



**PLANNING COMMISSION MEETING AGENDA
SILVERTHORNE TOWN HALL
601 CENTER CIRCLE
APRIL 5, 2011 – 6 P.M.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Consent Calendar 1**
Approval of minutes from the March 1, 2011, Planning Commission Meeting.
- 4. Citizen’s Comments**
- 5. Public Hearing:**
 - A. Conditional Use Permit - JH Mountain Services, 205 and 207 Warren Avenue, Lot 2-A, Block 2, Enterprise Park Subdivision7**
The applicant, Kamil Petrik, is requesting approval for a Conditional Use Permit for the use of Auto Storage in a C-2 Zone District.
- 6. Other Items: Upcoming Agenda Items; Town Council Minutes – February 23, 2011 and March 9, 2011 20**
- 7. Adjournment**



DRAFT

**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
MARCH 1, 2011 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on March 1, 2011, 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, Fin Doyle, Derrick Fowler, Peggy Long, Tom McDonald, Tanya Shattuck, Brian Wray, Stan Katz (alternate) and Robert Kieber (alternate). Staff attending tonight's meeting included: Michael Johnson, Planning Manager, Dan Gietzen, Town Engineer, and Melody Hillis, Administrative Assistant.

3. CONSENT CALENDAR – Robert Kieber asked that the word "Peach" be corrected to "Peace". Tanya Shattuck made a motion to approve the minutes of the February 15, 2011, Planning Commission meeting. Tom McDonald seconded. Motion to recommend approval of the minutes as corrected passes unanimously.

CITIZEN'S COMMENTS:

None.

5. PUBLIC HEARING

A. Preliminary Subdivision (Re-Approval) - Maryland Creek Ranch, 28755 Highway 9, Tracts 1, 2, and 3, and an unsubdivided tract of land generally located in Sections 22, 23, Township 4 South, Range 78 West of the 6th P.M., Town of Silverthorne, County of Summit, State of Colorado.

Michael Johnson, Planning Manager, presented the project. The applicant, Tom Everist, Maryland Creek Ranch, LLC, is requesting re-approval of Preliminary Subdivision.

COMMISSIONER QUESTIONS:

Stan Katz - My first question was answered, which was why do we have time limitations on applications. The second question comes from Staff's response, assuming that there is some valid rationale for time limits, what is so special or compelling about this 2008 approval that it should be given six years, rather than the usual three?

Michael Johnson - There has not been a substantial change that Staff can see in the past three years up to this point that would give Staff reason not to reapprove the project. Staff felt that granting the request for an extension was appropriate, as there isn't any indication that conditions will change between now and 2014, as far as the Code

requirements or Comprehensive Plan requirements. In order to approve the extension, Staff would need to find that this project is consistent with the Town Code and Comprehensive Plan in 2014, and Staff feels that would be true.

Stan Katz - How would Staff know that the reports from 2008 aren't stale already unless somebody goes out and redoes them? How difficult would it be to redo them, rather than to create this artificial six year time limit, which could conceivably go even further than that? Why isn't Staff recommending that the two studies, the geological study and the township study, the utilities study and the Department of Natural Resources study be redone? Why is Staff assuming in three years that there hasn't been any change, and that in the next three years that there will not be any change in something that was written, that would be in 2014, be six years ago.

Michael Johnson - Some of the reports, such as the geological report, Staff does not expect any changes, typically if a geological report changes it is usually takes a lot longer than six years. The wildlife study could be subject to change, Staff does not anticipate any change in how wildlife uses that property that would necessitate redoing that report. Doesn't feel that if Staff had requested a new studies that any of the information would have been changed.

Stan Katz - The final question is, if this project is given a six year life, why shouldn't any other applications that fall under those conditions be given six, nine or twelve year lives also?

Michael Johnson - It could happen, our Town Code permits that when an application is subject to approval under the Subdivision section, that an applicant can ask for an extension to the original approval. Staff would weigh in on each individual request based on the merits of that specific project.

Russ Camp - In the Staff report it states 83 units, on the plat it shows 82 units, can only count 82 on the plat Planning Commission has for review, where is the difference.

Michael Johnson - There will be 82 single family units, and one caretakers unit that was in the Lake House at one point, the PUD has been changed to reflect that there will be 83 units including the caretakers unit.

APPLICANT COMMENTS:

Tom Everist - Owner/Applicant South Maryland Creek Ranch. Introduced Steve Everist and Lacey Books, representing the project. Gave a project history and background review on the proposed project.

Brian Wray - Since it has been before the Town before doesn't see any problem with extending the application, great project.

Stan Katz - Why would it be such a burden to reapply, instead of granting an extension on items that were done in 2008? Particularly the Colorado Department of Natural Resources and the Utilities Department. Where is the burden of just simply saying that the Applicant has all of the plats, why just not reapply?

Tom Everist - Operationally, it is important to us that we know where the entrance road will be, the road has already been approved, and the road will be finished being constructed during this three year

period of time. To let that lapse and expect to complete it anyway, along with having to reapply and expect a new Planning Commission and Town Council to reapprove it, is a risk that we would rather not take.

Stan Katz - You have our Planning Commission right now and wouldn't have to worry about one three years from now. If the Applicant reapplied now, the project expires on March 24th, and if you reapplied on March 25th, you'd still have the current Planning Commission.

Tom Everest - So you are asking for us to let the project application expire and then reapply?

Stan Katz - Yes, with new opinions from the geotechnical people, the utilities people and the Department of Natural Resources, so that you now have a 2011 opinion from each of them, instead of a 2008 opinion.

Michael Johnson - Technically, the Applicant if requesting reapproval, it's not an extension per se; it is a reapproval of the subdivision with a three year approval, using the old Staff report. Remember that this is the preliminary phase of this project, at the time of final subdivision all of the referral agencies will have another opportunity to comment, and if anything has changed that will be noted and comment given to the Applicant and at that time there will be ample opportunity for any issues to be addressed.

PUBLIC COMMENT:

None.

CLOSED PUBLIC COMMENT.

COMMISSIONER COMMENTS:

Russ Camp - Have been through most of the review process for this project. Has been a very nice project from the beginning when it was 71 units, it is still a nice project with 83 units, along with the extension of the meadow, which is an additional 61 acres. Thinks that the density is commendable. Something good for Silverthorne.

Fin Doyle - How much development has already occurred, as far as grading roads, etc.?

Michael Johnson - Explained and showed on the plat how much of the road, water and sewer, etc., has been constructed to date.

Fin Doyle - So improvements have been made. In regards to the cement operation, there is not a finite amount of aggregate and gravel at that location, doesn't the pit have to be relocated when the supply is exhausted? Is there a timeline for that to happen?

Tom Everest - That is dependent upon how many tons of gravel is sold in a year. The timeline is about 15 years, plus or minus five years on each side.

Fin Doyle - That is what happened at the previous cement location. Came in late to the Planning Commission on this project, but it looks like a great project, likes it.

Derrick Fowler - Thanked the Applicant for the background presentation, agrees that it is a special place, after having spent some time up there. Doesn't see any reason to rehash this project every year or every

- six months when really nothing is changing, when that would just take up Staff time and the Applicants time, all for the three year extension.
- Peggy Long - Feels that it is a great project, also the time and money that their company has made in this project and our community. In my history with the Town everything that Tom Everist has said he will do, he has done, he has been a first class developer, and this project warrants the time it takes to make it right. We would all like to see the economy pick up a little bit. The real key to one of the questions asked by Commissioner Katz is that this a preliminary subdivision review and all of the issues will be ironed out as it nears the end, everything will be addressed prior to final approval being given, this project has a 20 year life span, this is not a project that is going to go away, there is already a lot of infrastructure that has been done.
- Tom McDonald - Agrees with everyone else's statement, looking forward to the project.
- Tanya Shattuck - Feels that this is a great project, don't reinvent the wheel, have kept the ball rolling, if it takes three more years then am in favor of that.
- Brian Wray - Regarding Commissioner's Katz's comments, there is a tremendous amount of cost involved in having all the studies and work done that has been completed to date, to redo all this just to move forward, doesn't make sense. All for the project.
- Bob Kieber - Agrees, having been involved with this for a number of years, would be remiss not to reapprove the project, will cost the Applicant thousands of dollars and we would be right back where we are, because this is a quality project. Thinks that Silverthorne is too pro business to do anything like that. Hopefully, it will only be a year.
- Stan Katz - I have nothing against the project, but have a lot against the process. If this Applicant is granted a six year approval for no valid reason, why shouldn't every approval be given six years or nine years as a matter of consistent policy. To use one of my favorite comments -- foolish consistency may be the hob goblins of little minds, but consistency is the basis for both government policy and law in the United States. In the Applicant's request of January 25th, the only reason given for this request for an extension is and I quote "would like to preserve and extend our existing approvals until the local real estate market improves". This is not, as Peggy has informed me many times in recent meetings a valid concern of the Planning Commission. Consequently, the Applicant has given us no valid reason for breaking our time rules and giving them an extension. All of the attached studies are three years old and yet the Applicant would like to continue to use them for another three years, they may be stale already, we have no idea. One of the things that really worries me about the process, not about this project, clearly I'm not going to have a vote tonight and obviously it is going to be a unanimous vote anyway, but one of the things that really bothers me, is that when you start breaking your own rules and you start

finding reasons to not pay attention to your own rules and the time rules are part of our rules you start to become irrelevant and that worries me tremendously, I do not want to see the Planning Commission become irrelevant because we just simply say we like this project, let's go, let's not worry about the process, let's not worry about the rules that we have as a Planning Commission, let's just go ahead with this, that worries me tremendously, if I were voting tonight I would vote no on that basis alone and it really worries me that everybody is just going on "it's a nice project, let's just keep this going".

Peggy Long -

Stated that Commissioner Katz has some predisposed items, that were clarified at this meeting and this project has validity for the established reasons that have been stated in this meeting.

RUSS CAMP MADE A MOTION TO RECOMMEND APPROVAL OF THE MARYLAND CREEK RANCH PRELIMINARY SUBDIVISION WITH AN EFFECTIVE APPROVAL DATE OF MARCH 24, 2014, WITH THE FOLLOWING STAFF RECOMMENDED CONDITIONS:

1. The Preliminary Subdivision approval is effective until March 24, 2014.
2. The Applicant shall, following construction of the Town Multi-purposed Trail and Pedestrian Preserve Trail, dedicate the appropriate trail easements.
3. Final Declaration of Covenants, Conditions and Restrictions shall be provided to the Town with the first Final Plat with appropriate references to items mentioned in this the original Preliminary Subdivision Staff Report dated September 17, 2008.
4. The Applicant shall address the four conditions recommended in the Town Engineer's memo of September 12, 2008, which is part of the original Preliminary Subdivision Staff Report dated September 17, 2008.
5. The Applicant shall address all seven (7) action items suggested in the Colorado Geological Survey letter of September 11, 2008, which is part of the original Preliminary Subdivision Staff Report dated September 17, 2008.

DERRICK FOWLER SECONDED.

MOTION PASSES UNAMIOUSLY.

6. OTHER ITEMS:

None.

7. ADJOURMENT

TANYA SHATTUCK MADE A MOTION TO ADJOURN AT 6:39 P.M.

TOM MCDONALD SECONDED.

MOTION PASSES UNANIMOUSLY.

Submitted for approval by:

Approved this 15TH day of March, 2011

Melody Hillis, Planning Commission
Secretary

Peggy Long
Commission 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.

Town of Silverthorne, Colorado
Planning Commission Staff Report

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

Through: Michael Johnson, AICP, Planning Manager *m*

Date: March 31, 2011, for meeting of April 5, 2011

Subject: Conditional Use Permit for 'Auto Storage' in the C-2 Zone District.

Owner/Applicant: JH Mountain Services - Kamil Petrik

Proposal: The applicant is requesting a Conditional Use Permit to allow for the storage of vehicles that are towed in association with their towing business, located in the C-2 Zone District.

Address: 205 & 207 Warren Avenue

Legal Description: Lot 2-A, Block 2, Enterprise Park Subdivision

Site Area: 36,060 square feet or 0.828 Acres

Zone District: C-2, Heavy Commercial and Town Core Periphery Design District

Site Conditions: The site is a corner lot that contains two buildings, 207 Warren Avenue, which fronts onto Warren Avenue, and 205 Warren Avenue, which onto Brian Avenue. The south west portion of the lot is paved with asphalt and enclosed with a chain-link fence. There is mature landscaping along the street frontage of both buildings. *(See Exhibit B - Site Plan for more information)*

Adjacent Uses: North: Parking, Mixed Use Commercial Building, C-2
South: FedEx, Hallmark-Silverthorne Partnership, C-2
East: Brian Avenue, Paul's Towing, Global Collision, C-2
West: Black Bear Business Center, C-2

Parking: Required: 20 plus 1 handicap accessible space
Proposed: 20 plus 1 handicap accessible space

Snow storage: Required: 5,248 square feet (25% of paved areas)
Proposed: 5,265 square feet (28% of paved areas)

PREVIOUS COUNCIL ACTION: On November 14, 2007, by a vote of 5-1, Town Council denied a Conditional Use Permit and Site Plan Modification for JH Mountain Services, finding that several criteria for approval of conditional use permits were not being met. The proposed Conditional Use Permit was for the storage of approximately

16-30 vehicles on the property, in a designated outdoor storage area. Town Council's decision followed a recommendation by the Planning Commission, who had voted to recommend denial by a vote of 5-2.



BACKGROUND: The two buildings on the site were built between 1979 and 1981, and have been occupied by a variety of businesses, including Summit County Plumbing and Heating, Metro Services, Associated Mechanical, and Navis Pack and Ship. JH Mountain Services, an auto-repair and towing business, began operating in the east building (205 Warren Avenue) in 2006, and has recently expanded its operation to the north building (207 Warren Avenue). The applicant is requesting a Conditional Use Permit to

store up to 10 cars inside the north building, and 10-15 cars in the designated outdoor vehicle storage area. An 8-foot cedar fence is proposed to screen the outdoor vehicle storage facility.

STAFF COMMENTS - Zoning: In 2006, JH Mountain Services took over a pre-existing building at 205 Warren Avenue. The buildings and site are considered a non-conforming in terms of some Code standards and the Town Core Periphery Design District Standards. Review of the CUP against the zoning standards takes into consideration the pre-existing non-conformity of the structure and site.

Use: The applicant is applying for a CUP in order to add the use of 'Auto Storage' to their existing business in the C-2 Zone District. 'Auto storage' is allowed as a conditional use in the C-2 Zone district. The current business operations, 'Auto Repair', and 'Vehicle Towing' are uses by right in the C-2 Zone District.

Parking: There is sufficient space onsite to provide 21 required parking and meet Town Code requirements for the auto repair, service bay, and office uses. Required parking would be utilized by customers, employees, and company-owned vehicles. These parking spaces are shown on the site plan immediately behind each building on the property.

Section 4-6-10.d.7 requires that all spaces must be striped. In addition, Section 4-6-10.e.4.p requires that all parking spaces abutting a building or walkway shall be provided with curb, bumper, or wheel stops. As a condition of approval of a Conditional Use Permit, parking spaces will be required to be striped and provided with curb, bumper, or wheel stops. This will ensure that vehicles being stored or worked on do not obstruct required parking.

Landscaping: The applicant's proposal does not include changes to the landscaping for the site. For a site with 36,059 square feet in the C-2 zone district, 12 trees and 18 shrubs are required. At present, there are ample evergreen and deciduous trees in front of both buildings, facing both Warren and Brian Avenues. Staff finds that additional landscaping is not required with the application.

Snow Storage: The proposed snow storage meets the Code requirements.

Auto Storage: Auto storage is proposed for vehicles that are in the process of being serviced or repaired, as well as for vehicles that have been towed and require storage.

During a site visit on March 25, 2011, Staff counted 22 vehicles in the area behind both buildings, or the southwest corner of the site. See photos below:



In the present configuration, vehicles are not parked within designated spaces, but are dispersed throughout the site, or stacked one behind the other. In addition, vehicles are sometimes parked where they block service bay and other entrances. A conditional use permit for auto storage has never been approved for this site.

With the proposed Conditional Use Permit, the applicant would receive permission to store vehicles associated with the 'Towing' use, as well as with the 'Auto Repair' use. Vehicles that are towed from accident scenes may be in severe disrepair, and will require that they be stored within the north building facing Warren Avenue. Other vehicles, towed as a result of parking violations or break-downs, are proposed to be stored within the outdoor Vehicle Storage Area. As a condition of approval of a Conditional Use Permit, all vehicle storage would need to be maintained within a designated area that is clearly delineated, and not obstructing required parking or building entrances. Cars in severe disrepair would be required to be stored inside the building facing Warren Avenue.

Screening: The standards in the Town Core Periphery Design District provide additional guidance on the subject of outdoor storage. In particular, Standard 3.7.2.f. states:

All outdoor storage and service areas shall be screened from public view with a permanent, solid, opaque fence. Fences shall be designed to match the architecture of the primary structure. Fence lines shall be broken up with landscaping where appropriate.

The applicant is proposing to mitigate the adverse visual impact of vehicle storage by providing fencing along the north and south property lines. The two buildings on the property screen the storage area from the east and remainder of north sides. Staff finds that the proposed fence will adequately screen the parking and vehicle storage areas.

Site Design Standards: Staff finds the existing uses and structures to be non-compliant with the general intent of the Site Design standards in the Town Core Periphery Design District. In particular, the uses on the property are not uses that support the Town Core District, such as retail, civic, high density residential, or professional offices. The development does not present an image of quality and value, which is a stated goal of the Town Core Periphery District. Onsite Vehicular circulation is not clearly organized to facilitate movement, which is another goal of the District. Lastly, many of the architectural standards are not met with the non-conforming buildings on the property.

STAFF COMMENTS – Conditional Use Permit: Town Code Section 4-4-19 (d) establishes the following criteria for evaluating a CUP application:

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

JH Mountain Services is located within the C-2 Zone District, where the intent is to “provide for uses that do not require visibility from main thoroughfares, are fairly self-contained operations and are likely to have large vehicles associated with a service or production operation.” Staff finds that ‘Auto Storage’ associated with an existing towing business meets the intent of the C-2 zone district, and the standards for setbacks, lot coverage, height, snow storage, and landscaping. However, the proposal does not meet the requirements for parking, and selected site design and architecture standards found in the Town Core Periphery Design District Standards.

Staff takes into consideration the legally non-conforming status of the site, and finds that some flexibility in the Zoning and Town Core Periphery Design District Standards is appropriate. However, the noncompliance with the parking requirement creates site disorganization and inadequate management of stored vehicles. Any approval of the Conditional Use Permit should require a condition related to striping of parking spaces, clear delineation of the Vehicle Storage Area, and the provision of curb, bumper, or wheel stops for all required parking spaces in order to meet this criterion.

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 1.2 - Commercial uses shall be encouraged that are compatible with Silverthorne's livability, that mitigate any adverse impacts and that do not disrupt residential areas.

Policy LU 1.3 - The Town shall encourage the development of the existing commercial business districts prior to creation of additional commercial districts.

Policy LU 2 TCP.1 - In the Town Core Periphery District, land uses that support the Core District area uses, (e.g., pedestrian oriented and vehicle destination oriented retail, civic and professional office land uses) shall be encouraged.

Policy LU 2 TCP.3 - In the Town Core Periphery District, consider land uses that compliment the Outlets at Silverthorne and enhance the area's regional draw.

Policy CD 3.10 - Create an automobile circulation system that provides for safe and efficient movement within and between properties.

Policy CD 3.12 - Parking areas shall provide safe, convenient, and efficient access and shall be located to minimize negative visual impacts. Whenever possible, parking areas shall be consolidated and hidden from public view, preferably to the rear of buildings.

Policy CD 6.12 - Screening shall effectively mitigate negative visual and acoustic impacts of commercial uses and shall be integrated into each project's overall site design. Items to be screened include but are not limited to:

- Loading docks
- Truck Parking
- Utility meters
- HVAC equipment on both the roof and the ground
- Trash and recycling collection containers and dumpsters

Staff finds that the proposal meets some of the goals set forth in the Town's Comprehensive Plan. Although the use is not a retail, civic, or office use, it does enhance Silverthorne's regional draw. The proposal also promotes the development of an existing commercial district. Furthermore, because the vehicle storage area is located behind existing buildings and behind a fence, it will be adequately screened to mitigate the negative visual impacts of the use. As such, the intent of the Comprehensive Plan is being furthered, and 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 heavy commercial uses, including FedEx, the Black Bear Business Center, and Paul's Towing and Global Collision. Staff finds that this use is compatible with adjacent land uses as well as compatible with current adjacent structures. It should be noted however, that adjacent uses are pre-existing and are also not in compliance with the standards of the Town Core Periphery Design District.

The impact of the 'Auto Storage' use is mitigated by locating the storage area in the rear of the lot, behind the two buildings on the property. Along the south property line adjacent to the FedEx site, an existing dilapidated fence will be replaced with an 8-foot cedar fence is proposed on the property line with the FedEx property. The fence will continue until it meets a gate that restricts the access point from Brian Avenue. A 10-foot wide portion of fencing is also proposed on the north side, immediately adjacent to the north building. Lastly, another gate exists on the entrance from Warren Avenue in between both buildings. Fencing is not proposed on the west property line, adjacent to the Black Bear Business Center. Staff finds

that the proposed screening is adequate. As a condition of approval of a CUP, all gates must remain closed during non-business hours.

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

The C-2 Zone District is the most suitable zoning district for an 'Auto Storage' use associated with a towing business. The surrounding land uses are of the heavy commercial nature, and the same use exists across the street at Paul's Towing. 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.*

Town files indicate that since JH Mountain Services began its operations at 205 and 207 Warren Avenue, there have been violations related to the parking. In October 2007, Town Staff wrote letters to the applicant regarding vehicles parked in the right-of-way and vehicles offered for sale (see Exhibit C).

Since that time, Staff has had conversations with the applicant about the storage of vehicles on the property. In December of 2009, the applicant requested permission to operate an indoor "garage storage of vehicles", in order to "provide free tire air for customers" (see Exhibit D). The Community Development Director denied that request, noting that any 'Auto Storage' required a Conditional Use Permit.

Staff finds that there has been a history of non-compliance with the requirements of the Code because the applicant appears to have stored vehicles on the property for some time without the approval of a Conditional Use Permit. This criterion is not met.

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

Staff finds the applicant may have difficulty meeting any conditions proposed with a CUP for 'Auto Storage' because there are already more than 15 vehicles parked on the property associated with the 'Auto Repair' use. Allowing additional conditional uses will further increase the number of vehicles on the property, and for longer periods of time. This will result in more site disorganization, the parking and storing of vehicles in required parking, or the parking of vehicles in the Town right-of-way. Staff finds that this criterion is not met.

7. *Other factors relevant to the specific application.*

Should Town Council find that a Conditional Use Permit for Auto Storage is appropriate, Staff recommends that the term of the CUP be set to a maximum of 2 years to ascertain that applicant can comply with the conditions of the CUP.

STAFF RECOMMENDATION: The Community Development Department recommends DENIAL of the Conditional Use Permit for JH Mountain Services to allow 'Auto Storage' in the C-2 Zone District at 205 and 207 Warren Avenue based on the following findings:

1. The application does not meet Town Code Section 4-4-19 (d).1, which requires

compliance with Chapter 4 because the proposal does not provide adequate parking delineation, or curb, bumper, or wheel stops.

2. The application does not meet Town Code Section 4-4-19 (d).5, which requires a history of compliance with the Town Code, because there is a history of noncompliance with Code parking requirements, and the storage of vehicles on the property without an approved Conditional Use Permit.
3. The application does not meet Town Code Section 4-4-19 (d).6, which requires the ability to continuously meet the conditions of the permit because the site cannot accommodate additional storage of vehicles.

Suggested Motion:

"I move to recommend denial of the JH Mountain Services Conditional Use Permit to allow Auto Storage in the C-2 Zone District, for the reasons set forth in the staff report dated March 31, 2011."

ALTERNATIVE MOTION: Should the Planning Commission find that the Conditional Use Permit for JH Mountain Services meets the Town Code requirements, Staff recommends the following findings and conditions:

Findings:

1. The application meets all the criteria in Town Code Section 4-4-19 regarding Conditional Use Permits.

Conditions:

1. The CUP is personal to the applicant, **Kamil Petrik or JH Mountain Services** and nontransferable. Should the applicant's ownership, lease or sublease terminate or be transferred during the term of the CUP, the CUP shall expire.
2. The term of the CUP shall be 2 years, unless sooner terminated or revoked for failure of the applicant to comply with any of the conditions hereof, or as a result of action by the Town to enforce the conditions of the permit or requirements of the Town Code.
3. All parking spaces required under Section 4-6-10 that provide parking for customers, employees, and company-owned vehicles shall be striped, and provided with curb, bumper, or wheel stops.
4. No loading, unloading or temporary parking in Town right-of-way is allowed.
5. All auto storage shall occur within the designated vehicle storage area, as shown on the approved site plan. Auto storage is not permitted in required parking spaces.
6. Vehicles in severe disrepair shall be stored inside the north building, whose address is 207 Warren Avenue, and maintained from public view at all times.
7. An 8-foot tall, solid, cedar fence shall be constructed in the locations shown on the approved site plan. Such fencing shall be constructed on or before August 1, 2011.
8. The gates at the access points from Warren Avenue and Brian Avenue shall remain closed during non-business hours.

Suggested Motion:

"I move to recommend approval of the Conditional Use Permit for JH Mountain Services to allow the use of 'Auto Storage' in the C-2 Zone District based on the Staff recommended findings and conditions.

EXHIBITS:

Exhibit A: Narrative from Kamil Petrik

Exhibit B: Site Plan

Exhibit C: Violation letter from David Siderfin, dated October 17, 2007

Exhibit D: Letter from JH Mountain Services, dated December 4, 2009

JH MOUNTAIN AUTO SERVICES
205 Warren Avenue
Silverthorne, CO 80498
970.513.0706

Lina M. Lesmes
Planner II
Town of Silverthorne

Hi Lina -

I apologize for getting back with you this late. Business has been good.

This letter will recap and answer what we spoke about last month.

Reason for Conditional Use Permit: We hope to use our facility at 207 Warren Avenue on an As-Needed basis to hold approximately 10 cars every now and then. These cars could be the result of impounds from parking illegally at a condo complex to placing one of our tow trucks inside for our mechanics to work on in the middle of a snow storm.

Our outside lot may or may not have 10 to 15 cars in it at any given time. Typically these are customers cars that are about to be worked on or would be ready for pickup.

Resurfacing: Our ground surface is suffice and has held up well to our weather. We will visit this issue perhaps in a few years.

Violations: We have no violations and are up to code with Fire, Treasurers Office, etc.



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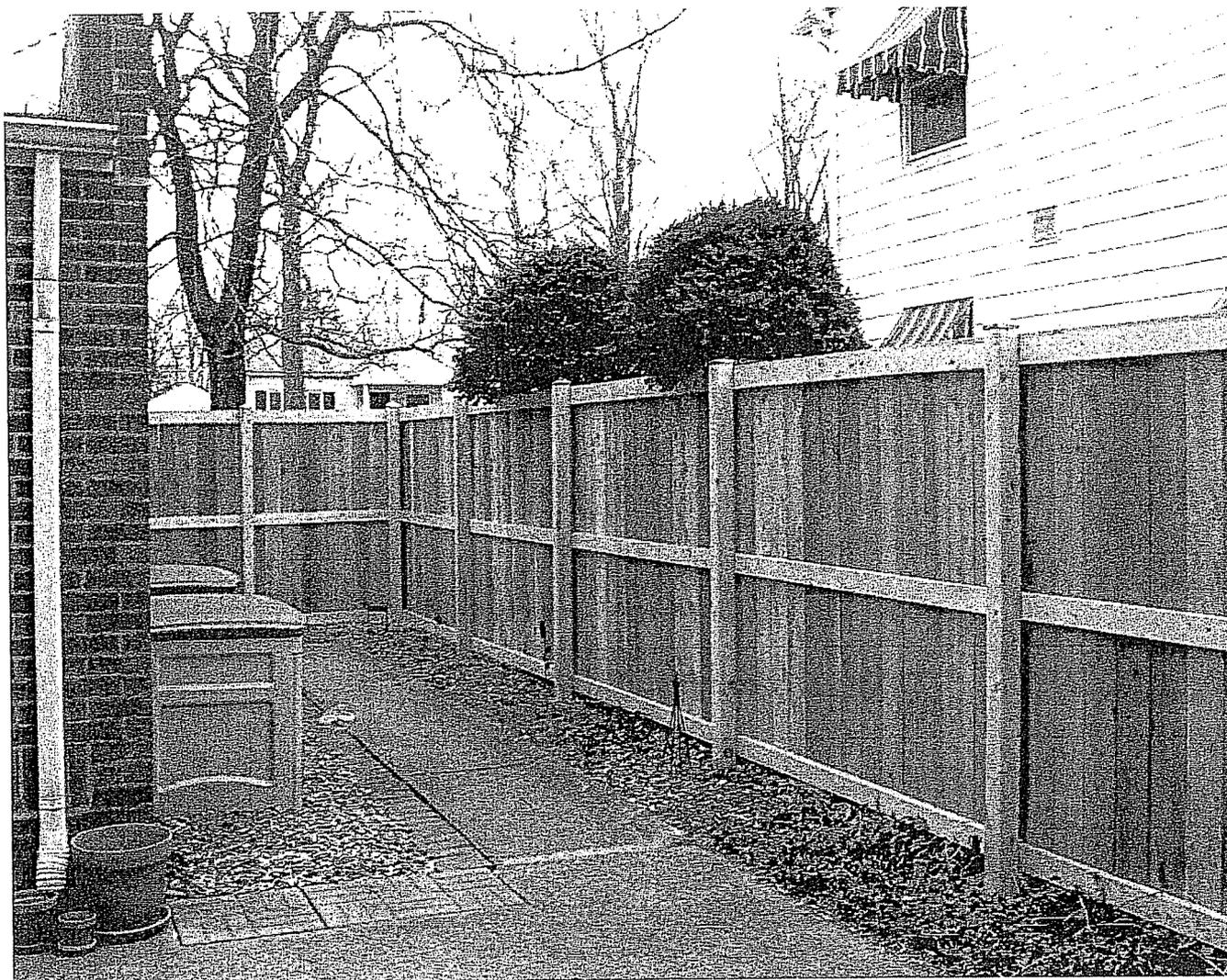
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October 17th 2007

Mr. Kamil Petrik,
JH Mountain Services,
205 Warren Ave.,
Silverthorne, CO 80498

Dear Mr. Petrik,

RE: Parking on Town streets and Right of Way

On-street parking in the Town of Silverthorne is prohibited at all times, including summer months. The Silverthorne Police Department, in accordance with municipal code 2-7-8 (Parking prohibited at all times), will ticket and/or tow all vehicles parked on Silverthorne streets or right-of-ways.

- The right-of-way is generally 15' from the edge of street or sidewalk pavement
- Any vehicle blocking emergency access or impeding town snow or sand removal operations will be ticketed *and* towed
- Parking violations and impoundment charges range from \$40 to \$200

Temporary parking permits for special events or construction areas may be obtained in person from the police department and are free of charge.

Please consider placing signs at the entrance to your building to remind your customers to refrain from parking along Brian Avenue as vehicle owners will be the ones receiving the tickets.

If you have any questions or concerns, please contact me on (970)262-7339.

Respectfully,

David Siderfin
Code Enforcement Officer

JH MOUNTAIN SERVICES
205 WARREN AVENUE
P.O. BOX 2511
SILVERTHORNE, CO 80498

December 4, 2009

Mark Leidal, AICP
Community Development director
P.O. Box 1309
Silverthorne, CO 80498

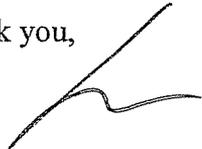
RE: USAGE OF 207 WARREN AVENUE,
SILVERTHORNE, CO 80498

Dear Mark –

This letter is in reference to Usage of my building at 207 Warren Avenue in Silverthorne, CO. We will provide free tire air for customers from my Auto Service Station and Garage at that location and for a Garage Storage of vehicles, wherein the definition of Garage means a garage other than a private garage, used for the housing of motor vehicles or where any such vehicles are stored or kept for remuneration, hire or sale. This will be an indoor car storage and there will be no storage of vehicles outside of this building.

As per zoning requirements (C2) this location can be used by rights as an Auto Service Station and Garage.

Thank you,



Kamil Petrik,
Owner JH Mountain Services

- DOES NOT MEET DEFINITION
- 'AUTO STORAGE' IS THE CLOSEST IN USE SCHEDULE

ML 12/07/09

PLANNING COMMISSION FUTURE AGENDA ITEMS

2011

April

- Angler Mountain Ranch Cabins Phase II – Final Site Plan
- Fox Crossing – PUD
- Our Lady of Peace Church – Final Site Plan, Minor Subdivision
- Ponds at Blue River – Modification to the Disturbance Permit Application
- AutoZone – Preliminary Site Plan

May

- Silver Trout Estates – Preliminary Site Plan and Subdivision
- River Trail Lodge – Preliminary Site Plan, Commercial Subdivision
- Cottonwood Joint Facility – Final Site Plan, PUD, and Subdivision
- JSA – Site Plan Modification and Minor Subdivision
- Sav-o-Mat – Site Plan Modification, Sign Variance

Community Development Department – Current Projects

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):

- Catholic Church – Final Site Plan
- JSA Subdivision and Site Plan Modification
- Cottonwood Joint Facility – Final PUD, Subdivision and Site Plan Modification
- Ponds Replat
- Fox Crossing – PUD
- River Trail Lodge – Preliminary Site Plan, Commercial Subdivision
- Angler Mountain Ranch Cabins Phase II
- Silver Trout Estates – Preliminary Site Plan and Subdivision
- Sav-o-Mat – Site Plan
- J & H Mountain Services CUP
- Ponds at Blue River – Disturbance Permit Application Modification
- AutoZone – Preliminary Site Plan

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, February 23, 2011

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

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

STAFF COMMENTS:

None.

COUNCIL COMMENTS:

Butler asked if the Police Department tip line has produced any leads on the graffiti in Town. Hanschmidt stated the Tip Line has not produced any leads but the Police Department continues to work on the case.

Sandquist commented on the great attendance at the Blue River Trail Segment 5 meeting.

CONSENT CALENDAR:

BULTER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM JANUARY 26, 2011 AND SPORT COMMITTEE APPOINTMENTS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)

CITIZEN COMMENTS:

Derrick Fowler, 371 Hummingbird, provided Council with pictures of the runoff off from I-70 into the Blue River. Water from the highway is draining directly from the highway into the Blue River. He asked for help and guidance from Council to address the runoff issues.

Council and staff discussed options for correcting the runoff from I-70 into the Blue River. Council directed staff to work with CDOT in finding a solution.

PUBLIC PRESENTATIONS:

None.

LIQUOR BOARD:

A. Diamond Shamrock Corner Store #4142 – 3.2% Beer Liquor License Renewal

B. JJ Chinese Seafood Restaurant – Beer & Wine Liquor License Renewal

BUTLER MOVED TO APPROVE DIAMOND SHAMROCK CORNER STORE #4142 – RENEWAL OF 3.2% BEER RETAIL LIQUOR LICENSE AND JJ CHINESE SEAFOOD RESTAURANT – RENEWAL OF BEER & WINE LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)

PUBLIC HEARINGS:

None.

BOARD OF ADJUSTMENT:

February 23, 2011

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None.

ACTION ITEMS:

A. Preliminary Site Plan - Our Lady of Peace Church - Our Lady of Peace Church, Located on an Unsubdivided Tract of Land, Generally Located in Section 1, T5S, R78W, of the 6th PM in Summit County, Colorado

Lina Lesmes, Planner II, presented the project. The applicant is requesting approval of a Preliminary Site Plan approval of the Our Lady of Peach Church. The property is located on an unsubdivided tract of land generally located in Section 1, T5S, R78W, of the 6th PM, Summit County, State of Colorado. She reviewed the staff memo and recommended approval with the Planning Commission recommended conditions.

Butler asked about the number of landscaping/shrubs required by the Town Code. He questioned the need for that many trees and shrubs on the site.

Koop stated survivability of landscaping is a concern for this area.

Leidal stated the question of how many trees on a site has come up with other larger developments.

Sandquist stated 218 trees sounds like a lot but when they are dispersed over this large of a development they aren't too many. The Council can review the landscaping required by the Town Code again if necessary.

Lanzua stated this condition for approval is the easiest to meet out of all of them.

Sandquist asked about the access road negotiations with the Smiths, have those started yet?

Lesmes stated access will be addressed between Preliminary and Final Review.

Rick Nearman, Eidos Architects, replied they have started discussions with the Smiths regarding the access and construction easement. He reviewed the design of the church, setbacks, building heights, building materials, landscaping, water runoff on the site, and the bike path. They are working on a License Agreement with the Town for the Church to maintain the road until the development to the west is created.

Lanuza asked about the easement to the Smith property, which sounds very crucial to the project.

Neirman stated it is and they will continue to work with the landowner.

Koop asked if the berm is in the correct location. He remembered a past issue with the berm and its location.

Leidal stated this will be a Town road and staff will work with the applicant and the Smiths as to its placement.

Preaus asked for clarification regarding the need for the deceleration lane. When does the cost come into play for the Church?

Linfield stated CDOT determines the cost based on use of that intersection. This issue will be resolved by Final Site Plan Review.

Neirman stated they have started a discussion with CDOT regarding the access.

Leidal stated all these issues will be addressed by Final Review.

Public hearing opened, no comment, public hearing closed.

Council Comments.

Sandquist stated this is a nice clean application with all issues being resolved. It's great to see cooperation on the project.

Lanuza stated the Planning Commission has imposed conditions and the applicant has agreed to them. Nice application.

Butler questioned the condition regarding the bike path. He asked if it will create more problems than it solves. This is an organized well presented project.

Koop stated the space for the path is limited but the wetlands need to be protected.

Preaus likes the project and is looking forward to seeing it completed.

Koop stated this is a good looking project and fits in the location nicely. He appreciates the previous comments being taken into account with the current presentation.

LANUZA MOVED TO APPROVE OF THE OUR LADY OF PEACE CHURCH PRELIMINARY SITE PLAN, WITH THE PLANNING COMMISSION RECOMMENDED CONDITIONS:

- 1. APPLICANT SHALL SUBDIVIDE THE CHURCH PROPERTY AND ENTER INTO A SUBDIVISION IMPROVEMENTS AGREEMENT CONCURRENT WITH THE FINAL SITE PLAN.**
- 2. APPLICANT SHALL ADDRESS THE CONDITIONS AS ENUMERATED IN THE TOWN ENGINEER'S MEMO DATED FEBRUARY 10, 2011.**
- 3. ALL ENCROACHMENTS INTO THE WETLAND BUFFER AREA WILL BE REMOVED FROM THE FINAL SITE PLAN.**
- 4. RELOCATION OF THE CHANGEABLE COPY SIGN TO MEET SETBACK REQUIREMENTS.**
- 5. INCREASE SHRUB COUNTS ON THE LANDSCAPING PLAN TO MEET TOWN CODE REQUIREMENTS.**
- 6. THE APPLICANT SHALL DETACH THE "ROUTE 9 TRAIL" IN ALL AREAS THAT DO NOT IMPACT WETLAND AND WETLAND BUFFERS.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (WADE ABSENT)

DISCUSSION ITEMS:

None

SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 6:39 P.M. FOR A CONFERENCE WITH THE TOWN ATTORNEY, TOWN MANAGER AND APPROPRIATE STAFF UNDER CHARTER SECTION 4.13 (C) AND SECTION CRS 24-6-402(4)(b), SPECIFICALLY TO RECEIVE LEGAL ADVICE CONCERNING: A.) SEGMENT FIVE OF THE BLUE RIVER TRAIL AND THE CROWLEY LITIGATION, AND B.) REIDY V. TOWN OF SILVERTHORNE LITIGATION.

SHE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)

EXECUTIVE SESSION:

Executive session under 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: A) Reidy v. Silverthorne and B) Crowley v. Silverthorne

INFORMATIONAL:

- A. SPORT Committee Meeting Minutes – January 20, 2011**
- B. Planning Commission Meeting Minutes – February 15, 2011**
- C. December 2010 Sales Tax Report**

MEETING AND EXECUTIVE SESSION ADJOURNED AT 7:33 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.

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, March 9, 2011

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members David Anderson, Darrick Wade, Vince Lanuza, David Preaus, and Bruce Butler. Ann-Marie Sandquist was 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, Planning Manager Michael Johnson, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

Butler requested an additional item be added to the Agenda. XI. Discussion Item, the possibility of referring the Summit County Energy Action Plan to the EDAC Committee. Council agreed to add the item.

STAFF COMMENTS:

Batchelder presented additional letters to Council regarding IX, item B. Conditional Use Permit Renewal – Timberline Disposal. In addition there are thank you letters from grant recipients. Breigenzer updated Council on the upcoming events at the Pavilion.

COUNCIL COMMENTS:

Proclamation Declaring Earth Hour

Patrick Paden, 125 Blue Grouse Lane, spoke about his efforts to raise awareness regarding climate change, energy efficiency and natural resource conservation through the Earth Hour event scheduled for March 26, 2011. He asked the Council to proclaim March 26, 2011 from 8:30-9:30 as Earth Hour.

Mayor Koop read the Town of Silverthorne Proclamation declaring March 26, 2011 from 8:30 p.m. to 9:30 p.m. as Earth Hour.

Mayor Koop presented Paden with the signed Proclamation declaring Earth Hour.

CONSENT CALENDAR:

BULTER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM– FEBRUARY 23, 2011, SPORT COMMITTEE GOALS – 2011. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (ANNE MARIE SANDQUIST ABSENT)

CITIZEN COMMENTS:

None.

PUBLIC PRESENTATIONS:

District Attorney Mark Hurlbert – Presentation on Drug Court

District Attorney Mark Hurlbert presented a video outlining a Drug Court program. He addressed the need for a drug court in Summit County.

He introduced Sheriff's Captain Eric Bougerie, Beth Berardinelli Probation Officer, and Dana Christenson, Public Defender to Council.

Drug Court is a specialized court designed to give offenders the responsibility of their substance abuse problem through probation supervision and close judicial oversight. In doing

so, Drug Court encourages public safety and individual responsibility, a reduction in crime and an improvement in the quality of life for the participants and their families.

There are numerous benefits of Drug Court. It frees up jail space, it decreases the number of simple possession cases routed to District Court, and in the majority of cases it allows an offender to overcome a substance abuse problem and become a productive member of the community.

Council members and Mr. Hurlbert discussed how this program is different from those already in place, financial impacts and comparisons, selection of participants, and participant's success rates.

LIQUOR BOARD:

None.

PUBLIC HEARINGS:

A. Preliminary Subdivision Maryland Creek Ranch, 28755 Highway 9

Michael Johnson, Planning Manager, presented the project. The applicant, Tom Everist, Maryland Creek Ranch, LLC, is requesting re-approval of Preliminary Subdivision that would be effective until March 24, 2014.

Tom Everist - Owner/Applicant South Maryland Creek Ranch, representing the project, gave a short project history and background review on the proposed project. He requested approval of the request.

Lanuza stated some on Council were present for the annexation hearings. He looks at this extension as a win-win situation for the Town and the developer.

Koop agrees with the extension request.

Wade took a tour of the property last spring with staff. He thanked Everist for the vision and pride given to the project. There is a great example set by this development.

Public hearing opened, no comments, public hearing closed.

Butler thanked the applicant for living up to the commitments they have made to the community. This is a first class project. No reason to not grant this request. Is the applicant comfortable with the conditions?

Everist stated yes.

Preaus and Anderson agreed with prior Council comments.

BUTLER MOVED TO APPROVE THE MARYLAND CREEK RANCH PRELIMINARY SUBDIVISION WITH AN EFFECTIVE APPROVAL DATE OF MARCH 24, 2014, WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. THE PRELIMINARY SUBDIVISION APPROVAL IS EFFECTIVE UNTIL MARCH 24, 2014.
2. THE APPLICANT SHALL, FOLLOWING CONSTRUCTION OF THE TOWN MULTI-PURPOSED TRAIL AND PEDESTRIAN PRESERVE TRAIL, DEDICATE THE APPROPRIATE TRAIL EASEMENTS.
3. FINAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SHALL BE PROVIDED TO THE TOWN WITH THE FIRST FINAL PLAT WITH APPROPRIATE REFERENCES TO ITEMS MENTIONED IN THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008.
4. THE APPLICANT SHALL ADDRESS THE FOUR CONDITIONS RECOMMENDED IN THE TOWN ENGINEER'S MEMO OF SEPTEMBER 12, 2008, WHICH IS PART OF THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008.

**5. THE APPLICANT SHALL ADDRESS ALL SEVEN (7) ACTION ITEMS SUGGESTED IN THE COLORADO GEOLOGICAL SURVEY LETTER OF SEPTEMBER 11, 2008, WHICH IS PART OF THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008. MOTION SECONDED.
MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)**

B. Conditional Use Permit Renewal – Timberline Disposal, LLC, 371 Brian Avenue

Lina Lesmes, Planner II presented the applicant's request for an extension of the Conditional Use Permit for a Solid Waste Hauling Facility within the C-2 zone district. She reviewed the staff report and recommended denial based on staff findings. She provided an alternate motion for approval.

Lanuza asked staff if they feel the conditions for approval could be met by the applicant.

Lesmes stated yes but that is a question for the applicant.

Butler asked what kind of gates could be operable for the site.

Lesmes deferred to the applicant.

David Whitmer, Timberline Disposal, reviewed with Council the Company's history at this location. The Conditional Use Permit is a new process for them. They have not heard from the Town about any new violations until now. Once the issues were brought to their attention the violations were addressed immediately.

Larry Romine, Timberline Disposal, stated they use the facility to house the trucks and maintain the containers. A mechanic is on site to repair vehicles at night. He addressed the concerns expressed by staff. They corrected all issues brought up by staff.

Council questions.

Preaus asked the applicant if they have been able to maintain the snow storage historically.

Butler asked the applicant since you own the property, can you replace the driveway asphalt.

Romine stated they will plan on replacing the asphalt this year.

Pat Johnson, Attorney for the applicant. Feels the applicant is a rookie at Conditional Use Permit process. There were some misunderstandings on the specifics of the conditions. It has been a learning process for the applicant. A portable fence is being looked at for the rear of the property. The paving issue will be addressed by the applicant. They want to invest in the site and he requested a five year renewal period. The conditions are all doable for the applicant.

Public hearing opened,

Rick Nelson, Ace Installation, stated the owners are very responsible and fix things as addressed.

Public hearing closed.

Preaus stated Council doesn't have issues with the business. There is a Town Code for a reason and the requirements are there for a reason. Staff is required to bring site issues to Council. He doesn't see a problem with the two year renewal. He appreciates the effort Timberline has made to fix the issues addressed.

Butler is sympathetic to property pre-dating the current Town Code, but you did not purchase the property before the rules were in effect. The surrounding properties are similar uses and it will be some time before the types of uses change in that area. He doesn't want to have to have the same conversation in two years time about the same violations. He would like to come to an agreement that works for everyone and extend the renewal for five years. Some uses are difficult on this site. Fencing in the front might address some of the issues. He is willing to hear options.

Wade thanked the applicant for appearing and taking care of the tenant. He would support approving more than two years. .

March 9, 2011

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Lanuza feels that a one year approval might be a better idea to see if the conditions are met. Anderson thanked the applicant for appearing. He would support a shorter term as the best solution. The issues would be resolved and could be approved for a long term permit.

Koop appreciated the letters of support. He appreciates the tenant appearing and supporting the application. The CUP has been in place for a number of years. Just because there have been no fines does not mean there is compliance. We are business friendly, but we want the conditions to be complied with. He appreciates the efforts being made to improve the site. Snow removal could be a real issue this year. He wants the conditions to be taken seriously and followed through with. He would like the applicant to be more pro-active.

Butler asked the applicant if they feel the conditions can be met by the dates listed.

Applicants feel they can meet an August 1, 2011 deadline for asphalt.

Nelson feels his business's dumpster should be separate from Timberline's. He feels the enclosed dumpster requirement is a change for him as a business owner.

Anderson feels the one year renewal will guarantee full compliance and then a longer approval period can be granted by staff.

Wade asked if the business is in compliance at the end of a one year approval period, it could be approved for renewal at staff level.

Staff stated yes.

Romine reviewed the dumpster and the gate solutions. At the end of the day, there will not be any dumpster outside the fence or building.

Butler stated a one year approval may impede business for the owner and the renter.

Anderson and Lanuza stated they can live with two years.

LANUZA MOVED TO APPROVE THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR TIMBERLINE DISPOSAL, INC, LOCATED AT 371 BRIAN AVENUE, BASED ON THE STAFF RECOMMENDED FINDINGS AND CONDITIONS.

FINDINGS:

- 1. THE APPLICATION MEETS ALL THE CRITERIA IN TOWN CODE SECTION 4-4-19 REGARDING CONDITIONAL USE PERMITS.**
- 2. THE CUP RENEWAL 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 APPLICANTS, DAVID WHITMER AND LARRY ROMINE OF TIMBERLINE DISPOSAL, LLC AND 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) YEARS TO MARCH 9, 2013, UPON WHICH TIME, THE OWNERS WILL BE REQUIRED TO TERMINATE, OR REAPPLY FOR THE PERMIT.**
- 3. NO OUTDOOR STORAGE IS PERMITTED ON THE SITE, UNLESS WITHIN THE DESIGNATED STORAGE AREA AT THE WEST OF THE PROPERTY AS SHOWN ON THE SITE PLAN. ALL OUTDOOR STORAGE OF BINS, CONTAINERS, DUMPSTERS, AND OTHER MATERIALS MUST BE APPROPRIATELY SCREENED WITH A PERMANENT, SOLID, OPAQUE FENCE.**

4. **THE GATE TO THE DESIGNATED OUTDOOR STORAGE AREA MUST BE OPERABLE AND FUNCTIONAL AT ALL TIMES. BOTH GATES, AS SHOWN ON THE SITE PLAN, SHALL BE CLOSED DURING NON-BUSINESS HOURS.**
5. **ALL DUMPSTERS AND BINS SHALL BE LOCATED BEHIND A FENCE OR WITHIN AN APPROVED FOUR-SIDED DUMPSTER ENCLOSURE WITH A ROOF AT THE CLOSE OF BUSINESS.**
6. **A SNOW STORAGE PLAN MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COMMUNITY DEVELOPMENT DEPARTMENT NO LATER THAN APRIL 9, 2011.**
7. **ALL DRIVEWAYS, DRIVE AISLES, AND PARKING FACILITIES MUST BE SURFACED CONCRETE, ASPHALTIC CONCRETE, OR ASPHALT IN ORDER TO MEET SECTION 4-6-10.E.4.K. THIS WORK MUST BE COMPLETED BY AUGUST 1, 2011.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

BOARD OF ADJUSTMENT:

None.

ACTION ITEMS:

A. Ordinance 2011-01, an Ordinance Amending Skate Park Regulations, First Reading

Chief Mark Hanschmidt presented Ordinance 2011-01 for Council's consideration. He reviewed the history of helmet regulations at Rainbow Park. He reviewed his staff memo and recommended approval of Ordinance 2011-01.

Butler asked if weakening our ordinance puts us at risk for liability issues.

Hanschmidt stated not enforcing the rules could be a greater liability.

Koop stated if this is the standard for the state and CIRSA approves it then he supports the request.

Preaus wants the interaction between the Police Department and the skateboarders to be positive.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2011-01, AN ORDINANCE AMENDING TOWN CODE SECTION 2-9-3(2). MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

B. Ordinance 2011-02, an Ordinance Approving Cutthroat Angler Lease, First Reading

Town Attorney Jerry Dahl presented Ordinance 2011-02 for Council's consideration. He reviewed the staff memo and requested approval.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2011-02, AN ORDINANCE APPROVING A LEASE WITH CUTTHROAT ANGLERS, ON FIRST READING AND SET THE SAME FOR PUBLIC HEARING ON SECOND READING FOR 6:00 P.M. ON MARCH 23, 2011 IN THE TOWN COUNCIL CHAMBERS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

DISCUSSION ITEMS:

Referring the Summit County Energy Action Plan to the EDAC Committee.

Butler asked Council if they would support EDAC reviewing the Summit County Energy Action Plan.

March 9, 2011

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Town of Silverthorne Town Council Meeting Minutes
Council supports this request.

EXECUTIVE SESSION:

None.

INFORMATIONAL:

- A. SPORT Committee Meeting Minutes – February 17, 2011
- B. Planning Commission Meeting Minutes – March 1, 2011

BUTLER MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 8:00 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.

