

**Town of Basalt, Colorado
Ordinance No. 01
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AMENDMENTS TO THE SITE SPECIFIC
APPROVALS FOR THE VALLEY PINES SENIOR CENTER/COMMUNITY
CENTER TO PERMIT ADDITIONAL ACCESSORY USES, LOT 1, MID-VALLEY
CENTER PUD, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend development approvals. The Valley Pines Homeowner's Association ("Applicant") applied to the Town on October 11, 2010, requesting approval to amend the current development approvals for the Valley Pines Senior Center/Community Center to permit additional accessory uses in the Senior Center/Community Center.

B. The Planning and Zoning Commission considered the application at a public hearing on December 7, 2010. The Planning and Zoning Commission voted to recommend approval, subject to conditions. Throughout the hearing, evidence and testimony was offered by the Applicant, Staff and members of the public.

C. At a public hearing held on January 11, 2011, the Town Council considered this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for January 25, 2011, at 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 January 25, 2011, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, 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. 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, Applicant and Town staff, the Town Council finds and determines as follows in accordance with Sections 16-63(d), 16-65(d)(6) and 16-72, Town Code.
 - a. Pursuant to Sections 16-65(d)(6) and 16-65(d)(2)b, Town Code, the Town Planner determined the modification to the PUD Plan is not substantial.
 - b. The PUD Plan as proposed to be amended is consistent with the Town Master Plan.
 - c. The PUD Plan as proposed to be amended conforms with the provisions of Article 16 of the Town Code.
 - d. The PUD development as proposed to be amended 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.
 - e. The PUD development as proposed to be amended will complement and be integrated with the existing development and with the approved but not yet existing development in the area.
 - f. The PUD development as proposed to be amended will provide community benefits.
 - g. The variances from the strict requirements of the Town Code and original PUD plan are designed to improve the efficiency of the development pattern, preserve existing natural assets, or encourage the use of open space.
 - h. The variances from strict compliance with the Code requirements are justified because the PUD Plan as proposed to be amended

exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.

i. The PUD Plan as proposed to be amended satisfies one or more of the purposes set forth in Section 24-67-102(1), C.R.S.

j. The modification, removal or release of the current Development Approval is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

B. **CONDITIONS.** The Valley Pines Amendment is hereby approved, 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.

Permitted Uses:

3. The permitted uses for the Valley Pines Community Center shall be amended to include the following accessory uses along with the currently permitted Senior Center use:
 - a. Catering with no retail pick-up/take out
 - b. Cooking and other classes
 - c. Meeting space for government, non-profit and for-profit groups
 - d. Cooking/dinner clubs
 - e. Other Similar Uses

Between the hours of 8 AM and 6:30 PM, Monday through Friday, each use approved herein shall be limited to six (6) participants that do not reside at Valley Pines, including instructors, using the community center space at any one time. One additional participant at a time may be allowed May 1 through October 31st of each year if a bicycle rack is provided near the front door to the facility. In the event that parking becomes a problem, the Town retains the right to request daily

operation logs from the Applicant to determine whether the operations of the facility are exceeding those specified herein. Also in the event that the Town receives complaints and determines that there are problems with the participation limitations, the Town may reevaluate the participation limitations at the Town's sole discretion and provide further limitations on the use. Leases with tenants conducting one of the accessory uses shall be limited to a maximum of 1-year to enable the discontinuance of uses that cause problems at the Town's discretion.

The TRC may also approve similar uses to those uses provided above such as instructional classes and fitness classes.

Before 8 AM on weekdays, after 6:30 PM on weeknights, and on weekends, participation shall be unlimited, except as restricted by the occupancy requirements for the space in the Building and Fire Codes.

The Applicant shall provide an operations plan for review and approval by the TRC for any of the uses identified above prior to commencing operations. The operations plan to be evaluated by the TRC shall consist of the following:

- a. Narrative describing the number of people expected to attend the meeting, class, or event; and,
- b. Parking plan for the meeting, class, or event; and,
- c. Loading and unloading plan for goods and materials used for catering, cooking classes, and diner clubs; and,
- d. Methods by which alternative means of transportation are going to be encouraged in holding meetings, events, classes, and activities in the space.

The TRC may approve higher participant limitations during the day if it can be demonstrated to the satisfaction of the TRC that a use, event, or meeting will be employing alternative transportation mechanisms that will allow for more participants without having a negative impact on the Valley Pines parking or the parking for surrounding developments.

4. The proposed uses of general retail, office, dine-in restaurant and additional residential units are not permitted in the Community Center space.
5. Local government entities, including the Town of Basalt, shall get the same discounted rate for renting out the space for meetings or special events as the residents of Valley Pines are provided.

Amended Approval Documents:

6. The Applicant shall prepare and submit amended approval documents that include the provisions approved by this amendment for recording at the Eagle County Clerk and Recorder's Office. The Applicant shall submit these documents for review and approval by the Town Attorney before recording. The Applicant shall have the amended documents described herein executed and recorded prior to the earlier of commencing any of the new permitted uses or 180 days from approval of this amendment.

Conversion of Handicapped Parking Spaces:

7. The Applicant shall convert one of the handicapped parking spaces on the western half of the Valley Pines development into parking for use by occupants in the community center prior to commencing any of the activities approved herein. The parking spaces shall be signed for use by visitors of the community center and the Applicant shall make tenants/entities renting the space aware of where the parking available to the community center is located.

Fire Sprinkler System Servicing:

8. The Applicant shall have the fire sprinkler system serviced to the satisfaction of the Basalt and Rural Fire Protection District prior to commencing activities permitted herein.

Trail from 237 Park Avenue:

9. This approval is being granted on the understanding that the Valley Pines Homeowner's Association is accepting of the trail connection that the owners of the property located at 237 Park Avenue received approval to build connecting a trail from Park Avenue to the trail that runs through the Valley Pines Development.

Clean-Up Items:

10. This approval is granted with the understanding that the Valley Pines HOA will work with the Town to resolve the recording of approval documents for the site that were never recorded.

Community Center/Senior Center Parking Consolidation and Signage:

11. Before commencing the new uses the Applicant shall consolidate the parking spaces designated for use by the Community Center/Senior Center and locate the spaces near the front door of the facility. The Applicant shall provide signs on posts to indicate the parking spaces are designated for use by tenants and visitors of the Community Center/Senior Center. The Applicant shall also provide a written letter to tenants and owners in Valley Pines informing them of the parking spaces that are designated for use by the Community Center/Senior Center prior to reconfiguring and signing the parking spaces.

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 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 January 25, 2011 by a vote of 6 to 0 on January 11, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on January 25, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

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Bill to: 24--224

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