

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION**

Tuesday, August 4, 2020

CALL TO ORDER

The meeting called to order by the Chair at 6:02 pm.

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

Staff present included Susan Philp, Planning Director and James Lindt, Assistant Planning Director.

APPROVAL OF MINUTES

M/S BENNETT AND KEEFE TO APPROVE THE MINUTES OF JUNE 30, 2020. MOTION CARRIED BY A VOTE OF 6 TO 0.

AGENDA ITEMS

Public Hearing – St. Vincent’s Church for the purpose of considering an application for Rezoning, Site Plan Review, Reduction in Off-Street Parking Requirements, and a Community Housing Waiver.

Lindt introduced the Applicants Pat McMahon and Father Rick. Lindt said this is a public hearing for an application submitted by the Archdiocese of Denver and St. Vincent’s Church to construct an expansion at the Church, located at 240 Midland Avenue. Lindt explained that the development review actions requested include rezoning to the P (Public) Zone District, community housing review to waive the affordable housing mitigation requirements, and site plan review to establish the allowable dimensional requirements for the site in the P zone district, including a reduction in off-street parking requirements.

Lindt showed an image of the existing property and Church and explained that the property is currently zoned C-2 and contains the existing Church as well as a small rectory house. Lindt indicated the location of the buildings on a survey for the property. The existing Church measures approximately 5,900 square feet in size. Lindt said the proposal involves the demolition of the existing unoccupied rectory house and the construction of a 2,400 square foot addition on the western extent of the Church. The current curb cut on Midland Avenue is proposed to be moved to the western extent of the property and an access drive is proposed to the rear of the property with four parking spaces and a loading area.

Lindt said the Applicants have indicated the expansion is being proposed to allow them to move their religious education classes out of the basement and to provide a more workable space for the current Church activities.

Lindt explained that the review process involves the P&Z making a recommendation to the Town Council on the requested land use reviews. Staff has identified a series of discussion items – the first being consistency with the neighborhood character. Lindt described the proposed addition as being one story and about 19' in height to the ridge. He said Staff believes this is consistent with objectives in the Master Plan of encouraging a mix of uses downtown, cultivating pride in downtown, keeping small town character and atmosphere, and maintaining vitality in the downtown area. Staff also believes the Church to be an important gathering place in the downtown area.

Lindt said that access and parking were topics of significant discussion when the Church previously received sketch plan approval for a proposed expansion in 2007. As such, the Applicants have proposed to create the additional four off-street parking spaces and the loading area. Staff believes these are important additions to the site, particularly for those who are mobility challenged as it is difficult to get from the parking spaces along Midland Avenue into the Church due to the changes in grade.

Lindt said the Applicants have also obtained consent from the school district to use the elementary and middle school parking lots for larger events, as was also the plan in the 2007 expansion approval.

Lindt acknowledged that the access drive to the rear of the lot is narrow and that the Applicants had unsuccessfully tried to get approval to combine this drive with that of the neighboring property. Lindt said that Staff believes it is workable and that a condition has been included to provide cautionary signage related to the narrow drive. Staff also included language in the draft conditions allowing a TRC Staff level approval to allow the driveways to be combined if the neighboring property owner is amenable to this idea in the future.

Lindt explained that the Church is a use where the community housing mitigation waiver can be applied to within the Public Zone District. The Applicants are proposing the waiver as they are not expanding the Church's operations, but rather making more space for the Church's current operations. The Basalt Affordable Community Housing BACH reviewed and is supportive of the waiver request.

The subject property and the property to the north have overlapping boundaries, indicated by Lindt on a graphic where the overlapping areas are shaded. The site plan has been designed such that the overlap area is not developed. Staff has included language suggesting the parties try and clean up this issue, but Lindt noted that this is not a requirement based on the conditions.

Lindt noted a common tree on the western property line that the neighbors are supportive of maintaining. He said the Applicants are proposing to maintain the tree. Staff has included a draft condition that protective fencing be placed around the tree and that it be inspected by Staff prior to starting construction activities.

Lindt said it was noted at a prior P&Z meeting that the rectory house has bats, and there is a desire to preserve the bats through the construction process. In response the Applicants have proposed to install one-way bat doors that allows the bats to get out but not back into the structure. Lindt

said that the doors are proposed to be installed prior to demolition of the home, and a bat box will be installed on the site to provide replacement housing for the bats. Lindt said these preservation techniques are included as draft conditions to the approval.

Lindt said that childcare was an issue discussed during the 2007 expansion approval, and it was decided that childcare as a use on the site would be eligible for an abbreviated approval process if accessory childcare is pursued. Lindt noted that the Applicants are not proposing childcare as an accessory use as part of the current application, but Staff felt it important to include language allowing the P&Z to review a future application for childcare on the site if the Applicants decide they would like to include that accessory use in the future given the community demand.

Lindt referenced some public comments that Staff received related to construction management items. He said there is a draft condition that the Applicants provide a construction management plan, and Staff has added language including requiring the fence along the western property line to be maintained throughout construction, as was a concern of the neighboring property owner, and to include barrier cloth along the fence. Lindt said the Applicant indicated a willingness to comply with these requests, which have been reinforced in the amendments to the draft conditions emailed to P&Z earlier today.

Lindt indicated another draft condition includes meeting the Town's Sustainable Building Regulations, to which the Applicants have responded by proposing solar on the rooftop of the expansion.

Lindt turned the presentation over to the Applicant Team. McMahon introduced himself as a parishioner of St. Vincent's Church and introduced Pastor Rick Nakvasil. McMahon said that the driving factor for the expansion is the Church's educational classes are currently held in the basement, accessed by an internal stairway. He noted there is a fire escape adjacent to the interior stairway, and there are no other means of egress. He noted the basement is also an older space, so it is murky and dank down there. He also noted that with no windows and doors to the basement space there is no site access from the outside, and the design does not facilitate an open and welcoming environment. McMahon stressed the safety issue. He said the Church also has limited overflow seating, and they do not have adequate space for the few events they have, such as the St. Patrick's Day dinner. McMahon said they are anticipating creating a better space for existing operations, not adding to the congestion downtown. He added that the parish adds vitality to the community. McMahon concluded by asking the P&Z to provide a favorable recommendation to the Town Council for the application.

Chair Maron opened the hearing to Commissioner questions of the Applicant or Staff.

Commissioner Keefe asked when the proposed construction is considered. McMahon responded that they Church does need to do some fundraising which is currently challenging with the COVID crisis. He said ideally the demolition of the rectory house would be completed later this fall or winter and with construction beginning next spring.

Commissioner Keefe asked whether the bats would be inside the house, dormant, during the time the house would be set for demolition if in the winter. McMahon responded that they have

researched the topic, that there are protocols for relocating bats including the one-way bat doors. The research was provided by Penn State University Extension for getting bats safely out of a structure.

The zoom meeting audio was lost for approximately three minutes and Staff got the sound reconnected. Philp explained what happened and let McMahon know that his response did not get captured on the record.

McMahon reiterated that per an article from Penn State Extension the Applicant's plan to install one-way bat doors that allow bats to go out but not come back in. The Extension also recommends installing a new bat house on the property. McMahon said the on-site bat house is part of the plan, and the one-way bat doors have already been installed to start the process prior to their hibernations. He said they also visually inspected the attic and have not found any evidence of bats there at this time. He also said that they have not inspected or have a mediation plan in place for bat guano, but they will develop one.

Commissioner Vozick asked what the plan is for the basement once it is cleared. McMahon replied they plan to use it for storage.

Commissioner Leavitt questioned the childcare provision Lindt had mentioned. Lindt replied that a request for accessory childcare use would typically require Special Review which is a P&Z and Council review. In the draft conditions Staff acknowledges that this is a community need, and so if the Applicant decides to have accessory childcare on the site, they can have an abbreviated process requiring only P&Z's review to ensure the use is consistent with the requirements for a childcare center, such as loading and drop off parking. They would not have to go to the Council for review. Lindt said the P&Z is discussing whether the process is agreeable, not whether the elements are in place for the accessory use at this time.

Commissioner Leavitt mentioned seeing some trees along Midland during the site visit and questioned the intent to preserve them. McMahon responded the Applicants are interested in preserving the mature spruce tree, and this one would also be recommended for tree protection fencing.

Chair Maron asked if the rear property line issues are still in the same place as they were during the site visit. Lindt replied that they are. Chair Maron noted the property lines do not seem to impact the desired outcome.

Chair Maron opened the hearing up to public comment. Philp indicated she received questions from Susan Hayworth who may want to speak. Philp said Hayworth's questions included the following:

1. How many other events is the Church planning in addition to the school use?
2. Will the 125-seat proposal include weddings and evening meetings?
3. What are the requirements for building behavior?
4. How early can construction begin, and how late can they work?
5. Can they work on weekends? Noise is a huge concern.

Philp said that Staff can answer the questions regarding building, and thought they'd start with comments received by Lindt. Lindt said they received comments from Eric Gross, who represents the neighboring property owner, asking if construction can start at 8:00 am instead of 7:00 am. Lindt explained that the standard Town code allows construction Monday through Saturday, 7:00 am through 7:00 pm. Backup alarms on equipment are prohibited prior to 8:00 am. Lindt said Staff tries to stay out of creating construction hours on a project by project basis.

Philp said the remaining questions from Hayworth were directed at the Applicant and summarized the questions. McMahon said they have about two to three weddings per year, which he doesn't see changing much as the space is not large enough to accommodate large weddings. He said the Church does hold adult religious studies and prayer groups that meet on a regular basis, but they are existing. He does not believe they are adding to the parking load and is continuing business as usual.

Philp said she is entering into record the correspondence from Gerry Terwilliger and Eric Gross on behalf of the neighboring property owner, as well as the Church's email response dated that day.

Philp provided the information to the public if they are interested in speaking at the meeting.

Philp called Susan Hayward for her public comment and left her a message with contact information in the event that she would like to speak during the public comment period. Hayward emailed Philp and let her know that she did not need to speak.

No other messages were received that anyone would like to make a public comment.

Philp asked Lindt to summarize the changes to the draft conditions. She added that conditions will be modified to recognize that the Applicant will try and protect the spruce tree in the front yard during construction. Lindt added that Condition Number 22 adjustments that were made, adds language requiring the Applicant to maintain the existing fence between the subject site and the property to the west during construction. Construction fencing must also be erected around the location of the addition for the duration of construction, including the addition of barrier cloth on it. Lindt said these conditions are in addition to the requirement for a construction management plan that would deal with such issues as dust mitigation, construction parking and staging, etc.

McMahon asked for some clarification as to whether the barrier cloth would need to be erected on fencing around the entire Church. He was concerned that the front door remain accessible and the Church appear that it is still open. Philp replied it would only be required around the construction area. She noted that adjustments may be made to ensure sight lines are preserved. Lindt added that the barrier is not intended to obstruct the door facing Midland Avenue.

Chair Maron took a brief break to come into to Town Hall as his computer connection was lost. Once reconnected at Town Hall, Chair Maron closed the public comment section of the meeting at 6:41 pm.

Commissioner Comments

Commission Grauer felt the proposal to be an important and worthwhile addition to the Church and supports the application. He said the Church is a substantial benefit to the downtown area, and the proposed parking in the rear is acceptable. He supported the waiver of affordable housing as the Archdiocese has significantly helped affordable housing in the valley.

Commissioner Bennett thanked the Applicant for taking care of the bats.

Chair Maron said he finds the project to be valuable and worthwhile to the community, but it brings up a question of demolition of historic buildings. Chair Maron said in light of another Victorian demolished, he feels there needs to be a conversation about the management of demolition of historic structures in the Town but does not intend on holding up this project due in order to have that conversation at this time.

M/S GRAUER AND KEEFE TO APPROVE THE APPLICATION FOR ST. VINCENT'S CHURCH AND THE ARCHDIOCESE OF DENVER WITH THE ADDITIONAL REQUIREMENTS CONTAINED IN THE STAFF MEMO, THE AMENDMENTS TO CONDITION NO. 22 AS UPDATED IN THE P&Z DISCUSSION, AND THE PROTECTION OF THE SPRUCE TREE.

MOTION PASSED BY A VOTE OF 6 TO 0.

Commissioner Comments and Staff Updates – *Note the majority of these Comments Were Provided During Break in the Discussion on the St. Vincent Application with a wrap up after the discussion on the amendments to address Wildfire Mitigation.*

Philp advised that the joint P&Z and Town Council meeting has been scheduled for Tuesday, September 18th at Arbaney Park. She said they would be meeting in the picnic shelter and the picnic tables will be removed so participants can socially distance. Face masks will be required. Speakers may be asked to step away from the group so they can remove their masks. Philp said to please inform her if the P&Z does not think that will work.

Steadman Clinic is going through the building permit review process and are looking to get their foundation permit next week.

The Land use application has been received for Lot J, which is the parcel off Emma Road.

Staff has been working on the Stott's Mill approval documents and have recently resolved an issue involving a ditch company.

The POST Committee has been working with additional tennis courts for the south park in Stott's Mill.

Construction is ongoing in Willits Town Center with Block 11 North, the Ski Company housing project, and TACAW.

The barrier painting projects in Downtown and Willits are well on their way. Seven different artists have been chosen for this project.

Lindt added that a revised site plan application has been received for a small house in the Mable Subdivision. He added that we also are processing an amendment the prior site plan approval for 11 Duroux Lane.

Staff has been in discussion with Eagle County on the 75-unit housing project at Willits Bend. The public hearing has been continued. Staff's memo was updated to reflect that an access permit will not be required and improvements would be acceptable in lieu of the Willits Lane Impact Fee.

Wildfire Mitigation Municipal Code Amendments

Philp introduced the item as involving amendments to five chapters of the Town Code addressing wildfire mitigation. Philp introduced John Mele and Brooke Stott of the Roaring Fork Fire Authority. Philp also introduced Rick Fout, Building Official, and mentioned that she and James were part of the Town's team on this project. Lastly Philp introduced Attorney Richard Peterson-Cremer of Karp Neu Hanlon also part of the team developing the code amendments.

Philp showed some pictures to drive home why fire protection is so important to Basalt. She also displayed an excerpt from the Strategic Work Plan and highlighted areas of the 2020 Basalt Master Plan that reinforce the Town's goals related to fire protection and mitigation.

Philp said the proposed changes are to five chapters of the Town Code. Legally the only chapter that requires P&Z review before making changes is Chapter 16, Zoning. Chapters 17, 18, 7 and 13 are the other chapters involved. The largest changes would be made in Chapter 18, Building Regulations.

Areas subject to wildfire hazards are defined as all land within the Town of Basalt. The changes to Chapter 16 formalize the land use application referral process. Philp explained that applications must be sent to the Fire Department for review and referral comments.

Philp said that Chapter 17 is the Subdivision Code section, and this is again where the application referral process for subdivisions are formalized. It also emphasizes the need for adequate access.

The most significant changes to the code are in Chapter 18, Building Regulations, where the proposed changes require the hardening of new buildings and additions, a new standard on fences requiring fire resistant material within 36" next to habitable structures, standards for eaves/doors/windows/decks and accessory structures. These requirements are in addition to the current Code requirements.

Philp said this section also addresses applicability. Sheds under 200 square feet are permitted without meeting the new requirements. There are thresholds for repair and replacement. She clarified that if a project is caught by the sustainable building regulations, it will also be caught by these regulations.

Philp said an exception process has been built in, to address such items as weather with the need for immediate action. The TRC can grant waivers at their discretion. Philp said the building regulations also supersede HOA covenants, as this is for health and life safety.

Chapter 7 is the Chapter on Health, Sanitation and Animals, and addresses fuel and debris on lots that can cause fires.

Chapter 13, Municipal Utilities, requires ability to access electrical and gas utilities, meters, regulators and piping. They can be in enclosures but cannot be locked.

Philp displayed the schedule, noting that there was a worksession with Council on July 28th. Public hearing and First Reading with Council has been scheduled for August 11th with Second Reading on August 25th.

Mele said there is much that can be done through Planning and Land Use Review to prevent wildfires. He said these are not new codes. They have been done in other areas. Mele advised that all Basalt is within a wildfire hazard zone and these codes are important for Basalt.

Peterson-Cremer said that the land use referral and Building Code will apply to new construction in every part of Town. It tracks closely with what Snowmass Village adopted.

Fout said he felt this is a worthwhile endeavor, particularly in light of the wildfires currently underway close to Basalt. He supports these changes.

Chair Maron opened up to Commissioner comments.

Commissioner Leavitt asked about the timing for adoption. Philp said that if the P&Z makes a recommendation tonight, the first Reading at Council would be on August 11th with Second Reading on the 25th. It will be published and would take effect approximately three weeks after that, in September.

Chair Maron asked if this would apply retroactively to existing buildings. Mele replied that it does not.

Chair Maron asked if this was derived from the Wildlife Urban Interface (WUI) Code. Mele said that there are elements of the WUI Code, but what is being proposed is much less restrictive. The amendments were tailored to match Eagle County, Pitkin County, and Snowmass Village. He noted they are different in small respects to match the community.

Exterior walls must have non-combustible siding, etc. Mele said that most house fires are caused by ember showers that land on decks or on piles of leaves. He said that fire resistant exteriors buy firefighters a bit more time, and that extra level of protection can save a home.

Chair Maron asked if this would conflict with any existing codes. Philp said Rick Fout of the Building Department was involved and there are safety measures built in. In the event that there is a conflict, which is not expected, the TRC may be able to provide exemptions in terms of fire-wise construction. Also, the Sustainable Building Regulations also have a procedure made of the Building Office, Town Planner, etc., that can make variances and waivers.

Chair Maron opened the hearing to public comment at 7:21 pm. Susan announced how the public can email or text to indicate interest in making a public comment. As no public expressed interest in providing comments, Chair Maron closed the public hearing at 7:23 pm.

Commissioner Comments

Commissioner Grauer said any improvements in fire safety are positive and a step in the right direction.

Commissioners Vozick and Bennett agreed with the additions.

Commissioner Leavitt asked about the plan for outreach. Staff replied that a letter was sent out to all architects in the area, and there is a building community meeting focused for local contractors on Friday.

Philp noted the meeting was posted about Friday's meeting, at 11 AM, and it will also be recorded and posted on GrassRoots TV.

Chair Maron asked if there was a phase-in period for this code. Philp said phasing was not considered, but the TRC could examine projects as needed. Fout added that most contractors are already familiar with similar changes in Pitkin County and Snowmass Village, and they will just need to become familiar with the changes as they apply to the Town of Basalt.

Chair Maron asked if this would only be enforced through the Building Department. Philp replied that there are two different areas of the Code. When it comes to the referrals that is handled by Planning. The Building Official and the consultants hired by the Building Department will handle the building code section. The regulations in Chapter 7 dealing with debris and woodpiles section are not handled by the Building Department, and the Town will have to work its way through those sections in terms of enforcement.

Chair Maron asked that for homes that are in Town with open space directly adjacent, would owners be required to mow the property six feet around their homes. Mele emphasized that he was focusing on new construction and that they are open to educating homeowners.

M/S LEAVITT AND VOZICK TO APPROVE THE ADDITIONS AND REVISIONS TO THE MUNICIPAL CODE TO PROVIDE PROTECTION FROM WILDFIRE AND TO COORDNATE WITH THE ROARING FORK FIRE RESCUE AUTHORITY ON DEVELOPMENT APPLICATIONS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF BASALT. MOTION PASSED BY A VOTE OF 6 TO 0.

M/S VOZICK AND LEAVITT TO ADJOURN THE MEETING. MOTION PASSED BY A VOTE OF 6 TO 0.

The meeting was adjourned at 7:35 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By 
William C. Maron, Chair

Attest 
Susan Philp, Planning Director