

**TOWN OF BASALT, COLORADO  
ORDINANCE NO. 10  
SERIES OF 2019**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, APPROVING AMENDMENTS TO THE WILLITS TOWN CENTER PUD  
TO PERMIT THE ASPEN SKIING COMPANY'S WILLITS WORKFORCE HOUSING  
PROJECT ON BLOCK 9, OF THE WILLITS TOWN CENTER PUD, BASALT,  
COLORADO (ASPEN SKIING COMPANY APPLICATION)**

**RECITALS:**

A. The Aspen Skiing Company on behalf of Willits Town Center, LLC. ("Applicant") submitted an application for PUD amendments to the Willits Town Center PUD to construct a residential building consisting of thirty-six (36) residential units and 148 bedrooms on Block 9 of the Willits Town Center PUD. Through the development review process the Application was amended to request PUD amendment to construct a building consisting of forty-three (43) residential units and 150 bedrooms on Block 9 of the Willits Town Center PUD. Specifically, the Applicants requested the following PUD Amendments:

- 1) Amendment to convert the required a portion of the 1<sup>st</sup> floor commercial into eight (8) deed-restricted residential units; and,
- 2) Amendment to permit up to four (4) unrelated people to live in a dwelling unit on Block 9; and,
- 3) Allowance for 35 on-street parking that is attributable to Block 9's base floor area to serve as parking for the residential development on Block 9; and,
- 4) Reduction in the third-floor setback requirement for Block 9; and,
- 5) Modification of the approved Market Street cross-section and reduction of the required sidewalk width on Market Street to allow steps in the right-of-way; and,
- 6) Approval of the proposed private open space area; and,
- 7) Allowance for four (4) stories on the eastern half of Block 9 within the height limit.

The legal description of the Property is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. The Planning and Zoning Commission considered the requests at public hearings on April 2, 2019; April 16, 2019; and May 7, 2019, at which hearings evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the

requested PUD amendments, subject to conditions.

C. At a public hearing on May 14, 2019, the Town Council continued the public hearing and first reading of the ordinance to May 28, 2019. At a public hearing on May 28, 2019, the Town Council continued the public hearing and first reading of the ordinance to June 11, 2019. At a public hearing on June 11, 2019, the Town Council continued the public hearing and first reading of the ordinance to June 25, 2019. At a continued public hearing held on June 25, 2019, the Town Council approved the ordinance on first reading and set a public hearing and second reading for the ordinance for July 9, 2019.

D. At a continued public hearing and second reading on July 9, 2019, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve the application. The Town Council finds and determines the approval of this ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

F. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, and the conditions contained herein, the Basalt Town Council finds and determines as follows in accordance with Town Code §§ 16-63(b) for the purposes of PUD amendment approval:

- 1) The PUD Plan conforms with the provisions of Article 16 of the Town Code provided that the conditions contained in this resolution are satisfied.
- 2) The PUD development will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.
- 3) The PUD development will complement and be integrated with the existing and approved but not yet existing development in the area.
- 4) The PUD development will provide numerous community benefits.
- 5) The variations from the strict requirements of the Town Code are designed to improve the efficiency of the development pattern and accomplish a more desirable residential or commercial environment.
- 6) The variances from strict compliance with the Code requirements are

justified because the PUD Plan exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.

- 7) The PUD Plan satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt:

A. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein and a determination pursuant to C.R.S. 29-20-301 that there is adequate water supply.

B. The Town hereby approves the PUD amendments to permit the Applicants to construct a residential building containing forty-three (43) dwelling units and 150 bedrooms on Block 9 of the Willits Town Center PUD, subject to the conditions below:

**Representations:**

1. The Applicant shall comply with all material representations made by the Applicant in the Application, including the supporting documents and in meetings before the Planning and Zoning Commission and Basalt Town Council.
2. The building shall generally comply with the site plan, floor plans, conceptual landscape plan, and elevation drawings provided in the 6/18/19 Application Addendum, which includes an elevator, washers and dryers in the affordable housing units, and affordable housing unit kitchens meeting the minimum affordable housing (AH) livability requirements.

**Compliance with Prior Approvals:**

3. The Applicant shall comply with all of the provisions of the previous Willits Town Center approvals, including the Amended Development and Vested Rights Agreement, except as amended herein.

**Block 9 Amendments to the Willits Town Center PUD:**

4. The Willits Town Center PUD is amended to allow eight (8) deed-restricted residential rental units to replace the requirement for constructing commercial space for the entire first floor of Block 9 adjacent

to Robinson Street. At least 2,080 sf of commercial space shall still be provided on the north east and southeast corners of the building as shown on the site plan prepared by Lipkin/Warner Architects dated 6/18/19.

5. The Willits Town Center PUD is amended to include the following language:

*Block 9 Occupancy Limitation-* “There shall be not more than four (4) people residing in a dwelling unit on Block 9 at any one time. The Applicant shall provide a report to the Town Planning Department annually detailing the number of people to which the Aspen Skiing Company or its successor is leasing each unit.”

#### **Final Design Review and Design Standard Variance Requests:**

6. After completion of this PUD amendment review and before platting Block 9, Applicant must obtain final design review approval from the P&Z for the exterior building design, including review of materials and colors.

#### **Private Open Space:**

7. After completion of this PUD amendment review and before platting Block 9, the Applicant shall submit an amenities plan for the courtyard private open space to be provided for review and approval by the P&Z.

#### **Deed Restricted Affordable/Community Housing:**

8. The Applicant shall prepare deed-restrictions for the eight (8) affordable housing units for review and approval by the Town Attorney and Town Planner prior to platting Block 9. The deed-restrictions shall limit the one bedroom units to Category 1 maximum rental rates and remainder of the deed-restricted affordable housing units to the Category 2 maximum rental rates. The deed-restriction shall include that the deed-restricted units shall first be advertised and offered for rent to daycare professionals working full-time in daycare facilities in the Town’s 3-mile planning area for fourteen (14) days before being offered for rent to the general public working full-time between Aspen and Glenwood Springs. The deed restrictions shall also include language clarifying that when multiple interested parties are vying to rent one of the deed-restricted units, priority shall be provided to individuals (no master leases to employers allowed) employed in the Town of Basalt. Additionally, the Town shall have the right to buy-down the Category 2 rents to a Category 1 rent if the Town

chooses to do so and the Applicant and Applicant's successors agreed to facilitate such buy-down.

9. The minimum unit sizes for the deed-restricted units are approved as set forth in the Application.

**Annual Check-in:**

10. In addition to the submittal of the annual status report required by Condition No. 17, the Applicant shall meet annually with Town Staff, after the effective date of the approvals, to:
  - a. Mutually discuss updates pertaining to the buildings;
  - b. Provide an update on occupancy of the building and parking policies;
  - c. Receive an update from Town Staff on the use of the contributions to the restricted fund for Willits parking management.

**Community Benefit:**

11. When Aspen Skiing Company employees are not occupying the non-deed restricted units and the units are being advertised to the general public for rent, priority shall be provided to those employees working in the Town of Basalt seeking leases for fourteen (14) days before being offered for rent to individuals outside of Basalt.

**Audio and Video Surveillance System:**

12. The Applicant shall provide a plan for approval by the Police Department prior to building permit issuance for an audio/visual surveillance system similar to the system that the Applicant has installed in the Club Commons development in Snowmass Village. The Applicant shall implement the approved audio/video surveillance system prior to the issuance of a certificate of occupancy.

**Pets:**

13. Consistent with the Applicant's representations, no pets shall be permitted in the building except for as otherwise required by law (i.e. service animals).

**Trash, Recycling, and Composting:**

14. The Applicant shall comply with the floor plans dated 6/18/19 that show a trash chute from every floor and the location of a common recycling collection and compost facility in the building.

**Window Coverings:**

15. The Applicant shall provide window coverings for all windows within the building and shall keep the window coverings in good condition throughout the life of the building.

**Bike Share:**

16. Consistent with the Applicant's representations, the Applicant shall pay for the installation of one bike share station and contribute \$1,500 per year toward bike share operations.

**Parking and Vehicle Storage:**

17. The Applicant shall adhere to following representations made in its Application related to parking:
  - a. Applicant shall provide off-site storage of vehicles for tenants in other projects that the Applicant owns;
  - b. Applicant shall provide free bus passes to all tenants;
  - c. Applicant shall commit to providing two vehicles for a car-share program when a car-share program is made available in the mid-valley; and
  - d. Applicant shall provide an annual status report to the Town regarding the performance and effectiveness of the Applicant's parking management efforts.

If the property is sold in the future, all of the above requirements shall run with the land and this would be documented in the PUD provisions for Block 9.

18. The Applicant shall construct an off-street parking lot consisting of forty-six (46) parking spaces in the configuration shown on the site plan included in the Application Addendum. The Applicant shall enter into a lease or easement agreement with the Town prior to the issuance of a Certificate

of Occupancy on Block 9, for thirty-five (35) parking spaces on Pioneer Street adjacent to Block 9 to be used exclusively for Block 9 residential parking at a cost of \$20,000 per year starting at the time of issuance of a Certificate of Occupancy. Funds collected shall be accounted for in a separate restricted account to be used at Willits by the Town for parking and transportation planning, parking management and parking control, and which could include establishment and operation of a carshare program.

The Applicant shall be responsible for enforcing the parking requirements that the Applicant establishes for the thirty-five (35) parking spaces that are going to be reserved for the Block 9 residential parking. The Applicant shall also be responsible for routine maintenance (snow removal, sweeping, striping, and sealing) the easement/lease area within the Pioneer Street Right-of-Way.

**Car-Charging Station:**

19. As required by the approvals in Ordinance No. 28, Series of 2017, the Applicant shall install and have operational, a car-charging station prior to the issuance of a certificate of occupancy (CO). The station shall be a level III station.

**Bicycle Parking and Amenities:**

20. The Applicant shall provide bicycle parking on-site in an amount consistent with the recommendations made by Charlier and Associates in their 2017 evaluation to the satisfaction of the Town Planner prior to the issuance of a CO on Block 9. The Applicant shall also provide a designated bicycle amenities plan that includes a bicycle wash and repair area to the satisfaction of the Town Planner prior to the issuance of a building permit on Block 9.

**Fire District Comments:**

21. The Applicant shall demonstrate compliance with the Deputy Fire Marshal, Brooke Stott's comments dated 3/27/19, to the satisfaction of the Town Building Official prior to the issuance of a building permit on Block 9.

**Technical Considerations:**

22. The Applicant shall provide civil engineering and utility plans for review by the Town's and Mid-Valley Metro District's engineer and the Town's Public

Works Director prior to the P&Z's final review of the final design. The plans shall include proposed snow storage areas and snow storage management concepts.

**Green Initiatives:**

23. As required, the Development shall comply with Town's Sustainable Building Regulations in effect at the time of building permit submittal to the satisfaction of the Town's Building Official. As represented by the Applicant, the building shall be heated by electric heat.

**Fees:**

24. The Applicant shall pay all the applicable development and building permit fees established in the prior approvals for Willits Town Center. The Daycare Impact Fee is waived in exchange for the Applicant providing the deed-restricted AH units with a daycare professional occupancy priority referenced in Condition No. 8.

**Condominiumization:**

25. This building shall not be condominiumized and the building shall remain as a wholly owned building with rental units unless this approval is amended in the future by the Town Council.

**Approval Documents:**

26. The Applicant shall prepare all documents required by the Town Attorney and Town Planner to memorialize the amendments approved herein. The documents will require review and approval by the Town Attorney and Town Planner prior to execution and recording in the Eagle County Clerk and Recorder's office. The approval documents shall be executed within 180 days of the effective date of the approval ordinance or the approval shall be null and void. The Town Planner may approve extensions on the time period for executing and recording the approval documents.

**Vested Rights:**

27. Vested property rights for the amendments approved herein shall be granted for a period of three (3) years from the effective date of this ordinance. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. The Applicant shall install the necessary infrastructure and



obtain a building permit on development within three (3) years of the effective date of this ordinance or the amendments granted herein shall be null and void.

**Insubstantial Amendments:**

28. The TRC may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a TRC's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

C. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

D. This Ordinance, after fully executed, shall be recorded in the office of the County Clerk and Recorder.

E. 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.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, July 9, 2019, by a vote of 4 to 2 on June 25, 2019.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 2 on July 9, 2019.

TOWN OF BASALT, COLORADO

By: \_\_\_\_\_

Jacque R. Whitsitt, Mayor



ATTEST:

By: *Pamela K Schilling*  
Pamela K. Schilling, Town Clerk

Ord10\_-Block9Willits.doc

First Publication: Thursday, July 4, 2019  
Final Publication: Wednesday, July 17, 2019  
Effective date: Wednesday, July 31, 2019

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**BLOCK 9, WILLITS TOWN CENTER PLANNED UNIT DEVELOPMENT ACCORDING TO THE PLAT THEREOF RECORDED JULY 25, 2001 AS RECEPTION NO. 763043, COUNTY OF EAGLE, STATE OF COLORADO.**