

Town of Basalt, Colorado  
Ordinance No. 06  
Series of 2016

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, GRANTING SPECIAL REVIEW APPROVAL, A CONDOMINIUM AMENDMENT, AND HISTORIC INCENTIVES FOR THE CONVERSION OF UNIT 202 INTO A RESIDENTIAL UNIT, AT 104 MIDLAND AVENUE (LITTLE SNELL BUILDING), BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Special Review, a Condominium Amendment, the waiver of private open space, and Historic Incentives for the waiver of Parkland and School Land Dedication requirements, and the waiver of an off-street parking space. Robert and Cindy Perry ("Applicants") submitted an application for Special Review, a Condominium Amendment, and Historic Incentives for the waiver of Parkland and School Land Dedication requirements, and the waiver of an off-street parking space to convert Unit 202 at 104 Midland Avenue into a residential unit of 1,370 square feet. Said application is for property more particularly described in **Exhibit "A"** attached hereto.

B. At a duly-noticed public hearing held on January 19, 2016, the Planning and Zoning Commission considered the application. At the public hearing on January 19, 2016, 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 subject to conditions.

C. At a public hearing on January 26, 2016, the Town Council approved this Ordinance on first reading, set a public hearing and second reading for this Ordinance for February 23, 2016, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on February 23, 2016, 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, Applicant and Town Staff, the Basalt Town Council finds and determines as follows:

2. The application conforms to the provisions of Chapter 16 and Chapter 17 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, Applicant, 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 grants Special Review Approval, a Condominium Amendment, Historic Incentives for the waiver of Parkland and School Land Dedication requirements, and cash-in-lieu of providing a parking space to convert Unit 202 at 104 Midland Avenue into a residential unit of 1,370 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.

**Unit Size:**

3. The new residential unit shall contain no more than one bedroom.

**Private Open Space Waiver:**

4. A waiver from the private open space requirement for the new residential unit is hereby recommended for approval to the Town Council.

**Residential Renovation:**

5. The Applicants shall apply for and obtain a building permit to renovate the existing office space into a residential unit prior to commencing construction and satisfy all applicable Town building, life safety, and sustainable building codes. As part of the building permit review, the Applicants shall demonstrate compliance with the Sound Transmission Class (STC) rating requirements in the Building Code.

**Fire District Comments:**

6. The Applicants shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated January 5, 2016, prior to the issuance of a certificate of occupancy on the new residential unit.

**Basalt Sanitation District Comments:**

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

**Fees:**

8. The Applicants shall pay all applicable development review fees as calculated by the Town Planner prior to building permit issuance, with the exception that the School Land Dedication Fee is waived and the Parkland Dedication and Improvement Fee shall be reduced to \$3,197. The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.
9. The Applicants shall pay a proportional share of the parking fees-in-lieu for one parking space based on there being four (4) residential units in the building. The Applicants shall pay \$3,040.85 in fees-in-lieu of parking prior to the issuance of a building permit.

**Approval Documents:**

10. The Applicants shall prepare an amended condominium map and condominium declaration recognizing office unit 202 as a residential

unit, for review and approval by the Town Planner and Town Attorney. The amended condominium map shall be recorded prior to the issuance of a building permit to convert the space to a residential unit.

11. The Applicants 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:**

12. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests. 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 building permit to renovate the space to a residential unit 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:**

13. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicants 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.

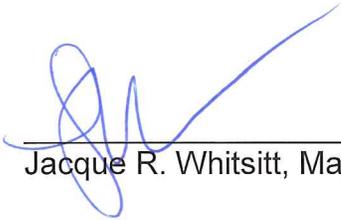
F. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, 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 February 23, 2016 by a vote of 5 to 0 on January 26, 2016.

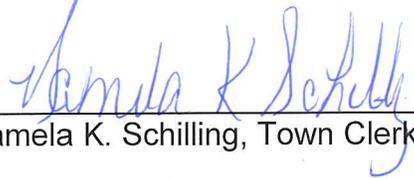
READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on February 23, 2016.

TOWN OF BASALT, COLORADO

By:

  
\_\_\_\_\_  
Jacquie R. Whitsitt, Mayor

ATTEST:

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

Ord06\_PerryConversion



First Publication: Thursday, February 4, 2016  
Final Publication: Thursday, March 3, 2016  
Effective Date: Thursday, March 17, 2016

**Exhibit "A"**

**Legal Description**

Unit 202, 104 Midland Avenue as shown on the First Amended Plat of the 104 Midland Avenue Planned Community, Basalt, Colorado, recorded at Reception No. 200707088 in the Records of the Eagle County Clerk and Recorder's Office.