

**TOWN OF SILT**  
**REGULAR PLANNING AND ZONING COMMISSION MEETING**  
**August 6, 2024 – 6:30 P.M.**  
**HYBRID MEETING**

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, August 6, 2024. The meeting was called to order at 6:30PM.

<b>Roll call</b>	<b>Present</b>	Chair Lindsey Williams Vice Chair Michael Bertaux Commissioner Eddie Aragon Commissioner Jennifer Stepisnik Commissioner Vanessa Westmoreland Alternate Dana Wood Alternate Justin Anderson
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**Also present:** Community Development Director, Nicole Centeno

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**Pledge of Allegiance**

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**Public Comment**

There was no public comment

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**Consent Agenda**

1. Minutes of the June 4, 2024 Planning & Zoning Commission meeting.

Vice-Chair Bertaux made a motion to approve the meeting minutes on the consent agenda, seconded by Commissioner Stepisnik. The motion to approve the consent agenda carried unanimously.

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**Conflicts of Interest**

Commissioner Stepisnik disclosed that she has known the Pace family for years, but would be able to make an unbiased decision and that she had no monetary involvement in the proposed business.

Alternate Anderson disclosed that his company was a hired contractor for River Trace, but that the proposed changes did not involve anything that he had been contracted to complete.

It was determined that neither Commissioner Stepisnik or Alternate Anderson had a conflict of interest with the agenda items.

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## **Agenda Changes**

There were no proposed changes to the agenda.

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### **Tim Pace- Special Use Permit for 2013 Pioneer Drive**

Director Centeno introduced Tim Pace and his business proposal. She explained that Mr. Pace has applied for a Type 1 Federal Firearm License (FFL), to be considered for Home Occupation, at his residence in Lyons Residential Subdivision.

This Type 1 FFL allows for him to complete gunsmithing work only; he will not be dealing ammunition. The FFL license is regulated by the federal government and Mr. Pace has completed those requirements and passed all background testing and safety measures.

This application is strictly to be allowed to operate this proposed business from 2013 Pioneer Drive.

Mr. Pace submitted an operating plan and Director Centeno pointed out that he was going to operate as an appointment only business, mitigating the chaos of a store front business. She then went over her staff report, discussing that the zoning defers to an R-1 and the Comprehensive Plan was silent on Home Occupations.

Commissioner Aragon inquired about chemicals, such as bluing and sealcoating and Mr. Pace confirmed that he will not be using such chemical.

Vice Chair Bertaux suggested adding the Type 7 FFL, to include manufacturing, to his proposal, as a future use, since that was the ending goal for this home occupation. Mr. Pace was in favor of this suggestion.

Chief Kite was then welcomed by the Commission to speak on behalf of Town Staff for his recommendation as well. He expressed support for this business and encouraged approval for this Special Use proposal.

Alternate Anderson asked about noise and air exchange requirements and Mr. Pace stated that he will not be using chemicals, so additional air exchange will be needed. He also added that the noise will be contained within his home. He joked that the traffic on highway 6 will definitely be way louder than anything that he might possibly do.

Public comment was opened at 6:48pm.

Mr. Pace had several people come speak in support of his application. There was no public comment speaking against the proposed business or location. The following people made a supportive public comment:

Charlotte Squires  
Kirk Squires  
Alicia Hampton

Teneisha Wearly  
Dave Bullock  
Andrew Frantz  
Zane Haderlie  
Jon Wiethoff  
Delbert Squires  
Mike Styk  
Leanne Barnett  
Austin Pace  
Ernesto Mendoza  
Paige Haderlie  
Wayne Blotske  
Eddie Saueressig  
Donald Nadon  
Sabra Wiethoff

Public comment closed at 7:04pm.

Chair Williams congratulated Mr. Pace for the amount of support that he received and thanked everyone for attending the meeting.

Vice Chair Bertaux made a motion to recommend approval, to the Board of Trustees, for a Special Use Permit to allow gunsmithing, with the following conditions, to take place at 2013 Pioneer Drive:

1. That all statements made by the applicant both in the application and in any meetings before the Planning and Zoning Commission be considered conditions of approval, unless modified in any subsequent conditions.
2. That the applicant notifies the Town Community Development Department on any proposed changes over time and/or expansion of activities within the property, to ensure that it does not change the Special Use approval.
3. That the applicant stays in good standing with all Town, State and Federal (ATF) Licensing / Requirements, including the ability to provide the Town records for an annual audit, if needed.
4. That the applicant be available for a Town Representative, including the Police Department, to complete a walk-through of the premise, if or when needed.
5. That the applicant re-new their business license by the deadline of January 15<sup>th</sup> of each new year. This application will need to include a copy of all state and federal licensing.
6. That the applicant provides any additional requested documents and pay any remaining fees, prior to operating business.

7. That this approval is not for construction, but rather approval for the use of the land. Additional licensing and permitting will be required separately, if there are to be any improvements being proposed to the property. The motion was seconded by Commissioner Stepisnik and the motion passed unanimously.

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### **Silt Jumbo Storage- Site Plan Review Amendment**

Director Centeno introduced the application and felt it was necessary to read the below memo, to give a basic knowledge of the project:

*Silt Jumbo Storage came in front of the Planning and Zoning Commission on April 4, 2023, for a Silt Plan Review. The Site Plan was approved, with the conditions listed in the staff report.*

*After the Site Plan Review approval, Mr. Dillard (Owner of Silt Jumbo Storage) submitted for a building permit review. There was a discrepancy in the submittal, regarding sufficient fire protection, causing the Town, Colorado River Fire Rescue and Mr. Dillard to find an alternative means to which he could resolve the issue.*

*Mr. Dillard was asked to make the fire protection amendments, to the plans with a tentative building permit approval, pending the addition of fire barriers.*

*During the timeframe of revisions, Mr. Dillard requested a scrapping permit, to remove trees and shrubs. The Town issued this permit, with restrictions not to excavate. When the Town received a fire dispatch and responded, it was realized that Mr. Dillard's contractors had worked outside of the scope of the permit and proceeded to open burn the grubbed trees and brush. A stop work order was issued and Mr. Dillard was cited into Silt Municipal Court.*

*Mr. Dillard is now in compliance with the courts and does not have any outstanding balances.*

*Once this situation was addressed, Mr. Dillard submitted revised plans. It was discovered, during the Town's final review, that Mr. Dillard had not only added the requested fire barriers, but had in fact changed his layout, building sizes, drainage and landscaping, causing his project to be in default of his approved Site Plan Review.*

*Mr. Dillard was informed at that time, that he would need to request an Amended Site Plan Review, from the Planning and Zoning Commission.*

*Now that we have an accurate list of items that were changed, Town Staff and our referral agencies have been able to review said changes.*

*Commissioner Aragon requested erosion control, as a condition of approval, at the continuation of this project on July 10, 2024. The Town then requested a copy of Mr. Dillard's "Notice to Proceed" from CDOT. There was a confusion between Mr. Dillard's engineer and CDOT, as to what was required, so the project was started without the correct permitting through the state.*

*Mr. Dillard and I had a meeting on Tuesday, July 30<sup>th</sup> and he assured me that he is painfully aware of the hard lessons that he has had to learn from, throughout this whole process. He is taking a more hands on approach from this point forward, to ensure nothing but compliance with local and state regulations.*

*Overall, we have found a path forward and Mr. Dillard will be present that the meeting to answer any questions to address any concerns.*

Director Centeno then continued on with her staff report, outlining the differences between the previously approved site plan and proposed amended site plan. She also explained that Mr. Dillard's proposal aligns with the B-3 zone district, but not the comprehensive plan. The two contradict each other, but the B-3 use by right does allow Mr. Dillard to install storage units at this location.

Director Centeno stated it's clear that this project has a history and some valuable insights have been learned by the applicant. There is a reasonable effort being made, by the applicant, to get more involved with this project, to ensure compliance with approvals.

Overall, staff finds Mr. Dillard's proposal acceptable.

Vice Chair Bertaux wanted to clarify the B-3 uses and lighting. Director Centeno clarified that the units may only be used for storage and that the lighting would be required to be downcast.

Mr. Dillard then was welcomed to come speak and wanted to address Vice Chair Bertaux's concern. He explained that there will only be one outlet in each unit, making it difficult for someone to try to work out of. He also said that the tenants will be signing a contract, stating that working out of the units will not be allowed. Mr. Dillard also expanded on the lighting, explaining that the downcast lighting is on the front of the buildings, all facing inward, so as not to disturb the neighbors or adjacent properties.

Commissioner Aragon inquired about grading and drainage, particularly next to Building G-1. He also asked about roof drainage and the ditch needing riprap or some sort of mitigation.

Mr. Dillard responded that the roof drainage was going to be caught in gutters and directed properly for drainage. He also explained that his engineers were working with CDOT to ensure compliance for the drainage to Highway 6 and the Town Engineer for the other drainage.

Mr. Dillard then stated that he strongly disagrees that he was working outside of his permit.

Commissioner Aragon the circled back to the ditch and re-establishing what was previously existing. Mr. Dillard then asked Vince, his engineer on zoom, to answer that question. Vince explained that they were not touching the ditches flow line. He then explained the erosion control for the project as a whole.

Commissioner Aragon then asked what an SDR 25 underdrain pipe was, as he had never heard of that. Vince then clarified that the plans should say SDR 35, not SDR 25, the plans were mis-typed.

Alternate Anderson inquired as to what the intended use of the hose bib was. Mr. Dillard stated that the hose bib was intended to be used as a filling station. He stated that he would like to see the condition #10 amended, as filling RV's was the purpose.

Vice Chair Bertaux then asked Mr. Dillard if he was going to control the hose bib. Mr. Dillard stated that it was going to be metered. Vice Chair Bertaux clarified that the question was if it was going to be controlled, not metered.

Mr. Dillard then explained that there was going to be cameras, but admitted that there was going to be a possibility that it could be left on, wasting water. Vice Chair Bertaux stated that this was his bigger concern. He then asked if there could be remote access or internal control, to control the water, since nobody is on site.

Mr. Dillard didn't want to restrict the time frame and stated that if there was waste then ultimately, he would have to pay the bill for that. Vice Chair Bertaux explained that paying the bill doesn't cure the waste. Mr. Dillard acknowledged the issue and said that he would look into solutions.

Director Centeno pointed out that it would have to be potable water and that the Town does have two potable water filling stations, just a few blocks away from the storage facility. She also explained Town Staff's concern with dumping and not being hooked up to the sewer and spraying off mud etc... with no plan to catch or mitigate the mess.

Vice Chair Bertaux also mentioned that there's likely going to be chemicals or salt during the colder months.

Mr. Dillard said there's a concrete pad for storm water drainage, so it will catch whatever water flows. Vice Chair Bertaux explained that the storm water drain goes directly to the detention pond and that there's no need to anything but storm water to be filtered there, it's about water quality.

Alternate Anderson stated that his concern is not the intended use, but rather what the tenants will use it for, as it will inevitably be used outside of the intended scope. He stated that we don't want to add contaminants, as not everyone cares for their equipment the same way.

Mr. Dillard stated that it would be his job to manage that and can add a sign.

Commissioner Stepisnik was also concerned about dumping.

Commissioner Aragon was questioning water quality and potentially contaminants as well. He suggested an engineer look into mitigation options.

There was more discussion on possible ways to help make the hose bib a safer reality, from turning down PSI, to signage and hose fittings.

Chair Williams echoed concern for the hose bib and Mr. Dillard responded that he would be on site until it's full. Chair Williams asked for clarification as to what takes place after it's full; will nobody be on site anymore? Mr. Dillard said that once the units are full, he doesn't expect to have to come down too often. He stated that he can monitor by camera.

Public comment was opened up at 7:45 pm.

Tammy Gabriel attended the meeting and stated that she lives on Dogwood Drive. She voiced concerns with the water being used by tenants. She then inquired about G-1 and G-2 and Mr. Dillard explained that the lights face away from Dogwood. She also asked about where the

water was draining. Tammy also voiced concern that the project was negatively affecting the wildlife. She said she would like to see more trees and to keep things as natural as they can.

Public comment closed at 7:49 pm.

Mr. Dillard explained that the drainage was being caught in the catch basin, not that pond next to Dogwood. There was more discussion about water quality and suggestions on making sure the land and drainage is preserved to the best that it can be.

Commissioner Aragon asked about a landscaping deposit for 24 months. Director Centeno explained that this could be made a condition of approval.

Chair Williams asked Mr. Dillard to clarify what he wanted to see done with condition #10 and he stated that he would like it removed, so he can use the hose bib as a filling station.

Director Centeno stated that Town Staff's position would be for the hose bib to be used by the applicant only and not to be used as a filling station.

Alternate Anderson asked Mr. Dillard how much material harm will be caused by the hose bib not being used as a filling station. Mr. Dillard stated that it would not cause material harm to the business. He then stated that it was an amenity that he wanted to offer, however, it was something that he could remove the use of. Alternate Anderson stated that there's actually more material harm that could come to the business and Town by allowing this hose bib to be used as a filling station or other uses.

Mr. Dillard stated that he was ok with making #10 owners use only.

Commissioner Wood asked for the Town to limit storage units and that she doesn't support any additional storage units.

Vice Chair Bertaux made a motion to approve the amended Site Plan Review for Silt Jumbo Storage and Resolution PZ-9, Series of 2024, with the following conditions of approval:

1. That all representations of the application, made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. That the applicant shall work in good faith, with the Town Engineer, to resolve issues identified in the review redlines to the satisfaction of the Town Engineer and Staff, prior to submittal of a building permit and the construction of any site improvements on the property.
3. That if drainage onto adjacent properties becomes an issue, the applicant will work with the Town to address any and all drainage or landscaping maintenance. The property owner will also need to provide the Town with a 2-year landscaping maintenance bond. The estimate cost for said bond needs to be approved by the Town, prior to the bond acceptance. This bond amount will need to be approved prior to C.O. (Certificate of Occupancy) and the 2-year timeframe of maintenance starts upon the issuance of C.O.
4. That all exterior lighting in the project shall conform to the Town of Silt lighting standards.

5. That the applicant provides their accepted CDOT Notice to Proceed.
6. That the landscaping plan include any additional items deemed necessary by the Planning Commission and Town Staff/Engineer.
7. That no outdoor storage will take place, as this will be a violation of this Site Plan Approval.
8. That all outstanding balances be paid in full, to the Town of Silt, prior to the issuance of the building permit.
9. That the waterline be dedicated to the Town, with required 20' easement. Both the dedication and easement need to be recorded, prior to Certificate of Occupancy issuance.
10. That this hose bib is not be used as a filling station, clean-out station or wash of any sort. There is not adequate connection to the wastewater system, to allow for RV waste drainage or cleaning. There is not sufficient drainage for this hose bib to even be used as a car wash or spray off of off-road vehicles. There needs to be signage stating that the hose bib usage is exclusive to the owners, not to be used by any tenant. There also needs to be signage directing people to adequate dumping stations, car washes and water filling stations.
11. That the lot line be dissolved, prior to building installation, as this project crosses lot lines and needs to be converted into a single parcel.
12. The monument sign, as well as any additional proposed signage needs to be separately permitted and meet Silt Municipal Code or have approval sign exemption from the Planning and Zoning Commission, prior to installation.
13. That after zoning approval, by way of Site Plan Review, the plans are submitted for re-review of Silt's adopted building codes, for code compliance. No permit shall be issued until all approvals are received.
14. That any and ALL changes to this project need to be communicated with the Town, to determine zoning and building compliance, with regards to the approved plans. Failure to receive Town approvals for any deviation from plans, will result in a stop work order and revocation of the permit, rescinded resolution and possible summons into court.
15. That the applicant is responsible for ensuring his tenants compliance with local, state and federal laws. This can be accomplished through contracts, agreements or whatever method the applicant finds successful. The applicant is the responsible party for what takes place at 510 West Main Street, for the duration of his ownership of the business and parcel.

Seconded by Commissioner Aragon and passed unanimously.



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## River Trace- Site Plan Review Amendment

Director Centeno introduced the application for the amendment to the River Trace Site Plan Review. She explained the below amended request:

### ***Amended Request:***

1. *Addition of 8 parking spaces. The attached Exhibit sets forth the location of the added parking spaces as well as additional snow storage offsetting the additional paved area.*
2. *Location of Shade Structure. The location of a concrete or gravel pad and 12' X 12' shade structure adjacent to the Community Center Building at 2510 Raven Road. The shade structure is called out on the landscape phasing plan which is an Exhibit to the recorded Subdivision Improvement Agreement, but its location is not shown on that Exhibit.*
3. *Optional location for Children's Play Equipment. The Owner has requested the option, to be executed by Owner, to install the proposed Children's Play Equipment in either the Easternmost Park-Play Area as is shown on the landscape phasing plan which is an Exhibit to the recorded Subdivision Improvement Agreement, or in the alternate, to locate it in the Park-Play Area at the intersection of River Trace Road and South Overo Blvd. The alternate location is closer to the Community Building and to the two-bedroom apartment units where children are likely to be domiciled and is ready for the installation immediately. The eastern park area, as is shown in the recorded Subdivision Improvement Agreement, will be the last Phase constructed in late 2025.*
4. *Building Changes*
  - a. ***Building C***
    - *Originally approved for 8,776 Gross Square feet and 12 residential units*
    - *Re-sited as 5,707 Gross Square feet and 8 residential units*
      - *Reduction of 4 units and reduction of 3,069 gross square feet of building area.*
  - b. ***Building D***
    - *No change just a minor adjustment to placement to accommodate Building C, lot set back lines and easements.*
  - c. ***Building E***
    - *Originally approved for 8,776 Gross Square Feet and 12 residential units*
    - *Re-sited as 10,534 Square Feet and 15 residential Units*
      - *Increase of 3 units and increase of 1,974 gross square feet*

*Net Changes decrease from 96 units to 95 units and decrease the gross square footage by 1,096 Square Feet.*

*There is no encroachment on property lines, building setbacks or any variance from the PUD zoning for the site.*

*The resulting change decreases the number of units, the square feet of building footprints and increases the park and open space adjacent to building E, combined with the addition of 8 parking spaces to the total site.*

Vice Chair Bertaux inquired about fall protection matching what the Town has been installing. Julie Pratte, planner for the applicant, stated that the fall protection was going to be what the manufacturer of the playground company suggested.

Commissioner Aragon asked about the additional parking space locations. He also had questions about drainage and snow storage. Director Centeno stated the Town Engineer was going to need to sign off on the final plans and that he was paying close attention to snow storage.

Vice Chair Bertaux asked about a landscaping deposit and Russ Hatle, applicant, clarified that it's all bonded.

Chair Williams voiced significant concern over the lack of parking, so she thanked the applicant for adding parking spaces.

Russ clarified that the parking requirements meets Town Code and that construction is impeding the parking that should be available right now.

Vice Chair Bertaux suggested a system that identifies parking to help with enforcement of parking. Russ stated that he would be willing to look at implementing systems.

Public comment was opened at 8:30 pm.

There were no public comments.

Public comment was closed at 8:30 pm.

Chair Williams requested that a parking system be implemented. Russ stated that he would get with his new management company to see what they could come up with.

Chair Williams asked Russ if he would rather continue the public hearing until he was able to come back with a parking plan, or if he would rather that be a condition of approval. Russ stated that he would rather have that as a condition of approval.

Director Centeno stated that this will need to be addressed, as parking issues will not become the Police Departments job to enforce, so it's important the River Trace figure that out and implement something to mitigate potential calls to the police.

Vice Chair Bertaux made a motion to approve the amended Site Plan Review for River Trace and Resolution PZ-10, Series of 2024, with the following conditions of approval:

- 1) That all representations of the application, made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.

- 2) That the applicant shall work in good faith, with the Town Engineer, to resolve issues identified in the review redlines to the satisfaction of the Town Engineer and Staff, prior permitting or building any amended improvements on the property.
- 3) That any previous conditions of approval are still relevant and required, unless otherwise specified in this amendment.
- 4) That all outstanding balances be paid in full, to the Town of Silt, prior to the issuance of the building permit.
- 5) That a parking validation system be put into place, with enforcement from the Property Management company.

Seconded by Commissioner Stepisnik and passed unanimously.

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### Planners Report

Director Centeno gave an update on the concert and Town happenings. She also went over her staff report that was submitted to the Board of Trustees.

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### Commissioner Comments

Vice Chair Bertaux inquired about the Housing Needs Committee and Director Centeno explained that we have not scheduled a meeting yet, as there were a few items that still needed to be buttoned up.

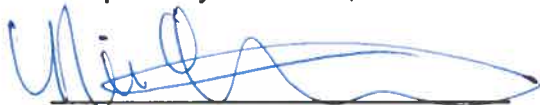
Chair Williams expressed that she would like the parking requirements addressed in code.

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### Adjournment

Commissioner Stepisnik made a motion to adjourn the meeting; seconded by Commissioner Aragon. The meeting adjourned at 8:55 PM.

Respectfully submitted,



Nicole Centeno  
Community Development Director

Approved by the Planning Commission



Lindsey Williams  
Chair