

**Town of Basalt, Colorado
Ordinance No. 09
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO,
GRANTING SITE PLAN APPROVAL WITHIN LIONS PARK FOR THE
PRIMARY PURPOSES OF PERMITTING A MULTI-PURPOSE STAGE AND
MAKING ADDITIONAL SITE AND STREET IMPROVEMENTS.**

RECITALS

1. The Town of Basalt (“Applicant”) has applied to the Town for site plan review on property owned by the Town of Basalt and known as Lions Park, the legal description of which is attached hereto as **Exhibit A** and incorporated herein by this reference (the “Property”).

2. Applicant requests approval of a site plan approval to build a multi-purpose stage and make additional site and street improvements.

3. The Planning and Zoning Commission considered the application at a public meeting on April 26, 2011. During the meeting evidence and testimony was offered by Town staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the application with conditions on April 26, 2011.

4. The Basalt Town Council considered the application at a public meeting on April 26, 2011 where evidence and testimony was offered by Town staff and members of the public. The ordinance was read and approved on first reading on April 26, 2011 at which time the Town Council continued and set a public hearing and second reading for May 10, 2011, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

5. At a public hearing and second reading on May 10, 2011, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

6. The Basalt Town Council finds that the request is consistent with the applicable provisions of the Town Code and is appropriate to allow the proposed uses and continuation of current uses on the Property, provided the

After recording:
Return to Town of Basalt
101 Midland Avenue
Basalt, CO 81621

Town 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. Based on the evidence, testimony, exhibits, and comments from the public, and Town staff, the Basalt Town Council finds and determines as follows in accordance with Town Code § 16-28 and § 16-111, *Site Plan Review* and *P-Public zone district*, provided that the Town complies with the conditions contained in this ordinance:

a. The development will not have an adverse environmental impact or otherwise be detrimental to the general welfare of the community.

b. The development will complement and be integrated with the existing development in the area.

c. The development will provide community benefits.

d. The Application complies with Town Code Section 16-111(c), in that the proposal is architecturally consistent with the architecture of the nearby town-owned buildings; the proposed structure and use will not substantially affect traffic flows or traffic patterns; an adequate landscaping will be provided; and the proposed use and structure will not cause adverse environmental impacts, provided the Town adheres to the conditions contained herein.

f. The Application complies with Town Code Section 16-113, in that no lights or signs shall be located on the Property in a manner that will distract adjoining properties or passing motorists; landscaping will be provided in areas near the public right of way; storm drainage will not affect adjoining properties; the site, design and building plans include any provisions required by the Town Building Code for provision for the needs of handicapped individuals; and the project is not a commercial use.

g. The Application complies with Town Code Section 16-467, in that it does not adversely impact wildlife habitat areas.

APPROVAL AND CONDITIONS OF APPROVAL

The Town Council hereby approves a site plan for the property subject to the following conditions:

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

2. The Town shall comply with all material representations made by the Town Staff in the Application and before the Planning & Zoning Commission and the Basalt Town Council.

3. The Schedule of Requirements for the structure is provided below:

Schedule of Requirements for the Multi-Purpose Stage

<i>Maximum height of the stage</i>	15 feet to top measured from floor of structure
Maximum Number of Stories	1 story
Maximum Size of the stage	Approximately 20 by 30 (600 ± sf)
Maximum size of back stage	Approximately 110 sf
Envelope of Structure	As shown on site plan

4. The site plan for the stage and associated improvements approved by this ordinance is included as **Exhibit B**.

5. The Town's Public Works Director and the Building Official shall be responsible for ensuring compliance with the Application and approvals. Prior to the issuance of a building permit, the Public Works Director shall review the building permit plans to ensure that they adequately address the public works related conditions contained in this ordinance, that drainage works around the structure, and infrastructure is appropriately dealt with.

6. Prior to issuance of a building permit, the building official will develop a site control plan for review and approval by the TRC, which will provide for standard site control measures, including the flagging or fencing of areas to address the protection of the large spruce tree as further addressed in Condition No. 9, and to protect users of Lions Park from construction impacts ("Site Control Plan").

7. The outdoor stage structure will be a public facility available to the community according to Town policies, serving multiple theater and concert functions, while providing storage/back stage access opportunities for such events. The final building should be sited to maximize viewing exposure while also being sensitive to the surrounding neighborhoods. The final roofing material, exterior color, retaining walls, and precise location of the facility shall be reviewed and approved by the TRC before installation.

8. Per the Town Code, any signage within Lions Park shall be in accordance with the sign regulations for the C-1 zone district. However, the Town Planner has the authority to permit banners for events for the stage and other activities in Lions Park (for clarification, including activities at Town Offices and the ART Center) for a longer time and larger than currently permitted and the TRC has the authority to approve informational signage for events in an area no larger than 30 square feet at a location to be determined on the structure or within Lions Park.

9. Before building permit, the Town Horticulturist will develop a revegetation plan and sprinkler plan. The Town Horticulturist will also identify the construction impact areas and non-impact areas in the vicinity of the large spruce for the purpose of protecting the tree. The site control plan required under Condition No. 6 shall identify these areas in order to protect the large spruce tree.

If construction is necessary in the non-impact areas, it is limited to digging or excavation for the sonotubes, installation of sonotubes, and construction of the corner of the stage as shown on the approved site plan. All Construction in the non-impact areas, and in particular the installation of the sonotubes, will be reviewed and approved in the field by the Town Horticulturist prior to commencing construction activities. While digging or excavation is being done in the vicinity of the tree, the Town Horticulturist will be present to indicate which roots will not be injured and to assist with root pruning. The Town Horticulturist will also determine which of the lower limbs may be removed.

Tree protection fencing shall be installed as necessary to protect the large spruce tree as determined by the Town Horticulturalist to delineate the impact areas. The fencing shall be substantial enough where necessary to restrict construction activities that could negatively impact the health of the tree. There shall be no storage or heavy equipment in the non-impact areas.

10. Except for during events, lighting shall be down-directed, shielded, and kept to the minimum necessary for safety and to create defensible spaces and to comply with Building Code requirements. There shall be a photo-cell or time activated light in the walkway between the two structural components.

11. The structure shall satisfy minimum clearances around transformers as prescribed by Holy Cross Energy.

12. All transmission lines shall be buried underground in appropriate conduit. If possible, the freestanding electrical panel shall be moved to the back of the structure. Access to electrical power for amplified sound will only be through permission of the Town.

13. Appropriate protection around the well shall be installed in conjunction with the stage installation to protect the well and the public from harm.

14. The creation of the stage will not generate any additional employees and therefore community housing mitigation is not required.

15. This approval does not include any specific events for the stage. It is intended that this be a multi-purpose stage that can help provide community vitality to the Town of Basalt. The approval of events and evaluations of the impacts of events and conditions of their approval will be determined by the Town consistent with Town policies (such as making sure there are adequate restroom facilities and that events support Green principles).

16. Installation of solar panels on the structure may be approved by the TRC.

17. The Town intends to build the stage immediately and make other site and street improvements as conceptually shown in the site plan as funds become available. Those improvements require TRC approval before construction or installation.

18. The TRC shall have the authority to approve minor modifications to the approvals granted herein that are consistent with the intent of these approvals. In addition, if the Town Manager finds that the location on the site plan included as Exhibit A is not feasible, the TRC has the authority to approve an alternate location for the stage.

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 Eagle 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, May 10, 2011, by a vote of 5 to 0, on April 26, 2011.

READ ON SECOND READING AND ADOPTED by a vote of 6 to 0 on May 10, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

By: _____
Pam Schilling, Town Clerk

First Publication: Thursday, May 5, 2011
Second Publication: Thursday, May 19, 2011
Effective Date: Thursday, June 2, 2011

**EXHIBIT A
TO
TOWN OF BASALT ORDINANCE NO. 09, SERIES of 2011**

DESCRIPTION PARCEL

The property includes a portion of Lions Park as described in the deed recorded as Reception No. 162497 with the Eagle County Clerk and Records Office and Town-owned rights-of-way for Two River's Road and Midland Spur.