

**TOWN OF BASALT  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
Tuesday, May 17, 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, Rob Leavitt and Cindy Hirschfield.

Staff present included Michelle Bonfils Thibeault, Planning Director; James Lindt, Assistant Planning Director; and Catherine Christoff, Town Engineer (via Zoom).

**Approval of Minutes**

**M/S LEAVITT AND ROSSETTI TO APPROVE THE MEETING MINUTES FROM APRIL 19, 2022. MOTION PASSED 6 TO 0.**

**AGENDA ITEMS**

**PUBLIC HEARING AND INTRODUCTORY MEETING ON THE BCC FINAL PLAN APPLICATION SUBMITTED BY BCC LLC.**

Lindt introduced the Applicant team of Tim Belinski and Andrew Light (developer team), Scott McHale and Seth Hmielowski (Z-Group Architects), and Heather Henry (Connect One Design).

Lindt introduced the item as a public hearing and consideration of an application submitted for Final Site Plan review involving rezoning to the CSC zone district and code amendments related to the CSC zone district and related reviews submitted by BCC LLC. Lindt explained the Applicants' plan is to demolish the existing building at 140 Basalt Center Circle and construct a new mixed-use building containing a 9,000 square foot grocery store/liquor store and 67 residential units on the building's upper two floors.

Lindt noted that the Sketch Plan was previously approved by the Town Council via Resolution No. 38, Series of 2021.

Lindt described the subject site as the Basalt Center Circle parcel (also known as the BCC property), which includes a vacant commercial space and the commercial spaces of Jimbo's Liquor, BLT, and Decorative Materials. The site also contains a parking lot that is commonly owned and maintained by the business owner's association.

Lindt said that, in addition to the building, the application contains an at-grade parking structure with 58 parking spaces, and a proposal to reconfigure the common parking lot to create a patio area with outdoor seating and a pedestrian access through the parking lot.

Lindt said the site is currently zoned C-2 and is proposed to be rezoned to the Community Serving Commercial or CSC zone district.

Lindt said the actions being requested include Rezoning to the CSC Zone District, CSC Final Plan Review and Code Amendments to the CSC Zone District. The requested Code amendments include removing the requirement to provide a pedestrian connection to the river and Midland Avenue as the Applicants do not control or own the properties adjacent to Midland Avenue and the river.

Lindt explained that the actions require a P&Z recommendation to the Town Council. The meeting is intended to be an introduction to the Final Plan application and recommends the P&Z hear a presentation from the Applicants and take public comment.

Lindt introduced the discussion items, including consistency with the Master Plan. The property is one of the primary properties identified in the Master Plan. Lindt discussed the density range identified in the Master Plan. This proposal is consistent with the retail anchor scenario within the Master Plan.

Lindt said that Staff has reviewed the proposal for consistency with the CSC zone district requirements, and believes the project is consistent with the exception that they cannot provide the connections to the river and Midland Avenue. He said the Applicants have had conversations with the owners of Alpine Bank and Tempranillo to secure access through those parcels to the river and Midland Avenue, but the owners were not interested at this time. The Applicants also explored access through a neighboring parcel to the river but did not find any traction with that request.

Lindt noted that the grocery composition was a significant discussion item at Sketch Plan Review, as there is a definition that sets parameters. At Sketch Plan the Applicant worked with Staff and Don Elliott of Clarion and Associates to create a definition around the basic parameters of the grocer, which states that at least 70% of the retail space for primary goods, and 30% or less for secondary goods such as alcohol or pharmaceuticals. Lindt indicated Staff believes the proposed definition is flexible enough to accommodate more of a European style market as discussed at Sketch Plan review.

Lindt explained that the Applicants have increased the amount of affordable housing to 25% of the units as deed-restricted, equal to 17 deed-restricted units, with a 1.5% Real Estate Transfer Assessment (RETA). He said the Applicants are also requiring 60% of the units to be occupied by tenants as their primary residence, and that 100% of the units have a minimum six-month lease. Lindt reported that BACH is in the process of reviewing the final plan application and anticipates having a recommendation prior to the next P&Z meeting on the topic. He noted that BACH was supportive of the mix of units at the Sketch Plan level as it had a majority of studios which are lacking in the Town's current inventory.

Regarding the architecture and typologies, Lindt said the Applicants have reduced the size from a four-story to a three-story building with the third floor set back from the Two Rivers Road façade

as required by the CSC zone district. The building is proposed with simple building forms, which is also required by the CSC zone district.

Lindt explained that the Applicants had to slightly reconfigure their access and adjust some areas of parking since Sketch Plan to reconfigure the parking lot access to one-way on the south side of the building. They also lost three parking spaces since Sketch Plan Review due to the Fire Department's requirement for turning radius. Lindt said there are 134 parking spaces within the project, 58 of which are within the covered parking structure. 76 spaces are within the surface parking lot, 16 which are reserved for residential use. Lindt noted that the proposed parking exceeds the 96 parking spaces required by the CSC zone district.

Lindt reported on the Parks, Open Space and Trails (POST) Committee's review of the access through the site. The pedestrian connection includes a ramp from the parking lot to Two Rivers Road and colored concrete crosswalks which was supported by POST.

Regarding ADA accessibility, there is an accessible route that comes from Midland Avenue and Two Rivers Road across the front of the grocery store, and also elevators in the building.

Lindt said the loading area was further studied since Sketch Plan, and it remains between the building and the gas station.

Lindt said the Applicants will be required to meet the Town's Sustainable Building Regulations and the residential portion of the building is proposed as all-electric. The Applicants will also provide electric car charging and e-bike stations.

Lindt said the Fire District is still working with the Applicants on adjusting the turning radius in a couple of places that should be worked out prior to the next meeting. The Sanitation District has been studying the capacity of their sewer lines which should provide initial data in July before the Council's Final Plan review.

Lindt said WE-Cycle recommends expansion of their current station and moving it back to the patio area. Staff does not believe this is the best location, but suggested the Applicant and Staff work with WE-Cycle to find a second location to meet the demands on the site.

Lindt discussed the timing of the certificate of occupancy (C.O.) for the commercial and residential use and indicated a draft condition that the Applicants show they have a grocer for the commercial space by the time the C.O. is issued for the residential units, and security would be put up to ensure the tenant finish is complete in the grocery store.

Lindt turned the meeting over to the Applicant team.

Light provided an overview of how changes were made between Sketch Plan and Final Plan review including the change in height, affordable housing, short term rentals, and the changes to the building's access. Light indicated a goal to simplify the circulation through the site and maximize parking. He noted they lost a little bit of the patio size due to the needs of delivery vehicles.

Light said they have received support from neighbors and other business owners, as well as POST.

McHale provided some recaps of their visual inspiration for the site in terms of community spaces and architectural character.

Henry said they beefed up the pedestrian connections in the parking area for various reasons. She explained the changes while referencing the site plan. She showed where the access points have changed allowing for more predictability with the pedestrian crossings through the site.

McHale showed the changes to the materials, including steel canopy, metal siding and brick. He said that the outdoor area has a sense of presence and delineates the grocery store's entry. McHale showed the pedestrian connection from the corner of Two Rivers Road and Midland Avenue to the building. The canopy of the building is wrapped around the building to provide shelter and a more pedestrian scale. McHale explained more about the changes in architecture due to the reduced height, materials, and setbacks. He showed renderings and provided a description for each of the building's façades. McHale also showed how the building would carry the ridgeline with existing area buildings such as Alpine Bank.

Henry described the patio area and showed renderings indicating a lot of visual permeability through the area. She showed a private open space area intended for those residents that do not have decks included in their unit. Henry also showed areas of public open space within the site.

McHale described the parking and circulation through the site. He showed floor plans and explained which are studio units, one-bedroom, and two-bedroom units.

Commissioner Rossetti noted there is a strong pedestrian walk on the east side of the building and asked if any effort has been made to carry the pedestrian walkway through the site to the other business owners. Light said they have spoken with other business owners in the area that have various concerns about what could happen if pedestrian access were allowed throughout the surrounding area.

Commissioner Rossetti asked if the Applicants have considered putting in trees on the south side of the property where there is a sidewalk leading to the building. Henry replied they have put trees in any of the planting pockets that can support trees. The area Commissioner Rossetti was referring to is the west side and ADA accessible parking spaces.

Commissioner Rossetti asked if the upper units would have a trash shoot, and Henry confirmed they do.

Commissioner Hirschfield asked if the Applicants would consider making all or part of the residences for-sale units. Light said they would not, as financing that type of project becomes very complicated and expensive. Also, there is construction defect liability that comes along with that making the insurance much more expensive. The Applicants believe the workforce housing is best managed as rental units.

Commissioner Hirschfield asked if the Applicants plan on selling the building. Light said there is no plans to condominiumize the units at this point. Commissioner Hirschfield asked how the community would protect itself from one major employer purchasing the units as housing solely for their employees. Thibeault said the standard deed restriction does not address specific employers but allows units to be available to anyone that qualifies. She said P&Z could make a recommendation to add a clause in the deed restriction that restricts a certain number of units from being sold to a single employer. Lindt said there is also a priority system that begins with essential employees in the Town of Basalt, and the second tier includes any general employee in the Town of Basalt. Commissioner Hirschfield said her concern is that the project does not become a bedroom community for an employer somewhere else.

Commissioner Hirschfield asked what the plan is if the commercial grocer does not pan out. Light said there is no Plan B for this space. There are other uses permitted within the zoning if the grocery store does not work out. Lindt said they would have to come back with another use for approval if the grocery store is not successful.

Commissioner Hirschfield asked if the units would be pet friendly, and Belinski confirmed they will permit pets.

Commissioner Maron asked if there is enough space in the back of house for everything that is required to fit in there. McHale said they are still working through the details of the back of house. Belinski noted that the trash room has grown in size.

Commissioner Maron said all of the restrooms look small for a Type-B adaptability. McHale noted this and said they are working through these details.

Commissioner Oberkoetter asked why the approval locks the Applicants into the grocery store use. Lindt explained some history behind the anchor uses and secondary uses allowed in the CSC zone district, and the anchors identified as those desired for the parcel, including a grocery store, brewpub, or a hotel. He said the way the Code reads, if the Applicants establish an anchor use as part of their development plan, and that anchor moves out, the Applicants will need to have a new use re-reviewed by the P&Z and Council. Commissioner Oberkoetter said he does not read the Code the same way and would like clarification at the next meeting. Lindt said the P&Z could make a recommendation to allow the Applicants to substitute another anchor use at the site.

Commissioner Leavitt advised the Applicants to stay the course on the supermarket. He asked Staff if they look for inconsistencies with the Master Plan when reviewing an application, and Thibeault confirmed that Staff does.

Commissioner Leavitt asked if the Applicants have a parking plan that would prevent the public spaces from being used long term by a resident of the project. Belinski said that will be controlled by an on-site property manager.

Commissioner Leavitt asked why there were no changes on the access from the property onto Midland Avenue. Belinski said it was studied and due to the truck access to the dock there could not be significant changes to that ingress/egress point.

Commissioner Leavitt asked if there were a clause in the leases that would prevent subletting or short term renting a space, and Belinski confirmed.

Commissioner Leavitt asked if liquor could be served on the patio. Henry said they expect the tenant would apply to do that through their liquor license.

Chair Vozick opened the public hearing at 7:22 pm.

Gonzo, owner of Jimbo's Liquor, acknowledged the amount of work by all parties to get to this point. He appreciated the concern to keep his business and BLT as part of the plan. He expressed support for the project despite the difficulty to his business during construction.

Lindt provided the instructions for remote attendees to provide comments by Zoom or phone.

Chair Vozick closed the public hearing at 7:27 pm.

### **Commissioner Comments**

Commissioner Oberkoetter said that if the Applicants are locked into a grocery store, they would provide proof of a tenant lease and financial security before providing residential C.O. He felt this could be a dangerous precedent as the Town may benefit from having housing even if the grocery store tenant could not be secured. He suggested this should be amended.

Commissioner Maron said the interior circulation is improved, particularly for ADA use. He said that also goes for the public interior and exterior spaces and the loading area. Commissioner Maron said this is a pretty conservative reading of the option within the Master Plan and feels a bit disappointed as this is the crown jewel property. He said the project does accomplish what it sets out to do but is not visionary.

Chair Vozick agreed they check off the boxes, and the green elements of the building are very forward-thinking.

Commissioner Hirshfield also feels the parcel is a bit lacking compared to what could be accomplished on the site.

**M/S ROSSETTI AND MARON TO CONTINUE THE PUBLIC HEARING ON THE BCC FINAL PLAN APPLICATION TO JUNE 7, 2022. MOTION PASSED 6 TO 0.**

### **WORKSESSION REGARDING THE MIDLAND AVENUE STREETScape PROJECT**

Catherine Christoff, Town Engineer, introduced herself. She provided some history on the Midland Avenue Streetscape project, how the design team was chosen, and the progress to date which has included public outreach. Three plans have been created by the design team to help guide the conversation and process.

Heather Henry introduced herself and Elise Wolf from Connect One Design and other team members who joined online including Kim Vongries and Art Malito from Cushing Terrell and Phil Vaughn of Phil Vaughn Construction Management.

Henry displayed the schedule and discussed the goals. She said the goal is to meet the guaranteed maximum price by January 2023 so they are able to order materials and get the project underway in the spring of 2023. Their goal is to finish the project in early 2024.

Henry informed the P&Z that a second community survey is out and will let the P&Z members know how they can access it. This will include a number of options and will help the design team to move forward on a preferred design.

Henry called this the fourth generation of Midland Avenue and showed some images of previous generations with reference to the railroad and dirt street, then a wide paved street, and finally the installation of curb and gutter as we find Midland Avenue today.

Henry discussed the results from the initial public outreach and the first community survey. She noted there was a lot of alignment about what people want to see, such as outdoor eating and pedestrian first design. Visitor parking ranked high, as well a bike infrastructure. Electric infrastructure ranked lower on the list. She said respondents wanted to keep the Midland Avenue area simple, funky and artsy, remember it is a historic area and maintain the historic charm, don't go overboard in design, and allow for outdoor dining and gathering spaces.

Henry said they have been meeting with the owners of buildings, parcels and tenants of everyone along Midland Avenue. Wolf added that employers have admitted to their employees using the parking on Midland Avenue for greater than two hours, as there is no enforcement of the two-hour parking rule. Wolf said the business owners also provided comments about snow storage and ice, and they want to ensure it does not look like Willits Town Center. The business owners are overwhelmingly supportive of the project, although a bit nervous about the impacts during construction.

Henry introduced the three concepts as Rooms, Linear and Woonerf (living streets). The idea with Rooms is to use the building facades with a space in front of it (front porch concept). The Linear concept uses the design to accentuate movement back and forth with uniform patterns, similarity throughout, draws your eye forward. Woonerf is wide open, removes curb and gutter, and makes use of the entire space as a pedestrian priority area.

Henry said Rooms has the largest pedestrian cross-section. Most things will happen within the pedestrian zone, including planters, outdoor dining, lighting, etc. This concept contains parallel parking, uphill bike lane, two vehicle travel lanes. Delivery loading is timed at 6:00 am – 10:00 am.

Henry said the Linear option removes the center loading, contains angled parking which gains a few parking spaces, bike shares the travel lane with vehicles, and the outdoor dining on the sidewalk and into some of angled parking spaces. She noted there is less room for play in this concept and voiced some hesitancy with backing out of the angled parking spaces into traffic.

Henry said that the Woonerf concept has parallel parking both sides of the street, center loading that could be timed, no dedicated bike lane, and with pedestrians able to circulate throughout the space.

Henry expressed interest in understanding which direction the P&Z would like to go and what items they see that are non-starters. Commissioner Maron said the Linear option seems close to what is currently there and would like to see a combination of Rooms and Woonerf. He liked the drainage in the middle as in the Woonerf option.

Commissioner Hirschfield expressed a desire to have the terms simplified so it could be understood by the general public at a glance. She said she thinks the downtown area can be tweaked but does not need large changes.

Commissioner Leavitt said he appreciated the conversation around downtown parking and being used by employees who should park elsewhere. He asked if sidewalk widths could vary near restaurants where they could be wider and could one side of the road be parallel parking and the other angled in parking. Henry said the idea of the Rooms is conducive to allowing differences and providing the maximum flexibility in the spaces. Henry said in terms of parking to be careful to adhere to safety practices, which could be confusing with too many parking options in one area.

Commissioner Leavitt said he appreciates the three-dimensional painted crosswalks that promote traffic calming and pedestrian interest. He would like to see creativity.

Commissioner Leavitt asked if any business owners have objected to this project, and Henry said that none have objected thus far.

Commissioner Oberkoetter asked if the budget is being considered with these options. Christoff said Stutzman-Gerbaz has been a part of this process early on to help work through the constructability and long lead times on materials, and also initiating conceptual cost estimating for each of the three alternatives prior to moving forward with a chosen alternative which will be presented to the P&Z. She said there will be check in points and a guaranteed maximum price to move forward prior to construction.

Commissioner Oberkoetter asked if there will be any parking studies performed in relation to the completion of the River Park and other downtown projects. Henry said a parking study is not a part of the project, and the Council asked to expand the parking count from Midland and Midland Spur to include Two Rivers Road. Loss of parking will be minimized, and trade-offs carefully considered.

Commissioner Oberkoetter asked if space has been considered when considering recreational vehicles and boats head up and down to the Ruedi area. Henry said they have held 11 feet as the minimum, but their threshold is the Fire Department and Public Works who pulls even larger equipment.

Commissioner Maron is excited to discuss lighting in the future.



Commissioner Rossetti said he does not see any design theme and expressed concern about the possibility of there being too many people informing the project. He is concerned about rushing the design to keep on a set schedule.

Henry said they are trying to get feedback from the P&Z on the first big, bold moves. The themes are not currently on the table to keep things manageable, but rather the focus is on the technical aspects. Henry said that the downtown area needs help with its vibrancy making it a destination. She noted the deep utilities need to be upgraded, as well as the shallow utilities.

A discussion ensued regarding the need for replacing aging infrastructure and making good investment in street improvements.

Commission Hirschfield asked if in the Room theme the individual merchants would have control of their areas. Henry said the idea is to create a blank slate and would vary from room to room.

Christoff added that currently Basalt's downtown is challenged with ADA accessibility and some of these improvements would allow for greater ease of access. This is a consideration with the flow through these spaces.

Henry said that with all of the input they receive they will narrow the scope with less options and begin to have a lot more design and themes available for discussion. The P&Z will see the concept two more times. Thibeault said the schedule could be adjusted as needed.

Commissioner Hirschfield suggested that if a center lane is used for loading that space become available after a certain time to accommodate parking.

Henry said the P&Z can find the latest survey at LetsTalkBasalt.net. The survey is advertised on the Town's website, on various social media channels, in the newspaper, and through the Basalt Chamber of Commerce.

Henry thanked the P&Z for their feedback.

#### **CONSIDERATION OF RESOLUTION NO. 04, SERIES OF 2022 ON A C-2 SITE PLAN AMENDMENT REVIEW FOR 144 MIDLAND AVENUE.**

Lindt introduced the Applicants, Butch Darden of Butch's Lobster Shack, and Craig Slater, property owner of 144 Midland Avenue. He said the request is to amend the site plan approvals to allow the installation of artificial grass at the historic Kelly property which contains Heirlooms.

Lindt explained that the Applicants had received approval to reconstruct the driveway as there were issues with stability and the sewer. Work has been underway with approvals from the Town. Lindt said the Applicants had previously received approval to reinstall grass in the area that was dug up and are now requesting the ability to install artificial turf instead.

Lindt noted Staff's concern with the artificial turf as the property is designated historic. Benefits of the artificial turf include removing the need to water and low maintenance. He said Staff has concerns about the stability of the product and thought granite or rock might also be considered as an alternative. Lindt said the Resolution has been drafted as allowing the artificial grass.

Slater said this is a small area of grass to the right of the property. Darden said it is the area where the tables with the umbrellas were last season. Lindt showed the location on an aerial.

Slater said this is 400 to 500 square feet of grass which is actually dirt. They will be installing a washed aggregate on the driveway to give improvements and would like the side to be aesthetically pleasing. The grass will be mud in the near future due to the tables and people sitting in that area. Slater noted that Colorado is in a huge drought, and he is trying to avoid watering natural grass. He will put in whatever product is required and is looking at the highest quality artificial grass that he can find.

Commissioner Leavitt said this should be encouraged.

Slater said he will maintain the grass. Darden noted that maintenance is part of the approval.

Chair Vozick asked if an amendment can be made to require the owner of the lot to restore the natural grass when the Lobster Shack no longer occupies the property. Slater said he would do so at the P&Zs request.

Commissioner Rossetti asked if the fake grass can be cleaned as food will be dropping onto it. Slater said is permeable and can be pressure washed.

Chair Vozick opened the public hearing at 8:53 pm. Lindt provided instructions for the remote public comment options by Zoom or by phone. No public indicated a desire to speak. Chair Vozick closed the public hearing at 8:54 pm.

### **Commissioner Comments**

Commissioner Hirschfield said she liked how realistic the turf looks.

Commissioner Maron expressed support for the turf.

Thibeault provided a summary of the resolution.

**M/S LEAVITT AND MARON TO APPROVE RESOLUTION NO. 04, SERIES OF 2022 TO AMEND THE SITE PLAN AS DRAFTED. MOTION PASSED 6 TO 0.**

### Commissioner Comments and Staff Updates

Thibeault provided a recap of last weekend's Motors on Midland event, saying it was very successful.

Thibeault asked the P&Z if they would like to participate in the next discussion of the Midland Avenue Streetscape Plan with Council in a joint worksession. Thibeault said they could also have a meeting separately if preferred. The P&Z said they would like a separate session to talk through the project prior to a joint worksession with Council.

The solar project is moving along, and they are working with the Roaring Fork School District to find the most appropriate site.

A new Staff Planner, Alec Sloan, has been hired.

Commissioner Rossetti said he would like to remain on the P&Z through the end of June but will retire after. Staff has been advertising for people to apply, and Thibeault encouraged the P&Z to reach out to potential applicants.

Chair Vozick said the high school received a grant for an electric vehicle that is set for installation in June.

**M/S MARON AND ROSSETTI TO ADJOURN THE MEETING.**

The meeting adjourned at approximately 9:01 pm.

TOWN OF BASALT  
PLANNING AND ZONING COMMISSION

By  \_\_\_\_\_  
Eric Vozick, Chair

Attest  \_\_\_\_\_  
Michelle Bonfills Thibeault, Planning Director