



**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 Gloude-mans 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 SHATTUCK 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.