

**Town of Basalt, Colorado
Ordinance No.15
Series of 2012**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A ONE-STEP REVIEW APPLICATION TO MODIFY THE STANDARDS THAT WOULD APPLY TO AN APPROXIMATE 9,500 SQUARE FOOT BUILDING WITH A DRIVE THROUGH ELEMENT FOR A COFFEE SHOP ON LOT 3, BLOCK 1 OF THE WILLITS TOWN CENTER PLANNED UNIT DEVELOPMENT (KNOWN AS PARKSIDE BUILDING)

RECITALS

A. Willits Town Center, LLC (Applicant) submitted a one-step review application for the property (Application) described as Lot 3, Block 1 of the Willits Town Center PUD as shown on the Second Amended Final Plat and Zone District Map of Lot 3, Block 1, Amended Tract 1, Amended Blocks 2, 6, and 8, Block 12, Transit/Government Tract, Amended Public Parking Tract, Amended Reed Street, and a Portion of Grange Street, Willits Town Center PUD recorded at Reception No. 201120959 in the Eagle County Records. The purposes of the changes are to modify the standards for drive-through uses that would apply to Lot 3, Block 1 and for minor modifications to permit the construction of a proposed approximate 9,500 square foot building proposed by Willits Town Center, LLC.

B. The Technical Review Committee ("TRC") considered the application at a TRC Meeting on August 23, 2012, and made recommendations. The TRC made a finding pursuant to Section 1.11 of the PUD Control Document that the application proceed as a "one-step" amendment.

C. At a duly-noticed public hearing on August 28, 2012 the Council considered the Ordinance on first reading, continued, and scheduled the public hearing and second reading for this ordinance for September 11, 2012, 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 scheduled for September 11, 2012 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. The Town Council finds and determines that the approvals contained in this Ordinance are consistent with the Town Code and the PUD Control

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Basalt, CO 81621

Document. 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 Basalt, Colorado, that, based on the application, reports, evidence, testimony, exhibits and comments from the public, Applicant and Town staff, it hereby makes the following findings of fact and grants the following approvals for the Willits Town Center Planned Unit Development.

A. FINDINGS OF FACT. The Town Council conclusively makes and adopts the findings and conclusions set forth above and below.

1. The application is appropriate for review as a one-step review.
2. The amendments as approved by this ordinance are in general conformity with the intent and purposes of the Development Plan for Willits WTC, as amended.
3. The amendments as included in this ordinance reasonably conform to the intent and purposes of the Basalt Master Plan.
4. Any variations from Town Code or amendments to the Development Plan approved by this ordinance are designed to accomplish the purposes of planned unit developments as described in the Town Code.
5. The amendments to the Development Plan as approved by this ordinance will compliment and be integrated into the existing development in the area and particularly within WTC.
6. The amendments to the Development Plan as approved by this ordinance will not have an adverse environmental impact, excessively increase traffic hazards or congestion, overload utilities or otherwise be detrimental to the general welfare of the community and to the WTC and will not affect in a substantially adverse manner either the enjoyment of land abutting on or across the street from the WTC or the public interest.
7. In accordance with § 24-67-106(3) (b), C.R.S., the modifications, removal or releases as approved by this ordinance are consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the planned unit developer or the public interest and is not granted solely to confer a special benefit on any person.

8. It is in the best interests of the citizens of the Town of Basalt that this application be approved as described in this ordinance.

B. APPROVAL AND CONDITIONS OF APPROVAL. The Town Council hereby approves the One Step Review Application for the Parkside Building subject to the following conditions.

General Conditions

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

CDOT Access Permit

3. Compliance with a revised access permit for Willis Lane as issued by the Colorado Department of Transportation (CDOT) along with any subsequent clarifications or amendments to that access permit is required by Condition No. 3, Exhibit A of Ordinance No. 11, Series of 2010. As the Town is responsible for monitoring compliance with this permit, the Town will not issue the building permit until one of the following occurs:

- A. Confirmation is received from CDOT that the additional trips are within the allowances permitted by CDOT Highway Access Code.
- B. An agreement is executed by the Applicant and the Town that provides that the Applicant will not lease or sell space in Willis WTC generating the number of trips resulting from this Application that are above the trip threshold outlined in the letter from Larry Thompson dated July 18, 2010 (and filed in the Access Permit file for Willis Lane) until: a new access permit is issued by CDOT; the second left onto Willis Lane is constructed; or 2A above occurs; or
- C. A new access permit is granted by CDOT and the Town determines that the development allowed by this Application is allowed by that access permit.

Use and Sign Plan

4. The drive through use is permitted for a coffee shop as represented in the Application, any additional future drive-through uses will require approval through the one-step review process. If the drive-through element of the approved application is eliminated, a site plan is required to be submitted for review before further occupancy, tenant finish, or closure of the drive-through window for review and approval under the administrative

review process established in the PUD.

5. The Applicant's sign plan is not approved. The Applicant may submit a sign plan to the Town of Basalt Planning Department after approval by the WTC Design Review Board subject to the following:

- A. Coffee Shop – 97 square feet of signage and no more than four (4) signs including the logo signs.
- B. Corner businesses other than Coffee Shop – 64 square feet of signage
- C. Other businesses – 32 square feet of sign per business as permitted by Section 7.8 of the WTC PUD.
- D. Lighting for the signs shall be fully shielded, down directed, and not internally lit.
- E. Other signage in the windows is permitted as allowed under the WTC PUD if approved by the WTC Design Review Board (DRB). However, no flashing or moving signs are allowed.
- F. For clarification, LOGOS signage is included in the above signage calculations as provided in the WTC PUD.
- G. The sign lighting requirements as adopted in Ordinance No. 14, Series of 2012 apply to this parcel.

Landscaping and Irrigation

6. Before the issuance of building permit, the Applicant shall submit a final irrigation plan and final landscape plan to the Town Horticulturist and Town Planner for approval by the Town Planner. The irrigation plan and the landscaping plan shall be amended to reflect the changes discussed in the August 23, 2012, TRC meeting with the Applicant and summarized in the email from James Lindt dated August 28, 2012, and subsequent clarification email dated August 31, 2012.

Lighting and Streetscape Plan

7. The Applicant shall locate a bear proof trash container and a recycle receptacle to be located together if possible, for the public to use adjacent to the sidewalk on East Valley Road or Triangle Park at a location agreed to by the Applicant and the Town Planner.

8. The lighting plan prepared by Alpenglow Inc. with a revision date of June 29, 2012, submitted as part of the building permit application, is approved. Administrative amendments or changes to the approved lighting plan shall comply with the Town's lighting code as amended pursuant to Ordinance No. 14, Series of 2012.

Referral Comments

9. Before issuance of a building permit, the Applicant shall satisfactorily address the comments provided by Bill Harding, Basalt and Rural Fire Protection District in his letter to Jim Wilson dated August 3, 2012 to the satisfaction of the Building Official.

10. Before issuance of a building permit, the Applicant shall satisfactorily address the comments provided by Jason Sharpe, Century Link, in his email to Susan Philp, Town Planner, dated August 8, 2012.

Miscellaneous and Legal

11. As the entry to the drive through aisle for Lot 1, Block 1 is through Block 2, the Applicant shall convey a private access easement as approved by the Town Attorney through Block 2 for the benefit of Lot 3, Block 1 and emergency responders before issuance of the building permit. This is necessary because there is no restriction from the Developer selling Lot 1, Block 1 and Block 2 to other parties. The Town prefers that the easement be shown on an amended plat for Block 2, but it is acceptable to provide that legal access to Lot 1 solely through an easement document. The Mayor of the Town of Basalt and the Town Clerk are hereby authorized to affirm the approval of the Town Council by signing and delivery for recording an amended plat for Block 2, Willits Town Center consistent with the purposes and intent of this if it is deemed advisable by the Applicant, subject to the prior review and approval by the Town Attorney.

12. Before issuance of a Building Permit the Applicant shall submit and obtain approval of Exhibit FAAS, OSP and the Parking Exhibit by the Town Planner.

13. The approvals granted herein shall be void if the building permit is not obtained by the Applicant on Block 1, Lot 3 within three (3) years of the effective date of this ordinance.

14. In the event that the Applicant and Town Staff or Attorney are not able to reach agreement on one or more of the documents required herein, the document shall be brought to the Town Council at a regular or special meeting to review the final terms and conditions thereof.

15. 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.

16. 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.

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

18. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON SEPTEMBER 11, 2012 by a vote of 5 to 2 on August 28, 2012.

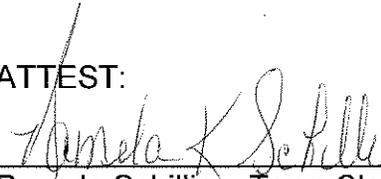
READ ON SECOND READING AND ADOPTED, by a vote of 4 to 3 on September 11, 2012.

TOWN OF BASALT, COLORADO

By:

Jacque R. Whitsitt, Mayor

ATTEST:


Pamela Schilling, Town Clerk

First Publication: Thursday, September 6, 2012
Second Publication: Thursday, September 20, 2012
Effective Date: Thursday, October 4, 2012

