

1. Meeting Materials

Documents:

[AGENDA.PDF](#)
[AGENDA_PACKET.PDF](#)
[MINUTES.PDF](#)



**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, June 5, 2023, at 6:00 P.M. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

[Join Meeting By BlueJeans](#)

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **CONSENT AGENDA** *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. **APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from May 10, 2023 through May 30, 2023 in the amount of **\$132,999.72.**
- VI. **CITIZEN COMMENTS** *(This portion of the agenda allows for the public to sign up to address the Board on matters that are not on the agenda)*
- VII. **PROCLAMATIONS, PRESENTATIONS, AND UPDATES**
 - A. Proclamation recognizing June, 2023 as Bike Month and June 28, 2023 as Bike to Work Day.
 - B. Update on Mass Fatality Exercise set for June 21, 2023 at the Fairplay Beach Picnic Area from Park County Coroner David Kintz, Jr.
- VIII. **PUBLIC HEARINGS** *(This portion of the meeting is where the public is provided facts on important business matters of the Town and given the opportunity to provide input to the Board of Trustees in order to help them make better-informed and appropriate decisions that are in the best interest of the entire community.)*
 - A. **BOARD OF ADJUSTMENT CASE 2023-1** – Consideration of an application from 720 Brewing, LLC dba Highside Brewing for a Variance to approve a 1.5-foot setback to allow for the installation of a grain silo and boiler room for the property located at 501 US Highway 285 and legally described as T09 R77 S34 SW4 Fairplay Johnson Addition, Clock 6, Lot 6 New Greising-Scholl Minor Subdivision described in R585667.” *The Board of Trustees, sitting as the Board of Adjustment, will accept public comment and consider whether or not to grant a Variance associated with Beer Manufacturing operations for 720 Brewing, LLC dba Highside Brewing.*
 - B. Consideration of a Special Use Permit application from 720 Brewing, LLC dba Highside Brewing to allow for beer manufacturing in the Commercial Zone District for the property located at 501 US Highway 285 and legally described as T09 R77 S34 SW4 Fairplay Johnson Addition, Clock 6, Lot 6 New Greising-Scholl Minor Subdivision described in R585667.” *The Board of Trustees will accept public comment and consider whether or not to grant a Special Use Permit associated with Beer Manufacturing operations for 720 Brewing, LLC dba Highside Brewing.*
- IX. **NEW BUSINESS**
 - A. **ARCHITECTURAL REVIEW COMMITTEE** – Consideration of an application from Anne Bradford for a Certificate of Appropriateness for the construction of a deck in the Town Center Zone District at the Valiton Hotel located at 500 Main Street.” *The Board of Trustees, sitting as the Architectural Review Committee, will consider an application from the property owner of the Valiton Hotel for a Certificate of Appropriateness to allow for the construction of a deck.*
 - B. **FIRST READING** – Resolution No. 17, Series of 2023, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING LETTER OF ENGAGEMENT WITH KUTAK ROCK, LLP FOR BOND COUNSEL SERVICES FOR A DRINKING WATER REVOLVING FUND LOAN.**” *The Board will consider approving an agreement for Bond Counsel services required in connection with a Drinking Water Revolving Fund Loan.*
- X. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Board of Trustees Regular Meeting
1st TGIFairplay Free Concert – Ryan Chrys & the Rough Cuts
Board of Trustees Regular Meeting
Fairplay Independence Day Celebration

Monday, June 19, 2023
Friday, June 23, 2023
Monday, July 3, 2023
Tuesday, July 4, 2023

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and on The Town of Fairplay
Website (www.fairplayco.us) on Friday, June 2, 2023. **THIS AGENDA MAY BE AMENDED.**



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Website (www.fairplayco.us) on Friday, June 2, 2023. **THIS AGENDA MAY BE AMENDED.**



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Kim Wittbrodt, Treasurer

RE: Paid Bills

DATE: May 30, 2023

Agenda Item: Bills

Attached is the list of the invoices paid between May 10, 2023 and May 30, 2023.

Total Expenditures: \$132,199.72

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me if you have any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
05/30/2023	19216	Business Solutions Group,	envelopes	1	05/24/2023	112.45	105030
Total 292:						112.45	
05/30/2023	19217	Cash	change for events	1	05/26/2023	400.00	101002
Total 340:						400.00	
05/30/2023	19220	Ferrellgas	propane-501 main	1	05/11/2023	558.69	105195
Total 916:						558.69	
05/18/2023	19189	Postal Pros Southwest, Inc	water billing	1	05/04/2023	219.14	105130
05/18/2023	19189		water billing	2	05/04/2023	268.25	517218
Total 1699:						487.39	
05/25/2023	19207	USABlueBook	water maint equip	1	05/04/2023	394.71	517480
05/25/2023	19207		water maint equip	2	05/04/2023	72.50	517485
05/25/2023	19207		water maint equip	3	05/04/2023	71.75	517450
05/25/2023	19207		supplies	4	05/04/2023	71.75	517645
Total 2176:						610.71	
05/30/2023	19227	Verizon Wireless	Phones	1	05/15/2023	589.93	105455
05/30/2023	19227		jet pack	2	05/15/2023	40.01	105130
05/30/2023	19227		cell Phone - public works	3	05/15/2023	40.70	105645
05/30/2023	19227		Phones	4	05/15/2023	476.73	105065
Total 2212:						1,147.37	
05/25/2023	19209	Xcel Energy	945 quarry road	1	05/17/2023	16.32	517490
Total 2296:						16.32	
05/22/2023	19194	CARD SERVICES	Supplies	1	05/01/2023	1,151.84	105625
05/22/2023	19194		Supplies	2	05/01/2023	794.48	105830
05/22/2023	19194		Supplies	3	05/01/2023	35.92	105130
05/22/2023	19194		Supplies	4	05/01/2023	276.08	517480
05/22/2023	19194		Supplies	5	05/01/2023	56.98	105030
05/22/2023	19194		Supplies	6	05/01/2023	286.00	105107
05/22/2023	19194		Supplies	7	05/01/2023	53.48	105070
05/22/2023	19194		Supplies	8	05/01/2023	38.60	105110
05/22/2023	19194		Supplies	9	05/01/2023	7.20	105625
05/22/2023	19194		Supplies	10	05/01/2023	223.30	105830
05/22/2023	19194		car wash	11	05/01/2023	9.00	105420
05/22/2023	19194		Supplies	12	05/01/2023	111.90	105497
05/22/2023	19194		Supplies	13	05/01/2023	39.98	105130
05/22/2023	19194		Supplies	14	05/01/2023	10.95	105445
05/22/2023	19194		Supplies	15	05/01/2023	8.93	105445
05/22/2023	19194		Supplies	16	05/01/2023	167.23	105420
05/22/2023	19194		Supplies	17	05/01/2023	60.71	105475
05/22/2023	19194		Supplies	18	05/01/2023	9.95	105162
05/22/2023	19194		Supplies	19	05/01/2023	9.69	105130

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
05/22/2023	19194		Supplies	20	05/01/2023	44.98	105830
05/22/2023	19194		Supplies	21	05/01/2023	737.50	517425
05/22/2023	19194		Supplies	22	05/01/2023	13.00	105625
05/22/2023	19194		Supplies	23	05/01/2023	446.19	105015
Total 2503:						4,593.89	
05/25/2023	19204	Colorado Activities Center	summit city rack cards	1	04/01/2023	2,052.00	105130
Total 2606:						2,052.00	
05/30/2023	19218	CenturyLink	acct 719-836-4609 502B	1	05/19/2023	69.97	517470
Total 2614:						69.97	
05/22/2023	19203	Wittbrodt, Kim	cell phone reimb	1	05/22/2023	50.00	105065
Total 2655:						50.00	
05/18/2023	19181	Black Cat Pumping, LLC	clean out toilet vaults	1	05/18/2023	1,961.59	105842
Total 2687:						1,961.59	
05/18/2023	19185	Frank Just	plaque-pocius	1	05/18/2023	225.00	105110
Total 2754:						225.00	
05/25/2023	19205	J & M Displays	fireworks	1	05/10/2023	18,000.00	105171
Total 2800:						18,000.00	
05/18/2023	19182	Chaffee County Waste	6 yd weekly	1	05/18/2023	129.00	105650
05/18/2023	19182		6 yd weekly	2	05/18/2023	129.00	105023
05/18/2023	19182		2 yd biweekly	3	05/18/2023	86.00	517675
Total 2801:						344.00	
05/22/2023	19193	Bullock, Julie	cell phone reimburse	1	05/22/2023	25.00	105645
05/22/2023	19193		cell phone reimburse	2	05/22/2023	25.00	517226
Total 2812:						50.00	
05/18/2023	19184	Colorado Analytical Lab	water testing	1	05/12/2023	24.00	517475
05/22/2023	19195		waste water testing	1	05/18/2023	403.00	517665
Total 2864:						427.00	
05/30/2023	19226	Triangle Electric, Inc.	blower repair	1	05/24/2023	2,195.75	517655
Total 2876:						2,195.75	
05/25/2023	19208	Vectra Bank	loan 0011301508949001	1	05/17/2023	43,248.23	518004
Total 2883:						43,248.23	
05/18/2023	19190	Shirley Septic Pumping, In	town hall	1	05/12/2023	378.13	105120
05/18/2023	19190		cohen park	1	05/12/2023	378.13	105842

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
05/18/2023	19190		beach	1	05/12/2023	189.06	105842
Total 2893:						945.32	
05/22/2023	19198	House of Signs	Cemetary Sign Deposit	1	05/22/2023	4,638.50	105850
Total 3201:						4,638.50	
05/30/2023	19215	Brannan Sand and Gravel	road base	1	05/25/2023	47.26	105670
Total 3255:						47.26	
05/25/2023	19206	SGM	gis mapping	1	05/23/2023	18,851.24	105655
05/22/2023	19201		general engineering	1	05/17/2023	270.00	105105
05/22/2023	19201		beaver lane	1	05/17/2023	866.84	105107
05/22/2023	19201		Park County Village	1	05/17/2023	180.00	105107
Total 3272:						20,168.08	
05/22/2023	19196	Ernst, Sarah	cell phone reimburse	1	05/22/2023	50.00	105065
Total 3313:						50.00	
05/18/2023	19186	Mountain Essentials	estip	1	05/18/2023	785.75	105076
Total 3370:						785.75	
05/18/2023	19180	Bannister, Chris	lunch at conference	1	04/05/2023	10.86	517425
05/22/2023	19192		cell phone reimburse	1	05/22/2023	25.00	517226
05/22/2023	19192		cell phone reimburse	2	05/22/2023	25.00	105645
Total 3464:						60.86	
05/22/2023	19202	Wagner, Alex	cell phone reimburse	1	05/22/2023	50.00	105065
Total 3506:						50.00	
05/22/2023	19197	Graham, Donovan	cell phone reimburse	1	05/22/2023	25.00	105645
05/22/2023	19197		cell phone reimburse	2	05/22/2023	25.00	517226
Total 3519:						50.00	
05/30/2023	19223	Phoenix Technology Group	service contract	1	05/30/2023	833.20	105645
05/30/2023	19223		service contract	2	05/30/2023	833.20	105465
05/30/2023	19223		service contract	3	05/30/2023	833.20	105060
Total 3580:						2,499.60	
05/22/2023	19200	Sciacca, Janell	cell phone reimburse	1	05/22/2023	50.00	105065
Total 3583:						50.00	
05/22/2023	19199	Kleinschmidt, Sean	cell phone reimburse	1	05/22/2023	25.00	517226
05/22/2023	19199		cell phone reimburse	2	05/22/2023	25.00	105645
Total 3590:						50.00	

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 5/10/2023 - 5/30/2023Page: 4
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Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
05/18/2023	19187	Mytech Partners, Inc.	firewall	1	05/17/2023	649.35	105065
Total 3603:						649.35	
05/18/2023	19188	Otto's	estip	1	05/18/2023	4,004.74	105076
Total 3651:						4,004.74	
05/18/2023	19183	Charles Abbott Associates,	building official services	1	04/30/2023	9,997.85	105058
Total 3655:						9,997.85	
05/30/2023	19221	Konica Minolta Premier Fin	copier	1	05/20/2023	212.39	105032
Total 3700:						212.39	
05/22/2023	19191	Kallie Kristen	refund overpayment on utili	1	05/22/2023	808.66	514205
05/22/2023	19191		refund overpayment on utili	2	05/22/2023	840.00	514605
05/22/2023	19191		refund overpayment on utili	3	05/22/2023	28.00	104749
Total 3708:						1,676.66	
05/30/2023	19219	Denver Industrial Sales &	crack sealant	1	05/15/2023	1,530.00	105670
05/30/2023	19219		rental-crack sealing	1	05/15/2023	2,958.00	105670
Total 3709:						4,488.00	
05/30/2023	19222	Mount Marty University	scholarship	1	05/30/2023	2,500.00	105171
Total 3710:						2,500.00	
05/30/2023	19224	Regis University	scholarship	1	05/30/2023	2,500.00	105110
Total 3711:						2,500.00	
05/30/2023	19225	Rocky Mountain Puppets	puppets	1	05/19/2023	225.00	105171
Total 3712:						225.00	
Grand Totals:						132,199.72	

Report Criteria:

Detail report type printed



BIKE MONTH - JUNE, 2023
Proclamation

Whereas, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

Whereas, millions of Coloradans will experience the joys of bicycling during the month of June through educational programs, races, commuting events, trail work days, charity events, or just getting out and going for a ride; and

Whereas, Colorado's road and trail system attracts hundreds of thousands of bicyclists each year from all 50 states and from across the globe, providing economic, health, and scenic benefits to citizens of Colorado and the world; and

Whereas, these bicycling activities and attractions have great potential to have a positive impact on Colorado's economy and tourism industry and to stimulate economic development by making the state attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles; and

Whereas, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, quality of life, boost community spirit, improve traffic safety, and reduce pollution and congestion; and

Whereas, June has been declared Bike Month for the State of Colorado, and

Whereas, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; including the proper usage of bicycle helmets and properly lit bicycle equipment for dusk and dark riding hours; and

Whereas, the Colorado bike to work day is set for Wednesday, June 28, 2023.

Now, Therefore, I, Frank Just, Mayor of the Town of Fairplay, do hereby recognize the month of June 2023 as Colorado Bike Month and proclaim Wednesday, June 28, 2023, as Bike to Work Day in the Town of Fairplay and urge all who support bicycling to participate in planned events statewide and all road users to share the road safely!

Dated this 5th day of June, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

Hello All,

I wanted all the jurisdictions that will be directly affected by this exercise to started getting more information. We will be sending out more detailed information in the next couple weeks but this what we have going on so far.

Location of incident: **Fairplay Beach picnic area**

Family Assistance Center: **Alma Town Hall**

Emergency Operations Center: **911 Clark St Fairplay**

Time: 09:00-16:00

Set up and tear down will take place in either side of that time slot.

We are anticipating having several other counties coroners offices attending. We are also hopeful that we can get participation from most agencies in Park County.

If any of you have questions in the mean time please let me know.

David E Kintz Jr BS, NRP, F-ABMDI
Park County Coroner
PO Box 1742
911 Clark St
Fairplay, CO 80440
719-836-4340
pccoroner@parkco.us

**MAYOR'S OPENING STATEMENT
VARIANCE AND SPECIAL USE PERMIT HEARING FOR 501 US 285**

MAYOR JUST:

I WILL NOW OPEN THE PUBLIC HEARING ON THE APPLICATION OF 720 BREWING, LLC FOR A VARIANCE AND SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 501 US HIGHWAY 285.

THE FAIRPLAY BOARD OF TRUSTEES, SITTING AS THE BOARD OF ADJUSTMENT FOR THE VARIANCE REQUEST AND AS THE BOARD OF TRUSTEES FOR THE SPECIAL USE REQUEST, HAS JURISDICTION TO CONDUCT THIS PUBLIC HEARING UNDER ARTICLES VI AND XXII OF THE FAIRPLAY MUNICIPAL CODE AND ALSO KNOW AS THE UNIFIED DEVELOPMENT CODE. NOTICE OF THIS HEARING HAS BEEN GIVEN BY POSTING, MAILING AND PUBLICATION IN THE MANNER REQUIRED BY SECTION 16-4-10 OF THE FAIRPLAY MUNICIPAL CODE, ARTICLE IV, AND EVIDENCE OF SUCH NOTICE IS HEREBY MADE A PART OF THE RECORD OF THIS PROCEEDING.

THE PURPOSE OF THIS HEARING IS TO CONSIDER THE APPLICATION OF 720 BREWING, LLC FOR A VARIANCE AND SPECIAL USE PERMIT ON THE SUBJECT PROPERTY. THE APPLICANT SEEKS APPROVAL OF THE VARIANCE TO ALLOW FOR A 1.5' SIDE YARD SETBACK AND THE SPECIAL USE PERMIT TO ALLOW FOR A MANUFACTURING USE ON THE COMMERCIAL ZONED PROPERTY

THE PROCEDURE TO BE FOLLOWED IN THIS CASE WILL BE AS FOLLOWS:

1. STAFF REPORT WILL BE PRESENTED.
2. THE APPLICANT, OR THE APPLICANT'S LEGAL COUNSEL/REPRESENTATIVE, MAY GIVE AN OPENING STATEMENT.
3. FOLLOWING THE OPENING STATEMENT, IF ANY, THE APPLICANT AND ANY OTHER PERSONS SUPPORTING THE APPLICATION MAY PRESENT EVIDENCE OR TESTIMONY SUPPORTING THE PROPOSED APPLICATION.
4. AT THE CONCLUSION OF THE APPLICANT'S CASE, ANY PERSONS OPPOSING THE PROPOSED APPLICATIONS MAY PRESENT EVIDENCE OR TESTIMONY.
5. THE APPLICANT MAY THEN PRESENT ANY REBUTTAL OR CLOSING EVIDENCE.

THIS HEARING IS BEING RECORDED AND I WILL CAUTION ALL WITNESSES AND ATTENDEES THAT THEY MUST IDENTIFY THEMSELVES BEFORE SPEAKING AND THAT THEY MUST SPEAK CLEARLY SO THE RECORDING DEVICE CAN RECORD THEIR COMMENTS. COMMENTS OR INTERRUPTIONS FROM MEMBERS OF THE AUDIENCE DURING TESTIMONY WILL INTERFERE WITH THE PROCEEDING AND WILL NOT BE ALLOWED.

ARE THERE ANY OBJECTIONS TO THE JURISDICTION OF THE BOARD OF TRUSTEES / BOARD OF ADJUSTMENT OR TO THE PROCEDURE WHICH I HAVE JUST DESCRIBED?

HEARING NONE, STAFF WILL NOW PRESENT THE CASE.

Fairplay Planning Department
 Fairplay Town Hall
 901 Main Street
 Fairplay, Colorado 80440



Fairplay Board of Trustees
 Mayor – Frank Just
 Mayor Pro Tem - Scott Dodge
 Ray Douglas
 Peter Lynn
 Josh Voorhis

Town Board of Trustees / Board of Adjustment Hearing

Highside Brewing Special Use Permit & Side Yard Setback Variance Request 501 U.S. Highway 285

Hearing Date:	June 5, 2023
File Name and Process:	Highside Brewing - SUP & Setback Variance Request
Owner/Applicant:	720 Brewing, LLC. (Db. Highside Brewing)
Representative:	Dave Axelrod
Location/Legal:	501 U.S. Hwy. 285 / Lot 6, Block 6, Fairplay Johnson Addition
Zoning:	Commercial
Staff Member:	Scot Hunn, Town Planner

Staff Report

I. Summary of Request:

The Applicant, 720 Brewing, LLC., Db. Highside Brewing, represented by Dave Axelrod, is requesting approval of the following Special Use Permit and Variance requests in support of Highside Brewing, to be located at 501 Hwy. 285:

1. Special Use Permit for “Manufacturing” within the Commercial Zone District.
2. Variance for relief from the required side yard setback.

Per the application materials submitted to the Town:

“Applicant purchased this Property for the purpose of locating its brewing facilities in Fairplay. Applicant will be brewing beer for wholesale distribution as well as retail sales. The Property is located in the Commercial zone and Applicant’s use is considered manufacturing. Therefore, Applicant is seeking a Special Use Permit for its brewing facilities.

“Applicant is also seeking a variance to locate its grain silo and a storage room on the south side of the building, partially in the 10 foot setback. Applicant proposes to pour a concrete slab on the south side to hold the silo and storage room (which might be used for a new boiler). There are no utility lines in the setback area.”

As described above, Town staff have determined that the proposed commercial manufacturing activities require a special use permit in addition to a variance from the strict interpretation of the Town’s setback regulations.

Staff has identified only one minor issue that should be addressed by the Applicant as part of any building permit process:

1. No building elevation drawing was attached showing the south elevation of the building and particularly the proposed “storage addition.” Staff suggests that the building permit application include a full elevation drawing showing the proposed building addition.

Staff is recommending approval of both requests with minor suggested revisions and/or conditions of approval.

II. Summary of UDC Requirements and Standards:

Special Use Requirements and Standards

The following sections of Article VI – *Special Use Permits*, Unified Development Code (UDC) are applicable to the Highside Brewing special use permit request:

Approval Criteria and Findings:

Section(s) 16-6-10, *Special use permits*, and 16-6-30, *Special use permit application procedures* of the UDC below outline the criteria and findings necessary for the granting of a special use permit:

Section 16-6-10 – Special use permits

- (A) *A use that is not allowed as a matter of right or without restriction in a zone district may be authorized by special use permit granted by the Board of Trustees. Only uses identified as a special use within a particular zone district may be approved.*
- (B) *Special use permits may or may not run with the land and shall be issued subject to safeguards, terms and conditions as deemed necessary and appropriate by the Board of Trustees to protect and preserve the intent and purposes of the zone district regulations. Violations of the terms and conditions imposed on a special use permit shall be deemed*

violations of this Section and shall be punishable as set forth in the general penalty provisions of this Code.

Section 16-6-30 – Special use permit application procedures

(D) Special use permits may be granted by the Board of Trustees only after finding that the proposed special use will not adversely impact the neighborhood or the public safety and welfare. In determining whether to grant a permit, the Board of Trustees shall consider, as applicable, the following factors:

- 1. Ingress and egress to the property and proposed structures with particular reference to automotive and pedestrian safety, convenience, in case of fire or catastrophe;*
- 2. The need and/or adequacy of off-street parking and loading areas and the economic, noise, glare or odor effects of the special use on adjoining properties and the neighborhood generally;*
- 3. Refuse and service areas;*
- 4. Utilities, with reference to location, availability and compatibility;*
- 5. Screening and buffering, with reference to type, dimensions and character;*
- 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with properties in the neighborhood;*
- 7. Required yards and other open spaces; and*
- 8. General compatibility with adjacent property and other property in the neighborhood.*

Staff Response:

Staff suggests that the proposed special use for brewing as a manufacturing activity will be compatible with the uses and characteristics of the surrounding commercial and light-industrial neighborhood and that all other applicable standards and findings can be met. Upon review of the existing conditions of the site and the proposed use, staff further suggests that:

1. Proper and legal access is provided to the site.
2. Adequate parking is provided onsite for the business operations which will not be open to the public but will only require parking for owners and employees of the business.
3. Adequate areas for refuse service and handling are provided on the adjacent property owned by the Applicant.
4. Utilities are provided to the site.
5. No screening or buffering is required for the particular special use because a majority of the brewing/manufacturing activities will occur inside the existing building and/or within proposed areas of enclosed building expansion.
6. No signage is proposed at this time however the Applicant is aware of the Town's sign code requirements and will comply with sign applications and requirements in the future if needed.
7. With a variance to allow for building expansion and the installation of a grain silo within the side yard setback area, all other required yards are provided and/or remain unchanged.

8. The use will be compatible with adjacent properties – a conglomeration of commercial and light-industrial zoned parcels - as well as other properties within the vicinity of the existing building.

Variance Request

This is a variance request pursuant to Section 16-22-70, *Powers of Board of Adjustment*, Town of Fairplay Unified Development Code (UDC). This is a formal hearing by the Zoning Board of Adjustment and proper public notice was provided.

In this case, the Applicant is requesting a variance to allow for an encroachment of concrete work, as well as above ground improvements (grain silo and storage addition) on the south side of the existing commercial building. The Applicant is proposing to encroach into the ten (10') foot side yard setback area by approximately 8.5 feet, leaving approximately 1.5 feet of setback area.

The property is bounded on the south side by Park Avenue, a public right-of-way owned by the Town of Fairplay.

Approval Criteria and Findings

Section 16-22-70 (B) of the UDC below outlines the criteria and findings necessary for the granting of a variance:

1. *That the variance will not authorize the operation of a use other than those uses specifically enumerated as a primary permitted use for that district in which the property is located and for which the variance is sought.*
2. *One of more of the following special circumstances or conditions exist with respect to the specific property:*
 - a. *Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation in question;*
 - b. *Exceptional topographic conditions of the property; and*
 - c. *Other extraordinary and exceptional situations or conditions of the property.*
3. *The special circumstances and conditions have not resulted from any act of the Applicant.*
4. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property.*
5. *That the variance, if granted, is the minimum that will afford relief and is the least modification possible of the provisions of this Chapter which are in question.*
6. *That the granting of the requested variance would relieve a peculiar, exceptional and undue hardship on the applicant, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning regulations as embodied in this Chapter and the Zoning Map.*
7. *That the variance, if granted, will not adversely affect the public health, safety, and welfare.*

Staff Response:

This variance request for relief from the Town's setback regulations is based on the hardship presented by the Applicant's re-use of an existing building for brewing, an activity that, at certain scales, typically requires the installation and use of improvements such as grain silos. Such improvements cannot be installed within buildings. Upon review of the existing conditions, the Applicant's variance application, and the required findings, staff suggests that:

1. The variance will not authorize a use that is not permitted within the zone district.
2. An exceptional or extraordinary circumstance exists to justify the variance request because the property is fully built-out, leaving no room or practical alternatives for the installation of the grain silo and building addition specific to the intended light-manufacturing use.
3. Those special or exceptional circumstances are not the result of the actions of the Applicant.
4. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property.
5. The variance, if granted, is the minimum that will afford relief and is the least modification possible of the provisions of this Chapter which are in question. In this case, the Applicant has identified the only practical location on the site to place the grain silo and to locate the proposed building addition and the proposed improvements will occupy the smallest "footprint" possible.
6. The granting of the requested variance would relieve a peculiar, exceptional and undue hardship on the applicant, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning regulations as embodied in this Chapter and the Zoning Map. In this case, the variance is being requested to relieve a peculiar situation directly tied to the successful establishment of a specific light manufacturing business – the location of a grain silo for beer brewing.
7. The variance, if granted, will not adversely affect the public health, safety, and welfare. In this case, while the proposed improvements will leave only 1.5 feet between the improvements and the Park Avenue right-of-way, Staff suggests that the following existing and proposed conditions should be considered:
 - a. Several existing pieces of equipment (telephone pedestal, gas meter and concrete pad, bollards, and electrical transformer and concrete pad) already exist on the southeast side of the property within the side yard setback.
 - b. The proposed building addition and grain silo will occupy approximately 20 linear feet along the south side of the property; these improvements represent approximately 18% of the total lineal feet of the property line.
 - c. The proposed improvements will not impede normal, safe use of Park Avenue right-of-way.

III. Zoning Analysis:

Zoning

The subject property is located within the Commercial Zone District. The purpose and objectives of the Commercial Zone District are described as follows:

“Commercial adjacent to Highway 285 allows larger more intensive highway oriented commercial. Uses include grocery, restaurants, vehicle service, general retail, business/professional offices, governmental facilities, banks, medical/dental clinics, vehicle sales, motels, car wash, bowling lanes etc. Residential located in the rear of structures or on the second floor primarily serves employees and is secondary to business use. Storage is enclosed and screened with berms, landscaping and/or opaque fencing.”

- Town of Fairplay UDC Section 16-5-20 – Description of Zone Districts

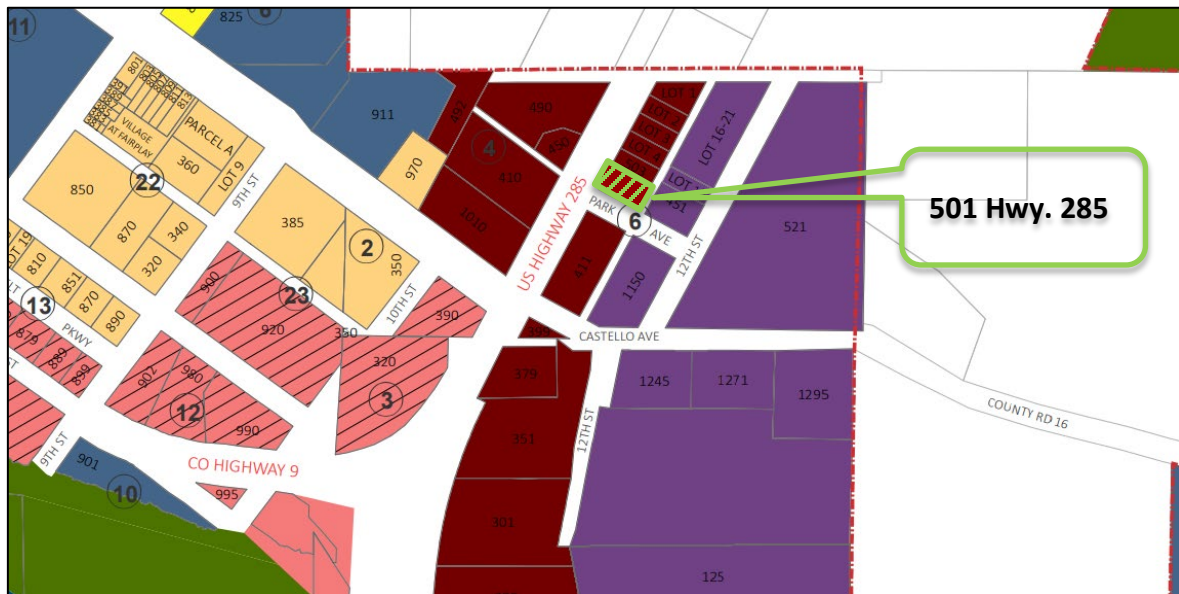


Figure 1: Town of Fairplay Zoning Map

Setback Standards

The following table summarizes the dimensional limitations applicable to the subject property pursuant to Sections 16-5-40. – *Table of Dimensional standards.*

Regulation	Allowed/Required	Proposed/Existing
Front Setback:	25 Feet	No Change
Side Setback:	10 Feet	1.5 Feet
Rear Setback:	10 Feet	No Change

IV. Community Plan Policies:

Applicable Community Plan Policy Goals and Objectives

In addition to the standards listed above, the following Town of Fairplay Comprehensive Plan goals and policies are provided for reference.

Community Character, Design & Identity (p. 18)

The following passage included within the “community vision” statement is relevant to the special use permit and variance request(s):

“Locally owned and operated businesses, ability to walk/bike around town safely, easy access to parks and open spaces, community events, spaces for community interaction, historic buildings, well-defined town center and physically compact town are all phrases that describe community character in Fairplay.”

Goal CCDI-2 – Maintain a Compact Community

Policies supporting the request(s) include:

- A. Support development of existing lots and areas within existing municipal limits with techniques such as in-fill guidelines, accessory dwelling units and development on existing or new small lots.*

Goal CCDI-4 – Ensure that New Development Substantially Conforms to the Comprehensive Plan

Policies supporting the request(s) include:

- B. Trustees should make a finding of “substantial compliance” with the comprehensive plan based upon staff recommendations and application information as part of development review.*

Economy:

Goal EC-2 – Create an Environment in Which Local Businesses Prosper

Policies supporting the request(s) include:

- B. Maintain infrastructure to support existing business.*
- C. Actively support existing business retention and expansion.*

Future Land Use:

The following excerpt from the Commercial land use designation is applicable to the review of the proposed sign:

“Commercial is situated on either side of Highway 285. It supports larger more intensive commercial uses. This area emphasizes automobile circulation but still provides excellent accessibility for pedestrians and bicycles. Architectural character is more contemporary, but still emphasizes good design, landscaped parking, attractive signage and screened storage.”

Staff Response:

The proposed special use for manufacturing associated with a brewery is supported by the Town of Fairplay’s Comprehensive Plan by encouraging the re-use of an existing commercial building within the Commercial Zone District; by supporting the establishment of a new local business and local employment; and by supporting the goals of the Town’s Future Land Use Map. Specifically, this application furthers the goal to “Promote economic development and a sustainable community economy.”

V. Staff Recommendation and Suggested Conditions:

Special Use Permit – Recommendation and Suggested Motion:

Staff suggests that the Special Use Permit request can be viewed favorably in light of the Town’s Special Use criteria and necessary findings, particularly the fact that the proposed use conforms to the intent and purpose of the Commercial Zone District and will be compatible with the surrounding commercial and light industrial uses. Staff is recommending **approval with no conditions**, but with the stipulation that any special use permit granted shall run with the business entity and not the land in this case.

In the event the Town Board votes to approve the Special Use request, staff respectfully recommends the following motion:

“I move that the Town of Fairplay Town Board of Trustees approve the Special Use Permit request for 720 Brewing LLC, Highside Brewing, at 501 U.S. Hwy. 285 to permit manufacturing within the Commercial Zone District, without conditions. The special use permit shall run with the business entity, its assigns and/or successors so long as the business and the associated manufacturing use remain and are not abandoned or discontinued.”

Variance Recommendation and Suggested Motion:

Staff suggests that the variance request can be viewed favorably in light of the Town’s variance criteria, particularly the establishment of an exceptional circumstance and resulting practical difficulty or hardship. Staff is recommending **approval with conditions**.

In the event the Town Board, acting as the Board of Adjustments, votes to approve the variance request, staff respectfully suggests the following motion:

“I move that the Town of Fairplay Town Board of Trustees approve the variance request by 720 Brewing LLC, Highside Brewing, for relief from the strict interpretation of the side yard setback requirements of the Commercial Zone District, with the following conditions:

1. The Applicant shall provide an elevation drawing with any building permit application showing the south elevation and the proposed exterior appearance and materials for the storage addition.”

VI. Supplementary Information:

Section 16-6-30 of the Town Code sets forth that actions of the Board of Trustees regarding Special Use Permits shall be done by resolution. Furthermore, Section 16-22-60 sets forth that all actions of the Board of Adjustment shall be resolution. Therefore, upon any approval, Staff would proceed to prepare ratifying resolutions to be brought back at the June 19, 2023 meeting for review and adoption.

Attachments:

- Development Application and Narrative
- Supplemental Information
- Site Plan
- Tenant Finish Plan
- Architectural Rendering of Silo Placement
- Public Notices



TOWN OF FAIRPLAY
P.O. BOX 267
FAIRPLAY, CO 80440
(719) 836-2622
www.fairplayco.us

DEVELOPMENT APPLICATION

APPLICATION TYPE

- ☐ Planned Unit Development (PUD)
- ☐ Minor Subdivision
- ☐ Major Subdivision
- ☐ Zoning / Rezoning
- ☐ XX Special Use Permit

- ☒ Variance
- ☐ Site Plan
- ☐ Lot Line Adjustment / Elimination
- ☐ Architectural Review
- ☐ Other: _____

APPLICANT INFORMATION

Applicant: 720 Brewing LLC, Highside Brewing Date: 4/11/2023

Applicant's Address: 501 Hwy 285, Fairplay, CO 80440

Applicant's Phone: 970-376-0068 Fax: _____

Email Address: ax@highsidebrewing.com

OWNER INFORMATION

Owner: ACL Real Estate Relationship to Applicant: partial shared ownership

Owner's Address: 400 N. Park Ave., STE 12B, Breckenridge, CO 80424

Owner's Phone: 970-376-0068 Fax: _____

Email Address: ax@highsidebrewing.com

PROPERTY INFORMATION

Physical Address: 501 Hwy 285, Fairplay CO 80440

Parcel No.: 45904

Subdivision: Fairplay Johnson Addition

Lot: 6 Block: 6

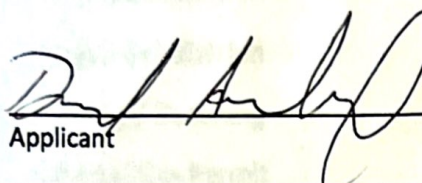
Number of Acres: 1.64

Existing Zoning: Commercial

AGREEMENT TO PAY COSTS FOR PROFESSIONAL SERVICES

No application will be accepted or processed unless it is complete and associated fees/deposits are paid. Depending on the application type, it is the Town's policy and practice to retain outside professional services to process or evaluate an application and the applicant shall bear the costs of same, inclusive of planning, land planning, engineering and legal. A deposit to cover reasonable anticipated costs for outside professional services may be required at the time of application (See Town of Fairplay Fee Schedule). All applications shall be evaluated under the standards and requirements set forth in Chapter 16 of the Fairplay Municipal Code / Uniform Development Code and must be accompanied by the required copies set forth therein.

- ☒ I hereby certify that I am the applicant named above and that the information contained herein and, on any attachments hereto, is in all respects true and accurate to the best of my knowledge and belief.
- ☒ I further certify that I understand and agree to the aforementioned policy and practice of the Town of Fairplay regarding payment of professional service costs associated with this development application.
- ☒ I also understand that no building permit will be issued for the property which is the subject of this application until the application receives final approval by the Board of Trustees and any associated legal timelines have been met/passed.

 4/11/2023
Applicant Date

FOR TOWN USE ONLY

Sec. 16-3-20. Common submittal requirements.

- ☒ Application form, signed by the owner(s) of the property, in the format provided by the Town Clerk. If the applicant is not the owner of the property, a notarized letter of consent signed by the property owner or owners authorizing the applicant to process the specific land use application on the property owner's behalf shall be delivered with the submittal; (Available online at Town of Fairplay website)
- ☒ Legal description of the subject property;
- ☒ Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s). This can be in the form of a deed, current title policy (not older than 90 days), or a letter from the owner's attorney affirming ownership of the property;
- ☒ Names and addresses of any owners or lessees of mineral rights as listed in the records of Park County for the property; (Visit <https://maps.parkco.us/>)
- ☒ Names and addresses of any property owners of adjacent property including properties across a public street, public right-of-way or alley along with stamped and addressed envelopes for each; (Visit <https://maps.parkco.us/>)
- ☒ Statement of the purpose of the application and a description of the proposal; (Attachment to application)
- ☒ Vicinity map indicating the location of the property included in the land use application;
- ☒ Agreement to pay form to cover the costs of any outside consultants to assist the Town with review of the application;
- ☒ Application fee. (See Fee Schedule)

**Per Section 16-3-50 of the Municipal Code and UDC, in addition to the common submittal requirements listed above, additional submittal items are required based upon the type of application. SEE ADDITIONAL REQUIREMENTS CHECKLIST*

Application Submitted: <u>May 4, 2023</u> Public Hearing: <u>June 5, 2023</u> Property Posted: <u>May 25, 2023</u> Notices Mailed to Adjacent Owners: <u>May 25, 2023</u> Notice Printed in Newspaper: <u>May 26, 2023</u>	Fee Paid: <u>\$500.00</u> Deposit Received: <u>N/A</u> SIA / DIA Required: ☒ NO ☐ YES ☐ RECEIVED Other: _____
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PROJECT PROPOSAL

General Description of Project:

See the attached Description of Project

SIGNATURES

I declare under penalty of perjury that the information in this application is true and correct to the best of my knowledge.

David Axelrod

4/11/2023

David Axelrod

4/11/2023

Applicant

Date

Owner

Date

The owner and/or applicant must be present at all meetings and hearings. All public hearings must be properly notices according to the Fairplay Municipal Code and Uniform Development Code (Sec.). Development Application must be signed by Applicant and Owner and all submittal requirements must be met before application will be accepted by the Town of Fairplay. Partnerships or Corporations may have the authorized general partner or other applicable corporate officer sign. *Additional pages may be attached as necessary in order to meet application requirements.*

Supplemental information for the Application for Variance submitted by ACL Real Estate, LLC
Dated April 11, 2023

GENERAL DESCRIPTION.

Applicant purchased this Property for the purpose of locating its brewing facilities in Fairplay. Applicant will be brewing beer for wholesale distribution as well as retail sales. The Property is located in the Commercial zone and Applicant's use is considered manufacturing. Therefore, Applicant is seeking a Special Use Permit for its brewing facilities.

Applicant is also seeking a variance to locate its grain silo and a storage room on the south side of the building, partially in the 10 foot setback. Applicant proposes to pour a concrete slab on the south side to hold the silo and storage room (which might be used for a new boiler). There are no utility lines in the setback area.

SPECIAL USE PERMIT

Sec. 16-6-20. Submittal requirements for a Special Use Permit.

Applicant's use of this Property requires a Special Use Permit. The current zoning is commercial and Applicant's use as a brewing facility is considered manufacturing. Applicant would note that the prior use of the Property was a woodworking facility, also a manufacturing use. Applicant's use will be compatible with the adjacent properties and other properties in the neighborhood. The zoning immediately across the alley is Light Industrial.

Section 16-6-20 sets forth the criteria the Town should use for this application.

1. Statement about the purpose and description of proposed special use.
Applicant intends to establish a brewing facility on this Property for the purpose of brewing beer for sale at wholesale and retail. Applicant's brewing facility does not put off any odors, noise or glare. All activities are conducted inside the building.
2. A site plan prepared in conformance with Section 16-3-40.
A Site Plan is attached.
3. Identification of utilities, with reference to location, availability including letters from utility providers indicating a willingness and ability to serve.
Applicant will be using all of the existing utilities in their current locations, no new service is required. No letters from utility providers are needed.
4. Screening and buffering, with reference to type, dimensions and character.
Applicant will be using all existing screening and buffering on the Property, there will be no additional screening and buffering.
5. Location of all existing and proposed buildings, utilities and other improvements on the property. A building envelope may be shown for proposed buildings to allow minor adjustments.
Applicant's Site Plan shows the location of the existing building and the new additions requested under the application for variance below.

6a. Location and number of parking spaces for off-street parking and loading areas and finished surface material of the parking areas.

Applicant's Site Plan shows all existing parking areas, loading areas and finished surface materials of the parking areas. Since the surface is gravel, it is not possible to mark parking spaces. Applicant's facilities will not be open to the public, parking will be used by staff only. There is adequate parking for Applicant's staff.

6b. Ingress and egress to the Property.

Access to the Property is provided by driveways off of Hwy 285. The access conditions are unchanged since the building on the Property were built. Applicant will not be changing or increasing those conditions.

7. Traffic circulation plan showing the direction of traffic flows and indicating entries and exits of parking lots and the relationships of parking to buildings entrances and exits if any.

Applicant's parking area will not be used by the public. The parking will be accessed by driveways on either end in a two-way traffic pattern.

8. Location of service and refuse collection areas.

Applicant's service and refuse collection will be located on Applicant's adjacent property to the south.

9. Any proposed screening and buffering, including type, dimensions and character in conformance with Article XI.

Applicant is not proposing any new screening or buffering; and will rely on what currently exists on the Property.

10. Location of any signs indicating the size, shape and height of each.

Applicant does not have an existing sign and does not intend to install a sign.

11. Location and type of outdoor lighting in conformance with Article XII.

Applicant does not anticipate adding any outdoor lighting, but will use the existing lighting.

12. Location of existing and proposed fences.

There are no existing fences and Applicant does not intend to add any fencing.

SETBACK VARIANCE

Sec. 16-22-80. Submittal requirements for a Variance.

(A) In addition to the common submittal requirements in Article III, the following submittal items are required.

1. A narrative which describes in detail the proposed variance (use additional sheets as necessary and include reference(s) to applicable section(s) of the municipal code);

The applicant is requesting a variance for the addition of a 30 foot tall grain silo and an extension of a portion of the southwest side of the existing building located at 501 US Hwy 285, Fairplay, Colorado. The addition to the existing building is approximately 13.5 feet by 17.5 feet and will be used for milling the grain and as a boiler room for 720 Brewing LLC d/b/a Highside Brewing's brewing operations. The proposed addition will be approximately 8.5 feet into the Town's required 10 foot setback.

2. Explain how the proposed variance is the minimum needed to make possible the reasonable use of the subject land, building or structure;

The proposed variance is the minimum needed for locating Highside's grain silo next to the existing building.

3. Describe and justify how the proposed variance is necessary to relieve a hardship or practical difficulty imposed by the strict application of the subject regulation(s);

The proposed variance will relieve the practical difficulty of locating a 30 foot grain silo next to Applicant's existing building.

4. Explain how the variance is not a request to permit a use of land, building or structure that is not permitted by right or by special use permit in the applicable zone district;

The light industrial zone district in the town's code does not specifically mention brewing operations. If not a use by right, then it would be a special use permit.

5. Describe in detail the extraordinary or exceptional conditions pertaining to the particular structure, place or property in question that are not applicable to other lands or structures in the same district;

The existing building was constructed many years ago. The building and the code did not contemplate brewing as a use. As a result, the building was not constructed with a silo in mind. More importantly the silo cannot be located within the exist building.

6. Identify how the requested variance will be in harmony with the purpose and intent of this Chapter and will not adversely impact adjacent properties, the neighborhood or the general welfare of the Town of Fairplay;

The requested variance is in harmony with the light industrial nature of this property. There is nothing to the east of the property and the properties to the north and south of the existing building are currently undeveloped. This variance would not conflict with any futures uses of the adjacent lands as light industrial. Applicant owns the property on the other side of the right of way. The right of way next to Applicant's property line, on the side where the silo will be located, only serves as access between the Applicant's two properties and does not access any other properties. The proposed variance will have no negative effect and will not interfere with the right of way on the southwest side of Applicant's building.

7. Explain how the extraordinary and exceptional circumstances pertaining to the variance ARE NOT the result of the actions of the applicant;

The circumstances pertaining to this variance are not the result of actions of the applicant. The Applicant recently purchased the property with the existing building. All of the circumstances regarding the building existed prior to Applicant's purchase of the building.

8. Other information in support of the variance request.

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A copy of the deed is enclosed.

The Applicant is the adjacent owner.

There are no separate mineral owners.

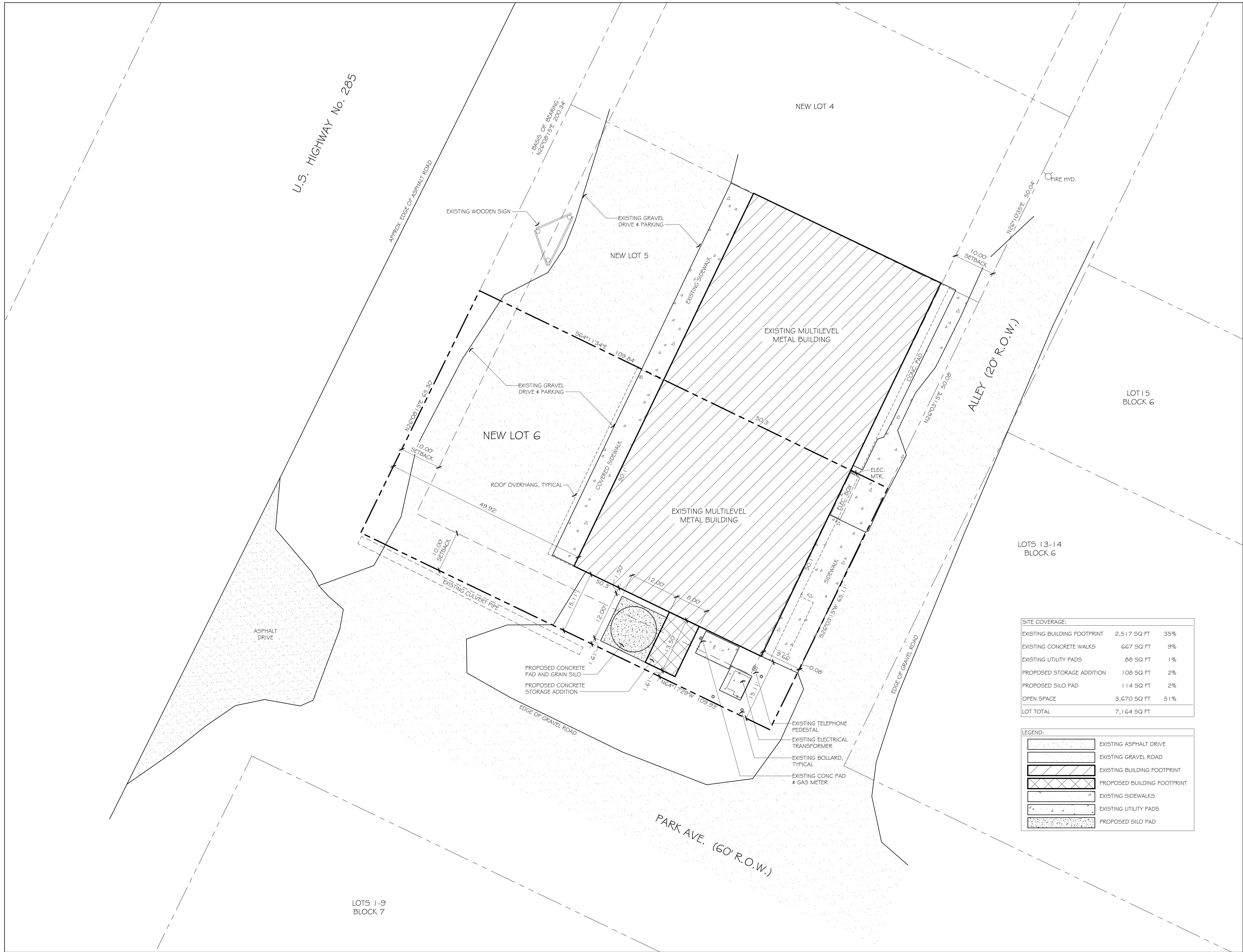
HIGHSIDE BREWERY FAIRPLAY
JOHNSON ADDITION . BLOCK 6 . NW 1/4 . SW 1/4 . SECTION 34
501 HIGHWAY 285 . FAIRPLAY . PARK COUNTY . COLORADO

TITLE: TENANT FINISH PLAN

COPYRIGHT AS AN UNPUBLISHED WORK. REUSE OR REPRODUCTION PROHIBITED WITHOUT WRITTEN CONSENT OF ARCHITECT

[illegible]

A1.1



TENANT FINISH PLAN

PROJECT #: 2271

30"X48" CLEAR SPACE AT LAV, TYP.

60"X54" CLEAR SPACE AT DOOR, TYP.

60" TURNING CIRCLE SPACE, TYP.

60"X56" CLEAR SPACE AT WATER CLOSET, TYP.

GRAB BARS PER ELEVATIONS

6'-6"

18" MIN.

3'-4" (V/F)

6'-6"

18" (V/F)

4/1A2.1

3/1A2.1

2

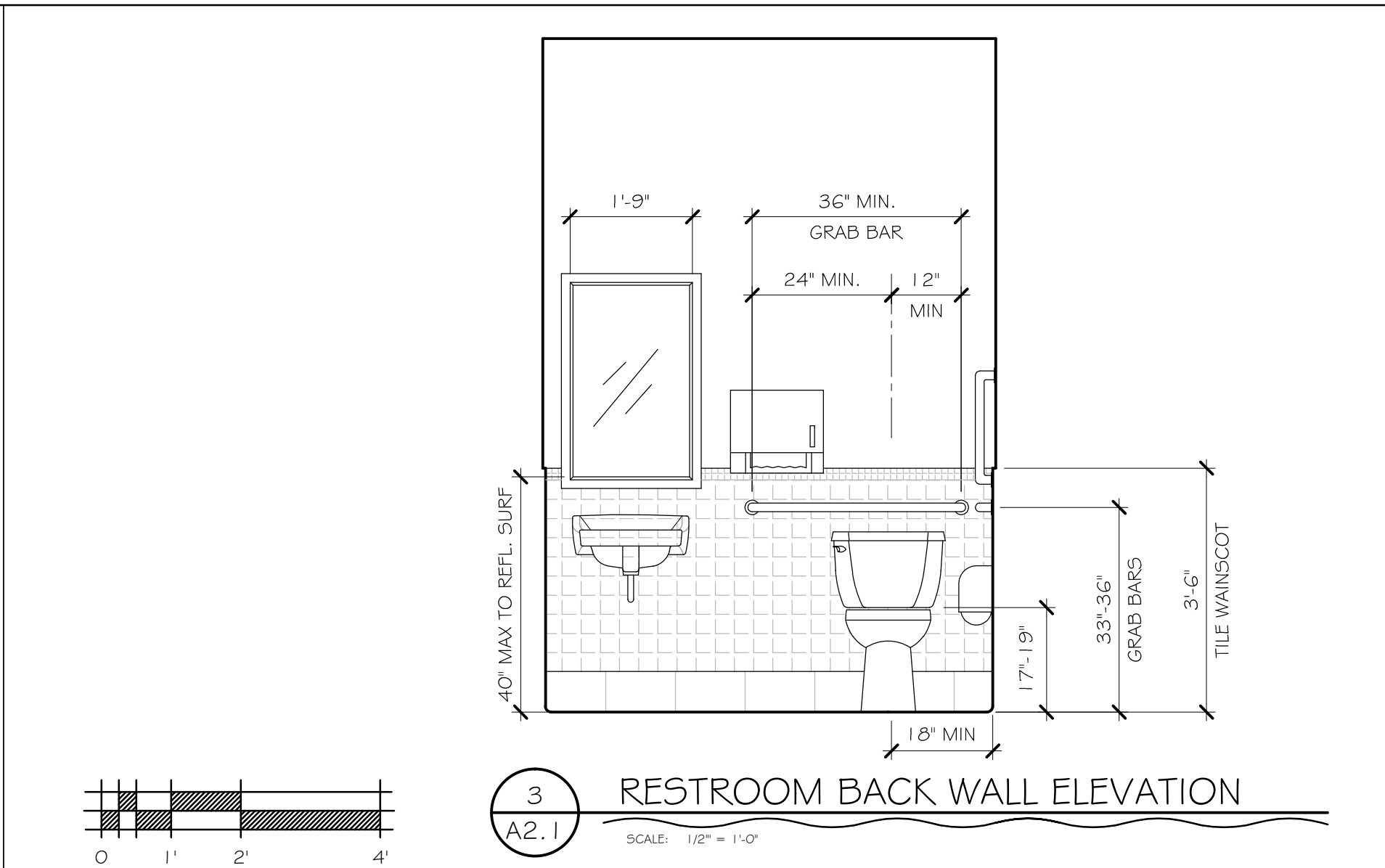
A2.1

ENLARGED RESTROOM PLAN

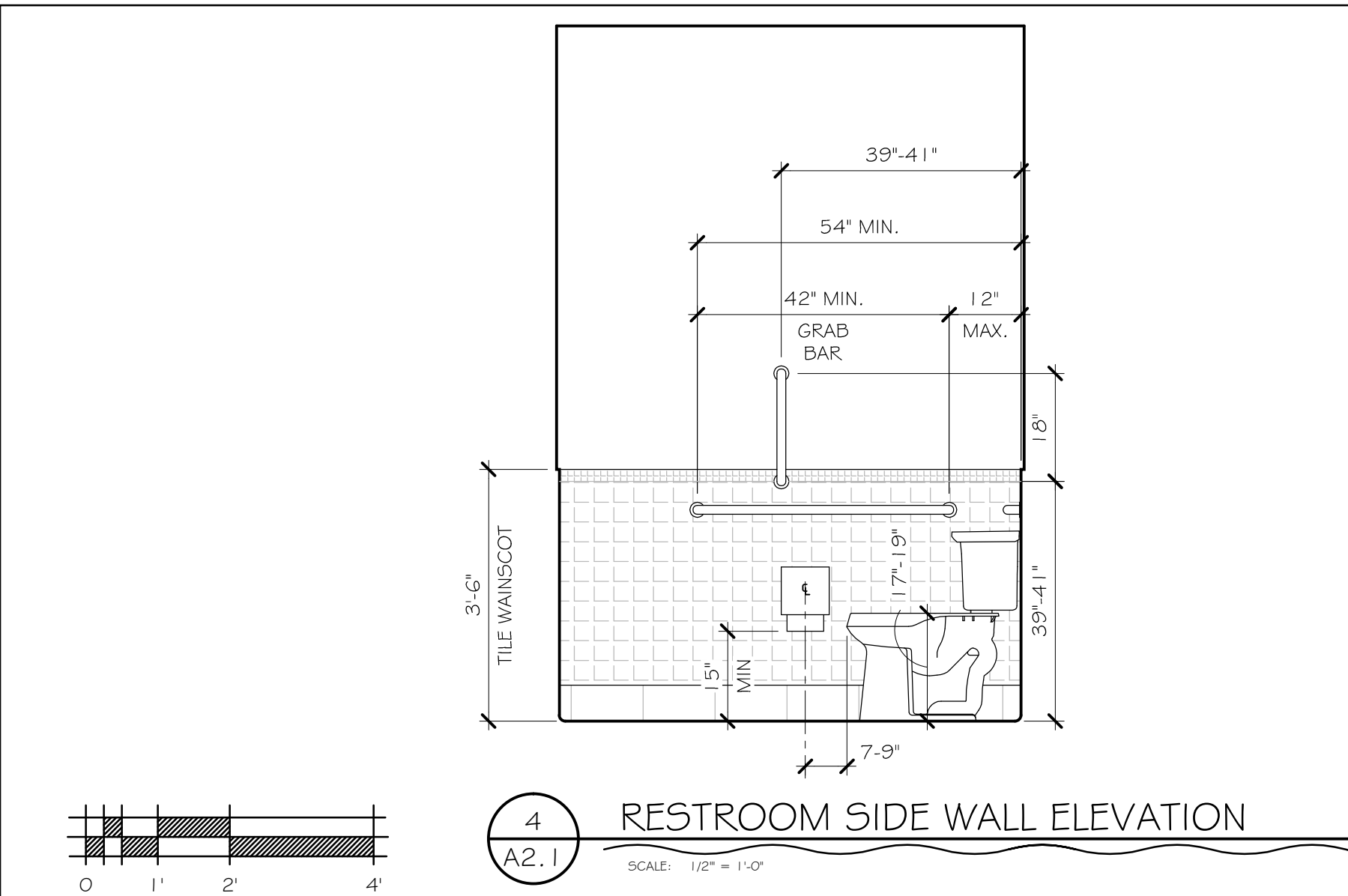
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0 1' 2' 4'

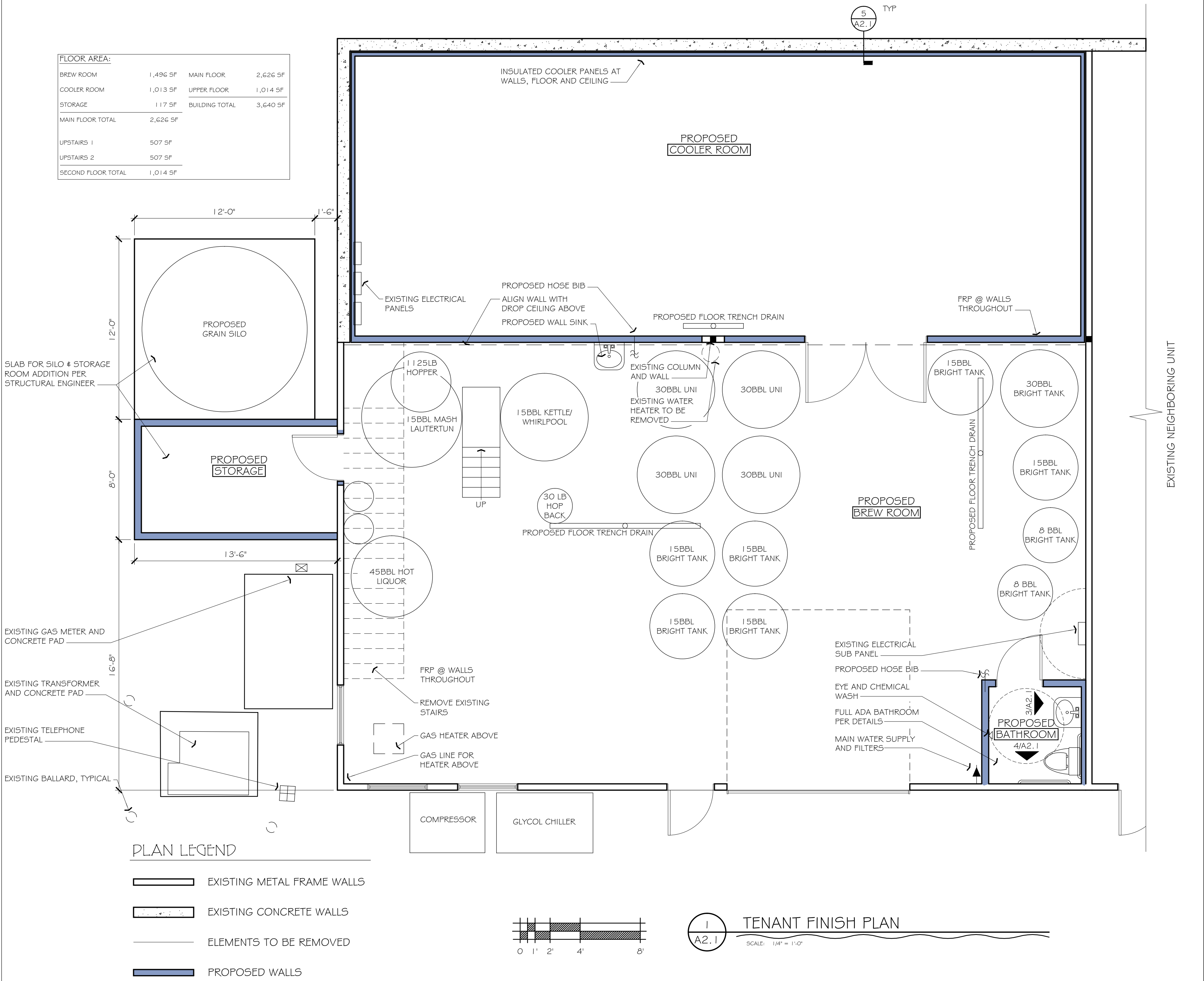
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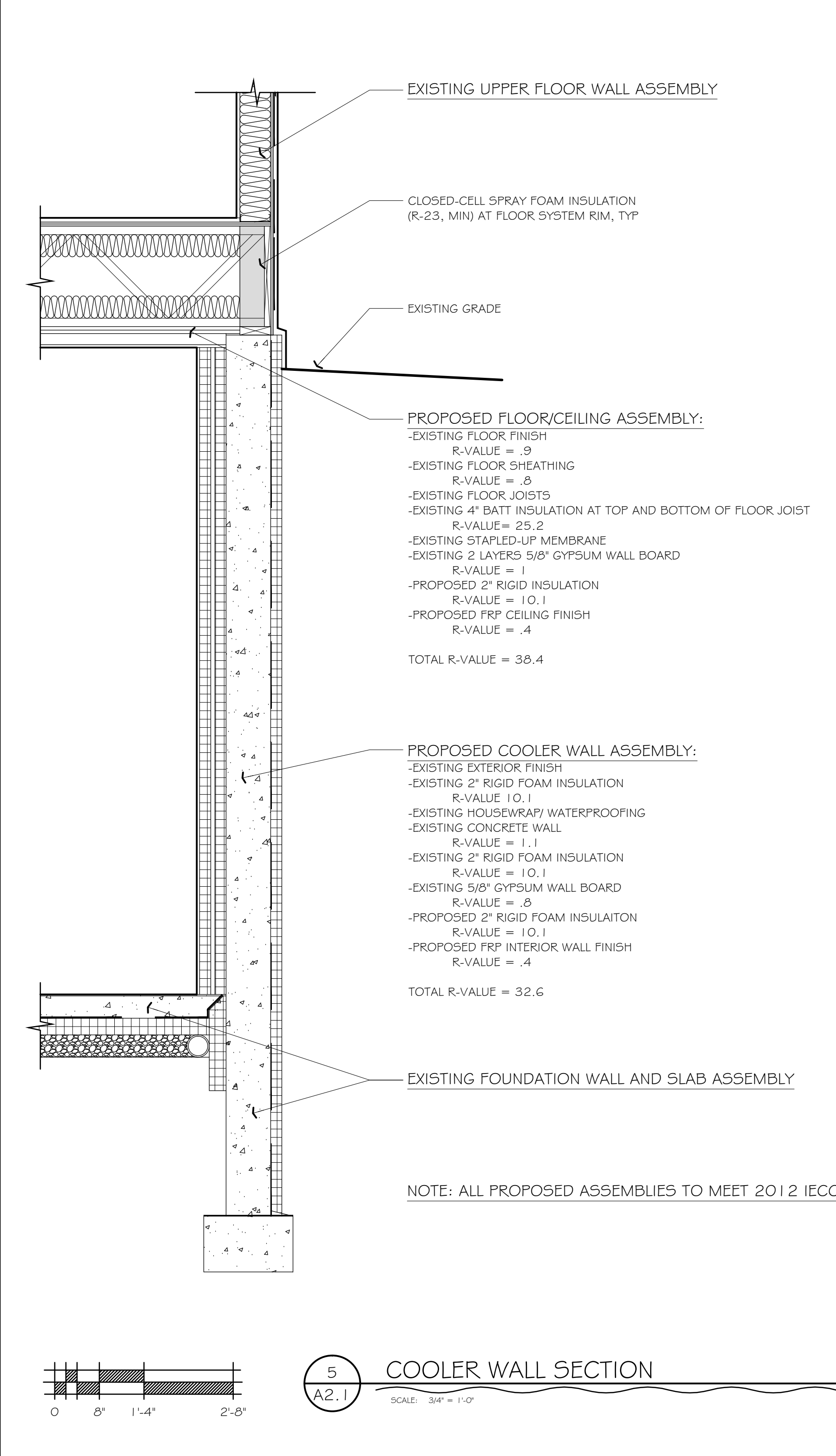
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SCALE: 1/2" = 1'-0"



SCALE: $1/4" = 1'-0"$



SCALE: $3/4" = 1'-0"$

Hwy 285

Colorado

Google Street View

See more dates

27



**PUBLIC NOTICE
TOWN OF FAIRPLAY, COLORADO
NOTICE OF PUBLIC HEARING FOR SET-
BACK VARIANCE**

The Board of Trustees of the Town of Fairplay, Colorado, sitting as the Fairplay Board of Adjustment will hold a Public Hearing at 6:00 p.m. on Monday, June 5, 2023, to receive public comment on an application for a Variance from Section 16-5-40 of the Fairplay Municipal Code to allow for a reduction of the setback to zero feet from the property line for construction of a boiler room and erection of a grain silo for brewing operations in the Commercial Zone District (C). The applicant is 720 Brewing, LLC aka Highside Brewing, and the property is located at 501 US Highway 285 (Lot 6, Block 6, Fairplay Johnson Addition Subdivision). This Public Hearing will be held in the Board Room located in the basement of Town Hall at 901 Main Street, Fairplay, Colorado. A full copy of the Variance Application and all supporting documentation is available for inspection at Town Hall during regular business hours of 8:30 AM to 4:30 PM. To view the Public Hearing item packet material, please visit: www.fairplayco.us/meetings and click on the 06/05/2023 date. Interested citizens are invited to participate in the Public Hearing and provide comments on the matter in person and online on June 5, 2023. Comments may also be submitted by email to jsciacca@fairplayco.us and questions can be directed to Town Administration at 719-656-0081.

Published in the Park County Republican and Fairplay Flume on May 26, 2023

**PUBLIC NOTICE
TOWN OF FAIRPLAY, COLORADO
NOTICE OF PUBLIC HEARING FOR SPE-
CIAL USE PERMIT**

The Board of Trustees of the Town of Fairplay, Colorado, will hold a Public Hearing at 6:00 p.m. on Monday, June 5, 2023, to receive public comment on an application for a Special Use Permit under Section 16-6-10 et. al of the Fairplay Municipal Code to allow for Beer Manufacturing operations in the Commercial Zone District (C). The applicant is 720 Brewing, LLC aka Highside Brewing, and the property is located at 501 US Highway 285 (Lot 6, Block 6, Fairplay Johnson Addition Subdivision). This Public Hearing will be held in the Board Room located in the basement of Town Hall at 901 Main Street, Fairplay, Colorado. A full copy of the Special Use Permit Application and all supporting documentation is available for inspection at Town Hall during regular business hours of 8:30 AM to 4:30 PM. To view the Public Hearing item packet material, please visit: www.fairplayco.us/meetings and click on the 06/05/2023 date. Interested citizens are invited to participate in the Public Hearing and provide comments on the matter in person and online on June 5, 2023. Comments may also be submitted by email to jsciacca@fairplayco.us and questions can be directed to Town Administration at 719-656-0081.

Published in the Park County Republican and Fairplay Flume on May 26, 2023

AFFIDAVIT

Regarding the Required Posting of Variance and Special Use Permit

HEARING ON:

0 Foot Setback and Manufacturing Use in Commercial Zone District.

Property Address if applicable:

501 US Highway 25, Fairplay, CO 80440

Public Hearing Schedule For: Monday, June 5, 2023 at 6PM

I, Sean Kenschmidt, hereby certify that I have posted the property located as stated above, with the proper notice for:

Date of Posting: 3/25/2023

 pwr works crew 3/25/2023
Signature, Title Date

Attachment: Photo of Posted Hearing Sign



**Town of Fairplay**

901 Main Street • P.O. Box 267

Fairplay, Colorado 80440

(719) 836-2622 phone

(719) 836-3279 fax

www.fairplayco.us

May 25, 2023

**Notice of Public Hearing
for the following land use application for Highside Brewing
located at 501 US Highway 285, Town of Fairplay.**

This is to advise you that on Monday, June 5, 2023 at 6:00 p.m., the Board of Trustees for the Town of Fairplay, *sitting as the Board of Adjustment*, will conduct a Public Hearing at Town Hall, 901 Main Street, Fairplay, Colorado, concerning:

- 1) A Variance Request for a “0” foot setback to allow for installation of a Grain Silo and Boiler Room near the southeast corner of the building.**
- 2) A Special Use Permit to allow for “Manufacturing” use for brewing operations in the Commercial (C) Zone District.**

The applicant is 720 Brewing, LLC dba Highside Brewing and the owner is ACL Real Estate.

As an adjacent property owner, you are being notified of your right to appear in person to present testimony at 6 PM on Monday, June 5, at Town Hall located at 901 Main Street. If you are not able to attend but still wish to submit comments, please mail a letter to the Fairplay Board of Trustees at PO Box 267, Fairplay, CO, 80440 or submit an email to jsciacca@fairplayco.us.

The application packet will be available online for review at the Town’s website www.fairplayco.us and at Town Hall located at 901 Main. Questions can be addressed to Town Administration at (719) 836-2622.

Attachment: Certificate of Mailing

CERTIFICATE OF MAILING (One Page)

I hereby certify that a true and correct copy of the foregoing Notice of Public Hearing for the following land use application for a Variance and Special Use Permit for 720 Brewing, LLC dba Highside Brewing located at 501 US Highway 285, Fairplay, CO, was placed in the United States mail, postage prepaid, first class, this 25th day of May, 2023, and addressed to:

Blackwell Oil Company, Inc.
PO Box 3333
Idaho Springs, CO 80452

Alfred Stoinski & Patricia J. Trust
PO Box 1909
Fairplay, CO 80444

Sunrise East, LLC
PO Box 186
Fairplay, CO 80440

Anannt Enterprises, LLC
PO Box 187
Fairplay, CO 80440

Sage & Kathleen Greising
PO Box 203
Fairplay, CO 80440

Robert, Valerie & Doug Tilley
PO Box 396
Fairplay, CO 80440

LJJ Properties
PO Box 496
Erie, CO 80516



Janell Sciacca
Town Administrator / Town Clerk

Fairplay Planning Department
 Fairplay Town Hall
 901 Main Street
 Fairplay, Colorado 80440



Fairplay Board of Trustees
 Mayor – Frank Just
 Mayor Pro Tem - Scott Dodge
 Ray Douglas
 Peter Lynn
 Josh Voorhis

Town Board of Trustees / Architectural Review Hearing

Valiton Deck Addition & Window/Door Replacement Certificate of Appropriateness – Town Center 500 Main Street

Hearing Date:	June 5, 2023
File Name and Process:	Valiton Certificate of Appropriateness
Owner/Applicant:	Duke, LLC Db. Valiton
Representative:	Anne Bradford, Owner & Mickey Florio, Architect
Location/Legal:	500 Main Street / Lots 1 thru 5, Block 16, Fairplay
Zoning:	Town Center (TC)
Staff Member:	Janell Sciacca, Town Administrator/Scot Hunn, Town Planner

Staff Report

I. Summary of Request & History or Property:

The Applicant, Anne Bradford and Co-Owner of Duke, LLC., represented by Mickey Florio, is requesting a Certificate of Appropriateness at 500 Main Street in the Town Center (TC) zoning district. The subject property is commonly known as the Valiton and has not been designated a historic landmark structure.

The original Valiton was destroyed in 1921 by fire. It was quickly rebuilt as an important amenity for the Town's tourist and community events with rustic style popular and appropriate for the Town's mining history and elevation. It reopened in 1922 with modern conveniences such as indoor plumbing and featured twenty-six guest rooms and a mahogany bar from Alma. In the 1920's the hotel appeared in various travel and tourism publications and local residents used the hotel for large gatherings, such as the Park County Sheep Growers Association, and for dances.

Per the application materials submitted to the Town, the applicant is seeking to construct an:

“Exterior wood deck (approx 600 SF) to be added to west corner of property...Railings, steps and fascias to be painted chocolate brown to match existing stairway and ramp. Decking and benchtop material to be medium brown 5/4" x 6" composite decking (trex).”

The applicant is also seeking to:

“Make changes to two adjacent windows on the NW (5th Ave) facade. One is to be removed and the other to be replaced with a door. The door will be half-lite and stained wood to match the restaurant main entrance.”

Staff has not identified any part of the proposal that is not supported by the Town Center Design Guidelines which are attached to this report for reference, and instead has only general comments as follows:

1. Suggest that the new door frame include a head/top rail that matches the dimensions of other window and door openings; it appears from the photos provided by the applicant that the historic detail around the building has a head/top rail that is slightly wider/taller than the window jamb. The architectural drawings do not show this, and it appears the top rail has a piece of flashing over it. Suggest that the new door trim also include flashing over the top rail.
2. The new door generally maintains the existing location and scale of the historic window opening.
3. The guidelines in one section actually encourage the use of synthetic or faux materials to mimic or simulate wood. However, the Town Board should make a determination that Trex "complements" the materials used elsewhere on the building or surrounding areas.
4. It appears that the design includes elements, sizes, and detailing that matches or complements previous deck, ramp, and railing details approved in the past. In particular, the fascia design and dimensions complement the existing fascia/belly band detail that exists on the hotel. However, it would be better if all exterior deck and railings were painted white to match the trim colors on the hotel, but this may not be necessary or practical at this point.

Staff is recommending approval of the Certificate of Appropriateness.

II. Summary of UDC Requirements and Town Center Design Standards:

Certificate of Appropriateness Requirements and Standards

The following sections of Article VIII – *Town Center Overlay District*, Unified Development Code (UDC) are applicable to the Valiton request:

Findings:

Section(s) 16-8-10, *Purpose*, and 16-8-70, *Findings*, of the UDC below outline the intent of the Design Guidelines and the findings necessary for the approval of a Certificate of Appropriateness:

Section 16-8-10 – Intent

The purpose of the Town Center Overlay District is to ensure that high standards of design are maintained for all residential, business and commercial buildings and uses in the Town Center Overlay District. The requirements applicable to properties located in the Town Center Overlay District are in addition to the requirements and limitations of the underlying zone district designation of the property. Anyone seeking to renovate the exterior of or add to an existing structure or building, or construct a new building in the Town Center Overlay District shall be subject to the Architectural Review Committee approval. In promoting the general purposes of this Chapter, the specific intent of this Article is to:

- A. Protect the historic and architectural qualities of the Town's historic building stock;*
- B. Promote development and building consistent with the policies of the comprehensive plan;*
- C. Promote a consistent standard in architectural design and the construction of aesthetically pleasing structures;*
- D. Improve the general quality of the historic environment and promote conservation of the historic resources of the Town;*
- E. Encourage land uses which are orderly, functionally efficient, healthful and convenient to the historic sections of the Town;*
- F. Encourage the development of structures that are compatible within the historic districts;*
- G. Promote neighborhood integrity by compatibility in architecture and cohesiveness in style within the historic districts;*
- H. Encourage the preservation of pre-1910 and Victorian styles of architecture; and*
- I. Promote visual relief throughout the historic districts by preservation of mountain vistas and open space.*

Section 16-8-70 – Findings

- A. In reviewing all proposed plans, the Committee is required to consider the Town Center Overlay District Design Guidelines and shall be guided by the protection, safety and preservation, as nearly as is practicable, of the historic style, qualities and characteristics of the buildings, structures and architectural features associated with or surrounding the subject development and historic district.*
- B. In order to disapprove or deny a project, the Committee shall make findings relating to the project's inconsistency with one (1) or more of the Town Center Overlay District*

Design Guidelines or the goals and policies set forth for the district or as stated in this Article.

Staff Response:

Staff suggests that the proposed structure will be consistent with historic style, qualities and characteristics of the buildings, structures and architectural features associated with or surrounding the subject property as well as the Town Center Overlay District Design Guidelines.

Upon review of the existing conditions of the site and the proposed structure, Staff further suggests that the proposal:

1. Is compatible with the spirit of the historic building it will be associated with.
2. There is no lessening of the integrity of the District by the modification.
3. There are no modern devices (solar panels, skylights, satellite dishes, etc.) proposed to be included.
4. No demolition is proposed.
5. Materials (Trex) that simulate wood and are similar in scale, texture and finish are proposed and paint colors for railings, steps and fascia will match existing painted surfaces
6. While two windows on the building are to be removed, they will be replaced with a door that should complement or match existing windows and doors and no other alterations to the building are proposed and the original entrances will be preserved.

Furthermore, the addition of the outdoor seating area will provide an important amenity for the Town, and use by its tourist and citizens and for use during special events and large gatherings. This is consistent with and continues its history as a social meeting place.

III. Zoning:

Zoning

The subject property is located within the Town Center Zone District. The purpose and objectives of the Town Center Zone District are described as follows:

“The Town Center is the historic core of Fairplay. Uses in Town Center include small businesses, hotels, restaurants, taverns, governmental buildings, professional offices, medical/dental clinics, museums, art galleries and a compatible collection of uses. Residential use requires a special use permit. Buildings front on sidewalks. The Town Center is the hub of civic activity and a place for social interaction. The associated Town Center Overlay District (TCO) ensures that the historic character is maintained.”

- Town of Fairplay UDC Section 16-5-20 – Description of Zone Districts



Figure 1: Town of Fairplay Zoning Map

IV. Staff Recommendation:

Staff suggests that the application for the Certificate of Appropriateness can be viewed favorably in light of the Town's criteria and necessary findings, particularly the fact that the proposed project conforms to the intent and purpose of the Town Center Zone District and will be compatible with the historic style, qualities and characteristics of the surrounding buildings. Staff is recommending **approval with no conditions**.

In the event the Town Board/Board of Adjustment votes to approve the Certificate of Appropriateness request, staff respectfully recommends the following motion:

"I move that the Fairplay Board of Trustees, sitting as the Architectural Review Committee, approve the application for a Certificate of Appropriateness for Duke, LLC at 500 Main Street to permit construction of a deck and replacement of 2 windows with a door within the Town Center Zone District, without conditions and that the Town Clerk issue said Certificate of Appropriateness within seven (7) business days as per the plans submitted and approved (*or approved with modifications*) by the Committee."

Attachments

- Applicant Submittal Packet

TOWN OF FAIRPLAY, COLORADO
RESOLUTION NO. 2014- 19

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY,
COLORADO, ADOPTING DESIGN STANDARDS FOR THE TOWN CENTER
OVERLAY DISTRICT AND ESTABLISHING DISTRICT BOUNDARIES**

WHEREAS, the Board of Trustees has the authority to make and adopt design standards for the Town Center Overlay District and establish district boundaries, and;

WHEREAS, the Design Standards have been prepared by the Board of Trustees for the Town Center Overlay District per the 2013 Fairplay Comprehensive Plan and in conjunction with the Steering Committee and Town Staff, and;

WHEREAS, the Board of Trustees believes that it is in the best interest of the Town that the Town Center Overlay District Design Standards be adopted and implemented.

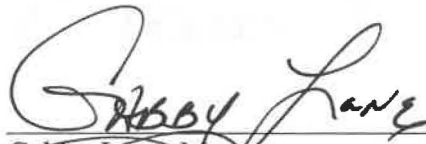
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO THAT the Town Center Overlay District Design Standards and District Boundaries attached hereto are hereby adopted.

RESOLVED, APPROVED, and ADOPTED this 4th day of August, 2014.

(Seal)



TOWN OF FAIRPLAY, COLORADO



Gabby Lane, Mayor

ATTEST:



Tina Darrah, Town Clerk

Town Center Overlay District DESIGN STANDARDS

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The Town Center represents Fairplay's historic community hub, with mining heritage and architecture typified by many of the older buildings. Newer buildings incorporate architectural features that enhance the historic designs of the past. Main Street (State Highway 9) is a major traffic corridor through the Town Center. Front Street is anchored by South Park City on the north. A map defining the district is included. Where the map is defined by a street, the boundary is considered the centerline of the street right of way.

An "Overlay District" is defined as an area within the Town where additional land development requirements are added to the underlying zoning district to protect or enhance the character of the community. Overlay districts are not designed to prevent changes, but to assist in shaping changes that enhance the characteristics that make a town unique. This overlay district encourages consistency in architecture, but does not force "sameness."

The Fairplay Town Center Overlay District has been established to ensure that high standards of design are maintained to protect the aesthetic qualities of Fairplay's historic building stock.

The Design Standards serve as a tool for preserving the Town Center by informing property owners and builders about compatible and appropriate design for new construction within the District. The Standards also provide design expectations for additions and alterations made to the District's historic buildings and give property owners direction in preserving their historic commercial buildings and houses.

The Design Standards are used by the Fairplay Staff and the Architectural Review Committee as they review design plans for construction projects within the Town Center Overlay District.

ARCHITECTURAL REVIEW PROCEDURE

All construction work within the Town Center Overlay District that would affect the exterior of a structure and which would require a building permit must obtain a Certificate of Appropriateness before a building permit will be issued.

GENERAL DESIGN STANDARDS

The following Design Standards apply to all construction projects within the Town Center Overlay District, including new construction, additions, and alterations.

CONTEXT

The Fairplay Town Center Overlay District contains a variety of architectural styles, visual patterns, and open spaces that contributes to the overall visual appearance of the town. Both the commercial district and the residential neighborhoods have a degree of visual continuity based on recurrent patterns, spacing, sizes, and shapes. In some

blocks this continuity is very strong. In other blocks there is less continuity, because buildings of different architectural styles or types are located next to each other.

Standards

- *Design of a new building must be compatible with the spirit of the historic character of the Town Center.*
- *Design of an addition or modification must be compatible with the spirit of the historic buildings.*

AUTHENTICITY

The Fairplay Town Center Overlay District has value because of its authentic architectural styles and elements. Constructing copies of historic buildings or using duplicate historic features lessens the integrity of the District.

Standards

- *The design of a new building or exterior modification to an existing structure should not be an exact duplication of a historic building.*
- *Renditions of historic design are encouraged while “mirror” renditions are not encouraged.*

MODERN DEVICES

Modern devices, such as solar panels, skylights, satellite dishes, and wind turbines can detract from the appearance of a Town Center Overlay District. These Standards are not intended to discourage alternative energy sources. It is hoped that these devices will be used, and will be incorporated inconspicuously into building design.

Standards

- *If installing modern devices on a property in the Town Center Overlay District such as skylights or satellite dishes, care must be taken to incorporate them inconspicuously into building design.*
- *A modern device, such as a satellite dish or skylight, should not detract from the historic integrity of the building.*

DEMOLITION

Fairplay has an ordinance governing the issuance of permits for demolitions. A permit must be acquired prior to the demolition of any structure within the Town.

Standards

- *If you plan to demolish and reconstruct, review and a detailed list of ALL salvageable materials from the demolished building shall be provided prior to issuance of a COA and all listed materials, embellishments, hardware, appointments, etc. shall be incorporated into the new construction.*
- *All demolitions shall be performed in accordance with the Town Code.*
- *Speculative demolitions are discouraged.*

NEW CONSTRUCTION

New construction should complement existing historic buildings. The form, height, exterior materials, and decorative elements of a new building should be compatible with those in the surrounding area.

SITE CONSIDERATIONS

The way in which a building is placed on its lot and relates to the neighboring buildings contributes to the visual unity of a historic area.

For example, commercial buildings in historic Fairplay were typically rectangular in form, one to two stories in height, built to the front lot line, and placed on a 25' by 100' lot. Residential buildings were typically set back from the front property line.

Standards

- ***New construction should complement the size, height, and arrangement of the surrounding buildings.***
- ***For new commercial buildings on corner lots, both street-facing walls should be treated as primary facades.***

HEIGHT AND WIDTH

Early commercial buildings in Fairplay were 25 feet wide and had 0 side yard setbacks on the 25-foot-wide lots. Those that occupied multiple lots were broken into 25-foot storefronts. Both masonry buildings and wood frame buildings were one or two stories tall. Log buildings were typically one story in height. Residential buildings were typically narrow allowing them to be built on a 25 foot wide lot.

Standards

- ***Limit building width to 25 feet, or break up a wider building into smaller storefronts of approximately 25 feet.***
- ***Consider the height and width of surrounding buildings.***
- ***Do not dwarf neighboring buildings.***

FORM AND MASS

Commercial buildings were rectangular in form and built to the front of the lot line to conform to the long, narrow lot. Historic buildings typically were smaller in mass than today's commercial buildings. This smaller size provided a more human scale, accentuated by sidewalks, boardwalks, large display windows and recessed entries that invited pedestrians down the street and into the stores. Residential buildings were typically narrow allowing them to be built on a 25 foot wide lot with a front setback.

Standards

- ***Use a solid, rectangular form in design of a new building.***
- ***Design a new building so that its mass appears similar to that of the historic structures.***

- ***Break up the façade of a large new building into smaller visual units.***

SCALE AND RHYTHM

Two-story buildings in the Town Center Overlay District had a visual distinction between the ground floor and upper stories. One-story false front buildings generally had a similar horizontal alignment of their façade cornices. Both featured a 25-foot width that provided a visual pattern along the commercial block.

Standards

- ***Include a horizontal division on the building fronts: on two-story buildings between the first and second story, and on one-story buildings between the windows and the false-front façade.***
- ***Repeat horizontal rhythm reflected in adjacent buildings.***

PLACEMENT

The buildings in the Town Center Overlay District were traditionally placed at the front of the lot line to provide ready pedestrian access. Most were fronted by a sidewalk or boardwalk and a few had a shed-roofed porch. Horses and horse-drawn wagons were tied to hitching rails in front of the building.

Guideline

- ***Place a new building to the front of the lot line with the entrance at the front of the building.***

SIDEWALKS AND PORCHES

Sidewalks and boardwalks allowed people to walk along the street edge without becoming soiled by dust and mud. They are an integral part of the business district's historic character. Several wood frame buildings also had shed-roofed porches supported by posts that sheltered customers from inclement weather.

Standards

- ***Wooden boardwalks are allowed but must meet the Town of Fairplay design standards and accessibility standards of the Americans with Disabilities Act (ADA).***
- ***Consider using synthetic materials that simulate wood.***
- ***Consider including a shed-roofed porch in your new building design, if appropriate to the architectural design of the building. A right-of-way permit may be required if the porch extends out over public property.***
- ***Other appropriate sidewalk materials would be stone or brick.***

SIGNS

Fairplay merchants advertised their wares in a variety of ways. They painted their store name on the building façade, hung a sign from the wall extending over the sidewalk, and painted a sign on the inside of the window glass. They did not have the electrical signage available to today's merchants. The Unified Development Code defines acceptable sign size, type, and placement.

Standards

- *Consider a window sign either painted or hung inside of the window.*
- *Mount signs so they will not obscure any architectural details.*
- *Use sign materials and colors that are compatible with the façade materials and colors. Best are those that appear similar to signs used historically. For example, painted wood and metal are appropriate.*
- *Consider whole building façade as part of an overall sign plan or program. Signs should be in scale with the building front. Avoid a sign that overwhelms the building.*
- *Lighted signs will be evaluated based on the lumen level. Externally lighted signs are preferable to internally lighted signs and the light source should be directed at the sign without visibility of the light source from pedestrians or passing vehicles or creating lighting trespass on adjoining properties.*

ARCHITECTURAL FEATURES

The architectural features of historic commercial and residential buildings reflected both practicality and the popular tastes of the time. Builders selected materials and incorporated roof forms, storefront arrangements, window patterns, and ornamental elements based upon local availability of materials, functional use of the building, and design styles favored elsewhere in Colorado and the United States.

Standards

- *A new building should blend in with its historic counterparts.*
- *A new building should have compatible form, placement, height, and massing.*
- *A new building should include architectural features that complement those on the historic buildings.*

EXTERIOR MATERIALS

Traditional exterior materials included log, milled wood, brick, and stone. New buildings must use materials that are compatible with the historic structures. Materials should consider those of buildings in the surrounding areas.

Standards

- *Use materials that appear similar in scale, texture, and finish to those used traditionally, such as brick, stone, molded metal, and wood.*
- *Preferred wood materials are horizontal wood siding and board and batten siding.*
- *Brick and stone are acceptable exterior materials.*

ROOF FORMS, MATERIALS, AND FEATURES

Commercial buildings possessed various roof types; some with false front facades. Masonry buildings had a flat roof that sloped slightly to the rear, with a cornice or

parapet at the front wall. Wood frame buildings possessed a front-gabled roof, many with a false front façade. Both roof forms are acceptable for new construction in the Town Center Overlay District. However, the design should complement the design and exterior materials of the surrounding buildings.

Masonry buildings typically had a cornice at the front roof line, a feature that was both attractive and structural. One-story masonry buildings had a patterned brick cornice with dentiling or corbelling. Some false front façades had metal sheathing.

Standards

- ***Complement the roof forms and materials of nearby historic buildings in your roof design.***
- ***False front façade should be incorporated into the design of new front gabled building.***
- ***For new commercial buildings on corner lots, both street-facing elevations should be treated as primary facades.***

STOREFRONTS

Most historic business buildings had a first floor storefront that consisted of a recessed entry flanked by large windows with panes. Some store windows had kickplates below to protect the glass and transom windows above to allow sunlight into the far rear reaches of stores. New design may reflect contemporary versions of historic features.

Some historic buildings had cloth awnings. These provided shelter and shade for pedestrians, reinforced the color scheme of the façade, and sometimes served as a location for signs.

Standards

- ***Incorporate large windows with panes on the first floor of your commercial design.***
- ***Consider incorporating a recessed entry into your commercial design.***
- ***Consider including kickplates and transoms in your design.***
- ***Use contemporary versions of historic features, such as cornices or cornice brackets.***
- ***Consider including a shed-roofed porch in your new building design if appropriate to the architectural design of the building.***
- ***Cloth awnings are allowed, if appropriate to the design of your building.***
- ***For new commercial buildings on corner lots, both street-facing elevations should be treated as primary facades.***

WINDOWS

Second story and side windows were typically tall and narrow. Windows on masonry buildings had stone lintels and sills to support the wall load. Window lintels in masonry buildings often had curved tops that were both structural and decorative. Upper stories typically had more wall surface than window openings. New design should complement this traditional arrangement. Residential windows were typically vertical with window

lights.

Standards

- *Use tall, narrow windows in the upper stories and side walls of building.*
- *Arrange windows in the upper stories of the front façade in a rhythmic pattern.*
- *The arrangement of upper story windows should have more wall surface than windows.*
- *Consider including contemporary renditions of decorative historic window features such as a pediment or lintel.*
- *Use a contemporary rendition rather than an exact duplicate.*
- *Use divided light patterns in windows that complement the original windows.*

DECORATIVE ELEMENTS

Fairplay's historic buildings have decorative features that complement the architectural styles and tastes of the time. New commercial design can incorporate simplified versions of historic ornamentation.

Standards

- *Include a cornice or parapet treatment in your design of a new commercial building.*
- *Include a false front façade or a roof parapet.*
- *Consider including cornice brackets.*
- *Refrain from creating exact duplicates of historic decorative features.*
- *For a building located on a corner lot, use compatible decorative elements for all street-facing walls.*

PRESERVATION & ALTERATION OF HISTORIC BUILDINGS

ARCHITECTURAL FEATURES

Fairplay's historic buildings convey the essence of the town's origins as a mining town. They are an asset, not just of the individual property owners, but of the entire community. Therefore, they must be cared for and preserved. The architectural features of a historic building identify it as a specific architectural style or from a particular period. Collectively, the historic buildings contribute to the community's unique character and its sense of place. These features should be carefully preserved.

Standards

- *Preserve the historic features that distinguish the building. For example, preserve the original storefront arrangement of recessed entrance, large display windows, clerestories, and transoms.*
- *Refrain from removing or altering original materials and details.*
- *Repair rather than replace deteriorated features. If replacement is needed, try to match new material and details to the original.*

- ***Preserve architectural features, such as arched window lintels, window molding, or ornamental cornices, which are examples of skilled craftsmanship that characterize older buildings.***
- ***Changes to buildings and environments over time are evidence of the history of the building and the area. Alterations older than 50 years should be preserved.***
- ***Design new additions or alterations so that the essential form and integrity of the original building remains obvious.***
- ***The document entitled Secretary of Interior's Standards for Historic Preservation, is a good reference for historic preservation projects.***

EXTERIOR MATERIALS

Traditional exterior materials included log, clapboard, board and batten, brick, and stone. Cornices were made of pressed metal or wood. Historic materials should be carefully preserved. New materials should complement those of buildings in the surrounding areas.

Standards

- ***Preserve historic exterior materials.***
- ***Repair wood features by carefully patching or reinforcing the wood.***
- ***Attempt to preserve as much of the original wood as possible.***
- ***Replace extensively deteriorated or missing parts with a compatible substitute material.***
- ***Protect and maintain wood features by providing proper drainage.***

ROOF FORMS, MATERIALS, AND FEATURES

Commercial buildings had one of two roof forms. Masonry buildings had a flat roof with a cornice or parapet at the front wall. Wood frame buildings possessed a front gabled roof, many with a false front façade. Residential buildings had a sloped roof.

Both roof forms are acceptable for new construction in the Town Center Overlay District, but your design should complement surrounding buildings and the building materials used (masonry or wood frame).

Masonry buildings typically had a cornice or parapet at the façade roofline. This feature was attractive and provided structural support. The two-story blocks have cornices with decorative elements. The one-story masonry buildings had a patterned brick cornice with dentils or corbels. The roof forms, materials, and features are an important part of the appearance of a historic building and must be preserved.

Standards

- ***Preserve historic roof forms and features, including cornices, brackets, molding, brick corbels, and dentils.***
- ***Preserve false front façades.***

- ***Install mechanical and service equipment on the roof, so that it is inconspicuous from the public right-of-way and does not damage or obscure the character of the building.***

STOREFRONTS

Turn-of-the-century commercial buildings typically had a recessed entry way flanked by large display windows. The large window space allowed merchants to display their goods and provided interior natural lighting. This arrangement is an important architectural element of commercial buildings and contributes to the visual unity of Front Street's commercial buildings.

Other features of the historic storefront were kickplates below the display windows, and, above, transom windows that offered additional natural lighting to the interior. Several historic buildings also had boardwalks.

Cloth awnings were used on some historic buildings. They provided shelter and shade for pedestrians, reinforced the color scheme of the façade, and served as a location for signs.

Standards

- ***Preserve storefront arrangement, including the recessed entry way, doors, large windows, transoms, and kickplates.***
- ***Preserve the elements that distinguish the first floor from upper stories, such as the horizontal metal lintel.***
- ***Preserve the porch and boardwalk.***
- ***Cloth awnings are allowed.***

DOORS AND WINDOWS

A door centered between large display windows is the typical arrangement for historic commercial buildings. The second story windows on these are tall and narrow, and they are grouped together or are in a rhythmic arrangement.

Standards

- ***Preserve original entrances.***
- ***Preserve the locations and shapes of original window openings.***
- ***Storm windows or double-pane glass are acceptable if the casing emulates the original design.***

DECORATIVE ELEMENTS

The town's historic buildings have ornamental features that reflect the architectural styles and tastes of the time. Elements such as decorative cornices, corbelled or detailed brick cornices, curved window tops, decorative window tops, and ornamental woodworking should be carefully preserved.

Standards

- ***Preserve decorative elements.***

- ***When original decorative elements are gone:***
 - ***If historic photographs are available of your building, reproduce these historic features.***
 - ***If no historic photographs are available, choose a simplified contemporary rendition of an ornamental feature.***
- ***Refrain from adding elaborate decorative elements that were not originally on your historic commercial building.***
- ***Repair and repaint decorative features. If deteriorated, replace with a substitute item of similar design and material.***

ADDITIONS

Many buildings in the Fairplay Town Center Overlay District have evolved over time. An addition to a historic building should be made toward the rear, where it is least visible.

An addition should be smaller than and visually subordinate to the original structure.

Standards

- ***Place any additions toward the rear of the building, if possible.***
- ***Preserve the original form and profile of the building.***
- ***Make an addition so that all the architectural features of the original building are left intact.***
- ***Additions should be clad in exterior material that resembles the appearance, texture, and dimension of the historic materials on the original building.***

APPROPRIATENESS OF USE

Selecting a new use that is similar to a building's original function can help minimize substantial changes to the historic building.

Standards

- ***Seek a new use that is compatible with the historic character of the building.***
- ***Select a new use that requires minimal change to the original structure.***



TOWN OF FAIRPLAY
P.O. BOX 267
FAIRPLAY, CO 80440
(719) 836-2622
www.fairplayco.us

DEVELOPMENT APPLICATION

APPLICATION TYPE

☐ Planned Unit Development (PUD)

☐ Minor Subdivision

☐ Major Subdivision

☐ Zoning / Rezoning

☐ Special Use Permit

☐ Variance

☐ Site Plan

☐ Lot Line Adjustment / Elimination

☒ Architectural Review

☒ Other: Certificate of Appropriateness

APPLICANT INFORMATION

Applicant: Anne Bradford, co-owner Duke LLC Date: 05/18/2023

Applicant's Address: 128 N. Gold Flake Terrace
Breckenridge, Co. 80424

Applicant's Phone: 970 485-9328 Fax: _____

Email Address: anne@a-bradford.com

OWNER INFORMATION

Owner: Same as Applicant Relationship to Applicant: self

Owner's Address: same

Owner's Phone same Fax: _____

Email Address: same

PROPERTY INFORMATION

Physical Address: 500 Main Street

Parcel No.: _____

Subdivision: T09 R77 S33 NE4 FAIRPLAY

Lot: 1 thru 5 Block: 16

Number of Acres: 0.6671

Existing Zoning: TC + TOWN CENTER OVERLAY

PROJECT PROPOSAL

General Description of Project:

Exterior wood deck (approx 600 SF) to be added to west corner of property. This deck fronts onto both 5th Ave and Main Street and will be used as outdoor seating for the Salon Mexico Restaurant. Deck will be approx 18" above grade with 18" tall benches on 2 sides. Railings, steps and fascias to be painted chocolate brown to match existing stairway and ramp. Decking and benchtop material to be medium brown 5/4" x 6" composite decking (trex).

Additionally, we would like to make changes to two adjacent windows on the NW (5th Ave) facade. One is to be removed and the other to be replaced with a door. The door will be half-lite and stained wood to match the restaurant main entrance.

SIGNATURES

I declare under penalty of perjury that the information in this application is true and correct to the best of my knowledge.

Anne Bradford

5/18/23

Anne Bradford

05/18/23

Applicant

Date

Owner

Date

The owner and/or applicant must be present at all meetings and hearings. All public hearings must be properly notices according to the Fairplay Municipal Code and Uniform Development Code (Sec.). Development Application must be signed by Applicant and Owner and all submittal requirements must be met before application will be accepted by the Town of Fairplay. Partnerships or Corporations may have the authorized general partner or other applicable corporate officer sign. *Additional pages may be attached as necessary in order to meet application requirements.*

AGREEMENT TO PAY COSTS FOR PROFESSIONAL SERVICES

No application will be accepted or processed unless it is complete and associated fees/deposits are paid. Depending on the application type, it is the Town's policy and practice to retain outside professional services to process or evaluate an application and the applicant shall bear the costs of same, inclusive of planning, land planning, engineering and legal. A deposit to cover reasonable anticipated costs for outside professional services may be required at the time of application (See Town of Fairplay Fee Schedule). All applications shall be evaluation under the standards and requirements set forth in Chapter 16 of the Fairplay Municipal Code / Uniform Development Code and must be accompanied by the required copies set forth therein.

- ☒ I hereby certify that I am the applicant named above and that the information contained herein and, on any attachments hereto, is in all respects true and accurate to the best of my knowledge and belief.
- ☒ I further certify that I understand and agree to the aforementioned policy and practice of the Town of Fairplay regarding payment of professional service costs associated with this development application.
- ☒ I also understand that no building permit will be issued for the property which is the subject of this application until the application receives final approval by the Board of Trustees and any associated legal timelines have been met/passed.

Anne E. Bradford
 Applicant _____ Date _____

FOR TOWN USE ONLY

Sec. 16-3-20. Common submittal requirements.

- ☒ Application form, signed by the owner(s) of the property, in the format provided by the Town Clerk. If the applicant is not the owner of the property, a notarized letter of consent signed by the property owner or owners authorizing the applicant to process the specific land use application on the property owner's behalf shall be delivered with the submittal; (Available online at Town of Fairplay website)
- ☒ Legal description of the subject property;
- ☒ Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s). This can be in the form of a deed, current title policy (not older than 90 days), or a letter from the owner's attorney affirming ownership of the property;
- ☒ Names and addresses of any owners or lessees of mineral rights as listed in the records of Park County for the property; (Visit <https://maps.parkco.us/>)
- ☒ Names and addresses of any property owners of adjacent property including properties across a public street, public right-of-way or alley along with stamped and addressed envelopes for each; (Visit <https://maps.parkco.us/>)
- ☒ Statement of the purpose of the application and a description of the proposal; (Attachment to application)
- ☒ Vicinity map indicating the location of the property included in the land use application;
- ☒ Agreement to pay form to cover the costs of any outside consultants to assist the Town with review of the application;
- ☒ Application fee. (See Fee Schedule)

**Per Section 16-3-50 of the Municipal Code and UDC, in addition to the common submittal requirements listed above, additional submittal items are required based upon the type of application. SEE ADDITIONAL REQUIREMENTS CHECKLIST*

Application Submitted: <u>May 25, 2023</u> Public Hearing: <u>June 5, 2023 6PM</u> Property Posted: <u>N/A</u> Notices Mailed to Adjacent Owners: <u>N/A</u> Notice Printed in Newspaper: <u>N/A</u>	Fee Paid: <u>\$10.00</u> Deposit Received: <u>N/A - Bill Back</u> SIA / DIA Required: ☐ NO ☐ YES ☐ RECEIVED <u>N/A</u> Other: _____ _____
--	--

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440



PLANNING REVIEW

MAY 22, 2023

52



FLORIO ARCHITECTURE

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BRECKENRIDGE, CO 80424
970.389.7715
MICKEY@FLORIOARC.COM

SHEET INDEX

NUMBER	SHEET NAME
A0.0.	COVERSHEET
A0.1.	GRAPHIC STANDARDS
A0.2.	GENERAL NOTES
A0.3.	SURVEY
A1.0.	SITE PLAN
A2.0.	FIRST FLOOR PLANS
A3.0.	ELEVATIONS
A3.1.	SITE PHOTOS

DATE:

05.22.2023

ISSUED FOR:

PLANNING REVIEW

PROJECT NUMBER: 2023.102

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

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Duccio LLC

SCALE:

DRAWN: MPF

COVERSHEET

A0.0.

ISSUED FOR:	DATE:
PLANNING REVIEW	05.22.2023

PROJECT NUMBER: 2023.102

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

GRAPHIC STANDARDS	© COPYRIGHT 2023 Duccio LLC
	SCALE: 1" = 1'-0"
	DRAWN: MPF
	A0.1.

[illegible]

GENERAL NOTES

ALL MATERIALS, LABOR, INSTALLATION, FABRICATION, ETC., SHALL CONFORM TO ALL CODES REQUIRED BY THE APPROPRIATE JURISDICTION(S) INCLUDING THOSE ABSTRACTS DEALING WITH ENERGY REQUIREMENTS.

THE OWNER/BUILDER SHALL PROTECT THE AREA AND NEW OR EXISTING MATERIALS AND FINISHES FROM DAMAGE WHICH MAY OCCUR FROM CONSTRUCTION, DEMOLITION, DUST, WATER, ETC., AND SHALL PROVIDE AND MAINTAIN TEMPORARY BARRICADES, CLOSURE WALLS, ETC., AS REQUIRED TO PROTECT THE PUBLIC AND OWNERS DURING THE PERIOD OF CONSTRUCTION. DAMAGE TO NEW AND EXISTING MATERIALS, FINISHES, STRUCTURES, AND EQUIPMENT SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER AT THE EXPENSE OF THE GENERAL CONTRACTOR.

MATERIALS THAT ARE SPECIFIED BY THEIR BRAND NAMES ARE TO ESTABLISH STANDARDS OF QUALITY AND PERFORMANCE. ANY REQUEST FOR SUBSTITUTION SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW FOR EQUAL QUALITY AND PERFORMANCE AND SHALL NOT BE PURCHASED OR INSTALLED WITHOUT THEIR WRITTEN APPROVAL.

ALL CONSTRUCTION WORK, ARCHITECTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL CONFORM TO ALL CURRENT GOVERNING BUILDING CODES AND REGULATIONS.

UNLESS OTHERWISE NOTED, ALL DIMENSIONS ON PLAN DRAWINGS ARE FROM FACE OF STUD AT EXTERIOR WALLS, FROM FACE OF STUD AT INTERIOR WALLS, OR FROM FACE OF CONCRETE. VERTICAL DIMENSIONS ARE TO TOP OF GYPCRETE TOPPING OR ROOF SHEATHING. FOR REMODEL/ADDITION PROJECTS, DIMENSIONS ARE FROM FINISHED FACE, UNLESS OTHERWISE NOTED. VERIFY ALL DIMENSIONS SHOWN ON DRAWINGS BY TAKING MEASUREMENTS. PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. BEFORE COMMENCING WORK, CHECK ALL LINES AND LEVELS INDICATED. SHOULD THERE BE ANY DISCREPANCIES IMMEDIATELY REPORT TO THE ARCHITECT FOR CORRECTION OR ADJUSTMENT. DIMENSIONS MARKED "N.T.S." (NOT TO SCALE) ARE SUBSTANTIALLY DIFFERENT FROM THE SCALE OF THE DRAWING. **DO NOT SCALE OFF OF THE DRAWINGS.** USE THE DIMENSIONS SHOWN. ALL WINDOW, DOOR, AND CABINET SIZES SHOWN ARE NOMINAL. CHECK WITH MANUFACTURER FOR EXACT GLAZING AND ROUGH OPENING SIZES OF DOORS AND WINDOWS.

ALL CONSTRUCTION DOCUMENTS ARE COMPLIMENTARY, AND WHAT IS CALLED FOR BY ANY WILL BE BINDING AS IF CALLED FOR BY ALL. ANY WORK SHOWN OR REFERRED TO ON ANY CONSTRUCTION DOCUMENT SHALL BE PROVIDED AS THOUGH ON ALL RELATED DOCUMENTS. THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN AND GENERAL TYPE OF CONSTRUCTION, MATERIAL AND WORKMANSHIP THROUGHOUT. THE GENERAL CONTRACTOR IN ASSUMING RESPONSIBILITIES FOR THE WORK INDICATED, SHALL COMPLY WITH THE SPIRIT AS WELL AS THE LETTER IN WHICH THEY WERE WRITTEN.

ALL WORK LISTED, SHOWN, OR IMPLIED ON THE CONSTRUCTION DOCUMENTS SHALL BE SUPPLIED AND INSTALLED BY THE GENERAL CONTRACTOR, EXCEPT WHERE NOTED OTHERWISE. THE USE OF THE WORK "PROVIDED" IN CONNECTION WITH ANY ITEM SPECIFIED IS INTENDED TO MEAN THAT SUCH SHALL BE FURNISHED, INSTALLED, AND CONNECTED, WHERE SO REQUIRED, EXCEPT AS NOTED OTHERWISE.

THE OWNER/BUILDER SHALL REMOVE ALL RUBBISH AND WASTE MATERIALS ON A REGULAR BASIS, AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING TO PREVENT ANY DIRT, DEBRIS OR DUST FROM AFFECTING, IN ANY WAY, FINISHED AREAS IN OR OUTSIDE THE JOB SITE.

THE OWNER/BUILDER SHALL COORDINATE ALL WORK WITH MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS, AND REPORT TO ARCHITECT OR OWNER ANY DISCREPANCIES FOR CORRECTION OR ADJUSTMENT. NO ALLOWANCE WILL BE MADE FOR INCREASE COST INCURRED DUE TO LACK OF PROPER COORDINATION.

THE OWNER/BUILDER, OR SUBCONTRACTORS, SHALL SECURE AND PAY FOR ALL PERMITS, GOVERNMENTAL FEES AND LICENSES REQUIRED FOR PROPER COMPLETION OF THE WORK. THE OWNER/BUILDER SHALL REQUEST ALL INSPECTIONS REQUIRED BY LOCAL GOVERNMENTAL AGENCIES AND COORDINATE HIS WORK ACCORDINGLY.

CODES: ALL WORK SHALL CONFORM TO THE CODE SPECIFIED ON THE COVERPAGE, INCLUDING ALL CITY AND OR COUNTY AMENDMENTS AND BUILDING ORDINANCES.

DOORS: ALL EXTERIOR DOORS LEADING TO HABITABLE SPACES ARE TO BE FULLY WEATHER-STRIPPED, CERTIFIED AND LABELED FOR COMPLIANCE TO ENERGY CONSERVATION REGULATIONS, AND SHALL HAVE SOLID WOOD STILES AND RAILS OR APPROVED ALTERNATE. DOORS SHALL HAVE TEMPERED DOUBLE GLASS PANES ARRANGED AS SHOWN IN DRAWINGS WITH MAXIMUM U-FACTOR AS SET FORTH IN INSULATION SCHEDULE. INTERIOR DOORS SHALL BE SOLID WOOD CORE, STYLE AS INDICATED ON DRAWINGS OR AS SELECTED BY OWNERS.

GLAZING: ALL GLAZING SHALL CONFORM TO FEDERAL GLAZING REGULATIONS AND THE APPROPRIATE CODE REQUIREMENTS RELATING TO GLAZING. WITHIN 12" DOORS, WITHIN 18" OF THE FLOOR, OR LOCATED ADJACENT TO BATHTUBS, SHOWER AREAS OR STAIRWAYS SHALL BE FULLY TEMPERED GLASS AND MUST BE PERMANENTLY IDENTIFIED BY THE MANUFACTURER.

WINDOWS: ALL WINDOWS SHALL BE ALUMINUM-CLAD WOOD, FULLY WEATHER-STRIPPED, CERTIFIED AND LABELED FOR COMPLIANCE TO ENERGY CONSERVATION REGULATIONS. ALL WINDOWS SHALL BE GLAZED WITH INSULATED UNITS AND SHALL MEET THE CRITERIA FOR AAMA/WDMA (NWWDA) CRITERIA OR BETTER. MANUFACTURER SHALL REVIEW BUILDING CONFIGURATION AND SITE AND PROVIDE DESIGN CALCULATIONS BASED ON SPECIFIC SITE CONDITIONS AND WIND LOADS.

SEALANT AND CAULKING: ALL JOINTS AND PENETRATIONS AT EXTERIOR WALLS, CEILINGS AND ROOF ASSEMBLIES SHALL BE FULLY CAULKED AND SEALED. CONTRACTOR IS RESPONSIBLE FOR SELECTION OF SEALANT AND CAULKING TO ENSURE COMPATIBILITY WITH ALL MATERIALS BEING SEALED. SEALANTS IN EXPOSED LOCATIONS SHALL BE PAINTABLE OR SHALL MATCH COLOR OF ADJACENT SURFACE.

WALL AND FLOOR FLASHING: ALL EXPOSED FLASHING IS TO BE OF THE MATERIAL INDICATED ON DRAWINGS. ALL FLASHING AT WALLS, FLOORS AND ROOF JUNCTURES TO VERTICAL SURFACES SHALL BE A MINIMUM OF 24 GA. GALVANIZED STEEL IN HIDDEN LOCATIONS UNLESS NOTED OTHERWISE. FORM FABRICATE AND INSTALL FLASHING ACCORDING TO SMACNA STANDARDS. FLASHING SECTIONS SHALL HAVE AN END LAP OF 4" MINIMUM. PROVIDE GALVANIC SEPARATION AS APPROPRIATE BETWEEN DIFFERENT METALLIC MATERIALS.

EXTERIOR VENT OPENINGS: ALL VENT OPENINGS SHALL BE COVERED WITH CORROSION RESISTANT METAL MESH WITH OPENINGS OF ¼" MAXIMUM. PAINT OR FINISH VENTS TO MATCH ADJACENT MATERIAL.

ROOF PENETRATIONS: ALL ROOF PENETRATIONS (VENTS AND FLUES) SHALL BE HIDDEN BEHIND PARAPET WALLS OR ROUTED WITHIN CHIMNEYS. **NO ROOF PENETRATIONS THROUGH SLOPING ROOFS UNLESS EXPRESSLY AUTHORIZED BY ARCHITECT.**

AIR/MOISTURE BARRIER: ALL WEATHER EXPOSED WALL SURFACES SHALL BE PROTECTED WITH AN UNDERLAYMENT OF WEATHER BARRIER, TYPE AND INSTALLATION PER MANUFACTURER RECOMMENDATIONS. UNDERLAYMENT SHALL BE FREE OF HOLES, TEARS AND BREAKS OTHER THAN THOSE FROM NAILING TO WALL SHEATHING OR STUDS. CONTRACTOR SHALL INSTALL IN STRICT ACCORDANCE WITH MANUFACTURERS CURRENT WRITTEN INSTRUCTIONS.

STAIR HANDRAILS: EVERY STAIRWAY SHALL HAVE AT LEAST ONE HANDRAIL AND EVERY OPEN SIDE OF STAIRWAY SHALL HAVE A GUARDRAIL. HANDRAILS MOUNTED ON A WALL SHALL HAVE A MINIMUM 1-1/2" SPACE BETWEEN THE WALL AND THE HANDRAIL. THE HANDGRIP PORTION OF HANDRAILS SHALL BE IN CONFORMANCE WITH IRC SECTION R311.7.8.4. ALL HANDRAILS ARE TO BE PLACED BETWEEN 34" AND 38" ABOVE THE TREAD NOSING AND SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. STAIR SHOP DRAWINGS SHOWING HANDRAIL DESIGN AND CONNECTION DETAILS SHALL BE SUBMITTED TO OWNER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION. HANDRAILS WHICH ALSO SERVE AS GUARDRAILS SHALL ALSO BE BUILT TO ALL APPLICABLE CODES.

ATTIC ACCESS: ALL ATTIC ACCESS POINTS ARE TO BE ACCESS DOORS AS REQUIRED BY CODE. COORDINATE AS NECESSARY.

GYPSUM WALLBOARD: ALL INTERIOR WALL AND CEILING FACES ARE TO BE SHEATHED WITH A MINIMUM 1/2" GYPSUM WALL BOARD, WITH JOINTS TAPED, FILLED AND SANDED SMOOTH TO PROVIDE THE LEVEL OF FINISH INDICATED ON DRWINGS. USE CEMENTITIOUS BACKING BOARD AT ALL WALLS TO RECEIVE CERAMIC TILE COVERING AND AT ALL WET AREAS. USE TYPE "X" GYPSUM WALL BOARD AT ALL AREAS WHERE FIRE RATING IS REQUIRED AND WHERE NOTED ON PLANS. PROVIDE SQUARE METAL CORNER REINFORCING BEADS AT ALL OUTSIDE CORNERS. ALL GAPS SHALL BE FILLED WITH JOINT COMPOUND. ATTACH ALL GYPSUM WALL BOARD TO STUDS, PLATES, BLOCKING, ETC AS REQUIRED PER LOCAL CODE.

INTERIOR TRIM: INTERIOR TRIM SHALL BE PAINT GRADE OR STAIN GRADE HARDWOOD, AS INDICATED ON FINISH SCHEDULE OR PER THE OWNER'S SELECTION. PROFILES AS INDICATED ON DRAWINGS OR PER OWNER'S SELECTION.

INTERIOR PAINT FINISHES: WALLS, CEILINGS, TRIM AND MOULDINGS, DOORS AND FRAMES, SHELVES WINDOW SASH AND FRAMES AND SITE BUILT MILLWORK SHALL BE PAINTED OR STAINED AS INDICATED PER OWNER, INTERIOR DESIGNER AND ARCHTIECT APPROVAL. TEXTURES, TYPE OF FINISH AND COLORS ARE TO BE SELECTED BY OWNERS. PAINT MATERIALS SHALL BE PREMIUM QUALITY, SHERWIN WILLIAMS OR EQUAL AS APPROVED BY OWNER. ALL PAINT IN BATHROOMS TO BE MILDEW RESISTANT.

WET AREAS & SHOWER COMPARTMENTS: WALLS AT ALL BATHTUB AND SHOWER LOCATIONS AND BEHIND SINKS SHALL BE SHEATHED WITH A MINIMUM ½" CEMENTITIOUS BACKING BOARD, SHOWER WALLS SHALL BE FINISHED WITH NON-ABSORBENT MATERIAL AS INDICATED ON THE FINISH SCHEDULE OR PER OWNER'S SELECTION TO A MINMUM HEIGHT OF 80" ABOVE THE FINISHED FLOOR (SEE DRAWINGS). ALL TUB AND SHOWER DOORS SHALL BE MADE OF FULLY TEMPERED GLASS. DOORS SHALL OPEN OUTWARD OR SLIDE.

HARDWOOD FLOORING: SPECIES, WIDTH, AND FINISH TO BE SELECTED BY OWNER AND/OR INTERIOR DESIGNER. INSTALL PER MANUFACTURERS OR NOFMA STANDARDS. FILL HOLES WITH PUTTY TO MATCH FLOORING COLOR. PROVIDE TRANSITION STRIPS AT ALL FLOORING MATERIAL CHANGES.

BATHROOM ACCESSORIES: BATHROOM ACCESSORIES SHALL BE AS SELECTED BY OWNER. CONTRACTOR SHALL INSTALL BACKING AND BLOCKING AS REQUIRED.

APPLIANCES: ANY APPLIANCES OR EQUIPMENT PROVIDED BY THE CONTRACTOR OR SUBCONTRACTOR SHALL BE U.L. LABELED. CONTRACTOR SHALL PROVIDE TO THE OWNER ALL MANUFACTURERES STANDARD WRITTEN WARRANTIES, OWNERS MANUALS AND STANDARD ACCESSORIES. CONTRACTOR SHALL INSTALL APPLIANCES WHERE INDICATED ON THE DRAWINGS AND AS REQUIRED BY ALL CODES AND LISTINGS. APPLIANCES TYPES, STYLES, COLORS, ETC. SHALL BE SELECTED BY OWNER.

AIR SEALING / ENERGY CODE: A BLOWER DOOR TEST IN COMPLIANCE WITH THE 2012 IECC IS REQUIRED FOR ALL NEW AND MAJOR REMODEL PROJECTS. CONTRACTOR WILL BE REQUIRED TO FOLLOW CONSTRUCTION BEST PRACTICES TO ENSURE AN AIRTIGHT BUILDING ENVELOPE. AT A MINIMUM, THE FOLLOWING IS REQUIRED:

- IN ADDITION TO FOAM SILL-SEAL SANDWICHED BETWEEN PLATE AND FOUNDATION WALL, CONTINUOUS CAULK BEAD IS REQUIRED AT SILL PLATE TO FOUNDATION WALL CONDITION.
- CONTINUOUS CAULK BEAD AT ALL OTHER SILL PLATE TO SUBFLOOR CONDITIONS.
- CAULK ALL ELECTRICAL BOXES TO THE DRYWALL (EXTERIOR WALLS ONLY) OR PROVIDE AIR-SEALED J-BOXES
- SPRAY FOAM AT ALL FLOOR, ROOF AND WALL PENETRATIONS.
- SPRAY FOAM AT ALL GAPS BETWEEN WINDOWS / DOORS AND ROUGH OPENINGS.
- AIR BARRIER AT INTERIOR SIDE OF ALL BLOWN- OR BATT-INSULATED ASSEMBLIES, PROPERLY OVERLAPPED AND SEALED AT PERIMETER.

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FLORIO ARCHITECTURE

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BRECKENRIDGE, CO 80424
9 7 0 . 3 8 9 . 7 7 1 5
MICKEY@FLORIOARC.COM

ISSUED FOR:	DATE:				
	05.22.2023				
PLANNING REVIEW					

PROJECT NUMBER: 2023.102

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

GENERAL NOTES

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Duccio LLC

SCALE: 12" = 1'-0"

DRAWN: MPF

A0.2.

COLORADO DEPARTMENT OF TRANSPORTATION



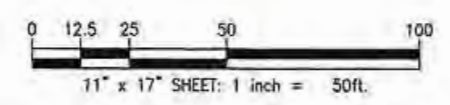
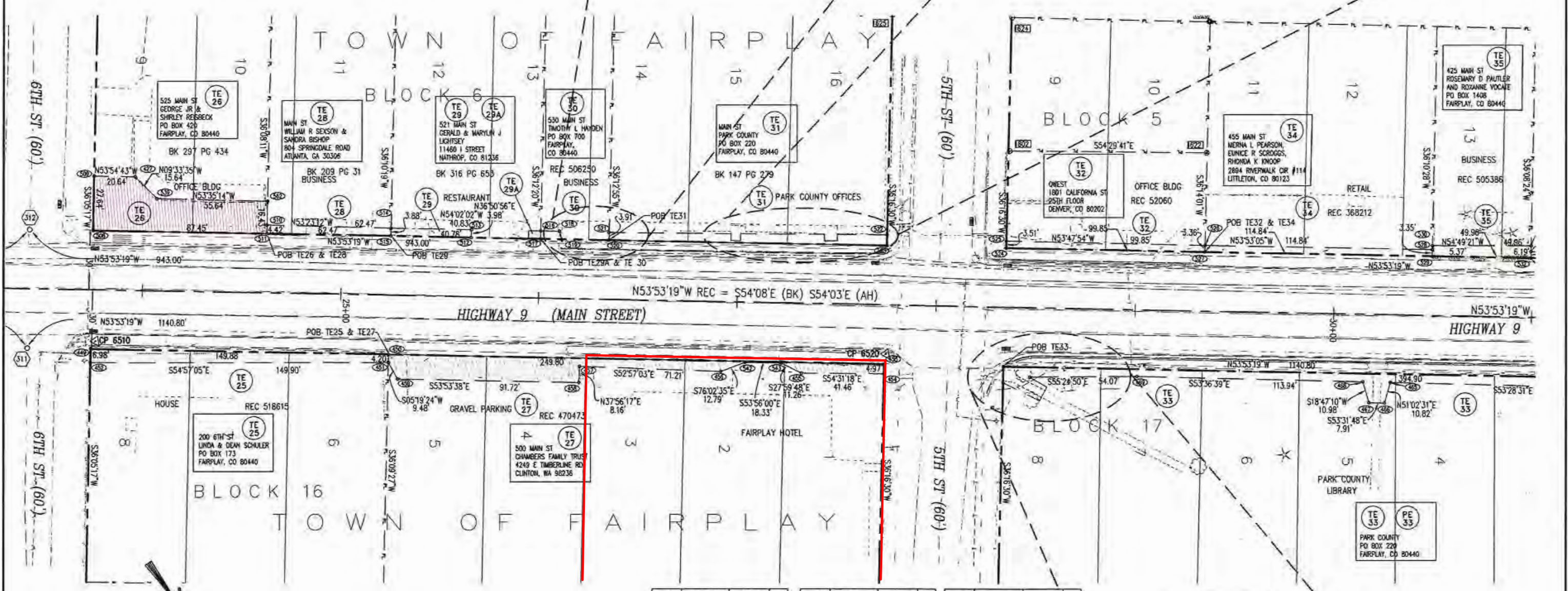
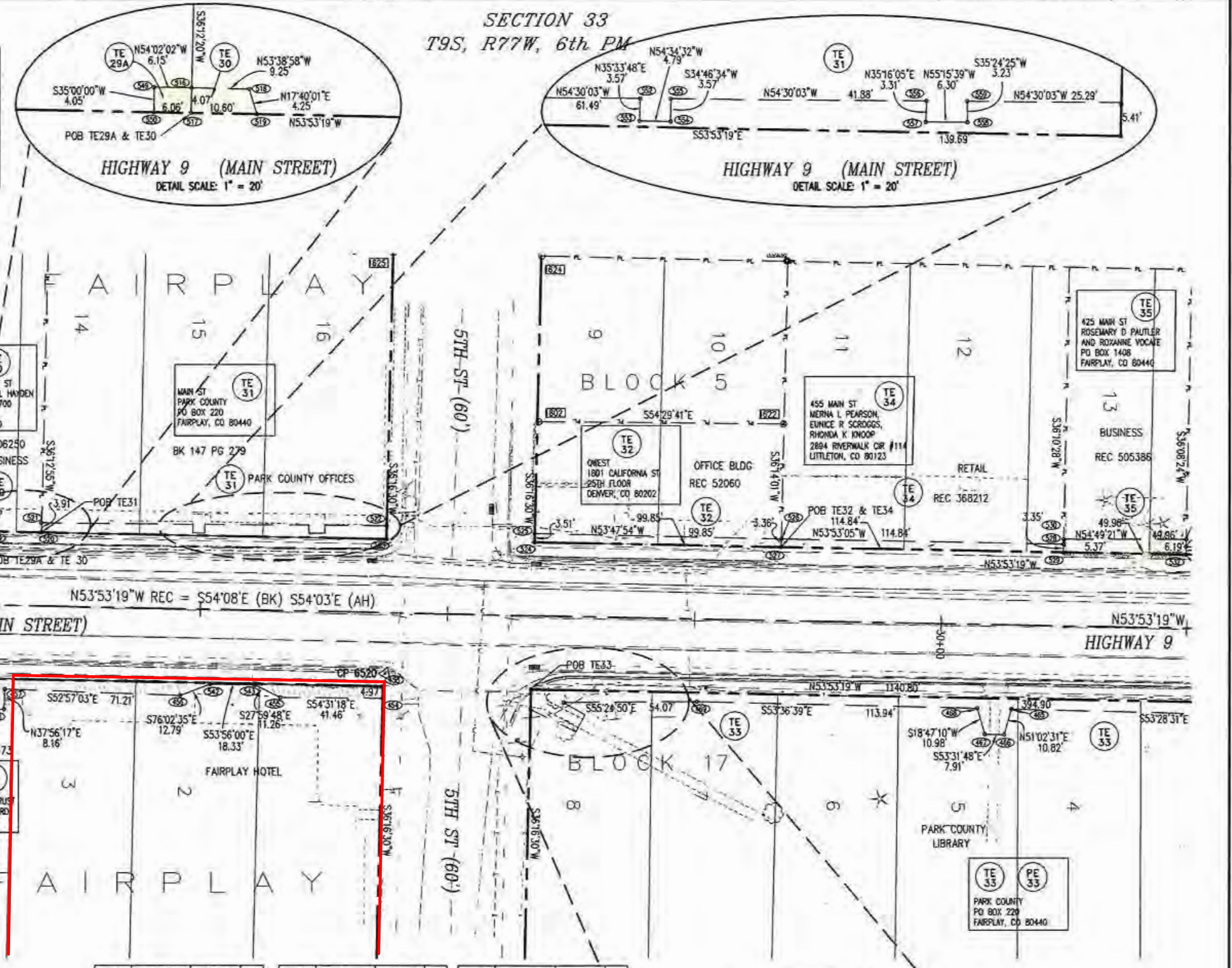
Region: 1
18500 E Colfax Ave
Aurora, Co. 80011
Phone: (303)757-9117 FAX: (303)757-9746

Right of Way Plans Unit: Kevin Williams, P.L.S.

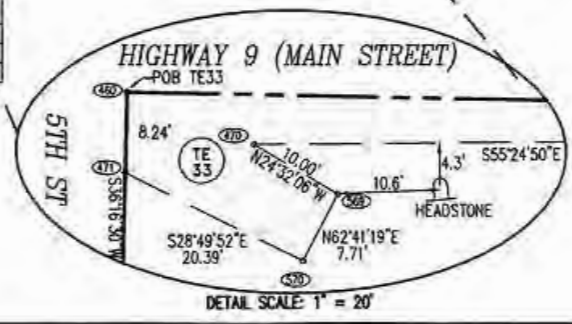
Sheet Revisions			Sheet Revisions			Sheet Revisions		
6-B-04	UPDATED OWNERSHIP INFO PARCEL 32	RBE						

Right of Way Plans				
Plan Sheet				
Project Number:	FAP STA 0091-021			
Project Location:	Fairplay Drainage			
Project Location:	State Highway 9			
Project Code:	Last Mod. Date	Subset Sheets	Sheet No.	Total No. of Sheets
14282	11-11-03	4 of 6	8	13

PNO	STATION	OFFSET	LT	PNO	STATION	OFFSET	LT	PNO	STATION	OFFSET	LT	PNO	STATION	OFFSET	LT
1804	23+14.54	163.37	LT	515	25+24.49	30.00	LT	513	26+38.39	24.19	LT	522	27+74.47	35.41	LT
506	23+14.57	34.77	LT	514	25+24.50	33.88	LT	512	26+51.78	24.57	LT	1625	27+74.79	148.78	LT
507	23+14.57	30.00	LT	549	25+24.35	34.05	LT	552	26+96.26	34.57	LT	524	28+34.45	30.00	LT
312	23+42.58	30.00	LT	551	25+24.35	34.05	LT	553	26+96.29	31.01	LT	525	28+34.46	33.51	LT
509	23+74.56	57.64	LT	550	25+24.42	30.00	LT	555	27+01.00	34.62	LT	1624	28+35.01	146.61	LT
427	23+95.20	57.65	LT	517	26+00.48	30.00	LT	554	27+01.08	31.05	LT	1802	28+35.25	79.22	LT
508	23+74.57	30.00	LT	516	26+00.49	34.07	LT	557	27+42.92	31.76	LT	1620	29+34.23	146.62	LT
539	24+06.39	46.72	LT	518	26+09.74	34.03	LT	556	27+42.87	35.07	LT	1622	29+34.25	80.27	LT
511	24+62.02	30.00	LT	519	26+11.09	30.00	LT	559	27+49.18	35.14	LT	527	29+34.31	30.00	LT
510	24+62.03	34.42	LT	520	26+34.77	30.00	LT	558	27+49.22	31.91	LT	526	29+34.31	33.36	LT
562	24+62.03	46.43	LT	521	26+34.60	33.91	LT	523	27+74.45	30.00	LT				



PNO	STATION	OFFSET	RT	PNO	STATION	OFFSET	RT	PNO	STATION	OFFSET	RT
444	23+13.88	30.00	RT	542	27+04.35	30.52	RT	468	30+15.45	34.19	RT
445	23+14.59	30.62	RT	543	27+22.68	30.51	RT	466	30+27.18	44.72	RT
446	23+14.60	51.87	RT	1632	27+23.65	280.16	RT	465	30+29.41	34.27	RT
1651	23+14.64	147.30	RT	455	27+32.81	35.42	RT				
1653	23+14.94	29.51	RT	1631	27+73.57	280.03	RT				
311	23+42.47	30.00	RT	454	27+74.27	34.97	RT				
449	23+74.59	30.00	RT	453	27+74.28	30.00	RT				
452	23+74.60	36.98	RT	471	28+34.26	38.24	RT				
451	25+24.47	34.20	RT	460	28+34.28	30.00	RT				
450	25+24.48	30.00	RT	470	28+47.46	35.08	RT				
459	25+29.33	42.34	RT	570	28+53.28	46.67	RT				
458	26+21.05	42.33	RT	569	28+56.73	39.98	RT				
457	26+21.31	34.18	RT	469	29+01.51	33.64	RT				
456	26+22.51	35.34	RT	467	30+19.25	44.62	RT				



SCALE: As indicated

A0.3

SURVEY



FLORIO ARCHITECTURE

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970.389.7715
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ISSUED FOR:	DATE:
PLANNING REVIEW	05.22.2023

PROJECT NUMBER: 2023.102

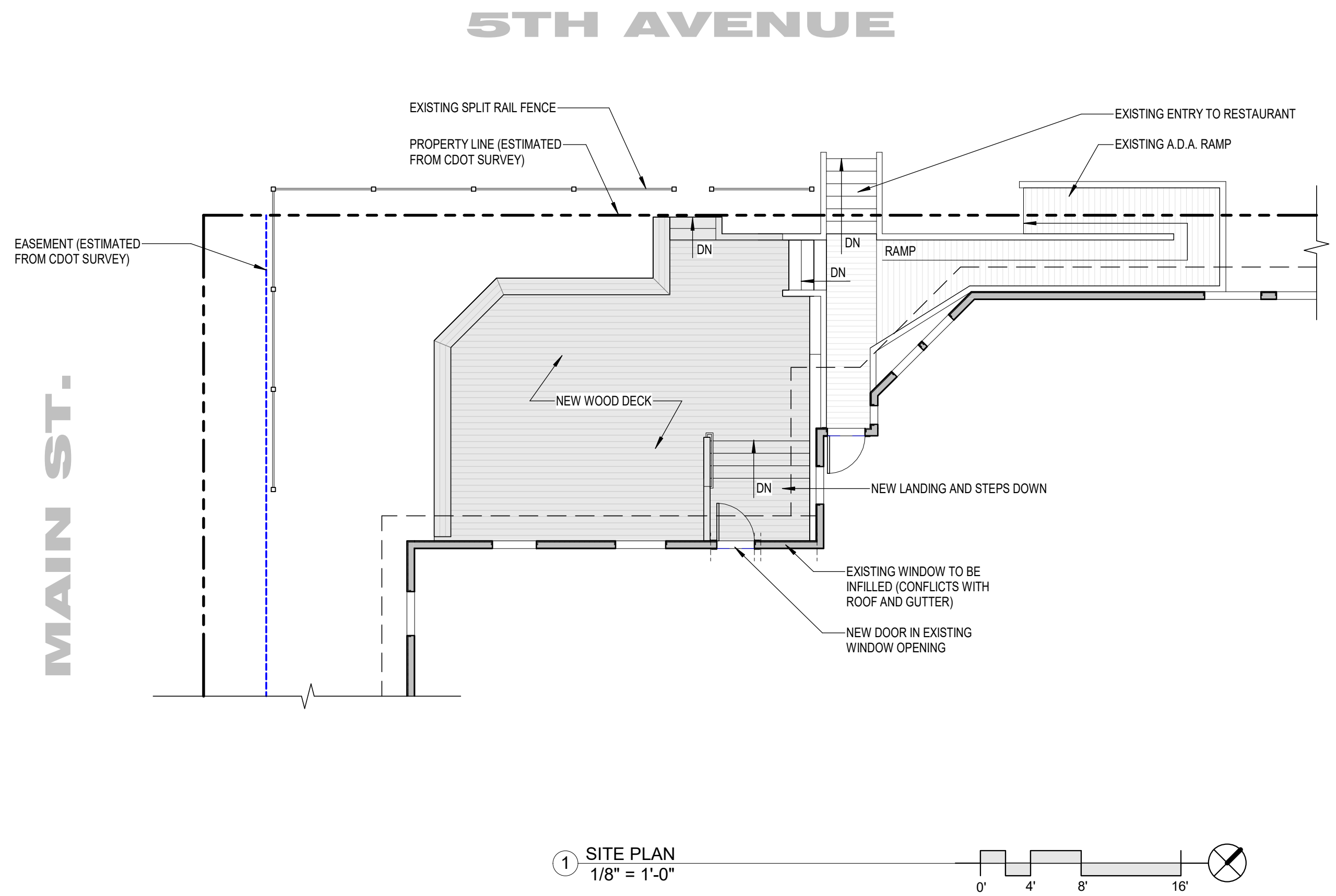
VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

© COPYRIGHT 2023
Duccio LLC
SCALE: 1/8" = 1'-0"
DRAWN: MPF

SITE PLAN

A1.0





FLORIO ARCHITECTURE

POST OFFICE BOX 4566
BRECKENRIDGE, CO 80424
970.389.7715
MICKEY@FLORIOARC.COM

ISSUED FOR:	DATE:	05.22.2023
	PLANNING REVIEW	

PROJECT NUMBER: 2023.102

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

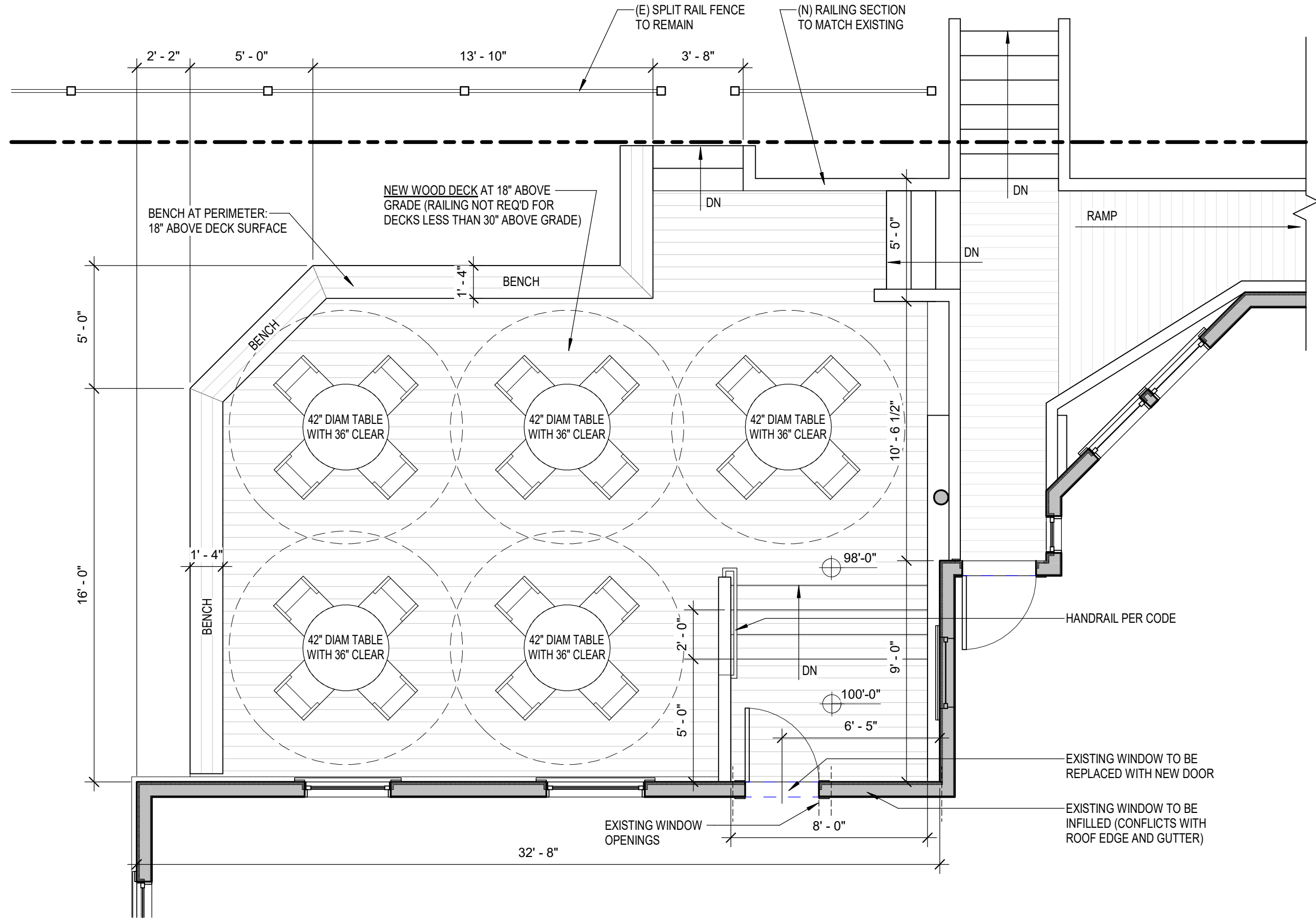
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SCALE: 1/4" = 1'-0"

DRAWN: MPF

FIRST FLOOR PLANS

A2.0



1 FIRST FLOOR - PROPOSED
1/4" = 1'-0"



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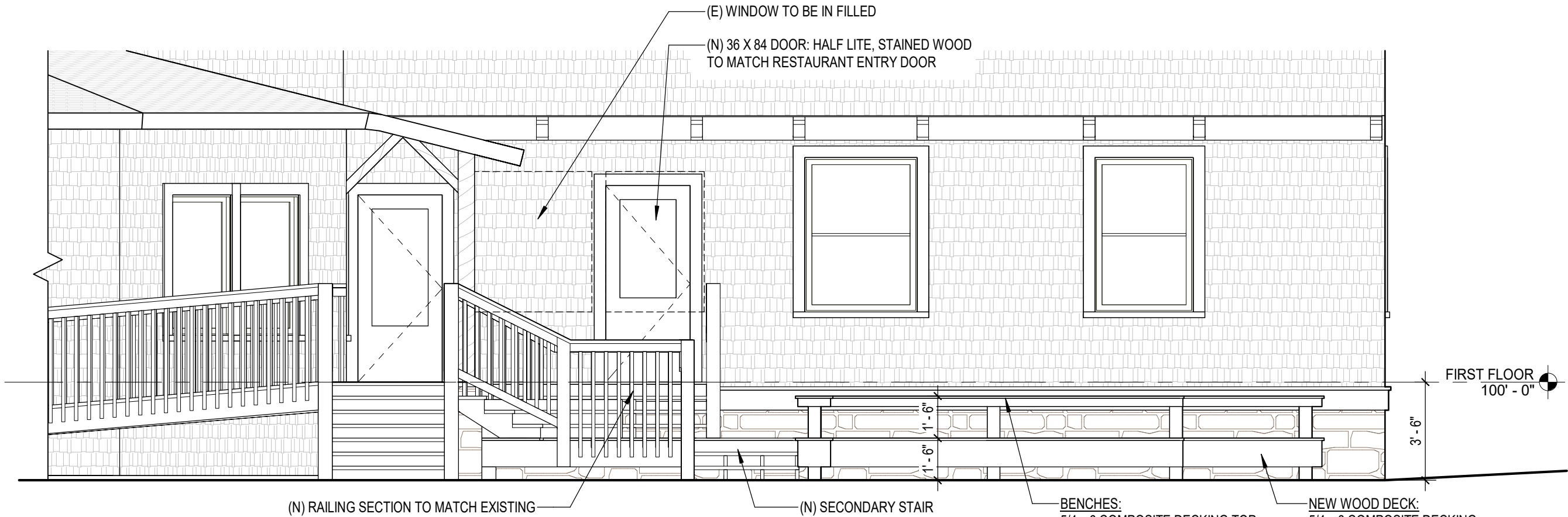
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SCALE: 1/4" = 1'-0"

DRAWN: Author

ELEVATIONS

A3.0



1 NORTH ELEVATION - EXISTING
1/4" = 1'-0"



2 WEST ELEVATION - EXISTING
1/4" = 1'-0"



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POST OFFICE BOX 4566
BRECKENRIDGE, CO 80424
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1 PHOTOS OF EXISTING CONDITIONS
1" = 30'-0"

ISSUED FOR:	DATE:
PLANNING REVIEW	05.22.2023

PROJECT NUMBER: 2023.102

VALITON DECK

500 MAIN STREET
FAIRPLAY, COLORADO 80440

SITE PHOTOS

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SCALE: 1" = 30'-0"
DRAWN: MPF

A3.1



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator/Clerk

RE: New Business Item B – Resolution No. 17, Series 2023 for Bond Counsel Services

DATE: June 5, 2023

Background:

The Town, along with its contract engineer Ken Hardesty, has been working with the Colorado Department of Public Health and Environment Grants & Loans Unit to secure a State Revolving / Drinking Water Loan for improvements at the Town's Beaver Creek Water Treatment Plant. These improvements include bringing online an Infiltration Gallery and an additional Well. The improvements will add additional production capacity, or redundancy, in the system to ensure the Town's production exceeds current demands and can accommodate new demands.

The Town was notified on April 25, 2023 of approval of its application by the Colorado Water & Resources & Power Development Authority (CWRPDA) for \$300,150.00 which includes \$163,306.13 of up-front BIL Principal Forgiveness. The Town also applied for and received \$199,850.00 EIAF grant from Department of Local Affairs (DOLA) which will serve as the Town's match for the loan. As part of the loan execution process, the Town must secure an independent Bond Counsel opinion. Staff contacted Kutak Rock and was able to connect with partners Ashley Dennis and Tom Peltz at that firm that provided similar services to the Town when it acquired the Sanitation District back in 2018. After a meeting with them to discuss the required services, Ms. Dennis provided the attached Letter of Engagement for the Board's review and approval. Again, a Bond Counsel opinion is required for the execution of the Loan and Staff feels that retaining Kutak Rock, a firm that is already familiar with the Town's structure, history and finances is the prudent way to go.

Recommendation:

Staff recommends approval of Resolution No. 17, Series 2023, as presented by motion, second and a roll call vote.

Attachments:

- Resolution No. 17, Series 2023, With Exhibit A – Letter of Engagement

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 17
(Series of 2023)**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING LETTER OF ENGAGEMENT WITH KUTAK ROCK, LLP FOR BOND COUNSEL SERVICES FOR A DRINKING WATER REVOLVING FUND LOAN.

WHEREAS, the Town of Fairplay, Colorado ("Town") is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town has the authority to enter into agreements and contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the Town is required to obtain a bond counsel opinion as part of the execution of a Colorado Water Resources and Power Development Authority Drinking Water Revolving Fund Loan agreement for the Town's Infiltration Gallery and Well #4 project; and

WHEREAS, the Town has previously worked with Kutak Rock, LLP and the entity is already familiar with the Town's Water and Wastewater Enterprise and related finances; and

WHEREAS, the Town Board of Trustees desires to engage Kutak Rock for bond counsel services as above stated.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, that:

SECTION 1. The Letter of Engagement attached hereto as **EXHIBIT A** is approved and the Mayor is authorized to sign such in connection with the execution of a Drinking Water Revolving Fund Loan to be approved by and with the Colorado Water Resources and Power Development Authority.

RESOLVED, APPROVED, and ADOPTED this 5th day of June, 2023.

TOWN OF FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk



Kutak Rock LLP
1801 California Street, Suite 3000, Denver, CO 80202-2652
office 303.297.2400

Ashley S. Dennis
303.292.7703
ashley.dennis@kutakrock.com

May 12, 2023

VIA E-MAIL

Attention: Janell Sciacca
Town Administrator/Clerk
Town of Fairplay
901 Main Street
P.O. Box 267
Fairplay, CO 80440

**Re: Colorado Water Resources and Power Development Authority Drinking
Water Revolving Fund Loan**

Dear Janell:

We are pleased to submit this letter to document the engagement of Kutak Rock LLP (the "Firm") as local bond counsel ("Local Bond Counsel") to the Town of Fairplay, Colorado, acting by and through its Water and Wastewater Enterprise (the "Town"), in connection with the execution of documents relating to the above-referenced Colorado Water Resources and Power Development Authority ("Authority") loan from its Drinking Water Revolving Fund (the "Revolving Fund Loan") to finance improvements and upgrades to the Town's existing water treatment plant, including but not limited to the addition of a new cartridge filtration system.

Legal Services Provided

As Local Bond Counsel in connection with the Revolving Fund Loan, the Firm has provided or will provide the following specific services:

- (1) Confer with the Town's administrative staff regarding the proposed financing.
- (2) Review documentation with respect to the Town's enterprise status, as established by Town Ordinance No. 2, Series 2018, and the Town's ability to incur the Revolving Fund Loan without voter approval.

KUTAKROCK

May 12, 2023

Page 2

(3) Review the most recent audit and budget of the Town with respect to the status of outstanding pledges for Town obligations.

(4) Review and provide comments on the documentation for the Revolving Fund Loan.

(5) Draft the form of ordinance and other documentation, if necessary, to authorize the Town's execution and delivery of the governmental agency bond and related repayment documentation.

(6) Issue the required local bond counsel opinion to the Authority on the closing date for the respective Revolving Fund Loan. Our legal opinion will provide, among other things, that as to questions of fact material to our opinion, we have relied upon the certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

Limitation of Duties

Our duties in this engagement are limited to those expressly set forth above. Among other things, our duties do not include making an investigation or expressing any view as to the creditworthiness of the Town.

Responsible Attorney

Kutak Rock is a national firm of over 550 lawyers engaged in a multidisciplinary practice of law throughout the United States. More than 120 of the firm's lawyers work in the public finance area. The firm, which was formed in 1965, has offices in 20 cities. Kutak Rock's Denver office has the largest group of public finance lawyers of any firm with a Colorado office. For each calendar year since 2015 Refinitiv (formerly Thomson Reuters) ranked Kutak Rock the number one bond counsel for Colorado tax-exempt financings when comparing either the total number of bond issues in which the firm served as bond counsel or the total principal amount borrowed by Colorado governmental entities issuing tax-exempt obligations, and in substantially all of the years by both measures. Additionally, for calendar year 2022, Refinitiv ranked Kutak Rock the number two bond counsel on a national basis (i.e., including all issuances of tax-exempt municipal borrowings in the United States) based on total principal amount. The Firm's public finance partner who will be principally involved in this representation is Ashley Dennis. Ms. Dennis has concentrated her practice in the area of public finance since starting her legal career at the Firm in 2015.

Attorney-Client Relationship

With respect to this engagement, the Town will be our client and an attorney-client relationship will exist between us. We assume that all other parties will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all other parties understand that in this transaction we represent only the Town, we are

KUTAKROCK

May 12, 2023

Page 3

not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as bond counsel are limited to those contracted for in this letter; the Town's execution of this engagement letter will constitute an acknowledgment of those limitations. Our representation of the Town and the attorney-client relationship created by this engagement letter will be concluded the delivery of our legal opinion.

Conflicts

As you are aware, our firm represents many political subdivisions, companies and individuals. It is possible that during the time that we are representing the Town, one or more of our present or future clients will have transactions with the Town. We do not believe such representation, if it occurs, will adversely affect our ability to represent you as provided in this letter, either because such matters will be sufficiently different from this engagement so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of this engagement. Execution of this letter will signify the Town's consent to our representation of others consistent with the circumstances described in this paragraph. The Firm will perform all of its obligations in accordance with the standards of professional responsibility applicable to attorneys. While the Firm does have open engagements in which it represents the State of Colorado (the "State"), the Firm will not represent the Authority in connection with the matters covered by this engagement and has no outstanding engagements in which it is representing the Authority in connection with other matters.

Legal Fees

Our fee to act as Local Bond Counsel in connection with the Revolving Fund Loan will be a flat fee of \$7,500; said fee is inclusive of expenses which we may have incurred in connection with this representation. We understand and agree that our flat fee will be paid on or about the date of closing of the Revolving Fund Loan. If the financing is not consummated, we understand and agree that we will not be paid for services rendered to the Town pursuant to this engagement.

This engagement may be terminated by either party at any time. Our Firm will follow the requirements of the Colorado Code of Professional Responsibility and any applicable court rules before terminating our services.

Records

At your request, papers and property furnished by you will be returned. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other materials retained by us after the termination of this engagement.

KUTAKROCK

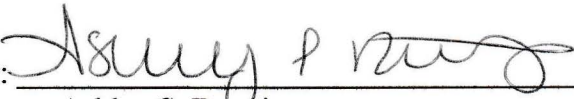
May 12, 2023
Page 4

Acceptance of Engagement

Upon acceptance by the Town, this engagement letter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

If the foregoing does not reflect our understanding or if you wish to discuss other matters with us, please contact Ashley Dennis. We appreciate your confidence in us.

Kutak Rock LLP

By: 
Ashley S. Dennis

Accepted:

Town of Fairplay, Colorado

By: _____
Authorized Official

MONTHLY REPORT

TO: Mayor and Board of Trustees
 FROM: Janell Sciacca, Town Administrator / Clerk
 RE: Monthly Report
 DATE: May, 2023 Monthly Report



PROJECTS

1. RIVER PARK PHASE 2
 - A formal letter / report from a local Biologist was forwarded to CDOT to hopefully suffice for obtaining the biological/ecological review clearance. As mentioned before, CDOT has now agreed to conduct all the Archaeology, History, Paleo and Section (4)(f) clearances in-house.
 - I have an email in to our Local Agency Coordinator Junior Rodriguez to check on the overall status.
2. INFILTRATION GALLERY / WELL #4
 - The Town is moving forward to approve a Letter of Engagement with Kutak Rock for bond counsel opinion for the Drinking Water Revolving Fund Loan.
 - Ken Hardesty has been working behind the scenes providing and updating required information with CDPHE and the Town should have permission to start operating this week if all goes well.
 - We are awaiting final design review but should be able to move forward to finalize the loan and begin the bid process soon.
3. 501 MAIN
 - There has been no feedback on the Congressionally Directed Spending (CDS) grant applications so I have emailed Erin Minks in Senator Bennet's office to inquire about the status of decisions.
 - Alex and I met with a representative of the Willdan Group and toured 501 Main. We have been presented a draft MOU for \$0 cost consultant services to strategize, design, manage and implement the project. This has been sent to the Town Attorney for review.
 - We are meeting with another group called Gordian for a tour and to discuss Job Order Contracting single-solicitation GC services. Gordian procures rates from prequalified contractors eliminating the bid process.
 - Staff is still considering submitting for a USDA Rural Development Community Facilities Direct Loan or Grant as another potential funding option and both of the contractors we are talking with have indicated they would help with this process if retained by the Town.
4. TRANSIT PROGRAM
 - The Town's application and new applicant questionnaire form was received by the Colorado Division of Transit and Rail and Staff is working through updating information and will start the process to apply for funding for administration, operations, mobility management and planning.
 - Jennie Danner with the Park County Senior Coalition has provided the Town with two proposals for collaboration with them on regional transportation for the elderly. These proposals can be used to leverage additional funding and help provide some much-needed transportation assistance to the senior population. After I obtain additional information, I may have Jennie come in to speak with the Board.

EVENTS AND ACTIVITIES

- ✓ No additional Short Term Rental permits have been issued and the Town remains at 15 properties being licensed.
- ✓ The Town Treasurer position was posted and three applications were received. Interviews will be scheduled in the next week or two. Current Staff have been training on Accounts Payable and Accounts Receivable and

I will present a proposal for a temporary agreement with Kim for continued training, review and oversight until either a suitable replacement is found or the Town contracts out services professionally.

- ✓ Trustee Lynn and I met with Daniel Knudsen, Ag Teacher Amanda Burdette and 2 students to discuss a Community Garden and Greenhouse. The students and Knudsen have provided a draft survey that will be sent out to the community to gauge overall interest.
- ✓ Park County and Town Staff met with CDOT representatives on two separate occasions to discuss the 285 and 9 corridor and development impacts. It was determined that the Town should submit a request for a change in the access code classification which will add access points and help to support lower speed limits if approved. It was also determined that a full Access Control Plan for the area was warranted. There is another meeting scheduled with CDOT to further discuss if both are needed or if just the Access Control Plan will accomplish the desired objectives.
- ✓ *CDOT has been inundated with complaints about the intersection of Platte and US 285. Staff met with the Traffic Program Manager who presented three options for the Town to consider. They are attached and I would like to discuss these with the Board to obtain a position and direction for moving forward with much-needed safety improvements.*
- ✓ I attended the Park County Fair Board meeting and will continue to do so to represent the Town's interests and support of this event. The Town will be recognized as a sponsor this year for its provision of free water and allowance of banners on Town property. *Is there interest from any of the Board members to represent the Town in the Celebrity Livestock show on Saturday, July 15.*
- ✓ CDOT held an Outrider/Bustang meeting that I attended to discuss identified locations for a Transit Hub. 2 of the locations were around/near Town Hall. AECOM is completing an existing conditions report and reaching out to a landowner to discuss potential property acquisition for 2 other sites that were identified. The final report should be completed in June.
- ✓ PPACG procured a Grant Navigator to assist its membership with identifying and applying for grant opportunities. I was finally able to meet with the Navigator in late May and was provided a short list of links for grants to look at.
- ✓ Park County and Town Staff met with PPACG representatives to answer questions about the area in preparation for submission of a Comprehensive Economic Development Strategy (CEDS) for the Park, Teller and El Paso Region. This is another means of showing collaboration and providing information to help qualify all us for grants and loans.
- ✓ The CDOT and American Civil Constructors Open House was held May 23 with representatives of each appearing to answer questions about the bridge replacement and widening project.
- ✓ The 2nd Park County Intergovernmental Meeting of 2023 was held May 23 at the County Offices. The next meeting is scheduled for August 22 in Alma.
- ✓ Mike Fisher of Phoenix Technology Group and I met with representatives of Highline. The Town will be terminating its connection with Park County due to security concerns and moving to a direct connection with Highline. We also had a preliminary discussion about the Town being able to provide Broadband to its residents and agreed to work together to obtain funding to install the last mile of infrastructure to accomplish this.
- ✓ Julie and I attend the Chamber of Commerce monthly meeting and the Town will be handing over Special Event Liquor permits to them in 2024 which will hopefully help the Chamber fund a full-time Director.

DEVELOPMENT / LAND USE / BUILDING

- ★ Staff held its Development Review Meeting on Wednesday, May 31 reviewing land development, exemption plat, special use permit and variance applications.
- ★ Inquiries are consistently high and Staff continues to work together at a high level to ensure that consistent information is shared.



68

Remains Unsignalized T

Close driveway - access
property off side street

Construct raised median

Driveway - right in / right out
in / right out

Closure of Frontage Rd
at Platte Dr

Platte Dr



\$\$\$

69

Remain Unsignalized T

Close driveway - access property off side street

Construct raised median

Driveway - right in / right out in / right out

Closure of Frontage Rd at Platte Dr

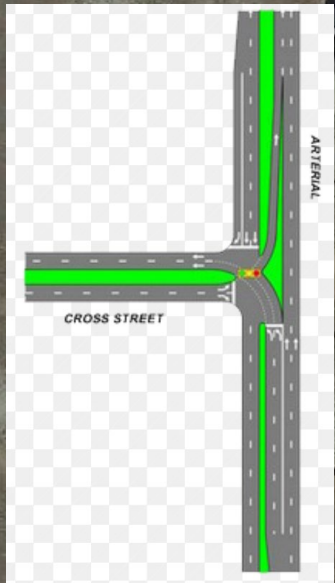
Platte Dr

Possible connection

Construct Roundabout



\$\$ - unsignalized
\$\$\$ - signalized



Unsignalized T or Roundabout

Close driveway - access property off the side street

Construct raised median to separate left turn from NB thru

Platte Dr – Continuous T Unsignalized Initially

Driveway – right in / right out in / right out

Driveway – right in / right out in / right out

TOWN OF FAIRPLAY, COLORADO
ORDINANCE NO. ____
(SERIES 2023)

**AN ORDINANCE AMENDING SECTION 16-5-90, WITHIN THE UNIFIED
DEVELOPMENT CODE, OF THE FAIRPLAY MUNICIPAL CODE, ESTABLISHING A
DENSITY BONUS PROGRAM**

WHEREAS, the Town of Fairplay, Colorado (the “Town”), is a statutory town, duly organized and existing under the laws of the State of Colorado;

WHEREAS, the Board of Trustees (the “Board”) has the authority, pursuant to C.R.S. §31-16-101, *et seq.*, to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory;

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the Town also possesses the authority to adopt and enforce zoning regulations;

WHEREAS, pursuant to such authority, the Town previously adopted Chapter 16 of the Fairplay Municipal Code (“Code”), the Town’s Unified Development Code;

WHEREAS, the community is currently experiencing a severe housing shortage for the local workforce, due to exacerbated pricing and limited availability in the local housing market;

WHEREAS, pursuant to its authority, the Board desires to establish certain specific rules and regulations to address the significant need for a diverse and affordable housing stock within the community, implement the housing goals of the Town Comprehensive plan, promote the construction of housing that is attainable to the community's workforce, retain opportunities for people that work in the Town to also live in the Town, and maintain a balanced community that provides housing for people of all income levels;

WHEREAS, the Board finds that density bonuses are an effective tool to incentivize property owners and developers to create housing for the Town’s workforce to help increase the availability and affordability of housing; and

WHEREAS, the Board finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend Section 16-5-90, to establish density bonuses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AS FOLLOWS:

Section 1. The above and foregoing recitals are adopted as express findings and determinations of the Town of Fairplay Board of Trustees.

Section 2. Section 16-5-90, concerning applicability of regulations and density limitations, is hereby amended by the addition of a new subsection (D) to read as follows:

Sec. 16-5-90. Applicability of Regulations; Density Limitations; Density Bonus Program.

...

(D) Density Bonus for the Provision of Additional Affordable Housing: The applicable approving authority may approve a maximum density increase in MF-Res, T, and MU zones under the following circumstances:

1. Multi-family projects may exceed maximum density provided that a minimum of fifty percent (50%) of the residential units are deed restricted to households earning no more than fifty percent (50%) of the Area Median Income (AMI) for Park County as defined annually by the United States Department of Housing and Urban Development (HUD). To qualify, each deed-restricted unit must be not more than fifteen percent (15%) smaller in gross floor area than the corresponding bonus market-rate unit.

2. An applicant may exceed maximum density, provided that, for every bonus unit constructed, at least two (2) units deed restricted to households earning no more than fifty percent (50%) of the AMI are constructed off-site within a one-mile radius of Town limits. The total combined floor area of every two (2) off-site units shall be equal to or greater than the floor area of the corresponding on-site density bonus unit, or at least 600 square feet.

3. An applicant may exceed the maximum density so long as one hundred percent (100%) of the bonus units are deed-restricted to require residents to work a minimum of thirty (30) hours per week in Park County with no required AMI limit.

Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this ____ day of _____ 2023.

Town of Fairplay

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: June 5, 2023

Public Works staff has been crack-sealing. All of Platte Dr. and surrounding roads have been sealed and, this week we'll start on Castello and work out from there.

An \$82,500.00 estimate has been obtained for replacement of the lagoon liner. \$100,000.00 that was budgeted for dewatering that we won't have to do this year will cover the cost.

Mark Kleinschmidt was hired as a temporary seasonal employee. He will mainly be watering flowers but was brought on early to help with the crack-sealing project.

SGM Engineer Deron Dirksen and I walked Burro Park to discuss a drainage plan. He will submit a written report so the Board with options and recommendations for the Board's review.

The Water Loss and Production reports will be distributed in the June 19 packet.

The Town Clean Up is taking place June 2-5 and I will give highlights at the meeting.

If you have any questions, please feel free to ask.

Chief Bo Schlunsen
FAIRPLAY POLICE DEPARTMENT



To: Fairplay Board of Trustees
From: Police Chief Bo Schlunsen
Date: 2 June, 2023
Re: June report to the Board

For March, we had 26 case reports. We had 43 v.i.n. checks, 5 animal call, 20 agency assists, 210 directed patrols, 30 traffic stops, 23 traffic citations, 7 arrests, 7 traffic crashes, 176 business checks, 7 citizen assists, 8 code violations, 3 alarms, 4 mental health calls, 4 suspicious vehicle/person calls and a few other type calls.

As you can see, things are picking up for the summer.

The Positive Ticketing program is going well with a number of contacts made and gift cards disseminated.



901 Main St ~ PO Box 267 Fairplay, CO 80440
P: 719-836-2840 F: 719-836-2849 Email: bschlunsen@fairplayco.us

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JUNE 5, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, June 5, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, Mayor Pro Tem Dodge, and Trustees Ray Douglas and Pete Lynn. Trustee Voorhis was excused for a family commitment for camping.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Town Treasurer Kim Wittbrodt, Public Works Director Donovan Graham, Chief of Police Bo Schlunsen, and Town Planner Scot Hunn and Town Attorney Nina Williams (online).

APPROVAL OF AGENDA

Motion #1 by Trustee Lynn, seconded by Trustee Douglas, that the agenda be adopted as written. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

- A. APPROVAL OF EXPENDITURES** – Paid bills for all Town funds from May 10, 2023 through May 30, 2023 in the amount of **\$132,199.72**.

Mayor Pro Tem Dodge noted that the amount of expenditures listed on the agenda was incorrect and the correct amount was \$132,999.72.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Lynn, that the consent agenda be approved with the expenditures as amended. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

Kerrie Lynn, 851 Hathaway, addressed complaints about fireworks that were shot off over the weekend disturbing the peace and scaring animals. Chief Schlunsen advised that Sgt. Grover did receive 2 calls and spent several hours looking for whoever was doing it. She did eventually make contact with the party alleged to have been shooting them off who was concerned about the neighbors' comments. They were warned that if caught there would be no breaks with stiff fines. Staff agreed to put this in the next newsletter.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

- A.** Proclamation recognizing June, 2023, as Bike Month and June 28, 2023 as Bike To Work Day. Mayor Just read the proclamation into the record and signed it proclaiming June as Bike Month and June 28, 2023 as bike to Work Day.

- B.** Update on Mass Fatality Exercise set for June 21, 2023 at the Fairplay Beach Picnic Area from Park County Coroner David Kintz.

Kintz thanked the Town for providing approval to use the Town Beach area and then provided an overview of the event advising the overall purpose was to figure out how to work together during such an event to be better prepared to save lives.

Special Events Coordinator Julie Bullock provided a review of the Town's Clean Up Event noting 17 volunteers helped out, the Town provided free food and drink this year. In addition to all of the tires, refrigerators/freezers, scrap metal, slash and trash routinely taken in, the Town took in electronics this time. She noted several citizens asked about shredding services and Staff was trying to add that as an additional service. There was brief discussion regarding the potential of partnering with Alma and Park County in the future and also working with Blue Star Recyclers to provide monthly electronics recycling. Bullock thanked the Board members for helping out and the Board thanked Staff for all their hard work to make the event such a huge success.

PUBLIC HEARINGS

- A. BOARD OF ADJUSTMENT CASE 2023-1 – Consideration of an application from 720 Brewing, LLC dba Highside Brewing for a Variance to approve a 1.5-foot setback to allow for the installation of a grain silo and boiler room for the property located at 501 US Highway 285 and legally described as T09 R77 S34 SW4 Fairplay Johnson Addition, Clock 6, Lot 6 New Greising-Scholl Minor Subdivision described in R585667.**
- B. Consideration of a Special Use Permit application from 720 Brewing, LLC dba Highside Brewing to allow for beer manufacturing in the Commercial Zone District for the property located at 501 US Highway 285 and legally described as T09 R77 S34 SW4 Fairplay Johnson Addition, Clock 6, Lot 6 New Greising-Scholl Minor Subdivision described in R585667.**

Mayor Just introduced the Public Hearings, noted the required public notices that had been made for the record and reviewed the hearing format. There were no objections to the format or jurisdiction. Just then opened the Public Hearing at 6:45 p.m. Town Planner Hunn presented an overview and summary of the variance request. He then reviewed the approval criteria along with the factors and criteria to be considered in granting the variance and also reviewed the Staff's findings for each supporting approval of the application subject to one condition. Hunn and Sciacca responded to questions regarding access to the property for surrounding property owner noting there would be no impacts by this use as the Park access would be maintained for both the brewery and other uses in the manufacturing building and other properties behind had separate access points. Mayor Just invited the applicant to speak. Dave Axelrod, owner, thanked Staff for their assistance and helping to move his request forward in a timely manner. He reviewed parts of the site plan noting adequate space for deliveries would be maintained. He thanked the Board for their time and consideration of the requests. Just then opened the floor to public comment and there were no comments in favor or in opposition. Mayor Pro Tem Dodge inquired if there was a special use for the South Park Brewery and Hunn responded that while he was not working for the Town at the time that use was approved, he believed one was not required as it is a Restaurant, Bar, Taproom and Brewing Facility of which all but the brewing were uses by right, but he could not say for certain. Mayor Just again invited the applicant to speak. Axelrod restated his appreciation of Staff's assistance and expediency in moving the request forward.

Planner Hunn then presented an overview and summary of the special use request. He then reviewed the approval criteria along with the factors and criteria to be considered in granting the special use and also reviewed the Staff's findings for each supporting approval of the application. Just inquired if Axelrod intended to apply for signage on the silo. Axelrod replied they had not gotten that far yet, but he did speak with Staff about a mural, however nothing had been finalized. Just also asked if engineered drawings for

the silo had been done and the applicant stated he had them in hand as of the last evening. Just inquired about the moving of all operations from Frisco and Axelrod replied manufacturing was, but the retail portion was also being kept in Frisco. Mayor Pro Tem Dodge inquired as to the amount of production that would be occurring and the associated water consumption. Axelrod replied they produce about 1,000 barrels or 2,000 kegs which was anticipated to double to 4,000 kegs at 15.5 gallons each annually. Sciacca advised that the applicant had already met and spoke with the Town's water and sewer operators, upgraded the water line and was working with Building Official Parag on permitting and inspections. Just then opened the floor to public comment and there were no comments in favor or in opposition and just closed the floor to public comment.

Just reviewed the approval language provided in the Staff report including the one condition. He inquired if the applicant was in agreement with the requested condition. Axelrod replied he was. Dodge then inquired about the public notice and fact it indicated the request was for a "0" foot setback. Sciacca replied it was originally anticipated that was what was going to be needed and because notices had to be timely made, they did originally indicate that. She also noted corrections to the Affidavit of Posting for the on-site notice by Staff advising the posting was made in May not March and the property address was listed at Highway 25 and not 285.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Douglas, to approve the variance request by 720 Brewing LLC, Highside Brewing, for relief from the strict interpretation of the side yard setback requirements of the Commercial Zone District, with the following conditions:

1. The Applicant shall provide an elevation drawing with any building permit application showing the south elevation and the proposed exterior appearance and materials for the storage addition.

A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

Motion #4 by Trustee Douglas, seconded by Trustee Lynn, to approve the Special Use Permit request for 720 Brewing LLC, Highside Brewing, at 501 U.S. Hwy. 285 to permit manufacturing within the Commercial Zone District, without conditions. The special use permit shall run with the business entity, its assigns and/or successors so long as the business and the associated manufacturing use remain and are not abandoned or discontinued. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

Just congratulated Axelrod on the approvals and stated the Board was glad to have Highside as part of the community. Sciacca then advised Staff would prepare the required resolutions for documentation and ratification of the Board's action at their next meeting. Just took the opportunity to report the Grand Opening for Highside was held last Saturday and there were well over 100 people in attendance, a good time was had by all, and it was great they wanted to be part of the Fairplay community. Sciacca also reported that Highside beers were being introduced at several upcoming Town events and both Highside and South Park Brewing were being used.

NEW BUSINESS

A. ARCHITECTURAL REVIEW COMMITTEE – Consideration of an application from Anne Bradford for a Certificate of Appropriateness for the construction of a deck in the Town Center Zone District at the Valiton Hotel located at 500 Main Street.

Mayor Just introduced the application and Town Administrator Sciacca presented the Staff Report. She noted that the applicant Anne Bradford and her representative and architect Mickey Florio were both in attendance online. Sciacca noted the portion of the Staff Report detailing the requirements of the UDC and Town Center Design Standards which set forth that the committee is required to consider Town

Center Overlay District Design Guidelines for protecting the safety and preservation as nearly as practicable of the historic style, qualities and characteristics of the building structures, architectural features that are associated with the surrounding subject development and historic district. She also reviewed the findings required and the Staff's review of each with a recommendation for approval with no conditions. Mayor Pro Tem Dodge inquired about the elevation of the deck in relationship to the accessible ramp and entrance and whether or not the deck had to be accessible as well. Mickey Florio, applicant representative, replied there was no ramp proposed for the deck and the ramp going into the restaurant was proposed to stay. He added that the deck was going to be about 18 inches off the existing grade, so more or less halfway between the elevation of the entrance to the restaurant and the grade. Sciacca then advised that Building Official Parag would address and ADA requirements at time of permitting. She then noted that the applicant will also be required to provide a survey for the building permit and that the Town's engineer pointed out that the ADA ramp and the existing entry stairs were built in the Town's right-of-way for which a Revocable Use/Encroachment Agreement would be required and brought back to the Board for. Mayor Just inquired if the applicant took any exception to the revocable agreement and Florio replied they did not but would need to be coached on what exactly would be required from them. He then stated they would request to do the survey but be allowed to proceed with a conditional approval through Building Department review while waiting for that survey which would then be submitted prior to issuance of the permit. Just inquired if anyone on the Board took exception to the request and there was none voiced.

Motion #5 by Trustee Douglas, seconded by Trustee Lynn, to that the Fairplay Board of Trustees, sitting as the Architectural Review Committee, approve the application for a Certificate of Appropriateness for Duke, LLC at 500 Main Street to permit construction of a deck and replacement of 2 windows with a door within the Town Center Zone District, without conditions and that the Town Clerk issue said Certificate of Appropriateness within seven (7) business days as per the plans submitted and approved. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

B. FIRST READING – Resolution No. 17, Series of 2023, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING LETTER OF ENGAGEMENT WITH KUTAK ROCK, LLP FOR BOND COUNSEL SERVICES FOR A DRINKING WATER REVOLVING FUND LOAN. Town Administrator Sciacca presented an overview of the Staff Report. She advised that the proposed letter of engagement was a standard format. She also noted Trustee Lynn inquired about the related costs and reported that the last time the Town had to do this the costs were closer to \$35,000 and they would be higher if it were a larger, more in-depth loan. Sciacca recommended approval of Resolution No. 17 as presented. The Board in general agreed it had taken a long time to get to this point and the approval provided a sense of relief about the Town's water situation. Sciacca advised that contractor Hardesty was continuing to work on items required by CDPHE for final approval and bidding and the next steps would be to finalize the DOLA grant. She recognized and thanked the entire team of Ken Hardesty, Bill Hahn, Donovan Graham, Keith Chisholm and Marty Deline for all their work to make this a reality and the Board echoed the appreciation.

Motion #6 by Mayor Pro Tem Dodge, seconded by Trustee Douglas, to approve Resolution No. 17, Series of 2023, as presented approving a letter of engagement with Kutak Rock, LLP for Bond counsel services for a Drinking Water Revolving Fund Loan. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Lynn – aye. Motion carried unanimously.

BOARD OF TRUSTEE AND STAFF REPORTS

Town Administrator Sciacca reported that she, Park County Director of Operations Mike Smith and Public Works Director Graham met with CDOT officials about improvements to the intersection of Platte Drive and US285. After several different meetings, some including the developers in that area, CDOT approached the Town and County about options at that intersection. She directed the Board to three plans that had been provided for 1. A roundabout; 2. Full Signal; or 3. Continuous T intersection. Sciacca advised that CDOT was not in favor of the signal due to the closeness of the signal at CO9 and US285 and their preferred option was the roundabout, and they wanted an official position from the Town on a preferred option. Following discussion and input from the attending public, the Board advised Sciacca to respond to CDOT that the Town's preferred option was a Turbo Roundabout at the Intersection of Platte Drive and US 285.

Public Works Director Graham reported that last year when the sewer pond was dewatered and an aerator lost a motor mount, falling off and ripping up the liner. Graham felt money saved by not dewatering again this year could be used to repair the liner. He advised he had obtained a proposal and would bring it to a future meeting for review and approval.

Town Administrator Sciacca reviewed her report in the packet highlighting the proposed Density Bonus Program ordinance in the packet provided by the Town Attorney and requesting feedback. She also provided an update on the discussion with CDOT regarding site selection for a TransithUB, the Town moving its Broadband service away from connection with the County to a direct connection to Highline, meeting with contractors about 501 Main, replacement of the windows at Town Hall and the turning over of Special Event Liquor Permits to the Chamber of Commerce in 2024.

Mayor Pro Tem Dodge reported that he and Trustee Douglas attended the CML District Outreach meeting held in Salida last week. It was noted that Fairplay fits in better with that District that contains Buena Vista, Leadville and Salida who share a lot more in common than Fairplay does with Woodland Park and Colorado Springs. He felt CML took note of that and might shift Fairplay to that District. Dodge and Douglas also noted the discussion about the legalization of Mushrooms. Overall, Dodge and Douglas felt Fairplay was ahead of the curve a little bit with issues being faced. Douglas also shared that several communities were talking about updating their UDCs and maybe Fairplay should do the same. Sciacca reminded that Hunn was working on the PUD section of the Town's UDC, but the time was approaching for the Town to do this and the Municipal Code really needed addressing as well. She touched on the process of recodification and this could be talked about during the budget.

Trustee Lynn reported on the vault leaking at Cohen Park and advised that would need to be addressed at some point and the one cleaned out at the Beach was fine. Graham felt rocks might have been dumped in the Cohen park one cracking the bottom. The consensus was that repair or replacement needed to be figured out and discussed to make it functional.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 9:06 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

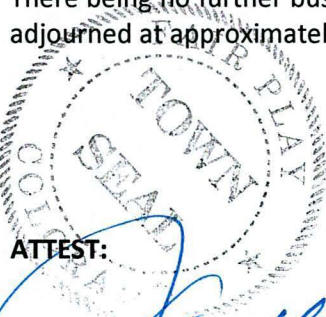
Frank Just, Mayor

ATTEST:

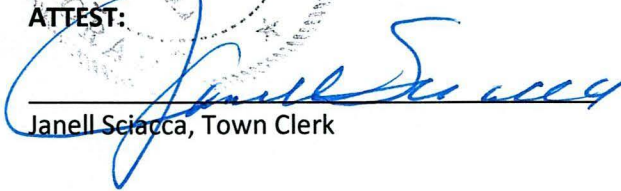
Janell Sciacca, Town Clerk

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 9:06 p.m.



ATTEST:



Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO



Frank Just, Mayor