



**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
MAY 4, 2010 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on May 4, 2010, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioner's present and answering Roll Call were: Russ Camp, Derrick Fowler, Tom McDonald and Brian Wray (alternate). Dennis Nemura, Tanya Shattuck and Fin Doyle were absent. Staff attending tonight's meeting included: Michael Johnson, Planning Manager, Bill Linfield, Public Works Director and Melody Hillis, Administrative Assistant.

3. CONSENT CALENDAR – Derrick Fowler made a motion to approve the minutes of the April 6, 2010, Planning Commission meeting. Brian Wray seconded. Motion passes by a vote of four to zero (4-0). Dennis Nemura, Tanya Shattuck and Fin Doyle were absent.

4. CITIZEN'S COMMENTS:

None.

5. ACTION ITEM:

A. Minor Subdivision, Site Plan Modification, Conditional Use Permit and Wetland Disturbance Permit – Buffalo Mountain Metro District, 100 Adams Avenue, Tract D, Riverview Subdivision, and unsubdivided parcels, including portions of the Adams Avenue Right-of-Way (ROW) and the Buffalo Mountain Drive Right-of-Way (ROW).

Lina Lesmes, Planner II, presented the project. The Applicant, Buffalo Mountain Metro District is requesting approval to redevelop the maintenance and water treatment facility on the site, and consolidate its land holdings in the area.

COMMISSIONER QUESTIONS:

Brain Wray - Is the purpose of this to clean up loose ends and clear up the right-of-way for new construction?

Lina Lesmes - Yes, and also constructing two new buildings, reorganization of the site and bringing the site into conformance with the Code.

Bill Linfield - In addition to providing land for future possible projects, this will also give the Town the desired access to the river, it will also compliment the acquired water rights in order for channel diversion in that area to build a kayak course, cannot construct the

- kayak course until the Town acquires the land. It is twofold desire, to acquire the river rights and the land as well.
- Derrick Fowler - Why does the occupant of the apartment have to be an employee or contractor of Buffalo Mountain Metro District, wouldn't the Town rather see it occupied rather than have the apartment sit empty?
- Lina Lesmes - It has to do with the definition of an accessory residence according to the Town Code. The way that the use schedule defines it, is such that a residential use in the C-1 zone district are only allowed as conditional uses, these are also accessory uses.
- Derrick Fowler - There are no sidewalks shown in this area, even though it is a pedestrian area. In the Gateway Design District Standards it references pedestrian traffic. Along Adams Avenue there is a lot of pedestrian traffic. There is the Factory Stores as well as other businesses that utilize pedestrian traffic, why shouldn't sidewalks be included in this plan to make the pedestrian connections.
- Bill Linfield - It is the intent of the Town to put sidewalks in, however, the final layout for Adams Avenue hasn't been determined yet. The configuration will be dependent upon development in the surrounding area. Instead of piecing the sidewalk together, the Town will wait and do the sidewalks at the time of the road improvements and during at the time of finalization of the road plans along Adams Avenue.
- Derrick Fowler - How can the configuration of Adams Avenue change if all of the lots are developed with the exception of the ones behind the Old Dillon Inn and First Interstate Inn and seem to be a done deal on the east side.
- Bill Linfield - The Town owns the right-of-way along Adams Avenue, the determination has not been made yet whether there will be sidewalks on both sides or only on one side of Adams Avenue. If it is only on one side, the Town will need to determine whether it will be on the east or west side. In reality it would be easier to put the sidewalk on the east side because it is less developed and likely would get more participation from the owners as the east side is going to be easier to develop than on the west side.
- Brian Wray - Is Planning Commission reviewing the building also?
- Michael Johnson - Yes, but Planning Commission might want to hear the Applicant's presentation and then ask questions.
- Russ Camp - What happens to the existing buildings on the site?
- Lina Lesmes - The water plant building will remain, the single family home will be demolished.
- Russ Camp - When the fence is constructed there will be a portion of the fence located in the wetlands?
- Lina Lesmes - It is not wetlands, it is the buffer for the 100 year flood plain.
- Russ Camp - If the Town allows that to happen within the buffer area, won't that set precedence to allow the Applicant to do anything they choose with that piece of land?
- Lina Lesmes - The fence goes around this area because of the existence of a water well. If the site plan is approved there is only a certain portion of the buffer area that could be encroached upon.
- Russ Camp - Is that something that the Town wants to do?

- Lina Lesmes - If Planning Commission wants to approve this site plan configured this way, the two disturbance permits allowing the two encroachments also need to be approved as well. Staff is recommending approval of the two disturbance permits, pointed out what the Applicant is proposing for erosion control to minimize the impact to the buffer area during construction. Being a buffer zone and not an actual wetland adjacent to the river Staff felt that this is acceptable.
- Derrick Fowler - Thinks that the Town has to ask itself a) would the Town allow Home Depot this sort of variance to come into a buffer zone and b) if the Town does allow it what type of precedence does this set or allowance in the future.
- Lina Lesmes - The Home Depot application does include a disturbance permit application.
- Derrick Fowler - Was the application approved?
- Michael Johnson - It was approved at the sketch plan level for Home Depot, as the application moves along it will be more detailed.
- Lina Lesmes - There are other subdivisions around Town that have disturbance permits that practice erosion control measures, etc.
- Derrick Fowler - It doesn't seem to be that stiff of a compliance, because all the Applicant would have to do would be to clip off the corner of the proposed fence and it wouldn't be located in the buffer zone.
- Lina Lesmes - That's true.

APPLICANT COMMENTS:

- Randy Hodges - Architect, Hodges and Marvin, representing the Applicant. Do not Have not formal presentation, but will be glad to answer any questions. Have tried to address any concerns that have been brought to our attention by Staff. Regarding the fence, currently there is a fence located closer to the disturbance area, the fence is actually being relocated further back. There does need to be room around the well to perform maintenance, etc.
- Tom McDonald - Will the existing building that is staying remain the way that it is today?
- Randy Hodges - It will match watch is being proposed, that building was renovated about five years ago.
- Russ Camp - What is the purpose of the well?
- Randy Hodges - It is one in a series of wells that provides water to the Wildercrest Subdivision.
- Derrick Fowler - What will happen to the mulch piles located on Adams Avenue and are they allowed in this commercial district, and will they be moved or screened?
- Gary Drescher - Buffalo Mountain Metro District. The mulch piles will be gone in the next two weeks. To address the water wells, much of the site plan design was dictated by the location of the four water wells that are on site. Beyond what Bill Linfield talked about regarding the kayak park, at the extreme north end of the site that the Town of Silverthorne gets access to the Blue River, and will allow the Town to create a parking lot, or whatever is decided.

PUBLIC COMMENT:

None.

CLOSED PUBLIC COMMENT

COMMISSIONER COMMENTS:

- Brian Wray - This is a win-win situation for both the Applicant and the Town. The encroachment on the 100 year buffer area is actually being moved back, the wells are there permanently, looks good.
- Tom McDonald - Agrees with Commission Wray.
- Derrick Fowler - The trash dumpster enclosure location conflicts with Gateway District Design Standards 3.7.2 (read standard) the proposed dumpster located is clearly right off of Adams Avenue.
- Randy Hodges - It is one of only two locations that could accommodate a dumpster.
- Derrick Fowler - It couldn't be placed next to the water building, anywhere else but fronting the road?
- Randy Hodges - We had to take into consideration the ability of the trash trucks to be able to turn around.
- Brian Wray - Assumes that the dumpster will be enclosed.
- Randy Hodges - Yes.
- Derrick Fowler - Regardless, it is in direct conflict with 3.7.2 of the Design Standards. Also, the southwest elevation, the sand barn, in my opinion after reading through the Design Standards quite carefully, conflicts with several of the Standards. Have labeled them: 4.1.2c; 4.1.4b and so on. My concern is that when this intersection gets revamped it is obviously going to see more and more traffic and pressure as development continues, this "barn" is going to be a landmark, it's large and its prominent, the side that is visible is going to be seen by tens of thousands of eyes. Concerned that it doesn't meet the Standards, it is a big, bulk plane with one window breaking it up. It is 680 square feet on that side, with 63 square feet of window which is 9.2 percent of that plane being interrupted. This is going to be a landmark, and people are going to say "go down Wildercrest Road and take a right at the big brown barn", this is going to be prominent in the Town. Under the umbrella that it doesn't meet the Design Guidelines and a possible solution, not to tell anyone what to do, but this has the lines of a barn. Dress it up like a barn, give it some interesting features on the side visible to the road, maybe a hayloft door or some barn doors at the bottom or some fake rafter tails. It is a commercial looking building, but feels that that corner warrants something more than a blank, rectangular building with one window.
- Randy Hodges - Tried to address those concerns by dropping it down into the ground approximately eight feet and having rather extensive landscaping on the backside of the building.
- Derrick Fowler - On the set given to the Planning Commission the elevations didn't show the rockwork down low.
- Randy Hodges - There is no rockwork proposed.
- Derrick Fowler - If that is the case that furthers my concern. Being such a prominent building it deserves a bit more architectural detail

especially if Home Depot or Lowe's builds here, think of how many people are going to see this building. That's my opinion on that.

Randy Hodges - Disagrees with that.

Derrick Fowler - Will go through the Design Standards Guidelines which are not being met by this project. Is that correct Michael? Does this project meet the guidelines?

Michael Johnson - It would be worthwhile for you to detail your concerns so that Staff and the Applicant can make note of them.

Lina Lesmes - Could you please state the exact number of the Standard?

Derrick Fowler - District Design Standards: 4.1.2(c), 4.1.4(b), wouldn't have any problems with this building if it was located on a less visible corner. Great opportunity to bring a great design element into the Gateway District in Silverthorne, as it stands it is a nice building, could be more pleasing to the eye. 4.2.2 and continuing thru all of the paragraphs, feels that the Applicant does not fully meet any of the standards. Should lean towards maximizing the requirements, not just let the Applicant do the bare minimum. Don't see many development opportunities in the Town in the Gateway Design District, and this is the Town's opportunity to do what is right for Silverthorne.

Russ Camp - Inquired if the Planning Commission could add an amendment to the conditions of approval requiring more architectural elements?

Michael Johnson - That could be added, as well as continuance or denial.

Derrick Fowler - It is not my intent to drag this out for the Applicant, Town Council will see our comments, and perhaps will agree or disagree, these are just my comments.

Russ Camp - Don't think it should be stopped, there should be a motion with Staff's recommendations or adding a fourth condition to the conditions of approval.

Derrick Fowler - Not finished with my comments. Handed out photos of the current state of the site. Explained the photos if viewed by a person standing in the river or from the Factory Stores, doesn't feel that is an acceptable view. Concerned about the disrepair of the house, clutter and debris surrounding it. Concerned that if this project was approved, how would the site be maintained to guarantee that this doesn't happen again. Will the debris be screened so that it is not seen from the river? And in 20 years that the new project will not be dilapidated to this state. Asked a fisherman who was in the area of what he thought of this site, the fisherman stated that it reminded him of an industrial area along the Platte River in Denver, I think it is embarrassing and unacceptable and don't want to see this in the future, and it should be a concern.

Lina Lesmes - Currently there is not a conditional use permit for this property, it doesn't exist so there cannot be any enforcement on the site. There can be an additional condition added. All the screening around the site will be improved with a cedar fence.

Derrick Fowler - Understands that it will only be on one side.

Lina Lesmes - Explained the fence will go most of the way around.

Derrick Fowler - So all of this debris will be behind the fence in the future.

Lina Lesmes - Yes. Improving the parking area clearly, defining the curb and cutter.

Derrick Fowler - There is more at stake here than a couple of cars. Additional parking spaces are not going to eliminate what's in the pictures.

Brian Wray - What changes with the completion of the project can be anticipated, and how will it not happen again.

Derrick Fowler - This is unacceptable, and how can the house have fallen into such a state of disrepair, it is dilapidated.

Gary Drescher - In the thought the process for the last 10 years, were going to do some repairs on the house, but decided that since it the house was going to be demolished anyway it did fall into disrepair. What it in photos is stuff that is being brought out in preparation for construction, so it will eventually be gone. Explained the new driveway will be banked so there will not be opportunity to store construction equipment. The site is too small to do all of the construction at the same time.

Derrick Fowler - Wants a commitment to get this site cleaned up, and something that the Town of Silverthorne can be proud of.

Gary Drescher - That is what is wanted by all sides. Bill Linfield came to us and asked us if we could move forward a little faster than what we had originally planned and in the spirit of cooperation we agreed. This was a project that was going to happen a little later.

Bill Linfield - Planning Commission needs to understand that there has never been an approved site plan on this property; it was constructed back in 1972. This will give the Town a mechanism to get the site cleaned up and be able to enforce what has been agreed to.

Gary Drescher - Want to work cooperatively with the Town.

Brain Wray - Does the Planning Commission want to add a condition?

Derrick Fowler - The dumpster is a sticking point with me. Wants to make sure that Council is aware of the concerns about the dumpster and the building.

Brian Wray - Agrees with Commissioner Fowler about the façade.

Russ Camp - No problem with asking the Applicant to take another look at the design being less than the Design Standards call for. The dumpster enclosure is an issue, but can only go where it can go. Ask Staff if the dumpster location is the only place that it can be located?

Lina Lesmes - Staff does not have a problem with the proposed dumpster location. It is a valid point; it will be along a public road no matter where it goes. The dumpster fence will go along with the other fencing so it will not be totally seen off of Adams Avenue.

Derrick Fowler - Why do we have these guidelines if they aren't going to be followed? When do we choose to follow it? So far has not heard any compelling argument as to why the dumpster should be located on Adams Avenue. Looking at the site plan, there seems to be a lot of open square footage that it could be located. It is contrary to the guidelines.

Gary Drescher - The dumpster location is less visible from Adams Avenue than moving it to the north side. The sand storage is set eight feet into the ground, and the dumpster is located eight feet below grade also, having it back against the bank and having it shielded would make it less visible. Might see the top, and if the dumpster was moved then the front would be more visible.

Russ Camp - Is the top of the dumpster enclosure the only part that will be visible.

Gary Drescher - Believes that is true.

Randy Hodges - The back of the dumpster enclosure is the fence, it is down lower than street.

Derrick Fowler - Which is not a good thing, because when a sidewalk is built there, then a person would be looking down on the dumpster. Sticking point is that Staff worked very hard on these Design Guidelines and it is not being met and feels that there is not a good reason for them not to be met. Would like to add moving the dumpster location as a condition. Not to where it would be visible from a future sidewalk.

Brian Wray - Is there a roof on the dumpster enclosure?

Derrick Fowler - Yes, a peak roof.

DERRICK FOWLER MADE A MOTION TO APPROVE THE MINOR SUBDIVISION, SITE PLAN MODIFICATION, CONDITIONAL USE PERMIT AND DISTURBANCE PERMIT APPLICATION FOR THE BUFFALO MOUNTAIN METRO DISTRICT WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS AND TWO ADDITIONAL CONDITIONS:

1. All parking spaces located in front of the Water Plant building should be provided with curb, bumper, or wheel stops.
2. The CUP is personal to the applicant, Buffalo Mountain Metro District, and is nontransferable. Under any other circumstance, should the applicant's ownership terminate or be transferred during the term of the CUP, the CUP shall expire.
3. The residential unit is for rental employee housing only. All persons renting the units must be employed by the Buffalo Mountain Metro District."
4. Relocating the proposed dumpster location to comply with the Design District Guidelines.
5. Readdress the Southwest façade of the Sand Storage Building.

TOM MCDONALD SECONDED.

MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). DENNIS NEMURA, TANYA SHATTUCK AND FIN DOYLE WERE ABSENT.

Gary Drescher - Would like the Staff condition number three to include the wording that the house may be occupied by an employee or contractor and their immediate family.

Derrick Fowler - Would you consider also having a Town of Silverthorne employee occupy the house? Am concerned that it will sit vacant at some point.

Gary Drescher - To be honest in 30 years it has never been unoccupied.

TOM MCDONALD SECONDED.

MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). DENNIS NEMURA, TANYA SHATTUCK AND FIN DOYLE WERE ABSENT.

DERRICK FOWLER MADE A MOTION TO APPROVE THE MINOR SUBDIVISION, SITE PLAN MODIFICATION, CONDITIONAL USE PERMIT AND DISTURBANCE PERMIT APPLICATION FOR THE BUFFALO MOUNTAIN METRO DISTRICT WITH STAFF CONDITIONS ONE AND TWO TO REMAIN, CONDITON NUMBER THREE IS REWORDED AND THE ADDITION OF CONDITIONS FOUR AND FIVE:

1. All parking spaces located in front of the Water Plant building should be provided with curb, bumper, or wheel stops.
2. The CUP is personal to the applicant, Buffalo Mountain Metro District, and is nontransferable. Under any other circumstance, should the applicant's ownership terminate or be transferred during the term of the CUP, the CUP shall expire.
3. The residential unit is for rental employee housing only. All persons renting the units must be employed by the Buffalo Mountain Metro District, or be a contractor of the Buffalo Mountain Metro District and their immediate family.
4. Relocating the proposed dumpster location to comply with the Design District Guidelines.
5. Readdress the Southwest façade of the Sand Storage Building.

TOM MCDONALD SECONDS.

MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). DENNIS NEMURA, TANYA SHATTUCK AND FIN DOYLE WERE ABSENT.

6. OTHER ITEMS:

None.

7. ADJOURMENT

TOM MCDONALD MADE A MOTION TO ADJOURN AT 7:15 P.M.

DERRICK FOWLER SECONDED.

MOTION PASSES BY A VOTE OF FOUR TO ZERO (4-0). DENNIS NEMURA, TANYA SHATTUCK AND FIN DOYLE WERE ABSENT.

Submitted for approval by:

Approved this 18th day of May, 2010

Melody Hillis, Planning Commission
Secretary

Russ Camp, 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.