

TOWN OF SILT
REGULAR PLANNING AND ZONING COMMISSION MEETING
June 3, 2025 – 6:30 P.M.
HYBRID MEETING

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, June 3, 2025. The meeting was called to order at 6:30PM.

Roll call

Present

Chair Lindsey Williams
Vice Chair Michael Bertaux
Commissioner Eddie Aragon
Commissioner Jennifer Stepisnik
Alternate Dana Wood

Absent

Commissioner Vanessa Westmoreland
Alternate Justin Anderson

Also present: Town Manager, Jim Mann, Community Development Director, Nicole Centeno and Town Attorney, Michael Sawyer

Pledge of Allegiance

Public Comment

There was no public comment

Consent Agenda

1. Minutes of the May 6, 2025 Planning & Zoning Commission meeting.

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

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no proposed changes to the agenda.

Rislende Final Plat/Plan and PUD Amendment

Director Centeno introduced the project by recapping that on May 6, 2025, Town Staff presented the Rislende PUD Amendment and Final Plan and Plat. The Planning Commission passed a motion to continue the Public Hearing to June 3, 2025. The continuation allowed for additional conversations to take place between the Applicant and Town Staff, regarding minimum commercial square footage, parkland dedication and approved uses within the PUD.

She explained that the project as a whole has not changed. She amended the staff report, in blue, to ensure that all relevant information was still being presented, as well as highlighting the changes.

Centeno then explained that the Planning Commission's role was to determine whether or not the application meets the requirements of the governing documents in which the Town has adopted. The two main documents to consider are the Silt Municipal Code and the Comprehensive Plan. Should the Commission choose to make a recommendation that does not align with the Town's governing documents, the Commission will need to make the reasoning for the deviation clear in the recommended motion.

She then reminded the Commission that both the PUD Amendment and Final Plan/Plat require a recommendation from the Planning Commission, to the Board of Trustees, for a final decision.

The Town's adopted Comprehensive Plan deems this parcel to be Commercial and Service based, Centeno stated. While Town Staff believes there is a place for some residential, it should not be over crowded by residential, but rather, residential should be a secondary use.

Director Centeno then addressed the three topics that required further discussion from the previous meeting:

1. Town Staff explained that any business declared as a use by right in the PUD zoning, would automatically receive an implicit approval for the use. The Town, nor the Applicant could say no. The only items that could be weighed in on, would be at the time of Site Plan Review, with details such as the architectural design of a new building, or meeting minimum parking requirements. Director Centeno explained that light manufacturing might end up being a broader term that would allow a business that would not be the best use within the Rislende parcel. She stated that the applicants agreed to move the questioned uses from a use by right designation to a special use category, enabling more of an ability for the Town and HOA to determine if the location best suits the proposed business.
2. The next item was the residential density increase and commercial requirements. Director Centeno highlighted the applicant's final proposal:
 - *Pagewest will no longer seek to build any residential on Tract 3. That's a removal of 24 units and about 20,000 square feet of residential.*
 - *August Group will maintain ownership of the full tract with the intention of developing it to become Rislende's commercial hub.*
 - *The proposed zoning will be updated to continue to allow for residential, but any Tract 3 units will be required to have commercial or office space below them on the ground level.*
 - *We will add to the PUD guide a minimum commercial build-out on Tract 3 of 10,000 square feet.*
 - *There cannot be any timeline or mandate to artificially force the timing or sequencing of any amount of commercial at any point in time.*

- *There cannot be any additional mandate of minimum commercial square footage on any other tract in the PUD.*

Centeno expressed appreciation for the applicant's consideration to create Tract 3 as the commercial hub, with residential only being above first floor commercial. While the applicant didn't reach the desired square footage, the Town recognized that 10,000 square feet was a floor, not a ceiling and that there was a hope for more.

As far as the timeline, Director Centeno voiced concern over not having guidelines or accountability for construction, especially the commercial. She pointed out the PUD amendment in Section 9 for reference.

Vice-Chair Bertaux clarified if the proposed 10,000 square feet of commercial space included the 4,500 square foot restaurant and Director Centeno confirmed that it was included in the square footage.

3. Director Centeno explained that Town Staff got direction from the Board of Trustees to accept river frontage parkland dedications by dedication, not easement.

Director Centeno then expressed appreciation for the collaboration that had gotten the application to the point that it was at. She stated that the Town's Engineer, Staff and Attorney's, as well as the Applicant's team have spent endless hours working together to figure out how to accommodate the request for additional housing.

She stated that while the project does not completely align with the Town's Comprehensive Plan or Code, there are other elements of the proposal that are beneficial to the community.

After a final recap of the three topics, Centeno concluded that Town Staff's primary concerns were ensuring that the parkland dedication is deeded to the Town and that the minimum commercial buildout takes place in a timely manner.

Attorney Sawyer told the Commissioners that he would be happy to answer any questions that they might have about his firm's memo on the parkland dedication versus easement. He stated that there was no advantage for the parkland dedication to be in the form of an easement, with the exception of the trails.

Director Centeno then presented the staff recommendation and conditions of approval:

Staff recommends that the Planning and Zoning Commission proceed with an APPROVAL recommendation for the PUD Amendment, to the Board of Trustees, with the following conditions:

1. All representations of the applicant made in writing, application materials, verbally spoken at the meeting or that are reflected in the meeting minutes, spoken by the Commissioners or applicant, are considered part of the application and are binding on the applicant.
2. That applicant provides any additional requested documents and pays all related fees.

3. That the parkland dedication, of the Island, be satisfied by deed, not easement. The trail system adjacent to the River Frontage Road, County Road 311 and the interconnecting trail between Tracts 3 and 4 that leads to County Road 311 shall be satisfied by easement.
4. That the trail system be completed within 24 months of the Final Plat approval.
5. That in the event substantial progress on the development has not been accomplished, not including any required trail, within 60 months of the Final Plat approval, the PUD Guide approval will be considered null and void unless an extension is granted by the Town Board. If no extension is granted by the Town Board, owner/developer will be required to reapply for PUD Guide approval.
6. That the changes made by Town Staff to the attached PUD guide be final.
7. That all remaining engineering be addressed and approved by the Town Engineer, prior to final plat recordation, including but not limited to lighting standards, plat notes, landscaping, crossings, road and sidewalk widths, lift stations and drainage.
8. That all Colorado Department of Transportation requirements be met, prior to final plat recordation.
9. That all of the Fire Departments requirements are met, prior to final plat recordation.
10. That any and all other referral agencies requirements be met, prior to the final plat recordation.
11. That each tract of development will require a Site Plan Review.
12. That this approval is not for construction. All future improvements will require permitting and approvals through the Community Development Department.

Director Centeno then gave a quick overview on the Final Plat submittal, stating that the biggest item needing to be addressed was engineering.

Chair Williams invited the applicants, Cole Buerger and Mitchell Weimer to speak.

Mr. Buerger started the conversation by stating that he had a pit in his stomach and felt bullied. He does not feel as if there had been any collaboration with Town Staff, but rather rejection to their hard concessions. He recapped their concessions of special uses, more commercial on Tract 3 and parkland dedication, with conditions of conservation and oversight from AVL T.

Mr. Buerger then voiced concern over the executive session that took place, in which staff sought guidance on parkland dedication vs easement. He then stated that New Castle had the same meeting as a public meeting.

Mr. Buerger then stated that he had toured Town parks and noticed a lack of maintenance. He further stated that the Town had a lack of will or capacity to maintain parks.

In conclusion, Mr. Buerger asked the Commission for an approval, with the following changes to the conditions:

- That there be an increase buffer on 8A from 50 feet to 75 feet.

- That benches and improvements be agreed upon for 8A and remain unchanged.
- That there be barriers and standards for habitat preservation.
- That there be no off-path trails created
- That any changes to Tract 8A require the consent of 8B and AVLT

Mr. Weimer alluded that there had only been one point of contact between Town Staff and his team since the last meeting. He stated that he had hoped that Staff's position on several items would have changed, after hearing from the Commission at the previous meeting, but stated that was not the case. He then stated that there was another moving of the goal post, by staff asking for the applicant to get creative with how to incorporate more commercial across the other tracts.

Mitchell said that he and Town Staff aligned with a shared goal to preserve the island area. He also said that he understood the special use for light manufacturing.

Mr. Weimer explained that over Memorial Day weekend, they sent an email to Town Staff, with their two final concessions, which included the following:

- Tract 3 will remove 20,000 square feet of residential and increase commercial to 10,000 square feet. Residential will be allowed above commercial only.
- There can be no artificial timeline in which commercial buildout will take place, nor can there be minimum requirements of commercial on any other tracts.
- Tract 8A, 1.5 deeded to Silt and the remainder will be a conservation easement. The applicant will remove flora and build the bridge. Town will maintain.

Mr. Weimer then explained that he ended the email with stating that he expected that those concessions would end negotiations and that Town Staff would support this application.

He stated that he was upset that he did not receive an email back from staff. He also voiced his concern over the executive session about easement vs deeding.

Mr. Weimer asked the Commission to be agnostic. He asked them to strike condition #3.

He then asked them to strike down number 5.

Chair Williams then asked her fellow Commissioners if they had any questions.

Commissioner Aragon then asked about a timeline. Mr. Weimer responded that he had no idea. Mr. Buerger clarified that Pagewest is ready to submit for Site Plan review. He stated that the horizontal would take place first, then residential, then commercial on Tract 3. The restaurant would be the first commercial buildout.

Alternate Wood asked if it was typical for the timeline requirements. Director Centeno then explained that there are specific conditions of approvals when applicants deviate from the code and request zoning through PUD's. She then stated that the timeline was in response to the applicant refusing to do the commercial buildout first. Staff was trying to ensure that the commercial buildout would in fact take place.

Alternate Wood stated that she was having a hard time with the inconsistency. Attorney then suggested that vested rights could be an alternative.

Mr. Weimer then stated that he hadn't had time to speak to his attorney and Commissioner Bertaux inquired as to whether or not a continuation would be beneficial. Mr. Weimer stated that it would not.

Adam Wallace, with the residential development team, added that he disagreed with the zoning expiring.

Chair Williams thanked the applicants for their thoughtful responses and for bringing to light the challenges that they were facing. She was apologetic that there was not more progress made and that additional follow up had not been made, leaving the applicant in a difficult spot. Chair Williams also stated that this leaves them (Commissioners) in a difficult spot as well. She said that it feels as if they are being pitted up against the Town, with what's in the code and Comprehensive Plan, which she described as outdated.

Chair Williams expressed the desire to give this development the best foot forward, which means that she would like to see some of these issues more resolved, before the project goes to the Trustees.

Chair Williams opened the Public Hearing opened at 7:16pm.

Chance Jenkins, 5435 County Road 11, stated that he was a board member for Garfield RE-2 School District and President of the Cattleman's Association. He voiced that the Chair of the Commission repeated the unsettling comment of "You are putting us in a bad situation, where we are disagreeing with the staff". Chance stated that it's important to foster good relationships, but it's more important for the Commissioners to govern. He then stated that the second concerning comment was from the Town Attorney, when asked about easement vs deeding, at which point he answered "control".

Mr. Jenkins also stated that he understood why the river corridor does not develop, extortion of environmentally sensitive land. Then he stated that the last and most questionable thing that he's ever heard in a public meeting, was a statement that was made was when a Commissioner stated "we can fluctuate these rules, if you deed us the island".

Willow Brotzman, 1710 Grand Avenue, stated that she sees this as a positive and supports this project and asked the Commission to approve this project.

Pam Burger, live up Dry Hallow, believes that the people need to be heard. She stated that ranchers take great pride and respect in their land and has never seen a government entity take better care of the land than the owners. She was also concerned about the executive session that discussed parkland dedication.

Chair Williams then read a public comment that was emailed in from Marrow Zagoris, 1545 Odin Drive. She stated that she was a previous P&Z Commissioner for the Town of Silt, 26 years ago. She explained that in her tenure, they were protective of the blue herons. She believes that the Risende project is an amenity that will values the wildlife habitat.

Attorney Sawyer requested to take a break, to talk to Town Staff and the Applicant, before the Commission voted, as soon as he addressed the parkland. The Commission agreed.

Attorney Sawyer then explained that Parkland was a requirement of residential development. It's in the code and is derived from a formula that's adopted in the code. He explained the breakdown of dedication requirements for the increase of proposed residential. The requirements were also included in the memo that he provided within the packet.

He also explained the difference between active and passive parkland dedication. The passive parkland was generously provided. The active parkland has about 3 acres still needed to meet the requirement.

Attorney Sawyer gave the recent example of Camario, in which they satisfied their parkland dedication via a sport field that they deeded to the Town and are installing.

There are a few ways to accomplish this requirement, Attorney Sawyer stated. The first and most usual is to accept the required land by deed. The second is by an in lieu of fee, which will only be accepted as an option should the board choose to do so and the third and least common is by easement. The easement is typical for trails, as those are more difficult to subdivide, but not a valuable option for the remaining active parkland.

Attorney Sawyer also clarified that he does some representations for New Castle and was actually part of the parkland dedication conversation to which Mr. Buerger and Mr. Weimer previously discussed. New Castle's parkland dedication meeting entailed additional parkland, in a public meeting, because the proposed project had already met their minimum fee ownership requirements. He explained that New Castle's situation was different.

He continued to explain that Town Staff was willing to work with the applicant, to support the island as active parkland, rather than the applicant needing to find 3 acres of flat land within their development, where true active parkland could be established, such as a ball field or playground.

Attorney Sawyer posed the question of whether it was better to accept the island as the parkland, or for the applicant to find 3 acres somewhere else within the development. He restated that he wanted the applicant to get a chance to respond, as he wanted to ensure that the island was still their preference, as it doesn't impact the other developable areas.

He also addressed that this is an extraction, not a taking, and has been upheld by the Supreme Court. If you want to bring residents into a development, providing open space for recreation is a requirement.

Parks are regulated by two components; zoning and park code. If the Board deems that it's appropriate to establish a conservation easement, it will. The Silt River Preserve is under a conservation easement, however, it's important to understand that the Town did not buy that, it was gifted through AVLTT, subject to the easement. It was not done through parkland dedication. It's not active, but rather passive open space.

Attorney Sawyer addressed the Executive Session. He stated that the question was raised about the difference between the dedication versus easement. Sawyer explained that as anyone in the room, when you have an attorney and are receiving legal advice, you get to do so in private. Given that the board was ultimately the decision maker on parkland dedication, they received their legal advice via an executive session. He confirmed that no decision was made.

Attorney Sawyer reminded everyone that this decision is the sole discretion of the Board of Trustees and was required to be dedicated at final plat.

Mr. Buerger responded that he was frustrated with the process, but wanted to move forward. He reiterated his previous requests.

Vice-Chair Bertaux made a motion to recess, at 7:35pm; seconded by Alternate Wood.

After returning from recess, at 8:35pm, Chair Williams stated that she was reminded to close out the Public Comment.

The Public Hearing closed at 8:35pm.

Attorney Sawyer stated that after the recess discussion, Town Staff and the Applicant agreed to the following changes for the conditions of approval:

- Omitting condition number 5
- Tract 8A
 - o Page 5 of PUD guide under B1- Include fencing
 - o Page 5 of PUD guide under B2- Increase buffer from 50 feet to 75 feet between 8A and 8B, as well as between Tract 4
 - o Add Site Plan Review requirement for Tract 8A
 - o Section 4C will add parkland to Site Plan Review

Chair Williams invited the Commissioners to make comments or a motion.

Commissioner Stepisnik disclosed that during the last meeting, she received fairly upsetting text messages during the meeting from someone making public comment. She confirmed that she is able to make her decisions without bias from that conversation. She also responded to the public comment that the Commission was there to govern and reminded everyone that there's governing documents that need to be followed, which makes it hard.

Vice-Chair Bertaux made a motion to approve the Rislende PUD, with the conditions in the staff report, eliminating number 5 and the other conditions spoken by the Town Attorney. The motion was seconded by Alternate Wood. The motion passed with a 4-1 vote; Chair Williams voted no.

Chair Williams then opened Public Comment for the Final Plat at 8:46pm. The Public Comment was closed at 8:46pm.

Vice-Chair Bertaux made a motion to approve the Rislende Final Plat, with the conditions in the staff report, eliminating number 5. The motion was seconded by Alternate Wood. The motion passed with a 4-1 vote; Chair Williams voted no.

Planners Report

Director Centeno reminded the Commissioners that there were 4 seat terms expiring; Commissioners Aragon, Westmoreland, Stepisnik and Anderson.

Chair Williams inquired about the vacancy that was advertised. Director Centeno clarified that since terms were expiring, the vacancies are open to the public to apply for, as well as the current Commissioners to reapply for.

Centeno highlighted upcoming events and stated that a second meeting would necessary in June.

Commissioner Comments

Alternate Wood stated that she was happy that the application moved forward.

Commissioner Aragon was appreciative that 16th Street is completed and open.

Chair Williams echoed Alternate Wood's comment on the application moving forward. She stated that her nay vote was because she is having issues with density, given the current traffic. She also explained that she was not comfortable making a decision on the parkland dedication since the Trustees received additional information that the Commission had not received.

She also stated that she felt uncomfortable with the conversations not taking place before the meeting, as the Commission sat there for 40 minutes and that everyone's time is valuable.

Adjournment

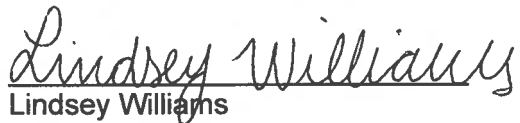
Vice-Chair Bertaux made a motion to adjourn the meeting; seconded by Commissioner Stepisnik. The meeting adjourned at 8:56 P.M.

Respectfully submitted,



Nicole Centeno
Community Development Director

Approved by the Planning Commission



Lindsey Williams
Chair