

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR JANUARY 27, 2016- 6:00 PM**



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

COUNCIL WORK SESSION: **JANUARY 26, 2016 – 6:15 P.M.**
TOPIC: **Joint Meeting with SPORT Committee/Strategic
Communications Plan Draft Proposal**

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2016**

The Council Work Sessions are held every 2nd and 4th Tuesday of each month and begin at 6:00 p.m. with open discussions. The following issues will be addressed from 6:15 p.m. until completed. Additional items to be discussed will be scheduled as time permits.

"OPEN" indicates a topic has not yet been selected.

FEBRUARY 9	Joint Meeting with EDAC
FEBRUARY 23	OPEN
MARCH 8	Joint meeting with Planning Commission
MARCH 22	OPEN

**FUTURE WORK SESSION DISCUSSION ITEMS:
HISTORIC SOCIETY**

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Rec Center Hours: 10:00 am—6:00 pm TOS Holiday	2 New Year Concert— 7:00 PM @ Pavilion
3	4	5 EDAC Planning Commission	6	7	8 Payroll	9
10	11	12 Work Session	13 Council Meeting	14	15 Payroll	16
17	18	19 Work Session	20 Court	21 SPORT Meeting	22 Country Western Dance, 7:00 PM @ Pavilion Payroll	23
24	25	26 Work Session	27 Council Meeting	28	29 Payroll	30
31 Twilight Skate, 4:30 PM @ North Pond						

February 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat	
1	2 Planning Commission	3	4	5 Payroll	6		
7	8	9 Work Session	10 Council Meeting	11 SPORT Meeting	12 Father Daughter Date Night, 7:00PM @ Pavilion	13	
14	15	16 Planning Commission	17 Court	18	19 Country Western Dance, 7:00 PM @ Pavilion	20	
21	22	23 Work Session	24 Council Meeting	25	26 Payroll	27	
28	29	No School - Winter Break					

March 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 EDAC Meeting Planning Commission	2	3	4	5
6	7	8 Work Session	9 Council Meeting	10	11 Payroll	12
13	14	15 Planning Commission	16 Court	17	18 Country Western Dance, 7:00 PM @ Pavilion	19 Stargazing Snow- shoe, 6:00 PM @ Angler Mountain
20	21	22 Work Session	23 Council Meeting	24 SPORT Meeting	25 Payroll	26
27	28	29	30	31	NO SCHOOL	

April 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Payroll	2 Girl Scout Water Fun Day, 9:00 AM @ Rec Center
3	4 Registration for Summer Programming Begins	5 Planning Commission	6	7	8	9
10	11	12 Work Session	13 Council Meeting	14	15 Country Western Dance, 7:00 PM @ Pavilion Payroll	16
No School—Spring Break						
17	18	19 Planning Commission	20 Court	21 SPORT Meeting	22	23
24	25	26 Work Session	27 Council Meeting	28	29 Payroll	30

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: January 22, 2016 for Meeting of January 27, 2016
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the January 27, 2016 Town Council Agenda and Meeting. This includes:

1. Administrative Services Update
2. Public Safety Update
3. Public Works Update
4. Community Development Update
5. Recreation and Culture Update

ACTION REQUIRED

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

Administrative Services – January 21, 2016

Fiscal Year 2015– In with the new and out with the old! In most people's minds it easy to just say 2015 is gone and 2016 is here but in our department we'll deal with both years for the next four to five months!

We will be receiving and paying the last of 2015 invoices throughout January and the first part of February. December related revenues will be received throughout January and early February. Reconciliations will be conducted on 2015 related accounts in preparation of the 2015 audit which will take place in May.

Revenues – January is our busiest month for collecting revenues through the mail and payments on line. This is because of several reasons including: 2016 business licenses are due by January 31st, December sales tax returns (include the month of December returns, the 4th quarter returns and the annual returns) are due on January 20th, 4th quarter utility bills are due January 31st and 1st quarter JSA payments are due by the end of the month. Our front desk clerks are busy opening mail and processing payments. Our revenue administrator also has to review and post all these payments. It has helped that many people/businesses are making payments on-line which post automatically to the accounting system.

Payroll and the Affordable Health Care Act – A normal January has us use to preparing the prior year's W2's that are distributed to employees who worked in the prior year. Those W2s will be mailed this week. The W2s are also available on the employee portal on line.

New to 2015 are the 1094C and 1095C forms. These Federally mandated forms relate to the health insurance offered/provided to our qualified employees. In general, qualified employees are employees who work more than 30 hours per week over a specific length of time. Mostly this is limited to full-time employees. The 1094C form is a summation of what type of health insurance plan the Town offers and how many employees we had in 2015. Similar to W2s, the 1095C forms are created for each person who was employed in 2015. The 1095C notes if the employee was qualified to be offered health insurance, if they accepted the health insurance offer or not. Additionally, the form will list out any spouse and dependents that were covered by the insurance. The original deadline for distributing these forms followed the standards required of W2s. However, because this is so new to employers this year, the Federal government has extended the deadlines by one month. Similar to our W2s, the Town has contracted with our payroll/human resource records management system, Ascentis, to produce these new forms. However, the Town has to complete many reports to report the data needed for the 1095Cs. Several staff members are working hard on this over the next several weeks. The 1095Cs will be distributed to 2015 qualified employees no later than February 28th.

Investment Advisor – In late 2015, the Town contract with Chandler Asset Management to become our new investment advisor. On January 21st we held our kick-off meeting with Chandler. We established an investment plan that will be put in place over the next six-months. We begin by setting a management directive that will be placed within Chandlers system which easily controls what are acceptable and not acceptable investments. The focus will be investments with durations of less than two years.

April 5th Municipal Election – Our Town Council municipal election is scheduled for April 5th. The election will be for four Council seats. As of January 5th, we started issuing petitions to those who are interested in running for Town Council. Currently we have six petitions issued and five approved returned petitions. The last day to return completed petitions is January 25th.

Public Safety – January 21, 2016

Incidents – On 01-07-16 a report was filed that a group of males had completed a “dine and dash” at a local restaurant racking up a bill over \$200. Luckily the staff was on to their shenanigans and obtained a great description of the suspects, their vehicle description, and the plate. It didn’t take long for one of our officers to locate the vehicle at a nearby hotel. The passengers were located at yet another bar, where they had been kicked out for unruly behavior. They all initially denied any involvement with the theft, but as the evidence against them mounted, and they started to see jail in their future, they decided to come clean and make amends, which was all the restaurant manager wanted. After emptying all of their wallets they were able to come to a civil agreement with the restaurant manager thusly saving them from a night in the pokey.

On 01-08-16, just before 01-09-16, Officer Siderfin was dispatched to an assault, which had occurred at the Summit Place parking lot. The victim and suspect were separated and nobody was in danger, so he went and interviewed the 17-year-old victim. The allegations turned into a lengthy investigation involving the detective bureau. After multiple interviews in the following days enough facts came to light to bring assault charges against the victim’s step dad, who had hit her repeatedly about the face and head, leaving marks, on the night of the 8th. An interview was set up with the dad, who was unable to dispute the facts against him, so he was taken into custody for assault and for violating a restraining order.

On 01-12-16 Silverthorne Officer’s Ponedel and VanDuzer responded to an assault in progress at a residence in town. Upon their arrival there were two juveniles on the ground wrestling over what appeared to be a backpack. The presence of the officers did not seem to dissuade either from their fight, or the bounty to which they were fighting over. Officers were able to stop the physical action of the fight and determined the two participants were brother and sister and the backpack contained an Ipad, which belonged to the brother. However, the mother, who was not home at the time, had requested her daughter to take the

ipad for a transgression her son had committed earlier. Seeing how this action had caused a lot more trouble than it was supposed to fix, officers on scene forwarded all the information to social services to look into.

In addition to the above officers handled; multiple accidents, thefts, disturbances, frauds, harassments, intoxicated persons, road closures, numerous other agency assists, as well as business and area checks. Officers also participated in municipal court and county court proceedings, and initiated many traffic citations and warnings.

Feedback from the community – The department received a general letter thanking the staff for reuniting a family with their lost dogs.

Department Training – Other than regular in-service training members of the department have not attended any advanced classes. In-service training is a year-round commitment, as required by the state, and we have subscribed to PoliceOne Academy, which is a state approved training site to help us meet these needs.

Staffing – The department is currently down one chief and one sergeant, with Sergeant Higby filling in as Interim Chief. Officer Cox has started the academy and has reportedly been keeping an A average. We have also made a conditional offer to Skylar Steele, who will start on February first, provided he passes his physical, drug, and second polygraph tests. Both Officers Cox and Steele have been long-term locals and bring some previous experience in law-enforcement to the table. We are happy to have them on board.

Public Works Department – January 22, 2016

Streets – Though we haven't had a lot of new snow our streets remain icy and in some cases snow packed. Time we aren't plowing we are busy dealing with drainage issues and repairing signs and delineators. We are also hauling snow out of temporary storage areas such as behind the Recreation Center. We continue to have lots of ice buildup on the pedestrian tunnel north approach and on the elevated walk sections under I 70.

Parks – Parks staff is busy with sidewalk and path plowing. We are also actively plowing North Pond for skating and the upcoming Pond Hockey event. Ice conditions are different this year and we are trying to be extra cautious with our equipment use as thicknesses vary across the pond. Holiday lighting is now being turned off and we will begin to remove it as conditions allow.

Utilities – Utility staff is busy with various maintenance work to all of our systems. This week we assisted with a service line repair at Silverthorne Auto Body.

Recreation Center Air systems – The new PDU is working well and keeping

the pool area temperatures and humidity at desired points. We have ordered a sound attenuator for the system to help with some noise issues. This unit should be installed later this month. We are also doing some improvements to the hatch and ladder access to the roof areas where all the HVAC systems are located.

Facility Manager – Interviews for our two building tech openings are today. Meanwhile Rob is working hard keeping up.

Engineering – Dan is back to work and busy with project reviews, the largest being Summit Sky Ranch.

Parks Manager – We will soon begin advertising for our new Parks Manager, with the intent to have this person on-board by March to assist with our summer seasonal hiring.

Community Development Department – January 21, 2016

Blue River Trail – The design has been modified and the next step would be to acquire the necessary easements, meet with FEMA concerning the flood plain, and Army Corps of Engineers concerning wetlands. Summit County Open Space Advisory Committee (OSAC) has been participating in acquiring an easement from Blue River Valley Ranch Lake Estates and a letter has been sent to the HOA.

Town Core Rezoning – Since the District Design Standards have been adopted, the focus shifts to the rezoning of the Town Core. This will help to implement the Comprehensive Plan vision to create a pedestrian friendly downtown. A public meeting for the Town Core zone district has been scheduled for January 26.

Summit Sky Ranch (aka South Maryland Creek Ranch) – The first Final Plat has been submitted for review.

Lake Dillon Theatre Company (LDTC) – Design work continues on this exciting new Performing Arts Center. The Preliminary Plan has been reviewed and approved by the Planning Commission and Town Council. The Final Site Plan will be submitted next week.

Transportation Plan Update – Staff is working on the update to the Town Transportation Plan. This includes gathering traffic counts at various intersections as well as modeling the Level of Service.

University of Colorado Environmental Design Studios – Two undergraduate studios from the College of Environmental Design will be studying Silverthorne for this semester. One class will be focusing on the Town Core area, the other will be focusing on workforce housing, specifically Smith Ranch. Staff will be meeting with the students on January 29 to discuss these issues.

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

- Marshall's – Site Plan Modification
- Mattress Firm – Preliminary Site Plan
- South Maryland Creek Ranch (Summit Sky Ranch) – Final Plat

Recreation and Culture – January 21, 2016

This week, long-time Recreation Center employee, Nancy Bomgardner, announced that she will be retiring on June 10, 2016. At her time of retirement, she will have worked for the Town for 22+ years, all of which she held the position of Special Events and Leisure Recreation Coordinator. Nancy likes to tell people that she was hired when the Recreation Center pools were still dirt! We wish Nancy well during this exciting transition and will be making arrangements for a reception as her retirement date nears.

After a one year application process, the Recreation Center has received its Certificate of Child Care Licensing from the State of Colorado. Staff pursued this designation due to increased requests to provide all day activities to youth. The certification allows the Recreation Center to offer child care to 30 school aged children between the ages of 5-16 years. The application required a complete overview of how our program would operate including; purpose and philosophy, program development, staffing and staff training and reporting and documentation. Furthermore, inspections from the Department of Public Health and Environment and a complete facility Fire and Safety Inspection was required. With this certification the Recreation Center will follow established child care guidelines through the State Department of Human Services when providing all day programming for youth.

The Recreation Center partnered with the Summit County After School CATCH program to offer awards to students who completed a healthy eating and exercise program over the holiday break. A total of 23 students completed the challenge and were awarded a free family day pass to the Recreation Center.

The Silverthorne Pavilion will host the second annual Brewers Rock for Rescue on Saturday, January 30. The event will feature two bands, Oakhurst and Euforchestra, who will perform while guests sample craft brews from 24 Colorado breweries. In addition to beers and live music, there will be a silent auction, with 100% of proceeds going to Summit County Search and Rescue Group. Tickets are on sale at the Recreation Center and are \$35 in advance and \$45 at the door. This event did sell out last year and we anticipate the same this year, so get your tickets soon!

Grab your skates and head out to North Pond Park for Twilight Skate, a fun, family friendly community event. After fun on the ice enjoy a warm bowl of chili and a moon pie for dessert around the fire pit. Skates are not required and

headlamps and/or flashlights are recommended.

The Silverthorne Pavilion floor refinishing project and bar remodel are almost complete. The floors look fantastic and will be shining for reopening at the Country Western Dance on Friday, January 22. The Pavilion was closed for two and a half weeks during the upgrades.

The annual Valentine's Comedy show will be held on Sunday, February 14 at the Pavilion. Local Comedian Steve "Mudflap" McGrew will headline the event with his high energy comedy show. Steve draws his material from everyday life situations and his "crossover" comedy style is sure to tickle your funny bone. The show will also feature local Denver comedian, Nancy Norton, one of the top female comics in Denver. Nancy will delight with her spontaneous and fresh approach.

The Pavilion will host the annual Après Ice party on Saturday, February 13 for the Pabst Blue Ribbon Pond Hockey Tournament. Tournament favorite, 40 Ounces to Freedom, will take the stage at 8:30pm, with doors opening at 8:00pm.

Upcoming Pavilion Events

Jan 22	Country Western Dance
Jan 23	Wedding
Jan 24	Wedding
Jan 26	Town Core Meeting
Jan 29	Employee Party
Jan 30	Brewers Rock for Rescue
Feb 2	Keystone Symposia
Feb 3	Dancing and Delectables
Feb 4	Café Concert
Feb 5	Wedding Setup
Feb 6	Wedding
Feb 9	Keystone Symposia
Feb 12	Father Daughter Date Night
Feb 13	Valentines Comedy Show
Feb 14	Après Ice Concert

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Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: January 21, 2016
SUBJECT: Town Council Meeting Minutes from January 13, 2016

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from January 13, 2016.

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

PROPOSED MOTION: Included in the Consent Calendar motion.

ATTACHMENTS:
Meeting Minutes

MANAGERS COMMENTS:

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, January 13, 2016

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members Derrick Fowler, Peggy Long, Russ Camp, Stuart Richardson, JoAnne Nadalin and Ann-Marie Sandquist. Staff members present were, Town Manager Ryan Hyland, Acting Chief of Police Misty Higby, Pavilion/Marketing Coordinator Blair McGary, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

McGary updated Council on the Pavilion floor and bar remodel. She talked about the Brewer's Rock for Rescue, January 30th; it's a fundraiser for Summit County Search and Rescue. Other upcoming events include the Twilight Skate, Father Daughter date night, Valentine's Comedy shop, Après Ice Party and Country Western Dance night.

Fowler asked about the Pavilion floor, last he heard was it was going to be replaced.

McGary stated staff felt that there was one more "sand" left in the existing floor and they felt making do with the current floor for one more year was the responsible thing to do. They are working on budgeting and will revisit a new floor in a couple of years.

Council and staff discussed flooring.

COUNCIL COMMENTS:

Richardson reported on the five percent increase in ridership on the Summit Stage last year. They will schedule rush-hour buses during this season.

Butler commented on the Hampton Inn's Open House and the great Hotel it turned out to be. He commented on Chief Hanschmidt's retirement and thanked him for all his years of service to the community and the programs he initiated.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM DECEMBER 8 & 9, 2015; RESOLUTION 2016-01; DESIGNATIONS OF OFFICIAL PLACES FOR POSTING PUBLIC NOTICES; REPLAT – THE CABINS AT ANGLER MOUNTAIN RANCH, FILING NO. 3 – FIFTH AMENDMENT; REPLAT – ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES, FILING NO. 7 – FIRST AMENDMENT.

Hyland reviewed the additional wording in regards to posting on the Town of Silverthorne's website "whenever technically possible" to Resolution 2016-01.

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

LIQUOR BOARD:

- A. Bamboo Garden – Renewal of Hotel & Restaurant Liquor License**
- B. JJ Chinese Seafood Restaurant – Renewal of Beer & Wine Liquor License**

RICHARDSON MOVED TO APPROVE YU DYNASTY, INC. DBA BAMBOO GARDEN AND ASHLEY, LLC DBA JJ CHINESE SEAFOOD RESTAURANT RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

C. Old Chicago – Renewal of Hotel & Restaurant Liquor License

Hyland introduced Eric Henderson, Old Chicago's Regional Manager, and Larry Seeley, General Manager. Hyland reported on a 2015 meeting with Old Chicago management, Chief Hanschmidt and Clerk Miller to review the Alcohol Action Plan after some alcohol related incidents at Old Chicago.

Eric Henderson, Regional Manager, introduced himself and Larry Seeley, General Manager.

Council asked him about steps taken to avoid any more alcohol issues.

Henderson reviewed their Alcohol Incident Response Plan and steps they have taken to avoid any more issues. They are not reinventing the wheel. They have a new management team in place and cameras in the bar area.

Council thanked Henderson for appearing before Council to answer their questions.

Fowler understands there are special circumstances with all the hotels and construction workers in that area.

Butler stated two years ago Old Chicago came forward requesting new signage to improve visibility and traffic into their business, Council supported that. Council wants to see the business succeed.

FOWLER MOVED TO APPROVE WADSWORTH OLD CHICAGO, INC DBA OLD CHICAGO SILVERTHORNE - RENEWAL OF HOTEL AND RESTAURANT LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

MARIJUANA BOARD

A. TZ Financial, LLC dba High Country Healing – Modification of Premise 191 Blue River Parkway, Unit #103

Michele Miller, Town Clerk, presented High Country Healing's request for a Modification of Premise. This modification application has also been submitted to the State Marijuana Enforcement Division for concurrent review. This application allows the Medical Store to move to a first floor unit, in the same building. After the Medical Store moves, the changes to the Retail Shop will be presented to Council. The local modification of premise will be held in the Clerk's office until the Certificate of Occupancy is granted by the Building Department.

NADALIN MOVED TO APPROVE THE MODIFICATION OF PREMISES FOR TZ FINANCIAL, LLC DBA HIGH COUNTRY HEALING. MEDICAL STORE LOCATED AT 191 BLUE RIVER PARKWAY UNIT #103. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

A. Conditional Use Permit – Horgmo Single Apartment, 960 Mesa Drive, Filing 2 - CANCELLED

ACTION ITEMS:

A. Resolution 2016 – 02; a Resolution Adopting the Town of Silverthorne Arts and Culture Strategic Plan

Joanne Cook, Recreation & Culture Director, presented Resolution 2016-02 to Council for consideration. She reviewed the direction Council gave staff to hire a consultant and create an Arts and Culture Strategic Plan for the Town. One of the priorities for this plan is to ensure that the plan be unique to Silverthorne. After interviews of four firms by staff and Council, Janesse Brewer/23.4 Degrees was hired as their preferred consultant. The process included many community members through public meetings and process.

Janesse Brewer, 23.4 Degrees, stated that staff and citizens have provided so much inspiration to the project. She reviewed the directive by Council, to authentically engage our community. There are two aspects to the plan; a sense of place and identity. She gave credit to the Advisory Group Members and staff for the success of the plan and process. She presented a PowerPoint highlighting the Arts & Culture Strategic Plan.

Council questions.

Richardson asked which staff member is the point person.

Hyland stated that will be Recreation & Culture Director Joanne Cook.

Cook reviewed what she is doing to incorporate the Arts & Culture Strategic Plan into existing events.

Citizen Comments.

Jill O'Connor, Ptarmigan, is so proud to see what is happening in the Town of Silverthorne. Good job.

Terry Craig, past Hibbard McGrath Gallery owner and State Arts Boards over the years, stated the events put together by Brewer and Cook were extremely impressive. The community is very enthusiastic about this plan and ready to participate. Silverthorne has a lot of things to be proud of and she is waiting for the next step. This project is very much supported by the community. She sits on the Arts for Colorado, a lobby group to lobby the Legislature to fund art projects; she feels in the future Silverthorne has the potential for a creative arts district. Good job.

Kathy Swanson, 551 Tanglewood Court, thanked Council for the vision to pursue an Arts & Culture Strategic Plan. This is destined to be great and she is looking forward to seeing progress.

Council comments.

Sandquist feels like she has been in on this from the beginning. It's been fun and she is impressed with how quickly we have gotten to this point. She gives a lot of credit to Cook for understanding the potential of the Plan; without her energy and vision we wouldn't be where we are now. She also thanked Brewer for the community meetings, they were full of energy and vibrancy and she saw new faces. She is very excited to have a plan to keep this momentum going.

Council echoed Sandquist's comments.

Fowler stated this is a quality document setting Silverthorne up for success.

Butler stated this has been a great job and he thanked everyone. It was amazing to see citizens giving up their time to participate in this plan. He is proud of this Council's ability to tackle the Comprehensive Plan, Open Space and Parks Plan, and Arts Plan. Council's mandate to staff has been to do something bold. All of these plans are starting to fit together and they complement each other. There has been a lot of work for everyone involved.

CAMP MOVED TO APPROVE RESOLUTION NO. 2016-02: A RESOLUTION ADOPTING THE TOWN OF SILVERTHORNE ARTS AND CULTURE STRATEGIC PLAN WITH THE AMENDED VERBAGE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

None.

SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 7:01 P.M. PURSUANT TO CHARTER SECTION 4.13(c) AND C.R.S. SECTION 24-6-402(4)(b) TO RECEIVE LEGAL ADVICE REGARDING PENDING LITIGATION, KATZ V. TOWN OF SILVERTHORNE ET AL., 2016CV30001. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

RICHARDSON MOVED TO ADJOURN THE EXECUTIVE SESSION AT 7:44 P.M. AND GO BACK INTO THE REGULAR COUNCIL MEETING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

EXECUTIVE SESSION:

Executive Session pursuant to Charter Section 4.13(C) and C.R.S. Section 24-6- 402(4)(b) to receive legal advice regarding pending litigation, Katz v. Town of Silverthorne et al., 2016CV30001.

INFORMATIONAL:

- A. SPORT Committee Meeting Minutes, December 17, 2015
- B. EDAC Meeting Minutes, January 5, 2016
- C. October 2015 Sales Tax Review

RICHARDSON MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:44 P.M.

BRUCE BUTLER, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.

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Town of Silverthorne
Council Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director
Thru: Ryan Hyland, Town Manager
Date: January 15, 2016 for meeting on January 27, 2016
RE: Resolution 2016-03 Establishing Compliance with IRS Reimbursement Regulations

SUMMARY:

Lease Purchases are considered during the budget process for heavy equipment and/or vehicles with a life of three years or more and a combined value of \$100,000 or more. At times the Town will pay for an expenditure intended for our lease purchase program in advance of the issuing of the actual lease purchase. Section 1.150-2 of the Internal Revenue Service (IRS) requires the Town to issue a resolution acknowledging any expenditure's that are paid for in advance of financing that is considered tax exempt. This resolution is a formality due to IRS regulations

BACKGROUND:

Through the 2015 budget process, two plow truck acquisitions were presented and analyzed. The trucks were researched and bid. The Town Council approved the purchase of the trucks through separate resolutions in 2015. The plow trucks include: 2016 International 5900 tandem plow truck and a 2016 Freightliner 108SD plow truck. Related attachments for both plow trucks are purchased separate but are included as part of the trucks. All these purchases are replacing existing vehicles/equipment. It takes time to outfit the trucks with the attachments once the trucks are purchased and received. Therefore completing a request for proposal (RFP) for tax exempt financing is difficult to complete within the IRS time guidelines. The fact that the plow truck is purchased and the attachments may be purchased 60 plus days prior to the completion of the financing is requiring this resolution.

There is currently an RFP issued for the financing of the plow trucks and attachments. Assuming a successful bidding process, a resolution will be brought to Council asking for authorization of financing at the February 10th Council meeting.

Using this type of program allows the Town to keep an adequate supply of low maintenance equipment and vehicles.

PREVIOUS COUNCIL ACTION:

Council previously approved the purchase and potential leasing of the equipment during the 2015 budget appropriation. Both plow trucks were authorized for purchase via a resolution during 2015.

STAFF RECOMMENDATION:

Staff recommends Council approve Resolution #2016-03.

PROPOSED MOTION:

Consent calendar item, no specific motion required.

**TOWN OF SILVERTHORNE, COLORADO
RESOLUTION NO. 2016-03**

A RESOLUTION PRELIMINARILY AUTHORIZING FINANCING OF TWO PLOW TRUCKS AND ATTACHEMNTS, PROVIDING FOR REIMBURSEMENT OF MONEY UPON EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT OR OTHER FINANCING TRANSACTION, AND AUTHORIZING REPRESENTATIVES OF THE TOWN TO TAKE ACTION INCIDENTAL THERETO

WHEREAS, the Town Council (the “Town Council”) of the Town of Silverthorne, Colorado (the “Town”) has determined and declares that it is in the best interests of the Town and its inhabitants that the Town provide for snow removal and other public work type services, and for the use by the Town for its governmental purposes (the “Equipment”) and finance the Equipment by entering into a lease purchase or other transaction to finance the Equipment (referred to herein as the “Lease”); and

WHEREAS, the Equipment generally consists of the equipment listed on Exhibit A attached hereto; and

WHEREAS, the Equipment has been budgeted and appropriately approved by Town Council; and

WHEREAS, it will be necessary for the Town and others to make certain expenditures in order to provide the equipment prior to the time that the Lease to finance the Equipment may be executed and delivered; and

WHEREAS, the Town Council reasonably expects that when the Lease is executed and delivered, such expenditures will be reimbursed with the proceeds of the Lease; and

WHEREAS, to comply with the provisions of the Internal Revenue Code of 1986, as amended, it is the Town Council’s desire that this Resolution shall constitute the “official intent” of the Town to reimburse such expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE AS FOLLOWS:

- 1. Authorization of Financing.** The Town Council hereby preliminarily authorizes financing for the Project. The Town expects that the financing for the Project (a) will not exceed the maximum aggregate principal amount of \$425,000, and (b) will be accomplished with funds raised from the execution and delivery of the Lease, the interest on which is to be excludable from gross income for federal income tax purposes.

This Resolution expresses the Town Council’s expectations as of the date hereof with respect to the financing of the Equipment. Future events or extraordinary circumstances may

result in the Equipment being financed in a manner other than as described herein, and nothing contained herein constitutes an irrevocable commitment by the Town Council or the Town to so finance the Equipment.

2. Reimbursement of Expenditures. The Town Council intends to make expenditures from Town funds to finance certain costs relating to the Equipment. The Town Council reasonably expects that such expenditures will be reimbursed with the proceeds of the Lease. All of such expenditures constitute "capital expenditures" within the meaning of Section 1.150-1(h) of the Treasury Regulations.

3. Reimbursement Period. The reimbursement allocation to be made with respect to such expenditures for the Equipment will occur not later than twelve (12) months after the *later* of (a) the date on which the expenditure is paid, or (b) the date on which the Equipment is placed in service, but in no event more than three (3) years after the original expenditure is paid. No reimbursement allocation will be made with respect to an expenditure paid prior to the sixty (60)-day period preceding the date of this Resolution.

4. Reimbursement Allocation. The Town's Finance Director shall be responsible for making a written reimbursement allocation described in Section 1.150-2 of the Treasury Regulations, being generally the transfer of the appropriate amount of proceeds of the Lease to reimburse the source of temporary financing used to pay the reimbursed costs of the Equipment. Each allocation shall (a) be evidenced by an entry on the official books and records of the Town maintained for the Lease, and (b) specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.150-2 of the Treasury Regulations, the fund or account from which the expenditure was paid. Such allocation shall be made within thirty (30) days from the issuance of the Lease.

5. Authorization of Town Representatives to Take Action in Connection Herewith. The Town Manager, the Finance Director, the Town Clerk and counsel to the Town are hereby authorized and directed to take all action necessary to accomplish the purposes of this Resolution, including the negotiation of agreements in connection with the financing of the Equipment.

6. Severability. If any provision of this Resolution shall be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provisions hereof, the intention being that the provisions hereof are severable.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO THIS 27th DAY OF JANUARY, 2016.

TOWN OF SILVERTHORNE, COLORADO

By: _____
Bruce Butler, Mayor

ATTEST:

By _____
Michele Miller, Town Clerk

EXHIBIT A

2016 International 5900 Tandem Plow Truck and Attachments – 3HTNUAPT7GN375405

2016 Freightliner 108SD Plow Truck and Attachments - 1FVD65CY0GHHG9592

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU : Ryan Hyland, Town Manager *RH. ymm*
FROM: Michele Miller, MMC, Town Clerk
DATE: January 21, 2016 for meeting of January 27, 2016
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

The Liquor Board is asked to approve the liquor license renewal for Nepal Restaurant.

BACKGROUND:

A. Nepal Restaurant – Renewal of Hotel & Restaurant Liquor License

The applicant has submitted a renewal application for Nepal Restaurant. The background investigation completed by the Police Department is attached. The Police Department has verified the one employee who sells or serves liquor has successfully completed an alcohol program. The Police Department recommends renewal of the liquor license.

DISCUSSION:

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

STAFF RECOMMENDATION:

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

PROPOSED MOTION:

I MOVE TO APPROVE NEPAL RESTAURANT – RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE.

ATTACHMENTS:

Liquor license renewal application and Police Department memo.

MANAGERS COMMENTS:



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

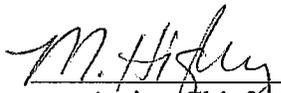
DATE: January 21, 2016
TO: Michele Miller
FROM: Officer Anne Baldwin
SUBJECT: Hotel and restaurant liquor license with optional premises – malt, vinous,
and spirituous application, Nepal Restaurant

Nepal Restaurant has not had any liquor-related incidents in the past year.

The restaurant owner and manager, Anesh Narayan, was TIPS certified in 2014. Mr. Narayan claims he is the only person who serves alcohol at the restaurant. He is certified until 2017.

Based on the background information of the Silverthorne Police Department, we do not have any objections to the approval of this hotel and restaurant liquor license.

Reviewed by



Acting Chief of Police
Misty Higby

01/21/16
Date

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

NEPAL RESTAURANT
 PO BOX 24232
 SILVERTHORNE CO 80498

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name RAI NETRA		DBA NEPAL RESTAURANT	
Liquor License # 25579410000	License Type Hotel & Restaurant (city)	Sales Tax License # 25579410000	Expiration Date 3/3/2016
Street Address 122 W 10TH ST SILVERTHORNE CO 80498			Due Date 1/18/2016
Mailing Address PO BOX 24232 SILVERTHORNE CO 80498			Phone Number (909) 544 1574
Operating Manager <i>Netra Rai</i>	Date of Birth 11-10-1980	Home Address 455 Brown Ave #4 Silverthorne CO 80498	Phone Number 9704680525

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 10/16
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business NETRA RAI	Title <i>owner</i>
Signature <i>netra Rai</i>	Date 1-11-16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority For	Date
Signature	Title
	Attest

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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*,
Mark Leidal, Assistant Town Manager *ML*
FROM: Greg Roy, Planner I *GR*
DATE: January 21, 2016, for the meeting of January 27, 2016
SUBJECT: Horgmo CUP for a Single Apartment – 960 Mesa Drive, Lot 71, Blue River Mesa, Subdivision #2 (PT2015-17)

SUMMARY: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Single Apartment in the R-2 Residential Zone District. A Conditional Use Permit exists for the single apartment, but is personal to the previous owners.

BACKGROUND: In November of 2000, the previous property owners, Joan-Carol Brigham and John Sabal, received approval of a building permit to construct an addition to the single family residence at 960 Mesa Drive. The addition was for a 960 square foot garage, with a second story 850 square foot Single Apartment.

The applicant, Torstein Horgmo, purchased the subject property last year. Because the 2000 Conditional Use Permit for a Single Apartment was personal to Joan-Carol Brigham and John Sabal, the CUP expires with a transfer of ownership of the property. As such, the applicant is requesting that a new Conditional Use Permit be approved in his name for the existing Single Apartment. Changes to the existing structure are not proposed at this time.

PREVIOUS COUNCIL ACTION: The Town Council approved the second filing of the Blue River Mesa Subdivision, which created the subject property, in September of 1963. The original single family residence on the property was constructed in 1977.

On April 26, 2000, Town Council approved a Conditional Use Permit for a Single Apartment located above a proposed garage on Lot 71, Blue River Mesa Subdivision #2. The conditions of approval have been met since the 2000 approval.

STAFF DISCUSSION: This application meets all the staff recommended conditions.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, by a vote of 6-0, recommends approval of the Horgmo Conditional Use Permit for a Single Apartment located at 960 Mesa Drive, with the following conditions:

1. The CUP for a Single Apartment is being issued to the applicant and is nontransferable. If the applicant's ownership of the subject property terminates so will the CUP for a Single Apartment.
2. The applicant is required to make one of the units his primary residence on a continuous basis.

Town of Silverthorne
Town Council Agenda Memorandum

3. The applicant is required to periodically provide to Staff documented proof of residency, such as utility bills and voter registration, on a regular bases.
4. Neither the Single Apartment nor the primary residence may be rented or leased for a term of less than six (6) consecutive months. The applicant shall provide Staff with the most current lease on a regular basis to ensure compliance with this condition.
5. No additional renting of individual rooms is permitted.
6. The applicant is required to pay the appropriate System Development Fees to cover the costs of adding the new Single Apartment to the Town's utilities.
7. Off-street parking areas shall not be used for the parking of trailers, boats, detached campers, inoperable vehicles or other items that will render the area unusable by residents and guests for normal daily use.

Proposed Motion: *"I move to approve the Horgmo Conditional Use Permit for a Single Apartment located at 960 Mesa Drive, in the R-2 Zone District, with the Planning Commission's recommended conditions."*

ATTACHMENTS:

Staff Report and Exhibits

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Greg Roy, Planner I *GR*

Through: Mark Leidal, Assistant Town Manager *ML*

Date: January 21, 2016, for the meeting of January 27, 2016

Subject: Conditional Use Permit for a Single Apartment

Owner: Torstein Horgmo

Applicant: Torstein Horgmo

Proposal: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Single Apartment in the R-2 Residential Zone District. A Conditional Use Permit exists for the single apartment, but is personal to the previous owners.

Address: 960 Mesa Drive

Legal Description: Lot 71, Blue River Mesa Subdivision #2

Site Area: 23,958 square feet (0.55 acres)

Zone District: R-2 Residential Zone District

Site Conditions: Previously developed with an existing single family residence.

Adjacent Uses: North: Lot 70, Blue River Mesa Subdivision #2 (R-2)
South: Lot 72, Blue River Mesa Subdivision #2 (R-2)
East: Lot 77, Blue River Mesa Subdivision #2 (R-2)
West: Lot 65, Blue River Mesa Subdivision #2 (R-2)

PREVIOUS COUNCIL ACTION: The Town Council approved the second filing of the Blue River Mesa Subdivision, which created the subject property, in September of 1963. The original single family residence on the property was constructed in 1977.

On April 26, 2000, Town Council approved a Conditional Use Permit for a Single Apartment located above a proposed garage on Lot 71, Blue River Mesa Subdivision #2, with the following conditions:

1. The owner shall be required to live in either the primary residence or the single apartment on a continual basis.
2. Lease term for the single apartment (or main residence, if the owner resides in the single apartment) shall be for a minimum term of 6 months.

3. Storage items outside shall be screened by a fence, all, or landscaping that provides year-round screening.
4. Landscaping must meet requirements per Town Code standards (Section 4-6-9).
5. The permit shall be issued to the applicant. Should the applicant's ownership terminate, the conditional use permit shall likewise expire.
6. The appropriate water and sewer tap fees (EQRs) shall be paid before the issuance of a building permit.
7. An Improvement Location Certificate is required before the foundation walls are poured and after the footers are in place.

The conditions of approval have been met since the 2000 approval.

BACKGROUND: In November of 2000, the previous property owners, Joan-Carol Brigham and John Sabal, received approval of a building permit to construct an addition to the single family residence at 960 Mesa Drive. The addition was for a 960 square foot garage, with a second story 850 square foot Single Apartment.



The applicant, Torstein Horgmo, purchased the subject property earlier this year. Because the 2000 Conditional Use Permit for a Single Apartment was personal to Joan-Carol Brigham and John Sabal, the CUP expires with a transfer of ownership of the property. As such, the applicant is requesting that a new Conditional Use Permit be approved in his name for the existing Single Apartment. Changes to the existing structure are not proposed at this time.

STAFF COMMENTS: Conditional Uses are allowed when Planning Commission and Town Council find that the criteria set forth in Town Code Section 4-4-19 (d) are met. Single Apartments are permitted in the R2 Zone District with a Conditional Use Permit. Below are the criteria for evaluation of Conditional Use Permits.

1. Whether the proposed use or development otherwise complies with all requirements imposed by this Chapter.

The property is located within the R-2 Zone District. The existing single family residence meets all the zoning requirements in regards to minimum lot size, maximum lot coverage, building height, and setbacks. The applicant has indicated that there are 8 parking spaces available, which is sufficient for a 3 bedroom house with a 2 bedroom single apartment. The site has adequate landscaping, snow storage, and lighting. There are no changes proposed to the site or the building with this application. As such, Staff finds that this criterion is met.

2. Whether the proposed use or development is in conformance with the Town's Comprehensive Plan.

Staff finds that the following Comprehensive Plan policies apply to the proposed Conditional Use Permit:

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

Policy LU 3.5 – Increase the availability of local resident housing by supporting opportunities, programs, and proposals that plan for and provide attainable housing.

Policy LU 3.6 – Explore home ownership opportunities and programs that target a variety of income levels, and that serve to meet the expected future demand for workforce housing. Maintain the inventory of rental properties that currently provide affordable housing to local residents.

Staff finds that the proposal meets the housing goals set forth in the Town's Comprehensive Plan by preserving a unit of density for long term rental by local residents. Staff finds that this criterion is met.

- 3. Whether the proposed use or development is compatible with adjacent uses. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety and impact on property values of the surrounding area.***

Adjacent to this property are single family residences. Staff finds that the existing Single Apartment is compatible with adjacent uses and exhibits the appearance, architectural scale, and general design qualities indicative of the immediate area. Staff does not anticipate that there will be any discernible adverse impacts such as noise, dust, odor, lighting, traffic or safety issues. This criterion is met.

- 4. Suitability of location for the use or development.***

The R-2 Zone District is a suitable area for a 'Single Apartment' meeting all the relevant criteria for Conditional Use Permits and Single Apartments. The surrounding land uses are single family residences at an average density of 2 units per acre. Staff finds that this criterion is met.

- 5. History of compliance by the applicant with the requirements of this Code and prior conditions, if any, regarding the subject property.***

There is no record or history of any conflict or lack of compliance by the applicant, Torstein Horgmo. In addition, there is no history of non-compliance with any of the conditions of approval by the previous owners, Joan-Carol Brigham and John Sabal. Staff finds that this criterion is met.

- 6. Ability of the applicant or any successor-in-interest to continuously meet the conditions of the proposed permit.***

The applicant understands that conditions will be imposed as part of an approved CUP, and he is willing to meet any conditions of approval made part of granting the proposed CUP. Staff finds that this criterion is met.

7. Other factors relevant to the specific application.

Conditional Use Permits for Single Apartments are also required to meet the criteria detailed in Section 4-4-21. Compliance with those criteria is evaluated below.

Single Apartment Review Criteria: Town Code Section 4-4-21 states, in part, that "Single Apartments may be allowed as a Conditional Use within an existing detached single-family dwelling unit or as an integral part of a detached garage." The Planning Commission and Town Council shall consider allowance of a Single Apartment using the following requirements:

1. Submission of a site plan and floor plan which meet Town zoning, site plan and building permit requirements. *Staff has determined that the site and floor plans are sufficient to review the proposed CUP for a Single Apartment. There are no modifications to the interior or exterior of the subject property proposed with the Single Apartment use.*
2. Evidence that sufficient parking will be available for both the current occupants of the single-family residence and the future occupants of the Single Apartment. *Staff finds that sufficient parking is available for the proposed Single Apartment.*
3. Payment of the prevailing system development fees sufficient to cover the addition of the apartment to the water and sewer system. *The applicant has been made aware of the likely fees associated with the proposed Single Apartment and has indicated a willingness to pay these fees.*
4. A Single Apartment shall not exceed 33% of the floor area of the existing structure. *The subject Single Apartment is comprised of floor area equivalent to approximately 20% of the existing structure.*
5. The apartment must be built within the footprint of the existing structure, or if the Single Apartment is proposed as a secondary part of the primary structure not yet constructed, such use shall not be allowed unless the proposed Single Apartment complies with all the other requirements of the Code and is so designed as to be wholly within the outer dimensions of the primary residence and to share a common floor or ceiling with the primary structure. *The Single Apartment has been built within the footprint of the existing structure.*
6. Any single-family residence to which a Single Apartment is added may not rent any individual room or rooms in either the primary or secondary residence without first applying to the Town for a CUP permitting a boarding or rooming house. *Staff recommends that this requirement be addressed as a condition of the CUP.*
7. Any lease of a Single Apartment shall be for a minimum term of six (6) months. *Staff recommends that this requirement be addressed as a condition of the CUP.*
8. The owner of the residence must establish and maintain continuous residency in

either the primary residence or the single apartment. Continuous residency shall mean that the owner resides in the unit as his or her primary residence, as documented by driver's license and registration, voter registration, utility payments and other relevant indicators. *Staff recommends that this requirement be addressed as a condition of the CUP.*

PLANNING COMMISSION RECOMMENDATION: The Planning Commission, by a vote of 6-0, recommends approval of the Horgmo Conditional Use Permit for a Single Apartment located at 960 Mesa Drive, with the following conditions:

1. The CUP for a Single Apartment is being issued to the applicant and is nontransferable. If the applicant's ownership of the subject property terminates so will the CUP for a Single Apartment.
2. The applicant is required to make one of the units his primary residence on a continuous basis.
3. The applicant is required to periodically provide to Staff documented proof of residency, such as utility bills and voter registration, on a regular bases.
4. Neither the Single Apartment nor the primary residence may be rented or leased for a term of less than six (6) consecutive months. The applicant shall provide Staff with the most current lease on a regular basis to ensure compliance with this condition.
5. No additional renting of individual rooms is permitted.
6. The applicant is required to pay the appropriate System Development Fees to cover the costs of adding the new Single Apartment to the Town's utilities.
7. Off-street parking areas shall not be used for the parking of trailers, boats, detached campers, inoperable vehicles or other items that will render the area unusable by residents and guests for normal daily use.

Suggested Motion: *"I move to approve the Horgmo Conditional Use Permit for a Single Apartment located at 960 Mesa Drive, in the R-2 Zone District, with the Planning Commission's recommended conditions."*

Should the Town Council find that the conditional use permit for a Single Apartment is not appropriate and does not meet the Code requirements, Staff recommends the following alternative motion:

Alternative Motion: *"I move deny approval of the Horgmo Conditional Use Permit for a Single Apartment located at 960 Mesa Drive, in the R-2 Zone District, with the finding that it does not meet Town Code Section 4-4-21."*

EXHIBITS:

EXHIBIT A – Site Plan

EXHIBIT B – Public Works' Comments

Public Works Department Comments

To: Lina Marie Lesmes – Senior Planner
From: Dan Gietzen – Town Engineer
Date: March 20, 2015
Subject: Gould CUP application – 960 and 960 ½ Mesa Drive

The Public Works Department has no objections to the request to have the existing CUP transferred from the previous owners to the new owners.

We do want to make sure, however, that neither of the two existing driveways widen any further than what exists today, as the total width of the existing driveways already exceeds maximum driveway width standards. Thank you.



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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: January 21, 2016, for meeting of January 27, 2016
SUBJECT: Site Plan Modification for the Breckenridge Commercial Laundry 330 Warren Avenue (PT 2015-26)

SUMMARY: The applicant, Jim Neville of Mountain Builders, is requesting approval of a Site Plan Modification for a revised building addition and site improvements at an existing commercial laundry facility.

BACKGROUND: The subject Site Plan Modification proposes the following changes:

- Modification to the approved office space in the front of the building to enclose an additional 408 square feet, and enlargement of the front patio.
- Minor revisions to the site plan to include an additional parking space, a revised drive aisle between the front and the rear of the site, and an adjustment to the rear parking area.
- Modifications to the landscaping and snow storage areas to conform to the adjusted site layout.

PREVIOUS COUNCIL ACTION: On April 22, 2015, Town Council approved the Breckenridge Commercial Laundry Site Plan Modification, which proposed to construct a 7,035 square foot building addition at the rear of the existing commercial laundry. An additional office and break room consisting of 557 square feet were also part of the proposal. Proposed site and building improvements included parking area paving and striping, additional landscaping, new light fixtures, removal the existing chain link fence, and a new dumpster enclosure. The Site Plan Modification was approved with the following conditions of approval:

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

DISCUSSION: Staff finds that the Breckenridge Commercial Laundry Site Plan Modification meets several of the goals and polices of the Comprehensive Plan. In addition, Staff finds that the proposal meets the applicable requirements specified in Section 4-4-10, C-2 Heavy Commercial Zone District, and the Site Plan requirements detailed in Sections 4-6-10, 4-6-11, 4-6-12, and 4-6-13. Lastly, the application meets the standards of the Business Park District Design Standards and Guidelines.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2016, by a vote of 6-0, Planning Commission voted to recommend approval of the Site Plan Modification for the Breckenridge Commercial Laundry, located at 330 Warren Avenue.

Suggested Motion: *“I move to approve of the Breckenridge Commercial Laundry Site Plan Modification.”*

ATTACHMENTS: Staff Report and Exhibits

MANAGER’S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

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

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

Date: January 21, 2016, for meeting of January 27, 2016

Subject: Site Plan Modification for the Breckenridge Commercial Laundry (PT2015-26).

Owner: Rick Cole – Cole Holdings, Inc.

Applicant/Agent: Jim Neville – Mountain Builders

Proposal: The applicant is requesting approval of a Site Plan Modification for a revised building addition and site improvements at an existing commercial laundry facility. *(Please see the attached exhibits).*

Address: 330 Warren Avenue

Legal Description: Lot 9, Silverthorne Heights Subdivision

Site Area: 0.963 acres or 41,850 square feet

Zone District: C-2 Heavy Commercial Zone District

Design District: Business Park District

Site Conditions: Currently being redeveloped to add building space in the rear and the front of an existing two-story concrete building.

Adjacent Uses: North: UPS Facility and storage Yard (C-2)
South: Waste Management Storage Yard (C-2)
East: Waste Management & Timberline Disposal (C-2)
West: Warren Avenue and Silverthorne Business Center (C-2)

Height: Allowed: 35 feet
Proposed: 35 feet

Lot Coverage: Allowed: No limit
Proposed: 31.7% of lot area or 13,325 square feet

Parking: Required: 38 spaces, and 2 handicap spaces
Proposed: 38 spaces, and 2 handicap spaces

Snow Storage: Required: 4,984 square feet or 25% of paved surface

Proposed: 5,041 square feet or 25% of paved surface

Landscaping: Required: 14 trees and 21 shrubs
Proposed: 22 trees and 7 shrubs

Setbacks:

Required:	Proposed:
Front: 10 feet	12 feet
Rear: 10 feet	76 feet
Side (N): 0 feet	10 feet
Side (S): 0 feet	39 feet

PREVIOUS COUNCIL ACTION: Construction of the existing commercial laundry facility began in 1973. In 1976, the Town approved a building permit for an 860 square foot addition that constituted 2 bedrooms and one bath. Five years later, in 1981, a building permit was issued for 2 offices at the laundry facility. In 1985, the Town issued a building permit to remodel the upstairs dwelling unit to meet fire and building codes.

In 1981, The Town entered into a Special Connection Agreement to establish and provide for the water and sewer needs of the Summit Commercial Laundry. The Agreement was transferred to a different owner (still doing business as Summit Commercial Laundry) on May 10, 1989, but the terms of the Agreement did not change.

For many years, the commercial laundry facility operated in conjunction with a livestock feed store, both of which were surrounded by outdoor storage enclosed by chain link fencing. On July 27, 1994, Town Council approved a Preliminary Site Plan for Arbogast Mini-Storage (a.k.a Summit Storage) to construct two buildings in the rear of the site, and enclose 11,500 square feet of storage space. In conjunction with the Site Plan, Town Council also approved a Variance to reduce the required drive aisle width from 30 feet to 24 feet. The proposed buildings were never constructed.

On April 3, 1997, the Town entered into a revised Water and Sewer Tap Agreement with the Summit Commercial Laundry, when the current owner, Rick Cole, bought the property. The revised Agreement clarified the document language, but the parties agreed to essentially the same terms as in the previous agreements for the water and sewer service.

In the following five years, the Summit Commercial Laundry experienced rapid business growth, which resulted in increased demand for water and sewer services. In 2002, the Town determined that water usage at the Summit Commercial Laundry facility exceeded the terms of the 1997 Agreement. To address the matter, the Town entered into a revised Water and Sewer Tap Agreement with the Summit Commercial Laundry on December 11, 2002. Per the terms of the Agreement, water and sewer fees began to be assessed on a quarterly basis, and the Town agreed to lease any additional EQRs needed by Summit Commercial Laundry. The Water and Sewer Tap Agreement was renewed in 2014.

On April 22, 2015, Town Council approved the Breckenridge Commercial Laundry Site Plan Modification, which proposed to construct a 7,035 square foot building addition at the rear of the existing commercial laundry. An additional office and break room consisting of 557 square feet were also part of the proposal. Proposed site and building improvements

included parking area paving and striping, additional landscaping, new light fixtures, removal the existing chain link fence, and a new dumpster enclosure.

BACKGROUND: The applicant, Breckenridge Commercial Laundry, received a building permit on June 8, 2015. The subject Site Plan Modification proposes the following changes (See Exhibits):

- Modification to the approved office space in the front of the building to enclose an additional 408 square feet, and enlargement of the front patio.
- Minor revisions to the site plan also include an additional parking space, a revised drive aisle between the front and the rear of the site, and an adjustment to the rear parking area.
- Modifications to the landscaping and snow storage areas to conform to the adjusted site layout.



STAFF COMMENTS – SITE PLAN MODIFICATION: The Site Plan Modifications follow the Final Site Plan review process, as outlined in Section 4-6-4, and require action by Planning Commission and Town Council.

Comprehensive Plan: The Silverthorne Comprehensive Plan reflects the goals and objectives of the community. The first criterion for review of a Site Plan Modification is consistency with the goals and policies of the Comprehensive Plan, summarized below.

Policy LU 1.4 – Encourage infill development and redevelopment prior to the establishment of new commercial areas in Silverthorne.

Policy LU 2 BP.1 – Encourage the development of commercial uses intended to serve a regional clientele, including but not limited to contractor trades, wholesalers, light manufacturing, artisan shops, warehousing and distribution, and auto repair.

Policy LU 2 BP.2 – Ensure that new development is well-integrated with existing commercial, service, and business uses, and that adverse visual, noise, odor, and/or traffic impacts are mitigated.

Policy LU 2 BP.3 – Encourage the Business Park District to continue to establish itself as an organized and compact business neighborhood, with distinct boundaries and edges.

Policy LU 2 BP.5 – Protect suitable space for regional commercial and light manufacturing enterprises that might typically locate in the Business Park District.

Policy LU 5.3 – Encourage the paving of existing gravel roadways, driveways and parking lots to decrease pollution from erosion and dust.

Policy CD 3.4 – Avoid large massive single structures with long continuous wall planes. The mass or proportions of a structure shall be reduced by stepping building heights and wall planes, varying eave lines, and providing offsets in building elevations.

The application proposes an enlarged office space and patio in the front of the building, as well as site layout adjustments related to parking, landscaping, and snow storage. In

conjunction with the previously approved Site Plan Modification and associated building and site improvements, Breckenridge Commercial Laundry will be enhancing the Business Park District and the surrounding commercial areas. Staff finds that the existing building and site will be improved in a manner that brings it closer to conformance with the stated Comprehensive Plan policies.

Compliance with Chapter 4, Articles IV and VI: The second criterion for Site Plan Modifications is consistency with Chapter 4 of the Code, Article IV, Zoning Districts and Standards, and Article VI, Site Plan.

Zoning Standards: The proposal meets the Town Code requirements for setbacks, lot frontage, and lot coverage, as required by Section 4-4-10. The application also meets the allowable height of 35 feet for the Business Park Design District. Changes are not proposed to the approved dumpster enclosure, lighting, utility connections, and drainage improvements from the previously approved Site Plan Modification (PT2015-1).

Floor Plan: Internal to the building, the applicant is proposing to change the location of new restrooms, which were previously proposed inside the existing building and adjacent to the stairway. Those restrooms are now proposed as part of the office and breakroom area addition in the front of the building.

Vehicular Access: As part of the previously approved Site Plan Modification, the applicant relocated the driveway southward to align it with the new parking area, and defined the access, drive aisles, and parking with concrete curb. The applicant is proposing to remove a portion of concrete around parking space #17, and straighten the drive aisle that leads to the rear parking. Staff finds that the modification does not negatively affect vehicular circulation, or impact site organization.

Pedestrian Access: With the previous Site Plan Modification approval, the applicant proposed 5-foot concrete pedestrian walkways in the front portion of the building, where the most frequently used entrances are located. The subject Site Plan Modification proposes minor revision to the walkways in the front, facing Warren Avenue, to accommodate the office and break room expansion. In addition, portions of sidewalk are proposed outside the entrances in the rear of the building. Sidewalks along Warren Avenue have not been required for this project because they would have no connections, and because sidewalks are not planned for that street in the near future.

Parking: A building with 965 square feet of office space, 12,368 square feet of industrial space, a 2 bedroom apartment, and a 3 bedroom apartment, is required to provide 38 standard parking spaces, 1 13-foot handicap space, and 1 van-accessible parking space. The applicant is proposing 38 parking spaces, and 2 handicap spaces, meeting the Code's dimensional requirements. All site parking will be resurfaced with new pavement, and defined with concrete curb or provided with wheel stops.

The 38th parking space is shown in front of an existing garage door on the south side of the building. The applicant has explained that the garage door is utilized only for temporary access to and for large equipment. For day to day activities, the garage door is not used. As such, adequate space exists for use of the garage door and the parking space.

As part of the subject Site Plan Modification, the rear parking area has been moved 5 feet towards the east, or 11 feet from the rear property line. The move creates a 5-foot buffer between the building and the parking, allows room for portions of sidewalk and snow storage, and permits the doors on the rear of the building to swing outward (previously swung inwards). Staff finds that the revised location of the parking is an improved configuration for the rear of the site, and meets the required setbacks for parking areas.

Snow Storage and Landscaping: Minor changes to the square footages of snow storage and landscape areas are proposed to accommodate for the revised locations and quantities of pavement. As proposed, the Town Code requirements are met.

The numbers of trees and shrubs (22 trees and 7 shrubs) that were approved with the previous Site Plan Modification have not changed. Approved landscaping was installed during the summer of 2015.

Business Park District Design Standards and Guidelines: The third criterion for Site Plan Modifications is consistency with the district design standards. As part of the previously approved Site Plan Modification, the applicant is proposed the following changes to the building:

- West Elevation - Office addition in the front included the removal of a porch and railing, and the addition of a new covered entry. External ladders were proposed to be removed. Existing flues were proposed to be painted to match the building.
- South and West Elevations – Addition of canopy features above the entrances.
- North Elevation – Addition in the rear of the building. New dryer vent to replace existing vents on the building.
- East Elevation – Building addition with access doors and windows. Materials for new addition are stucco, and a corrugated metal wainscot for a base element.

The subject Site Plan Modification, the applicant is proposing to extend the covered entry along the west elevation, such that it extends an additional 18 feet to the north around the additional office space. On the façade facing East, the applicant has also lowered a portion of the roof to provide clearance for the mechanical room.

Staff finds that the proposed changes match the previously approved Site Plan Modification, do not negatively affect the building design or architecture, and are in compliance with the Business Park Design District Standards and Guidelines.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2016, by a vote of 6-0, Planning Commission voted to recommend approval of the Site Plan Modification for the Breckenridge Commercial Laundry, located at 330 Warren Avenue.

Suggested Motion: *“I move to approve of the Breckenridge Commercial Laundry Site Plan Modification.”*

ALTERNATIVE MOTION: Should Town Council find that the application does not meet the Code and/or the Business Park District Design Standards, Staff recommends the

following findings and motion:

Findings:

1. The Site Plan Modification does not meet Standard 4.3.3 of the Business Park District Design Standards and Guidelines.

Motion: "I move to deny the Breckenridge Commercial Laundry Site Plan Modification based on a finding that the application does not meet Standard 4.3.3 of the Business Park District Design Standards and Guidelines".

EXHIBITS:

- Exhibit A - Project Narrative, dated February 16, 2015
- Exhibit B - Proposed Site Plan Modification (PT2015-26)



O'BRYAN PARTNERSHIP, INC.
ARCHITECTS - A.I.A.

Thursday October 22, 2015

Lina M. Lesmes
Senior Planner
Town of Silverthorne
970.262.7366

Lina,

Per your request I have included the changes and reasons why to Breckenridge Commercial Laundry.

Office: We have enlarged the office approximately 400 sq. ft. The owner saw the foundation layout on the jobsite and was concerned about the size of the office. As such we reconfigured the offices, restrooms, and breakroom as you can see from the floor plans. Due to the change, structure added additional beams and post. All structure in the office area stayed the 1 hour fire rating that is required due to the proximity to the property line. We maintained the approved look throughout the elevations. We reconfigured the sidewalk for the private residential space and made the entrance a bit more "private". Reference site plan and elevations A1.2, A3.0, and A3.1.

Site plan: Due to the increase square footage of the office the code stated we needed to add one (1) additional parking space. We have added that parking space in front of the existing structure labeled as parking space number 38 on the South side of the building near the handicap parking. Reference site plan A1.2

We removed the "horn" in the parking location next to parking space number 17 on the South side of the property. This was brought up by the builder to allow for a cleaner and less "confined" approach to the rear of the building. Reference site plan A1.2.

Since we were over the required square footage for landscaping our calculations did not go below the necessary required landscaping.

Snow removal square footage has changed due to the changes for the new office layout, sidewalk configuration, and parking area layout and we recalculated the numbers and we are within the necessary guidelines required. Reference landscape plan A1.3.

P.O. Box 2773 • 620 Main St. Unit 8
Frisco, Colorado 80443
www.oparch.com

970.668.1133 • 970.668.2316 fx

The interior spaces changed due to the increase in square footage of the office, restrooms, and break room. The production area for new equipment has changed due to the equipment consultants trying to be more efficient for the client. We removed the restrooms from inside the existing structure and under the stairs to the new office configuration. This allowed for more production and cost savings for the client. We have met the ADA requirements for the restrooms and kitchen area. Reference A2.0.

If you have any questions and/or comments please feel free to contact me.

Thank you,

Daryl Anderson
Production Manager
O'Bryan Partnership
970.668.1133

OVERMAN PARTNERSHIP, INC.
ARCHITECTS-ALLA

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BRECKENRIDGE LAUNDRY

330 WARREN AVE, LOT 9
SILVERTHORNE, CO 80498

DATE	01/06/15
PROJECT NBR	2563600
DRAWN BY	DCJ
CHECKED BY	KAC

A1.0

COVER SHEET

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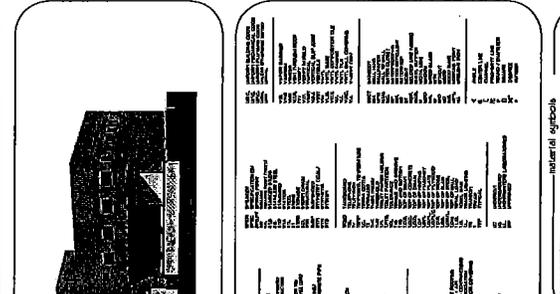
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PROJECT NARRATIVE

THE BRECKENRIDGE COMMERCIAL LAUNDRY IS LOCATED AT 330 WARREN AVENUE, SILVERTHORNE, COLORADO. THE PROJECT IS A 10,000-SQ-FT COMMERCIAL BUILDING WITH A 20,000-SQ-FT GARAGE. THE BUILDING WILL BE USED FOR COMMERCIAL LAUNDRY AND STORAGE. THE PROJECT IS SCHEDULED TO BE COMPLETED BY THE END OF 2015. THE ARCHITECT HAS PROVIDED THE FOLLOWING DRAWINGS FOR THE PROJECT:

ARCHITECTURE

COVER SHEET
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SITE SURVEY
DRAINAGE AND CURB DETAILS
UNITS SERVICE LINE CONNECTION
MEP SITE PLAN
PROPOSED ROOF PLAN
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PUMPING PLAN
ELECTRICAL COVER SHEET
ELECTRICAL SITE PLAN
LIGHTING ONE LINE DIAGRAM
ELECTRICAL SCHEDULE
ELECTRICAL SPECIFICATIONS

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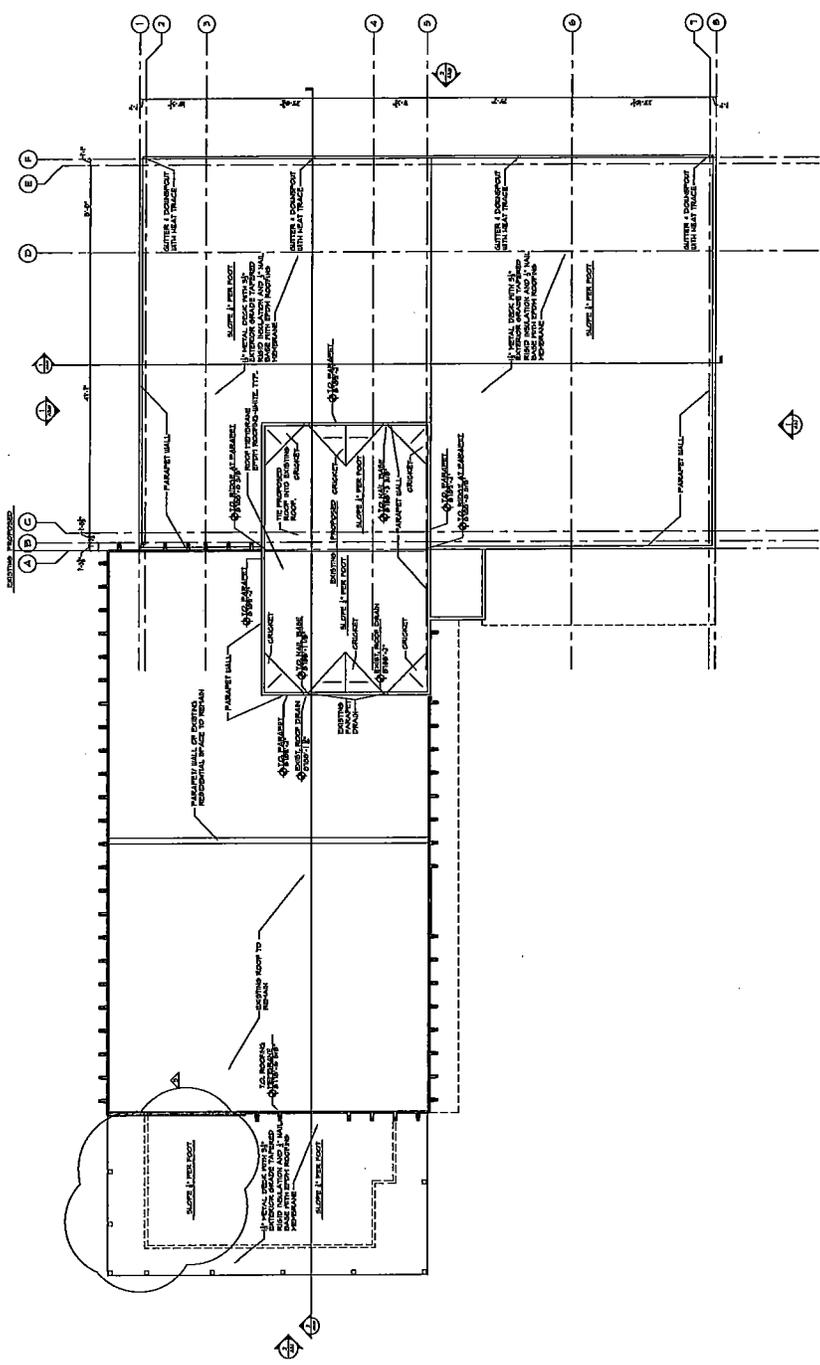
ARCHITECTURE,
PLANNING, INTERIORS
P.O. Box 2778
830
FRED, CO 80438
1000 PROSPECT
WWW.OBRYAN.COM



BRECKENRIDGE LAUNDRY
330 WARREN AVE, LOT 9
SILVERTHORNE, CO 80498

DATE	01/06/15
PROJECT NO.	2846300
DRAWN BY	D.L.A.
CHECKED BY	K.A.O.

A2.3
PROPOSED ROOF PLAN

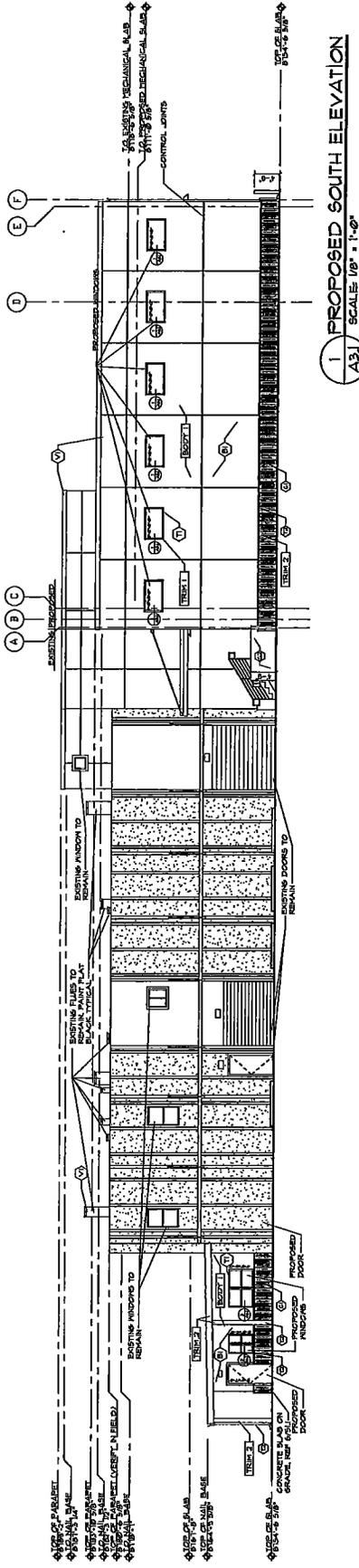


1 PROPOSED ROOF PLAN
A2.3 SCALE: 1/8" = 1'-0"

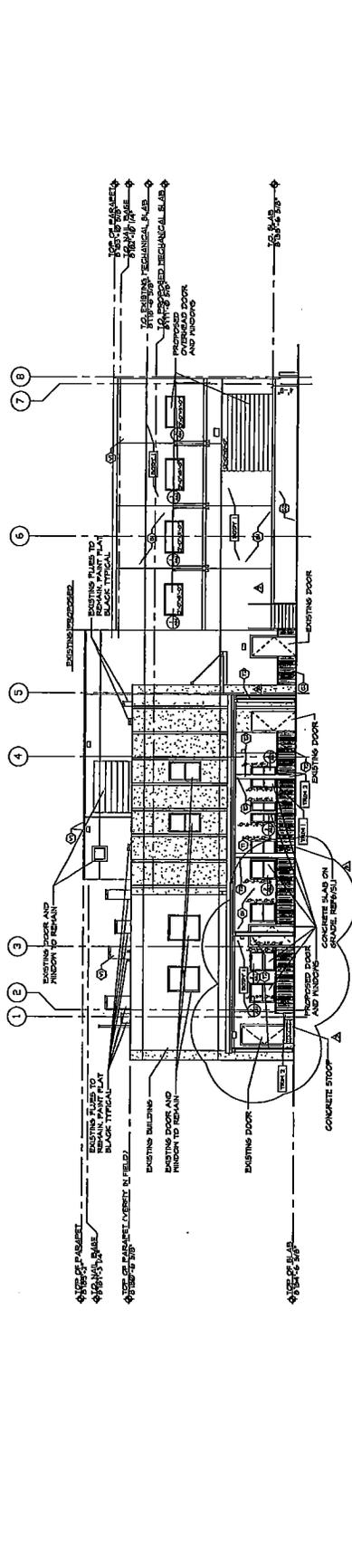
10/22/2015 10:54 AM BRECKENRIDGE COMMERCIAL LAUNDRY SHEET A2.3 PROPOSED ROOF PLAN



DATE	01/06/19
PROJECT NO.	2563269
DRAWN BY	DCJ
CHECKED BY	KAO

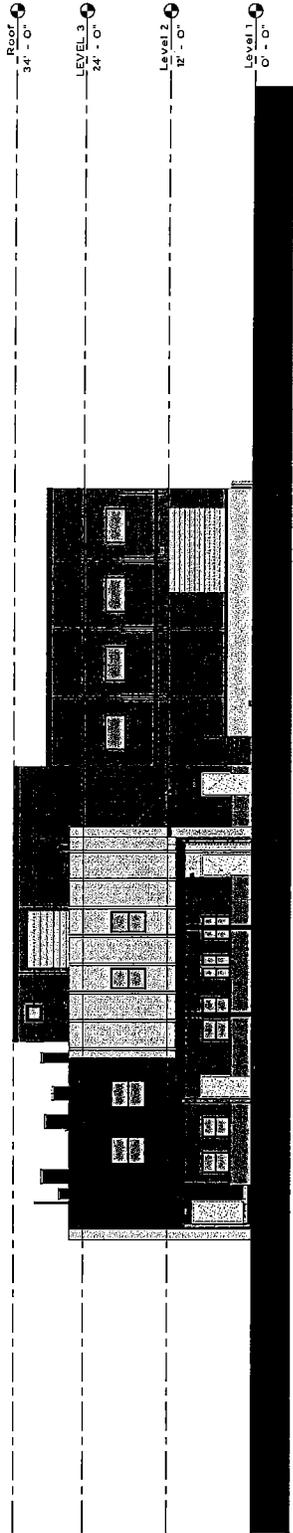


1 PROPOSED SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

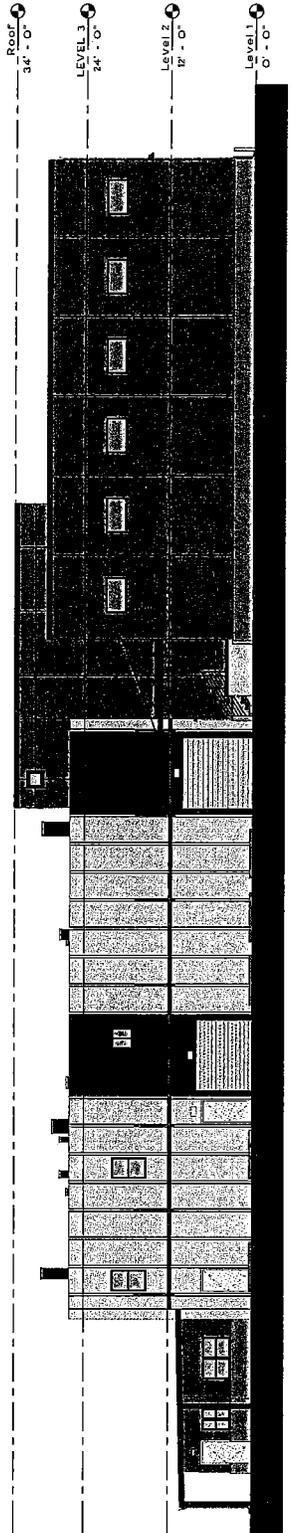


2 PROPOSED WEST ELEVATION
 SCALE: 1/8" = 1'-0"

- SIDINGS / TRIM SCHEDULE**
- (A) BRISTOL APPLIED STUCCO
 - (B) BROWN PELLING'S IVORY LACE
 - (C) CORRUGATED GALVALUME
 - (D) MANISCO
 - (E) PAINTED CONCRETE
 - (F) MIRROR AND DOOR TRIM
 - (G) WOOD COLUMNS AND BEAMS
 - (H) CORRUGATED GALVALUME
 - (I) STAINLESS STEEL
 - (J) PAINTED CONCRETE
 - (K) CORNICES, FLUES, AND VENTS
- MATERIALS / COLOR SCHEDULE**
- (RECT.1) PANTONE 4448 C
 - (RECT.2) PANTONE 4485 C
 - (RECT.3) PANTONE 7541 C
 - (RECT.4) IVORY LACE SH 1019
 - (RECT.5) NATURAL STONE TILE
 - (RECT.6) PHILLIPS LAUNDRY
 - (RECT.7) SH 4140

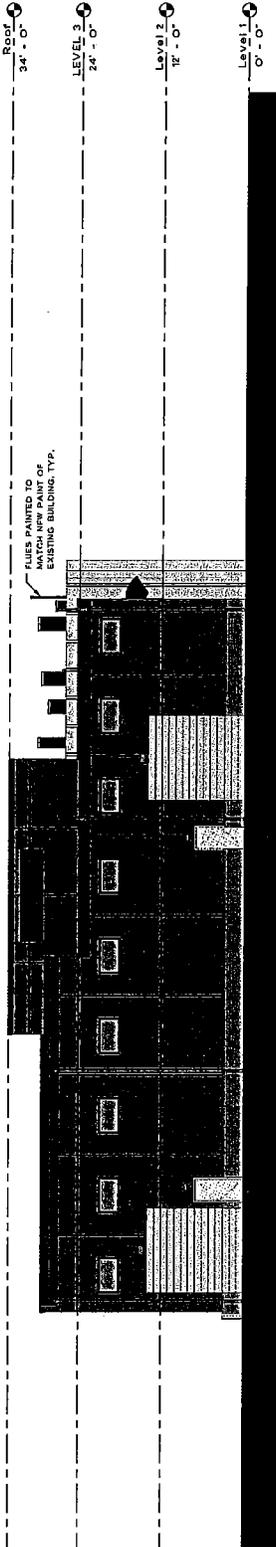


1. WEST ELEVATION
 A3.0 1/8" = 1'-0"

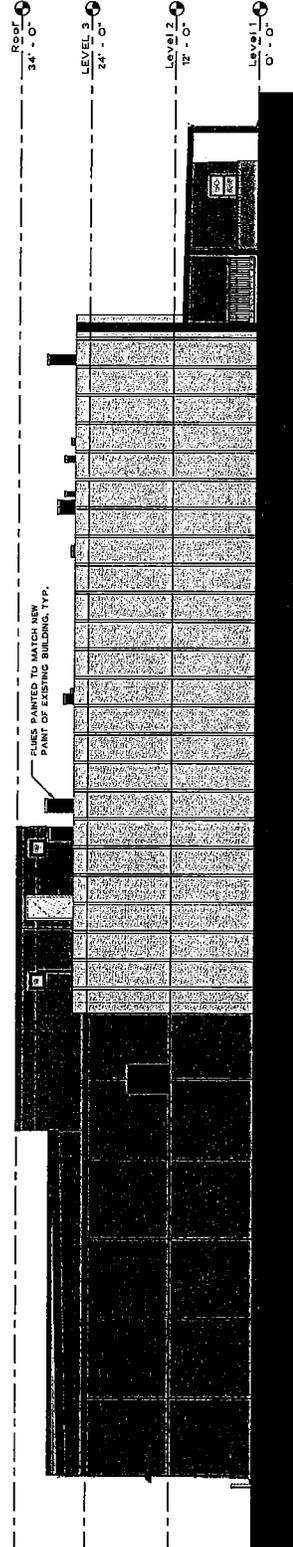


2. SOUTH ELEVATION
 A3.0 1/8" = 1'-0"

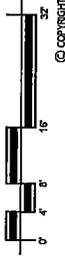




1 EAST ELEVATION
A3.1 1/8" = 1'-0"



2 NORTH ELEVATION
A3.1 1/8" = 1'-0"



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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: January 21, 2016, for meeting of January 27, 2016
SUBJECT: Site Plan Modification for Angry James Brewery at 421 Adams Avenue
(PT 2016-1)

SUMMARY: The applicants, AJ and Darcy Brinckerhoff, co-owners of Angry James Brewing Company, are requesting approval of a Site Plan Modification for a revised floor plan, and building modifications for a new craft brewery on Adams Avenue.

BACKGROUND: The subject Site Plan Modification proposes the following changes:

- Modifications to the interior to remove the second story apartment and storage area, and add a first story office.
- Removal of the outdoor staircase and balcony associated with the second story apartment, previously located on the north and west elevations.
- Modifications to the canopy over the outdoor beer garden on the south elevation.

PREVIOUS COUNCIL ACTION: The plat of the Silverthorne Colorado Subdivision was approved by Summit County on September 14, 1960. On September 26, 2001, Town Council denied a Site Plan and Conditional Use Permit for G&H Plaza, which consisted of a warehouse/contractor trades building with three apartments on the second floor.

On July 8, 2015 Town Council approved the Replat, Conditional Use Permit, and Final Site Plan for Angry James Brewery, which proposed a small craft brewery with an apartment on the second story. The building included a small retail area, seating space for beer tasting and eating, an outdoor beer garden, and an onsite grain silo. Town Council imposed the following conditions of approval:

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 constructing 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. (*Note: Approved July 8, 2015*)

DISCUSSION: Staff finds that the Angry James Brewery Site Plan Modification meets several of the goals and polices of the Comprehensive Plan. In addition, Staff finds that the proposal meets the applicable requirements specified in Section 4-4-9, C-1 Light Commercial Zone District, and the Site Plan requirements detailed in Sections 4-6-10, 4-6-

11, 4-6-12, and 4-6-13. Lastly, the application meets the standards of the Town Core District Design Standards and Guidelines, with conditions.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2016, by a vote of 6-0, the Planning Commission voted to recommend approval of the Site Plan Modification for Angry James Brewery with the following conditions:

1. The applicant will be required to contribute the proportionate share of the cost of constructing 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.
2. The north façade is required to be revised to meet the requirements of Standard 4.2.5 of the Town Core District Design Standards and Guidelines.
3. All exterior building materials must comply with the requirements of Standard 4.3.3 of the Town Core District Design Standards and Guidelines.

Suggested Motion: *“I move to approve the Site Plan Modification for Angry James Brewery with the Planning Commission recommended conditions.”*

ATTACHMENTS: Staff Report and Exhibits

MANAGER’S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

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

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

Date: January 21, 2016, for meeting of January 27, 2016

Subject: Site Plan Modification for Angry James Brewery (PT2016-1)

Owner/Applicant: AJ and Darcy Brinckerhoff

Architect: Ron Mazzeo Architect, LLC

Proposal: The applicant is requesting approval of a Site Plan Modification for a revised floor plan, and building modifications for a new micro-brewery. *(Please see the attached plans for further information.)*

Address: 421 Adams Avenue

Legal Description: Lot 3R, Block H, Silverthorne Colorado Subdivision

Site Area: 0.32 acres or 14,000 square feet

Zone District: Light Commercial (C-1)

Design District: Town Core District

Site Conditions: The site is currently vacant, with vegetation consisting of grasses and sage. The property slopes gently downward to the east.

Adjacent Uses: North: Wagner Rents - Equipment Rental and Storage (C-1)
South: Twin Season Vacations - Rental Office/Apt (C-1)
East: Adams Avenue and vacant land (C-1)
West: Single Family Residences and Apartment Building accessed from a shared drive (R15)

Height: Allowed: 45 feet
Proposed: 24.3 feet

Lot Coverage: Allowed: 60% of lot area or 8,400 square feet
Proposed: 25% of lot area or 3,436 square feet

Parking: Required: 11 plus 1 van accessible handicap space
Proposed: 11 plus 1 van accessible handicap space

Snow Storage: Required: 1,682 square feet or 25% of paved surface

	Proposed:	1,701 square feet or 25.2% of paved surface	
Landscaping:	Required:	9 trees and 14 shrubs	
	Proposed:	10 trees and 17 shrubs	
Setbacks:		<u>Required:</u>	<u>Proposed:</u>
	Front:	0 feet	0 feet
	Side (N):	0 feet	16 feet
	Side (S):	0 feet	23 feet
	Rear:	10 feet	72 feet

PREVIOUS COUNCIL ACTION: The plat of the Silverthorne Colorado Subdivision was approved by Summit County on September 14, 1960. On September 26, 2001, Town Council denied a Site Plan and Conditional Use Permit for G&H Plaza, which consisted of a warehouse/contractor trades building with three apartments on the second floor.

On July 8, 2015 Town Council approved the Replat, Conditional Use Permit, and Final Site Plan for Angry James Brewery, which proposed a small craft brewery with an apartment on the second story. The building included a small retail area, seating space for beer tasting and eating, an outdoor beer garden, and an onsite grain silo. Town Council imposed the following conditions of approval:

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 constructing 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.

A License Agreement, meeting condition #3 above, was approved by Town Council on July 8, 2015.

BACKGROUND: The applicants, AJ and Darcy Brinckerhoff, co-owners of Angry James Brewing Company, purchased Lots 3 and 4, Block H, Silverthorne Colorado Subdivision on September 5, 2014. Their original intent was to construct a small craft brewery on Adams Avenue, with an apartment on the second story. The building included a small retail area, seating space for beer tasting and eating, an outdoor beer garden, and an onsite grain silo.

The subject Site Plan Modification proposes the following changes (See Exhibits):

- Modifications to the interior to remove the second story apartment and storage area, and add a first story office.
- Removal of the outdoor staircase and balcony associated with the second story apartment, previously located on the north and west elevations.
- Modifications to the canopy over the outdoor beer garden on the south elevation.

STAFF COMMENTS – SITE PLAN MODIFICATION: The Site Plan Modifications follow the Final Site Plan review process, as outlined in Section 4-6-4, and require action by Planning Commission and Town Council.

Comprehensive Plan: The Silverthorne Comprehensive Plan reflects the goals and objectives of the community. The first criterion for review of a Site Plan Modification is consistency with the goals and policies of the Comprehensive Plan, summarized below.

Policy LU 1.8 – Utilize incentives to encourage infill and redevelopment within Town limits that particularly demonstrates its ability to create economic vibrancy, reinforce Silverthorne’s identity, and promote sustainability.

Policy LU 2 TC.1 - In the Town Core District, prioritize development that promotes pedestrian activity and provides a critical mass of diversified land uses, including a variety of retail shops, offices, hotels, entertainment, restaurants and outdoor cafes, transportation hubs, and other compatible uses that are harmonious with a walkable, urban-style, downtown experience.

Policy LU 2 TC.2 - Support building heights, form, and character conducive to a downtown environment. These architectural characteristics would generally include 2-4 story building heights, minimal or no building setbacks, enduring materials and attractive building facades.

Policy LU 2 TC.4 - Promote outdoor places for people to gather, including green spaces, outdoor plazas, pedestrian streets, children’s play areas, and outdoor seating to infuse energy and activity throughout the Town Core.

Policy LU 2 TC.6 - Encourage parking solutions that support commercial development in a downtown environment, such as consolidated parking reservoirs (lots or garages) and on-street parking throughout. The development of alleys for service needs and access should be considered. Town parking codes and fees should be carefully reviewed to facilitate redevelopment in the Core.

Policy CD.2.2 - Promote gathering and entertainment areas within Silverthorne’s downtown, through landscape design, signage, ample outdoor seating and pedestrian linkages.

Policy CD.3.3 - Building mass, form, length, and proportions shall be designed to provide variety of visual interest, maintaining a human scale that is appropriate to surroundings.

Policy T 2.5 - Provide sidewalks adjacent to all street edges within the commercial districts. Separate sidewalks from the street by a landscape median where it is feasible.

Policy T 2.8 - Improve the public streetscape with curb, gutter, sidewalk, and landscaping to promote sidewalk activity, where it is feasible.

Staff finds that the proposed development continues to be consistent with several policies of the Silverthorne Comprehensive Plan. The proposed brewery will enhance the Town Core District by providing a restaurant use that is conducive to pedestrian activity, provides an outdoor seating area, and serves to enclose the street with two stories. The proposed building is compact in form, and its architecture provides appealing facade and roof elements, and architectural features scaled to the pedestrian. In addition, the building is proposed adjacent to the street with parking in the rear, and with a sidewalk and on-street

parking on Adams Avenue. Lastly, in order to minimize impacts on the residential areas in the rear, the applicant is proposing a fence that will buffer the residential areas from light, noise, and traffic impacts.

Compliance with Chapter 4, Articles IV and VI: The second criterion for Site Plan Modifications is consistency with Chapter 4 of the Code, Article IV, Zoning Districts and Standards, and Article VI, Site Plan.

Land Use – Lot 3R, Block H, Silverthorne Colorado Subdivision is zoned Commercial C-1. The uses '*Restaurant*' and '*Bar, lounge, nightclub*' are uses by right in C-1. The applicant is no longer proposing a second story apartment. As such, the approved Conditional Use Permit for a '*Multi-family dwelling unit*' no longer applies.

Zoning Standards – Staff finds that the application meets the C-1 Light Commercial Zone District requirements for lot frontage, lot area, and lot coverage. The application also meets the allowable height of 45 feet and the required front setback of the Town Core Design District. Changes are not proposed to the approved dumpster enclosure, lighting, utility connections, and drainage improvements from the previously approved Final Site Plan (PT2015-5).

Floor Plan: Internal to the building, the applicant is proposing to remove the second story apartment and storage space. On the first floor, the applicant is proposing to remove the stairway and landing accessing the second floor, and add an office and valve room.

Vehicular Access and Circulation – The project takes access from Adams Avenue, with a driveway immediately adjacent to the south property line, measuring 16-feet in width. As part of the previously approved Final Site Plan, the Public Works Department reviewed the proposed driveway, and supported its proposed location.

Pedestrian Access and Circulation - For pedestrian access, the applicant is proposing a pedestrian walkway from the rear parking area to the rear entries of the building, and a 6-foot concrete sidewalk immediately in front of the building in the Adams Avenue Right-of-Way. The template for the exact location of sidewalks and on-street parking on Adams Avenue has not yet been adopted. In accordance with the approval of the Final Site Plan, the applicant will be required to contribute the proportionate share of the cost of constructing the sidewalk and on-street parking directly in front of the subject property prior to the issuance of a Certificate of Occupancy. This is noted as a condition of approval.

Parking – With the removal of the second story apartment, and the addition of office space, the required number of parking spaces was modified slightly. Due to its location in the Town Core District, the project qualifies for voluntary reductions in parking, and may provide on-street parking on a 1:1 ratio for non-residential uses. The table on the following page provides Staff's calculations on the amount of parking required, and the reductions permitted by Section 4-6-10.f.5.

Use	Minimum Parking Required	Available Reductions
400 ft ² of Retail	1	25% Reduction for TC – 4 15% Bus Stop – 2 Bicycle parking – 1
1,450 ft ² Restaurant	14.5	
800 ft ² Manufacturing	2	
100 ft ² Office	0.3	
Subtotal	18	7
TOTAL REQUIRED	11	

In addition, one van-accessible parking space, measuring 16 feet in width is required. The plans show 8 spaces in the rear parking area, 1 oversized handicap parking space, 3 parallel parking spaces in the Adams Avenue Right-of-Way, and 7 bicycle stalls. All required parking meets the Code requirements for size of parking stalls.

As in the previously approved Site Plan, the applicant is also proposing 6 ‘compact’ parking spaces, sized 9’x16’. The ‘compact’ spaces are not included in the parking counts because they do not meet the minimum length of 18 feet. Staff finds that the parking requirements are being met with the application.

Screening, Landscaping, Snow Storage, Dumpster Enclosure, Lighting, Utilities, and Drainage – Changes are not being proposed to any of these components with the subject Site Plan Modification. These items remain as proposed with the approved Final Site Plan.

Town Core District Design Standards and Guidelines: The third criterion for Site Plan Modifications is consistency with the district design standards. Below is an analysis of the Town Core District Design Standards, and their applicability to this project:

Building Orientation and Location on Site – The building orientation and location on the site is not changing with the subject Site Plan Modification.

Parking – The proposed changes to the floor plan result in the same number of required parking spaces. Changes to the parking layout are not proposed with the application.

Building Form, Mass and Height – The building continues to be designed with a distinctive base, middle, and top. A strongly marked primary entrance that projects from the main building wall continues to enhance the front façade. Changes to the height of the building are not part of the application.

Building Façades and Architectural Elements – The building provides interest and variety, a well-defined main entrance, and windows in a pattern that relates to the interior functions. However, Staff finds that the following standards need to be addressed:

Standard 4.2.5 states, “Building facades shall not exceed 50 feet in length along the same geometric plane, at which time there shall be wall plane projections or recesses having a depth of at least 2.5 feet for a distance of not less than 6 feet.” With the removal of the staircase and balcony, the façade facing north measures 60 feet in length along the same

wall plane. In order to meet this standard, a shift in the wall plane or an additional architectural element is required on the north façade to break up the wall plane and provide articulation. This is noted as a condition of approval.

Standard 4.2.8 states, “*Buildings along HWY 9, Adams Avenue, and 4th Street shall have a minimum of two stories to provide critical mass and firmly confine the outdoor space. Ground floors in these areas shall have a minimum ceiling height of 10 feet.*” With the subject Site Plan Modification, the applicant is proposing to revise the interior and remove the second story apartment and storage space. On the exterior, the building design is not changing significantly, and still maintains the appearance of a functioning second story. Staff finds that the intent of this standard is met.

Building Materials and Finishes – The approved building materials include barnwood siding and cement stucco veneer. Colored split face block and corrugated metal were also approved, totaling less than 25% of the building facades.

Standard 4.3.3 states, “*Predominant exterior building materials shall be high-quality durable materials that retain their appearance over time, and that can be economically maintained. Buildings shall be predominantly clad in Class I materials. Class II materials may be used as accents and trim not to exceed 25% of the total building façade. Class III materials are prohibited in the Town Core District.*”

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

Sheets A301 and A302 propose ‘*vertical siding, stucco, or block veneer*’ as one of the primary exterior materials on the building. As a condition of approval, exterior building materials must be proposed in accordance with Standard 4.3.3 with the submittal of a building permit. This is noted as a condition of approval.

Standard 4.3.5 states, “*Clear glass shall be used for windows. Tinted, colored, or opaque glass may be approved on a case-by-case basis when shown by the applicant to be compatible with the purpose of the Town Core District Design Standards and Guidelines. The use of mirrored or reflective glass is prohibited*”. The primary façade has 3 windows and a door with transparent glass, with a length of 24 feet or 60% of the length of primary façade facing Adams Avenue. On the second story, the applicant is proposing ‘*non-openable windows with spandrel glass*’. Spandrel glass is designed to be opaque to screen interior portions of the building. Because the spandrel glass is proposed only on the second story, or above 14 feet, Staff finds that the glass is compatible with the purpose of the Town Core District Design Standards and Guidelines.

Building Colors - The building materials are proposed in subdued colors, including browns, beiges, and grays. The roof is proposed with a ‘cinnamon’ (orange tint) fascia. All of the colors proposed are similar to those approved as part of the Final Site Plan, and meet the requirements of the Town Core Design District Standards.

Building Roofs – As with the previously approved Site Plan, the roof of the building is proposed with a single slope, which is appropriately oriented towards the south to maximize sun exposure. The applicant is proposing to remove a flat canopy that previously ran the entire length of the south elevation below the main roof, and replace it with a covered porch over a portion of the beer garden. Staff finds that the new porch is compatible with the design of the main roof, and is in compliance with the Town Core District Design Standards and Guidelines.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2016, by a vote of 6-0, the Planning Commission voted to recommend approval of the Site Plan Modification for Angry James Brewery with the following conditions:

1. The applicant will be required to contribute the proportionate share of the cost of constructing 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.
2. The north façade is required to be revised to meet the requirements of Standard 4.2.5 of the Town Core District Design Standards and Guidelines.
3. All exterior building materials must comply with the requirements of Standard 4.3.3 of the Town Core District Design Standards and Guidelines.

Suggested Motion: “I move to approve the Site Plan Modification for Angry James Brewery with the Planning Commission recommended conditions.”

ALTERNATIVE MOTION: Should Town Council find that the application does not meet the Town Core Design District Standards and Guidelines, Staff recommends the following finding and motion:

Finding:

1. The Site Plan Modification does not provide adequate variation in the north wall plane, as required by Standard 4.2.5 of the Town Core District Design Standards and Guidelines.

Motion: “I move to deny the Angry James Brewery Site Plan Modification based on a finding that the application does not provide adequate variation in the north wall plane, as required by Standard 4.2.5 of the Town Core District Design Standards and Guidelines”.

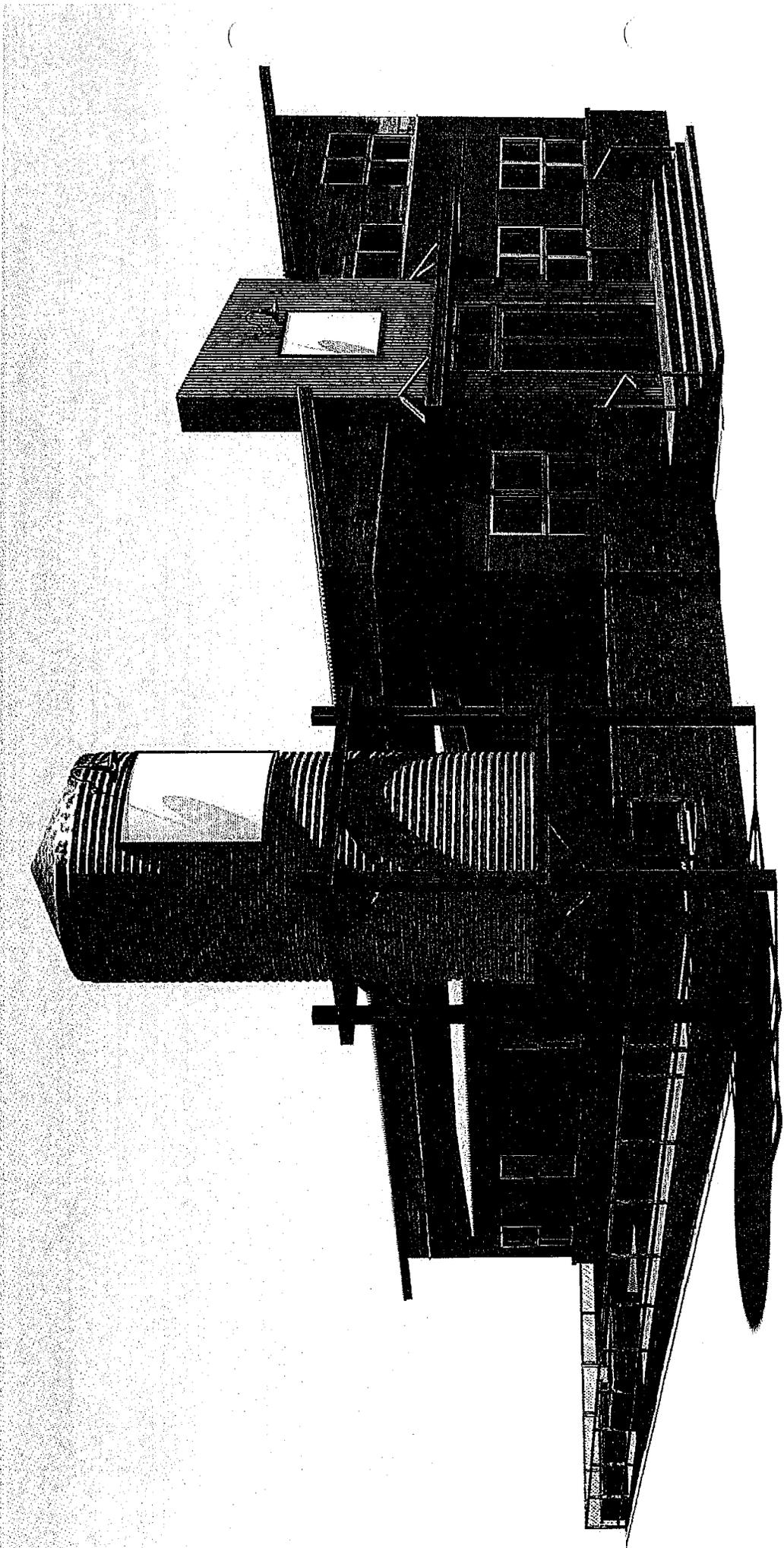
EXHIBITS:

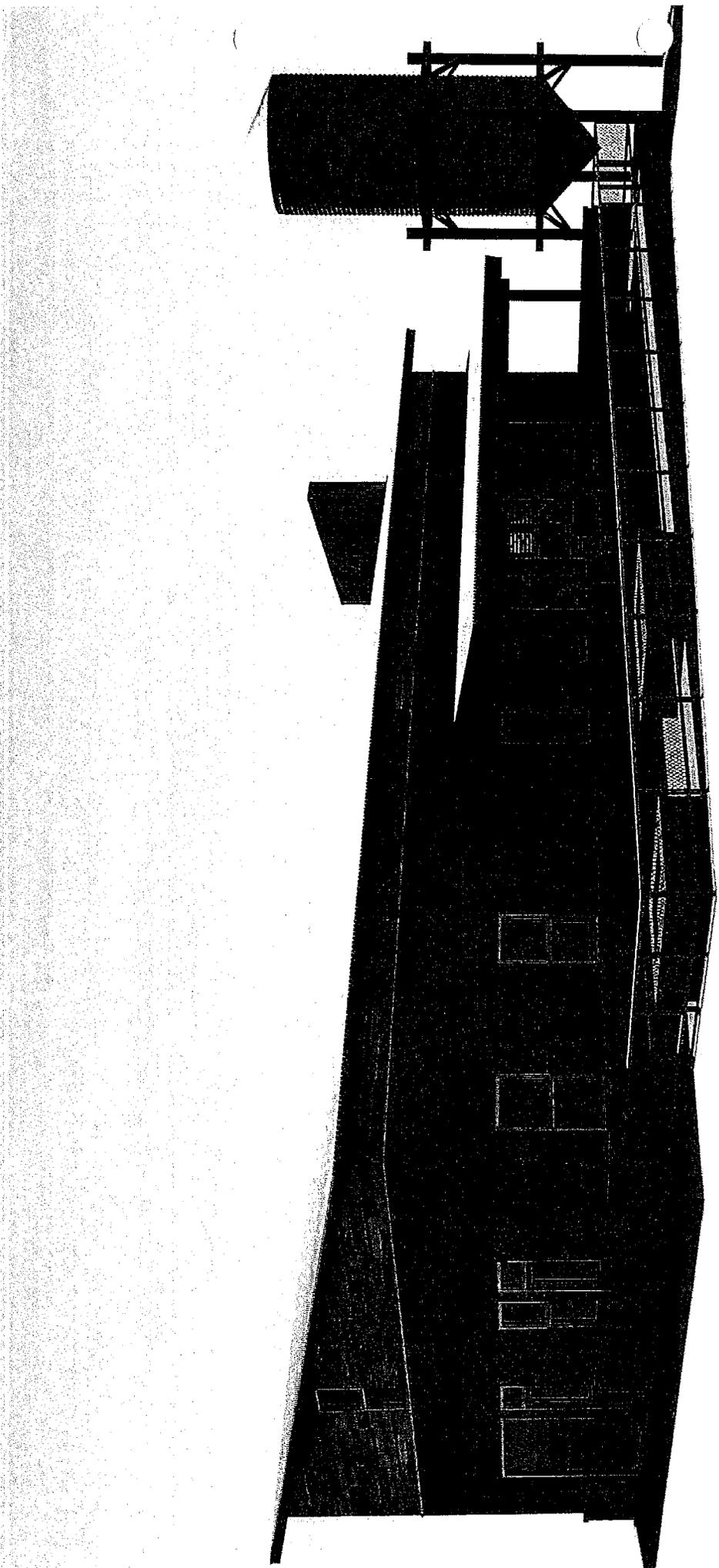
- Exhibit A - Project Narrative
- Exhibit B - Site Plan Modification Plan Set

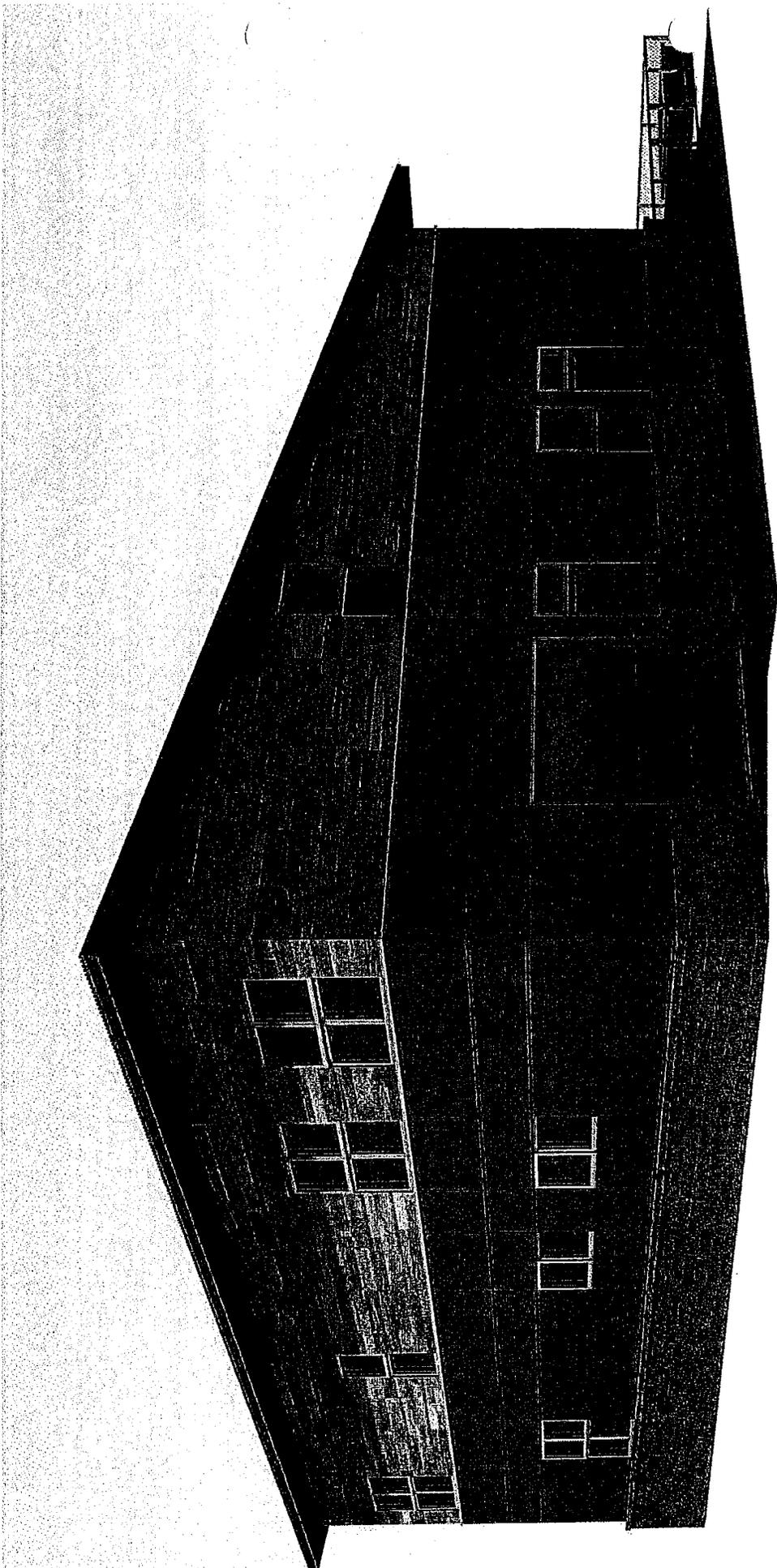
Project change narrative:

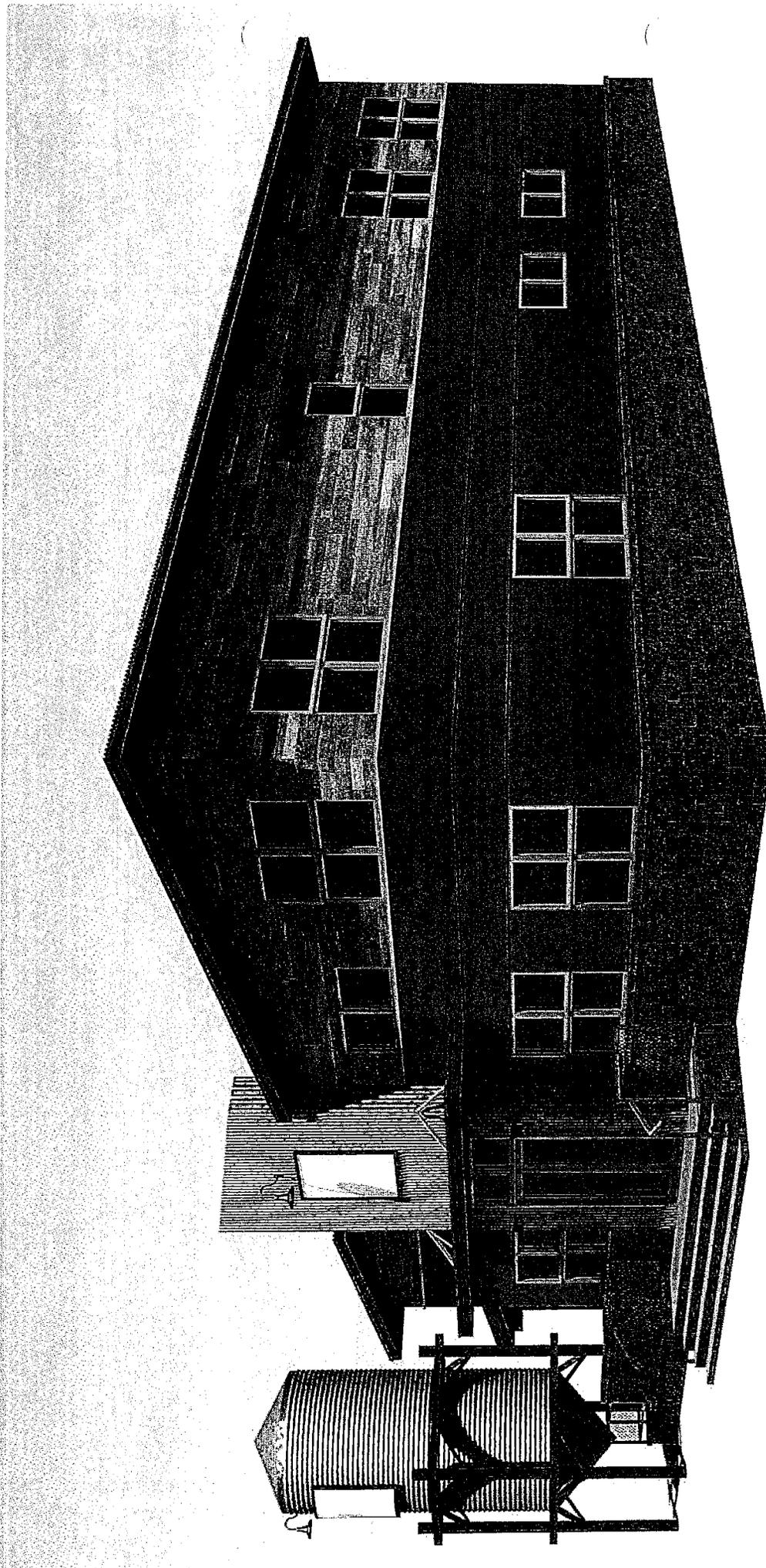
We made two changes to the Angry James Brewery project.

- 1) We have determined that adding a second level to our brewery building is cost prohibitive, and therefore have removed it. The changes you will notice are the removal of the exterior staircase and second story balcony. To stay consistent with the design the Committee and Council originally approved, we have kept the second story windows on the building.
- 2) On the south side of the building we removed the decorative eave and added a partial patio roof to the beer garden.





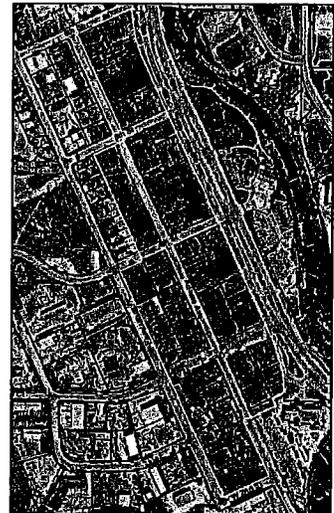




Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: June 18, 2015 for meeting of June 24, 2015
SUBJECT: First Reading of Ordinance 2016-01, An Ordinance amending Chapter 4, Article IV, Zoning Districts and Standards, to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District.

PROPOSAL: Ordinance 2016-01 proposes to establish Section 4-4-35, the Town Core Zone District, to add zoning standards, residential density, and development incentives for a district covering approximately 24 acres; located between 2nd and 6th Streets, and portions of Brian Avenue, Adams Avenue, and HWY 9. (Please see map on the right).



The revisions proposed are based on the recommendations of the 2014 Town of Silverthorne Comprehensive Plan, and serve to ensure there is consistency with the Town Core District Design Standards and Guidelines. In addition, the ordinance proposes amendments to Section 4-4-17, Use Schedule, to include the list of permitted, accessory, and conditional uses within the Town Core Zone District (TC).

PREVIOUS COUNCIL ACTION: On May 28, 2014, Town Council adopted the 2014 Town of Silverthorne Comprehensive Plan. The updated Comprehensive Plan provided recommendations for the physical development of the Town Core District as a compact, pedestrian-oriented commercial area. Updating the Design Standards was deemed the first step in implementing the 2014 Comprehensive Plan. Town Council adopted the Town Core District Design Standards and Guidelines on February 11, 2015. Creating a Town Core zoning designation is considered the next step in implementing the vision for the downtown, and in reducing conflicts between the zoning and use standards, the Town Core Design District Standards and Guidelines, and the 2014 Comprehensive Plan.

Town Council approved a reorganization and comprehensive update of Section 4-4-17, the Use Schedule in 2013. The Use Schedule is a table wherein 76 uses are categorized into 8 Zone Districts, and classified as 'R-by right', 'A-Accessory', 'C-Conditional', 'C/A-Conditional as Accessory', or 'RO-Replacement Only'. On July 8, 2015, Town Council approved amendments to Section 4-4-13, Riverfront Zone District, and an amendment to Section 4-4-17, Use Schedule, to list '*Multi Family Dwelling Unit*' as a use by right in the Riverfront Zone District.

BACKGROUND: On October 13, October 20, and November 3, 2015, Staff met with Town Council, Planning Commission, and EDAC, respectively, to discuss the proposed Town Core Zone District, and the recommended standards, uses, and development incentives for that district. Following those discussions, on October 30, 2015, a letter was

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sent to the affected property owners explaining the project, and inviting them to attend a Town Core Business Coffee on November 18, 2015, and a Community Open House on December 2, 2015. Informational boards were displayed to facilitate discussion and gather feedback from the approximate 30-40 attendees of both events.

The majority of property owners and members of the public in attendance expressed overall support for the project and the community's plans for a vibrant walkable downtown. Questions were raised over the inability to expand uses that would become legally nonconforming after the rezoning, and the length of time that might lapse before the Town Core vision comes to fruition. In response to those concerns, Staff has included the four uses that raised the most concern, ('Auto Rental', 'Contractor Trades/Wholesale', 'Light Manufacturing', and 'Hospital/Clinic'), as Conditional Uses in the Town Core Zone District.

PROCEDURE: The creation of the Town Core Zone District is a two-step process. Step one is the establishment of Section 4-4-35, Town Core Zone District, which would be a new Section under Chapter 4, Article IV of the Silverthorne Town Code. Adopting Section 4-4-35, and its associated zoning standards and uses, is scheduled for Planning Commission and Town Council review in January and February of 2016, with tentative adoption on second reading on February 10, 2016.

The second step involves the Rezoning of the approximate 60 properties located within the proposed boundaries of the Town Core Zone District. The Rezoning process is detailed in Section 4-4-15 of the Town Code. Per that Code Section, a Rezoning involves a Community Meeting, and a properly noticed public hearing by Planning Commission. In addition, Town Council is required to adopt an ordinance rezoning the properties in question to Town Core Zone District. Review of the Rezoning ordinance is tentatively scheduled for Planning Commission and Town Council review in the latter half of February, with the adoption of the ordinance on second reading on March 9, 2016.

STAFF COMMENTS: The proposed Town Core Zone District standards and revisions to the Use Scheduled Use Zone District are summarized as follows:

- Intent – to establish a compact, urban area with uses, form, and amenities that contribute to a walkable downtown environment.
- Setbacks – Setbacks for buildings are proposed to be reduced to zero (0) on all sides, except for the rear, where a 5-foot setback would be required. Below is a comparison of the minimum setback requirements in C-1, C-2, and Town Core (TC) Zone Districts:

Minimum Setback (feet)	C-1	C-2	TC
Front	10	10	0
Side	0	0	0
Rear	10	10	5

- Lot Coverage - There is a 60% Lot or Building Coverage maximum in the C-1 Zone District, and no maximum in the C-2 Zone District. In the Town Core Zone District it

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may be feasible or desirable for a building to cover the majority of the site. As such, no lot coverage maximum is proposed for the Town Core Zone District.

- **Density - Residential density** is desired in a downtown setting to contribute to a critical mass of people, to promote a mix of uses, and to provide additional housing options. Currently, the C-1 and C-2 Zone Districts do not have residential density allocations, caps, or maximums. Staff is proposing a density maximum of 16 units per acre for properties within the Town Core Zone District. The use, '*Multi-Family Dwelling Units*', would be permitted as an Accessory Use to ensure it is proposed as part of a mixed use structure. Residential dwelling units would not be permitted on the ground floor.
- **Density Bonus - Town Council** has expressed an interest in exploring density bonus incentives within the Town Core to increase the supply of workforce or senior housing. Density bonus provisions permit developers to exceed the number of units allowed on a given property, in return for placing a deed restriction on a percentage of the bonus units. Staff is proposing a density bonus provision in the Town Core Zone District that would allow developers to exceed the maximum density if 75% of the bonus units were restricted as workforce or senior housing with a deed restriction approved by the Town.
- **Uses - As part of the proposed revisions**, currently permitted uses, including '*Auto Sales*', '*Auto Repair*', '*Equipment Rental*', and '*Auto Gas Station*', would no longer be permitted on properties zoned Town Core (TC). Existing properties with uses that would become prohibited under the TC zoning designation would become legal nonconforming uses. As such, future additions or expansions of those uses would not be permitted, per the requirements of Section 4-4-28, Nonconforming Uses of Land. Of the existing list of 76 uses categorized in Section 4-4-17, Use Schedule, Staff is proposing 16 permitted uses by-right (R) in the Town Core Zone District, 1 use as Accessory (A), 1 use as Conditional as Accessory (C/A), and 13 uses permitted with conditional use permit approval (C). Please see Exhibit A for specifics.
- **Development Standards – Staff** is proposing the following exceptions to development standards related to parking, landscaping, and snow storage:

Development Standard	All Zone Districts	TC
Setback for Parking Facilities / Drive Aisles	10 feet	5 feet
Amount of Snow Storage Required	No Available Reduction	May be reduced with provision of a snow melt system
Alternative Forms of Landscaping	Each counts for 120 square feet or 1 tree	Each counts for 360 square feet or 3 trees
Alternative Forms of Landscaping	May be substituted for up to 10% of Required Number of Trees	May be substituted for up to 50% of Required Number of Trees

PLANNING COMMISSION RECOMMENDATION: On January 19, 2016, by a vote of 6-0, Planning Commission voted to recommend approval of Ordinance No. 2016-01; An

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Ordinance Amending Chapter 4, Article IV, Zoning Districts and Standards, to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District.

PROPOSED MOTION:

"I move to approve Ordinance No. 2016-01; An Ordinance Amending Chapter 4, Article IV, Zoning Districts and Standards, to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District, on first reading."

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

ATTACHMENTS:

Exhibit A: Ordinance No. 2016-01 – Slash and Underline version

MANAGER'S COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2016-01**

**AN ORDINANCE AMENDING CHAPTER 4, ARTICLE IV OF THE SILVERTHORNE
TOWN CODE TO ESTABLISH THE TOWN CORE ZONE DISTRICT AND THE USE
SCHEDULE FOR THE TOWN CORE ZONE DISTRICT**

WHEREAS, zoning districts and standards are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 4, Article IV of the Town Code contains regulations which govern the Zoning Districts and Standards; and

WHEREAS, the Town Council wishes to amend Chapter 4, Article IV of the Silverthorne Town Code to establish a new Town Core Zone District;

WHEREAS, on November 18, 2015 and on December 2, 2016, the Town held publicly noticed Community Open Houses, and the owners of property that will be affected by the new Town Core Zone District were provided with notice and an opportunity to be heard at the Community Open Houses;

WHEREAS, on January 19, 2016 the Planning Commission held a properly noticed public meeting on the revisions to Chapter 4, Article IV proposed in this ordinance;

WHEREAS, on February 10, 2016, the Town Council held a properly noticed public hearing on the revisions to Chapter 4, Article IV proposed in this ordinance;

WHEREAS, after considering the staff report, the Planning Commission recommendation, and the comments of the public and the affected property owners, the Town Council finds that the establishment of a new Town Core Zone District in the manner prescribed in this ordinance is in the best interest of the public health, safety and welfare.

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

Section 1. Chapter 4, Article IV of the Silverthorne Town Code is hereby amended by the addition of the following new Section 4-4-35:

Sec. 4-4-35. TC Town Core Zone District.

The intent of the (TC) Town Core Zone District is to establish a compact, urban area with uses, form, and amenities that contribute to a walkable downtown environment.

(1) Permitted uses: Consult the use schedule at Section 4-4-17; provided that residential dwelling units are permitted as accessory uses in mixed-use structures only, and residential dwelling units are not permitted on the ground floor.

(2) Lot frontage, minimum: none.

(3) Lot area, minimum: none.

- (4) Lot coverage, maximum: none.
- (5) Building height, maximum: As set forth in the Design District Standards and Guidelines.
- (6) Front setback, minimum: none.
- (7) Side setback, minimum: none.
- (8) Rear setback, minimum: five (5) feet.
- (9) Maximum density (residential uses): The maximum number of residential dwelling units permitted per acre of land is sixteen (16), except as follows:
 - a. Density Bonus: A density bonus is permitted in the Town Core Zone District if seventy-five percent (75%) of the bonus units are restricted as workforce or senior housing, subject to a deed restriction approved by the Town.
- (10) Development Standards. All development in the Town Core Zone District is subject to the standards in Chapter 4, Article VI, Site Plan, with the following exceptions:
 - a. Section 4-6-10(e)4.m. – Parking Requirements, Location. In the Town Core Zone District, parking facilities for commercial and mixed-use buildings shall not be closer to the property line than five (5) feet. Driveways and drive aisles, when not shared with adjacent properties, shall not be closer to the property line than five (5) feet.
 - b. Section 4-6-10(e)4.o. – Snow-stacking space. In the Town Core Zone District, the Community Development Director may allow a reduction in the minimum amount of required snow stacking space when an adequate snow melt system is constructed for any parking area.
 - c. Section 4-6-11(g)22. – Landscaping requirements (trees and shrubs). The Landscaping requirements in the Town Core Zone District shall be the same as those required for the Mixed Use, Government, Light Commercial Zone District, with a note that, in the Town Core Zone District, each landscape decorative element, including benches, picnic tables, gazebos, art forms or sculptures, shall be deemed to cover three hundred sixty (360) square feet of landscaping area, or the equivalent of three (3) trees, or the equivalent of eighteen (18) shrubs.
 - d. Section 4-6-11(g)23. – Exceptions to landscaping requirements. In the Town Core Zone District, up to fifty percent (50%) of the required number of trees and shrubs may be substituted with alternative forms of landscaping and decorative elements, including benches, picnic tables, gazebos, art forms, sculptures, larger boulders, and planter boxes.

Section 2. Section 4-4-17 of the Town Code is hereby amended to read as follows:

Sec. 4-4-17. Use schedule.

The following schedule of permitted uses for the various zone districts in the Town is hereby adopted and declared to be a part of this Chapter and may be amended in the same manner as any other part of this Chapter. In each zoning district, any uses not expressly permitted either by right, upon conditional review or as an accessory use shall be deemed to be excluded. The Community Development Director shall render the final administrative decision concerning the scope, application and meaning of terms in this Section.

USE/ZONE	R2	R6	R15	RF	TC	C-1	C-2	Gov.	OS
Entertainment:									
Adult business							C		
Arts & entertainment facility				R	R	R	R		
Radio & television studio & broadcasting				R	R	R	R		
Housing:									
Single apartment	C	C							
Boarding house/bed & breakfast	C	C	C	R					
Conforming mobile home park			R	C					
Detached single-family	R	R	R	RO					
Dormitory & youth hostel				A		C/A	C/A		
Duplex	R	R	R	RO					
Hotel, motel, lodge				R	R	R	C		
Multi-family dwelling units	R	R	R	R	A	C			
Education:									
Day-care center	C	C	C	C	C	C			
Day-care home	R	R	R			C			
School	C	C	C		C				
College/trade school				C	C	C	C		
Transportation:									
Bus station office & waiting room				A	C	C	R		
Bus terminal & garage							C		
Pay auto parking lot				A	C	C	C		
Trucking terminal							C		
Public or quasi-public:									
Community facilities	R	R	R		R				
Civic, youth, social organization				R	R	R			
Church	R	R	R						
Group home	C	C	C						
Hospital/clinic				C	C	R	C		
Nursing & aged home		R	R			C			
Post office				R	R	R	R		
Public buildings				R	R	C	C	R	
Utility substation	C	C	C	C	C	C	C	C	
Water pipeline	C	C	C	C	C	C	C	C	C
Fabrication:									
Food processing							C		
Manufacturing							C		
Manufacturing, light					C	C	R		
Scientific research				C		C	C		
Recreation:									
Community center				R	R	C	C	R	R
Fairground				C				C	C
Gymnasium				R	C	R	R	R	R
Health spa				R	R	R	C		
Skating rink				R	C	R	C	R	R
Swimming pool, inside				R		R	R	R	R
Swimming pool, outside				R		R		R	R

Note: R = by right; C = conditional; A = accessory; C/A = conditional as an accessory use; RO = replacement only upon fifty percent (50%) or greater destruction by fire, flood or act of God.

USE/ZONE	R2	R6	R15	RF	TC	C-1	C-2	Gov	OS
Sale of goods:									
Auto sales, new and used						R	R		
Bar, lounge, nightclub				R	R	R	R		
Contractor trades/wholesale					C	C	R		
Convenience store with gas						R	R		
Firewood sales						C	R		
General retail				R	R	R	R		
Nursery & greenhouse				A		R	R		
Restaurant				R	R	R	R		
Restaurant, drive-thru						R	R		
Roadside stand/farmers market (food items)				R	R	R	R		
Goods, sales & services:									
Auto-related sales & service						R	R		
Contractor & building trade					C	C	R		
Equipment rental						C	R		
Farm equipment sales & service						C	R		
Small engine & small motor sales & service						C	R		
Taxidermy						C	C		
Truck sales & service under 16,000 lbs. gross vehicle weight						C/A	R		
Truck sales & service over 16,000 lbs. gross vehicle weight							R		
Recreational vehicle sales & service						C/A	R		
Service establishments:									
Animal kennel, with or without outside runs						C	C		
Auto gas station without garage						R	R		
Auto rental					C/A	C/A	R		
Auto repair & maintenance						C	R		
Auto storage						A	C		
Commercial firewood, cutting & splitting							C		
Dry cleaning				R	R	R	R		
Frozen food locker (no slaughtering on premises)						C	C		
Laundry, commercial						C	R		
Laundromat				R	R	R	R		
Outdoor storage							A		
Professional offices & services				R	R	R	R		
Recycling center						A	C/A		
Solid waste hauling facility							C		
Vehicle towing						A	R		
Warehousing/self-storage						C	C		
Warehouse/distributing (nonflammable material)						C	R		

Note: R = by right; C = conditional; A = accessory; C/A = conditional as an accessory use; RO = replacement only upon fifty percent (50%) or greater destruction by fire, flood or act of God.

Section 3: Safety Clause

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

Section 4: Severability

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

Section 5. Effective Date

This ordinance shall be effective upon adoption at second reading, pursuant to Sections 4.5 and 4.7 of the Silverthorne Home Rule Charter.

READ AND PASSED ON FIRST READING THIS ____ DAY OF _____, 2016.

ADOPTED ON SECOND AND FINAL READING THIS ____ DAY OF _____, 2016.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on the first reading: _____, 2016

Published by title only: _____, 2016

Approved on the second reading: _____, 2016

Published by title only: _____, 2016

(with amendments, if amended on second reading): _____, 2016

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Donna Braun, Administrative Services Director *DB*
FROM: Kathy Marshall, Revenue Administrator *KM*
DATE: January 21, 2016 for meeting of January 27, 2016
SUBJECT: November 2015 Sales Tax Review

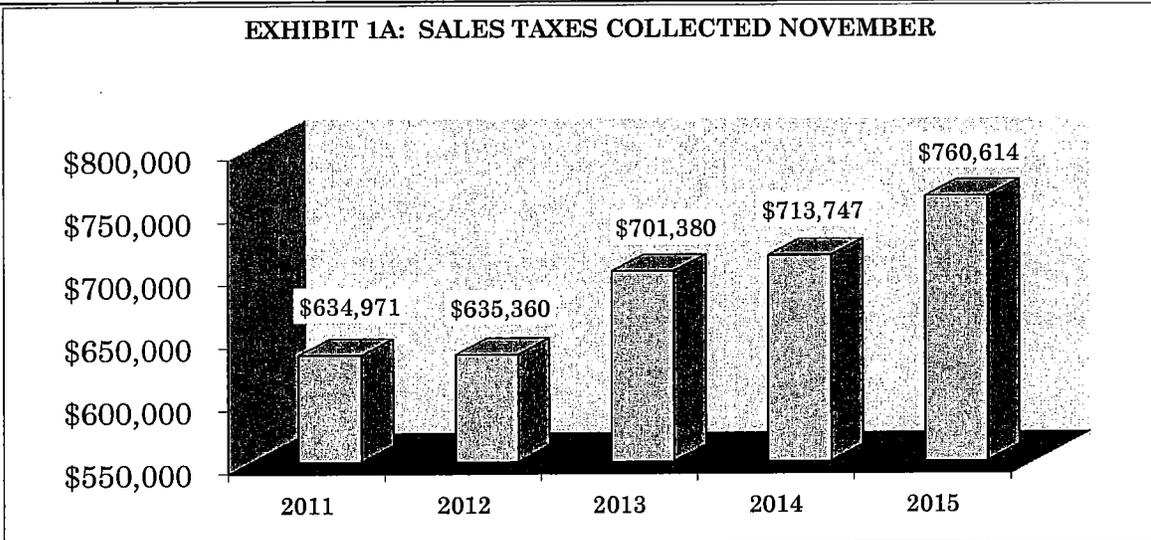
SUMMARY:

The following reports summarize November sales taxes collected in December. The State remitted the Town's 2% county taxes from November sales on January 11th, 2016.

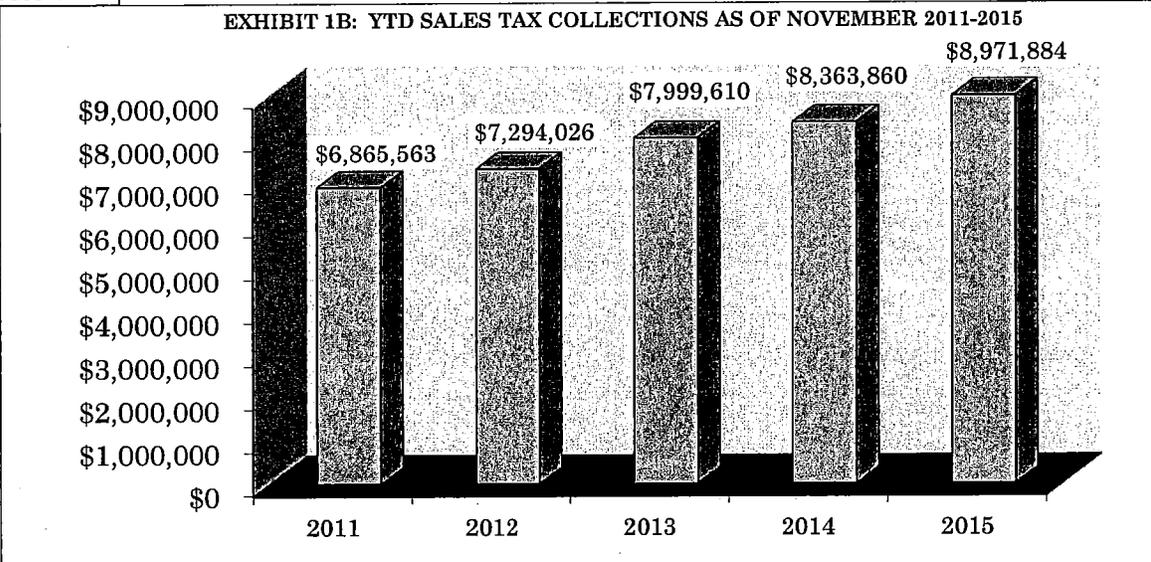
MANAGER'S COMMENTS:

**SILVERTHORNE SALES TAX BY MONTH
FOR NOVEMBER 2015 SALES**

CHART A: MONTH	2011	10-11	2012	11-12	2013	12-13	2014	13-14	2015	14-15
		% CHANGE								
JAN	573,681	-0.27%	613,612	6.96%	705,712	15.01%	691,694	-1.99%	765,758	10.71%
FEB	596,415	0.61%	595,268	-0.19%	639,591	7.45%	682,500	6.71%	713,637	4.56%
MARCH	756,618	-0.13%	718,051	-5.10%	830,399	15.65%	879,003	5.85%	960,756	9.30%
APRIL	478,163	-4.42%	631,867	32.14%	591,855	-6.33%	606,570	2.49%	654,752	7.94%
MAY	459,924	5.72%	479,708	4.30%	572,548	19.35%	619,820	8.26%	630,889	1.79%
JUNE	704,357	11.09%	695,673	-1.23%	822,224	18.19%	869,150	5.71%	934,593	7.53%
JULY	744,166	3.10%	774,222	4.04%	866,950	11.98%	890,855	2.76%	957,634	7.50%
AUG	709,335	5.55%	773,019	8.98%	827,646	7.07%	893,121	7.91%	932,217	4.38%
SEPT	688,135	7.78%	782,144	13.66%	796,857	1.88%	836,747	5.01%	935,275	11.78%
OCT	519,798	1.76%	595,102	14.49%	644,447	8.29%	680,653	5.62%	725,760	6.63%
NOV	634,971	7.48%	635,360	0.06%	701,380	10.39%	713,747	1.76%	760,614	6.57%
DEC	885,610	1.35%	866,971	-2.10%	983,997	13.50%	1,065,155	8.25%		
YTD TTL:	7,751,173		8,160,996		8,983,606		9,429,015		8,971,884	
%CHANGE FROM YEAR TO YEAR:		3.31%		5.29%		10.08%		4.96%		7.27%



%CHANGE FROM PRIOR MONTH	2011	2012	2013	2014	2015
	7.48%	0.06%	10.39%	1.76%	6.57%



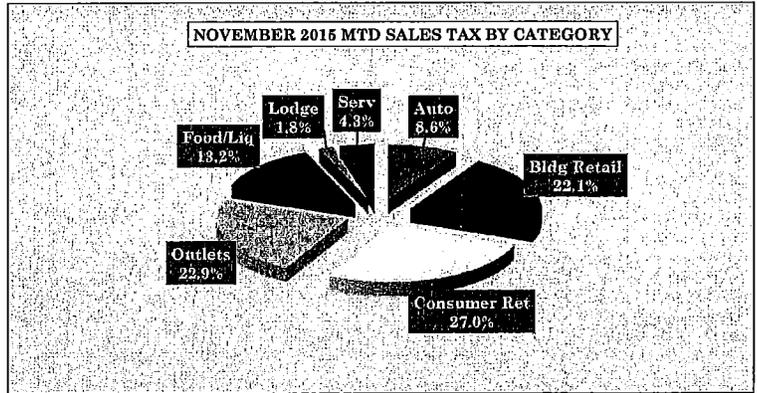
%CHANGE FROM PRIOR YEAR	2011	2012	2013	2014	2015
	3.57%	6.24%	9.67%	4.55%	7.27%

Exhibit IA & Exhibit IB show the Town of Silverthorne's collections by month and year-to-date (YTD) for the years 2011-2015, with the following results:
 November 2015's sales tax collections increased by \$46,867 or 6.57% over 2014.
 2015 YTD collections increased \$608,024 or 7.27% over 2014 collections.

SALES TAX BY CATEGORY

EXHIBIT IIA: NOVEMBER SALES TAX BY CATEGORY

Category	2014	2015	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$55,488	\$65,672	\$10,184	18.35%
Bldg Retail	\$132,687	\$168,384	\$35,697	26.90%
Consumer Ret	\$199,368	\$205,129	\$5,760	2.89%
Outlets	\$190,557	\$174,496	(\$16,061)	-8.43%
Food/Liq	\$87,153	\$100,316	\$13,162	15.10%
Lodge	\$14,016	\$13,824	(\$192)	-1.37%
Serv	\$34,477	\$32,794	(\$1,683)	-4.88%
TOTAL	\$713,747	\$760,614	\$46,867	6.57%



The Outlets category decreased \$16,061 or minus 8.43% when compared with November 2014. YTD is down \$70,396 or minus 3.04%. The results by Phase are as follows:

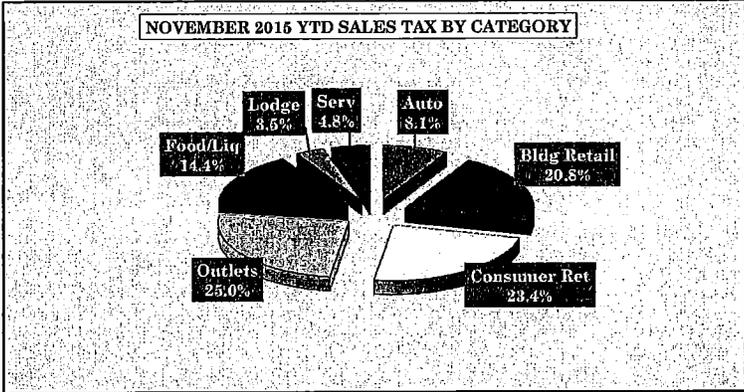
- ▶ Phase I is down \$4,653 or minus 6.64%. YTD is down \$47,985 or minus 6.00%
- ▶ Phase II is down \$2,567 or minus 3.27%. YTD is up \$14,863 or 1.37%
- ▶ Phase III is down \$8,841 or minus 21.05%. YTD is down \$37,274 or minus 8.62%

The "Sales Tax by Category" Exhibits IIA & IIB compare the November sales taxes collected by Outlets, Building Retail, Consumer Retail, Food/Liquor, Lodging, Automotive, and Services with the following results:

- ▶ The Consumer Retail category contributes the highest November collections, or 22.9% and the 2nd highest YTD collections, 23.4%.
- ▶ The Outlets category, November's 2nd largest sales tax category, contributed 22.9%; YTD 25.0%.

EXHIBIT IIB: NOVEMBER YTD SALES TAX

Category	2014	2015	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$690,660	\$729,633	\$38,973	5.64%
Bldg Retail	\$1,567,274	\$1,864,071	\$296,797	18.94%
Consumer Ret	\$1,922,208	\$2,100,488	\$178,280	9.27%
Outlets	\$2,316,229	\$2,245,833	(\$70,396)	-3.04%
Food/Liq	\$1,190,263	\$1,288,578	\$98,315	8.26%
Lodge	\$277,777	\$313,178	\$35,402	12.74%
Serv	\$399,450	\$430,103	\$30,653	7.67%
TOTAL	\$8,363,860	\$8,971,884	\$608,024	7.27%



The tables to the left of the "Sales Tax by Category" exhibits show the industry comparisons by month and YTD.

- ▶ The Building Retail category had the highest November dollar increase, \$35,697 or 26.90%; YTD up \$296,797 or 18.94%.
- ▶ The Food/Liquor category had the 2nd highest November dollar increase, \$13,162 or 15.10%; YTD up \$98,315 or 8.26%.
- ▶ The Service category was down \$1,683 or minus 4.88%; YTD up \$32,653 or 7.67%.

Outlets at Silverthorne (OS):

- ▶ Phase I aka Red Village:
- ▶ Phase II aka Blue Village: The Beef Jerky Outlet has signed a new lease and is planning to open in the former Izod unit February 18th.
- ▶ Phase III aka Green Village: Carters has signed a new lease and will be moving next to OshKosh approximately April 15th.

Traffic was down 5% in December, probably due to the extreme cold. Martin Luther King, Jr. Holiday was pretty slow as well. The restaurants are being hit hard by the Chipotle E-coli scare. Chipotle and the surrounding food establishments are down considerably. OS management suspects it is due to potential restaurant customers avoiding this area because of Chipotle. OS has added transportation shuttles for Keystone Symposia Groups from both Keystone and Breckenridge locations. Several groups and media groups are set up for later in January and February. OS is sponsoring the Hockey Tournament and Romp to Stomp, offering goody bags and \$5.00 gift cards. President's Day Weekend is the next big promotion, which coincides with Valentine's Day.

SALES TAX COLLECTIONS: ACTUAL VS BUDGET 2015 YTD

EXHIBIT III-ACTUAL VS. BUDGET TABLE

SALES MONTH	2015 BUDGET	2015 ACTUAL	2015 BUDGET	2015 ACTUAL	ACTUAL VS BUDGET
	BY MONTH	BY MONTH	YTD	YTD	% OF 2015 BUDGET YTD
JAN	\$715,396	\$765,758	\$715,396	\$765,758	107.04%
FEB	\$714,364	\$713,637	\$1,429,760	\$1,479,394	103.47%
MAR	\$926,909	\$960,756	\$2,356,669	\$2,440,150	103.54%
APR	\$636,585	\$654,752	\$2,993,254	\$3,094,902	103.40%
MAY	\$587,191	\$630,889	\$3,580,445	\$3,725,791	104.06%
JUNE	\$831,357	\$934,593	\$4,411,802	\$4,660,385	105.63%
JULY	\$909,708	\$957,634	\$5,321,510	\$5,618,018	105.57%
AUG	\$871,719	\$932,217	\$6,193,229	\$6,550,235	105.76%
SEPT	\$861,679	\$935,275	\$7,054,908	\$7,485,509	106.10%
OCT	\$678,246	\$725,760	\$7,733,154	\$8,211,269	106.18%
NOV	\$735,026	\$760,614	\$8,468,180	\$8,971,884	105.95%
DEC	\$1,061,630		\$9,529,810		0.00%

► The budget numbers are based on a 1.07% increase from 2014 sales tax revenues.

LODGING TAX COLLECTIONS: 2012-2015 COMPARISONS

EXHIBIT IV-LODGING TAX TABLE

LODGING TAXES	2012		2013		2014		2015		2014/2015	
	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	\$ Change	% Change	
Jan	12,279	-15.1%	14,022	14.2%	17,109	22.0%	20,089	2,980	17.4%	
Feb	13,674	-1.2%	14,652	7.2%	17,751	21.2%	20,859	3,107	17.5%	
Mar	21,942	11.7%	23,772	8.3%	28,315	19.1%	31,748	3,433	12.1%	
Apr	5,119	-24.4%	6,758	32.0%	7,504	11.0%	8,628	1,125	15.0%	
May	5,217	12.2%	4,915	-5.8%	5,737	16.7%	5,790	53	0.9%	
June	9,190	6.5%	9,524	3.6%	9,792	2.8%	12,041	2,248	23.0%	
July	11,717	-1.9%	12,655	8.0%	14,841	17.3%	18,070	3,229	21.8%	
Aug	10,979	-6.8%	12,251	11.6%	13,611	11.1%	14,213	601	4.4%	
Sept	9,674	1.9%	10,613	9.7%	11,651	9.8%	12,943	1,292	11.1%	
Oct	5,855	0.8%	6,134	4.8%	6,928	13.0%	7,630	702	10.1%	
Nov	5,950	-7.1%	6,841	15.0%	6,918	1.1%	6,400	(518)	-7.5%	
Dec	15,260	-0.8%	19,283	26.4%	20,436	6.0%			0.0%	
TOTAL	126,856	-1.5%	141,419	11.5%	160,594	13.6%	158,411	18,253	13.0%	

Please note: Lodging taxes are split as follows:
 ► 85% Trails, Parks & Open Space
 ► 15% Marketing

EXCISE TAX COLLECTIONS: 2012-2015 COMPARISONS

EXHIBIT V-EXCISE TAX TABLE

EXCISE TAXES	2012		2013		2014		2015		2014/2015		2015 Total Sq Footage	2014 New Res Permits	2015 New Res Permits
	Amount Collected	% Change	\$ Change	% Change									
Jan	7,652		0	-100.0%	15,944		6,920	(9,024)	-56.6%	3,460	3	1	
Feb	13,498		10,824	-19.8%	6,514	-39.8%	11,372	4,858	74.6%	5,686	1	2	
Mar	0		209,452		0	-100.0%	26,374	26,374		13,187	0	4	
Apr	17,846	18.3%	20,856	16.9%	0	-100.0%	34,116	34,116		17,058	0	6	
May	43,148	109.1%	42,286	-2.0%	38,256	-9.5%	21,232	(17,024)	-44.5%	10,616	5	2	
June	3,566	-90.1%	18,840	428.3%	8,880	-52.9%	28,290	19,410	218.6%	14,145	1	3	
July	7,580	-4.2%	32,024	322.5%	39,868	24.5%	61,442	21,574	54.1%	30,721	6	7	
Aug	18,628		16,056	-13.8%	17,974	11.9%	54,962	36,988	205.8%	27,481	2	6	
Sept	0		22,836		37,890	65.9%	33,968	(3,922)	-10.4%	16,984	4	4	
Oct	6,890	-47.5%	12,412	80.1%	30,636	146.8%	26,912	(3,724)	-12.2%	13,456	5	3	
Nov	0	-100.0%	10,896		6,668	-38.8%	37,426	30,758	461.3%	18,713	1	5	
Dec	10,272	54.1%	12,854	25.1%	28,702	123.3%	7,424	(21,278)	-74.1%	3,712	5	1	
TOTAL	129,080	21.8%	409,336	217.1%	231,332	-43.5%	350,438	140,384	60.7%	175,219	33	44	



DRAFT

**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
JANUARY 19, 2016 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., January 19, 2016, 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, Susan Byers, Robert Kieber, 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 and Melody Hillis, Planning Commission Secretary.

3. CONSENT CALENDAR – Tanya Shattuck made a motion to approve the December 1, 2015, Planning Commission minutes as corrected. Donna Pacetti seconded. The motion was approved by a vote of six to zero (6-0).

4. CITIZEN'S COMMENTS:

None.

5. PUBLIC HEARING:

A. Conditional Use Permit – Horgmo Single Apartment, 960 Mesa Drive/Lot 71, Blue River Mesa, Filing 2.

Greg Roy, Planner I, presented the project. The Applicant, Torstein Horgmo, is requesting approval of a Conditional Use Permit for an existing Single Apartment in the R-2 Residential Zone District.

COMMISSIONER QUESTIONS:

- | | |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tanya Shattuck - | Can any part of the house be rented on VRBO? |
| Greg Roy - | No, the Applicant must live in one of the units full time. Short term rentals are allowed, but need a business license. If Staff saw a business license come through for this Conditional Use Permit it would be in conflict of the conditions of approval. |
| Tanya Shattuck - | So a person has to have a business license for short term rentals, does the Town collect taxes on short term rentals? |
| Greg Roy - | Yes, short term rentals require a business license and taxes are collected. |
| Tanya Shattuck - | Don't have to on a six month lease situation? |
| Greg Roy - | No. |
| Tanya Shattuck - | Assuming Staff has looked over to insure that there are appropriate firewalls, etc., are in place? |
| Greg Roy - | Yes, when the single apartment was built it had to conform to the building code applicable at that time. |
| Tanya Shattuck - | Do we care if this person works in the County? |
| Greg Roy - | No. This is not a deed restricted unit. |
| Tanya Shattuck - | Looked at the County Assessor's website, it showed that the Applicant's primary address is in Evergreen? |

Greg Roy - Not sure about that, the Applicant can address that question.
 Jenny GlouDEMANS - Regarding periodically providing proof of residency, is that an arbitrary date or is it set quarterly or how is that decided?

Greg Roy - Staff will see the lease when the Applicant rents the apartment out, when the lease expires Staff likes to see the renewal of the lease, or whenever the lease changes.

Jenny GlouDEMANS - Is there an alert system set up.
 Greg Roy - It is put in the Conditional Use Permit as one of the conditions that the Applicant has to honor.

Donna Pacetti - Wondering about the system development fee, since it is existing why is that coming into play now?

Greg Roy - Staff keeps that in that in as a typical set of conditions. The fees have already been paid for at the prior Conditional Use Permit approval and will continue to pay those so it shouldn't be an issue.

Donna Pacetti - There are seven conditions now, and there were seven conditions on the prior Conditional Use Permit. The conditions in the year 2000 are different than the seven conditions listed in the current Staff report. Assuming that it's because the landscape is established, as well as parking, etc.?

Greg Roy - The first Conditional Use Permit was when the apartment and the garage were originally proposed. Now there are different conditions for the proposed Conditional Use Permit.

Donna Pacetti - Parking has become a condition, is that because it has become an issue in the neighborhood?

Greg Roy - No, it's a request that Planning Commission has requested to see addressed in past Conditional Use Permit applications.

Donna Pacetti - In the previous Conditional Use Permit conditions, there was mention of storage and assuming that is not an issue any longer, condition #3 in the 2000 application.

Greg Roy - In may have been an issue at that time, it is no longer an issue with this Conditional Use Permit application.

Brian Wray - Seems to me that this was before us at a prior meeting.
 Greg Roy - This was scheduled to go before the Planning Commission at the December 1, 2015 meeting, however, it was cancelled.

Brian Wray - Seems like it was just a couple of years ago, okay with this application.

Susan Byers - Asked that the parking be addressed a little more, what is the Town Code requirement? Is the Applicant asking to increase the number of cars allowed?

Greg Roy - Showed the existing driveway, two car garage and another existing space.

Susan Byers - Is there a limit to the number of cars that are allowed for the apartment? Appears to show one car in the rendering.

Greg Roy - There is no limit, Staff makes sure there is sufficient parking.
 Susan Byers - What is sufficient parking under the Town Code?
 Matt Gennett - This apartment generates the need for one additional parking space.
 Robert Kieber - Is there a provision in the Town Code about the number of non-related people that can be in a unit?

Greg Roy - The condition that addresses not renting any additional rooms out is meant to address.

Robert Kieber - Isn't there an ordinance that states that you can have no more than three non-related people in any one structure.

Greg Roy - Yes.
 Robert Kieber - Regarding condition #8, the owner must establish and maintain continuous residency, has that been documented, either through

	voter registration, driver's license, utility payment or something like that?
Greg Roy -	Not yet, waiting on the approval, and will document.
Robert Kieber -	Don't require the primary resident or owner to live in the larger unit?
Greg Roy -	No, they can reside in either unit.

APPLICANT COMMENTS:

Torstien Horgmo -	Applicant. 960 Mesa Dr. Had a tenant that was living at the property under the previous owner's CUP. Plan to continue to lease to the current tenant. Requested approval.
Susan Byers -	Are you currently living at the property?
Torstien Horgmo -	Just moving in.
Brian Wray -	Are you the new owner of the property?
Torstien Horgmo -	Yes.
Tanya Shattuck -	Has the Applicant seen the conditions, and can those all be met.
Torstien Horgmo -	Yes.
Robert Kieber -	Purchased the property in June of 2015, questioned the address on the accessor's website as being in Evergreen. Asked Applicant to explain that.
Torstien Horgmo -	Travel extensively for professional snowboarding competition and that is my agent's address where I receive mail, etc., am in the process of having all of that changed over to the address in Silverthorne.

OPENED PUBLIC HEARING

None.

COMMISSIONER COMMENTS:

None.

BRIAN WRAY MADE A MOTION TO RECOMMEND APPROVAL OF THE HORGMO CONDITIONAL USE PERMIT FOR A SINGLE APARTMENT LOCATED AT 960 MESA DRIVE, IN THE R-2 ZONE DISTRICT, WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:

1. The CUP for a Single Apartment is being issued to the applicant and is nontransferable. If the applicant's ownership of the subject property terminates so will the CUP for a Single Apartment.
2. The applicant is required to make one of the units his primary residence on a continuous basis.
3. The applicant is required to periodically provide to Staff documented proof of residency, such as utility bills and voter registration, on a regular bases.
4. Neither the Single Apartment nor the primary residence may be rented or leased for a term of less than six (6) consecutive months. The applicant shall provide Staff with the most current lease on a regular basis to ensure compliance with this condition.
5. No additional renting of individual rooms is permitted.
6. The applicant is required to pay the appropriate System Development Fees to cover the costs of adding the new Single Apartment to the Town's utilities.
7. Off-street parking areas shall not be used for the parking of trailers, boats, detached campers, inoperable vehicles or other items that will render the area unusable by residents and guests for normal daily use.

DONNA PACETTI SECONDED. MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0).

6. ACTION ITEM:

A Action Item:

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

Lina Lesmes, Senior Planner, presented the project. The Applicant, Rick Cole, is requesting approval of a Site Plan Modification for the revised building addition, and various site improvements, for an existing commercial laundry facility.

COMMISSIONER QUESTIONS:

- Susan Byers - Is currently under construction, will the new addition need another building permit?
- Lina Lesmes - Yes, there was a previous site plan modification that was approved and that portion is under construction. Assume that another building permit will be issued. Landscaping and paving are already completed.
- Robert Kieber - On the rendering, the bubbled in parking at the garage, aware that Staff is okay with the situation. Concerned that a precedent could be set by allowing parking in front of a garage door.
- Lina Lesmes - There is a good amount of distance between the garage door and the parking space. It is at least ten feet if not more. Not directly blocking the garage door. As noted in the Staff report, the garage door is only utilized to move equipment in and out.
- Robert Kieber - Sort of like parking your car next to your garage at home.
- Lina Lesmes - Yes, except it would be like never using your garage.

APPLICANT COMMENTS:

- Jim Neville - Representing the Applicant, Breckenridge Commercial Laundry. Gave background history and information requiring approval of an additional Site Plan. The Applicant is requesting an expansion in order to accommodate bathrooms and a bigger breakroom. To answer the question about the garage, this is primarily to move equipment in and out. All of the laundry is brought in from the loading dock and not through the garage. Explained the layout and the process of the facility. Have met all of the parking and landscaping requirements. The entire building is sprinkled. Will be asking for a Temporary Certificate of Occupancy for the completed part of the building. Requested approval.

COMMISSIONER COMMENTS:

- Brian Wray - No questions, just trying to make a current project better than what it is.
- Tanya Shattuck - Has a building permit for this been issued already?
- Jim Neville - Yes. There was a previous Site Plan approved, and a building permit has been issued for that and is currently under construction.
- Tanya Shattuck - Couldn't quite tell what has already been done, and what is still under construction.
- Jim Neville - The whole building is currently tented and we are doing stucco work. There have been huge changes in the internal structural stuff due to the owners purchasing upgraded equipment, etc. Have an incredible building.
- Susan Byers - How many employees are working there?
- Jim Neville - Don't know the answer to that. Originally were going to cut staff, but because they have picked up so many new contracts they anticipate doubling their staff.
- Susan Byers - Are there other restrooms in the facility, and are the additional bathrooms shown off of the kitchen area?
- Jim Neville - Yes, there are restrooms located throughout the building. These are just restrooms off of the breakroom.

DONNA PACETTI MADE A MOTION TO RECOMMEND APPROVAL OF THE SITE PLAN MODIFICATION FOR THE BRECKENRIDGE COMMERCIAL LAUNDRY, LOCATED AT 330 WARREN AVENUE.

JENNY GLOUDEMANS SECONDED. MOTION PASSES BY A VOTE OF SIX TO ZERO (6-0)

Jim Neville - Requested to have the following comment put into the minutes: Commented that the Town has a great staff, they really do. And to me this is a little mind boggling me and it was months ago. I would like for the Planning Commission and the Town Council to grant some latitude to the Staff. They are all smart and they do a great job, and I don't know why this couldn't be approved at Staff level. All of the requirements were met, and here we are months later. All these people are great to work with, very intelligent and would like some latitude to be considered for these people because they deserve it.

B. Site Plan Modification – Angry James Brewery, 421 Adams St., Lot 3R, Block H, Silverthorne Colorado Subdivision.

Lina Lesmes, Senior Planner, presented the project. The Applicants, AJ and Darcy Brinckerhoff, are requesting approval of a Site Plan Modification for a revised floor plan, and building modifications for a new micro-brewery.

COMMISSIONER QUESTIONS:

Donna Pacetti - What will possibly be done along the 50 foot wall plane.
Lina Lesmes - There was a balcony along that wall plane previously. It will be something architectural added that will break up the wall plane, and provide a recess or a projection from the building. Need something to break up the expansive wall.
Robert Kieber - Maybe take some the same material and run something down so there is a visual break.
Lina Lesmes - Not Staff's job to design for the Applicant, the architect will come up with something pleasing on that side.
Robert Kieber - Doesn't have to be indentation or projection. It could be something material wise?
Susan Byers - Could be a fabric canopy or some kind of projection just to break up the wall.
Lina Lesmes - There is a standard for how far out the projection has to come out and how long, it's 2 ½ feet by 6 feet length.

APPLICANT COMMENTS:

Darcy Brinckerhoff - Applicants. Couple of changes to the Site Plan. Changed the interior of the building, was cost prohibitive. The second floor had to be omitted due to the cost. Will allow for future growth in the future if needed.
AJ Brinckerhoff - Not much change to the exterior, like beer garden, taking out the upstairs, architect will come up with something architecturally pleasing to break up the wall plane. Nothing has really changed, no longer have the accessory apartment.
Susan Byers - Asked about the ADA ramp on the rendering.
Darcy Brinckerhoff - The back elevation is flat with the parking lot for ADA accessibility.
Susan Byers - Is the signage and logo going to be up as shown?
Darcy Brinckerhoff - Noticed after the second drawings had already been completed.
AJ Brinckerhoff - Have secured the silo, excited to get going.
Brian Wray - What does AJ stand for?
AJ Brinckerhoff - Trying to come up with names and logos, always like Darcy's dad's mustache. Darcy came up with the name.

- Darcy Brinckerhoff - AJ stands for Andrew James.
- Jenny Gloudemans- Stated earlier that the second level has been eliminated due to cost. But stated in the future there would be room to expand the ceiling. Going to create the second floor again?
- AJ Brinckerhoff - Is a possibility, the expansion that Darcy is referring to is possibly for some larger and taller tanks. Want to make sure the building looks great inside and out, and most importantly it's functional on the inside. As a brewer want to make sure it's functional and meets all the needs.

COMMISSIONER COMMENTS:

- Tanya Shattuck - Looks like a great project
- Donna Pacetti - Excited for it to get going.

SUSAN BYERS MADE A MOTION TO RECOMMEND APPROVAL OF THE SITE PLAN MODIFICATION FOR THE ANGRY JAMES BREWERY WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:

1. The applicant will be required to contribute the proportionate share of the cost of constructing 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.
2. The north façade is required to be revised to meet the requirements of Standard 4.2.5 of the Town Core District Design Standards and Guidelines.
3. All exterior building materials must comply with the requirements of Standard 4.3.3 of the Town Core District Design Standards and Guidelines.

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

C. Ordinance 2016-01; An Ordinance Amending Chapter 4, Article IV, Zoning Districts and Standards, to establish the Town Core Zone District and the Use Schedule for the Town Core Zone District.

Lina Lesmes, Senior Planner, presented the project. The Applicant, the Town of Silverthorne, is requesting approval of Ordinance 2016-01.

COMMISSIONER QUESTIONS:

- Robert Kieber - Density bonus for deed restricted houses, does this allow someone to build strictly residential in the Town Core.
- Lina Lesmes - No. It cannot be the primary use of the property, multi-family and residential cannot be the primary use of the property and cannot be located on the ground floor.
- Donna Pacetti - Regarding the snowmelt system, would installation of snowmelt be considered a modification of their property if it was non-conforming?
- Lina Lesmes - No, it would be an extension of the use. If a building was increased in size or something similar to that, that would be considered a medication.

APPLICANT COMMENTS:

None.

COMMISSIONER COMMENTS:

- Robert Kieber - Attended a couple of the meetings, didn't hear anything negative, most people wondering where the money is going to come from.
- Lina Lesmes - We do have the Urban Renew Authority in place.
- Robert Kieber - I think people were speaking more to someone coming in and taking over properties. Feels that this will be the starting block for somebody to really get the Town Core going. As somebody comes in and builds the first building the surrounding property values go up.

JENNY GLOUDEMANS MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO.2016-01; AN ORDINANCE AMENDING CHAPTER 4, ARTICLE IV, ZONING DISTRICTS AND STANDARDS TO ESTABLISH THE TOWN CORE ZONE DISTRICT AND THE USE SCHEDULE FOR THE TOWN CORE ZONE DISTRICT.

DONNA PACETTI SECONDED.

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

6. OTHER ITEMS:

Matt Gennett stated that at the last Planning Commission meeting distressed properties were discussed. Greg Roy handed out a map that highlighted abandoned, distressed, obsolete and neglected properties. Planning Commission then discussed the meaning of each designation and the ramifications for each if changes are made and how this was going to be implemented. Also discussed certain properties that were and weren't included.

Jenny Gloudemans about the Old Dillon Inn property and why nothing is happening.

Tanya Shattuck discussed High Country Healing and dealing with the odor coming from the building at times. Susan Byers stated concerns as well. Matt Gennett stated that surprisingly the Town doesn't get a lot of complaints, was forced to put in a very expensive mechanical and venting system, but will follow up.

Susan Byers asked how the Town defines a nuisance. Staff stated the definition is in the Town Code. Robert Kieber asked for Staff to forward that information to Planning Commission.

Next meeting will be Conditional Use Permit for Grease Monkey and Site Plan modification. SCMR is still going through the referral process.

Robert Kieber stated that he will be gone on the February 2, 2016, Planning Commission meeting.

Susan Byers asked if the vacancy on the Planning Commission will be filled. Matt Gennett stated not at this time.

Brian Wray asked exactly what happened with Stan Katz. Matt Gennett stated that Staff would prefer that a statement be issued by the Town Attorney, Matt Mire, since it is a legal matter.

CLOSED THE PUBLIC HEARING.

7. ADJOURNMENT:

TANYA SHATTUCK MADE A MOTION TO ADJOURN AT 7:25 P.M.

DONNA PACETTI SECONDED.

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

Submitted for approval by:

Approved this of 2nd day of February, 2016.

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.