

**ORDINANCE NO. 14
SERIES OF 2017**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING A MAJOR PLAT AMENDMENT AND SITE PLAN REVIEW FOR
LOT A, CRYSTAL VILLAGE P.U.D.**

WHEREAS, CBS Village Lane, LLC, a Colorado limited liability company (“Applicant”), has submitted an application for the contemporaneous approval of a Major Plat Amendment (“Plat Amendment”) in order to eliminate a plat note that prohibited residential use and Major Site Plan Review (“Site Plan”) in order develop seven new townhomes upon Lot A, Crystal Village P.U.D., as described on the Resubdivision of Lots 2 & 4, Crystal Village P.U.D. Filing No. 3, Town of Carbondale, Colorado recorded on August 12, 2004 as Reception No. 658026 (“subject property”); and

WHEREAS, after all required notices, the Planning and Zoning Commission of the Town of Carbondale reviewed this application at noticed public hearings held on April 13 and April 27, 2017, and recommended approval of the Plat Amendment with conditions; and

WHEREAS, after all required notices, the Board of Trustees conducted a noticed public hearing on this application on May 9, 2017, during which public hearing the Board of Trustees heard and considered the statements of Town staff, the Applicant’s representatives, and members of the public, and reviewed and considered all other relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, on May 23, 2017, the Board of Trustees approved a Community Housing Mitigation Plan for the proposed development; and

WHEREAS, the Board of Trustees finds and determines that the requested Plat Amendment meets the following approval criteria set forth in Municipal Code Chapter 17.02, sub-sections 2.6.7.A.B.1 and 2.6.5.C.2.b, including:

1. The final plat conforms to the approved revised plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
2. The development will substantially comply with all requirements of this Code; and
3. The development will comply with applicable technical standards and specifications adopted by the Town.

WHEREAS, the Board of Trustees also finds and determines that the application also meets the following site plan approval criteria set forth in Municipal Code Chapter 17.02, Sub-Sections 2.5.3.C.1 through 4, inclusive, including:

1. The site plan is consistent with the Comprehensive Plan as it optimizes the use of land in Town and functions as infill development;
2. The site plan is consistent with the subdivision plat, ;
3. The site plan complies with all applicable development and design standards set forth in this Code; and
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale; and

WHEREAS, the Board of Trustees further finds that certain conditions of approval should be imposed so that the subject property will be developed consistent with the purposes of Title 17 of the Carbondale Municipal Code and the terms of prior ordinances and regulations concerning the Crystal Village P.U.D., including Ordinance No. 10, Series of 2016.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO as follows:

1. **Approval of Major Plat Amendment.** The Board of Trustees hereby approves a Major Plat Amendment such that a revised plat of the subject property may be recorded that omits a prior plat note restricting use of the property to residential use. The revised final plat shall be in a form acceptable to and approved by Town staff prior to recording. The Applicant shall execute and record the revised final plat within 90 days after the date of adoption of this Ordinance. The revised final plat shall include a lienholder consent and subordination form in form acceptable to the Town Attorney to be executed by Applicant's lender prior to recordation. The revised final plat shall also include the following plat notes:

- a. Prior to issuance of any building permits for residential development upon Lot A, the applicant shall be required to payment to the Town of Carbondale fees in lieu of water rights dedication calculated by the Public Works Director according to the terms of the Municipal Code to account for the increased water demands associated with residential development as compared to commercial development.
- b. Development of Lot A for residential purposes is conditioned upon compliance with that certain Community Housing Mitigation Agreement between CBS Village Lane, LLC and the Town of Carbondale dated July 25 2017 and recorded in the Office



Reception#: 904529
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 3 of 4 Rec Fee: \$28.00 Doc Fee: 0.00 GARFIELD COUNTY CO

Town of Carbondale, Colorado
 Ordinance No. 14-2017
 Lot A, Crystal Village PUD
 Major Plat Amendment and Site Plan Approval

of the Garfield County Clerk & Recorder on MARCH 19 2018
 at Reception No. 904531.

2. **Approval of Major Site Plan Review.** The Board of Trustees hereby grants Major Site Plan Review approval for the subject property (Lot A of the Crystal Village P.U.D.), subject to all terms and conditions of this Ordinance and the associated Community Housing Mitigation Agreement. The final site plan shall be delivered to the Town's Planning Director prior to recordation of the revised final plat. The final site plan shall include adequate snow storage areas acceptable to the Town's Public Works Director and depict a greater variety of balconies in accordance with Section 5.6.5.C.2.a.ii of Chapter 17.05 of the Municipal Code.

3. **Future Agreements and Obligations.** At the time of any future re-subdivision or condominiumization of the subject property, the Town may require the then-owner to: (1) enter into a public improvements agreement in form acceptable to the Town for purposes of requiring and guaranteeing the completion of any public improvements required to serve development upon the subject property; and/or (2) execute and record a declaration of covenants, conditions, and restrictions in form acceptable to the Town for purposes of establishing a funding mechanism for any common expense items, including the common irrigation system; and/or (3) pay per-unit school and fire impact fees to the Roaring Fork School District and the Carbondale & Rural Fire Protection District.

4. **Additional Conditions of Approval.** The Board of Trustees imposes the following additional conditions of approval:

a. All lighting on the subject property shall be in compliance with Section 5.10 of Chapter 17.05 of the Municipal Code (Exterior Lighting).

b. Unless inconsistent with the terms hereof, all other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as additional conditions of approval.

c. The Applicant shall be required to pay and reimburse the Town for professional and staff fees pursuant to Sections 13.16.180 and 1.30.030 of the Carbondale Town Code, and for all recording fees.

5. **Fees.** All Fee's including developer reimbursable fees, shall be paid prior to the recordation of the plat.

6. **Recording.** A copy of this Ordinance shall be recorded in the Office of the Garfield County Clerk and Recorder at the expense of the Applicant. The terms and conditions of this Ordinance, which touch and concern the subject property, are intended to run with title to said property and to be binding upon any successors or assigns.




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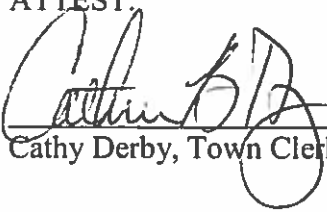
Town of Carbondale, Colorado
Ordinance No. 14-2017
Lot A, Crystal Village PUD
Major Plat Amendment and Site Plan Approval

INTRODUCED, READ AND PASSED this 12th day of September, 2017.

THE TOWN OF CARBONDALE

By: 
Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk