<table>
<thead>
<tr>
<th>ESTIMATED TIME</th>
<th>ELECTRONIC AGENDA ITEM</th>
<th>PUBLIC HEARING/ACTION</th>
<th>ELECTRONIC LOCATION AND PRESENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Agenda</strong></td>
<td></td>
<td><strong>Tab A</strong></td>
</tr>
<tr>
<td>6:30</td>
<td>Call to Order</td>
<td></td>
<td><strong>Chair Williams</strong></td>
</tr>
<tr>
<td>5 min</td>
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<td></td>
<td>Roll Call</td>
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<td></td>
<td>Pledge of Allegiance</td>
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<tr>
<td>6:35</td>
<td>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</td>
<td>Action Item</td>
<td><strong>Tab B</strong></td>
</tr>
<tr>
<td>5 min</td>
<td></td>
<td></td>
<td><strong>Chair Williams</strong></td>
</tr>
<tr>
<td></td>
<td>Consent agenda –</td>
<td></td>
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<tr>
<td>6:40</td>
<td>1. Minutes of the October 4, 2022 Planning &amp; Zoning Commission meeting</td>
<td></td>
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<tr>
<td>5 min</td>
<td></td>
<td>Action Item</td>
<td><strong>Tab C</strong></td>
</tr>
<tr>
<td></td>
<td>Conflicts of Interest</td>
<td></td>
<td><strong>Planner Chain</strong></td>
</tr>
<tr>
<td></td>
<td>Agenda Changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6:45</td>
<td>Sonlight Foursquare Church - Special Use Permit 701 Main Street</td>
<td>Public Hearing with Recommendation to the Board</td>
<td><strong>Tab C</strong></td>
</tr>
<tr>
<td>45 min</td>
<td>Planning Commission Member Reimbursement Update</td>
<td></td>
<td><strong>Tab D</strong></td>
</tr>
<tr>
<td></td>
<td>Planners Report</td>
<td>Discussion Item</td>
<td><strong>Town Manager Layman &amp; Planner Chain</strong></td>
</tr>
<tr>
<td>7:30</td>
<td>Commissioner Comments</td>
<td>Update</td>
<td><strong>Verbal</strong></td>
</tr>
<tr>
<td>5 min</td>
<td>Adjournment</td>
<td></td>
<td><strong>Planner Chain</strong></td>
</tr>
</tbody>
</table>

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, January 10th 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.
The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, October 4, 2022. Chair Williams called the meeting to order at 6:33 p.m.

Roll call

Present
Chair Lindsey Williams
Vice-Chair Joelle Dorsey
Commissioner Robert Doty
Commissioner Eddie Aragon
Commissioner Michael Bertaux

Absent
Commissioner Charlienna Chancey

Also present were Planner Mark Chain and Community Development Manager Nicole Centeno

Pledge of Allegiance

Public Comments – There were no public comments.

Consent Agenda

1. Minutes of the September 6, 2022 Planning & Zoning Commission meeting.

Commissioner Bertaux made a motion to approve the consent agenda as presented. Vice Chair Dorsey 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 – Canyon Creek Custom Flooring Special Use Permit

Community Development Manager Nicole Centeno introduced this project. The applicant, Whitney Linman and his business partner were present. This is a new business that has located in Units 6 and 7 at 401 Main Street in a condominium building that was constructed in 1974. It was their understanding that they could move in and start operating their company immediately. Staff saw evidence of this new business when they were reviewing the All in Brewing land use application for the public hearing in front of the Board in addition to the fact that there were new slabs of marble being stored adjacent to the building. Manager Centeno went over the background for the business and related issues. She said that they use water and a CNC machine to cut the stone with no chemical additives. The saw runs at approximately 96 dB at full capacity. To best mitigate noise, Mr. Linman is proposing that the bay delivery doors remain
closed when there is significant cutting and finishing going on. Water used gets filtered through an additional tank and it is then deposited in holding tanks. The 2000 gallon holding tank is emptied every 3 to 4 months by a septic service; so this should result in no wastewater being returned to the town system. Nicole recommended approval with conditions.

Mr. Linman then explained the operation and gave extensive details on what they do. He looked at the application as being good for the town, because he employs a small workforce and sales tax comes to the town.

The planning commission asked a number of questions including storage. Commissioner Aragon asked some questions related to the cutting of the material and circulating fans.

The public hearing was opened at 6:50 PM. There was no public comment.

After some more discussion, Commissioner Bertaux made a motion to recommend approval of the Special Use Permit with conditions proposed by staff. Second by Commissioner Aragon; the motion passed unanimously. Conditions of approval are noted below.

**Conditions of Approval:**

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission or Trustee meetings or that are reflected in the meeting minutes are considered to be part of the application and are binding on the applicant.

2. All products that are being stored outdoors, including but not limited to the storage racks on the west side of the parking lot, be moved and fenced, to either behind the building or on the south west corner of the building. It is the responsibility of the property owner and tenant, to ensure that their storage is not impeding any easements, setbacks or right of ways. Mr. Linman has proposed that all new products being delivered will be located in the approved storage arrangement, but has requested that all existing slabs remain where they currently are, as each move compromises the stone. He estimates that all existing slabs will be fabricated and installed by March 1st, at which point, he will maintain the storage requirements set forth by the Town.

3. Permits will be required to alter the property in any way, including installing a fence, hanging signage, along with various other interior and exterior changes that might need to be done to accommodate the business in this location. Call Town Hall for clarification on what needs to be permitted, before completing any work.

4. Mr. Linman will provide any additional requested documents and pay any remaining fees to the Town, prior to recordation of Special Use Permit.

________________________

**Canyon Creek Custom Flooring – Special Use Permit**
Manager Centeno introduced this project. This is an application for a special use permit for a portion of the same building that as discussed in the prior application at 401 Main Street. In this particular instance, Mountain Marble and Granite seek permission to continue operation at Unit 1 B at the southeast corner of the building. The applicant is Mountain Marble and Granite, LLC and the business is operated by Louis Gallegos. In this particular instance, the business has been in operation for 3 years. Mr. Gallegos was not aware that he needed to obtain a business license to operate nor the fact that his operation is only allowed by Special Use Permit.

It was explained that this was a small, family-owned business and they rent approximately 1500 ft.² of space in the building. They operate a bridge saw, forklifts as well as additional equipment necessary for the operation and to ensure safety of the workers. Mr. Gallegos has indicated that he is confident that the business will bring no ill effects to the town and it hasn’t up to this point in the last three years. It was noted that the applicant mitigates noise by keeping the least amount of doors open as possible. Nicole recommended approval with 4 conditions.

Mr. Gallegos was present virtually and commented briefly on the application.

The public hearing was open at 7:04 PM. There was no public comment.

There was brief discussion among the Planning Commission. Commissioner Bertaux made a recommendation to the Board that they approve the Special Use Permit with the findings and conditions presented by staff. Second by Vice Chair Dorsey; motion passed unanimously. Conditions of approval are noted below.

**Conditions of Approval:**

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission or Trustee meetings or that are reflected in the meeting minutes are considered to be part of the application and are binding on the applicant.

2. All products that are being stored outdoors, need to be organized and screened/fenced. It’s the property owner and tenant’s responsibility to ensure that their storage is not impeding in easements, setback or right of ways. Mr. Gallegos will be working to complete the outdoor storage requirements by January.

3. Permits will be required to alter the property in any way, including installing a fence, hanging signage, along with various other interior and exterior changes that might need to be done to accommodate the business in this location. Call Town Hall for clarification on what needs to be permitted, before completing any work.

4. Mr. Gallegos will provide any additional requested documents and pay any remaining fees to the Town, prior to recordation of Special Use Permit.

_____________________

**Site Plan Review – Family Dollar**
Planner Mark Chain introduced this project. He noted that this was a Site Plan Review for a property approximately 1.91 acres in size directly to the east of the Kum & Go at the roundabout. He stated that the owner of the property is currently the Town and there is a contract to buy the property. Mark introduced the development team who was attending virtually. Ed Waldvogel from St. George, Utah is the development team’s representative. His team is taking the property through the land use entitlements process and will then lease the site to Family Dollar.

Mark went over the development issues. He noted that there was a good landscape plan which met all criteria in the town’s code. Most the items that Mark brought up revolved around Main Street style improvements. Mark, in working with staff, was recommending that the developer be required to extend the sidewalk to the east side of the property and install main street style light standards and a banner pole opposite those that were constructed with town funding on the north side of Main Street. He also asked that the CDOT tall light fixture be removed as that interfered with the sidewalk extension and that a new CDOT light standard be installed somewhere else on the site. Mark noted that the applicant had requested a waiver from installing the full complement of parking spaces for the 11,000 square-foot structure per the town’s Parking Standards. The applicant had provided background material justifying the request including the amount of parking spaces provided for other similar dollar stores and by documenting the time of the average client visit to the Dollar Store properties.

Ed Waldvogel wanted to address the Commission. He thought the recommendations for removal of the CDOT light standard and the addition of Main Street style street poles came too late in the game. He stated that his requirements were to provide a signed lease to the town as part of the contract. He also noted that he had discussed some of the site plan issues with public works in August and he did not see any of these items addressed specifically in the town code. He asked that these conditions be removed. Other conditions he thought were appropriate such as removing the wainscoting on the south side of the building and placing it on the east side for appearances would be followed as requested by staff.

The Commission then discussed some of the issues. Commissioner Bertaux wondered about some potential traffic conflicts with the location of the driveway entry to the east opposite Kum & Go. Commissioner Aragon thought that the CDOT light pole should either remain in its present location or be replaced as it is a dark area near the edges of the roundabout. David is working in conjunction with Mr. Waldvogel, and asked to address the Commission. He said he is most concerned with removal of the CDOT light standard. Both Mike and Ed thought that the sidewalk could be adjusted to be meandering rather than remove and replace the light pole and money would be saved. Joe Carpenter noted that he was a broker for the property and didn’t have any dog in the fight. He thought an appropriate solution would be to work around the CDOT light fixture. He also stated that he thought that the property was less than 1.91 acres in size. Commissioner Doty had one or two concerns including the increase in traffic at that particular area. David said that he thought that working through Family Dollar contacts that they could get light standards for as little as $1800 per light fixture. There was then more discussion.

Commissioner Williams thanked the applicants for the alternative lighting proposal. She noted that this was still a very prominent location and it was important to get the amount of lighting correct. Commissioner Aragon said he did not want to be the naysayer but perhaps it was reasonable to leave the CDOT light post in its present location and go around the pole. There was more discussion about getting a proper cost source for the lights.

Chair Williams opened the public hearing and there was no public comment.
The discussion went back to the Planning Commission for more comment. Commissioner Bertaux made a motion to approve the Site Plan for the Family Dollar with the conditions as presented. Second by Commissioner Aragon; the motion passed unanimously. The conditions of approval are noted below.

Conditions of approval:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. The applicant shall work in good faith with the town engineer to resolve issues identified in the Boundaries Unlimited Inc. redlines to the satisfaction of the Town Engineer and Staff prior to the construction of any site improvements on the property.
3. All building exterior lighting in the project shall conform to the Town of Silt lighting standards.
4. Any changes suggested by the Fire Marshall will be incorporated into the Plans for the project at time of building permit application.
5. That the CMU wainscoting shown on the south elevation (towards I – 70 and the railroad) be switched out and placed on the rear elevation which is the east side of the building. This will increase visual interest to visitors/residents approaching from the east towards the downtown.
6. Along the Highway 6 and 24 frontage the applicant should provide the following:
   - removal of the tall (approximately 40-foot CDOT) Street light fixture
   - provide 2 streetlight standards consistent with those on the opposite side of 6 and 24 and consistent with the Downtown Improvements.
   - Provide 1 banner pole.
   - Extend sidewalk along Highway 6 and 24 to east property boundary.

Continued Site Plan Review – River Run Self Storage

Planner Chain introduced this agenda item. He said that the applicants, Larry Rogers and Ivan Loveren were present for the discussion. He explained that this was the 3rd session for review of the River Run self-storage site plan and he was hoping that this would be the last. He stated that he had been in direct contact with the certified Landscape Architect for the project over the last couple of days and he had some updates to report to the Planning Commission. First was that portions of the Landscape Plan had been enhanced and this included along the south boundary of the storage itself as well as on the northern element of the small single-family homes. Secondly, the applicants were proposing a boundary with boulders to protect landscaping and in working with the landscape architect he thought that the solution could work. There were problems with previous concepts and solutions because the LLC and managing agency for the single-family homes was hoping to have a gravel road and that installing a vertical concrete curb barrier would be difficult. Last but not least, Mark explained that in the discussions with the Landscape Architect he had found out that Larry Rogers had made some of the final adjustments and that the total plan/tree count was inaccurate. He said that what he was asking for was an updated Landscape Plan put together and signed by a certified Landscape Architect. He did note that the vertical, Tall Hedge Buckthorn plantings selected for
the southern boundary could work well if properly irrigated. The irrigation system also must be properly designed.

Mark said that the application update from Larry Rogers did note that there are 3 LLCs involved with this development and that made certain items somewhat difficult including the agreement between the owner/managing entity of the self-storage component and the owner/managing entity of the single-family homes. Mark said he thought that this agreement for maintenance/repair/upkeep of the landscaping buffers was crucial and still needed to be done before any building permit was issued. Mark said he did not have a precise solution yet for his hoped-for path along the I – 70 Frontage Rd.

Allan Danson asked for permission to introduce himself. Mr. Danson explained that he was the principal of the overall ownership agency and that he would take full responsibility for helping getting this trail along the frontage road built. He explained that he was the person that got the RV Park started as well as help sell units and obtain the financing package for the various single-family home owners. He said that it is a good RV Park and that the sale of the single-family homes was happening faster than anticipated. And he said that Camp Colorado (the RV Park portion) was one of the most popular RV parks in the country. He also indicated that the ownership entity, Camp Colorado LLC would help provide him the draft agreement between the managing entities of the small single-family home and the self-storage to get the project out of the starting gate.

Chair Williams opened up the discussion among the planning commission. She thanked Allan for his participation in the conversation and found his comments helpful. The Planning Commission made general comments that this was a real step forward related to both the landscaping buffer as well as progress on getting a safe and useful pedestrian path/walkway to connect the properties all on the south side of the interstate. Planner Chain noted that most the conditions of approval still applied. He suggested some tweaks to conditions # 2 and 3. After discussion it was thought that it would probably be the easiest for all to move forward and drop condition number 10 which related to the path. There was a general concurrence that staff would work directly with Mr. Danson to get that element going.

Commissioner Bertaux made a motion to accept modifications to conditions 2 and 3 and that condition 10 should be dropped from the approval motion. Second by Vice Chair Dorsey, the motion passed unanimously.

Conditions of Approval are noted here for the record:

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

2. Provide an updated/finalized version of the landscape plan that was submitted to the Town on October 3, 2022 and have it submitted and stamped by Sherry Dorwood ASLA. The updated version you provided dated September 15 does not have the correct count of the various landscape plantings. The approved landscape barrier, which features boulders and was also submitted on October 3 needs to be incorporated as part of that Landscape Plan submittal. Irrigation details approved by the Landscape Architect should also be noted.
3. There shall be a specific maintenance plan for all project perimeter landscaping, including definition of all landscape requirements and responsibilities between the two ownership entities in the self-storage area and the small, single-family area. The Town shall also be a party to the agreement. The agreement will have procedures and requirements for replacement of all dead or damaged vegetation in perpetuity. The agreement shall run as long as the existing land uses survive and require escape buffer between them.

4. The applicant shall prepare final technical and engineering plans showing grading and drainage, utilities, site layout and access ways for review and approval by the Town Engineer.

5. The applicant and owner shall guarantee in writing that all plants will remain in the healthy condition, shall make any and all necessary replacements at their expense and will maintain an operable irrigation system. (This can be incorporated into the agreement)

6. Any exterior lighting in the project shall conform to the Town of Silt lighting standards.

7. The applicant will make any changes required by the Fire Marshall of the Colorado River Fire District.

8. Building A will be constructed as noted in the application showing the horizontal parapet added above the fascia line to give it to that wall and break up the building elevation facing the frontage Road and interstate.

9. The self-storage buildings will be constructed using the color palette submitted with the application.

Planning Update

Planner Chain indicated that the commission would probably be seeing a special use application for a church to be located in the building at 701 Main Street. This is the property that was a former location of Skip’s Market and presently includes the Legacy Funeral Home. All in Brewing was also supposed to locate there but there are some issues between the owner of the brewery and the property owner.

There were some questions put to Community Development Manager Centeno. She talked about some of the planned activities along Main Street for Halloween and other special events. There was more discussion on the events.

Adjournment

Commissioner Bertaux made a motion to adjourn. Commissioner Aragon seconded the motion, and adjourned the meeting 8:46 p.m.

Respectfully submitted,                     Approved by the Planning Commission

Mark Chain                                    Lindsey Williams
Planner                                      Chair

PZ 10/4/2022 7
STAFF REPORT

For the Planning & Zoning Commission Meeting of December 6, 2022

Application: Sonlight Foursquare Church Special Use Permit

Property Owner: Western Colorado Exchange, LLC
2520 Grand Avenue # 202
Glenwood Springs, CO 81601

Applicant: Sonlight Foursquare Church

Site Location: 701 Main Street

Land Area: 18,375 ft.²

Building: 2,990SF (1,748 SF heated)

Present Zoning: B-1 Business Zone District

Present Land Use: Vacant & Funeral Home (Legacy Affordable Funeral)

Proposed Zoning: No change requested

Public Notice: Newspaper and mailing to all property owners within 200 FT.

Adjacent Zoning: South – B-3 Business-3 Zone District
North – B-1 General Business Zone District
West – B-1 General Business Zone District
East – B-1 General Business Zone District

Parcel ID Numbers
2179-102-08-012 (structure and Parking area)
2179-102-18-006 (Vacant and Parking)

Adjacent Land Uses
South- Auto Repair and related Uses
North – Retail Food and Beverage; shops
East – Multifamily Residential & Food Truck
West- Fire District/Fire Station

Background

Before you tonight is a request from Sonlight Foursquare Church for a Special Use Permit to establish a Church/place of worship in the Town’s B-1 zone district. Special Use Permits are issued by the Board after a decision is made and a draft resolution adopted at a public hearing. This is a scheduled public hearing. The Planning Commission reviews applications for Special Use Permits and makes recommendation to the Board of Trustees. The Board is the final decision-making body.
Churches or places of worship including parish houses and parsonages are allowed as a use by right in the towns Agricultural Zone district and the B-I Zone district (Business – Industrial Zone District). Churches are allowed by Special Use Permit in all other zone districts. Procedures for reviewing a Permit are outlined in Chapter 17.78 of the Silt Municipal Code.

Legacy Funeral Home, located in the eastern portion of the building operates under an existing special use permit. You also saw a special use permit application for All in Brewing/brew zone for that property in 2021. That Special Use Permit was approved. All in Brewing never operated on site.

I. **Description of Request**

The church has included a development plan as part of their application. In years 0 – 1 there would be some minor modifications to the interior of the building and storage would remain upstairs. They are working in cooperation with Wild Coffee (Misty’s) to have them utilize overflow seating for the coffee shop during the week. There would also be an administrative office in the building. Legacy Funeral Home presently operates in the eastmost portion of the building under a separate special use permit.

They have a more extensive plan for years 1 through 5 and would be reaching out to the community much more extensively. They would propose to make the western portion of the building more of a shared, open gathering place. They would also incorporate aspects of Wild Coffee into that area during the week. They also intend to utilize the eastern portion of the building for classrooms and as a meeting area. They also intend to make the property more “children friendly” and open the building during community events. And there are also considering opening the space up for other users and uses such as senior lunches etc.

The applicant has tried to touch on all aspects of the Special Use Permit application and how they meet the criteria via their Letter of Intent dated September 6. They did a pretty good job addressing the various items.

II. **The Property**

The subject property is located on the south side of Main Street and east of 7th Street. There are actually two parcels here. The first parcel includes the building and is 13,125 ft.$^2$ in size. I believe the building was constructed in 1989. The Assessor’s records shows that there is a total of 2990 ft.$^2$ of space of which 1748 ft.$^2$ is heated. Please note these numbers are approximate because often times in the past improvements were made to properties without building permits or they permits were not noted by the county. Location Map Attached.

There is a second parcel under the same ownership at the southwest corner of that block. That parcel is 5250 ft.$^2$ in size. It is my understanding that if the Special Use Permit is approved that the vacant portion would also go to the church for their use in the future.
I do not know the entire history of the building. I know portions of it were leased to Skip’s Market a couple of years ago. When Skip’s moved out, Legacy obtained a special use permit approval and is located in the eastern side of the structure. A small shop called Divine Moon operated there in the past year. It is my understanding they have moved from the site and are now located in Rifle.

The property of course has town water and wastewater and it obviously has other utilities. Main Street is located to the north and this portion of Main Street has downtown style improvements including a sidewalk, curb, parallel parking spaces, main street style streetlights etc. There is also parking adjacent to the property on the east side of 7 Street. Portions of the on-site property are paved and portions are not. Ample parking is possible at this point on site for any use.

III. The Religious Land Use and Institutionalized Persons Act (RLUIPA)

The United States Congress enacted the Religious Land Use and Institutionalized Persons Act. Normally, land use law is strictly based on state and local codes. However, Congress has the ability to legislate on land use matters in order to further the intent of the First Amendment. RLUIPA provides: “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C.A. § 2000cc–(b)(1). This provision was meant to address the problem of zoning codes, either facially or in application, excluding places of worship where secular assemblies are permitted. Under RLUIPA, a municipality must treat a place of worship the same as a similar secular use that is permitted in a zone district. In the case of Silt, the Town must treat a church the same as “fraternal organizations, civic halls, and non-profit lodges” for purposes of application of its zoning code.

Comprehensive Plan General Policies and Goals – Designated Urban Growth Areas

Downtown

The Comprehensive Plan as amended in 2017 designates this parcel with a Downtown Land Use Designation. The description of this Designation indicates that properties with this Land Use Designation are clearly expected to be the town’s retail commercial core with attractive storefronts. Eventually, it is hoped that downtown improvements including wider sidewalks, planters, street art etc. are eventually completed within a 16-block area from 16 Street to 1st Street. The Description/Characteristics of this land use designation are outlined on page 21 of the Comprehensive Plan. This page of the Comprehensive Plan is attached. The description points to the intent that these “Downtown” properties should be very visually attractive, with architectural features normally encountered in historic downtown areas. The Town’s Western heritage is encouraged throughout the Downtown area.

IV. Pertinent Silt Municipal Code - B-1 (General Business) Zone District


**17.13.020 Schedule of uses.**

<table>
<thead>
<tr>
<th>Type of Use Requested</th>
<th>B-1 Zone District</th>
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<tbody>
<tr>
<td>Churches, or places of worship</td>
<td>Special Use Permit</td>
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“Fraternal organizations, civic halls, non-profit lodges” are uses by right in the B-1 zone district.

(Comment: As noted previously, churches are allowed as a use by right in the town’s Agricultural Zone District and Business – Industrial Zone District. They are allowed by special use permit in all other zone districts including B-1.

**17.78.010 Special use.**

A special use is granted by a special use permit which is defined at Section 17.08.550. A special use may or may not be appropriate and may or may not be allowed by the board, in its discretion in a particular zone district.

**17.78.020 When allowed.**

Special uses may be permitted only upon prior approval of the board. The Board shall first receive and consider recommendations from the planning and zoning commission and town administration and shall conduct a public hearing.

**17.78.030 Review Criteria for Planning Commission Decisions**

Criteria for review of Special Use Applications are:

A. Compliance of the application with this code;
   (Comment: Application is in general conformance with Chapter 17.78 Special Use Permits as well as various aspects of the other portions of Title 17 – zoning. The impacts from a church are essentially the same as from a “fraternal organization, civic hall, and non-profit lodge” which are uses by right in the B-1 zone district.)

B. Compatibility of the proposal with the character of the surrounding area;
   (Comment: This proposal is in general compatibility with the surrounding area. It can fit in well and the building has some Western Heritage “feel”. If approved and successful, it could also bring churchgoers to the downtown area on Sundays and other days and it would be good for the Town if the use was opened up to other groups and various activities.

C. Desirability and need for the proposed use;
   (Comment: this use is appropriate and desirable for the downtown similar to a “fraternal organization, civic hall, or non-profit lodge”).

D. Encouragement of the most appropriate use of land throughout town;
   (Comment: I believe this use, a church, is an appropriate use. The Board of Trustees and planning commission have already decided that the impacts associated with a church are acceptable in the B-1 zone district.)
<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Description/Characteristics</th>
<th>Locational Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown</td>
<td>Those properties within the Comprehensive Plan Land Use Designation of “Downtown” are clearly the Town’s retail commercial core, with attractive storefronts and high visibility to those traveling on State Highway 6. Over time, the Town will continue to improve State Highway 6 to include wide sidewalks, planters, trees, street art, benches and other pedestrian friendly amenities within a sixteen-block area, from 1st Street to 16th Street, and potential pedestrian and landscaping facilities east the eastern border of Town. These “Downtown” properties should be very visually attractive, with architectural features normally encountered in historic downtown areas. The Town’s western heritage can play a role in the layout of the lots, with entrances to the buildings in classic fashion facing the street and large windows for the display of goods and services, with front patios for cafes, where citizens and visitors alike can co-mingle. The Town should encourage business owners to adopt a similar signage for this area, so that visitors to the area become familiar quickly and can locate retail stores of interest. The Town should also encourage building improvements and may adopt certain provisions in the code that reduce the cost of permitting, in order for a greater focus to be placed on the quality of materials that improve the storefronts and provide a western theme. The Town should discourage businesses that detract from the overall appearance of the “Downtown,” do not provide a western theme, or have uses that are not compatible with the Town’s retail vision for this area, such as lower level residential. Mixed uses like lower level retail and upper level residential within the same building should be encouraged to create a synergy of live/work that reduces vehicular focus and enhances the pedestrian experience, as well as provides for more affordably-sized units. Density in this manner can be fairly high if small unit apartments or condominiums, and can range from one (1) to twenty (20) units per acre, of course providing for the appropriate off-street parking. The Town should carefully scrutinize marijuana applications.</td>
<td>Along Main Street (State Highway 6), and the rail road. Downtown should be expanded in the future along Main Street from 1st Street to 16th Street, and from the alley north of Front Street to Grand Avenue, between 4th Street and 9th Street, all as more particularly described on the Comprehensive Plan Land Use Designation Map. Special attention should be paid to design at build-out to ensure buildings and uses are visible and easily accessible to highway traffic but maintain provisions for pedestrian use (bicycle and on foot).</td>
</tr>
</tbody>
</table>
zone district by making similar fraternal organization, civic hall, or non-profit lodge uses by rights. )

E. Potential for adverse environmental influences that might result from the proposed use;
   (Comment: There appears to be no indication that adverse environmental influences could appear from the proposed use.)

E. Compatibility of the proposed use with the comprehensive plan; and
   (Comment: The Description/characteristics portion of the Comprehensive Plan for the “Downtown” area emphasizes the town’s retail commercial core aspects in this area. However, the B-1 zoning makes non-retail uses, such as fraternal organizations, civic halls, and non-profit lodges, uses by right in this location. The impacts of a church are difficult to distinguish from these uses by right and therefore factored into the types of uses contemplated by the Comprehensive Plan.

F. Adequate provision for ingress and egress of vehicular and other traffic; parking, servicing and loading/unloading; refuse and service areas; utilities; screening and buffering; signage; yards and open space; and any other items determined necessary or appropriate by the board.

Discussion/comments below:

1. Ingress and egress for the particular use. Adequate.

2. Parking.
   • All land uses shall provide off street parking as required by the town’s off-street parking regulations (chapter 17.52) with the exception that 17.52.020 G allows uses in the downtown commercial district to count on street parking immediately adjacent to the parcel. There is plenty of parking on this property because it is relatively large and there are no other retail uses at least at this end of the building. It may need to be organized but there is plenty of room as one can see on the proposed site plan.

   • Parking standards related to the Silt Municipal Code would fall under the terminology “churches, religious institutions, theaters, and assembly halls”. The parking standard for this use is one parking space per 400 ft.² of gross floor area or one space per each 4 seats. No parking plan was submitted. However, There appears to be more than enough parking for this use and even a significant expansion in the area.

3. Utilities. It appears that there would be no adverse impact to utilities and I believe they are adequately sized.
4. Miscellaneous.

- There do not appear to be any unusual need for buffering or screening.

17.78.040 Application – Public Hearing – Enforceability

A. An applicant desiring a special use permit shall submit a written application on forms supplied by the town and a fee. The board of trustees shall set the fee for special use permit per this chapter annually by resolution, or as often as necessary, in the board's sole discretion. The town administration shall review the application and refer the same, with recommendations, to the planning and zoning commission. The planning and zoning commission shall consider the application and hold a public hearing at a regular meeting. The planning and zoning commission shall cause the application to be referred to the board, with the town administration's recommendations and the recommendations of the planning and zoning commission.

B. A public hearing shall be held by the Board after notifying adjoining property owners of the subject property and after posting notice of such hearing at least fifteen days prior to such hearing in a public place in the community.

C. Following the hearing, the Board shall issue its decision on the application. The board may grant, deny, or grant with terms and conditions the application. On any grant of special use permit, the board may impose terms, conditions, limitations, restrictions, and requirements as the board deems necessary, advisable, or convenient. With any such grant, the board shall include specific provisions to assure the town's enforceability of the special use permit provisions and the applicant's continuing compliance with all of its terms, conditions, limitations, restrictions, and requirements. (Ord. 12, Series of 1984 § 8 (part)).

D. The applicant for special use permit or any other action under this chapter shall be responsible for all fees and charges incurred by the town in connection with such application, including, but not limited to, legal fees, planning fees, engineering fees, and filing or recording fees. In addition, the applicant shall submit a fifteen percent administrative fee based on the total of all consultant charges for the review of the special use permit application.

V. Staff’s General Reaction

The church and the land use can fit in and would actually be a good addition to town. A church use is almost indistinguishable from the fraternal organization, civic hall, or non-profit lodge uses which are uses by right under the B-1 zoning. As noted above, there are no un-mitigated impacts to the Town resulting from the proposed church use.

I want to make sure both the Planning Commission and the Board of Trustees know that if you wish to approve this application it will not hurt the downtown or the town itself and
that actually it would also be a good thing. While not a retail use, the zoning for the B-1 district specifically allows similar non-retail uses. A church at this location is consistent with the zoning in the B-1 district.

A. Staff Findings and Conclusions

Staff finds the following:

A. The application generally meets the various Elements of the Towns Zoning Code.
B. The application meets the guidance given to the Downtown Land Use Designation contained in the Comprehensive Plan in which this particular property is located -
C. The application generally meets all other review criteria for a Special Use Permit.

VI. Planner Recommendation:

Staff recommends approval of the approval of the Special Use Permit.

If you choose to recommend approval of the Special Use Permit I would recommend the following conditions:

1) That all statements made by the applicant both in the application and in any meetings before the Planning and Zoning Commission be considered conditions of approval, unless modified in any subsequent conditions.

2) That the applicant obtain a building permit for all improvements within the structure as necessary over time.
Land Use Application Form

| _______ Amended Plat | _______ Boundary Adjustment | _______ Subdivision Exemption |
| _______ Annexation    | _______ Sketch Plan          | _______ Floodplain Development |
| _______ Final Plan    | _______ Planned Unit Development | _______ Vacation of Right-of-Way |
| _______ Text Amendment| _______ Site Plan Review      | _______ Re-Subdivision Final Plan |
| _______ Easement Agreement | _______ Zoning or Rezoning | _______ Subdivision Improvement Agreement |
| _______ Preliminary Plan | x _______ Special Use Permit | _______ Annexation & Development Agreement |
| _______ Zoning Variance | _______ Other:               |

**Project Name:** 701 Main Street special use permit for a house of worship/congregational meeting space

**Project Description / Property Information:**

Address: 701 Main Street _______________________ Parcel ID Number: 217910218012

Legal Description *(attach additional sheets if necessary)*: PARCEL A LOTS 4 THROUGH 6 AND THE NORTH 52.5 FEET OF LOTS 7,8,9, AND 10 BLOCK 21 TOWN OF SILT PARCEL B THE SOUTH HALF OF LOTS 7,8,9, AND 10 BLOCK 21 TOWN OF SILT

Access to Property: Hwy 6, & 7th Street, Alley south of property

Acreage or Square Footage: 18375

Existing Land Use Designation: B1

Proposed Land Use Designation: Church or Place of Worship/Indoor Congregational facility

Existing Zoning: B1 ____________________ Proposed Zoning: B1 with special use

**Submittal Requirements:**

- Initially, a completed application with original signatures and four copies shall be submitted to the department for review. The application shall include four sets of 24” x 36” plans, plats and other appropriate drawings. Application must also be submitted in electronic format (MS Word).
- In addition to this application, all information on the supplemental checklist must be submitted.
- Incomplete applications will not be accepted and will delay processing.
- When the documents are deemed adequate, additional copies as required by the department shall be submitted ten (10) days before the public hearing.
- All documents submitted for public hearing shall be hole-punched, collated and paper-clipped (no staples). All plans, plats or drawings shall be folded to 8 ½” x 11” and inserted into the collated application. Each individual application shall be banded together and ready for public distribution.

**STAFF USE ONLY**

Pre-app conference: ______________________ (date)  Application received: ______________________ (date)

Application complete: ____________________ (date)  File Number: ____________________________

Fees: ________________________________  Referrals Sent: ______________________ (date)

Deposits: ____________________________  PZC approval: ____________________ (date)

Paid: ______________________________  BOT approval __________________ (date)
The Billable Party, by signing below, hereby agrees to reimburse the Town the actual costs to the Town plus 15% administrative fees for all engineering, surveying and legal services rendered in connection with the review of the Application. The Billable Party shall also reimburse the Town for the cost of making any corrections or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. The Billable Party agrees that interest shall be imposed at a rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney’s fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

Sonlight Foursquare Church (ICFG) §
Name (printed)
Address   310 Kim Dr Silt, CO 81652
Phone  970 618 6129 Fax
Signature
Type of Identification          Driver’s License

Disclosure of Property Ownership
_____ If owner is an individual, indicate name exactly as it appears on the deed.
_____ If owner is a corporation, partnership, limited partnership or other business entity, name principals on a separate page. Please include articles of organization, partnership agreement, etc., as applicable.
_____ If owner is a land trust, name beneficiaries on a separate page.
_____ If applicant is a lessee, indicate the owner(s) on a separate page.
X  _____ If applicant is a contract purchaser, attach a copy of the contract and indicate the owner(s) on a separate page.

Please provide the name(s), mailing address(es), street address(es) and phone number(s) for all owners.
Property Owner Affidavit

I/We, ________________________________, being first duly sworn, depose and state under penalties of perjury that I am (we are) the owner(s) of the property described herein and which is the subject of the application and proposed hearings; that all answers provided to the questions in this application, and all sketches, data and all other supplementary matter attached hereto and made part of this application are honest and true to the best of my (our) knowledge and belief. I (we) understand that this application must be complete and accurate prior to a hearing being scheduled. I (we) authorize Town staff to visit the site as necessary for proper review of this application.

(If there are special conditions such as guard dogs, locked gates, restricted hours, etc., please give the name and phone number of the person(s) who can provide access to the site)

______________________________________  _______________________________________
Name (printed)  Name (printed)

______________________________________  _______________________________________
Address  Address

______________________________________  _______________________________________
Phone  Phone

______________________________________  _______________________________________
Fax  Fax

______________________________________  _______________________________________
Signature  Signature

Type of Identification

County of ________________________________  ss.  State of ________________________________

Sworn to and subscribed before me this __________________ day of __________________, 20__

(fill in day)  (fill in month)  (fill in year)

By

(name printed)

Witness my hand and official seal.

______________________________________  (seal)

Notary Public

My Commission expires: _________________________
Authorized Representative

I/We further permit ________________________________ to act as my/our representative in any manner regarding this application, to answer any questions and to represent me/us at any meeting(s) and public hearing(s) which may be held on this application.

NOTE: All correspondence will be sent to the authorized representative. It will be the representative’s responsibility to keep the owner(s) adequately informed as to the status of the application.

Name (printed)

______________________________

Address

______________________________

Phone

______________________________

Fax

______________________________

Signature

______________________________

Type of Identification

County of ____________________________

__________________________________

State of ____________________________

__________________________________

Sworn to and subscribed before me this ______ day of ______, ______.

______________________________________________________________________

______________________________

By ________________________________

(name printed)

Witness my hand and official seal.

______________________________________________________________________

Notary Public

______________________________________________________________________

My Commission expires: ________________________________
Public Notice

You are hereby notified that the Town of Silt Planning & Zoning Commission/Board of Trustees will conduct a Public Hearing to consider the following application. The Public Hearing will be held on _____________, 200_ at 7:00p.m. in Council Chambers at Silt Town Hall, 231 N. 7th Street.

Applicant:

Application Request:

Legal Description: (brief legal description is sufficient)

Common Description: (street address or general location)

For more information, contact the Town of Silt Community Development Department; PO Box 70, 231 N. 7th Street or call 970/876-2353. Please provide the name of the applicant and other notice information when asking department staff about this notice.
TOWN OF SILT, PROOF OF PUBLIC NOTICE AND CERTIFICATE OF MAILING

Project: 701 MAIN ST Special use permit

I HEREBY AFFIRM THAT Public Notice requirements of the Silt Municipal Code have been met for the Public Hearing before the Silt Planning & Zoning Commission/Board of Trustees to be held on ____________, 200__.

In addition, I hereby affirm that on _____ day of ________________, 200__, I mailed first class, certified return receipt, a true copy of the attached Public Notice by placing the same postage prepaid in the United States Mail at ______________________, Colorado, addressed to those property owners on the attached list.

Attached are:

1. Certificate(s) of Mailing (green cards and return receipts)
2. Proof of publication from a newspaper of general circulation within the Town showing that prior to the meeting, the Public Notice was advertised as required per Silt Municipal Code.
3. List of names and mailing addresses of all surrounding property owners within 200 feet of subject property.

Name of Applicant (printed)  Signature of Applicant  Date

County of ____________________________  ss.

State of ____________________________

Sworn to and subscribed before me this ______ day of ____________________, __________.

(fill in day)  (fill in month)  (fill in year)

By ________________________________

Name (printed)

Witness my hand and official seal.

_______________________________

Notary Public

My Commission Expires: ______________________
LAND USE APPLICATION FEES

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<tr>
<th>Application</th>
<th>Fee</th>
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*Deposits must be included with application submittal. The deposit is used as security for department staff and consultant time to review the project application. Applicant shall also pay for fees and charges incurred by the town, such as legal fees, planning fees, engineering fees, and filing or recording fees, plus an administrative fee of 15% of the total consultant charges.

ATTACHMENTS/EXHIBITS MUST BE COMPLETE FOR SUBMITTAL.
Incomplete applications will not be reviewed until deemed complete.

Checklist below for Office use only.

1] A legal description of the property.
2] Evidence of legal ownership. May be a deed, title commitment, title insurance policy, or attorney’s opinion of ownership.
3] Letter of consent. Required if the Applicant is not the property owner.
4] List of property owners within 200 feet. Call Garfield County Assessor’s Office at 970/945-9134 for information.
6] A copy of the completed application in electronic format (Microsoft Word).
7] A diskette, compatible with the Town of Silt GIS system, must be submitted before final recording of land use action. Mylars will not be signed prior to submittal of GIS disk. (For GIS information, call the Community Development Department, (970)876-2353.) Please do not print Final Plat Mylars until you receive approval by Town staff.
SPECIAL USE PERMIT SUBMITTAL CHECKLIST

Special Use Permit means a permit for a use that is not appropriate generally or without restriction throughout a zone district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Submittal Documents: An applicant shall submit the following for consideration of a special use permit:

1. ___ Letter of Intent – a brief written description of the proposed zoning and/or development signed by the applicant and including answers to the following questions:
   a) Explain the request and the reason for the request;
   b) Explain how the request meets the intent of the Silt Municipal Code and the Silt Comprehensive Plan;
   c) Explain how the request is compatible with the immediate area surrounding the subject site;
   d) Explain how the request is desirable for the Town of Silt;
   e) Explain the need for this special use;
   f) Explain how this use promotes the best use of the land for the town;
   g) Detail any real or possible environmental impacts your request may have.

2. ___ List of 200’ Property Owners – Names and addresses of all property owners within 200 feet of the subject property;

3. ___ Proof of Property Ownership – deed or deed of trust;

4. ___ Land Use Activity Impact Statement – form provided by the Town;

5. ___ Site Location Map – Must show subject property, adjacent streets and rights-of-way, adjoining property lines, north arrow (at a reasonable scale as determined by Town staff), on 8 ½” x 11”, 8 ½” x 14”, or 11” x 17” depending on scale. Location map must show where the special use will be located on the property;

6. ___ Development Plan – Must show existing and proposed improvements;

7. ___ Application Fee - $250

The applicant or representative must be present at public hearing/meeting at which the proposal is scheduled.
Applicable Code Sections

17.78.030 Review criteria.
Criteria for review of special use applications are:
A. Compliance of the application with this code;
B. Compatibility of the proposal with the character of the surrounding area;
C. Desirability and need for the proposed use;
D. Encouragement of the most appropriate use of land throughout the town;
E. Potential for adverse environmental influences that might result from the proposed use;
F. Compatibility of the proposed use with the comprehensive plan; and
G. Adequate provision for ingress and egress of vehicular and other traffic; parking, servicing and loading/unloading; refuse and service areas; utilities; screening and buffering; signage; yards and open space; and any other items determined necessary or appropriate by the board.

17.78.040 Application – Public hearing – Enforceability.
A. An applicant desiring a special use permit shall submit a written application on a form supplied by the town, as well as a two hundred and fifty dollar fee. The application shall address all review criteria. The town administration shall review the application and refer the same, with recommendations, to the planning and zoning commission. The planning and zoning commission shall consider the application at a regular meeting. The planning and zoning commission shall cause the application to be referred to the board, with the town administration’s recommendations and the recommendations of the planning and zoning commission.

B. A public hearing shall be held by the board after notifying the adjoining property owners of the subject property and after posting notice of such hearing at least fifteen days prior to such hearing in a public place in the community.

C. Following the hearing, the board shall issue its decision on the application. The board may approve, approve with conditions or deny the application. On any approval of a special use permit, the board may impose terms, condition, limitations, restrictions and requirements, as the board deems necessary, advisable or convenient. With any such grant, the board shall include specific provisions to assure the town’s enforceability of the special use permit provisions and the applicant’s continuing compliance with all of its terms, conditions, limitations, restrictions and requirements.

D. The applicant for special use permit or any other action under this chapter shall be responsible for all fees and charges incurred by the town in connection with such application, including, but not limited to, legal fees, planning fees, engineering fees, and filing or recording fees. In addition, the applicant shall submit a fifteen percent administrative fee based on the total of all consultant charges for the review of the special use permit application.
LAND USE ACTIVITY IMPACT STATEMENT

Name of Applicant: International Church of Foursquare Date: 10/4/22

Location of Property: 701 Main Street

Land Use Request: Special use for a Church congregation

Please answer the following questions to the best of your ability. Attach additional pages as needed.

1. Is your request compatible with the Silt Municipal Code? Yes/No
   Yes, it is with permission.

2. Is your request compatible with the Silt Comprehensive Plan? Yes/No
   If not, how is your request useful to the Town of Silt?
   Yes, it is. As a contemporary church, we see our possible facility as an investment in the community of Silt. Silt’s comprehensive plan acts as a guide to their vision which includes strong community connections. We plan on utilizing this facility for free senior and high school lunches, Bingo nights for Silt senior housing, a shared space for other community groups, and a possibility of shared space with a local coffee establishment.

3. Explain how your request is compatible with the immediate area surrounding the site.
   Our largest gathering would be on Sunday Mornings which would not inhibit other businesses or overwhelm the downtown area. It would however bring revenue to the restaurants before and after services. We have already catered events from local establishments and will continue to do so. We would like to keep the parking lot available to the downtown area except for our use on Sunday mornings.

4. How is your request desirable for the Town of Silt?
   Our investment in this property would be an investment in community connection, family life and services. We are excited to be within walking distance to the Silt Senior Housing.
5. Detail any real or possible environmental, town service, or other impacts your request may have.

Parking is one impact that could impact the town and we have addressed that above.

6. Are there or have there ever been any landfills on any part to the property included in your request? Yes/ No

No

7. Please mark all the concerns or impacts listed below which apply to your request and give a brief statement about how you have addressed them.

   a. X traffic
   b. _____ town services (water, sewer, etc.)
   c. _____ signage
   d. _____ open space
   e. _____ schools
   f. _____ emergency services (police, fire, medical)
   g. _____ other utilities (electrical, etc.)
   h. _____ other (pollution, etc.)

The parking on the property accommodates the number in attendance and our use with most impact would be on Sunday morning which is a day with lower volume in the downtown area.

Please list any other items or information which you feel would be of help in assessing your application.

B-1 zoning is established as a district in which the principal use of land is for retail sales and services to the consumer or citizen. It provides use by right to many described establishments that are similar in intent and outcomes to a Church, especially a church with the intent described in this application. Here are a few examples of land use by right:


Here are a few land uses that are permitted by right and would have a very little impact regarding retail revenue:

   Storage buildings which would be limited in their retail revenue
   An auction house that is required to produce revenue more than 3 times a year.
   Office space nonprofit or otherwise.

The examples above demonstrate the use by right for entities that are similar to the church’s use and our organization will bring citizens to the downtown area throughout the week.
Letter of intent for special use permit of 701 Main Street

a) Request and Reason for Special Use Permit: We are requesting a special use permit for our church to be located at 701 Main Street in Silt. Our congregation has been in Glenwood Springs for over 30 years. Our attendees have slowly moved out of Glenwood into the more affordable areas of New Castle, Silt, Rifle and Parachute. Our primary reason for selling our property in Glenwood Springs and moving to Silt is so that our congregants can positively impact the community they live in. To have a healthy investment Silt, we want to be located inside the city where we have walkability access to many members of the community as well as increase community involvement downtown.

b) Request Meets the intent of Silt Municipal Code and the Silt Comprehensive Plan: Our intended use meets the intent of Silt Municipal Code with permission granted and Silt Comprehensive Plan. As a contemporary church, we see our possible facility as an investment in the community of Silt. Silt’s comprehensive plan acts as a guide to their vision which includes strong community connections. We plan on utilizing this facility for free senior and high school lunches, Bingo nights for Silt senior housing, a shared space for other community groups, and a possibility of shared space with a local coffee establishment.

c) Request is compatible with the immediate area surrounding the subject site: The building located at 701 Main Street has ample parking in its adjacent lot and streets. We are a small congregation, with an average meeting of 50 people once a week. This will in no way interfere with traffic congestion. We will also be using the building for office space and small community gatherings (outreaches and small group meetings), which are allowed in the Silt Municipal Code zoning without a special use permit. We are in negotiations with WILD Coffee company to discuss shared space with them. Our aim is to create a community gathering place.

d) Request is desirable for the town: Our goal is to invest our church community and resources into Silt’s community by providing:
   - Outreaches to schools (free, monthly lunch for high schoolers), first responders, CVE teachers and staff.
   - Continued outreach to the Silt Senior Housing Center (this is our 4th year of outreaches, including free lunches, breakfasts, Bingo nights, groceries given during Easter, 2020 and delivering Christmas presents.)
   - Generating more revenue by having a presence in downtown (Sunday lunches at local restaurants, local shopping, bringing more people into the downtown area in general through our presence and outreaches).
   - Provide a convenient and free meeting place for AA groups and other groups in need of a space to meet.
   - Invest in local families that promote a higher quality of living and a safe environment to flourish.
   - Picnic tables and/or pickle ball courts for public use.
• Painting/Renovating the building at 701 Main Street, improving the appearance of downtown Silt.

e) **Need for special use:** We are a house of worship, and there is currently no area that is zoned for a house of worship in the city limits of Silt.

f) **Promotes the best use for the land for the town:** The many small retail businesses that have occupied the 701 Main Street have not generated large amounts of income or foot-traffic to the town. There is also high turn-over in that space now. As mentioned above, our building will be open and available for the community to use and meet, as well as being able to support and encourage our local teachers, first responders, Silt Senior Housing residents. We plan and already are spending our resources with local businesses in Silt. Since moving to Silt, we currently purchase coffee weekly from Wild Coffee (aka Misty’s Coffee) and have used Brick House to cater an event. We, as well as our congregants, will continue to use those businesses, further generating income for the town of Silt. We are looking to have shared space with a local business (coffee shop) to further promote stronger community. We want our building to draw residents and visitors so that they have a spacious place to enjoy. This enrichment cannot be constricted to sales revenue only, but the organic outcomes will most likely produce this.

g) **Real or possible environmental impacts of our request:** None
Development Plan

0-1 year plan:

Our initial special use permission request is with the existing layout in mind with a few minor adjustments. We would paint the exterior. We would make some modifications to the bathrooms, remove, or replace the stairs and put railing or parapet wall around any exposed sections of the upper level. The upper level at this time would be storage only. We would make minor improvements to the southern side of the building to incorporate a children’s room during our services. In this early stage, we would make overflow seating available for Misty’s coffee shop during the week as well as make the meeting room available for other entities (i.e. A.A, other small group gatherings) It will be equipped with a sound system and projector. We would also have a small office for administration work. During this initial phase, Legacy Funeral Home would have the eastern section of the building. They are operating on a special use permit as well. We are asking that our special use permissions would be granted to the whole building if Legacy Funeral Home moves out (they hold a lease until 6/23).

1-year Plan

Our goal is to create a space in the building that would accommodate community touchpoints. In the future, as we investigate utilizing the space further, we would work to make the western end of the building more of a shared open gathering place. One idea we have is to incorporate aspects of Wild Coffee into the proposed space Monday-Sat and then use that west side as our main gathering space for Sunday mornings. In that case, we would then need to utilize the eastern section of the building as classrooms and office space, and small group meetings. At this time, we would look at what it would take to utilize the upper lofts of the building in congruence with building codes for office space meeting rooms. We plan to improve the overhang on the north side and add windows. We intend to create a play area and perhaps a basketball hoop for children on the south side of the building which could be used by the apartments to the west. Our intent is to open the building during community events like the tree lighting, and parades. We hope to utilize the space for senior lunches, first responders’ luncheons, and other services for the senior housing in Silt (i.e Bingo nights).
COUNTY OF GARFIELD, STATE OF COLORADO
701 MAIN STREET, SILT, CO 81652

FIRST YEAR PROPOSED SPECIAL USE PERMIT

Main Street
(85' R.O.W.)

Concrete Sidewalk

N88°46'40"E 175.00'

Handicap

HANDICAP

120 sq ft. CRY Room

Temporary Partitions

1168 sq ft. Gathering Center
Setup for 60-80 people

Proposed Church
701 Main Street

332

Lot 9
Lot 8
Lot 7
Lot 6
Lot 5
Lot 4
Lot 3

11 Parking Spaces

Proposed Church

450 sq ft

Remain existing chairs

Temporary wall

Kid's Classroom

5

105.00'

N88°46'40"E

100.00'

10.5 sq ft

Concrete Sidewalk

Fence & Retaining Wall
TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH PM
COUNTY OF GARFIELD, STATE OF COLORADO
701 MAIN STREET, SILT, CO 81652

FUTURE PROPOSED SPECIAL USE PLAN 2-3 years out

Main Street
(80' R-O-W)

Concrete Sidewalk

175.00'

1380 sq ft
CATHEDRAL CENTER

Proposed Church
701 Main Street

Proposed Bathroom
Proposed Fellowship Hall

Proposed Kitchen

Lot 8
Lot 7
Lot 6
Lot 5
Lot 4
Lot 3
Lot 2
Lot 1

11 Parking Spaces
Special Warranty Deed
(Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on April 08, 2016 by ARCC PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantor(s), of the County of GARFIELD and State of CO for the consideration of ($300,000.00) Three Hundred Thousand and 00/100 dollars in hand paid, hereby sells and conveys to WESTERN COLORADO EXCHANGE, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is 2520 GRAND AVE, #202 GLENWOOD SPRINGS, CO 81601, County of GARFIELD, and State of COLORADO, the following real property in the County of Garfield, and State of Colorado, to wit:

PARCEL A:
LOTS 4 THROUGH 6
AND THE NORTH 52.5 FEET OF LOTS 7, 8, 9 AND 10
BLOCK 21
TOWN OF SILT

PARCEL B:
THE SOUTH HALF OF LOTS 7, 8, 9 AND 10
BLOCK 21
TOWN OF SILT
COUNTY OF GARFIELD, STATE OF COLORADO
also known by street and number as: 701 MAIN ST, SILT CO 81652

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s) except GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2016 AND SUBSEQUENT YEARS AND SUBJECT TO THOSE ITEMS AS SET FORTH ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN.

SIGNATURE AND NOTARY ON NEXT PAGE
ARCC PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY

By: SOMEDAY, LLC A COLORADO LIMITED LIABILITY COMPANY

NORMAN E. CLASEN, MANAGER

LAURA B. CLASEN, MANAGER

By: SAKIN SILT BUILDING, LLC A COLORADO LIMITED LIABILITY COMPANY

LISA K. SHIMEL AS AUTHORIZED AGENT

State of Colorado )
County of Eagle ) ss.

Sworn to before me on April 08, 2016 by NORMAN E. CLASEN AND LAURA B. CLASEN AS MANAGERS OF SOMEDAY LLC, A COLORADO LIMITED LIABILITY COMPANY AS MANAGER OF ARCC PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY

My Commission expires: 10/01/19
Witness my hand and official seal

State of Colorado )
County of Denver ) ss.

Sworn to before me on April 08, 2016 by LISA SHIMEL AS AUTHORIZED AGENT OF SAKIN SILT BUILDING, LLC A COLORADO LIMITED LIABILITY COMPANY

My Commission expires: 8/32/2019
Witness my hand and official seal

When Recorded Return to: WESTERN COLORADO EXCHANGE, LLC, A COLORADO LIMITED LIABILITY COMPANY
2520 GRAND AVE, #202 GLENWOOD SPRINGS, CO 81601

Form 13773 10/2010 swd.open.rev.edt  Special Warranty Deed Open (Photographic)  ABS63010569   (24627399)
EXHIBIT B

Property Address: 701 MAIN ST SILT CO 81652

EXISTING LEASES AND TENANCIES.

RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JANUARY 18, 1892, IN BOOK 12 AT PAGE 100.
1. Owner
CHENOWETH, JOHN JAMES & KIMBERLIE
6411 COUNTY ROAD 214
NEW CASTLE CO 81647-9786
Address
632 MAIN ST SILT 81652

Owner
BANK LLC
100 WILLIAMS RANCH DRIVE
ASPEN CO 81611
Address
101 N 7TH ST SILT 81652

3. Owner
WIGHT, DOUGLAS J
PO BOX 453
SILT CO 81652
Address
690 FRONT ST SILT 81652

4. Owner
COLORADO RIVER FIRE PROTECTION DISTRICT
1850 RAILROAD AVENUE
RIFLE CO 81650
Address
611 MAIN ST SILT CO 81652

5. Owner
670 LLC
Address
670 FRONT ST SILT 81652

6. Owner
BUCK CANYON RANCH, LLC
PO BOX 710
BASALT CO 81621
Address
710 MAIN ST SILT 81652

7. Owner
SILT, TOWN OF, HOUSING AUTHORITY
PO BOX 70
SILT CO 81652
Address
701 HOME AVE SILT 81652
8. Owner
HQ HOLDINGS LLC
314 SOPRIS CIRCLE
BASALT CO 81621
Address
730 MAIN ST SILT 81652

9. Owner
HARRA, CHRISTIAN CHARLES
PO BOX 169
SILT CO 81652
Address
740 MAIN ST SILT 81652

10. Owner
HARPER, KIMBERLY
REED, KIMBERLY ANN
810 MAIN STREET
SILT CO 81652
Address
810 MAIN ST SILT 81652

11. Owner
FRONTIER SQUARE TOWNHOUSES COND ASSOCIATES
345 HUTTON AVENUE
RIFLE CO 81650
Address
777 MAIN ST SILT 81652

12. Owner
BASALT TRADE ASSOCIATES, LLC
PO BOX 710
BASALT CO 81621
Address
120 S 8TH ST SILT 81652

13. Owner
CHAIREZ RAMOS, PEDRO & CHAIREZ, OLGA M
PO BOX 2183
GYPSUM CO 81637
Address
130 S 8TH ST SILT 81652
14. Owner
GROSS, ROBERT S
810 GARFIELD AVENUE
CARBONDALE CO 81623
Address
140 S 8TH ST SILT 81652

15. Owner
ALVAREZ TERRAZAS, ARTURO
135 SOUTH 8TH STREET
SILT CO 81652
Address
135 S 8TH ST SILT 81652

16. Owner
JENSEN, STEPHEN N & ALICE R
PO BOX 5
NEW CASTLE CO 81647-0005
Address
765 FRONT ST SILT 81652

17. Owner
SILT WATER CONSERVANCY DISTRICT
PO BOX 8
SILT CO 81652
Address
120 S 7TH SILT 81652
November 30, 2022

Sent via Email
Town of Silt Planning and Zoning Commission
231 N. 7th Street
Silt, Colorado 81652
nicole@townofsilt.org
mchain@sopris.net

Re: Sonlight Foursquare Church - Special Use Application, 701 Main Street, Silt, CO 81652

To Whom it May Concern:

This letter is written on behalf of Frances A. Candlin and Western Colorado Exchange, LLC, owner of 701 Main Street, to support the application for a special use permit submitted by Sonlight Foursquare Church (“Sonlight”). Sonlight’s presence on Main Street honors the Town’s history and legacy, and will enhance the vibrancy of Main Street, including increasing community connections, a key component to the Town’s Comprehensive Plan. Aside from weekly services, Sonlight plans to complete outreach to schools, the senior housing center, providing free community meeting space, investing in local families, and picnic tables and/or pickle ball courts for public use. Sonlight is a desirable use on Main Street.

Indeed, Town Staff’s report dated 11/9/2022 confirms that Sonlight’s application “will not hurt the downtown itself and that actually it would also be a good thing.” Additionally, Town Staff will “totally support your decision if you [approve the application].” (Page 7). Staff also concede the application meets the criteria for a special use permit, including:

- The Application is in general conformance with Chapter 17.18 Special Use Permits as well as various aspects of the other portions of Title 17- zoning.
- The proposal is in general compatibility with the surrounding area. It can fit in well and the building has some Western Heritage feel.
- If approved the application would bring churchgoers to the downtown area on Sundays and other days and it would be good for the Town if the use was opened up to other groups and various activities.
- This use is appropriate and desirable for the downtown.
Despite expressing support for the application, Town Staff ultimately recommends denial based on a reference in the comprehensive plan discouraging businesses that are “not compatible with the Town’s retail vision for this area for this area, such as lower level residential.” Town staff believe Sonlight’s vision for the building does not meet this standard. We disagree. The Comp Plan cites lower-level residential uses as a specific example of the types of undesirable uses. Undesirable uses are those that create stagnant and sleepy street-level uses. Sonlight’s use, on the other hand, is vibrant, active, and community oriented. Sonlight will be a community gathering place and will enhance the economic vitality of downtown. In this way, Sonlight’s intended use is entirely compatible with the Town’s retail vision for the area.

Note that the Comprehensive Plan is an advisory document (not mandatory), the intent of which is to “guide future development while allowing flexibility for land owners and developers, to accommodate long-term growth in a way that maintains and enhances Silt’s unique identity.” (Comp Plan, Page 12). Additionally, “citizens voice strong support for … ensuring growth happens from the town’s core.” Likewise, one of the Town’s Action items is to “Encourage other entities, such as … church organizations, to become actively involved in organizing and attending Town events and activities.” (Comp Plan, Page 40). Sonlight’s application supports these goals.

In reality, it has been difficult to find any viable tenant for this building. The building sat vacant for over ten years prior to the owner's purchase of it six years ago, and it was in considerable disrepair at that time. Since acquiring the building, the owner has invested over $100,000 worth of improvements in the building. In that period of time the only tenant who was able to fulfill a three year lease, was a marijuana testing lab that did not provide any sales tax revenue to the Town of Silt. Three other tenants, who did provide such revenue to the city were not able to generate enough sales, and all terminated their leases early. There have been extended periods of time where the building was completely empty, and there has never been a time when all four units were fully occupied in over four years, despite significantly reducing the rent. If this application is denied the building is at risk of falling into further disrepair.

So, while we don’t dispute that retail-oriented businesses are good vision for Main Street, we believe the Town should encourage all vibrant and active uses of buildings downtown, including Sonlight’s application. While the Comprehensive Plan can serve as a visionary document with a goal of a thriving retail corridor on Main Street, the reality is that current economic conditions do not support a full buildout of this vision, and without additional flexibility this building owner is left with few options for a viable business plan. The proposed uses submitted by Sonlight Four Square Church will provide a much-needed foundation for successful retail development, and bring new life to Main Street in Silt. The Town has an opportunity to approve a lively, community-oriented use in this building, one that can thrive and synergize with other businesses in the downtown core. As Staff acknowledges, Staff will support your approval of this application, it will “actually be a good thing” for downtown Silt. Thank you for your consideration.

Chad J. Lee, Esq.
November 14, 2022

Lindsey Williams, Vice Chair
and Members of the Town of Silt Planning and Zoning Commission
PO Box 70
Silt CO 81652

SUBJECT: Application for Special Use Permit at 701 Main Street

I represent Frances A. Candlin and Western Colorado Exchange, LLC. As you are aware, my clients have applied for a special use permit for the building located at 701 Main Street. My clients desire to sell the subject building to the Sonlight Foursquare Church (ICFG). The Church has been located in Glenwood Springs for over thirty (30) years. However, attendees have slowly moved to more affordable areas in the western part of the County. My clients certainly recognize that the Town of Silt desires to have additional retail businesses located on Main Street. The Town desires to increase its sales tax revenue from such businesses which is certainly reasonable. However, my clients in the last five (5) years have not had any tenant on the west side of the building complete their lease term. As a result, it has been vacant most of the time. As you know, a small grocery store did operate in the building for approximately two (2) years, but struggled through the COVID epidemic and broke their lease with my clients. Two (2) other businesses signed a lease subject to Town approval. However, one of the tenants was unable to work with the Town’s staff. The other tenant desired to operate a brewery on the premises but stopped making rent payments and sought another location.

As you are aware, the building has now been empty for several more months until the Church came forward and desires to purchase the premises. While the Church will not directly generate sales tax revenues for the Town, the Church believes the facility will be a great benefit to the community. The Church plans on utilizing the facility for senior and high school lunches, hopes to have bingo nights for Silt’s senior residents, and will provide a space for other community groups that desire to utilize the facility. The Church’s largest gathering will take place on Sunday mornings averaging fifty (50) people and would not inhibit other businesses or overwhelm the downtown area. It will however, bring revenue to restaurants and perhaps other retail businesses before and after the Church services. The Church intends to keep the parking lot available for the downtown area except for on Sunday mornings when congregants will be using the parking area.
In reviewing the Town’s zoning regulations and map, it appears that the Town only allows churches as a use by right in two (2) small zones and no churches are presently located in these zones. Most of the Town’s churches are located near the Town’s downtown area. The property is currently in the B-1 Zone which provides a use by right for many similar establishments such as community centers, country clubs, fraternal organizations, non-profit lodges and indoor congregational facilities. The Church is also in negotiations with WILD Coffee Company (aka Misty’s Coffee) to share space with them to promote a stronger community gathering place.

My clients truly believe that the church will be a tremendous asset for the Town without causing any adverse impacts. My clients sincerely hope that the Board of Trustees will approve the pending special use permit.

If you have any questions or concerns prior to the hearing, you may contact me at any time. Thank you for consideration.

Yours truly,

Edward P. Sands
By Email

November 14, 2022

Town of Silt Planning and Zoning Commission
231 N. 7th Street
Silt, Colorado 81652
nicole@townofsilt.org
atucker@townofsilt.org
markchabin@sopris.net

Re: Sonlight Foursquare Church
Special Use Application, 701 Main Street, Silt, CO 81652 (“Property”)

To Whom It May Concern:

This office represents Sonlight Foursquare Church and its representatives Aaron and Rebecca Masimer (collectively, “Applicant”) in connection with their Special Use Application (“SUA”) for the above-described Property as submitted to the Town of Silt Community Development Office (“CDU”) on 10/06/2022. The SUA seeks approval to renovate the Property and operate a “Church or Place of Worship/Indoor Congregational facility.” The SUA is pending final review and determination by the CDU. The Town of Silt Planning and Zoning Department conducted an advisory review of the SUA and has recommend a denial of the CDU. The Applicant asks the Town of Silt Planning and Zoning Department and the CDU to consider our assessment of additional factors before issuing its recommendation to the Board on the SUA.

First, we note that Colorado law recognizes that a governmental body, such as the CDU, may not act in a manner that is arbitrary or capricious in overseeing and administering its land use code provisions, and must afford equal treatment and due process to all applicants. 42 USCA § 1983. The Town is of course also prohibited from implementing its land use code in a manner that imposes a substantial burden on the free exercise of a sincere religious belief absent a showing that the regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. 42 U.S.C.A. § 2000cc–(a)(1). Federal law further provides that “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C.A. § 2000cc–(b)(1). “This provision was meant to address the problem of zoning codes, either facially or in application, excluding places of worship where secular assemblies are permitted. Senators commented on the problem of houses of worship being excluded from places where theaters, meeting halls, private clubs, and

Typical of many municipalities, the Town of Silt’s land use code (“LUC”) creates various categories of zone districts describing development uses that are either allowed by right; allowed by special use approval; or prohibited. Code Sec. 17.12.020; 17.13.020 Appendix A. The Property lies in the “B-1” Zone District according to the Town’s zoning map. The LUC describes Zone District B-1 as the “General Business District.” This Section provides:

“The B-1 general business district is established as a district in which the principal use of land is for retail sales and services to the consumer. It is the intention of these regulations to encourage the development and orderly expansion of the district with such uses and in such a manner as to provide ample parking and a minimum of traffic congestion.”

Reference to the schedule of Business Types under Section 17.13.020 Appendix A, “Churches or Places of Worship” are allowed uses within the B-1 Zone District only by special use approval. Hence the Applicant’s submission of the SUA. By its express terms, the interests sought by the B-1 Zone District under the LUC clearly indicate an intent to encourage orderly development of services to the community that are accessible, have low to moderate impact, with ample parking, and minimal congestion to the immediate surrounding properties and neighborhoods.

Here, the Applicant’s proposed uses of the Property as a church and place of worship clearly meet these objectives. The Applicant’s intended use meets the intent of the Town’s LUC and is consistent with the Town’s Comprehensive Plan. The Applicant seeks to provide the community with a contemporary church, with facilities that will serve as an investment in the Town’s vibrant and growing community. The Town’s Comprehensive Plan acts as a guide to their vision which includes strong community connections. For example, the Applicant plans on utilizing this facility by providing:

- Outreach to schools with free monthly lunch for high schoolers, first responders, CVE teachers and staff.
- Continued outreach to the Silt Senior Housing Center (now in its 4th year of outreach efforts, including free lunches, breakfasts, Bingo
nights, groceries given during Easter, 2020 and delivering Christmas presents.

- Generating more revenue by having a presence in the downtown area (Sunday lunches at local restaurants, local shopping, bringing more people into the downtown area in general).
- Provide a convenient and free meeting place for AA groups and other community groups in need of a space to meet.
- Invest in local families that promote a higher quality of living and a safe environment to flourish.
- Picnic tables and/or pickle ball courts for public use.

All of these anticipated community and business benefits, along with the Property’s improved visual presence on Main Street – all of which are documented as a matter of record under the SUA – will encourage community engagement and promote a vibrant commercial environment benefitting all the surrounding business and serve the very purposes for which the B-1 Zone District is intended to advance. In sum, the Applicant’s proposed uses of the Property under its LUA provide tangible benefits to the Town and the surrounding community, meeting the appropriate uses and intent under the B-1 Zone District.

It is also worth noting that the proposed uses as a church and community gathering center will be a unique and much needed addition to the Town of Silt’s downtown area. The facility will be accessible by foot within the Town core, have ample parking, and poses little risk of traffic congestion. It will also fulfill a vital need within the Town center – there is currently no other house of worship within the Town center, and no other area that is zoned for house of worship within the Town’s boundaries. The Applicant’s proposal will not only fulfill the intended uses of the B-1 Zone District, but it will fulfill a broader demand for community services to its citizens that is now urgently lacking. As the Town inevitably continues to grow, the Applicant’s proposal will only exponentially add to the vitality as an asset to the Town’s core.

While the Applicant’s LUA is categorized as a “church” as its cornerstone, it is clear that the intended uses of the Property encompass much more than just a place of worship. It is a gathering place, a place of community outreach and resources, a place to find nourishment and healthy activities, a place to conduct community business, and a safe and welcoming venue for Town citizens who would otherwise have nowhere else to go for these services. These ancillary uses are entirely compatible with similarly situated uses that the LUC otherwise allows as a matter of right. The church’s presence on Main Street is not just a building; rather, it represents a vital and lasting partnership with the community that will contribute to the Town’s essential identity.
Moreover, the Applicant’s proposed uses are entirely compatible with (and in some cases identical to) those uses already defined as permitted by right under the Town’s LUC. Notably, such permitted uses include: “Community centers and country clubs”; Child care facilities”; “Fraternal organizations, civic halls, non-profit lodges”; “non-profit administrative offices”; “Theaters, clubs, museums, libraries or other indoor congregational facilities.” Section 17.13.020 Appendix A. We urge the CDU to recognize the undeniable relationship between the full scope of the Applicant’s proposed uses of the Property with the category of uses already allowed as a matter of right under the LUC. By doing so, the CDU will truly be serving the interests of the Town’s citizens that the LUC is intended to advance in the first place. A denial of the Applicant’s LUC by the CDU would, by equal measure, reveal the arbitrary nature of the Town’s application of its Code, and the undue burden place upon churches and places of worship, and specifically this Applicant, that the Town regrettably imposes under its discretionary authority of the LUC.

Finally, the Planning and Zoning Department’s staff report recommending denial is largely based on interests recited in the Town of Silt Comprehensive Plan that, by its own definition, reflect general goals, policies, and strategies to implement those goals and policies. Specially, staff states in the P&Z report:

“I believe the last paragraph on page 21 [of the Comprehensive Plan] is very important for your [Town Trustee’s] consideration. It is inserted below:

“The Town should discourage businesses that detract from the overall appearance of the “Downtown,” do not provide a western theme, or have uses that are not compatible with the Town’s retail vision for this area …. ” (Staff Report, p. 3; emphasis in original P&Z Staff report.)”

Similarly, staff states:

“I am just not sure this is the best use of one of the few, significant downtown retail ready buildings along Main Street in the heart of Downtown Silt. The church and the land use can fit in and would actually be a good addition to town. I would just think the church could be located in an area away from the downtown core along Main Street. And I may even be supporting this on Main Street if there were just utilizing a different building or if was at the edges of the downtown area. So my concerns are more site-specific. And I relied heavily on the
Description/characteristics of the Downtown Land Use Designation in the comprehensive plan.” (Emphasis Added)

Based on these and similar statements from the P&Z staff report, it is obvious that the P&Z staff’s recommendation of denial stems directly from staff’s view that the proposed uses at the Property as a church do not align with the “retail vision of this area” – i.e., the use as a church is not a commercial retail establishment. Indeed, the report concludes that although “[t]he application generally meets all other review criteria for a Special Use Permit,” nevertheless staff recommends denial because “[t]he application does not meet the guidance given to the Downtown Land Use Designation Contained in the Comprehensive Plan in which this particular property is located.” Staff Report, p. 7 (Emphasis Added).

What is obvious, however, is the fact that this assessment by staff does not comport with other similarly situated non-retail based uses that are allowed under the Towns LUC that are permitted as a matter of right – with no special review even required. These various uses include those cited above, namely: assemblies, community centers, fraternal organizations, clubs, civic halls, non-profit lodges, and “other indoor congregational facilities.” None of these cited uses, allowed by right under the Code, are so-called “retail” establishment in nature; yet churches are singled out for disparate treatment under the Code, requiring the far more onerous special use review and approval. The only discernable distinction between an “assembly,” a “fraternal organization” or “other indoor congregation” and a “church” is that one category of use is secular and the other is religious. Both facially and as applied, this is an illegal application of the Town’s land use authority and is prohibited under both state and federal law.

We ask that the that the CDU thoughtfully and genuinely consider these comments in the course of its further review of the Applicant’s LUA, and that it finds the LUA is not only appropriate for approval under the LUC’s zoning categories – but that it represents a much needed and welcomed addition to the Town of Silt’s core that will serve the community’s much needed interests for decades.

Thank you for your consideration.

Sincerely,

PECK.FEIGENBAUM PC

s/ Daniel J. Sullivan

Daniel J. Sullivan, Esq.
cc: Sonlight Foursquare Church
Aaron Masimer
Rebecca Masimer
AGENDA ITEM SUMMARY

SUBJECT: Planning and Zoning Commissioners Compensation

PROCEDURE: Discussion Item

SUMMARY AND BACKGROUND OF SUBJECT MATTER: In preparation of the 2023 budget, the Silt Board of Trustees discussed increasing the compensation for P&Z Commissioners from $50 per meeting. Options include keeping it the same, a monthly stipend whether or not meetings are attended or a set fee per meeting attended.

The purpose of this agenda is to gather the Commission’s thoughts on the issue and report back to the Board of Trustees.

ORIGINATED BY: Jeff Layman

PRESENTED BY: Jeff Layman

TOWN ATTORNEY REVIEW: / Yes /x / No

DOCUMENTS ATTACHED:

SUBMITTED BY: Jeff Layman, Town Administrator

REVIEWED BY: Sheila M. McIntyre, Town Clerk