

**Town of Basalt, Colorado
Ordinance No. 13
Series of 2014**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING A PUD AMENDMENT FOR ADDITIONAL SIGNAGE
IN THE ORCHARD PLAZA PUD, 250 EAST VALLEY ROAD, BASALT,
COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant approval of a PUD Amendment to allow for additional signage on Unit 1 and the common parking area of the Orchard Plaza PUD. Schlosser Signs on behalf of Dillon Companies, Inc. ("Applicants") submitted a complete application for a PUD Amendment in January of 2014. Said application is for property more particularly described in **Exhibit "A"** attached hereto.

B. At a duly-noticed public hearing held on March 18, 2014, the Planning and Zoning Commission considered the application. At the public hearing on March 18, 2014, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. The Planning and Zoning Commission recommended approval of an amendment to permit the additional signage, subject to conditions of approval.

C. At a public hearing on April 22, 2014, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for May 27, 2014, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a continued public hearing and second reading on May 27, 2014, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. **FINDINGS.** The Town Council hereby incorporates by reference and conclusively makes the following findings:

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code Article IV, Chapter 16 for the purpose of a PUD amendment:

2. The application conforms to the provisions of Chapter 16 of the Town Code provided that the conditions contained in this ordinance are satisfied.

3. The application will not have an adverse impact or otherwise be detrimental to the general welfare of the community.

4. Based on the evidence, testimony, exhibits, and comments from the public, Applicants, Town Staff; the Town Council finds and determines that the proposed application is generally consistent with the 2007 Basalt Master Plan, subject to compliance with the conditions contained herein.

B. **APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council hereby approves the Orchard Plaza PUD Amendment Application as recommended by the Town Planning and Zoning Commission and Town Staff to allow additional signage at 250 East Valley Road subject to the following conditions:

Representations:

1. The Applicants shall comply with all representations set forth in the Application.
2. The Applicants shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

Signs Allowed:

3. The signage amendments approved, are the sign changes identified in the Sign Drawings prepared by Cummings dated 12/19/13, with the pylon sign having a background color other than white. All other provisions of the Orchard Plaza sign plan except as amended herein shall remain in affect.

Sign Permit:

4. The Applicants shall submit a sign permit for review and approval by the Town prior to installation of any of the signs approved herein.

Sign Dimensions:

5. The size of the signs to be installed shall be consistent with the size of signage shown on the Sign Drawings prepared by Cummings dated 12/19/13.

Lighting:

6. The new wall mounted signage may be internally illuminated, but shall be required to comply with Town Code Section 16-436, *Sign Lighting*.
7. The new sign cabinet for the pylon sign shall be externally illuminated and the lighting shall comply with Town Code Section 16-436, *Sign Lighting*. A lighting plan shall be submitted with the sign permit application for the pylon sign for review and approval by the Town Planner.

Vested Rights:

8. Vested property rights shall be granted for the installation of the signage approved herein for a period of three (3) years from the effective date of the ordinance approving this PUD amendment. The Applicants may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a sign permit is not issued within the three (3) year vested rights period or as it may be extended, the site specific approval for the signage included in the Application shall expire.

Amendments:

9. The Town Planner may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner 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. 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 Eagle County Clerk and Recorder.

E. The effective date of this ordinance shall be fourteen days after the final publication of the ordinance.

F. 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 May 27, 2014 by a vote of 6 to 0 on April 22, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on May 27, 2014.



TOWN OF BASALT, COLORADO

By:

Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord13_OrchardPlazaPUDAmendment
Bill to: 10-24-171

First Publication: Thursday, May 22, 2014
Final Publication: Thursday, June 5, 2014
Effective Date: Thursday, June 19, 2014

Exhibit "A"

Legal Description

Unit 1 and the common parking area on the First Amended Condominium Plat of the Old Orchard Plaza Commercial Condominiums recorded as Reception No. 644712 of the Eagle County, Colorado, records.