



*Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623*

**Agenda  
PLANNING & ZONING COMMISSION  
THURSDAY, May 24, 2018  
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.  
Minutes of the April 26, 2018 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.  
Minutes of the May 10, 2018 meeting.....Attachment B
5. 7:10 p.m. – 7:15 p.m. Public Comment – Persons present not on the agenda
6. 7:15 p.m. – 7:20 p.m.  
379 Euclid Avenue – Resolution 1 of 2018.....Attachment C
7. 7:20 p.m. – 7:40 p.m.  
PUBLIC HEARING – Subdivision Exemption.....Attachment D  
Applicant: Christine Interlante  
Location: 737 Colorado Avenue
8. 7:40 p.m. – 8:40 p.m.  
PUBLIC HEARING PUD Special Review for Site Plan & Architectural Design.....Attachment E  
Applicant: Red Hill Lofts, LLC  
Location: Lot 12B, Kay PUD (Dolores Way)
9. 8:40 p.m. – 8:45 p.m.  
Staff Update
10. 8:45 p.m. – 8:50 p.m.  
Commissioner Comments
11. 8:50 p.m. – ADJOURN  
**\* Please note all times are approx.**

Upcoming P & Z Meetings:

June 14, 2018 – Childcare Zone Text Amendment Discussion  
June 28, 2018 – UDC Amendments

**MINUTES**  
**CARBONDALE PLANNING AND ZONING COMMISSION**  
Thursday April 26, 2018

**Commissioners Present:**

Michael Durant, Chair  
Marina Skiles  
Ken Harrington  
Jeff Davlyn  
Jay Engstrom, 1<sup>st</sup> Alternate  
Nick Miscione, 2<sup>nd</sup> Alternate

**Staff Present:**

Janet Buck, Planning Director  
Angie Sprang, Boards & Commissions Clerk

**Commissioners Absent:**

Yuani Ruiz, Chair Pro Tem  
Gavin Brooke  
Jennifer Gee DiCuollo

**Other Persons Present**

Kevin Kreuz, 421 Settlement Lane  
Camille Schuman, 416 Settlement Lane  
Jennifer Given, 412 Settlement Lane  
Marcie Reed, 420 Settlement Lane  
Rob Comey, 655 Glassier Drive  
Todd Nero, 403 Settlement Lane  
Mike Gamba, ESA Team  
Jacques Machol, ESA Team  
Eric Smith, ESA Team  
Erik Cavarra, ESA Team  
Haley Carmer, ESA Team  
Lenn Haffeman, ESA Team  
Ian Osier, 850 Garfield Avenue  
Mark Chain, 811 Garfield Avenue  
William Duke, 174 Fourth Street  
Richard Klein, 379 Euclid Avenue  
Sadie Moore, 379 Euclid Avenue  
Thomas Moore, 379 Euclid Avenue

The meeting was called to order at 7:02 p.m. by Michael Durant.

**April 12, 2018 Minutes:**

Marina made a motion to approve the April 12, 2018 minutes. Ken seconded the motion and they were approved unanimously with Jeff abstaining.

**Other Persons Present**

There was no public comment.

**CONTINUED PUBLIC HEARING – Thompson Park Development – Subdivision Conceptual Plan, Major Site Plan Review, Conditional Use Permit and Amendment to the Annexation and Development Agreement**

**Applicant: ESA Architects**

**Location: Parcels 2, 3, & 4, Thompson Park/Highway 133**

Janet said that this is a continued public hearing for a Major Site Plan Review, Subdivision Conceptual Plan, Conditional Use Permit and an amendment to the Thompson Park Annexation Agreement. She explained that the Commission considered this application on March 8 and then again on April 12.

Janet stated that at the April 12, 2018 meeting, the Commission brought up several items which needed to be addressed, she outlined the following;

Center drive on Parcel 2 - The Planning Commission had discussed removing the center lane on Parcel 2. The Commission asked that the Public Works Director provide feedback.

*The Public Works Director indicated that the Commission may want to consider retaining the center lane for the following reasons:*

- *Provides an intersection which lines up with Graceland Drive. Long term plans are to extend Graceland Drive through to Keator Road.*
- *Would like to avoid an off-set intersection between Graceland Drive and Lewie's Circle (north).*
- *Lewie's Circle provides circulation for parents to turn around without doing a U-turn.*

Landscaping Plan – The Commission wanted clarification regarding how the landscape plan complies with the UDC.

*Janet stated that the applicant has prepared two landscape plans. She said that one complies with the UDC and the other meets the Tree Board's spacing preference. Janet said that Staff's recommendation is that the Planning Commission accept the landscape plan which reflects the Tree Board's preference. She explained that this would be done under the alternative compliance section of the UDC.*

*Janet stated that in the past, the Tree Board had asked that the UDC to be revised to change the number of required street trees. She said that a few months ago she met with a Tree Board member and the Town Arborist to better understand what the Tree Board would like to see. Janet stated that the Tree Board's preference is that the trees be planted based on the size of the trees. She stated that they have a list which includes desirable trees in three size classes: small, medium, and large. She said that*

*the smaller trees would be more closely spaced and the larger trees would have more spacing between trees.*

*She noted that the purpose of this spacing is to ensure that tree canopies won't overlap at maturity. Janet stated that the Tree Board will review the final landscape plan, including tree species and caliper. She said that this has been made a condition of approval.*

Compliance with the UDC – The Commission wanted to know if the various components of the proposed site plan proposal were in compliance with the UDC.

*Janet stated that she had reviewed the application submitted for the April 12<sup>th</sup> meeting. She said that it had been in compliance with the exception of a few items such as the affordable housing requirements. She stated that these items have been brought into compliance.*

Janet outlined the following;

Clarification of lot size and depth – The Commission wanted clarification between lot area per dwelling unit vs. size of townhome lots, including lot dimensions. The Commission asked whether individual townhome lots may be smaller than 3,000 sq. ft.

*Table 3.2-7 in UDC Section 3.2.5.B. requires 3,000 sq. ft. of lot area per dwelling unit. This is calculated on a parcel by parcel basis. This has now been met due to the reduction of units. This refers to lot area per dwelling unit and is used to regulate density. It is different than lot size in the case of townhome units.*

*For lot size, the UDC requires that lots must be 50 ft. deep and 25 ft. wide. However, Table 3.2-7B of the UDC allows lot width to vary if approved through subdivision process in order to allow townhomes to be subdivided. This section also allows a 0 ft. side yard setback. Because of this, the Town has allowed lots smaller than 3,000 sq. ft. if the units are townhomes.*

Vested Rights - *A letter has been submitted which requests Board approval of the extension. It would go before the Board on May 8, 2018.*

Affordable Housing – At the April 12, 2018 meeting, the applicant presented a new housing mitigation plan in response to Staff's concern regarding number of AMI units provided. The Commission had asked that Staff review the new proposal.

*The UDC requires 8 units. 8 have now been provided with the addition of the unit on Parcel 3.*

*There had been discussion regarding distribution of AMI units throughout the development. Specifically, no AMI units are proposed on Parcel 4.*

*Under the Annexation Agreement, all the units must be restricted to 80% AMI. Typically, developments include a range of AMI units between 80% and 150%.*

*In addition, a RETA was placed on the sale of all properties within the Thompson Park development. These funds could be used for affordable housing projects.*

*Janet stated that because of these factors, Staff feels the proposal is reasonable.*

Ross Montessori School (RMS) – There was a question as to how many students could be enrolled in RMS. The school is limited to 350 students.

Michael commented that Lewie's Circle is a private road and do we really want parents turning in. He said that a better solution might be to work with the school and that they can do a drop-off loop in their parking lot. He asked if Kevin was aware of this.

Janet stated that we need to have a dialog with the school if this development is approved and it moves forward. She said that Lewie's Lane is used by parents now because it is available but as the development is built out the parents will be pushed back to Ross Montessori.

Jeff stated that there is a big parking lot and that the turnaround could happen in the parking lot.

Michael stated that he thought there was a bus lane to the west in the parking lot.

Jeff added that he appreciates that the applicant is trying to be a good neighbor but that the school does need to accommodate the parents on their own property.

Michael asked if the vested rights could be put on the consent agenda so it could be passed quickly.

Janet stated that she would pass this idea along.

Jeff asked if this area used to be a PUD.

Janet stated that it was never a PUD but that it probably seems like it because it does have a development agreement on it that has requirements above the UDC.

Jeff asked if the forty units total came from the development agreement.

Janet answered yes.

Jeff asked if there was teeth to the development agreement now.

Janet answered yes because it was an annexation agreement, which was a negotiated agreement. She stated that by changing the density that they are basically reopening that door.

Jeff asked if they are in compliance with the UDC and are they out of compliance with the development agreement.

Janet stated yes because the development agreement has a cap of twenty seven units so in order to proceed with this development the annexation agreement needs to be revised.

Ken asked if there was an original annexation agreement.

Janet answered yes.

Ken asked what that said in terms of density.

Janet answered that it said forty five units, prior to Ross Montessori School.

Michael asked for clarification with the amendment to the annexation agreement and if this was the third or the fourth.

Janet stated that it would be the ninth. She said that it started with forty five units and then Ross bought Parcel 1, which reduced the units down to forty. She continued to explain the history of the prior agreements. She said that the main reason for the amendments is because of the change to number of units.

Jacques Machol thanked the Commission for having them back. He introduced his development team. He stated that Eric Smith, the architect, would address the concerns and questions raised from the last meeting.

Eric Smith explained the revised site plan with the elimination of the center drive. He said that their preference would be to use this revised plan as they are concerned about school traffic turning in and making a loop through the development, making traffic in front of the garages and units. He said that it would also provide a little more open space.

Eric explained the revised landscape plan based on the Tree Board's recommendations with respect to the tree spacing on Lewie's Lane. He also explained the plans per the UDC requirements.

Michael commented that the Tree Board spacing along Highway 133 looks about the same on both plans but that the spacing on Lewie's Lane looks more compact with the UDC requirements.

Eric stated that there is not an alternate spacing for the trees on the Highway 133 side because of the big setback. He said that if the Commission desired that they wouldn't have a problem doing it but that they thought it was more appropriate to follow the Tree Board's recommendations, which does conflict with the UDC.

Eric explained that the only change on Parcels 3 & 4 was the duplex that has now been changed to a triplex to add an affordable housing unit. He said that the tree spacing has also been changed on these parcels based on the Tree Board's recommendations, which impacts both sides of the street.

Eric continued by saying that the site plan submitted shows the subdivision lot layouts for Parcel 2 with the center drive in place as well as a layout without the center drive.

Eric said that the last exhibit is the subdivision plan for Parcels 3 & 4 and that there are no alternates on this plan because the road stays the same.

Haley clarified that the annexation agreement recognizes that the affordable housing units for Parcels 3 & 4 can be distributed between the two parcels or consolidated on one parcel.

Hayley asked if the Commission could extend the conceptual subdivision plan for up to two years instead of just one as the code states. She also said that the construction of the infrastructure for the parcels would be phased over two years instead of just one as it is presented in the Staff report.

Janet confirmed that the way the code reads the subdivision conceptual plan is only good for one year. She stated that one year can be extended to two years by the Commission. She said that this can be made a separate condition as #13.

Marina asked what the proposed timeline is for construction.

Jacques explained that they are looking at starting right away on Parcel 2 and then moving into Parcels 3 & 4. He said ideally we would like to start construction this summer.

Jeff asked for clarification of the subdivision conceptual plan and if the construction on Parcel 2 was started within a year but then construction had not started on Parcels 3 & 4, would they have to come back for approval of the subdivision. He asked what triggers another approval.

Michael asked for clarification of what was being limited to one year or two.

Janet explained that if the conceptual subdivision plan were approved tonight then this approval is only good for one year. She stated that they would then have to come back for the conceptual subdivision plan. She said that within a year the subdivision plat needs to be recorded.

Janet stated that once the subdivision plat is approved then they would get another three years for the vesting. She continued by saying that we have a cascading type of approval process for Thompson Park starting with the master plat and then they have three years to approve the next plat and so on in three year increments. She said that it

was to make sure the development kept moving and historically it was when there were a lot more phases.

Jeff asked the applicant if the two year extension only affects recording of the subdivision plat.

Haley explained that the conceptual subdivision approval doesn't approve any plats, it just approves the concept of how it will be subdivided. She said that it also might make sense to do it for three years because that is also how long the major site plan review period extends, which also coincides with the vested rights concept. She said that if everything was at a three year approval interval it would keep everything going and it is in line with the projected buildout of the whole parcel. She explained that if one year passed and we didn't proceed to the preliminary and final subdivision plat process then the conceptual approval would expire.

Jacques explained the process when a multiple building development is done with townhomes with zero lot lines. He said that when we are doing the townhomes we have to have the foundation poured because when they come in and record the plat line it has to fall dead center on the party wall. He said for us to come in and record a final plat it creates some construction difficulty because if they are off an inch in the field with the foundation wall then the plat line is not occurring dead center in the middle of the party wall. He said that procedurally what they have done is to go ahead and pour the foundations and once the foundation is in, it is easier for the surveyor to pick the dead center point of the foundation wall between the units. He said then we can record the final plat.

### **PUBLIC COMMENTS OPENED**

**Kevin Kreuz**, 421 Settlement Lane, said that he would like to reemphasize again that this project does not conform with the key provision of the UDC. He stated that it does not meet the requirement that all subdivided lots be a minimum of 3000 square feet. He thanked Janet for meeting with him on Monday to explain to him how the applicant thinks that they are conforming with this requirement. He said that Janet agrees that the tables in the UDC do require 3000 square foot lots but that footnote number one under one of the tables, which permits variations in lot width, lot depth and side setbacks, might also permit the applicant to reduce the requirement for 3000 square foot lots. Kevin stated that the footnote clearly does not eliminate the requirement for 3000 square foot lots, it only addresses shape. Furthermore, if the Commission decides to disregard this requirement in the UDC and accepts the applicant's strategy for taking the entire 95,000 square feet and dividing it by 3000 to determine the number of permissible lots and that I would conclude that it doesn't make a lot of sense. He said that a lot of square footage has been used for roads and open space so in turn there is actually a much smaller number to put residences on. He said that if you look at the Planning Department's website it says for clarification that the UDC requires 3000 square foot lots for each multi-family dwelling unit in this zone district.

**Marcie Reed**, 420 Settlement Lane said that they have grandchildren at Ross Montessori School and that safety is their most important quality of life here in RVR. She said that they moved here twelve years ago and that everyone in a community wants quality of life, harmony and that everything that's included with friends and neighbors you can become close to. She said that the quality of life we have in RVR is so wonderful and that is the reason we chose RVR. She stated that minimal building is fine and that excess building is not and that it does not improve the quality of our lives with the amount of people that are going to be with this new building and is going to be something that is not desirable for any of us. She said that forty units is in excess.

**Jennifer Given**, 412 Settlement Lane said that she moved down from Missouri Heights two years ago and that it was her dream come true to move to RVR. She said that when she found out about the twenty seven units that she almost did not move in because she was concerned about her grandchildren and their safety. She said that if there are forty units in Thompson Park that there will be about five hundred more cars coming in through Highway 133 into the area and around three schools and that they are all across the street from RVR. She said that she used to be a full-time mother and she had a business. She said that she would be on her cell phone driving the kids around and parking her car and it is just not safe. She said that she moved to RVR for the old fashioned community and the kids playing in the streets, walking and biking. She said that there is just going to be traffic everywhere. She said that Aspen is in the news all the time with their entrance and what do you think we are doing with Highway 133. She said that five years ago there was no traffic on 133 and now people are living in Marble and Redstone full time and that they used to live there part-time. She said that we are adding five hundred more cars in four years. She said that Carbondale needs to look at what we are looking for in the future of Carbondale and do we want quality of life and safety or do we want bottom line for developers.

**Todd Nero**, 403 Settlement Lane said that he doesn't have as many reservations as he used to but that he has the same reservations. He said that the process is moving very quickly and that it hasn't been thought out in terms of density. He said that it makes sense from a development standpoint to cram as many units in as you can but that there is very limited space there. He said that he drives through it every single day because he lives across the street from it. He said that he is not looking at it from an RVR standpoint and that going forward we should be looking at it for the vision of the town that we are trying to create more aesthetic and pleasing developments with space. He said that it is perplexing that we are going to dig and not have a final plat. He said that it then lets them go where they want to go and then define where it is and that is not how things work. He said that this seems a little fast and loose in every part of the way it is being developed. Todd said that it is not RVR verses the rest of the town and that it is more of the vision for Carbondale going forward.

**Rob Comey**, 655 Glassier Drive asked about the nine versions of development agreements. He said that he has been on the Parks and Rec Board for seven years during the time when the Thompson House was passed to the Town. He asked if when Parcel 2 is being developed is the infrastructure for Parcels 3 & 4 going to go in at the same time or is the phasing going to be down the road. He said that if there was a

previous agreement that it might become a zombie development here in Carbondale. He said that if the infrastructure does not go in up front that it may not go in at all if we did have a worst case scenario. He said that it is a concern that if all of the affordable units are going to be in Parcel 3 that it would be pushed off down the road and that it might look better for the Town to have Parcel 3 developed first. He said that he is across Highway 133 and that the traffic concerns have been an issue.

**Motion to close the Public Comments**

A motion was made by Jeff to close the Public comments. Nick seconded the motion and it was approved unanimously.

Michael thanked the members of the public for sharing their thoughts and he said that it is not your last bite at the apple. He said that it will have to be approved by your elected officials and please feel free to let them know how you feel.

Further discussion ensued about the process of denial or approval of recommendations.

Janet said that the order of business is about disclosures.

Nick said that he had an ex parte communication with two community members regarding the Thompson Park development project. He said that they discussed lot size pertaining to the UDC.

Michael asked Nick if he learned anything from that conversation that the rest of the Commission needs to know.

Nick said that what was discussed was in the public comments and that most of the discussion was around the 3000 square foot requirement and if there were additional considerations that would need to be considered. He said that there was some question of the interpretation of the UDC.

Michael asked Nick if he felt that this ex parte communication or anything that you have learned would interfere with you being impartial.

Nick answered no it would not.

Ken asked Janet what was the guarantee of the affordable units on Lot 3 being developed.

Janet said that was a great point because we ran into this with Mountain Sage with the free market being built and then 2008 happened and the affordable housing units were not built for many years. She said that it might be something to request to the Board that the affordable housing units be built and CO'd prior to Parcel 4.

Ken asked how many units were on Parcel 2.

Eric answered that there were five affordable units on Parcel 2 and that they will start on the north end of this parcel and build to the south. He said that all of the affordable units will be completed prior to starting Parcel 4 and that they will be built out in front of the free market units.

Haley said that the annexation agreement also states that CO's be issued for the affordable units before CO's for the market units.

Marina thanked her fellow Commissioners for all of the work that they have done for getting us to this point. She thanked the applicant and said that it was a well delivered presentation. She said that she is confused about the extension of the platting until after the construction is started. She said that as an architect that she has never done that before. She said that she is not clear on why it needs to happen this way.

Jacques explained that all of the townhouse units, unlike condominiums, which can be recorded as air space plats and that they need to be built prior to recordation. He said that with townhomes we essentially have the same thing and that there are air spaces between party walls. He said that if we are off by a quarter inch then we would have to re-record the whole plat. Jacques said that if you record the final plat ahead of the construction that you are not going to get the construction tolerances within a quarter of an inch on the walls. He said that the property line that comes down between each unit in the center of the party line would have to be dead on or it's not on the appropriate lot that has been platted.

Ken asked if there would be a preliminary plat and how does it relate to this issue.

Jacques explained that this would be the preliminary plat.

Jeff said that what he is hearing is that this is typical of townhome development.

Jacques said that they have done a thousand townhomes and that they have not done one where the final plat has been done ahead of the foundations.

Janet said that she has seen it done both ways and that the building department will require the surveyor to be on site when the foundations are poured and the ground work is done. She said that it is their option on how to do it.

Ken asked if driveways were part of the lot calculation.

Janet answered yes.

Ken asked if a private drive was a driveway.

Janet explained that the drive in this case is an easement so it is part of the lot.

Ken asked if you have a two story building that are condos with one on top of the other, how would you have a lot for the upper unit.

Janet said that you can't but that it would be required to have a 6000 square foot lot.

Ken asked if the calculation that we have used has been consistent.

Janet answered yes. She explained that if someone wanted to build a single family house in the R/MD zone district they would need a 3000 square foot lot. She said that if they wanted to build a duplex that they would need a 6000 square foot lot.

Jeff said that he was looking at the Table 3.2-7, which is Section 3.2.5. He said that he appreciates the lot width, depth and setbacks adjust to the lot but that the footnote is for allowance of townhomes in this framework. He said that it does look like the UDC contemplated this adjustment for townhomes to be subdivided. He asked Janet for her interpretation of this point because it needs to be clear.

Janet said that the way she reads the table is that the lot size is required to be 3000 square feet but that there is an exception for when townhomes are being subdivided. She said that the exception is that lot width, depth and side yard setbacks and zero lot lines are approved, which then implies a smaller lot. She said as long as you have the 3000 feet as the aggregate to start.

Marina asked what the aggregate was.

Janet explained for the entire Parcel 2.

Marina clarified with Janet the math formula for the number of total units.

Jeff said that the way he is reading it is that the setbacks may vary to allow for townhomes but that the lot area may not vary. He said that he is trying to interpret this section.

Michael stated that it didn't make a lot of sense and that if you had a quadplex and that if you had two units on the top and bottom floors that you would need 12,000 square feet of lot area per dwelling but that you wouldn't want to hold any of the individual units to 3000 square foot of lot area.

Michael stated that the applicant is providing 3000 square feet per unit.

Further discussion ensued regarding lot area and density.

Jeff said that his concern is that there is a development agreement in place that affects the property owners around this development. He said that there are people that are affected by our recommendation to amend the development agreement after the fact. He said that his understanding of the reduction of the units historically was due to the Ross Montessori School and their parking lot took up Parcel 1 that would accommodate 45 five units. Jeff said that now that this parcel is already developed so there are three parcels left and that twenty seven units had been agreed to.

Ken said that he is struggling with the development agreement and whether it has authority over the UDC or are they subject to the UDC.

Janet explained that the development agreement is more restrictive and that is what would cap it and that is why there is an amendment to the development agreement, which is part of the application.

Jay said that he was a bit confused as to what takes precedence.

Nick asked if it was a proposed amendment to the development agreement.

Janet said that it is part of the application and that they are proposing to amend the annexation and development agreement to raise the density cap from twenty seven to what is proposed now. She said that the annexation agreement was approved when the property was annexed and that was negotiated. She said that is an agreement that runs with the land, which needs to be amended in order to increase the density regardless of what the UDC says.

Michael clarified the discussion and said that the annexation agreement is between the land owner and the Town in order for the Town to have certain requirements of the land owner in exchange for the Town annexing the land. He said that we know that the annexation agreement has been through several iterations and the current vested development right that the property owner has is not sufficient to support a feasible project. Michael said so they have come back and that we are here today to look at recommending to the Board that we amend the annexation agreement again in order to allow a feasible project. He said that one of the things that is part of the annexation is that the annexation agreement will overlap the UDC so they will be complying with the UDC as a result of the annexation agreement.

Haley stated that the most recent annexation agreement amendment required and subjected the whole property to the UDC because it was originally approved under the old code and that we needed to clarify what code controlled in the event of development. She said that is why the seventh amendment happened and was to subject everything to the UDC. She said that when you amend the development agreement you amend the annexation agreement. She said that the development agreement defers to the UDC and that anything that is not provided for in the development agreement refers to the UDC. She said that in the event of a conflict the UDC controls.

Discussion ensued on a possible motion.

### **Motion**

Marina made a motion to approve the subdivision conceptual plan and recommend approval of the major site plan review with amendments to the annexation and development agreement with the conditions and findings in the Staff report with

amendments to #8 & the addition of #13 with the Tree Board and no center lane on Parcel 2. Nick seconded the motion and it was approved.

Yes: Nick, Michael, Marina, Jay, Ken

No: Jeff

**PUBLIC HEARING Minor Site Plan Review, Variances, Special Use Permit & ADU – Applicant: Thomas Moore Location: 379 Euclid Avenue**

Janet stated that this is a public hearing to consider a Special Use Permit and a Minor Site Plan Review for purposes of allowing an Accessory Dwelling Unit (ADU) in the present accessory structure at 379 Euclid Avenue. She said that the application includes a request to reconstruct the original entrance and entry porch on the western facade of the single family residence on 4<sup>th</sup> Street.

Janet stated that the application also includes the following variances:

1. Variance from minimum lot size requirement - 5500 ft. required for an ADU in the OTR Zone District (Table 3.2-3 of UDC).
2. Variance for size of ADU in OTR (maximum 10% of lot size per section 4.4.4.A.5.e of UDC).
3. Variance for alteration, repairs or replacement in nonconforming structures according to section 7.4.2 – UDC and change of use in section 7.3.1.C.
4. Setback variances for purposes of reconstructing original entry on west side of primary structure.
5. Setback and height variances for shop/home office space conversion to ADU in accessory building.

Janet stated that the application includes a request for a reduction in parking standards for an ADU from 2 spaces to 1 space. She said that this can be done with a finding that it contributes to preservation of the historical character of a residence within the OTR District.

Janet said that Phase 1 would be the conversion of an existing garage, shop and office into an ADU and a more functional garage. She stated that the ADU would be 621 sq. ft. She explained that all of this will occur within the present accessory structure. She said that the only difference is that the south facing windows on the second floor would be replaced by a door and an 18” deep metal balcony.

Janet stated that the allowed height for an accessory structure on an OTR lot is 14 ft. She said that when the garage was built, the allowed height was 20 ft. in the R/LD zone district. She continued by saying that the existing height is 14 ft. 3 in. to mid-span and 20 ft. to the peak. She said that the garage was conforming when it was constructed;

however, it is a legal non-conforming structure now in terms of height. Because of this, a variance was noticed.

Janet stated that Phase 2 would include replacing a bay window structure on the west side of the house with a door entry and small porch.

Janet explained that the nonconformities generally arise from the lot size of 4,000 sq. ft. as well as the lot dimensions of 40' x 100'. She said that in addition, the single family residence was constructed prior to the adoption of the zoning codes. She stated that because of that, the structure is nonconforming related to setbacks on Euclid Avenue and 4<sup>th</sup> Street, lot size and coverage. She said that most of the parking is located on the town-right-of-way.

### **Standards for Accessory Dwelling Unit**

Janet stated that the ADU is in compliance with the UDC. She stated that she has included those standards in the Staff report and how each has been met

### **Variances for Accessory Dwelling Unit**

Janet stated that the three variance requests relate to the ADU. She said that these are listed below with Staff comments in italics.

1. Minimum lot size of 5,500 sq. ft. The existing lot is 4,000 sq. ft.

*Staff feels this is a pre-existing non-conforming condition.*

2. Reduction from two on-site parking spaces to allow one on-site space.

*As noted above, it would be difficult to accommodate any additional on-site parking spaces.*

3. Increase in intensity of use for a portion of the nonconforming structure.

*The existing footprint of the accessory building will remain the same with the exception of the balcony and addition of a door on the south side of the building. Staff feels this is acceptable because there is no expansion of the existing non-conformance.*

### **Variance - Single Family Residence**

Janet said that there is one variance for the single family residence. She explained that the residence is located within the front yard setback along 4<sup>th</sup> Street. She said that the

proposal is to remove the bay window/structure and rebuild the original entrance on the 4th Street facade. This would require a variance.

Ken said that the size of the ADU is going to be 621 square feet and he asked under the strict interpretation of the UDC what would the size limit be.

Janet answered that it would be 400 square feet.

Ken asked if the parameters of the size is set by the existing building.

Janet answered yes.

Marina asked what the square footage of the main structure was.

Mark Chain answered 1993 square feet.

Marina asked if both structures needed to be looked at as both existing non-conforming because the codes were not in place when they were built.

Janet explained that in 1993 we were on Title 18 and that allowed a taller accessory building. She said that we had a smaller setback for garages and now it is a bigger setback. She said that both are legal nonconforming buildings.

Marina asked if we were looking at 1887 or 1993 non-conforming.

Janet said that we are looking at both because the house is 1887 and the garage is 1993.

Marina asked if the garage is where the ADU is.

Janet answered yes.

Michael asked if the requirement for the variance for the primary residence is to allow the changes to the west façade.

Janet answered yes.

Michael asked if the variance was not granted then the changes to the west façade would not be allowed.

Janet answered yes.

Nick asked if the changes to the façade are in keeping with the original character of the building.

Janet answered yes and the historic pattern.

Ken asked what the purpose of the minimum lot size requirement for an ADU in the OTR is and why we have a minimum requirement.

Janet explained that it was because we were having a lot of big ADU's being constructed and we wanted it so the smaller the lot, the smaller the ADU. She said that typically we have lots that are 5500 square feet.

Ken asked if lots that are under 5500 square feet in the OTR should not have an ADU.

Janet stated that the P&Z had felt that they were too small to support both a single family house and an ADU.

Jay asked if the area underneath the pitched roof was counted as square footage.

Janet answered no.

Jay clarified that the 620 square feet is not including where the ceiling is low.

Janet said that you wouldn't stand under a five foot ceiling.

Michael stated that by the Assessor's standards you need to have seven feet in a dormer.

Richard Klein said that the building code indicates that in a cathedral ceiling the square footage calculation is five feet and greater and that anything under five feet is not considered square footage that would be counted for the dwelling. He said that if it were a flat ceiling it would be up to seven feet.

Michael said then you are taxed less for less square footage.

Jay asked if the sewer was tying in with neighboring properties and he referenced a letter from the utility department.

Janet answered yes.

Jay asked if the ADU would have a separate sewer service.

Janet said that they would have to meet the Utility Director's recommendations.

Mark Chain introduced himself and Richard Klein, the architect, and said that this is a project for an ADU and variances at 379 Euclid Avenue. He said that Richard has lived in the house for ten years. Mark stated that Richard sold the home to Thomas and Sadie Moore. He said that the historic reconditioning of the house is related to the two houses to the north, which were recommended for consideration as local landmarks from the 2010 survey.

Michael asked if they were currently in the inventory.

Mark said that they are in the inventory but that they haven't been designated.

Mark said that there are 5-6 variances because of the lot itself with dimensions of 40 ft. x 100 ft. He said that in the 1880's there were no lot size requirements. He said that it is a simple project to convert part of the garage to an ADU from shop space, storage and office. He said that one of the parking spaces will be enhanced or enlarged. Mark said that the window on the south side will become a door and an outdoor balcony. He stated that there would be two skylights and that the volume would not change. He said that this is very similar to the Euclid House across the street. Mark said that this application meets the Comprehensive Plan and the purposes of the zone district. He said it puts an additional unit in downtown, which is walkable. He said that they are improving the parking spaces. He said that they are trying to restore the historic fabric of the house and make an ADU within the existing volume.

Mark said that there is a letter signed by various neighbors as well as an email from the resident at 275 S. Fourth Street. He handed out the email.

Richard Klein said that he is an architect in the valley and that he has been in the valley for thirty four years. He said that he has been in this home for ten years and that he bought it because of its location. He said that he walks to everything and that he hardly needs his car. He said that he isn't sure why there was a bay window put in as it doesn't enhance the house at all. Richard said that originally this house and the two houses to the north were all on the same lot. He said that they were three little miners' cottages. He said that during one of the modifications the address of this home changed to Euclid Avenue. He said that his goal long term was to live in the proposed ADU to be able to stay in the valley. He said that Sadie and Thomas Moore bought the house and they share his vision. He stated that Sadie wants to live in the ADU and rent the house.

Richard said that old houses were all hooked on to the same sewer. He said that he has since put in a new sewer line and that it is envisioned to be hooked up to the ADU. He said that they can easily hook into the water line for the ADU. He said that an important consideration was to leave the volumes the same to not impact the neighborhood. He said that the house really wants to have the door and balcony restored as the three little cottages in a row, which is an important aspect of this application.

Richard said that the parking in the garage has only one door. He said that they would like to reestablish a legal offsite parking place. He said that currently there is a window above the garage door and that he would envision a shallow balcony with a French door to open the house up to the outside. He said that the calculated square footage upstairs only includes the space above five feet and that the lower areas will be good for storage.

Sadie Moore introduced herself and said that she moved to the valley two years ago. She said that she works for the recovery home for women and that she is a counselor. She said that she really wanted to live downtown where she could walk or ride her bike to work as well as be on call for the women she works with. Sadie said that she couldn't find a place to rent because of the tight rental market. She said that she hopes to have a long term rental in the main house and that she has no intention of doing short term rentals. She said that she was lucky that this home was owned by an architect that could envision what we wanted the house to look like. She said that she hopes to be in Carbondale forever.

Mark outlined the site plan displayed on the wall explaining what is conforming and what is not conforming. He pointed to the parking spaces. He said that they have looked at the proposed conditions of approval and that they are acceptable. He said that the building plans will be coordinated with the building department. He said that phase 1 and 2 will happen concurrently depending on when construction is initiated.

Michael clarified with Staff that there are five variances and that three of them are actually intended to legalize the non-conforming use.

Janet answered yes that they would no longer be legal non-conforming with the variances.

Michael clarified that the two variances that relate to new construction are #'s two and three for granting a variance for the ADU to be larger than allowed as well as a variance for the main house to allow for the restoration to historic condition.

Nick asked why the floor is being elevated.

Richard answered for insulation and for plumbing.

**Ian Osier**, 850 Garfield Avenue said that he thinks this project is asking for reasonable variances. He said that it is commendable that they are seeking to do a historic restoration of the facade and that it will really add to the row of homes. He said that he also thinks it's commendable that they are making a more usable space for parking than is currently there. He likes that there will be an owner resident that will occupy it. He said that he wished that the UDC had a way to encourage that. He said that it is also a reasonable request for a larger size with the constraints that the site has and that they are not enlarging the shell.

**William Duke**, 174 S. Fourth Street said that they are really sorry to see Richard leave. He said that they have met Sadie and that they are happy that she is not wanting to expand the living space that is already existing. He said that these are small and unique lots with historic character and that they would like to preserve their home as it is. He said that they like the fact that they will restore the facade on the west, which was the original entry into the house as well as two windows on the other side of the entryway. He said it is also reasonable to have a larger than normal ADU, knowing the space and having been in it many times. He said that shrinking a building that is already there doesn't seem reasonable. He said that they are welcoming Sadie and are glad that there will be an onsite owner.

**Larry Gottlieb**, 378 Euclid Avenue said that his wife Kay and him have the Euclid House Bed and Breakfast across the street. He said that he would like to echo everything that Bill said and that they are in favor of expanding the inventory of long term housing and not a VRBO. He said that they support people that want come to Carbondale and participate in the community. He said that they appreciate seeing the plans and being invited over to show us everything and that we are in favor of this project.

### **Motion to close the Public Comments**

A motion was made by Ken to close the Public comments. Jay seconded the motion and it was approved unanimously.

Ken asked Sadie how important is the ADU.

Sadie said that she will live in it and she will rent out the main house for a long term rental.

### **Points of discussion**

- Minimum lot size for the ADU.
- ADU already exists.
- Three homes in a row are great for the town.
- Great project and something that can't be overlooked.
- Proximity to town and to live and work in the downtown.

- Fabric of the town and helps the community.
- Unique historic home from 1888.
- Meets the criteria of the zone district etc.
- Meets the purpose of the zone district.
- Meets the Comprehensive Plan goals.
- Lot was subdivided prior to zoning regulations.

### **Motion**

Jay moved to approve the Special Use Permit, Variances and Minor Site Plan Review with the findings and conditions in the Staff Report. Jeff seconded the motion.

Yes: Nick, Michael, Marina, Jay, Jeff

No: Ken

### **Staff Update**

Janet said that City Market is progressing and she is working on getting the 1<sup>st</sup> Bank plat recorded. She said the deadline is May 28, 2018.

Janet said that Dr. Stein is submitting the engineering for the vacant lot on the corner of Colorado Avenue and Highway 133.

### **Commissioner Comments**

Michael said that Jorge Ochoa from Gould came to the Rotary meeting today to talk about the project for City Market.

### **Motion**

A motion was made by Jeff to adjourn. Nick seconded the motion and the meeting was adjourned at 9:45 p.m.

**MINUTES**  
**CARBONDALE PLANNING AND ZONING COMMISSION**  
Thursday May 10, 2018

**Commissioners Present:**

Jennifer Gee DiCuollo  
Nick Miscione, 2<sup>nd</sup> Alternate  
Gavin Brooke

**Staff Present:**

Janet Buck, Planning Director

**Commissioners Absent:**

Michael Durant, Chair  
Marina Skiles  
Ken Harrington  
Jeff Davlyn  
Jay Engstrom, 1<sup>st</sup> Alternate  
Yuani Ruiz, Chair Pro Tem

**Other Persons Present**

There was no public comment.

The meeting was called to order at 7:00 p.m. by Janet.

Gavin was selected as Chair for this meeting.

**April 26, 2018 Minutes:**

Gavin tabled the minutes until the May 24, 2018 meeting.

**Resolution 1 of 2018**

Gavin tabled the resolution until the May 24, 2018 meeting.

**Other Persons Present**

There was no public comment.

**PUBLIC HEARING – Special Review for Site Plan & Architectural Design**

**Applicant: Red Hills Lofts, LLC**

**Location: Lot 12B, Kay PUD (Dolores Way)**

Gavin introduced the Red Hill Lofts application. He said he would entertain a motion to continue the public hearing until the May 24, 2018 meeting. He said that because there was no quorum and that the hearing would need to be continued.

**Motion**

Jenn made a motion to continue the public hearing for Red Hill Lofts, LLC to the May 24, 2018 Meeting. Nick seconded the motion and it was approved unanimously.

Gavin told the Commission that he had decided to resign due to time constraints and that this was his last meeting. He said that he would miss his time with the Commission.

A motion was made by Jenn to adjourn. Nick seconded the motion and the meeting was adjourned at 7:17 p.m.

DRAFT

RESOLUTION NO. 1  
SERIES OF 2018

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN  
OF CARBONDALE, COLORADO, APPROVING A MINOR SITE PLAN REVIEW,  
SPECIAL USE PERMIT AND VARIANCES FOR PROPERTY  
LOCATED AT 379 EUCLID AVENUE  
IN THE TOWN OF CARBONDALE, COLORADO

WHEREAS, Thomas K. Moore ("Applicant") requested approval of a Special Use Permit and Minor Site Plan Review to allow an Accessory Dwelling Unit (ADU) in an existing accessory structure, including the following variances:

1. Variance from minimum lot size requirement - 5500 ft. required for an ADU in the OTR Zone District (Table 3.2-3 of UDC).
2. Variance for size of ADU in OTR (maximum 10% of lot size per section 4.4.4.A.5.e of UDC).
3. Variance for alteration, repairs or replacement in nonconforming structures according to section 7.4.2 – UDC and change of use in section 7.3.1.C.
4. Setback variances for purposes of reconstructing original entrance and entry porch on west side of primary structure on 4<sup>th</sup> Street.
5. Setback and height variances for shop/home office space conversion to ADU in accessory building.
6. A reduction in parking standards for an ADU from 2 spaces to 1 space as allowed in Section 4.4.4.A.5.c as the reduction contributes to the preservation of the historical character of a residence within the Old Town Residential (OTR) Zone District.

The property is located at 379 Euclid Avenue in the Town of Carbondale. The property is legally described as the south 40 feet of Lots 13 through 16, Block 13 of the Original Carbondale Townsite.

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application during a Public Hearing on April 26, 2018 and approved said application on the terms and conditions set forth below;

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, that the Special Use

Permit, Minor Site Plan Review and Variances are hereby approved, subject to the following conditions and findings:

Conditions of Approval

1. The construction of the ADU and the reconstruction of the west building façade of the single family residence shall be done concurrently. The west building façade reconstruction shall be complete prior to issuance of a Certificate of Occupancy for the ADU.
2. All development shall comply with the Site Plans and Building Elevations submitted with the application.
3. Fees in lieu of water right dedication for the ADU shall be due at the time of building permit.
4. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
5. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
6. The Applicant shall also pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings

Special Use Permit for ADU

1. The proposal meets the purposes of the zone district in the OTR zone district, specifically care has been taken to meet all criteria, regulations and dimensional requirements that could possibly be met with the exception of those noted for which variances are required (e.g. open space, lot size and setbacks). The proposed ADU will be contained within the existing volume of the garage and the historic entry of the primary residence reconstructed.
2. The special use shall comply with all applicable fire, building, occupancy and other municipal code provisions as a building permit will be required for both the single family residence and the ADU;
3. The special use does not have a significant traffic impact on the neighborhood.

4. The special use does not have an adverse effect upon the character of surrounding uses; and in fact will enhance the character by preserving an existing historic structure.
5. The impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
6. The use does not create a nuisance and such impacts are borne by the property owners of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. Access to the site is adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
8. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future as all uses will presently be accommodated within the existing volume of the structures. No new structures are being built.
9. The project maximizes the use of the site's desirable characteristics, specifically the reconstruction of the building façade on 4<sup>th</sup> Street.

Variances for Single Family Residence and ADU

1. The structures to be altered are a residential dwelling unit and an accessory structure to the residential unit;
2. The lot is located in the Old Town site;
3. The applicant did not cause the situation or hardship by his/her own actions. An exception is warranted because the lot was subdivided and the single family home was constructed prior to subdivision or zoning regulations being instituted in the town;
4. The new construction, alteration or addition could not be reasonably placed in another location;
5. The new construction, alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;
6. The variance requested does not harm the public or injure the value of adjacent properties;

7. The granting of a variance is consistent with the spirit and purpose of the Code.

Site Plan Review

1. The site plan is consistent with the Comprehensive Plan as it provides smaller ADU units near the downtown and preserves and enhances a historic structure;
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land-use approval as applicable;
3. The site plan complies with all practical development and design standards set forth in this code, though there are a number of pre-existing non-conforming situations due to the historic nature of the lot and single family home.
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

INTRODUCED, READ, AND PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2018.

PLANNING AND ZONING COMMISSION OF  
TOWN OF CARBONDALE

By: \_\_\_\_\_  
Michael Durant  
Chair



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## **Planning and Zoning Commission Agenda Memorandum**

Meeting Date: 5-24-2018

**TITLE:** 737 Colorado Avenue - Subdivision Exemption and Alternative Compliance

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Public Works Comments dated 4-20-2018  
Land Use Application

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### **BACKGROUND**

Before you tonight is an application for a Subdivision Exemption, and a request for Alternative Compliance related to off-street parking standards. You are required to hold a public hearing and render a final decision. That decision may be to approve the application, deny the project, or continue the public hearing.

Owner/Applicant: Christine Interlante  
Property Location: 737 Colorado Avenue  
Zone District: Residential/Medium Density (R/MD)  
Lot Size: 9,000 sq. ft.  
Present Land Use: One Single Family Residence

### **DISCUSSION**

The applicant is requesting a Subdivision Exemption to divide a 9,000 sq. ft. parcel into two lots as follows:

Lot A – 6,000 sq. ft. lot

Lot B – 3,000 sq. ft. lot

A proposal for Alternative Compliance in lieu of providing off-street parking for Lot B is also requested.

Lot A would be vacant at this time. A new single family dwelling with an accessory dwelling unit may be constructed on Lot A in the future. This application does not include Site Plan Review for any new development. It is simply a Subdivision Exemption to create a new lot.

There is an existing single family residence on Lot B. It is an 855 sq. ft., one bedroom house which was constructed in 1883. That house would remain.

## **ZONING**

### Lot Size and Dimensions (UDC Table 3.2-7)

The minimum lot area in the R/MD zone district is 3,000 sq. ft. Both lots are in compliance.

The minimum lot width is 25 ft. and the minimum lot depth is 50 ft. The proposal meets the code requirements as follows:

Lot A	27.43' to 75 ft. wide 110 ft. deep
Lot B	38.13 ft. to 47.57 ft. wide 64.14 ft. to 54.82 ft. deep

### Setbacks (UDC Table 3.2-7)

No development is proposed for Lot A at this time so setbacks are not applicable. However, subdivisions with jogged lot lines have been approved in the past creating situations where it is not clear how setbacks should be handled during building permit review. Staff recommends that the setbacks for Lot A be established with this Subdivision Exemption application.

Staff suggests that the area of the lot adjacent to Colorado Avenue be treated as a front yard setback. The area on Lot A directly to the north of Lot B should also be considered a front yard. This would establish a 10 ft. front yard setback between the lots rather than a 5 ft. side yard setback. This ensures that the future property owner of Lot B maintains some degree of privacy in the back yard area. The length of the lot adjacent to the alley would be the rear lot line. The side yard setbacks would be along the east and west lot lines.

The plat should be revised to reflect a plat note or setback lines establishing the setbacks. This has been made a condition of approval.

The existing setbacks for Lot B are as follows:

	<u>Required</u>	<u>Proposed</u>
Front	10 ft.	18.9 ft.
Side (E)	5 ft.	9.4 ft.
Side (W)	5 ft.	5 ft.

#### Maximum Impervious Surface (UDC Table 3.7-2)

The code allows 60% of maximum impervious surface in the R/MD zone district and requires 40% pervious surface.

Lot A allows 3,600 sq. ft. of impervious surface. The only improvement on the lot is the 2,336 sq. ft. gravel area which is currently used as parking. This area will be reclaimed when the lot is development.

Lot B requires 1,200 sq. ft. of pervious surface. 1,542 sq. ft. of pervious surface is proposed.

Both lots are in compliance.

#### Alternative Compliance/Parking (UDC Section 5.1.3)

The UDC requires one off-street parking space for the existing single family residence on Lot B. The off-street parking for the residence is currently located on Lot A in the gravel area.

The required parking for Lot A would be calculated at the time of Site Plan Review. Three or four off-street parking spaces may be required depending on the size of the units and number of bedrooms.

The applicant submitted an Alternative Compliance proposal to address the parking requirements for the Subdivision Exemption.

Colorado Avenue between 7<sup>th</sup> and 8<sup>th</sup> was improved a number of years ago with curbs, sidewalks, landscaping, bulb-outs and diagonal parking. Currently, there is a curb cut along Colorado Avenue to access the existing on-site gravel parking on the property.

One option to meet the off-street parking requirement for both lots would be to retain the existing curb cut on Colorado Avenue for future parking for Lot A and to create new curb cut to provide on-site parking for Lot B. This would result in two curb cuts in close proximity to each other. There would also be a loss of diagonal on-street parking spaces.

Instead, the applicant is proposing to meet the parking needs under Alternative Compliance as follows:

When Lot A is developed, parking would be located off the alley toward the rear of the lot. The parking for Lot B would be met by utilizing on-street parking spaces on Colorado Avenue.

The existing curb cut would be eliminated for Lot A. No new curb cut would be proposed for Lot B. This would eliminate the need for pedestrians to cross two driveways on the sidewalk. Additional on-street parking would be created on Colorado Avenue. The residents of Lot A would utilize the on-street parking. The parking spaces would remain public.

The applicant would be responsible for the costs of taking out the curb cut and establishing the streetscape including construction of a sidewalk and landscaping. There may need to be some adjustments to the irrigation system. The work along Colorado Avenue should be done prior to recordation of the plat.

Alternative compliance may be approved by the Planning Commission if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to a better degree than the subject standard;
2. Advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the subject standard;
3. Results in benefits to the community that exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

The applicant's representative met with the Public Works Director and Planning Staff regarding this proposal prior to submittal of the application. Staff agreed that it made sense to address parking in this manner and are supportive.

### Utilities

Water – There are three taps on the main for this property along Colorado. One of the unused taps must be abandoned as part of this application. In addition, the service line extending to Lot B would be partially located on Lot A. The water line should be moved so that it extends directly to Lot B from Colorado Avenue. This would eliminate the need for the waterline easement proposed on the south side of the lots. This has been made a condition of approval.

Sewer – The sewer service line extends from the alley through Lot A to serve the existing house on Lot B. A utility easement is proposed on the east side of Lot B. Prior to recordation of the plat, this service line should be relocated within the proposed

easement. In addition, the Public Works Department notes that the sewer line is clay and it is recommended that the line be replaced.

Gas and Electric – The gas and electric lines extend off the alley through Lot A to serve Lot B. These utilities should be relocated into the proposed easement on Lot B prior to recordation of the plat.

There should be a maintenance agreement or a plat note requiring that if the easement is disturbed due to repair or replacement of the utilities, that the owner of Lot B shall be required to reestablish and revegetate the easement area.

These have all been made conditions of approval. The intent of the utility work is to be sure there are two separate salable parcels with independent utilities in the event one or both of the lots are sold after recordation of the plat.

While staff generally prefers that future lots not be burdened with easements which serve other lots, this seems necessary in order for Lot B to gain access to utilities.

Subdivision (UDC Section 2.6.6):

The Planning Commission may approve a Subdivision Exemption if it finds the following:

1. The subject property is suitable for subdivision within the meaning of Chapter 17.06;
2. All public utilities are in place on, or immediately adjacent to, the subject property;
3. Each lot has the necessary dedicated public access required by this code at the time of the subdivision exemption application;
4. The subdivision plat shall comprise and describe not more than three lots and, unless the property to be subdivided is wholly owned by the Town or another federal, state or local government entity, the entire parcel to be subdivided shall be no more than five acres in size; and
5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the subject property meets the design specifications Chapter 17.06.

Staff is supportive of the proposed subdivision exemption. This property is located in the Downtown/Old Town Periphery area in the 2013 Comprehensive Plan. The Comprehensive Plan states this neighborhood represents an opportunity for incremental multifamily residential infill, redevelopment and accessory dwelling units.

The UDC requires that a subdivision plat be recorded within three months of approval. Because of the required utility and streetscape work, Staff would suggest that the Planning Commission authorize a six month timeline to record the plat.

## RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve the Subdivision Exemption and Alternative Compliance for Off-Street Parking with the recommended findings and conditions below.**

### Recommended Conditions:

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.
2. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within six (6) months of approval by the Planning Commission.
3. The plat shall be revised to reflect a plat note or setback lines establishing the setbacks prior to recordation of the plat.
4. The applicant shall be responsible for abandoning one of the water taps prior to recordation of the plat.
5. The applicant shall be responsible for relocating the water service line so that it connects to Lot B directly from Colorado Avenue prior to recordation of the plat.
6. The sewer service line shall be relocated within the proposed easement located on Lot A to serve Lot B prior to recordation of the plat.
7. The applicant shall be responsible for relocating the gas and electric lines extending off the alley into the utility easement on Lot A prior to recordation of the plat.
8. The applicant shall provide a maintenance agreement or a plat note outlining maintenance responsibilities for the utility easement located on Lot A in the event a utility line is replaced or repaired.
9. Water rights for a single family residence and accessory dwelling unit may be due for Lot A at the time of building permit.
10. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.

11. The following Park Development, School District and Fire District fees shall be paid prior to recordation of the plat, unless waived by the School District, Fire District or Board of Trustees:

Park Development (Lots A and B)

2 units @ \$700 = \$1,400

Fire District (Lot A)

1 unit @ \$730 = \$ 730

School District (Lot A based on two-bedroom unit)

1 2-bdrm unit @ \$378 = \$ 378

Total = \$2,508

12. The applicant shall be responsible for the costs of recordation of the approval documents.

**Recommended Findings:**

**Subdivision Exemption:**

1. The subject property is suitable for subdivision and is in compliance with Chapter 17.06 Subdivision;
2. All public utilities are in place on, or immediately adjacent to, the property;
3. Each lot has the necessary dedicated public access off Colorado Avenue and the alley;
4. The subdivision plat includes no more than three lots and is no more than five acres in size; and
5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the property meets the design specifications in Chapter 17.06 Subdivision.

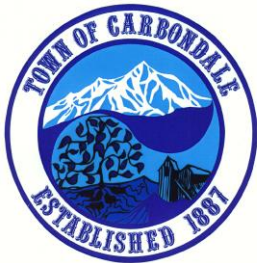
**Alternative Compliance**

1. The proposal achieves the intent of the parking standard to a better degree than the standard because only one off-street parking space would be required for Lot B; however, four on-street parking spaces would be preserved. Off-street parking would be provided off the alley for Lot A at the time of development of the lot;
2. The proposal advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the parking standard; specifically Section 4.3

which suggests emphasizing pedestrians more than cars and emphasizing green space more than off-street parking. The proposal minimizes the number of needed curb cuts to increase the function and safety of the sidewalks;

3. The proposal results in benefits to the community that exceed benefits associated with the parking standard as four on-street parking spaces will be available to the public; and
4. The proposal imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance as the on-street parking will be available to those residents.

Prepared by: Janet Buck, Planning Director



# TOWN OF CARBONDALE

## PUBLIC WORKS

511 Colorado Avenue  
Carbondale, CO 81623

### Development Review Memorandum

**SUBJECT PROPERTY/DEVELOPMENT:** 737 Colorado Avenue  
**ITEM NUMBER:** LU18-14  
**ARCHITECT:**  
**OWNER:** Christine Interlante  
**DATE:** April, 20, 2018

#### REVIEW COMMENTS:

We understand that there is no additional development proposed at this time with this application. However, if approved, the owner should be aware of the following should they choose to develop the additional single-family home or ADU:

#### Water:

- Records indicate that there are currently three taps on the main for this property. When developed, if all three taps are not used, the unused taps need to be properly abandoned.

#### Sanitary Sewer:

- When the property is developed, special consideration should be given to the configuration of the sewer services. Depending on the chosen configuration, a larger sewer tap, or additional taps may be necessary.
- Our records indicate that the existing sewer line is clay. If it is not going to be abandoned, we would recommend replacing the clay service line concurrent with additional development on the property.

## **737 Colorado Subdivision Exemption Application**



Submitted to:  
Town of Carbondale  
511 Colorado Ave.  
Carbondale, CO 86123

Prepared for:  
Christine Interlante  
737 Colorado Ave.  
Carbondale, CO 81623

Prepared by:  
Robert Schultz Consulting•354 Fawn Dr. Carbondale, CO 81623•970-963-3670  
Lines In Space•67 Glenwood Ave. Carbondale, CO•970-963-3852

## Background and Purpose

737 Colorado Avenue is a 9,000 sf lot that hosts a home built in 1883. It is part of the Weavers Addition Block 8 lots 19-21. The information below is presented to describe the proposal and to document conformance with the UDC Section 2.6.6 for Subdivision Exemption.

The intent of the subdivision exemption is to preserve the existing one bedroom home on a 3,000 sf lot (Lot B) while allowing a new 6,000 sf lot (Lot A) behind and to the west of that building, which would house a new up to three bedroom single family home and one bedroom ADU. No architectural plans for the new home exist at this time.

The property is zoned R/MD with a minimum lot size of 3,000 sf, however a third lot could not be accommodated without disturbing the 1883 home. Thus two lots are proposed. The proposal serves the purpose of the R/MD zone district to provide single and multifamily housing near community services. The location is within walking distance of transit services, shopping, recreation and parks, and the downtown core.

The Lot Data after subdivision exemption would be

Lot A	Square Feet	Percentage
Building Improvements	0	0%
Other Impervious*	2336	39%
Total Impervious	2336	39%

\* Existing gravel circulation area to be reclaimed during future construction

Lot B	Square Feet	Percentage
Building Improvements	855	29%
Other Impervious	603	20%
Total Impervious	1458	49%

The attached draft Subdivision Exemption Plat displays the proposed lot configuration and provides evidence that all setback requirements can be met. Public access is provided for each lot as they each front Colorado Ave. Vehicular traffic to and off-street parking for Lot A will arrive via the alley at the northern edge of the property and park on that lot. The alley orientation will allow the context and setting of the current home to remain intact. Parking for the existing home is proposed to be provided through the Alternative Compliance section of the UDC, discussed in detail below.

The property is served with wastewater connections available in Colorado Ave. and the alley to the north. The existing home currently has wastewater, gas, and electric connections across the proposed Lot A. At the time of construction of the future home or prior to sale of the existing home, the wastewater, gas, and electric to the existing home will be rerouted onto Lot B or to an easement along the eastern edge of the new lot.

There are existing, available curb stops for water service along Colorado Ave. Electric, phone, cable, and internet service are all available from the providers to the existing home.

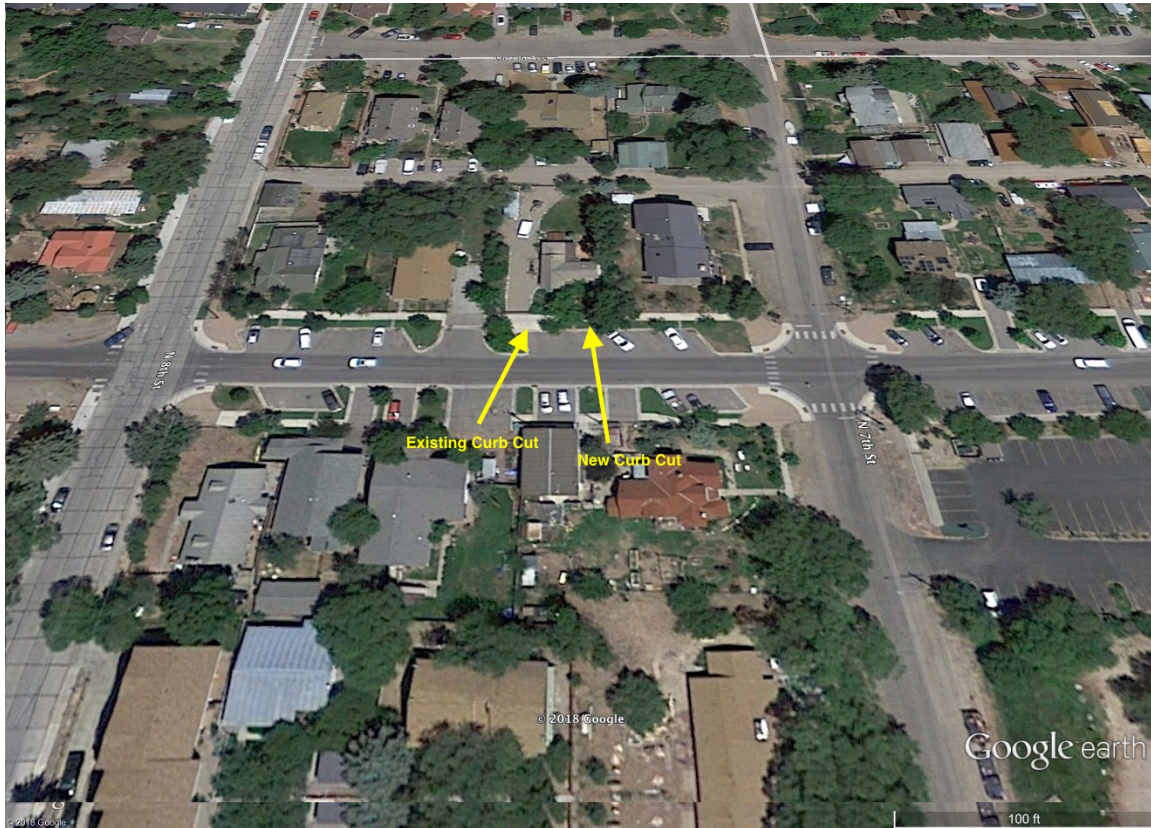
The site is relatively flat with no remarkable features that would impact the subdivision or addition of a new home. Much of the proposed Lot A is currently disturbed and has been used as gravel parking and circulation or for storage. The proposed use and siting is typical in the area with the 1883 home continuing to be the prominent feature from the street.

737 Colorado seems like a logical place for a subdivision exemption and the proposed lot layout honors the historical use of the property.

### **Parking for Lot B- Alternative Compliance**

The UDC makes provision for meeting certain sections of the code through Alternative Compliance (Section 5.1.3). Included in the requirements subject to Alternative Compliance is Off-Street Parking (Section 5.8). The street section of Colorado Ave. between 7<sup>th</sup> and 8<sup>th</sup> Sts. was improved several years ago with new curbs, sidewalks, landscaping, and parking configurations.

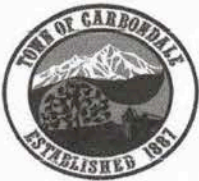
The parking for the existing home (Lot B) is on land that is proposed as part of Lot A. In the absence of Alternative Compliance, Lot A would continue to use the existing curb cut and Lot B would require a new curb cut from Colorado Avenue, eliminating two existing parking spaces. The current off-street spaces are accessed by a curb cut through an area that could easily be reconfigured to add two parking spaces if the curb cut was abandoned.



The proposed Alternative is to meet parking needs for Lot B using on-street spaces that would be made available through eliminating the existing curb cut and avoiding an additional new curb cut. Approximately four spaces that would otherwise be unavailable would remain in the public domain and the residents of the existing house would compete for on-street spaces. This would also eliminate a vehicle/pedestrian crossing at the driveway, increasing pedestrian comfort. Since the end result includes more parking than would otherwise be available, there is no harm to adjacent properties.

No dedicated spaces would be created for the existing home and the owner of 737 Colorado Ave. would be responsible for the cost of eliminating the existing curb cut and planting grass in the landscaped area that would result from the reconfiguration.

This proposal is the result of consultation with Town planning and public works staff. We believe that the result better honors the siting and integrity of the 1883 house and results in more public parking while meeting the needs of the residents of 737 Colorado Ave.



**Town of Carbondale  
Subdivision Exemption  
Checklist**

(970) 963-2733

**Project Name:** 737 Colorado Ave. Subdivision Exemption

**Applicant:** Christine Interlante

**Applicant Address:** 737 Colorado Ave. Carbondale

**Location:** Same

**Date:** 3/19/18

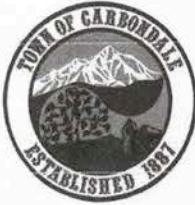
**Staff Member:**

Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

Per Section 2.3.2.B of the UDC, the Planning Director shall determine the form and number of application materials required.

**Required Attachments**

- ☒ Filing Fee of \$300 and Land Use Application (separate attachment)
- ☒ a. The following shall be submitted with a subdivision exemption application:
  - i. A sketch plan drawn to scale showing existing and proposed lot configurations, existing structures, existing utility lines, and dedicated public access;
  - ii. A written statement explaining why the subdivision meets the purposes of this Code;
  - iii. A written statement of the intended uses and proposed densities of each parcel in the subdivision;
  - iv. If the parcels have existing residential units or will be used for residential units, a written statement indicating how many bedrooms each unit has or will have; and
  - v. Evidence of title or ownership of the applicant to the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships.
- b. As a condition of processing and granting the application, the Town may require at any stage of the proceedings such engineering specification and data as are necessary to enable it to determine that the proposed subdivision will meet all of the applicable design and improvement standards in Chapter 17.06.Subdivision.
- ☐ Additional information requested at the pre-application meetings:



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

Pre-Application Meeting Date \_\_\_\_\_

Fees \_\_\_\_\_ Date Pd \_\_\_\_\_

### Land Use Application

#### PART 1 – APPLICANT INFORMATION

Applicant Name: Christine Interlante Phone: 970-319-9052

Applicant Address: 737 Colorado Ave Carbondale

E-mail: realaspen@comcast.net

Owner Name: Christine Interlante Phone: \_\_\_\_\_

Address: See above

E-mail: \_\_\_\_\_

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

737 Colorado Weavers Addition Block 8 Lots 19-21

#### PART 2 – PROJECT DESCRIPTION

General project description:

Subdivision Exemption to create two lots

Size of Parcel: 9,000 # Dwelling Units: 1 existing Sq Ftg Comm: \_\_\_\_\_

Type of Application(s): Subdivision Exemption proposed

Existing Zoning: R/MD Proposed Zoning: R/MD

#### PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Signature of all owners of the property must appear before the application is accepted.**

||  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_ Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss.

The above and foregoing document was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official  
My commission expires:

\_\_\_\_\_  
Notary Public

# **Commonwealth Title Company of Garfield County, Inc.**

**127 E. 5th Street  
Rifle, CO 81650  
Phone (970) 625-3300 / Fax (970) 625-3305**

**1322 Grand Avenue  
Glenwood Springs, CO 81601  
Phone (970) 945-4444 / Fax (970) 945-4449**

---

**Date: January 17, 2018**

**File No. 1710100-1**

**Property Address. 737 Colorado Avenue, Carbondale**

## **Listing Agent**

The Property Shop  
1117 Grand Avenue  
Glenwood Springs, CO 81601  
Attn: Wendy Harrison  
Email: wendy@propertyshopinc.com;  
laura@propertyshopinc.com

## **Selling Agent**

Coldwell Banker Mason & Morse:  
290 Highway 133  
Carbondale, CO 81623  
Attn: Patty Brendlinger  
Email: pbrendlinger@masonmorse.com

## **Buyer**

Christine Anne Interlante  
Email: realaspen@comcast.net

## **Seller**

Robert Jackson  
Email: robert@mountainterrascape.com

## **Closing Contacts**

Glenwood Springs office - 970-945-4444

Linda Gabossi - linda@cwtrifle.com  
Connie Rose Robertson - connie@cwtrifle.com  
Jessica Reed - jessica@cwtrifle.com

Rifle office - 970-625-3300

Denna Conwell - denna@cwtrifle.com  
Patti Reich - patti@cwtrifle.com

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

**File No. 1710100-1**

1. Effective Date: **January 9, 2018 at 7:59 AM**

2. Policy or Policies to be issued:

(a) ALTA OWNER POLICY (ALTA 6-17-06) **\$544,250.00**

Proposed Insured:

**Christine Anne Interlante**

(b) ALTA LOAN POLICY (ALTA 6-17-06)

Proposed Insured:

3. The Estate or interest in the land described or referred to in the Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

**Robert Jackson**

4. The land referred to in this Commitment is situated in the County of Garfield, State of Colorado and described as follows:

**Lots 19, 20 and 21  
Block 8  
Weaver's Addition  
Town of Carbondale**

**TITLE CHARGES**

<u>Owner's Policy Standard Coverage</u>	<b>\$902.00 Reissue</b>
Owner's Extended Coverage	<b>65.00</b>
Tax Certificate	<b>15.00</b>

COUNTERSIGNED: *Patrick P. Burwell*  
Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

**SCHEDULE B - SECTION 1**

The Following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded to the office of the Clerk and Recorder of the County in which said property is located.

1. Warranty deed from Robert Jackson vesting fee simple title in Christine Anne Interlante.
2. Release of record by the Public Trustee of the Deed of Trust from Robert Jackson for the use of Banc of California National Association dba Banc Home Loans showing an original amount of \$325,600.00, dated August 1, 2016 and recorded August 8, 2016 as Reception No.880737
3. Execution of a Final Affidavit and Agreement indemnifying the Company against unfilled mechanic's and materialmen's liens.

## DISCLOSURES

Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph F provides: "Whenever a title entity provides the closing and settlement service that is in conjunction with the issuance of an owner's policy of title insurance, it shall update the title commitment from the date of issuance to be as reasonably close to the time of closing as permitted by the real estate records. Such update shall include all impairments of record at the time of closing or as close thereto as permitted by the real estate records. The title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all undisclosed matters that appear of record prior to the time of closing." Provided Commonwealth Title Insurance Company of Garfield County, Inc. conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued. This Notice is required by Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph G.

Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that affirmative mechanic's lien protection for the prospective insured owner may be available upon compliance with the following conditions:

A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit. B. No labor or materials may have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months. C. The Company must receive appropriate affidavits indemnifying the Company against all unfiled mechanic's and materialmen's liens. D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary; or, at its option, the Company may refuse to delete the exception. No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph M.

Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given of the availability of a Closing Protection Letter which may, upon request, be provided to certain parties to the transaction.

Pursuant to C.R.S. §10-11-122, notice is hereby given that:

A) The subject real property may be located in a special taxing district; B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer's authorized agent; C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor; and D) The company will not issue its policy of policies of title insurance contemplated by the commitment until it has been provided a Certificate of Taxes due from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary

C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform.

Pursuant to C.R.S. §10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

If the transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. §39-22-604.5 (Nonresident withholding).

Pursuant to C.R.S. §38-35-125(2), no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph J. **"Good Funds Law"**

C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee and Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

## SCHEDULE B - SECTION 2

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Rights or claims of parties in possession not shown by the Public records.  
**Note: This exception will be deleted on the final policy upon compliance with the requirements herein.**
2. Easements, or claims of easements, not shown by the public records.  
**Note: This exception will be deleted on the final policy upon compliance with the requirements herein.**
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the public records.  
**Note: This exception will be deleted on the final policy upon compliance with the requirements herein.**
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.  
**Note: Exception No. 4 will be deleted upon receipt of Final Affidavits and Agreements indemnifying the Company against unfilled mechanic's and materialmen's liens.**
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.  
**Note: Exception 5 will be deleted on the final policy if Commonwealth Title Company of Garfield County, Inc. closes the proposed transaction and records the applicable instruments of conveyance.**
6. Any and all unpaid taxes, assessments and unredeemed tax sales.  
**Note: Exception 6 will read: "General taxes and assessments for the year 2017 and thereafter, not yet due and payable." on the final policy if Commonwealth Title Company of Garfield County, Inc. closes the proposed transaction.**
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.
9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded May 23, 1892 in [Book 12 at Page 160](#).
10. Any loss, claim or damage due to the location of fences. (NOTE: This exception will appear on the Owner's Policy only)

**NOTE: EXCEPTION(S) 1,2,3 and 4 WILL NOT APPEAR IN THE OWNERS POLICY TO BE ISSUED HEREUNDER.**

The Owner's Policy of Title Insurance committed for in this Commitment, if any, shall contain, in addition to the Items set forth in Schedule B - Section 2, the following items:

- (1) The Deed of Trust, if any, required under Schedule B - Section 1. (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof. (3) any and all unpaid taxes, assessments and unredeemed tax sales.

NOTE: The policy (s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

## **COMMONWEALTH TITLE COMPANY PRIVACY POLICY**

### **We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

### **Applicability**

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

### **Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

### **Use of Information**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

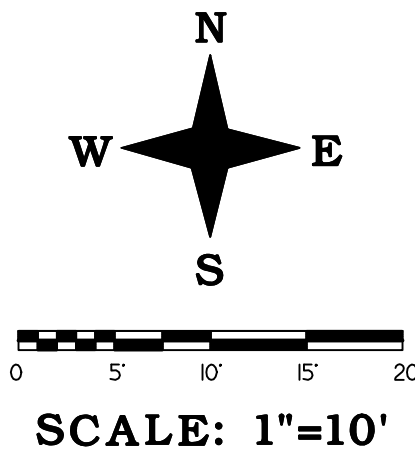
### **Former Customers**

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

SUBDIVISION EXEMPTION PLAT  
LOTS 19, 20 AND LOT 21, BLOCK 8  
WEAVER ADDITION TO THE TOWN OF CARBONDALE, CO.



ORIGINAL LEGAL DESCRIPTION

LOTS 19, 20 AND 21, BLOCK 8, WEAVER ADDITION TO THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO, CONTAINING 9000 SQUARE FEET MORE OR LESS.

NEW LEGAL DESCRIPTIONS

LOT A:

A PARCEL OF LAND SITUATED IN LOTS 19, 20 & 21, BLOCK 8, WEAVER ADDITION TO THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 19: THENCE N 00°25'00"W 110.00 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 19 TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE N 89°35'00"E 75.00 FEET ALONG THE NORTHERLY BOUNDARY LINES OF SAID LOTS 19, 20 AND 21 TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE S 00°25'00"E 55.18 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID LOT 21; THENCE N 45°25'00"W 13.18 FEET; THENCE S 89°35'00"W 38.13 FEET; THENCE S 00°25'00"E 64.14 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID LOT 20; THENCE S 89°35'00"W 27.43 FEET ALONG THE SOUTHERLY BOUNDARY LINES OF SAID LOTS 21 AND 20 TO THE POINT OF BEGINNING. CONTAININ 6000 SQUARE FEET MORE OR LESS.

LOT B

A PARCEL OF LAND SITUATED IN LOTS 20 AND 21, BLOCK 8, WEAVER ADDITION TO THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21: THENCE S 89°35'00"W 47.57 FEET ALONG THE SOUTHERLY BOUNDARY LINES OF SAID LOTS 21 AND 20; THENCE N 00°25'00"W 64.14 FEET; THENCE N 89°35'00"E 38.13 FEET; THENCE S 45°25'00"E 13.18 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID LOT 21; THENCE S 00°25'00"E 54.82 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID LOT 21 TO THE POINT OF BEGINNING. CONTAINING 3000 SQUARE FEET MORE OR LESS.

LEGAL DESCRIPTION

Lots 19, 20 AND 21, Block 8, Weaver Addition to the Town of Carbondale, Garfield County, Colorado, containing 9000 square feet more or less.

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS, that Christine Ann Interlante, being sole owners in fee simple, of all that real property described above, have by these presents laid out, platted and subdivided into lots as shown hereon and designate the same as a Resubdivision of Lots 19, 20 and 21, Block 8, Weaver Addition, Town of Carbondale, Garfield County, Co.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

Christine Ann Interlante

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss.

The foregoing dedication was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018 by Christine Ann Interlante.

My Commission Expires:

WITNESS MY HAND AND SEAL

Notary Public

PLANNING AND ZONING COMMISSION

This Plat approved by the Town of Carbondale Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

Chairperson

SURVEYOR'S CERTIFICATE

I, Sydney Lincicome, do hereby certify that I am a Registered Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete plat of the Resubdivision of Lots 19, 20 and 21, Block 8, Weaver Addition, as laid out, platted, dedicated and show hereon, that such plat was made from an accurate survey by me and under my direct supervision and correctly shows the location and dimensions of the parcels of said subdivision exemption as the same are staked upon the ground in compliance with 17-2-6-6 of the Unified Development Code of the Town of Carbondale, Colorado, governing the subdivision of land.

IN WITNESS WHEREOF, I have here unto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

Sydney Lincicome P.L.S. 14111

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss.

The foregoing dedication was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018 by Sydney Lincicome a Registered Land Surveyor.

My Commission Expires:

WITNESS MY HAND AND SEAL:

Notary Public

CLERK AND RECORDER'S CERTIFICATE

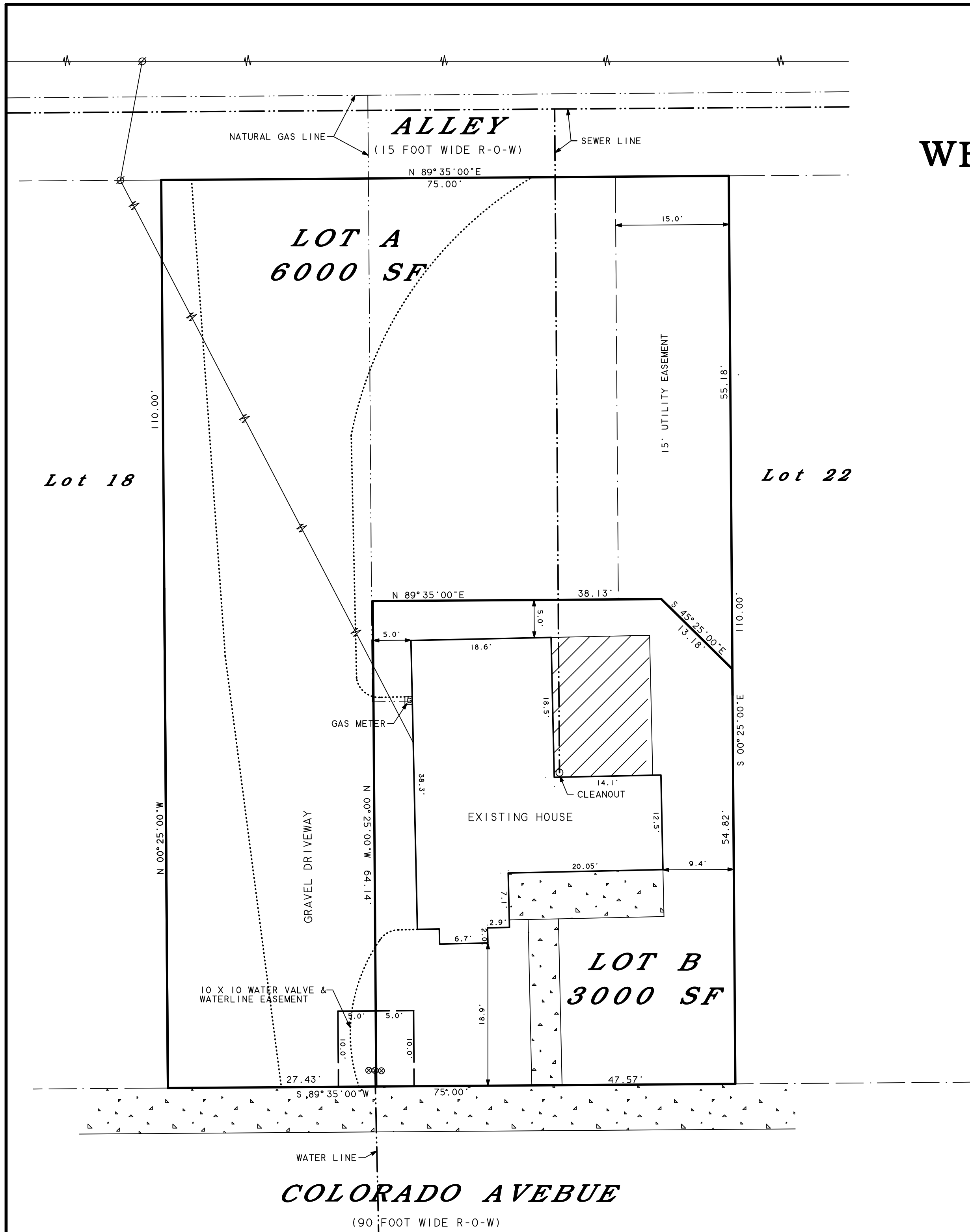
This ResubdivisionPlat filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at \_\_\_\_\_ o'clock, \_\_\_\_\_M., this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018 as Reception No. \_\_\_\_\_ in Cabinet No. \_\_\_\_\_ at Page \_\_\_\_\_.

Clerk and Recorder

By: Deputy

SUBDIVISION EXEMPTION PLAT		
737 COLORADO AVENUE		
CARBONDALE, COLORADO		
BY: <b>LINES IN SPACE</b>		
SYDNEY LINCICOME (L.S. 14111)		
67 GLENWOOD AVE. CARBONDALE, CO. 970-963-3852		
DATE: 03/16/2018	SCALE: 1" = 10'	JOB NO: 18-03

COL0737



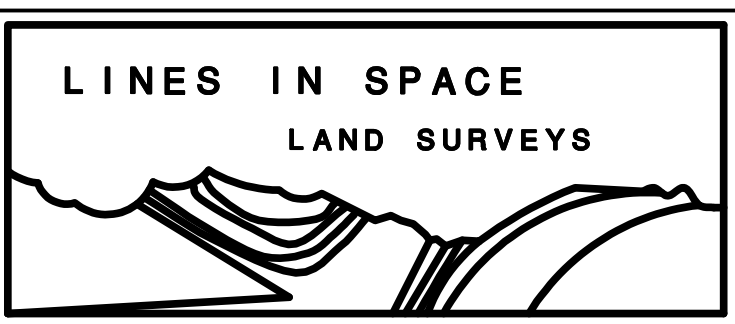
LEGEND AND NOTES

- ⊗ WATER VALVE
- ⊗ POWER/PHONE POLE
- OVERHEAD UTILITY LINE
- .....EDGE OF DRIVEWAY

STREET ADDRESSES:

**LOT A**  
7 Colorado Avenue  
Carbondale, Colorado 81623

**LOT B**  
737 Colorado Avenue  
Carbondale, Colorado 81623





**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## Planning and Zoning Commission Agenda Memorandum

Item No: 6  
Attachment: C  
Meeting Date: 5/10/2018

**TITLE:** Red Hill Lofts Request for Special Review for Site Plan and Architectural Review  
(Lot 12B Kay PUD)

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Application  
CDOT E-mail dated January 15, 2018  
Sopris Engineering Memo dated December 28, 2017  
Building Official comments  
Utility comments

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### BACKGROUND

A development plan was approved for Lot 12 A and B of Kay PUD in March 8<sup>th</sup> 2007 by Resolution of the P&Z. As part of the approval, 16 dwelling units were to be located above the ground floor of two buildings, one on each lot, 12 A and 12 B. The developer also installed a portion of a pedestrian path along the west side of the lots and a trail connection to the Rio Grande on the north side of the lot as well as a fence. A solar array on Building A was also installed.

### DISCUSSION

Red Hill Lofts, LLC is requesting a Special Review for Site Plan and Architectural Review as allowed under Section F of the Amended and Restated Zone Text for the Kay Planned Unit Development. The owner of the property is Aspen Pitkin Employee Housing, (APEH) Inc. a non-profit developer of affordable housing. It should be noted that APEH is in no way associated with the Aspen Pitkin Housing Authority.

The special review is to “allow property owners/developers the opportunity to propose projects that require certain flexibility from the specific regulations and standards of this Planned Unit Development to further the goals of the community with respect to transit

oriented development, live/work arrangements and community entryway enhancements. It is the Town's desire to provide certain incentives, within the limits set forth herein to achieve such goals."

The request is to allow residential units on the ground floor as well as a request to utilize UDC standards for parking.

The proposal calls for 30 units in total with 18 units in one building on two floors and 12 on two floors in the other building. The make up of the units is below.

14 studio units with 416 gross sf per unit  
12 1-bedroom units with 624 gross sf per unit  
4 two-bedroom units with 936 gross sf per unit

The Town Housing Guidelines require a minimum of 415 sf for studio units, 580 sf for 1-bedroom units and 750 sf for two-bedroom units.

## **PARKING**

The applicant is utilizing the UDC parking standards as follows:

1.25 spaces per studio unit for a total of 17.5 spaces  
1.5 spaces per 1-bedroom unit for a total of 18 spaces  
1.75 spaces per 2-bedroom units for a total of 7 spaces

In total the applicant is proposing 42 parking spaces.

The Kay PUD would require that 60 parking spaces be provided at a ratio of 2 spaces per unit.

Staff is supportive of using the UDC for the parking standard for this project as this keeps with the established PUD policy.

## **LANDSCAPING**

The applicant has provided a landscaping plan that is generally in conformance with the PUD requirements. An item to note is that the PUD requires sixty trees to be planted on site. The applicant is proposing to plant 31 trees on site and that the remainder be planted elsewhere in the PUD or on the Community School property. Staff is supportive of the proposal but will need to have verification that the trees have been planted off site. This has been made a condition of approval.

The PUD allows 90% of the lot to be impervious surface with a minimum of 10% being pervious. The applicant has indicated that 22% of the lot is to be pervious. This needs to be confirmed.

Staff has also suggested that the applicant add landscaping in the common area as well as a pervious system in this area to help with impervious ratios if they do not comply as well as improving drainage. The applicant was receptive to these suggestions. This can be verified at building permit.

Staff agrees with the applicant that screening fencing is not required for the project as fencing exists to the north of the property.

## **AFFORDABLE HOUSING MITIGATION**

As part of the original approvals for Lot 12B, a Community Housing Agreement (CHA) was submitted and approved. This CHA included 3 AMI units and 4 owner occupied units.

The largest portion of the affordable units were to be provided in Building B once it was built. Two units were located in Building A with the remaining units, five (5) to be built in Building B. In total there were 5 amendments to the CHA before the Lot 12 B was sold to Red Hill Lofts, LLC for the development that you will be reviewing under the special review.

Red Hill Lofts is proposing to make all of the 30 units a mix of 50% to 80% AMI. The exact range of the specific units has yet to be determined and will be reviewed by staff and the Garfield County Housing Authority. In addition to the 30-unit proposal, the affordable unit in Building A, unit 2654 would be permanently deed restricted.

The units are proposed to be rentals managed by a property manager experienced with managing such a project. The applicant has also indicated that they will be applying for Low Income Housing Tax Credits for the project.

The Garfield County Housing Authority, who manages the Town's housing program, will be qualifying tenants for the project. Qualified tenants must be a full-time employee in the Roaring Fork River Drainage Basin located from Aspen to Glenwood and the Crystal River drainage including Redstone and Marble. Priority is given to persons who live or work in the Town of Carbondale.

The rental rates will be governed by the current Town Housing Guidelines.

## **CRITERIA FOR APPROVAL**

The Special Review Use shall only be approved by the Planning and Zoning Commission upon findings that the proposed development project is determined to be consistent with all of the applicable criteria. (Section F.3.c of the amended and restated Kay PUD) Staff Comments are in italics.

- i. The site, building(s) and site plan and use meet all applicable criteria of this PUD zone district and other applicable Town, County, State or Federal regulations;

*The Applicant will need to verify the impervious ratios have been met.*

- ii. If additional residential density is proposed, it shall be demonstrated that the residential units are physically designed and oriented to an appropriate target market to effectively promote the transit-oriented development, live/work objectives.

*Staff feels that the proposed increased density and location of the units with access to the trails installed by the developer and the connections to the RFTA Park and Ride facility make the units desirable and promote TOD.*

*Compliant*

- iii. If additional residential density is proposed, it shall be demonstrated that the residential units exceed the requirements for affordable housing set forth in the Municipal Code.

*The applicant far exceeds the affordable housing standards.*

*Compliant*

- iv. If additional residential density is proposed, it shall comply with the following:

Open space landscaping shall include a minimum of two trees per dwelling unit that shall be provided either on site or within a public right-of-way providing access to the project. Irrigation improvements may be required if improvements are provided in the public right of way

*The applicant has indicated that they will plant 31 trees on site and the remainder of trees, 29 will be planted in other locations to be determined. This has been made a condition of approval.*

Private Outdoor Space. " Private outdoor space," meaning the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and which is for the exclusive private use by the residents of a particular dwelling unit, shall be provided. Its private intent shall be clearly defined by the design. For units

located above the first floor, the minimum size of private outdoor space shall be sixty square feet or five percent of the "livable" floor area of the unit, whichever is larger. The minimum dimension of such space shall be six feet.

*The units are shown to meet this requirement. Ground floor units have between 109 and 284 sf of private outdoor space. The upper units are indicated to have between 80 and 106 sf of private outdoor space. Units located above the ground floor are required to have a minimum of 60 square feet or 5 percent of the gross floor area. Vegetative screening is provided for the ground floor units.*

*Compliant*

Private outdoor spaces shall be designed as an extension of the living unit and its location and relationship to interior spaces should be given consideration.

*Compliant*

Projects in excess of ten units shall provide appropriate recreation facilities for passive recreation use by the residents, such as picnic tables and barbecue pits, sitting areas and pedestrian paths. The facilities shall be provided on site or in the form of Cash-in-lieu contribution to the Town. The improvements should be consistent with the Park Development requirements set forth in Section 10732.04. of the Municipal Code.

*A common area that includes a gathering area and fire barbeque pit is indicated. In addition, a community garden, bike maintenance area and ping pong table is proposed.*

*Compliant*

Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, ski equipment, etc. shall be designed for this purpose. Such areas shall be free of encumbrances such as water heaters or other types of mechanical or electrical equipment. A minimum of one cubic foot of storage for each three square feet of gross area of the dwelling unit shall be provided for each unit not including areas for bedroom closets, kitchen cabinets, and food storage areas.

*Bulk Storage is located in storage closets attached to each unit and a “toy” storage area is located on site for larger items.*

*Compliant*

Natural light shall be provided to interior spaces.  
Solar heating is strongly encouraged.

*Compliant*

Pedestrian and bicycle circulation shall be given equal consideration to automobile traffic. Pedestrian and visual linkages should be made between a project and off-site amenities.

*Trail connections are available as well as public transportation.*

*Compliant*

- v. If additional residential density is proposed, it shall be demonstrated that the residential units are designed to effectively foster live /work or transit oriented development relationships.

*Compliant*

- vi. Additional water rights will be dedicated to the Town for each additional residential unit added, or fees in lieu of water rights dedication shall be provided, pursuant to the water rights dedication ordinance in effect at the time of special review approval.

*Water Rights dedication will need to be provided. The applicant has held preliminary discussions with the water department on the issue. This will need to take place before building permit issuance. This has been made a condition of approval.*

- vii. It shall be demonstrated that notification about the nature of the Kay PUD and the residential living environment therein will be provided to future residents of residential units in the project.

*The applicant has indicated that this will occur in rental documents.*

- viii. Any increase in building height allowed under the special

review shall be for the minimum amount necessary. There is no assurance that the maximum height of 42 feet will be achieved in a project. Consideration will be given to the unique circumstances associated with the project design and the manner and extent to which the proposed project promotes the overall community objectives set forth herein.

*No increase in building height is requested.*

*Compliant*

- ix. Any building which exceeds the 32-foot height limit shall be design so that its architectural character, including but not limited to roof designs and facades, substantially helps to reduce the perceived height and massing of the building as viewed from any public area.

*Lot 12 B is to be less than 32 feet and is stepped in nature.*

*Compliant*

- x. The development will include measures to ensure an adequate system of sidewalks/ pathways between the project and nearby public transit facilities or work opportunities and there will be appropriate pathway lighting to ensure safe routes.

*Compliant*

- xi. Increases in development flexibility (such as setback reductions) will result in appropriate community enhancements to the community entryway /Highway 133 corridor.

*This criterion does not apply.*

- xii. A remedy which will be applied if such shared uses change and the shared parking facilities are no longer available per the original arrangement shall be established prior to approval.

*Compliant as there is no shared parking with commercial uses.*

- xiii. The community purpose(s)for which additional development flexibility is granted will be achieved in the development project.

*Additional affordable housing units as well as TOD design benefit the community.*

*Compliant*

- xiv. There are no additional impacts resulting from the application of additional development flexibility within the PUD or on adjacent neighborhoods or roadways or such impacts are mitigated.

*There will be an increase in traffic, as there would be with the original approval.*

- xv. The proposed uses in the development project: 1) will not unreasonably have a negative impact on the industrial and commercial environment of the PUD and 2) will not adversely affect existing uses in the proposed project.

*Compliant*

- xvi. The proposed use will not detract from the public health, safety and general welfare.

*Compliant*

## **FEE EXEMPTION REQUEST**

The applicant is requesting that Red Hill Lofts, LLC be exempted from certain fees as outlined in Section 6.3 of the UDC. This request will need to be reviewed by the Board of Trustees and either approved or denied.

## **TRAFFIC**

The applicant has provided a memo dated December 28, 2017 from Sopris Engineering to Dan Roussin of CDOT. The memo and traffic counts are attached. CDOT and Sopris Engineering have indicated that the project will not require a Access Permit for the Highway 133 Intersection. The Public Works Director indicated that he agrees with the memo and CDOT's comments, He anticipates that the project will stimulate a discussion on a long-term plan to improve the traffic issues on Dolores and Hwy 133. This may include a different connection to the south.

## **RECOMMENDED FINDINGS**

1. Lot 12 B of the Kay PUD, known as Red Hill Lofts, LLC, is capable of accommodating the intended use of the land, including residential units; is free from natural hazards such as flooding, falling rock, landslides and snowslides; is

served by a street system providing safe and convenient access, and is provided with accessible utility installations; with all of the foregoing intended to promote the health, safety and welfare of the citizens of the town.

2. The proposed buildings will have adequate ingress and egress directly through common or limited common elements to public access and access to Trails and Transit facilities.
3. The proposal meets the criteria as indicated in the Amended and Restated Zone Text for the Kay PUD, Section F. c criteria for approval.

**Recommended Conditions:**

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this Special Review.
2. All development shall comply with the plans submitted with the application materials.
3. All lighting shall comply with the Town's Lighting Ordinance.
4. Prior to issuance of a building permit, the Applicant shall pay the Town a Water Rights Dedication Fee to be determined at permit submittal.
5. The Applicant shall enter into agreements for the planting of twenty-nine (29) trees per Town standards within the Kay PUD and or the Community School Property to be verified by the Town Arborist prior to the issuance of a building permit.
6. The applicant will submit Deed Restrictions for all thirty (30) units for review and approval by the Town and the Garfield County Housing Authority prior to the issuance of Certificates of Occupancy for either building.
7. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Appendix A of the Municipal Code.
8. The applicant shall pay all required School and Fire impact fees and provide proof of said payment to the Town prior to the issuance of Certificates of Occupancy for either building.

**RECOMMENDATION:**

Staff recommends the following motion: **Motion to Approve the Special Review for Lot 12 B, Kay PUD.**

Prepared By: John Leybourne



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

Pre-Application Meeting Date \_\_\_\_\_  
Fees \_\_\_\_\_ Date Pd \_\_\_\_\_

### Land Use Application

#### PART 1 – APPLICANT INFORMATION

Applicant Name: Red Hill Lofts, LLC Phone: 970 429 7499  
Applicant Address: 300 S Spring Street, 202 Aspen, CO 81611  
E-mail: executivedirector@apehousing.org  
Owner Name: APE Housing, Inc. Phone: same as above  
Address: same as above  
E-mail: same as above  
Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:  
Lot 12B, Kay PUD

#### PART 2 – PROJECT DESCRIPTION

General project description:

Transit-oriented affordable housing neighborhood of studio, 1- and 2-bedroom residences and common amenities, including community garden, toy storage and shaded outdoor hangout space.

Size of Parcel: 1.128 acres # Dwelling Units: 30 Sq Ft Comm: 0

Type of Application(s): PUD Special Review

Existing Zoning: PUD Proposed Zoning: PUD

#### PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature]  
Applicant Signature

3/19/18  
Date

*Signature of all owners of the property must appear before the application is accepted.*

[Signature]  
Owner Signature

3/19/18  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

STATE OF COLORADO )

) ss.

COUNTY OF GARFIELD )

The above and foregoing document was acknowledged before me this 19 day of

03-19 2018, by Sheri Senzone

Witness my hand and official  
My commission expires:

JOSHUA CASE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174050416  
MY COMMISSION EXPIRES DECEMBER 27, 2021

[Signature]  
Notary Public

## **RED HILL LOFTS, LLC**

300 South Spring Street, Suite 202, Aspen, CO 81611 970.429.7499

March 16, 2018

John Leybourne  
Planner  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, Colorado 81623

RE: Red Hill Lofts Kay PUD Amendment Special Review for Site Plan and Architecture Design  
Application—Lot 12B, Kay PUD, Carbondale Colorado

Dear John:

On behalf of APE Housing, Inc., Red Hill Lofts, LLC is pleased to submit our land use application for PUD amendment special review of our Red Hill Lofts affordable housing neighborhood. Our application contains the following:

- Completed application form.
- Project narrative, criteria responses, and exemption requests.
- Plat.
- Existing conditions and context plan.
- Site plan.
- Landscape plan.
- Building floor plans.
- Building elevations.
- Building perspective.

Thank you in advance for your review and processing of our application, and I am happy to answer any questions you might have. I can be reached at 429 7499 or via email at [executivedirector@apehousing.org](mailto:executivedirector@apehousing.org).

Sincerely,

A handwritten signature in dark blue ink, appearing to read 'Sheri Sanzone', with a long horizontal flourish extending to the right.

Sheri Sanzone, Executive Director, APE Housing, Inc. (sole member of Red Hill Lofts, LLC)

## **Existing Conditions and Context**

The project site is Lot 12B of the Kay PUD. The Kay PUD is a mixed-use neighborhood with industrial, heavy commercial, commercial and residential uses. The project site is located in the northern portion of the PUD, and is adjacent to the Carbondale Community School (to the north), Defiant Pack (to the east), mixed residential and commercial building (to the south), and Wagner Rents (to the west). A context map is included in our application.

Currently vacant land, the project site has some improvements in place, whether installed by the original developer or Lot 12B's previous owner. These improvements include subgrade utilities and pedestals, some of which will likely be relocated as a part of the project (including two electric transformers and fire hydrant). Drainage improvements, including catch curbs and drain inlets, are also in place and are anticipated to be incorporated in the proposed project to the extent possible.

The PUD includes a sidewalk along Dolores Way that is intended to continue through Lot 12B, as indicated by the public trail easement. The easement will allow the sidewalk to connect to the Rio Grande Trail connector, which was installed by the lot's previous owner. The Rio Grande Trail system provides regional walking and biking opportunities, as well as connecting the project site to the RFTA Bus Rapid Transit station located just to the south. The trail easement will be adjusted to reflect the proposed sidewalk location.

Internal and immediately adjacent to the site are several easements for public ingress, egress and emergency access. It is anticipated that some of these will be slightly adjusted to facilitate the proposed project better.

## **Site Plan**

The site's design is consistent with previously approved plans for the lot. The building is oriented east-west with parking located on all or most sides. The most recently approved site plan is included in our application for reference.

The proposed parking program of 42 spaces encourages transit and other alternative modes of travel by using the ratios contained within the Town's code, which accommodate required parking without providing excess spaces. The ratios are:

- 1.25 spaces per studio
- 1.5 spaces per 1-bedroom
- 1.75 spaces per 2-bedroom

Residents of the proposed project are encouraged to walk or bike. Common covered parking for bikes is provided in multiple locations. Covered bike parking is also included in each private outdoor space. A new connection to the Rio Grande Trail is included, as well as a bike repair station.

Impacts on parks and trails will increase by the project's design to house additional residents and encourage walking and biking. It is anticipated that the Town's park facilities and the Rio Grande Trail

can accommodate this additional use. Traffic will be reduced because fewer vehicles will be parked at the project. Adequate access to Highway 133 via Dolores Way is also confirmed by the project's civil engineer, Sopris Engineering, and CDOT's access engineer.

Community is encouraged through common amenities. A covered and open-air hang out space is provided at the project's center, including an outdoor barbeque/fire pit, kitchen, lounge seating, table tennis, and mailboxes. A shared garden is located near the Rio Grande Trail connection, including a small greenhouse to extend the gardening season. Garden tools and large toys (such as kayaks and SUPs) are stored in the common storage building.

### **Landscape Plan**

The proposed planting design complies with Kay PUD and Town requirements to include only low-water, drought-tolerant and adaptive plants. Proposed trees were selected from those recommended by the Town Tree Board, and 2.5-inch caliper is the minimum size. Trees that will mature to a relatively small height were selected for areas within the view plane protection zone. If needed, these trees can also be selectively pruned to remain within the maximum height to ensure that the Carbondale Community School's view plane is unimpeded.

The Kay PUD requires that two trees be planted for each residence if additional density is proposed. Sixty trees are required under this provision, and 31 trees are proposed in the planting design. We propose to plant the remaining required trees elsewhere in the PUD (where irrigation from adjacent properties is available) or at the Carbondale Community School (if approved). If off-site planting is not possible, we request that the requirement be satisfied with the proposed 31 trees.

Fences to visually buffer potentially nuisance uses, such as outdoor storage, are required in the Kay PUD. We ask that this project is exempted from this requirement as our proposed design will be visually attractive and no outdoor storage is proposed. A fence was installed between the Carbondale Community School and the Rio Grande Trail connector by the previous owner of Lot 12B.

The impervious/pervious area ratio in the proposed design exceeds the 90:10 minimum required. Twenty-two percent of pervious area is proposed.

### **Architecture Design**

The proposed building is designed to reduce its apparent mass. Roof lines are varied and the building's mass is broken into two, connected by a central stair and open area. Private outdoor areas with layered privacy screens further articulate the elevations. Exterior materials include a mix of metal and wood, and proposed colors are neutral tones of gray and tan. Vines are proposed to grow on portions of the screens to further add to the elements' ability to provide privacy.

The proposed building's height is less than the 32-foot height limit, and complies with the 27-foot height requirement per the plat to protect views of Mount Sopris from the Carbondale Community School. Roofs at the stair canopies are sloped, while the remainder of the roofs is proposed to be flat.

We are pursuing photovoltaic solar panels, and if successful in achieving grant awards, anticipate that the panels mounted to the roofs will be below the maximum height limits.

Thirty units are proposed in the project. They are a mix of 14 studio, 12 1-bedroom and four 2-bedroom residences. The typical unit sizes are:

- Studio—416 gross sf
- 1-bedroom—624 gross sf
- 2-bedroom—936 gross sf

These unit sizes meet or exceed the minimums recommended by the Town's housing guidelines—415 sf for studios, 580 sf for 1-bedrooms, and 750 sf for 2-bedrooms. The units' designs are very livable, including private outdoor space, storage space, and washers and dryers.

### **Affordable Housing**

The proposed residences fill an important need for entry-level rental housing identified in the Town's housing guidelines. The target market for the residences is those meeting Category 1 (80% Garfield County Average Medium Income) maximum gross incomes and assets or lower. While the exact mix is still to be determined, we anticipate an average mix of 50% AMI. We are submitting an application to the Colorado Housing and Finance Authority for their Low Income Housing Tax Credit program. Project-based vouchers from the Garfield Housing Authority are also anticipated and will further help lower the target AMI.

The proposed affordable housing greatly exceeds that of the housing currently approved for the lot, which consists of three 80% AMI units, three 100% AMI units, and four RO units. The current approvals are memorialized in Amendment 5 of the Housing Mitigation Plan. If the proposed project is approved, the Housing Mitigation Plan will be satisfied, including the requirement that Unit 2654 in Building A be deed-restricted if the Building B units are not constructed.

### **Rental Management Plan**

The proposed project will be managed by a professional property manager experienced with affordable housing and housing awarded Low Income Housing Tax Credits (LIHTC). Residents will be qualified by the Town and the Garfield County Housing Authority, which administers the Town's housing program, as well as LIHTC requirements (if we are successfully awarded tax credits). Preference will be given to residents who are employed in Carbondale or the Carbondale Employment Area. Rental rates will also meet Town, Garfield County Housing Authority and CHFA LIHTC guidelines. Per the 2017 rates, monthly rents for Category 1/80% AMI residences will be no greater than \$989 for a studio, \$1,057 for a 1-bedroom and \$1,268 for a 2-bedroom.

Parking will be actively managed with either assigned spaces or parking placards to ensure spaces are used by residents and their guests. Vehicles parked by residents or their guests in areas not authorized for parking will be managed to avoid impacts to the project's neighbors.

## Criteria for Approval

c. i. The site, building(s) and site plan and use meet all applicable criteria of this PUD zone district and other applicable Town, County, State or Federal regulations.

*Response: The proposed project requests design flexibility in only a few areas. The design will otherwise meet all applicable criteria of the Kay PUD zone district and other applicable regulations.*

c.ii. If additional residential density is proposed, it shall be demonstrated that the residential units are physically designed and oriented to an appropriate target market to promote the transit-oriented development, live/work objectives effectively.

*Response: Additional density is requested to provide residences at affordable rental rates. The units are designed and oriented to a target market of lower-income residents who would benefit from living within walking and biking distance to the RFTA BRT station, potential employers, and goods and services.*

c.iii. If additional residential density is proposed, it shall be demonstrated that the residential units exceed the requirements for affordable housing set forth in the Municipal Code.

*Response: The proposed residences will be deed restricted for affordable housing. No impacts from market-rate housing will be created, and mitigation is not required.*

c.iv. If additional residential density is proposed, it shall comply with the following:

- Open space landscaping shall include a minimum of two trees per dwelling unit that shall be provided either on-site or within a public right-of-way providing access to the project. Irrigation improvements may be required if improvements are provided in the public right-of-way.

*Response: We propose to plant 31 trees on site. The remaining trees will be planted elsewhere in the PUD (where irrigation from adjacent properties is available) or at the Carbondale Community School (if approved). If the remaining trees are unable to be planted in these areas, we request that the proposed trees satisfy this requirement. Note: This requirement is specific to the Kay PUD and is no longer required in the Town's code.*

- Private Outdoor Space. "Private outdoor space," meaning the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and which is for the exclusive private use by the residents of a particular dwelling unit, shall be provided. Its private intent shall be clearly defined by the design. For units located above the first floor, the minimum size of private outdoor space shall be sixty square feet or five percent of the "livable" floor area of the unit, whichever is larger. The minimum dimension of such space shall be six feet.

*Response: Each residence has private outdoor space that meets this requirement.*

*Ground-floor residences' have between 109 and 284 sf of private outdoor space, and upper-floor residences have between 80 and 216 sf of private outdoor space. A minimum of six feet dimension is provided. Vegetated and other screens provide visual privacy for each outdoor space.*

- Private outdoor spaces shall be designed as an extension of the living unit and its location and relationship to interior spaces should be given consideration.

*Response: The outdoor spaces are directly adjacent to each unit's interior living space, and create a strong indoor-outdoor relationship.*

- Projects in excess of ten units shall provide appropriate recreation facilities for passive recreation use by the residents, such as picnic tables and barbecue pits, sitting areas and pedestrian paths. The facilities shall be provided on-site or in the form of cash-in-lieu contribution to the Town. The improvements should be consistent with the Park Development requirements set forth in Section 17.24.030 of the Municipal Code.

*Response: The proposed project includes sitting areas and a barbeque/fire pit for passive recreation. A community garden, bike maintenance area, and outdoor ping-pong for active recreation. A proposed sidewalk connects to the previously completed trail connection that leads to the Rio Grande Trail system.*

- Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, ski equipment, etc. shall be designed for this purpose. Such areas shall be free of encumbrances such as water heaters or other types of mechanical or electrical equipment. A minimum of one cubic foot of storage for each three square feet of gross area of the dwelling unit shall be provided for each unit not including areas for bedroom closets, kitchen cabinets, and food storage areas.

*Response: Large toys, such as kayaks and sup boards, can be stored in the proposed bulk storage structure, which will provide 2,484 cf of storage. Bikes can be parked in the covered bike parking areas (990 cf), as well as hung from bike hooks incorporated in each of the private outdoor spaces (6,075 cf). Total bulk storage provided is 9,549 cf or 1 cubic foot for every 1.79 square feet of gross living area.*

- Natural light shall be provided to interior spaces. Solar heating is strongly encouraged.

*Response: The design of the residences maximize natural light and solar access, while mitigating solar heat gain. We are pursuing photovoltaic solar panels, located on the roofs, which will facilitate solar heating.*

- Pedestrian and bicycle circulation shall be given equal consideration to automobile traffic. Pedestrian and visual linkages should be made between a project and off-site amenities.

*Response: The project's location adjacent to the Rio Grande Trail system and proximate to the RFTA BRT station provide excellent opportunities to facilitate walking and biking over automobile use. The proposed bike and pedestrian connection through the site links residents and neighbors to the Rio Grande Trail. Our proposed vehicle parking ratios and parking management program further supports the use of alternative transportation.*

c.v. If additional residential density is proposed, it shall be demonstrated that the residential units are designed to foster live/work or transit-oriented development relationships effectively.

*Response: The project's location makes it transit-oriented because it is adjacent or proximate to the Rio Grande Trail and the RFTA BRT station. Its design makes the project transit-oriented because it does not provide an excess of vehicle parking spaces, but provides an abundance of bicycle parking.*

c.vi. Additional water rights will be dedicated to the Town for each additional residential unit added, or fees in lieu of water rights dedication shall be provided, pursuant to the water rights dedication ordinance in effect at the time of special review approval.

*Response: We understand that additional water rights or fees in lieu will be dedicated for the additional units, and have already had preliminary conversations with the Town's water department.*

c.vii. It shall be demonstrated that notification about the nature of the Kay PUD and the residential living environment therein will be provided to future residents of residential units in the project.

*Response: The proposed project's units will be rented and information about living in the Kay PUD, a mix of heavy commercial, commercial and residential uses, will be provided to each prospective resident. We also understand that the operations of our immediate neighbor to the west can be noisy and this will also be communicated to potential residents.*

c.viii. Any increase in building height allowed under the special review shall be for the minimum amount necessary. There is no assurance that the maximum height of 42 feet will be achieved in a project. Consideration will be given to the unique circumstances associated with the project design and the manner and extent to which the proposed project promotes the overall community objectives set forth herein.

*Response: We are not requesting to exceed the allowed building height.*

c.ix. Any building which exceeds the 32-foot height limit shall be designed so that its architectural character, including but not limited to roof designs and facades, substantially helps to reduce the perceived height and massing of the building as viewed from any public area.

*Response: The proposed building is 30.5 feet tall at its highest point, however the building has been designed to reduce its perceived mass with varied roof heights that connect two distinct architectural masses. Layered privacy screen, decks and patios further articulate each mass.*

c.x. The development will include measures to ensure an adequate system of sidewalks/ pathways between the project and nearby public transit facilities or work opportunities and there will be appropriate pathway lighting to ensure safe routes.

*Response: The proposed internal pedestrian and bike routes to the Rio Grande Trail and the RFTA BRT station are designed to be safe and comfortable to use, and exterior and site lighting that is compliant with Town lighting regulations will be considered where needed to ensure path use.*

c.xi. Increases in development flexibility (such as setback reductions) will result in appropriate community enhancements to the community entryway/ Highway 133 corridor.

*Response: This criterion is not applicable to this proposal.*

c.xii. A remedy which will be applied if such shared uses change and the shared parking facilities are no longer available per the original arrangement shall be established prior to approval.

*Response: The proposed parking management plan will be modified as necessary to ensure that vehicle parking does not become a nuisance.*

c.xiii. The community purpose(s) for which additional development flexibility are granted will be achieved in the development project.

*Response: Community purposes will be achieved by the project's design and management proposal.*

c.xiv. There are no additional impacts resulting from the application of additional development flexibility within the PUD or on adjacent neighborhoods or roadways or such impacts are mitigated.

*Response: The use of UDC parking ratios will reduce traffic on adjacent streets, and the implementation of a parking management plan will ensure parking does not become a nuisance.*

c.xv. The proposed uses in the development project: 1) will not unreasonably have a negative impact on the industrial and commercial environment of the PUD and 2) will not adversely affect existing uses in the proposed project.

*Response: The proposed residential uses will not have a negative impact on the PUD, and there are no existing uses in the proposed project. Information will be provided to prospective residents so they have a better understanding of what it is like to live in the Kay PUD. Clear communications will help screen residents that may not enjoy living in a mixed industrial/commercial/residential neighborhood.*

c.vi. The proposed use will not detract from the public health, safety and general welfare.

*Response: The proposed residential use will not have this effect.*

### **Fee Exemptions Request**

UDC, Section 6.3 Fee Exemptions for Qualified Developers of Affordable Housing

This portion of our Special Review application should be considered our written application for exemption from certain fees including:

- Land use application fee required under MC Section 1.30.010.
- Professional fees required under MC Section 1.30.030.
- Special study/added fee required under MC Section 1.30.040.
- Building permit and plan check fees required under the provisions of Title 15.
- Park development fee and park dedication fee as set forth in Section 2.6.5.C.1.g.

Red Hills Lofts, LLC is a qualified developer as the entity is proposing to construct new deed-restricted residential housing, and will maintain a deed-restriction acceptable to the Town for affordable housing units for a period of at least 50 years. Red Hill Lofts, LLC, is a single-member limited liability company and its member is APE Housing, Inc. APE Housing, Inc is a 501(c)(3) non-profit housing organization.

The proposed project includes 26 studios and 1-bedroom residences, and four 2-bedroom residences. We are requesting 100 percent fees exemption for the studios and 1-bedroom residences, and 80 percent fees exemption for the 2-bedroom residences. All units are proposed to be rented at rates targeted to those that earn 80 percent or less of annual median income.

Red Hill Lofts, LLC intends to qualify for and be awarded Low Income Housing Tax Credits (LIHTC) through the Colorado Housing and Finance Authority. The LIHTC program was created by Congress in 1986 to encourage the construction and rehabilitation of low-income housing. The program provides a federal income tax credit as an incentive to investors. We are also pursuing project-based vouchers through Garfield County's Housing Authority to ensure low-income residents are served by the project.

1ST AMENDED FINAL PLAT OF:  
**LOFTS @ DOLORES PARK & 12B, KAY P.U.D., PHASE 2**  
TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO

SHEET 1 OF 2

COMPASS COMMUNITY SCHOOL  
REC. NO. 566762  
209.02'

**PURPOSE STATEMENT:**

THE PURPOSE OF THIS 1ST AMENDED FINAL PLAT OF LOTS 12A & 12B, KAY P.U.D., PHASE 2 IS TO ADJUST THE LOT LINE BETWEEN LOTS 12A AND 12B AND ADJUST THE INGRESS, EGRESS EMERGENCY ACCESS EASEMENT. THE 24' REALIGNED INGRESS, EGRESS EMERGENCY ACCESS EASEMENT REFLECTED HEREON, WHICH EASEMENT IS HEREBY DEDICATED TO THE PUBLIC, SUPERSEDES THE INGRESS, EGRESS EMERGENCY ACCESS EASEMENT SHOWN ON THE AMENDED FINAL SUBDIVISION PLAT OF LOTS 7, 8 AND 12 KAY PLANNED UNIT DEVELOPMENT, PHASE 2 RECORDED FEBRUARY 24, 2005 AS RECEPTION NO. 669149

**CERTIFICATE OF OWNERSHIP**

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS/ARE THE SOLE OWNER(S) IN FEE SIMPLE OF THAT REAL PROPERTY SITUATED IN THE TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO, AS SHOWN ON THE ACCOMPANYING PLAT, SAID REAL PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOFTS @ DOLORES PARK, A.K.A. LOT 12A  
ACCORDING TO THE LOFTS @ DOLORES PARK CONDOMINIUM EXEMPTION MAP RECORDED JULY 29, 2008 AS RECEPTION NO. 753183

12B  
AMENDED FINAL SUBDIVISION PLAT OF LOTS 7, 8 AND 12 KAY PLANNED UNIT DEVELOPMENT, PHASE 2  
ACCORDING TO THE PLAT RECORDED FEBRUARY 24, 2005 AS RECEPTION NO. 669149  
COUNTY OF GARFIELD, STATE OF COLORADO

THAT SAID OWNER HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND EASEMENTS AS SHOWN HEREON AND DESIGNATES THE SAME AS 1ST AMENDED FINAL PLAT OF LOTS 12A & 12B, KAY P.U.D., PHASE 2, A SUBDIVISION IN A PART OF CARBONDALE, COLORADO. THAT SAID OWNER DOES HEREBY DEDICATE AND GRANT TO THE TOWN OF CARBONDALE, FREE AND CLEAR OF ALL ENCUMBRANCES, PUBLIC EASEMENTS ALONG THE 24' REALIGNED PUBLIC INGRESS, EGRESS AND EMERGENCY ACCESS EASEMENT AND THE 7.5 FOOT WIDE PATH EASEMENT AS SHOWN HEREON.

IN WITNESS WHEREOF SAID OWNER HAS CAUSED HIS NAME TO BE HEREUNTO SUBSCRIBED THIS 14<sup>th</sup> DAY OF April, A.D., 2009.

BALENTINE CARBONDALE HOLDINGS, LLC

BY: RICK BALENTINE, IT'S MANAGER

STATE OF COLORADO )  
COUNTY OF GARFIELD )

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup> DAY OF April, A.D., 2009, BY RICK BALENTINE AS MANAGER OF BALENTINE CARBONDALE HOLDINGS, LLC

MY COMMISSION EXPIRES 4-29-2009

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

NOTARY PUBLIC

**PLANNING COMMISSION CERTIFICATE**

THIS PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO, THIS 14<sup>th</sup> DAY OF April, A.D., 2009, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR CONVEYANCE TO THE TOWN OF CARBONDALE ANY PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE PLANNING AND ZONING COMMISSION.

Ben Bismark

CHAIR

ATTEST:

Cathryn B.S.

TOWN CLERK

**BOARD OF TRUSTEES CERTIFICATE**

THIS PLAT APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO,

THIS 14<sup>th</sup> DAY OF October, A.D., 2008, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR CONVEYANCE TO THE TOWN OF CARBONDALE ANY PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES.

ATTEST:

Richard Fuller

MAYOR

**MORTGAGEE CONSENT CERTIFICATE**

THE UNDERSIGNED, BEING THE HOLDER OF LIENS ON LANDS AFFECTED BY THIS INSTRUMENT, PURSUANT TO DEEDS OF TRUST RECORDED IN BOOK 1883 AT PAGE 720 IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, HEREBY CONSENTS TO AND APPROVES THE RECORDING OF THIS PLAT, AND HEREBY SUBORDINATES THE LIENS OF SAID DEEDS OF TRUST TO THE MATTERS SET FORTH HEREIN, INCLUDING THE DEDICATION OF FUTURE EASEMENTS SHOWN HEREIN.

ALPINE BANK

BY: RICHARD FULLER

IT'S: PRESIDENT

STATE OF COLORADO )

COUNTY OF GARFIELD )

THE FOREGOING MORTGAGEE CONSENT CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup> DAY OF April, A.D., 2009.

BY: Alicia C. Dell

MY COMMISSION EXPIRES AUGUST 31, 2010

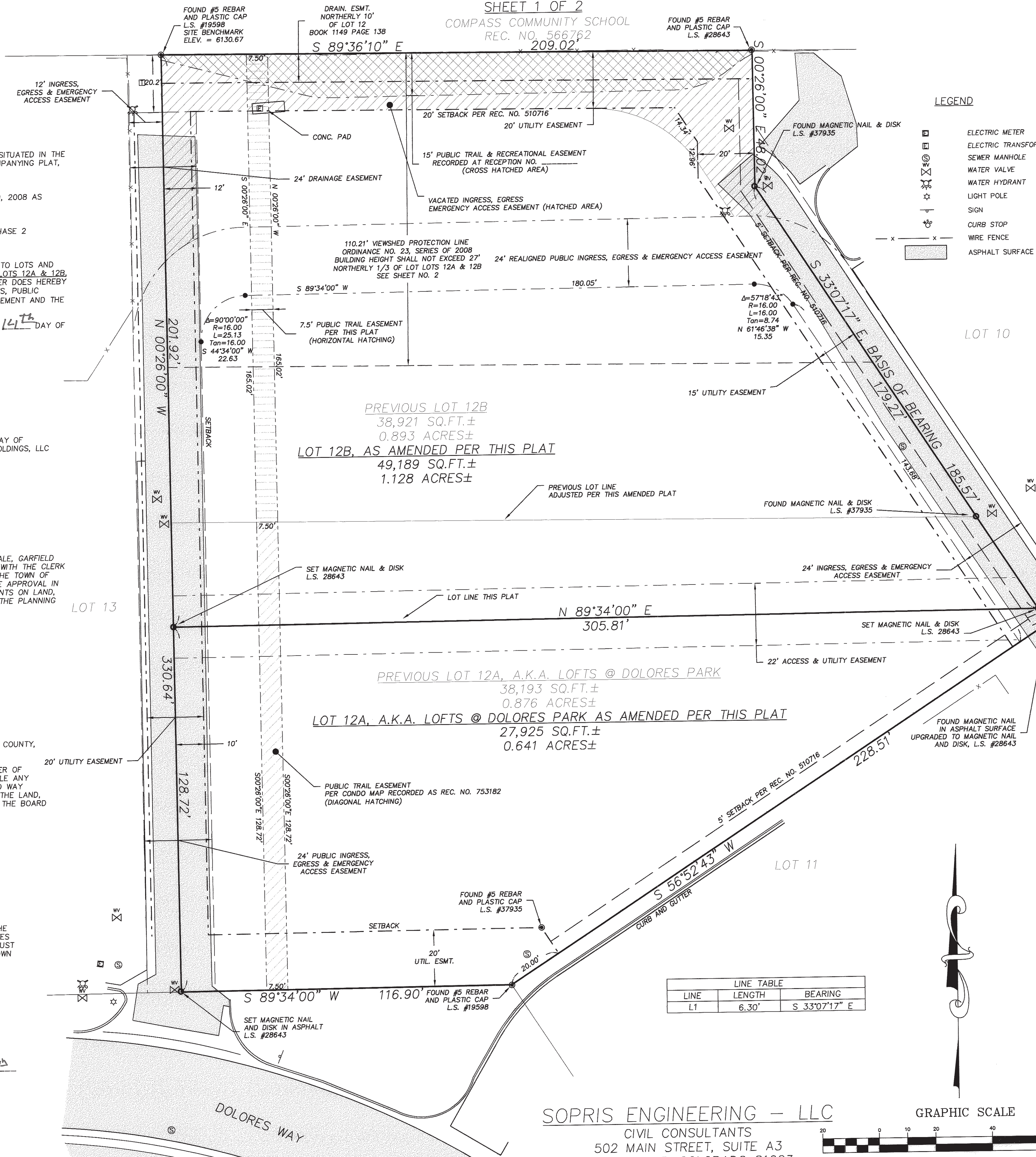
WITNESS MY HAND AND SEAL

ALICIA CRANDELL

NOTARY PUBLIC

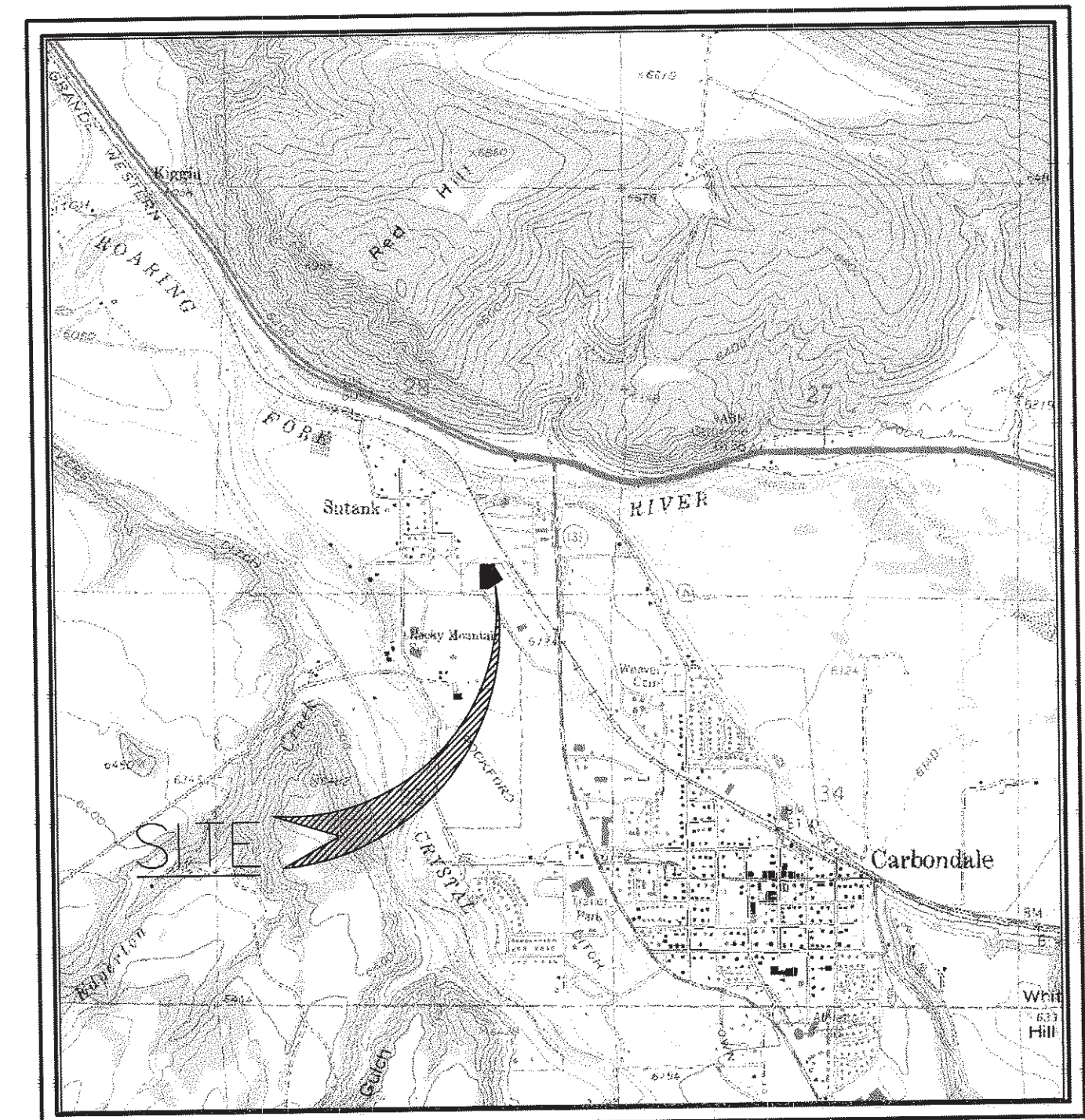
STATE OF COLORADO

My Commission Expires: 08/31/2010



**LEGEND**

- ELECTRIC METER
- ELECTRIC TRANSFORMER
- SEWER MANHOLE
- WATER VALVE
- WATER HYDRANT
- LIGHT POLE
- SIGN
- CURB STOP
- WIRE FENCE
- ASPHALT SURFACE



**VICINITY MAP**

SCALE: 1" = 200'

**NOTES:**

- 1) DATE OF SURVEY: JANUARY, 2007 AND JANUARY - FEBRUARY, 2008.
- 2) DATE OF PREPARATION: FEBRUARY - APRIL, 2008, MARCH - APRIL, 2009
- 3) BASIS OF BEARING: A BEARING OF S 33°07'17" E BETWEEN THE EASTERLY ANGLE POINT OF LOT 12B, MONUMENTED BY A FOUND MAGNETIC NAIL AND DISK L.S. #37935, AND THE NORTHEASTERLY CORNER OF LOT 12A MONUMENTED BY A FOUND MAGNETIC NAIL IN ASPHALT (TO BE UPGRADED PER C.R.S. 38-51-105), SHOWN HEREON.
- 4) BASIS OF SURVEY: THE KAY PLANNED UNIT DEVELOPMENT, PHASE 1 RECORDED JULY 23, 1993 AS RECEPTION NO. 450253; THE PLAT OF LOTS 7, 8 AND 12 ACCORDING TO THE FINAL SUBDIVISION PLAT OF KAY PLANNED UNIT DEVELOPMENT, PHASE 2 RECORDED JULY 9, 1997 AS RECEPTION NUMBER 510716; THE AMENDED FINAL PLAT LOTS 7, 8 AND 12 KAY PLANNED UNIT DEVELOPMENT, PHASE 2, A RESUBDIVISION OF LOTS 7, 8 AND 12 OF THE KAY PLANNED UNIT DEVELOPMENT, PHASE 2, RECORDED FEBRUARY 24, 2005 AS RECEPTION NO. 669149; THE RAILROAD RIGHT-OF-WAY SURVEY (SATANK SEGMENT) PREPARED BY THE FARNSWORTH GROUP, PROJECT NO. 305007, DATED DECEMBER 28, 2007; THE LOFTS @ DOLORES PARK CONDOMINIUM EXEMPTION MAP RECORDED JULY 29, 2008 AS RECEPTION NO. 753183; VARIOUS DOCUMENTS OF RECORD; AND THE FOUND MONUMENTS, AS SHOWN.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY AND/OR TITLE OF RECORD, SE RELIED UPON THE ABOVE SAID PLATS DESCRIBED IN NOTE 4, AND THE TITLE COMMITMENT PREPARED BY PITKIN COUNTY TITLE, INC., CASE NO. B53, EFFECTIVE DATE OF JANUARY 18, 2008. ALL ITEMS CONTAINED IN THE AFOREMENTIONED TITLE COMMITMENT THAT CAN BE GRAPHICALLY SHOWN ARE SHOWN HEREON.
- 6) VIEW PLANE/SITE SECTION REGARDING HEIGHT OF BUILDINGS ON SHEET 2.

**SURVEYOR'S CERTIFICATE**

I, MARK S. BECKLER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND/OR UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 15<sup>th</sup> DAY OF April, A.D., 2009.

MARK S. BECKLER, P.L.S. #28643

THE FOREGOING CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 15<sup>th</sup> DAY OF April, A.D., 2009.

BY MARK S. BECKLER.

MY COMMISSION EXPIRES July 14, 2010

WITNESS MY HAND AND SEAL

Dina Fuentes

NOTARY PUBLIC

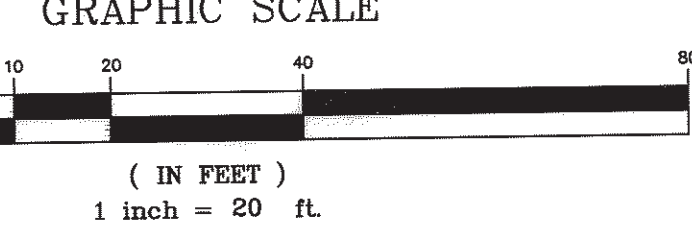
My Commission Expires: 07/14/2010

**CLERK AND RECORDER'S CERTIFICATE**

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY AT 2:44 O'CLOCK P.M., ON THE 17<sup>th</sup> DAY OF April, A.D., 2009, AND IS DULY RECORDED IN BOOK NA PAGE NA, RECEPTION NO. 766444.  
ATTEST: Jean M. Alberico  
CLERK AND RECORDER  
BY: Edna E. Place  
Fee: \$2100  
Drawer: 18A

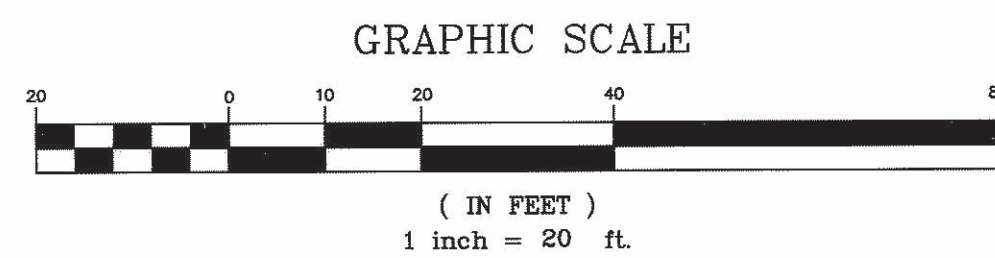
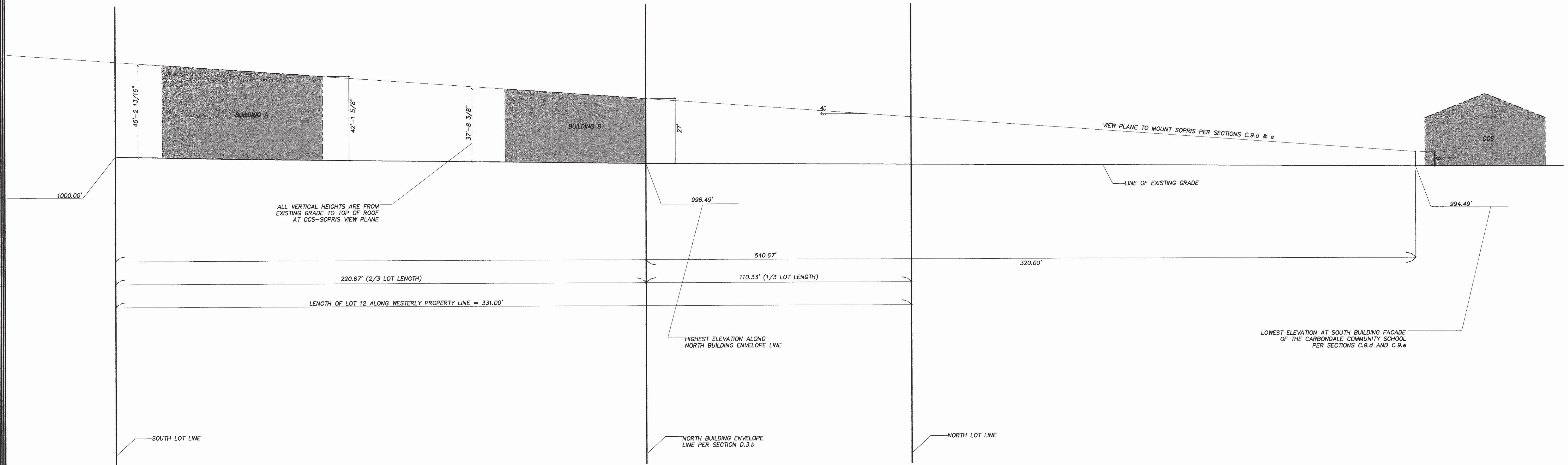
SOPRIS ENGINEERING - LLC  
CIVIL CONSULTANTS  
502 MAIN STREET, SUITE A3  
CARBONDALE, COLORADO 81623  
(970) 704-0311

**GRAPHIC SCALE**



766444 1 of 2

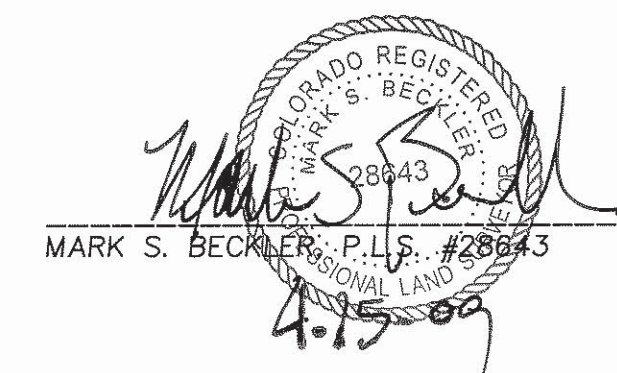
1ST AMENDED FINAL PLAT OF:  
**LOFTS @ DOLORES PARK & 12B, KAY P.U.D., PHASE 2**  
 TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO  
 SHEET 2 OF 2  
 VIEW PLANE/SITE SECTION DIAGRAM



NOTES:

- 1) THIS VIEW PLANE/SITE SECTION DIAGRAM WAS PREPARED BY AND SUPPLIED TO SOPRIS ENGINEERING FROM LIPKIN WARNER DESIGN AND PLANNING.

SOPRIS ENGINEERING — LLC  
 CIVIL CONSULTANTS  
 502 MAIN STREET, SUITE A3  
 CARBONDALE, COLORADO 81623  
 (970) 704-0311



7160444 2 of 2



scale  
0 25 50 100

[www.bluegreenaspen.com](http://www.bluegreenaspen.com)

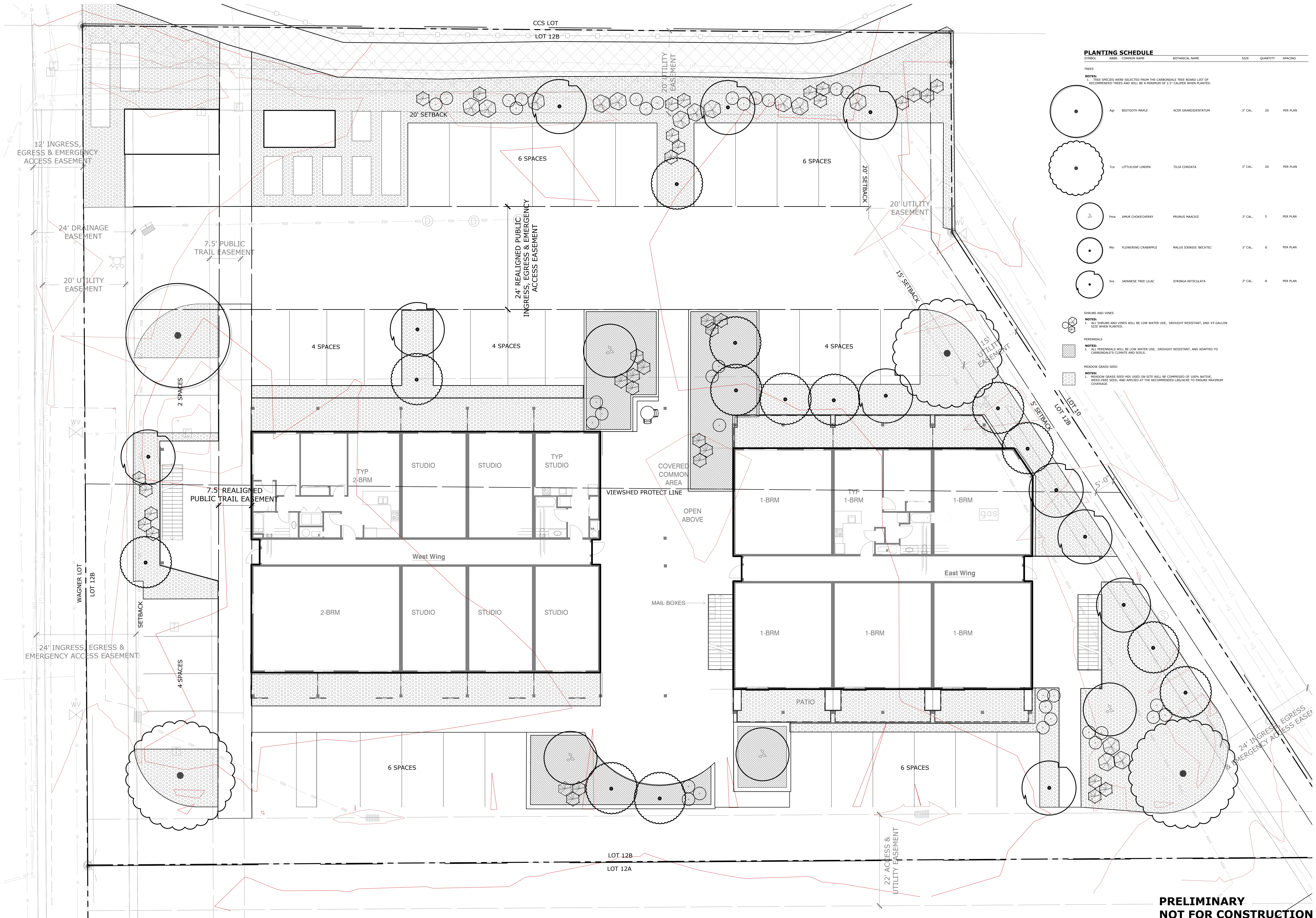
**bluegreen**  
16 march 2018

300 south spring street | suite 202 | aspen, colorado 81611 | t 970 429 7499 | f 970 429 9499

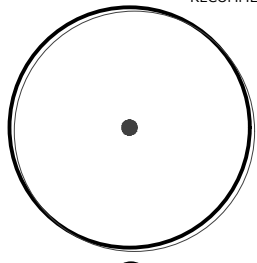
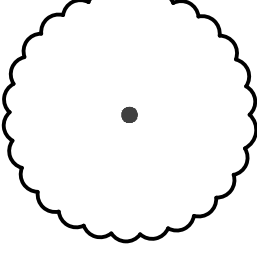



context map  
red hill lofts  
carbondale | colorado







PLANTING SCHEDULE

SYMBOL	ABBR.	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY	SPACING
TREES						
NOTES: 1. TREE SPECIES WERE SELECTED FROM THE CARBONDALE TREE BOARD LIST OF RECOMMENDED TREES AND WILL BE A MINIMUM OF 2.5" CALIPER WHEN PLANTED.						
	Apr	BIGTOOTH MAPLE	ACER GRANDIDENTATUM	3" CAL.	20	PER PLAN
	Too	LITTLELEAF LINDEN	TYLIA CORDATA	3" CAL.	20	PER PLAN
	Prm	ANHR CHOKECHERRY	PRUNUS MAMCKII	3" CAL.	5	PER PLAN
	Mio	FLOWERING CRABAPPLE	MALUS IOENSIS 'RECHTEL'	3" CAL.	8	PER PLAN
	Spr	JAPANESE TREE LILAC	SYRINGA RETICULATA	3" CAL.	8	PER PLAN

SHRUBS AND VINES

NOTES:  
1. ALL SHRUBS AND VINES WILL BE LOW WATER USE, DROUGHT RESISTANT, AND #5 GALLON SIZE WHEN PLANTED.

PERENNIALS

NOTES:  
1. ALL PERENNIALS WILL BE LOW WATER USE, DROUGHT RESISTANT, AND ADAPTED TO CARBONDALE'S CLIMATE AND SOILS.

MEADOW GRASS SEED

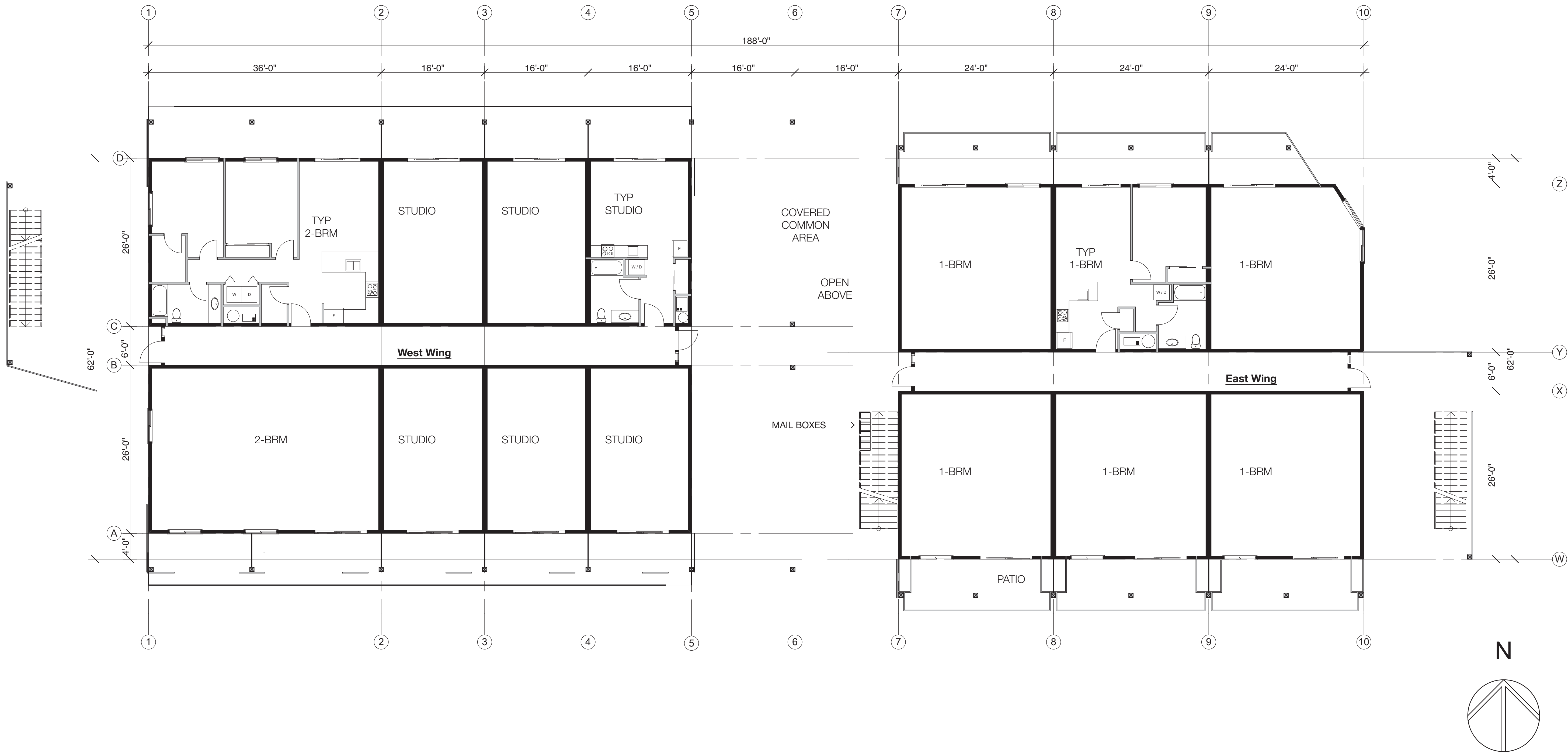
NOTES:  
1. MEADOW GRASS SEED MIX USED ON SITE WILL BE COMPRISED OF 100% NATIVE, WEED-FREE SEEDS, AND APPLIED AT THE RECOMMENDED LB/Acre TO ENSURE MAXIMUM COVERAGE.

date 03/16/2018 I issue land use

scale 0 10 20 north

planting plan L200 © copyright bluegreen

PRELIMINARY NOT FOR CONSTRUCTION



1 1st FLOOR  
SCALE: 1/8" = 1'-0"

DATE	ISSUE
03/16/2018	PLANNING SUBMISSION

RED HILL LOFTS

CARBONDALE  
COLORADO

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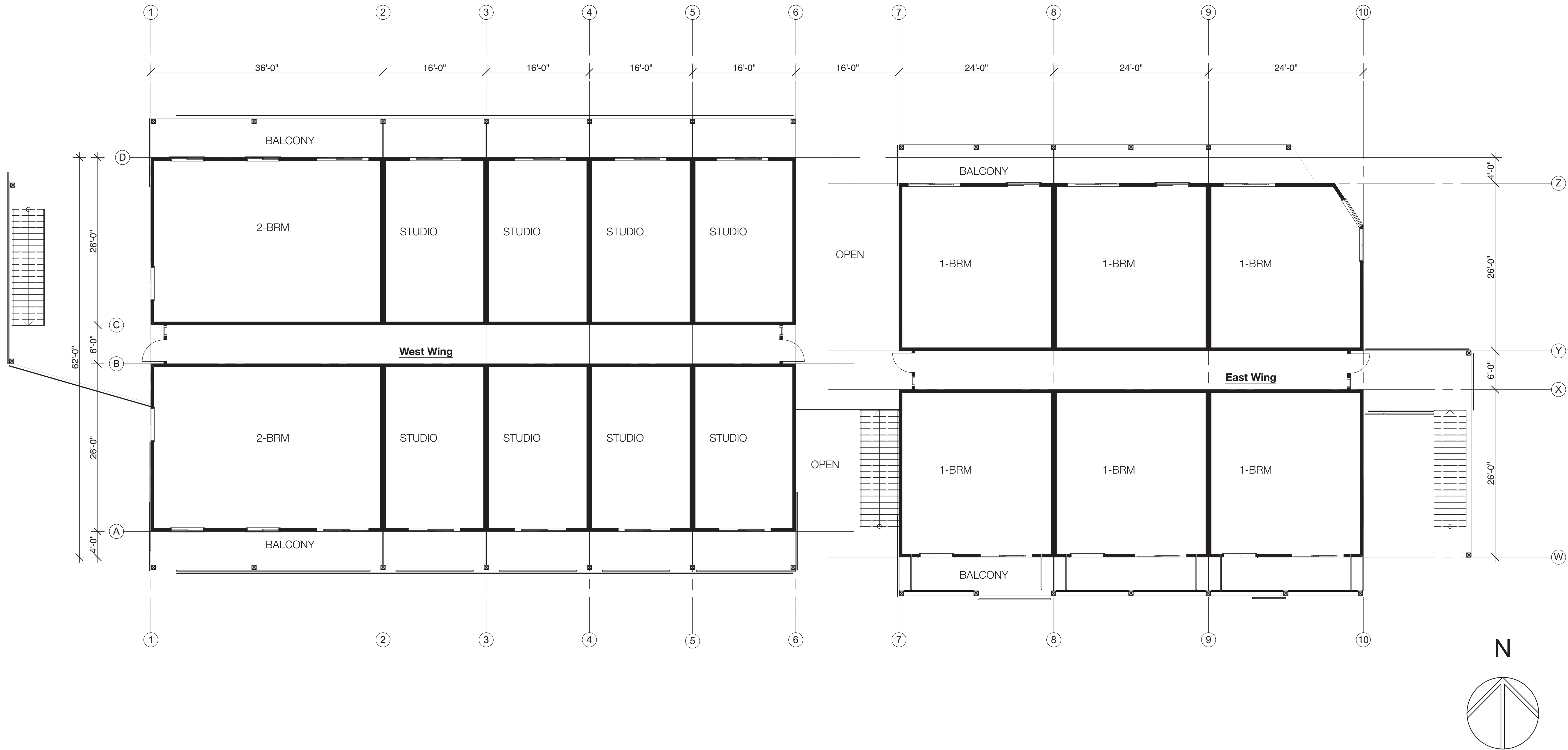
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SHEET TITLE

1ST FLOOR PLAN

A1



1 2nd FLOOR  
SCALE: 1/8" = 1'-0"

DATE	ISSUE
03/16/2018	PLANNING SUBMISSION

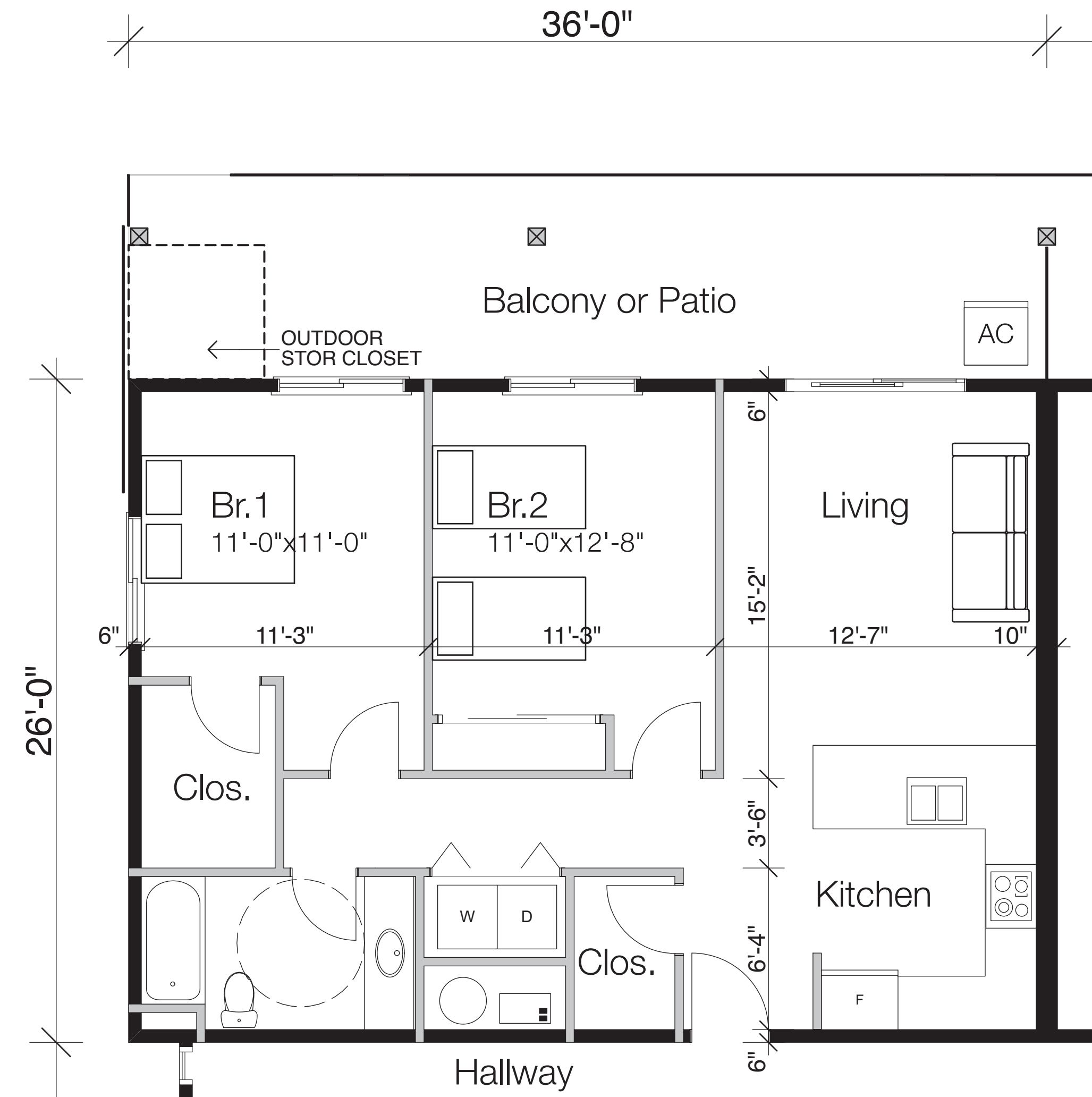
RED HILL LOFTS

CARBONDALE  
COLORADO

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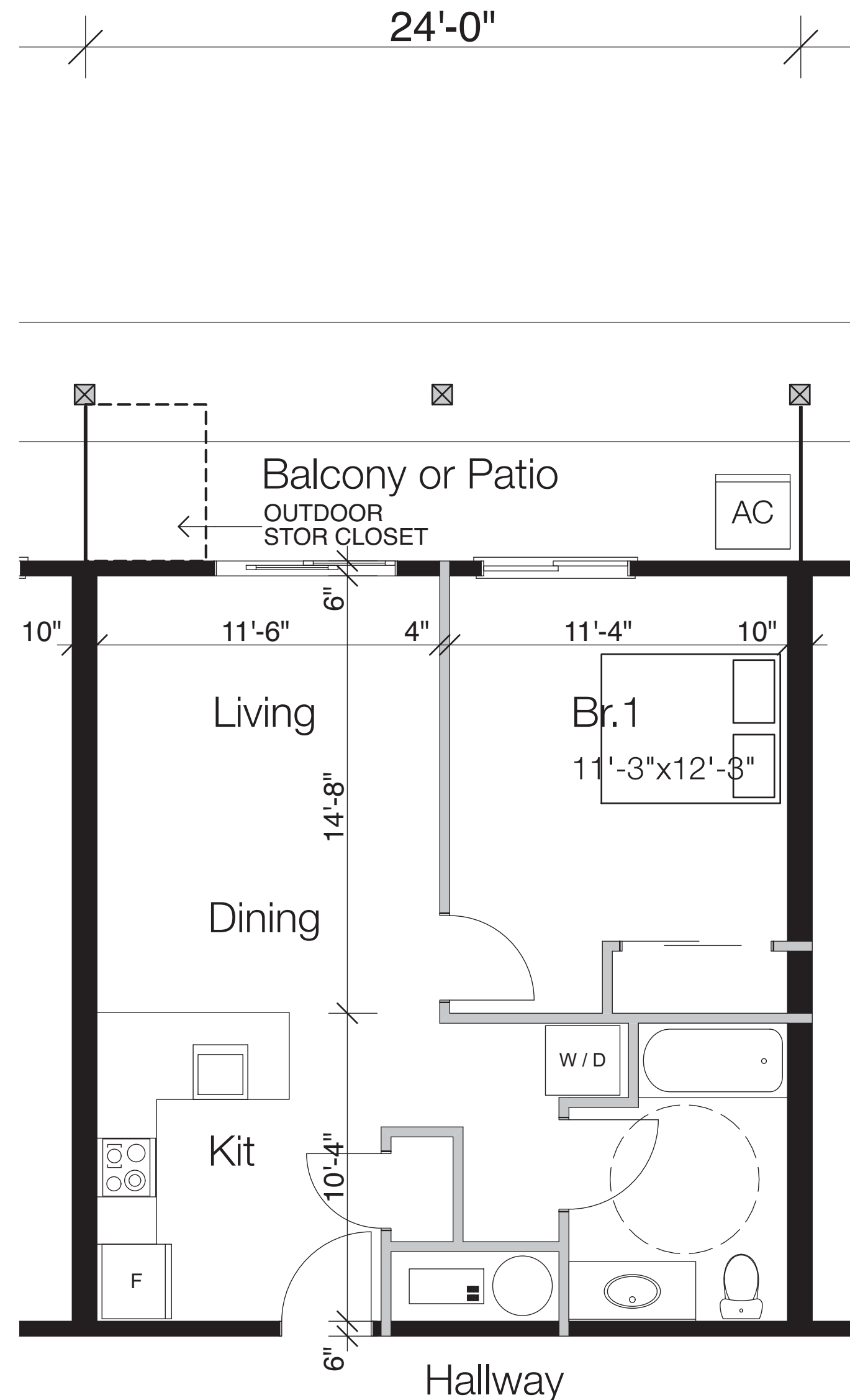
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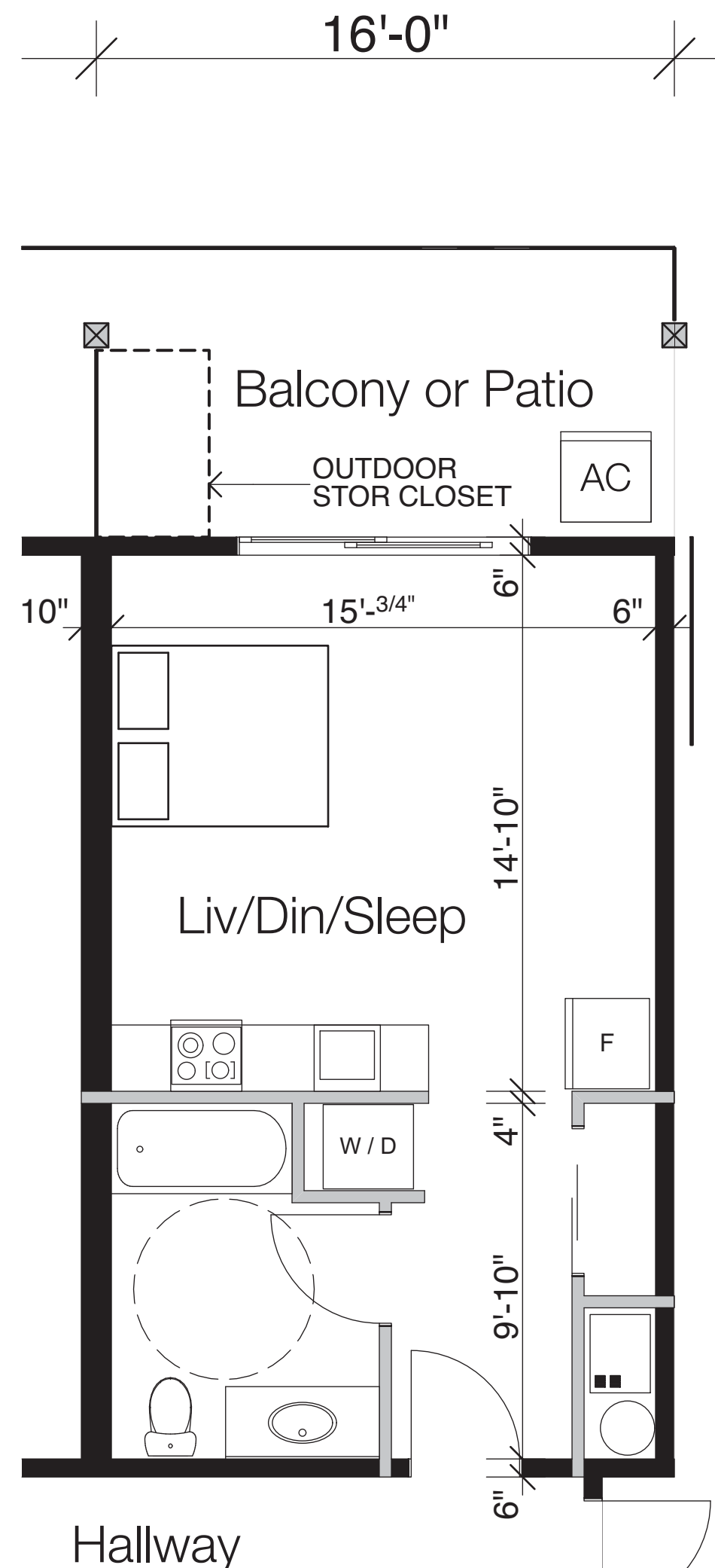
TYPICAL 2-BEDROOM UNIT  
1/4" = 1'-0"

936 SQ FT (GROSS)



TYPICAL 1-BEDROOM UNIT  
1/4" = 1'-0"

624 SQ FT (GROSS)



TYPICAL STUDIO UNIT  
1/4" = 1'-0"

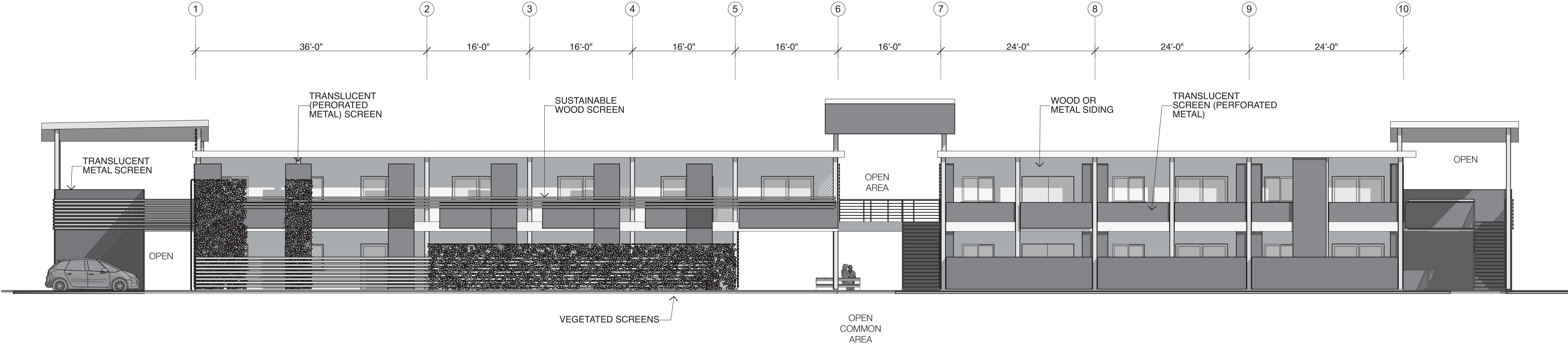
416 SQ FT (GROSS)

DATE	ISSUE
03/16/2018	PLANNING SUBMISSION

RED HILL LOFTS

CARBONDALE  
COLORADO

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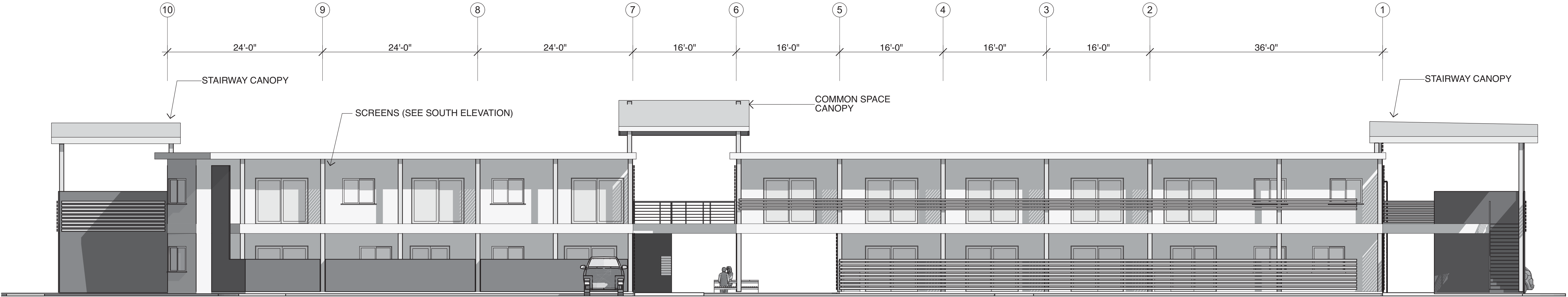


1

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

DATE	ISSUE
03/16/2018	PLANNING SUBMISSION



2

NORTH ELEVATION

SCALE: 1/8" = 1'-0"

RED HILL LOFTS

CARBONDALE  
COLORADO

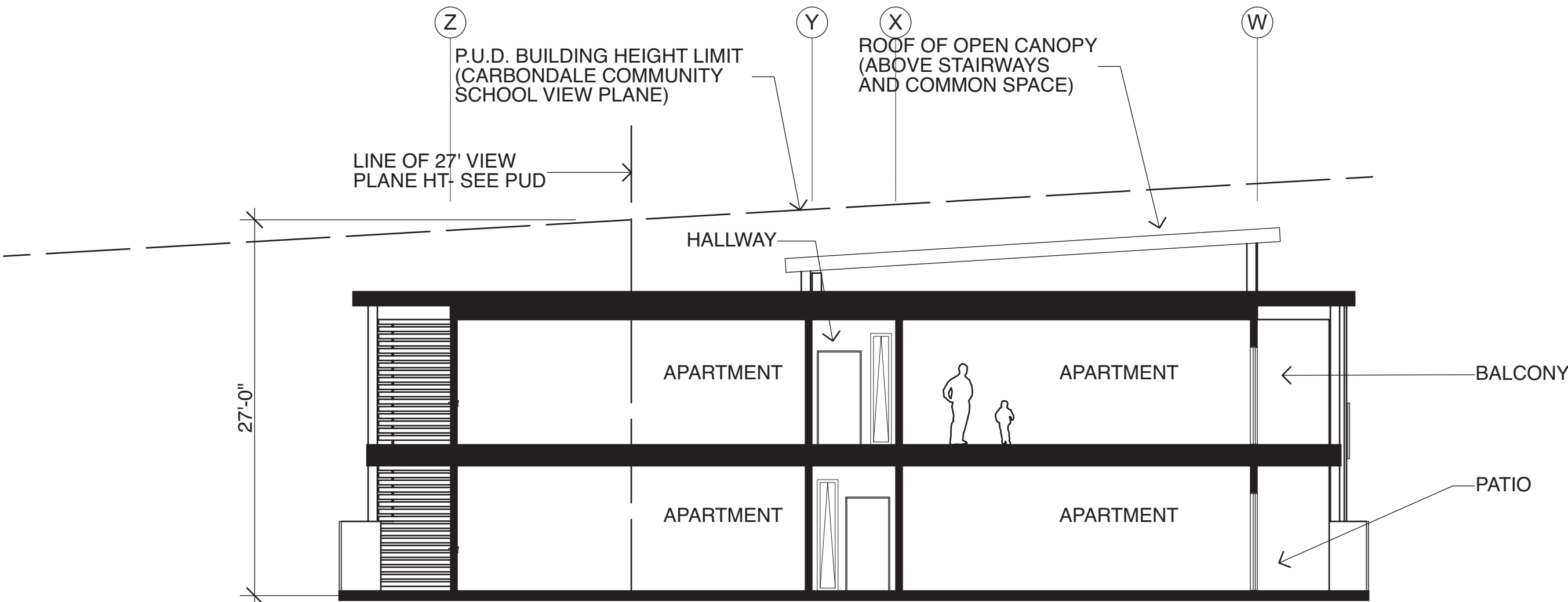
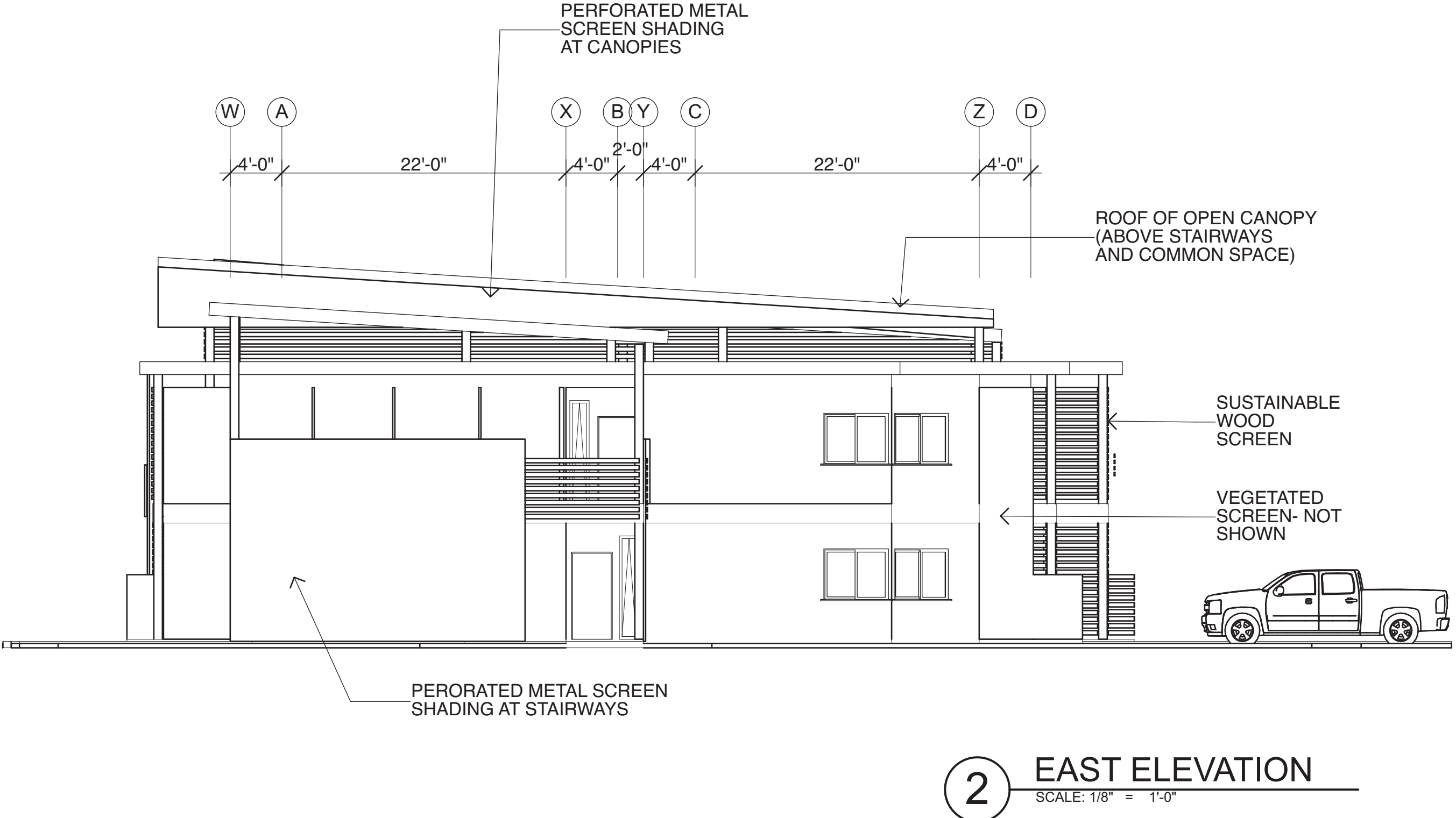
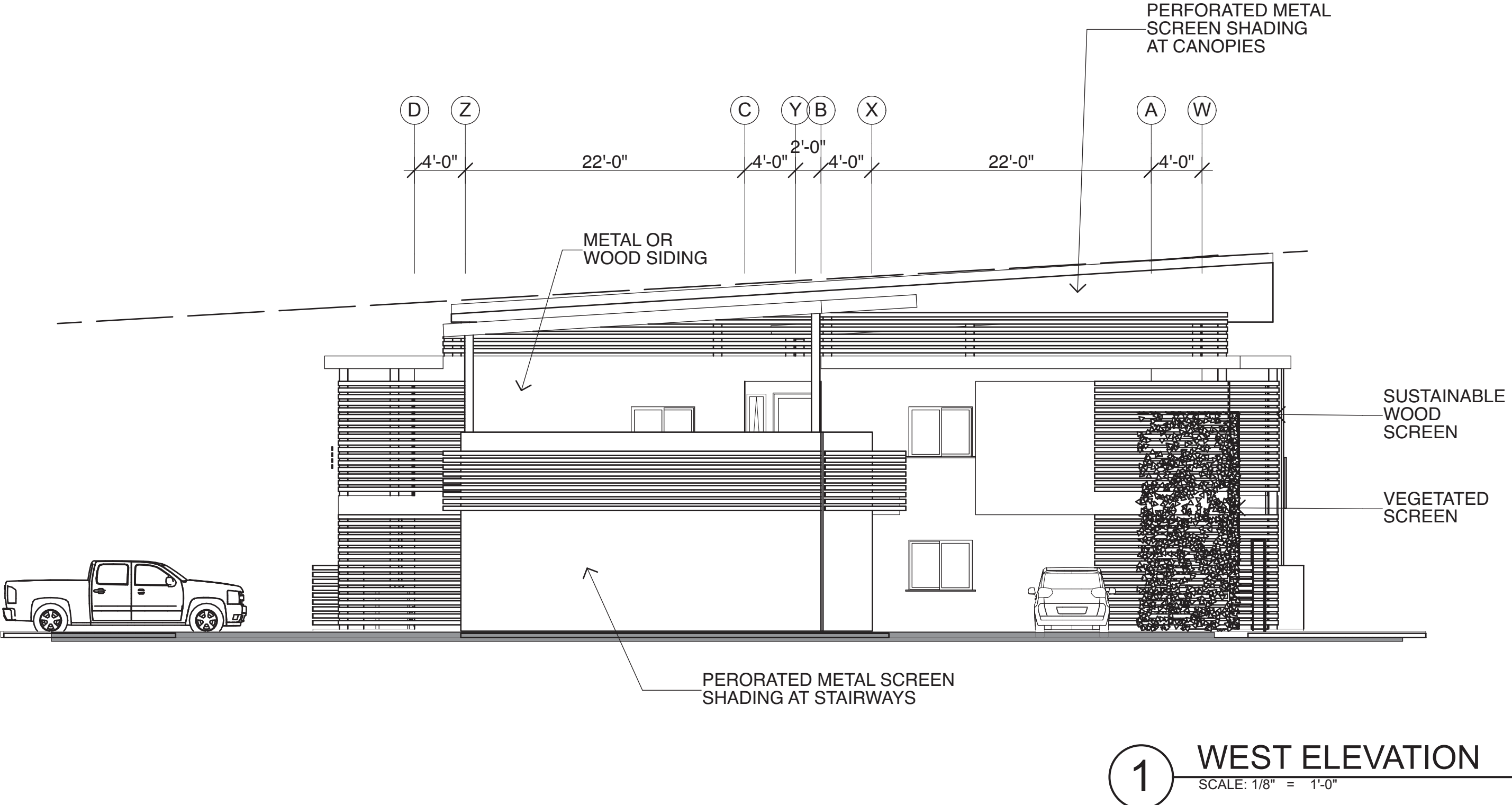
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SHEET TITLE

N & S BUILDING  
ELEVATIONS



DATE	ISSUE
03/16/2018	PLANNING SUBMISSION

RED HILL LOFTS

CARBONDALE  
COLORADO

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SHEET TITLE

**BUILDING  
ELEVATIONS &  
SECTION**



DATE	ISSUE
03/16/2018	PLANNING SUBMISSION

RED HILL LOFTS

CARBONDALE  
C O L O R A D O

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Dan Roussin  
CDOT Region 3 – Traffic and Safety, Permit Unit Manager  
222 South 6th Street, Room 100  
Grand Junction, Colorado 81501  
Email: [daniel.roussin@state.co.us](mailto:daniel.roussin@state.co.us)

**RE: Red Hill Lofts Access Permit Requirement Letter – Carbondale, Colorado (SE Job #17247)**

Dear Mr. Roussin,

The following letter has been prepared by Sopris Engineering (SE) to receive confirmation from CDOT that an updated access permit will NOT be required for the Red Hill Lofts housing development in Carbondale. The project is located west of SH 133 on the north side of Dolores Way. A conceptual design is attached. CDOT Access Permit No. 392099 (attached) was granted for the Kay PUD for access to 13 mixed use lots including the subject lot which is Lot 12-B.

Traffic counts were performed on January 31, 2012 for the Carbondale Access Control Plan by Atkins at the SH 133 and Dolores Way intersection. The counts are attached for reference and summarized below.

**Existing AM Peak Trips (2012 – Atkins): 271 trips**

**Existing PM Peak Trips (2012 – Atkins): 178 trips**

Updated traffic counts have been prepared by McDowell Engineering, LLC on December 12, 2017 for the same intersection. The counts are attached for reference and summarized below.

**Existing AM Peak Trips (2017 – McDowell): 218 trips**

**Existing PM Peak Trips (2017 – McDowell): 266 trips**

For this analysis, the 2017 – McDowell counts for AM Peak trips of **218 trips** and the 2012 – Atkins counts for PM Peak trips of **178 trips** were used. These counts are the more conservative counts of the two sets of data for increased traffic comparisons.

The proposed development includes (14) studio units, (12) 1-bedroom units, and (4) 2-bedroom units for a total of (30) proposed dwelling units. The ITE Trip Generation Manual – 9<sup>th</sup> Edition was used to calculate the estimated number of trips generated for the development. Code 230 for the “Residential Condominium/Townhouse” Land Use was utilized. The corresponding AM and PM Peak Hour Generator pages from the manual used in the analysis have been attached to this letter. The estimated trips generated from the development have been summarized below.

**Estimated AM Peak Trips: 30 Dwelling Units x 0.44 Average Rate = 14 trips**

**Estimated PM Peak Trips: 30 Dwelling Units x 0.52 Average Rate = 16 trips**

The proposed percentage increase of AM and PM peak trips has been summarized below.

**AM Peak Trips Increase: 14 trips / 218 trips (2017 – McDowell) = 6.4% increase**

**PM Peak Trips Increase: 16 trips / 178 trips (2012 – Atkins) = 9.0% increase**

Because the increase in trips generated from the development is less than 20%, it is SE's opinion that an updated access permit is NOT required by CDOT. Please let me know if you agree with these findings.

If you have any questions or need any additional information, please let us know.

Sincerely,



SOPRIS ENGINEERING, LLC  
Yancy Nichol, PE  
Principal

# Red Hill Lofts

## Design Feasibility

PRINT ORIGIN: 6/10/17 6:30 PM

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Red Hill Lofts is an affordable rental housing development by Aspen Pitkin Employee Housing, Inc.

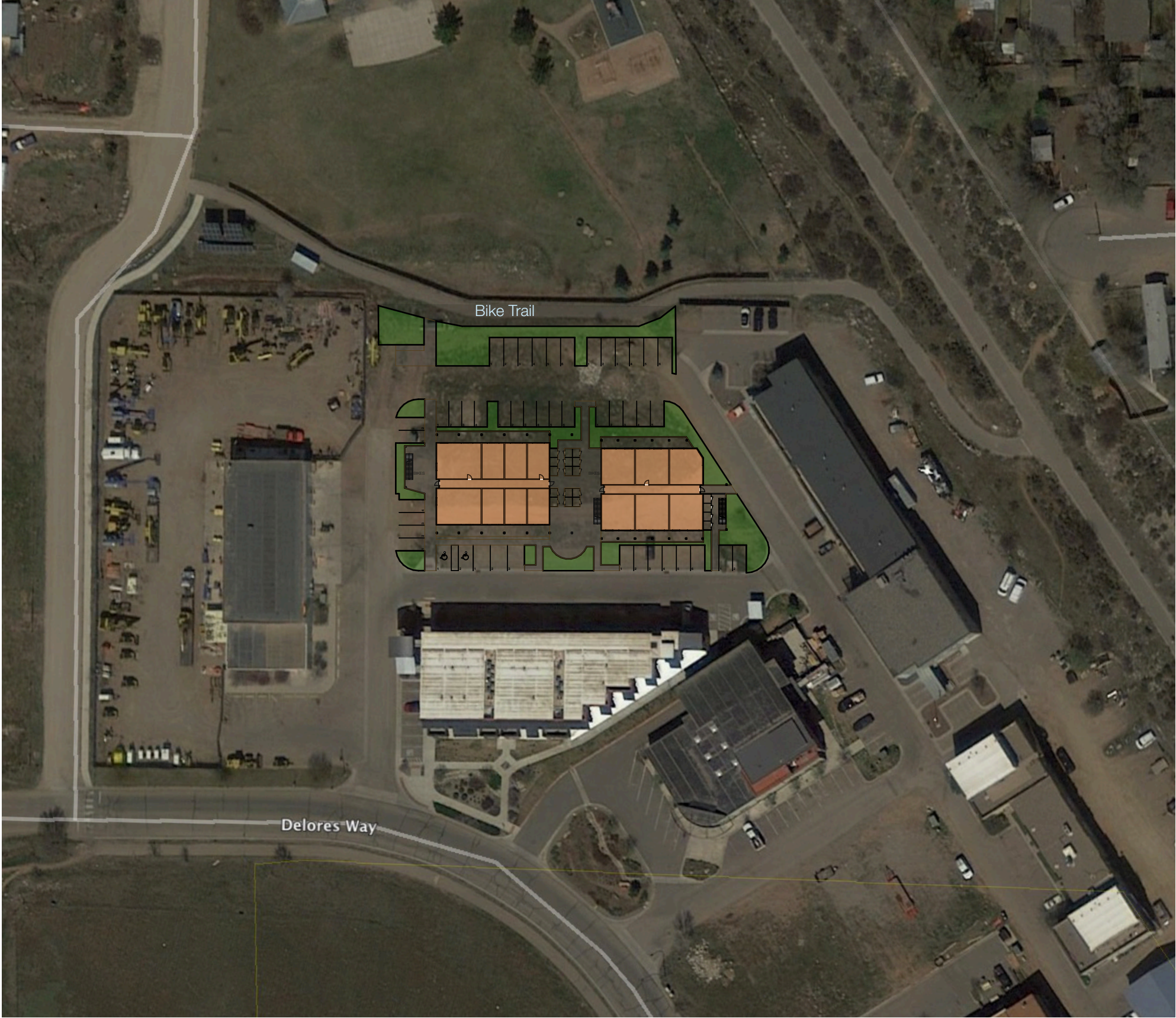


Location Map

# Red Hill Lofts

## Design Feasibility

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SITE  
CONTEXT

# Red Hill Lofts

## Design Feasibility

PRINT ORIGIN: 6/10/17 6:30 PM



LOOKING NORTH



LOOKING WEST



LOOKING EAST



LOOKING WEST

# Red Hill Lofts

## Design Feasibility

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30 DWELLING UNITS: GROSS AREA:

14	Studio	416 sf
12	1-Bedroom	624 sf
4	2-Bedroom	832 sf

PARKING SPACES: RQD RATIO: RQD SPACES:

14	Studios	1.5 per	21
12	1-Brms	1.5 per	18
4	2-Brms	1.75 per	7

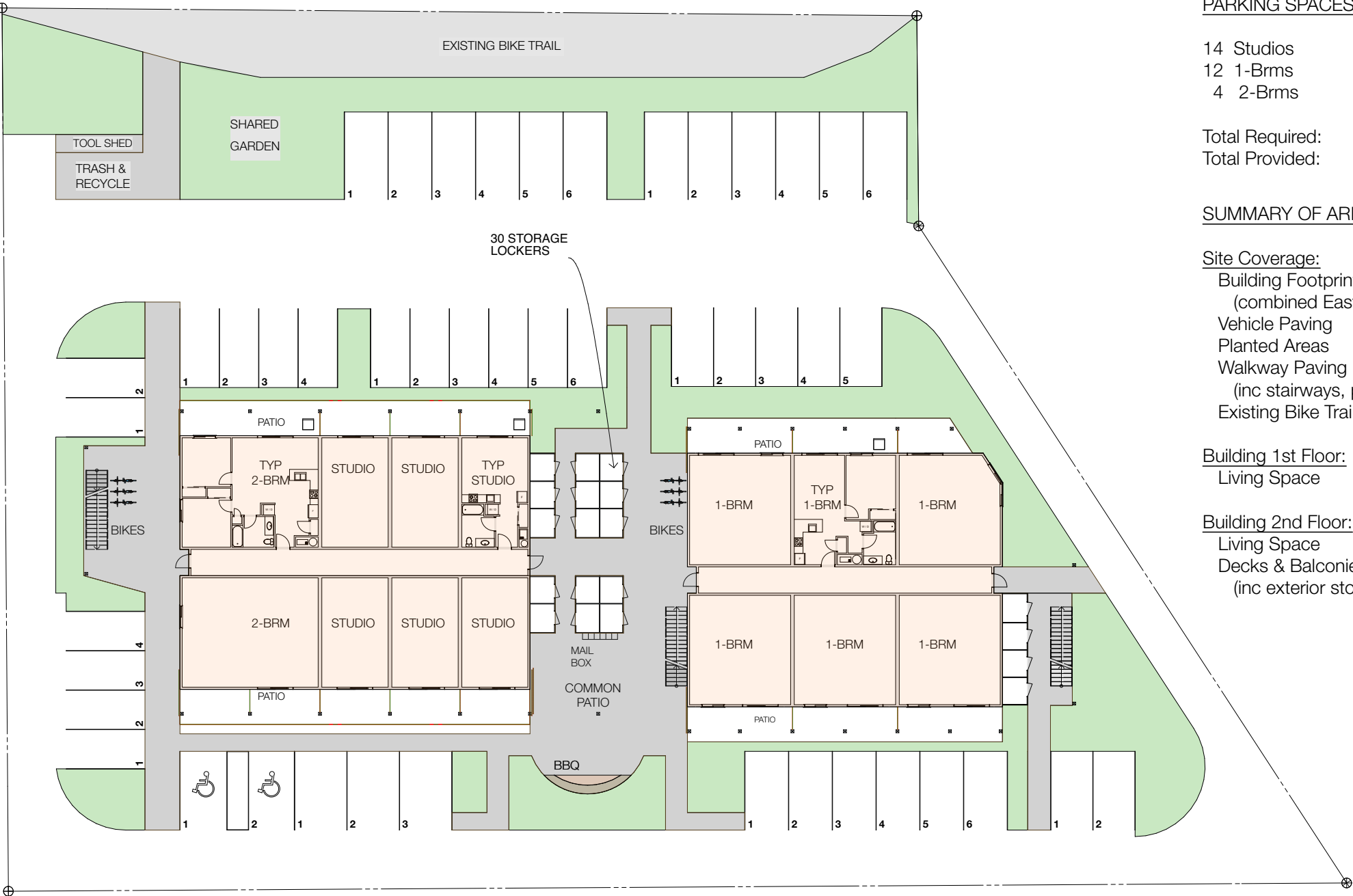
Total Required:	46
Total Provided:	46

SUMMARY OF AREAS Lot Area = 49, 223 sf

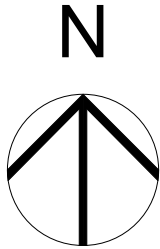
Site Coverage:	
Building Footprint (combined East & West Wings)	8,765 sf
Vehicle Paving	20,981 sf
Planted Areas	8,257 sf
Walkway Paving (inc stairways, patios & storage lockers)	8,606 sf
Existing Bike Trail surface	2,590 sf

Building 1st Floor:	
Living Space	8,765 sf

Building 2nd Floor:	
Living Space	9,681 sf
Decks & Balconies (inc exterior storage lockers)	2,581 sf



Site Plan  
SCALE: 1" = 30'

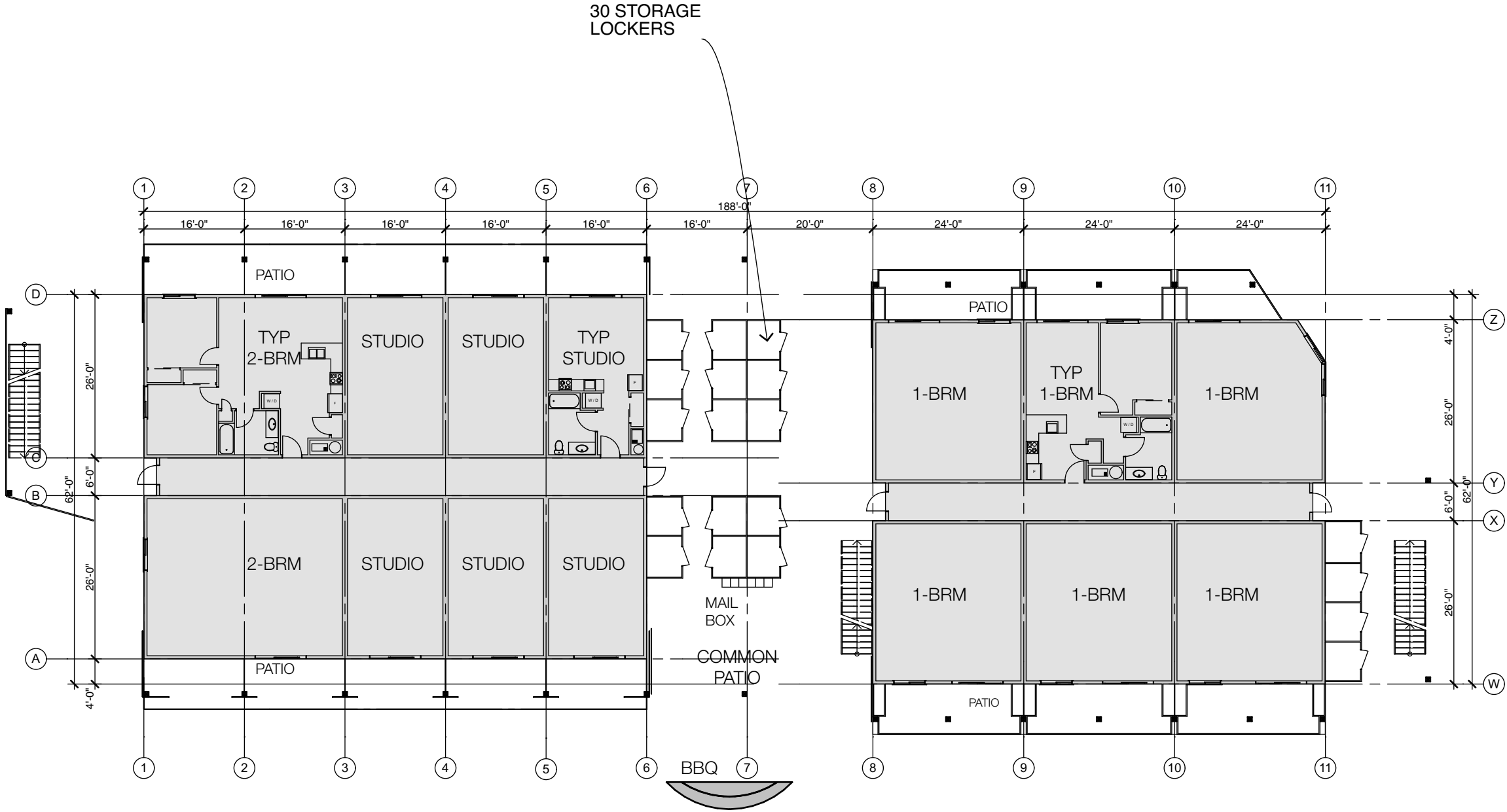




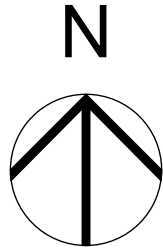
# Red Hill Lofts

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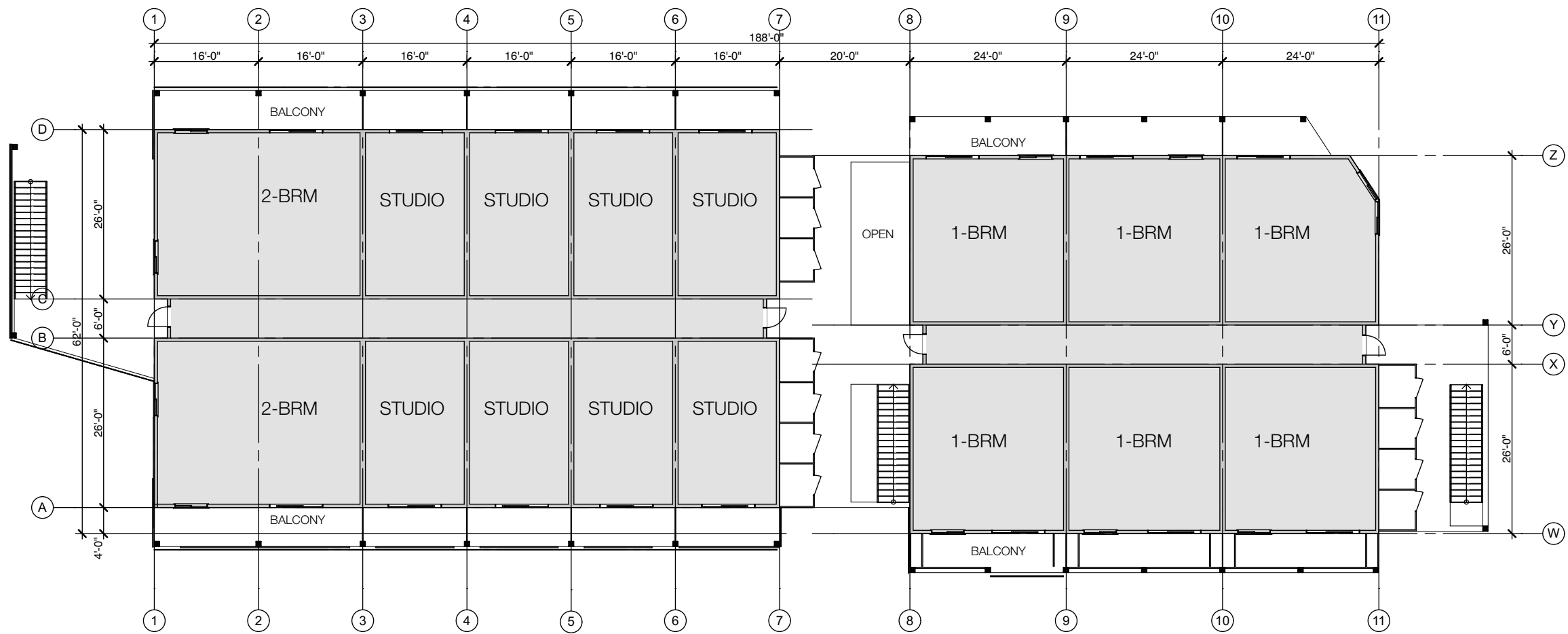
1 1st Floor  
SCALE: 1" = 20'



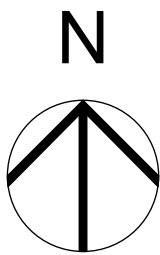
# Red Hill Lofts

## Design Feasibility

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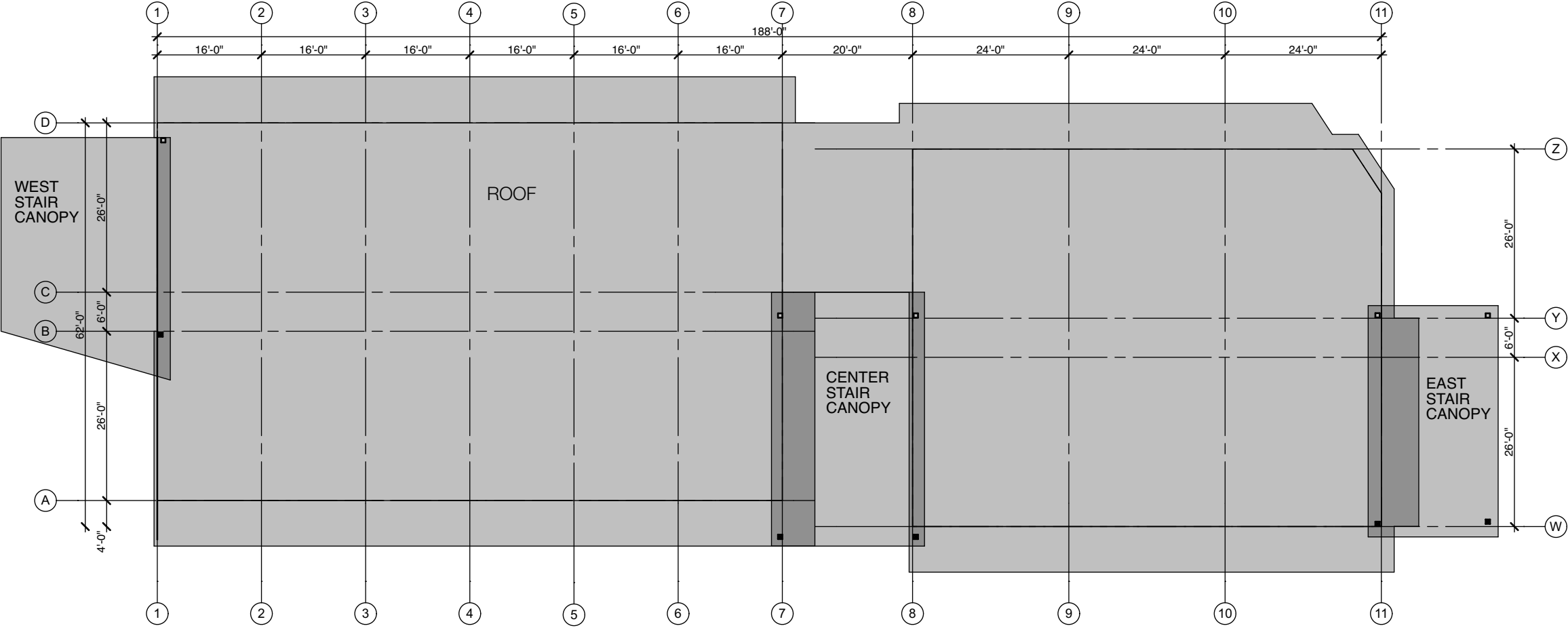
1 2nd Floor  
SCALE: 1" = 20'



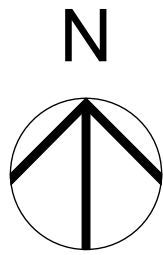
# Red Hill Lofts

## Design Feasibility

PRINT ORIGIN: 6/10/17 6:30 PM



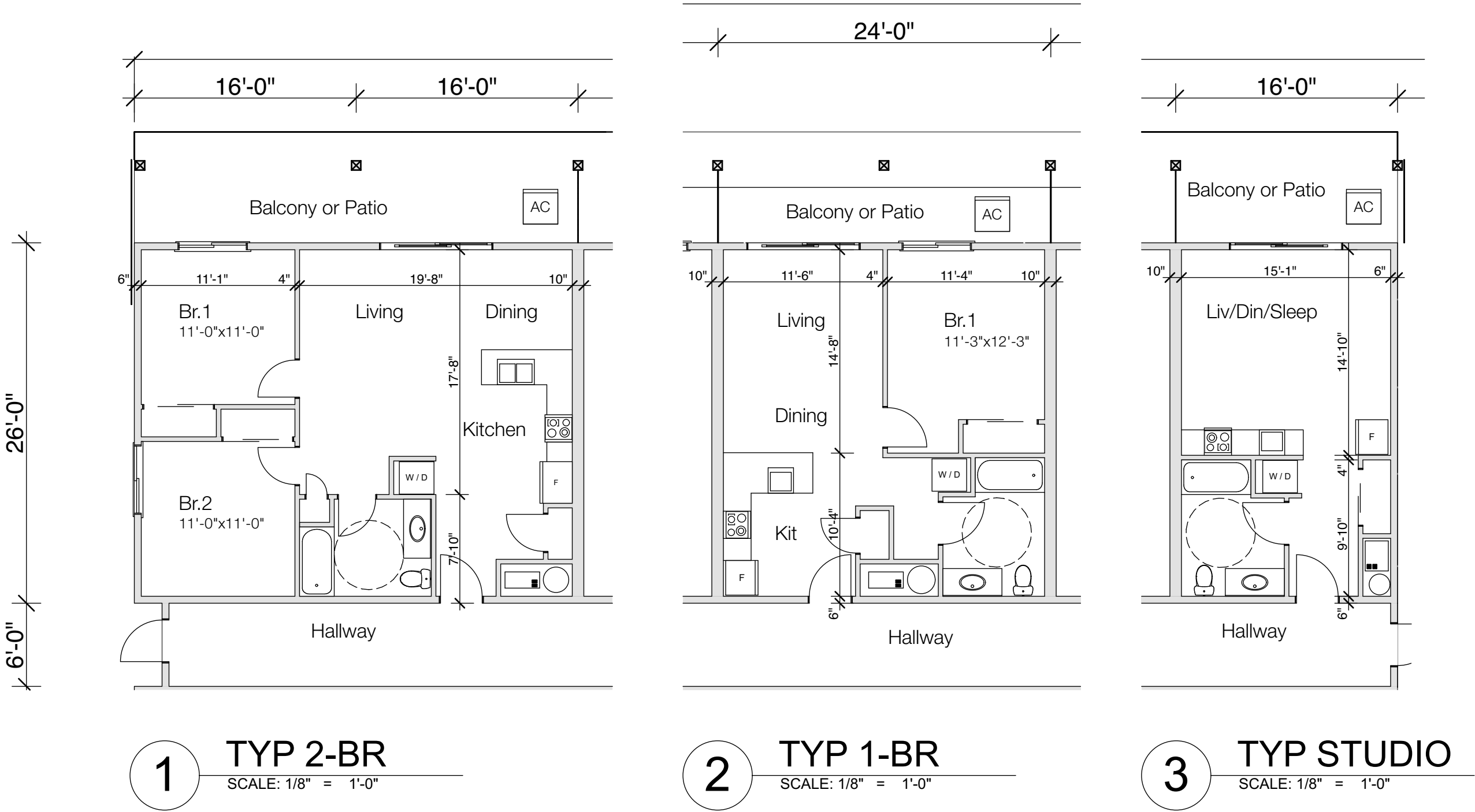
1 Roof Plan  
SCALE: 1" = 20'



# Red Hill Lofts

## Design Feasibility

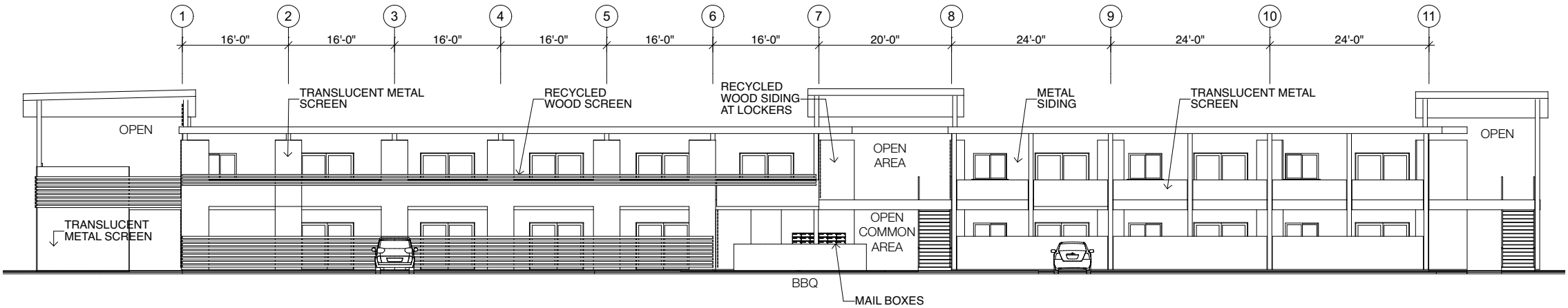
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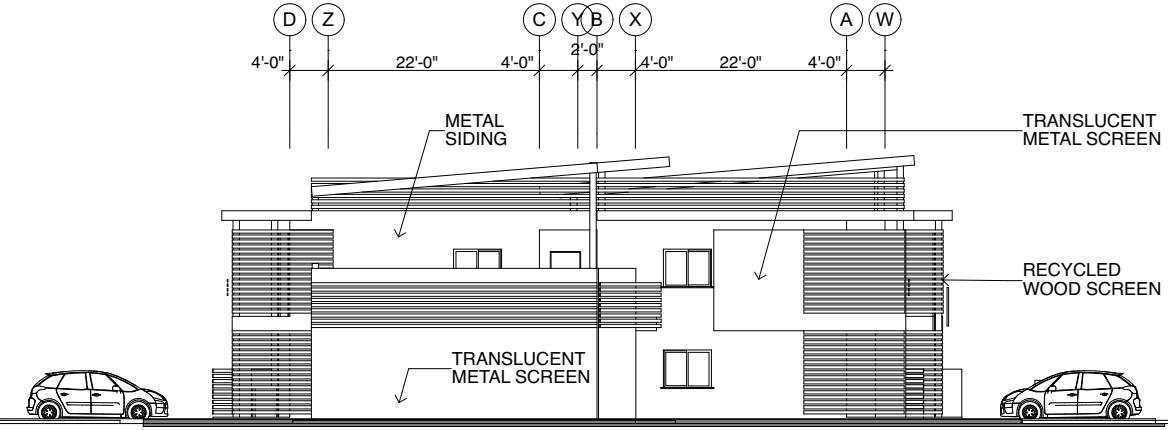
# Red Hill Lofts

Design  
Feasibility

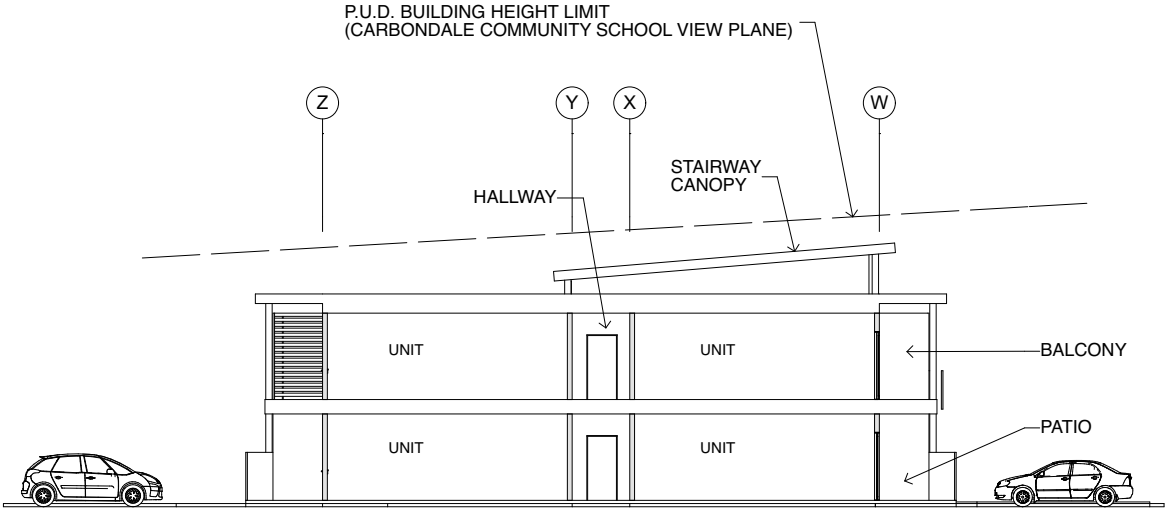
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1 South Elevation  
SCALE: 1" = 20'



2 West Elevation  
SCALE: 1" = 20'



3 Cross Section  
SCALE: 1" = 20'

COLORADO DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ACCESS PERMIT

SH No/MP/Side: 133/68.38/L  
Local Jurisdiction: Garfield County  
Dist/Section/Patrol: 30215  
DOT Permit No.: 392099  
Permit Fee: \$300.00  
Date of Transmittal: 8-14-92

THE PERMITTEE;

Kay Carbondale Associates  
5301 Wisconsin Avenue N. W.  
Washington, DC 20015

is hereby granted permission to construct and use an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with the terms and conditions of this permit, including the State Highway Access Code and listed attachments. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any of the terms and conditions of this permit. The use of advance warning and construction signs, flashers, barricades and flaggers are required at all times during access construction within State right-of-way in conformance with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, Part VI. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

LOCATION:

On the west side of State Highway 133, a distance of 2000 feet north from Mile Post 68.

ACCESS TO PROVIDE SERVICE TO:

13 mixed use lots (commercial, office, etc.)

OTHER TERMS AND CONDITIONS:

See Attached Sheets (2).

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

By (X) Not Required Date \_\_\_\_\_ Title \_\_\_\_\_

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used. The permittee shall notify Nick Lopez with the Colorado Department of Transportation in \_\_\_\_\_ at 963-1186, at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and all its terms and conditions.

Permittee (X) A. B. W. General Partner Date 6/7/93

This permit is not valid until signed by a duly authorized representative of the Department.  
DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO

By (X) [Signature] Date 8-4-93 Title Administrator,  
(Date of issue) Access Committee

COPY DISTRIBUTION:

Required:  
1. District (Original)  
2. Applicant  
3. Staff ROW

Make copies as necessary for:  
Local Authority  
MTCE Patrol  
Inspector  
Traffic Engineer

Previous Editions are Obsolete and will not be used  
CDOT Form #101  
7/91

The following paragraphs are pertinent highlights of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

#### **I Appeals**

1. Should the permittee or applicant choose to object to any of the terms or conditions of the permit placed therein by the Department, an appeal must be filed with the Colorado Transportation Commission within 60 days of transmittal of the permit for permittee signature. The request for the hearing shall be filed in writing and submitted to the Colorado Transportation Commission, 4201 East Arkansas Avenue, Denver, Colorado 80222. The request shall include reasons for the appeal and may include recommendations by the permittee or applicant that would be acceptable to him.
2. The Department may consider any objections and requested revisions at the request of the applicant or permittee. If agreement is reached, the Department, with the approval of the local issuing authority (if applicable), may revise the permit accordingly, or issue a new permit, or require the applicant to submit a new application for reconsideration. Changes in the original application, proposed design or access use will normally require submittal of a new application.
3. Regardless of any communications, meetings, or negotiations with the Department regarding revisions and objections to the permit, if the permittee or applicant wishes to appeal the Department's decision to the Commission, the appeal must be brought to the Commission within 60 days of transmittal of the permit.
4. Any appeal by the applicant or permittee of action by the local issuing authority when it is the appropriate local authority (under subsection 2.4), shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
5. If the final action is not further appealed, the Department or local authority may record the decision with the County Clerk and Recorder.

#### **II Construction standards and requirements**

1. The access must be under construction within one year of the permit date. However, under certain conditions a one year time extension may be granted if requested in writing prior to permit expiration.
2. The applicant shall notify the office specified on the permit at least 48 hours prior to construction. A copy of the permit shall be available for review at the construction site. Inspections will be made during construction.
3. The access construction within highway right-of-way must be completed within 45 days.
4. It is the responsibility of the permittee to complete the construction of the access according to the terms and conditions of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included on the permit. The Department or issuing authority may order a halt to any unauthorized use of the access. Reconstruction or improvements to the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee is responsible for all repairs.
5. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.
6. A copy of the permit shall be available for review at the construction site. If necessary, minor changes and additions shall be ordered by the Department or local authority field inspector to meet unanticipated site conditions.
7. The access shall be constructed and maintained in a manner that shall not cause water to enter onto the roadway, and shall not interfere with the drainage system in the right-of-way.
8. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the work shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately.
9. Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways. This may include the use of signs, flashers, barricades and flaggers. This is also required by section 42-4-501, C.R.S. as amended. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

#### **III Changes in use and violations**

1. If there are changes in the use of the access, the access permit-issuing authority must be notified of the change. A change in property use which makes the existing access design or use in non-conformance with the Access Code or the terms and conditions of the permit, may require the reconstruction or relocation of the access. Examples of changes in access use are; an increase in vehicular volume by 20 percent, or an increase by 20 percent of a directional characteristic such as a left turn. The issuing authority will review the original permit; it may decide it is adequate or request that you apply for a new permit.
2. All terms and conditions of the permit are binding upon all assigns, successors-in-interest and heirs.
3. When a permitted driveway is constructed or used in violation of the Access Code, the local government or Department may obtain a court order to halt the violation. Such access permits may be revoked by the issuing authority.

#### **IV Further information**

1. When the permit holder wishes to make improvements to an existing legal access, he shall make his request by filing a completed permit application form with the issuing authority. The issuing authority may take action only on the request for improvement. Denial does not revoke the existing access.
2. The permittee, his heirs, successors-in-interest, and assigns, of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. The Department shall maintain in unincorporated areas the highway drainage system, including those culverts under the access which are part of that system within the right-of-way.
3. The issue date of the permit is the date the Department representative signs the permit which is after the permittee has returned the permit signed and paid any required fees.
4. The Department may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or redesign the highway including any auxiliary lane.
5. Any driveway, whether constructed before, on, or after June 30, 1979, may be required by the Department, with written concurrence of the appropriate local authority, to be reconstructed or relocated to conform to the Access Code, either at the property owner's expense if the reconstruction or relocation is necessitated by a change in the use of the property which results in a change in the type of driveway operation; or at the expense of the Department if the reconstruction or relocation is necessitated by changes in road or traffic conditions. The necessity for the relocation or reconstruction shall be determined by reference to the standards set forth in the Access Code.

- 1 Driveway shall be constructed 35 feet wide with 50 foot radii. Surfacing for driveway approach is required as follows: 12" of class 1 gravel in 2, 6" lifts; 6" of class 6 gravel in 1, 6" lifts.
- 2 Also 4" of HBP in 2, 2" lifts of grade E, EX, or equivalent. The asphalt cement in the HBP shall be AC 10.
- 3 Fill/cut slopes shall be at a 6:1 slope on the roadway and at 6:1 on the access approach.
- 4 When a traffic signal is warranted permittee shall pay design, materials and construction costs. All access improvements shall be completed before any construction is allowed on the development.
- 5 Highway widening for the right turn deceleration lane shall be 12 feet wide and 240 feet long, including a 150 foot taper.
- 6 Highway widening for the right turn acceleration lane shall be 12 feet wide and 270 feet long, including a 150 foot taper.
- 7 A left turn lane shall be installed. The deceleration section shall be 16 feet wide and 275 feet long, including a 150 foot taper. Redirect tapers for through traffic shall be at a 25 to 1 ratio.
- 8 Lanes shall be constructed as per Colorado Department of Transportation specifications, with the following material placed for final grade: 12" ABC, Class 1; 6" ABC, Class 6; and 4" of HBP, Grading E or EX place in the following lifts: 2 6" lifts class 1; 1 6" lift class 6; 2 2" lifts HBP. Shoulders along the speed change lanes shall be 4 feet wide and paved. The new pavement shall slope on the same plane as the present pavement surface. The entire roadway shall be overlaid with 1.5" of HBP. A REGISTERED PROFESSIONAL ENGINEER must provide construction, striping and signing plans to the Colorado Department of Transportation for approval 45 days prior to construction. Design plans must included but not limited to, layout of speed change lanes, utility locations, drainage present and proposed, right of way lines, traffic control devices, cross sections on 50 foot intervals and clear zone analysis. The placement of striping on the new pavement must be verified and accepted by the Colorado Department of Transportation 24 hours prior to actual striping. A traffic control plan must be prepared by an American Traffic Safety Services Association (ATSSA) certified individual or Professional Traffic Engineer, consistent with the M.U.T.C.D. and approved by the Department and local issuing authority 7 days prior to any construction within the right of way. A REGISTERED PROFESSIONAL ENGINEER must provide certification that all work was done meeting specifications. CERTIFICATION will be sent to the Colorado Department of Transportation. NOTE: Pavement design for construction may be modified upon submission of an approved design by a professional engineer. Such design shall have a Structural Number no less than 3.36. Written approval of the modified design is required before construction.
- 9 No drainage from this site shall enter onto the surface of the highway. All existing drainage structures shall be extended to accommodate all new construction and safety standards.
- 10 Contractor shall follow the applicable construction specifications set for by the Department of Transportation in the latest manual Standard Specifications for Road and Bridge Construction. The property owner is responsible for any utilities disrupted by the construction of this driveway and all expenses incurred for repair. Any damage to any existing highway facilities shall be repaired prior to continuing other work. Compaction of sub-grade, embankments and backfill shall comply with Section 203.11 of the Department of Transportation Standard Specifications. The first 20 feet beyond the closest highway lane, including speed change lanes, shall slope down and away from the highway at a 2% grade to ensure proper drainage control.

- All excavations on utility lines, culverts, other trenches or tunnels shall meet the requirements of Colorado Department of Transportation, OSHA, Colorado Industrial Commission and the Colorado Division of Mines, whichever applies. The area around the new work shall be well graded to drain, top soiled, fertilized, mulched and reseeded.
- 11 Compaction of Hot Bituminous Pavement (HBP) shall comply with Section 401.17 of the Department of Transportation Standard Specifications. If frost is present in the sub-grade, no surfacing material shall be placed until all frost is gone or removed. Saw or score asphalt to assure a straight edge for patching.
  - 12 Work shall BEGIN AFTER 8:30 A.M. and all equipment shall be off the roadway BEFORE 3:30 P.M. each day.

# ATKINS

## TURNING MOVEMENT COUNT SUMMARY

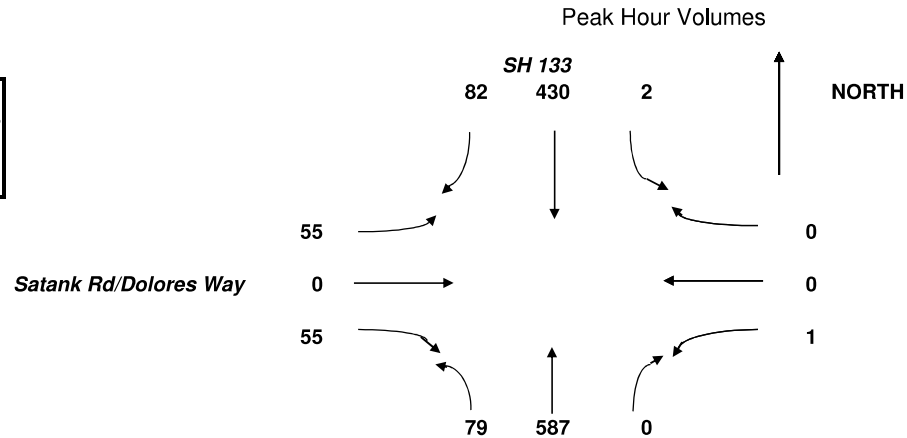
INTERSECTION: 7  
 N-S STREET: SH 133  
 E-W STREET: Satank Rd/Dolores Way

PROJ. NO.:  
 COUNT DATE: 31-Jan-12  
 NOTES: Tuesday

COUNT TIME:  
 FROM: 7:00 AM  
 TO: 9:00 AM

Notes:

PK HR VOLUME:	1,291
PHF:	0.95
PEAK HOUR:	
FROM:	TO:
7:30 AM	8:30 AM



### COUNT DATA INPUT:

TIME PERIOD		NORTHBOUND				EASTBOUND				SOUTHBOUND				WESTBOUND				TOTAL VOLUMES
FROM:	TO:	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	
7:00 AM	7:15 AM	6	115	0	0	10	0	2	0	0	55	8	0	0	0	0	0	196
7:15 AM	7:30 AM	6	132	0	0	8	0	9	0	0	75	9	0	0	0	0	0	239
7:30 AM	7:45 AM	10	151	0	1	7	0	10	0	0	126	19	0	0	0	0	0	323
7:45 AM	8:00 AM	17	143	0	0	11	0	3	2	0	121	17	0	0	0	0	0	312
8:00 AM	8:15 AM	37	148	0	1	25	0	26	0	0	76	28	0	0	0	0	0	340
8:15 AM	8:30 AM	15	145	0	0	12	0	16	0	2	107	18	0	1	0	0	0	316
8:30 AM	8:45 AM	8	126	2	1	21	0	12	0	1	79	16	0	0	0	0	0	265
8:45 AM	9:00 AM	8	120	1	1	12	0	6	0	1	87	5	0	0	0	0	0	240

### HOURLY TOTALS:

TIME PERIOD		NORTHBOUND				EASTBOUND				SOUTHBOUND				WESTBOUND				TOTAL VOLUMES
FROM:	TO:	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	
7:00 AM	8:00 AM	39	541	0	1	36	0	24	2	0	377	53	0	0	0	0	0	1,070
7:15 AM	8:15 AM	70	574	0	2	51	0	48	2	0	398	73	0	0	0	0	0	1,214
7:30 AM	8:30 AM	79	587	0	2	55	0	55	2	2	430	82	0	1	0	0	0	1,291
7:45 AM	8:45 AM	77	562	2	2	69	0	57	2	3	383	79	0	1	0	0	0	1,233
8:00 AM	9:00 AM	68	539	3	3	70	0	60	0	4	349	67	0	1	0	0	0	1,161

\*NOTE\* PHF IS BASED ON 15 MIN. PEAK WITHIN THE PEAK HOUR.

# ATKINS

## TURNING MOVEMENT COUNT SUMMARY

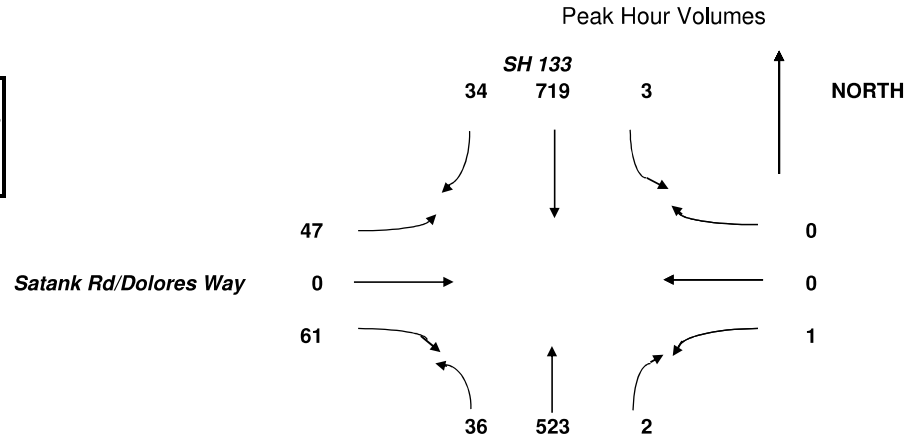
INTERSECTION: 7  
 N-S STREET: SH 133  
 E-W STREET: Satank Rd/Dolores Way

PROJ. NO.:  
 COUNT DATE: 31-Jan-12  
 NOTES: Tuesday

COUNT TIME:  
 FROM: 4:00 PM  
 TO: 6:00 PM

Notes:

PK HR VOLUME:	1,426
PHF:	0.95
PEAK HOUR:	
FROM:	TO:
4:45 PM	5:45 PM



### COUNT DATA INPUT:

TIME PERIOD		NORTHBOUND				EASTBOUND				SOUTHBOUND				WESTBOUND				TOTAL VOLUMES
FROM:	TO:	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	
4:00 PM	4:15 PM	14	153	0	2	13	0	17	0	1	153	15	0	0	0	0	0	366
4:15 PM	4:30 PM	5	131	1	1	8	1	14	2	0	152	7	0	0	0	0	0	319
4:30 PM	4:45 PM	4	137	1	3	8	0	8	0	0	157	10	0	0	0	2	0	327
4:45 PM	5:00 PM	11	118	1	1	5	0	16	0	2	190	7	1	0	0	0	0	350
5:00 PM	5:15 PM	11	140	1	2	20	0	21	2	0	177	7	0	0	0	0	0	377
5:15 PM	5:30 PM	9	140	0	3	13	0	15	1	0	163	10	0	0	0	0	0	350
5:30 PM	5:45 PM	5	125	0	0	9	0	9	0	1	189	10	0	1	0	0	0	349
5:45 PM	6:00 PM	11	123	0	0	6	0	11	0	0	152	5	0	1	0	0	0	309

### HOURLY TOTALS:

TIME PERIOD		NORTHBOUND				EASTBOUND				SOUTHBOUND				WESTBOUND				TOTAL VOLUMES
FROM:	TO:	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	
4:00 PM	5:00 PM	34	539	3	7	34	1	55	2	3	652	39	1	0	0	2	0	1,362
4:15 PM	5:15 PM	31	526	4	7	41	1	59	4	2	676	31	1	0	0	2	0	1,373
4:30 PM	5:30 PM	35	535	3	9	46	0	60	3	2	687	34	1	0	0	2	0	1,404
4:45 PM	5:45 PM	36	523	2	6	47	0	61	3	3	719	34	1	1	0	0	0	1,426
5:00 PM	6:00 PM	36	528	1	5	48	0	56	3	1	681	32	0	2	0	0	0	1,385

\*NOTE\* PHF IS BASED ON 15 MIN. PEAK WITHIN THE PEAK HOUR.



	DOLORES WAY												DOLORES WAY												SH133												SH133											
	Eastbound												Westbound												Northbound												Southbound											
Time	Left				Thru				Right				Left				Thru				Right				Left				Thru				Right															
	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik																
7:00 AM	5	1	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	147	4	0	1	0	0	0	0													
7:15 AM	9	1	0	1	0	0	0	0	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	14	1	0	1	137	6	1	2	0	0	0	0													
7:30 AM	10	2	0	0	0	0	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0	201	5	1	2	0	0	0	0														
7:45 AM	11	2	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	11	1	0	0	189	3	0	0	0	0	0	0														
8:00 AM	13	2	0	0	0	0	0	0	25	2	0	0	0	0	0	0	0	0	0	0	0	0	10	0	0	0	182	1	0	0	0	0	0	0														
8:15 AM	10	1	0	0	0	0	0	0	22	1	0	0	0	0	0	0	0	0	0	0	0	0	11	0	0	0	164	3	2	1	0	0	0	0														
8:30 AM	12	2	0	0	0	0	0	0	21	0	0	0	0	0	0	0	0	0	0	0	0	0	10	1	0	0	135	3	0	2	0	0	0	0														
8:45 AM	9	0	0	0	0	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	133	2	0	0	0	0	0	0														

Total	79	11	0	1	0	0	0	0	123	5	0	0	0	0	0	0
Peak Hour Total	44	7	0	0	0	0	0	0	75	3	0	0	0	0	0	0

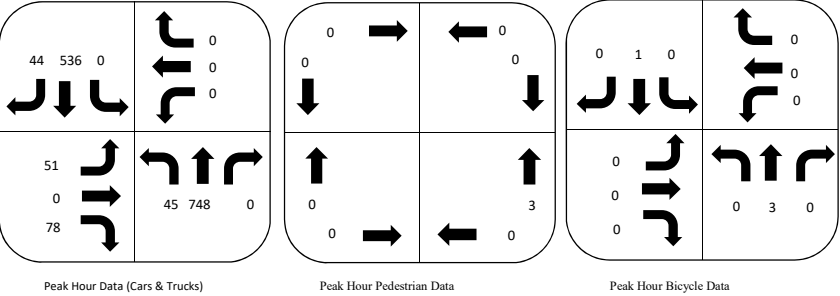
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

86	3	0	1	1288	27	4	8	0	0	0	0	0	0	0	0	0
44	1	0	0	736	12	3	3	0	0	0	0	0	0	0	0	0

0	0	0	0	901	34	0	2	76	8	0	0	0	0	0	0	0
0	0	0	0	514	22	0	1	40	4	0	0	0	0	0	0	0

Peak Hour Total	51 vph	0 pph	0 vph	0 pph	78 vph	0 pph	0 vph	0 pph	0 vph	0 pph	0 vph	0 pph	45 vph	0 pph	748 vph	6 pph	0 vph	0 pph	0 vph	0 pph	536 vph	1 pph	44 vph	0 pph
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Total Peak Hour Vehicle Traffic at Intersection	1502	vph
Total Peak Hour Peds/Bikes at Intersection	7	pph
Total Peak Hour Traffic (All Modes) at Intersection	1509	pph
Percentage Peak Hour Trucks at Intersection	3.2	%
Peak Hour Factor	0.96	



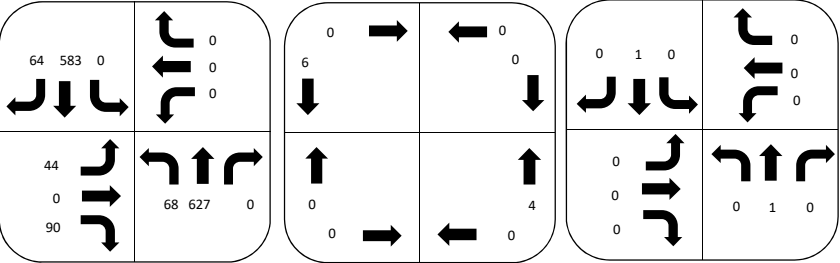


	DOLORES WAY												DOLORES WAY												SH133												SH133													
	Eastbound												Westbound												Northbound												Southbound													
Time	Left				Thru				Right				Left				Thru				Right				Left				Thru				Right				Left				Thru				Right					
	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik	Car	Trk	Ped	Bik										
4:00 PM	11	1	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0	143	7	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:15 PM	8	2	0	0	0	0	0	0	20	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	1	0	0	162	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:30 PM	16	0	0	0	0	0	0	0	26	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	1	0	0	142	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:45 PM	7	2	0	0	0	0	0	0	20	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0	0	0	149	6	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:00 PM	9	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0	0	0	155	3	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:15 PM	8	1	0	0	0	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	1	0	0	138	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:30 PM	6	0	0	0	0	0	0	0	16	1	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0	0	0	135	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:45 PM	6	0	0	0	0	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0	0	0	127	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Total	71	6	0	0	0	0	0	0	156	5	0	0	0	0	0	0	0	0	0	0	0	0	0	118	3	0	0	1151	35	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour Total	40	4	0	0	0	0	0	0	86	4	0	0	0	0	0	0	0	0	0	0	0	0	66	2	0	0	608	19	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Peak Hour Total	44 vph	0 pph	0 vph	0 pph	90 vph	0 pph	0 vph	0 pph	0 vph	0 pph	0 vph	0 pph	68 vph	0 pph	627 vph	5 pph	0 vph	0 pph	0 vph	0 pph	583 vph	7 pph	64 vph	0 pph
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Total Peak Hour Vehicle Traffic at Intersection	1476	vph
Total Peak Hour Peds/Bikes at Intersection	12	pph
Total Peak Hour Traffic (All Modes) at Intersection	1488	pph
Percentage Peak Hour Trucks at Intersection	3.4	%
Peak Hour Factor	0.97	



# Residential Condominium/Townhouse (230)

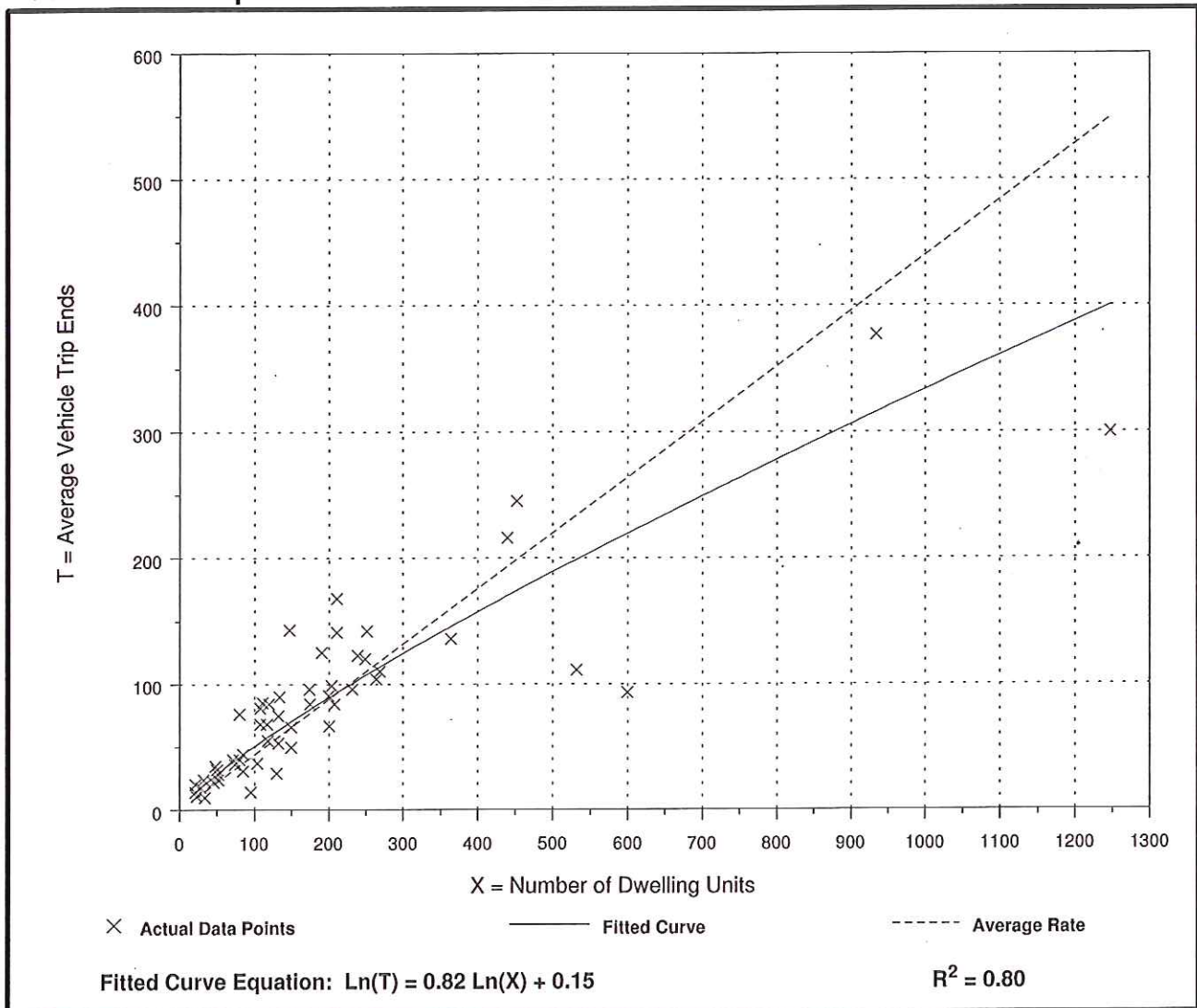
Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday,  
A.M. Peak Hour of Generator

Number of Studies: 54  
Avg. Number of Dwelling Units: 196  
Directional Distribution: 19% entering, 81% exiting

## Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 0.97	0.68

## Data Plot and Equation



# Residential Condominium/Townhouse (230)

Average Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

P.M. Peak Hour of Generator

Number of Studies: 52

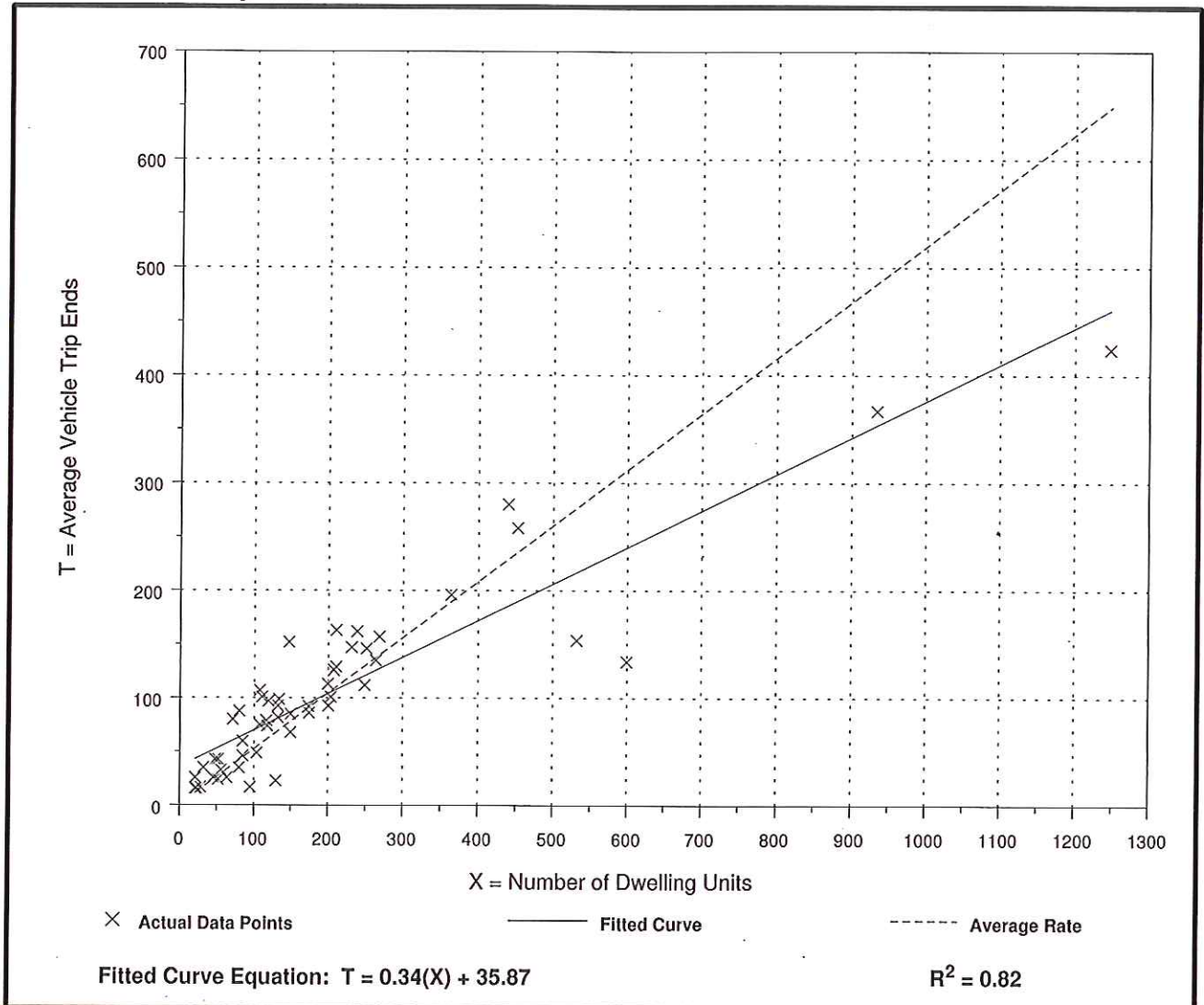
Avg. Number of Dwelling Units: 199

Directional Distribution: 64% entering, 36% exiting

## Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.52	0.18 - 1.24	0.75

## Data Plot and Equation



Kyle - After reviewing your letter Dated December 28, 2017, CDOT does concur that an access permit is not required at Dolores Way. However, I do want to state that Dolores Way intersection is operating at a Level Service F for EB to NB left turn according to SH 133 ACP. Putting more traffic on Dolores Way will negatively impacting the level of service at that intersection without providing a long-term solution to Dolores Way. The ACP shows the intersection moving to south and putting a signal or roundabout at that location. I am not suggesting this project should be required to do this improvements, but I am letting the local governments know that there is an issue that needs to be resolved. I have enclosed a concept showing the relocation of Dolores and ACP map. I really think the Town and County need to work on getting this done. Dolores Way will continue to be a concern to the public until someone resolves the left turns issue at Dolores Way.

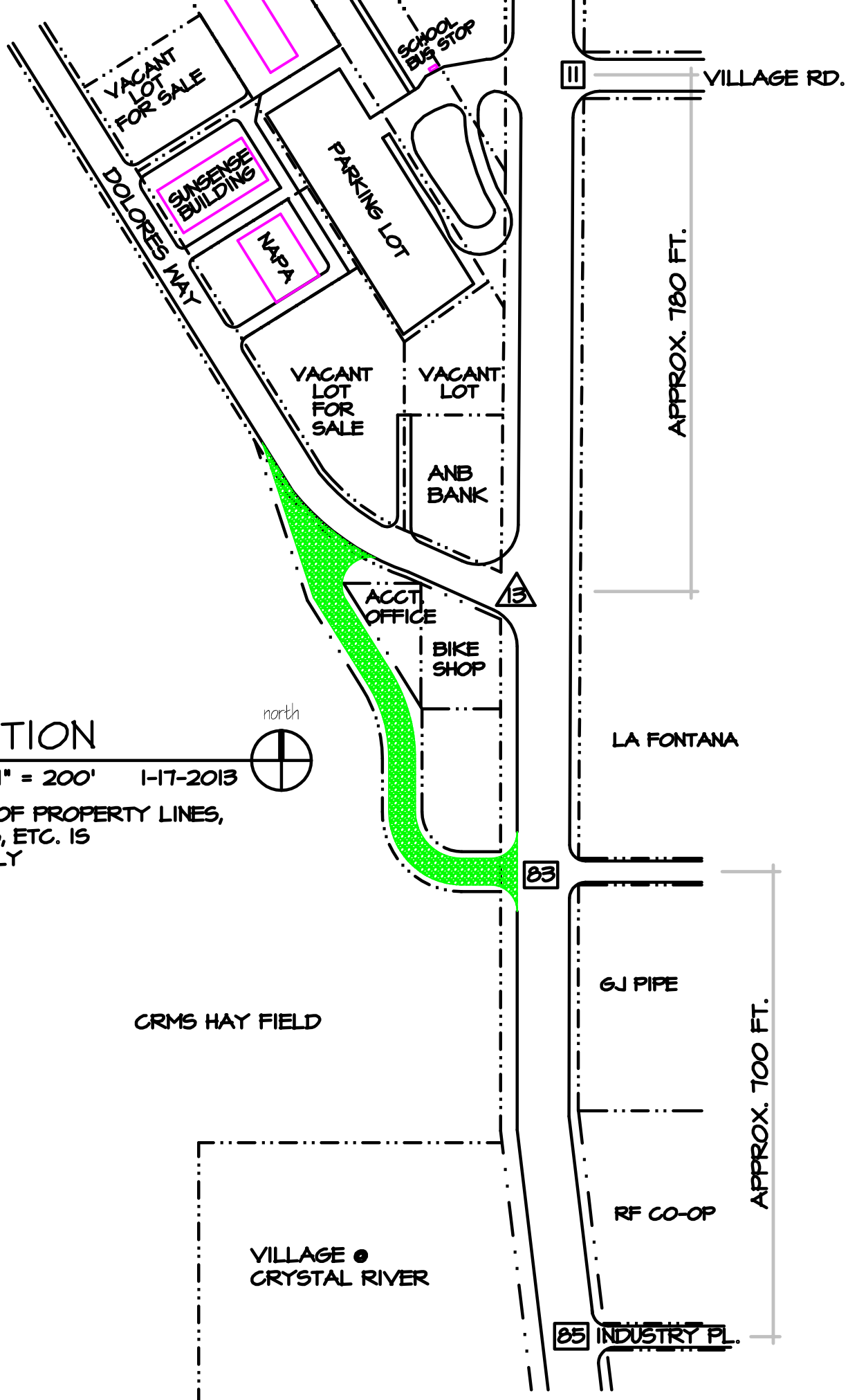
If you have any questions, please let me know.

thanks

Dan

Dan Roussin

Permit Unit Manager  
Traffic and Safety



## CDOT OPTION

APPROX. SCALE: 1" = 200' 1-17-2013

NOTE: DEPICTION OF PROPERTY LINES,  
ROADS, BUILDINGS, ETC. IS  
APPROXIMATE ONLY

SH 133 Ultimate ACP Legend

- Full Movement (Signal/Roundabout)
- Full Movement (Not to be signalized)
- 3/4 movement (no left turn)
- Right-in, right-out only
- Right-in only
- Right-out only
- Close Access
- Emergency Access Only

Potential Future Roads

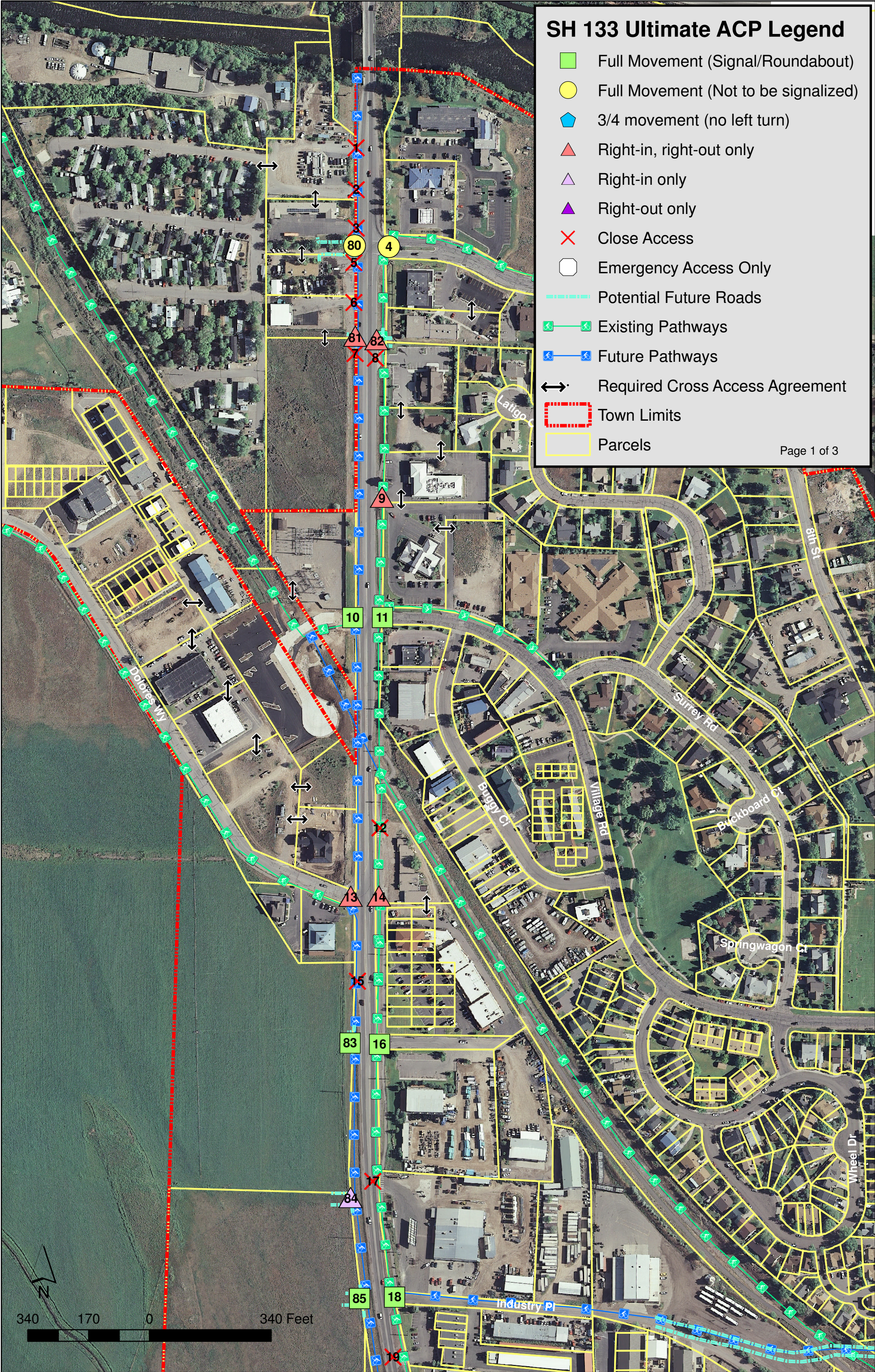
Existing Pathways

Future Pathways

Required Cross Access Agreement

Town Limits

Parcels



SH 133 Ultimate ACP Legend

- Full Movement (Signal/Roundabout)
- Full Movement (Not to be signalized)
- 3/4 movement (no left turn)
- Right-in, right-out only
- Right-in only
- Right-out only
- Close Access
- Emergency Access Only
- Potential Future Roads
- Existing Pathways
- Future Pathways
- Required Cross Access Agreement
- Town Limits
- Parcels



340 170 0 340 Feet



# SH 133 Ultimate ACP Legend

- Full Movement (Signal/Roundabout)
- Full Movement (Not to be signalized)
- 3/4 movement (no left turn)
- Right-in, right-out only
- Right-in only
- Right-out only
- Close Access
- Emergency Access Only
- Potential Future Roads
- Existing Pathways
- Future Pathways
- Required Cross Access Agreement
- Town Limits
- Parcels



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## Memorandum

**To: John Leybourne, Planner**

**From: John Plano, Building Official**

**Date: 04/11/18**

**Re: Red Hill Lofts, Special Review LU18-13**

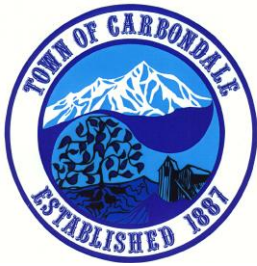
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The proposal to build apartments/condos will require Building Permits, Mechanical Permits, Plumbing Permits and associated inspections with the Town Building Department. Electrical Permits and associated inspection are thru the State of Colorado. Carbondale Fire District is to perform fire sprinkler and fire alarm inspections. This preliminary review is not a through review for building permit, a through review will be performed when a permit is applied for.

Submittal documents for building permit will be Civil Drawings, Architectural Drawings, MEP Drawings and Structural Drawings. The Residential Efficient Build Program Checklist and ResCheck Report is to accompany the Building Permit Application.

Based on the number of units being proposed, 2% but not less than one of the dwelling units it to be a "Type A" accessible unit. All ground floor units are required to be "Type B" accessible units.

The plan is indicating mailboxes under the exterior exit stair. The IBC states: "The open space under exterior stairways shall not be used for any purpose". The code does allow one-hour construction to allow enclosed space under exterior stairways. There is a concern regarding tenants storing items under the exterior exit stairs, a permanent deterrent should be incorporated into the design. There's also a concern regarding the upper exterior balcony being used to access the exit stair, this may need protection similar to the stairs.



# TOWN OF CARBONDALE

## PUBLIC WORKS

511 Colorado Avenue  
Carbondale, CO 81623

### Development Review Memorandum

**SUBJECT PROPERTY/DEVELOPMENT:** Red Hill Lofts-Lot 12B, Kay  
PUD  
**ITEM NUMBER:** LU18-13  
**ARCHITECT:** Stryker/Brown  
**OWNER:** Red Hill Lofts, LLC  
**DATE:** April, 17, 2018

#### REVIEW COMMENTS:

##### Water:

- Records indicate a 6" stub into the lot for water service. Verify adequate sizing based on the new plan.

##### Sanitary Sewer:

- Records indicate a 6" stub into the lot for sewer service. Verify adequate sizing based on the new plan.

##### Storm Water:

- A detailed storm water plan will need to be submitted and reviewed prior to approval.