



**TOWN OF SILVERTHORNE  
PLANNING COMMISSION MEETING MINUTES  
FEBRUARY 16, 2016 – 6:00 P.M.**

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**1. CALL TO ORDER** – The meeting was called to order at 6:00 p.m., February 16, 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 Gludemans, Robert Kieber, Donna Pacetti, and Tanya Shattuck. Susan Byers and Brian Wray were absent. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner and Melody Hillis, Planning Commission Secretary.

**3. CONSENT CALENDAR** – Tanya Shattuck made a motion to approve the February 2, 2016, Planning Commission minutes. Donna Pacetti seconded. Commissioner Kieber asked if he should abstain from voting for the approval of the minutes. Commissioner Kieber stated that he had read the packet and the minutes, and had spoken with Commissioner Gludemans about the meeting. Matt Gennett stated that if Commissioner Kieber felt comfortable with voting, it should be fine. The motion was approved by a vote of four to zero (4-0). Susan Byers and Brian Wray were absent.

**4. CITIZEN'S COMMENTS:**

None.

**5. PUBLIC HEARING:**

**A. Ordinance No. 2016-02 – An Ordinance Rezoning Certain Real Property from C-1, Light Commercial Zone District, and C-2, Heavy Commercial Zone District, to TC, Town Core District.**

Lina Lesmes, Senior Planner, presented the project. The Applicant, the Town of Silverthorne is proposing to rezone certain properties to the Town Core District.

**COMMISSIONER QUESTIONS:**

Jenny Gludemans -

What was the "push back" that was referred to?

Lina Lesmes -

There was a request from the owners of Hudson Auto to be excluded at this time. Also, the businesses that are in the C-2 zone district, in the fringe areas were concerned about becoming non-conforming and how their properties would be restricted. The businesses such as the towing business, Pioneer Materials, those business won't be changing any time soon. The areas show in blue is considered to be high priority. And the Town definitely wants those included in the Town Core. The properties outside of the blue map, the Town may want to rezone Phase II as the Town Core evolves. Regarding the Hudson property, staying as C-1 for now, and Staff will get them as close as possible to the Town Core zoning in the future. Staff didn't want to stop the rezoning process to try to figure out those details in particular.

Jenny Gludemans -

The C-2 properties were going to be grandfathered in as long as no changes were made. Was that the issue?

Lina Lesmes - That was an issue. There was also a concern that they were part of the fringe of the core district. Didn't feel that they should be involved at this point, should be part of this process once it gets going and they can be included at a later date.

Jenny Gloudemans - Staff doesn't see that as an issue, that it will be harder to make them come on board if they are not already included?

Lina Lesmes - Is it our preference? No. But, with the properties being zoned C-2 on Brian Avenue, we see those developing at a later date, putting pressure on those properties now is not as high of a priority as the blocks that are included currently between Highway 9 and Adams Avenue.

Donna Pacetti - Requested more explanation about the Hudson properties and what is going on there?

Lina Lesmes - The owner, Lynn Hudson requested to be excluded from this zoning. She wants to create a new zoning designation for her properties. But creating that for her was going to take longer than adopting the Town Core Zoning, Staff didn't want to wait for that to be completed before the Town Core District was created, didn't want to lose the momentum that has been established.

Donna Pacetti - The use for automotive sales is going to be eliminated in the Town Core Zone District

Lina Lesmes - That's correct. There is still a big list of uses allowed in the Town Core. The ones that are essentially prohibited are anything related to auto sales, auto repair, and equipment rental. Those uses prefer a more suburban form, more auto oriented, not going to mesh with a walkable downtown area.

Donna Pacetti - How does CarQuest on the corner of 4<sup>th</sup> and Highway 9, fit in with the proposed zoning?

Lina Lesmes - CarQuest is on the corner of 6<sup>th</sup> and Highway 9.

Donna Pacetti - How do they fit in with the no automotive sales?

Lina Lesmes - They will be considered legal non-conforming, will be able to stay as long as they want.

Tanya Shattuck - Understand the Hudson decision. Shouldn't Phase II of the zoning be approved now and shouldn't Brian Avenue be included in the rezoning, what if Hudson Automotive goes up for sale or something?

Lina Lesmes - Would be preferable, Staff will be reviewing the appropriate zoning designation for those properties. If the property were up for sale Staff could definitely request that it be rezoned to the Town Core Zoning District. Don't know when Phase II will take place, Planning Commission tonight is approving the blue map that outlines the Town Core Zoning District, and nothing more. When the properties on Brian Avenue are rezoned this whole process will occur again.

Tanya Shattuck - Understand that, but wondering if it will end up hurting the Town by not saying that our goal is to have that whole area and that whole section would be in the Town Core.

Lina Lesmes - Think that is established, the Town Core Design District is not going away, all those properties will have to abide by that. The Comprehensive Plan is very clear as to what the Town Core means. Those properties on Brian Avenue are continuing to be in conflict with those documents, at least the other properties are being brought more into conformance. Don't think that there needs to be an added condition addressing that.

Tanya Shattuck - Just hate to see the future and all of the sudden we stopped progress and we stopped the progress t saying "oh, and there's the big picture".

Lina Lesmes - These are the key pieces and continuing to work on the remaining property owners.

Tanya Shattuck - So, the Town's goal is to eventually get those properties in the Town Core Zoning District down the road?

Lina Lesmes - Yes.

Jenny Gloudemans - As a follow up to that, the rezoning of the Hudson property, in the event that they sell it or something, would there be some sort of verbiage in the PUD so that the Planning Commission would get to see the rezoning of that parcel if that happened?

Lina Lesmes - Yes. It would go through the process just like what we are doing currently. Right now those properties are going to continue to be zoned C-1 and continue as they exist today. The Town is going to work with them on a future rezoning. Pointed out what properties are going to continue to be zoned as C-2, with the goal being that once it becomes more of a reality, the Town would try to bring them into the Town Core Zone District. That would come before Planning Commission for review.

Robert Kieber - If something is not worked out with Lynn Hudson that is agreeable. The Town could come back and say were going to go back and bring it into the Town Core Design District.

Lina Lesmes - Yes.

Robert Kieber - Started with 47 properties, now have 41 properties, of the 41 what percentage is agreeable to the rezoning?

Lina Lesmes - Most of the property owners were agreeable, didn't hear a lot of push back. Heard concerns from the owner of 249 Adams Avenue. He wrote Staff a letter of the uses that he wants acknowledged by the Town currently existing on his property so that once it becomes legal non-conforming the Town has it documented that those are uses that can continue to operate as is or switch back and forth. It is a combination auto-rental, auto-repair, auto-body shop. Staff has made that documentation, and seems the owner seems to be okay with that solution.

Robert Kieber - Is there an estimation or number of these properties that are under a Conditional Use Permits in the Town Core Zone District?

Lina Lesmes - Don't know the number, can get the information for the Planning Commission. Have about 35 Conditional Use Permits in Town.

Robert Kieber - Would this change preclude or deny the renewal of any of the Conditional Use Permits existing today?

Lina Lesmes - No. Don't think there is that many in the Town Core Zone District.

Robert Kieber - Turner Morris, one on 6<sup>th</sup> and Adams, which is Kinder Carpet.

Lina Lesmes - Those are good examples. Kinder Carpet and Turner Morris are both Conditional Use Permits for the use "contractor trades". Contractor trades have been added as a Conditional Use Permit into the Town Core Zone District, nothing will change for those businesses.

Robert Kieber - The Town's intent is not to put anyone out of business.

Lina Lesmes - Yes, that is the intent.

**OPENED PUBLIC HEARING**

**PUBLIC COMMENT:**

None.

**COMMISSIONER COMMENTS:**

Tanya Shattuck - Looks great, see where the vision is going, like it. See where Staff is taking the Hudson property, would have been nice to have that a little more in place beforehand. Supports it.

Jenny GlouDEMANS - Feel the same way.

Robert Kieber - Feels it is a good step. The residents of Silverthorne want to see a town core and redevelopment is going to occur. One of the few towns that has this much land and buildings that can be redeveloped off of Highway 9.

**TANYA SHATTUCK MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO. 2016-02; AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM C-1, LIGHT COMMERCIAL ZONE DISTRICT, AND C-2, HEAVY COMMERCIAL ZONE DISTRICT TO TC, TOWN CORE ZONE DISTRICT.**

**JENNY GLOUDEMANS SECONDED. MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). SUSAN BYERS AND BRIAN WRAY ABSENT.**

**B. PUD Major Amendment – Silverthorne Town Center PUD, 354, 358, 400 and 460 Blue River Parkway, Tracts A and B, Silverthorne Town Center Subdivision.**

Lina Lesmes, Senior Planner, presented the project. The Applicant, the Town of Silverthorne, is requesting approval of a Major Amendment to the Silverthorne Town Center Planned Unit Development to update the language and modify the list of permitted and conditional uses.

**COMMISSIONER QUESTIONS:**

Robert Kieber - Just a housekeeping measure?

Lina Lesmes - Yes, to bring things up to date.

Donna Pacetti - What about the setback requirements of zero to five feet, and how it will affect the proposed Theatre?

Lina Lesmes - Won't be affected, the set back is five feet. A five-foot maximum is what the Town Core Design District allows. That is why the Theatre is pushed up next to the highway. It may look further away because of the width of the Highway 9 right-of-way.

Robert Kieber - How big is the Town right-of-way from Highway 9?

Matt Gennett - Actually think that it is 80 feet.

Robert Kieber - The Theatre is almost on the inside of what used to be the berm.

Lina Lesmes - Yes, it's very large. I think it may be 120 feet.

Jenny GlouDEMANS - Regarding the permitted uses on page 21, what is the difference between apartments, which is a use by right, and residential condominiums which are conditional use or accessory use?

Lina Lesmes - The difference is that condominiums are sold and owned individually and apartments are owned by the building owner and rented out to individuals.

Jenny GlouDEMANS - What is the difference between a day spa and a health spa as uses by right and conditional uses?

Lina Lesmes - The health spa use was put in to accommodate Snap Fitness, so it is more like a gym.

**APPLICANT COMMENTS:**

None.

**PUBLIC COMMENT:**

**COMMISSIONER COMMENTS:**

None.

**JENNY GLOUDEMANS MADE A MOTION TO RECOMMEND APPROVAL OF THE OF THE MAJOR PUD AMENDMET TO THE SILVERTHORNE TOWN CENTER PLANNED UNIT DEVELOPMENT.**

**DONNA PACETTI SECONDED. MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). SUSAN BYERS AND BRIAN WRAY ABSENT.**

**CLOSED THE PUBLIC HEARING.**

**6. OTHER ITEMS:**

Matt Gennett stated that South Maryland Creek was pulled from tonight's meeting due to the need for the Applicant to get more information that is needed by Staff in order to bring the project forward. Hope to bring it before the Planning Commission on March 1<sup>st</sup>. Lina Lesmes stated that the Theatre will probably be brought to the March 15<sup>th</sup> Planning Commission meeting and the March 23<sup>rd</sup> Town Council meeting.

Planning does have a new application for development, Blue River 50, LLC proposing 50 units along Highway 9, across from Murdoch's.

Joint worksession for Planning Commission with Town Council on March 8<sup>th</sup>

Angler Mountain Ranch is petitioning for an additional 35 acres to be annexed into the Town located to the Southeast of the current development. Downhill from the Xcel substation. Will be the Cabin style, with a common area, with patio type homes, footprint lots for each one.

Sauce on the Blue's building permit is currently under review by the Summit County Building Department.

Robert Kieber asked about Chick-Fil-A is there still speculation that they will be coming to Town? Matt Gennett stated that there has been a bunch of different speculation on the Old Dillon Inn property and the adjacent parcels.

Lina Lesmes asked if there were any items on the agenda for the joint worksession with the Town Council? Robert Kieber would like the sign code discussed, condemnation of dilapidated and abandoned buildings. Lina Lesmes stated that housing will also be discussed. If there is something that Planning Commission would like to talk about, please let Matt Gennett know.

Jenny Gloudemans asked about the house currently under construction on Rainbow Dr. (901 Rainbow Dr.). It looks like it has two main entrances if not three. Melody Hillis stated that when the owner submitted their building plans, Matt Gennett and I reviewed them. There were several questions raised about what exactly they were planning on building. Melody Hillis contacted the owner and cautioned them, as it looked to be designed as a bed and breakfast, a lodge, or some type of accessory unit, and that wasn't an allowed use in that neighborhood. The owner would have to come into the Town if they were planning on doing anything different other than a single family residence. Jenny Gloudemans stated that there are clearly two separate entrances, with two main doors. Melody Hillis stated that the Town has been keeping an eye on it, and Greg Roy our Code Enforcement person is keeping an eye on it. Matt Gennett stated that planning staff will have to go out and to an inspection in order to issue the CO, and it won't be issued if it doesn't meet the zoning or building standards, the planning check is part of the final inspection to make sure that it is in keeping with the allowed uses in that neighborhood. If they want to do something other than a single family residence a Conditional Use Permit would be required. Certain uses are allowed in a R-2 zone district, which is what that area is zoned. Jenny Gloudemans stated that it is a great improvement over the old gray house that was there previously. Tanya Shattuck stated that she thinks you'll start seeing more scrape offs like that in that area. This is a good stepping stone in the right direction of getting some newer, bigger places in that neighborhood. Matt Gennett correct, and

that is in keeping with the Town Core, brings property values up and gives property owner incentive to rebuild. Melody Hillis stated that the building code doesn't limit a home to just one entrance. There does have to be a main entrance and exit, but there can also be other decorative entrances. What makes it into a two-unit building would be if there was another kitchen area wired for 220 wiring for a stove, or a separate lock off. Staff scrutinized those plans very closely and the building department is aware of the Town's restrictions. When they do out and do inspections and see 220 wiring installed for another kitchen, it is investigated and stopped. Matt Gennett stated that anything with a party wall separating residences is caught during plan review. They can design multiple front entrances, there is no design review board, so that Town can't say that something doesn't look good and that neighborhood doesn't have an active HOA.

Robert Kieber thanked Staff for all of the work on the Town Core Zone District, a lot of work and a lot of hours have gone into this. Secondly, Pond hockey was this past weekend and it was hilarious, there were a bunch of characters. Told that there were 900 participants and they did an excellent job. A little bit of a traffic problem, which I will meet with the Parks Department and stuff about. But, the rest of it was extremely professional. Some of the outfits deserve to be on TV, big cowboy hats and superman capes. Third, have seen a lot of changes in Staff, etc., and the Planning Staff has done a really good job. Tanya Shattuck agrees with that statement. Robert Kieber stated that this is a big change and thinks that it is going to spark some interest, hopefully in some of these spots that are underdeveloped. Think people are holding on until they get the right offer and think that it's getting to the point where there will be some right offers. Matt Gennett stated that is what we hope. Thank you for the compliment, Staff appreciates that.

## **7. ADJOURNMENT:**

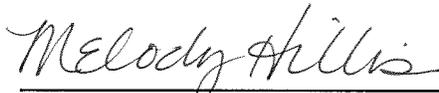
**TANYA SHATTUCK MADE A MOTION TO ADJOURN AT 6:50 P.M.**

**JENNY GLOUDEMANS SECONDED.**

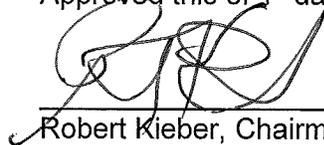
**MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). SUSAN BYERS AND BRIAN WRAY WERE ABSENT**

Submitted for approval by:

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