

**TOWN OF BASALT**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**

**Tuesday, June 21, 2022**

**CALL TO ORDER**

The meeting called to order by Commissioner Maron at 6:01 pm.

Commissioners present included Bill Maron, Kyle Oberkoetter, Gino Rossetti, Rob Leavitt, and Cindy Hirschfeld.

Staff Present: Michelle Bonfils Thibeault, Planning Director, and James Lindt Assistant Planning Director.

**Approval of Minutes**

Commissioner Hirschfeld stated that in the minutes from last week's meeting, when she compared BCC to a market in Denver, she was referring to the Central Market in Denver Colorado.

**M/S LEAVITT AND ROSSETTI TO APPROVE THE MEETING MINUTES FROM MAY 3, AND MAY 17, 2022 WITH HIRSCHFELDS CLARIFICATIONS. MOTION PASSED 5-0.**

**AGENDA ITEMS**

**Public Hearing on Final PUD Application Submitted by Possumco LLC. On Parcel 5, of the Sopris Meadows Subdivision/PUD.**

James Lindt, Assistant Planning Director, stated that staff recommends making a motion to continue the public hearing without discussion on this topic, until July 19<sup>th</sup>, 2022. Basalt Affordable Community Housing (BACH) is going to discuss the affordable housing component with Town Council further, before P&Z makes a recommendation.

**M/S LEAVITT AND OBERKOETTER TO CONTINUE PUBLIC HEARING ON ITEM 3A TO JULY 19<sup>TH</sup>, 2022. MOTION PASSES 5-0.**

**Public Hearing on PUD Amendment to the Willits Town Center PUD.**

Michelle Thibeault, Planning Director, gave an overview of the application for putting a retail marijuana shop in the Willits General Store Building. She stated that the site is at 701 E Valley Road, and it is zoned C-3 with a PUD underlay. She explained that the C-3 Zone District allows for marijuana dispensaries, but the Willits Town Center PUD was adopted before the 2012 Colorado legislation legalizing retail marijuana dispensaries.

Thibeault explained the PUD amendment criteria and told the Commissioners that they should consider the criteria in terms of the application. Those criteria were described as not changing

the floor area or variations from other standards in the PUD, if the application meets the underlying zone district allowances, and noted that the PUD was drafted before the legalization of retail marijuana in Colorado in 2012. Thibeault stated that the application meets these criteria.

Thibeault continued and brought up Section 16-190 of the Town of Basalt Code, which restricts the visibility of marijuana related products from the store to the public, as well as signage restrictions. She stated that non-visibility from public areas has been included as a condition to reinforce the restriction.

Thibeault explained that the purpose of this discussion was to amend the PUD and not to do a site plan review, which is why there are no site plans included in the presentation or packet. She added that submittal of a site plan for staff review is a condition and will allow staff to ensure that there will be window coverings blocking visibility of products. She stated that one sign is permitted on the premises with a maximum size of six square feet. She added that because this is not a site plan review, and the exact signage is not available for review at this time, but that one has been proposed for the roof where the existing signage is located.

Thibeault explained how buffers work in the Town Code, for retail marijuana stores, indicating there needs to be a two hundred (200) foot distance between schools, licensed day-cares, parks and marijuana dispensaries. She stated that there is approximately two hundred (200) feet of distance between the Willits General Store building and Triangle Park in Willits. She added that Triangle Park is not a park listed as needing a buffer but has a buffer if that were ever to change.

Thibeault stated that the applicant voluntarily proposed a Community Benefit contribution to The Art Center At Willits (TACAW) in the form of cash contribution based on annual net sales.

Thibeault explained the PUD Amendment Process and said that it is a two-step process with the first step being a recommendation to Town Council from P&Z and the second step being Town Council action by Ordinance. She noted that separate from this land use application, the Applicant must apply for a state license operate the medical and retail marijuana dispensary.

Thibeault ended by saying that Staff recommends that P&Z adopt the resolution No. 5, Series of 2022 and turned the presentation to the applicant.

The representative for Thunder River Properties and Pioneer Interests, Jody Edwards, described the property that Thunder River Properties owns as the Willits General Store and explained that Pioneer Interests will be the new tenant operating the marijuana dispensary. He explained that Pioneer Interests currently owns the marijuana dispensary in Old Town Basalt, and that they would be relocated to Willits if the PUD Amendment is approved.

Edwards added that the Amendment will add significant community benefits, by creating an estimated fourteen (14) jobs, capture tax revenue for the town, and secure a voluntarily contribution to TACAW. He also added that across the street at the tree farm, dispensaries are an allowed use, and there is a lot of traffic moving through via Highway 82 that this business would hopefully capture.

Commissioner Oberkoetter asked the applicants to clarify how the new marijuana dispensary is adding more jobs if the existing dispensary is simply moving locations.

Edwards responded that they hope to expect more business but expressed that the question has a good point and says he was told a certain number of jobs to be in place at the new location but does not know how many jobs are at the current location.

Commissioner Oberkoetter asked what the reasoning is behind the contribution being based on net sales instead of gross sales.

Edwards answered that net is a smaller number and it is used to assure profits for the business before making a contribution that is not affordable.

Commissioner Oberkoetter asked Staff if the contribution was something that P&Z could make a recommendation on. Thibeault replied that P&Z could make a recommendation, however the contribution is not required by code, but the recommendation would be noted.

Edwards stated that he agrees with Commissioner Oberkoetter, that using gross sales would make everything easier for people to understand and explains that the contribution percentages would have to be reduced if they were based on gross sales.

Commissioner Maron stated that they could add the suggestion to a motion and let Town Council decide what to do.

Commissioner Leavitt asked Staff if the business was in good standing with the Police Chief etc. Thibeault replied that the Police Chief would like to not make a recommendation until they receive their retail marijuana license from the State. Commissioner Leavitt asked if it was a transfer license. Thibeault said yes.

Commissioner Hirschfeld asked if the dispensary was going into the space that used to host the CBD and Wellness store. Edwards replied yes. Hirschfeld said that she had no more questions, but added that she feels bad for businesses due to labor shortages and that adding jobs is not always a benefit.

Commissioner Leavitt asked Staff if Triangle Park not being a buffered park was an oversight. Lindt replied that Staff identified several parks that had high volumes of child activity, and Triangle Park did not fit the criteria at the time, as it was before the installation of the fountain. Commissioner Leavitt then asked if there was a limit to the number of dispensaries allowed in Basalt. Lindt replied that there is an allowance for two (2) medical establishments and two (2) retail marijuana stores.

Commissioner Maron asked how different the marijuana license transfer was compared to a liquor license transfer. Lindt responded that there are some additional requirements to maintain stores. Lindt added that the dispensaries are required to have local ownership, and said that this is a town requirement.

**COMMISSIONER MARON OPENED FOR PUBLIC COMMENT AT 6:21 PM.**

There were no public comments.

**COMMISSIONER MARON CLOSES PUBLIC COMMENTS AT 6:23 PM.**

**COMMISSIONER MARON OPENED COMMISSIONER COMMENTS.**

Commissioner Leavitt said that he is not disappointed to see the dispensary move away from Midland Avenue and added that if the Town of Basalt has a dispensary in Old Town, then it would make sense to also have one in Willits.

Commissioner Oberkoetter commented that he believes the contribution from the dispensary should go to affordable housing instead of TACAW.

Commissioner Maron stated that this issue is perfunctory and very similar to moving a liquor license, it meets the dimensional and State requirements and the Town's criteria. He added that there is no harm and no benefit, and all they are doing is moving from one place to another. He asked Commissioner Oberkoetter if he would like to make a motion suggesting his comment about changing the community benefit to affordable housing rather than TACAW.

Commissioner Oberkoetter suggested a motion for the Town Council to consider the community benefit to go toward affordable housing instead of TACAW, and for the contribution to be based on gross sales instead of net sales.

Commissioner Leavitt asked to discuss further before a vote. He added that he thinks it is wrong for the Town to decide what the community benefit contribution should be based on and who it goes to because it is a voluntary contribution.

Commissioner Oberkoetter responded that the development going into Willits Lake area is voluntarily supplying affordable housing units and the Town has had a large say in how it is being done. Commissioner Leavitt said that he would not support that because he believe that P&Z should not try to dictate the terms of a voluntary contribution, and added that he supports the motion as written.

Commissioner Hirschfeld commented that she believes it would take a significant amount of money to make a difference for affordable housing, but not nearly as much to make a large impact at TACAW. Commissioner Maron added that it would just be a discussion item for Town Council, and that they have the final say because it is a financial issue.

Edwards asked Commissioner Oberkoetter what he means by contributing to affordable housing. Commissioner Oberkoetter replied that it would go into the same pot of money as the Real Estate Transfer Assessment (RETA) that the Town collects on new developments. Commissioner Maron added that Staff could work with the applicants to work out further details of this issue to present to Town Council.

Commissioner Oberkoetter asked staff what the best way to address this item would be. Thibeault replied that making a motion that had full support would be the best option, but that Staff could also just include the issue in the Memo for Town Council. Commissioners Leavitt and Hirschfeld both expressed their support for this to be a discussion item and Commissioner Maron said he supports it either way. Commissioner Rossetti said he supports the item as a discussion and not as a motion. Commissioner Oberkoetter withdrew his request for a motion.

**M/S BY LEAVITT AND ROSSETTI TO APPROVE AS ORIGINALLY WRITTEN BY STAFF WITH A MEMO THAT P&Z ENCOURAGES TOWN COUNCIL TO DISCUSS ALTERNATIVE MATH AND ALTERNATIVE RECIPIENT TO THE DONATION. MOTION PASSES 5-0.**

### **Commissioner Comments and Staff Updates**

Commissioner Leavitt brought up concerns about bike and vehicle interaction on Willits Lane. He stated that it was scary to ride his road bike on the road because there is not a lot of room on the road and there has been an increase of traffic. When traveling on the sidewalk, there are too many pedestrians that it is also dangerous. He added that with new development in the area the Town needs to look at right of way and expanding the road to accommodate bikers. He also brought up the Cottonwood trees along the road and sidewalk and said that he noticed red tape around several of them. He said he hopes that there is a plan to not only remove the trees but also replace them. Thibeault replied that those trees were identified as unhealthy or dangerous by the Town Arborist Chris Beiser. Lindt added that Beiser has a plan to replace the trees, but it includes trees all around town that are unhealthy or hazardous.

Commissioner Maron added that he rides his scooter on Willits Lane as well and receives visual insubordination from large trucks with out of state license plates. Lindt responded that there is work outlined in the Eagle County Mid Valley Trail Plan to expand Willits Lane and add a bike lane. Commissioner Oberkoetter asked if there was enough right-of-way to add a bike lane. Lindt responded that they have worked with the developments to acquire the right-of-way in some sections, and in others there is already enough right-of-way to add the bike lane.

Commissioner Maron stated that it may be time to look at the mode of transportation on some older roads around town. Commissioner Leavitt added that trucks are getting bigger and there are more traveling on those roads, the roads may be too narrow and dangerous for bikes and pedestrians.

Commissioner Rossetti asked Staff why they were not reviewing the Midland Streetscape project at this meeting, and when that would happen. Thibeault responded that the issue has been pushed out for the team to revise the conceptual plan. She explained that they have compiled public feedback to narrow the three options presented into one, called a preferred option. They have also gone through a pricing exercise for construction cost estimates. This will come back to the Town and all of the Committees for further tweaking. She added that Lindt had emailed the Committees about doing a joint session between P&Z and Town Council on July 26<sup>th</sup>, 2022. She continued explaining that P&Z will meet at 5PM before Town Council, so P&Z can have some one-

on-one with Staff to discuss. She added that P&Z is welcome to stay at the Town Council meeting to discuss further or depart at 6PM if they are satisfied with the information provided.

Commissioner Leavitt asked staff if P&Z is going to meet with Basalt Affordable Housing Committee (BACH) on July 12<sup>th</sup>. Lindt replied no, that Town Council and BACH will meet but not P&Z and BACH. Staff will provide information from the Town Council and BACH meeting to P&Z after the meeting. Commissioner Leavitt then asked if P&Z was meeting on July 5<sup>th</sup>. Lindt responded that Staff does not have anything for P&Z to discuss on July 5<sup>th</sup>.

Commissioner Oberkoetter asked Staff what the process would be to add Triangle Park to the list of buffered parks. Lindt responded that it would be a land use code amendment. Commissioner Oberkoetter added that it might be important to do as the park sees more use, especially from children due to the fountain.

Commissioner Rossetti asked if the BCC plan was reviewed and approved by Town Council. Thibeault responded that it has a first reading on July 12<sup>th</sup>, 2022 by Town Council. Commissioner Hirschfeld asked if that is the next time that it will be in front of Town Council or if there is a preliminary reading. Lindt replied it is an ordinance and that July 12<sup>th</sup> is the first reading, followed by a final reading on July 26<sup>th</sup>.

Commissioner Maron asked why there is a lane closed on Highway 82 near the Whole Foods. Lindt replied that there is a fiber project going on connecting the traffic lights on Willits intersection with the lights on Two Rivers Road intersection and Original Road intersection. Lindt explained that the area is CDOT right-of-way, but the improvements were provided by contributions from the Tree Farm and Willits Town Center PUD.

Commissioner Maron stated that the interjurisdictional area near the Willits intersection on Highway 82 is mind-boggling. He noticed last week that someone had spilled six or seven boxes of shotgun shells on the highway and called Pitkin County, who didn't want to deal with the issue, Eagle County, who also didn't want to deal with the issue, and CDOT, who also did not want to deal with the issue. Lindt added that on a Council site visit, Town Manager Ryan Mahoney noticed the issue and had Police Chief Greg Knott remedy the issue.

Thibeault started going through staff updates. She started by updating P&Z on the Basalt River Park, saying that the lawn will be completed in August. Staff is working on the bandshell, restroom, and bus shelter designs.

Thibeault continued with the Midland Avenue Streetscape project and tells P&Z that there will be another review in July. She says the team is working on design alternatives and construction pricing.

Thibeault described the upcoming solar projects with the schools, and new Public Works Facility. She is hopeful that the projects will provide good data for energy offset and cost savings analysis.

Lindt explained that Eagle County Commissioners are looking at the fields and that it is on their agenda for July 11<sup>th</sup>, but the packet materials are not yet provided. Commissioner Oberkoetter asked if that was a final meeting for the project. Lindt responded that it was most likely their first of many on the topic. He added that this is still in the sketch plan review stage, which is where it was when P&Z discussed it last.

Commissioner Hirschfeld asked if the townhomes by the Basalt River Park are completed yet. Lindt responded no they are not yet complete.

Commissioner Oberkoetter asked if there was anyone interested in becoming a member of P&Z since Commissioner Rossetti will be stepping down soon. Thibeault responded that there is someone interested but they have not submitted an application yet. Commissioner Oberkoetter asked if Commissioner Rossetti steps down if they will all have to be present at future meetings. Lindt responded that there must be four members present to have a quorum.

**M/S LEAVITT AND HIRSCHFELD TO ADJOURN THE MEETING. MOTION PASSED 5-0.**


The meeting adjourned at approximately 6:50 pm.

TOWN OF BASALT

PLANNING AND ZONING COMMISSION

By:  \_\_\_\_\_

Bill Maron, Vice Chair

Attest:  \_\_\_\_\_

Michelle Bonfils Thibeault, Planning Director