

**Town of Basalt, Colorado  
Ordinance No. 17  
Series of 2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING REZONING TO THE P (PUBLIC) ZONE DISTRICT,  
SITE PLAN REVIEW APPROVAL, A COMMUNITY HOUSING MITIGATION  
WAIVER, AND ESTABLISHMENT OF DIMENSIONAL REQUIREMENTS IN  
THE P (PUBLIC) ZONE DISTRICT, INCLUDING AN OFF-STREET PARKING  
REDUCTION FOR AN EXPANSION TO ST. VINCENT'S CHURCH LOCATED  
AT 240 MIDLAND AVENUE, BASALT, COLORADO**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to rezone property and grant site plan review approval, community housing mitigation waivers, and to establish allowable dimensional requirements in the P (Public) Zone District. St. Vincent's Church and the Archdiocese of Denver ("Applicants") applied to the Town for an expansion to the existing St. Vincent's Church at 240 Midland Avenue, Basalt, Colorado. The subject property is more specifically described on Exhibit "A" attached hereto.

B. The Planning and Zoning Commission considered the application at a public hearing held on August 4, 2020. Throughout the meeting, evidence and testimony was offered by the Applicants, Staff, and members of the public. The Planning and Zoning Commission recommended that the Town Council approve the development review requests, subject to conditions.

C. At a public hearing held on August 25, 2020, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. At the public hearing held on August 25, 2020, the Town Council considered this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for September 8, 2020 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 on September 8, 2020, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, 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 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:**

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

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code Section 16-6 for the purpose of a zone district change, Section 16-28 and Section 16-111 for the purposes of Site Plan Review approval and approving the development standards for a site in the P-Public zone district, and C.R.S. § 29-20-303 for the purpose of adequate water supply:

2. The application conforms to the provisions of Article 16 of the Town Code provided that the conditions contained in this ordinance are satisfied.

3. The development will not have an adverse environmental impact, such as excessively increasing traffic hazards or congestion, overloading utilities or otherwise being detrimental to the general welfare of the community.

4. Based on information provided by the Applicants, upon compliance with the conditions contained herein, there is adequate water supply to accommodate the development pursuant to C.C.R. 29-20-303.

5. The development will complement and be integrated with the existing and approved, but not yet existing development in the area.

6. The development satisfies the requirements for a community housing mitigation waiver for development in the P (Public ) Zone District.

7. Based on the evidence, testimony, exhibits, and comments from the public, Applicants, Town Staff, and the Town P&Z, the Town Council finds and determines that the proposed development is generally consistent with the 2020 Basalt Master Plan, subject to compliance with the conditions contained herein.

B. APPROVAL AND CONDITIONS.

Rezoning of the St. Vincent's Property at 240 Midland Avenue from C-2 to the P (Public) Zone District is hereby approved. Additionally, the St. Vincent's Site Plan Review, Community Housing Mitigation Waiver, and Establishment of Dimensional

Requirements for a 2,400 square foot expansion to St. Vincent's Church is hereby approved, 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.

**Approved Plans:**

3. The Applicant shall construct the expanded church pursuant to the site improvements plan prepared by Brad Elliott Architect dated 7/28/20 as amended by these conditions and the elevation drawings prepared by Brad Elliott Architect updated on 7/28/20. The Applicant shall submit final civil engineering drawings for review and approval by the Town Planner prior to executing a final site plan for recording. The final civil engineering plans shall comply with Best Management Practices on storm drainage and water quality.
4. The dimensional requirements approved for the expanded church facilities are as follows:

Dimensional Requirement	Approved Site Plan
Building Height	19' to Ridge of new addition*
# of Stories	1
North Setback	Existing- 22' 6"
South Setback	13' to new expansion
East Setback	Existing- 4 Feet
West Setback	12 Feet
Floor Area	8,330 sf
Off-Street Parking	4 Spaces

\*Photovoltaic panels may exceed the height requirements per Town Code (see Condition No. 7)

5. The approved use of the property is a church as defined in Town Code Section 16-4, *Definitions*.

**Rezoning:**

6. The property being rezoned to the P (Public) Zone District is the property included within the boundaries of the St. Vincent's Church Property as it may be adjusted over time or determined by a court of competent jurisdiction in the future. While the Applicant is not required to fully and finally resolve the property boundary issues identified on the survey included in their Application because it does not impact the logistical operations on the site, it is recommended that the Applicant takes steps to try and resolve the property boundary issues.

**Green Building:**

7. The Applicant shall demonstrate compliance with the Town's Sustainable Building Regulations prior to the issuance of a building permit. Additionally, if photovoltaic panels are proposed to comply with the renewable energy requirements, the Applicant shall submit a plan for how the photovoltaic panels are going to be oriented on the roof for review and approval by the TRC prior to the issuance of a building permit. The TRC may issue approval for the height of the photovoltaic panels to exceed the height of the structure by up to ten (10) feet pursuant to Town Code Section 16-182, *Maximum height requirement exceptions*.
8. The Applicant shall mitigate for lead paint and asbestos in demolishing the existing rectory house in the instance that the Applicant's testing demonstrates the presence of lead paint and asbestos.

**Community Housing Mitigation Waiver:**

9. The community housing mitigation is waived pursuant to the authority provided in Town Code Article XIX, Chapter 16.

**Access and Parking:**

10. The Applicant shall submit a signage plan for cautionary signage related to the narrowness of the driveway for review and approval by the TRC prior to the issuance of a building permit.
11. The TRC may authorize approval of a future application to combine the Church's driveway with the neighboring driveway to the west if such an arrangement is consented to by both property owners in the future. If the existing fence between the Church property and the property to the west is to be removed and replaced with a new fence, a plan for the new

fence shall be submitted for review and approval by the TRC prior to removal of the existing fence.

12. The Applicant shall maintain an arrangement with the Roaring Fork School District to allow for parking for large special events at the Church to be conducted at the Elementary/Middle School parking lots. In the instance where the Church is not permitted by the School District to park in the Elementary/Middle School parking lot for a large special event, the Applicant shall make other arrangements for off-site parking and obtain approval for such arrangements from the Town Planner.

#### **Tree Protection Plan and Fencing:**

13. The Applicant shall submit a tree protection plan for review and approval by the TRC prior to the issuance of a building permit to protect the mature tree that is located on the western property line and the spruce tree in the front yard during construction. The tree protection plan shall include the installation of tree protection fencing that shall be required to be installed prior to commencing construction activities on the site and inspected by the Town Planning Staff to preserve the tree at the western property boundary and the spruce tree in the front yard that the Applicant shall preserve during and after construction. Additionally, a tree removal permit shall be obtained by the Applicant prior to removing any other trees from the site.
14. The Applicant shall construct a six (6) foot tall, wood privacy fence or lower privacy fence if the residential property owners desire a lower fence at the rear of the property prior to the issuance of the certificate of occupancy on the expansion to the church. The wood privacy fence shall be placed on the lot line that is recognized as the most restrictive to the church unless the property boundary issues are resolved as discussed in Condition No. 6. If the property boundary issues are resolved, then the Applicant may place the privacy fence on the adjusted lot line.

#### **Signage and Lighting:**

15. Prior to installing new signage the Applicant shall submit a sign plan for review and approval by the TRC and obtain a sign permit. Any new signage shall comply with the C-1 Zone District sign requirements as are established as the allowable base signage requirement for properties in the P (Public) Zone District.
16. The Applicant shall comply with the Town's exterior lighting requirements.

**Bat Preservation:**

17. Prior to demolishing the rectory house, the Applicant shall install one-way bat doors so that the bats cannot re-enter the rectory house when they leave. Additionally, the Applicant shall install a bat box elsewhere on the property prior to the demolition of the rectory residence so that there is an alternative place for the bats to live when they are displaced by the construction.

**Snow Storage Plan:**

18. The Applicant shall submit a snow storage plan for review and approval by the TRC prior to the issuance of a building permit.

**Future Childcare Application:**

19. A future application for an accessory childcare use in the church may be approved by the Planning and Zoning Commission by Resolution after a public hearing without review by the Town Council. Any future accessory childcare use would at a minimum need to address parking, drop-off/pick-up, and outdoor recreational space.

**Technical Considerations:**

20. The Applicant shall demonstrate compliance with the Roaring Fork Fire Protection Authority comments dated 6/24/20 to the satisfaction of the Town Planner prior to the issuance of a building permit. Additionally, the Applicant shall demonstrate compliance to the satisfaction of the Town Planner with the wildfire hardening techniques currently being considered for adoption by the Town in Ordinance No. 16, Series of 2020, prior to the issuance of a building permit.
21. The Applicant shall demonstrate compliance with the Basalt Sanitation District comments dated 7/7/20 to the satisfaction of the Town Planner prior to the issuance of a building permit. The Applicant shall also pay all applicable Sanitation District fees prior to the issuance of a building permit.

**Building Permit and Development Fees:**

22. The Applicant shall pay all applicable development review and development impact fees as calculated by the Town Planner, prior to building permit issuance and through construction. The Applicant shall

also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

**Construction Management Plan:**

23. The Applicant shall submit a final construction management plan for review and approval by the Town Planner and Town Building Official prior to commencing construction activities on the site, including prior to demolishing the rectory house. 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 parking and staging shall be completely on the site. The Applicant shall maintain the existing fence between the subject property and the property to the west during construction. Additionally, the Applicant shall erect construction fencing that includes barrier cloth around the location of the addition for the duration of the construction with adjustments permitted by the Town Planner to ensure that sight lines from the neighboring driveway and to the church entrance are maintained.

**Approval Documents:**

24. The Applicant shall prepare a final site plan for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit.

25. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the approvals, including a public improvements agreement and financial security for the public improvements to be completed by the Applicant in a form determined acceptable by the Town Attorney. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance, or the site-specific development approvals granted herein shall be null and void unless extended by the Town Planner.

**Vested Rights:**

26. The vested property rights for the final site plan approval shall be three (3) years from the effective date the approval ordinance. The Applicant shall obtain a building permit on the church expansion within three (3) years of the effective date on this ordinance or the site-specific development approvals granted herein will be null and void.

**Insubstantial Amendments:**

27. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner'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 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 8, 2020 by a vote of 6 to 0 on August 25, 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on September 8, 2020.

TOWN OF BASALT, COLORADO

By:   
William G. Kane, Mayor



ATTEST:

  
\_\_\_\_\_  
Pamela K. Schilling, Town Clerk

First Publication: September 3, 2020  
Final Publication: September 17, 2020  
Effective Date: October 1, 2020

Exhibit "A"

Legal Description

THAT PART OF LOT 34 IN BLOCK 3, IN THE TOWN OF BASALT, EAGLE COUNTY, COLORADO DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER RUNNING 111.5 ' NORTH, THENCE WESTERLY TO THE WEST LINE OF LOT 34, THENCE SOUTHERLY 129.7' ALONG THE WEST LINE OF LOT 34 TO THE SOUTHWEST CORNER, THENCE ALONG THE SOUTHERLY LINE OF LOT 34 TO THE POINT OF BEGINNING AND THE SOUTH ½ OF LOTS 35 AND 36, BLOCK 3, TOWN OF BASALT, EAGLE COUNTY, COLORADO.