

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING & PUBLIC HEARING  
Tuesday, September 1, 2020**

**CALL TO ORDER**

The meeting called to order by the Chair at 6:40 pm.

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

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

**APPROVAL OF MINUTES**

**M/S LEAVITT AND ROSSETTI TO APPROVE THE MINUTES OF SEPTEMBER 1, 2020. MOTION CARRIED BY A VOTE OF 6 TO 0.** [Note: The correct minutes of August 4, 2020 were in the packet, but the agenda was incorrect. The agenda for the next meeting will include approval of the August 4, 2020 minutes.]

**AGENDA ITEMS**

**Public Hearing – 11 Duroux Lane Application to Reinstate and Amend the Approvals granted by Town of Basalt Ordinance No. 6, Series of 2018.**

Nadolny introduced the Applicant, Red Cunningham, and said this is an application to amend and reinstate the approvals granted by Ordinance No. 6, Series of 2018 for Site Plan and Special Review approvals at 11 Duroux Lane.

Nadolny shared her presentation, orienting the audience to the location of the parcel along Willits Lane, and Lot 4 of the Basalt Industrial Park. The lot is currently improved with two single-story structures, the larger which houses the business Home Helpers Restoration. The smaller building is a storage shed for the business.

Nadolny said in 2018 the P&Z reviewed an application for Site Plan and Special Review to allow the construction of three residential units on the second story of the larger building on the site and the addition of 275 square feet of commercial space.

Nadolny showed images of the elevations that P&Z saw in 2018 and approved at that time. She said that the application was supported by the P&Z, which was also supported and approved by the Town Council.

Nadolny explained that the 2018 site plan was approved with seven on-site parking spaces for the industrial use, and six parking spaces at the rear of the site for the residential use. She explained that the residential parking was accessed through neighboring Lot 3 and was on the

site. This condition required the Applicant to complete and record an access agreement with the owner of Lot 3, which was ultimately unable to be completed. Nadolny said this resulted in the Applicant needing to rework the site plan to accommodate the residential parking in a new location on the site. The Applicant has returned with a new site plan and is asking the P&Z to provide a recommendation to Council for approval of the amended site plan and to reinstate the approvals from the 2018 ordinance with the proposed amendments.

Nadolny clarified that the reinstatement of the 2018 approvals is necessary because the 2018 ordinance required the site plan to be recorded within 180 days of its approval. Knowing that he was not able to provide the parking that was approved, the Applicant did not record the approved site plan.

Nadolny indicated that in the new site plan the residential parking is proposed to be located on the property, head-in, along Duroux Lane. The five parking spaces at the front of the site have been maintained for the industrial use.

Nadolny identified issues for discussion with the P&Z. The first is that the parking has been reduced from 13 spaces in the 2018 plan to 11 spaces in the 2020 plan. Nadolny said that the parking uses two calculations – the industrial parking is based on floor area, and the requirement is five parking spaces. Residential use is calculated per bedroom, with two bedrooms requiring two parking spaces, and a one bedroom requiring 1.5 parking spaces, which is rounded up to two parking spaces. The Applicant is proposing two 2-bedroom units, and one 1-bedroom unit, for a total of six parking spaces associated with the residential use. Eleven (11) total spaces are required and are shown on the new site plan. The 2018 site plan was approved with thirteen (13) on-site parking spaces, with the two additional spaces for the site's industrial use.

Nadolny said that Staff is supportive of the revised site plan with its new parking configuration, with conditions. Staff has some concern that the residential parking may be taken over by the industrial use. Conditions include that the residential parking spaces be signed and assigned to each residential unit, delineated by wheel stops, and lined. The residential spaces also may not be used for snow storage, or the storage of non-operational vehicles.

Nadolny said that in regard to pedestrian movement through the site, Staff has proposed a condition requiring the Applicant to create a protected pathway from the rear of the site, adjacent to the access to the upper story residential units, through the site to a gate in the existing fence, to the existing pocket park and to the Willits trail beyond. Staff has proposed the pathway be a minimum of four feet in width, and protected by a barrier, such as a low wall or fence, to protect users of the trail from the industrial uses on the site.

Nadolny explained that Staff had some discussion about recommending the creation of a sidewalk along Duroux Lane, adjacent to the residential parking spaces. However, it was ultimately decided that this was not the best way to provide protection for pedestrians at the present time, as the sidewalk would end at Willits Lane, forcing users to cross where there is no crosswalk, or walk north up Willits Lane, toward the stop sign where there is a crosswalk for the Willits Trail. Nadolny said the pathway through the site provides a safer, pedestrian-friendly option for future tenants.

Nadolny noted that the Town may wish to install a sidewalk in this area in the future, but the requirements to do so are more than can be expected to occur with the application.

Nadolny said that all responding referral agencies were supportive of the application, and echoed their comments provided in the 2018 application. Mid-Valley Metro District included in their referral that the Applicant must verify with the District that the existing service line is adequate to service the three proposed residential units prior to building permit.

Staff has also included a condition that all fencing and building materials must meet the Town's new fire wise mitigation requirement.

Nadolny noted that in 2018 the Applicant agreed to allow the Town use of a bib hose to water the landscape at the small pocket park adjacent to the property. This required the Applicant and the Town to complete a Water Service Agreement. Nadolny said this agreement was previously completed and recorded with the Eagle County Clerk and Recorder.

Nadolny concluded that Staff is supportive of the new site plan and the Applicant's request to reinstate the approvals, as granted by Ordinance No. 6, Series of 2018, with conditions. She suggested the P&Z hear from the Applicant, ask any questions they have, and then open the hearing to public comment. Nadolny noted that Staff did not receive any public comment prior to the hearing.

Red Cunningham said he is amenable to installing the walkway for tenants at the rear of the property to make sure they are safe and agreed it is a better solution than directing pedestrians along Willits Lane to the three-way stop. Cunningham said it was unfortunate that his neighbor, Sunny Stutsman, had a change of heart about the parking from the 2018 site plan, noting that there was nothing that happened between the two of them. Rather she experienced some personal issues with a shared driveway on another property and did not want to enter into another shared drive agreement, as it created complications for her. This is why he needed to start over on the site plan related to the parking.

Chair Maron opened the meeting up for Commissioner questions.

Commissioner Rossetti asked for clarification whether the pedestrian walkway would tie into the Willits Trail. Cunningham replied that he and Staff went on a site walk to locate the area where the path would go through the park and meet up with the Willits Trail.

Commissioner Leavitt asked if this property is in Eagle County or Town of Basalt. Philp replied Town of Basalt. Commissioner Leavitt asked if the zoning needs to be changed from Industrial to allow residential. Nadolny replied that the residential use is permitted through Special Review approval. In response to a question from Commissioner Leavitt regarding whether the Special Review approval was granted, Nadolny replied the Special Review approval was granted in 2018. Due to the site plan not being recorded within 180 days, the Special Review approval would need to be reinstated to allow the residential on the site. Commissioner Leavitt asked if the P&Z would be voting on that aspect. Philp replied that the P&Z would be voting on a recommendation to the Town Council to reinstate the 2018 approvals, including Site Plan and Special Review approval.

with amendments. Nadolny added that the P&Z's recommendation to Council would include whether to reinstate the Special Review for the housing from the 2018 approval.

Chair Maron asked if this is one motion and one vote. Philp replied that is correct, it is one motion.

Chair Leavitt asked for the location of the access to the residential units from the new proposed parking area. Cunningham replied that the units are accessed from a staircase at the rear of the building. All three units are accessed by a landing at the top of the staircase. Nadolny indicated the location of the staircase on an elevation. Cunningham added that the elevation shows the fence and parking incorrectly, as that was from the 2018 approval. However, the stairway is in the same location.

Commissioner Grauer asked if the residential units would be for-sale or rental units. Cunningham replied that the approving ordinance requires the units to remain as rentals, and not available for individual condominiumization.

Chair Maron opened the meeting up for public comment at 7:01 pm. No public comment was received, and Chair Maron closed the public comment portion of the meeting at 7:03 pm.

Chair Maron moved on to Commissioner comments.

Commissioner Rossetti said he thinks this is a good project, will be well used, and will add diversification to the Town's urban fabric. He voiced his support for the project.

Commissioner Leavitt said he thinks this is an odd place for residential, as it is in an industrial area. Commissioner Bennett said that it is also a great place for employee housing, particularly for the Applicant's employees. Commissioner Leavitt asked if this was what the housing was intended for, and Cunningham replied that it is, if not for his employees then someone's employees. He added that the previous Council approved the project with the stipulation that no one will reside in the units under the age of 16, so there won't be any young children there.

Commissioner Leavitt said he still finds it an odd place for residential. Cunningham added that there are other residential units in the area. On Park Avenue, there is residential on the second story of the Keelty building and Stutsman's storage that is similar.

Commissioner Grauer said he finds this to be desirable infill, and with the market so overheated, taking advantage of strange nooks and crannies is a smart idea. He supports the project with the conditions Staff has placed up on it.

Commissioner Vozick said he recalls discussing this project a couple of years ago. He said it is a bit of an odd location, but the P&Z agreed that the project meets the larger goals of the community.

Chair Maron noted that he supported this project in 2018 and is now. He is in favor of infill and affordable housing. He is not in favor of the prohibition of children in industrial areas, but that is another matter. Chair Maron said he is in favor of diversification of neighborhoods and that is what this project gets at.

Commissioner Leavitt related the project to the 2020 Basalt Master Plan, noting it is not near public transit, there is no green space, and nothing sustainable from what he can see on the plans, and he feels this should be part of the conversation.

Commissioner Grauer said the overriding need is to provide as much affordable employee housing to guarantee the economic sustainability of the community, even noting Commissioner Leavitt's objections.

Commissioner Rossetti noted that he respects Commissioner Leavitt's comments, but supports this project.

**M/S ROSSETTI AND GRAUER TO APPROVE THE RECOMMENDATION TO REINSTATE AND AMEND THE APPROVALS GRANTED BY ORDINANCE NO. 6, SERIES OF 2018. MOTION PASSED BY A VOTE OF 5 TO 1, WITH COMMISSIONER LEAVITT VOTING NO.**

### **COMMISSIONER UPDATES**

Philp said the Steadman Clinic approval documents are on their way to be signed by the Mayor, and the plat will be recorded later in the week. A foundation permit for the project will be issued in the near future.

Lindt has been working on Stott's Mill where there will be an extension of vested rights request going to Council.

Philp noted that there is a lot of construction activity in Willits Town Center, so construction management is ongoing.

Another Park Modern building is looking for foundation permit by the year's end.

Basalt Vista is changing the makeup of the remaining units. Lindt said they are adjusting two of their units from three- to two-bedroom units. The units will be over the floor area allowed in the R4 MD zone district for a two bedroom, so they are bringing a proposed Code amendment before the P&Z and Council to adjust the maximum square footage of a two-bedroom unit in the R4 MD zone district. The Applicant is reporting that the school district is having difficulty filling the three-bedroom units.

Philp said on September 15th Town Council will have a retreat to work on the strategic plan. That meeting is during the day and will not interfere the regular P&Z's agenda time. At that meeting the P&Z will be reviewing applications for a Code amendment for R4 MD zone district and an Eagle County referral for a solar project on the Tree Farm property in Eagle County.

Lindt added that Lot J of the Basalt Commercial Park is currently out for referral for the development of twelve apartment units. The Applicant for that project is asking for an amendment to the PUD.


Philp said that POST and Council are working on improvements to the Arbaney pool, with the most current work to be seen in the changing rooms and existing fence.

Chair Maron asked the Staff to send administrative approvals to the P&Z so the board is kept up to date on what is happening. Philp noted Staff can send Staff level approvals along to the P&Z.

**M/S GRAUER AND BENNETT TO ADJOURN THE MEETING. MOTION PASSED BY A VOTE OF 6 TO 0.**

The meeting was adjourned at 7:20 pm.

TOWN OF BASALT  
PLANNING AND ZONING COMMISSION

By   
William C. Maron, Chair

Attest   
Susan Philp, Planning Director