



**TOWN OF SILVERTHORNE  
PLANNING COMMISSION MEETING MINUTES  
AUGUST 18, 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 August 18, 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 Gloude-mans, Stan Katz, Robert Kieber, and Tanya Shattuck. Susan Byers, Donna Pacetti and Brian Wray were absent. Staff attending tonight’s meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner, Greg Roy, Planner I, Dan Gietzen, Town Engineer and Melody Hillis, Administrative Assistant.

**3. ELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN.**

Stan Katz nominated Robert Kieber for Planning Commission Chairman and Tanya Shattuck as Vice-Chairman. Nominations were closed. By a vote of 3-0, Robert Kieber was appointed as Planning Commission Chairman. By a vote of 3-0, Tanya Shattuck was appointed as Planning Commission Vice Chairman. Susan Byers, Donna Pacetti and Brian Wray were absent.

**4. CONSENT CALENDAR** – Stan Katz made a motion to approve the August 4, 2015, Planning Commission minutes. Tanya Shattuck seconded. The motion was approved by a vote of four to zero (4-0). Susan Byers, Donna Pacetti and Brian Wray were absent.

**5. CITIZEN’S COMMENTS:**

None.

Susan Byers arrives and is seated at 6:07 p.m.

**6. ACTION ITEMS:**

**A. Replat and Final Site Plan Approval – Riverview Subdivision, Filing No. 2, Lot 8R, 421 Rainbow Dr.**

Lina Lesmes, Senior Planner, presented the project. Larry Feldman, 4<sup>th</sup> on 4<sup>th</sup>, Ltd., is requesting approval of a Replat and Final Site Plan for a mixed use development consisting of 31 residential condominiums and one commercial condominium.

**COMMISSIONER QUESTIONS:**

Stan Katz - On page 22. regarding the patios, looks as though the Staff supports the revision to the patio, but Public Works doesn't.

Lina Lesmes - Neither Staff nor Public Works supports an enclosed patio. Staff does not support the patio encroachment onto the Town’s snow storage easement. There are two sets of plans, the plans that Planning Commission is approving tonight are the first set of plans, which do not show encroachment of the patio onto the Town’s snow storage easement.

Stan Katz - Why is this written as it is?

- Lina Lesmes - The Applicant is going to present his case in argument for an enclosed patio which is included the information booklet. Wanted Planning Commission to know Staff's position, Community Development Dept. and Public Works Dept. do not support enclosed patios that encroach onto the snow stacking easement.
- Stan Katz - Planning Commission is not making a fifth condition that something be resolved?
- Lina Lesmes - The plans that are before the Planning Commission tonight do not show a patio enclosure or encroachment onto the Town's snow storage easement. Don't feel there is a need for a fifth condition, because what is being approved doesn't show an enclosure.
- Stan Katz - Approving this as a Final Site Plan?
- Lina Lesmes - Correct, the plans that are being approved tonight do not show an enclosure around that patio.
- Stan Katz - On page 36, the report from the structural engineer says that the old soils report for this property was inadequate to design the foundation, and states: "If the geotech engineer determines that such design criteria are inappropriate for the building, revisions may be required to the foundation design". If that happens, what would happen to this as a Final Site Plan?
- Lina Lesmes - Staff typically requires that a soils report be submitted with a Final Site Plan. Because previous applications had been submitted on this property that were very similar in design to this building, and a soils report had been submitted, Staff accepted a letter from the structural engineer that stated that the previous recommendations are adequate.
- Stan Katz - This letter is dated July 23, 2015.
- Dan Gietzen - What the letter is stating is that the previous geotechnical report can be accepted because, although different projects, the ground hasn't changed. They didn't dig new pits with this engineer to do a new report, he accepted the previous report and Staff accepted this letter to tie the proposed project to the report. Since this engineer hasn't done the pits, he is relying on the geology, that hasn't changed in the last 10 years. If the engineer feels that there is a situation where the foundation design needs to be changed, then they will do a soils test at that time.
- Stan Katz - What happens when they start digging on the site, and a change has to be made, does it come back before the Town, or does Staff accept the changes, what is the process?
- Dan Gietzen - It would be changed in the field because it is not going to have any impact on the building height or the foot print of the building.
- Lina Lesmes - Planning Commission doesn't review structural information, etc. If the building were to change in design then it would be reviewed again. Don't anticipate the design of the building to change.
- Stan Katz - As long as it doesn't affect the design of the building it isn't relevant to Planning Commission's review?
- Lina Lesmes - Correct.
- Jenny Gloudemans - Staff is in discussion with Craig Realty Group, will there another set of 90 degree parking be on both sides of the 4<sup>th</sup> St. parking?
- Lina Lesmes - That is correct, the idea would be to remove the nine foot sidewalk, receive an easement from the Outlets, put one set of the 90 degree parking in that easement, have a 24 foot wide aisle, have another set of 90 degree parking and then have a ten foot wide sidewalk that goes along a section of 4<sup>th</sup> Street. That is the ideal configuration. If that doesn't work out, the two foot encroachment on the south side can be removed and still locate two rows of 90 degree parking.
- Jenny Gloudemans - Definitely will be two rows of parking, will be a matter of how it will be configured.

Tanya Shattuck - The Town is approving so many projects, concerned about CDOT. Concerned about the traffic on Rainbow Drive, can the intersection at Rainbow and Highway 9 handle that sort of traffic volume? Knows that the intersection was just redone, but is that the best or adequate.

Lina Lesmes - CDOT isn't a referral agency for this project. CDOT only comments on project that directly takes access off of Highway 9. A project like this in terms of traffic volumes wouldn't be considered a high traffic volume generator. Staff wasn't concerned with the amount of traffic that will be generated with this project. Parking is a totally different issue, CDOT wouldn't comment on parking unless it was on Highway 9.

Tanya Shattuck - Concerned with the amount of growth and how the traffic will be handled, nervous about the amount of parking also. There are a lot of projects that are changing things, want it to be kept in mind.

Lina Lesmes - Concerned about traffic or about parking?

Tanya Shattuck - Traffic. Can also talk about parking, especially at the Pavilion, especially with the proposed theater. Just need to keep traffic in the forefront of our minds.

Lina Lesmes - As Mark Leidal says "we don't have a parking problem in Silverthorne today, but we could hope to have one, in the Tow Core especially".

Tanya Shattuck - Completely agree with that.

Lina Lesmes - Looking at striping some parking on Rainbow Drive, putting some on street parking on Adams and other sections of the Town Core to address the parking issue. Again, a project of this type is not a huge traffic generator.

Dan Gietzen - This is a lot that has been platted with density associated with it, a traffic study isn't required unless there is going to be an immediate adjacent improvement to the road that may be needed, which Staff doesn't see in this application. Bigger projects require a traffic study, but smaller, mostly residential projects with minimal offsite improvements a traffic study is not necessary.

Lina Lesmes - With the Hampton Inn, there was very little in terms of road improvements that they could attribute to that project.

Robert Kieber - Believe what Tanya Shattuck is asking is there a point within our Town Code where if a high density project came in, is there a size of a development that the Town would say that traffic study is needed?

Dan Gietzen - No, Staff could require a study if we thought it needed it. Waste of the applicant's money with no positive impact, why put an applicant through that.

Lina Lesmes - Tanya's comment is duly noted.

Susan Byers - Where is the color board for the type of brick or roof material?

Lina Lesmes - Yes, it is here.

Susan Byers - Are the colors recorded by Staff and so forth?

Lina Lesmes - Yes, our Design District Standards has restrictions for brightness of color, etc. Any color Staff receives is checked to make sure that it is meeting the criteria. If the Applicant wants to change the color, it would be checked at the Staff level to make sure that it meets the criteria, only a major color change would be brought back before the Planning Commission and Town Council.

Susan Byers - The Town Council requires a full color board, would love to see the brick, is it a standing seam metal roof, and is the roof material reflective?

Lina Lesmes - No.

Larry Feldman - There is a picture in the packet, but would like the color board to be presented.

Lina Lesmes - The color board is being brought down and will be passed around.

Susan Byers - Better that Planning Commission sees it, sometimes the Applicant changes things. Saw the cut sheet for the lighting, which color will be used on the lights, assumes that it's not white?

- Lina Lesmes - Don't regulate the color of the fixtures.  
 Susan Byers - Have to be downcast?  
 Lina Lesmes - Yes, fully shielded, downcast fixtures.  
 Robert Kieber - Regarding the landscaping will the trees on the driveway rooftop will be accepted by the Town to go towards the landscaping count?  
 Lina Lesmes - Yes, he gets a credit for those.  
 Robert Kieber - Regarding the lighting, on page 23 section 4.6.13(e)2 it addresses wall mounted fixtures and light emitting up and down, not being acceptable. Then you go to 3.6.1 on page 26, it says the lighting fixtures are acceptable.  
 Lina Lesmes - That standard addresses street lights.  
 Robert Kieber - Pole mounted vs. building lights.  
 Lina Lesmes - Yes, the vision for the Town Core, especially on the other side of Highway 9 is to have coordinated street lights. This project doesn't have street lights to conflict with the existing street lights.  
 Robert Kieber - Then on page 22, it talks about the parking and sharing of potential costs, how will that be handled?  
 Lina Lesmes - Would address prior to the with the Certificate of Occupancy, depending on when the CO is being issued. The Town could take cash in lieu of. The cost sharing is very similar to what we required of Angry James, based on cost estimates and bids.  
 Robert Kieber - Regarding the fourth floor with the end cap units, the way I read the this, it talks about height limitations in this chapter shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy. Those are the end caps that are 48 feet. Isn't there going to be human occupancy up there?  
 Lina Lesmes - Yes, that's correct about the height, and that is what Staff thought the at the Preliminary Site Plan. But Planning Commission and Town Council both agreed that those were architectural elements that could exceed the height limit.  
 Stan Katz - At some point it was decided that 45 feet was an arbitrary number, even if we are going by the Code, the last three feet would not be occupied by a person. A person would probably be in the first six feet of the floor. So, we got around it by saying that it is not the room that matters on the occupancy, it is the last three feet, and unless someone was very, very tall they wouldn't be occupying it.  
 Robert Kieber - Question, does Planning Commission and Town Council have the authority to just brush the three feet aside?  
 Lina Lesmes - Yes, that Code section basically gives Planning Commission and the Town Council the authority to allow certain architectural elements to exceed the height limit. When Planning Commission looked at this at Preliminary Site Plan, it was found to meet that definition and it's allowed to exceed that height limit.  
 Matt Gennett - Is a matter of interpretation, penthouses are habitable units, but this language pertains to vaulted spaces in such units that are uninhabitable.  
 Robert Kieber - Just want to make sure that the Planning Commission has the authority to make that determination.

**APPLICANT COMMENTS:**

- Larry Feldman - Presented 4<sup>th</sup> on 4<sup>th</sup>, Ltd., project, the Applicant for Rivers Edge Condominiums, presented his information. Addressed the concerns about the soils report, explained how the conditions can be met, and gave a very extensive amount of information regarding the revised plan. Highlighted the elements that were changed since the Preliminary Site Plan Approval. Talked about the patio and the snow storage issue. Would like some of the conditions eliminated. Doesn't understand why the added condition of

painting the electrical meters. Requested that the Town consider his request for the fenced patio area, which would encroach onto the Town of Silverthorne's snow storage easement adjacent to Rainbow Dr., feels it is a reasonable request and would like to get a feeling for it tonight. Have replaced the sheet noting the 5 foot sidewalk for a six foot sidewalk, would like that condition removed. Requested approval.

Robert Kieber - The fence is not part of the Final Site Plan tonight correct?

Larry Feldman - Correct.

Robert Kieber - What Planning Commission is voting on is what is before us tonight and in the plan set. Not here to redesign it and not to delete or add anything to the application. Talking to the wrong group about the fence.

Larry Feldman - Would like to respectfully say that it is a part of the Staff report, it has been on the table since the beginning, and would like to make my case to get a raw feeling. If you're saying I can't, then I won't.

Robert Kieber - Not saying that you can't, we can discuss it when you're done with the presentation.

Larry Feldman - Presentation is done, accept the Staff report as written. Has four conditions, feels condition requiring the electric meters be painted according to the Town Code is really not a condition. Every item in the Town Code is always a condition. Think it's interesting that it was never discussed until three days ago. The application booklet says that we're going to have six foot sidewalks, a revised plan that changed the number in the project packet from five feet to six feet was brought over today, the plan has always been for six feet, thinking that conditions one and four might be omitted. The one about the parking issue is way too complex to be solved tonight. Regarding the light fixtures, on the last page of the project brochure there is an engineered plan for photometric, they are down light diffused pole lights, apparently the Town doesn't use the national dark skies code, feels that condition can be let go. Would like to see condition one and four go, the six foot is here. Condition number four really isn't a condition; it says that we are going to obey the Town Code. Other than that, I accept the Staff report. Introduced project team.

**OPENED PUBLIC COMMENT:**

None.

**CLOSED PUBLIC COMMENT.**

**COMMISSIONER COMMENTS:**

Robert Kieber - Asked Lina Lesmes about the requirement for painting of the electrical meters? Haven't seen before is it part of the Town Council?

Lina Lesmes - There is a standard in the Town Core Design District Standards that address painting of any outdoor mechanical equipment, including electrical meters. When Staff received the submittal for the final, the Applicant stated that there wasn't going to be any kind of outdoor mechanical equipment. This issue arose within the last week or so, and we saw the electrical meters for the first time. We're asking that the Applicant work with us to see how the electric meters can be painted to be the most visually pleasing and screened as much as possible and painted to match the building. Regarding the first conditional of approval, the plans in the packet show five foot sidewalks, that is why that condition is in the Staff report, the Applicant did bring in a new set of plans today that shows six foot sidewalks but, that is not before the Planning Commission and it is not in the plan set. Staff received one revised site plan, don't have the entire plan set showing six foot sidewalks. The contribution and resolution to the 4<sup>th</sup> St. parking, believe

there is some cost sharing that should be the burden of the Applicant. Fourth Street is going to get reconfigured, in order to create two additional parking spaces, rather than to lose two parking spaces to approve this project. Talking about the creation of two additional parking spaces that this project is required to have, not the entire redesign or construction of the entire parking lot. At a minimum Staff needs two more parking spaces constructed. The light fixtures don't meet the Town Code, need to be revised.

Robert Kieber - Regarding the driveway that goes to the north, is that something that the Applicant is obligated to or agreed to?

Larry Feldman - Neither, it is an easement that has existed for quite some time. Approached the neighbor, they haven't been cooperative. Offered to close up the current easement and open another easement to the north, which they didn't do. In my application booklet, it states that all of my sidewalks will be six feet wide, it was a technical error on another map that showed the sidewalks at five feet. Brought in a corrected map this afternoon, the application calls for all six foot sidewalks, have done our job, and would like to argue that that condition should be removed, along with the painted meters.

Robert Kieber - Like the project, regarding the four conditions commends you, in my many years have seen way more conditions on projects. Disagree with the Applicant's statement that two of the conditions are not needed. We do need the two conditions because they are in writing as conditions and in the Town Code. Regarding condition number 2, typo. Nice project, Staff has done a lot of work. Regarding the fence going to stick with the Code because of the snow storage, and the snow storage is more important than the fence. People don't want to buy that unit because there is no fence, sell then one of the others.

Larry Feldman - At the appropriate time would like to discuss the fence again.

Robert Kieber - Asked Matt Gennett if that would be a Conditional Use Permit further down the road?

Matt Gennett - It would not be a Conditional Use Permit, but it would require approval from the easement holder who is the Town of Silverthorne in this case.

Tanya Shattuck Agrees with Robert Kieber, great looking project.

Susan Byers Conditions need to stay in as written. Why not paint the electrical meter, every house I've ever built, we've painted the electrical meters, you want them to go away.

Larry Feldman - The answer to that is that the Code says that we will also put bitumen on the roof, so why don't you include a condition that says you'd have to do that? Told Lina that if I didn't show up to the meeting tonight and could get approval with these four conditions, and save time, it wouldn't have mattered. Still disagree with condition number one.

Jenny Gloudemans - Looks nice, regarding the rooftop terrace, is it accessible?

Larry Feldman - No, because I would have to allow equal access, and the trees are to block the view from window to window.

Jenny Gloudemans - Envisioning an open terrace for people.

Stan Katz - Wonderful application, as is. Need to keep the conditions. If a revised copy can get to the Town Council, then maybe condition number one can be omitted. When I say as is, I will be very unhappy if an application for a fence comes before the Town. There is nothing in the packet that shows what the fence would look like and this is the Final Site Plan review. This is the Site Plan that Planning Commission is voting on. Agree with Staff that a fence would not be a good idea. Cautioning you, please don't come back with a fence.

**TANYA SHATTUCK MADE A MOTION TO RECOMMEND APPROVAL OF THE REPLAT AND FINAL SITE PLAN FOR RIVERS EDGE CONDOMINIUMS WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:**

1. That all pedestrian walkways associated with the project be a minimum of 6 feet in width, as required by Section 4-4-13.5.h, and Standard 3.2.3 of the Town Core District Design Standards and Guidelines, with the submittal of a Building Permit.
2. That the applicant contribute the proportionate share of the cost of constructing the on-street parking required to serve the project, such that there is no net loss of parking on 4<sup>th</sup> Street, prior to the issuance of a Certificate of Occupancy.
3. That all exterior light fixtures meet the Town Code definition for fully shielded light fixtures with the submittal of a Building Permit.
4. That the applicant work with Staff to ensure Standard 3.7.3.c is addressed regarding the painting of electrical meters on the building, prior to the issuance of a Certificate of Occupancy.

**STAN KATZ SECONDED THE MOTION.**

**MOTION PASSES BY A VOTE OF FIVE TO ZERO. (5-0). DONNA PACETTI AND BRIAN WRAY WERE ABSENT.**

**6. OTHER ITEMS:**

Matt Gennett informed the Planning Commission that the last two Design District Standards, will be on the agenda on September 1, 2015. It will be the Destination Design District Standards and the Business Park Design. Lina Lesmes stated that they will be a package deal. Matt Gennett: So they will both be done at the same time. Then Staff will begin zoning amendments.

Robert Kieber there has been discussion about signage for a long time. Lina Lesmes stated that it will be a top priority for 2016. Matt Gennett stated that we want to get that done in the next year or so. Stan Katz asked if that would be done jointly with the Planning Commission and the Town Council. Right now the authority lies with the Town Council, but the Town Council looks to the Planning Commission to write code. Will we be getting together on that? Matt Gennett stated that there could be a joint worksession on that, and then bring it through the process. Planning Commission and Town Council seem to both have the same opinions regarding the sign code. Lina Lesmes stated that it has been a long time since the sign code has been revised. Would bring to the Planning Commission for comments and suggestions, it is going to be a huge amount of work and there will be a series of meeting on the subject. Robert Kieber: I think our business owners need to be involved. Matt Gennett stated that there will be a lot of public outreach.

Matt Gennett – Silvertrout will be resubmitting.

Robert Kieber thanked public works for the Cutler repaving project. Dan Gietzen reported that the on street parking will be striped on Rainbow, will create close to 50 more parking spaces on Rainbow. Jenny Gloudemans asked for the area perimeters for the striping. Dan Gietzen stated it would begin at Rainbow Park parking lot, and will go all the way to the north side of the bus stop, and the other side will be from River's Edge almost to the Starbucks.

Robert Kieber asked about Angry James Brewery? Matt Gennett stated that they are possibly reassessing things after they received the building permit quote, just moving slow, have limited resources, expect to see them keep moving forward. Especially after the article in the Summit Daily.

**7. ADJOURNMENT:**

**TANYA SHATTUCK MADE A MOTION TO ADJOURN AT 7:24 P.M.**

**STAN KATZ SECONDED.**

**MOTION PASSES BY A VOTE FIVE TO ZERO (5-0). DONNA PACETTI AND BRIAN WRAY WERE ABSENT.**

Submitted for approval by:

Approved this of 1<sup>st</sup> day of September, 2015.

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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.**