

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING
Tuesday, May 3, 2022**

CALL TO ORDER

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

Commissioners present included Bill Maron, Kyle Oberkoetter, Eric Vozick, and Rob Leavitt.

Staff present included James Lindt, Interim Planning Director.

AGENDA ITEMS

CONTINUED PUBLIC HEARING ON THE PRELIMINARY PUD APPLICATION SUBMITTED BY POSSUMCO LLC REGARDING PARCEL 5 SOPRIS MEADOWS SUBDIVISION/PUD.

Lindt introduced the item as a continued public hearing for the Preliminary Plan application to construct 155 dwelling units on Parcel 5 of Sopris Meadows. Lindt reminded the P&Z that they heard an introduction to the application at the P&Z's previous meeting and an introduction to the discussion items by Staff, heard public comments, and provided initial discussion on the application.

Lindt suggested the P&Z hear an update on the discussion items and a summary of Staff's draft conditions, hear from the Applicant, take public comments, and the provide Commissioner discussion on the application.

Lindt provided a recap of the proposed development and its location. He explained that out of the 155 proposed dwelling units 46 are proposed to be deed-restricted units. The two affordable housing buildings are proposed at the south end of the site adjacent to Willits Lane. Three access points are proposed – onto Evans Road, East Valley Road, and an emergency access point onto Willits Lane. After receiving comments from the Fire District and Police Department the Applicants have revised their application to make the emergency access road onto Willits Lane a full access road.

Lindt explained that the Applicants have proposed an HOA maintained playground and to finish the lake to remove the steep incline into the lake and complete the trail around the lake.

Lindt said that at the last P&Z meeting Staff went through the history of the density of the site, and he recapped how the number of 155 units were found to be more acceptable for the site. He reiterated that the 155 residential units has been included in the traffic studies for Willits Town Center and Sopris Meadows, the transportation planning since 2007, and CDOT access permits.

Lindt explained that the Applicants propose to comply with all underlying dimensional requirements of the R-4 zone district with the exception of building height, which is proposed at

three feet higher for mechanical equipment. He said this is similar to what was allowed at the neighboring Park Modern development. Lindt said the Applicants have also proposed similar guidelines and architectural feel as that found at the Park Modern project.

Lindt said 46 units have been proposed as affordable housing, two more than was proposed at Sketch Plan review and the Applicants have proposed to dedicate a .75% Real Estate Transfer Assessment (RETA) for affordable housing in addition to the 1% RETA already required by the Sopris Meadows PUD.

Lindt recapped the information provided at the last meeting regarding the first affordable housing building being deed-restricted at a Category 2 rental rate, and the second building intended to provide housing for the "missing middle", with maximum incomes allowed up to \$250,000 and rental rates at 30% of the tenants' incomes.

Lindt explained that the Basalt Affordable Community Housing (BACH) Commission has held three meetings on the topic of the "missing middle" housing and has recommended approval of the physical layout of the units and mix of bedrooms within the units. However, BACH has continued their review of the "missing middle" concept to their next meeting as they have been unable to provide a recommendation thus far. Lindt suggested to the P&Z that they review the rest of the proposed project and continue the discussion and decision regarding the income level for the second building to be finalized prior to a Final Review application being considered. He indicated this is reflected in the draft conditions.

Regarding the issue of for-sale versus rental housing that was raised at the previous P&Z meeting, Lindt indicated that BACH has not taken a strong position either way.

Lindt noted there was considerable discussion at the last meeting regarding access. There is currently three access points proposed, with the Willits Lane access updated from emergency access to a full-vehicular access connection. These three vehicular connections have been included within the draft conditions.

Lindt said that a letter was received from David Myler who represents 14 homeowners in Park Modern and Willits Townhomes and are interested in there not being a full connection through the Park Modern project. After receiving the letter Staff checked in again with the Fire District and Police Department to determine if a cul-de-sac could work and just an emergency service connection and Staff received the same answer, that three full vehicle access connections are supported for emergency purposes. Lindt indicated that this is a draft condition, but if the P&Z prefers to not have the three full-vehicle connections, an alternative condition has been provided for consideration.

Lindt explained that, as noted at the previous meeting, the Applicants have provided a traffic study that was reviewed by Charlier and Associates on behalf of the Town which indicated that the intersections would operate at a level of service D or better at build-out. A condition has been included requiring the Applicants to continue their seasonal traffic counts to study whether the projected traffic levels are consistent with the reality.

Lindt said the draft conditions include requiring the Applicants to implement transportation demand management techniques including having a bikeshare station, offering bus passes to tenants of affordable housing, and installing the infrastructure for carshare.

Lindt reiterated the Parks, Open Space and Trails (POST) Committees recommendation that the trail completion around the lake is appropriate, and finishing the lake to remove the steep drop-off, but to discontinue the beach access concept based on feedback from the surrounding HOAs.

Lindt explained the Town and Applicants' Engineer's requirement to create a three-way stop which promotes traffic calming within the development. A draft condition has been created indicating that once the streets are installed the Town will monitor the need for additional traffic calming, and within five years the Town could determine the need for speed tables.

Lindt summarized the additional draft conditions. Regarding phasing and vested rights, the Applicants are proposing a vesting period of ten years and sub-plat vested rights for three years, to be filed prior to each building's construction, within a period of ten years. The Applicants also have proposed an automatic extension of vested rights in the case of a recession. Lindt explained the Code generally allows for a vested rights period of three years, which can be negotiated through the PUD process. He said a draft condition has been included for a vested right period of seven years with the ability of Council to grant extensions. Lindt explained that two alternative conditions have been created that could be substituted at the P&Z's discretion – one that permits the Applicant's proposed ten years of vested rights, and another that offers the Code standard three years of vested rights with Council extension.

Lipkin introduced himself as part of the developer team and discussed the appreciation of property over years. He said that in terms of rental versus for sale affordable housing units, home ownership does allow for secure housing in the Valley, but that each year owners of affordable units fall behind in the appreciation of housing throughout the rest of the country. When owners look to sell their affordable housing unit their investment has fallen behind what is available for them to purchase. He discussed issues with affordable housing in Aspen, where ongoing maintenance costs are not affordable to the demographic that have purchased the units. It is difficult for those owners to have a reserve fund to cover the maintenance costs.

Commissioner Oberkoetter asked Staff to clarify the requirement for five parking spaces under the first/last mile improvement requirements. Lindt replied those spaces are for carshare.

Commissioner Leavitt asked if the Applicants would still be responsible for providing funding for future traffic calming/traffic tables. Lindt indicated that Condition No. 14 requires the Applicants to provide financial security for speed tables prior to or in concurrence with the filing of the first plat.

Commissioner Leavitt asked if the beach was discussed, as it felt like a missed opportunity. Chair Vozick said this was discussed at the last meeting and explained the opposition from the neighbors. Lindt reiterated POST's opinion in being impactive to the lake, and not worth pursuing. The lake would still be made shallower, but POST recommended against the beach access.

Commissioner Leavitt asked if the surface parking lot would be screened. Lipkin replied that the affordable housing parking lot has increased screening, increased its setback, and enhanced the landscaping.

Commissioner Leavitt asked for some history about why there was no original exit onto Willits Lane. Lindt explained that Staff initially desired to not add additional conflict potential between the users of the Willits Lane trail and vehicles. However, this access point is important to the Fire District and Police Department to be a full access point for evacuation if needed and increased connectivity. Commissioner Leavitt said site lines need to be maintained so trail users do not have a conflict with vehicles pulling across the trail.

Chair Vozick asked Lindt to define the area median income (AMI) for the Town of Basalt. Lindt replied that Basalt uses a weighted average between Eagle and Pitkin Counties to determine the AMI used for most affordable housing projects within the Town of Basalt. The AMI for a four-person household in Basalt is \$105,000. The Category 2 deed-restriction is equivalent to 100% of that salary cap, and the maximum rental rate is based on 30% of the household income.

Chair Vozick asked the Applicants if they would be opposed to any restrictions placed on the affordable housing regarding prohibiting short-term rentals. Lipkin replied that he would be comfortable with the Town deciding the appropriate policy around the length of time required for tenants of the affordable housing units. Regarding the "missing middle" housing plan, Lipkin indicated that rentals are extremely expensive in the free market right now, and most Basalt residents make too much to qualify for Basalt's existing affordable housing. He said the desire is to not make the mistake of driving all of Basalt's workforce out of town.

Circling back to Chair Vozick's original question, Lindt said that the Town's Affordable Housing Guidelines have a minimum lease requirement of six months. Thibeault added that at the BCC project the Town required that the free-market units not be allowed as short-term rentals. Lipkin said they can commit to that requirement and only allow 30-day rentals of a residence twice in one year.

Chair Vozick asked if electric vehicle (EV) charging stations would be included in the project. Lipkin replied they are proposing to run conduit to every free-market parking space. For the affordable housing building they are committing to installing EV charging stations, and then running conduit along the parking lot so as the need increases the conduit is already in place for additional EV chargers.

Commissioner Oberkoetter questioned whether noticing was correctly done for this hearing as no public were in attendance. Lindt said that the meeting was continued at the previous meeting to the current meeting date, which does not require a re-noticing of the meeting.

Chair Vozick opened the public hearing at 6:41 pm. Lindt reported on the ways in which the public could join the meeting via Zoom or by phone.

Gail Schwartz said Basalt has a internationally acclaimed affordable housing community at Basalt Vista that houses essential workforce of teachers and people employed in Pitkin County. She

said there is a reserve in the HOA that will fund the upgrades and maintenance of those homes in perpetuity. She asked the P&Z to not listen to the continuous remarks about Aspen and continue to raise the bar with affordable housing projects. There is great benefit to having families own their homes, such as stabilizing families and the community. Schwartz discussed the current Habitat for Humanity project in Rifle, which also has rapidly increasing housing prices. Basalt needs to maintain a residential diverse community and convert renters into homeowners where they can create equity, home appreciation, and a place in their community. She wanted to make a factually based case around the benefits of home ownership. Schwartz said the lion's share of the proposed units will be for absentee homeowners.

Chair Vozick closed the public hearing at 6:49 pm.

Commissioner Comments

Commissioner Leavitt said his concern with the access is that Attorney David Myler has submitted comments regarding the access plan, and if it is being changed to allow access onto Willits Lane those who shared concerns should have the opportunity to comment on this change. Commissioner Oberkoetter said they had attended the previous P&Z hearing on this matter. This was discussed in the packet and at the previous meeting, so those who commented were made aware the Willits Lane was going to full access. Commissioner Oberkoetter noted that the access points have not changed since the last meeting. Chair Vozick noted that this is Preliminary Review, and they will have additional opportunities to comment. Commissioner Leavitt said that his concern was just to ensure the application has been given a fair time to review.

Commissioner Leavitt said he believes taking away the beach and lake access to be a missed opportunity.

Commissioner Maron agreed with the missed opportunity for the lake but can understand the liability issues that go along with it. He said he appreciates Schwartz's comments but understands how complicated the for-sale issue is. Commissioner Maron supports the access onto Willits Lane, and supports the option for seven years of vested rights. He would also like to encourage additional Type A accessible units as oversupplying what the Code requires is good practice.

Commissioner Oberkoetter appreciates the number of affordable housing units being offered and is interested to see if the "missing middle" units will maintain people in this valley. He believes the Code and not this particular project should address the requirement for for-sale affordable housing units. Commissioner Oberkoetter also expressed support for the seven years of vested rights.

Chair Vozick said he also believes the beach is a missed opportunity but agrees there are issues with maintenance that would be difficult to address. He expressed support with the number of affordable housing units that are being proposed.

M/S MARON AND OBERKOETTER TO RECOMMEND APPROVAL TO COUNCIL OF SKETCH PLAN REVIEW WITH THE STAFF CONDITIONS, INCLUDING THE VESTED RIGHTS AS

**ORIGINALLY DRAFTED AND INCLUDING FIVE PARKING SPACES FOR CARSHARE.
MOTION PASSED 4 TO 0.**

COMMISSIONER COMMENTS AND STAFF UPDATES

Lindt said that the P&Z is invited to a 4:30 pm work session on May 10th on the Midland Avenue Streetscape project. The consultants have created three concept plans that will be presented and discussed. Lindt said this is the first of many future meetings on the topic.

Lindt said at the May 17th meeting the P&Z will have an introduction to the Final Plan Review for the BCC parcel, and there will be recommendations from Parks, Open Space and Trails (POST) and Basalt Affordable Community Housing (BACH) in preparation for that meeting.

Phase 2 of the River Park will begin next week with Rocky Mountain Custom Landscapes beginning the installation of the landscaping. Lindt said sod will be laid in the park and trees, bushes and shrubs will be added. The consultants are doing cost estimates on the bus shelter restroom facility, and bandshell. The hope is for those elements to be installed by the end of summer or early fall. Commissioner Leavitt noted that these facilities are opportunities for something creative that will add value to the Town. Lindt reported on the Basalt Public Arts Commission (BPAC) working to get a sculpture in a designated area of the park.

Lindt reported that the consultants have narrowed down viable sites for the solar project and are now performing a cost/benefit analysis on two of the sites. Staff is meeting with the school district later in the week for more discussion on a preferred site.

In response to a question from Chair Vozick regarding the daycare core and shell at Stott's Mill, Lindt reported that this is for Building Permit and is a combination of the developer and Town in finding a provider for the site. The Basalt Early Childhood Coalition also has been working with the Town on this and is interested in helping to find a provider for the childcare facility.

Commissioner Oberkoetter asked for an update on The Fields project. Lindt explained that the project had gone before the Roaring Fork Regional Planning Commission for two meetings, and the Commissioners provided a recommendation of approval to the County Commissioners by a vote of 3 to 2. This will now go before the County Commissioners, but Lindt said he has not yet seen a hearing date.

M/S MARON AND OBERKOETTER TO ADJORN THE MEETING. MOTION PASSED 4 TO 0.

The meeting adjourned at approximately 7:16 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By _____
Eric Vozick, Chair

Attest _____
Michelle Bonfills Thibeault, Planning Director