



**TOWN OF SILVERTHORNE  
PLANNING COMMISSION MEETING MINUTES  
JUNE 30, 2015 – 6:00 P.M.**

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**1. CALL TO ORDER** – The meeting was called to order at 6:00 p.m., on June 30, 2015, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

**2. ROLL CALL** – Commissioners present and answering Roll Call were: Stan Katz, Robert Kieber, Tom McDonald, Donna Pacetti, Tanya Shattuck and Brian Wray. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner, Greg Roy, Planner I, Zach Margolis, Utilities Manager, Dan Gietzen, Town Engineer, and Melody Hillis, Administrative Assistant.

**3. CONSENT CALENDAR** – Stan Katz made a motion to approve the June 16, 2015, Planning Commission minutes. Tanya Shattuck seconded. The motion was approved by a vote of six to zero (6-0).

**4. CITIZEN'S COMMENTS:**

None.

**5. PUBLIC HEARING:**

**A. Final Site Plan, Replat and Conditional Use Permit – Angry James Brewery, 421 Adams Avenue, Lots 3 and 4, Silverthorne Colorado Subdivision.**

Lina Lesmes, Senior Planner, presented the project. The Applicants, AJ and Darcy Brinckerhoff, Angry James Brewery, LLC, is requesting approval of a Final Site Plan, Replat and a Conditional Use Permit for a "Multi-Family Dwelling Unit" in the C-1 Zone District.

**COMMISSIONER QUESTIONS:**

Brian Wray - Thought that the stairs on the front were going to be eliminated to bring the entrance to street level, so the stairs are approved?

Lina Lesmes - The building was lowered so that there are only two steps in front. Split level entrances are not allowed in the Town Core. This is just two steps up to the entrance, and doesn't qualify as a split level entrance.

Brian Wray - Glad that there was a compromise made about the stairs in the front.

Lina Lesmes - Focused on bringing the building forward, and in order to accommodate that the building had to be lowered. Two of the two steps are in the Town right-of-way. That item will require approval of a license agreement by the Town Council.

Brian Wray - Think the driveway should've been on the north side of the structure and had the beer garden all to itself on the south side.

Lina Lesmes - The was the original plan.

Brian Wray - Thought that was a better idea.

Lina Lesmes - The reason for the relocation is for the shared driveway.

Brian Wray - Which isn't being done.

Lina Lesmes - Not yet. In the future we can see how a shared driveway would work in that location.

Donna Pacetti - Don't understand the license agreement and the stairs extending into the Town right-of-way.

Lina Lesmes - Any private improvement that happens within the Town right-of-way, the sidewalk and parking lot are public improvements so a license agreement for that isn't necessary. The stairs that are in the Town's right-of-way will be an agreement between the Town and the Applicant, where the Town allows the Applicant to use the Town's right-of-way with certain limitations. The agreement is a template, and the Town Council is reviewing it next week.

Stan Katz - The Applicant is an LLC, what is Angry James Brewery?

Lina Lesmes - The business, or doing-business-as.

Stan Katz - Subset of the LLC?

Darcy Brinckerhoff - Two separate entities.

Stan Katz - Asking because the way the Conditional Use Permit is written is it for the LLP and not for the brewery. Wondering about potential separation of the CUP and business?

Lina Lesmes - No subdivision between the business and the CUP, the apartment and building are one, owned jointly.

Stan Katz - Not clear in the Staff report.

Lina Lesmes - There would be a subdivision or condominium of the building if the apartment was going to be separately owned from the brewery itself. Bender and Brinckerhoff are the applicants, the Town is doing the license agreement with them and will be the owners of the property. If the property were to change ownership, the CUP would need to be reprocessed.

Stan Katz - What if the brewery changes ownership, but not the property.

Lina Lesmes - It is the property owner.

Matt Gennett - The single apartment CUP use can never be separated. The apartment cannot be condominimized and sold separately, it is always tied to the larger structure and use.

Stan Katz - This is Staff comments and Final Site Plan, and all through this you say the first criteria for review of a Preliminary Site Plan, that is repeated throughout the document.

Lina Lesmes - Sorry, that is a typo.

Stan Katz - All those places say Preliminary Site Plan, the Town Code has two separate processes, and wondering whether or not the title is just being changed.

Lina Lesmes - It is essentially the same process twice.

Robert Kieber - Staff comments regarding the replat, second paragraph, last sentence, "Staff finds that the plat is in general conformance with the Comprehensive Plan". Is there a difference between being in conformance with the Comprehensive Plan, and general conformance?

Lina Lesmes - It is one in the same.

Robert Kieber - Offsets itself, to me there might be a difference. Regarding the Staff condition, don't like the idea of the license agreement regarding the steps in the front. I've seen business all over where you come out the front and turn right or left, you can go down steps to the left or down a ramp to the right for possible handicap accessibility. That way the Town could avoid having a license agreement and the business out onto Town property. Regarding the sidewalk, during construction or before the CO is issued, is the front sidewalk going to be installed?

Lina Lesmes - Hope that the improvements, and the sidewalk between the Applicant's property and the corner is improved with the on-street parking and a sidewalk prior to CO, hoping for that to be accomplished. At the minimum there would have to be a landing if there was a disconnect. The goal is to have the improvements in place before the CO is issued.

Robert Kieber - Strongly ask that Staff work with the Applicant, would hate to see a brand new business open, and because they're putting their money up front, the Town gets its money out, let's have the curb and gutter before the grand opening. Really big improvement. From an architectural standpoint, going to be a nice place, like the design, looking forward to it opening.

Dan Gietzen - Regarding the sidewalk comment. The goal would be to ideally have the sidewalk in before opening. Feel that the Town should take stewardship of that, and are behind the design. More than just a sidewalk, it's drainage driven also. Need to make sure that the flat street that flows to the north that it works elevation wise with getting to the north, and elevation wise in accepting drainage from Twin Seasons on the corner. Difficult due to starting relatively in the middle of the block, you have to figure the drainage factor in the plan. From a budget perspective have to look at each project specifically. Aware of Angry James items, surveying, getting design done. Hopeful that the Town can do the sidewalk next year. If not, there will be a step or a landing temporarily for the business. Know the Applicant is anxious to get open, they want a nice looking frontage and the Town wants that for them as well. Want to make sure that the sidewalk and all the elements look good and match, the whole block isn't going to be done at the same time.

Robert Kieber - Know that the Town will do what it can. Definitely good will for someone to come in and spend a lot of money building this up. Hopefully the Town Council will go along with that as well.

**APPLICANT COMMENTS:**

AJ Brinckerhoff - Applicant, Angry James Brewery. Planning Commission should have a good idea of what our business is going to look like. Make sure that all questions are answered.

Robert Kieber - Problems with the three conditions?

AJ Brinckerhoff - No. Been a lot of work, glad to be at final site plan.

**PUBLIC COMMENT:**

None.

**CLOSED PUBLIC COMMENT.**

**COMMISSIONER COMMENTS:**

Stan Katz - Pleased that all the conditions were dealt with, don't see any problems. Always nervous about parking, something that will be dealt with in the future.

Tom McDonald - Agree with Stan, hope that the curb can be done sooner than later.

Tanya Shattuck - Fantastic project.

Donna Pacetti - Echo what Commissioner Kieber stated. Excited, nice addition to the Town.

Brian Wray - Good with the project.

Robert Kieber - Looking forward to it.

**BRIAN WRAY MADE A MOTION TO RECOMMEND APPROVAL OF THE ANGRY JAMES BREWERY REPLAT, CONDITIONAL USE PERMIT AND FINAL SITE PLAN WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:**

1. The Conditional Use Permit is personal to the applicant, Bender and Brinckerhoff, LLC, (dba Angry James Brewery), and is nontransferable. Should the applicant's ownership terminate, the CUP shall expire.

2. The applicant will be required to contribute the proportionate share of the cost of construction the sidewalk and on-street parking, including curb and gutter, directly in front of the subject property prior to the issuance of a Certificate of Occupancy.
3. A License Agreement must be approved for the stairway that is proposed to be constructed in the Adams Avenue Right-of-Way.

**DONNA PACETTI SECONDED.**

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

**B. Final Plat and Final Site Plan Approval – The Cabins at Angler Mountain Ranch, Filing No. 4.**

Matt Gennett, Planning Manager, presented the project. The Applicant, Tim Crane, Compass Homes Development is requesting approval for a Final Plat and Final Site Plan Approval for eight units.

**APPLICANT COMMENTS:**

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| Tim Crane -     | Applicant, Compass Homes Development. Presented the project, explained the proposed project. Explained the mitigation efforts to buffer the existing homes and elements. Requested approval.                                                                                                                                                                                                                                                                                                                                            |
| Bobby Craig -   | Arapahoe Architects. Explained the architectural details of the proposed project.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Robert Kieber - | Any significant changes, building wise, color wise, etc.?                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Bobby Crain -   | No, not really. Other than moving a dormer to the left or right a little.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Tim Crane -     | Slightly different size floor plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Robert Kieber - | Requested that Tim explain the elevation difference from the lower units, where the trees are shown to where the patios or decks might be on the existing units to where the new proposed homes are going to be?                                                                                                                                                                                                                                                                                                                        |
| Tim Crane -     | Showed the graphics to Planning Commission, 40 foot elevation difference between the buildings. The trees would be about 20 feet off of the existing homes. Will work with the homeowners to place those trees. Intent isn't to block the view of perspective buyers, but to create some privacy for the existing homeowners. The site plan has been available to any perspective buyer during the entire building process. Have disclosed these plans from the very beginning. That's why there was the master plan developed in 2006. |
| Donna Pacetti - | What species of trees are to be planted?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Tim Crane -     | Eight foot blue spruce trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Joe Maglicic -  | Spruce and aspen are called out on the plan, but that can be changed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Tim Crane -     | Willing to work with the homeowners to make a determination as to what they would like.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Donna Pacetti - | Twenty years from now when the spruce trees 20 feet will that create an issue.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Tim Crane -     | Intent was to place them downhill for privacy and screening. There is only one window in some of these homes, there are some orientation of decks. Designed these homes so that there wasn't a view of the homes that were built beyond the current homes.                                                                                                                                                                                                                                                                              |
| Stan Katz -     | What role do you expect to have in the HOA once the last piece is completed?                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Tim Crane -     | The state law that dictates common interest communities and how they're run, dictates that I turnover at 75% sellout, and there are triggers along the way. I have an expectation to turn the HOA over in good stead, already have a permanent executive board member who is a homeowner member at                                                                                                                                                                                                                                      |

this point. I would like to turn it over sooner rather than later, due to several reasons.

Robert Kieber - What percentage of sales are you at currently?  
Tim Crane - About 50 to 60 percent, getting close. Goal is to bring on another board member this year to help facilitate the turnover.

**PUBLIC COMMENT:**

Scott Deaner - 68 Buckskin Lane. Concerns are based on 4 homes that are built on Stonefly Drive, and were built too close in our opinion. Tim met with us and told us that those had been approved, and built within a reasonable distance. Didn't agree on that. Tim walked the property with us, showed us where the new homes would be built, showed the distance between the homes, told him wanted trees that would be green all year - round, agreed to evergreens as well as the homeowner next to me, acceptable to us.

**CLOSED PUBLIC COMMENT.**

**COMMISSIONER COMMENTS:**

Stan Katz - Don't see any conflict, Tim has done the right thing with the trees. The plan has been in place since at least 2009, and doesn't look any different than it did then. Have a hard time accepting that no one explained to them that there wouldn't be anything further built. Don't who would have said that, there is no name attached to the comment. Anytime you buy into a subdivision there is that possibility, at this point don't think it really matters, very straight forward. The plan has been in place and there are no surprises.

Tom McDonald - Project continues to look good, like the new homes, the trees that have been planted over the years are taking hold and growing. The first phases of the homes look nice, and will through the continuation of the project.

Tanya Shattuck - Has been good working with Tim, done an excellent job on the houses, the quality and that type of thing. Like the idea that they can help with the landscaping, good idea, wish him well.

Donna Pacetti - Agree. The evergreens are a good compromise. Have been aware of this project for years, not really sure that it is something that is needed, but it is a great compromise.

Brian Wray - Agree with everyone else, looks good, continuation of what has already been built.

Robert Kieber - Have on the record that Tim stated that the trees would all be evergreens or some sort of pines. Tim has come through on everything that he has stated even before I was a Planning Commissioner. Having been on a HOA, it is difficult, and when Tim gets the HOA in place that's when you can really plant the plants.

**STAN KATZ MADE MOTION TO RECOMMEND APPROVAL OF THE FINAL PLAT AND FINAL SITE PLAN FOR THE CABINS AT ANGLER MOUNTAIN RANCH, FILING NO. 4**

**TANYA SHATTUCK SECONDED.**

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

**6. OTHER ITEMS:**

Matt Gennett introduced Greg Roy, Planner I. His job will be 50 percent code enforcement, as needed. Greg has already met with John Taylor, and looked at weeds, as well as working on other non-conforming situations that the Town has no lack of currently.

Recognized Tom McDonald for his service on Planning Commission, this is his last meeting.

Marshall's Department Store will be coming into the old Brooke's Furniture Store will be coming before Planning Commission for a Site Plan Modification.

Robert Kieber commented on the cleaning and repair of the pavement at 7-11/Café Toro, does that mean that something is happening there? Matt Gennett stated that it was made very clear that the repaving was step one to any serious consideration of Site Plan modification, the property needed to be brought back up to an acceptable level as far as the Town Code is concerned, technically the conditions of their Site Plan approval have not been maintained.

Stan Katz inquired about the new Italian restaurant, and will Planning Commission be getting anything to review? Matt Gennett commented that no outside work will be done besides a sign permit. Stan Katz: A restaurant won't have any exterior modifications? Matt Gennett stated that no, except for the sign. Will have to obtain a sign permit. Stan Katz asked: Wouldn't they have to come to Planning Commission with some type of parking regulations, because nobody at the Town Center has sufficient parking available, much less for a successful restaurant. Matt Gennett stated that the space was always planned as a restaurant, so the parking calculations were taken into consideration when the Town Center PUD was approved. Staff will be verifying that. Stan Katz stated that parking will be the biggest issue. Brian Wray asked if it will be going into the restaurant space that has been there since day one. Matt Gennett stated yes, it will be the sister restaurant to Taddeo's in Breckenridge. Stan Katz stated again that parking will be an issue. Matt Gennett stated that the Town is hoping that we have a parking problem, and that it will be conducive to the getting the momentum going in the Town Core. Brian Wray glad to see that, that space has been filled with junk, and Chevy is a good restaurant owner, he'll do a good job.

Robert Kieber inquired about the two adjoining lots between the Blue River Parkway and the river that have sold. Has Staff had any inquires on that. Matt Gennett stated that there has been one pre-application meeting with the potential owner and developer, talked about doing some high density residential. That person has not come back to the Town, unsure of what the latest disposition is in terms of who has bought, have heard a couple different scenarios floating around. They are mostly higher end, residential development.

Tanya Shattuck inquired about the Starbucks. Matt Gennett stated that the lease has been signed, and have plans approved. Stan Katz asked if it will still be a drive-thru. Matt Gennett stated that as far as Staff knows that is still the plan. Matt Gennett stated yes.

## **7. ADJOURNMENT:**

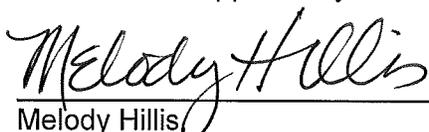
**TOM MCDONALD MADE A MOTION TO ADJOURN AT 7:06 P.M.**

**DONNA PACETTI SECONDED.**

**MOTION PASSES BY A VOTE SIX TO ZERO (6-0).**

Submitted for approval by:

Approved this of 14th day of July, 2015.

  
\_\_\_\_\_  
Melody Hillis

Planning Commission Secretary

  
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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.