

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING & PUBLIC HEARING
Tuesday, October 5, 2021**

CALL TO ORDER

The meeting was called to order by Chair Vozick at 6:02 pm.

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

Staff present included Susan Philp, Planning Director and James Lindt, Assistant Planning Director.

Philp noted that the Town Council reappointed Commissioners Vozick, Leavitt, and Rossetti, and Hirschfeld was made a regular member of the P&Z. Commissioner Grauer's term was up, and he elected not to be reinstated.

APPROVAL OF MINUTES

**M/S ROSSETTI AND MARON TO APPROVE THE MINUTES OF SEPTEMBER 21, 2021.
MOTION CARRIED BY A VOTE OF 6 TO 0.**

AGENDA ITEMS

Public Hearing on the Fork Front Basalt LLC Application on Lot J of the Basalt Commercial Park.

Lindt introduced the item as a public hearing on an application submitted by Fork Front LLC requesting approval to construct a twelve-unit apartment building on Lot J of the Basalt Commercial Park Subdivision and PUD. Lindt described the site as approximately 9,000 square feet and located at the end of Emma Road. He indicated that the P&Z had conducted a site visit earlier in the day.

Lindt noted that the property has a small corner within the floodplain, but the building is not proposed in the flood plain. *[Note: Subsequent to the P&Z meeting it was deemed by the Town's hydrologist that a small corner of the building is in the floodway necessitating a Letter of Map Revision, or LOMR, to be processed].* The proposal is for the building to contain three units of deed-restricted affordable housing at a Category 2 rental rate, with one unit on each of the three floors.

Lindt said the Applicants are proposing 26 parking spaces, and indicated their layout on the site plan, shown on the screen.

The Applicants received Sketch Plan approval pursuant to Resolution No. 22, Series of 2021. Lindt explained this is Final Plan Review, which requires a round of reviews by the P&Z and Town

Council, with the P&Z making a recommendation to the Town Council on the Final Plan application.

Lindt said that Staff has identified a series of discussion items, the first of which is the application's consistency with the Master Plan. Lindt explained the project is designated as mixed-use commercial, with a density range of up to twelve units. At Sketch Plan the P&Z and Council felt the density proposed was appropriate adjacent to a BRT bus stop and downtown services.

Regarding the consistency with neighborhood character, Lindt said the Applicants made revisions to the building concept as part of Sketch Plan review to address some of the P&Z's concerns. The Applicants added vertical elements to the building, lightened the colors and adjusted the windows in the building's façade to better match the modern style of the of adjacent Basalt River Lofts.

Lindt said there are two requests for PUD amendments, the first of which is to allow a 100% residential project on the site. At Sketch Plan the P&Z and Town Council were supportive of a fully residential project. Lindt said that the second PUD amendment request is to allow an increase in the building's height from 30 feet to 32 feet to make the units more livable. He said the P&Z was supportive of this amendment at Sketch Plan review. The PUD has a 30-foot height limit for this building, but the underlying zoning has a 33-foot height limit. Lindt said that the Council did not approve of the height increase at the Sketch Plan review but suggested the Applicants could return at Final Plan review with the request if they added community benefit for consideration.

Lindt explained that by way of community benefit, the Applicants have proposed to provide a contribution to extend the Ponderosa Trail which would loop around on itself at the current end. The Applicants have also proposed to improve the mid-block trailhead for the Ponderosa Trail. Lindt said currently large trucks use this area of Emma Road as a turn-around, and the Applicants have worked with Staff on a combined trailhead and truck turn-around with specific improvements identified. These improvements would be made by the Applicants in conjunction with the grading and earth work or the Developer would pay a contribution of \$70,000 to the Town for these improvements if they cannot complete the work within seven months of the approval.

Lindt noted that the Parks, Open Space and Trails (POST) Committee was supportive of the improvements and hoped they could be completed by mid-summer next year to allow for the Roaring Fork Outdoor Volunteers to finish improvements on the Ponderosa Trail as part of a community project.

Lindt said that another discussion item is the height of the solar panels which has been better defined since Sketch Plan. He said the proposed solar panels are within the height allowed by the Town Code, and that the Applicants can provide more discussion on that topic.

Lindt indicated that the Applicants have provided details on the proposed building materials, which are fire-rated to satisfy the Wildfire Protection Ordinance.

Lindt said that regarding the affordable housing mitigation, the Applicants are proposing to provide three Category 2 deed-restricted rental units with one proposed on each of the three floors. The units will meet the size requirements per the Community Housing Guidelines. He noted that BACH has reviewed the units and found them to be livable and recommended approval of the affordable housing concept for the application.

Regarding the exterior lighting, the Applicants have provided a photometric plan that was evaluated by Staff. Staff believes it provides sufficient lighting adjacent to the building, parking area and trash facilities. Lindt noted a draft condition has been included that the lighting needs to be put on dimmers so the lighting can be adjusted as necessary by Town Staff.

Lindt said the project will be required to meet the Town's Sustainable Building Regulations and solar is proposed to help satisfy the renewable energy requirements. The Applicants are also proposing two electric vehicle car charging stations.

Lindt reiterated that while a small portion of the property is within the floodplain, the proposed building is outside of the floodplain area. The Town's consulting hydrologist is still reviewing this piece of the application, but Staff is anticipating a condition related to the scour depth of the foundation as similar to that required by Basalt River Lofts when that building was constructed.

Lindt stated that a draft condition has been included that the project be allowed three years of vested rights consistent with the Town Code.

Lindt suggested the P&Z hear from the Applicant and take public comment before deliberating. The P&Z could provide a recommendation to Council if comfortable or continue the hearing to another date and identify what information would be needed.

Lindt introduced the property owner, Aaron Ward and Ramsey Fulton and Jeff Dahl from Building Seed Architects.

Fulton introduced the project as a workforce, transit-oriented housing project. He noted the design has not changed except to respond to comments from the P&Z, Town Council and Planning Staff. He said the site is located near transit with easy access to downtown, schools, and other amenities, and it is an example of great urban infill development.

Fulton noted the juxtaposition between the noise of Highway 82 and the wooded river area at the rear of the site. He said the architectural response was to open the units to the river, while still maintaining appeal to the urban setting. Fulton noted there is only one neighbor to this parcel, the Basalt River Lofts, which makes every façade of this building important.

Fulton shared images of the site and surrounding area. He shared the ground floor plan, explaining that they are nearly identical moving from floor to floor. Fulton said the demand for housing is highly documented, and their response is 25% deed-restricted with two-bedrooms and two-bathrooms. He noted the units on the main level are all planned as Type B (handicap accessible-ready) units, and adjacent to the accessible parking spaces.

Fulton explained how the 2020 Basalt Master Plan was used as a guide to making decisions about the proposed building. He said that affordable and inclusive housing is evident in the design, as well as the topic of resilient and sustainable environment.

Fulton said there was a recommendation in the Master Plan indicating the Town would be amenable to the project being twelve units and would be a benefit to the Town to allow the PUD amendment that would make ground floor residential possible.

Fulton said he has been working with Town Staff to find a creative way to add community benefit. He said the first is the EV charging stations that will be served by the PV solar panels on the roof. The second is to offer a buy down option for the deed restricted units to allow them to go from a Category 2 to a Category 1. Fulton said the third involves the Ponderosa Trail extension and turn-around on Emma Road which needs improvement. Having a viable path for turning vehicles around will be a community benefit. The final community benefit being offered is the extension and funding the completion of the Ponderosa trail.

Fulton reiterated that the height request is to enhance the quality of living and increase the quality of the space inside the units. Another benefit is the inventory of affordable housing will be higher quality and have more storage with the added height.

Fulton showed a slide displaying the intended materials for the building. He indicated how the materials are part of the non-combustible materials required by the Fire Department.

Commissioner Questions

Commissioner Hirschfeld asked if each unit would have a nine-foot ceiling height. Fulton said they do not intend to vary the ceiling height between floors.

Commissioner Maron said he appreciates the Type B unit inclusion in the plan. He asked Lindt if the materials represented would be binding. Lindt replied that a draft condition has been included that would make the materials binding. Philp clarified that an insubstantial amendment would not return to the P&Z for review, but would be handled through the Technical Review Committee

Commissioner Thibeault asked about the height allowance for the solar panels. Lindt said that the Code permits a height of five feet, and the Applicants are proposing panels that do not exceed three feet in height. Fulton said the panels will be between two feet and six inches to three feet, based on feedback received from Sunsense Solar.

Commissioner Thibeault asked if the building contained a parapet that would help to screen the panels. Ward said that about six inches of the parapet has been removed through the design process as it didn't seem the solar was unsightly and needed to be hid.

Commissioner Oberkoetter asked the amount of open space required for the parcel. Philp replied that the PUD requirements on landscaping and open space is 20% per the PUD. Lindt said it includes the setback on all sides of the building.

Commissioner Oberkoetter asked for clarification on what the Green Ride surcharge goes to. Lindt responded that the Green Ride surcharge is a concept that was discussed at the Sketch Plan review for further consideration at Final Plan review. This is a charge that is paid for by the renters and would go toward establishing a carshare program or an additional funding mechanism for a bike share program. Lindt said that Block 11 in Willits has a similar surcharge, and that currently money is just being collected, as there have not been enough funds amassed at the current time to start any programs.

Commissioner Oberkoetter said that draft condition 8 specifically mentions the two parking spots across from Basalt River Lofts, and the five spots across the street from the project are being created from nothing. Lindt said the Applicant will need to amend the plat to use two of the parking spaces across from Basalt River Lofts and the creation of additional spaces.

Commissioner Oberkoetter asked if the P&Z can request change to the category designations of the affordable housing units. Philp said the P&Z could ask for a mix of categories if desired and, if so, it should be part of the recommendation to Council.

Commissioner Rossetti asked if the former design was available to view. Fulton said the quickest way would be to look at the former packet. Commissioner Rossetti said that on one of the site plans there is a roof plan that shows there is folding solar on the western part of the building. He said he does not understand the change in the roof line. Fulton said that the original application was to follow the 33-foot building height of the underlying zoning. They eliminated the parapet which brought the building height down, and other massing changes were made that makes it difficult to note unless the iterations are side to side.

Commissioner Rossetti noted the plans show four units that have partial roof covering over their terraces. Fulton said that is actually a shadow line in the rendering to tell the depth of the building which is being read as building area.

Chair Vozick asked if the Applicants have other green initiatives in mind for the building other than the solar panels. Fulton said they will meet the Town's Sustainable Building Regulations, they are creating low-footprint transit-oriented housing, will use post-consumer and reclaimed materials inside and outside of the building, and are using a non-flammable exterior building material with a high recycled material content. They will also be installing high efficiency plumbing and electrical fixtures, and a localized mechanical high efficiency HVAC system. Fulton said they will be installing a heat pump for heating and cooling and focusing the largest expanse of glass on the north aspect of the building.

Chair Vozick asked the Applicants to speak to why the Town should approve giving up potential ground floor workspace and employment opportunities. Fulton replied that his opinion has to do with the location of the lot, which would not be viable for commerce but is a great place for housing. To hit the deficit of housing that has been identified underutilized commercial areas should be considered for residential use. Ward added that the location does not appeal to retail with its lack of visibility. He said the area is more of a destination than a pass-by.

Commissioner Rossetti asked whether in the drawing at the thirty-two foot line if the feature is a curb or a parapet. Fulton said it is a curb.

Chair Vozick said he appreciates the condominiumization amendment. He asked if there is any discussion about minimizing short term rentals. Ward said he has no intention of renting the units short term and has no problem with a condition that would prevent that.

Chair Vozick asked if the language used on the BCC properties could be adopted for this project. Philp said they can add language preventing short term rentals, which is 30 days. The BCC property language is more specific to the project.

Commissioner Oberkoetter asked how they are reviewing a site plan application before a replat, and Philp replied the two are being viewed together. Lindt noted that the ordinance will approve the ESA, PUD Amendment, Plat Amendment, and Site Plan review.

Lindt brought up the December 15, 2020 packet to show the originally proposed architecture. Philp noted the materials are darker. Ward said he believes the building to be much better in its current iteration after listening to feedback from Staff and the boards. Fulton itemized the adjustments that were made between design iterations.

Chair Vozick opened the public hearing at 7:02 pm. Philp provided instructions how to provide comment by phone or by entering the virtual meeting.

Jeff Stoerner, 129 Emma Road, indicated that he is an owner of a unit at Basalt River Lofts and specifically one of the units that will overlook the proposed building. He said he purchased his unit to be close to downtown Basalt. He expressed appreciation for the design but is not supportive of the height variance request or the increase in parking from what was platted. He said it was different than what he expected to see built next door when he purchased his property, with a higher density, more bedrooms, more people and traffic. He asked the P&Z to not forget the people who already live in the area.

Chair Vozick closed the public hearing at 7:05 pm.

Commissioner Comments

Commissioner Rossetti said he had hoped the elevations would have changed more between iterations, but overall he likes the project.

Commissioner Oberkoetter said the project is nice looking, and he would like to see allowing Category 1 to open housing up to more types of workers.

Commissioner Thibeault said she appreciates the materials and color of the building but is not sure about the trade-offs for the additional height. She is generally in favor of the project and its affordable housing units.

Commissioner Maron said he thinks this is a good project and appreciates the material change. He appreciates that there are two Type B units, and an accessible path right by the project. He supports the exchange of more height for the trail work that is proposed. He encouraged one of

the Type B units to be Type A if possible. He also said he could support having a mix of categories of units.

Commissioner Hirschfeld said she also thinks this is a good project. Location-wise it lends itself to being a residential project. She hopes that the truck turn-around will be a benefit to the neighbors and all who live down Emma Road. Commissioner Hirschfeld said she also appreciates the size of the affordable units. The area is not quiet, and so she believes that it will not be further disrupted by a twelve-unit residential building in that location.

Chair Vozick agreed with the comments, and appreciated the Applicants work with the parking that is planned. He said it is a good project and appreciates the flexibility with the Applicants' agreement on non-condominiumization and no short-term rentals.

Philp read a comment received from Commissioner Leavitt, which said that he applauds the design changes and parking but cannot support an amendment for an entirely residential project with no commercial component as originally envisioned for the site.

Commissioner Oberkoetter said the Green Ride surcharge should be paid for by the developer rather than a fee passed along to the tenants. He asked if the surcharge could be paid upon sale of the building, like a real estate transfer assessment. Philp said the P&Z can add a real estate transfer assessment of 1% on the sale of the building. Oberkoetter said he is interested in assessing it on the length of ownership of the building, as it takes the onus off of the renter. Philp said a condition could be made that meets those goals. Commissioner Thibeault asked if Commissioner Oberkoetter would prefer it to be placed on the free-market units and not on the affordable housing. Commissioner Oberkoetter said it did not make a difference for him. Ward said he did not think the Green Ride surcharge would be a huge onus on the developer, but that it would affect the sale price.

Commissioner Maron asked what the purpose of the Green Ride surcharge is, and Philp replied it is to encourage rideshare and alternative modes of transportation.

Commissioner Oberkoetter said he is in favor of making a motion where the amount of the Green Ride surcharge stays the same and is calculated at time of sale. Chair Vozick noted that the risk is that this money is not available to be leveraged for its intended use. Commissioner Oberkoetter said he is more concerned about who pays for it.

Commissioner Hirschfeld said she would like to add language about no short term rentals and an affordable housing mix of Categories 1, 2 and 3.

Philp asked how many of the Commissioners are supportive of Commissioner Oberkoetter's proposal to include amend the condition requiring the Green Ride surcharge to be paid at time of sale. Three Commissioners were supportive, and three were unsure or not supportive. Commissioner Oberkoetter withdrew his proposal.

Philp suggested the condition be amended to say that the Green Ride surcharge will be paid by the owner. The Commissioners agreed to this. Philp asked if the P&Z agreed to the mix of affordable housing categories, no short-term rentals and all agreed. Philp asked if the P&Z would

support the building having one Type A unit. The P&Z discussed what makes a unit a Type A versus a Type B. Commissioner Hirschfeld said she would be more supportive if she knew that all Type A units were rented by people who need them, as she does not want to push the cost onto the developer for this if it is not necessary.

M/S MARON AND THIBEAULT TO RECOMMEND APPROVAL OF THE FINAL PLAN REVIEW FOR THE PROJECT PROPOSED AT LOT J OF THE BASALT COMMERCIAL PARK WITH THE DRAFTED CONDITIONS AND CHANGES IDENTIFIED, INCLUDING WITHIN CONDITION 11 THAT "TENANT" BECOMES "OWNER", NO SHORT-TERM RENTALS MAY OCCUR, THERE WILL BE AN AFFORDABLE HOUSING MIX OF CATEGORIES 1, 2 AND 3, AND THE BUILDING WILL INCLUDE THREE TYPE B ACCESSIBLE UNITS AND ONE TYPE A ACCESSIBLE UNIT. MOTION PASSED 6 TO 0.

Commissioner Comments and Staff Updates

Philp reported that the development is continuing at Basalt River Park, where fees have been paid for all five of the townhomes that border the park. They have an excavation permit for the first triplex on Two Rivers Road. The park's development is underway and the water line construction is continuing through the park. Council approved a contract with Connect One Design to do the Phase 2 work which will include plantings, the bathroom, bus shelter, and pavilion.

Philp reported that three of the four multifamily buildings are in for permit at Stott's Mill and discussions are beginning on the daycare building, which must be built before the fourth multifamily building. Chair Vozick asked if the single-family lots that are under contract can begin construction. Lindt replied they are eligible to begin building at some time next year and is tied to infrastructure requirements.

Philp said the carwash will likely not begin construction in Southside until 2022.

Lindt said the pool is getting finishing touches, such as the floors in the locker rooms and some mechanical clean ups. The solar thermal will soon be active.

Philp said there are a couple of RFPs that are being prepared to be sent out. The first is to do a solar/back up battery project at the high school, and the second is for a real estate broker to assist with transactions and on finding parcels suitable for affordable housing and also potentially purchasing land for a new police facility.

M/S ROSSETTI AND MARON TO ADJOURN THE MEETING. MOTION PASSED 6 TO 0.

Meeting adjourned at 7:40 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By: 
Eric Vozick, Chair

Attest: 
Susan Philp, Planning Director