

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, June 8, 2011

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members David Anderson, , David Preaus, Bruce Butler and Ann-Marie Sandquist. Darrick Wade and Vince Lanuza were absent. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Planner II Lina Lesmes, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

STAFF COMMENTS:

Batchelder updated Council on the Safe Summer Kick Off. This is the 10th year for the event. Batchelder summarized the statistics on the very successful event. He congratulated Hanschmidt on the original idea of the Safe Summer Kickoff and the continued growth and success of the event.

Koop thanked Hanschmidt for all the coordination of a wonderful community event.

Linfield updated Council on the summer road construction going on in Town.

Council thanked Linfield for all the efforts of his department on the construction coordination.

Breigenzer updated Council on the events at the Recreation Center.

COUNCIL COMMENTS:

None

CONSENT CALENDAR:

BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MAY 25, 2011 MEETING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (LANUZA AND WADE ABSENT)

CITIZEN COMMENTS:

None.

PUBLIC PRESENTATIONS:

None.

LIQUOR BOARD:

None.

PUBLIC HEARINGS:

A. Conditional Use Permit (CUP) Renewal – Turner Morris, Inc.

Butler declared a possible conflict of interest with the applicant. In the course of his employment with Copper Mountain Property Management, he has interaction with Turner Morris in regards to the Home Owners Association and bids for their roofing jobs. He does not receive any direct compensation from Turner Morris but wanted to disclose the interaction to Council.

Koop asked Council if they feel there is a conflict with Butler and the applicant.

Council did not see a conflict of interest.

Lina Lesmes, Planner II, presented the applicant's request to extend the Conditional Use Permit for a "Contractor Trade" commercial roofing business in the C-1 Zone District. She reviewed her staff memo and history of the project. Staff is recommending denial but is providing an alternative motion for approval to Council.

Sandquist asked about CUP renewal procedures.

Staff stated this is a CUP renewal and because there were violations on the site it goes before Council.

Tim Morris President, Turner Morris, Inc. gave a power point presentation addressing each of staff's concerns and their recommendation for denial. He requested approval of his request.

Sandquist asked the applicant what is stored inside the building.

Morris stated fabrication is done at the shop so they have sheet metal and gluing products inside the building.

Butler stated CUP's are a source of frustration for Council. The Council is working towards a different type of zoning in the area. A CUP is an informal contract with the Town. He reviewed the conditions of approval with the applicant. He asked the applicant about the length of CUP, and how he feels about it.

Morris feels the two year CUP is unreasonable.

Butler asked if the applicant could live with the three vehicle limit in the front of the business.

Morris stated yes, but he would prefer that the drainage area be allowed as a parking space.

Butler asked about outdoor storage year round.

Morris stated there is no outdoor storage, except for a few shingles needed for repairs. His yard is fenced.

Butler asked if these items could be considered temporary outdoor storage. He asked if that would that be acceptable to the applicant.

Morris stated yes.

Butler asked if the gate to the rear entrance could be closed during non-business hours.

Morris stated yes.

Butler asked if the landscaping condition could be adhered to.

Morris stated yes.

Butler asked staff what additional plantings are needed on the site.

Lesmes stated five shrubs are needed on the site.

Morris stated they could replace the five shrubs.

Butler asked the applicant what other things he needs addressed while we are discussing the business.

Morris stated the temporary outside storage is something that is needed.

Butler asked how much of the temporary outdoor storage can be viewed above the fence.

Morris stated none.

Butler asked for clarification on the snow storage and parking.

Lesmes reviewed the site plan snow stacking and parking requirements.

Council comments:

Sandquist stated she is not unsympathetic to the applicant's issues. They run a good business and are trying to comply. The problem is the applicant bought the building and knew that the conditional use permit was in place and said at the time you could adhere to the conditions of approval. Council struggles with this issue all the time, struggling with the long term plans of the Town and the individual business owners' wants. She asked the owner where the business will be in five years.

Morris stated they would like to see the business grow and be able to afford to move to a bigger location, but the economy has been rough for them over the last couple of years. He

does not see Adams Avenue becoming the vision Council has but only what it is, an industrial area.

Preaus complimented the applicant on the appearance of the building. The Council is trying to make changes to this area. CUP's are tough for Council. He is sensitive to what needs to be done to succeed as a small business. The two year condition of approval will give the applicant time to adhere to the conditions and if there are no issues the CUP can be renewed at the staff level and the applicant would not have to come before Council again. He knows it is hard to see Council's vision for the area but that is the direction we are moving towards in the future.

Anderson told the applicant that he had done a nice job with the building. This is a negotiation on the conditions of approval. He supports the two year CUP.

Public hearing opened, no comments, public hearing closed.

Butler feels the applicant has taken a substandard building and made it nicer. He doesn't want to impose conditions that the business cannot adhere to. He would like to drop the condition restricting the trailer storage, maybe change the wording to allow temporary. If things went well during the short period of time it could be approved at staff level the next time.

Council reviewed the conditions of approval.

Koop feels the applicant has improved the lot quite a bit. He walks past the site and he sees nothing behind the fence. He asked if a few rules could be applied for late night drop offs. He asked Council how many years they would be willing to go on the CUP.

Council discussed the length of the CUP.

Morris asked if his CUP could be pulled when Silverthorne decides it is time to change Adams Avenue.

Preaus feels this location is a valuable piece of property in regards to the vision the Town has for Adams Avenue. It is one of the most attractive spaces on Adams Avenue. Council does not want to put the applicant out of business. This is a viable area for change. It is highly desirable for the Council to have changes made to this area.

Butler stated over the years there have been a lot of ideas for developing a town core. This property is part of the area that could take off and grow. It is not anybody's goal to condemn property. The goal is to keep you in business.

Council discussed the length of the CUP and the conditions of approval.

ANDERSON MOVE TO APPROVE THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR TURNER MORRIS, INC, LOCATED AT 347 ADAMS AVENUE, BASED ON THE STAFF RECOMMENDED FINDINGS AND CONDITIONS," CHANGING CONDITION NUMBER ONE TO REFLECT THREE YEAR CUP TERM, REMOVING CONDITION NUMBER FOUR ENTIRELY, AND REMOVING THE FIRST SENTENCE OF CONDITION NUMBER 5, AS FOLLOWS:

FINDINGS:

1. THE APPLICATION MEETS ALL THE CRITERIA IN TOWN CODE SECTION 4-4-19 REGARDING CONDITIONAL USE PERMITS.

2. RENEWAL OF THE CUP IS PERMITTED BY TOWN CODE SECTION 4-4-19.J, SUBJECT TO A MODIFICATION OF EXISTING CONDITIONS AND THE ADDITION OF NEW CONDITIONS.

CONDITIONS:

1. THE CUP IS PERSONAL TO THE APPLICANT, TIM MORRIS AND TIM TURNER OF TURNER MORRIS, INC, AND IS NONTRANSFERABLE. SHOULD THE APPLICANTS' OWNERSHIP TERMINATE OR BE TRANSFERRED DURING THE TERM OF THE CUP, THE CUP SHALL EXPIRE.
2. THE CONDITIONAL USE PERMIT HAS A LIFE OF ~~(2)~~ THREE (3) YEARS, UPON WHICH TIME, THE OWNERS WILL BE REQUIRED TO TERMINATE, OR REAPPLY FOR THE PERMIT.
3. A MAXIMUM OF 3 VEHICLES SHOULD BE PARKED IN FRONT OF THE BUILDING. VEHICLES SHOULD NOT BE PARKED ON DESIGNATED DRAINAGE OR LANDSCAPING AREAS.
- ~~4. PARKING FACILITIES ARE NOT TO BE USED FOR THE PARKING OF TRAILERS, THE PARKING OF SEMI-TRUCK CONTAINERS, OR FOR THE STORAGE OF MATERIALS AND EQUIPMENT.~~
- ~~5. ALL MATERIALS AND EQUIPMENT RELATED TO THE OPERATION OF THE BUSINESS MUST BE KEPT INSIDE THE BUILDING.~~ OUTDOOR STORAGE SHOULD BE LIMITED TO TEMPORARY SERVICING, AND TEMPORARY STORAGE OF LARGE MERCHANDISE THAT IS SECURED.
6. THE GATE TO THE REAR PARKING AREA MUST BE OPERABLE AND SHALL BE CLOSED DURING NON-BUSINESS HOURS.
7. ALL DEAD LANDSCAPING MUST BE REMOVED AND REPLACED, AND 5 ADDITIONAL SHRUBS BE PLANTED ON THE PROPERTY BY AUGUST 1, 2011.

MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND WADE ABSENT)

BOARD OF ADJUSTMENT:

None.

ACTION ITEMS:

None.

DISCUSSION ITEMS:

None.

SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 7:14 P.M. FOR A CONFERENCE WITH THE TOWN ATTORNEY, TOWN MANAGER AND APPROPRIATE STAFF, UNDER CHARTER SECTION 4.13(c) AND SECTION 24-6- 402(4)(b), C..S, TO OBTAIN LEGAL ADVICE CONCERNING THE LOWES LAWSUITS.

SHE FURTHER MOVED TO RECONVENE THE COUNCIL MEETING AFTER THE CONCLUSION OF THE EXECUTIVE SESSION, FOR THE PURPOSE OF TAKING ANY ACTION DEEMED NECESSARY.

EXECUTIVE SESSION:

Executive Session under Charter Section 4.13(c) and CRS 24-6-402(4)(b) for a conference with the Town Attorney, Town Manager and appropriate staff for the purpose of receiving legal advice concerning the Lowe's Lawsuits.

Executive session concluded at 7:37 and open meeting reconvened at 7:38.

BULTER MOVED TO DIRECT THE TOWN ATTORNEY TO MOVE FOR ATTORNEY FEES ALONG WITH THE MOTION TO DISMISS IN THE HEDBERG CASE. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND WADE ABSENT)

INFORMATIONAL:

A. **SCHA Staff Reports & Meeting Minutes from March 23, 2011**

SANDQUIST MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:39 P.M.

DAVE KOOP, 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.