

**The P&Z Meeting will be in the Rocky Mountain Institute (RMI)  
Meeting Room  
22830 Two Rivers Road**

**TOWN OF BASALT MEETINGS  
Planning and Zoning Commission Meeting  
Tuesday April 19, 2016**

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**5:30 PM**     *Site Visits: Basalt Mini Storage; Stott's Mill and 309 E. Sopris. Meet at Town Hall*

<b>6:00</b>	<b>Note:</b> The Council will be having a Special Council Meeting to swear in the Mayor and new Councilors in the Council meeting room. There will be a reception following the business portion of the Council meeting.
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**7:00 PM**     **P&Z Call to Order** – in the RMI Meeting Room

**Approval of Minutes**

- March 29, 2016 Minutes

**7:05**     **Public Hearing - Kai Peterson Application:** to construct an addition to the existing single-family residence at 309 E. Sopris Drive and deed restrict a portion of the structure as an Accessory Dwelling Unit (ADU). Application involves a rezoning from R-3 to R-3 TN and Special Review Approval.

**7:45**     **Worksession:** Zoning for Our Town Planning Properties – Amendments to CSC Zone District

**8:00**     **Commissioner Comments and Staff Updates**

**8:15**     **Adjourn**

**DRAFT**

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING & WORK SESSION  
MARCH 29, 2016**

**CALL TO ORDER**

Chair Johns called the meeting to order at 6:07 p.m. Commissioners answering roll call were Gary Wheeler, Eric Vozick, Gino Rossetti, Patrick McAllister, Dylan Johns and Alternate Tracy Bennett.

Staff present was Susan Philp, Town Planner; James Lindt, Assistant Planning Director; and Denise Tomaskovic, Recorder. A sign-in sheet for public attending the meeting is available for review at Town Hall.

**APPROVALS**

**Minutes of February 16, 2016**

**M/S ROSSETTI AND WHEELER TO APPROVE THE MINUTES OF FEBRUARY 16, 2016 AS READ. THE MOTION CARRIED BY A VOTE OF 4-2-0 WITH THE ABSTENTIONS DUE TO NON-ATTENDANCE OF THE MEETING.**

**Minutes of February 22, 2016**

**M/S WHEELER AND ROSSETTI TO APPROVE THE MINUTES OF FEBRUARY 22, 2016 AS READ. THE MOTION CARRIED BY A VOTE OF 4-2-0 WITH THE ABSTENTIONS DUE TO NON-ATTENDANCE AT THE MEETING.**

**Minutes of March 1, 2016**

**M/S VOZICK AND BENNETT TO APPROVE THE MINUTES OF MARCH 1, 2016 AS READ. THE MOTION CARRIED BY A VOTE OF 6-0.**

**AGENDA ITEMS**

**Eagle County Referral:** El Jebel Mobile Home Park Expansion Application by Crawford Properties, LLC for additional 46 manufactured homes on a site adjacent to the existing mobile home park (MHP) located on the south side of JW Drive. All units will be rental units and six of them are designated as deed-restricted affordable housing.

Lindt reviewed a posted site plan as well as the draft referral letter to Eagle County. He pointed out that Robert Hubbel, applicant, was present as well as the land planner, Doug Pratte.

Pratte, addressing items in Staff's draft referral letter, noted that the AMI calculations for two bedroom units are based on an annual salary of about \$77,000 while three bedroom units are targeting annual incomes of \$89,000. The units will be rented at 100% AMI. Already, with no formal advertising, 100 families have indicated interest in renting the units.

Regarding traffic issues, Pratte said that both Lindt and Philp have represented the Town on a task force with Crawford Properties representatives and Eagle County Staff that was convened to resolve traffic flow issues in El Jebel via a new roundabout on El Jebel Road. Crawford Properties will be contributing right-of-way, funding for the roundabout and traffic impact fees.

Regarding childcare comments in the draft referral letter, Pratte pointed out that Crawford Properties leases two parcels to childcare facilities and has sold part of their property to the school district for bus storage and a school to be built in the future. Also, the applicant will be paying cash-in-lieu of school land dedication for mitigation to the school district.

Pratte noted that the applicant has been working with the WE-cycle Program to locate bike rental units in El Jebel.

Regarding Staff's comments about law enforcement mitigation fees, Pratte read a statement saying that Crawford Properties supports the multi-jurisdictional law enforcement efforts in the mid-valley but doesn't want this neighborhood to be singled out to make payments for law enforcement. This should be a community-wide effort. Staff responded that similar comments to this effect have been included in referral letters regarding other proposed developments in the mid-valley.

Commissioner Wheeler asked about law enforcement needs in El Jebel. Staff referred to the calculations page in their explanation of this fee. Currently, Eagle County doesn't reimburse the Town to the extent necessary for law enforcement costs incurred by Basalt for coverage in the unincorporated areas.

The Commissioners thought it important that the Town receive adequate compensation for sending its officers to respond to calls outside Basalt's boundaries due to the fact that the counties don't supply the necessary coverage in the outlying areas.

Pratte suggested changing the letter's wording so it doesn't seem like this neighborhood is being singled out as a place where law enforcement will be responding.

Philp said that the County, the Town and the Basalt Police Chief have been working on a mechanism whereby the Town will be more equitably reimbursed for law enforcement costs outside Basalt town boundaries.

It was pointed out that the proposed MHP extension is across JW Drive from the El Jebel Fire Station. Pratte noted that the fire department appreciates the multiple egress points for residents.

In response to a question from the Commissioner Vozick, Hubbel said that the new roundabout on El Jebel Road is slated for construction in 2017.

Chair Johns asked about parking plans and Pratte, referring to the site plan, provided an explanation. Johns also had a question regarding water/sewer service and Hubbel explained that Mid Valley Metro District is considering installing a looped service line to connect the Wendy's area with Blue Lake Subdivision. Johns then asked about public transportation access and was told that the nearest RFTA BRT station is between one quarter and one half mile away while the local bus service has two stops within closer proximity. Philp added that WE-cycle station locations will be determined in conjunction with bus station locations. Chair Johns concluded his questions by receiving clarification from Pratte on how the AMI calculations vary between 80% and 100%.

Commissioner Wheeler asked about the status of the mobile home park's private sewer system. Hubbel said that two years ago they joined the Mid Valley Metro District.

### **Public Hearing**

The Public Hearing was opened at 6:42 p.m.

Chair Johns noted that there was no public in attendance.

Lindt, for the record, said that Patrice Becker had submitted an email containing mostly questions about the proposed MHP expansion.

The Public Hearing was closed at 6:43 p.m.

### **Commissioner Comments**

Chair Johns reviewed suggested changes to the draft referral letter.

Commissioner Wheeler said he was in agreement with amending item 5 to reflect that the applicant is already working with WE-cycle and, he added, he also supported the language in option 4B regarding affordable housing. Wheeler said that it was important to stay consistent with the law enforcement reimbursement for services but state that they are provided within the entire mid-valley outside the Town boundaries.

Chair Johns suggested clarifying the cost breakdown for police calls outside the Town.

**M/S MACALLISTER AND ROSSETTI TO APPROVE THE DRAFT LETTER AS AMENDED TO INCLUDE SUPPORT OF OPTION 4B, ACKNOWLEDGE THAT DISCUSSIONS WITH WE-CYCLE ARE ALREADY UNDERWAY, AND THAT THE LAW ENFORCEMENT REIMBURSEMENT PROVISION APPLIES TO ALL AREAS SERVED OUTSIDE THE TOWN BOUNDARY, NOT JUST SPECIFICALLY TO THIS PROPOSED EXPANSION AREA. THE MOTION CARRIED BY A VOTE OF 6-0.**

Chair Johns stated that the Planning Commission was moving into a work session at 6:48 p.m.

### **Work Session: Zoning for Our Town Planning Properties**

Philp called Don Elliott of Clarion Consulting, zoning code consultant, to participate in a telephone conference with the Commissioners.

Philp reviewed the schedule, noting that the Town Council had decided to wait until after the upcoming election to review the amended zoning code. Also, Staff wanted to check in with the other Commissioners to make sure everybody is on the same page with the zoning code changes since there were only two Commissioners at the previous P&Z meeting.

Elliott reviewed the changes that have been made since the last meeting.

- Actual zoning boundary will be established when development proposals are submitted.
- Clarification on condominium hotel definition.
- Possible to change anchor use if space is still vacant after 9 months but the changed use would require review by P&Z and approval by Town Council.
- Dimension table setbacks and height limits.
- Pedestrian openings between buildings.
- Façade treatments to echo the rhythm of the historic structures in downtown Basalt.

Commissioner Rossetti thought the secondary uses should be more clearly stated in conjunction with the anchor uses. He also suggested a change to the setback map that was generated for this evening's discussion purposes.

In response to a question from Chair Johns, Philp further explained the setback requirements for the BCC parcel. She acknowledged that there needs to be further refinement on this language and Staff will continue to work on it.

Chair Johns asked if the physical model could have a section to illustrate what the setbacks could look like.

Commissioner Rossetti was concerned about overly prescribing the zoning code. He was also of the opinion that it didn't make sense to spend more money on changes to the model until after the upcoming election.

Commissioner MacAllister asked why an anchor space would have to be vacant for nine months before the anchor use could be changed. Elliott said that there is no magic in the number 9 but that amount of time should allow another operator to be found for the same anchor use before another use could be substituted. Elliott added that the same use by a different provider can be implemented any time before nine months.

Lindt added that the nine months language was borrowed from the C-2 zoning language on vitality zone uses.

Elliott offered a few suggestions on ways to change the language and the Commissioners eventually agreed on changing the language to read three months instead of nine months before an anchor use can be changed.

Chair Johns asked if the definition of dwelling unit in a condominium hotel includes a kitchen. Philp suggested clarifying that kitchen facilities can be included in the condo hotel. Johns also questioned whether this is a hotel or a fractional ownership situation. Elliott said that the purpose of the condominium hotel definition is to make sure that if the owner isn't there then the unit should be made available in the hotel's rental pool. Ensuing discussion and questions from the Commissioners indicated that more information needs to be provided in order to clarify the definition and ensure compliance.

Commissioner Rossetti asked how the existing Aspenalt hotel owners could redevelop their hotel to add two more stories. Philp responded that under the CSC Zone District they would have to go through a Sketch Plan and Final Review. They couldn't add two more stories to their existing hotel structure due to the location of two of its buildings within the 50 ft. river setback and the CSC buffer zone which only allows three stories if the third story is set back 10 feet from the facade. Alternatively, the owners could apply for a PUD process (complying with river and road setbacks).

Elliott offered further explanation on the definition of a condohotel. Ownership can't be controlled through zoning. Items a through k in the document address the performance function that could help create the desired vitality levels downtown. There isn't a concise way to define the operational aspect of the zoning code. Elliott said that he could continue to wordsmith the definition but it may be better to concentrate on clarifying minimum standards.

Philp said that the challenge is to ensure that condohotel units aren't sold as securities. Some of the verbiage may apply to preventing that and can be removed since it doesn't pertain to zoning and land use impacts. Elliott will revise and give to Philp to recirculate for approval.

The Commissioners agreed to have one more discussion about the zoning amendments on April 19<sup>th</sup>. The public hearing is scheduled to be held on May 3<sup>rd</sup>.

Chair Johns expressed the group's appreciation for Elliott's help. He said that the concern is whether or not this proposal follows the intent. That's where the clarity needs to lie.

**COMMISSIONER COMMENTS/STAFF UPDATES**

Philp outlined the upcoming review schedule and Lindt supplied some proposed review dates.

**ADJOURN**

**M/S BENNETT AND ROSSETTI TO ADJOURN. THE MOTION CARRIED BY A VOTE OF 6-0.**

**The Planning and Zoning Commission adjourned at 7:55 p.m.**

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION**

**By: \_\_\_\_\_  
Dylan Johns, Chair**

**Attest: \_\_\_\_\_  
Denise Tomaskovic, Recorder**

DRAFT

## MEMORANDUM

**To:** Chairman Johns and Basalt Planning and Zoning Commission  
**Thru:** Susan Philp, AICP Planning Director  
**From:** James Lindt, AICP Assistant Planning Director  
**Date:** April 19, 2016  
**RE:** Public Hearing- 309 E. Sopris Drive Rezoning to R-3 TN and Special Review for an Accessory Dwelling Unit (ADU)

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### I. Purpose

Kai Peterson ("Applicant") is requesting approval of a Rezoning application to R-3 TN and a Special Review to construct a new single-family residence at 309 E. Sopris Drive and deed-restrict the existing residence on the site as an ADU.

### II. Background

The property at 309 E. Sopris Drive contains an existing residence of approximately 840 square feet. The property is currently zoned R-3, but is proposed to be rezoned to R-3 TN to accommodate the proposed ADU. A zoning interpretation was provided in 2008 (attached) and subsequently updated (update attached) indicating that the Applicant could construct an attached addition onto the existing residence, but that it could not contain a second kitchen unless the Applicant rezoned the property to R-3 TN and obtained Special Review approval for an ADU. An ADU is a Special Review Use in the proposed R-3 TN Zone District on properties that contain greater than 8,000 square feet. The intent of the interpretation was to clarify the Property Owner's options for preserving the existing residence that was built around 1907.

The Applicant desires to include a second kitchen on the site in the proposed addition and has requested the rezoning to R-3 TN and Special Review approval to convert the existing residence to an ADU and make the addition to the residence the primary residential unit on the site. The new unit is proposed to be approximately 1,760 square feet.

### III. Review Process

The P&Z makes a recommendation to the Town Council on the Rezoning and Special Review requests for the ADU pursuant to Town Code Section 16-267, *Amendment Procedure*, and 16-44, *Special Review Application Approval Procedures*.

#### IV. Discussion Items

*Consistency with Master Plan:* The 2007 Basalt Master Plan includes objectives related to “promoting policies and locations appropriate for accessory dwelling units to be integrated into existing neighborhoods”. Additionally, the Master Plan includes objectives regarding “stemming the loss of accessory dwelling units” and “encouraging these types of units to provide work-force housing and diversity in the community’s housing inventory”. Staff believes that the proposed rezoning and special review application is consistent with these Master Plan policies.

*Consistency with Neighborhood Character:* The adjacent property to the east of the subject property was rezoned from R-3 to R-3 TN in 2000 and received Special Review Approval for an ADU (Yaw Application). Additionally, the R-3 TN Zone District in which the property is proposed to be rezoned has the same allowable Floor Area Ratio (FAR) of .35:1. Staff feels that the proposed rezoning yields a project that is compatible with the scale of the surrounding neighborhood and would permit the existing residence that was built around 1907 to be maintained.

*Compliance with R-3 TN Requirements:* The proposed 1,760 square foot addition to the existing residence is well within the allowable floor area permitted in the R-3 TN Zone District. The proposed addition when combined with the existing residence would include a total of approximately 2,600 square feet of floor area and the maximum allowable floor area for the site would be 3,140 square feet. Additionally, the property is longer than the minimum lot size of 8,000 square feet required for consideration of an ADU on the site.

In the R-3 TN Zone District, accessory dwelling units are required not to exceed the height of the principal dwelling unit on the site. The proposed addition would comply with this requirement as the existing residence is going to be deed restricted as the ADU and the addition will be the primary dwelling unit on the site. The proposed ADU also may be on the front half of the lot since it is going to be attached to the main residence.

Below is a table comparing the proposed development with the R-3 TN Zone District dimensional requirements:

Dimensional Requirement	R-3 TN	Proposed
Min. Lot Area	8,000 sf for an ADU	8,973 sf
Building Height	24 Feet to Midpoint	20 Feet to Midpoint for New House
Ridge Height	28 Feet	27 Feet 6 Inches
# of Stories	2	2
Lot Width	50 Feet	59 Feet

Front Yard Setback	10 Feet Covered Porch 15 Feet Living Areas	4.4 Feet to Existing Residence – Non - conforming Portion of Existing Residence Not Changing
Rear Yard Setback	10 Feet	75 Feet
Side Yard Setback	7.5 Feet	11 Feet
FAR	.35:1	.29:1
Max Lot Coverage	30%	19%
Min Landscape	20%	>50%
Parking	2 Spaces for Main Residence  1 Space for the ADU	2 Spaces for Main Residence  1 Space for ADU
Max. ADU Size	1,000 Square Feet	840 Square Feet

*Vehicular Access:* The property currently takes vehicular access from a gravel driveway that serves four (4) residences and enters the subject property from the west. The common driveway is approximately 14 feet wide. The common access driveway is located in a 20 foot wide public access easement at its intersection with Sopris Drive, which narrows to a 14 foot wide access easement as it moves south. The Basalt and Rural Fire Protection and Staff have reviewed the Application and believe that there is adequate vehicular access to the site to accommodate the additional dwelling unit. However, construction access will be challenging as it is tight site to stage construction. Neighbors have expressed that there were issues with construction parking blocking access when the residence across the driveway was built several years back. Staff has included draft conditions of approval to help mitigate the construction parking issue as described in the Construction Management Plan section of the memo.

*Location and Sufficiency of Proposed Parking:* The Applicant has proposed three (3) total off-street parking spaces, two (2) for the main residence and one for the ADU. The Applicant originally proposed for the two (2) off-street parking spaces for the main residence to be nestled between the ADU and the main residence with the ADU parking space proposed to the extreme south end of the property. However, the Applicant changed the proposal so that all three (3) parking spaces are now proposed in proximity to both of the residential units as there was a general thought that it was appropriate to locate all of the parking in close proximity to the residential units in which they serve.

Correspondence from the neighbors includes a request that the number of vehicles being used by residents of the site not be allowed to increase beyond the four (4) vehicles that are currently on the site. Staff understands the concern of the neighbors about visitors blocking the common driveway and would suggest that it be mitigated with the installation of “no parking” signs on the common driveway rather than limiting the number of vehicles that residents of 309 E. Sopris can possess. Staff believes that

limiting the number of vehicles that residents of the subject property can possess would be very difficult to enforce. A draft condition has been included requiring that the Applicant install “no parking” signs in the common driveway in locations approved by the Town Police Chief prior to the issuance of a certificate of occupancy on the proposed residence.

*Deed Restriction:* The Applicant has proposed to comply with the ADU requirements by deed restricting the property so that one of the two residential dwelling units is to be resident-occupied.

*Pedestrian Access:* In correspondence, neighbors have expressed concern about potential conflicts between pedestrian circulation and the additional traffic to be caused by the development as there is not a sidewalk on either side of the common driveway. As a means of mitigating this concern, Staff has proposed a condition that the Applicant be required to install a four (4) foot wide crusher fine path along the western extent of the subject property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway without having to walk in the common driveway.

There is also a public trail easement located on the lot to the east of the subject property that leads to stairs that traverse down the hill to Homestead Drive. The existing trail and trail easement is at the very southern part of the adjacent lot. Staff has included a condition requiring that the Applicant dedicate a four (4) foot wide public pedestrian easement along the southern property line for the length of the Applicant’s property. This easement would not connect to the trail and the trail easement on the property to the east at this time. Therefore, Staff thought it was appropriate to require an easement for a potential future trail connection, but not require the Applicant to improve the trail along the southern boundary of his property since it would not connect to the existing trail to the southeast at this time.

*Non-Conforming Shed:* As part of the development review, Staff received a complaint that there was a shed installed on the property in 2014 that does not meet the setback and size requirements. Staff has included in the draft conditions that the Applicant shall moving and alter the shed or remove the shed prior to the issuance of a building permit on the proposed addition.

*Un sightliness of Property/Fencing:* As part of the development review, Staff has received correspondence from neighbors regarding there being considerable vehicles and toys such as campers and boats on the site that the neighbors find unsightly. In the neighbor correspondence, they ask that the Applicant be required to install an eight (8) foot tall construction fence along the common driveway to limit the impacts during construction. Staff feels that it is important to mitigate the impacts of the construction and that a construction fence will help in this respect. However, the maximum size fence in the Town’s residential zone districts is six (6) feet. Staff has included a draft

condition requiring that the Applicant install six (6) foot tall construction fence along the common driveway prior to commencing construction.

*Construction Management Plan:* As was outlined earlier in this memo, neighbors expressed concerns about construction management due to problems that were experienced when the residence across the common driveway was constructed a couple of years ago. The Applicant has submitted a conceptual construction management plan identifying the location for the construction dumpster and staging would be on the site directly west of the proposed residence. Staff has included a condition requiring that the Applicant submit a final construction management plan for review and approval by the Town Planning Director and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant comply with the allowable construction hours as established in the Town Code. As noted above, Staff also included the requirement for the Applicant to install a six (6) foot tall construction fence along the common driveway prior to commencing construction activities.

## **V. Technical Issues:**

### *Fire District Requirements:*

The Basalt and Rural Fire Protection District (BRFPD) reviewed the proposed application. BRFPD indicated that there is adequate fire access and an easily accessible fire hydrant in close proximity to the property.

### *Basalt Sanitation District:*

The Basalt Sanitation District reviewed the proposed application. The Applicant will have to pay additional fees as a result of adding a sewer EQR, but the District indicated that the proposed development will not impact their facilities.

## **VI. Recommendation**

Staff recommends that the P&Z hear a brief presentation from Staff and the Applicant, consider public comments, and provide Commission discussion. Staff recommends approval, with the following conditions:

### **Representations:**

1. The Applicant shall comply with all representations set forth in the Application.
2. The Applicant shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

### **Common Driveway No Parking Signage:**

3. The Applicant shall install “no parking” signs in the common driveway in locations approved by the Town Police Chief prior to the issuance of a certificate of occupancy on the proposed residence.

### **Pedestrian Path:**

4. The Applicant shall install a four (4) foot wide crusher fine path along the western lot line of the subject property for the length of the property and dedicate a public pedestrian access easement to allow for the public to safely walk to the south end of the common driveway. The path shall be installed prior to the issuance of a certificate of occupancy on the new residence. Additionally, the pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

Additionally, the Applicant shall dedicate a four (4) foot wide public pedestrian access easement along the southern lot line for the width of the property. The pedestrian access easement shall be executed and recorded prior to the issuance of a building permit on the new residence.

### **Non-Conforming Shed:**

5. The Applicant shall alter and move the shed or remove it to bring it into compliance with the Town Code requirements prior to the issuance of a building permit on the new residence.

### **Construction Fence:**

6. The Applicant shall install a six (6) foot tall construction fence on the 309 E. Sopris Drive property along the common driveway prior to commencing construction. The Applicant shall obtain a fence permit prior to installing the fence. The fence shall start at the northernmost wall of the new residence and run south to the southernmost property line. The final location of the fence shall be approved by the Town Planner.

### **Construction Management Plan:**

7. The Applicant shall submit a final construction management plan for review and approval by the Town Planner and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant will comply with the allowable construction hours as established in the Town Code.

**Fire District Comments:**

8. The Applicant shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated February 24, 2016, prior to the issuance of a certificate of occupancy on the new residential unit.

**Basalt Sanitation District Comments:**

9. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a building permit, including the payment of fees for an additional EQR.

**Development and Building Fees:**

10. The Applicant shall pay all applicable development review fees on the new residence, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

**Approval Documents:**

11. The Applicant shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied and that the existing house will be the ADU shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the new residence.
12. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

**Vested Rights:**

13. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit for the new residential unit is not issued

within the three (3) year vested rights period or as it may be extended, the approvals granted for this amendment shall expire.

**Insubstantial Amendments:**

14. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

**Attachments:**

- Application
- Interpretation
- Referral Comments
- Public Correspondence

# Application

To be filled out by the Town  
Filed: \_\_\_ / \_\_\_ / \_\_\_  
Application Fee: \_\_\_\_\_  
Review Fee: \_\_\_\_\_  
Total Payment Received: \_\_\_\_\_  
Current Reimbursement Agreement: \_\_\_\_\_

Town of Basalt

## Development Application

The Following Must Be Provided Unless the Town Planner Gives Permission to Omit Answer:

TYPE OF APPLICATION FILED: \_\_\_ Annexation \_\_\_ Rezoning \_\_\_ ESA  
Environmental \_\_\_ ESA Floodplain  Regular Rezoning  Special Review  
\_\_\_ Special Review for Off-Street Parking \_\_\_ Variance \_\_\_ Minor Subdivision  
\_\_\_ Minor Subdivision Condominimization

\_\_\_ Major Subdivision or Replat \_\_\_ Planned Unit Development  
\_\_\_ Sketch Plan \_\_\_ Sketch Plan  
\_\_\_ Preliminary Plat \_\_\_ Master Plan  
\_\_\_ Final Plat \_\_\_ Preliminary Development Plan  
\_\_\_ Final Development Plan  
\_\_\_ TRC Administrative Amendment

Other type of Application: \_\_\_\_\_

Brief description of project: ADDITION OF 1757 ft<sup>2</sup> RESIDENCE  
TO EXISTING 836 ft<sup>2</sup> RESIDENCE CONNECTED BY  
20' WALKWAY. VAIN COMPLETION EXISTING RESIDENCE  
CONVERTED TO ONE BEDROOM ADU. TOTAL PROJECT  
SQUARE FOOTAGE WILL BE 548 ft<sup>2</sup> UNDER TOTAL  
ALLOWED BY ZONING.

### Contact Information

Name of Applicant(s): KAI PETERSON  
Phone number 927-4397  
Fax number \_\_\_\_\_  
E mail (if available) Kai.peterson@yahoo.com  
Address 309 E. Sopris DR. Basalt, CO 81621

Name of Owner(s): same  
Phone number \_\_\_\_\_  
Fax number \_\_\_\_\_  
E mail (if available) \_\_\_\_\_  
Address \_\_\_\_\_

Name of Owner's Representative: Same  
Phone number \_\_\_\_\_  
Fax number \_\_\_\_\_  
E mail (if available) \_\_\_\_\_

Please attach owner's authorization.

Name of Engineer or Surveyor: Tuttle Surveying Svcs.  
Phone number 970-928-9708  
Fax number 970-947-9700  
E mail (if available) \_\_\_\_\_

Name of Architect or Planner: OWNER  
Phone number \_\_\_\_\_  
Fax number \_\_\_\_\_  
E mail (if available) \_\_\_\_\_

**Information on Existing Conditions**

Existing Zoning: R3 Proposed Zoning: R3TN  
Total square feet or acreage in application 0.206 ac. = 8973 ft<sup>2</sup>

**Information on Proposed Development**

Total number of dwelling units: 1 Number of bedrooms: 2  
Total floor area: 1757 ft<sup>2</sup>  
Proposed gross floor area by use (non-residential development only): N/A

Area of open space to be provided: 6380 ft<sup>2</sup>

**Legal Description**

Legal Description of property (attach if necessary):  
OSMAN Subdivision  
Block: 4 Lot: 1B

Reception No. of Deed: 201323906



SIGNATURE OF OWNER OR OWNER'S REPRESENTATIVE\*

\* If Owner's Representative files or will represent the application, attach an owner's authorization to represent

Attach appropriate information requested for type of application per the Basalt Town Code and any information requested by Planning Department.



Town of Basalt, Planning Department

**CHECKLIST**

Applicant: \_\_\_\_\_

**Special Review**

Review Date: \_\_\_\_\_

**Written Information**

Sec. 16-43. Site plan and supporting documents.

- \_\_\_\_\_ (a) There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Planner.
- \_\_\_\_\_ (b) Following approval by the Town Council, the applicant shall submit a reproducible copy of the approved site plan to the Town for the Town's permanent records suitable for recording in the public records in such format (s) as may be required by the Town Planner.
- \_\_\_\_\_ (c) The special review site plan and other information submitted with the application shall show or include the following:
  - \_\_\_\_\_ (1) The location of all existing and proposed structures and other improvements on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
  - \_\_\_\_\_ (2) A legal description of the property.
  - \_\_\_\_\_ (3) A list of all property owners within three hundred (300) feet of the property.
  - \_\_\_\_\_ (4) All off-street parking and loading areas.
  - \_\_\_\_\_ (5) The location of all ways for ingress and egress to all buildings and parking areas.
  - \_\_\_\_\_ (6) Service and refuse collection areas.
  - \_\_\_\_\_ (7) Major screening proposals.
  - \_\_\_\_\_ (8) The size, shape, height and character of all signs.
  - \_\_\_\_\_ (9) The area and location of all open space and recreation areas.
  - \_\_\_\_\_ (10) The location and type of outdoor lighting.
  - \_\_\_\_\_ (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
  - \_\_\_\_\_ (12) The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- \_\_\_\_\_ (13) All owners and lien holders of the property shall sign the following agreement that will be placed on the original special review site plan:

The undersigned agree that the real property described on the site shall be developed only in accordance with the approved special review site plan and other provisions of the Zoning Regulations of the Town of Basalt.

\_\_\_\_\_  
\_\_\_\_\_

- \_\_\_\_\_ (14) ~~In addition to the site plan, a title policy shall be provided to the Town indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever, which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty four (24) hours after the date of approval by the Town Council. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Town Council, the action by the Town Council may be voided.~~
- \_\_\_\_\_ (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include but not be limited to traffic analyses, soils or geological reports or drainage and engineering studies.
- \_\_\_\_\_ (16) A drawing or statement if determined adequate by the Town Planner regarding the building character, including height, square footage, number of bedrooms and floor area ratio or lot coverage.
- \_\_\_\_\_ (17) ~~Drawing (s), computer visualization or models accurately depicting the proposed new construction in relation to existing and proposed buildings on the lot and adjacent properties and topography.~~
- \_\_\_\_\_ (18) Elevation drawings.
- \_\_\_\_\_ (19) Floors Plans.
- \_\_\_\_\_ (20) ALTA Survey of the property.
- \_\_\_\_\_ (21) Utility Plan.
- \_\_\_\_\_ (22) Draft Deed Restriction Language for the ADU
- \_\_\_\_\_ (23) Completed Town of Basalt Development Application.
- \_\_\_\_\_ (24) Completed Reimbursement Agreement.

Special Review Checklist for Card/Peterson Residence 309 E. Sopris Dr.

Sec. 16-43 (a)-(c), (1), (2) see attached site plan

(3) Property owners within 300' -addresses below

-Margaret Wood	-Anna Naeser, Gerald Terwilliger	-John Reichert
-Gwyneth Gosney	-Scott Bartleet	-RTW Partnership LLLP
-Dorothy Reed	-Alpenglow Holding LLC	-Richard Glaser
-Graham Redding Trust	-John/Phyllis Yaw	-Frances McKnight
-Piew-Loon Poh	-Robert/Elizabeth Ward	-Brad/Laurel Larson
-Patrick Seuryncck	-Elvira Zec	-Robert Traudt
-Robert/Glenda Smith	-Garrett Reuss	-David Swersky
-280 East Sopris LLC		

(4) 3 Parking Spaces for 3 Bedrooms of project

(5) See site plan for ingress/egress

(6) See site plan for refuse collection area

(7) No major screening areas

(8) No signs

(9) See site plan

(10) Outdoor lighting will consist of (2) exterior lights at entry and deck fully shielded with 26W bulbs.

(11) Landscaping will remain as lawn as it currently is.

(12) Completion of project will be 12 months from issuance of permit.

(16) The building character will be a one story, 1757 sqft, 2 bedrooms , 27'5" tall residence with rusted tin roof and wainscot, shingled dormers and siding to complement colors of existing house.

FAR allows for  $0.35 \times 0.206 \text{ ac} = 3141 \text{ sqft}$  allowed. Existing house is 836 sqft + 1757 sqft addition = 2593 sqft developed.

1860 sqft (21%) of lot is covered by residence.

7113 sqft (79%) of lot is uncovered.

(18)-(21) See attached site plan.

Gwyneth Gosney- P. O. Box 1205, Basalt, CO8121  
Dorothy Reed-142 E. 71<sup>ST</sup> St Apt. 2A, New York, NY 10021-5133  
Margaret Wood-P. O. Box 200, Basalt, CO 81621  
280 East Sopris LLC- 132 Midland Ave. Unit 4, Basalt, CO 81621  
David Swersky- 4080 Lower River Road, Snowmass, CO 81654-9023  
Robert Traudt- P. O. Box 1143, Basalt, CO 81621-1143  
Brad Larson- P. O. Box 1051, Basalt, CO 81621  
Louise Glaser- P. O. Box 858, Basalt, CO 81621  
Frances McKnight- P. O. Box 4245, Basalt, CO 81621  
John Reichert- 954 Eddington Dr., Sun Prairie, WI 53590-3536  
Gerald Terwilliger- P. O. Box 2839, Basalt, CO 81621  
Scott Bartleet- P. O. Box 2611, Basalt, CO 81621  
Alpenglow Holdings LLC- P. O. Box 3224, Basalt, CO 81621  
RTW Partnership LLLP- 722 Golfmore Dr., GranBd Junction, CO 81506-1864  
Robert Ward- P. O. Box 4006, Basalt, CO 81621  
Elvira Zec- P. O. Box 4671, Basalt, CO 81621  
Garrett Reuss- P. O. Box 6593, Snowmass Village, CO 81615  
John and Phyllis Yaw- P. O. Box 3288, Basalt, CO 81621  
Patrick Seurync- P. O. Box 215, Basalt, CO 81621  
Robert Smith- P. O. Box 857, Basalt, CO 81621  
Piew-Loon Poh- 665 E. Cooper Ave., Aspen, CO 81611  
Graham Redding Trust- 2131 Washington Ave., Willamette, IL 60091

Applicant: 309 E. Sopris

Review Date:  / /

## Rezoning - Zoning Map Change

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### Sec. 16-267. Amendment Procedure.

(b) Application for a zoning map change shall be made on such a form as the Planning and Zoning Commission shall prescribe and shall be filed with the Town Clerk. Applications for an amendment to the Official Zoning Map shall contain all the following information:

- \_\_\_\_\_ 1. A description of the land area to be rezoned and the requested new classification along with a sketch to scale showing the boundaries of the area requested to be rezoned along with an indication of the existing zoning on all adjacent sides of the area.
- \_\_\_\_\_ 2. A written statement of justification for the rezoning, including one (1) of the following conditions:
  - a. Changing area conditions.
  - b. Error in original zoning.
  - c. Peculiar suitability of the site to a certain use.
- \_\_\_\_\_ 3. A description and sketches, if available, of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions.
- \_\_\_\_\_ 4. A time schedule for any contemplated new construction or uses.
- \_\_\_\_\_ 5. Justification for any new commercial or industrial zoning.
- \_\_\_\_\_ 6. The effect that the new zoning would have on adjacent uses.

## Rezoning-Zoning Map Change for Card/Peterson Residence

### 309 East Sopris Drive

1. Land rezoning request is for Osman Subdivision, Block: 4, Lot:1B which is currently zoned R3 planning to rezone as R3TN. See attached site plan for indication of zoning on adjacent properties.
2. The suitability of this property for rezoning arises from adjacent property zoning and uses. Adjacent properties on the east and west of our property is zoned R3TN with an existing ADU on the eastern property. Also, another adjoining property currently has a non-conforming basement apartment. Furthermore, a zoning interpretation for attached accessory construction, dating February 2008, allows for a 20' breezeway connecting existing 836 sqft home to a maximum 2305 sqft addition (we are proposing 1757 of added square footage). This design is conducive to an ADU, that also allows for preservation of the original 110-year-old house, in a more restrictive zoning with regards to lot coverage. Lastly, the rezoning would provide more needed rentals for the town of Basalt.

The existing residence is going to be converted to the ADU upon project completion.

The property will be deed restricted with one of the dwelling units owner occupied at least 9 months out of the year consistent with ADU requirements in the Town Code.

3. Proposed uses for rezoning remains residential which is the same land uses within 200' of proposed area of change.
4. Time schedule for new construction is a year from issuance of permit.
5. No new commercial or industrial zoning.
6. The new zoning would have no effect on adjacent uses.

# Application Addendum

## Concept for ADU addition at 309 East Sopris Drive for Kai Peterson • Revised 3.28

Convert existing house to ADU and add an addition using a connecting enclosed walkway as previously approved by the town of Basalt. In order to conform to Municipal Code asking to be rezoned from R-3 to R-3TN, which is the zoning of adjoining lots east and west of our lot.

### Sec. 16-27 ADU regulations

### Addition plans

1-Preservation of existing structures

Keep 110 year old house

2- Existing house in road setback at 5'

Grandfather in historic house

3- R-3TN side yard setback 10'

Addition to be at same setbacks as existing house. 11' east, 15' west.

4- ADU in rear of lot

Variance requested to keep historic house.

5-ADU height < 24' top of roof

ADU height 19'3" top of roof.

6- Lots required > 8,000 sq.ft.

Lot 1B is 8,973 sq.ft.

7- Consistency mass/scale neighborhood

Smaller and shorter design than neighbors .

8- ADU <1,000 sq.ft.

ADU is 832 sq.ft.

9-Concerns of neighbors

4' pedestrian easement added.

Parking moved off lot line.

Project aims to preserve historic house and provide affordable rental.

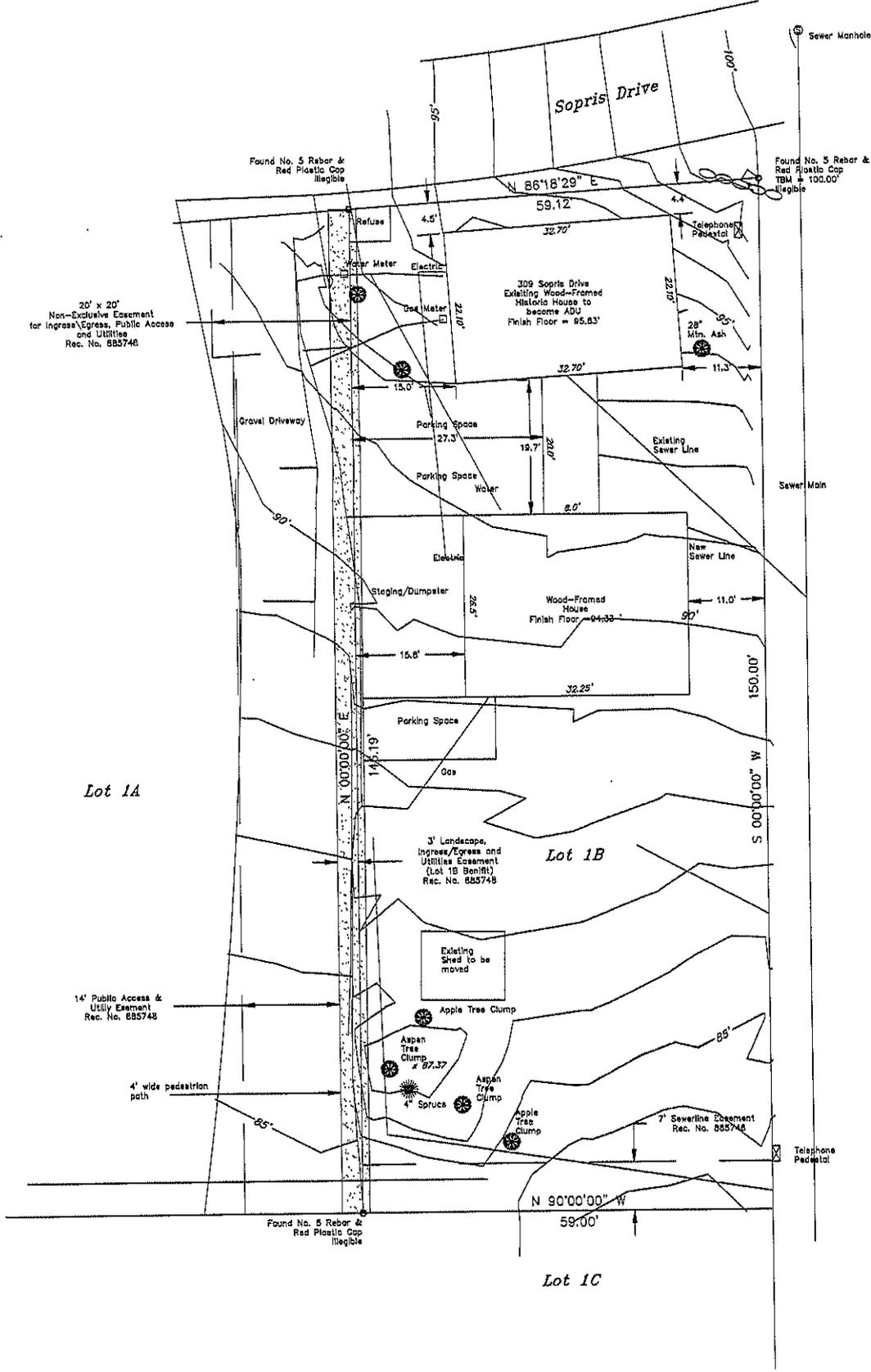
# Interpretation

## Attached Accessory Construction - Zoning Interpretation for 309 East Sopris (Kai Peterson Request)

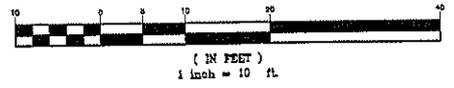
This zoning interpretation is an update to the interpretation approved for Rally Dupps in February of 2008. The following zoning interpretations supersede and replace the February 2008 interpretation relating to the property and shall apply to potential future construction at 309 East Sopris regarding attachment of structures and related issues:

- a. No improvements to the site shall be permitted that increase the area of nonconformity for the existing structure including but not limited to the encroachments into the front yard setback off of East Sopris Drive.
- b. The new construction and the existing structure shall be deemed attached for the purposes of the zoning code, and considered one principle building, provided they are connected by a breezeway that includes a permanent roof structure a minimum of 5 ft. in width over the entire connection, a minimum 5 ft. wide non-porous walking surface, frost wall or pier foundations acceptable to the Chief Building Official, and a maximum 20 ft. length for the connection structure (measured from outside wall of existing structure to outside wall of new construction). The owner may seek a longer connection through additional review and approval by the Technical Review Committee (TRC), based on a specific plan that demonstrates consistency with the Municipal Code.
- c. The existing structure subject to connection to the new construction as noted above, shall be deemed attached and part of the principle structure, and shall not be subject to provisions of the Town Code affecting accessory structures including restrictions on location and height. The new construction and existing structure shall both be subject to all standard zoning provisions including the schedule of requirements for the Zone District in which the property is located or the Zone District to which it is rezoned.
- d. Only one kitchen shall be permitted in the single family dwelling being proposed for the site (including the new construction and existing structure), unless the property is rezoned to R-3 TN and a Special Review approval is granted for an Accessory Dwelling Unit (ADU).
- e. Provided the above conditions are met and the breezeway remains unenclosed without windows (screens, railings, and half walls permitted), the area encompassing the breezeway will not be counted as floor area for the purposes of compliance with the floor area ratio provisions of the zoning code.

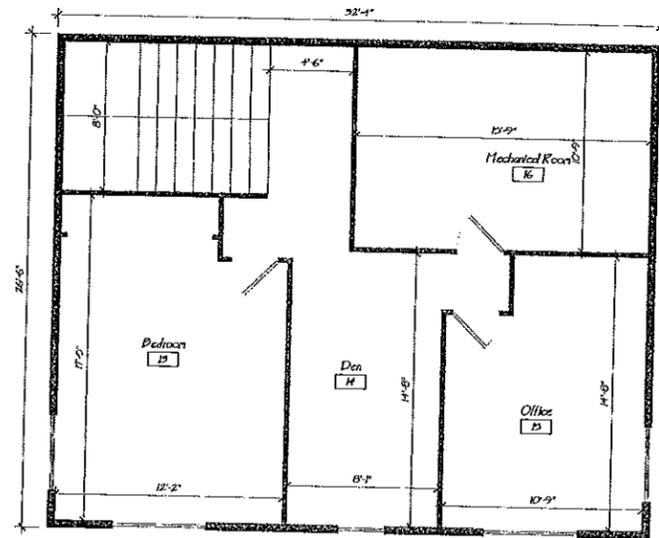
- f. The breezeway configured as described herein is consistent with a covered porch or interior courtyard which are not included as floor area (for the purposes of floor area determinations) by the zoning code. Subject to review of the building permit plans for the new construction and breezeway, Town Staff shall make a final determination regarding floor area. Any appeal of said determination may be made by an owner to the TRC. Floor area for the existing structure will be counted in the calculation of allowable floor area for the lot.
- g. For the purposes of calculating the total square feet of structure on the lot (demonstration of compliance with the maximum total square feet provisions of Section 16-22.5 of the Town Code) the standard Town Code definitions including those for "total square feet" and "enclose" shall be utilized.
- h. The side yard setback for new construction adjacent to the easement and driveway serving the site shall be a minimum of 10 ft. from the property line, easement line, or driving surface of the driveway whichever is more restrictive.
- i. Building permit applications shall be referred to the Basalt and Rural Fire Protection District for approval prior to issuance.
- j. The interpretations and findings contained herein are specifically conditioned on the representations made to the Town by Kai Peterson, including that the existing structure on the lot would not be removed and would be retained in association with its attachment to the new construction. This finding is consistent with Basalt Master Plan Policies and Neighborhood Typologies regarding the Town's historic character, encouraging breaking up of the mass of structures, and maintaining smaller scale architectural elements consistent with the character of existing neighborhoods. Should the plans for preservation of the existing structure change or if other elements of the plans are modified significantly, the Town Planning Department shall be notified and the zoning interpretations contained herein reconsidered based on the revised plans.
- k. Compliance with the conditions contained herein shall be verified by the Chief Building Official prior to issuance of a building permit for the site.



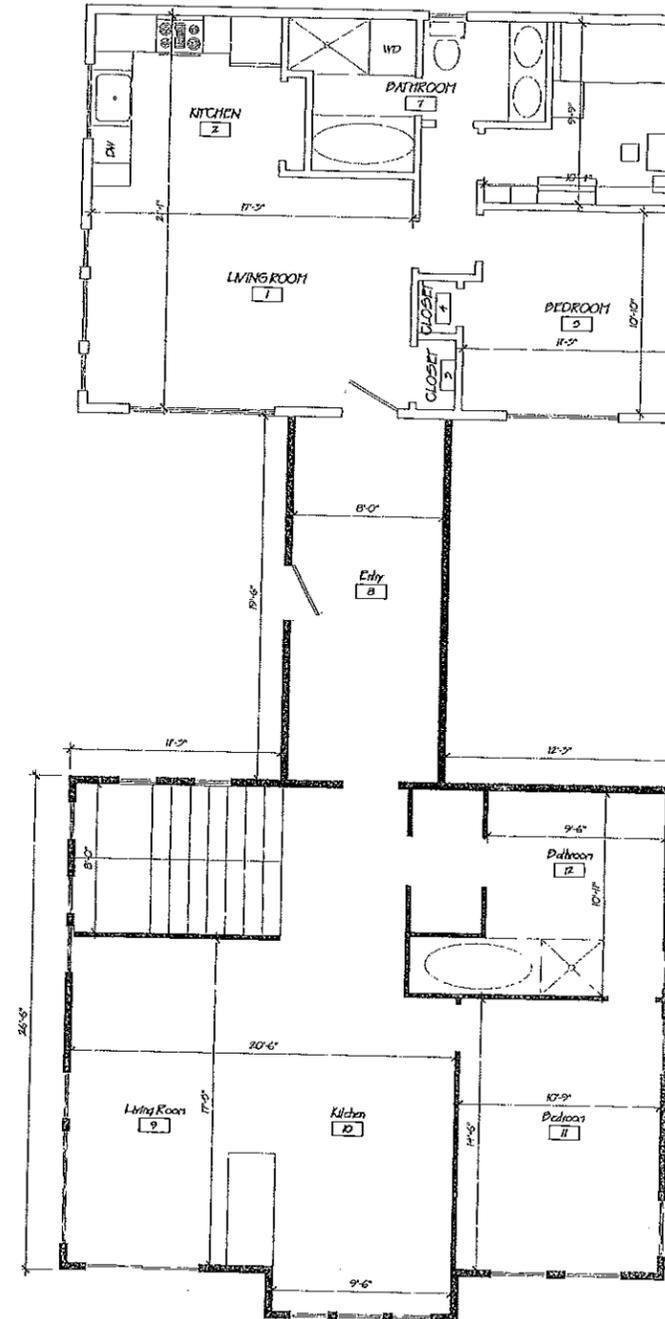
GRAPHIC SCALE



Square Footage	Scope of Project
Total: 2593 Sq. Ft.	Connect existing one story historic accessory dwelling unit to one story addition.
Existing: 836 Sq. Ft.	
Addition: 1757 Sq. Ft.	
FAR: 3141 Sq. Ft.	



1 Basement  
1/4"=1'-0"



2 1st Floor  
1/4"=1'-0"



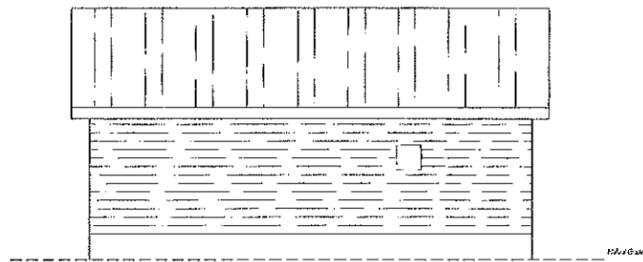
Card Residence  
309 East Sopris Drive  
Basalt, CO 81621

Date: 02/01/16  
Scale: 1/4"=1'-0"  
Drafted: BJC

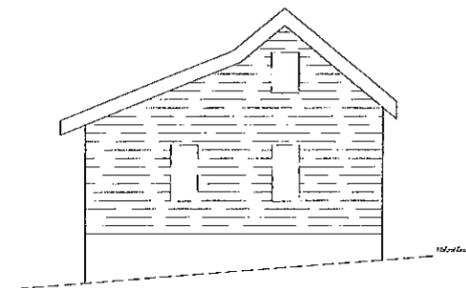
Revision  
Date: By:

A-110

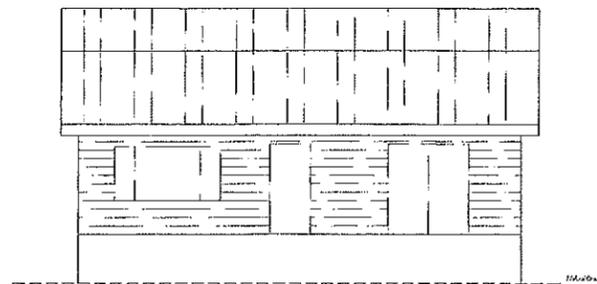




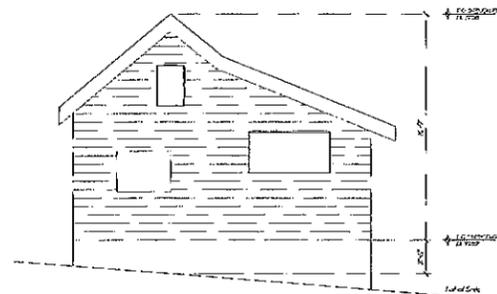
① NORTH ELEVATION  
14'-0"



② EAST ELEVATION  
14'-0"



③ SOUTH ELEVATION  
14'-0"



④ WEST ELEVATION  
14'-0"

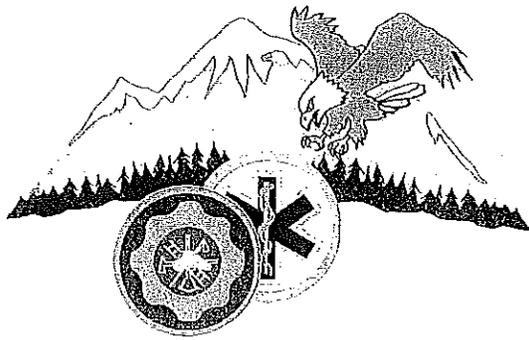
Card Residence  
309 Sports Drive  
Burlington, CO 81621

Date: 03/14/13  
Scale: 1/4"=1'-0"  
Draftsman: BJC

Revised  
Date: TBC

A-200

# Referral Comments



## Basalt & Rural Fire Protection District "Protecting Our Community Since 1970"

2-24-16

James Lindt, Asst. Town Planner  
Town of Basalt Community Development  
101 Midland Ave  
Basalt Colorado

Re: 309 E. Sopris Drive – Request for addition and ADU – Kai Peterson, Applicant

Dear James,

After review of the application and observation of the site I offer the following.

Kai Peterson would like to build a 1757 ft<sup>2</sup> addition connected via walkway to existing residence. Existing residence will be converted to a one bedroom ADU. The proposed project is just adjacent parallel to E. Sopris Drive considered as adequate fire vehicle access, acceptable as such.

A fire hydrant is installed directly across the road and supplies the requisite flow of water necessary for firefighting. The fire district can support this application. If you need further assistance please contact me at your convenience.

Sincerely,

Bill Harding, Fire Marshal  
Cc: Brooke Stott, Asst. Fire Marshal  
Jim Wilson, Chief Building Official

**James Lindt**

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**From:** Rick Lofaro <rick@roaringfork.org>  
**Sent:** Tuesday, March 01, 2016 3:20 PM  
**To:** James Lindt  
**Subject:** RE: Town of Basalt Development Review Referral-309 E. Sopris Drive Special Review, Rezoning Application

James,

I read through the application and it does not appear there are any ESA/river related items, unless I missed something.

I have no comments.

Rick Lofaro  
Executive Director



ROARING FORK CONSERVANCY  
P.O. Box 3349, Basalt, CO 81621  
tel: (970) 927-1290 cell: (970) 379-9844  
[www.roaringfork.org](http://www.roaringfork.org)

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**From:** James Lindt [<mailto:james.lindt@basalt.net>]  
**Sent:** Thursday, February 11, 2016 9:30 AM  
**To:** Boyd Bierbaum <[boyd.bierbaum@basalt.net](mailto:boyd.bierbaum@basalt.net)>; Jim Wilson <[jim.wilson@basalt.net](mailto:jim.wilson@basalt.net)>; 'jason.sharpe@centurylink.com'; Rick Lofaro <[rick@roaringfork.org](mailto:rick@roaringfork.org)>; Greg Knott <[greg.knott@basalt.net](mailto:greg.knott@basalt.net)>; Shannon L. Pelland <[pelland@rfsd.k12.co.us](mailto:pelland@rfsd.k12.co.us)>; Susan Philp <[susan.philp@basalt.net](mailto:susan.philp@basalt.net)>; Bill Harding <[bharding@basaltfire.org](mailto:bharding@basaltfire.org)>; Brooke Stott ([bstott@basaltfire.org](mailto:bstott@basaltfire.org)) <[bstott@basaltfire.org](mailto:bstott@basaltfire.org)>; James Lindt <[james.lindt@basalt.net](mailto:james.lindt@basalt.net)>; Ryan.Echer@sourcegas.com; Basalt Sanitation <[admin@basaltsanitation.org](mailto:admin@basaltsanitation.org)> ([admin@basaltsanitation.org](mailto:admin@basaltsanitation.org)) <[admin@basaltsanitation.org](mailto:admin@basaltsanitation.org)>; Denise Diers <[dedjers1@gmail.com](mailto:dedjers1@gmail.com)>; [rwinder@holycross.com](mailto:rwinder@holycross.com)  
**Subject:** Town of Basalt Development Review Referral-309 E. Sopris Drive Special Review, Rezoning Application

Referral agencies:

Please provide us with referral comments on the attached Development Review Application to convert the existing residential unit on the property at 309 E. Sopris Drive to an Accessory Dwelling Unit and construct a new attached, primary residence on the south side of the existing residence.

We have a Basalt TRC meeting scheduled for March 16, 2016.

Please provide comments by noon, Tuesday, March 15, 2016.

## James Lindt

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**From:** Greg Knott  
**Sent:** Thursday, February 25, 2016 1:28 PM  
**To:** James Lindt  
**Subject:** Re: Town of Basalt Development Review Referral-309 E. Sopris Drive Special Review, Rezoning Application

James,

I went by the residence today and do not have any comments regarding the application.

Best regards,  
Greg

Gregory M. Knott  
Chief of Police  
Basalt Police Department

On Feb 11, 2016, at 9:29 AM, James Lindt <[james.lindt@basalt.net](mailto:james.lindt@basalt.net)> wrote:

Referral agencies:

Please provide us with referral comments on the attached Development Review Application to convert the existing residential unit on the property at 309 E. Sopris Drive to an Accessory Dwelling Unit and construct a new attached, primary residence on the south side of the existing residence.

We have a Basalt TRC meeting scheduled for March 16, 2016.

Please provide comments by noon, Tuesday, March 15, 2016.

Let me know if you have any questions or if you have problems viewing the Application.

Thanks, James Lindt, Basalt Assistant Planning Director  
970-927-4701, ext. 201

<309ESopris\_Application.pdf>

<309ESopris\_ApplicationDrawings.pdf>



March 15, 2016

Basalt Sanitation District  
Attn: Denise Diers  
PO Box 527  
227 Midland Avenue, Unit C2  
Basalt, CO 81621

Re: 309 E Sopris Drive  
Special Review for Addition of Residence

Dear Board of Directors:

Olsson Associates (Olsson) has reviewed the Special Review Application to add an additional 1,757 SF of residence to an existing residence at 309 E. Sopris Drive (Application). Olsson initiated the review on March 9, 2016 as directed by Denise Diers.

The Application indicates that the property includes an existing residence with a plan to construct an accessory dwelling unit (ADU). The addition of the ADU would create a separate unit which should be considered as an additional EQR per the District's Rules and Regulations.

The Application did not include any existing or proposed sanitary sewer information. Additional information may be required per the District's Rules and Regulations if there are impacts to the District's facilities. Currently, the Application does not indicate an impact to District facilities.

Please contact me at 970.263.7800 if you have any questions related to the technical review referral comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wyatt E. Popp'.

Wyatt E. Popp, PE  
Senior Engineer

7 March, 2016

Dear Mr. Lindt,

Thank you for notifying the residents of our small enclave of the proposed construction of a new ADU at #309 E. Sopris Drive. We understand P&Z and Town Council will decide whether to allow re-zoning to allow a new rental unit, and hence, a new family, to join our small enclave of 4 homes. A new ADU will put additional stress on an already-congested driveway and on off-driveway parking. We strenuously and unequivocally oppose these unwanted and unwarranted traffic impacts for safety reasons.

Further, we ask the Town to take the following steps in the event that any new construction is permitted:

**Take adequate traffic impact mitigation measures during construction:** Establish rules to ensure the driveway is free and clear of all construction vehicles to ensure fire safety and ease of use by 4 families. Also, clearly designate appropriate parking area for #309 using appropriate demarcation barriers and gravel to ensure the common area remains common.

**Install fencing for screening purposes;** The backyard of #309 is an eyesore and has a salvage-yard character to it. We invite Town officials to come up and have a look. There is an extraordinary number of large equipment items located on the property: a boat (plus tent to cover it), a camper, 4 large automotive vehicles, plus other, misc paraphernalia, all in plain view of the neighbors front doors and hugging the property line. It is requested that 8 ft construction-type fencing along the perimeter of the driveway (but excluding the designated parking area) be added immediately prior to any construction to mitigate the view and noise associated with what would certainly be a multi-year project.

**Right-size and move non-permitted, non-conforming shed:** The neighbors most impacted by the construction of a new shed put up by owners of #309 in the spring of 2014 were not notified in advance and were away when it was built, immediately outside their front door and located next to a large camper. Shed is approximately 141 sq feet (vs. 120 allowed for non-vehicle storage), has only a 7.5 feet setback (vs. 10 feet required) and exceeds 12 feet maximum maximum height. It is requested the shed be right-sized and moved to comply with height, size and setback requirements for zone R-3 immediately. Town Planning department confirms no permit was sought or obtained for the shed (as was required, based on above). It is requested P&Z rectify this violation of Town building code.

**Restrict overall number of vehicles used by combined residents of #309:** It is requested the total number of vehicles serving the #309 residence not be permitted to exceed the current number (4). This request is based on extraordinary circumstances: a narrow, 11 foot wide, common-use driveway, and four, non-garaged, large vehicles pertaining to #309 parked adjacent to said driveway.

**Communicate pro-actively:** We request that all neighbors in the small enclave be advised of any "Construction Management Plan" so they are advised of approved working hours, dust mitigation and truck parking rules etc in advance to ensure transparency and enforceability.

respectfully,

owner #305 E Sopris Drive;



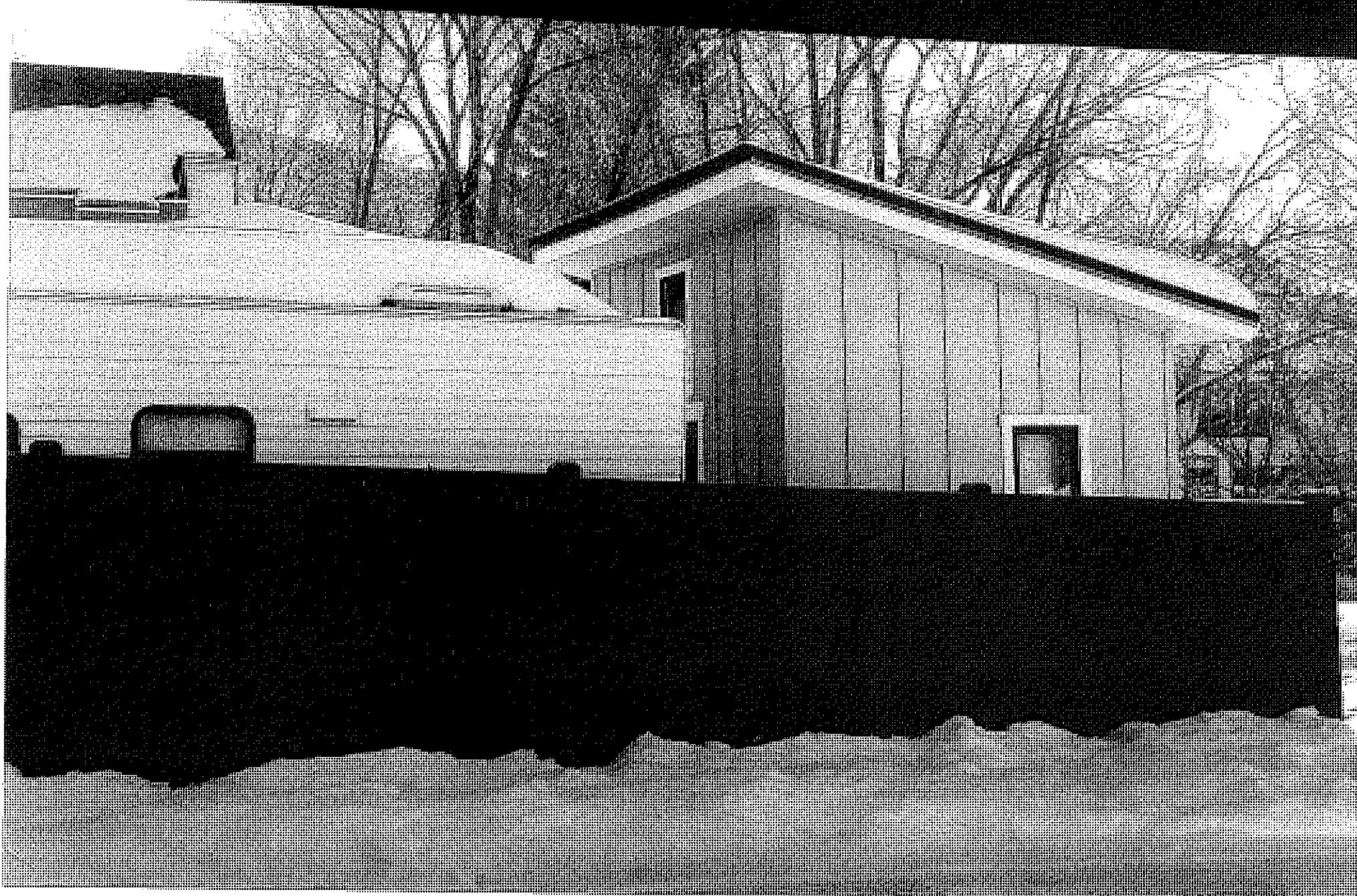
and, owners #307 E. Sopris Drive

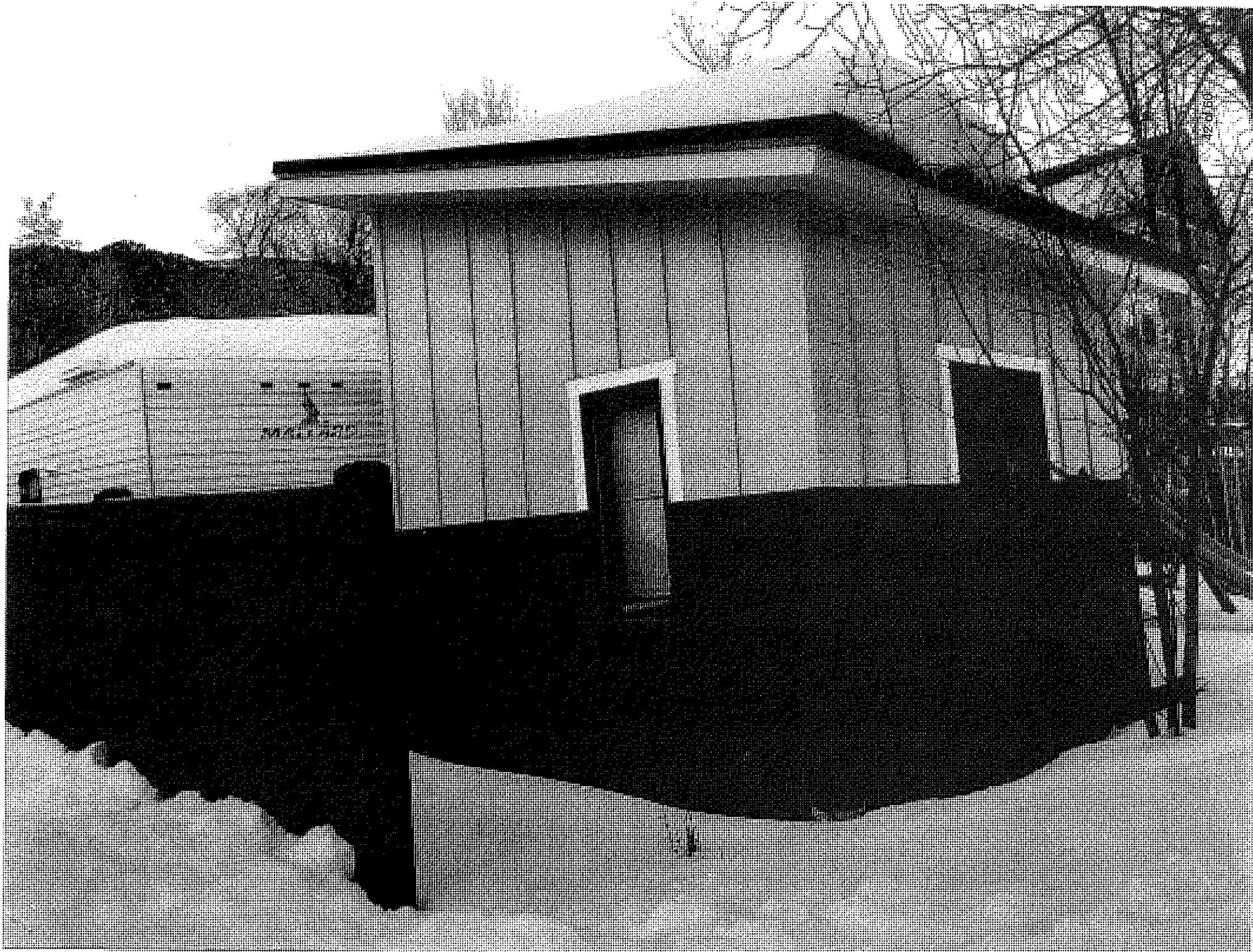












42-6160

Bob and Elizabeth Ward  
PO Box 4006  
307 E. Sopris Drive  
Basalt, CO 81621

March 10, 2016

Dear Mr. Lindt/Town officials:

We're writing to express several concerns about the proposed addition of a new structure and possibly an accessory dwelling unit at 309 E. Sopris Drive. We don't oppose the new structure, per se, but we do object to any rezoning to allow a rental ADU and aggravate an already overcrowded parking and traffic situation.

A little history is in order here. Elizabeth and I bought 307 E. Sopris in 1995, when the common gravel driveway served just three residences. At the time there were no resident children and there were a total of 4-6 vehicles between the three households. It was an easy-going, manageable situation.

Fast-forward to 2016, in which we now have four homes, at least seven children who live full- or part-time in the various residences, and 9-10 vehicles of various kinds. 309 E. Sopris, in particular, is littered with multiple cars, a truck, an RV trailer and a boat.

Often when we pull into the driveway, visiting cars or trucks block the way. We occupy the south end of the driveway, farthest from the street, so whenever a work truck, FedEx van or carpooling mom stops at a neighbor's home, we must knock on doors to clear the way. A fifth household could create a real safety problem, given the number of kids, parked vehicles and poor sightlines.

For reasons of both safety and neighborly courtesy, we request the following:

1. That the Town reject the rezoning and addition of an ADU.
2. That the Town enact strict parking/access/turnaround requirements during any potential construction to ensure the safety of resident children and convenience for everyone who relies on this right of way.

Thanks for your consideration,

 Elizabeth Ward

Bob and Elizabeth Ward

## Memorandum

To: Planning and Zoning Commission  
From: Susan Philp AICP, Planning Director  
Date: April 19, 2016  
Re: Worksession: Our Town Planning – CSC Zoning Amendments

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### **I. Purpose**

The purpose of this Worksession discussion is for the P&Z to check in on the latest draft to prepare for the May 3<sup>rd</sup> public hearing on the code amendments.

### **II. Council Direction to date**

The Town Council reviewed the physical model prepared for the Town by Vision Design to show existing and potential buildings on the Our Town Planning Parcels at their meeting on February 23, 2016. After explanation from Dylan Johns, P&Z Chair, and discussion, the Town Council then approved Resolution No. 09, Series of 2016. That resolution directed the Zoning Code amendments as the P&Z had presented them at the February 9th Council Worksession and included Option A which directs the P&Z to prepare zoning to permit 2 ½ stories on the CDC Building Parcel as seen from Two Rivers Road. Resolution No. 09 also directs the P&Z to define volumetric limitations and architectural character for the parcel in sufficient detail to enable the public, developer and owner to have a good understanding of what a successful land use application might include. The Town Council could provide further input on acceptable maximum allowed square footages at any time during the planning or zoning process.

The Mayor and new Councilors will be sworn in on April 19<sup>th</sup> before the P&Z meets. The check in on Council direction as outlined in Resolution No. 9, Series of 2016 was originally scheduled for May 24<sup>th</sup> and Staff is looking into whether this can be moved forward.

### **III. P&Z Discussion**

The fourth draft of the amended CSC Zone District will be presented at the P&Z meeting. Don Elliott, Clarion, will not be available by phone for the P&Z's discussion. The purpose is to provide an opportunity for the P&Z to talk about any final changes before the May 3<sup>rd</sup> public hearing.

The following changes have been made per the March 29<sup>th</sup> discussions:

- Minor corrections
- Change 9 months to 3 months for the length of time that an Owner has to wait before submitting a request to change from one anchor use to another
- Clean up condominium hotel definition to make it easier to understand
- Clarify that condominium hotel units may have small kitchens
- Language for P&Z's review which is designed to encourage redevelopment of the BCC property. The language requires buildings, or at least a development plan which shows buildings, along Two Rivers Road before buildings may exceed 2 stories on the interior of the property

Attachments

Document showing changes from March 29<sup>th</sup> P&Z Meeting

**Sec. 16-30. CSC Zone District**

(a) Intent and applicability.

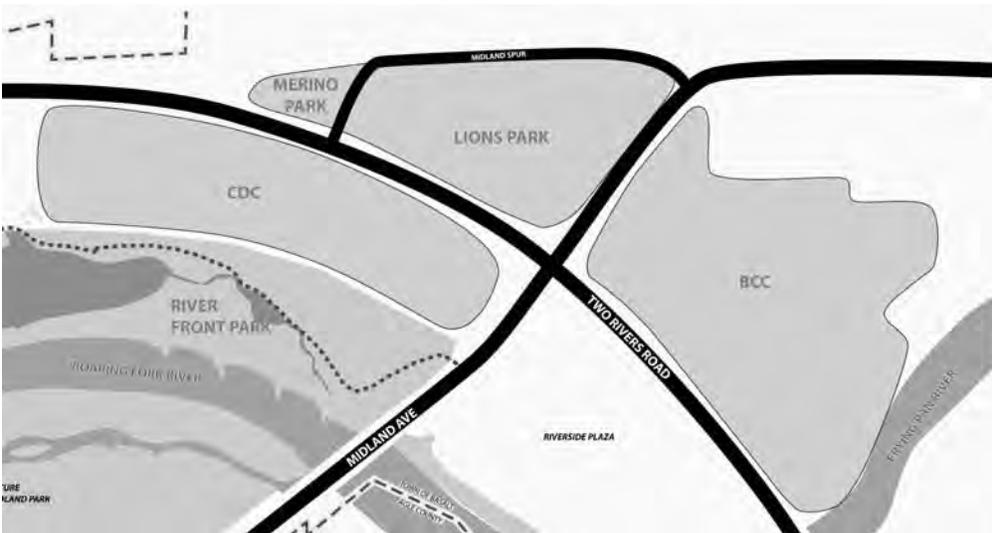
(1) Statement of intent. The intent of the CSC Zone District is to combine the social capital objectives of the Town's Master Plan with the vitality objectives of the C-2 Zone District to produce tailored zoning controls for four key redevelopment parcels in downtown Basalt in order to implement the results of the Our Town downtown planning process. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public).

(2) Applicability.

This district is intended to apply to four specific parcels of land commonly known as:

- a. The CDC parcel;
- b. The BCC parcel;
- c. The Lions Park parcel; and
- d. The Merino Park parcel.

The general boundaries of these 4 parcels are shown on the following map. The exact boundaries of each parcel shall be established at the time the CSC Zone District is applied to that parcel.



(b) Threshold Requirements

(1) Development must be community serving. Since the intent of the CSC Zone District is to encourage social entrepreneurship in the development of community serving commercial projects, new development shall only be permitted to occur in the CSC Zone District if it is determined to be community serving. New development shall be considered to be community serving if it includes an anchor use or uses listed in Subsection 16-30(c)(1) below for the specific parcel indicated, and that anchor use or uses meets the applicable minimum size standard for that use in Subsection 16-30(c)(1) below.

PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

- (2) Qualifying organizations. In order to be eligible for rezoning to the CSC Zone District, the owner of the land to be rezoned must be a non-profit Community Development Organization, a similar non-profit organization where development activities are a stated part of its 501(c)(3) tax status, or a for-profit entity engaged in construction of a building or facility that is a community-serving anchor facility, as listed in Section (c)(1) below. A qualified Community Development Corporation is an entity which satisfies the requirements of Section 16-4 applicable to a "Public non-profit Entity, Community Development Corporation." A for-profit entity may include a group of owners which have agreed to be represented in the entity engaged in constructing the community-serving anchor facility.
- (3) Consistency with Master Plan. In reviewing whether a parcel is appropriate for CSC zoning, the Town will consider the future land use designation, neighborhood typology, and goals and objectives of the then current Master Plan, including but not limited to the Our Town Master Plan amendments.

(c) Permitted uses

(1) Permitted anchor uses.

- a. Subject to Subsections (1)b. and (1)c. below, at least one of the following anchor uses must occur on the CSC Zone District parcels indicated in the table below.

Table 16-30-1: Anchor Use Table					
	CDC Parcel (West)	CDC Parcel (East)	BCC Parcel	Lions Park	Merino Park
Arts Center [1]				●	
Community Housing [2]					●
Brewpub/Distillery [1]	●		●		
Entertainment [3]	●		●		
Grocery Store [3]			●		
Hotel or Condominium	●		●		
Hotel [4]					
Park/Open Space		●			
Small Business Incubator [2]					●
Sports/Youth Center [1]			●	●	
Town Hall				●	●
Community Center [1]	●		●		
[1] Must contain at least 6,500 sq.ft. of total floor area. [2] Must occupy at least 70% of the occupied total floor area developed on that CSC parcel. [3] Must contain at least 9,000 sq. ft. of total floor area. [4] Must contain at least 40 guest rooms. Includes condominium hotel					

- b. The Town Council may approve an anchor use designated for one CSC parcel as an acceptable anchor use for a different CSC parcel not indicated in the table above, with the exception that no anchor use other than a park or open space shall be designated for the eastern portions of the CDC and Lions Park parcels.
- c. If an approved anchor use begins operation but later discontinues operation for a period of 93 months or more, or if the portion of the building in which the anchor use is located is destroyed by fire or any other cause, the property owner may apply to change the approved anchor use to any other anchor use that meets the minimum size requirements listed in the table above. Any change to a substitute anchor use or another use permitted in the CSC

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

zone district shall require review and recommendation by the Planning Commission following a public hearing, and shall require approval by the Town Council.

### (2) Required Community Vitality Uses

On each CSC parcel, land uses in the designated Vitality Zone for that parcel are required to be Community Vitality Uses subject to exceptions included in Section 16-29(c) and the design guidelines for buildings included in Section 16-30(d)(7).

### (3) Permitted Secondary Uses

The following secondary uses are permitted on each CSC parcel, provided that one or more of the anchor uses designated in the table above (or approved by the Town Council) has already been established on same CSC parcel, or will be established on the same CSC parcel as part of the development containing the permitted secondary use.

- a. An anchor use listed above in table 16-30-1, regardless of whether it satisfies the minimum size requirements, unless prohibited elsewhere by this section (C)(3).
- b. Uses and activities conducted by a government entity or by a public non-profit entity that meets the requirements of Sections 16-4 or 16-21(8) of this Chapter. Such uses include including but not limited to administrative offices and meeting rooms for non-profit and educational oriented organizations, transit facilities, museum, community center, educational facilities, performing arts center, and theater.
- c. Community Vitality Uses as shown on Table 1 in Section 16-29 as Community Vitality Uses (in areas of the parcel other than the designated Vitality Zone).
- d. Other commercial, office and retail uses allowed in the C-2 Zone District.
- e. Fully-deed restricted community housing units meeting the requirements of this Chapter.
- f. Free-market multifamily residential uses (only on BCC and Lions Park parcels) where no unit exceeds 1,400 total square feet.
- g. Makerspace/Craft Industry.
- h. Public parking garage (on the BCC parcel only).
- i. Public or private open space and park uses.
- j. Day care that complies with state requirements regulating day care.
- k. Accessory uses approved pursuant to CSC Development Plan Review Process
- l. Temporary outdoor uses and vendors, subject to the provisions of Chapter 6, Section 6-13 of the Town of Basalt Code.

- (4) Limitations on permitted uses. Through the CSC Development Plan Review process, the Town Council may place reasonable restrictions or limitations on any use or activity in the CSC Zone District. The Town Council may also determine that a specific use is not appropriate based on the intent of the zone district, consistency with the Town Master Plan and compatibility with adjoining areas. The Town Council may establish conditions allowing for subsequent review by the Town Planner or Technical Review Committee to avoid unnecessary additional meetings before the Planning and Zoning Commission and Town Council.

### (d) Dimensional requirements.

- (1) The dimensional requirements applicable to developments within the CSC Zone District shall be established through the CSC Development Plan review process, and shall be subject to the limitations listed in Table 16-30-2, below.

PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

<b>Table 16-30-2: Dimensional Requirements</b>					
Dimension	Standard				Comments
	CDC Parcel	BCC Parcel	Lions Park Parcel	Merino Park Parcel	
Minimum Lot Area					
Maximum Building Height to Top of Parapet or Pitched Roof	2.5 stories; 38ft. [1]	4 stories; 45 ft. [2] [3] [4]	2 stories; 25 ft.	4 stories; 45 ft.	Up to 4 ft. of an underground parking structure that extends above approved grade shall not count against maximum height limits. 2.5 stories means a third story is allowed if it is set back as required in applicable table notes. A street façade parapet of up to 4 ft. above the second floor roof height is permitted.
Front Yard Setback (along Two Rivers)					Overhangs and other building features may encroach into the public-right of way if approved through the CSC development plan review process and a Town encroachment license is obtained
Min.	0 ft.	0 ft.	0 ft.	0 ft.	
Max.	10 ft.[6]	10 ft. [5] [6]	10 ft.[6]	N/A	
Front Yard Setback (along Midland Avenue and Midland Spur)					
Min.	N/A	0 ft.	0 ft.	0 ft.	
Max.	-N/A	N/A	10 ft.[6]	10 ft.[6]	
Min. Side Yard Setback	Per Building and Fire Code				
Min. Rear Yard Setback	Per Building and Fire Code				
Min. Setback from Rivers and other Environmentally Sensitive Areas	See Article XXI				
Min. Landscaped Open Space	10%			N/A	Open space credit may be given for pedestrian improvements per Section 16-30(e)(5)(b)
<p>[1] A 2.5 story building is allowed if the third story is set back at least 10 ft. from the lower façade facing Two Rivers Road street frontage, from Riverfront Park, and from the park on the east portion of the CDC parcel.</p> <p>[2] Any portion of the building containing a grocery store may have a maximum height of 49 ft.</p> <p>[3] Each building shall not exceed 2.5 stories or 38 ft. in height within 50 ft. of Two Rivers</p>					

PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

Table 16-30-2: Dimensional Requirements					
Dimension	Standard				Comments
	CDC Parcel	BCC Parcel	Lions Park Parcel	Merino Park Parcel	
Road or Midland Avenue, or within 150 ft. of the Frying Pan River.-					
<p><a href="#">[4] No new building shall exceed 2 stories or 35 feet in height until (a) at least 150 linear feet of the Two Rivers Road frontage is occupied by buildings meeting the minimum and maximum setbacks, or (b) the Town Council has approved a development plan showing that at least 150 linear feet of the Two Rivers Road frontage will be occupied by buildings meeting the minimum and maximum setbacks.</a></p> <p><a href="#">[5] Maximum building setback shall not apply to the 150 ft. of the BCC parcel along the Two Rivers Road frontage closest to Midland Avenue, measured from the light pole existing on March 31, 2016 at the intersection of the Two Rivers Road and Midland Avenue.</a></p> <p><a href="#">[6]. At least 80% of any street facing building must be built between the minimum and maximum front setbacks except for building located behind another street facing building or as provided in Note [5] above.</a></p>					

*Note – the Alternative language was used for Note 5 with some text reordering*

- (2) Town Council can reduce or waive in its entirety the requirement for a full 10 foot [third floor](#) setback on the park sides of the CDC parcel after a recommendation of the Planning and Zoning confirming that at least one of the following findings has been made.
  - a. An equivalent setback is provided on the first floor to provide a porch or deck that lessens the visual massing of the building by park users;
  - b. Requiring the setback would require the first floor of the building to be so large that it would negatively impact views required by Section 16-30(e)(1)
  - c. There is sufficient fenestration in the building to reduce the visual mass of the building so that the full top floor setback is not necessary
  - d. The third floor setback is in an area not seen by park users because of vegetation, terrain change, intervening structures, or other factors
  - e. The second floor of the building is set back from the first floor façade at least 10 feet or more on those frontages where a third floor setback is required in the table above.

(e) Other Site Development Standards.<sup>1</sup>

(1) Openings to the river.

The following openings shall be preserved for views to Roaring Fork River and for pedestrian passage by employees, occupants, or patrons of adjacent properties, and no new building shall be constructed in the areas designed as a view protection/pedestrian access zone.

- a. Required View/Pedestrian Opening 1: On the Lions Park parcel and CDC parcel, buildings shall be sited so as to preserve views and pedestrian access from the corner of Midland Avenue and the Midland Spur to the Roaring Fork River as shown on the following map.

<sup>1</sup> Content of current CSC “Other Development Standards” have been significantly reorganized for logical flow and to better separate site and building design requirements.

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

- b. Required View Opening 2: On the CDC parcel, a view and pedestrian access from Two Rivers Road to the Roaring Fork River shall be provided along the western edge of the property, as shown on the following map.
- c. Additional View Opening: To the maximum extent practicable, at least one additional view from Two Rivers Road to the Roaring Fork River should be provided somewhere west of the intersection of Two Rivers Road and the Midland Spur. This view opening shall be located so that building frontages along Two Rivers Road comply with the building façade articulation standard in Section 16-30(f)(4) below.



- (2) Pedestrian through-connections. Development on the BCC parcel shall incorporate at least one pedestrian through-connection from the Midland Avenue frontage to the Frying Pan River frontage. The required pedestrian through-connection shall be located internal to the site (at least 50 feet from the Two Rivers Road frontage).
- (3) Vitality zone. Each CSC parcel except the Merino Park parcel shall include a designated vitality zone that shall be established by the Town in the sketch plan process. The permitted uses in the vitality zone are shown on Table 1 in Section 16-29 as Community Vitality Uses and the buildings are subject to the building design standards contained in Section 16-30(f) for buildings within the vitality zone. The Town Council will establish the vitality zone considering the following:
  - a. The pedestrian and connectivity goals of the area;
  - b. The nature of the desired streetscape;
  - c. Existing and proposed adjacent uses;
  - d. The then current Master Plan, including but not limited to the Our Town Master Plan amendments; and
  - e. The goals advocated by any non-profit applicant.
- (4) Parking. Development in the CSC Zone District shall provide parking as follows:
  - a. Minimum requirements
    1. Hotel/Condominium Hotel —1 space per hotel room, plus 2 for management and operations.

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

2. Residential—1 space per bedroom to a maximum of 2 spaces per unit, where an efficiency unit is counted as 1 bedroom.
  3. All other uses—1 space per 400 square feet of floor area. With the exception of handicap spaces and car share spaces, parking spaces may not be reserved for individuals or private businesses.
- b. Additional on-street parking constructed as part of the development will count for non-residential parking included in the calculation of parking spaces to be provided. The applicant shall be permitted to purchase non-residential parking spaces pursuant to the requirements of Section 16-94.
  - c. The Town Council may apply a reduction of the non-residential parking requirements following a recommendation of the Planning and Zoning Commission based on hours of operation, mixed-use, access to on-street parking, availability of local public transit, availability of parking spaces in a public parking lot or garage, expected use of WE-Cycle or other bicycle sharing programs, contribution to or participation in a car share program that serves the community, creation of a Transportation Demand Management (TDM) plan to reduce traffic volumes and parking demands below expected levels, or contribution to other desired public improvements, necessary infrastructure, or other basic Town service requirements. The Town Planner may require a recommendation from a parking consultant as outlined in Section 16-92 in order for the staff and Planning and Zoning Commission to make a recommendation and the Town Council to make a decision on the appropriate parking reduction for the development.
  - d. The visual impacts of off-street parking and loading areas shall be minimized. The design of parking and loading areas shall ensure that they support and do not detract from the Town's vitality goals for the CSC Zone District. This shall be accomplished by:
    1. Constructing structured parking primarily underground where such construction is feasible;
    2. Prohibiting surface parking between any building on the CDC, Lions Park, and Merino Park parcels and the right-of-ways of Two Rivers Road, Midland Avenue, or the Midland Spur;
    3. Locating parking and loading areas, or the access to such areas, along the rear facade or side of the building whenever feasible; or
    4. Wrapping the facades of any structured parking within other permitted uses that have a minimum depth of 18 feet or wrapping the facades with building material, grading or landscaping to break up the view of the parking and parking structure lighting from public open spaces and other activity areas. When this design option is employed the access to the structured parking shall be designed with the same attention to detail and materials as the primary façade and the access shall be integrated into the building's design and wrapping.
    5. Designating 1 or more loading zones on the site plan and regulations to govern loading.
  - e. Except as described in subsections (a) through (d) above, parking areas and structures in the CSC Zone District shall comply with the requirements of Article V, Off-street Parking and Loading.
- (5) Open spaces.
- a. To the extent possible the areas between each building with a ground floor nonresidential primary use and the adjacent street shall be visible space that is useable by customers of on-site business uses or pedestrians. These areas, and the required open space areas on the site shall:
    1. Abut and be level with the public sidewalk;

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

2. Be open to the sky (except for awnings, covered walkways, areas under a porch and covered outdoor seating);
  3. Be directly accessible to the public; and
  4. Be provided with appropriate ground cover treatment and landscaping.
- b. Placement of street furniture and public art in required open space is encouraged, as long as a 5 foot minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretive displays, small play features and public art that are attractive and appropriate for use by young children are encouraged. The Town may give credits towards minimum open space requirements for street furniture, fountains and similar improvements in a public right of way or other public spaces in the downtown.
- c. At least 50 square feet of private usable open space shall be provided for each dwelling unit. Private open space may include balconies above ground and lawn areas and patios behind the building. Private open space areas shall not be located in front of or adjacent to any portion of a building's vitality zone. The Town may reduce or waive a private open space requirement if the Town determines that the private open space area would interfere with the intent of the CSC Zone District.
- (6) Signage. The sign restrictions of the C-2 District will apply to non-residential uses unless modifications to those standards are approved through the CSC Development Plan Review process. However, nothing shall prevent the Town Council from adding conditions and restrictions on signage to protect adjacent properties and to further the goals of the adopted Town's Master Plan, including without limitation the Our Town Master Plan amendments.
- (7) Lighting. The lighting requirements of Section 16-431 shall apply to development within the CSC Zone District unless modified through the Exemption process outlined in Section 16-438 of the Town Code, Article XX, Exterior Lighting.
- (8) Utility and trash facilities. Utility boxes and trash/recycling facilities servicing the building shall be located outside of the public right-of-way, along the rear or side façade of the building. To the extent possible, these facilities shall be located to avoid or minimize any negative impacts on residential uses on the parcel and on adjacent parcels and to avoid interfering with pedestrian movement and experience. This requirement shall not be construed to prohibit the placement of street furniture, such as public trash containers, within the public right-of-way.
- (9) Environmentally sensitive areas. Development within the CSC Zone District shall comply with Article XXI (rivers, wetlands and environmentally sensitive areas), provided that the environmentally sensitive area review shall be conducted simultaneously with the CSC Development Plan Review if the Town Planner makes a finding that the development is within the development line established by the River Master Plan.
- (10) Community Priority Scoring System. Development within the CSC Zone District shall be exempt from the requirements of Article XXII.
- (11) Land dedications. The land and improvements, or fees in lieu, required to be provided under the provisions of Section 17-15 (Parkland Dedication) shall be calculated at one-half ( $\frac{1}{2}$ ) the requirement for any deed restricted community housing units; and the provisions of Section 17-16 (School Land Dedication) shall apply at the same discounted rate for deed restricted community housing units. The Town Council may exempt or further reduce such fees for free-market and community housing during the CSC Development Plan review process pursuant to Section 16-419. Any reduction or elimination of school impact fees will require approval by the school district.
- (12) Development in the CSC Zone District shall meet or exceed the accessibility requirements of the Americans with Disabilities Act.
- (13) Landscaping in the public right-of-way. Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the Public Works Manual.

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

- (14) Curb Cuts. Development in the CSC Zone must satisfy the design criteria of the C-2 Zone District in Section 16-29(e)(4)c. regarding curb cuts.
- (15) Street and Streetscape Improvements. All street and streetscape improvements shall comply with the Town of Basalt Complete Streets Design Manual.
- (f) Building design. All buildings shall comply with the following requirements, if applicable:
- (1) Building Typologies and Guiding Principles. The typologies from the Our Town amendments to the Town of Basalt Master Plan that the Town determines are most applicable to the type of development proposed in the project, as well as other building design standards and guidelines contained in the Our Town Master Plan amendments. Those guiding principles include:
    - Building scale compatible with historic downtown;
    - Variety of western roof forms;
    - Street level interest; and
    - Contemporary reinterpretations.
  - (2) Buildings within the portion of the site designated as the vitality zone (as that term is defined in Section 16-29 of this Code) shall incorporate a store-front design at the street level, with windows suitable for retail goods display that are designed to attract pedestrian interest at the street level. The storefront windows along the façade of the vitality zone shall be transparent so as to permit the activities within the building to be visible to pedestrians along the adjacent street. Commercial spaces at street level should have a ceiling height consistent with those within the historic downtown.
  - (3) Any new buildings constructed at prominent corners shall contain both ground floor and upper floor elements that reflect timeless design and visually emphasize the importance of the corner through vertical elements, changes in materials or color, changes in articulation patterns, or entryways, or similar features.
  - (4) Building facades along streets shall be designed to reflect the general 20-30 ft. width of street facing building facades in older areas of downtown Basalt. Building facades wider than 30 ft. shall include vertical projections or insets from grade level to the eave of a pitched roof or the top of a flat roof or parapet at a linear spacing of no less than 20 feet and no greater than 30 ft. unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission. This standard shall not prohibit the extension of an awning across the vertical projection or inset.
  - (5) Building facades along pathways that connect buildings to public spaces, and along alleys or other frontages with pedestrian traffic shall contain projections from or insets into the wall plane, windows, doors, or changes in material to ensure that no section of building wall longer than 30 feet is of uniform materials, color, and appearance unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission.
  - (6) The ground floor of any new structure in the vitality zone shall be at grade with adjacent sidewalks or passageways, and there shall be no steps between the sidewalk and the primary building entry. However, in order to satisfy grade issues, steps may be included between the sidewalk and the street if the applicant demonstrates that providing steps is the best way to address grades on the site.
- (g) Zone District review procedures and submission requirements.
- (1) CSC Development Plan review procedures. No new development shall occur in the CSC Zone District without CSC Development Plan review and approval. CSC Development Plan review shall be conducted in 2 stages, these being Sketch Plan review and Final Plan review.
    - a. Sketch Plan review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Sketch Plan review shall involve the following procedural steps:

1. The initial step in Sketch Plan review shall be a determination of whether the proposed project is community serving and is eligible for rezoning to the CSC Zone District. This determination may be made administratively by the Town Planner or the Town Planner may refer this matter to the Planning Commission and Town Council. If the determination is referred, then the Planning Commission and Town Council consideration shall occur at a jointly held public hearing.
  2. Any project that is determined to be community serving and eligible for rezoning to the CSC Zone District may then proceed through Sketch Plan review. Sketch Plan review shall require a review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial of the Sketch Plan application following a duly noticed public hearing. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application.
- b. Final Plan review. Final Plan review is intended to provide the Town with a more detailed description of the proposed development program, to respond to issues raised in the sketch plan review and to present additional information required in the Sketch Plan review. Final Plan review shall require a review by the Planning Commission at a regular meeting. The Commission is authorized to recommend approval, approval with conditions, or denial of the Final Plan application. The Planning Commission review shall be followed by a review by the Town Council at a duly noticed public hearing. Following the closure of the public hearing, the Town Council may approve, approve with conditions, or deny the application. The Town Planner may schedule a joint meeting of the Planning Commission and Town Council prior to the initial Final Plan review by the Commission.
  - c. Community Serving Subdivision. A property which is zoned CSC is eligible to be subdivided as a Community Serving Subdivision pursuant to the provisions of Section 17-84.5 of this Code provided no more than four initial lots are created by the Owner. The Community Serving Subdivision shall be processed concurrently with the CSC Development Plan. However, nothing herein requires the qualifying non-profit organization to use the Community Serving Subdivision process if the owner would rather utilize another eligible subdivision process in the Code at the time of the subdivision.
- (2) Sketch Plan submission contents. The application for the Sketch Plan stage of CSC Development Plan review shall include the following:
- a. Completion of standard application forms and authorization from the owner for the filing and processing of the application and fees.
  - b. Description of existing conditions.
  - c. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.
  - d. A list with addresses of all property owners within 300 feet of the property.
  - e. A description of the development program including: major objectives of the development; proposed mix of uses with approximate square footages of each use and number of any free-market and community housing units and allowed locations; parking capacity, location and types; access locations and vehicle and pedestrian circulation; proposed phasing and timing; and plan for satisfying the goals of the development plan. Numbers can be provided in a range.
  - f. Schematic development plan (at a scale of at least 1 inch per 100 feet) showing horizontal relationships of the proposed development with property boundary, setbacks and proposed uses.

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

- g. Information and drawings providing a schematic level description and illustration of the height, scale and mass of proposed structures from important perspectives, as well as proposed open spaces narrative and graphic descriptions of the character and style of architecture by the end of Sketch Plan review.
  - h. Narrative addressing relationship of the project to neighboring properties and consistency with the Town's Master Plan, the River Master Plan; Streetscape Plan and any other long range planning documents as deemed appropriate by the Town.
  - i. Narrative description of how utilities are to be provided to and through the site by a licensed professional engineer along with an assessment as to the feasibility of the applicant's proposal. Describe whether any existing utilities or easements will need to be relocated or vacated, and generally the plan for accomplishing this. The engineer's assessment at a minimum must address potable water, sanitary sewer, drainage and storm sewer, electrical power, natural gas power, and flood protection where applicable. Describe whether the power lines will be below ground or overhead. The applicant may include maps depicting the alignment of utilities but it is not required at Sketch Plan. The engineer's assessment shall outline any known engineering and utility issues and generally describe how they will be addressed in the final site plan review.
  - j. Proof of ability to apply the CSC Zone District.
  - k. General statements describing how the elements of the development will satisfy the criteria required for the CSC Zone and explanation for any reductions in requirements allowed through the site plan process.
  - l. Statements addressing how the development intends to satisfy requirements that apply to the development found in other sections of the Code applicable to the type of development being proposed, including but not limited to: any annexation requirements; school and parkland dedication; floodplain development permit and regulations, and community housing, including any need for relocation housing.
  - m. Description of how the development addresses the Town's goals toward sustainable building, energy efficiency and waste reduction.
  - n. A study of the shading or shadow impacts that the proposed buildings may cause on public or private rights-of-way or other public spaces within or surrounding the project.
  - o. Additional information. Any additional information reasonably required by the Town to review the application and to verify compliance with the provisions of this Code.
- (3) Final Plan submission contents. The application for the Final Plan stage of CSC Development Plan review shall include the following
- a. Same as above along with such additional or refined information and analysis as may be required by the Town Council in order to address issues raised in the Sketch Plan review or to verify compliance with the provisions of this Code.
  - b. Off street parking and loading areas, including the location, type and capacity of proposed parking areas, and written justification for any proposed reductions or fee-in-lieu of parking proposals
  - c. The location of all ways for ingress and egress to all buildings and parking areas.
  - d. Service and loading areas and refuse and recycling collection areas.
  - e. Site/building program.
  - f. Development plan which meets the requirements of Section 16-66(3)b. Following Final Plan approval the applicant shall record a development plan containing the elements of the Town Council's approval.
  - g. Reserved.

## PROPOSED AMENDMENTS TO CSC ZONE DISTRICT

- h. Proposed schedule and phasing.
  - i. Identification of potential construction and maintenance easements needed for zero-lot line development and plan for obtaining such easements.
  - j. Draft Master Development Agreement which generally describes the public improvements to be constructed in connection with the project, the timing of such construction, the parties responsible for completion of the public improvements and the financial security to be provided.
- (4) Building, engineering and site design review. Building, engineering and site design review is intended to provide the Town with the final architectural, engineering, landscaping and other technical documents that are a precursor to the actual construction of the project. Following approval of the final CSC Development Plan and any other associated land use actions and prior to issuance of a building permit for each lot or development site, the then-owner of a lot or development site shall comply with the following submission requirements and review procedures:
- a. The owner shall prepare and submit architectural drawings, elevations and perspective drawings of all proposed structures and improvements intended to show the relationship of the proposed structures to the surroundings. Such drawings shall depict proposed building materials, fenestration, mechanical equipment (and screening of such equipment) and similar architectural details but need not be the result of final architectural design.
  - b. The owner shall submit final engineering documents, including plans and specifications for streets, water, sewer and drainage and the engineers' cost estimates for all public improvements to be installed on the lot or building site within dedicated land areas, rights-of-way or easements.
  - c. Following construction, the owner shall provide as-built mapping and diagrams for utility installations in an electronic computerized format of a type approved by the Town Engineer or Public Works Director.
  - d. The owner shall describe the character and type of landscaping, lighting and signage to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on a site plan. The lighting description shall describe how the lighting complies with the final site plan approval and any exemptions that will be necessary pursuant to Section 16-438 of the Town Code, Article XX, Exterior Lighting. The signage plan shall provide detailed information sufficient to determine whether the location, size, number and character of the proposed signs comply with the requirements of Section 16-131 et seq. of the Town Code, Article VII, Signs.
  - e. The owner shall provide an anticipated time table for completion of development including the anticipated dates for completion of any phase.
  - f. The owner shall provide a title insurance policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all owners and lien-holders have approved the final subdivision plat.
  - g. The owner shall demonstrate compliance with Article II, Chapter 17, Design Standards and Requirements for Subdivisions.
  - h. The owner shall demonstrate compliance with Article V, Chapter 17, Public Improvements Acceptance and Guarantees.
    - 1. The owner shall provide a Subdivision Improvement Agreement for public or quasi-public improvements to be constructed by the owner and other draft agreements and conveyances that apply to the development as whole or to community housing or other restrictions or requirements.

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2. The owner shall provide a Construction Management Plan and shall submit a request for the use of any of the Town's property for construction or construction management purposes.
  3. The owner shall demonstrate compliance with the Final CSC Development Plan approval applicable to the application and any other Town approval.
- i. The owner shall submit the information necessary to satisfy the foregoing requirements for review by the Technical Review Committee. TRC review shall be limited to a consideration and review of the project's compliance with the approval documents applicable to the development, relevant standards applicable to buildings and final subdivision plats. Following such review and after all necessary additions or corrections are made, the building, engineering and site design information shall be forwarded to the Town Council along with the recommendation of the Technical Review Committee. In its final development plan review approval the Council can delegate this review to the Planning and Zoning Commission.
  - j. The building, engineering and site design information submitted by the owner, together with the recommendation of the Technical Review Committee, shall be considered by the Town Council (or the Planning and Zoning Commission if the Council refers the approval to the Planning and Zoning Commission in the final approval) at a noticed public hearing. The board's review shall be limited to a consideration and review of the project's compliance with the applicable approval documents and relevant standards applicable to buildings and final subdivision plats. The Town Council shall make a final decision to approve the building, engineering and site design proposal subject to modifications or conditions, or to deny such proposal. Nothing eliminates the requirement to comply with the Building Code. The Town's approval shall be considered the Site Specific Development Plan.
- (5) Amendments to a Sketch Plan or Final CSC Development Plan. Amendments to a Sketch Plan approval or Final Plan shall be processed as follows:
- a. Sketch Plan approval. After Sketch Plan approval an applicant may make insubstantial amendments to the approved sketch plan before submitting a Final CSC Development Plan for review. Substantial amendments shall be processed under the same procedures as used for the original adoption. "Substantial" shall have the same meaning as in Section 16-65(d)(2). The initial determination of whether an amendment is insubstantial or substantial shall be made by the Town Planner.
  - b. Final CSC Development Plan approval. After Final Development Plan approval, the TRC may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the Final Plan Approval. The applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which 15 days written notice of the public meeting has been provided to the appellants.
  - c. Substantial amendments and amendments which the Town Planner determines are not minor amendments but are consistent with the Sketch Plan approval shall processed pursuant to the Final Plan submission and review procedures. Substantial amendments and any amendments which the Town Planner determines are not minor amendments and are not consistent with the Sketch Plan approval shall be processed pursuant to the Sketch Plan and Final Plan submission and review procedures.

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**Sec 16-4 Definitions** – *the following definitions are proposed to be added, except for the definition of condominium hotel, which is proposed to be revised as shown below.*

Brewpub/Distillery -- A facility licensed as a brewpub or distillery by the state that annually manufactures and sells in the facility not more than 5,000 barrels of beer, or not more than 25,000 gallons of distilled spirits, only for consumption on the premises.

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Community Center – A facility available for public activities, including but not limited to events, performances, entertainment, celebrations, meeting rooms, public classrooms and indoor gardens. The space is intended to be available for use by the public. However, the space may be rented by one or more parties at any time.

Condominium Hotel (or condotel or condo-hotel) -- A hotel or motel operated under a condominium form of ownership. ~~As used in this definition, the term unit or sleeping unit means the sleeping unit to be sold as a condominium hotel unit.~~ A condominium hotel must satisfy the following requirements:

- a. Be advertised and marked with signage as a hotel or motel and be subject to the complete control and management of a single hotel or motel operator for operation as a hotel or motel.
- b. Be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures and pre-construction agreements, in form and content approved by the Town Attorney that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a hotel or motel and will not be occupied as a dwelling.
- c. Except for dwelling units to be used by a manager or employees or any deed-restricted affordable housing, condominium hotels shall contain ~~no dwelling units and contain~~ only individual sleeping units that are sold as a condominium hotel unit and are permanently dedicated to rental to the public for transient occupancy ~~on a full-time basis by the hotel operator.~~ Individual sleeping units may contain small kitchen facilities.
- d. Be managed to ensure that at least fifty (50) percent of the units are available for rental to the public at all times, and that A no unit owner(s) may not (i) occupy their unit for more than sixty (60) days out of a calendar year and may not or (ii) occupy their unit more than twenty-nine (29) consecutive days, or (iii) store an automobile on site when they are not occupying a unit, and so that at least fifty (50) percent of the units are available rent or occupancy to the general public at all times.
- ~~ee.~~ Contain and maintain standardized furniture, furnishings and decor in all individual sleeping units.
- ~~d.~~ ~~Be advertised and appropriately marked with signage as a hotel or motel.~~
- ~~e.~~ ~~Be served by singly metered utility services, and with a central telephone system and central cable television system installed in all individual sleeping units.~~
- ~~f.~~ ~~Contain no individual sleeping unit that contains washer/dryer equipment or connections.~~
- ~~g.~~ ~~Be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures and pre-construction agreements, in form and content approved by the Town Attorney that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a hotel or motel and will not be occupied as a multi-family dwelling.~~
- ~~h.~~ ~~Fifty percent (50%) of the units in a condominium hotel development shall be available for rent or occupancy to the general public at all times.~~
- ~~i.~~ ~~A unit owner(s) shall notify the operator or management company at least sixty (60) days in advance of an intent to occupy their unit. Availability shall not be guaranteed for a unit owner(s) in the absence of such a reservation and in that event the unit shall remain available to the public. Until fifty percent (50%) of the units are reserved by unit owners, a unit owner may reserve his or her unit for occupancy as long as the unit owner notifies the operator at least sixty (60) days in advance of occupancy. After the sixty-day advance period, a unit owner may reserve his or her unit if it is available and the fifty percent (50%) requirement outlined in Subsection h. above is not exceeded.~~

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~~j. Upon commencing operations as a condominium hotel, the operator or management company shall submit a quarterly report to the Finance Department containing information reasonably necessary to indicate compliance with the Town's lodging tax provisions.~~

~~k. A unit owner(s) shall not store automobiles on the site when they are not occupying a unit.~~

If a proposed development does not meet requirements a through e above, the Town Council may determine that a proposed development nevertheless qualifies as a Condominium Hotel if it finds that the proposed development, together with any related covenants, conditions, restrictions, or agreements between the developer and the Town, will ensure that at least the same number or a greater number of the condominium hotel units will be occupied for the same or a greater number of days each year as a Condominium Hotel that meets all of the requirements in subsections a through e above.

Entertainment -- A facility providing entertainment or recreation activities, including but not limited to theaters, bowling alleys, nightclubs, game centers, gymnasiums, health clubs, and climbing wall centers or rooms that can be rented for parties or events, where all activities take place within enclosed structures. This use does not include a conference center, adult arcade, adult bookstore, adult video store, adult novelty store, adult cabaret, adult entertainment establishment, sexually oriented business, adult motel, adult motion picture theater, or adult theater.

Makerspace/Craft Industry – a facility that contains one or more artists or craft industries. A makerspace is a community center that includes manufacturing equipment, community and education for the purposes of enabling individuals to design, prototype and create manufactured works. A craft industry encompasses goods that are handmade by artisans or those skilled in a particular trade, including but not limited to art galleries, handmade textiles, food, beverages, and culinary products. Products made on site may also be sold on site. No such individual facility shall be larger than 6,500 total square feet.

Small Business Incubator -- A facility operated to encourage and support the growth and success of entrepreneurial companies by providing a variety business support resources and services, including but not limited to physical space, coaching and mentoring services, access to financing, networking connections, shared supply purchasing, or shared data systems and resources.