

**RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO,  
GRANTING SKETCH PLAN APPROVAL FOR A SUBDIVISION AND PLANNED UNIT  
DEVELOPMENT INCLUDING ANNEXATION FOR PROPERTY KNOWN AS THE  
POKORNY PROPERTY**

**Town of Basalt, Colorado  
Resolution No. 11  
Series of 2007**

**RECITALS**

1. Toni and Foster Pokorny ("Applicant"), submitted an application for Sketch Plan PUD and Subdivision Sketch Plan for the property known as the Pokorny Property, which is more particularly described in **Exhibit A** ("Property"). Said application was subsequently revised through the sketch plan review process including major amendments submitted on April 3, 2007.
2. Applicant requests approval for a 1.5 acres PUD and to permit approximately 24 dwelling units, of which 12 will be deed restricted affordable housing, and related subdivision of land, all as more fully described in the application.
3. The PUD zoning shall include architectural design guidelines, permitted residential uses, access and parking provisions, private open space provisions, pedestrian improvements, modified setbacks, landscaping and tree preservation provisions.
4. The Planning and Zoning Commission considered the application at a public meeting beginning on November 21, 2006, and continuing through March 6, 2007. Throughout the meetings, evidence and testimony was offered by the Applicant, staff and members of the public.
5. The Basalt Town Council considered the application at a public meeting beginning on November 21, 2006 and continuing through June 26, 2007. Throughout the meetings, evidence and testimony was offered by the Applicant, staff and members of the public.
6. The Basalt Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided Applicant adheres to the conditions identified in this Resolution.

Please return to:  
TOWN OF BASALT  
101 Midland Avenue  
Basalt, CO 81621

**NOW, THEREFORE, BE IT RESOLVED** 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, Applicant and Town staff, the Basalt Town Council finds and determines as follows in accordance with Town Code Section 16-63(d) and Town Code Chapter 17, Article IV, for the purposes of sketch plan approval.
2. The PUD Plan conforms with the provisions of Chapters 16, Zoning and Chapter 17, Subdivision, of the Town Code provided that the conditions contained in this resolution are satisfied.
3. The PUD 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. The PUD development will complement and be integrated with the existing and approved but not yet existing development in the area.
5. The PUD development will provide numerous community benefits.
6. The variations from the strict requirements of the Town Code are designed to improve the efficiency of the development pattern, preserve existing natural assets, accomplish a more desirable residential or commercial environment, or encourage the use of open space and recreational facilities.
7. The variances from strict compliance with the Code requirements are justified because the PUD Plan exceeds certain design standards or contains certain exceptional and desirable features that enhance the overall PUD Plan.
8. The PUD Plan satisfies one or more of the purposes set forth in § 24-67-102(1), C.R.S.

## CONCLUSIONS

Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Basalt Town Council hereby grants approval for the Sketch Plan Planned Unit Development and Subdivision for the Pokorny Property, subject to the conditions contained herein and within **Exhibits B, C, and D**.

1. Applicant shall comply with all material representations made by Applicant in the application including the supporting documents and in the meetings before the Planning and Zoning Commission and Basalt Town Council.

2. In addition to the submission contents required by the Town Code, the Preliminary Planned Unit Development and Preliminary Subdivision Plat Submittal ("Preliminary Submittal") shall include the following:

a. Demonstration of compliance with the Basalt Master Plan.

b. The Preliminary Submittal shall demonstrate compliance with the comments received by referral agencies which are not inconsistent with the recommendations made by the Basalt Planning and Zoning Commission and Basalt Town Council including but not limited to memos from the Town Engineer dated February 16, 2007 and titled Pokorny Application – Grid Street System, Pokorny Annexation Traffic Summary, and Pokorny Annexation Water Supply and Storage Summary.

3. This Resolution shall be recorded with the Offices of the Clerk and Recorder of Pitkin County.

4. The approval granted hereby shall be valid for one year from the date of the vote hereon and shall be void if a complete Preliminary Plan Submittal is not submitted to the Town by that date.

5. Pursuant to Section 16-65(b)(2), and to Section 17-84(a)(2), Town Code, this approval shall not form the basis for any actionable reliance for the Applicant and shall not create any obligation for the Town Council to provide later approvals or annex the property and does not bind the Town Council to approve the preliminary plat.

READ AND ADOPTED by a vote of 6 to 0 on June 26, 2007.

TOWN OF BASALT, COLORADO

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

ATTEST:

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

## EXHIBIT A

### PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN TRACT NO. 59, OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6<sup>TH</sup> P.M., SAID PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE AN IRON POST WITH A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR WITNESS POINT TO ANGLE POINT NO. 2 OF SAID TRACT NO. 59, BEING THE SAME AS ANGLE POINT NO. 6 OF SAID TRACT NO. 45, ANGLE POINT NO. 1 OF TRACT NO. 62, AND ANGLE POINT NO. 4 OF TRACT NO. 46, ALL IN SAID TOWNSHIP AND RANGE BEARS S 59 °22'40" E 254.68 FEET AND N 38 °22'40" W 1648.78 FEET; THENCE SOUTH 290.40 FEET; THENCE WEST 225.00 FEET; THENCE NORTH 290.40 FEET; THENCE EAST 225.00 FEET TO THE POINT OF BEGINNING.

COUNTY OF PITKIN  
STATE OF COLORADO

**Exhibit "B"**  
**Pokorny Housing and Parkland Requirements**

1. In accordance with the Applicant's latest submittals and representations to Town Staff, the Applicant shall provide 12 Affordable Housing units located within Building A on the Pokorny site. Four free market units shall also be located within Building A for a total of 16 units. The Affordable Housing proposed will exceed the Town Code requirements.
2. The Applicant's requested increase in density to 24 units on the Pokorny site will result in a density of 17.9 units/acre and exceed the density permitted under the R-4 Zoning requested for the site. This density can only be approved under the Basalt Zoning Code provisions following adoption of a Master Plan which reclassifies the Pokorny site for High Density Residential on the Future Land Use Map. The Master Plan amendment and increased density is supported subject to the conditions contained herein.
3. The Development shall provide an affordable housing program that meets the Town Code under the parameters listed below with the details to be worked by the during the Preliminary PUD Plan and Preliminary Subdivision development review process:
  - a. The affordable housing units shall be a mix of Category 1, 2 and 3 housing units with the average being Category 2.
  - b. Six of the units shall be offered first to the current residents of the Flying Fish, consistent with the Town's replacement housing policies.
  - c. If the residents of the Flying Fish are not able to utilize the six units, then they shall be available to the Town of Basalt for:
    - purchase by the Town for Town employees
    - purchase by other government entities, fire, police, and school employees
    - available to other Basalt residents, on a priority basis (i.e. other replacement housing) as a lottery or other open opportunity.
  - d. A minimum of 50% of the total units and 56% of the bedrooms to be affordable.
  - e. During the Preliminary Plan process, the Applicant and Town shall investigate the possibility of giving a priority for families with ties to the Roaring Fork Valley.
  - f. The affordable housing units shall be responsible for only a proportionate share (e.g. based on floor area) of homeowner association (HOA) dues, with the details to be worked through the Preliminary and Final review process. As a clarification, it is expected that the affordable housing units would pay for typical

maintenance and common area expenses but that any luxury type of items would be paid for by the free market units.

g. The development shall provide a local marketing program designed to ensure that the housing units are not second homes that would include at a minimum: local marketing only (i.e. no marketing in national newspapers, no internet marketing); and initial sales to locals.

h. Dwelling units which sell for \$1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2% for those dwelling units, with the RETA used for community benefits.<sup>1</sup>

i. The units shall all be subject to deed restrictions as necessary and approved by the Town Attorney to implement the Town's Affordable Housing program and the conditions contained herein.

4. A parkland dedication of 1.08 acres on the Flying Fish site, comprised of a minimum of 0.37 acres of dry river bank and public park amenities (river front trail, benches and similar improvements) would be deemed acceptable for satisfying the parkland dedication requirements for the Pokorny Property with any balance of remaining requirements to be met by fees to be dedicated for park and open space improvements adjacent to or on the Pokorny Property.<sup>2</sup>

5. Quality of life enhancements to the on-site recreational open space such as benches, picnic tables, and possibly a small child play area in accordance with the PUD Recreational Open Space requirements contained in Section 16-73 (c)(2) shall be required. Review of the open space provisions including private open space for individual units shall be required as part of the Preliminary PUD Plan review process. Any balance of parkland dedication requirements shall be met by payment of fees to be utilized specifically for improvements located on the existing public parks located in the neighborhood or on the Pokorny site subject to establishment of public easements to allow public access to the improvements.

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<sup>1</sup> The resolution language above is consistent with the Council's discussion on Stott's Mill. In both Stott's Mill and Pokorny the P&Z made recommendations on where the money should be spent. The Council in Stott's Mill had determined that they wanted to be more general and only specify "community benefits" so to be consistent, this resolution does the same.

<sup>2</sup> The area of parkland dedication may be impacted by storm water detention facilities.

**Exhibit "C"**  
**Pokorny Planning Issues**

1. The Applicant has provided an updated tree survey indicating that 79% of the existing trees on the site shall be preserved. Compliance with this representation shall be required as part of the Preliminary PUD Plan review process. Two specific areas of preservation have been identified: (a) at the north end of the site to buffer the site from adjoining industrial and mixed use development; and (b) along the ditch/swale between the proposed residential buildings to significantly improve the site amenities, open space, and soften the impacts of the buildings size and scale.
2. Prior to submittal of the Preliminary PUD Plan the Applicant shall conduct a Tree Evaluation and Report which shall contain at a minimum: recommendations for tree protection during construction including fencing, ongoing irrigation and tree management practices to help ensure the long term health of the trees, root pruning guidelines, limits on re-grading, maintaining the open irrigation ditch, and other related best management practices. The report shall be conducted by a professional consultant approved by the Town and shall include consultation with the Town Horticulturist. As part of the Preliminary PUD Plan submittal the Applicant shall provide a complete landscaping plan for the site. Said plan shall be subject to review and approval by the Town including the Town Horticulturist. The plan shall include weed control measures for the site during and after construction.
3. No increase in the maximum floor area ratio allowed by the proposed R-4 PUD zoning shall be permitted and the 24 units allowed on the Pokorny site shall be required to comply with the 0.50 floor area ratio based on the Town Code definition of developable area. However, the parking garage portions of each building will be permitted to be exempt from the floor area calculations, subject to compliance with the conditions contained herein.
4. All garage spaces shall be made available to residents of units within the development. Spaces may not be sold separately from units. No additional cost or rental rates shall be applied to the affordable housing units as a result of the garage spaces. Standard category housing limits on sale price and/or rental rates, pursuant to the Affordable Housing Guidelines, shall apply.
5. The site plan shall be corrected to reflect 22 ft. long on-street spaces per the Town Code, and the creation of hammerhead backing areas for exiting from the parking garages. The development shall be code compliant regarding off-street parking subject to any PUD refinements provided for herein. The Applicant shall also prepare for review as part of the Preliminary PUD Plan submittal a plan for managing parking to avoid impacts on the neighborhood from guest parking, excessive numbers of occupants and/or vehicles associated with a unit, and parking of recreational vehicles.

6. Up to six guest parking spaces shall be allowed on Summerset Lane. Access across the adjoining Basalt Design District Tract for off-street parking at the rear of the site shall be allowed subject to the Applicant's provision of all necessary easements and parking area/alley maintenance agreements with the adjoining owners.

7. Fifty percent of the rooms classified as a "study" in final floor plans for the units shall be included as bedrooms in the off-street parking calculations. This requirement is intended to avoid increasing parking demand over the life of the project and unintended impacts on the surrounding neighborhood in light of the density of the development.

8. The extension of Summerset Lane to Fiou Lane shall be required. Traffic calming measures on the street extension including stop signs, a raised pedestrian crossing, neck down curb details at intersections and parking drive access points, on-street parking, and signage shall be required. Speeds on the connection shall be limited based on the Town Engineers recommendations to discourage non-local through traffic.

9. Street tree locations and species shall be subject to approval by the Town Horticulturist to ensure compatibility with intersection and driveway sight triangles. The Applicant shall also comply with planting specifications established in the Public Works Manual for street trees.

10. The Preliminary PUD Plan shall reflect architecture for the Alexander Lane Town Homes consistent with the representations at Sketch Plan (2/6/07 P&Z meeting). The design for the Affordable Housing shall be upgraded to include elements to soften the impacts of the first floor parking garage. Both parking garages shall be designed with lighting details that will minimize the impact of the garage opening on adjoining properties and protect Basalt's dark night sky. A lighting plan for the garages shall be submitted with the Preliminary PUD Plan and reviewed and approved by the Town. Compliance with the Town Code lighting requirements shall be required prior to issuance of a building permit.

11. A 5 ft. reduction in the front yard setback along Alexander Lane shall be allowed for the creation of front porch elements (a minimum of 6 ft. in depth) and the side yard setbacks shall be allowed to remain at 10 ft. even where the building height would warrant a larger setback. Building areas within the 10 ft. of the side yard shall have additional design elements and/or exterior treatments to soften the impacts of the building size and lessened setback.

12. Existing privacy fencing along the Southside PUD Town Homes shall be protected during construction and replaced if damaged. By mutual agreement should the Pokorny property and the Southside PUD Town Homes wish to remove the fence nothing in the PUD shall prevent such a site plan change.

13. Consistent with Town annexation policies, all of the development shall have a

minimum 1% Real Estate Transfer Assessment on initial and ongoing sales to be used for community benefits.

14. The Applicant shall agree to be in a special district to help fund river and flood prevention improvements. River improvements are needed to ensure better vehicle exiting for all of Southside in the event the south side flooding occurs. While the district is not established at the present time, the concept would be that all annexations contribute to some extent to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties entirely in the floodplain or adjacent to the river which benefit to a much greater extent by the improvements.

15. The development shall satisfy green building principles. The Town shall consult with an expert to see what additional green building principles should be added to the program during the Preliminary PUD Plan review.

16. The Town shall complete an economic analysis of the development proposal, as part of the Preliminary PUD Plan review, which will be used to determine the final mitigation package for the development. Funding and impact fees for transportation improvements and the water storage tank shall be formalized at that time.

17. A Level 1 Environmental Assessment on the site shall be completed prior to Preliminary PUD Plan review. Removal of any hazardous waste materials, contaminated soils, or other debris/materials shall be required.

18. The Applicant shall be required to pay fees as required by the Town code and as set forth herein. In addition the Applicant shall be required to provide financial security for all required improvements.

**Exhibit "D"**  
**Pokorny Engineering Issues**

1. The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The amount of the participation shall be determined before the annexation of the Pokorny Property is finalized. The fees will be used toward improvements in the Southside or locations impacted by the Pokorny development traffic.
2. The Applicant shall participate in or contribute on a proportional basis to the cost of implementing the new water storage tank. The amount of the participation shall be determined before the annexation of The Pokorny Property is finalized.
3. The Pokorny project shall be subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system.
4. As part of the Preliminary PUD Plan review and ongoing annexation considerations, the Applicant shall provide additional water rights assessment and updated water demand projections, based on the current development proposal, for review by the Town's water attorney. The review will determine how the application's water rights dedication requirement will be met, and an appropriate condition will be drafted for consideration by the Town Council. The water rights assessment shall include an identification of the owner(s) of the existing irrigation ditch that traverses the property.
5. If any modifications to the existing irrigation ditch are proposed as part of the development, the Applicant shall furnish suitable evidence or documentation that it has the authority or approval to make those modifications as part of the Preliminary Plan application.
6. The Developer shall provide raw water irrigation to the entire project. The design and details of the raw water irrigation system shall be developed as part of the Preliminary Plat application. The raw water irrigation program shall be one acceptable to the TRC.
7. Design-level geotechnical investigations to address groundwater levels, fluctuations in groundwater levels and perched water levels shall be performed before preparation of Preliminary Plat submittal packages to determine impact on the design of stormwater detention facilities and any other subsurface improvements.

8. The 100-year floodplain and zero-rise floodway touch the northeastern corner of the property. The Preliminary Plat application should address compliance with the Town's Flood Damage Prevention and Reach II ESA regulations.

9. Street design for the streets adjacent to or providing access to the project (Summerset Lane extension and Fiou Lane between Summerset Lane and Basalt Avenue) shall generally conform to the street characteristics of the Residential Neighborhood classification in the Town's Complete Street Design manual. The Applicant shall be responsible for the design and construction of the Summerset Lane extension.

10. The Applicant shall be responsible for the design and/or construction of improvements to Fiou Lane between Basalt Avenue and the Summerset Lane extension, unless such improvements have been designed by others to standards approved by the Town Engineer prior to the Preliminary Plat application for this project, or constructed by others in accordance with such approved design prior to the Final Plat application for this project. If constructed by others, the Applicant for this Pokorny project may be responsible for up to 50% of the cost of the Fiou Lane improvements. If constructed by the Applicant for this Pokorny project, the Applicant may be eligible for cost recovery from developments adjacent to the improvements if such cost sharing is a condition of approval of such developments.

11. The Fiou Lane improvements shall include a sidewalk / bike path that will connect the Summerset Lane sidewalk / bike path to the existing sidewalk on the east side of Basalt Avenue.

12. The Applicant shall be responsible for the design and construction of alley and parking improvements adjacent to the northern side of the Pokorny project unless such responsibility is accepted in writing by the adjoining property owner and such improvements are constructed prior to the occupancy of any portion of the Pokorny project.

13. Traffic projections for the project shall be updated as part of the Preliminary Plat application. All streets, intersections and related transportation facilities shall be designed to handle the projected vehicular, bicycle and pedestrian traffic volume and provide safe and convenient pedestrian and bicycle facilities and crossings.

14. If requested by the Town, the Applicant shall participate in discussions with Town representatives and representatives of the Southside Homeowner's Association to develop acceptable traffic calming features to include in the design of Summerset Lane and/or Fiou Lane. Any agreed-upon traffic calming features shall be included in the street design and shown in Preliminary Plan documents.

15. The Preliminary Plan shall show street, alley and driveway turn radii that satisfy the criteria of the Basalt and Rural Fire District.
16. Included in the Preliminary Plan submittal shall be additional information on how the parking will be managed. Will there be any designated site for parking of resident's trailers, recreational vehicles, etc. There shall be no designated spaces, except for handicap spaces on the public streets.
17. Before Preliminary Plan submittal the Applicant shall confirm whether a CDOT access permit is necessary.
18. A new water main shall be constructed to connect with the existing mains in Alexander Lane and Basalt Avenue. If the water main is constructed through the adjoining property to the north of this project as proposed in the Sketch Plan, the Applicant shall be responsible for securing a public utility easement through said property. Prior to preparing the Preliminary Plan application, the Applicant's engineer shall consult with the Town staff to evaluate the alternative of routing the new water main in Summerset Lane and Fiou Lane in lieu locating within easements through private property. The final location of the water main shall be as directed by the Town.
19. An additional fire hydrant shall be provided in accordance with the recommendations of the Basalt & Rural Fire Protection District.
20. The Preliminary Plan application shall include a Drainage Study and Plan conforming to the requirements of the Town Public Works Manual. The Drainage Plan shall address the project's stormwater detention requirements and shall clarify whether surface or underground detention will be provided. The Drainage Plan shall identify where overflow from detention facilities will be directed.
21. The Preliminary Plan application shall include a plan for protecting water quality during construction, and addressing permanent stormwater quality protection measures that will be incorporated into the project.
22. The Applicant shall cooperate in resolving the potential gap that exists between the easterly boundary of the Pokorny property and the westerly boundary of the right-of-way for Summerset Lane dedicated on the Southside Phase IV plat. Cooperation shall include, but not be limited to, the furnishing of a quit-claim deed to the Town of Basalt for the property gap in question prior to the finalization of the annexation of the Pokorny Property.
23. This sketch plan application is approved subject to the understanding that the development as proposed has the right to unrestricted access to and from Fiou Lane as it physically exists between the Pokorny Property and Basalt Avenue.