

**Town of Basalt, Colorado
Ordinance No. 14
Series of 2018**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING A PUD AMENDMENT TO THE MID-VALLEY
BUSINESS CENTER PUD AND SPECIAL REVIEW APPROVAL FOR THE
OPERATION OF A NAIL SALON AT 20 SUNSET DRIVE, UNIT #7, BASALT,
COLORADO (GARBER APPLICATION)**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant PUD amendments and Special Review approvals. Ismael Garber ("Applicant") applied to the Town in July Of 2018, requesting approval of a PUD Amendment and Special Review to operate a nail salon at 20 Sunset Drive, Unit #7, Basalt, Colorado, as more specifically described in **Exhibit A** attached hereto.

B. The Planning and Zoning Commission considered the application at a public hearing held on August 7, 2018. Throughout the meeting, evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the proposed application with conditions.

C. At a public meeting held on August 28, 2018, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public. At the public meeting held on August 28, 2018, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for September 11, 2018, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. 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 this Ordinance is reasonable and consistent with the Town Code. 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:**

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

A. FINDINGS. The Town Council hereby incorporates by reference and conclusively makes the findings provided herein.

1. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions identified in this Ordinance.
2. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town staff, the Town Council finds and determines in accordance with Sections 16-44(e) and 16-72 of the Town Code, as follows:
 - a. 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.
 - b. The Application satisfies the requirements of Section 16-44(e), Town Code, provided the Applicant adheres to the conditions herein, because the Application is in general compliance with the Town Code; the proposed use is compatible with the character of the surrounding area; the proposed use is generally desirable and needed in this area; the proposed use does not create significant potential for adverse environmental influences; the proposed use is compatible with the Town Master Plan; there is no encroachment of development on the property in areas with slopes in excess of 30%; and the proposed use is compatible with the natural characteristics and constraints of the Property.
 - c. The Application is consistent with the standards of review found in Section 16-72, provided the Applicant adheres to the conditions herein, because the Application is consistent with the Town Master Plan; it will not have environmental impacts such as traffic hazards and will not overload utilities or otherwise be detrimental to the general welfare of the community; and the proposal will complement and be integrated with the existing development in the area.

B. CONDITIONS.

A PUD Amendment and Special Review to operate a Nail Salon at 20 Sunset Drive, Unit #7 is hereby approved, 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.

PUD Amendment:

3. The following language is being added to the table of uses in the Mid-Valley Design Center PUD as a Special Review Use:

“Nail Salon.”

The Applicant shall prepare an updated list of uses for the PUD that will be attached to a TRC Certificate to be drafted by Town Staff for recording at the Eagle County Clerk and Recorder’s Office.

Lighting and Signage:

4. All exterior lighting and sign lighting shall comply with the Town Code. All sign lighting shall be turned off by the earlier of 11 PM or one-half hour after the business closes.
5. The Applicant shall submit a sign permit application and receive approval of the signage by the Planning Department prior to commencing the nail salon business operations.

Mid-Valley Metro Conditions:

6. Prior to the issuance of the business license and commencing the nail salon operations, the Applicant shall demonstrate compliance with the Mid-Valley Metro District’s rules and regulations to the satisfaction of the Town Planner.

Fire District Conditions:

7. The Applicant shall demonstrate compliance with the comments provided by Assistant Fire Marshal, Brooke Stott, dated July 24, 2018 to the satisfaction of the Town Planner prior to issuance of the business license and commencing the nail salon business operations.

Odor Mitigation:

8. Odor generated from the use shall not be transmitted off the property. After commencing operations, if it is determined at the sole discretion of the Town that odor is being generated by the use that can be detected outside of the property boundaries, then the Applicant shall submit and implement an odor mitigation plan for review, and approval by the Town within 30 days of being provided notice by the Town that an odor mitigation plan is needed.

Special Review Site Plan:

9. The Applicant shall comply with the Special Review Site Plan submitted as part of the Special Review Application and attached hereto as **Exhibit "B"**.

Vested Rights:

10. A nail salon shall commence business operations in the Unit #7 at 20 Sunset Drive within three (3) years of the effective date of this ordinance or the Special Review Approval shall be null and void.

Minor Amendments:

11. The TRC may review and approve of minor amendments to the approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a TRC decision on a minor amendment to the Town Council at a public meeting in which (15) days written notice of the public meeting has been provided to the appellants.

C. MISCELLANEOUS.

1. 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 owner of the Property.

2. This Ordinance, after fully executed, 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 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 September 11, 2018 by a vote of 6 to 0 on August 28, 2018.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 0 on September 11, 2018.

TOWN OF BASALT, COLORADO

By: 
Jacque R. Whitsitt, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk

Ord14-NailSalon.doc



First Publication: Friday, September 7, 2018
Final Publication: Thursday, September 20, 2018
Effective Date: Thursday, October 4, 2018

Exhibit A

Legal Description

Unit 7, of the Mid-Valley Design Center Condominiums, as shown on the Condominium Plat of the Mid-Valley Design Center Condominiums Recorded at Reception No. 723356 in the Eagle County Clerk and Recorder's Office.

Exhibit B

