

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A SKETCH PLAN APPLICATION FOR PHASE 1 OF A PERFORMING ARTS CENTER PROPOSED BY THE ARTS CAMPUS AT WILLITS (TACAW) CALLED "THE PERMANENT" ON THE TOWN PARK – ARTS CENTER TRACT IN WILLITS TOWN CENTER**

**Town of Basalt, Colorado  
Resolution No. 13  
Series of 2018**

*Orig to Eagle  
for rec. 7/23*

**RECITALS**

1. On May 4, 2018, The Arts Campus at Willits ("TACAW" or "Developer") submitted an application for sketch site plan review approval (the "Application") for the development of a performing arts center on Town-owned property more particularly described as the "Town Park-Arts Tract" Willits Town Center, according to the Final Plat and Zone District Map of Willits Town Center Planned Unit Development, recorded in the public records of Eagle County, Colorado on July 25, 2001 as Reception No. 763043 (the "Property"). The Application was subsequently revised through the sketch plan review process. The Application includes development of approximately 19,000 above-ground square feet, and the potential to construct up to 10,000 square feet of basement.

2. The Planning and Zoning Commission reviewed the Application and conducted a public hearing at their June 19, 2018 meeting and recommended approval, with conditions.

3. The Basalt Town Council considered the application at a public hearing on June 26, 2018. Throughout the meeting, evidence and testimony was offered by the Applicant, staff, and members of the public.

4. The Basalt Town Council finds that the Applicant's request described herein to be consistent with the applicable provisions of the Town Code and the 2007 Basalt Master Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Basalt, Colorado, as follows:

1. The Town Council incorporates the above recitals, representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations, and conclusions contained

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

herein for the purposes of sketch plan approval.

2. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Town Council hereby approves the Sketch Plan Application, subject to the conditions contained in **Exhibit "A"** hereto.
3. As the Town of Basalt's Sketch Plan approval does not create any vested rights, a final plan application shall be required to be approved by the Town Council to obtain vested rights.
4. This Resolution shall be recorded with the Offices of the Clerk and Recorder of Eagle County.
5. This approval shall not form the basis for any actionable reliance for the Applicant and shall not create any obligation for the Town Council to provide later approvals on the Property.

READ AND ADOPTED by a vote of 6 to 0 on June 26, 2018.

TOWN OF BASALT, COLORADO

By:   
Jacquie R. Whitsitt, Mayor

ATTEST:

By:   
Pamela K. Schilling, Clerk



**Exhibit A**  
**Conditions of Approval**

1. The Developer shall comply with all representations set forth in the Application.
2. The Developer shall comply with all material representations made in hearings before the Planning and Zoning Commission (P&Z) and Town Council.

**Site Plan and Building Plan**

3. Site plan is approved at the sketch plan level subject to the conditions contained in this Exhibit. TACAW shall amend the site plan before submitting the Final Application to include the recommendations contained herein.
4. The Building Plan is approved at the sketch plan level subject to the conditions contained below and elsewhere in this Exhibit:
  - a. TACAW must decide whether to have the basement before submitting the Final Plan Application. The square footages and associated impacts must be incorporated into the parking management plan referred to in Condition No. 7 and in the letter from TACAW's engineer in terms of including any related trips in the SH 82 Access permit.
  - b. The stairwell overhang into Town right-of-way will be addressed in the Final Site Plan review.
  - c. TACAW shall meet with the Building Official before submittal of the Final Plan to ensure that all code requirements can be satisfied at building permit (e.g. exit requirements).
  - d. TACAW shall continue to include the number of restroom stalls shown in the Sketch Plan (i.e. The Applicant has represented that the building has twice that required by the 2015 International Building Code) with the addition of at least one "ADA/non-gender/family restroom".
  - e. Due to the fact that this is a performing arts center and to provide for the public spaces shown on the Sketch Plan Site Plan, it will be necessary to grant minor modifications to the PUD design controls and development guidelines as they apply to this building as provided for and permitted in the PUD Control Document as part of the final approvals for this project.
  - f. Before Final Plan submittal, the Applicant shall continue to study the building entrance at Robinson Street and Market Street to create a greater civic

statement about Basalt.

### **Uses**

5. The Town finds the uses proposed by TACAW to be acceptable with the following conditions and concerns:

- a. The Willits Town Center Developer has not allocated any commercial base floor area to the Town Park – Arts Tract. TACAW is limited to the 750 square feet of retail use provided in the Willits PUD Control Document along with other accessory activities.

- b. In the Final Plan Application, TACAW shall include more detail on the accessory activities. These are permitted and customary. However, the Town wants to make sure that there are appropriate restrictions to ensure TACAW complies with Article 4.4 of the PUD; and the Center's primary focus is performing arts and not other activities (such as rental for private parties) which provide revenues.

- c. TACAW shall either include or cross-reference the provisions of Paragraph 5 of TACAW's lease with the Town which includes additional provisions and restrictions regarding the use of the premises. For example, the Town has the right to install public art on the property, there are some restrictions regarding visual art sales, and the building cannot convert to a visual arts center in order not to compete with the Art Base.

### **Integrated Transportation System**

6. TACAW shall comply with the Transportation Demand Management Program (TDM) for Willits Town Center as outlined in the document prepared by Felsburg Holt & Ullevig dated January 8, 2016 and included as **Exhibit C** of Ordinance No. 28, Series of 2015. A TDM status report and any recommendations shall be submitted by TACAW to the Town Planner for review and approval before issuance of any building permit for the building. (*Note* – this is also required by the Developer before filing a plat on any of the remaining blocks in Willits Town Center).
7. The Town Council finds that no additional on-site vehicle parking is necessary to be provided by TACAW other than that shown on the Site Plan included in the application less any parking that will be eliminated to satisfy the conditions included in the Town's approval, provided TACAW complies with the conditions contained herein. Vehicle parking for TACAW will be within on-street parking in Willits Town Center and in the parking garage under Whole Foods until that lease runs out. TACAW must include a "parking monitoring and management plan"

developed by the Town's parking consultant in the Final Plan application. It is envisioned that the parking plan will include the following:

a. TACAW must include information in its ticket purchase system which recommend participants reduce vehicle use by utilizing such activities as mass transit, car pool, walk, use a bike sharing program, bicycle or combine trip activities in order to reduce demand on parking.

b. The Town intends to make parking constructed in Town-owned Parcel 2E available to patrons of the performing arts center when it is not being used by the future development on Parcel 2E.

c. Once specified triggers are met, TACAW must adjust the scheduling (dates and times) of its events to mitigate any parking overflow demand that materially and adversely affects other land uses in Willits Town Center and adjacent residential neighborhoods. Triggers would include ticket holders parking on Willits Lane and/or significant levels of overflow parking in adjacent residential areas as determined by the Town of Basalt. Other potential measures identified in the TDM plan (e.g. expanded bus pass program, and incentives for shared ride travel) may be required if the Town of Basalt determines that these are needed to further mitigate parking overflow issues.

8. In addition to personal vehicle parking, at least twenty (20) bicycle parking spaces and racks shall be provided prior to occupancy.

a. Bicycle parking shall be provided along or on sidewalks or other paved surfaces within 100 feet of TACAW's main entrance, at a location that shall be reviewed and approved by the Town.

b. Bicycle parking shall utilize an "inverted U" rack design made of carbon steel with black thermoplastic coating. Racks shall be installed in a parallel row on 36" (thirty-six inch) spacing. Depth of bicycle parking spaces shall be at least 60" exclusive of pedestrian walkway. TACAW may present an alternative program for the Town's consideration that meets its design objectives or that also serves as public art and generally satisfies the bicycle parking guide noted below.

c. Bicycle parking shall not be placed in a manner that reduces the sidewalk clear zone to less than six feet (72") or that creates a barrier or hazard for disabled persons.

d. Area(s) for an additional twenty (20) bicycle parking spaces shall be identified in the Final Site Plan Application and reserved (or shown how they can be easily converted to being used) to meet potential future bicycle parking

demand. At such time as the Town determines that the initial parking for 20 bicycles is not adequate based on actual demand by users of the performing arts center, TACAW shall provide the additional bicycle parking in the identified area(s).

A bicycle parking design guide published by the Association of Pedestrian and Bicycle Professionals is incorporated herein by reference and shall be used to provide additional design details as required: ([https://cdn.ymaws.com/www.apbp.org/resource/resmgr/Bicycle\\_Parking/EssentialBikeParking\\_FINAL.pdf](https://cdn.ymaws.com/www.apbp.org/resource/resmgr/Bicycle_Parking/EssentialBikeParking_FINAL.pdf)).

Plan-view and perspective drawings of the proposed bicycle parking layout, design and location shall be provided to the Town for review and approval prior to construction of the bicycle parking.

TACAW shall monitor and record bicycle parking demand (as evidenced by actual number of bicycles present) during TACAW events and shall report this demand data periodically to the Town. If bicycle parking demand regularly exceeds the twenty (20) spaces initially provided, TACAW shall install an additional twenty (20) spaces using the same design and layout.

One or more bike share stations with an adequate number of bike loading docks shall be provided either on-site or within adjacent blocks to the Site as determined by the Town Planner after meeting with WE-cycle administrators. The Final Site Plan application shall include the required bike share docks.

TACAW shall show the amended bike plan on the Final Site Plan.

9. The Developer will work with Town Staff before submitting the final Site Plan application to determine whether it is appropriate to locate one or more electric vehicle charge stations to be paid for by others in the parking areas required for this Site Plan.

## **Traffic**

10. Before submittal of the Final Site Plan Application, TACAW shall submit a letter to the Town from their engineer or the traffic engineer, which confirms that the trips associated with the Application's uses are included in the project traffic projections provided to CDOT to the satisfaction of the Town Planner.
11. Before building permit issuance, TACAW shall provide the expected documentation from CDOT regarding compliance with the Colorado Department of Transportation (CDOT's) Access Control Plan regulations and approval for the project as required by Condition 12 of Exhibit A of Ordinance No, 28 Series of 2018.

### **Street Configuration and Street Bulb Outs**

12. While the loading area as shown on the Sketch Plan map prepared by Lipkin Warner dated June 12, 2018 is preferred over that presented in the May 4, 2018 application, the Town requests that the Applicant continue to study loading to the building and vehicular parking at the west end of Market Street with the Town and TACAW's engineers.
13. The street layouts submitted at Final Plan shall show the best available information on the parking and driveway access locations adjacent to Block 11 and Town-owned Parcel 2E.
14. The landscape bulb outs on Lewis Lane and the north bulb out on Robinson Street should be angled like the bulb outs on Two Rivers Road in front of the Roaring Fork Conservancy River Center so that snow can be removed easily.
15. Prior to submitting the Final Site Plan Application, TACAW shall meet with the Willits Developer to work out the construction schedule for the public improvements required by the approval documents for Willis Town Center to be built by the Willits Developer.

### **Affordable Housing**

16. To eliminate any confusion in the future, the affordable housing mitigation requirement is waived to the extent there is any current requirement.

### **Referral Comments**

17. TACAW shall satisfactorily address in the Final Plan Application submittal the comments made by Chris Lehrman, SGM as the Town Engineer, in his letter dated May 30, 2018 except for Paragraphs 3 and 8. Paragraph 3 is addressed in Condition 14 of this attachment. Paragraph 8, regarding the Market Street cross section, is addressed by Condition No. 9 in Exhibit A-1 of Ordinance 28, Series of 2017.
18. TACAW shall satisfactorily address in the Final Plan Application submittal the comments made by Chris Lehrman, SGM, representing the Mid Valley Metropolitan District, in his letter dated May 30, 2018.
19. TACAW shall satisfactorily address in the Final Plan Application submittal the comments made by Brooke Stott, Assistant Fire Marshall in her letter dated May 23, 2018.

20. TACAW shall satisfactorily address in the Final Plan Application submittal the comments made by Perry Will, Area Wildlife Manager, Colorado Parks and Wildlife dated May 14, 2018, and May 9, 2016.

### **Compost/Waste**

21. TACAW shall develop a program to reduce waste at the facility and to compost and submit it in the Final Plan Application. Before finalizing the Final Plan Application, TACAW shall meet with food and waste haulers.

### **Construction Management**

22. TACAW shall submit a construction management plan with the building permit submittal consistent with the requirements in the PUD.

### **Other**

23. TACAW shall have at least one meeting with the TRC before submitting the Final Plan Application where emergency services personnel are invited (including Basalt and Rural Fire Protection District and the Basalt Police Department) to determine how large events should be addressed and submit the results of that discussion in the Final Plan Application.

24. The TACAW Lease provides that a building permit for the initial phase of the performing arts center must be obtained by July 1, 2020. TACAW is on notice that they will need to submit the Final Plan and building permit applications well in advance in order to satisfy those deadlines. It is recommended that TACAW submit the Final Plan Application by July 1, 2019 in order to provide sufficient time for Town's review of the Final Plan and Building Permit applications under the constraints of the Lease.

25. This Resolution does not amend any of the other agreements TACAW has entered into with the Town including the lease or the funding agreement and should not be construed as such.