

RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A SKETCH SITE PLAN REVIEW, SKETCH ENVIRONMENTALLY SENSITIVE AREA (ESA) REVIEW, SKETCH REACH II FLOODPLAIN REVIEW, AND SKETCH PLAN APPROVAL OF PUD AMENDMENTS TO CONSTRUCT A RESIDENTIAL APARTMENT PROJECT ON LOT J, BASALT COMMERCIAL PARK SUBDIVISION/PUD, BASALT, COLORADO

**Town of Basalt, Colorado
Resolution No. 02
Series of 2021**

RECITALS

1. On November 6, 2020, Fork Front Basalt, LLC ("Applicant") submitted a completed application for sketch site plan review approval and associated development review actions, including Environmentally Sensitive Area (ESA) Review, ESA Reach II Floodplain Review and Sketch Plan approval for PUD Amendments to amend the building height and allowable uses on the Property (the "Application") for the development of a twelve (12) unit residential apartment building on Lot J of the Basalt Commercial Park Subdivision/PUD. The property subject to the Application is more specifically described as Lot J of the Basalt Commercial Park Subdivision/PUD as described in the deed recorded at Reception No. 612805 in the records of the Clerk and Records Office of Pitkin County.

2. The Planning and Zoning Commission reviewed the Application and conducted public hearings at their December 15, 2020 and January 5, 2021 meetings and recommended approval, with conditions.

3. The Basalt Town Council considered the application at a public hearing on January 26, 2021. Throughout the meeting, evidence and testimony was offered by the Applicant, staff, and members of the public.

4. The Basalt Town Council finds that the Applicant's request described herein to be consistent with the applicable provisions of the Town Code and the 2020 Basalt Master Plan.

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

1. The Town Council incorporates the above recitals, representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes

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

all of the findings of fact, determinations, and conclusions contained herein for the purposes of sketch plan approval.

2. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Town Council hereby approves the Sketch Plan Application, subject to the conditions contained in **Exhibit "A"** hereto.
3. As the Town of Basalt's Sketch Plan approval does not create any vested rights, a final plan application shall be required to be approved by the Town Council to obtain vested rights.
4. This Resolution shall be recorded with the Offices of the Clerk and Recorder of Pitkin County.
5. This approval shall not form the basis for any actionable reliance for the Applicant and shall not create any obligation for the Town Council to provide later approvals on the Property.

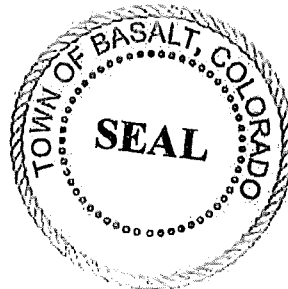
READ AND ADOPTED by a vote of 6 to 0 on January 26, 2021.

TOWN OF BASALT, COLORADO

By: *William Kane*
William G. Kane, Mayor

ATTEST:

By: *Pamela K. Schilling*
Pamela K. Schilling, Clerk



**Exhibit A
 Conditions of Approval**

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 Amendments:

3. The Applicant's request to amend the PUD to permit residential use on the first floor is approved. The Applicant's request to increase the allowable building height to thirty-two (32) feet from proposed grade on Lot J of the Basalt Commercial Park PUD is not approved, but the Applicant may request thirty-two (32) feet as part of the Final Plan Application for consideration if the Applicant provides a proposal for additional community benefit. Photovoltaic panels may exceed the maximum building height pursuant to Town Code Section 16-182, *Maximum height requirement exceptions*. As part of the Final Plan Application, the Applicant must identify the magnitude of the height exemption for photovoltaic panels that will be needed to obtain the anticipated performance from the panels.

Dimensional Requirements:

4. The dimensional requirements approved for the Sketch Site Plan are as follows:

| Dimensional Requirement | |
|-------------------------|-----------------------------------|
| Min. Lot Area | 6,000 SF per the PUD |
| Building Height | See Condition #3 above |
| # of Stories | 3 |
| Lot Width | Per the PUD |
| Front Yard Setback | Per the Platted Building Envelope |
| Rear Yard Setback | Per the Platted Building Envelope |
| Side Yard Setback | Per the Platted Building Envelope |
| Landscaped Open Space | 20% Per the PUD |
| FAR | .83:1 |

| | |
|-----------|--|
| Unit Size | The unit sizes shall be as shown on the floor plans included in the Sketch Plan Application Addendum dated 12/28/20* |
|-----------|--|

*- A condition will be included in the Final Plan approvals requiring that the units not be combined or condominiumized.

Exterior Materials, Architectural Design, and Colors:

5. The Applicant shall submit details on the exterior materials as part of the Final Plan Application.
6. The Final Plan Application shall be consistent with the character and colors shown on the revised sketch plans dated 12/28/20.

Parking:

7. The parking in the Final Plan Application shall be consistent with the revised site plan dated 12/28/20 as amended by Town Staff to include twenty-six (26) parking spaces, including two tandem parking spaces. The Final PUD Plan Application may also include a request to reduce the required parking by two (2) guest parking spaces to twenty-four (24) parking spaces through the PUD amendment for consideration if the Applicant proposes additional community benefit. Additionally, the Applicant shall submit a parking management plan as part of the Final Plan Application that includes, at a minimum, a green ride surcharge similar to that required of Block 11, Willits Town Center, a prohibition against storing anything other than an operable vehicle in the parking spaces, and other provisions to ensure that the parking does not negatively impact other developments in the area. During the Final Plan Application review consideration shall be given to whether the Applicant is required to pay the green ride surcharge or whether it can be incorporated into the rent on the units. The Applicant shall also study the location of the handicapped parking space with the Building Department and Planning Department prior to submitting the Final Plan Application to make sure that it is in the optimal location.

Affordable Housing:

8. The Final Plan Application shall include three 2-bedroom affordable housing units consistent with the floor plans dated 12/28/20. The final plan application

shall include draft Category 2 deed restrictions for consideration during the Final Plan Review.

Development and Building Fees:

9. The Applicant shall pay all applicable development review fees, as calculated by the Town Planner, prior to building permit issuance, (including but not limited to the payment of parkland dedication and school land dedication fees). The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

Daycare Fee:

10. The Applicant or successors shall pay a daycare fee to the Town at the time of building permit issuance based on the following schedule:

| | |
|---------------------------|---------|
| One-bedroom or Efficiency | \$0 |
| Two-bedroom | \$2,220 |
| Three-bedroom | \$4,424 |
| Four-bedroom | \$6,624 |

Car/Bike Share Fee:

11. The Applicant or successors shall pay \$250 per dwelling unit at the time of building permit issuance to the Town for use in implementing a carshare program or other green initiative, like WE-Cycle, at the discretion of the Town Council.

Construction Management Plan:

12. The Applicant shall submit construction management plan in conjunction with the Final Plan Application. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant will comply with the allowable construction hours as established in the Town Code. The construction trailer shall not house workers overnight. In the construction management plan the Applicant shall address construction management items in a similar manner to the way construction management was addressed in the 2006 approvals for the Property. The Applicant shall also submit a tree protection plan as part of the Final Plan Application and include permanent bollards or other methods to protect the significant Ponderosa Pine to be preserved are advisable prior to Final Plan Application submittal.

Pets:

13. The Applicant shall submit a proposal as part of the Final Plan Application for how they would like to address pets.

Fire Protection Authority Comments:

14. The Applicant shall demonstrate compliance with the comments provided by Assistant Fire Marshal, Brooke Stott, dated September 11, 2020 as part of the Final Plan Application.

Basalt Sanitation District Comments:

15. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations and compliance with Basalt Sanitation District Engineer, Adam Racette's comments dated September 16, 2020 as part of Final Plan Application. The Applicant shall also pay tap fees for each unit at the time of building permit issuance.
16. The Applicant shall submit a request for and obtain a variance from the Basalt Sanitation District Board to have shared sanitary sewer service lines prior to submittal of the Final Plan Application. The Town Planner may permit the submittal of the Final Plan Application before the Sanitation District's approval of the variance if it is demonstrated to the satisfaction of the Town Planner that the Applicant has been working with the Sanitation District toward obtaining the necessary Sanitation District approval at the time of Final Plan submittal.

ESA Floodplain Reach II:

17. The Applicant shall include the necessary hydrological analysis for a final determination on the ESA Reach II Floodplain review request as part of the Final Plan Application materials.

Accessibility:

18. The Applicant shall meet with the Town Building Official prior to the submittal of a Final Plan Application to ensure that the units sufficiently satisfy the ADA accessibility requirements.

Environmental/Green Building:

19. The Applicant shall demonstrate compliance with the Town's SBR regulations as part of the Final Plan Application.

20. The Applicant shall demonstrate compliance with the Town's Wildfire Mitigation requirements as part of the Final Plan Application.

Exterior Lighting Plan:

21. The Applicant shall submit an exterior lighting plan demonstrating compliance with the Town's lighting code as part of the Final Plan Application. In formulating the exterior lighting plan for the Lot J area, the Applicant shall strive for creating a balance between adhering to the comments from the neighboring Basalt River Loft Owners about limiting lighting, while ensuring that there is sufficient lighting for pedestrians and residents in this area to feel comfortable walking through the area to transit and other services.

Mail and Trash:

22. The Applicant shall meet with the representatives from the Post Office and the local trash service that they plan on using to service the building prior to submittal of the Final Plan Application to ensure that the mail and trash, recycling, and compost facilities are located in an acceptable manner.

Emergency Access and Public Easement:

23. For clarity purposes, the existing emergency access and public easement on Emma Road shall be adjusted as part of the Final Plan Application to follow the area on which Emma Road is extended to the east and it shall extend to the property line of the Town-owned Lot K on the eastern extent of Lot J.

Vested Rights:

24. Approval of the Sketch Site Plan Review for the multi-family residential project to be constructed on the subject site does not grant vested property rights. Vested Rights for the Final Site Plan Review approval are granted at the time of Final Plan Review. The Final Site Plan Review Application shall be submitted within one year of approval of the Sketch Plan Application or the sketch plan approval shall be null and void. The Town Planner may approve extensions to the sketch plan approval in writing.