

**TOWN OF BASALT
PLANNING AND ZONING COMMISSION
REGULAR MEETING and PUBLIC HEARING
Tuesday, July 2, 2019**

CALL TO ORDER

The Planning & Zoning Commission was called to order at 6:08 pm. Commissioners present were Joan Keefe, Bill Maron, Bernie Grauer, and Alternate Tracy Bennett.

Staff present were Susan Philp, Town Planner; and James Lindt, Assistant Planning Director. A sign-in sheet for public attending the meeting is available for review at Town Hall.

APPROVAL OF MINUTES

M/S GRAUER AND BENNETT TO APPROVE THE MINUTES OF JUNE 18, 2019. MOTION CARRIED BY A VOTE OF 4 TO 0.

AGENDA ITEMS

Public Hearing and Consideration of Resolution No. 02, Series of 2019 – Elice Application

Lindt introduced an application submitted by Mark Elice for an amendment to the site plan review for an adjustment to the site plan approval for 101 Tucker Lane. Lindt displayed the location of the site on the projector. It is across from the Town's "shop" on Tucker Lane. It is Lot B of the Mabel Subdivision, which has an approval for a two-bedroom unit of up to 1,385 square feet that was approved in 2017. Mr. Elice would like to amend the approval to allow a 3-bedroom unit of up to 1,700 square feet. It is currently a vacant lot of 3,200 square feet. It was rezoned to R4-MD during the subdivision process. The approval was made by pursuant to Ordinance 1 of 2017.

The process allows for the project to be reviewed by the P&Z, and a resolution has been included for the P&Z to consider. Lindt displayed plans for the development on the wall, with approved and proposed layouts. The proposed amendment is in conformance with the R4-MD zone district, and Staff believes it is in conformance with the neighborhood character. Other homes on Tucker Lane range between 1,300 and 1,900 square feet in size. Staff believes it is consistent with the intent of the R4-MD District, and similar to what was already approved. The proposed resolution reiterates the requirement of a construction management plan, compliance with the Sanitation District's requirements, and the three-year vested rights period established by the 2017 ordinance. Staff recommended the P&Z take applicant and public comments.

Mr. Elice said that the proposal would amend the existing project and asked if the deadline for submitting a building permit would remain the same. Lindt indicated that it would, as it was established by the Town Council's 2017 ordinance.

Commissioner Keefe asked where three cars would be parked. Mr. Elice responded that only two cars would be required to have spaces, and that one would be in the garage and one in the driveway.

Chair Maron opened the public hearing at 6:15 pm.

Adam Olson introduced himself as the new owner of Lot C of the subdivision, along with his wife. He said he had known Mark Elice for 15 years, and that he would be impacted by this project. He approves of the project, said it would fit the character and need of the neighborhood.

Chair Maron closed the public hearing at 6:17 pm.

Commissioner Grauer stated that he thinks it would fit into the character of the neighborhood and that he has no concerns.

Chair Maron said he has no concerns. He noted that this project is trying to be shoehorned into the starter home category, and expressed doubt that this is a starter home. Mr. Elice said he simply can't afford to build it without the changes. Chair Maron said it is near transit, is resident housing and compact development, and that he likes it.

M/S KEEFE AND GRAUER TO RECOMMEND APPROVAL OF RESOLUTION 2, SERIES OF 2019. MOTION CARRIED BY A VOTE OF 4 TO 0.

Mr. Elice said he would like to get back to doing stick-built construction, because the modular construction industry does not provide what he wants and that meets codes. Chair Maron agreed. He said he believes he can address any future changes through the building permit process. Lindt added that Staff can approve minor changes. Mr. Elice said that potentially the roof pitch could change. Chair Maron encouraged Elice to get the project built.

Discussion on Wireless Cell Facility Regulations

Philp updated the P&Z on where the Town is in this process. Commissioner Keefe noted that she was not present at the last meeting discussing this subject. At that meeting Town Attorney Jeff Conklin presented some new federal rulings that aim to promote 5G networks. Local rules, especially in urban areas, are being updated to be in compliance with these regulations, which Philp noted are being challenged in court. Philp said that 5G infrastructure must be allowed in all zone districts and in right-of-way (ROW), though towers can be outlawed. A 60-day "shot clock" has been instated for review of 5G infrastructure applications. Conklin has drafted regulations based on ones his firm prepared for Glenwood Springs. Philp noted that it usually takes longer than 60 days for a Special Review approval. The proposed changes would change the definitions of Major and Minor Utilities. Philp noted where both kinds of projects are allowed typically. She noted the recent example of the cellular facility in the industrial park that was a Major Utility. Conklin is recommending excluding wireless cell facilities in the process of defining Major and Minor Utilities.

Commissioner Bennett asked how many "stations" are needed to have 5G networks, and asked what 5G is. Philp said that it is faster. Chair Maron said that the range is half that of 4G, but that it is much faster. Lindt noted that the number of stations are dependent on how high the boxes are mounted.

Philp noted that these pieces of infrastructure are not in Basalt yet. She explained that Conklin recommended excepting 5G infrastructure from the definitions, and creating a new section. Referring to the packet, the level of review for each zone district would be defined. While the infrastructure needs to be allowed in all zone districts, reviews can be required and towers can be excluded. In response to a question about the Developing Resource Zone District, Philp

noted that the only land zoned Developing Resource is the Meyer Ranch property near the water tank.

Staff has recommended pulling out ROW separately, as usually ROW is zoned P (Public). She noted that the P&Z requested pictures at the last meeting, and she showed some graphics from the packet. This type of infrastructure would be around 17 cubic feet for primary equipment enclosures. She noted in the packet several examples of 5G infrastructure in other places, which can be mounted in many different places. Philp said that this issue is difficult because the Town must allow the infrastructure in ROW. She said they need to do more research on "base stations" as shown on page 7. Conceivably, the Town could spend a lot of money on street beautification, and they may then be required to allow a pole with equipment that would conflict with the beautification efforts.

Commissioner Bennett asked who would be putting in this equipment and infrastructure, and Chair Maron said that telecommunications companies like AT&T do this. Chair Maron said that they had to allow them, but could control what the equipment and infrastructure look like. Philp said that they could to an extent, but they have to be specific. Chair Maron said that they could require them to have no exposed wires.

Commissioner Bennett expressed concern over all the radiation in the air. Chair Maron said that there are poles on Highway 6 between I-70 and Golden with them.

Philp said it would be interesting to see how strictly the Town can regulate the infrastructure.

Commissioner Keefe suggested the infrastructure be on top of buildings. Philp said they could be on top of buildings, but there are not many buildings in Town that are 40 feet high, the minimum for 5G infrastructure. They may not be able to mandate the infrastructure be on top of buildings. Chair Maron noted that there are many roof-mounted in Aspen.

Philp said that wall-mounted boxes could be taken through special review, but that the way the code reads now, they could do it administratively. A license agreement might be needed inside of ROW.

Chair Maron said the exposed wires is the ugly part of this kind of infrastructure. He said this would not fit well with the Town's historic downtown.

Commissioner Keefe clarified that appearance of the facilities is what can be regulated.

Philp said Conklin is still considering some questions, such as whether they can be in public land and parks.

Philp and the P&Z continued comparing graphics from the packet. Philp said the whole thing feels like sacrificing aesthetics for information.

Commissioner Bennett suggested that by the time they work everything out and infrastructure is installed, 10G would be available. Chair Maron agreed. She compared this to when internet first came to Basalt.

Chair Maron recounted a project he was working on in Glenwood, where it was claimed that all wires would be fiber, with no copper wiring. He asked the CenturyLink person when such a

project would come to Basalt, and the man replied "never." He suggested the chance of Basalt getting 5G is small.

Philp said that Aspen is taking the issue seriously, and predicted that they might get 5G. However, she noted that some expensive homes in Snowmass do not have cell service.

Commissioner Keefe asked if this could be accomplished through satellite. Chair Maron said that the technology 5G is entirely different. He suggested that perhaps drones will provide 5G service. He said that whatever happens, it will not be what they expect. Philp agreed.

Chair Maron asked about the Town's ability to limit vesting periods for approved applications, and Philp said Conklin is still looking into that. Philp also said that perhaps Special Review is not the right process for this issue.

Commissioner Keefe asked when Basalt might expect this technology. Chair Maron said that the companies would not tell the Town, but that parts of Denver and other cities already do have it.

Philp said that they will hopefully have the prepared ordinance, with Conklin, for the next meeting.

Commissioner Comments and Planning Department Updates

Philp said that the Aspen Skiing Company will be reviewed by Town Council on Tuesday. Lindt said that at the last meeting, the Council approved the project on first reading. They approved a revised concept. There is still a 4-story building, still a surface parking lot, but Ski Co added 12 off-street parking spaces in a tandem configuration; Ski Co incorporated the potential for commercial space on the corners, maintained eight deed restricted units, included parking mitigation with bus passes, two car share vehicles, and off-site storage of vehicles; and they are still asking for 35 parking spaces on Pioneer Street to be used for residential parking. Town Council asked the applicants to revisit the idea of paying \$20,000 per year to lease the spaces. This money would go toward parking management or transportation improvements.

Chair Maron asked if the P&Z could write a letter of support for the second reading. Lindt said yes. Chair Maron asked the other members support this, and they indicated yes.

M/S GRAUER AND BENNETT TO TRANSMIT A LETTER OF SUPPORT FOR THE SKI CO APPLICATION. MOTION CARRIED BY A VOTE OF 4 TO 0. CHAIR MARON ASKED LINDT TO DRAFT THE LETTER.

Philp suggested they would hand out the letter to the Town Council instead of putting it in a packet due to the packet timing. Chair Maron approved of this.

Philp discussed the River Park charrette that was held last week. Commissioners Leavitt, Rosetti, and Keefe were at the meeting, along with all of POST, and a handful of Town Councilors. First, Sopris Engineering placed flags and mapped constraints on the park. These included the floodway, 100-year floodplain, and a sewer easement. On the development parcel, they flagged the boundaries of the restaurant and ArtBase. Philp noted that improvements such as the stage were previously recommended for the floodplain area, which will not be possible. She continued, saying the Sanitation District has not allowed many kinds of improvements to

land within the sewer easement. She said that the flagging for the restaurant and ArtBase are still in place. They can best be viewed from the park. The other flagging was taken down. Philp said that there have been many Facebook comments about the flagging.

After viewing these elements, Connect One conducted a series of exercises at RMI. The feedback was to keep the "Big V" area as open as possible. Another exercise gathered feedback about how urban or how native/riparian the participants wanted the improvements to be. It was also interesting to hear participants describe what they meant as "urban." Another activity involved creating a pie chart to show the importance of how money is spent on five types of improvements. Councilor Riffle said 50% should be spent on the great lawn and 50% on hard surface flex space. Philp said that the participants expressed even importance for the separate types of improvements. Another bridge over the river was discussed, along with the challenges of such a project. Philp said that although they finished on time, the group could have used another half hour of discussion.

Lindt said that there was some discussion of a fountain, and how it could be incorporated as a gathering spot. Fulk-Gray added that almost all participants were in favor of "urban" amenities, though how they defined "urban" varied considerably. Commissioner Keefe said that "urban" meant engaging people in the park, through benches, walkways, a fire pit, water features, and anything that brings a human element.

Philp also discussed how to program the park in the winter. She noted that Mayor Whitsitt is pushing an ice skating rink, and others are pushing fire pits. Chair Maron remembered a fire pit in Aspen, and how it was removed after about a year and a half. It was deemed to be undesirable after it was created.

Commissioner Keefe said there was a push for having an ice skating rink and a fire pit, the use of which could be controlled inside a building. She noted that the entire budget is only \$1,000,000. Commissioner Bennett asked how they could have an ice rink that wouldn't melt. Commissioner Grauer suggested that it is questionable whether an ice rink is feasible, and that refrigeration and enclosure is the only possible way for it to work. Commissioner Keefe said it is important to find a way to bring people into the park in the winter.

Chair Maron said that not a lot of the view is really possible in the "Big V." Julie Kolar, of POST, addressed this at the meeting and said that the idea is to have an open view plane and physical connection to the river.

Philp said the next phase is for Connect One to prepare options for the Town to consider.

Responding to a question, Lindt said that Belinski is intending to start construction in 2020 on the private parcel. The developer will need to find a restaurateur to take that space, and construction will take about two years. Philp said that something temporary could be in the ArtBase space while they raise money, but not something that people would hate to see go.

Other Updates

Philp said that she is expecting an application from TACAW, which will involve an ask to reallocate RETA money. The project will be phased. The bigger theater will come in the second phase, meaning about half of the whole project would be built in the first phase. Philp said no height exception will be needed.

Commissioner Keefe noted that Commissioner Rossetti brought up the bridge over the river because of how important it could be if it were possible. He does not want to do improvements that would prohibit a future bridge.

Commissioner Grauer asked how much retail space is vacant in Willits, and Lindt said about 36,000 square feet. However, it was noted that a co-op office building is under contract to fill about 15,000 square feet of Block 6.

Commissioner Grauer said he was pleased that Town Council affirmed the P&Z's recommendation on the Ski Co project. He said it took the P&Z seriously and respected and reinforced the validity of the Master Plan.

Commissioner Keefe asked if there is anything else happening in Downtown. Philp said that the Chamber has a plan for a maker space where Romero Property Management used to be. Lindt said that Cathers may remain in a portion of that space as well, along with an audio-visual company. Philp said the Romero Group moved to Willits.

Chair Maron asked if the caboose is empty, and Philp said that Missy Hagen is still there.

M/S KEEFE AND BENNETT TO ADJOURN. MOTION PASSED BY A VOTE OF 4 TO 0.

The Planning and Zoning Commission adjourned at approximately 7:08 pm.

TOWN OF BASALT
PLANNING AND ZONING COMMISSION

By 

William Maron, Chair

Attest 

Susan Philp, Planning Director