

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING
Tuesday, April 19, 2022**

CALL TO ORDER

The meeting called to order by Chair Vozick at 6:03 pm.

Commissioners present included Bill Maron, Kyle Oberkoetter, Gino Rossetti, Eric Vozick, and Cindy Hirschfeld.

Staff present included James Lindt, Interim Planning Director.

APPROVAL OF MINUTES

Commissioner Leavitt sent an email noting a typo that Bill Maron had spoken, but Commissioner Leavitt indicated that Commissioner Maron was not at the meeting. The typo is on page 5 and should indicate Chair Vozick was the person speaking.

M/S ROSSETTI AND MARON TO APPROVE THE MINUTES OF MARCH 15, 2022 AS AMENDED. MOTION CARRIED BY A VOTE OF 4 TO 0. COMMISSIONER HIRSCHFELD ABSTAINED AS SHE WAS NOT PRESENT AT THE MEETING.

AGENDA ITEMS

PUBLIC HEARING AND INTRODUCTORY MEETING ON THE PRELIMINARY PUD APPLICATION SUBMITTED BY POSSUMCO LLC ON PARCEL 5 OF THE SOPRIS MEADOWS SUBDIVISION/PUD.

Lindt introduced the item as a public hearing for an application submitted by Possumco LLC requesting preliminary PUD and preliminary Subdivision to construct 155 dwelling units on Parcel 5 of the Sopris Meadows Subdivision/PUD. Lindt explained the intent of the meeting is to provide an introduction to the application and discussion items found in the P&Z's packet. He indicated that the meeting is a public hearing and suggested the P&Z take public comment.

Lindt described the subject site as a 12.2-acre property, currently vacant, between Willits Lane and the Willits Lake, and between the Basalt Industrial site to the south and the Park Modern development to the north. The property is within the Town's Urban Growth Boundary (UBG), is zoned R-4 PUD, and has a future land use designation of Medium-Density Residential with an affordable housing overlay.

Lindt explained that the proposed 155 dwelling units would be within nine buildings, seven that will contain free-market units, and two that will contain affordable housing units. He showed the location where the Applicants are proposing to construct a new access road from Evans Road,

which will meet up with the stub out off of Lakeside Drive. Lindt showed the proposed emergency vehicle access to Willits Lane.

Lindt said the Applicants have also proposed to recontour and finish the lake, and to provide a trail around the lake.

In conjunction with the affordable housing, Lindt showed an area where the Applicants have proposed a playground for use by kids within the development.

Lindt said the Applicants have proposed to meet the dimensional requirements of the R-4 zone district, with the exception of height which is proposed at three-feet over the maximum height for the zone district to allow for mechanical equipment.

The Applicants are proposing to install two electric vehicle car charging stations and to run conduit for future car charging stations to each of the buildings.

Lindt explained that the Applicants are proposing a ten-year build-out, similar to Park Modern, and to finish the lake and trail within five years of approval. The Applicants have indicated a desire to construct one or two buildings per year, with the first affordable housing building prior to the third free-market building, and the second affordable housing building prior to the fifth free-market building.

Lindt indicated that the Sketch Plan was previously approved in 2021, and this is the Preliminary Plan review which requires the P&Z to make a recommendation to the Town Council. There is one more round of review before the P&Z and Town Council if Preliminary Plan review is approved.

Lindt indicated there are a number of discussion items identified by Staff in the P&Z's packet. The first is consistency with the Master Plan. Lindt said the Master Plan identifies up to 155 dwelling units for the property, which was discussed at the Sketch Plan level and which he briefly recapped for the P&Z. 155 units was programmed into the CDOT access permit and transportation plan for the Sopris Meadows development.

Lindt reiterated that the Applicants are proposing an additional three feet of height to accommodate mechanical equipment within the buildings, similar to Park Modern.

Lindt explained the Applicants are proposing 46 units of rental affordable housing, 23 in each of the two buildings. The Applicants have also proposed a .75% Real Estate Transfer Assessment (RETA) for the creation of affordable housing on top of the 1% RETA required to be provided per the original Sopris Meadows approvals. Lindt said the first affordable housing building is proposed to meet the Category 2 rental rate requirements, and the second is proposed to house the "missing middle" for families and individuals up to \$250,000 incomes, with maximum rents equal to 30% of their incomes. Occupancy priorities have been proposed for those working in the mid-Valley arts non-profits as well as mid-Valley healthcare organizations serving seniors, teachers and childcare professionals in addition to the Town's normal affordable housing priorities.

Lindt indicated that the Basalt Affordable Housing Commission (BACH) has begun their review and determined the proposed units meet the Town's affordable housing livability requirements, size and storage requirements, but are still reviewing the "missing middle" proposal. He said BACH is scheduled to meet again prior to the P&Z's next meeting on this application.

The Applicants have prepared a traffic report that Lindt said was reviewed by Charlier and Associates who recommended the Applicants perform traffic counts to see how they lined up with the 2015 projections. Lindt explained the Applicants did perform traffic counts in September and the past winter, and generally concluded that the intersections would operate at an acceptable level of service. Charlier has recommended the Town consider transportation demand management strategies such as bikeshare, bus passes for tenants and carshare infrastructure, and to continue seasonal traffic counts to see how the studies reflect the actual traffic.

Lindt reiterated the Applicants are proposing a through road to Evans Road and to connect with East Valley Road through Lakeside Drive, and an emergency access connection onto Willits Lane. He said in their referral comments the Fire District and Police Department have recommended having full access at each point. Lindt noted the Applicants have agreed to the full access onto Willits Lane as a result of the comments by emergency services.

Lindt explained that the Applicants were required to create a traffic calming plan as part of their application, and the group has indicated that traffic calming is not warranted. However, if full access to Willits Lane is required the engineers for both the Applicants and the Town have indicated there will need to be a three-way stop in the center portion of the development which would lessen the need for traffic calming.

Lindt indicated that the application was reviewed by the Parks, Open Space and Trails Committee (POST) who agreed with the proposed trail improvements around the lake and also proposed trail access along Lakeside Drive to Willits Lane. POST also reviewed the potential to create a small beach at the lake access point, a concept that came from Staff at Sketch Plan review. Staff consulted with the HOAs in the area, and received comments from Lakeside Condominiums, who were not supportive of the concept. POST also did not support the beach and lake access point concept as it would increase the demands for the area.

Lindt noted that the Applicants will be required to meet the Town's Sustainable Building Regulations and to meet the Wildfire Mitigation ordinance. Regarding the proposed phasing, Staff will bring back some options for consideration at the next meeting. A phasing in the range of three to ten years was previously discussed by the P&Z during Sketch Plan review.

Lindt turned the meeting over to the Applicant team, and introduced David Warner, Michael Lipkin and Jeff Orsulak. Lipkin introduced J. Ray Barlow who is part of the team.

Lipkin said they have made efforts to successfully landscape Willits and highlighted Linear Park as a success. A decision made early on was to ensure there was adequate water for the area.

Lipkin described the successes of the Park Modern project, with parking beneath the building and the surrounding green spaces. He said the proposed buildings are spaced similarly to Park Modern with similar density.

Lipkin shared images of the buildings with flat roofs and parking below. He indicated the materials are changed between the upper and lower levels to break up the massing. Lipkin said the buildings will fit in with the character of those already in the area.

Lipkin said that at least half of Basalt's existing affordable housing units are occupied by people who live in Aspen. He discussed the state of rental units in Aspen and the mid-Valley, with extremely high rental rates. Lipkin said there is a need to preserve the diversity of incomes that Basalt currently has.

Lipkin showed a unit floor plan and said the size of the affordable housing units are around 25% greater than the required unit size. There is a mix of one- to three-bedroom units and have included an in-home office space in the three-bedroom units.

Lipkin said the affordable housing units will have the same exterior finishes and windows as the free-market units. The outdoor public space will be vital to the project.

Commissioner Rossetti asked if the lake is owned by the developer. Lipkin responded that the lake is owned by the Town of Basalt. Commissioner Rossetti asked if any indication had been given that the lake would be open to swimming and activities, as neighbors have expressed concern over the matter. Lipkin said Town Staff was interested in exploring the concept of a kids' play area, and maybe expand the use for paddle boards. Lindt said as part of Sketch Plan Review POST had Staff reach out to the area HOA's. Lakeside Condominiums responded they are not interested in having a beach and issues related to trash, wildlife, and greater use of the lake. POST has recommended not requiring the beach and access point to avoid additional impacts on the area that could not be appropriately mitigated.

Commissioner Rossetti asked what the negative impacts of an additional access point onto Willits Lane. Lindt indicated that the access point on Willits Lane would create the potential for more conflicts between pedestrians and vehicles on the heavily used Willits Trail. Lindt reiterated the Fire District and Police Department's support for full access onto Willits Lane, and the three-way stop to slow traffic and enhance safety between Willits Lane and East Valley Road.

Commissioner Maron asked how many accessible units are planned for the project. Orsulak replied one is required per building.

Commissioner Oberkoetter asked if the Applicant would consider making one of the affordable housing buildings deed-restricted for-sale. Lipkin replied no, citing issues with projects such as Centennial in Aspen and the low annual increase, making it a poor investment. Lipkin talked about how expensive it has become to even create affordable housing, and how it used to be transition housing and not permanent. He believes for-sale affordable housing units disincentivizes people from transitioning to free-marked housing.

Commissioner Oberkoetter said that if a tenant was making \$250,000 the Applicants could charge up to \$75,000 per year for their unit, or \$6,250 a month. Lipkin said they would only charge what the market would bear. He believes the current income caps do not work for Basalt's population. He said currently construction costs increase daily.

Commissioner Oberkoetter said he believes at least one of the buildings should contain for-sale units.

Commissioner Rossetti asked for clarification about the height, and Lindt said the Park Modern buildings were granted additional height over that allowed by the zone district by four feet. The Applicants are requesting an additional three feet for the height of this project to accommodate mechanical equipment.

Commissioner Hirschfeld asked which affordable housing building would be constructed first in the Applicants' phasing plan. Lipkin said the Applicants would be flexible, but currently the demand would be for the Resident Occupied building. Lindt said Staff can confer with BACH and return with a recommendation as to which affordable housing type should be constructed first.

Chair Vozick asked why the Applicants are proposing the cap at \$250,000. Lipkin said it came out of conversation with Staff. Staff noted the original proposal by the Applicants proposed a cap of \$450,000.

Chair Vozick asked if a traffic circle could be created rather than a three-way stop in the neighborhood. Lindt said Staff could explore that idea. Chair Vozick asked if access through Willits Lane would impact the parking by the affordable housing. Lipkin said it would not and will operate much like the on-street parking in Willits Town Center.

Chair Vozick asked if the Applicant will be reaching out to community groups for affordable housing. Lipkin said they are working with TACAW. They want established non-profits that serve the community.

Chair Vozick asked if the Applicant will consider making these units all-electric. Lipkin said they use gas fireplaces and cooktops. He is interested in going all-electric but does not feel the public is supportive. He believes it should not be a developer issue, but the Town should dictate what should be done.

Chair Vozick asked if consideration has been given to compost collection systems in the buildings. Lipkin said he will respond at the next meeting.

Chair Vozick asked how the wetlands will be protected during construction. Lipkin said he does not know at this time, but the engineers will provide a plan to work around the wetlands.

Commissioner Oberkoetter asked what the affordable housing requirement would be if the Applicants did not have a RETA. Lindt said the affordable housing would be 25% of the units and 20% of the square footage of the project. With a RETA of 1.5% the affordable housing requirement would be 15% of the units. Lipkin added that would total 21 units.

Commissioner Oberkoetter asked if the Applicant could reduce the number of affordable housing units at a later date. Lindt replied they would be locked into the number of units proposed after receiving approval.

Chair Vozick opened the public hearing at 7:13 pm.

Guy Passano from Park Modern, Building 3, said people want to be homeowners and rent when they cannot afford to own. If the project is improved the affordable housing should be available for purchase. Also, at 155 units there will be many more people, cars and pets in the area. He questioned how this will contribute to the neighborhood.

Karen Sheriff indicated she owns a unit at Willits Townhomes, close to Evans Road. Her objection is regarding the increased traffic moving through the neighborhood. She said she loves the area but feels this will be disruptive and damaging to the community. The neighborhood is currently very quiet. She would like to see the access to Willits Lane eliminated. She also feels that ownership should be an option.

Mary Foto lives in Park Modern, Building 2. She referenced a request to maintain the green space at Park Modern and not put a road through to Evans Road. She said the only chance of getting some representation is for the P&Z to listen, read what has been written, and consider the request.

Jett Goodwin lives at Lakeside Condominiums and serves on the HOA Board of Directors. As a realtor he said he knows the value of home ownership and believes the Applicant presented false claims. Paying rent versus paying toward a mortgage is a big difference. As the HOA representative traffic is a significant concern and he would like to see speed mitigation through the area. He would like to see the access point opened to Willits Lane. He also indicated that the HOA is not supportive of a beach or lake access, particularly on the side facing the Lakeside Condominiums. Opening the lake for access would impact the habitability of wildlife in the lake.

Jorge Fuentes lives in Park Modern. He indicated a petition signed by over 200 people requesting the green space be preserved and not turned into a through road to Evans Road. The access should be to Willits Lane and East Valley Road.

Gail Schwartz is a resident of Park Modern and a 40-year advocate of affordable housing in the Valley. She said there should be the opportunity for people to own their homes. Ownership stabilizes a workforce and community. Ownership brings equity. Basalt needs workforce housing. The concept of \$250,000 households does not make sense. Basalt Vista residents put money aside each month for maintenance so it can be done. She said the Fields Project estimated 1,100 vehicle trips per day with less units, so she questioned how this density and traffic will change the character of the neighborhood.

Chair Vozick closed the public hearing at 7:33 pm.

Commissioner Comments

Commissioner Hirschfeld asked for a map of the area to visualize the scenarios regarding the roadway extensions. She asked if Possum Lane was not built how would the units be accessed.

Lindt explained access would be from East Valley Road or Willits Lane. Some piece of the roadway would need to be built to access the rear units. Lindt described the "solutions" described in citizen letters such as a cul-de-sac on Possum Lane with emergency access to Evans Road.

Commissioner Hirschfeld asked how many units are in the built phase of Park Modern currently. Lipkin replied 78.

Commissioner Oberkoetter said he appreciates the additional affordable housing. He believes for-sale units should be within the Code.

Commissioner Maron said the road to connect Lakeside Drive to Willits will take the heat off other intersections. Playground equipment looks cool but is not really used. He said to pick those items carefully. Commissioner Maron said he would like to see more Type A units exceed what the Code requires as there is a significant handicapped population within the Valley. The rules on Type B units have been relaxed to make them easier to build but are less adaptable, so he suggested looking at the older regulations for the Type B units. Regarding the beach, Commissioner Maron said he understands the management would be an issue and a liability for the Town. Lastly, he feels it is within the Town's interest to have ownership units but should not be a requirement for the developer.

Commissioner Rossetti examined the three solutions for access offered by the public comment and was intrigued by cutting the road out and making the area a pedestrian thoroughfare but realizes this pushes the traffic onto the other roads. Commissioner Rossetti said he feels the developer has done good work on other projects there and expects this to be even better. Whether sold or rented there will still be 46 affordable units built. He feels this is a good project.

Chair Vozick is intrigued to know what the BACH comes back with. He would like time to better digest the numbers related to the updated traffic study from Charlier and Associates. Chair Vozick said this is overall a good project.

There was some discussion about the different access options, and Staff will continue the discussion at the next public hearing.

M/S MARON AND OBERKOTTER TO CONTINUE THE PUBLIC HEARING ON THE PRELIMINARY PUD APPLICATION SUBMITTED BY POSSUMCO LLC ON PARCEL 5 OF THE SOPRIS MEADOWS SUBDIVISION/PUD TO MAY 3, 2022. MOTION PASSED 5 TO 0.

PUBLIC HEARING FOR A SITE PLAN REVIEW AND SLOPE AND HILLSIDE OVERLAY REVIEW AT LOT 3 OF THE BROUGHTON MINOR SUBDIVISION.

Lindt introduced the item as a public hearing to consider an application for Site Plan and Slope Review to construct a single-family residence at Lot 3 of the Broughton Minor Subdivision. The lot measures .49 acres and is located off of Original Road. The P&Z reviewed a request recently for Lot 4 of the Broughton Minor Subdivision, and this is the adjacent vacant lot. Lindt said the lot is zoned R-2/PUD and is within the Town's Urban Growth Boundary. Lindt said the lot is relatively flat adjacent to the access road and gets steeper toward the Pine Ridge Townhomes.

Lindt explained that the ordinance that approved the subdivision established the P&Z as the final review authority for the Site Plan and Slope Reviews for the development of a single-family residence on the vacant lot. Staff has provided a draft resolution for the P&Z's consideration.

Lindt said the proposal is for a single-family residence measuring 2,995 square feet, constructed on the flatter portion of the lot adjacent to the access road.

Lindt introduced a number of discussion items for the P&Z's consideration. Regarding consistency with the Master Plan the proposed residence is keeping in character with the existing neighborhood but is a bit smaller than most of the other residences in the Original Road area. It is proposed similar in size to what was proposed at adjacent Lot 4.

The development will be served by Mid Valley Metropolitan District for water and sewer services and is consistent with the dimensional requirements of the R-2/PUD zone district.

Lindt indicated that the Applicant has proposed the development to be located at the flattest portion of the site and is set back approximately 30' from the top of the site's 30% slope. The Code requires the development to be set back at least 10' from the top of slope.

Lindt said the Applicant is providing simple building forms which meets the Slope Review standards. Regarding materials, Lindt said the Applicant is proposing to use concrete and metal siding which satisfies the Town's Wildfire Mitigation requirements. He said Staff has included a condition in the resolution requiring the structure to be painted a dark color and to use non-reflective materials to the extent possible.

Lindt said there has been foundation issues in the area due to hydrocompactive soils. The geotechnical report from Kumar and Associates provides recommendations on how to work with the soils issues. He noted that Staff has included a condition in the resolution that the Applicant follow the recommendations of the geotechnical report in constructing the foundations.

Lindt reported on the other conditions of the resolution related to low water landscaping, submission of a drainage plan that accommodates drainage on-site, and compliance with the Sustainable Building Regulations and Wildfire Mitigation ordinance.

Lindt said the Fire District has indicated they will need a fire sprinkler system. The School District has indicated they will need to pay the School Land Dedication Fee.

Lindt introduced the Applicant, Jake Cusick, who indicated he is available to answer any questions from the P&Z.

Chair Maron asked if this is a developer house. Cusick indicated that he is the owner, and it will be his personal home. He is also the general contractor for the project.

Chair Vozick asked how many lots are vacant and Lindt indicated it is just the two lots.

Chair Vozick opened the public hearing at 8:04 pm.

An unidentified member of the public asked about roof height. Lindt responded that the maximum height is 18' 1". The same unidentified member of the public asked how far the home is set back, and Cusick indicated that the home is set back 30' from the area identified as the top of slope.

Chair Vozick closed the public hearing at 8:06 pm.

Commissioner Comments

Commissioner Rossetti said he is satisfied with the project.

Commissioner Oberkoetter indicated a desire to eliminate the process for single-family homes. Lindt indicated that this is part of a subdivision without specific house designs at the time of the subdivision. Therefore, an abbreviated review was set up for this subdivision, but it is not typical for the development of single-family homes. The other subdivision that requires P&Z review is the Mabel's Subdivision for determining consistency with the character of the area.

Chair Vozick asked the Applicant to speak with the neighbors about the landscaping so that it feels connected.

M/S ROSSETTI AND HIRSCHFELD TO APPROVE RESOLUTION NO. 3, SERIES OF 2022 GRANTING SITE PLAN AND SLOPE AND HILLSIDE OVERLAY REVIEW APPROVALS FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT LOT 3 OF THE BROUGHTON SUBDIVISION. MOTION PASSED 5 TO 0.

CONSIDERATION OF A REVISED LETTER REGARDING 280 ROARING FORK COURT.

Commissioner Maron asked Staff, since he was the former P&Z Chair and signatory on the original letter, if he would need to recuse himself from this item. Lindt said he does not.

Lindt explained that the Town P&Z had written a letter in February, 2021 to Eagle County about a property at 280 Roaring Fork Court in response to some concerns regarding a single-family house that was built on the site. The letter required that the property owner come in to get will-serve letters if they desired to come back through a development review application process with Eagle County in the future.

Lindt introduced the property owner, Tania Dibbs, who made a request that the P&Z rescind that letter and simply indicate that when she come in for a land use process that she submit with Eagle County and the Town of Basalt would get a referral on the application.

Lindt said that the Town Attorney supports rescinding the letter and making it clear that the Town P&Z would be interested in reviewing the items per the regular process if Dibbs were to make an additional land use application. Staff has drafted a letter for the P&Z's consideration that would rescind the earlier letter and make it clear that the P&Z would like to review and make a recommendation on any future land use application items for the property. He noted that it would just change the timing of when the items were reviewed by the Town.

Lindt said in the past the P&Z was interested in how they could get the ability to review the design of homes that are located in unincorporated Eagle County. The question was posed to the Town

Attorney who responded that the Town Code could not be changed to require review by the Town for the development of single-family houses within unincorporated Eagle County. However, the P&Z could direct Staff to work with Eagle County to amend the intergovernmental agreement.

Lindt indicated the P&Z could choose to rescind the letter drafted last February, the P&Z could direct Staff to amend the letter based on recommendations made by the P&Z, or the P&Z could choose to retain the letter provided previously to Eagle County.

Lindt suggested the P&Z hear comments from Tania Dibbs and Ted Guy who were both present at the meeting and provide Commission discussion.

Guy asked the P&Z to amend the draft letter. He said Dibbs residence is a use by right in Eagle County. The Town is a referral agency to a land use application and there is a process in place. Guy said the original letter is unnecessary. He thought there was a group of people who were feeding misinformation to the Town and other area homeowners.

Dibbs said there was a lot of opposition around her development. She didn't understand how any of the former comments addressed the character of the building. Guy and Dibbs said that the amendment they would like to make for the proposed letter is to remove the request regarding the Town's ability to review any items under a Special Review application made by Dibbs. Guy said that is already in place with the referral process through the Town's intergovernmental agreement with Eagle County. Dibbs said this is prejudging an application if one is made in the future.

Commissioner Maron said originally there was a long process surrounding her lot which appears to be within the Town of Basalt but is in unincorporated Eagle County. He provided some history on how the original letter was crafted. Maron said he regretted the letter and process surrounding how the letter was allowed to be created.

Chair Vozick asked the P&Z wished to rescind the letter or discuss the amendment to the letter crafted by Staff. Commissioner Maron supported rescinding the original letter. Commissioner Oberkoetter said he would support sending the amendment letter with the removal of the line about the Town having review of any application outside of the normal referral process in the future.

M/S OBERKOETTER AND MARON TO AMEND THE LETTER AS SUGGESTED. MOTION PASSED 4 TO 1.

COMMISSIONER COMMENTS AND STAFF UPDATES

Lindt reported that the new Planning Director will begin next week.

The Final Plan application for the Basalt Center Circle parcel has been received and is in the referral process. The application will come before the P&Z after the referral period.

Regarding the River Park, the architects are finishing the design of the bandshell, restroom and bus shelter area which will then go out for cost estimates. The hope is for their construction late summer/early fall of this year.

Rocky Mountain Custom Landscapes is working on Phase 2 of the River Park which involves landscaping and installing the misting feature. The sodding of the great lawn area and trails should be underway soon.

Cost estimates are underway for the options in the solar project. Viable locations include the schools and parks.

The property owner of 144 Midland (Kelly Building) will be changing the color of the building from pink to gray. The Town does not regulate the color of buildings, but Staff wanted to make the P&Z aware of this change.

M/S ROSSETTI AND HIRSCHFELD TO ADJORN THE MEETING. MOTION PASSED 5 TO 0.

The meeting adjourned at approximately 8:40 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By


Eric Vozick, Chair

Attest


James Lindt, Interim Planning Director