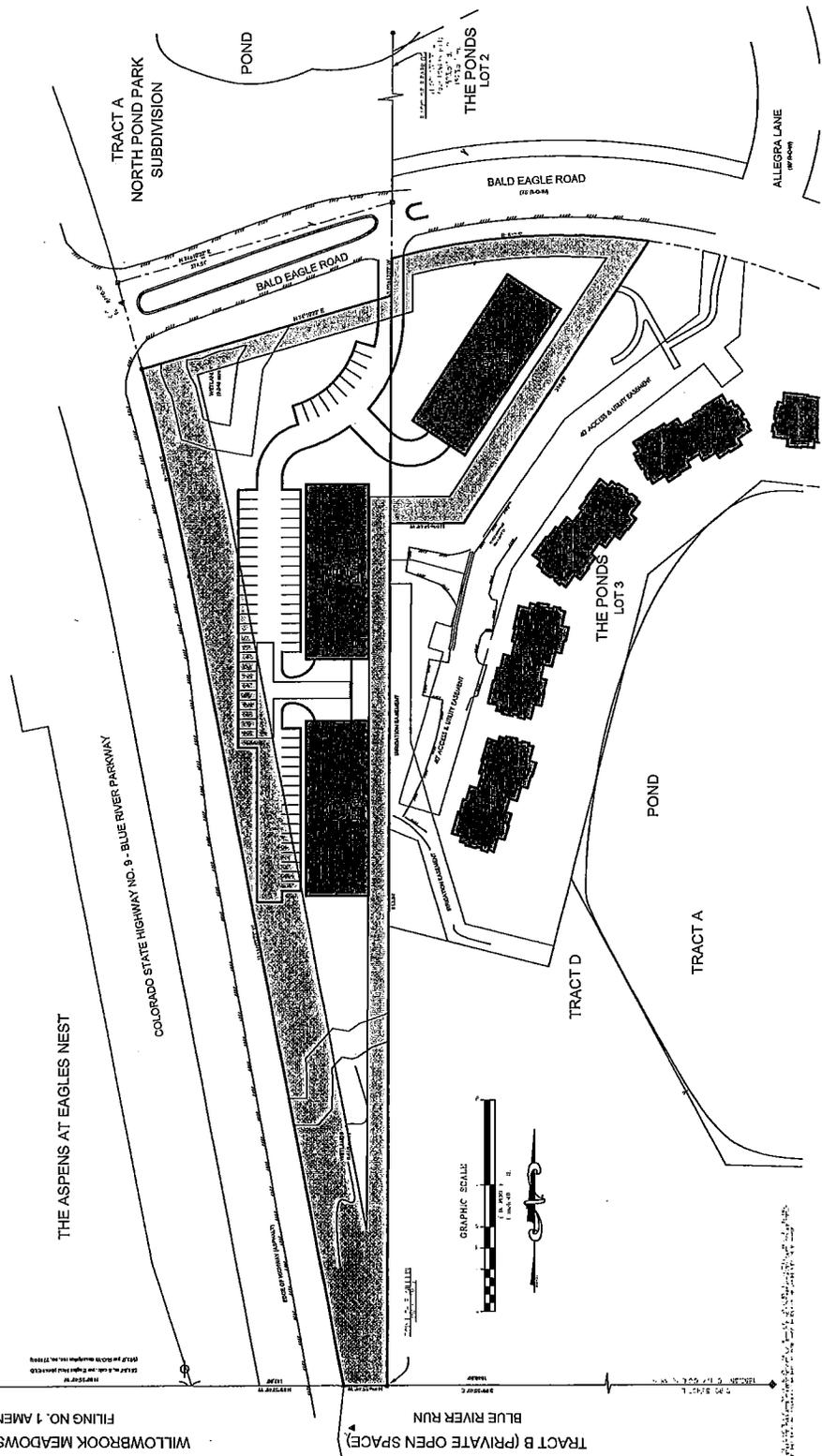
COMMERCIAL TRACT AND LOT 4, THE PONDS™
 TOWN OF SILVERTHORNE, COLORADO

EXISTING ZONING	
DATE	1.4.20
DRAWN BY	CAH
SCALE	AS SHOWN
STATUS	PRELIMINARY
PROJECT	
DATE	

A-2

LAND USE LEGEND				
AREA	LAND USE	ACRES	DU	COMM.
PA-1	COMMERCIAL	4.19	-	59,400
TOTAL		4.19	-	59,400

EXISTING ZONING FOR
COMMERCIAL TRACT & LOT 4, THE PONDS
 4.19 ACRES (INCLUDES .657 ACRES OF WETLANDS)
 LOCATED IN THE SW 1/4 SEC. 36, T.4 S., R.78 W. OF 6th P.M. AND LOT 4, THE PONDS AT BLUE RIVER
 TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO



1
 A-2
 EXISTING ZONING
 SCALE 1" = 60'



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FROM ARAPAHOE ARCHITECTS, P.C.

FOXFIELD TOWNHOMES
COMMERCIAL TRACT AND LOT 4 "THE PONDS"
TOWN OF SILVERTHORNE, COLORADO

POTENTIAL SITE PLAN

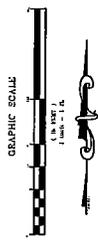
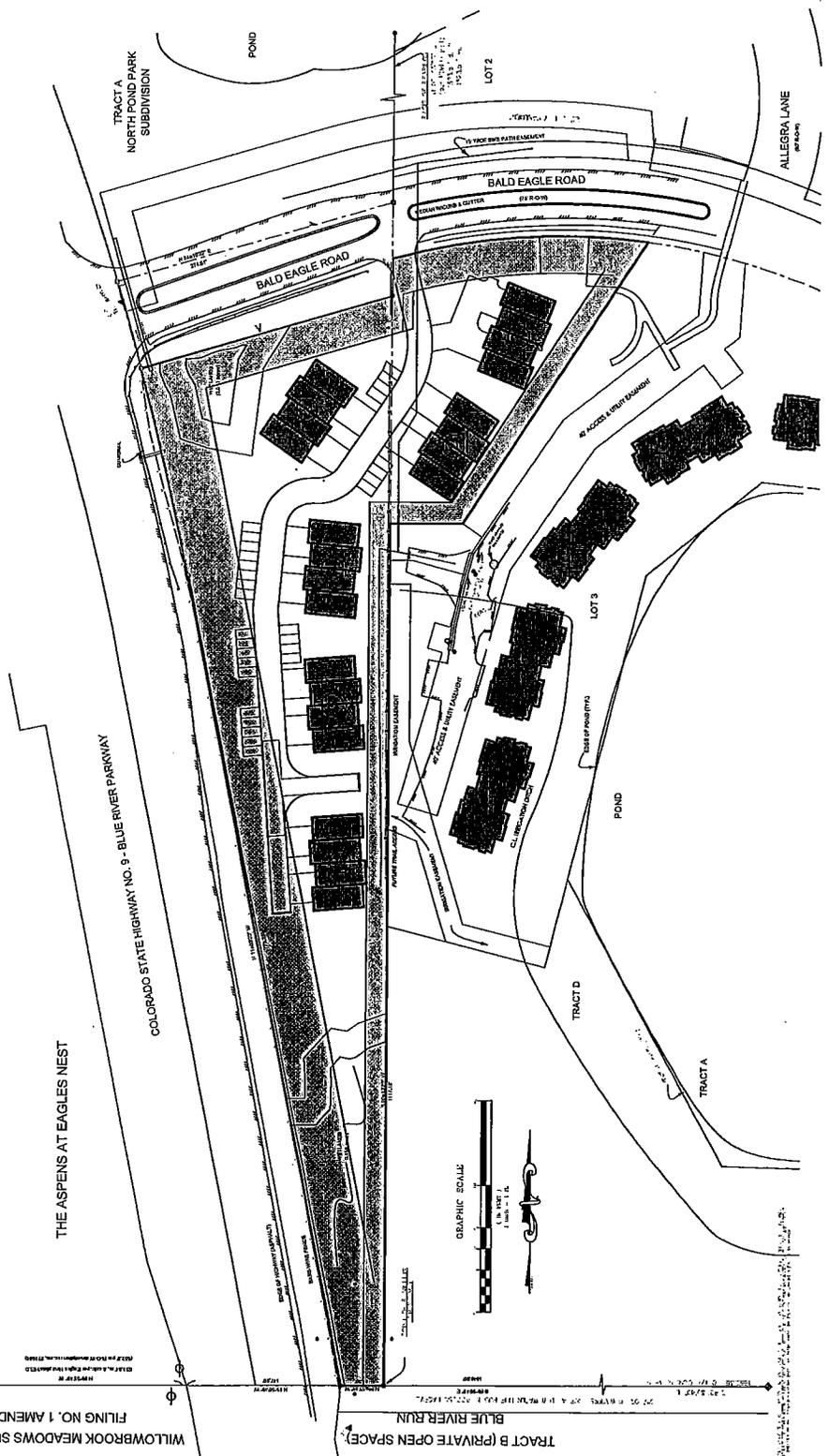
DATE	1.16.23
DRAWN BY	CM
SCALE	
PROJECT NO.	
PROJECT NAME	
PROJECT LOCATION	
PROJECT OWNER	
PROJECT DESCRIPTION	
PROJECT STATUS	
PROJECT PHASE	
PROJECT BOUNDARY	
PROJECT AREA	
PROJECT PERMIT	
PROJECT REVIEW	
PROJECT APPROVAL	
PROJECT CLOSURE	
PROJECT COMPLETION	
PROJECT ARCHIVE	
PROJECT LEGACY	

A-4

LAND USE LEGEND

AREA	LAND USE	ACRES	DU	DU/AC	COMMI.
PA-1	MULTI-FAMILY RESIDENTIAL	4.19	25	5.97	-
TOTAL		4.19	25	5.97	-

POTENTIAL SITE PLAN
FOXFIELD TOWNHOMES
4.19 ACRES (INCLUDES .657 ACRES OF WETLANDS)
LOCATED IN THE SW 1/4 SEC. 36, T.4 S., R.78 W., OF 6TH P.M. AND LOT 4, THE PONDS AT BLUE RIVER
TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO



POTENTIAL SITE PLAN
SCALE 1" = 50'



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FOXFIELD TOWNHOMES
 COMMERCIAL TRACT AND LOT 4 "THE PONDS"
 TOWN OF SILVERHORNE, COLORADO

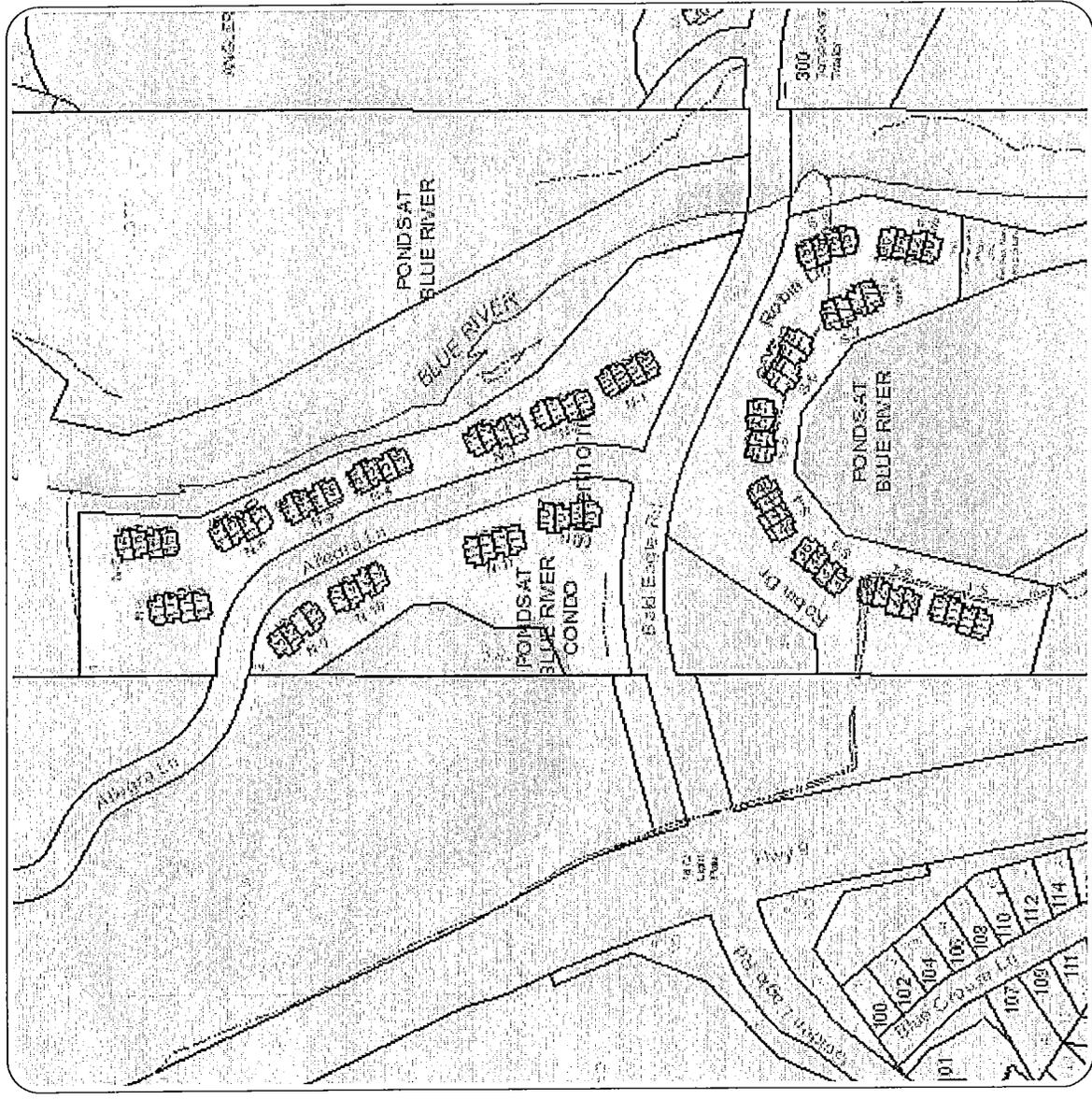
THE PONDS

DATE	1/13/10
DRAWN BY	CM
DATE	
SCALE	
7/27/10 - PRELIMINARY PLAN	
SCALE	

A-5.3

EXISTING DENSITY

	UNITS	ACRES	UNITS/ACRE
THE PONDS LOT 1	32	4.963	6.45
THE PONDS LOT 2	16	3.136	5.10
THE PONDS LOT 3	36	5.756	6.25
TOTAL	84	13.855	6.06



1 THE PONDS - LOT 1, LOT 2, & LOT 3
 A-5.3 SCALE 1/8" = 1'-0"



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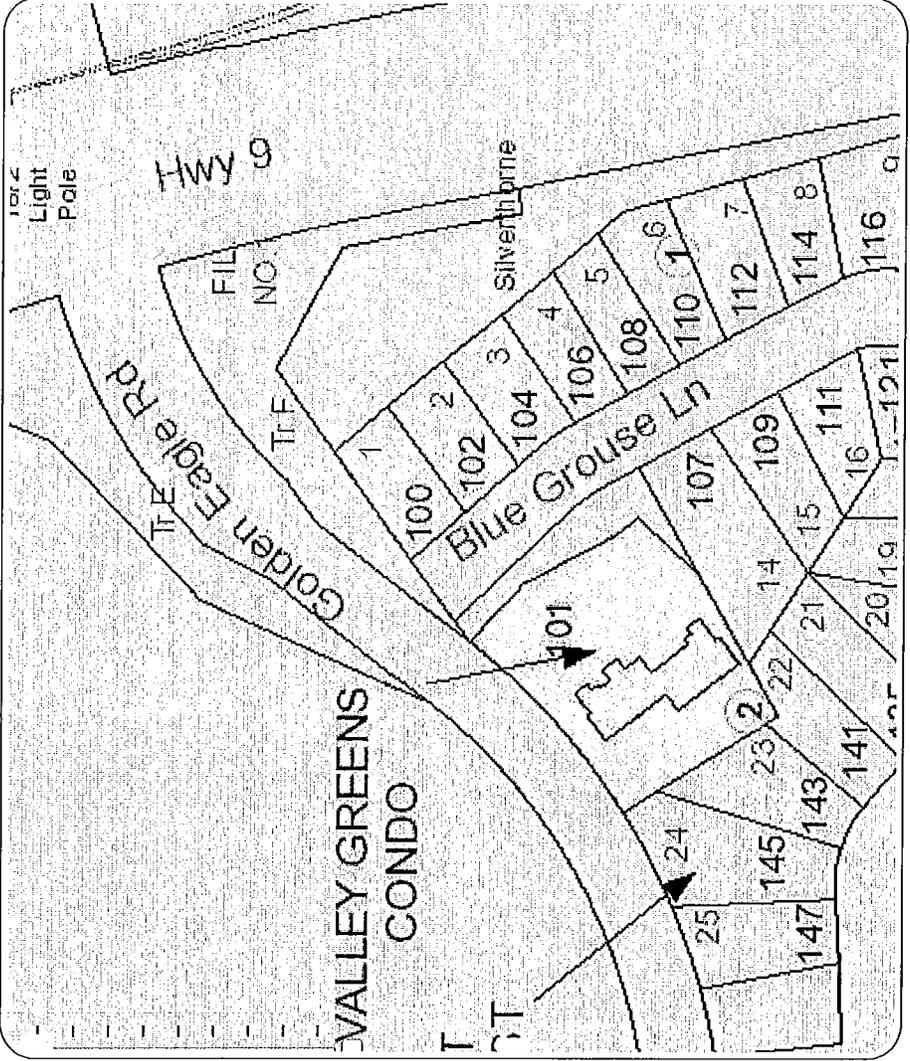
FOXFIELD TOWNHOMES
 COMMERCIAL TRACT AND LOT 4 "THE PONDS"
 TOWN OF SILVERHORNE, COLORADO

VALLEY GREEN
 CONDOS

JOB	1433
DRAWN	CM
DATE	
SCALE	PREAMB/PDS
7/27/15 - PREAMB/PDS PREP.	
9/8/11	

A-5.5

EXISTING DENSITY			
	UNITS	ACRES	UNITS/ACRE
VALLEY GREEN CONDOS BLDG 2	8	1.35	10.81



1
 1433
 COMPARABLE ADJACENT PROPERTIES
 SCALE 1/32"

DENSITY CONVERSION

COMMERCIAL TO RESIDENTIAL

CURRENTLY COMMERCIAL

- LOT 4 OF THE PONDS: 59,600 SF OF COMMERCIAL DENSITY
- THE COMMERCIAL TRACT: UNDEFINED COMMERCIAL DENSITY
- WOULD HAVE 199,908 SF OF COMMERCIAL DENSITY AT LOT 4 RATIO
- 59,600 SF + 199,908 SF = 259,508 SF OF COMMERCIAL DENSITY COMBINED

PROPOSED RESIDENTIAL

- PROPOSED RESIDENTIAL DENSITY FOR FOXFIELD TOWNHOMES IS 25 UNITS AND 50,000 SF
- LESS THAN THE COMMERCIAL DENSITY OF LOT 4 ALONE
- THE PROPOSED PUD MODIFICATION IS A DOWNZONING BOTH IN USE, COMMERCIAL TO RESIDENTIAL, AND IN THE TOTAL SQUARE FOOTAGE.



ARAPAHOE ARCHITECTS, P.C.
1000 W. 14TH ST.
DENVER, CO 80202
303.733.4474

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FOXFIELD TOWNHOMES
COMMERCIAL TRACT AND LOT 4 "THE PONDS"
TOWN OF SILVERTHORNE, COLORADO

COMMERCIAL
TO RESIDENTIAL

DATE: 11/18/15
DRAWN BY: CJA
SCALE:
SHEET: 1 OF 1
PROJECT: FOXFIELD TOWNHOMES
SUBJECT: COMMERCIAL TO RESIDENTIAL

A-8

LAND PLANNING

FEATHERED DENSITY

- HIGHER DENSITY NEAR HWY 9
- LOWER DENSITY FURTHER AWAY

URBAN INFILL

- PREVIOUSLY DISTURBED AREA - BROWN FIELD
- NON-NATIVE PILE OF DIRT ON LOT 4
- ABANDONDED DRAINAGE DITCH ON COMMERCIAL TRACT

COMPREHENSIVE PLAN

- 2014 SILVERTHORNE COMPREHENSIVE PLAN CHANGED PREFERRED USE FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL
- SAME DESIGNATION AS COMPATIBLE ADJACENT PROPERTIES

DOWN-ZONING

- LESS IMPACT
- LESS INTENSE USE
- LESS VEHICAL TRIPS
- LESS NOISE
- LESS LIGHT POLLUTION
- LESS SQUARE FOOTAGE



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COMMERCIAL TRACT AND LOT 4 "THE PONDS"
TOWN OF SILVERTHORNE, COLORADO

LAND PLANNING	
DATE	1.14.13
DRAWN BY	CM
SCALE	
PROJECT - PRELIMINARY	
PROJECT - PRELIMINARY	
PROJECT	
A-9	

Lina M. Lesmes

From: Kelly Powers <kpjabba@gmail.com>
Sent: Tuesday, July 21, 2015 9:09 PM
To: Lina M. Lesmes
Subject: Foxfield Townhomes PUD

My name is Kelly Powers and I am the owner of unit #112 on Allegra Lane at the Ponds. I am the most recent buyer in the Ponds closing on our home in May of this year.

I'm writing to let you know I'm in support of the Ponds HOA response to proposed Foxfield Townhomes PUD.

Please take the time to consider the points made in the Ponds HOA response.

Thank you.

Lina M. Lesmes

From: Lin Kuo <lkuo1@yahoo.com>
Sent: Tuesday, July 21, 2015 5:21 PM
To: Lina M. Lesmes
Subject: Emailing Ponds Foxfield response 6-16-2015.docx
Attachments: Ponds Foxfield response 6-16-2015.docx; ATT00001.txt

Lina,

We are the homeowner of 142 Robin Dr. After careful evaluation we agreed totally with The Pond Board of Directors' recommendation.

Regards,

Lih-Yan and Jeming Kuo

Lina M. Lesmes

From: Mokrohisky, Stefan <Stefan.Mokrohisky@childrenscolorado.org>
Sent: Tuesday, July 21, 2015 3:28 PM
To: Lina M. Lesmes
Subject: Foxfield Townhomes PUD

Lisa. We are the owners of unit 110 Allegra Lane at the Ponds. We may not be able to attend the Planning Commission and Town Council meetings in August that will consider the Foxfield Townhomes Preliminary PUD. We are in support of the response provided by the Board of Directors at the Ponds which raises many important concerns about the development. Thank you for your careful consideration of this proposed PUD.

Stefan Mokrohisky
Brenda Mokrohisky
Erin Freedman
Josh Freedman

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Lina M. Lesmes

From: Zeile, Nanette <Nanette.Zeile@Level3.com>
Sent: Tuesday, July 21, 2015 2:00 PM
To: Lina M. Lesmes
Cc: Daroepke@aol.com; sazeile@aol.com
Subject: Foxfield Development - Support for Ponds Board of Directors Response
Attachments: Ponds Foxfield response 6-16-2015.docx

Hello Lina

This is to re-confirm our support for The Ponds Board of Directors attached response and any subsequent responses prior to and resulting from the August 4th review, regarding the Foxfield Townhomes PUD.

We are owners at 136 Robin Drive, Silverthorne, CO

Thank you.

Nanette and Stephen Zeile.

Date: Sun, 19 Jul 2015 13:15:53 -0600
Subject: Foxfield Development rescheduled to August 4th
From: daroepke1@gmail.com
To: debborel@msn.com; jep@jaypansinglaw.com; jhopkins@marylandcreekranch.com

Deb Please send this to all Ponds homeowners.

The Foxfield developers are scheduled to meet with the Planning Commission on August 4th and the Town Council on August 12th. The only change they have made to the previous PUD is to provide a 20 foot setback from our property line. They continue to compare our net density to their gross density and are requesting 25 units with 35' building heights. Once the wetland areas and the required 25' environmentally sensitive areas surrounding the wetlands areas are considered their NET density is much higher than the Ponds.

To have your voice count it is important that you attend the meetings. If you are unable to attend the meetings please send Lena an email with your name and address indicating your support for the attached response from the Ponds Board of Directors.

--

Daryl

Lina M. Lesmes <LLesmes@silverthorne.org>



HI GEORGE and DARYL:

Attached you will find the revised Foxfield Townhomes PUD. The PUD is almost identical as the last one you reviewed, except that they've revised the side setback to 20 feet to the wall. The density did not change. Also, see the attached drainage/water quality information that

Lina M. Lesmes

From: Judy Massiglia <jmassiglia@gmail.com>
Sent: Tuesday, July 21, 2015 1:24 PM
To: Lina M. Lesmes
Subject: Foxfield Develement.

Please attach our names to the response from The Ponds board regarding the new proposal from the Foxfield developers. We agree with the issues raised in the response. We own two units at The Ponds.

Judy Massiglia
Paul Massiglia
117 and 140 Allegre Dr
719-338-1131

Lina M. Lesmes

From: Barbara Wood <mommas@cox.net>
Sent: Monday, June 29, 2015 10:12 AM
To: Lina M. Lesmes
Cc: daroepke1@gmail.com; Info@srgsummit.com
Subject: Please deny Foxfield Townhomes

I am the home owner of 196 Robin Drive, The Ponds Blue River, and I am asking you to please deny the request by developers for the Foxfield Townhomes PUD of June 2, 2015 for 25 residential housing units on the small lot adjacent to The Ponds on Highway 9. This plan would have a significant negative impact on the setting of our homes in The Ponds.
Thank you so much.

Respectfully,

Barbara Wood
196 Robin Drive, The Ponds Blue River
(785) 224-8951

mailing address:

6114 SW 39th St
Topeka, KS 66610

Lina M. Lesmes

From: Lynda Birkelbach <slimone@aol.com>
Sent: Friday, June 26, 2015 3:35 PM
To: Lina M. Lesmes
Subject: Silverthorne Planning

Please note that Carl and Lynda Birkelbach of 102 Blue Grouse, Silverthorne oppose the building of additional condos between Robin Road and Highway #9.

Thank you.

Lynda Birkelbach
slimone@aol.com

Lina M. Lesmes

From: Zoller, Jim R. <James.R.Zoller@p66.com>
Sent: Friday, June 26, 2015 1:16 PM
To: Lina M. Lesmes
Cc: Paula
Subject: Foxfield

Please consider this our formal request to deny the high density building proposal now under consideration for the land directly in front of the Ponds development. The density, minimal setback and height of the proposed structure will not only be inconsistent with our development and that of the adjacent Angler development, but also detract greatly from the views we and our guests can enjoy and severely impact the resulting value of our property, both for rental and potential resale.

We will be unable to attend the Planning Commission meeting next week due to a prior commitment, but will be present at the council meeting on the 8th to protect the value of our property and the lifestyle we enjoy in Silverthorne.

Jim & Paula Zoller
122 Robin Drive
Silverthorne, CO 80498

Lina M. Lesmes

From: Carolyn DeKok <carolyn.dekok@comcast.net>
Sent: Friday, June 26, 2015 10:51 AM
To: Lina M. Lesmes
Subject: Denial of Foxfield Townhomes

Please deny Foxfield Townhomes PUD dated June 2, 2015 for 25 units.

Thank you,
Carolyn DeKok
182 Robin Dr
The Ponds

Lina M. Lesmes

From: Michael Fox <mrdrfox@verizon.net>
Sent: Thursday, June 25, 2015 3:59 PM
To: Lina M. Lesmes
Cc: daroepke1@gmail.com
Subject: Foxfield townhomes PUD
Attachments: Ponds Foxfield response 6-16-2015.docx

Hi Lina,

We support The Ponds board comments as attached for consideration of Foxfield Townhomes PUD. In summary, change zoning from commercial to residential, increase residential setback from 10' to 25' from The Ponds property, reduce number of units below 20 and follow standards in residential R-2 zone district.

Please see attached.

Regards,

Mike and Pam Fox, owners
102 Allegra Lane
The Ponds at Blue River

Michael T. Fox
mrdrfox@verizon.net
405-315-0894

Lina M. Lesmes

From: Paul (Pure Storage) <pmassiglia@purestorage.com>
Sent: Thursday, June 25, 2015 3:14 PM
To: Lina M. Lesmes
Cc: daroepke1@gmail.com; 'Judy Massiglia'
Subject: Requesting that the town deny the Foxfield Townhomes PUD dated June 2, 2015 for 25 units

My wife and I are owners of townhomes at 117 Allegra Lane and 140 Allegra lane.
You may have heard from her separately.

It will not be possible for us to attend the Silverthorne Planning Commission meeting on June 30, however, on behalf of our two properties, we are requesting that the town deny the Foxfield PUD dated June 2, 2015 for 25 units.

regards,

--Paul

(T430s—Pure Storage)

(HO) +1-719-598-2710

(M) +1-719-963-7451

Lina M. Lesmes

From: John Collins <John.Collins@hgst.com>
Sent: Thursday, June 25, 2015 2:18 PM
To: Lina M. Lesmes
Cc: Laura Collins
Subject: Request to deny Foxfield

Please add our support to deny the development on Robin Drive

John Collins
Laura Collins
176 Robin

Lina M. Lesmes

From: Judy Massiglia <jmassiglia@gmail.com>
Sent: Thursday, June 04, 2015 2:24 PM
To: Lina M. Lesmes
Subject: RE:Foxfield

Lina

I own two units at the Ponds and am extremely concerned about the density of this project and the danger of the wetlands being filled in. I do not understand why they have increased the number of units and are not giving us a complete plan showing size and location of each building and open space around. I do not believe this is going to be compatible with the surround neighborhoods and is not going to give a good impression as people enter Silverthorne from the north.

Thanks for taking my opinion. I believe it is shared by most of the owners of properties in this area not just The Ponds.
Judy Massiglia

Lina M. Lesmes

From: Vince Boehning <boehning@comcast.net>
Sent: Thursday, July 30, 2015 2:24 PM
To: Lina M. Lesmes
Subject: support for letter
Attachments: Ponds Foxfield response 6-16-2015.docx

Hello,

We are in support of the attached document.

Vince and Arlette Boehning
190 Robin Drive
Silverthorne, CO 80498
Ph: (719) 266-8400

Lina M. Lesmes

From: maureen mcguire <maureen428@comcast.net>
Sent: Sunday, August 02, 2015 2:52 PM
To: Lina M. Lesmes
Subject: Foxfield application

Hi Lena,

I am writing to express my apprehension about the Foxfield application. I feel that the proposed Foxfield density is a big issue. The requested 25 units is significantly more dense than in the Ponds neighborhood where I live. The height of the proposed buildings is huge (35') and will block a lot of views of the mountains from the units in the Ponds. The set back is another issue, we are requesting a 25' set back so that the new Foxfield development is not right on top of the Ponds units on Robin Drive.

Thank you,
Maureen McGuire VP Ponds Communiity Association

Lina M. Lesmes

From: Helen <hllarsh@yahoo.com>
Sent: Sunday, August 02, 2015 4:44 PM
To: Lina M. Lesmes
Subject: The ponds

Jay and helen Giesen are opposed to the future building adjacent to the ponds. We live at 106 Allegra lane. Helen Giesen Sent from my iPhone

Lina M. Lesmes

From: Bob Avant <bavant37@gmail.com>
Sent: Sunday, August 02, 2015 9:22 PM
To: Lina M. Lesmes
Subject: Dear Lena, We are writing the Planning Commission about our concerns about the Foxfield Application. As condo owners in, we are very concerned about the negative consequences of the proposal

as written, The setback from the ponds is too short. The density of 25 units in that small space is much less than surrounding properties including the Ponds. The 35 foot height is higher than any units in the Ponds.

It appears to us that the developers are attempting to cram too much into that small space. The plans as currently written would have a significant negative impact on our property and we appose these plans.

Sincerely, Betty and Bob Avant 160 Allegra Lane

Lina M. Lesmes

From: Peter McGuire <pmcguire@quark.com>
Sent: Monday, August 03, 2015 10:43 AM
To: Lina M. Lesmes
Subject: Opposition to Foxfield Application

Hello Lena,

I am a resident of The Ponds, and live at 104 Allegra Lane. Unfortunately, I am out of town and cannot attend the meeting on Tuesday so I am sending this email to voice my opposition to the Foxfield application for the following reasons:

- The density of the units proposed is much higher than those on the adjacent Ponds development and will detract from the value of our property.
- The 35-foot height of the proposed units is also higher than the Ponds and will cause an obstruction to the views of the adjacent Ponds units, which was a major attraction for buying at the Ponds.
- I also think the proposed 20-foot setback should be increased to 25 feet.

I would appreciate the Planning Commission taking my objections into consideration when making their decision.

Thanks,
Peter McGuire
303-946-3453

Lina M. Lesmes

From: Smallwood, Guy M - DAYTON OH <guy_smallwood@ml.com>
Sent: Monday, August 03, 2015 10:55 AM
To: Lina M. Lesmes
Cc: 'Deb Borel'; jep@jaypansinglaw.com; klovet@srsummit.com; Cindy Smallwood
Subject: Foxfield Application

Dear Planning Commission:

I am writing to make clear my opposition to any development that has higher density, higher height or materially different appearance or style of construction than the Ponds, including the fact that all the Ponds Unit owners have attached garages, as do the newer developments across the bridge. The fact that most owners' cars are kept in closed garages is a major contributor to the aesthetics and desirability of the Ponds. Any new development so immediately adjacent to the Ponds should also have a density that accounts for at least a single car, attached garage per owner. To permit anything less, effectively diminishes and devalues one of the primary benefits and aesthetics of the Ponds.

Furthermore, in this day and age of inexpensive computer modeling, it would seem incumbent as part of a responsible, current "best practices" for the Planning Commission to require that the developer present accurate, realistic computer simulated, ground level, 3-D views of the proposed development, including perspectives from those living on Robin Drive as well as Allegra Drive. There should be no mystery as to exactly what it will look like, and how it will impact the views of the existing owners. To *not* require this in advance of an approval seems careless, if not irresponsible. All potentially impacted existing Ponds or other adjacent owners should have ample time to view, evaluate and comment on the computer simulated modeling of the proposed development prior to the Commission taking final action.

Cindy and I first discovered the Ponds seven or eight years ago and began dreaming of owning in the development since it was so uniquely situated, with such obvious pride of ownership due to a well-run, "tight" HOA, and its numerous gardens and plantings. We had been vacationing in and around the Summit area for over 25 years, always taking time to check out neighborhoods and view real estate listings. For us, the Ponds simply has character, views, amenities that few, if any, other developments in Silverthorne, can claim. In July of 2013 we were fortunate to acquire a unit, and we are transitioning to spending more and more of each year at our new home. Speaking on behalf of all Ponds owners, please respect and account for our interests as you make decisions that affect the reasons we purchased in the Ponds, that affect the desirability of the homes we have made substantial investments in acquiring and maintaining. Thank you.

Respectfully, Guy Smallwood

Smallwood Borchers & Associates

Merrill Lynch Global Wealth Management
10100 Innovation Dr Suite 300
Miamisburg, OH 45342
Toll Free: 866-801-6802
Fax: 937-684-8094
View Our Website - <http://fa.ml.com/sbassoc>

Guy M. Smallwood, CFP®
Senior Vice President-Wealth Management
Wealth Management Advisor
☎: 937-847-4083
✉: guy_smallwood@ml.com

John M. Borchers, CFP®
Senior Vice President-Wealth Management
Wealth Management Advisor
☎: 937-847-4082
✉: j_borchers@ml.com

Lina M. Lesmes

From: Cindy Smallwood <cindyismallwood@gmail.com>
Sent: Monday, August 03, 2015 1:36 PM
To: Lina M. Lesmes
Subject: Fox field development

Hello,

I am writing to voice my opposition to the Foxfield development that is proposed adjacent to the Ponds at the Blue River development. As a homeowner in the Ponds, we are most worried about the change in the drainage, views, density, traffic, cars parked outside, kids playing on the smaller Ponds playground. In short, we are most worried not only the change to our daily life, but the decreased property values all around. This is especially concerning with the current proposals of density, setback, lack of green space and height of buildings.

Thanks for your time

Cindy Smallwood

Lina M. Lesmes

From: REddingBob@aol.com
Sent: Monday, August 03, 2015 5:29 PM
To: Lina M. Lesmes
Subject: Foxfield Townhomes Proposed PUD

Lina Lesmes, Planner II,
Town of Silverthorne
Community Development Department

We may not have an opportunity to attend the presentation by Foxfield Townhomes to the Planning Commission on August 4, 2015. We completely support the position set forth by The Ponds at Blue River Board of Directors regarding the Foxfield Townhomes Preliminary proposed PUD, dated May 29, 2015.

Respectfully,

Robert and Vera Eddington
110 Robin, The Ponds at Blue River

Lina M. Lesmes

From: Steven Loux <sloux@msn.com>
Sent: Tuesday, August 04, 2015 9:35 AM
To: Lina M. Lesmes
Subject: Foxfield Development scheduled for review August 4th

Dear Ms. Lesmes,

I would like to add my name to the other owners ay The Ponds at Blue River that are protesting the proposed development by Foxfield Development.

I support the June 16th letter from the Board of Directors of The Ponds at Blue River. The proposed development is not in keeping with the other developments in the area and also negatively affects the environmentally sensitive areas there.

Sincerely,

Steven Loux
101 Allegra Lane
sloux@msn.com

Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*,
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: August 6, 2015 for meeting of August 12, 2015
SUBJECT: First Reading of Ordinance 2015-11, An Ordinance amending Chapter 4, Article VI, Section 4-6-2(h), concerning the Design Districts.

PROPOSAL: Ordinance 2015-11 proposes amendments to the Town Core Periphery District Design Standards to update the language and format, introduce new standards and guidelines, and ensure there is consistency with the 2014 Town of Silverthorne Comprehensive Plan. Per Section 4-6-2.h.3, the Design District Standards may be adopted as regulation upon recommendation of the Planning Commission and action by the Town Council by ordinance.

PREVIOUS COUNCIL ACTION: On May 28, 2014, Town Council adopted the 2014 Silverthorne Comprehensive Plan. As part of the Comprehensive Plan, the boundaries of the Design Districts were revised, and the following policies were adopted for the development of the Town Core Periphery District:

GOAL: The Town Core Periphery District encompasses land that is adjacent to the Town Core, in order to support Silverthorne's downtown, and to create a transition into surrounding residential or lower-intensity commercial areas of Silverthorne.

Policy LU 2 TCP 1 – Encourage land uses that support and complement Silverthorne's downtown, such as pedestrian-oriented and vehicle-served retail, civic, and professional office land uses.

Policy LU 2 TCP 2 – Promote a built form in the Town Core Periphery District that is slightly lower in height and intensity than the Town Core District, to establish a transition of land uses radiating from the Town Core and the Blue River.

Policy LU 2 TCP 3 – Preserve and enhance the "Civic Triangle" in Silverthorne, which includes Town Hall, the Silverthorne Library, the US Forest Service, the Recreation Center, and the Pavilion, through connectivity and complementary uses. Connect various destinations within and throughout the Town Core and Town Core Periphery Districts through multi-modal trails and transit.

Policy LU 2 TCP 4 – Emphasize the compatibility and cohesiveness of land uses within the Town Core Periphery, as the transition area between downtown (Town Core) and other land uses classes that surround it.

Policy LU 2 TCP 5 – Ensure that development promotes a safe, continuous pedestrian network that minimizes conflict with automobiles, offers a convenient option for pedestrian movement within and between developments, and maintains access to the Blue River.

Updating the Design District Standards was deemed the first step in implementing the 2014 Comprehensive Plan. Town Council adopted the Town Core District Design

Town of Silverthorne
Town Council Memorandum

Standards and Guidelines on February 11, 2015; the Gateway District Design Standards and Guidelines on April 8, 2015; and the Riverfront District Design Standards and Guidelines on July 8, 2015.

BACKGROUND: On August 26, 2014, Town Council requested that Staff discuss the revisions to the District Design Standards with Silverthorne's Economic Development Advisory Committee (EDAC), with a particular focus on the Town Core Design District. Following a discussion at the regularly scheduled September EDAC meeting, the group convened a subcommittee, composed of two Town Council members and five EDAC members, tasked with the detailed review of the Design District Standards to ensure compliance with the recommendations of the 2014 Comprehensive Plan.

The EDAC Subcommittee met on various occasions during the Fall of 2014 and the Spring of 2015 to agree on Standards and Guidelines for the Town Core, Gateway, and Riverfront Design Districts. Having established the format and general template for the first three Design Districts, the EDAC Subcommittee has entrusted Staff to proceed with the update of the Standards and Guidelines for the Town Core Periphery, Destination Commercial, and Business Park Districts. The document attached as Exhibit B provides the update to the Town Core Periphery Design District Standards and Guidelines. A slash and underline version, showing all the revisions, is available upon request.

STAFF COMMENTS: The proposed revisions to the Town Core Periphery District Design Standards and Guidelines were written to incorporate the following concepts.

- Change of format to 'Standards' and 'Guidelines'.
- Ensuring that buildings are oriented towards the street, and that there is a clearly defined primary entrance.
- Pedestrian Access – Minor changes. Language clarification.
- Vehicular Access – Minor changes. Section reorganization to reflect changes made in other Design Standards and Guidelines.
- Parking – Placement or location of parking areas is not restricted. Only requirement is that parking areas be enhanced with landscaping.
- Landscaping – New standard that requires landscaping that complements buildings and serves as a decorative element, and screens parking and service areas.
- Snow storage – Encouraging snow melting systems and/or the hauling of snow to offsite locations where applicable.
- Lighting – Revised standard to require lighting that is pedestrian scaled; new guideline to encourage the replacement of inadequate light fixtures.
- Screening – new language is identical to the applicable language utilized in the revisions to the Gateway and Riverfront Districts S&G.
- Architecture – Ensuring buildings provides shifts in massing, variations of wall planes and roof forms, as well as a distinct 'base', 'middle', and 'top'.

Town of Silverthorne
Town Council Memorandum

- Building Facades – Language clarification and minor changes. Emphasizing strong architectural elements at the ground level/pedestrian scale.
- Materials and Colors – New language is very similar to the applicable language utilized in the revisions to the Gateway District S&G.
- Building Roofs – No longer stating a preference between flat and pitched roofs, as was done with the Town Core, Gateway, and Riverfront Districts.
- Building Roofs – No longer prohibiting membrane systems for flat roofs, as these are typical, and the Town has approved them in recent development proposals.

PLANNING COMMISSION RECOMMENDATION: On August 5, 2015, by a vote of 6-0, Planning Commission recommended approval of Ordinance 2015-11; an ordinance amending Chapter 4, Article VI, Section 4-6-2(h), Design Districts, to amend and update the Town Core Periphery District Design Standards and Guidelines and adopt them as regulation, with an amendment to Standard 4.5.4, and its inclusion as Guideline 4.5.7.

PROPOSED MOTION:

"I move approve Ordinance 2015-11, an ordinance amending Chapter 4, Article VI, Section 4-6-2(h), Design Districts, to amend and update the Town Core Periphery District Design Standards and Guidelines and adopt them as regulation, on first reading."

ALTERNATIVE MOTION: Should the Town Council not be in favor of the proposed ordinance, no motion is necessary.

ATTACHMENTS:

Exhibit A: Ordinance No. 2015-11 – Slash and Underline version

Exhibit B: Draft – Town Core Periphery District Design Standards and Guidelines

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-11**

AN ORDINANCE AMENDING SILVERTHORNE TOWN CODE CHAPTER 4, ARTICLE VI, SITE PLAN, CONCERNING THE TOWN CORE PERIPHERY DESIGN DISTRICT.

WHEREAS, design district standards and guidelines are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 4, Article VI of the Town Code incorporates the Design Districts and the respective Design Standards by reference; and

WHEREAS, on May 28, 2014, Town Council adopted the 2014 Town of Silverthorne Comprehensive Plan, which proposed recommendations for the development of the Town Core Periphery District, and amendments to the boundaries of the Design Districts; and

WHEREAS, on February 11, 2015, Town Council adopted revised Standards and Guidelines for the Town Core District; and

WHEREAS, on April 8, 2015, Town Council adopted revised Standards and Guidelines for the Gateway District; and

WHEREAS, on July 8, 2015, Town Council adopted revised Standards and Guidelines for the Riverfront District; and

WHEREAS, the Town Council wishes to revise Chapter 4, Article VI to incorporate the revised Town Core Periphery District Design Standards and Guidelines; and

WHEREAS, the Town Council has conducted a public hearing on the proposed revisions and is of the opinion that adoption of the same is in the best interest of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1. Section 4-6-2(h) of the Silverthorne Town Code is hereby amended to read as follows:

Sec. 4-6-2. General requirements.

(h) Design Districts.

(1) Design Districts are hereby incorporated by reference into this Chapter, as may be amended from time to time. Those provisions of the Design Districts shall be used in addition to the criteria outlined in this Article. These Design District Standards and Guidelines shall be adopted as a regulation by the Town Council and shall be maintained in the Community Development Department.

(2) The following design standards and guidelines for the Town's Design Districts are hereby adopted as a regulation and fully incorporated herein by this reference.

- a. Riverfront District Design Standards and Guidelines, adopted July 8, 2015.
- b. Town Core District Design Standards and Guidelines, adopted February 11, 2015.
- c. Town Core Periphery District Design Standards, adopted August 26, 2015
~~November 12, 2008~~.
- d. Gateway District Design Standards and Guidelines, adopted April 8, 2015.
- e. Business Park District Design Standards, adopted November 12, 2008.
- f. Destination Commercial District Design Standards, adopted November 12, 2008.

All site development within the six (6) Design Districts, as hereinabove described, shall be in compliance with said standards. A failure of compliance with the standards shall be reasonable grounds for denial of the site development application.

(3) The design standards and guidelines for the foregoing Design Districts shall be amended and updated as a regulation from time to time upon recommendation of the Planning Commission and action by the Town Council by ordinance.

Section 2: Safety Clause

The adoption of this Ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 3: Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 4: Conflicts

All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Silverthorne in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 5: Effective Date

This ordinance shall be effective upon adoption at second reading as provided by the Home Rule Charter.

READ, MOVED, AND PASSED ON FIRST READING ON THE 12th DAY OF August, 2015.

MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING, ON THE 26th DAY OF August, 2015.

TOWN OF SILVERTHORNE, COLORADO

By: _____

Bruce Butler, Mayor

ATTEST:

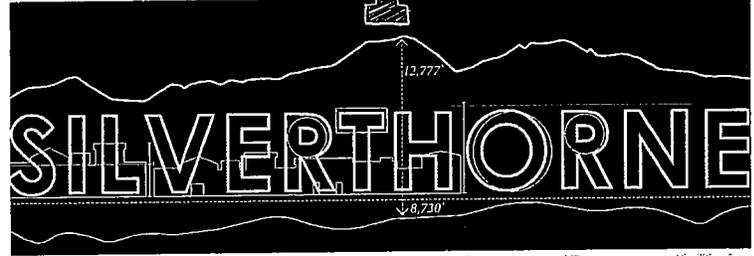
By: _____
Michele Miller, Town Clerk

Approved on the first reading:	_____	_____	2015
Published by title only:	_____	_____	2015
Approved on the second reading:	_____	_____	2015
Published by title only:	_____	_____	2015
(with amendments, if amended on second reading):	_____	_____	2015

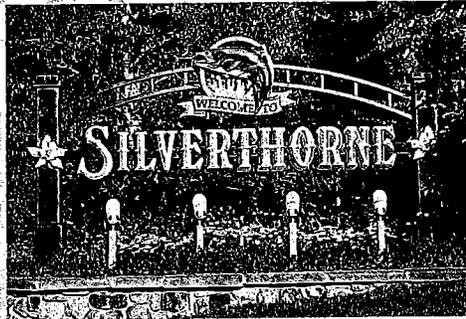
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Blueprint

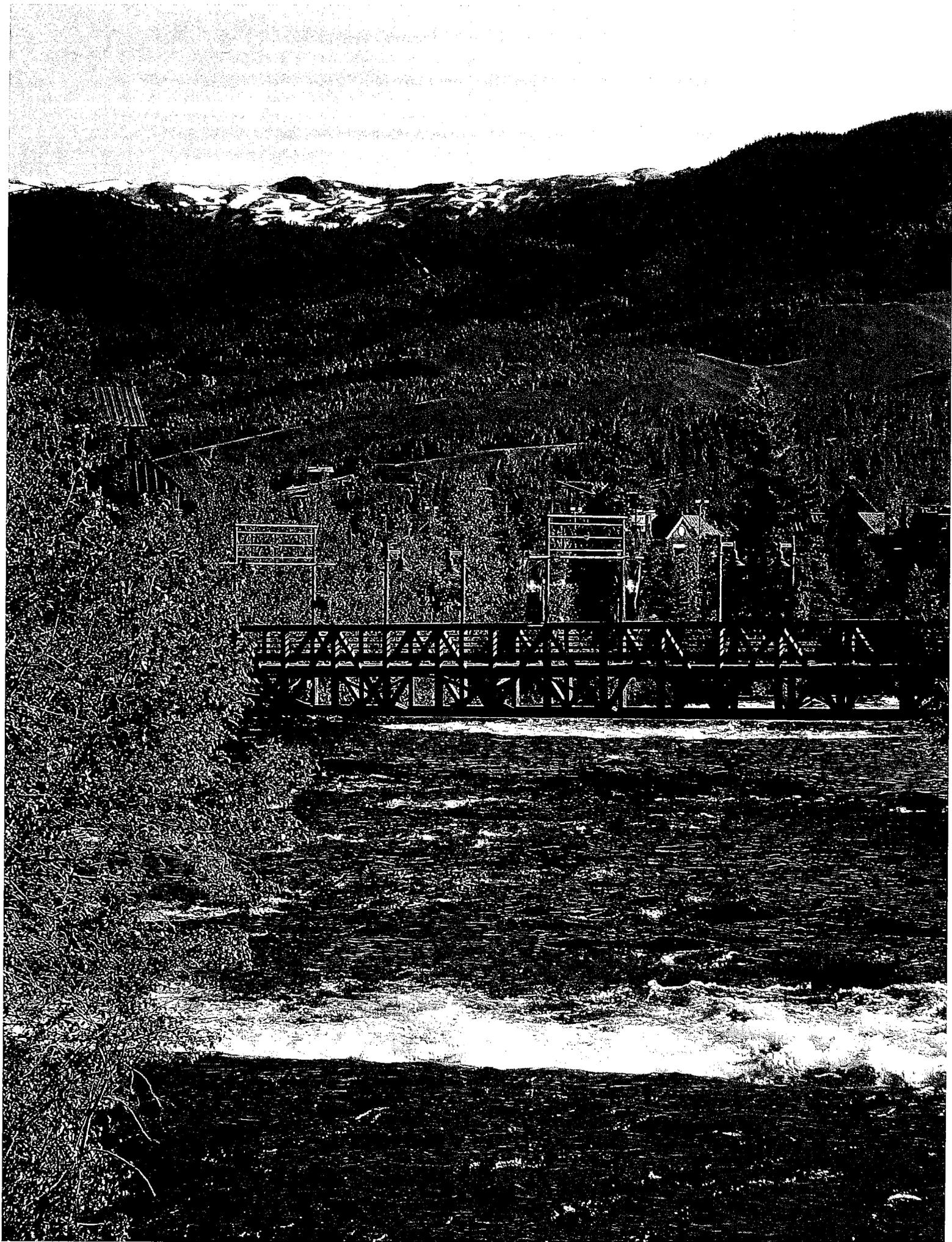
DRAFT



Design Standards & Guidelines



Town Core Periphery District



Town Core Periphery District

Design Standards and Guidelines

TABLE OF CONTENTS

Section 1 - Introduction

Purpose and Applicability	1
Relationship to Planning Documents	1
How to Use the Design Standards	1

Section 2 - Town Core Theme and Character

Purpose	2
Goals	2

Section 3 - Site Design Standards and Guidelines

Building Orientation and Location on Site	3
Pedestrian Access and Circulation	3
Vehicular Access and Circulation	4
Parking	4
Landscape	5
Lighting	6
Screening	6
Site Furnishings and Art	7

Section 4 - Architectural Standards and Guidelines

Building Height, Form, and Mass	8
Building Facades and Architectural Elements	9
Building Materials and Finishes	10
Building Colors	11
Building Roofs	12

ACKNOWLEDGEMENTS

Thanks are due to those who contributed to the development of these Design Standards and Guidelines.

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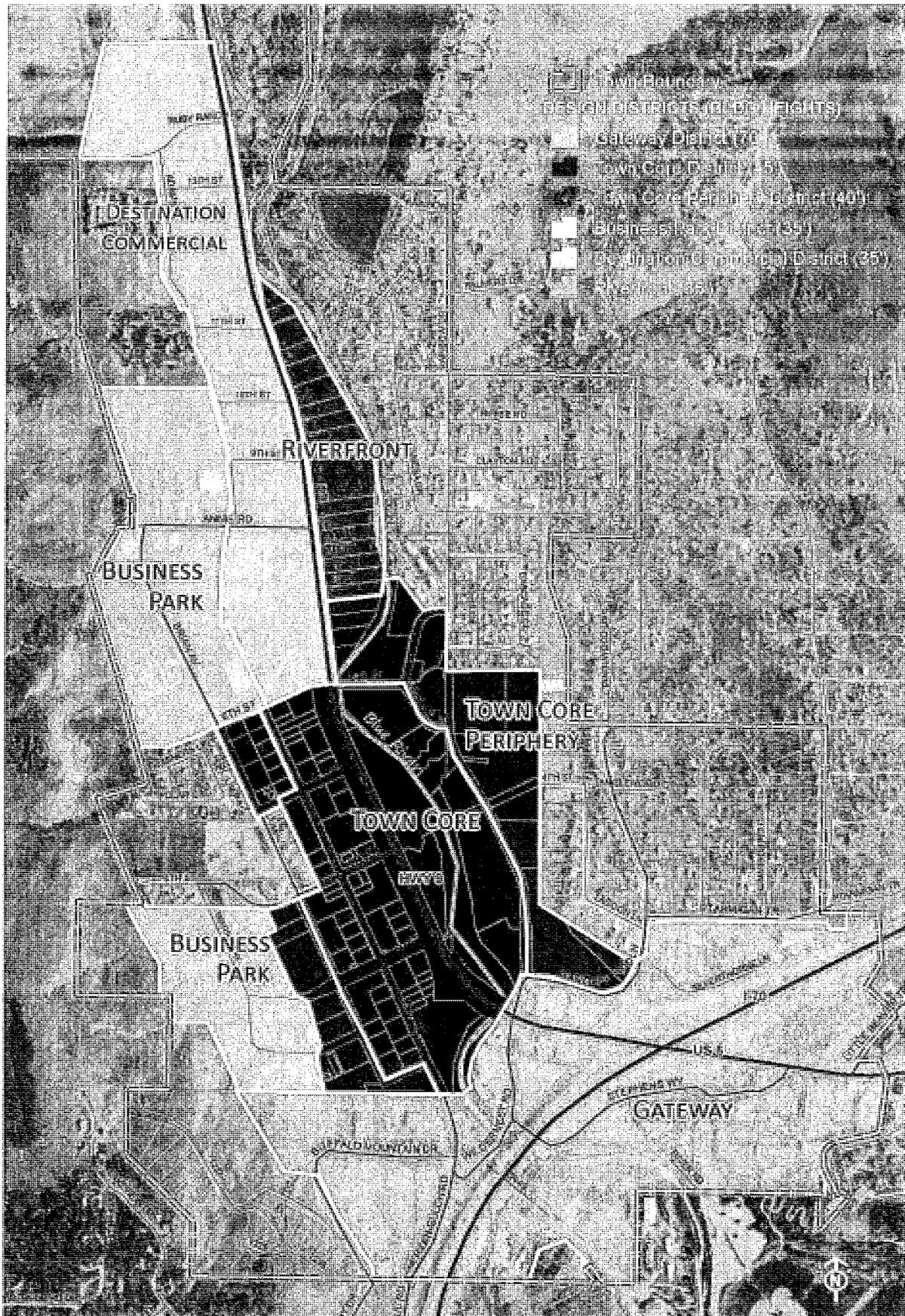
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Town Core Periphery

Design District

SECTION 1: INTRODUCTION

PURPOSE AND APPLICABILITY

1.1.1. The purpose of these Design Standards and Guidelines is to guide the general form and relationship of the buildings within the Town Core Periphery District to the surrounding environment. The boundaries of the Town Core Periphery District are as shown on the Design District Overlay Map, adopted on May 28, 2014 by the Silverthorne Town Council.

1.1.2. The Town believes the Town Core Periphery District to be an area where the land uses support and complement the Town Core District uses. The civic triangle of Town Hall, the Recreation Center and Town Pavilion anchor the eastern portion of this district. Design compatibility within the Town Core Periphery District can be achieved through consideration of building scale, design, proportions, site planning, landscaping, materials and colors and compliance with the standards contained herein.

1.1.3. The Design Standards and Guidelines apply to all new buildings, additions, or major alterations to exteriors of buildings, including changes to color schemes and materials. No development shall be approved by the Town unless all relevant standards are met. On a case-by-case basis, proposed modifications to existing buildings or structures may be relieved from strict compliance with these design standards dependent on site and/or building constraints.

1.1.4. Standards are baseline requirements for the design of development projects. Guidelines are recommendations that are intended to further define the desired image and character of development within the Town Core Periphery District. Compliance with the Design Guidelines is strongly encouraged.

RELATIONSHIP TO OTHER PLANNING DOCUMENTS

1.2.1. These Standards and Guidelines reflect the goals for the Town of Silverthorne as set forth in the Comprehensive Plan, and as adopted and referenced as 'Design Districts' in Town Code Section 4-6-2(h). These Standards address site design through building location and orientation, access, parking, landscaping, lighting, and screening; and building design through building height, form, mass, architectural elements, materials, colors, and roofing.

1.2.2. These Design Standards and Guidelines are in addition to the standards and requirements identified in the Town Code. While the Standards are intended to be consistent with the Town Code, there may be occurrences where there is a conflict between the two documents. In the event of a conflict, the stricter of the two standards shall apply.

HOW TO USE THE DESIGN STANDARDS AND GUIDELINES

1.3.1. The intent of these Design Standards and Guidelines is to provide clear and concise direction to developers and property owners in order to promote quality and preserve value. The Standards will be used as a tool in evaluating submittals for all new projects, and any significant remodels or renovations of existing developments.

1.3.2. Property owners, developers, and architects should use these Standards and Guidelines when preparing site and architectural plans for new development and for improvements to existing development. All Standards and Guidelines contained within this document should be reviewed, and special care shall be taken to address all situations where standards apply to a specific project.

SECTION 2: THEME AND CHARACTER

PURPOSE

2.1.1. The Town Core Periphery District consists of mix of structures, uses and activities, all of which contribute to the Town's unique identity. There is not one dominant architectural style and this document does not advocate any one particular style. It does, however, provide a guideline for creative development using elements to express contemporary mountain architecture on both a pedestrian and local vehicular traffic scale.

2.1.2. The Town Core Periphery District generally contains a mixture of retail, civic, residential and some light and heavy commercial uses. A mix of land uses that support the Town Core District are encouraged including pedestrian and vehicular destination retail, civic, multi-family residential and professional office uses.

GOALS

2.2.1. The primary goals for the Town Core Periphery District are to:

- a. Promote land uses that complement and support the Town Core District;
- b. Establish a transition of land uses radiating from the Town Core and the Blue River;
- c. Encourage development that presents an image of permanence, quality and value;
- d. Set minimum quality standards for site design and building architecture;
- e. Develop attractive street facades with buildings scaled and oriented toward vehicular and pedestrian traffic along Rainbow Drive, Brian Avenue and Adams Avenue;
- f. Reduce the negative visual impact of parking lots with

attractive and appropriately sized landscaping;

- g. Locate parking lots to be screened by buildings or landscaping from public view;
- h. Provide pedestrian connections within and between developments that link to the Town's overall pedestrian network;
- i. Encourage energy conservation in building design and materials through solar exposure, appropriate orientation and other measures;
- j. Promote a sense of permanence and richness in the area by requiring the use of high quality materials;
- k. Require exterior colors to be subtle yet rich colors rather than intense, bright colors; and color schemes to tie building elements together and to enhance the architectural form of the building;
- l. Provide for integrated lighting into building and site design;
- m. Create a compatible landscape scheme within the Town Core Periphery District that advances the continuity of the streetscape; and
- n. Screen storage areas, mechanical equipment and loading areas from public rights-of-way to the extent practical.

SECTION 3: SITE DESIGN STANDARDS AND GUIDELINES

GOAL 3.1: BUILDING ORIENTATION AND LOCATION ON THE SITE

Orient primary structures to the primary street to ensure building visibility from public rights-of-way, to create a sense of street enclosure, to complement existing adjacent development, and to create a coordinated and visually attractive streetscape.

STANDARDS

- 3.1.1. Buildings within the Town Core Periphery District shall be oriented toward the street, and shall respect the relationship to existing adjacent development.
- 3.1.2. Buildings shall have a clearly defined primary pedestrian entrance along the street-facing facade.
- 3.1.3. Accessory structures or uses shall not front public rights-of-way, open space and/or residential areas.

GUIDELINES

- 3.1.4. Front facades that are aligned with adjacent buildings, promote visual continuity along the street edge, and support pedestrian activity are encouraged.
- 3.1.5. Developments are encouraged to utilize creative, place-making street sensitive site organization.
- 3.1.6. Silverthorne's high alpine climate should be taken into consideration in all building designs to prevent ice and snow buildup. In particular, north-facing main entries are discouraged. Passive solar design is encouraged.

GOAL 3.2: PEDESTRIAN ACCESS AND CIRCULATION

Create a safe, continuous pedestrian network that links primary buildings and minimizes conflict with vehicular traffic, while providing a convenient option for pedestrian circulation within and between developments.

STANDARDS

- 3.2.1. Where a public sidewalk (attached or detached from the adjacent public street) is deemed necessary by the Town, it shall be installed in the public right-of-way as part of the proposed development.
- 3.2.2. Continuous internal pedestrian walkways within a development site, not less than six feet in width shall be provided from the primary building entrance to adjacent sidewalks, trails, and public rights-of-way, or to other focal points of pedestrian activity.

3.2.3. Walkways shall be provided to separate pedestrians and vehicles, and shall link ground level uses within the site.

GUIDELINES

3.2.4. Where pedestrian walks cross drive aisles, they should be clearly marked with signage, special paving, landscaping, or other similar methods.

3.2.5. Contiguous developments are discouraged from installing physical barriers between projects unless necessary for safety, storage, or mitigation of adverse impacts.

GOAL 3.3: VEHICULAR AND SERVICE AREA ACCESS AND CIRCULATION

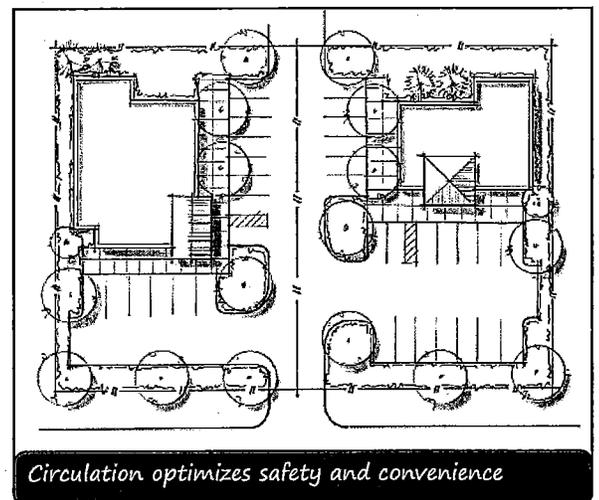
Create a vehicular circulation system that is safe, convenient, and efficient.

STANDARDS

3.3.1. Vehicle circulation on-site shall be clearly organized to facilitate movement into, throughout, and out of parking areas. Parking drive lanes and intersections shall align wherever practical.

3.3.2. Service and delivery areas shall be located to the side or rear of buildings, or in other inconspicuous locations, where they are generally not noticeable from public rights-of-ways or pedestrian walkways. Where possible, adjacent parcels or buildings should share service and delivery areas, and/or access to such areas.

3.3.3. Circulation and parking for service areas shall be designed to minimize disruption to the flow of vehicular and pedestrian traffic, and to provide efficient turning movements.



GUIDELINES

3.3.4. Contiguous developments are encouraged to combine access points to minimize curb cuts, and to provide connections between adjacent properties.

3.3.6. Development projects that require multiple or frequent deliveries should provide separate customer and service access drives where possible.

GOAL 3.4: PARKING

Ensure that parking areas within the Town Core Periphery District are adequate and convenient, and located to minimize negative visual impacts from public rights-of-way.

STANDARDS

3.4.1. Parking areas shall be located so as to minimize negative visual and noise impacts to adjacent properties and the public rights-of-way.

3.4.2. Parking areas shall be enhanced with landscaping to provide screening, reduce the appearance of large amount of pavement, soften edges, and create an inviting environment for users.

GUIDELINES

3.4.3. The Town encourages new developments to minimize surface parking wherever possible by considering parking reductions, shared parking provisions, and providing facilities for alternative forms of transport.

3.4.4. To the maximum extent feasible, parking should be located on the interior of a site or behind a building in a landscaped parking area and screened from view from public rights-of-way. Under ground or under structure parking, integrated with the building's architectural design, is encouraged.

3.4.5. All drives, parking, and vehicular and pedestrian circulation areas shall be paved and properly marked. Where higher quality materials are used at service areas, they should include only those with proven longevity in the local environment such as: colored concrete, hydraulically-pressed concrete pavers, and stone pavers.

3.4.6. Snow storage areas should be located in the rear or side of properties. Snow melt systems or snow hauling offsite should be considered to maximize use of the site.

GOAL 3.5: LANDSCAPE

Use landscaping to create an attractive environment within and along the edges of each development parcel, screen parking and service areas, and provide inviting gathering spaces for the public.

STANDARDS

3.5.1. Landscaping shall complement buildings, accent building entries, serve as a decorative element, screen parking and service areas, and define onsite circulation. Landscaping shall not interfere with the line of sight of vehicle drivers, or impede the visibility of businesses.

3.5.2. Landscaping shall be clustered into feature areas, such as corners, entryways, buffer zones and screening for service areas, rather than distributed thinly throughout the site.

3.5.3. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots, and the estimated size of the fully mature tree. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.

3.5.4. Significant landscape materials such as trees shall be located outside of utility easements. Planting trees over utility lines is prohibited.

GUIDELINES

3.5.5. Alternative forms of landscaping appropriate for the Town Core Periphery District are encouraged. Alternative forms of landscaping might include planter boxes, hardscape patios, and seating areas.



Seating Areas as alternative forms of landscaping

3.5.6. Landscaping should be utilized to screen parking areas, service and delivery areas, and utility, mechanical, and telecommunications equipment to the extent practical.

GOAL 3.6: LIGHTING

Create a safe and welcoming environment within the Town Core Periphery District through the use of adequate site and building lighting design.

STANDARDS

3.6.1. Lighting shall be designed as an integral part of the building in a manner that enhances the facade, architectural features and the site design. Light fixtures shall be compatible with the colors and materials of the building architecture, site furnishings and landscape of the project.

3.6.2. Pedestrian scale lighting is required on civic or public buildings or sites within the Town Core Periphery District to enhance the experience and safety of the pedestrian.

GUIDELINES

3.6.3. Lighting should be coordinated to provide uniform light levels and an organized appearance through the use of consistent fixtures, lamp types, and placement.

3.6.3. Light retrofits and replacements in situations where existing light fixtures cause light trespass, glare, or consume excessive energy are encouraged.

GOAL 3.7: SCREENING OF SERVICE AREAS AND MECHANICAL EQUIPMENT

Screening shall effectively mitigate negative visual and acoustic impacts of site uses, and shall be integrated into each project's overall site design.

STANDARDS

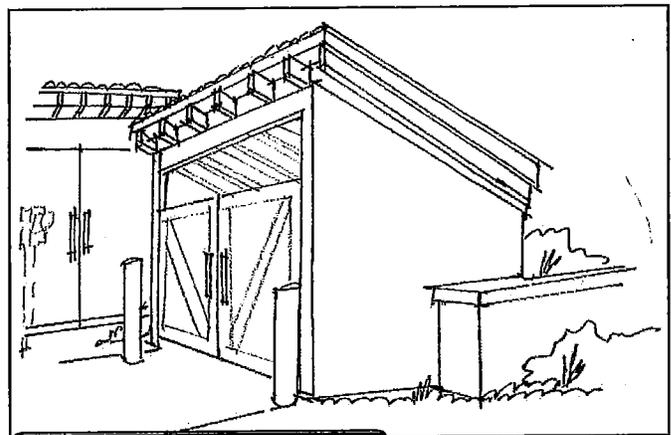
3.7.1. General

- a. All utility, telecommunications, ground mounted and roof-top mechanical equipment shall be shown on the final site plan for the proposed development project.
- b. Service, storage, refuse, and equipment areas shall be located within buildings, or combined with other such areas, to the greatest degree practical.
- c. When necessary, screening enclosures shall be designed in the same architectural style, and be constructed of materials and colors complementary to the primary building onsite. Fences shall be permanent, solid, and opaque; and at least as tall as the object to be screened.
- d. All screening enclosures must be designed in a manner that optimizes the safety, longevity, and performance of the screening enclosure and the equipment being screened.

3.7.2. Refuse, Recycling, Storage and Service Areas

- a. Refuse, recycling, and service areas shall be located to the rear or side of buildings, or in other inconspicuous locations, where they are generally not noticeable from public rights-of-way, residentially zoned property, pedestrian walkways, or open spaces.

- b. Refuse, recycling, storage, and service areas shall be combined with other service and loading areas to the extent practical.
- c. All outdoor refuse, recycling containers, and dumpsters shall be screened from view from adjacent properties and public rights-of-way by enclosure in a permanent, four-sided, solid, and opaque structure with a roof.
- d. Refuse, recycling, storage, and service structures shall be designed in the same architectural style and be constructed of materials and colors complementary to the primary building on site.
- e. All outdoor storage of materials, vehicles, and/or ancillary equipment shall be screened from public view with a permanent, solid, opaque fence. Fences shall be designed to complement the architecture of the primary structure.



Dumpster Enclosure with a Roof

3.7.3. Utility, Telecommunications and Mechanical Equipment

- a. Avoid locating telecommunications equipment, mechanical equipment, utility connections and service boxes on the primary facade of the building.
- b. Ground-mounted mechanical equipment units, including switch boxes, and electrical and gas meters, shall be screened in a manner that minimizes visual impacts and optimizes safety.
- c. Minimize the visual impact of telecommunications equipment, mechanical equipment, utility connections, and service boxes on buildings by painting them to match the primary building color.

3.7.4 Roof-top Mechanical

- a. Roof top mechanical equipment shall be low-profile, non-reflective units, and screened such that they are not visible from the public right-of-way. Provide screening with materials that are compatible with the building to which they are mounted. Screening heights shall be at least as tall as the equipment to be screened.
- b. Minimize the visual impact of telecommunications equipment, mechanical equipment, utility connections and service boxes on roof-tops by painting them to match the roof color.
- c. Roof and wall mounted solar panels must be architecturally integrated into the roof or building form.

GUIDELINES

3.7.5. Reinforced concrete aprons are recommended in front of refuse and recycling storage areas to accommodate refuse and recycling removal trucks.

3.7.6. Vegetative screening should be primarily evergreen plants that will form a solid opaque screen at least as tall as the object to be screened.

GOAL 3.8: SITE FURNISHINGS AND ART

Create a clean and comfortable active pedestrian streetscape environment that invites the pedestrian to linger.

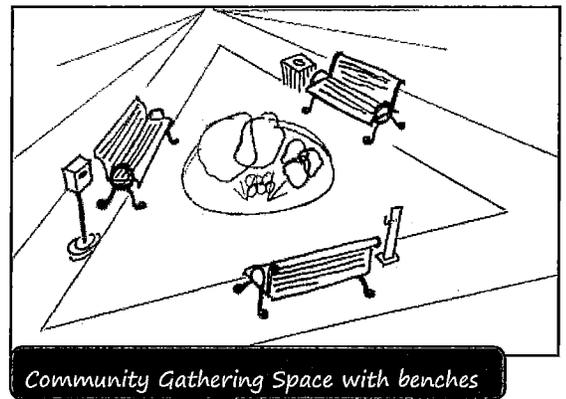
STANDARDS

3.8.1. Permanent site furnishings such as benches, tables and other pedestrian amenities shall be made of durable, weather resistant materials and shall be consistent with the overall design character of the District.

GUIDELINES

3.8.2. Site furnishings are encouraged to be provided at main pedestrian walkways, building entrances, plazas, open space, and other pedestrian areas, without impeding pedestrian movement on the sidewalk.

3.8.3. Two-dimensional or three-dimensional art works displayed for public view that enhance the overall district character are highly encouraged.



SECTION 4: ARCHITECTURAL STANDARDS AND GUIDELINES

GOAL 4.1: BUILDING HEIGHT, FORM, AND MASS

Building height, mass, form, length, and proportions shall be designed to provide a variety of visual interest, while maintaining a human scale that is appropriate to its surroundings.

STANDARDS

4.1.1. The maximum height in the Town Core Periphery District is forty (40) feet for pitched roofs and thirty five (35) feet for flat roofs. For the purpose of this requirement a pitched roof shall have a slope of no less than 4 feet in 12 feet. The definition of building height shall be as stated in the Silverthorne Town Code.

4.1.2. Buildings shall be designed to relate directly to and reinforce the pedestrian scale and quality of the street. The following techniques may be used to meet this objective:

- a. Provide shifts in building massing, as well as variations in the height, profile, and roof form;
- b. Minimize long expanses of wall at a single height or in a single plane;
- c. Provide projecting or recessed design elements; and
- d. Group elements to provide balanced facade composition.

4.1.3. Reduce the bulk of a multi-story building to be on a pedestrian scale. The design shall emphasize a “base”, “middle”, and “top”.

- a. A distinctive “base” at the ground level that is weightier in appearance than the rest of the building, with heavier, larger, or darker building materials. In addition, “base” elements may include windows, awnings, canopies, bays, overhangs, or other architectural features.
- b. The “middle” of the building shall be made distinct by a change in material or color, windows, balconies, step-backs, and signage.
- c. The “top” of the building shall emphasize a distinct profile or outline with elements such as: A projecting parapet, cornice, upper level stepback, or creative roofline.

4.1.4. The mass of the pedestrian portion of the building shall be broken down to a human scale with a strongly marked primary entry, and distinct architectural features at the ground level.

GUIDELINES

4.1.5. Developments are encouraged to create visual continuity by designing buildings to exhibit height and massing complementary to adjacent, conforming buildings.

4.1.6. Building elements that provide shelter from natural elements, including porches, patios, and deep eaves, are encouraged to add interest along the street.

GOAL 4.2: BUILDING FACADES AND ARCHITECTURAL ELEMENTS

Create an image of high quality development. Encourage a variety of architectural elements that avoid featureless design and uninterrupted repetition of building materials.

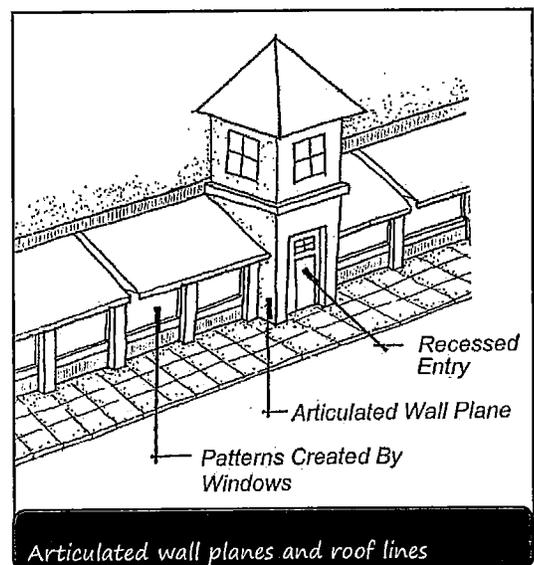
STANDARDS

4.2.1. Regardless of the specific style, new buildings in the Town Core Periphery District shall:

- a. Provide large areas of glass at the ground level to display the goods and services offered inside (if applicable);
- b. Provide distinct or unique architectural elements that contribute to a sense of place; and
- c. Articulate front facades to provide visual interest and reduce the impersonal appearance of commercial buildings.

4.2.2. Buildings shall be designed to provide interest and variety, and with elements scaled to the pedestrian. The following techniques shall be used to meet this objective, with consideration to preventing the shedding of snow onto pedestrian areas:

- a. Break up large building components with significant articulation of wall planes and roof lines;
- b. Create patterns, using window size and/or shape, that relate to interior functions;
- c. Emphasize building entries through projecting or recessed forms; and
- d. Provide distinct and strong architectural elements at the ground level to add emphasis to the pedestrian portion of the building.



4.2.3. Provide human scale through change in plane, contrast and intricacy of form. Avoid large areas of undifferentiated or blank building facades.

4.2.4. Buildings shall be designed with consistent and/or compatible details on all sides visible from public right-of-ways.

4.2.5. Each principal building on a site shall have clearly defined, highly visible, primary pedestrian entrance, featuring one of the following: Canopies or porticos, overhangs, recesses/projections; raised corniced parapets over the door,

peaked roof forms, arches, or other unique architectural detail. Pedestrian entrances shall be oriented towards the street, and shall be architecturally distinguished from employee or service area entrances.

4.2.6. Building façades shall not exceed 75 feet in length along the same geometric plane, at which time there shall be wall plane projections or recesses having a depth of at least 2 feet for a distance of not less than 6 feet.

4.2.7. Each building façade shall have a repeating pattern that includes no less than three instances of either: color change, texture change, material change, or repeated expression of a structural, architectural feature.

GUIDELINES

4.2.8. On corner lots, architectural features, such as corner entrances and angled corners, are encouraged to emphasize corner locations.

GOAL 4.3: BUILDING MATERIALS AND FINISHES

Building materials and finishes shall present an image of high quality and permanence.

STANDARDS

4.3.1. Buildings shall be designed in a manner and constructed of materials that are compatible and complementary to the surrounding buildings in the Town Core Periphery District.

4.3.2. To break up large building forms and wall surfaces, buildings shall incorporate a variation or combination of materials, material modules, surface relief, and texture.

4.3.3. Predominant exterior building materials shall be high-quality durable materials that retain their appearance over time, and that can be economically maintained. Buildings shall be predominantly clad in Class I and Class II materials. Class III materials are prohibited in the Town Core Periphery District.

- Class I materials include timber, log and wood siding, clay fired brick, natural stone, masonry, cement stucco, and glass.
- Class II materials include architectural metal, fiber cement siding, concrete brick, manufactured stone, and integrally colored split face block.
- Class III materials include EIFS, smooth-face concrete block, tilt-up concrete panel systems, metal panel systems, and vinyl and aluminum siding.

4.3.4. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of the Town Core Periphery District Design Standards and Guidelines. The use of mirrored or reflective glass is prohibited.

4.3.5. Applicants are required to submit a sample board of materials, finishes and colors of all proposed exterior materials.

GUIDELINES

4.3.6. Changes in material should occur where the transition is accommodated through an architectural detail. As a general practice, changes in exterior materials should not occur at exterior corners, but should be wrapped around the

corner to give the material depth and the appearance of a structural function.

4.3.7. Building materials and details used on the facade of the primary structure may be transitioned to a lesser degree of detail on service sides of the building.

GOAL 4.4: BUILDING COLORS

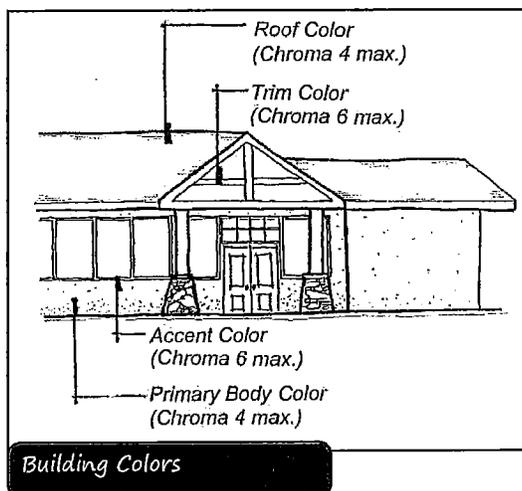
Exterior building colors shall be aesthetically pleasing and compatible with colors of nearby conforming structures.

STANDARDS

4.4.1. Color choices for all buildings shall be made within the range delineated by these Design Standards and Guidelines in relation to the Munsell color notation system. The Munsell Book of Color is available for reference at the Town of Silverthorne Community Development Department.

4.4.2. The Munsell color notation system is broken into three characteristics: hue (color), chroma (brightness), and value (shade). In the Town of Silverthorne, chroma is the only Munsell color characteristic that is regulated.

- a. The primary body colors of the building shall not exceed a chroma of four on the Munsell Color Chart.
- b. The trim accent colors of the building shall not exceed a chroma of six on the Munsell Color Chart. The term trim in this standard is interpreted to mean those elements of a building which frame, surround or join different building materials. The trim accent colors are limited to an area of no greater than 10% of the building façade.
- c. The roof color of the building shall not exceed a chroma of four on the Munsell Color Chart. Roof color shall be compatible and complementary to the surrounding buildings in the Town Core Periphery District.



- d. The use of black, white and neutral gray colors proposed for any portion of the exterior building features shall be reviewed on a case by case basis based on the appropriateness to the proposed building design.

4.4.3. All exterior metal elements of a building, such as flues, flashings, etc., shall be painted a flat color that is compatible with the exterior building color and shall not be exposed metal. Exterior metal elements on building roofs shall be painted a flat, dark color that is compatible with the roof color.

4.4.4. A color palette board shall be submitted and reviewed by the Community Development Department showing all proposed primary body, trim and accent colors and intensities for the exterior walls of the building.

GUIDELINES

4.4.5. Exterior building colors should be complementary to adjacent conforming buildings and the natural mountain surroundings. Colors should be those that copy the earth tones found in nature within and around Silverthorne.

4.4.6. Color should be used to enhance the architectural form of the building. The style, material, and detailing of the structure should be considered when selecting color schemes. Color should not be used to gain attention, and should be subordinate to the architecture of the structure.

4.4.7. The same or substantially similar colors used on the primary structure should be used on any accessory structures on the site.

GOAL 4.5: BUILDING ROOFS

Roof forms shall contribute to the overall image of high quality and permanence, and shall be used to screen roof top equipment.

STANDARDS

4.5.1. The character of buildings shall be enhanced with creative roof elements, and with consideration of the impact of the pitch, materials, size, and orientation of the roof form.

4.5.2. Where pitched roofs are utilized, appropriately oriented gables, dormers, and shed roof elements shall be used to break up large expanses of roof, and to add architectural interest.

4.5.3. Where flat roofs are utilized, they shall be screened with parapets and cornices, or with peaked, sloped, or arched façade elements.

4.5.4. Roofs shall be designed in a manner in which they do not deposit snow onto required parking areas, sidewalks, refuse storage areas, stairways, decks, balconies, or entryways. Where snow guards are needed they shall be architecturally integrated into the roof design.

4.5.5. Visible roof surfaces shall be made of durable materials such as concrete tile, metal, other pre-finished architectural metals or architectural grade asphalt shingles.

4.5.6. Both highly visible and non-visible roof structures shall be a natural subdued color which is complementary to the architecture and its natural surroundings.

GUIDELINES

4.5.7. Roofs designed as attention-getting devices, elements that serve as signage, or as an identifiable corporate image are discouraged.

4.5.8. Membrane systems that are visible from the public right-of-ways are discouraged.

4.5.9. Ridgelines and roof forms are encouraged to change in relationship to changes that occur in the wall planes.

4.5.10. Whenever possible, gutters and downspouts should be located in the least conspicuous location, such as in the rear or side facades of the building, and painted to match either the trim or primary color of the structure. Gutters and downspouts should not drain onto walkways or sidewalks.

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Mark Leidal, Assistant Town Manager *ML*
DATE: August 6, 2015, for meeting of August 12, 2015
SUBJECT: Craig Realty Group – Silverthorne, LLC, (Starbucks) Enhanced Sales Tax Incentive Program (ESTIP) Agreement

SUMMARY: Steve Craig owner of Craig Realty Group – Silverthorne, LLC, has requested to be considered for participation in the Town's Enhanced Sales Tax Incentive Program (ESTIP). A four (4) year sales tax revenue sharing agreement is attached for Town Council consideration. The proposed ESTIP agreement sets forth a sales tax reimbursement of up to \$100,000 over a four (4) year period.

BACKGROUND: The purpose of ESTIP, as stated in the Town Code, is to: encourage establishment and/or substantial expansion of retail sales tax generating businesses within the Town, thereby stimulating the economy of and within the Town, providing employment for the residents of the Town and others, expanding the goods available for purchase and consumption by residents of the Town, and increasing the sales taxes collected by the Town. The expanded ESTIP program, implemented in December 2011, provides opportunities for a broader range of businesses to be eligible for consideration, while at the same time maintaining the Town Council's sole and exclusive discretion to approve or deny an application based solely on the merits of each particular application. The program expansion implemented a lower minimum required threshold of enhanced sales taxes, and an expanded definition of public and public-related purposes for which enhanced sales taxes can be used.

PREVIOUS COUNCIL ACTION: Ordinance 2001-8, an ordinance establishing the ESTIP program, was approved by the Town Council on June 26, 2001. An expansion of the ESTIP program was implemented by the Town Council in 2011 via Ordinance 2011-12. The Silverthorne Town Council has approved five ESTIP agreements to date, including a 2001 Target agreement, a 2010 Lowe's agreement, a 2013 Which Wich agreement, a 2014 Murdoch's agreement, and a 2014 Baker's Brewery agreement.

DISCUSSION: Craig Realty Group – Silverthorne, LLC, is eligible for consideration in the ESTIP program as the business meets the minimum enhanced sales tax amount of \$5,000, and the business will bring several public-related benefits identified in the ESTIP ordinance, including the occupancy of a vacant space and the addition of jobs to Silverthorne. Starbucks is a nationally recognized coffee store that has a variety of offerings to the public as well as a drive thru. The Starbucks is currently under construction and is scheduled to open by October 2015 in a vacant space in the Green Village of the Outlets at Silverthorne.

Town of Silverthorne
Council Agenda Memorandum

The ESTIP agreement sets forth a sales tax reimbursement of up to \$100,000 over a four (4) year period. The ESTIP formula takes into consideration displacement of sales tax revenue that may come from competing businesses in Silverthorne. This amount is identified in paragraph 4.b of the ESTIP Agreement, which identifies a "base amount" of \$2,000 which is deducted from the amount of sales tax to be reimbursed in a given year.

STAFF RECOMMENDATION: Staff recommends approval of the Craig Realty Group – Silverthorne, LLC, Enhanced Sales Tax Incentive Program (ESTIP) Agreement as presented.

Proposed Motion: *"I move to approve the Enhanced Sales Tax Incentive Program Agreement with Craig Realty Group – Silverthorne, LLC, as presented."*

ATTACHMENT:

Exhibit A: Agreement Pursuant to Enhanced Sales Tax Incentive Program –
Craig Realty Group - Silverthorne, LLC

AGREEMENT PURSUANT TO ENHANCED SALES TAX INCENTIVE PROGRAM
(Craig Realty Group – Silverthorne, LLC)

This Agreement Pursuant To Enhanced Sales Tax Incentive Program (this “Agreement”) is made and entered into as of the 16th day of July, 2015, by and between CRAIG REALTY GROUP - SILVERTHORNE, LLC, a Colorado limited liability company, hereinafter referred to as the “Owner”; and the TOWN OF SILVERTHORNE, COLORADO, hereinafter referred to as the “Town”, collectively the “Parties”, and each individually, as a “Party”.

RECITALS:

Whereas, the Town has adopted Chapter 1, Article X, Division 9 of the Silverthorne Town Code, entitled the Enhanced Sales Tax Incentive Program (the “ESTIP Program”), a copy of which is attached hereto as **Exhibit A**, to encourage, in part, the establishment of retail sales tax generating businesses within the Town; and

Whereas, the Owner desires to participate in the ESTIP Program and to share in the enhanced sales tax derived from the business described as Starbucks (the “Tenant”), located at 246 Rainbow Drive, Unit V, and more particularly described as Lot 2R, Riverview Subdivision – Building H (the “Property”), for the installation of Public-Related Improvements defined as Occupancy of Vacant Space and Creation of Jobs in the Town (the “Public-Related Improvements”) to the extent allowed by this Agreement and the ESTIP Program.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants, promises, and agreements of each of the Parties hereto, to be kept and preformed by each of them, the Parties agree as follows:

1. **Recitals.** The Recitals set forth above are incorporated in this Agreement by reference.
2. **Term.** The term of this Agreement shall commence on the first day of the calendar month following the month in which a Starbucks opens for business on the Property (the “Commencement Date”) and shall terminate on the one (1) year anniversary date of the Commencement Date, unless otherwise provided in this Agreement (the “Term”). The Term may be renewed by up to three (3) one (1) year periods (the “Extended Term”). The Term of this Agreement shall automatically renew for each additional one year period.
3. **Application of Town Code.** This Agreement is subject to the limitations of the ESTIP Program. In the event of conflicts between this Agreement and the ESTIP Program, the ESTIP Program shall control.

4. Qualification of Property for the ESTIP Program. The Town agrees that the Owner qualifies for the ESTIP Program and the Public-Related Improvements are improvements for public purposes that will stimulate the economy of and within the Town, provide employment opportunities for residents of this Town and others, expand the goods available for purchase and consumption by residents of the Town, and increase sales taxes collected by the Town. The Town finds the new business is reasonably likely to generate enhanced sales taxes of at least Five Thousand (\$5,000.00) Dollars in the first year of operation. The following provisions shall apply for each year in which the ESTIP Program is in effect for the Tenant:

a. Fifty percent (50%) of the "Enhanced Sales Taxes" collected by the Town and derived from the Tenant shall be segregated by the Town to be utilized for the ESTIP Program herein established and approved (the "Allocated Revenues"). For purposes of this Agreement "Enhanced Sales Taxes" shall have the meaning set forth in the ESTIP Program at Section 1-10-102 of the Silverthorne Town Code (not less than 2.8% of sales).

b. In determining the amount of Enhanced Sales Taxes, the "base amount" as defined in the ESTIP Program and agreed to by the Town and the Owner shall be zero dollars (\$-0-) per year representing the good faith determination by the Owner and the Town of the amount of sales taxes which could be generated from the new business to be established on the Property without the participation of the Owner in the ESTIP Program created hereunder, to which shall be added Two Thousand Dollars (\$2,000) per year, representing that amount of sales taxes presently being received by the Town which will be displaced as a result of and the operation of a Starbucks on the Property, for a total agreed base amount of Two Thousand Dollars (\$2,000).

c. The Owner shall share in the Enhanced Sales Taxes derived from the Property and the new business located thereon as provided herein.

d. Enhanced Sales Taxes from the Tenant shall be shared and the Allocated Revenues shall be disbursed to the Owner on a monthly basis as provided herein commencing with sales taxes collected on and after the Commencement Date. The maximum period of time that the Agreement shall be in effect shall be the earlier of (i) four (4) years, commencing on the Commencement Date, or (ii) until the sum of One Hundred Thousand Dollars (\$100,000) in Enhanced Sales Taxes (the "Maximum Amount") has been paid to Owner for public-related benefits, whichever occurs first, at which time this Agreement shall terminate. It is expressly understood by the Parties that this Agreement will terminate upon the occurrence of the earlier to be reached of the maximum time as provided in the preceding sentence (whether or not the Maximum Amount

has been reached) or the disbursement of the Maximum Amount as provided in the preceding sentence (whether or not the maximum time set forth has expired).

e. This Agreement is a personal agreement between the Town and the Owner and does not run with the land. The obligations, benefits and/or the provisions of this Agreement may not be assigned in whole or in part without the express authorization of the Town Council, acting in its sole and exclusive discretion and no third party shall be entitled to rely upon or enforce any provisions hereon. Notwithstanding the foregoing, Owner may assign its interests in this Agreement to an affiliate or to an assignee or successor approved by the Town, in its reasonable discretion, but which shall not be unreasonably withheld, conditioned or delayed. . For the purposes of this Paragraph, an affiliate means an entity which controls, is controlled by, or is under common control with the Owner. This Agreement shall never constitute a debt or obligation of the Town within any constitutional or statutory provision.

f. Any Enhanced Sales Taxes subject to the Agreement shall be escrowed in the event there is a legal challenge to the ESTIP Program or to the approval of this Agreement.

g. At the end of the Term of this Agreement as provided for herein, any monies segregated by the Town which have not been expended as hereunder provided may be transferred to another account of the Town or used in manner determined by the Town in its sole discretion, excluding any amounts escrowed under Paragraph 4.f.

h. From the Enhanced Sales Tax proceeds segregated by the Town, the Town shall pay to the Owner, beginning at the time that all of the Public-Related Improvements are substantially completed and on a monthly basis thereafter, but no more than the Maximum Amount defined in Subparagraph 4(d) above for the installation of Public-Related Improvements defined as Occupancy of Vacant Space and Creation of Jobs in the Town.

5. Town's Budget Process. Each year, the Town Manager shall include in a budget presented to the Town Council pursuant to Article VII of the Silverthorne Home Rule Town Charter, the appropriation of the Allocated Revenues for payment to the Owner as provided in this Agreement. Nothing in this Agreement shall be construed as obligating the Town Council to appropriate the Allocated Revenues in any fiscal year.

6. No Debt or Pecuniary Liability. Notwithstanding anything in the Agreement to the contrary, the Agreement is specifically subject to annual appropriation of sufficient funds to pay the Allocated Revenue as provided in the ESTIP Program. The decision of the Town Council not to appropriate funds in

any given year shall not affect, impair or invalidate any of the remaining provisions of this Agreement. None of the obligations of the Town hereunder shall be payable from any source other than Enhanced Sales Taxes.

7. **Subordination.** Notwithstanding anything in the Agreement to the contrary, the Owner shall have no right, claim, lien, or priority, in or to the Town's sales tax revenue that would be superior to or on parity with the rights, claims, or liens of the holders of any sales tax revenue that would be bonds, notes, certificates, or debentures payable from or secured by any sales taxes, outstanding as of the Effective Date of this Agreement. All rights of the Owner are, and at all time shall be, subordinate and inferior to the rights, claims and liens of the holders of any and all such sales tax revenue bonds, notes, certificates, or debentures, issued by the Town and payable from or secured by any sales taxes.

8. **Remedies.** The Owner waives any constitutional claims against the Town arising out of a breach of this Agreement. The Owner's remedies against the Town under this Agreement are limited to breach of contract claims. In no event shall the Owner be entitled to a claim, nor shall the Town be liable for, any special, exemplary, punitive or consequential damages of any kind, including economic damages or lost profits.

9. **Severability.** It is understood and agreed by the Parties that if any part, term or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid, and the Parties shall cooperate to cure any legal defects in the Agreement or the ESTIP. Should the allocation of the Enhanced Sales Tax, or the payment of the Allocated Revenues be judicially adjudged illegal, invalid or unenforceable under the present or future laws effective during the Term of this Agreement by a court of competent jurisdiction in a final, non-appealable judgment, the Parties shall utilize their best, good faith efforts to restructure this Agreement or enter into a new agreement consistent with the purposes of this Agreement. Should the Parties be unsuccessful in their efforts, the Agreement shall terminate without penalty or recourse to the Town.

10. **Governing Law.** The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either Party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be proper and exclusive in the district court for Summit County, Colorado.

11. **Notices.** All notices required or permitted under this Agreement shall be in writing and shall be hand delivered or sent by certified mail, return receipt requested, postage prepaid, to be addressed to the Parties set forth

below. All notices so given shall be considered effective upon the earlier of the actual receipt or seventy-two (72) hours after deposit in the United States Mail with the proper address. Either Party by notice so given may change the address to which future notices shall be sent:

Notice to the Town: Town Manager
Town of Silverthorne
601 Center Circle
P.O. Box 1309
Silverthorne, CO 80490

Copy to: Town Attorney
Town of Silverthorne
601 Center Circle
P.O. Box 1309
Silverthorne, CO 80490

Notice to the Owner: Craig Realty Group – Silverthorne, LLC
4100 MacArthur Blvd., Suite 100
Newport Beach, California 92660
Attn: Steven L. Craig

Copy to: Craig Realty Group – Silverthorne, LLC.
4100 MacArthur Blvd., Suite 100
Newport Beach, California 92660
Attn: Lori Sarnier Smith

13. Entire Agreement – Amendments. This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the Parties hereto. This Agreement may be amended only by written agreement between the Owner and the Town acting pursuant to Town Council authorization.

14. Effective Date. This Agreement shall be effective and binding upon the Parties upon the date first set forth above.

TOWN OF SILVERTHORNE

By: _____
Name: Bruce Butler
Title: Mayor

ATTEST:

Name: Michele Miller
Title: Town Clerk

EXHIBIT A

Silverthorne Town Code
Chapter 1, Article X, Division 9
The Enhanced Sales Tax Incentive Program
(The "ESTIP Program")

TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2011 - 12

AN ORDINANCE AMENDING THE SILVERTHORNE TOWN
CODE CHAPTER 1, ARTICLE X, DIVISION 9 – ENHANCED
SALES TAX INCENTIVE PROGRAM

WHEREAS, The Town of Silverthorne is a home rule municipality organized and operating under a charter adopted pursuant to Article XX of the Colorado Constitution; and

WHEREAS, the Silverthorne Town Council has authority to adopt ordinances for the protection of the public health, safety and welfare; and

WHEREAS, in the exercise of this authority, the Council has previously adopted Ordinance 2001-8, an ordinance establishing an Enhanced Sales Tax Incentive Program (ESTIP); and

WHEREAS, ESTIP has proven to be a valuable economic development tool for the Town of Silverthorne; and

WHEREAS, the Council desires to amend the Town Code to expand the ESTIP program to provide eligibility opportunities to a larger group of potential participants; and

WHEREAS, the Town's Economic Development Advisory Committee (EDAC) supports this effort to expand the Town's economic development efforts.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1. Sections 1-10-102, 1-10-103, 1-10-105, 1-10-106, 1-10-107, 1-10-108, 1-10-109 and 1-10-110 of the Silverthorne Town Code are amended to read as follows:

Division 9. Enhanced Sales Tax Incentive Program.

Enhanced Sales Tax Incentive Program

Sec. 1-10-102. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. *Enhanced sales tax* shall mean the amount of sales tax collected by the Town, and available to the Town after the deduction of sixty percent (60%) of the two-percent Town sales taxes required by election, over and above a base amount negotiated and agreed upon by the applicant and the Town, and which amount is approved by the Town Council. This base amount shall never be lower than the amount of sales taxes collected by the Town at the property in question in the twelve (12) months prior to the date the ESTIP Agreement is executed plus a reasonable

and agreed-upon percentage of anticipated increase in sales taxes, or, in the case of a newly established business, an amount which represents the good faith determination by the applicant and the Town as to the amount of sales taxes which could be generated from the new business without the participation by the applicant in the ESTIP. *As an illustration only:*

1-62

<i>Total sales during a one-month period:</i>		\$100,000
<i>Sales tax available to Town:</i>		
<i>Town</i>	<i>2% of sales</i>	\$ 2,000
<i>County</i>	<i>2% of sales</i>	\$ 2,000
<i>Town sales tax (gross)</i>	<i>4% of sales</i>	\$ 4,000
<i>Less:</i>		
<i>Restricted portion of sales tax</i>	<i>1.2% of sales</i>	\$ (1,200)
<i>Total sales tax (net)</i>	<i>2.8% of sales</i>	\$ 2,800
<i>Less:</i>		
<i>Agreed sales tax base (existing taxes Town receives, i.e. 10% of gross)</i>		\$ (400)
<i>Total amount of Enhanced Sales Tax</i>		\$ 2,400
<i>Up to 50% available to share under ESTIP</i>		\$ 1,200

ESTIP means the enhanced sales tax incentive program created by this division.

ESTIP Agreement means the signed agreement between the applicant and the Town, which implements the ESTIP for a specific project or property.

TENANT SHALL MEAN THE RECORD OPERATOR OF A BUSINESS LOCATED IN A COMMERCIAL DISTRICT IN SILVERTHORNE.

Owner shall mean the record owner of the real property upon which one (1) or more business is operated. (Ord. 2001-08 §1)

Sec. 1-10-103. Participation.

Participation in ESTIP shall be based upon approval by the Town Council exercising its sole and exclusive discretion. Any owner of a newly established retail-sales-tax-generating business or location, or the owner of an existing retail-sales-tax-generating business or location which wishes to expand substantially, which newly established or substantial expansion is accomplished subsequent to the effective date of this Division, may apply to the Town for inclusion within the ESTIP, provided that the new or expanded business is reasonably likely to generate enhanced sales taxes of at least ~~twenty five thousand dollars (\$25,000.00)~~ FIVE THOUSAND DOLLARS (\$5,000) in the first year of operation. (Ord. 2001-08 §1)

Sec. 1-10-105. Eligible uses.

The uses eligible for the shared enhanced sales taxes shall be strictly limited to those which are public or public-related in nature. For the purposes of this Division, but not by way of limitation, *public or public-related purposes* shall mean environmental remediation improvements such as streets, sidewalks, curbs, gutters, pedestrian malls, street lights, drainage facilities, snow storage areas, demolition and site restoration for redevelopment, landscaping, decorative structures, enhanced architectural features, public transportation improvements, road and street improvements including traffic control signals, statuaries, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, public restrooms, information booths, public meeting facilities, and all necessary, incidental, and appurtenant structures and

improvements, installation of utility lines and facilities and relocation extension and improvement of existing utility lines and facilities and any other improvements of a similar nature which are specifically approved by the Town Council upon a finding that said improvements are public or public-related improvements. PUBLIC OR PUBLIC-RELATED PURPOSES SHALL ALSO INCLUDE REDEVELOPMENT OF EXISTING PROPERTIES, OCCUPANCY OF EXISTING VACANT SPACE, AND EXPANSION OR CREATION OF JOBS IN THE TOWN. In the event the applicant is reimbursed for the cost of such improvements from other public funds and/or grants, the amount eligible under the ESTIP program shall be decreased by the amount of such reimbursement. (Ord. 2001-08 §1)

Sec. 1-10-106. Increments; sharing of funds.

The base figure for sales taxes shall be divided into twelve (12) monthly increments which shall be reasonably related to the average monthly performance of the business or property in question, or similar businesses in the area (i.e., adjusted for seasonal variations). If in any month the agreed-upon figure is not met by the applicant so as to create enhanced sales tax for that month, no funds shall be shared with the applicant for that month, and no increment shall be shared until that deficit, and any other cumulative deficit, has been met, so that at the end of any twelve-month cycle, funds in excess of those enhanced sales taxes agreed to be shared shall not have been shared by any applicant. THE TOWN RESERVES THE RIGHT TO SELECT LARGER INCREMENTS OF TIME, INCLUDING BUT NOT LIMITED TO QUARTERLY, BIENNIAL, AND ANNUAL, IN LIEU OF THE MONTHLY INCREMENTS PROVIDED FOR IN THIS SECTION.

Sec. 1-10-107. Revenues restricted.

It is an overriding consideration and determination of the Town Council that existing sources of Town sales tax revenues shall not be used, impaired or otherwise affected by this enhanced sales tax incentive program. Therefore, it is hereby conclusively determined that only enhanced sales taxes generated by the properties OR TENANTS described in an application shall be subject to division under this ESTIP. The Town shall collect and hold all such enhanced sales taxes in a separate account apart from the sales taxes generated by and collected from the other sales-tax-generating uses and businesses within the Town and to provide an accounting system which accomplishes the overriding purpose of this Section. (Ord. 2001-08 §1)

Sec. 1-10-108. Criteria for approval of application.

(a) Participation in ESTIP shall be based upon approval by the Town Council exercising its sole and exclusive discretion. The Town Council may permit such participation based in part upon the following criteria, as a general guide.

- (1) The amount of enhanced sales taxes which are reasonably to be anticipated to be derived by the Town through the expanded or new retail-sales-tax-generating business;
- (2) The public benefits which are provided by the applicant through public works, public improvements, additional employment for Town residents, REDEVELOPMENT OF EXISTING PROPERTIES, OCCUPANCY OF EXISTING VACANT SPACE, etc.;
- (3) The amount of estimated expenditures which may be deferred by the Town based upon public improvements to be completed by the applicant;
- (4) The conformance of the applicant's property or project with the comprehensive plan and zoning ordinances of the Town; and

(5) The agreement required by Section 1-10-109 having been reached, which agreement shall contain and conform to all requirements of Section 1-10-109.

(b) Approval shall be by motion adopted by a majority of the entire Town Council. (Ord. 2001-08 §1)

Sec. 1-10-109. Agreement required.

Each application for participation in ESTIP shall be subject to approval by the Town Council solely on its own merits and in the sole and exclusive discretion of the Town Council. Approval of an application shall require that an agreement be executed by the owner OR TENANT and the Town, which agreement shall at a minimum contain:

(1) A list of those public or public-related improvements which justify the applicant's approval and the estimated amount which shall be spent on such improvements.

(2) The maximum amount of enhanced sales taxes to be shared, and the maximum time during which the agreement shall continue, it being expressly understood that any such agreement shall expire and be of no further force and effect upon the occurrence of the earlier to be reached of the maximum time of the agreement (whether or not the maximum amount to be shared has been reached) or the maximum amount to be shared (whether or not the maximum time set forth has expired).

(3) A statement that the agreement is personal to the applicant, is not transferable and does not run with the land OR SUBSEQUENT TENANT.

(4) That the agreement shall never constitute a debt or obligation of the Town within any constitutional or statutory provision.

(5) The base amount of enhanced sales taxes agreed upon by month, OR OTHER FORMALLY AGREED UPON TIME INCREMENT AS NOTED IN SECTION 1-10-106, and the fact that if, in any month as specified, sales taxes received from the property do not at least equal such amount, there shall be no sharing of funds for such month.

(6) The base amount shall consider the historic level of sales at the property in question, or a similar property within the area in the event of a new business, and a reasonable allowance for increased sales due to the improvements and upgrades completed as a result of inclusion within this program.

(7) That any enhanced sales taxes subject to sharing shall be escrowed in the event there is a legal challenge to this ESTIP or the approval of any application therefor.

(8) A statement that the obligations, benefits and/or provisions of this agreement may not be assigned in whole or in any part without the express authorization of the Town Council, acting in its sole and exclusive discretion, and further that no third party shall be entitled to rely upon or enforce any provision hereof. (9) That the agreement shall be subject to the annual appropriation of sufficient funds for payments as provided in this Chapter, pursuant to Section 20, Article X of the Colorado Constitution.

(10) That the agreement shall provide that the successful applicant shall have no right, claim, lien or priority in or to the Town's sales tax revenue superior to or on parity with the rights, claims or liens of the holders as any sales tax revenue bonds, notes, certificates or debentures payable from or secured by the Town outstanding as of the effective date of the agreement provided for by this Section; and that all rights of the successful applicant are, and at all times shall be, subordinate and inferior to the rights, claims and liens of the holders of any and all such sales tax revenue bonds, notes, certificates or debentures, payable from or secured by any sales taxes issued by the Town.

(11) Any other provisions agreed upon by the parties and approved by the Town Council. (Ord. 2001-08 §1)

Sec. 1-10-110. No joint venture; liability.

The Town Council has enacted this ESTIP as a joint benefit to the public at large and to private owners AND TENANTS for the purposes of providing the Town with increased sales tax revenues generated upon and by properties improved as a result of this program. The Town Council further finds that the public benefits of this ESTIP include public improvements AND PUBLIC RELATED IMPROVEMENTS being completed by private owners OR TENANTS through no debt obligation being incurred on the part of the Town, and allowing the applicant an opportunity to improve properties which generate sales activities, which improvements make those properties more competitive in the marketplace and further provide to the applicant additional contingent sources of revenues for upgrading such properties. The Town Council specifically finds and determines that creation of this ESTIP is consistent with the Town's powers as a home rule municipal corporation and that exercise of such powers in the manner set forth herein is in furtherance of the public health, safety and welfare. Notwithstanding any provision hereof, the Town shall never be a joint venturer in any private entity or activity which participates in this ESTIP, and the Town shall never be liable or responsible for any debt or obligation of any participant in this ESTIP. (Ord. 2001-08 §1)

Section 2. Effective Date

This ordinance shall be effective upon adoption at second reading, as provided by the Silverthorne Home Rule Charter.

MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING, THIS 11th DAY OF JANUARY, 2012.

TOWN OF SILVERTHORNE, COLORADO

Dave Koop
Dave Koop, Mayor

ATTEST:

By: Michele Miller
Michele Miller, Town Clerk

Approved on first reading: 12-14-11
Published by title only: 12-21-11
Approved on second reading: 1-11-12
Published by title only 1-20-12

(with amendments, if amended on second reading):



DRAFT

**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
AUGUST 4, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on August 4, 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: Jenny Gloudemans, Stan Katz, Robert Kieber, Donna Pacetti, Tanya Shattuck and Brian Wray. Susan Byers was absent. 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 July 14, 2015, Planning Commission minutes. Tanya Shattuck seconded. The motion was approved by a vote of six to zero (6-0). Susan Byers was absent.

4. CITIZEN'S COMMENTS:

5. ACTION ITEMS:

A. Preliminary Planned Unit Development (PUD) – Foxfield Townhomes, S.E. Corn of HWY 9 and Bald Eagle Rd., Unplatted Parcel – SW ¼, S35, T4S, R78W and Lot 4, Ponds at Blue River.

Lina Lesmes, Senior Planner, presented the project. The Applicant, Silverthorne 3.5, LLP, represented by Bobby Craig, Arapahoe Architects, is requesting approval of a PUD consisting of a residential planning area. The PUD would allow up to 25 residential dwelling units.

COMMISSIONER QUESTIONS:

- Stan Katz - Stated that he had spoken with Matt Gennett about this prior to the meeting. In the training session for Planning Commission, the Town Attorney, Matt Mire, was adamant if a project is going to be denied, that you must have good reasons for it. The first recommendation for denial is circular. You can't deny something on the basis that it doesn't exist now, when the application is for a PUD, which changes everything. We don't want to deny a PUD because there isn't any density available. The point of the PUD is to create density.
- Lina Lesmes - Don't agree with that, when creating a PUD a density level is also created and it has to be based on something. This is also based on relinquishing density as Eagle's Nest has developed and has moved along. There is not any density transfer to either of these two commercial parcels.
- Stan Katz - This is a PUD, and is new zoning. With new zoning you start from scratch, as if nothing existed before. The fact that nothing existed before is not a good reason for denial, everything falls onto the second finding.
- Matt Gennett - Staff sees Commissioner Katz's point. That is part of the rationale and analysis, it is in there as a finding and fact, and those are referenced to the Town Code. Can see your point, what was discussed, and conceded that it

- could be back into the body of the Staff report. Finding number two can be sufficient on its own as a finding for Staff to make a recommendation for denial.
- Stan Katz - Is "Exhibit H" standard procedure. Does the Applicant usually do a written rebuttal into the record, and what is the standing of that rebuttal as part of the Applicant's presentation?
- Lina Lesmes - Because there is disagreement about how to calculate density, the Applicant wanted their argument in writing, and as that it specially be presented to the Planning Commission. That is something that an Applicant is allowed to do.
- Stan Katz - Anything in the Planning Commission packet all those details become available, and will that all be rehashed tonight?
- Matt Gennett - It all becomes part of the public record.
- Lina Lesmes - It is what the Applicant has submitted in support of their project.
- Stan Katz - The Town's definition of density: "Density means the average number of dwelling unit per acre, except all areas utilized for public rights-of-way." Why is it insisted that the use of the word "public" there? If someone built a private road it wouldn't change the density, but it would change the density calculations, and I don't understand why that is done. Shouldn't the word public be deleted from that?
- Lina Lesmes - It could be, what that alludes to is that whether a road is private or public it could be accessed by the public at some point.
- Matt Gennett - Referring to Angler Mountain Ranch in particular which has many private access easements that are built to the Town's road standards, could remove the term 'Right-of-Way' and say 'utilized for a Public Way'.
- Lina Lesmes - Moving this project forward there won't be any public right-of-ways, there may be a private access drive.
- Stan Katz - Why wasn't Staff stronger, since eventually everything is based on the density issue, in rejecting the net density alternative. Spent hours on the internet going over this application, and googled on the terms "net density" vs. "gross density" and it strikes me that net density was used almost universally in urban and transit oriented development calculations. The reason for that is because they want to get the density as high as possible. Trying to get a concept of clustering, which is better in an urban setting, and in a transit oriented development where there is going to be a railroad station. None of this really applies to our ex-urban environment. Wondering why Staff wasn't stronger, and so nice to the Applicant in allowing both of these densities to be calculated.
- Lina Lesmes - Staff's position has always been that density is calculated by units per overall acreage. Since there is disagreement over the density of this project, the Applicant has asked Staff to consider a calculation of net density, which is why it is included in the Staff report. That is how the Applicant is going to present the project. Wanted Planning Commission to have Staff's position.
- Stan Katz - If Planning Commission is going to deny the project, as the Town Attorney said, there need to be findings to support the denial. One of the good reasons would be that net density would be rejected as opposed to another method of using density. Hoped that there would've been more discussion of the rejection of net density as part of the reason for the denial.
- Lina Lesmes - Staff and the Applicant have had several discussions at length about the density, both internally as a Staff and with the Applicant, it is not for lack of discussion. Wanted to include it so that Planning Commission could have a comparison, and see Staff's position as well, since that is what the Applicant is going to present.
- Matt Gennett - Staff tries to be fair and objective, don't try to be too strong. Staff calculates density based on our Town Code, as mandated.
- Stan Katz - As part of the public record, you reject the concept of net density?

Matt Gennett - In this context, yes.

Robert Kieber - Asked who and where the handout came from that was laying in front of each Planning Commissioner's seat?

Lina Lesmes - The paper is one of the first pages of the Third Amendment to the Development Agreement. This basically states that at the time of the Third Amendment, the Town wanted to establish the two new property owners; Blue River Land Company and Western Skies Property. The Third Amendment Development Agreement is where the Town of Silverthorne made an agreement with these two parties as to what was going to happen on their two properties. There is a sentence in here that states: the Blue River property and the Western Property may be developed independently of each other and the remainder of the property. Believe we can all agree that has happened. Ponds has developed independent of Three Peaks. Further states: Permits and approvals for development of Blue River Company and Western Properties will not be conditioned or otherwise affected by the development or lack of development of the other. Again, this is in the past. It further states: Blue River, Western and their respective successors and assigns may negotiate and enter into additional amendments to the Development Plan Agreement with Silverthorne with respect to their respective properties, including, without limitation, changes of use or density, without the consent of the other or of the owners of all or any portion of the remainder of the Property. This is a document that was drafted in 1999, when none of this had evolved. This is stating that these two properties are now owned by two different people, they are no longer part of the overall plan, which was Eagle's Nest back in the '80's, these two properties can now develop separately from each other and not a part of a congruent plan.

Robert Kieber - Did Staff put this in front of the Planning Commission?

Lina Lesmes - Bobby Craig wanted the Planning Commission to have a copy of that.

Brian Wray - The way that it has been explained, the Applicant has a different density calculation, then what Stan brought up is the reason there are two different calculations for the same parcel, the Applicant comes up with a different density per acre in their calculations than what Staff has. The Applicant's chart is different than what Staff is showing.

Lina Lesmes - Explained to the Planning Commission how Staff calculated the density, and went through the different calculations for the subdivisions.

Brian Wray - The Applicant is using net density.

Matt Gennett - Staff does not use net density, we use the Town Code definition of average density. Staff did consider their argument; Staff has to use what the Town Code mandates for calculating density.

Brian Wray - Understand that, so what was said before in the presentation about lost density, when a developer doesn't use all of the density allotted, then it is just lost?

Matt Gennett - That pertains to this property.

Lina Lesmes - There was an evaluation of the density by the Town Attorney for Eagle's Nest back in 1994, when there were all kinds of things going on, and a lot of change in ownership. The Town Attorney stated that originally there was 1,700 or 1,725 units of density, as density was used up and only a certain number of units were built, and you were the last owner you couldn't come in and propose the remainder of all the remaining density for your project. What the evaluation stated is that as these parcels develop and you lose density, you don't get it back, it is relinquished.

Brian Wray - Doesn't the master plan have a certain density for the area? Isn't the density already assigned? In the county there is a density, in the Lower Blue and the Upper Blue there is density assigned, you have to buy TDR's.

- Lina Lesmes - The Town does not have a TDR program. When Eagle's Nest was first envisioned there was a cap on the units at 1,725, as it developed it was down zoned each time. It was never the 1,725 units of density.
- Donna Pacetti - On "Exhibit K", page 51, the letter from the Ponds at Blue River Board of Directors, they talk about, on page 52, it speaks to the 35 foot building height, and they only allow a 25 foot building height?
- Lina Lesmes - That is not correct, the Ponds are allowed a 35 foot building height.
- Donna Pacetti - There is a comment about CDOT and they recommended a 150 foot setback, and 50 feet isn't okay, is the Town of Silverthorne is saying that 50 feet is okay?
- Lina Lesmes - Believe the setback was 160 feet from the edge of the pavement. CDOT is saying noise impacts begin at 75 feet. So if there is a 50 foot setback, with another 18 feet to the edge of pavement, Staff feels that 50 feet is reasonable.
- Donna Pacetti - Really confused about the density issue, and all the different calculations, it appears that are being used all throughout the document and all throughout the very lengthy packet. Looked and looked where it stated that it had to be so many units per acre and couldn't find that. Know that the wetlands is not part of this, but seems like the calculation is part of it, was that same calculation of wetlands used in the different areas, and was that calculated the same?
- Lina Lesmes - On page 4 of the Staff report, where it talks about the Ponds, if you look at the pictures from an aerial point view the entire square is the Ponds. When it was subdivided, tracts were created for open space. Development occurred only Lot 1, 2 and 3. If an analysis was done on this parcel, and it has 4.1 acres, and there is one-half an acre of wetlands, now there would be only 3.68 acres that can be built upon, so the density went up.
- Donna Pacetti - When I looked at the survey that Range West did, there were areas that needed to be cut out for wetlands.
- Lina Lesmes - That's correct.

APPLICANT COMMENTS:

- Bobby Craig - Arapahoe Architects, introduced Frank Willis, one of the three owners of the property. Did place the copy of the 3rd Amendment to the Development Plan Agreement so that, hopefully, everyone can be clear on this project, and what the Ponds and Eagle's Nest community can and cannot say about this project. Can voice an opinion, but don't need their permission or their consent, either for change of use or for density. Read the following into the public record: From the 3rd Amendment to the Development Plan Agreement: a) the Blue River Property and the Western Property may be developed independently of each other and the remainder of the Property. Understand that the Town stepped in between these two developers so that they wouldn't be stepping on each other's toes as it went through the development process. Further: b) permits and approvals for the development of the Blue River Property and the Western Property shall not be conditioned or otherwise affected by the development or lack of development of the other or of the remainder of the Property or upon the consent of any of the other or of the owners of all or any portion of the remainder of the Property, and c) Blue River, Western and their respective successors and assigns may negotiate and enter into additional amendments to the Development Plan Agreement with Silverthorne with respect to their respective properties, including, without limitation, changes of use or density, without the consent of the other or of the owners of all or any portion of the remainder of the Property. My interpretation of that is that the Applicant is welcoming in the opinion of the Ponds or Eagle's Nest, but it

does not make your decision for you, it is up to the Planning Commission. Wanted to be on the record for that because there has been some confusion that maybe the Applicant needed permission from the Ponds or Eagle's Nest to proceed. Explained the past history of the property, explained the current proposed density and zoning. Have been listening to the Town and the neighbors everywhere we can. Made a case for residential vs. commercial density. Explained in depth of the density calculations of past projects, and requested that comparisons be made on gross density or net density, feel the only way to calculate density is net to net. Pointed out the density calculations vs. the Ponds. Pointed out the changes from the previous submittal. Agree with almost everything Lina has said, don't agree with her interpretation of it. Our opinion is that the Staff is comparing net density to gross density; want density to be calculated by net-to-net or gross-to-gross, feel that Staff has cherry picked certain projects that are not as applicable a comparison as the ones that we have picked. This project should be compared to other multi-family projects that are adjacent to Highway 9, such as Osprey Reserve, Hideaway Townhomes, the Ponds, compared to Angler Mountain Ranch Filings 1-7, the multi-family, Valley Green Condos across the highway and Blue River Run Townhomes. Compared each of the subdivisions listed.

Brian Wray -
Bobby Craig -

Comparing gross density or net density?

Net density, actually a little bit of both especially for Osprey Reserve. Trying to compare a developable tract with a developable tract. Want to have credit for the rest of the open space that was created when our parcels were created. Continued with density comparisons. Handed out the plat for the Ponds, and did a density comparison, doesn't mention anything about open space. The Ponds was zoned for higher density, they choose not to build. Showed the final plat for the Ponds, this is where Lina gets her 60 acres and all that and 84 townhomes. No density allocated for Lot 5 on this plat, which should include 50 units, no allocation for Lot 4, which should be 59,000 square feet. It isn't 84 units on 60 acres, it's 84+50+59,000 square feet, which is why we think that the numbers are off, don't believe they're accurate. Lot 4 is part of the Ponds, created when lots 1, 2, 3 and 5 were created. They are getting credit for all of the open space and right-of-way and that is how they come up with the gross density. We should get credit for that open space as well, at least on Lot 4. Credit should be given to us for the open space and the commercial space. Compare use to Angler Mountain Ranch or Eagle's Nest. We have no residential density, have commercial density on Lot 4, undetermined amount of density on the commercial tract. If you were to combine the density of both Lot 4 and 5, there would be an outrageous amount of density. In general planning terms there is a ratio of commercial to residential, commercial is more intense. If you calculate it one unit of commercial comes out to 1.6 unit of residential. If you take that calculation, we should be allowed to put more residential density on that parcel. That it is a down-zoning in the use and intensity and the square footage, not an up-zoning. Good land planning practices, there has been a recent project that received approval and rezoning from the Town, won't mention by name. We think it is the example of how not to do planning. It's suburban sprawl. It's pushing the limits of the Town north, it is a clear up zoning, it is three times the amount of density that was allocated on it previously, pushing the infrastructure out of the Town, creating more traffic on Highway 9 that was never anticipated, we are not that, we are good planning, we are feathering density. More density closer to the highway, the further away from the highway that you get the less density there is. We are closer to the highway and should be allowed to have higher density. This is

a brownfield, it's brown, there is a ditch in it, a pile of dirt, disturbed over time, people walk their dogs there, it is an eyesore. It has infrastructure around it, has roads around it, has an access point, the traffic that is generated from this development goes right onto Highway 9, doesn't go past the Ponds or Angler Mountain or any of the others. Meets the goals for the Comprehensive Plan for residential. Less impact than the commercial, less intense use, less vehicle trips, less noise, less light pollution, less square footage. Anyway you measure this it is a down zoning and not an up zoning. Requested approval, feels that it meets the density requirements and Town Code requirements.

Frank Willis -

Owner of the property. Bought a home in Eagles Nest, we are all family. Gave the past history of the project, intended to build a residential community similar to the Ponds. Proposed project is less dense than the Ponds, as well as the space between the buildings is greater than the buildings currently at the Ponds. Feels that the site is currently unsightly. My partners and I have been taken aback by the strong stand that the residents of the Ponds have taken; stunned by the level of resistance we have been met with. Felt that the reaction to the proposed project would be met better than a proposal for a gas station, or a commercial project. Feels the density calculated by Staff proposes a dual density.

Stan Katz -

Who wrote "Exhibit H"?

Frank Willis -

My business partner wrote it, will answer the questions.

Stan Katz -

On page 46 of the Staff report, and again on page 64, the Applicant has stated: "it is not commercially feasible to purchase and develop a four acre property to build 15 or 16 townhouses" In the application itself, on page 64, you show the Osprey Reserve Subdivision, which has almost exactly that configuration, 18 units on 4.16 acres. How did they manage that so successfully and you claim it is economically unfeasible. Are you saying the Osprey Reserve is not commercially feasible?

Frank Willis -

If we could live with 16 units, we would have taken it and run with it. We want to offer Angler Mountain Ranch quality. Will be taking penalties on the price because of the closeness to the road and the sound coming from the highway. Doing the infrastructure will be a challenge due to the configuration of the lot. Don't know what the minimum density can be.

Bobby Craig -

The difference between Osprey Reserve and this project is that they are different parcels, different infrastructure, and different layout. Have to be price competitive.

Stan Katz -

But yet it was possible for someone to create, on a golf course, in a cluster on 4.19 acres a successful project. But you assert that it is not possible to do that.

Bobby Craig -

It is not possible on this parcel, correct.

Frank Willis -

It is location, location, location, the Osprey Reserve is on a golf course.

Stan Katz -

The Applicant has stated in the Staff report that denial of the application would not serve the interest of any parties, neither the Applicants nor the Town of Silverthorne nor the residents of the other developments in Eagle's Nest, particularly the Ponds. Given the negative reception towards this from the Ponds and Silverthorne Planning Staff, and the comments over time in the prior applications, how do you justify making a statement like that? Are you saying that everyone is working against their own interests?

Frank Willis -

Baffled by the opposition. What we are doing is consistent with the whole changing development of the corridor along Highway 9. Don't want commercial here with the major development to the north. Commercial might be more attractive, but we don't want that. If we don't develop it will have to make a decision what to do with the parcel and what the alternatives are.

Stan Katz - Bobby Craig made a statement during the oral presentation "I don't care if you compare net to net or gross to gross". If gross to gross is done, would the Applicant be satisfied with that?

Bobby Craig - Yes, the problem is I don't feel it can be quantitative.

Stan Katz - If it can be, would you be satisfied with the results of a gross to gross comparison.

Bobby Craig - I'd have to see the numbers.

Stan Katz - In other words you want to wait until after it's done. You're saying your happy to do it and eliminate net to net density.

Frank Willis - We feel that the Staff at the moment has produced a double standard. We do think that they have done a gross to net comparison with us in reaching their numbers. We have spent a lot of time with them, will tell you, don't you think that somethings wrong when the Staff puts up there Angler Mountain Ranch and uses that as part of their calculation? The subdivisions that we are using for comparison, don't you think that is closer to what we're doing?

Matt Gennett - The proposal is for a Preliminary PUD, proposing a stand-alone zone district that encompasses 4.19 acres, calculates the density based on 25 units into 4.19 acres and that is only for one PUD. Look at Angler Mountain Ranch it is one PUD, it has 240 acres with 232 units. Staff took a planning area that was comparable and compared that planning area, which is the PA2 for Angler Mountain Ranch to this. We can't count all of the Ponds open space to the Applicant's credit because it is a separate PUD, they were never allocated density for Lot 4 of the Ponds. If you try to include that in the Applicant's density calculation, not sure how that is going to work. So Staff had to make some assumptions, and built those assumptions into our analysis. This is an independent, unique zone district and it is proposed at 25 units on 4.19 acres. That is where the gross density of 5.97 DUs per acre comes from.

Stan Katz - If we can come up with something that the Applicant would agree is gross density, will you accept that number?

Bobby Craig - How do you propose that with Lot 4 of the Ponds, because it is the Ponds.

Stan Katz - It's your application. It's a PUD, have different PUD and all the different densities for those PUD's. There all gross density and much easier to calculate and more relevant in an ex-urban environment. If good gross density was created to compare, you indicated that you'd be willing to use that as a basis for acceptance or rejection.

Bobby Craig - Do we get credit for the entire North Pond with the commercial tract?

Stan Katz - Is that part of the PUD?

Bobby Craig - When the parcel was created, yes.

Stan Katz - Was the part of the PUD on this application?

Bobby Craig - In answer to your question, probably not.

Jenny Gloudemans - When it showed the time line of the past applications the number of units continued to go down. The one with 20 was submitted and then withdrawn, and now you're back proposing 25 units. Curious to know when the 20 units were sitting out there, did someone after they submitted it, say that's not economically feasible at that point, what was the reason that application was withdrawn at 20 units?

Frank Willis - At 20 units proposed would be able to break even. Wanted it commercial, the Comprehensive Plan changed and felt we were more with the flow. Have worked more on design.

Brian Wray - Bobby Craig stated a calculation from commercial density to residential density.

Bobby Craig - Yes.

Brian Wray - Where did that calculation come from.

Bobby Craig - Multiple towns use it.

Lina Lesmes - We don't have that in the Town.
Bobby Craig - In that case we would say it is equal.

OPENED PUBLIC COMMENT:

Jay Pansing - 116 Allegra Lane, President of the Ponds at Blue River HOA, Darrell Repkey and Dave Raymond are both unavailable but in support of the HOA's stance. The Applicant, around April 13th or 14th, Darrell, Dave, George and I met with Bobby Craig, at that point, they had submitted an application for 20 units. I brought up something about density, and Bobby stated that we aren't talking about density. About a week later there was a neighborhood meeting, and again Bobby stated that we weren't talking about density. The implication that they have worked with us, have met with them is all. Then we hear that they have withdrawn the 20 unit proposal and now have 25. Have never talked to them about the 25 units. Want to clarify, that we do support the rezoning to residential, support doing a good project, don't support either 25 or 20 units, maybe 15. Have talked about the different ways to calculate density, the Comprehensive Plan, as I understand it says that for a PUD, that the density should be compatible with neighboring properties. Want to show you a picture of their 25 units and our units that are adjacent to it, they don't want to show the rest of it. Don't want to show all of the open space that surrounds the Ponds, the bike path, North Pond Park, the parts that were given away by the Ponds and are part of the overall open space that is associated with the Ponds. Look at the parcel with 25 units on it, sitting against the highway and look at the Ponds, and tell me that 25 units is compatible, it isn't. Don't oppose the project, oppose the density, it's too high for the area.

Marty Watson - 174 Allegra Lane. My unit is 1,000 feet or so from the project. This piece of property is important to this end of Silverthorne, good that the Town has an opportunity to look at it. It is a key piece to the look and feel of the north end of Town. Was on top of Buffalo, in taking a look at the Town, you can tell that planning has caught up with development on the North end of Town. Things are more carefully laid out, and there is a rhythm, that rhythm is valuable to each of us who own property on the north end. Began to wonder about the layout of this project in comparison to the Ponds. I took a cutout of the parcel and tried to place 25 units on this sliver, first three are easy, fourth one is tough, fifth unit is impossible. Can't make it work. There is an edge effect here, this piece of land has become so small, so many constraints, not much space to build on. Feels that is the origin of how to calculate density. Can't speak to the elevation problem, do believe that those units at the Ponds that are closest to this project will have a view obscured if they are 35 feet high and 20 feet back from the property line. Recommend that the Planning Commission deny this proposal, because of density.

George Resegue - 1770 Red Hawk Rd. President of the Eagle's Nest HOA. If this project gets approved it will join our community. We will have direct impact on each other. Don't support the proposed project; don't think that the density is compatible. Support the rezoning. Only have seen the PUD, never saw any of this, if we'd seen this may have taken a further look at it. Respectfully tell Bobby Craig that the ENHOA will have some impact on the way that this works. Our design review committee will make all the decisions on height, setbacks, etc. They cannot just go do what they want to do without our approval, it just doesn't happen. The DRC will make decisions on the most restrictive rules that there are. Bobby read into the record the 3rd Amendment to the Development Plan Agreement, this is a new PUD and makes that agreement mute. The HOA has very strong opinions and will be

- a very active participant in this process. This project is scatter, two discussions, the PUD was never mentioned. Having two reviews when the HOA was only asked to participate in one.
- Eddie O'Brien - 18 Spinning Leaf Trail, Hamilton Creek, am Chairing the Economic Development Committee for the Town of Silverthorne. Previous owner of Lot 4 of the Ponds, sold it to the group that has the proposal before you tonight. Gave the history of buying and selling it several years ago. Do commercial appraisals, listening to the arguments over the density calculations, I would have to go with the way that the Applicant has calculated the density, if I had to do an appraisal, I would do Bobby's comparisons, without a question, were right on. Love the term "feathered density" it is exactly what the EDAC has recommended, strongly what the Town Council has agreed to also, and having the heavier density going from 6th Street to I-70 and increase density across the board. Rainbow Run is going forward, the Town has spoken to him about not being interested in having commercial on Highway 9. Weighing towards the developer, don't know what the units are going to look like, but will look better than commercial. If it is done right, Bobby does good architectural work. It can fit into the puzzle. Density at 25 units, it depends on the price point, right now our county is unaffordable and affordable housing doesn't work. If these were fairly reasonable price, have a high demand for people to live here. Need these types of places, going to run into a situation where employers can't hire people because they can't afford to live here. Angler Mountain Ranch, Eagle's Nest, and Hamilton Creek have a lot of full time residents, it's a marvelous place to live. In support of what the developer has, might need to fine tune it some. Need to have high density to enable affordability.
- Debbie Stratton - 156 Robin Drive, full time resident, also own 144 Robin Drive. Ditto what Jay Pansing said.
- Nancy Herring - 146 Robin Drive. Also ditto what Jay Pansing stated.

CLOSED PUBLIC COMMENT.

COMMISSIONER COMMENTS:

- Robert Kieber - Osprey and Angler Mountain are quality buildings, they are all built by Tim Crane, but not here to discuss that. Here to see how this PUD meets the Comprehensive Plan and the Town Code, not here to redesign it, not here to say to go to 24 units, not talking colors and heights, etc. PUD is new and new rules, have to be under the guidelines of the parent HOA, and that is the Eagle's Nest Guidelines, there is no restraint on height. Here to see what is proposed, not here to guarantee that you make a profit. That is not the Planning Commission's job.
- Stan Katz - Absolutely agree with Bobby Craig's comments about the past. This project has always been as is, what might occurred before I moved here, which was eight years ago, am not aware of. As Staff's analysis shows, the initial analysis in every case was eventually down zoned, feel they were down zoned because those PUDs were not very well done, gave them too much density to begin with, when the reality of the situation occurred, and they finally started building, every one of them got down zoned. Now in the situation where the parcel is tiny, and it's not going to get down zoned. If there is going to be a PUD, it's not going to start with 25 and then get down zoned later when the actual buildings come out to 17 or 18. Would like to see a PUD start with the density that you're going to end with. The whole issue is the density, agree with Staff that a proper density is a gross density and a proper density is probably somewhere around 3.75, can live with 4 for this property. Four is 16 units, if they can't do it for 16 units, let it go back to

being commercial. The notion of using net density to justify a raised density makes no sense to me at all. Don't need to worry about clustering, not building a transit village. The higher density should be closer over to I-70. By the time that you get out north to this point, the average density should be around four units per acre as gross density. This is a tiny parcel don't want to see it start with a higher density, bothers me that they showed a picture with 24 units and they're proposing 25 units, they've already started a concept of we will ask for 25 and if we can get 25, we'll eventually build 24 and they'd say they reduced the density, don't go along with that. If they want to come back with 16 or 18, maybe even 20, think we could look at it and justify it. Twenty four units is way too much, so is 20, 16 to 18 makes more sense. Don't see how we should go against Staff's recommendation to deny this, the density is just too great. Both of the recommendations are based on density level not justified as required by section 4-4-14(c)1, don't think we need finding number one, this is a PUD. Don't have to worry about what was there in the past. Finding number two should be the basis for denial.

Jenny Gloudemans The idea of having that parcel commercial is crazy to me. When you are looking at that beside the Ponds and all the other things that are built there residential seems like the perfect fit with the surrounding area, the density is too high and is an issue for me. Listening to one of the Ponds residents about trying to cut and paste to scale, is a concern, and I've been trying to view that in my mind also. Twenty units may be equitable there. What we have at face value, the density is an issue.

Tanya Shattuck - In the past thought the commercial would've worked well on that parcel. Struggling with the density. Wouldn't be having this conversation if the density was at 14 or 18 units, or even 20. Agrees with Stan Katz about 16 or 18 units might work.

Donna Pacetti - Confused about the density issue. Look at the numbers that Staff has provided and we've allowed the Ponds to include Lots 1, 2, and 3, 6.06 units per acre and it states that the Green Valley Condo's Building 2, is 10.81 units per acres. Wondering why it is okay for that, and not okay for this. Don't have any guidelines to follow, can't really say that this is going to be this density. Having a real problem with it. I don't know if this is Planning Commission's decision to make.

Brain Wray - This is preliminary application, the density could change with the final application, they're going to come back, they have to go through the HOA review. It is a difficult site, would like to see something on there. Am okay with the Preliminary approval because of some of the things that Eddie O'Brien stated. Only 17% of the property in Summit County is privately owned, sooner or later density is going to be an issue with everything. Things could change with the final submittal, think we need to give them a chance.

Robert Kieber - Not in favor, have been here three or four times, been denied by Planning Commission and Town Council for less units, now we have more units. Being a preliminary submittal, need to see how it fits with the surrounding area and the existing zoning. Always been commercial, never thought that would work, if it was going to happen, it would have happened by now. Is a dense residential complex appropriate next to a highway, with wetlands, I'm not in favor of it. Not here to make sure that the developer makes a dime or loses a dime. We are here to look at the overall plan and how it fits into the Comprehensive Plan, changing it from commercial to residential with the right development, I would vote for it. This is not the right development.

STAN KATZ MADE A MOTION TO RECOMMEND DENIAL OF THE FOXFIELD TOWNHOMES PRELIMINARY PUD FOR THE REASONS SET FORTH IN THE STAFF REPORT DATED JULY 30, 2015, AND BASED ON THE FOLLOWING STAFF RECOMMENDED FINDINGS, WITH ELIMINATION OF FINDING NUMBER 1:

- 1) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. All residential density that was allocated to the Blue River Land Company, the previous owner of the unsubdivided 3.3 acre parcel, has been utilized and/or lost. All residential density that was allocated to Western Skies, the previous owner of Lot 4, the Ponds at Blue River Subdivision, has been utilized and/or lost. Therefore, all residential density has been relinquished.
- 2) The proposed PUD is not consistent with Chapter 4 of the Town Code because the proposed density level is not justified as required by Section 4-4-14.c.1. The proposed density of 25 units on 4.19 acres (5.97 units per acre) is not consistent or compatible with surrounding subdivisions, which have an average gross density of 3.75 units per acre. As such, the proposed density is proportionately out of scale, exceeding the densities of surrounding subdivisions by an unacceptable quantity.

TANYA SHATTUCK SECONDED THE MOTION AS AMENDED.

MOTION PASSES BY A VOTE OF FOUR TO TWO (4-2). COMMISSIONERS PACETTI AND WRAY NAY. SUSAN BYERS ABSENT.

B. Town Core Periphery Guidelines – Ordinance No. 2015-11

Lina Lesmes, Senior Planner presented the Town Core Periphery Guidelines. The Applicant, the Town of Silverthorne, is requesting approval of the revised Town Core Periphery Guidelines.

COMMISSIONER QUESTIONS:

- | | |
|-----------------|--|
| Robert Kieber - | The one vacant lot is the one that was proposed years ago to turn into storage. |
| Lina Lesmes - | That predates me, this corner is where Organic Male is, it is on the corner of 5 th and Adams Avenue. |
| Brian Wray - | What are we supposed to decide here? |
| Lina Lesmes - | This establishes design criteria for this part of Town is what we are asking for approval for? It is an ordinance because these standards are in the Town Code. |
| Brian Wray- | Thought it was for one specific piece of property. |
| Lina Lesmes - | Trying to say that the Town Core Periphery District is almost built out, and there are two vacant properties. |
| Robert Kieber - | No questions, just follows the progression of Planning Commission has seen before. |
| Stan Katz - | On page 108 of the packet, 4.5.4, roofs shall not be designed as an attention getting devices. The only place that an exception might be made is on Tanglewood Lane, where businesses are visible from I-70 and Highway 6, and you're trying to get customers to come up to some of the commercial establishments. There might be times where an attention getting device on a roof might be appropriate. Just the one little area, but it is considered part of the Town Core Periphery area, rather than the Gateway District. |
| Lina Lesmes - | There could be an exception made for that, similar to what was done in the Gateway District, we did a guideline that such items are discourage. |

Stan Katz -	Probably would only apply to Tanglewood Lane.
Lina Lesmes-	It would be a guideline.
Robert Kieber -	A roof vs. a parapet?
Stan Katz -	A roof can say something, like "so and so eatery" or "so and so motel", something that is visible from I-70, that would get a person to come off the road and they would know where they're going, both an incentive and a locator.
Robert Kieber-	Not going to stop the process of this, but I define a roof different. For example the Starbucks that is going up in Frisco that has the tower, that isn't a roof, that is a tower. How a roof is an attention getter vs. a tower, or a grain mill.
Stan Katz -	Saying that it needs more flexibility than it has.
Lina Lesmes -	If everyone on Planning Commission agrees with that, Staff can make that change.

APPLICANT COMMENTS:

None.

OPENED PUBLIC COMMENT:

None.

CLOSED PUBLIC COMMENT.

COMMISSIONER COMMENTS:

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO. 2015-11; AN ORDINANCE AMENDING AND UPDATING THE TOWN CORE PERIPHERY DISTRICT DESIGN STANDARDS AND GUIDELINES. BY AMENDING SECTION 4.5.4.

DONNA PACETTI SECONDED.

MOTION WAS AMENDED BY REWORDING OF SECTION 4.5.4

ORIGINAL MOTION BY STAN KATZ WAS AMENDED.

DONNA PACETTI SECONDED THE AMENDED MOTION.

MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0). SUSAN BYERS ABSENT.

6. OTHER ITEMS:

Robert Kieber asks who runs Comcast Channel 22, SCTV, which has CDOT information on it. Who runs that, any idea? Matt Gennett stated that he could find out, it is on the flat screen in the Town lobby. Robert Kieber stated that he hoped that the Town of Silverthorne has not spent any money on that. It is an extremely embarrassing channel. Having run a public access channel for a municipality many years ago, this is an embarrassment, especially with the traffic that we have on Sunday trying to head to Denver, relatives and or friends you happen to be here are spending tax dollars and they can't see anything on channel 22 because routinely the CDOT cameras are down. Matt Gennett: I can find out, don't believe that the Town of Silverthorne contributes anything to that.

Stan Katz asked what is going on with the trees that were supposed to be planted around the Summit Ford. Matt Gennett stated that they did plant trees, Staff went out and counted them, the trees that you see on the perimeter, the newly staked ones, planted mature trees so they blended in almost immediately. Robert Kieber didn't Planning Commission define what could be parked there. Matt Gennett: Yes, and we have enforced that, a camper was removed from the site. Tanya Shattuck stated that the site is beginning to look unsightly again. Stan Katz it doesn't look like what was proposed. Matt Gennett stated the he and Greg Roy would go out and look at the site.

Jenny Gloudemans did anything happen with the Adams Avenue shacks? Staff did go out, and tried to schedule an appointment. There is a resident in one of those three structures, in the largest one of the three. There was a woman that lived there at the time, she asked that we schedule the inspection at a time when her husband was home also. Greg Roy told her that we would call the Summit County Building inspector and figure out a time that would work. Supposed to be last Friday, no one was home. Will continue to conduct an inspection.

See that Café Toro is still there, did the seal coating help the proposed tenant? Matt Gennett stated that a potential new tenant has met with Staff and is interested in being in that spot. Café Toro is anticipated to be moving from that location.

Donna Pacetti what is with the trailer parked on the River's Edge property? Lina Lesmes stated that it is considered a sales trailer. Since the SIA has been approved and work can commence on the site work the trailer can be parked there. Staff is aware that it is somewhat unsightly.

Tanya Shattuck asked about pan-handling in the Town, have seen the newspaper articles about how it is being handled over in Frisco. Does the Town of Silverthorne have any ordinances in the Code about pan-handling? Matt Gennett stated that it may be in Chapter 2 of the Town Code, Staff can ask for an update on that. It would have to be addressed at the Town Council level if an ordinance was going to be adopted to regulate that activity.

7. ADJOURNMENT:

STAN KATZ MADE A MOTION TO ADJOURN AT 8:20 P.M.

TANYA SECONDED.

MOTION PASSES BY A VOTE SIX TO ZERO (6-0). SUSAN BYERS WAS ABSENT.

Submitted for approval by:

Approved this of 18th day of August, 2015.

Melody Hillis,
Planning Commission Secretary

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.

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