

**Town of Basalt, Colorado  
Ordinance No. 07  
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING  
REVISED PLANS FOR THE ROARING FORK CONSERVANCY'S PROPOSED  
RIVER CENTER ON LOT 1 OF BASALT RIVERFRONT PARK SUBDIVISION  
LOCATED AT 22800 TWO RIVERS ROAD**

RECITALS

1. The Roaring Fork Conservancy ("Applicant"), submitted an application in 2009 for several land use approvals for the property known as Lot 1 of the Basalt Riverfront Park Subdivision located at 22800 Two Rivers Road (The "Property").
2. Applicant requested approval of a zoning change to P-Public, Site Plan and ESA approval to develop the 16,000 square foot property with an 8,432 square foot River Center.
3. The request was conceptually approved by the Town Council on June 22, 2010, pursuant to conditions of approval specified in Ordinance No. 8, Series of 2010 recorded at Reception No. 201017109 with the Eagle County Clerk and Records Office.
4. Pursuant to Condition No. 12 of said Ordinance, the Applicant is required to submit Revised Plans to be reviewed and approved by Basalt Town Council in the form of an ordinance with a recommendation from the Planning and Zoning Commission.
5. The Planning and Zoning Commission considered the application at a joint meeting with the Basalt Town Council on March 22, 2011. Throughout the meeting, evidence and testimony was offered by the Applicant, staff and members of the public. The Planning and Zoning Commission recommended that the Town Council approve the Revised Plan with conditions on March 22, 2011.
6. The Basalt Town Council considered the application at a public meeting with the Planning and Zoning Commission on March 22, 2011 when evidence and testimony was offered by the Applicant, staff and members of the public. The ordinance was approved on first reading on March 22, 2011 at which time the Town Council set a public hearing and second reading for April 12, 2011, a meeting beginning no earlier than 6:30 pm

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TOWN OF BASALT  
101 Midland Avenue  
Basalt, CO 81621

at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

7. The Basalt Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code and Ordinance No. 8, Series of 2010, provided the Applicant adheres to the conditions identified in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BASALT TOWN COUNCIL OF BASALT, COLORADO, AS FOLLOWS:**

The Basalt Town Council incorporates the above recitals and all exhibits as references and as findings and determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

**FINDINGS**

1. Upon recommendation from the Planning and Zoning Commission, the Basalt Town Council finds that the Revised Plans of the River Center conforms to the provisions specified in the Ordinance No. 8, Series of 2010 as modified herein.

2. The revisions improve fenestration, soften the architectural effect of the building, and improve visual and physical access to the pond and Old Pond Park specified in Condition No. 12 of said Ordinance.

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

4. 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.

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

6. The development will provide numerous community benefits.

7. The proposal satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

**APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council hereby approves the Revised Plans of the River Center, subject to the following conditions:

1. The Applicant shall comply with the all material representations made in the application and meetings before the Planning and Zoning Commission and Town Council.
2. All conditions of approval adopted as part of Ordinance No. 8, Series of 2010, remain in effect unless otherwise modified by this approval.
3. The language in Condition No. 9 of Ordinance No. 8, Series of 2010 is deleted and replaced with the following:
  9. Included in the following table are the dimensional requirements established in Town’s approval of the Revised Plans (provided all other conditions are satisfied). The final dimensional requirements shall be noted in the Site Plan recorded after approval of the Revised Plan:

<b>Dimensional Requirement</b>	<b>Revised Plans</b>
Minimum Lot Area	0.37 acres
Maximum Building Height	<p>25 ft. of building height for Phase 1 – unless the Town determines that up to 25 ft. in building height is justified due to cost considerations or building efficiency.</p> <p>18 ft building height for Phases 2 and 3 - unless the Town determines that up to 20 ft. in building height is justified due to cost considerations or building efficiency.</p> <p>Maximum 6ft. high solar panels above building height are permitted in Phase 3.</p> <p>Provisions for vents above the height requirement is included in Condition No. 5 of this Ordinance.</p> <p>Maximum 23 ft. high (free standing) solar array.</p> <p>* Above finished floor established at an elevation of 6,579 ft. to address ESA floodplain</p>
Maximum Number of Stores	<p>2 for Phase 1</p> <p>1 for Phases 2 and 3</p>
Minimum Front Yard Setback	0 ft. as shown on site plan
Minimum Rear Yard Setback	8 feet, 11 inches minimum as represented on site plan A100 dated 2/4/11-Revised Plans.
Minimum East Side Yard Setback	12 feet as represented on site plan A100 dated 2/4/11 – Revised Plans.

Minimum West Side Yard Setback	8 feet, 11 inches as represented on site plan A100 dated 2/4/11-Revised Plans.
Building Envelope	6,650 square foot building footprint as represented on site plan A100 dated 2/4/11-Revised Plans.  No architectural features shall extend beyond the boundaries of the subject property.
Minimum open space requirements	8,000 square feet

4. The language in Condition No. 10 of Ordinance No. 8, Series of 2010 is deleted and shall be replaced with the following:

10. The Phasing and Development Plan for the River Center is approved as follows:

- Phase 1 - **4,519** square feet
- Phase 2 - **1,547** square feet
- Phase 3 - **1,989** square feet
- Approved - **8,055** square feet

The Applicant is permitted to construct Phase 3 before Phase 2 with the location, set-backs and square footage limitations for that phase remaining the same. If the Applicant chooses to construct Phase 3 before Phase 2, Phase 3 would assume the infrastructure requirements of Phase 2 and the subsequent Phase 2 square footage would trigger the Phase 3 infrastructure requirements.

For the purpose of this approval, all interior square feet are included except for wall thicknesses.

Additional flexibility square footage – For each phase, the Planning and Zoning Commission may approve detailed plans that reflect up to a 9% increase in the square footage permitted upon the completion of that phase. However, in no circumstance shall the additional flexibility square footage exceed 725 additional square feet and a 500 square foot increase in the footprint of the building shown on the site plan prepared by Harry Teague Architects dated 02/04/11 at the completion of Phase III. The maximum size of the building the Planning and Zoning Commission may approve with the flexibility square footage is 8,780 square feet.

In approving detailed plans with the flexibility square footage, the Applicant

- shall demonstrate to the satisfaction of the Planning and Zoning Commission that the purpose of allowing for this additional square footage is not to allow for a bigger building but to allow the Applicant to respond to unforeseen design, building code or efficiency issues that can not be determined at the time of this approval or making the building more attractive to surrounding neighborhood. Examples include: making a restroom larger to address code issues, a change in the entryway that makes it more inviting to the public, enclosing utilities within the building instead of on the roof to reduce impacts on surrounding neighborhoods, or providing space for an unusual display feature. This does not release the Applicant from satisfying the other conditions contained in this approval.
5. The language in Condition No. 13 of Ordinance No. 8, Series of 2010 is deleted and replaced with the following:
    13. The Applicant shall not place HVAC and mechanical equipment on the roof except for the following:
      - A. Flues and vents required by the Building Code to be vented through the roof, but the height and mass shall be the minimum required to meet the Building Code requirements in order to respect the integrity of the roof design;
      - B. Phase 3 may contain solar panels and associated mechanical equipment that extend up to a maximum of 6 feet above the building height approved for that particular phase.
  6. The language in Condition No. 19 is deleted and is replaced with the following:
    19. The trail plan for the River Center is not approved at this time. As part of the construction for Phase 1, the Applicant shall construct a temporary trail with natural looking surfaces along the west side of the River Center that will connect with the pedestrian/emergency access and trail on the east side of the property. The detailed landscape plan for Phase I shall specify the location and width of the trail(s) for each of the phases with proper earth retention where necessary. The final designs of the trail and landscape plan shall be included in the detailed landscape plans for each phase. The Town's objectives with respect to the trail design are to: 1) provide a natural pedestrian experience next to the pond, 2) allow sufficient space for plantings, 3) provide ADA access where feasible, 4) reduce or eliminate "drop-offs" or sudden grade changes from the trail platform; and 5) provide for the best possible pedestrian crossing(s) from the River Center and adjacent activities to Old Pond Park.

7. The language in Condition No. 21 of Ordinance No. 8, Series of 2010 is deleted and replaced with the following:
  21. The Applicant shall provide the lift (elevator) as included in the Revised Plans. The requirement to provide ADA accessible office space on the first floor is no longer required.
8. The language in Condition No. 22 of Ordinance No. 8, Series of 2010 is deleted and replaced with the following:
  22. The parking requirement for the 8,055 square feet and the approved phasing plan shall be seventeen (17) spaces upon completion of Phase 1 and twenty-four (24) parking spaces upon completion of Phase 3 based on the approval of a parking reduction pursuant to the provisions of Section 16-28 (1)(d) of the Town Zoning Code as satisfied by this approval and the conditions described herein. If additional flexibility square footage is included in detailed plans approved by the P&Z, the additional parking requirements included below shall apply to the additional floor area. The Applicant shall be responsible for the construction of all the parking associated with the River Center.

The completion of Phase 1 would require the Applicant to construct seven (7) temporary spaces and pedestrian improvements on the south side of Two Rivers Road. The Applicant shall be given a credit of ten (10) spaces for the construction of pedestrian improvements from the main entrance of the River Center to the eastern boundary of the Levinson property pursuant to provisions contained in Section 16-28 of the Town Code for the P-Public Zone District. The pedestrian improvement shall be completed before the occupancy of Phase 1. Said pedestrian improvements shall consist of no less than a ten (10) foot wide, hard-surface sidewalk with adequate lighting (street lamp, bollard, or both) and a crosswalk at Two Rivers Road to connect with the pedestrian amenities at the Recycling Center. A detailed plan of these pedestrian improvements shall be reviewed in association with the detailed landscape plan and approved by the Town. In the event that the Levinson property is developed prior to the River Center and the above pedestrian improvements are constructed by another entity, the Roaring Fork Conservancy shall provide funding equal to the construction cost of the said pedestrian improvements to the Town (as approved by the Town Engineer) for pedestrian or parking improvements elsewhere.

The parking spaces to be constructed in Phase 1 shall be built in accordance

with the Greenway Master Plan allowing for minor variations approved by the TRC to accommodate a minimum of seven (7) parking spaces in front of the River Center. At the discretion of the Applicant, these seven spaces may be temporary in nature until Phase 2 is complete (gravel is not an acceptable material). The Applicant is permitted to propose alternate “green” paving surfaces and construction details to be reviewed and approved by the Town. Nothing prevents the Applicant from constructing the final parking spaces with curb and gutter pursuant the Two Rivers Greenway Master Plan during Phase 1 if they desire to do so.

The Applicant shall “finish” (with asphalt, curb, and gutter) the seven (7) temporary spaces in front of the River Center upon the completion of Phase 2. The Applicant may suggest alternate “green” paving surfaces to be considered by the Town. Phase 2 shall also incorporate a bus loading and unloading zone off Two Rivers Road for visiting school groups. The completion of Phase 3 shall entail the completion of the remaining seven (7) spaces on the north side of Two Rivers Road. All parking shall be constructed in accordance with the Greenway Master Plan.

9. The language in Condition No. 35 of Ordinance No. 8, Series of 2010 is deleted and replaced with the following:
  35. Construction of the infrastructure components associated with each of the respective phases shall be completed in accordance with the following table:

<b>Phase 1</b>	Pedestrian trail improvements (associated with a credit of 10 parking spaces) from the River Center entryway to the eastern border of the Levinson property
	Plaza and streetscape improvements in front of the building including a minimum 10 foot wide path connecting to the trail along the Levinson property
	Nature trail on west side of building
	All weather pedestrian/emergency access plaza on the east side of the building
	7 temporary parking spaces along Two Rivers Road in front of the River Center with a walkway leading to the front entrance of the building.
	Underground existing electrical utilities
	Extension and installation of utilities
	Willow mitigation as necessary (2 to 1 ratio)
<b>Phase 2</b>	Upgrade 7 temporary parking spaces in front of the River Center with hard surface, curb and gutter
	Complete landscape and streetscape improvements on the south side of Two Rivers Road in accordance with the Greenway Master Plan including the bus pullout (does not include improvements to roadway lanes or chicane)
	Wetland improvements and repair the nature trail on the south and west sides of the building if necessary
	Willow mitigation as necessary (2 to 1 ratio)
<b>Phase 3</b>	7 final parking spaces on the north side of Two Rivers Road in accordance with the Greenway Master Plan
	Complete the streetscape improvements on north side of Two Rivers Road (does not include improvements to the roadway lanes)
	Crosswalk on Two Rivers Road if the Greenway Master Plan is not complete
	Final landscaping and willow mitigation
<b>Use of flex square footage</b>	Additional parking fees and/or parking improvements

If the Town constructs any of the required improvements, the Applicant shall reimburse the Town at the time the improvement would have been required per the specified phasing plan. However, nothing restricts the Town from entering into a program with the Applicant to creatively fund the improvements as provided in B below. ...

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 TUESDAY, April 12, 2011, by a vote of 4 to 0, on March 22, 2011.

READ ON SECOND READING AND ADOPTED by a vote of 5 to 0 on April 12, 2011.

TOWN OF BASALT, COLORADO

By: \_\_\_\_\_  
Leroy Duroux, Mayor

ATTEST:

By: \_\_\_\_\_  
Pam Schilling, Clerk

Ord. 7 RFC River Center Revised Plans

First Publication: Thursday, March 31, 2011  
Second Publication: Thursday, April 21, 2011  
Effective Date: Thursday, May 5, 2011