

**TOWN OF SILT**  
**REGULAR PLANNING AND ZONING COMMISSION MEETING**  
**September 5th, 2023 – 6:30 P.M.**  
**HYBRID MEETING**

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, September 5, 2023. Chair Williams called the meeting to order at 6:30 P.M.

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<b>Roll call</b>	Present	Chair Lindsey Williams Vice-Chair Joelle Dorsey Commissioner Robert Doty Commissioner Michael Bertaux Commissioner Jennifer Stepisnik
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Also present was the Community Development Manager Nicole Centeno

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**Pledge of Allegiance**

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**Public Comments** – There were no public comments.

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**Consent Agenda**

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

**Commissioner Doty made a motion to approve the consent agenda as presented. Commissioner Stepisnik seconded the motion; 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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**JSN Properties- Lot 158 Site Plan Review**

Community Development Manager Centeno introduced the Site Plan Review for lot 158 of the Silt Trade Center.

Manager Centeno reminded the Commissioners that Mr. Johnson had previously attended a past meeting, with clarifying questions on lots 157 and 158, for a lot line adjustment. The Commission guided him to keep the lots separate, which is why Mr. Johnson was bringing his client back to the P&Z, for two Site Plan Reviews.

As Manager Centeno was not the lead planner on the processing of either application, she explained that Planner Chain was unable to attend at that she was going to speak to a couple of the key points that Planner Chain thought to be of importance.

Mr. Chain requested that it be brought to the attention of the Commission that there was shared parking between the two lots, with plenty of parking for both buildings. It should be noted that the parking is not equal between the two, as there's 17 feet on the west lot and only 7 feet on the east lot, but there is a legal parking easement for both lots, regardless of which property owns more. Currently that same company owns both lots.

Building heights are at 30 feet and Planner Chain indicated in his report that both buildings are right at the height requirement, however, after reviewing the PUD, it was discovered that the building height maximum is actually 35 feet, so both buildings have a little room for minimal fluctuation.

Staff considers the Site Plan review acceptable. Parking is deemed adequate. Staff did ask the applicant for changes to the architectural design standards, as this property is visible from highway 6, so they applicant has agreed to install stucco, rather than steel siding. The main building will be ash and zinc color wainscot. Roofing will be a charcoal gray color.

No outdoor storage is indicated and if that changes, it will need to be permitted and comply with the PUD and screened fencing requirements.

Landscaping plan has Maple and Ponderosa Pine, which is acceptable to Town Staff.

There is no requirement in the PUD to provide a patio/outdoor space for residential units, however, Town Staff believes this requirement to be for the good of all, so the applicant is installing patios for each residential space.

Overall, Town Staff finds that the building and site are being developed in general compliance with the regulations of the Silt Trade Center and in the spirit of the commercial site plan review standards.

Staff recommends approval of the proposed commercial with the associated residential apartments with the following conditions.

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. All exterior lighting in the project shall conform to the Town of Silt lighting standards.
3. That the landscaping plan be acceptable to the Community Development Department and that there be adequate private open space provided for the residential tenants. Final Landscape Plan should indicate the irrigation system.

4. Any outdoor storage requires a permit and shall be adequately screened by code compliant screening fence.
5. That the applicant's representative work with Town Staff to have an adequate parking/maintenance/easement agreement and document prepared which shall be recorded in the Garfield County Clerk and Records Office along with the Resolution of Approval (these can be recorded at separate times if appropriate).
6. That all land-use related fees and other items with Town Consultants be paid prior to issuance of the Building Permit.

Jeff Johnson had nothing to add and stated that he was in full support of staff's recommendation.

Public Comment was opened at 6:39pm. There were no Public Comments and Public Comment was closed at 6:40pm.

Commissioner Doty inquired into the statement, on the application, that the housing units would be for employees only and asked if that was correct. Mr. Johnson stated that ideally it would remain employee housing, but that it would be fluid, depending on need.

Commissioner Doty asked about occupancy loads and Mr. Johnson stated that the units are pretty small (900 sq ft), so they are not planning to pack employees into them.

Commissioner Stepisnik asked the applicant if they would be willing to add shutters to the windows and a pitch over the garage, as the building was still lacking in some architectural design. Mr. Johnson said that staff approved it the way that it was and Manager Centeno clarified that the Commissioners could add whatever conditions of approval that they deemed appropriate.

Chair Williams thanked Commissioner Stepisnik for her comment on the building lacking architectural design and looking boxy, as she was also going to bring that up. Chair Williams voiced concern about the colors matching for both buildings. Commissioner Stepisnik didn't mind the colors, although she would like to see less gray. Commissioner

Bertaux does not mind the gray, but doesn't want to see the colors get repeated. He would like some variety and does support additional architecture features.

Chair Williams stated that she has heard feedback from folks, regarding other buildings in the Silt Trade Center, and that it's important for the highly visible buildings to have a good design and features. She appreciates the stucco, but would also like a canopy and shutter. Mr. Johnson asked for something specific.

Commissioner Stepisnik stated that the structure above the garage is called a pent roof, but could also be called a canopy. As long as it gives some elevation change, it would serve its purpose.

Staff recommended approval, with the following conditions:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. All exterior lighting in the project shall conform to the Town of Silt lighting standards.
3. That the landscaping plan be acceptable to the Community Development Department and that there be adequate private open space provided for the residential tenants. Final Landscape Plan should indicate the irrigation system.
4. Any outdoor storage requires a permit and shall be adequately screened by code compliant screening fence.
5. That the applicant's representative work with Town Staff to have an adequate parking/maintenance/easement agreement and document prepared which shall be recorded in the Garfield County Clerk and Records Office along with the Resolution of Approval (these can be recorded at separate times if appropriate).
6. That all land-use related fees and other items with Town Consultants be paid prior to issuance of the Building Permit.
7. That Lots 157 and 158 have different primary structure colors, which need to be approved by Town Staff, at the time of permitting. (Added by the Commissioners)

8. That there be additional architecture design, such as a pent roof or canopy, above the garage doors. (Added by the Commissioners)

Chair Williams asked her fellow if anyone would like to make a motion.

Vice-Chair Dorsey made a motion to approved the Site Plan Review for JSN Properties, Lot 158 of the Silt Trade Center with the Planners recommendation and Commissioner Stepisnik's request to add the additional architectural feature of an added canopy above garage door openings. The motion was seconded by Commissioner Bertaux and passed unanimously.

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### **JSN Properties- Lot 157 Site Plan Review**

Manager Centeno explained that this Site Plan Review, on Lot 157, was a mirrored image of Lot 158, that the Commission had just voted on. The architectural design is also the same.

Commissioner Bertaux requested different colors, so the buildings don't match. Mr. Johnson stated that changing colors would not be an issue.

Public Comment opened at 6:51pm, there were no Public Comments and Public Comment closed at 6:52 pm.

Staff Recommended approval, with the following conditions:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. All exterior lighting in the project shall conform to the Town of Silt lighting standards.
3. That the landscaping plan be acceptable to the Community Development Department and that there be adequate private open space provided for the residential tenants. Final Landscape Plan should indicate the irrigation system.
4. Any outdoor storage requires a permit and shall be adequately screened by code compliant screening fence.
5. That the applicant's representative work with Town Staff to have an adequate parking/maintenance/easement agreement and document prepared which shall be

recorded in the Garfield County Clerk and Recorders Office along with the Resolution of Approval (these can be recorded at separate times if appropriate).

6. That all land-use related fees and other items with Town Consultants be paid prior to issuance of the Building Permit.
7. That Lots 157 and 158 have different primary structure colors, which need to be approved by Town Staff, at the time of permitting. (Added by the Commissioners)
8. That there be additional architecture design, such as a pent roof or canopy, above the garage doors. (Added by the Commissioners)

Commission Bertaux made a motion to approve the Site Plan Review for JSN Properties, Lot 157, of the Silt Trade Center, with the Planner's Recommendations, with the added conditions of adding the additional architectural feature of an added canopy above garage door, and the colors of the building be a different neutral color than the other one. This motion was seconded by Commissioner Stepisnik and passed unanimously.

Mr. Johnson asked a clarifying question as to who can approved the final colors and the Commission gave Town Staff the ability to approve colors, based on the conversation and conditions spoken in the meeting.

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### **All In Brewing, DBA Brew Zone (Rich Lynch) Site Plan Review**

Manager Centeno introduced the project and explained that Mr. Lynch has applied for a Land Use Approval at several different locations in Silt over the past two years, none of which worked out, which is why he ended up opening his business in Rifle. Mr. Lynch is committed to being in Silt and has now secured a location in at 502 Front Street, Units 504 and 506, as well as the vacant lot at 550 Front Street for additional parking and future growth.

Mr. Lynch found a location that is zoned B-3, which allows for a Brewery as a use by right, but all food trucks require a Site Plan Review, as the Town needs to ensure parking and that safety requirements are being met.

The provided operating plan details that the hours of operation do not extend past 9pm, unless there is a private party or event. The Site Plan does show indoor and outdoor seating, a walk-in cooler and secured brewing area. Mr. Lynch has provided liquor licensing and doesn't believe the in active yeast to be a hazard to the water or wastewater treatment plants. No hard liquor will be served on the premise. Mr. Lynch ensures that alcohol servers are trained to do so.

Music will not exceed past 9pm, but could be indoor or outdoor, depending on the time of the year and event. Mr. Lynch stated that music will not exceed the Town ordinance for noise.

The operating plan does offer a “Bring Your Own” food mentality as well as the proposed food truck. Mr. Lynch is not opposed but rather encouraging of different food trucks coming for different days of the week, as he believes variety is great. Town Staff will work with Mr. Lynch and Garfield County Public Health, to ensure that all requirements are satisfied.

Overall, staff finds that this application and proposal align with the comprehensive plan and expansion of the downtown area. The brewery operating in a B-3 zone district is a use by right. The food truck requires a Site Plan Review, if operating for more than 3 consecutive days, or if it’s being attached to Town utilities. As All in Brewing has stated, they plan to have utility hook-ups and if not a stationary food truck, they are open to alternating food trucks for different options of food. Town Staff believes that the brewery and food truck will draw local and traveling customers, helping to drive commerce in Silt.

Commissioner Bertaux asked for clarification on the food truck regulations and the difference between the 3 consecutive days and full-time attendance. Manager Centeno explained that there was Garfield County Public Health licensing considered a food truck to be mobile in licensing, when they were at a location 3 days or less. She stated that there were many factors that needed different clarification, depending on the amount time of parked at any one location, including the disposal of grey water and commissary requirements, just to name a few. Manager Centeno did state that having different food trucks would create a burden for Mr. Lynch, to ensure utility hook-ups, as each one would need to meet the Town requirement of inspected grease traps and other potential requirements, such as backflow preventers.

Commissioner Bertaux then questioned the parking spots. He asked if the applicant was committing to only the 5 parking spaces or if there were additional. Manager Centeno pointed out the discrepancy from the hand drawn Site Plan, vs the professionally composed Site Plan. Both are included in the packet, as they were both submitted as part of the application, however, the professionally drawn plan is the final proposal, with 12 parking spaces as well as street parking. Mr. Bertaux feels as if that creates adequate parking.

Chair Williams asked Mr. Lynch if he had any additional information and he wanted to touch on the food truck a little more.

Mr. Lynch explained the requirement to provide food, with liquor licensing and stated that the food truck will be there regularly, but events might bring different varieties. This process will be pre-planned and communicated with the Town.

Mr. Bertaux mentioned that each Wednesday during the summer, the Town hosts the Farmers’ Market and it would be good for Mr. Lynch to get involved. Mr. Lynch quickly replied that he is willing to dive right in and donate/participate when and where he can.

Public Comment open at 7:08 pm, and there was one person in chamber wanting to make Public Comment.

Mr. Back and his wife live at 531 Main Street and they also own 521 Main Street, also known as The Whimsical Wagon. They have lived at this location for 32 years. Both Mr. and Mrs. Back support Mr. Lynch's endeavors, but are concerned as this location is 25 steps from their back patio. The main concern is the food truck location and noise that it will generate. After speaking to the landlords and the applicant, Mr. and Mrs. Back believe that the best solution to help mitigate the concern, is to add a condition of approval that states the food truck need to be placed parallel with Front Street, with the order window facing Front Street. All parties and the Commission agreed to this condition.

Public Comment Closed at 7:11pm.

Mr. Lynch also clarified that he will be looking to install a privacy fence, which will also help with mitigating noise and daily operations from neighboring properties.

Mr. Doty inquired about the music and wanted to clarify if it was live music. Mr. Lynch did state that the music was going to be live, inside and outdoors, from all genres. Mr. Doty asked where the proposed outside band will be set up. Mr. Lynch said the band would set up on the Front Street side, as that's the main outdoor seating. Mr. Lynch said that they communicate with bands about keeping the noise down, as nobody likes to get blown out with the noise.

Mr. Doty also wanted to know where the outdoor games would be taking place. Mr. Lynch stated that the games and all activities would take place in the fenced area, as all alcohol has to stay within the fenced area.

Mr. Doty also asked for the parking spaced to be striped and Mr. Lynch said that wasn't a problem.

The Commissioners asked Manager Centeno if the Town has a noise ordinance and if the Town owned the required tools to read / meter the required decibels. Manager Centeno stated that the Town does have a noise ordinance and that the Town needs to purchase a decibel meter. The Commissioner Bertaux commented that the Town needs to get that, as it's hard to enforce an ordinance that can't be properly measured.

Chair Williams confirmed that Mr. Lynch did have the ability and desire to move the food truck parallel with Front Street and Mr. Lynch responded that doing so is not an issue, at all. It will be more convenient by turning it and moving it closer to Front Street either way. Chair Williams also asked if the Commissioner could add the condition of coming back in front of P&Z for the fence approval. Manager Centeno stated that this was an option, but that it would have to be permitted either way and could not exceed the fencing code requirements. Vice-Chair Dorsey stated that if it were to exceed the code, then the application would have to come back to the Planning Commission, regardless. All Commissioners agreed that the code requirements would suffice and that a fence exception would be the appropriate course of action if the request exceeds code.



Mr. Back asked Chair Williams if he could speak to one additional concern and received permission to make another comment. Mr. Back stated that the alley between the two properties is his only access to his driveway and is concerned that the additional traffic could pose an issue. Mr. Back requested the use of Front Street only. Manager Centeno stated that Front Street is a sidewalk and curb, but clarified with the applicant that 6<sup>th</sup> Street could be an additional option.

Vice-Chair Dorsey asked if the Town has the ability to control the traffic to the alley and Manager Centeno stated that we do not have the ability to limit the use, as it's a Public Right of Way.

Town Staff recommended approval, with the following conditions:

1. That all statements made by the applicant both in the application and in any meetings before the Planning and Zoning Commission be considered conditions of approval, unless modified in any subsequent conditions.
2. That the applicant obtains all necessary liquor license requirements from the State of Colorado and provide evidence of these approvals to the Town Clerk.
3. That the applicant obtains a building permit for all improvements within the structure as well as for any improvements for an outside patio.
4. That the applicant notifies the Town Department of Community Development on any proposed changes over time and/or expansion of activities within the building or anywhere else on the premises including areas for outside liquor consumption such as a patio. Said changes may require additional land use applications, permitting or licensing.
5. That the Applicant/Owner coordinate with the Public Works Director as part of the building permit process and make appropriate arrangements to mitigate any potential wastewater issues related to spoiled brewing affluent and/or other items that could adversely impact the town's wastewater treatment system
6. That the applicant acquires the proper licensing through Garfield County Public Health and the Town of Silt for the Business and Food Truck, prior to the Food Truck being placed on the property and operating.
7. That the applicant provides any additional requested documents and pay any remaining fees, prior to operating business.
8. That this approval is not for construction, but rather approval for the use of the land. Additional licensing and permitting will be required separately.
9. That the food truck be placed parallel with Front Street, rather than perpendicular as shown on the Site Plan.

Commissioner Bertaux moved to approve Resolution PZ4 and the Site Plan Approval, as stated in the Resolution and Staff Report, as presented. The motion was seconded by Commission Doty. The motion passed unanimously.

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### **396 Tobiano Lane- Gonzalez/Mendoza Residence Roof Pitch Variance**

396 Tobiano Lane has submitted for a Building Permit, at which point it was discovered that the roof pitch did not meet code, Manager Centeno explained. The Town requires a minimum roof pitch of 4:12 and the proposed roof pitch is 2:12, which is a flatter roof top.

Manager Centeno explained that the code regarding roof pitch was written years ago and given that there seems to be a newer modern look to housing in our valley, that also comes with flatter roof lines, there is likely room to update the code in the near future.

Mr. Mark Noel was then invited to speak to anything further. Mr. Noel stated that he was an Architect and that attending the meeting along side him was Mara, who is the Project Manager, as well as the property owners. The property owners are eager to get going and Mr. Noel stated that he is seeing more roof pitches that are less than 4:12 and he is encouraging a code update. He believes the design to be appealing to the eye. Mara added that southwestern allows for a roof pitch less than 4:12 and that she hopes to see the Town add additional language to the code to for modern homes as well.

Commissioner Doty welcomed the new property owners to Silt and thanked them for going through the process. He also stated that he has noticed more modern looks in the valley and that neighbors might end up being jealous, as this is a good-looking home. As long as it meets the building requirements, Commissioner Bertaux wanted to clarify if any of the attached picture were the final design. Mr. Noel responded that the second picture was the final design and the first was the initial concept, but that there were changes that needed to take place as the house had to be redesigned to not access off of Grand Avenue and needed to fit on the lot differently. Mr. Noel stated that pending the additional changes required for zoning and plan reviews, the concept will remain the same.

Commissioner Bertaux asked for clarification on the roof color and Mr. Noel explained that the roof was a metal roof that will be dark in color, such as black, bronze or dark brown.

Public Comment open at 7:35pm. No Public Comments. Public Comment closed at 7:36 pm.

Chair Williams stated that she was willing to entertain a motion and Town Staff recommended approval, with the below conditions:

1. That the proposed single-family dwelling meets the architectural point standards,

per Silt Municipal Code Section 17.43.030.

2. That the applicant provides a final HOA approval for the roof pitch design
3. That all representations of the applicant made in writing, application materials and verbally at the Planning Commission or Trustee meetings or that are reflected in the meeting minutes are considered to be part of the application and are binding on the applicant.
4. That applicant will provide any additional requested documents and pay any remaining fees, prior to installation and inspection of the approved roof pitch.
5. That this approval is not for construction, but rather the exception of the roof pitch. Community Development will need to issue a permit before the installation or construction can occur.

Commission Bertaux made a motion to approve the roof pitch variance, as presented, with the conditional of approval that staff recommended. Vice-Chair Dorsey seconded the motion and it passed unanimously.

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## **Planning Update**

Manager Centeno gave a brief update on the following projects:

- Family Dollar is still moving forward. The contractor tapped into a curb stop that the Town wasn't aware existed, so Public Works is figuring out how to get water to that location. The owner has also been asked to add the additional wainscot, as that was discussed and approved as a condition of approval at the Site Plan Review.
- Camario has been working on infrastructure and calling weekly for inspections. Most of the waterlines are installed and concrete kickers, then they will move to the sewer line installation.
- Autumn Ridge had a failed inspection a week ago, so they are working to meet Town standards and will call for another inspection.
- River Run is being worked on and Town Staff will keep the Commissioners and Trustees updated on the progress.
- River Trace will have the first two apartment units issued a Certificate of Occupancy this week. They will have three open permits to continue construction.
- September 25<sup>th</sup> will be the next joint meeting, to further discuss affordable housing.

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## **Commissioner Comments**

Commissioner Bertaux asked for clarification as to whether or not overnight street parking was allowed in Silt. Manager Centeno stated that there are parts of Town that had designated signs for no overnight parking on the street, but unless otherwise posted, overnight parking was allowed.

The Commissioners discussed affordable housing, to prepare for the upcoming joint meeting.

Commissioner Doty thanked his fellow Commissioners for good discussion.

Vice-Chair Dorsey thanked the Commission for sharing her time served and stated that this was her last meeting. She stated that she wanted to leave the Commission with parting words on P&Z participation. It's understandable that not everyone can make each meeting, but that there should be an effort made to have full attendance. Vice-Chair Dorsey stated that in years past, the Trustees have had to excuse a commissioner from serving, as their attendance was poor and there were people in the community that wanted to be present and serve. She is recommending that if her fellow Commissioners and Town Staff believe this to be a valid concern, that it will be addressed appropriately with an attendance policy for the P&Z Commissioners.

Commissioner Bertaux agreed with Commissioner Dorsey, and all agreed that the hybrid meeting platform should eliminate many of the absences from occurring.

Chair Williams concluded that Commissioner Dorsey will be missed and thanked her for her time served. Commission Dorsey said not to get rid of her name plate just yet, but rather hold on to it for the time being.

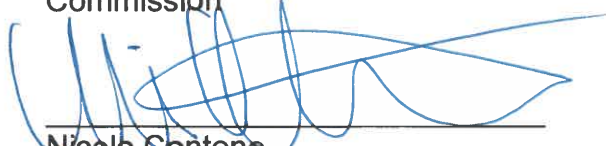
There was also a brief discussion on Famers' Market attendance.

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## Adjournment

**Commissioner Bertaux made a motion to adjourn. Commissioner Stepisnik seconded the motion, and adjourned the meeting 8:04 p.m.**


Respectfully submitted,  
Commission



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Nicole Centeno  
Community Development Manager

Approved by the Planning



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Lindsey Williams  
Chair