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TOWN OF BASALT MEETINGS
Planning and Zoning Commission Meeting
Tuesday, November 15, 2022

Basalt Town Hall

101 Midland Avenue

- 6:00 PM** **1 Call to Order**
- 6:03** **2A Approve Minutes**
2B October 18, 2022
- 6:05** **3A Introduction to New Town Logo and Branding Process/Consultant**
3B Recommended Action: Staff Comments and Presentation by Consultants
- 6:20** **4A Miscellaneous Code Amendments and Amendments to Community Housing Guidelines:** for the purpose of considering miscellaneous amendments to the Town Code, including amendments to Chapter 11, *Streets, Sidewalks, and Public Property*; Chapter 16, *Zoning*; and Section 3(a) of the Town's Community Housing Guidelines
4B Recommended Action: Staff Presentation; Public Comments; P&Z Discussion; Motion
- 6:40** **5A Introduction to Community Housing Guidelines/Housing Code Amendment Process Framework**
5B Recommended Action: Staff Presentation; P&Z Comments
- 6:50** **Commissioner Comments and Staff Updates**
- 7:00** **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.

**TOWN OF BASALT, COLORADO
P&Z MEETING - TUESDAY, NOVEMBER 15, 2022**

PUBLIC COMMENT ACCESS INSTRUCTIONS

The Basalt Planning & Zoning Commission will meet in person. The P&Z will conduct a hybrid meeting where the public may attend the meeting to make their comments in person or may join the meeting and make their comments via Zoom.

Directions for viewing and accessing the meeting to provide comment during public the public comment portion of the agenda, or during public hearings is provided below.

You can watch a live stream of the meeting here:

on YouTube: <https://www.youtube.com/channel/UCaBozGBsT0GuBNRf4rUI0cA>, or on Grassroots TV at: <https://townofbasalt.ompnetwork.org/>

Zoom Webinar

When: Tuesday, November 15, 2022 06:00 PM Mountain Time (US and Canada)

Topic: P&Z - 11/15

Please click the link to join the webinar: <https://us06web.zoom.us/j/84656169226>

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Webinar ID: 846 5616 9

International numbers available: <https://us06web.zoom.us/j/84656169226>

(If you are unable to access the meeting using the link or call-in numbers above, e-mail your name, and phone number and item you wish to comment on to planning@basalt.net. We will contact you at the appropriate time in the meeting and make other arrangements for you to make your comments.)





Item 2B

PLANNING AND ZONING ACTION MINUTES

BOARD MEMBERS PRESENT: Bill Maron, Kyle Oberkoetter, Eric Vozick, Rob Leavitt.

BOARD MEMBERS ABSENT: Cindy Hirschfeld.

STAFF PRESENT: Michelle Thibeault, James Lindt.

OTHERS PRESENT: Shannon Meyer, Response, Chris Bendon and Erin Wackerle, BendonAdams.

DATE: 10/18/2022

MEETING CALLED TO ORDER AT 6:02PM

AGENDA ITEMS

1. Call to Order.
2. Approve Minutes.
 - i) September 20, 2022.
 - ii) October 4, 2022.
3. Public Hearing on Basalt Business Center East PUD Amendment.
4. Midland Avenue Streetscape Update.
5. Commissioner Comments and Staff Updates.
6. Adjourn.

APPROVE MINUTES. *Request for a motion to approve Meeting Minutes from September 20, 2022.*

M/S BILL MARON AND ROB LEAVITT TO APPROVE THE MINUTES FROM SEPTEMBER 20, 2022. MOTION PASSED 4-0.

APPROVE MINUTES. *Request for a motion to approve Meeting Minutes from October 4, 2022.*

Commissioner Rob Leavitt abstained because he was not present at the meeting on October 4, 2022.

M/S BILL MARON AND KYLE OBERKOETTER TO APPROVE THE MINUTES FROM OCTOBER 4, 2022. MOTION PASSED 3-0

PUBLIC HEARING ON BASALT BUSINESS CENTER EAST PUD AMENDMENT. *Request for the addition of a Domestic Abuse Shelter use in the Basalt Business Center East PUD.*

James Lindt described the proposed PUD amendment as an addition of a special review use. The special review use proposed to be added to the PUD for Lot H is a Domestic Abuse Shelter. Lot H is located at 325 E. Cody Lane in the Basalt Business Center East PUD, which is currently zoned as Industrial PUD. The current Town Code does not have a definition for Domestic Abuse Shelter and the applicants have provided a draft definition. The use would be site specific and only added as a special review use on Lot H of the Basalt Business Center East PUD. It was noted by Lindt, that the Applicants have not submitted a

site-specific design for the Property, but they have some draft renderings and concept program for a facility. Lindt noted that the Applicants would have to come back with a facility design for Special Review and Site Plan Review. Staff also introduced that the P7Z could apply an alternate condition that would limit the client rooms to more than 50% of the square footage in the facility if the P&Z thought it was necessary to be consistent with the Industrial Zone District requirement that residential uses be accessory. Representatives of Response and BendonAdams, explained the project, the need and benefit of the project in the community, and how the shelter will operate.

Chair Vozick opened the hearing to Public Comment at 6:42PM.

There were no Public Comments from online participants.

John Fitzpatrick, owner of High Tone Automotive, stated his concerns about the safety of children in the Industrial Zoning District including traffic from delivery trucks on E. Cody Lane and that the sidewalks and pedestrian pathways can be dangerous at times. Fitzpatrick said he would like to see children supervised at all times while occupying the site. He stated that the existing uses in the area can be loud, smoky, and produce toxic fumes, and requested a note of acknowledgment from the applicants that they will not be complaining about the uses after occupancy of the site. He added that he is concerned of the future uses of the lot and does not want the building to turn into a residential use of any kind, after the departure of the applicants. Fitzpatrick stated that he supports the cause and services that Response is providing but thinks there could be a better area for the project. He stated that the HOA provided a straw poll vote and was supportive of the project and then he sent out an official ballot to the members of the HOA for the project.

Denis Fitzpatrick, the brother of John Fitzpatrick, stated similar concerns as John, that the area is busy with traffic and unsafe for unsupervised children. He asked how children would get to school from the shelter, and that the applicants have stated that there will be no kind of shuttle or transportation provided by Response. He stated that he supports the use and believes that this application will pass through P&Z and Town Council but would like these issues to be addressed by the applicants and the Town.

Stefan Isberian, owner of the Isberian Rug Company and the subject lot at 325 E. Cody Ln., stated that he had similar concerns as John and Dennis Fitzpatrick. He also stated that of the uses the HOA has reviewed, this proposed use was the best for traffic mitigation as well as community benefit. He added that, while there will be problems with safety of children and concerns of increased pedestrian traffic, he believes this is the right place for the Shelter and that the issues will be addressed, and solutions will be available.

Betsy Crum, at 565 Hillcrest Dr. in Basalt, commented that she is the chair of the board at Response, and that she is proud to say that she has been associated with Response for almost five years. She stated that this project will be a step forward in ending domestic and sexual abuse and will be a stabilizing force in the community. She restated what Chris Bendon had said about the project and expressed support of his presentation. She added that giving people alternatives to staying in a violent home is a responsible thing for our community to do. She ended by stating that she has read the Comprehensive Master Plan and thinks it is interesting that it does not just contain land use plans, but also describes the social fabric of the community, and that this project aligns with the social aspects of the Master Plan.

Chair Vozick closed the public hearing at 6:56PM.

Kyle Oberkoetter asked if there was a clause in the agreements that stated acceptance of operation in an Industrial Zone, because he thinks that the applicants need to be aware of unpleasant side effects of Industrial Zone uses. Chris Bendon responded that while the clients will not have a lease to use the facility, there will be a service agreement that the clients will sign including acknowledgement of Industrial Zone uses. It was also noted by Staff that there is a draft condition requiring that language be included in any lease of service agreement that the Applicants would have with clients staying on the site that acknowledges the pre-existence of adjacent industrial uses.

The group discussed the projects consistency with the Master Plan, expressed support, and praised the community benefit the project brings to the Town. They addressed issues with the safety of children and came to the consensus that those issues can be worked out and that the project provides more benefit than safety hazard.

Kyle Oberkoetter voted “no” and explained that he fully supports the project but would like to have language written in the recommendation that addresses the acknowledgement of unpleasant industrial use side effects like paint fumes, loud noises, and smoke.

M/S BILL MARON AND ROB LEAVITT TO RECOMMEND THE PUD AMENDMENT FOR BASALT BUSINESS CENTER EAST PUD TO TOWN COUNCIL AS IS, WITHOUT THE ALTERNATIVE CONDITION REQUIREMENT OF 50% MAX FLOOR AREA FOR RESIDENTIAL USE. MOTION PASSED 3-1.

MIDLAND AVENUE STREETScape UPDATE.

Michelle Thibeault gave a brief update on the Midland Streetscape project and stated that the Town is nearing 30% design and the project is moving forward. She stated that the only really new item to show was that the construction phasing has been outlined and that the first phase of work will be on the Midland Spur. The construction will move West to East and the second phase will be the main area of Midland Avenue in the middle, and the third phase will be the far East section. Thibeault stated that at the beginning of the project the Town was expecting 24-36 months of work and are now expecting only 12-18 months. She added that the Town is contracting with a communications specialist this week to aid in keeping residents and businesses informed on the project.

COMMISSIONER COMMENTS AND STAFF UPDATES.

The group discussed how the Domestic Abuse Shelter use would be implemented in the Town Code.

Thibeault updated the group on We-Cycle and their increased ridership in 2022. She stated that Basalt has the highest ridership in the valley.

Thibeault and Lindt updated the group on the progress of current projects, such as the River Park Townhomes, Basalt Connect, and the car wash next to Big O Tires.

M/S BILL MARON AND ROB LEAVITT TO ADJOURN THE MEETING AT 7:26PM. MOTION PASSED 4-0.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By _____
Eric Vozick, Chair

Attest _____
Michelle Bonfils Thibeault, Planning Director

MEMORANDUM

To: Chairman Vozick and the Basalt Planning and Zoning Commission
Thru: Michelle Bonfils Thibeault, Planning Director
From: James Lindt, Assistant Planning Director
Date: November 15, 2022
RE: Miscellaneous Code Amendments

I. Purpose

Town of Basalt Planning Staff is proposing miscellaneous code amendments to Chapter 11, *Streets, Sidewalks, and Public Property*, Chapter 16, *Zoning* of the Town Code and amendments to the Town's Community Housing Guidelines.

II. Background

Staff has been keeping a long list of minor items that need cleaning up in the Town Code. Staff would like to make the P&Z familiar with the list of amendments and the reasons Staff would like to amend the code to clean up each of the items at this meeting. Additionally, the Basalt Affordable Community Housing Commission (BACH) has recommended adjusting language in the Community Housing Guidelines to address an affordable housing requalification issue that will also be presented to the P&Z.

III. Code Amendment Items:

A list of the cleanup items that Staff would like to make in the Code follows, with a brief explanation of each item:

1. In Chapter 11, add language expressing that it is unlawful to place snow and ice from driveways into the public ROW and in front of fire hydrants.
2. In Chapter 16, add language to the definition of Floor Area to identify that there is a 150 sf cap on the mechanical exemption. This is codification of a long-standing policy of the Town Building Official.
3. In Chapter 16, remove reference to the specific 2007 Master Plan and make the references to the Master Plan generic to accommodate periodic updates to the Master Plan.

4. In Chapter 16, amend the language in the Industrial Zone District's use table to remove the prohibition against children being occupants of accessory dwelling units in the Industrial Zone District.
5. In the Community Housing Guidelines, add a provision to allow for a tenant of a deed-restricted rental community housing unit to use the average income from the last 2 years of their tax returns in doing an annual requalification. Recently, Staff has encountered several situations where existing housing tenants received organization-wide wage increases that have created difficulties in their ability to requalify for their community housing units. The Aspen/Pitkin County Housing Authority (APCHA) has a similar provision in their regulations. This is intended as a stop-gap measure and it is anticipated that the Town will be studying more significant amendments to the Community Housing Guidelines in the near future at the direction of the Town Council.

IV. Recommendation

Staff recommends that the P&Z consider a presentation by Staff of the above code amendment items, take public comments, and provide P&Z discussion on the proposed amendments.

Attachments:

A. Draft Amendments

**EXHIBIT A
AMENDMENT TO THE TOWN CODE**

Chapter 11, Article IV, Section 11-95 is amended as follows

Additions shown in underline. Deletions shown in ~~strikethrough~~.

Sec. 11-95. - Removal of snow or ice.

- (a) It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four (24) hours from the time of the last accretion of such snow and ice.
- (b) It shall be unlawful for any person to place snow or ice removed from driveways, sidewalks, or any other area in the public right of way, including in streets or alleys, covering a fire hydrant, or on the loading/unloading areas of a public transportation system.

EXHIBIT A

AMENDMENT TO TOWN CODE

Definition of Floor Area in Section 16-4 is amended as follows:

Additions shown in underline. Deletions shown in ~~striketrough~~.

16-4 Definition of Floor Area.

Floor area means the gross area of the building measured along the outside walls of the building, including each habitable floor level and interior balconies but excluding the following:

- a. Interior courtyards.
- b. The first five hundred (500) square feet of area for garages and enclosed parking.
- c. Mechanical or utility areas up to 150 square feet.
- d. One-half ($\frac{1}{2}$) of the area used exclusively for storage.

EXHIBIT A
AMENDMENT TO THE TOWN CODE
(Proposed Amendments are in Strikethrough and Underline Text)

Section 16-29(a) is amended as follows:

- (a) Zone district intent. The intent of the C-2 Downtown Business District is to promote the downtown area as a special activity center by encouraging a mixture of compatible commercial, office, residential, institutional and public uses and interesting street-level activity in buildings. This is accomplished by identifying certain uses and activities that help to create community vitality and ensuring that these uses remain a dominant element of the downtown area. The C-2 zone district also provides for site plan review for certain types of development activities to ensure that the downtown area is developed with special concern for the needs of the pedestrian, that there is continuity in the design and visual appearance of the district and that development furthers the ~~2007~~ Basalt Master Plan.

Sections 16-29(e)(4) and 16-29(e)(4)(a) are amended as follows:

Review criteria. The application for site plan review shall be approved by the Town Planner, the Planning and Zoning Commission or Town Council as applicable if it meets all of the following review criteria:

- (a) The proposed development shall be consistent with the ~~2007~~ Basalt Master Plan. This shall include, but not be limited to, a finding that the proposed development in the C-2 zone district is consistent with: (1) Neighborhood Typology 2A from the ~~2007~~ Basalt Master Plan (Midland Avenue Commercial/Mixed Use) for areas northerly of Two Rivers Road; or (2) Neighborhood Typology 2B from the Master Plan (Town Center Commercial/Mixed Use) and the Riverfront Overlay where it is applicable.

Section 16-29(e)(4)(o)(1)(d) is amended as follows:

- (d) New accessory elements (such as awnings, planter boxes and lighting fixtures) proposed to be installed on the historic portion of the building shall be designed and/or selected to be compatible with the historic character of the building and be in character with the applicable elements of Neighborhood Typology 2A from the ~~2007~~ Basalt Master Plan (Midland Avenue Commercial/Mixed Use).

Section 16-187(a) is amended as follows:

- (a) Purpose. As part of the ~~2007~~ Basalt Master Plan, the Town adopted a goal to protect and enhance its natural environment, recognizing that the environment

is the source of the community's physical and economic wealth. The Town also adopted a set of Master Plan Typologies, including a Hillside Overlay, setting forth guiding principles for development on steeper slopes within the Town.

EXHIBIT A
AMENDMENT TO THE TOWN CODE

The Accessory Dwelling Unit use in the Schedule of Uses in the Industrial Zone District is amended as follows:

Additions shown in underline. Deletions shown in ~~strikethrough~~.

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| Accessory dwelling units (accessory to a primary use). Generally, <u>children will be prohibited in accessory dwelling units in the IN zone, but children may be allowed in certain circumstances through the special review process where there is a finding that the principal use of the property and the uses in the immediate neighborhood do not pose significant threats to the health or safety of children and that there are appropriate play area in or near the vicinity of the property</u> | S |
|--|---|

EXHIBIT A

Community Housing Guideline Amendments- Related to Income Increases- (Proposed Amendments are in Strikethrough and Underline Text)

Section 3(A): A. To **REMAIN ELIGIBLE** to reside in a community housing rental unit, a person must meet the requirements of Part II, Section 1, A, B and C. The status of Renters/ Tenants of Community Housing Units will be reviewed and verified by the Town every two years or more often at the sole discretion of the Town to ensure that they continue to meet the requirements of the Guidelines, including but not limited to: Minimum Occupancy, Income and Asset Limitation, Property Ownership, and Employment. ~~The Town or the Town's designee will notify the landlord to provide the tenant written notice of the requalification at least thirty (30) days prior to the expiration of the two years.~~ The landlord shall disclose in the lease that the tenants must requalify every two years or more frequently at the discretion of the Town. Individuals that rent a Community Housing Unit must requalify and meet the employment, occupancy, income, asset, and other requirements specified herein upon expiration of their lease.

If a household income exceeds the maximum income requirement by more than 20% during requalification, an average of the household income of the immediately preceding two years may be used to determine eligibility. If less than a 20% difference, household income from the year immediately preceding the application is used. If income limits are exceeded, the tenant will be given one year to come back into compliance or to vacate the leased premises.

Draft Framework for Process to Research and Determine Amendments to the Income Categories, For-sale/Rental Mix, Occupancy Priorities in the Community Housing Guidelines

- i. BACH/P&Z Review of Process Framework
- ii. Town Council Review of Process Framework
- iii. Staff publishes RFP for update to Basalt Housing Gaps Analysis and Short-Term Rental Fee Study
- iv. Staff and BACH Interview Proposers to Conduct Housing Gaps Analysis and Short-Term Rental Fee Study
- v. Town Council reviews contract for selected firm to provide Housing Gaps Analysis and Short-Term Rental Fee Study
- vi. Consultant works with Staff to establish Housing Gaps Analysis and Short-Term Rental Fee Study
- vii. Consultant presents Housing Gaps Analysis and Short-Term Rental Fee Study to BACH/P&Z and Town Council
- viii. BACH and Town Council hold joint work session to discuss and give direction to Staff on adjustments to income categories, desired for-sale/rental mix, and occupancy priorities, etc. after being presented with Housing Gaps Analysis
- ix. Staff drafts proposed amendments and reviews with BACH, P&Z, Town Council
- x. Amendments are processed for adoption through the amendment public hearing process with noticed public hearings before the P&Z and Town Council after a recommendation from BACH.