TOWN OF BASALT MEETINGS

Planning and Zoning Commission Meeting

Tuesday July 19, 2016

Basalt Town Hall **101 Midland Avenue**

5:45 PM **Light Dinner**

6:00 **Call to Order**

Approval of Minutes

- July 5, 2016

6:05 **Public hearing on Mark and Kris Elice Application:** for the purpose of considering an Application submitted by Mark and Kris Elice for Rezoning, Minor Subdivision and R-4 MD Sketch Plan Review to create three lots from the 12,285 square foot property at 150 W. Homestead Drive. Specifically, the Applicant is proposing that the parcel be rezoned from the R-3 TN Zone District to the R-4 MD Zone District and be subdivided for development pursuant to the requirements of the R-4 MD Zone District.
Recommended Action: Staff and Applicant presentation; Public Hearing; P&Z discussion; If the P&Z is comfortable motion to recommend approval per Staff Recommendation

6:35 **Public Hearing on Stott's Mill Application** the purpose of considering an Application submitted by MSP1 LLC for: Rezoning; Reinstatement of the majority of the Single-family residential portion of the Stott's Mill PUD Development approved pursuant to Ordinance No. 18, Series of 2009; and R-4 MD Sketch Site Plan Review for the Multi-Family development portion of the project. The Application includes a proposal to be annexed into the Town. Overall, the proposal includes, but is not limited to: 156 residential dwelling units, approximately 4.5 acres of parks, and associated necessary infrastructure improvements.
Recommended Action: Staff and Applicant presentation; Public Hearing; P&Z discussion; continue to August 2, 2016

7:45 **Commissioner and Planner Updates**

8:05 **Adjourn**

Items on the agenda are approximate and intended as a guide for the Commission. Times are subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact Basalt Town Hall at 927-4701.

DRAFT

TOWN OF BASALT
PLANNING AND ZONING COMMISSION
PUBLIC HEARING and WORK SESSION
JULY 5, 2016

SITE VISIT
At 5:15 p.m. members of the Planning and Zoning Commission met with Town Staff at 309 Sopris Drive for a site visit.

APPOINT TEMPORARY CHAIR
Town Planner, Susan Philp, noted that the Chair had net yet arrived but the meeting needed to get underway. She suggested that the Commissioners appoint a temporary Chair to serve in that position until Dylan Johns arrived.

M/S GARY WHEELER AND PATRICK MCALLISTER TO APPOINT ERIC VOZICK AS TEMPORARY CHAIR. THE MOTION CARRIED BY A VOTE OF 5-0.

CALL TO ORDER
At 5:37 p.m. the Planning and Zoning Commission was called to order. Commissioners answering roll call were Gary Wheeler, Gino Rossetti, Patrick McAllister, Eric Vozick and Alternate, Tracy Bennett. Staff present was Basalt Town Planner, Susan Philp; Assistant Planning Director, James Lindt; and Recorder, Denise Tomaskovic.

APPROVAL
Minutes of June 21, 2016

M/S WHEELER AND BENNETT TO APPROVE THE MINUTES OF JUNE 21, 2016 AS READ. THE MOTION CARRIED BY A VOTE OF 5-0.

CONTINUATION
Consent Agenda - Continue Public Hearing to August 2, 2016 on the Application submitted by "The Arts Campus at Willits" (TACAW) for Sketch Site Plan Review for the proposed Arts Campus at Willits. The proposal sets the site plan limitations at the sketch plan level for construction of the Arts Campus at Willits in two (2) phases.

M/S ROSSETTI AND MCALLISTER TO CONTINUE THIS ITEM TO AUGUST 2, 2016. THE MOTION CARRIED BY A VOTE OF 5-0.

At this time Dylan Johns arrived and assumed his role as Chair.

AGENDA ITEMS
Public Hearing on Code Amendments for the purpose of considering amendments to the Basalt Municipal Code to implement the Our Town Subarea Plan: an Amendment to the 2007 Town of Basalt Master Plan. Includes but is not limited to: Amended Community Serving Commercial (CSC) Zone District; new definitions and amended definitions.

Philp stated that zoning consultant, Don Elliott, was on the conference telephone for this agenda item. She reviewed the history of this code amendment and then, referring to a Staff Memo dated July 5, 2016 explained the changes that have been made to the draft language since the previous discussion.

Philp asked Elliott if he had any additional comments. He said that this zone district offers property owners a variety of redevelopment options while providing convergence of the community's goals for downtown Basalt. The main challenge has been to establish zoning regulations that still allow flexibility in both use and design. He thought this zoning language had turned out well and was interested to hear what the public had to say.

Commissioner Rossetti asked for clarification regarding the Town Council's concerns about building heights. Philp responded that her understanding of the comments made by the Council at the June 14th meeting were about the proposed 2.5 story allowable height limits on the CDC parcel only, not the other parcels included in the Our Town Planning Area.

Public Hearing
The public hearing was opened at 5:57 p.m.

Chris Sczelina, owner of the Aspenalt Hotel, said that he felt an arbitrary number had been chosen to establish the setback from the Fryingpan River. His property is one of three along the Fryingpan River. The 100' setback lands in the commonly held portion of the Basalt Center Circle (BCC) parcel and doesn't include his hotel, essentially preventing him from any further development above two stories. He wondered why that setback had to be established and why a project couldn't be judged on its own merits rather than running the risk of not even being considered unless it's this many feet back from the river, regardless of its worthiness and necessity. Chair Johns said that questions will be addressed after all the public comments are made.

Tim Belinski, Independence Ventures, expressed his appreciation for all the work done by the Commissioners and Staff in getting to this point, with an end product that's supportable, noting that this is the sixth draft of the CSC Zone District language. Referring specifically to the BCC parcel and its complex ownership issues, he asked the Commissioners to reconsider the area 150 feet from the light pole, currently held in common ownership (along Two Rivers Road), that establishes where the first building would be located. However, nobody owns that part of the parcel and that begs the question of who would want to develop anything that's located on commonly-held property. That's his major concern and he would like this issue addressed, if not now, then at a later level of review.

Cathy Click thanked the Commissioners for including the citizen's petition group in this process and for all their work on a zone district that is entirely optional. She reiterated that the citizen's petition group's proposal doesn't include a hotel or condotel on the CDC parcel and that is still their preference.

Patrice Becker stated that she would rather see building height limits start at a lower elevation because developers are most likely going to ask for higher limits anyway. She also expressed concern about the notification of this meeting being limited to the Town's website and maybe the in the newspaper – she wasn't sure which media had been used. Perhaps the meetings should be noticed more.

Seeing as there were no further public comments, the public hearing was closed at 6:03 p.m.

Discussion
Referring to a PowerPoint presentation, Philp addressed the questions/comments made by those who spoke up during this public hearing. She noted that there is already a requisite 50' river setback in the Town Code. She reviewed the setback requirements included in these zone district amendments.

Don Elliott noted that it's very unusual to try to align proposed building height limits to existing property lines. Regarding the setback from the Fryingpan River, he said that the purpose of zoning is to set

numbers which are based on planning principles and they aren't arbitrary. He didn't know whether this proposed 100 foot setback was the right number but whatever that number ends up being, a number does need to be stated.

Commissioner Comments
Commissioner Rossetti said that there has been a lot of discussion about how the public will access the Roaring Fork River through the CDC parcel but the same amount of attention hasn't been given to public access to the Fryingpan River on the BCC parcel. He would be more comfortable knowing that there are mechanisms that can be used to provide that public access, perhaps via a land swap or some other type of transaction.

Philp pointed out in the draft language where the CSC Zone District includes a pedestrian link on the BCC parcel between Midland Avenue and the Fryingpan River frontage, said connection being set back from Two Rivers Road by a distance of 50 feet. Also, the DAAC Plan shows an area along the Frying Pan River as future open space.

Commissioner Wheeler asked if the current language would suffice in a development review process. In reply, Chair Johns said that the current language is "should" but perhaps it needs to say "shall." Philp asked the Commissioners if they would like to add language ensuring another access point on the Frying Pan River. Johns said that the purpose of this entire endeavor is to celebrate our rivers.

Commissioner Rossetti was of the opinion that a redeveloped BCC parcel would be a retail success and providing access and open space along the Frying Pan River would be an added attraction for everyone. He didn't know what mechanism would be the most appropriate to use to make this happen, but he would like to have a way for the Town to obtain even a small park along the river in exchange for some development concessions to a future developer/property owner.

Commissioner Vozick pointed out that item 5b includes verbiage saying that the Town may give credit to a developer for providing open space and/or other community amenities in public downtown space.

Commissioner McAllister pointed out that, first of all, the public right of way needs to be established. Philp then offered some alternative language suggestion on how to phrase this.

Commissioner McAllister said that having a master plan for this parcel that shows trails and other public amenities along the river could be helpful for the Town and developers. He wasn't comfortable relying on a zoning document to accomplish this. Philp said that the master plan map does show part of the area along the [Frying Pan] river as open space.

Philp asked Elliott for his opinion on this issue. She explained that even though the adopted DAAC Plan map depicts the area as containing open space, there seems to be some question about mandating that to happen in the zoning. Elliott replied that the proposed zone district language acknowledges and requires a variety of open space types, adding that even though a plan indicates an area of open space, it's difficult to always mandate a certain amount that must be open to the public, due to Federal court cases. The current proposed language covers this issue to the extent possible.

Chair Johns questioned whether or not the language was clear enough in stating that open space is a requirement versus a suggestion. Elliott replied that the P&Z and BTC will have ample opportunity to examine any redevelopment proposals during the review process. The documents that will be referred to in that process, both the plan and the proposed zoning language, include requirements for pedestrian access and open space. Johns said he felt reassured by the fact that there will be many levels of

review before development is finally approved. He thinks that the building heights and setbacks are necessary because we don't want to create canyons around the streets and rivers.

Commissioner McAllister said he's ready to move this item along to the Town Council for review.

Chair Johns acknowledged that the Commissioners aren't able to foresee every eventuality for this zone district and he anticipated that the Town Council would probably make some changes.

M/S VOZICK AND ROSSETTI TO APPROVE THE CSC ZONE DISTRICT LANGUAGE AS WRITTEN AND REFER THE AMENDMENT TO THE TOWN COUNCIL FOR REVIEW. THE MOTION CARRIED BY A VOTE OF 6-0.

At this time the conference call with Don Elliott was ended.

Public Hearing on Roaring Fork Conservancy River Center and Old Pond Park Application - for the purpose of considering a land use Application submitted by the Roaring Fork Conservancy (Conservancy) and the Town of Basalt for the construction of the Conservancy's River Center and improvements to Old Pond Park and Two Rivers Road. The Application is for a Site Plan Review Approval and Environmentally Sensitive Area (ESA) Environmental and Floodplain Review in Reach II of the Roaring Fork River and includes several amendments to various Town approvals for the River Center and Old Pond Park and related infrastructure.

Philp noted that some members of the Roaring Fork Conservancy staff and board were present. Referring to a Staff Memo dated July 5, 2016 she briefly reviewed the history of this application, adding that the Town is very interested in seeing that the River Center gets built. The Town entered into a predevelopment agreement with the Conservancy to buy back the property it had previously sold to the Conservancy, thus freeing up funds for the structure to be built and allowing RFC to lease that land.

Philp explained that the Town and the Conservancy are co-applicants on this project with the Conservancy obligated to build the River Center and the parking while the Town is responsible for making the Old Pond Park and the Two Rivers Road ROW improvements. Philp referred to a posted site plan while making her explanatory remarks, adding that it's also included in the packet materials.

Philp said that the RFC application is consistent with both the Town Master Plan and the Two Rivers Road Greenway Master Plan. She explained the revisions to the parking plan that have been made since the original approvals. A wetland garden is planned but until it's built that area will be grass. The accessible fishing pier on the pond will be a major improvement. The zoning for this parcel is Public (P) and parking in publicly zoned areas usually includes a reduction in parking and what is shown on this plan is similar to what was used for RMI and the library. Staff has calculated 13 parking spaces for this first phase and if/when the second phase is built additional parking will be considered.

Philp noted that Police Chief Greg Knott submitted referral comments and a drawing asking for more parking spaces but the Town's traffic engineers determined that the area is very tight due to the flood plain and the adjacent wetlands so trying to fit in more parking spots is not feasible.

Rick Lofaro, Executive Director of the Roaring Fork Conservancy, introduced Don Schuster from the Conservancy's Board, Rob Morey who is the project manager and owner's rep, and Matt Armentrout, architect. Lofaro noted that the River Center's size has been reduced in order to create more outdoor area to provide interaction opportunities and outdoor classroom activities.

Armentrout used a PowerPoint presentation to outline the site plan and architectural elements of the Conservancy's River Center, including the energy saving measures that will be installed. The main goal is to eliminate the need for cooling via natural ventilation and they have been taking some cues from RMI's recent construction. The tallest corner of the structure is 32 feet high, which is shorter than RMI. This is the first building on the way in to Basalt along Two Rivers Road and it's been designed to segue to the somewhat higher adjacent buildings.

Commissioner Rossetti asked what material will be used on the two-story elevation. The reply was that it will be wood siding.

Commissioner McAllister confirmed that 13 parking spots are being provided.

Commissioner Vozick asked how many employees will drive to work. Lofaro replied that they anticipate five to seven parking spots being needed for employees. Vozick then asked about the location for a school bus drop off. Philp replied that school buses will drop off at the RFTA stop which will be relocated closer to Midland Spur.

Commissioner Wheeler said he didn't like the idea of parallel parking along the north side of Two Rivers Road (TRR). He asked for clarification on why head-in parking hasn't been provided. Philp said that between the toe of the slope and jurisdictional wetlands, there just isn't enough room. Moving the wetlands would involve a lengthy and expensive process. Philp said that Staff had considered putting all the parking on the south side of TRR and moving the road a bit further north. However, they still run into the wetlands issue. Wheeler said that he foresees a lot of cars, buses and pedestrians in this area and he would like to see more parking.

Commissioner Vozick asked about the wetland garden and if it would be possible to combine it with the jurisdictional wetlands across the road. Lofaro explained that they had to program in a circulating pump because they weren't confident that the natural flow would be sufficient to create a meaningful learning experience. As such, it doesn't fit into the jurisdictional designation.

Philp said that the Staff memo places more emphasis on visitor's relationship with the pond and ADA access to it than on the parking situation. There may be opportunities to re-address the parking issue when the second phase of the application is submitted. She explained the pedestrian improvements in greater detail and the challenges with the slope and the wetlands. When it happens, making the sidewalk connection from the west chicane to the pedestrian bridge located further down the road (which isn't included as part of this application) will be very expensive because the road drops off steeply down to the side channel.

Commissioner McAllister asked for more information about addressing the parking situation in Phase Two of the project. Philp replied that it will give Staff an opportunity to re-assess if there is adequate parking, how parking is working between RMI and the River Center, and whether or not other parking solutions elsewhere downtown have decreased the need for more parking in this area. Lofaro added that the Conservancy has contemplated a second phase but it has not been planned. It could be anywhere from five to 20 years out. Currently, the thinking is that the purpose of that expansion would be to provide a larger multi-purpose space that could accommodate 150 people.

Schuster pointed out that the Conservancy's relocation from Basalt Center Circle will open up more parking in the downtown core.

Commissioner Vozick suggested that the Conservancy staff check in with RMI staff to determine if there would be any ride-sharing opportunities available between them. Lofaro said it was a great suggestion.

Public Comment
The Public Comment was opened at 7:07 p.m. Seeing as there was no comment the public hearing was closed at 7:07 p.m.

Commissioner Comments
Commissioner Rossetti said he was comfortable with moving the application along to Town Council.

Commissioner McAllister said he wanted to move ahead as quickly and efficiently as possible but he was still concerned about the number of proposed parking spaces and the inclusion of the proposed parallel parking spaces.

Commissioner Wheeler agreed with McAllister's comments and wanted Staff to re-examine the parking plan, especially the parallel configuration. This is going to be very successful and parking is going to be a problem. He then sought and received clarification about the construction management plan which Staff will add to the list of required plans to be submitted in the Final Plan application.

Alternate Bennett also thought the River Center would be extremely successful and, as a result, parking will be a problem.

M/S VOZICK AND ROSSETTI TO RECOMMEND APPROVAL OF THE ROARING FORK CONSERVANCY'S RIVER CENTER APPLICATION TO THE BASALT TOWN COUNCIL PER STAFF RECOMMENDATIONS AND FURTHER EXAMINATION OF PARKING OPTIONS. THE MOTION CARRIED BY A VOTE OF 6-0.

The Commissioners took a brief break and reconvened at 7:15 p.m.

Public Hearing on Stott's Mill Application – Introductory Meeting for the purpose of considering an Application submitted by MSP1 LLC for: Rezoning; Reinstatement of the majority of the Single-family residential portion of the Stott's Mill PUD Development approved pursuant to Ordinance No. 18, Series of 2009; and R-4 MD Sketch Site Plan Review for the Multi-Family development portion of the project. The Application includes a proposal to be annexed into the Town. Overall, the proposal includes, but is not limited to: 156 residential dwelling units, approximately 4.5 acres of parks, and associated necessary infrastructure improvements.

Referring to Staff Memo dated July 5, 2016 Lindt reviewed the application and pointed out the posted site plan and some architectural renderings. He noted the discussion items which were also posted and listed as follows:

- Consistency with Master Plan
- Density
- Affordable Housing
- Childcare/Daycare
- Parks and Open Space
- Traffic
- Southside Drive Cross-section/Traffic Calming
- Allison Lane Connection
- Phasing/Vested Rights

Lindt then turned the presentation over to Mark Chain, Land Use Consultant, and Briston Peterson, Applicant. Chain provided additional background information, pointing out that the single-family residential lot widths range from 28 to 42 feet wide, thus accommodating smaller homes, will translate into affordability by design. The multi-family residential will consist of four apartment buildings containing one-bedroom, two-bedroom and perhaps some studio rental units. The developer will build, own and manage the multi-family rental units to maintain quality control.

Concerning the parks, the plan is for the parks to buffer the Stott's Mill neighborhood from the existing Southside neighborhood [to the north] and from the Rio Grande Trail and the adjacent high school on the south end. South Park will be programmed for more activity and will provide some storage space and public restrooms. The previous proposal to store the Nordic track equipment at South Park isn't included in this application because Pitkin County found a different place for that storage.

Chain reviewed elements of the development proposal that meet many of the goals included in the Basalt Master Plan. He noted that most of the recommendations in the discussion items contained in the Staff Memo are acceptable to the applicant. He then addressed these items. Chain said that due to experiences during the recent Recession, the applicant is requesting five years of vested rights in order to install the infrastructure. Regarding childcare, the applicant thinks this is more of a regional issue, requiring a larger structure than what could be accommodated at Stott's Mill. Regarding the issue of architectural diversity, the single-family residences will be designed by four or five architects working under some design parameters. An RFP will be issued for design of the multi-family units.

Transportation was the next topic. Chain said that the applicants saw the previous traffic study from around 2005 and they don't think that the traffic situation has changed much since then. That report didn't suggest more traffic safety improvements but, rather, some traffic-calming measures that could be used to slow down traffic going to and from the high school. The proposed (at that time) roundabout was part of the traffic-calming solution. However, they will wait to see what the new traffic study says and they don't expect any major changes [to their requirements] because the numbers are pretty much the same as before. Land dedication for a roundabout has been included in this proposal but the applicant thinks there are other cheaper traffic calming options that could be implemented.

Regarding zoning, the proposed FAR of 0.69:1 is not dense for a higher medium density area. However, it will be up to the Town Council to change that.

In terms of the parks, the design for South Park is geared more for flexible use by keeping the programming to a minimum. The applicant group met with the tennis group regarding the indoor tennis center proposition, but the applicant believes that South Park is not a good location for that facility because of potential impacts on the neighborhood.

Regarding the Allison Lane connection, if the Town wants to eliminate it, that would be okay but there are some options for retaining the connection while not permitting it to be used as a thoroughfare.

Chain said that an architect could be brought in to work on the streetscape by the apartments to help minimize their suburban appearance and closer location to Southside Drive. This is an ongoing issue. He then turned the presentation over to Briston Peterson.

Peterson said that the previous application took about five years to get approved and then the recession happened. They still believe in the vision that they had in 2004 but the current economic situation now demands more multi-family units and extended vested rights in order to reduce their level of risk. These multi-family apartments will help generate more affordable housing in the mid-valley.

Commissioner Questions/Discussion
Commissioner Vozick asked how many acres are in the Southside development and how many dwelling units were approved for that development, for a comparison. Lindt said that he didn't have the information right now but will provide it at the next meeting.

Public Hearing
The public hearing was opened at 7:45 p.m.

Todd Hartley, Southside resident, said that adding these 156 units and possibly another 40 behind the high school (essentially tripling the size of the neighborhood) will create an even more congested traffic situation in Southside and at the Basalt Avenue/Hwy 82 intersection. He was concerned about the piecemeal approach to traffic solutions and said that a bigger picture solution needs to be found, such as an overpass from Big O to the post office and/or another highway access. Funneling all the traffic onto Fiou Lane and Basalt Avenue will not work.

Diana Elliott, tennis center advocate, explained why the group wants to locate an indoor tennis court facility in South Park. There are existing sports fields directly across the Rio Grande Trail from this location and having an indoor tennis facility would be a nice complement for that sports complex. People could park at the high school and walk to the indoor courts. Elliott said that the group's request to the developer is for land and utility hookups and, while the group would ideally prefer having four indoor courts, they would be willing to reduce that amount if necessary to win approval. Having indoor tennis courts would benefit the neighborhood residents, local recreation programs, the high school, and Basalt's coffers.

Ted Bristol, CEO of Advantage Indoor Tennis, said the group has raised over a half million dollars already for this public indoor tennis facility which would be unique since the facility would provide the only public indoor tennis courts from Aspen to Vail to Grand Junction. He added that this facility could also house the office for the Basalt Recreation programs. He concluded by asking the Commission to favorably consider this location for the indoor tennis court facility.

Matt Jay, Southside resident, thanked the P&Z for their time and work. He didn't want to see the Allison Lane connection used for through traffic. People parking their horse trailers, campers, etc. is already a problem back there and adding more density and traffic to Southside would only make things worse. He would like to see some sort of financial assurance put in place guaranteeing this project's completion before construction begins on it. Jay said that additional costs incurred by the developer over the years are a business risk and aren't a valid reason for asking for more density. Other than some of the things he's mentioned, he likes the idea of this development proposal. It's in the urban growth boundary (UGB) and if we don't want sprawl everywhere we have to allow building within it.

Since there were no more comments the public hearing was closed at 7:53 p.m.

In response to a comment from Chair Johns, Lindt said that there is more information coming regarding childcare, traffic report, etc. Lindt asked if the Commissioners had any other informational needs.

Commissioner Comments
Commissioner Vozick asked about the status of the park requirements. Lindt replied that this item will be covered in more detail at the next meeting.

Alternate Bennett agreed that the traffic situation needs more clarity. Also, she thought the daycare should be closer to downtown and thought the Commission needed to discuss this further. She also

had a question about the double parkland dedication for annexation proposals. Lindt said Staff will provide more information about these items and provide opportunity for more Commission discussion at the next meeting.

Commissioner Wheeler asked if ADUs will be a concern in that neighborhood. Lindt said that the lot sizes are too small to accommodate ADUs. Wheeler said that with the addition of this many new residences there should be at least fees-in-lieu for daycare if the facility isn't built in this neighborhood. Regarding parkland dedication, he was of the opinion that there needs to be an active park next to the Rio Grande Trail. Wheeler added that he was in favor of three to seven-year vesting rights.

Chair Johns noted for the record that a letter had been submitted by the Buddy Program in support of the proposed indoor tennis facility.

Commissioner Rossetti said he was in favor of having an active park, along with the indoor tennis facility, located at South Park. He also supported the inclusion of a childcare facility in this development because there will be increased demand for it, much of it possibly generated by residents of the proposed Stott's Mill development.

Commissioner McAllister asked for, and received, clarification from Lindt about the next steps in this review process. McAllister noted that he hoped this round of approvals won't take another five years.

Chair Johns said he also agreed that the traffic study report will be a key component in figuring out how this application can proceed. He also wants to see more information about the architecture of the proposed project. There is already a variety of uses going on in the Southside and it will be important to have a better idea about how a dense residential area would fit in with what's already in place. Johns also supported having a childcare facility in the Southside. In his opinion, this new development will be attractive to young families and it would be nice if parents could walk their kids to childcare. He thought it would be helpful to know if there were other types of solutions for traffic mitigation that don't involve creating an eight-lane highway, which can be considered on a more Town-wide, and perhaps even regional, basis. This project could provide a much-needed product for the valley but it needs to be well-thought-out before receiving final approval.

M/S VOZICK AND BENNETT TO CONTINUE THE PUBLIC HEARING ON THIS AGENDA ITEM TO JULY 19TH. THE MOTION CARRIED BY A VOTE OF 6-0.

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.

Lindt briefly reviewed the application. Kai Peterson was present. Lindt said that more information regarding parking and construction management has been submitted since the last meeting. These are: 1) the applicant has proposed a fourth parking space on the south side of his property along with agreeing to a rental agreement limiting a future renter to one parking spot; 2) construction staging has been expanded to the south of the proposed new structure; 3) a construction fence will be erected along the driveway with no parking signs on the subject property; and 4) the project will comply with construction activity regulations according to the Town Code. Lindt added that Staff has suggested a doubled amount for the construction deposit to encourage the applicant to complete the project in a satisfactory manner. Enforcement of construction-related problems is more likely since the application has been reviewed (as opposed to just applying for a building permit) and conditions for approval agreed upon. Staff is also requiring that the neighbors be informed of the construction activity.

Peterson said that of the 22 neighbors they notified about this application, only three had objections at the last meeting. He also noted that he has 20 years of construction experience and has designed this home to be moderately-sized and uncomplicated. This house will be smaller than what he could be allowed to build on the lot. He agrees with the construction management oversight. He said that he and his wife are trying to do the right thing with bringing the ADU application for review. This is a type of housing that is desired by the community, as well as allowing his family to continue to live in Basalt.

Commissioner Questions/Discussion
Commissioner Rossetti asked about the difference in the two site plans included in the packet. Lindt explained what those differences are. Rossetti asked who drafted the construction schedule. Peterson said that he had, based on 20 years of experience.

Public Hearing
The public hearing was opened at 8:20 p.m.

Gregory Zec, 305 E. Sopris Drive, said that he is also representing the Wards (307 E. Sopris Dr.) and he also had a letter from Mr. Ward to submit. Zec said he is still opposed to this proposed project. He anticipates a long, drawn-out construction project that will be a major inconvenience to the neighborhood. It will negatively impact his ability to sell his home which is located directly across the shared driveway from Peterson's property. The onus is on Mr. Peterson to prove that he has the financing and expertise to complete the project in nine months. Zec suggested that Peterson install a second driveway. If this can't be accomplished he then requested that the P&Z deny the application.

Elivira Zec, 305 E. Sopris Drive, speaking for herself, her husband, Bob and Elizabeth Ward, explained the current parking situation and probable increase of the parking problem if their five-bedroom home is sold to people who have more than one car. She was not in favor of approving Peterson's ADU.

Bethany Card, wife of Kai, explained how their financial situation has contributed to their request. She teaches at a local preschool and wants to continue doing so. Their property is sandwiched between three other properties zoned R-3 TN so it seemed like a good idea to create an ADU on their property to help provide housing for 'regular people' while providing supplemental income to help pay their property taxes since homes around them are selling at high prices and property taxes will rise. She noted that Kai has built three homes in the past and all received COs within a year of the beginning construction dates. Card stated that her family wants to remain Basalt residents and they have been responsive to the concerns that were expressed by the neighbors and will continue to do so.

The public hearing closed at 8:33 p.m.

Commissioner Comments
Commissioner McAllister asked about building permit time frames. Lindt responded that the builder has six months to commence construction from the time the construction permit is 'pulled.' He also asked for clarification about the possibility of putting in an additional driveway. Peterson said that there isn't really any room and the property drops off pretty quickly. Peterson's wife explained that the parking for the ADU won't affect the other residents who share the driveway. McAllister said that he likes the idea of this ADU.

Commissioner Wheeler said that the Town spent many years creating the R-3 TN zone district to allow for ADUs such as this. Also, he appreciated the efforts made on the construction management plan.

DRAFT

Alternate Bennett appreciated the thought behind the application and wants to see the ADU built, allowing the town to retain a preschool teacher.

Chair Johns also expressed support for this application, with the conditions of approval as presented by Staff.

M/S WHEELER AND VOZICK TO APPROVE THE KAI PETERSON APPLICATION ACCORDING TO CONDITIONS OF APPROVAL INCLUDED IN THE STAFF MEMO DATED JULY 5, 2016. THE MOTION CARRIED BY A VOTE OF 5-1.

At this time Commissioner Vozick and Alternate Bennett left the meeting due to conflicts of interest with the next agenda item.

Roaring Fork Club Lodge Suites Application: to install kitchens in the ten (10) Roaring Fork Club Lodge Suites that do not currently contain kitchens. Application involves a Minor PUD Amendment. The Suites will still remain as short-term occupancy units. Referral comments have been received and incorporated into Staff's recommendations for approval.

Lindt, referring to Staff Memo dated June 21, 2016, reviewed the application and then invited the Roaring Fork Club representatives to provide more information. Terry Bruna, Roaring Fork Club representative, said that this application is driven by requests from the Roaring Fork Club members. They really want to have kitchens in the units since that is where people tend to gather.

Commissioner Questions
Chair Johns asked what constitutes a full kitchen as defined in the Town Code. Lindt explained that the Town Code defines a kitchen as including a cooking device with burners and a full-size refrigerator. Johns then asked about the original approvals which didn't allow kitchens in the Club Suites. Lindt explained that the goal at that time was to have the Club Suites function more like a hotel with short-term occupancy and those occupants coming downtown to eat.

Public Hearing
The public hearing was opened at 8:50 p.m. There was no public comment made and the public hearing was closed at 8:50 p.m.

M/S ROSSETTI AND WHEELER TO APPROVE THE ROARING FORK CLUB MINOR PUD AMENDMENT PER STAFF'S RECOMMENDATIONS. THE MOTION CARRIED BY A VOTE OF 3-1.

COMMISSIONER AND PLANNER UPDATES
There were no commissioner comments nor were there any Planner updates.

ADJOURNMENT
M/S WHEELER AND ROSSETTI TO ADJOURN. THE MOTION CARRIED BY A VOTE OF 4-0.

The Planning and Zoning Commission meeting adjourned at 8:53 p.m.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By:_____ Attest:_____
Dylan Johns, Chair Denise Tomaskovic, Recorder

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: July 19, 2016

RE: Public Hearing- 150 W. Homestead Drive Rezoning to R-4 MD, Minor Subdivision, and R-4 MD Sketch Plan Review

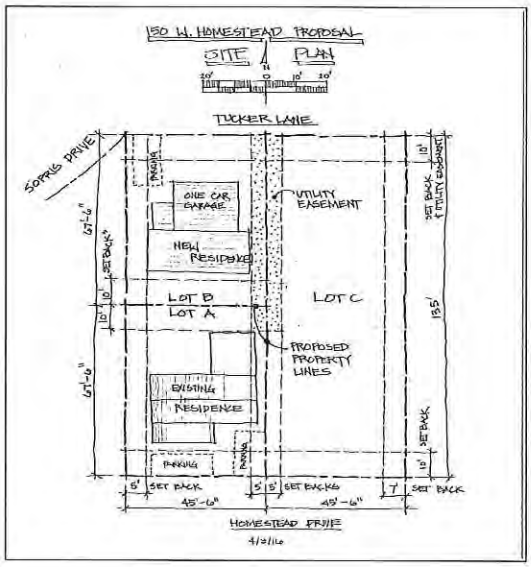
---

I. Purpose

Mark and Kris Elice ("Applicants") are requesting approval to rezone the property at 150 W. Homestead Drive to R-4 Mixed Density, subdivide the property into three (3) lots, and obtain sketch site plan approval for the construction of a new residence on Lot B of the proposed subdivision.

II. Background

The property at 150 W. Homestead Drive is 12,285 square feet and currently contains an existing residence of 1,300 square feet and several outbuildings. The subject property is currently zoned R-3 TN. The Applicants would like to rezone the property to the R-4 MD Zone District, and subdivide the property into three (3) lots, two lots of approximately 3,000 square feet and another lot of approximately 6,000 square feet. See site plan below for layout of proposed subdivision.



Upon, rezoning and subdividing the property, the Applicants would like to construct a new residence of approximately 1,200 square feet with a 350 square foot garage on Lot B of the proposed subdivision. The 6,000 square foot Lot C that would result from the subdivision is proposed for future development in accordance with the R-4 MD Zone District. The existing 1,300 square foot house would remain on Lot A.

III. Review Process

The P&Z makes a recommendation to the Town Council on the Rezoning pursuant to Town Code Section 16-*267, Amendment Procedure,* and the Sketch R-4 MD Sketch Site Plan Review pursuant to Town Code Section 16-31(a)(2), *Supplemental Requirements for R-4 Mixed Density Residential District: Sketch Plan Review.* Additionally, the Town Council reviews the Minor Subdivision request after considering a recommendation from the Technical Review Committee (TRC) pursuant to Town Code Section 17-83, *Minor Subdivision procedure.* It is the Town's policy not to approve of the rezoning and minor subdivision until the final site plan is approved.

IV. Discussion Items

Staff has identified the following discussion items for consideration:

Consistency with Master Plan: The R-4 MD Zone District was adopted in 2013 to help the Town further the implementation of the following adopted policies from the 2007 Basalt Master Plan:

a. Compact Development. Encourage compact, efficient, pedestrian, and transit-oriented development.

b. Unit Sizes. Limit house size as part of an effort to preserve small-town character.

c. Local Resident Housing. Seek to attract and encourage developers to produce local resident housing.

d. Starter housing. Develop regulations that would encourage small-scale high density starter housing that is affordable.

Staff finds that the proposed subdivision is consistent with the above provisions of the Basalt Master Plan as it provided for a greater density of smaller housing units in the downtown area.

Consistency with Neighborhood Character: The majority of the properties in the immediate vicinity are zoned R-3 TN and the adjacent property to the east contains a single-family residence and an ADU. Staff believes that the proposed development plan

is consistent with the character of the neighborhood in that the neighborhood contains small lots with relatively small houses. The property was identified to be eligible for rezoning to the R-4 MD Zone District pursuant to Administrative Determination No. 03, Series of 2016 (attached) and was modeled for example purposes when the R-4 MD Zone District was being amended in 2015.

Compliance with R-4 MD Requirements: The proposed subdivision complies with almost all of the dimensional requirements of the R-4 MD Zone District with the exception of the side yard setback on the existing residence was proposed to be less than R-4 MD requires, which Staff addresses later in this memo.

Below is a table comparing the proposed development with the R-4 MD Zone District dimensional requirements:

Dimensional Requirement	R-4 MD Single Family Detached	Proposed
Min. Lot Area	2,500 sf	Lots A & B- 3,071 sf Lot C- 6,142 sf
Building Height	24 Feet to Midpoint	Less than 24 Feet to Midpoint
Ridge Height	28 Feet	Less than 28 Feet
# of Stories	2	2
Lot Width	32 Feet	45.5 Feet
Front Yard Setback	10 Feet	10 Feet
Rear Yard Setback	10 Feet	10 Feet
Side Yard Setback	5 Feet	3 Feet for Existing Residence, 5 Feet for All New Structures
FAR	.5:1 (except that additional FAR can be granted through Special Review)	Less than .5:1
Max Lot Coverage	NA	NA
Min Landscape	10%	>10%
Parking	2 Spaces per 2-Bedroom or 3-bedroom Unit	2 Spaces for Each 2-Bedroom or 3-Bedroom Unit
Max. Unit Size	1,200 sf for 2-Bedroom Unit 1,700 sf for 3-Bedroom Unit	1,200 sf (2-Bedroom Unit proposed on Lot B) 1,385 sf (Existing 3-Bedroom Unit on Lot A)

		Future Development on Lot C would be required to meet these size limits

Side Yard Setback for Existing Residence: As noted above, the side yard setback for the existing residence was proposed to be three (3) feet instead of the five (5) feet required by the R-4 MD Zone District. The Application expresses that upon redevelopment of the existing residence on Lot A, a new residence would be required to comply with the five (5) foot side yard setback requirement. However, the Town Building Official has indicated that the existing residence would have to be fire-rated if the proposed lot line were to be established at three (3) feet rather than the R-4 MD required setback of five (5) feet. Additionally, a non-conformity cannot be created through the subdivision process. There is room to jog the proposed lot line slightly to accommodate the required five (5) foot setback. Staff has included a draft condition requiring the Applicants to provide an amended plat showing the common lot line between Lot A and Lot C complying with the required five (5) foot side yard setback prior to the Final Site Plan Review on Lot B and prior to the submittal of a Sketch Site Plan Application on Lot C.

Vehicular Access and Parking: Lot A of the proposed subdivision that contains the existing residence takes vehicular access from Homestead Drive and is proposed to include the required parking of two (2) spaces on the site. On Lot B, the vehicular access is proposed from alleyway and the Applicants are proposing a garage and parking to satisfy the off-street parking requirements. Lot C would be required to provide parking on the lot in the future in accordance with the R-4 MD Zone District requirements. Staff finds that the required parking is met by the proposed Application.

Affordable Housing: The proposed subdivision is exempt from Affordable Housing requirements as long as the subdivision does not contain more than three (3) detached dwelling units that do not exceed 3,000 total square feet each pursuant to Town Code Section 16-416(a), *Residential Inclusionary Housing Requirements.* It is assured that there will not be a residence of greater than 3,000 square feet in the subdivision in that the unit size limitation for the R-4 MD Zone District top out at 1,700 square feet plus a potential garage of 350 square feet.

Non-Conforming Sheds: The proposed subdivision would create setback non-conformities with regards to several outbuildings on the property that would straddle the new lot line. Staff has included a draft condition requiring the Applicants to move or remove existing outbuildings/sheds in order for them to comply with the required setbacks prior to recording the Subdivision Plat.

Construction Management Plan: A draft condition is included that requires the Applicants to submit a construction management plan as part of the Final Site Plan Review on Lot B and for the Site Plan Review for any new residence to be built on either Lots A or C.

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 Applicants will have to pay additional fees as a result of adding a sewer EQRs.

VI. Recommendation

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

Representations:

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

Dimensional Requirements:

3. The dimensional requirements approved for the sketch site plan are as follows:

Dimensional Requirement	Elice Minor Subdivision
Min. Lot Area	Lots A & B- 3,071 sf Lot C- 6,142 sf
Building Height	24 Feet to Midpoint
Ridge Height	28 Feet
# of Stories	2
Lot Width	45.5 Feet
Front Yard Setback	10 Feet
Rear Yard Setback	10 Feet
Side Yard Setback	5 Feet
FAR	.5:1on each individual lot

Max Lot Coverage	NA
Min Landscape	>10%
Parking	2 Spaces for Each 2-Bedroom or 3-Bedroom Unit
Max. Unit Size	1,200 sf (2-Bedroom Unit proposed on Lot B) 1,385 sf (Existing 3-Bedroom Unit on Lot A) and any unit to be constructed to replace the existing unit shall be required to meet the maximum units size as set forth in the R-4 MD Zone District as it may be amended Future Development on Lot C shall be required to meet the maximum unit size as set forth in the R-4 MD Zone District as it may be amended

R-4 MD Site Plan Review:

4. Each new dwelling unit in the subdivision shall require R-4 MD Site Plan approval as set forth in Town Code Section 16-31(a)(2), *Supplemental Requirements for the R-4 Mixed Density Residential District*, prior to applying for building permits on each individual residence.

5. The Applicants shall include detailed architectural drawings for the residence to be constructed on Lot B in the Final Site Plan Review Application.

Non-Conforming Sheds/Outbuildings:

6. The Applicants shall move or remove the non-conforming sheds/outbuildings on the site to bring them into compliance with the R-4 MD setback requirements as they relate to the new lot lines created by the minor subdivision, prior to recording a final subdivision plat.

Construction Management Plan:

7. The Applicants shall submit construction management plans with each site plan review application for each individual residence to be constructed within the subdivision. The construction management plans 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.

Basalt Sanitation District Comments:

8. The Applicants shall demonstrate compliance with Basalt Sanitation District's rules and regulations and compliance with Basalt Sanitation District Engineer, Wyatt Popp's comments dated May 19, 2016 for each individual residence prior to the issuance of building permit on the individual residences in the subdivision. The Applicants shall also pay tap fees for each individual residence at the time of building permit issuance for each individual residence.

Development and Building Fees:

9. The Applicants shall pay all applicable development review fees on each 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 Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance on each individual residence in the subdivision.

Amended Subdivision Plat:

10. The Applicants shall submit an amended subdivision plat showing the common lot line between Lot A and Lot C complying with the required five (5) foot side yard setback from the existing residence prior to the approval of the Final Site Plan Review on Lot B and prior to the submittal of a Site Plan Application on Lot C.

Approval Documents:

11. The Applicant shall prepare an amended Minor Subdivision Plat for review and approval in conjunction with the final site plan review application for the new residence to be constructed on Lot B. The Minor Subdivision Plat must

be approved and recorded prior to the issuance of a building permit on any of the residences within subdivision.

Vested Rights:

12. Approval of the Sketch Site Plan Review for the residence to be constructed on Lot B does not grant vested property rights. The final subdivision approval and rezoning to R-4 MD will take place concurrently with approval of the Final Site Plan Review for the residence to be constructed on Lot B. The Sketch Plan Resolution will contain a condition that the Applicant is required to submit a Final Plan Application or the sketch plan approval will be null and void.

Attachments:
Application
Administration Determination of R-4 MD Eligibility
Referral Comments

Application

MARK & KRIS ELICE

April 16, 2016

To Town Of Basalt,

We are proposing to rezone the property we own at 150 West Homestead Drive from the existing R-3 Traditional Neighborhood zoning to R-4 Mixed Density (MD), and subdivide the property into three individual residential lots. The Town of Basalt has provided an Administrative Determination the property is eligible to apply for rezoning to R-4 MD. The proposed lots conform to the R-4 MD dimensional requirements. The existing surrounding Old Town Neighborhood contains areas of similar density and residential uses as those allowed in R-4 MD zone district.

There are two flat building areas on this property; one along Homestead Drive and one along Tucker Lane. Two of the proposed lots would front on West Homestead Drive and one of the lots would front on the Tucker Lane. Utilities are readily available in both Homestead and Tucker Lane. Adequate fire protection exists and was verified by Town staff and Fire Marshal. Off-street parking conforming to R-4 MD Parking Standards is proposed.

We are proposing the existing three bedroom residence remain on a 3,071 square foot lot, Lot A, with access to two off-street parking spaces from Homestead Drive. The current electrical and sewer service to the existing residence would be replaced with underground services installed in a deeded easement along the common property lines. As proposed the existing residence will encroach two feet into the 5'-0" setback on the east side. Any new structure would be required to meet the setback requirements.

We are proposing a new two bedroom 1,200 square foot residence with a 350 square foot garage on a 3,071 square foot lot, Lot B, fronting on Tucker Lane. Access and all utilities for this lot would be provided from Tucker Lane. The new residence conforms to the R-4 MD dimensional requirements.

We are proposing a 6,142 square foot lot, Lot C, fronting on Homestead Drive would be available for later development. Utilities and access are available for this lot from both Homestead Drive and Tucker Lane. All future development would be required to meet R-4 MD requirements.

We feel our proposal is in character with the existing neighborhood and the Town's goal of providing attainable housing than the existing zoning supports. Thank you for your consideration of this proposal.

Attached are: the Development Application, Town of Basalt Administrative Determination, satellite photographs of area, site & neighborhood photographs, property survey, proposed site plan, site model photographs and preliminary drawings for the proposed new residence.

Sincerely,
Mark and Kris Elice

P.O. 2211 Basalt, CO 81621 970-379-3214 markelice@eliceinc.com

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 _X_Rezoning _____ESA Environmental ____ESA Floodplain ____ Regular Rezoning ____Special Review _____Special Review for Off-Street Parking _____Variance _X_Minor Subdivision ____Minor Subdivision Condominimization

_____Major Subdivision or Replat
- _____Sketch Plan
- _____Preliminary Plat
- _____Final Plat

_____Planned Unit Development
- _____Sketch Plan
- _____Master Plan
- _____Preliminary Development Plan
- _____Final Development Plan
- _____ TRC Administrative Amendment

Other type of Application_____

Brief description of project: REZONE PROPERTY, SPLIT INTO THREE LOTS, EXISTING RESIDENCE TO REMAIN, ADD ONE RESIDENCE, CREATE ONE VACANT LOT

Contact Information

Name of Applicant(s): MARK & KRIS ELICE
Phone number 970-379-3214
Fax number -0-
E mail (if available) markeeliceinc.com
Address 124 E HOMESTEAD BASALT P.O. BOX 2211

Name of Owner(s): SAME
Phone number _____
Fax number _____
E mail (if available) _____
Address _____

Name of Owner's Representative: -0-

Phone number _____

Fax number _____

E mail (if available) _____

Please attach owner's authorization.

Name of Engineer or Surveyor: HIGH COUNTRY ENGINEER'G

Phone number 945-8676

Fax number _____

E mail (if available) _____

Name of Architect or Planner: MARK ELICE

Phone number 970-379-3214

Fax number -0-

E mail (if available) mark@eliceinc.com

Information on Existing Conditions

Existing Zoning: R3 TN Proposed Zoning: R4 MD

Total square feet or acreage in application 12,285 SF

Information on Proposed Development

Total number of dwelling units: 2 Number of bedrooms: 5

Total floor area: EXIST'G RES. 1,300 SF, NEW RESIDENCE 1,200 SF W/GARAGE

Proposed gross floor area by use (non-residential development only): -0-

Area of open space to be provided: _____

Legal Description

Legal Description of property (attach if necessary):

SEE ATTACHED SURVEY

Reception No. of Deed: _____

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, Colorado
Administrative Determination No. 03
Series of 2016

ADMINISTRATIVE DETERMINATION OF THE TOWN PLANNER OF THE TOWN OF BASALT, COLORADO, FINDING THE PROPERTY LOCATED AT 150 W. HOMESTEAD DRIVE ELIGIBLE TO APPLY FOR REZONING TO THE R-4 MIXED DENSITY RESIDENTIAL (R-4 MD) ZONE DISTRICT

The undersigned certifies as follows:

1. On or before March 15, 2016, the Town Planner of Basalt, Colorado, considered a request submitted by Mark Elice ("Applicant") to determine the property eligible for rezoning to the R-4 Mixed Density Residential (R-4 MD) Zone District.

2. Town Code Section 16-31, *Supplemental requirements for the R-4 Mixed Density Residential District*, requires a determination be made by the Town Planner as to whether a property is eligible for submitting a R-4 MD rezoning application to the Town for consideration.

3. The criteria for determination of R-4 MD eligibility are as follows:

   a. Property must contain 12,000 square feet;
   b. Few development or environmental constraints exist;
   c. Utilities and services are existing or can be affordably provided;
   d. Property is relatively flat;
   e. Adequate fire protection exists or can be established.

4. The Town Planner finds that the Property is eligible for application to rezone to the R-4 MD Zone District as it contains 12,000 square feet, there are few development or environmental constraints, the majority of the utilities are provided for in the alley behind the property, the Property contains flat bench areas suitable for development, and adequate fire protection exists as was determined through a site visit with the Fire Marshal and Fire Chief of the Basalt and Rural Fire Protection District.

5. The Town Planner hereby approves an administrative determination finding the property located at 150 Homestead Drive eligible for application to rezone to the R-4 MD Zone District.

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

6. This administrative determination does not constitute a rezoning of the Property or a recommendation on whether the Property should be approved for rezoning by the Town Council in the future.

7. A copy of this Certificate shall be inserted in the Town's file for this matter and may be recorded in the Eagle County records.

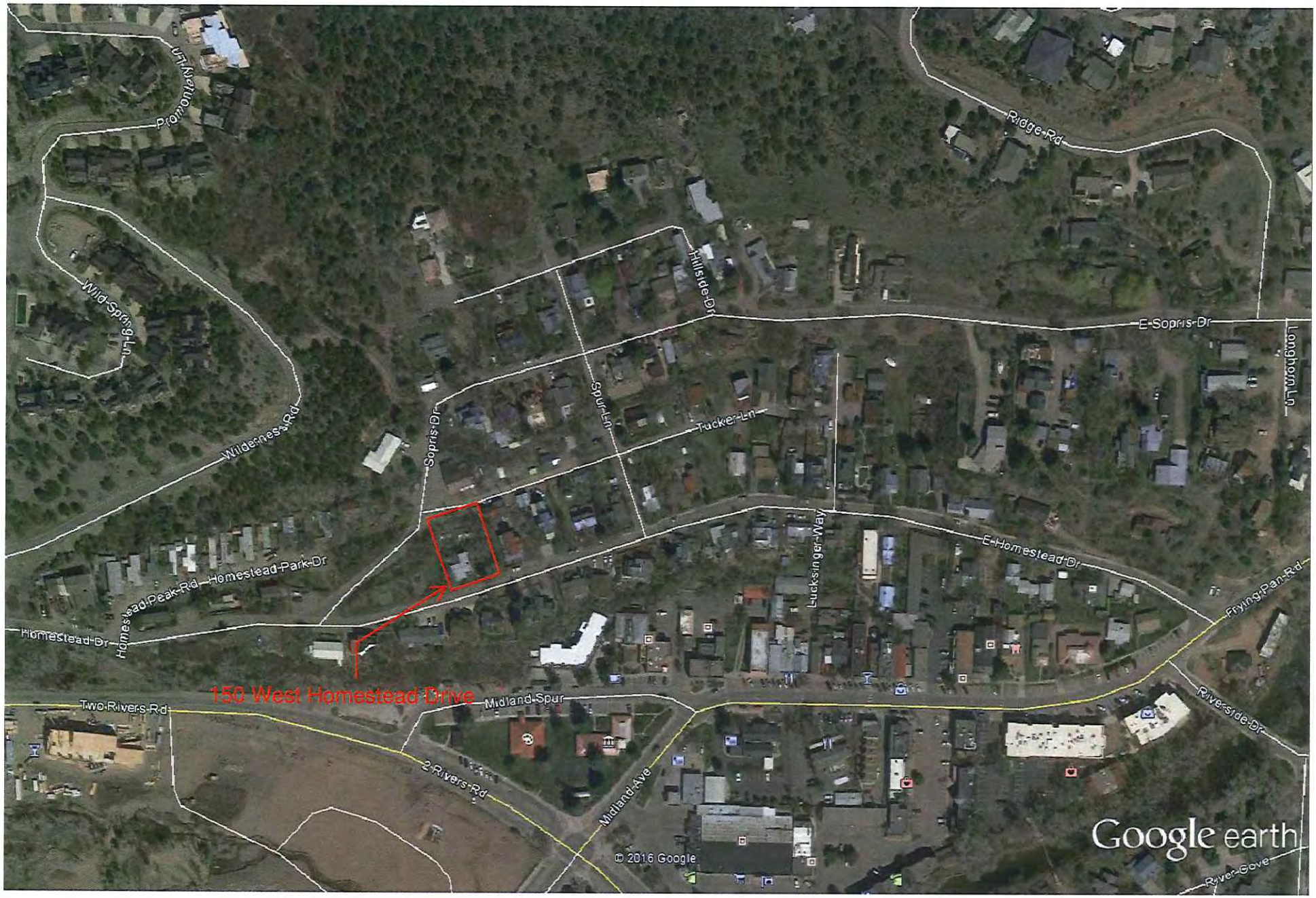
8. The Owner may rely on the actions of this administrative determination as set forth herein.

The undersigned has executed this administrative determination as of March 15, 2016.

TOWN OF BASALT, COLORADO

By: _____
Susan Philp, Town Planner

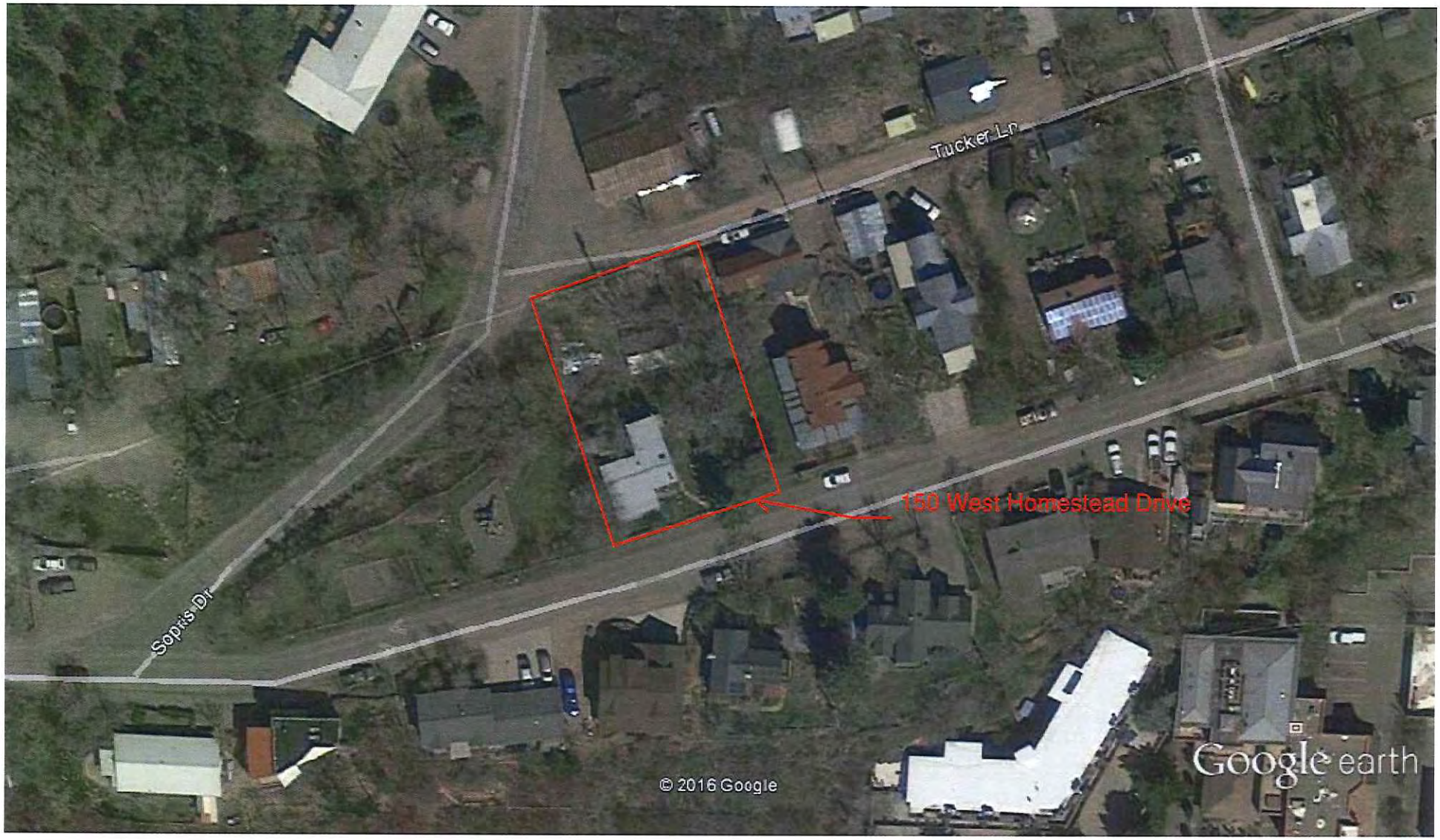
Attachments:
Potential Site Plan



Google earth

feet 1000

meters 400



Google earth

feet 400
meters 100

Panorama View From Homestead Drive Looking Towards Site

Panorama View From Homestead Drive Away From Site

Panorama View From Tucker Lane Looking Towards Site

Panorama View From Tucker Lane Looking Away From Site

IMPROVEMENT SURVEY PLAT

A PARCEL OF LAND SITUATED IN TRACT 45, SECTION 7. T.8 S., R. 86 W. OF THE 6TH P.M.
TOWN OF BASALT, COUNTY OF EAGLE, STATE OF COLORADO

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

LEGEND

- UTILITY POLE/POWER POLE
- TELEPHONE PEDESTAL
- SANITARY MANHOLE
- WATER SHUTOFF
- STORM GRATE
- (N69°40'E) RECORD DATA

PROPERTY DESCRIPTION (TITLE COMMITMENT)

PARCEL 1A:

THE WESTERLY 16.00 FEET OF LOT 19, BLOCK A, LUCKSINGER BROTHERS ADDITION TO THE TOWN OF ASPEN JUNCTION (NOW KNOWN AS BASALT), ACCORDING TO THE PLAT THEREOF FILED ON MARCH 1, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 19, BLOCK A, THENCE N 69 DEGREES 40 MINUTES E 16.00 FEET, THENCE N 20 DEGREES 20 MINUTES W 130.00 FEET, THENCE S 69 DEGREES 40 MINUTES W 16.00 FEET, THENCE S 20 DEGREES 20 MINUTES E 130.00 FET TO THE POINT OF BEGINNING.

PARCEL 1B:

LOTS 20 AND 21, BLOCK A, LUCKSINGER BROTHERS ADDITION TO THE TOWN OF ASPEN JUNCTION (NOW KNOWN AS BASALT), ACCORDING TO THE PLAT THEREOF FILED ON MARCH 1, 1892 AND A PARCEL OF LAND DESCRIBED AS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 21, BLOCK A, LUCKSINGER BROTHERS ADDITION, THENCE WEST 25 FEET, THENCE NORTH 130 FEET, THENCE EAST 25 FEET, THENCE SOUTH 130 FEET TO THE POINT OF BEGINNING.

PARCEL 1C:

A TRACT OF LAND IN BLOCK A, LUCKSINGER BROTHERS ADDITION TO THE TOWN OF ASPEN JUNCTION (NOW KNOWN AS BASALT), ACCORDING TO THE PLAT THEREOF FILED MARCH 1, 1892 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 19, SAID BLOCK A, THENCE N 69 DEGREES 40 MINUTES E 16.00 FEET, THENCE S 20 DEGREES 20 MINUTES E 5.00 FEET, THENCE S 69 DEGREES 40 MINUTES W 91.00 FEET, THENCE N 20 DEGREES 20 MINUTES W 5.00 FEET, THENCE N 69 DEGREES 40 MINUTES E 75.00 FET TO THE POINT OF BEGINNING.

PARCEL 2:

LOT A, MINOR SUBDIVISION OF BASALT TOWN SHOP PARCEL, ACCORDING TO THE PLAT RECORDED MAY 23, 1994 IN BOOK 641 AT PAGE 123 AS RECEPTION NO. 537171.

COUNTY OF EAGLE, STATE OF COLORADO

NOTES:

1. BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF S70°36'46"W BETWEEN THE SOUTHEAST CORNER OF PARCEL 1C AND THE SOUTHWEST CORNER OF PARCEL 1C, NO. 5 REBARS AND 1-1/4" YELLOW PLASTIC CAPS MARKED PROP CORNER HCE INC. LS19598 AS SHOWN HEREON.
2. DATE OF SURVEY: OCTOBER 8 AND OCTOBER 13, 2014.
3. LINEAR UNITS USED TO PERFORM THIS SURVEY WERE U.S. SURVEY FEET.
4. THIS SURVEY IS BASED ON RECEPTION NO. 537171 AND 603401 OF THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE AND CORNERS FOUND IN PLACE.
5. THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE AND EXCEPTIONS TO TITLE SHOWN IN THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, DATED JULY 8, 2014 (ORDER NUMBER BAR6400167) AND THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, DATED JULY 16, 2014 (ORDER NUMBER BAR6400171).
6. THAT PARCEL LABELED "PARCEL 1C" IS A PORTION OF HOMESTEAD DRIVE VACATED IN RECEPTION NO. 398465 OF THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE.

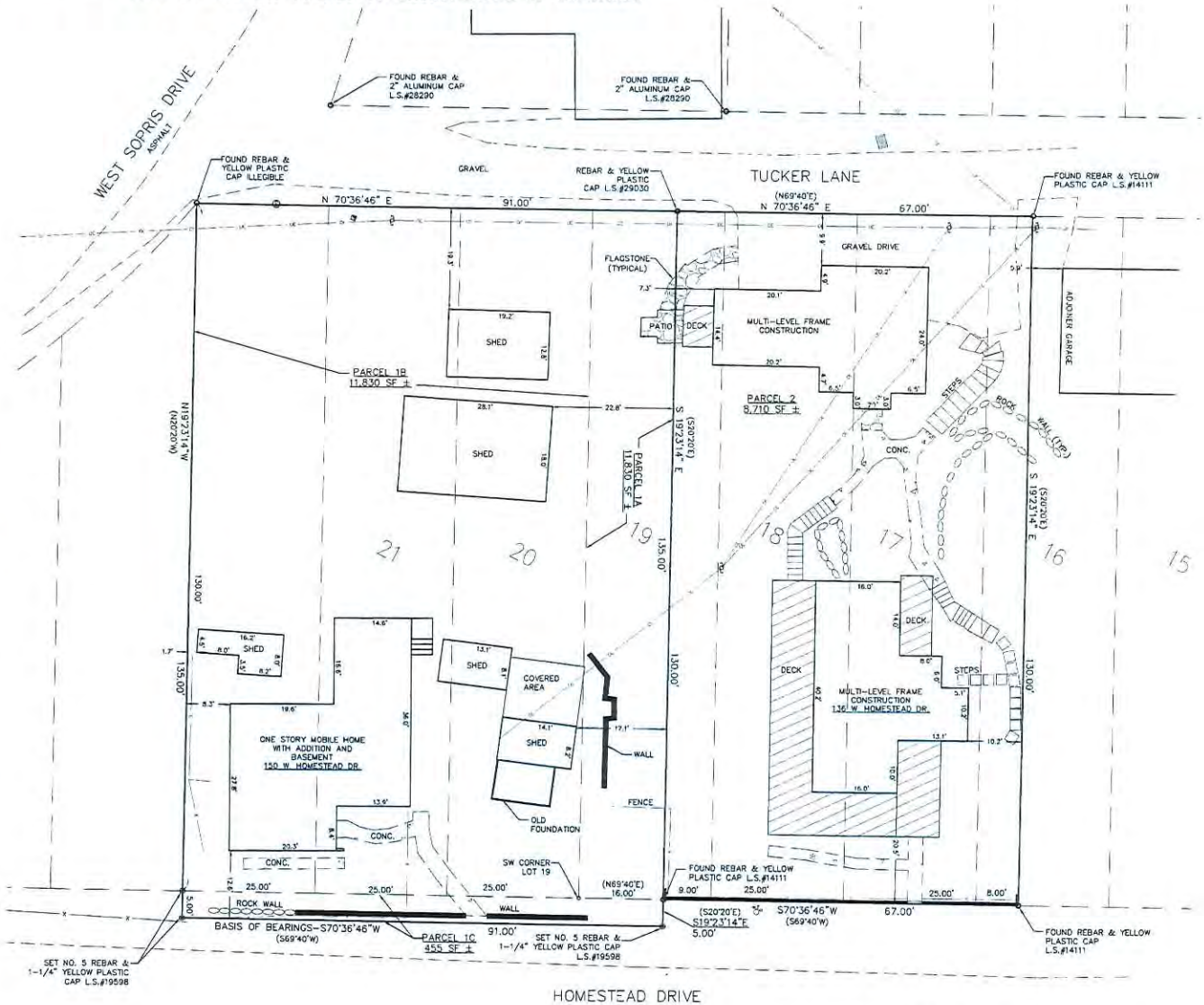
IMPROVEMENT SURVEY STATEMENT

I HEREBY STATE THAT THIS IMPROVEMENT SURVEY WAS PREPARED BY HIGH COUNTRY ENGINEERING, INC. FOR THE TOWN OF BASALT.

I FURTHER STATE THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, OCTOBER 13, 2014, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED. LINEAR ERROR OF CLOSURE IS LESS THAN 1:10,000.

BY: _____ 10/17/14
FRANK W. HARRINGTON, L.S. NO. 19598

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.



COUNTY SURVEYOR'S CERTIFICATE

DEPOSITED THIS _____ DAY OF _____, 2014, AT _____ M. IN BOOK _____ OF THE EAGLE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHTS-OF-WAY SURVEYS, AT PAGE _____.
THIS LAND SURVEY PLAT COMPLIES WITH SECTION 38-51-106(1), OF THE COLORADO REVISED STATUTES.

_____
COUNTY SURVEYOR

CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987
OR 811 (303)730-9591 METRO DENVER
CALL BEFORE YOU DIG, AT LEAST 2 WORKING DAYS PRIOR TO EXCAVATION, TO LOCATE UNDERGROUND UTILITIES.

NO	DATE	REVISION	BY

DRAWN BY: TVH
DESIGNED BY: RPK
DATE: 10/14/14

HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101,
GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-2928 FAX (970) 945-2955
WWW.HCENG.COM

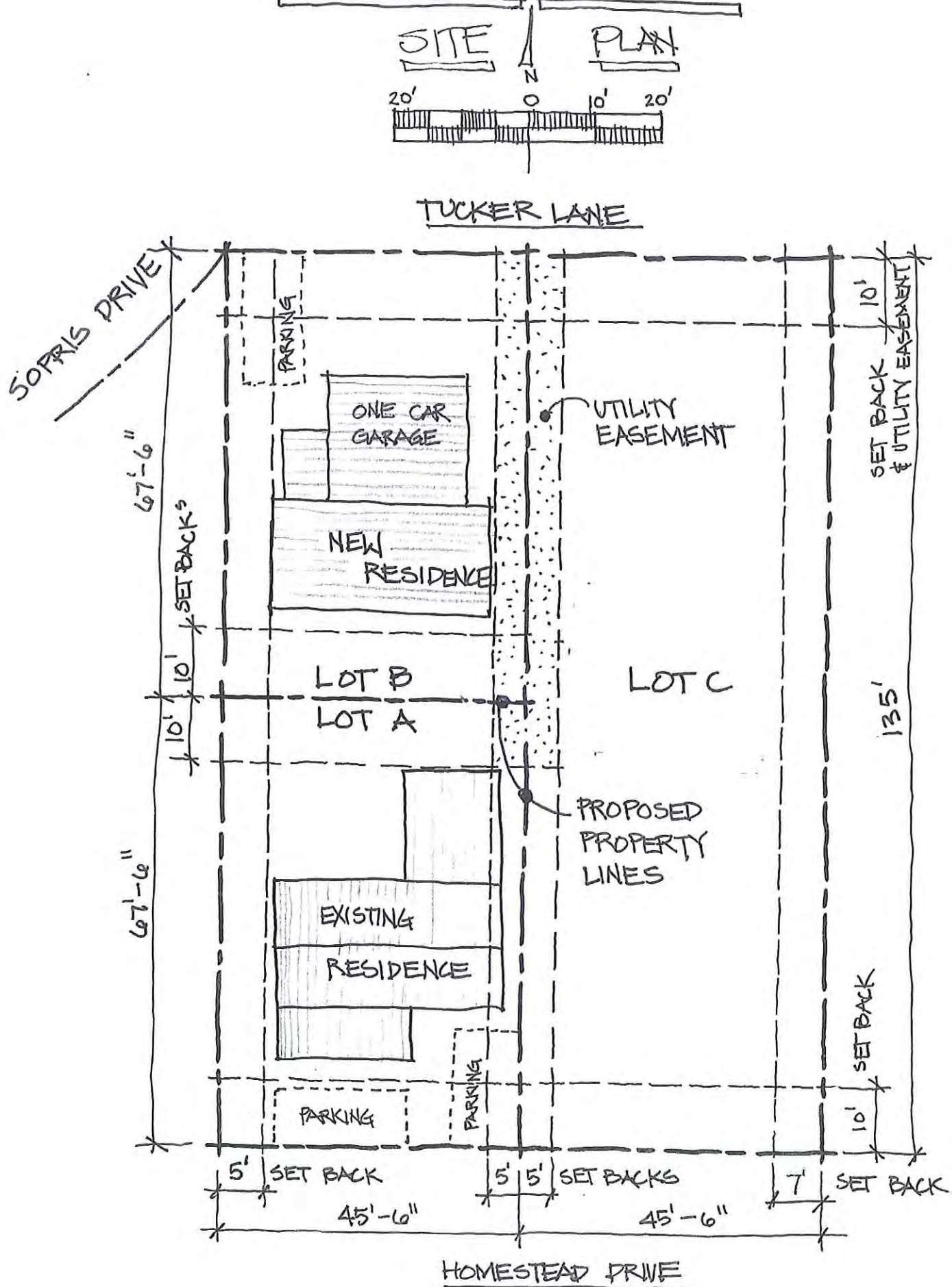
TOWN OF BASALT
136 AND 150 W. HOMESTEAD DR.
IMPROVEMENT SURVEY PLAT

PROJECT NO
2141672.01

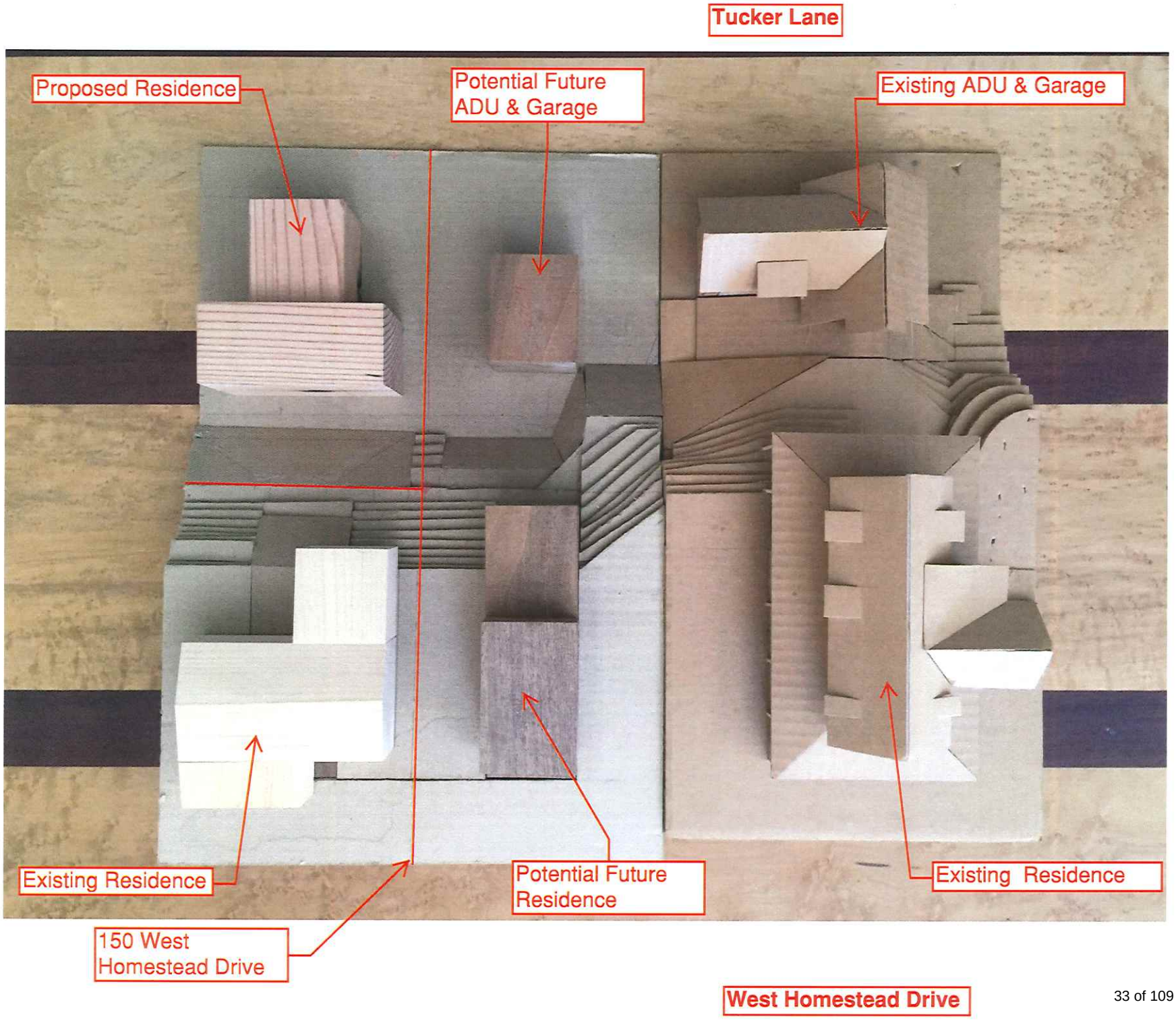
1 OF 1

150 W. HOMESTEAD PROPOSAL

SITE PLAN

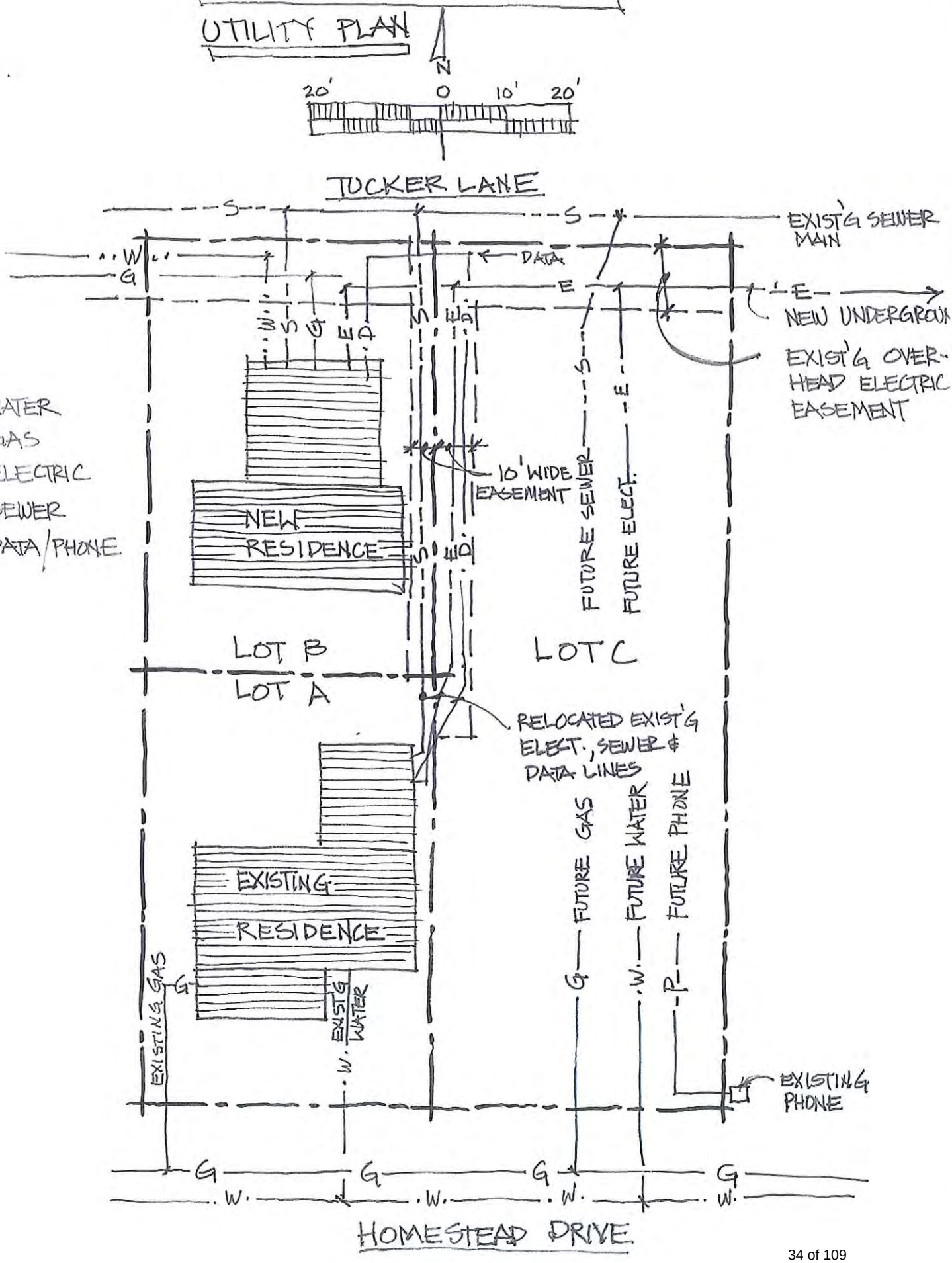


4/3/16


Tucker Lane
Proposed Residence
Potential Future ADU & Garage
Existing ADU & Garage
Existing Residence
150 West Homestead Drive
Potential Future Residence
Existing Residence
West Homestead Drive

150 W. HOMESTEAD PROPOSAL

UTILITY PLAN



AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING AMENDMENTS TO BASALT MUNICPAL CODE SECTION 16-31, SUPPLEMENTAL REQUIREMENTS FOR THE R-4 MIXED DENSITY RESIDENTIAL DISTRICT, TOWN OF BASALT, COLORADO

Ordinance No. 04
Series of 2015

Table 1			
	Single family detached	150 Homestead as Proposed	Multifamily
Minimum lot area (in square feet)	2,500	Lot A & B - 3,071 Lot C - 6,142	7,500
Maximum building height (feet)	24	Less than 24	33
Highest point to a pitched roof (feet)	28	Less than 28	35
Maximum Number of stories	2	2	3
Min. lot width	32	45.5	70
Front Yard Setback	Applies to Individual lots		Applies to Buildings
• Major collector	10	10	10
• Local	10	10	10
Rear Yard (feet)	10 [Note 2]	10	10 [Note 2]
Side Yard (feet)	5 for conventional [Note 2]	7 on Lot C east side 5 on all other sides	5 [Note 2]
Max FAR	[Note 3]	Lot A .46 : 1 Lot B .39 : 1	[Note 3]
Maximum lot coverage	none	none	none
Minimum landscaped open space	10%	Greater than 10%	10%
Maximum Unit Size -including ~~garage and any other accessory units or structures~~ all other floor area except for garages Total square feet 3 bedroom 2 bedroom 1 bedroom	~~2,350~~ 1,700 ~~2,350~~ 1,700 1,200 800	1,200	~~1,385~~ 1,135 1,135 965 800

150 Homestead as Proposed

Efficiency adu (in square feet)	500 See16-31(c)2 Note 3	na	na Note 3
Minimum Unit Size – excluding garage and any other accessory units or structures and not including adus Total square feet			
3 bedroom	na	na	1,000
2 bedroom	na	na	750
1 bedroom	na	na	580
Efficiency	na	na	415
adu (in square feet)	300 Sec. 16-31(c)2		na
Max Garage Size, excluded from Maximum Unit Size (in square feet)	350	350	~~NA~~ Note 4
Separation between buildings	10	Greater than 10	15 down to 5 [see 16-31 (d)]

Note 1: Lot size will vary and will be approved through the subdivision process but shall not be lower than 1,250 sq. ft.
Note 2: Zero lot line configurations may be approved on one side of the lot with the other side yard at a minimum of 10 feet provided there is a maintenance easement on the adjoining lot at the zero lot line to allow access. Lots zoned R-4 MD that adjoin properties zoned to a zone district other than R-4 MD shall be required to maintain a required setback at least equal to the required setback of the adjoining property.
Note 3: The maximum floor area is .5:1. The maximum floor area ratio shall be applied to the overall parcel only. Individual parcels within the master parcel shall receive their floor area allocations from the total floor area authorized for the master parcel during the site plan review process. A maximum floor area for the master parcel may be approved by the Town Council up to .8:1 through the special review process. A higher floor area ratio than .8:1 may be obtained by going through the PUD process. The maximum unit sizes stated in this table may not be attainable because the overall floor area permitted for the master parcel could restrict the unit sizes further.
Note 4: the maximum garage size for multi-family development shall be established through the Site Plan Review process. The maximum size for a multi-family unit does not include exterior circulation such as common hallways outside a unit.

R-4 MD
Eligibility

Town of Basalt, Colorado
Administrative Determination No. 03
Series of 2016

ADMINISTRATIVE DETERMINATION OF THE TOWN PLANNER OF THE TOWN OF BASALT, COLORADO, FINDING THE PROPERTY LOCATED AT 150 W. HOMESTEAD DRIVE ELIGIBLE TO APPLY FOR REZONING TO THE R-4 MIXED DENSITY RESIDENTIAL (R-4 MD) ZONE DISTRICT

The undersigned certifies as follows:

1. On or before March 15, 2016, the Town Planner of Basalt, Colorado, considered a request submitted by Mark Elice ("Applicant") to determine the property eligible for rezoning to the R-4 Mixed Density Residential (R-4 MD) Zone District.

2. Town Code Section 16-31, *Supplemental requirements for the R-4 Mixed Density Residential District*, requires a determination be made by the Town Planner as to whether a property is eligible for submitting a R-4 MD rezoning application to the Town for consideration.

3. The criteria for determination of R-4 MD eligibility are as follows:

   a. Property must contain 12,000 square feet;
   b. Few development or environmental constraints exist;
   c. Utilities and services are existing or can be affordably provided;
   d. Property is relatively flat;
   e. Adequate fire protection exists or can be established.

4. The Town Planner finds that the Property is eligible for application to rezone to the R-4 MD Zone District as it contains 12,000 square feet, there are few development or environmental constraints, the majority of the utilities are provided for in the alley behind the property, the Property contains flat bench areas suitable for development, and adequate fire protection exists as was determined through a site visit with the Fire Marshal and Fire Chief of the Basalt and Rural Fire Protection District.

5. The Town Planner hereby approves an administrative determination finding the property located at 150 Homestead Drive eligible for application to rezone to the R-4 MD Zone District.

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

6. This administrative determination does not constitute a rezoning of the Property or a recommendation on whether the Property should be approved for rezoning by the Town Council in the future.

7. A copy of this Certificate shall be inserted in the Town's file for this matter and may be recorded in the Eagle County records.

8. The Owner may rely on the actions of this administrative determination as set forth herein.

The undersigned has executed this administrative determination as of March 15, 2016.

TOWN OF BASALT, COLORADO

By: _____
Susan Philp, Town Planner

Attachments:
Potential Site Plan

Referral Comments

James Lindt

From: Bill Harding <bharding@basaltfire.org>
Sent: Tuesday, March 15, 2016 1:26 PM
To: James Lindt
Cc: Brooke Stott; Scott Thompson
Subject: RE: 150 Homestead Drive

Hi James,

To follow up on our discussion today. From a fire safety standpoint the lot split is acceptable.

Access is good with the property close to the wye for both Homestead Ave. and Sopris Ave. Both Homestead and Sopris are 20 feet wide and have two means of access available to them.

There is a hydrant 240 feet from the alley side and a hydrant located just in front of 150 Homestead. The requisite water flow for manual fire firefighting is available at 20 psi residual.

If you need further assistance regarding this feel to contact me at your convenience.

Sincerely,

Bill Harding, Fire Marshal

From: James Lindt [mailto:james.lindt@basalt.net]
Sent: Monday, March 14, 2016 9:46 AM
To: Bill Harding
Subject: 150 Homestead Drive

Hi Bill,
You may recall that Susan and I met with you and Scott at Mark Elice's Property at 150 Homestead in October of last year to look Mark's concept of splitting the property into 2 lots per the attached site plan. At that time you and Scott indicated that you did not think it was going to be an issue from a fire service perspective. Mark has now requested eligibility to apply to rezone to the R-4 MD Zone District, which is the first step in the rezoning/Minor Subdivision process. Therefore, I wanted to check back in with you to make sure you still don't have any big issues with the concept from a fire protection standpoint?

If you need to go back out there and do a site visit, I'd be happy to meet you and walk you through Mark's concept.

Thanks,

James Lindt, AICP
Assistant Planning Director
Town of Basalt
(970) 927-4701 ext. 201
James.lindt@basalt.net

OLSSON
ASSOCIATES

May 19, 2016

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

Re: Mark and Kris Elice Application
Rezone and Minor Subdivision

Dear Board of Directors:

Olsson Associates (Olsson) has reviewed the Rezone and Minor Subdivision Application to rezone the property at 150 Homestead Drive and divide into three individual residential lots (Application). Olsson initiated the review on May 11, 2016 as directed by Denise Diers.

The Application indicates that the property includes an existing residence with an existing sewer service. The application proposes to subdivide into three separate lots. Each lot proposes to connect individual sewer services to the sanitary sewer main within Tucker Lane (between MH E-6 and MH E-7). The application indicates that the eastern most lot could potentially have a single family residence along with 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. As a result the application would potentially create 4 EQRs including the existing EQR for the existing residence.

A Utility Plan is included with the Application, which illustrates the general location of proposed sanitary sewer services. The Utility Plan did not include any design information associated with the services. Additional information may be required per the District's Rules and Regulations if there are impacts to the District's facilities beyond the three proposed sewer service connections which should be performed in accordance with the District's Rules and Regulations.

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

Sincerely,

Wyatt E. Popp, PE
Senior Engineer

760 Horizon Drive, Suite 102
Grand Junction, CO 81506

TEL 970.263.7800
FAX 970.263.7456

www.olssonassociates.com

James Lindt

From: Jim Wilson
Sent: Monday, April 25, 2016 11:03 AM
To: James Lindt
Subject: RE: Town of Basalt Development Review Referral-150 Homestead Drive Rezoning, Sketch Site Plan, and Minor Subdivision

Hey James,

The applicant states in the cover letter that, with the new lot lines, the existing residence will encroach 2' into the required 5' setback. Said encroachment of the existing residence is shown on the proposed site plan, but it isn't dimensioned. I have two comments on creating this nonconformity.

1) It seems like creating nonconformities with added or moved property lines would be a violation of basic zoning principles. I wasn't able to find any mention of it in the Basalt Municipal Code except under the (Sec. 17-4) definition of "minor subdivision". Condition 2 suggests that nonconformities should not be created with relocation or adjustment of a lot line. It could be argued that it doesn't apply to added property lines.

2) If the added property line provides less than a 5' setback to the existing residence, the building code (IRC Sec. R302.1) will require the east wall of the residence to be 1-hour fire rated and window openings will be limited to 25% of the (east) wall area. Any roof overhangs or projections on the east side of the residence will also need to be fire rated. The building code has a similar principle that nonconformities should not be created by property lines. The context of IBC Sec. 704.3 is construction of a new building on the same lot as an existing building. Adequate fire separation must be provided between the buildings or modifications to the existing building are required to accommodate the new building. This isn't two buildings on the same lot but the consideration of fire spread between two buildings is no different.

If the property line cannot be located so that no nonconformities are created then the existing building must be fire-rated as required by building code. The building code will not allow the existing building to be nonconforming.

Regards,

Jim Wilson
Building Official
Town of Basalt
jim.wilson@basalt.net
101 Midland Ave.
Basalt, CO 81621
970.927.4702

-----Original Message-----
From: James Lindt
Sent: Friday, April 22, 2016 6:05 PM
To: Boyd Bierbaum; Jim Wilson; 'jason.sharpe@centurylink.com'; Rick Lofaro; Greg Knott; Shannon L. Pelland; Susan Philp; Bill Harding; Brooke Stott (bstott@basaltfire.org); James Lindt; Ryan.Echer@sourcegas.com; Basalt Sanitation <admin@basaltsanitation.org> (admin@basaltsanitation.org); Denise Diers; rwinder@holycross.com

James Lindt

From: Greg Knott
Sent: Tuesday, April 26, 2016 12:02 PM
To: James Lindt
Subject: RE: Town of Basalt Development Review Referral-150 Homestead Drive Rezoning, Sketch Site Plan, and Minor Subdivision

James,

I have reviewed the application to rezone and subdivide the lot located at 150 Homestead Drive. At this time I do not have referral comments regarding this application.

Greg

-----Original Message-----
From: James Lindt
Sent: Friday, April 22, 2016 6:05 PM
To: Boyd Bierbaum <boyd.bierbaum@basalt.net>; Jim Wilson <jim.wilson@basalt.net>; 'jason.sharpe@centurylink.com'; Rick Lofaro <rick@roaringfork.org>; Greg Knott <greg.knott@basalt.net>; Shannon L. Pelland <pelland@rfsd.k12.co.us>; Susan Philp <susan.philp@basalt.net>; Bill Harding <bharding@basaltfire.org>; Brooke Stott (bstott@basaltfire.org) <bstott@basaltfire.org>; James Lindt <james.lindt@basalt.net>; Ryan.Echer@sourcegas.com; Basalt Sanitation <admin@basaltsanitation.org> (admin@basaltsanitation.org) <admin@basaltsanitation.org>; Denise Diers <dediers1@gmail.com>; rwinder@holycross.com
Subject: Town of Basalt Development Review Referral-150 Homestead Drive Rezoning, Sketch Site Plan, and Minor Subdivision

Referral agencies:

Please provide us with referral comments on the attached Development Review Application to rezone and subdivide the property at 150 W. Homestead Drive for the construction of a new residence with a garage and a new vacant lot for the construction of a future single-family residence.

We have a Basalt TRC meeting scheduled for May 25, 2016.

Please provide comments by noon, Tuesday, May 24, 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

-----Original Message-----
From: James [mailto:jamesl@basalt.net]
Sent: Friday, April 22, 2016 2:14 PM
To: James Lindt
Subject: Message from "RNP002673A7D646"

This E-mail was sent from "RNP002673A7D646" (MP C2503).

Scan Date: 04.22.2016 14:14:05 (-0600)

MEMORANDUM

To: Chairman Johns and Basalt Planning and Zoning Commission

Thru: Susan Philp, AICP Planning Director

From: James Lindt, AICP Assistant Planning Director

Date: July 19, 2016

RE: Continued Public Hearing- Stott's Mill PUD Reinstatement for Single-Family Section and Sketch Site Plan Review and Associated Reviews for Multi-Family Residential Section

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I. Purpose:

MSP1 LLC. ("Applicant") is requesting approval for: 1) Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development, and 2) Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units on the Stott's Mill Property.

II. Background:

The 18-acre property subject to the Application is currently vacant with the exception of a couple of agricultural buildings and is located on the east side of Southside Drive adjacent to the Rio Grande Trail. The property is currently located in unincorporated Pitkin County. The Applicant has applied to annex the property into the Town and to reinstate the 2009 PUD approvals for the majority of the single-family family residential portion of the development and a sketch site plan review through the proposed R-4 MD Zone District for the multi-family portion of the development adjacent to Southside Drive The property is located in the Town's Urban Growth Boundary (UGB) and is designated as Medium Density Residential (MDR) and Public Open Space (OS) on the Future Land Use Map (FLUM) that is included in the 2007 Basalt Master Plan.

The Applicant received annexation and PUD approvals in 2009 for 110 dwelling units, a daycare core and shell, a south and north park, and associated infrastructure pursuant to Ordinance No. 18, Series of 2009. The new proposal includes 156 dwelling units, fifty-six (56) of which are proposed as single-family dwellings and ninety (90) of which are proposed as multi-family dwelling units. Additionally, the Applicant has proposed two (2) parks in the same configuration as the parks that were included in the 2009 approvals. Site plan and elevation drawings were attached in the July 5th packet.

III. Review Process:

The Applicant has received approval for annexation eligibility pursuant to Resolution No. 14, Series of 2016. The Town's policy is not to annex a property until a development proposal is approved. The P&Z makes a recommendation to the Town Council on the proposed PUD reinstatement on the single-family portion of the development, and on the R-4 MD Sketch Site Plan Review.

IV. July 5, 2016 P&Z Meeting:

An introductory meeting was held on July 5th, at which the Applicant presented the proposal and Staff presented the status of some of the discussion items, the P&Z considered public comments, and provided initial P&Z comments. The P&Z identified additional information needed to further evaluate the application. Staff has tried to provide as much of the additional information requested as possible. Some additional information may still need to be produced for the P&Z to make a final determination on the Application.

V. Additional Information:

Density Comparison to Southside Subdivision- P&Z asked for a comparison between the density allowed in the neighboring Southside Subdivision to the Stott's Mill proposal. The Southside Subdivision including the Southside Townhomes and Southside Phase IV, contains an approved buildout of 101 dwelling units over a total of 21.5 acres, equaling 4.7 units per acre. Stott's Mill as proposed includes 156 dwelling units on over 18.01 acres of property, equaling 8.7 units per acre. The 2009 Stott's Mill approval included 110 dwelling units over 18 acres, equaling approximately 6 units per acre.

Childcare Coalition Recommendations- At the last meeting it was discussed that there was a requirement for the Applicant to construct a 3,000 square foot core and shell space for daycare in the 2009 Stott's Mill approval. Growing Years Preschool was actively looking for a space at the time and the Town expressed that daycare was an important community benefit to include in the Final Plan Annexation proposal. The Applicant was allowed five (5) additional dwelling units in exchange for incorporating the daycare in the plan between Preliminary Plan and Final Plan Review.

As was discussed at the last meeting, the Applicant did not include a daycare contribution on the site in the Application because the Applicant believes that a more regional approach is necessary to solve the problem and that Stott's Mill is not a good site for daycare as it should be located closer to Highway 82. The Childcare Coalition reviewed the Application and expressed that they thought the Application should include a daycare component given that they expect a significant number of children to live in the proposed development. With the increase in density of the project, the Childcare Coalition thought that the 2009 requirement for a 3,000 square foot daycare core and shell to be provided by the Applicant should be increased to a 5,000 square foot core

and shell daycare space. Additionally, the Coalition felt that a good option would be to convert the ground floor of the southernmost proposed apartment building (labeled as Building 4 on the site plan) to a 5,000 square foot daycare space with a drop off and playground in the proposed open area between Building 4 and Amesbury Drive.

After hearing the Childcare Coalition's recommendation, the Applicant submitted an addendum to the Application to propose a 4,000 square foot daycare space on the first floor of the building to built on Lot 37, of Block 4, located on the corner of Amesbury Drive and Centennial Lane with a drop-off area along Centennial Lane pursuant to similar terms that were provided in the 2009 approvals for the daycare space. The Applicant has suggested that the play area could be across Amesbury Drive in the South Park area or that the daycare play area could be placed on a portion of Lot 38 pursuant to a lease with the Applicant. The Applicant has suggested that if a daycare ceases to exist in the space that it would revert to the Applicant for conversion to residential.

Consistent with the Applicant's revised proposal to provide 4,000 square feet of core and shell daycare space, Staff has included a draft condition as Option #1 that would require the Applicant to provide a 4,000 square foot core and shell daycare space. The draft condition varies slightly from the Applicant's proposal as it would require that if a daycare operator cannot be found to use the space, that the Town Council could authorize another non-daycare public use of the space consistent with the daycare provisions in the 2009 approvals. Alternatives to the Applicant's revised proposal for 4,000 square feet of daycare space that the P&Z could consider include the following:

a) Require 5,000 square feet of core and shell daycare space be provided on the first floor of Apartment Building #4, consistent with the Childcare Coalition's recommendation (shown as Condition Option #2 in the draft conditions); or,

b) Identify a location in the Project for the Applicant to construct a 3,000 sf core and shell space similar to what was included in the 2009 approvals; or,

c) Require the Applicant to dedicate land to the Town for daycare purposes as was required of the Continuous Care and Retirement Community (CCRC) that was approved for the site after the 2009 approvals were vacated; or,

d) Require the Applicant to pay a fee for use by the Town in enacting daycare solutions as was required of Willits Town Center in the recent PUD amendment approvals.

Traffic Study and Traffic Solution Options- Staff received an initial traffic report from SGM that identifies that at buildout, Stott's Mill under the current proposal would generate a 36% increase in traffic at the Basalt Avenue/Highway 82 intersection to trigger a CDOT access permit. The traffic study concludes that without additional traffic mitigation, the anticipated buildout of all of the properties remaining in Southside would

create operational deficiencies. It is identified in the traffic study that laneage changes and signal changes in connection with the Basalt Avenue pedestrian underpass will have impacts on reducing the traffic issues in the short-term, but that operational deficiencies still exist in the long-term if buildout occurs as anticipated in the study.

SGM included several improvement alternatives that could mitigate the traffic impacts of the long-term buildout anticipated in Southside. The two (2) improvements that were identified as potential solutions include: 1) a mini-roundabout and laneage improvements at Basalt Ave./Cody Lane as shown on the attached excerpt from the traffic report, or 2) a vehicular underpass at Midland Avenue. It is anticipated that the mini-roundabout and laneage improvements would cost less than $1 Million to install and the vehicular underpass at Midland Avenue could be a considerable cost. The traffic modeling showed that the Midland Avenue underpass option would sufficiently mitigate the traffic anticipated from buildout in Southside under the currently anticipated development scenarios and maintain the Basalt Avenue/Highway 82 intersection at an acceptable level of service over the next 20 years. Conversely, the modeling showed that the mini-roundabout and laneage improvements would help mitigate the traffic impacts but that the intersection would still operate at an unacceptable level at buildout in the PM Peak times unless slight reductions are made to intensity of development anticipated for Southside.

Staff anticipates scheduling a worksession with Council in August to present the traffic report and mitigation options to get the Council's feedback. In moving forward with the P&Z's analysis of this Application, Staff believes that the mini-roundabout may be a realistic improvement that could be funded given that its anticipated cost would be less than $1 Million as opposed to the potential cost of the Midland Avenue Underpass that would likely be a significant cost and require amendments to State Planning Documents to permit the improvements. As noted in the attached traffic study excerpts, the mini-roundabout and the corresponding laneage changes would only improve the operations of the intersection to an acceptable level if the overall anticipated intensity of development for Southside were reduced, which is a separate discussion topic.

Staff has included a draft condition that would require that the Applicant either: 1) complete the construction of the traffic mitigation improvement deemed necessary by the Town and be reimbursed by other developments in Southside when they build, or 2) pay the Town to construct the desired intersection improvement plus 15% prior to the issuance of the first building permit in the development and be reimbursed by other developments in Southside when they build.

Southside Drive Cross-Section- In acquiring the funding for the Basalt Avenue pedestrian underpass, Pitkin County elevated the importance of improving the trail from the Rio Grande Trail to the Highway 82/Basalt Avenue underpass. Pitkin County Open Space and Trails is working with the Town Parks, Open Space and Trails (POST) Committee to determine the desired long-term road cross-section for South Side Drive and associated improvements. Additionally, POST has also expressed the need to

improve the trail. The Town POST Committee reviewed options for the Southside Drive Cross-Section and recommended that Pitkin County's consultant draw a cross-section consisting of a wider trail on the west side with a bike indicator in the travel lanes going north; and a designated bike lane with no parking on the west side of Southside Drive.

Staff has drafted a sketch of the concept chosen by the POST Committee and it will be further refined by Pitkin County's Consultant, DHM Design. Staff has included a draft condition requiring that the Applicant implement the desired cross section adjacent to the Stott's Mill property.

Parks and Open Space- The Applicant has proposed 4.5 acres of open space within the development, which is mainly contained within two (2) parks, one at the southern extent of the development and one at the northern extent of the development. Pursuant to the Parkland requirements in the Town Code and the annexation policy that annexations provide double the required parkland, the total parkland dedication required would be 6.2 acres.

The park on the northern extent of the development is proposed to contain a man-made pond used for raw water irrigation storage. The pond will be drawn down at certain times of the year, but will be constructed with a shallow bench area around the outer extents of the pond so that it reduces hazards when the water is drawn down for irrigation.

The Applicant proposed for South Park to be a passive park as well. A group represented by Diana Elliot would like to put a four-court tennis center in South Park, but the Applicant indicated that they were not interested in incorporating such a facility. The POST Committee also weighed in on the Application and have recommended a more active park and programming that would include a 3-4 court tennis center and a children's play area in addition to the bathrooms and storage already proposed. The programming for the park at the southern extent of the development is proposed to be a passive park with some bathroom and storage facilities for the Town.

Since the last meeting, the Applicant has provided an addendum to the Application expressing that they are open to allowing a tennis center of a reduced scope of three (3) courts and giving the Tennis Group the opportunity to continue their fundraising for a period of two (2) years from the project's final approval to obtain enough funds to build the facility. The Applicant has proposed that after two (2) years from the project's final approval, if the Tennis Group has not obtained enough funds to build the tennis facility, the Applicant will resume control of installing an active park consistent with the 2009 approvals (see 2009 Approved Site Plan attached). Staff included a draft condition to memorialize this proposal.

Southside Drive Traffic Calming- A roundabout on Southside Drive was approved in 2009 as part of the original Stott's Mill Development Application and the Sketch Plan development application for the Basalt Design District (BDD) as a mechanism for

turning cars around and was also seen as a traffic-calming mechanism. The BDD application is no longer active, but Staff does believe that there is still a need for traffic-calming along Southside Drive.

Having received the results of the Traffic Study and understanding that there will need to be a significant intersection improvement at the Basalt Avenue/Highway 82 intersection, Staff does not believe that an improvement as significant as the roundabout is necessary on Southside Drive. The transportation resources to come from Applicants in the Southside should be focused on improving the traffic conditions at the Basalt Ave./Highway 82 intersection and smaller traffic-calming improvements. That said, Staff would like to preserve the ability for the construction of a mini-roundabout on Southside in the future and included a draft condition requiring that the Applicant dedicate land necessary for the installation such a mini-roundabout.

In lieu of a roundabout, Staff is studying other traffic-calming mechanisms that could be instituted and will be reviewing them with the POST Committee to ensure their compatibility with the desire to make Southside Drive more friendly for bicyclists. Options could include speed tables, speed humps, or chicanes. Staff has included a draft condition requiring that the Applicant pay the proportional share of the cost based on anticipated trip generation to install the Southside Drive traffic calming plan that is ultimately decided on by the POST Committee.

Allison Lane Traffic Calming and Discouragement- As introduced at the last meeting, the Applicant has included a vehicular connection to Allison Lane as was the case with the 2009 approved plan. Staff has heard from several residents of Southside that they would not like to have the vehicular connection between the Stott's Mill Subdivision and the Southside Subdivision, but it has been required by the Fire District in past development proposals for the property. Staff agrees with the Fire District that it is important to have the vehicular connection on Allison Lane for emergency services, but also understands the concerns of the homeowners and tenants that live in the Southside Subdivision on Allison Lane.

Staff has recommended that there be removable bollards installed in the Allison Lane connection that are spaced far enough apart so that a snowplow can get through during the winter with signage indicating that it is a pedestrian/bicycle and emergency service connection. The Fire District has not liked bollards on emergency access areas in the past primarily because they have experienced emergency service access areas that have not been maintained during the winter because of bollards. Staff has included provisions in the draft conditions requiring that the area between the bollards be maintained for a through access during the winter by the Town. Staff will have discussions with the Fire District on the concept prior to the Council's review.

VI. Additional Major Discussion Items:

In addition to the significant discussion items presented above that are influenced by new information received by Staff, Staff feels that the following discussion items are key

discussion items in determining if the Stott's Mill development is conceptually acceptable:

Proposed Density and Multi-Family Massing
Staff believes that there needs to be a discussion at the P&Z level about whether the density increase proposed in the multi-family section of the development beyond the 2009 approvals will put too much stress on the southside infrastructure and how it relates to the Southside neighborhood.

As discussed at the last meeting, the medium density designation for the property in the 2007 Basalt Master Plan prescribes a potential density range of 6 dwelling units/acre to 11.9 dwelling units/acre. The proposed development consists of 156 units, which is above the Master Plan's prescribed density range if you only include the area of the property in the Master Plan that is designated as Medium Density Residential (MDR). There is language in the Master Plan that expresses that the use designations on the Future Land Use Map are recommendations and that site-specific refinements may be acceptable if they are determined to be supportive of the goals and objectives of the Master Plan.

Additionally, as discussed above, there is a need for a reduction in the overall anticipated buildout for southside included the traffic study in order for the potential Cody Lane mini-roundabout traffic improvement to maintain the Basalt Avenue/Highway 82 Intersection operating at an acceptable level. Essentially, a reduction in density would be necessary on either the Stott's Mill Property or one of the other properties in Southside for the Cody Lane mini-roundabout to sufficiently mitigate the traffic impacts of development in Southside over the next 20 years.

Related to density, Staff also expressed concerns about not being able to completely understand the massing of the proposed multi-family portion of the development and the Southside Drive streetscape in analyzing the denser multi-family component with the Application materials received. P&Z members also indicated a need for more architectural details on the multi-family component. In response, the Applicant has expressed that they are producing a sketch-up model of the multi-family component that they will present to Staff before the P&Z meeting and present to P&Z at the meeting. Staff is reserving a recommendation on the density and massing until the sketch-up model is viewed.

Affordable Housing Mix
The Applicant has proposed to satisfy the affordable housing requirements for the development by including 25% of the total residential floor area and 20% of the units as deed-restricted, category-level affordable housing as required by the Town Code. Additionally, Staff anticipates requiring that the Applicant provide a 1% Real Estate Transfer Assessment (RETA) and a 2% RETA on transactions of over $1 Million pursuant to the Town's Annexation Policy. Staff intends on taking this development

proposal to the Basalt Affordable Community Housing (BACH) Committee before the next P&Z meeting.

Vested Rights and Phasing
As discussed at the last meeting, the Applicant has proposed vested property rights of five (5) years for installation of the infrastructure and ten (10) years after the installation of infrastructure is installed for buildout of the project. North Park is proposed to be installed in the initial five (5) year period of infrastructure installation and South Park is proposed to be completed prior to half of the units in the development being constructed as was included in the 2009 approvals. Staff's understands that this is a project of significant scale, but Staff would prefer requiring that the infrastructure be installed in three (3) years (which is the Town's standard vested rights period as set forth in the Town Code) and that the build-out be limited to seven (7) years after installation of infrastructure. Staff has included a draft condition requiring infrastructure installation in three (3) years and buildout in seven (7) years after infrastructure installation.

VII. Recommendation:

Staff recommends that the P&Z hear a brief presentation from Staff on the new information and the draft conditions. Staff then recommends considering the Applicant comments and presentation of their sketch-up model, taking public comments, and providing discussion. It is anticipated by Staff that there might be a need for one more meeting on the application before a recommendation. Staff has included initial draft conditions of approval for the P&Z's consideration. The final conditions from 2009 were used as a basis for the draft conditions. The 2009 conditions that have been updated to be applicable to this application in underline/strikethrough format are included as follows:

COMMUNITY BENEFITS

1. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions Nos. ~~No. 6 and 7 in Exhibit J~~. A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail.

2. The development shall provide a community housing program that provides teacher housing in lieu of land dedication, ~~provides eleven (11) relocation dwelling units for the river master plan implementation,~~ and provides long term "attainable" housing for a community of residents as described further in the conditions established herein, and as proposed in the Stott's Mill Final Plan application.

3. *Daycare Condition Option #1*-The Applicant shall construct and receive a core and shell CO on a daycare facility ~~of at least 3,300 square feet on Block 9 of the development prior to the Applicant obtaining a building permit on the 59th~~

~~dwelling unit within the development. The Applicant shall condominiumize and dedicate ownership of the facility over to the Town once construction is completed and a certificate of occupancy is issued pursuant to the timing described in Exhibit J.~~ 4,000 square feet on the first floor of the building to be constructed on Lot 37, Block 4 of the development prior to the Applicant obtaining a building permit on half of the dwelling units within the development. The Applicant shall also lease sufficient play area on Lot 38, Block 4 pursuant to the terms below. The Applicant shall lease the space to a daycare based on the following

~~The Town's initial management policy shall be as follows:~~

a. The daycare use will be the priority use for the facility; and,

b. The ~~Town~~ Applicant will lease the space to a daycare provider at the market lease rate (considering the lease rates for Growing Years, Blue Lake, Learning Curve, and Honey Tree) for mid-valley daycare space as determined by the Town Manager or at a lower lease rate if approved by the Town Council; and,

c. If a licensed and qualified daycare provider cannot be found to lease the space at these terms then the Town Council can authorize another public use in the facility. Lease periods for a non-daycare public use will be limited to one year to preserve the intent that the priority use of the space is a daycare.

(Daycare Condition Option #2 Representing Childcare Coalition Recommendation) The Applicant shall construct and receive a core and shell CO on a daycare facility of at least 5,000 square feet on the first floor of Building #4 in the multi-family section of the development with sufficient playground area prior to the Applicant obtaining a building permit on the 78th dwelling unit within the development. The Applicant shall condominiumize and dedicate ownership of the facility over to the Town once construction is completed and a certificate of occupancy is issued pursuant to the timing described above.

~~After the daycare space is condominiumized from the remainder of the building by the Applicant and the public dedication of ownership is accepted by the Town, the Town shall be responsible for maintaining and managing the space. The Town will also reserve the right to sell the daycare space once it is dedicated to the Town if the Town ever desires to do so. The daycare facility along with the units above it will be part of the HOA master association and sub association. The owner of the facility will be responsible for discounted HOA dues and assessments as described below. The HOA dues and assessments for the daycare shall be proportional to the HOA dues and~~

~~assessments for the non-category units above the daycare based on assessed value per square foot and then the daycare dues and assessments shall be further discounted by 20%. At the time the daycare is being constructed, the Applicant may construct residential units above the space with a full second floor; and a partial third floor consisting of at most 1,700 square feet, condominiumize the building, retain and rent the residential units or sell them individually.~~

4. The development shall satisfy the annexation policy for a minimum 1% Real Estate Transfer Assessment to be used for community benefits. Dwelling units which sell for $1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2% for those dwelling units.

5. (To be deleted once FEMA approves the changes to the floodplain map for southside and eliminated the need for river improvements.) The Applicant, his successors and assigns shall agree to be in a special district to help fund river and flood prevention improvements. River improvements are needed to ensure better vehicle exiting for all of Southside in the event the south side flooding occurs. While the district is not established at the present time, the requirement is that all annexations contribute to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties in the floodplain or adjacent to the river which benefit to a much greater extent by the improvements. This requirement shall be documented in the PUD control document, subdivision covenants, annexation agreement, or other type of development agreement, as determined by the Town Attorney.

7. The development shall comply with the Town's Sustainable Building Regulations ~~green building program~~ and all other applicable building codes in effect at the time of building permit. Each single-family residential unit shall have a minimum Home Energy Rating System (HERs) rating index of lower than 80 points (equates to a score of 90 points on the old HERs Scoring System) that will be verified at building permit by the Town's Building Official and meet any green building and energy conservation regulations adopted by the Town at the time of building permit issuance.

8. The Applicant shall identify two (2) parking spaces for use of the carshare program once initiated on the final PUD plan to be recorded. The TRC shall review and approve of the location of the spaces. The Applicant or successors shall pay $200 per dwelling unit at the time of building permit to the Town for use in implementing a carshare program or other green initiatives at the discretion of the Town's Green Team Advisory Board.

ATTAINABLE HOUSING (To be reviewed by BACH)

1. As represented in the Final Plan application, the dwelling unit breakdown for the project shall be as follows:

Type of Units	~~(Type A)~~ **Deed-Restricted, Price-Capped Units**	~~(Type B) Deed-Restricted RO Units with appreciation caps~~	~~(Type C) Deed-Restricted RO Units without an annual appreciation cap~~	~~(Type D) RE-1 Units (Units to be dedicated to the RE-1 School District~~	~~(Type E)~~ **Free-Market Units**
	323 Dwelling Units plus 2 for dedication to the School District (Note- Applicant still in discussions with School District) ~~(11 of which shall be dedicated as Replace-ment Housing Units, 1 of which shall be offered for rent to a daycare employee working within the Town of Basalt, and 5~~	~~15 Dwelling Units~~	~~53 Dwelling Units~~	~~2 Dwelling Units~~	~~7 Dwelling Units~~ 122 Dwelling Units

	~~of which shall have occupancy priorities for "critical workers")~~				

a. The Community Housing ~~and RO~~ units developed in Stott's Mill shall meet the requirements established in the Community Housing Guidelines as in effect on the effective date of this ordinance.

b. The category-level units ~~(Type A above)~~ shall have a maximum initial sales price that does not exceed an average price that would be affordable to an individual or household making ~~115~~ 100% of Basalt's Weighted AMI as defined by using the sales price formula established in the Basalt Community Housing Guidelines.

~~c. The RO units with appreciation caps (Type B) shall be required to be owner-occupied at least 9 months out of the calendar year and shall have a simple annual appreciation cap of 5%.~~

~~d. The RO units without appreciation caps (Type C) shall be required to be owner-occupied at least 9 months out of the calendar year, but shall not have an initial maximum sales price cap and shall not have an annual appreciation cap.~~

e. The Applicant shall identify which multi-family units are to be deed-restricted as Category-level units ~~(Type A) and RO units with annual appreciation caps (Type B)~~ prior to submitting a Final Site Plan Application on the Multi-Family portion of the development ~~recording the Final Annexation documents~~. Additionally, the lots within the development shall be deed-restricted as Category units ~~and RO units with annual appreciation caps as shown on the matrix in Tab 3 of the Final Plan application~~.

~~f. Critical workers shall be defined as persons employed by the Town of Basalt, Pitkin County, Eagle County, the RE-1 School District, the Basalt Sanitation District, the Mid-Valley Metropolitan District, or the Basalt and Rural Fire Protection District employed in the "employment area" as defined in the Town's Community Housing Guidelines in effect at the time of each occupancy or as a "critical or essential employee" is defined in the Community Housing Guidelines at the time of each occupancy (if a definition is added to the Community Housing Guidelines). Vacant units designated with an occupancy priority for critical employees shall be offered to non-critical employees qualifying under the provisions of the Town's Community~~

~~Housing Guidelines after the units have been advertised to critical employees for sixty (60) days.~~

~~2. At least 2 of the deed restricted RO restricted dwelling units (Type B) shall be on the 28 foot wide lots as proposed in the Final Plan application.~~

~~3. The Applicant shall offer at least 25% of the small lots (28-foot and 42-foot wide lots) to "owner builders".~~

~~a. Of this total, up to 5 units of the RO deed restricted units (Type B) may be permitted to count toward the required number of owner builder lots. At least two of the owner builder lots shall be on the 42-foot wide lots.~~

~~b. To discourage flipping of the lots and residences on owner/builder lots:~~

~~i. The vacant owner/builder lots shall be limited to simple annual appreciation caps of 3% per year or the Consumer Price Index (CPI), whichever is greater, until such time as a residence is completed and is issued a CO on each respective lot. The base price to be determined when the first purchaser buys a vacant lot at market conditions. In addition, the RETA established in Condition No. 4 in Exhibit B, shall apply.~~

~~ii. Instead of the 1% up to 2% RETA provisions established in Condition No. 4 of Exhibit B, the following will apply after a residence is built and a CO is issued until the earlier of either 3 years have elapsed following the issuance of the CO or until after the next purchaser buys the home from the initial home purchaser.~~

~~Once a residence is built on an owner/builder lot and a CO is obtained, if the owner/builder sells the residential unit within one year of obtaining a CO, the initial home purchaser shall pay a 5% RETA to the Town. If the owner/builder sells the residential unit within two years of obtaining a CO, the initial home purchaser shall pay a 4% RETA to the Town. If the owner/builder sells the residential unit within three years of obtaining a CO, the initial home purchaser shall pay a 3% RETA to the Town.~~

~~Finally, if the owner/builder maintains ownership of the residential unit for more than three years after obtaining a CO, only the RETA provisions established in Condition No. 4 of Exhibit B shall apply.~~

4. The Applicant shall participate with the Town's designated housing administrator or other similar entity to participate in down payment assistance programs.

5. Up to one floor of development may occur above the daycare if located on Lot

38 and may be used as the Applicant's Resident Management Office and affordable housing ~~and a half floors (half of a floor is not to exceed 1,700 total square feet) of dwelling units (Types A, B, and C)~~ may be located on above a daycare facility. ~~The final design of the daycare/ residential building on Block 9 shall be reviewed for approval pursuant to the procedures in Condition No. 5, Exhibit D prior to the issuance of the first building permit in the development. The primary intent of the design review is to ensure that there is an appropriate level of fenestration and that the alley-facing elevation contains architectural detailing to provide visual interest.~~

6. ~~The Applicant shall only list all the lots and units within the development for sale with a local realtor with a primary office within the Roaring Fork Valley, except for the Category-level ownership units that are to be sold through the Town's lottery process. No marketing in national newspapers or magazines for the first sale of any lot or dwelling unit is permitted.~~

7. The initial HOA dues and assessments and changes to the HOA dues and assessments over time for the Category housing units ~~(Type A)~~ shall be as required by the Community Housing Guidelines, as amended from time to time. The Applicant shall provide a revised draft initial HOA budget for review and approval by the TRC prior to recording the necessary annexation documents. The revised HOA budget shall include a sufficient capital improvement fund. In no instance shall the HOA dues and assessments for the category-level units ~~(Type A)~~ be more than 80% of the HOA dues and assessments for the free-market units ~~(Type E) and RO units without appreciation caps (Type B).~~

8. ~~Prior to the first sale of one of the 15 RO units with an appreciation cap (Type B), the Town or other public entity shall have an option to purchase the unit or a Category-level deed restriction to make said unit a Category 3 ownership unit. The "first option" provisions shall allow for the Town to have an ability to make an offer to purchase the unit or pay the difference between market rates and the sale price for a Category 3 Unit in exchange for deed restricting said unit as a Category 3 Unit (Type A). If the Town declines to make an offer to purchase or buy a Category 3 deed restriction on the units in the allotted timeline, then Pitkin County or another public entity shall have the option to purchase the unit or buy a category deed restriction on the unit.~~

   ~~The Applicant shall notify the Town when an RO unit with an appreciation cap (Type B) is scheduled to be listed for sale. The Town or other public entity shall have 60 days from the Applicant's notification of listing to notify the developer of intent to purchase the unit or purchase a Category 3 deed restriction on said unit. The Town or other public entity will have 30 days after notifying the Applicant of intent to buy a category deed restriction on a unit to enter into a contract with the Applicant. The market price for the RO unit (Type B) will be determined by an independent appraiser to be paid for by the~~

~~Applicant.~~ RO Units are not proposed or required as the Town has experienced issues with retaining deed restrictions on RO units.

9. ~~The remaining housing units which are not price (Type A) or appreciation-capped units (Type B) shall be resident occupied and be deed-restricted as such, with the exception of the seven (7) free-market lots located in Blocks 6 and 11. These remaining housing units with the exception of the seven (7) free-market units (Type E) shall be owner-occupied at least 9 months out of the year but shall have no income or asset restrictions and will not be subject to annual appreciation caps.~~

~~10. The Applicant shall have the ability to construct a duplex on up to fourteen of the 28-foot wide lots. Each duplex (both units together) shall be capped at the single-family square footages for the R3-TN PUD units that are set forth in Condition No. 2 of Exhibit D. Duplex units shall not be combined into one unit and there shall be no openings permitted in the common wall between units. The final covenants shall include the provisions described above.~~

11. The small lots (28-foot wide and 42-foot wide) shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant. Each of the small lots includes parking on-site for two cars and the parking requirement for a three-bedroom dwelling unit is rounded up to three parking spaces for these lots. The other uses shall be code compliant in terms of parking.

12. The live/work and home occupational aspects of the Stott's Mill development are approved as represented in the Final Application, as further clarified herein. The inhabitants of the multi-family dwelling units shall be permitted to use up to 15% of their allowable square footage as home occupation space. The single-family lots to be zoned ~~R3 (Type E) and~~ R-3 TN ~~(Types A, B, and C)~~ shall permit home occupations that do not employ more than 1 FTE that does not live on the premises and shall be allowed to use up to 30% of their allowable square footage as home occupation. All home occupations shall also comply with the remainder of the home occupation requirements set forth in the Town Code.

13. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

14. The Applicant shall deed restrict two (2) units, consisting of one studio and

one 1-bedroom unit, as Category 3 Units and then deed the Units to the RE-1 School District upon condominiumizing the building in which the units are located. The two (2) units for School District employees shall obtain Certificates of Occupancy (CO) and be deeded to the School District before the issuance of COs on units in the third block to be developed on within the subdivision. The School District units shall be part of the HOA and the School District will pay the HOA dues and assessments applied to comparable community housing units in the development.

15. The apartment units proposed to be category-level rental units ~~(Type A)~~ shall be rented at no more than the maximum rental rates and pursuant to the rental provisions established in the Community Housing Guidelines, as may be amended from time to time. The Applicant shall grant 1/10th of one percent ownership interest in each such rental unit to the Town of Basalt and hold the Town harmless for any liability incurred related to the Town's ownership. ~~In addition, the restrictive covenants for the development shall contain a requirement that the eleven (11) units designated as replacement housing units shall be required to remain rental units for a minimum of ten (10) years after the issuance of a CO on the individual units.~~

~~The Town or other eligible replacement housing owner shall have a right of first purchase to buy the replacement housing units if the Applicant decides to convert the units to sale units pursuant to the provisions established above. For the purpose of this condition, eligible replacement housing owners shall be the Town, Town's designated Housing Authority, Eagle County, Pitkin County, or other entity assigned by the Town for the purpose of providing replacement housing. At any time after the ten (10) year period, upon notification that the Applicant would like to convert the replacement housing units to sale units, the Town will have will have 45 days notify the Applicant of intent to buy the units and then a subsequent 45 days to enter into a contract to buy the units.~~

~~Replacement Housing residents that qualify for a first priority to occupy the designated replacement housing units shall mean an employee with a job or principal office from Aspen to Glenwood Springs that lived in one of the mobile homes to be removed because of floodplain concerns identified in the 2002 River Stewardship Plan. In order to qualify under the occupancy priority for residents, the prospective occupant must demonstrate to the satisfaction of the Town that the mobile home they lived in has been permanently removed from the floodplain and not replaced with another unit in the floodplain. If after 30 days of the replacement housing unit being advertised for rent to replacement housing residents, the unit is not rented to a qualified replacement housing resident, it shall be rented in accordance with the rental requirements set forth in the Community Housing Guidelines for the Category of unit that it is designated~~

In the event that the Applicant wishes to sell any of the rental category units, the Town shall deed the Town's ownership interest back to the Applicant and the category-level community housing units ~~(Type A)~~ would be required to be sold according to the provisions in the Community Housing Guidelines for sale units in affect at the time and the Applicant must record a new deed restriction to meet the requirements in the Community Housing Guidelines for owned units. If at any time, a court of competent jurisdiction finds that the Applicant's agreement to rent the multi-family units at below market-rate rents violates a state or federal law, or if the Town determines that the rental deed restrictions are unenforceable, then the units shall be sold to qualified buyers as defined in the Town's Community Housing Guidelines at the maximum initial sales prices specified for the category of unit (Category 1, 2, 3, ~~or RO~~) that they are designated, and the Applicant must execute a new deed restriction to meet the requirements of the Community Housing Guidelines for owned units~~, pursuant to the required plan specified in Condition No. 1(e), of Exhibit C~~.

16. One of the Category 3 units ~~(Type A)~~ shall be first offered for rent for a 60-day period to full-time daycare employees employed within the town limits of Basalt and if the unit is ever condominiumized and sold, it shall be first offered for sale for daycare employees working in the town limits of Basalt for 60-days each time it is offered for sale. In the event that qualified employee that works within a daycare cannot be found to rent or purchase the unit, it shall be offered for rent or sale subject to the rental and sale provisions for a Category 3 unit in the Community Housing Guidelines.

17. The Applicant shall include language in the Master Declaration of Covenants generally consistent with the following:

If any Property or Unit is sold as a foreclosure sale or otherwise acquired by any person or entity in lieu of foreclosure, the Town, Pitkin County, or Eagle County, shall have the option to enter into an agreement to acquire such Property or Unit within sixty (60) days after the following:

(i) the issuance of a public trustee's deed to the purchaser, or

(ii) receipt by the Town of written notice from such person or entity of the acquisition of such Lot or unit in lieu of foreclosure, as applicable, for an option price not to exceed

(a) in the event of a foreclosure, the redemption price on the last day of all statutory redemption periods and any additional reasonable costs incurred by the holder during the option period which are directly related to the foreclosure, or

(b) in the event of a transfer in lieu of foreclosure, the amount paid, or the amount of debt forgiven, by the transferee plus the reasonable costs incurred by the transferee with respect to its acquisition of such Property or Unit.

Except for persons or entities having a lien on a Property or Unit as provided herein, only "Qualified Buyers" as that term is defined herein or the Town, Pitkin County, or Eagle County may acquire an interest in a Property or Unit at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Property or Unit is not a Qualified Buyer and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, the provisions in the Master Declaration of Covenants for non-qualified transferees shall apply. It is the Town's intent that the terms and provisions of this Agreement shall remain in full force and effect with respect to the Property and all Units until modified, amended or terminated in accordance with the terms of the applicable Master Declaration of Covenants.

In the event that the Town, Pitkin County, or Eagle County, exercise the option described above, the entity purchasing the unit, may sell the Property or Unit to Qualified Buyers as that term is defined herein, or rent the Property or Unit to qualified tenants who meet the income, occupancy and all other qualifications, established in the Basalt Community Housing Guidelines, until a sale to a Qualified Buyer is effected.

However, in the event of foreclosure by the holder of the first deed of trust on such Property or Unit, if the holder of such deed of trust is the grantee under the public trustee's deed and the Town, Pitkin County, or Eagle County does not exercise its option to purchase as provided in the applicable Master Declarations of Covenants, then the Town agrees to release the Property or Unit from the requirements of this Deed Restriction."

SITE PLAN, DESIGN, AND DEVELOPMENT PROGRAM

1. The Applicant shall abide by the revised design guidelines dated _____~~August of 2008~~ (to be updated). The design guidelines shall be incorporated into the PUD approval documents and enforced by the Town in building permit review. This shall not preclude the ability of the development to have a design review board in addition to the Town's review purview over the design guidelines.

Each building permit application submitted to the Town for a new single-family or duplex residence within the development shall have first been reviewed

and approved by the subdivision's design review board for compliance with the subdivision design guidelines. In the event that there is a disagreement between a building permit applicant and the Building Official, the building permit applicant may appeal the Building Official's determination to the Town Council to be considered at a duly noticed public hearing.

The design guidelines shall be amended prior to being included in the PUD approval documents to include the following:

~~a. A maximum solar panel size shall be three feet by four feet; and,~~

b. A requirement that front yard fences shall meet all requirements in the Town Code for front yard fences and front yard fences shall be setback at least 12 inches from the back of the sidewalk.

The Applicant shall also provide a variety of designs and contract with at least four (4) different local architect firms to design the units to be constructed by the developer to ensure variety in design.

2. The dimensional requirements for the narrow lots (28-foot wide and 42-foot wide) zoned R-3 TN PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	3,360 SF
Building Height	24 Ft. to midpoint
Ridge Height	28 Ft.
# of Stories	2
Lot Width	28
Front Yard Setback	10 Ft. Porch 16 Ft. Living Area
Rear Yard Setback	7 Ft.
Side Yard Setback	5 Ft.
Floor Area	• 1,328 Total Square Feet for 11 of 28 Ft. wide lots • 2,000 Total Square Feet for 31 of 28 Ft. wide lots • 2,376 Total Square Feet for 42 Ft. wide lots
Max Lot Coverage	70%
Min Landscape	20%
Parking	Per Town Code. The

	small lots that have three-bedroom units shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant.
Maximum No. of Bedrooms in a Unit	3 Bedrooms

~~3. The dimensional requirements for the larger lots (Type E) zoned R-3 PUD, known as Lots 1-3, Block 6, and Lots 1-4, Block 11 shall be as follows:~~

~~Dimensional Requirement~~	~~Approved Measurement~~
~~Min. Lot Area~~	~~6,000 SF~~
~~Building Height~~	~~24 Ft. to midpoint~~
~~Ridge Height~~	~~28 Ft.~~
~~# of Stories~~	~~2~~
~~Lot Width~~	~~50~~
~~Front Yard Setback~~	~~10 Feet~~
~~Rear Yard Setback~~	~~10 Feet~~
~~Side Yard Setback~~	~~10 Feet~~
~~Floor Area~~	~~4,500 Total Square Feet~~
~~Max Lot Coverage~~	~~NA~~
~~Min Landscape~~	~~20%~~
~~Parking~~	~~Meet Code Requirements~~

(All of the single-family lots are now proposed as R-3 TN Lots)

4. The dimensional requirements for the multi-family residential buildings ~~on Blocks 1A, 1B, and 1C~~ zoned R-4 MD PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	NA*
Building Height	33 Ft. to midpoint
Ridge Height	35 Ft.
# of Stories	3
Lot Width	50
Front Yard Setback	10 Feet
Rear Yard Setback	20 Feet

Side Yard Setback	10 Feet
FAR of Building	.69:1 ~~No Max- Defined by Massing Envelope of Setbacks and Height~~
Max Lot Coverage	NA
Min Landscape	20%
Parking	Meet Code Requirements

*- A total of ~~47~~ __dwelling units shall be permitted on the multi-family Property ~~Lots 1A, 1B, 1C, and Block 9~~. The maximum unit sizes allowed on the parcels to be zoned R-4 MD PUD are as follows:

Unit Type	Maximum Unit Size
Studio	700 Total SF
1-Bedroom	~~750~~ 800 Total SF
2-Bedroom	~~1,100~~ 965 Total SF
3-Bedroom	~~1,250~~ 1,135 Total SF

5. ~~The Applicant shall submit a final design for the multi-family units on Lots 1A, 1B, 1C, and Block 9 for review and approval by the Planning and Zoning Commission prior to issuance of a building permit on any of these buildings. If the TRC determines the designs to be substantially different from the conceptual designs reviewed during the Final Plan review, the final design review will require review by both the P&Z and Town Council as a Special Review pursuant to the then applicable special review procedures in the Town Code.~~ Multi-Family Design to be reviewed as part of the Final Site Plan Review.

IMPACT FEES AND DEDICATIONS

1. The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicant shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential ~~(Type E)~~	
Detached	$.85 per total square foot

Attached (Includes duplexes)	$.70 per total square foot
~~RO (Types B and C)~~	
~~Detached~~	~~$.80 per total square foot~~
~~Attached (Includes duplexes)~~	~~$.65 per total square foot~~
Community Housing ~~(Type A)~~	
Detached	$.45 per total square foot
Attached (Includes duplexes)	$.35 per total square foot

(Note: Staff did not grow this fee because there are significant transportation improvements required of this development application, but other Applications that are proposed are expected to have an increased fee.)

2. The Applicant shall contribute on a proportional basis to the cost of implementing the new water storage tank using the methodology and timing of payment in the Town Code and adopted fee schedule (as adopted in Ordinance No. 18, Series of 2008). The Stott's Mill project is subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system.

3. Southside Roundabout or Alternative Traffic Calming Mechanism is a discussion item. The Applicant shall be responsible for constructing ~~a roundabout on Southside Drive~~ traffic-calming mechanisms on Southside Drive pursuant to the plan established and approved by the Town POST Committee. The Applicant shall also dedicate the land area necessary for the implementation of a mini-roundabout at the intersection of Southside Drive and Running Brook Drive as proposed in the Application prior to recording the final plat for the Subdivision.

~~in the location shown on the site plan incorporated in the Stott's Mill Final Plan application pursuant to the timing requirements established in Condition No. 12, Exhibit J of this ordinance, unless the roundabout is constructed by another before the Applicant is issued a construction permit from the Town to commence construction activities. It is the intent of this condition that the earlier of the Stott's Mill or Basalt Design District development projects (with the exception that Basalt Design District may construct up to two additional commercial mini-storage buildings on a property without triggering the need to construct the roundabout) to be issued a construction permit as determined by the TRC would be required to construct the roundabout. Further, it is the Town's intent to require all subsequent Town approvals for development constructed south of the intersection of Fiou Lane and Southside Drive to be responsible for repaying the developer that constructed the roundabout a proportional share of the design and construction costs of the roundabout based on anticipated trip generation as determined by the Town Engineer.~~

~~The final construction and design cost of the roundabout subject to the~~

~~reimbursement shall be established by the Town Engineer at the time of completion of the roundabout construction and shall be based on the actual design and construction cost of the roundabout and the value of land dedicated for the roundabout. For the purpose of ensuring an equitable assessment and distribution of the final costs of the roundabout, the final construction cost to be reimbursed will also include the actual cost of borrowing money for the construction of the roundabout and the Applicant shall demonstrate to the satisfaction of the Town Engineer their interest costs related to borrowing money to construct the roundabout. The interest costs related to borrowing the money to construct the roundabout shall be based on the cost of a construction loan. For the purposes of this reimbursement, the cost of a construction loan shall be based on the Prime Interest Rate as published in the Wall Street Journal at the time the Applicant takes out a construction loan to finance the construction of the roundabout and the term of the roundabout construction loan to be reimbursed shall not exceed five (5) years (if the construction loan is taken out by the Applicant for a term less than five (5) years then the interest reimbursement shall be based on the actual term of the loan). If the Applicant takes out a construction loan for longer than five (5) years, the interest reimbursed on the construction loan shall be limited to five (5) years.~~

~~The final construction cost shall be demonstrated by the Applicant by providing an itemized summary of the design and construction costs and related invoices to the Town Engineer. The Town Engineer shall provide notice of the final construction costs to the other known parties subject to the reimbursement requirements and by publishing in a local newspaper of general circulation and said parties and the public shall have fifteen (15) days from the notice to appeal the final construction costs. If an appeal of the final roundabout construction cost is filed, the Town Council shall consider the appeal at a public meeting in which (15) days written notice of the public meeting has been provided to the appellants.~~

~~The Applicant shall prepare construction drawings of the roundabout for review and approval by the Town Engineer as part of the final civil engineering drawings.~~

~~Developers dedicating land for the construction of the roundabout shall receive credit against their required reimbursement contribution at a fixed value of $20 per square foot of land dedicated. If the land owner on the west side of Southside Drive at the location of the roundabout is not willing to grant the land to the Town for the roundabout prior to the time that a developer is ready to build the roundabout, a modified roundabout that only requires the dedication of the land on the east side of Southside Drive by the Stott's Mill Applicant shall be constructed subject to approval of the modified roundabout design by the Town Engineer.~~

~~The construction of the roundabout shall occur when school is not in session, unless the Applicant proposes, and the Town approves, a plan to detour traffic around the construction site; and Southside Drive shall not be completely closed during construction.~~

~~The Applicant shall enter into a cost reimbursement agreement determined acceptable to the Town Attorney prior to recording a Master Subdivision Plat. Town-initiated amendments to this condition require four affirmative votes of the Town Council after a public hearing in which a fifteen (15) day notice is also provided to the parties subject to the reimbursement.~~

4. The Applicant shall install the Basalt Avenue/Highway 82 intersection improvement determined necessary by the Town prior to obtaining a building permit on the first residential dwelling in the development and may require reimbursement by future developments in southside on a fair share basis based on traffic generation. Alternatively, the Applicant shall pay the Town the anticipated costs of installing the intersection improvement plus 15% and require reimbursement by future developments in southside on a fair share basis based on traffic generation.

WATER RIGHTS

1. The Stott's Mill developer shall dedicate by special warranty deed all of its 1.57 cfs, absolute, decreed in the Grace & Shehi Ditch, 0.644 cfs under Priority 142 and 0.926 cfs under Priority 302, which have been historically used to irrigate 12.29 acres of the 17.976 acres proposed for annexation into the Town as more further described in the Memorandum from Tom Kinney, Town of Basalt Water Attorney, to Susan Philp and Larry Thompson dated April 30, 2007.

2. The Town shall lease back to the Applicant, portions of these Grace & Shehi Ditch water right priorities for continuation of raw water irrigation within the Stott's Mill PUD Parcel.

3. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town's obtaining water rights sufficient to meet the full build-out municipal water service demand occurring during the non-irrigation season (currently anticipated 18.2 acre-feet).

4. As part of constructing the irrigation water storage pond on the property, the Applicant shall abide by the following requirements:

   a. The out-of-priority stream depletions resulting from pond evaporation

should be incorporated by the Town into the Town's augmentation plan, which augmentation plan is and shall continue to be solely owned and maintained by the Town.

b. The Applicant shall make a cash payment to the Town in lieu of the dedication of additional water rights and in an amount appropriate to compensate the Town for the legal and engineering costs associated with either amending the Town's augmentation plan or obtaining Water Court approval of an additional augmentation plan, to incorporate the operational pond as an augmented structure.

c. The declaration of covenants and the subdivision improvements agreement shall contain language prohibiting the use of treated water for outdoor irrigation purposes, except between November 1st and March 31st when homeowner's may use treated water for irrigation.

d. Applicant shall continue to use the dedicated 1.57 cfs Grace & Shehi Ditch water described herein above at Condition No. 1 of Exhibit F pursuant to the annual lease-back agreement described herein below at Condition No. 5 of Exhibit F for the purpose of irrigating 12.29 acres of historically irrigated acreage within the Stott's Mill PUD Parcel until development construction begins and shall thereafter continue to use a portion of said 1.57 cfs Grace & Shehi Ditch water right to continuously irrigate the maximum portion of said 12.29 acres historically irrigated within the Stott's Mill PUD Parcel practicable during construction of the Stott's Mill PUD.

5. The Town's former Water Attorney has drafted a municipal water service agreement, water rights dedication deeds, and an annual lease agreement by which the Town will lease back to the developer and/or home owners' association(s) a portion of the 1.57 cfs of dedicated water rights in the Grace & Shehi Ditch for raw water irrigation. The Applicant shall execute these documents prior to or in conjunction with recording the final annexation plat and agreement.

PARKS, TRAILS, AND OPEN SPACE

1. The Applicant shall comply with the annexation requirements for parkland dedication and park improvements by:

a. Dedicating ownership of 4.5 acres of improved park land to the Town as shown on the Final plat and ~~as described in the Final Plan application~~ and improving the two parks as shown on the landscape plan prepared by Mt.

Daley Enterprises with a revision date of 11/17/09.

b. For South Park, the Tennis Group represented by Diana Elliot shall be able to construct an indoor tennis center comprised of three (3) tennis courts in the event that they are able to raise the necessary funding as determined by the Town Manager by ____ (*two years after the final project approval date*). If the Tennis Group has not obtained enough funds to build the tennis facility by ____ (*two years after the final project approval date)*, the Applicant will resume control of installing an active park consistent with the park plan in the 2009 approvals to include a public bathroom in the vicinity of the Denver and Rio Grande Trail, storage space incorporated into the bathroom design for use by the Public Works Department, drinking fountain, trails, signage, bicycle parking facilities, 2 basketball courts, and 4 tennis courts, ~~a small storage space of 30 feet by 20 feet to be used by the Aspen/Snowmass Nordic Council or others for storage of nordic grooming equipment~~ and the historic cabin in the configuration generally shown on the landscaping plan dated 6/8/09. As the Town will own the storage space, the Town will be able to use it ~~or specify the use of it in the event it is no longer needed to store nordic grooming equipment.~~ If the Tennis Center is not built, conditions c-j below will also apply.(Park Programming is a discussion item.)

c. A revised landscape plan shall be submitted for review by the TRC prior to recording the Master plat and SIA that demonstrates the ability for and the location of a 14-foot wide Nordic ski loop in South Park that is free of landscaping barriers.

d. The Applicant shall erect the proposed pole and rail fence between the Rio Grande Trail ROW and the Stott's Mill property prior to commencing construction activities on the entire site.

e. The Applicant shall enter into a license agreement with RFTA to construct ~~the~~ a sidewalk connection~~s~~ to the Rio Grande Trail prior to recording a Master Plat and SIA.

f. The trails on the Landscape Plan ~~prepared by Mt. Daly Enterprises, dated 11/17/09~~ in the North and South Park shall be asphalt.

g. The Applicant shall relocate the historic cabin to South Park and make it structurally sound for use as a recreational feature in South Park. This shall be completed as part of the required improvements ~~discussed in Condition No. 7 of Exhibit J below.~~

h. The Town will conduct the routine park maintenance on North and South Park, but the Applicant shall enter into a perpetual maintenance

agreement with the Town requiring that the HOA will maintain the raw water irrigation system at its sole expense. The Town Attorney and Public Works Director shall review the maintenance agreement prior to recording it at the Pitkin County Clerk and Recorder's Office. The agreement shall be recorded in conjunction with recording final annexation plat and agreement.

~~i. The Applicant shall submit trail sign plans for the intersection of the sidewalks/trails in South Park to the Rio Grande Trail for review and approval by Pitkin County Open Space and Trails and the Basalt TRC.~~

j. The Applicant shall provide an irrigation plan for irrigation in the Town's right-of-ways for review and approval by the Town's ~~Horticulturist~~ Assistant Planning Director prior to issuance of any building permits for the development.

FIRE DISTRICT CONDITIONS

1. The declaration of protective covenants shall require that fire apparatus access roads within the development shall not be obstructed in any manner, including the parking of vehicles so that the minimum widths and clearances established in the Section 503.4 of the International Fire Code are maintained. Language shall also be added to the declaration of protective covenants shall also prohibit the parking of recreational vehicles or boats in the on-street parking spaces within the development.

   The declaration of protective covenants shall provide that these requirements are enforceable by the HOA and by the Basalt and Rural Fire Protection District.

EXHIBIT I

TECHNICAL CONSIDERATIONS

1. The Applicant shall comply with all of the geo-technical recommendations provided by HP Geotech, including the basement recommendations made by HP Geotech in their letters dated October 23, 2007 and April 3, 2008, requiring that basements for the single-family lots not extend more than six (6) feet below existing grade and that basements not be provided in the multi-family buildings. This shall be a requirement of the declaration of protective covenants.

2. The Applicant shall only be required by the Town to remove a small area of willow vegetation on the westernmost extent at which the Home Supply Ditch is on the Stott's Mill property before it reaches Southside Drive and a small area of willow vegetation at the easternmost extent at which the ditch is located on the Stott's Mill property. These small areas of removal shall be revegetated with a native low-lying species approved by the Public Works Director ~~Town Horticulturist~~. The Applicant shall have finalized an agreement with the Home Supply Ditch Company to enable the Applicant to construct Alexander Lane across the ditch prior to recording the Master Plat dedicating the parks to the Town.

   The Applicant shall prepare a revised landscaping plan for North Park for review by the TRC and the Assistant Planning Director ~~Town Horticulturist~~ that includes an area of dense vegetation adjacent to the irrigation pond that may replace some bird habitat that might be lost if the ditch company or the Applicant removes all of the vegetation on the south side of the Home Supply Ditch within the ditch easement. Four water birch specimens that were identified on the site visit between representatives of the Home Supply Ditch Company and Town Staff on 11/12/09 are to be preserved on the south side of the ditch upon final approval by the Home Supply Ditch Company Board of Directors.

3. There shall be no designated parking spaces, except for handicap spaces on the public streets, spaces on the individual single-family ~~and duplex lots~~, and carshare spaces. This shall be a requirement of the declaration of protective covenants.

4. The Applicant shall apply for and be annexed into the Basalt Sanitation District prior to the issuance of the first building permit in the development. Acceptance into the Basalt Sanitation District shall be contingent on obtaining final annexation approval.

5. The Town contracted with Economic and Planning Systems (EPS) to develop an economic model to study the fiscal impacts of the development on the Town. The Applicant shall reimburse the Town for the cost of having EPS conduct the study.

~~6. The residential units above the daycare shall be limited to one bedroom units to limit parking demands around the daycare for uses other than the daycare.~~

7. The Applicant shall dedicate the alleyways to the Town on the Master Plat, but the Applicant shall also enter into a perpetual maintenance agreement requiring the HOA to maintain the alleyways, including but not limited to snowplowing and resurfacing. This maintenance agreement shall be drafted by the Applicant and reviewed by the Town Attorney and Public Works Director and recorded prior at the County Clerk and Recorder's Office in conjunction with recording the PUD control document.

~~8. The Applicant shall amend the site plan to include a five (5) foot wide sidewalk on the south side of South Park Drive.~~

~~9. The Applicant shall submit new street names to replace South Park Drive, North Park Drive, and Apartment Street that do not conflict with other street names in Eagle or Pitkin Counties for review and approval by TRC prior to recording the Master Subdivision Plat.~~

10. Development in the rights-of-way shall occur as approved in the Final PUD plan, but the Town reserves the right to make future improvements in the rights-of-way as deemed appropriate and shall not be bound by limits established in the PUD.

11. The Applicant shall install removable bollards in the Allison Lane vehicular connection with a knox box meeting the Fire District's requirements. The area between the bollards shall be maintained for a through access during the winter by the Town. (Town will discuss further with Fire District prior to Council's review.)

PHASING AND APPROVAL DOCUMENTS

1. The Applicant shall enter into a PUD control document with the Town within 180 days of the effective date of the Final Plan ordinance for Phase I, adopting the terms and conditions of the development and providing security for the common public improvements associated with the development. The Applicant shall also record a Master Plat/Annexation Map and Final PUD Development Plan with the Pitkin County Clerk and Recorder's Office within 180 days of the effective date of the Final Plan ordinance.

A note shall be included on the Final Annexation Map indicating that the area of annexation has been refined from the legal description included on the original annexation petition, yet represents the development proposed in the annexation petition that was approved for annexation eligibility pursuant to Resolution No. 14 ~~5,~~ Series of 2016 ~~2006 and to be in substantial compliance with the annexation requirements pursuant to Resolution No. 2, Series of 2006~~.

The PUD control document, Master Plat/Annexation Map, and PUD Development Plan shall be reviewed by the Town Attorney for approval of form and content prior to recording. The PUD control document, Master Plat, and PUD Development Plan shall be recorded prior to commencing the installation of infrastructure and prior to the issuance of the first building permit in the development. The Applicant shall also prepare deed restrictions for the community housing units for review and approval by the Town Attorney prior to the recording of the PUD Control Document.

An individual subdivision plat shall be submitted for each phase prior to closing on the sale of any lots or developing on any of the lots in each phase. ~~The individual phase subdivision plats shall be reviewed and approved by the TRC prior to recording. If the TRC finds that an individual subdivision plat that is submitted is inconsistent with the approvals established herein, the Applicant may request that such determination be appealed to the Town Council to be reviewed at a duly noticed public hearing. For the purposes of the phasing approvals, the term "filing" shall mean the same as a "phase" as identified on the Applicant's proposed phasing plan prepared by Sopris Engineering, dated July 28, 2009.~~ (Phasing is a discussion item being reviewed.)

~~2. The following improvements shall be required as part of the Subdivision Improvements Agreement for any filing prior to closing on the sale of any lots within the filing to be recorded in conjunction with filing the subdivision plat for an individual filing:~~

~~a. Pedestrian crossing improvements at corners and a pedestrian link to the block being developed; and,~~
~~b. Two driving lanes adjacent to the blocks being developed; and,~~
~~c. Alley improvements within the blocks being developed as proposed by the Applicant, with addition that the alley shall only be gravel for one year from the issuance of the first building permit within the block; and,~~
~~d. The parking lot and drive west of the multi-family Blocks 1A, 1B, and 1C may be phased as proposed in the Applicant's phasing plan except that it may only be gravel for up to one year after the issuance of the first single-family building permit or the first CO on a multi-family building, whichever~~

~~is earlier; and,~~

~~e. Parking on both sides of the street adjacent to the blocks being developed; and,~~

~~f. Concrete curb and gutter on both sides of the street adjacent to the blocks being developed; and,~~

~~g. All utility lines brought to the blocks being developed, including potable water, raw water, electric, telephone, communications, gas, and cable; and,~~

~~h. Sewer improvements adjacent to the blocks being developed, and all downstream sewage conveyance facilities of the block being developed; and,~~

~~i. Signage and striping; and,~~

~~j. Stormwater improvements adjacent to the block being developed, and all downstream stormwater conveyance facilities to convey stormwater to, and including, detention facilities.~~

~~k. Landscaping shall be installed pursuant to the timing established in No. 4 below.~~

~~Sidewalks shall be installed pursuant to the timing established in No. 4 below.~~ (Phasing is a discussion item being reviewed.)

~~In conjunction with each filing, the Applicant shall submit an individual site control plan for each filing for review and approval by the Town Engineer and the Public Works Director. The site control plan for each filing shall include the status of site grading, top soil removal, structural fill placement, locations for stockpiling of material, storm water drainage and detention, weed control and interim reseeding (where necessary to control dust and erosion where alternate measures are not satisfactory), sediment control, dust control, ditch relocation issues, and public safety concerns. The intent of the site control plan review is to provide for appropriate mitigation measures in recognition of the fact that heavy equipment, grading and site disruption will be occurring for a period of several years.~~ (Phasing is a discussion item being reviewed.)

~~3. Sidewalks and street landscaping shall be installed, and accepted by the Town Engineer in the rights-of-way adjacent to the blocks being developed prior to closing on the sale of any lots on a block and prior to the issuance of a CO on any of the units within the block. However, up to five (5) individual owner/builder lots in each phase are exempt from the above requirement and may be sold prior to the completion of sidewalk and street landscaping. Sidewalks adjacent to the South and North Parks shall be constructed in conjunction with construction of the landscaping improvements in the parks. Additionally, the eight (8) foot wide sidewalk running north and south adjacent to Cross Street shall also be installed and completed in conjunction with the completion of all of the required park improvements in North and South Parks so that there is a connection between the parks upon their~~

~~completion.~~(Phasing is a discussion item being reviewed.)

~~4. The Applicant shall be required to construct and obtain a core and shell CO and dedicate the public facility with a daycare priority on Block 9 prior to the Applicant obtaining a building permit to construct the 59th unit in the development (equates to the daycare being required prior to half of the units obtaining a building permit in Phase 2 of the development).~~

~~The Town may construct the permanent daycare facility earlier than the second filing at the Town's cost.~~

6. The Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, pond, irrigation piping, and adjacent sidewalk and parking) in North Park within three (3) years of final approval ~~prior to recording the plat for the second filing in the development~~.

7. In the event that the Tennis Center is not built, the Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, the adjacent sidewalk and parking, the public facilities/storage, and the courts) in South Park prior to ~~the earlier of~~ the Applicant obtaining a building permit on ~~the 59th unit~~ half the units in the development ~~(equates to the park improvements being required prior to the Applicant obtaining a building permit on half the units in Phase 2 of the development) or prior to the issuance of any building permit in Block 10 of Phase IV or on Lots 3 or 4 of Block 11 in Phase V of the development.~~

8. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

9. The two (2) units for School District employees shall obtain COs, be deed restricted as Category 3 units, and then be deeded to the School District before the issuance of COs on any units in the third block to be developed on within the development.

10. The category level units ~~and RO units with appreciation caps~~ shall be constructed at a proportional rate with the ~~RO units without appreciation caps and~~ free-market units ~~(if any are approved)~~. For example, since the number of category-level ~~and RO units with appreciation caps~~ equal at least 25 ~~30~~% of the units within the project, at least three (3) category-level ~~or RO~~ units ~~with appreciation caps~~ shall be constructed and obtain COs out of every ten (10)

total units developed within the project.

11. The multi-family ~~Blocks 1A, 1B, and 1C~~ shall remain in a single ownership until such time as the last of the multi-family buildings on these blocks is completed and obtains a CO. ~~All of the multi-family buildings on Blocks 1A, 1B, and 1C shall be constructed and obtain a CO prior to the recording a plat on the third filing in the development to ensure that the Southside Drive streetscape is completed~~. Any future subdivision will be subject to the then-current subdivision regulations.

12. The ~~roundabout on~~ traffic-calming improvements determined necessary by POST for Southside Drive shall be installed and completed as part of the 1st phase improvements and within the first summer of infrastructure improvements. The Applicant shall submit and implement a detour plan for pedestrians, bicyclists, and vehicular traffic acceptable to the Town Engineer to safely and efficiently move pedestrian, bicyclists, and vehicles around the ~~roundabout~~ construction prior to commencing construction on the traffic-calming improvements ~~roundabout.~~ (Southside Drive Traffic Calming is a discussion item.)

13. The irrigation pond and irrigation piping shall be installed in the 1st phase of improvements and prior to the issuance of the first building permit within the development.

~~14. The Applicant shall make arrangements to continue temporary storage at the Applicant's cost for the Nordic Council's equipment on the site until the new storage facility is completed in South Park.~~

15. Up to four (4) model units that are not inhabited may be exempted from the phasing requirements by the TRC.

16. If there are any insubstantial changes to the project's phasing plan during construction, a revised phasing plan shall be submitted for review by the TRC. Any minor deviations from the requirements of the approved phasing plan require approval by the TRC and shall be documented by the issuance of a TRC Certificate. If the TRC finds that a change is not insubstantial, the change shall require approval by the Town Council.

17. ~~If the Applicant is constructing their infrastructure when the Town is ready to develop Parcel C of Basalt Design District, the Applicant will grade and install utilities for the project at their cost. Alternatively, if the Applicant has completed infrastructure improvements on their site but is still doing vertical construction when the Town is ready to develop Parcel C, the Applicant shall provide the Town with a legitimate construction bid for the vertical construction on Parcel C. The bid shall be a market rate bid that is discounted by 100% of the staging costs, except that the Applicant may~~

~~include justified "specialty staging costs" in their bid at the discretion of the TRC. For the purpose of this condition, "specialty staging costs" shall be defined as the staging costs associated with the need to bring in specialty equipment that is not staged at Stott's Mill at the time of construction on Parcel C of Basalt Design District.~~

18. The Applicant shall provide financial security in a form acceptable to the Town Attorney, in an amount sufficient to secure all of the improvements within both North and South Parks (2009 Landscape Plan)~~, and the Southside Drive roundabout~~ within the development plus a ten (10%) percent contingency in conjunction with filing the master plat and PUD plan. Prior to the issuance of the first building permit or closing on the sale of any lots in an individual block, whichever is earlier, the Applicant shall prepare and record a subdivision plat for the individual block or blocks that are being developed.

    In conjunction with filing the subdivision plats on the individual blocks, the Applicant shall be required to put up sufficient financial security in a form acceptable to the Town Attorney for the public improvements in the block. If the Applicant is proposing to develop multiple blocks at once, they shall be allowed to record multiple block subdivision plats at once, but they would need to put up security for the public improvements on all of the blocks being platted.

    The Town may draw on the financial security posted for the public improvements to install any incomplete public improvements or restore the site to an acceptable condition if at any time after the commencement of construction activities the Town Engineer determines that the project or a portion of the project has been abandoned. Abandonment for the purpose of administering this condition shall mean that the Applicant has started improvements, but has stopped all construction activities on the site for a period of more than six (6) months.

    No more frequently than once every quarter, Applicant shall be entitled to partial releases or reductions of the Performance Guaranty as portions of the Improvements are completed and approved. In order to obtain a partial release or reduction of the Performance Guaranty, Applicant shall submit a Certificate of Partial Completion signed by an engineer licensed in the State of Colorado or other appropriate professional acceptable to the Town describing the portion of the Improvements completed, and the cost allocation associated with such completed improvements.

VESTED RIGHTS AND CONTRACTUAL PHASING

1. Vested property rights shall be granted for a period of three (3) years from the effective date of the ordinance approving the final annexation. The Applicant may request an extension of vested rights and an amendment to the contractual phasing requirements pursuant to the process for extending vested rights as established in the Town Code. The Town Council may consider the strength of the local housing market and construction lending environment in considering a request to extend the vested rights and contractual phasing time period.

   All of the public improvements required in ~~Phases 1 and 2 of~~ the development with the exception of South Park, ~~including the construction of the roundabout, all of the North Park improvements, all of the South Park improvements, and the core and shell of the daycare facility~~ shall be completed within the three (3) ~~five (5)~~ year vested rights period. ~~If all of these improvements are not completed to the satisfaction of the Town within the five (5)~~ year vested rights period, t~~hen no further building permits shall be issued except on owner/builder lots within the development and no additional plats shall be filed within the development unless the Town Council extends the vested rights period.~~ Additionally, if the Applicant does not complete the Town's required ~~Phase 1 and 2~~ improvements within the three (3) ~~five (5)~~ year vested rights period, the Town reserves the ability to unilaterally rezone the property or change the allowable uses within the PUD. (Phasing is a discussion item being reviewed.)

Attachments:
Draft Conditions without Redlines
Application Addendum
Traffic Report Excerpts
Southside Drive Cross-Section Sketch
2009 South Park Plan

Draft Conditions without Strikethrough and Underline Text

COMMUNITY BENEFITS

1. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions Nos. __. A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail.

2. The development shall provide a community housing program that provides teacher housing in lieu of land dedication, and provides long term "attainable" housing for a community of residents as described further in the conditions established herein, and as proposed in the Stott's Mill Final Plan application.

3. *Daycare Condition Option #1*-The Applicant shall construct and receive a core and shell CO on a daycare facility of 4,000 square feet on the first floor of the building to be constructed on Lot 37, Block 4 of the development prior to the Applicant obtaining a building permit on half of the dwelling units within the development. The Applicant shall also lease sufficient play area on Lot 38, Block 4 pursuant to the terms below. The Applicant shall lease the space to a daycare based on the following

   a. The daycare use will be the priority use for the facility; and,

   b. The Applicant will lease the space to a daycare provider at the market lease rate (considering the lease rates for Growing Years, Blue Lake, Learning Curve, and Honey Tree) for mid-valley daycare space as determined by the Town Manager or at a lower lease rate if approved by the Town Council; and,

   c. If a licensed and qualified daycare provider cannot be found to lease the space at these terms then the Town Council can authorize another public use in the facility. Lease periods for a non-daycare public use will be limited to one year to preserve the intent that the priority use of the space is a daycare.

   (Daycare Condition Option #2 Representing Childcare Coalition Recommendation) The Applicant shall construct and receive a core and shell CO on a daycare facility of at least 5,000 square feet on the first floor of Building #4 in the multi-family section of the development with sufficient playground area prior to the Applicant obtaining a building permit on the 78th dwelling unit within the development. The Applicant shall condominiumize and dedicate ownership of the facility over to the Town once construction is

completed and a certificate of occupancy is issued pursuant to the timing described above.

4. The development shall satisfy the annexation policy for a minimum 1% Real Estate Transfer Assessment to be used for community benefits. Dwelling units which sell for $1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2% for those dwelling units.

5. (To be deleted once FEMA approves the changes to the floodplain map for southside and eliminated the need for river improvements.) The Applicant, his successors and assigns shall agree to be in a special district to help fund river and flood prevention improvements. River improvements are needed to ensure better vehicle exiting for all of Southside in the event the south side flooding occurs. While the district is not established at the present time, the requirement is that all annexations contribute to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties in the floodplain or adjacent to the river which benefit to a much greater extent by the improvements. This requirement shall be documented in the PUD control document, subdivision covenants, annexation agreement, or other type of development agreement, as determined by the Town Attorney.

7. The development shall comply with the Town's Sustainable Building Regulations and all other applicable building codes in effect at the time of building permit. Each single-family residential unit shall have a minimum Home Energy Rating System (HERs) rating index of lower than 80 points (equates to a score of 90 points on the old HERs Scoring System) that will be verified at building permit by the Town's Building Official and meet any green building and energy conservation regulations adopted by the Town at the time of building permit issuance.

8. The Applicant shall identify two (2) parking spaces for use of the carshare program once initiated on the final PUD plan to be recorded. The TRC shall review and approve of the location of the spaces. The Applicant or successors shall pay $200 per dwelling unit at the time of building permit to the Town for use in implementing a carshare program or other green initiatives at the discretion of the Town's Green Team Advisory Board.

ATTAINABLE HOUSING (To be reviewed by BACH)

1. As represented in the Final Plan application, the dwelling unit breakdown for the project shall be as follows:

Type of Units	Deed-Restricted, Price-Capped Units	Free-Market Units
	32 Dwelling Units plus 2 for dedication to the School District (Note- Applicant still in discussions with School District)	122 Dwelling Units

a. The Community Housing units developed in Stott's Mill shall meet the requirements established in the Community Housing Guidelines as in effect on the effective date of this ordinance.

b. The category-level units~~)~~ shall have a maximum initial sales price that does not exceed an average price that would be affordable to an individual or household making 100% of Basalt's Weighted AMI as defined by using the sales price formula established in the Basalt Community Housing Guidelines.

c. The Applicant shall identify which multi-family units are to be deed-restricted as Category-level units prior to submitting a Final Site Plan Application on the Multi-Family portion of the development. Additionally, the lots within the development shall be deed-restricted as Category units.

4. The Applicant shall participate with the Town's designated housing administrator or other similar entity to participate in down payment assistance programs.

5. Up to one floor of development may occur above the daycare if located on Lot 38 and may be used as the Applicant's Resident Management Office and affordable housing.

6. The initial HOA dues and assessments and changes to the HOA dues and assessments over time for the Category housing units ~~(Type A)~~ shall be as

required by the Community Housing Guidelines, as amended from time to time. The Applicant shall provide a revised draft initial HOA budget for review and approval by the TRC prior to recording the necessary annexation documents. The revised HOA budget shall include a sufficient capital improvement fund. In no instance shall the HOA dues and assessments for the category-level units be more than 80% of the HOA dues and assessments for the free-market units.

7. The small lots (28-foot wide and 42-foot wide) shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant. Each of the small lots includes parking on-site for two cars and the parking requirement for a three-bedroom dwelling unit is rounded up to three parking spaces for these lots. The other uses shall be code compliant in terms of parking.

8. The live/work and home occupational aspects of the Stott's Mill development are approved as represented in the Final Application, as further clarified herein. The inhabitants of the multi-family dwelling units shall be permitted to use up to 15% of their allowable square footage as home occupation space. The single-family lots to be zoned R-3 TN shall permit home occupations that do not employ more than 1 FTE that does not live on the premises and shall be allowed to use up to 30% of their allowable square footage as home occupation. All home occupations shall also comply with the remainder of the home occupation requirements set forth in the Town Code.

9. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

10. The Applicant shall deed restrict two (2) units, consisting of one studio and one 1-bedroom unit, as Category 3 Units and then deed the Units to the RE-1 School District upon condominiumizing the building in which the units are located. The two (2) units for School District employees shall obtain Certificates of Occupancy (CO) and be deeded to the School District before the issuance of COs on units in the third block to be developed on within the subdivision. The School District units shall be part of the HOA and the School District will pay the HOA dues and assessments applied to comparable community housing units in the development.

11. The apartment units proposed to be category-level rental units shall be rented at no more than the maximum rental rates and pursuant to the rental provisions established in the Community Housing Guidelines, as may be

amended from time to time. The Applicant shall grant 1/10th of one percent ownership interest in each such rental unit to the Town of Basalt and hold the Town harmless for any liability incurred related to the Town's ownership.

In the event that the Applicant wishes to sell any of the rental category units, the Town shall deed the Town's ownership interest back to the Applicant and the category-level community housing units would be required to be sold according to the provisions in the Community Housing Guidelines for sale units in affect at the time and the Applicant must record a new deed restriction to meet the requirements in the Community Housing Guidelines for owned units. If at any time, a court of competent jurisdiction finds that the Applicant's agreement to rent the multi-family units at below market-rate rents violates a state or federal law, or if the Town determines that the rental deed restrictions are unenforceable, then the units shall be sold to qualified buyers as defined in the Town's Community Housing Guidelines at the maximum initial sales prices specified for the category of unit (Category 1, 2, 3) that they are designated, and the Applicant must execute a new deed restriction to meet the requirements of the Community Housing Guidelines for owned units.

12. One of the Category 3 units shall be first offered for rent for a 60-day period to full-time daycare employees employed within the town limits of Basalt and if the unit is ever condominiumized and sold, it shall be first offered for sale for daycare employees working in the town limits of Basalt for 60-days each time it is offered for sale. In the event that qualified employee that works within a daycare cannot be found to rent or purchase the unit, it shall be offered for rent or sale subject to the rental and sale provisions for a Category 3 unit in the Community Housing Guidelines.

13. The Applicant shall include language in the Master Declaration of Covenants generally consistent with the following:

If any Property or Unit is sold as a foreclosure sale or otherwise acquired by any person or entity in lieu of foreclosure, the Town, Pitkin County, or Eagle County, shall have the option to enter into an agreement to acquire such Property or Unit within sixty (60) days after the following:

(i) the issuance of a public trustee's deed to the purchaser, or

(ii) receipt by the Town of written notice from such person or entity of the acquisition of such Lot or unit in lieu of foreclosure, as applicable, for an option price not to exceed

(a) in the event of a foreclosure, the redemption price on the last day of all statutory redemption periods and any additional reasonable

costs incurred by the holder during the option period which are directly related to the foreclosure, or

(b) in the event of a transfer in lieu of foreclosure, the amount paid, or the amount of debt forgiven, by the transferee plus the reasonable costs incurred by the transferee with respect to its acquisition of such Property or Unit.

Except for persons or entities having a lien on a Property or Unit as provided herein, only "Qualified Buyers" as that term is defined herein or the Town, Pitkin County, or Eagle County may acquire an interest in a Property or Unit at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Property or Unit is not a Qualified Buyer and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, the provisions in the Master Declaration of Covenants for non-qualified transferees shall apply. It is the Town's intent that the terms and provisions of this Agreement shall remain in full force and effect with respect to the Property and all Units until modified, amended or terminated in accordance with the terms of the applicable Master Declaration of Covenants.

In the event that the Town, Pitkin County, or Eagle County, exercise the option described above, the entity purchasing the unit, may sell the Property or Unit to Qualified Buyers as that term is defined herein, or rent the Property or Unit to qualified tenants who meet the income, occupancy and all other qualifications, established in the Basalt Community Housing Guidelines, until a sale to a Qualified Buyer is effected.

However, in the event of foreclosure by the holder of the first deed of trust on such Property or Unit, if the holder of such deed of trust is the grantee under the public trustee's deed and the Town, Pitkin County, or Eagle County does not exercise its option to purchase as provided in the applicable Master Declarations of Covenants, then the Town agrees to release the Property or Unit from the requirements of this Deed Restriction."

SITE PLAN, DESIGN, AND DEVELOPMENT PROGRAM

1. The Applicant shall abide by the revised design guidelines dated _____(to be updated). The design guidelines shall be incorporated into the PUD approval documents and enforced by the Town in building permit review. This shall not preclude the ability of the development to have a design review board in addition to the Town's review purview over the design guidelines.

Each building permit application submitted to the Town for a new single-family

or duplex residence within the development shall have first been reviewed and approved by the subdivision's design review board for compliance with the subdivision design guidelines. In the event that there is a disagreement between a building permit applicant and the Building Official, the building permit applicant may appeal the Building Official's determination to the Town Council to be considered at a duly noticed public hearing.

The design guidelines shall be amended prior to being included in the PUD approval documents to include the following:

a. A requirement that front yard fences shall meet all requirements in the Town Code for front yard fences and front yard fences shall be setback at least 12 inches from the back of the sidewalk.

The Applicant shall also provide a variety of designs and contract with at least four (4) different local architect firms to design the units to be constructed by the developer to ensure variety in design.

2. The dimensional requirements for the narrow lots (28-foot wide and 42-foot wide) zoned R-3 TN PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	3,360 SF
Building Height	24 Ft. to midpoint
Ridge Height	28 Ft.
# of Stories	2
Lot Width	28
Front Yard Setback	10 Ft. Porch 16 Ft. Living Area
Rear Yard Setback	7 Ft.
Side Yard Setback	5 Ft.
Floor Area	• 1,328 Total Square Feet for 11 of 28 Ft. wide lots • 2,000 Total Square Feet for 31 of 28 Ft. wide lots • 2,376 Total Square Feet for 42 Ft. wide lots
Max Lot Coverage	70%
Min Landscape	20%
Parking	Per Town Code. The small lots that have

	three-bedroom units shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant.
Maximum No. of Bedrooms in a Unit	3 Bedrooms

(All of the single-family lots are now proposed as R-3 TN Lots)

3. The dimensional requirements for the multi-family residential buildings zoned R-4 MD PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	NA*
Building Height	33 Ft. to midpoint
Ridge Height	35 Ft.
# of Stories	3
Lot Width	50
Front Yard Setback	10 Feet
Rear Yard Setback	20 Feet
Side Yard Setback	10 Feet
FAR of Building	.69:1
Max Lot Coverage	NA
Min Landscape	20%
Parking	Meet Code Requirements

*- A total of ~~47~~ __dwelling units shall be permitted on the multi-family Property. The maximum unit sizes allowed on the parcels to be zoned R-4 MD PUD are as follows:

Unit Type	Maximum Unit Size
Studio	700 Total SF
1-Bedroom	~~750~~ 800 Total SF
2-Bedroom	~~1,100~~ 965 Total SF
3-Bedroom	~~1,250~~ 1,135 Total SF

4. Multi-Family Design to be reviewed as part of the Final Site Plan Review.

IMPACT FEES AND DEDICATIONS

1. The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicant shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential	
Detached	$.85 per total square foot
Attached	$.70 per total square foot
Community Housing	
Detached	$.45 per total square foot
Attached	$.35 per total square foot

(Note: Staff did not grow this fee because there are significant transportation improvements required of this development application, but other Applications that are proposed are expected to have an increased fee.)

2. The Applicant shall contribute on a proportional basis to the cost of implementing the new water storage tank using the methodology and timing of payment in the Town Code and adopted fee schedule (as adopted in Ordinance No. 18, Series of 2008). The Stott's Mill project is subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system.

3. Southside Roundabout or Alternative Traffic Calming Mechanism is a discussion item. The Applicant shall be responsible for constructing traffic-calming mechanisms on Southside Drive pursuant to the plan established and approved by the Town POST Committee. The Applicant shall also dedicate the land area necessary for the implementation of a mini-roundabout at the intersection of Southside Drive and Running Brook Drive as proposed in the Application prior to recording the final plat for the Subdivision.

4. The Applicant shall install the Basalt Avenue/Highway 82 intersection improvement determined necessary by the Town prior to obtaining a building permit on the first residential dwelling in the development and may require reimbursement by future developments in southside on a fair share basis based on traffic generation. Alternatively, the Applicant shall pay the Town the anticipated costs of installing the intersection improvement plus 15% and

require reimbursement by future developments in southside on a fair share basis based on traffic generation.

WATER RIGHTS

1. The Stott's Mill developer shall dedicate by special warranty deed all of its 1.57 cfs, absolute, decreed in the Grace & Shehi Ditch, 0.644 cfs under Priority 142 and 0.926 cfs under Priority 302, which have been historically used to irrigate 12.29 acres of the 17.976 acres proposed for annexation into the Town as more further described in the Memorandum from Tom Kinney, Town of Basalt Water Attorney, to Susan Philp and Larry Thompson dated April 30, 2007.

2. The Town shall lease back to the Applicant, portions of these Grace & Shehi Ditch water right priorities for continuation of raw water irrigation within the Stott's Mill PUD Parcel.

3. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town's obtaining water rights sufficient to meet the full build-out municipal water service demand occurring during the non-irrigation season (currently anticipated 18.2 acre-feet).

4. As part of constructing the irrigation water storage pond on the property, the Applicant shall abide by the following requirements:

   a. The out-of-priority stream depletions resulting from pond evaporation should be incorporated by the Town into the Town's augmentation plan, which augmentation plan is and shall continue to be solely owned and maintained by the Town.

   b. The Applicant shall make a cash payment to the Town in lieu of the dedication of additional water rights and in an amount appropriate to compensate the Town for the legal and engineering costs associated with either amending the Town's augmentation plan or obtaining Water Court approval of an additional augmentation plan, to incorporate the operational pond as an augmented structure.

   c. The declaration of covenants and the subdivision improvements agreement shall contain language prohibiting the use of treated water for outdoor irrigation purposes, except between November 1st and March 31st when homeowner's may use treated water for irrigation.

   d. Applicant shall continue to use the dedicated 1.57 cfs Grace & Shehi Ditch water described herein above at Condition No. 1 of Exhibit F pursuant to

the annual lease-back agreement described herein below at Condition No. 5 of Exhibit F for the purpose of irrigating 12.29 acres of historically irrigated acreage within the Stott's Mill PUD Parcel until development construction begins and shall thereafter continue to use a portion of said 1.57 cfs Grace & Shehi Ditch water right to continuously irrigate the maximum portion of said 12.29 acres historically irrigated within the Stott's Mill PUD Parcel practicable during construction of the Stott's Mill PUD.

5. The Town's former Water Attorney has drafted a municipal water service agreement, water rights dedication deeds, and an annual lease agreement by which the Town will lease back to the developer and/or home owners' association(s) a portion of the 1.57 cfs of dedicated water rights in the Grace & Shehi Ditch for raw water irrigation. The Applicant shall execute these documents prior to or in conjunction with recording the final annexation plat and agreement.

PARKS, TRAILS, AND OPEN SPACE

1. The Applicant shall comply with the annexation requirements for parkland dedication and park improvements by:

   a. Dedicating ownership of 4.5 acres of improved park land to the Town as shown on the Final plat and ~~as described in the Final Plan application~~ and improving the two parks as shown on the landscape plan prepared by Mt. Daley Enterprises with a revision date of 11/17/09.

   b. For South Park, the Tennis Group represented by Diana Elliot shall be able to construct an indoor tennis center comprised of three (3) tennis courts in the event that they are able to raise the necessary funding as determined by the Town Manager by ___ (*two years after the final project approval date*). If the Tennis Group has not obtained enough funds to build the tennis facility by ____ (*two years after the final project approval date)*, the Applicant will resume control of installing an active park consistent with the park plan in the 2009 approvals to include a public bathroom in the vicinity of the Denver and Rio Grande Trail, storage space incorporated into the bathroom design for use by the Public Works Department, drinking fountain, trails, signage, bicycle parking facilities, 2 basketball courts, and 4 tennis courts, and the historic cabin in the configuration generally shown on the landscaping plan dated 6/8/09. As the Town will own the storage space, the Town will be able to use it. If the Tennis Center is not built, conditions c-j below will also apply.(Park Programming is a discussion item.)

c. A revised landscape plan shall be submitted for review by the TRC prior to recording the Master plat and SIA that demonstrates the ability for and the location of a 14-foot wide Nordic ski loop in South Park that is free of landscaping barriers.

d. The Applicant shall erect the proposed pole and rail fence between the Rio Grande Trail ROW and the Stott's Mill property prior to commencing construction activities on the entire site.

e. The Applicant shall enter into a license agreement with RFTA to construct a sidewalk connections to the Rio Grande Trail prior to recording a Master Plat and SIA.

f. The trails on the Landscape Plan in the North and South Park shall be asphalt.

g. The Applicant shall relocate the historic cabin to South Park and make it structurally sound for use as a recreational feature in South Park. This shall be completed as part of the required improvements.

h. The Town will conduct the routine park maintenance on North and South Park, but the Applicant shall enter into a perpetual maintenance agreement with the Town requiring that the HOA will maintain the raw water irrigation system at its sole expense. The Town Attorney and Public Works Director shall review the maintenance agreement prior to recording it at the Pitkin County Clerk and Recorder's Office. The agreement shall be recorded in conjunction with recording final annexation plat and agreement.

i. The Applicant shall provide an irrigation plan for irrigation in the Town's right-of-ways for review and approval by the Town's Assistant Planning Director prior to issuance of any building permits for the development.

FIRE DISTRICT CONDITIONS

1. The declaration of protective covenants shall require that fire apparatus access roads within the development shall not be obstructed in any manner, including the parking of vehicles so that the minimum widths and clearances established in the Section 503.4 of the International Fire Code are maintained. Language shall also be added to the declaration of protective covenants shall also prohibit the parking of recreational vehicles or boats in the on-street parking spaces within the development.

The declaration of protective covenants shall provide that these requirements are enforceable by the HOA and by the Basalt and Rural Fire Protection District.

EXHIBIT I

TECHNICAL CONSIDERATIONS

1. The Applicant shall comply with all of the geo-technical recommendations provided by HP Geotech, including the basement recommendations made by HP Geotech in their letters dated October 23, 2007 and April 3, 2008, requiring that basements for the single-family lots not extend more than six (6) feet below existing grade and that basements not be provided in the multi-family buildings. This shall be a requirement of the declaration of protective covenants.

2. The Applicant shall only be required by the Town to remove a small area of willow vegetation on the westernmost extent at which the Home Supply Ditch is on the Stott's Mill property before it reaches Southside Drive and a small area of willow vegetation at the easternmost extent at which the ditch is located on the Stott's Mill property. These small areas of removal shall be revegetated with a native low-lying species approved by the Public Works Director. The Applicant shall have finalized an agreement with the Home Supply Ditch Company to enable the Applicant to construct Alexander Lane across the ditch prior to recording the Master Plat dedicating the parks to the Town.

   The Applicant shall prepare a revised landscaping plan for North Park for review by the TRC and the Assistant Planning Director that includes an area of dense vegetation adjacent to the irrigation pond that may replace some bird habitat that might be lost if the ditch company or the Applicant removes all of the vegetation on the south side of the Home Supply Ditch within the ditch easement. Four water birch specimens that were identified on the site visit between representatives of the Home Supply Ditch Company and Town Staff on 11/12/09 are to be preserved on the south side of the ditch upon final approval by the Home Supply Ditch Company Board of Directors.

3. There shall be no designated parking spaces, except for handicap spaces on the public streets, spaces on the individual single-family ~~and duplex lots~~, and carshare spaces. This shall be a requirement of the declaration of protective covenants.

4. The Applicant shall apply for and be annexed into the Basalt Sanitation District prior to the issuance of the first building permit in the development. Acceptance into the Basalt Sanitation District shall be contingent on obtaining final annexation approval.

5. The Town contracted with Economic and Planning Systems (EPS) to develop an economic model to study the fiscal impacts of the development on the

Town. The Applicant shall reimburse the Town for the cost of having EPS conduct the study.

6. The Applicant shall dedicate the alleyways to the Town on the Master Plat, but the Applicant shall also enter into a perpetual maintenance agreement requiring the HOA to maintain the alleyways, including but not limited to snowplowing and resurfacing. This maintenance agreement shall be drafted by the Applicant and reviewed by the Town Attorney and Public Works Director and recorded prior at the County Clerk and Recorder's Office in conjunction with recording the PUD control document.

7. Development in the rights-of-way shall occur as approved in the Final PUD plan, but the Town reserves the right to make future improvements in the rights-of-way as deemed appropriate and shall not be bound by limits established in the PUD.

8. The Applicant shall install removable bollards in the Allison Lane vehicular connection with a knox box meeting the Fire District's requirements. The area between the bollards shall be maintained for a through access during the winter by the Town. (Town will discuss further with Fire District prior to Council's review.)

PHASING AND APPROVAL DOCUMENTS

1. The Applicant shall enter into a PUD control document with the Town within 180 days of the effective date of the Final Plan ordinance for Phase I, adopting the terms and conditions of the development and providing security for the common public improvements associated with the development. The Applicant shall also record a Master Plat/Annexation Map and Final PUD Development Plan with the Pitkin County Clerk and Recorder's Office within 180 days of the effective date of the Final Plan ordinance.

   A note shall be included on the Final Annexation Map indicating that the area of annexation has been refined from the legal description included on the original annexation petition, yet represents the development proposed in the annexation petition that was approved for annexation eligibility pursuant to Resolution No. 14, Series of 2016.

   The PUD control document, Master Plat/Annexation Map, and PUD Development Plan shall be reviewed by the Town Attorney for approval of form and content prior to recording. The PUD control document, Master Plat, and PUD Development Plan shall be recorded prior to commencing the installation of infrastructure and prior to the issuance of the first building permit in the development. The Applicant shall also prepare deed restrictions

for the community housing units for review and approval by the Town Attorney prior to the recording of the PUD Control Document.

An individual subdivision plat shall be submitted for each phase prior to closing on the sale of any lots or developing on any of the lots in each phase. (Phasing is a discussion item being reviewed.)

2. The Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, pond, irrigation piping, and adjacent sidewalk and parking) in North Park within three (3) years of final approval.

3. In the event that the Tennis Center is not built, the Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, the adjacent sidewalk and parking, the public facilities/storage, and the courts) in South Park prior to the Applicant obtaining a building permit on half the units in the development.

4. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

5. The two (2) units for School District employees shall obtain COs, be deed restricted as Category 3 units, and then be deeded to the School District before the issuance of COs on any units in the third block to be developed on within the development.

6. The category level units shall be constructed at a proportional rate with the free-market units. For example, since the number of category-level equal at least 25% of the units within the project, at least three (3) category-level units shall be constructed and obtain COs out of every ten (10) total units developed within the project.

7. The multi-family shall remain in a single ownership until such time as the last of the multi-family buildings on these blocks is completed and obtains a CO. Any future subdivision will be subject to the then-current subdivision regulations.

8. The traffic-calming improvements determined necessary by POST for Southside Drive shall be installed and completed as part of the 1st phase improvements and within the first summer of infrastructure improvements. The Applicant shall submit and implement a detour plan for pedestrians, bicyclists, and

vehicular traffic acceptable to the Town Engineer to safely and efficiently move pedestrian, bicyclists, and vehicles around the construction prior to commencing construction on the traffic-calming improvements. (Southside Drive Traffic Calming is a discussion item.)

9. The irrigation pond and irrigation piping shall be installed in the 1st phase of improvements and prior to the issuance of the first building permit within the development.

10. Up to four (4) model units that are not inhabited may be exempted from the phasing requirements by the TRC.

11. If there are any insubstantial changes to the project's phasing plan during construction, a revised phasing plan shall be submitted for review by the TRC. Any minor deviations from the requirements of the approved phasing plan require approval by the TRC and shall be documented by the issuance of a TRC Certificate. If the TRC finds that a change is not insubstantial, the change shall require approval by the Town Council.

12. The Applicant shall provide financial security in a form acceptable to the Town Attorney, in an amount sufficient to secure all of the improvements within both North and South Parks (2009 Landscape Plan) within the development plus a ten (10%) percent contingency in conjunction with filing the master plat and PUD plan. Prior to the issuance of the first building permit or closing on the sale of any lots in an individual block, whichever is earlier, the Applicant shall prepare and record a subdivision plat for the individual block or blocks that are being developed.

    In conjunction with filing the subdivision plats on the individual blocks, the Applicant shall be required to put up sufficient financial security in a form acceptable to the Town Attorney for the public improvements in the block. If the Applicant is proposing to develop multiple blocks at once, they shall be allowed to record multiple block subdivision plats at once, but they would need to put up security for the public improvements on all of the blocks being platted.

    The Town may draw on the financial security posted for the public improvements to install any incomplete public improvements or restore the site to an acceptable condition if at any time after the commencement of construction activities the Town Engineer determines that the project or a portion of the project has been abandoned. Abandonment for the purpose of administering this condition shall mean that the Applicant has started improvements, but has stopped all construction activities on the site for a period of more than six (6) months.

No more frequently than once every quarter, Applicant shall be entitled to partial releases or reductions of the Performance Guaranty as portions of the Improvements are completed and approved. In order to obtain a partial release or reduction of the Performance Guaranty, Applicant shall submit a Certificate of Partial Completion signed by an engineer licensed in the State of Colorado or other appropriate professional acceptable to the Town describing the portion of the Improvements completed, and the cost allocation associated with such completed improvements.

VESTED RIGHTS AND CONTRACTUAL PHASING

1. Vested property rights shall be granted for a period of three (3) years from the effective date of the ordinance approving the final annexation. The Applicant may request an extension of vested rights and an amendment to the contractual phasing requirements pursuant to the process for extending vested rights as established in the Town Code. The Town Council may consider the strength of the local housing market and construction lending environment in considering a request to extend the vested rights and contractual phasing time period.

   All of the public improvements required in the development with the exception of South Park, shall be completed within the three (3) year vested rights period. Additionally, if the Applicant does not complete the Town's required improvements within the three (3) year vested rights period, the Town reserves the ability to unilaterally rezone the property or change the allowable uses within the PUD. (Phasing is a discussion item being reviewed.)

App. Addendum

Mark Chain Consulting, LLC

July 13, 2016

James Lindt, Assistant Planning Director
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

RE: Stott's Mill - Updated Comments on Day Care & South Park

Dear James:

Thanks very much for the extensive discussion today at the Technical Review Committee meeting for Stott's Mill. Per our discussion at the end of the TRC meeting, the Stott's Mill team is to provide you in writing comments related to the provision of Day Care and the South Park Site Plan. Our comments are as follows:

Day Care. The Stott's Mill Team is aware of the strong desire for Day Care in the Mid-Valley area. We are willing to provide the following:

- An approximately 4,000 ft.^{2} ground floor core and shell space to be located on Lot 37.
- A second story of the structure would be provided. This may be for the purpose of providing employee housing and related space for the manager of the Stott's Mill multifamily rental area.
- Stott's Mill would retain ownership of the structure. The Town or a professional daycare operation would lease the ground floor core and shell area.
- If the daycare operation does not fulfill the terms of the lease, ceases to exist or terminates their lease, Stott's Mill would retain ownership of the building. Lot 37 could then be converted to residential use per the approved zoning for the property.

South Park Design/Site Plan

- Stott's Mill understands that only one connection to the Rio Grande trail is desired by RFTA. Therefore, the two connection points will be modified and only one connection provided. It appears best that this connection would extend from the central portion of the Park extending from the north-south pedestrian path. Exact point of connection to be determined.
- A scaled-down Tennis Center is acceptable. Desired location would be in the southeast corner of South Park. Please note that we still are of the opinion that the Tennis Center is not the best use for the South Park Open Space area and the neighborhood for reasons we previously discussed.
- The tennis advocacy group (AD-IN) would have two years to come up with the sufficient funding for construction of the facility. Stott's Mill would provide the space in South Park as well as extend utilities to the construction site.

811 Garfield Avenue Carbondale, CO 81623 Ph 970.963.0385 Fax 970.963.2916
mchain@sopris.net

- If AD-IN is not ready to start construction within two years of project approval, Stott's Mill would build the previously approved (via Ordinance # 19-2009) "active area" of South Park which included two tennis courts and a basketball court.

We are in the process of contacting Diana CordovaElliot to confirm a reasonable time period for obtaining the necessary funding for the Tennis Center. Please contact me if you have any questions regarding the Day Care or South Park comments.

Sincerely,

Mark Chain

Mark Chain, Planner

811 Garfield Avenue Carbondale, CO 81623 Ph 970.963.0385 Fax 970.963.2916
mchain@sopris.net

Traffic Report Excerpts

Table 1
Baseline Intersection Level of Service Summary

Intersection	AM		PM	
	LOS	DELAY [1] (s)	LOS	DELAY (s)
SH 82 & Basalt Avenue	D	39.3	D	41.0
Cody Lane & Basalt Avenue	A	6.0	E	56.5

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As the table shows, the intersections within the study area currently operate within acceptable standards. Detailed operational results for the signal are provided in the appendix that show the MOE's by movement on each approach on Table A1.

Although the stop-controlled intersection south of the highway is shown to operate with low average delays, intersection blockage is common at Cody/Basalt during the peak hours of most weekdays. However, the northbound green phase generally allows the Cody/Basalt intersection to clear each cycle. The signal cycle currently operates in "split-phase" mode throughout the day, allowing southbound and northbound traffic separate green phases with the pedestrian crossing phase occurring during the lagging northbound green phase. The existing peak hour cycle length of 180 seconds is set by CDOT to maximize highway flows and minimize delays for the predominant direction during the peak hour.

The following table shows the baseline analysis 95th percentile queue lengths estimated by the Simtraffic model.

Table 2
Baseline 95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	163'	174'	180'
Eastbound Approach (Left)	331'	279'	370'
Southbound Approach	227'	160'	110'
Westbound Approach (Left)	151'	167'	370'

The 95th percentile queue length represents the maximum queue length that occurs during 95% of the hour, so there may be times when it is exceeded for a short period of time. As the baseline model results show, the 95th percentile queue lengths for the northbound approach do not exceed the available storage length (but they are close), while the southbound queue lengths exceed the available storage length of 110' and spill into the roundabout during both peaks. Eastbound and westbound left turns are predicted be accommodated in the turn lanes provided. There is room in the median of the highway to restripe these turn lanes to allow more storage in the future, if necessary.

5.4. Improved Baseline Intersection Capacity and Queuing Analysis

The proposed pedestrian underpass project will improve existing operations at the signal by removing the pedestrian phase, restriping the northbound approach to allow for a shared left-through lane and an exclusive right turn lane, and adjusting the split-phase signal operations to permissive for northbound and southbound approaches. With these changes, the intersection is estimated to operate with about 18 seconds less overall delay in the AM peak (LOS C) and about 12 seconds less overall delay in the PM peak (LOS C) than it does today. The following tables show the results of the capacity and queuing analyses using existing volumes and

assuming the above laneage and phasing changes occurring with the underpass project. Although not shown in the table below, the intersection of Cody/Basalt operates at acceptable levels of service during both peaks with the underpass.

Table 3
Improved Baseline Scenario
Intersection Level of Service Comparison

SH 82 / Basalt Avenue Intersection - Approach Performance

2015 PERFORMANCE COMPARISON TABLE A1

			Eastbound			Westbound			Northbound			Southbound		
		OVERALL	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT
2015 AM Peak	LOS	D	F	C	A	F	C	A	E	F	E	E	E	A
Baseline	Delay	39.3	81.5	32.5	7.7	117.1	26.3	3.6	72.5	86.4	55.6	73.5	63.8	5.3
	Queue		331	526	85	151	142	30	113	163	163	**188**	**227**	62
2015 AM Peak	LOS	C	D	B	A	E	B	A	C	C	B	D	C	A
w/ Underpass	Delay	21.3	45.8	18.6	7.2	58.5	13.1	2.3	31.8	28.5	18.8	44.0	32.6	4.1
	Queue		191	965	73	84	83	16	94	94	94	**143**	**163**	25
2015 PM Peak	LOS	D	F	B	A	F	C	A	F	F	E	F	E	C
Baseline	Delay	41.0	93.0	15.4	3.2	108.4	33.1	9.5	98.3	107.6	62.9	89.4	74.7	33.8
	Queue		279	149	41	167	1309	248	146	174	174	**126**	**160**	100
2015 PM Peak	LOS	C	F	B	A	D	C	A	D	D	A	D	C	B
w/ Underpass	Delay	28.5	85.3	12.1	3.4	50.3	26.7	9.0	48.5	46.6	7.0	42.6	34.0	19.3
	Queue		223	108	46	79	406	53	152	152	63	82	86	54

Signal runs actuated-uncoordinated with protected-only phasing for mainline left turns
95th Percentile Queues exceeding available storage shown in **BOLD**
Simtraffic Results - CDOT Existing Cycle Length of 180 Seconds

7/15/2016

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As Table 3 above shows, the signal will operate with less delay when the underpass is installed and the northbound laneage is reassigned. The northbound and southbound approaches show the greatest improvements in reduction of average delays when the underpass is in place. The following table shows the estimated queue lengths for the improved baseline scenario when the underpass is in place.

Table 4
Improved Baseline 95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	94'	152'	180'
Eastbound Approach (Left)	191'	223'	370'
Southbound Approach	163'	86'	110'
Westbound Approach (Left)	84'	79'	370'

As Table 4 and Table A1 of the appendix show, the queue lengths are reduced when compared to the Baseline scenario (Table 2 results). The results show the queue lengths all fall within their available lane lengths, with the exception of the southbound approach to the highway during the AM peak hour.

The underpass improvement demonstrates a first, significant step to improving access to the Southside and reducing delays for all intersection users at the SH 82 signal and adjacent intersections.

6.0 20-Year Traffic Conditions (2035)

The Town of Basalt has developed a 20-year development plan for the Southside that reflects active land use proposals and plans developed through discussions with stakeholders. For the purpose of this study, SGM will assess all proposed 20-year buildout of the Southside in one scenario.

New traffic turning to and from the highway or crossing at Basalt Avenue was increased using land use estimates and ITE trip rates for specific development proposed for the Southside. Traffic entering and leaving the Southside was assigned using the existing turning splits occurring at the SH 82 signal to estimate percentages turning up or down valley or crossing the highway during the AM and PM peak hours. Through movements at the signal (not influenced by the Southside 20-year development plan or the Roaring Fork Apartments) were increased using CDOT's 20-year factor of 1.35. The following sections detail the development of the peak hour volumes for the 20-year development scenario.

6.1. Traffic Generation (20-Year Plan)

According to the Town of Basalt Planning Department, several southside parcels are planned for development in the next twenty years. These parcels are color coded in Figure 6 below and include:

- Cathers East (16 Multi-family units, 1,800 SF Commerical / Orange)
- Cathers West (32,000 Industrial / Orange)
- Schlumberger (8,000 SF Industrial, 3 Multi-family units / Yellow-green)
- Skico Industrial/Housing parcel (10,000 SF Industrial, 3 Multi-family units / Blue near 82)
- Basalt Design District Housing (80 Multi-family units, 23,700 SF office / Light green)
- Basalt Mini Storage (81,600 sf of Mini warehousing / Green)
- Southside PUD (11 Single-family units / Red)
- Stott's Mill (56 Single-family units, 90 Multi-family units / Gold)
- Skico Housing (24 Multi-family units / Blue)
- RE-1/Habitat for Humanity (40 Multi-family units / White)

And the northside proposed development parcel includes:

- Roaring Fork Apartments (56 Apartment units / Yellow)

Some of the development potential identified above is projects that have submitted development applications such as Stott's Mill and the Basalt Mini-Storage expansion. Others are projections from the Town's Master Plan. Actual development proposals by these other projects could be lower or higher with regards to project scope.

Table 7
Buildout Baseline
Intersection Level of Service Summary

Basalt Avenue / SH 82 Intersection - Approach Performance	2035 PERFORMANCE SUMMARY						
			OVERALL	EB App	WB App	NB App	SB App
	2035 AM Peak	LOS	D	D	C	E	E
	Buildout Baseline	Delay	41.3	38.6	27.3	65.3	57.9
	2035 PM Peak	LOS	E	F	E	E	D
	Buildout Baseline	Delay	73.9	83.9	74.0	67.0	45.8
	Signal runs actuated-uncoordinated						
	Simtraffic Results - CDOT Existing Cycle Length						
							7/7/2016

1 – Delay expressed as average delay per vehicle in seconds/vehicle.

As Table 7 shows, the intersection is forecast to operate acceptably in 20 years during the AM peak but not the PM peak (LOS "E"). Based on the applied CDOT growth rates and site specific traffic generation, this is to be expected along the highway within the mid-valley area as SGM found in other recent studies along the SH 82 corridor (The Fields, Eagle County). The forecast 20-year increase in most areas has shown that over-saturated (LOS "F") conditions are likely to exist along the corridor during peak hours without the addition of lanes to the highway or the implementation of additional transportation demand measures like transit, bike commuting, and ride sharing options.

Table 8 summarizes the 95th percentile queue lengths estimated for the Buildout Baseline scenario.

Table 8
Buildout Baseline
95th Percentile Queue Summary

SH 82 & Basalt Avenue	AM	PM	Available Length (ft)
Northbound Approach	196'	157'	180'
Eastbound Approach (Left)	414'	438'	370'
Southbound Approach	218'	169'	110'
Westbound Approach (Left)	165'	620'	370'

As Table 8 shows, the additional traffic from background and Basalt parcels will create queue lengths at the signal that will exceed the available storage length that exists today on all approaches during most peak hours. Of significance to Southside development, the westbound left turn queue increased from 79' in the Improved Baseline scenario (Table 4) to 620' in the Buildout Baseline scenario as a result of the increased traffic demand on the Southside. Additionally, the northbound queue is estimated to extend through the Cody Lane intersection in the Buildout Baseline scenario, whereas it did not extend through this intersection in the Improved Baseline scenario (increases from 94' to 196' in AM peak). These increases show the effects of additional traffic demand from Southside developments on the current system.

Improvements to the left turn lanes on the highway could be accomplished easily by restriping the proper lengths within the paved medians. There is about 700' of pavement available for the westbound left turn lane and 800' available for the eastbound left turn lane if they were extended to the existing median barrier sections on the highway.

Figure 13
Alternative 1 Improvement Plan

Figure 14
Alternative 1 Simtraffic Model

Alternative 1 may require a small Right-of-Way (ROW) take from the Cathers West parcel, although the preliminary plan shown in Figure 13 fit within the existing ROW of Basalt Avenue and CDOT. This improvement could also provide safer crossings for pedestrians at Cody Lane using the splitter islands of the roundabout. The underpass plans were developed to include this improvement without major changes to the underpass approach south of SH 82 or the traffic signal poles. This improvement would cost less than $1M to construct.

7.2 Alternative 2 – Split-Tee Intersections

Alternative 2 consists of a split-tee intersection that creates two signalized "Tee" intersections with SH 82 at Midland Avenue and at Basalt Avenue. These would separate turning movements to the north and south side of the highway and the signals could be timed as a system for efficiency. However, this alternative requires relocating the north leg of Basalt Avenue to Midland, while relocating Emma Road potentially through the Roaring Fork Mobile Home Park. The property impacts to the north including less direct access to the commercial uses along Emma Road may screen this alternative out. An option for a split-tee would be to "flip it" and leave the north Tee at Basalt and move the south Tee to Southside Drive. This would require realignment of Cody Lane near Southside Drive and provide less direct access to the highway for businesses along east Cody Lane. It would also create overlapping left turns between Basalt and Southside, which limits the available storage length to the distance between the intersections (less than 600').

Figure 15
Alternative 2 Simtraffic Model

Alternative 2 was analyzed in the configuration shown above. In addition to the relocation of Emma Road east of Midland, Emma Road will need to be relocated west of Midland to connect to Gisella Way, north of the Post Office. Additional impacts at the relocated intersections were not fully studied for this alternative. Alternative 2 would require amending CDOT's Access Control Plan.

7.3 Alternative 3 – Underpass at Midland Avenue/Southside Drive

Alternative 3 consists of a vehicular and pedestrian underpass connecting Midland Avenue with Southside Drive. This alternative provides additional access to the Southside but avoids having to be granted new access to the highway. Alternative 3 is shown in Figure 16.

Figure 16
Alternative 3 Improvement Plan

The improvement plan shown in Figure 16 includes an on- and off-ramp for eastbound SH 82, which would require amendment to the Access Control Plan. As considered for this study, no access will be provided to the highway for this alternative beyond the existing access at Basalt Avenue, so these ramps were not considered a part of this improvement. For the purpose of the traffic model, the through volumes crossing the highway at the Basalt Avenue intersection (north- and southbound traffic) were reassigned to the underpass, and removed from impacting the signalized intersection. The signal will not prohibit through movements, but it is likely that the majority of travelers will use the underpass to get across the highway rather than wait at the signal. A cost estimate of this concept was not developed for the Town, but based on the current underpass construction budget, it would be significant.

8.0 Alternative Analysis Capacity and Queuing Results

Using the 20-year buildout volumes shown on Figures 11 and 12, the capacity analysis was run in Synchro to determine level of service and delay for the signalized intersection under each of the alternatives. The following tables show the overall results of the capacity analysis for the signal at SH 82 and the 95th percentile queueing results for the two alternative improvement scenarios.

Table 9
20-Year Buildout Alternatives Level of Service Summary

Basalt Avenue / SH 82 Intersection - Approach Performance

2035 PERFORMANCE SUMMARY

		OVERALL	EB App	WB App	NB App	SB App
2035 AM Peak	LOS	D	D	C	E	E
Buildout Baseline	Delay	41.3	38.6	27.3	65.3	57.9
	Queue					
2035 AM Peak	LOS	D	C	C	D	E
Alternative 1	Delay	35.4	32.0	25.1	51.5	61.5
	Queue					
2035 AM Peak	LOS	D	C	B		F
Alternative 2	Delay	39.5	28.5	11.5		181.1
	Queue					
2035 AM Peak	LOS	C	C	C	D	E
Alternative 3	Delay	32.1	30.5	23.3	49.6	57.2
	Queue					
2035 PM Peak	LOS	E	F	E	E	D
Buildout Baseline	Delay	73.9	83.9	74.0	67.0	45.8
	Queue					
2035 PM Peak	LOS	E	D	E	F	D
Alternative 1	Delay	68.4	53.3	71.1	94.7	49.7
	Queue					
2035 PM Peak	LOS	F	A	F	D	
Alternative 2	Delay	113.7	7.3	159.7	53.3	
	Queue					
2035 PM Peak	LOS	D	D	D	D	D
Level 4 Improvements	Delay	40.5	41.5	38.8	51.3	39.0
	Queue					

Signal runs actuated-uncoordinated

Simtraffic Results - CDOT Existing Cycle Length

7/8/2016

Figure 15
PROPOSED FIOU LANE SIDEWALK

A future option to improve safety and connectivity is shown conceptually above. This would provide a continuous 10' sidewalk along the south side of Fiou Lane, between Southside and Basalt (along the Basalt Design District frontage). This would allow the pedestrians to avoid the two at-grade crossings of the main access route to the Southside and the High School. Figure 14 shows this simple connection that would include a marked pedestrian crossing for the Meyers driveway and connectivity to the existing sidewalk by the Shell station. This sidewalk and trail connection would significantly improve the pedestrian experience and reduce the interaction of pedestrians, cyclists, and traffic on Fiou Lane and Basalt Ave. The construction cost of this approximate 300 trail connection is under $50,000.

11.0 Conclusions and Recommendations

The scale of proposed development for the next 20 years on the Southside will create operational deficiencies at the SH 82/Basalt Avenue intersection upon Buildout if no additional capacity improvements are made. Upon buildout and based on conservative assumptions, the proposed Southside development and Roaring Fork Apartments will generate approximately 2,965 external daily trips to/from the Southside, including 252 trips in the AM peak and 301 trips in the PM peak. This equates to a 58% increase in AM peak hour traffic and 123% increase to PM peak hour traffic over today's volumes on the northbound approach.

Two of the proposed developments will require an access permit with CDOT because individually they would contribute 20% or more traffic (over today's volumes) to the northbound approach to SH 82/Basalt Avenue. The State's permitting process would seek improvements from the developer to mitigate the LOS "E" that would exist if nothing were done to improve the intersection or approach in the meantime.

This report explores two potential solutions, with the first (Alternative 1) requiring a less intensive development scenario for the Southside than anticipated in order for the signalized intersection to operate within acceptable standards. CDOT's acceptable standard means LOS "D" overall operations and 95th percentile queue lengths accommodated within the allowable turn lanes provided. Alternative 3 meets all of CDOT's standards with the exception of satisfying the southbound 95th percentile queue needs. Laneage options may be available for

the southbound approach (exiting the Emma roundabout) that were not included in this study. With improvements to the SH 82/Basalt signal operations under Alternative 3, the Basalt Avenue/Cody Lane intersection will function acceptably during peak hours.

Other mitigation solutions that were not explored in depth could include:

- Eastbound slip lanes to and from SH 82 to Cody Lane
- Relocation of the Basalt Avenue/Cody Lane intersection to the south

These options create major property impacts to multiple properties (similar to Alternative 2), and the slip lanes would require amending the Access Control Plan. Both options could improve intersection operations at SH 82/Basalt Avenue, but were not studied due to the excessive property impacts.

A final recommendation this report offers is to construct a sidewalk connection on the south side of Fiou Lane between Southside Drive and Basalt Avenue. This would create a safer connection between the highway and the Rio Grande Trail, which is used heavily by school children, residents, tourists, and others.

SOUTHSIDE TRIP GENERATION TABLE A3

Southside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates AM Entering	AM Exiting	PM Entering	PM Exiting	Average Weekday Traffic	Peak Hour Traffic AM IN	AM OUT	PM IN	PM OUT	% Impact
RE-1 Habitat For Humanity	40	230	5.81	0.07	0.37	0.35	0.17	232	3	15	14	7	7.2%
Ski-Co Housing	24	230	5.81	0.07	0.37	0.35	0.17	139	2	9	8	4	4.3%
Stotts Mill Single Family	56	210	9.52	0.19	0.56	0.63	0.37	533	11	31	35	21	**35.8%**
Stotts Mill Multi-Family	90	230	5.81	0.07	0.37	0.35	0.17	523	6	33	32	15	
Basalt Mini Storage	81.6	151	2.5	0.08	0.06	0.13	0.13	204	7	5	11	11	8.7%
Basalt Design District Multi-Family	80	230	5.81	0.07	0.37	0.35	0.17	465	6	30	28	14	**26.8%**
Basalt Design District Office	23.7	710	11.01	1.36	0.19	0.25	1.24	261	32	5	6	29	
Southside PUD (Buildout Existing Lots)	11	210	9.52	0.19	0.56	0.63	0.37	105	2	6	7	4	3.8%
Schlumberger Industrial	8	110	6.97	0.81	0.11	0.12	0.85	56	6	1	1	7	3.7%
Schlumberger Multi-Family	3	230	5.81	0.07	0.37	0.35	0.17	17	0	1	1	1	
Cathers West Industrial	32	110	6.97	0.81	0.11	0.12	0.85	223	26	4	4	27	12.7%
Cathers East Multi-Family	16	230	5.81	0.07	0.37	0.35	0.17	93	1	6	6	3	4.6%
Cathers East Commercial	1.8	826	44.32	-	-	1.19	1.52	80	-	-	2	3	
Ski-Co 82 Industrial	10	110	6.97	0.81	0.11	0.12	0.85	70	8	1	1	9	9.9%
Ski-Co 82 Multi-Family	3	230	5.81	0.07	0.37	0.35	0.17	17	0	1	1	1	

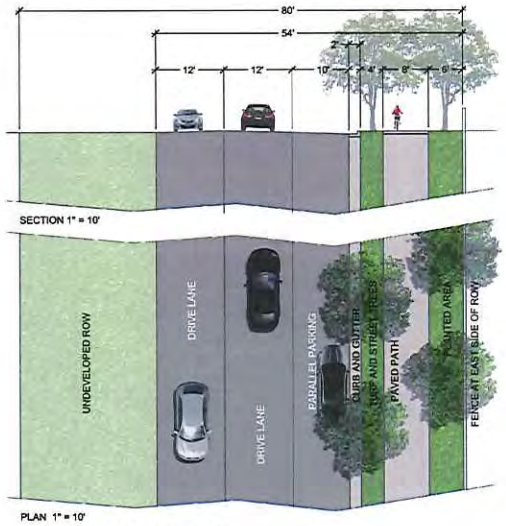
323	Residential units
81.6	ksf Mini storage
50.00	ksf Industrial
1.8	ksf Commercial/Retail
23.7	ksf Office

TOTAL TRIPS:	**3,018**	**110**	**147**	**156**	**154**
INTERNAL TRIP REDUCTION (15%):	370	9	21	21	15
TOTAL 2035 EXTERNAL TRIPS:	**2,649**	**100**	**127**	**136**	**138**
TOTALS:		227		274	
CDOT PERMIT THRESHOLD FOR SOUTHSIDE:		**442**		**244**	

ITE Ttrip Generation Manual, 9th Edition
ITE Code 110 - General Light Industrial, Units in 1000 SF
ITE Code 151 - Mini-Warehousing, Units in 1000 SF
ITE Code 210 - Single-Family Residential, Units in # of dwelling units
ITE Code 230 - Residential Condominium/Townhome, Units in # of dewlling units
ITE Code 710 - General Office Building, Units in 1000 SF
ITE Code 826 - Specialty Retail Center, Units in 1000 SF
Assumptions:
Internal Trips: 15% Res, 15% Commercial, 15% Office, 0% Industrial

Northside 20-Year Development	Number of Units	ITE Code	Average Weekday Rate	Peak Hour Rates AM Entering	AM Exiting	PM Entering	PM Exiting	Average Weekday Traffic	Peak Hour Traffic AM IN	AM OUT	PM IN	PM OUT
Roaring Fork Apartments	56	220	6.65	0.10	0.41	0.40	0.22	372	6	23	22	12
ITE Code 220 - Apartments, Units in # of dwelling units								56	1	3	3	2
TOTAL NORTHSIDE EXTERNAL TRAFFIC:								317	5	20	19	10
TOTAL 20-YEAR EXTERNAL TRAFFIC:								2,965	105	146	155	149

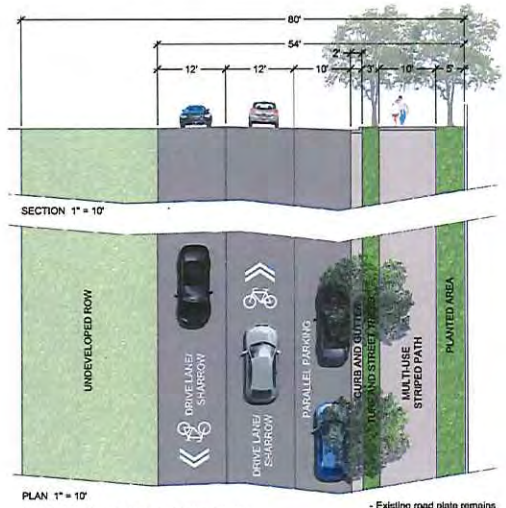
EXISTING AERIAL SCALE: 1" = 40'



EXISTING CONDITION

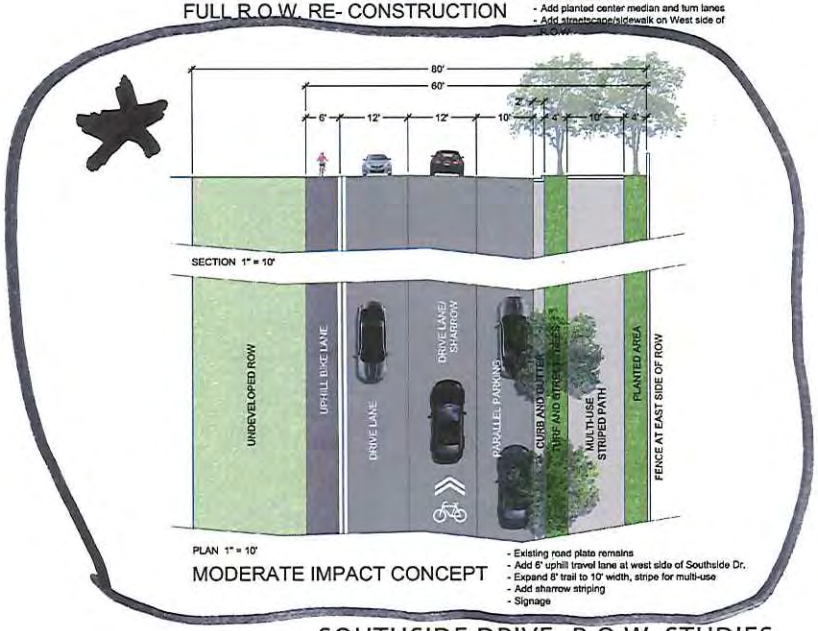
FULL R.O.W. RE- CONSTRUCTION

- 10' multiuse path east side
- (2) 6' bike lanes
- Reduce travel lanes to 11'
- Add planted center median and turn lanes
- Add street-side sidewalk on West side of ROW



LOW IMPACT CONCEPT

- Existing road plate remains
- Expand 8' trail to 10' width, stripe for multi-use
- Add sharrow striping
- Signage



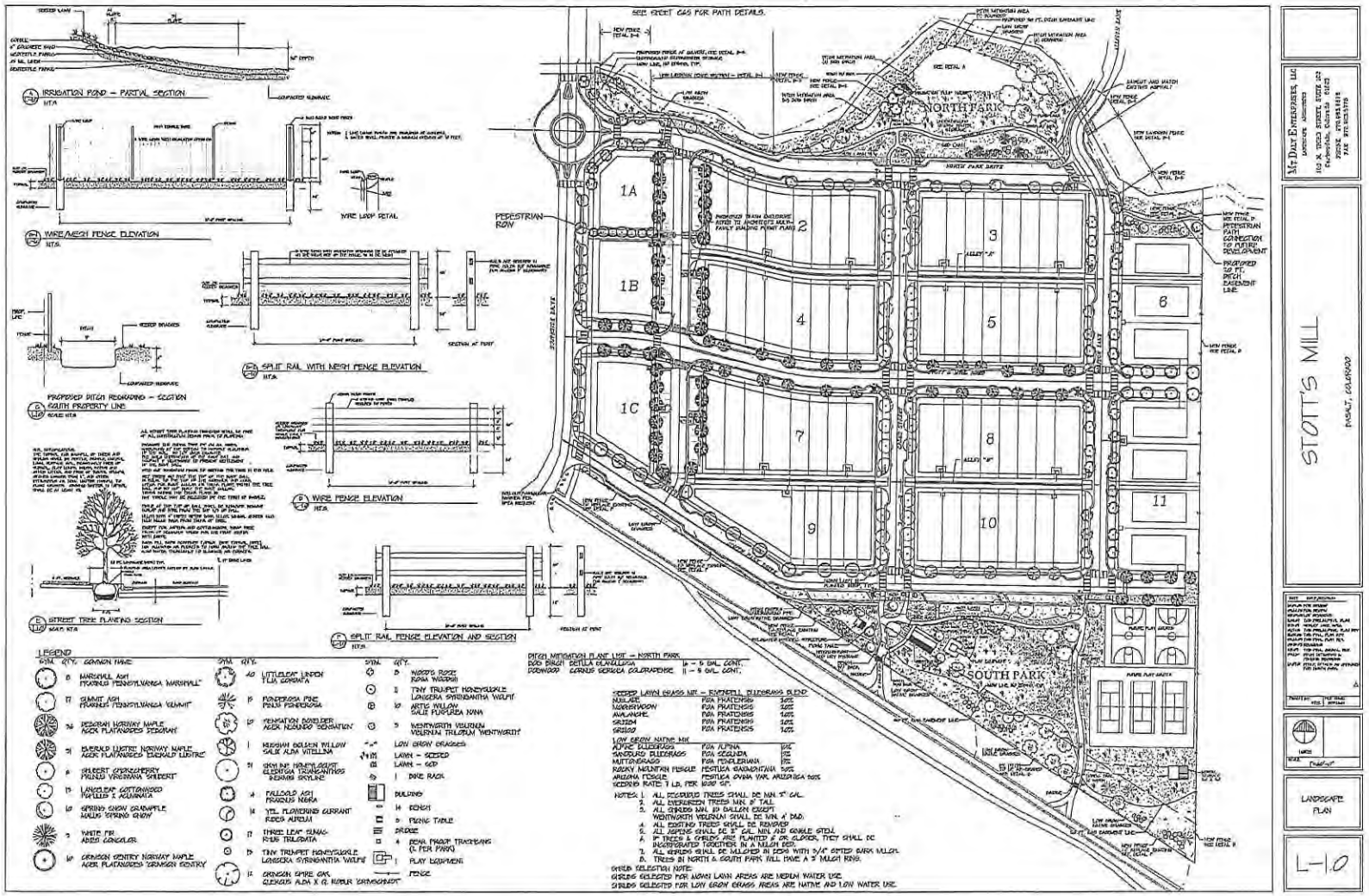
MODERATE IMPACT CONCEPT

- Existing road plate remains
- Add 6' uphill travel lane at west side of Southside Dr.
- Expand 8' trail to 10' width, stripe for multi-use
- Add sharrow striping
- Signage

DHM DESIGN
211 MAIN STREET, SUITE #102
CARBONDALE, CO 81623

SOUTHSIDE DRIVE- R.O.W. STUDIES

TOWN OF BASALT AND PITKIN COUNTY
JULY 2016

★ - Cross-Section recommended by POST

2009 Approved
Park Plan