

**TOWN OF SILT
PLANNING AND ZONING COMMISSION AGENDA
WEDNESDAY, JULY 5, 2023 6:30 P.M.
MUNICIPAL COUNCIL CHAMBERS
HYBRID MEETING**

| ESTIMATED TIME | ELECTRONIC AGENDA ITEM | PUBLIC HEARING/ ACTION | ELECTRONIC LOCATION AND PRESENTOR |
|------------------------|---|-------------------------------|---|
| | Agenda | | Tab A |
| 6:30 5 min | Call to Order | | Chair Williams |
| | Roll Call | | |
| | Pledge of Allegiance | | |
| 6:35 5 min | Public Comments - Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code | | |
| 6:40 5 min | Consent agenda – 1. Minutes of the June 6, 2023 Planning & Zoning Commission meeting | Action Item | Tab B Chair Williams |
| | Conflicts of Interest | | |
| | Agenda Changes | | |
| 6:45 30 min | For Advisement – Possible Consolidation of Lots 157 and 158, Silt trade Center – | Discussion | Tab C Planner Chain |
| 7:15 5 min | Planners Report | Update | Verbal Planner Chain and Manager Centeno |
| 7:20 5 min | Commissioner Comments | | |
| 7:25 | Adjournment | | |

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, August 1, 2023, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.

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

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, June 6, 2023. Chair Williams called the meeting to order at 6:38 p.m.

Roll call

Present

Chair Lindsey Williams
Vice-Chair Joelle Dorsey
Commissioner Robert Doty
Commissioner Michael Bertaux
Commissioner Jennifer Stepisnik

Absent

Commissioner Charlienna Chancey
Commissioner Eddie Aragon

Also present were Planner Mark Chain (Via Zoom) and Community Development Manager Nicole Centeno.

Pledge of Allegiance

Public Comments – There were no public comments.

Consent Agenda

1. Minutes of the May 2, 2023 Planning & Zoning Commission meeting.

Commissioner Bertaux made a motion to approve the consent agenda as presented. Commissioner Stepisnik seconded the motion, and the motion carried unanimously.

Conflicts of Interest – There were no conflicts of interest.

Agenda Changes – There were no agenda changes.

Public Hearing – 511 N. 5th Street – Minor Subdivision Sketch Plan

Planner Chain introduced this project. He noted that the property was for a lot split in the Ballard addition which was one of the first annexation/additions to the old Townsite. The historic lots in the Ballard Addition run east-west and this was an application to split the property with a new north-south property line. The property did not meet the criteria for dissolution of a lot line or a boundary adjustment as it was adding an additional lot.

Chain noted that the property was 11,500 ft.² in size and it currently had a single-family detached house in the northwest quadrant of the property. The property has access to the east

off of North 5th Street and South off of Orchard Avenue. There is also an alley located to the west but the alley does not function as an alley, even though it is platted. Chain noted that the property was zoned R-2, and there was no proposal to change the zoning. The application was to create a new lot for future development. It is noted as "Neighborhood Residential" in the Comprehensive Plan.

Chain explained that utilities were available and access was acceptable. He did note that at the southeast corner of the project there was a PVC riser and Town Staff/Public Works did not know if this was for a domestic well, some type of drainage or even irrigation. He said he had asked the property representative to investigate but had not been informed as at this time, of all details. Chain also noted that there was a fence that encroached into the 5th Street right-of-way a total of 10 or 12 feet. It did not appear to raise any problems but Chain said that it should have a type of license agreement. Chain noted the findings and recommended approval with conditions. He stated that there were three conditions of approval noted in the staff report but additional conditions should be added regarding findings for the PVC riser mechanism at the southeast corner of the property.

At that time there were no comments or questions from the Commission. Mike Sorensen was present as the applicant's representative. The owner, Bruce Coates, appeared via Zoom. Mr. Sorensen said that staff report covered most of the issues fairly well. He did state that he did a search on the records of the Division of Water Resources. He said he found evidence of 6 domestic wells within 600 feet; five of which he thinks are Garfield County monitoring wells. He noted that he had spoken to the owner and that he didn't know anything about the riser or what it was used for. It was noted that the property was purchased in 2016.

Chairman Williams open the public hearing at 6:55 PM, Rebecca Ferry stepped to the podium. She lives at 521 N. 5th Street. She said she had been living there for 33 years and is concerned about what this application would bring to the area. She is concerned about additional traffic, whether it be from a single-family house, duplex etc. She said right now it is a nice quiet neighborhood and may not be so in the future. She said that the tenant on the property had blocked off the alley. She's also concerned about possible impacts to the view for her property.

Thomas Brueggeman stated that he lives at 530 N. 5th Street and has been living in the neighborhood for 50 years. He says that the present tenant has a mechanic shop going and that the house on site has **drainage** problems. He indicated that there was mold in the existing structure and that the riser was a well to pull water out of the building. He noted that it is always been a single-family dwelling but now is being operated as a duplex. He said the owner doesn't give a damn and he didn't want to see another unit built on the property; he was not happy with the situation and that the alley was also blocked off.

Sharon also lives at the same address is Mr. Brueggeman. She said that the tenant was definitely working as a mechanic and that the riser was used for the existing house. She said one of the renters told her that the smell was terrible. Said it appears that the drainage problem is being covered up.

Tod Tibbits identified himself that he lives at 439 Orchard Avenue. He said that an adjacent property used the alley for access and parking but that now that was blocked off. He also noted that he did not get a copy of the public hearing notice. He said he thought that the mechanic shop was operating out of the property and the property had not been taken care of for weeks. They are irrigating the property during the day, in violation of town ordinance. He said it was definitely rented out as a duplex.

Peggy living at 439 Orchard Ave. also, said that the present structure did not have a legal apartment. She said she had talked to the person who rented the lower level and that they shared a bathroom with the upstairs tenant. She noted that that PVC riser was some type of some system that drains under the street into the ditch.

Vice-Chair Dorsey asked the property representative if the applicant wanted to make comments. Bruce Coates said that he had nothing to say at this point and that all questions would be better handled by Mr. Sorensen. Mr. Sorensen said he had not had much contact with the tenant and was not sure if activity on site was being caused by the tenant or someone else. Chair Williams close the hearing at 7:12 PM.

Commissioner Doty thinks those members of the public who had comments related to the application. There were questions whether some of the concerns related to zoning activities had been made to the police. Manager Centeno said she was not aware that any formal complaints had been filed. Commissioner Bertaux said he was not sure precisely what to do regarding the zoning complaints at this time. Actions in front of the Planning Commission were related to division of the property.

Commissioner Dorsey said at this time the complaints were more of a civil issue. There were questions from the public but Commissioner Dorsey asked the members of the public to be respectful of the Commission's ability to have discussions at this time. There are some questions about the sheds and the fact that they were nonconforming regarding setbacks.

Commissioner Williams said she echoed some of the concerns of the Planning Commission, related to zoning complaints and stated that there needs to be some follow-up done. Commissioner Bertaux made a motion to approve the Minor subdivision sketch plan application with staff conditions. There was no second the motion and the motion was withdrawn.

Commissioner Dorsey asked Mr. Sorensen for some more background on the property. Mr. Sorensen said that he and his wife were real estate agents, helping the owner subdivide the property. While he is a surveyor, he did not perform the survey for this application. The owner separately contracted for that survey. The owner, Bruce Coates, said that he was deferring to Mr. Sorensen as he knew the vernacular for the land-use application. He said he would be doing things to make the situation better and that he was going to prepare a plan for cleanup of the site.

There was some more discussion among the Planning Commission. Commissioner Bertaux made a motion to continue the public hearing until the next planning commission meeting, July 5. Second by Vice Chair Dorsey; the motion passed by a vote of 4 to one with Commissioner Doty voting no.

Planning Update

Planner Chain gave a verbal update on the following matters:

Risende Food Truck and Special Events. The applicants were refining the safety plan with Colorado Fire and Rescue for emergency access.

Camario. The subdivision documents have been recorded and the owners will be starting installation of the infrastructure in the very near future.

Church Annexation. It was noted that the church at the north end of 1st Street would be applying for an annexation to add an adjacent parcel to their ownership and wanted included within the town limits.

Lot 1 Village at Painted Pastures. There been a request to extend the site plan approval for this property.

Water Treatment Plant. Manager Centeno indicated that some more accurate engineering cost estimates were being provided as part of the review for the project.

Pedestrian Bridge. It was explained that a grand had been obtained to help finish the design drawings for this project.

Commissioner Comments

Commissioner Stepisnik asked about the benefit of the annexation related to the Church. Planner Chain said that they wish to expand their property and that the adjacent neighbor to the west, who was a member of the church, supported that proposal and was willing to transfer a portion of their property to the Church.

Adjournment

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Approved by the Planning Commission

Mark Chain
Planner

Lindsey Williams
Chair

MEMORANDUM

TO: Chair Lindsey Williams and Members of the Town of Silt Planning Commission

FROM: Mark Chain, Planner *MC*

DATE: June 27, 2023

RE: Advisory Discussion on Lot Consolidation in Silt Trade Center

The Town has been approached regarding the consolidation of Lots 157 and 158 in the Silt Trade Center. This is not the first time that the Town has been approached for consolidation of such lots; and in fact I expect others to follow in the near future regardless of whether this particular one is approved. We have not scheduled a Site Plan Review for the commercial structure - this would occur in August. It should be noted that if the lots are consolidated there will be a request to construct 4 residential units as part of the building/new lot instead of 2 residential units which are allowed on each lot. The rationale being that since the underlying property was 2 separate lots, 4 should still be allowed.

I have not scheduled the for a couple reasons. First, I've been spending an unduly amount of time on some past projects here including the recording of Camario as well as some finalization of past Development Agreements to provide a thorough analysis. Second, and perhaps most important, the Silt Trade Center does have a long and complicated history with a number of updates and I wanted to make sure I had time to review the history of it. What was especially important to me was whether there has been a discussion about what sizes the lots should be, what the concerns of the Town and any neighbors were at that time, and whether the lot sizes that were chosen was then result of some consensus .or compromise

Background

The Silt Trade Center received its initial PUD approval in 1994. There have been updates over the years and the current PUD ordinance was approved in 2008. It is an unusual PUD ordinance in that it has the mixture of B-1 (somewhat retail in nature) and B-2 uses (or industrial nature), allows up to 2 residential units per lot in certain cases and has architectural guidelines. And the uses vary from a popular restaurant, the post office, a health clinic in addition to a number of shops for tradespeople.

What I wanted to do before analyzing the Lot consolidation and the site plan review for the commercial uses and perhaps a variance for the number of proposed

residential units on an amended site was to find out the concerns that were reviewed in the past as well as past updated ordinances/amendments.

Note: Lot line adjustments and lot line dissolutions are allowed through section 16.04.590 of the Municipal Code. This can be done administratively. However, as improvements were installed within the subdivision almost 30 years ago I wanted to make sure that there were no utilities, drainage facilities or other items along the lot line boundaries which are being proposed for eventual consolidation. This is in the process of being investigated

Current Ordinance

The current PUD ordinance is attached with this memo. The lots in question for a future review were part of an amendment to 2008 which changed some lots from B -1 to B-2 in nature.

Past Staff Reports

With the help of Sheila McIntyre, I did obtain Board of Trustee packets for 2008 in which these amendments were discussed. The amendment process at that time was quite lengthy and at times controversial. Interestingly, the PUD amendment at that time was the 6th request for rezoning over 12 years in the history of the Trade Center; with one of those being rejected as it was considered a spot zoning. The good thing with the 2008 approval was that it did consolidate all past changes and make it easier to the governing architectural standards, setbacks, etc.

This 2008 amendment tried to clarify the changes for certain lots/areas, memorialize how many residential units could be built before going to a more detailed special review, try to make clear what architectural and building guidelines governed and it even did clarify that a Parkland dedication fee was required with all residential units at time of building permit.

Significant Issues considered in 2008

Many of the issues talked about in 2008 were procedural. For example, how many petitioners were necessary to request the rezoning. The answer was at least 67% and appeared that this is difficult to obtain for some time. Eventually, as the Lyon family held a number of lots in its ownership the 67% threshold was eventually passed. Another option was that some of the lot owners within the subdivision as well as some residential owners to the north opposed the redesignation of certain lots from B-1 to B -2 on the grounds that it would devalue the neighboring properties. That was one of the reasons that the architectural standards related to B-1 construction, which are a little higher eventually adopted and incorporated into the 2008 ordinance (though it is not specifically clear upon my review).

There was also a lot of infighting over the total number of residential units. And there appeared to be a lot of discussion regarding storage, screening, landscaping, noise standards, building materials etc. And these issues went back-and-forth and there were even changes made at the second reading of the ordinance. So, seemed relatively controversial for the time.

One issue that was not discussed in the past staff reports or the minutes that I saw was a concern or a rationale for the sizes of lots at that time or the issue of future Lot consolidation. There was plenty of discussion to make sure that drainage easements were observed and other related issues. Perhaps more important than the size of the lots was the attention to the construction materials and some of the architectural standards. This was supposed to take away concerns related to mass and other such items.

Anyway, I am still thinking and investigating some of these issues and do not want to take away from any of your thoughts on these background items. I do not want to get too much in the detail about a project on Lots 157/158 but if you have concerns about the consolidation that should be voiced at this time. I originally had concerns about combining these lots as I originally thought that lot sizes were chosen to provide a wide variety in building sizes or uses or whether there was any intent to allow further consolidation. That apparently was not the case. If you have a chance please drive through the Silt Trade Center or observe the construction styles, massing, storage etc. from Highway 6.

Residential uses.

I still have not gotten my arms around the potential of having 4 residential units and one of these structures. It seems like that concept is creating a conflict with zoning which specifies 2 residential units per lot. I have my own thoughts but would like to hear the commissioner's comments on this item. Professionally, a good designer can take care of a lot of issues and concerns about massing. However, I have also seen these areas which are originally designed to be semi-industrial in nature have conflicts if a certain critical mass of residential units are built. There is a fine line between having a place for people to live, especially employees and then having some of the residential users complained of the police about zoning violations etc.

We should also ask the designer for their proposal to weigh in on a number of items also. He has been looking at the regulations from the design and user perspective and his thoughts should be taking into consideration.

Planning Commission Action

I'm not asking for any particular motion to be made or specific action to be taken. I just want you educated on this item and be able to ask appropriate questions. If

Mark Chain Consulting, LLC

you feel strongly about some things such as massing, residential uses, Lot consolidation etc. now would be a good time to they comment.

CURRENT SILT TRADE CENTER PUD ORDINANCE
ORDINANCE 19 – SERIES OF 2008
(AFTER A TOTAL OF 6 AMENDMENT REQUESTS)

**TOWN OF SILT
ORDINANCE NO. 19
SERIES OF 2008**

AN ORDINANCE TO AMEND AND RESTATE THE LYON SUBDIVISION PLANNED UNIT DEVELOPMENT GUIDELINES (HEREINAFTER "PUD GUIDELINES"), ALSO KNOWN AS THE SILT TRADE CENTER, IN ORDER TO BETTER CLARIFY ALL REVISIONS TO THE PUD GUIDELINES TO DATE, AND TO ALLOW FOR B-1 PUD LOTS 78A, 78B, 79, 125 THROUGH 128 INCLUSIVE, 130, 131, 141, 148, AND 152 THROUGH 158 INCLUSIVE, TO BECOME B-2 PUD IN USE, WHILE STILL REQUIRING THE B-1 PUD ARCHITECTURAL, SITE PLANNING AND LANDSCAPING CRITERIA FOR THESE MENTIONED LOTS.

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Silt, Colorado ("Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, on or about May 1, 2008, Kelly and Michael Lyon Family LLC (hereinafter "Applicant") submitted a rezoning application to the Town of Silt (hereinafter "Town") requesting that certain lots within the Lyon Planned Unit Development (otherwise known as the Silt Trade Center) and specifically known as B-1 PUD Lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148 and 152 through 158 inclusive (hereinafter "Subject Lots") revert to B-2 PUD lots in use, while still maintaining the B-1 PUD architectural, site planning and landscaping features; and

WHEREAS, the Applicant received support for this application from the owners of 61 of the 82 lots within the Silt Trade Center, as evidenced in the Applicant's submittal; and

WHEREAS, this ordinance amends and replaces only the "Commercial Business Park" guidelines as stated on Sheet 1B of the Lyon Subdivision Planned Unit Development Final Subdivision Plat, and does not affect the residential portion of the planned unit development; and

WHEREAS, on or about July 1, 2008, the Planning & Zoning Commission (hereinafter "Commission") considered the application and recommended to the Board of Trustees (hereinafter "Board") approval of the rezoning request and PUD amendment within conditions as noted in this ordinance; and

WHEREAS, on or about July 28, 2008, the Board considered the rezoning and PUD amendment application at a duly noticed public hearing, pursuant to the Silt Municipal Code ("Code") and pertinent Colorado Revised Statutes; and

WHEREAS, on or about August 11, 2008, the Board determined that the proposed rezoning for the Subject Lots is consistent and in conformity with the existing pattern of zoning within the Silt Trade Center and within the Town, with the Town's Comprehensive Plan, as amended, and that the proposed amendment and restatement of the PUD Guidelines will clarify for the Town, the Applicant and the property owners within the Silt Trade Center the uses and restrictions, and convey to the Town, the Applicant and the property owners within the Silt Trade Center the uses and restrictions of the PUD Guidelines; and

WHEREAS, the Board is granted broad authority by State Statutes and its home rule charter in order to provide for the health, safety and welfare of its citizens; and

WHEREAS, Section 16.12.580 of the Silt Municipal Code (hereinafter "Code") requires that the Board adopt an ordinance setting forth said Board's findings of fact and conclusions prior to approval of the subject rezoning and PUD amendment application.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:

Section 1

The PUD Guidelines ("Guidelines")

The Guidelines shall be amended and restated as follows:

The following designated lots are within the Silt Trade Center PUD, subject to these conditions: Lot 78A, 78B, 79 through 158;

The following designated lots are B-1 PUD lots: Lot 129, Lots 132 through 140, inclusive;

The following designated lots are B-2 PUD lots with B-1 PUD architectural, site planning and landscaping criteria, as prescribed by this ordinance: Lots 78A, 78B, 79, 125 through 128, inclusive, 130, 131, 141, 148, 152 through 158 inclusive;

- A. Permitted Uses: To provide alternative development standards that will encourage a variety of development including the following and other similar uses as permitted by the Town of Silt:

B-1 PUD Uses

- 1) Convenience Store with or without drive-through
- 2) Day Care Center
- 3) Bank with or without drive-through
- 4) Laundromat
- 5) Office Building
- 6) Retail Business with or without drive-through
- 7) Restaurant with or without drive-through
- 8) Food Store with or without drive-through
- 9) Church
- 10) Library
- 11) Retail Gas Station
- 12) Hotel/Motel
- 13) Professional Business
- 14) Movie Theater
- 15) Bowling Alley

B-2 PUD Uses

- 1) Self-Storage Unit(s)
- 2) Fire Station
- 3) Service Business
- 4) Auto Repair Shop
- 5) Construction Business
- 6) Light Manufacturing Business
- 7) Wholesale Business
- 8) Lumber Yard
- 9) Cabinet Shop with or without manufacturing
- 10) Car Wash

*Note: B-1 PUD uses can be placed upon any lot within the Silt Trade Center.

As to Lots 78A, 78B, 79, 125 through 128, inclusive, 130, 131, 141, 148, 152 through 158 inclusive, the following uses are specifically excluded: there shall be no Retail Gas Stations, Self-Storage Units, Car Wash, or Auto Repair Shops.

- B. Minimum lot area: 7,000 square feet;
- C. Minimum lot frontage to a public and allowable access: 30 feet;
- D. Minimum lot depth: 80 feet (Does not apply to Lots 78A, 78B, 155, 156, 157 and 158;
- E. Minimum lot width: 50 feet (Does not apply to Lots 78A or 78B);
- F. Maximum building height: primary structure: No building may be taller to the ridge than 35 feet above the original ground elevation or 100 year flood plain, whichever is greater. Lots within 100 year floodplain are designated on recorded plat. Construction in 100 year floodplain shall meet the current adopted building code, as adopted by Town of Silt. It is each individual lot owner's responsibility to determine the requirements of the Town of Silt.
- G. Minimum setbacks:

1. Front and street side yards: 20 feet from all street rights-of-way or private access easements, except buildings on lots adjacent to State Highway 6 may be ten (10) feet from the State Highway 6 right-of-way.
 2. Side and rear yards: Buildings may be built to lot lines on one side if the adjoining building is 10 feet or more from the adjoining lot line or if the adjoining lot is vacant. No two buildings shall be within ten feet of each other. If more than one lot is owned by the same party, it shall be considered as one lot for setback purposes. Union Pacific Railroad (UPRR): No building shall be constructed nearer than 30 feet from the right-of-way of the UPRR.
- H. Utility and drainage easements: There are to be reserved easements encumbering each lot herein for the purpose of construction and maintenance of utility and drainage facilities as follows:
1. There shall be a ten (10) foot wide utility and drainage easement along all street rights-of-way, including State Highway 6;
 2. There shall be a five (5) foot wide utility easement along the south (rear) lot lines of Lots 125-130 and a five (5) foot utility easement along the west lot line of Lot 130;
 3. There shall be a ten (10) foot wide utility and drainage easement along the west boundaries of Lots 124 and 135 and a ten (10) foot wide utility and drainage easement along the east boundary of Lot 97;
 4. There shall be a ten (10) foot wide utility easement along the west boundary of Lot 87, for a distance of 128.73 feet, more or less;
 5. There shall be a thirty (30) foot wide utility and drainage easement from the edge of the Union Pacific Railroad right-of-way, to all those lots adjacent to and north of the Union Pacific Railroad; and
 6. Other easements as shown on the Final Plat dated_____.
- I. Off-street parking:
1. All off-street parking lots shall be paved and the minimum requirements of the Town of Silt as to the number of spaces required shall be met.
 2. All parking in the Silt Trade Center shall be designed to accommodate entrance and exiting from the lot in a forward motion of the vehicle, unless an alternative site plan is approved by the Town. See Section I.4 for Silver Spur requirements below.

3. Two driveways will be allowed per common ownership, but additional driveways may be allowed by the Town upon request by lot owner.
4. All parking areas in the front yard setback shall be separated from the right-of-way with a landscaped area which shall be a minimum width of 10 feet in the B-1 PUD areas and 6 feet in the B-2 areas, measured perpendicular to the right-of-way. Area of the right-of-way between the pavement and property line is to be landscaped. All front yards in the B-1 PUD and B-2 PUD, exclusive of parking and driveways, shall be landscaped. Lots upon Silver Spur may have parking areas within the twenty (20) foot wide setback area so long as the 10% lot landscaping is maintained on these lots. Vehicles may exit from these lots by backing onto Silver Spur.
5. Rock cover may be used in the landscaped area. Any rock cover area shall have as a minimum a weed barrier being five (5) mils or greater in thickness. Landscape plans shall be submitted to the Town along with building permit applications;

J. Construction materials.

1. All structures shall be constructed of new materials and shall be of brick, brick veneer, stone, manufactured stone, lumber, stucco, decorative concrete block, cedar siding or metal sheeting.
2. Exterior metal sheeting siding is not allowed within B-1 PUD District. Metal sheeting on roofs is allowed but no galvanized roofing material is allowed. All exposed metal sheeting is to be painted in earth tone colors only.
3. Unfinished and/or non-painted cinderblock or cement shall not be used for exposed walls.
4. All construction shall be in conformance with the latest adopted building Code as adopted by the Town of Silt.
5. All construction on lots 78A, 78B, 79, 125 through 128, inclusive, 130, 131, 141, 148, and 152 through 158 inclusive shall be built to the following standards.
 - a. Building materials and design shall be selected by the applicant in order to achieve and maintain high architectural standards and to avoid boxy or monotonous industrial appearances. The following techniques will help achieve this effect:

1. Adding thoughtful architectural design elements into each building that may include:
 - a. Varying and intersecting the rooflines;
 - b. Adding dormers, porches, cantilevers, covered walkways, etc.;
 - c. Adding architectural detailing to trim work, lighting, windows, doors, soffit and fascia;
2. Using a variety of complementary quality building materials and techniques to add interest and artistic appeal to the building that may include, but shall not be limited to: stucco, wood, brick, stone, untreated metal, architectural block and/or architectural concrete.
 - b. The building design shall contribute to the character of the zone district and to the community by the thoughtful use of materials, sizing, elements, features, color ranges, and of activity areas specific to the site, proposed uses and surrounding land uses.
 - c. Facade treatment shall be implemented in order for each building to be architecturally interesting. In order to avoid the effect of a single, long, or massive wall, the following additional standards shall apply:
 1. Building bays wider than sixty feet shall be visually established by architectural features that can include but not be limited to: columns, ribs or pilasters.
 2. No building wall that faces a street or connecting walkway shall have a blank, uninterrupted length of more than sixty feet without containing at least two of the following: change in plane, change in texture or masonry pattern, windows, trellis with vines, or an equivalent element that subdivides the wall.
 3. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or substandard quality materials for side or rear facades shall be prohibited. The sides and backs of buildings shall be as visually attractive as the front through the design of rooflines, architectural detailing, and landscaping features.
 4. Base treatments shall be one of the following:
 - a. Integrally textured materials such as stone or other masonry;
 - b. Various textured material combinations such as stone/wood, stone/stucco, wood/stucco, brick/wood or any such combination;
 - c. Integrally colored and patterned materials such as

smooth rock, granite or tiles;

d. Various colored and patterned materials such as mullions, panels or planters; and

e. Design patterns such as ledges, sills, headers, parapets or other wall variations.

5. Treatments on or near the top of the building must be recognizable from any street, parking lot or open space and consist of one of the following: cornice treatments, other than just colored "stripes" or "bands", with integrally textured materials such as stone or other masonry, or differently colored materials; sloping roof with overhangs and brackets; or stepped parapets.

6. Exterior building materials shall be high-quality material including, but not limited to: brick, sandstone or other native stone, wood siding, stucco or tinted/textured concrete masonry units.

K. Housing:

1. No structure of a temporary or permanent character, mobile home, trailer, basement, tent, shack, garage, barn or any other outbuildings of any description shall be used on any lot as a residence unless compliant with this section;

2. Lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148, 152 through 158 inclusive may have up to two housing units per lot when proposed as an accessory use to the main commercial use, without the need of a special use permit for a maximum of 36 units. All other lots may have two housing units per lot, with a special use permit. All housing units shall be subject to a parkland dedication in-lieu fee of \$868.84 per unit at building permit. Such fee will escalate 6% annually as set forth in the Silt Municipal Code.

3. A housing unit is defined as having at least one bathroom, one kitchen and one or more bedrooms. This section does not apply to hotels and/or motels, which are permitted uses in both B-1 PUD and B-2 PUD districts. Parking space requirements are defined by the Silt Municipal Code as adopted at the time of site plan review.

L. Commercial sign code: All signs shall conform to Chapter 17.60 of the Silt Municipal Code, unless approved by the Planning & Zoning Commission through the sign exception process.

M. Animals:

1. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot for any purpose, except dogs and cats per Chapter 6.04 of

the code and small caged (or aquarium) animals normally kept as household pets

2. No animal may run at large.

3. The number of dogs and/or cats per housing unit shall be per Chapter 6.04 of the Silt Municipal Code.

N. Solid Fuel Burning Systems and Oil Burning Systems: No solid fuel burning systems or oil burning systems are to be permitted within the Silt Trade Center PUD.

O. No unsightliness: No unsightliness shall be permitted. Without limiting the generality of the foregoing:

1. Lots in the B-1 PUD District shall be allowed outside storage with a solid fence six (6) feet high with the same materials as the siding on the building on the B-1 PUD lot, so long as the outside storage is located behind the building or on the side the building and is not highly visible from State Highway 6. ;

2. Excluding those lots that are to be rezoned by this ordinance from B-1 PUD to B-2 PUD, all other B-2 PUD lots with outside storage must have a neat and well maintained 6 foot high minimum chain link screened fence with green mesh screening or as approved by the Town of Silt;

3. All broken windows must be replaced immediately;

4. No lot shall be used as a dumping ground for garbage or refuse. Dumpsters must be enclosed on three sides. Dumpsters cannot be located in front yard or side yard adjoining a street.

5. All lot owners shall maintain whatever landscaping installed, even if the building is vacated;

6. All landscaping shall be kept in a healthy and well-kept condition. Landscaping is a requirement of this ordinance and shall meet the minimum standards at all times after initial installation. Landscaping shall be checked for compliance prior to issuance of any permit including but not limited to new sign permits or business permits. It shall be the responsibility of the owner of the lot to assure compliance.

P. No nuisances including annoying lights, sounds or colors. All activities, lights, sounds and colors shall be in conformance with Chapter 17.49 of the Silt Municipal Code. No persistent noise in excess of fifty decibels dB

shall be detectable beyond the property line before 7:00 AM or after 10:00 PM.

- Q. Utility lines: All utilities, including but not limited to: gas lines, power lines, cable TV, and telephone shall be placed underground. Under-grounding should not be limited to individual service lines to the homes and businesses, but apply to all lines.
- R. Access to State Highway 6: No lot shall have direct access to State Highway 6 or across the railroad right-of-way.
- S. Landscaping requirements.
1. A minimum of 10 percent of each lot within the Silt Trade Center will be landscaped. Areas to be landscaped include front and street side yards;
 2. Lots along the railroad right-of-way are required to plant a 1 ½" diameter or greater tree for visual screening every 20 feet on center within the landscape buffer zone. Trees shall not interfere with the drainage easement along the southern property boundary of Lots 86 through 97. A minimum of four 1 ½" diameter or greater trees and eight 1 gallon shrubs per lot will be planted;
 3. Lots 78B, 79, 136, 152, 153 and 154, when developed will be required to landscape the 10 foot setback area from State Highway 6 with one 1 ½" diameter or greater tree for every 2,000 square feet of the setback zone area. The setback area will meet the requirements as outlined under Item "H" for front yards. Lots 78B, 79, 136, 152, 153 and 154 will provide two 1 ½" diameter or greater trees and two one gallon shrubs for landscaping for every 1,200 square feet of floor space developed.
 4. Landscaping shall be assured by a deposit provided to the Town at the time of issuance of a building permit. Said deposit shall be \$250.00 for all lots within the B-1 PUD and B-2 PUD Districts and released upon installation of landscaping which meets or exceeds minimum standards as stated in this ordinance.
 5. All materials binding the trunk or root ball must be removed prior to planting. Any tree or shrub not surviving after one year from planting will be replaced at owner's expense. All plantings must be made within one growing season.
 6. Trees suggested for this development are:

- a. Austree (willow);
 - b. Flowering crabapple;
 - c. Hybrid cottonless cottonwood;
 - d. Fruit trees;
 - e. Ponderosa pine;
 - f. Lombardy poplar;
 - g. Maple;
7. Trees not permitted in this development:
- a. Cottonwood (female);
 - b. Elm;
- T. Site plan requirements. Each lot proposed as a commercial unit shall submit to the Town of Silt a detailed site plan showing at a minimum the following:
- 1. Structure location on the lot and setbacks from property lines;
 - 2. Designated parking areas;
 - 3. A landscaping plan showing the areas designated for landscaping, exterior fencing showing type of construction and height;
 - 4. If construction occurs during a time when planting of vegetation is not practical, then certain assurances (\$250.00 deposit) to the Town of Silt will be made to guarantee that the proposed landscaping improvements will be made;
 - 5. Compliance with height, construction material(s) and setback restrictions;
- U. The water service to Lot 137 shall be limited to commercial uses not requiring a fire protection system or other potential uses that require larger than a ¾ - inch service line.
- V. That all new or revised easements, in particular the Drainage and Utility Easement that was amended by Ordinance 26, 1998, be indicated on the new plat and a note preventing placement of materials that may impede proper storm water runoff

Section 2

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict therewith.

Section 3

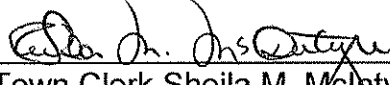
If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing, this 11th day of August 2008, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED following a continued public hearing this 25th day of August, 2008.

ATTEST:

TOWN OF SILT


Town Clerk Sheila M. McIntyre, MC





Mayor David C. Moore

PAST STAFF REPORTS 2008

TOWN OF SILT, COLORADO
STAFF M E M O R A N D U M

TO: Town of Silt, Board of Trustees

FROM: Gale D. Carmoney, Director 
Community Development Department

DATE: August 20, 2008

SUBJECT: Request by Lyon Family Ltd., et al. to Rezone Certain Lots in the Lyon Subdivision Planned Unit Development (aka Silt Trade Center) From B-1 to B-2 Zoning and to Amend the Text of The Planned Unit Development Guidelines

It is requested that the information provided herein be given formal consideration by the Board of Trustees at its regular meeting of August 25, 2008.

BACKGROUND

This is a request for a rezone and Planned Unit Development Amendment (PUDA) for lots 78A, 78B, 79, 125, 126, 127, 128, 130, 131, 141, 148, 152, 153, 154, 155, 156, 157 and 158 in the commercial portion of the *Lyon Subdivision Planned Unit Development*; also known as the Silt Trade Center.

On July 28, 2008, the Board of Trustees reviewed this application. Due to the late hour of this meeting and the fact that there were issues that still needed to be addressed between staff and the applicant, the Board decided to continue this meeting until August 11, 2008 for a first reading of PUD Ordinance 19-2008. Generally the issues were about which uses would be allowed on the rezoned lots, the number of residential units, whether the units would be allowed by special use permit, if a parkland dedication in-lieu fee should be paid on those units, the architectural standards and impact fees. Between the July 28th and the August 11th meetings staff met with the applicant and reached a consensus on the outstanding issues.

At the August 11th meeting, using the applicant's proposed ordinance as a guide, staff presented the issues to the Board, described the progress that had been made with the applicant and asked for discussion and a decision from the Board. A motion was made by Trustee Tibbett which included staff recommendations with some revisions. After the Board approved the motion Trustee Leigh requested that staff look into noise pollution and hours of operation before second reading. The minutes from August 11th meeting reflect this request and are included in the Board packet for this meeting.

REVISED ORDINANCE LANGUAGE

Staff has revised the applicant's proposed ordinance to accommodate the Board's comments and the motion as approved, including the request to address hours of operation and noise levels. Below are the sections of the applicant's proposed ordinance with staff's revisions. New language is underlined while deleted language is shown as ~~strikeout~~.

The following designated lots are B-1 PUD lots: Lot 129, Lots 132 through 140, inclusive;

B-1 PUD Uses

- 1) Convenience Store with or without drive-through
- 2) Day Care Center
- 3) Bank with or without drive-through
- 4) Laundromat
- 5) Office Building
- 6) Retail Business with or without drive-through
- 7) Restaurant with or without drive-through
- 8) Food Store with or without drive-through
- 9) Church
- 10) Library
- 11) Retail Gas Station
- 12) Hotel/Motel
- 13) Professional Business
- 14) Movie Theater
- 15) Bowling Alley

B-2 PUD Uses

- 1) Self-Storage Unit(s)
- 2) Fire Station
- 3) Service Business
- 4) Auto Repair Shop
- 5) Construction Business
- 6) Light Manufacturing Business
- 7) Wholesale Business
- 8) Lumber Yard
- 9) Cabinet Shop with or without manufacturing
- 10) Car Wash

*Note: B-1 PUD uses can be placed upon any lot within the Silt Trade Center.

As to Lots 78A, 78B, 79, 125 through 128, inclusive, 130, 131, 141, 148, 152 through 158 inclusive, the following uses are specifically excluded: there shall be no Retail Gas Stations, Self-Storage Units, Car Wash, or Auto Repair Shops.

J. Construction materials.

1. All structures shall be constructed of new materials and shall be of brick, brick veneer, stone, manufactured stone, lumber, stucco, decorative concrete block, cedar siding or metal sheeting.
2. Exterior metal sheeting siding is not ~~be~~ allowed within B-1 PUD District. Metal sheeting on roofs is allowed but no galvanized roofing material is allowed. All exposed metal sheeting is to be painted in earth tone colors only.
3. Unfinished and/or non-painted cinderblock or cement shall not be used for exposed walls.

4. All construction shall be in conformance with Silt Municipal Code 17.42.080 and the latest adopted building Code as adopted by the Town of Silt.

K. Housing:

1. No structure of a temporary or permanent character, mobile home, trailer, basement, tent, shack, garage, barn or any other outbuildings of any description shall be used on any lot as a residence unless compliant with this section;

2. ~~The first nine (9) developed~~ of lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148, 152 through 158 inclusive may have up to two housing units per lot when proposed as an accessory use to the main commercial use, without the need of a special use permit for a maximum of 32 units. ~~All other~~ lots may have ~~one~~ two housing units per lot, ~~with the option to request a second housing unit that would require a special use permit.~~ All housing units shall be subject to a parkland dedication requirements and in-lieu fees of \$868.84 per unit at building permit. Such fee will escalate 6% annually as set forth in the Silt Municipal Code.

3. A housing unit is defined as having at least one bathroom, one kitchen and one or more bedrooms. This section does not apply to hotels and/or motels, which are permitted uses in both B-1 PUD and B-2 PUD districts. Parking space requirements are defined by the Silt Municipal Code as adopted at the time of site plan review.

4. ~~Lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148 and 152 through 158, inclusive, shall not be subject to any future transportation impact fees or other future impact fees imposed by the Town of Silt at any point from the date of this ordinance forward for any reason.~~

P. No nuisances including annoying lights, sounds, odors, or colors.

All activities, lights, sounds and colors shall be in conformance with Chapter 17.49 of the Silt Municipal Code. No persistent noise in excess of fifty decibels dB shall be detectable beyond the property line before 7:00 AM or after 10:00 PM.

CONCLUSION

Staff forwarded the revisions to the applicant and received an email from the applicant's attorney on August 20, 2008, who provided some minor corrections and requested two changes to staff revisions.

The first requested change concerns the number of units stated in Trustee Tibbetts' motion. Trustee Tibbetts' motion stated that the number of units should be restricted to 32 units. The applicant's attorney believes that this was a mistake and that the number of units should have been 36; two units for each of the 18 lots to be rezoned from B-1 to B-2. While staff agrees that this statement was a mistake (correspondence with Trustee Tibbetts confirms this) staff decided it would be best if the Board made this correction in a public forum because the number is clearly stated in the minutes. Staff did not want to alter the motion as stated and approved.

The second change that was requested by the applicant's attorney was the hours of operation stated in staff's revision to Section P (**No nuisances including annoying lights, sounds, odors, or colors**) of the PUD ordinance. Section P of the PUD ordinance references the Silt Municipal Code (SMC) 17.49 (Attachment 2). It is the opinion of the applicant's attorney that limiting the hours that noise can be above fifty (50) decibels (not before 7:00 AM or after 10:00 PM) is too restrictive and will negatively affect businesses in this development. The limited noise level, 50 decibels, is already established in SMC 17.49.030 E. Hours of operation are only established for exceptions to this noise level (temporary construction and impact noise). Staff has researched state statutes (C.R.S. 12.25.103- Attachment 3) and found that the suggested hours of operation is less restrictive than what the state law allows.

The primary reason for restricting the hours and noise level was to avoid negatively impacting the existing residential home owners that will live across the street from the lots rezoned to B-2 and those residents that will live in this development; an additional 36 units, if approved by the Board. This topic was discussed by the Board and a complaint about noise levels was voiced by adjacent land owners in the public hearing.

As SMC 17.49.030 E. is currently written "*no persistent noise shall be detectable beyond the property lines in excess of fifty (50) decibels*". According to other sources, 50 decibels is equivalent to normal conversation (Attachment 4). Even without inserting a limit on the number of hours the noise level can be exceeded in the PUD ordinance, the code as written implies that this noise level cannot be violated at any time of the day except as provided in Section 17.49.030 E. 2 Impact noise and 17.49.030 E.3 Temporary construction (see attachment 2). If the Board chooses to delete the hours of operation, the code as it is currently written would be more restrictive than is suggested by staff's proposed revision.

Staff was given direction at the hearing to address hours of operation and noise pollution. By inserting language that would restrict the hours of operation for noise above a certain level, staff believed they were carrying out their responsibility to provide language that the Board could approve, approve with their own revisions, or delete.

RECOMMENDATION

Staff recommends that the Board of Trustees approve Ordinance 19-2008 to rezone lots 78A, 78B, 79, 125 through 128 inclusive, lots 130, 131, 141, 148, and lots 152 through 158 inclusive from PUD B-1 zoning to PUD B-2 zoning with the following conditions:

- 1) That Section J Construction Materials of the proposed ordinance be revised to include the commercial building specifications listed in Silt Municipal Code 17.42.080 and be applied to the lots to be rezoned to enhance to overall appeal of the Silt Trade Center; and
- 2) That all new or revised easements, in particular the Drainage and Utility Easement that was amended by Ordinance 26, 1998, be indicated on the new plat and a note preventing placement of materials that may impede proper storm water runoff; and

- 3) That future development in the Silt Trade Center will be subject to any new impact fees at issuance of a building permit after an impact fee ordinance is established; and
- 4) That Section K. of the proposed ordinance be revised to read as follows:
 - K. Housing:
 2. Lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148, 152 through 158 inclusive may have up to two housing unit per lot, when proposed as an accessory use to the main commercial use, without the need of a special use permit for a maximum of 32 units. All other lots may have two housing units per lot, with a special use permit. All housing units shall be subject to a parkland dedication in-lieu fee of \$868.84 per unit at building permit. Such fee will escalate 6% annually as set forth in the Silt Municipal Code.
 3. A housing unit is defined as having at least one bathroom, one kitchen, and one or more bedrooms. This section does not apply to hotels and/or motels, which are permitted uses in both B-1 PUD and B-2 PUD districts. Parking space requirements are defined by the Silt Municipal Code as adopted at the time of site plan review. ~~are to be determined by the square footage of each room, such as offices, showroom, storage, and shop area, and not the most number of spaces based on highest potential use;~~ and
- 5) That Section P of this PUD ordinance be revised as the Board determines is appropriate for this development and that decision will be reflected in the final ordinance.
- 6) That the applicants pay all fees related to the review of this application, including but not limited to, legal, planning and administrative costs.

Attachments

1. Proposed Planned Unit Development Ordinance with staff's revision per Board direction with deleted language ~~struck out~~ and new language underlined
2. Silt Municipal Code Section SMC 17.49.030 E
3. C.R.S. 12.25.103
4. Decibel Comparison Chart

SUMMARY PAGE

Project: Lyon Family Ltd. request to rezone 18 platted lots from B-1 to B-2 and Amend the Planned Unit Development Guidelines

Applicant: Lyon Family Ltd. et al.

Property Owner(s): Multiple

Request: Rezone of the Silt Trade Center lots 78A, 78B, 79, 125, 126, 127, 128, 130, 131, 141, 148, 152, 153, 154, 155, 156, 157 and 158 from PUD B-1 zoning to PUD B-2 zoning.

Site Location: Silt Trade Center /Lyon Commercial PUD

Date Submitted: March 2, 2008

Zoning: PUD B-1 and B-2

Proposed Zoning: Lots 78A, 78B, 79, 125, 126, 127, 128, 130, 131, 141, 148, 152, 153, 154, 155, 156, 157 and 158 from PUD B-1 zoning to PUD B-2 zoning.


Lot Size: N/A

Adjacent Zoning: PUD Residential and Garfield County zoning districts

Setbacks: Lot Dependant

**TOWN OF SILT, COLORADO
STAFF MEMORANDUM**

TO: Town of Silt, Board of Trustees

FROM: Gale D. Carmoney, Director 
Community Development Department

DATE: July 23, 2008

SUBJECT: Request by Lyon Family Ltd. et al. to Rezone Certain Lots in the Lyon Subdivision Planned Unit Development (aka Silt Trade Center) From B-1 to B-2 Zoning and to Amend the Text of The Planned Unit Development Guidelines

It is requested that the information provided herein be given formal consideration by the Board of Trustees at its regular meeting of July 28, 2008.

BACKGROUND

This is a request for a rezone and Planned Unit Development Amendment (PUDA) for lots 78A, 78B, 79, 125, 126, 127, 128, 130, 131, 141, 148, 152, 153, 154, 155, 156, 157 and 158 in the commercial portion of the *Lyon Subdivision Planned Unit Development*; also known as the Silt Trade Center. The Silt Trade Center lies south of Main Street (State Road 6/24) at the eastern boundary of the Town limits.

The primary applicant for this rezone and PUD amendment is Lyon Family Ltd. and the request is to rezone the above referenced lots from B-1, General Business District to B-2, Highway Business District. The entire development has a Commercial PUD overlay with underlying B-1 and B-2 zoning. These lots are as shown on the most recent re-plats and re-subdivisions of the original PUD subdivision (Attachment 2).

To date, this will be the sixth (6th) request to amend this commercial PUD; the last application to rezone was withdrawn by the applicant in November of 2007 for lack of staff support. Previously, staff would not support this rezone application because it was considered spot zoning and there were no architectural controls for buildings that were to be placed on the new B-2 zoned lots. This is one of the problems with a PUD overlay and underlying zoning districts; too much emphasis is given to individual lot zoning and less emphasis on the overall development scheme. What was not discussed in earlier staff reports is that regardless of the existing or proposed zoning, B-1 uses are allowed on any of the lots within this development; therefore, retail uses could be built on the lots rezoned to B-2. With this latest request, the proposed Rezone/PUDA application will allow B-2 uses on the above lots while maintaining the architectural standards of the B-1 district for those lots. Architectural criteria are address in the original and proposed PUD ordinance.

In addition to the proposed change of uses, the applicant and the Town have worked on revisions to the text of the Lyon PUD regulations to reflect the past amendments and current conditions. Combining all of the past amendments on to one new ordinance will allow staff to make better decisions concerning the allowed uses, location of easements and special requirements of this development without referring to numerous documents to determine the final approved plan. The original PUD guidelines with deleted language ~~struck-out~~ and new language underlined is attached (Attachment 3).

Based on legal advice from the Town's former attorney (Ms. Tester), any changes to the allowed uses in a PUD must be approved by a majority (67%) of the property owners in that PUD. For this reason, staff requested that the applicant send out petitions to all of the property owners to inform them of the proposed changes and to receive approval for the text revisions and rezoning before this application could be brought to the Planning and Zoning Commission and Board of Trustees for review. On April 10, 2008 a petition with the proposed revised PUD guidelines was sent certified return receipt to all the property owners in the Silt Trade Center. Staff required that the returned petitions approving the PUD amendment must represent at least 67% of the lots in the Silt Trade Center. The petitions received by staff represent 73% of the lots within this development.

PAST ACTIONS

Previous Amendments Since The Original Approval of Planned Unit Development

The following ordinances to rezone or amend the PUD have been approved by the Town:

Ordinance 8, Series of 1995-1st Amendment to the P.U.D.

Amendment of zoning provisions for Lyon Residential PUD;

Ordinance 26, Series of 1998 – 2nd Amendment to the P.U.D.

- 1) Parking areas in Lots 86-111 may be placed at the front of each lot along the Denver and Rio Grande Western Railroad Right-of-Way;
- 2) Configuration of building placement within building envelopes may be changed to accommodate buildings or other structures for retail businesses;
- 3) Vacation of fifteen (15) feet of the twenty-five (25) foot utility and drainage easement dedicated to the public on the Final Plat, located along the west boundary of Lots 124 and 135, and along the east boundary of Lot 97 in the P.U.D., provided, however, that:
 - a. The Town reserves a utility easement for the operation, maintenance, repair or replacement of any and all utilities which are presently located within the vacated portion of the easement, or which may be located within the easement in the future. Such reserved utility easement shall have a width of ten (10) feet along the west boundary of Lots 124 and 135 and a width of ten (10) feet on the east boundary of Lot 97;
 - b. That all improvements previously constructed on or across such public easement shall be permitted to remain as currently situated; and

- c. Nothing herein regarding the vacated portion of the easement above-referenced shall affect or be of any precedential value with regard to any future requests of the P.U.D.'s developer or owners, or with regard to requests from other developers, Town residents, or individuals which have granted easements to the Town or included required setbacks within their respective properties.
- 4) Subsection (G), parts (a) through (c), of the zone district for COMMERCIAL BUSINESS PARK/P.U.D. – B-1 BUSINESS AND P.U.D. – B-2 BUSINESS LOTS 78A – 141 in Ordinance 12, Series 1994 are amended to reduce the size of the fifty (50) foot setback from the railroad right of way and accompanying utility and drainage easement within such setback to a thirty (30) foot setback and easement, and such sections shall read as follows:
 - (G) Utility and drainage easements: (Does not apply to Lot 78A or 78B) there is to be reserved easements encumbering each lot herein for the purpose of construction and maintenance of utility and drainage facilities as follows:
 - a) 10 feet in width along street rights of way;
 - b) Other elements as shown hereon;
 - c) There shall be reserved a 30 foot setback from the D. & R.G.W Railroad right of way as a utility and drainage easement;
- 5) Subsection (G), part (e) of the same zone district referenced in Section 6 above shall be added to read as follows:
 - e) There shall be reserved a ten (10) foot utility easement along the west boundary of Lot 87, for a distance of 128.73 feet, more or less.

Ordinance 2, Series of 1999 – 3rd Amendment to the P.U.D.

Amendment of zoning provisions for Lyon Residential PUD;

Ordinance 3, Series of 2000 – 4th Amendment to the P.U.D.

The P.U.D. boundaries for the B-1 and B-2 zone districts within the existing Lot 113 in the P.U.D., and within and encompassing Lots 147 and 148 and a portion of Branding Iron Boulevard in the pending Resubdivision, shall be reconfigured to conform with the proposed replatting and resubdivision of the above lots. As a result of this zone district modification, Lot 147 of the Resubdivision shall be zoned B-2 and Lot 148 of the Resubdivision shall be zoned B-1, all as shown and depicted on that certain "Zone District Amendment Plat – Resubdivision of Lots 109, 110, 111, 112, and 113, Lyon Subdivision Planned Unit Development" on file in the Town of Silt records.

Ordinance 17, Series of 2002 – 5th Amendment to the P.U.D.

The zoning district boundary adjustment affected by the P.U.D. Rezone is hereby clarified and restated as follows:

- a) Lots 78A, 78B, 148 and 152-158, as identified on the Final Plat, are zoned P.U.D. B-1, as such zoning designation is described in the P.U.D.;
- b) Lots 109-113, 142-147, and 149-151, as identified on the Final Plat are zoned P.U.D. B-2, as such zoning designation is described in the P.U.D.

The record shows that there have already been numerous changes to the PUD including rezoning of lots that are now requested to be rezoned again. The Applicant (Kelly Lyon) is now working towards completion of the Phase IV improvements (Lots 152-158, Lots 78A and 78B) in anticipation of developing these lots.

Planning and Zoning Commission

On July 1, 2008, the Planning and Zoning Commission reviewed this application in a public hearing. Several of staff's recommendations including more stringent architectural criteria, parkland dedication or in-lieu-fee, and applying any future impact fee was omitted by the commission. Staff's recommendation for more stringent architectural criteria was omitted because no alternative had been provided by staff and the recommendation had not been discussed with the applicant prior to submittal to the Planning and Zoning Commission. Per the applicant's request, item #7 was revised to include "reasonable" fees. Below are the recommendations originally submitted to the Commission with revisions per the Commission's motion to approve the applicant's request.

- ~~1) That the applicant should create more stringent architectural standards than is currently required for the B-1 on the lots to be rezoned to enhance to overall appeal of the Silt Trade Center; and~~
- ~~2) That the applicant be required either parkland dedication or fee in lieu at building permit to accommodate the additional number of residents that are proposed in this development; and~~
- 3) That all new or revised easements in particular the Drainage and Utility Easement that was amended by Ordinance 26, 1998 be indicated on the new plat and a note preventing placement of materials those that may impede proper storm water runoff; and
- ~~4) That future development in the Silt Trade Center will be subject to any new impact fees at issuance of a building permit after a impact fee ordinance is established; and~~
- 5) That the applicant will adhere to all Silt Municipal Codes in particular obtaining permits for placement of signs on the properties and that any illegal or unpermitted signs be removed immediately; and
- 6) That if construction equipment is not being staged for immediate and permitted construction activity, the equipment shall be properly stored within a enclosed storage area; and
- 7) That the applicants pay all reasonable fees related to the review of this application, including but not limited to, legal, planning and administrative costs.

The commission also omitted staff's request in the report that all future employee/residential units should be subject to a Special Use Permit review. Several of the allowed uses (car wash, retail gas station, self storage, and automobile repair) were also deleted from the proposed ordinance with no objection from staff. The commission then voted to approve this PUD

amendment request with a 3 to 0 vote. An excerpt from the July 1, 2008 commission meeting is on Attachment 6.

EXISTING CONDITIONS

Zoning/Comprehensive Plan

Currently, 28 of the 82 lots are zoned B-1, General Business District; the remainder of the lots are zoned B-2, Highway Business District. Generally, the B-1 zoned lots (78A, 78B, 79, 148 and 152-158) front Main Street, while the B-2 zoned lots (109-113, 142-147, and 149-151) lie adjacent to the interior roads (Horseshoe Trail, Medicine Bow, Mustang and Branding Iron) within the commercial development. Generally the B-1 uses are retail, personal service and institutional uses oriented whereas the B-2 uses tend to be more trades, light manufacturing and construction service oriented. The Comprehensive Plan Land Use Map does not provide a land use designation for this property.

In the current Lyon Planned Unit Development text, the allowed uses are as follows:

| Current PUD Uses | |
|------------------------------------|------------------------|
| <u>B-1 P.U.D. Uses</u> | <u>B-2 P.U.D. Uses</u> |
| Convenience Store w/ Drive Through | Self Storage Unit (s) |
| Day Care Center | Fire Station |
| Bank with Drive-through | Car Wash |
| Laundromat | Service Businesses |
| Office Buildings | Auto Repair Shops |
| Retail Business with Drive-through | Construction Business |
| Restaurant with Drive-through | Light Manufacturing |
| Food Store with Drive-through | Wholesale Business |
| Church | Lumber Yard |
| Library | |
| Retail Gas Station | |
| Hotels/Motels | |
| Professional Businesses | |
| Movie Theater | |
| Bowling Alley | |

The *revised* PUD guidelines will allow the same uses as listed above with minor differences. Uses that originally stated "with drive-through" now states "with or without drive through". A cabinet shop with or without manufacturing is now allowed in the B-2 zoning. As with the original PUD guidelines, the B-1 uses can be placed on any lot within the Silt Trade Center regardless of the zoning.

Architectural Requirements

In previous pre-application conversations with the applicant, it was decided that staff could support rezoning those lots adjacent to Main Street if building construction on these lots were held to the same architectural standard as the B-1 zoned properties. Those lots serve as a gateway to the community and the exposure those lots will have on Main Street is the purpose of staff's request. This has been a concern of staff with previous rezoning requests for this development and has been an issue with residents of the community.

Presently, the PUD guidelines require that all structures are to be constructed of new materials of brick, brick veneer, stone, manufactured stone, lumber, stucco, decorative concrete block, cedar siding or metal sheeting. Exterior metal sheeting siding is not allowed within the B-1 District. Metal sheeting on roofs is allowed but no galvanized roofing material is allowed and all exposed metal sheeting is to be painted in earth tone colors only. Unfinished and/or non-painted cinderblock or cement is not to be used for exposed walls. The applicant has agreed that new structures on the lots to be rezoned from B-1 to B-2 will be built under the B-1 guidelines.

Under the section O (No unsightliness) of the proposed PUD guidelines, lots in the B-1 PUD District shall be allowed outside storage with a solid fence six (6) feet high with the same materials as the siding on the building on the B-1 PUD lot, so long as the outside storage is located behind the building and is not highly visible from State Highway 6. Currently, outside storage is permitted in the B-1 zoning district with a special use permit only. Excluding those lots that are to be rezoned from B-1 to B-2, lots within the B-2 zoning district are permitted outside storage that *"have a neat and well maintained 6 foot high minimum chain link screened fence with green mesh screening or as approved by the Town of Silt"*.

ANALYSIS

Silt Municipal Code 16.12 Planned Unit Development regulations

Chapter 16.12 of the Silt Municipal Code (SMC) provides regulations on how a PUD plan can be modified by the town or the residents and owners in a PUD. This section of the code should be considered in this application.

16.12.560 Modifications, removals or releases by town.

All those provisions of the plan authorized to be enforced by the town may be modified, removed or released by the town, subject to the following:

- A. Rights of Others. No modification, removal or release of the provisions of the plan by the town shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity; and
- B. Findings by Board. No substantial modification, removal or release of the provisions of a PUD plan by the town shall be permitted except upon a finding by the board, following a hearing upon notice as required by law, that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD or the public interest, and is not granted solely to confer a special benefit upon any person.

16.12.570 Modifications, removals or releases by residents and owners.

Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the town to enforce the provisions of the plan. (Ord. 4, Series of 1980 § 23 (part))

It is apparent that these regulations provide the town the ability to modify, release or remove the provisions of a PUD plan so long as the action does not affect the rights of the residents, occupants and owners of the PUD and the action does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD or the public interest, and is not granted solely to confer a special benefit upon any person.

The code also allows the owners and residents in a PUD to modify, remove or release their rights to enforce the provisions of the PUD plan as they see fit to provide for their current needs and circumstances.

The questions that arise then are; does this amendment to the PUD affect the rights of other owners; and does the amendment substantially affect surrounding property owners; and is the amendment granted solely to confer a special benefit upon any person.

Rights of Others

The applicant was required to circulate a petition to gain the consent of those lot owners that own at least 67% of the lots to proceed with the application. There are 82 lots within this PUD. Based on the information provided by the applicant, owners of 60 of those lots; approximately 73%, did support the PUD amendment. Any property owners that did not sign the petition because they feel that their property rights have been affected still have recourse by attending the public hearings and voicing their concerns. To date two letters have been submitted (Attachment 7) by property owners that oppose this PUD amendment and rezone.

Substantially Affect Surrounding Properties

Currently, a majority (65%) of properties in the Silt Trade Center are zoned for B-2 uses with the remaining 35% zoned for B-1 uses. Almost all of the B-1 lots front Main Street and are directly across the street from the residential units in the Lyon Subdivision. If the proposed rezoning on 18 lots is approved almost 88% of the lots in this PUD will be B-2 zoning with only 10 lots remaining as B-1 zoned lots. Staff believes the original intent of the zoning district orientation was to locate B-1 uses along Main Street (S.R. 6/24) because these lots would be developed with retail uses and be built to a higher architectural standard than those lots with B-2 zoning uses. This would in turn provide a more appealing visual appearance to those driving by this "gateway" to the town. Placing B-1 uses along Main Street also allows for a compatible zoning district to be located in proximity to the residential units on the north side of Main.

This is all the more reason for the architectural features of buildings on those lots fronting Main Street to be held to a higher standard regardless of the zoning district. This is why the applicant has agreed to have all new development on the lots fronting Main Street follow the

B-1 construction criteria. To avoid prominent viewing from Main Street, all outside storage will be enclosed with material that matches or is complementary to the exterior architecture of the main structure (for example the AIS building). This will create a consistent architectural appearance with the Medical Center, Post Office, AIS and Canyon Cleaners being the foundation and point of reference at this "gateway" into town.

Because a majority of the lots that are to be rezoned from B-1 to B-2 are across the street from residential homes and front Main Street (S.R. 6/24), staff would prefer that all of these lots be held to a higher architectural standard than is provided in the B-1 district PUD criteria. It is staff's opinion that the reason the commission did not support the recommendation to use a better standard is because staff did not provide an alternative. The standard that should be applied is already established in SMC 17.42.080 and is attached for the Board's consideration (Attachment 4). The most important feature of this section of the code is clearly stated in paragraph A below.

17.42.080 Commercial and multi-family building specifications.

- A. Building materials and design shall be selected by the applicant in order to achieve and maintain high architectural standards and to *avoid boxy or monotonous industrial appearances.*

It is staff's opinion that had this development been held to better architectural criteria in the beginning that more retail uses may have been attracted to this development and perhaps there would be no need to rezone these lots at present. Requesting the applicant to include this section of the code in the construction standards will create a more visually appealing development as travelers pass by and will avoid impacting the surrounding properties, particularly those across the street from this development.

Amendment to the PUD is granted solely to confer a special benefit upon any person

Although Lyon Family LTD. is the primary applicant for this PUD amendment, the applicant is not requesting this rezone and amendment entirely on their own. Of the 82 lots in the Silt Trade Center 73% representation of the lot ownership did sign a petition requesting this rezone and PUD amendment.

As stated in a letter from the applicant's attorney, the B-2 zoned lots are more useful and attractive to potential real estate buyers at this time. Apparently there is a much higher demand for the B-2 zoning as few of the B-1 lots have sold in recent months. Rezoning the proposed lots to B-2 will provide more service oriented businesses and in turn create more local jobs. Conversely, the Town does stand to lose any opportunity to receive sales tax from any retail business that would be established on those lots that are being rezoned from B-1 to B-2 uses.

7
The amendment to the PUD will be an advantage to Town staff because all of the amendments and ordinances that have been recorded over the last 12 years will be consolidated onto one ordinance. This will be a significant benefit to staff when making land use decisions on this development because it will ensure some consistency in the information available for development review.

Proposed PUD Amendments

Staff has reviewed the proposed amendments for this PUD and is in general agreement with the applicant on the context of these changes. As stated earlier, many of the revisions are necessary to consolidate all of the amendments to the PUD ordinance in the past, which includes changes to easements on the original plat. Once this PUD amendment and rezone is approved, the applicant will provide a new plat to reflect all the past re-plats and re-subdivisions that have occurred over the last 12 years and all of the amendments will be combined into one new PUD document.

As mentioned at the beginning of this staff report it is the overall development scheme of a development that needs to be considered in a PUD amendment. There are a few items that the applicant is requesting that are in staff's opinion an issue for the overall development scheme of this development. One of these items is the number of residential units that is being requested as a use by right. Originally, the PUD allowed 8 "employee" units as an accessory to the commercial buildings. After those 8 units were built all other requests for residential units required a Special Use Permit review by the Town.

Under Section K. Additional Housing Units of the proposed PUD guidelines the applicant is requesting that all of the lots that are to be rezoned should be allowed one residential unit "*when proposed as secondary units to the main commercial use on the lot, without the need for a special use permit*". The applicant suggests that all other lots still need to go through the Special Use Permit review.

Staff does not agree on this point and believes that the Special Use Permit review should be applicable to all lots within this development requesting housing units. The issue is not whether residential units should be allowed; the issue is whether the units should be a use by right as though this is a residential development rather than a commercial development. In addition it seems rather discriminatory to allow owners of certain lots within this development an advantage to build residential units over their commercial buildings while other are not afforded the same benefit.

The growing concern for "affordable" housing particularly for local residents working in this area is well known to the general public. It is staff's concern that the emphasis of this development will be become residential units with commercial as an accessory rather than the other way around as originally intended. Residential units without Special Use Permit review could have unintended consequences such as inadequate parking on individual lots and the overall number of residential units that are to be built in a commercial center that never contemplated amenities such as public gathering areas or recreational opportunities for its residential users.

If this PUD language is approved there is potential for at least 18 more residential units on the 18 lots proposed for rezoning alone. This does not count approximately 13 other undeveloped lots located in the southern portion of this development or the other units that have already been built. When all the undeveloped lots are combined there could be as many as 31 new residential units or more.

This is not to say that in the end this could not be a desirable development. The issue is that there has been no discussion as to additional amenities for the growing number of proposed residential units within this development. There has been no discussion about park land dedication which is a requirement of any PUD, commercial or residential. Apparently the only parkland dedication ever conceived in the original PUD concept was a subdivision park and a pocket park in the residential component of the Lyon PUD which is north of Main Street.

If park land dedication is not an option for the applicant then a fee in-lieu may be warranted. A fee-in-lieu could be paid at building permit issuance rather than upon approval of this PUD amendment. Based on the current code requirements for recreational dedication and using a multi-family dwelling for estimating the fee-in-lieu rate, each new unit would have to pay \$868.84 at building permit in addition to the park impact fee (\$751.83) which is already collected for each new residential unit.

One of the benefits of the proposed residential units is that an increase in the number of residents may be incentive for developers of these lots to provide a more pleasing architectural and landscaped environment for the residents. This in turn would be more compatible with those homes located to the north in the Lyon residential development.

Another item that needs to be clarified is parking. The applicant is suggesting that parking be based on the square footage of each room regardless of use. Staff insists that the parking standards for this development should still adhere to the Silt Municipal Code as they have in the past.

Ordinance 26, Series of 1998, reduced the 50 foot setback and drainage and utility easement (DUE) along the southern boundary of those properties adjacent to the railroad right of way to a 30 foot setback and DUE. This revision has been noted on the original PUD plat but has not been properly designated and noted on a revised plat. Staff needs to be assured that this DUE is placed on the new re-plat and that a note be placed on the plat to prevent landscaping from interfering with any drainage, in particular those lots beginning in the southwest corner of the PUD (lot 86) and extending eastward towards lot 98 where two 30 inch concrete culverts divert storm water away from this development. Impediment of this drainage easement could have disastrous effect on the lots along this portion of the development.

The last item that was not addressed in the amended PUD nor in conversations with the applicant is whether this development will be subject to any future impact fees. The Town is currently drafting an ordinance to collect a traffic impact fee for all new development within the Town limits. If this ordinance is approved, this fee will be collected at issuance of any building permit. New development within Silt Trade Center will be subject to this impact fee once the fee is established.

CONCLUSION

Rezoning 18 lots from B-1 to B-2 will lower the possibility of attracting retail type businesses to the Silt Trade Center and any possible retail sales tax for the town. However, These B-1 zoned lots have been available for a number of years and there has been little attention given to them. In the meantime there is a high demand for zoning that will allow service businesses to be started here in Silt which will create more local jobs. If land that is zoned for these types of businesses is not available here then the real estate purchases and jobs will occur elsewhere. Allowing residential units as an accessory to the commercial buildings will provide housing for owners and employees of those new businesses.

While the proposed rezone could be mutually benefiting to the public and lot owners by bringing service type business to this PUD, the architectural style required by the B-1 district is critical to the overall appearance of the Silt Trade Center. This is a gateway into the town and a higher caliber of building needs to be prominent when located on Main Street. It is apparent that the development has an "industrial look" and may be one of the reasons that other retail businesses have not been attracted to this location and are concentrating on areas by the river.

Because the applicant is requesting additional residential units within this development and because the lots to be rezoned are across the street from residential homes in the Lyon Subdivision, the applicant should consider creating more stringent architectural standards (such as those already in the municipal code 17.42.080) for those lots than what is currently offered in this PUD. This would enhance the overall look of the Silt Trade Center and not detract from existing buildings in the development or from those residential units across Main Street. Additionally, the number of residential units proposed (as many as 31 units in addition to the residential units already built) should warrant some parkland dedication or other recreational amenities for those living in this development.

Although the Planning and Zoning Commission voted to approve this PUD amendment after eliminating items 1, 2, and 4 of staff's original recommendations, staff advises the Board to consider the overall impact that this development will have on the surrounding properties, the general appearance of the development and the implications of additional residential units in a commercial/trades project.

Staff has revised the recommendations originally submitted to the commission in order to provide specific architectural criteria standards as stated in SMC 17.42.080 that reflect the commercial building criteria that should be applied on those lots being rezoned from B-1 to B-2. Items # 5 and #6 of the original recommendations addressing sign permitting and staging of construction equipment have been deleted and replaced with # 5 below to address residential units requiring special use permits as this issue is more important to staff. Item #7 in the original recommendations is now #6. To review the original recommendations see page 4 of this report.

RECOMMENDATION

Staff recommends that the Board of Trustees approve this request to rezone lots 78A, 78B, 79, 125 through 128 inclusive, lots 130, 131, 141, 148, and lots 152 through 158 inclusive from PUD B-1 zoning to PUD B-2 zoning with the following conditions:

- 1) That Section J Construction Materials of the proposed ordinance be revised to include the commercial building specifications listed in Silt Municipal Code 17.42.080 and be applied to the B-1 lots to be rezoned to enhance to overall appeal of the Silt Trade Center; and
- 2) That the applicant be required either parkland dedication or fee-in-lieu at building permit to accommodate the additional number of residents that are proposed in this development; and
- 3) That all new or revised easements in particular the Drainage and Utility Easement that was amended by Ordinance 26, 1998 be indicated on the new plat and a note preventing placement of materials those that may impede proper storm water runoff; and
- 4) That future development in the Silt Trade Center will be subject to any new impact fees at issuance of a building permit after an impact fee ordinance is established; and
- 5) That Section K of the proposed ordinance be revised to read as follows:
 - K. Housing:
 1. No structure of a temporary or permanent character, mobile home, trailer, basement, tent, shack, garage, barn or any other outbuildings of any description shall be used on any lot as a residence unless compliant with this section;
 2. ~~Lots 78A, 78B, 79, 125 through 128 inclusive, 130, 131, 141, 148, 152 through 158 inclusive~~ may have up to one housing unit per lot, when proposed as a secondary unit to the main commercial use on the lot, ~~without the need for a special use permit. Further, should any lot owner mentioned above proposing a housing unit as contemplated by this section, he/she shall not be subject to a parkland dedication fee-in-lieu of \$868.84 at building permit. This fee shall escalate 6% annually. Any additional housing units proposed shall be subject to a special use permit.~~
 3. ~~All lots not mentioned in K(2) above may apply for housing units through a special use permit by the Town of Silt.~~
 4. A housing unit is defined as having at least one bathroom, one kitchen, and one or more bedrooms. This section does not apply to hotels and/or motels, which are permitted uses in both B-1 PUD and B-2 PUD districts. Parking space requirements are defined by the Silt

Municipal Code as adopted at the time of site plan review. ~~are to be determined by the square footage of each room, such as offices, showroom, storage, and shop area, and not the most number of spaces based on highest potential use;~~ and

- 6) That the applicants pay all reasonable fees related to the review of this application, including but not limited to, legal, planning and administrative costs.

Attachments

1. Application
2. Exhibit of most recent plat of Lyon PUD with existing and proposed zoning
3. Original PUD guidelines with deleted language ~~struck out~~ and new language underlined
4. Silt Municipal Code Section 17.42.080 - Commercial and multi-family building specifications
5. Proposed Planned Unit Development Ordinance with staff's suggested language in Section K.
6. Excerpt from July 1, 2008 Planning and Zoning Commission
7. Letters from property owners opposing the application

PORTIONS OF APPLICATION MATERIALS

consolidation
area

R006252
217911201152

R006251
217911201151

ICM SERVICES

CT WESTERN LLC

R350903
217911201085
ALLMON
JULIE & WARREN

R350951
217911201133

TEP ROCKY MOUNTAIN LLC

R006253
217911201153

R006254
217911201154

R006255
217911201155

R006256
217911201156

R006257
217911201157

1800 MEDICINE BOW
R350803
217911201083

R350907
217911201089

R043939
217911201176

R006056
217911201174
WESTERN POSTAL REALTY HO

Medicine Bow Ct

Lyon Blvd

ROW

Horseshoe Tr

GLENWOOD 22ND LLC
R350897
217911201084

ALPINE BANK
A COLORADO CORPORATION

R006152
217911201147

SUNNY MOUNTAINS LLC
R007359
217911201173

R006144
217911201148

JAEGER LAND
LLC

BASALT TRADE ASSOCIATES
LLC

ROW

1845 Silver Spur, Silt, CO 81652

16.04.590 - Lot line adjustment and lot line dissolution

Proposed Lot Line Dissolution

The common lot line between existing lots 157 and 158, as shown on attached County property record cards, is being proposed to be vacated, as shown on included Document from Bookcliff Survey.

Reasons for the lot line dissolution request

By combining the two lots, that are jointly owned, a larger building will be possible, and will allow for the condensing of uses that were available on the existing lots, such as residential units, create better parking circulation, and provide improved landscape areas.

Lot Line dissolution waiver

JSN Properties Silt Building II, LLC the owners of the combined properties described herein, under penalties of perjury, that there will be a commercial structure that is proposed for placement over the lot line, thereby eliminating that lot line, and creating no setback non-conformance.

Conformance statement:

- ✓ The lot line adjustment or lot line dissolution describes the adjustment or dissolution of one lot line;
- ✓ The lot line adjustment or lot line dissolution would not result in the creation of a lot or lots;
- ✓ The lot line adjustment or lot line dissolution would not result in a lot or lots that would require a zoning variance(s), or would make a non-conforming lot;
- ✓ The lot line adjustment or lot line dissolution would not result in the creation of any additional lot or lots which are capable of separate ownership and development under the provisions of this Code;
- ✓ The lot line adjustment or lot line dissolution would not result in the creation of a lot or lots in a residential zone district on which the owner could construct more residential dwelling units on the two affected lots after the lot line adjustment or lot line dissolution than previously were allowed on the two affected lots prior to the lot line adjustment or lot line dissolution;
- ✓ The lot line adjustment or lot line dissolution would not result in the encroachment of a building.

Print Name:

Signature:

Date:

03-15-23

General Notes:

The purpose of these drawings is to graphically depict the general nature of the work to be performed. The Contractor shall confirm dimensions and select fabrication processes and techniques prior to construction.

All construction and materials shall be in accordance with all applicable codes, ordinances, laws, permits, and contract documents.

The contractor shall be responsible for the accurate placement of all new construction.

The contractor shall confine his or her operations on the worksite to those areas previously agreed on with the owner.

All materials stored on site shall be properly stacked and protected to prevent damage and deterioration. Failure to protect material may be cause for rejection of work.

The Contractor shall review locations of light fixtures and other recessed ceiling and wall elements prior to framing for proper placement of these items.

The contractor shall verify all field dimensions and conditions, and shall notify the architect of any variations from those items shown herein.

The jobsite shall be maintained in a clean, ordered condition, free of debris and litter. The jobsite shall not be unreasonably encumbered with any materials or equipment. Each subcontractor, immediately upon completing each phase of his or her work, shall remove all trash and debris as a result of his or her operation.

The contractor shall do all cutting, fitting or patching of his or her work that may be required to make its several parts to fit together properly. The contractor shall not endanger any other work by cutting, excavating, or otherwise altering the total work or any other part of it. All patching, repairing and replacing of materials and surfaces cut or damaged in execution of work shall be done with applicable materials so that surfaces replaced will, upon completion, match surrounding similar surfaces.

Mechanical subcontractor shall be responsible for designing and installing a code compliant heating and ventilation system. Plumbing subcontractor shall be responsible designing and installing a code compliant water, drain lines, and proper venting. Electrical subcontractor shall be responsible for designing and installing a code compliant electrical system.

The Contractor shall provide all necessary blocking, backing, and framing for bathroom accessories, handrails, guardrails, electrical fixtures, mechanical equipment, recessed items, and any other items, as required.

Refer to truss manufacturer's submittal for truss package details. Truss manufacturer to provide pre-engineered roof trusses and floor joists to provide compliance with Structural Engineer and IRC conventional construction provisions under the following min. loading characteristics:
40 PSF Roof Snow Load, per truss manufacturer
40 PSF Floor Live Load
60 PSF Balcony Load, if applicable

The Contractor shall be responsible for arranging all necessary inspections required by Town of Silt prior to covering any such portions of work.

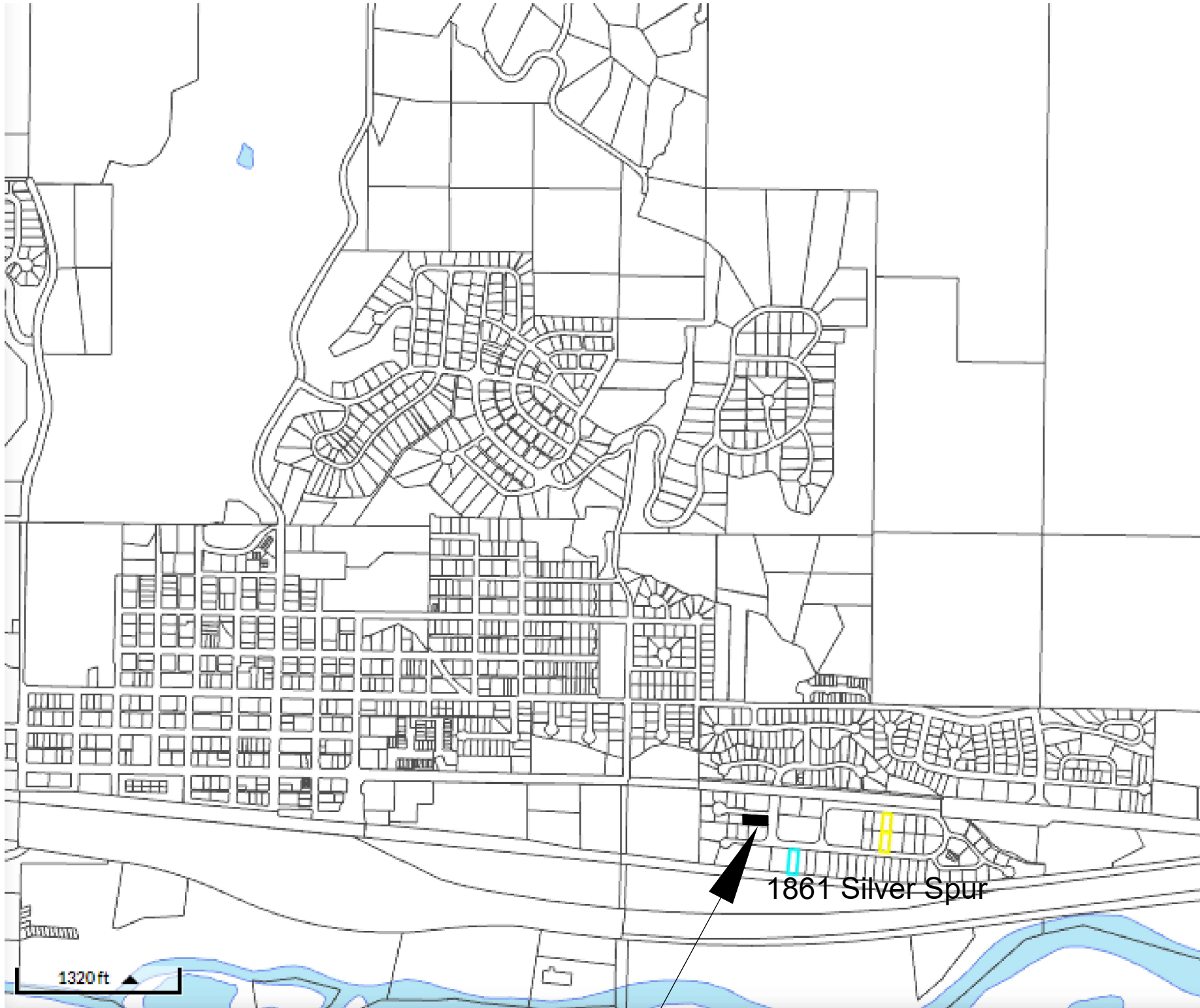
Energy Compliance: (all values are minimum requirements)
Ceilings and Ceilings w/ raised trusses: R-40
Walls Above Grade: R-20
Walls Below Grade: R-11
Floor over unheated spaces: R-11
Slab Edge, 36" insulated: R-10
Glazing Requirement: Double Glazing
HVAC Ducts: R-8

Air Leakage:
Exterior joints around windows and door frames, openings between walls and foundations and between walls and roof/ceilings and between wall panels, openings at penetrations of utility services through walls, floor and roofs and all other similar types of openings in the building envelope shall be caulked, gasketed, weather stripped, or otherwise sealed to prevent in a manner approved by the Building Official.

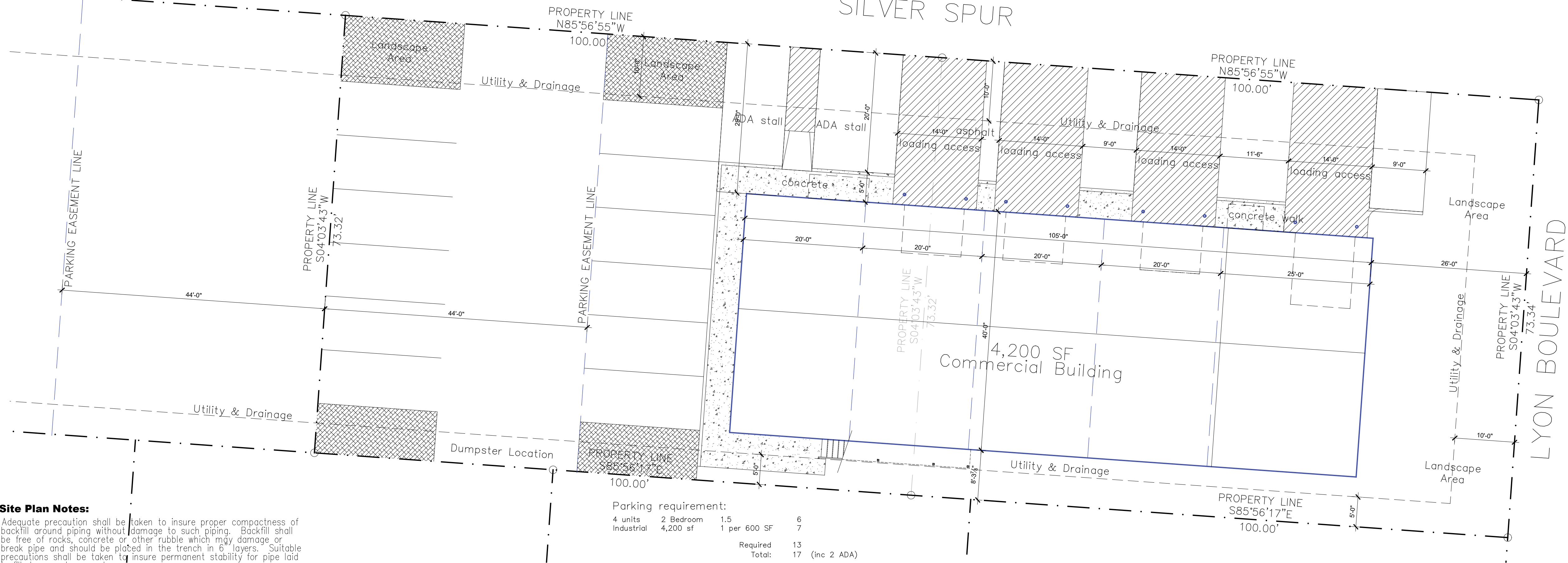
Vapor Retarder:
Vapor retarders shall be installed in all non-vented framed ceilings and rafter spaces

Code references:
2015 International Building Code
2009 International Energy Conservation Code

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Location Map



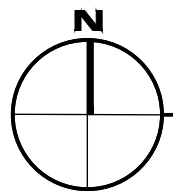
Site Plan Notes:

- 1.Adequate precaution shall be taken to insure proper compactness of backfill around piping without damage to such piping. Backfill shall be free of rocks, concrete or other rubble which may damage or break pipe and should be placed in the trench in 6' layers. Suitable precautions shall be taken to insure permanent stability for pipe laid in filled or made ground.
- 2.Provisions shall be made for the control and drainage of water around the building.
- 3.Irrigation systems should not be installed in the immediate area around the building.
- 4.The top of the foundation wall shall set at an elevation to provide grade that shall fall a minimum of 6 inches within the first 10 feet.
- 5.All concrete for site elements shall be mixed and placed in accordance with ACI 318 latest edition, shall develop a minimum compressive strength of 3,500 PSI at 28 days, and shall be reinforced.
- 6.Contractr shall coordinate the site earthwork with the foundation design for over excavation and structural fill placement under the building foundation if required.
- 7.Follow all directions provided in Geotechnical Report performed by: HP Geotech, 5020 County Road 154, Glenwood Springs, CO 81601, Job No. 108 136A

Landscape requirements, per ordinance 19-08 include:

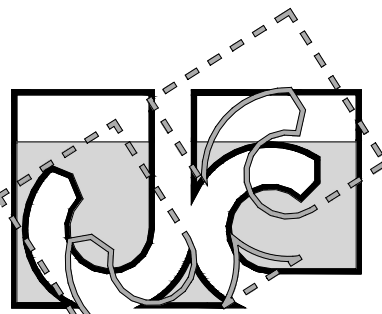
A minimum of 10% of the lot shall be landscaped.
Silver Spur Lots can have parking within the 20'-0" setback area long as 10% area is maintained in other areas within the lot
Rock cover may be used in the landscape area, and shall have a 5 mil minimum weed barrier
At combined Lot: minimum of eight (8) trees and sixteen (16) one gallon shrubs shall be provided
All landscaping shall be healthy and well kept
Landscaping shall be irrigated

| | | | |
|----------------------|-----------|--------------|-------------|
| Parking requirement: | | | |
| 4 units | 2 Bedroom | 1.5 | 6 |
| Industrial | 4,200 sf | 1 per 600 SF | 7 |
| Required | | 13 | |
| Total: | | 17 | (inc 2 ADA) |



Site Plan
1845 Silver Spur

scale: 1" = 10'-0"

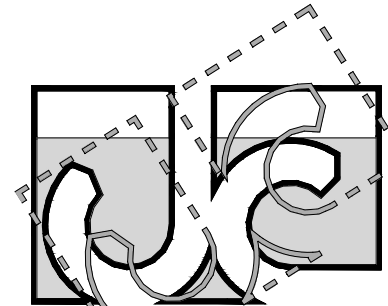


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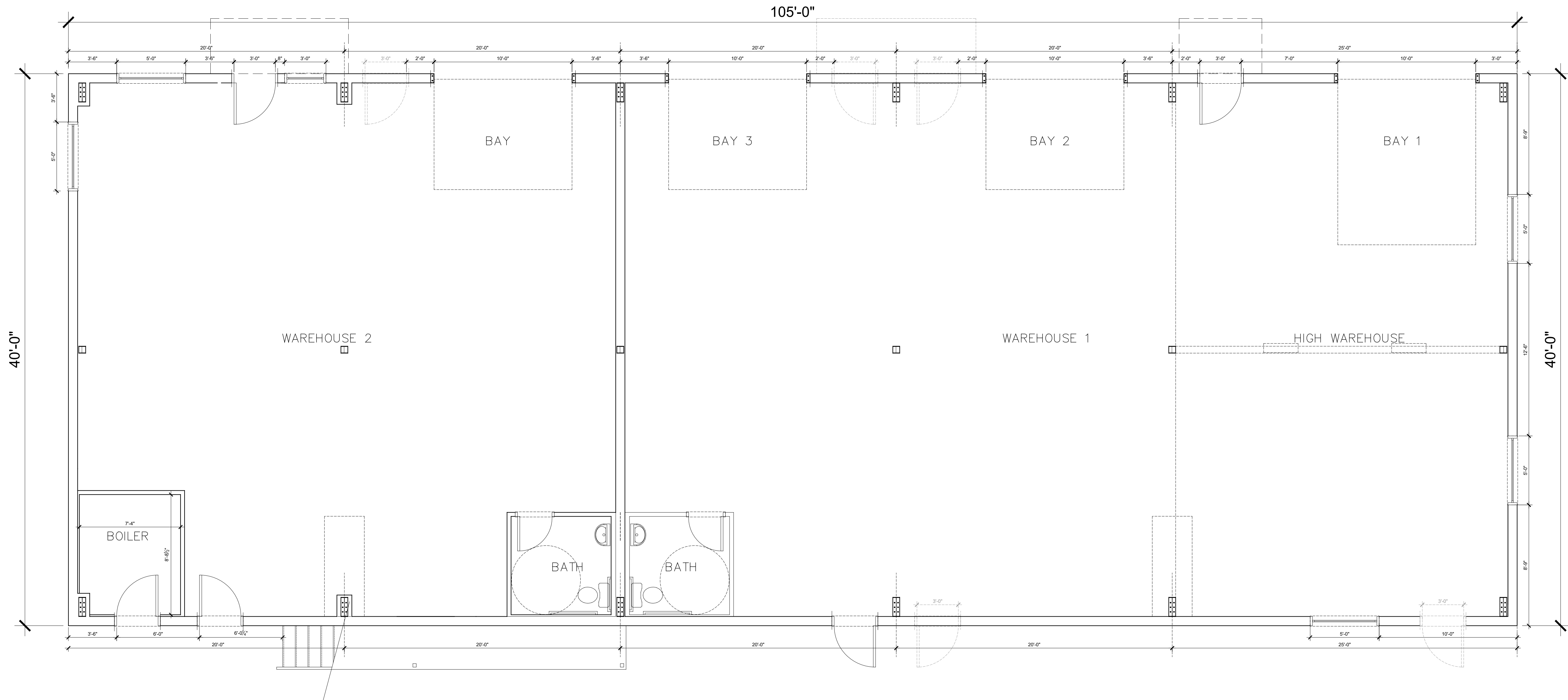
JSN Properties Silt Building II, LLC
Lot 157A , Lyon Subdivision P.U.D.
Silt, CO

| Construction |
|----------------------------------|
| Notes, Site Plan |
| Date: 04-06-23 2302A-04-06-23 |
| CVR |



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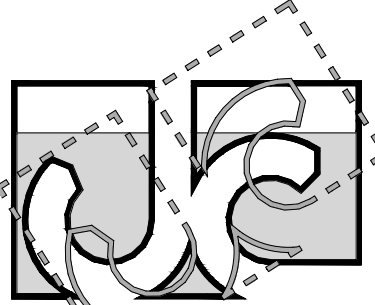
1 Main Floor Plan

Scale 1/4" = 1'-0"



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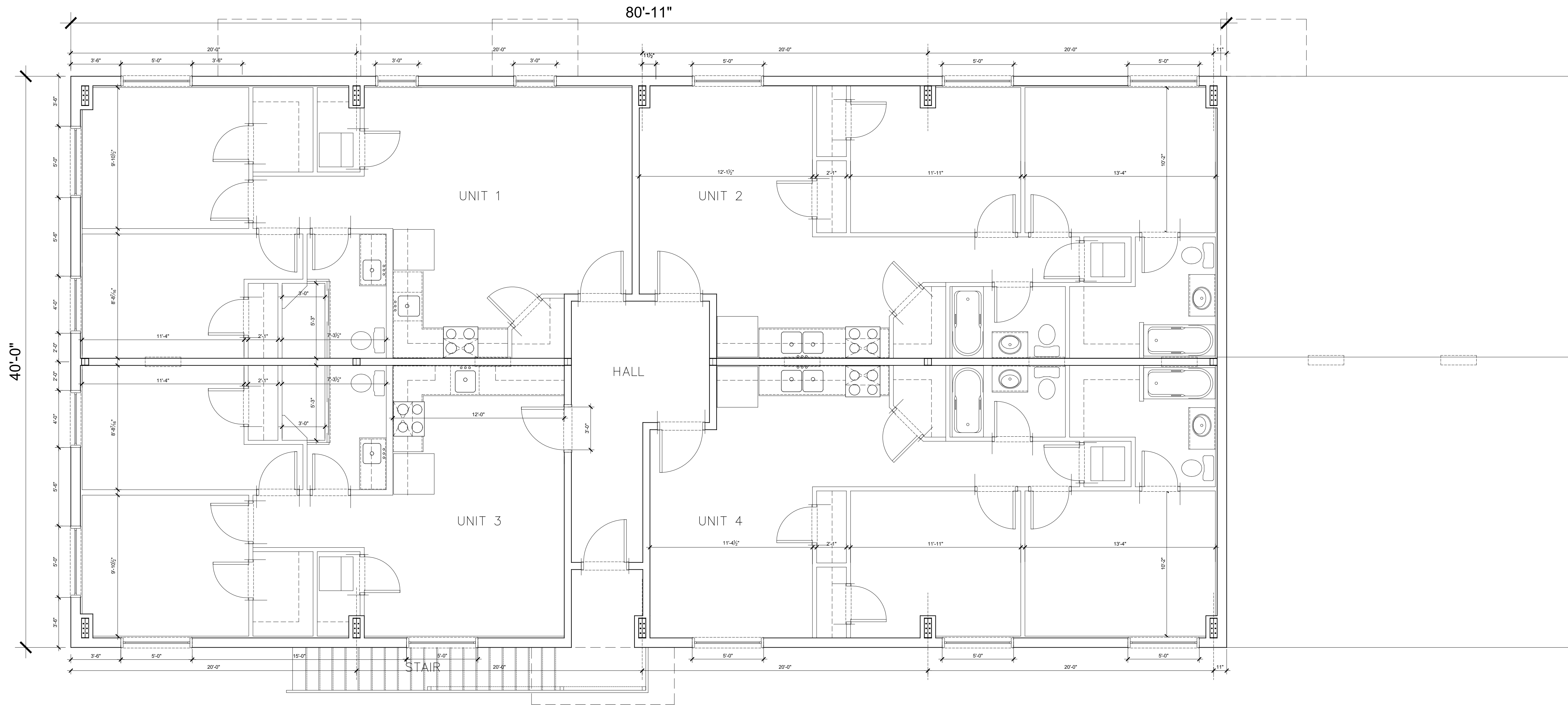
| Construction |
|----------------------------------|
| Main Floor Plan |
| Date: 04-06-23 2302A-04-06-23 |
| A21 |



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Silt, CO



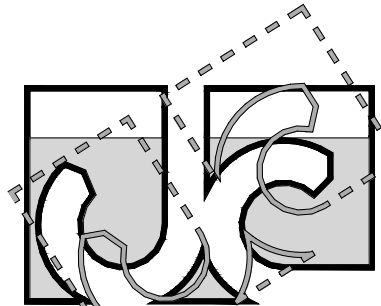
1 Upper Floor Plan

Scale 1/4" = 1'-0"



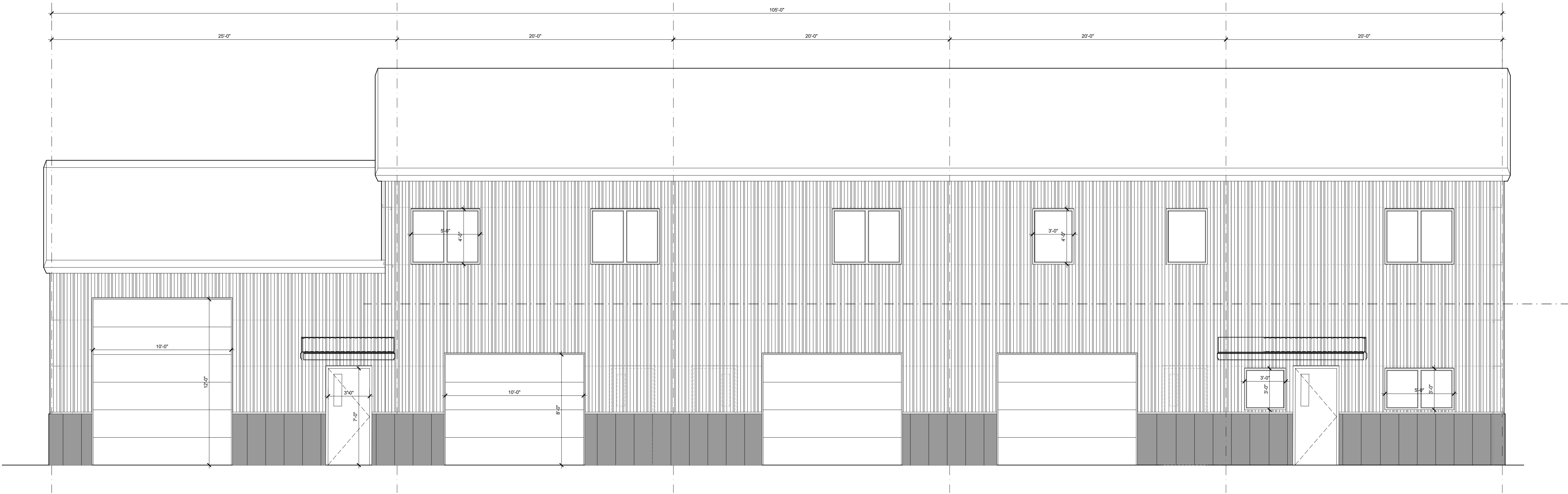
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| Construction |
|----------------------------------|
| Upper Floor Plan |
| Date: 04-06-23 2302A-04-06-23 |
| A22 |

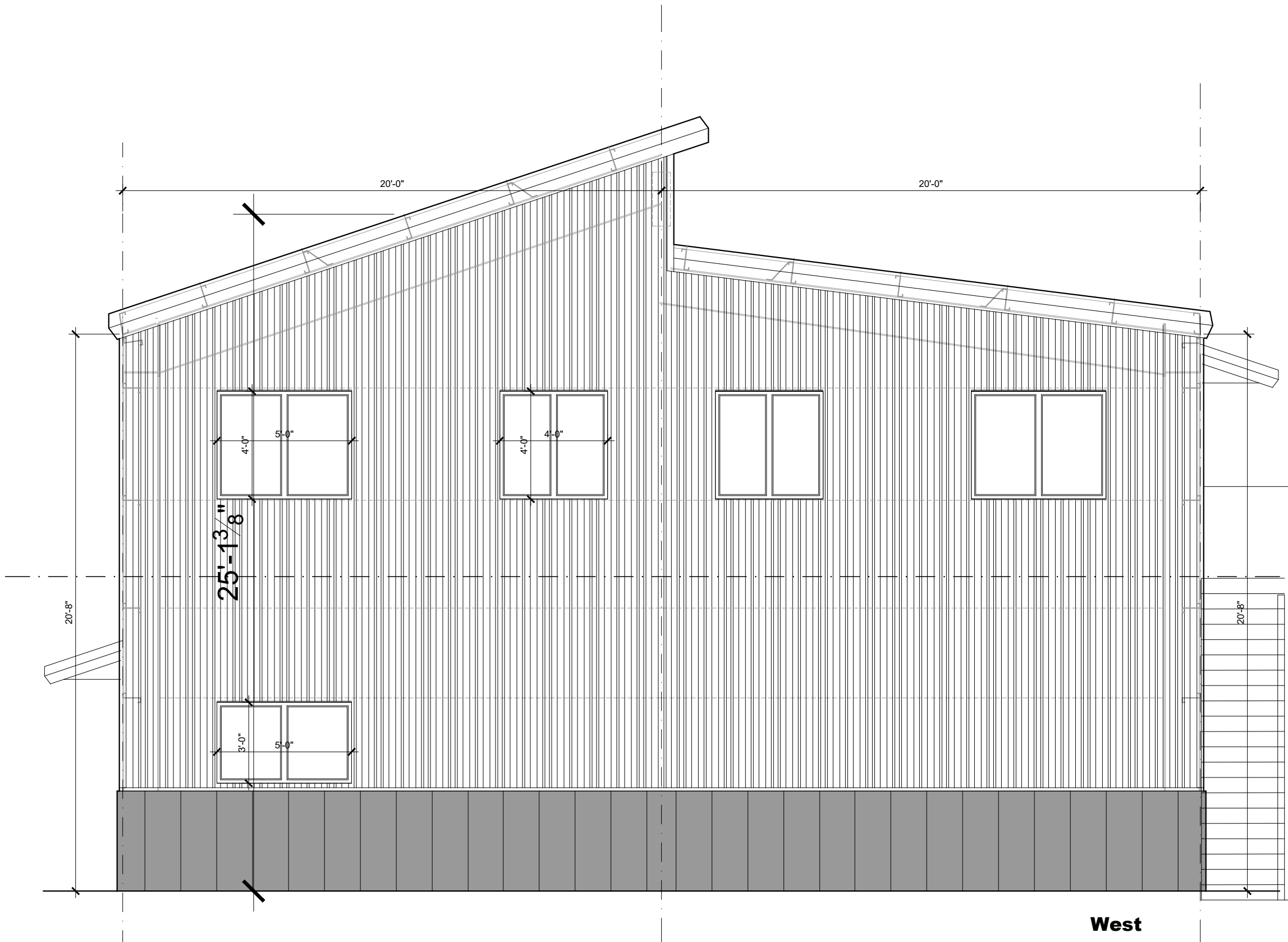


Jeff Johnson
Architectural PC
138 East Third Street
Rifle, CO 81650
970-625-0580
jeff@jjarchitectural.com
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JSN Properties Silt Building II, LLC
Lot 157A , Lyon Subdivision P.U.D.
Silt, CO



1 North Elevation (street side)
Scale 1/4" = 1'-0"



2 West Elevation
Scale 1/4" = 1'-0"

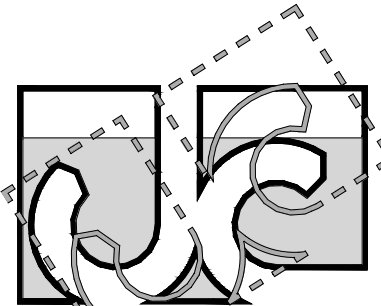
Exterior Finish Legend

| | | |
|----|---------------------------------|-------------------------|
| 1 | metal roof panel | Charcoal Gray |
| 2 | metal fascia | Charcoal Gray |
| 3 | door/window trim | Ash Gray |
| 4 | exterior light | exterior light |
| 5 | corner trim | Ash Gray |
| 6 | steel frame | |
| 8 | wall girt/ roof purlin location | |
| 9 | guard rail | painted; gray |
| 10 | handrail | painted; gray |
| 11 | metal wall panel | Kingspan Zinc Gray |
| 12 | stair tread | prefab galvanized tread |
| 13 | finish grade | |
| 14 | foundation below | |

All drawings, plans, and specifications are instruments of service provided by Jeff Johnson Architectural P.C. and remain the property of the Architect. These instruments of service may not be reused without written consent by Jeff Johnson Architectural P.C.

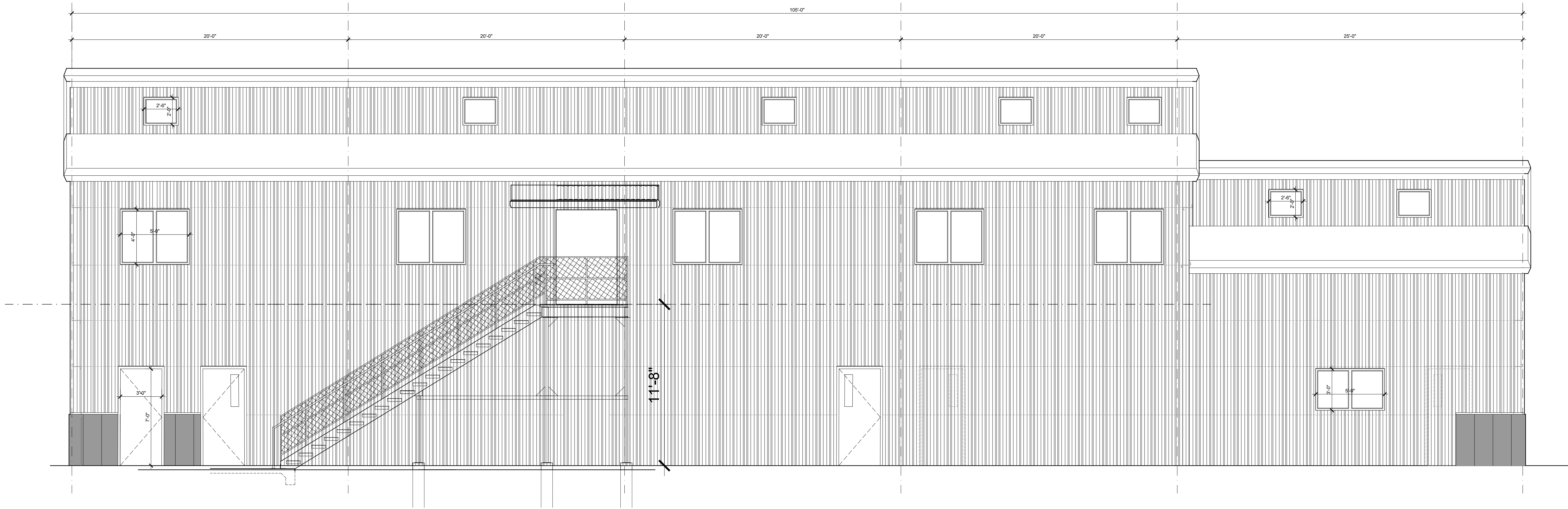


| |
|----------------------------------|
| Construction |
| Exterior Elevations |
| Date: 04-06-23 2302A-04-06-23 |
| A31 |



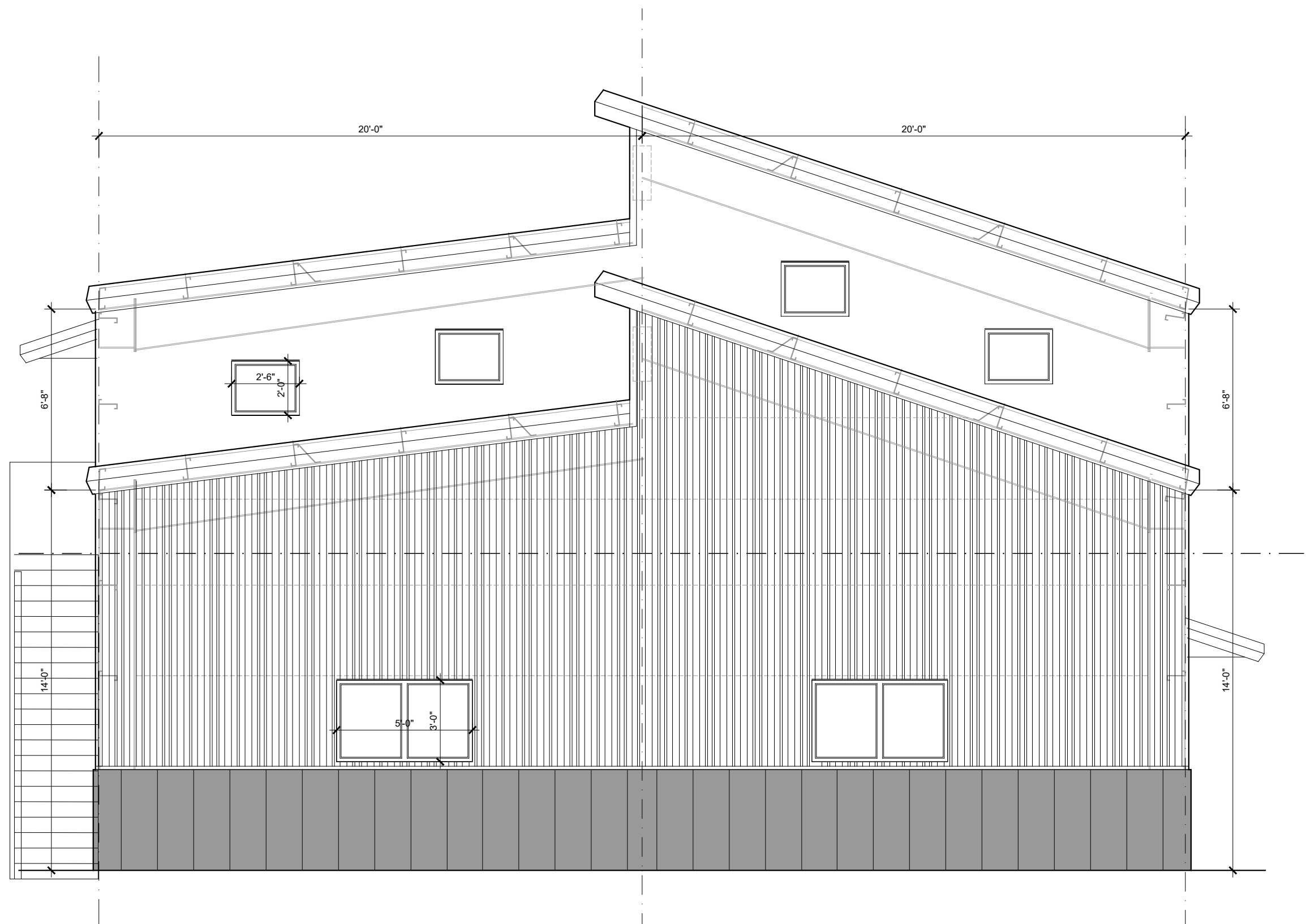
Jeff Johnson
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jeff@jarchitectural.com
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JSN Properties Silt Building II, LLC
Lot 157A , Lyon Subdivision P.U.D.
Silt, CO



1 South Elevation

Scale 1/4" = 1'-0"



2 East Elevation

Scale 1/4" = 1'-0"

Exterior Finish Legend

| | | |
|----|---------------------------------|-------------------------|
| 1 | metal roof panel | Charcoal Gray |
| 2 | metal fascia | Charcoal Gray |
| 3 | door/window trim | Ash Gray |
| 4 | exterior light | exterior light |
| 5 | corner trim | Ash Gray |
| 6 | steel frame | |
| 8 | wall girt/ roof purlin location | |
| 9 | guard rail | painted; gray |
| 10 | handrail | painted; gray |
| 11 | metal wall panel | Kingspan Zinc Gray |
| 12 | stair tread | prefab galvanized tread |
| 13 | finish grade | |
| 14 | foundation below | |

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Construction

Exterior Elevations

Date: 04-06-23
2302A-04-06-23

A32

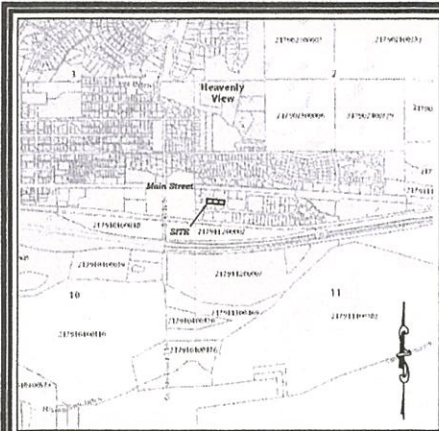


BOOKCLIFF
Survey Services, Inc.

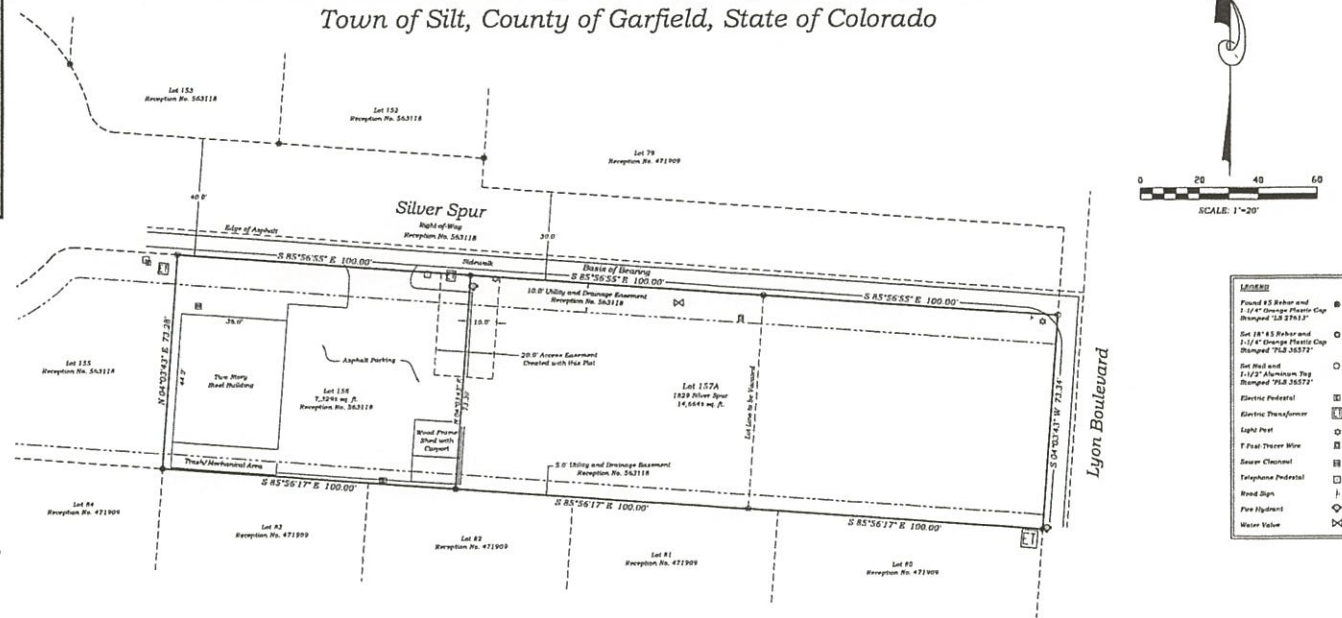
SN PROPERTIES SALT LLC
PO BOX 1258
GYPSUM, CO 81537

| | |
|----------------------|--------|
| FILE: | LLD |
| DFT: | TL |
| CK: | MJL |
| DATE: | 3/7/23 |
| PROJECT NO. 23013 | |
| SHEET 1 OF 1 | |

*Situate in Section 11, Township 6 South, Range 92 West of the 6th P.M.
Town of Silt, County of Garfield, State of Colorado*



Vicinity Map
Scale: 1"=1000'

[illegible]

I, MICHAEL J. LAPOINTE, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAW OF THE STATE OF COLORADO. THAT THIS PLAT IS TRUE, CORRECT AND COMPLETE PLAT OF LOT LINE DISCLOSURE OF LAND SUBDIVISION PLOT, LOT 156, 157 AND 158 AS LAID OUT, PLATTED, DEDICATED AND ALLOWED HERETO, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME, OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE REQUIREMENTS OF THE COLORADO SURVEYING ACT, AS AMENDED, AND THE COLORADO REVENUE RELATED SURVEY REQUIREMENTS OF CONCURRENT ORDINANCES OF THE COLORADO REVISED STATUTES 38-31-102 AND IS IN COMPLIANCE WITH THE TOWN OF SALT SPRING CUDR 16.04.030. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PREAMBLE HEREIN. I HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THAT I AM AWARE OF ALL MATERIAL DEFECTS OR INADEQUACIES IN THIS SAME AS STATED ON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE REVISED SURVEY OF LAND.

MICHAEL J. LANDHORNE, COLORADO P.L.S. #36572

THIS PLAT OFFERED BY THE TOWN ADMINISTRATION OR ANY DEDICATOR OF THE TOWN OF PUEBLO, COLORADO THIS DAY OF _____, A.D. 20____, THE FOLLOWING WITH THEIR CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, OF PLAT NO. 304 OF 304 VOLUMES THAT THIS INFORMATION BEING HEREBY IN WRIT AND ASSURE THAT SUCH INDICATES THAT THIS PLAT IS IN COMPLIANCE WITH THE PUBLIC DEDICATION ACT, CHAPTER 106, SECTION 106-1-101, AND THAT THE TOWN OF PUEBLO, COLORADO, HAS NOT TAKEN ANY ACTION TO REVOKE OR UNDO THE TOWN OF PUEBLO'S SUBSEQUENT RECOGNITION BY TITLE 106 OF THE MINERAL ESTATE AT THE TIME OF THE PLAT. THE TOWN ASSURES THE PUBLIC DEDICATION ACT UNDER HEREMAN, PROVIDED THAT HEREIN THE TOWN OF PUEBLO, COLORADO, HAS NOT TAKEN ANY ACTION TO REVOKE OR UNDO THE TOWN OF PUEBLO'S (CONSTRUCTION OR MAINTENANCE OF IMPROVEMENTS ON LANES, STREETS, OR HIGHWAYS) DEDICATED TO THE PUBLIC BENEFIT AS OTHERWISE SPECIFICALLY AGREED TO BY THE TOWN.

6. _____, AN AGENT AUTHORIZED BY A TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN JEN PROPERTIES, INC. LLC, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, LIENS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THEIR REAL PROPERTY IN THIS PLAT, EXCEPT AS FOLLOWS:

THE UNDERSIGNED, HAVING THIS BENEFICIARY UNDER A DEED OF TRUST GRANTED BY THE OWNER(S) UPON THE REAL PROPERTY PLATTED AND DIVIDED AS SHOWN UPON THE WITHIN PLAT, CERTIFIES THAT THE UNDERSIGNED HAS REVIEWED THE PLAT AND BY THIS CERTIFICATION HEREBY CONSENTS TO SAID PLAT AND TO THE RECORDED THEREOF. BENEFICIARY FURTHER CONSENTS TO SAID PLAT AS STATED IN THE CERTIFICATE OF DEDICATION AND UNDERGOES SUBJECT TO THE WITHIN HARBOR, AND HEREBY SURRENDERING ANY INTEREST THAT BENEFICIARY MAY HAVE IN AND TO THE PROPERTY SUBJECT TO SUCH DEDICATION, TO THE ENTIRETY OF THE GENERAL PUBLIC TO WHICH SUCH DEDICATION IS MADE.

STATE OF COLORADO)
) ss
COUNTY OF GARTFIELD)

THIS _____ DAY OF _____, A.D., 20____,

MY COMMISSION EXPIRES: _____
WITNESS MY HAND AND OFFICIAL SEAL

KNOW ALL MEN BY THESE PRESENTS THAT JEN PROPERTIES SLLT LLC, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

LOTS 156, 157 AND 158, ALPINE PLAT #BXNDGNSHW OF LOTS 78A AND 78B, LOTS SUBDIVISION PLANNED UNIT DEVELOPMENT, SECTION 06, 3437118

REVISED THIS DAY OF A.D. 20

OWNERS _____

STATE OF COLORADO)
) ss.: ssa:)
COUNTY OF _____)
I, _____)
Notary Public in and for the State of Colorado, do hereby certify that _____)
of the County of _____ and State of Colorado, personally appeared before me and acknowledged to me that he executed the foregoing instrument as his free act and deed.)
_____, Notary Public.
My Commission Expires _____

COUNTY OF GARFIELD) ss:

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____

DAY OF _____ A.D., 20____, NY _____

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND SEAL _____
NOTARY PUBLIC

© 2006 Blackwell Publishing Ltd, *Journal of Internal Medicine* 260: 459–466

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO
AT _____ O'CLOCK _____ M., 1903 _____ DAY OF _____, 20 _____ A.D. RECEPTION NO. _____

□ **контракт** – соглашение, по которому одна сторона обязуется предоставить другой стороне определенное имущество на праве собственности. □ **договор** – соглашение, по которому одна сторона обязуется предоставить другой стороне определенное имущество на праве собственности. □ **договор** – соглашение, по которому одна сторона обязуется предоставить другой стороне определенное имущество на праве собственности.

CLARK AND RECORDEN

HY <http://www.hydrocarbon.com>

DEPUTY

R006250
217911201150
ICM SERVICES

R006249
217911201149
CT WESTERN LLC

AULMON
JULIE & WARREN

R350903
217911201085

Silver Spur

CT WESTERN LLC
R006254
217911201154

JSN PROPERTIES SILT LLC
R006255
217911201155

JSN PROPERTIES SILT LLC
R006256
217911201156

RC & ASSOCIATES LLC
R006257
217911201157

Lyon Blvd

303
01083

R350908
217911201090

R350907
217911201089

R043939
217911201176
DAWSON
STEPHEN F & ZYETZ
CATHY ANN

Medicine Bow Ct

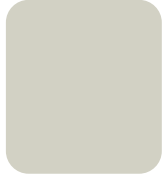
RECEIVED MAR 22 2023

Standard Colors

Sherwin-Williams® WeatherXL™ – Siliconized Modified Polyester (SMP)

Weather XL™ coating systems utilize only ceramic and inorganic pigments offering superior color stability, chalk and fade resistance as well as gloss retention.

SMP



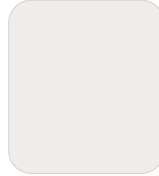
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Sandstone
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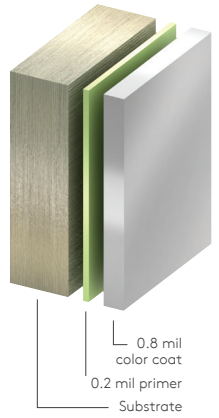


Surrey Beige
SR:0.41 E:0.86 SRI:45



Imperial White
SR:0.62 E:0.86 SRI:74

MP (Modified Polyester)



Sherwin-Williams® Fluropon® Solid PVDF Colors

Fluropon® coatings are durable polyvinylidene coating system containing 70% PVDF resins, ceramic and inorganic pigments. This system provides a powerful chemical bond, superior resistance to ultraviolet radiation resulting in exceptional color retention, resistance to chalking and chemical degradation.

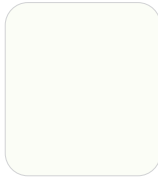
Category 1



Regal White
SR:0.70 E:0.86 SRI:85



Ascot White
SR:0.69 E:0.85 SRI:83



Bone White
SR:0.69 E:0.84 SRI:83



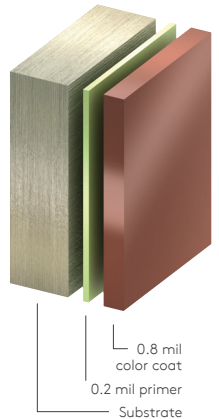
Driftwood
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Sandstone
SR:0.61 E:0.85 SRI:72



Surrey Beige
SR:0.48 E:0.86 SRI:54



Category 2



Dove Gray
SR:0.49 E:0.86 SRI:56



Zinc Gray
SR:0.35 E:0.86 SRI:37



Rawhide
SR:0.55 E:0.85 SRI:64



Parchment
SR:0.53 E:0.85 SRI:61



Rock Tan
SR:0.62 E:0.86 SRI:74



Taupestone
SR:0.27 E:0.86 SRI:26



Spartan Bronze
SR:0.31 E:0.85 SRI:31

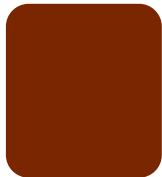


Redwood
SR:0.38 E:0.86 SRI:41



Slate Blue
SR:0.28 E:0.85 SRI:27

Category 3



Colonial Red
SR:0.32 E:0.86 SRI:33



Evergreen
SR:0.26 E:0.85 SRI:24



Regal Blue
SR:0.26 E:0.85 SRI:24



Tahoe Blue
SR:0.26 E:0.85 SRI:24

SR (Solar Reflectivity)

This is the ability of a material to reflect solar energy back into the atmosphere. Rated on a scale from 0 to 1, where 1 is the most reflective.

E (Emissivity)

Emissivity is the ability of the material to release absorbed energy back into the atmosphere. Rated on a scale from 0 to 1, where 1 is the most emissive.

SRI (Solar Reflective Index)

This is used to determine compliance with LEED® requirements and is calculated according to ASTM E 1980 using values for reflectance and the materials ability to release absorbed energy (emissivity) in medium wind speed conditions. Rated on a scale from 0 to 1, where 1 is the most reflective.