

**Town of Basalt, Colorado
Ordinance No. 13
Series of 2018**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
THE COTTLE MINOR SUBDIVISION CREATING TWO (2) RESIDENTIAL LOTS
FROM THE PROPERTY AT 210 E. SOPRIS DRIVE, BASALT, COLORADO**

RECITALS

A. John and Susan Cottle (“Applicants”) filed an Application (“Application”) for a minor subdivision to create two (2) residential lots out of the existing property located at 210 E. Sopris Drive, as is more particularly described on **Exhibit A** hereto. More specifically, the Application requests to subdivide the property for the construction of a new single-family residence of approximately 2,000 square feet on the 6,000 square foot lot (Lot B) that the Applicants propose to split off from the 210 E. Sopris Drive Property. The existing residence will be maintained on a new lot of approximately 19,000 square feet (Lot A).

B. At a public hearing held on August 14, 2018, the Town Council considered the Application on first reading and continued and set a public hearing and second reading for this ordinance for August 28, 2018 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

C. At a public hearing and second reading on August 28, 2018, the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.

D. The Town Council finds that the Applicants’ 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 Applicants, 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 Applicants' request complies with the minor subdivision requirements set forth in Town Code Section 17-83, *Minor Subdivision*, subject to compliance with the conditions set forth herein, as it: i) divides the property into three (3) lots or less, ii) does not create or increase any non-conformities, and iii) the property is not under contract for purchase or owned by the Town of Basalt.

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

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicants and Town Staff, the Town Council hereby grants approval for a Minor Subdivision to subdivide the property at 210 E. Sopris Drive into two (2) lots to be developed consistent with the R-3TN Zone District requirements, 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.

Dimensional Requirements:

3. The dimensional requirements approved for the Cottle Minor Subdivision are as follows:

Dimensional Requirement	Cottle Minor Subdivision
Min. Lot Area	6,000
Building Height	24 Feet to Midpoint
Ridge Height	28 Feet
# of Stories	2

Lot Width	50 Feet
Front Yard Setback	10 Feet for Covered Porches 15 Feet for Living Areas 20 Feet for Garage Areas
Rear Yard Setback	10 Feet
Side Yard Setback	7.5 Feet
FAR	Lot A- .35:1 on lot containing existing residence; Lot B- .32:1 on newly created 6,268 sf lot allowing for 2,005 sf of floor area
Max Lot Coverage	<30%
Min Landscape	>20%
Parking	Per Town Code Requirements

4. Modular construction may be permitted within the subdivision.

Lot B Residence Design:

5. The design of the residence to be constructed on Lot B shall be generally consistent with the architectural sketches provided in the Minor Subdivision Application prepared by CCY Architects with a revision date of 8/28/18 and attached hereto as **Exhibit B**.

Construction Management Plan:

6. The Applicants shall submit a construction management plan as part of the building permit submittal that includes construction parking and dust mitigation measures and a representation that the Applicants will comply with the allowable construction hours as established in the Town Code.

Basalt Sanitation District Comments:

7. The Applicants shall demonstrate compliance with Basalt Sanitation District's rules and regulations to the satisfaction of the Town Planner prior to the installation of sanitary sewer utilities and the issuance of a building permit to

construct a new residence in the subdivision. The Applicants shall also pay tap fees and water tank surcharge for the new residence at the time of building permit issuance for the new residence to be constructed on Lot B.

Fire District Comments:

8. The Applicants shall demonstrate compliance with the comments from Assistant Fire Marshal, Brooke Stott, dated 6/5/18 to the satisfaction of the Town Planner prior to the issuance of a building permit on the new residence to be constructed on Lot B.

Electric Infrastructure Plan:

9. The Applicants shall have installed and pay for the installation costs for the necessary electrical infrastructure required by the electrical service plan prepared by Holy Cross dated 2/8/18 prior to the issuance of certificate of occupancy on the new residence to be constructed on Lot B. The final location of the new transformer to be installed on the north side of Sopris Drive shall require approval by the Town Public Works Director and the Town Planner prior to installation.

Inclusionary Housing Requirements:

10. The construction of a new residence on Lot B is exempt from inclusionary housing requirements as it will be less than 3,000 square feet pursuant to Town Code Section 16-416, *Residential Inclusionary Requirements*.

Development and Building Fees:

11. The Applicants shall pay all applicable development fees on the new residence to be built on Lot B, as calculated by the Town Planner, prior to building permit issuance, (including the payment of parkland dedication and school land dedication fees). The Applicants shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance on the new residence to be constructed on Lot B of the Subdivision.

Tree Removal Permit:

12. The Applicants shall apply for and obtain a tree removal permit prior to removing any trees from the site.

Sustainable Building Regulations:

13. The new residence to be constructed on Lot B shall comply with the Sustainable Building Regulations in effect at the time of building permit issuance as will be confirmed by the Town Building Official.

Approval Documents and Vested Rights:

14. The Applicants shall submit a Minor Subdivision Plat and Subdivision Improvements Agreement for review and approval by the Town Planner and Town Attorney. The Minor Subdivision Plat and the Subdivision Improvements Agreement shall be executed and recorded within 180 days of the effective date of this ordinance and prior to issuance of the first building permit in the subdivision. If the Subdivision Plat and Subdivision Improvements Agreement are not recorded within 180 days, the approvals for the minor subdivision are null and void. The Town Planner may approve an extension to the recording deadline. Additionally, the Applicants shall post financial security in a form approved by the Town Planner and Town Attorney for any public improvements to be installed concurrently with executing the Subdivision Improvements Agreement.
15. All documents necessary to dedicate any utility easements deemed necessary by the Town Planner shall be filed within 180 days of the effective date of the final approval. The necessary easement documents shall require review and approval by the Town Planner and Town Attorney prior to execution and recording.

Minor Amendments:

16. The TRC may approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicants shall have the ability to appeal the TRC'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. 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 Applicants.

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 August 26, 2018 by a vote of 7 to 0 on August 14, 2018.

READ ON SECOND READING AND ADOPTED by a vote of 5 to 0 on August 28, 2018.

TOWN OF BASALT, COLORADO

By: 
Jacques R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk



Ord13- CottleMinorSubdivision.doc

First Publication: Thursday, August 23, 2018
Final Publication: Thursday, September 6, 2018
Effective Date: Thursday, September 20, 2018

Exhibit A

Legal Description

Parcel 1:

Lot 1, block B and Lot 1, Block 5, Town of Basalt

Parcel 2:

Lots 2, 3, 4, and 5, Block 5, Town of Basalt

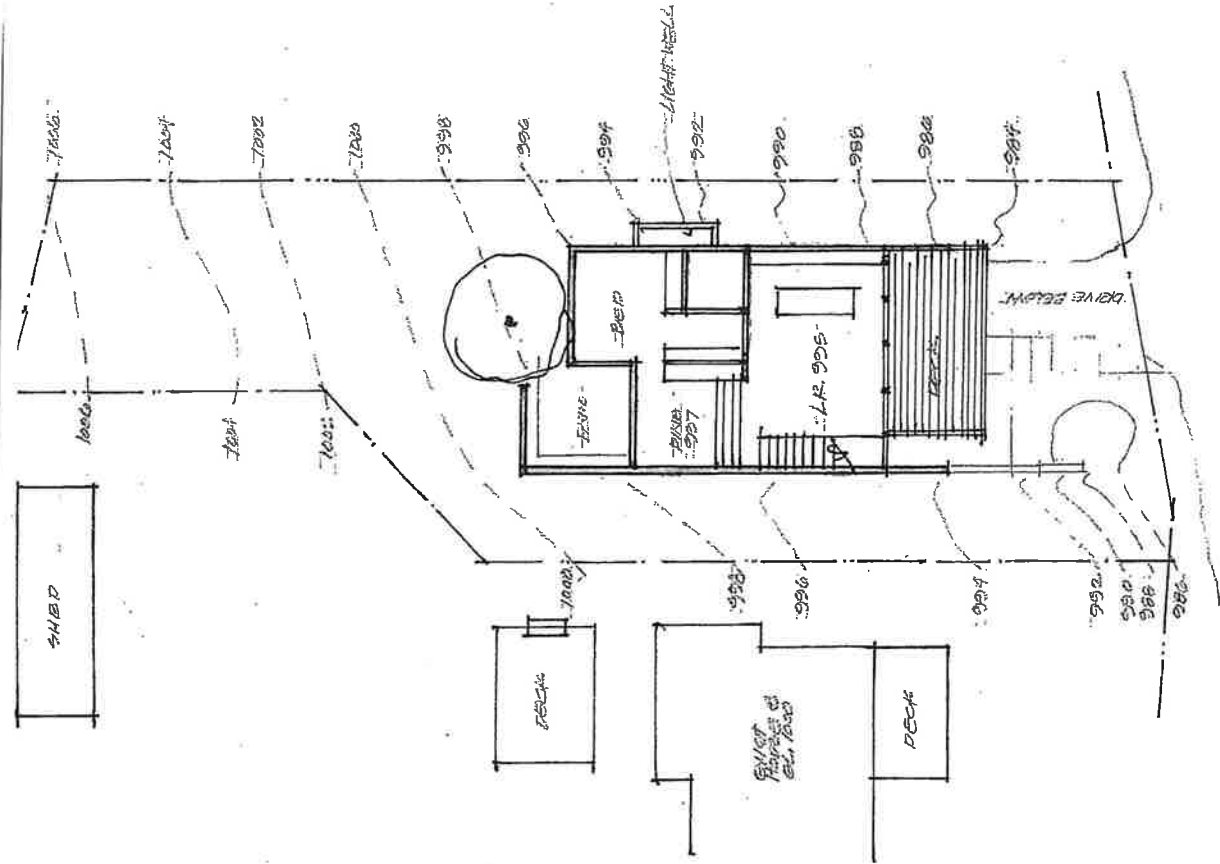
Except that portion conveyed to the Town of Basalt by deed recorded May 26, 1995 in Book 668 at Page 96

Parcel 3:

Tract A, Basalt Ridge, According to the Plat thereof filed August 2, 1988 in Book 488 at Page 259

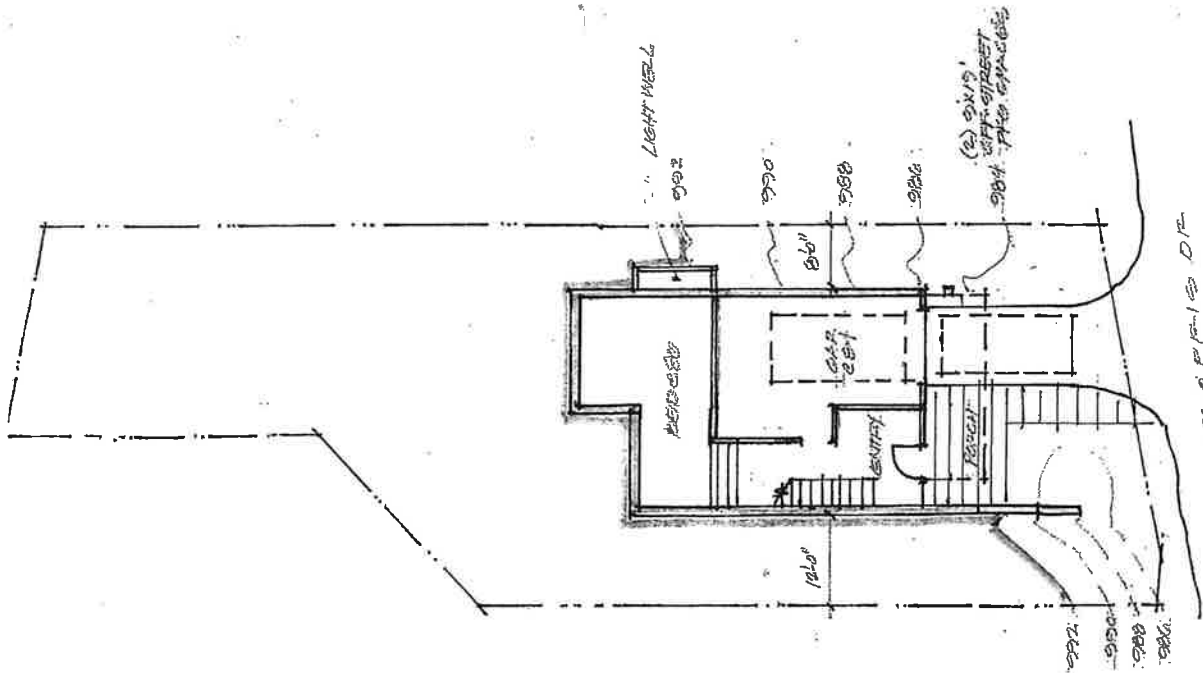
County of Eagle
State of Colorado

Exhibit B

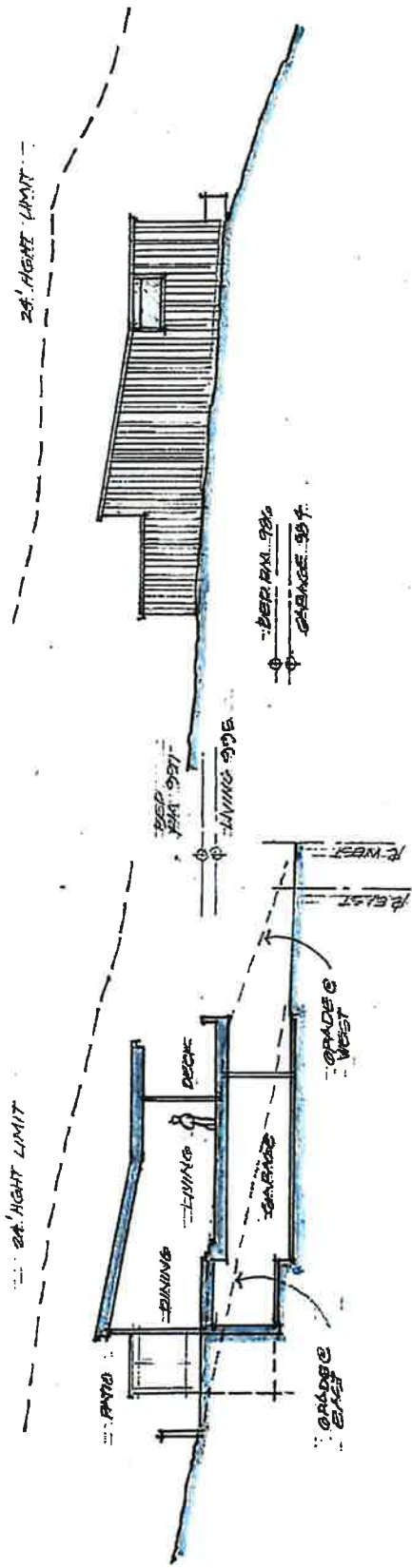


MAIN LEVEL

SITE & FLOOR PLANS



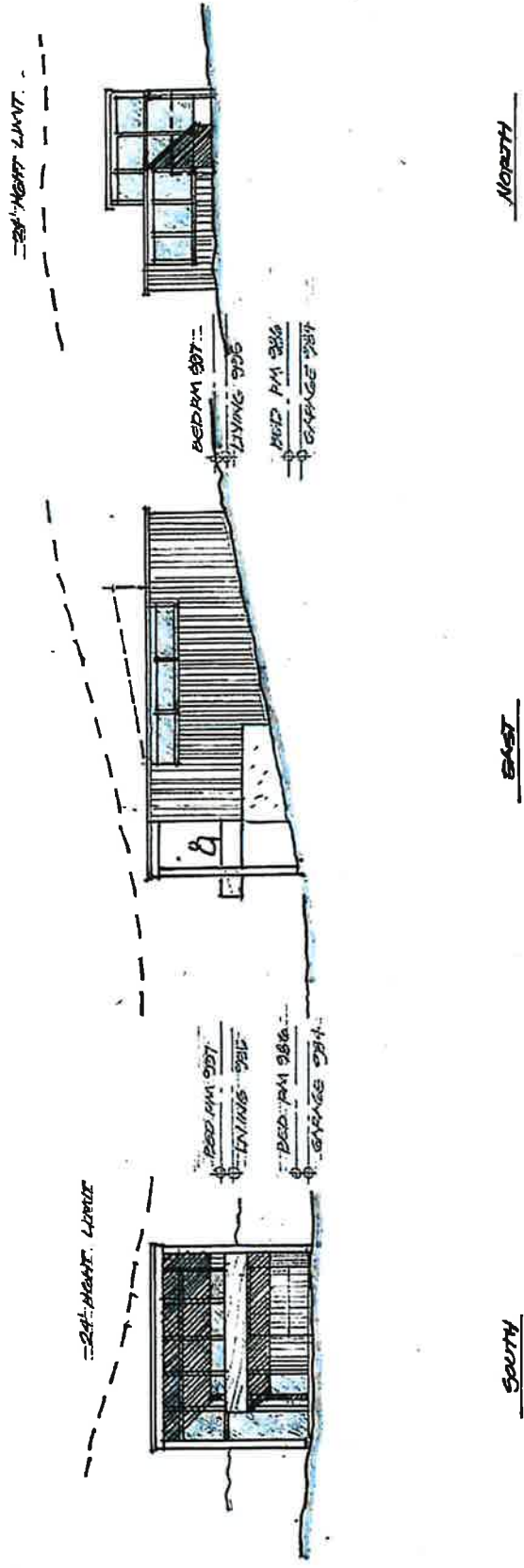
LOWER LEVEL



BUILDING SECTION

WEST ELEVATION

BUILDING SECTION + ELEVATION
 210 S. SORFIS DR. C/M REVISED AUG 28 2018



BUILDING ELEVATIONS 3' x 15' 2"
 216 SOPSIS DR 3/11/16 REVISED AUG 28, 2016