

**James Lindt**

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**From:** mark kwiecienski <mkwiecienski@comcast.net>  
**Sent:** Tuesday, June 30, 2015 12:02 PM  
**To:** Susan Philp; James Lindt  
**Subject:** Letter for inclusion in next Pan and Fork Meetings for council and P&Z

Susan – Please include this memo in both the P&Z and Council Members packets for the next meetings of each.

June 30, 2015. Regarding Filling in the Polygon of the CDC Parcel

Dear Planning and Zoning Member - I want to thank you for all the time that you have spent working on the betterment and future of Basalt. As you know a very large group of Basaltines had assumed that the two years of community comments and planning would significantly shape any proposal for the CDC parcel. In April those folks, including me, were shocked to discover that these were ignored nearly completely by the initial Lowe Enterprises proposal. Instead the developer presented their commercial vision and thus the large uprising and dissent for the initial proposal. From what I have determined, the majority of Basaltines want the majority of the parcel turned into park. Many want the entire parcel to be preserved as an open space park. The Pan and Fork Park It is without question the most important parcel in shaping the future of Basalt. The Basalt City Council passed resolution 19 suggesting that ½ of the property, downstream from Midland Spur, be preserved to create the most amazing river park in the state of Colorado and the balance would be developable.

In an effort to get something done quickly on the site, the town appointing the same architect, CCY, that prepared the development plan for the developer. As the town architect and consultant CCY is providing options for development and doing a good job but all options seem colored with perspectives from the developer. How can they not?

To understand the importance of the unfettered open space suggested that the public wants, and that was suggested by Resolution 19, with respect to the developer and CCY, an independent park consultant who represents and makes sure that the town public desires are represented as vigorously as the development side, a “park consultant” could have also been merged in this process too. Since resolution 19 was passed, and the appointment of CCY as the town consultant, significant lobbying has been underway to present reasons to reduce the size of the river Park in favor of more development especially in that area fronting Two Rivers Road which John Cottle in your last P&Z meeting referred to as the “polygon.” The majority of your board is directly tied to development, much more so than the average citizen. I urge you that in addition to considering those actively speaking from the development side, please try and put yourself in the position of the average Basalt Citizen and factor in the role of the “missing park consultant” who would be speaking in favor of the largest unfettered River Park that is possible.

This is not your typical property with underlying zoning supporting one proposal over another. This is a question about resolution 19 and whether it is the best definitive solution to balance the competing desires of the public that greatly sees the value in ½ or more of the parcel remaining open, and the developer side who now holds an option and asks for development rights to be granted to the parcel by P&Z and council. The more development rights you grant, the more money the developer should make.

In reaching the best solution, there are five “lobbying type” statements that have been made, which I believe are false or that need to have the missing “Park Consultant” side voiced as well. I flagged these statements by quotes and have them underlined, with the related information following. Here they are:

- 1) “The division by City council of the parcel boundaries designating 50% of the parcel park was random.”

Not true. The division is both a logical and esthetic compromise designating 50% of the CDC parcel as riverpark. The dividing line coincides exactly with the point where Midland Spur and Two Rivers Road intersects to provide excellent visual and public access to the new park from that point, all the way to the four way stop. Resolution 19 was a compromise between the extreme positions of all park, and the other of all development. The developable portion downstream from Midland Spur should easily provide enough property for a developer, after paying off the CDC and the town, to earn a respectable profit and most importantly, forever connect and give public access to the citizens of Basalt to the Rivers in a significant way.

2) "A portion of the park is dead space."

Not true. A park is about free space. There is no dead space in a park. A park is about feeling space around to let events unfold. All of the space that would be part of the River Park will be more valuable to the town than more buildings. It will enhance the value of all properties in Basalt more than more buildings.

3) "The park size as proposed is out of scale for Basalt and is too large for Basalt".

Not true. This park will honor Basalt's connection to the rivers. It is a reminder that we are the only town in North America that has two gold medal rivers. It is a statement to all that the river is important and that Basalt. Theories of size and scale that work for designing buildings and integration them into generic spaces and parcels of land found in "Anywhere USA" are not appropriate for a heritage River Park like this.

4) " Designating 50% of the parcel Park will diminish the value by 50% and will have to be paid for by someone other than the developer, either the town or someone else."

Not true. The value is almost entirely dependent upon what quantity and types of entitlements the town grants to the parcel. Right now I have been told that the parcel still retains the zoning of mobile home park. Many "up-zoning options" have been discussed and looked at over the years but none have been definitively granted to the parcel. The 150,000 square feet of development originally proposed by Lowe Enterprises is a meaningless and unsubstantiated fantasy quantity of development rights. It has no legitimate place in this discussion. In a related matter, the designation of portions of a property as open space or park, are normal occurrences in many land use applications and designating 50% of the CDC parcel as a fully connected and functioning open space river park is a 100% legitimate.

5) "This parcel is like any other private parcel with all the same rights as any other private parcel."

Not true. I contend that the parcel is quasi-public for the reasons mentioned above and in addition because the town participated in a joint venture with the non-profit to clear it of trailers and the relocation of residents. Both the town and the CDC's monies and activities have been integral in elevating the parcels value up to this point. The good deeds and betterment of the town were the mutual shared goals. The town should approve development rights that provide means to repay the CDC and monies invested by the town. It is my strong opinion that any reasonable developer should be satisfied with the profits that could be generated from the 75,000 square foot of development, that has been discussed, that could occur on the 50% portion of the parcel that is between Midland Spur and The new RMI building.

The flooding this spring, emphasizes the fact that right now a large portion of the parcel boarding the river owned by the town cannot be improved in any way in the future and is largely unusable for installing improvements such as a sculpture garden as previously discussed. That fact further supports the need for the open space recommended by resolution 19. We probably need more than resolution 19 recommends. The land owned by the CDC, if the engineers recommend it, should be able to be raised further out of the flood plain to accommodate all the development needed in the area downstream from Midland Spur.

A final point: The Community Development Corporation's chose Lowe Enterprises as the for profit developer to provide the means for repayment of both the town and themselves. Hopefully, this selection will be satisfied with a reasonable profit on development of 2 and 3 story buildings in the area of the CDC parcel between Midland Spur and the RMI

building. If they chose to push for excessive development rights, and or property gifts from the town for Lions Park, and the recycling center which cause a few month delay to start fresh with a new developer, then let the inconvenience of the delay be shouldered by the appropriate parties.

Lowe is a quality developer who I endorse as long as the town does "its' part". The towns' part is that it must provide tough but workable unconditional absolute constraints and limits of development which preserve forever the boundaries of a "no development zone" river park which would be fully visible from the entire area between Midland Spur to upstream to the four way stop. Giving the developer hope or encouragement that any options in the "polygon" will not be considered should be should be avoided at all cost. Unconditional, absolute constraints and limits of development put in place now will bring out the best designs and the best use of our valuable resources. That will keep the process clean and precise. The alternative would open the door to a constant negotiation with the town, unnecessarily giving away bits and pieces to a developer. Better cut to the chase now without further delay.

Lions and recycle center should not be involved in the CDC parcel negotiations. Those are valuable assets that the town should retain and deal with later. Other entities should be allowed to use their creativity to present standalone proposals for those valuable town assets, not just Lowe. There is no compelling reason to include any of these parcels in the CDC negotiations that I am aware of. Doing so will only slow things down and complicate the process.

Thank you for your time and consideration.

Respectfully submitted by Mark Kwiecienski, citizen of Basalt since 2001 and the RFV since 1983.

