



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

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**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 be on a six month lease situation?
Greg Roy -	No.
Tanya Shattuck -	Assuming Staff has looked over to insure that there are appropriate firewalls, etc., 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, am assuming that is not an issue any longer, it was 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 that possibility.

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. Requested the Applicant to explain that.  
 Torstien Horgmo - I 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. But, 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. Something will be added architecturally, 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. Requested approval.  
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 the logo and signage 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 - 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. 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 modification.

**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 asked 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. The owner 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.

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Melody Hillis, Planning Commission Secretary

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Tanya Shattuck, Vice-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.**