

**Town of Basalt, Colorado
Ordinance No. 02
Series of 2017**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING A PUD AMENDMENT TO THE SOUTHSIDE IV PUD AND A SITE PLAN REVIEW APPROVAL TO PERMIT A LARGE DAYCARE AND ASSOCIATED PLAYGROUND ON LOT 1 OF THE PUD, 400 ALEXANDER LANE, BASALT, COLORADO.

RECITALS

- A. NJS Kinder Cottage LLC (“Applicant”) on behalf of Eugene Chiarelli filed an Application (“Application”) for a Minor PUD Amendment and Site Plan Review to permit a large daycare and associated playground on Lot 1 of the Southside IV PUD, 400 Alexander Lane, Basalt, Colorado.
- B. At a public hearing held on February 21, 2017, the Planning and Zoning Commission continued the review of the Application February 22, 2017.
- C. At a continued public hearing on February 22, 2017, the Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application.
- D. At a public meeting held on February 28, 2017, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for March 14, 2017 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- E. At a public hearing and second reading on March 14, 2017, the Town Council heard evidence and testimony by Town Staff, the Applicants, and members of the public.
- F. The Town Council finds that the Applicant’s request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. FINDINGS

1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicant and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicants, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The 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 Ordinance.

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicant and Town Staff, the Town Council hereby grants approval for a Minor PUD Amendment and Site Plan to permit a large daycare and associated playground on Lot 1 of the Southside IV PUD at 400 Alexander Lane, subject to the following conditions:

Representations:

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.

Use:

3. The permitted uses in the Southside IV Subdivision/PUD are amended to include a "large daycare" as described on Page 18 of the 400 Alexander Lane Application dated January 19, 2017 with the further limitations that it be for children age 7 and under. Additionally, the large daycare shall be a permitted use for Lot 1 of the PUD only.
4. The Applicant may install a playground associated with the daycare on the southern portion of the 400 Alexander Lane Property that is currently designated for construction of a single-family residence. The Applicant shall submit a final playground plan for review and approval by TRC prior to installation.

If the property reverts to a use other than the daycare, the portion of the lot to be used for the playground reverts back to use for the construction of a single-family residence only and the single-family residence would require a new site plan review.

Fencing, Landscaping, and Screening:

5. The PUD is amended to allow for a fence of up to 4'6" inches in the front yard setback on Lot 1, subject to review and approval of a fencing plan by the TRC as identified in Condition No. 6 below.
6. The PUD requires that the parking and the playground equipment be screened from Alexander Lane by either fencing and/or landscaping. The Applicant shall submit a final landscaping and fencing plan for review by the TRC prior to installation. Prior to submitting the landscaping and fencing plan, the Applicants shall obtain approval from the Southside HOA Design Review Board.

Child Pick-up/Drop-Off:

7. Consistent with the Application, the Applicant shall pursue the necessary approvals with Pitkin County to install a child pick-up/drop-off on the 258 Alexander Lane Daycare Property. Upon approval by Pitkin County, the Applicant shall install the child pick-up/drop-off at 258 Alexander Lane to serve both the daycare at 258 Alexander Lane and at 400 Alexander Lane. Until the installation of the child pick-up/drop-off at 258 Alexander Lane is completed, the Applicant shall conduct pick-up/drop-off on the vacant Aspen Skiing Company parking lot on Southside Drive or another parking area as approved by the TRC.

The pick-up/drop-off shall occur off-site until the drop-off area is constructed on the 258 Alexander Lane Property. No child drop-off/pick-up shall occur at the 400 Alexander Lane Property via access from Alexander Lane. If the drop-off area at 258 Alexander is not in place within six months of the effective date of this approval, the Applicant shall come back for review by the P&Z of an alternative plan for child pick-up and drop-off. The Town Planner may extend the amount of time that the Applicant may use the vacant Southside Drive parking lot or another parking area in the event that it takes longer than anticipated to obtain approvals or construct the on-site drop-off at 258 Alexander Lane.

8. The Applicant shall install a cross walk across the bicycle trail between 258 Alexander Lane and 400 Alexander Lane with dimensions and materials to be approved by the Public Works Director. The Applicant shall also install a sign indicating that children will be crossing the bicycle trail to avoid potential collisions. The cross-walk and signage shall be installed prior to commencing daycare operations at 400 Alexander Lane. The content of the signage shall be approved by the TRC prior to installation.

The gate in the 258 Alexander Lane fence shall remain closed at all times, except when any child is crossing the bicycle path under the supervision of an adult.

Construction Management Plan:

9. The Applicant shall submit a construction management plan in conjunction with the building permit submittal. The construction management plan shall include construction parking and dust mitigation measures and an agreement that the Applicant will comply with the allowable construction hours as established in the Town Code. All construction parking and staging shall be off-street.

Basalt Sanitation District Comments:

10. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations. The Applicant shall also pay the required fees for the change in use to daycare.

Development and Building Fees:

11. The Applicant shall pay all applicable development review fees as calculated by the Town Planner, prior to building permit issuance. The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance, including the water usage fees associated with the change in use of the space.

Approval Documents:

12. The Applicant shall prepare and submit a final site plan for review and approval by the Town Planner and Town Attorney prior to execution and recording. The final site plan shall be executed and recorded within 180 days of the effective date of the PUD amendment approval and prior to issuance of a tenant finish building permit. If the final site plan is not recorded within 180

days, the approvals are null and void. The Town Planner may approve an extension to the recording deadline.

Insubstantial Amendments:

13. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

Vested Rights:

14. The vested property rights for the site plan review approval shall be three (3) years from the effective date of this ordinance. If the Applicant does not make the playground, landscaping, and fencing improvements associated with the site plan review within three (3) years, the site plan approval for the daycare use will be null and void.

C. MISCELLANEOUS

1. The approvals contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicants.
2. The Ordinance shall be recorded in the Office of the Clerk and Recorder of Pitkin County.
3. If any part, section, subsection, sentence, clause or phrase of the 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 March 14, 2017 by a vote of 7 to 0 on February 28, 2017.

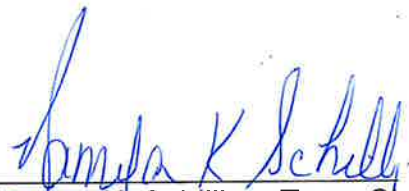
READ ON SECOND READING AND ADOPTED by a vote of 7 to 0 on March 14, 2017

TOWN OF BASALT, COLORADO

By: 

Jacques R. Whitsitt, Mayor

ATTEST:

By: 

Pamela K. Schilling, Town Clerk

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First Publication: Thursday, March 9, 2017
Final Publication: Thursday, March 23, 2017
Effective Date: Thursday, April 6, 2017

