

**Town of Basalt, Colorado
Resolution No. 8
Series of 2009**

RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, GRANTING SKETCH PLAN APPROVAL FOR SUBDIVISION AS A LANDMARK DESIGNATION ZONING INCENTIVE, AND CONTINUING LANDMARK DESIGNATION AND ZONING INCENTIVE, SITE PLAN REVIEW, AND SPECIAL REVIEW CONCERNING 30 PERCENT SLOPES, FOR THE PROPERTY KNOWN AS 111 EAST SOPRIS DRIVE (WOLFGANG PROPERTY)

RECITALS:

A. Karl Wolfgang (“Applicant”) submitted on November 26, 2008, an application for landmark designation, landmark zoning incentives, minor subdivision – lot split, site plan review, and special review for allowing slopes of 30% or greater to be used in FAR calculations for the property known as 111 East Sopris Drive more particularly described as Lots 36 and 37, Block A of the Lucksinger Brothers Second Addition (the “Property”).

B. The Planning and Zoning Commission considered the application at a duly noticed public hearing on February 3, 2009 and at a continued public hearing on February 17, 2009. Throughout the hearings, evidence and testimony was offered by the Applicant, staff and members of the public. The Planning and Zoning Commission recommended the Town Council approve the application with certain conditions.

C. At a public hearing held on June 9, 2009, and at a continued public hearing on June 23, 2009 the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

D. The Town Council finds and determines it is in the best interests of the Town to approve this Resolution. The Town Council finds and determines this Resolution is reasonable and consistent with the Town Code, provided the Applicant adheres to the conditions identified herein. Further, the Town Council finds and determines this Resolution 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 Basalt, Colorado, that the Town Council finds and concludes as follows:

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

A. FINDINGS. The Town Council incorporates the foregoing recitals as findings and determinations and conclusively makes all the findings of fact, determinations and conclusions contained herein. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff the Town Council determines for the purpose of Sketch Plan approval as follows:

1. The application requests the designation of the historic residence on the Property as a landmark. The residence was constructed in 1898 and the historical significance of the property includes a small scale vernacular and character that was typical of the "old town" neighborhood of Basalt at the end of the 19th Century.

2. Pursuant to Section 16-393, Town Code, the residence meets the requirements for designation as a landmark as it demonstrates a character, interest and value as part of the heritage and culture of the Town;

3. Subject to the conditions set forth herein, the application is appropriate for approval of the requested zoning incentives because the Property is generally compatible with the character of the surrounding area and is consistent with the Town Master Plan, with specific emphasis on the neighborhood typologies. The Town Council finds that the zoning incentives granted hereunder are reasonably necessary to assure the preservation of the landmarked structure. The application satisfies the requirements of Section 16-44(e), Town Code, because the application is in general compliance with the Town Code; the proposed use is compatible with the character of the surrounding area; the proposed use is generally desirable and needed in this area; the proposed use does not provide significant potential for adverse environmental influences; the proposed use is compatible with the Town Master Plan; no portion of the Property with slopes in excess of 30% with the exception of previously terraced area which may be developed in compliance with Section 17-32 of the Land Use Code.

4. A Sketch Plan approval for subdivision- lot split is appropriate pursuant to Chapter 17, Town Code since the application promotes the Master Plan's goal of concentrating residential development and limiting urban sprawl and it will implement the zoning incentive request.

B. CONDITIONS.

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town Staff, the Town Council hereby grants sketch plan approval for subdivision as a landmark designation zoning incentive, and continues landmark designation and zoning incentive, site plan review, and special review concerning 30% slopes for the property known as 111 East Sopris Drive (Wolfgang property), subject to the following conditions:

- a. The Applicant shall comply with all material representations made by the Applicant, including those contained in the supporting documents and stated in the meetings before the Planning Commission and Basalt Town Council.
- b. The official landmark designation will become final concurrently with Preliminary/Final Subdivision approval.
- c. The demolition or partial demolition of the landmarked structure shall be prohibited except as authorized pursuant to Section 16-395 of the Town Code. Maintenance of the landmarked structure shall comply with the requirements of Section 16-398 of the Town Code. Any proposed addition to the structure shall not encroach upon nor compromise the historical character of the existing residence as viewed from Sopris Drive. Any proposed addition must be fully described in the Preliminary and Final application submittals. Any addition shall be designed so that it reads from Sopris Drive as a secondary component to the historic resource. Although the new addition should distinguish itself from the historic resource, the addition must be compatible and sensitive to the architectural character of the historic building.
As part of the Preliminary/Final plan application, The Applicant shall include accurate scaled diagrams to the satisfaction of the Town Planner that depict the views of the proposed buildings and the landmark structure as seen from Sopris Drive. As part of the Building Permit submittal for the lots, the Applicant shall include 3D renderings showing the mass and scale of the proposed addition to the landmarked structure (unless waived by the Town Planner) to allow the TRC to determine impacts to the historical quality of the landmarked building.
- d. No exterior alterations to the historic resource including siding, windows, fenestration, detailing, etc. shall occur without approval of the Technical Review Committee (TRC). The TRC reserves the right to forward approval requests to the P&Z and Town Council for review.
- e. The request to allow slopes of greater than 30% to be counted towards developable area is denied. Therefore, a total of 2,271 square feet of floor area, with 1,221 square feet of floor area on the upper lot and 1,050 square feet on the lower lot, is approved.
- f. Construction on the upper lot shall not extend into 30% slopes. Setbacks for the structure on the upper lot shall be defined by the setbacks of the R3-TN zone district or 30% slopes, whichever is more restrictive. On the lower lot, the Applicant shall be allowed to construct a dwelling unit within the lower terraced areas but not beyond the second retaining wall(s) to the north. As part of the Preliminary/Final Plan submittal, the Applicant shall provide an

engineering report that addresses whether development on the lots can be constructed without compromising the integrity of the hillside, altering current drainage patterns, or impacting adjacent properties.

- g. The Preliminary/Final Plan submittal shall identify the areas of 30% slopes where construction and development shall not be permitted.
- h. All future development shall meet all existing setback requirements established for the R3-TN zone district including twenty feet (20') for the garage off Tucker Lane.
- i. The Applicant shall pay the Town one-third of the costs of constructing a fire hydrant at the corner of Spur Lane and Tucker Lane. The construction project shall be managed by the Town and will include installation of the water line in Spur Lane from Sopris to Homestead Drive but not include the costs for any dry well. The timing of the Applicant's payment shall be determined during the Preliminary/Final review process and the form of any necessary security for the payment of the Applicant's portion of the project cost must be to the satisfaction of the Town Attorney.
- j. As part of the Preliminary/Final Plan application submittal, the Applicant shall provide a statement of support from the Basalt & Rural Fire Protection District for the project.
- k. As part of the Preliminary/Final Plan submittal, the Applicant shall provide details of how the lower lot will be serviced by all utilities (phone, electric, gas, etc.) which shall include all alignments and all necessary easements. The proposal shall not disturb or threaten the existing Spruce trees positioned on either side of the historic residence or slopes in excess of 30%.
- l. As part of the Preliminary/Final Plan submittal, the Applicant shall provide "will serve" letters from utility providers including Basalt Sanitation District, Holy Cross Electric, Qwest, and Source Gas. The Applicant will also demonstrate how each of these respective utilities shall be routed to the residences.
- m. The Applicant shall pay all required impact fees which shall be calculated at the time of Preliminary/Final review subject to the Landmark Designation status.
- n. All parkland and school impact fees shall be waived pursuant to Section 16-394 (c) and (d) of the Land Use Code which provides exemptions for landmark designations.

- o. As part of the Preliminary/Final Plan submittal, the Applicant shall provide a parking plan demonstrating how parking will be accommodated for each of the lots as required pursuant to the Land Use Code. All parking space dimensions shall be Code compliant.
- p. The Applicant shall coordinate with the Basalt Public Works Department to purchase and install 2 “no parking” signs as needed along Tucker Lane.
- q. The Applicant shall review the width of Tucker Lane with the TRC prior to Preliminary/Final Plan and depict the alley dimensions as determined by the TRC in the Preliminary/Final Plan application.

C. MISCELLANEOUS.

1. This Resolution, after fully executed, shall be recorded in the office of the Clerk and Recorder of Eagle County.

2. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution and the Town Council hereby declares it would have passed this Resolution 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.

3. The approval granted hereby shall be valid for one (1) year from the date of the vote hereon and shall be void if a complete Preliminary Plan submittal and final landmark designation to the Town by that date.

4. This approval shall not form the basis for any actionable reliance for the Applicant and shall not constitute any obligation for the Town Council to provide later approvals.

READ AND ADOPTED BY A VOTE OF 6 TO 0 ON JUNE 23, 2009.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling, Town Clerk