

**ORDINANCE NO. 21
(SERIES OF 2019)**

A ORDINANCE OF THE CITY OF ASPEN CITY COUNCIL GRANTING MAJOR PUBLIC PROJECT REVIEW AND RELATED LAND USE APPROVALS FOR THE CITY OF ASPEN WATER TREATMENT PLANT FACILITY LOCATED AT 480 DOOLITTLE DRIVE ON THE WATER TREATMENT PLANT PLANNED DEVELOPMENT, LEGALLY DESCRIBED AS: LOT 25, CITY OF ASPEN WATER TREATMENT PLANT AND AFFORDABLE HOUSING PROJECT SPA AND SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 28, 1997 AT RECEPTION NO. 401287 IN PLAT BOOK 41 AT PAGE 41 AS AMENDED BY THE LOT LINE ADJUSTMENT PLAT RECORDED APRIL 29, 2013 AT RECEPTION NO. 599061 IN PLAT BOOK 102 AT PAGE 86 COUNTY OF PITKIN, STATE OF COLORADO..

Parcel ID: 2735-132-04-825

WHEREAS, the Community Development Department received an application for the land use review of development at the Water Treatment Plant Facility (the Application) from the City of Aspen Utilities Department (Applicant), represented by Stan Clauson and Associates, for Major Public Project Review; and,

WHEREAS, all code citation references are to the City of Aspen Land Use Code in effect on the day of initial application – June 11, 2019, as applicable to this project; and,

WHEREAS, this property is located in the Public (PUB) zone district and is 49.705 acres in size; and,

WHEREAS, as a governmental agency, the Applicant has requested this Application to be reviewed as a Public Project, pursuant to Chapter 26.500.030 of the City of Aspen Land Use Code; and,

WHEREAS, the Community Development Department referred the Application to Aspen Consolidated Sanitation District, Pitkin County Community Development, City Engineering, Building Department, Aspen Fire Protection District, Environmental Health Department, Parks Department, Aspen/Pitkin County Housing Authority, and the Transportation Department, and received comments as a result of the Development Review Committee meeting; and,

WHEREAS, said referral agencies and the Aspen Community Development Department reviewed the proposed Application and recommended approval with conditions; and,

WHEREAS, all required public noticing was provided as evidenced by an affidavit of public noticing submitted to the record, a summary of public outreach was provided by the Applicant to meet the requirements of Land Use Code Section 26.304.035, and the public was provided full access to review the Application; and,

WHEREAS, the Planning & Zoning Commission (P&Z) reviewed the Application at a duly noticed public hearing on August 6, 2019, during which the recommendations of the Community Development Director and comments from the public were heard by the Planning & Zoning Commission, and recommended approval with conditions by a vote of 7 to 0 (7 – 0).

WHEREAS, City Council has reviewed and considered the development proposal under the applicable provisions of the Municipal Code as identified herein, has reviewed and considered the recommendations of the Community Development Director, the Planning and Zoning Commission, the applicable referral agencies, and has taken and considered public comment at a public hearing; and,

WHEREAS, on August 26, 2019, The Aspen City Council approved Ordinance No. 21, Series of 2019 on First Reading by an ____ to ____ (____ – ____) vote; and

WHEREAS, City Council finds that the development proposal meets or exceeds all the applicable development standards; and,

WHEREAS, City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF ASPEN CITY COUNCIL AS FOLLOWS:

Section 1: Approvals

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the City Council grants the Water Treatment Plant Facility Major Public Project review approval, subject to the recommended conditions of approval as listed herein in Section 2, for the following land use reviews:

- Major Public Project Review
- Planned Development Review – Project and Detailed
- 8040 Greenline Review
- Growth Management Quota System Review, Essential Public Facility
- Transportation and Parking Management, Special Review
- Conditional Use Review

The proposed project includes the following upgrades to the existing Water Treatment Plant facilities: construction of a new vehicle maintenance and storage facility, addition to the administration building, addition to the west plant building, and additional reservoirs and backwash ponds. The recommended dimensions are described below in Section 4.

Section 2: Recommended Conditions of Approval

The Water Treatment Plant Facility improvements are subject to the following conditions of approval:

1. The Applicant shall submit for review by the Community Development Director an amended plat within 180 days of the issuance of a development order.
2. Potential FTE generation and auditing is linked to existing structures on the property and completion of the approved buildings associated with this approval. The Applicant shall provide an employee audit to the satisfaction of the Aspen Pitkin County Housing Authority (APCHA) and Community Development Director documenting existing and proposed employees prior to issuance of the building permit. On the second anniversary of the issuance of the last Certificate of Occupancy or Letter of Completion, for the final phase of building construction, the Applicant shall submit to APCHA an additional audit documenting employee generation. Additional subsequent audits may be requested at the discretion of APCHA. Any additional employees generated shall require the provision of affordable housing mitigation at the rate in effect at the time of the audit.
3. A building permit shall not be issued unless the project is in compliance with policies and codes as currently adopted and amended per Title 8 (Building and Energy Codes) of the Aspen Municipal Code.
4. At building permit issuance, the approved project shall satisfy the requirements of Title 29, The City of Aspen's Engineering Design Standards – including but not limited to approval of required plans (including the Urban Runoff Management Plan.)
5. The Applicant shall work with the City Parks Department to ensure the proposed improvements minimize impacts to mature native gambel oaks identified on a site visit with the City Forester. The Applicant will be required to submit a tree removal permit, along with six (6') foot tall fence shown for tree protection fencing around all impacted trees. The Applicant shall work with the Parks Department prior to approval of the final Ordinance by City Council to ensure the proposed reservoirs do not negatively impact the existing trails on site.
6. The Applicant shall work with the City Engineering and Transportation Departments, to satisfy the requirements of the Level 1 Transportation Impact Analysis, including the Transportation Demand Management (TDM) and Multi-Modal Level of Service (MMLOS) worksheet, prior to building permit issuance.
7. Prior to building permit issuance, the Applicant shall work with City Environmental Health staff to design and implement a compliant trash, recycling and compost enclosure.
8. The Applicant shall request from the Aspen Consolidated Sanitation District, Commitment and Conditions to Serve Letters and shall work with ACSD to identify the most appropriate sewer service option for the new facility.

Section 3: Employee Generation

The City Council has reviewed the project as an Essential Public Facility pursuant to Land Use Code Section 26.470.050.C, and has determined that the existing facility generates 26.5 FTEs. The proposed improvements will not generate any additional FTEs. Additionally, the City Council has considered a recommendation from the Planning and Zoning Commission and the Aspen Pitkin County Housing Authority that an employee audit be completed prior to the issuance of a building permit, and two (2) years after the issuance of the last Certificate of Occupancy or Letter of Completion for the final phase of building construction. If the audit

determines additional employees were generated, APCA recommends, that mitigation be required.

Section 4: Approved Dimensions

The following dimensions are recommended for the amended SPA:

Dimensions	Proposed
Lot Area	49.705 acres (2,165,149.8 sq. ft.)
Maximum height	25 feet
Front yard setback	100 feet
Rear yard setbacks	100 feet
Side yard setbacks	100 feet
Allowable FAR (floor area ratio)	0.08:1 (based on developed land, or 4.6 acres)
Off-street parking spaces	22 spaces
Existing Floor Area	TBD
Proposed Floor Area	TBD

At the time of the First Reading, the Applicant has represented approximate floor area numbers for the administration building. The 1st Amended SPA Plat from 1984 outlined dimensional limitations, including Floor Area Ratio of 0.08:1. It's assumed the Floor Area ratio provided applies to the developed land, or 4.6 acres. The proposed floor area is assumed to be below the maximum allowed floor area on site. As such, Staff and the P&Z recommends City Council approve of a ~1,500 square foot addition to the administration building, a ~525 square foot addition to the West Plant facility, and a ~3,200 square foot vehicle and maintenance and storage facility. Final existing and proposed floor area numbers will be required prior to the City Council second hearing.

Section 5:

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Community Development Department, the Planning and Zoning Commission, or the Aspen City Council are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by other specific conditions or an authorized authority.

Section 6:

This Resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 7:

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be

deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 26th day of August, 2019.

Attest:

Approved as to content:

Linda Manning, City Clerk

Torre, Mayor

FINALLY, adopted, passed and approved this 26th of August, 2019.

Approved as to form:

Approved as to content:

James R. True, City Attorney

Torre, Mayor

Attest:

Linda Manning, City Clerk