PUBLIC HEARING
PLANNING AND ZONING BOARD
MINUTES
Monday, August 5th, 2024, at 7:30 PM

I. Call To Order

Meeting called to order at 734pm by Mark Basham. Town Clerk Chelsea Nihiser has asked Mark Basham to lead the PZB Public Hearing as Chairman Chris Frey is not in attendance this evening.

II. Roll Call

Mark Basham (PZB), John Busenitz (PZB), Lisa Rae (PZB), Randal "Mac" McDonald (Floodplain Administrator), Chad Miller (Building Inspector). Town Clerk Chelsea Nihiser. Via Zoom: Nick Reckman. Public Audience: Lee Berenato (Mayor TOSP), Martin Gitlin (Mayor Pro Tem TOSP)

III. Motion to Approve Agenda

John Busenitz motions to approve the agenda as presented. Mark Basham seconds. Motion passes with all in favor.

IV. Agenda: 425 Hancock Street, Silver Plume, Colorado; Public Hearing on Development Plan for Special Review Use, Development within Floodplain.

a) Introduction of Matter and Confirmation of Public Notice as outlined in Town of Silver Plume Land Use Code, Section 5.2, and Division 11

Mark Basham: "The one item on the agenda is the 425 Hancock Street Development Plan. Just to make sure that everybody understands what we're doing, this is the Public Hearing. At the end of this, the Planning and Zoning Board will make a recommendation to the Board of Trustees. The Board of Trustees will then make the final determination on the Development Plan."

b) Proponent's Presentation

Nick Reckman: "I apologize, I couldn't be there in person. My intention was to be there. But we were on a family vacation, we're down in Florida, and we got hit by a tropical storm on Sunday and got stuck here until tomorrow, otherwise I would be there to talk to you. But you know the basics of it is essentially, we love the house we love the community we love where we're at. But I've got 3 small kids and 650 square feet, throwing 3 kids in in one bedroom just isn't cutting it. The idea here is not to do anything elaborate or over the top. I'm trying to do it as cheaply as I possibly can. But the idea here would be to basically knock off the one bedroom that we have, which appears to me as if it was already an addition to the house at one point, and then build back behind the house, which would be essentially doubling the size of the house and turning the one bedroom into a 3 bedroom house."

c) Questions by Planning and Zoning Board Members

Mark Basham: "I have one question, what's the what's the total final height? Because the addition's 2 stories. "

Nick Reckman: “I, honestly, I couldn't tell you off the top of my head, And I don't have those plans in front of me, but I don't think it's going to be dramatically larger than because the you know the way the house is already lined up, we've got a lot of space above where our ceilings are, so obviously it's going to be higher than the current roof line. But it's not going to be dramatically higher.”

Randal McDonald: “based on this figure, 36 point 36 feet 9 inches.”

No further questions by the Planning and Zoning Board.

d) Public Comment-

Martin Gitlin: “Nick and Katherine, Max Emmett and Oliver are my neighbors. I moved to Silver Plume in 78, because it was a mining town, and I was a miner, and it was a good place for kids. This is a delightful family, and they care about the town. They are willing to help and do whatever stuff they need to do.”

e) Proponent Response

Nick Reckman: “Yeah, I mean, we cherish Marty, I mean, he couldn't be better to us.”

f) Deliberation

Mark Basham: We're going to do a very brief deliberation. If I'm reading the room correctly, then we have a long form to fill out. We're going to try and move through it as quickly as we can, but we may have some questions for Nick Reckman.
We will be using the written recommendation document that we will send to the Board of Trustees. We just must determine compliant or non-compliant for each of these things.
So, the First one is Max, 28 feet above grade. We know at this point that it's not compliant. What are we going to?
Town Clerk Chelsea Nihiser: So, Nick? You will have to apply for variance due to the height with the Board of Adjustments, and I'll reach out to you tomorrow and go over the process for that.
Nick Reckman: Okay.
Mark Basham: Next, it’s not going to shade any portion of the roof structure of any neighboring building. We're assuming that you're not going to notice a shadow. I actually think it’s far enough that it's not going to shadow onto your neighbor’s house.
Alright front setback is not less than the minimum. You're not changing the front set back. And it's already okay. So, we're going to say, that's compliant.
Rear set back is going to be compliant. I look at the plan you need 5 feet. You've got it.
Side set back. Again, you're not changing that. So that would be compliant.
Minimum lot size irrelevant here because you already have the lot. And that's big enough.
The percentage of lot coverage. You're adding a little bit, but you still have a big enough lot. I didn't do the math except in my head, but I don't think you're going to be over the 30%.
you're adding square feet. So you will be over the minimum of 500 square feet because they're already over that. So we'll say that that is compliant.
So this is the big one. Encroachments into the floodway are prohibited. I read the letter from the engineer. The addition is not in the flood way. The whole lot is in the flood plain, part of your existing houses in the flood way, but that's already there. So you're not encroaching into the flood way, you guys interrupt me if I say anything wrong.
You're putting the vents in the foundation, right? So that'll let the water flow.
Does the property present a hazard to public health or safety? I think it does not. Do we all agree. Not a hazard.
Does it have direct conflicts with the Town Master Plan or Open Space Plan? It does not.
Proposed development complies with historic preservation guidelines in the master plan?”
Lisa Rae: “Well, that's going to depend on what material is being used.”

Town Clerk Chelsea Nihiser: “So you're making a recommendation to the Board of Trustees. You can recommend that you approve. However, you would like to confirm that the materials comply with the historical code.
Mark Basham: “So I won't make a check there. We'll come back to that.”
Nick Reckman: “Yeah. And both our both our architect and builder are, you know, Clear Creek residents, you know, the builders out of Idaho Springs and the architects out of Georgetown, and they both worked in Silver Plume in the past, but I don't know for sure.”
Mark Basham: “I don't think we really have concerns other than we just need to make sure we're crossing our t's and dotting our I’s. It should be okay. I'm sure it will be okay. Typically, it's just small adjustments that you have to make.
Nick Reckman: “Like choosing the materials or are you talking about adjustments to the existing structure?”
Lisa Rae: New build must be up to compliance. So, depending on what materials you picked will depend on whether or not we approve. We can give you guidance to what we will approve, or you can look at the master plan, or have your architect look at the master plan and add those to your plans because it'll have to be detailed on the plans what exactly you're going to be using on the house, the roof, and the siding”
Mark Basham: “The proposed development does or does not conform with zone district use and parking requirements again. You're fine. You’re already there so it does conform.
The development will be served by municipal water and service. I assume it already is right.”
Nick Reckman: “Yes.”
Mark Basham: “Adequate public utilities are available?”
Lee Berenato: “Yes.”
Mark Basham: “I checked with the mayor. You own the property, and you have all the needed easements. I assume, we're going to go with that. Yeah.
It’s not going to affect the public roadway.
It is not going to cause more traffic congestion there at the end of the dead-end street. So, I don't see how that could be a problem right now, maybe once your kids get driver's licenses.
The town has adequate water treatments for the developments. You're not adding a bathroom. Is that true?”
Nick Reckman: “We are.”
Mark Basham: “Okay, good. Because with 3 kids, you're going to want 2 baths.”
Nick Reckman: “We're going to repurpose one of the bathrooms, the existing bathroom. We only have one bathroom, and then there'll be a bathroom in the master suite.”
Mark Basham: “Town has adequate wastewater treatment capacity. Yes.
It’s not going to reduce emergency services.
It's not going to degrade the local economy
It’s not going to degrade recreation or tourism.
It does preserve the natural train. Unusual rock formations, vegetation trees
It is not going to degrade air quality
It is not going to degrade surface water quality again. You had a very nice engineers report that talked about that.
Groundwater quality. It's not going to degrade that, again, from that report
Wetlands. It's a flood plain, not a wetland. So not going to have an effect on that.
It's not going to degrade wildlife habitat, I mean. I assume there's some mice or something that lives in that space, but they'll relocate.
It's not a significant geological hazard. Actually got a quick question about that.

I know that the addition isn't going to be any closer to the creek. But did you guys look at like the effect of the creek and the land and the addition?"
Nick Reckman: "Yeah, we did get a report on that."
Mark Basham: "It's not a significant risk from natural hazards, like earthquakes, rocks, fallen, expansive soil, woods.
It doesn't have adverse effects on the flood plain, again from the engineer's report.
proposed development will not cause danger to persons or include the flood hazards of other properties upstream, downstream or side stream.
it's going to be constructed with materials resistant to flood damage and utilizing construction methods that minimize flood damage again from that report with the vents and the foundation that allows the water to go through. You're in compliance with that.
The next one is about everything being anchored, I mean, I can't imagine modern construction would build anything that wasn't anchored to the foundation. And the engineers address that."
Randal McDonald: "Just to clarify. He already has FEMA approval."
Mark Basham: "Actually multiples. They've looked at it, so cool. Yeah, that's for your safety. That's why I'm bringing up those questions. so, I'm kind of new at the Flood plain administration deal, but we may have a letter for you down the road, and if you have any questions at this time regarding the flood plain please ask those, but I think you're well ahead of the game on that already. So, everything that we need as a town has been addressed, I believe, for the flood plain."
Mark Basham: "If you plan to park an RV on your lot. You are only allowed to have it there for 180 consecutive days. Alright, any other questions for Nick while we're here?"
Lisa Rae: "Are they allowing you access to the back of your place when you start construction? Are you going to have to use a concrete pump to go over the top"
Nick Reckman: "I think they'll probably go around."
Lisa Rae: "well, if there's anything I can do to help you get access, I'd be happy to."

g) Board Recommendation

Mark Basham: "We will make our recommendation to the board."
Lisa Rae: "Yeah. So, we had concerns regarding the material. And if it's coming up later, you said, when we make our recommendation, we need to recommend that they come back and follow the historic building codes."
Mark Basham: "Right? So why don't we, if people are willing, I would entertain a motion to recommend to the Board of Trustees that we approve this Development Plan contingent on the building materials satisfy the historic codes."
Lisa Rae: "so moved."
Mark Basham: "and we have a second all those in favor of that recommendation to the board trustees?"
John Busenitz: "Aye."
Mark Basham: "Alright! We will send this on to the board of trustees."
Nick Reckman: "Thank you all very much. Chelsea. There, there were two things you said I have to apply for a variance, and you're going to get in contact with me about how to do that."
Chelsea Nihiser: "Yes, sir, yeah. So, since it doesn't fit to that residential zoning requirement, the Board of Adjustments, which is a different board separate from the folks gathered here tonight, will review variances, which are exceptions to the land use code. It would be a similar setup to tonight's meeting, it would be a public hearing. So, we go through the public notice protocol that we did this go around where you have to post that notice on your property, and then mail it to your adjacent neighbors. Then I need a written letter requesting the variance. I'll have to double check, but I believe off the top of my head that it's just a letter that states what your variance is, and why it doesn't meet the code. So why would be that it's 39 feet instead of 28 feet. I will reach out to them tomorrow and try and get that set up as quickly as possible. You still have to go to a public hearing for the Board of Trustees with this

recommendation to get final approval for the Development plan, anyway. So ideally it won't push that deadline out too far. I can try and coordinate those 2 public hearings back-to-back with the different boards."
Nick Reckman: "Yeah. Do you think we could do that on the same day."
Chelsea Nihiser: "As long as scheduling permits between all those various folks. Yeah, there's nothing that prevents me from scheduling them the same day."
Nick Reckman: "Yeah, I'll talk to my architect and send you what we have. I mean. A lot of it is like the pitch needs to be the pitch because of the snow and the weather and whatnot. So, it needs to be a steeper roof."
Chelsea Nihiser: "Yeah. So, I'll work on getting that set up as quickly as possible. Once I get that email from you. Do you have any more questions for the planning and zoning board?"
Nick Reckman: "No, I I just want to thank everyone for their time, and you know I know it's later where I am, but it's late on a weekday. So, I appreciate everyone doing this, and everyone's thorough reading of all this stuff and being ready to kind of check the boxes."
Chelsea Nihiser: "Yeah, yeah, absolutely. We want you to be able to spread out in your home. I can't imagine 3 kids, 650 square feet. So that's… I mean I live that life with two kids."
Nick Reckman: "You know people used to do it all the time."
Chelsea Nihiser: "I'll be in touch with you tomorrow on the next steps. Do you folks have any more questions for Nick?"
Mark Basham: "We're all set. I'll be in touch tomorrow. Okay."
Nick Reckman: "Thank you."

V. Adjournment

809pm by Mark Basham