

**Town of Basalt, Colorado
Ordinance No. 08
Series of 2009**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING APPROVAL FOR REZONING AND SITE PLAN
REVIEW TO EXPAND THE EXISTING EQUIPMENT BAYS, TO CONSTRUCT
STAFF QUARTERS, AND TO CONSTRUCT FOUR RESIDENTIAL UNITS AT
BASALT FIRE STATION 41, LOT 1 OF THE BASALT AND RURAL FIRE
PROTECTION SUBDIVISION EXEMPTION, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Rezoning and Site Plan Review for the construction of additions to Basalt Fire Station 41 on the property legally described as Lot 1, of the Basalt and Rural Fire Protection Subdivision Exemption, Town of Basalt, County of Pitkin, which is more particularly described in Exhibit "A" attached hereto (the "Property"). The Basalt and Rural Fire Protection District is the Applicant.

B. At a duly-noticed public hearing held on April 21, 2009, the Planning and Zoning Commission considered the application and continued the public hearing to May 5, 2009. At the continued public hearing on May 5, 2009, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public. The Planning and Zoning Commission recommended approval of the application with conditions.

C. At a duly-noticed public hearing on June 9, 2009, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for June 23, 2009, 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 June 23, 2009, 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. 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 above recitals.

B. APPROVAL AND CONDITIONS OF APPROVAL. The Town Council hereby approves the Basalt Fire Station 41 application for Rezoning, Site Plan Review for Lot 1, of the Basalt and Rural Fire Protection Subdivision Exemption, in the Town of Basalt, subject to the following conditions:.

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.
3. The dimensional requirements established for the fire station property are as follows:

Dimensional Requirement	Proposed Development
Minimum Lot Area	.99 Acres
Maximum Building Height	Fire Station- 24 feet, the existing siren tower will be maintained at 50 feet above existing grade. Residential- 24 feet to the midpoint and 28 feet to the ridge of a pitched roof for proposed additions as measured using the Town Code Building Height Methodology.
Maximum Number of Stories	2
Front Yard Setback	50 feet from property line adjacent to Two Rivers Road
Rear Yard Setback	15 feet
Side Yard Setback	15 feet
Maximum FAR	.35:1
Maximum Lot Coverage	60%

4. The permitted and special review uses for the fire station property shall be those uses listed in Town Code Section 16-28(3), *Supplemental regulations for "P" Public Zone District: Uses*, which would include a fire station, administrative offices, and deed-restricted housing.

5. The Applicant shall submit a revised landscaping plan that addresses the Town Horticulturist's comments prior to the building permit issuance for Phase 1.
6. The four (4) community housing units shall be deed-restricted rental units. The Basalt and Rural Fire Protection District shall be able to select the occupants of the housing units. The income, asset, and employment requirements set forth in the Community Housing Guidelines shall be waived for occupants that are District employees, volunteer firefighters, or EMTs.

In the event that the District cannot find District employees, volunteer firefighters, or EMTs willing to rent the units, the District can rent the units to critical Town employees as a second occupancy priority. There shall be no income or asset requirements for critical Town employees renting the units. Finally, if the District rents the units to employees that are not District employees, firefighters, EMTs, or critical Town employees, they shall be rented as Category 3 rental units pursuant to the Community Housing Guidelines in effect at the time of rental. Renters that are not District employees, volunteer firefighters, EMTs, or critical Town employees shall be qualified through the Town's Housing Administrator or designee.

7. The Applicant shall prepare deed restrictions for the residential units for the review and approval of the Town Attorney prior the issuance of a building permit for Phase 1. The deed restrictions shall include a provision that if the units are rented to employees that are not employed by the Basalt and Rural Fire Protection District or that are not volunteer firefighters, EMTs, or critical Town employees, the units shall be rented as Category 3 units pursuant to the requirements in the Community Housing Guidelines in effect at the time of rental. The units shall not be subdivided and sold separately without Town approval.
8. As part of the building permit application for Phase 3, the Applicant shall also submit a plan for an overhang above the compilation of windows to prevent the interior light from filtering upward. The plan for the overhang shall require review and approval by the TRC prior to issuance of a building permit for Phase 3.
9. The Applicant shall install a fire sprinkler system meeting the requirements of the Fire Marshal.
10. The Applicant shall submit a detailed signage plan for review by the TRC for compliance with the signage regulations for the C-1 Zone

District established in Town Code Chapter 16, Article VII, *Signs*. The TRC shall review and approve of a signage plan prior to the issuance of a building permit for Phase 1 of the development.

11. The TRC shall evaluate whether the parking is working prior to the issuance of a building permit for Phase 3 of the development. In this evaluation, if the TRC determines that several of the on-street parking spaces on School Street need to be signed for use of the Fire District, then the Applicant shall be required to pay the Town the cost of purchasing the signs. The Applicant shall not sign any of the on-site parking spaces for a specific use.
12. The Applicant shall construct a five (5) foot wide sidewalk in the School Street right-of-way for the length of the property. The Applicant shall also install a crosswalk across School Street from the western property line to the intersection on the north side of School Street. The crosswalk shall be made of thermo plastic and plans shall be reviewed and approved by the Town's Public Works Director prior to issuance of a building permit on Phase 1 of the development.
13. The Applicant shall amend the floor plans and site plan to eliminate the proposed consolidated dumpster and create a storage space for individual roll out trash cans prior to the issuance of a building permit for Phase 1 of the development. The need for a consolidated dumpster will be re-evaluated by the Fire District and the Town prior to the issuance of a building permit for Phase 3 of the development. If it is determined by the TRC that a consolidated dumpster is required, the location of the dumpster shall be reviewed by the TRC prior to the issuance of a building permit for Phase 3.
14. The vehicular access to the site is approved from Two Rivers Road and include a straight sidewalk adjacent to Two Rivers Road. The access shall have a curb layout approved by the TRC that is generally consistent with the Access Alternative Drawing prepared by Town Engineer, Larry Thompson, dated 4/22/09.
15. The Applicant shall install a caution sign adjacent to the trail that has a sensor system to light up the caution sign when vehicles are exiting the site. The Applicant shall submit a cut sheet and site plan for the signage system to be reviewed and approved by the TRC prior to the issuance of a building permit for Phase 1.
16. The Applicant shall submit a geotechnical report and final drainage study for review by the Town Engineer prior to the issuance of the Phase 1 Building Permit.

17. The Applicant shall submit a site plan as part of the Phase 1 building permit application that does not include any part of the heated apron in the water line easement that exists on the west side of the building.
18. The Applicant shall submit a revised site plan that shows the relocation area for the flagpole outside of the waterline easement prior to issuance of a building permit for Phase 1. The revised site plan shall require review and approval by the TRC.
19. The Applicant shall be required to pay all applicable impact fees, with the exception that the project shall be exempted from the special improvements fee and half of the parkland dedication and improvement fee. The Town will exempt the Applicant from part or all of the School Land Dedication Fee if the Applicant submits a letter to the TRC from the RE-1 School District recommending that part or all of the school land dedication fees should be exempted prior to the issuance of a building permit for Phase 1 of the development.
20. The Applicant shall provide a cost estimate from a licensed engineer for review and approval by TRC for all right-of-way improvements and all on-site landscaping approved by this ordinance. The Applicant shall secure, in the amount approved in the engineer's cost estimate, the installation of the sidewalk on the south side of School Street, the thermo plastic crosswalk across School Street, the pedestrian caution sign and light, and all of the landscaping proposed for the site in a form acceptable to the Town Attorney.
21. Insubstantial amendments to the proposed development plan may be reviewed and approved by the TRC if said amendments are found to be generally consistent with the original approvals. Amendments to the development plan found not to be generally consistent with the original development plan by the TRC shall require consideration by the Town Council at a duly-noticed public hearing. The Planning and Zoning Commission shall provide a recommendation on a substantial amendment unless the need for a recommendation from the Planning and Zoning Commission is waived by the Town Planner.

Amendments to the proposed development plan that add more than 10% to the approved floor area within the confines of the existing structure or that increase the footprint of the structure from the site plan dated 4/13/2009 (Note: the vehicular access and adjacent sidewalk along Two Rivers Road are approved as shown on the site plan dated 1/27/2009 and all other aspects of the development are as approved on the site plan dated 4/13/2009, as amended by the conditions described herein) by more than 250 square feet shall automatically be considered as a substantial amendment. A denial of

an amendment request to the development plan by the TRC may be appealed to the Town Council.

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 owners of the Property.

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

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 June 23, 2009 by a vote of 7 to 0 on June 9, 2009.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on June 23, 2009.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord08-FireStation
Bill to: 10-24-208

First Publication: Thursday, June 18, 2009
Final Publication: Thursday, July 2, 2009
Effective Date: Thursday, July 16, 2009

EXHIBIT "A"
Real Property Description

Lot 1, Basalt and Rural Fire Protection District Subdivision Exemption, Town of Basalt Colorado, according to the plat thereof recorded in Plat Book 8 at Page 52, in the Pitkin County Clerk and Recorder's Office.