

**TOWN OF SILT**  
**REGULAR PLANNING AND ZONING COMMISSION MEETING**  
**November 8, 2023 – 6:30 P.M.**  
**HYBRID MEETING**

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, November 8, 2023. The meeting was called to order at 6:30 PM.

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**Roll call**

Present

Chair Lindsey Williams  
Commissioner Robert Doty  
Vice Chair Michael Bertaux  
Commissioner Jennifer Stepisnik  
Alternate Vanessa Westmoreland  
Alternate Dana Wood

Absent

Commissioner Eddie Aragon

Also present were Town Planner Mark Chain, Community Development Manager Nicole Centeno, Administrative Assistant Dusti Tornes, Town Administrator Jeff Layman and Town Attorney Mike Sawyer

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**Pledge of Allegiance**

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**Consent Agenda**

1. Minutes of the October 17, 2023 Planning & Zoning Commission meeting.

**Commissioner Doty made a motion to approve the consent agenda as presented. Second by Vice Chair Bertaux; the motion carried unanimously.**

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**Conflicts of Interest** – There were no conflicts of interest.

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**Agenda Changes** – There were no agenda changes.

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**The Bank- Site Plan Review Continuation**

Manager Centeno explained that the applicant was unable to attend the November meeting, as they stated at the continuation of the October meeting. The applicant requested a continuance to have more time to work on the missing elements of the proposal.

Commissioner Bertaux made a motion to continue and Commissioner Stepisnik seconded the motion. The continuation passed unanimously.

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## **Brew Zone- Special Use Permit**

Manager Centeno explained why Brew Zone was back in front of the Planning and Zoning Commission, after being approved for a Site Plan Review the previous month. Mr. Lynch had a whole sale and retail license but due to state regulation, was not able to keep both in his name. He and his business partner are both listed as owners on the two different LLC's, so Mr. Lynch had a choice to remove himself and his partner from the two different LLC's, so they each had only one vested interest, or change his designation to the Silt location from a Brewery, to a Brewpub.

Mr. Lynch chose to change the license from Brewery to Brewpub, Manager Centeno stated. This changing of designation required Mr. Lynch to apply for a Special Use Permit, as a Brewpub designation is not described in the Town Code.

The operating plan changed slightly, mainly because of the differences of liquor licensing. The main difference are:

- Brewery does not require Town Liquor License, but a Brewpub does, so Mr. Lynch has applied for a Town Liquor License
- Brewery does not require that on site premise food be sold (just provided), however, a Brewpub does require that a minimum of 15% of all sales must be from food, annually.
- Brewery is only able to serve the beer that is being brewed and a Brewpub allows for the addition of wine and mixed-drinks. This would allow Mr. Lynch to serve Hard Liquor, only as a mixed drink.

Mr. Lynch is still proposing a fixed food truck, along with allowing guest food trucks and a bring your own option as well. He is not concerned with meeting the minimum requirement of 15% food sales, as he purchased Da' Beef, out of Rifle, and feels as if the food will actually outsell the alcohol at certain times of the year.

The fixed food truck and any guest food trucks will park parallel with Front Street as previously proposed, to ensure a mitigation of noise and nuisance to adjacent property owners.

Live music is still being proposed, not to exceed past 9pm, or the Silt Code noise ordinance.

Manager Centeno recommends approval for the Special Use Permit, with the conditions listed in the Staff Report.

Mr. Lynch was then welcomed to speak to the Commissioners before the Public Hearing was opened. He re-iterated that everything was to remain the same and that he was viewing this as a technicality to meet liquor licensing.

Commissioner Bertaux wanted to clarify what will take place when there is a guest food truck. Mr. Lynch stated that his fixed food truck will be closed when the guest food truck is operational.

Exterior changes was another question that Commissioner Bertaux was wanting clarification on. Lynch stated that there were no changes, but it's possible that he would install his garage doors, with the new ones that he has. Bertaux asked about a sign and Mr. Lynch stated that he was going to work with the Town to install something that complies with Town Codes.

Commissioner Doty confirmed that the hours of operation were going to end at 9pm and Mr. Lynch confirmed that nothing good happens after 9pm, so he's staying with that.

Doty asked about parties and Lynch confirmed that he would be willing to stay open to 10pm, for indoor private parties only.

Commissioner Stepisnik wanted to confirm that there was still a fence proposed and Mr. Lynch confirmed that he was installing it.

Chair Williams inquired a little more about the food requirements and Mr. Lynch assured the Commission that he would meet the requirements.

Commissioner Bertaux would not like to see grass and suggested that maybe Mr. Lynch could install something that isn't going to use water.

Public comment opened at 6:56 pm. No public comments were made and public comment closed at 6:57 pm.

Chair Williams opened the floor to entertain a motion. Commissioner Stepisnik made a motion to approve the Special Use, as presented with the conditions of approval in the staff report and additional conditions added during the meeting. Alternate Wood seconded the motion. The motion passed unanimously.

Manager Centeno requested a new motion and vote, as the Commission had 5 voting members there that night and Alternate Wood was unable to participate in the vote.

Chair Williams re-opened Commissioner Stepisnik's motion and Commissioner Bertaux seconded the motion. It passed unanimously.

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### **Jalisco Food Truck- Site Plan Review and Special Use Permit**

Manager Centeno introduced the Jalisco Food Truck application for 125 S. 7<sup>th</sup> Street. She explained the Mr. Monroy and his mother, Maria Sanchez, purchased the property for the purpose of starting their endeavors of operating a food truck, then eventually opening a restaurant.

Mrs. Sanchez is going to operate from 6:30am to about 7:00pm, which will allow for them to be open for breakfast. The menu will consist of authentic Mexican food and drinks.

The food truck will have power; however, it will not be connected to Town utilities. Since the food truck will not be connected to water and/or sewer, the applicant will be hiring a third party for the following services:

- Trash receptacles will be two 96-gallon bins that will be emptied on a weekly basis. The applicant has also proposed a wooden storage enclosure for the bins to be secured and more aesthetically pleasing.
- Clean, potable water will be delivered to the food truck on a regular basis, as needed.
- Grey water, grease and all other waste will be emptied, without leakage to the property or adjacent properties, but a company that specializes in waste disposal.

Garfield County Public Health approvals and requirements will be met and all preparation and cooking of food will take place on the food truck, not in a commissary kitchen.

The applicant has proposed to build a storage shed, under 200 sq feet, to store dry good that will be needed for the operation of the business. There is also a picnic shelter that the applicant would like to build on the premise, to allow for shade in the summer and weather protection for the winter. They would like to add sides and heaters during the winter months, if possible.

Manager Centeno stated that overall this application and proposal align with the comprehensive plan and expansion of the downtown area.

The picnic shelter, trash enclosure and storage shed will all be built by the same contractor, to allow for a consistency in appearance. The applicant understands that a building permit must be pulled and that a plan review for building code compliance must be met, prior to permitting approval for any of these structures.

The applicant has specified on their site plan, that there will be 3 parking spaces on their property, accessed off of the alley to the north. These parking spaces will be in a gravel area, and assigned by parking signs. After further conversation with the applicant, the angle and location in which those parking spaces are proposed might need to change, in order to ensure the safest and smoothest flow of traffic for their customers. The Town will work with the applicant, to find the best angle and location for those parking spaces/signs. There is also ample street parking at this location, so Town Staff does not see parking as an issue with this application request.

Manager Centeno then welcomed Mrs. Sanchez to speak to the Commissioners, before Public Comment opens. Mrs. Sanchez thanked the Commissioners for their consideration and that this food truck is their life long dream and they are happy to bring their food to Silt.

Commissioner Bertaux made a recommendation to lock the dumpster enclosure.

Public comment opened at 7:12 pm. No public comments were made and public comment closed at 7:13 pm.

Commissioner Doty made a comment to ensure that the structures will be presentable and that Town Staff is working with the applicant to follow proper procedures.

Chair Williams opened the floor to entertain a motion. Commissioner Bertaux made a motion to approve the Special Use, as presented with the conditions of approval in the staff report and additional conditions added during the meeting. Commissioner Stepisnik seconded the motion. The motion passed unanimously.

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### **Laestadian Lutheran Church/Jurmu Annexation**

Planner Chain introduced this project. He noted that Logan Jurmu, one of the applicants was present. Chain summarized the annexation and the staff report. He went over the history, noted items about the Annexation Map and Transfer Parcel/Boundary Line adjustment plat and other related items. He noted that there was no development plan for the church at this time and that that issue could be taken care of as part of an Annexation Agreement. He noted that Town

Attorney Sawyer was present and would help with the discussion on the water rights which had a few twists to it. Chain recommended that the Commission recommend approval of the annexation and initial zoning of Rural – Agricultural Zone District to the Board of Trustees.

Chain then introduced the applicant. Michael Sawyer wanted to clarify the water rights. While water rights will come with the project, they are actually part of the federal BLM Project and are allocated to irrigating specific acreages of land. This was not “Silt Water” and cannot legally be transferred to the Town. He noted it was for irrigation only and could not be used for domestic purposes. He said that the applicant could note on the Tract Map the water appurtenant to the acreage would be transferred to the new ownership but was for raw water irrigation only and this water cannot be co-mingle with Town ownership or Town supply.

Sawyer also noted that when there was some type of development proposed in certain items such as water could be evaluated with an agreement.

Logan Jurmu explained the background of the application. His parents own property adjacent to the church and they are willing to sell a portion to the church as the church is dealing with growth issues. Presently, the Church is still looking at options of what to do with the land and its immediate use would probably continue to be irrigated field. He then gave more background information.

Commissioner Doty had a question about churches in general and Attorney Sawyer made some comments regarding legal issues related to churches and religious organizations and land use.

Chair Williams open the public hearing at 7:40 PM. Anthony Zarlingo, 670 N. First Street, said he was in favor of the annexation. He noted how water comes to the property through the canal and he only had a question about use of the head gate. Ryan Nichols, 1757 Belgian Loop, noted that his name was not on the surrounding property owners list but he did receive a copy of the notice. He said he had reviewed the application and had some questions. He noted that there saying there is no change in use, but he thought this was inaccurate and that sometime in the future they would intend to build. He thought that there may be impacts from development such as increased lighting, increase traffic and other related issues. He asked how annexation of the church benefited the town.

Nancy Nichol, 1757 Belgian Loop, briefly spoke. She thought some elements of the application are contradictory and she was wondering if there would be some type of impact. Jennifer Stepisnik, 1744 Belgian Loop, said she has lived on her property since February 2006. She was concerned about any increase in use which would include more light pollution, and use of the road and related issues. She was concerned that annexation of the church would not increase any revenue that would come to the Town and that there would not be a benefit related to the annexation.

The public hearing was closed at 7:49 PM.

Logan said he was glad to hear from nearby property owners. He apologized for any inconsistency in the application. He did note that they were dealing with growth issues but in his mind the use be the same as that has been in the coming years. Commissioner Doty had a couple questions. He asked how many members were in the congregation. Logan said the estimated size of the congregation is 140 members. Commissioner Doty asked about when the major activities occurred with the church. He thought that lighting is supposed to be shutoff at 10 PM. Logan said that on Sundays and sometimes Wednesday evenings all 77 parking spaces are pretty much used and that is one of the reasons why they may want to expand parking in

the future. But at this time, they did not know how they would deal specifically with the growth in the congregation or what extra facilities they may need. Vice chair Bertaux asked the church to remember that they needed to be good neighbors. Alternate Dana Wood thanked the citizens for coming forward with their comments. There was then some discussion about compliance with BLM water, use of the head gate etc. It was noted that Jennifer occasionally has some drainage issues on her property and was not sure the cause. It could be because the town has to flush the hydrant in that area on a regular basis. Whether there was supposed to be some type of drainage improvement or such related item on the church parcel.

There was more discussion on relationship to potential development for the Laestadian Church in the future, potential impacts, existing conflicts and whether the police had been notified, cooperation with the church and the neighborhood and whether there was a benefit to the Town in the application.

Vice Chair Bertaux, made a motion to recommend approval of the annexation and initial zoning but modifying staffs proposed conditions:

- do not include condition 1- which is obtain the Water Rights
- leave in condition 2 – have the Attorney put together an Annexation Agreement but leave out the water rights portion.

Second by Chair Williams, the motion failed by a vote of 2 to 3. Voting yes: Chair Williams and Vice Chair Bertaux. Voting no: commissioners Doty, Westmoreland and Dana Wood.

There was then more discussion on the next steps. There was discussion on whether there should be a recommendation for denial, or continue to get additional information. Planner Chain and Attorney Sawyer outlined some options.

Commissioner Doty made a motion to deny the request for annexation; second by Dana Wood. the motion failed by a vote of 2 to 3.

Voting yes: Commissioners Doty and Dana Wood

Voting no: chair Williams, Vice chair Bertaux, Commissioner Westmoreland.

There was then a motion by Commissioner Bertaux and the second by Westmoreland to continue the discussion of the annexation until the January 9, 2024 Planning Commission meeting.

Commissioner Westmoreland noted that there appeared to be some inconsistencies in the application. Chair Williams advised the church to look at concrete things they can do to help the situation. Commissioner Dana Wood suggested that the church holds some kind of informal gathering.

The motion passed unanimously.

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## **2024 meeting calendar**

Meeting dates were briefly discussed. It was noted that the November date may need to change because of the election.

### Planner Update

Chain noted that the December meeting would include a review of an amended preliminary plan application for Rislende.

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### Commissioner Comment

Commissioner Doty noted that it was good to see people attend the meetings and being involved. There was a quick comment about the Fall Fest and the Trick-or-Treat on Main Street.

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### Adjournment

Commissioner Doty made a motion to adjourn. Second by Vice Chair Bertaux. Meeting adjourned at 8:35 PM.

Respectfully submitted,



Mark Chain  
Planner

Approved by the Planning Commission



Lindsey Williams  
Chair