LAND USE APPLICATION FOR CERTAIN AMENDMENTS TO 
THE COMMUNITY SERVING COMMERCIAL (CSC) ZONE DISTRICT

APPLICANTS: 
BASALT RIVER PARK, LLC, 
ROARING FORK COMMUNITY DEVELOPMENT CORPORATION,

Dated: May 16, 2018
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Goals and Objectives

As a community, Basalt views the CDC site as a vital component to downtown. **This land use application is provided to the Town with the over-arching goal of creating a balanced relationship between park land with open space and nature, intertwined with a sustainable neighborhood of development that supports downtown Basalt.** Recent public input and the effects of a defunct site have made it obvious that it’s time to gather a plan for the site, one that’s scaled down and redesigned from prior concepts, framed within the CSC Zone District, and allow for an energized, visionary, exciting, efficient, problem-solving minded process. Here are some words on this subject from the most recent Town Council election.

“An ideal outcome would be for approximately half of the land to be park and half development.”
- Gary Tennenbaum, March 2018

“I think we can find a balance between development and additional parkland.”
– Ryan Slack, March 2018

“I’ve...spoken with 100-plus voters. All have expressed support for some construction on the Pan and Fork parcel, and add that they would also like modest space preserved to safeguard view shed and access to the river.” – Bill Infante, March 2018

An area for a viable development that can show off the importance of our local non-profits in a campus-like setting, that can provide vitality, that can be the community event area and park, has come into focus. Responding to community feedback and professional recommendations, these concepts combine the river’s natural influence with a newly built environment that will embody art and culture, tourism, event space, entertainment, food and beverage, with an area for the community to get together in both small, intimate spaces as well as in large numbers in large areas. It’s envisioned as a welcoming new environment that engages people to explore, mingle and relax, enjoy the park, and help connect to and enhance the downtown core.

The Town will purchase its portion of the CDC parcel for an expanded park and to add new pathways through the CDC site for river access. The expanded park area will amount to slightly more than one acre (43,609sf) and the pedestrian pathways and river corridor expansion add 5,757sf of public space for a total of 1.13 acres, 49%, of the CDC’s 2.32 acre site. The acquisition of the public area from the CDC will occur as soon as possible after entitlements for the CDC parcel are completed. This will create an unprecedented community benefit and a legacy park for Basalt. The integration of the Town’s park with the adjacent development will be vital and will warrant the alignment of stakeholders’ visions to the overall project. As the design work unfolds for the Town, the differentiation between pure green space, as traditional “park” space, whether for music and staged events or bare foot walks, will be complimented...
with hardscape areas that provide more structured spaces for directed pedestrian flows, mingling spaces and seating areas, and areas designed to be destinations for people.

**The Art Base and Basalt’s Chamber of Commerce Visitor Center will become key activators.** These non-profit organizations are uniquely grounded to Basalt and will be granted the opportunity to build their permanent facilities on land parcels conveyed to them at no charge. Along with these facilities, on the edge of the new Basalt River Park, an inviting kiosk scaled coffeehouse bistro with a comfortable patio area that edges the park, will interact with park goers and events in the park, providing a rest area with food and beverage. The Art Base will be on a site of 7,000 sq ft, the Chamber of Commerce and Basalt’s Visitor Center 1,300 sq ft, and the restaurant 1,000 sq ft. The Art Base and coffeehouse will have outdoor areas of 2,400 and 200 sq ft. The Art Base’s outdoor space is envisioned as a seasonally tented space that can be used by entities other than itself and situated on park property. Each entity will design its facility under architectural parameters that ensure they are part of a neighborhood collection of buildings that support one another. The intermingled outdoor spaces will welcome people to the clustered commercial buildings with discoverable pedestrian sidewalks and pathways, sitting nooks, event spaces, and some areas for intentional shared programming and integration of operations with the park. Event programming, an important component to bring things to life, would be handled by a committee of public and private stakeholders.

**Two Rivers Road**, a former state highway needing to be redesigned to be calmed down in order to serve a neighborhood and scaled for the new mixed-use community, will be the link for the campus of non-profit organizations with a tree and grass lined pedestrian sidewalk, bicycle friendly features, comfortable lighting, new parking, and landscaping. As for **pedestrian and bike friendly features**, a new pedestrian link with special pavement, landscaping, bollards, and lighting that crosses Two Rivers Road at Midland Spur would be an important visual cue to the public that the downtown merchants are easy to walk to. A pedestrian path is already being used adjacent to RMI, which should be folded into the public lands in order to provide another obvious pathway from the road to the river. Earlier conceptual plans for a pedestrian bridge over the Roaring Fork river to the library were put on hold and the idea would be given some traction in the future by establishing this river pathway.

**Residential, both deed restricted and market rate**, fills in between the commercial areas across from the steep hillside. There will be five types of housing to offer differing scale, density, and height, each with design specific solutions for their surroundings and architectural standards that respect their position on the park’s edge while also creating a neighborhood fabric. The residential uses bring a layer of design and character, built-in neighborhood vitality, low-demand parking, predictable design, bankability, and make their contribution as the necessary economic engine to make the project viable. Adding residents to downtown is extraordinarily important. Also, the residential program is fundamentally needed for the financial success of the project - residential in Basalt is a reliable resource available to our unique resort based community that can be integrated in an inviting manner. There will be 28 residences in total, with 22 market-rate units ranging from 1,600 to 2,025 sq ft of livable space, and 6 deed restricted one bedroom units, 720 sq ft each.
The project will fund a **new RETA equal to 2%** on the market residential unit sales that will be used to financially support the neighborhood in perpetuity. RETA funds will be split 50/50 between The Art Base and Town of Basalt’s affordable housing fund to assist each with their respective financial needs. This new RETA will provide a substantial amount of financial support to ensure the neighborhood is sustainable and all parties are aligned.

**Parking will be on grade, not underground**, and the Town’s design and construction of the roadway improvements should seek as much parking as possible, and also include large vehicle parking for school buses, RVs, campers, and boat trailer riggings, which are all expected. The development will be assigned its share of costs for its uses.

As this land use application is being reviewed, we’d encourage the Town to activate work on its landscape plan in order to integrate the two areas and address the park and the important hardscaped pedestrian pathways in and around the commercial buildings. The park will become much more than grassy fields, possibly including features already envisioned in prior work on the park design, plus the enhancements to Two Rivers Road and the bus stop areas. Fortunately, significant design and engineering work has been accomplished along with public feedback and direction in past years, which ought to assist in getting the design work reactivated and moved forward.

There is currently general excitement that the area, now with its perimeter silt fence and dormant condition, might possibly be brought to life, that it can be responsive to the input from the DAC and Our Town outcomes, and that the new development and land use plan can respond to the lessons learned from earlier attempts. Given the status of the site and growing concern and impatience within the community, timing seems to be right to pursue these enhancements. Progress relies on everybody’s involvement -- Town Council, Planning and Zoning, staff, and the community -- to help evaluate and enhance these new opportunities and work out compromises that will get us to a completed project.

In summary, the development plan will support and respond to the **CORE VALUES** and **GUIDING PRINCIPLES** embedded in the CSC Zone District recitals which are founded in the Our Town Planning Master Plan Amendment as follows:

**CORE VALUES**
- Don’t lose our Small Town charm
- Bring the Rivers to the forefront of the Town’s identity
- Promote Vitality and Sustainability (Physical and Economic)

**GUIDING PRINCIPLES**
- Connect the Town to the Rivers
- Preserve significant physical and visual access to the Rivers
- Improve Lions Park
- Allow density to drive revitalization
- Provide a "There-There" destination for residents and guests alike
Site Orientation – Pedestrian Views
Site Orientation - Aerial Views
Site Orientation - Aerial Views
Site Concepts—Aerial and Pedestrian Views

The CDC site is 100,937 sq ft, 2.3 acres, and visible by way of the fence along its border. Rocky Mountain Institute is located far left, and Roaring Fork Conservancy’s facility is further west (off the page). The red roofs north of the site belong to the Town of Basalt on Lions Park. At the four-way intersection, Midland Avenue and Two Rivers Road, the three-story brick building is owned and officed by Aspen Ski Company, with some ground floor retail. Further south Aspen Community Fund’s offices occupy ground floor on river frontage with residential condos above. The upper right area of the four-way is Cassie’s Gas Station and Corner Store. The Art Base is located in a portion of the western Town of Basalt building and The Chamber of Commerce offices in the caboose on the corner.
Site Concepts – Superimposed Aerial Photo Project Site Public and Private Relationships

The CDC site will be subdivided into public and private ownership. The expanded park area will occupy the corner at the four-way intersection of Midland Avenue and Two Rivers Road, known to developers as the “Main and Main” location, clearly the most important and most visible part of the site. The park itself will become the entry signal for the Town of Basalt as opposed to buildings, which is more typical for a downtown district.

The development plan will include several areas for new public access and as design and survey work unfolds the following land ownership changes are targeted: a one-acre area, mostly rectangular in shape, will provide the majority of the new expanded park area, a 2,000 sq ft swath that running along Two Rivers Road for expanded sidewalk area, and an important 3,000 sq ft pedestrian path bordering RMI to provide a welcoming public river access path, plus sidewalk area at the commercial buildings for right of way areas. With these plans the entire four-acre site will be re-activated.

“What’s the plan?”
This has been the persistent question for several years, and Basalt now has a plan proposal. It reflects as much as possible the desires and goals expressed through the DAC work and the spirit of installing a new park of significant scale while retaining a view toward the river from Lions Park.
Site Concepts – Park Expansion / Pedestrian Flow

Pedestrian sidewalks take shape along Two Rivers Road, comparable to the site work and landscaping used at RMI to the west. The pedestrian path alongside RMI remains non-paved, compacted gravel, as a route to the river. The pedestrian paths through the commercial area, between the Coffeehouse/Bistro and The Art Base, will be paved in colored concrete with niche landscaping and pedestrian lighting that all help create a look-through and discoverable pedestrian alley vibe that is inviting to explore. The Two Rivers Road sidewalk will be tree-lined with low-level lighting, providing an important linkage of the non-profit buildings and an invitation to the downtown merchants.

Safety enhancements include sidewalks on both sides of Two Rivers Road, street and sidewalk lighting, street walks, bollards, and vehicle speed reduction measures.

“Where can I go?”
Walk to the river, to RMI or Roaring Fork Conservancy, to the Coffeehouse/Bistro, The Art Base or the Chamber’s buildings – all comfortable in distance, orientation, and easy to explore. These pedestrian flow areas take their cues from historic downtown Basalt which is inviting, pedestrian friendly, full of surprises and with attractive river views and pathways. For those who know downtown Basalt, it’s a gem and has been relied on as a model for the new neighborhood on River Park.
Site Concepts – Commercial Areas – Functional Relationships

The commercial plan follows the CSC Zone District and includes a mix of buildings and operations to draw a constant flow of activity. This area of the project collectively makes the statement that Basalt is a place with a strong arts and culture presence, and that it welcomes travelers. The welcoming **Coffeehouse Bistro** 800 sq ft, at the park’s edge with a 200 sq ft patio overlooking the park’s river view, will provide an easy to find public entry on Two Rivers Road. The second building of the neighborhood is **The Art Base** - 7,000 sq ft, one-story, and potentially larger at two-stories, as a community serving anchor. This building intentionally defines the overall look and feel of the commercial area by its prominent size, massing, and height, capturing the attention from all view perspectives by its stature. It is the show stopper. The **Visitor Center** - 1,300 sq ft, one-story with a prominent street-facing location is ready to welcome visitors to take a break, park with ease, and explore. The commercial plan provides the park an interactive edge, offers a place to go, and signals that the park’s activity intermingles with other activities. There are two outdoor spaces – an open plaza for The Art Base that will be a tent-ready space, a venue to set up and host all variety of parties, educational classes and events, and other social gatherings not necessarily to be sponsored by The Art Base. The seasonal tented space will be situated on public park property and allow public access. It’s sculptural and festive look will act as a visual flag to announce that summer events are happening in the park. The Coffeehouse/Bistro patio will handle 10-14 customers and may be expanded into park domain if the Town is supportive of the concept.

“What can I do here?”

The arrangement of commercial buildings, which align with the park and its many amenities, makes it effortless to explore a diverse range of activities.
Pockets of residential buildings are planned to fit between the new commercial buildings and RMI. All residential will be parked off street in a muse-style alleyway, entering via Two Rivers Road. Rowhomes and townhomes will have garages accessed from their alley and the apartments will park on grade. The 10 rowhomes facing Two Rivers Road will be narrow and carry a patterned look alongside the street and sidewalk, with front doors with traditional entry stoops. The 6 deed restricted affordable housing apartments will partially front Two Rivers Road and also step away from the road. These units will be held for rent at category 2 pricing. The 12 park-facing residences will be duplexes, allowing for less density and scale along the park edge. The duplexes will be varied, have a porous look-through relationship with the expanded park area, and allow sunlight and shadowing plus achieve a scale and density that is intended to be scaled down and complimentary to the RMI building.

“Who’s here, what’s here, why is it here?”
Downtown will have a completed campus of buildings, an innovative new neighborhood that includes new downtown residents. Downtown Basalt will benefit from additional people living in its core, creating their own buzz for existing shop owners and other commercial operators.
Site Concepts – Parking / Service Loading / Large Vehicles / RFTA

The park and commercial areas will need as much customer parking as can be created on grade, and the topography and existing boundaries press against the site. Early work shows 35-40 new parking spaces are possible on Two Rivers Road. The south edge of Two Rivers Road, from RMI to the four-way intersection, would be designed for perpendicular parking (same as RMI). On the north side of the road, between Merino Park and RMI, there may be enough space for a segment of 5-6 parallel parking spaces alongside a new sidewalk. In the middle of Two Rivers Road, a strip of parallel parking area for 3-4 spaces (approx. 60ft in length) for large vehicles, buses, and/or camper/boat trailer set ups could be configured. The Fire District’s initial review of the site plan confirmed sufficient functionality for their emergency response purposes. Police Chief Greg Knott also reviewed the site plan and agreed with these sketch plan concepts from a safety and emergency access point of view. The planning accommodates the RFTA bus stops as they currently exist. Trash and loading will be integrated into each building. The residential alley provides The Art Base and Visitor Center a back of house and loading area. Street and sidewalk improvements will include compliance with ADA regulations.

“How does it work? How do I get there? Where do I park?” These practical questions are important clues as to why a project works over time. The project must be accessible to a variety of consumers and patrons.
Scale and Character Concepts – Imagery of Downtown Commercial Architecture
Scale and Character Concepts - The Art Base Conceptual Plan
Basalt River Park
Sketch Plan Concepts, May 2018

NOTE: Art Base renderings are examples from a prior Lions Park design.
Scale and Character Concepts – Imagery of Residential Architecture
Scale and Character Concepts – Imagery of Landscape Features and Relationships
Conceptual Site Plan
BASALT RIVER PARK

LEGEND:
A  FOOD AND BEVERAGE
B  VISITORS CENTER
C  ART BASE
D  ROWHOMES
E  AFFORDABLE HOUSING
F  EVENTS TENT (TEMP)
Conceptual Height Diagram
Conceptual Site Plan - Additional Parking
Conceptual Site Plan Land Application
## Plan Review Schedule

<table>
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<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Pre-development Conference</td>
<td>April 12, 2018 (completed)</td>
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<tr>
<td>Sketch Plan Application</td>
<td>May 16, 2018</td>
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<tr>
<td>Public Meetings – Planning &amp; Zoning Commission</td>
<td>June 19, 2018 (proposed)</td>
</tr>
<tr>
<td>Public Meetings – Town Council</td>
<td>Aug 14, 2018 (proposed)</td>
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Development Application Form

To be filled out by the Town
Filed: _____/_____/_____
Application Fee: ____________
Review Fee: ____________
Total Payment Received: ____________
Current Reimbursement Agreement: ____________

Town of Basalt
Development Application

The Following Must Be Provided Unless the Town Planner Gives Permission to Omit Answer:

TYPE OF APPLICATION FILED: _____Annexation _____Rezoning _____ESA Environmental _____ESA Floodplain _____Regular Rezoning _____Special Review for Off-Street Parking _____Special Review _____Regular Rezoning _____Variance _____Minor Subdivision Condominization

_____Major Subdivision or Replat _____Planned Unit Development
   XX Sketch Plan ______Sketch Plan
   _____Preliminary Plat _____Master Plan
   _____Final Plat _____Preliminary Development Plan
   _____Final Development Plan _____TRC Administrative Amendment

Other type of Application _____________________________________________

Brief description of project:

The intent of the ROARING FORK COMMUNITY DEVELOPMENT CORPORATION ("CDC" or "RFCDC"), a Colorado non-profit corporation, as owner and contracted seller, and BASALT RIVER PARK, LLC (BRP"), a Colorado limited liability company, as contracted purchaser and developer, is to proceed with entitlement and development of Lot 1 of the BASALT COMMUNITY CAMPUS AND BASALT PARK SUBDIVISION at 23050 Two Rivers Road, Basalt, Colorado, under the land use rights ascribed by and through the underlying zoning of Commercial-2, and the rights ascribed by COMMUNITY SERVING COMMERCIAL (CSC) ZONE DISTRICT, to allow Sketch Plan PUD and Subdivision, and certain amendments to the underlying CSC ZONE DISTRICT. This plan, situated on 100,937 square feet, includes an expanded Town of Basalt park area adjacent to Lot 2, three commercial buildings which include two non-profit facilities and a food and beverage operation, and 28 residential units with off street parking. Future design and construction work shall ensue and each party shall incur its own costs for design, engineering, and site work and enhancements made to their respective properties. The costs to complete new parking spaces and sidewalk areas along Two Rivers Road will be shared by the parties based on the parking space demand generated by the new
commercial development. Residential shall be parked off street. The Town shall be responsible for the non-parking space enhancements, namely the street itself and associated landscaped areas on Two Rivers Road, the park expansion, and maintenance thereon. Sidewalk areas within the development area which are interconnected to other sidewalks will be accepted by the Town for their ownership and continued maintenance, upon their completion within the development area. The Town shall acquire the land for the expanded park and other open space and access areas at a yet to be determined negotiated price. The Town and Applicant shall purchase their respective parcels from the current Owner in a simultaneous transaction.

Contact Information

Name of Applicant(s): Basalt River Park, LLC
970.277.1100
TBelinski@INDVENTURES.com
723 E. Valley Rd, Suite 200
Basalt, CO 81621
Tim Belinski, managing member

Name of Owner(s): ROARING FORK COMMUNITY DEVELOPMENT CORPORATION,
A COLORADO NON-PROFIT CORPORATION
Phone number 970.925.9560
E mail (if available) McVoy@comcast.net
Address P.O. Box 1582
Carbondale, CO 81623
Name of Owner's Representative: Michael McVoy
970.925.9560
McVoy@comcast.net

Please attach owner's authorization.

Name of Engineer or Surveyor: Sopris Engineering attn: Yancy Nichol
970.704.0311
ynichol@sopriseng.com

Name of Architect or Planner: Applicant until further notice – Tim Belinski
Information on Existing Conditions

Existing Zoning: C-2 ZONE DISTRICT, CSC ZONE DISTRICT (at owner’s option), plus mobile home grandfathered uses associated with prior uses

Proposed Zoning: same, with amendments, and as further described in the Land Use (Sketch Plan) Application form dated May 16, 2018

Total square feet or acreage in application 100,937sf

Information on Proposed Development

Total number of dwelling units: 28        Number of bedrooms: 72

Total floor area: approx. 64,200sf – see TABULATION page in Sketch Plan Application

Proposed gross floor area by use (non-residential development only): see TABULATION page in Sketch Plan Application

Area of open space to be provided: approx. 49,000sf, excluding residential decks and patio spaces – see TABULATION page in Sketch Plan Application

Legal Description

Legal Description of property (attach if necessary): Lot 1 of the BASALT COMMUNITY CAMPUS AND BASALT PARK SUBDIVISION at 23050 TWO RIVERS ROAD, BASALT, CO 81621; see ALTA TITLE COMMITMENT

Reception No. of Deed: see ALTA TITLE COMMITMENT

SIGNATURE OF OWNER OR OWNER’S REPRESENTATIVE*

* If Owner’s Representative files or will represent the application, attach an owner’s authorization to represent

Attach appropriate information requested for type of application per the Basalt Town Code and any information requested by Planning Department.
Owner’s Authorization

ROARING FORK COMMUNITY DEVELOPMENT CORPORATION, a COLORADO NON-PROFIT CORPORATION, the owner of the property known as 23050 TWO RIVERS ROAD, BASALT, CO 81621, hereby authorizes BASALT RIVER PARK, LLC to file an application for a SKETCH PLAN LAND USE APPLICATION FOR TOWN OF BASALT REVIEW AND APPROVAL.

on my behalf with respect to the property.

Sincerely,

Michael McVoy

Signature – Print name

STATE OF Colorado ss.
COUNTY OF Eagle ss.

Subscribed, sworn to and acknowledged before me May 16, 2018, by Michael McVoy, as Owner

Witness my hand and official seal.

My commission expires 4-2-19

Notary Public

STEPHANIE HILLIAN
Notary Public
State of Colorado
Notary ID 20154011877
My Commission Expires Apr 7, 2019
## Build Out and Land Uses Tabulated

### LAND AREA - CDC site

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<th>Description</th>
<th>SF</th>
<th>%</th>
<th>NOTES</th>
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<tr>
<td>TOTAL Basalt - expanded park area (softscape/hardscape)</td>
<td>43,321</td>
<td>43%</td>
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<tr>
<td>TOTAL Basalt - pedestrian river path/utility easement area</td>
<td>7,000</td>
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<td>must padfill easement on west border</td>
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<tr>
<td>TOTAL Basalt</td>
<td>49,024</td>
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<tr>
<td>Commercial - restaurant w/ patio</td>
<td>1,000</td>
<td>1%</td>
<td>includes PATIO area</td>
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<tr>
<td>Commercial - The Art Base w/ patio</td>
<td>7,000</td>
<td>7%</td>
<td></td>
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<tr>
<td>Commercial - Basalt Chamber and Visitor Center</td>
<td>1,300</td>
<td>1%</td>
<td></td>
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<tr>
<td><strong>TOTAL Commercial</strong></td>
<td>9,500</td>
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<td>Residential - Rowhomes on Two Rvrs Rd - 2.5 stories</td>
<td>16,126</td>
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<tr>
<td>Residential - Apartments on Two Rvrs Rd - 2 stories</td>
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<tr>
<td>Residential - Duplexes - 2 stories</td>
<td>11,040</td>
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<td>Residential - Duplexes - 2.5 stories</td>
<td>11,310</td>
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<td><strong>TOTAL Residential</strong></td>
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<td><strong>TOTAL LAND - CDC site</strong></td>
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### FLOOR AREA - Dev Plan (Gross Built Area | Gross Livable Area)

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<tr>
<td>Commercial - restaurant building</td>
<td>800</td>
<td>800</td>
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<tr>
<td>Commercial - The Art Base building</td>
<td>7,000</td>
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<tr>
<td>Commercial - Basalt Chamber and Visitor Ctr building</td>
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<td>1,300</td>
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<td><strong>TOTAL Commercial</strong></td>
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<td>16,200</td>
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<td>13,800</td>
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<td>13,590</td>
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<td><strong>TOTAL Residential</strong></td>
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<td><strong>TOTAL DEVELOPMENT PLAN FLOOR AREA</strong></td>
<td>65,560</td>
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<td>(-) Non-Profit Buildings (Art Base, Visitor Ctr)</td>
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<td>(-) Deed Restricted Apartments</td>
<td>(5,680)</td>
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### BUILD OUT + PARKING - Commercial SF - Dev Plan (GLA)

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<th>SF GLA</th>
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<th>price calc</th>
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<td>Commercial - restaurant [building]</td>
<td>800</td>
<td>1</td>
<td>1 per 400sf</td>
<td>2.0 per CDC Code</td>
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<tr>
<td>Commercial - The Art Base [building]</td>
<td>7,000</td>
<td>1</td>
<td>1 per 400sf</td>
<td>17.5 per CDC Code</td>
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<tr>
<td>Commercial - Basalt Chamber and Visitor Ctr [building]</td>
<td>1,300</td>
<td>1</td>
<td>1 per 400sf</td>
<td>3.3 per CDC Code</td>
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<td><strong>TOTAL Commercial- PARKED ON STREET</strong></td>
<td>9,100</td>
<td>9,100</td>
<td></td>
<td>22.8</td>
</tr>
</tbody>
</table>

### BUILD OUT + PARKING - Residential Lvl sf - Dev Plan (GLA)

<table>
<thead>
<tr>
<th>Description</th>
<th>SF GLA</th>
<th>UNITS</th>
<th>price calc</th>
<th>PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Rowhomes on Two Rvrs Rd - 2.5 stories</td>
<td>16,200</td>
<td>10</td>
<td>2 per unit</td>
<td>20.0 per CDC Code</td>
</tr>
<tr>
<td>Residential - Apts on Two Rvrs Rd - 2 stories</td>
<td>5,680</td>
<td>6</td>
<td>1 per unit</td>
<td>6.0 per CDC Code</td>
</tr>
<tr>
<td>Residential - Duplexes - 2 stories</td>
<td>13,590</td>
<td>6</td>
<td>1 per unit</td>
<td>12.0 per CDC Code</td>
</tr>
<tr>
<td>Residential - Duplexes - 2.5 stories</td>
<td>12,900</td>
<td>6</td>
<td>1 per unit</td>
<td>12.0 per CDC Code</td>
</tr>
<tr>
<td><strong>TOTAL Residential - PARKED OFF STREET</strong></td>
<td>45,580</td>
<td>28</td>
<td></td>
<td>50.0</td>
</tr>
<tr>
<td><strong>BUILD OUT - Gross Livable Area</strong></td>
<td>54,680</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### River Park MASTER ASSOC. COVENANT: assessed for Park Activities

- Purpose: Park Community Event Sponsorships and Programming  $ 0.50 assessed in perpetuity upon first sale
- Purpose: Park Maintenance Costs including In-Bin Receptacles  $ 0.50 assessed in perpetuity upon first sale

<table>
<thead>
<tr>
<th>Description</th>
<th>SF</th>
<th>Price</th>
<th>PER Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial - Restaurant</td>
<td>800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential - Market Rate Housing</td>
<td>39,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MASTER ASSOC. assessment for Park Activities</td>
<td>40,700</td>
<td>1.00</td>
<td>40,700</td>
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</tbody>
</table>

*Increased 2% per year*
Affordable Housing

River Park Basalt
Sketch Plan
Tabulation of Affordable Housing

<table>
<thead>
<tr>
<th>FLOOR AREA - Dev Plan (Gross Livbl Area)</th>
<th>SF</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Rowhomes on Two Rvrs Rd - 2.5 stories</td>
<td>16,200</td>
<td>10</td>
</tr>
<tr>
<td>Residential - Duplexes - 2 stories</td>
<td>10,800</td>
<td>6</td>
</tr>
<tr>
<td>Residential - Duplexes - 2.5 stories</td>
<td>12,000</td>
<td>6</td>
</tr>
<tr>
<td>Community Housing rate for SF / UNITS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Art XIX, sect 10-416 (a)(2)]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>see Note below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deed Restricted Housing - per code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>required</td>
<td>15.0%</td>
<td>15.0%</td>
</tr>
<tr>
<td>Residential - Apts on Two Rvrs Rd - 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount to be provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>planned</td>
<td>5,985</td>
<td>3.3</td>
</tr>
<tr>
<td>(under/over)</td>
<td>5,680</td>
<td>6.0</td>
</tr>
<tr>
<td>(under/over)</td>
<td>14.2%</td>
<td>27.3%</td>
</tr>
<tr>
<td>(under/over)</td>
<td>(305)</td>
<td>2.7</td>
</tr>
</tbody>
</table>

**Note:** Tiered Percentage Rate RETA: assessed on Market Rate Housing; per Town code Art XIX 1.5% required.

<table>
<thead>
<tr>
<th>FLOOR AREA - Dev Plan (Gross Livbl Area)</th>
<th>SF</th>
<th>UNITS</th>
</tr>
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<tbody>
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</tr>
<tr>
<td>Community Housing rate for SF / UNITS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Art XIX, sect 10-416 (a)(2)]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>see Note below</td>
<td></td>
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<td>(under/over)</td>
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<td>27.3%</td>
</tr>
<tr>
<td>(under/over)</td>
<td>(305)</td>
<td>2.7</td>
</tr>
</tbody>
</table>
CSC Zone District Ordinance with Highlighting and Development Plan Requested Action Items

Purpose:
The CSC ZONE DISTRICT ORDINANCE was compared by the Applicant to the Sketch Plan Land Use Application for BASALT RIVER PARK, dated May 16, 2018 (“Application”) in order to provide an illustrated reference and comparison, showing where the Application is in conformance or not with the Ordinance.

Highlighted in **YELLOW** the Application and development plan are in conformance or will conform with this clause when the development plan has been further detailed and refined.

Highlighted in **GRAY**, the Application and development plan will request certain adjustments or exemptions from this clause.

Development Plan – LAND USE ACTIONS REQUESTED
The following actions are requested on behalf of the Sketch Plan Application:
- To duly process and approve the Application as a Sketch Plan Application. Reference is hereby made to Town of Basalt Land Use Code, CSC ZONE DISTRICT ORDINANCE No. 21, Series 2016, Sec. 16-30 CSC Zone District, section (g) (1), a., 1., whereby Application shall be determined eligible for rezoning to the CSC Zone District. Such determination may be made administratively by the Town Planner, which is hereby requested by Applicant;
- To duly process and approve Land Use Code Amendments identified within the Application and those which may be realized during the Sketch Plan land use review;
- To duly process and approve the rezoning to CSC Zone District;
- To duly process and approve the subdivision of land into private and public lots.

Development Plan – AMENDMENTS REQUESTED TO CSC ZONE DISTRICT
Applicants request the following amendments to the CSC Zone District:
1. Exhibit A, Section (c), (3) f., shall be amended to allow community housing units to satisfy the residential mitigation requirements on the CDC parcel, expanding the definition from commercial only.
2. Exhibit A, Section (c), (3) g., shall be amended to allow free market multifamily residential uses on the CDC Parcel; furthermore, such residences shall not exceed 2,100 square feet of livable space, replacing 1,400 square feet.
3. Exhibit A, Section (d), (1) “Min. Landscaped Open Space” of 10% shall be replaced with 0%.
4. Exhibit A, Section (e), (4), 2., shall be amended to allow surface parking between a building on the CDC parcel that is residential in its use.
5. Exhibit A, Section (e), (16), shall be amended:
   a. To allow Community Housing to be constructed within the CDC parcel at an amount of 14% rather than 15% of the total net square footage of the residential development;
   b. To allow the Application’s “Real Estate Transfer Assessment Tiered Percentage Rate” to satisfy the requirements otherwise described as “… 1.5 percent transfer assessment placed on all sales of market-rate units…” in Article XIX, Sec 16-416 (a), (2) of the Town of Basalt’s Land Use Code.
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING AMENDMENTS TO CHAPTER 16, ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO, AMENDING THE COMMUNITY SERVING COMMERCIAL (CSC) ZONE DISTRICT, ADDING AND REVISING DEFINITIONS AND OTHER CHANGES TO CHAPTER 16, ZONING, IN ORDER TO IMPLEMENT THE OUR TOWN PLANNING MASTER PLAN AMENDMENT

Ordinance No. 21, Series of 2016

RECITALS

1. The Town of Basalt (“Town”) acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt (“Town Code”) pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

2. The Planning and Zoning Commission (Commission) adopted the Our Town Subarea Plan: an amendment to the 2007 Town of Basalt Master Plan (“Our Town Planning Master Plan Amendment”) on October 20, 2015 and the Town Council adopted the Our Town Planning Master Plan Amendment on November 24, 2016.

3. The Basalt Town Council has directed the Commission to prepare zoning for the Our Town Planning Properties.

4. The Commission recommended using the Community Serving Commercial (CSC) Zone District as the best tool for achieving the desired goals of the Our Town Planning Master Plan Amendment. The Commission then had several Worksessions where it refined the amendments to the CSC Zone District and other supporting revisions to Chapter 16, Zoning.

5. At a public hearing on July 5, 2016, the Planning and Zoning Commission heard evidence and testimony from the Town Staff, and members of the public. The Commission recommended approval of the code amendments on July 5, 2016.

6. The Council continued the public hearing on the ordinance at its meetings on August 9, August 23 and September 6, 2016 without discussion. At a public hearing on September 13, 2016, the Town Council considered this ordinance for first reading. The Council approved the ordinance on first reading and continued and scheduled a public hearing and second reading of this Ordinance for September 27, 2016, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

7. At a public hearing and second reading on September 27, 2016, the Town
Council heard evidence and testimony from the Town Staff, and members of the public.

8. The Town Council finds and determines that it is in the best interests of the Town to amend the Town Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following core values from the Our Town Planning Master Plan Amendment as included in the Downtown Area Advisory Committee Report
   a) Don't lose our Small Town charm
   b) Bring the Rivers to the forefront of the Town's identity
   c) Promote Vitality and Sustainability (Physical & Economic)

2. The Our Town Master Plan amendment concentrates around a set of five guiding principles:
   a) Connect the Town to the Rivers
   b) Preserve significant physical and visual access to the Rivers
   c) Improve Lions Park
   d) Allow density to drive revitalization
   e) Provide a "There-There" destination for residents and guests alike

3. The Our Town Planning Master Plan Amendment included a revised Future Land Use Map and revised Typology Map and Typology Descriptions to apply to the four Our Town Planning Area Parcels.

4. The Town Council wishes to adopt a zone district which property owners can request to apply to the four Our Town Planning Area parcels in order to further implement the Our Town Planning Master Plan Amendment.

B. NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt Colorado that the following amendments are adopted to the Town Code of the Town of Basalt.

1. Section 16-30, in Article II, of Chapter 16 of the Town Code entitled CSC Zone District is hereby deleted and is replaced with the language shown in Exhibit "A".
2. Section 16-4, Definitions in Article I, Chapter 16 of the Town Code is amended as shown in Exhibit "B" to add definitions to the Zoning Code, and to delete the current definition for a condominium hotel and to replace it with the language included in Exhibit "B".

3. Section 16-21. The language in the section entitled Intent of individual districts, Article II, Chapter 16, of the Town Code is amended to read as follows (language underlined is added and language struck through is deleted).

(10) Community Serving Commercial Zone District. The intent of the CSC zone District is to combine the social capital objectives of the Town's Master Plan with the vitality objectives of the C-2 zone district to produce tailored zoning controls for four key redevelopment parcels in downtown Basalt in order to implement the results of the Our Town Downtown planning process. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public). The zone district offers certain incentives to encourage qualifying non profit organizations to create projects that might not occur through pure free market development. These incentives include reductions in certain mitigation standards and a review process that is better tailored to non profit applicants. The goal is to foster partnerships between non profit organizations and private entities to address important community goals.

C. Applicability. The regulations shall take affect according to law.

D. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

E. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON September 27, 2016 by a vote of 5 to 0 on September 13, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on September 27, 2016.
Ordinance No. 21, Series of 2016
Page 4 of 4

TOWN OF BASALT, COLORADO

By: 
Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord21- Amended CSC Zone District and other changes

First Publication: Thursday, September 22, 2016
Final Publication: Thursday, October 6, 2016
Effective Date: Thursday, October 20, 2016
Sec. 16-30. CSC Zone District

(a) Intent and applicability.

(1) Statement of intent. The intent of the CSC Zone District is to combine the social capital objectives of the Town’s Master Plan with the vitality objectives of the C-2 Zone District to produce tailored zoning controls for four key redevelopment parcels in downtown Basalt in order to implement the results of the Our Town downtown planning process. The scale and character of development authorized in this zone district may allow buildings that are larger and more multi-faceted than areas zoned C-2 (Downtown Business) or P (Public).

(2) Applicability.

This district is intended to apply to four specific parcels of land commonly known as:

a. The CDC parcel;
b. The BCC parcel;
c. The Lions Park parcel; and
d. The Merino Park parcel.

The general boundaries of these 4 parcels are shown on the following map. The exact boundaries of each parcel shall be established at the time the CSC Zone District is applied to that parcel.

(b) Threshold Requirements

(1) Development must be community serving. Since the intent of the CSC Zone District is to encourage social entrepreneurship in the development of community serving commercial projects, new development shall only be permitted to occur in the CSC Zone District if it is determined to be community serving. New development shall be considered to be community serving if it includes an anchor use or uses listed in Subsection 16-30(c)(1) below for the specific parcel indicated, and that anchor use or uses meets the applicable minimum size standard for that use in Subsection 16-30(c)(1) below.
(2) **Qualifying organizations.** In order to be eligible for rezoning to the CSC Zone District, the owner of the land to be rezoned must be a non-profit Community Development Organization, a similar non-profit organization where development activities are a stated part of its 501(c)(3) tax status, or a for-profit entity engaged in construction of a building or facility that is a community-serving anchor facility, as listed in Section (c)(1) below. A qualified Community Development Corporation is an entity which satisfies the requirements of Section 16-4 applicable to a "Public non-profit Entity, Community Development Corporation." A for-profit entity may include a group of owners which have agreed to be represented in the entity engaged in constructing the community-serving anchor facility. Notwithstanding the requirements above, after an anchor use has been established on a parcel listed in section 16-30(a)(2) above, later applications for rezoning a different portion of the same parcel to the CSC Zone District may be filed with any person or entity authorized to file a rezoning application under Chapter 16 of the Basalt Municipal Code.

(3) Consistency with Master Plan. In reviewing whether a parcel is appropriate for CSC zoning, the Town will consider the future land use designation, neighborhood typology, and goals and objectives of the then current Master Plan, including but not limited to the Our Town Master Plan amendments.

(c) Permitted uses

(1) Permitted anchor uses.

a. Subject to Subsections (1)b. and (1)c. below, at least one of the following anchor uses must occur on the CSC Zone District parcels indicated in the table below.

<table>
<thead>
<tr>
<th>Table 16-30-1: Anchor Use Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts Center [1]</td>
</tr>
<tr>
<td>Community Housing [2]</td>
</tr>
<tr>
<td>Brewpub/ Distillery [1]</td>
</tr>
<tr>
<td>Entertainment [3]</td>
</tr>
<tr>
<td>Grocery Store [3]</td>
</tr>
<tr>
<td>Hotel [4]</td>
</tr>
<tr>
<td>Condominium Hotel [4]</td>
</tr>
<tr>
<td>Park/Open Space</td>
</tr>
<tr>
<td>Small Business Incubator [2]</td>
</tr>
<tr>
<td>Sports/Youth Center [1]</td>
</tr>
<tr>
<td>Town Hall</td>
</tr>
<tr>
<td>Community Center [1]</td>
</tr>
</tbody>
</table>

[1] Must contain at least 6,500 sq. ft. of total floor area.
[2] Must occupy at least 70% of the occupied total floor area developed on that CSC parcel.
[3] Must contain at least 9,000 sq. ft. of total floor area.
[4] Must contain at least 30 guest rooms. Guest rooms may include small kitchens.
b. The Town Council may approve an anchor use designated for one CSC parcel as an acceptable anchor use for a different CSC parcel not indicated in the table above, with the exceptions that no anchor use other than a park or open space shall be designated for the eastern portions of the CDC and Lions Park parcels and a condominium hotel shall not be designated for the CDC parcel.
c. If an approved anchor use begins operation but later discontinues operation for a period of 3 months or more, or if the portion of the building in which the anchor use is located is destroyed by fire or any other cause, the property owner may apply to change the approved anchor use to any other anchor use that meets the minimum size requirements listed in the table above. Any change to a substitute anchor use or another use permitted in the CSC zone district shall require review and recommendation by the Planning Commission following a public hearing, and shall require approval by the Town Council.

(2) Required Community Vitality Uses

On each CSC parcel, land uses in the designated Vitality Zone for that parcel are required to be Community Vitality Uses subject to exceptions included in Section 16-29(c) and the design guidelines for buildings included in Section 16-30(d)(7).

(3) Permitted Secondary Uses

The following secondary uses are permitted on each CSC parcel, provided that one or more of the anchor uses designated in the table above (or approved by the Town Council) has already been established on same CSC parcel, or will be established on the same CSC parcel as part of the development containing the permitted secondary use.

a. An anchor use listed above in table 16-30-1, regardless of whether it satisfies the minimum size requirements, unless prohibited elsewhere by this section (C)(3) or by section (C)(1)(b) above.

b. Uses and activities conducted by a government entity or by a public non-profit entity that meets the requirements of Sections 16-4 or 16-21(8) of this Chapter. Such uses include including but not limited to administrative offices and meeting rooms for non-profit and educational oriented organizations, transit facilities, museum, community center, educational facilities, performing arts center, and theater.

c. A local business chamber.

d. Community Vitality Uses as shown on Table 1 in Section 16-29 as Community Vitality Uses (in areas of the parcel other than the designated Vitality Zone).

e. Other commercial, office and retail uses allowed in the C-2 Zone District (but not including a condominium hotel on CDC parcel).

f. Fully-deed restricted community housing units meeting the requirements of this Chapter. On the CDC parcel, only fully-deed restricted community housing required to satisfy the commercial mitigation requirements of the CDC parcel is permitted.

g. Free-market multifamily residential uses (only on BCC and Lions Park parcels) where no unit exceeds 1,400 total square feet.

h. Makerspace/Craft Industry.

i. Public parking garage (on the BCC parcel only).
j. Public or private open space and park uses.

k. Day care that complies with state requirements regulating day care.

l. Accessory uses approved pursuant to CSC Development Plan Review Process

m. Temporary outdoor uses and vendors, subject to the provisions of Chapter 6, Section 6-13 of the Town of Basalt Code.

(4) Limitations on permitted uses. Through the CSC Development Plan Review process, the Town Council may place reasonable restrictions or limitations on any use or activity in the CSC Zone District. The Town Council may also determine that a specific use is not appropriate based on the intent of the zone district, consistency with the Town Master Plan and compatibility with adjoining areas. The Town Council may establish conditions allowing for subsequent review by
(d) **Dimensional requirements**

(1) The dimensional requirements applicable to developments within the CSC Zone District shall be established through the CSC Development Plan review process, and shall be subject to the limitations listed in Table 16-30-2, below.

<table>
<thead>
<tr>
<th>Table 16-30-2: Dimensional Requirements</th>
</tr>
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<tbody>
<tr>
<td>Dimension</td>
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<tr>
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</tr>
<tr>
<td>Minimum Lot Area</td>
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<tr>
<td>Maximum Building Height</td>
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<td></td>
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<tr>
<td></td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Front Yard Setback</td>
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<td></td>
</tr>
<tr>
<td>Min. Rear Yard Setback</td>
</tr>
<tr>
<td>Min. Setback from Rivers</td>
</tr>
<tr>
<td>and other Environmentally</td>
</tr>
<tr>
<td>Sensitive</td>
</tr>
<tr>
<td>Min. Landscaped Open Space</td>
</tr>
<tr>
<td>10%</td>
</tr>
<tr>
<td>10%</td>
</tr>
</tbody>
</table>

[1] A 2.5 story building is allowed if the third story is set back at least 10 ft. from the lower.
(2) Town Council can reduce or waive in its entirety the requirement for a full 10 foot third floor setback on the park sides of the CDC parcel after a recommendation of the Planning and Zoning confirming that at least one of the following findings has been made.

a. An equivalent setback is provided on the first floor to provide a porch or deck that lessens the visual massing of the building by park users;

b. Requiring the setback would require the first floor of the building to be so large that it would negatively impact views required by Section 16-30(e)(1)

c. There is sufficient fenestration in the building to reduce the visual mass of the building so that the full top floor setback is not necessary

d. The third floor setback is in an area not seen by park users because of vegetation, terrain change, intervening structures, or other factors

e. The second floor of the building is set back from the first floor facade at least 10 feet or more on those frontages where a third floor setback is required in the table above.

(3) A land use application must demonstrate to the satisfaction of the Town Council that the height requested is compatible with or complements the adjacent uses and heights of adjacent structures. The Town Council can allow a building height to exceed the maximum height requirements by no more than 8 feet after a recommendation of the Planning and Zoning confirming that at least one of the following additional findings has been made.

a. Permitting the additional height allows for greater views or wider pedestrian-through connections to the river than otherwise would be achieved or the Applicant is willing to grant wider views to the river in exchange for the additional height;
b. The height is the minimum necessary to hide mechanical equipment that must be on the roof;
c. The additional height is necessary to allow underground parking. However no more than 4 feet of underground parking structure height above approved grade may be exempted from the maximum height limitations.
d. The additional height will permit the addition of a feature improving the architectural interest of the building. However, no more than 6 feet of additional height to accommodate the feature may be approved.

(4) The approved grade from which maximum height will be measured and first floor elevation(s) for the buildings within any CSC parcel will be proposed in the sketch plan application and established at Final Plan review based on each building's relationship to any adjacent street, sidewalk, public area or buildings, while factoring in other environmental considerations such as the water table.

(e) Other Site Development Standards.

(1) Openings to the river

The following openings shall be preserved for views to Roaring Fork River and for pedestrian passage by employees, occupants, or patrons of adjacent properties, and no new building shall be constructed in the areas designed as a view protection/pedestrian access zone.

a. Required View/Pedestrian Opening 1: On the Lions Park parcel and CDC parcel, buildings shall be sited so as to preserve views and pedestrian access from the corner of Midland Avenue and the Midland Spur to the Roaring Fork River as shown on the following map.

b. Required View Opening 2: On the CDC parcel, a view and pedestrian access from Two Rivers Road to the Roaring Fork River shall be provided along the western edge of the property, as shown on the following map.

c. Additional View Opening: To the maximum extent practicable, at least one additional view from Two Rivers Road to the Roaring Fork River should be provided somewhere west of the intersection of Two Rivers Road and the Midland Spur. This view opening shall be located so that building frontages along Two Rivers Road comply with the building facade articulation standard in Section 16-30(f)(4) below.
(2) Pedestrian through-connections. Development on the BCC parcel shall incorporate at least one pedestrian through-connection from the Midland Avenue frontage to the Frying Pan River frontage. The required pedestrian through-connection shall be located internal to the site (at least 50 feet from the Two Rivers Road frontage).

(3) Vitality zone. Each CSC parcel except the Merino Park parcel shall include a designated vitality zone that shall be established by the Town in the sketch plan process. The permitted uses in the vitality zone are shown on Table 1 in Section 16-29 as Community Vitality Uses and the buildings are subject to the building design standards contained in Section 16-30(f) for buildings within the vitality zone. The Town Council will establish the vitality zone considering the following:
   a. The pedestrian and connectivity goals of the area;
   b. The nature of the desired streetscape;
   c. Existing and proposed adjacent uses;
   d. The then current Master Plan, including but not limited to the Our Town Master Plan amendments; and
   e. The goals advocated by any non-profit applicant.

(4) Parking. Development in the CSC Zone District shall provide parking as follows:
   a. Minimum requirements
      1. Hotel/Condominium Hotel – 1 space per hotel room, plus 2 for management and operations.
      2. Residential-1 space per bedroom to a maximum of 2 spaces per unit, where an efficiency unit is counted as 1 bedroom.
      3. All other uses-1 space per 400 square feet of floor area. With the exception of handicap spaces and car share spaces, parking spaces may not be reserved for individuals or private businesses.
   b. Additional on-street parking constructed as part of the development will count for non-residential parking included in the calculation of parking spaces to be provided. The applicant shall be permitted to purchase non-residential parking spaces pursuant to the requirements of Section 16-94.
   c. The Town Council may apply a reduction of the non-residential parking requirements following a recommendation of the Planning and Zoning Commission based on hours of operation, mixed-use, access to on-street parking, availability of local public transit, availability of parking spaces in a public parking lot or garage, expected use of WE-Cycle or other bicycle sharing programs, contribution to or participation in a car share program that serves the community, creation of a Transportation Demand Management (TOM) plan to reduce traffic volumes and parking demands below expected levels, or contribution to other desired public improvements, necessary infrastructure, or other basic Town service requirements. The Town Planner may require a recommendation from a parking consultant as outlined in Section 16-92 in order for the staff and Planning and Zoning Commission to make a recommendation and the Town Council to make a decision on the appropriate parking reduction for the development.
d. The visual impacts of off-street parking and loading areas shall be minimized. The
   design of parking and loading areas shall ensure that they support and do not
detract from the Town's vitality goals for the CSC Zone District. This shall be
accomplished by:

1. Constructing structured parking primarily underground where such
   construction is feasible;
2. **Prohibiting surface parking between any building on the CDC, Lions Park, and Merino Park parcels and the right-of-ways of Two Rivers Road, Midland Avenue, or the Midland Spur;**

3. **Locating parking and loading areas, or the access to such areas, along the rear facade or side of the building whenever feasible; or**

4. Wrapping the facades of any structured parking within other permitted uses that have a minimum depth of 18 feet or wrapping the facades with building material, grading or landscaping to break up the view of the parking and parking structure lighting from public open spaces and other activity areas. When this design option is employed the access to the structured parking shall be designed with the same attention to detail and materials as the primary facade and the access shall be integrated into the building's design and wrapping.

5. **Designating 1 or more loading zones on the site plan and regulations to govern loading.**

e. Except as described in subsections (a) through (d) above, parking areas and structures in the CSC Zone District shall comply with the requirements of Article V, Off-street Parking and Loading.

5. **Open spaces.**

   a. To the extent possible the areas between each building with a ground floor nonresidential primary use and the adjacent street shall be visible space that is useable by customers of on-site business uses or pedestrians. These areas, and the required open space areas on the site shall:

      1. Abut and be level with the public sidewalk;
      2. Be open to the sky (except for awnings, covered walkways, areas under a porch and covered outdoor seating);
      3. Be directly accessible to the public; and
      4. Be provided with appropriate ground cover treatment and landscaping.

   b. Placement of street furniture and public art in required open space is encouraged, as long as a 5 foot minimum pedestrian walkway width is maintained. Items such as street furniture, educational and interpretive displays, small play features and public art that are attractive and appropriate for use by young children are encouraged. The Town may give credits towards minimum open space requirements for street furniture, fountains and similar improvements in a public right of way or other public spaces in the downtown.

   c. At least 50 square feet of private usable open space shall be provided for each dwelling unit. Private open space may include balconies above ground and lawn areas and patios behind the building. Private open space areas shall not be located in front of or adjacent to any portion of a building’s vitality zone. The Town may reduce or waive a private open space requirement if the Town determines that the private open space area would interfere with the intent of the CSC Zone District.
d. Building design and landscape features for the CSC development must take into consideration adjacent public park uses. CSC development shall complement but not detract from public park activities. Development outside of any designated vitality zone adjacent to a public park shall be designed to minimize the intrusion of the CSC development activities or impacts from private lands onto public parks and trails. Development within any designated vitality zone should be designed to optimize integrated public and private uses and activities.

(6) Signage. The sign restrictions of the C-2 District will apply to non-residential uses unless modifications to those standards are approved through the CSC Development Plan Review process. However, nothing shall prevent the Town Council from adding conditions and
restrictions on signage to protect adjacent properties and to further the goals of the adopted Town’s Master Plan, including without limitation the Our Town Master Plan amendments.

(7) **Lighting.** The lighting requirements of Section 16-431 shall apply to development within the CSC Zone District unless modified through the Exemption process outlined in Section 16-438 of the Town Code, Article XX, Exterior Lighting.

(8) **Utility and trash facilities.** Utility boxes and trash/recycling facilities servicing the building shall be located outside of the public right-of-way, along the rear or side facade of the building. To the extent possible, these facilities shall be located to avoid or minimize any negative impacts on residential uses on the parcel and on adjacent parcels and to avoid interfering with pedestrian movement and experience. This requirement shall not be construed to prohibit the placement of street furniture, such as public trash containers, within the public right-of-way.

(9) **Environmentally sensitive areas.** Development within the CSC Zone District shall comply with Article XXI (rivers, wetlands and environmentally sensitive areas), provided that the environmentally sensitive area review shall be conducted simultaneously with the CSC Development Plan Review if the Town Planner makes a finding that the development is within the development line established by the River Master Plan.

(10) **Community Priority Scoring System.** Development within the CSC Zone District shall be exempt from the requirements of Article XXII.

(11) **Land dedications.** The land and improvements, or fees in lieu, required to be provided under the provisions of Section 17-15 (Parkland Dedication) shall be calculated at one-half (%) the requirement for any deed restricted community housing units; and the provisions of Section 17-16 (School Land Dedication) shall apply at the same discounted rate for deed restricted community housing units. The Town Council may exempt or further reduce such fees for free-market and community housing during the CSC Development Plan review process pursuant to Section 16-419. Any reduction or elimination of school impact fees will require approval by the school district.

(12) **Development in the CSC Zone District shall meet or exceed the accessibility requirements of the Americans with Disabilities Act.**

(13) **Landscaping in the public right-of-way.** Landscaping that is to be installed in the public right-of-way shall comply with the applicable provisions of the Public Works Manual.

(14) **Curb Cuts.** Development in the CSC Zone must satisfy the design criteria of the C-2 Zone District in Section 16-29(e)(4)c. regarding curb cuts.

(15) **Street and Streetscape Improvements.** All street and streetscape improvements shall comply with the Town of Basalt Complete Streets Design Manual.

(16) **Community Housing.** Development within the CSC Zone District shall comply with Article XIX (Housing Mitigation)
Building design. All buildings shall comply with the following requirements, if applicable:

(1) Building Typologies and Guiding Principles. The typologies from the Our Town amendments to the Town of Basalt Master Plan that the Town determines are most applicable to the type of development proposed in the project, as well as other building design standards and guidelines contained in the Our Town Master Plan amendments. Those guiding principles include:

- Building scale compatible with historic downtown;
- Variety of western roof forms;
- Street level interest; and
- Contemporary reinterpretations.

(2) Buildings within the portion of the site designated as the vitality zone (as that term is defined in Section 16-29 of this Code) shall incorporate a store-front design at the street level, with
windows suitable for retail goods display that are designed to attract pedestrian interest at the street level. The storefront windows along the facade of the vitality zone shall be transparent so as to permit the activities within the building to be visible to pedestrians along the adjacent street. Commercial spaces at street level should have a ceiling height consistent with those within the historic downtown.

3. Any new buildings constructed at prominent corners shall contain both ground floor and upper floor elements that reflect timeless design and visually emphasize the importance of the corner through vertical elements, changes in materials or color, changes in articulation patterns, or entryways, or similar features.

4. Building facades along streets shall be designed to reflect the general 20-30 ft. width of street facing building facades in older areas of downtown Basalt. Building facades wider than 30 ft. shall include vertical projections or insets from grade level to the eave of a pitched roof or the top of a flat roof or parapet at a linear spacing of no less than 20 feet and no greater than 30 ft. unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission. This standard shall not prohibit the extension of an awning across the vertical projection or inset.

5. Building facades along pathways that connect buildings to public spaces, and along alleys or other frontages with pedestrian traffic shall contain projections from or insets into the wall plane, windows, doors, or changes in material to ensure that no section of building wall longer than 30 feet is of uniform materials, color, and appearance unless waived or modified by the Town Council after recommendation by the Planning and Zoning Commission.

6. The ground floor of any new structure in the vitality zone shall be at grade with adjacent sidewalks or passageways, and there shall be no steps between the sidewalk and the primary building entry. However, in order to satisfy grade issues, steps may be included between the sidewalk and the street if the applicant demonstrates that providing steps is the best way to address grades on the site.

(g) Zone District review procedures and submission requirements:

1. CSC Development Plan review procedures. No new development shall occur in the CSC Zone District without CSC Development Plan review and approval. CSC Development Plan review shall be conducted in 2 stages, these being Sketch Plan review and Final Plan review.

a. Sketch Plan review. Sketch Plan review is intended to provide the Town with a general overview of the project including a description of existing conditions, proposed mix of uses, height, floor area and parking, as well as its relationship to neighboring properties and consistency with the Town's Master Plan, the River Master Plan and applicable Code provisions. Sketch Plan review shall involve the following procedural steps:
1. The initial step in Sketch Plan review shall be a determination of whether the proposed project is community serving and is eligible for rezoning to the CSC Zone District. This determination may be made administratively by the Town Planner or the Town Planner may refer this matter to the Planning Commission and Town Council. If the determination is referred, then the Planning Commission and Town Council consideration may occur at a jointly held public hearing. Any project that is determined to be community serving and eligible for rezoning to the CSC Zone District may then proceed through Sketch Plan review.

2. With the exception of proposals for the Merino Park parcel, Sketch Plan review shall require a review by the Town's Parks, Open Space and Trails Committee. The Committee shall make recommendations on how the project satisfies Section 16-30 (e)(1)(2) and (5) along with the Committee's findings of the project's consistency with the parks, open space and trails sections of the Town's master plan and the project's impact on any other adopted park plans. Sketch plan review will then require review by the Planning Commission. The Commission is authorized to recommend approval, approval with conditions, or denial.
PROPOSED AMENDED CSC ZONE DISTRICT – Draft
Basalt River Park
Sketch Plan Concepts, May 2018

(1) Sketch Plan submission contents. The application for the Sketch Plan stage of CSC Development Plan review shall include the following:

a. Completion of standard application forms and authorization from the owner for the filing and processing of the application and fees.

b. Description of existing conditions.

c. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.

d. A list with addresses of all property owners within 300 feet of the property.

c. Community Serving Subdivision. A property which is zoned CSC is eligible to be subdivided as a Community Serving Subdivision pursuant to the provisions of Section 17-84.5 of this Code provided no more than four initial lots are created by the Owner. The Community Serving Subdivision shall be processed concurrently with the CSC Development Plan. However, nothing herein requires the qualifying non-profit organization to use the Community Serving Subdivision process if the owner would rather utilize another eligible subdivision process in the Code at the time of the subdivision.

(2) Sketch Plan submission contents. The application for the Sketch Plan stage of CSC Development Plan review shall include the following:

a. Completion of standard application forms and authorization from the owner for the filing and processing of the application and fees.

b. Description of existing conditions.

c. A legal description of the property, an ALTA survey and a copy of any easement or recorded document referenced on the ALTA survey.

d. A list with addresses of all property owners within 300 feet of the property.
e. A description of the development program including: major objectives of the development; proposed mix of uses with approximate square footages of each use and number of any free-market and community housing units and allowed locations; parking capacity, location and types; access locations and vehicle and pedestrian circulation; proposed phasing and timing; and plan for satisfying the goals of the development plan. Numbers can be provided in a range.

f. Schematic development plan (at a scale of at least 1 inch per 100 feet) showing horizontal relationships of the proposed development with property boundary, setbacks and proposed uses.

g. Information and drawings and physical model (at a scale identified by Town Planner) providing a schematic level description and illustration of the height, scale and mass of proposed structures from important perspectives, as well as proposed open spaces narrative and graphic descriptions of the character and style of architecture in context with adjacent development. The Town Planner may allow an applicant to submit a computer model in lieu of the physical model.
h. Narrative addressing relationship of the project to neighboring properties and consistency with the Town's Master Plan, the River Master Plan; Streetscape Plan and any other long range planning documents as deemed appropriate by the Town.

i. Narrative description of how utilities are to be provided to and through the site by a licensed professional engineer along with an assessment as to the feasibility of the applicant's proposal. Describe whether any existing utilities or easements will need to be relocated or vacated, and generally the plan for accomplishing this. The engineer's assessment at a minimum must address potable water, sanitary sewer, drainage and storm sewer, electrical power, natural gas power, and flood protection where applicable. Describe whether the power lines will be below ground or overhead. The applicant may include maps depicting the alignment of utilities but it is not required at Sketch Plan. The engineer's assessment shall outline any known engineering and utility issues and generally describe how they will be addressed in the final site plan review.

j. Proof of ability to apply the CSC Zone District.

k. General statements describing how the elements of the development will satisfy the criteria required for the CSC Zone and explanation for any reductions in requirements allowed through the site plan process.

l. Statements addressing how the development intends to satisfy requirements that apply to the development found in other sections of the Code applicable to the type of development being proposed, including but not limited to: any annexation requirements; school and parkland dedication; floodplain development permit and regulations, and community housing, including any need for relocation housing.

m. Description of how the development addresses the Town's goals toward sustainable building, energy efficiency and waste reduction.

n. A study of the shading or shadow impacts that the proposed buildings may cause on public or private rights-of-way or other public spaces within or surrounding the project.

o. Additional information. Any additional information reasonably required by the Town to review the application and to verify compliance with the provisions of this Code.

(3) Final Plan submission contents. The application for the Final Plan stage of CSC Development Plan review shall include the following

a. Same as above along with such additional or refined information and analysis as may be required by the Town Council in order to address issues raised in the Sketch Plan review or to verify compliance with the provisions of this Code.

b. Off street parking and loading areas, including the location, type and capacity of proposed parking areas, and written justification for any proposed reductions or fee-in-lieu of parking proposals

c. The location of all ways for ingress and egress to all buildings and parking areas.
d. Service and loading areas and refuse and recycling collection areas.

e. Site/building program.

f. Development plan which meets the requirements of Section 16-66(3)b.
   Following Final Plan approval the applicant shall record a development plan
   containing the elements of the Town Council's approval.

g. Reserved.

h. Proposed schedule and phasing.

i. Identification of potential construction and maintenance easements needed for zero-lot line
development and plan for obtaining such easements.
j. Draft Master Development Agreement which generally describes the public improvements to be constructed in connection with the project, the timing of such construction, the parties responsible for completion of the public improvements and the financial security to be provided.

(4) Building, engineering and site design review. Building, engineering and site design review is intended to provide the Town with the final architectural, engineering, landscaping and other technical documents that are a precursor to the actual construction of the project. Following approval of the final CSC Development Plan and any other associated land use actions and prior to issuance of a building permit for each lot or development site, the then-owner of a lot or development site shall comply with the following submission requirements and review procedures:

a. The owner shall prepare and submit architectural drawings, elevations and perspective drawings of all proposed structures and improvements intended to show the relationship of the proposed structures to the surroundings. Such drawings shall depict proposed building materials, fenestration, mechanical equipment (and screening of such equipment) and similar architectural details but need not be the result of final architectural design.

b. The owner shall submit final engineering documents, including plans and specifications for streets, water, sewer and drainage and the engineers’ cost estimates for all public improvements to be installed on the lot or building site within dedicated land areas, rights-of-way or easements.

c. Following construction, the owner shall provide as-built mapping and diagrams for utility installations in an electronic computerized format of a type approved by the Town Engineer or Public Works Director.

d. The owner shall describe the character and type of landscaping, lighting and signage to be provided. The landscaping shall be indicated in tabular form, showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on a site plan. The lighting description shall describe how the lighting complies with the final site plan approval and any exemptions that will be necessary pursuant to Section 16-438 of the Town Code, Article XX, Exterior Lighting. The signage plan shall provide detailed information sufficient to determine whether the location, size, number and character of the proposed signs comply with the requirements of the Town Code, Article VII, Signs.

e. The owner shall provide an anticipated time table for completion of development including the anticipated dates for completion of any phase.

f. The owner shall provide a title insurance policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances which would impair the property to be utilized for the uses approved. The title policy shall provide verification that all owners and lien-holders have approved the final subdivision plat.
g. The owner shall demonstrate compliance with Article II, Chapter 17, Design Standards and Requirements for Subdivisions.

h. The owner shall demonstrate compliance with Article V, Chapter 17, Public Improvements Acceptance and Guarantees.

1. The owner shall provide a Subdivision Improvement Agreement for public or quasi-public improvements to be constructed by the owner and other draft agreements and conveyances that apply to the development as whole or to community housing or other restrictions or requirements.

2. The owner shall provide a Construction Management Plan and shall submit a request for the use of any of the Town's property for construction or construction management purposes.
3. The owner shall demonstrate compliance with the Final CSC Development Plan approval applicable to the application and any other Town approval.

i. The owner shall submit the information necessary to satisfy the foregoing requirements for review by the Technical Review Committee. TRC review shall take into consideration the project's compliance with the approval documents applicable to the development, relevant standards applicable to buildings, final subdivision plats and other Town code requirements for approval before building permit. The TRC may refer any portion of its review to the Planning Commission or Town Council for final action. In addition, in its final approval the Town Council may require that the Planning Commission or Council review specific items of the approval.

(5) Amendments to a Sketch Plan or Final CSC Development Plan. Amendments to a Sketch Plan approval or Final Plan shall be processed as follows:

a. Sketch Plan approval. After Sketch Plan approval an applicant may make insubstantial amendments to the approved sketch plan before submitting a Final CSC Development Plan for review. Substantial amendments shall be processed under the same procedures as used for the original adoption. "Substantial" shall have the same meaning as in Section 16-65(d)(2). The initial determination of whether an amendment is insubstantial or substantial shall be made by the Town Planner.

b. Final CSC Development Plan approval. After Final Development Plan approval, the TRC may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the Final Plan Approval. The applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which 15 days written notice of the public meeting has been provided to the appellants.

c. Substantial amendments and amendments which the Town Planner determines are not minor amendments but are consistent with the Sketch Plan approval shall processed pursuant to the Final Plan submission and review procedures. Substantial amendments and any amendments which the Town Planner determines are not minor amendments and are not consistent with the Sketch Plan approval shall be processed pursuant to the Sketch Plan and Final Plan submission and review procedures.
EXHIBIT B
PROPOSED AMENDED CSC ZONE DISTRICT

**Sec 16-4 Definitions** – the following definitions are added to the Town Code except for the definition of condominium hotel, which is revised by deleting the current definition and replacing it with the definition for condominium hotel as shown below.

**Brewpub/Distillery** -- A facility licensed as a brewpub or distillery by the state that annually manufactures and sells in the facility not more than 5,000 barrels of beer, or not more than 25,000 gallons of distilled spirits, only for consumption on the premises.

**Community Center** – A facility available for public activities, including but not limited to events, performances, entertainment, celebrations, meeting rooms, public classrooms and indoor gardens. The space is intended to be available for use by the public. However, the space may be rented by one or more parties at any time.

**Condominium Hotel (or condotel or condo-hotel)** -- A hotel or motel operated under a condominium form of ownership. A condominium hotel must satisfy the following requirements:

a. Be advertised and marked with signage as a hotel or motel and be subject to the complete control and management of a single hotel or motel operator for operation as a hotel or motel.

b. Be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures and pre-construction agreements, in form and content approved by the Town Attorney that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a hotel or motel and will not be occupied as a dwelling.

c. Except for dwelling units to be used by a manager or employees or any deed-restricted affordable housing, condominium hotels shall contain only individual sleeping units that are sold as a condominium hotel unit and are permanently dedicated to rental to the public for transient occupancy. Individual sleeping units may contain small kitchen facilities.

d. Be managed to ensure that:

   (i) At least fifty (50) percent of the units are available for rental to the general public at all times; and
   (ii) That no unit owner may occupy their unit for more than sixty (60) days out of a calendar year; and
   (iii) That no owner may occupy their unit more than twenty-nine (29) consecutive days; and
   (iv) That no owner may store an automobile on site when they are not occupying a unit.

e. Contain and maintain standardized furniture, furnishings and decor in all individual sleeping units.
If a proposed development does not meet requirements a through e above, the Town Council may determine that a proposed development nevertheless qualifies as a Condominium Hotel if it finds that the proposed development, together with any related covenants, conditions, restrictions, or agreements between the developer and the Town, will ensure that at least the same number or a greater number of the condominium hotel units will be occupied for the same or a greater number of days each year as a Condominium Hotel that meets all of the requirements in subsections a through e above.
Entertainment -- A facility providing entertainment or recreation activities, including but not limited to theaters, bowling alleys, nightclubs, game centers, gymnasiums, health clubs, and climbing wall centers or rooms that can be rented for parties or events, where all activities take place within enclosed structures. This use does not include a conference center, adult arcade, adult bookstore, adult video store, adult novelty store, adult cabaret, adult entertainment establishment, sexually oriented business, adult motel, adult motion picture theater, or adult theater.

Makerspace/Craft Industry -- a facility that contains one or more artists or craft industries. A makerspace is a community center that includes manufacturing equipment, community and education for the purposes of enabling individuals to design, prototype and create manufactured works. A craft industry encompasses goods that are handmade by artisans or those skilled in a particular trade, including but not limited to art galleries, handmade textiles, food, beverages, and culinary products. Products made on site may also be sold on site. No such individual facility shall be larger than 6,500 total square feet.

Small Business Incubator -- A facility operated to encourage and support the growth and success of entrepreneurial companies by providing a variety of support resources and services, including but not limited to physical space, coaching and mentoring services, access to financing, networking connections, shared supply purchasing, or shared data systems and resources.
Initial Development Criteria: Utilities, Floodplain, Emergency Access

Re: UTILITY SERVICES
From: Michael McVoy [mailto:mcvoy@comcast.net]
Sent: Friday, May 04, 2018 4:43 PM
To: Annie Glatz <aglatz@indventures.com>
Cc: Tim Belinski <tbelinski@indventures.com>
Subject: Re: River Park - Land Use Application

There are utilities at the property boundaries, and in the case of the sewer line specifically, there are manholes virtually on the property line to tap into. With all the infill and regrading that the town did, there are not any pipes or wiring actually accessible on the property that I am aware of.

Is that the answer you need or are you looking for something more?

Michael McVoy

Re: WATER & SEWER SERVICES
It is the intention of the CDC to transfer their water and sewer accounts – 34 EQRs – to the non-profit and deed restricted affordable housing uses for their benefit.

Re: FLOODPLAIN
See letter from the Town’s hydro engineer, Matrix Design Group, dated Aug 29, 2017, for proposed services to apply for and receive Letter of Map Revision (LOMR) from FEMA.

Re: EMERGENCY ACCESS
Applicant met on site with Greg Knott, Chief of Police, April 2, 2018, and separately with Brooke Stott, Basalt & Rural Fire District, March 27, 2018 to review site layout concepts for safety and emergency access issues. Their comments and suggestions were integrated into this land use application and will be further reviewed during the Sketch Plan process.
List of Neighboring Property Owners

TOWN OF BASALT
DEVELOPMENT APPLICATION
SKETCH PLAN
FOR
BASALT RIVER PARK

Exhibit
CURRENT LIST OF PROPERTY OWNERS WITHIN 300 FEET
Reimbursement Agreement

REIMBURSEMENT AGREEMENT

The undersigned (hereinafter “Applicant”) has applied to the Town of Basalt for a development permit for Basalt River Park, LLC for the property known as Basalt River Park 23050 Two Rivers Road Basalt, CO 81621 (the “Property”) pursuant to the requirements of the Town Code. Applicant acknowledges and agrees that in consideration of the Town of Basalt processing and reviewing Applicant’s request for a development permit, Applicant shall make the following payments to the Town and agrees as follows.

1. **NON-REFUNDABLE Application Fee.** Simultaneous with execution hereof, Applicant has paid a non-refundable Application Fee pursuant to Sections 16-292(a) and 17-61(a), Town Code, in the amount of $1,000.

2. **Review Deposit.** Simultaneous with execution hereof, Applicant has paid a review deposit as required by Sections 16-292(c) and 17-61(c), Town Code, in the amount of $2,000 against and to secure payment of a portion of the Town’s review expense in accordance with Sections 16-292(b) and 17-61(b), Town Code. Any amount by which the Applicant’s deposit exceeds the costs incurred by the Town with regard to development of the Property shall be refunded to Applicant within a reasonable time after final action has been taken with regard to development of the Property or upon withdrawal of the application by the Applicant.

3. **Review Expenses.** Pursuant to Sections 16-292(b) and 17-61(b), Town Code, the Applicant agrees to reimburse the Town for any and all Costs, Staff Fees, and Consultant Fees described herein by the Town during and after the review process associated with the Property. Costs include but are not limited to publication fees, recording fees, and any other actual out-of-pocket costs incurred by the Town with regard to the Property (“Costs”). Inspection and review by town employees shall include reimbursement for time spent by the Town Administrator, Town Planning staff and the Town Public Works staff in compliance with the Town’s rate schedule in affect at the time that the work was completed (“Staff Fees”). These rates currently range from $85.00 to $100 per hour. Applicant shall also reimburse the Town for all actual out-of-pocket costs incurred by the Town in connection with Applicant’s development review application for consultants, including but not limited to, legal, engineering and planning review and advice from persons or entities not on town staff at the rate of the amount actually paid by the Town for such review and advice (“Consultant Fees”). Additionally, to partially defray administrative, handling and review costs incurred by the Town with regard to the Property, Applicant shall additionally pay to the Town an amount equal to 15% of all of the Costs and Consultant Fees.

4. **Payment.** Any and all bills for these costs are due and payable to the Town as follows: All accounts are due net in 15 days from the date of the bill. Interest on any overdue amounts shall be accessed and paid by Applicant at the rate of 2% per month (24% APR) from the date due until paid.

5. **Binding Obligation.** Applicant agrees and acknowledges that this Reimbursement Agreement shall be a continuing obligation which will run with the land and be binding on Applicant and any future owners of the land, and will include the obligation to reimburse the Town for any and all costs associated with the Property incurred by the Town for counseling and advice including, but not limited to monitoring compliance with any development approval including any Annexation Agreement, Subdivision Improvements Agreement or other agreements between the Town and the owner of the Property; enforcement of any development permits or approvals granted associated with the Property; participation in any litigation or depositions, whether the Town is a party or not associated with the Property or development approvals granted with regard to the Property; counseling and advice associated with any potential amendments to development approvals or compliance or lack of compliance with any development approvals; and any other actual costs directly associated with the Property incurred by the Town.

6. **Breach.** In the event of a breach of any of the terms and conditions of this Reimbursement Agreement by Applicant, the Town may take any action necessary or appropriate and allowed by law or equity, including but not limited to: an immediate suspension of the review process by the Town including cancellation of any scheduled hearings; the refusal to issue any building permit or certificate of occupancy associated with the Property; the recording with the County Clerk and Recorder of an affidavit approved in writing by the Town Attorney and signed by the Town Manager stating that the terms and conditions of this Agreement have been breached; a demand or draw for payment on any performance guarantee for completion of public improvements by any owner of the Property; refusal to allow further development review for the Property or any other Property then owned by or owned in part by the owner of the Property; and any other remedy available in equity or at law including claims for damages or injunction.
7. No Representation Concerning Development Permits. Applicant acknowledges and agrees that the Town in no way guarantees, assures or otherwise represents to Applicant that the Development Application filed by Applicant will be granted and makes no representations concerning the timing of the review of the Application.

8. Severability. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, such determination shall not effect any other provision hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

9. Collection. In the event the Town is forced to pursue collection of any amounts due and unpaid under this Agreement, it shall be entitled to collect attorneys’ fees and all costs reasonably incurred in said collection efforts in addition to the amounts due and unpaid hereunder.

DATED: ____________________________

TOWN OF BASALT: ____________________________

By: ____________________________

Position: ____________________________

APPLICANT: ____________________________

By: ____________________________

Mailing Address: 713 EValley Rd

Eagel, CO 81632

Telephone: 930-223-1100

STATE OF COLORADO ) ss.

COUNTY OF EAGLE )

Subscribed, sworn to and acknowledged before me __________, 20__ by __________.

Witness my hand and official seal.

My commission expires __________.

Notary Public

STATE OF ____________ ) ss.

COUNTY OF ____________

Subscribed, sworn to and acknowledged before me __________, 20__ by ____________.

Witness my hand and official seal.

My commission expires ____________.

Notary Public

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Title Commitment

See Appendix
ALTA Site Survey

See Appendix
Community Serving Commercial Zone District

See Appendix