

**Town of Basalt, Colorado
Ordinance No.14
Series of 2016**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, RESCINDING THE SITE-SPECIFIC APPROVAL FOR A DENTIST OFFICE AND RESIDENTIAL UNIT GRANTED BY ORDINANCE NO. 4, SERIES OF 2007, AND APPROVING AN EXEMPTION FROM THE COMMUNITY VITALITY ZONE REQUIREMENTS TO TEMPORARILY PERMIT A BUSINESS OFFICE USE ON THE FIRST FLOOR OF THE PROPERTY LOCATED AT 234 MIDLAND AVENUE

RECITALS

A. Midland Project LLC. ("Applicant") filed an Application ("Application") to rescind the site-specific approval for the dentist office and residential unit granted by Ordinance No. 4, Series of 2007, for the property at 234 Midland Avenue. The Application also requests a temporary exemption from the Community Vitality Zone requirements for the property located at 234 Midland Avenue, more particularly described in a warranty deed recorded as Reception No. 200630714 with the Eagle County Clerk and Records Office ("Property").

B. At a public meeting held on June 14, 2016, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for June 28, 2016 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.

C. At a public hearing and second reading on June 28, 2016, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.

D. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided applicant adheres to the conditions identified in this Ordinance.

c. The Application satisfies the requirements of Section 16-44, Town Code relating to terminating the site-specific approval. Ordinance No. 4, Series of 2007 granted site specific approval for a dentist office and a residential at 234 Midland Avenue. The Applicant has petitioned the Town Council to rescind the site-specific approval to allow the lot to be utilized in accordance with the C-2 Zoning in place on the Property. Additionally, the Town finds that the proposed change in use is generally compatible with the natural characteristics and constraints of the Property.

B. CONDITIONS

1. Based on the Application, testimony and comments from the public, Applicant and Town Staff, the Town Council hereby grants approval for rescinding the site-specific approval granting a dentist office and a residential unit in conjunction with the business, and approving a temporary exemption from the Community Vitality requirements for a business office on the first floor, subject to the following conditions:

a. The Applicant shall comply with all material representations made by the Applicant in the Application and in hearings before the Town Council.

b. The provisions of Ordinance No. 4, Series of 2007, granting the site specific approval for a dentist office are hereby rescinded. The permission for the dentist office approved by said Ordinance is hereby terminated and the conditions related to the site specific approval shall no longer be in effect, except as noted herein.

c. The residential unit in conjunction with a business on the second floor shall be subject to the condition that the residential unit shall be occupied by an employee or the owner of the business occupying the first. The Applicant agrees to provide the Town with all information reasonably necessary for the Town to determine compliance with this condition.

d. A temporary exemption from the Community Vitality Use requirements for a Business Office on the first floor is approved. The exemption

shall expire the earlier of 1) nine (9) months after the effective date of this ordinance or, 2) upon the transfer of ownership of the property. The Town Manager may approve a six (6) month extension for the business office use if it is determined to be in the best interest of the community.

e. The off-street parking requirements established in Ordinance No. 4, Series of 2007 shall remain in effect for the Business Office use.

f. Upon expiration of the Community Vitality Zone exemption established in Condition 1(d) above, the Applicant shall be required to establish a Community Vitality use on the 1st floor of the building facing Midland Avenue as required pursuant to the C-2 Downtown Business District.

g. Certain new uses may require building upgrades pursuant to the Building and Fire Codes. Upon establishment of a new use on the first floor, the business license and/or building permit shall be referred to the Fire Marshal and Building Official for review to determine if building upgrades are necessary for compliance with the applicable building and fire codes.

h. The Applicant shall remain in compliance with lighting and sign regulations.

i. Upon establishment of a new use, a recalculation of water and sewer tap fees shall be completed and payment of any additional tap fees to the Town of Basalt for water and the Basalt Sanitation District for sewer shall be required. The Applicant shall comply with any other requirements of the Basalt Sanitation District.

C. MISCELLANEOUS

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

2. The Ordinance shall be recorded in the Office of the Clerk and Recorder of Eagle County.

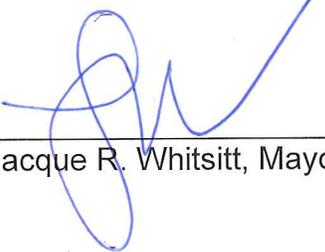
3. If any part, section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, 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 June 28, 2016 by a vote of 4 to 0 on June 14, 2016.

READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on June 28, 2016.

TOWN OF BASALT, COLORADO

By: 

Jacquie R. Whitsitt, Mayor

ATTEST:

By: 

Pamela K. Schilling, Town Clerk



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