

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING & PUBLIC HEARING
Tuesday, May 5, 2020**

CALL TO ORDER

The meeting called to order at 6:03 pm.

Commissioners present included Joan Keefe, Gino Rossetti, Eric Vozick, Rob Leavitt, Bernie Grauer, Bill Maron, and Alternate Tracy Bennett.

Staff present included Susan Philp, Planning Director; James Lindt, Assistant Planning Director; and Sara Nadolny, Staff Planner

APPROVAL OF MINUTES

M/S ROSSETTI AND LEAVITT TO APPROVE THE MINUTES OF APRIL 21, 2020. MOTION CARRIED BY A VOTE OF 7 TO 0.

AGENDA ITEMS

Public Hearing – Perko/Riffle Application to convert an existing single-family dwelling unit at 710 E. Sopris Drive into a two-family dwelling unit.

Philp explained how the public is able to provide comment or participate in the public hearing by providing an email message or text for call back.

Lindt introduced the project and Applicant, John Perko (joining by Zoom). Lindt showed the location of 710 E. Sopris Drive and explained its proximity to the intersection of Sopris Drive and Fryingpan Road. The site measures approximately 15,000 square feet and currently contains a 3,600 square foot single-family residence that was recently remodeled in 2018. Lindt indicated the parking areas on an aerial, and said the lot had an R-2 zoning designation. The Applicant is proposing to convert the single-family home into a two-family dwelling by adding an interior demising wall and turning a wet bar into a full kitchen facility. Lindt explained that this conversion requires Special Review approval, and the P&Z will make a recommendation to Council.

Lindt referenced a number of discussion items included in packet. The 2020 Master Plan contains the objectives of integrating and maximizing affordable housing, and Lindt said the application meets these objectives. Regarding consistency with neighborhood character, Lindt said there are a number of properties in the neighborhood purported to have multiple units by the Application, including the adjacent property that is a triplex with three rental units. He noted the application involves creating two moderately sized units which is generally consistent with the character of the area.

Lindt said the application is compliant with the zoning requirements. The lot has a conforming lot area for the R-2 zone district. The structure is compliant with floor area, setback and height. Lindt noted the Applicants are not proposing any exterior alterations.

Off-street parking is sufficient, with one area able to accommodate three vehicles. Additional parking on the site includes one space by the garage and one inside the garage. Lindt noted there is a shared access road to the adjacent triplex.

Lindt said the Applicants are not proposing to deed restrict the unit, but it will operate as a rental unit. Eagle County suggested this should be a deed restricted income-capped unit or a deed restricted R.O. unit. He said that in lieu of Eagle County's recommendation the P&Z could add a deed restriction similar to ADU requirements which requires one of the two units to be used as a primary residence. The P&Z could add language to Item No. 7 of the draft conditions if the deed restriction is desired.

Lindt said Staff has researched other two-family units and found it's a mixed bag with some having deed restrictions and some without. He said Staff hasn't had any special review approvals for a two-family dwelling in some time for comparison. If the P&Z desires a deed restriction similar to that required for an ADU, the Applicant will get a waiver from the Parkland Dedication fee.

Water and Sanitation both have expressed that no condominiumization should be allowed and the units should not be allowed to be sold separately as they share water and sewer service lines. Lindt noted the Applicants will have a shared maintenance agreement.

Lindt said the Building Department will require that the demising wall between the two units be at least one-hour fire rating, and also require a safety inspection. He indicated this has been included in the conditions of approval.

Lindt suggested the P&Z hear from the Applicant, take public comment, and then provide P&Z discussion.

Perko thanked Lindt for his introduction and thoroughness. He reiterated that the single-family home was remodeled and expanded in 2018, and the process started multiple years ago with design and funding. He indicated that during the design the space was considered as a possible area for kids, a den, a mother-in-law suite, or as a rental. Perko noted that they currently do not have children, or another pressing need for the space, and decided that the best benefit for all would be to use it as a rental to help with more attainable housing in the Town of Basalt. Perko said he feels this is in keeping with the character of the neighborhood.

Perko said they are not interested in condominiumizing the lot with the shared plumbing and sewer- they have no desire to separate the utilities. He acknowledged they will pay the additional tap fee.

Perko expressed that the reason they prefer not to deed restrict is for the property value. This is the home they plan on staying in for years and they have no intention of leaving. He said they understand the deed restriction would be in perpetuity, and also understands the Town's desire to protect the property and neighborhood going forward. One of the main concerns is to protect

this from becoming a short-term rental, and he indicates this is not their intention. Perko asked if there might be language in the approval that could bypass the need to deed restrict the unit. He said by not deed-restricting the Applicants would pay the Parkland Dedication fee, which is a benefit to the Town. He noted his wife, Jennifer Riffle, has seen that monitoring the resident occupied units takes considerable Staff time. He also noted the application is consistent with the code and that it's a mixed bag of whether others have or not been deed restricted. The R-2 zoning doesn't require the deed-restriction nor does the Eagle County code require a deed restriction for a lot of this nature.

Chair Maron opened the hearing for Commissioner questions.

Commissioner Vozick asked to follow up on email from neighbor who had an issue with the on-site parking. He asked if the parking is an issue. Lindt showed the parking on the site, and where the parking for the triplex is. Lindt explained there may be some confusion about the parking nearest to the road, which is for the triplex, not the subject parcel. Lindt showed the off-street parking area for the subject area that is separated from Sopris Drive by a landscape barrier.

Commissioner Vozick addressed a written comment about the tax records listing this as a single-family residence, and whether that could be changed. Lindt said that if approval was granted, the records would be changed to reflect a two-family dwelling unit.

Commissioner Vozick said that the Applicant stated in the application that the unit would be rented out to local employees, such as those from RMI, school teachers, etc. He asked whether the Applicant would be opposed to documenting this. Perko said this is something they are very amenable to, and that they could prioritize those professionals, such as RMI, SkiCo, municipality, teachers, etc. He said that if no one from those industries applied he would not want the unit to sit vacant, and asked that a caveat be put in place allowing the unit to be rented to the general public if no one from the first round applied.

Commissioner Leavitt asked Lindt the ease of reverting this property back to a single-family unit. Lindt replied the Town Council has the ability to rescind the Special Review.

Commissioner Rossetti asked Lindt about what he perceived as negative reports from sewer and water. Does this put the onus on Perko for responsibility for the water, repairs, etc.? Lindt replied that SGM indicated that they don't want the units sold separately as they share a water service line and want the ability to ensure that if payments are not made the water can be shut off to entire property. He said a condition has been included preventing condominiumization of the units and their individual sale. The Sanitation District requires a tap fee which the Applicant will pay. When there is a shared line the Sanitation District requires a shared maintenance agreement that requires the owner to be responsible for future maintenance of the entire service line.

Chair Maron opens the hearing for public comment at 6:33 pm.

Philp reminded the public to email or text their questions.

Lindt summarized the public comments emails. He said that right before meeting he received an email from Doug and Margaret McLaughlin who live across street from the subject property. They

do not support approval of additional density at this location due to traffic concerns and the intersection with Fryingpan Road. They also believe there is not adequate parking. Lindt said the email refers to two different residences so he believes they may think the adjacent property is part of the application.

Another email was received from Jamie McDougal indicating concern with short term occupants if the property is ever sold in the future. The email indicates the units should be sold as one property and not separately.

Geri Wright emailed her concern with parking related to this property and the adjacent triplex.

Lindt said that Jamie McDougal submitted a new text, stating that her main concern is for consistency in zoning and, if approved, that the unit would not be used as a short term rental. She expressed a desire to maintain the density and character limits of the street.

Chair Maron closed the public hearing at 6:37 pm.

Commissioner Comments.

Commissioner Keefe asked if the parking for this property is fully on the site and Lindt said it is; the parking is not within an easement. Lindt shared the site plan showing that the parking can be accommodated fully on-site.

Commissioner Vozick said he is concerned about the deed-restricted rental aspect. He noted that the Applicant is trying to do the right thing and meet the goals set forth.

Commissioner Leavitt said he doesn't think the neighbor's parking should affect this application, and he supports deed restricting the property in accordance with the requirements of an ADU.

Commissioner Rossetti said he doesn't want to allow this to move forward when it isn't in the best interest of water or sewer. He said they Applicants need to either take full responsibility or put in separate water meters and sewer lines.

Chair Maron said he wanted to address the McLaughlin's comments. They have an ADU in their own home that he once resided in. He supports the additional language that would deed-restrict the property saying that without the deed-restriction the unit could be rented short-term. Chair Maron relayed issues in his neighborhood created by short-term rentals, saying that the whole short term thing in that neighborhood can complicate things. Chair Maron asked to take a poll of the Commission's feeling on deed-restricting the unit as an ADU.

Commissioner Keefe asked Chair Maron what he considers to be short term. Chair Maron replied anything under 30 days. Commissioner Keefe said the Applicant is not looking for a short term rental. Chair Maron replied that applications come before the board with intentions that sometimes vary after a period of time. He said he can't see into the future or the intent of future owners and he wants to remain cautious.

Commissioner Bennett agreed with Chair Maron's assessment.

Commissioner Grauer said he agrees with the ADU restriction but not the need to require it to be affordable housing.

Commissioner Vozick said he will probably follow the consensus. He understands the reasons for the deed-restriction, and also understands the Applicant's point of view.

Commissioner Leavitt said he hasn't changed his mind and supports the deed-restriction.

Commissioner Rossetti said he can't support the application the way that it is.

Chair Maron asked if any other Commissioner was in agreement with Commissioner Rossetti's comment. Lindt said that Staff read the comments from the Water and Sewer Districts as that these utilities are accepting of Staff's condition not to allow the units to be condominiumized and sold separately. He reminded the P&Z that this is already in the draft conditions of approval. Leavitt said it sounds like both water and sewer will accept with this condition. Lindt said that Boyd Bierbaum, the Town's Public Works Director, agrees with the condition.

Chair Maron said the condition takes care of the concerns of the Sewer and Water Districts.

M/S VOZICK AND LEAVITT TO RECOMMEND APPROVAL OF CONVERTING THE SINGLE FAMILY RESIDENTIAL UNIT INTO A TWO-FAMILY DWELLING UNIT WITH THE ADDITION OF DEED-RESTRICTING THE UNIT WITH A DEED RESTRICTION SIMILAR TO THOSE FOR ACCESSORY DWELLING UNITS. MOTION PASSED BY A VOTE OF 6 TO 1.

Commissioner Comments and Staff Updates

Philp provided Staff updates noting there has been no substantial changes from the report provided in the meeting two weeks ago. The application for an automatic carwash in Southside (site across from Big O Tires) has been provided to referral agencies for comments. She expects the application to come before the P&Z on May 19th as an introductory meeting.

Projects are moving forward in Willits Town Center. A temporary certificate of occupancy has been approved for one of the town homes on Block 11. The mixed use building on the north side is under construction.

The Aspen Skiing Company building is also under construction. TACAW and the Steadman Clinic are moving forward.

Staff has been managing parking issues in Willits Town Center.

Philp noted there have been inquiries on other properties.

Lindt added that the St. Vincent church expansion on Midland Avenue is in for referral. Bennett added that building has a big bat house in attic and doesn't want it destroyed. She said bats are vital to the ecosystem. Lindt said he would work on that with the Applicants on this issue.

Commissioner Rossetti asked if anything is holding the P&Z from requesting the Mayor to get that plastic fence down at the River Park/CDC property. Philp replied that the CDC still owns the

property. Staff has had initial conversations with the developer on signage that indicates additional Town park area and the Art Base will be coming and provide a contact number if they want more information. The P&Z can make a request, but she is unsure what the response will be. Commissioners Bennett and Grauer agreed with the need to make a request.

M/S ROSSETTI AND LEAVITT TO DRAFT A LETTER FOR CHAIR MARON'S SIGNATURE ASKING THE BASALT TOWN COUNCIL TO REQUEST THE REMOVAL OF THE PLASTIC FENCE FROM THE CDC PARCEL ADJACENT TO THE BASALT RIVER PARK. MOTION PASSED 7 TO 0.

Commissioner Bennet asked if the water feature at the white water park at the east end of town is complete. Lindt replied there is further work to be done.

Commissioner Grauer asked Philp for an update on acquiring the extra acre of parkland from the CDC. Philp said the current status is that the developer doesn't want to close until the floodplain Letter of Map Revision (LOMR) is completely through the FEMA process. The Town received comments from FEMA and acknowledging receipt of the LOMR request. She said the earliest they can expect the sale to be complete will be end of this year. Philp noted that she will try and keep the P&Z updated on this matter.


P&Z's next meeting is scheduled for May 19th. Philp said there is still no certain date as to when Town Hall will open, and P&Z members may still need to participate remotely.

Chair Maron said he'd like to have a meet and greet with the new Council. Philp will follow up with this request.

M/S ROSSETTI/BENNETT TO ADJOURN. MOTION PASSED 7 TO 0.

The meeting adjourned at 7:04 pm.

TOWN OF BASALT
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By 

William C. Maron, Chair

Attest 

Susan Philp, Planning Director