

**Town of Basalt, Colorado  
Ordinance No. 33  
Series of 2014**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING A PUD AMENDMENT TO THE WILDS PUD TO  
AMEND THE BUILDING ENVELOPE FOR BUILDING 6 AND TO  
REALLOCATE UNBUILT FLOOR AREA AND ADDITIONAL FLOOR AREA TO  
BUILDING 6, WILDS PUD, 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. Wilds RE, LLC. ("Applicant") submitted an application in July of 2014 for a PUD Amendment to the Wilds PUD, for a building envelope adjustment, to reallocate unbuilt floor area to Building 6, and to allocate additional floor area to Building 6 of the Wilds PUD. Said application is for property more particularly described in **Exhibit "A"** attached hereto.

B. At a duly-noticed public hearing held on September 2, 2014, the Planning and Zoning Commission considered the application. At the public hearing on September 2, 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, subject to conditions of approval.

C. At a public hearing on September 23, 2014, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for October 28, 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 October 28, 2014, 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 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, Applicant 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 information provided by the Applicants, upon compliance with the conditions contained herein, there is an adequate water supply to accommodate the development pursuant to C.C.R. 29-20-303.

5. Based on the evidence, testimony, exhibits, and comments from the public, Applicants, and 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 Wilds PUD Amendment Application for a Building Envelope Adjustment for Building 6, the reallocation of unbuilt floor area from Buildings 10, 11, and 14 to Building 6, and the allocation of 355 additional square feet, subject to the following conditions:

**Representations:**

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

**Floor Area and Design:**

3. The duplex shall be generally consistent with the floor plans and elevation drawings prepared by KA DesignWorks, Inc., dated August

14, 2014. The maximum floor area for Unit 18 shall be 2,725 square feet with a 537 square foot garage and Unit 19 shall be 2,575 square feet with a 337 square foot garage. This approval transfers the remaining floor area from Buildings 10, 11, and 14 so that there is no allowable floor area left for expansion of those buildings. The remainder of the dimensional requirements shall be as set forth in the Wilds PUD.

**Green Building:**

4. The Applicant shall comply with the Town's sustainable building regulations that are in place at the time of building permit submittal.

**Landscaping:**

5. The Applicant shall submit a detailed landscaping plan and irrigation plan for review and approval by the Town Horticulturist and the Town Planner prior to the issuance of a building permit.

**Community Housing:**

6. The Applicant shall pay a fee-in-lieu of providing Community Housing of \$15,995 for Unit 18 and \$15,115.25 for Unit 19. The fee-in-lieu of Community Housing shall be paid at the time of building permit issuance for each of the respective units.

**Construction Management Plan:**

7. The Applicant shall submit a construction management plan for review and approval by the Town Building Official and Town Planner as part of the building permit application.

**Fire District Comments:**

8. The Applicant shall demonstrate compliance with Fire Marshal, Bill Harding's comments dated August 5, 2014, prior to the issuance of a building permit.

**Basalt Sanitation District Comments:**

9. The Applicant shall demonstrate compliance with the Basalt Sanitation District's comments prior to the issuance of a building permit.

**Fees:**

10. The Applicant shall pay all applicable development fees as calculated by the Town Planner and Town Building Official prior to the issuance of a building permit, including but not limited to: the special improvement fee, school land dedication fee, fire impact fees, the water tank surcharge, and water and sewer tap fees. The parkland dedication fee for the units shall be \$2,312 per dwelling unit as set forth in Ordinance No. 23, Series of 2005.

**Approval Documents:**

11. The Applicant shall prepare a final site plan for review and approval by the Town Planner. The site plan shall be executed and recorded prior to the issuance of a building permit for either of the residential units. Additionally, the Applicant shall prepare an amended plat of Lots 18 and 19, of the Wilds PUD for review and approval by the Town Attorney and Town Planner. The amended plat shall be executed and recorded prior to the issuance of a building permit.
12. The Applicant shall prepare and submit any approval documents deemed necessary by the Town Planner and Town Attorney for review and approval. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance.

**Vested Rights:**

13. Vested property rights shall be granted as approved herein 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. If a building permit is not issued within the three (3) year vested rights period or as it may be extended, the approvals granted for this amendment shall expire.

**Insubstantial Amendments:**

14. The Town Planner 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 Town Planner'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.

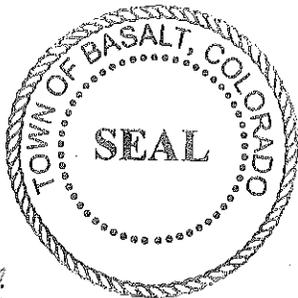
D. This Ordinance, after fully executed, shall be recorded in the office of the Eagle County Clerk and Recorder.

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.

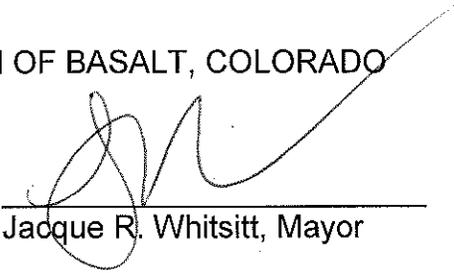
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON October 28, 2014 by a vote of 6 to 0 on September 23, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on October 28, 2014.

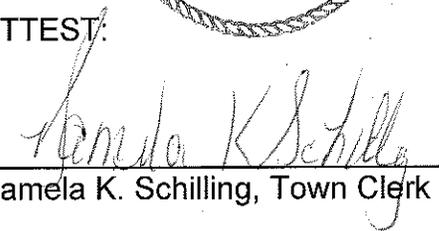


TOWN OF BASALT, COLORADO

By:

  
\_\_\_\_\_  
Jacques R. Whitsitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela K. Schilling, Town Clerk

Or33\_WildsPUDAmendment

First Publication: Thursday, September 4, 2014

Final Publication: Thursday, \_\_\_\_\_, 2014

Effective Date: Thursday, \_\_\_\_\_, 2014

**Exhibit "A"**

**Legal Description**

Building 6, Wilds Subdivision/PUD according to the plat recorded on October 25, 1996 in Plat Book 709, at Page 635, at Reception #605615 in the Eagle County, Colorado, records.